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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SIXTH CONGRESS, THIRD SESSION.

VOLUME XI.

WASHINGTON: GOVERNMENT PRINTING OFFICE. 1881. CENTRAL TANGESTANDA

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VOLUME XI, PART I.

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PROCEEDINGS AND DEBATES OF THE FORTY-SIXTH CONGRESS.

THIRD SESSION.

IN SENATE.

MONDAY, December 6, 1880.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the third session of the Forty-sixth Congress commenced this day.

The Senators assembled in the Senate Chamber in the Capitol at

Washington City.

The VICE-PRESIDENT of the United States (Hon. WILLIAM A. WHEELER, of New York) took the chair and called the Senate to order at twelve o'clock noon.

SENATORS PRESENT.

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The following Senators were present: From the State of—
Alabama—John T. Morgan.
Arkansas—Augustus H. Garland and James D. Walker.
Colorado—N. P. Hill and Henry M. Teller.
Delavare—Thomas F. Bayard and Eli Saulsbury.
Florida—Charles W. Jones.
Georgia—Benjamin H. Hill.
Indiana—Joseph E. McDonald and Daniel W. Voorhees.
Iovea—William B. Allison and Samuel J. Kirkwood.
Kansas—John James Ingalls.
Kentucky—James B. Beck and John S. Williams,
Louisiana—Benjamin F. Jonas and William Pitt Kellogg.
Maine—James G. Blaine and Hannibal Hamlin.
Maryland—James B. Groome and W. Pinkney Whyte.
Massachusetts—Henry L. Dawes and George F. Hoar.
Mickigan—Henry P. Baldwin and Thomas W. Ferry.
Minnesota—Samuel J. R. McMillan and William Wyndom.
Mississippi—Blanche K. Bruce.
Missouvi—Francis M. Cockrell and George G. Vest.
Nebraska—Algernon S. Paddock and Alvin Saunders.
New Hampshire—Henry W. Blair and Edward H. Rollins.
New Jersey—John R. McPherson and Theodore F. Randolph.
New York—Francis Kernan.
North Carolina—Zebulon B. Vance.
Ohio—George H. Pendleton and Allen G. Thurman.
Oregon—La Fayette Grover and James H. Slater.
Pennsylvania—William A. Wallace.
Rhode Island—Henry B. Anthony and Ambrose E. Burnside.
Tennessee—Isham G. Harris.
Texas—Richard Coke and Samuel B. Maxey.
Vermont—Justin S. Morrill. Texas-Richard Coke and Samuel B. Maxev. Vermont—Justin S. Morrill.
Virginia—John W. Johnston.
West Virginia—Henry G. Davis and Frank Hereford.

PRAYER.

Rev. J. J. BULLOCK, Chaplain to the Senate, offered the following

Almighty and most merciful God, our heavenly Father, we adore
Thee as the only true and living God. We acknowledge our responsibility to Thee as the Supreme Ruler of the universe. We thank Thee
for all Thy manifold blessings to us as a people: for Thou hast placed
us above all the nations of the earth. We live in a land of law, and
of liberty, and of rich abundance.

Most Gracious God, we thank Thee that They had spread the lives

Most Gracious God, we thank Thee that Thou hast spared the lives of all the members of this venerable body since last it met together in this place and that so many of them are permitted to enter upon the duties and responsibilities of a new session under circumstances of great mercy. If any be sick or afflicted in any wise in body or in

mind, we pray that Thou wouldst deal very mercifully with them; restore the sick to health and comfort the afflicted.

We pray for our beloved country. May we long live a united, happy, and prosperous people—a people who fear God and leve righteousness. In obedience to Thy word and in accordance with our own desires we would offer up our supplications, prayers, and intercessions for the rulers of this great country, for the President and the Vice-President, for the Senators and Representatives in Congress, and for all others in authority. May they be plenteously endued with wisdom from on High to guide and assist them in the discharge of their responsible duties as the guardians of this great country. May they long live in health and prosperity, approved of God and honored of men; and when they shall have finished their course upon earth may they in the last trying hour enjoy the consolations of our most holy religion in the last trying hour enjoy the consolations of our most holy religion and finally be admitted into Thy Kingdom above. For Christ our Redeemer's sake. Amen.

CREDENTIALS.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of James L. Pugh, chosen by the Legislature of Alabama a Senator from that State to fill the vacancy caused by the death of George S. Houston in the term ending March 3, 1885.

The credentials were read; and, the oath prescribed by the act of July 11, 1868, having been administered to Mr. Pugh, he took his seat in the Senate.

Mr. HILL, of Georgia, presented the credentials of Joseph E. Brown, chosen by the Legislature of Georgia a Senator from that State to fill the vacancy caused by the resignation of John B. Gordon in the term ending March 3, 1885.

The credentials were read; and, the oath prescribed by the act of July 11, 1868, having been administered to Mr. Brown, he took his seat in the Senate.

NOTIFICATION TO THE HOUSE.

Mr. THURMAN offered the following resolution; which was con-

Resolved. That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

NOTIFICATION TO THE PRESIDENT.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By president

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Messrs. BAYARD and ANTHONY were appointed.

HOUR OF MEETING.

On motion of Mr. WALLACE, it was

Ordered, That the hour of the daily meeting of the Senate be twelve o'clock meridian, until otherwise ordered.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of George F. EDMUNDS, chosen by the Legislature of Vermont a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

Mr. WALLACE, (at twelve o'clock and fifteen minutes p. m.) I move that the Senate take a recess for thirty minutes, until the House

can be communicated with.

The motion was agreed to; and at the expiration of the recess (at twelve o'clock and forty-five minutes p. m.) the Senate reassembled.

MESSAGE FROM THE HOUSE.

Mr. T. F. King, one of the clerks of the House of Representatives, appeared at the bar of the Senate and delivered the following mes-

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled, and that the House is now ready to proceed to business. I am also directed to inform the Senate that the House of Representatives has appointed Mr. James H. Blount of Georgia, Mr. William D. Kelley of Pennsylvania, and Mr. J. W. Singleton of Illinois, a committee on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication that he may be pleased to make.

RECESS.

Mr. THURMAN. I move that the Senate take a recess until half past one o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

PRESIDENT'S ANNUAL MESSAGE.

Mr. BAYARD. Mr. President, the committee appointed by the Senate to act in connection with the committee of the House of Representatives to wait upon the President and inform him that a quorum of each House had assembled and was ready for the transaction of busi-ness have performed the duty assigned them, and have been informed by the President that he would presently communicate his views to

the Senate in writing.

At one o'clock and thirty-two minutes p. m., Mr. W. K. Rogers, the Private Secretary of the President of the United States, appeared

at the bar of the Senate and said:
Mr. President, I am directed by the President of the United States

to deliver to the Senate a message in writing.

The message was received from the secretary and handed to the

Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate, Mr. JOHN C. BURCH, read the message, as follows:

Fellow-citizens of the Senate and House of Representatives:

I congratulate you on the continued and increasing prosperity of our country. By the favor of Divine Providence we have been blessed during the past year with health, with abundant harvests, with profitable employment for all our people, and with contentment at home, and with peace and friendship with other nations.

The occurrence of the twenty-fourth election of Chief Magistrate has afforded another opportunity to the people of the United States to exhibit to the world a significant example of the peaceful and safe transmission of the power and authority of government from the pub.

transmission of the power and authority of government from the public servants whose terms of office are about to expire to their newly chosen successors. This example cannot fail to impress profoundly thoughtful people of other countries with the advantages which republican institutions afford. The immediate, general, and cheerful acquiescence of all good citizens in the result of the election gives gratifying assurance to our country, and to its friends throughout the world, that a government based on the free consent of an intelligence of the election of the election gives the world, that a government based on the free consent of an intelligence of the election of the election of the election gives

gent and patriotic people possesses elements of strength, stability, and permanency not found in any other form of government.

Continued opposition to the full and free enjoyment of the rights of citizenship conferred upon the colored people by the recent amendments to the Constitution still prevails in several of the late slaveholding States. It has, perhaps, not been manifested in the recent election to any large extent in acts of violence or intimidation. It has, however, by fraudulent practices in connection with the ballots, with the regulations as to the places and manner of voting, and with counting, returning, and canvassing the votes cast, been successful in defeating the exercise of the right preservative of all rights, the right of suffrage, which the Constitution expressly confers upon our enfran-chised citizens.

It is the desire of the good people of the whole country that sectionalism as a factor in our politics should disappear. They prefer that no section of the country should be united in solid opposition to any other section. The disposition to refuse a prompt and hearty obedience to the equal-rights amendments to the Constitution is all that now stands in the way of a complete obliteration of sectional lines in our political contests. As long as either of these amendments is flagrantly violated or disregarded, it is safe to assume that the people who placed them in the Constitution as embodying the legitimate results of the war for the Union, and who believe them to be wise results of the war for the Union, and who believe them to be wise and necessary, will continue to act together and to insist that they shall be obeyed. The paramount question still is as to the enjoyment of the right by every American citizen who has the requisite qualifications to freely cast his vote and to have it honestly counted. With this question rightly settled the country will be relieved of the contentions of the past, by-gones will indeed be by-gones, and political and party issues with respect to economy and efficiency of adminis-

tration, internal improvements, the tariff, domestic taxation, educathat dot, increase improvements, the tarin, domestic taxation, education, finance, and other important subjects, will then receive their full share of attention; but resistance to and nullification of the results of the war will unite together in resolute purpose for their support all who maintain the authority of the Government and the perpetuity of the Union, and who adequately appreciate the value of the victory or the Union, and who adequately appreciate the value of the victory achieved. This determination proceeds from no hostile sentiment or feeling to any part of the people of our country, or to any of their interests. The inviolability of the amendments rests upon the fundamental principle of our Government. They are the solemn expression of the will of the people of the United States.

The sentiment that the constitutional rights of all our citizens must be maintained does not grow weaker. It will continue to control the Consequent of the country. Health, the history of the late.

trol the Government of the country. Happily the history of the late election shows that in many parts of the country where opposition to the fifteenth amendment has heretofore prevailed it is diminishing, and is likely to cease altogether if firm and well-considered action is taken by Congress. Itrust the House of Representatives and the Senate, which have the right to judge of the elections, returns, and qualifications of their own members, will see to it that every case of viola-tion of the letter or spirit of the fifteenth amendment is thoroughly investigated, and that no benefit from such violation shall accrue to any person or party. It will be the duty of the Executive, with sufficient appropriations for the purpose, to prosecute unsparingly all who have been engaged in depriving citizens of the rights guaranteed to them by the Constitution.

It is not, however, to be forgotten that the best and surest guarautee of the primary rights of citizenship is to be found in that capacity for self-protection which can belong only to a people whose right to universal suffrage is supported by universal education. The means at the command of the local and State authorities are, in many cases, wholly inadequate to furnish free instruction to all who need it. wholly inadequate to furnish free instruction to all who need it. This is especially true where, before emancipation, the education of the people was neglected or prevented, in the interest of slavery. Firmly convinced that the subject of popular education deserves the earnest attention of the people of the whole country, with a view to wise and comprehensive action by the Government of the United States, I respectfully recommend that Congress, by suitable legislation and with proper safeguards, supplement the local educational funds in the several States where the grave duties and responsibilities of citizenship have been devolved on uneducated people, by devoting to the purpose grants of the public lands, and, if necessary, by appropriations from the Treasury of the United States. Whatever Government can fairly do to promote free popular education ought Government can fairly do to promote free popular education ought to be done. Wherever general education is found, peace, virtue, and social order prevail, and civil and religious liberty are secure.

In my former annual messages, I have asked the attention of Congress to the urgent necessity of a reformation of the civil-service system.

tem of the Government. My views concerning the dangers of patronage or appointments for personal or partisan considerations have been strengthened by my observation and experience in the Executive Office, and I believe these dangers threaten the stability of the Government. Abuses so serious in their nature cannot be permanently tolerated. They tend to become more alarming with the enlargement of administrative service, as the growth of the country in population increases the number of officers and placemen employed. The reasons are imperative for the adoption of fixed rules for the

regulation of appointments, promotions, and removals, establishing a uniform method, having exclusively in view, in every instance, the attainment of the best qualifications for the position in question. Such a method alone is consistent with the equal rights of all citizens, and the most economical and efficient administration of the pub-

lic busines

Competitive examinations, in aid of impartial appointments and promotions, have been conducted for some years past in several of the Executive Departments, and by my direction this system has been adopted in the custom-houses and post-offices of the larger cities of the country. In the city of New York over two thousand positions in the civil service have been subject in their appointments and tenure of place to the operation of published rules for this purpose during the past two years. The results of these practical trials have been very setting the past two years. past two years. The results of these practical trials have been very satisfactory, and have confirmed my opinion in favor of this system of selection. All are subjected to the same tests, and the result is free from prejudice by personal favor or partisan influence. It secures for the position applied for the best qualifications attainable among the competing applicants. It is an effectual protection from the pressure of importunity, which, under any other course pursued, largely exacts the time and attention of appointing officers, to their great detriment in the discharge of other official duties, preventing the abuse of the service for the mere furtherance of private or party purposes, and leaving the employé of the Government, freed from the obligations imposed by patronage, to depend solely upon merit for retention and advancement and with this constant incentive to exertion and improve-

These invaluable results have been attained in a high degree in the offices where the rules for appointment by competitive examination

have been applied.

A method which has so approved itself by experimental tests at points where such tests may be fairly considered conclusive should be extended to all subordinate positions under the Government. I believe

that a strong and growing public sentiment demands immediate measures for securing and enforcing the highest possible efficiency in the civil service, and its protection from recognized abuses, and that the experience referred to has demonstrated the feasibility of such measures

The examinations in the custom-houses and post-offices have been held under many embarrassments and without provision for compensation for the extra labor performed by the officers who have conducted them, and whose commendable interest in the improvement of the public service has induced this devotion of time and labor without pecuniary reward. A continuance of these labors gratuitously ought not to be expected, and without an appropriation by Congress for compensation it is not practicable to extend the system of examinations generally throughout the civil service. It is also highly important that all such examinations should be conducted upon a uniform system and under general supervision. Section 1753 of the Revised Statutes authorizes the President to prescribe the regulations for admission to the civil service of the United States, and for this purpose to employ suitable persons to conduct the requisite inquiries with reference to "the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter;" but the law is practically inoperative for want of the requisite appropriation.

I therefore recommend an appropriation of \$25,000 per annum to meet the expenses of a commission, to be appointed by the President in accordance with the terms of this section, whose duty it shall be to devise a just, uniform, and efficient system of competitive examinations, and to supervise the application of the same throughout the entire civil service of the Government. I am persuaded that the facilities which such a commission will afford for testing the fitness of those who apply for office will not only be as welcome a relief to members of Congress as it will be to the President and heads of Departments, but that it will also greatly tend to remove the causes of embarrassment which now inevitably and constantly attend the conflicting claims of patronage between the legislative and executive departments. The most effectual check upon the pernicious competition of influence and official favoritism, in the bestewal of office, will be the substitution of an open competition of merit between the applicants, in which every one can make his own record, with the

flicting claims of patronage between the legislative and executive departments. The most effectual check upon the pernicious competition of influence and official favoritism, in the bestewal of office, will be the substitution of an open competition of merit between the applicants, in which every one can make his own record, with the assurance that his success will depend upon this alone.

I also recommend such legislation as, while leaving every officer as free as any other citizen to express his political opinions and to use his means for their advancement, shall also enable him to feel as safe as any private citizen in refusing all demands upon his salary for political purposes. A law which should thus guarantee true liberty and justice to all who are engaged in the public service, and likewise contain stringent provisions against the use of official authority to coerce the political action of private citizens or of official subordinates, is greatly to be desired.

is greatly to be desired.

The most serious obstacle, however, to an improvement of the civil service, and especially to a reform in the method of appointment and removal, has been found to be the practice under what is known as the spoils system, by which the appointing power has been so largely encroached upon by members of Congress. The first step in the reform of the civil service must be a complete divorce between Congress and the Executive in the matter of appointments. The corrupting doctrine that "to the victors belong the spoils" is inseparable from congressional patronage as the established rule and practice of parties in power. It comes to be understood by applicants for office, and by the people generally, that Representatives and Senators are entitled to disburse the patronage of their respective districts and States. It is not necessary to write at length the evils resulting from this invasion of the Executive functions. The true principles of government on the subject of appointments to office, as stated in the national conventions of the leading parties of the country, have again and again been approved by the American people, and have not been called in question in any quarter. These authentic expressions of public opinion upon this all-important subject are the statement of principles that belong to the constitutional structure of the Government.

Under the Constitution the President and heads of Departments are to make nominations for office. The Senate is to advise and consent to appointments, and the House of Representatives is to accuse and prosecute faithless officers. The best interest of the public service demands that these distinctions be respected; that Senators and Representatives, who may be judges and accusers, should not dictate appointments to office.

To this end the co-operation of the legislative department of the Government is required, alike by the necessities of the case and by public opinion. Members of Congress will not be relieved from the demands made upon them with reference to appointments to office until by legislative enactment the pernicions practice is condemned and forbidden. It is therefore recommended that an act be passed defining the relations of members of Congress with respect to appointment to office by the President, and I also recommend that the provisions of section 1767, and of the sections following, of the Revised Statutes, comprising the tenure-of-office act, of March 2, 1867, be repealed.

Believing that to reform the system and methods of the civil service in our country is one of the highest and most imperative duties of statesmanship, and that it can be permanently done only by the co-operation of the legislative and executive departments of the

Government, I again commend the whole subject to your considerate attention.

It is the recognized duty and purpose of the people of the United States to suppress polygamy where it now exists in our Territories, and to prevent its extension. Faithful and zealous efforts have been made by the United States authorities in Utah to enforce the laws against it. Experience has shown that the legislation upon this subject to be effective requires extensive modification and amendment. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization which upholds polygamy has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory, they are able to make effective their hostility to the law of Congress on the subject of polygamy, and, in fact, do prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice and uphold the crime. It can only be suppressed by taking away the political power of the seet which encourages and sustains it.

ages and sustains it.

The power of Congress to enact suitable laws to protect the Territories is ample. It is not a case for half-way measures. The political power of the Mormon sect is increasing; it controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian political power. The sanctity of marriage and the family relation are the corner-stone of our American society and civilization. Religious liberty and the separation of Church and State are among the elementary ideas of free institutions. To re-establish the interests and principles which polygamy and Mormonism have imperiled, and to fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been, in a great degree, closed to general immigration by intolerant and immoral institutions, it is recommended that the government of the Territory of Utah be reorganized.

I recommend that Congress provide for the government of Utah by a governor and judges, or commissioners, appointed by the President and confirmed by the Senate—a government analogous to the provisional government established for the Territory northwest of the Ohio by the ordinance of 1787. If, however, it is deemed best to continue the existing form of local government, I recommend that the right to vote, hold office, and sit on juries in the Territory of Utah be confined to those who neither practice nor uphold polygamy. If thorough measures are adopted it is believed that within a few years the evils which now afflict Utah will be eradicated, and that this Territory will in good time become one ρf the most prosperous and attractive of the new States of the Union.

Our relations with all foreign countries have been those of undisturbed peace, and have presented no occasion for concern as to their continued maintenance.

My anticipation of an early reply from the British Government to the demand of indemnity to our fishermen for the injuries suffered by that industry at Fortune Bay, in January, 1878, which I expressed in my last annual message, was disappointed. This answer was received only in the latter part of April in the present year, and when received exhibited a failure of accord between the two governments, as to the measure of the inshore-fishing privilege secured to our fishermen by the treaty of Washington, of so serious a character that I made it the subject of a communication to Congress, in which I recommended the adoption of the measures which seemed to me proper to be taken by this Government in maintenance of the rights accorded to our fishermen under the treaty, and toward securing an indemnity for the injury these interests had suffered. A bill to carry out these recommendations was under consideration by the House of Representatives at the time of the adjournment of Congress in June last.

Within a few weeks I have received a communication from Her

Within a few weeks I have received a communication from Her Majesty's government renewing the consideration of the subject, both of the indemnity for the injuries at Fortune Bay and of the interpretation of the treaty in which the previous correspondence had shown the two governments to be at variance. Upon both these topics the disposition toward a friendly agreement is manifested by a recognition of our right to an indemnity for the transaction at Fortune Bay, leaving the measure of such indemnity to further conference, and by an assent to the view of this Government, presented in the previous correspondence, that the regulation of conflicting interests of the shore fishery of the provincial sea-coasts, and the vessel fishery of our fishermen, should be made the subject of conference and concurrent arrangement between the two governments.

arrangement between the two governments.

I sincerely hope that the basis may be found for a speedy adjustment of the very serious divergence of views in the interpretation of the fishery clauses of the treaty of Washington, which, as the correspondence between the two governments stood at the close of the last session of Congress, seemed to be irreconcilable.

In the important exhibition of arts and industries which was held

In the important exhibition of arts and industries which was held last year at Sydney, New South Wales, as well as in that now in progress at Melbourne, the United States have been efficiently and honorably represented. The exhibitors from this country at the former place received a large number of awards in some of the most considerable departments, and the participation of the United States

was recognized by a special mark of distinction. In the exhibition at Melbourne the share taken by our country is no less notable, and an equal degree of success is confidently expected.

The state of peace and tranquillity now enjoyed by all the nations of the continent of Europe has its favorable influence upon our diplomatic and commercial relations with them. We have concluded and ratified a convention with the French Republic for the settlement of claims of the citizens of either country against the other. Under this convention a commission, presided over by a distinguished pub-licist, appointed, in pursuance of the request of both nations, by His Majesty the Emperor of Brazil, has been organized and has begun its sessions in this city. A congress to consider means for the protection of industrial property has recently been in session in Paris, to which I have appointed the ministers of the United States in France and in Belgium as delegates. The international commission upon weights and measures also continues its work in Paris. I invite your attention to the necessity of an appropriation to be made in time to enable this Government to comply with its obligations under the metrical convention.

Our friendly relations with the German Empire continue without interruption. At the recent International Exhibition of Fish and Fisheries at Berlin, the participation of the United States, notwithstanding the baste with which the commission was forced to make its preparations, was extremely successful and meritorious, winning for private exhibitors numerous awards of a high class, and for the country at large the principal prize of honor offered by His Majesty the Emperor. The result of this great success cannot but be advantageous to this important and growing industry. There have been some questions raised between the two governments as to the proper effect and interpretation of our treaties of naturalization, but recent dispatches from our minister at Berlin show that favorable progress is making toward an understanding, in accordance with the views of this Government, which makes and admits no distinction whatever between the rights of a native and a naturalized citizen of the United States. In practice, the complaints of molestation suffered by naturalized citizens abroad have never been fewer than at present.

raized citizens alroad have never been fewer than at present.

There is nothing of importance to note in our unbroken friendly relations with the Governments of Austria-Hungary, Russia, Portugal, Sweden and Norway, Switzerland, Turkey, and Greece.

During the last summer several vessels belonging to the merchant marine of this country, sailing in neutral waters of the West Indies, were fired at, boarded, and searched by an armed cruiser of the Spanish Government. The circumstances, as reported, involve not only a private injury to the persons concerned, but also seemed too little observant of the friendly relations existing for a century between this country and Spain. The wrong was brought to the attention of this country and Spain. The wrong was brought to the attention of the Spanish Government in a serious protest and remonstrance, and the matter is undergoing investigation by the royal authorities, with a view to such explanation or reparation as may be called for by the

The commission sitting in this city for the adjudication of claims of our citizens against the Government of Spain is, I hope, approaching the termination of its labors.

The claims against the United States under the Florida treaty with

Spain were submitted to Congress for its action at the late session, and I again invite your attention to this long-standing question, with a view to a final disposition of the matter.

At the invitation of the Spanish Government a conference has recently been held at the city of Madrid to consider the subject of pro-tection by foreign powers of native Moors in the Empire of Morocco. The minister of the United States in Spain was directed to take part in the deliberations of this conference, the result of which is a convention signed on behalf of all the powers represented. The instrument will be laid before the Senate for its consideration. The Government of the United States has also lost no opportunity to urge upon that of the Emperor of Morocco the necessity, in accordance with the humane and enlightened spirit of the age, of putting an end to the persecutions which have been so prevalent in that country of persons of a faith other than the Moslem, and especially of the Hebrew residents of Morocco.

The consular treaty concluded with Belgium has not yet been officially promulgated, owing to the alteration of a word in the text by the Senate of the United States which occasioned a delay, during hich the time allowed for ratification expired. The Senate will be

asked to extend the period for ratification.

The attempt to negotiate a treaty of extradition with Denmark failed on account of the objection of the Danish Government to the

the draws providing that each nation should pay the expense of the arrest of the persons whose extradition it asks.

The provision made by Congress at its last session for the expense of the commission which had been appointed to enter upon negotiations with the Imperial Government of China, on subjects of great tions with the Imperial Government of China, on subjects of great interest to the relations of the two countries, enabled the commissioners to proceed at once upon their mission. The imperial government was prepared to give prompt and respectful attention to the matters brought under negotiation, and the conferences proceeded with such rapidity and success that, on the 17th of November last, two treaties were signed at Pekin—one relating to the introduction of Chinese into this country and one relating to commerce. Mr. Trescot, one of the commissioners, is now on his way home bringing the

treaties, and it is expected that they will be received in season to be laid before the Senate early in January.

Our minister in Japan has negotiated a convention for the recipro-

Our minister in Japan has negotiated a convention for the recipro-cal relief of shipwrecked seamen. I take occasion to urge once more upon Congress the propriety of making provision for the erection of suitable fire-proof buildings at the Japanese capital for the use of the American legation, and the court-house and jail connected with it. The Japanese Government, with great generosity and courtesy, has offered for this purpose an eligible piece of land. In my last annual message I invited the attention of Congress to the subject of the indemnity funds received some years ago from China and Japan. I renew the recommendation then made that whatever portions of these funds are due to American citizens should be promptly paid, and the residue returned to the nations, respectively, to which

portions of these funds are due to American citizens should be promptly paid, and the residue returned to the nations, respectively, to which they justly and equitably belong.

The extradition treaty with the Kingdom of the Netherlands, which has been for some time in course of negotiation, has, during the past year, been concluded and duly ratified.

Relations of friendship and amity have been established between the Government of the United States and that of Roumania. We have sent a diplomatic representative to Bucharest, and have rehave sent a diplomatic representative to Bucharest, and have received at this capital the special envoy, who has been charged by his Royal Highness Prince Charles to announce the independent sovereignty of Roumania. We hope for a speedy development of commercial relations between the two countries.

In my last annual message I expressed the hope that the prevalence of quiet on the border between this country and Mexico would soon become so assured as to justify the modification of the orders then in

force to our military commanders in regard to crossing the frontier, without encouraging such disturbances as would endanger the peace of the two countries. Events moved in accordance with these expectations, and the orders were accordingly withdrawn, to the entire satisfaction of our own citizens and the Mexican Government. Subsequently the peace of the border was again disturbed by a savage foray under the command of the chief Victoria, but, by the combined action of the military forces of both countries, his band has been broken up and substantially destroyed.

There is reason to believe that the obstacles which have so long prevented rapid and convenient communication between the United States and Mexico by railways are on the point of disappearing, and that several important enterprises of this character will soon be set on foot which cannot fail to contribute largely to the prosperity of

both countries.

New envoys from Guatemala, Colombia, Bolivia, Venezuela, and Nicaragua have recently arrived at this capital, whose distinction and enlightenment afford the best guarantee of the continuance of friendly

relations between ourselves and these sister republics.

The relations between this Government and that of the United States of Colombia have engaged public attention during the past States of Colombia have engaged public attention during the past year, mainly by reason of the project of an interoceanic canal across the Isthmus of Panama, to be built by private capital under a concession from the Colombian Government for that purpose. The treaty obligations subsisting between the United States and Colombia, by which we guarantee the neutrality of the transit and the sovereignty and property of Colombia in the Isthmus, make it necessary that the conditions under which so stupendous a change in the region embraced in this guarantee should be effected—transforming, as it would, this isthmus, from a barrier between the Atlantic and Pacific Oceans. this isthmus, from a barrier between the Atlantic and Pacific Oceans, into a gateway and thoroughfare between them, for the navies and the merchant ships of the world—should receive the approval of this Government, as being compatible with the discharge of these obligations on our part, and consistent with our interests as the principal commercial power of the western hemisphere. The views which I expressed in a special message to Congress in March last, in relation to this project, I deem it my duty again to press upon your attention. Subsequent consideration has but confirmed the opinion "that it is the right and duty of the United States to assert and maintain such supervision and authority over any interoceanic canal across the isthmus that connects North and South America as will protect our national interest."

The war between the Republic of Chili on the one hand, and the allied Republics of Peru and Bolivia on the other, still continues. This Government has not felt called upon to interfere in a contest that is within the belligerent rights of the parties as independent states. We have, however, always held ourselves in readiness to aid in accommodating their difference, and have at different times re-minded both belligerents of our willingness to render such service. Our good offices in this direction were recently accepted by all the belligerents, and it was hoped they would prove efficacious; but I regret to announce that the measures which the ministers of the United States at Santiago and Lima were authorized to take, with the view to bring about a peace, were not successful. In the course of the war some questions have arisen affecting neutral rights. In all of these the ministers of the United States have, under their instructions, acted with promptness and energy in protection of Ameri-

The relations of the United States with the Empire of Brazil continue to be most cordial, and their commercial intercourse steadily increases, to their mutual advantage.

The internal disorders with which the Argentine Republic has for

some time past been afflicted, and which have more or less influenced its external trade, are understood to have been brought to a close. This happy result may be expected to redound to the benefit of the foreign commerce of that republic, as well as to the development of

its vast interior resources.

its vast interior resources.

In Samoa, the government of King Malietoa, under the support and recognition of the consular representatives of the United States, Great Britain, and Germany, seems to have given peace and tranquillity to the islands. While it does not appear desirable to adopt as a whole the scheme of tripartite local government which has been proposed, the common interests of the three great treaty powers require harmony in their relations to the native frame of government, and this may be best secured by a simple diplomatic agreement between them. It would be well if the consular jurisdiction of our representative at Apia were increased in extent and importance so as to guard American interests in the surrounding and outlying islands of Oceanica.

The obelisk, generously presented by the Khediye of Egypt to the

The obelisk, generously presented by the Khedive of Egypt to the city of New York, has safely arrived in this country, and will soon be erected in that metropolis. A commission for the liquidation of the Egyptian debt has lately concluded its work, and this Government, at the earnest solicitation of the Khedive, has acceded to the provisat the earnest solicitation of the Khedive, has acceded to the provisions adopted by it, which will be laid before Congress for its information. A commission for the revision of the judicial code of the reform tribunal of Egypt is now in session in Cairo. Mr. Farman, consul-general, and J. M. Batchelder, esq., have been appointed as commissioners to participate in this work. The organization of the reform tribunals will probably be continued for another period of five

In pursuance of the act passed at the last session of Congress, invitations have been extended to foreign maritime states to join in a sanitary conference in Washington, beginning the 1st of January. The acceptance of this invitation by many prominent powers gives promise of success in this important measure, designed to establish a system of international notification by which the spread of infectious or epidemic diseases may be more effectively checked or prevented. The attention of Congress is invited to the necessary appro-

The attention of congress is invited to the necessary appropriations for carrying into effect the provisions of the act referred to.

The efforts of the Department of State to enlarge the trade and commerce of the United States, through the active agency of consular officers and through the dissemination of information obtained from them, have been unrelaxed. The interest in these efforts, as developed in our commercial communities, and the value of the information secured by this means to the trade and manufactures of the country were recognized by Congress at its last session, and pro-vision was made for the more frequent publication of consular and other reports by the Department of State. The first issue of this publication has now been prepared, and subsequent issues may regularly be expected. The importance and interest attached to the reports of consular officers are witnessed by the general demand for them by all classes of merchants and manufacturers engaged in our foreign trade. It is believed that the system of such publications is deserving of the approval of Congress, and that the necessary appropriations for its continuance and enlargement will commend itself to your

consideration.

The prosperous energies of our domestic industries, and their immense production of the subjects of foreign commerce, invite, and even require, an active development of the wishes and interests of our people in that direction. Especially important is it that our commercial relations with the Atlantic and Pacific coasts of South America, with the West Indies and the Gulf of Mexico should be direct, and not through the circuit of European systems, and should be carried on in our own bottoms. The full appreciation of the opportunities which our front on the Pacific Ocean gives to commerce with Japan, China, and the East Indies, with Australia and the island groups which lie along these routes of navigation, should inspire equal efforts to appropriate to our own shipping and to administer by our own capital a due proportion of this trade. Whatever modifications of our regulations of trade and navigation may be necessary or useful to meet and direct these impulses to the enlargement of our exchanges and of our carrying trade, I am sure the wisdom of Congress will be ready to supply. One initial measure, however, seems to me so clearly useful and efficient that I venture to press it upon your earnest attention. It seems to be very evident that the provision of regular steam postal communication by aid from government has been the forerunner of the commercial predominance of Great Britain on all these coasts and seek a great trade in worthed decises and decise and the interest of the commercial predominance of Great Britain on all these coasts and seek a great are trade in worthed decise and the interest of the commercial predominance of Great Britain on all these coasts and seek a great are trade in worthed decise and the interest can be a commercial predominance of Great Britain on all these coasts and seek a great are trade in worthed decise and the interest can be a constant of the commercial predominance of Great Britain on all these coasts and seek and seek and seek and seek and seek and seek and of the commercial predominance of Great Britain on all these coasts and seas, a greater share in whose trade is now the desire and the intent of our people. It is also manifest that the efforts of other European nations to contend with Great Britain for a share of this commerce have been successful in proportion with their adoption of regular steam postal communication with the markets whose trade they sought. Mexico and the states of South America are anxious to redevelopment. Similar co-operation with this country and to aid in their development. Similar co-operation may be looked for in due time from the eastern nations and from Australia. It is difficult to see how the lead in this movement can be expected from private interests. In respect of foreign commerce, quite as much as in internal trade, postal communication seems necessarily a matter of common and pulfrom the eastern nations and from Australia. It is difficult to see how the lead in this movement can be expected from private interests. In respect of foreign commerce, quite as much as in internal trade, postal communication seems necessarily a matter of common and public administration, and thus pertaining to government. I respectfully recommend to your prompt attention such just and efficient.

The amount due the sinking-fund for this year was \$37,931,643.55. There was applied thereto the sum of \$73,904,617.41, being \$35,972, 973.86 in excess of the actual requirements for the year. The aggregate of the revenues from all sources during the fiscal year ended June 30, 1880, was \$333,526,610.98, an increase over the preceding year of \$59,699,426.52. The receipts thus far of the current year,

measures as may conduce to the development of our foreign commer-

cial exchanges and the building up of our carrying trade.

In this connection I desire also to suggest the very great service which might be expected in enlarging and facilitating our commerce on the Pacific Ocean, were a transmarine cable laid from San Francisco to the Sandwich Islands, and thence to Japan at the north and Australia at the court. Australia at the south. The great influence of such means of communication on these routes of navigation, in developing and securing the due share of our Pacific coast in the commerce of the world, needs no illustration our ratine constitute consideration in consideration of enforcement. It may be that such an enterprise, useful and in the end profitable as it would prove to private investment, may need to be accelerated by prudent legislation by Congress in its aid, and I submit the matter to your careful consideration.

An additional and not unimportant, although secondary, reason for factorized adaptive the Notation and the consideration.

for fostering and enlarging the Navy may be found in the unquestionable service to the expansion of our commerce which would be rendered by the frequent circulation of naval ships in the seas and ports dered by the frequent circulation of naval ships in the seas and ports of all quarters of the globe. Ships of the proper construction and equipment, to be of the greatest efficiency in case of maritime war, might be made constant and active agents in time of peace in the advancement and protection of our foreign trade, and in the nurture and discipline of young seamen, who would, naturally, in some numbers, mix with and improve the crews of our merchant ships. Our merchants at home and abroad recognize the value to foreign commerce of an active movement of our naval vessels, and the intelligence and nations against a proportion every in gence and patriotic zeal of our naval officers in promoting every in-

terest of their countrymen is a just subject of national pride.

The condition of the financial affairs of the Government, as shown by the report of the Secretary of the Treasury, is very satisfactory. It is believed that the present financial situation of the United States, whether considered with respect to trade, currency, credit, growing wealth, or the extent and variety of our resources, is more favorable than that of any other country of our time, and has never been surpassed by that of any country at any period of its history. All our industries are thriving; the rate of interest is low; new railroads are being constructed; a vast immigration is increasing our population, capital, and labor; new enterprises in great numbers are in progress; and our commercial relations with other countries are improving.

The ordinary revenues from all sources for the fiscal year ended June 30, 1880, were—

0 1110 00, 2000, 11020	
From customs From internal revenue From sales of public lands From sales of public lands From tax on circulation and deposits of national banks From repayment of interest by Pacific Railway Companies From sinking fund for Pacific Railway Companies From customs fees, fines, penalties, &c From fees—consular, letters-patent, and lands From proceeds of sales of Government property From profits on coinage, &c. From revenues of the District of Columbia From miscellaneous sources	\$186, 522, 064 60 124, 009, 373 92 1, 016, 506 60 7, 014, 971 44 1, 707, 367 14 766, 641 22 1, 148, 800 16 2, 337, 029 00 282, 616 50 2, 792, 186 78 1, 809, 469 70 4, 099, 603 88
Total ordinary receipts	333, 526, 610 98

The ordinary expenditures for the same period were-

For foreign intercourse. For Indians For pensions (including \$19,341,025.20 arrears of pen-	1, 211, 490 5, 945, 457	58
sions) For the military establishment, including river and	56, 777, 174	44
harbor improvements and arsenals	38, 116, 916	23
chinery, and improvements at navy-yards For miscellaneous expenditures, including public buildings, light-houses and collecting the reve-	13, 536, 984	74
nue For expenditures on account of the District of Co-	34, 535, 691	00
lumbia. For interest on the public debt	3, 272, 384 95, 757, 575 2, 795, 320	11
		_

Total ordinary expenditures	267, 642, 957 7	78
ving a surplus revenue of	65, 883, 653 2	0

aving a surplus revenue ofhich, with an amount drawn from the cash-balance in Treasury	65, 883, 653 20
A	8, 084, 434 21
Making	73, 968, 087 41

Was applied to the redemption-

Of fractional currency Of the loan of 1858	251,717 41 40,000 00
Of temporary loan :	25 00
Of compound-interest notes	2,650 00
Of one and two year notes	3,700 00 495 00

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together with the estimated receipts for the remainder of the year amount to \$350,000,000, which will be sufficient to meet the estimated expenditures of the year, and leave a surplus of \$90,000,000.

It is fortunate that this large surplus revenue occurs at a period when it may be directly applied to the payment of the public debt soon to be redeemable. No public duty has been more constantly cherished in the United States than the policy of paying the nation's debt as excitable as presible.

ished in the United States than the policy of paying the nation's debt as rapidly as possible.

The debt of the United States, less cash in the Treasury, and exclusive of accruing interest, attained its maximum of \$2,756,431,571.43 in August, 1865, and has since that time been reduced to \$1,886,019,504.65. Of the principal of the debt, \$108,758,100 has been paid since March 1, 1877, effecting an annual saving of interest of \$6,107,593. The burden of interest has also been diminished by the sale of bonds bearing a low rate of interest, and the application of the proceeds to the redemption of bonds bearing a higher rate. The annual saving thus secured since March 1, 1877, is \$14,290,453.50. Within a short period over six hundred millions of 5 and 6 per cent. bonds will become redeemable. This presents a very favorable opportunity not only to further reduce the principal of the debt, but also to reduce the rate of interest on that which will remain unpaid. I call the attention of Congress to the views expressed on this subject by the tention of Congress to the views expressed on this subject by the Secretary of the Treasury in his annual report, and recommend prompt legislation, to enable the Treasury Department to complete the refunding of the debt which is about to mature.

The continuance of specie payments has not been interrupted or endangered since the date of resumption. It has contributed greatly to the revival of business and to our remarkable prosperity. The fears that preceded and accompanied resumption have proved groundless. No considerable amount of United States notes have been presented for redemption while very large sums of cold hullion both sented for redemption, while very large sums of gold bullion, both domestic and imported, are taken to the mints and exchanged for The increase of coin and bullion in the United States

since January 1, 1679, is estimated at \$227,399,428.

There are still in existence uncanceled \$347,681,013 of United States legal-tender notes. These notes were authorized as a war measure, There are still in existence uncanceled \$347,681,016 of United States legal-tender notes. These notes were authorized as a war measure, made necessary by the exigencies of the conflict in which the United States was then engaged. The preservation of the nation's existence required, in the judgment of Congress, an issue of legal-tender paper money. That it served well the purpose for which it was created is not questioned, but the employment of the notes as paper money indefinitely, after the accomplishment of the object for which they were provided, was not contemplated by the framers of the law under which they were issued. These notes long since became like any other pecuniary obligation of the Government—a debt to be paid, and when paid to be canceled as mere evidence of an indebtedness and when paid to be canceled as mere evidence of an indebtedness no longer existing. I therefore repeat what was said in the annual message of last year, that the retirement from circulation of United States notes, with the capacity of legal tender in private contracts, is a step to be taken in our progress toward a safe and stable currency, which should be accepted as the policy and duty of the Government and the interest and security of the people.

At the time of the passage of the act now in force requiring the

At the time of the passage of the act now in force requiring the soinage of silver dollars, fixing their value and giving them legal-tender character, it was believed by many of the supporters of the measure that the silver dollar which it authorized would speedily become under the operations of the law of equivalent value to the gold dollar. There were other supporters of the bill who, while they doubted as to the probability of this result, nevertheless were willing the support of the support o ing to give the proposed experiment a fair trial with a view to stop the coinage if experience should prove that the silver dollar author-ized by the bill continued to be of less commercial value than the

standard gold dollar.

The coinage of silver dollars, under the act referred to, began in March, 1878, and has been continued as required by the act. The average rate per month to the present time has been \$2,276,492. The total amount coined prior to the 1st of November last was \$72,847,750. Of this amount \$47,084,450 remain in the Treasury, and only \$25,763,291 are in the hands of the people. A constant effort has been made to keep this currency in circulation, and considerable expense has been necessarily incurred for this purpose, but its return to the Treasury is prompt and sure. Contrary to the confident anticipation of the friends of the measure at the time of its adoption, the value of the silver dollar, containing 412½ grains of silver, has not increased.

of the silver dollar, containing 412½ grains of silver, has not increased. During the year prior to the passage of the bill authorizing its coinage, the market value of the silver which it contained was from ninety to ninety-two cents as compared with the standard gold dollar. During the last year the average market value of the silver dollar has been eighty-eight and a half cents.

It is obvious that the legislation of the last Congress in regard to silver, so far as it was based on an anticipated rise in the value of silver as a result of that legislation, has failed to produce the effect then predicted. The longer the law remains in force, requiring as it does the coinage of a nominal dollar, which, in reality, is not a dollar, the greater becomes the danger that this country will be forced to accept a single metal as the sole legal standard of value in circulation, and this a standard of less value than it purports to be worthin the recognized money of the world.

nized money of the world.

The Constitution of the United States, sound financial principles, and our best interests all require that the country should have as

its legal-tender money both gold and silver coin of an intrinsic value as bullion, equivalent to that which, upon its face, it purports to possess. The Constitution in express terms recognizes both gold and silver as the only true legal-tender money. To banish either of these metals from our currency is to narrow and limit the circulating medium of exchange to the disparagement of important interests. The United States produces more silver than any other country, and is directly interested in maintaining it as one of the two precions metals which furnish the coinage of the world. It will, in my judgment, contribute to this result if Congress will repeal so much of existing legislation as requires the coinage of silver dollars containing only 412½ grains of silver, and in its stead will authorize the Secretary of the Treasury to coin silver dollars of equivalent value as bullion with gold dollars. This will defraud no man, and will be bullion with gold dollars. This will defraud no man, and will be in accordance with familiar precedents. Congress, on several occasions, has altered the ratio of value between gold and silver, in order to establish it more nearly in accordance with the actual ratio of

value between the two metals.

In financial legislation every measure in the direction of greater fidelity in the discharge of pecuniary obligations has been found by experience to diminish the rates of interest which debtors are required to pay, and to increase the facility with which money can be obtained for every legitimate purpose. Our own recent financial history shows how surely money becomes abundant whenever confi-

dence in the exact performance of moneyed obligations is established.

The Secretary of War reports that the expenditures of the War Department for the fiscal year ended June 30, 1880, were \$39,921,773.03.

The appropriations for this Department for the current fiscal year

amount to \$41,993,630.40.

With respect to the Army, the Secretary invites attention to the fact that its strength is limited by statute (section 1115, Revised Statutes) to not more than thirty thousand enlisted men, but that provisos contained in appropriation bills have limited expenditures to the enlistment of but twenty-five thousand. It is believed the full legal strength is the least possible force at which the present organization can be maintained, having in view efficiency, discipline, and economy. While the enlistment of this force would add somewhat to

economy. While the enlistment of this force would add somewhat to the appropriation for pay of the Army, the saving made in other respects would be more than an equivalent for this additional outlay, and the efficiency of the Army would be largely increased.

The rapid extension of the railroad system west of the Mississippi River and the great tide of settlers which has flowed in upon new territory impose on the military an entire change of policy. The maintenance of small posts along wagon and stage routes of travel is no longer necessary. Permanent quarters at points selected of a more substantial character than those heretofore constructed will be required. Under existing laws, permanent buildings cannot be erected. more substantial character than those heretofore constructed will be required. Under existing laws, permanent buildings cannot be erected without the sanction of Congress, and when sales of military sites and buildings have been authorized, the moneys received have reverted to the Treasury and could only become available through a new appropriation. It is recommended that provision be made by a general statute for the sale of such abandoned military posts and buildings as are found to be unnecessary, and for the application of the proceeds to the construction of other posts. While many of the present posts are of but slight value for military purposes, owing to the changed condition of the country, their occupation is continued at great expense and inconvenience, because they afford the only available shelter for troops. able shelter for troops.

The absence of a large number of officers of the line in active duty from their regiments is a serious detriment to the maintenance of the service. The constant demand for small detachments, each of which should be commanded by a commissioned officer, and the various details of officers for necessary service away from their commands occa-sions a scarcity in the number required for company duties. With a view to lessening this drain to some extent, it is recommended that the law authorizing the detail of officers from the active list as professors of tactics and military science at certain colleges and universities be so amended as to provide that all such details be made from the retired list of the Army.

Attention is asked to the necessity of providing by legislation for organizing, arming, and disciplining the active militia of the country, and liberal appropriations are recommended in this behalf. The reports of the Adjutant-General of the Army and the Chief of Ordnance touching this subject fully set forth its importance.

The report of the officer in charge of education in the Army shows that there are seventy-eight schools now in operation in the Army, with an aggregate attendance of twenty-three hundred and five enlisted men and children. The Secretary recommends the enlist-ment of one hundred and fifty school-masters, with the rank and pay of commissary sergeants. An appropriation is needed to supply the judge-advocates of the Army with suitable libraries; and the Secrejudge-advocates of the Army with suitable libraries; and the Secretary recommends that the corps of judge-advocates be placed upon the same footing as to promotion with the other staff corps of the Army. Under existing laws the Bureau of Military Justice consists of one officer, the Judge-Advocate-General, and the corps of judge-advocates of eight officers of equal rank, (majors,) with a provision that the limit of the corps shall remain at four, when reduced by casualty or resignation to that number. The consolidation of the Bureau of Military Justice and the corps of judge-advocates upon the same basis with the other staff corps of the Army would remove an unjust discrimination against deserving officers and subserve the best

interests of the service.

Especial attention is asked to the report of the Chief of Engineers upon the condition of our national defenses. From a personal inspection of many of the fortifications referred to, the Secretary is able to emphasize the recommendations made, and to state that their incomplete and defenseless condition is discreditable to the country. While other nations have been increasing their means for carrying on offensive warfare and attacking maritime cities, we have been dor-mant in preparations for defense. Nothing of importance has been done toward strengthening and finishing our casemated works since

done toward strengthening and finishing our casemated works since our late civil war, during which the great guns of modern warfare and the heavy armor of modern fortifications and ships came into use among the nations, and our earthworks left, by a sudden failure of appropriations some years since, in all stages of incompletion, are now being rapidly destroyed by the elements.

The two great rivers of the North American continent, the Mississippi and the Columbia, have their navigable waters wholly within the limits of the United States, and are of vast importance to our internal and foreign commerce. The permanency of the important work on the South Pass of the Mississippi River seems now to be assured. There has been no failure whatever in the maintenance of the maximum channel during the six months ended August 9 last. This experiment has opened a broad, deep highway to the ocean, and is an ment channel during the six months ended Adgust 5 last. This experiment has opened a broad, deep highway to the ocean, and is an improvement upon the permanent success of which congratulations may be exchanged among people abroad and at home, and especially among the communities of the Mississippi Valley, whose commercial exchanges float in an unobstructed channel safely to and from the

A comprehensive improvement of the Mississippi and its tributaries is a matter of transcendent importance. These great waterways comprise a system of inland transportation spread like net-work over a large portion of the United States, and navigable to the extent of many thousands of miles. Producers and consumers alike have a common interest in such unequaled facilities for cheap transportation. Geographically, commercially, and politically, they are the strongest tie between the various sections of the country. These channels of communication and interchange are the property of the nation. Its jurisdiction is paramount over their waters, and the plainest princi-ples of public interest require their intelligent and careful supervision, with a view to their protection, improvement, and the enhancement of their usefulness

The channel of the Columbia River, for a distance of about one hundred miles from its month, is obstructed by a succession of bars, which occasion serious delays in navigation, and heavy expense for lighterage and towage. A depth of at least twenty feet at low tide should be secured and maintained, to meet the requirements of the extensive and growing inland and occan commerce it subserves. The extensive and growing inland and ocean commerce it subserves. The

most urgent need, however, for this great water-way is a permanent improvement of the channel at the mouth of the river.

From Columbia River to San Francisco, a distance of over six hundred miles, there is no harbor on our Pacific coast which can be apdred miles, there is no harbor on our Pacific coast which can be approached during stormy weather. An appropriation of \$150,000 was made by the Forty-fifth Congress for the commencement of a breakwater and harbor of refuge, to be located at some point between the Straits of Fuca and San Francisco, at which the necessities of commerce, local and general, will be best accommodated. The amount appropriated is thought to be quite inadequate for the purpose intended. The cost of the work, when finished, will be very great, owing to the want of natural advantages for a site at any point on the coast between the designated limits, and it has not been thought to be advisable to undertake the work without a larger appropriato be advisable to undertake the work without a larger appropria-tion. I commend the matter to the attention of Congress.

The completion of the new building for the War Department is urgently needed, and the estimates for continuing its construction

especially recommended.

The collections of books, specimens, and records constituting the Army Medical Museum and Library are of national importance. The Army Medical Museum and Library are of national importance. The library now contains about fifty-one thousand five hundred volumes and fifty-seven thousand pamphlets relating to medicine, surgery, and allied topics. The contents of the Army Medical Museum consist of twenty-two thousand specimens, and are unique in the completeness with which both military surgery and the diseases of armies are illustrated. Their destruction would be an irreparable loss, not only to the United States, but to the world. There are filed in the record and pension division over sixteen thousand bound volumes of hospital records, together with a great quantity of papers, embracing the records, together with a great quantity of papers, embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value, these records are daily searched for Aside from their historical value, these records are daily scattered for evidence needed in the settlement of large numbers of pension and other claims for the protection of the Government against attempted frauds, as well as for the benefit of honest claimants.

These valuable collections are now in a building which is peculiarly exposed to the danger of destruction by fire. It is therefore

earnestly recommended that an appropriation be made for a new fireproof building adequate for the present needs and reasonable future expansion of these valuable collections. Such a building should be absolutely fire-proof; no expenditure for mere architectural display is required. It is believed that a suitable structure can be erected at a cost not to exceed \$250,000.

I commend to the attention of Congress the great services of the commander and chief of our armies during the war for the Union, whose wise, firm, and patriotic conduct did so much to bring that momentous conflict to a close. The legislation of the United States contains many precedents for the recognition of distinguished military merit, authorizing rank and emoluments to be conferred for eminant and the conferred for emi tary merit, authorizing rank and emoluments to be conferred for eminent services to the country. An act of Congress authorizing the appointment of a captain-general of the Army, with suitable provisions relating to compensation, retirement, and other details, would, in my judgment, be altogether fitting and proper, and would be warmly approved by the country.

The report of the Secretary of the Navy exhibits the successful and satisfactory management of that Department during the last fiscal year. The total expenditures for the year were \$12,916,639.45, leaving unexpended at the close of the year \$2,141,682.23 of the amount of available appropriations. The appropriations for the present fig.

of available appropriations. The appropriations for the present fiscal year, ending June 30, 1881, are \$15,095,061.45; and the total estimates for the next fiscal year, ending June 30, 1882, are \$15,953,-751.61. The amount drawn by warrant from July 1, 1880, to Novem-

ber 1, 1880, is \$5,041,570.45.

The recommendation of the Secretary of the Navy that provision be made for the establishment of some form of civil government for the people of Alaska is approved. At present there is no protection of people of Alaska is approved. At present there is no protection of persons or property in that territory, except such as is afforded by the officers of the United States ship Jamestown. This vessel was dispatched to Sitka because of the fear that without the immediate presence of the national authority there was impending danger of anarchy. The steps taken to restore order have been accepted in good faith by both white and Indian inhabitants, and the necessity for this method of restraint does not, in my opinion, now exist. If, however, the Jamestown should be withdrawn, leaving the people, as at present, without the ordinary indicial and administrative and as at present, without the ordinary judicial and administrative authority of organized local government, serious consequences might

The laws provide only for the collection of revenue, the protection of public property, and the transmission of the mails. The problem is to supply a local rule for a population se scattered and so peculiar in its origin and condition. The natives are reported to be teachable and self-supporting, and if properly instructed doubtless would advance rapidly in civilization, and a new factor of prosperity would be added to the national life. I therefore recommend the requisite

legislation upon this subject.

The Secretary of the Navy has taken steps toward the establishment of naval coaling stations at the Isthmus of Panama to meet the requirements of our commercial relations with Central and South requirements of our commercial relations with Central and Sonth America, which are rapidly growing in importance. Locations eminently suitable, both as regards our naval purposes and the uses of commerce, have been selected, one on the east side of the Isthmus, at Chiriqui Lagoon, in the Caribbean Sea, and the other on the Pacific coast, at the Bay of Golfito. The only safe harbors sufficiently commodious on the Isthmus are at these points, and the distance between them is less than one hundred miles. The report of the Secretary of the Navy concludes with valuable suggestions with respect to the building up of our merchant-marine service, which deserve the favorbuilding up of our merchant-marine service, which deserve the favorable consideration of Congres

The report of the Postmaster-General exhibits the continual growth and the high state of efficiency of the postal service. The operations and the high state of efficiency of the postal service. The operations of no Department of the Government, perhaps, represent with greater exactness the increase in the population and the business of the country. In 1860 the postal receipts were \$8,518,067.40; in 1880 the receipts were \$33,315,479.34. All the inhabitants of the country are directly and personally interested in having proper mail facilities, and naturally watch the Post-Office very closely. This careful oversight on the part of the people has proved a constant stimulus to improvement. During the past year there was an increase of 2,134 post-offices, and the mail-routes were extended 27,177 miles, making an

ment. During the past year there was an increase of 2,134 postoffices, and the mail-routes were extended 27,177 miles, making an
additional annual transportation of 10,804,191 miles. The revenues
of the postal service for the ensuing year are estimated at \$38,845,174.10
and the expenditures at \$42,475,932, leaving a deficiency to be appropriated out of the Treasury of \$3,630,757.90.

The Universal Postal Union has received the accession of almost
all the countries and colonies of the world maintaining organized
postal services; and it is confidently expected that all the other countries and colonies now outside the union will soon unite therewith,
thus realizing the grand idea and aim of the founders of the union of
forming, for purposes of international mail communication, a single
postal territory embracing the world with complete uniformity of
postal charges and conditions of international exchange for all descriptions of correspondence. To enable the United States to do its
full share of this great work additional legislation is asked by the
Postmaster-General, to whose recommendations especially attention
is called.

The suggestion of the Postmaster-General, that it would be wise to encourage by appropriate legislation the establishment of American lines of steamers by our own citizens to carry the mails between our own ports and those of Mexico, Central America, South America, and of transpacific countries, is commended to the serious consideration of Congress.

The attention of Congress is also invited to the suggestions of the

Postmaster-General in regard to postal savings.

The necessity for additional provision to aid in the transaction of the business of the Federal courts becomes each year more apparent. The dockets of the Supreme Court and of the circuit courts in the greater number of the circuits are encumbered with the constant accession of cases. In the former court, and in many instances in the circuit courts, years intervene before it is practicable to bring cases

to hearing.

The Attorney-General recommends the establishment of an intermediate court of errors and appeals. It is recommended that the number of judges of the circuit court in each circuit, with the exception of the second circuit, should be increased by the addition of another judge; in the second circuit, that two should be added; and that an intermediate appellate court should be formed in each circuit, to consist of the circuit judges and the circuit justice, and that in the event of the absence of either of these judges the place of the absent judge should be supplied by the judge of one of the district courts in the circuit. Such an appellate court could be safely invested with large jurisdiction, and its decisions would satisfy suitors in many cases where appeals would still be allowed to the Supreme Court. The expense incurred for this intermediate court will require a very moderate increase of the appropriations for the expenses of the Department of Justice. This r consideration of Congres This recommendation is commended to the careful

It is evident that a delay of justice, in many instances oppressive and disastrous to suitors, now necessarily occurs in the Federal courts which will in this way be remedied.

The report of the Secretary of the Interior presents an elaborate account of the operations of that Department during the past year. It gives me great pleasure to say that our Indian affairs appear to be in a more hopeful condition now than ever before. The Indians have made gratifying progress in agriculture, herding, and mechanical pursuits. Many who were a few years ago in hostile conflict with the Govern-Many who were a few years ago in hostile conflict with the Government are quietly settling down on farms where they hope to make their permanent homes, building houses and engaging in the occupations of civilized life. The introduction of the freighting business among them has been remarkably fruitful of good results, in giving many of them congenial and remunerative employment and in stimulating their ambition to earn their own support. Their honesty, fidelity, and efficiency as carriers are highly praised. The organization of a police force of Indians has been equally successful in maintaining law and order upon the reservations and in exercising a whole-some moral influence among the Indians themselves. I concur with the Secretary of the Interior in the recommendation that the pay of this force be increased as an inducement to the best class of young

men to enter it.

Much care and attention has been devoted to the enlargement of educational facilities for the Indians. The means available for this important object have been very inadequate. A few additional boarding-schools at Indian agencies have been established and the erection of buildings has been begun for several more, but an increase of the appropriations for this interesting undertaking is greatly needed to accommodate the large number of Indian children of school age. The number offered by their parents from all parts of the country for education in the Government schools is much larger than can be accommodated with the means at present available for that purpose. The number of Indian pupils at the normal school at Hampton, Vir-The number of Indian pupils at the normal school at Hampton, virginia, under the direction of General Armstrong, has been considerably increased, and their progress is highly encouraging. The Indian school established by the Interior Department, in 1879, at Carlisle, Pennsylvania, under the direction of Captain Pratt, has been equally successful. It has now nearly two hundred pupils, of both sexes, representing a great variety of the tribes east of the Rocky Mountains.

The nupils in both these institutions receive not only an elementary English education, but are also instructed in house work, agriculture, useful mechanical pursuits. A similar school was established this year at Forest Grove, Oregon, for the education of Indian youth on the Pacific coast. In addition to this thirty-six Indian boys and girls were selected from the Eastern Cherokees and placed in board-ing-schools in North Carolina, where they are to receive an elementary English education and training in industrial pursuits. The interest shown by Indian parents, even among the so-called wild tribes, in the education of their children is very gratifying, and gives promise that the results accomplished by the efforts now making will be of lasting benefit.

The expenses of Indian education have so far been drawn from the permanent civilization fund at the disposal of the Department of the Interior; but the fund is now so much reduced that the continuance of this beneficial work will in the future depend on specific appropriations by Congress for the purpose, and I venture to express the hope that Congress will not permit institutions so fruitful of good results to perish for want of means for their support. On the contrary, an increase of the number of such schools appears to me highly advisable.

The past year has been unusually free from disturbances among the Indian tribes. An agreement has been made with the Utes, by which they surrender their large reservation in Colorado in consideration of an annuity to be paid to them, and agree to settle in severalty on certain lands designated for that purpose, as farmers, holding individual title to their land in fee-simple, inalienable for a certain period. In this way a costly Indian war has been avoided, which at one time seemed imminent, and for the first time in the history of the

country an Indian nation has given up its tribal existence to be setthed in severalty and to live as individuals under the common protection of the laws of the country. The conduct of the Indians throughout the country during the past year, with but few noteworthy exceptions, has been orderly and peaceful. The guerrilla warfare carried on for two years by Victoria and his band of Southern Apaches has virtually come to an end by the death of that chief and most of his followers on Mexican soil. The disturbances caused on our northern frontier by Sitting Bull and his men, who had taken refuge in the British dominions, are also likely to cease. A large majority of his followers have surrendered to our military forces, and

majority of his followers have surrendered to our military forces, and the remainder are apparently in progress of disintegration.

I concur with the Secretary of the Interior in expressing the earnest hope that Congress will at this session take favorable action on the bill providing for the allotment of lands on the different reservations in severalty to the Indians, with patents conferring fee-simple title inalienable for a certain period, and the eventual disposition of the residue of the reservations for general settlement, with the consent and for the benefit of the Indians, placing the latter under the equal protection of the laws of the country. This measure, together with a vigorous prosecution of our educational efforts, will work the most important and effective advance toward the solution of the In-

dian problem, in preparing for the gradual merging of our Indian population in the great body of American citizenship.

A large increase is reported in the disposal of public lands for setthement during the past year, which marks the prosperous growth of our agricultural industry and a vigorous movement of population toward our unoccupied lands. As this movement proceeds the codification of our land laws, as well as proper legislation to regulate the disposition of public lands, become of more pressing necessity, and I therefore invite the consideration of Congress to the report and the accompanying draught of a bill, made by the public lands commission, which were communicated by me to Congress at the last session. Early action upon this important subject is highly de-

The attention of Congress is again asked to the wasteful depreda-tions committed on our public timber lands, and the rapid and indis-criminate destruction of our forests. The urgent necessity for legislation to this end is now generally recognized. In view of the lawless character of the depredations committed, and the disastrous consequences which will inevitably follow their continuance, legislation has again and again been recommended to arrest the evil and to preserve for the people of our Western States and Territories the timber

needed for domestic and other essential uses.

The report of the director of the geological survey is a document of unusual interest. The consolidation of the various geological and geographical surveys and exploring enterprises, each of which has heretofore operated upon an independent plan, without concert, cannot fail to be of great benefit to all those industries of the country which depend upon the development of our mineral resources. The labors of the scientific men, of recognized merit, who compose the corps of the geological survey, during the first season of their field operations and inquiries, appear to have been very comprehensive, and will soon be communicated to Congress in a number of volumes. The director of the survey recommends that the investigations car-The director of the survey recommends that the investigations carried on by his bureau, which so far have been confined to the so-called public-land States and Territories, be extended over the entire country, and that the necessary appropriation be made for this purpose. This would be particularly beneficial to the iron, coal, and other mining interests of the Mississippi Valley, and of the Eastern and Southern States. The subject is commended to the careful consideration of Commence. sideration of Congress

The Secretary of the Interior asks attention to the want of room in the public buildings of the capital, now existing and in progress of construction, for the accommodation of the clerical force employed and of the public records. Necessity has compelled the renting of private buildings in different parts of the city for the location of public offices, for which a large amount of rent is annually paid, while the separation of offices belonging to the same Department impedes the transaction of current business. The Secretary suggests that the blocks surrounding La Fayette Square on the east, north, and west be purchased as the sites for new edifices for the accommodation of the Government offices, leaving the square itself intact; and that, if such buildings were constructed upon a harmonious plan of architecture, they would add much to the beauty of the national capital, and would, together with the Treasury and the new State, Navy, and

War Department building, form one of the most imposing groups of public edifices in the world.

The Commissioner of Agriculture expresses the confident belief that his efforts in behalf of the production of our own sugar and tea have been encouragingly rewarded. The importance of the results attained have attracted marked attention at home, and have received the special consideration of foreign nations. The successful cultivamake a difference of many millions of dollars annually in the wealth of the nation.

The report of the Commissioner asks attention particularly to the continued prevalence of an infectious and contagious cattle disease known and dreaded in Europe and Asia as cattle plague, or pleuropneumonia. A mild type of this disease in certain sections of our 1880.

country is the occasion of great loss to our farmers and of serious disturbance to our trade with Great Britain, which furnishes a market for most of our live stock and dressed meats. The value of neat cattle exported from the United States for the eight months ended August 31, 1880, was more than \$12,000,000, and nearly double the value for the same period in 1879, an unexampled increase of export trade. Your early attention is solicited to this important matter.

The Commissioner of Education reports a continued increase of public interest in educational affairs, and that the public schools generally throughout the country are well sustained. Industrial training is attracting deserved attention, and colleges for instruction, theoretical and practical in agriculture and mechanic arts, including the Government schools recently established for the instruction of Indian youth, are gaining steadily in public estimation. The Commissioner

Government schools recently established for the instruction of Indian youth, are gaining steadily in public estimation. The Commissioner asks special attention to the depredations committed on the lands reserved for the future support of public instruction, and to the very great need of help from the nation for schools in the Territories and in the Southern States. The recommendation heretofore made is repeated and urged, that an educational fund be set apart from the net proceeds of the sales of the public lands annually, the income of which and the remainder of the net annual proceeds to be distributed on some satisfactory plan to the States and the Territories and uted on some satisfactory plan to the States and the Territories and

the District of Columbia.

The success of the public schools of the District of Columbia, and the progress made, under the intelligent direction of the board of education and the superintendent, in supplying the educational requirements of the District with thoroughly trained and efficient teachers, is very gratifying. The acts of Congress, from time to time, donating public lands to the several States and Territories in aid of educational interests, have proved to be wise measures of public policy, resulting in great and lasting benefit. It would seem to be a matter of simple justice to extend the benefits of this legislation, the wisdom of which has been so fully vindicated by experience, to the District of Columbia. trict of Columbia.

I again commend the general interests of the District of Columbia to the favorable consideration of Congress. The affairs of the District, as shown by the report of the commissioners, are in a very satisfactory condition.

In my annual messages heretofore, and in my special message of December 19, 1879, I have urged upon the attention of Congress the necessity of reclaiming the marshes of the Potomac adjacent to the capital, and I am constrained by its importance to advert again to the subject. These flats embrace an area of several hundred acres. They are an impediment to the drainage of the city, and seriously impair its health. It is believed that with this substantial improvement of its river front the capital would be, in all respects, one of the most attractive cities in the world. Aside from its permanent the most attractive cities in the world. Aside from its permanent population, this city is necessarily the place of residence of persons from every section of the country, engaged in the public service. Many others reside here temporarily, for the transaction of business with the Government. It should not be forgotten that the land acquired will probably be worth the cost of reclaiming it, and that the navigation of the river will be greatly improved. I therefore again invite the attention of Congress to the importance of prompt provision for this much-needed and too long-delayed improvement.

The water supply of the city is inadequate. In addition to the ordinary use throughout the city is inadequate.

The water supply of the city is inadequate. In addition to the ordinary use throughout the city, the consumption by Government is necessarily very great in the navy-yard, arsenal, and the various Departments, and a large quantity is required for the proper preservation of the numerous parks and the cleansing of sewers. I recommend that this subject receive the early attention of Congress, and that, in making provision for an increased supply, such means be adopted as will have in view the future growth of the city. Temporary expedients for such a purpose cannot but be wasteful of money, and therefore unwise. A more ample reservoir, with corresponding facilities for keeping it filled, should, in my judgment, be constructed. I commend again to the attention of Congress the subject of the removal from their present location of the depots of the several railroads entering the city; and I renew the recommendations of my

roads entering the city; and I renew the recommendations of my former messages in behalf of the erection of a building for the Congressional Library, the completion of the Washington Monument, and of liberal appropriations in support of the benevolent, reformatory, and penal institutions of the District.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, December 6, 1880.

The message, with the accompanying documents, was ordered to lie on the table and be printed.

REPORT OF THE SECRETARY OF THE SENATE.

The VICE-PRESIDENT laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1879, to June 30, 1880; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of the Senate communicating, in compliance with law, a statement of all property belonging to the United States in his possession on this day; which was ordered to lie on the table and be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate the report of the

clerk of the Court of Claims, communicating, in obedience to law, a statement of all judgments rendered by that court during the year ending November 4, 1880; which was ordered to lie on the table and

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Attorney-General, in answer to Senate resolution of June 15, 1880, relative to the disbursements of the appropriations annually provided for that Department; which was ordered to lie on the table and be

LIBRARY BUILDING.

Mr. VOORHEES presented a letter from the Architect of the United States Capitol, transmitting a report of the commission appointed by the joint select committee on additional accommodations for the Library of Congress; which, with the accompanying papers, was referred to the joint select committee on additional accommodations for the Library of Congress, and ordered to be printed. On motion of Mr. WALLACE, the Senate (at three o'clock p. m.)

adjourned.

HOUSE OF REPRESENTATIVES.

Monday, December 6, 1880.

This being the day designated by the Constitution, the members of the House of Representatives of the Forty-sixth Congress assembled in their Hall for their third session. At twelve o'clock m. the Speaker, Hon. Samuel J. Randall, a Representative from the State of Pennsylvania, called the House to order.

PRAYER.

The Chaplain, Rev. W. P. HARRISON, D. D., offered the following

Almighty God, our heavenly Father, we thank Thee that Thou hast permitted so many of Thy servants, the representatives of the people, to assemble in this House this day. Thou hast graciously blessed them and preserved them in life and health. May it please Thee to continue unto them every blessing of Thy good providence, and direct them with the spirit of wisdom, that all their actions may promote the prosperity of our common country.

May the Divine blessing abide upon the President and the Vice-President, upon all the officers of the Government and upon all our people. May they fear God, and mayest Thou continue every blessing of the heaven above and of the earth beneath unto them. And to Thy name be all praise for ever and ever, through Christ Jesus our Redeemer. Amen.

our Redeemer. Amen.

CALL OF THE ROLL.

The SPEAKER. This being the time fixed by the Constitution for the opening of the third session of the Forty-sixth Congress, the Clerk will now call the roll of members by States, to ascertain whether a quorum be present. He will also call the names of the Delegates from the several Territories.

The roll was then called, and the following members answered to-

their names:

Thomas H. Herndon Hilary A. Herbert. William J. Samford, Charles M. Shelley.

Poindexter Dunn. William F. Slemons.

Horace Davis. Horace F. Page.

Joseph R. Hawley. James Phelps.

John C. Nicholls. Philip Cook. N. J. Hammond. James H. Blount.

William Aldrich. William Aldrich.
George R. Davis.
Hiram Barber.
John C. Sherwin.
Robert M. A. Hawk.
Thomas J. Henderson.
Philip C. Hayes.
Greenbury L. Fort.
Thomas A. Boyd.

William Heilman. Thomas R. Cobb. George A. Bicknell. Jeptha D. New. Thomas M. Browne. William R. Myers.

ALABAMA.
Thomas Williams.
William H. Forney.
William M. Lowe.

ARKANSAS.

Jordan E. Cravens. Thomas M. Gunter.

CALIFORNIA.

Campbell P. Berry. Romualdo Pacheco.

COLORADO. James B. Belford. CONNECTICUT.

John T. Wait. Frederick Miles.

DELAWARE. Edward L. Martin.

GEORGIA.

William H. Felton. Alexander H. Stephens. Emory Speer.

ILLINOIS.

Benjamin F. Marsh. James W. Singleton. William M. Springer. Adlai E. Stevenson. Joseph G. Cannon. Albert P. Forsythe. William A. J. Sparks. Richard W. Townshend.

INDIANA.

Gilbert De La Matyr. . Abram J. Hostetler. Godlove S. Orth. William A. Calkins. Calvin Cowgill. John H. Baker.

Hiram Price. Thomas Updegraff. Nathaniel C. Deering. William G. Thompson.

John A. Anderson. Dudley C. Haskell.

Oscar Turner. James A. McKenzie. John W. Caldwell. J. Proctor Knott. Albert S. Willis.

Randall L. Gibson. E. John Ellis.

Thomas B. Reed. William B. Frye. Stephen D. Lindsey.

Daniel M. Henry. J. Frederick C. Talbott. William Kimmel.

William W. Crapo. Benjamin W. Harris. Walbridge A. Field. George B. Loring. William A. Russell.

John S. Newberry, Edwin Willits. Jonas H. McGowan, Julius C. Burrows, John W. Stone.

Mark H. Dunnell. Henry Poehler.

Van H. Manning. H. D. Money. H. L. Muldrow.

Brastus Wells. Lowndes H. Davis. Richard P. Bland. John F. Phillips. Samuel L. Sawyer.

Joshua G. Hall.

George M. Robeson. Hezekiah B. Smith. Miles Ross.

James W. Covert.
Simeon B. Chittendeo.
Archibald M. Bliss.
Samuel S. Cox.
Edwin Einstein.
Anson G. McCook.
Fernando Wood.
Levi P. Morton.
John H. Ketcham.
William Lounsbery.
John M. Bailey.
John Hammond.

Joseph J. Martin. Daniel L. Russell. Alfred M. Scales.

Benjamin Butterworth.
Thomas L. Young.
J. Warren Keifer.
Benjamin Le Fevre.
William D. Hill.
Frank H. Hurd.
Bbenezer B. Finley.
George L. Converse.

Henry H. Bingham.
Charles O'Neili.
Samuel J. Randall.
William D. Kelley.
Alfred C. Harmer.
William Ward.
Frank E. Beltzhoover.
Morgan R. Wise.
Russell Errett.
Thomas M. Bayne.

Nelson W. Aldrich.

John S. Richardson. D. Wyatt Aiken.

IOWA.

James B. Weaver. Edward H. Gillette. William F. Sapp. Cyrus C. Carpenter.

KANSAS.

Thomas Rvan.

KENTUCKY

John G. Carlisle. Joseph C. S. Blackburn Philip B. Thompson, jr. Thomas Turner. Elijah C. Phister.

LOUISIANA.

Joseph H. Acklen.

MAINE.

George W. Ladd Thompson H. Murch

MARYLAND.

Robert M. McLane. Eli J. Henkle. Milton G. Urner.

MASSACHUSETTS.

William Claffin. William W. Rice. Amasa Norcross. George D. Robinson.

MICHIGAN.

Mark S. Brewer. Omar D. Conger. Roswell G. Horr. Jay A. Hubbell.

MINNESOTA.

William D. Washburn.

MISSISSIPPI.

O. R. Singleton. C. E. Hooker.

MISSOUPI.

Gideon F. Rothwell. John B. Clark, jr. William H. Hatch. Aylett H. Buckner.

NEBRASKA. Edward K. Valentine

NEVADA. Rellin M. Daggett.

NEW HAMPSHIRE.

James F. Briggs.

NEW JERSEY.

John L. Blake. Lewis A. Brigham.

NEW YORK

K.
John H. Starin.
David Wilber.
Warner Miller.
Cyrus D. Prescott.
Joseph Mason.
Frank Hisoock.
Elbridge G. Laphara.
Jeremiah W. Dwight.
David P. Richardson.
John Van Voorhis.
Henry Van Aernam.

NORTH CAROLINA.

R. F. Armfield. Robert B. Vance.

OHIO.

Henry S. Neal.
A. J. Warner.
Gibson Atherton.
George W. Geddes.
William McKinley, jr.
James Monroe.
Jonathan T. Updegraff.
Amos Townsend.

OREGON.

John Whiteaker.

PENNSYLVANIA

MIA.
Hiester Clymer.
A. Herr Smith.
Reuben K. Bachman.
Robert Klotz.
Edward Overton, jr.
Alexander H. Coffroth.
William S. Shalleaberger.
Harry White.
Samuel B. Diok.
J. H. Osmer.

RHODE ISLAND.

Latimer W. Ballon.

SOUTH CAROLINA. John H. Evins. George D. Tillman. TENNESSEE. John F. House. W. C. Whitthorne C. B. Simonton.

R. L. Taylor. L. C. Houk. George G. Dibrell. John M. Bright.

John H. Reagan. R. Q. Mills.

Charles II. Joyce.

TEXAS.

G. W. Jones. Columbus Upson.

VERMONT.

James M. Tvier.

VIRGINIA

R. L. T. Beale. John Goode, John R. Tucker. John T. Harris. Joseph E. Johnston. George C. Cabell. Eppa Hunton. James B. Richmond.

WEST VIRGINIA.

John E. Kenna

Benjamin Wilson. Benjamin F. Martin.

WISCONSIN.

Lucian B. Caswell. Peter V. Deuster. Herman L. Humphrey. Thaddeus C. Pound.

The following Delegates answered to their names:

DAKOTA. G. G. Bennett. TDAHO. George Ainslie.

NEW MEXICO. M. S. Otero. UTAH. George Q. Cannon.

WASHINGTON.

Thomas H. Brents.

The SPEAKER. The roll-call develops the fact that two hundred and thirty-five members have answered to their names, and a quorum

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Burch, its Secretary, informed the House that a quorum of that body had assembled and was ready to proceed to business

It further announced the passage of a resolution providing for the appointment of a committee on its part to join such committee as may be appointed on the part of the House to wait upon the President and inform him a quorum of each House had assembled and that Congress was ready to receive any communication he may be pleased to make, and that Mr. BAYARD and Mr. ANTHONY had been appointed as such committee on its part.

MEMBER-ELECT FROM NEW YORK.

Mr. COX. I rise to a question of privilege. I hold in my hands the credentials of Hon. Jonathan Scoville, member-elect from the State of New York to this Congress, who is now present and ready to take the oath.

The SPEAKER. The Chair is advised there are several members holding certificates of election to the present Congress; and, if present, they will be kind enough to forward their credentials, which

The Clerk will now read the credentials indicated by the gentle-

man from New York.

The credentials having been read, Mr. Scoville, from the thirty-second district of New York, to fill the vacancy occasioned by the resignation of Mr. Ray V. Pierce, then presented himself at the Clerk's desk and qualified by taking the oath provided by section 1756 of the Revised Statutes.

NOTIFICATION TO THE SENATE.

Mr. FERNANDO WOOD submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. BLOUNT submitted the following resolution:

Resolved, That a committee of three be appointed on the part of the House to join the committee on the part of the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses have assembled and that Congress is ready to receive any communication he may be pleased to make

The resolution was agreed to.

The SPEAKER appointed as members of the committee on the part of the House, Mr. BLOUNT of Georgia, Mr. Kelley of Pennsylvania, and Mr. SINGLETON of Illinois.

ORDER OF BUSINESS.

The SPEAKER. The next business in order under the rules, this The SPEAKER. The next ousness in order under the rules, this being Monday, will be the call of States and Territories for the introduction of bills and joint resolutions on leave, for reference to their appropriate committees. Under this call joint resolutions and memorials of State and territorial Legislatures are in order, for reference and printing; also resolutions calling for departmental information, to be referred to their appropriate committees.

VASHINGTON CITY STREET RAILWAY COMPANY.

Mr. FORNEY introduced a bill (H. R. No. 6494) to incorporate the Washington City Street Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BONDS BY MARSHALS IN CERTAIN CASES.

Mr. HERBERT introduced a bill (H. R. No. 6495) to allow marshals and deputy marshals to take bonds in certain cases, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADDITIONAL JUSTICES SUPREME COURT.

Mr. SPRINGER introduced a bill (H. R. No. 6496) for the temporary increase of justices of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRESIDENTIAL AND CONGRESSIONAL ELECTIONS.

Mr. SPRINGER also introduced a bill (H. R. No. 6497) to change the time for the election of electors of President and Vice-President and of Representatives in Congress; which was read a first and second time, referred to the Committee on Elections, and ordered to be

ESTHER P. FOX.

Mr. SPRINGER also introduced a bill (H. R. No. 6498) to amend the special act of March 3, 1877, entitled "An act granting a pension to Esther P. Fox;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNMAILABLE MATTER IN WASHINGTON CITY POST-OFFICE.

Mr. CALKINS introduced the following resolution of inquiry; which was referred to the Committee on the Post-Office and Post-Roads:

Whereas it is alleged that there are in the city post-office at Washington, District of Columbia, certain bags of mail matter which are there detained for the want of postage; and

Whereas it is alleged that they were attempted to be sent under frank, and did not contain matter which could properly be sent through the mails under the franking privilege: Therefore,

Resolved. That the Postmaster-General be, and he is hereby, requested, if not incompatible with the interests of the public service, to report to this House as soon as practicable all the facts relating to the receipt and detention of said mail matter by the postmaster of Washington City.

SARAH M'DONALD.

Mr. HASKELL introduced a bill (H. R. No. 6499) for the relief of Sarah McDonald; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. GIBSON introduced a bill (H. R. No. 6500) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FIDELITY COMPANY, DISTRICT OF COLUMBIA.

Mr. HENKLE introduced a bill (H. R. No. 6501) to incorporate the United States Fidelity Guarantee Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RELIEF OF MACON CITY (MISSOURI) CATHOLIC CHURCH.

Mr. HATCH introduced a bill (H. R. No. 6502) making an appropriation to reimburse the Catholic church, of Macon City, in the State of Missouri, for the use and occupation of their church building by United States troops during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROMOTIONS IN MARINE CORPS.

Mr. BLISS introduced a bill (H. R. No. 6503) to regulate appointments and promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DAVID W. JONES.

Mr. MORTON introduced a bill (H. R. No. 6504) for the relief of David W. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHINESE IMMIGRATION, ETC.

Mr. COX introduced the following resolution of inquiry; which was referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House any correspondence and treaties with the Empire of China having reference to immigration and commerce between the two countries.

VOID REGISTRATION OF TRADE-MARKS.

Mr. COX also introduced a bill (H. R. No. 6505) to provide for refunding of fees in all cases of void registration of trade-marks; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORGANIZATION OF MILITIA.

Mr. BAILEY introduced a bill (H. R. No. 6506) providing for the organization of the militia of the United States; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

THE TARIFF.

Mr. HURD introduced a joint resolution (H. R. No. 334) relating to the tariff; which was read a first time by its title.

Mr. HURD. I ask that the joint resolution be read at length, and that it be referred to the Committee on Ways and Means.

The joint resolution was read the second time at length.

Mr. CONGER. I ask that the title of this resolution, or whatever the paper is termed, be read. The Clerk read the title, as follows:

A joint resolution relating to the tariff.

Mr. CONGER. What is the reference that is proposed?

The SPEAKER. The joint resolution is introduced for reference to the Committee on Ways and Means.

Mr. CONGER. I only heard the closing part of the paper read, and I supposed it was something different from a resolution. I would be anxious to inquire in what town in Pennsylvania that paper has been discussed

The SPEAKER. The Chair is unable to answer that question, having heard the resolution now for the first time.

Mr. ROBESON (to Mr. CONGER.) You think that is a "local"

question. The joint resolution was referred to the Committee on Ways and

Means and ordered to be printed.

SECTION 153 REVISED STATUTES.

Mr. CONVERSE introduced a bill (H. R. No. 6507) to amend section 153 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENNSYLVANIA NATIONAL GUARD.

Mr. O'NEILL introduced a joint resolution (H. R. No. 335) authorizing the Secretary of War to exchange the arms of the National Guard of the State of Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENT TO GENERAL LA FAYETTE.

Mr. WARD introduced a bill (H. R. No. 6508) providing for the erection of a monument in memory of General La Fayette on the field of the battle of Brandywine, in the State of Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN PEDLOW.

Mr. WARD also introduced a bill (H. R. No. 6509) making an appropriation to repay John Pedlow for moneys lost or stolen in the United States mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATHARINE HALL

Mr. WARD also introduced a bill (H. R. No. 6510) granting a pension to Catharine Hall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WIDOW AND CHILDREN OF JOHN W. JUDSON.

Mr. ALDRICH, of Rhode Island, introduced a joint resolution (H. R. No. 336) for the relief of the widow and children of John W. Judson, agent of the United States at Oswego, New York, for public works on Lake Ontario; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NEWPORT HARBOR.

Mr. ALDRICH, of Rhode Island, also submitted the following resolution of inquiry; which was referred to the Committee on Com-

Resolved by the House of Representatives of the United States. That the Secretary of War is hereby requested to communicate to the House of Representatives information as to the present condition of Newport Harbor, Rhode Island, and what work is necessary to be done to make the harbor available for the purposes of commerce, with an estimate of the cost of the requisite dredging or other work.

MARY GODSEY.

Mr. DIBRELL introduced a bill (H. R. No. 6511) granting arrears a pension to Mary Godsey, of Meigs County, Tennessee; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AGENTS INVESTIGATING SOUTHERN CLAIMS.

Mr. DIBRELL also submitted the following resolution of inquiry; which was referred to the Committee on War Claims:

Resolved. That the Quartermaster-General of the United States Army be, and he is hereby, requested to furnish to this House, at the earliest day practicable, a list of the agents in the employ of that department investigating southern claims, with the salary and expenses of each agent per annum, and the average number of claims investigated by each agent per annum.

YORKTOWN CENTENNIAL CELEBRATION.

Mr. GOODE introduced a joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis and the British forces at Yorktown, Virginia; which was read a first and second time, referred to the Select Committee on Yorktown Celebration, and ordered to be printed.

ADMISSION OF DAKOTA AS A STATE.

Mr. BENNETT introduced a bill (H. R. No. 6512) to enable the people of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with

the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions has been completed. The Chair will now recognize gentlemen who were not in their seats at the time their States were called for the introduction of bills, &c., for reference and printing.

NATIONAL RAILWAY FROM NEW YORK TO COUNCIL BLUFFS.

Mr. GILLETTE submitted the following; which was read, and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish this House, at as early a day as practicable, from such information as he has at hand, an estimate of the cost of a double track steel railway to run from New York City, New York, to Council Bluffs, Iowa, the terminus of the Union Pacific Railroad, the road to be thoroughly built and properly equipped for a great national and military highway.

DISEASES OF CATTLE.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 6513) to provide for the prevention and suppression of infectious and contagious diseases of domesticated animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be

Mr. FERNANDO WOOD. I move that the House now take a recess for thirty minutes.

The motion was agreed to; and accordingly (at one o'clock and five

minutes p. m.) the House took a recess.

The recess having expired, the House resumed its session at one o'clock and thirty-five minutes p. m.

MESSAGE FROM THE PRESIDENT.

Mr. BLOUNT, Mr. Speaker, the committee on the part of the House, appointed to act with a similar committee on the part of the Senate, to wait upon the President and inform him that the two Houses were ready to receive any communication he might desire to make, have discharged that duty and were informed by the President that his annual message would be forthwith transmitted to Congress.

ELECTORAL COUNT.

Mr. BICKNELL. I desire to ask if it would now be in order to call up the concurrent resolution of the Senate in reference to a joint rule for counting the electoral vote for President and Vice-President? The consideration of that resolution was, by order of the House, fixed for

The SPEAKER. The Chair learns, by reference to the Calendar, that the consideration of the concurrent resolution, to which allusion is made by the gentleman from Indiana, [Mr. BICKNELL,] was fixed

for to-day.

Mr. BICKNELL. If in order, I would like to call it up now.

Mr. KEIFER. For what purpose is it to be called up now? For

Mr. BICKNELL. For the purpose of having a vote upon it.
Mr. KEIFER. I desire to submit some remarks upon that subject before a vote is taken.

Mr. CONGER. I suppose—

The SPEAKER. The Chair desires to state that he is advised that

this is not a continuing order.

Mr. CONGER. I suppose that the rule requiring business coming over from the last session to be taken up at the end of six days would cover this case, if objection is made to the present consideration of

this subject.

The SPEAKER. This is a fixed order for to-day by action of the House in June last, not in the nature of unfinished business as provided for under Rule XXVII of the House, and also the joint rule. Business will be suspended to receive a message from the President.

MESSAGE FROM THE PRESIDENT.

A message in writing, with accompanying documents, from the President of the United States was communicated to the House by

Mr. Rogers, his private secretary.

The SPEAKER. The Clerk will now read the message just received from the President of the United States.

The Clerk read the annual message.
[It will be found in the proceedings of the Senate, page 2.]
Mr. FERNANDO WOOD submitted the following; which was read,

considered, and agreed to: Ordered, That the message of the President be committed to the Committee of the Whole House on the state of the Union and, with the accompanying docu-

ments, printed. Mr. FERNANDO WOOD also submitted the following resolution;

which was referred, under the law, to the Committee on Printing:

Resolved, That there be printed — thousand extra copies of the President's annual message for the use of the House.

COUNTING THE ELECTORAL VOTE.

The SPEAKER. The gentleman from Indiana [Mr. BICKNELL] was on the floor when the message of the President was received, and yielded to permit the reading of the same.

Mr. BICKNELL. I move to take up the concurrent resolution of

the Senate which was under consideration before—the resolution reg-

the Senate which was under consideration before—the resolution regulating the count of the electoral vote.

Mr. PRICE. I make a point of order on that. Mr. WEAVER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] will state his parliamentary inquiry. The Chair will thereafter hear the point of order of the gentleman from Iowa, [Mr. PRICE.]

Mr. WEAVER. I believe the gentleman from Indiana cannot take the floor for the purpose indicated, and thereby deprive members of the opportunity to offer resolutions under a motion to suspend the rules, that being a special right designated by the rules to be ever. rules, that being a special right designated by the rules to be exercised at this time.

The SPEAKER. The House on the 14th day of last June expressed an indisposition to consider then this concurrent resolution, but by a yea and nay vote indicated this as the day on which it would consider the resolution. In view of that vote the Chair felt it his duty to give the gentleman from Indiana the opportunity of placing this concurrent resolution with reference to the electoral count in such an attitude before the House as that it should receive at some reasonable

attitude before the House as that it should receive at some reasonable time consideration. The Chair based his recognition of the gentleman from Indiana because of this vote of the House.

Mr. CONGER. I desire to say on this point that the motion agreed to by the House was to postpone the resolution until to-day. The record speaks of making it a special order; but that of course would require a two-thirds vote, though the motion was made, or so stated by the Chair, to postpone the subject and make it a special order.

The SPEAKER. The Chair, upon an examination of the Calendar, finds no mention there of making the resolution a special order. The

finds no mention there of making the resolution a special order. The question that arises (which the Chair does not now decide) is whether this resolution is a question of privilege?

Mr. CONGER. That point does not now arise. But certainly post-

Mr. CONGER. That point does not now arise. But certainly postponing the resolution until to-day would simply postpone it subject
to the rules regulating business to day; and this kind of business
does not come up in this order to-day.

Mr. COX. I call for the reading of the order.
The SPEAKER. The Chair thinks the House will better understand the position of the question if the order be read.
The Clerk read as follows:

The regular order being demanded, the Speaker stated the same to be the concurrent resolution of the Senate proposing a joint rule for counting the votes of electors for President and Vice-President, pending when the House last adjourned, the pending question being the demand of Mr. BICKNELL for the previous question thereou;

the pending quantitation of the House.

And being put,
No quorum voted thereon.
On motion of Mr. Bicknell.
Ordered, That there be a call of the House.
The roll having been called, the following named members falled to answer to their names, namely, On motion of Mr. Bicknell, all further proceedings under the call were dis-pensed with.

The question recurring on the demand of Mr. Bicknell for the previous ques-

The question recurring on the demand of Mr. BICKNELL for the previous question;
When,
No quorum voted thereon.
And then,
Mr. BICKNELL withdrew the Paid demand and moved that the further consideration of the said resolution be postponed until the first Monday in December, immediately after the morning hour.
Mr. BICKNELL demanded the previous question; which was seconded and the wair question ordered.

main question ordered.
And being put, namely,
Will the House agree to the said motion?
It was decided in the affirmative; yeas 90, nays 75, not voting 127.

Mr. CONGER. Now, Mr. Speaker, the RECORD as printed has not been corrected to correspond with the statement of the Journal. The Journal, as I understand, states correctly that this resolution was simply postponed until to-day; but in the RECORD it is said that the resolution has been made a special order. To make it a special order would of course have required a two-thirds vote, and there having been no such vote it cannot have been properly stated in the RECORD

that the resolution was made a special order.

The SPEAKER. The gentleman from Iowa [Mr. Weaver] raises the point of order that this is the time fixed by the rules for motions to suspend the rules, and that such a motion would take the gentle-man from Indiana off the floor. If the gentleman was properly rec-ognized, and the matter was up, the question of consideration could be raised, and it would only require a majority vote to refuse to consider. It seems to the Chair the motion to suspend the rules should have to-day equal force with a majority vote in the House. The Chair recognizes the right of a member to move to suspend the rules as be-

ing to-day of higher order by the rules.

Mr. PRICE. That is just what I make and that is the one in reference to which I arose to make the point of order.

The SPEAKER. The Chair thinks the House had better permit this question to lie over until to-morrow, or some day later in the week, so as to afford opportunity to him to examine fully as to the point of order whether this is a privileged question growing out of the requirements of the twelfth article of the Constitution of the United States for counting the electoral vote.

Mr. COX. Is this a continuing order?

The SPEAKER. It is not; and that is the difficulty. If the House

should permit this to have the characteristic of a continuing order,

Mr. CONGER. Our objection is decided against the course which the Chair has suggested. We do not wish to have any continuing

order.

The SPEAKER. Is the gentleman from Michigan unwilling to have this go over without loss of right for a single day so as to give the Chair the opportunity to examine the point of order as to whether this is a privileged question growing out of the requirements of the twelfth article of the Constitution of the United States?

Mr. CONGER. In our point of view no advantage could accrue to the friends of this resolution if we did so permit. It would stand as to-day with the disadvantage on our part of laboring for a whole day to defeat what we can now do in an hour or half an hour.

Mr. COX. Then give us a vote on it.

Mr. COX. Then give us a vote on it.
Mr. CONGER. No.
The SPEAKER. The Chair could decide that point now if it is

Mr. ROBESON. Will the Chair permit me to ask him a question?
The SPEAKER. Certainly. The Chair does not wish to decide until after reflection and further examination.

until after reflection and further examination.

Mr. ROBESON. Will the Chair permit a question?

The SPEAKER. Certainly.

Mr. ROBESON. If the Chair decides it to be a privileged question, can not it be brought up at any time?

The SPEAKER. The Chair would like in that connection to have read a decision on an analogous proposition.

Mr. ROBESON. If it be not a privileged question, it is not necessary for the Chair to take time to consider it. If it is a privileged question, the Chair can rule on it.

question, the Chair can rule on it.

Mr. SPARKS. It is not a continuing order.

Mr. ROBESON. But if it is a question of high privilege it will come up

Mr. SPARKS. The Chair wants it to pass over with that privilege,

and that only.

The SPEAKER. The Chair would have preferred that the House take the matter into its own charge instead of requiring him to make a decision. The Clerk will now read for the information of the House law the present occupant of the chair. a former decision made by the present occupant of the chair.

The Clerk read as follows:

TUESDAY, February 27, 1877.

Mr. Field, from the Select Committee on the Privileges, Powers, and Duties of the House of Representatives in Counting the Vote for President and Vice-President of the United States, reported a bill (H. R. No. 4893) to amend the Revised Statutes of the United States in respect to vacancies in the office of President and Vice-President, and demanded the previous question thereon.

Mr. Horatio C. Burchard made the point of order that the committee had no authority to report the said bill.

The Speaker overruled the point of order, on the ground that the resolution creating the said committee authorized it "to ascertain and report what are the privileges, powers, and duties of the House of Representatives in counting the votes for President and Vice-President of the United States," and also gave the committee the right to report at any time. The Speaker further stated that he could not conceive of a question of higher constitutional and parliamentary privilege than was involved in the bill under consideration, and he therefore held the bill to be in order at this time.

Mr. CONGER. The Chair will recollect the right of the committee.

Mr. CONGER. The Chair will recollect the right of the committee to report at any time made by the decision on the question of privilege, as remarked by gentlemen on the floor at that time, was of no importance then. The decision which was made was not necessary to settle that question then. It came by virtue of the right and power of the committee to report at any time without any reference to the

question of privilege.

The SPEAKER. The twelfth article of the Constitution provides that the two Houses of Congress shall count the electoral vote, which

is according to past practice.

Mr. ROBESON. It does not. I beg your pardon. [Cries of "No" from the republican side of the House.] It does not. That is just where we differ.

Mr. COX. Has the Chair ruled this is a question of privilege to

come up to-morrow?

The SPEAKER. If the point of order is made, the Chair will rule.

Mr. CONGER. How can that question be ruled on now? In regard to the matter before the House, here is a simple postponement of a

matter of business till to-day—

The SPEAKER. The Chair thinks the House understood what they wanted to do when they voted by a yea-and-nay vote to postpone the consideration of this subject till to-day.

Mr. CONGER. The postponement is simply a question whether the House desired to consider it, if it be indefinite at all, or if to a day certain, to get rid of it for the time being. It gives it no privilege whatever. The House wanted to get rid of the question and they put whatever. The House wanted to get rid of the question and they put it off past the recess, and to-day it stands here because it was post-poned till to-day. But the rules forbid this being taken up. The SPEAKER. Privileged questions are capable of being post-

Mr. CONGER. But they cannot come in on a Monday in this way.
The SPEAKER. The Chair has ruled, on the suggestion of the gentleman from Iowa, that a motion to suspend the rules would at this time interrupt the consideration of this subject.
Mr. PRICE. I move to suspend the rules and offer the following bill.

The SPEAKER. The question of consideration can be raised and I

determined by a majority vote; and certainly if two-thirds are willing to suspend the rules, then that vote should in like manner interrupt the consideration of the resolution. The Chair, in the spirit of a fair consideration of this subject, suggested to the House to permit this matter to have attached to it the characteristic of a continuing this matter to have attached to it the characteristic of a continuing order. If the House refuse to do that, then the gentleman from Indiana will be driven, of course, to claim the consideration of this subject as a question of privilege, and when he does the Chair will be ready to decide it.

Mr. BICKNELL. Then I will claim that privilege now.

Mr. CONGER. I move that the House adjourn.

Mr. COX. If this question is to come up to-morrow, then I will move that the House now adjourn.

The SPEAKER. The gentleman from Michigan moves that the House adjourn, pending which the gentleman from New Hampshire [Mr. BRIGGS] desires to be recognized.

Mr. COX. I made an inquiry of the Chair which I would like to have answered. I desire to know if the Chair would recognize this question to-morrow; if so, I will move to adjourn now.

The SPEAKER. If the point be raised and the claim made that this presents a question of privilege, and the point of order is made against it, the Chair will then decide.

Mr. BICKNELL. I do claim that it presents a question of privilege. Mr. CONGER. I have already moved that the House adjourn.

Mr. WEAVER. The motion to adjourn is not in order while the gentleman from Indiana is on the floor.

gentleman from Indiana is on the floor.

The SPEAKER. One motion to adjourn pending a motion to suspend the rules is in order under the rules.

Mr. BICKNELL. I ask that the question of privilege be decided

Mr. CONGER. I have not withdrawn the motion to adjourn.

The SPEAKER. Pending that motion to adjourn, the gentleman from Indiana desires to make this inquiry as to whether this matter

presents a question of privilege or not.

Mr. CONGER. Prior to that I made the motion to adjourn.

The SPEAKER. It is not material whether the motion to adjourn comes before or after the point of order. The motion to adjourn will

Mr. CONGER. It is important for the reason that this question might otherwise be regarded as pending when the House adjourned, and that would give the matter a status which I do not wish it to I therefore ask that the motion to adjourn which I have made be considered in its proper order.

The SPEAKER. That is the gentleman's right, if he insists, and the point of order will have to be made anew.

DEATH OF HON. EVARTS W. FARR.

Mr. BRIGGS. I ask the gentleman from Michigan to yield to me for a moment to introduce a resolution.

The SPEAKER. The Chair is advised that the gentleman from New Hampshire desires to announce the death of his late colleague,

Mr. FARR.

Mr. CONGER. I have no objection to yielding for that purpose.

Mr. BRIGGS. Mr. Speaker, it becomes my painful duty to announce the death of my late colleague, Hon. Evarts W. Farr, and I desire to present the following resolutions in connection therewith.

I wish also to give notice that at some future day I will ask to present the customary resolutions, in order that appropriate remarks may be heard in relation to the life and services of the deceased.

The SPEAKER. The resolutions proposed by the gentleman from New Hampshire will be read.

The Clerk read as follows:

Resolved, That this House has heard with sincere regret the announcement of the death of Hon. Evarts W. Farr, late a Representative from the State of New Hampshire, and a member-elect to the Forty-seventh Congress from said State.

Resolved, That the Clerk of the House be directed to communicate the foregoing resolution to the Senate.

Resolved, That as a further mark of respect to the deceased this House do now address.

The resolutions were agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of the Rhode Island Catholic Beneficial Association and Saint Mary's and Saint John's Catholic Beneficial Associations, for the amendment of the bill (H. R. No. 4200) in relation to the amendment of the bill.

Catholic Beneficial Associations, for the amendment of the bill (H. K. No. 4399) in relation to the appointment of chaplains in the Army—to the Committee on Military Affairs.

Also, the petitions of Governor A. H. Littlefield and others, of Newport and Wickford Railroad and Steamboat Company and others, of Old Colony Steamboat Company and others, and of Charles C. Vanzandt and others, for the improvement of Newport Harbor—to the Committee on Commerce. Committee on Commerce.

By Mr. BICKNELL: Papers relating to the claim of Captain W. C. Hall for reimbursement of moneys expended for the United States

to the Committee on Claims.

Also, the petition of Elizabeth Whitesides, for a pension—to the Committee on Invalid Pensions. By Mr. BLAKE: The petition of Robert B. Harris and others, cen-

sus enumerators of Essex County, New Jersey, for increase of compensation—to the Committee on the Census.

By Mr. CHITTENDEN: The petition of Theodore D. Woolsey and others, representing the industries connected with the book and printing trade, for the passage of a bill extending the privileges of copyright in the United States to foreign authors, composers, and

Also, the petition of survivors of Farragut's fleet and Porter's fleet, for arrears of prize-money—to the Committee on Naval Affairs.

By Mr. DIBRELL: A bill to continue the improvement of the Caney Fork River, in Tennessee—to the Committee on Commerce.

Also, a bill to continue the improvement on the Hiwassee River, in Tennessee-to the same committee.

Also, a bill to continue the improvement of the Tennessee River at

Muscle Shoals—to the same committee.

By Mr. FORNEY: A bill making an appropriation to continue the improvement of the Tennessee River in the States of Alabama and Tennessee—to the same committee.

Also, a bill making an appropriation to continue the work on the Coosa River in the States of Alabama and Georgia—to the same committee

By Mr. HARMER: The petition of Charles Bowen, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill making an appropriation for the improve-

By Mr. HATCH: A bill making an appropriation for the improvement of the Mississippi River at and near the mouth of the Wyaconda River and above the city of La Grange, in the county of Lewis, in the State of Missonri—to the Committee on Commerce.

Also, a bill making an appropriation to complete the improvement of the Mississippi River at and above Alexandria, in the State of Missouri—to the same committee.

Also, a bill making an appropriation to complete the improvement of the channel of the Mississippi River so as to restore and preserve the harbor of the city of Hannibal, in the State of Missouri—to the same committee. same committee

By Mr. JOYCE: The petition of the National Association for the Relief of Destitute Colored Women and Children, for an appropriation in aid of said association—to the Committee on Appropriations.

By Mr. KETCHAM: The petition of Caroline Lauffer, for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: The petition of 2,532 citizens of Muscatine and Louisa Counties, Iowa, for an appropriation to prevent the overflow of Muscatine Island by the Mississippi River—to the Committee on Commerce.

By Mr. SPRINGER: The petition of Esther P. Fox, for an increase

of pension—to the Committee on Pensions.

By Mr. UPSON: A bill to improve Aransas Pass, on the coast of Texas—to the Committee on Commerce.

Also, a bill to improve Pass Brazos, Santiago, on the coast of Texas—

to the same committee.

Also, a bill to improve Pass Cavello, on the coast of Texas-to the

same committee.

By Mr. VANCE: The petition of Theodore D. Woolsey and others, representing the industries connected with the book and printing trade, for the passage of a bill extending the privilege of copyright in the United States to foreign authors, composers, and designers—to the Committee on the Library.

By Mr. WHITE: A bill making appropriations, for the improvement of the Red Bank, in Pennsylvania, according to the estimate of the Engineer department of the United States Army—to the Committee on Commerce.

Also, a bill making appropriation.

Also, a bill making appropriations, according to the estimates of the Chief of Engineers of the United States Army, for continuing the improvement of the Allegheny River, in Pennsylvania—to the same committee

By Mr. WILSON: A bill to continue and extend the improvement of the Little Kanawha River, in West Virginia—to the same com-

mittee.

IN SENATE.

Tuesday, December 7, 1880.

NEWTON BOOTH, a Senator from the State of California; WILLIAM W. EATON, a Senator from the State of Connecticut; DAVID DAVIS, a Senator from the State of Illinois; PRESTON B. PLUMD, a Senator from the State of Illinois; PRESTON B. PLUMD, a Senator from the State of North Carolina; JAMES DONALD CAMERON, a Senator from the State of Pennsylvania; and ROBERT E. WITHERS, a Senator from the State of Pennsylvania; and ROBERT E. WITHERS, a Senator from the State

of Virginia, appeared in their seats to-day.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEES OF THE SENATE.

On motion of Mr. WALLACE, it was

Ordered, That so much of the forty-sixth rule of the Senate as requires the appointment of the standing and other committees of the Senate to be made by ballot be suspended.

Mr. WALLACE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the standing committees of the Senate as constituted at last session be revived and continued for this session, and that Mr. Pugh, of Alabama, be assigned to the places thereon made vacant by the retirement of Mr. Pryor; Mr. Blair on Pensions in lieu of Mr. Ingalis; and Mr. Blair on Education and Labor in lieu of Mr. Sharon; and that the positions of Messrs. Ransom and Lamar on the Committee on Railroads be reversed; and that of Messrs. Lamar and Jonas on the Improvement of the Mississippi River and its Tributaries be reversed.

Mr. WALLACE also submitted the following resolution; which was considered by unanimous consent:

Resolved. That the following select committees be appointed for the present session with the powers heretofore given to each on the subjects to which they respectively relate; that is to say: To Examine the Several Branches of the Civil Service; to take into consideration the state of the law respecting the ascertaining and declaration of the result of the Elections of President and Vice-President of the United States; to inquire into frauds in late elections, with power to report as given by resolution of June 1, 1880; to investigate and report the best means of preventing the introduction and spread of epidemic diseases; on the bill (S. No. 227) to provide that the principal officer of each of the Executive Departments may occupy a seat on the floor of the Senate and House of Representatives; to make provision for taking the Teuth Census; Joint Commission on the Library; on the Freedman's Savings and Trust Company; to inquire into all claims of citizens of the United States against the government of Nicaragua; and that the membership of each of said committees be as at the last session.

Mr. BLAIR. If I caught the language of the resolution correctly, the special committee to investigate frauds in elections, of which the Senator from Pennsylvania [Mr. WALLACE] was the chairman, is dropped from the list. That committee has not completed its labors, I believe. It has taken testimony, but not reported.

Mr. WALLACE. If the Senator will permit me, he is in error. The committee is not dropped; it is revived with power, as authorized.

committee is not dropped; it is revived with power, as authorized by the resolution of June 1, to report at this session; and the com-

mittee to that extent is continued.

Mr. BLAIR. That is all right.

Mr. HOAR. Let the resolution be read again.

The resolution was read.

The resolution was agreed to.
The committees as thus constituted for the present session are as

STANDING COMMITTEES.

STANDING COMMITTEES.

On Privileges and Elections—Messrs. Saulsbury, (chairman,) Hill of Georgia, Kernan, Bailey, Vance, Pugh, Cameron of Wisconsin, Hoar, and Logan.
On Foreign Relations—Messrs. Eaton, (chairman,) Johnston, Morgan, Hill of Georgia, Pendleton, Hamlin, Conkling, Kirkwood, and Carpenter.
On Finance—Messrs. Bayard, (chairman,) Kernan, Wallace, Voorhees, Beck, Morrill, Ferry, Jones of Nevada, and Allison.
On Appropriations—Messrs. Davis of West Virginia, (chairman,) Withers, Beck, Wallace, Eaton, Windom, Allison, Blaine, and Booth.
On Commerce—Messrs. Ransom, (chairman,) Randolph, Hereford, Coke, Farley, Conkling, McMillan, Jones of Nevada, and Baldwin.
On Manufactures—Messrs. Grover, (chairman,) McPherson, Williams, Rollins, and Dawes.
On Agriculture—Messrs. Johnston, (chairman,) Davis of West Virginia, State

On Manufactures—Messrs. Grover, (chairman,) McPherson, Williams, Rollins, and Dawes.

On Agriculture—Messrs. Johnston, (chairman,) Davis of West Virginia, Slater, Brown, Paddock, Sharon, and Blair.

On Mültary Afairs—Messrs. Randolph, (chairman,) Cockrell, Maxey, Grover, Hampton, Burnside, Plumb, Cameron of Pennsylvania, and Logan.

On Naval Afairs—Messrs. McPherson, (chairman,) Whyte, Jones of Florida, Vance, Farley, Anthony, Blaine, Cameron of Pennsylvania, and Ferry.

On the Judiciary—Messrs. Thurman, (chairman,) McDonald, Bayard, Garland, Lamar, Davis of Illinois, Edmunds, Conkling, and Carpenter.

On Post-Offices and Post-Roads—Messrs. Maxey, (chairman,) Saulsbury, Bailey, Farley, Groome, Pugh, Ferry, Hamlin, and Kirkwood.

On Public Lands—Messrs. McDonald, (chairman,) Jones of Florida, Grover, McPherson, Walker, Plumb, Paddock, Booth, and Hill of Colorado, Grover, McPherson, Walker, Plumb, Paddock, Booth, and Hill of Colorado, Wilson, Ingails, Saunders, and Logan.

On Indian Afairs—Messrs. Coke, (chairman,) Pendleton, Walker, Slater, Williams, Allison, Ingalls, Saunders, and Logan.

On Persions—Messrs. Withers, (chairman,) McPherson, Groome, Call, Brown, Blair, Kellogg, Platt, and Kirkwood.

On Revolutionary Claims—Messrs. Antbony, (chairman,) Dawes, McMillan, Jones of Florida, and Hill of Georgia.

On Claims—Messrs. Cockrell, (chairman,) Hereford, Harris, Groome, Pugh, McMillan, Zameron of Wisconsin, Teller, and Hoar.

On the Districtof Columbia—Messrs. Harris, (chairman,) White, Withers, Butler, Vance, Ingalls, Rollins, McMillan, and Paddock.

On Patents—Messrs. Kernan, (chairman,) Coke, Slater, Call, Booth, Hoar, and Platt.

On Public Buildings and Grounds—Messrs. Jones of Florida, (chairman,) Sauls—

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On Patents—Messrs. Kernan, (chairman,) Coke, Slater, Call, Booth, Hoar, and Platt.

On Public Buildings and Grounds—Messrs. Jones of Florida, (chairman,) Saulsbury, Vest, Dawes, and Morrill.

On Territories—Messrs. Garland, (chairman,) Butler, Vest, Slater, Saunders, Kellogg, and Logan.

On Railroads—Messrs. Lamar, (chairman,) Ransom, Eaton, Grover, Williams, Pendleton, Jonas, Pawes, Teller, Saunders, ard Windom.

On Mines and Mining—Messrs. Hereford, (chairman,) Hampton, Vest, Farley, Cameron of Pennsylvania, Plumb, and Hill of Colorado.

On the Revision of the Laves—Messrs. Wallace, (chairman,) Kernan, Davis of Illinois, Hoar, and McMillan.

On Education and Labor—Messrs. Bailey, (chairman,) Maxey, Randolph, Lamar, Brown, Burnside, Morrill, Bruce, and Blair.

On Ciril Service and Retrenchment—Messrs. Butler, (chairman,) Whyte, Beck, Walker, Teller, Rollins, and Baldwin.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Hill of Georgia, (chairman,) Davis of West Virginia, and Jones of Nevada.

On Printing—Messrs. Whyte, (chairman,) Ransom, and Anthony.

On the Library—Messrs. Voorbees, (chairman,) Ransom, and Edmunds.

On Rules—Messrs. Morgan, (chairman,) Jones of Nevada, and Withers.

On Enrolled Bills—Messrs. Conkling, (chairman,) Jones of Nevada, and Withers.

On the Improvement of the Mississippi River and its Tributaries—Messrs. Jonas, (chairman,) Cockrell, Harris, Lamar, Blaine, Kellogg, and Bruce.

On Transportation Routes to the Seaboard—Messrs. Beck, (chairman,) Johnston, Voorbees, Hampton, Cameron of Pennsylvania, Windom, and Blair.

SELECT COMMITTEES.

SELECT COMMITTEES.

To examine the several branches of the Civil Service—Messis. Vest, (chairman,) Baton, Brown, Logan, and Hamlin.

To take into consideration the state of the law respecting the ascertaining and declaration of the Result of the Elections of President and Vice-President of the United States—Messis. Morgan, (chairman,) Bayard, Thurman, Johnston, Garland, Davis of Illinois, Edmunds, Conkling, and Teller.

To inquire into Frauds in late Elections—Messis. Wallace, (chairman,) Bailey, Garland, McDonald, Kernan, Teller, Kirkwood, Hoar, and Blair.

To investigate and report the best means of precenting the introduction and spread of Epidemic Diseases—Messis. Harris, (chairman,) Lamar, Garland, Jonas, Paddock, Sharon, and Platt.

On the bill (S. No. 227) to provide that the principal officer of each of the Executive Departments may occupy a seat on the floor of the Senate and House of Representatives—Messis. Pendleton, (chairman,) Voornees, Bayard, Butler, Farley, Conkling, Allison, Blaine, Ingalls, and Platt.

To inake provision for taking the Tenth Census—Messis. Pendleton, (chairman,) Morgan, Kernan, Harris, Davis of Illinois, Morrill, and Cameron of Wisconsin.

On the Freedman's Savings and Trust Company—Messis. Bruce, (chairman,) Cameron of Wisconsin, Brown, Withers, and Garland.

To inquire into all Claims of citizens of the United States against the Government of Nicaragua—Messis. Hamlin, (chairman,) Conkling, Kirkwood, Eaton, and Morgan.

JOINT SELECT COMMITTEE.

On additional accommodations for the Library of Congress-On the part of the Senate: Messrs. Voorhees, (chairman.) Kernan, and Morrill.

REPORT OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate the annual report The VICE-PRESIDENT land before the Senate the annual report of the Sergeant-at-Arms of the Senate, communicating, in obedience to law, a statement of property in his possession belonging to the United States December 6, 1880; which was referred to the Commit-tee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

FINANCE REPORT.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year ending June 30, 1880; which was ordered to lie on the table, and be printed.

PRELIMINARY AGRICULTURAL REPORT.

The VICE-PRESIDENT laid before the Senate the annual preliminary report of the Commissioner of Agriculture for the year 1880; which was ordered to lie on the table, and be printed.

REPORT OF PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate the twenty-eighth annual report of the Public Printer; which was ordered to lie on the table, and be printed.

REPORT OF DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate a letter of the Attorney-General, transmitting the annual report of the Department of Justice for the year ending June 30, 1880; which was ordered to lie on the table, and be printed.

SENATE MANUAL.

The VICE-PRESIDENT laid before the Senate a new edition of the Manual, ordered to be prepared for the use of the Senate under its resolution of June 16, 1880; which was referred to the Committee on Rules.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Sec-The VICE-PRESIDENT laid before the Senate a letter of the Secretary of War, communicating, for the consideration of the Committee on Military Affairs in connection with Senate bill No. 1632, for the relief of Albert Hedberg, late captain Fifteenth Infantry, copies of the record of the trial of this officer by general court-martial and general court-martial orders, No. 4 of 1873, dismissing him from the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

The VICE-PRESIDENT also laid before the Senate a letter of the Secretary of War, transmitting in compliance with section 1136 of

Secretary of War, transmitting, in compliance with section 1136 of the Revised Statutes, plans and estimates for a building to be erected at Fortress Monroe, Virginia, for the library and collections of the artillery school and also for offices for the headquarters at the Fort, and recommending an appropriation for the construction of the building; which was referred to the Committee on Military Affairs, and ordered to be printed.

The VICE-PRESIDENT also laid before the Senate a letter of the

Secretary of War, transmitting a copy of a communication from the commanding officer of the recruiting depot at David's Island, New York Harbor, relative to the dilapidated condition of the guard-house and executive buildings in use there; which was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FERRY presented the petition of Thomas M. Birdsall and twenty-six other ex-Union soldiers, of Michigan, praying for the passage of a bill equalizing bounties; which was referred to the Committee on Military Affairs.

mittee on Military Affairs.

Mr. INGALLS presented the petition of the Woman's Temperance Union of the District of Columbia, praying for legislation respecting the sale of intoxicating drinks in the District; which was referred to the Committee on the District of Columbia.

Mr. MORRILL presented the petition of the National Association for the Relief of Destitute Colored Women and Children, praying for an appropriation for the use of their institution; which was referred to the Committee on Appropriations.

to the Committee on Appropriations.

Mr. WINDOM presented the petition of the Women's Christian Association of the District of Columbia, praying for an appropriation by Congress for the support of the eleemosynary institutions of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. PENDLETON presented the petition of Lieutenant E. D. Wheeler, of Ohio, praying that he may be restored to the Army for the purpose of being retired; which was referred to the Committee on Mili-

tary Affairs.

Mr. VEST presented the petition of the Anheuser Busch Brewing Association and other associations and citizens of Saint Louis, Missouri, brewers and maltsters, praying for the passage of the bill changing the duty on foreign malt; which was referred to the Committee on Finance

Mr. ANTHONY. I present a communication, in the nature of a memorial, from Nicholas Molter, Thomas Hanley & Co., and Reily Brothers, being the only brewers in the city of Providence, protesting against the bill now pending, changing the duty on malt. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. KERNAN presented the petition of Flanagan & Wallace, brewers, and others, of the city of New York, praying for the passage of the bill changing the duty on barley malt from an ad valorem duty of 20 per cent. to a specific duty of twenty-five cents per bushel; which was referred to the Committee on Finance.

He also presented the petition of George Sichler and others, praying for the passage of the bill changing the duty on barley malt from 20 per cent. ad valorem to twenty-five cents specific duty on each bushel of thirty-four pounds; which was referred to the Committee on

SENATOR FROM LOUISIANA.

Mr. JONAS. I present the credentials of Thomas Courtland Manning, appointed by the governor of the State of Louisiana a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the death of Henry M. Spofford. I ask that the credentials be read and referred to the Committee on Privileges and Elections.

The credentials were read and referred to the Committee on Privi-

leges and Elections, as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT.

State of Louislana, Executive Department.

Whereas on the 24th day of the month of April, 1877, pursuant to the provisions of the Constitution of the United States and of an act of Congress approved July 25, 1866, entitled "An act to regulate the time and manner of holding elections for Senators in Congress." the General Assembly of the State of Louisiana, which was chosen at the general election held on the 7th day of November, 1876, did elect, in joint assembly and by a viza voce vote, Henry M. Spofford a Senator in Congress from the State of Louisiana for the term of six years, commencing on the 4th day of the month of March, 1877; and
Whereas the said Henry M. Spofford, Senator-elect, died on the 29th day of Angust, 1880, thereby leaving a vacancy in the Senate of the United States from the State of Louisiana, while the General Assembly of this State is not in session:

Now, therefore, I, Louis Alfred Wiltz, governor of the State of Louisiana, by virtue of the powers vested in me by the Constitution of the United States and the three thous. In the State of Louisiana, do hereby appoint Thomas Courtland Manning, of the parish of Rapides, a citizen of the United States and a resident of the State of Louisiana, and hereal assembly of the State of Louisiana.

In testimony whereof I have hereunto affixed my signature and caused the seal of the State of Louisiana to be hereunto affixed my signature and caused the seal of the State of Louisiana to be hereunto affixed my signature and caused the seal of the State of Louisiana. In testimony whereof I have hereunto affixed my signature and caused the seal of the State of Louisiana to be hereunto affixed my signature and caused the seal of the State of Louisiana. To be hereunto affixed my signature and caused the seal of the State of Louisiana to be hereunto affixed at the city of New Orleans the 16th day of the month of November, in the year of our Lord 1880, and the one-hundred and fifth year of the Independence of the United States of America.

[SEAL]

Governor of t

By the governor:

WILL. A. STRONG, Secretary of State.

BILLS INTRODUCED.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1843) to authorize the Secretary of War to grant the use of certain land at Fortress Monroe, Virginia, for the

grant the use of certain land at Fortress Monroe, Virginia, for the erection of a hotel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1844) for the relief of J. W. Ambler; which was read twice by its title, and referred to the Committee on Pensions. He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1845) for the relief of J. W. Ambler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1846) to authorize the local taxation of the legal-tender Treasury notes of the United States; which was read twice by its title, and referred to the Committee on Finance.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1847) to amend an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropria-State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read twice by its title, and referred to the Committee on Indian

He also asked, and by unanimous consent obtained, leave to intro-duce a bill (S. No. 1848) to amend an act entitled "An act to accept

and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State,

Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1849) to amend an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1850) for the relief of Elizabeth Moffitt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

referred to the Committee on Pensions.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1851) for the relief of Sarah McDonald; which was read twice by its title, and referred to the Committee on Public

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1852) granting a pension to Francis Smith; which was read twice by its title, and referred to the Committee on

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1853) granting a pension to Joseph Pennock; which was read twice by its title, and referred to the Committee on Pen-

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1854) granting a pension to the minor children of James H. Ross; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1855) to authorize the issue, and provide for the redemption, of fractional notes; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1856) for the relief of Mrs. J. P. Williams; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1857) for the relief of William H. Beck, assignee of A. Burwell; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1858) to regulate appointments and promotions in the staff of the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

by its title, and referred to the Committee on Naval Anairs.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1859) relating to terms of court in the district of Colorado; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1860) to provide suitable agricultural lands for the

Southern and Uncompandere bands of Ute Indians in lieu of lands heretofore provided for allotment to them; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1861) to amend an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880; which was read twice by its title, and referred to the Committee on Indian Affairs.

BILL RECOMMITTED.

On motion of Mr. KERNAN, it was

Ordered, That the bill (H. R. No. 4585) fixing the rate of duty on barley malt at twenty-five cents per bushel be recommitted to the Committee on Finance.

STATUE OF ADMIRAL FARRAGUT.

Mr. KIRKWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas by joint resolution of Congress of June 22, 1874, a contract was entered into between the United States Government and Miss Vinnie Ream for the execution of a statue of the late Admiral Farragut and its erection upon a designated pedestal; and
Whereas the said statue and pedestal have been executed according to said contract, but the said pedestal is alleged to be wholly insufficient and inadequate in size for the proper presentation of said statue: Therefore,

Beitresolved, That the Committee on Naval Affairs be instructed to inquire into the foregoing facts and into the propriety and necessity of furnishing material for and constructing an additional pedestal for said statue.

THE INDIAN TERRITORY.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interests, to communicate to the Senate such information as may be in his possession relative to attempted settlements within the limits of what is known as the Indian Territory, and also what steps have been taken to prevent the same.

CONTAGIOUS DISEASES OF CATTLE.

Mr. JOHNSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Agriculture be instructed to forward for the use of the Senate such information as he may have in his possession relating to the disease of contagious pleuropneumonia of cattle, and other contagious diseases of domesticated animals.

WITHDRAWAL OF PAPERS.

On motion of Mr. VOORHEES, it was

 $\it Ordered$, That Carlislo Boyd have leave to withdraw his petition and papers from the files of the Senate.

OTOE AND MISSOURIA RESERVATION.

Mr. PADDOCK. I desire to give notice that on Thursday next I shall ask the Senate to proceed to the consideration of the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes.

EXECUTIVE SESSION.

Mr. WALLACE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at twelve o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 7, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. MULDROW, Mr. Speaker, I ask that the RECORD be corrected, and also the Journal as read from the Clerk's desk. My name is omitted from the roll-call yesterday. I was present in my seat at the opening of the session and answered to my name.

The SPEAKER. The RECORD and Journal will be corrected accord-

The Journal was then approved.

APPEARANCE OF ADDITIONAL MEMBERS.

The following additional members appeared and took their seats: Mr. Atkins, Mr. McMillin, Mr. Ferdon, Mr. Walter A. Wood, Mr. O'Connor, Mr. Hutchins, Mr. Morse, Mr. A. A. Clark, Mr. Voorhis, Mr. Chalmers, Mr. J. J. Davis, Mr. Godshalk, Mr. McMahon, Mr. Robertson, Mr. Steele, and Mr. Hull.

BOUNDARY LINES BETWEEN NEW YORK AND CONNECTICUT.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent at this time to present a memorial from the governors of the States of New York and Connecticut concerning the settlement of a boundary question that has been long in controversy unsettled between those States.

I ask that the memorial be read and spread upon the Record and

There being no objection, the memorial was read. It is as follows:

MEMORIAL.

To the Congress of the United States:

To the Congress of the United States:

In accordance with the concurrent action of the Legislature of the State of New York and the General Assembly of the State of Connecticut, the undersigned respectfully communicate and make known to Congress that the agreement in relation to the boundary lines between the State of New York and the State of Connecticut, entered into by commissioners on the part of the two States, has been formally ratified and confirmed, as specifically shown and set forth by the acts of the Legislatures of the respective States which are hereto annexed.

And pursuant to said acts, in like terms adopted, it is hereby respectfully requested by us jointly, on the part of our respective States, that the action taken and done on the subject of the boundaries thus established be approved by Congress.

ALONZO B. CORNELL, Governor of the State of New York. CHARLES B. ANDREWS, Governor of the State of Connecticut.

AUGUST, 1880.

LAWS OF NEW YORK-BY AUTHORITY.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the secretary of state.—Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 213.

An act to ratify and confirm the agreement in relation to the boundary-lines be-tween the State of New York and the State of Connecticut, entered into by commissioners on the part of said States.

Passed May 8, 1880; three-fifths being present.

The people of the State of New York, represented in senate and assembly, do enact as follows:

SECTION 1. The agreement for the settlement of the boundary-lines between the State of New York and the State of Connecticut entered into by the commissioners appointed for that purpose on the part of said States respectively, a duplicate

original of which is on file in the office of the secretary of state, and a copy of which has been reported to the Legislature, is hereby ratified and adopted. The said agreement is as follows, namely: "Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut, respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions of said States respectively passed by them as hereunto annexed, that is to say: We, Allen C. Beach, secretary of state; Augustus Schoommaker, jr., attorney-general; and Horatio Scymour, jr., State engineer and surveyor, commissioners of the State of New York; and we, Origen S. Seymour, La Fayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine, and establish the boundaries between our respective States, subject to the approval and ratification of the Legislatures of our respective States, in the following manner: We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be, and is, as the same was defined by monuments erected by commissioners appointed by the Legislature of the State of New York and completed in the year 1860, the said boundary-line extending from Byram Point, formerly called Lyon's Point, on the south to the line of the State of Massachusetts on the north. And we further agree that the boundary on the sound shall be, and is, as follows: Beginning at a point in the center of the channel about six hundred feet south of the extreme rocks of Byram Point, marked No. 0 on appended United States Coast Survey chart; thence running in a true southeast course three and one-quarter statute miles; thence in a straight line (the arc of a great circle) northeasterly to a point marked No. 1 on the annexed United States Coast Survey chart of Fisher's Island Sound, which point is on the long east three-quarters north

ALLEN C. BEACH, Secretary of State, AUGUSTUS SCHOONMAKER, AUGUSTUS SCHOONMAKER,
Attorney-General,
HORATIO SEYMOUR, Jr.,
Estate Engineer and Surveyor,
Commissioners of the State of New York.
ORIGEN S. SEYMOUR,
LA FAYETTE S. FOSTER,
WILLIAM T. MINOR,
nmissioners of the State of Connecticut."

SEC. 2. The governor is authorized and requested to transmit a copy of this act to the governor of the State of Connecticut, and upon receiving due notice of the adoption of said agreement by the State of Connecticut, the governor of this State shall cause such notice to be filed in the office of the secretary of state, and upon the same being so filed, the said agreement shall become binding and operative, and in full force, and the boundary between this State and the State of Connecticut shall be fixed and established as specified and provided in said agreement.

SEC. 3. Upon the said agreement taking effect as herein provided, the governor is authorized, in concurrence with the executive of Connecticut, to communicate to Congress the action of the two States on this subject, and to request the approval of Congress of the boundaries thus established.

STATE OF NEW YORK,

Office of the Secretary of State, ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOSEPH B. CARR. Secretary of State.

[Senate joint resolution No. 33.]

BOUNDARY LINE BETWEEN CONNECTICUT AND NEW YORK.

BOUNDARY LINE BETWEEN CONNECTICUT AND NEW YORK.

Whereas an agreement has been made between commissioners appointed by the State of Connecticut, of the one part, and commissioners appointed by the State of New York, of the other part, a copy of which agreement is as follows, to wit: "Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions of said States respectively passed by them as hereunto annexed, that is to say: We, Allen C. Beach, secretary of state; Augustus Schoonmaker, ir., attorney-general; and Horatio Seymour, jr., State engineer and surveyor, commissioners of the State of New York: and we, Origen S. Seymour, La Fayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine, and establish the boundaries between our respective States, subject to the approval and ratification of the Legislatures of our respective States, in the following manner: We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be, and is, as the same was defined by monuments erected by commissioners appointed by the Legislature of the State of New York and completed in the year 1800, the said boundary line extending from Byram Point (formerly called Lyon's Point) on the south to the line of the State of Massachusetts on the north. And we further agree that the boundary on the sound shall be, and is, as follows: Beginning at a point in the center of the channel, about six hundred feet south of the extreme rocks of Byram Point, marked No. 0 on appended United States Coast Survey chart; thence running in a true southeast course three and one-quarter statute miles; thence in a straight line (the arc of a great circle) north-easterly to a point four statute miles true south of New London light-house;

purpose of this agreement to define, limit, or interfere with any such right, rights, or privileges, whatever the same may be. In witness whereof we have hereunto set our hand to this instrument and to a duplicate thereof December 8, 1879.

ALLEN C. BEACH,

Secretary of State, AUGUSTUS SCHOONMAKER AUGUSTUS SCHOONMAKER,
Attorney-General,
Attorney-General,
HORATIO SEYMOUR, JR.,
State Engineer and Surveyor,
Commissioners of the State of New York.
ORIGEN S. SEYMOUR,
LA FAYETTE S. FOSTER,
WILLIAM T. MINOR,
Commissioners of the State of Connecticut."

Commissioners of the State of Connecticut."

A duplicate original of which agreement, with the charts therein referred to, is on file in the office of the secretary of this State: Now, therefore, it is Resolved by this General Assembly: SECTION I. That said agreement be, and the same is hereby, approved and adopted by the State of Connecticut.

SEC. 2. The governor is authorized and requested to communicate the foregoing action of this Assembly to the governor of the State of New York, and upon due notice being received of the adoption of said agreement by the State of New York, such notice shall, under the authority of the governor of this State, be filed in the office of the secretary of this State, and upon the same being so filed, said agreement shall become binding and operative, and in full force, and the boundary between this State and the State of New York shall be fixed and established as therein agreed.

SEC. 3. Upon the ratification of said agreement the governor is authorized, in concurrence with the executive of New York, to communicate to Congress the action of the two States on this subject, and to request the approval of Congress of the boundaries thus established.

Approved, March 12, 1880.

STATE OF CONNECTICUT, Office of Secretary of State, ss:

I have compared the preceding with the original resolution on file in this office, and do hereby certify that the same is a correct transcript thereof, and of the whole of said original law.

DAVID TORRANCE

Mr. HAWLEY. I ask unanimous consent also, at this time, to present a bill in relation to the subject-matter of the memorial just read, providing for the assent of Congress to the agreement, and move that it be referred to the Committee on the Judiciary, with leave to report at any time.

The SPEAKER. The title of the bill will be read. The Clerk read as follows:

A bill concerning settlement of boundary-lines between New York and Connecticut.

Mr. FERNANDO WOOD. Mr. Speaker, I must object to granting

Mr. FERNANDO WOOD. Mr. Speaker, I must object to granting leave to the committee to report at any time.

Mr. HAWLEY. If the gentleman from New York will allow me to state the reason, I think he will withdraw his objection. I am instructed by the governor of my State to ask legislation upon this subject by Congress. I understand the Legislatures of both of the States named contemplate some legislation upon the subject, and some action will be needed to adapt themselves to the circumstances. Both Legislatures must in the subject of the states are most in the subject of the states. latures meet in January

Mr. FERNANDO WOOD. There are certain bills pending which Congress must pass during this session; and the giving this power to report at any time is giving a privilege which may overthrow more

report at any time is giving a privilege which may overthrow more important questions.

Mr. HAWLEY. I think the gentleman from New York will see, if he will look at the papers, and I believe I can assure him, that there is no probability of argument in this matter. I cannot imagine that anybody will object. The boundary commissioners of the two States have unanimously agreed upon this settlement; both Legislatures have sanctioned it by large majorities; both governors ask that it be submitted to Congress now; the governor of Connecticut, certainly, and I presume the governor of New York, would like to have it taken up and disposed of before the recess, that the Legislatures when they meet in January may legislate on the subject.

Mr. FERNANDO WOOD. If the gentleman from Connecticut will state that this will lead to no debate I will not object.

Mr. HAWLEY. I cannot conceive it possible that it will.

Mr. FERNANDO WOOD. Then I withdraw the objection.

There being no further objection, the bill (H. R. No. 6514) was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

and ordered to be printed.

REPRINT OF INTERSTATE-COMMERCE BILL

Mr. REAGAN. I ask unanimous consent for an order to reprint House bill No. 4748, to establish a board of commissioners of inter-state commerce, and for other purposes, and the two substitutes. There being no objection, it was so ordered.

CONGRESSIONAL RECORD FOR LEGATIONS ABROAD.

Mr. PRICE, by unanimous consent, introduced a joint resolution (H. R. No. 338) directing one copy of the Congressional Record to be sent to each of our legations abroad; which was read a first and second time

Mr. PRICE. I ask unanimous consent that the joint resolution be now put upon its passage.

The joint resolution was read, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, one copy of the Congressional Record to each of our legations abroad, commencing at the beginning of this session, and continuing each day until the 4th day of March, 1881.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOINT COMMITTEE ON YORKTOWN CELEBRATION.

Mr. GOODE. There is on the Speaker's table a Senate concurrent resolution authorizing the employment of a clerk by the Joint Committee on the Yorktown Centennial Celebration. I ask unanimous consent that the resolution be taken from the Speaker's table for present consideration.

Mr. CONGER. Let it be read.

The resolution was read, as follows:

IN THE SENATE OF THE UNITED STATES, June 14, 1880.

Resolved, (the House of Representatives concurring.) That the Joint Committee on the Yorktown Centennial Celebration be authorized to sit during the recess of Congress, at such times and places as may be necessary, and to appoint a clerk, whose compensation, at the usual rate of clerks to committees of the Senate, shall be paid equally out of the contingent funds of the Senate and House of Representatives.

Mr. HAYES. I would suggest that the time during which that resolution provides the joint committee may sit has already passed. The resolution provides that the committee be authorized to sit dur-

ing the recess of Congress. What is the object of passing such a resolution at the present time?

Mr. GOODE. I will state to the gentleman from Illinois that there is a great deal of business before this committee. In the first place they have to select a site for the proposed monument at Yorktown; they have to select a model for the proposed monument; and they have a good deal of correspondence in regard to the celebration which is proposed to be held on the 19th October, 1881. Up to this time the joint committee of the Senate and of the House have been acting

without any clerk at all.

The SPEAKER. The Chair would state to the gentleman from Virginia that the gentleman from Illinois [Mr. HAYES] makes the criticism that the resolution provides for the committee sitting dur-

ing the recess of Congress and that time has passed.

Mr. GOODE. The resolution was passed by the Senate before the adjournment of last session. In sending it back to the Senate I think we should not change the phraseology. The material part of the resolution is that which authorizes the employment of a clerk.

Mr. HAYES. It seems to me the phraseology should be changed.

Mr. GOODE. I think there can be no objection to authority being given to the committee the sit during the recess.

given to the committee to sit during the recess. We will have but one recess before this Congress expires; that is during the Christmas holidays, and there may be a necessity for having a sitting of the committee during the holidays.

The SPEAKER. The Chair supposes the payment of the clerk is to begin from the time of his selection in the future.

Mr. GOODE. Yes sir.

There being no objection the concurrent resolution was taken from the Speaker's table and agreed to.

ASSISTANT SECRETARY OF WAR.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 6515) to provide for an assistant Secretary of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRINT OF JOINT RESOLUTION.

Mr. POUND. The supply of joint resolution H. R. No. 131, proposing an amendment to the Constitution of the United States, has been exhausted. I ask that the usual number be reprinted.

There was no objection, and it was so ordered.

ARREST OF CHIEF DOUGLASS.

Mr. BELFORD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Interior be, and he is hereby, directed, if compatible with the public interests, to inform this House under what law or warrant of what authority Douglass, a sub-chief of the Ute tribe of Indians, is confined in the military prison at Fort Leavenworth, and what steps, if any, have been taken by the United States authorities to bring him to trial for alleged complicity in the murder of M. C. Meeker, late Indian agent at the White River agency in the State of Colorado.

SCHOONER-YACHT NETTIE.

Mr. McLane. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate bill No. 1583, to change the name of the pleasure-yacht Nettie to Nokomis.

The SPEAKER. The bill will be read.

The bill was read.

Mr. CONGER. Will the gentleman from Maryland [Mr. McLane] state whether that is a pleasure-yacht only, or a passenger vessel?

Mr. McLane. I stated that it was a pleasure-yacht.

Mr. CONGER. I did not hear the gentleman's statement. I heard the bill read, and that styles it a schooner-yacht.

Mr. McLane. It is a pleasure-yacht, now lying in the harbor of Baltimore. It is just such a bill as the House has frequently passed.

Mr. GIBSON. Not used for carrying passengers?

Mr. McLane. Not used for carrying passengers.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

table, read three several times, and passed.

FUNDING BILL.

Mr. FERNANDO WOOD. I ask unanimous consent that an order be made to reprint the bill (H. R. No. 4592) to facilitate the refunding of the national debt, the old print having been exhausted.

There was no objection, and it was so ordered.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. GIBSON. I ask unanimous consent that the bill (H. R. No. Mr. GIBSON. I ask unanimous consent that the bill (H. R. No. 6326) for the improvement of the Mississippi River be made a special order for the first Wednesday in January next after the morning hour, to be discussed from day to day until disposed of, not to interfere with appropriation bills or the funding bill.

Mr. REAGAN. I will have to ask the gentleman to also except the interstate-commerce bill, which is a special order.

The SPEAKER. The Chair thinks that is a continuing special order, but is not certain. The resolution of the gentleman from Louisiana [Mr. GIBSON] will be read.

The Clerk read as follows:

Resolved. That the bill (H. R. No. 6326) making appropriations for the construction, repair, completion, and preservation of certain works on the Mississippi River be made a special order for the first Wednesday in January next after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation bills or the funding bill.

appropriation bills or the funding bill.

Mr. REAGAN. Or the bill regulating interstate commerce.
Mr. GIBSON. I accept that.
Mr. CONGER. To be discussed from day to day?
The SPEAKER. The words of the resolution, "and from day to day thereafter," would indicate discussion.
Mr. CONGER. I understood the gentleman from Louisiana, [Mr. GIBSON,] in making his request, to state that it was to be discussed from day to day until disposed of.
Mr. GIBSON. To be considered from day to day.
Mr. CONGER. I do not like to consent to a special order which will continue the consideration of any bill from day to day until disposed of. Let the gentleman fix it for a day certain, and I presume there will be no objection to giving him all the time necessary for the due consideration of the bill.
Mr. GIBSON. I think the House should dispose of this bill one way or the other. It has been before the country for four or five

way or the other. It has been before the country for four or five years, and is an important bill for the Mississippi Valley.

Mr. CONGER. The gentleman knows that I am in favor of it as

far as may be.

Mr. GIBSON. It will not interfere with other important business before the House. It is the first bill we have ever had for the improvement of the Mississippi River, and I hope the gentleman will withdraw his objection.

Mr. CONGER. I do not object. My point was that it gave too long time for the consideration of the bill.

Mr. GIBSON. I understand the gentleman from Michigan makes no objection.

Mr. BAYNE. I will have to object.

Mr. BAYNE. I will have to object.

The SPEAKER. To what portion of the order does the gentleman object? Or does he object to the whole of it?

Mr. BAYNE. I object to fixing a day for the consideration of this bill, because I think there cannot be given during this session adequate time for the discussion of so important a measure. If adequate time could be awarded for the discussion I would not object.

Mr. GIBSON. I will assure the gentleman that I will give him all the time he desires for the discussion of the bill.

The SPEAKER. Under the rules.

The SPEAKER. Under the rules.

Mr. GIBSON. I have no desire to force the measure through without proper discussion.

Mr. HUMPHREY. We can have plenty of time evenings for the discussion of this bill. It is as important as any other that can come

before Congress.

Mr.GIBSON. I hope the gentleman from Pennsylvania [Mr.Bayne]
will withdraw his objection upon the assurance that ample time will

will withdraw his objection upon the assurance that ample time will be given for the discussion of the bill.

Mr. BAYNE. There are a great many important provisions in the bill, and one very great objection to it is that it proposes to make a very large appropriation of money. There is a commission now considering the practicability of any scheme for this purpose, and we have no evidence at all that this scheme is practicable. I think the measure had better go over to a more convenient season, when we are have full everything to discuss and understand it.

measure had better go over to a more convenient season, when we can have full opportunity to discuss and understand it.

The SPEAKER. The Chair understands the gentleman to make an absolute objection.

Mr. BAYNE. Yes sir.

Mr. WEAVER. If this order is to be made, I would like to have withdrawn one statement which has been made by the gentleman from Louisiana—the statement that this business is not to interfere with the funding bill. If the order be made I desire that it shall interfere with the funding bill.

The SPEAKER. Objection is made absolutely; so that the measure does not acquire any right other than what it now possesses. It is now on the Calendar in the Committee of the Whole.

Mr. BICKNELL. If this proposition will interfere with the consideration of the Senate resolution as to the counting of the electoral vote, I shall have to object to it.

The SPEAKER. It has already been objected to.

ORDER OF BUSINESS.

Mr. HASKELL. I desire to ask the consent of the House to take a Mr. HASKELL. I desire to ask the consent of the House to take a bill from the Private Calendar for present consideration. The beneficiary of the bill is a venerable lady, and if this relief be not granted within six months to come, it will never be of avail to her. The bill is a unanimous report of the Committee on Indian Affairs, and has been passed in a previous Congress.

Mr. ATKINS. I object.

The SPEAKER. The morning hour now begins at twenty minutes before one o'clock. The committees will be called for reports to take their places on the appropriate calendars.

their places on the appropriate calendars.

their places on the appropriate calendars.

Mr. COX. Inasmuch as no committees are ready to report, I move to dispense with the morning hour.

The SPEAKER. The gentleman from New York moves that the morning hour of to-day for the call of committees be dispensed with. Several members objected.

The SPEAKER. The motion is in order, but its adoption will require a two-thirds vote.

The question having been put, The SPEAKER said: The Chair is of opinion that two-thirds have not voted in the affirmative.

Mr. COX. Well, if gentlemen desire to waste time, I withdraw my

proposition.

The SPEAKER. The motion has failed.

WILLIAM T. PATE & CO.

Mr. CARLISLE, from the Committee on Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 5417) for the relief of William T. Pate & Co. which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees was continued and completed, no further

reports being presented.

COUNTING THE ELECTORAL VOTE,

Mr. BICKNELL. I rise to a question of privilege. I claim the right to call up now the Senate resolution in regard to the counting of the electoral vote. I call up that resolution as a question of privi-

Mr. KEIFER. I make the point of order that it is not a question

of privilege.

The SPEAKER. The gentleman from Ohio makes the point of order that this is not a question of privilege. The Chair is willing to hear discussion on that point if any gentleman desires to be heard,

or if not, he is ready to decide it.

Mr. CONGER. I make the further point of order that undetermined business before the House at the last session (and this is undetermined business) cannot be taken up at this session, until the termination of the first six days, unless by consent. I refer to Rule

XXVII.

The SPEAKER. The gentleman from Ohio [Mr. Keifer] makes the point of order that this resolution is not a question of privilege, and that the gentleman from Indiana has not the right to call it up.

Mr. SPRINGER. What is the point of order made by the gentleman from Michigan, [Mr. CONGER?]

The SPEAKER. The Chair prefers to entertain one point of order to the control of the contr

Mr. CONGER. I will withhold my point until the other question

at a time.

Mr. CONGER. I will withhold my point until the other question is disposed of.

Mr. TOWNSHEND, of Illinois. If the resolution is ruled to be a question of privilege, that disposes of the gentleman's point.

The SPEAKER. The gentleman from Michigan withholds his point of order, and gives notice that he will make it in due time.

Mr. KEIFER. Mr. Speaker, I do not desire to enter into any general discussion of the point of order; but I wish to say that while it may be true that under the Constitution of the United States and the statutes the counting of the electoral vote, when the time arrives, may become a question of privilege, I deny that a resolution (such as this at least) undertaking to regulate the manner of the count is a question of privilege. In other words, in my opinion the Constitution of the United States, together with the laws on the statute-book, regulates the whole subject of counting the electoral vote. I deny also that it is a matter of proceeding of the two Houses in joint session to count the electoral vote. The proceedings for the purpose of counting that vote, when the two Houses are assembled, are the proceedings of the President of the Senate in the presence of the Senate and the House of Representatives, and nothing is required to be done by the Senate and the House. I think the rule—if we were permitted to look at that; a rule that is to be established without having the force and effect of law, but a mere rule of the two Houses—cannot confer constitutional power such as is attempted to lee conferred by this and effect of law, but a mere rule of the two Houses--cannot confer constitutional power such as is attempted to be conferred by this resolution on the two branches of Congress.

But I did not rise to elaborately argue this question. I repeat what

I said before, that the manner of counting the electoral vote may be a question of privilege whenever it may come up in either branch of Congress; but the matter of a concurrent resolution which undertakes to confer extraordinary power on the Congress, or, as this resolution does, upon one branch of Congress, is not a question of privilege.

Mr. BICKNELL. Mr. Speaker, the twelfth article of the Constitution requires that the two Houses shall ascertain and declare the

result of Presidential elections. Whatever relates to that right of the two Houses is a question of privilege, and that has been so decided by the present occupant of the chair.

Mr. CONGER. Will the gentleman refer to the section of the Con-

stitution?

Mr. BICKNELL. The twelfth article of the Constitution.
Mr. ROBESON. Does the gentleman mean to say that is contained in the twelfth article of the Constitution? I think I can repeat the words. All the certificates shall then be opened in the presence of the two Houses of Congress. The votes shall then be counted, and the person having the majority of the votes shall be the President of the United States.

The SPEAKER. Has not the action of the two Houses in appointing tellers to count the electoral vote employed, as it were, those tellers as its agents in making that count?

Mr. ROBESON. This is a constitutional question, and it cannot be decided by the mere appointment of tellers by any transient House.

Mr. SPRINGER. Will the gentleman from New Jersey let me ask him a question?
Mr. ROBESON.

Mr. ROBESON. Yes, sir. Mr. SPRINGER. He did not quote the Constitution correctly, if

he will pardon me.

Mr. ROBESON. I beg his pardon, I quoted it correctly in substance and spirit.

Mr. SPRINGER. I will quote a clause which the gentleman has omitted.

Mr. ROBESON. If you please.
Mr. SPRINGER. "The person having the greatest number of votes for President shall be the President."

Mr. ROBESON. Shall not be declared by the two Houses, but shall be."

"shall be."

Mr. SPRINGER. "Shall be the President if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President." Now, who is to determine the fact as to whether any person shall have a majority of all the votes cast? That is a ques tion for the body to determine which is to act after the preceding question has been determined, to wit: the House of Representatives. This body has powers and duties connected with this count of the electoral vote

Mr. ROBESON. The gentleman asks me a question and I will an-

swer him.

Mr. SPRINGER. This House must determine when the contingency arises which is contemplated in the Constitution, when it shall act in the matter and choose a President. Now I will hear the gen-

Mr. ROBESON. Do I understand the gentleman to say the House can make the centingency and declare it has arisen, and then elect the President? If that be so, then the gentleman contends that the President of the United States is to be elected by the House of Representatives practically, and nothing else.

Mr. SPRINGER. He is to be elected by the House of Representatives upon the continuous relief.

ives when this contingency arises.

Mr. ROBESON. The very fact when the contingency arises the House has the right to act, confronted with the fact the Constitution does not give the House the power to elect the President, shows the House of Representatives has not and can not have anything to do

House of Representatives has not and can not have anything to do with the fact of making the contingency.

Mr. SPRINGER. The House of Representatives is the sole judge of the fact as to when that contingency arises. No other body can decide that question of fact. This body must determine under the Constitution when it must choose the President, and when this House does determine that fact, that the contingency has arisen, it will then proceed to elect the President, and the person so elected will be the President of the United States.

President of the United States.

Mr. ROBESON. I admit this House must determine for itself when the time and contingency will arise when it will undertake to choose the President, but it cannot determine for itself whether after the time has really arisen—that is an action which must be determined afterward—whether that is constitutional. That fact depends on other things. I do not mean now to be drawn into an elaborate discussion on this question. We are standing here now on a question of privilege as to whether this is a question of privilege or not. That

is all.

Mr. SPRINGER. In reference to the question of privilege let me say that from the foundation of the Government to the present time the question as to the proper time and manner of counting the electoral vote has been held to be a privileged question. In the First Congress it was so treated without objection. Gentlemen may cite the fact that the Vice-President, or the President of the Senate, counted the votes at the first election, yet he counted them in pursuance of a resolution of the two Houses and by virtue of the authority

ance of a resolution of the two Houses and by virtue of the authority conferred upon him by the two Houses, and by no other authority.

From that time to this the two Houses of Congress have exercised the jurisdiction over this question which is now denied. The two Houses exercised it during the time the republican party had possession of both branches of Congress. There was no question raised then as to their exercising it. They counted Mr. Lincoln in twice

under the operation of a joint rule which had been adopted by both Houses of Congress. They counted General Grant in twice by virtue of the same joint rule, and this rule was in force until the last counting of the presidential vote. At that time a bill was passed by both Houses of Congress which was bottomed upon the idea that the mode of counting the electoral vote was subject to the control of Congress The Constitution, as heretofore construed, requires the count to be made by the Senate and House of Representatives. This makes it a question of the highest privilege, a privilege so high as to override all other questions of privilege.

Mr. LAPHAM. Will the gentleman from Illinois permit me to ask

him a question †
Mr. SPRINGER. Certainly.
Mr. LAPHAM. I desire to ask the gentleman whether he does not remember that there have been but two instances in the history of remember that there have been but two instances in the history of this country in which there was a failure to choose a President by the people, in each of which cases the House of Representatives, be-fore it acted in the premises, was informed by a message from the Vice-President and President of the Senate of the failure to choose by the people; and if he does not know, also, that it never has un-

dertaken to act except in such a contingency?

Mr. SPRINGER. That action on the part of the Vice-President was not a matter of substance, but a mere formality. The House of Representatives itself must be the judge of the failure to choose.

Mr. LAPHAM. Butitis a matter of substance, and not of mere form,

and the House has never assumed to act in such a case, and there is no instance where it has attempted to do so in the whole history of the country, except where the Vice-President has officially an-nounced to the House that there was a failure to choose on the part of the people. Under other circumstances the House could not act

In 1801 and 1825 the precedents are as follows, (I read from pages 30 and 62 of the Counting of the Electoral Votes from 1787 to 1876, compiled by order of the House of Representatives:)

Again, in 1825:

The President of the Senate then rose and declared that no person had received a majority of the votes given for President of the United States; that Andrew Jackson, John Quincy Adams, and William H. Crawford were the three persons who had received the highest number of votes, and that the remaining duties in the choice of President now devolved on the House of Representatives. He further declared that John C. Calhoun, of South Carolina, having received 182 votes was duly elected Vice-President of the United States to serve four years from the 4th of March next.

Mr. SPRINGER. Will the gentleman from New York allow me to ask him whether this body can not determine the question as to

ask him whether this body can not determine the question as to whether a contingency has arisen requiring its action in the premises until the fact has been found by, and the information is conveyed to it by, the Vice-President of the Senate?

Mr. LAPHAM. Never.

Mr. SPRINGER. I do not agree with the gentleman on that point.

Mr. LAPHAM. It never has undertaken to do so without this information from the Vice-President.

Mr. SPRINGER. Suppose that the Vice-President should determine that the contingency had not arisen, does the gentleman from New York mean to say that the House would have no authority to act under the Constitution when the fact was patent that there was a failure to choose?

at failure to choose?

Mr. LAPHAM. I do. That is the only way the House can become aware of the fact that it has a right to choose.

Mr. SPRINGER. Does the gentleman mean to say that the Vice-

President has the sole power to determine who is elected President?

Mr. LAPHAM. If the Vice-President, in pursuance of his functions under the Constitution, declares the President is elected by the people, then by the Constitution he is the President, and no power on

earth can take his office away from him.

Mr. SPRINGER. Suppose the Vice-President does not declare that

any one is elected President?

Mr. LAPHAM. It is impossible that a contingency like that could

Mr. SPRINGER. Suppose the Vice-President declares contrary to the facts of the case, as it was assumed would be done during the last count of the electoral vote?

Mr. LAPHAM. That I hold to be an impossible contingency.

Mr. LAPHAM. That I hold to be an impossible contingency.

Mr. SPRINGER. But it was supposed that such an event would take place at the last presidential election, and the electoral commission bill was passed upon the assumption that a danger of that kind was imminent. That bill was passed by the two Houses of Congress in order to avoid the very danger to which I have alluded.

Mr. LAPHAM. That commission did not contemplate such a continuous

Mr. REAGAN. Mr. Speaker, the twelfth article of the Constitution rescribes the manner of casting the vote for President and Viceprescribes the manner of casting the vote for President and Vice-President by the electors. It prescribes how they shall be returned, that is, to the Vice-President. It makes him the means by which the transmission of that vote and its opening before the two Houses is to be accomplished. When that is done I think the precedents in Presidential elections in past years is the best interpretation of the true meaning of the Constitution. When the Vice-President has performed those functions of the opening the returns, as the medium between the electors and the Congress, when he has opened the returns, they are to be counted; but it could never have been contemplated that he should also have the power to count the presidential vote without the consent, approbation, or assistance of the two Houses of Congress. the consent, approbation, or assistance of the two Houses of Congress.

Else how could we, when questions arise as to the legality or admissibility of votes, ever settle them? They would have to be settled on bility of votes, ever settle them? They would have to be settled on the theory presented here, and be determined by the President of the Senate. But the precedents of past years in the counting of the electroral vote recognizes the President of the Senate simply as the vehicle for the transmission of the votes for President and Vice-President to the two Houses of Congress, and delegates to him no other authority or power whatever. When he has performed that function the votes are to be counted under the supervision of the two Houses of Congress and his power in the promises terminates.

gress, and his power in the premises terminates.

The SPEAKER. The Chair desires to state—
Mr. CONGER. Before the Chair gives his decision, I desire to make remark on this question.

The SPEAKER. The Chair will listen to the gentleman from Mich-

Mr. CONGER. Very lately the House of Representatives has de-termined in a very formal and careful manner its rules. After careful action of a committee and long consideration in the House, this House determined what its rules should be, and gave definitions to the rules, their objects, and results. Among other things, the question was determined as to what matters were privileged matters. The House expressed its opinion upon that question and embodied it in a rule for the government of the Chair and of the House. I desire to read the conclusion to which the House of Representatives came as its last formal, definite, undisputed action as to what were and should be questions of privilege in this House; and I think if there had been any disposition to enlarge the rule to embrace other matters as mat-ters of privilege they would have been omitted in the careful revision

Rule IX is as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

I submit Mr. Speaker, that in the very careful revision of our rules, in view of the multitudinous questions of privilege which have arisen and been decided in this House, even during the term of the present Speaker's occupancy of the chair, the Committee on Rules would have settled any doubtful question, the House would have settled any doubtful question and would have determined what were questions of privilege more fully than appears in this rule if the House had desired to include other questions than those which appear here. I submit, sir, that in Rule IX there is not by the most far-fetched construction possible anything to indicate that the resolution called up by the gentleman from Indiana, or its subject-matter, is included in Rule IX. The rule states that questions of privilege shall be, first—

Those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

It relates entirely and solely to the peculiar conditions and rela-It relates entirely and solely to the peculiar conditions and relations of the two Houses, not in their respective capacities as separate branches of the Legislature, but in their collective capacity as a convention of the two Houses, assembled as witnesses permitted by the Constitution if they desire to be present during the interesting ceremony in connection with the declaration of the election of the President of the United States.

If my point be well taken we have no rule of privilege that can possibly apply to this case. There is not in the joint rules anything which would make this a question of privilege, either in the Senate or in the House, or both. If the demand be sustained that this shall be treated as a question of privilege, it stands here unparalleled and

treated as a question of privilege, it stands here unparalleled and without an example in the history of this House, that the Speaker may make questions of privilege which the rules do not make; that the power of the Speaker on that point transcends all the authority which the House has conferred upon him by its rules. In other words, it permits that most dangerous and that most revolutionary thing to occur in this House, that after the House of Representatives has solemnly and after careful consideration and after the lapse of years and the practice of the House for years, and after a careful revision of all the powers which they desire to place in the hands of their Speaker, there is still left an opportunity for him to go beyond all rules, to transcend all the permission which the House has given to him, and to set aside what the House has demanded at his own option, at his own suggestion, and by his own mere will, exercising a power which the rules have withheld from him.

If the question embodied in this resolution can be declared by the Speaker a question of privilege-and I say what I have to say now

to illustrate the absurdity of that proposition—there is no man on this floor but may once, twice, a thousand times, during this short session, introduce some bill or some resolution, or make some motion session, introduce some bill or some resolution, or make some motion which shall have some reference to the counting of the electoral vote or the mode of declaring it, and demand from the precedent established, if the claim of the gentleman from Indiana be sustained, that as a question of privilege his bill, resolution, or motion shall take precedence of all other business before this House, that it shall shove aside every other proposition except a motion to adjourn, a motion to fix the day to which this House shall adjourn, or a motion for a recess. I call the attention of the Speaker to this simple proposition to show the absurdity of the claim that any proposition emanating from the other House or originating in this which may embody in it any control of the count of the electoral vote, the mode of proceeding in the convention of the two Houses, or the declaration in the ing in the convention of the two Houses, or the declaration in the convention of the two Houses of the declaration in the convention of the two Houses of the persons elected President and Vice-President, may be made here successively, and successfully, too, by each and all of the members of this House, and may occupy the time under that right of privilege from now until the 4th of March, to the exclusion of all other possible business except questions of adjournment.

to the exclusion of all other possible business except questions of adjournment.

Why, sir, there is no man on this floor but under such a ruling of the Chair, under such a construction of this right of privilege, may call up daily and hourly resolutions and bills and demand the attention of the House and invoke the ruling of the Speaker that they are questions of privilege, and as such shall be considered and disposed of. Can there be any doubt of that proposition? When this resolution is disposed of, or even when it is laid over, another proposition varying a little from this, but embodying enough to make it a privileged resolution, if this is such a resolution, may be introduced by any gentleman, and may take the place of all other business. That is a proposition which I think the Speaker is bound to look at with some degree of attention. No ruling of the Chair can be properly made, or ought to be made in any event, which, if persisted in and enforced, would lead to the occupying the time of this House continuously on successive propositions of that kind. Under the rule this is not a privileged question by any possible construction whatever. It does not come within any of the propositions of Rule IX. I have suggested to the Chair the importance of such a decision, for under it every member might follow this up with a similar proposition, and occupy with it the time of the House in spite of the Chair, unless he reverses his decision, and in spite of the House, unless they raise the question of consideration; and that question being raised and the matter set aside, it only opens the way for another proposition to occupy time until the House should vote on the question of consid-

I submit to the Chair that a ruling by him that this is a question of privilege, going outside of the rights, the dignity, the safety of this House, will open the way necessarily for that opportunity which our rules were intended to prevent, for that opportunity which the Speaker should never give to individual members to obstruct the progress of legislation for such a ruling would give and should never give to individual members to obstruct the progress of legislation, for such a ruling would give such an opportunity, and would virtually destroy the efficiency, the activity, and the capacity of this House for proper legislation. The principle involved is a very serious one, a very important one. I do not refer to the result of the action of the House at all; that is a matter to be determined hereafter. But I do refer to it for the purpose of impressing upon the Chair my conviction of this proposition; that if this and kindred propositions, however important, however desirable to be settled, however much the attention of the Senate and of the House and of the country has been, is, or may be called to them; whatever dangers we have escaped; whatever dangers threaten, this House must preserve its integrity, this House must preserve its power to transact business. No ruling must be given by the Speaker, no rule must be sanctioned by the House that will prevent its being ready and capable at all times to properly perform its legislative business. These are the points to which I desire to ask the attention of the Chair.

Yesterday the Chair very properly remarked that this subject was of such importance that it was desirable he should have an opportunity to examine it. It is sprung again this morning without time for

nity to examine it. It is sprung again this morning without time for reflection, without time for the arrangement of thought, suddenly, as if it was a measure so important from some cause that it must be as it it was a measure so important from some cause that it must be thrust upon this House at once, and perhaps through the rulings of the Speaker, without sufficient time for reflection, without sufficent time for thought, and perhaps by the action of the members of the House a rule may be adopted here by a passing vote of the House which shall overturn all its other rules and give precedence to outside subjects which this House by its rules has determined shall not

come in as privileged questions.

I therefore, from the little time and thought I have been able to give this subject since the question was sprung yesterday, have come to consider the decision of this proposition merely in its effect upon the rights of this House and of its members and upon its power to legislate properly for the country, as one which should not be hastily given. I ask the careful consideration of the Chair to the propositions I have submitted, and to the reasons which I have had time merely to suggest without further illustration.

In my judgment, to sustain the proposition which is asked for here will revolutionize this House. It is not simply a question of what shall be done with this or that single proposition. There are a thou-

sand kindred subjects of vital importance to the nation-that is, they embrace propositions that are vital, although this particular thing may not be essential to the dignity or safety or rights of this House—there are a thousand kindred subjects that may be introduced here under the guise of questions of privilege. And I submit that the mind of the Speaker from this time until the end of the session—if this proposition be admitted to be a correct one, and the Speaker rules that it is a question of privilege—the Speaker's mind from this time until the end of the session must be occupied, if the occasion arises, continually and almost exclusively with determining what kindred and cognate questions introduced here are questions of privilege. This is but one of hundreds that might be introduced under the same claim and with the same right to the ruling of the Chair in

their favor as questions of privilege.

In my judgment the House, in the adoption of its rules, has spoken upon this subject calmly, considerately, and dispassionately. The Speaker of the House was a member of the committee which reported speaker of the House was a hemoer of the committee which reported those rules. There was required long thought and long study to place in our rules those provisions which should govern us in our action. This House, after long consultation and deliberation, adopted as a finality a provision determining what shall be questions of privilege, and within those rules so adopted by the House there is no possibility

now, shall the Speaker go beyond the rules? Shall be on some wild theory—because our Government is a republican government, because great interests are at stake, because the election of President because great interests are at state, because the election of resident is an important matter, because we have walked along the very verge of inevitable danger, if not of ruin, and barely escaped; because that danger threatens us again and again—shall the Speaker, by a ruling above and beyond the rules which this House has adopted, determine

above and beyond the rules which this House has adopted, determine that the occasion has come when he may be revolutionary, when he may go beyond rules and beyond the Constitution under the pretense of avoiding danger to the nation, under the pretense of saving the country? For that is all the argument in this proposition.

There is a way to reach this subject by legislation, by law under the Constitution and within the Constitution, with the approval of the Executive, and not by putting in our little code of by-laws, a by-law of one House, a by-law of this branch of the Legislative Department, by our action and by the independent action of the other branch of the Legislature; a rule, a mere mode of doing business which may override the Constitution, override the law, and introduce into our Government revolutionary elements not dreamed of by duce into our Government revolutionary elements not dreamed of by its founders, and I trust not to be submitted to by their successors.

Mr. HOOKER. I desire to say a word or two in answer to what has fallen from the gentleman from Michigan [Mr. Conger] and the gentleman from New Jersey, [Mr. Robeson.] The argument of the gentleman from Michigan is that this is not a question of privilege, because of the inconvenience which must necessarily arise under a ruling making it a question of privilege, and that any member under such a ruling might occupy the attention of the Speaker and the attention of the House to the exclusion of all other business.

attention of the House to the exclusion of all other business.

In answer to that, I have only to suggest to the Speaker's mind, as bearing upon the determination of this question, that if this be intrinsically from its nature a question of privilege, then the argument arising from inconvenience cannot prevail against it. I submit that the rules which have been adopted upon this subject will have to be observed by the Speaker and by the House in making a decision, whenever a question rises on the state of the subject will be a subject with the subject will be a subject with the subject will be subject with the subject will be a subject with the subject will be a subject with the subject will be a subject with the subject will be subject with the sub observed by the Speaker and by the House in making a decision, whenever a question arises as to what is a question of privilege. Rule IX of the House declares what constitutes a question of privilege, and provides that such questions shall have precedence of all other questions. When you look, Mr. Speaker, to the Journal to see what have been the precedents upon this question and what subjects have from their nature been regarded as questions of privilege, you will find on page 331 of the Digest, under the heading "Questions of Privilege," this provision:

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business. [Such opinion of course being subject to an appeal.] And when a proposition is submitted which relates to the privileges of the House—

And could there be, Mr. Speaker, any proposition more pre-eminently referring to the privileges of the House than the one embraced in the proposition presented by the gentleman from Indiana? I cannot conceive of a question which ought to be regarded as a question of privilege if this is not such.

of privilege if this is not such.

And when a proposition is submitted which relates to the privileges of the House it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

Now, in answer to what fell from my friend from New Jersey, [Mr. Robeson,] who quoted upon this subject from the Constitution, to which, of course, all laws must conform, I will say that, if I heard the gentleman correctly, he omitted, in quoting from the Constitution, one expression which, in my judgment, is important to its honest and fair construction. I know that the omission was unintentional, for I believe the gentleman quoted simply from memory. But the Constitution provides that—

The President of the Senate shell—

The President of the Senate shall-

Using similar imperative language to that which the Digest uses with regard to the House or the Speaker:

We are all aware of the difficulties which arose in regard to the construction of the Constitution upon this question some years ago; and the proposition which the gentleman from Indiana now seeks to bring up, which has received the consideration of his committee, is intended simply to make clear the power and duty of the two Houses when they shall assemble to perform the most important function that they are ever called upon to perform, whether in their legisla-

that they are ever called upon to perform, whether in their legislative capacity as joint bodies or as separate ones.

Mr. UPDEGRAFF, of Iowa. Mr. Speaker, I have listened in vain for some reason upon which the claim that this is a question of privilege can be based. It certainly is not made a question of privilege by any rule of this House. Rule IX defines what are questions of privilege, and this is not among them. No man here claims that this proposition is among those questions which are defined as questions of privilege by the rules.

Mr. HOOKER. Will the gentleman allow me to interrupt him a single moment?

Mr. HOOKER. Will the gentleman ask the gentleman this question: How is this made a question of privilege?

Mr. HOOKER. Will the gentleman allow me to answer? If he will look at page 331 of the Manual, he will find that in declaring what constitutes a question of privilege it is said that—

An enumeration of the various questions of privilege that may arise cannot, of course, be given, but the following list embraces nearly all that have arisen, viz: Election of a Speaker.

Right of a member to be seated.

Election of President.

Mr. UPDEGRAFF, of Iowa. The book from which the gentleman reads is simply a digest of former practices, under former codes of

Mr. HOOKER. And decisions made by the Chair and the House.
Mr. UPDEGRAFF, of Iowa. I have asked the gentleman upon
what ground this is claimed to be a question of privilege, and he
fails to answer. It is not made a question of privilege by our present
code of rules. Then what makes it a question of privilege?

I agree that if the Constitution commanded a thing to be done with

I agree that if the Constitution commanded a thing to be done with reference to the electoral count on a particular day or at a particular time, that might make it a question of privilege. But this proposition has no special reference to any particular count, to any particular election. It is a general resolution applicable to all elections; and if this is held to be a question of privilege because it has reference to the election of President, then any law which has any reference whatever to the election of a President, on any occasion or at any time, becomes a question of privilege. It is true that among questions held to be questions of privilege are those relating to the elections of members; that is, questions relating to the election of particular members. But a law regulating the election of members generally can never be held to be a question of privilege. The question of privilege covers simply some action which the House may be required to take with reference to a particular election. If the Constitution imposed upon this House some duty to be performed at this time with reference to the next election, there might be some ground to claim that this is a question of privilege, and that position might be based upon the Constitution. But this resolution is proposed as a general rule applicable to all elections, and therefore it cannot be a question of privilege.

I ask the particular attention of the Chair to this consideration: that this is a proposed general rule applicable to all elections and therefore all the applicable to all elections; that it does not refer to the next election any more than it refers to every

that this is a proposed general rule applicable to all elections; that it does not refer to the next election any more than it refers to every other election that is to occur hereafter; and that this House to-day has no constitutional duty to perform with reference to the next presidential election, or with reference to the counting of that elect-

oral vote.

oral vote.

One word more. A question relating to the rights, or reputation, or the conduct of members is defined to be privileged under our present code of rules. That must always be applied to particular cases, to individual cases. If a bill were proposed here to-day to regulate generally the rights and duties of members of this House it could not be claimed to be a privileged question, because it would be a general law applicable to all cases. In my mind, that is the distinction which we must draw; and there can be no doubt that this is in no sense a privileged question, and cannot be made a privileged question except in obedience to the rules as they now exist, or to some command of the Constitution or statutes requiring this duty to be performed at this particular time.

performed at this particular time.

Mr. WHITTHORNE. A word, Mr. Speaker, as to the proposition whether this is a question of privilege or not. The attitude of the gentlemen on the floor informs the Speaker as well as the country there is a claim under the Constitution that the Vice-President of the United States alone has the right or authority to count the electoral vote. The Speaker and the country are informed by past legislation and practices and customs heretofore prevailing that the House of Representatives and the Senate have asserted their right to do this thing. Now, in this proposition submitted by the resolution of the Senate is a question directly going to the merits of this dispute and in which are involved the highest privileges of this House. The attitude of gentlemen on the other side is a denial of this privilege of the

Again, the Speaker is aware under the law and the Constitution this House at this session must decide that question. It is therefore

rightly before you, and must be met by the House as one directly affecting their authority and power in the performance of one of its highest and gravest duties, and I submit that the mere statement of the proposition shows that it involves a question of privilege.

But, Mr. Speaker, I did not rise for the purpose of even stating that proposition. I rose merely for the purpose of saying to the Speaker and to the gentlemen on the opposite side of the House the question involved has no reference to the present presidential election. I for one shall vote to sustain the motion made by my friend from Indiana; and I declare, sir, to you and to the country, and I speak for the peoone shall vote to sustain the motion made by my friend from Indiana; and I declare, sir, to you and to the country, and I speak for the people I represent, I speak for my State, and I believe I speak for the democratic party of the country, that it has nothing to do with the election of General Garfield. He has been elected by the people of the United States, and I for one, representing that people and that section, shall see that he is inaugurated, having been elected by the people. [Sensation.] No technical objection or mere formality should ever thwart the will of the people expressed under the law and the Constitution. Constitution.

That is not involved in this question; it is not that at all. That out of the way, we come back to the simple question, What is the privilege, what is the authority of this House? These we are charged by our solemn obligations to preserve and maintain; and taking that view, independent of present or party considerations, I submit to the House it is a question of privilege which the Speaker must

now entertain.

Mr. SPRINGER. In answer to the arguments of the gentleman from Michigan and the gentleman from Ohio, as to whether this is a question of privilege, I desire to call attention to the proceedings of this House at former counts of the electoral vote. At the first election for President of the United States there was no objection made tion for President of the United States there was no objection made to the question being put in reference to the proceedings in the count of the votes. At the second election for President of the United States a motion was made, without objection, that a committee be appointed to join such committee as may be appointed by the Senate to ascertain and report the mode of examining the votes for President and Vice-President, and of notifying the persons who shall be elected of their election, and to regulate the time, place, and manner of administering the oath of office to the President. If gentlemen will examine the proceedings of the several counts as they occurred will examine the proceedings of the several counts as they occurred from time to time thereafter, they will find a similar resolution was entertained without objection at every election of President down to the present time, or to the last count—

Mr. KEIFER. Let me ask the gentleman a question.

Mr. SPRINGER. With one exception, to which I will now call the

Mr. KEIFER. Was not that when the time had arrived for counting the vote, immediately preceding the time for counting the vote, when those resolutions were introduced, when the two Houses were to

on into joint convention?

Mr. SPRINGER. I will state, on the contrary, that I find at the third election the usual resolution was moved on the 31st of January, 1797. I find on the 23d of January, 1800, Mr. Ross, a Senator from Pennsylvania, offered a resolution in the Senate on this subject without objection as a question of ordinary business. I find several bills and joint resolutions to regulate this matter permanently were offered without objection from time to time, coming on down through the several counts to 1861, when the first republican President of the United States was counted in by the two Houses.

Mr. ROBESON. Not by the two Houses, but by John C. Breckinsides.

ridge.
Mr. SPRINGER. I will cite you the rule by which it was done.
Mr. SPRINGER. I will cite you the rule by which it was done.
Representatives, February 2, Mr. Washburne, in the House of Representatives, February 2,

Mr. VAN VOORHIS. Did not John C. Breckinridge, as Vice-President of the United States, certify that he had counted the vote and that Abraham Lincoln was declared by him elected President?

Mr. SPRINGER. I will state the fact. In the House of Representatives, February 2, 1861, the following proceedings were had, as

will appear :

Mr. Washburne, of Illinois, rose to a privileged question and moved to take up the resolution of the Senate in relation to the mode of counting the vote for President and Vice-President.

This is Mr. E. B. Washburne, of Illinois.

Mr. Garnett said, I object to taking up that resolution now.
Mr. Washburne, of Illinois. I think it is a privileged question. It is in reference to carrying out a constitutional provision, and I shall press the resolution on the part of the House, following the precedents of forty years, without variation.

Mr. Washburne confirms what I have just stated, that the precedents for forty years, without variation, had been in accordance with that practice. I read further from the Globe:

Mr. GARNETT. I submit that it is not in order to submit that motion except by unanimous consent. It is perfectly competent for the gentleman, following the rules of the House, on Monday to move to suspend the rules, or else to proceed to the business upon the Speaker's table, thereby reaching that resolution in the regular way.

Let it be observed that this was a resolution from the Senatelying upon the Speaker's table and never had been considered by the House. Mr. Garnett continues:

A question of privilege is a question touching the rights of some member of this House, or touching the privileges of this House. This, like many other duties imposed upon us by the Constitution, is to be exercised in the regular way.

in conformity to the rules of the House. It does not touch the privileges of the House or any of its members.

The Speaker. The Chair supposes that it is a constitutional requirement that the votes shall be counted on a certain day; and in that aspect of the case it seems necessary that arrangements should be made for that purpose. The Chair is therefore of the opinion that this is a privileged question.

Mr. Garnett. I doubt not that the decision of the Chair will be affirmed by the House; but I feel so confident that it is wrong—I say it with great deference to the Speaker—that I respectfully take an appeal from the decision of the Chair.

Mr. Washburne, of Illinois. I move to lay the appeal on the table.

A MEMBER. Who was Speaker at that time?

Mr. SPRINGER. The Speaker at that time, I am informed by a member who sits near me, was Mr. Orr, of South Carolina. This was a question raised by the House at that time and decided in the interest of the counting in of the first republican President.

Mr. ROBINSON. I would like to ask the gentleman a question in

this connection.

Mr. SPRINGER. After I have concluded the reading of this extract I will be glad to answer the gentleman. I continue to read from the Globe

Mr. McClennand. I wish simply to say that, while I have no objection to the passage of the resolution, I think the point of order is well taken.

Mr. Garnett. That is precisely my own position. I have no objection to the resolution, or to the counting of the votes in a perfectly regular way; but I am unwilling to afford any facilities against the rules of the House for that purpose. I demand the yeas and nays on the motion to lay the appeal on the table; and I call for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. Garnett called for tellers on the motion.

Tellers were ordered; and Messrs. Garnett, and Washburne of Illinois, were appointed.

Tellers were ordered; and the tellers reported—ayes 106, noes 19.

The House divided; and the tellers reported—ayes 106, noes 19.

So the appeal from the decision of the Chair was laid upon the table.

The resolution of the Senate was read.

Mr. WASHBURNE, of Illinois. I offer the following resolution:

Resolved, That the House agree to the appointment of a committee, to consist of five members, to join said committee on the part of the Senate.

Here, Mr. Speaker, is an adjudication by the House of Representa-Here, Mr. Speaker, is an adjudication by the House of Representatives upon the very question raised by the point of order submitted by the gentleman from Ohio, as to whether a resolution providing for the manner of counting the electoral vote is a question of privilege. That, as I have shown, has already been decided by the House, and an appeal taken from the decision of the Chair was laid upon the table. I desire to call the attention of gentlemen to the remarkable unanimity with which the House laid that appeal upon the table, the vote being 106 ayes to 19 noes.

Mr. CONGER. Considerably less than half of the House voted upon it.

Mr. SPRINGER. I wish to make a correction. I find I was mis-informed as to the name of the Speaker at that time. Mr. Penning-ton was the Speaker instead of Mr. Orr, and the House was controlled

by a republican majority at that time.

That House was proceeding to adopt a joint rule for the counting of the votes for President and Vice-President, and the rule which was then adopted remained in force and was substantially the rule by

then adopted remained in force and was substantially the rule by which Mr. Lincoln was twice and Mr. Grant was also twice counted in as President of the United States. This was considered in the House as a question of privilege, as I have shown.

Mr. KEIFER. The gentleman from Illinois is mistaken. The twenty-second joint rule was adopted in February, 1865.

Mr. SPRINGER. The twenty-second joint rule was adopted, as the gentleman from Ohio says, but a rule to enable the electoral votes to be counted was adopted, as I have shown, by the House where a republican President was to be counted in; and, as I have already said, I desire again to call the attention of the House to the large majority by which the question of privilege was sustained.

I will also read the action of the joint committee in reference to the same question. I read from the Globe:

In Senate, February 5, 1861.

Mr. Trumbull, from the joint committee, reported in part the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the two Houses will assemble in the Chamber of the House of Representatives on Wednesday, the 13th day of February, 1861, at twelve o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate and two on the part of the House of Representatives to make a list of votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses, assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

This was than a senate the senate of the two Houses.

This was then agreed to, and Mr. Trumbull was appointed a teller

on the part of the Senate.

Mr. ROBESON. I wish to ask the gentleman from Illinois a question, whether there is anything which authorizes either House to nullify the vote of a State?

Mr. SPRINGER. I have read the resolution and the proceedings of the House, and the gentleman can determine that for himself.

Mr. ROBESON. I understand the resolution. That governs simply the procedure, but gives or assumes no power on the part of either House over the vote as it comes in on the electoral certificate.

Mr. SPRINGER. I will state to the gentleman from New Jersey the twenty-second joint rule—

Mr. ROBESON. I am not speaking of the twenty-second joint rule. I admit that under the pressure of the war and the reconstruction

which followed it the republican party made a great deal of false legislation. I admit that they were weak and precipitate in much of the action that they took; and I admit that they are suffering from that to-day. But the fact that they do suffer from it should encouragement to those to whom they generously gave those advantages to turn and use them in attacking the Government under which

they were too hastily admitted.

The SPEAKER. The twelfth article of the Constitution provides for the counting of the electoral vote. The Clerk will read the one hundred and forty-second section of the Revised Statutes.

The Clerk read as follows:

Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared agreeable to the Constitution.

It will be observed that this law fixes the time The SPEAKER. The SPEARER. It will be observed that this law ixes the time for the counting of the vote and fixes this session as the one at which the count shall be made of the last presidential election. And the Chair may be permitted to say that the practice, almost without variation—certainly the recent practice—goes to the extent of showing that the two Houses have heretofore counted the electoral vote. In this connection the Chair will cause to be read an historic message from one of the Presidents of the United States.

The Clerk read as follows:

The Clerk read as follows:

To the honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral college" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress convened under the twelfth article of the Constitution have complete power to exclude from counting all electoral votes deemed by them to be illegal; and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes; and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution.

ABRAHAM LINCOLN.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, February 8, 1865.

EXECUTIVE MANSION, February 8, 1865.

The SPEAKER. The two Houses of Congress in the first session of the Thirty-eighth Congress agreed upon the twenty-second joint rule for counting the electoral vote. The Senate in the first session of the Forty-fourth Congress re-enacted all the joint rules of the Forty-third Congress except the twenty-second; the House taking no action thereon, the Senate then declared there were no joint rules in force. Now the situation is this: The House seems to have adhered to the twenty-second joint rule, while the Senate has declared it vacant. The Senate now sends a joint rule to supply the place of the twenty-second joint rule; and in view of the argument which has been had, the Chair will say in this connection the Senate decided in the Forty-fourth Congress, by a vote of 38 to 7, that the President of the Senate had no power to count the vote. The Chair will cause to be read from the Journal of the Senate of the first session of the Forty-fourth Congress the action taken by that body. Forty-fourth Congress the action taken by that body. The Clerk read as follows:

On motion by Mr. Maxey, to amend the bill by inserting at the end of section 2 the following:

"But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate shall decide which is the true and valid return, and the same shall then be counted,"

After debate, it was determined in the negative—yeas 7, nays 38.

Mr. SPRINGER. Let the yeas and nays be read. The Clerk read as follows:

The Clerk read as follows:

The yeas and nays being desired by one-fifth of the Senators present, those who voted in the affirmative are—

Messrs. Bogy, Cameron of Pennsylvania, Hamlin, Maxey, Robertson, Sargent, and Withers.

Those who voted in the negative are—

Messrs. Allison, Anthony, Bayard, Booth, Boutwell, Burnside, Cameron of Wisconsin, Carpenter, Christiancy, Conkling, Dawes, Dennis, Eaton, Edmunds, English, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Key, McCreery, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Sharon, Whyte, and Wright.

The SPEAKER. The Chair will repeat here a decision which was read yesterday, made by the present occupant of the chair. It is as

follows:

Tuesday, February 27, 1877.

Mr. Field, from the Select Committee on the Privileges, Powers, and Daties of the House of Representatives in Counting the Vote for President and Vice-President of the United States, reported a bill (H. R. No. 4693) to amend the Revised Statutes of the United States in respect to vacancies in the office of President and Vice-President, and demanded the previous question thereon.

Mr. Horatio C. Burchard made the point of order that the committee had no authority to report the said bill.

The Speaker overruled the point of order, on the ground that the resolution creating the said committee authorized it "to ascertain and report what are the privileges, powers, and duties of the House of Representatives in counting the votes for President and Vice-President of the United States," and also gave the committee the right to report at any time. The Speaker further stated that he could not conceive of a question of higher constitutional and parliamentary privilege than was involved in the bill under consideration, and he therefore held the bill to be in order at this time. order at this time.

The Chair also directs attention to the following decision a few days later:

FRIDAY, March 2, 1877. Mr. Field, from the Select Committee on the Privileges, Powers, and Duties of the House of Representatives in Counting the Vote for President and Vice-Presi-

dent of the United States, reported a bill (H. R. No. 4698) to provide an effectual remedy for a wrongfulintrusion into the office of President and Vice-President of the United States; which was read a first and second time.

Mr. Conger made the point of order that the said bill could not be reported or considered pending a motion to suspend the rules, which motion he claimed to have made before the said bill was read.

The Speaker held the report made by Mr. Field from the said committee to be first in order, a question of high constitutional privilege being involved.—Journal of the House of Representatives, second session, Forty-fourth Congress, page 628.

The Chair also refers to the decision of February 2, 1861, quoted by the gentleman from Illinois, [Mr. Springer.] It is as follows:

The Chair also refers to the decision of February 2, 1861, quoted by the gentleman from Illinois, [Mr. Springer.] It is as follows:

Mr. Washburne, of Illinois, rose to a privileged question and moved to take up the resolution of the Senate in relation to the mode of counting the vote for President.

Mr. Garnett said, I object to taking up that resolution now.

Mr. Washburne, of Illinois. I think it is a privileged question. It is in reference to carrying out a constitutional provision, and I shall press the resolution on the part of the House, following the precedents of forty years, without variation.

Mr. Garnett. I submit that it is not in order to submit that motion except by unanimous consent. It is perfectly competent for the gentleman, following the rales of the House, on Monday to move to suspend the rules, or else to proceed to the business upon the Speaker's table, thereby reaching that resolution in the regular way.

A question of privilege is a question touching the rights of some member of this House, or touching the privileges of this House. This, like many other duties imposed upon us by the Constitution, is to be exercised in the regular way, in conformity to the rules of the House. It does not touch the privileges of the House or any of its members.

The Speaker. The Chair supposes that it is a constitutional requirement that the votes shall be counted on a certain day; and in that aspect of the caseit seems necessary that arrangements should be made for that purpose. The Chair is therefore of the opinion that this is a privileged question.

Mr. Garnett. I doubt not that the decision of the Chair will be affirmed by the House; but I feel so consident that it is wrong—I say it with great deference to the Speaker—that I respectfully take an appeal from the decision of the Chair.

Mr. Washburne, of Illinois. I move to lay the appeal on the table.

Mr. Garnett. That is precisely my own position. I have no objection to the passage of the resolution, I think the point of order is well taken.

Mr. Ga

pointed.

The House divided; and the tellers reported—ayes 106, noes 19.

So the appeal from the decision of the Chair was laid upon the table.

The resolution of the Senate was read.

Mr. WASHBURNE, of Illinois. I offer the following resolution:

Resolved, That the House agree to the appointment of a committee, to consist of five members, to join said committee on the part of the Senate.

The House will observe that if the Chair were to refuse upon technicalities to allow an adjustment between the two Houses as to the government of the two Houses when in joint session to count the government of the two Houses when in joint session to count the electoral vote such a proceeding on his part might lead to chaos, confusion, perhaps commotion. But the Chair, on the question strictly of privilege, is of opinion that it makes no difference by whom the counting shall be done, so far as the question of privilege is concerned. If it is done by the two Houses, it is the highest duty they have to perform, one imposed directly by the Constitution, as the Chair thinks, relating to the election of a President and Vice-President, and the very existence of our form of government might depend thereon. If done by any other authority, it must be done in the presence of the two Houses, and without their presence it cannot be done at all; so that all laws and all rules relating to the joint meeting which in any event is indispensable to a count must be of the highest privilege, affecting as they do the exercise of a most important function of the two Houses, the ascertainment of the choice of electors for President and Houses, the ascertainment of the choice of electors for President and Vice-President.

In answer to the point made by the gentleman from Michigan [Mr. CONGER] and the gentleman from Iowa [Mr. UPDEGRAFF] as to the rules of this House, the Chair desires to say that it is not competent for the House to make any rule which impairs in any degree the execution of the terms of the Constitution of the United States. Chair therefore considers, for the reasons given and in view of past practice, that this is a question of privilege; and he accordingly en-tertains the proposition of the gentleman from Indiana, [Mr. Bick-

NELL.]
Mr. VAN VOORHIS. Will the Chair allow me to ask him a ques-

The SPEAKER. Certainly.

Mr. VAN VOORHIS. In rendering this decision does the Chair

The SPEAKER. The Chair will say to the gentleman as he said more fully in reply to the gentleman from Michigan [Mr. Conger] and the gentleman from Iowa, [Mr. UPDEGRAFF,] that it is not competent for this House to adopt any rule which if carried out would impair the due execution of the Constitution or take from or add to

that instrument in any respect whatever.

Mr. VAN VOORHIS. My question is whether in the judgment of the Speaker this Rule IX does that?

The SPEAKER. The Constitution and the law overrides all rules.

The Chair has over and over again so decided, and conspicuously so

decided at the time of the report of the electoral commission.

Mr. VAN VOORHIS. The Chair does not seem to understand my question. Conceding what the Speaker says, my question is whether

in reaching the conclusion which he has reached he feels obliged to override the language of Rule IX?

The SPEAKER. The Chair takes no cognizance of any rule when the Constitution of the United States and the laws of the land come in conflict with it.

Mr. SPRINGER. Is there any desire for an appeal from the decision of the Chair?

Mr. ROBINSON. Now do not provoke anybody unnecessarily. [Laughter.]

Mr. BICKNELL. I now renew the demand for the previous ques-

Mr. KEIFER. I understood that the gentleman from Indiana [Mr. Bicknell] desired to call up this concurrent resolution for debate.

Mr. BICKNELL. There was a great deal of discussion upon this subject during the last session.

Mr. KEIFER. There would have been more if we had been per-

mitted to have it.

Mr. BICKNELL. The questions involved in it have been completely worn out by discussion. I suppose that every member of the House has made up his mind upon it, and it would be a waste of time to debate it further.

Mr. KEIFER. If the gentleman will permit me I will say that it is possible that gentlemen older than myself might be improved by a little debate. We have had a long recess since the last discussion of this subject, and during the past summer other subjects have been under discussion. It might be well to freshen up on some things.

I warn the gentleman now that he will reach the end much sooner, if at all, by debate than by any other road he may choose to take.

Mr. BICKNELL. I do not think—

Mr. WHITE. I offer the resolution which I send to the Clerk's

Mr. BICKNELL. I have the floor, and that resolution cannot be in order. I renew the demand for the previous question.

Mr. ROBESON. Will my friend permit me a few moments?

Mr. BICKNELL. I believe we have had all necessary debate on

this question.

Mr. KEIFER. I have never said a word upon it except inci-Mr. WHITE. My resolution is to commit this proposition.
The SPEAKER. The Chair will recognize that motion.
Mr. BICKNELL. I insist upon my demand for the previous ques-

Mr. WHITE. Pending the request of my friend from Ohio [Mr. Keifer] to speak to this question, I will withdraw the motion to commit

Mr. STEVENSON. I suggest to the gentleman from Indiana [Mr. BICKNELL] to agree that the two sides of this House shall have a reasonable time for discussion. I would suggest that perhaps an hour and a half to each side would be acceptable.

Mr. WARNER. Will the other side agree to fix a time?

Mr. ROBESON. This is admitted on all sides to be the most im-

Mr. ROBESON. This is admitted on all sides to be the most important question that can occupy the attention of this or any other Congress. Fortunately we are able to-day to approach it without the exigency of political excitement.

Mr. BICKNELL. I have not yielded for any argument.

Mr. ROBESON. We can now dispose of it calmly and judiciously, and we ought not to be bothered in the future by any precedents about which there may be dispute.

Mr. BICKNELL. I rise to a point of order. I have not yielded.

Mr. ROBESON. I think we are entitled to an opportunity to discuss this question. If we are not allowed to discuss it, then I think we are entitled to defeat it by every means known to parliamentary law.

Mr. BICKNELL. I demand the previous question.

Mr. KEIFER. I understand the gentleman who has charge of this measure to refuse an opportunity for debate.

Mr. HERBERT. How much time do you want?

Mr. KEIFER. I am unable to speak for any person but myself.

The SPEAKER. The Chair thinks that the two sides—if there are two sides—should come to some agreement in regard to time.

Mr. SPRINGER. How much time does the gentleman desire?
Mr. KEIFER. I want an hour—just what the rules give me.
Mr. SPRINGER. How much time do the gentleman's colleagues

want? Mr. KEIFER. I am not able to speak for them; we have had no

consultation upon the subject.

Mr. SPRINGER. Will the gentlemen on the other side name a time when we may have a vote?

Mr. KEIFER. I cannot name a time myself.

Mr. KEIFER. I cannot name a time myself.

Mr. SPRINGER. Then we will take a vote now.

Mr. ROBESON. Is there anything pressing of more importance than this? Why should we be shut off from debating this question?

Mr. SPRINGER. There is nothing else so important as this; therefore we desire to dispose of it now.

Mr. ROBESON. Without discussion? I know that all the gentleman knows on this subject is contained in the book which he holds in his hand, [Precedents of the Count of Electoral Votes,] and I have obtained a great deal of information from it: yet I want discussion. obtained a great deal of information from it; yet I want discussion on the subject.

Mr. SPRINGER. I commend this book to the gentleman. I think he will be improved in his knowledge of the subject if he will read it.

Mr. CONGER. All that we can say is to repeat the prayer, Oh that all the rest of our enemies had written a book! [Laughter.]

Mr. WARNER. How long would it take the gentleman from Michigan to write his book?

Mr. KEIFER. Do I understand the gentleman from Indiana yields the floor? If so, I desire to be recognized.

Mr. ATKINS. Mr. Speaker, who has the floor?

The SPEAKER. The gentleman from Indiana [Mr. BICKNELL] is on the floor. on the floor.

Mr. ATKINS. I hope he will proceed.

Mr. BICKNELL. I ask gentlemen on the other side whether they will fix any time at which they will agree to come to a vote? [Cries of "No!" "No!"]

Mr. KEIFER. I am unable to say now certainly.

Mr. KEIFER. I am unable to say now certainly.
Mr. ATHERTON. Will you make any effort to find out?
Mr. KEIFER. I am unable to do it now.
Mr. BICKNELL. Then I demand the previous question.
Mr. KEIFER. The gentleman had better wait until he sees how soon we shall get through speaking.
Mr. WHITE. I insist on my resolution to commit this proposition to the Committee on the Electoral Count, with instructions. Mr.

Speaker, I make a motion—

The SPEAKER. The Chair has heard the motion, but is looking at the language of Rule XVII. The Chair will cause to be read the resolution sent to the desk by the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. TOWNSHEND, of Illinois. The gentleman from Indiana has

mr. Flow Sheller, of Thinois. The gentleman from Indiana has not yielded the floor.

Mr. BICKNELL. I have never yielded the floor.

The SPEAKER. The gentleman from Indiana demands the previous question; but the Chair thinks (although he wishes to examine the language of the rule before making a positive decision) that under Rule XVII a motion to commit is in order notwithstanding the pendency of a demand for the previous question.

Mr. TOWNSHEND, of Illinois. Let the rule be read.

The SPEAKER. The Chair will cause the rule to be read; but the

resolution will be read first.

The Clerk read as follows:

Resolved. That this resolution be committed to the Committee on the Electoral Count, with instructions to report a bill regulating the counting of the electoral votes for President and Vice-President of the United States in pursuance of article 12 of the Constitution of the United States.

Mr. WHITE. I ask to modify my resolution by striking out the words "this resolution" and inserting "the pending resolution."
The SPEAKER. The gentleman has the right to modify his res-

The Chair will now cause to be read Rule XVII.

The Clerk read as follows:

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The SPEAKER. The Chair entertains the motion of the gentleman from Pennsylvania, [Mr. White.]

Mr. SPRINGER. I rise to a parliamentary question. Was not this same motion made at the last session at this same stage, and voted

The SPEAKER. The Chair is not advised that it was.

Mr. SPRINGER. I ask a reference to the Journal to ascertain the

The SPEAKER. The Chair decided at the last session that under the rules the motion to commit can be once made during the pend-

ency of the previous question.

Mr. SPRINGER. There is no doubt that decision is correct; but if the motion to commit has been already made at this stage and voted down, it is not in order now to make it again.

The SPEAKER. The Chair has not the record before him, and does not like to trust his memory on such a matter.

Mr. KEIFER. It does not make any difference, I apprehend; for this is a renewal of the demand for the previous question. The right to make the motion to commit comes in every time the previous question. tion is called.

Mr. ROBESON. The motion to commit was withdrawn at the last

Mr. SPRINGER. If the motion was withdrawn, it would be in

Mr. SPRINGER. If the motion was withdrawn, it would be in order to make it now.

The SPEAKER. The Chair will have the Journal examined.

Mr. KEIFER. At the last session the motion to commit was in effect or actually withdrawn and a motion made to postpone until the first day of this session.

The SPEAKER. The Chair thinks it a fair construction to put upon the rule to allow an opportunity to any member to move to commit pending the previous question, just as one motion to adjourn (the two cases being somewhat analogous) is allowed pending a motion to suspend the rules.

tion to suspend the rules.

Mr. WHITE. This is a new call of the previous question.

Mr. CONGER. The RECORD shows—I have a copy of it in my

The SPEAKER. Will the gentleman be kind enough to read it?

Mr. CONGER. (Reading.)

The SPEAKER. The gentleman from Indiana withdraws the demand for the previous question on the adoption of the resolution, and now moves to postpone the resolution and make it a special order for the first Monday of December next, on which motion he demands the previous question.

Mr. WHITE. That is right.

The SPEAKER. Was that a proceeding as to this resolution or some other?

Mr. CONGER. As to this resolution. I send the volume to the Chair. What I have read is followed by the action of postponement. The SPEAKER. The Chair is advised by the journal clerk that

no actual vote ever was taken on the motion to commit. That vote, if demanded, must be taken, under the rules, some time pending the previous question. Under this state of facts, without going further, without deciding the question whether the right exists now, in view of the previous question having been withdrawn, the Chair entertains the motion

Mr. WHITE. The Speaker decides, then, the motion can be made? The SPEAKER. He does. Mr. WHITE.

Mr. WHITE. Then I withdraw the motion for the present and

will renew it at some future time.

The SPEAKER. The vote, then, will be taken on seconding the demand for the previous question.

Mr. WHITE. Very well; I withdraw, for the present, the motion

The SPEAKER. The gentleman has the right to withdraw it.

Mr. KEIFER. I now inquire whether the gentleman from Indiana is willing the debate shall proceed?

Mr. BICKNELL. If you will fix the time on your side on which you will agree a vote shall be taken—that is, a reasonable time—I

Mr. KEIFER. It is impossible for me to do that now; but we are willing to proceed, and we will reach an end sooner by a discussion

than by doing something else.

Mr. BICKNELL. If you cannot agree to some time, I will call for

Mr. ROBESON. Speaking for myself, will the gentleman agree to one week from to-day at four o'clock? We may discuss much less important questions than counting the electoral vote.

Mr. BICKNELL. I cannot accept that. I call for a vote, Mr.

Speaker, on seconding the demand for the previous question.

The House divided; and there were—ayes 98, noes 1.

Mr. CONGER. No quorum has voted.

The Speaker ordered tellers, and appointed Mr. BICKNELL and Mr.

The House again divided; and the tellers reported—ayes 102, noes 4. The SPEAKER. No quorum has voted, and the only motions in order are, that there be a call of the House, and to adjourn.

Mr. CONGER. I again ask the gentleman from Indiana to withdraw his motion and allow debate to proceed.

Mr. TOWNSHEND, of Illinois. Name your time.
Mr. CONGER. The gentleman will recollect we were in this exact position when we adjourned. The last action on this subject, just before we adjourned, was the demand for debate, which was refused. Since that time, in my judgment, the people of the United States have decided that we may debate the subject, and we intend to do it.

Mr. HUNTON. I wish to ask a question of the gentleman from Michigan and the other side of the House, whether four days' discussion will estimate them?

sion will satisfy them?

Mr. CONGER. We have sent this question to the people, and they have determined we may debate it.

Mr. HUNTON. There is no desire on this side of the House to suppress debate on this question. We believe the subject was fally discussed at the last session of this Congress, but our opinion on this subject does not seem to be concurred in by some gentlemen on the other side. Some of them indicate a purpose to further discuss this question.

We are not unwilling on this side of the House to such discussion, but we want to have some idea when filibustering is to cease on the other side and we shall be allowed to come to a vote. If we can get other side and we shall be allowed to come to a vote. If we can get an indication from the other side of the House when they will be willing to come to a vote on this question, then it will be for this side of the House to say whether they will grant the time asked for discussion. If it be reasonable I think I can guarantee it will be granted. But we are not willing to consume the time of the House in a short session and the last session of this Congress in debate, and then at the end of the time have the same scenes begun here this morning. And I desire gentlemen on the other side of the House to understand that if the settlement of the count of the presidential election in that if the settlement of the count of the presidential election in February, when the law fixes it, is obstructed, it shall not be by any action on this side of the House.

Mr. CONGER. The demand of the gentlemen on this side of the House for a right to speak on this resolution is not a recent thing. For days and for weeks during the last session gentlemen asserted here their desire to discuss this question. They asked the other side of the last session gentlemen asserted here their desire to discuss this question. of the House, then in the plenitude of its power and in the expectation of a continuance of it, to give them at least the privilege of speaking on this proposition, and they refused. Yesterday, on the very first day of this session, this measure, after an interim, was attempted to be forced upon us, and it is pressed to-day without any offer of debate. The gentleman from Indiana demands the previous question to shut off all debate. He is asked to give time. My friend from Ohio [Mr. Keifer] says he wants an hour to talk on this very important question, and he is refused. Gentlemen all around me on this side of the House now and on former occasions have said they wished to debate this question.

Ah! the gentleman says, you may debate with the collar around your neck, to come home when we draw you in. You cannot talk like independent men here—the question cannot be opened here without conditions; that is what the other side of the House, not in the plenitude of power as in the last session, but humbled by the voice of the people, demand of us to-day. We do not accept the prop-

osition.

The gentleman says we filibuster. Sir, we take the constitutional and legal modes of meeting any proposition here which invades or infringes our right to debate any question presented. Our right to debate here is above party dictation. If the laws and rules of this House are to be invoked to prevent or abridge our privileges, then we are forced to compel by silence our right to talk. There we stand, sir. Without condition and without promise, I think I express the view of every member of this side of the House, when I say that we will be heard, or our silence shall be equally effectual to force it. [Applause on the republican side.]

Mr. CARLISLE. Do we understand the gentleman from Michigan to announce that his side of the House seriously declines to fix any time or any limit to the discussion of this question?

Mr. CONGER. Not at all, sir. We indicate most decidedly that when we finish talking upon the subject gentlemen upon the other side may proceed in any manner they desire with the proposition.

[Laughter on the republican side.]

Mr. CARLISLE. Will the gentleman indicate any time or about what time they will finish talking?

Mr. CONGER. My impression is—and I say it with a great deal of Mr. CONGER. My impression is—and I say it with a great deal of reluctance and hesitation—that when each member on this side of the House has had an opportunity to say all he desires to say on this question, we shall be done talking, at or about that time. [Laughter on the republican side.]

Mr. CARLISLE. Does the gentleman mean, then, that every member on that side of the House desires to discuss this question?

Mr. CONGER. I do not know. I am not informed as to that. I only know that it seems to me there is a very universal expression of sentiment on this side to discuss this matter fully. They come here

only know that it seems to me there is a very universal expression of sentiment on this side to discuss this matter fully. They come here, as gentlemen upon the other side of the House have come, full of information which they have just gathered from the people during this last campaign, and the intimation there gathered shows them, as it has shown to other gentlemen running for office and brought in contact with the people in that way, that we have the right to be heard here and to express our views in the interest of our several constituencies.

Mr. CARLISLE. I think that gentlemen on this side of the House are entirely willing to allow a reasonable time for debate on this

proposition.

Mr. CONGER. Very probably they are.
Mr. CARLISLE. And I think if gentlemen on the other side of the
House will indicate any reasonable time or probable time when they
would be willing to close the debate, we could very readily arrive at

would be willing to close the debate, we could very readily arrive at some adjustment of it.

Mr. CONGER. Then our right to debate depends upon our willingness to quit talking. [Laughter on the republican side.]

Mr. CARLISLE. When you are through talking.

Mr. CONGER. Ah! I have already asserted for my side of the House that they will stop talking when they get through.

Mr. CARLISLE. But surely gentlemen on the other side of the House insisting upon the right to debate this proposition must have some idea of the time when they will conclude.

some idea of the time when they will conclude.

Mr. CONGER. I think, as nearly as I can understand, that I would be safe in saying the time required on this side of the House will not probably exceed one hour for each member. [Laughter on the re-

publican side.]

Mr. ROBESON. If my friend from Kentucky will permit me—

Mr. CARLISLE. Certainly.

Mr. ROBESON. I stand in opposition to this measure, Mr. Speaker, upon grounds of principle. I am not here specially to prevent action. On this side of the House we, in the first place, deny the power tion. On this side of the House w

of Congress to make such a rule.

Mr. CARLISLE. That is a matter for discussion.

Mr. ROBESON. And secondly, we deny the constitutional power to make a rule in that way. That governs the whole question, and we desire to discuss that question. The weakness of this rule, as presented to the House, seems to me to be so great that I think after free and full discussion the judicial mind of my friend from Kentucky will waver toward our side; and then I fear, if we shall have fixed any limit to the debate, or left any power on the other side of the House to cut it off, his colleague will pull the string and not allow him time to come over. Therefore we desire to discuss this question on our constitutional rights as members of this House without submitting to a limitation which the other side chooses to put upon it.

Mr. CARLISLE. We on this side of the House have asked gentlemen on that side to fix the limitation themselves.

Mr. ROBESON. Yes; and they say also when we do indicate the

Mr. ROBESON. Yes; and they say also when we do indicate the time they will grant it. Now, we say we will not enjoy that freedom

by their grace or permission, but claim it as our constitutional right. [Applause on the republican side.]
Mr. SPRINGER. Mr. Speaker, I desire to offer this proposition to gentlemen on the other side of the House.

Mr. KEIFER. I am waiting to proceed with the debate if the Chair will recognize me. I make the point of order that if this is to be discussed the Chair ought to recognize me. [Laughter.]

be discussed the Chair ought to recognize me. [Laughter.]

The SPEAKER. The Chair will do so.

Mr. KEIFER. I am ready to go on now.

Mr. SPRINGER. I ask unanimous consent that the resolution which I send to the desk may be read for information, as it may be the means of arriving at a solution of this question.

The SPEAKER. The resolution will be read.

The Clark read as follows:

The Clerk read as follows:

Resolved, That debate be allowed on the pending resolution from day to day until Tuesday next at two o'clock p. m., when the question shall be taken upon agreeing to the resolution, to the exclusion of all other questions.

Mr. SPRINGER. This allows one week for debate upon this question, during which time I think the gentleman from New Jersey [Mr. Robeson] can fully express all of his views on the constitutional questions that may arise, and the gentleman from Michigan will also be able to express his.

Mr. CONGER. I desire to ask the Chair if the pending question is not the demand for the previous question.

The SPEAKER. The Chair supposed the House was trying to reach an understanding as to the length of debate. Mr. CONGER. Then let the demand for the previous question be

withdrawn

Mr. SPRINGER. If gentlemen on the other side will listen to the

Mr. SPRINGER. If gentlemen on the other side will listen to the proposition I think they will admit it is a fair one.

The SPEAKER. The proposition will be again read.

The Clerk again read the proposition submitted by Mr. SPRINGER.

Mr. KEIFER. Is that resolution now in order?

The SPEAKER. The resolution is not in order. It is a proposition made by the gentleman from Illinois [Mr. SPRINGER] to which be asked appropriate consent. he asks unanimous consent.

Mr. KEIFER. I think it likely that the debate will not last the

length of time there specified; but I cannot agree to that resolution. Mr. STEVENSON. I wish to inquire if the gentleman from New Jersey [Mr. ROBESON] did not make the proposition that debate should close within one week from to-day?

Mr. ROBESON. I said I was willing so far as I was concerned to agree that the debate should then close. I do not want to occupy

more than half an hour myself.

Mr. SPRINGER. The gentleman from Ohio [Mr. Keifer] suggests we may desire to vote upon this question earlier than the time specified in the proposition I have submitted. If so we can agree at any time by unanimous consent to vote upon the question before the day

specified in the resolution is reached.

Mr. CONGER. I demand the regular order.

Mr. KEIFER. The proposition submitted by the gentleman from Illinois cannot be agreed to in the form in which it is presented.

Mr. SPRINGER. Will the gentleman from Ohio suggest a different form or a definite term?

Mr. CALKINS. I would suggest that the gentleman from Illinois strike out the latter clause of his proposition.

Mr. SPRINGER. What is that?

Mr. CALKINS. The clause that on Tuesday next the debate shall

olose and a vote be taken.

Mr. SPRINGER. That is the proposition itself.

Mr. CARLISLE. I do not understand that the gentleman from Illinois by the proposition he has submitted intends to exclude votes on amendments

Mr. SPRINGER. Surely gentlemen on the other side of the House

Mr. SPRINGER. Surely gentlemen on the other side of the House do not desire to place themselves in the attitude of obstructing the passage of necessary legislation to secure a count of the electoral vote.

Mr. CONGER. I have demanded the regular order three times.

The SPEAKER. The Chair has been listening to suggestions from the floor as to settling the time during which the debate shall continue.

Mr. CONGER. The remarks of the gentleman from Illinois, making reflections on our conduct, form no part of the proposition for settling the question as to time. I demand the regular order.

settling the question as to time. I demand the regular order.

The SPEAKER. The regular order, a quorum not having voted—
Mr. SPRINGER. I desire to inquire of the Chair if my proposition

has been objected to?

The SPEAKER. The gentleman from Michigan practically objects by demanding the regular order.

Mr. CONGER. We have proposed to have free debate upon this question without restriction. The proposition of the gentleman from Illinois seems to be based on the supposition that we do not mean

Mr. KEIFER. We are losing a great deal of valuable time in this discussion.

discussion.

Mr. DAVIS, of North Carolina. I desire to say a word. The proposition made by this side of the House is certainly fair and could not be disapproved by any fair-minded man; and the gentlemen on the other side ought to bear in mind that the time will come when the minority may not be on that side, and when they may find themselves in the power of a minority, if that minority shall disregard the public interest, as gentlemen on the other side are now doing.

Mr. UPDEGRAFF, of Ohio. I believe it is generally understood we on this side are not to be permanently in the minority; that we are not to continue in a minority long.

The SPEAKER. The gentlemen from Michigan demands the reg-ular order. The regular order, a quorum not being present to vote, is a motion to adjourn or a motion for a call of the House. Mr. SPRINGER. I move there be a call of the House. Mr. KEIFER. I hope the gentleman on the other side will allow

Mr. KEIFER. I hope the gentleman on the other side will allow the debate to go on.

Mr. SPRINGER. I have already proposed the debate shall go on for one week. The gentlemen on that side are not satisfied with that. I might be willing to listen to them all winter on this question. I could stand it, but the country could never endure such an infliction.

Mr. WILBER. I suggest to the gentleman from Illinois that we proceed with the debate, and if we are through before Tuesday we

can take the vote. If not, we can proceed until we get through.

Mr. SPRINGER. What is the gentleman's proposition?

The SPEAKER. That debate be allowed to go on without limitation; but the gentleman from New York supposes it may close be-

tion; but the gentleman from New York supposes it may close before next Tuesday.

Mr. SPRINGER. If the gentleman from Michigan had not claimed an hour for each of the gentlemen on that side of the House, and no gentleman having disclaimed his intention to occupy it, we might have agreed to the proposition of the gentleman from New York.

The SPEAKER. The gentleman from Michigan has not the power to claim an hour for each gentleman under the rule.

Mr. CONGER. The gentleman from Michigan will keep within his rights under the rules without having them defined precisely by the Chair.

The SPEAKER. The Chair has the right to explain what is or what is not permissible under the rule.

Mr. WARNER. All we want to know is, whether the gentlemen on that side, after having debated this question as long as they wish, will come to a vote without further obstruction.

Mr. McLANE. I ask the gentleman from Indiana [Mr. Bicknell] to withdraw his motion for the previous question. I do not see why we on this side should object to just as much debate as either side desires. I for one do not want to appear as an obstacle to the fullest possible debate on this question. If the other side of this House are really sincere in their willingness to vote upon this question, that will be apparent within the time that both sides are willing to concede. If they shall choose to carry on this debate beyond a week, or two weeks, or three weeks, let them do so, and let them take the responsibility of so obstructing legislation. The country will perfectly appreciate upon which side of the House the responsibility will rest, and if they shall choose to so occupy the time of this House until the very day of the counting the electoral vote, I for one will not make myself unhappy.

I appeal to my friend from Indiana, if he has not any well-digested and decided opinions of his own on this question, not to persist in his attempt to have any understanding with the other side of the House. Let the call for the previous question be withdrawn for the present. It will be within the power of my honorable friend to make it again whenever he may find that the time of the House is being unduly wasted or consumed. Let us go on with the debate without any limit. I do not want, on this side, to be embarrassed with an understanding to which I am no party and to which I can have no opportunity of being a party; an understanding made in the face of the whole House,

being a party; an understanding made in the face of the whole house, it is true, but by half a dozen members only. Let the gentleman from New Jersey [Mr. Robeson] take his time and debate this question.

Mr. ROBESON. My time will be very short.

Mr. McLANE. That may or may not be the case. The gentleman is not in the habit of treating any question very superficially. He has propounded to this House two very material propositions, and certainly if he would do justice to himself he will not be able to dispose of those questions much within the time which the rules of this

House would give him. And I have no doubt he would occupy the hour to which he would be entitled.

I do not understand that there is any such pressure upon this House that we as a political organization here should take it upon ourselves to make an issue with the other side of the House about counting the electoral vote. If they choose to let the debate go on until the day of the count, as I have already said, well and good. The two Houses will then make their count as they please to make it, as they think it wise and reasonable to make it; and gentlemen will find that they can make it without any rule, the action of the House being a rule for itself.

I do not feel that we are justified either in the eyes of the country or in our own, as two political organizations here, in making the point or in our own, as two political organizations here, in making the point that we are making to-day, and commencing a scene which can but be discreditable, by opening this session with filibustering, with refusing to vote, whether upon the yeas and nays or by passing between the tellers, and that upon no material issue at all, merely because gentlemen upon the other side do not choose to agree to a week's time to discuss this question. They have said in their seats, as well as in the discussion during these efforts to have an understanding, that they do not want a week's time for debate, that a few days may do.

Well, let a few days confirm that assertion, or let them show that it is an insidious effort to waste the time of the House and to avoid any action at all upon the subject. Until some such fact is apparent,

I think we upon our side of the House are unjustified in making any such issue with them, and I, for one, do not want to make it. Therefore I appeal to my friend from Indiana [Mr. BICKNELL] to relieve me from the necessity of following him in any such effort by withdrawing the motion for the previous question, as he can renew it whenever he may think it necessary.

The SPEAKER. It can be renewed at the end of every hour.

Mr. BICKNELL. While I will say that I am perfectly satisfied that further debate upon this question would be a necless waste of time.

further debate upon this question would be a useless waste of time, yet, inasmuch as gentlemen on both sides of the House seem to be inclined to debate it, and as we have no quorum here now by which we can pass this resolution without the aid of some gentlemen on the

we can pass this resolution without the aid or some gentlemen on the other side, in answer to the appeal of the gentleman from Maryland, [Mr. McLane,] I will withdraw the demand for the previous question.

The SPEAKER. The Chair will recognize the gentleman from Ohio, [Mr. Keifer.]

Mr. REAGAN. I want to say one word. We are here in a short session. We have all the appropriation bills to pass and a great deal of other important legislation, if we would avoid an extra session of

Congress

I am not able to advise my friend from Indiana [Mr. Bicknell.] or the kind-hearted and credulous gentleman from Maryland [Mr. McLane.] But there is no man here who does not in his heart know that we are not to have a vote on this question. The proposition is simply to sacrifice that much of the time of the House without any simply to sacrince that much of the time of the House without any profit, the debate to be followed by a renewal of filibustering. I regret very much that the gentleman from Indiana should consent by his action, by withdrawing his motion, to the sacrifice of that much of the time of the House. We will not get a vote on this proposition to-day; we will not get a vote upon it during this session. He had better withdraw the resolution as soon as it is demonstrated by factious opposition that the other side of the House have determined to defeat this beneficent and necessary measure.

The SPEAKER. The gentleman from Ohio [Mr. Keifer] is rec-

ognized for one hour.

Mr. VAN VOORHIS. I desire to offer a resolution.

The SPEAKER. It is not in order now.

Mr. VAN VOORHIS. It is in order, I submit.

The SPEAKER. Does the gentleman from Ohio yield?

Mr. VAN VOORHIS. It is a question of privilege.

The SPEAKER. There is already one question of privilege pend-

The SPEAKER. There is already one question of privilege pending. If the gentleman's proposition is an amendment to the pending resolution, that is another matter.

Mr. VAN VOORHIS. It does affect the present proposition.

Mr. WHITTHORNE. The gentleman from Ohio is on the floor.

The SPEAKER. The gentleman from Ohio is on the floor. The resolution is now open to debate. The time will come when it will be proper to move to amend.

Mr. VAN VOORHIS. I rise to a point of order. Is not a resolution to postrope the pending proposition in order?

to postpone the pending proposition in order?

The SPEAKER. It is not now. The gentleman from Ohio will proceed.

Mr. KEIFER. Mr. Speaker, this resolution passed the Senate at its last session, and this House was then, with great zeal, pressed to concur therein. Failing to force the resolution through the House before the last adjournment, it was made a special order for the opening day of this session. Its prompt passage was supposed to be important, because we were in a presidential election year.

On every hand we were warned that under its provisions this Congress, with a democratic majority in each House, would count in the democratic candidates of 1880 for President and Vice-President of the United States. Leading democrats outside of Congress openly proclaimed to the country such a purpose. But now, fortunately, the people of this country, having in their sovereign capacity given a judgment so unmistakable as to hush to silence all further talk of this kind, it seems as though wisdom would dictate that we should again plant ourselves on the plain provisions of the Constitution as

interpreted in the light of the precedents of almost a century.

In the consideration of this question partisan spirit should be forgotten. A remembrance of the fact that after the presidential election of 1876, on account of a division of opinion on this question, not confined to party, this nation was brought to the brink of anarchy and civil strife, business was paralyzed, and faith in the perpetuity of the Government was shaken, should force us to a solemn realization of our duty as legislators and cause us to anxiously inquire what can be done to prevent a repetition of like scenes and events.

I propose now to give some reasons why I am unalterably opposed, not only to this proposed joint rule, but to legislation in every form

which undertakes to withhold from the President of the Senate his constitutional powers and vest them in Congress, or one branch thereof, and which also proposes to provide a means by which the vote of the electors of a State may not be counted. I deny that the power not to count the electoral vote belongs anywhere.

I know the ground I purpose to tread has been trodden in recent

years by some of the great statesmen and political giants of this country, and I am conscious that I shall be charged with attempting to parry with a rapier the broadsword cuts of political friends as well as political foes. I shall, however, endeavor to show, as an excuse for my temerity, that the construction of the Constitution which I maintain is the one given it by the convention that framed it, by individual members of that convention after its adjournment, by the almost uniform course pursued under the Constitution, and by statesmen who figured prominently in the political arena in the early days of the Republic.

PROPOSED JOINT RULE.

The first section of the resolution provides for the meeting of the two Houses to witness the count, which the Constitution and laws already provide for. Sections 4,5, and 6 relate to wholly immaterial matters, such as the preservation of order, arrangement of seats, &c., in joint session. The material parts of the resolution are these:

Appointment of tellers.

SEC. 2. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to record and compute the votes of electors.

Appointment of tellers.

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Opening the list of votes and receiving and counting them.

Src. 3. The certified list of votes of electors shall be opened by the President of the Senate in the presence of the Senate and House of Representatives and in the alphabetical order of the States, beginning with the letter A. He shall open all the occitified list of votes of electors, (or papers purporting to be such certified list of votes,) of each State respectively, which shall have been delivered to him, in the order herein prescribed, and shall deliver them to the tellers, by whom they shall be read in the presence and hearing of the two Houses.

When the papers in one of such certified lists shall have been so read, and before mother sealed package or list of votes of electors from the same or any other State shall be or expected in the presence and hearing of the two Houses.

When the papers in one of such certified lists shall have been or any other State shall be or evided, such list shall be received and the votes be counted, and no other package or any or either of them. If no objection is made, in the manner hereinather provided, such list shall be received and the votes be counted, and no other package purporting to be a certified list of votes of electors from such State shall be opened. If objection is made, shall each be submitted in writing and shall state the grounds of objection is made, shall each be submitted in writing and shall state the grounds of objection secretarily and without argument, and must be signed in duplicated and one of said duplicates shall be handed to the President of the Senate and the other to the Speaker of the House of Representatives; and the said objection shall be stated by the President of the Senate in the presence and hearing of the two Houses; wherepon he shall proceed to speak and one of said duplicat

An analysis of the proposed rule will show its startling character. It is sought by a concurrent, not a joint resolution, to adopt a joint rule that casts new and inconsistent duties on the President of the Senate—an officer whose duties are defined by the Constitution—by requiring him to open "papers purporting to be certified lists of votes" whether they are such or not, and this in the face of the constitution—in the second constitution of the constitution. tional provision only requiring him to open actual certificates of votes, all of which votes are required to be counted. It is proposed to give Congress the right not only to count the electoral votes for President and Vice-President, but also the power not to count them at all. To do this, would, by a concurrent resolution, confer extraordinary and dangerous powers on the bodies passing it, and without

ordinary and dangerous powers on the bodies passing it, and without a reasonable pretense of constitutional warrant.

The last clause of section 8, article 2 of the Constitution authorizes Congress to make all necessary laws to carry into execution certain enumerated powers, "and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof." The right of Congress to make laws to carry into effect every provision of the Constitution will not authorize it to confer power on itself. A joint rule adopted by a concurrent resolution, such as the one now being considered, and without the President's

approval, could in no sense be regarded as a law. This is a bold scheme to enable Congress to select the President and Vice-President of the

to enable Congress to select the President and Vice-President of the United States from the persons voted for, regardless of the one receiving the highest number of electoral votes.

I do not admit by any means that the foregoing or any clause of the Constitution gives the right to Congress to by law confer such high power on itself.

The grounds of objection (if indeed any are required under the rule) to the certified list of votes of electors are left to the whims and partisan views of members of Congress. Whatever the objection may be the two Hunses must senarate and consider it and if tion may be, the two Houses must separate and consider it; and if there be a genuine certificate from a State and a paper purporting to be a certificate from the same State, the electoral vote of such State cannot be counted at all, on objection being made to each, without the concurrent action of both Houses. Under the rule, then, either House of Congress could prevent the vote of a State from being counted. This would result in one House (not Congress) controlling by its negative action the election of President and Vice-President of the United States. Under such a rule the case could arise where or the United States. Under such a rule the case could arise where by the Senate and House acting together, or separately, no electoral vote would be counted, and there would then be no power to elect a President or Vice-President, and the country would be without either. The House cannot elect a President, or the Senate a Vice-President, except from persons who have received counted electoral votes. The resolution then goes to the extent of giving to each House the right to count or not to count the electoral votes of any or all of the

States; and I agree there is as much warrant in the Constitution for this as for the authority to give Congress such right, especially by a joint rule of the two House

The member from Indiana [Mr. Bicknell] in charge of this measure was once in a speech here (June 10, 1880) candid enough to say:

In my [his] judgment no joint rule will meet the existing emergency. Where an obligation rests on Congress to provide the legislation necessary to carry into execution constitutional provisions, a joint rule is not legislation. A joint rule in such a case is a mere make-shift, a temporary expedient; it binds nobody. Either House adopting it to-day may abandon it to-morrow. It carries no moral force with it.

Still with these views the distinguished member presses this resolution as its chief advocate. Constitutional obligations at times are made to set easy.

I am surprised that the advocates of the right of Congress to count the electoral votes should be willing to support that part of this "make-shift" which allows electoral votes to be counted without the concurrence of both Houses of Congress. I refer to this language of

the resolution:

If but one list of votes of electors from any State has been submitted to each House for its decision, and it shall appear that the Houses have not concurred in rejecting said list, the same shall be received.

In such case who will count the electoral vote? Will not the President of the Senate count it?

But the measure of this proposed usurpation of power is to be found in that clause of the resolution which gives to one branch only of Congress the power to reject, with or without grounds, any and all electoral votes.

Two sets of certificates can be furnished for any State. Any person can make and return "papers purporting to be a certified list of votes," and then one House could throw out the entire vote of the State. A simple illustration of the workings of the rule in this respect may be given: Suppose a presidential candidate received 214 electoral votes Two sets of certificates can be furnished for any State. including the States of New York and Pennsylvania, and another had 155, and two sets of certificates were placed in the hands of the President of the Senate for each of these States. On objection being made, if one House should vote not to count the votes as shown by either of the certificates, 64 (New York 35, Pennsylvania 29) votes of the leading candidate would be rejected, his remaining vote would be only 150, and the candidate having 155 votes would become President of the United States. A majority of one branch of Congress would thus make a President from those voted for by the electors. A Vice-President dent would be made in the same way.

Having indicated the design, scope, and workings of the proposed rule, and in some measure shown the want of power to adopt it, let us take a broader view and consider who has the right to appoint electors, determine the validity of their votes, and to count their votes.

THE APPOINTMENT OF ELECTORS

is a purely State matter. The language of the Constitution is:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, &c.—Section 1, article 2.

The same section of the Constitution provides that-

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes.

Here the power of Congress in relation to the electors begins and ends. It has nothing to do with the manner of appointing them, and it follows that it has no right to establish a mode of determining when the Legislature of the State has appointed them if it has acted at all.

Nothing is clearer than the fact that if electors have been chosen as the Constitution provides, at the time and in the manner fixed by law, and they have cast their vote on the day prescribed by law, that it must be counted as cast; and every attempt to prevent its being

counted would be a bold effort to rob the people of this country, in flagrant violation of the Constitution of the United States, of their choice for President and Vice-President.

The proposed joint rule can only be characterized as a measure of usurpation and fraud, the enforcement of which could hardly in the end lead to anything short of bloodshed and war. It proposes to vest Congress, through the rejection of electoral votes, with the prerogative of selecting the two highest officers of the Government from the persons voted for no matter how clearly it may have been determined

tive of selecting the two highest officers of the Government from the persons voted for, no matter how clearly it may have been determined by State or other authority that the votes were duly cast. It occasionally happened in republican Rome that her senators, the lords, and aristocrats would appear in the Campus Martius and, with the aid of their armed servants and a hired retinue, prevent on an election day the choice of a consul unfriendly to them. This at least had the merit of boldness compared to a subtle method of depriving the electors of their votes after they were cast. The barbaric methods of two thousand years ago have been adopted in elections in some places in our Republic; they now seem to be giving way to the more bloodless method of not counting the votes cast. In these Halls we should give no countenance to either method.

WHO TO COUNT THE VOTE.

WHO TO COUNT THE VOTE.

If the right to count the electoral vote, or, rather, to decide what vote should be counted, is not given specifically by the Constitution to any authority, it does not follow that Congress can assume it. The debates on the adoption of the Constitution show that it was designed to remove as far as possible the choice of President and Vice-President from the control of Congress.

Charles Pinchton of South Carolina a member of the constitu-

Charles Pinckney, of South Carolina, a member of the constitu-tional convention, January 23, 1800, when speaking on the subject of the election of President of the United States, said:

He remembered very well that, in the Federal convention, great care was used to provide for the election of the President of the United States, independently of Congress, and to take the business, as far as possible, out of their hands.—Elliott's Debates, volume 4, page 424.

It may be observed here that it is quite immaterial who counts the electoral vote. The addition of a few figures is an easy task for any person. It is purely a matter of computation. The privilege of counting the vote, however, carries with it no right to reject it. The uniform construction put upon the language of the Constitution by its framers when adopted and first put in practice justifies the claim that Congress has no duty to perform in relation to counting the electoral vote other than to witness its count.

PRECEDENTS OF CONSTRUCTION.

The Constitution was signed September 17, 1787, and on the same day a resolution passed the convention unanimously directing the mode of putting the constitutional government into operation; and on the matter of counting the electoral vote for the first President,

That the Senators should convene at the time and place assigned: that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the vote for President.

Washington, the president of the convention, signed this resolution. Here was a clear construction of the Constitution, before the ink used in writing and signing it was dry, and by the voice of all its framers, which should alone close the mouths of doubters and modern constitutional expounders.

In accordance with the resolution the first Senate chose John Langdon, one of its number, President of the Senate; and, as its order declared-

For the sole purpose of opening the certificates and counting the votes of electors of the several States in the choice of President and Vice-President of the United States.

Accordingly, on April 6, 1789, John Langdon did open the certificates and count the electoral vote for President and Vice-President, and he then declared, and so certified, that George Washington and John Adams were elected, the former President and the latter Vice-President of the United States.

The certificates were prepared by a committee of the Senate, and they recited that-

The underwritten, appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and Vice President, &c.

An extract from the Journal of the House of the last-named date also conclusively shows that the President of the Senate declared what votes should be counted by the tellers. Here it is:

Mr. Parker and Mr. Heister [House tellers] then delivered in at the clerk's table a list of votes of the electors * * * as the same were declared by the President of the Senate in the presence of the Senate and this House.

This is the highest evidence that the President of the Senate not only opened the certificates but declared the electoral votes to be

In both branches of Congress there were then many members of the convention that had but recently framed the Constitution. None were found to protest against the action of the President of the Sen-

Members of Congress of this day who deny the right of the President of the Senate to declare what votes are to be counted must occupy the unenviable position of believing that the makers of the Constitution did not know the cunning of their own child; and, as we

shall presently see, they must hold that Washington, John Adams, Jefferson, Madison, &c., were each declared elected President of the United States on a count of electoral votes made in violation of the Constitution.

Constitution.

While the champion of this resolution [Mr. BICKNELL] admits that Mr. Langdon did the counting which made George Washington and John Adams first President and first Vice-President, the member from Virginia, [Mr. HUNTON,] in the face of history, denies that fact; yet they, by some sort of democratic reasoning, bring themselves into mutual embrace and agree that one branch of Congress alone may count or not count the electoral vote. After giving a construction to the Constitution in favor of the President of the Senate's right to count the electoral vote, Congress passed, March 1, 1792, a law regulating the election of President and Vice-President, and therein recognized such construction. The material part of a section relating to the ascertainment of the vote is this: to the ascertainment of the vote is this:

That Congress shall be in session the second Wednesday in February * * * succeeding every meeting of the electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared agreeably to the Constitution.

In that act there is no intimation that Congress had any right to count or reject electoral votes. This law hoary with age, but yet in force, it is now proposed to annul by a simple concurrent resolution of Congress. Under it John Adams opened the certificates, counted the votes, (February 5, 1793,) and declared Washington President, and himself Vice-President, to commence the 4th of March, 1793. Again, in February, 1797, John Adams discharged his duty as President of the Senate by opening the electoral certificates and counting the votes, at the conclusion of which he pronounced himself elected President and Thomas Jefferson Vice-President, and thereupon delivered himself of a heatitude, thus: ered himself of a beatitude, thus:

And may the Sovereign of the universe, the Ordainer of civil government on earth, for the preservation of liberty, justice, and peace among men, enable both to discharge the duties of these offices conformably to the Constitution of the United States with conscientious diligence, punctuality, and perseverance.

Mason of Virginia then reported from a committee of the Senate a resolution, which was adopted, requiring a notification of election to be sent to Mr. Jefferson, from which I read an extract:

The underwritten Vice-President of the United States and President of the Senate did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and for a Vice-President.

No clearer evidence could have been preserved, not only of what John Adams did, but of the judgment of the then Congress as to the duty of the Vice-President to count the electoral vote. In the fourth presidential election Jefferson (February, 1801) as Vice-President discharged his duty in relation to the electoral vote, and signed a certificate in compliance with an order of the Senate from which this

The underwritten Vice-President of the United States and President of the Senate did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for President, whereupon it appeared that Thomas Jefferson, of Virginia, and Aaron Burr, of New York, had a majority of votes as electors, and an equal number of votes.

appeared that Thomas Jefferson, of Virginia, and Aaron Burr, of New York, had a majority of votes as electors, and an equal number of votes.

Here is the most conclusive evidence of Mr. Jefferson's personal action under the Constitution. The distinguished member from Iowa [Mr. UPDEGRAFF] who in June last made an exhaustive argument on this subject has shown that Mr. Jefferson was called on to count the vote of Georgia for himself on a certificate (if it could be so called) which was more than technically defective. An account of his conduct, showing that he directed without consultation with anybody the vote of that State to be counted for himself and Aaron Burr, will be found in Davis's Memoirs of Burr, volume 2, page 71.

The honorable member from Georgia, [Mr. Stephens,] who, as I understand from his public writings and speeches, wholly repudiates the principles of the proposed joint rule and favors both Houses of Congress, while in joint session, exercising the right to settle by a vote per capita all disputed votes, in a published article (International Review, January and February, 1878) says Mr. Jefferson favored legislation by Congress to regulate the electoral count, and he quotes from what is said to be Mr. Jefferson's draught of an amendment to a bill pending before the Senate while he was Vice-President. It is fair to say that Mr. Jefferson's subsequent open public act which resulted in making himself President of the United States is in opposition to such a construction of the Constitution. No public act or speech of his supports this posthumous claim as to his views. It is quite certain that after Mr. Jefferson had written the paper referred to by the honorable gentleman he did not think well enough of it to have it offered in the Senate or to otherwise give it publicity, and he entombed it so thoroughly that its resurrection day did not come for seventy-five years and until grass had grown over his grave above half a century. seventy-five years and until grass had grown over his grave above

half a century.

In the draught he is made to say that it is to be inferred from the wording of the Constitution that the members of the Senate and House of Representatives are to do the counting, and that they are

The views of the gentleman from Georgia [Mr. Stephens] and those of Mr. Jefferson are in harmony on the question of the right of the two Houses in joint session to count the electoral vote, if this paper of Mr. Jefferson can be accepted as his settled views, and both are

against the usurpation sought to be worked out through the pending resolution.

If we take Mr. Jefferson's draught as a whole, we will find that he did not believe any authority could or should deprive any State of an electoral vote. I quote from it:

That whenever the vote of one or more of the electors of any State shall for any cause whatever be adjudged invalid, it shall be lawful for the Senators and Representatives of the said State, either in the presence of the two Houses or separately and withdrawn from them, to decide by their own votes to which of the persons voted for by any of the electors of their State [or to what person] the invalid vote or votes shall be given, for which purpose they shall be allowed a term of [one hour], and no longer, during which no certificate shall be opened or proceeded on.

This, however, so flatly contravenes the Constitution, which gives to States the right to select the persons who shall cast the electoral votes, that Mr. Jefferson on reflection may well have consigned this fugitive paper to supposed oblivion.

fingitive paper to supposed oblivion.

Those who assume to be the guardians of his name and fame should not have disturbed its resting-place or discovered it to the public eye.

not have disturbed its resting-place or discovered it to the public eye.

My friend from Georgia, while he regards Mr. Jefferson as an apostle of strict construction to be followed in the matter of the authority of Congress to ascertain the vote to be counted, could not but repudiate his views set forth in the quotation just made. He does not think Mr. Jefferson should be followed so far outside of the pale of the Constitution as to favor the casting of rejected electoral votes by members of Congress from States having such votes. While some differences of opinion developed early, yet they, on discussion, were dropped, and the uniform course obtained for the Vice-President to count the vote, and this prevailed until modern expediency has found it necessary to try to change it.

I might take up, did time permit, each presidential election succeeding those given, and show the method I now contend for was uniformly pursued. An anology may be necessary for having gone

I might take up, did time permit, each presidential election succeeding those given, and show the method I now contend for was uniformly pursued. An apology may be necessary for having gone into the details of history at all. I should not have done so but for the fact that at a recent session at least one member [Mr. Hunton, of Virginia] confidently claimed that (with a single exception) "the two Houses of Congress have exercised the power of counting the electoral vote." It is a misfortune that we so often read history awry, or that we do not read it at all.

CONSTITUTION.

A recurrence to the language of the Constitution on this subject and the history of its enactment will confirm us in the belief that the early and uniform practice we have shown to have existed was in accordance with its letter and spirit. The language of that instrument (section 1, article 2) is this:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

This same language is found in the twelfth amendment to the Constitution, which is now in force. That amendment was proposed at the first session of the Eighth Congress, (December 12, 1803.) and it was adopted by the required number of States in 1804, after four presidential elections had been held under the Constitution, in which the President of the Senate counted the vote in the presence of the two Houses of Congress. If, as has been claimed, there is a casus omissus in respect to the electoral count, those who set the Constitution in motion did not discern it. No amendment was deemed necessary to change the prevailing construction of the Constitution, or to inaugurate a new policy in the matter of counting the electoral vote. No fears were then felt that the prevailing practice would lead to serious trouble. Why should we now drift from the old moorings? What new light has poured upon us in respect to this question? To use the language of Mr. Dallas in its defense:

The Constitution in its words is plain and intelligible, and it is meant for the home-bred, unsophisticated understandings of our fellow-citizens.

In the original draught of the Constitution, reported to the convention from a committee of eleven (September 4, 1787, Elliott's Debates, volume 1, page 283,) the language used was:

The President of the Senate shall, in that House, open all the certificates, and the votes shall then and there be counted.

Two days later, when the report was under consideration, the convention added to this clause, after the word counted, the words in the presence of the Senate and House of Representatives, thus showing it only intended these bodies to be auditors at the opening and counting of the vote. No vote or other act of the convention indicates any change of such intent on its face. All that appears is that in a reformation or revision of the language of the clause it was thought best, without any change of the sense, to transpose it and insert the words in the presence of the Senate and House of Representatives, in lieu of the words in that House, and also to strike out, as superfluous, the words and there. This left the clause as it now stands. From such revision no possible inference can reasonably be drawn that the convention intended to alter its previously expressed purpose of requiring the votes to be counted in the presence of the Senate and House of Representatives. The language of the clause was improved, the meaning was not changed. Eleven days after this clause was agreed upon, the same convention by resolution, as already shown, gave construction to it in harmony with its plain words. The convention did not, by inference, confer powers on Congress. Its powers were all carefully enumerated. (Section 8, article 1.)

The language is imperative and requires the votes shown by the

certificates opened by the Vice-President to then be counted. What votes are then to be counted? Only the certified votes, and all these are absolutely required to be then counted. If votes are not certified they cannot be counted; if they are, and the certificate is laid before the joint convention, they must be counted, and then, for the Constitution so says.

If all that was contended for here was the privilege to perform the mere ministerial act of counting the votes as so evidenced, it might be conceded, as no possible harm could come from it. Any person learned in addition could be trusted to do that. There is no objection to tellers doing it, as has always been the practice. The material thing is the declaration of the vote to be counted, and this duty devolves on the President of the Senate. This resolution requires the tellers "to record and compute the votes of electors," and this is all the actual counting needed. What is proposed, I repeat, is, under cover of an alleged power to count the electoral votes, to give Congress, and in certain cases one branch thereof, the right not to count them.

Those who advocate this plan contend that the right to count (or retecount) the vote is not expressly granted to the Vine President, and

Those who advocate this plan contend that the right to count (or not count) the vote is not expressly granted to the Vice-President, and hence Congress may assume it. No right is given to Congress to gather to itself all powers not elsewhere conferred. It is said it is dangerous for the power to count the vote to be vested solely in one man—the President of the Senate. Grant this; it is always dangerous to repose power anywhere. If such power must belong somewhere, it will be as safe with him as with Congress. In nearly one hundred years of our constitutional existence no case of abuse of power (unless Mr. Jefferson's acts constitute one) can be or has been charged against a President of the Senate in respect to the counting of the electoral vote. We could not hope for as happy results if Congress were clothed with this important duty.

of the electoral vote. We could not hope for as happy results if Congress were clothed with this important duty.

Large bodies are more tyrannical than individuals. Oppression, tyranny, usurpation, and injustice, as history teaches us, are the offspring of party factions in republics as well as the children of absolute monarchs. The Roman senate in the last two centuries of republican Rome incited, countenanced, justified, and condoned more wanton bloodshed than can be laid at the door of individual monarchy for the same period in the history of any so-called civilized nation. If we turn on the light of the present in our own Republic we are not reassured. We have recently seen, under the dictum of party caucus, crime and fraud, in the presence of which civilized man stands appalled, justified—not only justified, but sought to be legalized. We have witnessed legislative bodies abuse as well as usurp power. We have seen members of both great parties at our recent presidential electoral count united in a commission hermaphroditically organized, partaking of law judges and law makers, divide on every material question—8 to 7—according to party bias. This was not calculated to quiet the sensitive nerves of the Republic. The defeated party cried through the land that the result was a larceny, grand larceny, presidential larceny, and that it would be vindicated. The vindication has not yet come, it is true, and it is not likely ever to come in that case. A bad cause can have no vindication.

It has frequently occurred that a President of the Senate has unflinchingly discharged his duty under the Constitution, by counting the electoral vote and declaring elected a President and Vice-President of the opposite political party. When the fires of civil war were already lighting, in 1861, John C. Breckinridge, (shortly thereafter a leader in rebellion,) himself a presidential candidate, then Vice-President, opened the certificates and counted, (with the aid of the usual tellers,) and so certified, the electoral vote that made the now immortal Lincoln President of the United States.

It is conceded that the President of the Senate, and he only, has anthority to "open all the certificates," showing the electoral votes. This is a more dangerous power than the right to count the votes thus shown. He is to judge of the genuineness of the certificates. Should he decide that a paper purporting to be a certificate of such votes was not what it purported to be, he need not present it, and there would then be no opportunity to count the vote of a State. This has actually occurred. On February 8, 1865, Vice-President Hannibal Hamlin, of Maine, withheld certificates from the States of Louisiana and Tennessee; and when, during the joint session of the Houses, he was called on to submit them, he refused, and they were never submitted, nor the votes counted. It is true, he had the authority of a joint resolution, (approved by the President,) which had the force of a law, for refusing "to receive or count" the votes of these and other States. I refer to the joint resolution President Lincoln approved, (February 8, 1865,) and then sent a protesting message to the Senate, disclaiming all right of the Executive to interfere in the matter of counting the electoral vote.

My friend from Virginia, [Mr. HUNTON,] in a speech here, says President Lincoln approved the twenty-second joint rule, adopted in that year. It was adopted by a concurrent resolution, (February

My friend from Virginia, [Mr. Hunton,] in a speech here, says President Lincoln approved the twenty-second joint rule, adopted in that year. It was adopted by a concurrent resolution, (February 6, 1865,) and it was never submitted to him for his action. Other members have fallen into the same error. I understood the honorable Speaker, to-day, to cite the message of President Lincoln on the "joint resolution declaring certain States not entitled to representation in the electoral college" in support of the power of Congress to count the vote. Errors of judgment track in the wake of errors of history.

I do not justify the long-since abrogated twenty-second joint rule.

The resolution which President Lincoln approved set forth in its-

preamble that eleven States, and named them, were then in rebellion and on that account declared that "no electoral votes shall be received or counted from said States." This went to the root of the case, and it was not a regulation of the conduct of the count in joint convention of the Houses. Then democrats, South, were absent, claiming these eleven States were out of the Union for all purposes, and democrats North were agreeing with them in the main; but some of them claimed they were still in the Union far enough to help elect a President of the United States. In that instance, if in no other, the republican party sided with the southern democrats, and accepted their view of the case, to a certain extent.

I am aware that my opinions are not parallel with any party lines. Some members say, in the cases where the President of the Senate has counted the vote, he has done so under the authority of Congress. This cannot be true. Congress cannot delegate the constitutional powers it possesses. John Langdon, the first President of the Senate, had no authority of Congress to count the vote, yet he counted the

vote without objection.

The accountability to which a Vice-President would be held in case he should abuse his official power or fail to faithfully perform his duty is a sufficient guarantee that he will never attempt either—certainly not before his party friends in Congress would be ready to do

It may be going too far to hold that Congress has not power to, in the ordinary way, pass a law to guide the Vice-President in opening and counting the electoral vote, but any law or rule which would deprive him of the right to do either would be unconstitutional.

The opinion entertained by Mr. Jefferson, and which my friend from Georgia follows, that whatever is done having relation to the count must be while in joint convention, is undoubtedly sound. It harmonizes with the Constitution. The Constitution absolutely fixes two things: (1) the certificates shall be opened; (2) the votes shall then be counted, and all in the presence of the two Houses.

There can be no counting or agreement to count or not count the vote in second to second.

vote in separate session.

In the adoption of this resolution the text and spirit of the Constitution is to be ignored, the truth of history is to be denied, all good and safe precedents are to be disregarded, and a single doubtful, dangerous, and repudlated precedent which grew out of a wholly unanticipated state of affairs incident to a civil war is to be invoked as a justification of the act.

If the Constitution does charge Congress with the duty of counting the electoral vote, it will exist without the aid of a joint rule; and if it does not exist under that instrument, then Congress cannot

and if it does not exist under that instrument, then Congress cannot

by joint rule impose that duty on itself.

That it could not have been contemplated that Congress should have the right, by vote, to disfranchise a State in the choice of a President, is plain enough from the whole structure of the Constitution and the division of powers.

The duties of Congress are legislative, and it cannot change itself into a returning board any more than it can resolve itself into a court

with jurisdiction to try causes.

What is required to be done is "in the presence of the Senate and House of Representatives," and not by these bodies acting jointly or

separately.

A final count of the vote and announcement of the result is very A final count of the vote and announcement of the result is very commonly made in the presence of both houses of a State Legislature, as required by statute or organic law. In Ohio this is done by constitutional requirement, by "the president of the senate in the presence of a majority of the members of each house." No person in that State has yet been crazy enough to start a question of the right of the General Assembly of the State to count the vote or, what is worse, to throw out by its own fiat such votes as it pleased. It is quite convenient and proper for a formal count of votes cast in the election of high officers to be made and the result announced in the presence of a State or national legislature. In the effort to find some justification for the proposed rule some members resort to the clause of the Cona State or national legislature. In the effort to find some justification for the proposed rule some members resort to the clause of the Constitution which says "each House may determine the rules of its proceedings." (Section 5, article 2.) Just what ray of light is thrown on this question by that clause some of us cannot see. Not even the right to make joint rules is given by it, much less a warrant to Congress to impose duties upon and withhold others from the Vice-President of the United States and to confer extraordinary powers on itself. The "proceedings," when the Houses have met in joint session, are not those of either body, but rather of the President of the Senate in the presence of both bodies.

The supreme danger from such a rule can, however, only be seen when we look to the fact that no concurrent action of the Houses is required to reject the votes of a State. When objection is made the certificate is not even prima facie authority for counting the vote cer-

certificate is not even prima facie authority for counting the vote certified if there is another paper which purports to be a certificate from the same State. The Constitution charges States with the duty of appointing electors in such manner as their respective Legislatures may direct, thus making their appointment a State matter exclusively. It also defines their eligibility. It is binding on States and their Legislatures as much as upon Congress, and we are not in this or any other matter to assume, as does the proposed rule, that they will not obey it as faithfully as Congress. What authority is there in that great charter for making that body the judge of how others upon whom a constitutional duty devolves discharge it? It may

be enough for us to be the keepers of our own conscience. are seeking for grounds of apprehension we can soon satiate ourselves. We can find many ways by which the electoral vote of a State may be prevented from being counted. This would result from a failure of electors to meet after they were chesen, or after meeting, if they refused or neglected to vote, or make a certificate of the vote, or to return it if made, &c.; or if the President of the Senate should suppress the certificate, &c.

This resolution, based as it is on the idea that members of Con-

gress can do no wrong, is not broad enough to cover all possible cases of failure of officers to discharge their duty. Bribery, as has been attempted, of a single elector might alter the result of a presidential

election.

I do not say that the President of the Senate would not be bound I do not say that the President of the Senate would not be bound by a law which gave him fixed rules by which to ascertain the genuineness of electoral certificates, and which otherwise directed him in the execution of his duty, but such a law is scarcely necessary. The Constitution requires him to open the certificates, genuine certificates only, of the votes cast, and the counting of them follows as a matter of course. No judgment or suggestion of judgment or discretion is enjoined on this officer or other person or body in this regard, but the power only is given to declare the result of the prior action of the electors in the several States. electors in the several States.

Neither the President of the Senate nor other authority can consti-

tutionally disfranchise, in whole or in part, a State by rejecting cer-tified electoral votes. There are persons who assume that if Congress has not the right to count or reject the electoral votes, that right is left with the President of the Senate. It is a grave error to suppose such right rests anywhere. There are few, if any, boards that are authorized to count and make returns of votes east at any ordinary

The count of the electoral vote everybody has the right to make when the certificates are open, but it must be made once before the joint convention. No formal declaration of the result need be made; the Constitution does not require it. If a majority of the votes are for one man his election follows; if no person has such majority then the House must immediately proceed to elect a President as the Constitution directs, and the Senate in like case a Vice-President. There may be a necessity for some authority to judge finally of the true result in all cases of dispute. This necessity will exist as much in case the Congress counts the vote and in cases where the House and Senate elect the President and Vice-President, where no election has taken place by the electors, as if the President of the Senate counted it.

With appropriate legislation the question might possibly be settled in the Supreme Court of the United States by proceedings in quo warranto or by some other form of contest. To its final judgment all patriotic people would bow in submission. We are forced by the very nature of our Government, free as it is, to have to submit at last to some final arbiter, and often suffer injustice if it is meted out to us; otherwise the pillars of our political structure would go down in the first storm. The judgment of a high court would be more freely acquiesced in than the action of a partisan Congress.

Let us abandon this attempt to exercise powers not granted in the Constitution; let us cling firmly, persistently, and to the end to all our constitutionally granted powers; let us guarantee to all authorities or officers in the Union their properly granted powers, and no more; let us encourage them to faithfully discharge all their duties; let us cease to set bad precedents to others in the matter of usurping powers belonging elsewhere; lastly, if we have been so unfortunate powers belonging elsewhere; lastly, if we have been so unfortunate as to find a weak place in the great charter of our national existence, let us gather around it and devote ourselves to curing its weakness; stand close about it and guard it from attack, strain, or break, so that our Republic, which has already, in, as we hope, the youth of its existence, been compelled to withstand the shock of a political earthquake from which it barely escaped being rent in twain, may never again be rocked in the cradle of civil strife.

Greater devotion to purifying the political morals and to the education, civilization, and Christianization of our people, and less to expedients under the pretense of providing against apprehended wrong, will be more fruitful of happy results. If we find our organic law is defective, let us amend it agreeably to its own provisions. Such a policy will avert any possible danger and transform all our fears to

a poincy will avert any possible danger and transform an our lears to hope and confidence.

This country should now only be in the blossoming period of its growth and greatness. The possibilities of the future we do not yet hope to compass, but we may do our duty by strengthening all weak places as they appear, and by not attempting legislation based on an assumption that fraud and wrong will exist generally throughout all the departments of our dual Government.

Time would be well spent here if we devoted ourselves to legislation that would condemn electoral frauds in every part of the Union, and set the seal of infamy upon all persons, whether in high or low places, who practiced, excused, or countenanced them, or accepted the fruits of them.

Political morality ingrained into our national existence will create strength as nothing else creates it. Without an improvement in this respect and an abandonment of expedients by which one or another party hopes to gain, against the expressed will of the people, some advantage over all others, the time may not be far distant when this American Republic, teeming as it already does with above fifty mill-

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ions of the happiest and freest people of the earth, may be found ready for final judgment. This particular epoch in our history is an auspicious one to adjust persons and parties on a true and patriotic basis; and if it should be found that any party ship has sailed so far out of a true course as to be incapable of being brought back, it should be scuttled, abandoned, and consigned to a deep-sea burial. This Government will roll on in safety upon the old lines if those who control its destiny are content to steer it by the landmarks of the Constitution planted by the patriotic fathers who set it in motion. Mr. WHITE. I move that the House do now adjourn.

Mr. BICKNELL. I think we might hear another speech perhaps before we adjourn.

before we adjourn.

A MEMBER. Two more.

Mr. WHITE. It is about time to adjourn. It seems to have been the understanding that when the gentleman from Ohio had concluded

we would adjourn.

Mr. VAN VOORHIS. I make the point of order that the motion to adjourn is not debatable.

Mr. TOWNSHEND, of Illinois. I will ask the gentleman from Pennsylvania to withdraw the motion to adjourn, so that we may take a recess until half past seven o'clock this evening.

The question being taken on the motion to adjourn, there were—

ayes 53, noes 61.

Mr. WHITE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 69, nays 64, not voting 156; as follows:

		YEAS-69.	
Aldrich, William	Dunnell,	Lowe,	Stone,
Anderson,	Dwight,	Marsh,	Thomas,
Baker,	Errett,	Mason,	Thompson, W. G.
Barber,	Ferdon,	McCoid,	Townsend, Amos
Bayne,	Fisher,	McCook,	Tyler,
Blake,	Fort,	McKinley,	Updegraff, J. T.
Bowman,	Frye,	Monroe,	Updegraff, Thomas
Briggs, Burrows, Butterworth, Calkins.	Hall,	Newberry,	Urner,
	Haskell,	Norcross,	Van Aernam,
	Hawk,	Osmer,	Van Voorhis,
	Hawley,	Pound,	Voorhis,
Carpenter,	Hiscock,	Prescott,	Ward,
Claffin,	Horr,	Price,	Washburn,
Conger,	Houk,	Reed,	White,
Cowgill,	Humphrey,	Richardson, D. P.	Wilber.
Davis, George R.	Keifer,	Robeson,	
Davis, Horace	Lapham,	Robinson,	
Deering,	Lindsey,	Sherwin,	

	NAX	5-04.	
Acklen,	Cook,	Hunton,	Scales,
Aiken,	Cravens,	Hurd,	Simonton,
Beltzhoover,	Davis, Joseph J.	Klotz,	Sparks,
Berry,	Davis, Lowndes H.	Le Fevre.	Speer.
Bicknell,	Dibrell,	Martin, Edward L.	Springer,
Blackburn,	Forney.	McKenzie,	Stevenson,
Bland,	Geddes,	McMahon,	Thompson, P.
Blount,	Goode,	McMillin,	Tillman,
Buckner,	Hammond, N. J.	Myers,	Townshend, R
Cabell,	Hatch,	New,	Tucker,
Caldwell,	Henry,	Philips,	Turner, Oscar
Clark, Alvah A.	Herndon,	Phister,	Upson,
Clark, John B.	Hill,	Poehler,	Vance,
Cobb,	Hooker,	Ross,	Warner,
Coffroth,	Hostetler,	Rothwell,	Whitthorne,
Colerick,	Hull,	Sawyer,	Willis.

Clark, John B.	Hill,	Poehler,	Vance,
Cobb,	Hooker.	Ross,	Warner,
Coffroth,	Hostetler,	Rothwell,	Whitthorne,
Colerick,	Hull,	Sawyer,	Willis.
Colcizon,		TING-156.	Willio.
Aldrich, N. W.	Dunn,	King,	Russell, Daniel L.
Armfield.	Einstein,	Kitchin,	Russell, W. A.
Atherton,	Flore	Knott,	
	Elam,		Ryan, Thomas
Atkins,	Ellia,	Ladd,	Ryon, John W.
Bachman,	Evins,	Loring,	Samford,
Bailey,	Ewing,	Lounsbery,	Sapp,
Ballon,	Felton,	Manning.	Scoville,
Barlow,	Field,	Martin, Benj. F.	Shallenberger,
Beale,	Finley,	Martin, Joseph J.	Shelley,
Belford,	Ford,	McGowan,	Singleton, J. W.
Bingham,	Forsythe,	McLane,	Singleton, O. R.
Bliss,	Frost,	Miles,	Slemons,
Bouck,	Gibson,	Miller,	Smith, A. Herr
Boyd,	Gillette,	Mills,	Smith, Hezekiah B
Bragg,	Godshalk,	Mitchell.	Smith, William E.
Brewer.	Gunter.	Money,	Starin,
Brigham,	Hammond, John	Morrison,	Steele,
Bright,	Harmer,	Morse,	Stephens,
Browne,	Harris, Benj. W.	Morton,	Talbott,
Camp,	Harris, John T.	Muldrow,	Taylor,
Cannon,	Hayes,	Muller.	Turner, Thomas
Carlisle,	Hazelton,	Murch,	Valentine,
Caswell,	Heilman,	Neal,	Waddill,
Chalmers,	Henderson,	Nicholls.	Wait,
Chittenden,	Henkle,	O'Brien,	Weaver,
Clardy,	Herbert,	O'Connor.	Wellborn,
Clymer,	House,	O'Neill,	Wells,
Converse,	Hubbell,	O'Reilly,	Whiteaker,
Covert,	Hutchins,	Orth,	
Cox,	James,	Overton,	Williams, C. G.
Crapo,			Williams, Thomas
Crapo,	Johnston,	Pacheco,	Willits,
Crowley,	Jones,	Page,	Wilson,
Culberson,	Jorgensen,	Persons,	Wise,
Daggett,	Joyce,	Phelps,	Wood, Fernando
Davidson,	Kelley,	Reagan,	Wood, Walter A.
De La Matyr,	Kenna,	Rice,	Wright,
Deuster,	Ketcham,	Richardson, J. S.	Yocum,
Dick,	Killinger,	Richmond,	Young, Casey, Young, Thomas L.
Dickey,	Kimmel,	Robertson.	Young, Thomas I.

So the motion to adjourn was agreed to.

The following pairs were announced from the Clerk's desk: Mr. CONVERSE with Mr. RYAN of Kansas, for this evening. Mr. OVERTON with Mr. SMITH of Georgia, until next Monday.

Mr. Bliss with Mr. Crowley. Mr. Valentine with Mr. Davidson, during the absence of Mr. DAVIDSON from the House.

Mr. Hutchins with Mr. Starin, on all questions for two weeks.
Mr. Nicholls with Mr. Rice, for this evening.
Mr. Einstein with Mr. Covert.
Mr. Harris, of Massachusetts, with Mr. Talbott, of Maryland, for

The SPEAKER pro tempore, (Mr. Springer.) Before announcing the result of the vote on the motion to adjourn, the Chair, if there be no objection, will lay before the House certain communications for

There was no objection.

EXPENSES OF THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore laid before the House an estimate of the appropriations required for the expenses of the District of Columbia for the fiscal year ending June 30, 1882; which was referred to the Committee on Appropriations, and ordered to be printed.

BUILDINGS AT DAVID'S ISLAND, NEW YORK.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, relative to buildings at David's Island, New York; which was referred to the Committee on Appropriations.

REPORT OF DOORKEEPER OF THE HOUSE.

The SPEAKER pro tempore also laid before the House a letter from the Doorkeeper of the House of Representatives, transmitting, in accordance with Rule V, an inventory of the furniture, books, &c., in the various committee-rooms and offices of the House; which was referred to the Committee on Accounts, and ordered to be printed.

CURRENCY REPORT.

The SPEAKER pro tempore also laid before the House a letter from the Comptroller of the Currency, transmitting his annual report; which was referred to the Committee on Banking and Currency, and ordered to be printed.

MRS. J. HILLSDALE.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting the petition of Mrs. J. Hillsdale, for relief; which was referred to the Committee on War Claims.

CAPTAIN J. SCOTT PAYNE.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, against the promotion of Captain J. Scott Payne; which was referred to the Committee on Military Affairs, and ordered to be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The SPEAKER pro tempore also laid before the House a statement of the judgments rendered by the Court of Claims during the year ending December 4, 1880; which was referred to the Committee on Appropriations, and ordered to be printed.

STOREHOUSE, WEST POINT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting estimates for an appropriation for the erection of a storehouse at West Point; which was referred to the Committee on Appropriations, and ordered to be printed.

JOSEPH DEMEURRAIS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, recommending the passage of a bill for the relief of Joseph Demeurrais; which was referred to the Committee on Military Affairs.

PUBLIC BUILDING, FORTRESS MONROE.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting an estimate for building for library, &c., at Fortress Monroe, Virginia; which was referred to the Committee on Appropriations.

INSPECTION OF STEAMBOATS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House the following communication:

NEW YORK CITY, August 18, 1880.

To the honorable the Speaker of the House of Representatives.

SIR: In accordance with the order of the court, I have the honor herewith to transmit a certified copy of a presentment of the grand jury recently made to this court.

Very respectfully,

JOHN I. DAVENPORT, Clerk.

The communication, with accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the follow-

ing cases:

Mr. SMITH, of Georgia, for two weeks; and

Mr. DAVIDSON indefinitely, on account of sickness in his family.

And then (at four o'clock and fifteen minutes p. m.) the House

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BALLOU: The petition of Andrew Reynolds Arnold, for the extension of a patent for automatically making twist-drills—to the Committee on Patents.

By Mr. BREWER: The petition of the Women's Temperance Union of the District of Columbia, for legislation to prevent the sale of intoxicating liquors in said District—to the Committee on the Alcoholic Liquor Traffic.

toxicating liquors in sala District—to the Columbia.

Liquor Traffic.

By Mr. FORSYTHE: The petition of citizens of Whiteside County,
Illinois, for legislation to protect innocent purchasers of patented
articles—to the Committee on Patents.

Also, the petition of citizens of Whiteside County, Illinois, for legislation regulating interstate commerce—to the Committee on Com-

meree.

By Mr. JOYCE: The petition of Milo A. Everest, for additional bounty—to the Committee on Invalid Pensions.

By Mr. MASON: The petition of Alanson Townsend and Almon Mason, of Phenix, Oswego County, New York, that the pension act of March 9, 1878, be amended so that pensioners under it may draw pensions from February 14, 1871—to the same committee.

By Mr. NICHOLLS: Papers relating to the establishment of a postroute from Baxley, in Appling County, to Nicholls, in Coffee County, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH, of Pennsylvania: The petition of Theodore D. Woolsey and others, representing the industries connected with the book and printing trade, for the passage of a bill extending the privilege of copyright in the United States to foreign authors, composers, and designers—to the Committee on Ways and Means.

By Mr. STONE: The petition of Samuel H. Selden and 455 others, citizens of Michigan, for the passage of a law to authorize the Commissioner of Public Lands to offer for sale and entry as public lands the lands granted to the State of Michigan to aid in the construction

the lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line—to the Committee on the Public Lands.

IN SENATE.

Wednesday, December 8, 1880.

WILKINSON CALL, a Senator from the State of Florida, and Angus Cameron, a Senator from the State of Wisconsin, appeared in their

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the provisions of the act of June 28, 1879, estimates of the Mississippi River commission for certain initial works for improvement of the Mississippi;

which was referred to the Committee on Commerce.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with Senate resolution of February 2-, 1879, a tabulated statement showing the annual amount paid under what are known as "permanent annual appropriations" from 1866 to 1879, inclusive, &c.; which was ordered to lie on the

from 1866 to 1879, inclusive, &c.; which was ordered to he on the table and be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, inviting the attention of the Senate to a letter of the Treasurer of the United States upon the subject of a deficiency in the appropriation for the current fiscal year for interest and sinking fund on the funded debt of the District of Columbia, especially as to the item of interest on the 3.65 loan; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The VICE-PRESIDENT laid before the Senate the eighteenth annual report of the Comptroller of the Currency; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of Quinn & Nolan and 11 others, brewers of Albany, New York, praying for the passage of the bill changing the duty on barley malt from an ad valorem duty of 20 per cent. to a specific duty of twenty-five cents per bushel; which was referred to the Committee on Finance.

He also presented the petition of Albert Ziegele and 18 others, brewers of Buffalo, New York, praying for the passage of the bill changing the duty on barley malt from an ad valorem duty of 20 per cent. to a specific duty of twenty-five cents per bushel; which was referred to the Committee on Finance.

Mr. FERRY presented the petition of E. W. Vaight and others, of Detroit, Michigan, praying for the passage of the bill changing the duty on barley malt from an *ad valorem* duty of 20 per cent. to a specific duty of twenty-five cents per bushel; which was referred to the Committee on Finance.

Mr. EATON presented the memorial of the States of New York and Connecticut, in relation to the boundary-line between those States; which was referred to the Committee on the Judiciary.

which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented additional evidence and papers to accompany the bill (S. No. 668) for the relief of James J. Faught, late of Company D, Eighth Missouri Cavalry; which were referred to the Committee on Military Affairs.

He also presented additional evidence touching the bill (S. No. 1795) for the relief of G. M. Woodruff; which was referred to the Committee on Claims.

Mr. GROOME. At a former session of the Senate I presented a resolution of the Legislature of Maryland in regard to the improvement of the Chester River, which was laid on the table. I move now that it be taken from the table and referred to the Committee on Commerce.

The motion was agreed to.

Mr. GROOME. I also presented certain resolutions of the General Assembly of Maryland requesting the Senators and Representatives in Congress from that State to procure an appropriation for the location and preparation of the Choptank and Delaware Ship-Canal Line, and for the survey and location of the Chesapeake Bay and Potomac River Tide-water Canal Line, which were laid upon the table. I now move that they be taken from the table and referred to the Committee on Transportation Routes to the Seaboard.

The motion was agreed to.

BILLS INTRODUCED.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1862) to incorporate The Sixth and Thirteenth Streets Railway; which was read twice by its title, and referred to the Committee on the District of Columbia.

the Committee on the District of Columbia.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1863) to authorize certain improvements of the channel of the Missouri River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RANSOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1864) for the relief of J. F. Moore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES, of Florida, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1865) to incorporate the Washington City Street Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1866) giving the consent of Congress to an agreement entered into by the State of New York and the State of Connecticut for the settlement of the boundary lines between said States; which was read twice by its title, and referred to the Com-

Connecticut for the settlement of the boundary lines between said States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1867) to provide for the refunding of certain taxes in conformity with a decision of the Supreme Court; which was read twice by its title, and referred to the Committee on Finance.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1868) to provide for the transfer of claims from the Departments to the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1869) to limit the time for the prosecution of claims by or against the Government of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1870) to provide certain regulations concerning the manner of conducting elections for Representatives in Congress and to punish violations thereof; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL. By request of a very reputable attorney of the city of Washington, I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1871) for the relief of J. A. Henry and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL. I also ask leave to introduce a bill by request of the same party.

Mr. COCKRELL. I also ask leave to introduce a bill by request of the same party.

the same party.

By unanimous consent, leave was granted to introduce a bill (S. No. 1872) for the relief of the estate of J. M. Micou, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1873) to confirm a certain land claim in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked, and by unanimous consent obtained leave to in-

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1874) to provide for the erection of a public building in the city of Quincy, in the State of Illinois; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1875) for the relief of the

heirs of Richard W. Meade: which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 1876) for the relief of Salmon B. Colby; which was read twice by its title, and referred to the Committee on

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1877) for the relief of the sureties of George C. Hough, late Indian agent; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1878) for the relief of Carlile Boyd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1879) to enable the people of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

PRESIDENTIAL ELECTORS.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 131) proposing amendments to the Constitution relating to the election of President and Vice-President of the United States; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution be read at length. The joint resolution was read the second time at length, and referred to the select committee to take into consideration the state of the law respecting the ascertaining and declaration of the result of the elections of President and Vice-President of the United States, as follows:

as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring.) That the following be proposed as an amendment to the Constitution of the United States, to be added as section 2 to the twelfth article of the amendments to the Constitution, which, when ratified by three-fourths of the Legislatures of the several States, shall be valid to all intents and purposes as part of the said Constitution, to wit:

SEC. 2. The Congress shall have power by legislation to establish rules and regulations for certifying, transmitting, receiving, and opening the votes of the electors; and for ascertaining and counting such votes by the Senate and the House of Representatives; and for declaring the result of the election; and for the government of the Senate and House of Representatives when they are met to count the votes of such electors. Such laws shall not be enacted or altered, amended or repealed, within the period of one year next before the time fixed by laws of the United States for the appointment of electors in any State.

PRESIDENT'S ANNUAL MESSAGE.

PRESIDENT'S ANNUAL MESSAGE.

Mr. WHYTE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 3,000 additional copies of the President's message, without the accompanying documents, be printed for the use of the Senate.

APPORTIONMENT OF REPRESENTATIVES.

Mr. DAVIS, of West Virginia. I offer the following resolution. I presume there will be no objection to it. If there is, it can lie over:

presume there will be no objection to it. If there is, it can lie over:

Whereas the Constitution of the United States, in clause 3 of section 2 of article
1, provides that "Representatives and direct taxes shall be apportioned among the
several States * * according to their respective numbers," and that "the
actual enumeration shall be made within three years after the first meeting of the
Congress, and within every subsequent term of ten years, in such manner as they
shall by law direct;" and
Whereas under the authority of law an enumeration of inhabitants was made
during the current year which must be the basis of representation for the decennial
period beginning March 4, 1853; and
Whereas it is important that the several States should be enabled by their Legislatures (many of which are now in session or will soon convene) to make proper
provision at an early period with regard to the election of Representatives to the
Forty-eighth and subsequent Congresses: Therefore,
Resolved, That the Secretary of the Interior be, and is hereby, directed to communicate to the Senate, at the excliest practicable period, the returns of the population
of the respective States of the Union as ascertained by the tenth census.

The resolution was considered by unanimous consent, and acreed to.

The resolution was considered by unanimous consent, and agreed to.

THE CALENDAR.

Mr. ANTHONY submitted the following resolution; which was

Resolved. That at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

Mr. WALLACE. Let the resolution lie over. The VICE-PRESIDENT. The resolution goes over for the day

under the rule.

Mr. DAVIS, of West Virginia. I ask the Senator who introduced the resolution whether it is in the same form as that under which we

the resolution whether it is in the same form as that under which we acted at the last session?

Mr. ANTHONY. It is substantially the same. There is a little verbal amendment. A question arose as to whether the clause "unless the Senate shall otherwise order" applied to limiting the debate to five minutes or to the whole order itself. The resolution is altered so as to make it conform to the practice of the Senate and apply that clause to the order itself. The order can be suspended on motion at any time.

Mr. DAVIS, of West Virginia. As the resolution goes over, it will be printed and we can see it.

The VICE-PRESIDENT. The resolution goes over for the day.

S. ROSENFELD & CO.

Mr. WHYTE. I ask unanimous consent that the Senate proceed to the consideration of the bill for the relief of Rosenfeld & Co., of Baltimore, Maryland.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1734) for the relief of S. Rosenfeld & Co. It provides for refunding to Simon Rosenfeld & Co., of Baltimore, Maryland, a sum of money equal to the value of the internal-revenue stamps purchased by them and affixed by them, in accordance with the provisions of the act of July 20, 1868, to a certain lot of cigars, tobacco, and snuff, held by them, and inventoried, according to law, on the 1st day of December, 1868, on condition that the Commissioner of Internal Revenue shall be satisfied that Rosenfeld & Co. purchased the cigars tobacco and snuff as tax-roid articles. & Co. purchased the cigars, tobacco, and snuff as tax-paid articles prior to the passage of the act of July 20, 1868.

Mr. COCKRELL. Is there a report in that case?

Mr. COCKRELL. Is there a report in that case?
Mr. WHYTE. There is.
Mr. COCKRELL. Let the report be read.
The VICE-PRESIDENT. There is no report from the committee reporting the bill, the Chair is informed.
Mr. WHYTE. There is a unanimous report from the Committee on Finance of the Senate and the Committee of Ways and Means of the House of Proposerations.

the House of Representatives.

The VICE-PRESIDENT. There is a House report among the pa-

pers, the Chair is advised.

Mr. WHYTE. There is a report submitted by the Senator from Delaware, [Mr. BAYARD,] and it is almost the same as the House

report.

The Chief Clerk read the following report, submitted by Mr. CarLISLE, from the Committee on Ways and Means of the House of Representatives, April 23, 1880:

LISLE, from the Committee on Ways and Means of the House of Representatives, April 23, 1880:

The Committee on Ways and Means, to whom was referred the bill (H. R. No. 290) for the relief of Simon Rosenfeld & Co., of Baltimore, Maryland, respectfully report as follows:

In the year 1868 Messrs. Simon Rosenfeld & Co., dealers in tobacco in the city of Baltimore, had in their possession a large tax-paid stock of tobacco, snuff, and cigars. The act of July 20, 1868, by providing for the use of internal-revenue stamps, introduced a radical change in the method of collecting tax upon tobacco. The change, however, related merely to the form and method of future collection, and did not, so far as tobacco was concerned, impose any new or additional tax. It was, however, provided by this act that "all smoking, fine-cut, chewing tobacco or snuff" should, after the 1st day of January, 1869. "be taken and deemed "as though it had been manufactured after the passage of the said act, and should not be thereafter offered for sale unless put up and stamped as required by the said act. This period was subsequently extended from January 1 to February 15, 1869.

The purpose and effect of these provisions was to give to dealers a limited period in which to dispose of their old stock, before the new method of evidencing payment of the tax by means of stamps went into full effect. The great majority of dealers no doubt succeeded in disposing of their stock, as contemplated by the act, and of course suffered no hardship. But there appear to have been a few cases in which parties were unable to dispose of all their stock within the period prescribed, and they were then compelled to purchase and affix stamps to the balance which they had been unable to sell. They were thus forced to pay a second tax upon the same tobacco.

Messrs. Rosenfeld and Co. were caught in this way with a considerable balance of stock already tax-paid, which remained on their hands on the 15th of February, 1869; and for which they have since been compelled to pu

This representation is verified by several affidavits, the trath of which there is no reason to doubt.

The stamps for which Rosenfeld & Co. ask reimbursement have been purchased at various times since 1869, and a portion of the old stock in question is represented to be still on hand, stamped, but unsold. The claim, therefore, while it relates back to 1e68, is not an old one. The Commissioner of Internal Revenue states, in substance, his belief that cases of this character were exceptional, and that "it is not probable that any considerable number of claims would be presented for a refund in the event Congress saw fit to pass an act directing a refund to the petitioners." Messrs. Rosenfeld & Co. are indorsed by the collector of internal revenue as long-established business men in the city of Baltimore, standing well in the community and with the revenue office.

The question presented in this case has already been considered by both Houses of Congress in the cases of Hibben & Co., and Berthold Lowenthal, of Chicago, and J. E. Robertson & Co., of Indiana, for whose relief special acts were passed. In the case of Hibben & Co. the Committee on Finance of the Senata, in reporting the bill, used the following language:

"Your committee are of the opinion that in a case where manufactured tobacco and snuff, on which all prior taxes and assessments had been paid, have remained in the possession of the dealer without his own fault or negligence after it became unlawful, without paying an additional tax thereon, to dispose of such tobacco or sunff, it is equitable and just to refund the additional tax so paid, and they therefore recommend the passage of the accompanying bill."

The same committee in the case of Lowenthal say:

"The Senate has already decided in the case of Hibben & Co., of Chicago, similar in all respects to the present one, in favor of the justice of such claims.

"The committee see nothing in the present case to take it out of the rule thus established.

"The House has already decided in the see to s

established.

"They therefore recommend the passage of the bill."

This House has already concurred in these views, and there would seem to be no reason to deny to the present petitioners the same equitable relief extended to others under like circumstances. Your committee therefore recommend the pasage of the accompanying bill.

Mr. COCKRELL. That is not the report of a Senate committee. That is a report made in the House. I should like to hear the report of the Senate committee.

The VICE-PRESIDENT. The paper read seems to be the only

The VICE-PRESIDENT. The paper read seems to be the only report on the files.

Mr. WHYTE. The chairman of the Finance Committee [Mr. BAYARD] made a report similar in its character, and I thought it was that report which I sent to the table; but it turns out to be the report of Mr. Carlisle, of Kentucky, made in the House. But the facts are as stated in that report, and the committee were unanimous in favor of the passage of the bill. The superintendent of the document-room is ill to-day, and there seems to be some delay in getting the documents out of the office there; but the facts stated in the report just read are identical with the facts as stated in the other report.

report.

Mr. GARLAND. I ask the Senator from Maryland what use there is in the proviso to the bill? As I understand from him, the committees of the two Houses recommend that these parties be relieved. If that is the unanimous conviction of the two committees, why send the matter back to the Secretary of the Treasury or the Commissioner of Internal Revenue to pass upon one of the real facts in the case? My understanding is that these acts for relief are generally passed by Congress itself. The proviso remits one of the material facts to the Commissioner of Internal Revenue.

Mr. WHYTE. I will explain to the Senator—

Mr. GARLAND. My inclination would be to move to strike out the proviso in the bill and give the parties the relief to which it seems they are entitled

seems they are entitled.

Mr. WHYTE. The Senator from Arkansas will see by looking at the bill that no amount of money is appropriated in the bill. The amount is, of course, to be left to the ascertainment of the Commis-sioner of Internal Revenue, and he is to require actual proof that the sioner of Internal Revenue, and he is to require actual proof that the articles claimed for were those articles, in the language of the Senate committee's amendment to the bill, "upon which the tax was actually paid prior to the passage of said act of July 20, 1868, and actually affixed additional stamps thereon at their own cost and expense." The object is to limit it exactly to the doubly-tax-paid cigars, tobacco, &c. The tax having been already paid, the Senate Committee on Finance desire to limit these gentlemen to a claim that is beyond all peradventure a just and righteous one, inasmuch as they have paid two taxes upon the same article.

Mr. GARLAND. The Senator states a fact which is to be referred to the Commissioner of Internal Revenue. If the fact be as stated, why cannot the bill assert it explicitly, and let the subject be done

why cannot the bill assert it explicitly, and let the subject be done with on the passage of the bill? The Commissioner of Internal Revenue may never find this fact, and the parties may never get relief. I do not object to the bill, because if it suits the Senator it suits me, but the point I make is that the bill should be complete and effective on its passage. Really the men may never get relief after all the

attention Congress has given to the case.

Mr. WHYTE. There is no difficulty about that, because the Commissioner of Internal Revenue has recommended the passage of this bill, and is anxious to do justice to the parties. There is no danger about that. The parties will be perfectly content to take the bill as the Senate Committee on Finance have reported it.

Mr. COCKRELL. I should like to hear the letter of the Commis-

Mr. COCKRELL. I should like to hear the letter of the Commissioner read on that point, as the Senate committee made no report that we can find. The letter ought to be with the papers in the case.

The VICE-PRESIDENT. The Chair is informed that there is no letter of the Commissioner on file among the papers.

Mr. COCKRELL. It cannot be read, then.

Mr. MCMILLAN. I think we ought at least to have the letter of the Commissioner in regard to this matter read.

The VICE-PRESIDENT. There is no letter from the Commissioner on the files of the Senate.

on the files of the Senate.

Mr. McMILLAN. The only reason, as I understand, urged here is that these parties did not within the time limited by the act of 1868 sell this tobacco.

sell this tobacco.

Mr. WHYTE. After making great effort to do so.

Mr. McMILLAN. The effort they made does not appear here, or whether they made any, so far as I have discovered, and the amount to be refunded is not indicated with any certainty in the bill. No amount is specified, but it is left to the Commissioner of Internal Revenue to determine what the amount shall be. I think there is too much uncertainty about the bill for it to be passed in this way. The Senate should be furnished with some evidence in regard to the amount of the tax, and whether it ought to be paid.

Mr. WHYTE. The report that was read which was made in the House showed what the amount was.

Mr. McMILLAN. I do not so understand. The proviso in the bill authorizes the Commissioner of Internal Revenue to ascertain and

authorizes the Commissioner of Internal Revenue to ascertain and determine the amount.

Mr. WHYTE. But it must be less than \$6,000, which was the

whole amount that they had at the time.

precise amounts, I will state to the Senate the facts which induced the Committee on Finance to report the measure, with the amendments, which are expressly intended to restrict the amount the party may recover. It is simply an attempt to remedy the injustice of double taxation. Under the law prior to 1868, certain taxes were affixed by means of stamps upon manufactured tobacco. Being affixed they could not be removed. The law of 1868 came in affixing other and different duties upon tobacco, requiring all tobacco sold after the passage of that act to have those new stamps affixed, so that the same tobacco would have the old and the new both affixed. It was not the intention of the Government to tax the property doubly; and where in good faith the citizen had performed his duty and paid the taxes then levied, they did not intend he should pay a double tax, but that by complying with the law at each stage of its existence he should be exonerated from any further demand. It was nothing but a case of equity recommending itself to every member of the commitprecise amounts, I will state to the Senate the facts which induced a case of equity recommending itself to every member of the commit-tee, as I am sure it will to every member of the Senate.

In this case, however, the man could not sell his tobacco in time to avail himself of the general act then passed. The House of Representatives propose to exonerate him upon his own statement from the whole amount of the tax, but we thought it safer only to exonerate him from such an amount as the Commissioner of Internal Revenue, who carefully guards the interests of the Government, should be satisfied would be a double tax, which was not intended to be exacted. That is all there is in this bill. The limitation upon the amount may not appear in the letter of the Commissioner of Internal Revenue, but it will be under his control; and the bill simply prevents a man from being mulcted in a double tax on the same article. If he paid the tax affixed by law at the time the article passed into consumption, that we consider is his legal and full duty; and we should not, because we changed the law, have a double tax put upon the com-

Such were the reasons which affected the action of the Committee on Finance and induced us, I believe unanimously, to report the bill.

Mr. McMILLAN. Mr. President, if the explanation of the Senator from Delaware is correct, that this is to relieve from a double payment of tax, then I see the equity of the bill; but from the terms of the bill I would not infer that it was to relieve from the double payment of tax, but rather that it was merely to relieve from the payment of an additional tax upon this tobacco.

As I understand the facts of the case, these persons were owners of tobacco which, prior to the act of 1868, was subject to a certain amount of internal-revenue tax which had been paid After the act of 1868 went into operation, by the terms of that law all tobacco which remained unsold during the period specified in that law was subject to an additional tax, and that additional tax was levied upon this tobacco owned by these parties and paid by them, and this bill is to refund the additional tax paid by these parties. If I am in

error in that, then I shall stand corrected.

Mr. BAYARD. I have a letter from the Secretary of the Treasury which I will have read and I think it will satisfy the honorable Sen-

ator of the correctness of the bill. The Chief Clerk read as follows:

TREASURY DEPARTMENT, May 25, 1880.

TREASURY DEPARTMENT, May 25, 1880.

SIR: In response to the request of your committee addressed to the Commissioner of Internal-Revenue on the 20th instant, I have the honor to inclose herewith letters of the Acting Commissioner and Commissioner of Internal Revenue, giving the views of that office bearing upon the merits of Senate bill 1734, entitled "A bill for the relief of S. Rosenfeld & Co."

It appears that under the provisions of the act of July 20, 1868, which directed a new method of paying internal-revenue tax on cigars, tobacco, and snuff, certain of these articles held by Simon Rosenfeld & Co. are alleged to have paid duplicate taxes, the refunding of which is the subject of the bill.

The proviso to the bill seems to meet the objection urged by Commissioner Ram as to the necessary proof of the duplicate payment of the tax in question, by leaving the sufficiency of the evidence to be decided by himself after the bill shall have become a law. This proviso, and the opinion of the Commissioner that very few claims of this character will probably arise in the future, would appear to remove all legitimate objection to the granting of the relief proposed in the bill as presented.

Very respectfully,

Very respectfully,

JOHN SHERMAN, Secretary.

HON. THOMAS F. BAYARD, Chairman Committee on Finance, United States Senate.

Mr. McMILLAN. The last clause of the proviso authorizes the Commissioner to determine the amount of additional stamps actually affixed at the cost and expense of these parties. That would not seem to apply to duplicate stamps, but to additional ones.

Mr. WHYTE. That means the additional tax represented by the stamp, which is the double tax. They had already paid the amount of the tax, and this is an additional, meaning a double tax. That is all it means

all it means. Mr. McMILLAN. If it is a duplicate tax, I have no objection.
Mr. WHYTE. That is what it means, and the report so shows.
Mr. McMILLAN. It would not seem so from the language of the

Mr. McMILLAN. That does not appear here at all.
Mr. WHYTE. It is in the report.
Mr. McMILLAN. It does not appear in the bill at all.
Mr. BAYARD. If the Senator from Minnesota will permit me, I reported this bill, and although I cannot at this instant recall the

tional stamps thereon at their own cost and expense;" so as to make the proviso read:

Provided, The Commissioner of Internal Revenue shall be satisfied that said Rosenfeld & Co. purchased the said cigars, tobacco, and snuff as tax-paid articles upon which the tax was actually paid prior to the passage of said act of July 20, 1888, and actually affixed additional stamps thereon at their own cost and expense.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (S. No. 1583) to change the name of the schooner-yacht Nettie to Nokomis.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispess of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead

The message further announced that the House had agreed to the concurrent resolution of the Senate authorizing the Joint Committee on the Yorktown Centennial Celebration to sit during the recess of

Congress and to employ a clerk.

The message also announced that the House had passed a joint resolution (H. R. No. 338) directing one copy of Congressional Record to be sent to each of our legations abroad; in which it requested the concurrence of the Senate.

DEATH OF REPRESENTATIVE FARR.

The message further communicated intelligence of the death of Hon. Evarts W. Farr, late a Representative from the State of New Hampshire and member-elect to the Forty-seventh Congress from that State.

HENRY P. ROLFE.

Mr. TELLER. I ask unanimous consent of the Senate to take up the bill (S. No. 1839) for the relief of Henry P. Rolfe.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for the payment to Henry P. Rolfe of \$2,519.97, in full compensation for all services rendered by him as United States district attorney for the district of New Hampshire from December 22, 1873, to July 23, 1874.

Mr. COCKRELL. If there is a report in that case, let it be read.

The Chief Clerk read the following report, submitted by Mr. Tel-

The Chief Clerk read the following report, submitted by Mr. TEL-LER June 15, 1880:

The Committee on Claims, to whom was referred the petition of Henry P. Rolfe, for payment of moneys claimed to be due him from the United States, having had the same under consideration, report as follows:

Bhat the memorialist was commissioned United States attorney for the district of New Hampshire December 22, 1869; and that his commission as such district attorney expired on the 22d day of December, 1873; and that his successor in office was not commissioned and qualified till the 23d day of July, 1874; and that the duties of district attorney for said district of New Hampshire were performed by the claimant from said 22d day of December, 1873, to the 23d day of July, 1874, without any temporary commission from the judge of the district, who is authorized to commission a temporary United States attorney to discharge the duties of the office; and for that reason the claim of the memorialist cannot be paid by the Attorney-General or the Comptroller of the Treasury; in support of which the claimant produces the following official letters, which explain themselves:

"CONCORD, N. H., July 28, 1874.

"CONCORD, N. H., July 28, 1874.

"Sir: I am in receipt of yours of the 27th instant, in which you say as follows:

'As your term of office expired on December 22, 1873, you are requested to forward
your appointment by the judge of the circuit court as acting attorney.'

"I regret to inform you that I have never had any such appointment.

"I am, very respectfully, your obedient servant,

"Late United States Attorney for the District of New Hampshire.

"Hon. D. W. MAHON.

"Hon. D. W. MAHON,
"Auditor, Washington, D. C."

"TREASURY DEPARTMENT,
"FIRST AUDITOR'S OFFICE,
"December 28, 1874.

"Six: Your letter of 22d instant is at hand, and in reply I have to say that before your account can be audited in this office, it will be necessary for you to forward evidence of your appointment as temporary attorney by the judge of the United States circuit court of said State, who, in cases of vacancy in the office of United States attorney, has the power to designate some person to discharge the duties of the office until an appointment is made by the President, and the appointee qualified for the duties of his office.

"Respectfully,"

"D. W. MAHON. Auditor.

"D. W. MAHON, Auditor,

"HENRY P. ROLFE, Esq., Concord, N. H."

The memorialist alleges that after his term of service as such United States attorney expired, to wit, from the 1st of April, 1874, until the 23d day of July, 1874, he acted as United States attorney for said district; that during the time he so acted as such district attorney he performed important and valuable services for the Government in procuring the extradition of one William Johnson from Nova Scotia to the district of New Hampshire upon the order of the State Department and the warrant and requisition of the President of the United States; that at the May term of the United States court for said district said Johnson was tried and convicted of passing counterfeit United States. Treasury notes and sentenced to the State prison for the term of three years, and that he is now serving out his sentence.

sentence.

That immediately upon the adjournment of said term of court the memorialist addressed a note to the Secretary of the Treasury, inquiring for the source to which he should look for his pay for the services rendered, and where he should present his claim for services and expenditures in procuring the said Johnson, and that he received no reply in reasonable time; and that on the 13th day of June he

addressed a similar note to the Secretary of State, and the following is a copy of the answer received from said officer:

"DEPARTMENT OF STATE, "Washington, June 19, 1874.

"Sin: Your letter of the 13th instant, in relation to your compensation for services rendered in procuring the extradition of William Johnson, indicted for passing counterfeit United States Treasury notes, has been received and referred to the Attorney-General for proper action thereon.

"I am, sir, your obedient servant,

"HAMILTON FISH.

"HENRY P. ROLFE, Esq., "United States Attorney, Concord, N. H."

That the claimant heard nothing further from the Departments in relation to the matter until the 26th day of Docember following, when the claimant addressed a letter to the Attorney-General, making inquiries about his compensation for said services, and received the following answer:

"Sir: I have received your letter of the 23d instant, relative to your account for services rendered and expenses paid in the extradition of William Johnson from Nova Scotla to New Hampshire, upon the order of the State Department and warrant and requisition of the President.

"Your letter of the 25th filtime, to which you refer, was referred to the State Department, and I have been verbally informed by one of the officers of that Department that the account would be paid at an early day.

"I will, however, transmit a copy of your letter to the Secretary of State.

"Very respectfully,

"GEO. H. WILLIAMS, "Attorney-General.

"H. P. ROLFE, Esq., "Concord, N. H."

In February, 1875, the memorialist came to Washington and had repeated interviews with the Attorney-General, and was then informed by him that his account would be paid by the State and Treasury Departments and the Department of Justice, and gave the claimant assurances that the claim should be attended to immediately after the adjournment of Congress.

That another long delay occurred, and then the memorialist again addressed the Attorney-General, reminding him of his promise, and in reply received a letter from the Attorney-General, of which the following is a copy:

"DEPARTMENT OF JUSTICE, "Washington, May 6, 1875.

"Sir: I have received your letter in relation to your account for services and expenses in the matter of the extradition of William Johnson from Nova Scotia.

"There is no appropriation under the control of this Department from which your account can be paid, and, upon inquiry at the Treasury Department, I am informed that they have no appropriation applicable to such expenses; and upon referring the matter to the Secretary of State, he informed me that, after examination, the only item in the account properly chargeable to the appropriation under his control is the last, for \$140, which will be paid on rendition by you of an account therefor.

"I regret my inability to have this account allowed, as I believe it to be justly due, but, under the circumstances, I am unable to do so. The only thing that remains is to have the claim presented to Congress at its next session, when I have no doubt, after all the facts in the case are laid before the Committee on Appropriations, a bill will be reported to pay the claim.

"Very respectfully,

"GEO. H. WILLIAMS,

"GEO. H. WILLIAMS, "Attorney-General.

"HENRY P. ROLFE, Esq., "Concord, N. H."

The memorialist further shows that the \$140 has been paid to him by the Government, and was paid in December, 1875.

The memorialist files an itemized account, approved by the district and circuit judges of the district of New Hampshire, recommending the payment of such account. It does not appear that the question of appointment of Mr. Rolfe as United States attorney was presented to the court, but Mr. Rolfe was allowed by the court to represent the United States in said court in important matters without objection. On one of the bills is found the following indorsement:

"Examined and approved.

"JULY 16, 1874. "DAN'L CLARK,
"United States Judge."

"United States Circuit Court, January 20, 1877.

"The service charged in the foregoing bill of H. P. Rolfe, late United States attorney for New Hampshire district, was rendered by him to the United States. I should have unhesitatingly appointed him acting attorney of the United States if the fact of the expiration of his term of office had been brought to my notice. He continued to act until the appointment of his successor. His services were faithful and diligent, and I hope Congress will grant him the small compensation charged. "G. F. SHEPLEY, "United States Circuit Judge, First Judicial Circuit."

"United States Circuit Judge, First Judicial Circuit."

The following letter is found with the papers on file:

"Manchester, N. H., January 11, 1877.

"Dear Sir: I very well remember the matter of your account for services from April to July 23, 1874, as district attorney for New Hampshire. I think you should be paid for them, and I trust the Committee on Claims, or some other committee, will recommend an appropriation for that purpose.

"Very truly, yours,"

"DANIEL CLARK,
"United States Judge.

"H. P. ROLFE, Esq."

"H. P. Rolfe, Esq."

One thousand and seventy-two dollars and forty cents of the memorialist's claim was for money paid out and expended in the capture and return of the said Johnson. Of this amount the memorialist has been allowed \$410, which leaves a belance on the cash expenditure of \$332.40 paid out in the early part of the year 1874. On this sum Mr. Rolfe thinks he ought to have interest. Your committee cannot but admit that it is a great hardship on Mr. Rolfe to wait upward of six years, and then receive the money paid out; but your committee consider the rule that the United States will not pay interest on claims of this character too well sertled to be changed by it, therefore disallow the account for interest. The amount due memorialist, without interest, is \$2,519.97.

There is no question as to the fact of service, and the amount rendered appears to be very reasonable, never having been questioned by the Department of Justice, and having the approval of the judges whose duty it was to pass on the account. We think the fact that the court did not, in a formal way, appoint Mr. Rolfe, ought not to prevent the payment of his claim. While the accounting officer was fully justified in not allowing it under the circumstances, yet no reason exists why Congress should not make an appropriation to pay the account. Your committee therefore report the accompanying bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. FORT LARNED RESERVATION.

Mr. PLUMB. I ask the Senate to proceed to the consideration of

Senate bill No. 193.

Senate bill No. 193.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 193) to provide for the disposition of the Fort Larned military reservation. It authorizes the Secretary of War to relinquish and turn over to the Department of the Interior, for restoration to the public domain, the Fort Larned military reservation in the State of Kansas. The Commissioner of the General Land Office is directed to have the lands, when transferred, surveyed in like manner as other public lands, and to cause them to be surveyed in like manner as other public lands, and to cause them to be appraised by three disinterested competent persons, and after the appraisement shall have been approved the land shall be sold to actual settlers only, at the appraised price, and as nearly as may be in conformity to the provisions of the pre-emption laws of the United States. No person is to be permitted to purchase more than one half quarter-section, and the Commissioner may, in his discretion, cause the section of the reservation on which improvements are situated to be appraised in a body together with the improvements, and may then sell the same at public or private sale, as he may deem to the best advantage of the Government, except that it shall not be sold at less than the appraised price.

price.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "approved," in line 6 of section 2, to insert "by the Secretary of the Interior."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

MARY A. LORD.

Mr. VOORHEES. I ask the Senate to proceed to the consideration of the bill (S. No. 742) for the relief of Mary A. Lord. The bill was read.

Mr. COCKRELL. Is there any report in that case? If so, let it be

The Chief Clerk read the report, submitted by Mr. WITHERS, March 2, 1880, from the Committee on Pensions.

Mr. DAVIS, of Illinois. That is an adverse report, and the case will therefore lead to some discussion. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened.

FITZ-JOHN PORTER.

Mr. RANDOLPH submitted an amendment intended to be proposed by him to the bill (S. No. 1139) for the relief of Fitz-John Porter, late Major-General of the United States Volunteers and Colonel in the Army; which was ordered to be printed.

LAMPREY RIVER.

Mr. ROLLINS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to transmit to the Senate all reports relating to the improvement of the Lamprey River below New Market, New Hampshire, made in pursuance of act of Congress approved June 23, 1874.

PRINTING OF THE CALENDAR.

Mr. GARLAND. My recollection is that by a rule adopted before we adjourned at the last session the Secretary was required to furnish a printed Calendar every day.

The VICE-PRESIDENT. That was the rule.

Mr. GARLAND. I suppose it continues.
The VICE-PRESIDENT. It does.
Mr. GARLAND. I was about to make a motion if it did not con-

The VICE-PRESIDENT. The Secretary will see that the order is

Mr. WHYTE. I move that the Senate do now adjourn.
The motion was agreed to; and (at one o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, December 8, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADDITIONAL MEMBERS PRESENT.

Mr. Bouck, Mr. Jorgensen, and Mr. MITCHELL appeared in their seats to-day.

MEMBER-ELECT SWORN IN.

Mr. SHELLEY presented the credentials of Mr. Newton N. Clements, elected a Representative in the Forty-sixth Congress from the sixth congressional district of Alabama, to fill the unexpired term of Burwell B. Lewis, resigned, and asked, as the member-elect was now present, that he be sworn in.

The credentials were read from the Clerk's desk.

Mr. CLEMENTS presented himself at the Clerk's desk and was duly qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

DISTRICT HEALTH REPORT.

Mr. HUNTON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That 2,500 extra copies of the report of the health officer of the District of Columbia be printed for the use of said health officer.

FORT DODGE MILITARY RESERVATION.

Mr. RYAN, of Kansas. I move by unanimous consent to take from the Speaker's table a bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, returned from the Senate with amendments, for the purpose of moving concurrence in said amendments.

There was no objection, and the amendments of the Senate were

read, as follows:

read, as 10110Ws:

At the end of the bill insert the following:
"Provided, That the said Atchison, Topeka and Santa Fé Railroad Company shall have the right to purchase such portion of said reservation as it may need for its use, adjoining that now owned by it, not exceeding one hundred and sixty acres, by paying therefor the price at which the same may be appraised under the direction of the Secretary of the Interior."

Amend the title by adding after the word "laws" the words "and for other purposes."

The amendments of the Senate were concurred in.

Mr. RYAN, of Kansas, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORNING HOUR FOR REPORTS FROM COMMITTEES.

Mr. FERNANDO WOOD. What is the regular order, Mr. Speaker? The SPEAKER. The Chair thinks there should be a morning hour for reports from committees.

Mr. FERNANDO WOOD. I believe the committees are not prepared to make any reports at this time, and therefore I move to dis-

pared to make any reports at this time, and therefore I move to dispense with the morning hour.

I will say, Mr. Speaker, that it was my intention to have called up the refunding bill for immediate action, and I give notice that I shall call it up immediately after the pending proposition is disposed of, when gentlemen on the other side have finished the debate which was begun yesterday. With a view to a speedy termination of that matter, in order to get to work on the funding bill, I shall now move to dispense with the morning hour so that we can go immediately to work.

The SPEAKER. That requires a two-thirds vote. The Chair

waives the point as to whether the question of privilege comes up before the House in preference to the morning hour.

Mr. CONGER. Will the gentleman from New York be kind enough to repeat the statement which he made in regard to the business in

which the House was engaged?

Mr. FERNANDO WOOD. If I understand the question of the gentleman from Michigan it is that I repeat what I have already stated with reference to the business of the House.

Mr. CONGER. That was my request.

Mr. FERNANDO WOOD. I propose, Mr. Speaker, to do what I can by my voice and vote to keep this House steadily to its work, and to exclude from our deliberations everything of a partisan or needess character. Inasmuch, therefore, as the committees are not useless character. Inasmuch, therefore, as the committees are not prepared to make any reports in the morning hour, I propose that we shall go on immediately with the bill under consideration on yesterday, which the gentleman from Michigan seemed very desirous of discussing.

Mr. CONGER. I understood the gentleman from New York to say that he desired to get up the funding bill.

Mr. FERNANDO WOOD. It is my intention to call up the funding

bill immediately after the present matter is disposed of.

Mr. CONGER. The gentleman proposes to get it up this session, I

Mr. FERNANDO WOOD. I did not hear the gentleman from

Mr. FERNANDO WOOD. I did not hear the gentleman from Michigan.

Mr. CONGER. I say the gentleman from New York proposes to get up the funding bill at some time during this session, I presume.

Mr. FERNANDO WOOD. I propose to call it up immediately after the gentleman from Michigan and his friends on the other side have exhausted the opportunity for discussing the electoral bill.

Mr. CONGER. Why should the gentleman allow a matter of such public importance to be laid aside for a mere political discussion?

Mr. FERNANDO WOOD. Well, I am not obliged to answer that question. I therefore move to dispense with the morning hour.

The SPEAKER. That is equivalent to a demand for the regular order.

Mr. FINLEY. I wish to ask a parliamentary question. If the matter under discussion yesterday be a privileged question, does it not come over, and can we have a morning hour?

The SPEAKER. This motion renders unnecessary any decision of

that point. The morning hour begins at seventeen minutes past twelve o'clock.

J. D. MORRISON.

Mr. DUNNELL, from the Committee on Ways and Means, reported, with a favorable recommendation, a bill (H. R. No. 6516) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, of Rockbridge County, Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WARREN MITCHELL.

Mr. BRIGHT from the Committee on Claims, reported back, with a favorable recommendation, the bill (H. R. No. 625) for the relief of Warren Mitchell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees was continued and completed, no further reports being presented.

ORDER OF BUSINESS.

The SPEAKER. The Chair does not see in his seat the gentleman who is entitled to the floor on the pending question, and as there are several gentlemen who desire to introduce matters to which there will be no objection, the Chair asks liberty to recognize them for that purpo

Mr. CONGER. There is no objection on our part.

PAYMENT TO THE MIAMI INDIANS OF INDIANA.

Mr. COWGILL, by unanimous consent, introduced a bill (H. R. No. 6517) to authorize the payment of the principal sum due the Miami Indians of Indiana, under the stipulation of the treaty of June 5, 1854, to appoint an agent therefor and provide for his compensation, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

J. L. BURCHARD.

Mr. BERRY, by unanimous consent, introduced a bill (H. R. No. 6518) for the relief of J. L. Burchard, late agent of Round Valley Indian reservation, California; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be

U. S. GRANT, LATE PRESIDENT UNITED STATES.

Mr. McCOOK, by unanimous consent, introduced a bill (H. R. No. 6519) to place Ulysses S. Grant, late General of the Army and ex-President of the United States, upon the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUDICIAL DISTRICTS-IOWA

Mr. CARPENTER introduced a bill (H. R. No. 6520) to divide the State of Iowa into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIGHTING CAPITOL AND GROUNDS BY ELECTRIC LIGHT.

Mr. TOWNSEND, of Ohio, by unanimous consent, introduced a joint resolution (H. R. No. 339) relating to lighting the Capitol and grounds by electric light; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY F. MANN.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 6521) authorizing the Secretary of the Treasury to compensate Henry F. Mann; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELEVATOR IN SOUTH WING OF CAPITOL.

Mr. HAWK. I ask manimous consent to submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Architect of the Capitol be, and he is hereby, instructed to report to the House with as little delay as possible the reasons for failure to build the elevator for which appropriation was made at the late session of Congress.

Resolved, That the Committee on Public Buildings proceed at once under direction of the Architect to consider a location for an elevator in the south end of the Capitol building, and without unreasonable delay said Committee on Public Buildings be instructed to cause such elevator to be built.

The SPEAKER. The Chair thinks it but just to say that the omission to make a report on this subject is his fault. The report is prepared in substance, but the Chair has not had time to have it written

will be made to-morrow morning and the resolution meanwhile may

Mr. HAWK. Very well.

JAMES MONROE HEISKELL.

Mr. TALBOTT. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland.

The SPEAKER. This is a bill for the removal of political disabilities. The papers will be read and then the bill.

The memorial was read, as follows:

To the honorable Senate and House of Representatives in Congress assembled:

The memorial of James Monroe Heiskell, of Baltimore City, Maryland, respectfully shows that he was engaged in the late war in the confederate army as a soldier while he was under the age of twenty-one years, and that he is anxious to be relieved of the bar imposed upon him by the terms of section 1218 of the Revised Statutes, in chapter 1, title 14, of the Revised Statutes; and as in duty bound will ever pray, &c. J. MONROE HEISKELL.

The bill was read, as follows:

Be it enacted, &c., That James Monroe Heiskeil, of Baltimore City, Maryland, be, and he is hereby, relieved from the operation of section 1218 of the Revised Statutes, being in chapter 1, title 14, of said Revised Statutes.

Mr. CONGER. It seems to me the bill is not in the usual form and does not meet the requirements of the constitutional provision. The SPEAKER. There is another memorial accompanying the bill, the reading of which may perhaps furnish the necessary explanation. Mr. CONGER. The memorial which has been read is not exactly

Mr. CONGER. The memorial which has been read is not exactly in the proper form, but I take no exception to that. I suppose relief from the "bar" has some local meaning, and as the applicant closes with a prayer I am willing to let that pass. It was the bill to which I took exception as not being in the usual form.

The SPEAKER. It will be read again, and the gentleman from Michigan will then have an opportunity to offer an amendment.

The bill was again read.

Mr. CONGER. The usual form is, "for the removal of political disabilities incurred," &c.

Mr. TALBOTT. I am willing to accept the modification suggested by the gentleman from Michigan. After the words "operation of" let the words "political disabilities incurred by "be inserted.

The bill was taken from the Speaker's table and read a first and

The bill was taken from the Speaker's table and read a first and second time.

The amendment was agreed to.
The bill, as amended, was read the third time, and passed, two-thirds voting in favor thereof.

Some time subsequently,
Mr. CONGER said: Before the matter shall pass too long, I desire
to say that the bill removing political disabilities, acted upon a short
time since, was passed under an entire misapprehension of its object.
I was told privately that it was a mere political disability bill, but
upon examination I find that it has another object entirely. I must
ask that the bill be placed back on the Speaker's table, as it was
reseal under an entire misapprehension. passed under an entire misapprehension.

Mr. BICKNELL. I must call for the regular order.

The SPEAKER. The Chair thinks it is but right to recognize the gentleman from Michigan [Mr. CONGER] for the purpose he has indi-

Mr. CONGER. I called the attention of the Chair to the bill, and I have no doubt the Chair understood it to be a bill for the removal of political disabilities.

The SPEAKER. Yes, and the Chair admitted an amendment to

the bill.

Mr. CONGER. The bill as it passed may carry some other proposition.

The SPEAKER. The gentleman from Maryland [Mr. Talbott] who called up the bill is not now in his seat. The Chair will recognize the gentleman from Michigan later.

Mr. CONGER. I move to reconsider the vote by which the bill

was passed.

I know all about that law

The SPEAKER. The gentleman from Michigan asks that the bill be withheld, and the Chair will direct it to be withheld temporarily. Mr. CONGER. I move to reconsider the vote by which the bill

The SPEAKER. It was passed by a two-thirds vote.

Mr. CONGER. Very well, let it be withheld for the present.

The SPEAKER. It will be withheld for the present, the gentleman from Maryland [Mr. TALBOTT] not being in his seat.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record; which was read a first and second time.

Mr. SPRINGER. Let the resolution be read.

The Clerk read as follows:

pared in substance, but the Chair has not had time to have it written out in full. In this report the Speaker of the House and the Architect of the Capitol give their reasons why they have not executed the law referred to in the resolution.

Mr. HAWK. I think there can be no objection to letting the resolution go to the proper committee.

Mr. ATKINS. It should go to the committee under the rule.

The SPEAKER. The resolution is an admonition to the Speaker of the House and the Architect of the Capitol that the House would like to hear from them on the subject of the elevator. The report.

take judicial notice of the proceedings of Congress, and ought to be furnished with copies of them. It will only involve the cost of eleven additional copies of the RECORD.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REFUNDING THE NATIONAL DEBT.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 6522) to facilitate the refunding of the national debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. F. BODINER.

Mr. WARNER, by unanimous consent, introduced a bill (H. R. No. 6523) for the relief of W. F. Bodiner, late of Company F, Thirty-ninth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

AMENDMENT OF ACT.

Mr. BENNETT, by unanimous consent, introduced a bill (H. R. No. 6524) to amend chapter 248 of the acts of the second session of the Forty-sixth Congress, approved June 16, 1880; which was read a first

Mr. BENNETT. This is a bill to amend an act passed at the last session, and I ask unanimous consent to have it considered at the present time.

resent time.

The bill, which was read, provides that chapter 248 of the acts of the second session of the Forty-sixth Congress, approved June 16, 1880, shall be amended by striking out of the third line the words "fifty-six," and inserting in lieu thereof the words "ninety-four;" and also by striking out of the same line the words "ninety-four," and inserting in lieu thereof the words "fifty-six;" so that the description of the tract of land thereby granted shall read as follows:

Section 36, in township number 94 north, of range number 56 west, in the county of Yankton, Territory of Dakota.

Mr. FERNANDO WOOD. I must call for the regular order.
The SPEAKER. The regular order would cut off the consideration
of this bill. The gentleman from Dakota might have it referred.
Mr. BENNETT. Let it be referred to the Committee on Public

There being no objection, the bill was received, read a first and econd time, referred to the Committee on Public Lands, and ordered to be printed.

COUNTING THE ELECTORAL VOTE.

Mr. BICKNELL. I now demand the regular order.

The SPEAKER. The regular order is the consideration of the concurrent resolution of the Senate, in regard to the counting of the electoral vote. Under the practice of the House, the gentleman from Pennsylvania [Mr. White] is entitled to the floor, but he is not now

Mr. CONGER. I understand the gentleman from Pennsylvania [Mr. White] waives his right to the floor.

The SPEAKER. Then the Chair will recognize the gentleman from

Michigan, [Mr. WILLITS.]
Mr. WILLITS. Congress is not a "returning board." Congress does not make the President. He is no more the creature of Congress than is the new-born heir of a dynasty, the child of the nobles and grand functionaries who certify to his birth and his royal lineage. The President comes from the people, through the States. The Constitution has purposely refrained from conferring any executive functions upon the Legislature of the country—it has likewise seen to it that the Executive shall be independent of the Legislature not only in the exercise of his functions, but in his creation. In fact, not only in the exercise of his functions, but in his creation. In fact, to make his creation dependent upon Congress would go far to overthrow his independence. The power to make holds the reins to control. The Constitution has in nothing else been more clear than in the effort to make an Executive who shall be a co-ordinate branch of the Government—not the creature of either. Congress cannot add a single vote to the electoral college. The Constitution is barren of the power in Congress to subtract one. The power to subtract is as potent as the power to add. Both are equally extra-constitutional and equally subversive of the wholesome plan our fathers devised for the election of a President.

Let us examine this plan in the light of the plain provisions of the Constitution. And first as to what it is clear Congress may do in the grand act that shall place at the head of a great nation one of

the grand act that shall place at the head of a great nation one of its citizens. It may "determine the time of choosing the electors and the day on which they shall give their votes," and shall be present when the certificates are opened and the votes are counted. In other words, Congress may fix the day when the voters shall meet at the primaries to choose the electors, who, on a day also fixed by Congress, shall elect a President, and shall be present at the cere-monial that shall proclaim the election of a President and who he is an election already made by altogether another tribunal, and a man already designated by the sovereign people. If gentlemen in favor of this resolution can find any other clearly-defined functions in Congress to be exercised in the election of President under the Constitution they will have discovered what I am unable to do. We are

not now hunting for implications, but for clearly-defined powers; we will give some attention to the alleged implications, perhaps, further on. These things only is it clear Congress may do in regard to the election and the proclamation of the election of a President.

Now, secondly, what is it apparent Congress, under this plan, can-not do. It is manifest it cannot elect the President by its own vote, as has been the procedure in some of the continental republics; and it is clear that neither branch of Congress can do so in the first in-stance, as has also obtained in other nations. There seems to have stance, as has also obtained in other nations. There seems to have been a studied purpose to divorce this power from Congress, and to place it not only beyond the reach of Congress, but so far as possible beyond its influence, and even beyond the influence of any department of the Government. It is "nominated in the bond" that "no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector." In the grand inquest of a nation for a citizen to execute its will and to wield its scepter, the Constitution expressly excludes from the electoral college the Senator, the Representative, and the pimp who may fawn in the presence of Congress and the patronage at its disposal. On this one day the citizen voter has the floor, has his say, and the official who seeks either is ruled out of order. As a citizen, the latter may vote for and advocate the election of an elector, but neither as a citizen nor as an official may he be an elector. There is neither as a citizen nor as an official may be be an elector. There is nothing clearer than that under the Constitution Congress was to have no voice whatever in the election of President, and that in the have no voice whatever in the election of President, and that in the ultimate the citizens of the several States were the power that evoked the representative, for the time being, of its sovereignty. There seemed no other way to preserve unimpaired the absolute independence of the general co-ordinate powers of the Government, to prevent the absorption of the executive by the legislative, and the usurpation by either of the functions of the other. The purpose is clear, and the plan for the election must be construed all the way through with this purpose in view. Congress was not to participate in the election of President.

But how was the citizen to voice his preference? Manifestly either

But how was the citizen to voice his preference? Manifestly either by a direct vote or through designated agents or through his State. The plan adopted was that of the agent with credentials from the State.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress.

These electors, chosen either by the people directly or by the Legislature as their agents, go into the electoral college with the State certificate behind them rather than national and vote for President and Vice-President in their respective States and not at the national capital. They make distinct lists of all persons they vote for as President and Vice-President and of the number of votes for each, which lists they themselves sign and certify and transmit to the seat of the National Government. In this act they voice the sentiment of the citizens of their respective States and in no sense the dictation of Congress, which up to this point the plan has abhorred as the great be provided against.

In this act the electoral colleges are a separate and absolutely independent department of government, beyond the control of Congress or even of the States. They act under the Constitution, which prescribes their duties. And this act of the electoral colleges elects the President. What follows is mere form, and not substance. The records of the votes and the number for the respective candidates, duly signed and certified by this independent body, are at the "seat of government." It is simply a question of mathematics to learn the result ment." It is simply a question or mathematics to learn the result—
the mere adding up, the counting of the numbers for the respective
candidates. It does not change the result. That was fixed on the
day Congress set for the giving of the electoral votes, and by the
votes themselves, and "the person having the greatest number of these
votes for President shall be the President." So says the Constitution.
Not the person Congress shall declare elected, but the person who has
the greatest number of these votes cast by these electors in their respective States, and so certified and transmitted by them. Not even the greatest number of these votes cast by these electors in their respective States, and so certified and transmitted by them. Not even the person whom the President of the Senate, the custodian of the certificates of the votes, and who opens them, shall declare elected, but the person who has the greatest number of these votes. Any tyro in arithmetic can count them. The record is then in the august in arithmetic can count them. The record is then in the august presence of both Houses of Congress and in the view of the great nation. Every citizen can count them. The man who is elected can count them, and, having the greatest number of votes, shall be President. And the citizens of this Republic, recognizing his right to enter into his high station, will demand that he shall do so, and therenpon take up the truncheon of executive power.* It is well to have the form of a declaration of his right proclaimed in that vast audience of Congress assembled in joint convention. But this is not prescribed in the Constitution and the declaration confers no added scribed in the Constitution, and the declaration confers no added right—its absence detracts not one whit therefrom. He is not the person lit for the suffrages of this people who, having these "greatest number of votes," shall hesitate to assume the dignity to which he is called in any event.

Now, if this view of the plan is correct, it is manifest Congress has no power to change the number of votes so cast by the electoral colleges, nor to exclude any of them. This joint resolution assumes to do both, and therefore in my judgment has not the warrant of the Constitution. The specific clauses of said resolution obnoxious to this view of the Constitution are as follows:

this view of the Constitution are as follows:

If but one list of votes of electors from any State has been so submitted to each House for its decision, and it shall appear that the Houses have not concurred in rejecting said list, the same shall be received. But if both Houses shall have concurred in rejecting any vote contained in such list, such vote shall not be counted; otherwise all the votes therein shall be counted.

If more than one list of votes of electors from any State, or paper purporting to be such list, has been submitted to each House for its decision upon objections made thereto, and it shall appear that the Houses have not concurred in receiving either of said lists as the authentic and lawful list, they shall each be declared by the President of the Senate, in the presence of the Senate and House of Representatives, as being rejected; and no list of votes of electors so rejected shall be afterward read in the presence of the two Houses except for information.

It will be seen that if there is only one list of votes of electors from

It will be seen that if there is only one list of votes of electors from any State they shall be counted, unless both Houses concur in rejecting it; then it shall not be counted. The power is claimed to reject all or any of these votes in the exercise of the sweet irresponsible will of Congress, and the friends of this resolution plume themselves upon the fact that they require the concurrent act of both Houses to consummate the scheme to suppress the voice of the citizens of a State in its preference for a Chief Magistrate. This tremendous, unwarranted assumption is in no sense condoned because the actors in it ranted assumption is in no sense condoned because the actors in it have been numerically increased, because it takes both Houses, rather than one, to wipe out the vote of a State. The question is, whence comes the power in Congress to reject the vote of a State at all? It is no answer to say that Congress can be trusted to exercise this great power. In a republic no department can be trusted to exercise powers not within its jurisdiction. The evil is to be measured not by what it will do, but by what it can do, or what it assumes it can do. There is no generosity in the proposition that the usurpers of constitutional rights shall run in couples. Companionship in crime adds courage to the criminal, and what one House of Congress might hardly dare to do, both Houses might not hesitate to do in the plenitude of their reciprocal support.

Again, this rule assumes to throw out all the lists of votes from any

State, if there purports to be more than one, unless both Houses conour in receiving either of them. This is but another form of the exercise of the same power; only it asserts the right of a single House of Congress to reject the vote of a State, and is to that extent more obnoxious than the others. Both assume the right of Congress to count or not to count the electoral vote of a State as in its own judgcount or not to count the electoral vote of a State as in its own judgment it sees fit. In my opinion the Constitution does not confer any such extraordinary power, and it is not competent for Congress by a resolution, nor even by a law, to assert, to take, or to exercise it; and I shall feel constrained to vote against any such theory, however much it may be fortified by precedent or have been advocated by the great intellects of either party in the exigences of political affairs. There is no such exigency now, and we ought to be able to approach the dispersion of the whitest party in the resolution of the procedent of the succession. cussion of the subject untrammeled and uncontrolled by precedent.

A few words relative to the reasons given for the exercise of this supervising power in Congress. They are all based upon implications. As I understand them they are claimed to exist in the nature

of things.

First. That it would be a senseless proceeding to call Congress into joint convention to be present at the "count" if it had no right to do anything or say anything. I appreciate the anomalous condition of affairs when the average Congressman is placed where he is under the constraint not to do something or say something. But the Constitution says he shall be present at the count, and as it does not provide for any specific action on his part, we are to presume that our vide for any specific action on his part, we are to presume that our fathers thought no great harm could come from the suspension for a fathers thought no great harm could come from the suspension for a few hours, on the second Wednesday in February next, of this impulse. But as the votes are to "be counted" it would appear that something is to be done, and as it is not clear who is to do that something, the most natural thing in the world is that the Congress should assume that it alone has the power to do it—to imply the right itself to "count." I would not object to this implication so much, though I might protest against it mildly, if the implication covered the mere counting. As the actual result is as fixed as the multiplication table, there could no great harm come of its exercise. But when there is based upon this implication to "count" a whole system of jurisprudence, the power to go behind returns, the power to reject, the power dence, the power to go behind returns, the power to reject, the power to count in a man, or the power to count out a person who has the "greatest number of votes for President," so numbered and certified

"greatest number of votes for President," so numbered and certified by the electoral college, I submit that is a travesty on the English language, the largest claim on the smallest pretext I have ever known.

But, secondly, it is claimed that from the inherent difficulties of the case, in the nature of things, Congress must interfere. Suppose an organized political organization assumes to be a State while it is not a State, and transmits its electoral vote to the seat of government, just as Missouri and Michigan and Indiana once tried to do, what shall be done? The President of the Senate is authorized to open only the certificates from States. Manifestly he is warranted in only the certificates from States. Manifestly he is warranted in refusing to open the certificates from political organizations not recognized as States, and their votes will not "be counted." The fact that Congress has or assumes the power to create States confers no power on Congress to control the vote of the State after it is created. And the President of the Senate will take official notice of

the States duly recognized as such.

There have arisen difficulties in the carrying out of the provisions of the Constitution for the counting of the electoral vote not anticipated

by those who framed it, among them the difficulty arising from the transmitting of more than one alleged certificate of votes from a State. But the fact that this difficulty exists can confer no power upon Congress to exceed the scope of its powers as defined in the Constitution. There is no power to supervise the action of an elect-Its assertion may bring a calamity far in excess of the

evil sought to be cured.

The fact that the Constitution has made no provision for such a difficulty is not conclusive that Congress has power to bridge it over. Congress cannot exceed the powers conferred upon it by the Constitu-Congress cannot exceed the powers conferred upon it by the Constitution; and if there is a lapse in the Constitution, if there is a failure in the Constitution to previde for this difficulty, it does not necessarily follow that Congress can cure it. We must trust to the good sense and the patriotism of the people under such a difficulty until the Constitution is amended. I believe firmly, under this view of the Constitution, that there is no power in Congress to annul, to exclude, or to change the vote of a single electoral college; and such being my view, I shall vote against this resolution.

Mr. BICKNELL, If no one less desires to speek I will now de-

Mr. BICKNELL. If no one else desires to speak, I will now de-

mand the previous question.

Mr. KEIFER. Mr. Speaker—

Mr. BICKNELL. If anybody else desires to speak on this subject,
I will not make that demand.

Mr. KEIFER. The gentleman from Pennsylvania [Mr. White] who desired to speak this morning has left his seat and I do not know just where he is at present. And the gentleman from New Jersey [Mr. Robeson] also seems to be out of his seat at this time.

Mr. FINLEY. I suggest the propriety of the House taking a recess until gentlemen who want to speak on this resolution have come in.

The SPEAKER pro tempore, (Mr. SPRINGER.) The question is on the demand for the previous question.

Mr. CONGER. There seems to me to be an unseemly haste in a matter which has been submitted to this House for discussion. Two gentlemen are prepared to speak on this question.

Mr. BICKNELL. If anybody wants to speak, I am willing to withdraw the demand for the previous question.

Mr. CONGER. The gentleman can try his demand if he wishes to. There is no law to prevent the gentleman from making the demand, even though another gentleman is ready to take the floor; but I think it would not be very judicious.

The SPEAKER pro tempore. In the absence of a motion for the previous question, the question is upon agreeing to the pending resolu-

Mr. ROBESON. If no one else is ready, I would be glad to speak

Mr. BICKNELL. Very well; I will withdraw the call for the pre-

Mr. ROBESON Mr. Speaker, it will not be denied that the ques-Mr. ROBESON Mr. Speaker, it will not be denied that the question under consideration is one of the highest importance to the Government and to the people of this nation. As it is presented to us under the pending resolution, it involves the whole question of the election of the supreme Executive of the country; whether that election shall be made by the electors appointed by the States, or whether it shall be practically left to the unrestrained will of an irresponsible legislative assembly.

legislative assembly.

Mr. WARNER. Or of the Vice-President.

Mr. ROBESON. Gentlemen assume too much, and I trust they will wait until I have had time to develop my propositions, for I assure my friend, the gentleman from Ohio, [Mr. Warner,] that he will not be able even to guess at them until they are stated.

In the discussion of a constitutional question like this, let me say

at the outset that no deliberative body in the consideration of such questions, and no man in assuming his own positions or making up his own mind thereon should consider himself in any way bound by any precedent the effect of which remains a disputed and doubtful question upon the record and in the history of the country. a precedent has been fully established either by undisputed authority or by long and unquestioned acquiescence, then it may perhaps be considered as settling the construction of constitutional law. But until it is so established and admitted without dispute it is valuable only as a record of the opinions of individual men, and carries with it only the weight and sanction of their judgment, their talent, their honesty, and their experience. Therefore I declare that I shall approach the examination of this question, in the cursory manner in which I mean to examine it this morning, without planting myself on precedent or relying second-hand upon the disputed authority and questioned onlyion of other men. questioned opinion of other men.

Mr. WARNER. That is much safer than to rely on precedent—

safer for that side of the House.

Mr. ROBESON. I knew that my friend from Ohio would agree with me upon that point; for if there be a man on this floor who outruns all example and is free from all trammels of precedent, it is my friend who so ably represents a portion of that great State. [Laugh-

ter.]
Mr. WARNER. Many thanks.
Mr. ROBESON. It often happens, in the history of political and governmental questions before they have been brought to a test of final decision, that many precedents of action grow upon the records of the country, which have been passed sub silentio, either because there was no real practical question involved or no one was interested

to oppose or dispute them. Of such precedents we should take no account in judicial investigation. In the history of every government, too, there come times of exigency and danger; times when the public mind is disturbed, when the public pulse has risen to fever heat, and when not only great communities but the individuals who represent them are excited and in careless haste to accomplish what represent them are excited and in careless haste to accomplish what they may think necessary for the present safety or success, without regard to the requirements of the principles on which alone they should act. Such precedents, if they exist in our country, should have no binding influence upon our decision of such important questions relating to the structure and strength of our Government, particularly at a time when, as now, we have neither personal interest nor political excitement to urge us beyond the calm dignity of judicial investigation and decision.

It would be well for our country if the whole history of the years.

It would be well for our country if the whole history of five years of its life could be swept from the records of its history, and I shall neither rest upon the circumstances of those times nor be bound by the precedents which then arose in the discussion of any constitutional question while I am a member of this House. Inter arma silent leges applies not only to the shock of battle, but to the conditions of governments and society which surround and take their color from the contest of which battle is the culminated crisis. It is a maxim of political necessity, not of political philosophy; and I shall never be found here advocating in cool blood any measure of necessity which I am not able to defend to my own satisfaction, at least, in

cool and judicial debate.

our Government is admitted to be a government of limited powers, and to be clearly divided into co-ordinate branches. Upon each of these is conferred its appropriate duty, and to the duty of each is assigned its definite character and limit. This makes the real strength of our Government. It stands before the world the masterpiece of political construction, without counterpart in the history of governments. It finds no exact analogies in the proceedings and practices of other powers. It is primarily and clearly divided into legislative, judicial, and executive departments; each having its appropriate duty and each excluding the nower and resisting the invasion of the other.

judicial, and executive departments; each having its appropriate duty and each excluding the power and resisting the invasion of the other. We are pointed sometimes by weak or half-educated drivelers to the limited monarchies of Europe as more conservative and better calculated to preserve the rights not only of persons but of property. I unhesitatingly dispute the proposition.

I say to-day that the most conservative of limited monarchies that Europe knows is not half so stable nor half so safe a government for persons and for property as is that which our fathers gave us. Why? Because it is not a government of co-ordinate branches; because all the power of the English government rests ultimately in the House of Commons, unrestrained by written constitutions or organic laws; and because that house is powerful to override time-honored institutions and to govern for itself, according to its own will, the people and the destinies of the English nation. And when the time shall come that the safeguards of suffrage which now make the English House of Commons conservative shall be swept away by the irresistible tide of liberal progress the world will see established there a democracy as free as that of Athens, as fierce and unrestrained as France tide of liberal progress the world will see established there a democracy as free as that of Athens, as fierce and unrestrained as France has ever known. Therefore I say that the teachings of political philosophy and the history of the political life of nations admonish us to be careful that we never for a moment overstep the limitations of the Constitution of the United States. I am not here as a special advocate to any national governmental power which the Constitution does not give to the National Government; I never shall be such an advocate. I am here to maintain by my voice and by my vote every limitation which our Constitution places upon the power of the National Government and every preservative sanction which it gives to tional Government and every preservative sanction which it gives to the reserved rights of the States or of the people. But whatever of power there is given or reserved to the States or given to the nation is written in the Constitution of our country or is to be found in the implications which directly and necessarily flow from its provisions. All the power that either or all of them have is there; that is the source from which the river of their power flows or else runs dry. They have nothing of power given or inherent that is not declared or implied there, except the one power of self-preservation, which inheres to governments as it belongs to men. With that single exception, standing alone in the history of governments as it stands an anomaly in systems of law, everything that there is of power in any branch of the Government is to be found in the Constitution.

ment is to be found in the Constitution.

Now we are asked by this resolution to admit in effect and practically that the Congress of the United States assembled in joint convention, has the right to decide judicially upon the quality, character, and effect of the electoral votes; the right and power to cast which is by the Constitution given to the several States. This resolution calls upon Congress, while assembled in a convention convened for a single purpose, without legislative power, much more without judicial power, to declare that Congress has the right to decide judicially upon questions of the highest importance not only to the States that have cast the votes but of the highest importance to the Government and the people of the country; to decide judicially upon the constitution of a branch of the Government equal and co-ordinate with itself. Do I state that proposition too strongly? Is it not borne out by the letter and by the spirit of the resolution as it is presented here? It is certainly not necessary that I should enter into a detailed argument in opposition to this assumption.

The gentleman from Iowa [Mr. UPDEGRAFF] who stands before me, and the gentleman from Ohio [Mr. Keifer] who yesterday spoke upon this subject, and others of like opinion with myself, have absolutely exhausted that subject on our side. A most consolidated and strong presentation of all the objections which can be cited against the power of the House to count will be found on the Journals of this Congress, in the discussion of the subject which was made by my friend from Iowa at the last session. And while I am not authorized to adopt it fully as my own, I should feel I was unnecessarily wasting your time if I should go over the same ground. I will therefore only repeat my proposition, that Congress has no power to do anything except what the Constitution gives it the power to do; that it has no inherent, natural, or original authority; that all its power springs from the Constitution, and fails when it is sought to be drawn from any other source. The power given by the sought to be drawn from any other source. The power given by the Constitution to Congress is legislative power, is it not? The two Houses make the Legislature of the nation. The first article declares that "all legislative powers herein granted are vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Is there anything else there? Is there anything else to be derived from that clause? Is it not the full declaration of their power, and the limit of it also?

else to be derived from that clause? Is it not the full declaration of their power, and the limit of it also?

In a Constitution which goes on to declare that all executive power shall be vested in a President, and all judicial power shall be vested in the courts, do not these provisions, when you bring the three together and present them to the mind of a reasoning man, clearly declare and define the charter and the limit of our power?

Congress is a Legislature, organized to make law, and not a court organized to pronounce on the operations of laws already made. Is there anything else in its nature or its character? Has it any other authority? Yes; it has two or three other authorities, not inherent, however, but specially given. It has authority to determine the rules of its own proceedings. Each House has that authority by the Contitution. This is a special grant of power which gives the authority, but which in giving carries with the grant the limitation of the power. And Congress has another duty: it is required to be present when the

And Congress has another duty: it is required to be present when the electoral votes of the States are counted. This requirement, also, is at once a grant and a limitation. It is required to be present, not in its character as a Legislature—remember that; it is to be present in a joint convention, an attitude, situation, and character which deprives it of all legislative power, because all its legislative power is conferred and defined in the Constitution to be exercised in other relations and

by different processes.

In the first article it is declared that Congress shall have power to make all laws which shall be necessary and proper "for carrying into execution the foregoing powers," not those not included there, and "all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof." They shall have power to "make laws." Why is that put there since they are already created a legislative power, except as the grant and also the limit and determination of their power? Is there any other power to make laws which belongs to them except what is found in the grants of the Constitution, and is there any other grant found in the grants of the Constitution, and is there any other grant found in the grants of the Constitution, and is there any other grant found in the Constitution of power to make laws except what I have cited? As a legislature, have we power growing out of our inherent constitution and character to do anything but make laws? Is there any power which grows out of our nature as a legislature to do anything beyond this? As a legislature we can only legislate; and in legislating we can only legislate on subjects declared to be within our power by the Constitution which created us. Can we step beyond its limitations? Is there any force or virtue in our acts beyond it, unless that force and virtue are given by some other special authority of the instrument itself. I shall not here deny that power may be found in the Legislature of the United States to put in operation all the functions of the Government and to provide for the manner in which the powers given to the Government or any department or of any officer may be carried to the Government or any department or of any officer may be carried out. Such a right, however, whenever it exists, belongs to Congress as the legislative body, and must be executed by legislative means and under the limitations and through the processes of legislative proceedings as declared and limited by the Constitution. Does not this proposition command the assent of every man who is willing to face this question calmly, judicially, and reasonably, and who desires that our Government shall rest forever upon the sure principles where our fethers placed it? fathers placed it ?

On the general principles, then, my first objection to the pending resolution is that Congress has no power to act judicially in receiving or rejecting the vote of any State. The Constitution of the United or rejecting the vote of any State. The Constitution of the United States provides in the first section of the second article that each State "shall appoint in such manner as the Legislature thereof shall direct" a number of electors whose qualifications are therein defined. I am willing to admit that Congress has the right by law to declare what is a State. "Each State shall appoint." The right to admit States, residing in Congress, carries with it the power to declare what is a State. Congress also, under its general authority to put into operation the functions of the Constitution, has the right to declare how the result of the vote of these electors, when appointed by the States, shall be certified and authenticated. I do not dispute that. But when you have provided for these two points have you not provided for everything that is left open in the Constitution, except perhaps one other thing, of which I shall speak hereafter?

"Each State shall appoint electors." They are appointed by the States not as a matter of reserved State rights—I do not contend that—but by the authority of the Constitution itself, which confers it upon them in the broadest terms and prescribes that it shall be done in whatever manner their representatives may determine. The apin whatever manner their representatives may determine. The appointment of those electors is given to the States themselves. Upon that point Congress has no power at all except to provide by law in a legislative manner what is a State, and after they have been appointed by the States and fulfilled their constitutional functions, Congress may provide by law how these electors and their action shall be aumay provide by law how these electors and their action shall be authenticated. But when they have done that the limit of their power is reached. The farthest stretch of authority on this subject which can be argued from the Constitution to belong to and be exercised by Congress itself, is entirely exhausted. There is but one question that can arise when that is done. You have the electors; they have been appointed by the States. You have their election and their action certified and authenticated under the constitutional provision by authority of the States themselves; and after that is done no other question can arise except the one question of dual State government. Everything else is provided for.

Who shall decide upon that question? There, indeed, an important question may arise and call for the judgment and tax the ingenuity of statesmen and legislators. There, and there only, is the real difficult

statesmen and legislators. There, and there only, is the real difficult question, and I shall not to-day deny (since it is not necessary now to take any ground upon that subject) but that Congress, acting as a legislature under its legislative power to make laws to carry out the legislature under its legislative power to make laws to carry out the functions of the Constitution, may by law, under the sanction and subject to the limitations of the law-making power, with or without executive approval (with executive approval, unless they have two-thirds in favor of the proposition of which he disapproves) provide a tribunal by which, judicially if you please, this question may be decided. I shall not argue that that authority rests in the Supreme Court of the United States—another co-ordinate branch of our Government; for I am not convinced that it does reside there, unless Congress under its general legislative power sends it there. unless Congress under its general legislative power sends it there. But gentlemen will observe that every one of these powers which I

But gentlemen will observe that every one of these powers which I have enumerated belongs to Congress as a legislature, and is to be carried out and put in force only by law, made subject to the provisions and governed by the restraints and limitations which govern and restrain legislative action.

It is provided by the Constitution also that after the Vice-President of the United States shall have opened "all the certificates in the presence of the two Houses of Congress, the votes shall then be counted." Gentlemen have sought to argue from that language that Congress has judicial power over that subject, though the Constitu-tion is loudly and affirmatively silent in giving and therefore denies such power to Congress; yet from the very fact of its silence they argue that that power is to be implied. Why, the framers of our Constitu-tion considered the question as to how far Congress should have power over this subject. It was at one time suggested, I do not now recollect how far it was actually agreed to, that Congress should elect the Executive, but that proposition, after discussion and consideration, was affirmatively rejected, and that rejection remains an incontrovertible fact, forbidding the idea that Congress shall take power bevertible fact, forbidding the idea that Congress shall take power because the Constitution is silent on the question. In the first place, it can have no power that is not given to it. In the second place, it has no power on this subject except as a legislative body as distinguished from a judicial tribunal. In the third place, it can exercise no power except through and by means of legislative action. How violent, then, would be the assumption that there, in that language of the Constitution which loudly omits to say that Congress shall have any power over the counting of the votes, there can be found any latent power in a congressional joint meeting, which in its very nature excludes all, even legislative, power or action—a convention which in the attempt to exercise any power would do violence to all our ideas of constitutional government and to the independence of the our ideas of constitutional government and to the independence of the two Houses themselves—a convention which not only has no legislative power itself, but which is given nothing by the Constitution except the duty of being present at the opening of the certificates and the counting of the votes. Do not misunderstand me. I do not say that the Vice-President, in the discharge of his ministerial functions in opening all the certificates, has power to act judicially in counting the votes of the States. I limit his power there, by the written words of the Constitution itself, to the mere exercise of ministerial powerjust as I limit the power of Congress there to mere witnessing power. But I will say that every argument in favor of the power of Congress to act on that occasion is doubly strong in favor of the ministerial officer who opens the certificates.

But I do not believe—let gentlemen understand my limitation—I do not believe that judicial power to decide upon the votes of States resides with the President of the Senate or with Congress acting there

in that convention.

I am admonished by the lapse of time, Mr. Speaker, that I must hurry on to the consideration of this resolution itself. Assuming for the sake of argument, admitting for the sake of argument, that Con-gress has all the power which is claimed for it in this resolution, admitting for the sake of argument that it has the power to reject or admit the votes of a State, if it has that power it is of course a constitutional power. Congress can have no such power unless it be a constitutional power. If it be a constitutional power, it is either an

affirmative or a negative power. It is either a power to reject votes or a power to admit votes. Either one or other of these propositions must be true, and I commend them to my friend who is the chairman of the committee who reported this resolution. Either the votes as they stand certified by the States are to be counted in the first instance, and only rejected if Congress objects, or they are only to be stance, and only rejected it Congress objects, or they are only to be counted when Congress affirmatively admits them to be counted. Do I make myself understood? Either they stand prima facie to be counted unless Congress objects to them—and if that be true, then it will require the joint action of both Houses to reject any vote—if they are prima facie votes to be counted unless Congress objects, then it will require the concurrent action of both Houses to reject a vote. If there be not that concurrent action, then the votes must stand and be counted. If this be not true, then the other principle remains, namely, that the votes are counted by the affirmative assent of Congress and are not votes unless Congress agrees to count them. If that be true, then it requires the concurrent action of both Houses to count a vote. Are these propositions true or are they false? If it be a constitutional right in Congress to act, they must have the constitutional right to act right in Congress to act, they must have the constitutional right to act either affirmatively or negatively, not both ways. The right must rest on one principle or the other. Which do you take? If it be a constitutional right, it is also a constitutional duty, and the right and the duty are restrained by no rules and cannot depend upon any condition or circumstances. Yet this resolution in one clause provides that if there is but one set of lists from a State, the vote shall be counted unless both Houses concur in rejecting it. That proposition rests upon the idea that the votes stand unless Congress affirmatively rejects. In the next provision the resolution provides that tively rejects. In the next provision the resolution provides that when there are two lists, then the vote shall not be counted unless both Houses concur in counting it. Under that provision one House can throw out the vote. Those two provisions stand upon diametrically opposed principles, do they not? Can it be denied that one rests upon the affirmative right of the vote to be counted unless both Houses concur in rejecting, and the other stands upon the idea that no vote shall be counted unless both Houses concur in admitting it. One clause or the other must be unconstitutional. The truth is that if Congress has power at all, the logical and irresistible conclusion must be that no vote can be counted unless both Houses concur in counting it. Give the power to Congress at all, and you give one House of Congress the power to refuse to count. Give it to Congress at all, and you give it to the House of Representatives or to the Sentential Congress where the Congress at all, and you give it to the House of Representatives or to the Sentential Congress where the Congress at all the resulting the Congress where the Congress are the Congress at all the resulting the Congress at all the congress where the Congress are the Congress at all t ate, the very places where the Constitution and its framers refused to put it.

It is ridiculous to say that this constitutional power and duty—for if it is a constitutional power it carries a constitutional duty derived by implication from the Constitution, unlimited by circumstances, unrestrained by conditions—is to be exercised in one way under one set of circumstances and rules and in another way under another set of circumstances and rules. What clause in the Constitution puts that limit on it, and what mere rule has power to limit it? If it be a constitutional power and a constitutional duty, it overrides all rules, silences and governs all conditions. Gentlemen may say, "We go upon the half-way principle. We say that when there is but one list of electors then the vote shall be counted, unless both Houses concur in rejecting it; and we only give the power to one House when there are two lists." By what authority do you limit constitutional powers? Where do you derive from the Constitution the right to make that distinction? Where do you derive the power to limit your own consti-tutional rights and duties? If H. L. Morey sends a bogus list from New York, shall that give to the House of Representatives a constitutional power which it would not otherwise have? Consider that, genthemen. When you are confronted with your own proposition thus contradicting itself you should pause on the threshold before you make a new precedent as valueless as those that went before. I have neither preparation nor time to enter into a protracted and analytical discussion of this subject; but these difficulties lie on the surface of

this rule and cannot be ignored nor surmounted.

Mr. HUNTON. Will the gentleman from New Jersey allow me to

Mr. HUNTON. Will the gentleman Holli New Jersey and while to ask him a question?

Mr. ROBESON. Certainly.

Mr. HUNTON. As I understand the gentleman's argument, it is that neither the two Houses of Congress nor the President of the Senate have any power over the subject of the electoral vote, except merely to enumerate, add up, and declare the result. Now I desire to ask him how he would meet the difficulty of this sort under the theory he has propounded on the subject: suppose a committee of this House, appointed to investigate the electoral vote of a given State, should report to this House that the certificate of the State of Louisiana, for instance, is a forged certificate; I ask him in that event who would have the power to pass upon the question, in counting the vote, of the forgery or the bona fide character of that certificate? I take it for granted that the learned gentleman from New Jersey would not have a President of the United States for four years counted in and determined by a forged certificate from any State in the United

A MEMBER. We have got one now.

Mr. HUNTON. Well, I suppose the gentleman who throws in that remark would not admit he would be in favor of that, even if we do have it now. In that event where does the power lie? And does the gentleman from New Jersey mean to say our fathers have framed a

government and put into operation a system by which a President may be imposed upon the people of the United States by a certificate admitted or proved to be forged?

Mr. ROBESON. The gentleman has not exactly conceived my proposition, and the fact that my friend who so thoroughly understands this subject and whose mind is so thoroughly informed upon it, has not done so admonishes me that I may not have stated it clearly. I wish first to say to him that I am discussing this resolution as it is now offered before us; and that in opposing it I declare it to be my opinion that the Vice-President of the United States, neither by virtue of any authority in his office nor by virtue of any authority given him by the Constitution of the United States, has a right to pronounce judicially upon the question of the validity or invalidity of any electoral vote. I also declare that the two Houses of Congress have no authority to act judicially themselves upon that subject either as such Houses independently or in joint convention.

Much more strongly do I declare that the two Houses in joint convention, a body unknown to the legislative power of this Government, provided only for a single contingency, outside of the grant of legislative power, have no right to decide at all, either judicially or otherwise, such questions. And still stronger do I declare that the two Houses of Congress, which if they have any power to act at all have only legislative power, have no right to declare or decide anything on this subject by means of a mere rule (which if it has validity at all rests only upon that clause in the Constitution which gives each House authority to determine the rules of its own procedure, which affects no interests outside of the order and conduct of their own business) which can determine no constitutional right, can deprive no individual of a constitutional privilege, and can avoid or limit no conwhich can determine no constitutional right, can deprive no individual of a constitutional privilege, and can avoid or limit no constitutional duties of any man or assembly; much less can strip from a State its direct influence and power in the election of the Execu-

Mr. HUNTON. But my friend—
Mr. ROBESON. I have said this in order that the gentleman may understand the elements of my proposition. Now I will go one step

further if he will permit me.

Mr. HUNTON. But I want you to answer my question first.

Mr. ROBESON. I am willing to consider and discuss, and with my mind open to the effect which every gentleman's opinion may have upon me, decide the question whether or not there does reside in Congress, as the legislative power of this Government, under its power to put in operation the functions of the Constitution, and to provide by law for carrying out the duties which are devolved upon any department or officer of the Government, the power to provide by law beforehand, as a legislative enactment, a tribunal which shall settle

Mr. WARNER. That is the point I wish the gentleman to meet.
Mr. ROBESON. I hope and think I can do so. That was the idea which the framers of our Constitution had, I think, which was embodied in the act of 1800, which received the sanction of many of the makers of the Constitution, and which was assented to by the supreme authority of James Madison himself.
Mr. HUNTON. Will the gentleman allow me—
Mr. ROBESON. One moment; let me go on. But the gentleman the limit of the sanction of the supreme must understand the limit of the sanction.

Mr. HUNTON. Will the gentleman allow me—
Mr. ROBESON. One moment; let me go on. But the gentleman must understand the limit of that proposition. Legislatures make laws for future operation. Courts and judicial authorities construe and decide questions as they arise upon laws after they are made.

The legislative authority of the Government, while it may make a law for future operation, can derive no power from this general legislative authority under the Constitution to act judicially upon any present question. It may make a law providing for the future, but it cannot assume to decide upon disputed questions of constitutional law, nor to answer upon the spot judicial questions as they arise.

Now, if such a contingency may arise as the gentleman suggests, let me say to him that it is his duty, as it is mine—and I put nothing upon him which I would not assume for myself—carefully to consider, judiciously to determine, and permanently to fix a tribunal which shall meet this issue, which is the perilous edge of doubt upon which the destinies of our country rest.

the destinies of our country rest.

But do not seek, gentlemen, to force through here, under the operation of the previous question, a rule which you yourselves have not considered, but which is to decide this primary question of your country's interest, and which is to be put through under the previous question; to decide upon not only the constitutional powers of your Government, but the rights and powers of your States and your

vour Government, but the rights and powers of your States and your people.

Mr. HUNTON. Will the gentleman allow me now?

Mr. ROBESON. Certainly.

Mr. HUNTON. I understood the distinguished gentleman from New Jersey [Mr. ROBESON] upon the question that I propounded to him as well before I propounded it as I do now, and no better, because his answer to my question has been a general dissertation upon the powers of legislatures. He and I would not probably disagree about the power of the two Houses of Congress to pass a law regulating the manner of counting the electoral vote. But the time is rapidly approaching when that electoral vote must be counted. It is apparent to this House, to the distinguished gentleman from New Jersey himself, that no law can be passed by the two Houses of Congress in time to meet the counting of the electoral vote in February next.

Now, the point I make is this: without a joint rule and without a law upon the subject, when anybody comes to count the vote, whether it be the Vice-President, under the construction which some gentlelaw upon the subject, when anybody comes to count the vote, whether it be the Vice-President, under the construction which some gentlemen put upon the Constitution, or the two Houses, according to the construction we put upon it, if there should come before either the Vice-President or the two Houses of Congress a certificate proved or acknowledged to be a forgery, is that vote to be counted thus certified, or is it to be rejected?

Mr. KEIFER. Your rule does not touch that question.

Mr. HUNTON. I beg the gentleman's pardon. The rule which I have read does settle the question—that if the two Houses concur in rejecting that vote it shall be rejected; and I take it, sir, that neither House of Congress, however constituted, nor the Vice-President, whatever might be the politics of Congress or the Vice-President, could ever count a vote for President of the United States which was by confession or proof evidenced by a forged certificate alone.

Now I ask the attention of my friend from New Jersey to this point: if in the counting of the electoral vote in February next there should come before the counting power, whether that be the two Houses of Congress or the Vice-President of the United States, a paper purporting to be the certificate of the vote of a State of this Union, but which is confessedly, by proof or otherwise, a forged certificate—

Mr. ROBESON. It cannot be confessed by proof.

Mr. HUNTON. Well, it can be established either by confession or by proof. I stand corrected. I am not so technical in the use of language as the gentleman from New Jersey.

Mr. ROBESON. I beg the gentleman's pardon; there is an important point right there. The right to decide on evidence is a judicial right.

Mr. HUNTON. But if by confession or by proof the pretended cer-

Mr. HUNTON. But if by confession or by proof the pretended certificate is shown to be a forgery, if it is beyond question a forged certificate, then who is to act upon it and throw it out? Or, under the rule contended for on the other side, shall the counting power, whether the two Houses of Congress or the Vice-President, blindly count that certificate and impose upon the country as President a man who without the counting of that certificate would not be elected, and thus violate the will of the people of this great country?

Mr. KEIFER. Will the gentleman allow me—

Mr. HUNTON. When I get through. I am asking a question.

Laughter.]
Mr. ROBESON. I hope the gentleman from Virginia will go on.
wish light, and there is light in discussion.
Mr. HUNTON. I am only propounding a question.
Mr. KEIFER. May I interrupt the gentleman long enough to call

Mr. KEIFER. May I interrupt the gentleman long enough to call attention to a matter—

Mr. HUNTON. Let me get through, and then I will hear the gentleman with great pleasure.

Now, the point which I wish to make, and to which I would direct the discriminating and great mind of the gentleman from New Jersey, is this: when the Constitution has conferred a power to count, whether upon the Vice-President or upon the two Houses of Congress, does not that power to count carry along with it a power to determine what shall be counted? I hope the gentleman will answer this question. Allow me to enforce it by the plainest sort of an illustration. I beg to be excused for the plainness of it. If I were to send out my friend to count a flock of sheep, and some man should come up and put five goats in that flock to be counted, would the gentleman count the goats as well as the sheep? He would have to determine which were the sheep and which were the goats before he could count the sheep. Is not that so? Mr. ROBESON. I would like to say—
Mr. ROBESON. Now, wait a moment. [Laughter.]
Mr. ROBESON. Then you do not want me to answer that question.

Mr. HUNTON. Oh, yes!
Mr. ROBESON. I trust the gentleman will go on. I am glad he thinks it worth while to debate the question.
Mr. HUNTON. I never expect to impose on my distinguished

Mr. ROBESON. No, no! By discussion of this kind we get light.
Mr. CONGER. I desire to suggest that the gentleman from New
Jersey now has the floor. The gentleman from Virginia will have his
hour; and we do not intend to cut him off.
Mr. HUNTON. We do not intend to limit the gentleman from
New Jersey to an hour. He shall have the whole day if he wishes.
Mr. CONGER. The gentleman from Virginia can have his hour,
and can talk in his own time.
Mr. BLACKBURN. I hope the time of the gentleman from New

Mr. BLACKBURN. I hope the time of the gentleman from New

Mr. BLACKBURN. I hope the time of the gentleman from New Jersey will be extended.

Mr. HUNTON. It has been done, and shall be done again.

Mr. ROBESON. I delight in fair discussion; I seek light from the gentleman's thoroughly informed mind on this subject.

Mr. KEIFER. I ask unanimous consent that the time of the gentleman from New Jersey be extended.

Mr. HUNTON. That has already been done; and I will say further that the distinguished gentleman from New Jersey can rarely rise to address the House when his time will not be extended if he desires it. desires it

Mr. ROBESON. I trust I shall never ask any improper indulgence of the House.

The SPEAKER pro tempore, (Mr. SPRINGER.) The time of the gentleman from New Jersey having expired, the gentleman from Ohio [Mr. Keifer] asks unanimous consent that it be extended.

Several Members. It has been done.

The SPEAKER pro tempore. Is there objection? The Chair hears

Mr. HUNTON. Now, the point to which I wish the gentleman from New Jersey to address his great intellect is this: whether or not the power conferred by the Constitution on somebody to count does not carry along with it a power to determine what is to be counted. The

carry along with it a power to determine what is to be counted. The gentleman has answered my question, and said that if sent out to count sheep he would not count goats.

Mr. ROBESON. No, sir; I have not yet answered the question.

Mr. HUNTON. I submit to the gentleman that if he were in the position of the Vice-President, or in the position of the two Houses of Congress, in either event, if he undertook to count the votes, he could not count what was not a vote any more than he could count a goat for a sheep. Therefore, I submit the power to count the electoral vote carries along with it at least some degree of power to determine vote carries along with it at least some degree of power to determine

Now, suppose my friend was occupying the high position of Vice-President, or President of the Senate, and I ask him the question, and there came up to him a certificate from any State in this Union which had been proved by this House, or by the Senate over which he presided, to be a forgery, and there was no conflicting evidence on the subject, and that that vote determined whether Garfield or Hancock was President—the counting of it made Hancock and its rejection made Garfield President—while I have no idea you would be swayed in that high office by any partisan feeling, still I ask you, sir, whether you would feel authorized in that chair to count that vote which you knew to be only indorsed by a forged certificate? I would like an

Answer to that question.

Mr. ROBESON. Has the gentleman finished his question?

Mr. HUNTON. I have the floor, you know. [Laughter.]

Mr. ROBESON. Just as long as you please, so far as I am con-

cerned.

Mr. HUNTON. I would like to get an answer before I go further.

Mr. ROBESON. I will yield now to the gentleman from Ohio, [Mr.

Mr. HUNTON. But I did not yield to my friend from Ohio.
Mr. PAGE. The gentleman from Virginia will recollect that the gentleman from New Jersey has the floor and that he is speaking in the time of the gentleman from New Jersey.
Mr. ROBESON. Pardon me a moment. I will yield all the time to the gentleman from Virginia that he desires.
Mr. HUNTON. Then I will take another illustration, and I want

my friend to address himself to these things, because I know he is a man of reflection.

man of reflection.

Mr. ROBESON. I will endeavor to do so.

Mr. HUNTON. I know you will, and I want to have your views on them in that spirit of candor which has characterized your debates on the floor of this House. Now, suppose in 1864 the Vice-President was in the chair of the Senate counting the vote by which the President was to be declared elected, and the State of Virginia had sent up an electoral vote—the State of Virginia according to well-established construction of the two Houses of Congress at that period having no right to vote for President and Vice-President of the United States—suppose Virginia had sent up, while you were in that vice-presidential chair, its electoral vote for President and Vice-President in 1864 would you under the constitutional power vested. President in 1864, would you, under the constitutional power vested in you, according to the construction of some gentlemen, would you have counted the vote? Then, if you would not, you would have to have counted the vote? Then, if you would not, you would have to exercise some sort of judicial power and discrimination to throw it out; because, I take for granted, Mr. Speaker, no gentleman on either side of the Chamber here will maintain the right of anybody, whoever it may be, the two Houses or the Vice-President, to have counted the vote of the State of Virginia, certified up to the Vice-President of the United States in 1864. And I cite this illustration for the purpose of drawing your mind to the fact whether the power of counting does not of itself, proprio vigori, carry along with it the right to determine what is to be counted? Now, that is the question to which I desire to have an answer.

Mr. ROBESON. I will yield to the gentleman from Ohio, and in the mean time I trust the gentleman from Virginia will put down on paper his questions, and I will address myself to answer them.

Mr. KEIFER. I have no doubt that the gentleman from New Jer-

Mr. KEIFER. I have no doubt that the gentleman from New Jersey will answer whatever there is to be found in the several questions which have been submitted by the honorable gentleman from Virginia. I rose for the purpose of calling the attention of the House to an error I apprehend the gentleman has fallen into in relation to the subject-matter before the House. He debates a question that has never been presented here under this resolution. He assumes, Mr. Speaker, that this joint resolution relates to questions which might arise in relation to the genuine character of certificates, whereas the whole frame-work of the resolution is intended to give to Congress the right to reject properly certified votes. No other votes need to be rejected. There is nothing in the scheme which looks toward establishing a rule to determine when a certificate is genuine or not. If I have any time to yield I should like the gentleman to point that out. Mr. KEIFER. I have no doubt that the gentleman from New Jer-

Mr. HUNTON. I will answer him now sir.

Mr. KEIFER. Very well; but I do not expect you to make a three-

quarters-of-an-hour speech in way of answer.
Mr. HUNTON. I will answer the gentleman.

Mr. HUNTON. I will answer the gentleman. I stated, sir, under that rule, if the proof were proposed to the two Houses of Congress that a certificate from any given State was a forgery, by the concurrent action of the two Houses that certificate could be rejected.

Mr. KEIFER. The gentleman's answer is a confession there is nothing in the rule which relates to the subject-matter of determining the genuine character of the certificates, because he undertakes to say what he would estimate about it, and not what the rule is. The rule is directed against certified votes, and not forged votes. We all understand that no President of the Senate is going to lay before the joint convention a forged certificate.

the joint convention a forged certificate.

Mr. HUNTON. Why?

Mr. KEIFER. Unless the gentleman assumes that he would com-

mit an outrage.

Mr. HUNTON. Why?

Mr. KEIFER. Unless he assumes he would commit a high crime, an impeachable one.

Mr. HUNTON. But why would he not do it?
Mr. KEIFER. Because there is no man so distinguished as to be cleeted Vice-President, or President of the Senate, but in a supposed case, would submit to the joint convention what is proved according to the gentleman's method, or confessed to be, a forgery.

Mr. HUNTON. Why would he not lay it before the House?

Mr. HUNTON. Why would he not lay it before the House?
Mr. HUNTON. Why would he not lay it before the House?
Mr. KEIFER. And therefore there is nothing for us to consider, there is nothing for a joint meeting to consider at all, and his supposed objection is entirely outside of the case.
Mr. HUNTON. The gentleman is mistaken.
Mr. KEIFER. There is no forged certificate or vote to be dealt with. The Constitution specifically directs that the President of the Senate shall open the certificates, and that the votes shall then be counted. Under that clause of the Constitution there is no requirement that he shall apparit anything to the joint convention of the two ment that he shall submit anything to the joint convention of the two
Houses but certificates; nothing whatever; and he is to that extent,
while the mere fact of opening the certificates is a ministerial act,
like all other ministerial officers, compelled to exercise judicial
powers under circumstances which might arise.

Mr. HUNTON. The distinguished gentleman does not catch my

idea at all

Mr. KEIFER. I do not catch that idea which is outside of the resolution. If the time comes when a law or some other measure resolution. If the time comes when a law or some other measure comes before us fixing rules and regulations to govern the proceedings of the two Houses when they are assembled in joint session, the gentleman and myself may come together a little more closely than we do to-day. But I repeat what I have said before, that this resolution is an attempt to give Congress, by a mere concurrent resolution, power to make a President of the United States or a Vice-President regardless of the result of the electoral votes, and that is the whole purpose and design of the resolution.

Mr. HUNTON. I will just say to the gentleman from Ohio that his very statement of the case is a beging of the question, for this

his very statement of the case is a begging of the question, for this reason: he states, Mr. Speaker, that if there be a forged certificate and this certificate is presented to the Vice-President he would not

count it because it was not a certificate. Now, that is the whole point in this discussion.

Mr. KEIFER. But, Mr. Speaker—

Mr. HUNTON. Let me conclude.

Mr. KEIFER. But you are talking in my time; and I would like

to answer your points as you go on.

Mr. HUNTON. You will have plenty of time.

Mr. KEIFER. Very well, go on.

Mr. HUNTON. When that is opened by the Vice-President, because he cannot open them until the two Houses are assembled as witnesses, when that certificate is opened it appears upon the face of it, if he is not familiar with the signatures, to be as genuine as any other,

Mr. KEIFER. He has the same information that members of the

joint convention would have.

Mr. HUNTON. But I ask the gentleman the question. Is not that

Mr. KEIFER. I want to answer the question of the gentleman-again, that the President of the Senate has exactly as much informa-tion as to the fact set forth in that certificate, or as to its authenticity

tion as to the fact set forth in that certificate, or as to its authenticity as a certificate, as the members of the two Houses themselves have when assembled in joint session.

Mr. HUNTON. I agree to that.

Mr. KEIFER. Then let him decide.

Mr. HUNTON. That is the whole point of the controversy. When the Vice-President is informed, as the two Houses would be informed, that this certificate is a palpable, bold, glaring forgery, according to the testimony taken by the committee of this House, he would act judicially upon that evidence submitted to him and throw out the certificate—would he?

details and the state of the st

count of the electoral vote?

Mr. KEIFER. Yes; but the two Houses directed it in a bill to

enable the President of the Senate to act in accordance with the Con-

Mr. HUNTON. I ask the gentleman to recollect what took place at the last count of the electoral vote.

Mr. KEIFER. Let me suggest to the gentleman from Virginia that I understand as the count went on, and a long time after it had begun, certificates were prepared and tendered to the President of the Senate which he refused to take, and were never submitted to the joint count of the two Houses at all.

Mr. HUNTON. No; I beg the gentleman's pardon. I happen to know more about that, perhaps, than the gentleman himself.

Mr. KEIFER. Well, Mr. Speaker, I have only stated what is a

Mr. HUNTON. But I happen to be well informed upon that point

myself—— Mr. KEIFER. I do not want to speak of gentlemen who were once members of this House and may be again members of it, but I do know that a long time after the count was begun certificates were prepared and presented to the Vice-President which were not submitted to the two Houses of Congress in joint assembly at all.

Mr. HUNTON. Let me give the gentleman the facts, however, before he undertakes to speak on them.

Mr. ROBESON. Was that Morey? [Laughter.]

Mr. KEIFER. Not quite.

Mr. HUNTON. The facts were to this effect: that certificates were sent from the State of Louisiana to the then President of the Sen-

Mr. KEIFER. The gentleman is off the track altogether.
Mr. HUNTON. I know when I am on the track, and I am on it

Mr. KEIFER. The gentleman is not on the track I started. I am not speaking of Louisiana. I yield the floor.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr.

ROBESON] has the floor.

Mr. HUNTON. I ask my friend from New Jersey to yield to me for a moment or two.

for a moment or two.

Mr. ROBESON. Certainly
Mr. HUNTON. I was illustrating the position taken by the gentleman from Ohio by the history of a past electoral count.

Mr. KEIFER. I was speaking of a fact.
Mr. HUNTON. I was speaking as to past occurrences. In 1876—77 the electoral college of the State of Leuisiana sent up a certificate here which was unquestionably informal. It was found out somehow, we do not know exactly by what means, that it was informal. A messenger was sent back and a new certificate was made. Three of the electors could not be found to sign the certificate and their of the electors could not be found to sign the certificate and their names were forged. That was therefore beyond all peradventure a forged certificate. Now, if that certificate was presented to the Vice-President, or to the two Houses, with the evidence that it was a forgery, it must have been rejected either by the Vice-President or the

wo Houses.

Mr. KEIFER. It was not rejected.

Mr. HUNTON. And the rejection of that certificate, or refusal to reject it, would have been an exercise of quasi-judicial power.

Mr. KEIFER. If Congress could reject it, the President of the Senate might reject it.

Mr. ROBESON. I yield for a few moments to the gentleman from New York, [Mr. Cox.]

Mr. COX. I presume it is the wish of every gentleman, if possible, to settle this matter in a proper way to the end that the man elected as President of the United States may be inaugurated. I think I have reduced the whole thing down to a nut-shell in a question which will test this whole matter. Here it is: suppose the certificates of the test this whole matter. Here it is: suppose the certificates of the State of New York at some time between the time they should leave Albany and the time they are opened by the President of the Senate should be secretly opened and the names of Garfield and Arthur should be stricken out and the names of Hancock and English be inserted; be stricken out and the names of Hancock and English be inserted; would the President of the Senate or the House be powerless to prevent the fraud and would it be necessary to count the vote of the State of New York for Hancock and English? What body or what person, if any, must determine this question? I believe it embraces the whole subject. And I ask how are we to settle the matter unless we come to meet that proposition squarely?

Now, will my friend from New Jersey bring his knowledge and his logic to bear upon that, and if possible give us a vote on some measure? If not this measure then perfect one yourselves to the end that you may elect your own President.

Mr. ROBESON. I have submitted to the questions from the distinguished gentlemen on the other side of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined to the president of the House, because I defined the transfer of the House the president of the House the Hou

Mr. ROBESON. I have submitted to the questions from the distinguished gentlemen on the other side of the House, because I desire to understand thoroughly the objections they can suggest against the propositions which I have presented. First, I understand my friend from Virginia [Mr. Hunton] to ask me this question: whether the clause of the Constitution which says that all the certificates shall be opened by the President of the Senate in the presence of the two Houses of Congress, and that the votes shall then be counted, gives to the two Houses the power of deciding which are false and which are true. I understand the gentleman from Virginia to claim for the two Houses of Congress the power of deciding then and there which are false and which are true votes. I deny to Congress that power.

Mr. WARNER. Can the Vice-President exercise it?
Mr. ROBESON. If it resides in either the Vice-President or in Congress, it certainly resides in the Vice-President, because he is affirmatively required to open the certificates and present the votes. I do not tively required to open the certificates and present the votes. I do not say that the Vice-President has that as a general judicial power; but I do say that the Constitution and the laws of the United States provide, and Congress acting by law under its legislative power has also provided, what shall be an authentication of those votes; and that when they are presented to the Vice-President as a ministerial officer charged with the duty of opening the certificates, if they are authenticated in compliance with the provisions of law, then it is his duty to open them. If they be not so certified and authenticated, then to open them. If they be not so certified and authenticated, then they are goats, and not sheep; but if they are so authenticated, bearing the stamp of the certified action of State authority, then they are clothed with the wool of State power, and are sheep, and not

Mr. MARTIN, of West Virginia. How does he know before he

opens the certificates?

Mr. ROBESON. By that authentication which is provided by law.

Mr. HUNTON. I would suggest that that was a forgery in the

Louisiana case. Mr. ROBESON. Mr. ROBESON. If gentlemen will permit me I want to answer the questions which have been addressed to me, and shall endeavor

to answer them all.

I say, then, when a ministerial duty,—and I challenge the gentle-man's reply, if he has any, to this proposition,—is imposed on any officer, such as the ministerial duties imposed upon the Vice-President by the Constitution and laws of opening these certificates, he must act ministerially in the first instance, and decide himself the ques-tions which govern his ministerial action, and if this action is dis-puted, then it is to be judicially decided afterward by such tribunal as the laws and the Constitution of our country authorize to review and decide more his ministerial actions. and decide upon his ministerial actions.

Mr. MARTIN, of West Virginia. By what tribunal?

Mr. ROBESON. By that tribunal which Congress, acting under its legislative power, under its right to put in motion all the functions of the Constitution and to provide by law for carrying out all the powers conferred by the Constitution on any department or any the powers conferred by the Constitution on any department or any officer of the Government, has the right to provide beforehand by law, and not by any power in itself to decide then and there in the exercise of judicial power. And in the absence of any such tribunal, which is a failure on the part of Congress to do its duty, and not the first in the history of our Government, that ministerial right and power exercised by the Vice-President must stand as the full exercise of all the powers of the Government which have been put in force.

For the strength of that position I appeal to no less an authority than that of Chief Justice Kent the most learned American who has

than that of Chief-Justice Kent, the most learned American who has ever written upon the subject of constitutional construction. He says in effect that in the absence of proper provision by legislation, the ministerial action of the Vice-President, acting primarily, but not the ministerial action of the vice-Fresident, acting primarily, but not judicially, must stand as the only thing to determine the question. It is a great wrong and a shame in the history of our country; it impeaches our patriotism, mine as well as yours; it impeaches our judgment and our statesmanship that we let it so stand. But it does stand so in the absence of constitutional legislation upon the subject, and this cannot be supplied by a rule. That is my answer to your proposition

proposition.

Mr. McLANE. I do not understand that the question is answered. The question propounded to the gentleman from New Jersey [Mr. Robeson] was this: he having made the argument that Congress had only legislative functions, he having based his whole argument upon that proposition, the gentleman from Virginia interposed an inquiry which suggested to his mind that Congress had other than legislative

duties.

Mr. ROBESON. Which I denied.

Mr. McLANE. That was his inquiry. The inquiry of the gentleman from Virginia addressed to the gentleman from New Jersey involved the fact that Congress had other than legislative duties. That inquiry was: supposing that these votes opened by the Vice-President in the presence of the two Houses of Congress, and which were then to be counted by the terms of the Constitution as read by the gentleman from New Jersey, the inquiry was whether the Vice-President or Congress, no matter which—the gentleman from Virginia having conceded to the gentleman from New Jersey that if it were a question of passing a law to enable an officer or a department to perform a duty there might not be any difference of opinion between them—but as that was not the question, as the question was what the Vice-President and the two Houses should do when the certificate was opened, if it should appear that the certificate was a forgery, if it were notoif it should appear that the certificate was a forgery, if it were noto-rious or appeared on the face of the paper that the certificate was a forged one, then the question was whether there was not a judicial duty to be performed. The gentleman from Virginia is of opinion that the performance of a judicial duty was thereby involved, and

that the performance of a judicial duty was thereby involved, and he addressed the inquiry to the gentleman from New Jersey whether it was not a judicial duty.

Now the gentleman from New Jersey has not answered that question. He, as a lawyer, knows very well that to determine whether a certified vote should or should not be counted is a judicial duty. The gentleman from Virginia gave him no opportunity to make the point whether that duty devolved upon the Vice-President or upon Con-

gress. He asked only whether that counting of the vote was not a judicial duty. He waived for the moment the question whether the vote was to be counted by the Vice-President or by Congress; he waived that in express terms. The only inquiry he addressed to the gentleman from New Jersey was, whether the counting of the votes was not a judicial duty, and with due respect to the gentleman from New Jersey I submit that that question has not yet been answered.

Mr. ROBESON. Very well, then let me answer it. I thought I had answered it, but perhaps not in terms.

Mr. McLane. You have not in terms.

Mr. McLane. You have not.

Mr. ROBESON. The gentleman from Virginia [Mr. Hunton] did ask me, though not in terms, whether there did not reside a judicial

power, a duty in Congress.

Mr. McLANE. Or in the Vice-President.

Mr. ROBESON. Under the clause of the Constitution which says these certificates shall be opened by the Vice-President in the presence of the two Houses, and that the vote shall then be counted; whether there was not a judicial duty and power residing in Con-

Mr. HUNTON. Or in the Vice-President.
Mr. ROBESON. In Congress or in the Vice-President, to then accide what votes were right and what were wrong, and which should be counted. I deny that there is any such judicial power in Con-

Mr. McLANE. Or in the Vice-President.
Mr. ROBESON. I will make my own answer. I deny that there is any such judicial power in Congress. The Constitution of the United States says, in definite and limited terms, that all the judicial reside in the Supreme Court and in powers of this Government shall reside in the Supreme Court and in such inferior tribunals as may be fixed by law; not judicial power

merely, but all the judicial powers of this Government.

Now, in the face of that proposition, who shall dare to say that a convention which is clothed with no power under the Constitution, except to be present when a ministerial office is exercised, shall assume to exercise judicial power upon the most vital questions in the

except to be present when a ministerial office is exercised, shall assume to exercise judicial power upon the most vital questions in the operations of the Government?

But I wish to go one step further. I say, also, that there is no judicial power in the Vice-President. I say that the power which he exercises of opening the certificates is a ministerial power, and not a judicial power; and Isay that when a ministerial officer has a duty imposed upon him by law—and I appeal to the educated judgment of every law-yer within the sound of my voice—he has the right, to be exercised prima facie and subject to review, but standing when unreviewed, to exercise a ministerial power of selection and choice upon the several matters committed to his action. This is not a judicial power residing either in Congress or in the Vice-President. There is no power in Congress under that condition of things; and there is no judicial power in the Vice-President. And Mr. Chancellor Kent has declared that that is the ministerial power of the Vice-President, and that unless reviewed by some authorized tribunal, (which it is our duty to provide,) it must stand as the action of the Government on that subject. There I take my stand; and there, if I am called upon, I will ject. There I take my stand; and there, if I am called upon, I will do battle against any knight who seeks to break his lance upon the impenetrable shield of Chancellor Kent's judicial reputation.

the impenetrable shield of Chancellor Kent's judicial reputation. [Laughter and applause.]

Mr. McLANE. I understand the gentleman from New Jersey now to say, as he said a little while ago, that all legislative power is vested in Congress—a proposition which no man on this floor will deny. But the deduction which he has made from this proposition, that because all legislative power is vested in Congress therefore

that because all legislative power is vested in Congress therefore Congress has no other power, we do deny.

Mr. ROBESON. Will the gentleman pardon me right here?

Mr. McLANE. Yes, sir.

Mr. ROBESON. If all legislative power is given in one clause to Congress and all judicial power in another clause to the courts, does any judicial power remain in Congress? [Laughter and applause.]

Mr. McLANE. One point at a time, Mr. Speaker. The legislative functions of Congress are quite apart from its judicial functions. Congress has power to impeach without the action of the Senate; and the Senate has the power to try impeachments. The power to impeach is not a legislative power. So much for the assertion that because all legislative power is vested in Congress therefore no other power is vested in Congress. power is vested in Congress.

Mr. ROBESON. The gentleman misapprehends me. I said "un-

Mr. ROBESON. The gentleman misapprehends me. I said "unless specially given."

Mr. McLane. Now we come to the power of the judiciary. The gentleman says that all judicial power is vested in the Supreme Court and such inferior courts as Congress may from time to time establish. Now, this body has power to punish for contempt, which is a judicial power, inherent in it as a parliamentary body. There is no express grant of this power by the Constitution. Hence I say it is a wild and extravagant proposition to affirm that because the Constitution declares that all judicial power is vested in the courts, and that all legislative power is vested in Congress, therefore Congress has no other power than legislative power, and especially that it has no judicial power. Congress has distinctly conferred upon it, in the Constitution, powers other than legislative, and Congress has inherent in itself other powers than legislative, and Congress has inherent in itself other powers than legislative powers. The argument of the gentleman from New Jersey is altogether unsound.

This entire controversy to-day turns upon this point: does Congress

possess any powers other than legislative? The gentleman from New Jersey argues that Congress does not possess any other powers than legislative powers. His proviso, "unless they be specially conferred," I accept, in order that this argument may be brought to its point. The power is expressly conferred upon Congress to impeach, and impeachment is not a legislative function. The power is expressly conferred upon Congress to participate in the electoral count and to elect a President when the count shows no one has a majority of the votes counted. That is our argument—the power is expressly conferred upon Congress to participate in this count; and because this power is conferred upon Congress, Congress possesses judicial powers, the count being a judicial act. The count is an exercise of judicial count is count in the count is an exercise of judicial count is count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count is an exercise of judicial count in the count in the count is an exercise of judicial count in the count in the count is an exercise of judicial count in the count in the count is an exercise of judicial count in the count in th ers, the count being a judicial act. The count is an exercise of judicial power. The honorable gentleman from Virginia [Mr. Hunton] has put this matter so plainly and truly that the honorable gentleman from New Jersey himself acknowledged promptly that he would count the sheep and not the goats. Therefore he would count the votes, not anything falsely pretending to be a vote. There can be no other force in the gentleman's acceptance of that illustration but that he recognizes perfectly well that it is votes that are to be counted; and although he may differ with the gentleman from Virginia as to whether it is the Vice-President or Congress that should count. he recognizes that the count is to be made. count, he recognizes that the count is to be made.

And now when driven to cover, when driven absolutely to the necessity of putting this power either upon Congress or upon the Vice-President, the gentleman from New Jersey says, and says it reluctantly, that he thinks this is the duty of the Vice-President. Let me say to him that in sheltering himself behind the opinion of Chancellor Kent he does great injustice to Chancellor Kent in the manner in which he has stated the law, because Chancellor Kent made no such claim of power as the gentleman from New Jersey has made in this last stage of the argument. Chancellor Kent states that there must be acknowledged a case of omission; that the Constitution does not expressly declare by whom the votes are to be counted and the result declared; and that he presumes, in the absence of legislation, the President of the Senate should count the vote, it being, however, the right of Congress to pass a law which would enable an officer of the Government or a department of the Government (whether the Leg-islature or the Vice-President alone) to exercise this function intelligently; but that as Congress has not passed such a law, and as the Vice-President is named as the party to open the certificates, it is presumed that if there be occasion to judge between votes he is to

Vice-President is named as the party to open the certificates, it is presumed that if there be occasion to judge between votes he is to be the judge.

Mr. ROBESON. And that is just what I say.

Mr. McLane. I bring the gentleman down now to that position.

Mr. ROBESON. I appeal to the gentleman from Virginia [Mr. HUNTON] whether I did not answer his questions, and say—

Mr. HUNTON. That the Vice-President has a right to decide?

Mr. ROBESON. Did I not say just this: that in the absence of any tribunal provided by law, the decision of the Vice-President, acting in a ministerial capacity, must stand—

Mr. HUNTON. Upon a question of law.

Mr. ROBESON. As the action of the Government.

Mr. HUNTON. Upon a judicial question.

Mr. ROBESON. That is what I said. Why, then, does the gentleman from Maryland accuse me of misquoting Chancellor Kent?

Mr. McLane. Mr. Speaker, I accuse the gentleman from New Jersey, not of misquoting Chancellor Kent, but of doing that which is common to him, as it is to all the honorable gentlemen of his profession—to state no more—oftentimes much less, but certainly no more—of a judicial opinion he is quoting than serves the purpose of his argument, leaving to the intelligent observation of his opponent to supply the deficiency which he chooses to leave in his argument.

Now a word more on this point of ministerial function. The Constitution imposes upon the Vice-President a ministerial duty in express terms, as the gentleman from New Jersey argues; but he fails to state what that ministerial duty is. It is expressly stated to be that he shall open the certificates. If the gentleman from New Jersey had read from the Constitution that phrase he would not have had occasion to argue whether or not he should count the votes. The ministerial function is to open the certificates, and that the vote shall then be counted, and that the two Houses shall each perform the ministerial function is to open the certificates, and that the vote shall then be counted, and that the two Houses shall each perform the functions that devolve upon them. Now, precisely as he has stated more for Chancellor Kent than he has any right to do in this argument he has stated less for the Constitution than it was his duty to state. If he refers to that Constitution at all as conferring a ministerial was not appeared by the Desident it is desident in the state. terial power upon the Vice-President, it is due to us who seek con-

terial power upon the Vice-Fresident, it is due to us who seek construction from him that he should give us the letter of the Constitution, and not any picture which he may be pleased to paint.

Mr. ROBESON. Is the gentleman through?

Mr. McLANE. I am not only through, but I beg the gentleman from New Jersey to pardon me for trespassing in making the inquiry why he did not answer the question of the gentleman from Virginia; because he, far better than I, knows he has not answered that question.

Mr. ROBESON. It is difficult, Mr. Speaker, for any man clothed only with the power of human language and imperfect expression to answer fully the desires, if not the expectation, of every one who questions him. I have endeavored, in my poor way, to answer fully and completely the question of every man who has seen fit to propound one to me—not because I believe I have strength to stand

alone against the united force of all the gentlemen who seek to attack this proposition, but because I remember the saying of the great poetic philosopher of our language-

Thrice is he arm'd, that hath his quarrel just; And he but naked, though lock'd up in steel. Whose conscience with injustice is corrupted.

Now, my friends, let me answer again at length, and if I do not do it fully let me be again called to account. And in order that there may be no question about proper quotation let me read from the Con-

The electors, after having east their votes, shall make distinct lists of all persons voted for as President, and all persons voted for as Vice President, and the number of votes for each, which they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Noveton

Let me, in the first place, reply to the pointed and very clear question of the gentleman from New York, [Mr. Cox.] Suppose the list transmitted should be opened on its way and a wrong one substituted? I say that under the Constitution and the laws of the United States that case has been provided for by every means which the prejudgment and precaution of men could take, for duplicate and triplicate lists, if I am not mistaken, are provided to be sent by different means and under different sanctions, each of which corrects the other and informs upon that point the ministerial judgment of the Vice-President.

Vice-President.

Mr. HAMMOND, of Georgia. But suppose they are all alike wrong.

Mr. ROBESON. Suppose the sky should fall, we should then
catch larks. There must be some limit to doubting.

Mr. ATHERTON. But that does not answer the gentleman's
question. Suppose one is changed and the other not, how will you
determine which is changed and which is not?

Mr. ROBESON. I say they come with duplicate information to

Mr. ROBESON. I say they come with duplicate information to inform the ministerial judgment of the Vice-President. The Constitution provides that he shall decide. He is empowered to open the certificates by the Constitution and affirmatively so empowered and directed. There is no doubt about that. There is no mere implication there; and, as a ministerial officer acting prima facie, he must decide in the first instance, and in the absence of any tribunal judicially to determine and overthrow his decision, as Chancellor Kent says, it is to be presumed his decision will stand. All ministerial officers (and I cannot state the question any more clearly, and if gentlemen doubt the proposition, then they differ from me on a question of law) all ministerial officers, upon whom imposed by law the execution of any ministerial duty must in the first instance decide for themselves what are the matters committed to their duty and action, and in the absence of a judicial tribunal and judicial action to overthrow it it stands as the law until overthrown. But it is not to overthrow it it stands as the law until overthrown. But it is not a judicial power. There can be no doubt of that power in the Vice-President because the Constitution says the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates. It is a ministerial power given to him, imposed upon him, which he cannot shirk while he performs his constitutional duty, directly given to him without implication.

Mr. DAVIS, of North Carolina. Will the gentleman let me ask him a question in that connection?

Mr. ROBESON. Certainly.

Mr. DAVIS, of North Carolina. Assuming that the President of the Senate has the right to open and count the votes, and that the two Houses are convened here for the purpose of witnessing that count, and as witnesses only, suppose that when the President of the Senate opens the returns for Louisiana, for instance, as he did in 1876, some gentleman, aware of the fact, should get up here and say, "Mr.

Senate opens the returns for Louisiana, for instance, as he did in 1876, some gentleman, aware of the fact, should get up here and say, "Mr. President, two of those names I know to be forged," as they undoubtedly were—we all admit that now, but it was not known to members of the House then—suppose, I say, a member of this House, one of the persons called to witness the counting of the votes, should rise and say, "Mr. President, two of those names are forged;" and suppose it is known to all the Senators and all the Members on this floor that they were forged, would the Vice-President then have the right to say, "I count those names," we being made involuntarily the witnesses and certifying to a forgery and a falsehood?

Mr. ROBESON. If it is admitted they are forged, if he knows them to be a forgery, he of course would exercise his ministerial power of discriminating and would not open these certificates.

Mr. DAVIS, of North Carolina. But that is not my question, whether he would open them if he knew they were forged. That does not answer my question.

whether he would open them if he knew they were forged. That does not answer my question.

Mr. ROBESON. The witnesses could testify to the fact before any tribunal which was authorized to decide it, but the witnesses would not be authorized to decide it themselves, because it would be the exercise of a judicial power which they do not possess.

Mr. DAVIS, of North Carolina. If the gentleman's position be correct, then the Vice-President would declare the fact, and there is no power to set it aside even though the witnesses be aware of the incorrectness or fraudulent character of the certificate.

Mr. WARNER. Where would be the power or what is the tribu-

executive approval, without the assent of the co-ordinate branch of the Government, and without debate, under the operation of the previous question. It does not lie in your mouth, gentlemen, to say "We refuse to provide a tribunal" and then assume power ourselves which you have not under the Constitution, because there ought to be some tribunal, and we have provided none. Why do you make a virtue of your own remissness and attempt to provide for it in this way † Answer that point, some of you, if you can.

Mr. ATHERTON. It would be time enough then to commence fill-bustering.

bustering.

Mr. ROBESON. Who dares to say that I am filibustering or that I am meeting this question in any other way than in a constitutional

manner?
Mr. SPRINGER. Your side filibustered yesterday.
Mr. DAVIS, of North Carolina. I wish to ask the gentleman another question, and that is, if you had known that the signatures of Levissee and his associate, whose name I have forgotten, to the Louisiana returns were forgeries, would you have been willing to witness the count and certify to its accuracy by your presence?
Mr. ROBESON. I would have been willing to witness whatever took place under the laws and the Constitution in reference to the counting of the electoral yote.

took place under the laws and the Constitution in reference to the counting of the electoral vote.

Mr. DAVIS, of North Carolina. And you would have approved of the false certificate, being aware of the fact that it was a forgery?

Mr. ROBESON. The gentleman from North Carolina assumes that because a wrong is done we are the persons authorized by the Constitution and the laws to right it. That is just where the mistake is. Where is the power given to Congress to right it? Who gives it to them? Is it contended that the mere limited expression of the Constitution that the votes shall then be counted gives to Congress. stitution that the votes shall then be counted gives to Congress, assembled in joint convention, the right to be a judicial tribunal?

Mr. ATHERTON. The very purpose of this resolution is to pro-

vide for it

Mr. ROBESON. I say where is the power given to Congress to so provide in the face of the Constitution which says all judicial power of this kind shall reside in the courts and tribunals to be established by law?

When gentlemen admit this to be a judicial question then they have

When gentlemen admit this to be a judicial question then they have waded into deep water. The very moment they admit it is a judicial question they foreclose Congress in joint assembly from either questioning or determining it. I advise them to go back from that position if they would save themselves.

Now, my friend from Maryland has said that Congress has other than the legislative powers. I admit it. But the gentleman does not fairly quote my proposition. I said Congress had no inherent powers except legislative powers; that all its inherent powers belonged to it as a legislative powers but that belonged to it as a legislature and were legislative powers, but that all its other powers were given to it by express commandment of the Constitution, or else it did not have them at all. But the gentleman has said they have other powers. True. But no other powers which are not given by the Constitution. For instance they have power—I read from the Constitution itself:

Each House may determine the rules of its proceedings.

That is a separate power.

May punish its members for disorderly conduct, and, with the concurrence of two-thirds, expel a member.

Then they have also, in consistence with other powers as a legislative body, the power to protect themselves in their legislative functions; but this belongs to them as a legislative assembly. I have said in starting that the power of self-preservation inheres in all bodies of government, as it belongs to all individuals; and Congress has the power to punish contempt outside when it interferes with its duties as a legislative body. It has that inherent power as a legislative body. But, Mr. Speaker, I did not take the floor to-day for the purpose of

But, Mr. Speaker, I did not take the floor to-day for the purpose of going over the whole field of constitutional and governmental powers. What I meant to say was that this resolution undertakes to decide by mere rule, and not by legislation—by rule which has no force except under the provision that each House shall make rules to determine the course of its own proceedings—this important constitutional question; that it seeks to evade that clause in the Constitution which provides that every law shall before it goes into force receive the assent of the Executive, and that other clause which provides that—

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Every order, resolution, or vote, except on a question of adjournment, and except taken under the power to make rules determining their own procedure, shall be submitted to the President. Every order, resolution, or vote which affects outside interests or carries out constitutional duties, or has any effect beyond the mere ordering of legislative procedure, shall be presented to the President. I have also cited the anomalies of the resolution itself, showing that in its own Mr. WARNER. Where would be the power or what is the tribular language and of its own force it is and must be unconstitutional in one clause or the other. That is a proposition which no man can deny. Let me repeat that this power, if it exists, is a constitutional power of it is a constitutional power are through Congress a mere rule passed by the two Houses, without the concurrence of both Houses. If it is a constitutional power to accept, it requires the concurrence of both Houses. But this rule provides that the action of one House shall accept or reject. How do you escape from it? If it is a constitutional power, it is a constitutional duty; it cannot be limited.

Now, Mr. Speaker and gentlemen of the House, I am sorry that I have consumed so much of the time of the Congress and of the country in the discussion of this important question. It is easy to make a long speech. It is hard to make a short one. I have indulged in the freedom of a long speech. I fear that it may have lacked the point which it should have had, but if that is its fault, I must appeal to the generosity of my friends on the other side to excuse me under the extraordinary circumstances. I thank the gentlemen on the other side for the easy questions which they have propounded, the frankness with which they have made their interrogations, and the courtesy with which they have received my weak and impotent replies.

with which they have received my weak and impotent replies. [Loud applause.]

Before I take my seat, I desire to give notice that when the proper time comes I shall move the following resolution as a substitute:

Resolved, That the two Houses will assemble in the Chamber of the House of Representatives on the second Wednesday of February, 1881, at twelve o'clock, and the President of the Senate shall be the presiding officer; that two persons shall be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected, to the two Houses assembled as aforesaid which announcement, together with a list of the votes, shall be entered on the Journals of the two Houses.

Mr. ATKINS. I move that the House do now adjourn.

Mr. ATKINS. I move that the House do now adjourn.

ORDER OF BUSINESS.

Mr. REAGAN. Before the question is taken on the motion to adjourn, I will, with the permission of the Chair, give notice to the House that as soon as the debate is closed upon the pending resolution, I shall ask the House to take up the special order and dispose of the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce, and for other purposes.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title when the Speaker signed the same:

An act (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 193) to provide for the disposition of the Fort Larned

military reservation;
A bill (S. No. 1519) to amend an act entitled "An act to provide additional regulations for homestead and pre-emption entries of pub-

lic lands;"
A bill (S. No. 1734) for the relief of S. Rosenfeld & Co.; and A bill (S. No. 1839) for the relief of Henry P. Rolfe.

FUNDED DEBT OF THE DISTRICT.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to a deficiency in the appropriation for the current fiscal year for interest and sinking fund on the funded debt of the District of Columbia; which was referred to the Committee on Appropriations.

NATIONAL BOARD OF HEALTH.

The SPEAKER pro tempore also laid before the House a letter from the Scretary of the Treasury, transmitting reports of the operations and expenditures of the National Board of Health for the quarters ended June 30, 1880, and September 30, 1880; which was referred to the Committee on Epidemic Diseases, and ordered to be printed.

ESTIMATES OF MISSISSIPPI RIVER COMMISSION.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting estimates of the Mississippi River commission; which was referred to the Committee on Levees and Improvements of the Mississippi River.

MINERVA STEWART.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Treasury, relative to the claim of Minerva Stew-art; which was referred to the Committee on War Claims.

WASHINGTON MONUMENT.

The SPEAKER pro tempore also laid before the House the annual report of the joint commission for the completion of the Washington Monument; which was referred to the Joint Committee on the Li-

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows: To Mr. Ward, until Wednesday next; To Mr. Wright, for two weeks; and To Mr. Persons, for ten days, on account of sickness.

RAILROAD LANDS IN MICHIGAN.

6525) to declare certain lands granted to the State of Michigan to aid in the construction of railroads forfeited to the United States, and for other purposes; which was read a first and second time, referred

to the Committee on Public Lands, and ordered to be printed.

The motion of Mr. Atkins was then agreed to; and accordingly (at three o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of Mary E. Groomes, widow of John C. Green, for a pension for herself and children—to the Committee on Invalid Pensions.

By Mr. BALLOU: The petition of Theodore D. Woolsey and others, representing the industries connected with the book and printing trade, for the passage of a bill extending the privilege of copyright in the United States to foreign authors, composers, and designers—to the Committee on the Library.

By Mr. BELTZHOOVER: The petition of citizens of Hanover, Pennsylvania, for the increase of pensions to soldiers who have lost limbs in the service—to the Committee on Invalid Pensions.

By Mr. COLERICK: Papers relating to the pension claim of George Otis—to the same committee.

By Mr. COX: The petition of Captain Jonas B. Levy, that Congress order the payment of certain sums of money due him by the Government of Mexico, which were provided to be paid him by the treaty of Guadeloupe Hidalgo, July 4, 1848—to the Committee on Foreign Affairs.

Also, the petition of Jacob Weidenmann, for compensation for plans prepared and furnished, as a landscape engraver, for laying out the Hot Springs reservation in Arkansas—to the Committee on Claims. By Mr. CRAPO: Papers relating to the claim of Captain Horatio Brightman, of Fall River, Massachusetts, for compensation for the loss of the schooner Mary Mershon, on the night of October 17, 1872, by striking upon the foundations of the light-house being erected by the United States upon Race Rock, Long Island Sound—to the same committee.

committee.

By Mr. JOSEPH J. DAVIS: The petition of Christopher B. Holt, of North Carolina, for compensation for property taken by the United States Army in March and April, 1865—to the Committee on War

By Mr. DE LA MATYR: The petition of John M. Bradley, for additional appropriations to meet the expenses of the contest of Bradley vs. Slemons for a seat as a member of the House of Representa-

ley vs. Slemons for a seat as a member of the House of Representatives, United States Congress—to the Committee on Elections.

By Mr. DIBRELL: The petition of Beverly Kennon, for aid in constructing a counterpoise battery for the protection of cannon in coast defense and the field, and also on board iron-plated vessels for river and harbor defense, that the Government may profit by his invention—to the Committee on Military Affairs.

By Mr. N. J. HAMMOND: The petition of citizens of Georgia, for a post-route from Barnesville to Person's Store, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. BENJAMIN W. HARRIS: The petition of Albert H. Hutchinson, late a member of the Fifteenth Regiment Maine Volunteers, for the removal of the charge of desertion now existing of record against him—to the Committee on Military Affairs.

By Mr. HOUK: A bill to provide for the continuation of the work of improving the navigation of the French Broad and Clinch Rivers, in Tennessee—to the Committee on Commerce.

By Mr. LINDSEY: The petitions of John Stevens and others, and of James T. Beal and others, soldiers of the war of the rebellion, from

By Mr. LINDSEY: The petitions of John Stevens and others, and of James T. Beal and others, soldiers of the war of the rebellion, from Maine, for the creation of a court of pensions—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. McKENZIE: The petition of J. W. Wilkins, of Hopkins County, Kentucky, for pay for property destroyed by United States troops during the late war—to the Committee on War Claims.

Also, the petition of Margaret Ashby, for a pension—to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of Michael I. Walsh for a pen

By Mr. McMAHON: The petition of Michael J. Walsh, for a pen-

sion—to the same committee.

By Mr. J. T. UPDEGRAFF: The petition of the Wool Growers' Exchange, of Stenbenville, Ohio, and citizens of Ohio and West Virginia, for the passage of the Eaton tariff-commission bill—to the Committee on Ways and Means.

IN SENATE.

THURSDAY, December 9, 1880.

ORVILLE H. PLATT, a Senator from the State of Connecticut, and JAMES E. BAILEY, a Senator from the State of Tennessee, appeared

in their seats to-day.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. building at Jackson, in the State of Mississippi, was read twice by

its title, and referred to the Committee on Public Buildings and Grounds

The joint resolution (H. R. No. 338) directing one copy of Con-GRESSIONAL RECORD to be sent to each of our legations abroad was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, submitting certain correspondence relative to the purchase of the private papers of the late Generals Bragg and Polk; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of State, transmitting, at the request of Madame Thiers, two additional volumes (VIII and IX) of the speeches of M. Thiers, for the library of

the Senate.

The volumes were ordered to be placed in the library of the Senate.

WASHINGTON MONUMENT.

The VICE-PRESIDENT laid before the Senate a letter from W. W. Corcoran, chairman of the joint commission for the completion of the Washington Monument, transmitting, in compliance with the act of Congress of August 2, 1876, the annual report to the commission of Lieutenant-Colonel Thomas L. Casey, engineer in charge of the construction of the monument, and recommending an appropriation for continuing the work on the same during the ensuing year; which was referred to the Committee on Appropriations, and ordered to be printed.

TREASURY ACCOUNTS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with the usual custom, a copy of the Treasurer's account rendered to and adjusted by the Sixth Auditor of the Treasury for the fiscal year which ended

June 30, 1880.

The VICE-PRESIDENT. The communication with the accompanying documents, which are very voluminous, will be submitted to the Committee on Printing for its views as to the propriety of

printing.
The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with the requirements of section 311 of the Revised Statutes of the United States, fair and accurate copies of the accounts rendered to and set-tled with the First Comptroller for the fiscal year which ended June

30, 18e0.
 The VICE-PRESIDENT. A like disposition of these documents

will be made as in the last case.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. I present the petition of Andrew Reynolds Arnold, of Newark, New Jersey, setting forth that he is the inventor of a valuable machine for automatically making twist-drills, that through circumstances beyond his control he has received no benefit from the invention, and praying for the extension of his letters-patent. I move that the petition be referred to the Committee on Patents. The motion was agreed to.

Mr. ANTHONY presented the petition of Annie K. Spencer, daughter of Thomas Spencer, a soldier of the revolutionary war, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WALLACE presented the petition of V. C. Sweatman and five others, brewers of Philadelphia, praying for the passage of the bill changing the duty on barley malt from an ad valorem duty of 20 per cent. to a specific duty of twenty-five cents per bushel; which was referred to the Committee on Finance. Mr. ANTHONY. I present the petition of Andrew Reynolds Arnold,

mr. HAMLIN presented a petition of citizens of Unity, Maine, praying that a pension be granted to Mary A. Mitchell and Jesse Mitchell for services rendered by their son, Eugene W. Mitchell, deceased, during the late war, as teamster; which was referred to the Committee on Pensious.

Committee on Pensions.

Mr. PADDOCK presented the petition of Theodore D. Woolsey, of New Haven, Connecticut; Edward Everett Hale, of Roxbury, Massachusetts; J. G. Holland, of New York, and many others, representing industries connected with the book-printing trade of the United States, praying for the passage of a bill which shall extend the privilege of copyright in the United States to foreign authors, convergence and delivery which was referred to the Countries. composers, and designers; which was referred to the Committee on the Library.

Mr. EATON presented the petition of Jacob Weidenmann, land-

scape engineer and architect, praying compensation for plans prepared and furnished in connection with the Hot Springs reservation; which was referred to the Committee on Claims.

Mr. JONAS presented additional evidence in the matter of the claim of W. W. Handlin, of New Orleans, Louisiana, praying compensation for services as judge of the third district court of New Orleans, to which he was appointed by the governor of that State; which, together with the papers on the files relating to the case, was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. KERNAN asked, and by unanimous consent obtained leave to introduce a bill (8. No. 1880) granting a pension to Mrs. Ellen M. Boggs, widow of William Brenton Boggs, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WITHERS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1881) to provide for the judicial determination of pension claims against the United States, and

cial determination of pension claims against the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1882) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1883) for the relief of Lieutenant John A. Payne, Nineteenth Infantry, United States Army; which was read twice by its title.

Mr. COCKRELL. This bill was introduced at a former session of

Mr. COCKRELL. This bill was introduced at a former session of this Congress, and was reported adversely by the Committee on Military Affairs, for the reason that no evidence, no petition, and no state-ment of facts had accompanied the bill. That ground is set forth in the report made by the Senator from Pennsylvania, [Mr. CAMERON.] I ask to have referred, with the bill which I now introduce, the petition of Lieutenant Payne, the proceedings of the board of survey, a schedule of the property, and the proper evidence to sustain the claim, which I move be referred with the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1884) to allow marshals and deputy marshals to take bonds in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on the Judi-

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1885) granting a pension to Thomas H. Canfield; which was read twice by its title, and referred to the

Cannetic; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 132) for the purpose of obtaining the privilege of opening a road and highway from the boundary-line of the United States and British America through British Columbia or the northwestern territory of British America to Fort Wrangel and Sitka, in Alaska; which was read twice by its title and with the executive property of the Committee. title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

ADJOURNMENT TO MONDAY.

On motion of Mr. DAVIS, of Illinois, it was

Ordered, That when the Senate adjourns to-day it be till twelve o'clock on Mon-

LITTLE ROCK ARSENAL.

Mr. GARLAND submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on Military Affairs be instructed to inquire whether the United States arsenal buildings and grounds at Little Rock, Arkansas, be not one of "the posts of but slight value for military purposes, owing to the changed condition of the country and the occupation of which is continued at great expense and inconvenience," referred to in the President's last annual message to Congress; and if the same cannot with proper regard to the service be disposed of to the State of Arkansas, and if so, upon what terms; and that the committee report by bill or otherwise.

CIVIL SERVICE REFORM.

Mr. PENDLETON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That so much of the President's message as refers to a reformation of the civil service system of the Government, including the appointment to, promotion in, and removal from office; the relation of members of Congress with respect to appointment to office by the President, and the absolute freedom of official subordinates in refusing all demands upon their salary for political purposes, and in resisting all attempts to coerce their political action, be referred to the Select Committee to examine the several branches of the Civil Service, with instructions to report at an early day, by bill or otherwise.

EDUCATIONAL FUND.

Mr. BURNSIDE. I desire to give notice that on Tuesday next, after the morning hour, I shall ask the Senate to proceed to the consideration of the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education. education.

MARY A. LORD.

MARY A. LORD.

The VICE-PRESIDENT. The regular order of the morning is the unfinished business of the Senate of yesterday.

Mr. HARRIS. I call for the regular order.

The VICE-PRESIDENT. The regular order is demanded.

Mr. PADDOCK. Day before yesterday I asked of the Senate unanimous consent that the Senate should on this day proceed to the consideration of an important bill for my State, which has been recommended by the Interior Department, and unanimously recommended by the Committee on Indian Affairs, for the reason that I am obliged to leave the Senate in a few days, and I desire very particularly if the

Senate the Senate in a few days, and I desire very particularly if the Senate approves of the bill that it should be passed soon.

Mr. HARRIS. I would say to the Senator from Nebraska that it cannot take much time to consider the bill which is the unfinished business. I shall most cheerfully consent to the consideration of the

bill that the Senator desires taken up so soon as the unfinished business shall be completed, but I desire to proceed to the consideration of that bill. Mr. PADDOCK.

Mr. PADDOCK. That is entirely satisfactory.
Mr. INGALLS. I do not know that I have any objection to the consideration of the bill that the Senator from Tennessee desires to call up, but I feel called upon to protest against the assumption that it can be considered as the unfinished business. The bill was taken up can be considered as the unfinished business. The bill was taken up during the morning hour yesterday on the request of the Senator from Indiana, [Mr. Voorhees,] and it has been the uniform practice of the Senate that when the Senate adjourns under those circumstances such a bill falls and takes its place on the Calendar. There was evidently a mistake in putting the bill upon the Calendar as the unfinished business, and I call attention to the fact merely as a parliamentary

The VICE-PRESIDENT. The Senator from Kansas is right.

The VICE-PRESIDENT. The Senator from Kansas is right. The bill not having been a special order for yesterday, and being unacted upon during the morning hour, it fell, of course, with the day.

Mr. HARRIS. The bill was taken up after the completion of the morning business and after several other bills had been taken up, considered, and passed, and was the unfinished business when the Senate proceeded to the consideration of executive business.

The VICE-PRESIDENT. So the Secretary informs the Chair. If that he can it is now in order.

that be so, it is now in order.

Mr. PADDOCK. Under the order made in reference to my bill, day before yesterday, I consider that I am entitled to the floor; but un der the circumstances, if I have any rights under that order, I yield them to my friend from Tennessee with the understanding that he has indicated.

has indicated.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 742) for the relief of Mary A. Lord. It directs the Secretary of the Treasury to pay to Mary A. Lord, widow of Henry E. Lord, late captain of Company G of the Thirty-seventh Regiment Indiana Volunteers, the sum of \$2,160; being the amount due Henry E. Lord as a pension from the date of his resignation in the Army on the — day of March, 1864, until February 26, 1873, the time of his death. his death.

Mr. INGALLS. Let the report be again read. The Chief Clerk read the following report, submitted by Mr. WITH-ERS March 2, 1880:

The Committee on Pensions, having examined the bill (S. No. 742) for the relief of Mary A. Lord, finds that, as the widow of Captain Henry E. Lord, of Company G. Thirty-seventh Regiment Indiana Volunteers, she has been receiving a pension at the rate of \$20 per month, with \$2 additional for each of two children, since the 20th of February, 1873. The bill proposes to pay her at the same rate from March 22, 1864, the date of her busband's resignation in the Army, to the 26th of February, 1873, the time of his death.

The testimony shows that Captain Lord entered the service in 1861 and resigned in 1864 because of physical disability from disease of the kidney, on certificate of regimental surgeon; that immediately after his resignation he came into the service of the United States sanitary commission in New York, and remained in said service until a short time before his death in 1873; that he never appplied for a pension.

pension.

The claimant was married to Captain Lord May 10, 1865, and after his death, to wit, December 26, 1874, made application for and succeeded in obtaining a pension, as before stated, from the date of Captain Lord's death. As her husband never applied for a pension, his widow cannot, under the rulings of the Department, be allowed arrears under the act of January 25, 1879, granting arrears of pension from the date of disability. The bill proposes to allow it.

The committee is of opinion that arrears ought not to be allowed in any case where no claim was filed by the party claiming to be disabled, and especially to cover a period prior to the marriage of the claimant to the officer, and therefore recommends the indefinite postponement of the bill.

Mr. HARRIS. It was at my suggestion that this bill was placed upon the Calendar when the adverse report was submitted by the Committee on Pensions. I asked that it be so placed, because after a careful examination of the facts and the law I was then satisfied, as I am now, that there is no case in which arrears of pension have been paid to the widow of a soldier more meritorious than the one now under consideration.

The report of the committee is based upon a ruling of the Commissioner of Pensions, and, as I think, an erroneous ruling; but if his construction of the arrears-of-pension act be the true one, then the act itself is unjust and wrong, because it discriminates between persons who occupy precisely the same relation to the Government and have the same measure, extent, and character of claim upon the Government. To illustrate, take the case of two soldiers standing in line of battle; they are each stricken down and seriously wounded by the same discharge of grape or canister: they are on the same by the same discharge of grape or canister; they are on the same day discharged from service by reason of disability occasioned by their wounds; each lives for a few years and dies from the wounds received upon the occasion referred to. One of these soldiers filed an application for a pension, having done nothing more than file a simple paper saying that he desired to be pensioned, while the other, from motives of liberality, generosity, or from a mere freak of disposition, failed to file such application. The widow of each of those soldiers may have devoted, as in this case the widow of this soldier did devote, the best years of her life to aiding in the maintenance, support, and care of a disabled and invalid husband, whose disability was accordingly by the same party and the maintenance of the same party and the sa ity was occasioned by disease contracted in the service. The widow of each of these soldiers may have devoted the best years of her life to caring for and aiding in the support of a disabled and invalid husband. When both husbands have died the widow of the soldier who filed his application is entitled to a pension from the day the

soldier was discharged, while the widow of the soldier who failed to file an application is denied the pension except from the day of the death of the soldier.

Now, I defy the members of the Committee on Pensions, or any other gentleman, to point out the difference between the claim of the widows of the two soldiers referred to. The relation of each of those widows is precisely the same to the Government, and the claim of each of them upon the Government is precisely of the same character and to the same extent. Yet under the law, as construed by the Commissioner of Pensions, upon which construction the Committee on Pensions base this report, the one widow would be entitled to a pension from the day the soldier was discharged from service, while the other widow would be denied the pension until the day of the death

of the soldier.

The bill provides only for giving to this claimant the accrued pension from the day the soldier was discharged on account of his disability up to the day that she was pensioned after the death of the soldier. Certainly the pension should be withdrawn from the widows of each of the soldiers that I have described, or it should be extended alike to each. Every principle of equality and justice demands that the pension should be allowed to this lady under the law that has been in existence for a number of years, under which thousands and the pension should be allowed to this lady under the law that has been in existence for a number of years, under which thousands and thousands of widows bearing exactly the same relation to the Government that she bears, and having no higher or other claim upon the Government than the claim that she has, have been pensioned from the day the disability occurred or from the day of the disability occurred or from the day of the disability occurred or from the day of the disability occurred or from the day upon its passage as a measure of absolute justice to the claimant.

measure of absolute justice to the claimant.

Mr. WITHERS. Mr. President, it fell to my lot as a member of the arr. WITHERS. Air. President, it relit to my lot as a memoer of the Committee on Pensions to investigate the claim under consideration. The facts which I ascertained upon that investigation I embodied in the report which accompanies this bill. I feel compelled to differ in toto with the conclusions of the Senator who has just addressed you as to the manifest injustice which has been done this claimant by rejecting her claim. I recognize that there is a distinction between the two cases which he mentioned far greater than he would have jecting her claim. I recognize that there is a distinction between the two cases which he mentioned far greater than he would have the Senate believe. He assumes that the construction which the Commissioner of Pensions and the Committee on Pensions placed upon the law discriminates between two persons occupying precisely the same position with regard to the Government. I say that there is a distinction, and a broad one. The distinction is that in the one case a pension was applied for and in the other case no application was made; and in my view it constitutes a wide and a broad mark of distinction between the two cases; and those who have failed to make any application to the Government for relief, either as pensioners or as claimants, cannot come forward afterward and claim that ers or as claimants, cannot come forward afterward and claim that they have been treated unjustly because the Government refused to accord them a claim which has never been filed against it.

More than that, sir, in this particular instance we find from the recorded history of the case that, although Captain Lord was discharged from the service upon a surgeon's certificate of disability for disease, about a year afterward it appears his health had recovered sufficiently to enable him to enter the married state and assume ered sufficiently to enable him to enter the married state and assume all the duties and responsibilities of taking charge of a family; that he married and lived in the service of the Government for eight years afterward, and never having applied for a pension, never having felt the disability sufficient, as appears from the evidence, to make application for that relief to the Government which is accorded to all those who have been disabled in its service, now after his death his widow makes application for a pension. It is granted her, and she is in the enjoyment of it from the date of the death of her husband after he left the service, up to the present moment and now band after he left the service, up to the present moment, and now asks for arrears of pension which shall date back to the period of his discharge from the service for disability—a period antecedent to the

marriage of the officer to the claimant.

I do not wish, Mr. President, to protract the discussion upon this

nestion.

Mr. HARRIS. If the Senator from Virginia will allow me, I neglected to state, and I therefore ask him to state if the fact is not that if Captain Lord had one hour before his death filed an application for a pension, the arrears provided for in this bill would have been paid to his widow. Would she not have been clearly entitled to them under the law as construed by the Commissioner of Pensions and as

onstrued by the Pension Committee?

Mr. WITHERS. Such is my understanding of the law; but he failed to do that. He failed to make his application, and consequently his widow is debarred from the payment of arrears of pension to which she would have been entitled had application been made.

If it be the desire of the Senate to give the construction asked by the Senator from Tennessee to the arrears-of-pension act, it is manifest injustice to make it applicable in this individual case and leave the hundreds and perhaps thousands of widows similarly situated without relief. The remedy should be applied to the whole class of claimants against whom this ruling discriminates, as the Senator alleges, and we ought to issue instructions to the Commissioner of Pensions to a state of the state of Pensions to grant arrears of pensions in all cases to widows whether their husbands applied for the benefits of the pension act or not. That would be justice; that would be equity; but to select this particular case, and require that the rulings of the Pension Office shall be set

aside and nullified, and a different ruling applied to this case from that which has been applied to all others, is so manifestly unjust that I think the Senator from Tennessee will admit that the remedy should

be a general and not a special one to meet the difficulty

I know, sir, how invidious is the position that I and the Pension Committee occupy in resisting these applications for pensions, and experience has taught us that we may expect that the sympathy of this body will override the law itself and every other consideration in the decision of these cases; but it was my duty as chairman of

in the decision of these cases; but it was my duty as chairman of the committee and as the author of the adverse report to sustain that report by a brief recapitulation of the facts which it recites, and having done so I leave the question for the Senate to determine.

Mr. McDONALD. On the statement of the chairman of the Committee on Pensions I should certainly vote for a general bill if it was brought forward. If the Committee on Pensions would report such a bill, it seems to me it would make the law in reference to the arrearages of pensions what it was intended to be and what I think any fair and liberal construction of the law would say it is; but such a measure has not been brought before us and I see no reason why we should vote against this bill, which is simply to do justice to an individual who certainly has been hardly dealt with by the con-

struction of the general law

As has already been stated, if an application had been made at any time before the death of the soldier, then, according to the law as it is construed by the Pension Bureau, no such act of relief as this would be required. All other conditions in the case are in favor of the applicant. She is drawing a regular pension under the law as it existed before the passage of the back pension bill, and every condition that would entitle her to arrears of pension exists except the mere fact that the wounded soldier did not make an application in his life-time. The application need not have been acted on; it was only necessary that it should reach the Pension Office to vest the widow with this right; and yet, he having failed to do that, she is cut off and others in her class. I am very free to say that if a measure to correct what I believe to be an erroneous construction of this law was brought forward, I would vote for it with great pleasure; but on this strict con-struction she and others in like situations are to be refused that relief accorded by the Government to persons no more meritorious, occupying no different relation to the Government except in the mere matter of a formal application. I shall certainly vote for this measure or for any other that tends to correct what I believe to be an errone-

ous ruling on the part of the Pension Bureau.

Mr. INGALLS. Mr. President, the assumption of the Senator from Indiana that the beneficiary of this bill would have been entitled to the amount of money named herein if the application had been made before the death of her husband is entirely wrong. She has been granted a pension at the rate of \$20 a month from the death of her husband. Now, the Senator from Indiana assumes—and there is the vice of the argument-that if he had made an application before his death the amount that would have been granted would have been the amount named in this bill, which is computed on the estimation that the rate of the pension granted would have been that which she re-ceived in consequence of the death of her husband, whereas it is evident from the state of facts set forth in the report that the husband of this woman, Mr. Lord, was not entitled, and could not have been entitled, to a pension of \$20 a month during his life-time, because in one year after he left the Army he went into the employment of the one year after he left the Army he went into the employment of the United States Government and was engaged in the service of the Sanitary Commission up to the time of his death, and therefore he could not have been totally disabled. There was no claim, therefore, for a pension of \$20 a month, and hence the assumption on which the friends of this bill ask that it shall be adopted is entirely wrong.

In order to make the bill just we should know what would have been the rate of pension that Lord would have been entitled to during highlife time and if

ing his life-time, and if you are going to grant arrears, then give the amount that he would have been entitled to; but the amount named in this bill is computing back at the rate of \$240 a year, which is entirely outside the provisions of the pension law. That is where the difficulty comes in in granting these arrears upon this basis.

The Commissioner of Pensions in computing the amount of arrears

to be allowed takes medical testimony as to the disability of the claimant, and it is often the case that for one, two, or five years after the disability is incurred the amount allowed is merely nominal, say the disability is incurred the amount allowed is merely nominal, say one, or two, or three dollars a month, and I am informed that the average amount of arrears allowed in all cases under the law of 1879 is a little less than \$1,100, which is about one-half the amount named in this bill. So that upon any theory which the friends of this measure can advance the sum named here is wrong; it is not just as a question of fact under the pension law itself; it is not just as a measure of equity under the arrears-of-pension law. There has been no state of facts presented upon which this bill can properly pass.

Mr. GARLAND. Mr. President, on looking over the report of the committee in this case, it appears that the claim was rejected on the idea that the husband of this applicant failed to make application to the Pension Office himself in his life-time; indeed, I understood from the Senator from Virginia [Mr. WITHERS] who made the report and now vindicates it, that had the husband made the application there would be no question about granting the pension. The case, then, stated differently, resolves itself into this: it is merely an application on the part of Mrs. Lord for relief against the accident of her husband

not having made an application to the Pension Office during his life. That is all there is in the case. It does not appear in the proof, nor does it appear from the statement made by the Senator from Virginia, that there was any reason why the husband did not make the appli-cation; whether he did not care for the money, whether he forgot it, or whether he did not have an opportunity, or whether he was prevented from making the application; but certain it is that there is no doubt at all that had he made the application the claim would have been secured to his widow.

Mr. WITHERS. If the Senator from Arkansas will permit me, I desire to correct him to this extent: I admitted that if the applica-tion had been made by Captain Lord he would have been entitled to tion had been made by Captain Lord he would have been entitled to the benefit of the arrears-of-pension act. The arrears-of-pension act being construed in her favor to entitle her to the benefit of it would have given her the pension affixed to the degree of disability from which her husband labored at the time, and not this amount. Mr. GARLAND. As to the computation, I do not enter into that, because I presume the committee takes care of that and it was sub-ject of easy ascertainment from the facts. The best evidence of the disability of the husband is that he labored under the disability and

disability of the husband is that he labored under the disability and died from it, as appears from the proof. I stand here prepared in every instance to vote for an application of this sort unless it is shown every instance to vote for an application or this sort unless it is shown that there had been on the part of the husband an express renunciation of his claim for a pension, and I am not so sure but that in cases of that sort I should vote for the widow, because these pensions are given somewhat in the nature of a homestead right that cannot be waived by the head of the family, the original party, but must be retained for the benefit of those who come after him.

This is a case that is very simple. The entire amount here claimed would have been secured according to the statement of the reserved.

would have been secured, according to the statement of the report and according to the statement of the Senator from Virginia, under the law if the husband had made the application in his life-time. This, then, is simply asking Congress now to relieve the widow because her husband did not make the application. The case is none the less worthy, none the less meritorious, because the husband failed to make the application himself. Like the Senator from Indiana, I would vote for a general bill, but I am ready to vote for this special bill.

It may be that the Commissioner of Pensions has construed this law correctly; I take no issue upon that; but this matter of pensions at last is one of generosity, while to some extent it is one of justice. It is not a fixed and unbending and unyielding rule of law that simply because a person, under the existing pension laws, is not entitled to a pension by the construction of the Commissioner of Pensions, therefore Congress should not give him a pension. Congress is the great repository of this power and should exercise it, while with due caution, at the same time with the utmost liberality toward persons

who claim as this widow does claim.

There is only the single point now at issue whether Congress should relieve this widow of this oversight, of this failure, of this accident, or whatever you choose to call it, of the husband before he died. or whatever you choose to call it, of the husband before he died. Only a few months since we had a case from West Virginia where we passed a law for a gentleman by the name of Phares, I think, right in the face of the construction of the law by the Commissioner of Pensions, and in the face of the existing law. Why? Because we thought it a just and meritorious case; we thought it a case in which Congress should exercise its sense of justice or its sense of charity, if you please, to a particular person. This is another instance of that kind, and I think a more deserving case than that, and I shall vote for it cheerfully.

for it cheerfully. Mr. INGALLS. I move to amend the bill by striking out all after the Mr. INGALLS. I move to amend the bill by striking out all after the last word "the," in line 7, and inserting the words "pension to which she would have been entitled had the said Henry E. Lord filed his application prior to his decease, deducting any payments heretofore made."

Mr. HARRIS. I have no objection to that amendment. I simply want to assert the rights of this party and not to allow a forfeiture by reason of the neglect of the husband, or failure of the husband, to file his application.

to file his application.

Mr. BLAIR. I should like to inquire of the mover of this amendment, or of any Senator who can give the information, in what way the rate at which payment is to be made can be ascertained. That depends upon a medical examination of a person who is now dead. No such medical examination was made in his life-time, as a matter No such medical examination was made in his life-time, as a matter of course, because no application was made. This amendment, it seems to me, will simply defeat the bill. There will never be any money paid to this widow under the bill if thus amended. I suggest to the Senator from Tennessee, who is interested in it, that he move the substitution of a certain definite amount for the indefinite phraseology of the amendment itself—say \$10 per month, which is about one-half of the amount which the widow now receives, and as I understand from the Senator from Kansas \$10 per month would be about the average of the arrears which have been paid to those who have been pensioned on account of disability, during their life-time. The widow now draws \$20 per month. If the amendment should be atwidow now draws \$20 per month. If the amendment should be attached to this bill giving her arrears at \$10 a month up to the death of her husband, then she would be receiving what, according to the average of amounts paid under the operation of the law relative to arrears of pension, her husband would have received during his lifetime. That would do justice all around and meet every objection.

Mr. HARRIS. When I said a moment since that I had no objection to the arready suggested by the Senator from Karees I had not

to the amendment suggested by the Senator from Kansas, I had not

thought of the difficulty suggested by the Senator from New Hamp-

Mr. INGALLS. Let me suggest to the Senator from Tennessee that there is no practical difficulty.

Mr. HARRIS. If the Senator from Kansas can suggest a method by which we can arrive with absolute certainty at the arrount, so as not to defeat the object of the bill, I yield most cheerfully to the principle of the arround and the senator of the senator principle of the amendment.

Mr. INGALLS. The objection urged by the Senator from New Hampshire is not practical. The husband of this widow was discharged for a specific disability that was defined in his discharge. It is a matter of proof like any other fact. It is not necessary that he should be alive; it is not necessary to establish the fact of his pensionability or to ascertain the amount he would be entitled to receive that there should be a medical examination; but the testimony of the widow, of the neighbors, of the family physician, of those who attended upon him in his last illness is competent evidence to estab-lish the fact of the amount to which he would be entitled. All I suggest to the Senator from Tennessee is, that if this principle is to be recognized the beneficiary of this bill should be put precisely on the same foundation as others who ask for the same privilege.

Mr. HARRIS. The principle suggested by the Senator from Kan-

Air. HARRIS. The principle suggested by the Senator from Kansas I think a proper one, if there is a certain method of reaching the fact, and I assented to it the more readily because from such facts as have some to my knowledge, from this record and other sources, I was so well satisfied that it was a case either of total or so nearly approximating total disability that the difference in dollars and cents would amount to the merest trifle, if indeed there would be a difference at all. But to adopt this amendment involves the certainty of putting this claimant to the trouble and expense of hunting up the family physician, of hunting up neighbors, of hunting up witnesses and taking proof and making a new case before the Commissioner of amily physician, of hunting up neighbors, or hunting up withesses and taking proof and making a new case before the Commissioner of Pensions, when she has already the case there upon which her own pension was granted since the death of her husband, showing the degree of disability that resulted in his death.

Mr. INGALLS. The Senator evidently does not understand the facts of this case at all. All that she was obliged to establish in order to secure her pension was that this man died and that she was his wider. This entirely a different case.

widow. This is entirely a different case.

Mr. HARRIS. That he died of a cause originating in the service and while in the line of his duty.

Mr. INGALLS. Very well. Those facts remain there in evidence before the Commissioner to-day.

Mr. BLAIR. The Senator from Kansas is entirely wrong in what Mr. BLAIR. The Senator from Kansas is entirely wrong in what he urges as the manner to meet the objection I suggested. The report shows that this soldier was discharged from the Army for disability and that that disability was a disease of the kidneys. Now, no discharge and no record in the possession of the Government will show the degree of disability under which he then labored, excepting that it was sufficient to occasion his disability; and there is no instance where a pension is granted to a soldier upon his application and the disability is of the character alleged in this report until there has been an examination by the medical officer of the Pension Department in order to determine the rate of disability under which he suffers, and a pension is given accordingly. This man never made application for a pension at all. His discharge will not show the rate of disability under which he suffered and which occasioned his discharge from the service. There is no record and there is no evidence obtainable on the face of the earth, under which such an examination as he suggests can be made, for the man is in his grave. No record whatsuggests can be made, for the man is in his grave. No record what-ever exists of any examination that ever was made from which the Pension Department or any tribunal whatever can decide at what rate this pension should be granted. So, then, this amendment simply kills the bill; but an amendment giving this man's widow a pension at a certain definite sum would do justice, and no other sort of an amendment will ever result in this widow getting any pension at all, and therefore I make the suggestion to the Senator from Tennessee that he move to amend by giving a specific sum, if he designs to recognize the principle advocated by the Senator from Kansas. The VICE-PRESIDENT. The question is on the amendment pro-

posed by the Senator from Kansas, [Mr. INGALLS.]

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

Mr. KIRKWOOD. I should like to inquire of the chairman of the committee whether if the bill passes it will not give a pension to this widow for some time beyond the period when she was the wife of the deceased officer?

Certainly.

Mr. KIRKWOOD. She was not married to the deceased officer at the time of his resignation, nor for some time afterward; but I do

mot know how long.

Mr. WITHERS. About a year.

Mr. HARRIS. He was discharged in March, 1864, and he was married in May, 1865.

Mr. INGALLS. The report says he resigned.

Mr. HARRIS. He was an officer and resigned under a certificate of dischlift.

of disability

Mr. KIRKWOOD. Is it the intention of the bill to give her a pension for a time when she was not the wife of the deceased officer?

Mr. HARRIS. That would be the effect of the bill. I desire to state to the Senator from Iowa that the invariable rule of the Commissioner of Pensions in respect to widows' pensions is wholly independent of the date of marriage, and in every case where arrears of pension are granted to a widow, if she is entitled to arrears they go back to the date of discharge, without regard to the date at which she was married. That is the invariable rule of the Commissioner of Pensions. It is a rule applied to every widow to whom arrears have been granted either by the general law or by special act.

Mr. BECK. I desire to ask the Senator from Tennessee, for my

own guidance, whether, if this pension be granted under these circumstances, there is any possible ground on which the Senate, acting in a public capacity, can fail to give to every other widow the same

Mr. HARRIS. There is no ground on which the Senate could consistently fail to give to every widow who stands exactly as this one does before the country the same measure of relief; nor should there

be any such ground.

be any such ground.

Mr. BECK. It seems to me that we ought to consider carefully whether we will extend the law so as to give to every other widow this same right. We have now a pension-roll, I understand, larger than all the world besides. If we are to extend it to another great class of cases of men who were perhaps wounded eighteen years ago and married two years ago and left widows who knew all about these disabilities, and then come in for twenty years' arrears of pension, it is a matter that we ought to look into carefully. We should make a general rule if we are to go into this business.

general rule if we are to go into this business.

Mr. HEREFORD. I believe it is admitted both pro and con by the friends and opponents of this bill that under the law the widow is not entitled to this or any other sum. Then it is put on the ground of equity. It seems that there is no law for it, and it is for the Sentential of the service of the ser ate to inquire whether there is any equity in it. If so, then I think the Senate ought to yield; but if not, I think they should not. It seems to me there is neither law nor equity in this claim. Mrs. Lord is the widow of Captain Lord and comes before this body asking a is the widow of Captain Lord and comes before this body asking a pension for a disability incurred prior to the time that she was his wife. On what ground of equity can that be asked? I believe the law is plain that when a lady marries a gentleman, or a gentleman marries a lady, he or she takes the other cum onerc, for better or for worse. When she married this gentleman he was then laboring under the disability, if there was any, and she must have known it, or else he committed a fraud upon her in the marriage. He himself during his life-time as an honorable man never asked his country for a nension. He had good reasons, reasons sufficient to himself. He He had good reasons, reasons sufficient to himself. a pension. He had good reasons, reasons suncient to himself. He knew whether he ought in good conscience to have such an arrear-age of pension as this allowed him, and we must take it for granted, inage of pension as this allowed him, and we must take it for granted, inasmuch as he never asked for it, that he thought that in all good conscience he was not entitled to it. He never asked for it. Then on
what ground of equity can the widow ask to receive this arrearage
of pension for a disability incurred prior to her intermarriage with
him? I cannot see where the equity comes in. If this wound had
been received during her marriage with him, then I would go as far as the farthest to give her a pension or an arrearage of pension for the reason that the law recognizes; for the reason that she gave her hus-

reason that the law recognizes, for the reason that she gave her husband's life, her husband's services to the preservation of her country. Not so in this case.

Mr. DAVIS, of West Virginia. I notice in looking at the Book of Estimates for the coming year that our regular pension list is about \$30,000,000 in round numbers for the current year; and for the coming year the Department estimates \$50,000,000. I only wish to call the attention of the Senate to the fact that we are traveling very fast in legislation on pensions, adding \$20,000,000 to the regular list in a single year. This year we are called on to appropriate, and Congress will appropriate, \$50,000,000. Last year the amount was \$30,000,000. At that rate where shall we be in ten years from now?

Mr. McDONALD. Will not this come out of the general appropriation?

Mr. DAVIS, of West Virginia. I wish to say to my friend that he is mistaken about that. We appropriated for the regular list of pensioners last year about \$30,000,000, and \$25,000,000 to pay arrears. The \$25,000,000 has been nearly exhausted. The estimates of the Secretary of the Treasury, as submitted by the Pension Bureau this year, amount to \$50,000,000 in round numbers for the regular list. It is in-

dependent of the special appropriations for arrearages of pensions.

Mr. VOORHEES. Mr. President, I know this much about this case:
that if the deceased had applied for a pension it would have inured
to him and his wife from the date of his disability; and the fact that
he did not make the application is what we propose to cure here. The argument constantly made here about how much we are paying for pensions is to a great extent lost upon me. I do not think it is money pensions is to a great extent lost upon me. I do not think it is money misapplied or wasted, and I was not prepared to hear this complaint come from the great Common wealth of West Virginia, for if I remember aright the hardest drain I have had on my conscience on the subject of pensions—and I have not been illiberal on that question—was last year on a case advocated with great zeal and ability by the Senator from West Virginia who has made the last extended argument against this claim. This claim is founded in perfect equity, and all that is sought to be done is to cure the neglect of the man in not having made the application. If he had made his application, every dollar asked for now would have gone out of the public Treasury, and nobody would have said anything about it. He died without doing it, and his widow asks that it be done for her. He died of wounds that disabled him. He lost his life in the service of the Government. She is the widow of a soldier of the war who died for his country, and I have no trouble whatever in voting for it—not half as much as I had in voting, as I did, for the bill of my distinguished friend from West Virginia at the last session. I voted for that, and I think I voted right, but I am not rearly as clear months as I am upon this. am not nearly as clear upon that point as I am upon this; and as I generally give the benefit of a doubt to pensioners and claimants for pensions, I need not say that I will give the benefit of the doubt here. Indeed, in this case I have no doubt.

On the question of ordering the bill to be engrossed for a third reading, a division was called for, and the ayes were 10 and the noes

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 33; as follows:

		380 301	
Anthony, Bailey, Baldwin, Blair,	Call, Garland, Harris, Jonas,	McDonald, Paddock, Saunders, Teller,	Vance, Voorhees, Walker.
	NA	YS-33.	
Beck, Booth, Burnside, Cameron of Wis., Cockrell, Coke, Davis of W. Va., Eaton, Ferry,	Hereford, Hill of Colorado, Hill of Georgia, Ingalls, Johnston, Jones of Florida, Kernan, Kirkwood, McMillan,	Maxey Morgan, Morrill, Platt, Plumb, Pagh, Randolph, Rollins, Saulsbury,	Slater, Thurman, Vest, Williams, Windom, Withers.
	ABSI	ENT-28.	
Allison, Bayard, Blaine, Brown, Bruce, Butler, Cameron of Pa.,	Carpenter, Conkling, Davis of Illinois, Dawes, Edmunds, Farley, Groome,	Grover, Hamlin, Hampton, Hoar, Jones of Novada, Kellogg, Lamar,	Logan, McPherson, Pendleton, Ransom, Sharon, Wallace, Whyte.
So the bill wa	as rejected.		

OTOE AND MISSOURIA RESERVATION.

Mr. PADDOCK. I now call for the consideration of the bill to

which I referred this morning, Senate bill No. 753.

There being no objection, the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes, was considered as in Committee of the Whole. The bill was reported from the Committee on Indian Affairs with

an amendment to strike out all after the enacting clause and in lieu

an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That with the consent of the Otoe and Missouria tribes of Indians, expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed and sold the remainder of the reservation of said Indians lying in the States of Kansas and Nebraska.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

SEC. 3. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale through the United States public land office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres, for eash, to actual settlers, or persons who shall make oath before the register or the receiver of the land office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser: *Provided, That if in the judgment of the Secretary of the Interior it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments; that is to say: one quarter in cash, to become due and payable at the expiration of three months from the date of the filling of an application as hereinbefore required, one quarter in one year, one quarter in two years, and one quarter in three years from the date of sale, with interest at the rate of 6 per cent, per annum; but in case of default in the cash payment as hereinbefore required, the person thus defaulting shall forfeit absolutely his right to the tract for the purchase of which he has applied: *And provided further*, Tha

Mr. THURMAN. This seems to be a bill of considerable importance. I should like to have some explanation of it before I vote on it.

Mr. PADDOCK. I will state, for the information of the Senator from Ohio, that this bill is exactly the same in terms as the bill passed during the Forty-fourth Congress, under which a part of this same

reservation was sold to very great advantage to the Indians and to the country. The Indians have unanimously requested at several councils that the balance of the reservation should be sold. The whole subject has been carefully investigated by the Interior Department, which has decided and advised that it should be done. The Committee on Indian Affairs thereupon have reported unanimously in favor of the passage of the bill.

The bill authorizes the sale of the lands only to actual settlers, in treats a consider a product of the lands of the lands of the lands in

tracts not exceeding one hundred and sixty acres each; the lands to be appraised by a commission to be appointed by the Secretary of the Interior, one of whom shall represent the Indian tribes and shall be designated by the tribe in open council. The bill itself in all its force goes no further than to give to the Indians the option, after it shall have been passed, to consent to the sale, although they have already agreed and are very anxious to sell, and a large portion of them, almost all of them, have left the reservation and have not been on it for two years. They are the friends of another tribe elsewhere, and desire to go with them, a tribe with whom they have intermarried, and it is to their interest, and it is very much to the interest of our State. The interests are identical, and all are agreed everywhere; all who have responsibility in regard to it, all who have interests in regard to it, are agreed that it is a proper and just measure and ought

Mr. THURMAN. I did not hear from the remarks of the Senator

from Nebraska what tribe of Indians it is

Mr. PADDOCK. It is the Otoe and Missouria tribe of Indians in Nebraska and Kansas. This remainder of this reservation, as the bill describes it, lies mainly in our State, but a small proportion infringes upon the State of Kansas.

Mr. THURMAN. Has a treaty been made with them for their

removal

removal?

Mr. PADDOCK. It is only an option to them to sell, but already the larger portion of the tribe has gone away from this reservation and has not occupied it for years. It is not this reservation they desire to live upon. They have relatives with another tribe in another section and desire to go with them, and in the interest of the settlement and development of our rapidly growing and prosperous State, as well as because it is best for the Indians themselves, it is important that they go, and that these fertile lands be devoted to agricultural use by those who are ready and anxious thus to utilize them.

ural use by those who are ready and anxious thus to utilize them.

Mr. INGALLS. For the satisfaction of the Senator from Ohio, if he desires further information, I will say that I have been long familiar with the condition of these Indians and the facts about their reservation. It is situated partly in my State, about one hundred miles west of the Missouri River, in the most thickly settled portion of two or three of the most populous counties. The Indians have abandoned it for several years and have gone mostly to the Indian Territory, and this bill provides that the Secretary of the Interior may, with the consent of the Indians first obtained in open council, proceed to have this land appraised and sold and the proceed decay. proceed to have this land appraised and sold, and the proceeds deposited in the Treasury, there to draw 5 per cent. per annum, the interest to be applied to their education and support.

Mr. THURMAN. Will my friend tell me how large this reserva-

tion is

Mr. INGALLS. I do not remember.
Mr. PADDOCK. That part which remains unsold is forty thousand acres; one hundred and twenty thousand were sold under the original act, and the tract before any part was sold contained about one hundred act.

act, and the tract before any part was sold contained about one hundred and sixty thousand acres?

Mr. THURMAN. Forty thousand acres?

Mr. PADDOCK. It is lying almost entirely vacant and is surrounded continuously by farms upon all four sides. The white people have settled up to it on every side, and it is a matter of great importance to the people that this land should be disposed of and placed where it are best its proportion of the side of the settled up to it on the settled up where it can bear its proportionate share of taxation. It is a matter of great benefit to the Indians that the lands may be sold and the proceeds put in the Treasury and the interest applied to their bene-

Mr. HEREFORD. I wish to ask the Senator from Kansas why the

interest is put at 5 per cent?

Mr. INGALLS. The only reason is that the treaties heretofore made with these Indians provide that their fund shall bear that rate of in-

Mr. TELLER. I should like to ask the Senator from Kansas whether we have any treaty that recognizes these Indians as owning the fee of this land

of this land?

Mr. INGALLS. Well, I do not suppose it is necessary at this time to discuss the question of eminent domain or to review the current of decisions with regard to the right of the Indians to the possession of their lands. My understanding of the policy of this Government is, that while they have been uniformly recognized merely as possessing the right of occupation, yet whenever they have been removed the Government has uniformly purchased the land of them and placed the proceeds in the Treasury for their benefit.

Mr. TELLER. I understand that Indians have simply the right of occupancy unless there is some special treaty. I have not the slightest objection to this bill passing, but I do not see the propriety of putting the money in the Treasury to the credit of the Indians. If the Indians have abandoned the land as it is said, then the property, possession and otherwise, belongs to the United States, and I think

the United States should have the money to put in the Treasury to be voted out like other money belonging to the Government.

Mr. SAUNDERS. I will only add to what has been said by my colleague and by the Senator from Kansas, that this bill was very carefully and thoroughly examined by the Committee on Indian Affairs after consultation with the Interior Department on all the points that have been raised, here this morning I believe, and it was unanimously agreed to in the committee and I was authorized unanimously by the committee to report it and ask for its passage. The bill has been so thoroughly canyassed and so often before the comimously by the committee to report it and ask for its passage. The bill has been so thoroughly canvassed and so often before the committee that they felt safe in saying that it is right in all its details or as near right as we probably could perfect a bill, and therefore it ought to pass. That is all I wish to say.

Mr. PLUMB. Is this bill still subject to amendment?

The VICE-PRESIDENT. It is; but any amendment offered should be an amendment to the substitute of the Committee on Indian Affairs.

Mr. PLUMB. I move to amend the amendment reported by the

Mr. PLUMB. I move to amend the amendment reported by the committee, in line 22, section 3, on page 4, by striking out the word "six" and inserting "five," so as to make the rate of interest to be paid by the settler that which according to the statement of my colleague is required by treaty to be paid to the Indians.

Mr. INGALLS. I think that is right.

The VICE-PRESIDENT. The Senator from Kansas [Mr. PLUMB] proposes to amend the committee's amendment by striking out in line 22 of section 3 the word "six" and inserting "five."

Mr. THURMAN. If that amendment prevails to strike out and insert, I am not sure whether it would be in order to still further reduce the rate of interest. I do not think it ought to be 5 per cent. I think with the Senator from West Virginia that it ought to be a lower rate of interest. lower rate of interest.

Mr. PLUMB. I will say to the Senator from Ohio that my object was to make this section correspond to the statement of my colleague that the United States was under obligation to pay these Indians 5 per cent. on this fund. I do not see the propriety in making a distinction against the settlers.

Mr. TELLER. Have we any treaty with these Indians that requires us to pay them 5 per cent.? That is the question.

Mr. THURMAN. I propose to reduce the 5 per cent., but that would be an amendment in the third degree.

The VICE-PRESIDENT. That would be an amendment in the third stage. Two are already pending.

Mr. PLUMB. I will withdraw my amendment to accommodate the

Mr. PLUMB. In Senator from Ohio.

The VICE-PRESIDENT. The amendment to the amendment is

withdrawn.

Mr. THURMAN. I do not know whether I shall vote for this bill or not until I hear something more about it; but in order that this or not until I near something more about it; but in order that this matter may be before the Senate at once I move to strike out "six" in line 22 of section 3, and I will not move to insert any rate of interest now, but the motion to insert another rate of interest can be made subsequently.

Mr. President, I do not quite understand this bill. This bill all de-

pends, according to the statement made, on the consent of these two tribes of Indians to be expressed in open council. Now we are told that these Indians have left this reservation and have gone, nobody seems to know where. The Senator from Kansas suggests that some of them, and perhaps the majority of them, have gone to the Indian

Territory.

Mr. INGALLS. That is the case.

Mr. THURMAN. How are they to be got together in open council

to express their consent?

Mr. INGALLS. They have already expressed it as a matter of fact.
Mr. THURMAN. This bill does not contemplate that any assent
heretofore made is to govern. It is the consent to this bill which we
shall pass, if we pass it at all, that is required. The proposition can
properly never have been before them at all. For instance, they are to consent to the appraisement of their lands, to consent that they to consent to the appraisement of their lands, to consent that they may be sold either for cash or on time; to consent that the money shall be put in the Treasury, and that they shall receive such a rate of interest upon it. All these are provisions which are in this bill, and now I want to know what is the provision for getting these Indians together. They are treated as tribes. How is a council to be got together? Where is it to be held? How is the assent to be ascertained and verified? It seems to me these are considerations which we ought to know before we deprive these men of their property.

Mr. PADDOCK. I will state for the information of the Senator that some of these Indians are upon the reservation but the great body of them has gone. They are going to and from the Indian Ter-

body of them has gone. They are going to and from the Indian Territory during the pleasant months of the year constantly, and when-ever it shall come to their knowledge that this authority is given for them to hold a council and determine whether they shall sell or not, the council will be held at the reservation and the Indians will be This proposition that their consent should again be required was put in on account of extreme caution and prudence, so that there could be no question whatever, although I hold in my hand two reports from the special agent sent to investigate in regard to the matter—two reports stating that two councils were held at which they determined it to be their unalterable purpose to sell, and that they

must go.
Mr. SAULSBURY. I should like to ask the Senator from Nebraska

whether there is any information from the Secretary of the Interior, who has charge of Indian affairs and also of public lands questions, in reference to the particular condition of this tribe?

Mr. PADDOCK. Certainly. I stated at the outset that the Secretary of the Interior and the Commissioner of Indian Affairs had in-

vestigated the subject and had agreed to the passage of this bill as

westigated the stojet and had agreed to the passage a proper and expedient measure.

Mr. SAULSBURY. Is there anything on file from the Secretary of the Interior? If so, I should like to have it read.

Mr. PADDOCK. I think the chairman of the committee has a letter before his committee, and I have a letter here which was addressed to Senator Edmunds on the same subject.

Mr. SAULSBURY. I should like to have the letter of the Secre-

tary of the Interior read.

Mr. PADDOCK. I send the letter to the desk to be read.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The letter will be read as requested.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,

Washington, May 17, 1880.

SIR: Referring to my letter of March 9, 1880, in reply to yours of the 4th of same month calling attention to S. 753, a bill to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribe of Indians in the States of Neuraska and Kansas, and for other purposes, I have the honor to inclose for your information a copy of a letter from the Commissioner of Indian Affairs addressed to this Department, in which that officer says that he has no objection to the passage of the bill in its present shape.

I also inclose for your information a copy of the letter of this Department addressed to Senator Coke this day, concurring in the views of the Commissioner.

Very respectfully,

C. SCHURZ Secretary.

Hon. George F. Edmunds, United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, May 8, 1880.

Washington, May 8, 1880.

Six: I have the honor to acknowledge the receipt, by your reference, of copies of two telegrams from Inspector Pollock, dated, respectively, May 4 and May 6, 1880, reporting result of councils held with Indians at the Otoe agency, and to inclose herewith a copy of a report of an inspection made by Inspector Pollock at the Otoe agency, with reference to the condition of affairs at that agency, dated August 31, 1879, and a copy of a supplemental report, dated August 31, 1879.

In view of the facts set forth in these several communications, if Congress deems it advisable to pass the bill in its present shape, now pending before that body, with reference to the sale of the lands of these Indians and their removal to the Indian Territory, this office will interpose no objection.

I inclose herewith copies of the telegrams referred to, together with a copy of this report.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,

R. E. TROWBRIDGE,

The honorable the SECRETARY OF THE INTERIOR.

THE WESTERN UNION TELEGRAPH COMPANY, Otoe Agency, Nebraska, May 4, 1880.

Hon. CARL SCHURZ, Secretary Interior:

Held council with entire tribe here yesterday; with one voice they asked to go to Indian Territory. All efforts to dissuade them seem unavailing. Many have already sold dishes, &c., preparing for journey; council again to-morrow.

POLLOCK, Inspector.

OTOE AGENCY, NEBRASKA, MAY 6, 1880, Received at Department Interior, May 6, 1880-1 p. m.

Hon. Carl Schurz,

Secretary Interior:

The condition of those people as set forth in my report, August 31, 1879, has not improved. They refuse to be reconciled here, and in council yesterday said they were only awaiting your ultimatum to leave. Advise me fully.

POLLOCK, Inspector.

Mr. SAULSBURY. It seems to me we have very little information as to the character of this tribe of Indians, whether it is a numerous tribe or whether it has been incorporated into other tribes or not. There is no recommendation of this bill from the Interior Department. There is no recommendation of this bill from the Interior Department. There is a simple statement that the Department do not interpose an objection if Congress deems it proper to adopt this bill. Now, as a member of the Senate, I am perfectly willing to do with the public lands what is right and proper; but I want to act intelligently, I want to cast my vote for or against this bill according to the nature of the transaction. If these Indians are a bona fide tribe occupying these lands, or entitled to them, of course they ought to have proper compensation for them. If they have become incorporated with other tribes and have lost their relations as a separate tribe, we ought to have information on that subject, none of which is contained in the papers now presented.

papers now presented.

Mr. PADDOCK. That is a matter of record. It is well known to everybody who is at all familiar with Indian affairs that this is a distinet tribe, that it holds this land under treaty, and that it is capable of acting as a tribe. Furthermore, I will state for the information of the Senator from Delaware that it is a very small, a very insignificant tribe. There are not six hundred, all told, of the whole tribe. I know something of the character of this tribe of Indians, because most of the reservation is within my own county in the State of Nebraska, within eighteen miles of my own home, and I know all about it. And I know that it is for the interests of these Indians, as the Secretary of the Interior himself and the Commissionard Indians, as the Secretary of the Interior himself and the Commissionard Indians. Affairs retary of the Interior himself and the Commissioner of Indian Affairs do not hesitate to say, and as the record itself shows, and as the

communications here demonstrate beyond any question whatever, if there was no statement by any Senator on the floor, from his own personal knowledge of the case, such as I have given to the Senate.

Mr. THURMAN. I did move to strike out "six," in line 22 of section 3. I had not seen the bill then but for a moment, and had not

had time to read it. I find that that refers to the rate of interest on the first deferred payment for the land, and not to the rate that the money shall bear in the Treasury of the United States as an annuity to the Indians. I have no objection to 6 per cent. on the deferred installments, and therefore I withdraw the motion that I offered. But section 4 provides

That the proceeds of the sale of said lands shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior.

Unless we are bound by some treaty to pay 5 per cent.—and no such treaty has been cited that I have heard—I am not willing to pay 5 per cent., and I move to strike out "five" and insert "three."

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the amendment just moved by the Senator from Ohio.

Mr. TELLER. Before I vote on that amendment I should like to know something about the condition of this case. I cannot learn whether this lead is held by a treaty which provides that the land should have a treaty which provides that the land should have treaty which provides that the land should have the same and the land should have the same and the same and

this land is held by a treaty which provides that the land shall be this land is held by a treaty which provides that the land shall be held forever by these Indians or only while they choose to occupy it. I do not know whether there is a treaty that requires us to pay 5 per cent. upon their funds if we sell this land, or otherwise. I am willing to vote for 3 per cent. if I know there is no treaty in the way. It is stated here that there is a treaty which requires us to pay these Indians 5 per cent. Mr. PADDOCK.

Mr. PADDOCK. There is undoubtedly a treaty by which these indians hold the fee of this land. A part of these Indians were removed to my State and to Kansas from the State of Iowa, and they were so removed under a treaty, and this reservation was set aside to them by that treaty. There is no question about that. I do not think there is any requirement as to the 5 per cent. My impression is that there is any requirement as to the 5 per cent. My impression is that there is nothing in the treaty requiring any such interest to be paid on the sale of their lands. But I think there is a general law covering all such investments for and on account of Indians.

Mr. DAVIS, of Illinois. Does the Senator know in what volume

the treaty is

Mr. INGALLS. Volume 10, page 1039. The treaty was proclaimed on the 21st day of June, 1854, by Franklin Pierce, President; W. L. Marcy, Secretary of State.

Mr. TELLER. What is the provision about this land? Let us know

Mr. INGALLS. There was a supplementary treaty proclaimed on the 10th of April, 1855, the first article of which provides that—

It is agreed and stipulated between the United States and the said confederate tribes of Otoe and Missouria Indians that the initial point of their reservation, in lieu of that stated in the treaty in the caption hereof mentioned, shall be a point five miles due east thereof, thence west twenty-five miles, thence north ten miles, thence east to a point due north of the starting point and ten miles therefrom, thence to the place of beginning; and the country embraced within said boundaries shall be taken and considered as the reservation and home of said confederate tribes, in lieu of that provided for them and described in the first article of said treaty.

So that this reservation was specifically defined by metes and bounds in the treaty of 1855 and set apart as a reservation and home for the Indians. In regard to the suggestion of the Senator from Colorado, that the Indians do not possess the fee of the reservation, it is too late now to question the uniform policy of the United States through an unbroken series of decisions made by the Supreme Court through an unbroken series of decisions made by the Supreme Court that the Indians are entitled to compensation when they relinquish the lands to which they have the right of occupancy. There never has been but one instance in the history of this country where the Government has ever assumed title to Indian reservations by conquest, and that was in the State of Minnesota after the Sioux outbreak of 1862. With that single exception, where the land was taken possession of by the United States Government under the warmaking power, in every other instance where titles have been extinguished they have been by purchase, and the money has been put to the credit of the Indians into the Treasury at a stipulated rate of

Mr. TELLER. I think I am quite as well aware of what the practice has been on that subject as the Senator from Kansas. Here is a statement made that these Indians have abandoned this reservation and gone somewhere else. Now it is proposed to pay them the full value of the fee, which has never been done except in extreme cases in a few instances where we had a special act that was equivalent to conferring the fee on the Indians and in the case that was passed on here at the last session with reference to the Ute Indians. That was a departure from the usual practice and the usual custom. Now, I am not very tenacious about the matter, except as this establishes a precedent. Ido not think it makes very much difference practically, though I do not know. The legislation seems to me to be a little immature. It comes here without anybody knowing what the true condition of affairs may be.

I do not propose to throw any objection in the way of the passage of the bill, for the simple reason that if the Indians have abandoned the ground it is better that it should be thrown open to the public, even if the Government suffers by it, even if the Government gives to the Indians five dollars an acre when the land is worth only two and a

half. I do not propose to aid in keeping any portion of the public domain away from actual settlers, especially if it is not occupied by Indians and is not needed for their occupation; but I think it is unwise by a bill of this kind to legislate in this way without understanding what we are doing. And yet perhaps the necessity for the passage of a bill opening this land to settlement is so great that we shall all be justified in voting for the bill, immature and deficient as

Mr. THURMAN. Mr. President, I want to call the attention of my friend from Nebraska to a very great error into which he has fallen in regard to the amount of this reservation.

Mr. INGALLS. It has been diminished since that time by sales of a portion of it.

Mr. THURMAN. That was not mentioned. Mr. INGALLS. The Senator from Nebraska stated that this was a

diminished reservation.

Mr. PADDOCK. I stated several times—perhaps the Senator from Ohio did not hear me—that during the Forty-fourth Congress a bill exactly the same as this was passed, except that this in one or two respects is more guarded, has greater safeguards than that, authorizing the sale of a part of that reservation. One hundred and twenty thousand acres of the reservation under that act have been sold. There remain but forty thousand acres which the Indians want to sell. That is all.

The PRESIDING OFFICIER The Mr. PADDOCK. I stated several times—perhaps the Senator from

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio to the amendment of the Commit-

tee on Indian Affairs.

Mr. VEST. If I understand the amendment it simply reduces the rate of interest under section 4 of the bill from 5 per cent. to 3 per As I understand the provisions of the Revised Statutes in regard to the investment of money belonging to the Indians, the Secretary of the Interior is required to invest the money in bonds bearing not less than 5 per cent. interest. I presume there is no disposi-tion to speculate with the money. If the Government receives 5 per tion to speculate with the money. If the Government receives 5 per cent. the Indians ought to receive 5 per cent. Section 2096 of the Revised Statutes provides that-

The Secretary of the Interior shall invest, in a manner which shall be in his judgment most safe and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians annually of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than 5 per cent. per annum.

If the Government receives 5 per cent, the Indians ought to have the benefit of it, and that I presume was the intention of the com-

Mr. PENDLETON. The Senator from Missouri is right in part and only in part. The provision of the law which he has read exists as to certain investments that were made prior to a year or two ago, as to certain investments that were made prior to a year or two ago, but at the last session of Congress an act was passed requiring the Secretary of the Interior whenever Indian funds should come into his hands after the passage of that law to deposit them in the Treasury, and it was provided that interest thereon should be paid semi-annually at the rate stipulated by treaty or prescribed by law. While I agree with the Senator entirely as to the propriety of keeping the rate of interest at 5 per cent. as named in the bill, I desire to correct the misapprehension into which he has fallen. If the rate of interest is reduced to 3 per cent, it will make an exception of these Indians

is reduced to 3 per cent., it will make an exception of these Indians as against all other funds.

Mr. VEST. That is what I meant.

Mr. PENDLETON. The point in which I desired to correct the gentleman was as to the idea that under the law these funds would be invested in bonds at 5 per cent. interest, which would come into the Treasury. I rose merely to correct the gentleman, and to say that if the interest upon this fund is reduced to 3 per cent., it will be the single exception of an Indian fund, and I do not think that exception

single exception of an Indian fund, and I do not think that exception ought to be made; but if the Government is now paying too large a rate of interest on Indian funds we should have a general reduction.

Mr. THURMAN. I was not aware, not having been on the Indian Committee, and never having looked into this matter particularly, of the state of the law. I do not want to press my ideas against members of the committee who have carefully investigated the subject, but I can see no reason in the world why the United States should pay 5 per cent. when it can borrow all the money it wants at 3 per cent. I do not see why that exception should be made in favor of these Indians. Indeed, perhaps it makes very little difference to them whether you pay 3 per cent. or 5 per cent., for very little of it ever gets to them, according to the experience of those who know more about it than I do. This money, whether it is 3 per cent. or 5 per cent., does not go to the Indians. I do not know what becomes of it. Here is a provision in perpetuity, or as long as there is any of per cent., does not go to the Indians. I do not know what becomes of it. Here is a provision in perpetuity, or as long as there is any of them left, that this money "shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior." That is what is to become of this money. Here are forty thousand acres of land, which I suppose ought to bring at least \$5 if not \$10 an acre.

Mr. PADDOCK. Probably \$10 an acre.

Mr. THURMAN. Probably \$10 an acre. That would make \$400,000. Five per cent on that is \$20,000 a year, which the Secretary of the Interior is to expend. How he is to expend it, whether he is to distribute it per capita to every one, old Indian and old woman and papoose and all the intermediate ages, I do not know. Whether he is to give it to a school, or for agricultural implements, or to build mills

or mechanics' shops, I do not know. It is an absolute power to the Secretary of the Interior to dispose of \$20,000 a year coming out of the Treasury of the United States as he at his pleasure may see fit to dispose of it. The head of a Department once said to me, when I objected to an appropriation bill that it appropriated \$8,000,000 in a lump without defining what he was to do with it, that the whole \$18,000,000 ought to be similarly appropriated, leaving the Secretary to do with it as he pleased. This is not so bad a case as that, but it is the same principle precisely—the money to be expended without one particle of direction. The Secretary of the Interior is authorized from year to year, just as long as anybody can be adopted into this tribe, or even if the tribe is discolved and its constituent elements become citizens of the United States holding lands in severalty, (as the policy it seems is to make them now and destroy their tribal relation,) to give away this \$20,000 a year as he may prescribe. I cannot help thinking that this bill is not as well guarded as it ought

Mr. INGALLS. The Senator from Ohio does not suppose that the Secretary of the Interior would be authorized to spend any money under this bill?

Mr. THURMAN. What does section 4 provide? It reads:

That the proceeds of the sale of said lands shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, which income shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior.

Section 5 is still stronger

Mr. INGALLS. It cannot be expended by the Secretary of the Interior until he is authorized to expend it by an appropriation bill. Mr. THURMAN. And what would be the appropriation bill, if we follow the words of this bill?

Mr. INGALLS. That is for the proper committee to decide, and

for the Senate.

Mr. HOAR. I should like to say, if I have the attention of the Senator from Kansas, that I do not so understand it. If this be placed not to the credit of the United States, so that it is not a sum properly in the Treasury, but is placed to the credit of the Indians, with the provision that the Secretary of the Interior may "expend such sum as may be necessary for their comfort and advancement in civilization," which is in the fifth section, still stronger than what the Senator from Ohio read, I do not understand that any appropriation is necessary

Mr. THURMAN. If the Senator from Massachusetts will read further he will find that the money which the Secretary of the Interior may expend for their comfort and advancement in civilization comes

out of the principal.

Mr. HOAR. Certainly; so that my suggestion was in the line of the suggestion already made by the honorable Senator from Ohio, that the fifth section is still stronger. The fourth section authorizes a fund to be placed to the credit of the Indians, a separate fund, the income to be expended in the discretion of the Secretary of the Interior and the fifth section authorizes have a support of the Interior and the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes and the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes are next to me and the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any next the fifth section authorizes him to me any n terior, and the fifth section authorizes him to use any part of the principal not exceeding \$100,000 as he may see proper.

Mr. PLUMB. I understand that the Senator from Ohio has with-

Mr. PLUMB. I understand that the Senator from Ohio has withdrawn his amendment reducing the rate of interest.

Mr. THURMAN. I withdrew the amendment I first offered.

Mr. PLUMB. I then wish to renew the amendment which I withdrew at his request some time ago, in section 3, line 22, to strike out "six" and insert "five." I do that to make that section harmonious with the provisions of section 4.

The PRESIDING OFFICER. The Senator from Kansas will withhold his amendment for a moment. The Senator from Ohio has an amendment pending which the Chair does not understand he has withdrawn.

Mr. THURMAN. Yes, sir, after what has been said by the Senator from Missouri [Mr. Vest] and my colleague [Mr. Pendleton] and the reference they have made to the state of the law, I do not want to make this an exceptional case, and withdraw the amendment.

The PRESIDING OFFICER. The amendment offered by the Sena-

tor from Kansas will be reported.

The CHIEF CLERK. In section 3, line 22, it is proposed to strike out "six" and insert "five;" so as to read:

In three years from the date of sale, with interest at the rate of 5 per cent. per

Mr. PLUMB. I desire to say simply that my concern about the rate of interest is for the settlers more than it is for the Indians. If the Government is going to speculate off the settlers, I hope it will do so on a greater scale than simply to collect the difference of 1 per cent. interest on the deferred payments. I think if it is the obligation of the Government to the Indian to pay him 5 per cent. the Government ought to be satisfied with exacting that amount from the settler. I have no particular interest in this bill. But a portion of this land is in the State of Kansas, and only a small portion of it, but I am reminded by the remarks that have been made concerning the discretion that is vested in the Secretary of the Interior that the last bill making appropriations for the Indian Bureau gave to him in one sum \$800,000 to be expended as he wills without any limitations upon it whatever.

Mr. THURMAN. That is the example.

Mr. PLUMB. The example has not been very largely or widely followed in this bill by giving him the control of \$20,000 only. Con-

sequently, if there is to be any limitation upon the discretion of the Secretary of the Interior or any suspicion upon him that will arise in the exercise of that discretion, I think it probably should be raised at some point where a larger amount is involved.

Mr. INGALLS. I wish to make a single suggestion to the Senator

from Ohio in response to the intimation he has made that money could be drawn out of the Treasury under this bill. The Constitution provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Mr. THURMAN. The Senator will pardon me—
Mr. INGALLS. Therefore it appears to me that there is no possible ground for apprehension that under this bill there can be money drawn from the Treasury.

Mr. THURMAN. I did not say that money could be drawn from

the Treasury without an appropriation.

Mr. INGALLS. It cannot be expended unless it is drawn.

Mr. THURMAN. I do not know how that would be. That would require an investigation of the statutes in regard to Indian funds, which I have not made; but if we make this bargain with these Indians that the interest is to be appropriated for their benefit in this way, it is equivalent to an appropriation, and you are bound to make an appropriation for the express and specific purpose.

Mr. INGALLS. That may be; but it could not be drawn under

this bill.

Mr. THURMAN. You would have to make an appropriation of \$20,000 to carry out this agreement; and in regard to its being only \$20,000, you will find that the fund here is a perpetual fund, and it will go on until there are no more of these Indians; and there will be plenty adopted into the tribe to perpetuate it forever as long as \$20,000 a year is to be drawn. It may amount to a million dollars in

Mr. SAUNDERS. Mr. President, I have no objection personally to the amendment that is offered by the Senator from Kansas, [Mr. Plums,] to strike out "six" and insert "five" as the rate per cent. to be paid by the purchaser. The only objection probably that can be raised to it is that 6 per cent. has been the uniform rate fixed in all these bills so far as I know. At any rate 6 per cent, was fixed by the bills, so far as I know. At any rate, 6 per cent. was fixed by the Senate Committee on Indian Affairs as the amount to be paid by all other purchasers, and that rate of interest was specified in the act under which one part of this same reservation has been sold, and the purchasers are now paying 6 per cent. It seems to be probably unjust to make one part of the purchasers pay 6 per cent. and the other 5 per cent. I have no particular objection to the amendment, as I say, so far as I am concerned, but the matter was thoroughly canvassed in the committee, and it was there agreed that there should be a uniform rate fixed of 6 per cent. where we were selling lands in this way on time. I think it would be better for the Senator to withdraw the amendment, and then let the bill pass. It senator to withdraw the amendment, and then let the bill pass. It is a simple matter, and the amendment might create discussion here without probably being beneficial to the bill or the committee in charge of it, or any other party.

Mr. PADDOCK. I should like to remark to my colleague that since the former act was passed the rate of interest in this country has been very materially reduced.

Mr. SAUNDERS. I have no objection to the amendment, so far as

Mr. PENDLETON. I hope the Senator from Kansas will not press his amendment. The provision of this bill, which he moves to change, is merely that the deferred payments by the purchaser upon the puris merely that the deferred payments by the purchaser upon the purchaser-money of the land shall bear 6 per cent. That is not an exorbitant rate of interest, considering the fact that the purchaser may default and the Government may be put to the trouble and expense of another sale. It is not a case in which the Government pays more to the Indians than it receives or pays less, but is a provision that upon the deferred payments for one, two, and three years the interest shall be 6 per cent. instead of 5 per cent. That, in view of the fact, as I said before, that there may be a default and the Government put to a resale, it seems to me is not an exorbitant amount. I thereput to a resale, it seems to me is not an exorbitant amount. I therefore hope that the amendment of the Senator from Kansas will either be withdrawn or not adopted by the Senate.

Mr. PLUMB. The Senator from Nebraska [Mr. SAUNDERS] is mistaken in saying that the universal rule has been 6 per cent. The money which the Government collects on the deferred payments for the purchase of the Osage Indians' land, a much larger body of land, amounting to many million acres, is 5 per cent., and that is enough. As I said before, my concern in this matter is not for the Indians, but that the settlers may pay less. I cannot see any reason for collecting from the settlers more than the Government had collected. It is a very simple question, and the Senate can vote on it at once. I have no care about it except that I see no reason for the exaction of 6 per

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. Plumb] to the amendment of the Committee on Indian Affairs.

The amendment to the amendment was adopted.

The PRESIDING OFFICER. The question is on agreeing to the substitute reported by the Committee on Indian Affairs as amended.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FITZ-JOHN PORTER.

Mr. RANDOLPH. I give notice that immediately upon the expi ration of the morning hour on Monday I shall ask to call up the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States Volunteers and colonel of the Army; and I desire to call the special attention of the Senators to the amendment submitted by me yesterday intended to be proposed to the bill.

MONEYS PAID INTO COURT.

Mr. GARLAND. I ask the indulgence of the Senate to take up the bill (S. No. 1587) to secure the safe-keeping of money paid into court. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GARLAND. I ask the Secretary to report the different amendments proposed by the Committee on the Judiciary.

The PRESIDING OFFICER. The amendments of the committee

The PRESIDING OFFICER. The amendments of the committee will be read and acted upon separately as reported.

The CHIEF CLERK. In section 1, line 3, after "United States," the committee report to strike out the words "or received by the officers thereof;" and after the word "exchange," in line 7, to insert "where there is no Treasurer, assistant treasurer, or a designated depositary of the United States;" so as to read:

That all moneys paid into any court of the United States, in any cause pending or adjudicated in such court, shall be forthwith deposited with the Treasurer, an assistant treasurer, or a designated depositary of the United States, or some bank of deposit and exchange, where there is no Treasurer, assistant treasurer, or a designated depositary of the United States, in the name and to the credit of such court."

The amendment was agreed to.

The next amendment was in section 1, line 11, after the word "bank," to insert "or depositary;" and in the same line, after the word "bank," where it twice occurs, to insert "or depositary;" in line 15, after the word "bank," to insert "or depositary;" and in line 17. after the word "thereof," to strike out the words "or the judge or judges of said court;" so as to make the proviso read:

Judge of Judges of said court;" so as to make the provise read:

Provided, That before any money shall be deposited with such bank or depositary, said bank or depositary shall execute a bond, with good and sufficient sureties, in a sum sufficient to cover all sums that may be thus deposited, to be approved by the court, conditioned that said bank or depositary shall well and truly keep and pay over as ordered by said court, or any other court having jurisdiction thereof, any and all sums of money that may be deposited by order of said court:

Provided further, That nothing herein shall be construed to prevent the delivery of any such money upon security according to agreement of the parties, under the direction of the court.

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "over," to insert "by order of the court;" in line 2, after the word "deposited," to strike out "by order of court;" in line 7, before the word "damages," to strike out "20 per centum" and after the word "damages" to insert "not to exceed 20 per centum, as the court may order;" and in line 10, after the word "bond," to strike out the words "or the officers of such bank;" so as to make the section read:

That if such bank shall fail to pay over by order of the court any moneys deposited as aforesaid, then, on motion being made by any party interested, whereof ten days' notice shall be given to the obligors on said bond or any number of them, judgment may be rendered for the amount of the money thus ordered to be paid over, with damages not to exceed 20 per centum, as the court may order, against the parties notified as aforesaid, which may be enforced by proper process, and the principal in such bond shall be liable to be proceeded against for contempt.

The amendment was agreed to.

Mr. GARLAND. The Senate will perceive that section 995 of the Revised Statutes, which is repealed by the third section of the bill, is virtually re-enacted with one or two safeguards not contained in that section. Section 1 provides that all moneys paid into any court of the United States shall be deposited with the Treasurer or assistant the United States shall be deposited with the Treasurer or assistant treasurer or a designated depositary of the United States. That is the limitation made in section 995 of the Revised Statutes, which is re-enacted with the qualification that where there is no Treasurer, assistant treasurer, or designated depositary of the United States at the place, the deposit may be made in some bank of deposit and exchange. The necessity for the bill originates on account of there being no such officer as designated in section 995 where one of the district courts is held and where deposits are made. The Committee on the Indiciary instructed me unanimously to report the bill with a on the Judiciary instructed me unanimously to report the bill with a written report, if I saw proper to make one. I did not make one, but I will have a letter of the district judge at Little Rock read, which shows the necessity of the bill.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

JUDGES' CHAMBERS, UNITED STATES COURTS, EASTERN DISTRICT OF ARKANSAS, Little Rock, Arkansas, April 2, 1880.

Little Rock, Arkansas, April 2, 1880.

My Dear Governor: Judge Row I presume has written you urging an amendment of the law relating to court deposits. As the law now stands (section 995 Revised Statutes) moneys paid into court or to officers of the court have to be deposited with the Treasurer, assistant treasurer, or a designated depositary. There is no treasurer or assistant treasurer or this State, and but one designated depositary, namely, the Merchanta' National Bank of this city.

The result is that all money paid into the registry at Helena, or to the officers of the court there, has to be sent at some expense and risk to this city, and when it is drawn out the checks have to be sent here for collection, thus occasioning expense and delay to the parties entitled to the money. The same inconvenience doubtless exists in some other districts.

But this is not all. There is no security under the existing law for court money s

placed in a national depository. Such institutions secure the "public money" deposited with them only. (Section 5153.)

The present national depository in this city failed some years ago, and the court deposits were tied up for months, and some of the parties to whom a part of the funds belonged had to submit to a heavy discount.

After that I required a bond from the bank, but inasmuch as there is no law authorizing it, some question may arise as to its validity, and if good as a common law bond, as I think it is, the remedy for the recovery of the money would be slow. It is obvious the present law can be improved (1) by allowing the deposits to be made in a bank of deposit and exchange in addition to the institutions mentioned in the present law; (2) by requiring security for the deposits in all cases, except when deposited with the treasurer or assistant treasurer; and (3) by giving a summary remedy on the bond.

Under such a law the inconvenience in this district would be obviated at once, for there are banks of deposit and exchange in Helena that could give abundant security for the deposits, and thus all the present inconvenience, delay, and risk be avoided.

I should be very glad if you could secure an amendment of the law as indicated.

Savoued.

I should be very glad if you could secure an amendment of the law as indicated.

Yours, truly, HENRY C. CALDWELL.

Hon. A. H. GARLAND, Washington City, D. C.

The bill was reported to the Senate as amended, and the amend-

ments were concurred in.

Mr. KERNAN. I have not had time to examine this bill. It is a very important bill, as it provides that all moneys paid into any court of the United States shall be deposited in the United States depositories, wherever there are such; if not, in some bank of deposit and exchange. Should not the bill state who is to designate the bank tories, wherever there are such; if not, it some bank of deposit and exchange. Should not the bill state who is te designate the bank into which the money is to go in ease there is no national depository? Mr. RANSOM. This seems to be an important bill, and if the Senator from Arkansas will consent, I move that the Senate adjourn. Mr. GARLAND. There is no necessity for that motion at this time, if the Senator will excuse me a moment.

Mr. RANSOM. The bill would be the unfinished business on Mon-

Mr. GARLAND. It is important that the bill should be passed. It has been reported to the Senate. There is no contest about it.

Mr. KERNAN. We can pass it as soon as the Senator from Arkan-

sas explains it.

sas explains it.

Mr. RANSOM. I withdraw my motion.

Mr. GARLAND. I do not think the suggestion made by the Senator from New York is necessary, but if he is willing to offer an amendment I will accept it, to insert, after the word "exchange" the words "to be designated by order of the court."

Mr. KERNAN. Let that go in.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be reported.

The CHIEF CLERK. In section 1, line 7, after the word "exchange," it is proposed to insert "to be designated by order of the court;" so as to read:

Shall be forthwith deposited with the Treasurer, an assistant treasurer, or a designated depositary of the United States, or some bank of deposit and exchange, to be designated by order of the court, where there is no Treasurer, assistant treasorer, or designated depository of the United States.

The amendment was agreed to.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

CLAIMS FOR HORSES AND EQUIPMENTS.

Mr. PLUMB. I ask that the Senate proceed to the consideration of the bill (S. No. 351) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States

The PRESIDING OFFICER. Is there objection to the present con-

Mr. DAVIS, of West Virginia. Let it be read for information.
The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the time for filing claims for horses and equipments lost by officers and enlisted men in the military service of the United States, which expired by limitation on the 31st day of December, 1875, be, and the same is hereby, extended to two years from and after the passage of this act; and that all such claims filed in the proper Department before the passage of this act shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

Mr. DAVIS, of West Virginia. Is there a report accompanying the bill ?

The PRESIDING OFFICER. There is no report.

Mr. DAVIS, of West Virginia. It seems to open the gate to a very wide range of claims, and probably ought to be very carefully looked

into before its passage.

Mr. PLUMB. The bill does not provide for a new class of claims. It only extends the time within which a class of claims which has been recognized from the organization of our Government may be filed. Let me say a word as to the class to be benefited by it. I have examined the cases on file in the office of the Third Auditor and I have been in receipt of a number of communications in regard to this bill. So far as I know there is not a single person among those who I in part represent on this floor who has any interest in the bill at all, but they are persons in the State of Arkansas, in the State of Missouri; and in other States where enlisted men were authorized to furnish their horses, and where, by reason of misfortune or delay more or less unavoidable, they failed to file their claims within the time. It is a very meritorious class of claims indeed.

Mr. KERNAN. To what war does the bill apply?
Mr. PLUMB. To the only war that I personally know anything

about—the last war.

Mr. KERNAN. The bill applies to a war which ended fifteen years

ago?
Mr. PLUMB. That is true.
Mr. KERNAN. Very stale claims might be brought under such a general bill, I think.
Mr. PLUMB. The claims are mostly on file now in the Department;

they have been filed there; they amount probably to from three hundred to five hundred in number.

Mr. KERNAN. For how long does the bill extend the time within which they are to be filed?

Mr. PLUMB. Two years. Mr. KERNAN. Does the Senator suppose it will take two years to

Mr. KERNAN. Does the Senator suppose it will take two years to file that number of claims?

Mr. PLUMB. This bill will result in benefit to a very meritorious class of people, persons who during the war on the invitation of the Government not only went into the service themselves, but the Government being unable to furnish them horses, furnished horses as well, the Government agreeing not only to pay them a specified sum for the use of the horses but also to pay for them in case they were unavoidably lost during the service. The claims have been allowed and adjusted to the number of several hundred, and, as I said, probably from three hundred to five hundred have been caucht by the expirafrom three hundred to five hundred have been caught by the expira-tion of the time named in the statute to which this is amendatory,

tion of the time named in the statute to which this is amendatory, and so they cannot now be pressed to adjudication.

Mr. KERNAN. I want to inquire how long a time had all these people to file their claims? As I understand they had down to the year 1875 to file these claims growing out of the war of the rebellion.

Mr. PLUMB. They had until 1875.

Mr. KERNAN. Ten years?

Mr. PLUMB. Ten years.

Mr. KERNAN. This is a general provision, as I understand. Has the Senator any idea how many claims are said to be slumbering now that did not wake up in those ten years?

Mr. PLUMB. Most of them have already been filed in the Department, owing to misapprehension in regard to the date at which the

ment, owing to misapprehension in regard to the date at which the former limitation expired. I may say that there was a doubt in the minds of not only the claimants, but their attorneys, as to the time when the limitation did expire, a doubt as to one year. During that time about three hundred claims, as I now remember, have been filled, and it is supposed they are substantially all that are to be filed. So far as the statute of limitations is concerned, I will call the attention of the Senate to the fact

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Senator from Kansas will suspend a moment. The question is, Is there objection to the present consideration of the bill? Unless the explanation of the Senator is necessary to the settlement of that question, this debate is all out of order. Is there objection to the present consideration of the bill which has just been read. The Chair hears none, and the bill is before the Senate as in Committee of the Whole. Shall

Mr. THURMAN. I should like to hear it.

The Chief Clerk read the bill.

Mr. DAVIS, of West Virginia. I must ask the Senator in charge of the bill why these claims are more meritorious than other claims,

Mr. DAVIS, of West Virginia. I must ask the Senator in charge of the bill why these claims are more meritorious than other claims, for instance, claims for supplies furnished the Army? Will not this be a precedent, and will not those who furnished supplies or who have claims of any and every kind say, "We want two years more?" If the bill is to pass at all, why not make it include all claims against the Government? What is the difference? Why should you let one class of claims in and not the others? Then I will say to my friend from Kansas that, as is very well known, within a year or two this side of the Chamber as a party was heralded all over the country as being in favor of paying all and every class of claims. It was said that we wanted to open the doors wide. Now, from my standpoint, it does not look as though it was this side of the Chamber; it may have been some other side.

Mr. PLUMB. Well, of course, that may appeal to the Senator from West Virginia, but it lacks entirely having any effect upon my view of the case. I was going to say, speaking about this proposition, that within the last two years Congress extended the time for filing pension claims practically by permitting persons theretofore disbarred not only to file claims, which they could not then do, but to go back to the time of discharge, and appropriating for that purpose thirty or forty million dollars out of the Treasury in a lump. I voted for that bill, and believed it to be just and fair, as I believe this to be the same. These persons are generally scattered, largely in the States of Missouri and Arkansas, where, for obvious reasons, this character of service was easily rendered. They have been removed from communication. People were not as swift to make up these claims as some others are and I know of one or two cases where the character of service was easily rendered. They have been removed from communication. People were not as swift to make up these claims as some others are, and I know of one or two cases where the persons have been oblivious to the fact that they had this right until within a very short period of time. I have not had occasion to examine all the cases, but I have examined many, and I am satisfied a majority of the cases filed are meritorious, that the horses were actually lost. That is a question, however, to be passed upon by the Department.

Department.
Mr. COCKRELL. I desire to offer an amendment to the bill, to

which I think there can be no objection; to add as a separate sec-

SEC. 2. That all claims arising under the act approved March 3, 1849, entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," and all acts amendatory thereof, which shall not be filed in the proper Department within two years from and after the passage of this act, shall be forever barred, and shall not be received, considered, or audited by any Department of the Government.

since 1793 there have been various acts in regard to property lost in the service enacted. In 1849, on the 3d of March, a general bill was passed, which was retroactive in its operation, and there never has been any bar under that law since that time. Claims could be filed at any time. In 1875 the first limitation was placed upon the presentation of these claims, and that only applied to horses lost belonging to persons in the service, and not to civilians, and there is to-day no law barring a civilian from presenting a claim under the act of 1849. I propose to make this amendment cover both classes. to-day no law barring a civilian from presenting a claim under the act of 1849. I propose to make this amendment cover both classes, and bar them all after the lapse of two years. They are not barred now; they ought to be barred; and there certainly can be no objection to this amendment, and the bill, as amended, I think is proper and right. Let it be understood that all claims under that law not presented in two years from this time are forever barred, and shall not be filed, received, or audited by any Department of the Government, and then we shall have no more such claims presented there to be pressed upon the action of Congress.

ment, and then we shall have no more sach claims presented that to be pressed upon the action of Congress.

Mr. KERNAN. The trouble will be that after two years have passed away we shall again be asked to relieve them from the bar. That is the danger of this kind of legislation. I agree that if the bill is passed the amendment ought to be put on barring claims, but I understand that the claims now sought to be revived or allowed to be brought forward were barred in 1875.

Mr. COCKRELL. According to the interpretation of the law by

the Department.

Mr. KERNAN. All claims for horses and equipments lost in the war of the rebellion were barred on the last day of December, 1875, as I understand. That was nearly eleven years after the war ended. The men who lost horses, the men who lost equipments, I should wish to have paid; but if for any reason they did not bring their claims forward within the ten or eleven years allowed, they certainly became quite stale. Doubtless there are exceptions; but can we wisely legislate by opening the door to claims of this character? While meritorious claims may doubtless exist, yet I fear a very large While meritorious claims may doubtless exist, yet I fear a very large number of claims will come in that are not meritorious and were not brought forward during the ten years because they were not susceptible of proof. A statute of limitations generally bars all private debts in six years. Here were ten years allotted after the war when these claims were allowed to be presented, and they were not filed. If we now allow them to be received, I think we endanger the Treas-

If we now allow them to be received, I think we endanger the Treasury by subjecting it to the payment of a great many claims that are not valid and ought not to be paid.

Mr. THURMAN. Mr. President, this may seem to be a very small matter; but I venture to say that if this bill passes it will take not less than \$500,000 out of the Treasury at the very lowest. Five thousand horses with their equipments at \$100 apiece would make that amount, and it may be that there will be a great many more than that. Now, I think, is the time for us—and I hope those on this side of the Chamber will think of it—in the last days of a democratic Congress to be a little careful how we put our hands in the Treasury. Congress to be a little careful how we put our hands in the Treasury. I am very much afraid at such a session as this, a short session, all manner of raids upon the Treasury may be made; and although some may appear to be small, half a million or a million now, when

some may appear to be small, half a million or a million now, when you add them all up together there will be a very considerable responsibility on the Congress that votes them.

It is said that we ought to extend this time. Why? These people have had ten years since the close of the war in which to present their claims. It is said that it ought to be extended because they were persons who did not know that they had claims on the Government. Why, Mr. President, no statute of limitations goes upon that ground. A statute of limitations forbids the bringing of an action after such a time, be it months or years, whether the person who had the cause of action knew that he had it or not. It goes upon a broader ground than that. It goes on the ground that if you give an indefinite time to present claims, the evidence of the transaction, and which might constitute a perfectly good defense, is nine times out of ten lost, and constitute a perfectly good defense, is nine times out of the lost, and so it would be with these claims. The evidence of the officers under whom these men served, those who could tell whether or not these horses were lost in the service, may not be obtainable because they are scattered everywhere. The Government has no chance whatever to get together the evidence to rebut the claims. They all stand upon ex parte testimony alone, such as is produced by the claimant or by the claim agent, and ninety-nine times out of a hundred it will be found that these claims are already in the hands of claim agents on contingencies or by purchase. I do not think that we ought to open the door. It is about time when we are trying to pay off the debt of this Government, a debt created to so large an extent by the war, that we should keep our face in that direction, and not as we pay off one year increase the amount of indebtedness the same year by bringing in new classes of claims. I regret very much to differ with some of my friends who advocate this bill; but it does seem to me that after these parties have had ten years to present these claims it is time that they parties have had ten years to present these claims it is time that they had presented them or forever hold their peace. I have no faith in the

idea that they did not know they had a claim. I never found any-body that lost a horse by the war who did not know he had some claim on the Government.

on the Government.

I know there is a precedent Senators might have cited in favor of an extended time for bringing forward these claims. We all know of the celebrated Durden horse, and we know that Amy Durden did not get pay for her husband's horse, which was killed in the war of the Revolution, until sixty years after the death of the poor horse; but I do not propose that we shall extend this precedent and give sixty years for the payment of all the horses that were killed in the rebellion.

I for one must say that I regard with not a little apprehension all the schemes—I do no not mean to say this is a scheme—but all the plans for getting money out of the Treasury that it seems to me every day there are evidences are being preferred. I shall vote against the

Mr. GARLAND. I have at my room a statement in reference to this matter, so far as some of my constituents are concerned, which I wish to present to the Senate before the bill is acted on. I do not suppose the bill can be disposed of this evening, and I move that the

Senate adjourn.

Mr. FERRY. Will the Senator change that to a motion for an executive session?

Mr. GARLAND. I withdraw my motion.

EXECUTIVE SESSION.

Mr. FERRY. I move that the Senate proceed to the consideration of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at two o'clock and fiftytwo minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 9, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADDITIONAL MEMBERS PRESENT.

Mr. CULBERSON and Mr. WELLBORN appeared in their seats to-day. J. RANDOLPH TUCKER, JR.

Mr. HUNTON. I ask consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That the Clerk of the House of Representatives be authorized and directed to pay to the widow of J. Randolph Tucker, jr., deceased, late private secretary to the Speaker of the House of Representatives, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed \$250.

Mr. HUNTON. That is the usual resolution. It perhaps would be better to insert the words "out of the contingent fund of the House." The SPEAKER. By consent the resolution will be so modified. There was no objection, and the resolution as modified was adopted.

CHARLES G. EDDY.

Mr. SAPP, by unanimous consent, introduced a bill (H. R. No. 6526) for the relief of Charles G. Eddy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAR LAKE, COUNCIL BLUFFS, IOWA.

Mr. SAPP also, by unanimous consent, introduced a bill (H. R. No. 6527) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake known as Car Lake, situated near said city; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TAX ON SAVINGS-BANKS.

Mr. ALDRICH, of Illinois, by unanimous consent, introduced a bill (H. R. No. 6528) to amend section 3408 of the Revised Statutes of the United States in relation to the tax on savings-banks; which was read a first and second time, and referred to the Committee on Ways and Means.

FORTIFICATION APPROPRIATION BILL

Mr. BAKER. Under instructions from the Committee on Appro-Mr. BAKER. Under instructions from the Committee on Appropriations, I now report a bill making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, and ask that the same be printed and recommitted. I desire also to give notice that at the earliest moment I will move to go into Committee of the Whole on the state of the Union for the consideration of this bill.

The SPEAKER. The gentleman will have to report the bill back from the Committee on Appropriations before he agent this into Committee on Appropriations before he are gent in the Committee on Appropriations from the Committee on Appropriations for the Committee on Appropriations from the Committee on Appropriations for the Committee on Appropriations from the Committee on Appropriation from the

from the Committee on Appropriations before he can get it into Com-

mittee of the Whole.

Mr. BAKER. I understand that.

The bill (H. R. No. 6529) was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

GENERAL DANIEL E. SICKLES.

Mr. COX, by unanimous consent, introduced a joint resolution (H. R. No. 341) authorizing Major-General Daniel E. Sickles, of the United States Army, to accept a decoration from the French Republic; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

TAX ON MEDICINES, FRICTION MATCHES, BANK CHECKS, ETC.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 6530) for the repeal of the tax on bank checks, medicines, friction matches, bank capital, and bank deposits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GENERAL HOSPITAL IN DISTRICT OF COLUMBIA.

Mr. KELLEY also, by unanimous consent, introduced a joint resolution (H. R. No. 342) relative to a general hospital in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FORTRESS MONROE.

Mr. JOHNSTON, by unanimous consent, introduced a bill (H. R. No. 6531) to authorize the Secretary of War to grant the use of certain land at Fortress Monroe, Virginia, for hotel purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BLUE HILL NATIONAL BANK.

Mr. CRAPO. I ask unanimous consent to take from the House Calendar and consider at this time the bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the Blue Hill National Bank of Dorchester, now located in Boston, in the Commonwealth of Massachusetts, is hereby authorized to change its location to the town of Milton, in the county of Norfolk, in said Commonwealth, whenever the stockholders representing two-thirds of the capital stock of said bank, at a meeting called for that purpose, determine to make such change; and the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency; and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the said town of Milton.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability, or affect any action or proceeding in law in which said bank may be a party or interested; and when such change shall have been determined upon as aforesaid, notice thereof and of such change shall be published in two weekly papers, one in the county of Suffolk and one in the county of Norfolk, in said Commonwealth of Massachusetts, not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from

weeks.

SEC. 3. That whenever the location of said bank shall have been changed from said city of Boston to said town of Milton, in accordance with the first section of this act, its name shall be changed to the Blue Hill National Bank of Milton, if the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all the debts, demands, liabilities, rights, privileges, and powers of the Blue Hill National Bank of Milton whenever such change of name is effected.

Mr. CRAPO. The report is very brief, and I will ask that it be

The report was read, as follows:

The report was read, as follows:

The Committee on Banking and Currency, to whom was referred the bill (H. R. No. 4006) to authorize the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name, have had the same under consideration, and submit the following report:

At the time of the organization of the Blue Hill National Bank its location was in the town of Dorchester; since then, the territory of Dorchester has been annexed to Boston. It is now proposed to change the location of the bank about eighty rods in the same business village, but within the territoral limits of Milton.

The reasons for the change are as follows: Reduction of expense in rental of banking-rooms, and increased convenience to the patrons of the bank by its new location, near the railroad depot, post-office, and stores. Within a few years a number of business houses and manufacturing establishments which were in the vicinity of the present banking-house have been moved to the part of the village which is within the territory of Milton.

The affairs of the bank have been satisfactorily managed, and are in sound condition. The rights of creditors and the public are fully protected by the provisions of the bill.

There being no objection, the bill was taken from the House Calen-

There being no objection, the bill was taken from the House Calendar and ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CRAPO moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SETTLERS ON RESTORED RAILROAD LANDS.

Mr. BRENTS. I ask unanimous consent that House bill No. 6256, for the relief of certain settlers on restored railroad lands, be taken from the Calendar of the Committee of the Whole for consideration at this

Mr. FERNANDO WOOD. I must object if it shall lead to any dis-

Mr. BRENTS. It is the unanimous report of the Committee on the Public Lands made at the last session. It is a very urgent case and I hope no objection will be made to it.

The SPEAKER. The bill will be read.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That all persons who shall have settled and made valuable and permanent improvements upon any odd-numbered section of land within any railroad withdrawal in good faith and with the permission orlicense of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead, or timber-culture sets of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal subdivisions, at the price of two dollars and fifty cents per acre, and to receive patents therefor.

The report was read, as follows:

The report was read, as follows:

The report was read, as follows:

The Committee on the Public Lands, having considered bill H. R. 4869, beg leave to report as follows:

Very many persons who have settled upon "railroad lands" have previously exhausted their rights to acquire title to the public lands. In most cases they have so settled with an assurance from the railroad company in whose favor the lands were withdrawn not to disturb their occupancy pending the completion of its title, and then to give them the first privilege of purchase. Relying upon these assurances, and confidently expecting thus to be enabled to acquire title to these lands, these settlers have, in the utmost good faith, often invested all their available means in improvements thereon.

In the final adjustment or definite location of these grants, some of which will soon be made, large portions will, as is now reliably ascertained, fall back to the public domain. Nearly a thousand square miles of these lands in Washington Territory alone will doubtless be thus restored before the next session of Congress. Without some legislative remedy is speedily afforded similar to that proposed by the bill under consideration, many of these settlers will lose years of toil and large investments of money made in good faith, and will be rendered homeless and penniless.

Your committee therefore recommend the passage of the substitute for said bill herewith submitted.

There being no objection, the Committee of the Whole was discharged from the further consideration of the bill, and the same was

ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SAWYER'S CANISTER-SHOT.

Mr. RICE. I ask consent to submit for consideration at this time the resolution which I send to the Clerk's desk. The Clerk read as follows:

Resolved. That the Secretary of War be directed to inform the House of the facts known to his Department in regard to the character and value of Sawyer's canistershot, and its adoption by the Government; and to communicate his opinion as to the justice and expediency of purchasing the same by the United States, or otherwise reimbursing said Sawyer therefor.

Mr. BLOUNT. What is the object of that resolution?

Mr. RICE. Merely calling for information upon a subject now pending before the Committee on Appropriations.

Mr. BLOUNT. I submit that the information is already before the House; the Secretary of War has already given an opinion upon the matter.

Mr. RICE. Not since the last session.

Mr. BLOUNT. No, for we have not been here. Mr. RICE. I want his opinion at the present time. It is merely a resolution calling for information.

There being no objection, the resolution was adopted.

STATUE OF GEORGE WASHINGTON IN NEW YORK CITY.

Mr. CHITTENDEN. I ask permission to call up and have put on its passage a very peculiar bill. It grants permission to the Chamber of Commerce of New York to erect a monument to George Washing-

ton. It does not propose any appropriation by the Government.

The SPEAKER. This bill has been reported from the Committee on the Library as a substitute. The gentleman from New York asks that it may be taken from the Calendar and considered at this time.

House bill No. 5384, (a substitute for House bill No. 4917,) granting permission to the Chamber of Commerce of New York to erect a

statue on the sub-treasury building in the city of New York, was read,

as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to permit the New York Chamber of Commerce to erect, without any cost to the Government, a suitable statue or group, commemorative of the inauguration of George Washington as first President of the United States, on the front of the building known as the sub-treasury of the United States, which now marks the spot on the corner of Wall and Nassau streets, in the city of New York, where the oath of office was administered to him.

Sec. 2. That the design for such statue, or group, shall be submitted to the Secretary of the Treasury for his approval, and the work shall at all times be subject to his supervision and control, and shall be so performed as not to injure said building. And said statue, or group, so erected shall be at all times nader the exclusive control of the United States. If said work shall not be completed within five years next after the passage of this act, the authority hereby granted and the permission authorized shall terminate.

The SPEAKER. The report will now be read

The SPEAKER. The report will now be read.
Mr. COX. I hope that time will not be occupied in reading the report. The bill appropriates no money, but simply provides for a decent monument to George Washington.
The SPEAKER. The report is very brief.
The Clerk read as follows:

The Joint Committee on the Library, to whom was referred the bill H. R. No. 4917, have considered the same, and report back a bill as a substitute therefor, and recommend its passage.

Mr. BLOUNT. Is unanimous consent asked for the consideration of this bill?

The SPEAKER. It is.

Mr. BLOUNT. I object to it at this time.
Mr. COX. I ask my friend to withdraw his objection.
Mr. BLOUNT. There are differences of opinion about this ques-

Mr. COX. The bill does not appropriate one dollar of money. It simply authorizes the erection of a statue to George Washington in front of the sub-treasury in New York. The Chamber of Commerce proposes to erect this monument in the place where the oath of office was taken by Washington. Why an objection should come from my abstract friend [laughter] I cannot understand. Why, Mr. Speaker, last session we passed a bill appropriating \$100,000 for the Yorktown celebration. This bill, without appropriating any money from the Treasury, proposes simply to authorize the erection, in a very historic place, of a monument to George Washington, which shall be under the control of the Government, which shall be no disgrace to the contry, as some monuments are. The matter will be properly guarded and cared for, so that no such disgrace shall result. Now, why does my friend object? Mr. COX. The bill does not appropriate one dollar of money.

why does my friend object?

Mr. BLOUNT. I had understood there were differences of opinion between some gentlemen from the city of New York in regard to the

several bills on this subject.

several bills on this subject.

Mr. COX. Oh, no; we are all united.

Mr. BLOUNT. I am simply stating what I heard. The gentleman may be better informed than myself. I have determined, however, to withdraw my objection.

Mr. COX. I am very much obliged to the gentleman.

There being no objection, the bill was taken from the House Calendar, ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider he laid on the table.

and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSENGER FOR REPORTERS OF DEBATES.

Mr. MARTIN, of Delaware, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ac-

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay John Maloney at the rate of \$1,000 per annum during the present session of Congress for services as messenger to the official reporters of debates, and that the same be paid out of the contingent fund of the House.

BUSINESS OF COMMITTEE ON PUBLIC LANDS.

Mr. CONVERSE. I am directed by the Committee on Public Lands to ask that Thursday of next week be set apart for the consideration of business of that committee, to be designated by the committee.

Mr. PRESCOTT and Mr. BICKNELL objected.

JAMES MONROE HEISKELL

Mr. TALBOTT. Mr. Speaker, yesterday I asked leave to have taken from the Speaker's table Senate bill No. 1191, for the relief of James Monroe Heiskell, of Baltimore City, Maryland. I stated to members of the House that the object of the bill was to relieve the petitioner from political disabilities, he having served in the confederate army. That was my impression at the time, and my statement misled some gentlemen on the floor. The bill was passed. I now ask unanimous consent that the vote by which the bill was passed be reconsidered and that the bill be put upon its passage on its merits in the shape it came from the Senate. I believe that the gentleman from Michigan [Mr. Congers] who asked that the bill be withheld will agree to withdraw his amendment and let the bill come up for passage.

The SPEAKER. The gentleman from Maryland [Mr. Talbott] asks consent that the vote upon the passage of Senate bill for the relief of James Monroe Heiskell be vacated, a two-thirds vote having been required, as the Chair supposed, upon that question. The title

been required, as the Chair supposed, upon that question. The title of the bill will be read.

The Clerk read as follows:

An act (S. No. 1191) for the relief of James Monroe Heiskell, of Baltimore City, Maryland.

Mr. CONGER. Let it be understood that the bill is not to be put immediately on its passage, but that we are to have time to ex-

amine it.

The SPEAKER. The gentleman from Michigan objects to the bill being passed at this time, and wishes it to lie over for examination.

Mr. CONGER. My understanding was that the bill should be placed back on the table, the action of yesterday being vacated.

Mr. TALBOTT. The gentleman from Michigan I understood to agree to withdraw his amendment.

The SPEAKER. The amendment is an inappropriate one, if the bill is for the purpose of removing political disabilities.

Mr. CONGER. There is no dispute between the gentleman and unself that he represented to me it was a bill to remove political disabilities.

myself that he represented to me it was a bill to remove political disabilities. That, of course, he assents to. Without examining or thinking specially of the matter, that clause was put in; but subsequently, on sending for the law embracing the section referred to, I found it was for another purpose. The bill was inadvertently passed with the slaves.

with that clause.

The SPEAKER. The Chair understands the gentleman from Michigan to withdraw his amendment.

Mr. CONGER. Yes, by unanimous consent, let the bill be brought back and the action on the amendment canceled.

The SPEAKER. The Chair will order the bill back to the table.

Mr. CONGER. With the amendment withdrawn and all preceed-

ings annulled.

Mr. WHITE. I submit this bill should go to the Committee on Military Affairs. It is a matter belonging to that committee.

Mr. TALBOTT. My understanding was the bill should be put on its passage, and I ask the rules be suspended for that purpose.

The SPEAKER. Objection is made, and besides a motion to suspend the rules is not in order on this day. By consent of all parties concerned, the bill will be returned to the Speaker's table without the amendment, to take the place it before occupied.

GREENLEAF CILLEY.

Mr. MURCH. I ask, Mr. Speaker, by unanimous consent to take up and put upon its passage Senate bill No. 49, for the relief of Greenleaf Cilley.

Mr. WHITTHORNE. I object.
Mr. WURCH. I hope the chairman of the Committee on Naval Affairs will not object. His committee has already made a report to this House on a similar bill.
The SPEAKER. The gentleman from Tennessee objects.
Mr. WHITTHORNE. I demand the regular order of business.

MORNING HOUR.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-five minutes to one o'clock p. m., and committees will be called for reports.

CAPTAIN WILLIAM H. REXFORD.

Mr. DIBRELL, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 6238) for the relief of Captain Will-iam H. Rexford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILL.

Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. No. 1583) to change the name of the schooner-yacht Nettie to Nokomis; when the Speaker signed the same.

PUBLIC ADVERTISING, DISTRICT OF COLUMBIA.

Mr. SINGLETON, of Mississippi. I move to take from the Speaker's table the amendment of the Senate to the bill (H. R. No. 2658) to regulate the award of, and compensation for, public advertising in the District of Columbia.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That all advertising required by existing laws to be done in the District of Columbia by any of the Departments of the Government shall be given to one daily newspaper of each of the two principal political parties, and to one daily neutral newspaper, and in the discretion of the heads of the respective Departments, to the two weekly newspapers having the largest regular circulation, to be ascertained by the sworn statements of the publishers thereof: Provided, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 3828 of the Revised Statutes.

"SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed."

Mr. SINGLETON, of Mississippi. I wove to concur in the Senate amendment, and ask for a conference on the disagreeing votes of the two Houses

The motion was agreed to.

COMMITTEE ON APPROPRIATIONS.

Mr. ATKINS. I am instructed by the Committee on Appropria-tions to ask for leave for that committee to sit during the sittings of

There was no objection, and it was ordered accordingly.

CLERKS TO PENSIONS COMMITTEE.

Mr. HOSTETLER. I ask unanimous consent to submit the following resolution for consideration at this time:

Resolved. That the Committee on Invalid Pensions be, and they are hereby, authorized and empowered to continue to employ the three additional clerks that were allowed them during the last session of Congress for service during the remainder of the present session of Congress, to be paid in the same manner and as other per diem clerks, and whose duty it shall be to aid and assist the members of the committee in examining the evidence and preparing the reports upon bills referred to said committee, and such other labor as may be required of them.

Mr. REAGAN. I think we ought to have some explanation of the necessity for these three clerks. We ought to know whether this use of three clerks for that committee is simply to transfer the responsi-

bility of passing upon these cases from the members to them.

The SPEAKER. The resolution must go, under the rules, to the Committee on Accounts.

Mr. REAGAN. Very well. Let it go there.

The resolution was referred to the Committee on Accounts.

ORDER OF BUSINESS.

Mr. BICKNELL. Mr. Speaker, I call for the regular order. The SPEAKER. The regular order of business is the consideration of the special order.

Mr. FERNANDO WOOD. Mr. Speaker, before the gentleman from Maryland begins his remarks I desire to ascertain, if it be possible,

how much longer it is proposed to have general debate upon this resolution. We have already had a discussion for two days without my apparent indication upon the part of the minority as to how much longer time they propose to consume. I would now like to ascertain (I say if it be possible) how many hours or days longer these gentlemen propose to obstruct the public business with this discussion.

Mr. CONGER. Mr. Speaker, I call the gentleman from New York to order for unparliamentary and insulting language.

Mr. FERNANDO WOOD. If the gentleman from Michigan objects to the language, I will withdraw it rather than consume time—

Mr. CONGER. And I ask, Mr. Speaker, that the language of the gentleman from New York be taken down and read from the Clerk's desk.

Mr. FERNANDO WOOD. I have already stated to the gentleman from Michigan that in order to save time I withdraw the language to which he objects.

Mr. CONGER. There must be some limit to the impertinence of such language, and we on this side have submitted to it as long as I, for one, propose to bear it.

for one, propose to bear it.

Mr. FERNANDO WOOD. If the gentleman from Michigan will indicate how much longer time they propose to consume in the discussion of this question, I will forgive him.

Mr. CONGER. I will say whenever the gentleman is willing to meet the demands of the country by presenting the funding bill fer consideration, and when that bill is brought before the House for action, we are then perfectly willing to postpone this discussion. [Laughter on the republican side of the House.]

Mr. FERNANDO WOOD. I thought the gentleman might be willing to indicate some probable time when the funding bill might be permitted to come before the House.

Mr. CONGER. We should be very glad at this time to go into Committee of the Whole for the consideration of that bill. The present question can be very readily postponed.

Mr. FERNANDO WOOD. My inquiry was simply with a view to ascertain how much longer time gentlemen propose to consume in the consideration of this matter.

Mr. KEIFER. I understand gentlemen on the other side of the

Mr. KEIFER. I understand gentlemen on the other side of the House are about to open their batteries upon it.

COUNTING THE ELECTORAL VOTE.

The SPEAKER. The gentleman from Maryland is entitled to the

Mr. McLANE. Mr. Speaker, I shall not embarrass gentlemen on either side of the House who are averse to this discussion by occupying much of their time in the continuation of the discussion upon this measure. I shall try to confine myself to the point made yesterday when the gentleman from New Jersey [Mr. Robeson] was about concluding. Notwithstanding his well-known courtesy and consideration in debate, his physical condition after his lengthy argument on yesterday induced him to ask me not to pursue the inquiry further, as he did not desire himself to occupy the floor longer. But for that and for the reason that the point I made remained unanswered and unsettled. I take the floor tled, I took the floor.

Now, Mr. Speaker, the gentleman from New Jersey begged this House to believe that he would like to wipe out five years of the history of this country during which the practice of the republican party was well settled upon this question. It struck me then, sir, that he had far better express his desire to wipe out twenty-five years rather than five, which would have embraced the entire life-time of the party with which he is associated, and he would have thus relieved himself of twenty-five years of responsibility during which he and the organization with which he is associated have not only defied but trampled upon mutilated and altered that fraternal bond which

the organization with which he is associated have not only defied but trampled upon, mutilated, and altered that fraternal bond which united the States and created this Government.

He would thus have escaped responsibility for precedents far more arbitrary, far more violent, much less open to defense than the doctrine and proposed action to which I am now about to address myself. The honorable gentleman from Virginia [Mr. HUNTON] conceded in the inquiry that he made that, if this were a question as to the power of Congress to pass a law to carry out some duty that ought to be performed by an officer or department of the Government, that perhaps they would not be far apart. But the gentleman ought to be performed by an officer or department of the Government, that perhaps they would not be far apart. But the gentleman from Virginia did not make any concession that such a law was necessary. He did not even make a concession that such a law would be proper, and the point where we terminated the debate yesterday brought the gentleman from New Jersey to the assertion that the count of the electoral vote, whether ministerial or judicial—the House will remember that he treated it as a ministerial power, but in fact a gravial individual power parties of House will remember that he treated it as a ministerial power, but in fact a quasi-judicial power until challenged by some superior or competent tribunal—he therefore made the full admission that this power to count was in the Vice-President, and that to all intents and purposes it was a judicial power; and in that admission he abandoned the whole structure of his argument, which was based upon the idea that as all legislative power was vested in Congress and all judicial power was vested in the courts, that therefore neither Congress nor the Vice-President could exercise judicial power. Though pressed by the inquiry of the gentleman from Virginia, he made the exception unless there was an express grant of power. Even that admission would have destroyed the vitality of his original assertion that no power could be judicially possessed by Congress or the VicePresident because all judicial power was in the courts and nothing but legislative powers in the Congress. The power to impeach is one of these powers granted by the Constitution, and therefore the gentleman from New Jersey will concede it. The power to punish for contempt is not a power granted by the Constitution, but inherent in the legislative power itself, and he probably does not deny that power of Congress; and when we closed the debate, and the gentleman from New Jersey desired that the inquiry should not be pressed further, I was about making the point that the twelfth amendment to the Constitution is an expressed power to Congress to count the votes, and that is the point I wanted to make to the gentleman from New Jersey on vesterday.

New Jersey on yesterday.

I know very well, Mr. Speaker, there are few men on this floor who will sustain the position taken by the gentleman from New Jersey, that this power to count the votes is possessed by the Vice-President.

I know very well, Mr. Speaker, there are few men on this floor who will sustain the position taken by the gentleman from New Jersey, that this power to count the votes is possessed by the Vice-President. From the foundation of this Government to the present day over and over again has that point been made in either the one House or the other; and though here and there some distinguished men, with more or less eccentricity of mind, have advanced that position, uniformly, at all times, not alone during those five years that the gentleman from New Jersey would wipe from the history of the country, but through all time, the idea that the Vice-President should count the votes and declare that he himself was elected has never been accepted in the history of this country.

Over and over again the subject has been debated. This is not the first time in our history when gentlemen in the one House or the other have proposed to pass a law to enable the electoral vote to be counted. Not only is it not the first time in the history of the country when it has been proposed to pass such a law, but, unhappily, once in our history we did pass such a law, and under its operation a count was made which will forever stand a monument of discredit and disgrace to the country; because that count counted in a man who had not received a majority of the electoral votes. The only time when the Congress could be persuaded to pass a law to enable those votes to be counted was when after a long, protracted, bloody war we stood again in the presence of an Executive who brought the Army and the Navy to see the vote counted, and under that pressure honorable gentlemen in both Houses consented to the passage of the law, hardly one of them without expressing his regret that such a necessity should occur, and in the hope that enough had been reserved to insure a final control over the count by the concurring vote of the two Houses. I cannot recall a single man of any distinction, on either side of the House, who did not regret that he should be c

approved a joint resolution allowing Congress to count the vote.

Mr. McLANE. I did not say anything of the kind. I said that
Mr. Lincoln, when a joint resolution was sent to him authorizing the rejection of certain States, sent it back to the Congress remonstrating with Congress for having sent him such a resolution, the entire re-sponsibility for counting the votes being, in his opinion, vested in

Congress.

Mr. KEIFER. What resolution does the gentleman refer to?

Mr. McLANE. I refer to the "joint resolution declaring certain
States not entitled to representation in the electoral college" which
Abraham Lincoln signed. And only the day before yesterday, the
gentleman will see by reference to the Congressional Record, the
message of Mr. Lincoln on that occasion was read in the House.

Mr. KEIFER. Will the gentleman permit me a moment? This is
a matter of importance and I presume the gentleman does not design
to misquote.

to misquote.

Mr. McLANE. I do not.
Mr. KEIFER. I may be wrong, but if I remember rightly the joint resolution which Mr. Lincoln approved, sending with it his protesting message to Congress, was a joint resolution authorizing the President of the Senate not to receive or count the votes of certain

States then in rebellion.

Mr. McLANE. That is right. That is the message to which I referred, and that is the message and one of the precedents which the gentleman from New Jersey wished to wash his hands of—which he did not want to be held responsible for. I hope the gentleman from Ohio is satisfied.

Onto is satisfied.

Now, Mr. Speaker, I accepted the qualification made by the gentleman from New Jersey, and it was my purpose to call his attention to the twelfth amendment to the Constitution, because he conceded when he closed his argument that judicial power could be exercised by the House if it were expressly granted or could be deduced reasonably and intelligently from what was granted. Now, the twelfth amendment to the Constitution provides, not only who shall be President and who shall be an elector, but it provides also the manner of action by the electors, and it concedes to the States the power to elect their electors in such manner as their Legislatures may direct. elect their electors in such manner as their Legislatures may direct.

It concedes fully and absolutely to the Legislatures the power to elect electors. It provides that the electors thus elected shall vote, shall certify their vote and send it sealed to the Vice-President, and it commands the Vice-President to keep those certificates in his possession until a certain day, and then to open those certificates in the presence of the Senate and House of Representatives. Then it proceeds to say that the votes shall then be counted, and if no man has a majority of the whole number of electors appointed, the House of Representatives shall elect a President from the three highest and the Senate shall elect a Vice-President from the two highest.

Now, does any lawyer require an argument, does any intelligent gentleman who has the responsibility of legislation in this House imposed upon him require an argument to establish that when a jurisdiction has been conferred in a certain contingency upon any body, upon any tribunal, parliamentary or judicial, that tribunal is to judge whether the contingency has arisen? Why, sir, in that is a principle of law as simple as absolute as any elementary principle that ever was whether the contingency has arisen? Why, sir, in that is a principle of law as simple, as absolute as any elementary principle that ever was stated in the elementary books. Over and over again have the courts of this country declared it, and over and over again have the Legislatures of these United States established and confirmed it. It is a universal principle of law that if you confer jurisdiction upon a tribunal in a certain contingency, that tribunal is to judge whether the contingency has occurred. And therefore when that twelfth amendment required the Vice-President to open those votes in the presence of the two Houses, and then imposed on each House an obligation in a certain contingency the one to elect a President and the other to elect a Vice-President, it is as clear as human language can make it that they are to see that the votes opened in their presence are genuine. that they are to see that the votes opened in their presence are genuine

votes and correctly counted.

Now, Chancellor Kent, whose presumption, whose loose obiter dictum, was quoted here yesterday, says, "I presume that the Vice-President, in the absence of legislation, might count the votes," &c., and he goes on to say, the two Houses are present to witness whether they are correctly counted. Even he in his obiter dictum recognizes the fact that it was the two Houses that had to ascertain whether the votes were genuine votes and correctly counted. He regarded, as all intelligent men regard, the mere tabulation, the mere counting of the votes,

gent men regard, the mere tabulation, the mere counting of the votes, as a formality of no consequence whatever.

The point was far more serious than the mere tabulation of the votes. There was involved, first of all, the eligibility of the candidate for President. There was the fundamental question, whether he was a foreign-born citizen or a native-born citizen; that had to be ascertained. There was then another question, before the final question of the count, or rather a question which came before the count, which made it impossible to finish the count before it was settled: that was the question whether the elector was qualified. There tled: that was the question whether the elector was qualified. There is to be a count of electoral votes.

is to be a count of electoral votes.

There is a provision in the Constitution that no member of Congress shall be eligible as an elector. Now, if a State has voted for a member of Congress as an elector, and that fact appears upon opening the certificate, who doubts that such member of Congress would be held as disqualified to act as elector? Who dares say, if he have any respect for his judgment, if he have what I call a public conscience, if he desire to discharge honorably his duty—who dares say that the vote of a member of Congress as an elector can be counted? Therefore there is the question of the eligibility of the candidate for President, and there is the question of the amplification of the elector to dent, and there is the question of the qualification of the elector to

dent, and there is the question of the qualification of the elector to be settled before you can count the vote. A member of Congress voting as an elector would be a "goat" and not a "sheep," and therefore his vote would not be counted by the gentleman from New Jersey or the gentleman from Virginia.

This twelfth amendment of the Constitution, which imposes upon the House of Representatives the duty of electing a President, if it shall appear on the count that no one of the candidates has received a majority of the votes, also imposes, as I said a little while ago, though it is not expressed in totidem verbis, another duty. It expressly stipulates what the House shall do in certain contingencies, and I say it is conclusive that the House must judge whether that and I say it is conclusive that the House must judge whether that contingency has occurred, and the House cannot judge without it

verilies every vote.

Mr. ROBINSON. Will the gentleman permit me to ask him a question ?

Mr. McLANE. Certainly.
Mr. ROBINSON. I understand the gentleman from Maryland to take the strong, open ground that the Constitution expressly gives the two Houses of Congress the authority to count the vote. Is that

Mr. McLane. The gentleman from Massachusetts [Mr. Robinson] will not forget that when I referred to my friend from New Jersey [Mr. Robeson] I said that I was dealing with the two exceptions he made; where the power was expressly granted, as in the case of impeachment, and where it is reasonably deducible from a power that

peachment, and where it is reasonably deductive from a power that is granted.

Mr. ROBINSON. The reason I put the question is that I noticed in the remarks of the gentleman from Maryland yesterday that he said that the power was expressly conferred by the Constitution upon the two Houses to participate in the count. I noticed that remark yesterday, and I see that it is in the RECORD of to-day unchanged.

Mr. McLane. So it is.

Mr. ROBINSON. Now I want the gentleman to point to the lan-

guage of the Constitution which confers that power; not from which it can be implied or inferred, but which expressly confers that power.

Mr. McLANE. This will be a very unsatisfactory issue between the gentleman from Massachusetts and myself if by the word "express" he means that I shall find particular words which to his mind

will express the idea.

Mr. ROBINSON. Is not that the ordinary understanding of an express declaration? Is it not different from an implied declaration or an inferential declaration? That is all I mean.

Mr. McLANE. The ordinary rule is this, universally admitted, that you shall take words and phrases in their true sense, in their true signification; that when you come to construe a law you shall construe it reasonably and intelligibly, and you shall take what you believe to be on your conscience a fair interpretation of the words and

phrases.

Mr. ROBINSON. Is that anything more than inference or implication construction? Suppose the Constitution said, "the vote shall then be counted by him;" that would be express. If it said, "shall be counted by them," meaning the two Houses of Congress, that would be express. But when it says, "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted," I want the gentleman from Maryland to state how that signifies in express language that the counting shall be done by the President of the Senate or by the two Houses. That may be the inference.

Mr. McLANE. I am only sorry that my answer involves a repetition of what I have already stated.

Mr. ROBINSON. I am sorry to interrupt the gentleman, but I know we are discussing this question not as partisans but as lawyers, to ascertain the facts.

Mr. McLANE. I can only repeat what I have said. When I take

yers, to ascertain the facts.

Mr. McLane. I can only repeat what I have said. When I take the twelfth amendment of the Constitution I find certain specific sentences. I find "who shall be eligible as President;" I find "who has the qualifications necessary to be an elector." I also find in it sentences indicating who shall vote and how they shall authenticate and certify their votes. I find in it to whom they shall send their certificate; and I find in it the day fixed when the officer to whom the certificate is sent shall open it. I will stop just here to say that the most violent outrage that could be committed upon this or any instrument would be to add to it anything at all, any word or any idea beyond the power granted; and therefore I say to the gentleman from New Jersey.—I do not know how my friend from Massachusetts would treat this question—that when you read that the Vice-President shall open the votes and then presume—Chancellor Kent uses that word "presume;" he is not afraid to acknowledge his presumption—when, having read the word "open," you then presume to say that the same officer shall also count, it seems to me the most extravagant and exaggerated mode of construing statutes or fundato say that the same officer shall also count, it seems to me the most extravagant and exaggerated mode of construing statutes or fundamental laws that I ever heard of. The difference between us will, in my judgment, come after that; and it comes to the point to which the gentleman from Massachusetts addresses himself. I do not understand him now to occupy the position that the Vice-President can do anything more than open the certificates. Whatever he may think on this question he will take his own time to express it.

Mr. ROBINSON. Let me say here (though it is not essential in this connection) I do not take that position at all. What I maintain is that the power is not expressly given to either.

Mr. McLane. I understand the gentleman does not take that position, and I do not mean to put it upon him. I know that this power is not given to the Vice-President; and I know that it is a most violent presumption, whether it comes from Chancellor Kent

most violent presumption, whether it comes from Chancellor Kent or the honorable gentleman from New Jersey, to suppose that because the Constitution permits the Vice-President to open the certificates, therefore he is authorized to count the votes. God only knows where we might be carried by such a rule of construction as

Now to the gentleman from Massachusetts I say that the twelfth Now to the gentleman from Massachusetts I say that the twelfth amendment, having provided that the Vice-President shall open the certificates, goes on and provides that the votes shall be counted, and that if no candidate has a majority of the whole number of electors appointed, then the House of Representatives shall elect a President. Now in that phrase I find the obligation of the House of Representatives to know whether anybody has a majority, and that to obtain that knowledge the counting and verification of the votes is an absolute necessity. How does my friend from Massachusetts gainsay that?

say that?
Mr. ROBINSON. It seems to me, if the gentleman wants me to answer now

Mr. McLane. I do. Mr. ROBINSON. The gentleman omitted unintentionally one little

Mr. McLANE. No, sir.
Mr. ROBINSON. Unintentionally the gentlemen omitted one little
word—the word "then." The provision is, "the votes shall then be counted."

Mr. McLANE. And I omitted another word—"immediately"—
"the House of Representatives shall choose immediately the President" and the counting of the votes and the contingent action of Mr. McLANE. the House are simultaneous.

Mr. ROBINSON. Now I want to state the conclusion of the mat-

ter, as I see it. Suppose that the two Houses are assembled in this Hall; suppose that the President of the Senate opens the certificates and lays them before the two Houses. They are to be opened in the presence of the two Houses; and then, in that presence, the votes shall be counted, the two Houses shall then know the result of that count, the declaration, if there be one, being made in their presence; and then immediately they shall, if necessary, proceed to discharge the duty devolving upon them. It does not require even an announcement. The two Houses are present designedly in order that they may know the result, and they are bound to know it. As to the question who shall count, it does not signify anything that the two Houses are there and in a certain contingency are to take immediate action. My friend strains the point I submit to him, (I only make this remark in order to bring him out if he will bear with me,) he strains the point when he says that because the Houses, being present and informed of the result, have, in case there is no election, a certain duty to perform—

Mr. ROBINSON. I deny the assumption that because the two-Houses have a subsequent duty to perform they also have a prior

duty.

Mr. McLANE. That is not what I said. I stated that the one duty could not be performed without the performance of the other, the varification of the votes.

could not be performed without the performance of the other, the count including the verification of the votes.

Mr. ROBINSON. That is the inference as it comes to my mind.

Mr. McLANE. I want the gentleman's attention and I want his answer on this point. I say that the twelfth amendment of the Constitution, in imposing upon the Vice-President the duty of opening the certificates, proceeds thus:

certificates, proceeds thus:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.

Now, what I contend is that this language imposes upon the House an absolute necessity to count and verify the votes. That is my position, and that is the position which the gentleman from Massachusetts must deal with. The question is not a matter for his caprice or for mine. The question is what the English language means. And this is a power which cannot be delegated. It is a power which the two Houses must absolutely exercise. "Then"—that is the word the gentleman used—then and there, if there is no election, the House immediately proceeds to elect a President and the Senate elects a Vice-President.

Vice-President

The point I make to the gentleman from Massachusetts and the The point I make to the gentleman from Massachusetts and the gentleman from New Jersey is that there is no other reading of the twelfth article which gives sense. Why, Mr. Speaker, I am absolutely amazed that a gentleman of the high intelligence and high standing in public life of the gentleman from New Jersey should undertake in the face of this House to talk about bad precedents for five years on this question, that he should endeavor to escape from Abraham Lincoln's message and yet bear on his shoulders the weight of those illustrious men who themselves gave us this Constitution, themen who framed it, the men whose deliberations created the country, the men whose deliberations resulted in this bond, this fraternal tie, this Constitution which I have always regarded not only as fraternal. this Constitution which I have always regarded not only as fraternal, but, as the gentleman from New Jersey has said, as a matter of conscience and of honor to be taken for precisely what it means, recognizing that the rights of the States and the rights of the General Govnizing that the rights of the States and the rights of the General Government are all to be made subordinate to the true spirit and letter of that organic instrument. I can point to an uninterrupted series of precedents from the foundation of the Government to the present day, through the action of the eminent statesmen who framed the Constitution, an humble follower of whom only was Abraham Lincoln. He took no new departure when he told the two Houses of Congress it was their duty to count the electoral votes, and that they ought not to bring him into the question at all. He was then only following the lights which had preceded him. And does the gentleman from New Jersey feel he must extricate himself from the bad five years which seem to harass him so, and yet can but himself in the attitude of open seem to harass him so, and yet can put himself in the attitude of open

seem to harass him so, and yet can pat himself in the attitude of open defiance to every precedent and every count of the electoral vote but one known to the history of this country.

Why, sir, it is impossible to pass it over unless it is taken as a very loose and very personal sentiment and opinion. I am very sure but few of his associates make themselves unhappy about carrying the weight of the precedents and responsibilities of those five years. I am very sure few of those upon whom he is obliged to lean, not only in the administration of the executive branch of the Government, but, I am sorry to say, in the future of this House, very few of those gentlemen show any disposition to acquit themselves of the responsibility of those five years. On the contrary both the President who was inaugurated in March, 1877—and I call him the President because I do not feel that I need be nice; he is at least the prima facie or de facto President, to follow out the argument of the gentleman or de facto President, to follow out the argument of the gentleman from New Jersey—but both that President and the President-elect have left us in no doubt that they are ready to adhere to all those bad precedents. They know very well, as the gentleman from New Jersey does, that all legislative power is vested in Congress, and that all judicial power is vested in the Supreme Court and such inferior courts as may be established by Congress, and they are ready, as he is, to avow their fidelity to that instrument, but they admonish us that although this Constitution leaves to the States the creation of electors who create the Legislature, they are ready to interpose the power of this Legislature to supervise and protect those electors and trample upon the authority and power of the several States upon whom the Constitution confers the right to create, supervise, and protect them.

If there is one point upon which they are more united than any other it is that they should again to-day revive the experience of those five years by taking charge of these electors. What is to become of this country if gentlemen who avow their submission, their patriotic obligation and attachment to the Constitution, can talk of protecting and supervising electors created by the States to elect the National Legislature?

Now this whole greation of the presidential count is part and par-

National Legislature?

Now, this whole question of the presidential count is part and parcel of the rule of construction which prevails on the other side. And I refer to it with no view at all of being disagreeable to the other side, but because I want to commune with my own friends on that point. I want to say to them, Mr. Speaker, that I find in that my hope for the future, knowing on that side of the House we have honorable gentlemen who in this matter of the electoral count mean to set the Constitution at defiance as they mean to set it at defiance set the Constitution at defiance as they mean to set it at defiance when they come to deal with the electors who elect the national Legislatures. I say in that I find my hope as a member of the oppowhen they come to deal with the electors who elect the national Legislatures. I say in that I find my hope as a member of the opposition. I will yet live to see my party in a majority if it will remain true to the Constitution on this question of counting the electoral votes as on every other question. And if the gentlemen on the other side choose to waste the time of this House by measures and means more or less discreditable until we come to the day when the electoral vote is to be counted, let them take the responsibility of that action. Let us await that day. When it comes let us take our seats and see that those votes opened by the Vice-President are genuine votes. Let us see that every elector is qualified, and let us take any step we please of inquiry and investigation to know whether those electors who have cast the votes are qualified electors. If, perchance, we should find, as was the case in 1877, that electors had voted who were not qualified, let us have the courage to refuse to certify or count such votes; and if we find, as was the case in 1877, the Vice-President opening a certificate where the votes alleged to have been certified were forgeries; if we find that an officer of a State, be he the governor or secretary of state, either by his own hand or by the hand of one of his creatures, forged the names of the electors and it is not a genuine certificate, then I hope we will have the courage now and forever to refuse to count such votes.

and forever to refuse to count such votes.

Not in this election of 1880 more than in every other election. Let us do as our fathers have done under similar circumstances, take our us do as our fathers have done under similar circumstances, take our seats when the Vice-President is to open the certificates, appoint our tellers, count the votes, and stand firm as honorable representatives of the people in the faithful discharge of our duty to certify to their genuineness as certificates, or to refuse to certify to them if cause is apparent, and if it appears that none of the candidates have a majority we should elect a President. I take occasion here to say, Mr. Speaker, that for one I have never known a man who did not regret having had occasion to vote for the electoral bill of 1877. I have never met one who did not regret the supposed necessity for it; but I look back with infinite satisfaction to know that whatever might have been the political clamor and fear of danger the democratic candidates for the Presidency in 1876 and 1880 believed it to be the duty of this House to count the votes, and if no man appeared to have a majority then to have elected a President under the terms of the Constitution. And I say further, Mr. Speaker, that I have never met a man in any part of this country, however humble in life, who did not feel that when we delegated that power and duty and responsibility to another tribunal that the responsibility was still with the House, and that if there was shame or dishonor in connection with that convention or tribunal that shame and dishonor reacted upon us. Therefore it is that I have never felt myself at liberty to denounce the tribunal. But I will never while I live give a vote to create another, and nothing, as far as I am concerned, can meet with more determined opposition than the preposition of the gentleman from New Jersey seats when the Vice-President is to open the certificates, appoint our and nothing, as far as I am concerned, can meet with more determined opposition than the proposition of the gentleman from New Jersey that we should create some such tribunal. There is no tribunal that he can suggest, other than the two Houses of Congress, that I would accept. I believe, sir, that to be the express command of the Constitution. I believe that to be the real sense and spirit of the twelfth amendment of the Constitution.

amendment of the Constitution.

Mr. Speaker, it was not my intention to have consumed so much time in this discussion, and I beg pardon for having occupied the attention of the House for so long a time upon this point, because in 1877 the same point was presented and elaborated in a manner that I have never heard surpassed by the honorable chairman of the Committee on the Judiciary, Mr. KNOTT. I am going over an argument which he made on that occasion and to which I listened with profound attention, though not a member of this House at the time. I sat in the seat now occupied by my friend from Indiana while the chairman of the Committee on the Judiciary delivered his speech. Then, sir, I had the mortification of hearing, as he sat down, the honorable gentleman from Ohio rise in his place and move the report from the joint committee of this House and Senate creating the tribunal known as the electoral commission. I felt then and I feel now

that the seat of power was in this House. To-day I deeply regret that the House did not exercise it. I refer to it now, sir, because I think we are approaching the same crisis that we had to meet in that election. I think as gentlemen on the other side continue their manifestations of hostile spirit with more or less civility, because this side of the House must have noticed the difference of tone in which the subject was treated by the honorable gentleman from Ohio and the gen-tleman from New Jersey, they will be unwilling to accept any adjustment of the question.

ment of the question.

Such a crisis is altogether unnecessary, for, except in the case of a State that voted for Hancock, there is no question in any State. There is a question as to the vote of the State of Georgia, and, of course, so far as I am concerned as an individual, whatever opinions I may entertain or have expressed to-day which embarrass me in voting to receive the electoral vote from that State shall be logically applied. I shall hope to relieve myself, however, for I can conceive of no more disagreeable duty than to exclude the vote of a State. If there is anything more disagreeable—indeed I may say detestable—than rejecting the vote of a State without good cause it would be to If there is anything more disagreeable—indeed I may say detestable—than rejecting the vote of a State without good cause, it would be to count the vote of a State in opposition to its own expressed choice. That is the great crime of the period. That is the crime of the republican party. They have voted two States against the wishes of the people as expressed in the constitutional way. They have permitted perjury and forgery as a mode of securing and certifying votes, and that crime, I hold, is greater even than the crime of refusing to receive the vote of a State without just cause. Therefore, Mr. Speaker, if I should come to the conclusion that I cannot receive the vote of the State of Georgia, I shall do it with the utmost regret and feel that I must have unanswerable warrant in the facts of the case. But that is the only State in which there is or appears to be any dif-But that is the only State in which there is or appears to be any difficulty. The States have all voted at the proper time, and there is no pretense anywhere that there is any reason why the votes which have been cast for General Garfield shall not be counted. If, then, gentlemen, in the face of these facts, stand here and endeavor to give the Vice-President the power to count the vote himself, it is a direct attempt at usurpation that looks to the future, and there is no legislative action that is not justifiable to defeat that purpose. What would become of this country if the republican party were able at the next election to count the votes?

Mr. CALKINS. Will the gentleman allow me to ask him a question?

Mr. MÅLANE. Vos sir

Mr. McLANE. Yes, sir,

Mr. CALKINS. I think I must have misunderstood the gentleman. I understood him to say that he was satisfied that the judicial power to count these votes rested entirely in this House under the Constitution.

Mr. McLANE. Yes, so far as it is a judicial power.
Mr. CALKINS. Now I want to ask the gentleman whether it requires the concurrence of the Senate and the House to reject the vote of any State, or whether either House can reject a vote; because I understood the gentleman to say that the power resided in this House.

Does he mean that?

Mr. McLANE.

Mr. McLANE. I mean that it resides in the two Houses. I am glad that the gentleman from Indiana has asked me the question, because it enables me to call the attention of the gentleman from because it enables me to call the attention of the gentleman from New Jersey [Mr. Robeson] to his criticism on this resolution yesterday. He claimed that it made this distinction, that it required two Houses to concur in rejecting a vote where there was only one return, whereas one House could reject it if there were two returns. There is no such thing in the resolution. The resolution requires the concurrence of the two Houses to reject or to receive.

Mr. ROBESON. If it requires the concurrence of two Houses to receive a vote, then one House can reject it. One declining to receive will reject.

Mr. McLANE. That is a mere play upon words.

Mr. ROBESON. It may be a play upon words, but it is not child's

Mr. McLANE. It is child's play too. This resolution provides in one paragraph if there be only one return there shall be no vote counted without the concurrence of the two Houses. The next paragraph is as follows:

If more than one list of votes of electors from any State, or paper purporting to be such list, has been submitted to each House for its decision upon objections made thereto, and it shall appear that the Houses have not concurred in receiving either of said lists as the authentic and lawful list—

Then neither shall be counted.

Mr. ROBESON. If one House refuses, then one House rejects.

Mr. McLANE. I think it is impossible for the English language to Mr. McLane. I think it is impossible for the English language to make it more plain. You cannot reject a vote of a State, even where you have two returns, unless both Houses agree, though the failure to agree results from one House rejecting one certificate and the other House rejecting the other; and you cannot count the vote of a State where there is only one return unless both concur in receiving.

Mr. NEWBERRY. Now, suppose under the very clause the gentleman has just read there are two lists, and the Senate rejects one and the House the other, can neither be received?

Mr. McLane. No, sir.

Mr. NEWBERRY. In that case they do not concur.

Mr. McLane. Certainly not.

Mr. NEWBERRY. Both Houses have not concurred in rejecting either list.

either list.

Mr. McLANE. The Senate has rejected one, and the House has rejected the other. That is the case the gentleman puts, and it is one

Mr. NEWBERRY. Yes, sir. If one of them is the original list, it is ruled out of the count by one House alone.

Mr. McLANE. The gentleman says "if"—

Mr. NEWBERRY. You cannot avoid that conclusion.

Mr. McLANE. Suppose it is the original list. The point I make is, you must have the concurrence of two to count any vote. That is

my position.

Mr. CASWELL. Who will count the vote if both Houses do not

Mr. McLANE. The gentleman from Wisconsin has listened to me with very little attention if he does not understand you cannot count any vote unless both the Senate and House concur. And for this reason, that both the Senate and House are obliged to perform a duty if no-body is elected; and it would be a most extraordinary state of things

body is elected; and it would be a most extraordinary state of things if you had it any other way.

This resolution is drawn upon the theory that I have given to-day of this twelfth amendment of the Constitution; and it is that the Senate shall elect a Vice-President and the House shall elect a President, the one in case no President is elected and the other in case no dent, the one in case no President is elected and the other in case no Vice-President is elected. Very well, then, both must concur; both must verify the list. You cannot have a Vice-President elected by the Senate without that, or a President elected by the House; and the Senate, therefore, must act with the House before any vote can be declared genuine. That is the effect of this resolution, and it is a statesmanlike resolution.

And I will say more. It is precisely the same resolution that my honorable friend was not afraid to carry on his shoulders as a precedent, in the joint resolution of 1841; and if he had read Kent with the attention that was due that eminent jurist he would have found that though Chancellor Kent presumed for himself that the Vice-

that though Chancellor Kent presumed for himself that the Vice-President might count the lists, yet, in a note to his disquisition, the information is given that in 1841 Congress passed a joint resolution providing that the Senate and the House should count.

Mr. ROBESON. Will the gentleman permit me to interrupt him a giral a represent.

single moment?

Mr. McLane. Yes, sir.
Mr. ROBESON. Without discussing the legal question involved in the opinion of Chancellor Kent, I desire to bring my friend back

to the resolution itself.

Mr. McLANE. All right.

Mr. ROBESON. I find on the fifth page of the printed resolution this proposition:

If but one list of votes of electors has been submitted to each House for its decision and it shall so appear that the Houses have not concurred in rejecting said list, the same shall be received.

Then under that provision and under those circumstances it requires the joint action of both Houses refusing to receive a vote to throw it out, does it not?

Mr. McLANE. That is right. Now, your question on the second

Mr. ROBESON. I find on the same page a second proposition:

If more than one list of votes of electors from any State, or paper purporting to be such list, has been submitted to each House for its decision upon objections made thereto, and it shall appear that the Houses have not concurred in receiving either of said lists as the authentic and lawful list, they shall each be declared by the President of the Senate, in the presence of the Senate and House of Representatives, as being rejected.

Then under that clause it requires the action of only one House to

Then under that clause it requires the action of only one House to reject a vote, does it not?

Mr. McLANE. No; not exactly.
Mr. ROBESON. Does not the first proposition require the action of both Houses to reject?

Mr. McLANE. Yes; I have already said so.
Mr. ROBESON. And does not the second proposition require the action of only one House to reject?

Mr. McLANE. No; it is the failure of the two Houses to concur, which is produced by the refusal of one to count.

Mr. ROBESON. And if it be a constitutional power, can it be a constitutional power living under one set of circumstances and dead under another? under another

Mr. McLANE. Oh, no; not at all. It is dead under neither when there is a concurrence of the two Houses.

Mr. ROBESON. Can it be a constitutional power and duty which is obligatory upon the two Houses when there is but one list, and yet the duty be taken away from them when there are two or more lists?

That is the question.

Mr. McLANE. Now the gentleman from New Jersey is coming down to a question of style, if it be not the play upon words. And although this House does not often resort to a committee on style, I am very free to say that it might do so with great profit and advantage, and many of our State Legislatures are more considerate in that regard

The only force there is in the observation of the gentleman is a criticism of style. He would endeavor to make it appear that this second paragraph enables one House to reject, because of the expression "and if it shall appear that the two Houses have not concurred in receiving either of said lists" then no vote shall be counted. Now, what is that but the proposition that no vote shall be counted.

except by the consent of the two Houses? That is the meaning of

Mr. CALKINS. Right there, a moment, in order to make it plain.
Mr. McLANE. It is very easy to make it plain, if it is not so now.
Mr. CALKINS. Take the case of Georgia, for instance, by way of
illustration, not that it is of any importance.
Mr. McLANE. That is a case that is coming up.
Mr. CALKINS. Suppose that some one should object to receiving
the vote of Georgia, and the two Houses should separate for considering the matter, and the House of Representatives should declare
in favor of counting the vote of Georgia, and the Senate should declare against counting it.

clare against counting it.

Mr. McLANE. It cannot be counted if there are two returns.

Mr. CALKINS. Then the action of one House determines the

Mr. CALKINS. Then the action of one House determines the question of counting the vote of that State.

Mr. McLANE. It is perfectly true that as a matter of phraseology it appears that one House does reject. But as a matter of fact the reason the vote is not counted is because the two Houses have not concurred in receiving it. [Laughter.] One House by not agreeing to count prevents a concurrence. And here I want to ask the gentleman from Indiana how can you get non-concurrence except by one House refusing to concur?

Mr. CALKINS. I am not speaking of the philosophy of language.

Mr. CALKINS. I am not speaking of the philosophy of language,

but of the fact.

Mr. McLANE. I hold that the gentleman from Indiana is absolutely under an obligation to deal with the philosophy of language. He has undertaken to say that this paragraph permits one House to reject the vote of a State, whereas by the first paragraph the action of the two Houses is required to reject a vote. The language of the resolution does not express any other idea than that. One House, by not concurring, prevents the concurrence of the two Houses; and it is the failure of the two Houses to concur that causes the vote to be rejected.

[Here the hammer fell.]
The SPEAKER pro tempore, (Mr. SPRINGER.) The time of the gentleman from Maryland [Mr. McLane] has expired.

Mr. CALKINS. I ask unanimous consent that the time of the gen-tleman be extended, if he desires it.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland will

Mr. HUNTON. Will the gentleman allow me to ask him a question right there?

Mr. McLANE. Certainly.
Mr. HUNTON. I merely desire to say, in the direction of the illustration of the gentleman from Indiana, [Mr. CALKINS,] that it is palpable to my mind that there is no rejection or reception of an electoral vote under the joint rule now being considered, if it shall be adopted,

except by the concurrence of the two Houses of Congress.

Mr. CALKINS. Now, upon that point—

Mr. HUNTON. I have not said anything yet to which there can be a reply. When I come to that point I will give way to my friend with great pleasure.

Mr. CALKINS. Probably I can anticipate what the gentleman is given a representation.

Mr. CALKINS. Probably I can anticipate what the gentleman is going to say.

Mr. HUNTON. I do not think the gentleman can anticipate it.

Mr. CALKINS. I know it takes a smart man to anticipate what the gentleman from Virginia [Mr. HUNTON] may say.

Mr. HUNTON. When I have said anything to which the gentleman from Indiana can reply, I will yield to him with great pleasure. But I say that the joint rule under discussion provides, as my friend from Maryland has argued so well, that no vote shall be received and no vote rejected except by the concurrent vote of the two Houses. This is proposed as the rule of both Houses of Congress; it is a joint rule, and therefore it is the declaration of the concurrent action of the two Houses of Congress. If either House objects to the reception of a vote under the circumstances there dejects to the reception of a vote under the circumstances there de-clared, then the two Houses, speaking through the joint rule, reject that vote; and, on the other hand, if neither House objects to the vote coming in, then the two Houses, concurrently speaking through the joint rule under discussion, declare that the vote shall be re-ceived. So that nothing can be done under the operation of this joint rule, if it be adopted, except by the concurrent action of the two Houses of Congress. There is no escape from this, if you will allow me to say so.

me to say so.

Mr. CALKINS. Now I supposed the gentleman was about te say just what he has said. I had anticipated correctly what he was going to say. I think I can state it more briefly than the gentleman has. If there is anything that is admitted in the construction of this rule by all, it is that if a member in the joint convention objects to the counting of the vote from a State, and the Houses separate, and upon a vote one House assents to its being counted and the other dissents, that vote is not to be counted under the language of this rule.

Mr. HUNTON. Of course.

Mr. CALKINS. New we agree on that. But the gentleman says that of course if both Houses agree in reference to counting the vote, it will be counted; and if both agree that it shall not be counted,

it will be counted; and if both agree that it shall not be counted, then it is not to be counted. Now, what does that add, by way of illustration, or in any other way, to the point under discussion? The fact remains that if one House votes that the electoral vote of a State

shall not be counted under the conditions enumerated, it is not to be

shall not be counted under the conditions enumerated, it is not to be counted. You may philosophize as much as you please; that is the result. You may talk of the language as much as you please, it amounts, as the gentleman from Georgia says, to the action of one House rejecting the electoral vote of a State.

Mr. HUNTON. Was my friend never in a meeting where one portion of the meeting agreed to be bound by another?

Mr. CALKINS. I have some recollection of such a case.

Mr. HUNTON. I presume so; and this is a similar case. The two Houses of Congress, acting for the purpose of counting the electoral vote, agree by the concurrent action of the two Houses in adopting a rule that in given circumstances we shall agree upon a certain result. It is a mere mode of arriving at the concurrent agreement of the two Houses; and that mode is prescribed in this rule. Have we not a Houses; and that mode is prescribed in this rule. Have we not a

right to do that?

Mr. CALKINS. I am not discussing what right we may have; I am discussing the effect of the rule. When we come to the question

am discussing the elect of the rule. When we come to the question of right, I have something else to say.

Mr. HUNTON. As I understand the nature, operation, and effect of this joint rule, it prescribes the mode by which the two Houses can come to a concurrent agreement upon every question which can arise in connection with the count.

Mr. McLANE. Before this controversy goes further, I wish to say that I inadvertently made, in reply to the gentleman from Indiana, [Mr. Calkins,] an admission which I want to correct. When the gentleman suggested the case of Georgia to me, I was dealing with the second paragraph, following out the suggestions of the gentleman from New Jersey; and in reference to that paragraph I had not the State of Georgia in my mind. I want the gentleman from Indiana to observe that if we refer to the State of Georgia at all, we refer to it in view of notorious facts.

Mr. CALKINS. Certainly; by way of illustration I referred to Georgia as if it came under the second clause of the rule.

Mr. McLANE. The State of Georgia comes up with one return; therefore that State does not come under the second paragraph at all.

Mr. CALKINS. That is true. Mr. McLANE. The State of Georgia comes under the first para-

graph.

Mr. CALKINS. That is true.

Mr. McLANE. I only wanted to make this correction.

Mr. CALKINS. I was arguing, however, simply by way of illustration, as if two returns had come from Georgia.

Mr. HUNTON. I want my friend from Indiana to address his attention to this point—that the object of a joint rule on this subject is to establish a mode by which the concurrent agreement of the two Houses shall be arrived at.

Mr. CALKINS. I was not discussing that proposition at all. Of course I have my own view on that subject.

Mr. HUNTON. I am discussing the point with reference to the illustration the gentleman gave awhile ago.

Mr. CALKINS. I was only discussing it with regard to the lan-

guage of the rule.

Mr. HUNTON. So am I. We do not differ about that. guage of the proposed rule prescribes a mode by which the concurrent action of the two Houses shall be arrived at on every subject. Now this rule, if adopted, is adopted by the concurrent action of the Now this rule, it adopted is adopted by the concurrent action of the two Houses; and the effect of this concurrent action is that we concur in the declaration and agreement that if when the votes for President and Vice-President are being counted there are two sets of certificates before the two Houses, neither certificate shall be counted unless the Senate so agrees and the House also agrees.

Mr. ROBINSON. In other words, as you understand the meaning of the rule, we concur in declaring that if the two Houses have disagreed they have agreed.

Mr. HUNTON. No, sir; the gentleman may so construe it; but I do not think any other man would.

do not think any other man would.

Mr. ROBINSON. Then I shall have that honor.

Mr. HUNTON. It is a distinguished one, and I will not rob the gentleman of it.

Mr. ROBINSON. And I would not have you.

Mr. HUNTON. Instead of that being the construction of the rule
as I maintain it, the construction is that we both agree that the joint as I maintain it, the construction is that we both agree that the joint rule prescribes unless the two Houses can agree one of these two is the proper certificate then neither ought to be received.

Mr. ROBINSON. That is my idea exactly. The gentleman has got my idea; and I protest against the gentleman from Virginia taking my thunder. [Laughter.]

Mr. McLANE. That shows what a play upon words it is.

Mr. HUNTON. When this electoral bill was before the House for

adoption—which has been criticised by my friend from Maryland; and we do not differ about it at all—when that bill was before the two Houses of Congress a constitutional difficulty arose about taking two Houses of Congress a constitutional difficulty arose about taking away from the two Houses the right to count the electoral vote, and those gentlemen who were here and listened to the debate will recollect that was the great difficulty in the way of most gentlemen on this side of the House who finally voted for that bill. Their constitutional difficulty was solved by the fact the bill finally said the two Houses of Congress might by concurrent action reject a decision of the electoral commission. That being in the bill, it was supposed to be constitutional, because the right to decide the question still rested

with the two Houses of Congress, and the electoral commission was

with the two Houses of Congress, and the electoral commission was only a mode to get at the points to be presented to the two Houses. That was the ground upon which that bill was passed.

Mr. CALKINS. I do not understand that was the universally accepted ground upon which it was passed, but that that only satisfied the mind of those who believed this House ought to count the vote.

Mr. HUNTON. I did not say it satisfied everybody.

Mr. CALKINS. So I understood the gentleman. That is the ground upon which it was finally acceded to by those who had scruples on the subject of delegating the authority to any other body.

Mr. HUNTON. I do not say that was the influence which operated upon the minds of all gentlemen.

Mr. CALKINS. I radically differ from the gentleman with reference to this House having any power at all to decide any judicial or quasi-judicial question involved in the count.

Mr. HUNTON. Did not the gentleman vote for the electoral bill?

Mr. CALKINS. I did not; but I do not know but what that was the better plan to get out of the difficulty then existing.

Mr. HUNTON. Did not the gentleman vote for it?

Mr. CALKINS. I was not in the House at the time it passed.

Mr. HUNTON. I beg the gentleman's pardon.

Mr. CALKINS. If I had been in the House, I think I probably should have voted for the bill.

Mr. HUNTON. If the gentleman had been in the House and had

Mr. CALKINS. If I had been in the House, I think I probably should have voted for the bill.

Mr. HUNTON. If the gentleman had been in the House and had voted for the bill, it would have been a direct and emphatic acknowledgment of the right of the two Houses of Congress by concurrent action in the shape of a bill to regulate the count of the electoral vote.

Mr. CALKINS. Allow me to say a word in reference to what ground I should have placed it upon. There was a necessity which had arisen which had to be met by the conservatism of members— Mr. CALKINS.

Mr. HUNTON. That is the objection I have to that side of the

House

Mr. CALKINS. If the gentleman pleases, let me complete my suggestion. My judgment is that when this clause in the twelfth article of the Constitution was adopted the questions which have since arisen, and which had to be practically settled, were not in the minds at all of the framers of that instrument. It may be justly said these questions which have since arisen for settlement were omitted case, and in the general score of Congress to carry out the powers and and in the general scope of Congress to carry out the powers and duties under the Constitution the House and the Senate had the right to legislate and create, if you please, a tribunal to settle judicial questions coming up with reference to the electoral count, as to

cial questions coming up with reference to the electoral count, as to-qualification, forgery, or anything else.

Mr. HUNTON. I was about to say that is one of the main objec-tions I have to the other side of the House, that whenever they want to do anything which is plainly prohibited by the Constitution, then they allege a great necessity has arisen to override the Constitution. Now, sir, I believe the Constitution is the charter by which we are to guide our action, and if a thing is not in the Constitution, we have then no right to do it, no matter what the necessity may be.

Mr. CALKINS. I do not mean—

Mr. HUNTON. I do not wish, Mr. Speaker, to trespass longer upon the time of the House. I only desire to say, if this rule be adopted as a joint rule of the two Houses of Congress, everything that is done under it has the concurrent action and support of the two Houses

a joint rule of the two Houses of Congress, everything that is done under it has the concurrent action and support of the two Houses.

Mr. CALKINS. But before the gentleman takes his seat I want to say that it is not my opinion that the House possesses the power as a matter of necessity, but that it possesses the power under the general provision of the Constitution, which gives to this House and the Senate not only the right, but makes it a duty to carry out by proper legislation all of its provisions. Hence a tribunal to decide these questions is legitimately an act of legislation.

Mr. HUNTON. That is all I maintain.

Mr. CALKINS. This resolution, however, is now presented, and is being pressed because of some supposed necessity for it.

We are simply quarreling here about a sentiment. It would not take ten minutes if we were out of the House to agree as to what ought to be done in the premises; but here we are simply wasting time and quarreling about what I may call a matter of sentiment.

Mr. COX. Will my friend allow me?

Mr. CALKINS. Certainly.

Mr. COX. We did not understand the gentleman's expressions overhere. He did not raise his voice as loud as he is in the habit of raising it. Did he say he would "override" or "upturn" the Constitution in an emergency of that kind?

ing it. Did he say he would "override" or "upturn" the Constitution in an emergency of that kind?

Mr. CALKINS. Oh, no! not at all.

Mr. COX. We were unable to hear what the gentleman said overhere. I would be glad if he would repeat his language.

Mr. CALKINS. Idid not say that I would upturn the Constitution or attempt to override it. My friend from New York has always been a great stickler for the Constitution. So have I: though we may differ as to what it means.

Mr. COX. We on this side understood the gentleman to say that in an emergency like the electoral commission of four years ago, or for some other great purpose, he would not be such a great stickler for the Constitution.

Mr. CALKINS. No, sir, I did not say that. I said this—

Mr. SPARKS. You said you would vote for a measure that would settle it which might be unconstitutional.

Mr. CALKINS. No; I said that the necessity of 1876 for some action made it imperative upon Congress to adopt some means to meet the difficulty. I believe that in the great conservative judgment of the delegates of the people there ought to be found some way out of all difficulties under the Constitution. That is what I said, and I am perfectly willing to aid in bringing about some measure that will accomplish what the Constitution requires to be done

under the present circumstances.

Mr. COX. Help us now, then, to adopt some conservative system.

Mr. CALKINS. And I say further, Mr. Speaker, and repeat what
I have already said, that in my judgment there is no necessity for
this quarrel; it is simply one of sentiment; that is all. If we would
lay it aside we could agree in ten minutes about what ought to be done.

I hope the gentleman will indicate what he thinks Mr. COX. I hope the gentieman will indicate what he tilliks ought to be done. Please state what should be done to meet this difficulty, so that we can agree upon it or not. I want to see if we can agree upon what the cancus of last night—

Mr. CALKINS. I am not going to expose the secrets of the caucus for the benefit of my friend from New York. [Laughter.] I know he would like to get at them, but he cannot through me.

Mr. COX. We only want you to help us to adopt some conservations.

tive plan.

Mr. MILLS. With the consent of the gentleman from Maryland, I

would like to ask a question?

Mr. McLANE. Certainly.

Mr. MILLS. I understand the gentleman holds to the doctrine that no vote can be counted without the concurrence of both branches of the National Legislature. Now, the case in the bill under consideration where but one return comes up from a State, and the question is raised as to counting that, one House assents and the other House dissents, then the gentleman from Maryland agrees that vote cannot be counted. Now, sir, change the illustration from Georgia to New York. Say Georgia voted democratic and that the contest is over the State of New York; that the vote of New York, if counted for Hancock, would elect him; or if counted for Garfield, Garfield would be elected; or if not counted at all, Hancock would be elected. Now, when that question comes before the joint assembly of the two Houses, assume that the Senate will vote that the vote of New York shall be counted for Garfield, then you will agree that vote ought to be counted under this rule?

Mr. McLANE. That is what the rule says.

Mr. MILLS. Well, that is what the rule says, and then Garfield
must be declared elected as President of the United States. Now, must be declared elected as President of the United States. Now, another question. With much of your argument, which I think is just, I am willing to agree. But take this case: The House of Representatives is made the judge of the contingency, or when the contingency happens that no election has taken place, and when it must proceed under the Constitution to elect a President of the United States. Now, in that joint assembly the House of Representatives declares that the vote of New York is a fraud, and comes back into this House, or rather remains here where the certificates are opened, and proceeds to act, do you not have, then, by virtue of the con-struction you place upon the Constitution and this bill, two Presidents, both elected legally and constitutionally under the terms and

by the logic of your argument?

Mr. McLANE. No. sir; the election is under the twelfth section of the Constitution. You have a provision made for a President and for a Vice-President; these electors are to vote for both. Now, when these certificates come to be counted by the Senate and House, both Houses have a duty to perform, which cannot be performed, you will observe, unless there is a concurrence of action between them. Now, a contingency arises, and that is the same contingency for each. The Senate is to elect the Vice-President when that contingency arises, and the House of Representatives is to elect the President, if no person voted for has a majority of the votes. The obligation is upon both Houses, and they are therefore both required to concur in counting a vote. There cannot be a difference between the two Houses at the final issue. There may be before you reach the final issue; there may be an opinion on the part of the House that New York ought not to be counted, but the House has not the right to refuse to count the vote of New York without the concurrence of the Senate. Therefore, as the House cannot refuse to count the vote of New York without

as the House cannot retuse to count the vote of New York without the consent of the Senate, if the Senate does not give its consent the contingency has not arisen when the House is to proceed to elect.

Mr. MILLS. You place your argument upon the apex of the pyramid instead of the base. I hold the position to be a sound one, and the argument to be unanswerable, that the vote must be counted by the two branches of the National Legislature. I hold with the report and speech of the distinguished chairman of the Committee on the Indicipant the honorable gentleman from Kentucky [Mr. Kyorra] Judiciary, the honorable gentleman from Kentucky, [Mr. KNOTT,] and the able speech of my friend from Virginia, [Mr. Tucker,] on that question, that both Houses constitute the tribunal ordained by the Constitution to count the vote for President and Vice-President, and that both Houses must concur.

Mr. McLANE. Very well.

Mr. MILLS. Very well. If you say that both Houses will concur as to whether you have elected a President or not, both concur as to whether they have not elected a President, or both concur whether the House should proceed to the election of a President because

they agree that there is no election, there cannot under that construction arise the difficulty which you contemplate in your argument; whereas, if you allow the Senate and the House to act as you contemplate, and say that the votes shall be counted by one House whether the other House concurs or not, you impose upon the bill an objection to which I cannot give my assent; and on the occasion of the electoral commission bill, when that was before the House, I made a speech against it on the same ground that I am arguing in reference to this matter. reference to this matter.

Mr. McLANE. The difference between my friend from Texas and myself is precisely the difference that exists between the gentleman from Massachusetts [Mr. Robinson] and myself. But the gentleman from Massachusetts has solved the difficulty and come to a concurrence with myself and the gentleman from Virginia. It is exactly the same point. The non-concurrence is reached by the refusal of the one House. The non-concurrence is effected in that way. It might be in another way, but that is the way the non-concurrence occurs; and because of the non-concurrence the vote cannot be

Mr. MILLS. But your resolution does not say that.

Mr. McLANE. If that is not the correct view of the section, it certainly is the intention of the section, and that is why I say the argument so far as presented by the gentleman from Texas is a mere verbal criticism; it is a mere question of style. It strikes the gentleman is mind that because one House by not concurring prevents. tleman's mind that because one House by not concurring prevents a concurrence, therefore it is one House that prevents the vote being counted. But that is not so in truth. What prevents the vote being counted is the non-concurrence; and it is absolutely impossible to have it otherwise, since both Houses have this action to take in case of non-concurrence.

Mr. ROBINSON. I wish the gentleman from Virginia to notice that another gentleman in this House has taken my view.

Mr. SPARKS, (to Mr. ROBINSON.) He says you and the gentleman

from Virginia agree.

Mr. ROBINSON. Well, there are three of us, including the gentleman from Virginia.
Mr. MILLS. The resolution says this:

If but one list of votes of electors from any State has been so submitted to each House for its decision, and it shall appear that the Houses have not concurred in rejecting said list—

You put a double negative there; that confuses the ideathe same shall be received.

Mr. McLANE. I beg my friend from Texas to understand that we all agree as to the intention of this resolution. We all agreed perfectly on this side of the House that we proposed to have a concurrence of the two Houses, and we do not propose to count any vote where there is not concurrence.

Mr. MILLS. Then you will agree to an amendment to make that

Mr. McLANE. We will agree to an amendment if it be necessary. But I do not think I am called to consume more time in this verbal criticism.

Mr. SPARKS. Will the gentleman from Maryland allow me a moment 7

ment?
Mr. McLANE. Yes, sir.
Mr. SPARKS. This resolution contemplates that when there is a single return it shall be accepted unless the two Houses concur in rejecting that single return. That is correct, is it not?
Mr. McLANE. Yes, sir.
Mr. SPARKS. Then, if there is more than one return—if there be two returns—the resolution requires the concurrence of the two Houses in accepting. That is what the resolution provides, as I

Mr. MILLS. Now, suppose there is only one return from the State of New York, for instance

New York, for instance— Mr. SPARKS. The return from New York comes on some authority, and it is to be accepted unless the two Houses agree to reject. But if there be two returns from New York neither can be accepted without the concurrence of both Houses.

Mr. MILLS. We will suppose the vote of New York has been fraudulently made out in the interest of one set of electors; that the electors in whose interest that vote has been made out are in a majority in the Senate; that the party opposed to them are in a majority in the House of Representatives. That would be the same sort of thing we saw here four years ago. Now, when the question comes up before the joint assembly of the two Houses whether that vote of the State of New York shall be counted, the Senate will say it should be, because the vote is on its side of the question; the House will say it shall not be counted, the Senate will say it should be the question. shall not be counted, because it is against its side of the question. Under those circumstances, by this resolution this vote has to be counted, and the person for whom the vote of New York is counted is made President of the United States. But the law says the House is made President of the United States. But the law says the House must judge of the contingency when it occurs, that the constitutional duty is placed upon it to elect a President. It says there has been no legal election, and it proceeds to elect a President.

Mr. SPARKS. Will the gentleman allow me a moment?

Mr. MILLS. Yes, sir.

Mr. SPARKS. This resolution has nothing to do with the determination of the House or Senate that there is no election. This is a joint rule for counting the electoral vote. Now if the vote of New

York comes here properly certified, suppose the House accepts it and says it shall be counted and the Senate refuses and says it shall not be counted, the certification of the State bears something and the rejection of one House will not defeat it. The two Houses must concur in rejecting. That is a plain proposition, and I think it is

Now if there are two returns, which, if any, is to be taken? Suppose one House says that one shall be taken and the other says the other shall be. That defeats both. As the gentleman from Virginia has argued, I think very clearly, there must be concurrence as to which shall be taken. But where there is a single return coming certified from a State, that bears something, it is prima facic of itself, and the

concurrence of one House carries it.

Mr. MILLS. You cannot divest this House of the constitutional authority it possesses to elect a President of the United States when it determines the contingency happens provided for in the Constitution. Therefore, whatever provision you make for counting the vote tion. Therefore, whatever provision you make for counting the vote it should depend upon the concurrence of both Houses, so that there shall be no collision, no double Executive. So long as you leave it to be determined by one House against the will of the other, the Senate may declare that one person has been elected President and the House may proceed to elect another. But if you proceed upon the hypothesis that both Houses must concur in everything, then that contingency never can happen.

Mr. Mclank. The case as presented by the gentleman from Texas [Mr. Mills] is after all a question upon the phraseology of this resolution. We are perfectly of one mind as to what we intend to express, and that is the idea of the gentleman from Texas. We mean to express the idea that the two Houses have to concur in rejecting a vote or in receiving a vote. Upon that point there is no difference

a vote or in receiving a vote. Upon that point there is no difference of opinion I think on this side of the House. If these two paragraphs do not express that idea, then as a matter of course they ought to be

amended.

That is why I took it upon myself to say that it was a question of That is why I took it upon myself to say that it was a question or style, a play upon words. And in saying that it was a play upon words of course I mean no disrespect to any one. Being perfectly satisfied in my own mind that both paragraphs express the same idea, that both require concurrence, I am quite at liberty to treat the criticism as a play upon words. To my mind it is so, and I do not think it is possible to express more clearly than these two paragraphs do express the idea that the two Houses must concur to count a vote or to reject a vote.

Of course I must be excused; the House cannot refuse me the full-est possible indulgence for having taken up any time over my hour, because I had said everything I had to say at the close of my hour. If I have held the floor since, it has been out of courtesy to those who

desired to ask me questions.

Mr. LAPHAM Mr. Speaker, nothing but the importance of the question now under consideration would prompt me to occupy the attention of the House at this stage of the session with any remarks on the subject. In the course of some views submitted by me near on the subject. In the course of some views submitted by me near the close of the last session, when this concurrent resolution was under consideration, I ventured the prediction that the result of the then pending political canvass would be so overwhelming as to put to confusion the men who, in my judgment, were attempting to debauch the electoral count for party purposes by the processes of this concurrent resolution. That prediction has been verified, the result has been reached. It is conceded by our opponents on the other side of this House that the voice of the people has been so overwhelmingly expressed that no question can properly arise as to the counting of the electoral vote in February next. the electoral vote in February next.

the electoral vote in February next.

Why, then, I ask, is this question pressed at this time to the exclusion of the ordinary legitimate business of this House? There are fonteen hundred bills upon our Calendar, embracing much needed legislation. Why are the wheels of legislation blocked in order to consider this question at this time, when it is admitted that there is no necessity whatever for the operation of the extraordinary provisions of this proposed rule in the next presidential count? That there is lying behind all this some undisclosed purpose I am bound to infer from the pertinacity with which this matter is being pressed. Before another presidential election there will undoubtedly be either an amendment of the Constitution or a law of Congress, or both, covering this whole subject and there is no need of this rule as a preparaing this whole subject and there is no need of this rule as a prepara-

tion for the future.

What is the joint rule under consideration? In reference to the first, second, and the fifth sections of this concurrent resolution, no controversy can arise between members of this House. They are the customary provisions for the meeting of the two Houses for the purpose of ascertaining and determining the state of the electoral vote, and to those provisions there can be no possible objection.

But the third section of this joint rule is one which arrogates to the two Houses of Congress where there is but one return, and to either House of Congress where there is more than one return, the right to defeat the will of the people and to reject the electoral vote of a State. I am sure no man can read this language and give any other possible interpretation to its provisions than that which I have

Mr. Speaker, far less than a return will justify the political majority of this House if this rule shall be adopted in rejecting the vote of a State. "If more than one list of votes of electors from any State,

or paper purporting to be such list," &c., then either House may refuse to receive the vote of a State. What description of paper is referred to by this language? An official paper? Not at all. A paper certified by the governor and the secretary of state? Not at all. But a paper sent by the chairman of a democratic State committee will answer all the requirements of this provision, and justify the rejection of the chairman of a State.

tion of the electoral vote of a State.

Then, again, not to dwell longer upon this, for the mere statement of it shows its monstrosity, the last section is objectionable, for it provides that this rule, if adopted, shall stand until "by the affirmative action of one of the two Houses the same shall be vacated." to remain an unalterable law, unless there is the decision of one of the two Houses in favor of its repeal. This concurrent resolution comes here from the Senate with the avowal made on the part of the gentleman who has it in charge that there shall be no amendment whatever permitted to its provisions. We are compelled to vote upon it as it is, or to resort to such action as will save as from voting upon it in the form in which it has come to us, or else we cannot vote upon it

Sir, we accept this challenge. We are willing to meet this question and discuss it upon its merits. We are willing to justify ourselves in resorting to every expedient which is provided by the rules of parliamentary usage to defeat the accomplishment of this purpose. of parliamentary usage to defeat the accomplishment of this purpose. Now, if any question should be regarded as settled, judicially settled, in this country, it is the question determined by the voice of the leading statesmen of the country and by the decision of the electoral commission created by the Forty-fourth Congress, that there is no power anywhere in this House, in the Senate, in the two Houses in joint meeting, or in any tribunal which can be created by the action of the two Houses—to go behind the electoral return of a State. Such return comes to us under the Constitution clothed with absolute verity, and cannot be questioned. That is the whole theory of our verity, and cannot be questioned. That is the whole theory of our

verity, and cannot be questioned. That is the whole theory of our system; and that is the settled determination as to the law.

Now, this resolution authorizes in the broadest terms a transgression of this rule. It empowers either of the two Houses or both Houses to go behind the returns of a State to inquire into the regularity of the action of the electors in the State or of the people in choosing their electors, and for any conceivable cause to throw aside the return and reject the vote of the State. So that even upon the idea claimed that the two Houses are to be participants in the mere counting of the electoral vote those who advocate that doctrine can counting of the electoral vote, those who advocate that doctrine cannot stand up and defend the proposed resolution. It authorizes something more than counting. It authorizes the determination, as the gentleman from New Jersey well said yesterday, of grave judicial questions. It erects the two Houses of Congress into a tribunal cial questions. It efects the two Houses of Congress into a triumal to review the whole action of the States in the choice of presidential electors. It blots out of existence the power and authority of the States and substitutes for the will of the people as expressed at the ballot-box the will of a political majority in the two Houses of Congress as to who shall fill the highest offices in the gift of the people. There is no escape from this, Mr. Speaker; it is the inevitable result of the provisions of this resolution.

But, sir, I am here prepared to show, as I have endeavored to show on a former occasion, that the two Houses of Congress under the Constitution are in no sense participators in the mere counting of the electoral vote; and, at the hazard of repeating much that I have said on former occasions, I beg again to call the attention of the House to the history of the adoption of this clause of the Constitution and the contemporaneous construction which it received at the hands of its

framers

I find in the records of the convention that on the 4th of September, 1787, Mr. Brearly, from the committee of eleven, a committee appointed for the purpose of drafting a constitution, submitted a report in which the clause under consideration was framed in language which I shall read. It is the seventh subdivision of the clause in regard to the presidential election. I quote from Elliott's Debates, volume 4, page 172. It was reported in these words:

The President of the Senate shall in that House

That is, in the Senate-

open all the certificates, and the votes shall be then and there counted.

Nothing whatever was said in regard to the House of Representatives or the two Houses of Congress; but it was provided that the returns shall be sent to the President of the Senate, and the Presi-dent of the Senate shall in that House open all the certificates, and the votes shall then and there be counted; that is, in the Senate

Chamber. That was the first proposition.

On the 6th of September, in the same year, it was moved and seconded (I read now from page 177 of the same volume) to insert the words "in the presence of the Senate and House of Representatives" after the word "counted."

Now let us read it as thus amended:

The President of the Senate shall in that House open all the certificates; and the votes shall be then and there counted in the presence of the Senate and House of Representatives.

This amendment was adopted. That was the last action of the convention upon this subject, except that to which I will now refer. This was the last vote taken by the body, and it clearly contemplated—as clearly as the English language can express the idea—that the Senate and House of Representatives were to be present as mere witnesses of a transaction to be performed by some one else. The convention then appointed a committee on revision or style. On the 11th of September the convention met, but the committee on revision not having reported, and there being no business before the convention, the House adjourned. On the next day, the 12th of Septem-

Mr. HARRIS, of Virginia. I would like to ask the gentleman one

question at this point.

Mr. LAPHAM. Certainly.

Mr. HARRIS, of Virginia. The gentleman says that the two Houses of Congress sit as mere spectators of the count. Now suppose it should be obvious to the two Houses that the Vice-President had committed an error, must they sit and see that error go uncorrected? Have they no power even to make a suggestion by way of correction

Mr. LAPHAM. Undoubtedly they have power to make a suggestion, as I have power to make a suggestion when, while standing at the polls in my village, I see that the canvassers have made an

Mr. HARRIS, of Virginia. Suppose the Vice-President refuses to make the correction, where is the remedy?

Mr. LAPHAM. That is an unsupposable case. There is the very difficulty with all the suppositions which have been made here, as I hope to show before I get through.

Mr. DAVIS, of North Carolina. Will the gentleman allow me to

ask a question?

Mr. LAPHAM. Certainly.

Mr. DAVIS, of North Carolina. In 1876 the vote of Louisiana was counted here. As subsequently appeared there were forged names of electors in the certificate from that State. If the gentleman from New York had known at the time that those names were forged would he have been willing to sit here as a witness of the count without any power to object, without any authority in either the House or the Senate, or the joint convention of both, to prevent the

Mr. LAPHAM. I do not happen to have knowledge of the circumstance to which the learned gentleman is pleased to refer. I have never before heard that any such fact existed; I do not believe now

Mr. DAVIS, of North Carolina. This is the first time within the last two years that I have heard it denied that the name of Levissee and two of his associates were forged in the Louisiana return. Does the gentleman deny that those names were forged?

Mr. REED. Will the gentleman from New York allow me to answer that question?

Mr. LAPHAM. Certainly.

Mr. REED. Ido deny that any vote was counted which was forged. On the contrary, an examination of the case demonstrated to the committee which examined it, the committee of which Mr. Potter was the head, that the forged certificates were not the ones which were counted. On the contrary, the certificates which contained the undoubted and unchallenged signatures were the ones which were counted by the electoral commission and afterward by the two Houses

Mr. HARRIS, of Virginia. Who made the discovery?
Mr. REED. The gentleman from Virginia will permit me to finish. Mr. REED. The gentleman from Virginia will permit me to finish. I noticed, or thought I noticed, in the discussion yesterday some statement of that kind, but I did not catch it with sufficient distinctness

Mr. DAVIS, of North Carolina. Were not the first certificates re-

turned and never counted, on account of informality?

Mr. REED. I repeat what I said, that—

Mr. DAVIS, of North Carolina. Were they not returned, and was not a certificate of the governor of Louisiana sent here to a forged

Mr. REED. I will repeat what I said, that the certificate from Louisiana which was counted by the electoral commission contained

Mr. HARRIS, of Virginia. I desire to ask my friend a question.
Mr. REED. And that no man will dispute who has examined it.
Mr. HARRIS, of Virginia. Who discovered the forgery, and what became of the forged return?

Mr. REED. Now you want to go into a very wide discussion, which will not trouble my friend with.

Mr. LAPHAM. I do not wish the discussion to run on in that way.

Mr. Speaker, it is a little remarkable this monstrosity cannot be supported by gentlemen on the other side unless they assume either that some monstrous crime has been, or is about to be, committed in reference to the electoral vote. All their suppositions are of that character.

I come back now to the point as to the report of the committee on revision and style. It was made on the 12th of September, 1787. The clause will be found on page 191 of the same volume of Elliott's

Debates, and there it reads:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the vote shall then be counted.

So that it will be seen, for the purpose of having what was regarded a better form of expression, that the words "in the presence of the Senate and House of Representatives" were inserted after the word "shall," instead of being inserted after the word "counted," as the convention had voted they should be. The point is, does that make

any substantial difference with regard to the effect of this provision that in the presence of the Senate and House of Representatives these certificates are to be opened and the votes counted. They—the two -are described by this language still as mere spectators.

But, sir, if there were any ambiguity in this language, if something were needed to aid us in its interpretation we have it in the contemporaneous practice of the men who framed this Constitution. All the facts on that subject have been referred to in this debate by gentlemen who have preceded me, and it is unnecessary for me to dwell at length upon them. It is sufficient to say that the convention which framed this Constitution recommended to the Continental Congress that it should fix a day for the choosing of members of Congress under the new Constitution, that it should fix a day for the meeting of Congress, and that the Senate should choose a presiding officer—for what? For what, Mr. Speaker, I ask? For the sole purpose of receiving and counting the first electoral vote. I have the language here which has been repeatedly quoted and it is unnecessary for me to repeat it.

They recommended them to choose a presiding officer for this special purpose of receiving the votes as provided by the Constitution, and to count them. John Langdon was selected as President of the Senate for that purpose, and when the time came in the Senate Chamber and in the presence of the two Houses he did open the certificates and count the votes, and ascertained that Washington was elected President and Adams Vice President. He certified over his signature he had done all these things, and all these matters are recorded in our

Here, then, is a practical interpretation of the provisions of the Constitution in this respect, put upon it by the men who framed it, and this was the practice of counting the electral vote from that period until 1865. There was an attempt made in the year 1800, as it was anticipated there might be trouble in counting the electoral vote, to legislate on this subject. The effort failed by the disagreement of the two Houses, and the count of the electoral vote was conducted as it had been in the preceding years. The Vice-President counted the vote, declared the result, and signed the certificate, although he was himself in some cases one of the candidates before

the people.

It is important that I shall here call attention to a very significant fact, and that is that notwithstanding the discussion under the proposed legislation of 1800, and the difficulty in interpreting this very clause, as gentlemen now suppose, the amendment—the twelfth section by way of amendment was adopted in 1803—after all that discussion, and the language of the Constitution in this respect was left precisely where the framers of the Constitution left it. If it had been supposed then that there was any question about the authority of the Vice-President to count the vote, it is fair to assume that in that amendment the men who framed the Constitution would have provided for it, and the fact that they amended it in other respects, leaving this section untouched, is conclusive evidence that they regarded it as free from difficulty, and the power of the Vice-President to count the vote as beyond any question. For three-quarters of a century, then, the Vice-President exercised this power. He exercised it without question. Vice-Presidents counted themselves into the Presidency. Men as notorious as Aaron Barr afterward became exercised this power, and exercised it without question.

The Government has suffered no detriment from the exercise of the power. There have been no forged returns or burgianted appropriation of the possession and custody of the officer, or on their passage to the Capitol. There has been no disturbance of the peace of the the country. All has been quiet and harmonious. This brings us down to the year 1865, when it was proposed that the two Houses of Congress, for causes which were deemed a justification for the act growing out of the troublesome condition of the country, should arrogate to themselves by a joint rule the exercise of this power. When they undertook to arrogate it to themselves in 1800, what did the men who aided in framing the Constitution say upon the sub-ject? I desire to call the attention of the House for a moment to what was said at that time by so great and distinguished a man as Mr. Pinckney, of South Carolina. He said:

Mr. Pinckney, of South Carolina. He said:

Knowing that it was the intention of the Constitution to make the President completely independent of the Federal Legislature, I well remember it was the object, as it is at present not only the spirit, but the letter of that instrument, to give to Congress no interference in or control over the election of a President.

It never was intended, nor could it have been safe in the Constitution, to have given to Congress thus assembled in convention the right to object to any vote, or even to question whether they vere constitutionally or properly given. This right of determining on the manner in which the electors shall vote, the inquiry into the qualifications and the guards that are necessary to prevent disqualified or improper men voting, and to insure the votes being legally given, rests and is exclusively vested in the State Legislatures. If it is necessary to have gnards against improper elections of electors and to institute tribunals to inquire into their qualifications, with the State Legislatures, and with them alone, rests the power to institute them, and they must exercise it. To give to Congress, even when assembled in convention, a right to reject or admit the vote of States, would have been so gross and dangerous an absurdity as the framers of the Constitution never could have been guilty of. How could they expect that in deciding on the election of a President, particularly where such election was strongly contested, that party spirit would not prevail and govern every decision? Did they not know how easy it was more than probable the members would recollect their sides, their favorite candidate, and, sometimes, their own interests? Or must they not have supposed that in putting the ultimate and final decision of the electors in Congress who were to decide irrevocably and without appeal, they would render the President their creation decide irrevocably and without appeal, they would render the President their creation decide irrevocably and without appeal,

ture and prevent his assuming and exercising that independence in the performance of his duties upon which the safety and honor of the Government must for

ance of his diffes upon which the ever rest.

They well knew that to give members of Congress a right to give votes in this election, or to decide upon them when given, was to destroy the independence of the Executive, and make him the creature of the Legislature.

election, or to decide upon them when given, was to destroy the independence of the Executive, and make him the creature of the Legislature.

If the bill is not passed we are to depend, as we have hitherto done, on the attachment of the States and the good sense and integrity of their executives. That the Constitution makes this dependence necessary, and as we have never yet been disappointed, we are to hope we never shall. But surely its friends never could have considered the extent and danger of giving to this committee, or even to Congress, the right to decide on double returns, or they must immediately have seen the extreme impropriety of attempting it. It is, in short, nothing less than holding out to the minority in all the States a temptation to dispute every election and to always bring forward double returns. In every State where the election is strongly-contested there will of course be a minority. It will be easily known by the measures of Congress to which candidate the majority of that body inclines, and whose friends will compose the committee that are to be thus packed and selected. If the minority in a particular State find that the candidate they have unsuccessfully supported is the favorite one with the majority of Congress or the committee, they will easily discover the means of raising objections to the validity of the return of the electors, insist that they themselves are elected, proceed to the length of meeting and voting, and transmit to Congress a double return. It will not be difficult for them to accompany this return with plausible reasons, and perhaps with such unfounded assertions and specious although false documents as to give to the committee some colorable reason for rejecting the return of the elector certified by the governor and admitting the other. Knowing the situation of the Union, how differently some States think from others on political questions, how divided Congress has been for some years on certain great and trying subjects, who that is a friend to harmony and th

Now, if there is to be a contest of the right of persons to hold the office of elector it seems to have been the contemplation of the framers of the Constitution that that was a matter to be provided for by the States themselves; that each State must determine for itself the election of electors, and determine in such mode as it shall provide any question that may arise between different persons claiming to be elected to that office. No jurisdiction over the subject seems to have been given to Congress; at least none such was in the mind, I should think, of the framers of the Constitution, looking at the provisions of that instrument.

I wish also to ask the attention of the House to the language of Senator BAYARD upon the same subject:

Without having given the examination or consideration to this subject that its importance demands, yet I have for a long time been of opinion that the constitutionality of this rule altogether may well be doubted. I do not think that anywhere in the Constitution can be found language in any degree constituting the Senate of the United States a factor or an actor in the election of the President of the United States.

I quote also what was said by the late distinguished Senator from Indiana, Mr. Morton:

Indiana, Mr. Morton:

I now come to the consideration of the twenty-second joint rule of the two Houses, adopted in 1865, in regard to the counting of the electoral vote. This rule was undoubtedly the result of a conviction in Congress of the necessity of providing some method for avoiding the dangers I have been discussing; but it was certainly adopted without much consideration, and with a view apparently of furnishing an additional safeguard against receiving electoral votes from States that had been in rebellion. But it is general in its character, is applicable to all the States, and will continue in operation until it is amended or repealed.

It is in my judgment the most dangerous contrivance to the peace of the nation that has ever been invented by Congress; a torpedo planted in the straits with which the ship of State may at some time come into fatal collision.

It is this "torpedo" which it is now proposed to place in the track of the ship of State which we are resisting. This concurrent voice of distinguished men on both sides led to the abrogation of the twentysecond joint rule, which was adopted in 1865.

Gentlemen on the other side have quoted from the indorsement of President Lincoln upon this subject. It is true in a brief note, for it should not be designated as a message returning it to Congress, he expressed an opinion which, as we lawyers say, was entirely obiter and without examination, and which would, I doubt not, seem to give color to the idea under which the twenty-second joint rule was adopted. But gentlemen should also remember that they have been in the belief of the colors of Mr. I insolve an above that they have been in the habit of speaking of Mr. Lincoln as an ignorant rail-splitter; and his opinion should hardly be quoted by them on a constitutional question. When the exigency for its passage passed away the men who framed it agreed to wipe it out, regarding it, as the gentleman from Kentucky has said, as a part of the odious legislation engendered

trom kentucky has said, as a part of the official registration engendered by the hates of the war. It was blotted from the records of Congress. The proposition now is to restore it; and in justification for its restoration what are the suppositions that have been indulged in?

The gentleman from Illinois [Mr. Springer] the day before yesterday asked me "Suppose the Vice-President in counting the vote should falsely certify, is there no remedy?" Why make a supposition like that? The Vice-President of the United States is acting under an oath of office, and liable to the penalties of impeachment if under an oath of office, and hable to the penalties of impeachment if he discharge his duties corruptly or unfaithfully. A political majority of this House are under no responsibility to anybody. They can vote on this question as they would vote on the question of a contested seat here, and disregard law and fact and precedent with impunity. But the Vice-President is clothed with authority to do a great act, ministerial in its character, it is true, but if he acts corruptly he is lighted to impressly ment.

Mr. HARRIS, of Virginia. Will the gentleman allow me to ask a question at that point?

Mr. LAPHAM. Yes, sir.

Mr. HARRIS, of Virginia. It is historically known to the country that the State of Georgia voted one week after the time prescribed by the Constitution, which says that electors of the several States shall meet on the first Wednesday in December after the election. They met on the second Wednesday. Suppose, then, the Vice-President in counting the vote or refusing to count the vote of Georgia acts in conflict with the opinion of the two Houses of Congress and thereby decides the election one way or the other, have the Houses of Congress any remedy

Mr. LAPHAM. None whatever; for the simple reason that the re-

Mr. HARRIS, of Virginia. But suppose it did change the result.
Mr. HARRIS, of Virginia. But suppose it did change the result?
Mr. LAPHAM. That is asking us to suppose what is an impossibility in the present condition of things.

Mr. HARRIS, of Virginia. I ask my friend to answer me as a lawyer. Whether it affects the result or not, is it not as much the duty of Congress or of the presiding officer to count the vote correctly? Suppose the President of the Senate counts it incorrectly, though his doing so does not change the result; suppose he refuses to count it or counts it erroneously, are the two Houses of Congress to sit by and

see the thing done wrong?

Mr. LAPHAM. That very case is put by Mr. Pinckney in the remarks I have alluded to, and he disposes of it by saying that the decision of the Vice-President in such a matter is absolutely beyond

the control of either House or the two Houses.

Mr. WARNER. In that case would the decision of the Vice-President bind this House and the other House as to the election of Presi-

Mr. LAPHAM. Whoever the Vice-President declares to be elected is by the flat of the Constitution the President of the United States, and there is no power on earth which can divest him of his office.

Mr. WARNER. And his action precludes the House from all rem-

Mr. WARNER.

edy?

Mr. LAPHAM. Of course it precludes the House. The House can have nothing to do with the choice of President where there has been an election by the people. In the remarks of Mr. Pinckney he shows it was the intention of the framers of the Constitution to take from each House, and both Houses, absolutely all power to interfere with the presidential election; because, if you give it to them you destroy the independence of the executive department of the Government. The moment you make the choice of a President dependence of the course of t ernment. The moment you make the choice of a President dependent upon the will of the House and the will of the Senate, that moment you merge the independence of the Executive, and make him the mere creature of the legislative branches of the Government.

him the mere creature of the legislative branches of the Government. The design of the Constitution was to keep his selection free from any participation on the part of either House of Congress.

The case supposed by the gentleman from Illinois [Mr. Springer] is an impossible case, for in ninety years we have never had a Vice-President who has attempted anything of the kind. It is a case never to occur. And so it is with all the suppositions that have been

made here.

The gentleman from New York, my colleague, [Mr. Cox.] says, suppose on the way here from Albany the returns from New York should be interfered with and Garfield and Arthur should be stricken out and Hancock and English be substituted, could there be no remedy? Well, that is answered by the fact that there are triplicate returns, and all three of them could not be thus tampered with. It is answered by the fact that coming in the mail it is an impossible transaction. You might as well try to drive a camel through the eye of a needle as to put Hancock in the place of Garfield. [Applause on the republican side.]

The gentleman from Virginia [Mr. Hunton] says, suppose that the Vice-President should receive a forged return. Why make such a supposition as this? Has there ever been a forged return sent to the Vice-President? Is there infamy enough anywhere, in the North or the South, to attempt anything of that kind; for it must have the sanction of a governor and of a secretary of state in order to accom-

plish anything ?

The Constitution was framed to be executed by statesmen and honest men. If we have become a nation of forgers and perjurers and ballot-box stuffers it will be necessary to amend the Constitution

and adapt it to the changed condition of affairs

All these suppositions show the straits to which the advocates of this measure are compelled to resort. They can find no justification this measure are compelled to resort. They can find no justification for this provision except upon the supposition that some monstrous crime has been or is to be committed. Why is it that they dwell upon this condition of things when advocating this resolution? Why is it that there rises up before their imaginations the idea of a forged return or an altered return or a breach of official duty on the part of the second officer in the Government, a breach of duty and a viola-tion of his oath? Is it because they like to dwell on this condition

of things, upon the possible happening of such events?

I am fearful that our friends on the other side are disposed to look too leniently upon the commission of crimes against the ballot. The blistering infamy which attaches to those who in the last days of the late presidential contest sought to thrust that colossal crime, the for-gery of the Morey letter, into the canvass will not deprive those men of their share in the future councils and confidence of their party. The men who undertook to steal from the republican party in 1879 the State of Maine are yet honored and trusted by the democratic party, and the measures to which they resorted have never been denounced

by them.

Tweed, who with his confederates, by the most stupendous frauds upon the ballot-box in all our history, stole the State of New York from the republican party in 1868, in full view of the enormity of his offenses was elected to the senate of the State of New York by 11,000 majority in his district after his crimes had become so notorious that he never dared present himself at Albany and ask to take his seat. He was also received and accredited as a delegate in a dem-

seat. He was also received and accreated and accreated accreate State convention at Rochester.

There is a disposition manifested to look leniently at political offenses, and that is the foundation of all these suggestions. They are warnings to us on this side of the House to tread carefully in view of the concurrent resolution. "Forethe proposition now made by this concurrent resolution. "Forewarned, forearmed." I am impressed with the conviction that there is some undeveloped and unannounced purpose in pressing this measure at this time, and that cautions me to the course which I have firmly resolved to adopt, to resist the passage of this measure by every means which the rules of parliamentary law put into the hands of the minority of this House.

I now yield the remainder of my time to the gentleman from Michigan, [Mr. Newberry.]

The SPEAKER pro tempore, (Mr. SPRINGER.) There are fifteen minutes of the gentleman's time remaining.

Mr. NEWBERRY. I desire to be recognized in my own time, though Mr. NEWBERRY. I desire to be recognized in my own time, though I do not think I shall occupy more than the remaining time of the gentleman from New York, [Mr. LAPHAM.]

Mr. HERBERT. If the gentleman claims the floor in his own right, I must present my claim to the floor, as I rose for that purpose.

The SPEAKER pro tempore. The Chair will first recognize the gentleman from Michigan [Mr. Newberry] for fifteen minutes.

Mr. NEWBERRY. I desire but a short time, but I wish to occupy it now as I want to leave the city to-morrow.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Newberry] has the right to the floor for the remaining time of the centleman from New York.

gentleman from New York.

Mr. HERBERT. I shall want only fifteen minutes.

Mr. NEWBERRY. Then, for the sake of saving the floor in my own right, I will now yield to the gentleman from Alabama [Mr. HER-

own right, I will now yield to the gentieman from Alabama [Mr. Herbert] for fifteen minutes.

Mr. HERBERT. Mr. Speaker, it would be impossible in fifteen minutes, even if I desired to do so, to discuss this question. I have not arisen for that purpose. The question is threadbare. No question has ever been more thoroughly discussed in Congress or out of it than that which lies at the foundation of this proposed concurrent resolution.

resolution.

Four years ago, exactly four years ago to-day, I believe both Houses of Congress were engaged in the discussion of this same question. The records and the history of this Government were ransacked, every principle was discussed, every precedent was found and cited, and both Houses, the one republican and the other democratic, came to the conclusion at that time, as had been the practice of this Government for eighty years before, that it was for the House of Representatives and the Senate, assembled as such in joint convention, to surpervise and control the count of the presidential vote.

vention, to surpervise and control the count of the presidential vote. I do not believe that it is in the power of any gentleman in this House, however industrious he may be, however able he may be, to shed any additional light upon that question. But I desire to reply to the gentleman from New York, [Mr. LAPHAM,] who has attributed to the democratic party here some undeveloped, some ulterior, some "unannounced purpose," as he puts it, and to call the attention of the country at large to the position that the republicans on this floor occupy here to-day.

They have taken a new departure. As I have said, the discussion four years are showed clearly that for eighty years it had been the

They have taken a new departure. As I have said, the discussion four years ago showed clearly that for eighty years it had been the practice and the undoubted right, so conceded, of the two Houses of Congress to supervise and control the count of the vote for President and Vice-President. Such was the practice of the democratic party for many years. Such was the practice of the whig party. Such was the practice of the republican party without a break for four consecutive terms. consecutive terms.

Even in the Forty-fifth Congress a republican Senate passed a bill to regulate the count of the electoral vote, known as the "Edmunds" bill, which was bottomed upon the assumption that the two Houses of Congress, and not the Vice-President, had the right to supervise and control the count of the electoral vote. That bill passed the other branch of the Forty-fifth Congress by practically a unanimous republican vote.

Yet, sir, to-day we see republicans of this House coming to the front, the leaders of that party, announcing the old and the exploded doctrine that the President of the Senate has the power to count the electoral vote. And the gentleman from New York [Mr. LAPHAM] charges on this side of the House, because we want to pass a rule very much like the rule always practiced upon by the republican party, that we have an ulterior object in view.

succession was kept up among the patriarchs. We read also in the history of England that Henry IV begat Henry V, and that Henry V begat Henry VI, and so the line of succession was kept up in the Plantagenets. And if these gentlemen succeed here to-day in establishing the precedent for which they now come to the front and contend, that the Vice-President, or "the President of the Senate," as he is termed in the Constitution, has the power to count the electoral vote, that the Constitution gives him that power, that it is for him and him alone to determine all questions in relation to that count, then perhaps the future student of American history will read that Wheeler, President of the Senate, begat Garfield and Arthur, or declared them to have been elected, and at the end of their term Arthur declared that Garfield and Arthur were again elected; and at the clared them to have been elected, and at the end of their term Arthur declared that Garfield and Arthur were again elected; and at the end of that time Arthur declared that another republican was elected President and another republican Vice-President. And so, the history will perhaps read, the Republic of America glided into an empire. Sir, I desire to call the attention of the people at large to this new departure on the part of the republicans of this House. What can it

departure on the part of the republicans of this House. What can it mean if it has no political purpose? It has but one meaning; it can tend to but one result—to keep the control of this Government in the hands of the republicans, to them and their heirs forever.

But before I sit down I should perhaps reply to an uncalled-for remark of the gentleman from New York [Mr. Lapham] in answer to a gentleman on this side who had quoted the message of Abraham Lincoln. The gentleman from New York says we have no right to quote Abraham Lincoln here because the democrats have revited him as an ignorant rail-splitter. Six I affirm that no upon this country as an ignorant rail-splitter. Sir, I affirm that no man this country has produced has more of the unqualified respect of the democrats of this country, North and South, than Abraham Lincoln; and I hurl back the insinuation that we on this side do not regard his authority as entitled to weight, and great weight, on any question. We look upon it (especially we of the South) as one of the greatest misfortunes that ever befell us that Abraham Lincoln fell at the hands of an as-

But, sir, I desire to call attention briefly, in conclusion, to what I conceive to be the theory of this resolution. The gentleman from Texas and the gentleman from Maryland in their colloquy seemed to beget, as I thought, some confusion as to the meaning of the resolution. As I understand, sir, the difference between this proposed joint rule and the famous twenty-second joint rule, now repealed, is this: Under the twenty-second joint rule either of the Houses, the Senate or the House, had the power by an objection to disfranchise a State. Under this proposed joint rule, if it be adopted, there is required affirmative action—the concurrence of the two Houses—to reject the vote of a State.

It is true that when there are two sets of certificates there arises a difficulty to be provided for. In that case affirmative action is necesdifficulty to be provided for. In that case affirmative action is necessary. I think gentlemen on the other side were correct in saying that in some cases which might arise, where there are two sets of returns, one House rejecting one return, the other House rejecting the other return, the practical result might be that one House might succeed in disfranchising a State or in rejecting its vote. That is a difficulty inherent in the very nature of the question. It is imbedded in the Constitution itself, if we are correct in our construction of it. The Constitution provides that the President of the Senate shall open the votes in the presence of the Senate as a looky sitting as such

In the Constitution itself, if we are correct in our construction of it. The Constitution provides that the President of the Senate shall open the votes in the presence of the Senate as a body, sitting as such, and of the House of Representatives as a body, sitting as such; and it is these two bodies, each acting individually for itself as an organization, who are to decide on every question.

There is no difficulty at all in the case of a single return. This resolution provides (and in this respect it differs from the twenty-second joint rule) that if only one House objects to such a return, which is apparently certified by the authorities of the State, the vote of that State shall be counted. But when it comes to deciding which of two returns shall be counted as the real vote of the State, then there is necessarily required affirmative action. Now affirmative action cannot be had without concurrence; and if the two bodies are to act separately, and if they cannot concur, there can be no affirmative action. That is a difficulty that this joint rule could not provide against. It is not the fault of the rule; it is the fault, if it be a fault, of the Constitution. Under the twenty-second joint rule the same difficulty might arise. But can any gentleman devise a better rule than this? That is the question. This resolution has been maturely considered and comes before the House after much deliberation upon it in the Senate. It is in principle very much like, almost entirely analogous to, the Edmunds bill which passed the Senate in the Forty-fifth Congress but was never acted upon in this House. There is a difference in this respect: in that hill the provision was that if Forty-fifth Congress but was never acted upon in this House. There is a difference in this respect: in that bill the provision was that if a State had provided some final arbiter, the decision of that arbiter should be conclusive and the vote as determined upon by that arbiter

should be counted.

But, Mr. Speaker, I have consumed, I believe, the whole of my fifteen minutes. I have said more, perhaps, than I intended to say when I took the floor. But the question for us to decide in this case is simply whether we shall provide a rule under which we can in an orderly manner count the votes for President and Vice-President Those gentlemen have certainly been studying history. The succession to the Presidency was determined four years ago by 8 to 7.

But they have discovered a method that is easier still. We read in sacred history that Abraham begat Isaac, and Isaac begat Jacob, and Jacob begat Joseph and his brethren, and in that way the line of that the Vice-President has the power to count the votes. If that be a political motive, then I plead guilty. But if to desire to count the vote as it was cast, according to the Constitution, giving expression to the will of the people—and I believe they have expressed their will in no unmistakable terms—if this is not a political motive, then there is no such motive entertained on this side of the House, and there is no such motive entertained on this side of the House, and gentlemen on the other side cannot make out any such motive. We have given them every opportunity for discussion, and, as I understand, they will be allowed by the gentleman in charge of this resolution to offer amendments if they see proper. What we want to establish is a rule—the best rule that can be devised for counting the vote and giving expression to the will of the people. When the people have elected a President let him be counted in as provided by the Constitution. We do not intend you shall establish a precedent here by which when in the future your candidate is defeated by the here by which when in the future your candidate is defeated by the

people you can count him in by the voice of one man.
[Here the hammer fell.]
Mr. NEWBERRY. Mr. Speaker, the discussion to day has taken a more practical range than heretofore. In the previous discussion the great constitutional questions which form the basis of the rule of action in the electoral count have been brought more particularly to the front; and at this point in the discussion I propose to make a clear and concise statement of the provisions of the Constitution, showing exactly what is provided, the jurisdiction of the several men or bodies of men who take part in the settlement of the question; and I shall endeavor to point out the omissions, if any, and the constitutional methods, if any, of supplying the omissions, so as to make a perfect, compact, constitutional plan of proceedings for the electoral count, if it does not already exist. The amended article 12 provides constitutional duties for four men or bodies of men. When, as is said by the gentleman from Maryland, [Mr. McLane,] the jurisdiction of one attaches to the subject-matter, he must, under the Constitution, follow it to the end, and he cannot be divested from that jurisdiction by any act of Congress or of either House. It is given to him by the Constitution and must be exercised by him, and no power can divest

him of that right. Now, what does article 12 provide? It first contains the duties of electors and Vice-President, and in brief it provides they shall meet, vote by ballot, make lists of candidates, sign and certify them, and transmit them sealed to the seat of Government, directed to the President of the Senate. In fulfilling those duties there is no power which can divest them. If there is an omission or an uncertainty, the law may provide, as it has provided, methods of doing certain things. Thus a law has been passed particularizing and specifying more fully the duties of electors under this article. Among other things, it provides when and where they shall meet, how many lists shall be made, and how they shall be transmitted, and other proceedings. It provides for the loss of either of the original lists, &c.; all of which powers or methods of proceeding are clearly authorized by and are within the last clause of section 8, article 1, of the Constitu-tion, authorizing Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof." Congress cannot add or subtract one iota of the constitutional right of the electors.

A good illustration of what might or might not be done by the electors exercising their constitutional rights, and outside of the present law of Congress, might be the following: Suppose the whole electoral college of a State should come here in their own proper persons, bringing their list to Washington with them sealed, and tender it in that way to the President of the Senate, acting under the Constitution. The President of the Senate, so acting under his obligation imposed directly by the Constitution, would be compelled to receive such list transmitted in that way.

It has been said by the Speaker of this House at this session, and

it is right-

The Chair takes no cognizance of any rule when the Constitution of the United States and the laws of the land come into conflict with it.

So under the right of the electors to transmit the list, if they should bring it in the way illustrated, the President of the Senate

should bring it in the way illustrated, the President of the Senate would be compelled to receive it.

Article 12 further provides for the duties of the President of the Senate, under which clause arises the whole difficulty here. The duties of the President of the Senate are, as provided under the Constitution: He shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. What is the proper interpretation of this clause? The grand question before the House now is, in whom is the power vested "to count?" It seems to me, Mr. Speaker, the power to count does involve something outside of the simple enumeration of votes. It involves the necessity of examination, discrimination, and passing involves the necessity of examination, discrimination, and passing upon what shall be counted, and, as between two or more lists, which shall be counted if they are presented. It seems impossible to avoid the conclusion that somewhere there must be vested the right to judge before the count is commenced.

It matters not, however, what may be our private opinion, the real question is, What does the Constitution provide? Is that power vested in the President of the Senate alone, or in the two Houses of Congress when assembled? Or is it a case where the Constitution provides that the votes shall be counted, and does not provide who shall count them? The rights and obligations apon this House, and upon

the President of the Senate, are different as that question shall be decided, or as either of these three questions shall be decided.

First. Is this power vested in the President of the Senate? In this connection, and relying strictly on the words of the Constitution, article 12, there are several things about which there is no dispute and which are very clear. First, the list must be delivered to this officer, sealed. Right here the jurisdiction of that officer, the President of the Senate, attaches for the constitutional purposes in reference to those papers so delivered to him. His right to control these papers never will cease until by the Constitution he is relieved from their never will cease until by the Constitution he is relieved from their custody. They are legally in his custody, and in his alone, and they must remain in his custody. I assert that Congress cannot by any power take them from his custody, for by the force of the Constitution he is the only constitutional custodian. I beg earnest attention to this, for certain inevitable conclusions will follow after that is conceded.

The jurisdiction has attached to him, as was said by the gentleman from Maryland, [Mr. McLane,] and when the jurisdiction has attached all the incidents thereto become attached also; and he must fulfill, and thoroughly fulfill, all his constitutional duties in connection with those papers. Here the Constitution has placed the whole responsibility upon the President of the Senate, and there is no dis-

pute up to this point.

Now, Mr. Speaker, take all the suppositions of gentlemen upon the other side as to what the President of the Senate might or might not other side as to what the Fresident of the Senate might or might not do. He has the sole, the only responsibility of the custody of these papers. He may do what he chooses with them—nobody can take them from him. If he chooses to open them and put in papers which are false or forged and seal the envelopes up again he can do so. There is no one to prevent him. Who will control him I fi he chooses to lose the papers accidentally he may do so. If he chooses corruptly to allow somebody else to take and destroy them he has the full power to do it; there is no one to prevent him; they are in his possession and you cannot get them out of it. Now, the Constitution of the United States lodged that power with the President of the Senate, and they knew he had full control and must have full control, and every supposable case and ten thousand others that might happen to those returns you could easily see could happen to them if he so chose.

Now all at once it is found by gentlemen on the other side that when he comes to open these certificates then he is going to become a villain, a scoundrel, a rascal, to forge, or, what is just as bad, to miscount or falsely count. If the Constitution gave him the full customistic or the property of the constitution of the co tody of those papers at one time to work his own will about them, it continues to do so until he is relieved constitutionally from the custody of them. The Constitution provides no guards of punishment York [Mr. LAPHAM] says, of the possibility of such infamy. The Constitution is grand in its own integrity and simplicity. It places this great trust implicitly in the hands of one man—the Vice-President of the United States—and for nearly one hundred years that trust has never been betrayed, and I believe, sir, that for a thousand years to come it would never be betrayed. The betrayer of such a trust would instantly become infamous the whole world over, the mark of Cain, or worse, on his brow, and to the day of his death he would be scourged through the world with whips of scorpions, and his children would pray for death, while his memory for all time would be coupled with that of Judas, the betrayer of the Christ. This responsibility of sole possession, being so placed, is followed by the further injunction:

Third. He shall open all the certificates in the presence of the Senate and House of Representatives.

Here, again, the fullest control is placed with the President of the Senate by the Constitution itself. He cannot, by his constitutional duty, allow them to go out of his posession. He cannot, without dereliction of the solemn trust reposed in him, allow anybody or any authority or pretended authority whatever to take them from his possession. What power up to this point, then, have the two Houses of Congress? They are witnesses merely. They have the full power of Congress? They are witnesses merely. They have the full power of inspection, because, based upon such witness and upon the arising of a certain contingency provided in the same article 12, they have a constitutional duty to perform. Now, it being under the Constitution itself, and this list being entirely under the control of the President o dent of the Senate, they cannot be counted by anybody but the one-who is entitled to have possession. Until he is relieved of that pos-session given to him by the Constitution, there is nobody who can have anything to do with the list or the papers. Given to him by the Constitution, he is never to give them up antil by some act or pro-vision of the Constitution they are taken from his possession, or when the duty that is to be performed in reference to them, has been fully the duty that is to be performed in reference to them has been fully accomplished. They cannot count the votes, for they have not possession of them, and they have no right of possession. They are witnesses—constitutional witnesses—witnesses to see if the count is right, and equally witnesses to know if the count is wrong. And no doubt, as has been said also in this discussion, as such witnesses they might call attention to an error, undoubtedly, under occasions that might arise; the President of the Senate might ask their advice; but with him who is sole custodian of the lists must rest the constitutional count. Such conclusion is deduced clearly from article 12 of the Constitution.

Again, the Constitution provides, and that is perfectly clear, that he also shall open all the certificates. That is what is required to be done, and that is what he is required to open. Right here comes up the question which has been asked so many times by gentlemen upon the other side, namely: Suppose there is something else that comes before the President of the Senate, is he bound to open it? If, as before the President of the Senate, is he bound to open it? If, as provided in this very rule, there are papers purporting—I quote the words of the rule—"purporting to be certified lists," what authority has the President of the Senate over any such papers? They are not constitutional certificates; and the only power the President of the Senate has in reference to the matter, by the Constitution, is over constitutional certificates. It follows, therefore, if an envelope is among these papers which, upon being opened, or upon its face, does not contain constitutional certificates, he may, by the force of his obligation, nay, by the plain obligation of his trust he must, reject it, as he is the sole judge. Neither the House of Representatives nor the Senate, nor any one, nor the Congress in joint convention assembled, may inject an unconstitutional certificate into the electoral count.

Where, Mr. Speaker, by express words or by direct implication is

bled, may inject an unconstitutional certificate into the electoral count. Where, Mr. Speaker, by express words or by direct implication is it possible for any paper to come into the possession of the President of the Senate and be by him opened in the House except it be a constitutional certificate, one provided for under the twelfth article of the Constitution? As I said a moment ago, neither the President of the Senate nor the House of Representatives nor the Senate can by any possibility inject any other paper into the proceedings. The opening of such a purported list as is provided in the rule does not and cannot make it a genuine certificate. Neither can it, by being opened, be properly before the President of the Senate for count. When, therefore, the Vice-President has received and opened and counted the votes which also logically includes a statement of the count but not a declaration of who is President, his constitutional duty is ended and not before.

count but not a declaration of who is President, his constitutional duty is ended and not before.

Right here again let me call attention to the magnificent simplicity of the Constitution. What does it say? Not that the President of the Senate shall announce the vote; not that the House of Representatives shall announce the vote; but it gives exactly what is the truth: the person receiving the majority of votes shall be President. It provides the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed. That is his warrant for holding the office of President, not any declaration of any officer in the known world. By the simple votes and majesty of the votes he becomes the President.

Now such substantially has been the proceeding under the Constitution for the last eighty years. Those provisions in their simple directness and power were adopted by honest, patriotic men, the fathers of this Republic. They have their foundations and their sanctions or this kepublic. They have their foundations and their sanctions in the innate principles of right and wrong implanted in the breasts of honest men. As they have stood in the past unquestioned, so will they stand in their simple honesty for the future; and I trust that the man does not live who will dare to attempt by any finesse, trick, or subterfuge to cheat the people out of an election. As in all other things, I believe in straightforward honesty and directness in all political matters.

The history of our country shows that this power to receive, open, and count has been exercised without question. A President of the Senate has counted and declared himself President. Vice-President Breckinridge counted and declared Lincoln President strictly under the constitutional duty that devolved upon him. Who ever dared to think Breckinridge, even taking into consideration the state of the country at that time, would have been recreant to his trust; and I do not believe the man lives who as President of the Senate would dare in the face of his country to do so despicable or so unfair a thing as to miscount the vote. I now call attention to the proceedings in the election of the first President of the United States. In the Senate April 6, 1787, it was-

Ordered, That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States.

And then-

The Speaker and the House of Representatives attended in Senate Chamber, and the President elected for the purpose of counting the votes declared the Senate and House of Representatives had met, and that he in their presence had opened and counted the votes of the electors for President and Vice-President of the United States, which were as follows.

And again in the proceedings of the House of Representatives the following appears

A message from the Senate, by Mr. Ellsworth:

Mr. Speaker, I am charged by the Senate to inform this House that a quorum of the Senate is now formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States; and that the Senate is now ready in the Senate Chamber to proceed in the presence of this House to discharge that duty.

There with the ink, as I may say, almost still wet upon the signatures of those who framed the Constitution, those very men interpreted it and proceeded precisely as we think the duty of the Vice-President

To show that I am not so far out of the way in this interpretation of that clause, let us test its conclusion by a very simple reversal of the duties devolved upon the President of the Senate and the two

Houses of Congress, as stated in the twelfth article of amendment to the Constitution. Suppose the Constitution read as follows: They, the electors, shall make distinct lists, which lists they shall sign and certify and transmit sealed to the seat of government, directed to the Senate and House of Representatives, simply changing the respective duties; and then suppose it went on to provide: The Senate and House of Representatives, in the presence of the President of the Senate, shall open all the certificates and they shall then be counted, &c.; could there be any doubt as to the meaning of such a provision in the Constitution? Is there a man so wild that he would contend for an instant that the President of the Senate, called as a witness, is to be the judge of the validity of the returns, and that he, called as a witness, should decide what votes should be and what should not be counted. But that is precisely the position in which the gentlemen counted. But that is precisely the position in which the gentlemen on the other side put themselves, claiming that a person called as a witness should be the full executor of the paper.

It has been asked, Why are both Houses of Congress assembled to-simply witness the ministerial act of the President of the Senate, this

discharge of one of the most important duties ever devolved upon mortal man? But if the will of the whole people is to be determined, what bodies could be more fitted to witness such an act than the Repesentatives of the people and the Senate who represent the States?

But there is another obligation growing out of the performance of this duty that may devolve upon the House under the Constitution, a duty also devolving upon the Senate. Article 12 provides, if no person has such majority, &c., then the House of Representatives shall proceed to elect a President; and so in regard to the Senate, they will proceed to elect a Vice-President. These duties devolving upon the House of Representatives and the Senate immediately upon the hap-House of Representatives and the Senate immediately upon the happening of the contingency are the strongest arguments in support of the necessity of Congress being present as witnesses only. Their constitutional duty commences when the constitutional duty of the Senate ends. They take up the matter if there is no President counted in by a majority of the electors and they elect a President. I have in this matter simply directed my attention to the actual words of the Constitution and its true meaning as those words and their collocation indicate, calling attention to the practical construction that has been given to the Constitution from 1787 to the present time, and especially by the founders and formulators of the Constitution, as was so thoroughly illustrated by the remarks of the distinction, as was so thoroughly illustrated by the remarks of the distin-

time, and especially by the founders and formulators of the Constitution, as was so thoroughly illustrated by the remarks of the distinguished gentleman from Ohio, [Mr. Keffer.]

But if it shall be held that the power to count is not by the Constitution vested in the President of the Senate, there are certainly no words in the Constitution to vest such power in Congress; and that it cannot be assumed by implication has been thoroughly proven hereafters. heretofore.

Is this, then, a case where the Constitution has provided that the electoral votes shall be counted, and has not provided who shall count them? If so, then such omission can only be provided for by the passage of a law under the eighth section of the first article of the Constitution, heretofore quoted.

But the passage of a law requires that the bill shall pass both Houses of Congress and be signed by the President. We insist, therefore, that the Senate resolution now before the House is not and cannot be such a measure as can be enacted into a law. It is simply a

rule, which if it shall pass both Houses cannot be presented to the President for his signature.

We conclude, therefore, that this proposed rule is unconstitutional, in that, first, it attempts to take from the President of the Senate powers and rights given him by the Constitution; second, that it gives to the House of Representatives and to the Senate powers over the electoral vote and count in violation of the Constitution, and enables either House to nullify a lawful election of President by the people; and, third, that the proposed rule is not a law under section 8 of article 1 of the Constitution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, motified the House of the passage of the following bills; in which concurrence

was requested:
A bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes; and

A bill (S. No. 1587) to secure the safe-keeping of money paid into-

Mr. WHITE. I move that the House now adjourn.

DISTRICT OF COLUMBIA.

Pending the motion to adjourn.

The SPEAKER pro tempore (Mr. Springer) laid before the House a letter from the Secretary of the Treasury, transmitting certain papers pertaining to the estimates for the District of Columbia; which were referred to the Committee on Appropriations.

CONTINGENT EXPENSES OF THE WAR DEPARTMENT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting statement of expenditures from the appropriation for the contingent expenses of the War Depart-ment; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

CLAIMS UNDER THE ACT OF JULY 4, 1864.

The SPEAKER pro tempore also laid before the House a letter from

the Acting Secretary of the Treasury, transmitting lists of claims arising under the act of July 4, 1864; which was referred to the Committee on Claims.

PAPERS OF GENERALS BRAGG AND POLK.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, relative to the purchase of papers of Generals Bragg and Polk; which was referred to the Committee on Appropriations

SUSPENDED ENTRIES OF PUBLIC LANDS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting lists of suspended entries of public lands acted on by the board of equitable adjudication; which was referred to the Committee on the Public Lands.

UNA DE GATO PRIVATE LAND CLAIM.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting papers relating to the alleged fraudulent character of New Mexico's private land claim—Una de Gato, No. 94; which was referred to the Committee on Private Land Claims.

ACCOUNTS OF THE TREASURER.

The SPEAKER pro tempore also laid before the House a letter from The SPEAKER pro tempore also laid before the House a letter from the Treasurer, transmitting copies of the accounts rendered to and settled by the First Comptroller for the fiscal year ending June 30, 1880; also a letter from the Treasurer, transmitting a copy of the Treasurer's accounts rendered to and adjusted by the Sixth Auditor of the Treasury for the fiscal year ending June 30, 1880; which were referred to the Committee on Appropriations.

WASHINGTON MONUMENT.

The SPEAKER pro tempore. A communication from the Washington Monument Association was yesterday referred by the Chair without objection to the Joint Committee on the Library. The Chair now asks unanimous consent that that reference be changed, and that the communication be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

YORKTOWN CENTENNIAL CELEBRATION.

Mr. BALLOU, by unanimous consent, presented the resolutions of the Rhode Island Society of the Cincinnati in relation to the York-town centennial celebration; which were referred to the Select Com-mittee on the Yorktown Centennial Celebration.

LEAVE OF ABSENCE.

Mr. BLAND, by unanimous consent, obtained leave of absence for his colleague, Mr. WADDILL, until after the holidays.

ADJOURNMENT.

The SPEAKER pro tempore. The question recurs upon the motion of the gentleman from Pennsylvania, [Mr. White,] that the House do now adjourn.

The motion was agreed to, upon a division—ayes 72, no 1; and (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial and petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. AIKEN: Memorial of the National Grange, asking the aid

of Congress to stamp out and exterminate the pleuro-pneumonia-to

the Committee on Agriculture.

By Mr. ANDERSON: The petition of William T. Allen, S. L. Palmer, F. G. McHenry, and others, ex-soldiers of the United States, asking Congress to donate soldiers' clothing to them—to the Committee on

Military Affairs.

By Mr. DEUSTER: The petition of Henry Bruckner, inmate of the National Home near Milwaukee, Wisconsin, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Maria G. Devereux and others, that the road leading from Georgetown to Tenallytown, in the District of Columbia, be taken under the immediate control of Congress—

by Mr. JOHN W. RYON: The petition of R. A. Wilder, of Pennsylvania, for an extension of his patent for improvements in hoisting-machinery for inclined planes—to the Committee on Patents.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 10, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair, if there be no objection, will lay before the House some communications for reference. There was no objection.

CONSULAR OFFICERS NOT CITIZENS.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a statement of the names of consular officers

not citizens of the United States to whom salaries have been paid during the fiscal year which ended June 30, 1880, and of the circumstances under which they were appointed; which was referred to the Committee on Expenditures in the State Department.

SPEECHES OF M. THIERS.

The SPEAKER. The Chair also presents a letter from the Secretary of State, transmitting two additional volumes of the speeches of M. Thiers, presented by Madame Thiers. The Chair suggests that these volumes should be accepted and the communication referred to

the Committee on Foreign Affairs. Mr. COX. I make that motion.

The motion was agreed to.

EXCHANGE OF PUBLIC DOCUMENTS WITH FRANCE.

The SPEAKER. The Chair also presents a letter from the Secre-The SPEAKER. The Chair also presents a letter from the Secretary of State, transmitting a communication from M. Léon Gambetta, president of the Chamber of Deputies of the Republic of France, in relation to the exchange of documents between that body and the United States House of Representatives. The Chair suggests that this communication should be printed and referred to the Committee on Foreign Affairs, with authority to report at any time.

Mr. COX. I make that motion, and also that the communication be printed in the Record.

The motion was agreed to.

The communication is as follows:

Sig.: I have the honor to transmit herewith for your information a translation of a letter, dated the 22d of July last, from M. Léon Gambetta, president of the Chamber of Deputies in France, to the American minister at Paris, in relation to the establishment of an exchange of documents between the Chamber of Deputies of the French Republic and the corresponding legislative body in this country. In accordance with Mr. Gambetta's request, I inclose a letter addressed to the President of the House of Representatives of the American Republic, and I likewise forward a package of documents which accompanied the letter just named.

I have the honor to be, sir, your obedient servant.

WM. M. EVA DESTANCE.

Hon. Samuel J. Randall., Speaker of the House of Representatives.

Inclosures.

1. M. Léon Gambetta to the minister of the United States in France, dated July 22, 1880—translation.

2. A sealed letter addressed "Monsieur le Président de la Chambre des Représentants de la République Américaine."

Accompaniment: A package of documents.

[Translation.]

CHAMBER OF DEPUTIES, (PRÉSIDENCE,) Paris, July 22, 1880.

Sin: Exchanges of parliamentary documents have for a long time been organized between the political assemblies of most of the European states.

I believe it would be useful to establish analogous exchanges between the Chamber of Deputies of the French Republic and that of the American Republic. In consequence I have the honor to address to you a case containing what has been published by the French Parliament during the session of 1880.

I would be obliged to you if you would please forward this case, together with the inclosed letter, to the President of House of Representatives of the American Republic.

Accept. Mr. Minister, the assurance of

ablic.
Accept, Mr. Minister, the assurances of my high consideration.
LÉON GAMBETTA,
President of the Chamber of Deputies.

The MINISTER
Of the United States in France.

CHAMBRE DES DÉPUTÉS, (PRÉSIDENCE,)
Paris, le 22 Juillet, 1880.

Monsieur le Président: Des échanges de documents parlementaires ont été, depuis longtemps, organisés entre les assemblées politiques de la plupart des états

depuis longtemps, organises entre les assensores pontaques entre la Chambre des Européens.
Je crois qu'il serait utile d'établir des échanges analogues entre la Chambre des Députés de la République Française et celle de la République Américaine. En conséquence, j'a l'honneur de vous adresser une caisse contennt tout ce qui a été publié par le Parlement Français pendant le cours de la session ordinaire de 1880. Je vous serais reconnaissant si vous voullez bien me faire expédier, par réciprocité, les documents publiés, pendant la même année, par les ordres de l'assemblié que vous presidez.

Agréez, Monsieur le Président, les assurances de ma haute considération.

Le Président de la Chambre des Députés.

LÉON GAMBETTA.

MONSIEUR LE PRÉSIDENT
De la Chambre des Représentants de la République Américaine,

CHAMBEE DES DÉPUTÉS, (PRÉSIDENCE,)
Paris, le 29 Juillet, 1880.

Bordereau des publications faites pendant le cours de la session ordinaire de 1880,
ofiertes par la Chambre des Députés de la République Française.

9. Tomes 1, 2, 3, 4, 5, 6, 7, 8, 9, des annales de 1879.
1. Procès-verbaux de la Commission des Douanes.
1. Rapports de la Commission des Douanes.
1. Table analytique de l'Assemblée Nationale.
1. Budget de 1881.
1. Compte définitif des Recettes et Dapenses, Exercice 1875. (Manqué.)
1. Compte général des Finances, Exercice 1876.
1. Affaires d'Egypte.
1. Rectification des frontières de la Grèce ; Reconnaissance de la Roumanie ; Commission technique Européenne.
1. Comptes définitifs Dépenses-Guerre (manqué) Marine (manqué) Algérie, Exercice 1874.
1. Comptes définitifs-Dépenses-Guerre (manqué) Marine (manqué) Algérie, Exercice 1875.
1. Rapport de la Cour des Comptes, Exercice 1874.

- Rapport de la Cour des Comptes, Exercice 1874.
 Règlement de la Chambre des Députés, Edition 1880.
 B.—Les objets marqués manquants soud épuisés.

[Translation.]

Memorandum of publications during the course of the regular session of 1880, presented by the Chamber of Deputies of the French Republic.

9 volumes, 1, 2, 3, 4, 5, 6, 7, 8, 9, consisting of the Annals of 1879.

1 volume Official Report of Customs.

1 volume Report of the Customs Commission.

1 volume Analytical Table of the National Assembly.

1 volume Budget of 1881.

1 volume Detailed Account of Receipts and Expenditures for 1875.*

1 volume Detailed Account of Finances, 1876.

1 volume Detailed Account of Expenses of the Ministry, 1875.

1 volume Egyptian Affairs.

1 volume Rectification of the Frontiers of Greece; Recognition of Roumania; European Technical Commission.

1 volume Detailed Account of War, Navy, and Algerian Expenses, 1874.

1 volume Detailed Account of War, Navy, and Algerian Expenses for 1875.

1 volume Report of the Audit Office, 1874.

1 volume Report of the Chamber of Deputies, 1880.

REPRINTING OF A BILL.

REPRINTING OF A BILL.

Mr. SHELLEY. I ask unanimous consent that House bill No. 6313, to provide for ocean mail service between the United States, West Indies, South America, Central America, Mexico, and the trans-pacific ports, be reprinted, and also the majority and minority reports on the subject from the Committee on the Post-Office and Post-Roads.

There being no objection, it was ordered accordingly.

PENSION APPROPRIATION BILL.

Mr. HUBBELL, from the Committee on Appropriations, reported a bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882; which was read a first time, ordered to be printed, and recommitted.

ELEVATOR IN SOUTH WING OF CAPITOL.

The SPEAKER laid before the House a communication; which was read, as follows:

To the House of Representatives:

By the act approved June 16, 1880, the undersigned were required to locate and construct a passenger elevator in the south wing of the Capitol. The conditions imposed by the law rendered the location and construction of said elevator impracticable. The law reads "that the location of said elevator shall not in any wise interfere with the use or occupation of, or communication between, any of the offices or committee-rooms of the House, or with the light or ventilation thereof, nor of any corridor." While it was practicable to locate and construct an elevator so that it would not seriously interfere with the rooms or corridors, it was not possible to locate and construct one so that it would not in any wise obstruct or interfere with the light or ventilation of any of the offices, committee-rooms, or corridors of the House. In consideration of the above they were unable to take any steps in the matter. They recognize the necessity for an elevator, for the convenience of public business, in the south wing of the Capitol, and recommend further legislation in relation to the same. The appropriation for this purpose might be allowed to remain available, in order that the elevator may be constructed during the present fiscal year.

SAM. J. RANDALL.

SAM. J. RANDALL, Speaker.
EDWARD CLARK,
Architect United States Capitol.

WASHINGTON, D. C., December 10, 1880.

Mr. CONGER. This communication is a privileged report, I pre-

The SPEAKER. The Chair would so suppose, as it relates to the convenience of the House.

Mr. CONGER. Has any disposition been made of it?

The SPEAKER. Nothing has been done with it. The Chair submitted it for the action of the House.

Mr. ATKINS. I suggest that the communication be referred to the Committee on Public Buildings and Grounds.

Mr. CONGER. I do not see why that should be done. If we can have no elevator here until some change can be made in the building or until further legislation can be had, then of course it is useless to press this matter now. But it seems to me that the suggestions which were made to the Speaker the other day should be laid before the Architect for his consideration. I should be very glad if this question could be further examined and another report made upon it.

could be further examined and another report made upon it.

The SPEAKER. The Chair can say that his own opinion agreed with that of the Architect as to where this elevator should be; but, as we understood the amendment adopted in the Senate, it precluded the possibility of locating the elevator where we supposed it should be. This location, the Chair will state, was in the corridor between the two rooms of the Appropriations Committee. But, in consideration of the wording of the law and the wishes of the committee on the subject, no action was taken.

Mr. CONGER. Was it supposed that it would interfere with the

Mr. CONGER. Was it supposed that it would interfere with the views of the Senate or with any law if the elevator should be placed in the corner of the small room this side of the corridor?

The SPΕΛΚΕR. The debate in the Senate seemed to indicate that

the amendment was put in at the request of the Committee on Appropriations.

Mr. ATKINS. I suppose that is true.
Mr. CONGER. I move that the matter partially reported upon be recommitted for further consideration.

The SPEAKER. Recommitted to whom?

Mr. CONGER. To the same persons who have made this report. I suggest that, taking this as a partial report, they make some further examination and recommendation.

* Edition exhausted.

The SPEAKER. The gentleman might offer a resolution that the persons authorized by law to locate this elevator and superintend its construction be requested to make further investigation and report

to the House their opinion as to where it should be located.

Mr. REAGAN. If that is not acted on so as to revive the committee, in view of the report just made, would it not be proper to refer so much to the Committee on Appropriations as perpetuates the item

for another year?

The SPEAKER. That part might be referred to the Committee on

Appropriations. Mr. CONGER. Mr. CONGER. In the opinion of a good many members of the House, and probably without objection from anybody, the elevator might be so constructed as to come up through the small room this side of the corridor, now set apart for the Committee on Approside of the corridor, now set apart for the Committee on Appropriations. It perhaps would take up not more than a quarter of that room, leaving sufficient private room for the Committee on Appropriations, and not interfere with any passage or corridor or light in any part of the building.

Mr. ATKINS. Does the gentleman suggest it be inclosed and cut off from the building?

Mr. CONGER. Yes; that it be inclosed and cut off from the other

part of the room.

Mr. ATKINS. That might be done.
Mr. CONGER. Those who examined the subject think that an elevator could be placed there in a suitable position coming right up through the corner of the room now appropriated to the Committee

Mr. ATKINS. That would do if we are to have an elevator, but I myself do not see any necessity for going to any such expense; not

at all, sir.

Mr. CONGER. I did not hear the latter remark of the gentleman

from Tenne

from Tennessee.

Mr. ATKINS. I said, Mr. Speaker, I do not myself see any necessity for going to the expense of having an elevator.

Mr. CONGER. Why, sir, there are gentlemen, members of this House, who are brought in here on the shoulders of their fellow-members, by the hands of their fellow-members or by men employed for that purpose, members who without assistance cannot ascend the stairs. If all the members in the House were young and vigorous like my friend from Tennessee and myself, there would be no need of an elevator. [Langther.]

elevator. [Laughter.]

Mr. ATKINS. That is so; I can help myself.

Mr. CONGER. I submit, sir, there are reasons why there should be an elevator for the accommodation of infirm members of this House. We now see those members brought up from the outside by fellow-members, and I say it is a shame that while the Senate has an eleva-tor for the ease and comfort of luxurious Senators, infirm and maimed members of this House are denied the ordinary means of access to the floor of this hall.

floor of this hall.

Mr. ROBESON. I can give two hundred and fifty reasons why we should have an elevator.

Mr. HAWK. Mr. Speaker, I introduced the other day resolutions on this subject. Members of the House, of course, must know I am peculiarly interested in the erection of such an elevator, and I introduced those resolutions for the purpose of calling attention to the fact that while there has been an appropriation made for the purpose, nevertheless nothing has been done. I wish to have pushed forward as rapidly as possible the construction of the work. Now, in order that this enterprise may be accomplished—and I certainly believe it is necessary or I would not advocate it for a moment—believing, as I do, it is a necessary improvement in this building, I shall move the do, it is a necessary improvement in this building, I shall move the report be recommitted, with instructions to further consider the propriety of execting the elevator, and that steps be taken to have the elevator constructed with as little delay as possible.

The SPEAKER. To what committee does the gentleman wish these instructions to a state of the special construction to a state of the special constru

instructions to go?

Mr. HAWK. To the same committee from which the report now

The SPEAKER. That is, to the gentlemen who are authorized by law?
Mr. HAWK. I am not particular about that, Mr. Speaker. Let it
go to the Committee on Public Buildings and Grounds if it be agreeable to the Speaker, and let that committee be instructed to provide
under the Architect of the Capitol for the construction of an elevator.
Mr. McMILLIN. What instructions do I understand the gentleman proposes to give?
Mr. HAWK. That this report be recommitted to the Committee
on Public Buildings and Grounds with instructions to such committee
to further consider the propriety of erecting an elevator, with leave

to further consider the propriety of erecting an elevator, with leave to report to this House by bill or otherwise.

I wish to say in this connection that this elevator, it seems to me,

should be erected for the purpose of accommodating citizens visiting the Capitol. Many aged and infirm persons visit the Capitol of the country, and it is difficult for them to ascend to the second or third stairs of this building. This elevator should be erected for their accommodation as well as for the accommodation of members of this House.

Mr. REAGAN. In order to meet the views of the gentleman from Illinois, I propose to offer the following as a substitute:

Resolved, That the report of the persons charged with the duty of locating and constructing and constructing for the construction of an elevator in the south wing of the Capitol be recommitted to said persons, with instructions to see what further can be done to secure the construction of such an elevator.

I offer that, in view of the remarks made by the gentleman from Michigan, and seemingly concurred in by the gentleman from Tennessee, that an elevator should be constructed, so the committee may make further inquiry to see whether the difficulties presented in the

report cannot be overcome.

Mr. ATKINS. I am not myself sure whether if constructed as provided for under the suggestion of the gentleman from Michigan it would destroy that room as a committee-room or not. I do not know but what the noise of the elevator would prevent its use as a deliberation room. I can tell nothing about that. It is not a matter, however, which I expect to have much interest in. [Laughter.] That is one thing sure, for it cannot be constructed before the 4th of March next.

Mr. HAWK. If the location of the elevator in that part of the building would make such noise as to destroy the deliberations of the

building would make such noise as to destroy the deliberations of the committee, then the committee might find some other room. The improvement is certainly needed, and should be made at once.

Mr. McMILLIN. According to the report of the committee there can be no elevator constructed there. If constructed, it has to be done in pursuance of the statute. And the committee report the said statute is not broad enough to authorize the construction of an elevator in this end of the Capitol.

Mr. HAWK. The gentleman from Tennessee seems to forget that it is suggested the elevator is to be so created as to not interfere with

Mr. HAWK. The gentleman from Tennessee seems to forget that it is suggested the elevator is to be so erected as to not interfere with the light or ventilation of the Hall or any of the committee-rooms.

Mr. McMILLIN. And the committee which have had this matter in charge report that it is impossible to erect the elevator without

The SPEAKER. It was found on examination by the Architect of the Capitol and the Speaker that it could not be erected in compliance with the strict letter of the law without interfering in some way with the halls or some of the committee-rooms. Of course we could not erect it inside of the committee-rooms, and if erected in any of the corridors it would obstruct the light from some of the windows, so that in either case it could not be done under the law

white was cased.

Mr. McMILLIN. It would be an equal violation of the statute whether it was erected in the committee-room or in the corridor.

Mr. HAWK. But the gentleman from Michigan [Mr. Conger.] has suggested that possibly on re-examination of the subject this committee might find that it could be located without seriously interfermitable in the corridor or the committee rooms; and with a view. ing with either the corridor or the committee-rooms; and with a view to have a further examination of the subject, recognizing the im-portance of the erection of the elevator, I favor the resolution of the gentleman from Texas.

Mr. REAGAN. If it be found on examination that there is space sufficient to cut off a portion of that room now used by the Committee on Appropriations, and dead-walls are left, it is not likely or possible that the noise will interfere with the deliberations of the com-

The resolution, as amended, was then agreed to.

PRIVATE LAND CLAIMS, ARIZONA.

The SPEAKER, by unanimous consent, submitted a letter from the Secretary of the Interior, transmitting papers in four private land claims in Arizona Territory; which was referred to the Committee on Private Land Claims.

J. W. STONE.

Mr. BRIGHT, by unanimous consent, introduced a bill (H. R. No. 6533) for the relief of J. W. Stone; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM II. BROWN.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 6534) for the relief of William H. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BONDS BY MARSHALS AND DEPUTIES.

Mr. HERBERT, by unanimous consent, from the Committee on the Judiciary, reported, as a substitute for the bill of the House No. 6465, a bill (H. R. No. 6535) to allow marshals and deputy marshals to take bonds in certain cases; which, with the accompanying report, was ordered to be printed, and placed upon the House Calendar.

MARY B. HOOK, PENSIONER.

Mr. KIMMEL, by unanimous consent, introduced a bill (H. R. No. 6536) for the relief of Mary B. Hook, a pensioner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY. B. HOOK.

Mr. KIMMEL also, by unanimous consent, introduced a bill (H. R. No. 6537) for the relief of Mary B. Hook, widow of Lieutenant-Colonel James H. Hook, of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLARMS UNDER THE ACT OF JULY 4, 1864.

Mr. SIMONTON. Mr. Speaker, on yesterday a letter from the Acting Secretary of the Treasury, transmitting lists of claims arising under the act of July 4, 1864, was referred to the Committee on

Claims. I think under the rules of the House organizing that committee that letter and the subject-matter to which it relates should have been referred to the Committee on War Claims.

The SPEAKER. The present occupant of the chair was absent when that letter was presented to the House.

Mr. SIMONTON. And I move, therefore, Mr. Speaker, that the Committee on Claims be discharged from the further consideration of the said letter, and that the same be referred to the Committee on War Claims

The SPEAKER. That can be done by consent simply by changing the reference.

Mr. BRIGHT. May I make a statement in this connection?
The SPEAKER. Certainly.
Mr. BRIGHT. I understand, and the fact is generally well understood, that there are two branches of the Government—the Quarterstood, that there are two branches of the Government—the Quarter-master's Department and the Commissary Department—that are charged with the duty of investigating these claims. They are required to investigate them and report them, through the proper accounting officer of the Government, to this body. One of these reports has generally been referred to the Committee on War Claims, and the other to the Committee on Claims. There certainly ought to be no controversy on the subject. The reference in the present case has been made for the purpose of facilitating the investigation of these claims by these respective committees.

these claims by these respective committees.

I would state upon the question of jurisdiction, Mr. Speaker, that the Committee on Claims is one of general jurisdiction and has jurisdiction over all claims that may be presented against the Government of the United States. The Committee on War Claims was simply a separate committee organized for the purpose of relieving the general committee of the great burdens which were imposed upon it. So I again say that there is no conflict between the committees upon the question of jurisdiction over these subjects, one branch of them being referred to the Committee on Claims, the other branch, according to the usual custom, being referred to the Committee on War Claims, and so referred in order that the legislation upon the subject

Mr. SIMONTON. If the War Claims Committee have any duty to perform at all, it seems to me that it is in relation to claims arising out of the late war, and with reference to their examination and adjudication. There can be no question in the mind of anybody that the claims referred to in this letter are claims arising out of the late

war. Our present rules say:

To private and domestic claims and demands, other than war claims, against the United States—to the Committee on Claims.

Which language in express terms excludes the class of claims referred to in this letter.

And again:

Claims arising from any war in which the United States has been engaged—te the Committee on War Claims.

Evidently showing that the Committee on War Claims has jurisdiction over this question, and that the Committee on Claims has not.

I have here also the act of 1864, but it may not be necessary to read it. The act of July 4, 1864, has reference to claims arising out of the war then existing, and no other. I desire to say that General Bragg, the chairman of the Committee on War Claims, is not present, would not have called this matter to the attention of the House.

The SPEAKER. What motion does the gentleman desire to submit to the House

Mr. SIMONTON. I ask that the reference be changed to the Committee on War Claims.

Mr. BRIGHT. I am opposed to changing the reference for the reasons which I have stated. These claims have generally gone to the Committee on Claims, which is a committee of general jurisdiction; and I maintain it is not ousted of its jurisdiction by the creation of the Committee on War Claims.

The SPEAKER. The Chair would suggest to the gentleman from Tennessee [Mr. Simonton] that the proper mode of reaching his object would be to reconsider the reference.

Mr. SIMONTON. I make that motion.

The SPEAKER. The gentleman from Tennessee moves to reconsider the vote by which the paper referred to was on yesterday referred to the Committee on Claims. The Clerk will report the title of the paper.
The Clerk read as follows:

Letter from the Acting Secretary of the Treasury, transmitting lists of claims arising under act of July 4, 1864.

The House divided on the motion to reconsider; and there were-

ayes 40, noes 29; no quorum voting.

Mr. BRIGHT. I call for tellers.

The SPEAKER. The Chair appoints as tellers the gentleman from Tennessee, Mr. ВRIGHT, and the gentleman from Tennessee, Mr. SIMONTON.

Mr. COX. Will the Speaker please tell us what we are to vote on f The SPEAKER. The Chair caused to be read the title of the com-munication about which the controversy has arisen. It is in reference to whether the communication shall go to the Committee on War Claims or to the Committee on Claims, and the decision of the House is reached by a motion to reconsider. Yesterday the communication

went to the Committee on Claims; the effort to-day is to have it referred to the Committee on War Claims.

Which way would the Speaker advise us to vote? Mr. COX. [Laughter.

The SPEAKER. The Chair has no right to control anybody's vote but his own.

The House again divided; and the tellers reported-ayes 25, noes 43.

The House again divided; and the tellers reported—ayes 25, noes 43.

Mr. SIMONTON. A quorum has not voted.

The SPEAKER. The Chair suggests that the gentleman from Tennessee had better call the yeas and nays to save time.

Mr. SIMONTON. I do not want to be captious; but this is a matter, it seems to me, of some interest; and it is a question which I think may as well be settled now as at any other time. It seems to me the language of the rule is perfectly plain. It says "private and domestic claims and demands, other than war claims against the United States," shall be referred to the Committee on Claims; while "claims arising from any war in which the United States has been "claims arising from any war in which the United States has been engaged" shall be referred to the Committee on War Claims.

Now, these are matters arising under the act of July 4, 1864, which has reference entirely to the late war of the rebellion. There is no

has reference entirely to the late war of the resemble. There is no dispute whatever but they are war claims; and in the very language of the rule they are excluded from going to the Committee on Claims. The caption of the act of July 4, 1864, is as follows:

An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States.

All those claims are war claims, and by the very language of the rule are excluded from going to the Committee on Claims. There-fore, it being a matter of some importance to settle this question of jurisdiction as between the two committees, I make the point that a

quorum has not voted.

The SPEAKER. If the point of order had been raised at the time of the reference of the communication yesterday, of course the Chair would have made a decision on it. But it is a different question which is now presented. The House has referred the paper, and the only way now to reach a change of reference is the way indicated by the gentleman from Tennessee—by a motion to reconsider. The Chair, therefore, at this time cannot decide under the new rules where this

therefore, at this time cannot decide under the new rules where this paper should go. He has caused the paper to be sent for so that the House may act understandingly on the subject.

Mr. BRIGHT. I have no doubt both the Committee on Claims and the Committee on War Claims would have jurisdiction over this matter. But it has been the practice, and I believe the uniform construction of these rules, to divide the labor of the investigation of these labor of the investigation of these claims between the two committees. Inasmuch as the House has heretofore assented to this I can see no good reason now why the consent of the House should be sought for a reconsideration of the action of yesterday, or why these claims should be referred to another committee. It would simply encumber that committee with the additional work of the claims which have been decided by the Commissary Department of the Government.

There is a reason for the action which the House took not only on yesterday but on all previous occasions, inasmuch as that action facilitates the business of legislation. The parties who are interested in these claims are seeking the earliest adjustment of them, so that they can pass both branches before the termination of this Congress. I can see no good reason at allon the question of jurisdiction why there

can see he good reason at all of the question of jurisdiction why care should be a change of reference.

The SPEAKER. The gentleman from Tennessee [Mr. SIMONTON] makes the point of order that on the last division a quorum did not vote. The Chair suggests to the gentleman that if he calls the yeas and nays a quorum would probably appear, and the time that would be occupied by a call of the House would be saved.

Mr. SIMONTON. I call for the yeas and nays.

Mr. SIMONTON. I call for the yeas and nays.
Mr. ROBESON. I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. ROBESON. I would be glad to have the gentleman who has brought this question before the House explain whether these are claims growing out of the war.

Mr. SIMONTON. There is no dispute but they grow out of the late

Mr. ROBESON. Then, how can the paper go anywhere else but to

the Committee on War Claims?

Mr. SiMONTON. That is what I say.

Mr. BLOUNT. I would like to ask the chairman of the Committee on Claims [Mr. BRIGHT] if these are claims growing out of the war?

Mr. ROBESON. If that be so, then how can the reference to the Committee on Claims be made under the rule without a two-thirds

The SPEAKER. This question comes up on a motion to reconsider,

which is a privileged motion.

Mr. ROBESON. Does not this matter go prima facie to the Com-

mittee on War Claims?

The SPEAKER. As a fact it has gone elsewhere.

Mr. BRIGHT. The gentleman from Georgia [Mr. BLOUNT] asks me whether there is any doubt upon the subject of these claims growing out of the war. I would state that there is no doubt upon that point. But while I make that statement I wish to make the additional statement that this is not the primary introduction of these claims, and I apprehend that it is the meaning of the rule that independent claims

growing out of the war are to be referred to the Committee on War Claims. These are claims that under the law have gone to the Commissary or Quartermaster's Department for adjudication. There is a special law upon the subject which carries them there; they are not carried there under any rule of the House.

Then the supplementary duty is imposed upon the Department to simply refer the claims and the action of the Department thereon to this body for revision and appropriation. It is not necessary that they should go to either of the Committees on Claims, because the work of investigation has already been done by the Department. There is no duty for any committee to perform except that of revision; simply to ascertain that the names of the claimants and the amounts adjudicated have been properly stated by the Department.

Mr. ROBESON. Do I understand my friend from Tennessee [Mr. BRIGHT] to say that these are claims that have already been passed upon by the tribunal to which they have been by law referred, and that they now come here for the necessary review by Congress and

that they now come here for the necessary review by Congress and for the proper appropriation?

Mr. BRIGHT. That is all.

Mr. ROBESON. That is entirely a different thing.

Mr. BRIGHT. It is not necessary that these should be referred to any particular committee; but in order to facilitate the transaction of business the investigation of claims which have come before the Commissary Department and the Quartermaster's Department has been divided between the two Committees on Claims

been divided between the two Committees on Claims.

Mr. CONGER. These are purely war claims, and without any question should have been referred to the Committee on War Claims, as they have been heretofore. The Department submits a report that certain claims have been examined by that Department, which claims are sent to the House. Such claims heretofore have always gone to the Committee on War Claims, have always been examined by that committee, and if found to be correct and proper they have been reported to the House, and passed by the House on the report of the Commit-tee on War Claims. That is where these claims should have been sent; and if they have been sent to the Committee on Claims, it is a wrong reference, contrary to the rules and to the custom of the House. In my opinion, therefore, the reference should be reconsidered, and these claims should be sent to the appropriate committee, the Committee on War Claims.

Mr. BRIGHT. I beg leave to correct the honorable gentleman from Michigan in one regard. These claims have not always gone to the Committee on War Claims, they have occasionally gone to the Committee on Claims. When the claims for quartermaster stores have been referred to the Committee on War Claims, the claims for commissary stores have been referred to the Committee on Claims; and These claims have been divided between the committees, and neither one nor the other, so far as the question of jurisdiction

Mr. CONGER. They may have gone to the Committee on Claims by inadvertence, as now. But when I was a member of the Committee on War Claims they were always referred to that committee, mittee on War Claims they were always referred to that committee, were examined by that committee, and were reported upon by that committee. If they have ever gone to any other committee it has been contrary to the rules of the House.

Mr. BRIGHT. During the last session of Congress they were divided; the Committee on Claims had jurisdiction over the claims from the Commissary Department and the Committee on War Claims had jurisdiction over the claims from the Operator as Papart.

had jurisdiction over the claims from the Quartermaster's Depart-

Mr. BLOUNT. I submit that this very same class of claims has not only been referred to the Committee on War Claims and to the Committee on Claims, but also to the Committee on Appropriations. What has been done heretofore in regard to referring these claims does not settle the question of the jurisdiction of any committee in regard to them. I remember one occasion when these claims had been regard to them. I remember one occasion when these claims had been referred to a particular committee, and the committee reported them back, saying they had no jurisdiction over them, and there was considerable discussion upon the subject. In that particular instance the House referred some five hundred or six hundred cases to the Committee on War Claims.

My friend from Tennessee [Mr. Bright] says that these are not claims at all. Then if they are not claims at all they belong neither

to the Committee on Claims nor the Committee on War Claims. But the House has always treated them as claims, whenever the issue has been raised. They come here, having been examined by the Department, for revision, and they have been revised and in some instances rejected. Therefore I do not think my friend is correct in saying that these are not claims at all. Their very reference to either one of these committees shows that they have been treated by the House as claims.

I think it very important that we should observe the rules of the House in the conduct of its business. Those rules are very clear, and aunounce distinctly the jurisdiction of the Committee on Claims. In that announcement all war claims are excluded from the considerathat announcement all war claims are excluded from the consideration of that committee. My friend from Tennessee [Mr. Simonton] has already cited the statutes of 1864, which citation discloses the fact that these are war claims. Therefore if they belong to any Committee on Claims, under the rule they belong distinctly and unquestionably to the Committee on War Claims. It does seem to me important that when the question is brought before the House we should not needlessly violate our rules.

The SPEAKER. The Committee on Rules thought that in the recent revision they made the two rules defining the jurisdiction of the Committee on War Claims and the Committee on Claims so distinct that there could be no controversy with reference to the business

that there could be no controversy with reference to the business properly belonging to each.

Mr. BLOUNT. The rules are perfectly clear.

The SPEAKER. References made by the House prior to the adoption of the new rules were governed by rules not now in existence. A reading of the two rules recently adopted by the House in reference to the business of these committees will show, in the opinion of the Chair, that there ought not to be any controversy in the minds of members as to where this communication should be a lift relates. of members as to where this communication should go. If it relates to war claims, it goes to the Committee on War Claims; if it relates to any other species of claim, foreign or domestic, then it goes to the Committee on Claims. The present occupant of the chair was not in the chair when this reference was made, and in fact there was no dispute about it. The question now comes up on a privileged motion to reconsider, and the Chair thinks the House may intelligently pass

judgment upon the spirit and purpose of the rule.

Mr. NEW. I would like to make a single observation. I understand that the communication from the Secretary of the Treasury is stand that the communication from the Secretary of the Treasury is accompanied by findings in favor of certain claims. So far as I am informed, there is no law requiring those findings to be revised by Congress. If that be a fact, I submit that this matter ought to be referred to the Committee on Appropriations; and if such is not the state of the law, I would like to be so informed by any of the gentlemen who have addressed the House. Unless the law requires the revision of these findings by Congress, it is obvious to my mind that this communication and the claims accompanying the same ought to be referred to the Committee on Appropriations. If under the law everything required has been done with reference to the question as to whether these claims should be paid, then they certainly are here to whether these claims should be paid, then they certainly are here simply to be appropriated for. Why should there be now any question as to what ought to be the reference of this matter? If it be in order, I would like to move its reference to the Committee on Appro-

The SPEAKER. The Committee on Appropriations, under Rule XXI, would not have authority to appropriate unless for a matter authorized by law. The usual practice has been to introduce a bill from one or the other of these committees authorizing payment, and then the Committee on Appropriations has inserted the substance of such bill in one of the regular appropriation bills. Or sometimes a bill coming from the Committee on Claims or the Committee on War Claims has by its own terms authorized the payment of the claim.

The motion indicated by the gentleman from Indiana [Mr. NEW] would not be in order until the House, by agreeing to the motion to reconsider, brings the communication back. If the motion to reconsider should prevail, the Chair will entertain the motion of the gentleman from Indiana.

The question being taken on the motion to reconsider, it was agreed

to; there being—ayes 84, noes 28.

Mr. SIMONTON. I now move the reference of this communication to the Committee on War Claims.

Mr. NEW. I move to amend so as to refer e communication to the Committee on Appropriations.

The motion of Mr. New was not agreed to.

The motion of Mr. SIMONTON was agreed to.

So the communication was referred to the Committee on War Claims.

SALE OF LANDS IN VINCENNES, INDIANA.

Mr. COBB. I ask unanimous consent to have a bill taken from the Speaker's table for concurrence in amendments of the Senate. It is House bill No. 3742, to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes

The SPEAKER. The amendments of the Senate will be read, after which there will be opportunity for objection.

The Clerk read the amendments, as follows:

On page 2, in line 15, after the word "city," insert "and cause the same to be appraised at its fair cash value."

On page 2, in line 24, after the word "cash," insert "at not less than the appraised value."

Mr. WILLITS. Is objection in order?
The SPEAKER. It is.
Mr. WILLITS. I object.
Mr. COBB. I hope the gentleman will not object. This bill has been considered by the Committees on Public Lands in both Houses, has been passed by both Houses; and the question is now simply upon concurring in two amendments of the Senate. This is an important measure, indorsed, I may say, by the Secretary of the Treasury and the Solicitor of the Treasury. It provides for selling certain lands in the city of Vincennes.

lands in the city of Vincennes.

The SPEAKER. Does the gentleman from Michigan [Mr. WIL-

LITS] object?

Mr. WILLITS. Let the bill go over for one day. I want to investigate a certain matter in connection with it.

SALE OF INDIAN RESERVATION.

On motion of Mr. VALENTINE, by unanimous consent the bill (S. No. 753) to provide for the sale of the remainder of the reservation

of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Indian Affairs.

FEES IN DONATION CASES.

Mr. WHITEAKER. I ask unanimous consent to have taken from the Speaker's table, for concurrence in a verbal amendment of the Senate, the bill (H. R. No. 3921) to amend section 2238 of the Revised Statutes of the United States in relation to fees for final certificates in donation cases

The Clerk read the amendment of the Senate, as follows:

In line 7, after the word "hundred," insert "and twenty."

Mr. WHITEAKER. This is simply a verbal amendment. The intention was that the phrase should read "three hundred and twenty acres;" that is, a full half section. The words "and twenty" were omitted by inadvertence. The Senate has inserted these words by way of amendment.

Mr. CONGER. If the bill is a short one let it be read as proposed

to be amended.

The Clerk read as follows:

Be it enacted, &c., That the sixth paragraph of section 2238 of the Revised Statutes of the United States be, and the same is hereby, repealed, and that in lieu thereof the following paragraph be inserted:

"A fee in donation cases of \$2.50 for each final certificate for one hundred and sixty acres of land; \$5 for three hundred and twenty acres; and \$7.50 for six hundred and forty acres."

There being no objection, the bill was taken from the Speaker's table and the amendments of the Senate concurred in.

WHITEAKER moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIVE-STOCK GROWERS.

Mr. CASWELL. Mr. Speaker, I ask by unanimous consent that the resolutions adopted by a convention of live-stock growers of the United States, recently held in Chicago, in reference to pleuro-pnenmonia of, cattle, be printed in the RECORD and referred to the Committee on Agriculture. They are brief, and relate to a subject-matter interesting to every member on this floor.

Mr. CONGER. Yes; let them be printed in the RECORD and referred to the Committee on Agriculture.

ferred to the Committee on Agriculture.

The SPEAKER. The Chair hears no objection, and the resolutions are accordingly ordered to be printed in the RECORD and referred to the Committee on Agriculture.

They are as follows:

the Committee on Agriculture.

They are as follows:

At a meeting of the live-stock growers of the United States, held in Chicago, Illinois, November 17, 1880, Hon. S. R. Scott, of Champaign, Illinois, was called to the chair, and General George E. Bryant, of Madison, Wisconsin, was chosen secretary. The meeting, after a lengthy discussion, passed unanimously the following preamble and resolutions:

Whereas the contagious pleuro-pneumonia of cattle exists in several of the States of the Union bordering on the Atlantic scaboard; and

Whereas it is evident that, so long as unrestricted traffic in live cattle is permitted between these infected States and those not infected the live-stock interests of all sections of our country are menaced by a terrible danger; and

Whereas it is evident that country, thereby entailing great damage to all cattle raisers and feeders in the United States; and

Whereas in view of the decision of our State and Federal courts the States at ing as such are powerless to protect themselves from infection from an adjoining State and for the same reason an infected State is powerless to stamp out the contagion as long as it exists on its borders in an adjoining State: Therefore,

Resolved, That it is the imperative duty of Congress to enact such a law as shall effectually prevent the spread of this disease into States not already infected, and which shall result in its entire extermination at the earliest practicable date.

Resolved, That as an important proliminary step we heartly second the recomendation made by Judge Jones, of Ohio, to the President of the United States for the appointment of one or more veterinary inspectors, who shall definitely ascertain and designate the infected regions.

Resolved, That we recognize the bill introduced into the House of Representatives at its last session by General Keifer, of Ohio, to the President of the United States for the appointment of one or more veterinary inspectors, who shall definitely ascertain and designate the infected regions.

Reso

J. E. CHRISTY.

Mr. SPEER. I move by unanimous consent the following resolution be adopted:

Resolved, That the Committee on Elections be authorized to continue J. L. Christy in the position of assistant clerk to that committee for such time during this session as the committee may require his services, to be paid out of the contingent fund of the Honse at the rate of \$6 per day for the time actually employed.

Mr. ATKINS. Let it go to the Committee on Accounts.

The SPEAKER. It requires unanimous consent to consider the resolution at this time. The rule requires it to go to the Committee on Accounts. The Clerk will read clause 42 of Rule XI touching the expenditure of the contingent fund of the House.

The Clerk read as follows:

Touching the expenditure of the contingent fund of the House, the auditing and settling all accounts which may be charged therein by order of the House—to the Committee on Accounts.

The SPEAKER. This requires unanimous consent to evade that rule. The Chair hears objection, and the resolution is not before the House.

PRIVATE BUSINESS.

Mr. BRIGHT. I now demand the regular order of business.

The SPEAKER. This being Friday, business of a private nature is in order. The first business in order is the morning hour, during

which committees will be called for reports of a private nature.

Mr. BRIGHT. I move to dispense with the morning hour so that we may go into the Committee of the Whole House on the Private Calendar

The SPEAKER. It requires a two-thirds vote to dispense with the

morning hour. Mr. HAYES. I think the disposition of the House is to dispense with the morning hour if we can go into the Committee of the Whole House for the purpose of taking up and considering private bills.

The SPEAKER. This being Friday, and the day set apart for consideration of private business, it requires a two-thirds vote to discuss the committee of the commit

sideration of private business, it requires a two-thirds vote to dispense with the morning hour.

Mr. WHITE. But what about pending questions?

The SPEAKER. On a former occasion the Chair said he waived any decision on that point, but with the consent of the House would give precedence to the morning hour, as he thought that was an equitable view to take of the subject under the rules. The privileged question continues to run and can be taken up at any time. The Chair did not think it was an equitable view of the rules to cut off business in the morning hour when, under the rules, two-thirds were required to dispense with that morning hour.

Mr. BRIGHT. I withdraw my demand for a morning hour.

The SPEAKER. In that view, without any decision-from the Chair on the subject, it seems to have been concurred in by the House that there should be a morning hour unless dispensed with by a two-thirds vote. The Chair, therefore, to-day, as on former days during this week, has proceeded with the call of committees in the morning hour.

ing hour.

Mr. WHITE. Does the Chair decide it takes precedence of all

The SPEAKER. That point has not yet arisen, and "sufficient unto the day is the evil thereof."

Mr. WHITE. Does the Chair decide the Private Calendar comes up to the exclusion of all other business?

The SPEAKER. He does not decide that, as that question has not

yet come up in issue.

Mr. WHITE. I understood there was an intimation to that effect

from the Chair.
The SPEAKER. I know. The Chair is prudent.

MORNING HOUR.

The SPEAKER. The morning hour now begins at one o'clock and fifteen minutes p. m., and reports are in order from committees on

NEW YORK AND CONNECTICUT BOUNDARY-LINE.

Mr. LAPHAM. I am directed by the Committee on the Judiciary to report back the bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut and put it upon

the SPEAKER. It is not in order to put a bill on its passage during the morning hour when committees are called for reports.

Mr. LAPHAM. This is a local bill, and there can be no objection

The SPEAKER. The Chair has never allowed a bill reported in the morning hour to be taken up for consideration and put upon its passage at that time, for if any debate should arise and consume the morning hour, it would result in the subversion of the rule, and other committees would be prevented from submitting their reports for reference.

for reference

Mr. LAPHAM. But the bill does not involve any debate.

The SPEAKER. The bill is a public bill, and cannot be received on private bill day. The committee has leave to report at any time, and the Chair will recognize the gentleman to-morrow, or later on this day if the private business should then be disposed of.

POWERS, NEWMAN, AND OTHERS.

Mr. HASKELL, from the Committee on Indian Affairs, reported, as a substitute for House bill No. 5731, a bill (H. R. No. 6538) for the relief of Powers and Newman and D. and B. Powers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The call of committees was concluded.

THOMAS PETTLIOHN.

Mr. POEHLER. I ask, by unanimous consent, to take from the

Speaker's table the bill (H. R. No. 5918) granting a pension to Thomas Pettijohn, received from the Senate with an amendment, for the purpose of moving that amendment be concurred in.

There was no objection, and the amendment of the Senate was read, as follows:

Strike out all after the word "laws," in line 5, and in lieu thereof insert "for total blindness."

Mr. BROWN. Let the bill be read.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Thomas Pettijohn, late a corporal of Company D, Ninth Regiment Minnesota Volunteers, on the pension-rolls, subject to the limitations and provisions of the pension laws, for total blindness.

The amendment was concurred in.

Mr. POEHLER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. BRIGHT. I now move the House resolve itself into a Committee of the Whole House for the purpose of considering the Private

Mr. BICKNELL. I rise to a parliamentary inquiry. Has not the question of privilege, which was pending when the House adjourned yesterday, precedence even on a private bill day?

The SPEAKER. The Chair will have read the words of Rule XXVI.

The Clerk read as follows:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting.

Mr. BICKNELL. Does that apply to privileged questions?

The SPEAKER. The Chair has never decided that point under the new rules, but has entertained the morning hour on each day for the reason that under the rule it requires two-thirds to dispense with the reason that under the rule it requires two-thirds to dispense with the morning hour. The same rule, which has just been read, requires a two-thirds vote to dispense with private business on Friday, and the gentleman from Tennessee indicated his purpose to secure the floor to make that motion, which the Chair has recognized. The Chair does not decide now as to the status of the privileged question.

Mr. HARRIS, of Virginia. Mr. Speaker, that question is now before the House in proper form and ought to be settled by ruling, one way or the other, whether privileged questions do not rise above the rules and set aside all ordinary rules; that is to say, whether privileged questions are not really above all rules.

The SPEAKER. The Chair then decides that a privileged question rises above the rules, but for the convenience of the House and the equitable adjustment of its business he has, by consent of the House heretofore, directed that there should be a morning hour. If the issue is raised now the Chair will decide it. The question of consideration is for the House.

sideration is for the House.

Mr. BICKNELL. I desire to raise the point whether the privileged

question does not take precedence to-day of private business?
The SPEAKER. It does.
Mr. BICKNELL. Then if it has precedence, I desire to call up the Senate resolution on which the House was engaged yesterday.
The SPEAKER. The gentleman from Indiana calls up the privilence of the pr

leged question which was under consideration on yesterday.

Mr. BRIGHT. And I raise the question of consideration.

The SPEAKER. The effect of that will be to cut off private busi-

mess, or the reverse, according to the judgment of the House.

Mr. CONGER. If the question of consideration is raised the effect will be to give private business the preference.

The SPEAKER. The Chair would immediately recognize the gentleman from Tennessee to make his motion again.

The question was taken; and the motion to proceed with considera-tion of the unfinished business was not agreed to.

Mr. BRIGHT. I now renew my motion that the House resolve

itself into Committee of the Whole on the Private Calendar.

PERSONAL EXPLANATION.

Mr. HUNTON. Before the gentleman from Tennessee presses his motion I ask him to yield to me for a moment in order to make a personal explanation. My attention, Mr. Speaker, was called last evening to the speech made by the honorable gentleman from Ohio, [Mr. Keifer] in which I find the following paragraph, which I will ask the Clerk to read.

The Clerk read as follows:

My friend from Virginia, [Mr. Hunton,] in a speech here, says President Lincoln approved the twenty-second joint rule, adopted in that year. It was adopted by a concurrent resolution, (February 6, 1865), and it was never submitted to him for his action. Other members have fallen into the same error. I understood the honorable Speaker, to-day, to cite this message of President Lincoln in support of the power of Congress to count the vote. Errors of judgment track in the wake of errors of history.

Mr. HUNTON. That allegation in the speech of the gentleman from Ohio is a misrepresentation of the sentiment contained in the speech which I had the honor to deliver on the 8th of June, 1880—of course unintentional misrepresentation. Herepresents me there—

Mr. CONGER. I raise the point of order that this is not a question of personal privilege.

The SPEAKER. The Chair thinks that the gentleman from Michigan should have objected before the gentleman from Virginia had proceeded. The gentleman from Virginia rose and had read an extract from the speech of the gentleman from Ohio, to which he desires to call attention and on which his personal explanation is based. No one objected at the time.

Mr. CONGER. But no one could have known what he claimed as a matter of personal privilege until after he begun. I waive the objection, although I cannot see any reason why because one member differs from another that should be considered a matter of personal

The SPEAKER. The Chair understands that the question of privilege which the gentleman from Virginia raises is based on what he

regards as a misrepresentation of what he had said.

Mr. KEIFER. I hope the gentleman from Virginia will be allowed

Mr. KEIFER. I hope the gentleman from virginia will be allowed to proceed.

Mr. HUNTON. This, Mr. Speaker, I regard as an imputation upon me—that I have committed an error of history, of which I am not guilty. According to the statement of the gentleman from Ohio I am made to say in my speech of June 8, 1880, that President Lincoln approved the joint rule of 1865. The meaning I attach to the language of the gentleman is, that I stated in my speech that Mr. Lincoln signed the joint rule in approval of it. But I find by reference to the speech which I then delivered that, after quoting the President's message upon another matter, which states upon its face that it has reference to a joint resolution declaring certain States not entitled to representation in the electoral college, I then commented upon the docsentation in the electoral college, I then commented upon the doctrine of that message, but did not state that Mr. Lincoln had approved of the joint rule in the sense that he signed it. He approved of the joint resolution of the two Houses declaring that certain States were not entitled to representation in the electoral college; but in his message he announces the doctrine which I say is applicable to a joint rule and to the power of the two Houses to count the electoral vote. And that there may be no mistake upon the subject I ask the Clerk to read the President's message and my comment thereupon.

The Clerk read as follows:

The Clerk read as follows:

To the honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral college" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal; and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes; and he also disclaims that, by signing said resolution, he has expressed any opinion on the rectals of the preamble or any judgment of his own upon the subject of the resolution.

ABRAHAM LINCOLN.

EXECUTIVE MANSION, February 8, 1865. Mr. Hunton. It appears from this message that Abraham Lincoln, then President of the United States, not only thought that the two Houses of Congress alone had the power to count the vote, but believed it was not competent for the President of the United States, by vetoing a bill or resolution on the subject, to interfere with that power. President Lincoln stands upon record committed to the doctrine that a joint rule, which does not require the signature of the President, is the true and only mode of determining how the presidential vote shall be counted.

Mr. HUNTON. The gentleman from Ohio will see by the reading Mr. HUNTON. The gentleman from Ohio will see by the reading of that message and my comments upon it that I did not state that Mr. Lincoln signed the joint rule of 1865, but I did state that he approved the resolution declaring that certain States were not entitled to representation in the electoral college, and from that message I deduced the doctrine that the President entertained at the time, to wit, that the two Houses of Congress had the right to count the electoral vote. That was all I meant to say and all I said upon the subject. I take pleasure, however, in saying that I have no idea the gentleman from Ohio meant to misrepresent my opinion or position.

Mr. KEIFER. I certainly did not intend to misrepresent, if I did so at all, the distinguished gentleman from Virginia, and I have no

Mr. KEIFER. I certainly did not intend to misrepresent, if I did so at all, the distinguished gentleman from Virginia, and I have no sort of objection to the gentleman making clearer if possible what he did intend in what he said. I ought to add by way of justification of the remark I made that I had reference to language in his speech which he has not given to the House this morning. I understand he which he has not given to the House this morning. complains that I used this language:

My friend from Virginia, [Mr. Hunton] in a speech here, says President Lincoln approved the twenty-second joint rule adopted in that year.

Now, it will be noticed that in his speech the gentleman from Virginia spoke of the year 1865, when the joint resolution he and I were referring to was passed. In that speech, which he had the courtesy to furnish me some time ago under his own frank, I find this language:

The President of the Senate had a right to say how Louisiana had voted, and no member of either House of Congress had the right to do more than sit there and see the President of the Senate usurp authority and declare a man elected as President who perchance might not have received one third of the electoral votes. But the twenty-second joint rule was in operation, a rule which met the approval of two-thirds of both Houses and the approval of the President of the United States.

And that is precisely the language I used when I said the gentleman stated that the President of the United States had "approved the twenty-second joint rule." Now I do not know that he meant to say that, and if he chooses to correct his language I have no objection. I have stated this in order to justify myself. But taking the gentleman's speech and the message which has just been read, I think if the gentleman will examine the message he will see there is not a single word in it that could by any possible strained construction be

interpreted to be in favor of any joint rule by any sort of implication. And what is more, the very message of President Lincoln, which the gentleman has caused to be read, stands upon the doctrine that Congress has no right to interfere with this matter as strongly as it possibly could. In that message the then President of the United States uses this language:

In his own view, however, the two Houses of Congress convened under the twelfth article of the Constitution have complete power—

to do so and so. Not the two Houses of Congress acting separately; not Congress acting; but the two Houses of Congress convened under the twelfth article. There is no inference to be drawn from that that President Lincoln ever believed in any such doctrine as is connected with this rule

So to take the gentleman on his own language when he says in one place that President Lincoln approved of the doctrine, there is not a scintilla in this message that indicates that fact. But it is sufficient for me to say that on page 13 of his printed speech he uses the lan-guage I attributed to him, almost in words; that is, that the twenty-second joint rule had the approval of the President of the United States.

Mr. HUNTON. I desire to say when I used the word "approval," I did not mean to convey the idea that President Lincoln had approved in the sense that the President approves by signing. All I wish to make out of the President's message on that subject was the approval by the then President of the United States of the doctrine that the two Houses, without the interference of the Executive, had a right to

count the electoral vote. That is all I meant to say.

Mr. KEIFER. The gentleman used the same word in his speech that I used; and I do not wish to give it any other meaning than he

Mr. HUNTON. The word "approved," as applied to the President,

has the technical meaning of his approved, as applied to the Fresident, has the technical meaning of his approving and signing a bill or joint resolution. I used the word "approval."

The SPEAKER. The Chair desires to say in this connection that he directed the attention of the gentleman from Ohio [Mr. Keifer] to the connection in which he placed the view of the Chair, in delivering his desired with the language area of the connection of the same and the same area. decision, with the language preceding it, in speaking of the twenty-second joint rule, and stated the language of the gentleman might by implication make it to appear that the Chair in rendering his decision had fallen into the error of saying the President of the United States, Abraham Lincoln, had approved the twenty-second joint rule, when the Chair knew the opposite and had made the matter clear and distinct by causing to be read the message of President Lincoln with the title of the joint resolution to which the Chair had referwith the title of the joint resolution to which the Chair had reference. The Chair having directed the attention of the gentleman from Ohio to that privately, that gentleman gave the assurance to the Chair, and he presumes it has been done, that he would disconnect the two matters so that it would not appear even by implication that the Chair had referred to the twenty-second joint rule as having been approved by any President. And he is obliged to the gentleman from Ohio if he has done so.

Mr. KEIFER. I did not say in my speech that the Speaker in any way speke of the twenty-second joint rule as having been approved.

way spoke of the twenty-second joint rule as having been approved by President Lincoln. The language I used was this:

I understood the honorable Speaker to-day to cite this message of President Lin-coln in support of the power of Congress to count the vote.

The SPEAKER. That is all right if disconnected from what the mr. KEIFER. The sentence is complete, a period being there.

The SPEAKER. The sentence is complete, a period being there.

The SPEAKER. The gentleman from Ohio having made the correction, that is all the Chair desires.

Mr. KEIFER. At the suggestion of the Chair, I have put in the precise title of the joint resolution approved by President Lincoln.

The SPEAKER. The Chair is obliged to the gentleman.

Mr. KEIFER. And I disclaim that by implication in any way Pres-

ident Lincoln affirmed the doctrine that the two Houses of Congress

had the right to count the vote.

The SPEAKER. The Chair is aware of that.

PRIVATE CALENDAR.

Mr. BRIGHT. I now insist on my motion that the House resolve itself into Committee of the Whole House to consider the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole
House on the Private Calendar, Mr. Sparks in the chair.

WILLIAM A. AND ADELICIA CHEATHAM.

The first bill on the Private Calendar was the bill (H. R. No. 3561) The first oil on the Frivate Calendar was the bill (H. R. No. 3361) for the relief of William A. and Adelicia Cheatham, reported from the Committee on Claims by Mr. O'CONNOR.

Mr. O'CONNOR. I ask that that bill be passed over for the present.

The CHAIRMAN. Does the Chair understand the gentleman to object to the present consideration of the bill?

Mr. O'CONNOR. I simply asked that it be passed over for the

The CHAIRMAN. The Chair knows of no rule by which that can be done. If any gentleman objects to the consideration of a bill, then under the rule the committee must rise and report the objection

Mr. O'CONNOR. I do not object to the consideration of the bill,

except that I desire it passed over for the present to be taken up on some future Friday. I think it is customary for the Committee of the Whole to pass over bills informally.

The CHAIRMAN. The Clerk will read clause 4 of Rule XXIII.

The Clerk read as follows:

In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

Mr. O'CONNOR. I hold that it is competent for this Committee of the Whole, without objection, to pass over informally any bill upon its Calendar. It has been frequently done here. I simply ask that this bill be informally passed over for the present.

The CHAIRMAN. The Chair understands that it is not competent under the new rules for the Committee of the Whole to do that. If objection is made to the consideration of any bill or proposition, the committee must rise and report that objection to the House.

Mr. BLOUNT. I do not understand the gentleman from South Car-

Mr. BLOUNT. I do not understand the gentleman from South Carolina [Mr. O'CONNOR] to object to the consideration of this bill, but merely to ask that it be passed over for the present.

The CHAIRMAN. The Chair would suggest to the gentleman from South Carolina [Mr. O'CONNOR] that the Committee of the Whole

South Carolina [Mr. O'CONNOR] that the Committee of the Whole can do anything by unanimous consent.

Mr. BLOUNT. The gentleman, however, has not indicated when he desires that this bill be taken up hereafter.

Mr. O'CONNOR. I will state to the committee that since filing the report in this case I have been in correspondence with the Secretary of the Treasury. It is necessary for me to take further action before I shall be prepared to present this case to the House and ask for a vote on the bill. If it is desired, I am willing that the bill shall be placed at the foot of the Calendar, so that it shall not interfere with the consideration of any other bill on the Calendar.

Mr. BLOUNT. I can see no objection to that.

The CHAIRMAN. The suggestion of the gentleman from South Carolina [Mr. O'CONNOR] that this bill be passed over for the present can be agreed to by unanimous consent. If there be no objection this bill will be passed over.

Mr. BLOUNT. The gentleman also suggested that it be placed at the foot of the Calendar.

The CHAIRMAN. And placed at the foot of the Calendar. If there be no objection that order will be made.

There was no objection, and it was so ordered.

CHARLES W. ABBOT AND W. W. BARRY.

CHARLES W. ABBOT AND W. W. BARRY.

The next business on the Private Calendar was the bill (H. R. No. 2828) for the relief of Charles W. Abbot, a pay-director, and W. W. Barry, a passed assistant paymaster, in the United States Ravy, reported from the Committee on Naval Affairs by Mr. Monse.

The bill was read, as follows:

Be it enacted, &c., That Charles W. Abbot, a pay-director, and W. W. Barry, a passed assistant paymaster, in the United States Navy, be, and they are hereby, released from liability or loss in consequence of the embezzlement of \$2,605.54 by R. J. O'Reilly, a paymaster's clerk in the navy-yard at Boston. And the Secretary of the Treasury is hereby authorized and directed to refund to said Abbot the sum of \$797.15, and to said Barry \$1,808.39, out of any money in the Treasury not otherwise appropriated.

Mr. BROWNE. Is there a report accompanying this bill? Mr. MORSE. There is.
Mr. BROWNE. Let the report be read.

The report was read, as follows:

Mr. BROWNE. Let the report be read.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 2828) for the relief of Pay Director Charles W. Abbot and Passed Assistant Paymaster W. W. Barry, of the United States Navy, having had the same under consideration, submit the following report:

It appears that on the 19th of October, 1876, R. J. O'Reilly was appointed paymaster's clerk by Paymaster W. W. Woodhull, then discharging the duties of paymaster of the navy-yard. Boston, Massachusetts, which appointment was approved by the commandant of the station. Since the above date O'Reilly continued to hold the position of paymaster's clerk, his duty being to assist the paymaster of the navy-yard at Boston, until the 25th of October, 1878, when, having been detected in a dishonest transaction, he was suspended from duty, and a thorough examination disclosed the fact that he had embezzled of the Government moneys \$2,605.54. Prompt measures were taken to effect his arrest after his defalcation was ascertained, but he had absconded. On the 10th of July, 1878, Pay Director Charles W. Abbot was ordered to relieve Paymaster F. H. Swan at the Boston navy-yard. After taking charge of the pay office, Pay Director Charles W. Abbot became suddenly ill, and on July 22, 1878, was relieved by Passed Assistant Paymaster W. W. Barry. Again, on October, 1.878, Pay Director Charles W. Abbot, having recovered his health, relieved Passed Assistant Paymaster W. W. Barry. The fidelity, competency, and integrity of the clerk, O'Reilly, having been vonched for by Paymaster Swan, who relieved Paymaster Woodhull, and had continued the clerk through his term of service, he was, therefore, retained by Passed Assistant Paymaster W. W. Barry and by Pay Director Charles W. Abbot.

After the discovery of this deficiency in the cash, the fact was at once reported to the commandant of the station, and an investigation requested by Pay Director Charles W. Abbot.

After the discovery of insideling investi

an opportunity was afforded the clerk O'Reilly to carry over from one to the other any frauds that he had kept concealed."

Having carefully considered all the facts and circumstances connected with the case, the committee report favorably thereon, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

BENJAMIN F. BINGHAM.

The next business on the Private Calendar was the bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of Cali-

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Benjamin F. Bingham, of Washington. District of Columbia, out of any money not otherwise appropriated, the sum of \$1,416.88, the amount of four Indian war bonds issued by the act of the Legislature of California, approved May 3, 1852, for the suppression of Indian hostilities in that State, and for which Congress assumed the payment, appropriating the sum of \$224,263, August 5, 1854, the unexpended balance of which appropriation was covered into the United States Treasury June 29, 1863.

Mr. BLOUNT. Let the report be read. The report was read, as follows:

Mr. BLOUNT. Let the report be read.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California, have had the same under consideration, and beg leave to submit the following report:

The evidence laid before the committee clearly establishes the fact that Indian war bonds were issued by the State of California under an act approved May 23, 1852, in payment of expenses incurred in the suppression of Indian hostilities within that State.

It is also shown that these bonds named in the bill (four in number) were issued as a part payment of the debt incurred as above stated and under the authority referred to, and were made payable in ten years, with interest at the rate of 7 per cent. per annum.

It is found that the bonds are properly authenticated, being signed by J. Neely Johnson, governor; G. W. Whitman, comptroller; and Henry Bates, treasurer. The certificate of James J. Green, comptroller of California in 1872, as to the genuineness of the bonds, was submitted by the claimant and is filed with other papers in evidence, and also a letter from Hon. Horace Austin, Fifth Auditor of Treasury United States.

Following numerous precedents, that the General Government was liable for all expenses incurred by States in the suppression of Indian hostilities, Congress, by an act approved August 5, 1854, assumed the payment of this class of bonds, and the sum of \$924,259.65 was appropriated for that purpose. On the 29th day of June, 1863, there was an unexpended balance of this appropriation of \$10,188.63, which, under the provisions of law, was carried to the surplus fund of the Treasury. This unexpended balance arose out of the fact that certain of these bonds had not been presented for payment. Among this number were the bonds now in the hands of the committee, which the holder is therefore compelled to ask that Congress will confer upon the Secretary of the Treasury authority to pay to him the

Mr. FINLEY. I desire to inquire of the gentleman having this bill in charge whether Congress at any time has made a specific appropriation for the payment of these bonds? I could not understand exactly from the reading of the report whether the appropriation made had been or not a specific appropriation for the payment of these bonds. It seems that these bonds were issued by the State of California in the second of fornia for the payment of expenses incurred in an Indian war. From the reading of the report I understand that an appropriation was made, but that statement was coupled with a statement of the precedents for the payment of such bonds, so that I am not certain

cedents for the payment of such bonds, so that I am not certain whether the report states that Congress at a former session made a specific appropriation or not for the payment of these bonds. I desire to inquire whether that is so.

Mr. DEERING. I will state that war bonds were issued by the State of California under authority of an act passed by its Legislature in 1852 for the payment of expenses incurred in the suppression of Indian hostilities within that State. In 1854 Congress, according to the established policy of the Government, assumed the payment of these expenses and directed the Secretary of War—

Mr. FINLEY. Allow me. Were these particular bonds described in that act of Congress?

Mr. DEERING. They had not been issued at that time. If the gentleman will hear me for a moment I think I can make it perfectly clear to him. In 1854 Congress assumed the payment of these expenses and authorized the Secretary of War to ascertain what was the amount so expended, and made an appropriation at the same time of

penses and authorized the Secretary of War to ascertain what was the amount so expended, and made an appropriation at the same time of something like \$925,000. In 1856 Congress passed another act directing the payment of all this class of bonds that had been issued prior to 1854. These bonds, however, did not come under that act, because they were not issued until May, 1856.

In 1860 Congress passed another act, by which it directed the payment of this class of bonds which were issued subsequently to 1854. But the holder of these bonds in the mean time had gone away to the plains, and was not aware of the passage of that act. But the bonds were certified by the comptroller of California in 1862 to the

Treasury of the United States, and are now fully authenticated by the action of the late Third Auditor of the Treasury, Mr. Austin, and the late Assistant Secretary of the Treasury, Mr. Sawyer, as well as by the officers of the State of California. I have their statements here, and also letters of the late Third Auditor, and of Mr. Sawyer. I will state for the information of the House that this bill was before the Committee on Claims in the Forty-third Congress and received from that committee a unanimous report in its favor. It was also before the Forty-fifth Congress, and the Committee on Indian Affairs of that the Forty-fifth Congress, and the Committee on Indian Affairs of that Congress was unanimous in reporting it favorably. I have carefully examined the bill, and believe it is just and ought to pass.

Mr. FINLEY. The passage of this bill, as I understand, does not

carry interest on the bonds.

Mr. DEERING. As I understand, it does not. Mr. WARNER. Do I understand the gentleman from Iowa to say that interest is not included in this appropriation?

Mr. DEERING. I understand that interest is not included. I have

the bonds here, and can easily make the computation.

Mr. WARNER. I understand that interest is included at 7 per cent. Let the bill be again read.

The Clerk again read the bill.

Mr. BLOUNT. What is the amount of the bonds?
Mr. DEERING. Two hundred and fifty dollars, each.
Mr. WARNER. The language of the bill does not say whether interest is included or not.

Mr. DEERING. I will state, on reflection, that interest is included.

Mr. WARNER. Interest has been included at 7 per cent.?

Mr. DEERING. Yes, sir.

Mr. WARNER. I submit that, in view of the statement which has been made here, the holder of these bonds cannot claim interest, as it was his fault that the bonds were not presented for payment after

the appropriation was made.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. WARNER. I move to strike out the amount of the interest.

Mr. DEERING. Will the gentleman hear me one moment? The holder of these bonds was certainly not responsible for their non-payment up to 1862. Though they were dated in 1856, they were not certified by the officers of the State of California to the officers of the United States in Washington until 1862. It would certainly be very

unjust to withhold interest up to that time.

Mr. BLOUNT. I would like to ask the gentleman whether it is not the usage of the Government in this class of cases to pay no interest?

Mr. DEERING. My judgment is—
Mr. BLOUNT. I do not ask the gentleman's judgment. What is the practice?

Mr. DEERING. I think that when the paper calls for interest on

Mr. DEERING. I think that when the paper calls for interest on its face the Government always pays it, but not otherwise.

Mr. WARNER. I move to amend the bill by striking out the words "four hundred and sixteen dollars and eighty-eight cents." This will leave \$1,000 as the amount of the appropriation. The Government does not pay 7 cent. interest to anybody now.

Mr. PAGE. It seems to me that interest ought to be allowed by the Government column to the time when paying on was made for

the Government only up to the time when provision was made for the payment of these bonds. After that there ought to be no interest paid; up to that time interest should be allowed.

Mr. WARNER. What would interest up to that time amount to?

Mr. PAGE. I do not know.

Mr. DEERING. Certainly the bonds should draw interest up to

1862

Mr. FINLEY. Is \$416.88 the amount of the computed interest?
Mr. WARNER. Yes, sir.
Mr. DEERING. Certainly the Government ought to be willing to pay interest up to the time when it made provision for the payment

Mr. BLOUNT. If it be true that the Government ought to pay interest on this claim, it certainly ought to pay interest on every war claim and on all claims of every character. The precedents have been the other way. The Government has not been in the habit of paying interest, and I do not see why an exception should be made

in this particular case.

Mr. WARNER. There ought not to be any interest paid.

Mr. ROBINSON. I have no information about this matter, except Mr. ROBINSON. I have no information about this matter, except as I collect it here and now. It seems to me, however, if I understand the facts, that there is a distinction to be observed here, and perhaps my friend from Ohio [Mr. WARNER] will concede it at once. If the contract was not only to pay a certain amount of money, but also to pay interest, then I take it the Government, according to the principles of justice and fair dealing, ought to pay interest. In cases of claims for damages and losses we do not allow interest, (although such claims are often unpaid a long time,) because there is no contract to pay interest. If the fact in this case is—I am not informed about the facts except as the gentleman from Iowa states them—if the fact is that these bonds are an obligation not only to pay the principal but to pay interest, then we ought to pay interest. s I collect it here and now. It seems to me, however, if I undertand the facts, that there is a distinction to be observed here, and the contract was not only to pay a certain amount of money, but also to pay interest, then I take it the Government, according to the principles of justice and fair dealing, ought to pay interest. In although such claims are often unpaid a long time,) because there is no contract to pay interest. If the fact in this case is—I am not informed about the facts except as the gentleman from Iowa states hem—if the fact is that these bonds are an obligation not only to any the principal but to pay interest, then we ought to pay interest was a part of the contract, of course the bill should include interest up to the ime when provision was made for the payment of the bonds. I would like to know the facts of the contract.

Mr. DEERING. Well?

Mr. FINLEY. Hear me through. If in 1860 they could get payment by presentation and having them certified and then neglected to do it, or the officers of California neglected to do their duty, I do not think the Government by reason of any such carelessness ought to be compelled to pay more than was originally intended to be paid.

Mr. DEERING. It is impossible for us to decide who is responsible for that neglect or delay. One thing appears of record, and that is the fact that the officers of the State of California failed to certify the genuineness of these bonds to the officers of these bonds only ask for the payment of interest up to that time.

Mr. WARNER. I offered my amendment under the impression and to do it, or the officers of California neglected to do their duty, I do not think the Government by reason of any such carelessness ought to be compelled to pay more than was originally intended to pay more than the holders of them could get their money of the sentation of them in 1860—

Mr. DEERING. Well?

Mr. DEERING. I in 18 pay the principal but to pay interest, then we ought to pay interest

until the time when we provided means of payment.

Mr. WARNER. I agree that if the payment of interest was a part of the contract, of course the bill should include interest up to the time when provision was made for the payment of the bonds. I would

like to know the facts of the contract

for 7 per cent. interest. The Government made no provision for the payment of the bonds until 1862, they having been issued in 1856.

payment of the bonds until 1862, they having been issued in 1856.

Mr. WARNER. Then the Government was not a party to the contract until 1862, and therefore did not obligate itself to pay interest.

Mr. BLOUNT. The Government was not bound, as my friend said, until 1862, but at that time the appropriation was made and these gentlemen failed to call for their money. It was their own fault. It was in the Treasury waiting for them until under the law it was covered back into the Treasury.

Mr. WARNER Linest on mr. amendment.

ered back into the Treasury.

Mr. WARNER. I insist on my amendment.

Mr. WHITE. May I ask the gentleman having charge of the bill, and who made the report, whether the Government paid a similar class of bonds to these? There were more than these four bonds.

Mr. DEERING. Mr. Chairman, I would like to state that on the computation of interest on the bonds by my friend since the debate began it is found that it was only computed in the bill up to the time when the Government made provision for payment, which was in 1862. Let seems to me to be eminently just and proper that it should be so computed. be so computed.

Mr. BLOUNT. I should like to ask my friend a question right here. He says this bill does not provide interest beyond the time when the appropriation was made for payment.

Mr. DEERING. When they were certified and accepted.
Mr. BLOUNT. The gentleman says when they were certified and
ecepted. What date is that?

Mr. DEERING. Eighteen hundred and sixty-two; I cannot tell

the exact day.

Mr. BLOUNT. I desire to ask my friend, that being assumed there is no interest computed after that time, whether the Government proposes to pay the interest up to that time if appropriations were

proposes to pay the interest up to that time it appropriations were made prior to 1862 on these four bonds?

Mr. DEERING. What does the gentleman say?

Mr. BLOUNT. Did the act assuming the payment of these bonds touch the principal only, or principal and interest?

Mr. DEERING. I understand it to have covered the interest.

Mr. BLOUNT. Did the gentleman examine the act himself?

Mr. DEERING. I have the date of the act, and it can easily be

Mr. BLOUNT. Give us the date, and it will be easy to refer to it.
Mr. PRESCOTT. The bonds on their face appear to have coupons
for the payment of interest running to May, 1862. This bill provides for the amount of these bonds and for interest according to the coupons attached to them, and nothing more.

Mr. BLOUNT. The gentleman says that he understands that the act provides for interest. The gentleman in charge of the bill is not sure. It is an easy matter to have the act read, and that will settle

the whole question.

Mr. FINLEY. I have one of the bonds here. The State of Cali-Mr. FINLEY. I have one of the bonds here. The State of California proposes to pay the holder of this bond \$250, with 7 per cent. interest. It is dated the 11th of May, 1856, with coupons running to the 2d day of May, 1862. I understand the gentleman from Iowa, and I hope I can have his attention for a moment, because I wish to know whether I am right—I understand the gentleman to say that Congress assumed the payment of those bonds in 1860, and made no provision for their payment patil 1862. It that so?

mr. DEERING. That is what I understood the gentleman to say.
Mr. DEERING. It ordered payment and made provision for these bonds

Mr. FINLEY. When?
Mr. DEERING. In 1860. But the bonds were not certified by the State officers of California to the officers of the Treasury Department until 1862.

Mr. FINLEY. Through whose fault or by whose negligence?

Mr. DEERING. I cannot state.
Mr. FINLEY. The holders of the bonds?
Mr. DEERING. No; the officers of the State of California.
Mr. FINLEY. Then, Mr. Chairman, that raises a different ques-

Mr. DEERING. Certainly the delayed settlement was not through any fault of the holders of the bonds.

Mr. FINLEY. If the Government made provision for the payment of these bonds and the holders of them could get their money on pre-

I am satisfied, on examination of the bill, it only appropriates for the face of the bonds and coupons which entered into and constituted a part of the contract assumed by the Government. I therefore with-

draw my amendment.

Mr. BLOUNT. I ask for the reading of the law upon the subject.

The CHAIRMAN. The Clerk will read the section of the statute which covers this case

The Clerk read as follows:

The Clerk read as follows:

SEC. 4. And be it further enacted, That the Secretary of War be, and he is hereby, suthorized to pay, out of the unexpended balance of appropriation for the war debt of the State of California made by the last section of the act approved August 5, 1854, entitled "An act making appropriation for the support of the Army for the year ending the 30th of June, 1855," any outstanding and unpaid bonds and coupons issued by said State for said war debt prior to the passage of said act, but bearing date subsequent to the 1st day of January, 1854. Provided, That no payment shall be made beyond the unexpended amount of said appropriation now remaining in the Treasury; and also that there be paid, out of any money in the Treasury not otherwise appropriated, the sum of \$22,000, or so much thereof as may be required, for extra compensation and salaries to the district judges of California, under the provisions of the seventh section of the act entitled "An act to define and regulate the jurisdiction of the district courts of the United States in California private land claims," approved June, [16,] 1860.

M. DEFEING: It will be seen Mr. Chairman that that covers

Mr. DEERING. It will be seen, Mr. Chairman, that that covers this whole case

The CHAIRMAN. The Chair understands the gentleman from Ohio as having withdrawn his amendment.

Mr. WARNER. I have withdrawn the amendment.
Mr. DEERING. I move, Mr. Chairman, that the bill be laid aside
and reported favorably to the House.
The CHAIRMAN. If there be no further amendment, the bill will

be laid aside to be reported favorably to the House.

There being no further amendment, the bill was laid aside to be reported to the House with a favorable recommendation.

JOHN H. W. RILEY.

The next business on the Private Calendar was the bill (H. R. No. 2503) for the relief of John H. W. Riley.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$350 to John H. W. Riley, of San Francisco, California, the same to be in full compensation for services rendered the United States as phonographic reporter during the investigation into the claim of one Charles Murphy for extra compensation for excavating for dry-dock at the Mare Island navy-yard.

The report was read, as follows:

The report was read, as follows:

In the winter of 1876-77, one Charles Murphy had, or protended to have, a certain claim for a large amount against the Government for extra work in excavating a pit for the stone dry-dock at the navy-yard on Mare Island, California; that Admiral John Rodgers was then in command at said navy-yard, and such claim was referred to him to take testimony and report an award to the Department, and as Murphy was represented by counsel, Admiral Rodgers deemed it necessary to employ counsel on the part of the Government, and also a phonographic reporter to transcribe and report the proceedings, and he notified the Secretary of the Navy to that effect, and was authorized by the Secretary to use his own judgment in the premises. Thereupon the admiral employed the claimant in this matter as such phonographic reporter, and he was so employed from December 9, 1876, to January 13, 1877. Mr. Riley claims for his services \$82.40, but the Secretary of the Navy does not feel authorized to pay the claim without further legislation. The claim is approved by the counsel for the Government employed by Admiral Rodgers, as well as by the admiral himself. The committee find that Mr. Riley was employed not exceeding thirty working days, and the committee are of the opinion that \$10 per day would be a just and reasonable compensation for the services rendered, but as the claimant has lain out of the use of his money for two years and upward, we are of the opinion that he should be allowed the sum of \$350, and we recommend that the bill be amended accordingly, and that when so amended the same do pass.

The CHAIRMAN. The question is on the amendment, in line 6, to strike out the words "eighty-two," "and forty cents," and insert "fifty;" so that the bill, as amended, will read, "the sum of \$350."

The amendment was agreed to.

The bill, as amended, was laid aside to be favorably reported to the House.

JOHN ADAMS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service.

The bill, which was read, authorizes and directs the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to settle and pay to the several persons comprising the crews of the steamers Champion, Nos. 3 and 5, or their legal representatives, for the time they were each held as prisoners of war, including the necessary time it took them to reach their homes after their release at the same rate of pay per month they were each reaching at lease, at the same rate of pay per month they were each receiving at the time they were captured; also for commutation for rations for same time, to be settled and paid upon proper applications to be made under this act, and passed upon by the proper accounting officers of the Treasury.

The report was read, as follows:

The claimants under this bill are John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obadiah Scott, deceased; Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased. A bill for their relief was introduced into the House of Representatives during the second session of the Forty-fifth Congress. It passed the House in the third session of that Congress, and was sent to the United States Senate. The Committee on Claims in the Senate reported in favor of said bill, and it passed the Senate with an amendment and was returned to the House for concurrence

therein the last day of that session, too late to be called up or acted upon by the House, and failed for want of time.

The claims of these parties are the same as those in the case of John Ray, for whose relief an act was passed at the second session of the Forty-fifth Congress.

After a full examination of the evidence in support of this bill, the committee find the facts are accurately set forth in the report made to the House of Representatives by the Committee on War Claims in the case of John Ray. (See H. R. 208, second session Forty-fifth Congress.) Your committee agree with and adopt said report, which is as follows:

[Report to accompany bill H. R. No. 4143.]

said report, which is as follows:

[Report to accompany bill II. R. No. 4143.]

The vessels Champion No. 3 and Champion No. 5 were engaged in company in the same service and were impressed under the same order, at the same time, and for the same expedition, and proceeded thereon under the same command, and were destroyed while attempting to run the same battery, one on the 56th of April, 1864, and the other the day following. The claims are for payment of wages during the same captivity, and were presented in the same manner for payment, and rejected for the same reasons. In that case your committee reported as follows:

'In April, 1864, said Ray was employed, at a salary of \$400 per month, as pilot of the steamboat Champion No. 3, then employed in towing barges of coal for the army and navy of the Lower Mississippi. When the boat reached the month of Red River, about the 15th of April, she was ordered and compelled, against the protest of her officers and crew, to proceed up that river to Alexandria, about one hundred and twenty miles, and report to Commodore D. D. Potter with one barge of coal; and when she did so she was then required and compelled, against the protest of officers and crew, to proceed about one hundred and twenty miles farther up the river to assist in raising the sunhen United States vessel Eastport.

"Commodore Porter accompanied the expedition in his flag-boat and commanded it. On the return, they came to a confederate battery of nineteen gans, meantime creeded near the mouth of Cain Creek; and in running the same, under the orders of Commodore Porter, the boiler of the Champion No. 3 was expleded by a shot, and only seven persons, out of one hundred and seventy on board, escaped with their lives. The Champion No. 5 was also totally destroyed, and the survivors of both crews made prisoners of war, and confined at Camp Ford. Texas, where they suffered privations and exposures scarcely paralleled in the history of the war. This claim was presented to the accounting officers of the Navy for

"'Congress has directedly provided (R. S., § 3483) that one who sustains damage by the destruction by an enemy of a vessel, while such property is in the military service, shall be paid the value of the vessel. And section 4693, Revised Statutes, has been construed to authorize the payment of a pension in a case where the terms of employment were the same as that under which claimant was engaged at the time of the disaster. I have examined carefully the regulations of the Army and of the Navy and the acts of Congress, together with the authorities cited by the claimant's attorney, and I am unable to find any like provision that would authorize the accounting officers of the Treasury to sustain this claim without further legislation. legislation.
"I am, very respectfully,

". W. W. UPTON. "Second Comptroller."

"Your committee fully concur with the Second Comptroller as to the justice and merit of this claim."

Under the laws above referred to the owner of the vessel has been paid its value, and the widows of the killed have been pensioned. No good reason exists why the survivors should not be paid wages during the time of their captivity. If their comrades who lost their lives were in the service of the United States so as to entitle their widows to pension, surely the survivors were in the service and entitled to pay. If the owner of the vessel, who risked his property in the service of the United States, was entitled to compensation for its loss, then a fortiorial life and liberty are dearer than property) he who risked his life and lost his liberty in the service of the United States should at least have pay for the time lost in captivity. And such is the ruling and practice in auditing accounts for services in the Quartermaster's Department of the Army in precisely similar cases, as appears by the following letter received by your committee in reply to an inquiry addressed to the Third Auditor of the Treasury, who has charge of that duty in Army accounts:

"Treasury Department, Third Auditor's Office,

quiry addressed to the Third Auditor of the Treasury, who has charge of that duty in Army accounts:

"TREASURY DEFARTMENT, THED AUDITOR'S OFFICE,
"Washington, D. C., January 24, 1878.

"In response to your letter of the 23d instant, asking as to the practice of this office in reference to claims filed by employes of the Quartermaster's Department for compensation as such employes while held as prisoners of war, you are informed that it has not been the custom of this office to make any allowance to such persons merely as damages for detention while in captivity. The action of the office has been founded on the theory that persons hired by the Quartermaster's Department and carried on the rolls of that department continue to be the servants thereof during captivity, and are entitled to be paid at the rate of hiring until discharged from the service.

"The favorable action of this office has not, however, been confined to persons in the service of the Quartermaster's Department under express contract, but has been extended to the crews of boats which have been impressed into the military service, which crews have been subsequently captured, upon the theory that by the impressment of the boat the Government makes the employes of the owners its servants.

"There is no special statute authorizing these allowances, but the act of 1817 (section 217, Revised Statutes) imposing upon the Third Auditor the duty of examining all accounts of the Quartermaster's Department has been deemed to confer ample authority for the action taken.

"In reference to compensation, the rule has been to continue to an employé the pay he was receiving from his employer at the time of the capture, and to continue the same while he is actually held as a prisoner of war—that is to say, up to the time of his parol—allowing, in addition, a reasonable time for his return to the port of shipment.

time of his passes, port of shipment.

"'I am, sir, very respectfully, your obedient servant,
"'HORACE AUSTIN, Auditor.'

"It would thus seem that in precisely similar cases pay is allowed in the Army and disallowed in the Navy. Your committee do not question the correctness of the ruling in either case. It is probably casus omissus in the case of the Navy, as the Second Comptroller suggests; but it is evident that the Government should be prompt to mete out the same justice to the gallent men who do the same services in the time of danger, whether done in the Army or Navy. Whether an act be performed under the orders of a general or a commodore can make no possible difference either in its merit or its worth."

These men were all captured on the 26th and 27th days of April, 1864, and were exchanged on the 27th day of May, 1865, and reached Cincinnation their return on the 11th day of June, 1865. Although the wages for like service on Red River were much greater than they were receiving for service on the Missispip, yet your committee feel bound by the rule of the Department, as above stated, and recommend the payment of the same wages they were receiving when impressed, from the time of their capture up to the time of their return to Cincinnati, and report the following substitute for all of said bills, and recommend its passage.

The bill was laid aside to be reported favorably to the House.

JOHN H. AND ROBERT F. SHUGART.

The next business on the Private Calendar was the bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart.

The bill, which was read, provides that John H. Shugart and Robert F. Shugart, late privates in Company G, Twenty-first Regiment Illinois Volunteer Infantry, be relieved from the charge of desertion, which now appears to be unfounded, and from the finding and judgment thereon of a court-martial, approved and promulgated in General Orders No. 12, headquarters First Division, Twentieth Army Corps, June 6, 1863: provided, that by reason of the act no right to any pay for service while under arrest and imprisonment shall be revived, but all claim and right to bounty shall be as if no such charge had been all claim and right to bounty shall be as if no such charge had been made or trial had.

The report was read, as follows:

The report was read, as follows:

The committee have carefully considered the same, and find the facts relative to the claim for relief to be:

First. The claimants, John H. Shugart and Robert F. Shugart, enlisted as private soldiers in the Twenty-first Regiment of Illinois Volunteers in 1861, and served faithfully as such, without any reflection or imputation upon their soldierly conduct until the battle of Stone River, December 30, 1862, when the regiment and that portion of the Army to which they belonged was repulsed in great disorder, and these men were reported as deserters by reason of temporary absence in the mélée and confusion incident to a rout. Upon their return to their regiment, shortly after, they were arrested, tried, and convicted of desertion, and sentenced to military prison for the unexpired term of their service.

The evidence, as well as the conduct of the men, shows this to have been an unmerited sentence and an undeserved accusation. Absence without leave is full as strong a charge as the facts will support, and it is quite apparent from outside history that other elements than a desire to promote the good of the service actuated or at leastaggravated the charge and entered into the prosecution. But on that it is not necessary to now decide, and is only alluded to in justice to the soldiers.

The soldiers were sent to prison under the sentence and were returned to their regiments from prison in 1864, and went upon duty as usual in active service.

They were both mustered out at the end of their first enlistment and received honorable discharges; and one of them re-enlisted as a veteran and served through the remainder of the war.

They took part in several battles and were never accused of cowardice or mishebacing except in the instance above a rated.

They took part in several battles and were never accused of cowardice or misbehavior except in the instance above stated.

Second. The committee find, and report as matter of law, that an honorable discharge purges a soldier's record from stain which would otherwise attach to it from
the charge of descrition, but the committee are advised the practice of the officers of
the Government ignores the law in that regard, and for that reason legislation is
necessary to the promotion of justice.

Third. The committee do not feel, the sentence having been regular in form and
execution, that it is a proper exercise of their duty to recommend its vacation by act
of Congress; but they are of the opinion that the soldiers should be relieved of the
taint of desertion and receive the bounty promised them at their enlistment, but
no pay while under sentence, and therefore report a substitute for said bill (H. R.
No. 877) and recommend its passage.

The bill was laid aside to be favorably reported to the House.

A. B. ROWDEN.

The next business on the Private Calender was the bill (H. R. No. 706) for the relief of A. B. Rowden.

The bill, which was read, directs the proper accounting officers in the Treasury Department to pay to A. B. Rowden, of Meigs County, Tennessee, the pay due him as a second lieutenant of cavalry, from the 31st day of August, 1863, to the 7th day of January, 1865, deducting all payments bereitofore made to said Rowden as first sergeant in said regiment. ments heretofore made to said Rowden as first sergeant in said regiment.

day of August, 1863, to the 7th day of January, 1860, deducting all payments heretofore made to said Rowden as first sergeant in said regiment. The report was read, as follows:

That from the testimony on file it appears that Abednego B. Rowden, of Meigs County, Tennessee, was promoted from a first sergeant to a second lieutenancy in Company C. Eleventh Regiment Tennessee Cavatry, United States Army, on the 31st day of August, 1863, by the major of the regiment, and that he performed duty as such second lieutenant until February 2, 1864, when he was captured by the enemy, in the line of his duty, in Lee County, Virginia. Soon thereafter his commission was received at regimental headquarters, dated 21st March, 1864, to date 31st August, 1863, and signed by the governor of Tennessee, but, being in prison, he was not mustered until after his escape, to wit, on the 7th day of January, 1865, and that he has only been paid as a licutenant from the date of his muster, 7th January, 1865.

The committee recommend that he be paid the rate of pay of second lieutenant from the date of his appointment as such, 31st August, 1863, to the date of his muster as such, 7th January, 1865, deducting any and all payments already made him for that period in any lower rank as a soldier, and for that purpose recommend the passage of the accompanying bill for his relief.

The committee would further report that this claim was favorably reported upon by the Committee of Claims in the Forty-third Congress, and by the Committee on Military Affairs in the Forty-fifth Congress, passed the House unanimously, but failed in the Senate. It also passed the House in April, 1870.

Your committee think that, inasmuch as the officer was promoted by his superior regimental officer, did duty as such, and could not well receive his commission because of his active field service, he should be paid as a second lieutenant for the time he served as such, with deductions of all former payments.

Mr. WARNER. Mr. Chairman, I do not object to the bill, but I

Mr. WARNER. Mr. Chairman, I do not object to the bill, but I think it is competent now for the Adjutant-General under existing law to adjust the account of this man.

Mr. DIBRELL. Under a joint resolution of 1869 there is authority, for that resolution covers all such cases. But the Pay Department disregards it, and it requires a special act of Congress to put it right. The soldier served, and he ought to have his pay.

The bill was laid aside to be favorably reported to the House.

DR. JOHN BLANKENSHIP.

The next business on the Private Calendar was the bill (H. R. No. 735) for the relief of Dr. John Blankenship.

The bill, which was read, directs the proper accounting officers of the War Department to change the date of muster-out and discharge of Dr. John Blankenship, late assistant surgeon of the Third Regiment Tennessee Volunteers so as to make it bear date April 24, 1863, the date of his discharge; and that the said John Blankenship be paid the balance of his salary due him for such service up to April 24, 1863, deducting former payments.

The report was read, as follows:

The report was read, as follows:

That from the proof and the records it appears that said Blankenship was appointed assistant surgeon for said regiment 22th February, 1862. That on the 20th June, 1862, he was sent for medical supplies for his regiment in Kentucky, and was himself taken sick with pneumonia, and had a long spell of sickness; that he returned to his regiment (date not given) still in bad health. His discharge was recommended by the colonel of the regiment and approved by General Rosecrans, departmental commander. He was ordered to duty by the medical director 8th March, 1863. After his arrival a field board of examiners was ordered to examine and report upon his efficiency, &c. Instead of appearing before said board he tendered his unconditional resignation on the 14th April, 1863, which was approved and accepted on the 24th April, 1863. He had not been regularly mustered into the service; but on the 23d April, 1869, he was mustered in as assistant surgeon Third Tennessee Volunteers, to date from February 28, 1862, and on May 4, 1869, his discharge of April 24, 1863, was revoked, and he was mustered out and discharged, to date 26th June, 1862, and paid to that date.

Inasmuch as this officer's sickness was contracted in the discharge of his official duties, as he returned to his regiment in obedience to orders, was borne on the rolls of his regiment until 24th April, 1863, when his resignation was accepted, your committee think the Adjutant-General was not authorized to revoke the date of his muster-out, and that he is entitled to pay until his resignation was accepted. They therefore recommend the passage of said bill.

The bill was laid aside to be favorably reported to the House.

The bill was laid aside to be favorably reported to the House.

NEZ PERCÉS WAR.

The next business on the Private Calendar was the bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of

the heirs of such as were killed in such service.

The bill, which was read, provides that each volunteer who joined the forces of the United States, in the Territory of Montana, during the war with the Nez Percé Indians, shall be paid \$1 per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such

The second section provides that all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in the same manner and to the same extent as if they had been duly mustered

into the regular or volunteer forces of the United States

The third section provides that all horses and arms lost in such service shall be paid for at their actual value, to be duly ascertained by the commanding officer of the district of Montana: provided no payment shall be made for such losses except upon the statement of the commanding officer of the United States troops, or such other officer of the regular Army as might be in control of the volunteers at the time of such loss, and such other proofs as may be required by the commanding officer and the United States quartermaster for the district of Montana, to establish the fact that such losses were made district of Montana, to establish the fact that such losses were made in the service of the United States.

in the service of the United States.

The report was read, as follows:

From the letter of Colonel John Gibbon, of the Seventh Infantry, which is herewith filed and asked to be made a part of this report, it appears that in the expedition against the Nez Percé Indians in Angust, 1877, thirty citizens of the Territory of Montana volunteered their services and served with the United States troops in that expedition; that five of the number were killed, four wounded, and twenty-one survived.

Your committee think, under the circumstances, that the services of these men were invaluable to Colonel Gibbon and his command, and that the amount allowed them, of \$1\$ per day, would not reach the amount they would have received had they been regular soldiers, entitled to clothing and other allowances.

A similar bill passed the House at the last Congress, went to the Senate and passed that body, but failed in the House on Senate amendments for want of time. Your committee unanimously recommend the passage of the bill.

HEADQUARTERS DISTRICT OF MONTANA, Fort Shaw, Montana Territory, September 5, 1877.

Sie: I have the honor to report that the following named citizens of Montana Territory accompanied me as volunteers in the late expedition against the Nez Percé Indians. Most of them were in the battle on the 9th, and remained faithfully with us till the last.

Those who were killed and wounded are marked in the margin.

I trust some provision may be made by law by which these parties may be placed on the same footing in regard to pay, allowances, pensions, &c., as is now provided for soldiers duly mustered into the service of the United States.

John Armstrong, (Killed)

Joseph Hull.

rovided for soldiers duly must John Armstrong. (Killed.) Jacob Baker. (Wounded.) Anthony Chaffin. Oscar Clark. Samuel Dunham. William Edwards. Fred. Held. — Hubbard. Otto Lifer. (Wounded.) Amos Buck. J. B. Catlin. Samuel Chaffin. I. W. Davis. L. C. Elliott. (Killed.) Charles Hart. Very respectfully, your obthe service of the United States.
Joseph Hull.
Oscar Judd.
Myron Lockwood. (Wounded.)
Almond Lockwood. (Killed.)
David Morrow. (Killed.)
Squire Madding.
M. F. Sherrill.
Barnett Wilkinson.
Michael Wright.
Eugene Lent.
Campbell Mitchell. (Killed.)
William Ryan. (Wounded.)
Thomas Sherrill.
George Waide.
Jerry Wallace.

Very respectfully, your obedient servant,

JOHN GIBBON, Colonel Seventh Infantry, Commanding.

To Adjutant-General, U. S. A., (through headquarters Department of Dakota,) Washington, D. C.

Mr. ATHERTON. Mr. Chairman, in the reading of the bill I was unable to learn whether the amount of pay which these men had

Already received was to be deducted.

Mr. DIBRELL. There has been no pay whatever.

Mr. ATHERTON. I thought they had been paid at the rate of \$1

a day.

Mr. DIBRELL. No; the bill proposes to pay them at that rate.

The bill was laid aside to be favorably reported to the House.

ASA WEEKS.

The next business on the Private Calendar was the bill (H. R. No. 3784) to compensate Asa Weeks for his labor and expenses in perfecting torpedoes, torpedo machinery, and the art of torpedo warfare for the sole and exclusive benefit of the United States, and for other pur-

Mr. HARRIS, of Massachusetts. I desire to say, Mr. Chairman, in reference to this bill for the payment of Asa Weeks, that there are circumstances which induce me to request that it be laid over. It will be recollected by some gentlemen that at the last session of Congress an appropriation was made and put in the hands of the Secretary of the Navy to be expended by him in testing certain torpedoes and torpedo inventions then before the Department. One of the secretary of the Navy to be expended by him in testing certain torpedoes and torpedo inventions by Asa Weeks was for what is known as a local content of the secretary of the seconomic secretary of the secretary of the secretary of the secret torpedo inventions by Asa Weeks was for what is known as a loco-motive torpedo; that is, a torpedo that would go of its own force upon

motive torpedo; that is, a torpedo that would go of its own force upon the surface of the water.

Mr. FINLEY. Is that the "alarm" torpedo?

Mr. HARRIS, of Massachusetts. No, sir. It never has been tested. It was agreed by the Secretary of the Navy that the test should be applied some time during the summer. In testing that invention it was found necessary to use a large machine which is at the Navy Department, but it was also ascertained that this machine was broken down and could not be used, and it has not been until within a month past that the Secretary of the Navy has ordered the necessary. month past that the Secretary of the Navy has ordered the necessary

repairs upon that machine.

The experiment is now being carried on and will soon be perfected. The Committee on Naval Affairs are not prepared now to recommend what sum if anything should be paid this man, and will not be until this experiment has been tried. Therefore I ask the consideration of the bill be postponed and that it retain its place on the Calendar.

Mr. FINLEY. I object. I have no objection to the bill going to the

foot of the Calendar, as I understand all bills will do that are passed

The CHAIRMAN. By unanimous consent the bill can be passed over, but nothing can be determined as to its place on the Calendar without the order of the House.

without the order of the House.

Mr. FINLEY. I desire to ask the Chair a question for information.

Did not the first bill that came up to-day go to the foot of the Calendar by virtue of being passed over?

The CHAIRMAN. It did not. Something to that effect was said, but that could not be done. This Committee of the Whole cannot make any such order under the rule.

Mr. HARRIS, of Massachusetts. I ask, then, that the bill be passed over for the present, and I understand from the Chair that it retains its place on the Calendar.

its place on the Calendar.

There being no objection, the bill was passed over.

MARTHA J. PORTER.

The next business on the Private Calendar was the bill (H. R. No. 2044) granting a pension to Martha J. Porter; reported from the Committee on Invalid Pensions by Mr. Coffroth.

The bill was read, as follows:

Be it enacted &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Porter, widow of William M. Porter, late a captain in the One hundred and thritteth Regiment Pennsylvania Volunteer Infantry, and pay the said Martha J. Porter a pension at the rate of §20 per month, commencing from the date of the death of the said William M. Porter, deceased, and to continue during the widowhood of the said Martha J. Porter.

The report of the Committee on Invalid Pensions was read, as fol-

William H. Porter, the late husband of the claimant, was mustered into the military service of the United States as captain of Company A, One hundred and thritieth Regiment of Pennsylvania Volunteers, on the 11th day of August, 1862, and was honorably discharged from said service on the 21st day of May, 1863. He died at Carlisle, Pennsylvania, on the 27th day of July, 1873, of paralysis or serous apoplexy. The claimant, on the 20th day of September, 1875, filed her application for a pension. This application was rejected on the ground that "a case of apoplexy cannot be the result of a ten years' anteceding disease."

Hon. John Hays, who was a lieutenant in the same company with the deceased, and subsequently acting assistant adjutant-general of the brigade to which the company was attached, testifies that at the battle of Antietam, on the 17th day of September, 1862, Captain Porter got very wet in fording a creek in going into action and remained on the field all day and bivonacked on the field at night; that on the succeeding day Captain Porter was ill and remained so for some time; that in November or December, 1862, before the battle of Fredericksburgh, the captain was again subjected to great hardship and exposure; that on the morning after said battle, on rising from the ground, Captain Porter's one side was in a half-paralyzed condition—numb and without feeling—and that he was unfit for duty for several days thereafter; that after the battle of Chancellorsville, in which Captain Porter was engaged, he complained very severely and frequently of numbness in his left side from sleeping on the ground; that after the march from Aquia Creek the numbness continued and increased to such an extent that a needle or pin run into his fiesh caused no pain; that deponent on several occasions run a pin into the captain's fiesh and tested fully the numbness and want of feeling; that after Captain Porter's discharge deponent frequently talked with him, and he always spoke of the numbness and want of feeling in his side an

color-bearer of the regiment; that he was very well acquainted with the captain both before his entering the service and after his return home and up to the time of his death; that when the captain entered the Army he was a sound and healthy man and appeared to remain so until after the battle of Antictan; that on the morning of the lith day of September, 1862—the day of that battle—in going into neition the regiment, in crossing Antictan Crock, were compelled to vade through, pletely saturated. The regiment was in action and under arms the whole of that day and bivouched on the field. The next day Captain Porter complained of being ill, and was so for several days, struggling along with the regiment to Harper's Ferry. About the latter part of November or beginning of December the regiment was removed from Aquia Creek to Falmouth, just before the battle of Fredericksburgh, during which time it rained heavily and the weather was very cold and I slept beside him; in the morning when we got up Captain Porter complained of numbress in his side; he remained with the regiment, however, until after the battle of fredericksburgh; on the night after that battle we were again compelled to sleep on the ground in the cold, mud, and rain; I slept with Captain Porter that the cold of the cold of

bill.

Mr. BROWNE. I move to amend the bill by striking out all after the word "infantry."

Mr. WHITE. Let the bill be read as it will be if amended.

The Clerk read as follows:

Be it enacted, éc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha J. Porter, widow of William M. Porter, late a captain in the One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry.

The amendment was agreed to.

The bill, as amended, was laid aside to be reported favorably to the

MARY A. SIMMONS.

The next business on the Private Calendar was the bill (H. R. No. 2852) granting a pension to Mary A. Simmons.

The bill was read, as follows:

Be it enacted, &c., That there is hereby granted to Mary A. Simmons, widow of Naval Constructor Melvin Simmons, United States Navy, late of Kingston, Massachusetts, a pension at the rate of \$30 per month, to commence from May 13, 1871; and the Secretary of the Interior is hereby directed to place her name upon the pension-rolls accordingly.

The report was read, as follows:

Mary Ann Simmons is the widow of Melvin Simmons, who enlisted and was mustered into the service of the United States June 11, 1864, and died at Charlestown, Massachusetts, May 13, 1871, of applexy. At the time of his death, his rank was equal to that of lieutenant-commander in the Navy of the United States. The application has been rejected by the Pension Commissioner on the ground that the evidence does not show that he died of disease contracted in the service. It appears that he served nearly seven years, and was a sound and healthy man when

he enlisted; and we are of the opinion that the report of the surgeon, as appears by the record, shows that the proximate or immediate cause of his death was the excitement and fatigue incident to the service, and the record substantially so

In view of these facts, your committee report back the bill and recommend that

Mr. BROWNE. I desire to offer an amendment to make this bill conform to the rule which seems to have been adopted by the House of Representatives. In order to do that it is necessary to strike out all after the enacting clause and insert substantially a new bill. I

offer the following amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mary A. Simmons, widow of Naval Constructor Melvin Simmons, United States Navy, late of Kingston, Massachusetts, and pay her a pension at the rate of \$30 per month from and after the passage of this act."

sion at the rate of \$30 per month from and after the passage of this act."

I leave the rate in because I understand the pension laws fix no rate of pension for persons in the naval service of the rank held by the deceased husband of this claimant.

Mr. WARNER. Do I understand the gentleman to say the law furnishes no rate for officers of that rank?

Mr. BROWNE. That is my understanding.

Mr. WARNER. I move to amend the amendment by striking out all after the word "pension."

Mr. BROWNE. I do not from my own knowledge of the state of the law make the statement that the rate of pension is not provided by law in those cases; but I am so informed by my friend from New York [Mr. VAN AERNAM] who was formerly Commissioner of Pensions, and also by the chairman of the Committee on Invalid Pensions. I am by them informed that unless the rate be fixed in this bill it will be wholly inoperative. I agree with the gentleman from Ohio in the main that these bills should name no rate, but that we should allow that to be fixed by the Commissioner of Pensions. But should allow that to be fixed by the Commissioner of Pensions. But if this act be nugatory without a statement of the amount it ought to be stated

Mr. COFFROTH. If the amendment of the gentleman from Ohio

Mr. COFFROTH. If the amendment of the gentleman from Ohio [Mr. Warner] prevails, it defeats the bill entirely. All the bills that are presented here of this class fix the amount of pension. To pass this bill without fixing the amount is to defeat its object entirely.

Mr. WHITE. I see, Mr. Chairman, it is stated in the report that this application was rejected by the Commissioner of Pensions because, as the report undertakes to say, the surgeon thought and reported that the disability was not contracted in the line of duty. Now that is a question of fact, and that being so I am not willing to override the decision of the Commissioner. The application is for a certain allowance as a pension for the widow of a person who held a certain rank, and now Congress is asked to act as a court of review, supervising the action of the Commissioner in refusing the pension claim.

I think the amendment offered by the gentleman from Ohio [Mr. Warnen] is all right. It merely brings the bill under the provisions of the general laws we are passing on this subject.

Mr. WARNER. I will modify my amendment so as to strike out after the word "pension" the words "at the rate of \$30 per month."

Mr. BROWNE. How will the amendment then read?

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mary A. Simmons, widow of Naval Constructor Melvin Simmons, United States Navy, late of Charlestown, Massachusetts, and to grant her a pension from and after the passage of this act.

Mr. COFFROTH. I have here the pension law, which I will read for the benefit of my colleague, [Mr. White,] being section 4695 of the Revised Statutes:

The pension for total disability shall be as follows, namely: for lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, \$30 per month.

Gentlemen will find by reference to the law that the words "naval constructor" are not included in this section. Therefore the rate of pension should be fixed in this bill in order that it may be of any advantage to this applicant.

Mr. WHITE. I hold in my hand the report of the committee in this case. It states this:

Mary Ann Simmons is the widow of Melvin Simmons, who enlisted and was mustered into the service of the United States June 11, 1864, and died at Charlestown, Massachusetts, May 13, 1871, of apoplexy. At the time of his death his rank was equal to that of lieutenant-commander in the Navy of the United States. The application has been rejected by the Pension Commissioner on the ground that the evidence does not show that he died of disease contracted in the service.

The report, therefore, is predicated upon the fact that this class of officers are entitled to receive pensions. It they are not, then I am not willing to vote for this bill. If this person was merely a naval constructor he stood upon the same footing as a contract surgeon in the Army. If they are to receive pensions there should be a general law upon the subject. I think this is an argument in favor of the amendment offered by my friend from Ohio, [Mr. WARNER,] which I hope will be adopted.

The question was taken upon the amendment of Mr. WARNER, and it was agreed to, upon a division—ayes 39, noes 17; no further count being called for.

The amendment, as amended, was then adopted; and the bill, as amended, was laid aside to be reported favorably to the House.

DENNIS M'GINNIS.

The next busniess on the Private Calendar was the bill (H. R. No. 280) granting a pension to Dennis McGinnis, reported from the Committee on Invalid Pensions by Mr. Coffrotti.

The bill was read, as follows:

Be it enacted, de., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dennis McGinnis, formerly a private in Company D of the One hundred and seventieth Regiment of New York Volunteers.

The report was read, as follows:

of the pension laws, the name of Dennis McGinnis, formerly a private in Company D of the One hundred and seventisth Regiment of New York Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 280) granting a pension to Dennis McGinnis, have had the same under consideration, and beg leave to submit the following report:

The committee, after considering the evidence, see no reason to alter the report presented to the second session of the Forty-fifth Congress, and therefore adopt the same, as follows:

"That the said Dennis McGinnis was a private in Company D, One hundred and seventieth New York Volunteers; enlisted September 2, 1862, to serve three years in the war for the Union, and was homerably discharged July 15, 1865, after the close of the war; that he filed an application for a pension October 30, 1874, for disability, which he alleges arose as follows:

"That while in the service aforesaid, and in the line of his duty, near Patrick Station, Virginia, in December, 1864, or January, 1865, while building a corduroy road, he was thrown from a wagon onto a stump by the sudden starting of a team, and his right hip was badly injured by the fall, by reason of which he was laid up for several days, and was treated in his tent by Surgeon Olmstead, of said regiment; that his hip has troubled him ever since, and is much wasted in size, and at times very painful, and he is greatly disabled by it; and the same fall injured his back.

"At the time of this injury he was detailed and acting as teamster, and none of his own officers were present; that the surgeon who treated him for the injury is dead; that he has advertised and tried at considerable expense to find the officer who had charge of the detail, but cannot; that he was not sent to hospital, and no record of his injury or treatment can be found; that his family physician, who knew him intimately before and at the time of his endistment as well as since his discharge; that before his enistment

There being no objection, the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. BROWNE. I move that the committee now rise.
Mr. BRIGHT. Ob, no; let us work until four o'clock.
Mr. BROWNE. Very well; I will withdraw the motion.
Mr. OSCAR TURNER. I renew the motion that the committee

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Sparks reported that the Committee of the Whole House had had under consideration the Private Calendar and had directed him to report sundry bills to the House, some with and some

without amendment.

The SPEAKER. The bills reported without amendment will first be considered.

CHARLES W. ABBOT AND W. W. BARRY.

The first bill reported from the Committee of the Whole without amendment was the bill (H. R. No. 2828) for the relief of Charles W. Abbot and W. W. Barry.

The question was upon ordering the bill to be engrossed and read

Mr. MORSE. There is a Senate bill substantially the same as this, and I ask consent that it be considered now instead of the House bill reported from the Committee of the Whole.

Mr. BLOUNT. Does the gentleman say that it is the same bill as

this in substance?

Mr. MORSE. It is.

The SPEAKER. The Chair is advised that the Senate bill to which the gentleman refers is now before the Committee on Naval Affairs

of this House. Mr. MORSE.

The SPEAKER. The proper motion, then, is that the Committee on Naval Affairs be discharged from the further consideration of the Senate bill, and that the same be now considered by the House.

Mr. MORSE. I am authorized to make that motion.

There being no objection, the motion was agreed to.
The House accordingly proceeded to the consideration of Senate
bill No. 533, for the relief of Charles W. Abbot, a pay director, and W.
W. Barry, a passed assistant paymaster in the United States Navy.

The bill was ordered to a third reading, read the third time, and

passed.

Mr. MORSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.
The House bill No. 2828 was laid on the table.

BILLS PASSED.

The following bills reported from the Committee of the Whole without amendment were then taken up and ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the

third time, and passed:

A bill (H. R. No. 1729) for the payment of certain Indian war bonds of the State of California;

A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;

A bill (H. R. No. 3782) for the relief of John H. Shugart and Robert

F. Shugart;

A bill (H. R. No. 706) for the relief of A. B. Rowden;
A bill (H. R. No. 735) for the relief of Dr. John Blankenship;
A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés and for the relief of the heirs of such as were killed in such service; and

A bill (H. R. No. 280) granting a pension to Dennis McGinnis.

JOHN H. W. RILEY.

The SPEAKER. The bill reported from the Committee of the

Whole with amendments will now be considered.

The bill (H. R. No. 2503) for the relief of John H. W. Riley, of California, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$392.40 to John H. W. Riley, of San Francisco, California, the same to be in full compensation for services rendered the United States as phonographic reporter during the investigation into the claim of one Charles Murphy for extra compensation for excavating for dry-dock at the Mare Island

The amendment reported from the Committee of the Whole was to strike out "\$82.40" and insert "\$50."

The question was upon concurring in the amendment reported from the Committee of the Whole.

Mr. WHITE. I am opposed to this amendment; I do not want the

Government to pay interest.

Mr. PAGE. There is no interest in this.

Mr. WHITE. The fifty dollars is for interest.

The SPEAKER. The gentleman can call for a division on agree-

ing to the amendment reported from the Committee of the Whole.

Mr. WHITE. If this amendment is voted down, can I move to strike out "\$82.40" in the original bill? [After a pause.] However, I will let the bill go with a protest against paying interest.

The amendment of the Committee of the Whole was then con-

curred in.

The bill, as amended, was ordered to be engrossed and read a third

The question was upon the passage of the bill, and was taken; but

before the result was announced,
Mr. BREWER said: Will the Chair state what is the bill?
The SPEAKER. It is a bill for the relief of John H. W. Riley, reorted from the Committee on Military Affairs by the gentleman from Michigan himself, [Mr. Brewer.]
Mr. PAGE. It is a bill to pay a man as short-hand writer at Mare

Island.

Mr. BREWER. This man was employed by the Navy Department, and his account is approved by Admiral Rodgers, who was in charge of the navy-yard at the time the service was rendered, and it has also been approved by the Secretary of the Navy. This man has been waiting for his pay from 1876 or 1877, and I see no reason why this bill should not pass any more than any bill to pay for services ren-

ored the Government.

Mr. ATHERTON. Allow me a suggestion. In this case the committee report that the person is entitled to \$300 for his services, and they also report that they have allowed him \$50 additional by reason of the delay in the payment of this debt. I hold it to be an established principle that the Government does not pay interest on a claim. We object to this bill, not because we do not want this man to receive any part but because the bill makes an additional allowance for payment, but because the bill makes an additional allowance for interest. If the extra \$50 be struck out, I am willing to vote for the bill; and I believe that all these other gentlemen who have just voted against it will vote for it.

Mr. WHITE, Let the \$50 go out by unanimous consent.

Mr. ATHERTON. Very well; let that be done.

Mr. BLOUNT. How does the gentleman know that the bill in-

Mr. ATHERTON. It is not included in terms; but the committee in their report say that they have allowed this man \$50 more than they would have allowed him because payment has been delayed for

Are wears.

Mr. PAGE. I think there will be no objection to striking out the \$50.

Mr. WHITE. I ask unanimous consent that the bill be so amended.

Mr. FINLEY. If this is a just debt, and was due two years ago, then the Government ought to pay interest on it.

Mr. ATHERTON. If the principle were established that the Government should pay interest on all money the payment of which is delayed, I would agree to do it in this case.

Mr. FINLEY. When the Government owes a debt which it does not pay it seems to me it is just as much bound to pay interest as an individual would be.

Mr. ATHERTON. That principle has never been conceded by the practice of the Government.

Mr. BREWER. I will consent to the amendment suggested rather than imperil the bill.

The SPEAKER. If there be no objection the bill will be so amended

as to make the amount of the appropriation \$300.

There was no objection, and the bill, as amended, was ordered to be engrossed for a third reading, and was accordingly read the third time, and passed.

The following bills reported from the Committee of the Whole with amendments were taken up, the amendments agreed to, and the bills, as amended, ordered to be engrossed for a third reading, read the

third time, and passed:
A bill (H. R. No. 2044) granting a pension to Martha J. Porter; and

A bill (H. R. No. 2852) granting a pension to Mary A. Simmons.

COLLECTION DISTRICTS IN CALIFORNIA.

On motion of Mr. PACHECO, by unanimous consent, the bill (S. No. 1271) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted— To Mr. Martin, of North Carolina, for ten days, on account of important business;

To Mr. Scales for five days, on account of death in his family; To Mr. Ryon, of Pennsylvania, until Friday next, on account of important business;

To Mr. URNER until Tuesday next, on account of important busi-

To Mr. Talbott for one day; To Mr. McMahon until Wednesday next, on account of sickness in his family; and

To Mr. NEWBERRY for two weeks, on account of important business.

APPROPRIATION FOR NATIONAL MUSEUM.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Smithsonian Institution, transmitting a recommendation of the Board of Regents of said Institution for an appropriation of \$25,000 for the flooring of the main hall of the National Museum; which was referred to the Committee on Appropri-

M. M. HERR.

Mr. FINLEY, by unanimous consent, introduced a joint resolution H. R. No. 343) to pay M. M. Herr for services as messenger to the Sergeant-at-Arms; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

IMPROVEMENT OF LYNN HARBOR.

Mr. BOWMAN, by unanimous consent, presented the petition of the city of Lynn, in Massachusetts, for the improvement of Lynn Harbor; which was referred to the Committee on Commerce, and ordered to be printed.

YACHT STEPHEN D. BARNES.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADJOURNMENT OVER.

Mr. BLOUNT. I move that when the House adjourns to-day it adjourns to meet on Monday next.

Mr. DIBRELL. I move as an amendment that the session to-morrow be for debate on the electoral count.

Mr. SIMONTON. I move the House do now adjourn.
Mr. FINLEY. I understand that when the House adjourns it adjourns to meet to-morrow for debate on the electoral bill.

The SPEAKER. That cannot be received as an amendment to an adjournment-over resolution. If the motion to adjourn over be voted down, then the gentleman can ask for unanimous consent that there be a meeting to-morrow for debate. It is a change of the order of business for to-morrow's session, if there be one, and would require unanimous consent.

Mr. MITCHELL. I object to any such unanimous consent.

The SPEAKER. The question first recurs on the motion made by the gentleman from Georgia, to adjourn over until Monday next.

The House divided; and there were—ayes 98, noes 46.

Mr. SIMONTON. No quorum has voted.

The SPEAKER ordered tellers, and appointed Mr. BLOUNT and Mr.

Mr. CONGER. I see gentlemen present who have not voted. Now is there not some way to compel those present to vote when they have not voted? [Laughter.]

The SPEAKER. The gentleman from Michigan knows better on that point than even the Chair does.

Mr. SPRINGER. I move the House do now adjourn.

The SPEAKER. The motion to adjourn over takes precedence of the motion to adjourn. Besides, the House is dividing.

The House again divided; and the tellers reported—ayes 107, noes 32.

Mr. FINLEY. I demand the yeas and nays.

Mr. SPRINGER. I move the House adjourn.

Mr. FINLEY. I withdraw the demand for the yeas and nays.

Mr. BLOUNT. I renew the demand for the yeas and nays on the motion to adjourn over.

The yeas and nays were ordered.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative-yeas 106, nays 69, not voting 115; as follows:

	Y.E.	AS-100.	
Anderson,	Dwight,	Johnston,	Prescott,
Ballou,	Evins,	Jones,	Price,
Barber.	Felton.	Jorgensen,	Reagan,
Bayne,	Ferdon,	Keifer,	Reed,
Bicknell,	Fisher.	Kelley,	Rice.
Bingham,	Forney,	Kenna, .	Richardson, D. P.
Blake,	Fort,	Kimmel,	Richardson, J. S.
Blount,	Frye,	Knott,	Robeson,
Bowman,	Geddes,	Ladd.	Robinson.
Brewer,	Goode,	Lindsey,	Russell, W. A.
Briggs,	Gunter,	Lounsbery,	Shallenberger,
Brigham,	Hall.	Marsh.	Shelley,
Browne.	Hammond, N. J.	Martin, Edward L.	Sherwin,
Burrows,	Harris, Benj. W.	McCoid,	Smith, A. Herr
Butterworth,	Haskell,	McKinley,	Stone,
Calkins,	Hawk,	McLane.	Thomas,
Camp,	Hawley,	Miles.	Tillman,
Cannon,	Heilman,	Mitchell,	Townsend, Amos
Carpenter,	Henderson,	Monroe,	Tyler,
Cook,	Herndon,	Morse,	Updegraff, Thomas
Crapo,	Hiscock,	Myers,	Van Voorhis,
Crowley.	Horr,	Norcross,	Voorhis,
Davis, George R.	Houk,	O'Connor,	White.
Davis, Horace	House,	O'Neill,	Williams, Thomas
Deering,	Hull,	Osmer,	Willits.
Dick,	Humphrey,	Pacheco,	
Dunnell	Hurd	Page.	All the state of t

	NA	YS-69.	
Addrich, William Armfield, Atherton, Atkins, Beale, Beltzhoover, Blackburn, Bland, Bouck, Bright, Cabell, Caldwell, Clements, Cobb, Coffroth, Colerick, Conger,	Cravens, Davis, Joseph J. De La Matyr, Deuster, Finley, Forsythe, Godshalk, Hatch, Henry, Herbert, Hill, Hostetler, Hunton, Klotz, Le Fevre, Lowe, Mauning, McKenzie,	McMillin, Murch, New, Philips, Phister, Poehler, Rothwell, Ryon, John W. Samford, Sawyer, Simonton, Singleton, O. R. Sparks, Speer, Springer, Stevenson, Taylor,	Thompson, P. B. Townshend, R. W Turner, Oscar Turner, Thomas Upson, Urner, Vance, Warner, Weaver, Whiteaker, Whitthorne, Willis, Wilson, Wise, Yocum.

NOT VOTING-115.

Acklen,	Dibrell,	Loring,	Sapp,
Aiken,	Dickey,	Martin, Benj. F.	Scales,
Aldrich, N. W.	Dunn,	Martin, Joseph J.	Scoville,
Bailey,	Einstein,	Mason,	Singleton, J. W.
Baker,	Elam,	McCook,	Slemons,
Barlow,	Ellis,	McGowan,	Smith, Hezekiah B
Belford,	Errett,	McMahon,	Smith, William E.
Berry,	Ewing,	Miller,	Starin,
Bliss,	Field,	Mills,	Stephens,
Boyd,	Ford.	Money,	Talbott.
Bragg,	Frost.	Morrison,	Thompson, W. G.
Buckner,	Gibson,	Morton,	Tucker,
Carlisle,	Gillette,	Muldrow,	Updegraff, J. T.
Caswell,	Hammond, John	Muller,	Valentine,
Chalmers,	Harmer,	Neal,	Van Aernam,
Chittenden,	Harris, John T.	Newberry,	Waddill,
Claffin,	Hayes,	Nicholls,	Wait,
Clardy,	Hazelton,	O'Brien,	Ward,
Clark, Alvah A.	Henkle,	O'Reilly,	Washburn.
Clark, John B.	Hooker,	Orth,	Wellborn,
Clymer,	Hubbell,	Overton,	Wells,
Converse,	Hutchins,	Persons,	Wilber.
Covert,	James,	Phelps,	Williams, C. G.
Cowgill,	Joyce,	Pound,	Wood, Fernando
Cox,	Ketcham,	Richmond,	Wood, Walter A.
Culberson,	Killinger,	Robertson,	Wright,
Daggett,	King,	Ross,	Young, Casey
Davidson,	Kitchin,	Russell, Daniel L.	Young, Thomas L.
Davis, Lowndes H.	Lapham.	Ryan, Thomas	THE RESERVE OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSON AND ADDRESS OF THE PERSON ADDRESS OF THE PERSO

The following pairs were announced: Mr. OVERTON with Mr. SMITH of Georgia.

Mr. Overton with Mr. Smith of Georgia.
Mr. Valentine with Mr. Davidson.
Mr. Hutchins with Mr. Starin.
Mr. Dibrell with Mr. Talbott, on this vote.
Mr. Bliss with Mr. Hiscock, on all questions this day.
Mr. Nicholls with Mr. Updegraff of Ohio, for this day.
Mr. Hubbell with Mr. Whitthorne, on all political questions.
Mr. Scales with Mr. Errett, for five days.
Mr. Fernando Wood with Mr. Kelley, for this day on all political questions. cal questions.

Mr. COVERT with Mr. EINSTEIN, on all questions Mr. WARD with Mr. AIKEN, on all political questions.

Mr. SMITH, of New Jersey, with Mr. NEWBERRY, until Congress shall assemble after the holidays.

Mr. EVINS. Mr. Speaker, I am paired with Mr. WAIT, of Connecticut. I understand if he were present he would vote "ay," and I shall

tote the same way.

The result of the vote was then announced as above recorded.

Mr. SIMONTON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BRIGHAM: The petition of John J. Coffey and B. R. Lewis, for compensation for services rendered as employés of the consulate-general of the United States at Shanghai, China—to the

Committee on Appropriations.

By Mr. COOK: A bill for the improvement of the navigation of Ocmulgee River, in the State of Georgia—to the Committee on Com-

Ocmulgee River, in the State of Georgia—to the Committee on Commerce.

Also, a bill for the continuation of the improvement of navigation of the Oconee River, in the State of Georgia—to the same committee. Also, a bill for continuing the improvement of the navigation of the Flint River, in the State of Georgia—to the same committee. By Mr. DUNNELL: The petition of Zeena Banker and 28 others, citizens of Minnesota, that all soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

Also, the petition of George W. Mills and 38 others, citizens of Houston, Minnesota, of similar import—to the same committee.

By Mr. FELTON: The petition of citizens of Paulding County, Georgia, for a post-route from Dallas to Draketown, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: The petition of soldiers of Bannerville, Snyder County, Pennsylvania, for the passage of a law granting one hundred and sixty acres of land to each soldier and sailor of the late war—to the Committee on Military Affairs.

By Mr. FRYE: The petition of Osborn Allen and 36 others, citizens of Stark, Maine, that soldiers of the late war, discharged for disease, be granted the same bounty as those discharged for wounds—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill to appropriate the sum of \$10,000 for the survey of the Saint Mary's River, in the State of Georgia—to the Committee on Commerce.

Also, a bill to appropriate the sum of \$10,000 for the survey of

Committee on Commerce.

Also, a bill to appropriate the sum of \$10,000 for the survey of Ogeechee River, in the State of Georgia—to the same committee.

Also, a bill to appropriate the sum of \$50,000 to continue the improvement of the harbor of the city of Brunswick, State of Georgia

—to the same committee.

Also, a bill to appropriate the sum of \$150,000 to continue the improvement of the harbor of the city of Savannah, State of Georgia to the same committee.

Also, a paper relative to the commerce of the city of Savannah, Georgia—to the same committee.

By Mr. STEPHENS: The petition of Charles J. Graves, of Georgia, for the removal of his political disabilities—to the Committee on the

Judiciary.

By Mr. WILLIAM G. THOMPSON: The petition of C. A. Bass, of Gilman, Iowa, for the passage of the bill (H. R. No. 3981) readjusting salaries of postmasters—to the Committee on the Post-Office and

Post-Roads.

By Mr. J. T. UPDEGRAFF: The petition of Mark L. Holloway, of Columbiana County, Ohio, and 29 others, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. WAIT: The petition of Albert H. Comstock, of New London, Connection, for compensation for injuries sustained by reason

don, Connecticut, for compensation for injuries sustained by reason of his dismissal from the New London naval station—to the Committee on Naval Affairs.

By Mr. WHITTHORNE: The petition of William Simonton, of Law-renceburgh, Tennessee, for relief against a judgment of the southern claims commission—to the Committee on War Claims. By Mr. WILLIS: The petition of Sophronia Speed, for a pension—

to the Committee on Invalid Pensions

IN SENATE.

Monday, December 13, 1880.

JOHN A. LOGAN, a Senator from the State of Illinois; M.C. BUTLER, a Senator from the State of South Carolina; George F. Edmunds, a Senator from the State of Vermont; and Matt H. Carpenter, a Senator from the State of Wisconsin, appeared in their seats to-day. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication

from the Secretary of War, transmitting, in compliance with a suggestion of the Committee on Appropriations, communications from Norman Wiard in relation to the solution of the ordnance problem, &c.; which, on motion of Mr. MORGAN, was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in pursuance of the requirements of the eighth section of the act of 22d of July, 1854, the reports of the surveyorgeneral of New Mexico Territory on sundry private land claims; which was referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting papers pertaining to the estimates of the District of Columbia, and matters connected therewith; which was referred to the Committee on the District of Columbia.

He also laid before the Senate a letter from the Secretary of State,

transmitting, in compliance with the requirements of section 208 of the Revised Statutes, a statement of such fees as have been collected, accounted for, and reported by the various diplomatic and consular officers of the United States during the year ending December 31, 1879, together with the rates or tariffs of fees, and a full list of consular officers in office in December, 1879; which was ordered to lie on

the table and be printed.

He also laid before the Senate a message from the President of the United States, transmitting documents from the Commissioner of Agriculture, in reply to Senate resolution of the 7th instant, relating to the contagious diseases of cattle; which was referred to the Committee on Agriculture, and ordered to be printed.

LIST OF PRIVATE CLAIMS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Senate, communicating, in obedience to the resolution of the Senate of June 16, 1880, an alphabetical list of all private claims before the Senate with the action of the Senate thereon since the 3d day of March, 1867; which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT laid before the Senate a letter from the Society of Cincinnati, in the State of Rhode Island and Providence Plantation, inclosing resolutions adopted at the annual meeting of that society, favoring the passage of an act authorizing the Presi-dent of the United States to invite the Government of the French Republic to send a suitable representation from the French army and navy to the centennial celebration at Yorktown, that a suitable detachment of the United States Army be sent there, and that a suitable sum be appropriated therefor; which was referred to the Committee on the Library.

Mr. INGALLS presented the petition of John McKee and others, citizens of Leavenworth, Kansas, praying for the passage of the bill (S. No. 1852) granting a pension to Francis Smith; which was referred to the Committee on Pensions.

He also presented the petitions of William Grinder and Olivia Van Riswick, of Washington, District of Columbia, praying for the adjudication and payment of damages done their property by order of the District commissioners; which were referred to the Committee on the

District commissioners; which were referred to the Committee on the District of Columbia.

Mr. ROLLINS presented the petition of the Amoskeag Manufacturing Company and other manufacturing companies in the State of New Hampshire engaged in the manufacture, bleaching, dyeing, and printing of cotton, worsted, and woolen textiles, praying for the early enactment of a national bankrupt law; which was referred to the Committee on the Ludiciary.

early enactment of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, presented the petition of Annie Farley, widow of Peter W. Farley, late private of Company M, Eighth Pennsylvania Cavalry, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of Anna Monohan, guardian, praying that James Monohan, minor child of Richard Monohan, deceased, late private of Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers, be restored to the pension-roll; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Pennsylvania, New York.

referred to the Committee on Pensions.

He also presented a petition of citizens of Pennsylvania, New York, Massachusetts, and Connecticut, representing the industries connected with the book and printing trades of the United States, in favor of extending the privileges of copyright in the United States to foreign authors, composers, and designers; which was referred to the Committee on the Library.

He also presented three petitions of soldiers of the late war, residing in Pittsburgh, Pennsylvania, praying for the passage of a bill for the relief of Fitz-John Porter; which were ordered to lie on the table.

Mr. DAVIS, of Illinois, presented the petition of Joseph Hertford, praying for compensation for services as clerk to the Indian office at the Sac and Fox agency, Indian Territory, in 1879; which was referred to the Committee on Claims.

He also presented the petition of Franklin K. Sherwood, late second

He also presented the petition of Franklin K. Sherwood, late second lieutenant Seventeenth Regiment New York Volunteers, praying for an increase of pension; which was referred to the Committee on

Mr. GARLAND presented the petition of Richard Fatherly, praying to be relieved of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. TELLER presented the petition of B. H. Webb, of Washington, District of Columbia, praying for the extension of his patent for a ventilated boot; which was referred to the Committee on Patents.

TREASURY ACCOUNTS.

Mr. WHYTE. I am instructed by the Committee on Printing to report back the letter of the Treasurer of the United State in regard to certain accounts which, under sections of the Revised Statutes, are reported and furnished to the Senate, and which letter was submitted to the Committee on Printing, to say that they have examined the papers, and have concluded that there is no necessity for their printing, and therefore ask leave to be discharged from the further consideration of the matter.

The report was agreed to.

PRESIDENT'S ANNUAL MESSAGE.

Mr. WHYTE. I am further instructed by the same committee toreport back the resolution in regard to printing 3,000 additional copies of the President's Message, for the use of the Senate, with a recommendation that it pass; and I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 3,000 additional copies of the President's Message, without the accompanying documents, be printed for the use of the Senate.

CONGRESSIONAL RECORD.

Mr. WHYTE. I am also instructed by the same committee to report back, with a favorable recommendation, House joint resolution No. 338, directing one copy of the Congressional Record to be sent to each of our legations abroad, without amendment. I ask for the immediate consideration of that joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, Proceeded to consider the joint resolution. It directs the Public Printer to forward, free of charge, one copy of the daily CONGRESSIONAL RECORD to each of our legations abroad, commencing at the beginning of this session and continuing each day until the 4th day of March, 1881.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1886) to authorize the Secretary of the Treasury to erect a public building in the city of Pensacola, Florida, in place of the one recently destroyed by fire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also select and by the committee of the Committee of Public Buildings and Grounds.

Buildings and Grounds.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1887) for the relief of Mary O'Connor; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1888) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence Rhode Island, which was read twice built at title and

of Providence, Rhode Island; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1889) making appropriation for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds. Grounds.

Mr. CAMERON, of Pennsylvania, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1890) to provide for refunding of fees in all cases of void registration of trademarks; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1891) for relief of Mrs. Anne Farley; which was read twice by its title, and referred to the Committee on

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1892) granting a pension to John Patterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

papers, referred to the Committee on Pensions.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1893) for the suppression and prevention of the pleuro-pneumonia in neat cattle; which was read twice by its title, and referred to the Committee on Agriculture.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1894) concerning the trade-dollar; which was read twice by its title, and referred to the Committee on Finance.

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1895) relative to conflicting rights of mining and town-site claimants on the public lands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. BAYARD asked, and by unanimous consent obtained, leave

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1896) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard; which was read twice by its title, and

referred to the Committee on Finance.

Mr. KERNAN asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 1897) for the relief of Mary P. Abeel; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1898) for the relief of Herbert Joyce; which was read twice by its title, and referred to the Committee on Military Affairs.

Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1899) for the relief of Helen M. Scholefield; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of West Virginia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1900) to authorize the Citizens' Gas-Light Company of Washington, District of Columbia, to lay down mains and pipes in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia. Columbia.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1901) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1902) for the erection of a public building at Denver, Colorado; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BAILEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 133) for the relief of C. B. Bryan & Co., of Memphis, Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 3921) to amend section 2238 of the Revised Statutes in relation to fees for final certificates in donation cases; and A bill (H. R. No. 5918) granting a pension to Thomas Pettijohn. The message also announced that the House had passed the bill (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster, in the United States Navy.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

rence of the Senate:

A bill (H. R. No. 280) granting a pension to Dennis McGinnis;
A bill (H. R. No. 706) for the relief of A. B. Rowden;
A bill (H. R. No. 735) for the relief of Dr. John Blankenship;
A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés and for the relief of the heirs of such as were killed in such service;
A bill (H. R. No. 1729) for the payment of certain Indian war bonds

of the State of California;

A bill (H. R. No. 2044) granting a pension to Martha J. Porter;
A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;
A bill (H. R. No. 2503) for the relief of John H. W. Riley, of California.

fornia; A bill (H. R. No. 2852) granting a pension to Mary A. Simmons; A bill (H. R. No. 3782) for the relief of John H. Shugart and Robert

F. Shngart

A bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name;

A bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building in the city of New York;

A bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands; and

A joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

by the Vice-President:

A bill (S. No. 1583) to change the name of the schooner-yacht Nettie to Nokomis; and

A bill (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other purposes.

PRINTING OF A BILL.

Mr. WITHERS. I am notified by the clerk in charge of the document-room that the copies of the bill (S. No. 496) providing for the examination and adjudication of pension claims have been exhausted.

Many applications are made both to the Committee on Pensions and additional copies of it for the use of the Senate.

The order was agreed to, as follows:

Ordered. That the bill (S. No. 496) providing for the examination and adjudication of pension claims, as reported March 25, 1880, by Senator Withers, with an amendment, be reprinted with the usual number of copies.

SAINT JEROME'S RIVER, MARYLAND.

Mr. WHYTE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War be requested to furnish to the Senate, at the earliest practicable period, an estimate of the cost of deepening the entrance to Saint Jerome's River, in Maryland, so as to make it an available harbor.

ELECTRIC LIGHT FOR CAPITOL.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be, and hereby is, instructed to investigate the method and plans of the Northern Electric Light Company for lighting the Capitel and adjacent grounds by electric lights, and report by bill or otherwise.

TRICHINÆ IN SWINE.

Mr. KIRKWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury is hereby directed to furnish the Senate with copies of any documents in the possession of that Department touching trichine in swine, and the restrictions upon our trade with foreign countries in consequence of this disease.

AGRICULTURAL REPORT FOR 1879.

Mr. JOHNSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Public Printer be directed to inform the Senate why the Agricultural Report for the year 1879 is not ready for distribution.

COMMITTEE SERVICE.

Mr. HAMLIN. I rise for the purpose of asking the Senate to excuse me from further service upon the Select Committee to examine the several branches of the Civil Service. I make that request because I am already connected with three other committees, two of which are pretty hard-working committees, and I think I am assigned to as

are pretty hard-working committees, and I think I am assigned to as much duty as is my proportion. I therefore ask the Senate to excuse me from further service on the committee I have named.

The VICE-PRESIDENT. The Senator from Maine asks to be excused from further service upon the Committee to examine the several branches of the Civil Service. Is there objection? The Chair hears none, and the Senator from Maine is excused.

Mr. HARRIS. I ask leave of the Senate for the sub-committee of the Committee on the District of Columbia, having in charge the District code, to sit during the sessions of the Senate, the sub-committee being composed of the Senator from Maryland, [Mr. Whyte,] the Senator from Minnesota, [Mr. McMillan,] and myself.

The VICE-PRESIDENT. The Chair hears no objection.

JAMES H. CARPENTER.

Mr. BURNSIDE. At the last session of Congress a bill (S. No. 129) authorizing the restoration of the name of James H. Carpenter, late authorizing the restoration of the name of James H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, was before the Committee on Military Affairs and reported upon unfavorably and indefinitely postponed. I now present new evidence in the case. I move to reconsider the vote by which the bill was indefinitely postponed, and that it be, with the papers on the files in relation to this case, recommitted to the Committee on Military Affairs.

The motion was agreed to.

HENRY O. WAGGONER.

Mr. TELLER. At the last session of Congress I introduced a bill (S. No. 1834) to pay the creditors of the late Henry O. Waggoner, late consular clerk at Lyons, France, which was read twice but not referred. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

SIGNAL CORPS.

Mr. VEST. I offer the following resolution, and ask for its immediate consideration:

Resolved. That the special Committee to examine the several branches of the Civil Service be instructed to inquire into the propriety of such legislation by Congress as may require the filling of all vacancies in the Signal Corps above the rank of sergeant by promotion from said corps or by the appointment to such vacancies of officers from the Navy of the United States; and that said committee report by bill or otherwise.

Mr. EDMUNDS. It rather strikes me, as that is a branch of Army affairs, that the direction ought to be to the Committee on Military Affairs. The Signal Service is a mere branch of the Army establishment, if I correctly understand it. I move to amend the resolution, if agreeable to the mover, so as to make it a direction to the Com-

if agreeable to the mover, so as to make it a direction to the Committee on Military Affairs.

Mr. VEST. I object to the reference to the Committee on Military Affairs, and I will state the reasons if the Senator from Vermont will give me his attention for a moment. It is true that the appointment of the principal officer of the Signal Corps has been made from the Army, but under no statute that I know of. I believe that what is called the weather bureau was established in 1870, at which time General Myer was appointed, but it has not even the sanctity of custom. The very object I have in view in this resolution is, if possible, to prevent appointments from the Army alone; at any rate, that the committee shall inquire into the expediency of confining these appointments in the case of officers above the rank of sergeant in the Signal Corps to promotions from sergeauts or by selections from officers of the Navy.

I desire to state further that I have no purpose whatever to interfere in the slightest degree with the appointment already made and now pending before the Senate. This is not the time to discuss that. It is the practice of taking the principal officer of this corps from the It is the practice of taking the principal officer of this corps from the Army to which I object; and my reason is that the Army officers are neither by education nor by their habits of life (about which I say nothing) peculiarly adapted to this service. On the contrary, naval officers, from their education and from their duties, are peculiarly the officers of the Government to whom this duty should be assigned. It is made the duty, I believe, of every naval officer to take observations in regard to the weather once in every two hours, whether in port or upon the ocean; and it is well known that a sailor without this knowledge, acquired from practice and acquired from education, is unfit for his professional duties. is unfit for his professional duties.

For this reason, in my judgment, an inquiry at least ought to be made why there should be confided to officers of the Army the prin-cipal offices of the Signal Corps. I ask the reference of the resolution to the Select Committee to examine the several branches of the Civil Service because by the resolution organizing that committee it is made their duty to examine the different branches of the civil

is made their duty to examine the different branches of the civil service with a view of increasing their efficiency. This is a branch of the civil service, and if its efficiency is to be increased by legislation such as I contemplate, then it seems to me peculiarly within the purview of this committee to make the examination.

Mr. EDMUNDS. I think probably, considering the importance of it, the resolution had better go over, but before it does I should like to say that I think the Senator from Missouri is mistaken in supposing that the present Signal Service is without authority of law.

Mr. VEST. I did not state that.

Mr. EDMUNDS. I then am glad to have misunderstood the Senator. The present Signal Service is a regularly constituted lawful branch of the military establishment of the United States. In 1870, if that was the year, there was added to its duties as a merely military signal service the duty of making weather reports, so that the tary signal service the duty of making weather reports, so that the weather part is a duty that is attached to this existing military establishment. It being an existing military establishment, I am unable to perceive how the President of the United States and the Senate could, in the present state of the law, appoint anybody but a military officer to perform that service, because the law did not create a new establishment; it took an existing Army establishment and imposed upon its officers, organized by regulation in a certain way, these additional duties, which in time of peace it was supposed they

could perform without any inconvenience to their other duties, in keeping up the signal military service of the Army.

Therefore I do not see how it is possible for the President and the Senate to import a civilian into the office, as the law now is. Perhaps it ought to be changed; possibly the whole of it ought to be made a civil weather establishment of some kind under the perturbate of Agriculture or Commerce or whatever it might be. I express ment of Agriculture or Commerce or whatever it might be; I express no opinion about that; but as it now exists, the inquiry is really one whether the military establishment should be relieved of this duty. whether the military establishment should be relieved of this duty. It appeared to me that the wise and natural thing would be to direct the Military Committee to make that inquiry. Ido not happen to remember who the gentlemen either of the Military Committee or of the Civil Service Committee are, and therefore I did not make my suggestions of amendment upon the ground that the gentlemen of one committee would look more favorably one way or the other than the gentlemen of another committee, but simply on the idea that if there is any value in having separate committees at all in this body, that was the simple and natural committee to consider whether the Army ought to be relieved of this quasi-military duty that they are now performing; that was all.

The VICE-PRESIDENT. The resolution goes over.

Mr. THURMAN. Before it goes over I wish to say one word.

Mr. EDMUNDS. I withdraw the objection, sir.

The VICE-PRESIDENT. The objection is withdrawn.

Mr. THURMAN. The reasons why these meteorological observations are confided to the Signal Service branch of the Army are very

tions are confided to the Signal Service branch of the Army are very apparent. The observations taken by what has been called the weather bureau are taken on land mainly. They are taken all over the United States. They are taken at every military post of the United States, besides at other places designated for that purpose, and to which a Signal Service sergeant is sent to make these observa-tions. Therefore, as they are taken on land and taken at all the mili-itary posts, it was thought right that this service should be performed by the Signal Service branch of the Army of the United States. I do not say whether the service might or might not be improved by employing naval officers to a certain extent; but of one thing I am very certain, that you cannot dispense with the use of the Army officers.

am very certain, that you cannot dispense with the use of the Army officers or Army soldiers in the discharge of this duty. If your service is to be worth anything, you must continue to make these observations and have these reports from all the military posts upon the continent, or at least within our jurisdiction; and now it is well known that owing to an arrangement between us and the Dominion government of Canada the reports are received from Canada and our reports are sent to Canada. Therefore, the proposition to take the bureau entirely from the Army and give it to the Navy seems to me to be not tenable. At the same time I do not deny but that naval officers as well as Army officers might be employed in the service.

Mr. DAWES. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont withdraw his objection conditionally?

Mr. EDMUNDS. Yes, sir, I withdraw it conditionally, for the time

Mr. DAWES. The present duties of the Signal Service originated in this way: Pending an appropriation bill in the other branch of Congress in 1870 (I think that was the year) an appropriation of \$15,000 was added to the bill to enable the Army officer having \$15,000 was added to the bill to enable the Army officer having charge of the ordinary military signal service to try experiments in the matter of weather reports; out of that grew the present Signal Service, as it is understood in the country, it growing by additions from session to session of increased appropriations, by special enlargement of the duties, having the whole matter under the charge of the War Department, and the War Department prescribing the duties of the officers, until some \$300,000 are expended in that way under the direction of the War Department, with very signal and beneficial results, I think, to the country. But last year the chief in charge of that service was made a brigadier-general of the Army, and it was recognized in the law as a distinct bureau. That is the history of it at the present time. It has grown to such dimensions that it would be very wise, I think, to have some revision of its standing in the department, and some regulation by law as to the department of the Government to which it shall be confided. I am indifferent myself what committee looks into it, but it does seem to me very wise that Congress should take up this, which has grown into so great and so useful a service, and regulate it by law, and give it a permanent standing somewhere, in some part of the executive departments of

Mr. VEST. Mr. President, I have no disposition to enter into a discussion of this matter. It is a subject of the very greatest importance, especially to the agricultural States. What has been said by the Senator from Ohio [Mr. THURMAN] in regard to this being a by the Senator from Ohio [Mr. THURMAN] in regard to this being a military establishment is to a very great extent true. When the signal stations known as those of the weather burean were first established, in 1870, in remote portions of the Territories, liable to attack from the Indians, it was necessary that the Army should be present in some force in order to protect them. In order to meet those exigencies sergeants were appointed, and provisions in analogy to the will tark service of the country service much by decrease until it has military service of the country sprang up by degrees, until it has come to be recognized as a portion of the military establishment of

the Government.

the country.

I repeat that there is no reason in favor and there are many reasons against this being made a portion of the military establishment of the United States. I assert again that it is peculiarly and professionally a matter of knowledge to the sailor and to the naval officer to make observations in regard to the weather. It is not a portion of the duty of any military man. There are two classes in this country particularly connected with the wind and with the weather, and those two classes are agriculturists and sailors. The Signal Corps is absolutely essential to commerce and to agriculture. The State that I have the honor in part to represent is peculiarly interested, because we have suffered of late, in the most distressing and terrible manner, from cyclones, which have destroyed a vast amount of property, and I am at this moment in receipt of intelligence from my State to the effect that another of these great natural calamities has come upon

A very few words more, Mr. President. There is another point in defense of my proposition that the committee should at least examine this subject with a view to the appointment of naval officers. The whole signal-service system of this country originated with the Navy, and not with the Army. The man who commenced it, in whose brain it first had existence, was a distinguished officer of the American Navy, Lieutenant M. F. Maury. In 1853 he instigated and brought about by his own individual exertion the assembling of a convention of scientists of the whole world at Brussels to take into consideration a signal-service system for the world at large. In 1857 I well recollect that Lieutenant Maury passed through the Western and Southern States delivering lectures at his own individual expense to the southern and western people, urging upon them that they urge their members of Congress to establish a signal-service observation system for the Southern and Western States. If that had been done, sir, millions of dollars would have been saved to the agricultural interests of this country. This same man by his signal-service system upon the ocean, by shortening the days of transit by means of his charts of the waves and of the winds, saved to the commerce of the world from forty to sixty million dollars annually; and he sought to put the same system into existence within the landed domain of the United States.

To-day agriculture is the largest interest in this country. A fail-

ure of one single crop affects this country more than all the tariffs, all the financial systems, all the legislation of this Government, and the Signal Service to-day is a most important branch of the civil service

of the United States.

Now, sir, I propose to refer this resolution to the Committee to examine the several branches of the Civil Service, not especially to take the entire subject away from the Army, but to systematize and organize a system which will open to appointment within the Signal Corps the ranks of the Navy, and the ranks also of civil life. At any rate, I propose, if legislation can do it, so far as I am concerned, to say to the President of the United States that he is at liberty to go into the Navy for a chief officer and other officers of the Signal Corps; that he may also go into the ranks of civil life if he sees proper; but there is no reason—and I challenge criticism—why in his appoint-ments he should be confined to the Army alone. I ask the reference of the resolution to the Committee to examine the several branches

of the regolution to the Committee to examine the several branches of the Civil Service.

Mr. EDMUNDS. I think if Senators have heard my honorable friend from Missouri, they will see that, on the strength of his own argument, the Military Committee is the one to which properly this inquiry should go. The Civil Service Committee is instructed to inquire into all the branches of the civil service. If this is a branch of the civil service, that committee has the jurisdiction now, and the resolution is unnecessary, because it is to be presumed that committee will do its duty and inquire into all the branches of the civil service; but confessedly, this is now a branch of the military estables. service; but, confessedly, this is now a branch of the military establishment and the military service of the United States, although its chief benefit at this present time is to the civil establishment undoubtedly, to the farmer and to the merchant and to the ship-owner, and so on. Just so is the river and harbor improvement matter, which is a part of the war establishment; and the War Department always has control of the officers and disburses the Department always has control of the officers and disburses the money; and so with a great many other things that the military department has the charge of, although they really relate to civil affairs. Therefore it appeared to me to be plain that the Military Committee was the proper committee to consider this question; and I must assume that they are not at all averse to a consideration of it, and that they will do the subject justice. That is all my point. I am not saying that I disagree with the Senator as to the propriety of appointing naval gentlemen into the service; I do not know anything about that; I have not thought of it; but my simple proposition is, that the Senate, if it cares anything about the regular distribution of the service of the Senate, ought to direct the Military Committee to inquire into this, inasmuch as it is at present a part of the military service.

of the military service.

Mr. MAXEY. Mr. President, the Signal Corps has grown to be an establishment of very great importance not only to the military branch. establishment of very great importance not only to the military branch of the Government but to the civil branches and to the community generally. There is established a military telegraph line from Denison, Texas, running entirely around the frontier of that State, down to Brownsville, near the mouth of the Rio Grande. That military telegraph line is under the control of the Signal Corps, is of great service in Army operations, and a great convenience to the people. General Myer was appointed colonel of the Signal Corps on the 28th day of July, 1865, and since that time there have been appointed four second lieutenants of that corps. The Signal Corps has been borne on the Army, and is important to the Army, not only because of the military telegraph controlled by it, but its weather reports telegraphed over the lines; is important in sending out scouts, &c. That it is of the lines; is important in sending out scouts, &c. That it is of great importance in its weather information to the agricultural interests is manifest to all who have watched its operations. I have reason to believe and do believe that the duties in that regard would be very much enlarged and its benefits greatly extended if the views of the acting head of the Signal Corps, General Drum, the accomplished Adjutant-General of the Army, are carried out. In the cotton-growing States cotton is by far the most important agricultural interest that we have, and no crop ever is more affected by the weather than that crop. There is a movement on foot now (and the information is sought all through the South) to ascertain the best methods of securing the benefits of the Signal Service Bureau in aid of the cotton crop. Why interrupt the organization which has without question, so far as I know, been under the control of the War

Department?

What reason there may be for transferring this great service, which is mainly upon the land, to the Navy, I am wholly unable to perceive. It has been under the War Department from its foundation. Everything connected with the Signal Bureau which has come to the Senate, since I have been here at least, has been referred to the Committee on Military Affairs. A portion of these lieutenants (and I am not sure but all of them) who have been promoted in the Signal Corps have been placed there since I came to the Senate in 1875, and every one of those nominations was referred to the Committee on Military Affairs, and now it is for the first time that we hear that the bureau ought to be moved from the Army somewhere else. The reason for it I am wholly unable to perceive, and the fact showing that it is regarded as a part of the Army and has been heretofore regarded properly as part of the Army is that all nominations in respect to it go to the Military Committee, and the nomination of General Myer from colonel to brigadier-general was referred without objection to the Committee on Military Affairs at, I believe, the last session.

At all the important points along that military telegraph line signals and the committee of the comm

nal stations also are located. In view of this great service, which necessarily and properly comes under the Army, I am unable to see why that bureau should be taken from the Army and placed elsewhere. The very great interest which the State I have the honor in part to represent has in this question gave occasion for saying what I have said.

Mr. EDMUNDS. I will entirely withdraw the objection to the present consideration of the resolution. It has been so much discussed that it may as well be disposed of now.

Mr. THURMAN. I have an amendment to offer, which I under-

stand the mover of the resolution is willing to accept. I ask my friend from Vermont to let it come in by withdrawing his amend-

Mr. EDMUNDS. Will the Senator state it?
Mr. THURMAN. I had not read this resolution when I submitted a few observations on it to the Senate. On reading it I find that it is much broader than I had supposed it to be. We know what the Signal Service is. It consists of two branches. One is a proper military signal service which has nothing in the world to do with the weather, but is what we all understand by a military signal service, giving notice of the movements of the enemy or of the movements of your

notice of the movements of the enemy or of the movements of your own troops, and directing those movements. That has nothing to do with the weather, and existed long before the duties with respect to weather were devolved on that service.

Now, this resolution embraces the whole Signal Service, and contemplates that all officers in that Signal Service hereafter appointed shall be appointed from the Navy. That is manifestly wrong in regard to the purely military duties of the present service.

Mr. VEST. Appointments or promotions.

Mr. THURMAN. Promotions are from sergeants, thus excluding all educated officers. Some of the most meritorious men in the Army of the United States belong to the Signal Service, and have made it their especial study for years. Of course, that cannot be contemplated by the mover of the resolution, I think; and therefore, in order to exclude that idea and also to exclude the idea of depriving Army to exclude that idea and also to exclude the idea of depriving Army officers of any chance of promotion in this service, I move to insert after the word "the," in the last line but one, the words "Army or," so as to read, "or by the appointment to such vacancies of officers from the Army or Navy of the United States." It reads now, "or by the appointment to such vacancies of officers from the Army or Navy acancies of officers of the Navy," restricting it to the Navy alone. I want to have it read, "Army or Navy." I move that amendment, and I understand my friend from Missouri to be willing to execut it. be willing to accept it.

Mr. VEST. I accept the amendment.

The VICE-PRESIDENT. The amendment is accepted. The question now is on the references. The Senator from Missouri moves that the resolution be referred to the Committee to examine the several branches of the Civil Service. The Senator from Vermont moves that it be referred to the Committee on Military Affairs. Under the rules, the question is first on the motion proposed by the Senator from Mis-

Mr. HOAR. Is the motion to refer the resolution, or is it a motion to amend the order to the committee to inquire by instructing another

committee to make the inquiry?

The VICE-PRESIDENT. The resolution will be read, in order that it may be understood.

The Chief Clerk read the resolution, as follows:

Resolved, That the Special Committee to examine the several branches of the Civil Service be instructed to inquire into the propriety of such legislation by Congress as may require the filling of all vacancies in the Signal Corps above the rank of sergeants by promotion from said corps, or by the appointment to such vacancies of officers from the Army or Navy of the United States; and that said committee report by bill or otherwise.

Mr. EDMUNDS. My motion was to amend the resolution of the Mr. EDMUNDS. My motion was to amend the resolution of the Senator from Missouri by striking out the words "Special Committee to examine the several branches of the Civil Service" and inserting the words "Committee on Military Affairs."

The VICE-PRESIDENT. The Senator is correct. The Chair had not noticed the phraseology. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HAMLIN. I wish to inquire of the Senator who introduced the resolution if this does not cover other matter than that resolution which has already passed the body and is now before the committee. There is a resolution before that committee directing them to make

There is a resolution before that committee directing them to make

certain inquiries. Is this one of them?

Mr. VEST. There is no resolution before the committee on this subject at all.

subject at all.

Mr. HAMLIN. There is a resolution, and this is new matter.

Mr. ALLISON. I have no particular preference with regard to this resolution. The resolution itself, it strikes me, is not broad enough to cover what gentlemen desire. It merely relates to the promotions in the Signal Corps. Now, I know of but a single officer by law in the Signal Service; that is the brigadier-general provided for in the appropriation bill passed last year with reference to the Army. A provision in the Army appropriation bill last year authorizes the chief of the Signal Corps to be a brigadier-general instead of a colonel. That is legislation on an appropriation bill, as the Senator from Vermont very properly says in his seat, and that is the only legislation that we have ever had with reference to this Signal Corps. So far as I know the Committee on Military Affairs have never considered the question the Committee on Military Affairs have never considered the question the Committee on Military Affairs have never considered the question of the organization of the Signal Service Corps. If they have I am not aware of it. This whole service is a growth on appropriation bills, and it rests, if my memory serves me correctly—I have not looked at it since last session—on a single section of the Revised Statutes. Now what ought to be done, it seems to me, is to secure a thorough revision of the whole subject of the Signal Service. If there are to be lieutenants in the Signal Corps let us provide for the number, as well as their method of appointment; let us say whether there shall be four, ten, twenty, or one hundred. If there are to be private soldiers in the Signal Corps, let us provide for them also by distinct legislation. There is running along through the appropriation bills a provision that a certain number of privates in the Army may be assigned to the Signal Corps, not exceeding four hundred and fifty, and that has run through appropriation bills for the last six or seven years.

It seems to me the resolution itself is not broad enough for the pro-

posed inquiry. It ought to extend to the whole question of the Signal Service and ought to be referred to some committee. The Military Committee is a very appropriate committee; and the committee presided over by the Senator from Missouri is also appropriate to con-

sided over by the Senator from Missouri is also appropriate to consider this whole subject.

Mr. LOGAN. Mr. President, I think the Senator from Iowa is certainly mistaken in one statement he has made; that is, in reference to the Signal Service never having been before the Military Committee. This service has been before the Military Committee often, and has been considered by it. The reason, however, why its greater growth has been from the Appropriations Committee has been that officers connected with the Signal Service could obtain from the Committee on Appropriations little paragraphs in their bills that they could not get from the Military Committee. In other words, the Committee on Appropriations concluded that they knew more about military affairs than the Military Committee. That is the fact about military affairs than the Military Committee. That is the fact about

military affairs than the Military Committee. That is the fact about it; and they have been for a few years reorganizing the Army as in regard to certain things, West Point, and other matters. This I say for the benefit of the Senator, and he knows it to be true.

This Signal Service belongs to the Army; it is a part of the Army; it is a corps of the Army, and is governed by the rules and regulalations of the Army; its members are subject to trial by court-martial under the rules and articles of war as a part of the Army; and the proper place for this resolution is the Military Committee. So far as reorganizing this corps is concerned, that is a matter about which I do not wish to give any opinion now. I have no objection to an examination of the subject, and I think it ought to be examined. There is one thing, however, that I do object to in this resolution, and that is that it seems to exclude everybody from this service, except those who are in the Army and the Navy. This being a peculiar service, it is one for which the education of a man may properly qualify him who has not served either in the Army or the Navy; but this resolution would seem to entirely exclude such a person erly quality him who has not served either in the Army or the Navy; but this resolution would seem to entirely exclude such a person from the opportunity of being appointed in this service. That, I think, is wrong. I think persons in civil life, who qualify themselves for this service, ought to have an opportunity of appointment in it, though they may never have belonged to the Army or Navy.

Mr. THURMAN. Has not the President power now to neminate civiling for certain grades in the Army?

civilians for certain grades in the Army?

Mr. LOGAN. The Senator will remember that recently—and I will not say that grew out of the action of the Appropriations Committee; it is no matter where it came from, but it is a very strange provision—only sergeants can be appointed, two, I believe, every year, or some certain number, to the office of lieutenant; and they must be Mr. THURMAN. I am under the impression that we have con-

firmed civilian after civilian who has been nominated to be a lieu-

tenant.

Mr. LOGAN. A civilian can be appointed where vacancies exist after you have exhausted the cadets at West Point.

Mr. THURMAN. I do not so understand the law. Mr. LOGAN. I do.

Mr. THURMAN. The Senator probably knows better than I, but I do not so understand it.

Mr. LOGAN. I may be mistaken about it, but that is my under-

Mr. LOGAN. I may be inistaken about 16, but that is standing of it.

Mr. HAMLIN. The Senator from Illinois is right.

Mr. LOGAN. I think I am. I do not wish to discuss it; in fact I am not physically able to discuss anything, but I simply wish to make one statement. I desire that this matter shall be examined fairly and properly, but it certainly belongs to the Military Committee unless the Senate has not confidence enough in that committee to authorize it to make an examination, or unless it belongs to the Appropriations Committee. Inasmuch as they have had charge of the propriations Committee. Inasmuch as they have had charge of the matter before for some time, it may possibly be better to refer it to that committee; but if it does not go there it ought to go to the Mil-

that committee.

The VICE-PRESIDENT. This discussion proceeds now by unanimous consent, the morning hour having expired. The question is on the amendment proposed by the Senator from Vermont, [Mr. Ep-

MUNDS.

The amendment was agreed to.
Several SENATORS. Let the resolution be read as amended. The Chief Clerk read the resolution as amended, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the propriety of such legislation by Congress as may require the filling of all vacancies in the Signal Corps above the rank of sergeant by promotion from said corps or by the appointment to such vacancies of officers from the Army or Navy of the United States, and that said committee report by bill or otherwise. The resolution, as amended, was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 706) for the relief of A. B. Rowden;

A bill (H. R. No. 735) for the relief of Dr. John Blankenship; A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service;

A bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. No. 280) granting a pension to Dennis McGinnis;
A bill (H. R. No. 284) granting a pension to Martha J. Porter; and
A bill (H. R. No. 2852) granting a pension to Mary A. Simmons.
The following bills and joint resolution were severally read twice
by their titles, and referred as indicated below:
A bill (H. R. No. 1729) for the payment of certain Indian war
bonds of the State of California; to the Committee on Indian Af-

A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service—to the Committee on Naval

A bill (H. R. No. 2503) for the relief of John H. W. Riley-to the

Committee on Claims.

A bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name—to the Committee on Finance

A bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building in the city of New York—to the Committee on the Library.

A bill (H. R. No. 6256) for the relief of certain settlers on restored

A bill (R. R. No. 5255) for the relief of certain settlers on restored railroad lands—to the Committee on Public Lands.

A joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record—to the Committee on Printing.

The VICE-PRESIDENT. The unfinished business of the Senate is

the bill (S. No. 351) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States.

FITZ-JOHN PORTER.

Mr. RANDOLPH. Mr. President, I gave notice on Thursday last that this morning I should call up the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, and I submitted an amendment which I propose to offer this morning with an alteration that will be readily comprehended when read. I now ask that the bill be taken up, and I submit the amendment which I send to the Chair.

Mr. McDONALD. I desire to make a parliamentary inquiry as to the status of the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with

Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other pur-poses, standing on the Calendar as order 95. There was a motion made to reconsider the vote by which the bill had been indefinitely postponed, and it was fixed for this day. I ask whether the postponement of that pending question until to-day, the second Monday in December, makes it a special order, or whether it simply stands on the Calendar to be considered to-day or after to-day?

The VICE-PRESIDENT. It stands on the Calendar. If not disposed of to-day, it simply retains its place on the Calendar to be acted on when reached in order.

Mr. McDONALD. And is to be considered to-day or after to-day without prejudice?

The VICE-PRESIDENT. When reached in order.

Mr. RANDOLPH. I renew my motion.

The VICE-PRESIDENT. The Senator from New Jersey moves to postpone the consideration of the unfinished business of the Senate for the purpose indicated by him.

The motion was agreed to.
The VICE-PRESIDENT. Will the Senate now proceed to the consideration of the bill named by the Senator from New Jersey?
Mr. LOGAN. Was the vote just had on taking up this bill from

The VICE-PRESIDENT. That is the pending question. The Senator from New Jersey moves that the Senate do now proceed to the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army.

Mr. LOGAN. I ask for the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll

call the roll.

Mr. BOOTH, (when his name was called.) On this question I am paired with my colleague, [Mr. FARLEY.] If he were present, I

should vote nay.

Mr. BUTLER, (when Mr. HAMPTON's name was called.) My colleague [Mr. Hampton] is paired with the Senator from Kansas, [Mr. PLUMB.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.] If he

were present, I should vote "nay."

The roll-call was concluded.

Mr. PADDOCK. On this question I am paired with the Senator from Ohio, [Mr. PENDLETON.] If he were here, I should vote "nay."

The result was announced-yeas 35, nays 15; as follows:

YH		

	2.20	220 001	
Bailey, Bayard, Beck, Brown, Butler, Call, Cockrell, Coke, Davis of W. Va.,	Garland, Harris, Hereford, Hoar, Jonas, Jones of Florida, Kernan, McDonald,	McPherson, Maxey, Morgan, Pugh, Randolph, Ransom, Saulsbury, Slater, Thurman,	Vance, Vest, Voorhees, Walker, Wallace, Whyte, Williams, Withers.
	NA	VS-15.	

Allison, Baldwin, Blair, Burnside,	Cameron of Wis., Carpenter, Edmunds, Hill of Colorado,	Ingalls, Kirkwood, Logan, Morrill,	Rollins, Teller, Windon

ABSENT-26.

Anthony, Blaine,	Dawes, Eaton.	
Booth.	Farley,	
Bruce,	Ferry,	
Cameron of Pa.,	Groome,	
Conkling.	Grover,	
Davis of Illinois,	Hamlin,	

Hampton, Hill of Georgia, Jones of Nevada, Kellogg, Lamar, McMillan, Paddock

Pendleton. Platt, Plumb, Saunders, Sharon,

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill. The VICE-PRESIDENT. The Senator from New Jersey proposes

to strike out the preamble and also all after the enacting clause of the bill, and to insert what will now be read.

The Chief Clerk read as follows:

That Fitz-John Porter be, and he is hereby, relieved from the disability of disfranchisement and incapacity to hold office as imposed by sentence of court-martial of January 19, 1863, and the President is hereby authorized, in his discretion, to reinstate to the Army the said Fitz-John Porter, who was dismissed by said sentence: Provided, however, That such reinstatement shall give no higher rank than colonel on the retired list: And provided further, That said Porter shall receive no pay, compensation, or allowance for the time intervening between his dismissal and his restoration.

Mr. EDMUNDS. I should like to know how long, through how many administrations, this power is to run. Suppose the present Executive on application should not think it fit to do this act, then executive on application should not think it not to do this act, then comes the Executive-elect; he takes the office, and he is applied to. Has the power been exhausted if the present Executive refused the same as it would be if he did the act? If the second Executive refuses, does not think it his duty to do it, will the third Executive—I have no doubt I have him in my eye—be authorized to try the experiment again? I think that ought to be provided for in some way, and I move to amend the amendment by inserting after the word "Precident" the provided in the provided of the control of "President" the words "within one year after the passage of this act and not afterward."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to the amendment of the Senator from

Mr. EDMUNDS called for the yeas and nays; and they were or-

dered.

Mr. McDONALD. I think there is no objection to the amendment.

Mr. EDMUNDS. I do not think there is myself, but we shall see when we get the yeas and nays.

The Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) On the main question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] do not know how he would vote on this amendment, and therefore I

shall withhold my vote.

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. PENDLETON.] If he were here, I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I as paired with the Senator from South Carolina, [Mr. HAMPTON.]

The roll-call having been concluded, the result was announced-yeas 21, nays 32; as follows:

YEAS-21.

Baldwin, Blaine, Blair, Burnside, Cameron of Wis., Carpenter,	Davis of Illinois, Dawes, Edmunds, Hill of Colorado, Hoar, Ingalls,	Kellogg, Kirkwood, Logan, McDonald, Morrill, Platt,	Rollins, Teller, Windom.
	NA.	YS-32.	

AA15—32.			
Bailey,	Grover,	McPherson,	Thurman
Bayard,	Harris,	Maxey,	Vance,
Beck,	Hereford,	Morgan,	Vest,
Brown,	Hill of Georgia,	Pugh,	Voorhees
Call,	Johnston,	Randolph,	Walker,
Coke,	Jonas,	Ransom,	Wallace,
Davis of W. Va.,	Jones of Florida,	Saulsbury,	Williams,
Garland,	Kernan,	Slater,	Withers.

Slater, NOT VOTING O

	2102	TO ALLEY CO - MILLS	
Allison, Anthony,	Cockrell, Conkling,	Hamlin, Hampton.	Pendleton, Plumb,
Booth,	Eaton.	Jones of Nevada.	Saunders.
Bruce,	Farley,	Lamar,	Sharon,
Butler,	Ferry,	McMillan,	Whyte.
Cameron of Pa.	Groome.	Paddock	

So the amendment to the amendment was rejected. The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from New Jersey, [Mr. RANDOLPH.]

Mr. CARPENTER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CARPENTER. Mr. President, apart from the merits of this case there are some constitutional questions apparent upon the face of this bill respecting which I would like to hear from the other side, and I doubt whether they can present an explanation that will induce me to vote for the bill. These questions I believe to be of importance. The bill provides that-

Fitz-John Porter be, and he is hereby, relieved from the disability of disfranchisement and incapacity to hold office imposed by sentence of court-martial of January 19, 1863.

What power is there in Congress to set aside the sentence of a court-martial? Whence does Congress get any more power over the sentence of a military court than over the sentence of a civil court? Can an act of Congress relieve a man of the incapacity imposed upon him by the sentence of a court, pronounced upon the verdict of a jury? Why not? Simply because such relief would be the exercise of a judicial power, or of the pardoning power, and, by the Constitution, judicial power is lodged in the courts and the pardoning power in the President, and not intrusted to Congress. The same objection lies to interfere by the legislative deportment with the independent lies to interference by the legislative department with the judgment of a military court.

The Army, under our present system, is governed judicially. Courts-martial exercise judicial power, hear proof, pass upon the question of guilt or innocence, and impose the penalty of the law upon its transgressor. This is the exercise of judicial power, not reposed in Congress, nor either branch of Congress.

But again: the bill, after relieving him from the sentence of the

court, proceeds:

And the President is hereby authorized, in his discretion, to reinstate to the Army the said Fitz-John Porter, who was dismissed by said sentence.

This bill declares that Fitz-John Porter was dismissed from the Army. That is its positive declaration. If he was dismissed from the Army on the 19th day of January, 1863, he has not been in it since that date, and is not now, any more than the honorable Senator from Illinois [Mr. Davis] is upon the Supreme Bench. The word "reinstate" therefore means nothing.

The bill authorizes the President to appoint Fitz-John Porter to a certain office in the Army. Can Congress do any such thing? Could Congress to-day authorize the President to reinstate DAVID DAVIS on Congress to-day authorize the President to reinstate DAVID DAVIS on the bench of the Supreme Court, from which he resigned, provided that he should have no pay during the time he has been off the bench and been in the Senate? Will any lawyer maintain for a moment that Congress could pass such a bill? He was a member of that court, a much honored and esteemed member, but he is not to-day, nor has he been since his resignation. Now, I ask what authority has Con-

ress to authorize the President to reinstate him on the bench?

It is to be borne in mind that this bill is dealing with a man out of the Army; is dealing with a man that the bill itself declares was dismissed from the Army. Now, how is any man out of the Army to get into it? How is any man not holding a civil office to be put into the civil office? He is to be nominated by the President, and by and with the advice and consent of the Senate he is to be appointed, and then he takes his office and commences his functions or his right to then he takes his office and commences his functions or his right to fulfill them from the date of his commission. That is as true of the officers in the Army as it is of the judges on the bench. I ask my friends on the other side, who propose to vote for this bill, how they get over that difficulty; whether the Constitution is to be trampled under foot in one of its plainest provisions for the sake of putting Fitz-John Porter into the Army?

It may be said that if Congress by both Houses passes such a bill, the Senate concurring in the passage of that bill, that is equivalent to the advice and consent of the Senate; but we all know that would not be so. It is essentially a different proceeding. By this bill Con-

to the advice and consent of the Senate; but we all know that would not be so. It is essentially a different proceeding. By this bill Congress proposed to vest the power in the President alone and authorize him without the consent of the Senate to appoint, for reinstation means nothing else when it is conceded as the bill itself declares that he is out of the service. This bill does not even leave that question in doubt, but positively and affirmatively asserts that Porter was dismissed from the Army; and yet it says that the President may reinstate him; that is, he may reappoint him, for that is the only way he can reinstate him. I say that in both these particulars, first, in the provision that nullifies the sentence of a court established by law, which has finished its proceedings, pronounced its judgment, and which has finished its proceedings, pronounced its judgment, and ceased to exist, and again in taking from the Senate its participation

in the power of appointment, and authorizing the President alone to appoint Fitz-John Porter, the Constitution is violated.

It may be said, in reply to this, that the Constitution authorizes Congress to delegate to the President and to the heads of Departments the power of appointment to inferior offices. What does that mean? Even conceding that Congress may by law provide that colonels in the Army shall be appointed by the President alone, and all officers below colonel, if you please; but Congress cannot pass a law providing that the President may appoint John Smith a colonel in the Army, when as to every other appointee for such office the Senate has to be consulted. They may change the power of appointment as to a grade of officers, but they cannot change the power as to an individual.

Now, I beg our democratic friends before they force us to vote on this bill to give us a little light that will relieve our consciences on

this bill to give us a little light that will relieve our consciences on these two points; first, to tell us how it is that Congress has the

power to relieve a man from the sentence of a court-martial. The President can do it. The President has the pardoning power. What is the power that relieves a man from the sentence of a court? Did anybody ever hear it called anything but the pardoning power? The action of a court in granting a new trial, and all that, is a part of the proceeding which results in the sentence. When that is finished and the court has performed its whole function as to the subject of its jurisdiction, the case is subject to the power of pardon. The President may to-morrow pardon Fitz-John Porter if he please, but Congress cannot pardon him, nor can it pardon him by calling the proceeding "relief" instead of "pardon." The Constitution deals with things, with the substance of things, not with names and fictions and forms. It has reposed in the President the sole power of pardon; it has not intrusted it in any case to Congress, and we can pardon; it has not intrusted it in any case to Congress, and we cannot exercise it in any form or under any pretext without usurping a power which the Constitution has denied us by conferring it upon the President.

Relieved of these serious constitutional questions, there would remain the merits of this case, which I do not propose to discuss, unless my democratic friends can help me over the Constitution.

Mr. McDONALD. Mr. President, the Senator from Wisconsin appeals to democratic Senators on certain constitutional questions. I do

peals to democratic Senators on certain constitutional questions. I do not understand that this is a party measure in any sense or in any form; but he has asked certain questions affecting the power of the Senate to pass this bill in the form in which the substitute offered by the Senator from New Jersey will place it. In the first place, as to the sentence from which this bill is to relieve Fitz-John Porter, I apprehend it will be found very difficult to discover anywhere in the military jurisprudence of this country any authority in a military tribunal to pronounce a sentence of disfranchisement and disqualification from helding civil office.

tribunal to pronounce a sentence of disfranchisement and disqualification from holding civil office.

Mr. CARPENTER. Will my friend allow me to interrupt him?

Mr. McDONALD. Certainly.

Mr. CARPENTER. This bill does not proceed upon that ground at all. The very bill proceeds upon the ground that that sentence is valid and needs to be set aside by legislative power. If your judgment is void, you need no relief. Is Congress to sit here and play with windmills and hold that void judgments are to be set aside by law? Your very bill proceeds on the ground that the sentence is a valid one and you want to relieve Porter from it.

Mr. McDONALD. Precisely so; but if I had drawn the bill and stated my views precisely, I should not have placed that clause in it. But it is not a new thing for the Congress of the United States to pass an act either in direct terms or in effect annulling the findings and judgments of courts-martial. It has been done on many occasions. Perhaps one of the most noted is that of the late Surgeon-General Hammond, an act passed in 1878.

and Judgments of contra-matrial. It has been done on many occasions. Perhaps one of the most noted is that of the late Surgeon-General Hammond, an act passed in 1878.

Mr. RANDOLPH. By a vote of 55 to 1 in this body.

Mr. McDONALD. But, Mr. President, on the other question presented in reference to the clause in this bill by which it is proposed to reinstate Fitz-John Porter to the Army, the distinguished Senator from Wisconsin says that that takes away the constitutional right of the Senate with respect to the subject of appointments, because it would be in effect an appointment not to be confirmed by the Senate. I do not understand that appointments in the regular Army or connected with the military service fall under that clause of the Constitution which vests in the President the power to nominate and in the Senate the power to confirm. If I understand the Constitution, that clause has relation entirely to civil offices and to nothing else, and in no manner affects the Army or its organization. On the contrary, the Army is a creature of Congress by express authority from the Constitution, for the Constitution vests in Congress the power to raise and support armies and to make rules and regulations for their government, and this power is plenary and aside from the civil administration of our affairs. tration of our affairs.

I apprehend the learned Senator will study the history of English jurisprudence in vain to find any authority that connected the civil administration of affairs under the common law with the administration of affairs under the common law with the administration of an army, or its government, or the appointment of its officers, or the regulation of its courts, if you see proper to so term them. Such a thing as military law in the sense in which it is now used in this country and in England was wholly unknown in that country until the reign of William and Mary, and was introduced there by enactment by what were called the mutiny acts, that were re-enacted from year to year. One of the accusations against King James II was that he undertook to govern the standing army through the civil courts of the country, and to make its members amenable in the civil and common law courts to punishment that belonged entirely to disand common law courts to punishment that belonged entirely to discipline. Having no authority to punish by discipline by any law passed or enacted for that purpose, he sought to attach it to the courts and to make the judges subservient to his will on that subject. The whole system of military law, known in our code as the articles of war, took its rise in what were termed the mutiny acts, passed from time to time to confer on the military authorities the powers that are found in our articles of war to hold courts-martial and try parties for what are termed military offenses. When the framers of our Constitution came to consider the question of armies, they considered it in the light of the institutions of that country from which they had come, and therefore they placed this question of organizing and equipping armies in the hands of the legislative power of

the country, in the representative branch of the Government, and they placed it there without restriction. Every appointment that is made in the Army by the President or by any other authority is made under the rules and regulations that Congress possesses the sole power to prescribe, to alter, to change, or to abolish; and while it was not thought necessary to require that the articles of war should be re-enacted from year to year in this country as they are to-day in En-gland, it was regarded as necessary to hold the check and control over Congress in regard to armies so as to restrict their authority in that respect that they should not extend for a provided of that respect that they should not extend for a period of over two

years.

But, Mr. President, I do not desire to enter into any general discussion over these questions; I have simply suggested the points that govern me in giving my support to this bill in its present form. I could support it in its original form; I can support it in the form in which it is now proposed by the chairman of that committee which has had charge of it; and I have no doubt, so far as I am concerned, of our possessing plenary power over this whole subject to do what we believe to be right and just, and to take the branding-iron off a man where it has been resting for eighteen years.

Mr. HEREFORD. Mr. President, I do not propose to participate at any length in this argument, but I must express my surprise that as fine a lawyer as the Senator from Wisconsin is, and is recognized and ought to be recognized to be, should have made the argument that he has made here to-day. If his argument be true, it strikes at the very foundation of our whole Government. Our theory of government, as I have always understood it, is based on the idea that the

ment, as I have always understood it, is based on the idea that the military is subordinate to the civil authority. I do not think that the Senator, with all his research, with all his learning and ability, can find any authority to sustain him in saying that the sentence of a court-martial is equal to a judgment of a court, and that that provis-ion in our Constitution which gives the President the power to par-don applies to them so as to exclude congressional action. I say that it does not pertain to the findings of courts-martial. It has reference, and reference solely, to the judgments and sentences of the civil courts. I understand, under our form of Government, that if an Army tribu-nal to-day was to sentence any man to be shot, Congress, being in ses-sion, could annul and set that aside and command the officer in charge

that he should not execute that order of a court-martial.

The Army of the United States is subordinate all the time to the Congress of the United States. The Congress of the United States under our form of government can direct the officer in command when under our form of government can direct the officer in command when to fight a battle, and how to fight it. I have heard it intimated on this floor that Congress had not that power, and that to exercise it would be to usurp the power of the President. Not so, sir. When the President by virtue of his office acts as Commander-in-Chief, and Congress passes any act relating to the Commander-in-Chief, that is not acting on the President of the United States but on the Commander-in-Chief; and if there was a war to day between this country and the English in Canada, or between this country and Mexico, and the officer in command was about to pass beyond the limits of our own country to fight a battle, Congress in the amplitude of its power could say to the Commander-in-Chief, "You shall not pass the borders of the United States; you shall not fight the battle that you propose." Why, sir, if the position that is assumed here by the Senator from Wisconsin be correct, you might have a traitor in command, and he might seek to surrender our armies and Congress would have no power to interfere. I think in a case of that kind the Congress of the United States could come in and relieve him, or order him to fight this or not fight that battle; and it could go further and him to fight this or not fight that battle; and it could go further and

him to fight this or not fight that battle; and it could go further and tell him how to dispose of the army if it saw fit.

The line of the argument is that we have not the power here to put inside the Army a man that is out of it. Why not? Where is the law, where is the constitutional provision that forbids the Congress of the United States to-day, if it sees proper, saying that the honorable Senator who made this argument should be placed in the Army of the United States and giving the President the authority to appoint him? There is nothing against it, and Congress would have the power so to do. The President himself, the present President of the United States, in his message to us, has recommended to us that we shall pass a law by which a certain eminent gentleman shall be placed in the Army and by which General Grant shall be made captain-general of our armies.

placed in the Army and by which General Grant shall be made captain-general of our armies.

Mr. CARPENTER. Let me inquire of the Senator, does that message recommend that Congress shall pass a law declaring that General Grant shall be captain-general?

Mr. HEREFORD. If language is intended to convey the idea that is embodied in it, it does. What does it say?

Mr. CARPENTER. I shall vote against any such bill.

Mr. HEREFORD. Of course it does not say "U. S. Grant."

Mr. CARPENTER. That is all there is about it.

Mr. HEREFORD. Of course it does not say "U. S. Grant."
Mr. CARPENTER. That is all there is about it.
Mr. HEREFORD. I know it does not say "U. S. Grant" in terms.
Mr. CARPENTER. Will the Senator pardon me a moment while
I try to get at the point between us? I do not question myself that
Congress might pass a law saying that the President of the United
States should have power to appoint all colonels and officers below
them in the Army; but I say Congress cannot pass a law saying that
the President may appoint John Smith a colonel in the Army.
Mr. HEREFORD. Why not?
Mr. CARPENTER. I will tell the Senator. That is exercising the

power of appointment. The other is merely creating an office and authorizing the President to fill that office. That is not an appointment. But when the Congress shall say that John Smith shall be a colonel in the Army, that is the power of appointment, which the Constitution lodges in the President and Senate.

Mr. HEREFORD. Can we not pass a law authorizing the President of the United States to commission A or B to any of the courts of Europe and put his name in it? I see no reason why we cannot, and I do not think that the Senator from Wisconsin, with all his learning I do not think that the Senator from Wisconsin, with all his learning and ability, can give a good and sufficient reason why. He has simply stated to-day that it cannot be done; but why can it not be done? He says you may pass a law authorizing the President to appoint somebody captain-general of all our armies. Where is the vice of inserting in the same bill that the President is hereby authorized to appoint U. S. Grant captain-general of the armies of the United

Mr. CARPENTER. The difference is, if the Senator will pardon me, that one creates an office and the Constitution declares how it

me, that one creates an office and the Constitution declares how it shall be filled, by an executive nomination and by the advice and consent of the Senate, and then by a commission from the President; and the other not only creates an office, but fills it; it makes the office and appoints the officer. Does the Senator see no difference?

Mr. HEREFORD. I cannot see, under our Constitution and under our laws, (though it makes no difference what the law may be, for this act itself would change the law if enacted,) I see no reason why Congress may not pass an act authorizing the President to appoint A or B to any office. He may do it or he may not, but we can give him authority to do it, and if the Senate gives its consent, all is well. But, as I say, the vice of the Senator's argument is that it strikes down authority to do it, and if the Senate gives its consent, all is well. But, as I say, the vice of the Senator's argument is that it strikes down our whole form of government; it takes away from Congress the power, the absolute, unlimited power to control our armies wherever they may be, and under any and all circumstances to set aside the report or the finding of a court-martial or not, just as we please. That power does not fall within the provision the Senator has referred to. The clause as to the pardoning power certainly refers to the action of civil courts alone, and not to the findings of courts-martial, which, as the great Webster once said, are always organized to convict.

the great Webster once said, are always organized to convict.

Mr. THURMAN. Mr. President, I will not detain the Senate more than a very few minutes upon this bill. I shall say nothing about the merits of the bill. I accept the finding of the board that last sat

than a very few minutes upon this bill. I shall say nothing about the merits of the bill. I accept the finding of the board that last sat upon the case as presenting the truth. I have no doubt of that whatsoever. Three better officers could not have been selected than were selected to review the testimony in this case, and to hear the additional testimony that was obtained, and their finding is so clear, so emphatic, that I do not see how any man can read it without coming to the conclusion that relief ought to be afforded to General Porter. What I say will refer entirely to the points made by the Senator from Wisconsin, and I shall be-very brief.

In the first place, I utterly dissent from his idea that for Congress to relieve General Porter from the disability under which he supposes him to labor would be an exercise of the pardoning power. I quite deny that proposition. To say nothing upon the question whether that court-martial had the right to pronounce the sentence of unlimited disqualification upon General Porter so that he should never be able thereafter to hold any office at all; even admitting for the sake of the argument (which I do not admit, but which I am strongly inclined to deny) that that court-martial possessed the power of pronouncing upon him a sentence of disqualification for office, I assert that it is no exercise of the pardoning power for Congress to provide that that man shall be subject to military duty and shall be eligible to hold office in the Army of the United States. The power given to Congress to maintain an army and to provide rules and standard and it is perfectly and standard and it is perfectly and the subject to military duty and shall be eligible to hold office in the Army of the United States.

shall be eligible to hold office in the Army of the United States. The power given to Congress to maintain an army and to provide rules and regulations for it covers the whole ground; and it is perfectly competent for Congress to provide, under its power to raise and maintain armies and make rules and regulations for them, who shall and who shall not hold office in the Army.

That, then, gives me no trouble whatsoever; but another point made by the Senator from Wisconsin did stagger me for a moment, and that was that this bill does not propose to annul that portion of the sentence which dismissed General Porter from the Army; that sentence, therefore, stands up to this time, and then the Senator says he being now out of the Army can only be brought into it by a nomination by the President and a confirmation by the Senate. To that the Senator from Indiana replied that the provision in the Constitution for the nomination of officers by the President and their constitution for the nomination of officers by the President and their conthat the Senator from Indiana replied that the provision in the Constitution for the nomination of officers by the President and their confirmation by the Senate has no application to the Army or to the Navy. Whether that be so or not—

Mr. CARPENTER. Will not the Senator be kind enough to tell us what he thinks about that?

Mr. THURMAN. When I first heard the Senator from Indiana make that the senator is a superior of the latest that the senator from Indiana make that the senator is a superior of the latest that the senator is a superior of the latest that the senator is a superior of the latest that the senator is a superior of the senator from Indiana make that the senator is a superior of the senator from Indiana make that the senator is a superior of the senator from Indiana make that the senator is a superior of the senator from Indiana make that the senator is a superior of the senator from Indiana make the senator is a superior of the senator from Indiana make the senator from Indiana make the senator is a superior of the senator from Indiana make the senator fr

make that proposition, I was rather inclined to shake my head; but the Senator from Wisconsin will recollect an old anecdote in the reone senator from Wisconsin will recollect an old anecdote in the reports: When Sir Bartholomew Shower shook his head at one of Holt's decisions, Holt immediately replied that the learned counselor might shake again, but the law was even so; and it is possible that if I had shaken my head at the Senator from Indiana he might have said to me, "the learned Senator may shake again, but the Constitution is even so."

given it up when he has said that it is competent for Congress to provide that the President may appoint the subordinate officers of the Army, and colonels he has especially mentioned among the rest, and how is it that the President can do so? Because this very provision of the Constitution on which he relies says among the powers of the President:

He shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

The Senator admits that under that provision of the Constitution the President might be authorized to appoint all the colonels in the Army; but he undertakes to make a distinction; he says that while we may authorize the President to appoint all, we cannot authorize him to appoint one by name. That is a distinction, it seems to me, that the Senator cannot maintain. There is no provision in the Con-stitution that all laws for the appointment of officers shall be general laws. Nothing of that kind is to be found in the Constitution, and again and again Congress has authorized the President to appoint a commissioner here, a commissioner there, and the like, without providing for any confirmation by the Senate. Therefore the Senator makes a distinction that it seems to me has no foundation.

Mr, CARPENTER. I want to ask the Senator a question in all candor. In discussing a constitutional question I am always interested to know the opinion of the Senator from Ohio, not for the purpose of attacking it, but of knowing what it is. I want the Senator to give me his opinion upon this proposition: conceding, as I do, that Congress might vest in the President the power of appointing all post-masters of a certain grade, or all deputy postmasters throughout the United States under that provision of the Constitution, I ask him if Congress could pass a bill authorizing and empowering the President

to appoint a postmaster in the city of New York ?
Mr. THURMAN. Why yes, I say, certainly. Why not ?
Mr. CARPENTER. Then of course it follows that Congress might authorize him to appoint John Smith or anybody else. authorize him to appoint John Smith or anybody else. What would become of the power under the Constitution to appoint any good man in New York? Conceding that your statute has any force whatever, it would bind the President, would it not?

Mr. THURMAN. The Senator cannot make out that this is any

Mr. THURMAN. The Senator cannot make out that this is any limitation whatever upon the President's power of appointment. The law provides for a postmaster in the city of New York, and the President might be authorized in his discretion, without any confirmation on the part of the Senate, to appoint John Smith postmaster of the city of New York. That would not limit his power to nominate to the Senate for confirmation John Jones or Peter Brown or anybody clear. It would he no interference whetever with his proposed in the proposed in the proposed in the proposed in the proposed whetever with his proposed in the prop

the Senate for confirmation John Jones or Peter Brown or anybody else. It would be no interference whatsoever with his prerogative. In this case, here is a very singular state of the law. The Senator from Wisconsin has argued, I think very erroneously, that a sentence of a court-martial cannot be got rid of except by the exercise of the pardoning power, and that there is no tribunal that can get rid of it. The President, it is true, may set it aside for the time being, but no matter what new evidence is discovered showing the flagrant injustice of that sentence, there is no relief except to pardon the man as a criminal. I do not believe anything of that sort; but if that is so, or if it is anything like that, then there is so much the more reason for a provision that shall secure justice to that individual and vindicate his character. his character

his character.

Mr. CARPENTER. Suppose the same state of things in a case of impeachment, is there any relief?

Mr. THURMAN. There is no relief in a case of impeachment.

Mr. CARPENTER. Then the fact that a case may exist of great hardship for which there is no relief proves nothing.

Mr. THURMAN. But impeachment is of rare occurrence, it only happens now and again; but courts-martial are of daily occurrence.

Mr. LOGAN. Will the Senator allow me to ask him if his attention has not been called to several decisions of the Supreme Court. tion has not been called to several decisions of the Supreme Court,

especially to one made very recently on this very subject, in which they decide that the judgment of a court-martial is final when approved by the President and cannot be reviewed?

Mr. THURMAN. I did not suppose there was a man in the Senate who pretended that the decision of a court-martial could be reviewed in one of our judicial courts. I did not suppose there ever was anybody who had such an idea as that.

Mr. LOGAN. But the Supreme Court go further and say it cannot

Mr. LOGAN. But the Supreme Court go further and say it cannot be reviewed by anybody.

Mr. THURMAN. I do not think they ever said it could not be set aside by Congress. I challenge the Senator to present any such opinion. Congress has been acting very unadvisedly if it is so.

Mr. LOGAN. I do not wish to go over it again, but I certainly demonstrated that fact here in the Senate to the satisfaction of a great many gentlemen, whether to the satisfaction of the Senator from Ohio or not, that the judgment of a court-martial cannot be reviewed either by Congress or by a court.

Mr. THURMAN. I have no doubt the Senator satisfied himself. He took sufficient time to satisfy himself and satisfy some others; but I must say, and I say it with entire respect for him, he did not satisfy me.

Mr. President, it is not necessary to discuss that question. The Senator from Wisconsin has given up the whole thing and properly listen to me. That was one trouble. He was in the Senate only a I did not expect to do so, for the Senator did not

very short time and did not do me the honor to listen to me. very short time and did not do me the honor to listen to me. A very simple illustration I should like the Senator to answer without going to a court-martial. Suppose you take the court of a justice of the peace that has certain jurisdiction conferred upon it by statute law, and there is no provision for an appeal, for a retrial, a re-examination of the case, is not its judgment a final judgment which cannot be reviewed or set aside?

Mr. THURMAN. If the Senator had listened to what I said a few

Mr. THURMAN. If the Senator had listened to what I said a few moments ago, he would have understood what was my view on this subject. The Congress is expressly authorized by the Constitution to raise and maintain armies and to make rules and regulations for them, and that power is so plenary that Congress has a right to provide for the employment of any man, whether under disability or not under disability, and to authorize him to hold whatever office Congress in its indepent may see fit to clothe him with or say that he shall be

disability, and to authorize him to hold whatever office Congress in its judgment may see fit to clothe him with or say that he shall be clothed with in the Army.

Mr. LOGAN. I am very feeble and not able to discuss this question, and do not propose to do so, but I should like to ask the Senator right there a question. I agree that Congress has power to make rules and regulations for the government of the Army under the Constitution, but after Congress has made those rules and regulations and the rules and regulations have been complied with, then how can Congress interfere with the compliance with the rules and regulations that they have made? Congress may repeal those rules and regulations, Congress may provide that there shall not be a court-martial, or it may change the mode of proceeding of a court-martial; but after it does that, and the court-martial has been held in pursuance of its rules, how can Congress step in and make new rules subsequently that will affect the rules made before by which the court-martial has been governed?

governed? Mr. THURMAN. Congress can do it, because Congress has plenary power over raising and maintaining armies, and I do not hesitate to say that it can set aside by act of Congress every sentence of a court-martial that ever was pronounced. I have not a doubt about it whatsoever. But it is not necessary to go to that; the question here between the Senator from Wisconsin and myself is simply this: he admits that Congress may vest in the President alone the appointment of all the colonels in the Army, but he says the greater does not include the less; that we cannot authorize him in a particular instance to do it.

not include the less; that we cannot authorize him in a particular instance to do it.

Mr. CARPENTER. Oh, no, Mr. President, that is not my point. My point is, that Congress in the one instance authorizes the President to fill a certain grade of office with whomever he sees fit; the other is the appointing power itself. When Congress says the head of the Post-Office Department may make all appointments of deputy postmasters that is not the appointing power; it is vesting the power of appointment, as the Constitution authorizes Congress to do, in the head of a Department. The appointing power is a different thing, and the appointment is a different thing. When we have vested that power in the Postmaster-General, then he, exercising that power, says John Smith shall be postmaster in the city of Washington. The Senator from Ohio does not mean to say that he sees no difference be says John Smith shall be postmaster in the city of Washington. The Senator from Ohio does not mean to say that he sees no difference between those two things as a question of power, between creating an office all over the United States, one hundred thousand of one class of officers, and designating the power of appointment, and the authority exercised by Congress itself, in which it is its discretion that names the office. For instance—

Mr. THURMAN. The Senator is simply repeating what he said before and I do not want to take up so much of the time of the Senate on this bill—

on this bill-

on this bill—
Mr. CARPENTER. Very well.
Mr. THURMAN. Congress usurps no appointing power. Congress does not say that Fitz-John Porter shall be returned to the Army of the United States. It says nothing of the kind. It simply authorizes the President to say that. If the President does not see fit to say it, it never will be said. There is no trenching on any right of his whatever or any nominating power of his whatever. And further there is no to ne word in the Constitution that requires Congress to proceed by general law relating to all officers whose nomination it shall vest by general law relating to all officers whose nomination it shall vest in the head of any Department or in the President alone. There is not a word of any such thing as that. By provisions in some of the constitutions of the States it is declared that all laws of a certain kind creating corporations shall be general laws, and that there shall be no special law on the subject. We have no provision of the Constitution which says that every law in regard to vesting in the President the right to appoint a subordinate officer shall be a general law relating to all men of that rank; and there ought to be no such thing in the Constitution. It would prevent justice being done in just such a case as this.

And now what has been the action of Congress on this subject? I will not take up the case of Hammond that has been referred to; the bill was approved the 15th of March, 1878; and that is a very proper ease to consider. What was the provision in that case?

That in the event of the findings and sentence of the said court-martial being annulled and set aside, as provided for in the first section of this act—

The first section authorized the President to set them aside—

the President be, and is hereby, further authorized to place the said William A. Hammond on the retired list of the Army as Surgeon-General.

He had been dismissed from the service; he was no longer Sur-

geon-General; but here it was provided the President might annul that sentence of dismissal and then that in the event of its being annulled the President might place him on the retired list of the Army as Surgeon-General. This related to a single man. It did not relate to every man who should be Surgeon-General. It related to a single man. Let us pass on—

Mr. MAXEY. It would be as well to state that the Hammond case passed the Senate by a vote of 55 to 1 after discussion.

Mr. CARPENTER. And it is as well to state that that does not touch this question at all, because it simply authorized a review by the proper reviewing power.

the proper reviewing power.

Mr. McDONALD. It provided for the reinstatement of a man by

name.

Mr. CARPENTER. It provided that the appointing power, after the reviewing power had set aside the sentence, which of course restored him to the Army, might then retire him.

Mr. THURMAN. Who has the floor, I should like to know?

The VICE-PRESIDENT. The Senator from Ohio has the floor.

Mr. THURMAN. Then I must beg Senators to let me proceed. I have a later act here, the act of March 3, 1879, for the relief of Iosenh B. Colline.

Be it enacted, de., That the President be, and he is hereby, authorized to reinstate Major Joseph B. Collins, late of the United States Army, and to retire him in that grade, as of the date he was previously mustered out.

There is an act confined to a single man.

Then on the 21st of June, 1876, this act was approved:

That the President of the United States be, and he is hereby, authorized to restore James B. Sinclair, first lieutenant, United States Army, retired, to the rank of captain of infantry, as held by him December 31, 1870; and that his name be placed upon the retired list of the Army as of the rank he held at that date.

Again, by an act approved February 19, 1879, it was provided:

That the Secretary of War be, and he is hereby, authorized and directed to place on the list of retired officers of the United States Army the name of Francis O. Wyse, as retired lieutenant-colonel of the Fourth Regiment of United States Artillery: Provided, however, That he shall receive no pay compensation or allowance of any kind under the provisions of this act for the time intervening between the 25th day of July, 1863, and the date of the approval of this act.

Here is another act, approved May 10, 1872:

That the Secretary of War is hereby authorized to place the name of * * * Samuel Ross on the list of officers retired from active service, according to the proceedings and report of said retiring board, to take effect, &c.

March 3, 1879, this act was approved:

That Philip W. Stanhope, late captain of the Twelfth United States Infantry and brevet lieptenant-colonel of the United States Army, having been placed upon the list of supernumeraries, from which he was mustered, under the mistake of groundless charges as the superinducing cause thereof, the President of the United States be, and he is hereby, authorized to restore him to his proper rank and promotion in the Army, with directions to the Secretary of War, on account of his disabilities incurred in the line of duty, to place him on the retired list, without regard to the limit as to numbers heretofore fixed by law—

With the usual provision that he should have no pay for the intervening time. Without going further into these cases—I have several more before me—let me call the attention of my friend from Wisconsin to a little bill which bears his signature. It is true he signed it as President pro tempore of the Senate and the President pro tempore sometimes signs bills which he does not like.

Mr. CAPPENTER—That is an arrangement I want to tall my friend.

Mr. CARPENTER. That is an argument I want to tell my friend

I can retort on him.

Mr. THURMAN. I do not take anything by that. I only referred to it to show that the Senator knew what was going on. This act was passed in May, 1874:

That Joseph Briggs, sergeant; Silas B. Harrington and Peter Redmond, corporals; and Peter Hanley, Alexander Valley, Michael Murphy, Owen Cabill, William McNech, George Wilson, Samuel O'Neal, Henry F. Errett, and John Dunne, privates, and all late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, be, and they are hereby, relieved from the proceedings, findings, and sentence of a court-martial approved by Brigadier-General K. Garrard, January 19, 1865, and wherein they were severally convicted of mutiny—

Congress set aside that court-martial sentence in the case of some Illinois soldiers

and the said proceedings, findings, and sentence are hereby set aside and revoked, and the said persons restored in all respects to the same rights and privileges to which they would have been entitled if said proceedings, findings, and sentence had not been had or rendered.

Mr. President, with these acts before me, stretching over a great number of years, (and these are only a few out of a multitude, I am told by those who have looked further into the subject than I have,) it will not do for the Senator from Wisconsin to say that while the President might be clothed with power to appoint all colonels without nominating them to the Senate, he cannot do justice to Fitz-John Porter because he is named in the bill.

I shall not detain the Senate longer. I would ha ten minutes if it had not been for the interruptions. I would have been done in

Mr. LOGAN. I desire to call the Senator's attention to one thing. I suppose he remembers that the names he mentioned in the acts which he read, Collins and the other persons, except Surgeon-General Hammond, were sent to the Senate for confirmation.

Mr. THURMAN. I do not remember any such thing.

Mr. LOGAN. I presume by examining the records he will find that

Mr. THURMAN. I do not dispute or question the Senator's state-

ment, but I never heard of a case of the kind.

Mr. LOGAN. I only say that is my recollection, and I have asked

a Senator here who introduced one of the bills, or made the report in one of the cases, and that is his recollection.

Mr. THURMAN. But the acts themselves contemplated no such

Mr. THURMAN. But the acts themselves contemplated no such thing:

Mr. LOGAN. It makes no difference. The only case you find is that of Hammond, which was passed, it is said, after debate, a case where he was not restored to the Army, but was appointed on the retired list, which it was agreed was not a restoration to the Army, but merely placing the man on the retired list. That, I know by examining the debate, was an argument made by one or two of the gentlemen who spoke. What effect it had I do not know; but certainly that was a case passed without due consideration by the Sentence and noother case of that character has ever been passed through ate, and no other case of that character has ever been passed through the Senate in that way from my examination. The Senator says there have been a great many bills passed for a great many persons. I say he is mistaken, in my judgment; he will not find that to be the case. Two, I think, may be found where this action was taken, and afterward, when examined, certainly those who examined them came to the conclusion that the action was erroneous. In the argument I made, concussion that the action was erroneous. In the argument I made, however little consideration the Senator gave to it or is disposed to give it, I stated that was a precedent by the Senate which the Senate ought to correct, and I showed precedent after precedent and decision after decision on the principal point just the contrary to what the Senator has maintained.

Mr. CARPENTER. Mr. President, it is important whether Fitz-John Porter shall be restored to the place he lost in consequence of the trial and sentence of a court-martial; but that is very trifling compared with the great, important question of whether the Constitution of the United States is to be frittered away as often as our sympathies are enlisted on behalf of an individual. Our friends here say that Fitz-John Porter has been wronged; they think his case needs redress; they feel a warm anxiety on his account. It is natural that this should influence, to a certain extent, their judgment about the Constitution. But it is remarkable, and it is distressing, that mere personal feeling and friendly sympathy should take a lawyer like the Senator from Ohio so completely out of his bearings on prestions that settled one way or the other are to affect our proceed. questions that, settled one way or the other, are to affect our proceedings here for all time. I have heard the most remarkable propositions laid down here as constitutional law, this morning, that I have ever

heard.

In the first place, we are told by several Senators—I believe the Senator from Indiana asserts it and the Senator from Ohio indorses it—that officers of the Army are not officers of the United States; they are officers of the Army werely—

Mr. THURMAN. I have not said they are not officers of the United

Mr. CARPENTER. I understood the Senator from Indiana to say so, and I understood the Senator from Ohio to say that he was inclined to shake his head at first, but concluded, instead of shaking his head,

to bow in acquiescence.

Mr. McDONALD. I said they were not officers of the United States in the sense of that clause of the Constitution which provided for the appointment of civil officers. They were embraced, however, under that power which vested in Congress authority to raise and equip armies and make rules and regulations for their government.

That is what I said.

Mr. CARPENTER. Let me ask the Senator a question for the purpose of getting at a distinct idea of what his point is. Does he maintain that Congress can dismiss General Sherman to-morrow?

Mr. McDONALD. Yes, sir; I maintain exactly that proposition.

Mr. CARPENTER. That is just exactly what I wanted to know, and I thank the Senator for his frank declaration.

Mr. McDONALD. And Congress may dismiss any other person in the Army except the President of the United States, whom the Con-

stitution makes Commander-in-Chief.

Mr. CARPENTER. Let us examine this question a little, for it is a very important one. We are told that General Sherman is not an officer of the United States within the meaning of the provision of the Constitution which regards the appointment of the officers of the United States. If that be true I have misunderstood the Constitution from the time I first opened it to the present hour. Let us see how it reads:

He [the President] shall have power, * * * and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other efficers of the United States, whose appointments are not herein otherwise provided for.

The Senator, therefore, when he denies that a military officer is within this provision of the Constitution is driven to say that he is not an officer of the United States-

Mr. McDGNALD. No, sir; I am not driven to that, but I am driven simply to this, that it is an office which is "otherwise provided for" in the Constitution by vesting in Congress plenary power over that

subject.

Mr. CARPENTER. Let us see how that is. In the first place, if the Senator chooses to put that end of the argument foremost, let me address myself to that end of it. What is this power of Congress in regard to the Army? I think there has been much confusion on the subject for want of careful thought. There are two distinct powers granted to Congress in regard to the Army. They are granted in

separate clauses of the Constitution; they are, in their very nature, distinct powers. The first power is "to raise and support armies." How is that to be done? Of course it is to be done by passing laws for the purpose. Now, what does the word "armies" mean in this Constitution? Those who framed the Constitution were Englishmen prior to the time of the Revolution. They were familiar with the will take got a blight ment of Great Reiting and of all the continents. military establishment of Great Britain and of all the continental mintary establishment of Great Britain and of all the continental nations. They were especially familiar with the organization and discipline of the British army. And when they provided here that Congress should have power by law to provide—for that is the meaning of the provision—for the raising of armies, of course they meant by "armies" what every Englishman meant by it then—a body of men set apart to protect the public peace and secure the general safety, and to consist of officers in chief, subordinates, and private soldiers, men subject to command. soldiers, men subject to command.

That such was the idea of the Constitution there can be no doubt. Therefore, the power of Congress to raise an army is a power to provide, for instance, that an army shall be raised to consist of a certain manufactor men, or one general and one lieutenant-general, six major-generals, so many brigadiers, so many colonels, so many captains, so many lieutenants, &c. That power is fully exercised and exhausted by the passage of such a bill. Here is the power to create courts:

The Congress shall have power * * * to constitute tribunals inferior to the Supreme Court. number of men, of one general and one lieutenant-general, six major-

The power to constitute these inferior tribunals, the circuit courts, the district courts, &c., is one thing; the power to appoint the judges of them is quite another thing. The power here to create subordinate tribunals to the Supreme Court and the power to raise an army are akin, so far as this question is concerned. Neither of them looks to the appointments which shall become necessary when the army is

to the appointments which shall become necessary when the army is raised and when the court is established.

First, you have got the power to raise an army. How do you exercise this power? By passing laws for that purpose, which laws create the offices, and these are filled by an exercise of the constitutional appointing power. When the army is raised by enlistment and by filling these offices, that power is exhausted. You have raised an army; you have got the thing in existence by the exercise of that first power in the Constitution. Now, what else?

The Congress shall have power * * to make rules for the government and regulation of the land and naval forces.

These two powers are constantly commingled and confused whenever this subject is at all discussed. The power to raise the Army is one thing. The power, not to govern the Army, but to make rules and regulations for its government, is another thing. How are you to do this? How are you to do this? How are you do to govern a Territory by possing laws. Army? Precisely as you do to govern a Territory, by passing laws, which laws are to be carried out and executed by courts. That is the way in which you exercise the power conferred by that provision of the Constitution. In the first place, you raise your Army by providing that the Army shall consist of so many privates, so many generals, so many colonels, and so on, and having done that then you have a body in existence for the government of which you are authorized by the

Constitution to mass rules and regulations.

Mr. McDONALD. I should like to ask the Senator from Wisconsin if, in the exercise of the power to make rules and regulations for the government of the Army, Congress should see proper to vest in the Chief-Justice of the United States the power to appoint officers in

the Army, where would be the constitutional objection to that?

Mr. EDMUNDS. The Chief-Justice is not the court.

Mr. CARPENTER. The constitutional objection to that would be Senator was not willing that I should put the argument that end foremest, and required that I should go back to his starting point, and I did so. I maintain here that the power to raise an army is one thing, fully exhausted when your army is raised, and that the power then to make rules and regulations to govern the army is another and a distinct power, and to be applied to the body which you have raised by the exercise of the first power.

When you have raised the army, when you have provided that your army shall consist of a general, a lieutenant-general, so many brigadiers, majors, &c., the question is whether these officers are officers of the United States, and covered by the clause of the Constitution which provides for the appointment of all officers of the United

States

Mr. McDONALD. That is the very point.
Mr. CARPENTER. Of course it is; but a man with a small mind like mine cannot discuss two distinct things at once. I have reversed the order of my argument simply to suit the Senator. Now, let me put it in my way. I know the Senator wants to be reasonable. He says that an officer of the Army is not an officer of the United States

within the meaning of the Constitution, if I understand him.

Mr. McDONALD. No, sir; I have not said that at all. I say he is not an officer in the meaning of that section, except that he is an officer whose appointment is "otherwise provided for."

Mr. CARPENTER. How is his appointment otherwise provided

Mr. CARPENTER. That is to say, the power to regulate the Army,

the power to pass a law for the government of the Army, carries with it the power to appoint the officers of the Army.

Mr. McDONALD. To provide for appointments in the Army.

Mr. CARPENTER. The Constitution has provided for that.

Mr. McDONALD. No, sir; it says except where "otherwise provided for;" and I say that it is otherwise provided for here in the Constitution

Mr. CARPENTER. Now let us see. Will the Senator maintain any such doctrine in regard to the circuit courts of the United States The Constitution makes no court but the Supreme Court, and it does not even define the number of judges there, whether the court shall consist of one judge or ten judges.

Mr. McDONALD. Certainly; but does it not provide for the appointment of the judges?

Mr. CARPENTER. The Senator knows what it is. It simply provides for the appointment of judges of the Supreme Court.

Mr. EDMUNDS. The Constitution reads that the President shall the constitution and constitution reads that the President shall the constitution are sent of the Senator.

Mr. EDMUNDS. The Constitution reads that the President shall "nominate, and, by and with the advice and consent of the Senate, shall appoint " " judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." When you come to a circuit judge, therefore, and an officer in the Army, they stand in the same category.

Mr. McDONALD. If the Senator will allow me I will read an extract from Judge Paschal's Annotated Constitution upon this question as embracing my proposition. After quoting the clause of the Constitution to which I have referred, he says:

"To raise and support" in practice, means to educate commission culist draft.

"To raise and support," in practice, means to educate, commission, enlist, draft, conscript, feed, clothe, transport and pay officers and men.

It embraces the whole of this.

Mr. CARPENTER. No doubt of it; but does that say that Congress may appoint an officer in the Army? You have got here a Government of three branches. If there is one thing that the framers of the Constitution tried to accomplish, it was a separation of the of the Constitution tried to accomplish, it was a separation of the three powers of Government into three departments, each to be exercised separately and distinctly. To the executive department was given the power of appointment of every officer of the United States, unless otherwise provided for, and the only other provision of the Constitution is that "Congress may by law vest the appointment of inferior officers in the President alone, in the courts of law, or in the heads of Departments." Now, you have power to raise an army. There is legislative power called for, to provide how large the army shall be, what officers it shall have, and how many.

Mr. McDONALD. And also who shall appoint?

Mr. CARPENTER. No, because the Constitution says who shall appoint.

appoint.

Mr. McDONALD. There is the conflict between us.

Mr. CARPENTER. Then the Senator is driven to say that a gen-

Mr. CARPENTER. Then the Senator is driven to say that a general is not an officer of the United States.

Mr. McDONALD. I have said again and again.

Mr. CARPENTER. Wait a moment.

Mr. McDONALD. That is not my proposition at all.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. CARPENTER. I cannot refuse to yield to anybody who insists.

Mr. McDONALD. When the Senator from Wisconsin says I have taken this or that position, which I certainly have not, if I have understood myself, of course he will expect me either to assent to it or dissent, and I have dissented. I say I have not said that General Sherman or any other officer in the Army was not an officer whose appointment was provided for in the clause of the Constitution to which the Senator refers, by being vested in the President, by and appointment was provided for in the clause of the Constitution to which the Senator refers, by being vested in the President, by and with the consent of the Senate, but that he is of that clause of officers "otherwise provided for" in the Constitution, namely, in that clause which gives to Congress, and Congress alone, the power to raise an army and to make rules and regulations for its government. That is my proposition, and the Senator may state it in that form as often seen and whenever he can evertherwise the my satisfaction. as be pleases, and whenever he can overthrow it to my satisfaction I will go with him.

Mr. CARPENTER. I understand, then, the Senator's argument

Mr. CARPENIER. I understand, then, the Senators argument leads to this: I suppose he means—

Mr. McDONALD. No, it does not lead to anything except what I have stated myself. That is my objection to the mode in which the Senator from Wisconsin insists on discussing this question. He insists on giving a construction to what I said that it does not bear and undertakes to place me in a position that I have not assumed, and if I know myself I do not think I shall assume, even as much as

Mr. CARPENTER. If the Senator wants to do anything to please me, he certainly will not put himself in that position. But I want to know now if the Senator understands that Congress can appoint the

General of the Army?

Mr. McDONALD. I have not said that Congress may appoint the General of the Army, but I have said that Congress was not compelled to provide for the appointment of these officers by the President or by the head of a Department, but might make its own regulations.

lations in reference to the appointment.

Mr. CARPENTER. Without saying what the Senator is in favor of, or believes in, for I cannot get any idea from what he says, let me I say no.

tell the Senator what I believe. I think I can do that. Now, I say here you have three powers of the Government conferred by the Constitution: legislative power, executive power, and judicial power. When Congress is authorized to do anything, for instance, the power conferred upon the General Government to secure republican institutions in a State, or to protect the State against insurrection, there is a provision which may call for the exercise of both legislative and executive powers, and both have been exercised in such instance and for such ends. Congress passes a law saying that in a certain event for such ends. Congress passes a law saying that in a certain event the President may call out the militia and enforce order and preserve the peace in a State. When a President exercises that power, it is the exercise of executive power, enforcing the laws enacted by the legislature. When Congress is authorized to raise an army, it does so by providing how the army shall be raised. Congress cannot go out and take enlistments on the corner of the street; it can only exercise its power by passing laws. It passes a law to raise an army. It cannot raise an army in any other way. When it has passed the law, it has exercised its power upon that subject. Then, when the army is raised, your power to make rules and regulations for its government begins. ernment begins.

The second provision is that Congress may make laws (that is what it means) to govern the Army, but the officers are appointed under the first delegation of power to raise an army. It is not governing an army to appoint the officers; that is a part of the raising of an army to be governed. It is a confusion of terms to say that the power to govern an existing entity is the power to create it. The Senator places the power to make the appointment under the wrong clause. If it exists in Congress at all it is because it belongs to the power to If it exists in Congress at all it is because it belongs to the power to raise an army. I say that when Congress exercises its power, when it provides that an army shall be raised in the mode pointed out, when it creates the offices that it shall contain and provides for enlistments, it has exhausted the power to raise an army. When it has made that provision and created the offices, then what? Then the Constitution of the United States presides over that statute as it does over all others; it presides over the appointment of officers in the Army, as it does over the appointment to all other offices created by law. It is impossible for language to be plainer. "The President shall nominate, and, by and with the advice and consent of the Senshall nominate, and, by and with the advice and consent of the Senate, shall appoint * * * all other officers of the United States, ate, shall appoint * * * all other officers of the United States, whose appointments are not herein otherwise provided for."

Now, what officers are, in the Constitution, otherwise provided for?

The Constitution says:

But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

It is to be observed that it is only the appointment of "inferior offi-cers" that may be so vested. Undoubtedly Congress might, under this provision of the Constitution, vest in the Secretary of War. as I this provision of the Constitution, vest in the Secretary of War, as I believe it has already done, the appointment of non-commissioned officers of the Army. It might be difficult to draw the line which separates the inferior from superior officers of the Army, had it not already been determined by practice and custom of all nations. Congress cannot declare that the lieutenant-general is an inferior officer and therefore vest the power of his appointment in the head of the War Department. The officers whose appointment may be thus vested must be inferior officers in fact, and cannot be made so by congressional declaration. It would be simply to declare that Generals Sherman, Sheridan, and the major and brigadier generals of our Army are inferior officers of the United States, whose appointment might be vested in the Secretary of War. might be vested in the Secretary of War.

And yet, if the power to raise or govern the Army includes the appointment of officers of the Army, it applies equally to the Commander-in-Chief and the lowest non-commissioned officer. The only exception made to the appointment of officers of the United States by the President and Senate relates to inferior officers. I therefore maintain that all the military officers of the Army, except the inferior officers, must be made by the President and Senate, as has always

been the case in practice.

Let me refer to some other provisions in the Constitution which I think make this still more plain.

Mr. EATON. I ask the Senator to allow me to read a clause of the

Constitution on this very question.

Mr. CARPENTER. Very well.

Mr. EATON. Section 2 of article 2 of the Constitution provides that the President-

Shall have power, by and with the advice and consent of the Senate, to make treaties. * * * and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consals, judges of the Supreme Court. and all other officers of the United States, whose appointments are not herein otherwise provided for.

Those named are the only classes for which Congress may not pro-Those named are the only classes for which Congress may not provide some other mode of appointment. I agree that Congress cannot provide for any other mode of appointment of judges of the Supreme Court or of ministers. Now, then, I want to ask my friend from Wisconsin if Congress under this very section does not possess the power (I do not undertake to say it has done it) to vest the appointment of all military officers in the head of a Department, in the courts of law, or in any other person that the Constitution points

Mr. CARPENTER. To answer the question as a matter of opinion,

Mr. EATON. They do not give it to the President?
Mr. CARPENTER. I thought you had got through with the question.

Mr. EATON. I have. Mr. CARPENTER. I say no. What does the Constitution say?

But the Congress may by law vest the appointment of such inferior offi-

Mr. EATON. All others are inferior officers except those that are named. Those are the superior officers. In the appointment of all inferior officers I apprehend that Congress has the sole power to

Mr. CARPENTER. Then I understand the Senator to maintain that under the Constitution Congress may by law give the appointment of every officer except ambassadors, public ministers and consuls, and judges of the Supreme Court, to the President alone or to

suls, and judges of the Supreme Court, to the President alone or to the head of a Department.

Mr. EATON. They may.

Mr. CARPENTER. That is a proposition I never heard made before, and I do not believe any logic can sustain it. It was not the intention to do any such thing, if the language could be tortured into that. "Inferior" there does not mean inferior to a minister, or inferior to a consul, or inferior to a judge of the Supreme Court; it means unimportant officers—every government must be filled with them—your deputy postmasters, your collectors of customs, all those officers who are subordinate, inferior in every proper sense of the word. There Congress may give the power of appointment to the head of a Department. head of a Department.

head of a Department.

Mr. EATON. If my friend will permit me I will simply state what I think is his great error. If he will read with his customary sagacity that section of the Constitution he will see that it refers simply to civil officers and nothing else; it does not refer to the Army and the Navy, and it cannot be made to refer to them by fair reading.

Mr. CARPENTER. Why not? That brings us right back to the question whether an officer of the Army is an officer of the United

States.

Mr. EATON. Reading the whole together, taking the whole section, I agree with the Senator perfectly that it can only refer to these inferior officers that he speaks of—deputy postmasters, marshals, &c., and therefore, by parity of reasoning, the balance of it does not refer to military and naval officers, because they are very inferior officers in military and naval service.

Mr. CARPENTER. Certainly, and that is precisely the way I was going to construe this section. I was going to say, and would say in regard to the Army, it should have read "the inferior officers of the Army and Navy may be appointed by the Secretary of War." Even conceding that Congress may say that the captains, lieutenants, &c., shall be appointed by the Secretary of War, classing them as inferior officers, it cannot be maintained that this clause means officers inferior to ambassadors, judges, &c. Who can determine whether a judge of the Supreme Court is superior or inferior to General Sherman in command of the Army?

man in command of the Army?

Mr. EATON Because General Sherman does not come under him.
I apprehend it is not in the clause of the Constitution at all.

Mr. CARPENTER. I of course cannot make the Senator agree to

my theory, and I cannot agree with him. I believe the Constitution means just what it says.

Mr. BLAIR. I should like to ask the Senator one question.

Mr. CARPENTER. Any one who will confine himself to one question will be entitled to interrupt.

Mr. BLAIR. I agree with the Senator, and ask him how another view of the subject occurs to him. I should like to inquire of him if he believes it possible for the act of confirmation by the Senate to precede that of appointment or nomination by the President?

Mr. CARPENTER. No; I do not.

Mr. BLAIR. Then what is to prevent the power of this Senate from taking that way of confirming every officer in the future by providing in a general law that the President may appoint this, that, or the other men to office as vacancies occur?

or the other man to office as vacancies occur?

Mr. CARPENTER. Precisely, I concur in that view of the case. Now let me call attention to some other provisions of the Constitution. Article 2, section 4, provides that-

The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Again, as to the provision that General Porter shall be relieved from the sentence, the Senator from Ohio said that was no part of it at all. He did not very clearly tell us why it was not. A man is arrested for a violation of the laws of Congress and is tried before the court which Congress has provided shall try him. They hear the proof, they declare him guilty, they affix a penalty which the laws authorize that court to impose. The court send on their proceedings to the revisory power, the President. He goes over the record, affirms the decision, and files the papers in the archives of the Government and the court dissolves. Now I ask what power except the pardoning power can relieve the man from that sentence? Is not the thing in substance and effect a pardon? No, says the Senator from Ohio, because if it was then it might happen that a man might really be innocent and it might turn out that he was, and there would be no relief for him. Those hard cases would occur under any construction of the Constitution.

I say the provision of the Constitution under which relief may be afforded in this case is the provision in regard to the pardoning power. But, says the Senator from Indiana, [Mr. McDonald,] suppose it is, our power to make laws for the government of the Army carries with it the power of pardoning offenses against those laws. Where does he get any support for that theory? Do we not pass all the laws in regard to crimes which are administered in the civil courts? Take the postal system, take perjury in our courts. We declare what shall be an offense. We have the absolute plenary power over the subject of crime. The Constitution gives us the power. A circuit court of the United States cannot try a man for any offense except treason and a few specified cases not declared by statute, and yet does that power to create and declare what shall be the crime of perjury or of arson or of any other offense whatever that Congress creates, (Congress having the power to create the court, having the power to deour power to make laws for the government of the Army carries with it the power of pardoning offenses against those laws. Where does gress having the power to create the court, having the power to de-clare what the crime shall be, what the punishment shall be,) carry with it the power in Congress to remit the sentence and relieve the man from the judgment?

man from the judgment?

The Constitution says the pardoning power shall be exercised by the President. Where is the occasion for all this refinement of definition as to the pardoning power? Does not every man know what "pardon" means? Does not every lawyer know what it means? Does not every Senator know what it means? Do we not all understand that as it is found in the Constitution it means the power which relieves a man from a sentence passed upon him by some tribunal which has tried him under the provisions of some law? I say it is unwant to such refine. unworthy of a subject of this importance to rest it upon such refinement—I will not call it refinement of definition, but refinement of ment—I will not call it remement or definition, but remement or perversion in the meaning of words. I say that is the power of pardon. You may call it what you please; that is what it is, and you know it. I say the power is not in Congress, but has been given by the Constitution to the Executive of this Government; and I say if you exercise the power you usurp it. Do you say that the power to raise an army or the power to make laws for its government carries with it the power to revise the decisions of the military courts? Apply it to your Tarritories and what would be the result? ply it to your Territories, and what would be the result? And who can stop its application to a Territory upon any logic if you can support it here?

Mr. VOORHEES. Mr. President—
Mr. CARPENTER. I beg pardon.
Mr. VOORHEES. I thought the Senator was through. He con-

Mr. VOORHEES. I thought the Senator was through. He concluded—
Mr. CARPENTER. The Senator was right in his supposition that I ought to have concluded; and I will adopt his theory.
Mr. VOORHEES. Mr. President, I listened at the last session to an elaborate and able effort made by the Senator from Wisconsin [Mr. CARPENTER] and by the Senator from Illinois [Mr. LOGAN] to impress the country with the fact that Congress was asked to do something remarkable, extraordinary, and out of the way by passing the proposed legislation for the relief of General Porter. I did not intend to take any part in this debate, nor do I now intend to attempt to follow the Senator from Wisconsin in his discussion of abstract questions of constitutional law, but I am unwilling for this case to go to the country as if something novel and without precedent was being attempted on this floor.

The Senator from Wisconsin with force and ability at the last session, which he has repeated again here to-day, insisted that there is no relief against the finding of a court-martial except by the pardoning power. I do not think I mistake him. The Senator from Illinois elaborated the same proposition at greater length during the last session of Congress, that the findings of a court-martial were the

session of Congress, that the findings of a court-martial were the judgments of a court and were final. It seems to me, without injudgments of a court and were final. It seems to me, without intending to say anything except of the kindliest character, that the law of this case as presented on this floor is an afterthought, as well as are some of the facts. And I propose to show very briefly that the Senator from Wisconsin has revised his law, and so has the Senator from Illinois, upon this question since a former period.

A case was alluded to on this floor by the senior Senator from Ohio

A case was and ded to on this noor by the sentor Senator from Onlo [Mr. Thurman] in regard to a mutiny occurring in an Illinois regiment. During the closing days of the last session I took some pains to look up that case, perhaps more fully than the Senator from Ohio has done. It was a case in which several persons were found guilty by a court-martial upon charges of mutiny, convicted, and sentenced to punishment. A bill was brought forward here and in the other branch of Congress for their relief. This was in the Forty-third Congress. branch of Congress for their felief. This was in the Forty-third Congress. The Senator from Illinois opposite me [Mr. Logan] was then chairman of the Military Committee of this body. That committee was composed of the Senator from Illinois, [Mr. Logan,] Simon Cameron, of Pennsylvania; George E. Spencer, of Alabama; Powell Clayton, of Arkansas; Bainbridge Wadleigh, of New Hampshire; James K. Kelly, of Oregon, and Matthew W. Ransom, of North Carlina being fire republican Senators and two demonstric. I hold in olina, being five republican Senators and two democratic. I hold in my hand the report made from that committee upon the motion of Mr. Spencer, instructed to do so by the committee, and I will briefly

The evidence shows that the persons named in the act were tried by court-martial upon charges of mutiny, convicted, and sentenced to imprisonment and disbonorable dismissal from the Army.

Then occurs a discussion of the facts, but nothing to change the nature of the charges and specifications as stated in that single sentence. The report winds up in favor of a bill granting them relief, which was passed, and that act was as follows:

which was passed, and that act was as follows:

That Joseph Briggs, sergeant; Silas B. Harrington and Peter Redmond, corporals; and Peter Hanley, Alexander Valley, Michael Murphy, Owen Cahill, William McNech, George Wilson, Samuel O'Neal, Henry F. Errett, and John Dunne, privates, and all late members of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, be, and they are hereby, relieved from the proceedings, findings, and sentence of a court-martial approved by Brigadier-General K. Garrard, January 19, 1865, and wherein they were severally convicted of mutiny; and the said proceedings, findings, and sentence are hereby set aside and revoked, and the said persons restored in all respects to the same rights and privileges to which they would have been entitled if said proceedings, findings, and sentence had not been had or rendered.

That act is signed by James G. Blaine, Speaker of the House of Representatives, and Matt H. Carpenter, President of the Senate pro tempore, then a Senator as now from Wisconsin, with a right of debate on this floor, with a right of participating in the proceedings of the Senate; and either he is in error here to-day in saying that men convicted by a court-martial cannot be relieved except by pardon, or he put his name to an unconstitutional law at that time.

Mr. CARPENTER. Will my friend allow an interruption?

Mr. VOORHEES. Certainly.

Mr. CARPENTER. On the question of personal inconsistency between signing a bill two or three years ago as President pro tempore of the Senate—

Mr. VOORHEES. I presume it is a matter of great indifference to

Mr. VOORHEES. I presume it is a matter of great indifference to

Mr. CARPENTER. And a personal opinion formed on my own judgment to-day, I have simply to say that if I had refused to sign that bill I should have been expelled from the Senate. I am not subject to expulsion for refusing to vote for this bill, and so I shall vote

against it.

Mr. VOORHEES. That is about as narrow a fissure, as slim a crack, for a gentleman to escape from as I ever knew; because the Senator for a gentleman to escape from as I ever knew; because the Senator at that time was not merely President of the Senate, he was a Senator from Wisconsin, charged by the dignity and majesty of his State with a responsibility on this floor which he could not escape by the small refuge which he has presented here, that he had to sign the bill. So he had. I care nothing about that; I hold him to no responsibility for signing or not signing the bill; but the Senator from Wisconsin, being a lawyer, was then as now a Senator on this floor, and I cannot find in the Journals, nor can he, one single word of dissent to the passage of the act which relieved against the findings of a court-martial.

and I cannot find the Jointais, not can he, one single word of dissent to the passage of the act which relieved against the findings of a court-martial.

Mr. CARPENTER. Will my friend allow me once more?

Mr. VOORHEES. Certainly.

Mr. CARPENTER. This is a very remarkable argument to convict a man of inconsistency. Who knows—the Senator does not insist that he does and I certainly do not—whether I was in the Senate when that bill passed or not. I have no recollection of it; I do not remember ever to have heard of it. I signed it of course, in the routine, as it came to the desk from the House of Representatives, and I had to sign it. I did not even have an opportunity to read it and disapprove it, for I could not veto the bill. I merely signed it to attest the fact that it had passed the Senate, nothing more and nothing less. I do not remember that I did. No presiding officer reads a bill that he signs. What is the use of reading it? He cannot refuse to sign it if he does not like it. I do not know whether I voted for that bill or voted against it; I do not know that I was in the Senate when it passed. But I want to say one thing to the Senator and then I will try not to interrupt him again unless he attempts to rub me in some way. I want to say to him that the fact that half a dozen unconstitutional bills have passed through here in the hurry and flurry of legislation in the passed determined. The alignment addition had addition to the senator and the passed through here in the hurry and flurry of legislation. I want to say to him that the fact that half a dozen unconstitutional bills have passed through here in the hurry and flurry of legislation is no precedent whatever. The alien and sedition laws passed Congress in due form, and every democrat would jump clear out of his stockings at the idea that they were constitutional. Yet they passed and were signed by the President of the Senate I have no doubt, though I have never looked to see.

Mr. VOORHEES. Well, Mr. President—
Mr. LOGAN. Will the Senator allow me to interrupt him one moment?

moment?
Mr. VOORHEES.

moment?

Mr. VOORHEES. Certainly.

Mr. LOGAN. What I desire to know is whether there will be any effort to reach a vote on this bill to-night? I wish to leave the Senate Chamber, but I want to be here when the vote is taken.

Mr. RANDOLPH. My purpose this morning was to detain the Senate, if possible, until a vote could be had, and I am ready myself to vote at any time. I have yielded the floor, having given expression to my views on a former occasion, and do not intend to debate the question at all.

Mr. EDMUNDS. I hope the Senator will waive insistence, because the bill certainly does involve, as anybody can see from the discussion, entirely irrespective of its merits, grave questions of constitutional procedure that ought to be fairly considered in whatever way we may vote upon them afterward.

Mr. VOORHEES. I shall not occupy ten minutes longer.

Mr. EDMUNDS. But other gentlemen may wish to submit some observations.

Mr. LOGAN. The reason why I made the suggestion is that I desire to leave the Senate now, but if a vote upon the bill is insisted on, of course I cannot go away.

Mr. RANDOLPH. Interrupting the Senator a moment, I will state that if a vote is taken to-day I shall be very glad to pair with him. Mr. LOGAN. I do not wish to pair, and that is the reason why I

made the suggestion. I am not very well, but that is immaterial. I do not wish to pair on this question.

Mr. RANDOLPH. Then let an understanding be had that a vote shall be taken to-morrow.

Mr. LOGAN. I do not want to make any understanding about it. want to talk about ten minutes; I do not think any longer than hat time. I am not able to speak at greater length if I desired.

Mr. RANDOLPH. My impression is that we can reach a vote by

that time.

Mr. TELLER. Not to-night.
Mr. ALLISON. Not this afternoon.
Mr. LOGAN. I can stay here if the Senator from New Jersey de-Mr. LOGAN. I can stay here if the Senator from New Jersey desires, but I do not think he will get a vote any sooner on that account.

Mr. RANDOLPH. I give notice, then, that I shall ask that the bill be taken up to-morrow morning immediately after the morning hour.

Mr. EDMUNDS. It will be the unfinished business.

Mr. RANDOLPH. It will be the unfinished business; and in case we do not reach a vote to-day, I shall ask that the vote be taken to-

Mr. VOORHEES. Mr. President, it was no part of my purpose, certainly with the kindest feelings, to convict the Senator from Wisconsin or anybody else of personal inconsistency. That is not an argument of very high character. It is far more important for me to have shown, as I have, that the legislation proposed here this afternoon is in harmony with the former action of both branches of Connoon is in harmony with the former action of both branches of Congress, and that, instead of its being a violent departure from the customs of Congress and from its exercise of power, it is nothing of the kind. That was the attempt made at the last session of Congress. The attempt is again made here now. I can assure the Senator from Wisconsin that the smallest part of the point which I make is that in which his consistency or inconsistency is involved, although I must say that a Senator serving his constituents on this floor is in no wise relieved from the responsibility of legislation because he happens, as your honor is doing now, [Mr. FERRY in the chair,] to preside temporarily in the Senate.

porarily in the Senate.

I might dwell for a moment upon the composition of the Military Committee of the House at that time, for the act relieving against the sentence of a court-martial passed not merely the Senate, but likewise through the House. Here was a committee of the most dis-tinguished men of the then dominant party concurring in this exer-cise of power which the Senator from Wisconsin now characterizes

as unconstitutional.

cise of power which the Senator from Wisconsin now characterizes as unconstitutional.

It seems to me the Senator from Wisconsin must be pretty hard pressed when he finds an argument against the point which I make here this afternoon by asserting that many unconstitutional laws have heretofore been passed. The strange part of it that strikes my mind, however, is that the unconstitutionality of this kind of legislation has not been discovered until this particular case. One case after another has passed along without anything being discovered of an unconstitutional nature by a lynx-eyed lawyer of this or the other branch of Congress until this case is brought up, and then, in order to evade the force of unbroken precedent heretofore in Congress, the Senator from Wisconsin says that many unconstitutional acts have heretofore passed, and cites the alien and sedition laws.

Mr. President, I have here under my hand a singular piece of history upon questions of this kind, to which it may not be improper for me to call the attention of the Senator from Wisconsin, and I believe likewise to the Senator from Illinois, and whose praises have never died away on their lips. On the 11th day of March, 1869, I find General Order No. 102, emanating from the Navy Department, signed by A. E. Borie, Secretary of the Navy. Bear in mind, now, the finality, the sanctity, and the irreversibility of the finding of a court-martial as I read this order:

[General Orders, No. 102.]

NAVY DEPARTMENT, March 11, 1869.

The sentence of a naval general court-martial in the case of Lieutenant-Commander George M. Bache, of the United States Navy, who was sentenced "to be suspended from duty, on the retired pay of his grade, for the term of one year, and to be publicly reprimanded by the honorable Secretary of the Navy," is hereby revoked, on the ground that there is nothing in the record of the proceedings of the court-martial to justify the sentence.

Absolutely taking up the finding of a court-martial, so final, so absolute, as described by the Senators from Illinois and Wisconsin, and revoking it on the ground that in the judgment of the President, General Grant, who had then been in the office seven days, there was nothing in the record to justify the finding. He did not pardon the man, he did not tender him clemency, he said he revoked the judgment of the court and set it aside.

Mr. LOGAN. Had the sentence been approved by the President? Mr. VOORHEES. This order came from the President's Secretary of the Navy, A. E. Boric. It was not a pardon.

Mr. LOGAN. I ask, had the sentence of the court been approved? Mr. VOORHEES. I will read the remaining sentence of the order, and you will find that the person was in process of punishment.

Mr. LOGAN. My inquiry is, had the sentence been approved by the President?

the President?
Mr. VOORHEES. I will answer that in a moment. At the last

session of Congress a great clamor was raised throughout the country that it was proposed to pay money to General Porter for a time during which he was rendering no service, and it was very hotly pressed in the public prints and elsewhere. Yet what was done in this case? It must be borne in mind that Commander Bache had been sentenced to be suspended from duty; and the last sentence in this cader reads as follows: this order reads as follows:

So much of Lieutenant-Commander Bache's pay as was stopped by the sentence will be restored to him.

A. E. BORIE,

It is an order on the Treasury to pay a man who was then under suspension. Of course he could not have been under suspension unless the decision of the court-martial and its findings had been approved by the President. He had been suspended for a time under his sentence, the proceedings approved, of course. But a new dynasty came in, and through the Secretary of the Navy it revoked this absolute, and final, and irreversible decision of a court; and it not only did that, but ordered the Secretary of the Treasury, not going through the condescending formality of saying "out of the money in the Treasury not otherwise appropriated," to pay him for the time that he had been suspended. he had been suspended.

I do not know that this last paper that I have read is at this time of high and commanding authority; but it does seem to me that if the President and his administration at that time could afford to do that, his especial champions on this floor ought to deal charitably with this side when we propose not to imitate his lawless proceeding but to proceed by law.

Mr. LOGAN. I asked the Senator a moment ago if the decision of the court-martial in the case cited had been approved by the Presidents.

Mr. VOORHEES. I will answer that a little differently from what I did. What I know about that is from the nature of this order.
Mr. LOGAN. Well?

Mr. LOGAN. Well?
Mr. VOORHEES. That is all the answer I can give.
Mr. LOGAN. Very well.
Mr. VOORHEES. I have not the proceedings ratified or approved
by the President here, but I take it that the officer would not have

by the President here, but I take it that the officer would not have been on his suspension and undergoing his punishment unless the findings of the court-martial had been approved by the President; and I do find by this order that he was undergoing his punishment.

Mr. LOGAN. That is immaterial. I will only suggest to the Senator that he had better examine that case before he commits himself as a lawyer by stating that that is a precedent for this case, or in any other. Although I know nothing about the case except merely from the reading of that order, I should take it that when the proceedings of the court-martial were referred to the President for his approval, instead of approving the record he dissented from it and ordered the man to be restored to duty. That is what I should take it to be. Nobody pretends to say that that is not a proper and lawful thing to do. If the Senator could find that the finding of a court-martial had been approved by a President, and then, while the sentence was being executed, another President revoked it, I should agree with him; but I am of the opinion that he will find that it is nothing more than the ordinary proceeding.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Jersey.

Mr. DAVIS, of Illinois. I move that the Senate proceed to the consideration of executive business.

Mr. RANDOLPH. I hope that motion will not prevail.
Mr. WITHERS. I hope the Senator from Illinois will withdraw the motion at least long enough for me to ask the indefinite postponement of a bill on the Calendar.
Mr. EDMUNDS. I hope the Senator will wait until to-morrow.

There is some executive business that ought to be attended to.

Mr. DAVIS, of Illinois. There is executive business of importance,
and I understood the Senator from New Jersey did not intend to press this bill this afternoon.

Mr. RANDOLPH. The Senator from Illinois is mistaken.
Mr. CAMERON, of Wisconsin. I wish the Senator from Illinois to withdraw his motion for a moment until I give a notice.
Mr. DAVIS, of Illinois. I cannot. It is getting late and the Senator is a senator of the senator of the

The PRESIDING OFFICER. The motion for an executive session is not debatable. The question is on the motion of the Senator from Illinois, that the Senate proceed to the consideration of executive

Mr. RANDOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. May I appeal to the Senator? I know it is out Mr. EDMUNDS. May I appeal to the Senator? I know it is out of order, but I ask unanimous consent to appeal to the Senator from New Jersey not to undertake to press this bill to a final vote to-night. This is the first time the matter has been up at this session. I should like to examine it myself; I wish to do the right thing, as I have no doubt the Senate does, and I appeal to him not to undertake to press this to a decision to-night.

Mr. RANDOLPH. I have no wish to take the vote to-day if we can have some understanding that a vote will be reached at a certain time to-morrow, giving all the Senators an opportunity to be present. Under all the circumstances—we have been three weeks and more

discussing this subject; it has been before the Senate for a year—I think the vote ought to be taken. If an agreement can be had that at some time during to morrow a vote shall be had, I have no objec-

tion to the present motion. Can that agreement be had?

Mr. EDMUNDS. If the Senator appeals to me, I certainly do not expect now to address the Senate for more than fifteen minutes, if at all, on the subject; but for the last four years I have resisted agreements by which, at the last moment, Senators who had something to say were cut off when a new aspect of the question presented arose; and therefore I cannot make any agreement, but I do not certainly intend to interpresent whethere

intend to interpose any obstacle.

Mr. EATON. I have no doubt a vote can be had to-morrow.

Mr. RANDOLPH. I withdraw the call for the yeas and nays.

The PRESIDING OFFICER. The call for the yeas and nays is withdrawn. The question is on the motion of the Senator from Illi-

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at four o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, December 13, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Friday was read and approved.

CREDENTIALS OF EZRA B. TAYLOR.

Mr. TOWNSEND, of Ohio. Mr. Speaker, I rise to a question of

privilege.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND, of Ohio. I desire to present the credentials of
Hon. Ezra B. Taylor, member-elect to this Congress from the nineteenth district of the State of Ohio, to fill the vacancy caused by the
resignation of Hon. James A. Garfield. Mr. Taylor is now present and ready to be sworn in.

The SPEAKER. The credentials will be read.

The Clerk read as follows:

The CIEFK read as 1010ws:

In the name and by the authority of the State of Ohio, Charles Foster, governor of said State, to all to whom these presents shall come, greeting:

By virtue of the powers conferred on me by law, I do hereby certify that at the special election held on the fifth Tuesday, being the 30th day of November, A. D. 1880. Exra B. Taylor was duly elected Representative in the Forty-sixth Congress of the United States for the nineteenth district of Ohio, to fill the vacancy caused by the resignation of James A. Garfield.

In testimony whereof I have hereunto subscribed my name and fixed the great seal of the State of Ohio, at Columbus, this 8th day of December, 1880.

CHARLES FOSTER,

f December, 1880. CHARLES FOSTER,

MILTON BARNES, Secretary of State.

The SPEAKER. The gentleman from Ohio will present himself at the desk to be sworn in.

Mr. HURD. Mr. Speaker, I desire to object to the immediate swearing in of Mr. Taylor, and move that the credentials which have been read to the House be referred to the Committee on Elections.

Mr. McKINLEY. May I ask on what ground the gentleman makes this motion

Mr. HURD. If it be in order, Mr. Speaker, I will proceed to state the grounds on which I make the objection and the motion I have

made.
The SPEAKER. The gentleman will proceed.
Mr. HURD. On the 5th day of May, 1878, a law was passed by the General Assembly of the State of Ohio creating the nineteenth congressional district of that Commonwealth, which was composed of the following counties: Ashtabula, Geauga, Lake, Mahoning, and Trumbull. On the 26th day.

Mr. BUTTERWORTH. Mr. Speaker, I take it that the certificate of election as presented here by Judge Taylor is regular on its face.
Mr. HURD. I take it that it is not regular, and if the gentleman from Ohio will wait until I get through I think I can demonstrate it to his satisfaction.

to his satisfaction.

Mr. BUTTERWORTH. If the gentleman will indulge me until I ask him a question, he will perhaps be able to answer it understandingly. I will wait until he gets through with his statement.

Mr. HURD. On the second Tuesday of October, 1878, James A. Garfield was elected a member to this House from the district composed of the counties already enumerated. On the 26th day of February, 1880, the law which had created that old nineteenth district was repealed. The repealing section is general and without any reservation:

At the regular election of the present year, held on the second Tnesday of October, Judge Taylor was elected to the Forty-seventh Congress from the new nineteenth district. At a pretended election, held a few days afterward in the old nineteenth district, Judge Taylor was elected as a member of Congress to the present House, to succeed General Garfield, and upon the credentials based upon that election he seeks admission into this House to-day. The ground upon which this claim rests is that the vacancy which had occurred by the resignation of James A. Garfield from the old nineteenth district might be filled by an election held within the territory which formerly com-

resignation of James A. Garfield from the old nineteenth district might be filled by an election held within the territory which formerly composed that district. This claim, I submit, is without foundation.

There are three propositions which present themselves as to the method of filling this vacancy: either that it may be filled by an election held in the old nineteenth district; or, second, by an election held in the new nineteenth district; or, thirdly, in either the one or the other, by virtue of some special provision which may be made by the Legislature of the State of Ohio.

So far as the claim that the vacancy might be filled by an election held in the old nineteenth district, I have this to say: the law absolutely, as passed in 1880, repeals the law of 1878. There was therefore, on the 30th of November, 1880, no nineteenth district composed of the counties which elected General Garfield, and in which an election could be held. The result of this election, on which these creof the counties which elected General Garneld, and in which an election could be held. The result of this election, on which these credentials rest, must be held, therefore, as a mere voluntary expression of opinion on the part of the people who happened to live within that old territory, whose attempt to express this opinion is in no wise governed or restricted by the law of the State of Ohio, which establishes safeguards for the protection of elections and the maintenance of their parity.

of their purity.

It cannot be claimed under the precedents that an election to fill this vacancy could be held in the new nineteenth district; although this vacancy could be held in the new nineteenth district; although there was a case from New Hampshire in the Thirty-first Congress just like this in which it was held that a vacancy which had occurred in the old third district of that State by the resignation of a member might be filled by an election in the new. But this case was afterward overruled in a case which came from Louisiana, and the decision of which seems to have been based on the better reasons. A vacancy occasioned in an old district in that State by the resignation of a member had been filled by an election in a new district bearing the same number. The House decided that when the Legislature of a State had repealed the law creating the old district, and a vacancy afterward occurred, such vacancy could not be filled by an election in a new district of the same number made by the Legislature passing such repealing act. The ground of the decision was that as the ing such repealing act. The ground of the decision was that as the member who had occasioned the vacancy had never been elected by the new district, it could not elect his successor. Since, then, the vacancy could not be filled by the old district because it had ceased to exist, nor by the new because it had never elected to this Congress to exist, nor by the new because it had never elected to this Congress a member who could make a vacancy in its representation, it follows that the vacancy occasioned by the resignation of James A. Garfield must still exist unless the Legislature of Ohio has made some special provision upon the subject. This the Legislature has not done. The general statute of Ohio upon the subject of vacancies does not make provision for this case, and in the repealing act of 1880 no special provision is made for it. It seems inevitable, therefore, that this vacancy must continue until there has been further legislation by the Ohio General Assembly. This view is supported by the opinion of Judge McCrary, in his work on elections, page 129:

And if a State Legislature shall abolish such district after it has elected its Rep-

And if a State Legislature shall abolish such district after it has elected its Representative, and shall make no provision for filling a vacancy, it may, in the event of a vacancy, be obliged to go unrepresented for the time being.

The gentleman from Ohio on the other side [Mr. BUTTERWORTH] The gentleman from Ohio on the other side [Mr. Butterworth] has suggested to me that upon the certificate as presented here there is a prima facie case made which would entitle Judge Taylor to be sworn in. I think not. It appears on the face of this certificate that Judge Taylor has been elected from the nineteenth district of Ohio to fill a vacancy occasioned by the resignation of General Garfield. What is the nineteenth district of Ohio? The present laws of Ohio

which are referred to in this certificate alone can determine it.

By turning to the statute of 1880 you find it is a district composed of the counties of Ashtabula, Geauga, Lake, Portage, and Trumbull.

General Garfield was not elected to the Forty-sixth Congress from

General Garfield was not elected to the Forty-sixth Congress from that district. His resignation, therefore, could not occasion a vacancy in that district. And accordingly, upon the face of the certificate, it is patent that Judge Taylor has no right to a seat on this floor.

The whole trouble is in the omission of the Legislature of the State of Ohio in passing the gerrymanding law of last winter to make proper provision to fill vacancies; and it is not singular that they should have made this blunder in their partisan haste to enact a measure which, as the late elections have shown, has given three hundred and eighty thousand people of the State of Ohio in the next Congress fifteen Representatives, and three hundred and sixty thousand only five Representatives.

I desire that the Legislature of Ohio and the people of Ohio shall

and only live Representatives.

I desire that the Legislature of Ohio and the people of Ohio shall stand upon the statutes that have been made under their organic law. It is for Ohio to say whether it will send Representatives to this House or not, and if it has a Legislature incapable of making proper laws, let the Legislature bear the blame and let not this House violate all the precedents and all principles applicable to this subject by seating a man who was elected from a district which had no existence at all.

Mr. McKINLEY. I submit that the objection raised by my colleague [Mr. HURD] certainly ought not to operate to prevent the swearing in of the member-elect on his prima facie case. If there be any force in the objection made by my colleague, such objection should go to the Committee on Elections, but the member-elect in the mean time should not be deprived of his seat on the floor of this House.

And permit me to say that on the face of this certificate, which is regular in form, signed by the highest executive authority of the State and accredited by the great seal of the State, there is nothing showing any such state of facts as those described by the gentleman who makes the objection here. It nowhere appears upon that certificate what counties in the State of Ohio elected Mr. Taylor for the unexpired term of the Forty-sixth Congress. So far as that certificate gives any light, we have just as much right to presume the election was held in the new nineteenth district as that it was held in the old nineteenth district; and there is nothing declared by the certificate was held in the new nineteenth district as that it was held in the old nineteenth district; and there is nothing declared by the certificate which makes inferable even any of the statements which have been given to this House by my colleague. Therefore, upon this certificate that comes here unquestioned, its integrity unassailed, no contestant here claiming the seat to which Mr. Taylor, the member-elect, is entitled, no memorial from any citizens in the district, nobody claiming the right to a seat in the place of General Garfield except Mr. Taylor, and no objection coming from the constituency from which Judge Taylor bears his certificate, it seems to me well established, under such circumstances, that, upon the prima facie case presented, Mr. Taylor must be at once sworn in as a member of this House.

Upon this point I read from page 151 of McCrary on the Law of Elections, as follows:

But, of course, a commission given by the governor, or other competent authority, does not oust the jurisdiction of the proper tribunal in a contested-election case. It is simply evidence of the right to hold the office; gives color to the acts of the incumbent and constitutes him an officer de facto. The election being set aside, or the person holding the commission being held not elected by a tribunal of competent jurisdiction, the commission falls to the ground. The person duly commissioned must exercise the functions of the office until upon an investigation upon the merits it is judicially determined otherwise.

And again upon page 157 we find the following:

And again upon page 157 we find the following:

The principal and almost the only case in which the lower House of Congress has ever denied to a person holding regular credentials the right to be sworn and to take his seat, pending the contest, is the celebrated New Jersey case, (I Bartlett, 19.) In that case one set of claimants held the regular certificate of election signed by the governor, and another set held the certificate of the secretary of state that they had received a majority of the votes cast in their respective districts. After a long and angry debate the House (being yet unorganized) refused to admit either set of claimants to their seats. Subsequently, and after a partial investigation, the holders of the secretary's certificate were admitted to seats pending the contest, and at the end of the contest these persons were confirmed in their seats. This precedent has never since been followed in a single instance. It is so clearly wrong, and as a precedent so exceedingly dangerous, that the House has not hesitated to disregard it entirely on every occasion when the question has arisen.

Now it seems to me that more the arising facie part of the case these

Now it seems to me that upon the prima facie part of the case these authorities ought to be decisive and conclusive; and whatever this House may hereafter conclude to do with this case, whatever the Committee on Elections may conclude to do with the case, if it should be referred to them, it seems well settled by precedent that Judge Taylor is entitled to be sworn in at once and to take his seat in this

House pending any investigation.

But I do not think that the facts in this case, admitting them all as stated, and disclosing them fully to this House, can in any way prejudice the right of Mr. Taylor to a seat on this floor. On the contrary, I believe that an understanding of those facts will only confirm his right to the seat which he claims. I propose briefly to give to the House a statement of the facts.

to the House a statement of the facts.

After the last census, the one preceding the present, the Legislature of Ohio, in 1872, arranged the several counties in that State into

ture of Ohio, in 1872, arranged the several counties in that State into congressional districts for Representative purposes. That law remained until 1878, when the Legislature of the State repealed the act of 1872 and rearranged the several counties of the State into new congressional districts. That was in February, 1878.

That law was still in force in October, 1878, and the several districts throughout the State created by that law, and, according to the territorial limits, fixed by that law, elected members to the present, the Forty-sixth Congress. General Garfield's district was one of the number. It was called the nineteenth district under the act of 1878, and is called the nineteenth district under the act of 1880.

Now, under that election and under that law General Garfield, with every one of his associates from Ohio, took his seat in the Forty-sixth

every one of his associates from Ohio, took his seat in the Forty-sixth Congress. They came here with the credentials of the governor; they were sworn in and, with the exception of General Garfield, have since occupied their seats on this floor.

In May, 1880, the Legislature of Ohio repealed the act of 1878, and in terms restored the congressional districts as they were fixed by the act of 1872. In that law of 1880 no provision was made for a case like the present one, and nothing was said about any vacancy which might occur under existing law. The act of 1878 was repealed without condition or qualification, and the districts as constituted by the

act of 1872 were restored.

In November of that year, after the passage of the act repealing the law of 1878, General Garfield resigned his seat in the Forty-sixth Congress. The governor of the State of Ohio, after receiving such resignation, issued his writ of election to the five counties composing

the nineteenth congressional district as created by the law of 1878. The writ of election was issued to those five counties. No objection was urged against it at the time; no protest was made to it, and no election was attempted to be held anywhere else to fill General Gar-

The two political parties in the nineteenth district, as organized by the act of 1878, and in pursuance of the writ of the governor of the State, proceeded to hold an election upon the 30th day of November, this year, both parties having their candidates in the field. The result of that election was to give to Mr. Taylor, the member-elect, whose credentials are now before us, a very large majority as a Representative from that district for the remnant of the Forth-sixth Con-

Mr. WILSON. Both parties took part in the election?
Mr. McKINLEY. All parties acquiesced. No question was raised at the time; both parties put their candidates in the field, and both parties voted at that election. No question was raised by anybody, and Judge Taylor comes here with unquestioned credentials entitled

to a seat on the floor of this House.

Now, it does not seem possible that this House can take the view of my colleague from Ohio [Mr. Hurd] and hold that there is no vacancy in the representation of that State; for if I understand his position, it is that there is no district in Ohio, neither the old nine-teenth district nor the new nineteenth, which can fill the vacancy occasioned by the resignation of General Garfield. If his view be the correct one, then the State of Ohio, which under the law of Congress passed in 1872 is entitled to twenty Representatives upon this floor, will be entitled to only nineteen Representatives. The act of Congress of 1872, which declares that this House shall consist of two hundred and ninety-two members, also declares that "the apportionment shall be as follows," and gives to the State of Ohio twenty Representatives. Now, if, as is claimed by my colleague, there is no vacancy, then Ohio must be content with nineteen Representatives, when, under the laws of the United States, she is entitled to twenty, and when the

laws of the United States, she is entitled to twenty, and when the people of the State of Ohio, under the mandate of the governor of that State, the highest authority of the State, have undertaken to supply the vacant seat in this House and complete her legal repre-

sentation.

The gentleman cites two cases, one from New Hampshire and the other from Louisiana. Now, if my friend will permit me to say it, both of those cases are against his view of the law, as he will find by a careful examination of them. Both of those cases held that there was a vacancy. In the New Hampshire case the governor of the State, unlike the governor of the State of Ohio, issued his writ to the new district, and not to the old. It was a case precisely like the present one, the only difference in the facts being the one which I have just stated, that the governor of New Hampshire issued his mandate for an election to the new district instead of to the old. When that case came before this House and was referred to the Committee on Elections, the majority of that committee, as well as Committee on Elections, the majority of that committee, as well as

Committee on Elections, the majority of that committee, as well as the minority, held that there was a vacancy.

In the Louisiana case both the minority and majority reports of the Committee on Elections held that, in a case like the present one, there was a vacancy, the two reports differing only as to the district which was entitled to fill that vacancy.

So that in any event the precedents which the gentleman himself quotes are wholly against his view of the case, for they find a vacancy and coloring the precedents when the process of the case, we have the coloring the process of the case, for they find a vacancy.

The only other question, Mr. Speaker, is what district shall fill the vacancy? Shall it be the new district, created by the act of 1880, or shall it be the old district created by the act of 1878, which old district had elected General Garfield to a seat in the Forty-sixth Congress, and which old district is to-day without a representative here? To say that the new district should elect is to say that one county in the State of Ohio, the county of Portage, shall have two Representatives in this body for the remainder of the Forty-sixth Congress; for Portage County is in the new district as created by the act of 1880, and is also in the district which I have the honor to represent in the present Congress, which district was created by the act of 1878. So that if you declare that the new district shall elect General Garfield's successor, then Portage County will have two members upon this floor, and the legal voters of Portage County will have participated in the election of two members to serve them at the same time and in the same Congress. Not only will this follow, Mr. Speaker, but it will same Congress. Not only will this follow, Mr. Speaker, but it will follow that Mahoning County, which belongs to the old district and does not belong to the new, will be without any representative in the national House of Representatives.

It is proper for me to state in this connection that the only difference between the new and the old districts, so far as General Garfield's district is concerned, is the omission of Mahoning County by the act of 1880 and the substitution of Portage. Otherwise the new and old nineteenth districts are the same. In the one case, if you say that the election must be held in the new district, you give a double representation to one county; if you say it shall be held in the old district, a constituency is unrepresented here, and will be so in that view all through this Congress. You say to them that they shall have no voice and no vote in this House. This I say is against the theory of our Government, the spirit of our political structure, and contrary to fair and just representation upon the part of the people; while the double representation which would arise in the former case It is proper for me to state in this connection that the only differ-

is against positive statute. Section 23 of the United States Statutes provides that "no one district shall elect more than one Representative." And if no district can elect more than one Representative, no part of a district can participate in the election of more than one Representative.

Mr. Speaker, this question is not new, although it is somewhat in-Mr. Speaker, this question is not new, although it is somewhat interesting in some of its features. It was very fully discussed in the Thirty-first Congress by the leading men on both sides of the Chamber; and I want to read a single extract from the speech made at that time by Mr. Thomson, of Kentucky, upon the report of the Committee on Elections in the New Hampshire case. It covers this case exactly. It is found on page 185 of volume 23 of the Congressional Globe. Mr. Thompson said:

sional Globe. Mr. Thompson said:

The erroneous notions of the chairman of the committee [Mr. Strong] as to the purport of the word "vacancy" have led him into many devious, strange, and unsafe paths in regard to this question. He regards a vacancy as a mere diminution of the number of representatives to which a State is entitled; and he deduces from this assumption the doctrine that it matters not how the vacancy be filled so that the full complement of the State is restored. The chairman says in his report that "each Representative is the representative of the entire people of a State." * * * The terms "representative" and "constituent" are correlative. A member of this House is the representative of his constituents—of the men who voted and constituted him their Representative. What, then, is a vacancy? It is the fact that a portion of the people are unrepresented. When a member resigns his seat, that portion of the people whose representative he was have lost their power of being heard upon this floor, and are entitled by the Constitution to have it restored.

Indeed, the Constitution of the United States, in section 2, article 2, makes this declaration upon this subject:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

This is the clause to which Mr. Thompson refers.

This is the clause to which Mr. Thompson refers.

In order to ascertain who ought to participate in an election to fill a vacancy, it is only necessary to inquire what constituency the late member represented. There is in this case a vacancy in the representation of that portion of the people who chose General Wilson to serve them during the whole of this Congress; and when you have found that subdivision of the State which sent him here you have found where the people reside who are not heard in this House, and who, in the person of the contestant, demand their constitutional rights at your hands. If you refuse him admittance you refuse to allow the people to be represented. Nature abhors a vacuum in space, and republicanism abhors a vacuum in popular representation. Taxation without representation was an assumption the opposition to which led our fathers into a war that lasted eight years, and has been called glorious. They were careful to provide against the maxim they abhored in the Constitution of their adoption; and it is to be hoped that we shall not repudiate the sentiments which they defended at so much cost and cherished with so much affection.

Mr. Thompson further says:

It will not change the complexion of the House.

That is true in this case.

Neither party will suffer by it. It will manifest to the coverywhere that we do not like this rotten borough system. The classes, and towns, and parties cannot be silently allowed thus. It will manifest to the country and voters s rotten borough system. The representation of

commend this language to my distinguished colleague.

Now, upon this same subject and in this same line, on the 12th of November, immediately after the governor of Ohio issued his mandate to the district constituted by the act of 1878, the Chicago Times speaks editorially upon this question and puts the case so well and so clearly that I beg to make the article a part of my remarks:

speaks eductorially upon this question and puts the case so well and so clearly that I beg to make the article a part of my remarks:

Governor Foster, of Ohio, has received from the President-elect his resignation of the seat he has occupied in the present House of Representatives, and has issued the executive mandate for a special election to fill the vacancy on the 30th instant. Since the election of Mr. Garfield two years ago the Ohio Legislature has rearranged the congressional districts. The present Ashtabula district has boundaries different to those of the Ashtabula district which elected Mr. Garfield in 1878. The governor's writ for a special election to fill Mr. Garfield's seat is not directed to the counties composing the present Ashtabula district, but to the counties composing the former Ashtabula district, which the Legislature has abolished. Mr. Garfield's immediate successor is therefore to be chosen by a constituency which (apparently) has no longer a legal existence, though it is the same constituency which chose Mr. Garfield for the period of two years. Governor Foster holds that the legislative abolition of a constituency which elected a Representative for a legally fixed term cannot divest that constituency of the lawful right to choose a Representative for the unexpired remainder of that term.

This view of the matter raises a novel question, though undoubtedly it is the correct view. It contemplates the congressional district in the character of a political corporation, chartered by the national authority as States and counties are, for the administration of that authority to a particular purpose. In establishing such districts the national authority (expressed in the act of Congress requiring Representatives to be chosen by single districts) is administered by the provincial Legislatures. When the Ohio Legislature had administered by the provincial Legislatures. When the Ohio Legislature had administered the national authority by erecting the Ashtabula district the electors of that distri

Now, Mr. Speaker, it seems to me that in the first instance Mr. Taylor is entitled to be sworn in; and if my colleague insists upon any investigation of this case hereafter, let him prepare his objections and send them to the Committee on Elections of this House. It seems to me further that upon a plain, common-sense statement and view of the case this House, if it should go into its merits, must, upon a vote, award the seat to the member-elect from the nineteenth congressional district. It cannot be said that the law of 1880 was intended to affect the congressional districts as they were created in 1878 in their relation to the Forty-sixth Congress. The law of 1880 had reference to future Congresses; it had to do with the Forty-seventh Congress, and under the act of 1880 the people of Ohio elected Representatives to the Forty-seventh Congress. I assert that the districting act of 1878, and upon which all the people of the State acted in the congressional elections of that year, must, for representative purposes, continue through two years; and so far as the Forty-sixth Congress was concerned, the law of 1878 had given to every district thus created a vested right of representation in that Congress during its whole existence, and no subsequent legislation can deprive that constituency istence, and no subsequent legislation can deprive that constituency of the vested right given them by that act, and none was intended by the Legislature. And if a vacancy occurs either by death or resignation that vacancy must be filled by the district as organized by the act of 1878. I insist, therefore, that the member-elect, Mr. Taylor, is entitled to qualify at once and be accorded his seat here.

Before yielding the floor to my colleague, [Mr. BUTTERWORTH,] I will append to my remarks the opinion of the attorney-general of the State of Ohio, given to Governor Foster in pursuance of his request before the writ of election was issued:

before the writ of election was issued:

STATE OF OHIO, ATTORNEY-GENERAL'S OFFICE, November 10, 1880.

DEAR SIR: Your favor of this date, in regard to the vacancy caused by the resignation of Hon. James A. Garfield, Representative in the Forty-sixth Congress of the United States from the nineteenth congressional district of Ohio, has been recited.

the United States from the nineteenth congressional district of Ohio, has been received.

That district, under the act of the General Assembly of Ohio, passed May 15, 1878, (O. S., vol. 75, page 582.) was composed of the counties of Geauga, Lake, Ashtabula, Trumbull, and Mahoning.

On the 26th of February, 1880, (O. S., vol. 77, page 11,) the State of Ohio was divided into new districts for the purpose of representation in Congress. Under that act the nineteenth congressional district is composed of the counties of Ashtabula, Trumbull, Portage, Geauga, and Lake.

The question now arises whether the vacancy caused by the resignation of General Garfield shall be filled by the counties composing the nineteenth congressional district, as constituted by the act of February 26, 1880.

In my opinion, the nineteenth congressional district, as created by the act of May 15, 1878, has become possessed of a vested right. That right is to have a Representative in the Forty-sixth Congress of the United States until March 4, 1881. Subsequent legislation upon the part of the General Assembly of the State of Ohio as constituted by the act of May 15, 1878, has the right to fill the vacancy caused by the resignation of James A. Garfield as its Representative in Congress.

Very truly, yours,

GEORGE K. NASH,

Attorney, General.

GEORGE K. NASH, Attorney-General.

Hon. CHARLES FOSTER, Governor of Ohio.

I now yield to my colleague, [Mr. BUTTERWORTH.]
Mr. BUTTERWORTH. I will yield for a moment to my friend from Virginia [Mr. HARRIS] to say a word on this subject.
Mr. HARRIS, of Virginia. Mr. Speaker, I think the question before the House is a very plain one, both as to the law and the precedents. During my experience here I do not remember an instance where, when the credentials were presented in due form, the member was not sworn in. There was one exception, perhaps, but it was not exactly an exception in point, where the member from Colorado came with a certificate in due form, and that certificate referred to the with a certificate in due form, and that certificate referred to the statute under which the election was held in Colorado and the member was elected, thereby making the statute a part of the certificate itself. It there became the duty of the House to look to that statute and see whether it had been complied with and the election held on the day provided in the statute for the election being held for a mem-ber to this House.

But that is not se in this case. It is known to the House and to But that is not so in this case. It is known to the House and to the country the representation from the nineteenth district of Ohio is vacant by reason of the resignation of James A. Garfield. This House, then, has no right to go back and look to the act of the General Assembly of Ohio in regard to its apportionment for the Forty-seventh Congress. We are not the Forty-seventh Congress, and we have no right to know what will be the number of the district of any member when he comes here to take his seat in the Forty-seventh

It seems by the act of the General Assembly of Ohio, which has been read by my friend from Ohio, that in the next Congress, the Forty-seventh Congress, four of the five counties now constituting the nineteenth district of Ohio will still be in the nineteenth district, the nineteenth district of Ohio will still be in the nineteenth district, and he asks this House to take judicial notice of that fact. I hold, sir, that on a prima facie case we cannot do it. I admit, if the certificate had certified the counties embracing the nineteenth district and the statute of his State had shown they were not within the nineteenth district, then, even on a prima facie case, the House would be justified in looking to the statute to see if it had been complied with. But the statute here makes no reference to the counties composing the district, but simply states that, in conformity to law, the nineteenth district of Ohio in the Forty-sixth Congress, not the Forty-seventh Congress, a vacancy existing, that vacancy has been filled by the election of Mr. Taylor, who now presents his credentials and asks that he be sworn in. asks that he be sworn in.

I ask, Mr. Speaker, that the Clerk again refer to the certificate, and if there be no objection I should like it again read in the hearing of the House, so there may be no misunderstanding at all on this point.

The Clerk read as follows:

In the name and by the authority of the State of Ohio, Charles Foster, governor of said State, to whom these presents shall come, greeting:

By virtue of the powers conferred upon me by law, I do hereby certify that at a special election held on the fifth Tuesday, being the 30th day of November, A. D. 1889, Ezra B. Taylor was duly elected a Representative in the Forty-sixth

Congress of the United States for the nineteenth district of the State of Ohio, to fill the vacancy caused by the resignation of James A. Garfield.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of the State of Ohio, at Columbus, this 8th day of December, A. D., 1880.

[SEAL.] CHARLES FOSTER,

MILTON BARNES, Secretary of State.

Mr. HARRIS, of Virginia. Now, Mr. Speaker, this case comes to this House on this state of facts: It is well known to this House there is a vacancy in the Forty-sixth Congress from the nineteenth district of Ohio. The Clerk has just read the certificate of the govdistrict of Onlo. The Clerk has just read the certaincate of the governor of the State of Ohio saying and certifying to the fact that the vacancy has been filled in conformity to the laws of Ohio. What more can this House ask on a prima facie case than that? It covers the whole ground. If any gentleman has an objection to urge, let it come in due form and let the Committee on Elections investigate it. If the member is not entitled to his seat, let the House take such action when the committee reports on it as may seem to it to be

action when the committee reports on it as may seem to it to be best.

But look to the dangerous consequences and effects upon the House itself and upon the country if gentlemen who come here with certificates in due form should be rejected even for an hour, instead of being sworn in upon their credentials in due form, and whatever matter may be objected to referred in proper form to the Committee on Elections for investigation. To follow the course suggested in this case would be exceedingly dangerous. The whole complexion of the House might be changed where there was only one or two majority for either party, if on the simple allegation of any member the election has not been held in conformity to law the member presenting himself to be sworn in could be prevented from taking his seat.

We claim to be State-rights men, and we have here a certificate of the highest authority in the State that the election was held in accordance with the laws of the State of Ohio; that the laws have been complied with and the election was regularly held. I say, prima facie, every State-rights man must presume on this certificate of the governor the law has been complied with and the member presenting the credential is entitled to his seat. If it be alleged that the laws have not been complied with it is a question for investigation, not before us, but by the Committee on Elections, where, upon due proof made before that committee, the facts can be investigated much more satisfactorily than in the House. I hope, therefore, Mr. Speaker, there will be no objection, on this side of the House at least, to swearing in the member from Ohio.

Mr. STEPHENS. I wish merely to state, Mr. Speaker, that I agree to every word the gentleman from Virginia has uttered. It seems to me to be a case that is perfectly plain. I have been here many years, and I never knew but the single exception the gentleman has stated where a member was not sworn in on a prima facie case if there was no contest, and I agree with him in trusting the objection will b

where a member was not sworn in on a prima facie case if there was no contest, and I agree with him in trusting the objection will be withdrawn and the member from Ohio sworn in.

Mr. CONGER. Mr. Speaker, it seems to me that it is almost superfluons to add anything to the remarks of the gentleman from Ohio, [Mr. McKinley,] the gentleman from Virginia, [Mr. Harris,] and the gentleman from Georgia, [Mr. Stephens.] But I call the attention of the Speaker and of the House to one remarkable fact which naturally follows the position taken by the gentleman from Ohio [Mr. Hurd] who objects to the swearing in of Mr. Taylor, and that is that if by the law redistricting the State of Ohio the nineteenth district, as then existing, and which was represented by General Garfield in this Congress, and that district in which there is a vacancy no longer exists as a district for the reason that the law as alleged changes the boundaries of that district, then the same law which destroys that district, by parity of reasoning, destroys every district destroys that district, by parity of reasoning, destroys every district situated alike in that State. Because, if the proposition be a correct one as stated, then every district in the State of Ohio represented in the Forty-sixth Congress where there has been a change of territory goes out of existence by the passage of the new redistricting law. As a matter of fact, as I understand it, that would vacate almost all of the districts in that State, and I am informed that it would even vacate the district of my friend who objects to Judge Taylor's being

I think if the proposition be a true one that the repeal of the law districting the State for this Congress vacates this district, so that a vacancy is not made and which if made cannot be filled by an election in the territory composing the new district, logically and properly it vacates every district in which there has been a change of territory and vacates the seat of every member whose district was changed or altered by the new redistricting law. Necessarily and logically my friend from Ohio must yield up his seat on this floor, and so also must friend from Ohio must yield up his seat on this floor, and so also must every other man whose district was changed or in which there has been a new county placed or from which a county was taken, or any change whatever made so that the mere territorial limits were changed. This is a logical and a plain sequence following from the argument of gentlemen who oppose the receipt of the certificate of election of Judge Taylor, and if the reasoning of the gentleman from Ohio [Mr. HURD] be correct these districts now represented in this Congress are no longer districts of the State of Ohio and they have no longer the right of representation upon this floor.

Now, I do not believe that doctrine will be maintained by any gentleman here present, and it seems to me to be so plain and palpable

tleman here present, and it seems to me to be so plain and palpable

upon the face of it that I do not think it is necessary to add anything further to the argument.

Mr. ROBINSON. Mr. Speaker, I shall detain the House only for a moment, for the reason that the remarks which I had intended to make have been largely anticipated by the gentleman from Virginia, [Mr. HARRIS.] It seems to me that nothing is more clear than the prima facie right of this gentleman to his seat in this House. If it was the case of a question men its merits or if there was a non-original content. [Mr. Harris.] It seems to me that nothing is more clear than the prima facie right of this gentleman to his seat in this House. If it was the case of a question upon its merits, or if there was a memorial presented to the House representing facts which were to be called to the attention of the Committee on Elections, that, of course, would be a different matter; but here is a certificate on its face showing the prima facie right of this gentleman to represent the nineteenth district of Ohio, in which a vacancy has occurred by the resignation of General Garfield. If the facts which I have stated appear, if this be a proper certificate, and if the vacancy for which this election was held really existed, then there is nothing further for this House to do except to admit the gentleman to his seat; and I ask the gentleman from Ohio [Mr. Hurd] who makes the objection in this case to recall the late action and precedent established by this House in the case of Mr. Hull, of Florida. There was a long debate, as will be remembered, and that certificate was opposed by a report from the supreme court of the State, going, as was claimed, to invalidate the certificate; and distinguished gentlemen on the other side, in the debate on that question, denied that this House had any power on the prima facie case to override the certificate of the State.

I find also upon an investigation of the vote upon that question, which was taken in the House by yeas and nays, that the gentleman from Ohio is recorded himself as having voted for that doctrine.

Mr. Speaker, it seems to me that in a case of this kind, where there is a question, the best way to settle it is in accordance with the precedents of this House during past years, which, I believe, with a single exception, to which attention has already been called, sustain the view I submit.

If, as I have stated, it were a question on the merits of the case, it would be an entirely different matter; but the only question raised

If, as I have stated, it were a question on the merits of the case, it would be an entirely different matter; but the only question raised here is as to the *prima facie* right, and, without wishing to delay or obstruct by any longer debate the right of the gentleman from Ohio to his seat on this floor, I shall not proceed at greater length to discount the gentleman from the case this greater.

cuss this question.

to his seat on this floor, I shall not proceed at greater length to discuss this question.

Mr. HURD. The only motion, Mr. Speaker, which I have submitted to the consideration of this House was the motion that these credentials be referred to the Committee on Elections; and I objected, as I have already said, to the immediate swearing in of Judge Taylor in order that I might present the facts which I have submitted to the consideration of the House. So far as the question is concerned of the prima facic case, as presented in the remarks of the gentleman from Virginia, the gentleman from Massachusetts, and the gentleman from Georgia, I have only this much to say: the certificate presented here states that Judge Taylor has been elected from the nineteenth district from the State of Ohio to fill the vacancy occasioned by the resignation of James A. Garfield. That very fact calls the attention of this House to the subject, and in order to enable it to know what the nineteenth district of Ohio is, from which this certificate purports to come, I have referred to the statutes of the State to show what counties constitute that district and what it was on the day this election was pretended to have been held.

Mr. HARRIS, of Virginia. May I interrupt the gentleman with a question? I would like to ask him whether the nineteenth district to which he refers is under the law the nineteenth district for the Forty-sixth or the nineteenth district for the Forty-seventh Congress?

Mr. HURD. The law of the State of Ohio creating the present districts declares "this act shall take effect from and after its passage."

It was passed on the 16th day of February, 1880.

Mr. HARRIS, of Virginia. Was it not with a view to reapportion that district for the Forty-seventh Congress?

Mr. HURD. It was a law which provided for an election in certain districts therein described. In the same law the second section provides that the act of May 15, 1878, which created the old district represented in this Congress by General Garfield shall be her

repealed.
Mr. PHISTER. May I ask the gentleman a question?

Mr. PHISTER. May I ask the gentleman a question?
Mr. HURD. Certainly.
Mr. PHISTER. I would like to ask the gentleman whether this
House on a prima facie statement of the case can take cognizance
that the law to which he refers is different in 1880 from what it was

Mr. HURD. I was about coming to the point to which the gentle-man from Kentucky refers, and if he will permit me without inter-ruption to proceed I will answer him.

This certificate declares that an election was held in the nineteenth

This certificate declares that an election was held in the nineteenth district of Ohio on a certain day in November to fill a vacancy occasioned by General Garfield's resignation. In order to ascertain what the nineteenth district of Ohio on that day was we must turn to the statutes of Ohio. There it is found that the nineteenth district is composed of Ashtabula, Geauga, Trumbull, Portage, and Lake; a district which General Garfield has not represented in this Congress and a district in which the resignation of General Garfield from the old district could not create a vacancy. Being, therefore, entirely a different district from the one in which General Garfield was elected, it

is necessarily a district in which an election cannot be held to fill a vacancy occasioned by his resignation. The consequence is that upon the very face of the certificate itself we are shown that an election was held in a district in which General Garfield's resignation could

was held in a district in which General Garfield's resignation could have occasioned no vacancy, and so far as the making of a prima facie case is concerned the certificate destroys itself by its own recitals.

I do not desire, however, to press this point so as to prevent Judge Taylor from being sworn in. I have no objection to his taking his seat, because the matter can soon be investigated by the Committee on Elections, and because it is open to dispute whether the certificate makes a prima facie case for the person presenting it. Besides, there is neither full time nor proper opportunity now for the House to hear the whole argument which may be made upon this question. But, before I conclude what I have to say, I desire to call attention to a remark of my colleague, [Mr. McKinley,] who says if we hold there is no vacancy either in the old or in the new district Ohio will only be entitled to nineteen Representatives, while under the apportionment act of the Congress of the United States it is entitled to twenty Representatives. The Legislature of the State of Ohio by making mistakes might reduce the representation of Ohio to ten. It is not a question for Congress to determine; it is a question for the is not a question for Congress to determine; it is a question for the Legislature, and as that authority has only made provision for nine-teen Representatives on the floor of this House, Ohio is only entitled

The gentleman from Michigan [Mr. CONGER] states there is a va-cancy practically in all the districts of this State because, with the exception perhaps of two, all the districts have been changed by the law of 1880. It is true these districts were changed, but it is true that all the present members from Ohio were elected Representatives from that State by districts which had at the time of the election a legal existence and in which the election was held under the authorlegal existence and in which the election was held under the authority of statutory provisions; while here in this case the election has been held in a district which has not existed since February, 1880, which does not now exist, and where the meeting of the people to vote was a mere voluntary assemblage of those who had a fancy to vote for a Congressman on that day.

I now withdraw my objection to the swearing in of Judge Taylor, but move that the credentials be referred to the Committee on Elec-

Mr. KEIFER. Let that be done after the member elected is

The SPEAKER. The gentleman whose credentials have been presented will come forward to be sworn.

Mr. EZRA B. TAYLOR then appeared and took the oath prescribed

y section 1756 of the Revised Statutes.
The SPEAKER. The gentleman from Ohio [Mr. HURD] now moves that the credentials be referred to the Committee on Elections.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I call for the regular order.
The SPEAKER. The regular order under the rules, this being
Monday, is the call of States and Territories for the introduction of
bills and joint resolutions on leave, for reference to their appropriate
committees. Under this call joint resolutions and memorials of State
and territorial Legislatures are in order for reference and printing;
also resolutions calling for departmental information, to be referred to the appropriate committees

CALIFORNIA AND OREGON RAILWAY.

Mr. BERRY introduced a bill (H. R. No. 6540) to restore to the public domain certain lands in California heretofore withdrawn for the benefit of the California and Oregon Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. PAGE introduced a bill (H. R. No. 6541) to amend section 2851 of the Revised Statutes of the United States; also to amend section 2851 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first time by its title.

Mr. CONGER. It has often been remarked that the title of a bill merely stating the number of the section to be amended without stating the subject-matter to which it related gave no information to the

ing the subject-matter to which it related gave no information to the

The SPEAKER. The Chair thinks that the title which has been

read does give information as to the subject-matter of the bill.

Mr. CONGER. Only as regards the latter part.

Mr. PAGE. I will state to the gentleman from Michigan that the subject of the bill is fully expressed in the title.

A MEMBER. Let the bill be read.

The bill was read the second time at length, and was referred to the Committee on Ways and Means, and ordered to be printed.

JOSEPH HAND.

Mr. PACHECO introduced a bill (H. R. No. 6542) to grant a pension to Joseph Hand; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HERMAN LÜBBERS ET AL.

Mr. PACHECO also introduced a bill (H. R. No. 6543) for the relief

of Herman Lübbers and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed. TERMS OF COURT OF COLORADO.

Mr. BELFORD introduced a bill (H. R. No. 6544) relating to terms of court in the district of Colorado; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARGE FOR MELTING BULLION.

Mr. STEPHENS introduced a bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

GEORGE WEST.

Mr. FORSYTHE introduced a bill (H. R. No. 6546) granting a pension to George West, Company I, Thirty-ninth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA E. FOREMAN.

Mr. STEVENSON introduced a bill (H. R. No. 6547) granting a pension to Maria E. Foreman, widow of Edward W. Foreman, late private Company D, Forty-ninth Regiment of Consolidated Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID T. BOWEN.

Mr. FORT introduced a bill (H. R. No. 6548) granting a pension to David T. Bowen; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM GALLAHER.

Mr. FORT also introduced a bill (H. R. No. 6549) for the relief of William Gallaher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. STAINBROOK.

Mr. FORT also introduced a bill (H. R. No. 6550) to correct the military record of Thomas J. Stainbrook, a private soldier of B Company, Thirteenth Regiment Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to printed.

PAY OF REAR-ADMIRALS ON RETIRED LIST.

Mr. BROWNE (by request) introduced a bill (H. R. No. 6551) to equalize the pay of rear-admirals on the retired list; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MAIL MATTER RELATING TO LOTTERIES.

Mr. NEW introduced a bill (H. R. No. 6552) to amend section 3929, chapter 6, Revised Statutes, and section 4041, chapter 13, Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GENERAL GRANT.

GENERAL GRANT.

Mr. MYERS submitted the following resolution; which was referred to the Committee on Military Affairs:

Resolved by the House of Representatives, That the Secretary of the Treasury be, and is hereby, requested to inform this House what sum or sums of money were paid to Ulysses S. Grant by the United States from the time of his entering the Military Academy at West Point in 18— until his resignation from the regular Army in 18—; also, the sum or sums of money paid him from the time of his entering the military service in Illinois in 1861 until he resigned in 1868; such statement to be in detail, covering all payments of every description made to the said Ulysses S. Grant; and also what moneys were paid to him by the United States during his terms as President of the United States, from March 4, 1869, to March 3, 1877, inclusive.

C. H. STIBOLT.

Mr. PRICE introduced a bill (H. R. No. 6553) for the relief of C. H. Stibolt, late consul to Campeachy, Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. CARPENTER introduced a bill (H. R. No. 6554) to amend the pension laws of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROADS.

Mr. McCOID introduced a bill (H. R. No. 6555) to provide for the regulation of commerce by railroads among the States, and for the better protection of capital invested in railways, (as a substitute for House bill No. 4948;) which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELECTIONS AND SCHOOLS.

Mr. McCOID also introduced a joint resolution (H. R. No. 344) proposing an amendment to the Constitution of the United States on the subjects of elections and free public schools; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAL SERVICE.

Mr. HASKELL (by request) introduced a bill (H. R. No. 6556) to

amend section 13 of the act of Congress approved July 12, 1876, making appropriations for the Post-Office Department; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM FREDERICK SCHLOEGEL.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 6557) to authorize a patent to issue to William Frederick Schloegel for the southeast quarter of section 34, in township 22 south, of range 15 east, of the sixth principal meridian in Kansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY A. KNAWBER.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 6558) granting a pension to Mary A. Knawber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. P. E. BROADDUS.

Mr. RYAN, of Kansas, also introduced a bill (H. R. No. 6559) granting a pension to Mrs. P. E. Broaddus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROCEEDINGS IN UNITED STATES COURTS.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 6560) to regulate proceedings in United States courts and giving appeal to Supreme Court in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be

TWO-CENT LETTER POSTAGE.

Mr. WILLIS introduced a bill (H. R. No. 6561) to reduce the postage on letters and letter matter to two cents for each half ounce or fraction thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be

CIVIL-SERVICE REFORM.

Mr. WILLIS also introduced a bill (H. R. No. 6562) to reform the civil service of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL DRY-DOCK.

Mr. WILLIS also introduced a bill (H. R. No. 6563) appropriating moneys for completing the improvements and enlarging the dry-dock at the Louisville and Portland Canal; which was read a first and second time, referred to the Committee on Commerce, and ordered to

THEODORE SCHWARTZ.

Mr. WILLIS also introduced a bill (H. R. No. 6564) for the relief of Theodore Schwartz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN WILLIAMS.

Mr. ACKLEN introduced a bill (H. R. No. 6565) for the relief of John Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JONATHAN G. BIGELOW.

Mr. FRYE introduced a bill (H. R. No. 6566) granting a pension to Jonathan G. Bigelow, late captain Eightieth United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTEROCEANIC CANAL.

Mr. CRAPO introduced a joint resolution (H. R. No. 345) declaring the policy of the United States in reference to an interoceanic canal; which was read a first and second time.

Mr. CRAPO. I ask that the resolution be read at length.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the construction of an interoceanic canal connecting the waters of the Atlantic and Pacific by means of foreign capital under the auspices of and through a charter from any European government is hostile to the established policy of the United States, is in violation of the spirit and declarations of the Monroe doctrine, and cannot be sanctioned or assented to by this Government; that the United States will assert and maintain such control and supervision over any interoceanic canal as may be necessary to protect its national interests as a means of defense, unity, and safety, and to advance the prosperity and augment the commerce of the Atlantic and Pacific States of the Union.

The SPEAKER. The reference indicated by the gentleman from Massachusetts [Mr. CRAPO] on the back of this resolution is to the Committee on Foreign Affairs. The Chair thinks it should go to the special Committee on the Interoceanic Canal.

Mr. CRAPO. This is a matter of international as well as national importance, and, in my judgment, should go to the Committee on Foreign Affairs.

The SPEAKER—There has been a good description of the committee on the committee on the speaker.

The SPEAKER. There has been a special committee raised on this subject in each House, as the Chair believes. The Chair has no wish in the matter, but simply directs the attention of the House to the fact. The gentleman from Massachusetts asks that the resolution be referred to the Committee on Foreign Affairs.

Mr. PAGE. It properly belongs to the Committee on the Inter-

oceanic Canal, a committee specially created for the consideration of

Mr. KING. That committee already has charge of this matter.

Mr. CRAPO. The Committee on Foreign Affairs is considering questions and has reported a resolution now on the Calendar touching the

Clayton-Bulwer treaty, which in some degree involves questions which are involved in this resolution.

Mr. KING. I would inform the gentleman from Massachusetts that the special committee appointed to take charge of this subject has already under consideration the treaties bearing on it; and I think the jurisdiction of that committee covers this subject. I move, therefore, that the resolution be referred to the Committee on the Interoceanic

Mr. PAGE. The Committee on the Interoceanic Canal not only has had this subject under consideration but has instructed the gentleman from Louisiana [Mr. KING] to report a resolution similar to the reso-

Intion just read.

Mr. COX. I move to amend by referring the resolution to the Committee on Foreign Affairs.

The SPEAKER. That is the original suggestion of the gentleman introducing the resolution. The motion before the House is that made by the gentleman from Louisiana, [Mr. KING,] to refer the resolution to the Committee on the Interoceanic Canal. It is not necessary therefore, for the gentleman from New York [Mr. COX] to make sary, therefore, for the gentleman from New York [Mr. Cox] to make

mr. COX. Mr. COX. I desire to say a few words on this subject. As my friend from Louisiana, [Mr. King,] a member of the Committee on Foreign Affairs, is aware, that committee has already reported a resolution to carry out the very object contemplated by the resolution now presented. The American Republic is to-day disgraced because Congress does not act on the resolution which we have reported, and which is now on the Calendar. Let us act on that. Let the House fix some time and consider these questions before it be too late. I do not care particularly whether this resolution goes to the special committee of which my distinguished friend from Louisiana is chairman, mittee of which my distinguished friend from Louisiana is chairman, or to the Committee on Foreign Affairs, who have made a very elaborate report on the subject; but if it goes to any committee it should go to that one which has a special interest in our foreign affairs, and all questions arising under treaties. To this committee all such matters have been referred except those that are merely commercial. Let the House fix some time for the consideration of this subject and we will notify Mr. De Lesseps that the American people are still alive.

Mr. PAGE. I call for the reading of the resolution under which the special Committee on the Interoceanic Canal was appointed.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That a select committee of eleven members be appointed, whose duty it shall be to examine into the subject of the selection of a suitable route for the construction of an interoceanic ship-canal across the American Isthmus; that all petitions, memorials, resolutions, bills, and reports on such canal or other mode of facilitating communication between the Atlantic and Pacific Oceans be referred to that committee; and that they have authority to report to the House at any time such legislation as may be best adapted to secure such communication between said oceans.

Mr. COX. Mr. Speaker, what is the question now pending?

The SPEAKER. The original proposition of the gentleman from Massachusetts [Mr. CRAPO] who introduced this joint resolution was to refer it to the Committee on Foreign Affairs.

The gentleman from Louisiana [Mr. KING] has moved, as an amendment, to refer the resolutions to the Committee on the Interoceanic Canal. Now the solution of the question as between these two committees can be reached by a principal section to the committee.

mittees can be reached by a single vote on the amendment.

Mr. CONGER. Mr. Speaker, I desire to say that a year ago and more the authorities of the United States and the members of this House were very sensitive about the Monroe doctrine. The special committee on the Interceanic Canal took hold of the Monroe doctrine. trine with remarkable avidity, and thought they had entire possession of that valuable article. Since then the Committee on Foreign Affairs has been quarreling for the possession of it continually; and between the two, neither of them has ever presented to this House any proposition, or, if presented, has ever pressed any action of the House upon it.

Mr. COX. The gentleman is mistaken.

Mr. COX. The gentleman is mistaken.

Mr. CONGER. There has been occasionally a little spasmodic effort here on the part of one or two men, when the subject was brought

and the part of one or two men, when the subject was brought up, to keep possession of that valuable antiquity, the Monroe doctrine.

Mr. COX. The gentleman from Michigan is mistaken. The Committee on Foreign Affairs made a very decorous and carefully prepared report, which is now upon the Calendar. We have tried to call it up again and again. And the peculiar business as to our treaty was given to us without quarrel, without any trouble. We reported on it, and the gentleman is entirely wrong.

Mr. CONGER. The gentleman is making his speech in my time, as he usually does, if I ever happen to get the floor. [Laughter.]

Mr. COX. It is more valuable to the House, likely. [Laughter.]

Mr. CONGER. This House committed that subject to a special committee. That committee met and labored until they were exhausted. I happened to be a member of that committee myself, and "know whereof I speak." Every time there has been an effort to report from that committee my friend from New York, who thinks the Monroe doctrine belongs to him by inheritance, devise, or purchase, I know not which, interrupts the progress of our committee and tries

to distract the attention of the House and the country in regard to the Monroe doctrine.

Sir, we have possession of the Monroe doctrine as submitted to us by the President of the United States and referred, by the action of this House, to the Interoceanic Canal Committee in the distribution this House, to the Interoceanic Canal Committee in the distribution of the subject-matters of that message. Why should the gentleman want to take that from us? It is the only thing that committee has to rely upon for honor and fame in the report it presents to the people of the United States. My friend from Louisiana, unless he can have the possession of that particular subject-matter committed to him—the Monroe doctrine—would wander about this House a lost man. [Laughter.] I am anxious he should still have possession of it, and that we, his followers on that committee, shall gather around him as we have hundreds of times before, and sustain him in the same effort which we have authorized him to make to have the resolution which we have passed and ordered to be reported to the House brought which we have passed and ordered to be reported to the House brought before the House for action.

Sir, we shall succeed. We have asked that report be made to this House for the last year. Every member of that committee is hopeful, if we stand by our chairman, it will be reported yet to the House, in obedience to our instruction. I for one am unwilling it should be

taken away from him.

taken away from him.

Mr. HILL. I desire to call the attention of the Chair and the House, Mr. Speaker, to the fact that this resolution does not relate to the construction of a canal, nor does it relate to the selection of a locality for it. It relates exclusively to the foreign policy of the Government. The committee of which my friend from Louisiana is chairman, therefore, has no business with this resolution. The committee was not constructed for the purpose of considering any such resolution as this. It belongs, on the contrary, to the Committee on Foreign Affairs.

Mr. COX. I desire to say, Mr. Speaker, I am informed by the journal clerk of the House that these matters were referred to the Committee on Foreign Affairs, under the distribution of the President's message. These matters are entirely dehors the record.

message. These matters are entirely dehors the record.

Mr. KING. I wish to state to the gentleman from New York he is somewhat in error. In the first place, Mr. Speaker, the Committee on Interoceanic Canal has had ready, for nearly a year, a resolution unanimously adopted by that committee, and which has been again and again pressed on the attention of this House, and yet, to the shame of the American people, has never been adopted, and indeed no action taken upon it whatever. This country once was redolent with the expression of opinion on that important international question, but this House could not be brought to give any yets upon it

My friend from New York is mistaken when he says all questions relating to that interest have been referred to the Foreign Affairs Committee. Up to this time but one resolution has passed from the jurisdiction of the Committee on Interoceanic Canal to the Canal to jurisdiction of the Committee on Interoceanic Canal to the Committee on Foreign Affairs. The Committee on Interoceanic Canal was appointed especially to cover this subject, and I think this resolution should now be referred to that committee. If the House is now ready, I hold in my hand the resolutions offered by the Committee on Interoceanic Canal covering this question, and will submit them for the action of the House, upon which I will demand the previous question.

Mr. COX. No such resolution as that can be offered now.

The SPEAKER. It is not in order, and this prolonged debate is not in order. The question first recurs on the motion of the gentleman from Louisiana to refer to the Committee on Interoceanic Canal

man from Louisiana to refer to the Committee on Interoceanic Canal.

The House divided; and there were—ayes 59, noes 69.

Mr. KING. No quorum has voted.

The SPEAKER. No quorum has voted, and the Chair will order

Mr. Crapo and Mr. King were appointed tellers. The House again divided; and the tellers reported—ayes 64, noes

So the House refused to refer the joint resolution to the Committee on Interoceanic Canal.

The joint resolution was then referred to the Committee on For-eign Affairs, and ordered to be printed.

CONDEMNED CANNON.

Mr. LORING introduced a bill (H. R. No. 6567) granting a condemned cannon to Charles Sumner Post, No. 101, of the Grand Army of the Republic, in Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REDUCTION OF DUTIES ON IMPORTS, ETC.

Mr. HUBBELL introduced a bill (H. R. No. 6568) to amend an act entitled "An act to reduce duties on imports and to reduce internal revenue taxes, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONSOLIDATION OF BUREAUS.

Mr. HUBBELL also introduced a bill (H. R. No. 6569) to consolidate the Bureau of Military Justice and the Corps of Judge-Advocates of the Army, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed. dered to be printed.

WILLIAM BLAISDELL.

Mr. DUNNELL introduced a bill (H. R. No. 6570) granting a pen-

sion to William Blaisdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

FIRST MINNESOTA MOUNTED RANGERS.

Mr. POEHLER introduced a bill (H. R. No. 6571) for the relief of the First Minnesota Mounted Rangers Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE OVER MISSOURI RIVER.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 6572) authorizing the construction of a bridge over the Missouri River at Howell's Ferry, Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPEAL OF CERTAIN STATUTES.

Mr. WELLS introduced a bill (H. R. No. 6573) to repeal the first subdivision of section 3408 and section 3418 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIGHTS ON STEAM-VESSELS.

Mr. CLARDY introduced a bill (H. R. No. 6574) to amend the Revised Statutes of the United States, requiring steam-vessels, while towing, to carry certain lights; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FOURTEENTH MISSOURI CAVALRY REGIMENT.

Mr. BLAND introduced a bill (H. R. No. 6575) for the relief of the soldiers of Company F, Fourteenth Missouri Cavalry Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL ACADEMY.

Mr. PHILIPS introduced a bill (H. R. No. 6576) to amend section 1514, chapter 5 of the Revised Statutes of the United States, respecting the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LUKE M'NEIL.

Mr. VOORHIS introduced a bill (H. R. No. 6577) for the relief of Luke McNeil, of Passaic, New Jersey, authorizing the Secretary of War to issue an honorable discharge and amend the Army rolls, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY DEPARTMENT OF THE ARMY.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 6578) to correct the appointment in the Pay Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WIDOW OF GEORGE P. M'CARTHY.

Mr. MORTON introduced a bill (H. R. No. 6579) for the relief of the widow of George P. McCarthy; which was read a first and second time.

Mr. MORTON. This is a bill for the relief of the widow of a deceased soldier who was killed while in the service of the custom-house in New York, and I do not know what committee it should properly go to.

The SPEAKER. Does it relate to the pay of a soldier?
Mr. MORTON. It is in reference to the payment to the widow of a deceased soldier, who was killed while in the service of the United States in the custom-house in New York. It proposes to appropriate the sum of \$5,000 to his widow in view of the facts.

The SPEAKER. The Chair is of the opinion that it should properly be referred to the Committee on Pensions. If it should hereafter be found that the reference is improper the committee can report it back and it can be otherwise referred.

The bill was then referred to the Committee on Invalid Pensions.

The bill was then referred to the Committee on Invalid Pensions.

JOHN B. TRAINER.

Mr. COX introduced a bill (H. R. No. 6580) for the relief of John B. Trainer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DWIGHT B. BAKER.

Mr. FERDON introduced a bill (H. R. No. 6581) for the relief of Dwight B. Baker, of Suffern, Rockland County, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROPELLER ANDREW HARDER.

Mr. FERDON also introduced a bill (H. R. No. 6582) to change the name of the steam propeller Andrew Harder; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHRISTOPHER G. HOLT.

Mr. DAVIS, of North Carolina, introduced a bill (H. R. No. 6583) for the relief of Christopher G. Holt, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. MATTERN.

Mr. HILL introduced a bill (H. R. No. 6584) granting a pension to Benjamin F. Mattern, of Fulton County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD M. BOWLER.

Mr. HURD introduced a joint resolution (H. R. No. 346) for the relief of Richard M. Bowler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STATUE-CHIEF-JUSTICE MARSHALL.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. No. 6585) to authorize the erection of a statue in honor of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DISCHARGE OF CERTAIN SOLDIERS.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 6586) to secure to certain meritorious soldiers of the late war an honorable discharge from the service, and to provide for the payment of the salary and bounty due to such soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POSTAL CARDS.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 6587) to amend section 3916 of the Revised Statutes, in regard to postal cards; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMMISSION TO READJUST TARIFF LAWS.

Mr. WARNER introduced a joint resolution (H. R. No. 347) providing for a commission to revise and readjust the tariff laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM SHAW.

Mr. WHITEAKER introduced a bill (H. R. No. 6598) for the relief of William Shaw; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

UNITED STATES BONDS FALLING DUE IN 1881.

Mr. KELLEY. I desire to introduce, for reference to the Commit-Mr. KELLEY. I desire to introduce, for reference to the Committee on Ways and Means and printing, a bill to provide for the payment of the bonds falling due in 1881. It is in the nature of a substitute for the bill now reported by that committee, House bill No. 4592, to give members the opportunity of seeing the proposed substitute, and yet to avoid the rule which would preclude its being offered as a substitute, I ask unanimous consent that it may be in order.

The SPEAKER. The Chair cannot ask unanimous consent during

this call.

Mr. KELLEY. Then I withdraw the bill.

Mr. FERNANDO WOOD. The gentleman from Pennsylvania is aware he has his privilege of offering his amendment at the proper

Mr. KELLEY. I desire to give the House the amendment in print. Meanwhile I withdraw the bill.

PETER HENRY.

Mr. WHITE introduced a bill (H. R. No. 6589) granting a pension to Peter Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. T. BARDEN.

Mr. MITCHELL introduced a bill (H. R. No. 6590) to reimburse A. T. Barden, postmaster at Eldred, McKean County, Pennsylvania, for loss sure by robbery of his office; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CITIZENS' GASLIGHT COMPANY, OF WASHINGTON, DISTRICT OF CO-LUMBIA.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 6591) to authorize the Citizens' Gaslight Company of Washington to lay down its mains and pipes in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EXPORT TAX ON TOBACCO, SNUFF, AND CIGARS.

Mr. O'CONNOR (by request) introduced a bill (H. R. No. 6592) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco, snuff, and cigars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THE FARRAGUT MONUMENT.

Mr. WHITTHORNE introduced a bill (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington City; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be

CHATTANOOGA A PORT OF DELIVERY.

Mr. DIBRELL introduced a bill (H. R. No. 6594) declaring the city

of Chattanoega a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RETIREMENT OF CERTAIN ARMY OFFICERS.

Mr. DIBRELL also (by request) introduced a bill (H. R. No. 6595) to authorize the retirement of certain officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. H. HIX.

Mr. DIBRELL also introduced a bill (H. R. No. 6596) granting a pension to H. H. Hix, late a soldier in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PHILLIP NEW DECKER.

Mr. DIBRELL also introduced a bill (H. R. No. 6597) granting a pension to Phillip New Decker, late a private in Company C, One hundred and twenty-second Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be privated. sions, and ordered to be printed.

A. M. COCHRAN.

Mr. WELLBORN introduced a bill (H. R. No. 6598) for the relief of A. M. Cochran; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COURTS AT DANVILLE, VIRGINIA.

Mr. CABELL introduced a bill (H. R. No. 6599) to change the time for holding circuit and district courts of the United States for the western district of Virginia, held at Danville, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. NEUMAN.

Mr. BOUCK introduced a bill (H. R. No. 6600) for the relief of George W. Neuman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY FINK.

Mr. DEUSTER introduced a bill (H. R. No. 6601) to reimburse Henry Fink, United States marshal of the eastern district of Wis-consin, for money paid in satisfaction of judgments rendered against him; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TREATIES WITH GERMAN STATES.

Mr. DEUSTER also introduced a joint resolution (H. R. No. 348) terminating the existing treaties between the United States and the North German Confederation and several German States now composing the German Empire in regard to citizenship, and providing for the negotiation of a new treaty; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

A. G. SHAW.

Mr. BENNETT introduced a bill (H. R. No. 6602) for the relief of A. G. Shaw; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLEMENT OF ARID LANDS.

Mr. BENNETT also introduced a bill (H. R. No. 6603) to encourage settlement upon the arid public lands in the Territory of Dakota, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded, the Chair will now recognize gentlemen who were not in their seats when their States were called, for the introduction of bills, &c., for reference and printing.

PRAIRIE COUNTY, ARKANSAS.

Mr. DUNN introduced a bill (H. R. No. 6604) to indemnify Prairie County, Arkansas, for the destruction of public buildings, during the war, by the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be

SOLOMON SPITZER.

Mr. BLISS introduced a bill (H. R. No. 6605) for the relief of Solomon Spitzer; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MRS. AMIRA KING.

Mr. SINGLETON, of Illinois, introduced a bill (H. R. No. 6606) granting a pension to Mrs. Amira King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENLARGING GOVERNMENT PRINTING OFFICE.

Mr. WILSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Printing be directed to ascertain and report to this House whether there is any necessity for enlarging the buildings of the Government Printing Office, and, if so, that they report the extent and probable cost of such additional buildings as may be necessary.

SYMPATHY WITH IRELAND.

Mr. CALKINS, by unanimous consent, submitted the following; which was read, considered, and unanimously adopted:

Be it resolved by the House of Representatives, That the sympathy of this House be, and it is hereby, extended to the unhappy laboring classes of Ireland in their efforts to effect a reform in the present oppressive tenant system prevailing in that country.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills,

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 533) for the relief of Charles W. Abbot, a paydirector, and W. W. Barry, a passed assistant paymaster, in the United States Navy;

An act (H. R. No. 3921) to amend section 2238 of the Revised Statutes, in relation to fees for final certificates in donation cases; and An act (H. R. No. 5918) granting a pension to Thomas Pettijohn.

DOCUMENTS FROM FRANCE.

Mr. COX. I ask unanimous consent to report from the Committee on Foreign Affairs for consideration at this time a resolution as to the establishing of a change of documents between the Chamber of Deputies of the French Republic and the House of Representatives. The Clerk read as follows:

The Clerk read as follows:

Whereas there has been presented to the House of Representatives, through Hon. Samuel J. Randall, its Speaker, a letter from the Sceretary of State, transmitting a communication from M. Léon Gambetta, the President of the Chamber of Deputies of the French Republic, in relation to an exchange of documents between that body and our own, and the package of documents having been presented and received: Therefore,

Be it resolved. That the honorable Speaker of the House of Representatives be authorized to establish a system of analogous exchanges of documents between the French and American Republics as a token of good-will between the representative bodies of the two Governments, and in presenting such documents as the Speaker of this House may select and forward to the French Chamber he shall also communicate to its distinguished president the high consideration with which such tenders are reciprocated.

And inasmuch as certain volumes have also been presented to the American Congress illustrating the life of the distinguished historian, orator, and statesman, M. Thiers, whose services to liberty and civilization are especially known to this Republic, and as these volumes are sent to us by the widow of the great French statesman, and as her death has occurred since this donation: Therefore,

Be it further resolved. That the honorable Speaker of this House present, through the Department of State, the sympathy and condolence of the American people upon this great bereavement to the people of France.

Mr. COX. I submit herewith the following letter:

Mr. COX. I submit herewith the following letter:

DEPARTMENT OF STATE,
Washington, December 7, 1880.

Sig: Referring to my letter to you of the 24th of April last, transmitting the first seven volumes of the speeches of M. Theirs, presented by Madam Theirs, the widow of that eminent French statesman, to the Library of the House of Representatives, I now have the honor to forward herewith, at the request of that lady, two additional volumes (VIII and IX) of the work in question for the same purpose.

I have the honor to be, sir, your obedient servant,

W. M. EVARTS.

Hon. Samuel J. Randall., Speaker of the House of Representatives.

Accompaniments Discours Parlementaires de M. Theirs, volumes VIII and IX.

The SPEAKER. The Chair would suggest that as the resolutions just read relate to different parties, perhaps it would be better to treat

them separately.

Mr. COX. If there is any objection to the latter portion I will withdraw it.

The SPEAKER. The Chair does not make any objection.

Mr. COX. I will make it two resolutions.

Mr. CONGER. I think the first part of the resolution authorizes the Speaker, as I understand it, to establish an international exchange of documents between this country and the Chamber of Deputies.

Mr. COX. Between this House and the Chamber of Deputies.

Mr. COX. Between this House and the Chamber of Deputies.
Mr. CONGER. It seems to me that it should be confined to exchanges between this House and the Chamber of Deputies of France.
Mr. COX. I will say to my friend from Michigan that some of these documents came from Madam Thiers.
Mr. CONGER. I amount proclaims of that control the first part

Mr. CONGER. I am not speaking of that; only of the first part of the resolution.

Mr. COX. We are simply reporting back what the House sent

Mr. CONGER. I understood the resolution to authorize the Speaker to establish an exchange of documents between this country and

Mr. COX. No, between the Houses of Representatives of the two

countries.

Mr. CONGER. Then I misunderstood the resolution.

The SPEAKER. The question will be first taken upon the proposition relating to the exchange of documents with the French Chamber of Deputies.

That portion of the resolution was unanimously agreed to.

The SPEAKER. The question is now upon the second resolution, relating to the documents received from Madam Thiers.

The resolution was unanimously adopted.

Mr. COX moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was exceed to

The latter motion was agreed to.

RESTRICTIONS UPON ELECTIVE FRANCHISE.

Mr. LOWE. I ask unanimous consent to offer and put upon their passage the resolutions which I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

Whereas the laws of several of the States of this Union regulate within their respective jurisdictions the exercise of the elective franchise by prescribing certain conditions, taxes, or requirements which are claimed by citizens of those States and by a report of a committee of the United States Senate, in this Congress, to be in violation of the Constitution of the United States and of the rights of citizens thereunder; and

Whereas such regulations of the elective franchise in such States, especially in the States of Rhode Island, Massachusetts, Pennsylvania, Delaware, Virginia, and Georgia, are claimed to be restrictions upon the elective franchise whereby certain citizens are excluded from participation in the right to vote; and

Whereas it is made the duty of Congress to secure to each State a republican form of government, and once in ten years to apportion among the States their shares of representation in Congress pursuant to the Constitution: Therefore, Be it resolved, That a committee of this House, consisting of five members, be appointed by the Speaker to examine into the matters relating to the exercise of the elective franchise in the several States so far as the same may be in violation of the Constitution of the United States or affected thereby; and to report to this House whether such regulations or restrictions of suffrage should diminish the representation of such State or States in Congress pursuant to the fourteenth article of the Constitution, and to what extent such representation should be diminished under the apportionment to be made pursuant to the census of 1880.

And be it further resolved. That said committee shall have power to set dor persons and papers, administer caths, and to employ a stenographer, clerk, and two messengers; and that the sum of \$3,000 be, and hereby is, appropriated for the expenses of said committee from the House contingent fund, to be paid on drafts of the chairman of said committee.

Mr. LOWE. I ask unanimous consent to have th

Mr. LOWE. I ask unanimous consent to have these resolutions put

upon their passage now.

Mr. MORSE. I object.

The SPEAKER. Does the gentleman desire the reference of the

Mr. LOWE.

Mr. LOWE. Yes, sir.
The SPEAKER. To what committee?
Mr. LOWE. To the Committee on the Judiciary.
The SPEAKER. If there be no objection, the resolutions will be referred to the Committee on the Judiciary.

There being no objection, it was ordered accordingly.

GEORGE H. MURDOCK.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 6607) for the relief of George H. Murdock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REMISSION OF DUTY.

Mr. ROBINSON, by unanimous consent, introduced a joint resolution (H. R. No. 349) authorizing the remission or refunding of duty on a painted-glass window from London, England, for All Souls church in Washington, District of Columbia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ADDITIONAL PAGE IN THE HOUSE.

Mr. BLACKBURN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House be authorized to employ an additional House page on the floor, to be paid out of the contingent fund of the House for this session.

JOHN NEWS.

Mr. HARMER, by unanimous consent, introduced a bill (H. R. No. 6608) granting a pension to John News; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at seventeen minutes before three o'clock; and committees will be called for reports, to go upon the respective calendars.

HOMESTEADERS AND PRE-EMPTORS.

Mr. CONVERSE, from the Committee on the Public Lands, reported back, without amendment and with a favorable recommendation, the bill (H. R. No. 2666) for the benefit of homesteaders and pre-emptors of public lands; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

VETERAN UNION ASSOCIATION, LEADVILLE, COLORADO.

Mr. CONVERSE also, from the same committee, reported back, with amendments, the bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Lead-ville, for hospital and burial purposes; which was referred to the Committee of the Whole House on the state of the Union, and the ac-companying report ordered to be printed.

CHANGE OF NAME OF A SCHOONER.

Mr. BLISS, from the Committee on Commerce, reported back, with-Mr. BLISS, from the Committee on Commerce, reported back, without amendment and with a favorable recommendation, the joint resolution (H. R. No. 35) authorizing the name of the schooner Isle of Pines to be changed to George S. Sleight; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees for reports was concluded.

ELECTORAL COUNT.

Mr. BICKNELL. I desire now to call up the Senate resolution in reference to the electoral count. I believe it has precedence.

Mr. FERNANDO WOOD. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. FERNANDO WOOD. Seeing no probability of any very speedy determination of this resolution which appears to block up the way of all other business, I am compelled to move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of taking up the funding bill.

Mr. BICKNELL. I will state to the gentleman from New York and to the House that the debate upon the electoral count is very nearly concluded. I expect to call the previous question at the close of the debate to-day.

of the debate to-day.

Mr. FERNANDO WOOD. Then I understand the gentleman to state that at the conclusion of to-day's session general debate upon this resolution will cease, and that he will then propose to have a vote taken upon it. Is that his position?

Mr. BICKNELL. My position is that at the close of the debate to-day I shall move the previous question and seek to have a vote upon it.

Mr. CONGER. I do not know by what authority the gentleman states that the debate upon the electoral count is nearly through.

The SPEAKER. The gentleman from Indiana states that he means to call the previous question.

The SPEARER. The gentleman from Indiana states that he means to call the previous question.

Mr. CONGER. Our tacit assent to his proposition that the debate is nearly through might be thought to bind those gentlemen who wish to talk further on the subject.

Mr. BICKNELL. I made some inquiry and could find only one gentleman on that side who desired to speak further.

Mr. CONGER. It is possible that gentlemen on this side of the House may not have talked as freely with the gentlemen on that side as they would among themselves.

Mr. FERNANDO WOOD. Well, Mr. Speaker, I give notice that after to-day I shall insist on the question being taken on the motion I have indicated. I yield now with the understanding that the gentleman from Indiana is to demand the previous question at the close of the debate to-day.

Mr. CONGER. I ask why the gentleman from New York [Mr. FERNANDO WOOD] will not press his motion now? We are prepared to aid him to the extent of our ability.

Mr. FERNANDO WOOD. As a matter of courtesy, I am willing to allow gentlemen on that side of the House to make another speech on a bill which has already been discussed to the exhaustion of the House.

Mr. CONGER. I hope the gentleman's courtesy will not extend to the defeat of an important measure. Mr. FERNANDO WOOD. I am not to learn my sense of duty from

that gentleman. Mr. CONGER.

Mr. CONGER. The gentleman has told me that before.
Mr. REAGAN. I regret the necessity of having to antagonize the motion of the gentleman from New York, [Mr. Fernando Wood.] but there is a bill of great moment which has precedence in point of order. It has been made a special order; and I now give notice that when the question in relation to the electoral count is disposed of, I shall move to take up the bill (II. R. No. 4748) to regulate interstate

The SPEAKER. The House can determine as to the business with which it will proceed. The gentleman from Texas now gives notice that, when the electoral count has been disposed of, he will call up for consideration the bill to which he has referred.

Mr. BICKNELL. I now call up the unfinished business relating to the electoral count, and ask that the debate shall proceed without

further interruption.

Mr. WHITE. Mr. Speaker, I am perfectly willing to give way for the funding bill or I will take great pleasure in giving way to my friend from Texas in order that he may move to go into the Committee of the Whole House on the state of the Union to take up and consider the interstate-commerce bill.

Mr. BICKNELL. If the gentleman does not desire to speak I can

Mr. BICKNELL. If the gentleman does not desire to speak I can call the previous question now on the electoral count resolution.
Mr. WHITE. I merely said, and my friend will bear with me, that I was willing to give way to the gentleman from New York, the chairman of the Committee on Ways and Means, for the very proper motion he indicated to go into the Committee of the Whole House on the state of the Union for the purpose of considering the funding bill. Or, if that is not desired, I am willing to give way to the gentleman from Texas to go into the Committee of the Whole House on the state of the Union to take up for consideration the interstate-commerce bill.

A MEMBER. Or appropriation bills.

Mr. WHITE. Yes, or any of the appropriation bills or any other practical legislation now in proper condition to be brought before

Mr. WEAVER. Would not the gentleman give precedence to the

interstate-commerce bill?

Mr. WHITE. I have just said so.
Mr. WEAVER. That is, precedence over the funding bill?

Mr. WHITE. I will yield to any gentleman who has charge of any practical legislation.

Mr. BICKNELL. You have not the right to yield. If the gentle-man is not ready to go on with the debate I shall now demand the

previous question.

Mr. WHITE. Mr. Speaker, I do not desire to trifle with the House while I speak in my own right; yet I recognize some courtesy from my friend from Indiana [Mr. BICKNELL] who has this matter in charge. I have received several acts of kindness from that gentleman, which I am always glad to acknowledge. I have made the observation I did because I am not specially anxious to speak on this question, as I have had the privilege of doing so before; but in the absence of anybody else taking the floor, and there being no other practical question before the House, I shall proceed with some observa-

ions of a general character on the pending proposition.

Mr. Speaker, "speech is silvern, silence is golden." I was impressed with the philosophy of this proverb the other day when the effort was made to press with indecorous haste to speedy passage the pending measure. Temporary silence on this side has secured that freeand measure. Temporary stence on this side has sectred that freedom of debate which I see is rapidly changing the minds of the controlling majority in the House. I trust that the light of a superior wisdom and intelligence will soon shine upon this majority with such effect that they will be perfectly willing to withdraw this measure and substitute another which can receive the cordial support of all

fair men here

I said I had no desire to prolong this debate. I had the privilege in common with many of my colleagues here to discuss it somewhat at length just before the close of the last session. The pending proposition and the very intelligent debate had on the subject may be found in the forty-fourth volume of the Congressional Record, page I had the honor of submitting a few observations at that time, and subsequent reflection has not changed my convictions. But pending the advent of that grateful moment when all sides will agree this measure is to be withdrawn and a more practical proposition sub-mitted, I will express a thought or two on the general character of this

WHERE ARE WE?

The tempest-tossed mariner in a period of calm sets his compass, takes his bearing, and ascertains just where he is. Where are we, Mr. Speaker? A presidential election has been held, regularly held accord-Speaker? A presidential election has been held, regularly held according to the forms of law everywhere in the country. The reasonable men in different sections accepted the result, and it was supposed this question was practically settled. But now, on the very threshold of the formal and legal declaration of the result, we find pressed on the attention of the House the pending measure, and the most stubborn and persistent effort made to pass it, so as to place it in the power of

and persistent effort made to pass it, so as to place it in the power of the majority now in Congress to change or nullify that result.

It is quite true, sir, this proposition was introduced in the Senate and passed there at the last session and sent, just before the adjournment, to this House for consideration. It was, you observe, carefully made a concurrent resolution, rather than a bill or joint resolution, which would require the approval of the President. This circumstance naturally excited the alarm of the country. This conduct bore on its face the appearance that something extraordinary was intended. It was thought by many the election would be close, and, if so, it was the intention of the majority in Congress to have the result declared according to their wishes and desires. The result of the last election, however, was so decisive that it was thought this proposition would be abandoned and the declaration of the result made in the usual way. The renewal of the proposition now, however, has revived the apprehension of the country.

PRESSING IT NOW SUSPICIOUS.

PRESSING IT NOW SUSPICIOUS.

Why this effort to press this resolution upon this House at this time? Why this effort to press this resolution upon this House at this time? General Garfield is clearly the President-elect for the four years to come. Is not that true? I pause for a denial of this statement from any quarter of the House. All men of all parties in the country away from this Capitol, I apprehend, recognize this result. Why, then, press upon the House and the country the pending question? The House seems to be politically divided on its merits. Why dally with it longer in its present form?

WHAT IS THE MEASURE?

Let us see what it is and inquire the reasons for objection. It is Let us see what it is and inquire the reasons for objection. It is entitled "resolution in relation to joint rule for counting the votes of electors of President and Vice-President." It is proposed to "resolve by the Senate, the House of Representatives concurring, that a certain joint rule be adopted for counting the votes of electors of President and Vice-President." A joint rule, indeed; not a law, requiring executive approval, to regulate in detail the powers of the two Houses in Congress about the constitutional duty to count the votes of the electors in the different States for President and Vice-President. There are certain details merely formal and following only the line of safe precedent which are unobjectionable, such as fixing the time for the meeting of the two Houses and the appointment of two tellers for each House.

But mark you, sir, where begins the vice of the pending proposi-tion. It is provided the certified lists of votes of electors shall be opened by the President of the Senate in the presence of the Senate and House, beginning with the States in alphabetical order, and when so opened shall be handed to the tellers, by whom they shall be read in the presence and hearing of the two Houses. When such cer-tified list has been so read and before another package or list of votes

is opened, the President of the Senate shall call for objections to receiving such list and counting the votes therein. If no objection is made, the votes shall be counted. If objection is made, it shall be in writing and signed by not less than two Senators and three members of the House of Representatives in duplicate, one of which duplicates of the House of Representatives in duplicate, one of which duplicates shall be handed to the President of the Senate and the other to the Speaker of the House. The President shall then state the objections in the hearing of the two Houses. He shall then proceed to open any other package from the same State, purporting to contain a list of votes from such State. The same proceedings shall then be had as were had toward the other paper. When all the papers purporting to contain a certified list of votes of electors from a State have been opened, read, and disposed of as recited, the Senate shall withdraw to its Chamber and proceed to consider the objections, and the House of Representatives shall do likewise.

The manner of proceeding in the respective Houses is regulated in detail. When both Houses shall have decided upon the objections

they shall again assemble in the Hall of the House and the President of the Senate shall state the decision of each House upon the question so submitted to them. If but one list of votes of electors from any State has been submitted to each House for its decision, such list shall be counted unless both Houses have concurred in rejecting it; but if both Houses have concurred in rejecting, it shall not be counted. If more than one list of votes of electors from any State or paper purporting to be such list has been submitted to each House for its decision and the Houses have not concurred in receiving either of the papers purporting to be authentic lists, the votes on neither of them shall be counted, and the votes from such States shall be rejected, and the announcement of the votes thus counted shall be deemed a sufficient declaration of the persons elected President and Vice-President, and such resultshall be entered upon the Journals of the respective Houses.

A MAJORITY OF EACH HOUSE CAN CONTROL RESULT.

Thus, sir, you observe, by the passage of this resolution, for it is a mere resolution of the two Houses, you place it in the power of the majority in the Senate and House, and this majority is adverse to the President-elect, to prevent the peaceful and orderly declaration of a true and honest result of the election. You will observe that there is nothing in the terms of the resolution indicating the kind of certified lists of electors which may be received and considered by the Houses. The existing law provides the manner of properly certifying the lists of the votes of electors. Under this resolution a paper prepared and certified by the chairman of the State committee of any party from any State may be received, considered, and counted, if so determined by a majority vote of the two Houses. The will of the people legally expressed at the polls in the different States or in any State may be overthrown by a majority vote in Congress. This is a most dangerous power, certainly not in harmony with the theory of our system of choosing our Presidents. Why is this measure of such doubtful constitutionality and dangerous tendencies pressed at this time upon the country? Is it possible that a sinister or ulterior purpose is designed? We cannot be entirely ignorant of current rumor. Many of the opposition papers of the country have declared that General Garfield was not fairly elected, that the vote of some States should be excluded. Are these suggestions seriously entertained by the majority of this House? party from any State may be received, considered, and counted, if so

DEMOCRATIC PARTY NEVER WISE.

I confess I have never known any wise things that the democratic party has done, and seldom known any prudent things they have done; yet, in my most extravagant dreams of their folly, I have never done; yet, in my most extravagant dreams of their folly, I have hever thought the sagacious leaders of this erring party really designed to overturn the clearly expressed will of the people by refusing to count in General Garfield as the incoming President of the United States.

Why, sir, suppose the chairmen of the democratic committees of the States of New York and Pennsylvania were to prepare, with the

and regular, and forward them to the Vice-President; under this resolution, as a rule of procedure, the majority in Congress can have them counted as the true returns. Is such an enormity intended?

DOES IT MEAN REVOLUTION?

Let us understand, however, whether the intention in pressing this measure so persistently is to use it adversely to the recent decision of the people at the polls. By its terms we have seen it could be so used. Adopt this rule, and, as I have said, the majority in the Senate used. Adopt this rule, and, as I have said, the majority in the Senate and House can count only those votes they shall determine, and bring that confusion and contention all over the country so much to be deprecated. If this is not designed, postpone the consideration of this proposition and relieve public apprehension. Other measures press upon us. Much practical legislation confronts us. In addition to the appropriation bills for the ordinary expenses of the Government, provision is to be made for our maturing indebtedness. Bills regulating commerce between the States so as to prevent the unjust discriminations in railroad freights, together with a variety of bills for the more satisfactory adjustment and payment of pensions, as well as many other measures affecting the practical affairs of the Government, are upon the Public Calendar. Let us postpone this measure and press to the consideration of the bills indicated. The people have condemned the democracy. The people at the recent election have expressed confidence in the republican party and driven from power the democration of the democratic party and driven from power racy. This agitation only continues partisan excitement and post-pones that composure in affairs so necessary to the happiness of communities and business prosperity.

THE SOUTH COMPLAINS OF AGITATION.

The southern portion of the country for years has been complaining of sectional agitations and partisan contentions as inimical to the return of their wonted prosperity. It is in the power of the Representatives from that section of the country to stop this useless contention immediately. The gentlemen from the South who clamor for practical legislation can step to the front and stop this discussion

instantly.

Mr. GIBSON. Will the gentleman from Pennsylvania allow me to interrupt him with a single remark?

Mr. WHITE. Yes, sir.

Mr. GIBSON. I desire to state that I offered a bill the other day for the improvement of the Mississippi River—for the improvement of the great highway of this nation—and that objection even to its consideration came from the republican side of the House.

Mr. WHITE. I cannot help that, Mr. Speaker. That was but a cursory act of legislation, a mere incident in our daily career; whereas this, as a question of privilege, is pressed from day to day upon the consideration of the House. No other business can be brought up in preference to it. The point made by my friend from Louisiana, with whom I agree in his efforts to secure legislation for the improvement of this highway, goes for nothing in this connection. Southern gentlemen say they want peace. I listened with interest a few days since to the remarks of the honorable gentleman from Alabama, [Mr. Herberr,] who, in speaking to this question and alluding to a remark BERT,] who, in speaking to this question and alluding to a remark of the gentleman from New York [Mr. LAPHAM] about Mr. Lincoln,

The gentleman from New York says, we have no right to quote Abraham Lincoln here because the democrats have reviled him as an ignorant rail-splitter. Sir, I affirm no man this country has produced has more of the unqualified respect of the democrats of this country, North and South, than Abraham Lincoln; and I hurl back the insinuation that we on this side do not regard his authority as entitled to any great weight on any question. We look upon it (especially we of the South) as one of the greatest misfortunes that ever befel us that Abraham Lincoln fell at the hands of an assassin.

GLAD THE SOUTH BEGINS TO APPRECIATE LINCOLN.

Sir, I am glad the gentlemen from the South are beginning to ap-Sir, I am glad the gentlemen from the South are beginning to appreciate the greatness, indeed grandeur of Mr. Lincoln's character. There never was an hour during the terrible conflict with rebellion that he would not have gathered you under the protecting wings of the Constitution as the F n gathers her brood, but you would not. Now, as time is mellowing the asperities of the past you begin to appreciate his name and fame. "No pent-up Utica contracts" his great character and fame; the boundless continent owns it. We of the North will share this fame with you gentlemen of the South if it will secure public composure. You are of our country and we invite you to share with us the fame of our patriots. The war is indeed over.

Under the sod and the dew,
Waiting the judgment day;
Under the one the blue,
Under the other the gray.
These in the robings of glory,
Those in the gloom of defeat;
All, with the battle-blood gory,
In the dusk of eternity meet.

We may forget everything about the rebellion except that for which we fought, and the great results achieved. I would that the genial, wholesome influence of such a patriotic life as Abraham Lincoln could enter every household of the South as well as their educational and social institutions, so that in their daily life and thought the southern people may be brought in full accord and sympathy with the integrity of the Union and those broad and generous principles of that truer civilization for which our soldiers fought and Mr. Lincoln died.

Such graves as his are pilgrim-shrines, Shrines to no code or creed confined,— The Delphian vales, the Palestines, The Meccas of the mind.

Sir, there never was, possibly, a more auspicious time to break up that "solid South" which is so threatening to future contentment and national harmony. The North entertains no bitter animosities to the South. We have naturally been apprehensive of prejudicial legislation should they get control of the Government. Now, the majority of the people have spoken at the polls and the general policy of a republican administration of affairs has been clearly indorsed. Why should it not be?

HAYES ADMINISTRATION.

The administration just closing has been distinguished for its liberal policy and integrity in all the departments. The revenues of the Government have been honestly collected and as honestly expended. Honest effort has been made to secure the rights of the individual citizen everywhere. The dignity of the nation and the recognized rights of the States have been fully regarded and respected. The atmosphere of the capital city of the nation was never more free from political scandal and the Government of the country never had the greater confidence of the citizen. The impartial voice of future history will record the administration of President Hayes as honest in all its departments and fair to all sections of the country.

DOES THE SOUTH WANT GENEROUS LEGISLATION?

Do gentlemen of the South want generous government for their people? They have had it in the past four years, and as I anticipate the advent of the coming administration of General Garfield I see a government liberal and just to all interests and to all sections. The career in this Chamber of the broad-minded statesman who has been called to the head of affairs should give assurance to all men that justice and equity, good sense and intelligent statesmanship, will prevail in all the departments of Government under the new administration. Let all men welcome its coming and bid it God speed in the anticipated effort to give wise and good government to fifty mill-

ions of people.

Why parley, then, over this doubtful measure and excite the fears and apprehensions of the people, who are quietly settling down to accept accomplished results and doing their best to promote the confidence and business contentment of all men in the country?

GENTLEMEN OF THE SOUTH STEP TO THE FRONT.

Let me appeal, then, in a spirit of patriotic duty, to gentlemen of the South to step to the front and stop this senseless discussion which has been worn threadbare in its details. Let it be postponed; let the declaration of the presidential election be made in the regular formal way, that public confidence may be assured and the apprehensions this discussion has excited be allayed.

The Constitution and the law enacted in 1792 in pursuance thereof, together with the unbroken line of precedents in this behalf, indicate the method of precedure. If it is true that there is no intention to interfere with the regular declaration of the result of the election as nnmistakably pronounced by the majority of the electoral votes in the different States and by a majority of the popular vote, then let us postpone without further delay the consideration of this question which is now vexing the public ear.

THIS IS A DELICATE QUESTION-SUGGESTS CHANGES IN ELECTING PRESIDENTS.

This is a delicate question—suggests changes in electing presidents.

No frank man will deny that there are questions of the gravest imports in the pending matter. The broad-minded liberal lawyer in looking at this question may imagine it to be a narrow and technical one. But I grant you that it involves an important constitutional question which can only be met and properly provided for by most deliberate legislation. Our whole system of choosing a President and Vice-President is becoming more and more one of the practical questions of the hour. It engaged the earnest attention of some statesmen now passed from the stage of active affairs. The late Senator Morton, of Indiana, made it the subject of earnest thought and eloquent expression, as will be found in the debates of the Forty-fourth Congress. It is, possibly, wise to abandon an electoral system and vote direct for the candidates. This may come, but not, I trust, until a free election and fair count shall be had in spirit and form in all States of the Union. But I shall never support the direct vote system as long as one party may employ the "Mississippi plan" to give its 90,000 majority in Alabama, its 80,000 in Mississippi, its 100,000 in Texas, and such one sided results. When calmer counsels prevail we will approach that question.

The pending difficulty, however, should be met and settled like some other questions incident to the election of a President of the United States. It naturally grows out of our system of electing a President.

States. It naturally grows out of our system of electing a President. It is one of the natural incidents of our electoral system. This comes to us as one of the delicate questions attaching to a government of the States. Great changes have taken place in public sentiment and in public necessities since the adoption of the Constitution. But the unbroken line of precedents relieves us of any embarrassment when there is no real controversy about the important question to be passed

upon in declaring the result of the electoral votes.

PRECEDENTS ABUNDANT.

I shall not vex the ear of this House or encumber the records of our debates with repeating in unnecessary detail the unbroken line of precedents from the establishment of the Government down to of precedents from the establishment of the Government down to 1877. From the time that John Langdon was selected by the first Congress "for the sole purpose of opening and counting the votes cast in the different States by electors" until the passage of the electoral commission bill in 1877 there never has been an interruption of the opening and counting of the certified lists of electors from the different States by the President of the Senate.

Before the famous electoral commission of 1877 there had been appropriate two presidential elections declared. In all without except

twenty-two presidential elections declared. In all, without exception, the President of the Senate did, in the presence of the Senate and House of Representatives, open all the certificates and count all the votes. In a few instances, I shall notice, the proceedings were temporarily interrupted, but ultimately the recognized formula was

adopted.

After the eighth election in 1816, the count was made in March, 1817, by the President of the Senate. When the vote of Indiana was reached Mr. Taylor, of New York, rose and objected in the joint convention to counting the vote because the electors from that State had been appointed before the State was admitted to the Union. The Senate withdrew, but on information that the House "had not seen it presents to come to supersolution or take any order on the subit necessary to come to any resolution or take any order on the subject," the Senate returned and the votes were counted in the usual manner. Then, after the ninth election, in 1821, while the count was going on by the President of the Senate, objection was made by Mr. Livermore to counting the vote of Missouri. The Senate then withdrew. The House laid the subject on the table, and then requested the Senate to return. The Senate did return, and the count was completed, the President declaring an objection made while he was announcing the result to be out of order. The tenth election, in 1824, was somewhat historical. This being the second instance of a failure to elect by the people there was an election by the House. The result was declared by the President of the Senate, and the resolution of notification adopted by the Senate was

That the President of the Senate pro tempore did in the presence of the Senate and House of Representatives open all the certificates and count all the votes.

The counts for the eleventh and twelfth terms, being in 1829 and 1833, Andrew Jackson's time, were regular, being made by the President of the Senate without any incident.

In the count of the thirteenth election, in 1837, a question arose about counting the vote of Michigan, similar to the objections to Indiana and Missouri. Mr. Clay was then in the Senate, and influenced the disposition of this case as in the instance of Missouri, and the count was made by the President of the Senate. Some question having arisen as to the eligibility of certain electors, it was wisely suggested "that whether the respective electoral colleges or Congress should decide this question ought to be settled by permanent provision.

In the counts of Presidents Harrison, Polk, Taylor, and Pierce no

incident out of the usual course occurred.

An instructive incident transpired at the count of the eighteenth election, in 1857. The electors of Wisconsin had been prevented by a snow-storm from reaching the State capitol on the day fixed by law for casting the electoral vote, but voted on the succeeding day. When the vote of this State was reached the effort was made to exclude the vote, but the President of the Senate, Mr. Mason, of Virginia, decided the motions out of order and declared the result. The debates in either House afterward failed to reverse the regularity of this decision.

Then came the first election of Mr. Lincoln, in 1860, and the count in February, 1861, was without any unusual incident. In 1865, after Mr. Lincoln's second election, the usual form of resolution for the House to meet in joint convention was adopted. Prior to the day of counting a joint resolution had been passed and sent to the President, declaring certain States therein named were in rebellion, and excluding them from the electoral college. Prior to this count also there had been passed what is known as the twenty-second joint rule. This rule has been rescinded long since. It has been agreed on all hands that this was a most dangerous one. Its extraordinary character was only tolerated by the abnormal condition of the Government while wrestling with a gigantic rebellion. After the elections of 1868 and 1872, respectively, the counts were made in a condition of affairs sui generis; while the proceedings indicated by the rescinded twenty-second joint rule were conducted, yet the count from the States allowed representation in the electoral college was made by the President the Seates. dent of the Senate. I shall not speak of the count of President Hayes. That was exceptional, and is fresh in public recollection.

THESE PRECEDENTS INDICATE PROPER COURSE.

Thus, sir, it is seen the history of the Government is resonant with examples of the method of procedure—no occasion for persistence in

pressing the pending measure.

It must be confessed that the change of our population from four millions, when the first presidential election was held, to fifty millions now suggests the propriety of meeting all contingencies of conflict in our political system, so that the machinery of government may be administered without friction.

PARTISAN MAJORITY UNSAFE WITH THIS MEASURE.

Much must be trusted to the people; but I would trust more to law than to the ipse dixit of partisan majorities. While I agree with the distinguished gentleman who has charge of this measure, and with many gentlemen who have participated in this debate, that some provision is necessary, I submit that it is unwise and dangerous to allow a partisan majority to declare, by a mere resolution, the manner and method of passing upon controverted questions re-lating to the electoral count, to try, in short, contested presidential elections.

the manner the Legislature of each State shall direct, it is to be taken as granted that the State Legislatures will perform their duties and make such direction as only qualified men shall be returned as electors.

I grant you this is a practical question, and it has been but re-echoed in the debate in this Forty-sixth Congress. I admit it is a difficult question to answer. And I should vote for a judicious law to provide for a method of determining this and kindred questions relating to our elections for President and Vice-President. This question, indeed, attaches to it the whole theory of the election for President and Vice-President.

JUDICIAL POWER SOMEWHERE.

I care not to refine about the propriety of allowing the presiding officer of the joint convention to exercise judicial power, either alone or in conjunction with the joint convention. I agree that a judicial power, a discretion upon some questions must be exercised by some tribunal at some stage of the electoral count. The Constitution seems to provide no method, except that "the President of the Senate shall, in the presence of the Senate and House of Representatives, one all the certificates and the votes shall then be counted." The open all the certificates and the votes shall then be counted." act of 1792, which is the only law we have upon the subject, defines the manner of certifying the lists and times for meeting, and this was an act almost contemporaneous with the adoption of the Constitution itself; and the unmistakable indications of the clauses of the tution itself; and the unmistakable indications of the clauses of the Constitution and the statutes seem to be that, in the absence of any other provision, the presiding officer himself shall exercise this judicial discretion and pass upon the regularity of the certified lists. But I will gladly vote for a law; and I have taken the trouble to draw up, in detail, not an original measure, but a proposition which in part at least has received the assent of the House. This question was before the United States Senetic the Local Control of the House. tion was before the United States Senate in the last Congress; and a bill which had been framed by the hand of the honorable Senator of Vermont [Mr. EDMUNDS] was then passed by the Senate. That bill was introduced into the Senate at the last session and referred bill was introduced into the Senate at the last session and referred to the Committee on the Electoral Count. While that is not in all respects the kind of measure I should desire, yet it is a proposition which contemplates the assent of both branches of Congress and of the Executive; and then its constitutionality may possibly be passed upon in collateral proceedings, which every lawyer can imagine may arise upon questions relating to the regularity of the count had under its provisions. If gentlemen on the other side having charge of this proposition will agree to accept as a substitute for the pending concurrent resolution this proposed law, I will give it my cheerful and most earnest support; and if it should receive the assent of ful and most earnest support; and if it should receive the assent of a majority of this chamber I doubt not it will be concurred in by a majority of the other, and can become a law prior to the formal declaration of the result upon the second Wednesday of February, the day provided by the act of 1792.

PASS A LAW.

Let us have a law regulating the count. Many gentlemen question our right to pass a law upon the subject. I realize that there is a want here. There seems to be a casus omissus. But gentlemen in the discharge of their duty here will properly take note of the clauses of the Constitution and try to construe them together. I find among the powers of Congress the power to make all laws necessary to execute the powers vested by the Constitution in any department or officer of the Government. Now, unquestionably, the power to open the returns is vested by the Constitution itself in the President of the Senate. If there is doubt as to the manner in which the vote should be counted and the result declared, the power of Congress to make all laws necessary to carry into effect any powers conferred under the Constitution is ample to justify a legal enactment. I find abundant warrant for this position in the early history of the Government. I hold in my hand what many gentlemen probably have in their desks or in their private libraries—the valuable compilation of proceedings in reference to electoral counts from 1787 to 1876, made by a committee of this House. I find that four several efforts were made by the Congresses immediately succeeding the first count for President to enact a law to regulate the counting of electoral votes. The very first time the matter was seriously questioned was in 1800; and there was then passed a law, which I have here, providing for trying contested elec-tions of President of the United States.

elections.

I grant you that Mr. Pinckney, in the debate which was had upon this subject in 1804, raised a peculiar question. And, singular to say, there is remarkable sympathy between his utterances on that occasion and some discussions I have heard here. Mr. Pinckney, of South Carolina, who had been a member of the constitutional convention, was then a member of the Senate, when it was sought to enact a law to regulate the matter of contested elections of President of the United States, the question being the power of Congress to do so. He declared thus:

But it is said is Congress bound to receive every vote of an elector, whether it is constitutionally given or not? Suppose votes are sent for a person not a citizen or not fourteen years a resident of the United States, or not thirty-five years of the electors, or that double returns are made. Who are then to decide? Or has not Congress under these circumstances the power to determine which of the votes of the electors, or that double returns are made. Who are then to decide? Or has not Congress under these circumstances the power to determine which of the votes shall be received or which rejected?

And proceeding he says:

These being the avowed reasons for introducing this bill, I answer them by observing that the Constitution having directed that electors shall be appointed in

edent which, I am bound to observe, requires me to vote for a judicious law which may be proposed here to settle this difficult question.

I repeat, I will oppose to the bitter end the passage of the proposed concurrent resolution. I think it vicious in its details. I think it a dangerous exercise of power, I care not how honest individual members of the respective bodies of Congress may be. If we are to have any provision now on this subject, let us have a law—a judicious enactment which will receive the assent of Congress and the Executive—two departments of the Government at least; and then the charge cannot be made that one department is trying to arrogate to itself powers belonging to the others. The power indeed of counting in or counting out a President of the United States overshadows all other powers relating to the different departments of the Government.

I will offer as a substitute for the pending proposition the bill which I hold in my hand; and shall vote for it. If it is defeated, I shall vote to the bitter end against the adoption of the proposition

which I hold in my hand; and shall vote for it. If it is detected, I shall vote to the bitter end against the adoption of the proposition lying on our tables, and which my good friend from Indiana is so persistently pressing upon the attention of the House.

Mr. FINLEY. Mr. Speaker, I shall trespass for only a brief time upon the patience of the House. I am very well aware that the House has become tired of this grave constitutional argument. I have not investigated this question to any great extent. I assure gentlemen on the other side that I shall not attempt to take part in the constitutional argument, because if I did I might subject myself to the same tutional argument, occase if I did I might subject myself to the same criticism that I heard made a short time since upon a gentleman who did speak upon this question. It was said of him that he had made a "great constitutional argument," when a gentleman remarked, "Yes, he is a great constitutional lawyer among sailors, and a great sailor among constitutional lawyers." I do not wish to lay myself open to a similar criticism.

I am at a loss, Mr. Speaker, to understand or to find the motive him that the statement of the same criticism.

which actuates our republican friends in their hostility to this measure. ure. If General Hancock had been elected President of the United states, or if the question were an open one, a doubtful one, I might understand why gentlemen should take the position they do. But there is no one disputing that General Garfield is elected President of the United States. There is no dispute about that. But gentlemen pretend to believe they think the democratic members of this House will question Mr. Garfield's election. Now, I will say to those centlemen that I have yet to hear the first man say anything to the gentlemen that I have yet to hear the first man say anything to the contrary of Mr. Garfield's election, or that he was not to be duly inaugurated. I have no doubt in the world if there were not a republican member in this House, or a republican Senator—if, on the contrary, every member of this House and every member of the Senate

trary, every member of this House and every member of the Senate were democrats—that on the 4th of March next Mr. Garfield would be inaugurated President of the United States.

I cannot, therefore, understand, Mr. Speaker, why it is that the republican party in this House has combined to defeat the passage of this resolution. It can only be on one ground. They may wish to make the President four years to come; they may wish to establish a precedent that will aid the republican party four years hence.

I am not very particular about the passage of this concurrent resolution. I think its adoption will not make a precedent that will bind a future Congress. I am not therefore strenuous in my support of

a future Congress. I am not, therefore, strenuous in my support of

the measure

What I have to say now I wish to say to my democratic colleagues on the floor of this House rather than to the House at large. I want to say to my democratic colleagues on the floor of this House that, if I am not misinformed—and I think I am not—the republican members of this House, in a joint cancus with the Senators, unanimously agreed to use every parliamentary means in their power to defeat the passage of this resolution. That means that they will fillbuster and not vote and break a quorum so as to prevent the passage of the resolution. The gentleman from Indiana [Mr. BICKNELL] has announced at the close of this debate he will call for the previous question. That will open the ball. The minority on that side of the House will commence their fillbustering tactics to prevent the passage of the resolution. We have got to meet that or back down; one or the other. What have we to gain and what have they to lose? Mr. Garfield is not our President until he is inaugurated. He is their candidate, and it is their candidate who is to be inaugurated, not ours. They proit is their candidate who is to be inaugurated, not ours. They propose, to the exclusion of all important business upon the Speaker's table, to the exclusion of business benefiting the whole country, to

table, to the exclusion of business benefiting the whole country, to which we should give our attention, they have resolved to fritter away the time of this House in opposition to this resolution, for what purpose God only knows, but they have resolved to do it. Now, we have to meet them with our eyes open.

On a number of occasions the democratic party, being in the majority, have taken positions on political questions, and they have been met by the opposition with filibustering. The opposition have filibustered, and we have adhered to our resolution for a short time, but we have invariably in the end abandoned our position and backed we have invariably in the end abandoned our position and backed down. We have made a laughing-stock of the democratic party. [Laughter and applause on the republican side of the House.]

I am going to speak plainly. I say to gentlemen on that side of the House that it was not because our cause was not just, but it was because of lack of backbone on this side of the House to stand up to what was right. This warfare is again about to begin. I am not particular about the passage of this resolution. I do not think it will effect much, but I am ready to go hand-in-glove with the gentleman

from Indiana in charge of it. If we begin this fight, I am ready to sit here until Gabriel blows his trumpet, or until the 4th of March, and to agree not another bit of business shall be done until we have action for or against the pending resolution. I say to my friends back down before you begin or stay until the end, and if by taking that position our republican friends fail to get their candidate inaugurated,

it will be through no fault of ours.

Let us look the matter fairly in the face. Let us not begin this to the exclusion of important business, unless we intend to stay to the end. That is all I have to say, and I address myself particularly to my colleagues on this side of the House. I, for one, have got tired of entering upon political questions which I believe to be right and then backing down in the end. It goes against the grain with me. I am willing to drop this measure so far as I am concerned. I think it makes but little difference. As I said before, Mr. Speaker, I do not believe the passage of this resolution can or will have any effect upon the next Congress. Neither do I believe the action of this Congress in counting the electoral vote after the passage of this resolution will make a precedent that will go for one fig in 1884. If gentletion will make a precedent that will go for one fig in 1884. If gentletion will make a precedent that will go for one ng in 1884. If gentlemen think differently, if they are resolved we shall pass or attempt to pass this measure on our side, then let us resolve that we shall stay here as long as gentlemen on the other side of the House, and that is all I desire to say on this subject.

Mr. DAVIS, of North Carolina. Mr. Speaker, I do not propose to enter into a discussion of the resolution which is the pending subject of debate. I desire, however, to say a few things in vindication of the truth of history, rendered necessary in my judgment by a remark made on Thursday last by the gentleman from Maine, [Mr. REED,] who, I regret, is not now in his seat.

I regret, is not now in his seat.

A MEMBER. Yes; he is coming into the Hall.

Mr. DAVIS, of North Carolina. I am glad to know he is present, because what I have to say relates to a remark made by him last week. As I said just now, I do not propose to discuss the resolution. I may, however, suggest that the anxiety which seems to be manifested in regard to it on the other side of the House may result from the inward consciousness that, inasmuch as a bad thing was done in 1876, by which the President of the United States was counted in by fraud and forgery, this side of the House may possibly commit a similar crime.

I can assure gentlemen on the other side that there is no such danger. This side of the House does not follow such wicked exam-

danger. This side of the House does not ronow such a well ples. It will not follow such a wicked example as that set for us by

the other side in 1876.

Now, sir, on Thursday last I put a question to the gentleman from New York [Mr. Lapham] to this effect: in 1876 there were two names to one of the certificates from the State of Louisiana that were forged. The Constitution makes it the duty of the Senate and House of Representatives to be present at least as witnesses, if nothing more, to the count of the presidential vote. Now, I asked the gentleman from New York this question: If some gentleman cognizant of the fact had announced that two of the names read by the Clerk to that certificate were forgeries would we be obliged to remain here and witness the count? The gentleman from New York was not aware that such a thing had ever occurred, but the gentleman from Maine [Mr. REED] denied very fully that any vote was counted which was a forgery. On the contrary, he said an examination of the case demonstrated to the committee of which Mr. Potter was the head that the forged certificates were not the ones that were counted. He said the certificates which contained the undoubted and unchallenged signatures were the ones that were counted by the electoral commission and afterward by the two House

Now, Mr. Speaker, there were three certificates from the State of Louisiana submitted to the electoral commission, the first of which was the original certificate containing the electoral vote, the gennine certificate as to the names and signatures, but a defective certificate in form; the second was the certificate of the democratic

tilicate in form; the second was the certificate of the democratic electors; the other was the third in the order in which they were submitted to the commission, and that centained the forged names of Levissee and Joffrion, two of the republican electors. This certificate was under the broad seal of Governor Kellogg.

The gentleman from Maine says that that was not counted. I propose to show before I get through that that was considered by the committee, was reported to the House, and was the vote actually counted. First, then, sir, in regard to that I will read from the report of the Potter committee, which the gentleman from Maine has said settles the fact that it was not counted. I will ask the Clerk to read what the fact that it was not counted. I will ask the Clerk to read what I have indicated from the report of the Potter committee.

The Clerk read as follows:

The Clerk read as follows:

Accordingly, before the electoral commission, Mr. Morton moved that the votes in certificate No. 1 (the objections to which, it will be observed, stated nothing as against the form of that certificate, and were doubtless drawn to apply to No. 3 and not to it) be counted, and limited his motion to certificate No. 1. And when, later, the record of the proceedings in Congress, and before the electoral commission came to be made up, this formally correct but forged certificate was in fact wholly suppressed, while a second copy of a genuine but defective certificate was inserted in its place; that is, the record declares that there was before the Congress, and by it referred to the commission, and there considered, the democratic certificate and the genuine but defective certificate of the republican electors, and no others, the latter in duplicate, once by the name of No. 1, and later in the name of No. 3, whereas it is altogether certain that this was not the fact, and altogether probable that the prints which were before the electoral commission were a print of the democratic certificate and two prints of the forged republican certificate, and of those alone; and that nothing whatever was considered or acted upon by the commission or Congress but these; and that instead of it being the fact, as

these records state, that Congress and the commission had before them two prints of the genuine but defective, and no other republican certificate, there was before them, and really considered by them, only two prints of the regular but forged—and of no other—republican certificate; and that neither Congress nor the commission ever had an epportunity to or did consider the defects of the genuine certificate at all.

Whether the genuine electoral certificate from Louisians was so fatally defective that its vote could not have been received or not, the parties in interest were entitled to the judgment of the commission upon this, and that judgment they never had. Instead the certificate which was passed upon of the votes for Hayes and Wheeler from Louisians was a certificate made after the law day when the electors were functi officia, and therefore of no validity. But were this otherwise it was still a forged certificate, whether of two or more electors is immaterial. As to two electors at least there never was before the commission for consideration any vote from Louisians at all; so that, absolutely, Mr. Hayes was counted into office at most upon 163 votes; and the declaration of his election is the result of this imposition upon the commission and Congress, or at least upon those members who were not informed upon the subject of the two forged votes attached to a list perfect in form. a tist perfect in form.

THE FORGERY KEPT SECRET.

So entirely secret was not only the forgery but the poet execution of the second set of electronal certificates kept, that except to certain republicans nothing was known of it until more than a year after the election. By accident the forgery of Levissee's name became known, and in the inquiry which followed we have only been able to learn what could be obtained from persons connected in some way with the forged certificates and open to suspicion of participation in or knowledge of that fraud. Of these persons Krilogo became Senator of the United States, Burch remained senator of Louisiana, Brewster surveyor-general, and Joseph captain of police. Conquest Clarke became first-class clerk in the Treasury Department; fill, storekeeper; and Anderson collector; and after this inquiry was begun and the forgery became known of the remaining persons naturally suspected of some connection with it Marks was made collector of internal revenue, Levissee special Treasury agent, and Sheldon counsel for Mr. Sherman. It is also significant that Howard, McKenney's deputy, was appointed to a place in the Post-Office Department on Senator Morton's recommendation. So long as kelly kept silence no provision was made for him; but so soon as it was known that his dissatisfaction with Mr. Hayes's action had made him speak he was conveyed to Washington by a Senate employé and cared for by friends unknown to the committee until he could testify that the forgeries were committed by a man who was dead.

Mr. CONGER. What is that which the gentleman has had read?

Mr. CONGER. What is that which the gentleman has had read? Whose opinion is it, or what authority is it, that he has cited? Mr. DAVIS, of North Carolina. It is the report of the Potter committee, which the gentleman from Maine has stated would show that the forged certificate was not counted.

Mr. REED. I never said the report would or would not show it. What I said was what the evidence showed or did not show; an entirely different matter.

tirely different matter.

Mr. DAVIS, of North Carolina. I propose, before I get through—
Mr. CONGER. I have asked the gentleman from North Carolina
what document it is he has read?

Mr. DAVIS, of North Carolina. It is the report of the Potter committee. I have stated that I propose to show, before I get through, that the names were forged. Then I propose to show from the report reported from the eight—the immortal eight—that they based their report upon both certificates, and that one of said certificates contained the forged names. Now, sir, perhaps the gentleman from Maine may take issue with me as to what forgery is. It may be that he and I do not see through the same spectacles. He was one of the Potter committee, and in the minority report signed by him, from which I now quote, in giving a narration of the facts, he says:

It appears that two of the electors were absent, and their names were signed by

It appears that two of the electors were absent, and their names were signed by some other person.

Now, the gentleman from Maine may not regard that as a forgery; but in view of the fact that when these names were signed the persons whose names were signed were away and not present, and the persons who signed them signed them without authority, we would call that down in my country "forgery." The gentleman from Maine calls it "spurious." That is a mild way of putting it. I know it is said sometimes that when a man is guilty of stealing thousands or tens of thousands he is a gentleman, and not a thief or a rogue. It is a breach of trust only; it is a matter of "irregularity" in his accounts. If he be a public officer as Belknap was, and is guilty of bribery and corruption in office, why he goes unpunished. But the little thief who steals a pig to satisfy the hunger of himself and his family is called a thief and a rogue and is sent to the penitentiary. It may be that if the scoundrel had forged these names to an order on a grocery store for a pound of meat he would have been called a forger and sent to the penitentiary; but when he commits a forgery forger and sent to the penitentiary; but when he commits a forgery that affects and determines the rights of forty or fifty millions of American people, it is only called "spurious;" in the elegant language of the report of the minority, it is only "spurious."

But, sir, the report of the majority says there was forgery. I am going to show that the forged votes were counted; but I cannot forego the opportunity to quote what Mr. Butler, who was one of the minority, said. He said this:

The counting in of Mr. Hayes was obtained by a series of gross and unjustifiable irregularities.

That is what he calls it, too, but he adds:

And frauds which cannot be too strongly condemned and reprobated.

In this the whole country ought to agree with him. Mr. CONGER. Will the gentleman allow me to ask him one question?

Mr. DAVIS, of North Carolina. Certainly. Mr. CONGER. The gentleman speaks of forgery as attached to the

certificates. Partly that I may understand exactly what he means I desire to ask him if the only charge of forged or spurious names or whatever they may be did not apply to the signatures of the outside

of the envelope certifying to the correctness of the return within?

Mr. DAVIS, of North Carolina. Oh, no. I say that the names
of Levissee and Joffrion, two of the electors, were forged and that Kellogg, the governor who certified their election, knew, as is shown

by the proof, that they were forged; that wherever they occur in certificate No. 3 they were forged.

Mr. CONGER. Does the gentleman say the names were forged in the body of the certificate or on the outside envelope?

Mr. DAVIS, of North Carolina. Wherever they were put—in the inside, on the outside, and wherever they occurred, eighteen times in all, on certificate No. 3—they were forged. [Applause on the democratic side.]

cratic side.]

Mr. CONGER. The gentlemen on the other side applaud because I have an answer to my question. I join in the applause; I have an

Mr. DAVIS, of North Carolina. I am glad the gentleman does join. Perhaps if he had known they were forgeries he would have raised a point of order and had them ruled out, for the gentleman is good on points of order.

Mr. CONGER. Thank you.

Mr. DAVIS, of North Carolina. What I proposed to show when I started out was this: Certificate No. I was genuine in its signature, but defective in its substance and in its form. That certificate was sent up here to Mr. FERRY, as the proof shows, and it was rejected and sent back; and another was gotten up on the 29th of December, but dated 6th December, and to that the names of Levissee and Joffrion, two of the electors, were forged; and that is regular in form but

forged in fact.

Now what I say is this: the proofs show that both the certificates 1 and 3 were considered together by the commission, and were accepted and acted upon by the immortal eight. How do I show this? In the first place

Mr. Commissioner HOAR submitted the following order: "Ordered, That the evidence offered be not received."

That is, the evidence to go behind the returns; not because these were forgeries, for I am to show that these forgeries were known only to Kellogg and certain other republicans. The democrats did not know of them. Then—

Mr. Commissioner Abbott offered the following as a substitute for the proposed

order:
"Resolved, That evidence will be received to show that so much of the act of Louisiana establishing a returning board for that State is unconstitutional, and the acts of said returning board are void."

That was voted down, the persons voting for it being Messrs. Abbott, Bayard, Clifford, Field, Hunton, Payne, Thurman; while those who voted in the negative were Messrs. Bradley, Edmunds, Frelinghuysen, Garfield, HOAR, Miller, Morton, and Strong-the immortal eight again. Then-

Mr. Commissioner Abbott offered the following as a substitute:
"Resolved, That evidence will be received to show that the returning board of Louisians at the time of canvassing and compiling the vote of that State at the last election in that State was not legally constituted under the law establishing it, in this, that it was composed of four persons all of one political party, instead of five persons of different political parties, as required by the law establishing said board."

That was voted down, the immortal eight again voting "no" while those who voted in the affirmative were Messrs. Abbott, Bayard, Clifford, Field, Hunton, Payne, and Thurman. Then—

Mr. Commissioner Abbott offered the following as a substitute: "Resolved, That the commission will receive testimony on the subject of the frauds alleged in the specifications of the counsel for the objectors to certificates Nos. 1 and 3."

That was voted down, the immortal eight again voting "no."

Mr. Commissioner Abbott offered the following as a substitute:
"Resolved, That testimony tending to show that the so-called returning board of
Louisiana had no jurisdiction to canvass the votes for electors of President and
Vice-President is admissible."

And that was voted down by the same vote. Again:

And that was voted down by the same vote. Again:

Mr. Commissioner Abbott offered the following as a substitute:

"Resolved. That evidence is admissible that the statements and affidavits purporting to have been made and forwarded to said returning board in pursuance of the provisions of section 26 of the election law of 1872, alleging riot, tunult, intimidation and violence, at or near certain polls and in certain parishes, were falsely fabricated and forged by certain disreputable persons under the direction and with the knowledge of said returning board, and that said returning board. Knowing said statements and affidavits to be false and forged, and that none of the said statements or affidavits were made in the manner or form or within the time required by law, did knowingly, willfully, and fraudulently fail and refuse to canvass or compile more than ten thousand votes lawfully cast, as is shown by the statements of votes of the commissioners of election."

That was voted down by the eight. Then-

Mr. Commissioner Hunton offered the following as a substitute:

"Resolved, That evidence be received to prove that the votes cast and given at said election on the 7th of November last, for the election of electors as shown by the returns made by the commissioners of election from the several poils or voting places in said State, have never been compiled or canvassed, and that the said returning board never even pretended to compile or canvass the returns made by said commissioners of election, but that the said returning board only pretended to canvass the returns made by said supervisors."

And that was voted down by the eight. Again-

Mr. Commissioner Bayard offered the following as a substitute:
"Recoved, That no person holding an office of trust or profit under the United States is eligible to be appointed an elector, and that this commission will receive evidence tending to prove such ineligibility as offered by connsel for objectors to certificates 1 and 3."

That is, the certificate No. 1, which was genuine in point of signatures but defective in point of form, and the forged certificate No. 3. That was voted down, the same gentlemen voting "no" and the

Mr. Commissioner Field offered the following as a substitute:
"Resolved, That in the opinion of the commission evidence is admissible upon the several matters which counsel for the objectors to certificates Nos. 1 and 3 effered to prove."

And that was voted down by the same vote. Thus all attempt to And that was voted down by the same vote. Thus all attempt to get at the truth, all attempt to expose fraud and forgery were evaded and then the question came (Mr. Morton's resolution) as to the count, and there is where the gentleman from Maine gets his authority for saying that only the genuine names were counted. It must be remembered that the names in No. 1 and No. 3 were the same and it will be seen hereafter that both certificates, No. 1 and No. 3, were submitted by the cight to Congress. No democrat knew of the forgeries in No. 2

Mr. Commissioner Morton offered the following:
"Resolved, That the persons named as electors in certificate No. 1 were the lawful electors of the State of Louisiana, and that their votes are the votes provided by the Constitution of the United States, and should be counted for President and Vice-President."

That was the motion of Mr. Morton. Now, there was no discussion as to the forgery of the names of Levissee and Joffrion, because no democrat knew it. No one on our side knew it. That persons on the other side knew it the proof is very conclusive, overwhelming indeed. It was known to all of the six who did sign, or the five, because it is alleged as to one of the six that he too had his name forged. It was known to them that Levissee and Joffrion were not present and did not sign the certificates.

But I am now going to close this branch of the discussion and to clinch the nail by referring to the report made to both Houses of Congress by the immortal eight, signed by

Sam. F. Miller, W. Strong, Joseph P. Bradley, Geo. F. Edmunds, O. P. Morton, Fred'k T. Frelinghuysen, James A. Garfield, George F. Hoar.

This reports sets forth-

That the votes of William P. Kellogg, J. Henri Burch, Peter Joseph, Lionel A. Sheldon, Morris Marks, Aaron B. Levissee—

One of the men whose names were forged-

Orlando H. Brewster, and Oscar Joffrion-

Another man whose name was forged-

named in the certificate of William P. Kellogg, governor of said State, which votes are certified by said persons, as appears by the certificates submitted to the commission as aforesaid, and marked Nos. 1 and 3 by said commission, and herewith returned, are the votes provided for by the Constitution of the United States, and that the same are lawfully to be counted as therein certified, namely, eight (8) votes for Rutherford B. Hayes, of the State of Ohio, for President, and eight (8) votes for William A. Wheeler, of New York, for Vice-President.

for Rutherford B. Hayes, of the State of Ohio, for President, and eight (8) votes for William A. Wheeler, of New York, for Vice-President.

There is the report, Mr. Speaker, of the immortal eight, showing that when they reported to the two Houses they based their report upon certificates Nos. 1 and 3, No. 3 containing the forgeries.

It may be that No. 3 was not forged; but the gentleman from Maine says that two of the names were signed by persons not authorized to sign them; or rather were signed by other persons, and the proof shows that they were signed by persons not authorized, because the persons whose names were signed were not present. Now it will be conceded that two of these names were forged. I was surprised to hear that anybody doubted that. The gentleman from Maine [Mr. Reed] cannot doubt it, because he is one of the minority of the Potter Committee reporting that fact.

Now, there is some confusion with regard to the publication of the history made up. The minority report says that the only error that occurred was that by mistake the report contained duplicates of the second or spurious set of certificates instead of copies of both sets. But the report of Messrs. Morton, Miller, Strong, Bradley, Edmunds, Garfield, Hoar, and Frelinghuysen shows conclusively that they did consider both the certificates. Why, sir, some republican gentlemen can mix up falsehood and forgery and fraud together so elegantly that they cannot separate them when the printer comes to make up the history of the facts.

Mr. REED. I am pained to hear this matter opened again: but I

tory of the facts.

Mr. REED. I am pained to hear this matter opened again; but I suppose the democratic party has got into a condition upon the subject which may be regarded as chronic. Time seems not to be able to assuage their grief; on the contrary, time but seems to make it

grow.

The attitude which they have assumed for the last four years reminds me very much of a dog that I once owned. After going out into the street and getting a complete and thorough thrashing from a bigger and worthier dog he used to come into the house and lay down upon the hearth, and then with one paw rub one damaged ear and growl, and with the other paw rub the other ear and growl, and then he would rub his scarred and unhappy nose and growl, and feel bad generally. [Laughter.] Now, I am in hopes that time, after a sufficient lapse of it, may cure them as it has cured him.

Mr. UPDEGRAFF, of Ohio. The dog is cured now?

Mr. REED. He is dead. [Great laughter.] Now, in what I have to say I pass by the infinite courage of a set of men fresh from the recent election, the closing scenes of which were dignified by a thing which was not only a forgery, but spurious as well, coming in here and bringing up a four-year-old difficulty, one which they themselves have never dead to fee since in any onen field.

and bringing up a four-year-old difficulty, one which they themselves have never dared to face since in any open field.

If the democratic party in its inmost heart ever believed in the charge of fraud in connection with the election of 1876, they ought to have been zealous upon the side that you were on, Mr. Speaker, and ought to have presented to the people for vindication Samuel J. Tilden, the ablest and the keenest man that belongs to their party; and I say that after having had some experience thereof. [Laughter.]

There never was a baser thing in the history of this or any other country than the fraud lamentation, which has been revived so elequently and so melodiously by the gentleman from North Carolina, [Mr. DAVIS.] It was born in sin and conceived in iniquity. The very class of men who spread the charges abroad before the country have

[Mr. Davis.] It was born in sin and conceived in iniquity. The very class of men who spread the charges abroad before the country have been proved in the face and eyes of the world to have been themselves men who were attempting to bribe the citizens whom they afterward and contemporaneously slandered.

And the people of this country, after deliberately listening to the testimony which was brought up before the committee which was created for the purpose of proving a fraud, have become entirely satisfied that the only fraud and the only scoundrelism were to be found in the cipher despatches and their attendent history. And it is as useless for the gentleman from North Carolina [Mr. Davis] as it is for any other man to endeavor to revive that issue before the

American people.

It is astonishing that men who have themselves declined in the face of the world to assume the responsibility of nominating the man who they say was deprived of the Presidency should continue to bring before the people of this country that old and false accusation. These men started out with the declaration that the votes of three States of this Union were counted for R. B. Hayes fraudulently and improperly. So far as South Carolina was concerned they have abandoned their accusation officially, by one of their own committees. So far as Florida is concerned, I have just a few words to say. When the returning-board of that State met—and it was a returning-board which one of their own witnesses, General Barlow, declared to be pure in purpose, in action, and in intention—when that board got together it proceeded to act under the law as laid down by the democratic attorney-general of Florida, who was a member of the board. Under that law they declared that the Hayes electors had 900 majority. When the supreme court of that State passed upon the gubernatorial question, an entirely separate one, they laid down principles of law contradictory of those which the democratic attorney-general had sanctioned. The board again met together and canvassed the votes upon that basis, and the result was 200 majority for the Hayes electors. of this Union were counted for R. B. Hayes fraudulently and impropors

After the new year came in, the democrats, for the purpose of crethere he we year came in, the democratic, for the purpose of creating a wrong impression, constituted a partisan board to go over that again; and that partisan board, out of a vote of forty thousand, found a majority of twenty-seven for the democratic party. And yet these gentlemen talk about fraud there.

I have seen hoperable gentlemen on the other side whose distinguishing the content of th

I have seen honorable gentlemen on the other side, whose distinguished character I bow down to every day, vote to thrust out of this House a republican member who had received four thousand majority. And I never dreamed that any of them were bribed or bought. I thought that party feeling might account for that.

Then, when you come to Louisiana, these gentlemen have always said that the votes in the ballot-boxes were those which ought to be counted. Now, you cannot always tell a house from a brick; but you can always tell something of the material of which the house is built by inspecting a portion of it. I had occasion to investigate one parish; and I want to call the attention of the House to certain facts. I want gentlemen to draw their own inferences. I will not draw one, nor will I state a fact that either side can deny or dispute. In the parish of East Feliciana, in the State of Louisiana, in the

year between 1874 and 1876, there were fourteen persons murdered; and that fact no man doubts. No man can dispute it. The democrats say that it was on account of cotton-seed stealing and personal diffisay that it was on account of cotton-seed stealing and personal diffi-culties; the republicans say that these murders were political. On those two points men differ; but here are the other facts, equally undis-puted: first, every man who was killed was a republican; second, cotton-seed stealing and murder simultaneously ceased on election day; third, in 1874 that parish cast 1,600 republican votes against 800 democratic—two to one; and in 1876, after these murders had taken place, there were 1,700 registered democratic votes, 400 unregistered, and one for Rutherford B. Hayes.

Mr. DAVIS, of North Carolina. Will the gentleman allow me to

Mr. DAVIS, of North Carolina. Will the gentleman allow me to ask just here a question which is entirely germane?

Mr. REED. I will in a moment; the gentleman will excuse me

Now, if any man lives who says that that vote ought to be counted, with those facts undisputed, he must have a different idea of Ameri-

can institutions from any which I have.

Mr. WARNER. Ought it to have been counted for Nicholls?

Mr. REED. I say further that the returning-board of Louisiana had a right, under the law of that State, to throw out that parish; and

they did throw it out. I leave gentlemen to draw the inference as

I now come to the immediate subject which has provoked this dis-

Mr. FINLEY. Will the gentleman allow me one question?
Mr. REED. I will listen to the gentleman.
Mr. FINLEY. I do not wish to interrupt the gentleman.
Mr. REED. Well, it does very much interrupt me. If I be allowed

Mr. REED. Well, it does very much interrupt me. If I be allowed to finish, I will be happy then to answer any question.

Mr. FINLEY. I would like the gentleman to explain one thing. He speaks about occurrences between 1874 and 1876 in Louisiana. Is it not a fact that a committee of this House made a report, in which Mr. Foster and Mr. Phelps, both republicans, joined, that in 1874 the election in Louisiana was free and fair; that there had been no intimidation? And did they not in that report say substantially. that all the fraud that had been committed was committed on the

republican side?

Mr. REED. I answer very distinctly, that was the very year when the republican vote in that parish was two to one as compared with the democratic vote. I think it very possible that that may have been a fair election. Now, having embalmed that fly in the liquid

amber of my discourse, I wish to proceed. [Laughter.]
I heard the gentleman from North Carolina [Mr. DAVIS] several days ago announce to this House (or I thought I heard him) that certain forged votes were counted, which rendered the election of Mr. Hayes invalid; but the debate swept on before I had an opportunity to verify my impression. Afterward, however, I heard him repeat the statement; and thereupon, having some knowledge of the facts. I ventured to state what was the truth—a truth which he has facts, I ventured to state what was the truth—a truth which he has not disturbed in the slightest degree. Now, let me state to this House what were the facts with regard to those certificates. There was one set of certificates from Louisiana having separate lists of the votes for Vice-President on one page, and there was another set which had separate lists upon separate pages. The democratic party contended that certificate No. 1, as I will call it, was incomplete, and therefore should not be counted. As to certificate No. 2, we found (and I think the testimony proves it) that two of the names on that certificate, made subsequently, were forged. I do not use the term in a technical sense; and I suppose the reason why the minority of the committee used the term "spurious," which seems rather gentle to democratic ears, was because they were thinking of the technical meaning of terms. meaning of terms.

Now, when this question came up, Senator Morton, who was a member of the electoral commission, moved that certificate No. I should be the one reported by the electoral commission to the two Houses. Thereupon "the immortal eight"—to whom my friend from North Carolina renders such deserved tribute—"the immortal eight" voted that this certificate should be reported to the two Houses. Accord-

ingly it was reported and was counted.

Certificate No. 1 contained the true vote of Louisiana and contained the true signatures of all its electors. In fact and in law there was not the slightest occasion for the second certificate. first certificate was perfectly good under the Constitution and under the laws, and was so decided by the vote of the electoral commis-

How has the mistake arisen on the part of the gentleman from North Carolina? Simply in this way. In the report of the electoral commission's action, which is bound up in a separate volume, the clerk who had charge of the preparation of it went to the present clerk of the Supreme Court, then or lately clerk of the commission appointed by its president, Judge Clifford, and asked him to give him copies of the various certificates which were printed for the use of the commission. When the commission got through, these certificates were placed in packets separately, as the clerk of the commission supposed, but instead of that some two of the packets contained the same, and the result was the first and second certificates are printed identically and are the same in the book which gives a record of this thing and which was published under the auspices of Congress. So thing and which was published under the auspices of Congress. So that one of the certificates does not appear at all. There can be no question about the honesty or integrity or fair-mindedness of the clerk of the commission. It was simply one of those mistakes which

are sometimes made in compiling books.

I repeat what I have said, Mr. Speaker, that the votes which were actually counted under the motion of Senator Morton were the true votes of the State of Louisiana and were the certificates of votes which were signed by the electors themselves.

I shall now be happy to answer the question of the gentleman from

North Carolina.

Mr. DAVIS, of North Carolina. Mr. Speaker, I do not desire to enter into a debate upon the general iniquity that attended the elections in Louisiana and Florida. In that I am sure the gentleman from Maine would have a decided advantage of me, as he certainly has in point of melodious voice. [Laughter.] In those two respects I am sure I should never attempt to compete with him.

But the point at issue between the gentleman and myself is this:
whether two names were forged to one of the Louisiana certificates,
and whether they were reported to the House and sent to the Commission and acted on and reported back by the commission. I have
had the record read, and the record shows that Nos. 1 and 3 (No. 3

being the one which contained the forged names) were before the commission, were considered, and acted on.

The gentleman has had a great deal to say about Louisiana. There is one curious fact, that in Louisiana and Florida the same votes cast could make a democratic governor and a republican President. [Laughter and applause.] Sir, there is something about this, I confess, which ought not to be stirred because a stench comes up from it which should nauseate every honest man in the land. But I propose, Mr. Speaker, to call attention now to one other fact.

I said in my former remarks that some gentlemen were cognizant of these forgeries. I propose to read from the report of the Potter committee, and it is verified by the testimony of Kellogg.

By the way, Mr. Speaker, let me observe just here, there were about seventy or seventy-five men connected in various ways with the vil-lainies that attended the electoral count of Louisiana, and nearly every one of them has been rewarded with a good fat office, higher or lower. Every one of them, I believe, with one exception. Every one of them occupies some official position. Some of them were known to have been engaged in these forgeries and frauds. They have been rewarded, and this fact of forgery never would have come out but for the further fact that one Kelley, who was doorkeeper and knew these things, seeing that all the other men (four of them called "villains" by Mr. CARPENTER) were rewarded, thought he was entitled to reward to and because they would not sightly a sellection. ward too, and because they would not give him an office he exposed the forgery eighteen menths after it had occurred. But for the refusal to give Kelley a good fat office there never would have been any knowledge of the fact at all outside of certain republican leaders. There never would have been any knowledge that there had been a forgery, except among republicans.

But what does Kellogg say. I will read from the report of his testi-

mony as given by the Potter committee. I read from their report:

Beyond this it is to be observed that while Kellogg knew of the forgery, and took great care to prevent the fact getting out, he yet let the republican managers know that there was something wrong about the second set of certificates, and as there was nothing wrong on their face, that wrong must have been in their execution. He says he told Morton that the second set was made after the law day, and must not be depended upon, and that the first set was all right, and to stand on that. But the "leading friends in Washington," who had declared on the 25th of December that the certificates first made on the law day were defective, and that separate ones must be prepared, knew as soon as they saw the second set that they were antedated. Kellogg's statement could not, therefore, have been meant to give Morton that information. But in whatever form given, whether by a word, a shrug, a look, or an inflection of the voice, even if Kellogg went no further, it would have served to give that astate manager to understand that while the new certificates were important for the commission to consider, it would never do let them stand in the record, nor leave it to be thereafter discovered that the presidential election depended upon them.

Now Mr. Speaker, I represe law the action of the other side all

Now, Mr. Speaker, I repeat, by the action of the other side all attempts to expose these frauds were evaded. The eight—the immortal eight—refused to allow it to be proved before the commission that fraud, corruption, and bribery existed in obtaining the certifi-cates from Louisiana. They refused to permit it to be shown that under the laws of the United States and the Constitution of the United States there were electors there who were not eligible and who had no right to vote. These facts stand out, and the gentleman from Maine can never meet them. The men who committed these forgeries are indorsed by his party.

I have nothing to say in defense or palliation of fraud. If there has been any on the democratic side, the difference between the gentleman from Maine and myself is this, that I always denounced Certainly the democratic party is not skilled in it-it has never

profited by it.

Men guilty of fraud anywhere ought to be punished, and no defense or quasi-defense for these iniquities can stand when the truth is brought to bear upon them. The public ought to visit the political knave with the same condemnation and scorn that it would inflict upon any other knave. No code of political morals ought to be recognized or tolerated by the public, if it be in conflict with virtue, and truth, and justice. Some men in a great political party which has had control of the country for many years seem to have acted upon a different view.

Mr. SPRINGER rose.

Mr. BAYNE. I move that the House do now adjourn.

ORDER OF BUSINESS.

The SPEAKER. The Chair takes the liberty of presenting, by consent, certain executive documents which he thinks should be referred to the appropriate committees at this time.

SAWYER'S CANISTER-SHOT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the value of Sawyer's canister-shot.

Mr. MORSE. Mr. Speaker, I think that should go to the Commit-

Mr. Morist. Mr. Speaker, I think that should go to the Committee on Appropriations.

The SPEAKER. The Chair thinks it properly goes to the Committee on Military Affairs.

Mr. BLOUNT. I object to its being committed to the Committee on Appropriations, as it refers to nothing which that committee has cognizance of.

Mr. MORSE. I think differently from the Chair. I think it ought

The SPEAKER. The communication will be read.

The communication was read at length.

The SPEAKER. The Chair thinks it is evident on the face of it that this looks to legislation. The Committee on Appropriations are specially prohibited by Rule XXI, third clause, from making appropriations except in obedience to law. This proposition looks to legislation or the passage of a bill granting payment for what seems to be a claim. The Chair therefore thought properly that it should go to the Committee on Military Affairs or else to the Committee on Claims; but certainly it should not go to the Committee on Appropriations, for that committee is debarred by the absolute language of the rule from making an appropriation except in obedience to law. This provides for the making of a law to meet a certain case, and therefore cannot belong to the Committee on Appropriations.

Mr. SMITH, of Pennsylvania. I think it should go to the Com-

mittee on Claims.

Mr. MORSE. If it does not belong to the Committee on Appropriations, as it is in reference to a patent, it seems to me that it

priations, as it is in reference to a patent, it seems to me that it should properly go to the Committee on Patents.

Mr. BLOUNT. There is no trouble about the patent. That has been already granted. The party is not satisfied with the amount of pay, and wants an additional sum of money.

Mr. SMITH, of Pennsylvania. I move that it be referred to the Committee on Claims.

Mr. SPARKS. I think that is where it should go.

The motion was agreed to; and accordingly the letter was referred to the Committee on Claims.

IMPROVEMENT OF SCITUATE HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the improvement of Scituate Harbor; which was referred to the Committee on Com-

CLAIMS UNDER ACT OF JULY 4, 1864.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting estimates for fees for settling claims under the act of July 4, 1864; which was referred to the Committee on War Claims.

ACCOUNTS OF DISBURSING OFFICERS, UNITED STATES ARMY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report of investigation of accounts of disbursing officers, to accompany the annual report of the Inspector-General for the year 1880; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

PRIVATE LAND CLAIMS, NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting reports of the surveyor-general on private land claims in the Territory of New Mexico; which was referred to the Committee on Private Land Claims.

ICE-HARBOR, SAINT LOUIS, MISSOURI.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to a proposed ice-harbor at Saint Louis, Missouri; which was referred to the Committee on

REPORT TO ACCOMPANY FORTIFICATION BILL.

Mr. BAKER, by unanimous consent, submitted a report from the Committee on Appropriations, to accompany the fortification appropriation bill; which was ordered to be printed, and recommitted to the committee.

LEAVE OF ABSENCE.

Leave of absence was granted, by unanimous consent-To Mr. LAPHAM, of New York, for two weeks from this day, on account of important business; and To Mr. Davis, of Missouri, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. SPARKS. I demand the regular order. The SPEAKER. The regular order is the motion to adjourn. The motion was agreed to; and accordingly (at four o'clock and fifty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ACKLEN: The petition of John Williams, of the parish of Assumption, Louisiana, for compensation for property taken from him by United States officials in 1864 and 1865—to the Committee on War Claims.

By Mr. BERRY: Two petitions of citizens of California, for the restoration of lands embraced in the military reservations of Forts Redding and Crook to the public domain—to the Committee on Military Affairs.

By Mr. BOUCK: The petition of George W. Newman, for pay as an officer in the United States Army—to the same committee.

By Mr. BRIGGS: The petition of the Amoskeag and other manufacturing corporations in New Hampshire, for the passage of a gen-

ral bankrupt law—to the Committee on the Judiciary.

Also, the petitions of G. M. Merrill and 37 others, of Warren; of
Emory Howard and 12 others, of Westmoreland; of S. B. Thompson
and 16 others, of Sunipe; of Elihu B. Wilson and 26 others, of Nashua;
of George Tilden and 38 others, of Marlborough, New Hampshire, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs

By Mr. BUCKNER: A bill to improve the navigation of the Mississippi River at Louisiana, Missouri-to the Committee on Com-

Also, a bill to improve the harbor and landing at Saint Charles,

Missouri-to the same committee.

By Mr. CAMP: The petition of George W. Fowler and 38 others, of Alton, New Jersey, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. COFFROTH: Memorial of the Masonic Mutual Relief Asso-

ciation of the District of Columbia, for the amendment of their char-

ter—to the Committee on the District of Columbia.

By Mr. CRAPO: The petition of W. Katon and 65 others, citizens of Attleborough, Massachusetts, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—
to the Committee on Military Affairs.

By Mr. DE LA MATYR: The petition of Sylvester Slayter and 70
others, citizens of Goodland, Indiana, of similar import—to the same

By Mr. FIELD: The petition of C. G. Atwood and 18 others, of Edward W. Kinsley Post, No. 113, G. A. R., Department of Massachusetts, for the passage of Senate bill No. 496, with its amendment, relating to invalid pensions—to the Committee on Invalid Pensions.

By Mr. FORSYTHE: The petition of George W. West, for a pensions of the same committee.

By Mr. FORSYTHE: The petition of George W. West, for a pension—to the same committee.

By Mr. HAMMOND, of New York: The petitions of Nathaniel Wells and 49 others, of Crown Point; of Ebenezer Cobb and 65 others, of Schroon Lake; of John McCartey and 38 others, of Crown Point; of A. J. Damik and 40 others, of West Point; of Silas Roscoe and 133 others, of Plattsburgh; of William McCoy and 38 others, of Ellenburgh; of Joseph Burl and 36 others, of Altona; of John Rodney and 32 others, of Champlain; of Peter F. Burdick and 100 others, of Saranae; of James Armstrong and 37 others, of Wesley Adsit and 38 others, and of Charles Curtis and 10 others, of Moovers; of Ebenezer Peck and 24 others, of Saranae; of James Montey and 30 others, and of D. F. Rolin and 38 others, of Altona; of Jacob Clark and 40 others, of Charlotte Barnaby and 35 others, and of Mrs. and 38 others, of Altona; of Jacob Clark and 40 others, of Elijah Godell and 35 others, of Charlotte Barnaby and 38 others, and of Mrs. Martha Amos and 65 others, of Ellenburgh; of Samuel Muzey and 100 others, of Lewis; of Ransom Hayes, of Willsborough; of Edgar Julay and others, of Stoney Creek; of A. Edmons and 78 others, and of Thomas Smith and 99 others, of Keene; of Sol. Soshagrah and 39 others, of Champlain; of H. Walker and 28 others, and of I. Ostrander and 34 others, of Plattsburgh; of Ethan Cline and 32 others, of Cadyville; of Briggs Soper and others, of Penn; of Arnold Mitchell and 42 others, of Chazy, New York, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

Also, a bill for the surveying of the harbor of Port Henry, on Lake

to the Committee on Military Affairs.

Also, a bill for the surveying of the harbor of Port Henry, on Lake Champlain, New York, for the purpose of the construction of a break-water—to the Committee on Commerce.

By Mr. HEILMAN: The petition of the president and secretary of the Evansville, Cairo and Memphis Packet Company, the president of the Evansville and Tennessee River Packet Company, and 157 masters, mates, pilots, and engineers of vessels piying on the Ohio River, for the passage of the bill to increase the efficiency of the marine-hospital service—to the same committee.

By Mr. HILL: The patition of 20 citizens of Van West Country.

By Mr. HILL: The petition of 30 citizens of Van Wert County, Ohio, late members of the Forty-sixth Regiment Ohio Volunteers, for a court of inquiry in the case of T. Worthington—to the Committee on Military Affairs.

By Mr. HUBBELL: The petitions of John R. Bailey and others, of By Mr. HUBBELL: The petitions of John R. Bailey and others, of Detroit and Bay City, Michigan; Toledo, Cleveland, and Sandusky, Ohio; Chicago, Illinois; Luddington, Saint Joe, Escanaba, and Grand Haven, Michigan; and Port Clinton, Huron, Put in Bay, Middle Bass, and Kelly Island, Ohio, asking Congress to impose a duty on fresh fish caught in Canadian waters and imported into the United States—to the Committee on Ways and Means.

By Mr. JOYCE: The petitions of C. H. Toune and 16 others, of Woodstock; of Theodore Denno and 10 others, of Mount Holly; of Henry A. Tobey and 7 others, of Witingham; of Amasa Thompson and 6 others, of Mount Tabor; of Ira Nicholson and 35 others, of Paulet, Vermont, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

on Military Affairs.

By Mr. KING: A bill making appropriation for improvement of harbor of Vidalia, Louisiana—to the Committee on Commerce.

Also, a bill making appropriation for the improvement of the Onachita River, Louisiana—to the same committee.

Also, a bill making an appropriation for the improvement of the mouth of the Red River, in the State of Louisiana—to the same committee.

Also, a bill making an appropriation for the improvement of the Mississippi River, at Delta Point, Louisiana—to the same committee.

Also, a bill making an appropriation for the improvement of the Red River, in the State of Louisiana—to the same committee.

By Mr. McCOID: A bill for the improvement of the Mississippi

River and the removal of obstructions therefrom, by confining water in the channel so as to wash out muddy accumulations along Muscatine Island in said river—to the Committee on Levees and Im-

Muscatine Island in said river—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. McMAHON: The petition of Henry Hoeflinger, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Samuel A. Meek and 829 others, for the passage of an act granting one hundred and sixty acres of land to honerably discharged soldiers of the late war—to the Committee on the Public Lands.

By Mr. MITCHELL: The petition of A. T. Barden, postmaster at Eldred, Pennsylvania, for the passage of a law to reimburse him for loss of property of the United States sustained by robbery of his

office-to the Committee on Claims.

By Mr. MONEY: The petition of citizens of Mississippi, for the transfer of Attala, Noxubee, and Winston Counties from the northern to the southern judicial district of Mississippi—to the Committee on the Judiciar

on the Judiciary.

By Mr. NICHOLLS: A bill to appropriate the sum of \$50,000 to continue the improvement of the navigation of the Chattahoochee River, in the State of Georgia—to the Committee on Commerce.

By Mr. O'CONNOR: A bill making an appropriation for the construction of a ship-canal across Charleston Neck, for the improvement of Charleston Harbor—to the same committee.

By Mr. PHILIPS: A bill to provide for continuing the improvement of the harbor of the city of Lexington, on the Missouri River-to the same committee.

Also, a bill to provide for the continuance of the improvement of the Osage River, in Missouri and Kansas—to the same committee.

By Mr. ROBINSON: The petitions of Charles D. Askey and 36 oth-

ers, and of Newton Whitman and 34 others, of Hinsdale, Massachusetts, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Mili-

By Mr. SAMFORD: A bill for continuing the improvement of the Choctawhatchie River in the States of Alabama and Florida—to the

Committee on Commerce.

Mr. J. W. SINGLETON: The petition of Louis Mangle, Alex. H. Pitman, and others, for the passage of Senate bill No. 496, for the adjustment of pension claims—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Amelia Burnham, for arrears of pension—to

the Committee on Invalid Pensions.

My Mr. STEPHENS: The petition of J. J. Hyman, of Riddleville, and other citizens of Washington and Johnson Counties, Georgia, for the extension of the post-route between Davisborough and Beding to Wrightsville, Georgia—to the Committee on the Post-Office and Post-

Roads.

By Mr. STEVENSON: The petition of H. A. Bennett, for the repeal of the stamp tax on proprietary medicines and perfumery—to the Committee on Ways and Means.

By Mr. THOMAS TURNER: A bill appropriating money for the improvement of the Big Sandy, Kentucky, and Cumberland Rivers, in the State of Kentucky—to the Committee on Commerce.

By Mr. TYLER: The petitions of Payton R. Huntington and 54 others, of Chelsea; of Horace L. Willey and 25 others, of Topsham; and of Thomas W. Dickey and 52 others, of Topsham, Vermont, that soldiers of the late war discharged on account of disease be granted the same bounty as those discharged for wounds—to the Committee on Military Affairs.

on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of Orland Baker and others, citizens of Columbiana County, Ohio, for the amendment of the patent laws—to the Committee on Patents.

By Mr. VANCE: The petition of Mrs. M. M. Chambers, postmaster at Morgantown, North Carolina, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. VOORHIS: The petition of Luke McNeil, of Passaic County, New Jersey, that he be granted an honorable discharge from the Army—
to the Committee on Military Affairs.

By Mr. WHITTHORNE: A bill to establish a post-route from Lo-

retto to Saint Joseph, in Lawrence County, Tennessee-to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: The petition of Theodore Schwartz, of Louisville, Kentucky, for compensation for wood furnished for the use of the Army—to the Committee on War Claims.

Also, the petition of Cornwall & Brother, for the passage of the bill to regulate commerce among the States—to the Committee on

By Mr. WISE: A bill to appropriate \$50,000 for the improvement of the Youghiogheny River with locks and dams—to the Committee

IN SENATE.

TUESDAY, December 14, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. JAMES T. FARLEY, a Senator from the State of California, appeared in his seat to-day

The Journal of yesterday's proceedings was read and approved.

JOINT COMMITTEE ON PRINTING.

The VICE-PRESIDENT appointed, pursuant to the provisions of the Revised Statutes of the United States, Mr. Whyte, Mr. Ransom, and Mr. Anthony as members on the part of the Senate of the Joint Committee on Public Printing.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1879, a communication from the Chief of Engineers, United States Army, relative to examinations and surveys made under his direction; which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, submitting a project of Captain O. H. Ernst, Corps of Engineers, for the application of the appropriation of \$50,000 for an ice-harbor at Saint Louis, Missouri, made by act of June 14, 1880; which was referred to the Committee on Commerce.

He also laid before the Senate a letter from the Secretary of War, transmitting a report from the Quartermaster-General of the Army, respecting claims pending in his office on account of the act of July 4, 1864, and acts amendatory thereof; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. COCKRELL presented the petition of J. H. Fillmore and others, midshipmen United States Navy, praying to have a defined rank in the service; which was referred to the Committee on Naval Affairs.

Mr. HARRIS presented the petitions of John Keithley, John Brickley, and M. Frederick, citizens of the District of Columbia, praying for compensation on account of damages caused by changes of the grade of streets; which were referred to the Committee on the District of Columbia.

Mr. HOAR presented the petition of the Atlantic Cotton Mills, of Lawrence, Massachusetts, and the Indian Orchard Mills, of Springfield, Massachusetts, manufacturers of worsted and woolen textiles, praying for the early enactment of a national bankrupt law; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company through the United States Cometery tract of land near Vicksburgh, Mississippi, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 196) authorizing the removal of tobacco in process of manufacture, reported adversely thereon; and the bill

was postponed indefinitely.

BILLS INTRODUCED.

Mr. EDMUNDS. I am requested, and cheerfully comply with the request, to ask leave to introduce a bill, the title of which may not be altogether unfamiliar to the Senate, for reviving and continuing the court of commissioners of Alabama claims, &c., which I ask may be referred to the Committee on the Judiciary.

By unanimous consent, leave was granted to introduce a bill (S. No. 1903) for reviving and continuing the court of commissioners of Alabama claims, and authorizing the adjudication and payment of certain other claims upon the fund created by section 15 of chapter 459 of the laws of the Forty-third Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ROLLINS asked, and by manimous consent obtained, leave to introduce a bill (8. No. 1904) for the relief of Captain Egbert Thompson, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLATT asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1905) changing the name of the First National Bank of West Meriden, in the county of New Haven and State of Connecticut; which was read twice by its title, and referred to the Committee on Finance.

Mr. BECK asked, and by unanimous consent obtained, leave to in-

was read twice by its title, and referred to the Committee on Finance.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1907) in regard to a monumental column to commemorate the battle of Monmouth; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILLIAMS I desire to introduce a bill and in view of the

Mr. WILLIAMS. I desire to introduce a bill, and in view of the importance of the subject embraced in the bill I ask the Senate to allow it to be printed and lie upon the table with a view of my call-

ing it up at some early day and submitting some remarks upon it to the Senate.

By unanimous consent, leave was granted to introduce a bill (S. No. 1908) to prevent the introduction and dissemination of epizootics or communicable diseases of domestic animals in the United States;

ommunicable diseases of domestic animals in the United States; which was read twice by its title.

The VICE-PRESIDENT. The bill will lie on the table subject to the call of the Senator from Kentucky.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1909) to amend the act of March 3, 1877, granting a pension to Esther P. Fox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1910) for the relief of John A. Hart; which was read twice by its title, and referred to the Committee on Mili-

was read twice by its title, and referred to the Committee on Military Affairs.

FITZ-JOHN PORTER.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of War be directed to furnish at once the correspondence between General J. M. Schofield and Major A. B. Gardner in regard to the board of officers inquiring into the case of Fitz-John Porter.

TELEGRAPH SERVICE.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on Post-Offices and Post-Roads be instructed to inquire whether or not the existing telegraphic lines largely interfere with the business of the Post-Office Department, and whether telegraph service should not be placed exclusively in the hands of the General Government.

CONDEMNED SENATE FURNITURE.

Mr. BRUCE. I offer the following resolution:

Resolved, That the Sergeant-at Arms be, and he hereby is, authorized and directed to deliver to the National Association for the Relief of Colored Women and Children for its use such articles of furniture as may be condemned as no longer fit for the use of the Senate.

I presume there will be no objection to this resolution, and I ask for its immediate consideration. Mr. DAVIS, of West Virginia. I do not know that there is any bjection to it, but being a member of a committee that probably has something to say about such matters and that ought to look after them, and that committee having a meeting to-morrow morning. I think the resolution had better lie over. I shall be glad to con-

verse with the Senator on the subject.

Mr. BRUCE. I have no objection to that, of course.

The VICE-PRESIDENT. The resolution will lie over.

Mr. DAVIS, of West Virginia. I say to the Senator that I shall be glad to see him and talk to him on the subject.

WILLIAM SELDEN.

Mr. WITHERS. I move that the bill (S. No. 1476) for the relief of the heirs of William Selden, late United States marshal for the Dis-trict of Columbia, be indefinitely postponed. It stands on the Calendar inadvertently. It was reported from the Committee on Claims, and the claim was subsequently provided for in the sundry civil appropriation bill.

The motion was agreed to.

HENRY M. RECTOR.

If it be in order I should like to move to re-Mr. McDONALD. commit to the Committee on Public Lands the bill (S. No. 1064) for the relief of Henry M. Rector.

Mr. EDMUNDS. If that relates to the Hot Springs business, the subject has been committed now for about a year to the Committee

on Private Land Claims.

Mr. McDONALD. Not this bill.

Mr. EDMUNDS. No, not this particular bill, but if it relates to the matter of Rector's claim to the Arkansas Hot Springs tract, or some part of it, that matter has been referred to our committee, and we have

part of it, that matter has been referred to our committee, and we have heard arguments upon the subject, and have them now under consideration in the Committee on Private Land Claims. I am perfectly willing myself to have the Committee on Private Land Claims discharged and let the Committee on Public Lands take the whole affair.

Mr. McDONALD. This bill came from the Committee on Public Lands, and is now on the Calendar. On account of some changes that have taken place since it was reported it has become necessary that it should be reconsidered by the Committee on Public Lands. For that reason I have moved to recommit the bill to the Committee on Public Lands. on Public Lands.

on Public Lands.

Mr. EDMUNDS. What I am trying to get at is, whether the substance of the bill embraces the claim of Rector and his assignees to the Hot Springs tract in Arkansas.

Mr. GARLAND. Mr. President—

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Arkansas?

Mr. EDMUNDS. With pleasure.

Mr. GARLAND. I will state, for the information of the Senator from Vermont, that this is a different proceeding altogether. The bill to which the Senator from Indiana refers relates entirely to the relief of Rector as to entries that he has made under the commission organized under the act of March 3, 1877. The bill to which the Sena-

tor from Vermont refers as being before the Committee on Private Land Claims is in reference to the entire claim of Rector under the New Madrid grant, which has been virtually ruled out by the finding of the commissioners. Rector has proceeded to make entries under the finding of the commission, and this bill is for his relief as to them.

Mr. EDMUNDS. It does not touch the Hot Springs question?
Mr. GARLAND. It does not touch the Hot Springs question at all.
Mr. EDMUNDS. Then there is no double work about it?

Mr. GARLAND. No, sir.

Mr. EDMUNDS. I hope my friend from Indiana does not understand that I am opposed to the Committee on Public Lands considering that subject. I only thought it was not necessary for two committees to be struggling to do the entire work at the same time.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Indiana, that the bill be recommitted to the Committee on Public Lands? The Chair hears none, and it is so ordered.

GEOLOGICAL SURVEY.

Mr. DAVIS, of West Virginia. I desire to give notice that after the disposal of the regular order, the Fitz-John Porter case, I shall ask the Senate to take up House joint resolution No. 116, relating to the Geological Survey, which I hope to get up to-morrow morning directly after the regular morning business.

SENATOR FROM LOUISIANA.

Mr. SAULSBURY. I desire to give notice that on Thursday next, or at some early day thereafter, I shall ask the Senate to take up and consider the resolution reported from the Committee on Privileges and Elections relating to the election of Senator from the State of Louisiana.

Mr. HOAR. I desire to call the attention of the Senator from Delaware to the fact that that resolution has been rendered totally inoperative by the death of Mr. Spofford, and that the Senate has referred to the Committee on Privileges and Elections the credentials of a person claiming to have been appointed as his successor under the claim on the part of the governor of Louisiana that a vacancy exists. The Committee on Privileges and Elections have not dealt with that subject; the chairman has called no meeting of the committee for that purpose; and I insist that it is the duty of that committee to inform the Senate what it proposes to do under these circumstances before calling up the resolution.

Mr. SAULSBURY. I desire to say in reply to the Senater from Massachusetts that it will be remembered that there were two resolutions reported from the Committee on Privileges and Elections, one relating to the seat now held by the sitting member, the other declaring that that seat belonged to a different person. There is now on the Calento the Committee on Privileges and Elections the credentials of a

that seat belonged to a different person. There is now on the Calendar a resolution which applies simply and exclusively to the right of the sitting member to the seat. I propose simply to take up and con-sider that resolution. I have not called a meeting of the committee for the purpose of considering the credentials of Mr. Manning, which

for the purpose of considering the credentials of Mr. Manning, which were referred to that committee a few days ago, because there was standing upon the Calendar another resolution relating to the right of the present sitting Senator from Louisiana to a seat.

Mr. HOAR. The resolution reported by the committee, making the final disposition of that case, was a resolution declaring who is entitled to the seat. The other resolution, declaring that somebody else is not entitled, is a mere incident. Now the person so declared by that committee entitled to the seat is dead. Therefore the committee have indicated to the Senate no final disposition of the subject whatever and they ask now to take up a mere incidental resolution, although the Senate has expressly ordered them to deal with the question of the credentials presented the other day signed by the governor of Louisiana, without dealing with which there can be no overnor of Louisians, without dealing with which there can be no disposition of this subject whatever. Now, does the Senator from Delaware claim that he is obeying the order of the Senate or dealing properly with a great subject by undertaking to take up an incidental and preliminary resolution and shrinking from the main question. The Senate unanimously required of the Committee on Privileges and Elections its opinion as to the title of Mr. Manning, whose credentials have been referred to it to this cent.

have been referred to it, to this seat.

Mr. SAULSBURY. I am very thankful to the Senator from Massachusetts for any suggestions in reference to the duty of the chairman of the Committee on Privileges and Elections; but while I find upon the Calendar resolutions reported from that committee, I feel at perfect liberty to call those resolutions up, even though the Committee on Privileges and Elections have not had a meeting at the present session. Those resolutions have been reported from the committee and stand upon the Calendar of the Senate. I simply desire to call them up and have the action of the Senate upon them. At the proper time I can assure the Senator from Massachusetts the credentials of Mr. Manning referred to us will receive proper consideration at the

Mr. Manning referred to us will receive proper consideration at the hands of the committee.

Mr. HOAR. I desire to ask the honorable Senator if he expects to ask the action of the Senate on that grave subject on the day, or the day but one, before the Christmas holidays, when, as everybody knows, the Senate is always thin, for many members are absent from their seats? It seems to me that not only is the notice in the parliamentary condition of the Senate, its manner, not a proper one, but that the time is one which the Senator from Delaware on reflection will not think he ought to fix.

Mr. SAULSBURY. I desire to say in reply to the Senator from

Massachusetts that my only purpose this morning was to give notice, that nobody might be taken by surprise, of my intention on Thursday next, or at an early day thereafter, as I stated this morning, to call up this resolution. I may not be able to get it up on Thursday next, I may not get it up before the Christmas holiday recess, if next, I may not get it up before the Christmas holiday recess, if there should be any recess over the Christmas holidays, of which I have no knowledge. I know what has been the custom of the Senate, but I do not know what will be the present disposition of the Senate in reference to taking any recess at the Christmas holidays. But my object this morning was simply to announce to the Senate that on Thursday next or an early day thereafter I should call up the resolution standing upon the Calendar, and I have done that in order that the Senator from Massachusetts and other gentlemen might not be taken by surprise. It would have been in perfect order this morning to have asked the Senate to take up the resolution to day morning to have asked the Senate to take up the resolution to-day, but I did not want to call up a resolution of this character without having first announced to the Senate my intention of doing so at an

I think the criticism of the Senator from Massachusetts in reference to the course of the chairman of the Committee on Privileges and Elections wholly unwarranted by anything that has transpired.
As I before remarked, I am always thankful to that Senator for any instruction as to the course which I am to pursue as chairman of that

committee; still I shall not feel myself bound at all times to act in accordance with the suggestions of the Senator from Massachusetts.

Mr. EDMUNDS. I should like the attention of the Senator from Delaware for a moment in respect of the notice that he gave, for the purpose of asking him if he has any objection to making that notice for the first day of the meeting of the Senate after the holidays, or the second day, immediately after the meeting of Congress after the holidays, with the expectation on all sides that we shall devote ourselves to the subject until it is disposed of? My reason for making that suggestion is the well-observed fact that the Senate is not by any means full, and gentlemen who have already expressed their opinions on the subject and whose opinions are known in respect of this most important subject are not now present and are not likely to be here until the regular meeting for business after the Christmas holidays. It is a question of so great importance, not to the sitting member merely—that is the smallest part of it, but in respect of the principles it involves which will cut in a great many directions, but of course I will not go into that—it is so important to all sides of the Senate that it should be settled upon sound, firm principles, that I am sure the Senator from Delaware would agree that the Senate ought to be as full as possible on the occasion of the final disposition of this matter upon its merits. I suggest to him, therefore, whether it would not equally meet his views to have it taken up immediately on the meeting of the Senate after the holidays, with the expectation on all sides that we shall devote ourselves to a fair and careful consideration of

it, and settle it upon its merits with a full Senate.

Mr. SAULSBURY. I will say in reply to the suggestions of the Senator from Vermont that I have not acted entirely in accordance with my own wishes in this matter; I have not acted without some consultation with members of the committee of which I am chairman. I did not have the opportunity yesterday to consult the Senator from Massachusetts but I did confer with another Senator on that side as to my purpose. I will, however, let the notice stand as it is. If upon consultation with the committee of which I am chairman

they shall consent to the suggestion of the Senator from Vermont, I shall personally have no objection.

Mr. EDMUNDS. That will be the fair thing.

Mr. SAULSBURY. I do not want to act on my own individual responsibility. I simply desire to give notice this morning that on Thursday next or some early day thereafter I shall call up the resolution and ask the Senate to consider it.

Mr. BLAINE. In that convection it wight be well to have the

Mr. BLAINE. In that connection it might be well to have the question of a holiday recess understood, for I have seen it announced in some public newspapers that there was to be no Christmas holiday recess this year. I think the distinguished Senator from Kentucky, [Mr. Beck,] whose eye is on important public business, has given it out that there shall be no vacation of Congress for what are ordinarily called the Christmas holidays. Therefore it might expedite and arrange matters if we could have that question definitely understood. Of course the question as to whether we shall have a recess or not will entirely rest with the other side of the Chamber.

Mr. BECK. Mr. President, the Senator from Maine has called attention to some utterances of mine in regard to a holiday recess. I did not then pretend to speak for the Senate nor for any member of it except myself. At the time some newspaper friend asked me what my views and feelings were in that regard. I said then, and I repeat now, that I shall endeavor as far as my vote will have any influence to ask the Senate to sit during the so-called holidays, not on Christ-Mr. BLAINE. In that connection it might be well to have the

now, that I shall endeavor as far as my vote will have any influence to ask the Senate to sit during the so-called holidays, not on Christmas Day nor New Year's Day—I believe they each come on Saturday and Congress can have those days for enjoyment and Sunday to rest after the exhaustion of them—but I shall endeavor, if I can accomplish it by my vote, to sit all the rest of the working days of this session. We have only some sixty or seventy working days before this Congress expires. We have an important refunding bill involving many millions, five or six hundred million perhaps, and effecting a reduction of the interest we have to pay to the amount of from tense to twelve million a year; we have the census bill to dispose of; we

have all the appropriation bills; we have very important questions relating to our navigation laws and tariff taxation that ought to be considered, and I am very much indisposed that any public business should remain unfinished on the 4th of March. I have supposed that should remain unninshed on the 4th of March. I have supposed that none of us desire an extra session of Congress, and therefore I desire that there should be no excuse for having an extra session, or any political excitement, before the regular meeting in December, believing that the business of the country will be better promoted during the summer not to have Congress in session before the regular time. Whether anybody agrees with me or not upon all or any of these questions I do not know. My attention having been called to what I said in the country. I have stated in substance here. I feel now what I said in the country, I have stated in substance how I feel now, and the way I shall endeavor to vote when these propositions are brought up.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. I desire to give notice that on Thursday of this week I shall call up and ask the Senate to take action upon the bill (S. No. 231) for the relief of Ben Holladay.

EDUCATIONAL FUND.

Mr. BURNSIDE. Some days ago I gave notice that to-day after the morning hour I should ask the Senate to proceed to the consid-eration of the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public educa-tion, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education. Of course I shall not ask to displace the Fitz-John Porter bill now before the Senate, but upon its conclusion I shall ask that Senate bill No. 133 be considered.

TELEPHONE COMPANIES.

Mr. HARRIS. I ask the Senate to proceed to the consideration of the bill (S. No. 1618) to amend section 553 of the Revised Statutes, relating to the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 553 of the Revised Statutes, relating to the District of Columbia, by inserting the word "telephone" after the word "transportation;" so as to read as follows:

SEC. 533. Any three or more persons who desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, telephone, or marketing business in the District, or savings-bank therein, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of recorder of deeds, a certificate in writing, in which shall be stated, &c.

The bill was reported from the Committee on the District of Columbia with an amendment to strike out the second and third sections, as follows:

SEC. 2. That the provisions of the remainder of the said section, and the remainder of the sections of the said Revised Statutes up to and including section 593, shall continue in force and apply to all companies formed under the provisions of this act and of the statutes of which it is amendatory.

SEC. 3. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

ELLA LONG.

Mr. EDMUNDS. I ask the Senate, if it is in order, to proceed to the consideration of the bill (S. No. 1376) for the relief of Ella Long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. By its provisions all the right, title, and interest of the United States in and to the real estate situate, being, and lying in the city of Washington, District of Columbia, known and designated on the public plat or plan of the city as lot numbered 3, in square numbered 530, is granted and conveyed to Ella Long, illegitimate child of Daniel Long, deceased, her heirs and assigns, forever. Mr. EDMUNDS.

Mr. EDMUNDS. Since this bill was reported from the Committee on the Judiciary, Ella Long has intermarried with a Mr. Carroll. I therefore move in line 9 to strike out the word "Long" and insert the words "Carroll, formerly Ella Long," so as to conform it to her present condition.

The amendment was agreed to.

Mr. EDMUNDS. I will state to the Senate, as this bill appears to convey the property of the United States, what the case is. This person was the illegitimate daughter of one Daniel Long, and she had an illegitimate brother, also of the same father. Her father in his life-time made a deed of trust to her brother for her and for this brother as well, and the conveyance to the brother of another piece of property in order to make provision for these children. Then he died; then the brother died, and both being illegitimate of course this young person could not inherit from her illegitimate brother. The title to the property, therefore, has escheated in point of law to the United States. The object of this bill is to get rid of this escheat in order that she may enjoy the property.

The bill was reported to the Senate as amended, and the amendment was concurred in

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the relief of Ella Carroll.

HARRY I. TODD.

Mr. KERNAN. I ask permission to call up Senate bill No. 1628.
By unanimous consent, the bill (S. No. 1628) for the relief of Harry
J. Todd, late keeper of the Kentucky penitentiary, was considered as
in Committee of the Whole. It proposes to allow Harry I. Todd, late
keeper of the Kentucky penitentiary, to institute and prosecute an
action in the Court of Claims against the United States for the recovery of the amount of internal-revenue taxes alleged to have been covery of the amount of internal-revenue taxes alleged to have been improperly collected from him, between the years 1863 and 1868, as the duly elected and qualified keeper of the penitentiary, on manufactured articles produced at the institution by convict labor alone, and on account of other operations of the institution by him under the laws of the State of Kentucky; and to authorize the Court of Claims to hear and determine the cause and render judgment therein according to the right of the profiles with an appeal to the Supreme Court ing to the rights of the parties, with an appeal to the Supreme Court.

The bill was reported from the Committee on Finance with amend-

ments. The first amendment was, in section 1, line 3, to strike out "J" and insert "I;" so as to read, "Harry I. Todd."

The amendment was agreed to.

The next amendment was, in section 1, line 15, before the word "rights" to insert the word "legal;" so as to read:

The said Court of Claims is hereby authorized to hear and determine said cause, and render judgment therein according to the legal rights of the parties.

Mr. EDMUNDS. Is there a report on this claim?

Mr. KERNAN. There is a report giving an outline of the facts.

Mr. EDMUNDS. I should like to have it read.

The Chief Clerk read the following report, submitted by Mr. KER-NAN June 1, 1880:

The Committee on Finance, to whom was referred the bill (S. No. 1628) for the relief of Harry J. Todd, late keeper of the Kentucky penitentiary, have had the same under consideration, and submit the following report:
Harry I. Todd was duly elected by the General Assembly of Kentucky keeper of the State penitentiary, and held that position from March 9, 1863, until March 1,

the State pentientiary, and neid that position from Marca 9, 1905, until Marca 1, 1871.

He was elected under, and his duties, liabilities, and rights were prescribed by, chapter 922, enacted in 1862, and chapter 2045, enacted in 1867, of the laws of that

State.

He received no compensation except such profits as he might make in selling the articles manufactured by the labor of the convicts, over and above their support, the cost of materials, &c., and certain sums which he was required to pay into the treasury of the State by the laws under which he was elected.

Chapter 922 of the laws of Kentucky declares:

"The keeper of the penitentiary shall hold his office for four years.

"If the keeper of the penitentiary fall or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the governor shall have full power, and it shall be his duty, to remove him forthwith.

"In the event of the death or removal from office of the keeper of the penitentiary, the governor, secretary of state, and auditor shall make a contract with a suitable person to take charge of the penitentiary according to the provisions of this act until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified."

These sections and various sections of chapter 2045, Laws of Kentucky, 1867, describe the keeper as an officer subject to the control of the State. He was required to and gave a bond as an officer to perform the duties of his office as required by law. As keeper of the penitentiary he was required by the statute to keep the convicts at labor, and for this purpose the State furnished buildings, machinery, &c., for the manufacture of certain articles, among them bagging, wagons, chairs, &c. While in the performance of his duties as keeper from 1863 to 1869 he was called upon by the United States internal-revenue officials to pay taxes on articles manufactured by the convicts and sold by him. The taxes were paid under protest, and a claim for refunding the amount paid was duly made to the Internal Revenue Bureau. The papers submitted showed beyond a doubt that the articles were made exclusively by convict labor, and on being presented to the law officer of the Treasury, Hon. W. H. Smith, solicitor, the claim was allowed, July 27, 1879; but the Commissioner thereupon submitted the case to C. P. James, and on his opinion the claim was rejected.

the Commissioner thereupon submitted the case to Cr.
the claim was rejected.
The present Commissioner of Internal Revenue declines to reopen the case under
the rules of the Department that a case once decided by a former Commissioner
cannot be reopened by a succeeding Commissioner, unless in certain contingencies
which the Commissioner does not think exist in the present case.
The amounts of the taxes exacted by the United States officials and paid into the
United States Treasury are as follows:

Statement of taxes assessed and paid.

 For 1863-'64. For manufacturing and sales of bagging and chairs and tax for slaughtering animals to feed convicts.
 \$3, 320 25

 1865. Same, and manufacturer's license for each employment
 6, 691 64

 1866. Same
 17, 751 99

 1867. Same
 4, 481 00

 4868. Same
 3, 761 69

Your committee are of the opinion that whether Mr. Todd was liable to pay any part or all of the sums exacted is a question which should be decided by the courts. The committee therefore report back the accompanying bill, with an amendment, and authorizing Mr. Todd to institute an action against the United States in the Court of Claims to recover the amount of said internal-revenue taxes alleged to have been improperly collected from him, and recommend its passage.

Mr. MORRILL. I do not know that there can be any serious objection to submitting a question of this kind to the decision of the jection to submitting a question of this kind to the decision of the judiciary, provided the point in the case is properly presented. I am not quite satisfied that the phraseology of the bill really presents the full case to the Court of Claims. It struck me at the time this bill was considered by the committee that this Mr. Todd had received the full benefit of the tax in the increased price of the products made and sold by him, and that the State was in point of fact in no sense interested in the matter, but it was solely and exclusively a matter that belonged to Mr. Todd.

If this question could be fairly presented to the court I think there could be no objection to the measure, but I am not quite satisfied that the phraseology of the bill brings up the point in the case, and the real point is that this man was the manufacturer himself, taking the rest point is that this man was the manufacturer himself, taking the risk and benefit of loss or profit in the business, and so far as the tax was concerned it raised the price of these products all over the country, and as a matter of course raised the price of the manufactures that were produced and sold by him. Under the circumstances it seems to me that the phraseology of the bill ought to be such as would bring out this point clearly before the court.

Mr. KERNAN. We carefully considered in the committee the whole

The papers that were before the Department were submitted to the committee. Of course we cannot present the whole argument to the court by a bill which shall indicate clearly and distinctly what each item was paid for. Of course the officers of the Government will look to that matter. We simply authorize the party to prosecute an action in the Court of Claims against the United States to recover an action in the Court of Claims against the United States to recover the amount of internal-revenue tax alleged to have been improperly collected from him between the years 1863 and 1868. The very papers sent to us from the Treasury present the whole case. We find on the back of the papers that when first presented the Solicitor of the Department thought the tax should be refunded, and such an order was about to be made. Afterward the Internal Revenue Bureau employed other counsel outside who came to a different conclusion. We had both their expensions before you are applied to the results of the counsel of the c had both their conclusions before us, and surely this bill will present the exact case. Anything that will make it plainer I have no objection to. The bill is to test the question whether the money which this man paid on various items, as appears by the Treasury papers, which he paid under protest, ought to be refunded. I think the bill

which he paid under protest, ought to be retunded. I think the bill protects the Government perfectly.

Mr. MORRILL. Let me put one question to the Senator from New York. I suppose he understands that this question will be decided upon the point as to whether the State of Kentucky was the manufacturer. If it should be established that Kentucky was the manufacturer, ought the State to be relieved from the tax? Might not such a principle as that, if adopted, lead to the manufacture of along Incturer, ought the State to be relieved from the tax? Might not such a principle as that, if adopted, lead to the manufacture of alcohol and spirits by States wholly exempt from any tax?

Mr. KERNAN. Allow me to answer—

The VICE-PRESIDENT. The morning hour has expired.

Mr. KERNAN. I hope the Senate will allow a vote. I am sure not much time will be wanted.

The VICE-PRESIDENT.

The VICE-PRESIDENT. If there be no objection, the bill will be continued. The Chair hears none.

Mr. KERNAN. The sole question of law which will be presented will be, as the Senator says, whether this man was acting as a mere officer of the State, and whether he comes within the protection of the decision which says a State shall not be taxed. That will arise on the very facts that come up, of course. In making the claim the party must bring his suit and make the allegation that will bring him within the rule of law and establish it, or he cannot recover.

Mr. BECK. Lonky desire to say that my recollection is that I took.

him within the rule of law and establish it, or he cannot recover.

Mr. BECK. I only desire to say that my recollection is that I took the bill, after it was printed, to the Commissioner of Internal Revenue and presented to the Department fully and fairly the object of it.

Mr. EDMUNDS. I should like to ask the Senator from New York if this tax was illegally exacted, in the time of it why the person who paid it did not bring a suit to recover it back then as people do in other similar cases both as to customs and internal-revenue taxation?

Mr. KERNAN. As I understand, the claimant followed the law by paying under protest and by presenting his application to the Department. The Department held it under consideration and finally decided against him, they being authorized in certain cases to refund, but thinking that this case did not come within the provision. Therefore, a law is necessary to send him to the court.

Mr. EDMUNDS. The refusal to refund, if I correctly understand the dates, was within the statute of limitations, the six years within which the party could sue; and there is not any law in this country, and I hope there never will be, which prevents a citizen from suing an officer of the law for exacting money from him illegally. My atan officer of the law for exacting money from him illegally. My attention is called to it from the circumstance that I remember, at the last session particularly and generally before that time, that the Committee on the Judiciary which has a variety of applications to bring suits like this to recover back money supposed to have been illegally exacted or money in the Treasury that ought not to be there when the statute of limitations has run, invariably has refused to do it, on the ground that the statutes of limitation are statutes of general policy founded upon justice, in respect of getting evidence on both sides while witnesses are living and the facts are fresh. I need not go over the ground; everybody understands it.

Now it appears that after sixteen years, when the precise nature of these transactions may not be capable of explanation—or they may; I do not know—when evidence which might have been produced in the time of it in a suit at law regularly brought is gone, Congress is asked to interpose and remove the statute of limitations and authorize asked to interpose and remove the statute of inflictations and attablate a suit to be brought in the Court of Claims. I do not think that laws of that kind are of good policy. It appears to me that they are injurious to the public interest and do not generally work justice to individuals. They work injustice to every tax-payer, and allow in most instances unjust claims to be wriggled through the courts, as well as elsewhere. The evidence of the payment of the tax of course is always at hand. The evidence for the defense very often is entirely gone. I do not say that that is this precise case; I am only talking of the general principle. So I think, Mr. President, before we set this precedent of reopening to everybody who is now barred by the statutes of limitations a right to sue for the collection of a tax illegally exacted, a right to appeal to the Court of Claims, (for we must be consistent and uniform, it appears to me,) we ought to consider carefully. We ought not to take such a step in a hurry; and if it is not disagreeable to the Senator from New York, in order that we may think of it further, I would ask him to let the bill go over that we may take

or it further, I would ask him to let the bill go over that we may take up the regular order. I believe I have the right to do that.

Mr. KERNAN. I am quite willing the bill should lie over if I may be allowed to call it up at a proper time. I agree entirely with the general principle stated by the Senator from Vermont as to statutes of limitation; but this is a case where the application was pending before the Commissioner of Internal Revenue, and when a new head came in he would not reopen the case, and hence the necessity of a law of Congress to enable the party to go to court and get a judicial

construction of his rights.

The VICE-PRESIDENT. The Senate proceeds to the consideration of the unfinished business of yesterday.

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States volunteers and colonel of the Army, the pending question being on the amendment proposed by Mr. Randolph to strike out the preamble and all after the enacting clause and in lieu thereof to insert:

That Fitz-John Porter be, and he is hereby, relieved from the disability of disfranchisement and incapacity to hold office as imposed by sentence of court-martial of January 19, 1863, and the President is hereby authorized, in his discretion, to reinstate to the Army the said Fitz-John Porter, who was dismissed by said sentence: Provided, however, That such reinstatement shall give no higher rank than colonel on the retired list: And provided further, That said Porter shall receive no pay, compensation, or allowance for the time intervening between his dismissal and his restoration.

Mr. DAWES. Mr. President, is it in order to offer a substitute for this amendment?

The VICE-PRESIDENT. It is.

Mr. DAWES. I move to strike out all after the first word "That," in the matter to be inserted, and in lieu thereof to insert:

The President is hereby authorized within eighteen months from the passage of this act, in his discretion, by and with the advice and consent of the Senate, to appoint to the Army Fitz-John Porter, who was dismissed by sentence of court-martial January 19, 1863: Provided, however, That such appointment shall give no higher rank than colonel on the retired list: And provided further. That said Porter shall receive no pay, compensation, or allowance for the time intervening between his dismissal and such appointment.

Mr. RANDOLPH. Mr. President, I have no doubt, and I have at no time had any doubt, of the power of Congress to pass just such a bill as was introduced by me, together with the amendment which I

Mr. HOAR. The Senator from New Jersey will permit me to say to him that he is not heard on this side of the Chamber.

Mr. RANDOLPH. I was saying to the Senate that I have had no doubt, and I entertain none now, of the power of Congress to pass just such an amendment to the original bill as that introduced by me yesterday; but I desire to come to a speedy vote and to remove every possible obstacle not vital in character, and obtain thereby all the votes that may be had. The main object of the bill is to place General Porter on the retired list of the Army, and this amendment of the Senator from Massachusetts being in harmony with this purpose, I shall accept it.

The VICE-PRESIDENT. The Senator may do so by unanimous

consent, the yeas and nays having been ordered on his original amend-

Mr. DAWES. Before the Senator accepts it I desire to be entirely frank with him, and say that I do not know that I shall vote for the bill, nor do I know that I shall vote against it, if this amendment be bill, hor do I know that I shall vote against it, it this amendment be adopted. I shall hold myself entirely free to act upon the final vote as if I had not offered this amendment. I offer it on the parliamentary principle that it is every man's duty to improve as well as he may any pending measure. Still I do not mean to intimate that I should vote against the bill if it were thus amended. I hold myself at liberty in that regard, notwithstanding the acceptance of

myself at liberty in that regard, notwithstanding the acceptance of my amendment by the Senator from New Jersey.

Mr. RANDOLPH. I did not misunderstand the Senator from Massachusetts, and I did not consider him at all committed by the presentation of the amendment. My object in accepting the amendment is to avoid, if practicable, a repetition of the lengthy debate we had yesterday upon questions of constitutional law over, as it were, the body of this old soldier. My idea is to avoid all difficulties that can practicably be put out of the way so as to reach the desired end; that is, the placing of General Porter on the retired list of the Army.

Mr. LOGAN. I ask for the reading of the amendment. I did not hear it.

hear it.

The VICE-PRESIDENT. The amendment will be again read.

The Chief Clerk read as follows:

That the President is hereby authorized within eighteen months from the passage of this act, in his discretion, by and with the advice and consent of the Senate, to appoint to the Army Fitz-John Porter, who was dismissed by sentence of court-martial January 19, 1863: Provided, however, That such appointment shall give

no higher rank than colonel on the retired list: And provided further. That said Porter shall receive no pay, compensation, or allowance for the time intervening be-tween his dismissal and such appointment.

Mr. LOGAN. I want to understand the full scope and meaning of Mr. LOGAN. I want to understand the full scope and meaning or that. I understand it is that the President may appoint Fitz-John Porter to the retired list, by and with the advice and consent of the Senate—not into the Army, but to the retired list.

Mr. DAWES. The Senator is so much better posted in military affairs than myself that if he says it has that effect of course it is so. Mr. LOGAN. That is my understanding of it.

Mr. DAWES. And it is mine.

Mr. LOGAN. I understand the amendment has been accepted by the Senator from New Jersey.

the Senator from New Jersey.

Mr. CARPENTER. He cannot accept it.

Mr. LOGAN. He is in favor of it, in other words, which means, I presume, that it will be accepted. I have nothing to say now until the action of the Senate on it. I shall have something to say, however, on the amendment if it is accepted.

The VICE-PRESIDENT, The Senator from New Jersey has accepted this is line of his control with the senator from New Jersey has accepted.

cepted this in lieu of his amendment, and it stands now as the amend-

ment of the Senator from New Jersey.

Mr. EDMUNDS. The first point that strikes my mind, Mr. President, is whether it is intended by this amendment to limit the power of the President of the United States to the period of eighteen months. It does not say as the amendment I offered which was so summarily disposed of yesterday, that the power is to terminate at that time, and it will become instantly a question for the casuists in the Attorney-General's Office, &c., to determine whether this term "eighteen months" is not merely directory and that the President may exercise the power afterward. If the real purpose be to have this thing disposed of once for all within eighteen months and then to be ended one way or the other, I would suggest to the Senator from New Jersey to add the words "and not afterward," so as to make it clear that we mean that. Mr. RANDOLPH.

Mr. RANDOLPH. I have no objection.

The VICE-PRESIDENT. The amendment will be so modified by inserting "and not afterward."

Mr. DAWES. I do not see any necessity for that modification, but

Mr. EDMUNDS. I did not doubt it.
Mr. DAWES. I have no objection to the amendment being modified in that way

The VICE-PRESIDENT. The amendment is modified by consent

of the Senator from New Jersey.

Mr. DAWES. The Senator from New Jersey and myself are not in partnership, but whoever has power will accept the modification. I accept it; and if I have not the power to accept it, somebody else

Mr. RANDOLPH. I beg the Senator's pardon. The Senator from Vermont appealed to me to accept it and I accepted it.

Mr. EDMUNDS. I think the Senator from New Jersey was entitled to do so as he had become the proprietor of the amendment by

accepting it.

The next thing I should like the Senator from New Jersey to tell me is what I think he told the Senator from Illinois, whether this bill is designed simply to authorize General Porter to be placed on the retired list of the Army with a rank not above that of colonel. the retired list of the Army with a rank not above that of colonel. I suppose that to be the intent. Now the words are "that the President is authorized by and with the advice and consent of the Senate" to appoint to the Army Fitz-John Porter "who was dismissed," &c.: "provided, * * *, that such reinstatement shall give no higher rank than colonel on the retired list." The rank of a colonel on the active list is no higher than the rank of a colonel on the retired list. It is precisely the same. If, therefore, under this bill the President of the United States and the Senate of the United States choose to appoint Fitz-John Porter at the very top of the colonels of the retired list many of whom are long his seniors and have been in the Army all the many of whom are long his seniors and have been in the Army all the time, they can do it. I do not propose to vote for any such law as that myself.

If this has the square intent merely (as I have not the least reason to doubt) to provide an authority to appoint this gentleman to the place of colonel on the retired list of the Army of the United States, let it state where he is going to stand in this long list of maimed heroes which I hold in my hand, whether at the top, the middle, or the bottom, so that we may know precisely what we are about; and then I shall be ready to consider it, but I do not think it right to pass a bill in this shape.

Mr. RANDOLPH. I should like the Senator from Vermont to sug-

gest to me what change he would make in the phraseology. Some of it comes in because of amendments that have been placed on the bill from time to time. It may therefore be imperfect in its expression. The object of this bill is simply this, that the President shall be authorized to nominate to the Senate and with its advice and consent put the name of General Fitz-John Porter on the retired list of the Army—just this and nothing more.

Mr. CARPENTER. Let me ask the Senator why the President has not got that power now?

Mr. RANDOLPH. Simply because there is a law preventing it, passed in 1868. That is all.

Mr. CARPENTER. A law recogning what?

assed in 1868. That is all.

Mr. CARPENTER. A law preventing what?

Mr. RANDOLPH. Preventing the appointment of any person to the Army or on the retired list who has been dismissed from the service of the United States.

Mr. CARPENTER. That brings me to the other question which wanted to put, and that is whether the sole object of this bill with that explanation be not to relieve him from the sentence of that court-martial; in other words, to pardon him?

Mr. RANDOLPH. The gentleman must decide that for himself.

My object is certainly to restore him to the Army and place him on

the retired list.

Mr. LOGAN. I desire, in answer to the Senator from New Jersey. to say that there are two reasons, one other in addition to the one he mentioned, why this man cannot be appointed to the Army. The first is that by the rules and decisions of courts in different States, and according to the principle laid down wherever it has been laid down in the law, the power to pardon belongs to the Executive, and down in the law, the power to pardon belongs to the Executive, and there is no use of trying to shirk this matter at all or dodge it. If Fitz-John Porter and his friends want him back in the Army, let them apply to the President to pardon him. The object has been all the time to avoid an application for pardon. I do not say the President would appoint him in the Army; I say he ought not to appoint him in the Army. He is not worthy to be in the Army, either on the retired Est or on any other. But, sir, the whole point has been here from the beginning to avoid an application for pardon. It is to dodge the court-martial, to get around it. Your bill yesterday proposed to reinstate him in the Army. Under that he would be reinstated back to the rank that he held, which would go behind the court-martial. It was only a means of getting around the court-martial. That was the object of your bill of yesterday.

Mr. RANDOLPH. May I interrupt the Senator?
Mr. LOGAN. Certainly.

Mr. LOGAN. Certainly.
Mr. RANDOLPH. I have said before, I repeat it again so clearly that I hope the Senator from Illinois will not misunderstand me, that there was no such purpose on the part of the Senator from New Jer-

Mr. LOGAN. I will relieve the Senator from interrupting me. I will not attribute to the Senator a purpose to do this thing; but by my language I mean that that is the bill; that is what it does, call it a purpose or what you choose. I do not wish to attribute any improper motive to the Senator. I want him to understand that what I mean is that that is the bill, that is its operation and its effect; and the effect of this amendment is to put this man back in the Army without a pardon. This amendment is just as bad as the bill of yesterday, so far as that is concerned.

As I said vesterday. I have not the physical strength to discuss this

As I said yesterday, I have not the physical strength to discuss this question or any other as I would desire to do. I thought when the discussion of this question was had at the last session that that was an end of it. I thought it was an end of the bill. I will not say that men have changed their opinions since then, but I do believe if the vote had been taken on the bill then it would not have received twenty votes in this Senate. I have reason for so believing other than a mere desire that it should be so; but yesterday it seemed as though a change had come over the spirit of the dreams of some

gentlemen.

Whom the gods wish to destroy they first make mad.

Men have been mad in this country for some time, and they seem to grow worse. I exhausted my physical strength on this bill before in grow worse. I exhausted my physical strength on this bill before in trying to demonstrate to the country that this man was an unfit man to go into the Army. I am not able to do it again, but I will take time enough before it does pass to expose it, for I see the point. There is a kind of sentiment running around here that you must do some generous thing for somebody. If you want to do a generous act, do it for a man entitled to a generous act. This man is no more entitled to be put on the retired list of the Army, or on the active list, than is Jeff. Davis, in my judgment; not one particle. Davis's act was treason, this man's act was perfidy. It was a failure to supact was treason, this man's act was perfidy. It was a failure to support his commanding officer in time of need and trial, such a failure as, if he had been in the Army of the Tennessee, would have ended

Senators may sympathize with him as much as they please, and I senators may sympathize with him as much as they piease, and a find that many who were not in this terrible conflict have great sympathy for men who did not do their duty on either side. Sir, I respect the man who did his duty on the side of the rebellion more than I respect any man who failed to perform his duty on our side. The men who stood by us against the men who fought against this country, who, as I understand, now undertake to put these men back in the Army to destroy the efficiency of the Army and to bring disin the Army to destroy the efficiency of the Army and to bring discredit upon the whole Army, are not doing their duty to the country. They may have done it once, but this sickly sentimentality that runs through us at times encourages men to do these acts by which you disgrace those who are in the Army with an honorable record, and put men with dishonorable records in there, because the fact of doing it will only cast a slur on those who put them out.

I do not believe in this kind of generosity as it may be called. am as generous as most men to those who show they are entitled to it, but when a man claiming to be a soldier appeals to me for generosity he must show that he was a soldier when the time required him to be one. Sir, this man is not entitled to generosity in any sense whatever, either by being placed on the retired list or being put anywhere else; and if gentlemen on our side and gentlemen on the other

side of this Chamber commence putting back in the Army men who were disgracefully dismissed from the Army, where will it stop? There stand on record to-day over one hundred and fifteen dismissals from the Army where the fatal penalty was attached as it was to Fitz-John Porter, that the convicts should never after hold office of honor, trust, or profit under this Government. Now, if you relieve this man from that odium, why not relieve the other one hundred and fifteen? There is not a case on the whole list that is as flagrant a case as is that of Fitz-John Porter. Sir, do this act and you will have applications coming to you from men who are equally entitled to the consideration of Congress and the President as is Fitz-John Porter, and much more so. Let those things rest that were settled during the war; do not bring them up here every day to arouse excitement, as you have done continuously. If you want things to be quiet, and to have rest pervade this land, let those things that were settled during the war, by those who had control then, stay settled; do not disturb them

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. FERRY. I ask that the amendment be read.

The VICE-PRESIDENT. It will be again reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert the following:

That the President is hereby authorized within eighteen months from the passage of this act, and not afterward, in his discretion, by and with the advice and consent of the Senate, to appoint to the Army Fitz-John Porter, who was dismissed by sentence of court-martial January 19, 1863: Provided, however, That such appointment shall give no higher rank than colonel on the retired list: And provided further, That said Porter shall receive no pay, compensation, or allowance for the time intervening between his dismissal and such appointment.

The VICE-PRESIDENT. On this amendment the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. BLAINE, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. Lamar.]

Mr. EATON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. Anthony.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. Hampton.] If e were present I should vote "nay."
The result was announced—yeas 36, nays 21; as follows:

VEAS-36

Farley, Garland, Groome, Grover, Harris, Hereford, Hill of Georgia,

Jones of Florida, Kernan, McDonald, McPherson, Maxey, Morgan, Morgan, Pendleton,

Ransom, Saulsbury, Slater, Vance, Voorhees, Walker, Wallace, Williams, Withers.

Coke, Davis of W. Va., Pugh, Randolph, Jonas. NAYS-21.

Johnston,

Carpenter, Davis of Illinois, Ingalls, Logan, McMillan, Edmunds. Morrill, Paddock, Rollins, Ferry. Hamlin Hill of Colorado,

Saunders, Teller, Windom.

ABSENT-19.

Anthony, Blaine, Bruce, Kellogg, Kirkwood, Sharon, Thurman, Vest, Whyte. Dawes, Eaton, Hampton, Hoar, Jones of Nevada, Cameron of Pa., Conkling,

So the amendment was agreed to.

So the amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. BURNSIDE. Mr. President, as a member of the Committee on
Military Affairs, to which the bill for the relief of General Fitz-John
Porter was referred, it became my duty to investigate the case. I
was unable, after hasty examination, to concur entirely with a majority of the committee in the report which they presented. The conclusions at which I arrived were presented in a report which I had
the honor to submit to the Senate, which reads as follows:

The undersigned, member of the Committee on Military Affairs, begs leave to say that he dissents from the report made by the majority of the committee upon the Fitz-John Porter case, so called. He agrees with the minority report of Senators Logax and PLUMB in many of the legal points made by them and especially in their views as to the dangerous course recommended by the majority.

He thinks that the interference by Congress in the sentence of a court-martial, which has been duly found and promulgated, is a most dangerous interference, to be resorted to only under extreme circumstances, and then in the most careful manner.

Bailey, Bayard, Beck,

Brown, Butler, Call, Cockrell,

Allison, Baldwin, Blair,

Burnside, Cameron of Wis.,

Booth

manner.

He also thinks that Congress has no right under the Constitution to legislate a man into office, as the right to appoint officers is vested in the President of the United States by the Constitution, by and with the advice and consent of the Senate, except that "Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments."

That Congress has the right to authorize the President to reopen the case of General Porter, upon his own application, and order a new court for the purpose of granting him a new trial, which court shall consider the proceedings of the original court, and such new evidence as may be presented by the Government or General Porter, and make its decision thereon, the undersigned has no doubt. He believes that the only limitations upon the power of Congress over cases arising in the land or naval forces is to be found in the Constitution itself.

A law of Congress authorizing a second trial would not be an ex post facto law, because, adopting the general definition laid down by Chief-Justice Marshall, it

would render no act punishable in a manner in which it was not punishable when

mmitted.

Nor would it come within any of the more specific definitions usually adopted by

Nor would it come within any of the more specific definitions usually adopted by the courts, because—

First. It makes no innocent act done before its passage criminal.

Second. It makes no crime legally greater than when it was committed.

Third. It authorizes no greater nor any different kind of punishment than the law at the time of General Porter's trial affixed to the crimes for which he was convicted.

Fourth. It does not alter the vales of evidence applicable on the former trial to

Fourth. It does not alter the rules of evidence applicable on the former trial to

Fourth. It does not alter the rules of evidence applicable on the former trial to the injury of the offender.

The sixth amendment to the Constitution withdraws from common-law protection all "cases arising in the land and naval forces," and hence that provision of the act of April 10, 1806, which declared that "no officer, non-commissioned officer, soldier, or follower of the Army shall be tried the second time for the same offense." (See the old 87th article of war, now the 180d, Revised Statutes, page 240.)

In 1818 Attorney-General Wirt delivered an opinion upon this article, and that opinion has ever since governed the practice in our military service. In that document he refers to the English precedents in common and military law, to the laws governing military trials passed by the Congress of the Confederation, and to the fact that the provision in question of the article then under consideration was simply an application of the great common-law maxim to our military code. He then explains the uniform practice under the common law and uses the following language:

"The rule which forbids a second trial, devised purely for his benefit, [i. e., the

was simply an application of the great common-law maxim to our military code. He then explains the uniform practice under the common law and uses the following langage:

"The rule which forbids a second trial, devised purely for his benefit, [i. c., the party accused.] has never been considered as being infringed by granting such new trial on his motion; that he has invariably had this new trial whenever, in the estimation of those constituted to judge, the reason and equity of the case have required it. Now, why should a rule of martial law, borrowed obviously from the common law, and therefore aimed at the same common object in both, produce a different effect in the derivative from that which is produced in the primitive law? Both the rule and the reason being the same, I 'cannot see the reason for a different result." (1 Opinions, pages 233, 234)

The original court-martial was composed of officers of high character, and we have no right to suppose that they were not actuated by a desire to promote the public interests. General David Hunter, its president, was and is one of the most nighly respected officers of the Army. General Garfield, one of its members, has were since the close of the war represented one of the best-cultivated constituencies in the United States in the lower Hall of Congress, and has recently been elected to a seat in this body by the great State of Ohio. General Hitchcock, General Ricketts, and General Casey were most honorable, respected, and intelligent officers of the Army. General Buford was a graduate of West Point, and a man of probity and learning. Generals Slough and Prentiss were volunteer officers of great culture and reliability. General King was an educated, gallant soldier. It cannot be assumed that they gave a verdict which was not entirely warranted by the evidence before them; but there may have been facts connected with the case which were not and could not have been, under the circumstances, brought before the ourt, and in view of this the undersigned is of opinion t

President transmitted to Congress for its information without any recommendation whatever.

Now, with all due respect to the President, the undersigned begs to say that the board was not convened by authority of Congress, nor was it asked by Congress for information upon which it might act. The President surely has the right to transmit the conclusions of that board to Congress, but it would have been proper, if he desired Congress to act upon them, to have examined and summarized the whole case, and to have transmitted with them a recommendation covering what he thought should be done in the premises. It would not be wise or right for Congress to take up the proceedings of a court-martial, together with the proceedings of such a military board, and examine, review, criticise, or change the effect of the same as an original work, without recommendation from the President or some authorized department of the Government. As to the power of Congress to do this I will not express an opinion in this connection. The undersigned does not care now to enter into a discussion of the report of the board, nor does he care to enter into any discussion as to the action of the original court-martial.

If action upon the bill recommended by the majority of this committee is to be insisted upon and taken by the Senate, it may be found to be the duty of individual Senators to enter into a full discussion of the proceedings of the court and the board, with a view to giving a conscientious and intelligent vote upon the case. I will say, however, that I think the board committed a very grave mistake when, in summing up its conclusions as to the resemblance which the charges and specifications before the original court bore to the facts of the case, it said:

"We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those suppos

some contrast to those supposed races upon which ceneral Forter was adjudged guilty."

The undersigned thinks that it was very necessary for the board, if they desired to give their action weight with the President, Congress, or the country, that they should show in absolute detail the bearings which the facts of the case had upon the original charges. It seems very clear to the undersigned that some of the so-called "fundamental errors" of the court-martial which the board have summed up in a few words are not errors in fact. This statement is made after an examination of the four volumes of record in this most important case, but with no desire to make any charge detrimental to the military intelligence of the high officers who composed the board. A second court-martial of thirteen high officers of the Army who would be legally constituted, whose business it would be to examine into all the facts of the case, to compel the attendance of witnesses and the production of records, to give their opinions under oath, and to give to the case all the time necessary, would give a reliable opinion, one which would command the respect of the military men all the world over, and would give to General Porter the justice which is due to him. Any vindication short of that would do him and his descendants no good. Consider, for instance, the action of Congress upon this bill. If it should be against him—in other words, if this bill should fail to pass—then he will have had no vindication. In fact, it will add to his condemnation. If

it should pass in a modified form, then it can be said that he did not deserve the full measure of his sentence, but yet deserved condemnation of some kind. If it should pass as it has been reported by the majority of this committee, and fail to pass by a substantially unanimous vote, it will be said that for years General Porter has been trying to get action upon this case, and never, until this particular period, and under the present peculiar circumstances, has he been able to get it; and now he gets a bill passed without the favorable recommendation of the President, by a simple majority of Congress, and in violation of a pretty well established principle of the Government, that sentences of courts-martial should not be annulled by Congress; whereas if a bill should pass this Congress by a large vote, such as the undersigned recommends, giving to General Porter a new trial by a court which has full authority to examine all facts, whether they appeared before the original court or have been discovered since, and that court acquits him of all offense, and that sentence is approved by the President, then he stands before the world a vindicated man; and surely no good citizen can then justly gainsay his right to the vindication.

It may not be improper to say that the undersigned has for years held this same It may not be improper to say that the undersigned has for years held this same

view.

The Schofield board closed its report by saying:

"But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander cannot be defended; and to that indiscretion was due, in very great measure, the misinterpretation of both his motives and his conduct, and his consequent condemnation."

misinterpretation of both his metives and his conduct, and his consequent condemnation."

How the board knew that this indiscretion caused or contributed to his condemnation is not explained. This positive assertion is somewhat akin to the one made on page 1719 touching the great service General Porter rendered in saving the Union army from destruction. The undersigned is forced to say that he does not know exactly what would have happened to the Union army had General Porter not remained quiet all the day of the 29th of August, or had obeyed the order given him to attack, because he is not possessed of the high order of military is telligence which would enable him to divine exactly what the enemy would have done in case General Porter had made advances, or obeyed the order. The undersigned would be glad to see General Porter freed from even the condemnation of the board for having spoken in "indiscreet and unkind terms" of his superior commander at a time when his duty to the Republic called for obedience, co-operation, subordination, and industry of the highest order. It is very clear that the opinion of this board of officers has been regarded by a large majority of the people co-operation subordination, and industry of the highest degree. The plea of General Porter was made up by eminent counsel, who presented it in the most skillful manner. The Government was represented by a judge-advocate brought into the case suddenly, with the obligation resting upon him to look after both sides of the case. The contr was unauthorized to compel attendance of witnesses, and entirely unauthorized to pass any binding judgment. A private individual who would submit to arbitrations like this would, in a very short time, find himself stripped of all his worldly goods, no matter how much of them he might possess. His utter ruin would be but a question of time if he allowed himself to be drawn into such arbitrations. Should we, as custodians of the public interest, be led into a course so detrimental to Army discipline and th

would lead us?

The portion of the bill recommended by the majority which gives to General Porter back pay the undersigned cannot concur in, for the reason that it is a violation of a well-established principle of the Military Committee and of Congress not to allow to officers who have been dismissed and reinstated pay for the time that they have been out of the Army. There is no reason for not applying to this case a rule which is invariably applied to officers of a lower grade than that held by General Porter.

A. E. BURNSIDE.

Soon after the majority of the committee reported the original bill I offered an amendment, which is as follows:

That upon the application of General Fitz-John Porter, late colonel Fifteenth Infantry, and major-general of volunteers in the service of the United States, the President is authorized to grant him a new trial by court-martial upon the charges and specifications upon which he was tried, and in part convicted, by a court-martial convened under Special Orders No. 362, and dated headquarters of the Army, Washington, District of Columbia, November 27, 1862.

SEC. 2. That the court-martial that may be convened by virtue of this act shall consist of not less than thirteen officers of high rank in the Army; it shall consider all testimony taken in the first trial as entered upon the record thereof; all pertinent official reports, both Union and confederate, on file in the War Department; and such new testimony as may be offered either by the United States or by the said Porter; and the said court shall have power, subject to the approval of the President, to confirm, mitigate, or annul the sentence of the former court-martial.

Since the preparation of that report and the offering of this amendment I confess that my belief as to the power of Congress to order a new trial has been materially shaken. As to the lack of power of Congress to go further than that, in my mind there is no question; that is to say, to annul the sentence of the court or to authorize the President of the United States to restore General Porter to the Army, in the face of the sentence now resting against him, in any other way than by a new trial.

I have thought that, as General Porter's trial occurred at a period of high excitement, it is not unreasonable to suppose that, in the multitude of important events which were occurring from day to day, the public interest, which, as a rule, is a great protection to a man under trial for a serious charge, and brings out evidence favor able to him, judgment was not exercised as impartially as it would have been in a period of profound peace and at a time when the suspicions of the people as to the faithfulness of their officers were not so easily aroused.

Besides, I have thought that new evidence touching General Porter's case may have been brought to light. I am of the opinion that just at this time the impression that General Porter did suffer wrong has created an exaggerated interest in his favor, yet I have thought that if we could by any constitutional, lawful means adopt a course by which any wrong which has been done him could be righted, we

should do it.

The Senator from New Jersey [Mr. RANDOLPH] who has in charge the bill reported by the majority of the committee, upon whom I urged the wisdom of adopting the amendment reported by me, seemed determined to adhere to his own bill, and I was forced to go into an elaborate examination of the records of the original court and of the Schofield board in order that I might give an intelligent vote upon the bill which he and the majority in this body seem determined to press forward. The conclusions at which I arrived from an examination of those reports I will endeavor to give briefly.

The Senator from Illinois [Mr. Logan] at the last session went so fully into the proceedings touching this case and had them so completely placed when the second in convention with his removal or the process.

I shall not attempt to incorporate any of them in my short statement, but will simply refer to them as occasion may require.

The original court which tried General Porter we must assume, in

the absence of anything to the contrary, was fairly constituted and conducted its proceedings in a lawful and unbiased manner and gave a verdict warranted by the evidence presented to it. General Porter has from time to time applied to the properly constituted authorities to have a rehearing of his case, and I for one have been in favor of

General Grant, while President, examined the application of General Porter for a reopening of his case, and refused it. The present Chief Magistrate thought it right and proper to organize a board of officers who were requested to give him advice as to what action he should take upon the application. That board met and, after a long examination, came to certain conclusions, which conclusions were transmitted to the President, and, as I have said in my report, the President, without making any recommendation whatever, forwarded the report of this board to Congress for its action. The Senator from Indiana at the last session assumed in his very

elaborate and well-considered argument that the President by sendelaborate and well-considered argument that the President by sending this report to Congress gave it his sanction. In this he was wrong, and he will realize that he was wrong if he will take into consideration the fact that the President could not have given these proceedings a personal examination, and that if he meant to approve of the findings he would have said so; and I am quite sure that if the President could be properly reached upon this matter with the view to elicit from him a statement as to whether he did or did not approve of the findings of this board, or in other words as to whether he was or was not convinced of the wisdom of those findings, that he would say to us that he had formed no opinion whatever as to the findings, but had simply submitted the report to Congress for its action.

That report is now before us, and is the subject of discussion. To be sure, the board was not authorized by Congress, neither has Congress asked it for an opinion, but its proceedings have been transmitted by the President to the Senate. Now, as the President has made to us no recommendation, it becomes our duty to form a decision as to what action, if any, we shall take upon it. The Senator from Illinois holds that we have no right to take any action with reference to the Fitz-John Porter case until the pardoning power has been exercised by the President, and I am now much inclined to take his view of the case; but as the report of the board of officers has been exercised by the Freschent, and I am now much inclined to take his view of the case; but as the report of the board of officers has become a matter of public interest, it may be well for us to consider it upon its merits, and I shall endeavor now to so consider a few of its main points to show that there is at least enough of error in it to prevent it from being a proper basis of action for the absolute reversal by Congress, or any other power, of the findings of the court-martial which tried General Porter.

The gist of the conclusions of the board lie in the five following paragraphs:

paragraphs:

I. These charges and specifications certainly bear no discernible resemblance to the facts of the case as now established.

II. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

III. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed.

IV. The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted.

V. The evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct. But it is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander cannot be defended. And to that indiscretion was due, in very great measure, the misinterpretation of both his motives and his conduct and his subsequent condemnation.

As to the first paragraph, I will say that I shall not examine all the

As to the first paragraph, I will say that I shall not examine all the charges and specifications with a view to prove its incorrectness, because I do not care to occupy sufficient time for that purpose, but I will simply take the first specification of the first charge, which reads as follows:

Specification 1.—In this, that the said Major-General Fitz-John Porter, of the volunteers of the United States, having received a lawful order, on or about the 27th August, 1862, while at or near Warrenton Junction, in Virginia, from Major-General John Pope, his superior and commanding officer, in the following figures and letters, to wit:

"HEADQUARTERS ARMY OF VIRGINIA,

"Bristow Station, August 27, 1862—6.30 p. m.
"General: The major-general commanding directs that you start at one o'clock to-night, and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must

drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an efficer with this despatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

"By command of Major-General Pope." GFORGE D. RUGGLES.

"GEORGE D. RUGGLES, "Colonel and Chief of Staff.

"Major-General F. J. PORTER, Warrenton Junction.

"P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Cleary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

"GEORGE D. RUGGLES, "Colonel and Chief of Staff."

did then and there disobey the said order, being at the time in the face of the enemy. This at or near Warrenton, in the State of Virginia, on or about the 28th of August, 1862.

Now, it must be clear to every one that the evidence shows that General Porter received this order in due time and failed to execute General Porter received this order in due time and failed to execute it; in other words, disobeyed it, and the board certainly was not warranted in saying that the facts "bear no discernible resemblance" to this specification. Yet the board may say that General Porter was justified, and, in fact, do say that he was justified in disobeying this order. But that is a matter of opinion. In point of fact General Porter did not obey this order; and unless there was some overpowering and good reason for the disobedience, guilt attaches to him for it. The only possible excuse that this board attempts to give for this disobedience was that the night was dark that the roads were filled. obedience was that the night was dark, that the roads were filled with wagons, and that it was impossible for him to move. If that was really the reason in his mind for determining not to begin his march as ordered, he should have immediately communicated with General Pope at all hazards and explained to him that he could not obey it, because the night was dark and the road was full of wagons. It can hardly be claimed by any one that it was impossible for General Porter to have communicated with General Pope.

I need not say to Senators who have seen service in the field that

the alleged excuse for not marching at the time indicated by the order is not sufficient. Each one of them has moved troops under as great or greater difficulties than were presented to General Porter; and I think I am fully borne out in this by an examination of the

and I think I am fully borne out in this by an examination of the records of the court and of the board.

It will be news to the soldiers on both sides of that great contest of the rebellion to learn that a corps cannot be moved on account of the darkness of the night and wagons in the road. All soldiers know that marches were made during the war under very much greater difficulties than presented themselves to General Porter on that occasion. If any one corps commander during General Grant's last campaign had taken the responsibility to delay any one of his night movements until the following morning at daylight, contrary to the orders of General Grant, the success which attended that campaign would have been very much jeopardized, possibly ruined, and the war might have been in continuance at this day, or the confederacy recognized; in which case we would have presented the sad spectacle of a divided country, and the "Government of the people, by the people, and for the people" would have been regarded by the nations of Europe as a failure.

Whatever our opinions may be with reference to General Grant, we

Whatever our opinions may be with reference to General Grant, we-

Whatever our opinions may be with reference to General Grant, we should all agree that his campaign was carried on upon proper war-like principles, and that it resulted in a union of the States, a union of which we hope we will always continue to be proud.

The Senator from Indiana has spoken of the confusion and the difficulties which presented themselves to the march of General Sigel and General Ricketts, and speaks of them in comparison with the difficulties which presented themselves to General Porter. The movements of these generals are not now under consideration; and if they were absolutely wrong and criminal in what they did, it is no justification to General Porter if he did wrong. Their movements were on entirely different roads from the road upon which Porter was ordered to march, and they were attended by entirely different circum-Does the Senator from Indiana mean to say that these offistances. Does the Senator from Indiana mean to say that these on-cers did not try to obey the orders that were given to them, or even if he does say and could prove that they had disobeyed orders, is it a justification to General Porter in case he did not obey orders? The question before us is, Was this board of three officers which made this-report now before us justified in saying to the President that the specification and charges preferred against General Porter bear no discernible resemblance to the facts of the case? I believe that that statement is an incorrect statement, and for that reason I am ready to discard this report as a basis for my action in giving an intelligent

Mr. McDONALD. I should like the indulgence of the Senator from Rhode Island for one moment. He says that it was the duty of General Porter, if he determined that the night was so dark that he could not march, having received orders to march at one o'clock, to have so informed General Pope. If the Senator will examine the testimony of General Pope, he will find that General Porter did so inform him by a dispatch sent in reply to his dispatch to that officer, which was received by General Pope, but which General Pope said he had lost and

could not produce.
Mr. BURNSIDE. Mr. BUKNSIDE. The Senator will be kind enough to state that again. I shall be very glad to be corrected if I am creating any wrong impression whatever. I do not remember any such dispatch or any reference to it. I would be glad now, or after I get through, if the Senator from Indiana will correct any misstatement I may have made. If it could be said that General Porter knew absolutely at that time that there was no necessity for making that movement, that could have been presented by the board as a reason for failure to obey, but the text of the order should have given General Porter the impression that it was very necessary for him to obey to the very letter. The very fact that he was to begin at one o'clock in the morning should have been sufficient to make the order seem important in

It was not wise or right for this board to look at what followed the next day; in other words, the day of the 28th, after General Porter had disobeyed the order, for a justification of his disobedience, because they did not know what would have followed a literal obedience of the order. Had General Porter marched at one o'clock, as he was ordered, and had he succeeded, as many other general officers had, in removing obstacles from his road, and making a rapid march on a dark night, and reported to General Pope at a very early hour in the morning, saying to him, "General, I received your order in due time, and have executed it promptly, and have my troops ready to perform with alacrity any duty you may assign to me," who can say that the result of the movements of the 28th would not have been to the benefit of the Union arms? He did not do that, and who can say how much harm resulted to the Union arms from his failure to do it? Campaigns can be criticised, and any three men, skilled or unskilled, can come to a conclusion as to what would or would not have happened if such and such a thing had or had not occurred; but we all know that conclusions of that sort are most unreliable. Many persons in the United States for a long time after the close of the war said that General Grant during his last campaign showed no skill as a soldier; that in point of fact he was a butcher, and only knew how to have men slaughtered! But as time lapses wise and thoughtful men look at that campaign in the proper light, and conclude that he was a great soldier. Why was he a great soldier? Because with his armies and by his great generalship he suppressed the rebellion and saved the Union.

Now, Mr. President, let me give a few examples of the many examples of night marches during the war.

The movement of the whole of General Grant's army from the Wilderness to Spottsylvania was made during the nights of the 7th and

deriess to Spottsylvania was made during the lights of the full at 8th of May, 1864.

The movement of the same army from Spottsylvania to North Anna was commenced on the night of the 21st of March, 1864.

The movement from Cold Harbor to James River was commenced after dark on the night of June 12, 1864. In fact nearly all the movements of General Grant's immense army in his last campaign were made more or less during the night.

Thus, it will be seen that the entire army of General Grant was specesfully moved at night.

successfully moved at night.

The remarks which I made with reference to the responsibility of any one corps commander of delaying the execution of an order can be appreciated when you think of the great confusion which would have occurred and the disasters which might have taken place in any one of these movements had such disobedience occurred. It seems to me that any disinterested person will say, after examining this subject, that General Porter was not guiltless in the delay which he made.

made.

As I before said, it is not an excuse that the march would have been an unnecessary one if performed in accordance with the order, particularly in the absence of any proof that that was the moving cause in General Porter's mind, and that the delay resulted in good to the Army. The fact that General Porter did not show this order to his division commanders at the time, or consult them, so that they might have given an opinion based upon an imperative order of that might have given an opinion based upon an imperative order of that kind, is, in my opinion, very much against him, and I am quite sure that General Sykes, of whom the Senator from Indiana spoke so highly at the last session, and in whose praise of him I am glad to join, spoke the sentiments of his heart when he said promptly, on the first presentation of this order to him, that if he had known the nature of the order he would have advised a strict compliance with it. The Senator from Indiana said that General Sykes was a most relia-The Senator from Indiana said that General Sykes was a most reliable witness, and it is surely not for me to attempt to impeach his testimony. I held General Sykes in high regard, and I introduced the resolution into this Senate touching the removal of his remains. My desire was to do honor to the memory of a brave soldier by granting his last dying request, which was to be buried at West Point. An examination of the evidence given by him shows clearly that his friendship for General Porter had to some extent biased his judgment. The conclusions of the board upon this subject are erroneous, and the statement in their report that "the evidence of bad animus in Porter's case ceases to be material in view of the evidence of his soldierly and faithful conduct" falls to the ground, because it was not soldierly and faithful in him to disobey the order. Therefore we must assume that any appearance of bad animus prior to the disobedience

must be taken into account in making up judgment and the statement of the board that "these charges and specifications certainly bear no discernible resemblance to the facts of the case as now established," cannot, in any degree, apply to this specification, because the specification and facts of the case as developed by both the evidence and animus are exactly coincident with this specification.

I shall pursue the criticism upon the first paragraph no further. Now, in reference to what I call the second erroneous paragraph of the report, which reads as follows:

the report, which reads as follows:

We trust it is not necessary for us to submit in detail the results of this compar-ison, and that it will be sufficient for us to point out the fundamental errors and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

I have already referred in my report to the mistake made by the board in this paragraph. It must be plain to every Senator that there was a very great necessity for this board to give in absolute and accurate detail the results of its comparisons, and to point out accurately what it considered the "fundamental errors" in the former trial. There are but very few Senators who can give the time necessary to an accurate examination of the four volumes connected with this trial. Livil venture to say that not half a dozen Senators have attempted it. How is it possible for them to make themselves intelligent judges in the case without a proper examination? If they say that they are willing to take the judgment of the officers, then they must expect Senators who disagree with the report to criticise that judgment; and the very first specification of the charge, when compared with the facts of the case, shows that these officers have made an incorrect statement in their report. Therefore Senators can not rely upon their opinion as a basis for an absolutely intelligent vote upon an important case like this. It was consequently very necessary, as I have before stated, for them to enter into an absolute detail in making up their conclusions.

Now, Mr. President, as to the third erroneous paragraph in this report, that "Porter's faithful subordinate and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentra-

Is it for any power save that High Power which is over and around all of us to form this conclusion? How do these officers know that Porter saved that army? If they had said that they believed it was so, Porter saved that army? If they had said that they believed it was so, there might have been some excuse for the statement; but even then it would seem to me very absurd. Who saved that Army from defeat on that day or upon any other day? Where on that day was Reno, Kearney, King, Reynolds, Ricketts, McDowell, Heintzelman, Hooker, Schenck, Schurz? I do not mention the commander of the army, Pope; not from any disposition of disrespect, but because it would at once excite opposition in the minds of those who are so strenuously determined to vindicate General Porter at all hazards. What would the officers and soldiers of the commands of these officers to whom I the officers and soldiers of the commands of these officers to whom I have referred say to an assertion that General Porter saved the Union army from defeat on that day? Is it just and fair to these brave com-manding officers or their subordinates and soldiers to make such an assertion? The statement of itself seems almost too absurd to demand criticism. The bare statement of the proposition shows its absurdity,

criticism. The bare statement of the proposition shows its absurdity, and I need say nothing more about it.

The fourth erroneous paragraph of the report, of which I speak, which says that "the judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted," can be treated very much in the same way that the preceding paragraphs have been treated. How was it possible for this board to know what entered the minds of members of this court in making up their judgment? To be sure there is a saving clause in this statement when they use the word "evidently." There are members of that court still living who know better what was in their minds and what ruled their action during this trial than the members of this board, but the obligations attaching to members of courts-martial will forever prevent us from knowing what they

the members of this board, but the obligations attaching to members of courts-martial will forever prevent us from knowing what they were, except through a "court of justice in due course of law." They were certainly not known to the members of this board.

The fifth erroneous paragraph which alludes to the indiscretion of Porter, in speaking in unkind terms of his superior officer, and ends as follows, "and to that indiscretion was due, in very great measure, the misinterpretation of both his motives and his conduct and his consequent condemnation" is very much akin to the preceding paragraph. consequent condemnation," is very much akin to the preceding paragraph, differing from it only in one respect: that this paragraph states positively that his condemnation was due in a very great measure to this indiscretion; and I will say of it, as I said of the previous one, that only the officers now living who composed that court can state what feelings possessed the members of that court when they

made his condemnation.

made his condemnation.

The Senator from Indiana speaks of the composition of this court and the method of its organization in something of the spirit of the remarks which are frequently made in connection with this case, to the effect that the board was organized to convict. Now, Mr. President, I will say that I had as good an opportunity at that period of time of knowing the moving causes of action with reference to the Army by the President and the commanding general as almost any other officer. There were certainly not a score of officers in the Army

who knew more about it than I did, and I feel justified in saying that I believe this court was organized in exact accordance with the wishes of the President; and had the charges been preferred by General Pope, which would have necessitated the ordering of the court by the President, General Halleck and the President would have acted in perfect accord, and the same court would have been ordered for their trial that was ordered by General Halleck. The Senator from Indiana speaks of the fact that two of the officers of the court were connected with General Pope's army, and that one member of it was summoned as a witness by the Government. Does the Senator from Indiana mean to say that this circumstance in any degree affected their acmean to say that this circumstance in any degree affected their action? The offenses with which Porter was charged had no relation to them whatever, and can be in no way fairly connected with them. Is there any man living to-day who will say that they were not honorable men and were not properly impressed with the responsibilities and importance of the oaths under which they were acting? I will say of that whole court that I have never yet heard anything of a definite character to impugn the intelligence or the integrity of any one of its members.

Now, Mr. President, I propose to say something with reference to the general conduct of this board.

the general conduct of this board.

No one can examine the report of the board carefully without discovering that it has in every instance given to General Porter's side of the case the most favorable possible construction. As I said in my report, the case of General Porter was conducted in the most skillful manner, and every statement presented by them seems to have been eagerly seized by the board, and all the evidence was construed in the most favorable way to General Porter's claim.

Every man who felt disposed to say anything favorable to General Porter would most naturally apply to come before the board, and the majority of those who had information detrimental to him would be inclined to keep away from the board, from a disposition not to

Every man who felt disposed to say anything favorable to General Porter would most naturally apply to come before the board, and the majority of those who had information detrimental to him would be inclined to keep away from the board, from a disposition not to persecute a man who was in trouble. To be sure, some vindictive persons who knew of damaging circumstances might be inclined to present themselves voluntarily to the board; but I say the majority, and a very large majority, of people who felt that they would damage Porter by giving evidence kept away from the board if they could, and there was no power to compel their attendance. As a fact, there were persons summoned by the Government whose attendance could not be secured from want of power. It is not reasonable to suppose that General Porter or his friends called persons before the board after having discovered by correspondence or otherwise with them that their evidence would not be advantageous to him. If the Senate of the United States were to treat the report of this board in the same spirit that the evidence of young Captain Pope, (now deceased,) General McDowell, General Sturgis, Colonel Smith, Generals Schenck and Barnes was treated by the board, the whole report would be thrown out as unworthy of consideration. It appeared in evidence before the board that two men assert that Captain Pope told them, at a dinner table, I believe, that he was wrong in the evidence which he gave before the original court-martial; but Captain Pope, before this board, reiterated substantially what he said before the court, except that he might possibly be mistaken to the extent of half an hour in the time of the delivery of the 4.30 order from General Pope to General Porter, and testified to his exact route from personal examination; but the board, in the most imperative way, cast aside his whole evidence as utterly worthless, on the ground of a slight discrepancy, and on the statement of two officers that Pope, at some period of time, had said something to them. N

certainly the depreciation of nearly every other general officer on the field of the second Bull Run.

Courts-martial, Mr. President, although sometimes harsh in their sentences, are proverbially fair. They are not confined strictly to the rules of evidence. Judge-advocates are not allowed to browbeat and confuse witnesses. The members of the court almost always are of sufficient intelligence to determine when a witness is telling the truth, and there is no necessity for the cross-questioning which law-yers resort to in civil trials. They are not confined to precise rules and maxims of law in making up evidence. They make their verdicts more from the equities of the case, or rather from the animus of the parties concerned in relation to the points at issue. It is sometimes thought that they are led to the condemnation of men upon light evidence, but you will always find behind that there is something or other in the record of the man which justifies the court in making the offense for which he is tried an excuse for giving him what may appear to in the record of the man which justifies the court in making the offense for which he is tried an excuse for giving him what may appear to be a harsh punishment. The esprit de corps which makes a good army makes it necessary for courts to take the daily walks of a man's life into consideration in making up a sentence against him. Such is not the case at all, or to any great extent, before civil courts. A man's character is only considered in the mitigation of sentences.

Many lawyers, and eminent lawyers, too, have given an opinion as to the propriety and justness of the sentence in this case, but they have given their opinion in very much the same way as they would give an opinion as to the violation of a contract. They have looked at all the legal points in the case, and have said that in their view General Porter fulfilled his contract.

Porter fulfilled his contract.

Well, now there is no such condition of affairs as that existing in the life of a soldier. A soldier is not only bound to obey all the orders that are given to him, but he is bound to use his best efforts to promote the cause for which he is fighting. He is bound at all times to show alacrity, to show co-operation, and to smother any feeling of distrust which he may have of his superior officers. He is certainly bound at all events to speak of them in respectful terms, and to yield to them a respectful and loyal obedience. When he undertakes to disobey an order, or undertakes to judge for himself as to how far he shall carry out an order, then he subjects himself surely to criticism, possibly to punishment, and the animus of his conduct becomes a legitimate subject of examination, not only by the people and the country for which he is fighting, but by any court which may be ordered to try him; and if the service in which he is engaged is of sufficient importance to stir the hearts of a great people, then if he fails in doing what they consider to be a loyal service, he must expect to receive the punishment which the hearts of that loyal people say he ought to receive at that time, and it is not fair that he should in time of profound peace, when the excitement of the people has ought to receive at that time, and it is not fair that he should in time of profound peace, when the excitement of the people has cooled off, and their patriotism is to a certain extent at rest, ask them in their leniency to forgive him for what he did in a time when his whole heart should have been in their service. Therefore, Mr. President, I do not regard the opinion of these lawyers—and I say this with all due respect to them and to their course—I do not regard their opinion as worth anything to me in making up my mind as to whether this sentence was just or unjust. As I have said before, I would be glad to have General Porter tried now by thirteen intelligent officers of the Army. That is surely the most that he can ask. I will say again, Mr. President, that there is a great difference between fulfilling contracts of a civil nature in times of profound peace when it is understood that all business men have the right to look to their own interests and when they have a right to take all fair

peace when it is understood that all business men have the right to look to their own interests and when they have a right to take all fair legitimate mercantile advantage of each other in order to make gain in trade or to make advancement in politics and the contract which a soldier makes with the country to do his duty in the field when the liberties or the safety of that country is in jeopardy.

Ask me, Mr. President, to believe that men who had been educated by the Government of the United States, and were officers in the regular Army at the breaking out of the rebellion, threw up their commissions and went with the armies of the South because they believed that their allegiance to their States was paramount to their allegiance to the Union—ask me to believe that they have come back into this Union with upright intention and with loyalty in which we can be confident—ask me to believe that all the officers and soldiers of the confederate army felt that they were fighting for a just cause—but ask me not to believe that General Porter during the last days of Angust, 1862, did not think more of the interests and the advancement of one man than he did of the welfare of the Republic.

Republic

Republic.
The PRESIDING OFFICER, (Mr. Harris in the chair.) The bill is in the Senate and the question is on concurring in the amendment made as in Committee of the Whole.
Mr. EDMUNDS. On that I ask for the yeas and nays.
The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 21; as follows:

	1.1		
Bailey, Bayard, Beck, Brown, Butler, Call, Cockrell, Coke, Davis of W. Va., Farley,	Garland, Groome, Grover, Harris, Hereford, Hill of Georgia, Johnston, Jonas, Kernan, McDonald,	McPherson, Maxey, Morgan, Pendleton, Pugh, Randolph, Ransom, Saulsbury, Slater, Thurman,	Vance, Vest, Voorhees, Walker, Wallace, Williams, Withers.
	NA	YS-21.	
Allison, Baldwin, Blair, Booth, Burnside, Cameron of Wis.,	Carpenter, Davis of Illinois, Dawes, Edmunds, Ferry, Hamlin,	Hill of Colorado, Ingalls, Kirkwood, Logan, Morrill, Rollins,	Saunders, Teller, Windom.
	ABS	ENT-18.	
Anthony, Blaine, Bruce, Cameron of Pa., Conkling,	Eaton, Hampton, Hoar, Jones of Florida, Jones of Nevada,	Kellogg, Lamar, McMillan, Paddock, Platt,	Plumb, Sharon, Whyte.
So the amend	ment was concur	red in	

The bill was ordered to be engrossed for a third reading, and was

read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. EDMUNDS. I should like to have the yeas and nays on that

The yeas call the roll. s and nays were ordered, and the Secretary proceeded to Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Connecticut, [Mr. EATON.] If my colleague were here he would vote "nay." Mr. BLAINE, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.] Mr. BUTLER, (when Mr. HAMPTON'S name was called.) I will state that my colleague [Mr. HAMPTON] is paired with the Senator from Manager [Mr. Pl. Mr.]

from Kansas, [Mr. Plumb.]

The roll-call having been concluded, the result was announced-yeas 38, nays 20; as follows:

	YE.			
Bailey, Bayard, Beek, Brown, Butler, Call, Cockrell, Coke, Davis of W. Va., Farley,	Garland, Groome, Grover, Harris, Hereford, Hill of Georgia, Johnston, Jonas, Jones of Florida, Kernan,	McDonald, McPherson, Maxey, Morgan, Pendleton, Pugh, Randolph, Ransom, Saulisbury, Slater,	Thurman, Vance, Vest, Voorhees, Walker, Wallace, Williams, Withers.	
	NAYS-20.			
Allison, Baldwin, Booth, Burnside, Cameron of Wis.,	Carpenter. Davis of Illinois, Edmunds, Ferry, Hamlin,	Hill of Colorado, Ingalls, Kirkwood, Logan, McMillan,	Morrill, Rollins, Saunders, Teller, Windom.	
	ABSI	ENT-18.		
Anthony, Blaine, Blair, Bruce, Cameron of Pa.,	Conkling, Dawes, Eaton, Hampton, Hoar,	Jones of Nevada, Kellogg, Lamar, Paddock, Platt,	Plumb, Sharon, Whyte.	

So the bill was passed. Mr. EDMUNDS. Now Mr. EDMUNDS. Now, I would like to know what has become of the preamble, which is the next thing to be voted upon, and I desire to hear it read.

Mr. RANDOLPH. That has been withdrawn.
Mr. EDMUNDS. You cannot withdraw the preamble to a bill very easily in any way that I know of. Let us hear how it reads.
Mr. DAWES. Was not the amendment I offered to strike out the preamble and all after the enacting clause?

Mr. EDMUNDS. You could not amend the preamble at that stage.

It comes up now after the passage of the bill.

The PRESIDING OFFICER. The Secretary will report the pre-

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Whereas a board of Army officers was convened by order of the President, by special orders numbered 78, dated headquarters of the Army, Washington, April 12, 1878, to examine, in connection with the record of the trial by court-martial of Major-General Porter, such new evidence relating to the merits of said case as was then on file in the War Department, together with such other evidence as might be presented to said board, and to report, with the reasons for their conclusion, what action, if any, in their opinion, justice required should be taken on said application by the President, and said board reported that they had made a very thorough examination of all the evidence presented and bearing in any manner upon the merits of the case, in addition to that which was before the court-martial; and also reported with entire unanimity and without doubt in their own minds, with the reasons for their conclusions, that in their opinion justice required such action as might be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service; and

Whereas the President sid heretofore transmit the proceedings and conclusions of the board to Congress with a message declaring that, as he was without power in the absence of legislation to act upon the recommendation of the report further than by submitting the same to Congress, the said proceedings and conclusions were transmitted for the information of Congress, and for such action as in their wisdom should seem expedient and just: Therefore,

Mr. EDMUNDS. I ask for the yeas and nays on the adoption of

Mr. EDMUNDS. I ask for the yeas and nays on the adoption of

Mr. RANDOLPH. By reference to the Congressional Record of to-day, containing the proceedings of yesterday, page 6, it will be found that the Vice-President stated that—

The Senator from New Jersey proposes to strike out the preamble and also all after the enacting clause of the bill, and to insert what will now be read.

after the enacting clause of the bill, and to insert what will now be read.

That was my motion, and that was adopted.

Mr. EDMUNDS. The trouble is that the amendment of the Senator from New Jersey was not adopted. The Senator from Massachusetts proposed another one, that was read at the desk, which did not propose to strike out the preamble, and the Senator from New Jersey accepted that in lieu of his amendment. That leaves the preamble just where it was. The Senate has not voted yet either way on striking out the preamble. Regularly it could not do so until the bill was disposed of.

Mr. RANDOLPH. If the Senator from Vermont desires a further vote, of course I have no objection to it.

vote, of course I have no objection to it.

Mr. EDMUNDS. I do not desire anything except to keep the record

straight.

Mr. RANDOLPH. I am very sure that the same words as quoted by me from yesterday's RECORD in regard to the amendment offered by me yesterday were adopted by me this morning in accepting the amendment of the Senator from Massachusetts.

Mr. EDMUNDS. The Journal does not show it in that way.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that the record as kept by the Clerk shows that

the amendment offered by the Senator from Massachusetts was to strike out all after the enacting clause and insert.

Mr. CARPENTER. And that is the amendment that was adopted. Mr. THURMAN. I am quite sure the Senate understood that the preamble had fallen; that it was withdrawn, as the Senator from New Jersey had moved to strike out the preamble and all the bill after the enacting clause and insert a substitute.

Mr. CARPENTER. That question was not put to the Senate at all. Mr. LOGAN. It was never voted on.

Mr. CARPENTER. It was never voted em at all, and subsequently the Senator from Massachusetts offered a substitute.

Mr. THURMAN. It was carried in committee and reported to the

Mr. THURMAN. It was carried in committee and reported to the

Mr. THURMAN. It was carried in committee and top.

Senate.
Mr. LOGAN. No.
Mr. CARPENTER. It was never voted on.
The PRESIDING OFFICER. The Chair will state to the Senator from Ohio that the record as kept by the Clerk shows that the Senator from New Jersey proposed to strike out the preamble and all after the enacting clause and to insert the amendment offered by him. The Senator from Massachusetts offered a substitute for the him. The Senator from Massachusetts offered a substitute for the amendment of the Senator from New Jersey, and that substitute proposed to strike out all after the enacting clause and insert the amendment proposed by that Senator, and that amendment was accepted by the Senator from New Jersey, and was adopted by the Senate.

Mr. THURMAN. Then if we are to vote on the preamble, I ask that it may be read.

The PRESIDING OFFICER. The Secretary will again report the

preamble.

The Chief Clerk read the preamble.

Mr. THURMAN. Now I have only to say that I am very glad that that preamble has not been stricken out, and I hope that it will be

Mr. EDMUNDS. It probably will, if the Senate votes as it has Mr. EDMUNDS. It probably will, it the Senate votes as it has voted before although it is somewhat inconsistent with the bill. We seem to agree by this preamble that as a unanimous report of a constitutional board of officers having no doubt in their own minds declares that this officer had been unjustly sentenced by a courtmartial, and that that court-martial proceeding ought to be set aside by act of Congress as transmitted to us by the President; therefore, instead of proceeding to set it aside by act of Congress, as is argued by gentlemen who maintain this bill, or restoring to the individual the justice which the preamble recites he is entitled to, we say that the President of the United States may, with the consent of the Senate, (this, or some other that may be of a different mind,) appoint him, as is claimed by the friends of the bill, to a colonelcy on the retired list, and as would be claimed by them, and I think correctly myself, at the foot of the retired list. I think that is the law. I was in hopes that gentlemen would consent to an amendment which should put him not over the heads of those whose gallantry and merit have never been questioned, and who are suffering from wounds received in the service of what they supposed to be their country; but it was not done. That is the aspect of it. Now, then, if the Senate chooses to make itself so inconsistent as to adopt a preamble which declares in substance that although this officer is entitled to an absolute restoration, as the bill to which the preamble belongs provided he should be, with all the intermediate pay and emoluments, and so forth, although that is all true and was find it so by adopting this preamble voted before although it is somewhat inconsistent with the bill. toration, as the bill to which the preamble belongs provided he should be, with all the intermediate pay and emoluments, and so forth, although that is all true and we find it so by adopting this preamble, nevertheless all that we are willing to do is to authorize the President of the United States, by and with the advice and consent of the Senate, to disregard the sentence of a constitutional tribunal, a court, and do something that the law says shall not be done in such a case. If the gentlemen in the majority are satisfied, I think I can bear it. I ask for the yeas and nays on the adoption of the preamble.

The years and nays were ordered, and the Segretary proceeded to

The yeas and nays were ordered, and the Secretary proceeded to

The yeas and nays were ordered, and the Solves 1
call the roll.

Mr. BURNSIDE, (when Mr. Anthony's name was called.) My colleague [Mr. Anthony] is paired with the Senator from Connecticut, [Mr. EATON.] If my colleague were here he would vote "nay."

Mr. EATON, (when his name was called.) I suppose I am paired en the preamble also with the Senator from Rhode Island, [Mr. Anthony.] I should vote for it with a great deal of pleasure if I could.

Mr. RANSOM, (when Mr. LAMAR'S name was called.) The Senator from Mississippi [Mr. LAMAR] is paired with the Senator from Maine [Mr. BLAINE] on this question.

The roll-call having been concluded, the result was announced—yeas 36, nays 23; as follows:

YEAS—36.

Jours ou, majo wo	, and admidition		
	YE	AS-36.	
Bailey, Bayard, Beck, Brown, Butler, Call, Coke, Davis of W. Va., Farley.	Garland, Groome, Grover, Harris, Hereford, Hill of Georgia, Johnston, Jonas, Jones of Florida.	Kernan, McDonald, McPherson, Maxey, Morgan, Pugh, Randolph, Ransom, Saulsbury,	Slater, Thurman, Vance, Vest, Voorhees, Walker, Wallace, Williams, Withers.
E MILOY,	and the state of t	YS-23.	***************************************
Allison, Baldwin, Blair, Booth, Cameron of Wis,	Davis of Illinois, Dawes, Edmunds, Ferry, Hamlin, Hill of Colorado.	Ingalls, Kirkwood, Logan, McMillan, Morrill, Paddock.	Platt, Rollins, Saunders, Teller, Windom.

ABSENT-17.

Cockrell, Conkling, Eaton, Hampton, Hoar, Anthony, Blaine, Bruce, Burnside, Cameron of Pa.,

Jones of Nevada, Kellogg, Lamar, Pendleton, Plumb, Sharen, Whyte.

So the preamble was adopted.

Mr. PADDOCK. I desire to state that when the vote was taken on the passage of the bill for the relief of Fitz-John Porter I was necessarily detained from the Chamber. If I had been here I should

Mr. BLAIR. I am in the same situation with my friend who has just explained. I had voted just previously, but for the moment was

detained from the Chamber.

ORDER OF BUSINESS.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of Senate bill No. 133.

Mr. DAVIS, of West Virginia. I had given notice that at the conclusion of the Fitz-John Porter bill I should call up House joint resolution No. 116, but as I understand the Senator from Vermont [Mr. MORRILL] wishes to occupy the floor, I of course will give way, and will renew my motice that to-morrow morning after the morning hour I shall call up the joint resolution.

MILITARY WARRANT LAND LOCATIONS.

Mr. McDONALD. I desire to give notice that at the conclusion of the morning business to-morrow I shall ask that the Senate consider the morning business to-morrow I shall ask that the senate consider the pending motion on bill No. 19, which is a motion to reconsider the vote by which Senate bill No. 19 was indefinitely postponed at the last session. The bill to which I refer is entitled "A bill to au-thorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes." It stands on a motion to reconsider the vote by which the Senate postponed indefinitely the consideration of that bill at the last session. Being a motion to reconsider I shall ask at the conclusion of the morning business to-morrow that that motion has called up. be called up.

EDUCATIONAL FUND.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island [Mr. BURNSIDE] to postpone the pend-

the Senator from Knode Island [Mr. BURNSIDE] to postpone the pending and all previous orders to the bill mentioned by him for the purpose of calling up that bill for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education. ment and support of national coneges to the strike and industrial education.

Mr. THURMAN. Does the Senator from Rhode Island wish to speak on the bill this afternoon?

Mr. BURNSIDE. No, sir; but to-morrow immediately after the

morning hour.
Mr. MORRILL. Mr. President—
Mr. THURMAN. Does the Senator from Vermont prefer to go on Mr. MORRILL. I would prefer to go on to-merrow morning imme-

diately after the morning hour.

Mr. THURMAN. This will be the unfinished business, then, if we go into executive session now?

go into executive session now?

The PRESIDING OFFICER. It will.

Mr. THURMAN. I move that we go into executive session.

Mr. MORRILL. I rise to take the floor on that bill.

The PRESIDING OFFICER. The Senator from Vermont is recognized as entitled to the floor on the bill. The question is on the motion of the Senator from Object that the Senator proceed to the consideration of the Senator proceed to the consideration of the Senator proceed to the consideration. tion of the Senator from Ohio that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at three o'clock

and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 14, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. Mr. Bragg and Mr. Frost appeared in their seats to-day.
The Journal of yesterday was read and approved.
Mr. BICKNELL. I call for the regular order.

ADVERTISING IN THE DISTRICT.

The SPEAKER. Before the regular order is proceeded with the Chair desires to announce as managers of the conference on the part of the Heuse on the bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia, Mr. Otho R. Singleton, Mr. Benjamin Wilson, and Mr. P. C. Hayes. APPOINTMENTS ON COMMITTEES.

The SPEAKER. The Chair also announces the following appointments on committees:

Mr. CLEMENTS on the Committee on Banking and Currency, and

on the Committee on Pensions, to fill vacancies;
Mr. SCOVILLE on the Committee on Invalid Pensions, and on the Committee on the Census, to fill vacancies.

VISITORS TO MILITARY ACADEMY.

The SPEAKER. The Chair also announces the appointment of Mr. Scales, Mr. Cook, and Mr. Williams of Wisconsin, as Visitors to the Military Academy.

UNMAILABLE MATTER IN WASHINGTON CITY POST-OFFICE.

Mr. MONEY. I rise to make a privileged report. I am instructed by the Committee on the Post-Office and Post-Roads to report back the resolution referred to that committee, which I send to the desk with an amendment.

The Clerk read the resolution, as follows:

Whereas it is alleged that there are in the city post-office at Washington, District of Columbia, certain bags of mail matter which are there detained for the want of postage; and Whereas it is alleged that they were attempted to be sent under frank, and did not contain matter which could properly be sent through the mails under the frank-

ing privilege: Therefore,

Resolved, That the Postmaster-General be, and he is hereby, requested, if not incompatible with the interests of the public service, to report to this House as soon as practicable all the facts relating to the receipt and detention of said mail matter by the postmaster of Washington City.

The Clerk read the amendment reported by the committee, as fol-

Add to the resolution the following:
"And also all information he may have relative to the abuse of the frank by use
upon unfrankable matter by any member of Congress or by any loan of the frank
of any member of Congress for any purpose."

Mr. CALKINS. We have no objection to the amendment.

The SPEAKER. The question is on the amendment recommended

by the committee.

Mr. SINGLETON, of Illinois. I am at a loss to understand under what rule of this House that resolution becomes a privileged ques-

The SPEAKER. The Chair will cause the rule to be read. The committee are compelled to report within one week.

Mr. SINGLETON, of Illinois. Rule IX does not make this a privileged question. I am opposed to the resolution and amendment. This is an attempt to resurrect certain slanders out of the débris of the late political canvass.

The SPEAKER. The Clerk will read the first clause of Rule XXIV.

The Clerk read as follows:

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, on which call, joint and concurrent resolutions and memorials of State and territorial Legislatures may be presented and appropriately referred, and on this call only, resolutions of inquiry directed to the heats of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

The SPEAKER. The House will observe this rule is mandatory and states the committee shall report within one week. Now if the committee must report within one week it is the duty of the Chair at some time to recognize a gentleman to make such report; and the Chair has always recognized it as in the nature of a compulsory or privileged report under the rules of the House.

Mr. SINGLETON, of Illinois. The gentleman from Mississippi said he rose to make a privileged report, and, as I understood, made the report not under the rule which the Chair caused to be read, but under the pinth rule.

under the ninth rule.

The SPEAKER. The Chair does not rule that this is a question of privilege under Rule IX. But the Chair recognized the gentleman from Mississippi to make a report under the rule that has just been read. That rule is mandatory and states that the committee shall report within one week.

Mr. MILLS. Is it a privileged question for consideration now, or

simply privileged for reporting?

The SPEAKER. The gentleman can raise the question of consideration. The power to report in this case and under such circumstances would be of no value if the House had not the power to con-

Mr. FINLEY. If there be a privilege to report, it must necessarily carry with it the privilege to consider.

The SPEAKER. In such case as now presented it follows as a

natural consequence.

Mr. SINGLETON, of Illinois. Do I understand the Chair to decide that the resolution is new up for consideration?

The SPEAKER. The Chair so decides. Such has been the practice of the committee is now before the Breaker. The consideration and the question is first on the amendment recommended by the committee.

Mr. BUCKNER. I call for the reading of the report again.

The resolution and amendment were again read.

Mr. MONEY. I move the previous question.

Mr. SINGLETON, of Illinois. I do not think the gentleman from.

Mississippi can move the previous question while I have the floor.

The SPEAKER. The gentleman making the report has the control of the matter and the floor until an adverse vote by the House thereon

Mr. SINGLETON, of Illinois. I claim to have held the floor while waiting for the reading of the resolution.

I am not aware of any rule which makes this report a privileged question. It contains nothing, no allegation affecting the dignity, integrity, and safety of the proceedings of this House; nor does it affect by its allegations the rights, reputation, and conduct of members individually in their representative capacity.

The first clause alleges that certain mail matter is detained for want of postage. If this is true, the law directs the disposition to be made of such matter.

The second clause alleges an attempt by some one unnamed and unknown to frank such matter. There is no allegation that any member of Congress was privy to the attempt to frank the matter so

detained for want of postage.

The amendment of the committee is simply an attempt to stir up the embers of our late political strife and rake out something to be made the subject of special investigation whereby to blacken or damage the character of some innocent and unoffending person.

damage the character of some innocent and unoffending person. It has been, I am informed, a very common custom of all parties to leave franked envelopes with their respective committees for legitimate use in sending out such public documents as are authorized by law to be franked; and if an unknown person, as in the instance under consideration, should have made improper use, or attempted to make improper use, of such franks, without the knowledge or consent of the member whose frank has been thus abused, it cannot affect the conduct of the member, and thereby become a privileged question; and, if now in order, I will move to lay the report on the table.

The motion to lay on the table was not agreed to, upon a division—aves 29: noes 91.

ayes 29; noes 91.

The amendment reported from the committee was then agreed to, and the resolution as amended was adopted.

Mr. MONEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NICARAGUA CANAL COMPANY.

Mr. MORTON, by unanimous consent, introduced a bill (H. R. No. 6609) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL RAILWAY FROM NEW YORK TO COUNCIL BLUFFS.

Mr. DIBRELL, from the Committee on Military Affairs, reported back the following with an adverse recommendation:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish this House, at as early a day as practicable, from such information as he has at hand, an estimate of the cost of a double-track steel railway to run from New York City, New York, to Council Bluffs, Iowa, the terminus of the Union Pacific Railroad, the road to be thoroughly built and properly equipped for a great national and enilitary highway.

The resolution was laid upon the table, and the accompanying report ordered to be printed.

HOME FOR AMERICAN SEAMEN.

Mr. YOUNG, of Ohio, by unanimous consent, introduced a bill (H. R. No. 6610) to encourage American seamen, and to provide for aged, helpless, and disabled seamen, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. FERNANDO WOOD. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports, and the morning hour will begin at twenty-five minutes before one o'clock.

EXPENSES IN CONTESTED-ELECTION CASE.

Mr. SPRINGER, from the Committee on Elections, reported back, with a recommendation that the same do lie upon the table, the petition of John M. Bradley for additional apprepriation for expenses in contested-election case of Bradley vs. Slemons.

Mr. KEIFER. Is there any written report accompanying that

petition ?

Mr. SPRINGER. There is no written report.

The SPEAKER. There should be one. The House can give con-

sent that the report be submitted hereafter.

Mr. KEIFER. You had better withdraw the petition now.

Mr. SPRINGER. It is merely an adverse report. I can hand in

the written report to the Clerk hereafter. There being no objection, the petition was received and laid upon the table.

JOHN B. DAVIS.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bill No. 4699, a bill (H. R. No. 6611) for the relief of John B. Davis; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA L. LEE.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pen-

sions, reported back, with a favorable recommendation, the bill (H. R. No. 4009) granting a pension to Maria L. Lee and her children; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

The SPEAKER. The call of committees for reports has been con-

ELECTORAL COUNT.

Mr. BICKNELL. I now call up the unfinished business of yester-

day.

The SPEAKER. The unfinished business of yesterday is the concurrent resolution of the Senate in relation to the electoral count, on which the gentleman from Illinois [Mr. SPRINGER] is entitled to

Mr. BICKNELL. I move the previous question on the concurrent

Mr. SPRINGER. I obtained the floor yesterday on this resolution, but I will give way at this time with the understanding that I can have the floor after the previous question shall have been ordered.

The SPEAKER. The gentleman will have such right as the rules

give him.

Mr. MILLS. I desire to inquire of the gentleman from Indiana [Mr. BICKNELL] if he will permit the amendment to be offered suggested the other day in the colloquy between the gentleman from Maryland [Mr. McLane] and myself, and that the votes shall be counted by the concurrence of both Houses?

Mr. BICKNELL. I am not authorized to admit any amendment.

The question was taken upon seconding the previous question; and

upon a division there were ayes 81, noes none.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. BICKNELL and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were

ayes 87, noes none.

Mr. CONGER. No quorum.

Mr. BICKNELL. The point being made that no quorum has voted, the only motions now in order, I believe, are a motion for a call of the House and a motion to adjourn. I move that there be a call of the House

The motion was agreed to; more than fifteen voting in the affirmative.

The Clerk proceeded to call the roll, when the following members

Tanen to answer	to then names.		
Aiken, Atkins, Bailey, Ballou, Barlow, Bowman, Bright, Carlisle, Caswell, Clark, Alvah A.	Dwight, Einstein, Elam, Ewing, Ford, Forsythe, Hazelton, Henkle, Houk, Hutchins.	McMahon, Miller, Mitchell, Morrison, Morton, Muller, Murch, Newberry, O'Brien, O'Neill.	Ryon, John W. Scoville, Shelley, Smith, Hezekiah B. Smith, William E. Starin, Talbott, Townshend, R. W. Van Voorhis, Waddill.
Crapo,	James,	Pacheco,	Washburn, White.
Crowley, Davidson, Davis, Lowndes H. Dickey,	Kitchin, Knott, Lapham, Martin, Joseph J.	Persons, Robeson, Ross, Russell, Daniel L.	Wood, Walter A. Wright, Young, Casey.

The SPEAKER. The roll-call discloses the presence of a quorum, two hundred and thirty-one members having answered to their names.

Mr. BOWMAN. Mr. Speaker, I came in when the first roll-call was half through. Cannot my name be recorded?

The SPEAKER. Did the gentleman answer at either roll-call?

Mr. BOWMAN. I came in when the first roll-call was half through; but being engaged in conversation did not notice when my name was called on the second roll-call.

The SPEAKER. The Chair cannot afford the gentleman any rem-

called on the second roll-call.

The SPEAKER. The Chair cannot afford the gentleman any remedy under the rule. The gentleman's statement will go into the Record, showing that he is in fact present.

Mr. BICKNELL. A quorum being present, I move that all proceedings under the call be dispensed with.

The SPEAKER. The Chair hears no objection.

Mr. BICKNELL. The proceedings this morning have shown that our friends on the other side are in no better mind since the debate than they were before. Under existing circumstances I will not press any further the consideration of the resolution at this time. I give notice that I will bring it forward in January next, as soon as I can find one hundred and forty-seven members present on this side of the House.

The SPEAKER. The Chair hears no objection to the motion of the gentleman to dispense with further proceedings under the call.

Mr. CONGER. In reply to the remark of the gentleman from Indiana, [Mr. BICKNELL,] I desire to say that we shall be exceedingly gratified if our course should compel members on the other side to be

present and attend to their duties.

The SPEAKER. And the Chair also will be very much gratified if it should have the effect of bringing absentees to the House.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the funding bill.

Mr. REAGAN. If it is in order, I move as a substitute for that motion to take up the special order, House bill No. 4748, to establish a

board of commissioners of interstate commerce, and for other purposes, which was made a special order for the 24th of March last, and from day to day thereafter, to be acted on in the House as in Committee of

Mr. FERNANDO WOOD. I will inquire of the Chair whether a privileged motion such as mine can be antagonized by a motion of this character?

Mr. REAGAN. If the gentleman will allow me to answer, I will

It is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report.

I refer to the Manual, page 254.

The SPEAKER. The question involved here is whether a motion to go into Committee of the Whole House on the state of the Union takes precedence over a motion to consider a special assignment on the House Calendar. To bring directly to the mind of the House the point involved, the question is whether a motion the object of which is to reach the interstate-commerce bill, which is on the House Calendar, has precedence over the motion of the gentleman from New York. The Chair thinks it has not. The fourth clause of Rule XXIV provides that-

After the hour shall have been devoted to reports from committees it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment.

The record shows that the bill indicated by the gentleman from Texas, [Mr. Reagan,] while it is on the House Calendar, has never yet been considered. It cannot, therefore, be viewed in the light of unfinished business. The rule goes on to state—

Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table.

That motion has not been made to-day.

Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions, in the following order, viz:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

The mode of proceeding under the rules to reach the bill which the gentleman from Texas desires to take up is to vote down the motion to go into Committee of the Whole on the state of the Union. The Chair will then recognize a motion that the House proceed to the consideration of business on the House Calendar. That is the order which the rule prescribes. If the House should vote to consider the House Calendar, then under another rule the bills on that Calendar will be taken up in their order. This latter proceeding will be under control of the House in the Committee of the Whole.

control of the House in the Committee of the Whole.

Mr. REAGAN. I will inquire of the Speaker, for information, whether the only mode of raising the question of priority on the motion of the gentleman from New York is by voting it down? I will inquire whether I cannot offer my proposition as a substitute for the proposition of the gentleman from New York?

The SPEAKER. The Chair thinks not. The motion of the gentleman from New York is not amendable. If a majority of the Mouse desires to take up the bill indicated by the gentleman from Texas, the mode of reaching that end is to vote down the proposition to go the mode of reaching that end is to vote down the proposition to go into Committee of the Whole on the state of the Union. The Chair would then feel obliged under the rule to recognize the gentleman

would then feel obliged under the rule to recognize the gentleman from Texas. The Chair will now say that on any day when there is no motion made having priority of the motion to proceed to the House Calendar, the Chair will recognize the gentleman for that motion.

Mr. REAGAN. If I understand, however, the suggestion of the Speaker, (I do not know that I do understand it,) the motion to go into Committee of the Whole on any measure excludes, without the power of raising the question of consideration, the right to proceed

to the consideration of a special order.

The SPEAKER. The question of consideration is practically raised by a vote on the motion of the gentleman from New York. If a negative vote should be given on the motion to go into Committee of the Whole on the state of the Union, it is a refusal of the House to con-Whole on the state of the Union, it is a refusal of the House to consider bills under the clause of the rule which permits the motion to be made which the Chair recognized, and the Chair would then recognize the motion next provided for under the rules.

Mr. REAGAN. I do not know, Mr. Speaker, that it would be in order for me to say a word on the question of consideration at this time. If it would, I should like to say a word to the House.

The SPEAKER. If the gentleman has the consent of the House, the Chair will be glad to listen to him, but, under the rules, questions of priority of business are not debatable.

Mr. REAGAN. I understand that, but I do not think there will be objection.

objection.
The SPEAKER. The Chair hears no objection, and the gentleman

Mr. REAGAN. I wish to say a word. The special order for the consideration of the bill to regulate interstate commerce was made on the 18th of February last. It is a measure of importance which has been pressed upon the attention of the House and the committee by the agricultural, manufacturing, and commercial interests of almost the entire country. It will doubtless be conceded that there is no measure before Congress of greater importance or which should receive prompter action on the part of this House. It will not take

up so great a length of time as to prevent action on the funding bill, and I respectfully and earnestly ask the House to take up the inter-

and I respectfully and carnestly ask the House to take up the interstate commerce bill.

The SPEAKER. The Chair has cited the rules which govern him in practice; but, in justice to himself, he ought also have read another rule, which was the result of a compromise between the committees of the House. The Clerk will read clause 9 of Rule XVI.

The Clerk read as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. There is an evident conflict here, but the conflict does not displace in any respect the priority of the motion to go into the Committee of the Whole House on the state of the Union.

In reply to the gentleman from Texas, the Chair desires to say he agrees with the gentleman as so the importance of the subject to which he has alluded, and the Chair will take the greatest pleasure in recognizing him on any day when these prior motions as provided under the rules are not pending or may, if pending, be disposed of.

Mr. REAGAN. Allow me one word. I had somehow got the im-

pression that the question of consideration could be raised at any time when there was not a question of privilege up for consideration.

The SPEAKER. The better way to raise the question of consideration on a motion of this sort is to vote it down. That is the most

Mr. HOOKER. I desire to say, Mr. Speaker, that according to the rules as they are at present we have three calendars of business in this House, and all bills before the House are upon one or the other. We have the House Calendar, the Calendar of the Committee of the Whole House on the state of the Union, and the Calendar of the Committee of the Whole House on private bills. I shall insist, therefore, when it is moved to go into the Committee of the Whole House on the state of the Union and that motion is adopted, the committee shall take up the business on the Calendar as it stands there shall take up the business on the Calendar as it stands there.

The SPEAKER. The rule fixes that, and the Chair will cause to be read the rule the administration of which the gentleman from

Mississippi commends.

Mr. FERNANDO WOOD. I do not think it necessary to make any reply to the gentleman from Texas as to the relative importance of these two bills. I am quite sure the funding bill is second to none before the House in gravity, importance, and necessity for immediate passage. The interstate-commerce bill has had no more struggle in this House than has the funding bill. While the interstate-commerce bill might, possibly, in the opinion of some gentlemen, go over without injury to the country, no man is willing to concede, I believe, that the funding bill can be postponed without serious injury. Therefore I claim it is a privileged question.

The SPEAKER. The Chair does not entertain it in that light, but

The SPEARER. The Chair does not entertain it in that light, but in the light of a prior motion, according to the rules.

Mr. BLOUNT. Before that motion is put I should like to say to the gentleman from New York that probably there will be printed and ready for consideration to-morrow four regular appropriation bills, and to ask him whether he will not be willing to yield at that time to go on with these bills.

The SPEAKER. That will be a matter within the volition of the

House

Mr. BLOUNT. I so understand.

The SPEAKER. The agreement made gives the appropriation bills in the committee prior claim for consideration, if the House so wish. Mr. BLOUNT. I so understood, and thought it would be agreea-ble to the gentleman from New York to have an understanding on

the matter at this time.

The SPEAKER. However, these questions are to be decided by the chairman of the Committee of the Whole House on the state of the Union

Mr. FERNANDO WOOD. I have no desire to antagonize the appropriation bills. The bills which the gentleman from Georgia refers to scarcely ever give rise to lengthy discussion, and the whole four may be passed in a few hours. I shall not antagonize the appropriation bills, which require immediate action.

The SPEAKER. The gentleman from New York agreed originally that he would not

that he would not.

Mr. FERNANDO WOOD. I will not, although I have a ruling under the rule that revenue bills have precedence over appropriation bills and should be first considered.

The SPEAKER. The Clerk will read from the Journal.

The Clerk read as follows:

House bill No. 4592.—Mr. FERNANDO WOOD, from the Committee on Ways and Means, reported a bill to facilitate the refunding of the national debt; which was made the special order immediately after the morning hour for the first Tuesday in March, and from day to day until disposed of, to the exclusion of existing orders, but not to interfere with the appropriation bills.

The SPEAKER. The Chair will cause to be read the rule which should govern the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

Rule XXIII, clause 4:
In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence,

and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The SPEAKER. The Chair only desires to add that he has nothing to do with the execution of the rules in the Committee of the Whole House on the state of the Union, or in the Committee of the

Whole House on the other calendars.

Mr. SPRINGER. Before the question to resolve the House into Committee of the Whole is taken, I desire to ask whether it would not be in order, with the consent of the gentleman from New York, to move that general debate in the Committee of the Whole be limited to two hours? Or, let me ask, what time does the gentleman from New York suggest?
Mr. FERNANDO WOOD. I think that after the several gentlemen

who desire to discuss this question shall have concluded their rewho desire to discuss this question shall have concluded their remarks, if the House will consent to take it up to-day, I would like that to-morrow, after the speeches shall have been made to-day, to ask the House to limit debate at the close of to-morrow's session.

Mr. SPRINGER. I have no objection to debate under the five-minute rule. I think that is the debate from which most light is likely to be derived on this question.

Mr. WEAVER. I think this bill is of too much importance to limit

debate on it.

Mr. PAGE. I think so, too.
Mr. WEAVER. There is no bill before the House which is so important as this is to the people of the country, and I am opposed to any limitation on the debate.

Mr. SPRINGER. I think that all the discussion that can be had on this bill under the five-minute rule will be of importance in throwing light upon it, but I think general debate had better be limited

to a reasonable time.

Mr. REAGAN. Mr. Speaker, I desire to say that the bill which I have mentioned here to-day is one which I and other gentlemen regard as of so much importance that I shall ask that a record be made of the votes of members who prefer to take up other business to that which I have indicated.

The SPEAKER. In what way does the gentleman desire to make

a record?

Mr. REAGAN. By the yeas and nays on the motion.

The SPEAKER. Does he propose to do it on the present motion?

Mr. REAGAN. No, sir; not now; but I shall take the proper time

to do so.

The SPEAKER. The question before the House is on the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the refunding bill.

The House divided; and there were—ayes 110, noes 47.

Mr. REAGAN. I call for the yeas and nays.

The years and pays were ordered.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 90, not voting 65; as follows: YEAS-136.

Aldrich, N. W. Aldrich, William Bachman, Barber,	Cravens, Daggett, Davis, George R. Davis, Horace	Humphrey, Hunton, Johnston, Jorgensen,	Reed, Rico, Richardson, D. P. Richmond,
Belford,	Deering, Deuster.	Joyce,	Robinson,
Beltzhoover, Bicknell,	Dick,	Keifer, Kelley,	Ryan, Thomas Sapp,
Blake,	Dunnell,	Ketcham.	Scoville,
Blount,	Dwight,	Killinger,	Shallenberger,
Bouck,	Evins,	Kimmel,	Shelley,
Bowman,	Felton,	King,	Sherwin,
Boyd,	Ferdon.	Klotz,	Smith, A. Herr
Brewer,	Fisher,	Lindsey,	Stene,
Briggs,	Fort,	Martin, Edward L.	Taylor, Ezra B.
Brigham,	Frye,	Mason,	Thomas,
Browne,	Gibson,	McCoid,	Thompson, Wm. G.
Buckner,	Godshalk,	McCook,	Townsend, Amos
Burrows,	Gunter,	McGowan,	Tucker,
Butterworth,	Hall,	McKinley,	Tyler,
Calkins, Camp,	Hammond, N. J. Harmer,	McLane, Miles,	Updegraff, J. T. Updegraff, Thomas
Carpenter,	Harris, Benj. W.	Monroe,	Urner,
Caswell,	Haskell,	Morse,	Van Aernam,
Chalmers,	Hawk,	Morton,	Voorhis,
Chittenden,	Hawley,	Nicholls,	Wait,
Claffin,	Haves,	Norcross,	Ward,
Clymer,	Heilman,	O'Connor,	Warner,
Conger,	Henry,	O'Reilly,	Wells.
Converse,	Hill	Orth,	Whiteaker,
Cook,	Hiscock,	Overton,	Wilber,
Covert,	Hocker,	Page,	Williams, C. G.
Cowgill,	Horr,	Pound,	Willits,
Cox,	Hostetler,	Prescott,	Wood, Fernando
Crapo,	Hubbell,	Price,	Young, Thomas L.
	NY A	TE 00	

Cowgill, Cox, Crapo,	Horr, Hostetler, Hubbell,	Pound, Prescott, Price,	Willits, Wood, Fernando Young, Thomas
	NA	YS-99.	
Acklen, Anderson, Armfield, Armfield, Atherton, Bayne, Berry, Blackburn, Bland, Bragg, Bright,	Cabell, Caldwell, Clardy, Clark, John B. Clements, Cobb, Coffroth, Colerick, Culberson, Davis, Joseph J.	De La Matyr, Dibrell, Dunn, Ellis, Errett, Finley, Forney, Forsythe, Frost, Geddes,	Gillette, Goode, Harris, John T. Hatch, Hernden, House, Hull, Hurd, Jones, Kenna,

Ladd, Le Fevre, Lowe, Manning, Marsh, Martin, Benj. F. McKenzie, McMillin, Mills, Mitchell, Money, Muldrow, Myers,	New, Osmer, Phelps, Philips, Phister, Poehler, Reagan, Robertson, Rothwell, Samford, Sawyer, Scales, Simonton,	Singleton, J. W. Singleton, O. R. Slemons, Sparks, Speer, Springer, Steele, Stephens, Stevenson, Taylor, Robert L. Thompson, P. B. Tillman, Turner, Oscar	Turner, Thomas Upson, Vance, Weaver, Wellborn, Whitthorne, Williams, Thomas Willis, Wilson, Wise, Yocum.
	NOT	VOTING-65.	

	NOT V	OTING-65.	
Aiken, Atkins, Bailey, Balley, Balker, Ballou, Barlow, Beale, Bingham, Bliss, Cannon, Carlisle, Clark, Alvah A. Crowley, Davidson, Davis, Lowndes H. Dickey, Einstein,	Elam, Ewing, Field, Ford, Hammond, John Hazelton, Henderson, Henkle, Herbert, Houk, Hutchins, James, Kitchin, Knott, Lapham, Loring, Lounsbery,	Martin, Joseph J. McMahon, Miller, Morrison, Muller, Murch, Neal, Newberry, O'Brien, O'Neill, Pacheco, Persons, Richardson, J. S. Robeson, Ross, Russell, Daniel L. Russell, W. A.	Ryon, John W. Smith, Hezekiah B. Smith, William E. Starin, Talbott, Townshend, R. W. Valentine, Van Voorhis, Waddill, Washburn, White, Wood, Walter A. Wright, Young, Casey.

The following pairs were announced: Mr. Van Voorhis with Mr. Lounsbery.

Mr. DAVIS, of Missouri, with Mr. FIELD, on all political questions, with the exception of election cases, up to and including December 15.

Mr. LORING with Mr. HERBERT, on all questions, this day.

Mr. MORRISON with Mr. HENDERSON, to-day.

Mr. JAMES with Mr. SMITH of Georgia, until further notice.

Mr. BLOUNT with Mr. ANDERSON, for this day. Mr. Crowley with Mr. O'Brien. Mr. Atkins with Mr. Baker, upon all questions, for this day.

Mr. WHITE with Mr. PERSONS.

Mr. BALLOU with Mr. Carlisle, until further notice.
Mr. MILLER with Mr. TALBOTT, until Friday, the 17th instant.
Mr. ROBESON with Mr. ROSS, until further notice.
Mr. LAPHAM with Mr. TUCKER, on all political questions, until after the holiday recess

Mr. Townshend, of Illinois, being sick, is paired with Mr. Cannon, of Illinois, until further notice from Mr. Cannon.

Mr. Beale with Mr. O'Neill, on all political questions, until Wednes-

day, the 15th instant Mr. McMahon with Mr. Neal, on all political questions, for to-day

and to-morrow.

Mr. Young, of Tennessee, with Mr. Houk, until further notice. Mr. Valentine with Mr. Davidson, during the absence of Mr. Da-

Mr. VALENTINE with Mr. DAVIDSON, during the absence of Mr. DAVIDSON from the House.

Mr. O'Connor with Mr. Martin, of North Carolina, upon all political questions, for ten days from the 11th instant.

Mr. SMITH, of New Jersey, with Mr. NEWBERRY, until Congress shall assemble after the holidays.

Mr. STARIN with Mr. HUTCHINS, upon all questions, for two weeks.

On motion of Mr. SPRINGER, the reading of the names was discovered with.

The SPEAKER. Pending the announcement of the vote, the gentleman from Tennessee [Mr. BRIGHT] asks leave to introduce a bill

MRS. JANE VENABLE.

Mr. BRIGHT, by unanimous consent, introduced a bill (H. R. No. 6612) for the relief of Mrs. Jane Venable; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

The SPEAKER. On yesterday there was a bill reported from the Committee on the Public Lands, the bill (H. R. No. 2666) for the benefit of homesteaders and pre-emptors of public lands, which was erroneously referred to the Committee of the Whole on the state of It should have been referred to the House Calendar, and the Chair has caused the necessary change of reference to be made.

REPORTS OF FOREIGN AFFAIRS COMMITTEE.

Mr. COX. I desire to ask unanimous consent that the second Wedhesday of January be fixed for the consideration of business reported by the Committee on Foreign Affairs.

Mr. REAGAN. I will be obliged to object unless the order be so made as not to interfere with preceding orders.

Mr. COX. We have reported our business to the House and noth-

ing has been done with it. Other committees have had their chance

and I think we should have ours.

Mr. REAGAN. I would not object if the condition be added that this shall not interfere with the consideration of the interstate-commerce bill.

Mr. COX. I am willing to amend the proposition so that it shall not interfere with the bill in charge of the gentleman from Texas.

The SPEAKER. The gentleman from New York asks unanimous consent that the second Wednesday of January, after the morning

hour, be assigned for the consideration of reports from the Committee on Foreign Affairs; not to interfere with appropriation bills, the funding bill, or the interstate-commerce bill. Is there objection?

Mr. COX. Let it be made an order continuing from day to day.

The SPEAKER. The House had better be advised that the effect of that might be to let the reports of the Committee on Foreign

Affairs run for several days.

Mr. COX. If the House do not object, I am sure the Speaker will

Mr. REAGAN. I must object to the proposition as it is now made. MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 1618) to amend section 553 of the Revised Statutes, relating to the District of Columbia; and

A bill (S. No. 1376) for the relief of Ella Carroll, formerly Ella

The message also announced that the Senate had passed without amendment the joint resolution of the House (H. R. No. 338) directing one copy of the Congressional Record to be sent to each of our legations abroad.

ELECTION OF POSTMASTER.

Mr. CABELL. Pending the announcement of the vote on going into Committee of the Whole, the gentleman from New York [Mr. Fernando Wood] yields to me to offer the resolution which I send

The Clerk read as follows:

Resolved, That A. W. C. Nowlin, of Virginia, be appointed Postmaster of the House of Representatives to fill the vacancy occasioned by the death of James M.

Mr. FERNANDO WOOD. If this proposition is to create delay, as it probably will, I shall insist on the announcement of the vote.

Mr. CABELL. I think it will cause no delay.

Mr. REAGAN. Has the result of the vote on the motion to go into

Committee of the Whole been announced?

The SPEAKER. The vote has not yet been announced. The Chair would not have entertained any proposition after the vote was an-

Mr. CONGER. I desire to offer an amendment to the resolution submitted by the gentleman from Virginia. I move to amend by striking out the name of A. W. C. Nowlin and inserting the name of Henry Sherwood. I desire to say, Mr. Speaker, that Mr. Sherwood, as all the members of the House will remember, was the last Postmaster of the House under republican administration. He was a gallant soldier of the Union Army, and lost one leg in the service of his country. He is a gentlemanly, courteous, and polite man, and performed the duties of that office while he held it, I believe, to the entire satisfaction of all the members of the House.

Mr. COOK. You can elect him Postmaster in the next Congress; you will be able to do it then

you will be able to do it then.

Mr. SPARKS. The gentleman from Michigan is moving him for

the next Congress.

Mr. CONGER. I think we had better elect him now.

Mr. CABELL. Mr. Nowlin, whom I have nominated as Postmaster of the House, is an honest, faithful, and efficient officer, and I think has given to all the members of the House satisfactory evidence of his capacity.

The SPEAKER. The question is first on the amendment.

Mr. CONGER. I call for the yeas and nays.

Blackburn, Bland,

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 118, not voting 73; as follows:

	YEA	AS-100.	
Aldrich, N. W. Aldrich, William Anderson, Barber, Bayne, Belford, Bingham, Blake, Bowman, Boyd, Brewer, Briggs, Brigham, Browne, Burrows, Butterworth, Calkins, Carpenter, Caswell, Claffin, Conger, Cowgill, Crapo, Daggett, Davis, George R.	Davis, Horace Deering, Dick, Dunnell, Dwight, Errett, Ferdon, Field, Fisher, Fort, Frye, Godshalk, Hall, Hammond, John Harner, Harris, Benj. W. Haskell, Hawley, Hawley, Hayes, Heilman, Hiscock, Horr, Joyce,	Keifer, Kelley, Ketcham, Killinger, Lindsey, Marsh, Mason, McCoid, McCook, McGowan, McKinley, Miles, Mitchell, Monroe, Norcross, Orth, Osmer, Overton, Pround, Prescott, Price, Reed, Rice, Richardson, D. P. Robinson,	Russell. W. A. Ryan, Thomas Sapp, Shallenberger, Sherwin, Smith, A. Herr Stone, Taylor, Ezra B. Thomas, Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T., Updegraff, Thomas Urner, Valentine, Van Aernam, Voorhis, Wart, Ward, Wilber, Williams, C. G. Willits, Yoeum, Young, Thomas L.
	NA	YS-118.	
Armfield, Atherton	Berry, Bicknell	Bliss, Bloomt	Bright,

Clardy, Clark, John B.	Goode, Gunter,	McKenzie, McLane,	Singleton, J. W. Singleton, O. R.
Clements,	Hammond, N. J.	McMillin,	Slemons,
Clymer,	Harris, John T.	Mills,	Sparks,
Cobb,	Hatch,	Money,	Speer,
Coffroth,	Henkle,	Muldrow,	Springer,
Colerick,	Henry,	Murch,	Steele,
Converse,	Herndon,	Myers,	Stephens,
Cook,	Hooker,	New,	Stevenson,
Cox,	Hostetler,	Nicholls,	Taylor, Robert L.
Cravens,	House,	O'Reilly,	Tillman,
Culberson,	Hull,	Phelps,	Turner, Oscar
Davis, Joseph J.	Hunton,	Philips,	Turner, Thomas
Davis, Lowndes H.	Hurd,	Phister,	Upson,
De La Matyr,	Johnston,	Poehler,	Vance,
Deuster,	Jones,	Reagan,	Warner,
Dibrell,	Kenna,	Richardson, J. S.	Wellborn,
Dunn,	Kimmel,	Richmond,	Wells,
Ellis,	King,	Robertson,	Whiteaker,
Evins,	Klotz,	Rothwell,	Whitthorne.
Felton,	Ladd,	Samford,	Williams, Thomas
Finley,	Le Fevre,	Sawyer,	Wilson,
Forney,	Lowe,	Scales,	Wise,
Frost,	Manning,	Scoville,	Wood, Fernando.
Geddes,	Martin, Benj. F.	Shelley,	
Gibson,	Martin, Edward L.	Simonton,	

NOT VOTING-73.

Acklen, Aiken, Aiken, Atkins, Bailey, Baker, Ballou, Barlow, Beale, Camp, Carnon, Carlisle, Chittenden, Clark, Alvah A. Covert, Crowley, Davidson, Dickey,	Elam, Ewing, Ford, Gillette, Hazelton, Henderson, Herbert, Hill, Houk, Hubbell, Humphrey, Hutchins, James, Jorgensen, Kitchin, Knott, Lapham, Loring,	Martin, Joseph J. McMahon, Miller, Morrison, Morse, Morton, Muller, Newberry, O'Brien, O'Connor, O'Neill, Pacheco, Page, Persons, Robeson, Ross, Rnssell, Daniel L.	Smith, Hezekiah B. Smith, William E. Starin, Talbott, Thompson, P. B. Townshend, R. W. Tucker, Van Voorhis, Waddill, Washburn, Weaver, White, Willis, Wood, Walter A. Wright, Young, Casey.
Dickey,	Loring,	Russell, Daniel L.	
Einstein,	Lounsbery,	Ryon, John W.	

So the amendment was not agreed to. The following additional pairs were announced: Mr. Hill with Mr. Morton.

Mr. HAZELTON with Mr. DAVIDSON, on this question.
Mr. CHALMERS with Mr. VAN VOORHIS, on all political questions.
Mr. THOMPSON, of Kentucky, with Mr. Page, on this question.
The question recurred on the resolution submitted by Mr. CABELL;

And deing taken, it was adopted.

Mr. CABELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. Nowlin then appeared and took the oath of office as Postmaster of the House.

REFUNDING THE NATIONAL DEBT.

The SPEAKER. Upon the motion of the gentleman from New York [Mr. Fernando Wood] that the House now resolve itself into Committee of the Whole on the state of the Union the yeas were 136, nays 90; so the motion was agreed to.

136, nays 90; so the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. Covert in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt. The gentleman from Ohio [Mr. Warner] is recognized by the Chair and is entitled to the floor. tled to the floor

Mr. FERNANDO WOOD. Before the gentleman from Ohio proceeds to address the committee on the bill now before it, I wish to announce that the Committee on Ways and Means, since it reported this bill to the House, has agreed to propose a change in the rate of interest on the bonds to be issued, from 3½ per cent. to 3 per cent. per annum, and there probably will be one or two other merely techincal

annum, and there probably will be one or two other merely technical amendments which the committee may submit to be acted upon.

Mr. KELLEY. Before the debate proceeds, I desire to submit, as by consent of the committee reporting this bill, a substitute therefor. The CHAIRMAN. The Chair desires to state to the gentleman from Pennsylvania [Mr. KELLEY] that he is somewhat in doubt whether the House in Committee of the Whole can entertain such a proposition at this time.

Mr. KELLEY I submit it simply that it way be reading before

Mr. KELLEY. I submit it simply that it may be pending before

The CHAIRMAN. The Chair would suggest that it would be better to submit it as an individual proposition.

Mr. KELLEY. It is submitted as a substitute for the bill, with the knowledge and by the consent of the committee that reported the bill.

The CHAIRMAN. The only embarrassment, in the judgment of the Chair, is as to the propriety of the introduction of this amendment while the House is in Committee of the Whole.

Mr. MILLS. The pending bill is as much subject to amendment in Committee of the Whole as in the House. The House is now in

Committee of the Whole for the consideration of this whole ques-

The CHAIRMAN. The question in the mind of the Chair is, whether one committee of the House can report to another committee of the House. The House is now in Committee of the Whole for the discussion of this bill.

Mr. MILLS. The House is in Committee of the Whole for the discussion of the bill and the consideration of amendments to it.

Mr. FERNANDO WOOD. I would inquire what is the pending

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Kelley] presents an amendment to the pending bill, announcing that he does it as the result of action on the part of the Committee on Ways and Means. The Chair would suggest the question whether one committee of the House may report in this way to another com-

mittee of the House. Mr. KELLEY. I beg leave to correct the Chair. I do not act as the organ of the Committee on Ways and Means. As a member of this Committee of the Whole I propose a substitute for this bill, and I state that I do so with the previous knowledge of the committee that reported the bill to the House.

The CHAIRMAN. The Chair misunderstood the gentleman. He now understands that the gentleman offers this as his individual prop-

now understands that the gentleman olders this as his individual proposition and not as a report from the Committee on Ways and Means.

Mr. KELLEY. That is so; and I ask that it be read.

The CHAIRMAN. The Clerk will report the substitute.

Mr. FINLEY. Is the substitute proposed by the gentleman from Pennsylvania [Mr. KELLEY] in the nature of an amendment?

Mr. MILLS. It is a substitute for the bill.

The Clerk read the substitute, as follows:

A bill to provide for the payment of the bonds falling due in 1881.

A bill to provide for the payment of the bonds falling due in 1881.

Section 1. Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to issue Treasury notes to the amount of \$400,000,000, in denominations of not less than \$10, bearing interest at the rate of 3 per cent. per annum, redeemable at any time at the pleasure of the Government after the 1st day of July, 1882, and to sell the same at not less than par. He is also authorized to issue bonds to the amount of \$237,000,000 bearing interest at the rate of 3 per cent. per annum, and redeemable at the pleasure of the Government at any time after the 1st day of July, 1885, and to sell the same at not less than par. And the proceeds of the sale of said notes and bonds shall be applied to the payment of the bonds of the United States falling due in 1881.

Sec. 2. The Secretary of the Treasury is hereby authorized to exchange, at not less than par, any of the bonds or notes herein authorized for any bonds of the United States outstanding and which mature during the year 1881; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest of such bonds from the date of the exchange to the time of their maturity, and the interest for a like period on the bonds or notes issued; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

Sec. 3. The Secretary of the Treasury is hereby authorized to issue the said notes and bonds either coupon or registered, and in such form as he may prescribe.

Sec. 4. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of said notes and bonds authorized to be issued shall not exceed § of 1 per cent.

Mr. WARNER. I yield to the gentleman from Iowa [Mr. GHLLETTE]

Mr. WARNER. I yield to the gentleman from Iowa [Mr. GILLETTE]

to offer an amendment.

Mr. GILLETTE. I offer as a substitute for the whole bill the proposition which I send to the desk.

The Clerk read as follows:

osition which I send to the desk.

The Clerk read as follows:

A bill to provide for the payment of the public debt of the United States.

Be it enacted, &c., That all bonds of the United States which shall become redeemable in the year 1831 or prior thereto shall not be refunded or exchanged for other bonds of the United States, but shall be paid as hereinafter provided.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to set apart all surplus coin and paper money which may be in the Treasury from time to time as a fund for the payment of the said maturing bonds and for the purchase of silver bullion for minting purposes. The said Secretary of the Treasury shall cause to be coined at the mints of the United States standard silver coins to the full extent of the capacity of the mints; and he is hereby authorized to purchase the silver bullion for said purpose as provided in the act approved February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

SEC. 3. That it shall be the duty of the Secretary of the Treasury to prepare Treasury notes to the amount of \$340,000.000, with such additional amount as may be necessary to equal but not exceed the amount of national-bank notes in the United States as shown by the books of the Treasury on May 1, 1881. These notes shall be in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, as most adapted to the convenience of business, and shall be receivable for all dues, and debts, and taxes of every kind due or that shall become due to the United States, and shall be receivable for all dues and debts of every kind due from or that shall become due from the United States where not otherwise provided by law, and shall be receivable for all dues and debts of every kind due from or that shall become due from the United States where not otherwise expressly stipulated by contract. These notes shall be paid for an equal amount of United States bonds, unless coi

shall return to the respective numes of issue of the payment by him.

SEC. 5. That as a further means for raising the necessary funds for the payment of all outstanding Government bonds it is hereby enacted that from and after May 1, 1880, here shall be imposed upon all not incomes exceeding \$1,500 per annum of each and every citizen of the United States, taxes as follows, to wit: A tax of 3 per cent. upon all excess over \$3,000; these taxes to be collected under the provisions of "an act to provide internal revenue to support the Government, and to pay interest on the public debt," approved July 1, 1882, as modified and in force after the act of March 2, 1867,

so far as they may be applicable, with such provisions and penalties as therein prescribed.

SEC. 6. That in case there should not be sufficient accumulations in the Treasury to fully meet all of the said bonds of the United States, only-so many of them shall be called in as can be paid under the provisions of this act, but as fast as possible the Secretary of the Treasury shall call in, redeem, and cancel them.

Mr. WARNER. I yield to the gentleman from Tennessee [Mr. McMillin] to offer an amendment.

Mr. McMillin. I desire merely to offer at this time an amendment to add to the first section of the pending bill these words:

And provided further, That the bonds issued under this act shall be subject to taxation as other property.

Let that amendment be pending.

The CHAIRMAN. The gentleman asks censent to submit at this time, and to have printed, as the Chair understands, the amendment he has just read. Is there objection? The Chair hears none.

Mr. BUCKNER. The gentleman from Ohio [Mr. WARNER] yields to me that I may have printed in the RECORD a substitute for the

pending bill.

The CHAIRMAN. If there be no objection that will be done.

There was no objection.

The substitute submitted by Mr. Buckner is as follows:

The substitute submitted by Mr. Buckner is as follows:

Strike out all after the enacting clause and insert the following:

"That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' and the acts amendatory thereof, the Secretary of the Treasury is hereby authorized to issue Treasury notes of the United States, in the amount of not more than \$600,000,000, in denominations of not less than \$10, and bearing interest at a rate not exceeding 4 per cent, per annum, of which said notes not more than sixty millions shall mature each year from the date of their issue; and said notes shall be disposed of by the Secretary of the Treasury at not less than par, and the proceeds thereof shall be applied to the payment of the 5 and 6 per cent, bonds of the United States maturing during the year 1881, or the Secretary may exchange the Treasury notes for the said bonds, on such terms as he may deem most advantageous to the United States.

"Sec. 2. That the Secretary of the Treasury is authorized to make suitable regulations for disposing of said Treasury notes to the best advantage to the Government, and all expenses attending the same shall not exceed \(\frac{1}{2} \) of 1 per cent, of the notes so disposed of or exchanged.

"Sec. 3. That the sum of \(\frac{8}{100},000,000 \) of the coin in the Treasury of the United States be set apart as a fund for the redemption of the notes known as legal-tender notes; and any surplus of coin over and above said sum, and belonging to the United States, remaining in the Treasury shall be used by the Secretary of the Treasury in the purchase or redemption on account of the sinking fund of any of the said 6 per cent, bonds maturing in the year 1881.

"Sec. 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed."

Mr. WARNER. Mr. Chairman, in dropping from the excitement

Mr. WARNER. Mr. Chairman, in dropping from the excitement attending the discussion of a political question to the dry subject of finance and statistics, I do not expect to be able to entertain this

finance and statistics, I do not expect to be able to entertain this House, and should not even were I able in any degree to instruct it. The first question to decide in dealing with the problem of national debt is, Shall a policy of vigorous and steady payment be adopted and pursued till the whole debt is extinguished? or, looking only to a low rate of interest, shall the debt be funded and perpetuated? I believe public debts should be paid, not made perpetual. It may at times be necessary to create them, but their perpetuation beyond the time actually necessary for their extinction should not be allowed. It is as bad for a nation to be always weighted with debt as it is for an individual. The policy of extinguishing in time of peace obligations created in time of war was early adopted in this country. There was but one opinion in 1790 after the war of the Revolution, and there was but one opinion in 1816, after the close of the second war, as to the policy of the speedy extinction of the debts created during the two wars. the two wars

Hamilton, in his Treasury Report, distinguished not only as the first in order of succession but for its marked ability, said:

He ardently wishes to see it incorporated as a fundamental maxim in the system of public credit of the United States, that the creation of debt should always be accompanied with the means of extinguishment. This he regards as the true secret for rendering public credit immortal. And he presumes that it is difficult to conceive a situation in which there may not be an adherence to the maxim. At least he feels an unfeigned solicitude that this may be attempted by the United States, and that they may commence their measures for the establishment of credit with the observance of it.

Washington, in his message in 1795, said:

Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt accords as much with the true interests of our country as with the general sense of our constituents.

And Hamilton, in the same year, referring to this message, again

The President of the United States, with that provident concern for the public welfare which characterizes all his conduct, was pleased, in his speech to the two Houses of Congress at the opening of the present session, to invite their attention to the adoption of a definite plan for the redemption of the public debt, and to the consummation of whatsoever may remain unfinished of our system of public credit, in order to place that credit, as far as may be practicable, on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all government.

Jefferson wrote in 1813, (page 239, volume 6:)

At the time we were funding our national debt we heard much about a public debt being a public blessing; that the stock representing it was a creation of active capital for the aliment of commerce, manufactures, and agriculture. This paradox was well adapted to the minds of believers in dreams, and the gulls of that size entered bona fide into it.

Mr. Crawford, Secretary of the Treasury, in 1816, said:

An attentive examination of the rise and progress of public debts in other countries cannot fail to impress the American Republic with the necessity of making suitable exertions, in periods of peace, to release the national revenue from so heavy an incumbrance.

A sinking fund was established by name in 1795, and the policy of paying the debt created by the war of the Revolution and the war of 1812, including the Louisiana purchase, of \$15,000,000, was steadily persisted in until, in 1834, President Jackson, in his annual message, made the welcome announcement that the country was out of debt.

made the welcome announcement that the country was out of debt. A happy day indeed! When can such another message be issued? Assuming that the \$13,414,000 falling due the last day of the present year will be paid from surplus revenue, the interest-bearing debt of the United States, excluding guaranteed railroad bonds and the Navy fund, will stand, in round numbers, on the 1st of January, 1881, at \$1,660,000,000. Of this, \$740,000,000 funded into four percents, become redeemable in 1907, but may run indefinitely; \$250,000,000 of four and-one-half percents mature in 1891. The balance, (except the railroad bonds,) consisting of \$204,285,550 6 per cent. and \$469,651,050 5 per cent. bonds, become payable at the pleasure of the Government after May 1 and June 30, 1881. It is this \$673,936,600 that we have especially to consider now. The bill before the House proposes to fund \$500,000.000. consider now. The bill before the House proposes to fund \$500,000,000 of this sum into 20-40 bonds at $3\frac{1}{4}$ per cent., or at 3 per cent., as I understand the chairman of the committee now proposes, and to provide for paying \$200,000,000, or, as it will stand now, \$174,000,000, in ten years, through certificates issued to the public and from time to time redeemed. This policy is manifestly one of perpetuation and not of payment of the debt, for \$740,000,000 have already been put off till 1907, and to fund and defer payment of \$500,000,000 more till 1901 or 1902, or perhaps longer, would bring the two parts of the debt so near together again at maturity as to necessitate another refunding, which is equivalent to perpetuation, and should be looked upon as such at the outset. For who is there so hopeful as to expect that a generation will pass without the necessity arising for the creation of new debt? And with a new debt superimposed upon fifteen hundred millions of old debt, who would hope ever to see the land again free from the curse of bonds? And if such a policy were to be considered at all, the only question in that case being the lowest possible rate of interest, an irredeemable stock would undoubtedly be the most profitable form to fund in. A stock as low as 21 or 3 per cent. might be sold at par, perhaps not rapidly, but in a reasonable time the whole debt might be funded into perpetual stock of that kind.

It must be remembered, in the first place, that 3 per cent. free from taxation of all kinds, and with interest paid quarterly is equal in the United States to at least 5 per cent. in other investments, and in many localities to more than that. And there is undoubtedly an increasing supply of capital in the world, such as large individual incomes, trust funds, and the like, ready to accept a non-taxable bond or stock, trust funds, and the like, ready to accept a non-taxable bond or stock, if perpetual and the security unquestioned, at a low rate of interest, regardless of average rates of profits on capital otherwise invested. But active productive capital will be governed in its investments by average rates of profit that capital yields in trade and business. And that kind of capital will not rest in a 3 or 3½ per cent. bond. For that is a false theory which attributes the rise and fall in established securiis a false theory which attributes the rise and fall in established securities, or the rate of interest at which a government can make loans, solely to the rise and fall in the rating of its credit. The rate of interest at the Bank of England may, and sometimes does, vary from 2 to 10 per cent. in a few months. Does that register variations in the credit of all its customers, including the British government itself? The question of credit, of course, may, and often does, affect largely the rate of interest a nation may have to pay; but when credit is firmly established the rate of interest at which a nation or an individual can harrow may vary materially within short payids. At any rate

can borrow may vary materially within short periods. At any rate, the fact that we have paid a heavy debt will be the best possible guarantee of our credit in the future.

Bonds bearing a low rate of interest, which sold readily in 1878-79 when profits in ordinary business were doubtful and business itself precarious, and capital, in consequence, was lying idle, would almost certainly not attract the same kind of capital now, when profits in ordinary business are more certain and better. It is true that rates of interest on capital have been low for some months past, but they are higher now, and if profits in business increase, are almost certain are figure now, and if profits it business increase, are almost certain rather to advance than decline. It is not, therefore, at all certain to me that rapid sales of 3 or 3½ per cent. bonds, redeemable in twenty years, can be made. Certain it is that a 2½ or 3 per cent. perpetual stock would absorb, quite as readily as a 3 or 3½ per cent. redeemable bond, the kind of capital I have described. And it is extremely doubtful whether either kind of securities will at this time attract much of any other class of capital.

The following table shows the prices of some of the first stocks of the world, as given in the London Economist of November 20:

British consols, three percents	
India four percents, redeemable in 1888	104
Metropolitan board of works, three-and-one-half percents	105
United States four percents	
French rentes, five percents	117. 2
French rentes, three percents	85, 20
Norwegian four-and-one-half percents	103.50
Austrian silver rentes	62.
Austrian gold rentes	73. 73
Prussian consols, four percents	99
Prussian consols, five percents	83. 2

The April number of the Economist gives the average rate of profits, including rise in price, on English investments for 1879, as follows:

	Per cent.
Investments in United States railways have yielded. Investments in South American railways have yielded. Investments in continental railways India and home railways from.	. 94 . 85 . 54
India and home railways from	. 6 to 9
Irish railways	. 3 to 7
India sterlings	. 6 to 8

These tables show the difference between the rates of profit on Government securities and invested business capital. And the difference is doubtless greater for 1880. But at whatever rate of interest the debt can be funded or bonds sold, funding is in itself a more or less costly operation, and interest in the long run eats away everything.

ULTIMATE COST OF LONG BONDS.

And the real cost, in the end, of long bonds or perpetual stock must not be lost sight of. Indeed a true statement of a debt due at a future date would embrace the interest as well as the principal; for the actual debt owed is the principal with interest to date of maturity added. Thus, to pay the \$740,000,000 recently refunded into 4 per cent. bonds, having thirty years to run, will require for interest and principal \$1,628,000,000. And this sum is the true debt growing out of that operation.

with interest permanent at 5 per cent., \$100,000,000 paid down, or \$5,000,000 annually forever, or \$6,000,000 for forty-five years, would have equal value in the money market. Now, compare the sums that would be paid in each case. In the case of a perpetual debt of a hundred millions calling for \$5,000,000 interest a year for one hundred years, the one hundred millions of debt would be still to pay at the years, the one hundred millions of debt would be still to pay at the end of a hundred years, but the Government would have paid in that time, as interest, \$500,000,000. Starting with the same debt, with interest the same, and paying \$6,000,000 a year for forty-five years, \$270,000,000 would have been paid, but the whole debt would then be extinguished. To pay the \$100,000,000 in a year might have required too large a part of a nation's income for such a purpose, but it ought, I think, to be apparent to every mind that it is correct public economy to apply as large a part of income as possible to the extinction of debt rather than to perpetuate it.

We have already paid as interest on our debt since the year 1861 over \$1,900,000,000, or nearly \$250,000,000 more than the present interest-bearing debt. We have paid as interest since the war closed in 1865 over \$1,820,000,000; and if the whole interest-bearing debt were funded into thirty-year 4 percent. bonds, the interest alone would

were funded into thirty-year 4 percent. bonds, the interest-bearing debt were funded into thirty-year 4 percent. bonds, the interest alone would run up to over \$2,000,000,000; and then the debt would still remain to be paid in the end; or, in other words, we would be just where we are now. I say let us avoid this by paying the debt itself.

It is said, I know, that bonds can be bought up after they have been funded; but that may be more costly in the end than to let the

maturing bonds stand as they are. We have already paid in one year as premium on \$108,758,000 of purchased bonds \$3,786,521; that is, we have paid this sum for the privilege of paying so much of our own debt.

own debt.

Suppose the whole debt to be placed beyond our reach except by buying it in the market, and the Secretary were required to buy \$50,000,000 a year. What is the limit to which combinations might not raise the price of bonds? To pay the \$740,000,000 of four percents lately funded would now cost, at the present market rate of these bonds, over \$70,000,000 for premium, and to pay the four-and-one-half percents it would cost \$26,000,000 more; and to pay all the bonds off now, if we were prepared to do it, would cost more than \$110,000,000 for premiums! I think this is reason enough why the debt should be kept where it can be paid at the option of the Government. And as fast as the right to pay at par is recovered to the Government.

kept where it can be paid at the option of the Government. And as fast as the right to pay at par is recovered to the Government, it should be firmly held and no part of the debt once brought within such control should be permitted on any plea to pass beyond it again. But there are other advantages to be gained by paying the debt, not perhaps so apparent at first. The extinction of the debt will do away with the cost and loss attending the collecting from one class and paying over to another a hundred millions a year. This cost and the loss attending upon such diversion of capital is in itself not an inconsiderable item. But more important is the fact that as fast as bonds are paid non-taxable capital is transferred to the taxable list. If the bonded debt were all paid, there would be \$1,700,000,000 more capital to help bear the burden of taxes. Seventeen hundred millions of dead capital is dislodged and set at work. So every million ap-

capital to help bear the burden of taxes. Seventeen hundred millions of dead capital is dislodged and set at work. So every million applied to the payment of the principal of the debt is so much less to pay interest on, and so much more capital to levy taxes oa; and \$50,000,000 of bonded capital liberated each year adds \$50,000,000 to the loanable or usable capital of the country for other purposes.

Fifty millions a year will go a good way toward supplying capital for building railroads, establishing manufactures, developing mines, and extending commerce. This, I repeat, is an important consideration in the economy of paying. There will be found to be a very great difference between converting \$670,000,000 of capital from the industrial operations of a country into dead capital—and not only dead capital, but capital that hangs as a dead weight on industry—and converting a like sum from dead, bonded capital, to active, working,

industrial capital. I know that to raise the funds to be applied to the extinguishment of bonds it must first be brought into the Treas-

But there is a wide difference between gathering in a part of the surplus—net gains—of a people by taxes evenly distributed, and locking up in bonds accumulated capital that otherwise would be aplocking up in bonds accumulated capital that otherwise would be applied to some industry. In the one case net savings, in sums too small separately to be applied effectively as capital, are taken, and in the other the very working capital itself is tied up by being converted into bonds, and is liberated when bonds are paid. The difference between taking a part of the income of the people, and restoring it again as capital by paying bonds with it, and borrowing capital to lock up in bonds, is an element of the utmost importance in national economy, and especially when in the one case capital is taken from the taxable list and in the other it is restored to that list.

Of course, this presumes that the debt is owned at home. If not, as is the case with some part at least of our own, the evils become

intensified.

As a rule, debts placed abroad bring but little to the debtor country, but require a great deal from the debtor country to pay them. It is a notable fact that all the bonds that went from this country to Europe from 1862 to 1872 brought us no money. They were paid for with commodities at high prices, while we have been paying for the bonds with commodities at very low prices. As an illustration: in 1865 a thousand-dollar bond brought us about six and three-quarters tons of iron rails; to pay a thousand-dollar bond in 1878 took thirtythree tons, and on the average it took at least three times as much in

labor to pay a bond in 1878 as a bond brought us in 1865.

Moreover, a country which owes a debt to another is placed at a disadvantage in all its trade. It cannot maintain a balance of trade in its favor except at great cost. We might at one time have an excess of exports over imports of a hundred or two hundred millions of dol-lars and still have an apparent, nay, a real balance against us. But to follow this line of thought further would be a digression from the

subject in hand.

Again, freedom from debt promotes economy—private and public. It was when we were most in debt that the most extravagant expenditures took place. With a debt of \$2,000,000,000, \$100,000,000 more does not seem large. But with no debt at all we would hesi-

tate long—the country would be agitated—at the prospect of a debt of even \$100,000,000.

But I do not believe that the people of this country are willing even to entertain for discussion the direct proposition to make perpetual our debt; and if left to me I would not accept a proposition to postour debt; and it left to me I would not accept a proposition to post-pone for forty, thirty, or even twenty years the payment of the debt, even if it would be held free from interest. I would not let such a cloud hang over us. I fear that "progressive accumulation of debt which must ultimately endanger all government." And I would caution the House and the country against losing sight of the principal in the allurements of low interest. I propose, therefore, to discuss the prac-ticability of its early payment, rather than funding it as proposed in the bill before ye.

ticability of its early payment, rather than tunding.

The first step, and the one to be assiduously followed up, is to apply persistently all surplus revenue to the extinguishment of the principal of the debt. The Secretary anticipates an excess of revenue for the next year of \$90,000,000; and if expenditures are duly curtailed, it may be made a hundred millions. Here, then, are ninety or a hundred millions to apply outright to the payment of the \$200,000,000 of six percents falling due within the year. But \$573, 000,000 will then remain to be funded or otherwise provided for.

Second. On November 1 there were \$218,710,154 of coin in the Treasury, \$141,000,000 of which are held as a redemption fund. So large a fund is wholly unnecessary. With the volume of paper duly

Treasury, \$141,000,000 of which are held as a redemption fund. So large a fund is wholly unnecessary. With the volume of paper duly restricted it is all unnecessary to retain so large an accumulation of coin in the Treasury as we now have. And to needlessly lock up money, and especially in the face of a vast debt, is the worst kind of economy. It is the abstraction of a most efficient part of the nation's working capital. If only the paper volume be duly restricted a part of the coin accumulation of the Treasury can, with perfect safety and to great advantage, be utilized in the payment of the debt.

On the other hand, if the volume of paper be allowed to expand beyond the limits which a metallic currency would naturally fall

beyond the limits which a metallic currency would naturally fall within, no accumulation of reserves will prevent depreciation. If, for instance, \$800,000,000 would be as large a share of the metals as would naturally fall to us in the maintenance of the general level of

prices, then certainly not more than \$800,000,000 of paper could be kept convertible, no matter what the coin reserve might be.

But if the volume of paper be kept sufficiently within that limit the whole volume, paper and coin together, will vary precisely as a purely metallic currency would vary, and but a small amount of coin would be required to exchange all the paper that would be presented. In support of this fact the Secretary reports that but \$706,658 of greenbacks have been presented in a whole year to be exchanged for greenbacks have been presented in a whole year to be exchanged for coin. And as long as greenbacks remain legal tender and free from tax, as now, and the quantity be not increased, there is not the least need in the world of keeping one-fourth part of the coin in the Treasury that is now held there as a redemption fund. The volume of greenbacks is not large enough to effect, under any circumstances, an expulsion of coin, and they are as safe from a panic run as coin itself. This was proven in 1873. The safety lies in the limitation of

quantity far more than in a coin reserve. Science and experience concur in support of the truth of this proposition. Only coin enough to answer the demands for the interchange of paper and coin is thereanswer the demands for the interchange of paper and coin is therefore required. A hundred millions of coin might then, with perfect safety, be taken from the Treasury and applied to the payment of the debt, and the world would be the better for having it. Its effect would be the same as though some new mine had suddenly penred out a store of \$100,000,000 of the precious metals. If this policy were adopted the need of funding would be reduced to about \$470,000,000 of five percents. And it is evident at once that it would be economy in the end to let these bonds stand till they can be paid rather than be funded into three-and-a-half or four percents to be hought in be funded into three-and-a-half or four percents, to be bought in again at a premium.

again at a premium.

There is another way by which a large part of the maturing debt could be gradually extinguished, and that, too, without adding a dollar to taxes or increasing any other burdens, but, on the contrary, would lessen taxes by stopping several millions of interest, and that is by substituting Treasury notes for national-bank notes. The substitution of Government paper, dollar for dollar, for bank notes, not changing the volume at all, would not change the value of the whole nor of a single unit of the whole; would not therefore affect prices or foreign exchanges; would not reduce by a dollar the loanable capital; would not require a dollar more coin to redeem it; would enable the Government to take up, without disturbing the part of paper and coin. Government to take up, without disturbing the par of paper and coin, three hundred and forty-three millions of interest-bearing debt and save to the people at least from eight to ten millions of taxes annusave to the people at least from eight to ten millions of taxes annually. Nor would it be necessary to give to such Government paper any force of legal tender which the bank paper for which it is substituted does not now possess. Nor would it require a dollar more coin to be kept in the Treasury to redeem or maintain at par a volume of paper all issued directly by the Government than a volume, as now, half greenbacks and half bank paper redeemable in greenbacks. For in the maintenance of resumption the quantity of paper out, as I have shown, is of far more consequence than the quantity of coin in the Treasury. Treasury.

Treasury.

But, as John Randolph once said in this House, you might as well preach against Mohammedism in Turkey as against national-bank currency at the present time. Nor have I faith to believe that so wise a measure as the application of part of the cash on hand in the Treasury to the payment of the debt will be adopted, and I therefore proceed to consider how funding may be carried on and interest reduced without putting the debt again beyond reach of payment.

REDUCTION OF INTEREST.

Great stress is laid on reduction of interest, and so far as reduction Great stress is laid on reduction of interest, and so far as reduction of interest is the object of funding, to that end, and so far, no one can object to funding. But I think interest can be reduced and the debt at the same time kept where it can be paid. I would at once authorize funding into as low a bond as possible, reserving the right to pay at par, taking bonds by lot; and I shall now endeavor to show that the interest can be reduced to at least 4 per cent. without putting the debt again out of reach. About \$200,000,000 of the bonds which it is proposed to fund are held by national banks. If these are called in banks must buy other bonds, and they will be only too glad called in banks must buy other bonds, and they will be only too glad to take 3½ or 4 per cent. bonds, which the Government reserves the option at any time to redeem at par, by lot, rather than pay a high premium for funded long bonds.

There is another fund the Government can utilize in immediately

There is another fund the Government can utilize in immediately reducing interest. There are on deposit in savings-banks—largely the savings of the people—about \$830,000,000. There are also on deposit in two thousand and ninety national banks an average of about \$900,000,000, and in other banks and savings institutions \$500,000,000 more, making, in all, about \$2,200,000,000 of savings and deposits. Of course these deposits represent largely discounts for business purposes, but if the Government will issue certificates to the public in sums as low as \$50 or \$25, payable in ten years, and redeemable at the pleasure of the Government, to be drawn by lot, but not to circulate as currency, I believe two to three hundred millions of such certificates would be taken by the people at from 3½ to 4 per cent. This would disturb nothing. The six percents could in this way in a very short time be funded into certificates and low-interest bonds, which the Government would reserve the right to pay off at par. I lay special stress on this mode of reducing interest on the 6 and 5 per cent. bonds; I believe it to be the true way. It offers to the people, it offers special stress on this mode of reducing interest on the 6 and 5 per cent. bonds; I believe it to be the true way. It offers to the people, it offers to persons of small savings, a secure investment. It would in some measure take the place of savings-banks, especially in the country. I urge this policy with the utmost confidence of its success, and one that will be eminently satisfactory to the people, and shall move, if permitted, an amendment to this effect to the bill under consideration. The \$200,000,000 which the bill proposes to place in the form of small certificates is very well as far as it goes, but it looks only to the payment of \$200,000,000 in ten years, while I think the whole \$670,000,000 to be provided for can and should be paid within that time. The Secretary of the Treasury in his report just submitted recommends the issue of \$400,000,000 of Treasury notes. He says:

In view of the requirements of the sinking fund, it is believed that a large por-

In view of the requirements of the sinking fund, it is believed that a large portion of the public debt to be redeemed can be provided for by Treasury notes running from one to ten years, issued in such sums as can, by the application of the sinking fund, be paid as they mature. The purchase of bonds not due has heretofore involved the payment of premiums, which it is believed can. in future be avoided by the issue of such Treasury notes. The large accumulation of money

now seeking investment affords a favorable opportunity for selling such notes bearing a low rate of interest. It is believed that they will form a popular security, always available to the holder, and readily convertible into money when needed for other investment or business. They should be in such form and denominations as to furnish a convenient investment for the small savings of the people, and fill the place designed by the ten-dollar refunding certificates authorized by the act of February 26, 1879.

the act of February 26, 1879.

The Secretary here recommends notes as low as \$10. The objection to notes so small is that, although they bear interest, they will in some degree, especially if issued in large quantity, operate as currency, and when withdrawn will be attended by reaction in business. Debt should be kept as distinct from currency as possible. The recommendation of the Secretary to supplement Treasury notes with bonds having fifteen years to run is open to the objection already made to the issue of any bonds hereafter which the Government cannot redeem whenever its revenues will permit. The Secretary recommends also that the proposed Treasury notes shall run from cannot redeem whenever its revenues will permit. The Secretary recommends, also, that the proposed Treasury notes shall run from one to ten years. Why should such notes run ten years? The very object of issuing them is, first, to borrow in small sums from the people; and, second, to keep the debt where excess of revenue can be applied to it as fast as it accumulates. There is no objection to issuing either bonds or Treasury notes with the right to redeem at par reserved. The well-timed proposition of the gentleman from Pennsylvania just reported, if I rightly understand it, is the more acceptable one.

THE SINKING FUND.

But if there was no other reason for paying our debt rather than funding it into long bonds, the sinking-fund law now on the statute-books, and constituting part of the debt obligation, requires it. If \$100,000,000 of the maturing debt be paid in 1881 from surplus revenues, as it is admitted it can be, the rest of the 1881 bonds will become extinguished under the operation of the sinking fund, if this law be faithfully observed, in a little more than ten years.

The Secretary of the Treasury, in his last report, says:

The requirements of the sinking fund prior to the maturity of the 4½ per cent. bonds, for a period of ten years, from 1882 to 1891, both inclusive, are estimated as follows:

For the fiscal year ending June 30, 1882	\$43, 386, 645 00
For the fiscal year ending June 30, 1883	45, 122, 110 80
For the fiscal year ending June 30, 1884	46, 926, 995 24
For the fiscal year ending June 30, 1885	48, 804, 075 04
For the fiscal year ending June 30, 1886	50, 756, 238 04
For the fiscal year ending June 30, 1887	52, 786, 487 56
For the fiscal year ending June 30, 1988	54, 897, 947 07
For the fiscal year ending June 30, 1889	57, 093, 864 95
For the fiscal year ending June 30, 1890	59, 377, 619 55
For the fiscal year ending June 30, 1891	61, 752, 724 33

Now, why not execute this law providing for a sinking fund? Why violate it? Why repeal it? Do you say we do not repeal it? Then why put the debt out of reach of this fund for twenty years? When you do that do you believe, do you expect we will continue the operation of the sinking fund? This sinking-fund law I say is part of the debt contract. The public faith is pledged to its execution. How is it that gentlemen who have such exalted notions about public faith on other matters are willing to see it violated here? They talk eloquently about public faith. Here is a chance to keep it, and to keep faith with the people at the same time!

I know very well there is no magical power in a sinking fund. The

I know very well there is no magical power in a sinking fund. The only real sinking fund any nation has is the excess of revenues over expenditures. But I do know if \$130,000,000 be raised annually from fixed revenues and applied to the principal and interest of the public debt, that that sum will pay the interest each year and leave an increasing sum to be applied to the principal, which will pay off all the bonds except the four percents of 1907 in less than fifteen years, and will extinguish the whole bonded debt in less than twenty-two years. And \$130,000,000 is \$20,000,000 less than the interest alone and will extinguish the whole bonded debt in less than twenty-two years. And \$130,000,000 is \$20,000,000 less than the interest alone amounted to in 1865; and but ten millions more than the average annual interest during the entire administration of General Grant. But more than this: in the five years following the close of the war, we paid nearly \$450,000,000 toward the principal of the debt, making an average annual reduction of principal of over \$85,000,000, besides \$130,000,000 of interest each year. And, surely, it is much easier to pay \$130,000,000 a year now than it was ten or fifteen years ago. Indeed, the present revenue will easily afford from a hundred and thirty to a hundred and fifty millions over and above ordinary expenditures for interest and sinking fund.

to a hundred and fifty millions over and above ordinary expenditures for interest and sinking fund.

This is the intelligent kind of sinking fund we need to apply now, steadily and unfalteringly, to the payment of our bonded debt till the last bond is paid off. The real operation of such a fund is simple. We will suppose \$130,000,000 to be applied annually to the debt, and that it takes of this sum at first \$80,000,000 for interest, leaving \$50,000,000 to be applied to the principal of the debt. Each year the interest becomes less, and more of the \$130,000,000 can be applied to the principal. Thus the extinction of the principal is accelerated from year to year. This was the principal of the sinking fund as first established in England. With the creation of every debt a fixed revenue, equal to a given per cent. of the debt, was indebt a fixed revenue, equal to a given per cent. of the debt, was intended to be provided, which was to operate in the way I have illustrated till the debt was extinguished. This also was undoubtedly the intent of the act of 1862, but Mr. Boutwell decided that instead of a fixed sum equal to 1 per cent. of the initial debt, 1 per cent. of the debt as it might stand at the beginning of each year was to be

taken as the basis of a sinking fund. The extinction is not so rapid under this interpretation, but the calculations I have given are on this interpretation of the law

this interpretation of the law.

And to pay the debt as rapidly as here proposed will be accomplishing, I say, nothing near what was done just after the close of the war, and no more, comparatively, than was accomplished in the payment of the debt of the Revolution and of the war of 1812.

In 1790 the interest-bearing debt of the nation was \$56,363,527, and the debts of the States, assumed by the General Government, \$18,201,205, making a total debt of \$74,564,732. The public revenue of that year was less than \$4,000,000; the population was 3,929,214. The revenues, therefore, were little more than 5 per cent. of the debt, while the debt was about \$19 per capita, and the expenditures for carrying on the Government more than the revenue. Nevertheless, in 1816 there remained of this debt, to which had been added the Louisiana pur

the Government more than the revenue. Nevertheless, in 1816 there remained of this debt, to which had been added the Louisiana purchase, but \$38,340,000.

During the war of \$812, however, the debt rose again, till in 1817 it was \$115,000,000. The revenue in that year was \$33,833,532; but the expenditures were \$38,000,000. The population was about eight and a half millions. The revenue was nearly 30 per cent. of the debt, and the debt about \$13 per capita. Assuming that our interest-bearing debt, exclusive of the perpetual Navy fund of \$14,000,000 and the railway bonds, will not exceed \$1,660,000,000 on the first of January, 1881, it will be but \$33 per capita, while the estimated revenues for 1881 are \$350,000,000 and the expenditures \$260,000,000, giving a surplus of over 5 per cent. of the whole debt. Therefore, as a burden and compared with the means of paying, the debts of 1790 and 1817 were probably quite as great as the present debt. But that of 1817 was extinguished entirely in seventeen years.

Moreover, these earlier debts were nearly all paid before we became producers at all of the precious metals. Since then we have become

producers at all of the precious metals. Since then we have become the largest producers of the metals in the world. And although the production of gold and silver has considerably fallen off, and as to gold, at any rate, is certain in the future to be a diminishing supply, still the production of both metals during the last fiscal year, as given by the Director of the Mint, was, gold, \$36,000,000; silver, \$37,700,000. The production of the whole world for 1879 is stated at \$105,000,000

gold and \$81,000,000 silver.

Is it not strange, with these facts before us and in the face of a maturing debt of nearly \$700,000,000, it should be proposed to shut our mints against silver? Is it not stranger still that, in the presence of the facts connected with the creation of our debt, the right

Part of the facts connected with the creation of our debt, the right to pay it in silver as well as in gold should be questioned?

Part of the six percents of 1881 were issued under the act of February 18, 1861, and part under the acts of July 17 and August 5, 1861, and part under the act of March 3, 1863. Those issued prior to the legal-tender act unquestionably stand upon the coins of 1861, which legal-tender act unquestionably stand upon the coins of 1861, which were gold and silver—25.8 grains standard of the one metal to a dollar, and 412½ grains of the other. Can the right of the Government to pay these bonds in either coin be questioned? The bonds issued under the act of March 3, 1863, after the passage of the legal-tender act, were in terms payable, principal in lawful money, interest in coin. But the difference between paper and coin has happily disappeared, and this question is out of the way now. But the coin they are payable in is the same as when the bonds were sold. By what right does the owner of these bonds come forward and claim gold for them? Were they bought by that scale? A single incident what right does the owner of these bonds come forward and claim gold for them? Were they bought by that scale? A single incident will show by what scale a large part of our debt was in fact created, and what the real operation has been. In 1864 a gentleman from the West took to New York \$10,000 in coin, gold and silver—I presume principally gold, as that was then the cheaper metal. This he sold for something over \$27,000 currency; \$27,000 of this he invested in 6 per cent. bonds at par, having enough left to pay the expenses of his trip. On this original investment, if he kept it, he has received as interest, in gold, \$810 semi-annually or in all, \$27,540. If this interest, as paid, had been put out again at 6 per cent. and compounded, it would amount now to about \$62,000. But, leaving out the question of reinvestment, in seventeen years he has received over two and a half times the original sum invested, and now he doubtless wants gold and thinks it dishonest for the Government to pay in silver! O Honesty, what deeds are done in thy name! The 5 per cent. funded bonds of 1881 were issued under the acts of July 14, 1870, and January 20, 1871. I here give the conditions expressed on the face of these different classes of bonds:

TREASURY OF THE UNITED STATES,

Washington, February 14, 1880.

SIR: In compliance with your verbal request, I send you herewith memoranda showing the terms of redeemability of the sixes of 1880 and 1881 and of the funded-loan fives of 1881.

Very respectfully,

Hon. A. J. WARNER, House of Representatives.

Loan of February 8, 1861, sixes of 1880.

The United States of America are indebted unto * * * \$—, redeemable after the 31st day of December, 1880, with interest from the — day of —, 18—, inclusive, at 6 per ceut. per annum, payable on the 1st days of January and July in each year. This debt is authorized by an act of Congress approved February 8, 1861.

Loan of March 3, 1863, sixes of 1881.

The United States of America are indebted unto * * * , redeemable after the 30th day of June, 1831, with interest from the 1st day of June, 18-, inclusive, at 6 per cent. per annum, payable on the 1st days of January and July in each year. This debt is authorized by act of Congress approved March 3, 1863.

Loan of July and August, 1861, sixes of 1881.

The United States of America are indebted unto * * * \$—, redeemable after the 30th day of June, 1821, with interest from the 1st day of ___, 18—, inclusive, at 6 per cent. per annum, payable on the 1st days of January and July in each year. This debt is authorized by acts of Congress approved July 17 and August 5, 1861.

Funded Loan of 1881.

The United States of America are indebted to * * * \$.—. This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the lat day of February, May, August, and November in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority.

Will holders of these securities please read the conditions so plainly nominated in the bond? Then read, also, the laws under which they were issued. On what ground then do they stand who demand that silver shall be demonetized in order that their bonds shall be paid only in gold? "Is it so nominated in the bond?" Does not everybody know that to subtract the silver from the money of the world is to double the value of the gold? The credit-holding classes know it perfectly well, and they know, too, that to limit the future supply of the metals to gold alone is to increase the value of gold. They know that the standard in fact is not a piece of gold, nor a piece of silver, but the whole volume of money. A piece of gold does not determine the value of a volume of money; but it is the volume of money, the quantity of the metals, that determines the value of a single piece. Let us be plain. All will agree that to change the standard by adding another metal and making it legal tender equally with gold and silver and then compel the creditor to accept the same number of ounces, or the same number of depreciated dollars, in settlement of a debt would be a fraud on the creditor. But is it not as much a fraud on the debtor to increase the value of the standard by abol-Will holders of these securities please read the conditions so plainly a debt would be a fraud on the creditor. But is it not as much a fraud on the debtor to increase the value of the standard by abolishing half of the metals formerly used as money? In short, if he who seeks by legislation to change the value of money so that he may discharge a debt by paying one dollar where he owes two is a cheat, does not he too attempt to cheat who, by legislation, seeks to double the value of money so that he can get the value of two dollars where he is entitled to but one? Is not the injunction "Thou shalt not steal" as much a law unto the lender as the borrower; as much a law constants on the farmer at his plant. much binding on the banker at his counter as on the farmer at his plow?

The difference is very great, you see, between diluting a currency and boiling it down. He who receives money understands quickly enough the one process, but is willfully blind to the other.

Nor has silver in fact depreciated in general purchasing power. An able writer in the October number of the Westminster Review says:

It is certain that the purchasing power of silver in London over commodities has not only not diminished, but has rather increased—that is, with a given weight of silver one can go into the markets of London and buy a larger quantity of average staple articles of consumption than he could have done with the same silver before the gold price of silver began to fall.

In support of the same fact in this country I gave some data in a speech I had the honor to make in this House in the extra session, and to which I beg now to refer. Again, the same writer says:

There can be no possible doubt that during the last six years silver has been much more approximately a standard of value than has been the case with gold.

And again:

The United States, as an extensive borrower in gold values, has had an enormous burden added to its debts for the benefit of lenders, both at home and in

This is the testimony of a foreign writer. And still the insatiable demand of avarice is that this burden shall be still further augmented by the exclusion of silver altogether—at least from the future sup-

ply of money

But it is only when it is considered in connection with the world's. indebtedness that the enormity of the proposition to contract the money volume to one metal becomes apparent. No, it does not become apparent at all. It becomes a crime on so vast a scale that the come apparent at all. It becomes a crime on so vast a scale that the imagination fails to compass it. The plundering of provinces by Roman proconsuls in the name of tribute affords no parallel to this modern method of plundering the people. All the armed maranders of the world have not committed such spoliations. And it does not help the case to cloak the operation under the pretense of "honest money." There are no devils like those in the guise of saints; there is no every explanation of the process of the guise of saints; there

money." There are no devils like those in the guise of saints; there is no cover so plausible as an honest pretense.

The total national debts of the world reach an aggregate of \$30,000,000,000, and other public indebtedness at least \$10,000,000,000 more, making a grand total of \$40,000,000,000, or four or five times the volume of money of the whole world. The United States now stands fourth in the list of nations with huge debts.

Following is a statement in detail of the public debts of the world, compiled from recent official and other most reliable sources:

Statement of public debts of the world, January 1, 1880, and the cost of government in the various countries named.

Nations.	Population.	Debt.	Debt per capita.	Revenue for 1877-'78.	Expenditures, 1879-'80.
Germany		\$1, 100, 000, 000	\$25 00	\$330,000,000	\$335, 000, 000
Austria-Hungary		2, 106, 000, 000	58 00	246, 000, 000	305, 000, 000
France		4, 695, 000, 000	126 00	585, 000, 000	592, 000, 000
Great Britain		3, 891, 000, 000	117 00	398, 000, 000	425, 000, 000
Russia		3, 020, 000, 000	34 00	450, 000, 000	535, 000, 000
Italy		2, 042, 000, 000	72 00	278, 000, 000	280, 000, 000
Spain		2, 625, 000, 000	154 00	131, 000, 000	150, 000, 000
Holland		410, 000, 000 311, 000, 000	114 00	43, 000, 000	50, 000, 000
Belgium		52, 000, 000	56 00 26 00	50, 000, 000	54, 000, 000
Denmark		60, 000, 000	13 00	13, 000, 000	11, 000, 000
Sweden		36, 000, 000	18 00	23, 000, 000	22, 000, 000
Norway		428, 000, 000	95 00	29, 000, 000	14, 000, 000
Portugal	1, 500, 000	100, 000, 000	66 00	7, 000, 000	35, 000, 000
Greece		1, 350, 000, 000	38 00	82, 000, 000	10,000,000
Switzerland	3, 000, 000	7, 000, 000	2 00	8, 000, 000	90, 000, 000 8, 000, 000
Japan	34, 000, 000	150, 000, 000	4 00	63, 000, 000	63, 000, 000
British India	191, 000, 000	576, 000, 000	3 00	272, 000, 000	345, 000, 000
Canada	4, 000, 000	112, 000, 000	28 00	22, 000, 000	25, 000, 000
United States.		2, 116, 000, 000	42 00	273, 000, 000	265, 000, 000
State and municipal		1, 200, 000, 000	14 00	210,000,000	200, 000, 000
Mexico		395, 000, 000	39 00	23, 000, 000	25, 000, 000
South American States		549, 000, 000	18 00	20,000,000	20,000,000
Egypt		450, 000, 000	85 00	54, 000, 000	54, 000, 000
Other States		2, 116, 000, 000			
Total		30, 000, 000, 000			
Public debts other than State (estimated)		10, 000, 000, 000	***********		
Aggregate		40, 000, 000, 000			

Note.—The columns of debt, revenue, and expenditures for the European States are made up from debt tables and budgets for 1879-'80 as given by the London Economist of March 6, 1880, counting \$5 to the pound sterling and adding the increase since 1879.

To help to comprehend the magnitude of so vast a mortgage on posterity consider that the sum total of these immense debts equals the whole present wealth of the North American continent

National debts are of comparatively modern origin. They were almost unknown in ancient times. Wars were carried on by taxes and almost unknown in ancient times. Wars were carried on by taxes and tributes levied upon conquered people. Rome inexorably levied her tributes upon conquered provinces. According to Arnold, loans were sometimes made from wealthy individuals, and commercial companies sometimes furnished stores for the army and took orders on the treasury payable at a future time without interest. But these, the same historian tells us, were never left to constitute a national debt. And it is only recently that national debts have been considered permanent and while the last treasury was that the increase in these manent; and only in the last twenty years that the increase in these debts has become alarming.

The total debts of the European States alone, it will be seen, are now \$23,000,000,000—an increase of over 75 per cent. in fifteen years—and the total cost of government of the same States is over \$2,900,000,000 a year, being an increase of nearly \$1,000,000,000 in annual expenditures in the same time. The cost of their military and naval establishments amounts to \$800,000,000 per annum, an increase of \$215,000,000 per annum since 1865. The principal increase in the cost of government arises from the cost of armies and interest on public debts. It is the same now as when Tacitus said, "There can be no peace without troops, no troops without pay, and no pay without tribute." The total debts of the European States alone, it will be seen, are now

But it is not necessary to go to Europe for examples of large expenditures and excessive taxation. From 1861 to 1880, \$6,086,000,000 have been collected as taxes in the United States. This sum is about

one-sixth of the total wealth of the whole people, or one-sixth as much as eight generations have accumulated on this continent, and probably nearly one-half as much as has been accumulated altogether by the last generation. During the same period the total expenditures, including interest on the public debt, have been \$7,990,000,000, or full four times the total expenditures for all purposes from the foundation of the Government down to 1861.

And let it be understood that to abandon silver is to increase every debt and tax burden of every people on the face of the earth. And more than that, it will curtail commerce and cripple every industry by which the life of man is sustained and the means of paying debts

are produced.

I wish, therefore, in this connection, to emphasize my protest against the premeditated crime of abolishing one of the money metals of the world, in the presence of the overshadowing accumulation of public world, in the presence of the overshadowing accumulation of public debts, to say nothing of that vaster sum of private debts existing in all countries. Crime, I say; it is indeed a high crime against civilization and humanity. I say this vast accumulation of money obligations rests upon the world's whole money supply of to-day. They rest not upon one, but upon both metals; not upon the stock of the metals now in the hands of man, but upon the produce of the mines as well; not mines of gold alone, but mines of both gold and silver.

"All present contracts," says Ernest Seyd, "are based on the stock of gold and silver now in the world, and on the coming in of the annual supplies of both metals together;" and, with a just sense of its enormity, he designates silver demonetization as a "stupid general crime, whose authors humanity would some day learn to curse."

whose authors humanity would some day learn to curs

And never were curses more richly deserved.

But the consideration of the question of public debts, Mr. Chairman, would be incomplete without an examination of the way they get made up, and how they are often manipulated and changed. As a burden, much depends on interest, population, accumulated wealth, industrial condition, and the relation of debt to income and to labor. But whatever these relations may be, as a rule, a full equivalent is never given in the original creation of a public debt.

A large part of the British debt was made at 60 per cent. of its face.

A large part of the British debt was made at 60 per cent. of its face. Our own debt was created by a scale so different from that by which we are paying it that the mere comparison presents a sad commentary

on our past financial policy.

The plain truth is—and it is the only explanation of the fact—that The plain truth is—and it is the only explanation of the fact—that the debt was largely created by a scale made of a volume of money of \$983,000,000, counting nothing but effective legal-tender money and bank notes, or \$39 per capita, or 7 per cent. of the total wealth of the population using it; while in 1879 we were paying the debt by a scale of \$14 per capita, or 2.3 per cent. of the wealth of the population using the currency; or, to state the case in another form, the debt was created by a paper scale of, so to speak, forty to fifty cents to a dollar, and is being paid by a scale of from one hundred (or through silver demonetization) to one hundred and ten cents to a dollar. To call the currency that made up the volume of money existing from 1863 down to 1879 merely debt is simply to mystify what is in itself very plain. very plain.

The volume has been increased again, not only absolutely increased, but increased relatively to commodities, and the payment of debt has been made thereby easier.

The debt was largest in 1865, lowest in 1873, and increased again by \$87,000,000 in 1879. And it was not till August of this year that it became reduced again below the lowest point reached in 1873.

The following table will present a comparison between debt and labor at three different periods; and in the end, be it remembered, all debts must be paid by labor:

Public debt in 1865, 1873, and 1879, compared with labor.

Year.	Amount of in- terest-bear- ing debt.	Labor equiva- lent.*	Rate of la- bor per day.
1865	\$2, 381, 000, 000 1, 710, 000, 000 1, 797, 000, 000	Days. { 1, 190, 000, 000 } 1, 360, 000, 000	\$2 00 1 75 1 50 1 00 90

^{*} Increase of labor equivalent in 1879 over 1865 from 437,000,000 to 810,000,000. †Increase in 1879 over 1873 from 657,000,000 to 860,000,000.

Interest on public debt compared with labor.

Year.	Amount of interest paid.	Wages.	Equivalent in days' labor.
1865	\$150, 000, 000 105, 000, 000 93, 000, 000	{\$2 00 1 75 1 50 { 1 00 } 90	Days. 75, 000, 000 85, 000, 000 70, 000, 000 93, 000, 000 103, 300, 000

equivalent of the interest that year, \$150,000,000, was only seventy-

five to eighty-five million days.

In 1879, although the nominal debt was not as large by \$584,000,000, the labor equivalent was at least 500,000,000 days more; that is, it would have taken the produce of at least 500,000,000 more days labor to pay the debt existing in 1879 than in 1865; and it would have taken from ten to fifteen millions more days' labor in 1879 to equal the interest than would have been required in 1865.

The above table is given to show how easily debts may be changed

The above table is given to show how easily debts may be changed by changing the money scale.

It is readily pleaded, I know, that the war necessitated the great inflation of the currency. This I deny. Economic science utterly refutes the plea. Undoubtedly the demands of war called for some additional currency, but when the issue was continued till it became so depreciated that it took two or three dollars to buy what one dollar bought before, what was the gain? To buy a horse before worth a hundred dollars now took two hundred. To make a hundred exchanges required twice as many dollars. It was men and arms, food and clothing that were needed to carry on war. Two hundred millions of dollars, after the money had depreciated one-half, did not equip a man more; did not put a gun or a musket more in the field; it supplied no more food and clothing than one hundred millions would have done if the relation between money and other things had not been changed by

food and clothing than one hundred millions would have done if the relation between money and other things had not been changed by putting two dollars where one had before existed. But it did add hundreds, yes, thousands of millions, and needlessly, too, to our debt. And this is the debt we are now struggling with.

I wish to give one more recent striking example of the way modern debts become created, and show their effect on the income of a people. Mr. Stephen Cave, member of Parliament and British commissioner to investigate the indebtedness of Egypt in 1876, reported the accumulated loans then to be \$500,000,000. But for this debt the Khedive had actually received only about \$225,000,000. The rest was swallowed up in commissions and discounts. By the end of 1879 there had been paid back as interest a sum equal to the whole amount received by Egypt on all its loans, besides which, all its investments in the Suez Canal—about \$50,000,000—were surrendered to its creditors. And still the \$500,000,000 remain as a debt against the people of that unfortunate country, on which \$30,000,000 annually is exacted as interest.

In his late report, Mr. Baird, British finance commissioner, said:

Last year, when great pressure was put upon the Egyptian Government to pay the coupon due in May, the peasants were forced to sell their growing crops, and in some cases perfectly authenticated corn was sold to the merchants for fifty piasters per ardeb, which was delivered in one month's time, and then fetched one hundred and twenty piasters. These are no exceptional cases; the same thing was going on over the whole of Upper Egypt.

But at this very time a terrible famine was raging in Upper Egypt. On this state of affairs the London Times says:

The spirit, and to a great extent the personal composition, of the Egyptian administration has now become European, and though it is to be deplored that the country has been loaded with a debt out of all proportion to its present resources, there is nothing to be done but to make the best of the situation.

Herodotus tells us that in the reign of Asychis, when commerce was almost destroyed-

From the extreme want of money an ordinance passed that any one might borrow money, giving the body of his father as a pledge; by this law the sepulcher of the debtor became in the power of the creditor, for if the debt was not discharged he could neither be buried with his family nor in any other vault, nor was he suffered to inter one of his descendants.

If this law were in force now all Egyptians would go unburied, for If this law were in force now all Egyptians would go unburied, for their whole land has passed by mortgage to strangers. And this is the work of comparatively a few years of debt. Egypt, the most ancient seat of civilization as well as the ancient granary of the world, oftener than any other land has been conquered, despoiled, and plundered. Alexander conquered it. The Cæsars conquered and held it as the richest tributary to Rome's all-devouring avarice. The Arabs conquered it. Napoleon conquered it, but no conquest, no subjugation, was ever so complete and hopeless as the conquest and subjugation of the money kings, under the Rothschilds of London, Frankfort, and Paris, sanctioned and guaranteed to them by three powerful governments.

kings, under the Rothschilds of London, Frankfort, and Paris, sanctioned and guaranteed to them by three powerful governments.

Forty centuries looked down from the pyramids upon the conquest of Napoleon. Ten times forty centuries, should that debt last so long, will look down upon a nation of slaves, the fruits of whose yearly toil are taken in the name of interest, but in fact as tribute, not to a nation, but to a few individuals to whom powerful governments lend their aid in this work of spoliation. For there is more than one way to conquer and enslave a people. And the most effective of all ways is the modern one of perpetual national debt. We have seen how the debt of Egynt consumes annually in interest every dollar seen how the debt of Egypt consumes annually in interest every dollar that it is possible for that people to produce over and above a bare existence. The debt of England appropriates \$120,000,000 annually out of the net earnings of the whole people to a receiving class before the earnings can be shared, which virtually bars out forever a large part of the population from any share in the net annual gains of the country. The total debts of European States absorb the larger share of possible net earnings of all the people.

1865 \$\frac{\\$150,000,000}{\\$175}\$\$ \$\frac{\\$200}{\\$5,000,000}\$\$ \$\frac{\\$200}{\\$175}\$\$ \$\frac{000,000}{\\$85,000,000}\$\$ of possible net earnings of all the people. Take our own case. If the net gains of all the people were but a hundred millions, then it is all appropriated by a debt created, it might be, by a generation that had passed away, and there would not exceed one and a quarter millions of days' labor, and the labor the total debt of the total debt of European States absorb the larger share of possible net earnings of all the people. Take our own case. If the net gains of all the people were but a hundred millions, then it is all appropriated by a debt created, it might be, by a generation that had passed away, and there would not be a dollar beyond a bare existence, not a dollar profit, to be divided among the producers. A hundred millions is \$2 for each person. The total wealth of the people of the United States is less than \$1,000\$.

for each. The increase in wealth since 1780 has been but little faster than increase of population; certainly not by more than \$2 per capita per annum faster than population has increased, taking the run of a century.

It does not take, then, it will be seen, a debt of incalculable magnitude to require the perpetual appropriation of the net gains of a people for interest alone. That amounts to the perpetual bondage of one class of the people to another.

Let us go a step further. Suppose the gross annual earnings of all our people to be \$150 each, or \$7,500,000,000; when we have taken out the few large incomes and counted the cost of government and interest on debts, we find that at best there is left to the great mass of the people less than \$100 a year each, or twenty-five cents a day, for food, clothing, and shelter, and from this their savings, if

any, must come. A perpetuation, then, of our vast debts must necessarily operate to reduce to fiscal bondage more people than the war liberated. And when to the national debt is added State and municipal debts, examples of which I have not time to give, the prospect, if not cause for alarm, ought to warn us, at least, that it is high time to retrace our steps.

If we were in fact in the condition which the London Economist looks forward to in comparing our prospects with those of European States, a bright future would indeed be opened before us:

It is becoming more clear day by day that the industrial competition of the future will be between North America and Europe. North America, possessing all climates, produces, or can produce, everything, and has fairly embarked on an industrial career, and will, without doubt, ultimately relieve herself from the shackles of protection. The United States are rapidly paying off their debt, the only serious national debt of the continent.

Should that occur, it is extremely probable that by 1900, only twenty years hence, North America may compete with Europe in all the markets of the world for the sale of produce and manufactures, which will have had to provide in America only £60,000,000 against the European £600,000,000 for state expenses; in other words, that Europe may be faced by a competitor equal to her in all resources except number of hands, and paying not more than one-tenth of her total taxation. That is, of course, putting the matter favorably for America, for we suppose the United States debt paid off, but it is not putting it too favorably, for we have omitted the heaviest item in the calculation.

Europe, besides paying ten times the total sum in taxes, will have no healthy young men between nineteen and twenty-two engaged in industrial production. They will all be in the army, as outside these islands they already are. As the period of energetic labor with all men only lasts about thirty years, Europe, besides her immense taxation, will be sacrificing in comparison with America one clear tenth of her available supply of human force.

We have no hesitation in saying that as between one continent and the other the older one will enter into the ultimate struggle loaded with a state demand, to be satisfied before profit is realized, equal in weight to a universal income tax of quite three shillings in the pound. That is a heavy load to stagger under, and there is every sign as yet that it will be steadily increased, for the military experts are ruling, and it is evident from the speech of the ablest among them that they do not seriously care about the increase of the financial burden.—London Economist, March 6, 1880.

A great truth is unfolded here in little space. Imagine Europe with her vast armaments, increased expenses, growing debts, and her young men taken from productive fields to be trained for war, with the United States, as we should be, with our debts paid and an active population developing our boundless resources, our fields of agriculture, our mines and manufactures. It would be an advantage of 25 or 30 per cent. in the struggle for existence. That is a kind of tariff that would operate directly on labor and be equivalent to an advantage for American labor of the whole percentage of difference. difference.

I have traced the alarming increase of national debts and the tendency to their perpetuation. I have endeavored to show how they operate to direct the distribution of the future earnings of a people, and how they affect industry and commerce. I have referred to the necessary effect on debts of a reduction of the world's stock of

And I ask again, shall we follow the example of our fathers and make a business of paying our debt and get rid of it, or shall we rather imitate the example of European nations and entail it as a burden forever on our children? I cannot resist the conclusion of Jefferson that the coming generation has the right to take the earth without such an entail.

In his letter from Paris to Madison, September 6, 1789, Jefferson

The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also among the fundamental principles of every government. The course of reflection in which we are immersed here, on the elementary principles of society, has presented this question to my mind; and that no such obligation can be transmitted. I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the earth belongs in usufruct to the living; that the dead have neither powers nor rights over it.

At the annual meeting of the Penny Saving-Bank Association, on the 16th of January last, Lord Derby said of the growing debts of European countries:

Depend upon it, this question of national debts is going to be a serious one some day in Europe. They are getting steadily piled up higher, (I speak of foreign countries, not our own.) and when the burden grows intolerable, people will begin to ask questions which are not quite easy to answer as to the right of one generation to lay burdens on all posterity in perpetuity. So let us keep out of the mess by lightening our load while we can.

A perpetual debt amounts to a decree by one generation that one part of posterity shall pay over to another part forever a certain portion of its produce. Not that one part of posterity renders to the other any equivalent, but a former generation wills, and by the force of that will projected into the future the distribution of the earnings of a generation unborn is controlled. It is, in short, a mortgage on the productive forces of nature—on sunshine, rain, brain, and muscle hereafter to be.

The following prophetic incident in the formation of our debt has, on good authority, been preserved, and I reproduce it here as pertinent to the questions before us:

In the middle of the war Mr. Charles Sumner received a visit from one of the most intelligent of the foreign ministers at Washington. Mr. Sumner used to tell the story of the interview as marking, perhaps, an epoch in American history. After talking of the detail of the history of the moment—marches, sieges, and battles—"For the rest," said the looker-on, who saw the game better than the players, "from this time your Government and ours are the same."

Mr. Sumner asked if he were so blind as to suppose that Mr. Lincoln was to become an emperor.

players, "from this time your deverbilists are also suppose that Mr. Lincoln was to become an emperor.

Mr. Summer asked if he were so blind as to suppose that Mr. Lincoln was to become an emperor.

Not I, indeed. It is not that which makes a government to be one thing or another. What has made America America, and different from Europe, is this: You have had no army, no may, no civil service of any great magnitude; so you have lived without cabals at the center, because you had no powerful bureaus at the center, having little money to receive here and little to disburse. But now, "vous avez changé tout cela."

Now you have a debt as large as the best of us. You will have to raise taxes as onerous as the worst of us. You must have establishments of officials as numerous, as well disciplined, and as powerful as any of us. These central establishments will govern your country as such establishments govern our countries. You will choose your Presidents in one way; we choose ours in another. But you will have just what we have—the intrigue, the corruption, the overruling central power which come in, and must come in, where a great deal of money is collected, is handled, and is paid over. Your nation will be governed, then, just as ours are governed. Only you will still call yours a republic, while we call ours empires or kingdoms. "Voila la difference."

This prophecy has proved but too true thus far.
[During the delivery of the foregoing remarks, when Mr. WARNER's hour expired, the following proceedings took place:
Mr. MILLS. I hope the gentleman's time will be extended.
Mr. REAGAN. The gentleman is nearly through.
Mr. WARNER. I want only ten or fifteen minutes more.
The CHAIRMAN. The gentleman from Texas moves that the time of the gentleman from Ohio be extended. The Chair hears no objection

Mr. Warner resumed and concluded his remarks.]
Mr. CHITTENDEN. Mr. Chairman, let me say in justice to myself that I had no more thought of speaking upon this bill fifteen minutes ago than I had of being indicted for the forgery of the Chinese letter. But it is just possible that I may at a venture say a few words on the funding bill as usefully now as at any time.

Divested of all extraneous matter the funding bill before the House is a very simple, honest, business question, which members of Congress ought to be competent to comprehend. What is it? The Government of the United States owes \$600,000,000, more or less, which will become payable next year. The rates of interest on this part of the national debt are now excessive. The credit of the Government of the United States has improved much more rapidly and to a greater of the United States has improved much more rapidly and to a greater extent than anybody could have imagined. What is it that Congress is called upon to do? It is simply a question whether this \$600,000,000, more or less, shall remain unpaid, drawing 5 and 6 per \$600,000,000, more or less, shall remain unpaid, drawing 5 and 6 per cent. interest, or whether it shall be honestly paid as soon as it can be, and the Government borrow the money at 3 per cent. interest. That is all there is of it. The speech of the gentleman from Ohio [Mr. WARNER]—without meaning any disrespect for it, because it was a very fine speech, containing a great many things, ancient and modern, of surpassing interest [laughter]—has precious little to do with the question whether the Government of the United States shall avail itself of its credit, which, thank God, in spite of the silver craze which has not yet become operative, is now the best credit in the world. Have we or have we not the sense to avail ourselves of our

world. Have we or have we not the sense to avail ourselves of our credit and borrow money at 3 per cent. interest to pay debts now drawing 5 and 6 per cent.?

Now, Mr. Chairman, I am a republican, and presume that my party would prefer to change one feature of this bill to provide against possible exigencies. I would myself prefer to give the Secretary of the Treasury a little latitude. I would not limit him absolutely to par for a 3 per cent bond for so large an amount of money at a time when for a 3 per cent. bond for so large an amount of money at a time when money is loaned in Wall street, in the very center of commerce, at 100 per cent. per annum, day by day, as it is to-day. Yet I confidently believe that the money can certainly be borrowed at 3 per cent.; and I would vote for the bill under that belief, though desiring that the recommendation of the Secretary of the Treasury for a little latitude should be adorted. should be adopted.

Mr. Chairman, what are the signs in the Old World which should lead this Congress, without hesitation, to pass this bill before Christlead this Congress, without hesitation, to pass this bill before Christmas? Those of us (and I presume we are all of that party) who have noticed the late comments of the London Times and other financial authorities of Europe know that the rising credit and financial condition of the United States excites the envy of England and Europe, because it is discovered that our credit should be, and promises to be, better than that of any other nation on earth. The 3 per cent. British consol is to-day worth less than 99, while we are claiming, with good reasons, that the American bond, having but twenty years to run instead of a perpetual existence, will bring par, and so it will. I said just now, or meant to intimate, that it would bring par in spite of the silver craze. Why say that? Because our credit depends upon the fact that, notwithstanding the speeches, old and new, of the gentleman from Ohio on the subject of silver—notwithstanding all that our own country and the world has witnessed with regret of the fallacies on that subject which have been uttered on this floor in the last four years—in spite of all that, it is a fact that there is not a holder of a Government bond in the United States or Engage who intelligently understands the law and the uniform prac-Europe who intelligently understands the law and the uniform practice of this Government who does not regard that bond as payable in gold.

in gold.

Mr. PRICE. They cannot read, I suppose.

Mr. CHITTENDEN. That is my answer to all that the gentleman from Ohio has said on that subject.

Mr. WARNER rose.

Mr. CHITTENDEN. Do not interrupt me now, because I am talking at random, and do not want to be interrupted. [Laughter.]

I aver that notwithstanding all the stump speeches and other speeches about silver which have been made in the Congress of the United States for the last four years, there is not an intelligent holder of a Government security of the United States who does not regard the Government as pledged in honor by precedent by the recomment. of a Government security of the United States who does not regard the Government as pledged in honor by precedent, by the recommendations of its chief officers, and by the statutes as they stand, to pay every dollar of our bonds in gold. But for that there would be nobody to argue in favor of the 3 per cent. Government bonds at par. But for that there would be no man here or elsewhere who would contend for a single moment that the Government of the United States ought to borrow or can borrow money at 3 per cent. per annum when the British consol is worth but 98 to 99.

ought to borrow or can borrow money at 3 per cent. per annum when the British consol is worth but 98 to 99.

Now, Mr. Chairman, as I undertook to make a speech off-hand, without the least preparation and somewhat at random, I will not apologize for any digression. I come, then, to the silver certificates, and I wish to give gentlemen a hint here in regard to them. I shall have but few more words to say in this place, at any rate, on any of these questions. The Government of the United States, from stress for paper money during the last sixty or ninety days, has issued about \$20,000,000 of silver certificates; that is to say, they have issued a circulating medium which is to buy cotton, hogs, wheat, petroleum, and everything the country produces for exportation, and for which the exporter gets gold. They have issued \$20,000,000 of these circulating silver certificates, for which the Government has received gold. There has been \$400,000 in gold deposited in the sub-treasury in Wall street, New York, to-day, for which the silver certificates have been issued payable in your popular silver dollar of 412½ grains. Now, then, there is not a man here who does not know two things about that dollar. The first is that it will not pay a debt one inchevond the American territory except for what it is worth by weight; and the other is that it is not worth by weight more than 87½ cents.

I make no predictions here, but I give utterance to a principle which is as lasting as the foundations of the earth. There is no other law, human or divine, more enduring than the fact that a lie sooner or later will punish its author or somebody. What I say is that as sure as the tides of commerce continue to flow, just so sure the tides of gold in the existing conditions of the commerce of the world and under our attempt to make a double-coin standard without the coperation of other nations, just so sure as the sun shall rise to-morrow, these tides of gold will flow out from our country. And what then? Who then will have your silver certifi Now, Mr. Chairman, as I undertook to make a speech off-hand, with-

safe and good as one that cost eighty-seven?

Mr. Chairman, the day of reckoning is coming. It is perhaps far in the future, and fortunately it does not interfere with this funding bill simply because the people of the whole world, who own our bonds, believe we are bound in honor to pay them in gold. We have never paid anything else. We have never in the history of our Government offered to pay any debt in silver. I say this silver matter does not interfere with the success of this funding bill, and we are standing here to-day with the power to issue new bonds for the old ones at a little more than half the rate of interest we are now paying. We do not thereby prevent the growth of the sinking fund or such appropriations to that fund as the condition of the Treasury may permit. I am myself in favor of such legislation as shall reduce the mit. I am myself in favor of such legislation as shall reduce the national debt at least \$50,000,000 a year. I would rearrange the war tariff, conserving our national industries, in the interest of the labordebt at least \$50,000,000 a year.

But, sir, that has nothing to do with this measure now under consideration. The Government has not the money in the Treasury to

pay these \$600,000,000 next year, and the question is—I will conclude by restating it—shall we borrow \$600,000,000 at 3 per cent. to pay an equal amount of the national debt within our reach next year, on which we are now paying 5 and 6 per cent., or shall we scold the bondholders all winter and go on paying them, indefinitely, an average of something over 2 per cent. per annum more than we need to?

Mr. FERNANDO WOOD moved that the committee rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

CONSULAR AND DIPLOMATIC BILL.

Mr. SINGLETON, of Mississippi, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1832, and for other purposes; which was read a first and second time, ordered to be printed, and re-

Mr. BLOUNT. I reserve all points of order on that bill.

MILITARY ACADEMY BILL.

Mr. FORNEY, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. BLOUNT. I reserve all points of order on that bill.

MESSENGER.

Mr. MARTIN, of Delaware, from the Committee on Accounts, reported back the following resolution with a favorable report:

Resolved. That the Clerk of the House be, and he is hereby, authorized and directed to pay John Maloney at the rate of \$1,000 per annum during the present session of Congress, for services as messenger to the official reporters of debates, and that the same be paid out of the contingent fund of the House.

The written report accompanying the resolution was read, as fol-

The Committee on Accounts, to whom was referred the resolution of the House authorizing the employment of a messenger for the official reporters of debates during the present session of Congress, at the rate of \$1,000 per annum, respectfully report that they have carefully considered the same, and find its provisions in accordance with an unbroken line of precedents for a number of years and demanded by the necessities of the case. They therefore recommend the passage of the resolution.

The resolution was adopted.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was adopted; and also moved that the metion to reconsider be laid on the table.

The latter motion was agreed to.

WEIGHTS-AND-MEASURES CONVENTION, PARIS.

The SPEAKER, by unanimous consent, laid before the House letter from the Secretary of the Treasury, transmitting copy of the communication from the Secretary of State in relation to the amount due from the United States under the weights-and-measures convention of Paris of May 28, 1878; which was referred to the Committee on Appropriations.

MONUMENTAL COLUMN, YORKTOWN, VIRGINIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the model of the monumental column at Yorktown, Virginia; which was referred to the Committee on the Yorktown Centennial Celebration.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Wells until the 4th of January, on account of important business.

EVENING SESSION ON THURSDAY.

Mr. MORSE. Mr. Speaker, I ask unanimous consent to present a proposition to the House, which I hope will meet with approval. I request that there be an evening session for the special purpose indicated in the paper which I send to the Clerk's desk.

The SPEAKER. The paper will be read.

The Clerk read as follows:

Resolved, That there be a session of the House on Thursday evening next, at seven and one-half o'clock, to act upon Senate bills upon the Private Calendar, subject to the appropriation bills.

Mr. McKENZIE. I object.
Mr. FERNANDO WOOD. I move that the House do now adjourn.
The motion was agreed to; and accordingly (at four o'clock p. m.)
the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BREWER: Resolutions of the General Association of Congregational Ministers of Michigan, in favor of the suppression of polygamy—to the Committee on the Judiciary.

By Mr. CONGER: The petition of Lydia Packett and 28 others, of Banks, and of Henry Fitzsimmons, of Perth, Michigan, that sol-

diers of the late war, discharged for disease, be granted the same bounty as those discharged for wounds—to the Committee on Mili-tary Affairs.

By Mr. COWGILL: Papers relating to the claim of E. M. Roger for back pay as an officer in the United States Army—to the same

for back pay as an officer in the United States Army—to the same committee.

By Mr. FIELD: The petition of the Atlantic Cotton Mills, of Lawrence, Massachusetts, and of Indian Orchard Mills, of Springfield, Massachusetts, for the early enactment of a bankrupt law—to the Committee on the Judiciary.

By Mr. HENKLE: The petitions of A. T. Boswell, John Brickley, and John Keithley, for compensation for damages caused by the commissioners of the District of Columbia—to the Committee on the District of Columbia.

trict of Columbia.

By Mr. LE FEVRE: The petition of Peter Batch and 169 others, privates and non-commissioned officers from Ohio, that soldiers of the late war be paid the difference at the time of payment between the value of gold and the paper money they received for pay for their services during the war—to the Committee on Military Affairs.

Also, the petition of John W. Shockey and 132 others, soldiers in the war of the rebellion, that pensioners be paid from the date of their

the war of the rebellion, that pensioners be paid from the date of their disability—to the Committee on Invalid Pensions.

By Mr. STONE: The petition of Hughes S. Hill and 43 others, citizens of Kent County, Michigan, for the passage of the equalization of bounty bill—to the Committee on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of Frank Wilson, of Leesville, Carroll County, and 36 other soldiers of Ohio, of similar import—to the same committee.

to the same committee.

By Mr. VANCE: The petition of Thomas B. Cochran and others, for the passage of a bill to incorporate the Sixth and Thirteenth Streets Railway—to the Committee on the District of Columbia.

By Mr. WARD: The petition of George W. Rosevelt, for increase of pension—to the Committee on Invalid Pensions.

pension—to the Committee on Invalid Pensions.

By Mr. WELLS: The petition of 800 citizens of Saint Louis, Missouri, for the repeal of the tax on bank deposits and the stamp tax on checks and drafts—to the Committee on Ways and Means.

By Mr. THOMAS L. YOUNG: The petition of Peter F. Striker and 500 others, for the passage of a bill granting a land warrant to each soldier of the war of the rebellion—to the Committee on the Public Lends.

Also, the petitions of 73 licensed engineers upon steamboats, and of 124 employes on steamboats plying on western rivers, for the passage of the bill to increase the efficiency of the marine-hespital service to the Committee on Commerce.

IN SENATE.

WEDNESDAY, December 15, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, stating that the model of the proposed monumental column to be erected at Yorktown, Virginia, has been received at the War Department, and is now on view at his office; which was referred to the Joint Select Committee on the Yorktown Centennial Celebra-

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of State, of the 9th instant, in relation to the amount due from the United States under the weights-and-measures convention of May 28, 1878, as fixed by the international committee, for the calendar years 1880 and 1881, together with the extra assessment for 1880 called for by that committee; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to the resolution of the Senate of December 8, 1880, a report from the Chief of Engineers, relating to the improvement of the Lamprey River below New Market, New Hampshire; which was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. VANCE presented the petition of Frankey Deal, widow of Abram Deal, a soldier of the war of 1812; the petition of Rebecca Deal, widow of William Deal, a soldier of the war of 1812; the petition of Sarah Baker, widow of Joseph Baker, a soldier of the war of 1812; the petition of Isabella England, widow of Joseph England, a soldier of the war of 1812; and the petition of Clayton Brown, a soldier of the war of 1812, praying to be granted pensions; which were referred to the Committee on Pensions.

Mr. CARPENTER presented the petition of Lucena De Wolfe, Mrs.

were referred to the Committee on Pensions.

Mr. CARPENTER presented the petition of Lucena De Wolfe, Mrs.

H. J. Partridge, Augusta Shepard, Alice M. Sherman, E. D. Coe, L. C.

Smith, J. A. Partridge, and others, citizens of Whitewater, Walworth
County, Wisconsin, praying for an amendment to the Constitution
providing that the right of suffrage in the United States shall be
based on citizenship, and that the right of all citizens of the United
States to vote shall not be denied or abridged by the United States,

or by any State, on account of sex, or for any reason not equally applicable to all citizens of the United States; which was referred to the Committee on the Judiciary.

He also presented additional papers in relation to the claim of George F. Brott for certain cotton alleged to have been taken from the schooner Sea-Lion by United States authorities during the late war; which were referred to the Committee on Claims.

Mr. CALL presented the petition of Fanny Futch, widow of David Futch, a soldier of the war of 1812, praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. TELLER presented the petition of Wolff & Brown, praying that they be allowed per diem pay for horses pressed into service by Colonel Thomas Moonlight, commanding the Colorado military district, under martial law in 1865; which, together with the papers on the files relating to the case, was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 276) for the relief of Joab Spencer and James R. Mead, reported it with amendments.

Mr. INGALLS. I am also directed by the same committee, to whom

was referred the bill (H. R. No. 1197) for the relief of settlers upon the Absentee Shawnee lands in Kansas, and for other purposes, to report it favorably without amendment; and the committee adopt the report of the House committee on this bill, in which the facts

appear.
The VICE-PRESIDENT. The bill will be placed on the Calendar.
Mr. INGALLS, from the Committee on Indian Affairs, to whom was
referred the bill (S. No. 78) for the relief of settlers upon the Absence Shawnee lands in Kansas, and for other purposes, and the bill (S. No.

Shawnee lands in Kansas, and for other purposes, and the bill (S. No. 1561) for the relief of settlers upon the Absentee Shawnee lands in Kansas, and for other purposes, reported in favor of the indefinite postponement of the bills, and the report was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1096) for the relief of V. B. Horton, jr., submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 746) for the relief of Anna E. Hallowell, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to. Committee on Pensions; which was agreed to.

BILLS INTRODUCED.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1911) for the relief of J. B. Cornell and others; which was read twice by its title, and referred to the

Committee on Naval Affairs.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1912) for the payment of certain Indian war bond coupons of the State of California; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1913) for the retirement of small

leave to introduce a bill (S. No. 1913) for the retirement of small legal-tender notes; which was read twice by its title, and referred to the Committee on Finance.

Mr.PENDLETON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1914) to regulate the civil service of the United States and promote the efficiency thereof; which was read twice by its title, and referred to the Select Committee to examine the several branches of the Civil Service.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1915) to prohibit Federal officers, claimers, and contractors from making or receiving assessments or contributions.

contractors from making or receiving assessments or contributions for political purposes; which was read twice by its title, and referred to the Select Committee to examine the several branches of the Civil

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1916) granting arrears of pension to El-mira E. Pool; which was read twice by its title, and referred to the

Committee on Pensions.

Mr. JOHNSTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1917) providing for the judicial ascertainment of claims against the United States; which was read twice by its title, and referred to the Committee on the Judi-

Mr. TELLER. I ask leave, by request, to introduce a bill to amend section 2324 of the Revised Statutes. I will say that I have not examined the bill and do not commit myself to its provisions.

By unanimous consent, leave was granted to its provisions.

By unanimous consent, leave was granted to introduce a bill (S. No. 1918) to amend section 2324 of the Revised Statutes, relating to mining claims; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1919) for the relief of Robert Chisolm; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That S. B. Brightman have leave to withdraw his papers from the files

On motion of Mr. BALDWIN, it was

Ordered. That the original deed, executed by Bickford P. Hutchinson, Silas Titus, and Charles Tryon, dated February 9, 1837, to James M. Burger be withdrawn from the files of the Senate and delivered to H. H. Wells, the attorney of Horace Gilpin, who is the grantee of the said Burger.

ALLEGED ABUSE OF JUDICIAL PROCESS.

Mr. CALL. I offer the following resolution:

Resolved by the Senate of the United States, That it be referred to the Judiciary Committee of the Senate to inquire into and report to the Senate as to the cases of alleged unlawful arrest and imprisonment of any of the people of the United States under the process of the cours of the United States, and as to the cases of the unnecessary removal of accused persons to places distant from their homes for a preliminary hearing before the commissioners of the United States courts for personal or political objects; and to report by bill or otherwise such legislation as may be necessary for the protection of the people against the wrongful and oppressive use of the powers and process of said courts.

I ask that the resolution lie upon the table for the present, in order that I may call it up at an early day.

The VICE-PRESIDENT. The resolution will lie on the table, sub-

ject to the call of the Senator. Does the Senator desire that it be printed?

Mr. CALL. Yes, sir.
The VICE-PRESIDENT. The order to print will be made.

UNITED PEORIAS AMD MIAMIES.

Mr. SAUNDERS and others addressed the Chair.
Mr. COCKRELL. If the morning business is through, I ask the
Senate to proceed to the consideration of the bill (S. No. 364) for the

Senate to proceed to the consideration of the bill (S. No. 364) for the relief of Samuel A. Lowe. It will only take a minute.

The VICE-PRESIDENT. The Chair will recognize the Senator, inquiring, first, is there further business of the morning hour?

Mr. SAUNDERS. I simply desire to give notice to the Senate that to-morrow, after the morning business shall have been disposed of, I shall ask the Senate to take up and consider the bill (S. No. 1598) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes. It is a bill that in the hurry at the close of the last session failed to get through, and as it is a matter of great importance to these Indians. through, and as it is a matter of great importance to these Indians, who are now proposing to take upon themselves the duties of citizenship, I desire to get up the bill as early as possible. I therefore give notice that to-morrow I shall endeavor to have the bill taken up.

MILITARY WARRANT LAND LOCATIONS.

Mr. McDONALD. I gave notice yesterday that at the close of the morning business this morning I should move to take up the motion to reconsider the vote by which the bill (8. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, was indefinitely postponed at the last session, and I desire that my notice shall not run out.

THE INDIANS.

Mr. COKE. I desire to give notice that on Tuesday next, at the expiration of the morning hour, I shall ask the Senate to take up and consider the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes. The bill is a very important one; the Secretary of the Interior thinks it absolutely necessary; and it should be acted upon as soon as possible.

THE CALENDAR.

Mr. WALLACE. I desire to call up the resolution submitted by the senior Senator from Rhode Island [Mr. Anthony] for the action of the Senate this morning, if in order. It went over on my objection. The Senate proceeded to consider the following resolution, submitted by Mr. Anthony on the 8th instant:

Resolved. That at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and the objection may be interposed at any stage of the proceedings; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other ANTHONY.

Mr. ANTHONY. I did not notice that this resolution was already in force. It has been offered from time to time as applicable to the existing session, but I see that as it was passed the last time it becomes an order of the Senate. I would ask, however, that the resolution which I have offered be substituted for that order, as it is a little more explicit in its expression. There was some debate, Senators may remember, upon the clause "unless otherwise ordered by the Senate," which was taken by some to apply to five-minute speeches, whereas it was intended to apply to the whole rule; and the resolution which I have presented makes it apply to the whole rule.

The VICE-PRESIDENT. Will the Senate substitute the resolution just read for what is known as the Anthony rule as printed daily at the head of the Calendar?

the head of the Calendar?

The resolution was agreed to.

Mr. ANTHONY. I ask unanimous consent that the rule may not apply to this morning, as my friend from Vermont [Mr. Morrill] is prepared to address the Senate. ["Agreed."]

CONDEMNED SENATE FURNITURE.

Mr. BRUCE. I ask for the consideration of the resolution submit-

ted by me yesterday.

The VICE-PRESIDENT. The Senator from Mississippi calls up, under the morning hour business, the resolution offered by him yesterday, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant at Arms be, and he bereby is, authorized and directed to deliver to the National Association for the Relief of Colored Women and Children for its use such articles of furniture as may be condemned as no longer fit for the use of the Senate.

Mr. BRUCE. I offer the following as a substitute for the resolution just reported:

Resolved, That the Sergeant-at-Arms be, and hereby is, authorized and directed to deliver to the National Association for the Relief of Colored Women and Children, of the District of Columbia, for its use, such articles of furniture now on hand as may be condemned by the Sergeant-at-Arms as no longer fit for the use of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the substitute

Mr. McDONALD. I do not desire to antagonize the resolution, but I suggest to the mover, the Senator from Mississippi, that it had better be referred to the Committee to Audit and Control the Contingent

Expenses of the Senate. I make that motion if it is necessary.

The VICE-PRESIDENT. The question is on the motion to refer
the resolution to the Committee to Audit and Control the Contingent

Expenses of the Senate.

Mr. HILL, of Georgia. Mr. President, about a year ago the attention of the Committee to Audit and Control the Contingent Expenses of the Senate was called to this subject by the Sergeant-at-Arms with a request that that committee should designate some proper person to pass upon the fitness of this furniture and dispose of it, he, being an officer of the Senate, not desiring to take the entire responsibility which he understood had been the previous practice of the Senate. When he called my attention to the subject I gave a little consideration to it and at once said that I did not think the committee referred the day invisibilities over the appearance of the subject I gave a little consideration to it and at once said that I did not think the committee referred to not it and at once said that I did not think the committee referred to had any jurisdiction over the question. The matter, however, was considered by the committee, one member not being present, and we were considering it when the Senator from Mississippi yesterday offered the resolution which has been read. We had previously appointed a committee meeting to consider this subject for yesterday on the suggestion of the Sergeant-at-Arms, and we invited the Senator from Mississippi to meet us yesterday afternoon, which he did.

the suggestion of the Sergeant-at-Arms, and we invited the Senator from Mississippi to meet us yesterday afternoon, which he did.

Now, I will say to Senators that we are informed that the furniture alluded to would perhaps, if put on the market, not sell for exceeding \$100. It is furniture utterly useless to the Senate, so we are told, and of course is worth very little. The only serious question is whether we have the power to do what is proposed by the resolution. I will simply say for myself that I am of the opinion that the Senate alone has no power to dispose of this furniture in the manner suggested, nor in any other manner. I believe that is the concurrent opinion of my associates on the committee. This property belongs not to the Senate but to the Government. It is a very small amount and of very small value; but the question of power is precisely the same whether the property involved is worth \$100 or \$1,000,000. What authority has this Senate, by resolution, even to order the sale of property belonging to the Government? It was purchased with money from the Treasury; true, it is worn out, but it is worth something, and it must be disposed of and ought to be disposed of. In my opinion, it can only be disposed of by a joint resolution of the two Houses, approved by the President, and having the effect of a law. We should adhere to the Constitution in all things. If we do not respect the Constitution in small things we will not respect it in great things, and will soon cease to respect it at all.

There is a precedent for the action proposed by the Senator from Mississing that occurred in 1870, when a resolution was nessed year.

There is a precedent for the action proposed by the Senator from Mississippi that occurred in 1870, when a resolution was passed very much like the one now presented. That resolution, however, I notice was passed without any point being made, without any discussion, merely nem. con. It therefore constitutes no real precedent. I do merely nem. con. It therefore constitutes no real precedent. I do not think it is necessary myself to refer this resolution to the committee. The committee have considered it, it is true, not formally, by the direction of the Senate, but I do not think my opinions would be any clearer after considering it by direction of the Senate than they now are. I think this resolution proposes that the Senate shall do something which the Senate has no power to do, and for that reason I have deemed it my duty to call the attention of the Senate to its character. If any authorize any appropriate that the Senate son I have deemed it my duty to call the attention of the Senate to its character. If any gentleman can convince me that the Senate has the power to do this thing, I am willing to be convinced, but I do not believe the Senate has the power to dispose of any property belonging to the United States by a resolution of the Senate. As I said before, the two Houses of Congress by joint resolution, having the effect of law, can direct the disposition of this property in any manner the two Houses see fit.

The only question is one of power, and now that the question has been made and the attention of the Senate has been called to the point involved, if this resolution should pass it will become a precedent, and may lead to serious abuses. I shall vote against it.

Mr. EATON. May I ask the Senator from Mississippi whether the resolution contemplates a gift or a loan?

Mr. BRUCE. Agift. I am not aware, Mr. President, of the exist-

ence of any law touching the disposition of the old furniture of the Senate. I am informed by officers who have been connected with the Senate for many years that prior to the passage of the resolution of December 9, 1870, and since that time, the disposition of the old furniture of the Senate has been left to the discretion of the Sergeantat-Arms; that he has from time to time sold such furniture and applied the proceeds to the purchase of new furniture or covered the money into the Treasury. I am informed that if the condemned furniture now on hand should be sold, it would not bring more than \$100; and yet, small as this sum is, if the furniture could be given to this institution, it would go far toward contributing to the comfort of its inmates.

The resolution to which I have just referred was introduced by Mr. Pomeroy, December 9, 1870. I read from the Journal of the Senate of that day:

Mr. Pomeroy submitted the following resolution; which was considered, by manimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms be authorized to present to the lady managers of the Colored Orphan Asylum and Soldiers and Sailors' Orphan Asylum such old carpets as they may select, with the approval of the Sergeant-at-Arms, from the old carpets lately removed from committee-rooms of the Senate.

This, as far as I know, is the only official notice which the Senate has ever taken touching the disposal of its old furniture.

Mr. DAVIS, of West Virginia. It has become necessary, as I am informed by the Sergeant-at-Arms and others, that the old carpets, chairs, &c., which are entirely useless, shall be disposed of in some form. This furniture now occupies a room which ought to be used by one of the committees. There is a committee, I believe, which has no room and which can occupy the room in which this old furniture is stored. I hope the Senate will dispose of it in some way, and I am perfectly willing myself to see it go in the direction the Senator from perfectly willing myself to see it go in the direction the Senator from

perfectly willing myself to see it go in the direction the Senator from Mississippi indicates.

Mr. HAMLIN. My attention was invited to this subject by the Sergeant-at-Arms and I examined it a little, and took a peep at this collection of curiosities which it is proposed to give away—an infirmary of disabled furniture; and I think if we keep it much longer it will get on the pension list and draw a pension for its disability. [Laughter.] As a matter of economy, I would suggest that it would be the wisest thing for this body to dispose of it.

According to my recollection, without raising a very grave constitutional question here, we may well repose upon what has been the action of this body since I have ever knewn anything about it. The débris that is collected from year to year I think has always been disposed of by the Sergeant-at-Arms and converted probably into other means. There were objections made that there had been an abuse in that action; I am inclined to think there had been an abuse; and now the present Sergeant-at-Arms simply says to the Senate, "I do not want anything to do with it." I think he very wisely simply saks the attention of the Senate to the matter that he may clear out that room and provide for committees, as it is known here in this that room and provide for committees, as it is known here in this body that some committees are driven out of the Capitol, that other body that some committees are driven out of the Capitol, that other committees are duplicated in the same room, and that other committees have no rooms at all, either in or out of the Capitol. The Sergeant-at-Arms wisely says, "Let me give this to the association for the protection of the poor in this city; it is not worth a hundred dollars; I doubt if it would pay the expense of carting to an auctionroom and the expense of the auctioner." In view of what has been done in the past, I hope the resolution will be adopted.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, [Mr. McDonald,] that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Expenses of the Senate.

Mr. McDONALD. I withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn. Will the

Senate agree to the substitute?

Mr. BECK. I shall vote to give this furniture away, but I desire to say while doing it that I do not approve it if each Department of to say while doing it that I do not approve it it each Department of this Government thus disposes of what it calls its worn out furniture when desks become unfashionable and new ones are placed there, and the carpets are not quite as nice as some of the clerks desire, and new carpets are demanded there; and if the Senate gives away what it has each one of the Departments will go to giving away what they have, and there will be thousands of dollars' worth of furniture concluded and probably will know what becomes of it or what it is they have, and there will be thousands of dollars' worth of furniture squandered and nobody will know what becomes of it or what it is worth. I went through an investigation in regard to that subject in the House relative to the Treasury Department some years ago, and it was proved that property worth thousands of dollars did not bring more than a few dollars when it ought to have brought hundreds. Some general rule ought to be established showing the value of the property; let us know when it is sold and why it is sold, and the amount derived from the sale. If the Senate gives away what it pleases, which perhaps is worth little or nothing, and the House do the same thing, and each Department of the Government does the same thing, there will be no bigger leak in a small way in connection with the management of the Departments of the Government than in turning out and giving away what they do not want in the way of turning out and giving away what they do not want in the way of furniture in order to get better, and get clear of the old by giving it away to whom they please. I shall vote for the resolution, but it is

all wrong.

Mr. HILL, of Georgia. Mr. President, it seems to me there can be

no doubt about the question of power in this case. It is a very small matter, gentlemen think, to make a point on. I should not have made it but for the fact that my attention has been called to it, and for the reason I stated to the Senate before. I felt it my duty to state the matter to the Senate, and have discharged my duty. state the matter to the Senate, and have discharged my duty. But I concur in what the Senator from Kentucky has said, and now the attention of the country has been called to it, we ought to settle a correct rule, because there is no doubt but there may be abuses in this direction if a correct rule is not adhered to. I suggest to the Senator from Mississippi that it would be a very small matter to introduce a joint resolution. That would be legal and competent. If it should pass both Houses, it would settle this matter and settle it correctly. I suggest to the Senator from Mississippi that he offer a joint resolution in order to relieve the matter of all difficulty, and it is the legal and better plan to do that. The wrong is not in the amount we dispose of, but in disposing of anything without authority.

amount we dispose of, the large street of the American Mr. MORRILL. I hope not.

The VICE-PRESIDENT. The question is, Will the Senate agree to the amendment proposed by the Senator from Mississippi? [Putting the question.] The Chair is in doubt, and the question will be taken by a division.

The amendment was agreed to; there being on a division-ayes 36

noes 5.

The VICE-PRESIDENT. Will the Senate agree to the resolution as amended

The resolution, as amended, was agreed to.

ORDER OF BUSINESS.

Mr. COCKRELL and Mr. McDONALD addressed the Chair.
The VICE-PRESIDENT. If there be no further business for the morning hour, the regular order is the unfinished business of the Senate. The Senator from Missouri.
Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (S. No. 364) for the relief of Samuel A. Lowe, unanimously reported by the Committee on Claims, and which it will not take any time to pa

any time to pass.

Mr. McDONALD. What is the unfinished business?

The VICE-PRESIDENT. The unfinished business of the Senate is the bill to establish an educational fund. The Senator from Missouri moves to set aside the pending order, being the unfinished business of the Senate, for the purpose of taking up the bill indicated by him.

Mr. MORRILL. I hope the Senator from Missouri will not press his motion. I should like to go on with the remarks that I propose to make, and I think if we get up a new subject it will consume considerable time.

siderable time.

Mr. COCKRELL. Does the Senator from Vermont desire to com-

mence speaking now?
Mr. MORRILL. I do.

Mr. COCKRELL. As a matter of course I yield under such cir-

Mr. McDONALD. Then I desire to give notice that to-morrow, at the close of the morning hour, I shall move the Senate to take up Senate bill No. 19, in order to have the action of the Senate on the motion to reconsider the vote by which that bill was postponed in-

definitely.

Mr. CAMERON, of Wisconsin. I gave notice yesterday that to-

morrow I should move to take up a certain bill.

The VICE-PRESIDENT. There are several notices for to-morrow-Mr. PADDOCK. I hope the Senator from Indiana will not give way to-day, but will be ready to take his place after the conclusion of the present business.

The VICE-PRESIDENT. The unfinished business is before the

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following:

A bill (S. No. 148) granting an increase of pension to J. J. Purman;

and

A bill (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler,

widow of ex-President Tyler.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. O. R. Singleton of Mississippi, Mr. Benjamin Wilson of West Virginia, and Mr. P. C. Hayes of Illinois, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

by the Vice-President:

A bill (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster in the United States

Navy;
A bill (H. R. No. 3921) to amend section 2238 of the Revised Statutes, in relation to fees for final certificates in donation cases; and A bill (H. R. No. 5918) granting a pension to Thomas Pettijohn.

EDUCATIONAL FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education.

The VICE-PRESIDENT. The Senator from Vermont [Mr. Mon-

RILL] is entitled to the floor.

Mr. MORRILL. I yield to my friend from Rhode Island, [Mr. BURNSIDE,] who desires to address the Senate for perhaps ten min-

Mr. BURNSIDE. Mr. President, it is not claimed by the friends of this bill that it is of great magnitude, or that the results of its passage will be very great in the direction of aid to the educational interests will be very great in the direction of aid to the educational interests of the country; but we claim that it is a step in the right direction. We believe it to be for the best interests of the country that Government should aid in the education of the people to the fullest possible extent that the Constitution will allow. Congress certainly has the right to give to the States the proceeds of the sales of public lands and the surplus revenue of the Patent Office in such manner as it may have the states the proceeds of the sales of public lands and the surplus revenue of the Patent Office in such manner as it may deem wise. This bill contemplates the distribution of these funds according to the numbers of residents of the States, of ten years old and upward, who cannot read and write; that is, two-thirds of the

and upward, who cannot read and write; that is, two-thirds of the amount to be so distributed, and one-third for the more complete endowment and support of colleges.

The bill provides proper methods to insure the safe and equitable distribution of the funds, all of which will be discussed and explained by friends of the bill. As I said, we believe that it is the duty of the Government to provide in every possible constitutional way for the education of the people, particularly as to the elementary branches. I am in favor of going much further in that direction than this bill contemplates, and it is my belief that at no distant day it will be deemed proper by Congress to take more advanced steps in this direcdeemed proper by Congress to take more advanced steps in this direc-

I believe that after the public debt shall have been reduced to a sum which would seem to warrant the reduction of internal taxes, they should still be continued on spirits and tobacco, and the proceeds of these taxes devoted to educational purposes; and I believe it will be found that as the people advance in education they will be better able to reason themselves into the belief that the use of these products s detrimental to themselves individually and to the community at large. A very striking illustration of what can be done for a community by education is portrayed by Macauley in a speech delivered by him in the House of Commons in April, 1847. He was advocating the right and duty of Parliament to aid in education, and said:

by him in the House of Commons in April, 1847. He was advocating the right and duty of Parliament to aid in education, and said:

But sir, if the state of the southern part of our island has furnished me with one strong argument, the state of the northern part furnishes me with another argument, which is, if possible, still more decisive. A hundred and fifty years ago England was one of the best governed and most presperous countries in the world; Sectland was perhaps the rudest and poorest country that could lay any claim to civilization. The name of Sectchman was then uttered in this part of the island with contempt. The ablest Sectch statesmen contemplated the degraded state of their poorer countrymen with a feeling approaching to despair. It is well known that Fletcher of Saltoun, a brave and accomplished man, a man who had drawn his sword for liberty, who had suffered proscription and exile for liberty, was so much disgusted and dismayed by the misery, the ignorance, the idleness, the lawlessness of the common people, that he proposed to make many thousands of them slaves. Nothing, he thought, but the discipline which kept order and enforced exertion among the negroes of a sugar colony, nothing but the lash and the stocks, could reclaim the vagabonds who infested every part of Scotland from their indolent and predatory habits, and compel them to support themselves by steady labor. He therefore, soon after the revolution, published a pamphlet, in which he carneestly, and, as I believe from the mere impulse of humanity and patriotism, recommended to the estates of the realm this sharp remedy, which alone, as he conceived, could remove the evil. Within a few months after the publication of that pamphlet a very different remedy was applied. The Parliament which sate at Edinburgh passed an act for the establishment of parcohial schools. What followed? An improvement such as the world had never seen took place in the moral and intellect-ual character of the people. Soon, in spite of the rigor of the climate, in

Mr. President, I believe that the passage of this bill will result in great good to the country. The people that it will aid in learning to read will find companions in books, instead of going to grog-shops and saloons for them.

I will now, Mr. President, leave this bill in the hands of friends who are better able to look after its advancement than I am, in the hope that the Senate will allow it to come to an early vote.

who are better able to look after its advancement than I am, in the hope that the Senate will allow it to come to an early vote.

Mr. MORRILL. Mr. President, this bill, reported unanimously by the Committee on Education and Labor, proposes to consecrate the proceeds of sales of public lands to the education of the people. It will not interfere with the rights of pre-emption nor with entries for homesteads, and leaves unimpaired the claims of any State to its percentage of the sales of public lands. As the amount of such sales will hereafter be small, it is proposed to add to this educational fund the net proceeds of all receipts for patents after deducting the expenses of the Patent Office. The entire fund is then to be invested in United States bonds and the interest annually apportioned to the several States and Territories upon the basis of population between the ages of five and twenty-five years, except that for the first ten years the apportionment is to be made according to the numbers of their population, respectively, of ten years old and upward who cannot read and write; with the further provision that one-third of the income from the fund shall be annually appropriated to the more complete endowment and support of colleges established, or such as may hereafter be established in accordance with the act of Congress approved in 1862, until the annual income of each shall amount to \$30,000; and thereafter all beyond that sum is to be devoted to the education of the children of the several States and Territories, including the District of Columbia, between the ages of six and sixteen versus and support is also the receipt and the education of the children of the several States and Territories, including the District of Columbia, between the ages of six and sixteen versus and sixtee cluding the District of Columbia, between the ages of six and sixteen years. Authority is also to be given for the acceptance of any sums which may be donated for these objects by will or otherwise, and the donations in our country for educational purposes have been and are likely to be of unexampled liberality.

There are other provisions of the bill intended to be useful which will be likely to meet with general acceptance, and among them that which provides for the special instruction of common-school teachers.

which provides for the special instruction of common-school teachers. If the general educational purpose of the bill should meet with favor little fault, it is believed, will be found with its details, as these have been laboriously and very carefully matured. It is not a party measure, and its benefits will cover every State. Should there be any Senator, as I hope there will not be, who objects to the main purpose of the bill, may I not ask, before he ventures to place himself on record against the measure, that he will examine the whole matter so far as to determine whether there is or can be any nobler or more enduring object to which the public domain ever has been, or to which the remnant of that once great estate of the New World can which the remnant of that once great estate of the New World can now be, devoted?

If I appear once more in behalf of a measure not new to me, nor to the Senate, I hope my right to indulgence will be conceded, as the measure, in my estimation, has lost nothing of its interest and its im-

portance more than keeps pace with the rapid growth of our country.

First let me offer briefly some words concerning the land-grant colleges. So long ago as 1858 a bill providing colleges for each one of the States, introduced and advocated by me, passed both Houses of Congress, but was vetoed by the President, who then favored, instead Congress, but was vetoed by the President, who then favored, instead of colleges, a special professorship for some existing institution in each State. In 1862, however, when all of our resources were precious, but not more precious than education, the bill was again introduced and received the favor of both Congress and President Lincoln, and became the law of the land. The object of this law was not to injure any existing classical institutions, but to re-enforce them and bring liberal culture within the reach of a much larger and unprovided for number of the industrial classes in every State. It was designed to largely benefit those at the bottom of the ladder who want to climb up, or those who have some ambition to rise in the world, but are without the means to seek far from home a higher standard of culture. This and more was songht to be accomplished world, but are without the means to seek far from home a higher standard of culture. This and more was sought to be accomplished by bringing forward, at less cost of time and money, courses of study of greater use in practical affairs than those, then largely prevailing, which seemed to offer little of lasting value beyond the mere discipline imposed. Long years of unproductive time upon dead languages cannot always be afforded by those who are never to find occasion in after life to resurrect them. The farmer, mechanic, miner, and engineer, all those intending to work with both hands and brains, have undoubtedly demanded an education worthy to take equal rank with that of purely literary colleges; but for them, education often have undoubtedly demanded an education worthy to take equal rank with that of purely literary colleges; but for them, education often being their chief capital, it was vitally important that it should be something they could carry away and ready for early and daily use. A wider range in scientific studies, more freedom of choice, had become indispensable in order to include the large and varied stores of knowledge extant in the world, and to more definitely satisfy the multiplied intellectual activities and industrial wants of the age.

But the land-grant colleges were not intended to be, and are not hostile to other institutions, as it has been demonstrated that the students of the latter have continued to increase in number; but the field was large, and a large addition to the number of efficient laborers has been most advantageously obtained.

ers has been most advantageously obtained.

I find this point so clearly stated by the Commissioner of Education in his report of 1876, that I will borrow a brief extract, and wish I had room for more. He says:

The task imposed upon the colleges of agriculture and the mechanic arts, founded on the congressional grant of 1862, is rarely understood. Having nothing in their establishment antagonistic to classical culture, designed at discretion to comprehend all learning when established independently, or to harmonize with all

other culture when associated as a department with institutions previously established, they are intended, undoubtedly, to furnish the opportunity for instruction in the direction of science, technics, and industry in this country.

They were, let me add, undoubtedly intended to be broad enough

to "comprehend all learning," and to educate all classes; but their leading object was to include the branches related to agriculture and

leading object was to include the branches related to agriculture and other industrial arts, and to offer better instruction to those aiming at eminence in such busy and varied life-walks.

In no other country is there a more overmastering ambition, among both men and women, to obtain a thorough education, or semething beyond the three R's; and it is not limited to the few looking up to professional pursuits, but all, the children of the poor as well as of the rich, are eager for its supreme and admitted advantages. The farmer, searching for better fertilizers or for better labor-saving machines, finds it a constant helper. The mechanic, striving to increase the value of his individual labor and thus to increase ing to increase the value of his individual labor and thus to increase the public wealth, finds it an unfailing resource. Merchants, and men of enterprise in all spheres of active business, find it above all else the one thing needful. Statesmen of all countries find it the

else the one thing needful. Statesmen of all countries find it the chief prop of liberty, law, and order.

As legislators, our first duty is in all cases to ascertain whether or not the facts and merits justify the measure under consideration. The land-grant colleges, though occupying but a subordinate position in this bill, have long since triumphantly passed the ordeal of unfriendly criticism and now fully vindicate their right to live and their claim to continued public confidence. In 1875 the very able Committee on Education and Labor in the House of Representatives, consisting of claver members, were directed to inquire into the fouldition sisting of eleven members, were directed to inquire into the condition and management of the colleges which had received grants from the United States. This committee were unanimous in making an elaborate and conclusive report highly commendatory of the colleges. As to the management of the fund received, they say:

The principal has remained undiminished and the interest has been promptly paid and devoted to the work of instruction. This result is gratifying to the friends of education, is creditable to the States which accepted the trust, and reflects credit upon the Government which bestowed it.

They further say:

It must be added that the reports sent from these colleges reveal, in many cases, a certain fresh interest, a spirit of youth, a new enthusiasm, which, when intelligent and enduring, is one of the best prophecies of success. Strong evidence is afforded of the power of these institutions to establish sympathetic relations between themselves and the communities in which they are placed, in the fact that they have already received appropriations from States and donations from towns, counties, and private individuals, an amount almost equal in the aggregate to the whole bounty of the Government.

Since this report it must be observed that nearly all of these colleges have steadily advanced in usefulress as well as in the public estimation. But I am able to offer direct evidence of a later date, kindly furnished to me by General Eaton, of the Bureau of Educakindly furnished to me by General Eaton, of the Bureau of Education, showing the present condition of these colleges and the broad
range of their good works. Considering how recently they were
planted, their healthy growth and deep root appears almost incredible. The outfit for buildings and lands, and especially for scientific
apparatus, has been much greater than that ordinarily required for
any other institutions of learning; but the liberality of States and of
many private individuals has supplied in many instances the means
to obtain this outfit, and in the aggregate an amount has been received nearly equal to all that was realized from the original land
grant. This operates as a guarantee of good faith and of abiding grant. This operates as a guarantee of good faith and of abiding interest on the part of those conducting these institutions.

But let me give the substance of the communication from General

Eaton. Under the date of May 1, 1880, he says:

Eaton. Under the date of May 1, 1880, he says:

The national land grant made by an act of Congress of July 2, 1862, under certain conditions, for the "promotion of the stady of agriculture and the mechanic arts," was accepted by every State, and in 1878 there were regularly organized institutions in every State, excepting Colorado and Florida. In Nevada, the preparatory department of the college only had been opened, and in Mississippi in 1878 one of the schools of agriculture was in suspension in consequence of its removal from the University of Oxford to its new location at Starkville.

In this same year, therefore, thirty-six States have institutions, five divided, making a total of forty-one.

Thirty-feur institutions report 461 professors; thirty-seven institutions report 6,671 students; eleven institutions report 1,394 scholarships, (State;) twenty-three institutions report 84,613 volumes in libraries.

Income from productive funds (thirty institutions) Income from trition fees (fourteen institutions) Income from State appropriations (twenty institutions)	90, 170
Total (thirty-fore institutions)	200 602

Total (thirty-four institutions).

Thirty-two colleges had 11,533 acres in farms, or 360 acres average each.

Eleven colleges had 1,742 acres under cultivation, or 158 acres average each.

The value of grounds, buildings, and apparatus for twenty-eight institutions was \$6,868,751, or an average of \$245,312 each.

Eight received grants from States of \$1,516,476

Fifteen received from other sources 4,794,416

This is an exhibit highly creditable, as I think, to the colleges and to the American people.

From the difference in management and difference in income there is now, and always will be, some difference in the prosperity of these institutions, and not all of them have been equally aided by their States, nor have all of them reported with that fullness of detail which should be required, but the average number of students (over

one hundred and eighty) and the average number of professors (over thirteen) to each institution indicate their character and their success. thirteen) to each institution indicate their character and their success. All of the States appear to be earnestly co-operating to extend and perpetuate their usefulness. Individual generosity has also sought the opportunity to make many and large auxiliary donations. But, almost without exception, they sorely need some further help to be fully equipped for the important work originally proposed and now urgently demanded by the people of the respective States.

It may be confidently submitted that the facts recited show these institutions to be entitled to the unstinted favor of Congress, and that no other grant of lands has been bestowed upon a mean winthy

that no other grant of lands has been bestowed upon a more worthy object, or one which has been productive of more adequate and comprehensive results. There is something to show for the outlay, and it is destined to last forever.

The second part of the present bill brings to the front school-houses; in the words of Lowell, "the Martello towers that protect our coast." It will be found, I fear, that these in many places are insufficient in number and very inadequately supported.

It would be vain to hide from ourselves the wide extent of illiteracy

among our people. The census returns of 1570 reveal the fact that the aggregate number is 4,528,084. In the same statistical neighborhood of aggregate number is 4,528,084. In the same statistical neighborhood of this ugly fact comes another equally regretable, that we have of school population 14,418,923, while only 5,003,298 are in actual daily attendance at school. Think of it! Hardly more than one-third of the millions who should have been in the school house were there! The fate of these millions of unschooled boys and girls, the budding flowers of life, greatly depends upon the fate of this bill.

Every American heart will beat in harmony with an effort to ban-ish illiteracy throughout the land, and any person born here after 1880, and unable to read and write, should be a phenomenon. For existing deficiencies no reproach applies to the present generation, which may well be excused from any ancestral responsibility; nor

which may well be excused from any ancestral responsibility; nor can we afford to hiss those who are now acting on the same great stage with ourselves, but the responsibility will weigh heavily upon the men of to-day for whatever illiteracy hereafter survives.

If it follows, as a logical necessity, that the character of the people gives more or less character to their government, it equally follows that governments may be so administered as to elevate or to degrade the character of the people. No one will deny that the arts may be advanced by patronage and protection; that agriculture may be benefited by the consideration it receives at the hands of the government; that commerce may be increased by special privileges; that be benefited by the consideration it receives at the hands of the government; that commerce may be increased by special privileges; that military power may be promoted by encouraging a love of martial glory, or perhaps by an aggressive national attitude, and more by the early Spartan discipline of the male population; that the enterprise of whole communities may be stimulated by liberal internal improvements; and it cannot be denied that mankind are endowed with the capacity to be lifted to a higher plane of morals and intelligence through direct or indirect governmental agency in aid of measures by which the early and thorough education of all those who are on the threshold of life can be secured.

If statesmen were to study national thrift alone, or nothing but the material interests of the people, nothing but how to give them the greatest force in industrial efficiency for the production of wealth and ability to support themselves and families, they could not be unmindful of the material advantages or of the increased power which mindful of the material advantages or of the increased power which follows universal education. It diminishes pauperism by opening new avenues to labor, and by showing how money can be saved as well as earned. It makes more of social life, and there is less crime to be supported or punished. It finds nobler fields of ambition than fields of war, and cherishes human brotherhood. It furnishes a skilled force at hand for constant wants and emergencies: to build railroads, to cortallish workshops and to hail ships as well as to open mines, to establish workshops, and to build ships, as well as to make the waste places "blossom as the rose."

If the iron be blunt, and he do not whet the edge, then must be be put to more

If men are to be made contented to remain in the places of their birth, wearing out their lives in all respected and useful industries, they must be made to feel that nowhere else can there be found wiser or better instruction for their children, and nowhere that that in-

But under our form of government, swayed to and fro by universal suffrage, it becomes our gravest duty as legislators to take heed that all those who wield power at the ballot-box shall be fully informed of the high trust they hold, and of their duty to discharge that trust with fidelity to the whole country and to the sacred obligations of an enlightened conscience. All of our citizens—not a privileged part—must be raised to that intellectual and moral dignity which appre-

must be raised to that intellectual and moral dignity which appreciates and accepts some personal responsibility to their country for their political privileges and for their appropriate exercise.

Americans as much as Englishmen have been proud to trace their robust origin to the mixture of the Saxon, Norman, Celtic, and other races. To all this we are now having a large infusion of miscellaneous nationalities, but whether or not the posterity of Americans will be improved, intellectually and physically, by the new admixture and by the "survival of the fittest" is a problem which tremblingly awaits future solution. awaits future solution.

Though it will probably be found that the number of the Mongo-lian race now within our borders may have been exaggerated, and that it does not exceed, all told, one hundred thousand, yet the ques-

tion remains whether or not our people ought not to put a higher value upon both citizenship and inhabitancy. May we not invoke some power to reject persons who are manifestly unfitted to become some power to reject persons who are manifestly unfitted to become American citizens, including those who come with vile habits and viler characters which they are unable to leave behind them; and ought we not to reject those also who are sent here, cripples in mind, person, or purse, solely to relieve their countrymen from the burden of their support? Privileges for everybody break down and leave privileges for nobody. During the late famine in two of the great northern provinces of China, crowded with human beings, more than half of the population died. British India is also immensely overgently and in some large grant district every agen must feed not peopled, and in some large rural districts every acre must feed not less than one human being. How soon the pressure of famine may send to our inviting territories a hungry and countless oriental swarm, who can foretell? Fifty millions removed from Asia at any time would be a loss scarcely to be appreciated.

Time has been when immigrants of a low grade were not unwelcome, but now none but such as will make good citizens and will be readily assimilated are fully tolerated, and even these must here encounter as well as beget sharp competition.

Large as are our boundaries and as distinguished as have proved many of our foreign-born citizens, the time approaches when the short allowance of a dense population must be contemplated, or when the the straitened conditions of our children's children may force them to assert, as rightful heirs, a better title to our national patrimony than that of strangers to its cost and strangers to the workings of American institutions. Here is a grave question, and its solution cannot long be safely postponed. If, however, the discontented foreign legions, whether from Asia or from Europe, should cease to invade our shores, the bulk of those now here are likely to remain, and if they and their posterity remain unschooled, their degradation will be our degradation. Our school-houses as well as churches should therefore be wide open even to heathens, if here to stay, rather than our jails and houses of correction.

We are annually receiving large accessions to our population through immigration, and more have been on the wing to our shores this year than usual. All other nations combined receive much less. The bulk of our illiteracy, unfortunately, can be traced in many parts of the country to the foreign element. In the years from 1870 to 1880, inclusive, the number of immigrants arriving here appears to have been 3,199,394, or a number more than equal to our entire population in 1876 to 1880, to 1870 the property of the property 1776, when we struck for independence. From 1820 to 1870 the number of immigrants was 9,513,867, making a total since 1820 of 12,704,528. Of these more than four million were from Great Britain and Ireland.

These great tidal waves of drifting population will continue to flood our shores as long as men and women are attracted by our free institutions, by free homesteads, by free common schools, and by higher wages. They are all claiming this as their home, for weal or woe, destined to become citizens, and in many of the States they are permitted to exercise the privileges of citizenship about as soon as they are domiciled. Willing to labor, anxious to learn, as should be this adventur-ous host of comparative strangers to American institutions, shall we not plant both common schools and colleges among such a raw and relatively uninstructed multitude wherever it may be ultimately distributed !

Of much smaller magnitude, not, however, so small as to be wholly kept out of sight, is the question as to what shall be done with the various Indian tribes whose reservations appear like blotches on our maps, and which so rudely exclude the culture of so much of our vast domain west of the Mississippi. These scattered representatives of the original occupants of the American continent, as their tribal relations become dissolved, present primary and indiputable theoretical claims to citizenship and their right to participate in political privileges has been in many States already frequently exercised. It may not have the force here of a binding precedent, but the Choctaws were permitted to hold two seats in the confederate.congress—the representation accorded having doubtless been not so much arm in arm with taxation as with martial equivalents. Of the present estimated two hundred and fifty-five thousand Indians in the United States—whether slowly vanishing or slowly increasing—not less than sixty thousand may be called civilized and self-supporting, while the remainder are pushed day by day upon every side by swift-footed frontiersmen, who leave them at last with gameless huntinggrounds, but grounds still coveted by the pitiless march of modern civilization. Under these circumstances they seem destined to be either finally exterminated or absorbed. To exterminate them, in our own estimation, as well as in that of mankind, would be execrable, and to absorb them, wild an 1 untutored, would by no means elevate

and to absorb them, who and intuitioned, would by no hears elevate or improve our Anglo-Saxon stock, which has too often shown, through savage border contact, that the tomahawk and scalping-knife are not the only symbols of barbarism.

They are called "wards of the nation," and have subjected us to great annoyance and to some shame. Doubtless they feel that they have suffered more annoyance and not less humiliation. They remember that war and the chase was once their yeartien and labor member that war and the chase was once their vocation, and labor their badge of disgrace, but they find war with the whites a losing business and game is no longer abundant. All desire to live and many are willing to work. The school at Hampton, Virginia, and more that at Carlisle, Pennsylvania, would appear to show that the shildren of the red man can be made to receive instruction and to

learn the value of industry as well as of letters. The experiment, beyond all doubt, has been a measurable success. No one here of No one here or elsewhere has objected to the schools, nor to the one hundred and seventy day and boarding schools which have been also established and supported by the nation among the different tribes. Our people in coming ages, when sharply called to give some account of what we have done with "Lo! the poor Indian," cannot deny that we have been his keeper and will not regret that even these few humble

Unless wars with the wild Indians are to go on forever, giving to our little army difficult work and no glory, they must be tamed while young by humane and generous instruction, but that instruction can hardly be required or supported at the sole expense of the separate States or Territories, all of which would probably with more alacrity contribute to the swift expulsion of these native lords of the soil from their borders. They are not wanted, and seem to comber the

The Indian Territory and other reservations containing civilized and half-civilized Indians, as well as blanket savages, will attract many adventurers, both white and black; and the outcome of all the races thus commingled, if ultimately ever to be individually or col-lectively incorporated into our system of self-government, would ap-pear to demand much educational discipline and care from that national source of authority which has had and must hereafter have most to do in guiding their footsteps and in controlling their destiny. But who will say that national duty compels us to educate children of savages and then deny all such duty to children of our own peo-ple? Must the latter become barbarians before we can offer any

help?

We have also some four or five million of colored people, just released from the degradation of slavery, suddenly intrusted with all the political power wielded by any equal number of citizens wherever they may be, and equally eligible to the highest positions in offices of trust and honor. Freedmen, by emancipation and the right of suffrage, have reached Aristotle's definition of men, and have become "political animals," but without education their ignorance is likely to be immortal. Can they be expected at once and inflexibly to be immortal. Can they be expected at once and inflexibly to act wisely and always to escape the lead of selfish and designing demagogues? May they not misunderstand their rights or fail to comprehend their duties, and therefore ignorantly compromise the welfare or the honor of their States? Would they be so much exposed to such perils if they possessed merely the education which would enable them to read, and thus to acquire some conception of the public judgment upon measures affecting the interests and the

good name of their people?

There is no question that the African race on this continent can by honest labor maintain themselves in comfort without bartering their manhood or their votes at every election. Nor is there any question that they can be taught so much as not to be cheated; but they need to be taught to feel contempt for whatever is base, and how not to cheat themselves. They should be made to comprehend that duties go hand in hand with privileges, and that self-restraint makes liberty possible. They may require our aid to escape from the evils of their previous condition of servitude, and to make their freedom to be hailed as a blessing by themselves and by mankind. They cer-tainly need that education which will fit some portion of their race to be teachers among their own people. The young fellows of promising parts among them should be helped to show "life worth living." They need extensive primary and technical education, in order that they may to a larger extent find employment in many useful branches of industry beyond "the shovel and the hoe," and in the places where

That the prolific colored race, if not exiled or ostracized by relent-less fate, will ultimately make contributions to music, literature, ora-tory, and many of the arts which Americans will not be loth to claim, can hardly be doubted. They assuredly appear more likely to rise in the world than did our rude British ancestors at the time when their home was first invaded by Cæsar's Roman legions. Should the nation ever be involved in a great contest with a hostile power, though such a contest may now seem afar off, the colored race will be expected to bravely contribute to the defense of their country. There is hardly a man of them that would not say,

Let me bear My part of danger with an equal share.

We can afford to be generous, even chivalrous, as well as just, and give them a chance and a home that will win their hearts and open their way to increased usefulness and respectability. They have never had the means, and have not now, to educate themselves. On our part their education is not charity, but a debt overdue.

The great masses of mankind are employed in agriculture and the mechanic arts, and the most enlightened nations are beginning to furnish higher instruction for these long-neglected masses. Much progress has been made within a few years by Great Britain in common-school education. In England and Wales since 1870 the education of children between the ages of five and thirteen has been made com-pulsory, and the number of school children who can be accommo-dated with elementary instruction has been increased from 2.215,235 in 1870, to 4,505,818 in 1878. The annual parliamentary grants to primary schools, which in 1840 amounted to only \$150,000, hardly a

tithe of the expenditure of one of our smallest States, rose in 1879 to

£2,733,404 sterling.

Our people have to meet a world-wide competition and our most energetic and persistent rivals, bone of our bone and flesh of our flesh, are the people of Great Britain. There, the most aristocratic government in the world is promptly educating their people in order not only to obtain the best results from even a limited suffrage, but to increase their productive power. At the same time many of her indigent and illiterate population, with stomachs even more neglected than their brains, come or are sent here to better their means of subthan their brains, come or are sent here to better their means of subsistence, a process as will be seen which is calculated to elevate the winnowed condition of their people who remain at home as much as it is to depress the average of our own.

In most of the countries of Europe education has become general. The educated citizen is found to be more valuable in Church and State and in all fields of human endeavor than the unlettered barbarian. and in an heids of human endeavor than the unlettered barbarian. Even in Turkey some regard is paid to primary schools, and only perhaps in Russia and Spain can it be said that the major part of the population is without education. In France the schools are now under the control of the government, and are slowly advancing; but the loss of Alsace and Lorraine, the most highly educated portion of France, left in 1872 over 30 per cent. of the French population between the ages of six and sixty unable to even read or write. If that number could be speedily diminished is there any doubt that the stability and career of the present Republic of France would be

Education in Prussia, now the power most to be dreaded by her enemies, is general and compulsory. The higher education afforded by universities is also liberally maintained and administered by the

The whole is conducted under a most comprehensive system, possibly unequaled theoretically elsewhere, though many of its branches, so evidently fruitful, have been and will be here established and mainso evidently fraitful, have been and will be here established and maintained by the colleges proposed to be further slenderly aided by the present bill. It is, perhaps, a marvel that the German people, once described by Tacitus and Cæsar as without cities, to whom the gods had denied silver and gold; who staked their liberties and persons upon the throw of dice; who were mentioned as rude barbarians clothed in the furs of wild beasts, and the same people who, even so lately as in 1805, were crushed by a single battle with Napoleon, should now be able to take the lead among foremost nations in educational institutions. Prussia provides schools, seminaries, colleges, and universities from which none of her people are excluded. By its and universities, from which none of her people are excluded. By its fruits must the system be judged. It was not Bismarck alone—the statesman with the big dog by his side—that welded Germany together and pushed it se prominently before the world in literature and the sciences, in industrial arts and in war, but it was the educated

and the sciences, in industrial arts and in war, but it was the educated people, of whom he has been the educated leader, that furnished the forces which made their and his triumphs possible. The emperor rules because the people have had national confidence in his minister and in themselves. There has been no enormous waste and loss of force through illiteracy. Each man has been trained to do his best, and Germany now steps forth a leader among European nations.

A striking contrast is presented by Spain, holding the position of a first-class power two centuries ago, fruitful in heroes and poets, and now of even less importance and less distinction than some of her former colonies. The prestige of her wealth in the precious metals and of her galleons and armadas on the sea has departed; the daring spirit of Columbus and Cortes is dead; no new Cervantes appears; but her illiteracy is rank and robust, and the glory of her bull-fights is perennial and unapproachable. At the last general census, in a population of 16,301,851, only 715,906 women and 2,414,015 men were able to read and write. Is it wonderful that they have small share in modern literature and science, little trade or commerce, few railroads,

read and write. Is it wonderful that they have small share in modern literature and science, little trade or commerce, few railroads, meager industrial pursuits, and abundant debts, wars, and revolutions? The proud people of beautiful Spain will some day do much better, and then the harsh critic will not say, "Europe ends at the Pyrenees, and there Africa begins."

The liberal spirit of our institutions and the inherent difficulties of our position, with all the problems of our bustling population, white and black, red and yellow, unsolved, will not permit us to disregard the subject of general education, which is now receiving foremost attention among leading nations, and of all subjects most concerns the life of our people, their self-respect, and their influence upon coming generations of mankind.

erations of mankind.

It may be said that each State should bear its own proper burdens; and while that may be true, it does not relieve any State from the just obligations arising from the common welfare or from any extrajust obligations arising from the common welfare or from any extraordinary exigencies of the nation. The magnitude of these burdens—
large and onerous at any time—has been largely augmented by national action and by national necessities; and States which may now
seem to bear an excessive proportion are not exclusively interested in
measures of relief. All persons born or naturalized in the United
States are now citizens of the United States, and of any State wherein
they reside. They may change their residence at will; their privileges and immunities cannot be abridged, nor their right to vote
denied, go where they will; they are as much a part of the controlling power of the General Government as of that of the States.

The citizens of all the States furnish judges and other officers of
the United States—for Ohio does not furnish them all—and elect Sen-

ators and Representatives in Congress to conduct the affoirs of the nation; and the nation therefore becomes directly interested in the intelligence and virtue of the masses who are called upon periodically to determine who shall be intrusted as their Senators and Representatives to guide and support the destinies of our popular form of govatives to guide and support the destinies of our popular form of government. The nation must as much depend for its vitality, progress, and eminence upon the political wisdom and moral integrity of the people as do any of its component parts. The President is an officer of not less dignity and importance than a governor of a State, and the Congress of the United States deserves to be reckoned not less than the equal of State Legislatures, and all are equally dependent upon popular suffrage. That being universal, education must be made co-extensive. The States are not hostile to, but have largely asked for, this measure, and because the National Government is as dear to the common people as any State government. The larger must include the less. must include the less

The perpetuity of our free institutions, as well as the national prosperity and happiness of the people, can be best promoted by promoting the instruction and knowledge of the rising generation. Is it not manifest that of all the world the United States can least afford to neglect the general and thorough culture of its people? stances have made this question at the present moment of the very gravest urgency. If we are in large measure what our fathers have made us, the next generation will be sure to be more or less fashioned by those who to-day provide and direct our systems of education. It is not enough that we have an immense territory or an immense population. bountiful, should be the equal in productive power of any other acre or any other man. It is not enough that, with a population of nearly fifty million, only about twenty-five thousand students annually find their way through any and all of the old literary colleges. It seems obvious that both colleges and common-schools require the earnest attention and the most precious resources of all the States, as well as of the General Government. Without mulartaking the estimates as well as of the General Government. Without undertaking the entire control of the general subject, Congress may yet legitimately make a contribution so emphatic that no State will falter in generous co-operation. The light of the nation, as that of the sun among planetary states, should break forth as the greater morning light to rule the day.

The constitutional power to donate public lands or their proceeds for educational purposes appears to have been long ago well settled by systematic appropriations amounting to more than one hundred and forty million acres to new States, or one-sixteenth part of all the national domain within their boundaries; and many of these States have large permanent funds from this source which now serve to supersede or to diminish local taxation for the support of common-schools and universities. No paternal endowment could be more far-reaching than this common bounty to the new States. The old States have found their compensation for this great liberality, in the general wel-fare and unexampled advancement of the junior States. If we may properly make a contribution to the educational resources of a part of the States, surely its propriety will not be disputed when extended to all.

The Constitution confers upon Congress the sole "power to dispose The Constitution confers upon Congress the sole "power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." This is not an incidental or implied authority, but a direct and explicit grant of power, and it is barely just and equitable that property belonging to all should be disposed of, after the recognized needs of the new States have been liberally anticipated, for the benefit of all the States. In the deed of cession of lands by Virginia, a State which followed the noble example of New York, it was provided:

That the lands within the territory so coded to the United States and not re-

That the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation, or Federal alliance, of the United States (Virginia inclusive) according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other purpose whatever.

If this condition had not been made it would seem like a gross misapplication of funds arising from the public lands, whether acquired by gift, purchase, or conquest, to devote them to any purpose less general than for the use and benefit of all the owners. The Constitution is in strict harmony with the Virginia conditional obligations, and Congress must dispose of the lands and make all needful rules and regulations in strict accordance therewith. In no other way can even Virginia obtain its proportionate share; and that State or any other is not less entitled to be included in the disposal of these lands than inchoate States or Territories, like Utah, Dakota, and

Nor was the subject of education slumbering even in those early days, when Washington and Jefferson were prominent friends of both schools and universities, holding them to be indispensable to the success of our American political institutions. The celebrated ordinance of 1787 proclaimed that "schools and the means of education shall forever be encouraged." This was an ordinance of the whole country, reaffirmed in 1789 by Congress after the adoption of the Constitution, and its obligations must be redeemed by the authority of the whole country, with the proceeds of the territory and property originally dedicated to this high purpose. Schools and the means of education can thus, and only thus, be forever encouraged. Nor was the subject of education slumbering even in those early

By what other instrumentalities can the public welfare be so surely and largely promoted? What better guarantee can be given to the several States of a republican form of government? Where will be found a stronger custodian of public liberty?

There may be some parties who, through technical refinements, would limit the whole operations of government to the punishment of crime, to levying and collecting taxes, to declaring war and raising and supporting armies, and other kindred subjects; but would include nothing which tends to elevate man above the level of useful animals, or above very common automatic machines. That was not the government foreshadowed by the Declaration of Independence, and not the government of the Constitution founded on the will of the people; nor was it the government ordained and established to the people; nor was it the government ordained and established to secure the blessings of liberty, with authority to exercise all the granted and indispensable functions that ordinarily adorn and preserve nations, or that, according to the home-bred understandings of the people, under the letter and spirit of our organic law, belong to

their legitimate sovereignty.

For authority to dispose of the public lands for educational purposes we are not, as has been shown, driven to seek any power not expressly granted to Congress. At the same time it may not be improper to show that such a disposal is not in conflict with any part of the Constitution, but is in harmony with the interpretation early and constantly given to it by its founders. The general scope and power of the Constitution comes to us in broad and general terms, not being confined to powers expressly granted, as were those of the old confederation, but upon the completion of its framework vigor and life was implanted into all its parts by the extreme discretion and unlimited supplemental power conferred upon Congress—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

The vested powers, therefore, are not barren but fruitful powers. Among the principles and declared purposes of our Government President Madison enumerated the following:

To promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty.

In the farewell address of Washington he urges his countrymen to "promote, then, as an object of primary importance, institutions for the general diffusion of knowledge." The words of Washington and Madison were revered when uttered, and the lapse of time has made them precious as legacies of political gospel.

Shall the great, peerless experiment of man's self-government be tested by a national policy of indifferentism as to whether the voting

population shall have the means of improvement and intellectual advancement, or take the chances of remediless illiteracy? Shall we have no institutions to which farmers and mechanics may resort for such scientific and technical knowledge as may be related to their pursuits, and such as gives the silver lining to the clouds of toil?

No one objects to the schools at West Point and Annapolis for the education of our military and naval officers—we are indeed very proud of them; but is that all we can do? After that must we confine national contributions to tree culture and fish culture? I would not underrate the importance of eradicating the cotton-worm or the Colorado beetle; but is it less important to eradicate the unlettered ignorance of millions of freedmen?

A government that aspires to be the high school or model among all free nations should not confess that it has no power, directly or indirectly, to aid in schooling its own children. The Signal Office is not only a great honor, but most useful to the country; but it will not be pretended that daily reports of what the weather is to be can be greater honor or more useful than would be schools and colleges that would give some assurance of what coming generations are to

The question which we have to face is, Shall the republican Gov-

The question which we have to face is, Shall the republican Government of the United States, alone among the enlightened governments of mankind, in spite of its lofty pretensions, shirk all responsibility as to the education of its people?

The measure before us stands on a noble principle, wholly impregnable, if human self-government rests upon popular intelligence—a principle which neither the republican nor the democratic party will be willing to repudiate so long as each claims to be the champion of self-government and of the common people; and, if the measure is worthy of adoption, it is worthy to be adopted with the least possible delay.

Mr. BROWN

Mr. BROWN. Mr. President, I have listened with a great deal of Mr. BROWN. Mr. President, I have listened with a great deal of pleasure to the able and eloquent argument made by the honorable Senator from Vermont [Mr. Morrill] in favor of the passage of the bill now before the Senate. We live under a republican form of government. The stability of that government depends, in my opinion, upon the virtue and intelligence of the people of the United States. We are exposed all the time to tests of the permanency and stability of this form of government. When we had a sparse population of but a few millions scattered over a very large territory, with no large masses of people congregated together in great cities or centers, we were in a condition better adapted to the maintenance of republican government than we shall be when we have a hundred millions of population crowded in the centers and upon the older settled portions

of our territory, where large masses can congregate upon short notice. In that condition, if we have large masses of ignorance, understanding nothing about the form or principles of the government, we have little to expect in the future. It becomes, therefore, important that we should educate the mass of the American people if we expect to

perpetuate American institutions.

Not only is this true so far as it relates to the Government, but the public interest requires that we have the whole intellect of the people public interest requires that we have the whole intellect of the people developed and cultivated for the purpose of building up and improving society. Neither the intellect of this country nor of any other country is confined to children born of the nobility, the aristocracy, or the wealthy classes. Neither Disraeli nor Gladstone was born of the nobility, and yet to-day the destinies of England and of the British Empire are controlled by the intellect of these two competitors. Though born neither of the nobility nor of the royal family, they say what the Crown shall do, what the nobility shall do, and what the Commons shall do.

So it is in this Government. The intellect of the people of this country is not confined to the sons of the aristocracy or the wealthy classes. George Washington was a surveyor; Benjamin Franklin was a printer; Roger Sherman, I believe, was a shoemaker; Andrew Jackson was a penniless orphan; Henry Clay was a mill-boy; Daniel Webster was the son of poor parentage; Andrew Johnson was a tailor, who when married could neither read nor write; his wife taught him to read; he was self-educated and self-made; General Grant was a tanner; the great commoner, Alexander H. Stephens, was a poor orphan boy; Abraham Lincoln split rails and labored in his youth with his hands for his living; and I believe the President elect, General Garfield, was born of poor parentage.

with his hands for his living; and I believe the President elect, General Garfield, was born of poor parentage.

Then it is true that in this country as well as in every other the intellect of the country is not confined to the sons of the wealthier or the ruling classes; and I maintain that the State has a right to have the intellect of the whole country developed out of the mass of the wealth of the country and brought into action for the protection of society and the building up and development of the country. How can this be done? Only by the education of the children of all classes of society. I have no doubt many a man has lived in the United States of intellect as grand as those I have mentioned who has died unknown to fame. Why so? Because no circumstance has led to the first stage of development that has made the person himself conscious of his own powers. That bright boy has never been sent to scious of his own powers. That bright boy has never been sent to school; he has never been taught even the first rudiments of a common education; he has been confined to labor in the backwoods, in the factory, in the shop, or in the mines, and while he may have been regarded there as one of the most intellectual of his comrades, there has been no development that showed his powers to either him or them or that gave the country the benefit of those powers.

Educate the whole mass of the people and you have the benefit of all this power. Let me illustrate. The honorable Senator who has just taken his seat was too modest to refer to it because he is from New England, but we find a noted example there. When the Puritans, as we term them, landed in this country and located themselves on the bleak shores of New England, they commenced building up society by the organization of churches and the building of houses of worship, and they located the school-house near the church. They established a system of common schools that was intended to embrace the whole population and to give every child an opportunity to have a common education. They commenced early, and laid deep the foundations of their universities and colleges. The result has the foundations of their universities and colleges. The result has been that they have endowed and built up colleges of a very high order, where immense numbers of the young men of this country

have been educated.

have been educated.

Go out through the mighty West and over the Territories to the Pacific Ocean, and what do you find? Where was the member of Congress or the Senator in this Hall educated? Usually at a New England college. Where was the minister of religion, or the village doctor, or the lawyer, or the local politician educated? Most of them in the New England colleges. Thus they carried New England ideas with them all through the West, which have controlled in the organization of society and the legislation of States, and in that way New England may be said to have dictated laws to the continent. Her England may be said to have dictated laws to the continent. ideas, taught to the youths that have gone out West and scattered all over this broad land, have been carried along and ingrafted upon society, and we are obliged to admit that they have done a great deal in controlling the destinies of the country.

It was not only so with New England; but there is another very noted example worthy of our attention. I refer to the Kingdom of Prussia. At the time Napoleon the First led his armies over Europe like an avalanche and swept down kingdoms and empires before him Prussia was a third-class power, devastated by the ravages of war. At the end of the great struggle, in making preparations to build up society, she early took into account the importance of educating the whole mass of her people. She endowed universities liberally; she established a system of public schools throughout the entire kingdom, and she not only by her legislation from time to time made provision for the education of all her children, but she made their education compulsory. She permits no father who has been the means of bringing offspring into society to say, "I will not permit my child to be educated; I will not send him to school." She says, "The State has an interest in it, and it shall be done." The law

requires the parent to send the son, and then the State gives him the rudiments of an education. He must have it: the good of society

requires it; the law compels it.

How did it work? From a third-rate power Prussia rose rapidly to a second-rate power; and within the last few years the test of strength came between the Kingdom of Prussia and the Empire set up by Napoleon, when his successor, a wise statesman, was upon the throne. What was the result? That little third-rate kingdom, overrun by Napoleon the First, had risen to be a power in Europe, and when the struggle came Prussia swept over France, dethroned and when the struggle came Prussia swept over France, dethroned the monarch, the successor to Napoleon the First, and dictated terms to France upon her own soil. Why was it so? It may be said she had abler generals; that her armies were better handled. There was another reason: she had a better educated people. Her whole people were educated. Every man felt an individuality in what he was doing, and then she had all the best intellects of the kingdom educated to fill the different places where it was necessary to have ability. A government that educates all her brightest intellect has greatly the advantage of one that educates only that portion of her intellect that

advantage of one that educates only that portion of her intellect that is born in the wealthier and higher classes of society.

Under the Prussian system, as I understand it, if a boy shows great brightness and is intellectually adapted with proper training to the position of a professor of chemistry, he is carried through the university, and he is fully developed and educated in that department of science. If another shows great talent for the military, he is passed through the military department; and if he has a master mind, he is made a master of the military profession; and so in each department. Therefore, when Prussia called upon her sons to rally under her banner she had her ablest intellects cultivated in their respective positions, and they were ready to step forward and fill each place with a first-class man. This was not so with the French. They have colleges and universities of the highest order; they have education of the highest order; but they have not the whole mass educated as they are in Prussia. There may have been some of the ablest generals by nature and some of the most useful men that the army could have required in other positions who were in the ranks, whose power was required in other positions who were in the ranks, whose power was not known because they had not been developed by education, and therefore the State lost the benefit of their mental powers. I say the State has the right to the aid of all the mental power of its people,

State has the right to the aid of all the mental power of its people, and it can have it in no other way than by the education of all the masses of the people of the State. And this should be done by the aid, as far as necessary, of all the wealth of the State.

Take our own country to-day. In the backwoods, among the mountains, peradventure away out among the Rocky Mountains, or down in the wire-grass of the South, there is many a bright-eyed boy, who has intellect of the highest order, in one of the humblest cottages or cabins of the land. And there if neglected he may stay and work his way through life with no opportunity to show the power he possesses. But send him to the common schools and let the rough he his way through life with no opportunity to show the power he possesses. But send him to the common schools, and let the rough be knocked off that diamond till it begins to glitter, and you cannot then stop him. He will go forward, and the more the diamond is polished the brighter it will sparkle, till it shines out in all its brilliant splendor and magnificence. But this could not have been done without education enough to show what was in the boy. Therefore, without the education of the mass of the people and of the whole people you cannot have the benefit of the whole intellect of the country brought to bear in the building up of society and the development

of the resources and power of the state.

But there is another good reason, Mr. President, why those who come from my section of the Union should advocate this measure. The honorable Senator from Vermont [Mr. MORRILL] referred to the fact of the large illiteracy of the people of the United States. He did not carry it out and show to what States or sections this illitdid not carry it out and show to what States or sections this illiteracy applies most. I regret to say it is from my own section. There are several reasons why it is so. Under our old system of society we looked more to the education of the ruling class than we did to the education of the whole mass. In other words, we did not, as they did in New England, furnish the money to establish systems of public schools where all the children could be educated, but we educated are children though the means of mixture schools where all the our children through the means of private schools, where only the wealthier classes and those who were well-to-do could send their children. Consequently there was a larger number of illiterate persons

other State that had a properly endowed public-school system.

But this was not all. We had there a large slave population, amounting in round numbers to four millions at the time they were emancipated. Under our system as long as we kept and used them as slaves it was regarded unsafe to educate them. Therefore their education was neglected, and it was a very hazardous experiment when they were made citizens without education.

The honorable Senator from Rhode Island [Mr. Burnside] referred to the condition of the Scotch people at a time when they were not educated, and told us how degraded they were and how they were looked down upon, and to the elevation that they afterward attained when by a common-school system they were educated up to a high point.

Let me follow his example and trace something of the history of
another race of people. Take the African race, and go back two and
a half centuries, and where were they and what were they? They
were heathens; they lived on the continent of Africa in a state of the
wildest ignorance and most savage harberity. The different tribes wildest ignorance and most savage barbarity. The different tribes

engaged from time to time in warfare, and in many instances the rule was indiscriminate slaughter; but if they took prisoners they were spared out of no mercy to the prisoner, but because he was valuable to them to be sold as a slave. At the period when this country was first settled those wars were raging on the continent of Africa, and it was then considered, not only by the tribes themselves but by Old England and New England, that they were proper persons to be made slaves. Companies were organized for the purpose of engaging in the importation and traffic, and it is said that the reigning queen and afterward the kings of England owned stock in those companies. In that day it was believed to be right.

I do not mention this subject now with a view of bringing up any mooted question about slavery, but I am speaking of the history of the negro. All then considered slavery was right. The negroes were imported into this country as slaves and sold into slavery from British vessels and the vessels of New England. They were sold to us in the South. We bought them, we believed it was right to buy them, and they believed it was right to sell them. In a word, at that time the negro was considered as only fit to be a slave, and fit for nothing else, and he occupied a much more degraded position than the Scotch did at the time referred to by the honorable Senator from

Rhode Island.

And just here permit me to refer to a chapter in the history of my own State. The original charter of the colony of Georgia made it a free State, and the trustees for a number of years persisted in their refusal to permit negro slavery or rum to be brought into the colony. Finally it was discovered that the adjoining colony of South Carolina and other southern colonies that had adopted slavery were more prosperous than that of Georgia, and the people from the other colonies refused to emigrate to Georgia and stay there unless they were permitted to carry their slaves with them. About that period in our history, John Wesley and George Whitfield, the two great divines who under Providence were the founders of Methodism, and who planted the shape of the same statement of the shape of the same statement of the same st planted the church on our soil, associated themselves with the colony at Savannah, and Whitfield established his orphan asylum, which was intended to be and was in fact a noble charity. After considerable effort to sustain it, he came to the conclusion that it was his true interest to purchase a plantation and slaves in the colony of South Carolina, which he did, and which he declared did much to enable him to maintain his asylum. And this great divine became one of the ablest and most zealous advocates for the establishment of slavery in the colony of Georgia. Finally the pressure upon the trustees became so great that they yielded, and slavery was permitted and soon became an established institution. I simply mention this to show that in my own State slavery was prohibited by law at a time when the people of the mother country and of New England were importing slaves under the sanction of law without a question that the traffic was legitimate.

Slavery was found to be unprofitable in New England and the Middle States, and, like every other traffic, it was carried where the Middle States, and, like every other traffic, it was carried where the commodity was most needed and would pay best. Consequently the slaves were sold by the ancestors of the people of New England and the Middle States to our ancestors in the South, and the money obtained for them was doubtless invested in building up your towns, your factories, and your commerce. At that time, however, neither section believed that the other was doing wrong in engaging in the

importation, the traffic, or the use of slaves. Thus matters passed for a long period. Slavery was recognized by all, and the savages imported as slaves were trained here in the practices and ideas of civilization till they were very much elevated in the scale of Christian civilization before slavery was abolished. They were taught not only the principles of civilization but the principles

of Christianity.
I well recollect, years ago, before the war between the States, in one of the assemblages of the Presbyterian Church in New York, the Rev. Dr. Stiles used in substance this noted expression, "the south-Rev. Dr. Stiles used in substance this noted expression, "the southern church holds up to the gaze of heaven and earth more converted heathens (referring to our slaves) than can be shown in heathen lands as the result of the labors of all the missionaries of all the Protestant churches combined." Yes, of this four million people we held up a large number who were converted to Christianity and reclaimed to civilization. In other words, Providence seems to have had a great design in this matter. They were brought here as slaves; indeed they were prisoners and slaves at home and sold as such by their own people. We used them as slaves, and we believed we had the right so to do. And while they were going through this long training of slavery they were improving all the time intellectually and morally. But the time came when the same overruling Providence that permitted them to be brought here as slaves determined in His divine decrees that they should no longer be slaves. And who in His divine decrees that they should no longer be slaves. And who can say that it is not the design of Providence that the descendants of those who by the rulers of Africa were sold into slavery, improved and elevated by slavery till they were fit for freedom, may not be the instruments in the hand of God in redeeming Africa from the darkness and thralldom in which she is now shrouded, and in bringing her to the marvelous light of Christian civilization?

But let us notice further the remarkable history of this people.

The two sections of the Union were arrayed in hostility against each other on the subject of slavery. If you of the North had proposed to tax yourselves and pay us for the slaves, in the then temper we would not have agreed to accept it. We would have said, "We have constitutional guarantees that we shall hold them, and you must not interfere." On the other hand, if it had been proposed to tax the people of the United States to pay for them and liberate them the people would have submitted to no such taxation. Therefore that was impossible. The passions and prejudices on both sides of the line were aroused into active play. There was but one way to eradicate slavery, and that was to tear it out by the roots; and as Providence was working out a great problem, we were plunged into the war between the States, and the institution was staked upon the result. Neither side contemplated abolition at the commencement, but as Providence designed it, the termination of the struggle was the abolition of slavery.

Here, then, was another step taken in the wonderful development in connection with this race. From having been prisoners of heads of tribes in Africa and sold by their own people into slavery, and from having gone through a long period of servitude, the time had come when Providence determined they should no longer be slaves. But as our friends of New England and the Northern States had engaged in the importation of them and had sold them to us, and made profit by it, and as we had used slavery and made profit by it, and no section could charge that another was alone responsible, every section and every part of the Union had to bleed for it, and we all had to bear burdens to get rid of it. But we are rid of it.

When the Constitution of the United States was formed slavery

When the Constitution of the United States was formed slavery was not only tolerated and provision made for the surrendering up of fugitive slaves to the owner on requisition, but at that time the States were not ready to cut off the importation; those engaged in the traffic wanted to make more money out of it. They were unwilling to give it up, and it was insisted upon and carried, and incorporated into the Constitution that the importation should not be abolished prior to the year 1808. So guarded were those who framed the Constitution on that point that in making provision for its own amendment, it is expressly provided that that clause shall not be amended prior to 1808. Then negroes were slaves, and slaves were property, and that property was guaranteed to us by the Constitution of the United States.

But when we went into the struggle of 1861 we were well aware that if we failed we hazarded our title to our slaves, and that abolition was a possibility. At the end of the struggle, when we surrendered our armies and the then President of the United States adopted a policy without consulting Congress of reconstructing the Union, he required us to call conventions in the Southern States; and the Congress having submitted to the States the thirteenth constitutional amendment, we adopted it. There was no contest made over it in the South. The Southern States, as well as the Northern and Western States, agreed at the end of the struggle that slavery should be abolished; and we put into the Constitution a provision that forever guaranteed the abolition. Then the negro had taken one more step. From a slave he was a freedman without the rights of a citi-

Then followed a proposition by Congress to the States to adopt the fourteenth amendment. That amendment declared him to be a citizen. In other words, it declared all persons born or naturalized in the United States to be citizens of the United States and of the State wherein they reside. Then the negro had made one more advance step. From being a freedman he was now a citizen. But it was soon found that this was not enough. Very grave questions were raised as to whether a race who had been slaves and thus freed and made citizens were entitled to all the rights of the original citizens of this country; in other words, whether they had the right to vote and hold office; and Congress had to take one more step. That step was to propose the fifteenth constitutional amendment, which guaranteed to the race the right to vote. Then the negro advanced one further step. From being a citizen without rights as to voting and holding office he was made a citizen free and independent, with all the rights of any other citizen of the United States. Of course, I mean legal rights. He was made the legal equal of any and every other citizen of this Union. Social rights must take care of themselves; neither the Congress nor any other governmental power can regulate them. But all his legal rights were guaranteed. Then what was the status? Here are four million persons, formerly slaves, then freedmen, then citizens without all the rights of citzenship, then full-fledged citizens with every right of the citizen, turned loose among us, without education, incorporated into society as part of the citizens of the United States and of the States in which they lived.

citizens without all the rights of citzenship, then full-fledged citizens with every right of the citizen, turned loose among us, without education, incorporated into society as part of the citizens of the United States and of the States in which they lived.

A grave problem arises here for solution. They must be educated; but we are not able to educate them. Why not? We claimed to be a wealthy people before the war. So we were; but we lost, according to the best estimates, about \$2,000,000,000 in the value of our slaves. It was that much gold value, our own under the Constitution of the United States, which we lost by the war, and it was gone forever. That impoverished us to that extent, and it was a very heavy draught. Then we had to support the confederate armies for four years, without a dollar of help, out of our substance. True, we issued confederate bonds and notes; they were paid out for our substance, but at the end of the war they were repudiated and they became as ashes in our hands. We lost, then, not only two billions in slaves, but we lost about two billions more in the support of our armies for four years. Then we lost immense amounts in the de-

struction of property by the armies outside of what was necessary to feed and clothe them.

But that was not all. At the end of the struggle we had to return to the Union and resume our position and take upon ourselves our just proportion, according to our means, of the war debt contracted by the Government in the suppression of what is known as the rebellion. Then, I say, with these draughts upon us we are not able to educate these four millions of people that were turned loose among us. As I have already stated, during the period of slavery it was not our policy to educate them; it was incompatible, as we thought, with the relation existing between the two races. Now that they are citizens we all agree that it is our policy to educate them. As they are citizens, let us make them the best citizens we can. I am glad to see that they show a strong disposition to do everything in their power for the education of their children.

for the education of their children.

Then I say the provision of the bill that gives for ten years at least the advantage to the States where there is most illiteracy is a just and a wise provision, and I thank the Senators from New England and the other wealthier States for the sense of justice they exhibit in coming forward and showing a willingness to aid in the education of these people. We all agree that it is important that they be educated. You will agree with me that we in the Southern States are not now able to educate them, and our own children. They were set free as a necessity of the Union. You so regarded it. Then it is proper that the Union should come forward, and with its vast resources aid in their education, and I am glad to see a movement made that leads in their education,

that looks in that direction.

I confess I have better hopes for the race for the future than I had when emancipation took place. They have shown a capacity to receive education, and a disposition to elevate themselves that is exceedingly gratifying, not only to me, but to every right-thinking southern man; and I wish you to understand that we harbor no hostility to the race in the South. There are many reasons why we should not, no good reasons why we should. They were raised with us; they played with us as children. Under the slavery system the relations were kind. When the war came on it was supposed by many that they would rise in insurrection and soon disband our armies. They at no time ever behaved with more loyalty to us, or with more propriety. Since the end of the war, when, as we thought, you very unwisely gave them the ballot, they have exercised the rights of freemen with a moderation that probably no other race would have done. Therefore I say it is our duty in the South especially, and I think yours in the North as well, to encourage them, and, as they are now citizens, to elevate them and make them the best citizens possible.

But, as I stated a while ago, I have given you a reason why there is such a vast preponderance of illiteracy now in our section. It is not only due to the fact that we did not have the common-school systems in the Southern States prior to emancipation, but that the four millions of freedmen were added to our population as citizens there without education. Then we must appeal to you not only now but in future to be liberal toward the South in aiding in the education of these people. I know there have been complaints that they may have been cheated in some instances at the ballot-box. Ignorance may be cheated anywhere. Doubtless, Senators, you have seen the more ignorant class cheated in your own States. If you would guard against this effectually in the future, educate them; teach them to know their rights, and, knowing them, they will maintain them.

It is necessary to educate them, furthermore, for the reason that they do not now understand, as ignorance does not anywhere understand, the theory and form and spirit of our Government. Education will enable them to understand it. We must give it to them. We must teach them what is the nature of the Government, what are the principles of the Constitution of the United States, and, now that we all agree that it is to be perpetual in future, we must teach them to love the Union and to be ready to stand by and defend it, and I believe the Senators from New England will agree with me when I say we must teach them also that the Union is a union of States, and that we must not destroy the States. When the States are destroyed there is no longer the Union of our fathers. As the Union is to be indissoluble, the States which form the Union, and without which it cannot be maintained, must forever remain indestructible, and they must continue in the exercise of all the reserved rights which they now possess under the Constitution as it stands, with the amendments adopted by the States.

Therefore, it is necessary to teach all citizens, white and colored, and to teach their children, the importance of maintaining republican institutions in the purity in which they originally came from the hands of the framers of our Constitution, and to maintain the ballot-box in its purity also. I announced in my own State to the electors who were to vote on my case the next day, that I was for a free ballot and a fair count. I want to see the day come when that will be so everywhere, not only in Louisiana, South Carolina, Florida, and Georgia, but in New York, Massachusetts, Ohio, and Indiana as well. Let it be so everywhere. Let us educate our people, white and colored, up to the point where they understand the proper use of the ballot; then let it be free to all, and let the ballots be fairly counted when deposited. Having referred to the struggle that brought about the present state of things, I will add that whatever

I may have thought of the terms you dictated to us, I have accepted them, and I have all the while advocated carrying them out in letter and in spirit in good faith, in practice as well as in theory. Whenever the whole mass of the people are educated there is no danger in doing this. Until they are educated there will be impositions practiced upon ignorance in every section of this country, and probably in every State in the Union.

The honorable Senator from Vermont referred to the great good that was being done by the appropriation made in 1862 of portions of the public land to establish agricultural and mechanical colleges in the different States. I can bear testimony that in my own State that appropriation has been most beneficial. It was accepted by our State, the land scrip sold, and the money was delivered to the trustees of the State University, and they connected with our university a college of agriculture and the mechanic arts, which has been well conducted and resulted in great good; but there were certain sections of our State not well content with the centralization of it, as they termed it, in one locality, and it was asked that it be distributed more justly between the different sections of the State. The trustees of the university agreed that they would endow a branch college at Dahlonega in the building of the old United States mint that Con-Dahlonega in the building of the old United States mint that Congress donated for the purpose of a school, and they gave \$2,000 a year of the interest derived from the fund toward its support. Since then it has been carried up to \$3,500 per annum and we have established three other branches of the university—one at Milledgeville, one at Cuthbert, and one at Thomasville. Those branches are colleges of a lower grade than the university. They educate girls and boys—we have both sexes there educated—up to the point where they can enter college. For instance, a boy who graduates in one of them can enter the junior class of our State University, and we have at this time about eight hundred pupils in those four branch colleges. They are located eight hundred pupils in those four branch colleges. They are located in sections where they can be easily reached by our people generally. There is a cheap mode of board established there. Mess-halls are resorted to, and it is deemed altogether respectable for a young man to board himself as best he can and go into the schools. The amount of good they are doing is incalculable. At Dahlonega the trustees are authorized, on the proper examination of a young man or young lady in the college, to give a certificate authorizing him or her to teach in the public schools of the State, and at the last commencement there were about civity licensed for teachers. They go out all over our eight hundred pupils in those four branch colleges. They are located were about eighty licensed for teachers. They go out all over our country and teach three months' schools during the vacation. In this way they make some money to enable them to go forward again with their studies. And thus there is a very great amount of good done by that college, and I should very gladly see as large an addition as possible made to its endowment.

If we could have two or three other of these branches in different sections of our State we could add greatly to the present advantages.

Doubtless the same may be true in the other States.

The only real regret I have about this matter is that the fund we shall be able to raise from the proceeds of the sales of the public lands and from the Patent Office fees will be too small to meet the demand; but I trust this is the entering-wedge, and that we may see our way clear in the future, if this works well, to do still more

for the cause of education.

I know some objection has been raised on the constitutional ques tion. It has been said that the States alone can take charge of this matter; that the Federal Government has nothing to do with the edu-cation of the people. Well, under the strictest rules of construction of the old State-rights school prior to the war possibly that was so; but we do not live under the Constitution that we lived under then. The amendments made at the termination of the struggle have very greatly enlarged the powers of this Government. Again, I think the constitutional objection cannot apply to this bill, for the reason that it is mainly a proposition to dispose of the proceeds of the public lands, and so far as those proceeds are concerned there never has been lands, and so far as those proceeds are concerned there never has been a time when the Government did not have the right to dispose of them. As far back as 1836 there was a law passed for the distribution of the surplus funds in the Treasury, and in 1841 to distribute the net proceeds of public lands, the Congress recognizing the fact that they belonged to the States. Then in the organization of new States and Territories large amounts of the public domain have been set apart for the use of colleges and schools there, recognizing the power of Congress to use a portion of the land for this purpose.

Then, again, the act of 1862, of which I have been sneaking, which

Then, again, the act of 1862, of which I have been speaking, which appropriates a certain amount of the public lands in aid of agricultural colleges, is another use of the public domain for that purpose which has not been objected to. After all that has been done, why

which has not been objected to. After all that has been done, why may we not now appropriate the future proceeds of the public lands and the Patent Office to this sacred purpose?

But I believe there is another provision of the Constitution that may have some bearing here. "The United States shall guarantee to every State in this Union a republican form of government" is the language of the Constitution. If I be right in the position I took in the commencement of this argument, that this Government cannot be perpetuated as a republic without the education of the whole mass of the people, then to appropriate money for the education of the of the people, then to appropriate money for the education of the masses of the people would be a better mode of guaranteeing a republican form of government than to undertake to make a guarantee by the use of the Army and the sword.

I do not think really there is any constitutional difficulty in the

way of making this disposition of the public lands for this very important purpose, and it seems to me there is no other possible disposition that can be made of this fund in the future which can result in anything like the benefit to the Government and the people of the United States that must result from the appropriation of it to the

United States that must result from the appropriation of it to the purposes of education.

A large proportion of our public domain, which is the property of the people, has been appropriated by Congress to railroad corporations and other purposes, looking to the settlement and development of the Territories. And while I am not prepared to say that this may at the time have been an improper use of a portion of the public lands, it seems to me there can be no doubt that it is better to stop such appropriations in future and apply the proceeds of their sale to the sacred purpose of educating the people. We will in this way establish new guarantees for the perpetuation of the Union, the main-tenance of the rights of the States, and the future peace and prosperity of the whole country. Let us give to the whole mass of our people, in all sections of the Union, the benefit of at least a common-school education; and let us provide, as in the Prussian system, for a higher development of the brightest intellects that may be found in the public schools by such legislation and appropriations as will enable them to prosecute their studies till they have made themselves masters of the particular art or calling for which nature seems to have fitted them.

It may be objected that it costs large sums of money to educate our whole people. I admit it; but it is an investment that pays back a heavy rate of interest. Who is most likely to make money, an educated, enlightened people, or an ignorant, degraded people? Contrast the financial condition of New England with that of Mexico, and tell me which accumulates fastest, an educated, scientific people, or a people who do not enjoy the benefits of education or science. The surest way to make money is to invest large sums of money in the education of our people and the development of the whole intel-

lect of the country.

Then let us lay the foundation of a system which shall be improved and built up, until the whole mass of the American people have the benefits that will soon result from it. This is the surest way to maintain and perpetuate our republican system of government, to develop the vast resources of our country, to encourage and protect the ac-

cumulation of wealth, and to transmit the blessings of good government to remotest generations.

Mr. COCKRELL. Mr. President, I presume there will be no further action on this bill this evening and I would ask that it be temporarily laid aside in order that we may consider case No. 675 on the Calendar that I called up this morning in the morning hour when the Senator from Vermont took the floor. It will only take a few min-

Mr. MORRILL. There is no objection to laying aside the bill tem-porarily if it be left the unfinished business for to-morrow, to be then disposed of.

Mr. COCKRELL. I propose only to lay the bill aside temporarily,

it retaining its place for to-morrow.

Mr. BURNSIDE. I hope it will be generally understood that we shall arrive at a vote on this bill to-morrow.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The bill

will be laid aside temporarily.

Mr. HOAR. I desire to make a suggestion before the order is made laying this bill aside, that if the bill goes over indefinitely it will reach a condition where it will not only encounter any opposition from persons who do not approve of it but also will encounter the opposition of Senators who have other measures in charge and who this short session will be struggling very soon for the attention of the Senate. I desire to ask the honorable Senator from Tennessee who has charge of the bill [Mr. BAILEY] if before laying it aside to-night he cannot secure an understanding of the Senate as to a time when it can be

woted upon?

Mr. BAILEY. In reply to the Senator from Massachusetts I will say that the Senator from Rhode Island who has charge of the bill, [Mr. BURNSIDE,] I believe, just made a motion to the Senate that the vote should be taken to-morrow or some named day on the passage

of the bill.

Mr. BURNSIDE. I hope the vote will be taken to-morrow before the adjournment. There is no objection to now laying aside the bill

temporarily if we can have such an understanding.

Mr. BAILEY. Then I will ask—and I believe the Senator from Rhode Island made the same request—that it be understood that the

Rhode Island made the same request—that it be understood that the vote shall be taken to-morrow on the passage of the bill.

Mr. BURNSIDE. At four o'clock.

Mr. BAILEY. That will give ample time to every Senator, whatever may be his views in regard to the policy or expediency of this measure, to express himself to the Senate. I imagine every Senator has already decided in his own mind what his action shall be. If there he no objection I ask that that shall be the agreement. Let there be no objection I ask that that shall be the agreement. Let it be understood that the vote shall be taken to-morrow before the adjournment of the Senate.

The PRESIDING OFFICER. If there is no objection, the present order of business will be laid aside informally on the suggestion of the Senator from Missouri.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill for the relief of Samuel A. Lowe.

Mr. MORRILL. I suppose it is the general understanding that a vote will be taken to-morrow at four o'clock on the educational bill. The PRESIDING OFFICER. That will be regarded as the understanding if no objection be made. The question now is on the request of the Senator from Missouri, that the Senate take up the bill named by him.

SAMUEL A. LOWE.

By unanimous consent, the bill (S. No. 364) for the relief of Samuel A. Lowe was considered as in Committee of the Whole. It provides A. Lowe was considered as in Committee of the Whole. It provides for the payment to Samuel A. Lowe of \$4,750 for services rendered and moneys expended by him as clerk of the territorial Legislature of Kansas Territory, and for copying, indexing, marginal-noting, and superintending the printing of the laws of that Territory, in the year 1855, under authority of the Legislative Assembly.

Mr. HARRIS. Is there a report in that case?

Mr. HARRIS. There is a report.

The Chief Clerk read the following report, submitted by Mr. Harris May 19 1880.

RIS May 19, 1880:

The Committee on Claims, to which was referred the bill (S. No. 364) for the relief of Samuel A. Lowe, has carefully considered the same, and submits the following

of Samuel A. Lowe, has carefully considered the same, and should the following report:

That on the 30th June, 1854, Kansas was organized as a Territory. The first territorial Legislature, which was elected March 30, 1855, convened at Pawnee, about one hundred and fifty miles west of the western boundary of the State of Missouri, under the proclamation of Governor Reeder, and, after organizing, passed an act removing the seat of government temporarily to Shawnee Manual Labor School, in said Territory; that during the sitting of said Legislative Assembly at Shawnee the memorialist, Samuel A. Lowe, was elected by said Assembly one of the assistant clerks, and afterward, by a concurrent resolution of the house and council, was appointed and employed to copy, make marginal notes, and index the laws of the said Territory which should be enacted at said session of said Assembly.

the laws of the said Territory which should be enacted at said session of said Assembly.

Afterward an act was passed, which became a law, at said session of said territorial Assembly, appointing and authorizing the said memorialist to superintend the publication, arrange the order, and examine and correct the proof-sheets, and to cause all clerical and typographical errors to be corrected; all of which services, it fully and satisfactorily appears, the memorialist performed.

It also further appears that the memorialist was obliged to employ considerable assistance in accomplishing said work, and that in doing so he paid for such aid out of his own funds; that the memorialist, in consequence of the unsettled condition of the Territory and the high prices of labor at that early day in the said Territory, was compelled to pay twelve and a half cents per folio for copying and high prices for all other services; that the laws enacted by said territorial Assembly had to be printed at Saint Louis, Missouri, and the memorialist was compelled to remain in Saint Louis during the publication of the same at large expense, and that he has paid in money from his own pocket, in the faithful discharge of his duties as aforesaid, more money than is asked for in the bill referred to this committee for his relief.

he has paid in money from his own pocket, in the faithful discharge of his duties as aforesaid, more money than is asked for in the bill referred to this committee for his relief.

The laws so copied, corrected, and marginal notes prepared, &c., make a volume of ten hundred and fifty nine pages of printed matter, code size; that the said Lowe has never received any pay or compensation whatever from said Territory, or from the United States, or from any others ource whatever for any of said services.

It also appears, by the proper officers of said Legislative Assembly and by the printer of said laws, that said services were well and faithfully performed by said memorialist; and that they were important services and could not be dispensed with your committee think there can be no doubt.

When this work was completed the appropriation made by Congress to defray the legislative expenses of the Territory was exhausted, and therefore the memorialist was not paid.

In 1856 he applied to the proper Department of the Government to be reimbursed for the money expended and paid for his services, but was informed that the Department had no authority to pay him. He then presented his memorial to Congress, where it has been pending since that time without action, until the third session of the Forty-fifth Congress, when the House Committee on Claims submitted a favorable report, and at the present session the House Committee on Claims has made a favorable report, and at the present session the House Committee on Claims has made a favorable report.

The committee is satisfied that the claim is just and should be paid, and therefore reports the bill back with the recommendation that it pass.

Mr. INGALLS. Mr. President, this is an attempt to induce the

fore reports the bill back with the recommendation that it pass.

Mr. INGALLS. Mr. President, this is an attempt to induce the Senate of the United States to pay for the compilation of the bogus statutes, the infamous slave code of the Territory of Kansas. In 1855, on the organization of the Territory, the Legislature assembled. They met at Pawnee, and afterward adjourned to the Shawnee Manual Labor School, where they sat for about forty days, and adopted this volume which I now hold in my hand, popularly known as the "bogus statutes" of the Territory of Kansas. They never had any binding or operative force. And as soon as the free-State men, or the people of the Territory who were entitled to govern it, obtained possession of political power, they repealed these statutes in gross, and burned the volume containing them in a bonfire in the city of Lawrence. the volume containing them in a bonfire in the city of Lawrence. This is, without any exception, sir, the most black, the most dam-nable, the most inexcusable, and the most outrageous mass of pretended statutory enactments that was ever attempted to be forced upon a reluctant people—defiled by blacker provisions and passed without the least formality of law—and that never were recognized by our people as having the slightest binding force or effect. They were adopted from the Missouri statutes in bulk, and so hasty, so informal was the action of that infamous Legislature, that in many instances the word "State" was not obliterated from the statutes, and the Legislature was subsequently obliged to pass a healing enactment declaring that wherever the word "State" existed it should be held to mean "Territory," and that the courts should govern themselves accordingly. This man Lowe had no legal right, no competent authority nor power, to make this compilation. The claim for componential that he preferred was so held, so preposterous that he pensation that he preferred was so bald, so preposterous, that no Department of the Government would ever recognize it. As this report says, it has slept from 1856 until the present time, when it was supposed by his friends that a sufficient period had elapsed so that the vigilance of the country would not be aroused and no attention called to the nature of his claim.

I want, Mr. President, in the interest of history to call attention to a few of the provisions of this delectable body of laws that the Senate of the United States in 1880 is called upon to pay Mr. Lowe for his services in compiling and attempting to enforce upon the people. Let me read section 12 of chapter 151, on page 117 of the volume:

If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory, print, publish, write, circulate, or cause to be introduced into this Territory, written, printed, published, or circulated in this Territory, any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be deemed guilty of felony, and punished by imprisonment at hard labor for a term of not less than two years.

It is for the compilation of that kind of legislation that the Senate is called upon to pay the sum of \$4,000 twenty-six years after the service was rendered. Let me read section 6 of the same chapter:

If any person shall entice, decoy, or carry away out of any State or other Territory of the United States any slave belonging to another, with intent to procure or effect the freedom of such slave, or to deprive the owner thereof of the services of such slave, and shall bring such slave into this Territory, he shall be adjudged guilty of grand larceny, in the same manner as if such slave had been enticed, decoyed, or carried away out of the Territory, and in such case the larceny may be charged to have been committed in any county of this Territory, into or through which such slave shall have been brought by such person, and on conviction thereof the person offending shall suffer death.

One further section is worthy of notice:

SEC. 4. If any person shall entice, decoy, or carry away out of this Territory any slave belonging to another, with intent to deprive the owner thereof of the services of such slave, or with intent to effect or procure the freedom of such slave, he shall be adjudged guilty of grand larceny, and on conviction thereof shall suffer

I repeat, Mr. President, that this body of laws, a few extracts from which I have read, never had any binding sanction, never was legally enacted, and this claimant never had any legal authority from any competent source that was ever recognized by our courts as binding or obligatory, and has no claim whatever upon the Government or any department of it, and never had, for compensation. Chapter 152 of this volume declares that—

Wherever the word "State" occurs in any act of the present Legislative Asmbly or any law of this Territory in such construction as to indicate the locality the operation of such act or laws, the same shall, in every instance, be taken in understood to mean "Territory," and shall apply to the Territory of Kansas.

Now, sir, that pretended Legislature authorized Mr. Samuel A. Lowe to compile this body of laws, and directed him after their adjournment to transcribe and publish them in the city of Saint Louis; and they further declared that it should not be necessary that these statutes to have any binding effect should be signed by the governor of the Territory, or by the presiding officer of either of the two Houses. Therefore this vast volume of ten hundred and thirty-nine pages is to-day simply a compilation, commencing with an enacting clause, and not signed or authenticated by anybody. In pursuance of that assumed authority, he went to Saint Louis and procured the printing of fifteen hundred copies of this volume, and his assumption of a right to payment was regarded as so preposterous that none of the right to payment was regarded as so preposterous that none of the authorities of the Government, although the party in sympathy with him was in power for six years afterward, ever pretended to recognize his right to payment. His claim was repudiated by the territorial authorities, his claim was repudiated by the Department having authority here, it was repudiated by Congress, and it never has been recognized until now, twenty-five years afterward, this bill is reported his relief. There never has been a claim more absolutely devoid of justice or equity than this now presented for the consideration of the Senate.

Mr. COCKRELL. I should like to ask the Senator from Kansas if the Legislature which met there was not the constitutional, legitimate Legislative Assembly of the Territory of Kansas under the act

of Congress creating it?

Mr. INGALLS. I do not think it was.

Mr. COCKRELL. Was it not the first one that met under the act?

Mr. INGALLS. I think it was.

Mr. COCKRELL. Was it not the only one that ever met under the original act, in pursuance of it?

Mr. INGALLS. To the credit of human nature I am bound to say I think it was.

think it was

Mr. COCKRELL. Then this was the Legislative Assembly of the Territory of Kansas which came into existence under the act of May 30, 1854, and in pursuance of the terms of that act.

Mr. INGALLS. Does the Senator say this volume of statutes was enacted by that Legislature?
Mr. COCKRELL. No; but that it was the Legislature that came

into existence under that act, and those are the laws which they enacted.

Mr. INGALLS. They never enacted them. They were never en-

Mr. INGALLS. They never enacted them. They were never enacted. These laws never went through the formality of enactment. Mr. COCKRELL. Ah, the Senator claims that they never went through the formalities which they should have gone through; but did not that Legislative Assembly claim that they had?

Mr. INGALLS. I think I do the Senator from Missouri no injustice in saying that this volume is an adaptation of the statutes of Missouri in force at that time, with some importations to render them more severe, and more harsh, and more oppressive, in order to carry out the political and social conditions existing there at that time. They were never enacted by any legislative body; they never went

through the formalities of legislation; they never had the slightest binding or obligatory effect upon our people, and were never so held by any of the courts of that Territory; and they are a disgrace to human nature besides.

by any of the courts of that Territory; and they are a disgrace to human nature besides.

Mr. COCKRELL. As I understand from the Senator, he admits that this was the first Legislative Assembly of the Territory of Kansas which assembled under the act organizing that Territory, and it was the only one that did assemble, and it employed Mr. Lowe to do this work, and his objection to paying Mr. Lowe is that the Legislative Assembly exceeded its power and passed nauseous, unwholesome laws which the people of that Territory afterward repudiated. Is that the fault of the clerk? Should the State of Kansas have a Legislature assembling this winter which should pass laws obnoxious to the people of that State, and the people at the next election should elect representatives who would repudiate those laws, would the Senator from Kansas say that the officers of the present Legislature should not be paid for their services? I say that this Legislative Assembly met under the authority and sanction of Congress; that they employed the claimant, Lowe; that he performed the services here claimed for and has never been paid for them, and in justice, right, and law is entitled to payment; and he is not amenable or responsible for the extraordinary acts of that Legislative Assembly.

Mr. INGALLS. May I interrupt the Senator right there?

Mr. COCKRELL. Certainly.

Mr. INGALLS. The law organizing the Territories of Kansas and Nebraska provided by Congress for that purpose. The democratic party, which was in sympathy with the movement then made in Kansas, was in power until 1861. Why was it, if this claim of Samuel A. Lowe was a valid, legitimate claim against the Government of the United States, that the officers authorized by Congress to andit such elaims did not allow and pay this?

Mr. COCKRELL. Dol understand the Senator from Kansas to say

United States, that the officers authorized by Congress to audit such claims did not allow and pay this?

Mr. COCKRELL. Do I understand the Senator from Kansas to say that the democratic party was in power until 1861?

Mr. INGALLS. Until the 4th of March, 1861.

Mr. COCKRELL. Do I understand the Senator to say that the House of Representatives was democratic till that time?

Mr. INGALLS. I said that the law provided that the expenses for such objects should be audited and paid by an executive officer of the Government as other territorial expenses are paid. There was an appropriation made in gross for those expenses, out of which accounts itemized were allowed, and this was presented to that officer, and rejected as not being within the contemplation of the law, and not a claim upon the fund out of which it would, if allowable, have been paid.

Mr. COCKRELL. I say it was not presented and rejected, and the Senator from Kansas cannot show it. There is an issue of fact.

I rose to ask the Senator from Kansas upon what authority be stated that the claim for these expenses had been pre-

sented to the auditing officer and rejected?

Mr. INGALLS. Mr. Lowe wrote me so himself some years ago, asking me to take charge of this measure.

Mr. HARRIS. No such fact appears in the record, I am very sure, upon a careful examination of it, of any presentation; but the explanation is that this work had not been completed at the time the accounts were audited and the moneys appropriated by Congress had been disbursed in paying the legislative expenses of that Territory. That is the fact that the record discloses, and it is certainly in conflict with the fact that the Senator from Kansas states that these flict with the fact that the Senator from Kansas states, that these accounts had been presented and rejected by the officer empowered to

Mr. INGALLS. "In 1856," the reportsays, "he applied to the proper Department of the Government." This report was made by the Sena-

tor from Tennessee, [Mr. HARRIS.]

In 1856 he applied to the proper Department of the Government to be reimbursed for the money expended and paid for his services, but was informed that the Department had no authority to pay him.

It would appear, then, that the application was made, and the Sen-

ator from Tennessee so states in his report.

Mr. HARRIS. The Department at that hour, when the appropriation already made to defray the expenses of the territorial government of Kansas had been exhausted, of course had no power to

ment of Kansas had been exhausted, of course had no power to adjust, settle, and pay.

Mr. INGALLS. Not power, but "authority to pay;" that is the language used by the report.

Mr. HARRIS. It is substantially the same thing. The point in the case was that the appropriation had been exhausted and there was no appropriation out of which the Department could pay. That was the reason why the Department did not pay.

was the reason why the Department did not pay

Mr. VEST. I am not familiar with the details of this case; but I desire to notice an expression of the Senator from Kansas [Mr. INGALLS] in which he spoke of "the bogus code" of his State and said that it was imported there from the State of Missouri and copied from the statutes of Missouri. No such statutes as the Senator has read here existed in my State. I have no disposition to go back to the history of that terrible and unfortunate border war. Great outrages were perpetrated by both sides. The original crime cannot be fastened, and never will if the pages of history are just to the living and the dead, upon the people of Missouri. The institution of slavery

has ceased to exist, and for myself I have no disposition to palliate or excuse any outrages that may have been connected with it. I deor excuse any durages that may have been connected with it. I desire that the recollection of them shall pass away; but I know, and hundreds now living know, the unparalleled outrages perpetrated upon the people of my State by the men who are claimed to-day to have been martyrs in the cause of liberty and freedom on the soil of

The institution of slavery was with us by no volition of our own, and we were unable to get rid of it by lawful means at that time. Men came from the Eastern States, sent from Plymouth church in the name of God and morality and law to teach the slaves of Missouri that they should rise against those who claimed to be their owners; and to carry out this teaching, efforts were made under the lead of John Brown who afterward suffered death for similar crimes in Virginia Posses were the suffered death for similar crimes in Virginia Control of the suffered death for similar crimes ginia. Poor creatures were taught to assail the men and women of Missouri, and told that to do so was according to the commands of God and law and justice and right. Out of such teachings grew the occasion for the law the Senator from Kansas has read here today; I speak advisedly. Outrage begot outrage. For myself I am willing they should pass into oblivion, but I do not propose that the Senator from Kansas, in discussing this or any other claim, shall put before this country the charge unanswered that the people of Missouri undertook to import their code of laws on Kansas and have him

souri undertook to import their code of laws on Kansas and have him read them to the detestation and horror of the civilized world.

As to this claim I know nothing of it myself; but if I understand the report of our committee, Mr. Lowe, a reputable citizen of the State of Missouri, acted simply minsterially. Is he to be responsible for the outrages which the Senator from Kansas to-day has paraded before the American public? Is a page, a messenger, a clerk in this Senate to be held responsible for the legislation that he transcribes? Is that a sentiment of justice and right? This man acted under the government de facto, if not de jure, under the only government then known to the people of Kansas. He was the mere pen that carried out the dictates of a brain that he did not control. Why should he be made the sufferer? He spent his money; he gave his time. Why should he be made the scapegoat for all the historic outrages that are paraded before us?

paraded before us?

Mr. INGALLS. Mr. President, I do not propose at this period of the nation's history to enter upon any eulogy of John Brown. He was hanged as a traitor by Virginia on the 2d of December, 1859; but the nation took up the banner that he raised at Harper's Ferry and

the nation took up the banner that he raised at Harper's Ferry and bore it in triumph through four years of war to Appomattox Court House. John Brown was a few years ahead of his time; it was the nation that was laggard; and it required but a brief space after his decease for the nation to occupy the platform on which he stood.

Neither, sir, do I propose to rehearse the details of the controversy between the people of Missouri and those of the Territory of Kansas. The Senator from Missouri can provoke no issue with me upon that subject. I expressly said when I began that this volume of laws was an adaptation and an importation of the statutes of Missouri; that an adaptation and an importation of the statutes of Missouri; that it had received certain embellishments and decorations, rendered necessary to adapt it more thoroughly to the social and political condition that was supposed to exist there at that time.

But, sir, with regard to the case of this claimant, Samuel A. Lowe, the question is, whether the Senate of the United States, twenty-five years after this work was performed, propose to pay out of the national Treasury several thousand dollars for the compilation of this infamous code that was made without authority of law, and that never was recognized by any department of this Government, and that never was held binding upon that Territory or its people.

The Senator from Tennessee has stated that the reason why this

claim was not paid in 1855 was because there was no money to pay it; in other words, that the appropriation was exhausted. If that is the case, the language of the report is singularly unfortunate; it is an unhappy use of terms. If a claim is not paid because the appropriation is exhausted, it is not common to say that the reason why it was not paid was because the officer had no authority to pay it. leave the Senator from Tennessee to reconcile, as far as he can, the contradiction between the terms he has employed and the usual

phraseology in use upon such occasions.

Mr. HARRIS. Will the Senator allow me to say that I may have been very unhappy in the selection of my language? But if he will direct his attention to the paragraph immediately preceding, it may aid him in excusing me somewhat for being so uncautious and unfortunate in the selection of language. That paragraph is:

When this work was completed the appropriation made by Congress to defray the legislative expenses of the Territory was exhausted, and therefore the memorialist was not paid.

There being no appropriation for that purpose, it was not within the authority of any Department of this Government to have undertaken to settle and pay that account until Congress appropriated the

money with which to pay it.

Mr. INGALLS. The Senator is again unfortunate, Mr. President.

He calls my attention to the previous paragraph of the report, but unfortunately for him it appears that the period named in that paragraph is considerably anterior to the one named in the following.

This work was completed on the 1st of November, 1855, in Saint Louis Missouri as appears from the prefetors chapter of the logges. Louis, Missouri, as appears from the prefatory chapter of the bogus

When this work was completed-

That is to say, in 1855, the report states-

the appropriation made by Congress to defray the expenses of the Territory was exhausted, and therefore the memorialist was not paid.

But in 1856, a year subsequently-

He applied to the proper Department of the Government to be reimbursed for the money expended and paid for his service, but was informed that the Depart-ment had no authority to pay him.

Now, if the Senator thinks he has reconciled the difficulty in this case by quoting the previous paragraph, I beg to suggest to him that the two paragraphs refer to two entirely distinct periods of time, and that they refer also to two entirely different conditions of affairs. that they refer also to two entirely different conditions of affairs. When he first applied there was no money, and when he subsequently applied, a year afterward, he was informed by the executive officer that there was no authority to pay him. The facts had been then disclosed that this was an illegal enactment attempted enactment. Here was a great body of laws adopted with such indecent haste, with so much disregard of ordinary formality, that they were compelled to pass a subsequent statutory enactment in order to declare that wherever the word "State" was used it should be held to mean "Territory." Such was the haste, such was the indecorous informality of the whole proceeding that they did not even extirpate the necessary words to make the statute appropriate to a community in necessary words to make the statute appropriate to a community in a territorial condition.

Now, sir, if it can be shown that there was any authority of law Now, sir, it can be shown that there was any authority of law on the part of this bogus Legislature, that never met where they were authorized to meet, and that never legally passed these laws, but authorized Samuel A. Lowe to make a compilation in the city of Saint Louis, then I shall be glad to hear it, and I should be glad, further, to know why it is that this claim has been allowed to sleep, in the language of the report, for twenty-five years before an active effort is made to secure its navment here in Courses.

is made to secure its payment here in Congress.

Mr. HARRIS. Mr. President, I certainly have no feeling or interest in this matter. As a member of the committee, it being referred to me, I examined carefully the record in the case. The facts are to me, I examined carefully the record in the case. The facts are briefly these: In 1854 Congress passed an act organizing the Territory of Kansas. In March, 1855, a territorial Legislature was elected. The Legislature assembled. As to the character of the laws they passed I did not feel it any part of my duty to look to that, and I certainly did not do so, but it passed a number of enactments. The code that the Senator from Kansas has held up before the Senate purports to have been passed by that Legislature. Among other things, that Legislature employed, by joint resolution, the claimant here to perform certain duties in respect to the codification of those laws. The proof is clear and overwhelming that he was employed by that Legislature; that he performed the duty assigned to him; that he did it effectually and efficiently and well; that at the time he completed it the money appropriated by Congress to pay the legislative expenses of the Territory was exhausted, and therefore he could islative expenses of the Territory was exhausted, and therefore he could not be paid. I believe the Senator is right as to the fact that the work was completed in the latter part of November, 1855. In 1856 he applied to the proper Department of the Government here, demanding payment, and was answered that they could not settle with him. The Senator from Kansas, I imagine, will not insist that any Department of the Government here could have paid the account without an appropriation from Congress of the means necessary to pay it. No Department could have had the authority to settle the account

The Senator asks why the claim has been allowed to remain here for twenty-five years. The report states all the facts that were in the possession of the committee as to why it has been permitted to remain. He appealed to Congress at the time specified in the report. There had been, I believe, two reports in favor of paying this claim before, but the bill had not passed the two Houses; indeed I do not believe the bill had passed either House during that period; but on each occasion when the claim has been examined, when it has been reported upon, there has always been a favorable report, a report developing the same facts substantially that this report develops; and the claim is presented here of a man who was employed to perform certain services by the territorial Legislature of Kansas; he did perform those services; they are worth fully the amount of money specified in the bill, as the proof shows; he is entitled to that amount for the services actually rendered, but the Senator from Kansas says that the action of that Legislature was very unwise in the character

of the laws it passed.

of the laws it passed.

I care nothing as to the wisdom or unwisdom of the laws the Legislature passed. The plain case is that the Legislature by its authority employed this man to perform certain services; he performed them; they are worth, fully and amply worth, the amount of money specified in this bill; and the only question for the Senate is as to whether or not be shall be paid for the services so performed. He certainly was not in any sense responsible for the wisdom or want of wisdom of the legislation that the territorial Legislature enacted.

I know nothing of the claimant; I know nothing of the case except what the record develops, and I believe I have indicated substantially the facts as developed by the record.

stantially the facts as developed by the record.

Mr. EDMUNDS. Mr. President, I begin to be rather interested in the discussion myself since John Brown has come into it, although nothing that can be said of him in this Senate, good or evil, will mar the brightness of that fame which will go down as the type of an

honest, though it may be misguided, love of liberty. His "body lies moldering in the grave, but his soul," thank God, "is marching on."

Now I will leave John Brown and come to this bill; and the thing

that I want to know from my honorable friend from Tennessee is what he has to say to this act of Congress of 1854 establishing the Territory of Kansas and providing for its legislative expenditures; he will find the clause to which I refer in the tenth volume of the Statutes at Large on the two hundred and eighty-eighth page:

these at Large on the two hundred and eighty-eighth page:

There shall be appropriated annually the usual sum, to be expended by the governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the governor and secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semi-annually account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Now, if Legislative Assembly of products and appropriated for such objects.

Now, if I am capable of understanding the English language-and I sometimes think I am not—it appears to me that the Congress of the United States had told the people of that Territory and its Legislative Assembly that beyond what Congress chose to appropriate on an estimate of the Secretary of the Treasury for the legislative expenses of that Territory, no expenditure or obligation should be incurred. That was the object of the law, that the territorial Assembly should not be allowed to go beyond the sums that Congress had appropriated. In the same volume if you turn to the supportation propriated. In the same volume, if you turn to the appropriation bill for that period, you will find that Congress did appropriate, and I have no doubt on the estimate of the Secretary of the Treasury, the sum of \$20,000 for the legislative expenses of Kansas Territhe sum of \$20,000 for the legislative expenses of Kansas Territory. If this work was done within the authority of law there was an appropriation to pay it, with the qualification that it was impossible for the Legislative Assembly to incur obligations beyond what Congress had provided. So that, as the report of the committee states, the officers of the Treasury, when in 1856 this matter was presented to them, replied, "We have no authority to settle and allow this account." I think if we had the letters—I do not know how full they would be a weakly find that they would be weakly they would be a weakly find that they would be a weakly find that they would be weakly they would be we full they would be-we should find that there was very good reason for that in what I have read from the statute which says that no ex-pense shall be incurred beyond the sum that Congress should have previously appropriated to carry on the expenses of the Legislative Assembly.

The Legislative Assembly, on the theory of the committee (my friend from Kansas doubts that, but I take it for granted for this purpose) chose to incur expenses which the law said they could not

purpose) chose to incur expenses which the law said they could not incur; that is to say beyond the appropriation of \$20,000. What claim, then, has this gentleman upon us or upon the people of the United States to pay this money? I am unable to see that he has any.

Mr. COCKRELL. Mr. President, one word in answer to the Senator from Vermont in regard to the expenses exceeding the appropriation. If the distinguished Senator will turn to the Statutes at Large he will find a dozen laws passed since he has been a distinguished member of this body providing for the erection of public buildings, which positively prohibited, in unmistakable terms, the cost of those buildings exceeding a certain amount, and each one of those buildings to-day is costing five to ten times the amount specified in the law. So he will find hundreds of other acts of Congress field in the law. So he will find hundreds of other acts of Congress that limit the expenditures to a certain amount, and every year or so our appropriation bills and our deficiency bills give additional amounts to the Territory of Montana, to the Territory of Dakota, and other places to make up the deficiency the amount expended by the Territory was over and above the amount appropriated and to which it was restricted by law.

Now, Mr. President, the acts to which the Senator from Kausas re-ferred are the acts of that territorial Legislature, sent to the Library of Congress, and the volume is deposited in the archives of that Ter-titory. "Statutes of Kansas Territory, 1855." These are the laws that the claimant Lowe compiled in pursuance of the authority of that that the claimant Lowe compiled in pursuance of the authority of that Legislative Assembly, and for which he has never been paid, and for which he now asks compensation. That the bill may have been pending here a number of years is very true. There is pending before the Committee on Claims now a claim originating prior to 1777, and it has been pending ever since, and Congress has never acted upon it. So there are many other things pending before Congress. I know nothing of the transactions out of which this claim arose. Here are nothing of the transactions out of which this claim arose. Here are the laws he compiled; here is his name to them. He compiled them; he did the service. He has not been paid for it. The fact that that Legislative Assembly may not have passed laws congenial to the prople of that Territory he had nothing to do with. It is often the case that our Legislative Assemblies pass laws that are afterward repealed and repudiated, but that is not the fault of the clerk.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I have not We can take a vote on this bill.

Mr. COCKRELL. I hope not. We can take a vote on this bill

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa

Mr. COCKRELL. I call for the yeas and nays. The yeas and nays were not ordered.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, December 15, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ANNOUNCEMENT OF A PAIR.

Mr. WARD. Mr. Speaker, in the proceedings of yesterday upon the amendment of the gentleman from Michigan, in reference to the election of a Postmaster of the House, I find that I am recorded as having voted. I desire to say that I was paired with the gentleman from South Carolina [Mr. AIKEN] and voted inadvertently. I ask, therefore, to withdraw the vote and correct in that way the permanent RECORD

The SPEAKER. The Chair presumes that the object the gentle-man from Pennsylvania has in view is accomplished by the mere announcement. The Chair does not see now how the vote can be with-

Mr. WARD. It is only a correction and does not change the result.

MAJOR-GENERAL LEWIS WALLACE.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 6615) relating to quartermaster's stores furnished to the forces of Major-General Lewis Wallace during the Morgan raid through Indiana and Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POST-ROADS.

Mr. BEALE, by unanimous consent, introduced a bill (H. R. No. 6616) to declare roads between all life-saving stations post-roads; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RETIREMENT OF SMALL LEGAL-TENDER NOTES.

Mr. BELFORD, by unanimous consent, introduced a bill (H. R. No. 6617) for the retirement of small legal-tender notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER, by unanimous consent, aid before the House letters from the Secretary of the Interior, relative to certain Indian depredation claims; which were referred to the Committee on Indian Affairs.

LANDING CERTIFICATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury in regard to landing certificates of goods exported from the United States; which was referred to the Committee on Ways and Means.

DEFICIENCIES IN APPROPRIATIONS FOR POST-OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, relative to certain deficiencies in the appropriations for the Post-Office Department for the current fiscal year; which was referred to the Committee on Appropriations.

BOUNDARY LINES BETWEEN NEW YORK AND CONNECTICUT.

Mr. ROBINSON. Mr. Speaker, I desire at this time to make a privileged report from the Committee on the Judiciary, in reference to House bill No. 6514, entitled a bill concerning settlement of boundary lines between the States of New York and Connecticut, and ask that the accompanying bill be put upon its passage.

The SPEAKER. The bill will be read.

The Clerk read as follows:

A bill concerning settlement of boundary lines between New York and Connecticut,

Whereas commissioners duly appointed on the part of the State of New York, and commissioners duly appointed on the part of the State of Connecticut, for the purpose of settling the boundary line between said States, did execute an agreement in the words following, to wit:

"Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut, respectively, to settle the question of the boundaries between said States, being thereunto authorized by the resolutions of said States, respectively, passed by them as hereunto annexed. That is to say, we, Allen C. Beach, secretary of state, Augustus Schoommaker, attorney-general, and Horatio Seymour, jr., State engineer and surveyor, commissioners of the State of New York; and we, Origen S. Seymour, Lafayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine, and establish the boundaries between our respective States, subject to the approval and ratification of the Legislatures of our respective States, in the following manner: We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be, and is, as the same was defined by monuments erected by commissioners appointed by the Legislature of the State of New York, and completed in the year 1866; the said boundary line extending from Byram Point (formerly called Lyons Point) on the south to the line of the State of Massachusetts on the north.

We further agree that the boundary on the sound shall be, and is, as follows: Beginning at a point in the center of the channel about six hundred feet south of the extreme rocks of Byram Point, marked No. 0 on appended United States Coast Survey chart; thence running in a true southeast course three and one-quarter statute miles; thence in a straight line (the arc of a great circle) northeasterly to a point four statute miles true south of New London light-house; thence northeasterly to a point marked No. 1 on the annexed United States Coast Survey chart of Fisher's Ialand Sound, which point is on the long east three-quarters north sailing course drawn on said map, and is about one thousand feet northerly from the Hammock or N. Dumpling light-house; thence following the said east three-quarters north sailing course as Isid down on said map, easterly to a point marked No. 2 on said map; thence southeasterly toward a point marked No. 3 on said map; so far as said States are conterminous: Provided, however, Thatnothing in the foregoing agreement centained shall be construed to affect existing titles to property, corporeal or incorporeal, held under grants heretofore made by either of said States, nor to affect existing rights which said States, or either of them, or which the citizens of either of said States, may have by grant, letters-patent, or prescription of fishing in the waters of said sound, whether for shell or floating fish, irrespective of the boundary line hereby established, it not being the purpose of this agreement to define, limit, or interfere with any such right, rights, or privileges, whatever the same may be. "In witness whereof we have hereunto set our hand to this instrument, and to a duplicate thereof, December 8, 1879.

"ALLEN C. BEACH, "Secretary of State.

"ALLEN C. BEACH, "AUGUSTUS SCHOONMAKER,

"Attorney-General,
"Attorney-General,
"HORATIO SEYMOUR, JR.,
"State Engineer and Surceyor,
"Commissioners of the State of New York.
"ORIGEN S. SEYMOUR,
"LAFAYETTE S. FOSTER,
"WILLIAM T. MINOR,
"Commissioners of the State of Connecticut."
n confirmed by the Logislature of 137.

And whereas said agreement has been confirmed by the Legislatures of said States of New York and Connecticut, respectively: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of the Congress of the United States be, and hereby is, given to said agreement, and to each and every part thereof; and the boundaries established by said agreement are hereby approved: Provided, however, That nothing herein contained shall be construed to impair or in any manner to affect any right of the United States or jurisdiction of its courts in and over the islands or waters which form the subject of said agreement.

The SPEAKER. The report accompanying the bill will be read. The Clerk read as follows:

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred House bill No. 6514, concerning settlement of boundary-lines between New York and Connecticut, have had the same under consideration, and report as follows:

The boundary-lines between the two States have long been in dispute, and to effect a settlement commissioners were chosen by each State, authorized to examine into the subjects of difference and to enter into an agreement that would plainly define the line of division. The commissioners executed the agreement which is set forth in the bill, and the States have confirmed the same by their Legislatures.

The existing titles and rights held by individuals being fully protected and the rights and jurisdiction of the United States not being affected, the committee recommend that the consent and approval of the United States be given by the

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBINSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

the table. The latter motion was agreed to.

J. J. PURMAN.

Mr. WISE. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (S. No. 148) granting an increase of pension to J. J. Purman. I will state that a bill for this purpose passed the House at its last session. The Senate also passed this bill, which is the same as the House bill, except that the arrears of pension were stricken out. I ask the House to concur with the Senate in giving the increase of pension without arrears. The bill was read, as follows:

Be it enacted, &c., That J. Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of \$30 per month: and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said J. Jackson Purman on the pension-roll at said rate, in lieu of the pension now paid him.

There being no objection, the bill was taken from the Private Cal-

endar, ordered to a third reading, read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

MRS. JULIA GARDNER TYLER.

Mr. GOODE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler, widow of ex-President Tyler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Julia Gardner Tyler, widow of ex-President John Tyler, and to pay her a pension of \$100 per month from and after the passage of this act.

There being no objection, the bill was taken from the Speaker's

table, read three times, and passed.

Mr. GOODE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

BRIDGE OVER SAINT MARY'S RIVER.

Mr. NICHOLLS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1814) to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes.

Mr. FERNANDO WOOD. After this is disposed of I will ask for

the regular order. The bill was read

Mr. CONGER. I think that bill should go to the Committee on Commerce. I do not know any precedent for declaring what rivers in the United States are navigable or where the head of navigation

should be

Mr. NICHOLLS. I will state to the gentleman that this bill was considered by the Committee on Commerce in the Senate, and that considered by the Committee on Commerce in the Senate, and that it has the recommendation of the Secretary of War. The Secretary of War wrote a letter to the committee in reply to one from Senator Brown, who introduced the bill, recommending its passage. I will also state for the information of the gentleman, for I am well acquainted with the locality, which is in my district, that the river is only navigable for rafts above the point mentioned in the bill. Steamers never run above that point; and a fixed bridge with one span will make the river easily navigable for rafts.

Mr. CONGER. The bill does not give the width of the snave.

Mr. CONGER. The bill does not give the width of the span. With reference to the bridging of all navigable rivers—
Mr. NICHOLLS. The river is only one hundred and fifty feet wide at that point; it is not there navigable.

Mr. REAGAN. How far is this above the mouth of the Saint

Mary's River?

Mr. NICHOLLS. The distance by river is one hundred and fifty miles; by land about forty miles.

Mr. CONGER. There has been no bill passed authorizing the bridging of any river which is navigable or which may be improved by appropriations of Congress without requiring the bridge to be built in accordance with specifications submitted to the Secretary of War or to the Engineer Department.

Mr. SPARKS. At this point the river is not navigable. It is only about one hundred and fifty feet wide, and is not navigable.

Mr. CONGER. That is about as wide as the Tennessee or the Cum-

Mr. NICHOLLS. There was a letter, as I have stated, from the Secretary of War to the Senate committee recommending the passage of this bill.

Mr. CONGER. I think the very reference the gentleman has made to the origin of the bill shows that it ought to be considered by the

Committee on Commerce.

The SPEAKER. The gentleman from Michigan objects to the present consideration of the bill.

Mr. NICHOLLS. Then let it go to the Committee on Commerce.

The bill was read a first and second time, and referred to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I now demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-seven minutes to one o'clock, and reports of committees are in order.

Mr. FINLEY. I move to dispense with the regular order.
The motion to dispense with the morning hour was agreed to, twothirds being in favor thereof.
Mr. FERNANDO WOOD. I move that the House resolve itself into
Committee of the Whole on the state of the Union for the purpose

of resuming the consideration of the funding bill.

Mr. BAKER rose.

The SPEAKER. The gentleman from Indiana [Mr. BAKER] has indicated his purpose to ask the House to resolve itself into Committee of the Whole for the purpose of considering an appropriation

Mr. BAKER. I desire to report back from the Committee on Appropriations the fortifications bill, under instructions from that com-

mittee, in order that I may antagonize with it the bill in charge of the gentleman from New York.

Mr. FERNANDO WOOD. Do I understand the gentleman from Indiana proposes to go on with the fortifications bill at this time?

Mr. BAKER. That is the intention I had, if the House will con-

The SPEAKER. The agreement made in the House, to which the gentleman from New York acceded, was that when appropriation bills were ready to be acted on he would not antagonize them with the

funding bill.

Mr. FERNANDO WOOD. I so understand it, and of course will not press my motion pending the consideration of this bill. But I express the hope that the Committee on Appropriations will allow me to-day and to-morrow, because I have promised to dispose entirely of the funding bill within these two days, if the House will give me the opportunity.

Mr. BAKER. I desire to say, on behalf of the Committee on Appropriations, that we have now four appropriation bills reported to the House. We consider it of very great public importance that at least four if not more of the appropriation bills shall be considered before the holiday adjournment, and I do not believe that can be done

unless the House gives us an opportunity to take up one of these bills

The SPEAKER. The Chair understands the gentleman from New York does not antagonize the appropriation bills Mr. FERNANDO WOOD. I do not.

FORTIFICATIONS APPROPRIATION BILL.

Mr. BAKER, from the Committee on Appropriations, reported back the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, and moved that it be referred to the Committee of the Whole on the state of the Union.

Mr. BLOUNT. I reserve all points of order.

The motion of Mr. Baker was agreed to.

Mr. BAKER. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Converse in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending

June 30, 1882, and for other purposes.

Mr. BAKER. I move that the first and formal reading of this bill in Committee of the Whole be dispensed with.

There was no objection, and it was so ordered.

Mr. BAKER. I hope that the consideration and disposition of thisbill will not occupy more than an hour or two of the time of the House. I desire to make a brief explanation of the terms of this bill, and of the reasons which have actuated the Committee on Appropriations in reporting it in the form in which it is now presented to the

With a single exception, to be hereafter noted, the appropriation bill that is now before the Committee of the Whole is identical with bill that is now before the Committee of the Whole is identical with the appropriation bill for the same purpose as finally agreed upon at the last session of Congress and which has become a law. The Chief Engineer of the Army, in his estimates of appropriations for the fortifications of the country, submitted in his report to the Secretary of War, recommends the appropriation of the sum of \$4,111,500. The Secretary of War has reduced that amount by \$3,611,500, leaving the amount recommended by the Secretary of War at \$500,000.

The bill now under consideration appropriates the sum of \$100,000, in accordance with the practice that has obtained for the last five years for the protection, preservation, and repair of the fortifications.

years, for the protection, preservation, and repair of the fortifications of the country. The number of forts and batteries that are esti-

of the country. The number of forts and batteries that are esti-mated for is sixty.

The question as to whether or not it is wise at this time to appropriate so large a sum as is recommended for the prosecution of the work of fortifying our seaboard cities is one that deserves the careful consideration of the House and of the country. It is a matter that must be entirely familiar to every member of this House, as well as to every intelligent reader in the country, that our seaboard fortifications are at the present time in a most deplorable condition. I am satisfied that there is no military man who would not admit without controversy that we have no fortifications along our seaboard that are at all adequate to meet the exigencies of foreign war. They

that are at all indequate to meet the exigencies of foreign war. They are utterly inefficient as a means of defense against the assaults of any one of the military or naval powers of the world.

With the immense ordnance that is now carried on ships of war, hurling projectiles weighing from fifteen hundred to two thousand pounds each, and having an effective range of from six to eight miles, there is not a single seaboard city that might not be laid waste by the fleets belonging to a third or fourth rate nation. A single vessel thus armed could lay off beyond the reach of any guns mounted in our forts and levy contributions mon or destroy any one of the great. in our forts and levy contributions upon or destroy any one of the great

mercantile seaboard cities of the country.

In my judgment, this condition of things is not creditable to the legislators of the country. Having this conviction firmly impressed upon my mind, the question might be asked, Why is it that the Committee on Appropriations has not reported a larger sum for the purpose of fortifications and heavy rifles? There is an immediate and pose of fortifications and heavy rifles? There is an immediate and pressing duty resting upon Congress to settle upon plans for the fortifications of the country. Congress ought also to determine upon the kinds of heavy ordnance required to be used upon those fortifications. I believe these subjects ought to receive the early and the careful consideration of Congress and of the country, with a view to the development of a system of fortifications and armament that shall be permanent. This system should look to such a complete and perfect fortification and armament of our great cities along the seaboard as shall place us in a position where we will be invincible. board as shall place us in a position where we will be invincible

against the attacks of our enemies.

But while I thus believe that, I believe on the other hand that it is unwise that we should undertake such a great system of fortifications and armaments as I have indicated, and which mustrum through

a long period of years, hastily and without full consideration of the plan that ought to be finally agreed upon and adopted.

The work of constructing a fortification, fitted to resist modern heavy rifled guns, and of the armament of it is one that must run through a great number of years. And with more than one hundred

forts and batteries, which will be needed for our sea-coast defense, it would require a period of not less than twenty or twenty-five years, even with liberal appropriations, to place our fortifications and their armament in such a condition as would be creditable to a great people such as we are.

ple such as we are.

It was in consequence of the fact that we are now in the expiring hours of this Congress and of this administration that we felt that there was not time, even if there had been a disposition, to investigate these subjects and mature plans and report them in time for Congress to act upon them, so that we might intelligently and understandingly enter upon the prosecution of a work which I believe is of as great necessity as any that can demand the public attention.

That is the reason why we have for the present reported the sum of \$100,000 only, which is all that is needful to continue our works in the condition in which they now are, leaving this important subject as a legacy to the next Congress, which, if it is wise, will devise and mature plans that will be acceptable to Congress and to the country, and which will look to the prosecution through a series of years of this great public interest. great public interest.

We have already commenced the manufacture of large guns, though only upon a moderate scale. We have now converted about one hundred and ten or fifteen smooth-bore Rodman guns of ten-inch caliber into eight-inch rified guns. We have also converted about fifteen smooth-bore guns of fifteen-inch caliber into twelve-inch rified guns. And, in pursuance of an appropriation bill passed at the last session of Congress, a contract has been made with the South Boston Foundery for the manufacture of four twelve-inch rified guns. These are enormous guns: their weight is fifty-two tons each. They are conery for the manufacture of four twelve-inch rifled guns. These are enormous guns; their weight is fifty-two tons each. They are constructed of cast-iron, with a wrought-iron tube of three inches thickness inserted in the bore made in the casting. It is believed that those guns will prove efficient. The contract price for which they are to be constructed is \$46,000 each.

Mr. McCOOK. I think it is \$44,000.

Mr. BAKER. The gentleman behind me says that the price is \$44,000. It is \$46,000 each. To construct these guns in accordance with the contract will take periods of sixteen, eighteen, twenty, and twenty-two months, so that the fiscal year for which we are now about to

two months, so that the fiscal year for which we are now about to appropriate will be within two months of its expiration before the contractor will be enabled to deliver the last of these large guns contractor will be enabled to deliver the last of these large guns already provided for. In the present bill, Mr. Chairman, we provide for the construction during the next fiscal year of four more of these large guns. Without very great additions to the facilities now existing in this country (and they exist only at one establishment) it will be impossible to complete the other four guns provided for in this bill inside of two years from the passage of the bill.

Mr. ELLIS. The gentleman will allow me to ask why will it require two years to complete the guns already contracted for I ask for information.

for information.

Mr. BAKER. The reason is this: We have never heretofore manufactured in this country so large a gun, with one single exception, as the guns now ordered. To prepare for the manufacture of these guns the South Boston Foundery found it necessary to invest a large sum of money in the purchase and importation of plant for the prosecution of the work. The carrying on of this work more rapidly than this establishment is able to do it now would involve the necessity of a very large additional expenditure and a very large increase of

As I was saying, the cost of one of these large guns is \$45,000. Under this contract it costs us, within \$500, the same amount of money to cast one of these large guns, to insert a wrought-iron tube, and to prepare it for use, that it would cost to purchase a steel gun from the Krupp factory at Essen, a gun constructed of steel throughout. There is a practical question presenting itself to the House and to the country when we come to consider the propriety of any considerable increase, involving a large expenditure of money on the part of a single private establishment to enable it to manufacture these large guns. There being only one establishment in this country capable of manufacturing these guns, that establishment is of course a monopoly; and if there is to be simply a single appropriation looking to the expenditure of a large sum of money, no prudent manufacturer in the United States would venture to invest his means for the purpose of purchasing and putting in place the machinery and plant necessary in order to enable him to compete with the single foundery now engaged in the manufacture of these guns. Before there can be force. now engaged in the manufacture of these guns. Before there can be competition among private establishments Congress must settle down upon a defined policy which shall run through a long period of time.

It would seem that the price we are compelled to pay for these

It would seem that the price we are compelled to pay for these guns that we now order is largely in excess of what we ought to pay for iron guns. I do not see, however, how we can expect better rates until we shall convince business men who may feel disposed to enter upon the manufacture of guns that they can do so with a reasonable prospect of having work for a long time. We ought to be able to manufacture in this country a steel gun substantially as cheaply as such guns are manufactured in Europe. There is no reason, so far as I can see, why we should not construct guns as good and as cheaply here as they can be made elsewhere.

Now, Mr. Chairman, if we should appropriate the whole amount asked for by the Chief of Ordnance, it would involve a determination by the House in advance of two questions. The first question is whether the House will now determine upon a permanent policy

of having guns constructed at a single private armory. The other question (it is possibly the same question in another form) is whether or not the Government, when it shall have determined to enter upon the construction of its large ordnance, will prosecute the work through its own establishments in the same manner as it manufactures its small arms. It seems to me, Mr. Chairman, that this question, involving as it must the construction of all the guns demanded by exigencies of our public defense, requires mature deliberation. I had hoped that the Committee on Military Affairs would mature some plan looking to the construction of guns and of fortifications, and would have reported such a plan to the House in order that the House and the country might settle upon a definite policy in reference to se large a subject. It seems to me, however, that in these expiring hours of the present Congress and the present Administration it would be unwise, by making a larger appropriation than that recommended by unwise, by making a larger appropriation than that recommended by the committee, to commit Congress, even in a quasi manner, to the policy of constructing these gans at a single manufacturing establishment. Such a policy, it must be apparent to any one upon reflection, amounts to giving a monopoly which would enable this single firm to command its own prices. We should decide to manufactured gans in our own establishments; or, if they are to be manufactured by private establishments, we should adopt such a policy as will satisfy prudent business men that they can make an investment without peril in consequence of some sudden change of policy.

While I believe that I would go as far and as rapidly as any man on this subject, I feel that it is too large a one, one that runs too far into the future, one that involves questions of policy of too grave consequence to justify this House at this late hour, without mature consideration, to project any policy which would look to the foreclosure of the full consideration of this question by a new House and a new administration coming up fresh from the people.

I confess, Mr. Chairman, that I have never been more gratified than

I confess, Mr. Chairman, that I have never been more gratified than I have been to-day by one effect which is now apparent resulting from the late presidential election. The interest which 'see evinced among my democratic friends in favor of the fortification and armament of our seaboard satisfies me that the recent election has convinced them at last that this is a nation, and that, being a nation, it is entitled to be defended. I think, however, that the subject of defense at this time cannot be pridently settled and that it had better be left to the next Congress. I believe there is a wide-spread feeling over the country which will compel the next Congress to report some settled plan looking to the accomplishment of the object I have stated.

Mr. Chairman, there are only one or two other features in the bill. It embraces only four topics: First, the item for the protection, preservation, and repair of the fortifications of the country; secondly, the armament of these fortifications; thirdly, an appropriation of \$50,000 for torpedoes; and lastly the authority given to the Secretary of War in his discretion either to sell or to exchange the unserviceable and unsuitable powder and projectiles now on hand.

We have at this time over fifteen thousand barrels of damaged and unserviceable analysis stored principally at Saint Louis and in the

unserviceable powder stored principally at Saint Louis and in the vicinity of New York. It is strange with the attention of Congress called to this subject as it was in 1873, and as it had been in former years, that until last year no attempt was made on the part of the Government to construct a suitable building for the preservation and

protection of our powder.

We have on hand at this time also over ten thousand tons of projectiles which have become unserviceable. The Secretary of War asked of our committee that he might be permitted to sell or exchange the damaged and unserviceable powder and unserviceable projectiles and, with the proceeds arising therefrom, purchase new powder and projectiles for the necessary use of the Army. I find, sir, in the year 1873, in consequence of a like condition of things having been brought to the attention of Congress, on the 3d of March, 1873, provision was made in an appropriation bill substantially in the words of the one

hade in an appropriation of it subscantiarly in the words of the one here reported, authorizing the exchange of unserviceable powder then on hand for powder that was fit for use.

I have, Mr. Chairman, I believe, now said all I desire to say in the presentation of this subject to the consideration of the Committee of the Whole House. If there is any gentleman who desires to speak in my time, I shall be happy to yield to him.

Mr. BRAGG. I desire to ask the gentleman from Indiana a question

Mr. BAKER. I will yield for that purpose.

Mr. BRAGG. I see on the second page of this bill, grouped together in one paragraph:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, and the masufacture of four improved breech-loading twelve-inch rifled guns, \$100,000.

I desire to inquire whether the officers in charge of the Department in making their estimates have not specified the sums for each one of the items in that paragraph?

Mr. BAKER. In answer to the gentleman from Wisconsin, I will say if he will turn to page 80 of the Book of Estimates he will see that the recommendation of the Department is divided into four different topics; namely, \$500,000 for the conversion and manufacture of heavy ordnance—so that the conversion and manufacture of heavy

ordnance is placed in one item; carriages, projectiles and powder for heavy ordnance, \$250,000; for proving grounds and proving cannon, carriages, projectiles, fuses, &c., \$20,000; and for the further and complete testing of experimental guns, \$117,600. They are thus embraced in four different topics in the Book of Estimates.

Mr. BRAGG. The object of my inquiry, if the gentleman from Indiana will permit me, is to know why, then, in this appropriation bill, for each class of improvement recommended by the Chief of Ordnance a sum specified for that class is not recommended rather than

for the whole in lump, \$400,000.

I will state now the reason of my inquiry. Upon a discussion of this question with other members of the Military Committee, there was manifest disposition on the part at least of some members of that was manifest disposition on the part at least of some members of that committee to recommend a large and liberal appropriation for the manufacture of heavy guns. But we desired to limit our recommendation, if we should make such a one, to the construction of heavy guns, their trial, carriages and things appertaining to them, and them alone. We were entirely at a loss to know what recommendation we should make in that regard, under the phraseology of this bill, if the committee when the matter was submitted to them should direct any member of that committee to make such recommendation to this bill. For, sir, here we have four improved breech-loading twelve-inch rifled guns recommended, without any expense to be at-tached to them. If the Committee on Military Affairs should be distached to them. If the Committee on Military Affairs should be disposed to recommend eight or ten or twelve guns, and increase the appropriation accordingly in order that the work might be going on for the purpose of supplying our fortifications with the needed artillery, we have no means under the manner in which this bill is drawn to make that recommendation understandingly and prevent its being appropriated to any other purpose than that for which we should choose to recommend it.

Mr. BAKER. I desire to say in reply to the gentleman's inquiry that I am not responsible, neither are the present members of the Committee on Appropriations, for the form in which this paragraph stands. The practice of putting it in this shape was one which original.

Committee on Appropriations, for the form in which this paragraph stands. The practice of putting it in this shape was one which originated many years ago. It originated, Mr. Chairman, out of this consideration: The Department preferred in the event there was no considerable sum to be appropriated for each of these specific objects that the amount for the whole should be grouped together in order to enable the Ordnance Department to meet the necessities of the service as they might arise during the fiscal year. There were some of these objects, for instance, for powder, fuses, projectiles, and the like, which are of such prime necessity, and the amount which might be called for is so uncertain, that it was the request of the Ordnance Department if we did not appropriate substantially the amount asked for, then it should be grouped together in the way in which it is in this bill. And I desire to say that if the whole appropriation remains as small as it now is, it seems to me there will be danger of crippling the Ordnance Department in some of its essential operations if we should undertake to distribute by law the particular sums out of this \$400,000 which should be used, for instance, in the purchase of powder, fuses, projectiles, and like articles, and another specific and definite sum for the manufacture of guns.

Mr. PRACG Wonli it confront

another specific and definite sum for conversion, and still another specific and definite sum for the manufacture of guns.

Mr. BRAGG. Would it confuse to frame the bill in accordance with the specifications they themselves make recommendation for? Mr. BAKER. Certainly not if Congress is disposed to appropriate the amounts recommended in the estimates. Otherwise it would.

Mr. McCOOK. How much of this will be consumed in the manufacture of breech-loading rifle guns? If the gentleman is able to give the information, I would like to know. Or can anybody give it?

Mr. BAKER. I desire to say, in response to the sollo roce exclamation of my friend from Wisconsin, that I apprehend there is somebody that knows how much will be consumed for that purpose. I take it the Chief of Ordnance ought to know, and I hold in my hand a dispatch which I have received from him, which I think will convey the information desired.

wey the information desired.

Mr. BRAGG. I beg to remark to the gentleman from Indiana that it was not I that made the remark to which he has just alluded.

Mr. BAKER. I beg the gentleman's pardon, then. I will respond to the gentleman from New York, who made the inquiry. The dispatch which I hold in my hand specifies:

For new guns-four twelve-inch breech-loading rifles, \$46,000 each.

I desire to say, Mr. Chairman, before reading this telegram, which is in response to an inquiry which I sent to the Department as to the distribution of the appropriation of \$400,000 contained in the bill for the current fiscal year, that this gives in detail the manner in which that fund is to be expended. It is as follows:

New guns-four twelve-inch breech-loading rifles, \$46,000 each.

The following are for converting:

For converting two eleven-inch breech-loading rifles from fifteen-inch smooth-bores, each \$17,0.0; and five eight-inch breech-loading rifles—

Converted from ten-inch Rodmans-

each \$7,000; one twelve-inch breech-loading mortar, \$16,400; one twelve-inch gun, iron carriage, \$15,000;

making a total of \$342 000 out of \$400,000 appropriated in the bill that is to be used in the construction of guns or for their conversion for the current fiscal year.

I repeat, Mr. Chairman, and ask the attention of the committee to what I said, that in answer to a letter of inquiry addressed to the Chief of Ordnance as to the method in which this appropriation of \$400,000 in the last appropriation bill was to be expended, or proposed to be expended, he sent me this dispatch showing that it was being expended in the construction of four new breech-loading rifles; in the conversion of two eleven-inch rifles; in the conversion of five eight-inch rifles; in the manufacture of one twelve-inch mortar, and in the construction of one gun-carriage for a twelve-inch rifle, making a total expenditure, out of that sum of \$400,000, of \$342,000.

I apprehend that if we continue the appropriation for the next fiscal year on the basis of \$400,000, the Chief of Ordnance will be enabled to expend a like amount and to convert a like number of guns or to manufacture a like number of new guns; and I desire to

guns or to manufacture a like number of new guns; and I desire to say, Mr. Chairman, in my judgment, unless we are prepared to-day to enter upon the experiment and settle it for the future of placing the construction of these large guns entirely in the hands of one corporation, that the amount of money now being used is all that can be wisely used until we have settled upon some plan such as I have suggested.

It is apparent, Mr. Chairman, when it will require from sixteen to It is apparent, Mr. Chairman, when it will require from sixteen to twenty-two months for the completion of these four guns, that it is entirely idle for us to make appropriation of a vastly larger sum than is provided for in our bill with the hope or the expectation of any speedy completion of them without we can get establishments—private manufacturing establishments—of such magnitude as will be able to manufacture guns in four or six months, instead of sixteen and twenty-two as now, or else establish by the Government a manufactory where they can do the work for themselves.

Mr. McCOOK. Do I understand the gentleman from Indiana to say that the capacity of this establishment in South Boston, Massachusetts, is limited to the construction of one gun every sixteen or

chusetts, is limited to the construction of one gun every sixteen or eighteen or twenty-two months?

Mr. BAKER. No, I do not say that.

Mr. McCOOK. I understood the gentleman to say that contract was made for the delivery of one of these guns in sixteen months, one

in eighteen, and one in twenty-two.

Mr. BAKER. No, I have stated that the contract required the construction of one gun in sixteen months, another in eighteen months, another in twenty months, and another in twenty-two months; and, although I have not made the specific inquiry, I apprehend that the Chief of Ordnance, acting upon the manifest intention of Congress for the speedy construction of some of these large guns,

of Congress for the speedy construction of some of these large guns, made the very best contract he could in reference to their delivery—
Mr. McCOOK. Nobody questions that.
Mr. BAKER. And also as to their cost and the time of completion.
Mr. McCOOK. Nobody questions that the best contract was made that could have been made. I have no doubt of it. My question, however, is, suppose the committee were to increase this appropriation so that the Chief of Ordnance was authorized to construct eight or twelve or a larger number of breech-loading guns, in what time, from your view of the matter, would it be practicable to obtain them, or how long would it take for their construction?
Mr. BAKER. My judgment is, from the inquiry I have already made, that if eight guns were ordered the Forty-seventh Congress will have expired before they are completed.
Mr. RANDALL, (the Speaker.) What would you use them for after they were made?

Mr. BAKER. I desire to say to my distinguished friend from Pennsylvania I would suggest the use of some of them to protect the harbor of New York and the city of Philadelphia, which he in part so worthily represents

worthly represents.

Mr. RANDALL, (the Speaker.) The very moment it appeared anybody had a thought of attacking the harbor of New York no one would be quicker than I would to appropriate money for its defense from the public Treasury. But I do not think the gentleman's grand-children will see anybody attacking the harbor of New York.

Mr. McCOOK. If the gentleman from Indiana will permit me, I

will remind the distinguished gentleman from Pennsylvania that since 1776 this country has been at war either with itself or with forsince 1776 this country has been at war either with itself or with foreign powers sixteen years out of the hundred; in other words, that during one year in every six we have been at war. When you take into consideration the Indian wars, the fact is we have been perpetually at war since the organization of the Government. And the distinguished gentleman from Pennsylvania, while both of us are men of peace, I apprehend has no special privilege to inform this committee that our grandchildren, if we have any, will never see war. We have no assurance that within twelve or twenty-four months we may not be at war with some of the great maritime powers of the world. In that event, as the gentleman from Indiana has stated, the harbors of our country would be practically defenseless, and the great harbor of New York would be at the mercy of a third or fourth rate power if its fleet was led by such a plucky and courageous man as Admiral Farragut.

Mr. BAKER. I desire to say to the distinguished gentleman from Pennsylvania that the expenditure of money in this direction, even the lavish expenditure of money whenever danger shall actually confront us, will be entirely valueless. I affirm here from some considerable investigation of this subject that if we were involved in war with any nation, not alone a first-class nation, but with even a

third or fourth rate nation, it would be utterly impossible to put any one of our large commercial cities on the seaboard into anything like an adequate condition of defense against either destruction by bom-bardment or being put under tribute in order to avoid that ter-rible calamity—it would be utterly impossible to do it inside of two

These fortifications, Mr. Chairman, even if they are made of iron, have got to be of immense thickness. A two-thousand-pound shot—and there are many guns belonging to nations that are not first-class

have got to be of immense thickness. A two-thousand-pound shot—and there are many guns belonging to nations that are not first-class that hurl a shot of a ton weight, and are effective at a distance of five or six miles—will plow through an earthwork, when fresh and loose, more than thirty feet; and even when compacted it ought to be of not less than forty feet in thickness.

And, let me say, the manufacture of these guns even in such an establishment as the Boston one I have referred to is a work that requires time. But I am not urging to-day, Mr. Chairman, (but am combating the feeling that I find quite strong on the democratic side of the House,) the policy in these expiring hours of this Congress and this Administration of entering wildly into a large expenditure of money for this object that I believe is so important and so desirable.

Mr. RANDALL, (the Speaker.) Or increasing appropriations this session for any other object.

Mr. BAKER. I think the appropriations ought to remain substantially as they are, and I have been endeavoring to show why they ought not to be increased at this time; and, at the risk of being a little tedious, I desire to repeat again that if we shall enter upon the construction, as suggested by my friend from New York, of eight of these immense guns, we settle first the policy that instead of using the steel gun, such as European experience has demonstrated to be the best, we shall use the cast-iron gun with only a wrought-iron tube of three inches in thickness inside of the cast gun. It would settle that policy; because when we have not additional money necessaries. tube of three inches in thickness inside of the cast gun. It would settle that policy; because when we have once induced a single private establishment to invest the large sum of additional money necessary to procure plant from Europe, so that it shall put a large additional force of men at work to construct these guns, we would be committed, not only to the form of gun, but in addition to that we would be prompted to continue, for a series of years, our appropriations; because these parties would come here and, with justice, too, would say that on the faith that they reposed in the American Congress they invested their money, and were entitled to fair treatment at the hands of this Congress and of its successors.

For that reason, Mr. Chairman, I would not involve the country in that experiment now; but I do affirm, and my conviction is fixed, that one of the highest duties of statesmanship, in my judgment, is to put this country in such a position of defense both as respects

to put this country in such a position of defense both as respects guns and fortifications as that no petty foreign power shall be able to ravage our coasts and to lay the commerce of our cities under

One thing further, and then I believe I shall have done. There is recommended a sum of \$117,600 for testing and trying five experimental guns that were manufactured some years ago. We have not recommended a sum of \$117,600 for testing and trying five experimental guns that were manufactured some years ago. We have not appropriated for that purpose. Although it may properly come into this bill, it really belongs in the Army bill. And I am opposed to reporting it for this reason: Congress, whether wisely or unwisely, has forced upon the Ordnance Department of the Government the construction of certain classes of guns. For instance, they have adopted these twelve-inch guns, weighing fifty-two tons each and having a bore of seventeen feet in length, and instead of making them of steel make them of cast-iron with a wrought-iron tube inside; and I confess I can see no reason why we should appropriate money for the purpose of testing these five experimental guns until we have determined that we will bring forward and consider this whole subject of guns in something like a systematic and statesmanlike manner.

I now yield to my friend from Maine, [Mr. REED.]
Mr. REED. How much time is there left of the gentleman's hour?

The CHAIRMAN. Fifteen minutes.

Mr. BAKER. If my friend prefers, I will consider my hour closed and let him take the floor in his own right.

Mr. REED. Either way would satisfy me; though fifteen minutes will probably cover all the time I desire to occupy.

will probably cover all the time I desire to occupy.

Mr. BAKER. Very well.

Mr. REED. If the matter to be discussed by this House to-day were contained in the bill now before the House, I should not trouble gentlemen by any observation of mine. I am informed, however, that the Committee on Military Affairs, or individual members of it, propose to move two amendments to this bill which, in my judgment, will give some life and some point to it.

The first is an amendment to appropriate \$500,000 for building fortifications, and a similar or a larger sum for furnishing the same with

fications, and a similar or a larger sum for furnishing the same with ordnance. As the matter now stands this country is in a condition as to its sea-coast defenses which, taking into account its financial condition, is disgraceful in the extreme. As long as we were struggling with a situation that might show a deficit in our revenues as compared with our expenditures, we could perhaps neglect a duty which seems to me to be obvious, the duty of providing for the defense of the country. But now, with a large surplus revenue, we can afford to look our situation fairly in the face.

Our sea-coast from one end to the other cannot now be defended

against the navies of second and third rate European powers. To-day

our best defended harbors can be entered by the war ships of Europe,

safely to themselves and with the utmost injury to us.

For the defense of the city in which I live there are three forts, four or five even, including the outworks, which are in various stages of completion. Those which are the nearest completion are probably the most useless. One of them, situated in the inner harbor, is built upon the plan of Fort Samter, and against a well-equipped iron-clad ship is to-day useless. The others, which are also somewhat near completion, would be unable to take care of a ship of the class to which I refer. And beyond that, such has been the increase of range of modern guns that a ship of war of the first class could lie beyond the reach of the guns of any one of those forts and shell the city and capture it in due time. Now, it is proposed to construct forts (and they have been laid out and work begun upon them) whose guns will reach vessels stationed in such a position as I have indicated. But for the last four years Congress has declined to appropriate for the fortifications of this country money enough to even keep them in their present dilapidated condition.

It seems to me that we must meet the possibility of war happening within the life-time of persons now living. But even, as our Speaker has suggested, if it is going to happen only in the time of our grand-children, yet taking into consideration the possibility that it may happen during the period extending from now until the time of our grand-children, it is worth while for us to face the question of the danger if we are to meet it. If the chance be but one in fifty, and we can meet the chance of the destruction of hundreds and thousands of millions of dollars by the expenditure of five or six millions then

we can meet the chance of the destruction of hundreds and thousands of millions of dollars by the expenditure of five or six millions, then by that expenditure we will fairly meet the chances against us.

Mr. BAKER. Will the gentleman allow me a moment?

Mr. REED. Certainly.

Mr. BAKER. Is not the gentleman aware that any adequate fortification and armament would involve perhaps six times the amount be engagets?

he suggests?
Mr. REED. Six times four millions?

Mr. BAKER. Yes.
Mr. REED. I have no doubt of it. And when I come to that point in the regular order of my remarks I propose to say something about

it.

I desire now to say that our present condition is defenseless, and the question comes up how we shall meet it? There are various ways that have been suggested. In the first place, it may be said that a foreign nation can land troops at a distance from our fortifications and in that way capture the cities those fortifications are intended to defend. But all that takes time, and we can meet a land force with a land force. We cannot watch a navel force with an army of observation; or even if we could it would require in a single year the expenditure of as much money as my friend from Indiana [Mr. Baker] says will be necessary for the construction of the necessary fortifications. fortifications.

Can we meet that difficulty with a navy? The first answer, which is conclusive for the present, is that we have not got any navy. And for the future it will cost more to provide a navy such as we need to meet such an emergency than it will cost for fortifications.

But no navy can be ubiquitous. Every nation that depends entirely upon its navy, especially with a coast extending thousands of miles, must take the chance of the enemy's navy not meeting theirs.

So we have but one way in which to meet this question, and that is by the construction of forts. Modern science in the matter of fortifications has kept pace with modern science in the matter of ordnance. To-day forts can be built that will be impervious to any ordnance that can be brought against them upon war ships, because forts can be casemated with iron in the same way that ships can be, with this tremendous advantage, that you cannot sink a fort as you

can a ship by the weight of its armor.

We are brought down, then, to the question what we shall do now.

What we must do ultimately seems to me clear beyond doubt or peradventure. What shall we do now I I confess that I am convinced by the argument of the gentleman from Indiana that we ought to go to work at once. If it will take a great while to do these things, the sooner we begin the sooner the work will be accomplished. And for my part, although I accept, as a possible member of the next Congress, the touching tribute which he has paid to their probable wisdom, I think that in all probability we are just as wise to-day as those gentlemen who are to succeed us in the future; and I think the Engineer Corps is just as capable to-day of meeting this question as it is going to be after the first Monday of next December. I think also that, in view of the length of time it always takes to get the people stirred up to a necessity like this, the sooner we commence the better for us and the better for the nation that we represent.

For tide the better for the nation that we represent.

Fortifications for the defense of our principal cities will render them impregnable, and will put us in such a position that we shall be likely to be preserved from war with foreign countries, so that not even our grandchildren may have to suffer from that danger. Everybody knows in the experience of life that being prepared is the greatest protection in the world, and, I have no doubt, there are some gentlemen before me who have had the experience of keeping out of difficulties simply because they were supposed to be equal to them if they got into them.

they got into them.

Mr. Chairman, this matter seems to me plain; it seems to me to be

in a nut-shell. We can for a sum of money which compared with the resources of this nation is trifling put ourselves in a condition of defense, a condition of safety; and although the chances of war are small, (nobody wishes them smaller than Ido,) nevertheless such are the passions of mankind that we are liable to war, and liable to it just when we are thinking that nobody but our descendants are going to suffer in that way. I submit that we ought to seize the opportunity of our large revenues to accomplish this most desirable, useful, and valuable work. and valuable work.

Mr. ELLIS. Mr. Chairman, that I represent a seaboard city, or one which can be easily reached from the sea and is utterly defenseless, must be my apology for intruding upon the House what I have now

It has been admitted by the gentleman in charge of this bill [Mr. Baken] that our sea-coasts are absolutely defenseless. Fifteen thousand miles of sea-coast, embracing great cities, commencing with Bangor and Portland on the Atlantic coast, and ending with San Fran-

sand miles of sea-coast, embracing great citates, commencing with bancisco on the Pacific, are absolutely and utterly defenseless.

The Chief of Ordnance, General Benét, told me on Saturday that the largest gun in position in New York Harbor is a twenty-inch smooth-bore gun, incapable of penetrating ten inches of iron armor; and I have before me a carefully prepared list of the vessels of foreign navies, showing that there are over seventy vessels of war which are plated with more than ten inches of iron, and that in case of war which are plated with more than ten inches of iron, and that in case of war with either of these nations—Austria, Brazil, Denmark, England, France, Germany, Italy, Norway, Sweden, Russia, Spain, or Turkey—a man-of-war from either of them could ride safely into New York Harbor without being injured at all by a single gun now placed there, and could levy upon that city a contribution one hundred times as great as the Chief of Ordnance asks for the making of great guns to defend that and other important positions.

But the gentleman in charge of this bill says that now is no time to consider this question; that this is an expiring Congress; that a new Administration is coming in, and if any change of policy is needed it can be inaugurated under that new Administration. Why, Mr. Chairman, when will the time come for the consideration of this important measure? Every warning of experience, every voice of his-

portant measure? Every warning of experience, every voice of history tells us that in time of peace we should prepare for war, and that the best ambassadors for peace are coasts perfectly defended, an army in perfect condition, and a navy capable of competing with the navies of the world. When will the time come when we can consider this question? The Appropriations Committee need not have reported this bill now. If they needed more time for deliberation, they could have withheld it until January or even February. This is a very important question; and there is time for consideration. Will they wait until war comes? Will they wait until the peace of our skies is disturbed by the tempest of war? Will they wait until some foreign man-of-war in New York Bay or Boston Harbor, or in the turgid waters of the Mississippi, or in some other bay or river fronting our great cities, shall levy tribute on those cities or burn them down? I ask any man representing a seaport city whether he could face his people in that hour when they were gathering their money and their jewels and doing what they might to save their city from desolation? I ask this Appropriations Committee how they would face the people in such an emergency. [Mr. Sparks made a portant measure? Every warning of experience, every voice of hiswould face the people in such an emergency. [Mr. Sparks made a remark in his seat.] I ask this gentleman who interrupts me, and who securely dwells in the bosom of Illinois, more than a thousand miles from the sea-coast, I ask him how he would account to the country for his position upon this question?

Mr. SPARKS. I beg the gentleman's pardon. I did not interrupt him. My remark was addressed to another gentleman.

Mr. ELLIS. I beg the gentleman's pardon. I thought it was a

Mr. ELLIS. I beg the gentleman's pardon. I thought it was a hostile interruption.

Mr. BARBER. Has the gentleman from Louisiana [Mr. ELLIS] had his attention called to the newspaper accounts of a torpedo-gun lately perfected by Captain Ericsson, which promises to revolutionize the whole system of coast defenses?

Mr. ELLIS. I have seen some account of a new torpedo that has been invented by him, but as high authority as General Benét and as distinguished authority as General Gillmore, in charge of the Atlantic defenses, have declared that a torpedo is no defense at all unless defenses, have declared that a torpedo is no defense at all unless there be guns in position to protect it, because a vessel of war simply comes up and removes the torpedo unless it is protected by such guns.

Mr. COX. I hope my friend from Louisiana if he has General Gillmore's letter will have it printed in the RECORD as part of his speech.

Mr. ELLIS. I have it here, and, with the consent of the House, will insert it in my remarks.

Mr. ELLIS. I have to here, and, with the consent of the House, will insert it in my remarks.

Mr. COX. It is absolutely irrefragable.

Mr. ELLIS. I ask permission to print the letter of General Gillmore as a part of my remarks.

The CHAIRMAN. The Chair hears no objection.

The letter is as follows:

HABBOR DEFENSE—THE REQUIREMENTS OF ADEQUATE PROTECTION—CAPTAIN ERICSSON'S NEW WRAPON AND ITS LIMITATIONS—PERMANENT FORTS SUPPLEMENTED BY CHANNEL TORPEDOES THE ONLY PERFECT SAFEGUARD.

To the Editor of the Tribune :

Six: Some newspaper criticisms upon the method of harbor defense advocated by the Chief of Engineers of the Army have recently appeared which are deemed to be so essentially illogical and unsound as to demand notice. It is asserted: (1) That some authorities would place their whole dependence upon lines of channel

torpedees; (2) that others would trust to nothing but hastily constructed earthworks to meet an expected naval attack, and that our late was settled the fact that such works are better than fortifications of iron and stone; (3) and that still others regard an iron-clad navy as the only sure and safe defense. These several points will be briefly discussed in the order named.

First, the requirements of a good defense are determined by the character and magnitude of the attack. This is especially the case in artillery combats between shore batteries and fleets. If an enemy brings heavy cannon against us we must protect our guns from heavy shot or they will soon be destroyed. And if his vessels also carry thick defensive armor we are forced to use heavy projectiles or our defense is worthless, for, where a large gun is needed to deliver a crushing blow, no possible accumulation of smaller guns will answer instead. Cumulative force implies unity of mass and impact. A thousand pounds of grape-shot, even if fired as one volley, can be stopped by a one-inch steel plate, but if sent as a single bolt it will shatter the best twelve-inch armor.

Having the heavy guns so mounted as to be suitably protected from destruction by the enemy's fire, let us add another condition, that these guns shall have time to do their proper work; that is, that the hostile flest cannot run past them without stopping, but will be arrested by torpedees or some other channel obstruction, and we have the whole theory and practice of modern harbor defense by fortifications and their accessories. It is a popular error, supported by no experience and by no authority either military or naval, which assumes that a defense by torpedoes however perfect in itself, can stand alone. To be of any use the torpodoes must be protected from removal by the enemy, the best and cheapes; protection yet deviaes the protected from removal by the enemy, the best and cheapes; protection yet deviaes the protection of the cannot be protected from the protection of the

than ever before, were supplied with iros shutters to stop grape, canister, and riffe bullets. General Totten, late Chief of Engineers, deemed this precaution necessary in order that the cannoniers, even in casemates, might be able to stand to their guns.

The lessons of our civil war, and of all modern wars, so far from justifying a recourse to earthwork for channel defense, all point the other way. At Fort Royal our fleet, although composed of wooden vessels only, drove the garrisons precipitately from their works on both sides of the harbor. In the operations before Charleston it was no uncommon sight to see the New Ironsides alone allence the fire of Fort Wagner (a very strong earthwork) so that the work in the trenches could proceed unmolested; and on our western waters running a battery became almost an every-day occurrence, the important question in such cases being whether the channel itself was free from obstruction. A good defense, therefore, against armored vessels of modern type requires that the batteries shall be armed with heavy guns, that the guns shall be protected from the enemy's fire, and that the auxiliary defense by channel torpedoes shall be of such magnitude that no vessel can actempt to run the gauntlet through them without incurring the most imminent risk of destruction. A defense of this potential character—a defense designed quite as much to prevent an attack as to defeat it—is a most powerful conservator of the national peace. Indeed, the true office of permanent defenses is to avert war. They are the guardians rather than the champions of the public good, and of the lives and substance of the people.

Third. The idea that an "iron-clad navy" alone will furnish a sure defense is both attractive and popular; but it is one which finds no practical existence even among naval powers. Its truth as a theory is freely admitted, because a barbor fleet, if as powerful as the enemy's, would be expected to make, and no doubt would make, a good defense. But a the very best in that case the chan

These maxims exclude a defense by naval means wherever shore batteries are applicable, and point to the necessity of depending mainly upon those agencies, exclusively our own, which are always able to keep the enemy at a disadvantage, to wit, permanent forts, which he cannot mainly with him, and channel torpedoes, which he cannot employ.

The auxiliary use at important localities of torpedo boats, rams, submarine artillery, and other forms of naval power, will not be discussed here at any length. It may be said, however, that these forces being affoat may be largely neutralized by others of like nature from beyond the seas. The main reliance, after all, must therefore beupon shore batteries and channel torpedoes, and the combined strength of these must be as great as if no auxiliary aid were employed. Otherwise, when the auxiliaries fail—as they would if we possessed less strength affoat than the enemy—no adequate defense would remain and the position would be lost.

Army Building, New York, November 22, 1880.

ARMY BUILDING, NEW YORK, November 22, 1880.

Mr. ELLIS. Now, Mr. Chairman, such being the condition of our sea-coasts, what is our duty as Representatives here? We have an intelligent corps of engineers, we have intelligent ordnance officers who have charge of the defenses of the country, or of organizing the defense of the country, and it is our duty to support them and to give them the money which is necessary to completely arm our coasts. Now is the time to begin, and I for one shall give my voice and my vote and my influence for supporting and maintaining the engineer and ordnance corps of the United States so as perfectly to protect all our coasts and all our great cities.

My friend from Indiana, [Mr. Baker,] in charge of this bill, de-

clares that we may commence this work some time in the future, and yet we are told that it requires sixteen months to make a single twelve-inch rifled gun to penetrate twenty-five inches of armor. Why,

Mr. Chairman, the more reason we should increase this appropriation, for it is impossible to tell when war will break out.

Mr. BAKER. The gentleman from Louisiana will pardon me, but did he say I spoke of a twelve-inch rifled gun capable of penetrating

twenty-five inches of armor?

Mr. ELLIS. I am informed by General Benét that the twelve-inch rifled gun now under contract, and the first one of which is to be delivered in about sixteen months, will penetrate twenty-five inches of iron armor.

Mr. BAKER. Iron armor?
Mr. ELLIS. Yes, sir. Now, if it requires sixteen months to make these guns, I see the more and the greater reason why we should increase this appropriation, because it is in the infrequency and uncertainty if the property of the pr tainty of these appropriations that is found the great delay in making the guns—because no institution in the United States can afford to import the plant and construct the machinery necessary to make these great guns from the infrequency and uncertainty of these appropriations.

We ought to have, whether under the auspices of the Government or conducted by private enterprise and capital, in the United States works complete in every department, keeping pace with the constant improvements in the machinery of war, and capable of turning out all the guns and all the ordnance stores we need for the purpose of our defense. I would not only vote to increase this appropriation, but I would go further; I would vote to make it a permanent appropriation, in order that the conductors of these private enterprises or the Government itself might erect great workshops, with every means and appliance, so that all the materials for the defense of the country could be rapidly perfected as they are needed.

In regard to the condition of our fortifications, listen to what the Chief of Engineers has to say. First, in regard to Fort Schuyler, on the East River in New York, in charge of Lieutenant-Colonel H. L.

Abbot, Corps of Engineers, he says:

The sum asked (\$150,000) is urgently needed to complete the extension of the barbette tier of the main work and other modifications designed to give room for a modern armament, and to complete the exterior earthen battery. Time is essential to this work and if left until the breaking out of war the position could not be preperly defended.

Again, he says in regard to the fort on Willets Point, eastern entrance to New York Harbor, in charge of Lieutenant-Colonel H. L. Abbot, Corps of Engineers:

Abbot, Corps of Engineers:

The military necessity of resuming work at once at this locality cannot too strongly be urged. The steady improvement of the channel through Hell Gate, the rapid extension of the city of New York toward the upper end of the island, bringing property of immense value within range of bombardment by any fleet passing the lime defended by Fort Schuyler and the fort on Willets Point, and the fact that these batteries are in a state to render a great increase of strength possible with comparatively small expenditures, should make this channel perhaps the first in the United States to receive attention. It will be a fatal mistake to suppose either that the work can be done promptly at the beginning of a war or that the channel can be effectively closed by torpedoes in the present state of the forts. Since the site is contracted, only a limited force can work to advantage; the gun platforms should rest on concrete, which will require time to harden, and which cannot be safely laid in freezing weather. Time for preparation is therefore a necessity.

Whose voice shall we heed if we do not heed his voice who is

Whose voice shall we heed if we do not heed his voice who is

Whose voice shall we heed if we do not heed his voice who is charged with completing and perfecting these works of defense? The same is the case in regard to our fortifications for the protection of other great cities and other great interests of the United States.

But we are told by my distinguished friend, the Speaker of the House, we have no war and that it is likely we will not get into a war. Why, what man can say we will not be involved in war within the next week? We are reminded of the remark made by the distinguished gentleman from New York [Mr. McCook] that we have been engaged in a war every six months within the history of our national life. Although we are not involved in any complication at

present ourselves, yet the skies are not clear and cloudless. There a speck of war between the two great nations of Northern Europe There is Russia and Germany—which may burst forth at any moment. Ireland, poor old Ireland, is about to be made again to writhe in anguish upon the scalpel-board of British policy and British experiment. There is a fierce and stubborn war now waging between two of our sister republics of South America, and Cuba, the dependent of Spain, fires upon our commerce every two months with impunity.

I hope when the new Administration comes in it will cease to listen to apologies, and inaugurate a policy that will teach the nations of the earth that it will protect American commerce and American sea-men wherever its flag floats.

Now, Mr. Chairman, I have said about all I desire to say upon this question. I earnestly press it upon the attention of members of this House generally, upon every Representative here who has among his constituency a city the walls of which are washed by the waters of constituency a city the waits of which are washed by the waters of the ocean or the rivers that flow into the sea. I now yield the remainder of my time to the gentleman from Texas, [Mr. Reagan.] Mr. REAGAN. Mr. Chairman, as I desire, when the proper line of this bill is reached, to offer an amendment which I may not be able

to explain satisfactorily within the five minutes allowed for debate, I avail myself of the present opportunity to offer it, and also at this time to make a few comments upon it. It is to provide for the commencement of the construction of batteries for the protection of the harbor of Galveston, Texas, the sum of \$50,000.

I desire to call the attention of the members of this House to this case. In the first place, Mr. Chairman, I observe that there is no city within my knowledge in the Union with such a commerce, population, and business, and situated immediately upon the sea-coast as this is,

which is so entirely without any means of defense.

For the fiscal year ending 30th of June, 1879, the commerce of that city, its exports and imports, amounted to over \$50,000,000. While I have not the statement of the commerce for the year ending 30th of June, 1880, I am furnished with a statement from the office of the collector of customs showing that the customs duties within that year have increased about 800 per cent. over what they were for the year I have just named. Galveston is a point upon the sea where a system of three thousand miles of railroad, or about three thousand miles, converges from all points in the interior toward the sea-coast. It is the chief entrepot of a territory in that State alone, leaving out the bordering States of New Mexico, the Indian Territory, and Kansas, and limiting the statement to the State of Texas alone, it is the chief entrepôt of a territory as large as the six New England States, the States of New York, New Jersey, Pennsylvania, Delaware, Ohio, and a part of Indiana. It is the chief entrepôt for a population shown by the late census to be in the neighborhood of one million six hundred thousand inhabitants; and yet, sir, there is not a battery or a gun to protect its commerce.

The city of Galveston is located immediately upon the Gulf of Mexico, on an island in the gulf, and might, by any vessel of war, be burned at any time in its present defenseless condition.

It is said, and very truly, that we are not at war. It is to be hoped, Mr. Chairman, that we are not likely to be engaged in war; but when we remember that the commerce and intercourse of the American people is growing in its importance, and in its complications, too, day by day, and year after year, and that throughout the commercial world questions are continually arising which might involve us in difficulties with foreign powers, is it not the part of wisdom and prudence to be prepared for an emergency? The part of wisdom, if we are governed by the experience of our fathers, is to be prepared in advance for a contingency that might arise, and for such a con-

tingency as a foreign war.

The item I have enumerated contemplates an appropriation of \$50,000 to commence the construction of earthen batteries for mountng a few guns to give at least temporary protection in cases of trouble. It is not contemplated to enter upon the construction by the Engineer Bureau of expensive fortifications upon the old plan, but only to commence the construction of a few earth-batteries, to mount guns of smitable caliber upon them, and to prepare them to meet the naval armaments as they are now improved by other powers as well as our own. I ought to say, too, in this connection that by the 1st of January a year, and perhaps sooner, the Southern Pacific and the Texas Pacific Railroads will effect their junction at El Paso on the Rio Grande River, and a new line of railroad temporatation as well as a new artery River, and a new line of railroad transportation as well as a new artery of commerce will be established across the continent. The neares point at which ocean navigation can be found will be on the gulf coast of Texas. It is proper and fair to assume that the completion of these two important roads, their junction, and others being rapidly constructed, will very largely increase the commerce and commercial importance of that city.

In addition to that, active movements are on foot looking to the construction of an interoceanic canal across the Isthmus. That may or may not be accomplished. It may be accomplished at an earlier or a later day. But if it should be accomplished, the probabilities or a later day. But it is should be accomplished, the probabilities are it would work very considerable revolutions in the world's commerce; and in any event it is likely it will bring responsibilities upon the American people in reference to protecting that line of transit and protecting American interests and commerce that we have not heretofore encountered. I look myself upon it as a measure which requires the most thoughtful consideration by our people and the most secure guarantees for the command of that line by us if it is entered into. But I merely mention it as one of the possible things that may render our connections with the foreign powers of the world more complicated than they have been in the past. I wish now to repeat what I said at the outset, that there is no

other city in the Union, so far as I know, with a similar amount of commerce and population and wealth, that has not some measure of protection. The appropriations in the bill look to the preservation and improvement of works already in existence, and not to the construction of any new work. In view of the facts I have stated, is it the policy of the House to refuse absolutely to aid in furnishing batteries—earthen batteries—for the protection of that city and its commerce? Remembering that from the mouth of the Mississippi to the mouth of the Rio Grande the sea coast for a distance of eight or nine hundred miles is without a single fort for its protection and defense, a country rapidly growing in population, in wealth, and in general importance, it is these facts that I desire to call to the attention of the House, to see if they will not make this at least an exception to the general policy of refusing to commence any new work for our defense

It is suggested by the gentleman who presents the bill on behalf of the committee that this is not the time in the expiring term of an Administration to commence works of this kind. Mr. Chairman, I do not understand the philosophy of that remark. Congress represents the people, and is bound to look to the promotion of their interests and the defense of their rights. When a thing is necessary to be done I do not see that one Congress or one session of a Congress may not as well do it as another, whether it is an outgoing session of a Congress or a first session of a new Administration. I do not see how that consideration should control our action if there is a plain, palpable necessity for action. And I ask the House if in their judgment that is so, when we reach the point for offering this amendment, to aid me in securing its adoption.

Mr. ELLIS. I now yield to my colleague from Louisiana, [Mr.

KING.

Mr. KING. In addressing a few words to the committee I am actuated simply by the wish to raise my voice and the voice of the people I represent in the advocacy of a measure to provide a more secure protection to our cities on the sea-coast and the cities in the interior. Our coast is utterly undefended. As regards the city of New Orleans alone a single iron-clad could levy tribute on that city more than tenfold or a hundred-fold the sum asked by the Secretary

of War for the purposes indicated.

The fortifications at the mouth of the Mississippi River have no guns greater than ten-inch smooth-bores. Sir, a Mexican schooner, iron plated, could pass those fortifications and levy tribute not only upon the city of New Orleans, but upon the cities of Vicksburgh, Memphis, Saint Louis, ay, and Cincinnati. But our Government as good as tells us there is no measure in contemplation for the protection of

You have a Pacific coast extending over eighteen hundred miles. One of the ships of the power to-day at war with an antagonistic nation on the lower end of the Pacific coast of this hemisphere could enter the bay of San Francisco and could go into Portland, Oregon, without opposition. Yet we are assured that we are extravagant in asking for \$400,000 to institute means by which protection shall be afforded against such dangers as may occur. I am not only willing to vote more, but I am willing to increase the appropriation that I understand will be asked for to double the amount.

I do not think because we are at peace that we should feel over-secure. Only a few months ago Spanish vessels fired into our mer-chantmen in the Caribbean Sea. Had the Government of Spain de-termined at that time upon war her ships could have entered the ports of the cities of Norfolk and Charleston; yes, and come up to the wharves of Philadelphia. Under these circumstances, sir, I think the appropriation that the committee recommend is inadequate.

The CHAIRMAN. If other gentlemen do not desire to continue the general debate the Chair will now ask the Clerk to read the bill

by clauses for amendment.

The Clerk read the first clause of the bill, as follows:

That the sum of \$100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 18-2, the same to be expended under the direction of the Secretary of War; also, the following for the armament of fortifications, namely.

Mr. JOHNSTON. I am instructed by the Committee on Military Affairs to offer an amendment to the section which has just been read. I send the amendment to the desk.

The Clerk read as follows:

In line 3 strike out "1" and insert "5;" in line 5, before the word "protection," insert the word "modification;" in line 9, after the word "war," insert "at the most important and exposed harbor;" so that the clause will read:

"That the sum of \$500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the modification, protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1829, the sum to be expended under the direction of the Secretary of War, at the most important and exposed harbors; also, the following for the armament of fortifications, namely."

Mr. BLOUNT. I raise the question of order on a portion of this amendment; on the insertion of the word "modification" in line 5, as changing existing law.

Mr. REAGAN. I cannot understand the basis on which the point of order is made from the bare statement of it.

Mr. BLOUNT. All the appropriations for fortifications are made

Mr. BLOUNT. All the appropriations for fortifications are made in pursuance of existing law, and there is no law providing for the modification of such fortifications. The point of order that this is without authority of law is made under the twenty-first rule.

Mr. REAGAN. I understand that appropriations cannot be made without authority of law. But it will be seen that this amendment provides the sum of \$500,000 for the modification, protection, and repair of fortifications and other works of defense, and is therefore merely for continuing existing works. That seems to me to meet the objection that this amendment relates to works not provided for by law. The rule would seem to cover the modification and improvement of such works. Aside from that, however, this is called a bill ment of such works. Aside from that, however, this is called a bill making appropriations for fortifications, and the item here proposed corresponds with the estimate submitted by the War Department for this purpose. It seems to me that on both grounds the point of order is not well taken.

Mr. BLOUNT. It is not necessary for me to add any more.

Mr. McCOOK. I would like the gentleman to do something more than to merely state his point of order. I would like to have him

give some reason for it.

Mr. BLOUNT. I have already stated, and I will restate it, that

Mr. BLOUNT. I have already stated, and I will restate it, that the construction of fortifications must be authorized by law before the Committee on Appropriations, under the twenty-first rule of this House, can report any appropriation for that purpose.

Mr. McCOOK. Very well; suppose that I concede that.

Mr. BLOUNT. As the gentleman has requested, I will again state that the amendment now proposed to this bill is not for the repair of fortifications, but for their modification, to change the construction previously authorized by law. To illustrate: we might make appropriations for repairs upon this Capitol. But suppose there was a purpose to change the structure, to modify the plan of the Capitol; that would be a very different proposition. So it is with regard to fortifications. If you attempt to modify them, you will go beyond the idea of repairs and adapt them to different purposes and to different idea of repairs and adapt them to different purposes and to different circumstances. It will be practically making an entirely new struct-

Mr. McCOOK. I have no disposition to attempt to argue this point of order. But it seems to me it is a forced and arbitrary construction of that portion of Rule XXI, when the gentleman says that "modification" means "construction."

Now let me illustrate for one moment. Suppose that in one of the forts in the harbor of New York, placed there primarily and solely for the defense of that harbor, but of interest not only to the people of New York but of the whole nation—suppose there had been a faulty construction of a portion of the fort, as determined clearly by a board construction of a portion of the fort, as determined clearly by a board of engineers. It would be the duty of that board of engineers to remedy that faulty construction by modifying it so as to make the fort answer the purpose for which it was originally intended.

Are we to understand that an appropriation to be used for the modification of the faulty construction of a necessary fort in the harbor of New York is to be ruled out upon a point of order in this technical way.

nical way? As I have already said, I do not pretend to know much about the rules of this House; but I certainly want to know less if they are to be abused, as in my judgment they will be abused, by ruling out in this way an amendment considered necessary by a committee of this House. For that reason I do not believe that the point of order is well taken.

Mr. ACKLEN. Clause 3 of Rule XXI reads:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

The word "modification" in this proposed amendment, I take it, looks to some change not contemplated in any existing law. I am not advised as to whether it is intended by the insertion of the word "modification" to give to the Secretary of War the right to change the construction of the present existing cannon that are used in the fortifications of our harbor defenses. It occurs to me that he would not, unless this word should be inserted in this bill, be authorized, for instance, to contract for the changing of our smooth-bore cannon into rifled cannon. On that point the gentleman from Virginia [Mr. Johnston] who reports this amendment can probably advise the House. If that is the idea in view, in my opinion the point of order raised by the gentleman from Georgia [Mr. Blount] is very well

Mr. JOHNSTON. In reference to the force which the gentleman from Georgia [Mr. BLOUNT] gives to the word "modification," I think I can in three or four words explain to the House what it means in

this connection.

Every one knows what casemates are, and what are the embrosures of those casemates, through which the guns are pointed to be fired. This appropriation will be mainly to enlarge those casemates. Every one knows that our forts were constructed at times when artillery had not a quarter of its present dimensions. The largest guns were then very much smaller than the smallest that are now called heavy ordnance, and the embrasures were of course proportioned to the size of the guns. The forts that we have now along our whole coasts all have embrasure batteries, and there is not one of those embrasures through which guns of proper size can be pointed. The object of inserting this word "modification" in this clause is to enable the Engineer Corps to do more than merely to prevent the destruction of forts, mainly by the action of sea-water encroaching upon their founda-

Mr. ACKLEN. Is it in contemplation to change any cannon in any

Mr. JOHNSTON. This clause refers entirely to the Engineer Department; act to the Ordnance Department.

Mr. ACKLEN. I understand that. But I desire to inquire, if the proposed change is made in this paragraph, whether the Secretary of War would be authorized to change smooth-bores into rifled cannon?

Mr. JOHNSTON. Not at all, because this paragraph does not refer in any way to ordnance. It is the next paragraph that refers to ord-

Mr. REAGAN. I desire to call attention, in connection with the point of order, to these words in the third clause of Rule XXI:

Unless in continuation of appropriations for such public works and objects as are already in progress.

Those words, in my opinion, settle the point of order so far as this amendment is concerned.

Mr. BRAGG. It seems to me that the point of order upon the word "modification" is not well taken. It is assumed that by the use of the word modification we violate that provision of Rule XXI which allows only such amendments to be made as are for the purpose of continuing some public work, and that by the use of the word "modiwe will authorize the construction of some public work not

fication" we will authorize the construction of some public work not yet authorized by law.

The reason I say that the point is not well taken is that the word "modification," as I think, implies no such meaning as is given to it by the gentleman who makes the point of order. When by law we authorize a fortification to be made, we do not, in the bill making the appropriation, provide how many casemates it shall have, nor their size and proportion, nor what the thickness of its walls shall be; but we authorize, at a given point, a fortification to be constructed, under the direction of the Secretary of War, upon a plan made by the board of engineers. And when a modification of that plan is made there is no change whatever in the law authorizing the construction of the work; there is simply a change in the method of plan is made there is no change whatever in the law authorizing the construction of the work; there is simply a change in the method of construction—the plan of the work. When the law authorizes the construction of a fortification, a discretion as to the method of construction, the plan, is vested in the War Department and its bureaus, which are possibly designated for that purpose. So when we authorize in this bill an appropriation for the modification of the work, we make no law authorize a pay work; but we authorize a continu make no law authorizing a new work; but we authorize a continuance of the old work, and by special provision extend a discretion to the engineer to use the money in making a change of the plan of the work so as to make it more effective. This we do without authorizing

any new work whatever.

As suggested by the gentleman from Virginia, [Mr. Johnston,] the necessity of the term "modification" here is because the other terms have received by construction a certain significance. works means simply to put them in such a condition of preservation as to protect them against the inroads of water or of weather. But the term "modification" reaches the changes proposed by the amendment of the gentleman from Virginia, an amendment reported by direction of the Military Committee, and seeking to change the form of the casemates so as to fit them for receiving the new guns now being constructed by the Government to be placed in those identical forti-

Mr. BLOUNT. The gentleman from New York [Mr. McCook] objects to the rules, if they are such as I claim them to be, because of their technicality; because they obstruct public improvements. Sir, I think that the gentleman, if he will consider for one moment, will, instead of condemning the rule in question, approve the wisdom of

instead of condemning the rule in question, approve the wisdom of the House in adopting it.

I say that no committee of this House, that no body charged with the appropriation of \$175,000,000 to \$200,000,000 ought to be allowed to recommend any other appropriations than those authorized by law. This very rule excludes from your committee-room all methods of jobbery; it excludes the discussion of all sorts of devices for expending the public treasure, and leaves the committee to act in accordance with the legislation of the country.

Mr. ELLIS. Are not all these fortifications authorized by law?

Mr. BLOUNT. I hope the gentleman will allow me to proceed.

Mr. ELLIS. I would like an answer to that question.

Mr. BLOUNT. I will answer it in due time. The question for us now to decide is simply whether or not there is authority at this time, under existing law, for the accomplishment of the purposes contemplated by this amendment. My friend from Texas [Mr. Rea-Gan] cites the provision of the rule—

GAN | cites the provision of the rule

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

This he considers conclusive of the question, although the very terms of the rule restrict us to works in progress, works incomplete. So far is his conclusion from being true that the very opposite is the Mr. REAGAN. Will the gentleman allow me? Mr. BLOUNT. I hope I shall not be interrupted.

Mr. REAGAN. I simply went upon the hypothesis that this amendment does not refer to the commencement of any work, but refers altogether to the continuance of existing works.

Mr. BLOUNT. My friend will have ample time to occupy the

Mr. REAGAN. I hope the gentleman merely wants to get at the truth. I simply called attention to the fact, upon which he has taken issue, that this is not a provision for new work. I ask the Chair, when he comes to rule upon the question, to look at the bill and see whether it is for any new work or not.

Mr. BLOUNT. Of course I am, like my friend from Texas, anxious to get at the truth; but when I am making a statement I like to conclude it; and when I have made my point I am willing for my friend to put in his view of the truth. I shall not object to any legitimate

interruption.

Now, the gentleman says that he assumes all these works are already in progress. This amendment, as stated by the gentleman who offered it, is directed not to works in progress but to works completed, in reference to which there is a desire to enlarge casemates on account of the improvements in methods of warfare. The very gentleman who proposes the amendment states to the committee that such Therefore in my judgment there is no issue at all on is its purpose.

The gentleman from Wisconsin [Mr. Bragg] says the original authorization of the work does not prescribe the method of its construc-tion. Conceding that, what does it amount to? If the work is completed the act authorizing its construction has exhausted itself; the work stands complete; and under the rule of this House an attempt to touch a work that is finished is just as much unauthorized in an

appropriation bill as the authorization of a new work.

Mr. BAKER. Mr. Chairman, I very seldom engage in the discussion of points of order. It seems to me, however, that this question can be presented in a nutshell, and I desire to make that presentation. Either that word has some operation or effect, or it has not. If it was not intended to have any effect, it ought not to be there; and it is not fair for the Chair to give such an interpretation to the amendment as would make it nugatory. Now, if it is intended to have effect and operation, it must have that effect and operation by reason of the fact that it is intended to change that which now is authorized by law. If, already under the law as it exists, touching these fortifications, the War Department has the power, not simply to go on with the completion of these buildings, but to modify them unlimitedly in its discretion, then this amendment is not needed. But if, in order to give power to the War Department to make these radical changes in the construction of works now existing, it requires radical changes in the construction of works now calculate, there shall be a law, then the adoption of this would change existing law, thereby taking away a law now in existence or giving a new law which authorizes something which is not now authorized.

This word "modification," if the Chair pleases, would authorize the entire demolition of our works of fortification; the whole amount wight be available to a constitution in order they might be ready to

the entire demolition of our works of fortification; the whole amount might be expended in the demolition in order they might be ready to go on with their modified fortifications. In a word, it seems to me the Chair must construe that word "modification" as intended to have effect. If it does have any effect, and does clothe the War Department with any power which now it has not, it is by virtue of the fact that it does change the law as it now exists.

The CHAIRMAN. The Chair will cause the third clause of Rule

XXI to be read.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

The CHAIRMAN. With the explanation made by the gentleman from Virginia as to the change of casemates, the Chair is somewhat in doubt as to how this point of order ought to be ruled. "It is the opinion that the Secretary of War has authority of law now to make such modifications as are indicated by the gentleman from Virginia. The Chair will give the benefit of the doubt to the amendment, and therefore, rule it in order. But the Chair will suggest to the gentleman from Georgia that the amendment might be further limited by an amendment to the amendment if there he any doubt about the an amendment to the amendment, if there be any doubt about the

construction of the word which has been commented on.

Mr. JOHNSTON. It seems to me that the word "modification" is absolutely necessary to make it clear. The additional appropriation asked for would be entirely unnecessary without that word. There are certain slight alterations necessary to be made in our forts for harbor defense, to enable the heavy guns which have been introduced of late years to be placed in the casemates, and pointed through the embrasures, as the embrasures are now too small to admit those guns.

Mr. BAKER. I should like to ask the gentleman from Virginia a further question on that subject, and that is whether in his judgment the word he proposes to incorporate in that section would not authorize the Ordnance Department of the Army—

Mr. JOHNSTON. This is not ordnance.

Mr. BAKER. That is so—whether it would not authorize the

Engineer Department not only to enlarge the embrasures but also to furnish iron or steel for the casemates of these fortifications?

Mr. JOHNSTON. It authorizes a change of the face—
Mr. BAKER. In other words, would it not authorize them to incorporate the policy of applying plates of steel or of iron.
Mr. JOHNSTON. Yes, sir.
Mr. BAKER. In a word, then, this word "modification" would be broad enough to authorize any change they thought fit to make?
Mr. JOHNSTON. No. sir. Mr. JOHNSTON. No, sir.

Mr. JOHNSTON. No, sir.

Mr. BAKER. Or to commence a system of change which may entirely revolutionize the structures now up?

Mr. JOHNSTON. If they are not revolutionized the hundreds of millions they have cost the country will be thrown away.

Mr. REAGAN. The gentleman from Virginia yields to let me say a word on that point. The point just made by the gentleman from Indiana, and which has been made on the word "modification," may be brought to attention very strikingly in this way. The authorization of the construction of forts is generally done under this bill, and, if it is assumed the law must precede the appropriation for a fort, would it be contended by gentlemen of the Appropriations Committee, or any member in the House familiar with the course of proceeding, that the law should specify, for instance, the casemate or embrasure, or any other detail. All we would do at the most would be to provide for the construction of a fortification and leave it then to the skill of the War Department.

the skill of the War Department.

Mr. JOHNSTON. That has been the practice of the Government

for more than forty years.

Mr. BRAGG. Let me ask a question. Is there a single fortification in the United States in which can be mounted the four guns which the Appropriations Committee have already in process of con-

Mr. JOHNSTON. I am safe in saying not one.
Mr. RANDALL, (the Speaker.) Mr. Chairman, under the cover of
a fancied apprehension that this country is likely to be engaged in
war with some foreign power, this House is asked to find justification
for increase of expenditure on one of the regular appropriation bills.
The sincerity of that apprehension can be measured by the insignificance of the amount asked for, if there was any real belief that such

apprehension existed.

apprehension existed.

Since I have occupied a seat in this House I have had some experience in reference to this question of armament. The suggested amendment in reference to ordnance may be found in the near future to provide for what may prove to be entirely useless in our forts and an unnecessary waste of the public money. The guns that I was asked to vote appropriations for ten years ago (and the same argument was then used that we have heard here to-day) are now considered by scientific men to be useless as weapons of defense. Nay, more, the experience of war has shown to us that the defenses as they were prior to the war are now and were during the war useless as a means of defense; and I can tell a remarkable instance of that in the case of Fort Sumter. Fort Sumter, after being battered, and battered, and fense; and I can tell a remarkable instance of that in the case of Fort Sumter. Fort Sumter, after being battered, and battered, and battered, was in a better condition of defense at the end of that assault than it was when the first gun was fired. Science travels so fast in our day that these very appropriations that are now asked for may become in a few years entirely useless even for purposes intended; and I want to say a little further that I had hoped the policy, not of this or of that side of the House, but that the policy of the whole House at this session of Congress would be to put its face sternly against any increase of appropriations for any nurpose. Both paragainst any increase of appropriations for any purpose. Both parties vied with each other in the recent contest in declaring to the people and endeavoring to instill it into the minds of their constitupeople and endeavoring to instill it into the minds of their constituents that it was the purpose of all those seeking to represent them in the Halls of Congress that the appropriations of money should not be increased. I know it is quite natural that defeat and disappointment on the one side and exultation and confidence of a new lease of power on the other should slacken the purposes of the Representatives as to the expenditures of the public money; but it should not be so, nor is there excuse for such action. This is the first appropriation bill of the session, and the policy of the House in a great measure may be indicated from this bill as to what may be expected on all the other appropriation hills. If we are not to pursue that nolicy the other appropriation bills. If we are not to pursue that policy of retrenchment and economy which we promised the people, we will, in my judgment, fail to come up to the agreement made when we sought re-election to this body.

Here is a proposition asking that we shall double nearly the amount Here is a proposition asking that we shall double nearly the amount the Committee on Appropriations recommend, and asking it for purposes that are not necessary. I repeat now what I said a few moments ago, that there is no danger from any direction of a foreign war. I would rather rely upon diplomacy. One gentleman tells us that Spain has recently committed an assault upon American vessels. Why, Mr. Chairman, Spain has made a full and ample apology therefor. Reference has also been made to the construction of a canal correct the Letherms of Paragraphy. across the Isthmus of Panama. Does the gentleman not know that the European financiers and European governments have refused to take any steps in reference to this canal unless it has the domination and sanction of the American people or Government? And do they not know that the European governments, in respect to the war now in progress in South America, have sought that the United States shall take the initiative step to bring about peace between Peru, Chili, and Bolivia. These governments in these respects have acknowledged practically the Monroe doctrine, and instead of undertaking to make peace themselves have first conferred officially with

us, and have asked that this Government become the arbitrator beus, and have asked that this Government become the arbitrator between those countries, placing themselves thereby in the background. Mr. Chairman, I maintain that the apprehension which is claimed to exist here that we are to have a foreign war, and that thereby appropriations should be made that are not essential, and which will render a large increase in expenditures if the policy is persisted in, is not wise; and I appeal to this House without reference to party, because it should not be a party suggestion to meet this attempt to inis not wise; and I appeal to this House without reference to party, because it should not be a party question, to meet this attempt to increase the appropriations at the threshold of our action upon the appropriation bills. I appeal to the representatives of the people to prevent this policy from being inaugurated as the policy of this expiring House. If you want to increase the appropriations and the expenditures of the Government, let it rest with those who come with renewed confidence from the people. Moreover, the policy of this Government is to diminish the burdens of our present debt rather than to build up unnecessary armaments. Our policy should be to take off all taxation that we can take off, modify our revenue and our internal taxation laws, and relieve the people, instead of taking steps which will increase the burdens. I think by such a course we will all commend ourselves to the further confidence of our constituents.

The CHAIRMAN. The Chair will state that this debate has been carried on by consent, and there being no objection the Chair has not heretofore enforced the five-minute rule. Unless there be objection to continuing the debate the Chair will allow it to proceed.

Mr. REED. I think it unfortunate, Mr. Chairman, for the House

and the country—

Mr. REAGAN. Mr. Chairman, I wish to make an objection to con-

tinuing this debate longer except under the five-minute rule.

Mr. JOHNSTON. Mr. Chairman, I understood that I had a few minutes when this debate should come up under the amendment?

The CHAIRMAN. The gentleman from Virginia is entitled to occupy five minutes. If he desires, he can occupy the five minutes now, for or against the amendment.

Mr. JOHNSTON. I do not think I will occupy that much time.

Mr. REED. Then I will yield and follow the gentleman from Virginia.

The CHAIRMAN. The Chair will state that the gentleman from Texas [Mr. Reagan] makes the point of order that the debate is to be conducted under the five-minute rule.

Mr. PAGE. I hope that objection will not be made until the gentleman from Maine [Mr. REED] has an opportunity of replying to the remarks of the gentleman from Pennsylvania.

Mr. ELLIS. I hope the objection will not be pressed.

Mr. REAGAN. I doubt very much if the gentleman from Pennsylvania occupied more than five minutes. I will not withdraw the

objection.

Mr. SPARKS. If the gentleman from Texas [Mr. REAGAN] with-

draws it I give notice that I, myself, will renew it.

Mr. REAGAN. We do not want any political debate on this bill.

Mr. REED. I want it distinctly understood that I do not want to engage in any political debate as suggested by the gentleman from

The CHAIRMAN. The gentleman from Virginia [Mr. Johnston]

will proceed.

Mr. JOHNSTON. The amendment in question was proposed by Mr. JOHNSTON. The amendment in question was proposed by the Military Committee on account of the very small sum proposed by the Committee on Appropriations for the works of fortification. It has been very well said by my friend from Louisiana and my friend from New York that our seaports are utterly without defense. I believe there is not one on the coast of either ocean that the naval vessels of a small European power could not enter with impunity. I believe that a small squadron could enter the harbor of New York without damage and in a few hours levy contributions amounting to more than ten times the sum that the engineers will expend in such improvements of our existing works as will make them fit to cope with European iron-clad ships of war. It is for that reason the Military Committee propose that the engineers shall receive money sufficient not only to repair and protect the existing works but also to cient not only to repair and protect the existing works but also to make such modifications as will be necessary to make them able to cope with ships of war.

It is very well known that all of those forts were constructed at a time when ordnance was in a very different condition. They were sufficient for their objects when made, and with slight additional appropriations they can now be made perfectly adequate to the de-

The Military Committee propose to inaugurate that system of modifications, and propose this amount—\$400,000—in addition to the sum named by the Committee on Appropriations. That sum we understood had been suggested by the Secretary of War. I have no official knowledge of that, but have heard it in such a way that I

regard it as true.
Mr. BAKER. That is the amount—\$500,000.

Mr. JOHNSTON. Thank you, sir. Now, to enable us to place adequate artillery in these forts, such as can put holes through the sides of European iron-clads, the casemates and embrasures of these forts must be enlarged; and then there are many appendages to these works, there are many outworks, which with a little modification might bear these heavy guns also.

This will give a general idea of the scheme of the Engineer Corps,

for which they have asked an appropriation year after year. This year I believe their estimates amount to several millions.

I cannot agree with the distinguished gentleman from Pennsylvania that, because we have no immediate apprehensions of war, war is never to come. The wisest of our statesmen have always maintained that in peace we must prepare for war, and this is the universal principle of government. I hold that the spectacle that our harbor defenses offer now is absolutely disgraceful to the great, powerful nation to which they belong, and which has left them in a condition of neglect for twelve or fifteen years. I hope that members of this House will agree with me and make this appropriation and that Congress will continue to make such appropriations as may be adequate till our sea-coast and harbors shall be properly defended, with the great property contained in them.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. REED. I move to strike out the last word of the amend-

ment.

It is the nature of strong minds to be pertinacious. It is the nature also of men who have won or thought they have won distinction in a particular direction to keep at it. Now, the Speaker of this House has addressed the House very often in past times; but almost always, if not quite, the burden of his discourse has been economy. Surely there cannot be any higher subject to engage a man's attention. Nevertheless all virtues may degenerate into vices by excess. Economy may become parsimony and penuriousness.

If the gentleman from Pennsylvania had given to this House reasons why this expenditure should not take place, his arguments ought to have availed. But the sole ground on which he puts his arguments is that of economy in a broad and general sense. Now I say it is not economy for a country that has property, for a country that

has revenues, for a country that has property, for a country that has revenues, for a country that is not burdened by taxation, to refuse to make expenditures for its necessities. And among the prime necessities which have been recognized in all ages and in all countries is the necessity of that insurance from war which defense always

gives.

The gentleman from Pennsylvania says he has voted or has seen others vote for appropriations for guns which are to-day useless, and that the progress of military science may be such in future time that that the progress of military science may be such in future time that in ten years the guns which are manufactured to-day will be useless. That is just as if a man who had been insured as to his life should after the lapse of ten years declare all the past payments had been utterly useless. Why, the past payments pay for the insurance. The money which England has expended—and it is simply enormous—for her coast and naval defenses was paid for, every pound of it, in the preservation of the country from the possible desolation of war.

My friend from Pennsylvania sees no war in the clouds. Are there to be no lightning reds excepted until the records see the lightning.

to be no lightning-rods erected until the people see the lightning? Why, sir, the principal object, the very necessity of coast defenses is that they be erected before the war comes. When the war comes you cannot erect them. Gentlemen talk about hasty earthworks being thrown up. I should like to see a man throw up some earthworks

ing thrown up. I should like to see a man throw up some earthworks in the State of Maine during this month.

My friend says, too, that Fort Sumter was in a better condition after it was battered down than it was before. I do not know what military men may say about that, but I should be sorry to trust our defenses to forts which had to be battered down before they became of any use. And I submit to the House this question ought not to be determined by any generalization arising from the recollection of past political speeches in which we have not all of us participated. I submit it should be determined on the reason and sound sense of this matter. this matter.

It is no use for a man to say that because we are going to make a necessary appropriation on the first bill which we come to consider

It is no use for a man to say that because we are going to make a necessary appropriation on the first bill which we come to consider therefore we are going to be extravagant hereafter. That reminds me of that housewifely lady who got up on Monday morning and said, "To-day is Monday, and to-morrow is Tuesday, and the next day will be Wednesday; and there is half the week gone and nothing yet done." [Laughter.]

Let us take things as they come; let us meet the world as it meets us; let us meet legislation as we find it, and not get behind glittering generalities for defense. The truth is, these are works that ought to be accomplished; no man doubts that. It is no party question, nor ought party be suggested or be thought of in connection with it. If we are going to be economical, in Heaven's name let us be wisely economical, and not penny wise and pound foolish.

Mr. RANDALL, (the Speaker.) In my action here on the subject of expenditure of public money, I have always been guided by one thought; that I had no right to be either liberal or extravagant with other people's money. The gentleman may differ with me in that respect. But I say that when we come to be liberal it ought to be with that which belongs to us, and we ought not to exhibit our intense liberality at the expense of the people of this country. I say that so far as this appropriation is concerned it is needless to increase it now. This is not the time to enter upon a general defense of the coast of the United States. And if it was the time, it would not be any such sum as this that I would vote for that purpose.

Science has not indicated the guns, for the making of which this increased appropriation is proposed, are such as can be placed in the forts now in existence. If any member of this House chooses to vote for increased appropriations, the responsibility rests with that indi-

vidual member, and not with me at all, and yet I feel that I should

warn the House against such a course.

I have not sought to make any appeal to the House in a partisan sense. On the contrary, I consider it the duty of a republican Representative quite as much as it is of a democratic Representative to see that not a dollar is unduly and unnecessarily taken out of the public Treasury. And I am glad to believe that there are many members, perhaps the great body of the members of the republican party in this House, who generally agree with me on that subject, and vote in harmony with that suggestion.

The CHAIRMAN. Debate is exhausted upon the amendment to the

Mr. REED. I will withdraw the amendment to the amendment.
Mr. BLOUNT. I renew it. The proposition now under consideration is to multiply fivefold the amount recommended by the Committee on Appropriations; instead of appropriating \$100,000 to appropriate \$500,000. The Secretary of War in his own recommendation to this House simply asks for \$150,000 for this purpose.

It is made the duty of the Secretary of the Treasury to send to Congress suggestions as to the needs of the Government. In his esti-

mates for the next year he has asked for \$25,000,000 more than we appropriated for the present year. Yet, notwithstanding that large increase in the estimates, the War Department asked for only \$50,000 more than the Committee on Appropriations propose for this partic-

The opinion of General Benét is brought forward here. Now, he, as an engineer officer, discusses this subject just as the Military Committee has done, on the supposition that there was existing a state of actual hostilities; that many of the powers of Europe were preparing for an assault upon our coasts. Now, that is an absurdity. In our history, extending a little over a hundred years, with the exception of the war of 1812 and the trouble we had with Mexico, we have not been called upon to meet any enemies outside of our own limits.

not been called upon to meet any enemies outside of our own limits. Gentlemen say that in time of peace we must prepare for war. I concede that. But there is other preparation than the expenditure of money. In 1812 we were but eighteen States and seven millions of people; to-day we are thirty-eight States and fifty millions of people. By a proper administration of the Government we have increased our wealth and resources and our comparative strength among the nations of the earth.

among the nations of the earth.

When the nations come to consider the question of levying tribute upon the city of New York, they will not stoop to that narrow issue, but will measure the strength of the arm with which they will be called upon to contend. Like the Speaker of this House, I feel that we may have confidence in the peace which our power secures to us.

I say there is no danger of foreign trouble; there is no occasion for

it. The progress of civilization has given rise to questions in England which will demand her amplest resources to meet. The standing armies of the great nations of Europe signal their apprehensions in regard to perhaps their very existence.

Where is the danger to us to come from? The War Department

where is the danger to us to come from 1. The war Department does not seem to see any; and I apprehend there is not in the mind of any one here any fear upon that subject. The situation is fully appreciated by ourselves; our experience tells its own story.

I cannot understand why we should seek to give three times the appropriation which the Department is asking for. The gentleman from Maine [Mr. Reed] says let us consider this thing by itself; that because we increase it elsewhere. I have heard that remark before on we will increase it elsewhere. we will increase it elsewhere. I have heard that remark before on different appropriation bills, but the very gentlemen who made it never found a place to reduce expenditures.

Mr. SCALES. How much is the estimate beyond the appropria-

Mr. BLOUNT. The estimates ask for \$150,000 for this purpose.
Mr. ELLIS. Will the gentleman look at page 133 of the Estimates.
Mr. BLOUNT. The gentleman has the book before him, and can refer to it. We gave \$100,000 last year for this purpose; we propose to give the same now. The appropriations for fortifications have been increased. In 1878, they were \$225,000; in 1879, \$275,000; in 1880, \$325,000; in 1881, \$550,000; and we propose to make the amount the same for the next fiscal year. Among all the reductions which have been made during the past years, the least has been in relation to our fortifications.

to our fortifications.

[Here the hammer fell.] Mr. HILL. Mr. Chairman, I hope that this House will not appro-Mr. HILL. Mr. Charman, I hope that this House will not appropriate a single dollar more than is asked for by any Department of the Government. I do not recognize the logic of the gentleman from Maine [Mr. Reed] that because lightning does not strike everywhere every year, we should put up lightning-rods everywhere. Lightning strikes from natural causes. War never comes from natural causes. I undertake to say further that the Government of the United States has never gone into any war prepared for it. We have whipped Great Britain twice without any fortifications at all. When we went into the war with Mexico we had no preparation; and it is claimed by the other side of the House that when the war of the rebellion broke out the Government of the United States was not prepared. So that we have gone through four wars in the history of our Government. increased appropriation is proposed, are such as can be placed in the forts now in existence. If any member of this House chooses to vote for increased appropriations, the responsibility rests with that indion the other. Four hundred thousand dollars to put this country on a war footing corresponding with that of European governments would be about as good as four hundred mills; \$400,000 or \$500,000 will not fortify the mouth of the Mississippi River alone. Can any military man on this floor tell me where forts, except earthworks, have ever been successfully defended against gunboats and their projectiles? Never! Fort Sumter could not be so defended; no other fort made

by man ever has been.

The idea of expending half a million dollars for putting the whole sea-coast of the Atlantic and Pacific, embracing more than five thousand miles, in a state of defense to resist incursions of foreign powers sand miles, in a state of defense to resist incursions of foreign powers is the most absurd thing that was ever mooted in the American Congress. I say that half a million dollars will not protect New York City; half a million dollars will not protect Norfolk; half a million dollars will not protect New Orleans. There is no port of entry from one end of the country to the other that can be protected against foreign ships with an appropriation of \$500,000. Yet, from what I have heard and read I very much doubt whether there is in Europe a vessel fitted up for the purpose of conveying men and guns that could cross the Atlantic

the purpose of conveying men and guns that could cross the Atlantic on an ordinary sea without sinking before she was half-way here.

The United States of America are always prepared for war—prepared by the genius of our Constitution and laws; by the spirit of our institutions; by the inborn patriotism of our people. An appropriation of \$500,000 to carry out jobs and give contractors a chance to make money will not add to the patriotism which has carried this country successfully through every trial to which it has been sub-

I hope, sir, that this money asked for in excess of the estimate of the Department will not be wasted by the Forty-sixth Congress in its expiring hours. As the Speaker of the House has so well said, let its expiring hours. As the Speaker of the House has so well said, let those who come here with so much renewed confidence take the responsibility, if they dare, to undertake to put this country upon a warfooting with the nations of Europe. How much money will itake? How many millions of men will you want in your army? How many gunboats and ships will you want? How many forts will you have to build? Sir, we are not in the same situation as European governments. We need no "balance of power" here to preserve the integrity of our institutions. We are planted upon a different footing; we are sustained by different laws, by different institutions, by a different civilization, by a different patriotism, and by loftier inspirations. We are a free people. We are spurred to defend our country from sources and motives within and without, by a patriotic devotion to our Constitution and laws which have made America "the tion to our Constitution and laws which have made America "the

Tools Sources and motives within and without, by a patriotic devotion to our Constitution and laws which have made America "the
land of the free and the home of the brave."

[Here the hammer fell.]

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. BLOUNT. I withdraw my formal amendment.

Mr. MCCOOK. I renew it.

Mr. JOHNSTON. Will my friend allow me to make a reference
simply to some figures which have been brought in question. I understood the gentleman from Georgia [Mr. BLOUNT] to say that the
Secretary of War himself had proposed an expenditure of \$150,000
only. I stated that the Secretary of War proposed an appropriation
of \$500,000; and this, as I said, was the reason the Military Committee proposed an addition of \$400,000 to the appropriation in the bill.
Here are the figures, and I will be obliged to the gentleman from
Georgia if he will read them. [Handing a book to Mr. BLOUNT.]

Mr. BLOUNT. The gentleman wants me to read. I will read; but
I will read more than he points out.

Mr. MCCOOK. I do not wish to interrupt the gentleman from
Georgia, but I am on the floor and have but five minutes.

Mr. BLOUNT. The gentleman from Virginia wants me to read
something.

something.

Mr. McCOOK. I prefer to go on.

Mr. Chairman, the Speaker of this Honse, after questioning the sincerity of gentlemen who differed with him, made a broad assertion that this proposed amendment was needless. That, I apprehend, is the very question at issue before this committee.

Mr. RANDALL, (the Speaker.) I did not question the sincerity of

gentlemen in any offensive way.

Mr. McCOOK. And I do not refer to it in any offensive way.

Against the opinion of the Speaker, as a member of this House and as a military man as to the necessity of an appropriation of this character, I will put, first, the action of the Committee on Military Affairs; and I call attention especially to the fact that the gentleman who prepared this amendment and who acts as the mouth-piece of the committee in presenting it has a reputation for knowledge of military matters second perhaps to no man in the United States. I will in addition call attention to the fact that this appropriation is recommended by a committee many of whose members have had some experience in military affairs, a committee who, as I understand, are unanimous, with one exception—I except the gentleman from Tennessee, [Mr. Dibrell]—in instructing the gentleman from Virginia to submit the amendment.

Mr. RANDALL, (the Speaker.) Do I understand the gentleman to say that the committee are unanimous?

Mr. McCOOK. I understand that they are, with the exception of

the gentleman from Tennessee.

Mr. SPARKS. I will state that I consented to the proposition, though I did not like it.

Mr. McCOOK. I think I do not misstate the fact; I have excepted

Mr. MCCOOK. I think I do not misstate the fact; I have excepted the gentleman from Tennessee.

In addition to that, I call especial attention to the fact that the gentleman from the Committee on Appropriations who has this bill in charge [Mr. Baker] has in the present debate admitted the necessity for some action in this direction, and simply questions whether it is wise to take this action in the expiring hours of the Forty-sixth Congress. Therefore I say we have all of that to justify those of us who assume the attitude we do, that there is an overpowering necessity for some action being taken at once to put the fortifications of sity for some action being taken at once to put the fortifications of our harbors in a condition to resist a hostile attack.

I do not propose, Mr. Chairman, to enter into that limitless discussion of the probabilities of a foreign war, but I do call the attention of the gentlemen of this House to the fact that within the last three or four years we were on the verge of a war with Spain, and that one of the great iron-clads of that nation, the Arapiles, then in the harbor of New York—if newspaper reports are to be relied on—was detained in the dock by a trick. In other words, she was, under the comity existing among nations, undergoing repairs—an iron-clad so formidable, in my judgment, as to be able to sink half a dozen of the frigates. able, in my judgment, as to be able to sink half a dozen of the frigates of our Navy; and yet, in some mysterious way, a coal-barge was sunk in front of the dock so that it was impossible for that powerful Spanish war vessel to get out of the dock for many days. I refer to that, sir, to show that three or four years ago at least—

Mr. ROBESON. The gentleman is mistaken. That coal-barge-sprang a leak, and its sinking was according to the philosophy of nature, as well as the fitness of things [Laughter.]

Mr. McCOOK. It did it at an opportune time and place, but I think the general sentiment of the country was that it was an unfortunate, if not peculiar, accident to occur at that time.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. CALKINS. Mr. Chairman, I am sorry to disagree with the Committee on Military Affairs in its recommendation in regard to this bill, and for once I stand in line with the Speaker, who, in my judgment, is entirely right in opposing this expenditure of money at this time. I call the attention of the House to the fact that we are now burdened with a public debt of many millions, and that the first thing we should do is to reduce that public debt by the faithful ap-plication of all surplus revenues thereto. In the next place, we should relieve the people of some of the onerous burdens of taxation still resting upon their shoulders, and from burdens growing out of what we call war taxation.

As the gentleman from New York has said, I have little fear of any war with foreign nations; but if we should become complicated in awar with any foreign nation, I believe the inventive genius of the American people is such they would be able to meet the emergency whenever it arises.

Again, sir, the experience this nation has had in the last war has shown conclusively that wherever we were threatened with any improved war vessel or by any army, the genius, vigor, and capacity of the American people were always ready for the occasion. When we were assaulted with the Merrimac we met it with the Monitor. So in all naval conflicts and battles recently fought our people have

So in all naval conflicts and battles recently fought our people have been equal to the emergency.

As to our coast and harbor defenses, the torpedo system now is sufficient to protect all of our cities against any successful attack or bombardment from any fleet. The gentleman from New York need not fear for his beloved city, for I believe the genius of Americans in bringing forward the torpedo and other new modes of land and naval wastern is sufficient for its defense.

warfare is sufficient for its defense.

The time, too, is past and gone when we shall ever see on the high seas again that naval warfare which once challenged the admira-

tion of the world.

In the next place, I call the attention of members to the fact that no foreign nation during this generation will attempt to land any army on the shores of this country for purposes of invasion. If this was undertaken the sound of the bugle in the South and in the North would bring together an army of veterans able to cope with the combined armies of the world. This ought to dispel all fears and do away with the haste with which this measure now seems to be pushed.

I know gentlemen who live on the coast are desirous of having this appropriation of money made now. But it should not be forgotten that the money is to be drawn from the people of the entire country, and unless these gentlemen can give us some reason why there is danger, I do not believe in the expenditure of this vast sum of money

danger, I do not believe in the expenditure of this vast sum of money at the present time.

Finally, if you appropriate this money it will be but a drop in the bucket to that which will come after in the way of further burdens upon the taxpayers. This will be but the commencement. Can any one say where it will end? Who can tell us how much it will take to complete this vast system of coast defenses, of which this item now proposed is the forerunner? If passed it will be the entering-wedge in the Treasury which may deplete it. We should make haste slowly, it seems to no. it seems to me.

Appropriate this sum of money now, and next year, when the republicans come into power, we will be met with the request on the part of these men to increase it, and then to still further increase it.

This will not be a good way to start out in the new administration. Therefore it is I call upon the House now to stop this leak at the threshold, so that we may commence, if we are ever going to do so, the new era just coming in by the practice of sound economy.

[Here the hammer fell.]

Mr. McCOOK. I withdraw the amendment.

Mr. KEIFER. I renew it and yield my time to the gentleman

Mr. KEIFER. I renew it and yield my time to the gentleman from New York, [Mr. McCook.]

Mr. McCook. Mr. Chairman, when the inevitable gavel fell I was about to say something on the merits of the case, as near as I could, but my friend from Indiana has given me a new text. He seems to be laboring under the impression that the people of the State of New York are alone interested in the defense of the harbor of New York. I call his attention to the fact that every blow struck. at the commerce and prosperity of that great city is a blow struck at the commerce and prosperity of Indiana, of Iowa, and of Kan-It is the terminus in one sense of the word of the great sas as well. It is the terminus in one sense of the word of the great railways of the country. It is the pathway to the ocean, and through its harbor floats the great bulk of our commerce, and, to say nothing of the mortified pride of the American people at any interference with our harbors by a foreign foe, if we look at this question in York, or Boston, or New Orleans, or Baltimore is one felt through-out the interior as well as by those living on the coast.

Now, he and other gentlemen seek to place reliance upon torpedoes

as a means of defense for the harbors of this country. No engineer whom I have ever read after ever pretended to say that a torpedo was anything else than a mere obstruction. It is a mere auxiliary defense of a harbor, and the torpedo must itself be defended, and it can only be defended by an intelligent system of fortifications under the charge of men who understand their business as engineers. Again, we have been told that our Navy is amply sufficient to protect our harbors; but, Mr. Chairman, no man who has any pride in the American name or the American Navy would ever wish to see that Navy or any portion of it sealed up in a harbor of our country, unable to

make its way out to the ocean except by consent of some foreign navy.

I believe this is a proper commencement of an intelligent and in
the end an economical system by which we will not only enlarge the fortifications of our country but provide the necessary means to defend ourselves against armored vessels and large guns of long range and great power. This is neither the time nor the place to enter into any discussion of the relative merits of attack or defense of our harbors. But, Mr. Chairman, it is absolutely necessary that some steps should be taken, and taken at once, to commence this system by which the harbors of the country can be protected. It is the time now, sir, to begin. It is a work of importance that should not be neglected, and in my judgment we will not be true to our duties if

we fail to provide the means.

Mr. SPEER. Mr. Chairman, such high authority as General Grant, in one of his last messages while President, declared that an appropriation was necessary not so much for the purpose of adding to our fortifications as for the purpose of increasing the power of their armaments. Modern experience has demonstrated the fact that earthworks, properly armed, constitute the most effective means of defen-sive warfare. It was not the masenry of Fort Sumter that pro-tected Charleston Harbor from the powerful iron-clads of the Union, but the impregnable system of earthworks, armed with heavy artil-lery, that constituted that defense, and the same results may be lery, that constituted that detense, and the same results may be reached in future wars by appropriations for the manufacture of artillery of great range and weight of metal rather better than by adding to, or increasing the number of, our permanent fortifications.

The genius of the American people is very great, but that genius is possibly not sufficient to provide extensive parks of artillery on very short notice. But we can with spade and mattock always provide sufficient defenses for the protection of that artillery and those

vide sufficient defenses for the protection of that artillery and those who man it. I would, sir, with great pleasure have a liberal appropriation for the purpose of improving our ordnance; but if the view

which I take of this question is the proper one, as I believe it to be, I shall feel it my duty to vote against the amendment now offered.

Mr. BAKER. If there is a disposition manifested to discuss this question for more than five minutes longer I shall feel it incumbent upon me to move that the committee rise to limit debate upon it. [Cries of "Vote!" "Vote!"] But if the committee is ready for the question I shall not press the motion.

The CHAIRMAN. The amendment suggested by the gentleman

The CHAIRMAN. The amendment suggested by the gentleman from Ohio being withdrawn, the question is on the pending amendment of the gentleman from Virginia.

Mr. WARNER. I understand that to be the committee's amend-

ment. The CHAIRMAN. The Clerk will report the amendment.

The proposed amendment was again read.

The committee divided; and there were-ayes 58, noes 90. So the amendment was rejected.

Mr. REAGAN. I offer an amendment to that paragraph, to come in after the word "war" in line 9, which I send to the desk.

The Clerk read as follows:

To commence the construction of batteries for the defense of the entrance to Galveston Harbor, Texas, \$50,000,

amendment that there is no law authorizing it and that it does not

mr. REAGAN. It is possible that the gentleman is right as to the point of order. I can only say, however, that if the circumstances should arise when our city is approached by a foreign foe and burned to the ground, and its commerce destroyed, he will have the satisfaction of knowing that it was done in accordance with the rules of the House of Representatives.

Mr. SPARKS. Exactly; rules which the gentleman from Texas

himself voted for, and I voted against.

The CHAIRMAN. The point of order having been raised, the Chair bound to decide that the amendment is not in order.

The Clerk read as follows:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, and the manufacture of four improved breech-loading twelve-inch rifled guns, §400,000.

Mr. BRAGG. The reason of my offering that amendment is that the last vote has shown the sense of this House against any change in our system of fortifications or against the inauguration of any sys tem of improvements of our fortifications at this time. I favored the amendment from the Committee on Military Affairs. I did so because the same Committee on Appropriations which opposed it have heretofore made appropriations for the manufacture of these great guns, and, as the United States have no place where those guns could be put for use, I was favorable to the proposition for putting our fortifica-tions in a condition to utilize the guns constructed upon the recom-mendation of the economical Committee on Appropriations. That same committee in this same bill recommend the construction of four more of those guns, and have increased the appropriation to \$400,000 that they may be constructed. But at the voice of that committee the House have refused to authorize the erection of fortifications where those guns could be used.

I therefore move to amend by striking out all that part of the clause

I therefore move to amend by striking out all that part of the clause which authorizes the construction of four great breech-loading twelveinch rifled guns, and which makes the appropriation, including the
price of their construction, \$400,000, and inserting, after the word
"rifles," the sum of \$200,000, which will be in full for the guns required under the estimate, after you deduct the estimate for the four
useless guns which the committee will not consent to have mounted
after they are built.

Mr. BAKER. I hope this amendment of the gentleman from Wisconsin [Mr. BRAGG] will not be agreed to. If it required from sixteen months to two years in order to prepare an earthwork for the
reception of one of these large guns, I could then understand why it
would be unnecessary to go on with the construction of any of them
unless we went on simultaneously with the construction of the earthworks. But, Mr. Chairman, such earthworks as will receive these
guns can be constructed in the course of a month at the outside if
necessary, while we cannot possibly construct one of these guns innecessary, while we cannot possibly construct one of these guns inside of sixteen months; and if we allow the only establishment in this country that has the necessary machinery and implements for the construction of these guns to go down, as it would of necessity go down, we would find ourselves in such a condition in case of war, if the threatened war came, that there would be no establishment in facture one of these guns as it does to improvise fortifications in which they can be used. The amount recommended is a very moderate one and I hope the amendment will not prevail.

The amendment was not agreed to.

Mr. FORT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph and insert the following:

"For the erection of suitable founderies and forges and providing machinery and implements for the construction of heavy and improved ordnance for the armament of sea-coast fortifications, and projectics for same, and for altering smooth-bore cannon into rifled guns, \$250,000, or so much thereof as may be necessary."

Mr. BLOUNT and Mr. BAKER reserved points of order.

Mr. FORT. I do not presume in the present temper of the House that the amendment will be adopted. I have no fear of the recurrence of another war, myself, very soon. I certainly hope there will not be. I do not wish to see another war while I live. Yet war may not be. I do not wish to see another war while I live. come. When war does come, however, we will have to depend then, as we have depended in the past, on improvised arms and upon improvised fortifications. We will have to depend upon the shoulder that bears the musket for our defense. We will have to depend upon the volunteer, not upon the regular Army. And in fortifications we will have to depend upon the sand-pits and upon the improvised earthworks, and not upon the masonry that will be erected in New York

In order that we may be able to arm these earthworks, I for one To commence the construction of batteries for the defense of the entrance to alveston Harbor, Texas, \$50,000,

Mr. SPARKS. Mr. Chairman I make the point of order on that get them constructed they will be superseded by something that is better; but it occurs to me that it would be wisdom to be prepared to construct heavy ordnance. Private enterprise will not be prepared to do it. It takes a long time to erect the forges and furnaces with which to construct a large gun; perhaps longer than it takes to construct a gun after the forges are constructed. A gentleman near me says it will take a year to construct the forges and appliances to handle this heavy mass of metal.

It seems to me, then, to be the wise course for the Government to have a large machine-shop, in which it could, when needed, construct the ordnance and the kind of ordnance that then would be desirable, and not now to engage in the business of constructing this expensive ordnance, because, as I have said, by the time you get it constructed it may be superseded by something far better. It will not do to leave it to private enterprise. When war comes, if it does come, the contract would first have to be made with the private individual; then the private individual would have to construct his forges and furnaces, and then to construct his guns. Then why not let the Government go to work and be prepared itself to do anything of this sort, that it must of necessity do when the time comes, if it ever does come, and God forbid that it should.

Mr. BAKER. I must press the point of order, in order that there may be no further discussion if the point of order is well taken. The point I make is, that there is no law previding for the construction of an establishment for the manufacture of large guns, and that it

of an establishment for the manufacture of large guns, and that it is new legislation and not in the line of retrenchment and economy. Mr. FORT. I think the gentleman's construction of the rule is forced. If we have the power to construct a gun we certainly have the power to construct a forge with which to make that gun. The very fact that the gentleman claims that his own appropriation is in order would make the amendment in order. He provides by his bill for the construction of a gun; but it is impossible to construct a gun without first providing the establishment to do so. Now, when it is in order to do both things why is it not in order to do the one which must be first done? must be first done?

The CHAIRMAN. Does the gentleman from Indiana [Mr. Baker]

insist upon his point of order?

insist upon his point of order?

Mr. BAKER. I do.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, and therefore rules the amendment out of order.

Mr. ELLIS. I move to amend the pending paragraph by striking out "\$400,000" and inserting in lieu thereof "\$887,000."

The CHAIRMAN. The paragraph will be read as proposed to be

amended.

The Clerk read as follows:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles and the manufacture of four improved breech-loading twelve-inch rifled guns, \$887,000.

Mr. ELLIS. This is the amount estimated for by the Chief of Engineers, and is to be applied principally to the making of these heavy guns and the conversion of twelve and fifteen inch smooth-bores into eight and ten inch rifles. I have no argument to make further than to read the words which I find on pages 11 and 12 of the report of General Rendy.

General Benét:

The want of certain portions of plant to enable the founderies to undertake the manufacture of guns larger than any heretofore made in this country, and the necessity that the Department should supply a portion of it in aid of the enterprise, the long and tedious examinations and calculations to reach the exact cost that would pay the founderies a fair profit for their labor and risk, delayed the placing of contracts for some time. All this has, however, been satisfactorily settled, and the work will be pushed to completion as rapidly as possible.

No stronger argument in favor of large annual appropriations can be stated than the fact that the first of these four guns will be completed and delivered to us in sixteen months, the second in eighteen months, the third in twenty months, and the fourth in twenty-two months, or about two years after the passage of the bill making the appropriation.

The money that may be expected from year to year is so uncertain as to quantity that the founderies are not justified in running the risk of making such ample preparation of plant as the increased size of modern ordnance requires to inure a large yearly product. Two years to complete four guns is the very best that can be done by the founderies with all the assistance this Department can render. May I not ask that it be recommended to Congress to increase the appropriation of last syear, make it a permanent one, if possible, that the existing condition of hings may be so far improved by congressional encouragement as to enable our founderies to perfect their establishment so as to do the largest amount of work in the shortest possible time. Liberal appropriations for the armament of our forts are of the first importance, and cannot be too strongly urged.

Mr. BAKER. I hope this amendment will not be agreed to. It

Mr. BAKER. I hope this amendment will not be agreed to. It proposes to appropriate \$117,600 more than is estimated for by the Ordnance Department. It is also the mere motion of an individual member of the House.

Mr. ELLIS. Does the gentleman say that this amount is not estimated for ?

Mr. BAKER. That is what I said.

Mr. ELLIS. On page 80 of the Book of Estimates I find the total

of the amount estimated for under this head to be \$887,600.

Mr. RANDALL, (the SPEAKER.) I would like to ask the chairman of the Committee on Military Affairs [Mr. SPARKS] if he is prepared to answer the question whether the Committee on Military Affairs recommend any increase in regard to this item of this appropriation o answer the question whether the Committee on Military Affairs Colerick, commend any increase in regard to this item of this appropriation ill?

Mr. SPARKS. The Committee on Military Affairs make no recom-

mendation one way or the other. They say nothing on the subject. If they had recommended it, as a matter of course the amendment would have been moved by the committee.

Mr. BAKER. It is true that in the Book of Estimates there are five Mr. BAKER. It is true that in the Book of Estimates there are nve items aggregating the sum of \$857,600. But, as I explained when I first addressed the committee on this bill, one of those items, recommending the appropriation of \$117,600, is not incorporated in this bill at all; and if it is to be appropriated by Congress it properly belongs to the Army appropriation bill. Therefore the amendment now proposed for the purpose of constructing guns and manufacturing projectiles in \$117,600 more than the aggregate of the estimates by the

posed for the purpose of constructing guins and mandacturing projectiles is \$117,600 more than the aggregate of the estimates by the Department. I hope the amendment will not prevail.

The amendment of Mr. Ellis was not agreed to.

The Clerk began the reading of the next paragraph of the bill.

Mr. FORT. Is it not necessary to vote upon passing this paragraph? Mr. FORT. Is it not necessary to vote upon passing this paragraph? The CHAIRMAN. It is not necessary to take a vote upon agree-

ing to each separate paragraph.

Mr. FORT. I move to strike out the paragraph.

Mr. BLOUNT. Is it not too late to make that motion? The Clerk

had began the reading of the next paragraph.

The CHAIRMAN. The Chair recognizes the right of the gentleman from Illinois to move to strike out the second paragraph of the bill. The motion to strike out was not agreed to.

The Clerk read the remainder of the bill, as follows:

For torpedoes for harbor defenses, and the preservation of the same, and for torpedo experiments in their application to harbor and land defense, and for instruction of engineer battalion in their preparation and application, \$50,000: Provided. That the money herein appropriated for torpedoes shall only be used in the establishment and maintenance of torpedoes to be operated from shore stations for the destruction of an enemy's vessel approaching the shore or entering the channels and fairways of harbors.

And the Secretary of War is hereby authorized, in his discretion, to exchange the unserviceable and unsuitable powder and shot on hand for new powder and projectiles, or to sell the same and purchase similar articles with the proceeds of the sales.

Mr. BAKER. I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6529] making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, and had directed him to report the same back to the House without amendment, and to recommend that the bill be passed.

the same back to the House without amendment, and to recommend that the bill be passed.

Mr. BAKER. I call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time, and it was accordingly read the third time.

The question was upon the passage of the bill.

The SPEAKER. On the passage of this bill the rule requires the vote to be taken by yeas and nays, and the Clerk will now call the roll.

roll.

The question was taken; and there were—yeas 189, nays 1, not voting 101, as follows:

Richmond,

YEAS-189. Hooker, Horr, Hostetler, House, Hubbell, Hull, Cowgili, Crapo, Cravens, Davis, Joseph J. Deering, De La Matyr, Acklen, Aldrich, William Anderson, Armfield, Bachman, Baker, Rasher Overton. Page, Philips, Phister, Poehler, Prescott, Price, Reagan, Reed, Richardson, D. P. Richardson, J. S. Hull, Humphrey, Hunton, Johnston, Jones, Keifer, Deuster, Dibrell, Dick, Dunn, Dunnell, Barber. Bayne, Beale, Beltzhoover, Bicknell, Dunnell,
Dwight,
Errett,
Evins,
Felton,
Ferdon,
Field,
Finley,
Fisher,
Forney,
Forsythe,
Fort, Blackburn. Kenna, Ketcham Blake, Bland, Blount, Robertson, Robeson, Killinger, Kimmel, Robeson, Ross, Rothwell, Russell, W. A. Samford, Sawyer, Scales, Scoville, Shallenberger King. Bouck. King, Klotz, Ladd, Le Fevre, Lindsey, Lounsbery, Bowman, Bragg. Brewer, Briggs, Brigham, Scottle, Shallenberger, Shelley, Sherwin, Simonton, Singleton, O. R. Slemons, Smith, A. Herr Bright, Buckner, Fort. Lowe, Marsh, Frye, Geddes, Gibson, Gillette, Godshalk, Burrows, Butterworth, Cabell, Caldwell, Martin, Benj. F. Martin, Edward L. Masen, McCoid, Camp, Camp, Carpenter, Chalmers, Chittenden, Claffin, Clardy, Clark, John B. McCook, McKinley, jr., McMillin, Mills, Mitchell, Monroe, Goode, Goode, Gunter, Hall, Hammond, N. J Harris, Benj. W Harris, John T. Haskell, Hatch, Hawley, Heilman, Sparks, Speer, Springer, Steele, Stevenson, Monroe, Morse, Muldrow, Murch, Myers, New, Nicholls, Norcross, O'Connor, Osmer, Sione, Taylor, Ezra B. Taylor, Robert L. Clements, Cobb, Coffroth, Thomas, Thompson, P. B. Tillman, Townsend, Amos Turner, Oscar Turner, Thomas Henderson, Henry, Herbert, Herndon, Hill,

Tyler, Updegraff, J. T. Updegraff, Thomas Upson, Van Aernam,

Vance, Voorhis, Wait, Ward, Warner, Washburn,

Weaver, Wellborn, Whitthorne, Williams, C. G. Williams, Thoma Willits,

Wilson. Wise, Yocum.

NAY-1. Ellis.

NOT VOTING—101.						
Aiken, Aldrich, N. W. Atherton, Atkins, Bailey, Ballou, Barlow, Belford, Berry, Bingham, Biiss, Boyd, Browne, Calkins, Cannon, Carlisle, Caswell, Clark, Alvah A. Clymer, Cox, Crowley, Culberson, Daggett, Davidson, Davis, George R. Davis, Horace		Martin, Joseph J. McGowan, McKenzie, McLane, Milles, Milles, Miller, Money, Morrison, Morton, Morton, Muller, Neal, Newberry, O'Brien, O'Neill, O'Reilly, Orth, Pacheco, Persons, Phelps, Pound, Rice, Robinson, Russell, Daniel L. Ryan, Thomas Ryon, John W.	Sapp, Singleton, J. W. Singleton, J. W. Smith, Hezekiah I Smith, William E Starin, Stephens, Talbott, Thompson, W. G. Townshend, R. W. Tucker, Valentine, Van Voorhis, Waddill, Wells, White, Whiteaker, Wilber, Willis, Wood, Fernando Wood, Walter A. Wright, Young, Casey Young, Thomas L			
	Loring, Manning,	Ryan, Thomas Ryon, John W.				

So the bill was passed.

The following pairs were announced:
Mr. Hubbell with Mr. Wells.
Mr. Hiscock with Mr. Clymer.
Mr. Smith, of New Jersey, with Mr. Newberry.
Mr. O'Connor with Mr. Martin of North Carolina.
Mr. Hutchins with Mr. Starin.
Mr. Neal with Mr. McMahon.
Mr. Velyg of Tanyasses with Mr. Hour.

Mr. Young, of Tennessee, with Mr. Houk. Mr. Valentine with Mr. Davidson. Mr. Lounsbery with Mr. Van Voorhis.

Mr. Lapham with Mr. Tucker.
Mr. Townshend, of Illinois, with Mr. Cannon, of Illinois.
Mr. Ballou with Mr. Carlisle.
Mr. Miller with Mr. Talbott.

Mr. DAVIS, of Missouri, with Mr. FIELD.

Mr. Bliss with Mr. Crowley. Mr. Willis with Mr. Harmer. Mr. White with Mr. Persons.

Mr. James with Mr. Smith of New Jersey.

Mr. Davis, of Illinois, with Mr. Frost.
Mr. Robinson with Mr. Knott.
Mr. Davis, of California, with Mr. Whiteaker.
Mr. Berry with Mr. Ryan of Kansas.

Mr. McKenzie with Mr. Calkins.

The result of the vote was announced as above stated.

Mr. BAKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LYDIA DWINEL.

Mr. MURCH, by unanimous consent, introduced a bill (H. R. No. 6618) granting a pension to Lydia Dwinel; which was read a first and second time, referred to the Committee on Invalid Pensions, and erdered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed a bill (S. No. 1139) for the relief of Fitz-John Porter, late major-general of the United States Volunteers and colonel of the Army; in which the concurrence of the House was requested.

ASSISTANT CLERK TO COMMITTEE ON ELECTIONS,

Mr. O'CONNOR, from the Committee on Accounts, reported back, with a favorable recommendation, the following resolution:

Resolved, That the Committee on Elections be, and they are hereby, authorized to continue J. R. Christy in the office of assistant clerk to the said committee for such time during the present session as the committee may require his services, and that he be paid out of the contingent fund of the House at the rate of \$6 per diem for the time he is actually employed.

The SPEAKER. The report accompanying this resolution will be

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution authorizing the Committee on Elections to continue John R. Christy in their employ as assistant clerk during the present session of Congress, at a compensation of \$6 per diem while actually employed, having considered the same, respectfully report:

That the nature and amount of the business still pending before the Committee on Elections render the continuance of this additional clerical aid very essential to the committee, and they therefore recommend the passage of the resolution.

The resolution was agreed to.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. GIBSON. I am instructed by the Committee on Levees and Improvements of the Mississippi River to report the bill which I send to the desk, and to move that it be recommitted and printed. together with the reports of the committee and of the commission. It also give notice that when the bill heretofore reported from that committee, and now on the Calendar shall come up, I will offer this

committee, and now on the Calendar shall come up, I will offer thisbill as a substitute, under the instruction of the committee.

The motion of Mr. GIBSON was agreed to; and the bill (H. R. No. 6619) appropriating \$1,800,000 for the improvement of the Mississippi River, to be expended by and under the direction of the Secretary of War, in accordance with the recommendations, plans, specifications, and estimates, and under the advisory supervision of the Mississippi River commission, was read a first and second time, recommitted, and ordered to be printed, together with the reports of the committee and the commission upon the subject.

BREAKWATER ON SAINT CROIX RIVER.

Mr. FRYE. I desire unanimous consent to have adopted, without reference to a committee, a resolution asking information of the Secretary of War in regard to a Government breakwater which, unless some action be speedily taken, is likely to be destroyed by ice.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives, That the honorable Secretary of War be requested to inform the House of the present condition of the breakwater about four miles southerly from the city of Calais, on the Saint Croix River, the necessity of its immediate repair to prevent its destruction, and the probable cost thereof.

There being no objection, the resolution was considered and adopted.

BRIDGE OVER SAINT MARY'S RIVER.

Mr. NICHOLLS. I ask unanimous consent that the Committee on Commerce be discharged from the consideration of Senate bill No. 1814, to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes, and that the bill be returned to the Speaker's table, from which it was taken this morning.

There being no objection, the bill was returned to the Speaker's

table.

CLERK FOR COMMITTEE ON PENSIONS.

Mr. HENRY. I am directed by the Committee on Accounts to re-port a substitute for a resolution referred to that committee, authorizing the Committee on Revolutionary Pensions and War of 1812 to employ a clerk.

The substitute was read as follows:

Resolved, That the Committee on Pensions be, and they are hereby, authorized to employ a clerk during the remainder of this Congress, who shall be paid out of the contingent fund of the House at the rate of §6 per diem.

The SPEAKER. The report accompanying the resolution will be

The Clerk read as follows:

The Committee on Accounts, to whom was referred on the 23d of April, 1879, a resolution authorizing "the Committee on Revolutionary Pensions and War of 1812" to employ a separate clerk, having carefully considered the same from time to time, respectfully report:

That the new rules adopted by the House changed the name of this committee to the "Committee on Pensions," and gave it jurisdiction over all "subjects relating to the pensions of all the wars of the United States other than the civil war." This action vastly increased the scope of the committee's jurisdiction and its labors. Under these circumstances the services of a separate clerk seem to be essential to the prompt and satisfactory discharge of its duties; and the adoption of the substitute for the resolution is therefore unanimously recommended.

Mr. FORT. Allow me to ask the gentleman how many clerks the committees of the House now have

Mr. HENRY. This committee has no clerk.

Mr. FORT. I understand this committee has charge of bills proposing pensions based upon services in all other wars than the last—the war of the rebellion. They probably have ten or fifteen bills be-

fore them.

Mr. HENRY. We were informed by that committee that they have a great many bills before them for consideration.

Mr. FORT. What has been the increase in the number of clerks at this over the preceding Congress?

Mr. HENRY. I will state, Mr. Speaker, that at the beginning it was our object to have the same number of clerks appointed during the last Congress. Some additional clerks have been allowed by direct vote of the House to the Committee on Invalid Pensions without reference of the question to the Committee on Accounts. That action, it seems, was rendered necessary by reason of the large number of pension cases which had accumulated before that committee for consideration and action. for consideration and action.

When the clerks were distributed to the various committees of the House one clerk was allowed to the Committee on Expenditures in the War Department and this Committee on Pensions. We are now informed by the Committee on Pensions that it is absolutely necessary they should have a separate clerk, in order there may be some one in the committee-room to keep it open and answer inquiries constantly made of them by applicants and others, as the business of that committee has been greatly ingreased by the applicants distributed in the committee has been greatly ingreased by the applicants. committee has been greatly increased by the enlarged jurisdiction accorded to it under the new rules adopted at the last session.

Mr. FORT. But the gentleman does not answer my inquiry, what increase there has been in this Congress over the last Congress?

Mr. HENRY. I am not prepared to answer at present, because some clerks have been allowed by direct vote of the House without the reference of the subject to the Committee on Accounts.

The SPEAKER. The Chair thinks there has been an increase of two, but is not certain.

The substitute was agreed to, and the resolution, as amended, was educated.

Mr. HENRY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIST OF PRIVATE CLAIMS.

Mr. CONVERSE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resqived, That the Clerk of the House be directed to have completed the digested summary and alphabetical list of the private claims presented to the House of Representatives from the Forty-second to the Forty-sixth Congress, inclusive, and the expense for performing said work shall, under the direction of the Committee on Accounts, be paid out of the contingent fund of the House.

BRIDGE OVER THE PECOS RIVER.

The SPEAKER, by unanimons consent, laid before the House a letter from the Secretary of War, relative to a military bridge over the Pecos River, in Texas; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the follow-

ing cases:
To Mr. Kelley, from Friday until the close of the Christmas vacation.

To Mr. WILBER, until January 2.

To Mr. Murch, for fifteen days from to-morrow.

And then, on motion of Mr. WARNER, (at four o'clock and twentyeight minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rale, and referred as follows, viz:

Mr. ANDERSON: The petition of citizens of Manhattan, Kansas, that efficient measures be at once taken for the suppression of cattle diseases—to the Committee on Agriculture.

By Mr. COWGILL: The petition of John C. Nelson and 39 others, for an increase of pension for Christian Rice—to the Committee on

By Mr. DE LA MATYR: The petition of B. H. Webb, for extension of a patent for a ventilated boat—to the Committee on Patents.

of a patent for a ventilated boat—to the Committee on Patents.

By Mr. DUNNELL: The petition of John D. Dane and 23 others, citizens of Massachusetts, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. ERRETT: Resolutions of the Pittsburgh Chamber of Commerce, favoring legislation that will make permanent the national inspection service—to the Committee on the origin, introduction, and

spection service—to the Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States.

By Mr. HULL: A bill for deepening and otherwise improving Saint John's Bar, in the State of Florida—to the Committee on Commerce.

Also, a bill making appropriation for completing the improvement of Volusia Bar, Florida—to the same committee.

Also, a bill making appropriation for improving the inside passage between Fernandina and Saint John's River, Florida—to the same committee.

committee.
Also, a bill making appropriation for deepening and otherwise improving Fernaudina Bar, Florida—to the same committee.
Also, a bill making appropriation for improvement on Suwatnee River, Florida—to the same committee.
By Mr. KETCHAM: The petition of Loyal C. Freeman and 33 others, citizens of Yorkshire, New York, that soldiers who were discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.
By Mr. OVERTON: The petition of Henry McKinney and 91 others, citizens of Great Bend, Pennsylvania, for the passage of a law prohibiting the circulation as money of trade-dollars—to the Committee on Coluage. Weights, and Messures.

on Coinage, Weights, and Measures.

By Mr. RICHMOND: The petition of Allen & Ginter, manufacturers of cigarettes, in Richmond, Virginia, that the internal-revenue tax on one thousand cigarettes be reduced from \$1.75 per thousand to seventy-five cents per thousand—to the Committee on Ways and

Means.

By Mr. VANCE: A bill to provide for the continuation of the work of improving the French Broad River in North Carolina—to the Committee on Commerce.

By Mr. WALTER A. WOOD: The petitions of Alexander J. Brown, of Stephentown; of Lenas L. Robinson, of Argyle; and of John Hunt, of Johnsonville, New York, that soldiers of the late war discharged on account of disease be granted the same bounty as those discharged for wounds—to the Committee on Military Affairs.

IN SENATE.

THURSDAY, December 16, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting to the Senate copies of papers received from the Quartermaster-General showing the necessity

pers received from the Quartermaster-General showing the necessity for a bridge for military purposes across the Pecos River in Texas; which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in reply to a resolution of the Senate of the 13th instant, a special report on the subject of trichinæ in American meat by the late Assistant Surgeon W. C. W. Glazier, of the Marine-Hospital Service; which was referred to the Committee on Agriculture, and ordered to be printed.

AGRICULTURAL REPORT OF 1879.

The VICE-PRESIDENT laid before the Senate a letter from the Public Printer, in reply to the resolution of the 13th instant, calling for information as to why the Agricultural Report of 1879 is not ready

for distribution.

On motion of Mr. JOHNSTON, the letter was referred to the Committee on Agriculture, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented the petition of John Johnson, of Portage, Columbia County, Wisconsin, formerly a private in the United States detachment of cavalry at the West Point Military Academy, praying that he be granted arrears of pension; which was referred to the Committee on Pensions.

Mr. PLUMB. I present the petition of Dermott Bishop, N. Mayer, Joseph J. Valentine, John T. Carroll, and Charles Schmidt, foremen at the Leavenworth military prison, praying that certain arrears of wages be paid to them. I desire to call the attention of the Committee on Appropriations especially to this case. In 1878, by inadvertence, I have no doubt, the amount which was necessary to pay these persons the wages which had been agreed upon—\$100 a month—was reduced by the appropriation bill to \$75 per month. The Secretary of War was so well satisfied of the fact of this being an inadvertence that he paid them out of the earnings of the military prison about six months' wages, and about that much is still left due. I call the special attention of the Appropriations Committee to this because it is a matter that has remained a long time unsettled, and is a matter of very great hardship to these persons. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. WHYTE presented the petition of Louisa Gassaway, of Annapolis, Maryland, praying that she be granted a pension on account of the services of her father in the Revolutionary war; which was referred to the Committee on Pensions.

ferred to the Committee on Pensions.

Mr. SLATER presented the petition of Jacob Fritz and certain citizens of The Dalles, Oregon, praying Congress to grant him two acres of land off the northeast corner of The Dalles military reservation; which was referred to the Committee on Public Lands.

Mr. HOAR. I present the petition of the American Woman's Suffrage Association, praying for equality of suffrage in the Territories, and move its reference to the Committee on Territories. This petition is signed by various persons, ladies and others, of the very highest standing in literature and in social life, surpassed by no other persons in those particulars in this country. They have stated reasons of the gravest, and, to my mind, of the most persuasive character in of the gravest, and, to my mind, of the most persuasive character in behalf of the petition which they make—reasons which, as they have stated them, have never yet received from any quarter an answer which seems to me to deserve to be characterized as a respectable argument. I move the reference of the petition to the Committee on Territories

Mr. GARLAND. Before the reference is made I wish to state to the Senator from Massachusetts, if he does not know the fact already, that day before yesterday the Senator from Wisconsin, who is not now in his seat, [Mr. CARPENTER,] presented a petition praying for an amendment to the Constitution, (broader, to be sure, than this petition is, but covering the same subject,) which was referred to the Committee on the Judiciary. I have no objection to the reference to the Committee on Territories of the petition of the Senator from Massachusetts, but I state this fact because the two committees will have the same subject, to a certain extent, under consideration.

Mr. HOAR. The proposition for an amendment to the Constitution which relates to the right of suffrage in the whole country properly belongs to the Committee on the Judiciary. This is an application for such a provision relating only to the Territories, and it is supported by reasons which apply only to the Territories, in part by the experience of one of the Territories, the Territory of Wyoming, with which the Committee on Territories of course have made themselves familiary and it account that familiar; and it seems to the petitioners (and as I understand the chairman of the Committee on Territories raises no objection) desirable that they should be heard by a committee familiar with the interests and conditions of the Territories.

The VICE-PRESIDENT. The petition will be referred to the Committee on Territories, if there be no objection.

REPORT OF A COMMITTEE.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1888) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island, reported it without amendment.

BILLS INTRODUCED.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1920) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Ne-

the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1921) to declare the true intent and meaning of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia," &c., approved June 16, 1880; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MAXEX saked, and by unanimous consent obtained leave to

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs

Mr. HARRIS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1923) to prevent and punish wrongs to children in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of

Columbia.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1924) to establish a post-route in the State of Nebraska; which was read twice by its title, and referred to the

Committee on Post-Offices and Post-Roads.

Mr. MORRILL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1925) to facilitate appeals from the decisions

of the Commissioner of Patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1926) relating to quartermaster's stores furnished to the forces of Major-General Lewis Wallace during the Mor-

nished to the forces of Major-General Lewis Wallace during the Morgan raid through Indiana and Ohio; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 134) authorizing the Secretary of War to exchange the arms of the National Guard of the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Military Affairs.

REFERENCE OF A BILL.

On motion of Mr. JONAS, the joint resolution (H. R. No. 333) to pay the officers and employés of the House of Representatives borne on the annual roll one month's extra pay was taken from the table and referred to the Committee on Appropriations.

DISTRICT ADVERTISING.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives upon the amendment of the Senate to the bill (H. R. No. 2658) to regulate the award of and compensation for public advertisements in the District of Columbia.

On motion of Mr. WHYTE, it was

Resolved, That the Senate insist upon its amendment disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-

The VICE-PRESIDENT appointed Mr. WHYTE, Mr. RANSOM, and Mr. ANTHONY.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. BURNSIDE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was not agreed to; there being on a division-ayes 11,

ORDER OF BUSINESS.

Mr. BAYARD. I ask the unanimous consent of the Senate to allow Mr. BAYARD. I ask the unanimous consent of the Senate to allow me to take up and have passed the bill (S. No. 1669) for the relief of Abbie N. Condron. It is simply a bill to give the sum of \$438.32 to the widow of a chaplain in the Army who was prevented from collecting it in the year 1861 by a mere informality growing out of his want of knowledge of the details of the service at that time. The bill was considered by the Committee on Military Affairs, and received the unanimous report of that committee, and I believe it to be an act of justice and of great benefit to this unfortunate lady.

The VICE-PRESIDENT. The Senator from Delaware asks that the Anthony rule be informally laid aside for a moment in order that the Senate may consider the bill he has named.

Mr. HARRIS. While I do not intend to object to the consideration of the measure suggested by the Senator from Delaware, I desire to

appeal to that Senator to allow the Senate, if it chooses to do so, to proceed to the consideration of a bill that was under consideration at the adjournment last evening. I am quite sure, at least I feel confident, that it cannot take ten minutes to complete the consideration and finally dispose of the bill that was being considered when the Senate adjourned yesterday; and I desire very much that it should be disposed of in whatever manner the Senate sees proper to dispose of it. I hope the Senator will not press his request.

Mr. BAYARD. I have not the slightest intention of antagonizing any bill, but this is one of those exceptional cases to which I believe there will not be a particle of objection, and by which an act of instance.

any bill, but this is one of those exceptional cases to which I believe there will not be a particle of objection, and by which an act of justice and of mercy will be performed without the delay of but a very small fraction of the time of the Senate. My friend from Tennessee, however, desires to press the measure pending at the adjournment yesterday. I know that an objection will prevent the consideration of the bill I should like to call up at present. Yesterday, when my friend from Missouri [Mr. Cockrell] called up the bill to which the Senator from Tennessee refers, I did not expect it would go through without debate. He did. It turned out that he was in error as to that, and perhaps it may be that the ten minutes now talked of may be somewhat prolonged; but still, I have made the request, and if there is any objection of course the bill cannot be considered.

Mr. HARRIS. I interposed no objection; I simply appealed to the

Mr. HARRIS. I interposed no objection; I simply appealed to the

Mr. BAYARD. Then I ask the Senate to proceed to the consideration of the bill (S. No. 1669) for the relief of Abbie N. Condron.

The VICE-PRESIDENT. It will be reported at length, and objec-

The Vices Resident Teacher to the state of the Clerk read the bill.

Mr. WITHERS. I call for the regular order.

The VICE-PRESIDENT. The regular order is the consideration of the Calendar under the Anthony rule.

Mr. BAYARD. May I ask whether or not the bill was before the

The VICE-PRESIDENT. It was not. The Chair distinctly announced that it would be read, and objections called for. The Secretary will call the Calendar of General Orders under the standing order of the Senate, commencing at the point last reached when the Calendar was formally under consideration.

BELT LINE OF STREET RAILWAY.

The bill (S. No. 257) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company was an-

North O Street and South Washington Railway Company was announced as being first in order on the Calendar, and it was read.

Mr. HOAR. I should like to ask the Clerk to read again the description of the last offense that he has just read.

The VICE-PRESIDENT. There is an amendment proposed by the

committee which covers the objection made by the Senator from Massachusetts.

Mr. HOAR. I ask the Clerk to read again the last section which he read.

The Chief Clerk read as follows:

SEC. 6. Any person receiving a transfer from any railroad company and not using the same for the person and purpose and at the time for which it was sold, shall forfeit and pay for each such offense the sum of \$10 to the said company, to be recovered and disposed of as other fines and penalties in said District.

Mr. EDMUNDS. Is that a thing that is proposed to be adopted,

Mr. EDMUNDS. Is that a thing that is proposed to be adopted, or does the committee recommend an amendment?

The VICE-PRESIDENT. There is an amendment proposed by the committee which covers that.

Mr. WHYTE. That is proposed to be stricken out.

Mr. EDMUNDS. I think it ought to be stricken out. I do not wish to go to the penitentiary myself, for I have had a good many transfer tickets that I have threwn away.

The VICE-PRESIDENT. The amendment of the committee will

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

ing clause of the bill, and in lieu thereof to insert:

That the act to incorporate the Capitol, North O Street and South Washington Railway Company, approved March 3, 1875, be, and the same is hereby, amended so that the corporate name thereof skall hereafter be the Capitol Railway Company, by which name it may sue and be sued and transact its business, instead of the Capitol, North O Street and South Washington Railway Company. And said company is hereby authorized to lay a single or double track and run its cars from its present line at the corner of Twelfth street and B street, southwest, westwardly along B street, southwest to Fifteenth street and E Breet, southwest, westwardly along B street, southwest for fifteenth street the Bureau of Engraving and Printing, and also to lay a single or double track from its present line on P street and Eleventh street, northwest, north along said Eleventh street to Boundary street.

SEC. 2 That the said company shall complete the tracks and run its cars along the streets named within twelve months from the approval of this act.

SEC. 3. That section 8 of said act be amended so as to read as follows: "That the capital stock of said company shall be \$200,000, and that the stock shall be divided into shares of \$25 each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct."

SEC. 4. Should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway, the relative conditions of the chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia on petition filed therein by either party; and on such notice to the other party as the court may order.

SEC. 5. That Congress may at any time amend, alter, or repeal this act.

Mr. EDMUNDS. This amendment may be entirely right; I do not

Mr. EDMUNDS. This amendment may be entirely right; I do not quite understand it; but may I ask the chairman of the Committee on the District of Columbia whether any provision has been made in reference to allowing this company to lay its track in such a way as

to come to the street (I am not sure that I remember its letter) that adjoins the new National Museum on the south side? The Senator will remember that the new National Museum fronts south on some street, perhaps B street south—it is B street south, the Reporter says, who knows everything and is always right, as I have found a good many times. It was suggested to me the other day by gentlemen connected with the National Museum that in the public interest it might be well to allow this company to run a track along that street, which would bring the public by this cheap method of transportation directly to the door of the National Museum. As the tracks are now, it requires a walk of what would amount probably to two squares or so from the nearest point where the cars run to reach the Museum. I should like to inquire of the chairman of the committee whether that subject has been brought to his notice, as it would of to come to the street (I am not sure that I remember its letter) that

Museum. I should like to inquire of the chairman of the committee whether that subject has been brought to his notice, as it would of course require an amendment of the charter to authorize that. It may be that the amendment which has been read covers it.

Mr. WHYTE. At the time the amendment which is now before the Senate was reported by the committee, after a very careful examination of the whole subject, which required some considerable labor, the committee came to the conclusion that the route proposed in that amendment was the best for this company for the purposes which the amendment was intended to carry out. Since then, however, the subject of the proximity of the National Museum to this route has been suggested and considered, and I am about to offer to the amendment of the committee another amendment, different in its character, to take the place of matter in the amendment of the committee, and with it will have read for the information of the Senate a letter from take the place of matter in the amendment of the committee, and with it will have read for the information of the Senate a letter from the Secretary of the Smithsonian Institution, Mr. Baird, upon the subject, and I think it will be satisfactory. I have also a map of the city and of this route, and the proposition laid down upon the map, showing what changes are proposed to be made, which can be seen by any Senator who wants further information. I now offer the amendment to the amendment of the committee to which I have referred.

The VICE-PRESIDENT. The amendment offered by the Senator from Maryland to the substitute proposed by the Committee on the District of Columbia will be read.

The CHIEF CLERK. After the word "so," in line 6 of section 1 of the amendment, it is proposed to strike out all down to and including the word "printing," in line 14 of the section, as follows:

That the corporate name thereof shall hereafter be the Capitol Railway Company, by which name it may sue and be sued and transact its business, instead of the Capitol, North O Street and South Washington Railway Company. And said company is hereby authorized to lay a single or double track and run its cars from its present line at the corner of Twelfth street and B street, southwest, westwardly along B street, southwest, to Fifteenth street, to the Bureau of Engraving and Printing;

And to insert the following:

As to authorize said company, at its discretion, to remove its track from Ohio avenue and Twelfth street, southwest, and lay a single or double track, and run its cars thereon, from its present line at the intersection of Ohio avenue and Fourteenth street, south, along Fourteenth to B street, southwest, eastwardly along B street, southwest, to Ninth street to Virginia avenue and C street, southwest, to connect with its present line at the junction of said avenue and street;

So as to read:

"That the act to incorporate the Capitol, North O Street and South Washington Railway Company, approved March 3, 1875, be, and the same is hereby, amended so as to anthorize said company, at its discretion," &c.

Strike out section 3, and change the numbers of the remaining

Mr. EDMUNDS. That amendment is in manuscript, and as it affects the welfare of the people of this city as well as this corporation, it appears to me that it would be better that it should be in print. While I am up I should like to call the attention of the Senator from Maryland, who has charge of the bill, I see, instead of the chairman, whom I addressed before, to the point whether the bill should not contain in reference to these new locations of track in the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the streets an explicit provision that there is a large of the street. explicit provision that those tracks should be laid down and the street restored and kept in order the same as the law now is about the other parts of these railway tracks, at the expense of the company. I cannot quite understand the amendment as read from manuscript; but while it authorizes this company to lay tracks in new streets, I think it does not provide that at the company's expense shall the streets be restored to a suitable condition. Of course it ought to be at their expense; at least it appears so to me, and that

ought to be at their expense; at least it appears so to me, and that they should not be allowed to tear up the pavement, the asphalt or stone or whatever it may be, or even the earth, and leave it in a condition unsuitable for travel.

Mr. WHYTE. This is not a new road; this extension is under the old charter. The bill does not change the charter.

Mr. EDMUNDS. I know it does not change the charter; but the charter does not say that if they lay a track in these streets not mentioned in the charter they shall make a proper restoration and keep the streets in repair between their tracks and two feet on either side, if that is the distance that the law usually requires. So it would be open to question; and my friend knows perfectly well that these corporations like all their kindred take advantage of every technicality and doubt to avoid performing their duty in these respects toward the public. It is a somewhat singular fact, for I understand it to be a fact and am sure it is, that some other of these railway corporations which have been explicitly required by law to bear their

share of the pavement of the streets in the city of Washington in snare of the pavement of the streets in the city of Washington in proportion to the share that the adjoining proprietors and the public have been required to bear, have refused to pay their assessments, and that suits have been brought to compel the payment and for some reason or other these suits linger along from year to year on the dockets of the courts and never get tried; that hundreds of thousands of dollars—more than one hundred thousand dollars certainly and I think more than two, for I remember to have seen the printed reports that were called for about a year ago—are honestly due to the transprived. were called for about a year ago-are honestly due to the treasury of the District from these corporations that for some reason or other donot come in.

In that state of things I think we ought to be extra careful to have this provision for tearing up new streets made so clear that there shall be no opportunity for the astuteness of counsel either to get rid of performing that just obligation or to unreasonably delay the enforcement of it, if they do not choose to pay promptly. I rather suspect that the fault now in respect of these existing corporations and the former assessments is in the officers of the District, that they do not push the suits to enforce the penalties and collect the assessments, in whatever form they may be, with the zeal and diligence that the public interest requires; but I say that of course under reserve, because I do not wish to do injustice to anybody; but the great fact remains that a very large sum of money which belongs to the treasury of the District and to the United States that these corporations on Pennsylvania avenue and the other railways ought to pay in as their fair and honest share in respect of these street mat-I have the rest and another share in respect of these street matters are not paid. That I believe to be a fact, and therefore it is that I wish in this instance, as far as I can, to make the thing so very clear and simple that there cannot be any possible creep-out about it.

Mr. WHYTE. I agree with the Senator from Vermont that if there

Mr. WHYTE. I agree with the Senator from Vermont that if there is any doubt upon that subject it ought to be removed entirely by apt words inserted as an amendment to this proposition. My judgment was that inasmuch as in the original charter the obligation is laid upon this company to do this in any street which they have the power to tear up, that is, to replace and keep the street in proper order by proper pavements, I presumed it would operate upon every street subsequently allowed to be used by the company. So it did not occur to me that it was necessary whenever an amendment was offered lifting a truck (sathe entropy have amounts to the lifting offered lifting a track (as the only change here amounts to the lifting of the track from Ohio avenue and carrying it over and putting it on another street) relieved them in the slightest degree from that general obligation which in their charter was imposed upon them. There is no difficulty about making it clear beyond all question, but I agree with the Senator they ought not to have any loophole through which they could escape

they could escape.

There is no objection to the delay asked in regard to this matter and to having the amendment printed; but at the same time I should like to have the letter of Mr. Baird, the Secretary of the Smithsonian Institution, and also the letter of Mr. Irish, the Chief of the Bureau of Engraving and Printing, printed in the RECORD, so that we may look at the whole subject in a better light.

The VICE-PRESIDENT. The amendment, with the communications of the property of the proper

tions referred to, will be printed in the RECORD, and the bill will go

The communications are as follows:

SMITHSONIAN INSTITUTION, Washington, D. C., May 21, 1880.

Washington, D. C., May 21, 1830.

Sir: I am in receipt of your letter of the 20th instant, and in reply beg to say that I would earnestly commend to the favorable attention of the proper authorities the proposed plan of extension of your line of street railway. Passing along Fourteenth to B street south, the line would accommodate visitors to and employés of the United States carp ponds, the Bureau of Engraving and Printing, the Washington Monument, the Agricultural Department, the Smithsonian Institution, and the new National Museum building. One of the principal entrances of the last mentioned establishment will be on B street, the entire north side of which belongs to the General Government.

Although B street is not among the widest streets of the city, ample roomwould be left for a railroad were a single railway track laid near its north curb. There could be sidings or turn-outs at Ninth or Twelfth street.

Very respectfully,

SPENCER F. BAIRD, Secretary.

CHARLES WHITE, Esq.,
President of the Capitol, North O Street
and South Washington Railway Company.

TREASURY DEPARTMENT, BUREAU OF ENGRAVING AND PRINTING, Documber 9, 1880.

Six: This bureau is now established in the new building erected for its use at the corner of Fourteenth and B streets, southwest, and it is very important in the legislation now pending in regard to the extension of certain street-car lines, or in the incorporation of new lines, that the accommodation of its employés be kept in

the incorporation of new lines, that the accommodation of its employes be kept in view.

The Capitol, North O Street and South Washington Railway is the only line in this part of the city, and those of our employés who live more or less distant, near other lines, in order to reach the bureau and return home, will continue to be obliged to pay two fares each way, unless Congress in granting additional privileges to the companies seeking to extend their present or lay new lines to or near the bureau does so on such conditions as will secure them against it. Many of our employés are females, receiving comparatively small wages, who are compelled to make use of street cars, on whom this extra tax of sixty cents a week, or \$2.50 a month, over and above the ordinary fare is very burdensome.

The tracks of the Capitol and North O Street Company (which is now soliciting additional legislation in this regard) intersect the tracks of the Washington and Georgetown line five squares distant from the bureau, or about one-third of a mile, and the Metropolitan line nine squares distant, or about two-thirds of amile. It is thus seen that the distance over which passengers will be carried on the Capitol and North O Street line, (if that company is permitted to remove its tracks from Twelfth to Fourteenth street,) from intersecting lines to our new

building, does not average more than seven squares, or less than half a mile, for which short distance full fare should certainly not be charged. In this no reference is made to the Columbia Railway line, since but a very small number of our employés live along it.

The Capitol and North O Street Company applied to the last Congress for legislation authorizing it to remove its tracks from Twelfth street and to extend its present tracks down Fourteenth street as far as the new building, which would give that company the exclusive benefits of the travel to and from the bureau. That there should be given to other companies besides the above-named equal privilege with it of extending and laying their tracks along Fourteenth street to the bureau as was desired by them, or that the Capitol and North O Street Company, if given this privilege exclusively, should carry passengers over the short distance from its point of junction with other lines of road at a much reduced fare, was conceded as just by the committees of Congress by whom the subject was considered. At the instance of members of these committees, I submitted the matter to the Capitol and North O Street Company, and after full consideration by its management, its president and one of its directors, duly authorized to act in its behalf, united with the chief of this bureau in the following letter to Hon. E. H. ROLLINS, who, as a member of the Committee of the Senate on the District of Columbia, had the matter in charge:

"WASHINGTON, D. C., February 25, 1879.

"Washington, D. C., February 25, 1879

"SIR: After consultation we have agreed that the following amendment shall be added to House bill No. 5371, at the close of section 1, in order to accommodate the employés of the Bureau of Engraving and Printing: Provided, That the said railway company shall convey employés of the Bureau of Engraving and Printing to er from said bureau, located at the corner of Fourteenth and B streets southwest, to or from the nearest intersecting point on the line of any street railway at a fare not to exceed two cents. not to exceed two cents.
"Very respectfully.

"O. H. IRISH,
"Chief of Bureau.
"EDW'D TEMPLE,
"President Capitol, North O Street Company,
"GEO. A. MCLHENNY,
"Director Capitol, North O Street Companu,
("In behalf of said company.")

("In behalf of said company.")

This subject is now again before Congress, and I deem it my duty in behalf of the employes of the bureau, all of whom are of limited means and many of very needy circumstances, to call your attention to this question of reduced fare, which closely affects all of them, and to ask that you will, as far as possible, endeavor to protect their interests and the interests of the Government in this regard. It would, of course, better serve the public interests not to have this reduced rate limited to employes of this bureau, but to be open to the entire traveling public. Toward the close of the last session of Congress it was proposed by one of the committees having the matter under consideration that, instead of removing their tracks from Twelfth street to Fourteenth street, the Capitol and North O Street Company be given permission to lay a branch track along B street from Twelfth street to Fifteenth street, which, if done, would involve the opening up of the grounds of the bureau and make more difficult the protection of the important public interests committed to its charge, and at the same time give in front of the building the annoyances of noise and the offensive odors resulting from the standing of horses and conveyances. I earnestly hope that Congress will not assent to this proposition.

Very respectfully, yours,

O. H. IRISH, Chief of Bureau.

Hon. I. G. Harris, Chairman Committee on District of Columbia, United States Senate.

The VICE PRESIDENT. The Secretary will report the next bill on the Calendar.

Mr. BECK. Before that bill is passed over, the chairman will allow me to offer an amendment, which I should like to have printed,

SEC. —. That it shall not be lawful hereafter for any street railway company in the District of Columbia to carry, or receive pay from, passengers on any of their cars in excess of the number of seats provided for passengers in such car, and they shall provide and maintain on their respective lines a sufficient number of cars to accommodate the public. The District commissioners are hereby authorized and directed to determine the number of cars required and the number of seats in each. For violation of the provisions thereof relative to passengers said companies shall be liable to a fine of \$5 for each offense, recoverable by the party aggrieved in any court in the District, and for violation of the provision relative to the number of cars required the charters of said companies shall be forfeited by proper proceedings instituted by the District commissioners on behalf of the people of said District.

ANACOSTIA AND POTOMAC RAILROAD LINE.

The next bill on the Calendar was the bill (S. No. 1381) to amend

the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad line.

Mr. WHYTE. There are some provisions in that bill which may come in conflict with the bill just passed over, and I think it had better go over.

The VICE-PRESIDENT. The bill will be passed over.

METROPOLITAN RAILROAD COMPANY.

The next bill on the Calendar was the bill (S. No. 387) to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment, to add the following as additional sec-

SEC. 2. That the said company shall complete the tracks and run the cars along the streets herein named within twelve months from approval of this act.

SEC. 3. That Congress may at any time amend, alter, or repeal this act.

Mr. EDMUNDS. It seems to me that the question suggested as to the North O street road ought to be considered in connection with this bill, and I ask the Senator from Maryland whether it would be agreeable to him to let this go over also in order that the committee may adjust the whole matter satisfactorily?

The VICE-PRESIDENT. The bill will be passed over.

DISTRICT WATER SUPPLY.

The next bill on the Calendar was the bill (S. No. 1493) to regulate

the use and prevent the waste of Potomac water in the District of Columbia.

The VICE-PRESIDENT. This bill has been previously considered as in Committee of the Whole, and an amendment is pending proposed by the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. INGALLS. It is so long a time since that bill was considered that I presume it had better be read so that the Senate may be aware

of its provisions.

The VICE-PRESIDENT. The substitute reported by the Committee on the District of Columbia for the original bill will be read.

The Secretary read the proposed substitute, as follows:

The Secretary read the proposed substitute, as follows:

That the Metropolitan police of the District of Columbia are hereby declared to be, and made, water inspectors, and it shall be their duty, and they are hereby required, from time to time, under the direction of the commissioners, to examine and inspect, without previous notice to the occupants, all premises where Potomas water is taken or used, and if at any time they shall find water running to waste on any premises, they shall forthwith report the number and locality of the premises, the name of the owner or occupant, and the character of the waste, to the commissioners of the District of Columbia.

SEC. 2. That upon the receipt of such report or of any other satisfactory evidence that water is running to waste on any premises, it shall be the duty of the commissioners to cause the water registrar forthwith to notify the owner or occupant of said premises, and if such waste is not stopped within forty-eight hours after such notice, the water supply shall be cut off under the provisions of the foregoing section, it shall not be turned on again until the owner or occupant of such premises has paid to the water registrar the sum of \$2.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr.

The VICE-PRESIDENT. The Senator from New Hampshire [Mr. ROLLINS | proposed an amendment to add as a new section what will now be read.

The Chief Clerk read as follows:

SEC. —. That the provisions of the preceding section shall not apply to any premises the owner or occupant of which shall procure and attach a water-meter in such manner and of such kind as shall be approved by the commissioners of said District; and upon the attachment of such water-meter the said premises shall be charged with an annual water rent of \$4, and in addition thereto shall pay for the water consumed on the said premises at a rate prescribed by the said commissioners not less than one cent per one hundred gallons for the quantity consumed in excess of fifty gallons per day for each person permanently occupying such premises.

The VICE-PRESIDENT. The first question will be on the amendment reported by the Committee on the District of Columbia.

Mr. EDMUNDS. I should like to call the attention of the commit-

tee to one or two points in connection with that proposition. entirely in sympathy with the object of preventing the waste of water, because (putting it upon the lowest and most selfish grounds) happening to reside in a geographically high part of the city, it is very difficult a good many times in the day to get water where I happen to live, and I think it arises from the excessive use or waste of water in other parts of the city.

water in other parts of the city.

Now, the first thing I wish to call attention to is one that, if there Now, the first thing I wish to call attention to is one that, if there is anything in it, can be remedied in a moment; that is, the provision which makes the police water inspectors. If there are no authorities now that have any right of inspection at all, I do not see but that the provision is entirely correct so far as form goes; but if it happens that the water registrar or any of his agents or any other authority in the District now possesses the power of any sort of inspection, even with the consent of the owner, then I submit to the committee whether this provision does not by implication repeal all other authority of inspection. If it is intended to do that, it may be right, though it would strike me that whatever powers the water other authority of inspection. If it is intended to do that, it may be right, though it would strike me that whatever powers the water registrar and his employés now have in reference to inspection and superintendence, &c., need not be impaired, but that this police provision ought to be additional to any existing power. If I am right about that, then I think it would be well to say in the first section that they are constituted water inspectors in addition to any officers or persons now having authority of law in reference to water affairs.

or persons now having attending of law in reference to water affairs.

Mr. ROLLINS. There is no objection to the amendment the Senator from Vermont suggests. It is not intended to deprive the present officers of the water department of any power which they have.

Mr. EDMUNDS. If they have any powers now, I am strongly inclined to fear—to put it very mildly—that this would be a repeal by

implication of whatever inspecting powers now exist in any other

implication of whatever inspecting powers now exist in any other officers than those here named.

Now I will come to the other point that struck me. I am afraid that this provision for inspecting is not adequate to meet the end in view. Suppose at my house a policeman comes and perceives that the water is running to waste, He gives notice to the District commissioners. They notify me to stop it. If I do not stop it in forty-eight hours, then I am to be cut off. Very well; I do stop it in forty-seven hours. I cannot be cut off under this bill. Two hours afterward, forty-nine hours having elapsed, I let it run again. What is to be done then? I am to have forty-eight hours' notice again to stop the waste. At the end of forty-seven hours I proceed to comply and two hours afterward I turn the water on again. So I can go on with waste. At the end of forty-seven hours I proceed to comply and two hours afterward I turn the water on again. So I can go on without the slightest inconvenience or without any practical inconvenience in this way. If I did it wrongfully, as I should do if it was a waste, I ought to be punished, and I think this bill ought to contain a penal clause that any person taking the water that the public furnish to this city and letting it waste unreasonably either by neglect or by any willful act of his should be the subject of being brought up in the police court and fined every time he did it. I think then when the policeman found it out it would mean something. I merely make the suggestion. the suggestion.

Mr. WHYTE. I want to ask the Senator from Vermont whether the punishment of paying \$2 for every time he is stopped would not amount to a sufficient fine in the end?

Mr. EDMUNDS. Yes, but in the case I have supposed this two-dollar affair is only in case he does not stop the waste within forty-

eight hours. Mr. WHYTE.

Mr. WHYTE. But every time he is detected in letting it run again he is to pay \$2 before it is turned on again.

Mr. EDMUNDS. I do not so understand.

Mr. WHYTE. That is the intention.

Mr. EDMUNDS. The way I understand it on hearing it read is that Mr. WHYTE. That is the intention.

Mr. EDMUNDS. The way I understand it on hearing it read is that if the person who is found negligent in this respect ceases his negligence within forty-eight hours after notice, that is the end of that affair. His offense has been condoned; he does not have any \$2 to pay then, and he only has \$2 to pay in case he neglects for forty-eight hours to correct his misuse and wants to have the water supplied to him again. After it is turned off, when he goes to have it supplied, then he must pay \$2, but if he stops his negligence within forty-eight hours there is no right to cut it off, and then he has no \$2 to pay because he only has to pay \$2 to have the water restored to him after it has been cut off. The consequence is that it appears to me that the provision is not adequate to what I agree is the real emergency.

Mr. ROLLINS. I hope the Senator from Vermont will suggest an amendment which will obviate the objection he sees to the section.

Mr. EDMUNDS. The difficulty about amendments of this character which relate to provisions in their nature penal, is that I should not want to take the responsibility on the very spur of the moment of delaying the Senate to prepare an amendment which I should be willing to stand by myself. I think it would be better to let the matter be and let the gentlemen of the committee examine carefully, and when they are at leisure endeavor to get it right.

Mr. ROLLINS. Some bill of this kind is necessary.

Mr. EDMUNDS. I fear it will not do any good as it is now.

Mr. VOORHEES. I differ entirely with the Senator from New Hampshire. I do not think there is any necessity for a bill of this kind. I am not aware of how it comes before the Senate at this time, but whenever it reaches a vote, in whatever shape, I am not prepared to vote for it. I have had something of a long service in Wash.

kind. I am not aware of how it comes before the Senate at this time, but whenever it reaches a vote, in whatever shape, I am not prepared to vote for it. I have had something of a long service in Washington, and my experience has been a want of water rather than a waste of water. You may take the level of I street for instance, in the houses this city, and water does not flow in the second stories of the houses. this city, and water does not flow in the second stories of the houses. If a stranger were to come along here and listen to this discussion so strenuous in favor of cutting off water, he would think we were living on the great plains or in the deserts of Africa. I am not prepared for the purpose of saving the waste of a few drops of water to throw open the houses of this city to police inspection under any circumstances. I will not do it. On the contrary I shall be glad to vote for legislation making water plenty, and making it flow in the upper stories of the houses. stories of the houses.

This question was up at the last session, and I remember very well the impression made on me then. We have on the east side of this city a large, deep, and wide stream of water. We have on the west another; and on the south a magnificent river, with falls a few miles above which are sufficient to throw any amount of water into this city. Instead of being here legislating for the parsimonious use of water in order to have inspection go on here to see whether a few drops of water are being wasted, I would have a measure to pour abundance into the city, even if here and there a little was wasted, and even if the property-holders, the poor especially, were not compelled, as they will be under this law, to be subject to buy meters. We have had some experience about meters in this Government. They are generally matters of fraud and speculation. If this be not one of that kind it will be an exception to the general rule. I do not know how it is. know how it is

whatever disposition may be made of this measure by the Senate, I wish to record my opposition and disapprobation to it.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Committee on the District of Columbia.

Mr. INGALLS. Mr. President, I concur with all that has been said with regard to the necessity of some action upon this important subject for I believe it is the experience of all who reside here that the Mr. INGALLS. Mr. President, I concur with all that has been said with regard to the necessity of some action upon this important subject, for I believe it is the experience of all who reside here that the water supply is literally diminishing year by year. I notice this winter that water will not rise during the day-time to the level that it gained last year, and I am told that this cause of complaint exists generally all over the city. It is strange that, while the population does not materially increase, by some mysterious process the supply of water distributed through these pipes is constantly disappearing and diminishing. But I have very grave doubts whether the difficulty that exists can be remedied by this proposed measure. I conceive that there are several objections to the amendment proposed by the committee, any one of which ought to prove fatal.

In the first place, while a system of water-meters might do much to remedy these evils, it must be apparent to any person that it would be unjust to allow the board of commissioners of this District to become the judges as to what meters should be supplied. It would introduce an element of speculation into the affairs of this District, where such elements are already too numerous. In the next place, as the Senator from Vermont has observed, the system of visitation which this bill contemplates will be wholly inoperative because there is, after the waste has been discovered, by the terms of this bill a

locus penitentiæ, a time for repentance, of forty-eight hours within which the offending user of water may turn his spigots and stop the waste and avoid the payment of any penalty. Any one can see at a glance that a provision of that kind will be entirely nugatory. It is idle, it is foolish to think of attempting to enforce a great public measure by such means as that. And in the third place what is the justice of saving that these offenders shall have the right of the state. justice of saying that these offenders shall have the right to resume their privileges upon paying \$2 to the water registrar? It will enable that officer, if he is desirous of replenishing his finances, to do so with very little difficulty.

It seems to me that this bill is so ill-considered and so poorly

guarded, and so open to objections which cannot be cured by any amendment so far as I can see, that the subject ought to be committed again for the purpose of seeing whether some method cannot be de-vised that will cure the evils which we all admit and all deplore.

The VICE-PRESIDENT. Does the Senator make any motion in

that behalf?

that behalf?
Mr. INGALLS. I will not until the debate is over.
Mr. WHYTE. Mr. President, when this bill was before the District Committee, we examined it and discussed it, and I was of the opinion then that there was in the bill itself ample power, sufficiently severe in its character, to protect the District from the waste of water, and in looking at the bill now I think my original notion of it, notwithstanding what has fallen from the lips of the Senator from Vermont and the Senator from Kansas, was a correct view. The whole matter is put in the hands of the water registrar. He is to be the judge whether the party allowing water to run apparently improperly can give a satisfactory explanation, and if he do not give a satisfactory explanation to the water registrar, the water is to be satisfactory explanation to the water registrar, the water is to be turned off.

Mr. INGALLS. Right there, if the Senator will permit me, does he not understand that under this bill when notice has been served

he not understand that under this bill when notice has been served on the water taker that there is a waste, he has the period of forty-eight hours within which to correct that difficulty and stop the waste, without the payment of any fine?

Mr. WHYTE. No, I do not.

Mr. INGALLS. That is my understanding of it.

Mr. WHYTE. On the contrary, it gives him forty-eight hours to go and explain to the water registrar whether he is in default or not. If he can satisfy the registrar that the pipe burst and that he sent for the plumber and the plumber was so occupied that he could not get there there he neight not to suffer the penalty of having the sent for the plumber and the plumber was so occupied that he could not get there, then he ought not to suffer the penalty of having the water turned off; but if he does not give to the water registrar a satisfactory explanation of why the water was apparently running to waste, the water registrar has it turned off, and before the man can have it turned on he pays a fine of \$2. If it occurs the next day the same process is gone through with. No man will pay \$2 to let the water run to waste, time after time, during a week or a month or a year. The language is very simple.

That upon the receipt of such report or of any other satisfactory evidence that water is running to waste on any premises, it shall be the duty of the water registrar forthwith to notify the owner or occupant of said premises, and if no satisfactory explanation shall be made within forty-eight hours—

Not that if the water stops running within forty-eight hours, but "if no satisfactory explanation shall be made within forty-eight hours

"It no satisfactory explanation shall be made within forty-eight hours after such notice, or upon a second report of waste in the same premises, the water shall be cut off."

It seems to me to be ample to accomplish the purpose in view. It strikes me it is satisfactory enough in that regard; and all that I would suggest to my friend the Senator from New Hampshire, who has the bill in charge in behalf of our committee, is the interlineation between lines 3 and 4, in section 1, of the words "in addition to the other regularly appointed water inspectors," so as to bring the police in no conflict with the regular water inspectors discharging police in no conflict with the regular water inspectors, so as to oring the police in no conflict with the regular water inspectors discharging their duty under the water registrar. I move to insert after the word "inspectors," in section 1, line 4, the words "in addition to the other regularly appointed water inspectors;" so that the section will read:

That the Metropolitan police of the District of Columbia are hereby declared to be and made water inspectors, in addition to the other regularly appointed water inspectors; and it shall be their duty, &c.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland to the amendment of the Committee on the

Senator from Maryland to the amendment of the Committee on the District of Columbia.

Mr. BECK. The objection to that, it occurs to me, lies in this: complaint has been made always, as now, that we did not have a sufficient Metropolitan police force to guard the city; and if its members are to be made water inspectors as well, their failure to do their duty by protecting the citizens will be accounted for more than half the time by the fact that they are inspecting the water-works or houses and places where they have now no right to be. I doubt very much whether the police of the city ought to be allowed to evade the responsibilities with which they are now charged, and which they allege they cannot perform because of their insufficient number, by imposing this duty on them, and allowing them to say they are engaged in ing this duty on them, and allowing them to say they are engaged in

examining the water supply.

Mr. ROLLINS. I think the duty is imposed on them now. This only makes their acts legal. They are required, under existing regulations, to make certain reports to the District commissioners in reference to the waste of water. The object of this bill is simply to make an effort, it may be a feeble one, to stop the unreasonable waste

of water in the city until a larger supply can be had. This is absolutely necessary. The supply in the city, as was stated at the last session of Congress, is some one hundred and fifty-five gallons to each individual in the city—a larger supply than any other city in the country has; but the difficulty is that in certain localities, at certain places, the water is allowed to run to waste, depriving those people who live upon a higher level of an adequate water supply. The object of the committee is to try, in some way, to remedy this difficulty. Of course a large additional supply of water cannot be had immediately. It will take time to accomplish that object. In the mean while some steps should be taken to prevent this waste. This bill may be inadequate, but I think it will do something in that direction.

Mr. HARRIS. In answer to the suggestion of the Senator from Kentneky [Mr. Beck] I desire to say that not much of the time of the Metropolitan police will be necessarily consumed in the performance of this duty. A policeman on his regular beat going on his rounds will be able to discover cases of waste of water without the abstraction of much, if any, time from his other duties.

The Committee on the District of Columbia, at the expense of very considerable labor, undertook to investigate and did investigate the

whole water question. The facts are developed that there is perhaps 50 per cent. more water consumed or wasted in the cities of Washington and Georgetown than in any city in Europe or America, and yet there is a large proportion of the cities of Georgetown and Washington where the supply is wholly inadequate in many localities. ington where the supply is wholly inadequate in many localities. That the water brought to the two cities is abundant for all the necessities of the two cities is clear; and yet that it is inadequate in localities is owing to the waste of the water. It is believed by the committee that while the bill they propose to adopt is not perfect and will not be a perfect remedy for the evil, it will tend to stay waste, and just to the extent that it does stay waste will it contribute to the supply in those localities at which the supply is now inadequate. For that reason, as a temporary expedient, the committee recommend the adoption of the bill reported. If the supply of water is to be increased, it can only be done to any large extent by extending the aqueduct to the high grounds north of the city at a cost of about a million of dollars. The committee thought proper to recommend the adoption of this bill as a temporary expedient, believing, as the committee did and as I do now, that it will tend to stay waste as the committee did and as I do now, that it will tend to stay waste and relieve the necessities of those localities where the supply is inadequate. I hope the bill will be passed.

Mr. BECK. The suggestion I made relative to employing the

Mr. BECK. The suggestion I made relative to employing the police in this regard did not grow so much out of the fact that a very small portion of their time might necessarily be required to aid in this water inspection, as out of the apprehension that a very large portion of it might be actually used by the police in what they called water inspection. When they were found in my house or any other gentleman's house off their regular duty, the pretense would be, if they were seeking a comfortable place on a cold night, that they were watching to see if there was any waste of water where they had suspected it. That would be the excuse for passing a comfortable picht by the fire when they ought to have been at their more had suspected it. That would be the excuse for passing a comfortable night by the fire when they ought to have been at their more appropriate duties. It was because of the small number of Metropolitan police we have now that I desired to give them no further excuse to evade the performance of their legitimate duties by furnishing them with pretenses for being where they ought not to be, but where they surely will be if they can have an excuse for keeping out of danger and being comfortable when they ought to be exposed. I think we had better detach them as much as possible from duties of this character.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Maryland [Mr. Whyte] to the amendment of the Committee on the District of Columbia.

The question being put, there were on a division—ayes 26, noes 9;

no quorum voting.

Mr. BECK. Let the amendment be read again. I wish to understand precisely what it is.

The VICE-PRESIDENT. The amendment to the amendment will The VICE-PRESIDENT. The amendment to the amendment will be read.

The CHIEF CLERK. In line 4 of section 1 of the committee's amendment, after the word "inspectors," it is proposed to insert "in addition to the other regularly appointed water inspectors."

Mr. WITHERS. I hope we shall have another vote. The amendment was not understood, I think.

The VICE-PRESIDENT. The Chair will put the question again.

The question being again put, there were on a division-ayes 27,

So the amendment to the amendment was agreed to.

The question recurring on the amendment of the Committee on the
District of Columbia as amended, it was agreed to.

The VICE-PRESIDENT. The question now is on the amendment of the Senator from New Hampshire, [Mr. ROLLINS,] to add a new section, which will be read.

The Chief Clerk read as follows:

Sec. —. That the provisions of the preceding section shall not apply to any premises the owner or occupant of which shall procure and attach a water-meter in such manner and of such kind as shall be approved by the commissioners of the said District; and upon the attachment of such water-meter the said premises shall be charged with an annual water rent of \$4, and in addition thereto shall pay for water consumed on the said premises at a rate, to be prescribed by the said com-

missioners, not less than one cent per one hundred gallons for the quantity consumed in excess of fifty gallons per day for each person permanently occupying said premises.

Mr. BECK. I call for a vote on that. I regard that meter business as a miserable job, and it will so prove whenever attempted.

Mr. ROLLINS. I have no special desire to press the amendment.

Mr. INGALLS. I move to strike out the words "in such manner and of such kind as shall be approved by the commissioners of said

Mr. WHYTE. I hope that none of these propositions in regard to meters will prevail. I do not think there has been a city in the Union where the meter system has been a success.

Mr. ROLLINS. If the Senator will allow me one word, I will state my object in moving this amendment, and will then yield to him. My object in moving this amendment at the last session was to obviate objections which were raised to the bill. There was objection made on the floor of the Senate to the visitation by police officers of premises of parties here in the District of Columbia, and in order that a man might relieve himself of that burden or of the risk of such an unwelcome visitor this way was marked out, that if he did provide meters which met the approval of the commissioners of the District of Columbia and did certain other things, the provisions of the bill would not apply to his premises; but there seems to be objection to it, and I will, with the consent of the Senate, withdraw the amendment.

The VICE-PRESIDENT. The amendment of the Senator from New

Hampshire is withdrawn.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. A message from the House of Representatives, by Mr. GEORGE M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes; and

A bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Wednesday, the 22d instant, it be to meet on Wednesday, the 5th of January next; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 148) granting an increase of pension to J. J. Purman;

and

A bill (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler, widow of ex-President Tyler.

COMMITTEE SERVICE.

Mr. EATON. I ask to be relieved from further service upon the Select Committee to examine the several branches of the Civil Service.

The VICE-PRESIDENT. Is there objection to excusing the Senator from Connecticut from service on the committee named? The Chair hears none. The Senator from Connecticut is excused.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 6514) concerning settlement of boundary-lines between New York and Connecticut was read twice by its title, and

referred to the Committee on the Judiciary.

HOLIDAY RECESS.

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That when the two Houses of Congress adjourn on Wednesday, the 22d instant, it shall be to meet on Wednesday, the 5th day of January next.

Mr. DAVIS, of West Virginia. I move that that resolution be referred to the usual committee, the Committee on Appropriations. The motion was agreed to.

EDUCATIONAL FUND.

The VICE-PRESIDENT. The hour has arrived for the consideration of the unfinished business.

Mr. CAMERON, of Wisconsin. Is there a regular order for this

morning !

The VICE-PRESIDENT. There is the unfinished business which

comes in at the close of the morning hour under the Anthony rule. The unfinished business is the bill to establish an educational fund.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education,

and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial edu-

Mr. TELLER. I rise to offer an amendment to this bill. I move to strike out all of section 3, after the word "fund," in the ninth line, down to and including the word "act," in the thirty-fourth line. If this amendment be adopted the bill will then require some few further amendments to carry out the idea of its authors. I make this motion in the interests of the principle upon which the bill is founded, al-though by the amendment I shall have stricken out a portion that it will be necessary to reincorporate in the bill in order to carry out the

idea that I am willing myself to support.

Mr. WITHERS. Let the amendment proposed be reported from

the desk

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The

amendment will be read.

The CHIEF CLERK. It is proposed after the word "fund," in line 9 of section 3, to strike out all down to and including the word "act," in line 34, as follows:

in line 34, as follows:

And shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin the interest on such educational fund only to be paid to said States for educational purposes as herein provided: And provided further, That for the first ten years the said apportionment of said net proceeds and the interest on said fund to and among the several States, Territories, and District of Columbia, shall be made according to the numbers of their respective population, of ten years old and upward who cannot read and write, as shown from time to time by the last preceding published census of the United States: And provided further. That one-third of the income arising from said educational fund, and which shall be apportioned to each State or Territory, shall be annually appropriated to the more complete endowment and support of colleges established, or such as may be hereafter established therein, in accordance with the aforesaid act of Congress, approved July 2 1862, until the annual income thus accruing to the said colleges in each State shall have reached the sum of \$30,000, then the said amount only shall be annually appropriated to said colleges, and the whole remaining annual income of the aforementioned educational fund shall thereafter, in the manner provided in this act.

Mr. TELLER. I was saying that if this amendment should be adopted, in order to carry out the principle of the bill a portion of what I now propose to strike out should be added to the bill; but that can readily be done. I am in favor of making this appropriation upon the principle adopted by the committee; that is, as provided

upon the principle adopted by the committee; that is, as provided in lines 16, 17, 18, &co., of section 3, that this fund shall be apportioned to the States according to the number of their respective population of ten years old and upward who cannot read and write, as shown from time to time by the last census; but it is not easy to amend the section without striking out the whole of that clause, and if this amendment is adopted then that part of the clause can be reincorporated by a separate motion.

The objection I have to the bill in its present form is that it pro-

The objection I have to the bill in its present form is that it proposes to take about a million of dollars (which I understand will probably be the yearly sum realized under the bill) and invest it in United States securities at 4 per cent., the proceeds to be for ten years paid over for educational purposes substantially to the late slave States. The illiteracy of the slave States is shown by the reports based upon the census of 1870 to be a little more than 45 per cent. of the population, while the illiteracy of the other States in the Union, all told, amounts, if I recollect aright, to about 6 or 7 per cent. of the population. It seems to me proper, if the Government is to make an appropriation of this kind, that the first benefit should be realized by the States having the greatest necessity for it. The total number of children in the United States between the ages of five and eighteen, as shown by reports based upon the census of five and eighteen, as shown by reports based upon the census of 1870—which, of course, is the only accurate basis on which we can proceed—is about twelve millions. There may then be said to be proceed—is about twelve millions. There may then be said to be twelve million children of the school age. I suppose it is safe to say that in the States to be benefited by this bill there are now five or six millions of children, at least five millions, who ought to have the advantages of this money. If we distribute the proceeds of this fund, which will be about \$40,000 a year, we shall give for these children about seven cents apiece; a sum totally inadequate, a sum of so little importance as to make no perceptible difference in the ability of those States to educate their children.

I find by an examination of the census returns of 1870-and I believe that is the only authentic source to go to; everything else is more or less conjecture—that on an average the States to be specially benefited by this fund have themselves appropriated yearly about \$1 per capita for every man, woman, and child within their borders. Some of them have done more. For instance, Arkansas has appropriated about a dollar and a half to every person in the State, Mississippi about a dollar, Louisiana something less than a

dollar, Florida less than a dollar, and so on.

dollar, Florida less than a dollar, and so on.

Mr. DAVIS, of West Virginia. I should like to ask the Senator if he has gone through all the States and made a list? If he has such a list I should be glad to see it in the Record.

Mr. TELLER. I have not prepared a list in such a way that it would be entirely accurate, but I have approximated to it. For instance, I have said that Alabama had 996,000 people; there is a fraction over. I have said the money expended there was \$937,000; there is a fraction over. I have got the list correct enough for practical purposes, so as to be able to say that the average is a dollar apiece, a little more in some States and a little less in others.

Mr. DAVIS, of West Virginia. Cannot the Senator furnish the memorandum, even if it is only approximately correct?

Mr. TELLER. I can furnish it to the Reporter for publication if that be desired. But, Mr. President, if we are to make an appropriation that will amount to about \$40,000 a year for such a vast population as inhabit the fourteen late slave States, where I have just lation as inhabit the fourteen late slave States, where I have just stated the illiteracy covers 45 per cent. of the entire population, it will practically amount to nothing at all. My object in this amendment is that the principal sum, a million dollars, shall be appropriated as soon as it is realized for the purpose of educating the people of those States. It is but fair to say when we speak of the illiteracy in those States that a large proportion of it applies to people who were recently slaves, who never had an opportunity of acquiring an education, and their children to-day who are ten years old and within the school age ought to have the advantages of this fund, and not merely the children who shall come ten years hereafter. shall be a million dollars realized from the public lands and from patent fees, I am in favor of dividing that sum to-morrow among the States, and not waiting until ten years from now. The States are suffering from an uneducated class of people to-day, and if we postpone this apportionment and give them but the interest for the next

pone this apportionment and give them but the interest for the next ten years they will continue in some measure to suffer, at least so far as any national assistance goes.

I think, Mr. President, that it is unwise to attempt to establish a fund-for the future. Let the money go this year and the next year thereafter to the education of the people who need it. I do not know that the money will be properly expended. I heard it said a few moments ago when I made the suggestion that if this whole sum was appropriated, a million, it would be squandered and expended in a way not to accomplish the purpose intended. If the whole fund of not to accomplish the purpose intended. If the whole fund of

a million will be expended in such a way, it is safe to say that the mere moiety of \$40,000 will also go in the same way.

I yield to no man in my admiration of the public-school system of this country. I believe it is of the utmost importance that every man, woman, and child in this country should be an educated person. I have seen a statement made recently that in the last election more than two million men cast their votes who could neither read nor write, and that a million and six or seven hundred thousand of these votes were in a single section to be benefited by this bill. If there is that number of men of that kind exercising the rights of freemen, is that number of men of that kind exercising the rights of freemen, they are exercising them ignorantly and unsafely for the Republic. The children who are now ten years old or fifteen years old will grow up to exercise these rights in the same ignorance so far as any benefit can be derived from this bill. Therefore I say that the child who is ten or fifteen years old to-day, who is within the school age, ought to have the advantage of this provision at once, and not be postponed for the purpose of creating a fund that other children, ten, fifteen, or twenty years from now may have advantages which are denied to the children of to-day. If there be any principle in the bill, if there be any reason why the Government of the United States should seek to hoard this fund at a small interest, and pay the interest for this purpose, if it be right at all that we should take part in the education of children, if national aid should be furnished, then it ought to be furnished to the children of to-day, for there never will come a time in the history of this country when there will be more ignorance time in the history of this country when there will be more ignorance than there is to-day. All of the late slave States have improved upon their old method of education; all of them have school systems of some kind or some character, and it is fair to say that the percentage of illiteracy in five years will be less than it is to-day, and in ten years very much less than it is to-day. It is the evil of to-day that we ought to meet, and that is why I say that the whole million dollars should be at once appropriated to meet the emergency that now exists, and that is why I move the amendment.

Mr. President I have another objection to this portion of the bill

Mr. President, I have another objection to this portion of the bill

that I have moved to strike out. It is provided-

That one-third of the income arising from said educational fund, and which shall be apportioned to each State or Territory, shall be annually appropriated to the more complete endowment and support of colleges.

I think that is unwise. I think that the first thing to be done is to give every child in this country a common-school education; and if the fund provided is not sufficient, as we know it is not even if we should appropriate the entire sum and not merely the interest, it is unwise to set apart any portion of it for collegiate purposes. I do not names to set apart any portion of it for collegiate purposes. I do not yield in my admiration of the collegiate system to any man in this country. I do not believe in the new idea and theory that has been advocated so extensively that the old classical colleges were useless. I believe in a thorough classical education for every man and every woman in the United States who has the ability to acquire it, and I would make as far as practicable all of these advantages free to every man, woman, and child in this country, regardless of color or previous condition. The State that I have the honor in part to represent has proceeded upon that theory. We started out and did many years ago. proceeded upon that theory. We started out and did many years ago, long before we became a State, with the idea that the State owed to every child in its borders an education, that the taxable property of the State was burdened with it, and it did not depend upon the ability of the parent but depended upon the will of the State. We have made it possible in that State that every child shall-have an education that would make him fit to sit in this Senate, and we have provided in addition to the common-school system that there shall be a higher grade of education for all such students as see fit to aspire to it. Therefore, I am not the enemy of the higher course of education; I believe in it and I believe men will never be cultivated, intelligent

men and fit to fill the highest places in society who do not get in some measure what are called the higher branches of education; but I say it is unwise when you have a vast number of ignorant children to be educated, with very little money to be applied to the purpose, to appropriate a third of it or a tenth of it or any other proportion to collegiate purposes. First give your children a common-school education, and if they are anxious for a higher education they will find the means to acquire that education either at home or abroad.

I make these remarks in the interest of education and not as op-I make these remarks in the interest of education and not as opposed to the bill. I believe the bill as it now stands will be practically useless to the people who ought to derive the most benefit from it. I do not think that \$40,000 this year and \$80,000 next and \$120,000 next will be felt in those communities at all; but when you take a million dollars and divide it, if \$40,000 would incite them to greater efforts in behalf of education, then a million would correspondingly incite them and be of much more than corresponding benefit, and for that reason I have moved to strike out the whole of this provision, as I say, with a determination, if it shall be passed, then to move an I say, with a determination, if it shall be passed, then to move an amendment to the bill which shall carry out the idea of the bill that this money shall be divided according to illiteracy and not according

Mr. HOAR. Mr. President, I hope that my honorable friend from Colorado will, on reflection, and after hearing the reasons for the present framework of this bill, be willing to abandon the objection

The public lands of this country, so far as they are national property, The public lands of this country, so far as they are national property, are regarded, and I think justly regarded, by the people as an inheritance in fee-simple. I do not think the proceeds of these lands, acquired by the labors and energy of past generations as well as the present, should be exhausted and used up to serve the purposes of a single generation or a single year. I agree that there is a higher character to the public lands than that of property; that capacity to form the territory of great States and the homes of settlers and citizens is the main thing to be dealt with, and there is nothing in this bill which in the least affects the policy of the Government which devotes as to its principal use the public land to the home of American citizens; but the land is to be sold, some price is to be fixed, and it seems to me that it is not just either to the past or to the future to apply the proceeds of this vast property to the necessities of a single apply the proceeds of this vast property to the necessities of a single year or a single generation. It is true that the interest on this fund is but a small sum for the first year, but it is to increase annually and forever. It is to be \$40,000 the first year, \$80,000 the second, and so

Mr. President, it is also true, as my friend from Colorado says, that the sum of \$40,000 is but a trifle compared with the necessities of the people of this country for their education; but it is also true that the experts, whose instincts upon a question like this are better than any reason, agree that the process provided in this bill will be enough to accomplish the purpose. Probably the highest authority who has lived in this country since the death of Horace Mann, on this precise class of questions, was the late Dr. Sears, the distinguished agent of the Peabody fund, who died during the last winter. I received from him shortly before his death a letter filled with an enthusiasm which his usual cautious and scientific habit of expression rarely indulged in, in which—I cannot quote the exact language, but very nearly—he said, "The bill will in my judgment be sure to accomplish the end." and I believe the committee who have had this subject in charge will agree with me when I say that the educators of the country, the superintendents of public schools, the State superintendents, North and South, are in substantially unanimous accord in the same opinion.

Mr. President, the common schools of the State which I represent

were, within the memory of men now alive, in a very deplorable condition, and a revolution in that condition was brought about by the genius of one man, the late Horace Mann, and the one sole instrumentality by which he accomplished the marvel, the miracle of benefaction to the Commonwealth of Massachusetts, was by the simple provision for annual reports of the condition of the common schools and the atfor annual reports of the condition of the common schools and the attendance of the school children. In Massachusetts the town which found itself at the bottom of the list felt a sense of disgrace, and there was some person found always in that community who set himself to redeem his town from the condition of being at the foot of the list. So it will be with the States. The State which in these annual reports—simply reports of the attendance in the schools required as the sole condition of receiving this fund—shall find itself at the bottom of the list will have some citizen who will set himself to work as an execute until that exil is remedied and that stigma removed; and the apostle until that evil is remedied and that stigma removed; and the principle of generous emulation among the States of the country, which this provision for annual reports enacts, will accomplish this

Now, my friend from Colorado thinks, and justly, that this fund, considered as a sum of money, is very small; but in my judgment, when the fund is once established in the Treasury of the United States, it will be rapidly and largely increased by private benefaction; it will be the catch-all of the benevolent of the country. Even now I think gentlemen would be surprised to learn the number of individual gifts and the extent and amount of the individual gifts made for educational purposes in this country. In the year 1873, the last year before the great depression of business, the Commissioner of Education, without any mechanism for getting accurate statistical information, merely clipping the items found in newspapers, learned

that the amount of individual gifts for educational purposes in this country amounted to between \$11,000,000 and \$12,000,000; in 1872 it was between \$8,000,000 and \$9,000,000. Of course a large proportion of the gifts and devises by will to this class of charities will go to increase the national educational fund, if it is once established and wisely administered.

My friend says, also, that he objects to the provision in this bill which would divert a portion of the fund, one-third, to increase the endowment of technical schools and colleges. But one of the greatest obstacles in building up the common-school system at the South and elsewhere in this country is the want of suitable teachers.

Mr. TELLER. That is provided for in another provision.

Mr. HOAR. Not fully. The best teachers are the best educated

people always. Mr. TELLER. I would call the attention of the Senator to page 6, where he will see that a sum not exceeding 50 per cent. of the amount received from the United States is set aside for the instruction of

teachers in addition to the collegiate fund.

Mr. HOAR. That is allowed to the States. That is an amendment Mr. HOAR. That is allowed to the States. That is an amendment proposed in the bill; it is not in the original bill. In the discretion of the State Legislature that is permitted; it is not an absolute requirement of the bill. But I understand that a very large percentage of the pupils of these technical and agricultural colleges to-day, especially in the southern and southwestern portion of the country, become teachers; and if at any time hereafter it shall be found that

become teachers; and if at any time hereafter it shall be found that an undue proportion—undue as compared with the necessity which this is intended to supply—of this fund goes in that direction, it will be for Congress, representing the public sentiment of the entire country, to make the correction.

Now, Mr. President, I know very well that it is on the individual judgment and responsibility of Senators that their official action must depend, and it is seldom even respectful to ask Senators to surrender convictions which they have formed on full, careful, and thorough consideration to any outside opinion; but still this bill may be an consideration to any outside opinion; but still this bill may be an exception to that. This is a practical question, a question of the best and most efficient mode of accomplishing a practical result, a result which my friend from Colorado has as much at heart as any man who lives, I know from my knowledge of his general way of man who lives, I know from my knowledge of his general way of thinking, and almost with entire unanimity the educators of this country who have been heard before this committee recommend this scheme, which, too, has been a subject of consideration for years, which passed one House of Congress at a former period, and the Committee on Education and Labor, after the fullest consideration of the subject, unanimously reported the bill in this form, and I submit to my friend from Colorado, it being not a question of constitutional duty, not a question of general principle, but a matter of practical detail a question of what arrangement is the most efficient to accomdetail, a question of what arrangement is the most efficient to accomplish the purpose which he and they have alike at heart, whether he will endanger the success of the entire scheme by insisting strenuously upon a mere matter of individual judgment.

Mr. TELLER. If I thought it would endanger the bill, I should

not press the amendment; but the argument of the Senator proceeds upon the theory that the States to be benefited by the bill have done nothing, and that the states to be beneated by the bill have done nothing, and that the very fact that we make them a very small, insignificant donation is to incite them to action. Let me call the attention of the Senate to the amount of money that some of these States ten years ago paid for educational purposes, and every one of them has increased since.

Mr. HOAR. I made no suggestion that they did nothing.
Mr. TELLER. But there is no strength to the argument unless it is on the theory that they are without action, and now they are to be moved by the fact that we give them a donation. At least that is

the way I look at it.

Mr. HOAR. If my honorable friend will permit me to interrupt him, what I said was that the stimulant of these reports would have that effect upon the State.

Mr. TELLER. The report is still there if my amendment prevails.
Mr. HOAR. I know, but that is what will operate very largely on
the States that accept and carry out the scheme of the bill in the be-

Mr. TELLER. I find that Alabama in 1870 paid for school purposes \$937,851; that Arkansas paid \$674,662; that Delaware paid \$212,712; Florida paid \$147,819; Georgia paid \$1,186,739. I did injustice to Louisiana when I said Louisiana paid less than a dollar per capita. Louisiana paid \$1,164,000 and something more that year. Mississippi paid \$768,839; North Carolina over \$600,000, and South Carolina over half a million.

Mr. President, these States have already inaugurated the system; they have the methods already prepared to receive this money and to pay it out. I agree with the Senator that it is a wise thing to do. The only difference between him and me is, he says it is providing The only difference between him and me is, he says it is providing for the future generations that he is looking after, and I say I am providing for the wants of the people to-day. When he says that this system will continue, and year after year you will get a great educational fund, he is mistaken. The million dollars realized principally from the land sales will in a short time, it seems to me, cease to be represented at all in the returns of the Government. It will be but a few years till you will cease to receive any revenue from the public lands, and every year it will decrease undoubtedly from this We have pursued a course that is very unwise with reference to the public lands. We have given away millions and millions of acres for educational purposes where they did the States receiving the grants no good at all. It was wise perhaps to have given, but the gift was not guarded. Many of those States received no practical benefit from the agricultural scrip, and some of the States, like the one that I in part represent, have never had the advantages of any donation of the public lands. We are not here now clamoring for a dollar of this money. The people of Colorado will educate their children without governmental said for they are not so unfortunate as to have such a governmental aid, for they are not so unfortunate as to have such a great mass of uneducated people as some other portions of the country. Aside from the few men that were there when we took that soil from Mexico, all the people of the great Northwest read and write. Only 5 per cent. of the population of Iowa do not read and write. The Northwestern States are not complaining; but we say now there is immediate and pressing want for the use of this money in communities where the people, whether they are rich enough or not, do not believe they are rich enough to educate the children in their commu-

believe they are rich enough to educate the children in their community.

Take the State of Georgia, of which we heard yesterday. Not one-fifth of the colored children of that State are in the public schools. Take the State of Mississippi. But a small proportion of her colored children have an opportunity to be educated. I say that if there is a necessity for the Government to pay out of its Treasury money that is to be devoted for the purpose of education, it ought to go to benefit the children who to-day are crying for the advantages of education, and not for the future generations that may come. I am for legislating for the immediate wants of these people, and not for those who may come years afterward, who will be in a better condition and have better opportunities to educate themselves if the States decline or refuse to educate them. Give the children of to-day an opportunity to be educated. When the money has gone out of the Treasury of the United States, let it go where it will begin to tell on the people now, and not in another generation or another decade.

Treasury of the United States, let it go where it will begin to tell on the people now, and not in another generation or another decade.

I am as much a friend of education as any man living, and I am a friend of common-school education, because there is where the great mass of men will be educated. I believe fully that when you have educated all the people of the country, and every man who votes is intelligent enough to read the Constitution, you will have less of sectional difficulties and you will have less trouble than you have to-day. I believe the man who digs in the soil digs with better courage and with more intelligence and he accomplishes more if he is an educated man: I believe that when you have educated the labor of this cated man; I believe that when you have educated the labor of this country, then you have dignified labor itself, and when the labor of this country shall be performed by skillful hands and men who have cultivated brains, then it will no longer be disreputable for men to

If you want to strengthen the foundations of the Government and build up the nation, you must educate the people everywhere. Because I believe in that doctrine, I am willing to vote for this bill, and I am willing to vote that the dollars that come from this source shall I am willing to vote that the dollars that come from this source shall go to-morrow, and the next day, and the day after, as they come, to educate this unfortunate class of people, who, without any fault on their part, whether they be black or white, have been unable to acquire the education that those in more favored sections of the land have been able to acquire. Therefore I say, let us put this money now in the hands of the authority constituted in the States for the purpose of paying out the money that they collect from their own citizens, and let them pay it over for this great purpose. If we cannot trust them with the principal, we cannot trust them with the interest. I am willing to trust them with the principal, and if they squander a dollar where they expend a dollar for the public good, I am still willing to vote for the appropriation.

squander a dollar where they expend a dollar for the public good, I am still willing to vote for the appropriation.

Mr. President, I am not only willing to vote for this bill, but I am willing to go further and to appropriate another portion of the public revenue if somebody will move an intelligent proposition in that way, for the education of that same class of people. I offer my amendment in the interest of the people who to-day need education, and not of those who shall need it ten, twenty, or thirty years from

Mr. PUGH. Mr. President, my first knowledge of the character of the bill now before the Senate was obtained from reading it yester-day; and while my sense of propriety disposes me to postpone until a later day any attempt of mine to influence the action of this body by the expression of my views and opinions, I cannot allow a bill of the importance of the one now under consideration to reach its final disposition without making my support of it stronger than by a silent

The bill shows on its face that its object is to strengthen the foun-The bill shows on its face that its object is to strengthen the foundation of all our hopes for the success of our experiment of local and general government; and that is the capacity, intelligence, and patriotism of the people. All government is corrective, and must have strength enough to be self-sustaining within the scope of its defined objects and delegated powers. The powers of a government should be measured by the capacity, intelligence, and patriotism of the people. If the people are incapable of self-government, it follows that they must be ruled by force. All repressive power in government is necessarily founded on distrust of the people. Our system of free representative local and general government is founded on the capacity, intelligence, honesty, and patriotism of the people. Trust and

confidence in the ability and willingness of the people to support their government and obey and execute its laws from love and affection for their benefits, and not from fear of their punishments, is the substratum of our confederated republic. Mr. Jefferson's key-note in the formation of the republican party of 1798 was that in republics the people must be trusted. Distrust of the people is the basis of strong, centralized government. Those who question the capacity, intelligence, and patriotism of the people oppose a subdivision and distribution of governing power among the States and favor a consolidation of it in a central government. The only reliable foundation of free representative government is trust and confidence in the capacity, intelligence, and patriotism of the people. These qualities are indispensable to the qualification of the people for self-government. Patriotism must be substituted for the power of coercion in republics. Repressive power in governments has been the cause of all popular revolutions. The only immediate personal agency of the people in their government is tax-paying and voting. All else is done popular revolutions. The only immediate personal agency of the people in their government is tax-paying and voting. All else is done through trusted agents and representatives. The most invaluable right of the citizen is the right of representation, and the highest privilege and duty of the citizen is the intelligent, honest exercise of the right of suffrage. Representation is valuable, safe, and reliable in proportion to the proximity, and identity in interest, and sympathy of the representative and the constituent. And the efficiency pathy of the representative and the constituent. And the efficiency and safety of representation also depends largely upon the accountability of the representative to the constituent. And the sense and fear of the responsibility of the representative depends again upon the capacity and intelligence of the constituent to comprehend representative action and enforce accountability.

Slavery and the results of our civil war have incorporated into the

Slavery and the results of our civil war have incorporated into the voting population of the Southern States over a half million of colored people, who, without their fault, are manifestly disqualified by ignorance from exercising intelligently the right of suffrage and discharging the duties of citizenship. The institution of slavery was the only powder magazine in our political superstructure, and the friction of the effort to destroy it by contraction and of the effort to preserve it by expansion ignited the magazine, causing explosion in war and ending in the destruction of every dangerous combustible element in our political system except sectionalism. This sectionalism was engendered and developed by our late war, and its present existence is founded on distrust of the white people of the South by a majority of the whites of the North and the fear of the white people of the South of repressive and aggressive legislation by the ma-

a majority of the whites of the North and the fear of the white people of the South of repressive and aggressive legislation by the majority section, destructive of the right of local self-government. This mutual distrust and fear are chargeable mainly to ignorance—ignorance of the real feelings and dispositions and purposes of the white people of the South, and the ignorance of the colored voter in the business of law-making and civil administration.

I emphasize the declaration, made on personal knowledge and in full view of my responsibility as a Senator, that the white people of the South have been and are comparatively united in their voting power for no object or purpose unfriendly to the rights, interests, and pursuits of any other State or section, or any other people, white or colored. They have been and are solid for self-defense, self-preservation against unfounded distrust by a majority of their fellow-countrymen of the North, and the dire evils that have and must again follow the domination of ignorance in the State governments of the trymen of the North, and the dire evils that have and must again follow the domination of ignorance in the State governments of the South. The unavoidable and unalterable results of the war have made my convictions deep and unchangeable that the highest interests and greatest safety and prosperity of the people of the South are to be found in harmonious, confiding nationality; not the nationality resulting from a centralized government, but nationality secured by fidelity to the Constitution, with all its delegations, prohibitions, and limitations of power, and to the promotion of all the great objects recited in it, as reasons for the formation of our indissoluble Union of indestructible States.

The Senate agreed yesterday to take the vote on this bill to-day at

The Senate agreed yesterday to take the vote on this bill to-day at four o'clock, and this leaves me no time, nor is it necessary, to go into the details of the bill or to discuss the self-evident proposition that the details of the bill or to discuss the self-evident proposition that the safety, success, and perpetuity of our free institutions depend upon the educated capacity of the masses of our people to understand the privileges and discharge the duties of citizenship. No legislation within the range of the constitutional power of Congress can be more uniformly beneficial than that proposed by this bill in strengthening the basis of American institutions, in freeing the masses from sectional distrust, sectional jealousies and rivalries, and sectional criminations and recriminations, and in raising the people to a higher plane, where they can see and understand each other and be above the arts and appliances of the demagogue and mischiefmaker, and where they can cultivate sectional pacification and harmonious union and co-operate as friends and fellow-citizens in carrying on the great work of exhibiting to the world the highest perfection of free government and Christian civilization.

Mr. GARLAND. I wish to call the attention of the Senator from Rhode Island [Mr. BURNSIDE] who has charge of the bill to one feature of it. In line 34 of section 3 the language is:

Be appropriated by each State and Territory, including the District of Colum-

Be appropriated by each State and Territory, including the District of Columbia, to the free education of all its children between the ages of six and sixteen

The frame-work of the bill otherwise contemplates the using of this fund under the State laws, if the State has a free-school system.

In the State of Arkansas, under the constitutional provision, the school age ranges from six to twenty-one years, and I find that the school age is different in different States. This clause in the bill limits the distribution of the fund to States providing schools for the ages ranging between six and sixteen years. I think if the Senator who has charge of the bill will consider it he will see that it would be proper to put an amendment into the bill to make it con-form to the requirements of the different States' laws as to the ages of the persons who are to receive the benefit of the free-school system in the States, because where the ages range from six to twenty-one years, as in the State of Arkansas, there are five years for which years, as in the State of Arkansas, there are live years for which they would be cut out under the operation of this clause of the third section. I will call the attention of the Senator to this point, that he may consider it before the bill is finally acted upon.

Mr. BURNSIDE. The apportionment is to be made upon data taken

from the last census of the United States, so that I cannot see that any injustice would be done to any one State if the fund be apportioned in the manner described in the bill.

Mr. GARLAND. The idea, to make myself definitely understood, is that looking at the frame-work of the bill it contemplates no distribution of this fund except as specified in the bill under the laws of the different States that have a free-school system.

Mr. HOAR. I suggest to the Senator from Arkansas that of course it is necessary to have the returns uniform, or at least include what-

ever the Government actually requires.
Mr. GARLAND. Certainly.

Mr. HOAR. They may add as much more to it as they have a mind to, but it is necessary to have an enumeration of children on which the apportionment proceeds, within certain fixed ages in all the States, so that the bill had better be left as it is, which secures those things; and then to meet the Senator's point add a proviso that if the school system in any State includes a provision for children beyond these specified ages the appropriation of the fund to these as well as the others shall be deemed a compliance with the provisions of this bill—

others shall be deemed a compliance with the provisions of this bill—something of that kind.

Mr. GARLAND. Very likely that would meet the point.

Mr. BURNSIDE. Let me say to the Senator from Massachusetts that I can see no injustice in distributing this fund in accordance with the terms of the bill, and then allow the State to use it—

Mr. HOAR. I do not think the Senator from Rhode Island quite sees the force of the point of the Senator from Arkansas. The condition of the bill is that the State forfeits its right to the fund unless it has appropriated it to children between the ages of six and sixteen.

Mr. BURNSIDE. I understand it perfectly, and perhaps some amendment may be necessary to cover the case stated by the Senator from

ment may be necessary to cover the case stated by the Senator from

Mr. GARLAND. I wish to call the attention of the Senator from Rhode Island to the proposition that the bill may be perfected before its final disposition.

Mr. BURNSIDE. As far as I am concerned I have no objection to

add some clause covering that point.

Mr. GARLAND. Mr. President, I will make a few remarks on the bill as it now stands before the Senate. When I first heard read the Mr. GARLAND. Mr. President, I will make a few remarks on the bill as it now stands before the Senate. When I first heard read the amendment that is pending, offered by the Senator from Colorado, [Mr. Teller,] I was disposed to favor it, under the weighty influence of that argument, which is always powerful, that it is to relieve the present pressing necessity; but when I come to look at the frame of this bill in connection with what I know in reference to the free-sheel everyway of the different States and as widen the feat that this school systems of the different States, and consider the fact that this bill has been before the Senate now a good long time and has been before the committee and matured there after a long and patient inthe bill stand as it is, because this is an experiment at best, and we had better test such things slowly and by degrees and see how this system will work. If after it has been tested, if after it has operated awhile, we see our way clearly, then we can dispose of this fund absolutely without making it a fund simply to raise interest which is to be devoted annually to the benefit of these schools. I think, on reflection, the bill is better in that respect than it would be if amended as proposed by the Senator from Colorado.

The system of adding converged by the Colorado.

The system of aiding common schools by the Government of the United States is thoroughly ingrafted by every conceivable plan of legislation in the proceedings of this Government, even antedating the Constitution itself. From that splendid and magnificent opinion delivered by Judge Campbell in the case Cooper rs. Robinson, in 18 Howard, where all this matter was reviewed, going back to the ordinance of 1787, down through various cases till the late one in 5 Otto's Reports, which was a case that originated upon the sixteenth section grant to the State of Wisconsin when she came into the Union, there never has been a doubt of the power of the Government to aid, to foster, to do all that it could for the system of common schools. Besides, we have legislative precedents without number. The Territories of Colorado, Washington, Montana, Wyoming, Dakota, and several others that I do not now call to mind, received not only the sixteenth section, but the thirty-sixth section, as will be seen in the Revised Statutes, sections 1946 and 1947. Congress has granted lands to the States for internal improvements, for public buildings, to railroad companies, and certainly there is no longer any doubt as to the power of the Government of the United States that owns these lands for the benefit of the people at last, through Congress, to ap-

propriate them directly, or the proceeds of them, as this bill proposes to do, for the highest of all objects, the education of its citizens. It is too late in the day for us now to undertake to speak not of the benefits but of the absolute necessity of education. That has been so thoroughly done by other gentlemen who have preceded me that I shall not occupy the time of the Senate upon that point. We have the Government appropriating money for exhibitions at home and abroad, all of which I have indorsed when such questions have come before the Senate since I have been a member of it, all of which I have indorsed before as a citizen of the Government. When clause 2 of section 3 of article 4 of the Constitution says that "the clause 2 of section 3 of article 4 of the Constitution says that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," as was so well argued yesterday by the Senator from Vermont, [Mr. MORRILL,] it seems to me the question is at

tor from Vermont, [Mr. MORRILL.] it seems to me the question is at an end, and particularly when for many years, as far back as the fourteenth Peters, in the case of the United States vs. Gratiot, the Supreme Court said that the word "territory" in that section of the Constitution meant nothing more than the word "lands." So we have the power in the Constitution, we have judicial decision, and we have the precedent of legislation.

From the act of 1862, which was referred to by the Senator from Vermont yesterday, sprang up some of the best institutions of learning in the country. The very best that we have ever had in my State, the Industrial University at Fayetteville, which is now an ornament not only to that State but to the country, owes its birth, and in great part its growth as well, to the act of 1862. This, Mr. President, is but another step forward, though small it may be year by year, to aid the States in this noblest of enterprises. As stated by the Senator from Colorado, the State of Arkansas lays a tax; it is a liberal tax in her impoverished condition, and we have a very good and promising system of free schools under the management of a most competent and acceptable superintendent of public education. This is a great help acceptable superintendent of public education. This is a great help to that State, struggling in her poverty, and it must necessarily be a great help to other States situated as she is situated, and there is a number of them.

number of them.

I hope, Mr. President, the bill will pass, nearly, so far as I have examined it, as it is now presented to the Senate.

Mr. MAXEY. Mr. President—

Mr. HOAR. Will the Senator from Texas permit me to offer an amendment to cover the point suggested by the Senator from Arkansas? I do not propose to address the Senate.

Mr. MAXEY. Certainly.

Mr. HOAR. I propose to add at the end of the ninth section—

The PRESIDING OFFICER. The Chair will suggest to the Senator that there is one amendment pending.

Mr. HOAR. This will be received by unanimous consent by the committee, I think.

committee, I think.

The PRESIDING OFFICER. If there is no objection the amend-

ment will be received.

Mr. HOAR. I propose to add at the end of the ninth section these words, and I ask the Senator from Arkansas to give me his attention:

Provided. That if the public schools in any State admit children not within the ages herein specified, such States shall not be deemed to have failed to comply with the conditions of this act by reason that such children share in the benefits thereof.

Mr. GARLAND. That, I think, will meet my view, with the addition, after the word "children," of the words "of different ages."

Mr. HOAR. It reads "children not within the ages herein specified."

"Of different ages;" that language I believe

would make it plain. That, however, is a mere verbal change.
Mr. HOAR. I ask the committee to accept the amendment.
The PRESIDING OFFICER. The Chair will suggest that the amendments of the committee have not yet been acted upon.
Mr. BURNSIDE. This amendment can be received by unanimous

consent.

The PRESIDING OFFICER. This amendment may be considered by the unanimous consent of the Senate. The Chair hears no objection to the amendment.

Mr. COCKRELL. Let the amendment be reported again. The amendment of Mr. HOAR was read. The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TELLER. I ask leave to modify my amendment in such a way
that it shall present the simple question whether we will pay the interest or the principal to the States. In section 3, line 9, after the word "fund," I propose to strike out all down to and including the word "provided," in line 15, as follows:

And shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin, the interest on such educational fund only to be paid to said States for educational purposes as herein provided.

And in line 16, after the word "said," to strike out the words "net proceeds and the interest on said;" so as to read:

That for the first ten years the said apportionment of said fund to and among the everal States, Territories, and District of Columbia, shall be made, &c.

Mr. BAILEY. Mr. President—— Mr. MORRILL. If that is now to be voted on, I desire to say a

The PRESIDING OFFICER. The Senator from Tennessee was

recognized.

Mr. BAILEY. I will yield the floor. First, however, by request of the committee, in lieu of the amendment of the Senator from Colorado, I move to strike out lines 10, 11, and 12, in the following words:

And shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin;

And entered upon the books of the Treasury to the credit of the fund, and bearing interest at the rate of 4 per cent. per annum.

Mr. TELLER. It is not a fair thing to offer that as a substitute. That is perfecting the text of the bill. If the gentlemen want to perfect the text of their bill I have no objection, and then let the

perfect the text of their bill I have no objection, and then let the question come on my amendment.

Mr. BAILEY. I have no objection to that course. I will move to perfect the text as indicated in my amendment.

The PRESIDING OFFICER. That motion will be in order. The question is on the amendment of the Senator from Tennessee [Mr. BAILEY] to perfect the text of the bill, as has just been reported.

Mr. TELLER. It is proper enough.

Mr. BAILEY. The only change that that makes is this: the bill, as reported by the committee, directs that the money shall be invested in the bonds of the United States bearing a rate of interest of not less than 4 per cent. per annum, which would force the Government to go into the markets of the country for the purpose of buying those bonds. Instead of that the committee desire that the money shall lie

less than 4 per cent. per annum, which would force the Government to go into the markets of the country for the purpose of buying those bonds. Instead of that the committee desire that the money shall lie in the Treasury and be passed to the credit of this fund, the Government itself paying that rate of interest, 4 per cent.

Mr. EATON. Only a word, sir. There are very many men in the United States who believe that we ought not to pay a larger amount of interest upon any public obligation than 3 per cent. I cannot myself vote for this proposition. I do not think the rate of interest should exceed 3 per cent. I will not say whether I am in favor of the bill at all—I am not discussing that—but I would not put an obligation upon the people of the United States greater than 3 per cent. under any circumstances; it ought not to be. The credit of the United States is such that it can borrow to-day a thousand million dollars at 3 per cent. Therefore I would make no inscription of 4 per cent. upon our public revenue.

Mr. VEST. Mr. President, I desire to submit a very few remarks upon this bill, and not in any spirit of hostile criticism, because with the general intent and spirit of the bill I am fully in accord. There are certain features of the bill, however, to which I cannot give my consent. For the general principle of free education I have always contended. In a public address to the people of my State before my election to the Senate I did in the most emphatic and in the broadest terms declare that universal suffrage must be supplemented by universal education. I believe to-day that universal education is the only instrumentality that can exorcise the evils that attend upon free suffrage.

But Mr. President, there is one feature of the bill to which I object.

But, Mr. President, there is one feature of the bill to which I object. I do not believe that the education of the people should be taken away from the States. I do not believe under the Constitution that the General Government should directly or indirectly take charge of the system of educating the people. I am no hypercritical stickler for State rights; on the other hand, I believe that there has been too much fine-spun, hair-splitting theory in that regard; but there is a line of demarkation between the powers of the National Government and of the State governments. A year ago, I believe, we had it from very high authority in the State of Ohio, no less a person than the President of the United States, that the time had come when the National Government must take charge of the system of universal and free education. I do not charge that the framers of this bill intended to put this system of education under the control of the National Government, yet there are features of the bill that look in that direction and which I cannot support. I call the attention of the Senate to the sixth section of the bill:

On or before the 1st day of September, in each year, the Commissioner of Education, under direction of the Secretary of the Interior, shall certify to the Secretary of the Treasury, as to each State, Territory, and District, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not, at its next session, direct such share to be paid, it shall be added to the general educational fund.

In section 7 provision is made that whenever a State or Terri-

these lands to public education. But that is not enough for the gentlemen who framed this bill. The Commissioner of Education, in addition to that, may, if he sees proper, withhold from any State or Territory its distributive share of this fund. Mr. President, I am opposed to giving any such power to a subordinate officer of this Government. When a State of this Union through its highest legislative authority solemnly declares that it accepts this act of Congress and its provisions and intends to appropriate the money donated to it according to this law, I am opposed to requiring in addition that a subordinate officer of this Government shall have the power then to withhold, if he sees proper, the distributive share of that State.

Mr. MORRILL. Will the Senator from Missouri allow me to ask him a question?

him a question?

Mr. VEST. Certainly.

Mr. MORRILL. Suppose the State were to misapply the fund bestowed by this act and devote it to the building of a railroad, would be a supposed to the building of a railroad, would be a supposed to the building of a railroad would be a supposed to the supposed to not the Senator from Missouri allow the power to be exerted that on a simple report of the fact the further proceeds of the fund should be withheld until that was restored?

withheld until that was restored?

Mr. VEST. Under my idea of the theory of this Government the Congress of the United States would be the proper tribunal to interfere with a sovereign State in any such contingency.

Mr. BAILEY. Allow me to call the attention of the Senator from Missouri to the fact that the provision of the bill is that, if the Commissioner shall withhold a certificate from a State "its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner." So that the Commissioner's conduct is to be revised by Congress itself. that the Commissioner's conduct is to be revised by Congress itself. His action is not final.

His action is not final.

Mr. VEST. I understand the terms of the bill, but I am opposed to giving any subordinate the right to withhold this money at all. The States of this Union have the power, as I understand the Constitution, to absolutely control the system of public education. I do not know whether it is the design of any considerable number of public men in this country to give the power to control a general system of education to the General Government. I know that some description that idea and I know that there are gentlemen of influence and the system of education to the system of education to the system. system of education to the General Government. I know that some do entertain that idea, and I know that there are gentlemen of influence who advocate it. For one I am opposed to it. The President-elect of the United States, General Garfield, in his letter of acceptance declares that this power resides with the States; not with the General Government, but with the States. To say that a State is not to be trusted with the education of its own children, and that a subordinate officer of the United States shall have the right, if he sees proper, to withhold for a day or for an hour the distributive share of that State to a great hourty is a proposition to which I shall never accede. The withhold for a day or for an nour the distributive snare of that state to a great bounty, is a proposition to which I shall never accede. The States are the best guardians of the education of their children. The Constitution leaves that power to the States. I will never by implication, directly or indirectly, or in any way, accede to the proposition that the States are not competent, being directly interested, to exercise that power better than any other tribunal. But that is not all of it, sir. The most objectionable feature of this bill is section 9.

EX-PRESIDENT GRANT.

Mr. EDMUNDS. With the permission of my friend from Missouri, as the ex-President of the United States is on the floor of the Senate and I have no doubt, after his long absence from the country, many Senators would be glad to pay their respects to him, I move that the Senate take a recess for ten minutes.

The motion was agreed to; and at the expiration of the recess (at three o'clock and eight minutes p. m.) the Senate reassembled. In the interim Senators generally paid their respects to ex-President

U. S. Grant.

EDUCATIONAL FUND. .

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education, the pending question being on the amendment of Mr. Balley to strike out lines 10, 11, and 12 of section 3, and to insert "and entered upon the books of the Treasury to the credit of the fund and bearing interest at the rate of 4 per cent. per annum."

The PRESIDING OFFICER, (Mr. Rollins in the chair.) The Senator from Missouri [Mr. Vest] is entitled to the floor on the pending question.

ing question.

Mr. VEST. As I was proceeding to say, Mr. President, the most objectionable section of this bill is the ninth section, which provides:

objectionable section of this bill is the ninth section, which provides:

That to entitle any State. Territory, or the District of Columbia to the benefits of this act, and undertaking that the funds provided by the same, whenever paid over to it as above provided, shall be faithfully applied to the free education of all its children between the ages of six and through the provided of the colleges as have been, or may be hereafter, established in accordance with the aforesaid net of Congress approved July 2, 1862, and as provided for in this act. The distributive share of the District of Columbia shall, from time to time, be paid over to the commission of said District created by act of Congress approved June 20, 1874, entitled, &c.

The different States are required, in the first place, by an act of their Legislatures, to declare that they accept the provisions of this act, and undertaking that the first place, by an act of the provided by the same, whenever paid over to the commission of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintained in each of the several number of months of the year, the actual daily attendance, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of the purposes herein required, the funds, or any part thereof, received under the purposes herein required, the funds, or any part thereof, received under the

provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and until such report shall have been made.

I should like to ask the friends of this measure why it is that the National Government, through its Commissioner of Education, is to inquire into the appropriations made by the Legislature of a sover-What has the General Government to do with the acts eign State? What has the General Government to do with the acts of the Legislatures of the respective States in regard to appropriations for a system of education? What business is it of the General Government whether the Legislature of the State of Missouri gives \$100,000 or \$100,000,000 for education? This provision does not affect the fund created by this bill. Why is this power given to an officer of the Federal Government? Why is this system of surveillance adopted or attempted to be adopted by this legislation? If the Commissioner of Education in his sovereign judgment thinks this act has not been complied with he immediately stops the appropriation of not been complied with he immediately stops the appropriation of this bounty and withholds the distributive share to be given under this act. Sir, I do not believe that any such power should be given to a subordinate officer of the Government of the United States. Let Congress exercise the power of taking away this bounty if it sees proper to do so, but let it not be given to the discretion of any subordinate officer to stop the payment of the distributive share of any State because he thinks this act has been violated.

Mr. President, I do not desire to make any far-fetched supposition an instrument of opposition to this bill, because I reiterate that with its general object I am in full accord; but I suppose that in this day and in this Government things have been done that far exceeded what the imagination ever fancied. Suppose the Commissioner of Education should take it into his judgment that a State had violated this act by having separate schools for the two races in this country. act by having separate schools for the two races in this country. Suppose that, as in my State, separate schools are established for the white and the black races. This bill provides for general public schools for children within certain ages. The Commissioner, finding that that method of separate schools has been adopted by a State, says to the State, "In my judgment you are not applying this fund according to the spirit and intent of the act of Congress, and I shall according to the spirit and intent of the act of Congress, and I shall therefore not pay you over your distributive share under the act." Where is the limit to his discretion? Where is there in this bill any term used which does anything else except to give to his unlimited and sovereign will and pleasure the power to dispose of the distributive share of each State as he pleases? As a matter of course, we have been told that no such thing has ever been done. Sir, the best preservation of constitutional liberty is to resist the giving of such power. "Eternal vigilance is the price of liberty," to use that much-

I am opposed to this bill not so much for what is in the bill itself as for what it seems to indicate in the future. If we indirectly admit the principle that the General Government must control the education of the children of the States, if we say that a State shall not be trusted but that a subordinate of the General Government is to say whether a trust fund is properly appropriated by a State or not, there is but one step farther, and that is by act of Congress to declare that the National Government shall control this whole system and not the States. My construction of the Constitution is alien

declare that the National Government shall control this whole system and not the States. My construction of the Constitution is alien to and at war with any such idea. I may be wrong. Every sympathy I have under heaven is with the people most to be benefited by this act, as is claimed upon this floor. The Southern States, impoverished by war, need the bounty of the General Government for the purpose of educating their children. I know no personal sacrifice that I would not make for them; but my convictions are against the tenor and spirit of this legislation. I do not so construct the Constitution. I may'be mistaken, but, feeling as I do, I must vote against the bill in its present form.

Mr. HILL, of Georgia. Mr. President, in relation to the remark made by the Senator from Connecticut, [Mr. EATON,] that he wished to reduce the interest from 4 per cent. to 3 per cent. on these bonds, I simply desire to say that ordinarily I should concur with the Senator that there is no necessity in my judgment hereafter for this Government to pay more than 3 per cent. upon its funded debt; but I do not think that principle ought to be applied to the bonds in this case. The interest on these bonds is to be appropriated for the benefit of the people. It is the people's money; the people get it; and they get it in the best form possible, in the shape of an education. I think, therefore, it is no hardship upon the people to say that they shall pay 4 per cent. when the people receive that 4 per cent. back in the cause of education. I would not only vote for 4 per cent., but I confess I would vote for a higher rate of interest. I should like it better if the rate were higher, because I should like to see the fund increased. My chief objection to this hill is that after all the fund increased. My rate were higher, because I should like to see the fund increased. My

rate were higher, because I should like to see the fund increased. My chief objection to this bill is that, after all, the fund it raises for educational purposes is too small, and I cannot vote for any proposition that would lessen it. I would vote for any reasonable proposition that would increase it. So much for that branch.

Then, in relation to the point made by the Senator from Missouri, [Mr. Vest.,] I differ in toto cwlo from that honorable Senator on all the points he has raised. It seems to me that so far from this bill being subject to the criticism which he has visited upon it, exactly the contrary is true. The General Government does not interfere in the slightest degree with the right of the States to control education

in their respective limits, as stated by the President-elect in his letter of acceptance, and to which the Senator has called our attention. It not only does not interfere with that right of the State, but it does seem to me it recognizes that right and appropriates this general fund simply as an aid to the States in this work which is to be carried on by the States. It does not interfere in the slightest degree with the regulations that shall be established by the States upon this subject. But upon the point of which he speaks, that the Government reserves the right to inquire whether this fund has or has not been misanulied. the right to inquire whether this fund has or has not been misapplied. I ask is not that a right that belongs to all donors, all persons who create a trust fund for any purpose? The General Government owns this money—the proceeds of the public lands and the fees of the Patent Office. It belongs to the General Government. The General create a trust fund for any purpose? The General Government owns this money—the proceeds of the public lands and the fees of the Patent Office. It belongs to the General Government. The General Government proposes to distribute this money to the States. Has not the Government that distributes the money a right to say on what terms it will distribute it? Was it ever heard of that the Government which has a right to give the fund has no right to say on what terms it will give the fund? It is not only the right of the General Government to prescribe the terms on which it will give the fund, but the General Government is under obligation, in my judgment, to see to it that the fund is not misapplied. Can it be possible that the Government should be moved to give this money to the States for educational purposes and then say that the Government shall not have the right to see to it that the money is applied for the purposes for which it is given? Do you call that interfering with the rights of the States? Sir, if the General Government were not to see to it that the fund was applied in the manner prescribed, and to accomplish the purposes intended, in my judgment the Government would be derelict. Why prescribe terms at all if the Government would be derelict. Why prescribe terms at all if the Government is to stand idly by and see those terms disregarded by the States?

Mr. VEST. Will the Senator allow me to ask him a question?

Mr. HILL, of Georgia. Yes, sir.

Mr. PEST. Does the Senator hold that the National Government has the right to inquire what appropriations are made by a State Legislature for public schools and that that ought to affect this fund?

Mr. HILL, of Georgia. The object for which that inquiry is made in this bill is perfectly legitimate, and the Government does have a right, in my judgment, to make it. The object for which that inquiry prescribed in this bill is not to authorize the General Government to interfere with the right of the State in the management of its own schools. The General Governm

taken; if Virginia and Georgia and Connecticut are not the owners of this property and the Federal Government a trustee for the States?

Mr. HILL, of Georgia. I do not propose to go into that discussion.

My good friend, the Senator from Connecticut, I think is refining overmuch. The public territory was ceded by those States to the General Consequent as I understand. Of course the General Government. much. The public territory was ceded by those States to the General Government, as I understand. Of course the General Government holds all power in trust for the people. Under our system of government there is not a power on earth in the Government that is not in the Government as a trust for the people. I admit that. That is the general proposition necessarily resulting from the idea that in this country all government is founded in the consent of the people and derives its authority from the consent of the government. That is all true; but nevertheless the Government owns the property when it is ceded by a State to the Government to be used properly and I say it. ceded by a State to the Government to be used properly, and I say it is being used properly when we distribute it to the States for the high purpose of education. I do not think it is any violation of the trust

on the part of the Government to give the proceeds of these lands to the States for the purposes of education.

But my friend's idea is that the Government is interfering with the States because the Government, in the first place, prescribes the terms on which the States shall be entitled to share in this fund, and then on which the States shall be entitled to share in this fund, and then because the Government makes inquiry to obtain the information to enable the Government to determine whether the States have complied and are complying with the terms of the gift. I think it is legitimate; I think, with all due deference to my friend from Missouri, it is right and proper that the Government should put these safeguards around this gift. No State, I insist, ought to desire to receive this fund except on the terms prescribed, and no State having received this fund on the terms prescribed ought to be presumed willing under any circumstances to missamly it; but should a State willing under any circumstances to missamly it; but should a State willreceived this fund on the terms prescribed ought to be presumed willing under any circumstances to misapply it; but should a State willingly misapply the fund, certainly the State ought not to complain if the General Government inquires into the fact. The State ought to be willing to be correct on this point. It does not interfere with its sovereignty in the slightest degree.

Mr. EDMUNDS. Will the Senator from Georgia allow me, on the point about which he is speaking, to recall to his recollection the fact that in all the old grants to the States when they came into the Union, of public lands for the uses of their roads and canals, the acts required

of public lands for the uses of their roads and canals, the acts required in terms almost identical with these that they should appply them so and so, that they should make a report, and if it appeared to the

Secretary of the Treasury that they had not faithfully applied them

Secretary of the Treasury that they had not faithfully applied them that the payments should stop?

Mr. HILL, of Georgia. Certainly; but I do not intend to go into the discussion. I suppose the Senate is familiar with that history. I simply desire to say, with the greatest kindness to my friend from Missouri, for whom I entertain the highest feelings of friendship, that I cannot sit by and not enter my protest against the doctrine he has advanced as applicable to this bill. I think this bill is legitimate; I think it is altogether constitutional; I think it does not interfere in the slightest degree with the sovereignty or reserved right of any the slightest degree with the sovereignty or reserved right of any State. I think the State that receives this fund ought to be willing to comply with the terms of the bill, and a State that is not willing to comply with the terms of the gift ought not to receive the gift. That is my judgment about it.

I did not rise, however, for the purpose of entering into this discussion. I thank the Senator from Vermont for the suggestion he has made. It is true; it is correct; and I do not know any better appropriation that can be made of this fund than that proposed by this bill. As I said before, my chief objection to it is that it is so small, but I hope it will be the entering-wedge and the beginning of better things in the future.

Mr. MAXEY. Mr. President as a member of the Compiler.

Mr. MAXEY. Mr. President, as a member of the Committee on Education and Labor I concurred with that committee in reporting this bill, and I will say that if I had believed that there was one word in the bill which would interfere with the reserved rights of the States I should never have agreed to its report. I do not believe that; but I do believe that where the United States of its own volition grants to the States a certain portion of the public treasure, in trust for the use of common schools, the United States have the right to know that that fund is appropriated in the mode and manner prescribed by the act of Congress; that it is a right which all trustees always have to see that a trust fund goes in the direction in which it was designed to go. So far as that is concerned, I have nothing further to say.

further to say.

I do not propose to go into an elaborate discussion of this question. The able and exhaustive argument of the Senator from Vermont [Mr. MORRILL] yesterday to my mind is conclusive, and I do not care to repeat that argument. I have only to say that since I have been a member of the Senate the same question was once before presented on a bill submitted to us, and I on that occasion made an argument in favor of the bill, presenting elaborately my reasons therefor. Upon that argument I stand to-day. My object now only is to present some especial reasons why I support this bill.

Whether we will or not, the colored people are to-day citizens. If it be true, and it is true, that the perpetuity of free government depends upon the virtue and intelligence of the people, then common sense will tell any man that the more enlightened, the more virtuous you make those who enter into the body-politic the more certain you

sense will tell any man that the more enlightened, the more virtuous you make those who enter into the body-politic the more certain you are of the perpetuation of free institutions. These colored people have become by the Constitution and the laws of our country a part and parcel of the body-politic. They were but a few years ago slaves. They are mainly in the portion of the country where I live. It is the interest of the southern people that this colored population should be educated. They are among us; they are entitled to vote; they are entitled to hold office; they are entitled to sit upon juries; they are entitled to be appointed executors, administrators, and guardians; they are entitled to any official political position that a white man is entitled to; and hence it is of the utmost importance to us and to the perpetuity of our institutions that these people should become educated. Coming out of the war as they did without property, what they now own they have had to acquire by their own exertions. They are necessarily poor. Their children have to be educated. In the State in which I live by the terms of the constitution—and similar provisions are in the constitutions of all the Southern States—they are entitled to the same common-school education that the white are entitled to the same common-school education that the white child is entitled to.

Mr. JONES, of Florida. I wish to ask my friend from Texas a ques-Mr. MAXEY. I did not intend to make an elaborate speech, and would prefer to be allowed to conclude what I have to say.

Mr. JONES, of Florida. Only a word. I wish to know for infor-

mation what amount of money the States are going to obtain annually under this bill?

under this bill?

Mr. MAXEY. The Senator from Florida asks a question the answer to which could be very much more certainly obtained from the Commissioner of the General Land Office than myself.

Now, Mr. President, as I stated, these people came out of the war without property, their children under the constitutions of the Southern States are entitled, like the white children, to be educated. The burden of educating those children falls upon the whites. The white men of the South came out of the war deprived of their property. We were impoverished by the war, and what little of property was left there was left in the hands of the white people, and the burden of educating both white and black has devolved upon the white people in the southern section of the country. These people were made citizens by the act of this Federal Government, and it is a matter of common justice, it is a matter of common honesty and fair dealing, in my judgment, for the Federal Government to aid in their education, to aid the States which are now educating them.

So far as the question of constitutionality is concerned, I had not

So far as the question of constitutionality is concerned, I had not

supposed, at this late day, that that question could be raised. The statutes of our country bristle all over with legislative precedents, running even back into the last century, running back to the annexation of the Territory of Louisiana. The power of Congress is too firmly established by precedents to be now questioned. All the States wherein the United States did own vacant public domain, or does own it now, and all the Territories have benefited by an appropriation by Congress of a portion of that vacant public domain for common-school purposes. The principle is settled there. If it be true that out of the common treasure the vacant public domain belonging to the United States could be given to a particular State or Territory because it happened to lie within the limits of that State or Territory, I ask if that principle does not authorize Congress to take the proceeds of this vacant public domain and distribute them among all the States which constitute the Union, for which we are the trustees? Sir, the constitutional argument falls—falls upon principle as well as upon precedent. as well as upon precedent.

In my own State, when we came into this Union, we had a princely public domain. The constitution of the republic of Texas was modeled after the Constitution of the United States, and the wise men who framed that constitution set apart sacredly a large portion of the who framed that constitution set apart sacredly a large portion of the vacant public domain for common-school purposes, and, as years rolled by, this fund has been added to and but a short time ago, at the last Legislature, I believe, a vast amount of additional public domain was added to the fund for common-school purposes by the State of Texas. Without taxing anybody but ourselves we have not only provided for common schools to the extent of our ability, but we have provided for a university, and that university has now, I believe, three million acres of public land set apart for its establishment. We have taken the small amount which was given by the United States for an agricultural college, and we have not only esment. We have taken the small amount which was given by the United States for an agricultural college, and we have not only established an agricultural college for the education of the whites, but we have bought the ground for a branch agricultural college where the colored boys are educated the same as the whites, and we have

the colored boys are educated the same as the whites, and we have established normal schools for the purpose of educating teachers, and we have established a colored normal school for the education of colored teachers to teach the colored people.

Sir, when you come to talk about how those people are provided for and protected, you should know that they are provided for and protected by those among whom they were reared, and better than by anybody else; but we are not able to do it to the full extent we would like to do it, and therefore it is that we come forward in this bill and ask the Government to aid us in doing that which we believe is just and right, and which we ourselves to the extent of our ability are trying to do.

are trying to do.

I shall vote for the bill cheerfully. A State-rights man to the very core, I shall vote for it, because there is not in the bill anywhere a violation of any Stateright. It was guarded by gentlemen who are as strongly in favor of the reserved rights of the States as the Senator from Missouri or anybody else. I shall vote for it, because I believe it does not conflict with but does aid the States in doing a just and a wise thing. I would go back even further; I would go back to the very convention that framed the Constitution, and you will find that under the clause giving exclusive legislation to Congress over the ten miles square it was contended in the convention that Congress ten miles square it was contended in the convention that Cohgress had power to establish a university at the seat of Government. The inaugural address of General Washington, the writings of Jefferson, Madison, Monroe, and all the great lights of this country, without a single exception, have favored the dissemination of intelligence among the people, because underlying that as the corner-stone of free institutions is the virtue and intelligence of the people, and the more we improve that the better for the country; and there could be no better appropriation than the one which this bill provides for. I heartily agree with what was said so well by the Senator from Georheartily agree with what was said so well by the Senator from Georgia. I am willing to have this rate of interest 4 per cent., and I would say even more than that, if need be, because it is money wisely and well distributed, for the grandest of all purposes, the education

of the people.

Mr. MORGAN. Mr. President, at the last session of Congress I gave notice of an amendment to this bill, which I will offer when it shall be in order. The amendment I will now read, however, for the information of the Senate. In line 31 of section 3, after the word

"colleges," I propose to insert:

And said last-mentioned act of Congress is hereby amended so as to require each State and Territory to establish in said colleges schools for the instruction of females in such branches of technical education as are suitable to their sex.

My own experience, Mr. President, as to the operation of this law of 1862 in the State of Alabama satisfies me that under the construction which is placed upon the statute by those who have charge of schools an unjust discrimination is made against women; that the benefits of this very wise and excellent system of law have been withheld in consequence of a misconstruction and misapprehension perhaps on the part of those having charge of some of the schools of the real purpose of the original endowment. I call the attention of the Senate to the fourth section of the act of 1862, which defines the powers and duties of those who have charge of these schools:

That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than 5 per cent. upon the par value of

said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section 5 of this act,) and the interest of which shall be inviolably appropriated, by each State which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

The framer of that law evidently had not in his mind any reference

The framer of that law evidently had not in his mind any reference to the education of women, because it speaks of professional pursuits, in which the women of this country do not largely enter; it speaks of requiring that the schools shall also be conducted in reference to the teaching of military tactics, which, of course, has no application

Mr. MORRILL. Will the Senator allow me a word? I wish to say to him that the college in my State, and in very many others I

know, admits females to instruction.

Mr. MORGAN. They do, I know. Perhaps nearly all of these agricultural colleges do. I will presently lay before the Senate some information on this subject in regard to all those States that do. This act also has reference to the teaching of such branches of learning as are related to agriculture and the mechanic arts. It is evident from the title of the schools themselves, and from the whole purpose of this act, that its leading object was to teach men in agriculture and in mechanic arts, including the scientific course, perhaps, and also military tactics. That construction has been put upon this law by numbers of the States. Out of the thirty-eight States in the Union now that have received the benefits of this appropriation, there are fourteen who do not admit women at all. The remaining States do admit them, and some of their institutions have received pupils of that sex. But the construction of the law placed upon it by the men who have in charge these institutions needs to be remedied and corrected, and that is the main purpose of my amendment.

My amendment, however, goes further than that; it reaches to that

part of the education of the common people of this country at this day and time which is most requisite for their real preparation for the ordinary and compulsory duties of life. Of course a commonschool education in the elementary branches of learning is not to be dispensed with; that is an indispensable basis of all technical education; but we are devoting ourselves it seems to me exclusively in this law either to the teaching of the mere elementary branches, to which women may be admitted, or when we pass beyond that of teaching the technical branches of education only to men. The doubt and difficulty in which the construction of this statute involves the subject, it seems to me, ought to be removed by an act of Congress, and the amendment which I propose is directed precisely to that point. I desire to make it not only permissive in these schools to receive women for education, but to make it compulsory that they shall provide a school within this college somewhere or in some way by which the women of the land may be enabled to be taught branches of industry which will be useful to them in their maintenance and in the establishment of their independence as people.

Mr. EDMUNDS. May I ask the Senator a question for informa-

tion?

Certainly.

Mr. EDMUNDS. I wish to know where we get the authority to change the terms upon which the States accepted these grants, which were complete in themselves at the time, and which were not continuing like this present bill, there being, so far as I saw when I looked at it just now, no provision that Congress reserved the right to change the provisions under which the States were to accept the donation

Mr. MORGAN. We are making an additional donation, conferring an additional bounty on the State.

Mr. EDMUNDS. Not for the benefit of the agricultural colleges.

Mr. MORGAN. Oh, yes; they are expressly named here as receiv-

ing a large part of this.

Mr. EDMUNDS. As far as that would go, we could impose terms.

Mr. JONES, of Florida. Is not a portion of this fund to go to the

existing agricultural colleges?

Mr. MORGAN. Expressly.

Mr. JONES, of Florida. One-third of it?

Mr. MORGAN. A very large proportion of it is to go to the agricultural colleges as they are now established, under this bill, and I suppose, of course, that in the appropriation of additional money to we can make it a condition, if we choose, that the States shall not have the benefit unless they adopt the terms.

Mr. JONES, of Florida. I may not have an opportunity of expressing my views in regard to this subject, and therefore I wish to in-

terrupt the Senator from Alabama a moment. I am in favor of the principle of the bill, and I was very much impressed awhile ago by the very able argument of the Senator's colleague on this subject, in which he sought to impress on the mind of the Senate that education was all-important with a view of enlightening that portion of the American people who were intrusted with the duties and powers of government. I agree that we should enlighten our constituents, the voters that stand behind us in this great Government. I thought there was great weight in the argument of the Senator from Alabama, [Mr. Pugh,] and if there was, would not this weaken it by taking away this fund from the education of the male portion of our population and devoting it to the education of females?

Mr. MORGAN. I do not think we shall ever have any men in this

country who are worth anything unless they have good mothers, wise mothers, and educated mothers. If I wanted to improve the stock of the American people, I should address my efforts first to the improvement of their mothers. I think I should be able to secure a much better development through the education and improvement of the women of this land than could possibly be done by bestowing all the bounty we could possibly accumulate on the heads of the men

of the present generation.

The subject that I have brought forward in this amendment is far too comprehensive for me to undertake to discuss it in the brief period that I have the right to take under the agreement of the Senate made yesterday. It is a subject that has attracted largely the atten-tion of educators throughout the world in the last few years. The Governments of France, of Austria, of Prussia, and of England have addressed themselves to the necessity of providing means for the technical education of the common people (as they are termed) of the country, the uneducated masses and those who have not the means of providing education for themselves, not merely with the view of improving the men and women themselves who are brought within the influence of this instruction, but also with the view of improving the influence of this instruction, but also with the view of improving the commerce of those countries, of improving their ability to command for their fabrics and their productions an increased compensa-tion in the markets of the world. Various commissions have been raised, men of the highest possible character have been associated in these commissions, and they have made extensive official investigations into all of these various matters, and I think I am not venturing at all when I state that it is the uniform opinion of the statesmen of Europe to-day that there is no branch of public improvement that is more entitled to the consideration of government than the instruc-tion of the people in technical education in reference to the industries of the land. I shall not beable to bring forward this afternoon all the evidence that I would like to adduce before the Senate in support of this proposition, if indeed any evidence were necessary; but there is a great want in the United States of attention to this

My own attention was first drawn to it on a visit that I made to Boston, where I saw an institution for the instruction of men in all the different industries of the country, and on visiting and examining that institution I was impressed with it as being the most excellent of all the educational establishments I had ever seen in this country. There is scarcely a State in the Union that devotes any specific attention to this very matter, and it is time that the Congress of the United States had at least set the example to the States, and now that it has a favorable opportunity I hope that Congress will not fail

to do so.

It is very true that under ordinary circumstances the establishment and endowment of schools of technology requires a good deal of money, requires quite a variety of professors and instructors and tutors in various branches of industry which our people are following in the land, and it is equally true that the amount of money which is to be raised under this bill is comparatively a small one. Some Senators have expressed the hope and the confidence that this fund will hereafter be added to. I join very heartily in that hope and in that confidence, and that not only this fund will be increased by private contributions, but that hereafter we shall find other means arising from the general Treasury of the United States for the purpose of aiding in this very important movement, I think one of the most important movements which have ever addressed themselves

The old apprenticeship system is now passing away. I remember in the course of my life to have seen quite a number of men, some of whom have become eminent men in the land, who spent their early manhood as apprentices put out to service under masters to learn trades. Some of the most useful and respectable men who have ever been in the United States, in this Senate and in other bodies of great weight and authority in the land, received their education in special trades, special pursuits, under the old system of apprenticeship. That system had its origin many hundreds of years ago, and it was deemed so very important in England and in France and in Germany that the privilege of being hired as an apprentice to a man was paid for by the father as a real bounty, a real benefit of value given to his son. But that system has passed away; it is virtually gone. I do not now know a single individual who is apprenticed to a master to learn any trade whatsoever. The factories are open throughout the country, a great variety of them, and untutored and unskilled laborers are admitted into these factories when they are young as employés, not receiving from the master the obligation on his part to instruct them in all the learning and in all the business of the trade in which they may engage, but they are received into these institutions merely as laborers, merely as employés, and are left to pick up only so much of information as may make them more and more valuable to their employers. The lines of information are not enlarged. You may take any particular subject—for instance, the making of a pair of shoes—and that subject is divided up into various specialties: one will be cutting; another will be binding; another will be working a machine for the purpose of pegging, or a sewing-machine; another will be for embossing and polishing; another will be for boxing up the product

and sending it to the market. Each trade or pursuit under our present system is divided up largely into specialties. The boy or the girl who may be admitted into one of these factories as a bright, intelligent, and promising employé is put at a particular specialty, is put to cutting or to embossing or to pegging or to sewing a shoe. That is all he is ever permitted to learn. It would not be to the interest of his employer that he should understand the entire business, because immediately he would rise to that condition where he would become a competitor

of his employer in the manufacture of the article.

We see by this little illustration the wide difference that exists between the present system of imparting instruction of a technical character, of an industrial character, to the children of the country, character, of an industrial character, to the children of the country, and that system which existed of apprenticeship, under which the master was bound by the articles of apprenticeship to give instruction to his apprentice in all that pertained to the particular trade in which he was to be employed. In the latter case the master was the instructor and tutor of the child. In the present instance, however, as matters are now conducted, the child goes there to wear his way through the factory in the best manner he can, to live his life out with no expectation except that when he becomes more skilled the mere per diem of his pay may be increased. That is all the hope he mere per diem of his pay may be increased. That is all the hope he has in the world.

In addressing ourselves to the subject of educating the youth of this country practically and placing this great Government bounty in the reach of those for whom it is really designed, it seems to me that we ought at once to adopt that system which has been found to be necessary in the older governments of the world in order that they may essary in the older governments of the world in order that they may be able, in their commerce even, to compete with the newer and more enterprising people on this side of the ocean, and we ought therefore to establish schools of apprenticeship, for that is the entire purpose of the amendment; it is to establish schools of apprenticeship in which boys and girls may receive such instruction as will be necessary in order to accomplish them in the ten thousand varied pursuits which

order to accomplish them in the ten thousand varied pursuits which the genius and enterprise and industry of the younger part of the country can be engaged in, greatly to their own benefit and yet more greatly to the benefit of the country.

Mr. MORRILL. May I ask the Senator from Alabama if he does not believe this is a question that had better be left to the several States, when all but fourteen of these colleges have already admitted women to all their privileges, and the very institution that he has mentioned was established by the agricultural-college fund?

Mr. MORGAN. I should be entirely willing to do that; but we have been nearly twenty years conducting these colleges or some of them under this law, and yet, as I have remarked, there are only half of them—there is less than half of them—that admit women at all to the colleges. They are barred from going there by regulations of to the colleges. They are barred from going there by regulations of the institution, and in not more than three or four of all these colleges are there any special schools of instruction in reference to the common industries of life. The experiment has been a failure, if that

was one of its purposes.

Mr. MORRILL. The Senator of course is aware that one great reason in the smaller States is that the fund has not been sufficient.

Mr. MORGAN. I think the fund ought to be sufficient for that purpose, before almost any other you could name, except to teach the elements of an English education. The fund has been quite sufficient to have in all these agricultural colleges boys decked out in military gear, with bands of music and drums, and drill officers sent there for the purpose of training them as soldiers. I do not know one, perhaps there are some, but I do not know one of these agricultural colleges agricultural colleges. tural colleges which is not a regular barrack, a camp of soldiery, where the youths of the country are made to step about and strut

where the youths of the country are made to step about and struct about in uniforms, wearing swords and carrying guns—in my judgment a very useless waste of money.

Then, again, there are large numbers of professors in these colleges, quite an extraordinary number of them, far more than is necessary to teach the simple branches of education which are taught in these colleges. There is a great loss of money there. We leave it to the States, of course, but I am disposed to put some restriction upon the expenditure of this money hereafter, and I think that one class of people who are totally neglected and totally unprovided for ought to be provided for by an act of Congress which shall require the State schools to admit women; I do not mean into the college proper on the basis of co-education with boys, but I mean that they shall be admitted into schools prepared for them, and that the purposes of these schools shall be directed specifically to their education in the ordinary industries of life and in a great many technical pursuits where they can earn the means of subsistence.

where they can earn the means of subsistence.

Mr. HOAR. Will the Senator from Alabama inform me what would be the probable cost of the establishment of such a system as he requires? Take a State where the provision he now suggests does not exist; of course, he would desire that it should be sufficient for all the young women of the State who wished to avail themselves of it, and not merely have a few chosen persons. What would be the

all the young women of the State who wished to avail themselves or it, and not merely have a few chosen persons. What would be the probable cost, for instance, in the State of Alabama?

Mr. MORGAN. If any one State should undertake a broad system of technical instruction so as to include a great variety of subjects in its catalogue of instruction, it would become very expensive; there is no doubt of that; but we have thirty-eight States and probably in thirty years more we shall have as many as forty or perhaps forty-five; each of these States has a peculiar agriculture; it has peculiar

resources. For instance the State of Alabama has cotton for its leading agricultural product. I should think that a wise system of direction of this money in the State of Alabama to the subjects of technical education would be to direct it at once to the employment of women in the manufacture of cotton, I do not mean spinning it on an ordinary wheel or spinning it in a factory, and yet that would be a most excellent way to instruct a girl how to earn a living in after life, but in the art of design in the art of waying in the art of coutting most excellent way to instruct a girl how to earn a living in after life, but in the art of dyeing, in the art of weaving, in the art of cutting prints for the purpose of manufacturing the goods, or if you please you may take them into the cotton mart and put their delicate fingers there to sampling and ascertaining the value of cotton by its texture, by the length of the fiber, &c. I do not see why a woman well instructed and well educated in a matter of this kind ought not to be able to earn the three or four thousand dollars a year a man earns in my State by like pursuits. Then go out to California where gold abounds.—

Mr. HOAR. Will the Senator permit me to state that I think he does not see the exact force of my inquiry? I entirely agree with him in the propriety of such institutions; but my question was what, in his judgment, would be the cost in his State of such a system of education as he desires for women to be established there, without going (unless he chooses) into the question of what that system shall be? I put the question for this reason: the Senator from Colorado attacked this bill with a good deal of force on the ground that it is totally insufficient to accomplish any practical result at present; that only \$40,000 are to be divided among all the States the first year.

Mr. TELLER. The Senator will allow me to interrupt him. I

made the calculation on the last report.

Mr. HOAR. Allow me to finish, because I am myself interrupting my friend from Alabama. I have been for a number of years a trustee of a technical school for young men, and have studied that subject with great care. I made a journey to Europe very largely for the purpose of studying the systems of technical instruction there. I think I know something about that matter, and it is the most costly kind of instruction which can possibly be given. Where you teach a boy agriculture by having him to learn on a farm and earn bis own living. his own living, or mechanics by working in a mill, you have got to provide the establishment in which he is educated and you have got to pay a large sum of money. Now, the technical school of which I am trustee has a fund of between five and six hundred thousand dollars, and it is hungry and starving because of the insufficiency of that fund. Now will the State of Alabama—of course the only effect of the Senator's amendment is to make it a condition of their getting anything under this fund—will the State of Alabama, probably next year, appropriate three or four million dollars to establish these

technical schools for its women—enough to amount to anything as the condition of getting its share of \$40,000?

Mr. MORGAN. I do not think that the State of Alabama would make any such appropriation as that, or if it did it would not have the money to pay for it. There is no difficulty on that point; but because there are some expensive schools of technology in the United States it does not follow that they must all necessarily be so. I will read from an author who has given great consideration to this subject, Mr. Stetson, who has written a book on technical education, and

a very excellent book it is. He says:

With the decay of apprenticeship numerous special schools for the instruction of apprentices have been established in Europe.

He does not say it required a very vast endowment to get these schools established.

These schools are supported in part by local and in part by state contributions. The service they have rendered to industry cannot be lightly estimated.

Such schools can have no uniform organization, since they must be adapted to the industrial wants of each locality. One will be a school for wearing, another for lace-making, another for dyeing, another for watch-making, another for jew-elers, another for machinists, another for carpenters, another for ship-builders, and so through the catalogue of industries. Of course, those things which are common to different industries can be taught in the same school.

Labor performed under the direction of experienced workmen occupies a good part of the time; the remainder is given to those studies which have an immediate bearing upon the industry taught.

There is a system outlined which, in its application to the thirtyeight States of this Union, it seems to me, would bring great profit to the cause of public instruction if it should be followed. As I was remarking, the State of Alabama, for instance, could establish a technical school having relation to the manufacture in one form and annical school having relation to the manufacture in one form and another of its great leading production. Colorado, being a silver State, could furnish the material there for the manufacture of vast amounts of silverware, which women can make just as well as men—watch-cases, spoons, trinkets, jewelry—articles which involve taste and skill, and in which I think that the genius of the females of the United States would find a field of beautiful, as well as very greatly remunerative employment. The argument against the expense of it is not a sufficient argument to deter us from entering upon the system. It may be wars before it is matured into anything very value. tem. It may be years before it is matured into anything very valuable, but there is no doubt at all that in certain elementary matters of instruction these schools can be made very largely useful without

a great expenditure of money.

This author goes on and gives a number of instances of the beneficial effects of instruction by popular lectures, by instructors coming to particular localities after notice given for the purpose of giving lessons to such persons as may assemble there in reference to a par-

ticular branch of industry. The author says that the French imperial commission, organized for the purpose of inquiring into this matter, has made a report in which it has demonstrated that this system of popular lectures has very largely contributed to the excellence of French productions in all that relates to matters of taste and genius, out of which they have made such a large amount of money off the other nations of the world. It is said, and I believe it to be true, that skilled French artisans can take material that is not worth more than fifty cents in its crude state and make out of it articles that will sell for from fifth to one hadred dellows morely because they are more for from fifty to one hundred dollars, merely because they are men and women of instructed taste and skill in the manufacture of arti-

and women of instructed taste and skill in the manufacture of articles which the wealthy people of other parts of the world demand.

Mr. President, you cannot shut out the importation of articles of that description by any tariff you put upon them. Men of wealth, men who are capable of indulging in their luxurious tastes, will bring from abroad articles which are the production of the exquisite taste and the high skill of French and other foreign manufacturers. I would like very much to see some system obtaining in the United States whereby our own daughters would have the rudimentary parts of instruction given to them at all events on which they could base achievements and accomplishments, such as those that we pay for at such a high price to foreign countries.

I think that the expense of this system is not an objection to it. It is not necessarily an expensive system. I have not time to go over

is not necessarily an expensive system. I have not time to go over the whole of this field. I find that I am already trespassing on the attention of the Senate in my efforts to bring forward this very important subject; and as I expected to devote my remarks entirely to those rudimental branches of technical education which are absorbed. lutely necessary for the welfare and comfort of the people of this country, I will take up the subject of the cooking schools in this country. I remember quite well that a lady recently visited Washington City from New York who had been abroad on a tour of instrucington City from New York who had been abroad on a tour of instruc-tion to be given to persons in reference to the art of cooking. When she came here the ladies of this city, old and young, and the servants of the city, congregated at her lectures and received instruction from her to their great benefit, not only in reference to the mere art of cooking, but also in reference to all the economies that relate to the management of the kitchen and the larder. If this provision should have no other effect than merely to distribute information of that sort among the people of the United States at large, and particularly among the neglegated records of the section of country in which my friend among the people of the United States at large, and particularly among the uneducated people of the section of country in which my friend from Georgia lives and in which I live, the accomplishment of that one result would be quite sufficient to justify us in making this requirement upon the States. Take also the training of nurses. We have a school already established in Washington City by an act of Congress, over which that patriotic and venerable philanthropist, Mr. Corcoran, presides, and that school, under the direction of an eminent board of trustees; devotes itself to instruction to women in the art of nursing. A woman who in that school becomes an accomplished nurse is able to maintain herself everywhere, and not merely able to maintain herself, but to confer untold blessings upon humanity. Suppose you should add that to a course of technical instruction, and suppose in

struction a few even of the more rude and elementary matters in which the people are greatly uninstructed, it seems to me there can be no difficulty in our understanding that such a movement as that would necessarily produce a great revolution and a great reform in the country in the direction of its higher civilization.

I have here, Mr. President, a collation prepared by the Commissioner of Education, which sets forth the actual condition of every one of the agricultural colleges in the United States, and also every school that has devoted the slightest attention to this subject of technical instruction. Of course I shall not detain the Senate by undertaking to read this collation of facts now, but I ask to have it introduced into my remarks in order that Senators may have the benefit of a reference to this exact and full and complete statement benefit of a reference to this exact and full and complete statement

addition to that you should bring around in the course of your in-struction a few even of the more rude and elementary matters in

of the actual situation of these different colleges.

The statement is as follows:

ALABAMA.

State Agricultural College.

Statement of President I. T. Tichenor:

Statement of President I. T. Tichenor:

1. Objects of institution.—Those specified in the act of 1862; accomplished as far as means would permit.

2. Endowment.—Proceeds of sales of lands given by Congress, \$253,500, at 8 per cent., and \$15 incidental fee charged students. Annual income about \$22,500, spent every year. Lands and buildings, mostly donated, have cost over \$67,000. Cost of teaching staff, \$17,600 a year.

3. Faculty—Consists of a president, 6 professors, and 3 instructors, 2 of whom are in preparatory department.

4-6. Students.—In 1879, 279, all men. Number of graduates, (incomplete,) 42. Seven hundred and fifty men have received instruction since the organization in 1872. Of these 222 are engaged in agriculture, 40 in mechanical pursuits, 70 in teaching, 90 in commerce, rest unknown.

7. Course of study.—Usual scientific collegiate course.

8. Women—Not admitted, though the faculty have almost unanimously advised the trustees to admit them.

State Industrial University.

Statement of President D. H. Hill:

1. Object of institution.—To afford cheap and practical education in agriculture and the mechanic arts.
2. Endoement.—Lands given by Congress; \$100,000 by Washington County; \$30,000 by town of Fayetteville. Value of grounds and buildings, \$300,000. An

nual income from bonds, \$10,400; from tuition, \$2,000, and State appropriation of \$5,000. Total income, about \$17,500, spent each year. Salaries, \$15,500 per annum.

3. Faculty.—A president, five professors, and twelve assistant professors and

teachers.

4-6. Students.—In 1880, 473, two-thirds males. Fees to students, nominal; 661 scholarships; 8 or 10 graduates a year; about one-fourth females.

7. Course of study.—Classical, agricultural, scientific, and normal.

8. Women.—No special course prescribed, but the president thinks one needed; few-women succeed in higher mathematics.

9. Workshops, &c.—Has no workshop or apparatus, and only a small, poorly-equipped farm.

COLORADO.

State Agricultural College.

Statement from reports, &c.:

Statement from reports, &c.:

1. Object of institution.—To impart knowledge pertaining to agriculture and the mechanic arts.

2. Endowment.—Prospective endowment is the proceeds of land grant which has not yet come into market. Present support, biennial appropriations, the last, in 1879, being \$25,000.

3. Faculty.—The faculty consists of a president, two professors, and a secretary.

4.5. Students.—Twenty-six in number, 16 males and 7 females. Tuition, free. Entrance fee, \$5. Incidental fee, \$1 per term.

6. Graduates.—None, as the first college year commenced last February.

7. Course of study.—A scientific course, with agricultural subjects, (e. g., irrigation, agricultural chemistry, horticulture, agricultural subjects, (e. g., irrigation, agricultural chemistry, horticulture, agriculture, sis), largely introduced. Manual labor is required on account of its educational, hygienic, and pecuniary benefit.

8. Instruction of women.—Women are admitted and the prescribed.

benefit.
8. Instruction of women.—Women are admitted, and the prescribed course is modified to meet their wants.
9. Appliances.—A farm of 220 acres; 160 under cultivation. Experiments are made on cereals, fruits, forest trees, &c.
10. Additional items.—The faculty and others hold farmers' institutes at eligible places during the winter vacation.

CONNECTICUT.

Sheffield Scientific School.

Statement made from reports and catalogues:

Statement made from reports and catalogues:

1. Object.—To afford instruction in mathematical, physical, and natural sciences.

2. Endowment.—General fund, \$217,375; library and other funds, \$17,527; total, \$224,902. Income, \$44,007; \$15,850 from tuition, \$7,910 from agricultural fund; expenditure, \$45,118; for instruction, \$40,816.

3. Faculty.—A president, 15 professors, 12 assistant professors and teachers.

4. Students.—In 1879, 177, all males. Charge to students, \$150 a year, with extra charges for chemicals, reading.room, &c.

5-6. Scholarships.—Thirty scholarships, 27 provided by the State for needy students in agricultural and mechanical pursuits. Probably 650 graduates.

7. Course of study.—Introductory courses, chemistry, civil engineering, dynamic engineering, agriculture, natural history, biology as a preparation for medical study, courses preparatory to higher studies.

8. Women—Are not admitted.

9. Appliances—For instruction very complete.

10. Additional items.—This school gives such assistance as it may to the farming and gardening interests of the State.

DELAWARE. Delaware College.

Statement made from catalogue, &c. :

Statement made from catalogue, &c.:

1. Object.—To give to young men instruction that shall enable them to manage a farm and at the same time to furnish a substantial education.

2. Endowment.—Value of grounds, buildings, and apparatus, \$75,000; amount of productive funds, \$83,000; income from productive funds, \$4,980; tuition fees, \$540; the proceeds from the land grant appear to be \$83,000.

3. Faculty.—A president and 4 professors.

4. Students.—Number 59, 20 being ladies. Tuition is \$60 a year; entrance fee, \$5.

5. Scholarships.—There are 30 State scholarships.

6. Graduates.

7. Course of study.—The common scientific course, and special advantages for the study of chemistry.

8. Instruction of women.—Women are admitted and a literary course specially provided for them.

9. Appliances.

9. Appliances.
10. Additional items.—The college is specially interested in detecting fraudulent fertilizers.

GEORGIA.

University of Georgia.

Statement of the secretary of the faculty :

Statement of the secretary of the faculty:

1. Objects.—Those contemplated in the act of 1862.

2. Endowment.—Proceeds of the sale of land scrip, \$242,202 invested in 7 and 8 per cent. Georgia bonds, producing \$17,914 a year. (By various acts of the Legislature this income is divided between the University of Georgia, at Athens, and branches of the same established at Dahlonega, Cuthbert, Thomasville, and Milledgeville. From these branches no information has been received.) The yearly expenses of the Athens institution are \$15,883.

3. Faculty.—Eight professors.

4. Students.—In 1879 there were 70, all males. Cost of tuition, \$40 a year, except in engineering department, where it is \$75.

5. Scholarships.—Two hundred and fifty, making tuition virtually free.

6. Graduates.—Since organization in 1872, 48.

7. Course of Study.—Agriculture, engineering, architecture, and chemical science.

8. Women—Are not admitted.

9. Appliances.—Farm of 45 acres under cultivation; chemical laboratory for 60 students, physical apparatus, &c.

10WA.

State Agricultural College.

Statement of President A. S. Welch:

Objects.—Those specified in act of 1862.
 Endowment.—The endowment consists of the proceeds from the sale and rent of 204,309 acres of land, and the annual income therefrom amounts to \$41,000. An-

of 294,309 acres of land, and the annual income therefrom amounts to \$41,000. Annual expenditure, \$41,000; expenses of teaching staff, \$26,000.

3. Faculty—Numbers 22.
4-5. Students—Number 284; males, 201; females, 63. Tuition free.
6. Graduates—Number 165; males, 122; females, 43.
7. Course of Study.—Course four years in length. One in science; mechanical engineering, civil engineering, ladies' course in science. Course for juniors and seniors in special industrial sciences. Post-graduate course, and a preliminary course.

Instruction of Women.—In addition to the ladies' scientific course there is a practical course in domestic science. Lectures are given on household arts, and there is drill in house-keeping.

Appliances.—The college has chemical, physical, and horticultural laboratories, printing-office, two workshops, a garden of 20 acres; two farms, one of 560 acres, the other of 30 acres.

KANSAS.

State Agricultural College.

Statement of President G. T. Fairchild:

1. Object.—To afford to students of both sexes good scientific training and to advance agriculture.

2. Endowment.—Congressional grant of \$2,313 acres, two-thirds sold and producing \$18,000 a year; all expended. Value of grounds and buildings, \$60,000. Cost of teaching-staff, \$8,000.

3. Faculty — A president, 5 professors, and 5 instructors.

4-5. Students.—One hundred and seventy-five, about one-third women. No charge for trition.

4-5. Students.—One hundred and seventy-five, about one-third women. No charge for tuition

 Graduates.—Fifty; a few teachers, the others farmers and business men.
 Course of study.—Practical agriculture, agricultural chemistry, household chemistry for girls, and various industrial courses for both sexes.
 Women—Have same opportunities as men, and some special privileges.
 Appliances.—Two farms, one of 160 acres, containing buildings, orchards, gardens, practice-farm, &c.; laboratories, printing-office, &c.; all departments well equipped with durable buildings.

Report of James Marvin, chanceller of the University of Kansas:

1. Objects of institution.—The whole force of instruction is in the direction of citizenship. * * * Our State is emphatically agricultural. * * * The natural sciences occupy a leading place in our courses of study.

2. Endowment.—Derived from the "Amos Lawrence fund," of \$10,300; sale of lands, \$69,331; the appropriation by the State (for year ending June 30, 1880) was \$28,650. Income will average \$30,000 per annum.

3. Faculty.—Consists of 11 professors, 1 assistant professor, 1 lecturer, 1 instructor, and 1 superintendent of buildings and grounds, and 2 tutors or assistants.

4. Students.—Enrolled for 1879-80, 425, of whom 237 were men and 188 women. Expenses of students per annum, from \$125 to \$500; average, \$300.

5. Scholarships.—None.

6. Graduates.—Before 1880, in collegiate departments, 48, of whom 20 were women; ditto in normal department, 13 men and 4 women; degrees conferred, B, S, 14; B. A., 34. Occupations of 43 graduates given; most of students are self-supporting and very industrious.

7. Courses of study.—Preparatory, 3 years; collegiate, (i. e., classical, scientific, we down literate.

and very industrious.

7. Courses of study.—Preparatory, 3 years; collegiate, (i. e., classical, scientific, modern literature, civil engineering, natural history, chemistry,) 6 in all, each of 4 years; normal, (i. e., classical, modern literature, English,) 3 in all, of 3 years each; law, 2 years; and music.

8. Instruction of women—Same as that of the other sex.

9. Appliances.—Free laboratory; electrical and other apparatus of physics, astronomical, engineering, natural history, botanical, entomological, ornithological, geological, &c.

Agricultural and Mechanical College of Kentucky.

Statement of President Patterson:

Statement of Fresident Patterson:

1. Object.—To teach branches relating to agricultural and mechanic arts.

2. Endovement.—Grounds and buildings (when completed.) \$5,000. Income from land scrip fund, \$9,900; from State tax levied for the college, \$17,000; and tuition fees, \$1,500. Annual expenditure, \$27,000; expenses of teaching-staff, \$16,000.

3. Faculty—Consists of president and 12 professors, there being also two vacant chairs, and two assistants in the preparatory department.

4. Students—Number 182; males, 140; females, 42.

5. Scholarships.

6. Graduates.—Since 1878, when the college was placed on an independent basis, scraduates.

8 graduates.
7. Course of study.—Mathematics, Latin and Greek, natural history, English language, 4 years each; normal course, 3 years; history, chemistry, and physics, book-keeping course, military science, 2 years; mental and moral philosophy, 1 year.
8. Women—Have access to any class in college.

MARYLAND.

State Agricultural College.

Statement of President W. H. Parker:

1. Objects.—Those specified in act of 1862.

2. Endowment.—United States land scrip, yielding \$6,800 a year; State appropriation, \$6,000; board of students, at \$200, yields \$12,000; whole income expended. Value of grounds and buildings, \$90,000. Students from Maryland and the District of Columbia pay no tuition; others pay \$75 a year. Expense of teaching-staff a year, \$8,500 trict of Columbia pay no tuition; others pay \$75 a year. Expense of teaching-staff a year, \$8,500.

3. Faculty.—A president and 6 professors.

4. Students.—Average 75, all males.

5. Scholarships.—None, except as above stated.

6. Graduates.—Since 1875, 20, chiefly teachers and farmers. Nearly 1,400 students have registered since the foundation of the college.

7. Course of study.—Courses in mathematics, chemistry, physics, and practical agriculture.

8. Women.—Not admitted.

8. Women—Not admitted.
9. Appliances.—The department of agriculture is well equipped; good chemical laboratory, &c.

MARYLAND.

The Johns Hopkins University, Baltimore, D. C. Gilman, president,

Affords advanced instruction in mathematics, languages, history, chemistry, biology, &c., conveyed by lectures, experiments, and opportunities for original investigation.

2. Endowed—By the late Johns Hopkins, of Baltimore.

3. Faculty.—Thirty instructors.

4. Students.—One hundred and sixty-two (of whom 82 are college graduates) besides persons in certain special classes. Women have as yet not been admitted.

5. Scholarships.—Twenty fellowships, each worth \$500, are open to competition each year.

Scholarshys.—Twenty fellowships, each worth \$500, are open to competition each year.
 Appliances.—Three laboratories, (chemical, physical, and biological,) extensive apparatus, seaside school. library, &c.
 Additional tiems.—Original investigations published in four periodicals supported by the University.

MASSACHUSETTS.

State Agricultural College.

From reports, &c.:

- 1. Objects.-Everything is made to contribute to science and practice in agricult-
- ure.
 2. Endowment.—Financial condition February, 1880: Real estate, \$200,000; farm stock, appraised at \$2,747; implements, vehicles, &c., \$1,005; farm produce on hand, \$2,019; total, \$205,771. Resources: Two-thirds income of agricultural fund, \$12,000; from other funds, \$700; from tuition, room rent, &c., \$3,500; total, \$16,200.

Expenditures: Salary account, \$10,100; current expenses, \$4,000; extra instruction, \$800; total, \$14,900.

3. Faculty—Consists of 6 professors, 1 instructor, and 1 superintendant of nurse-

Students.—Post graduates, 4; seniors, 9; juniors, 15; sophomores, 65; freshmen, 15; select class, 23; total 131.
 Scholarships.—One for each congressional district, (11,) and the income of a fund of \$1,000.

fund of \$1,000.

6. Graduates.—About 157; all B. S. occupations; farmers, 32; clerks and salesmen, 16; still studying, 16; teachers, 10; merchants, 7; miscellaneous and deceased, 76.

7. Course of study.—Scientific, continues 4 years.

8. Women.—Only one woman has availed herself of the privileges of the college which is open to her sex.

9. Appliances.—Ample laboratories, herbarium, cabinets, and a farm of 400 acres well stocked.

well stocked.

10. Additional items.—The institution has made a large number of investigations of special agricultural subjects the results of which are generally accepted as authoritative.

Worcester Free Institute, Worcester, C. O. Thompson, principal.

1. Objects.—To train boys for the duties of an active life, * * * specially designed to meet the wants of those who wish to be prepared as mechanics, civil engineers, chemists, or designers. * * * 2. Endowments.—State of Massachusetts, \$50,000; citizens of the State, \$547,000; accrued interest, \$27,000; total, \$624,000. School free to students of Worcester County; fees paid by other students annually about \$1,500; annual income, \$24,000; expenses of teaching, \$21,500; grounds, buildings, and general equipment valued at \$155,000. expenses of at \$155,000.

3. Faculty.—Eleven instructors.
4. Students.—All males, 93; non-resident students pay \$150 a year.
5. Scholarships.—Twenty free scholarships for citizens of the State outside Worcester County; 3 free scholarships from Norfolk County.
6. Graduates—Number 186; nearly all mechanics, manufacturers, draughtsmen,

Graduates—Number 186; nearly all mechanics, manufacturers, draughtsmen, engineers, &c.
 Course of study.—One in number, comprehending mathematics, modern language, chemistry, physics, drawing, shop-practice, &c.
 Women—Have been instructed by the school in return for the service to it;
 1 pupil is mentioned honorably for original chemical work.
 Appliances.—Laboratories, specimens, drawings, workshop, &c.
 Mem.—A most admirable and successful school.

Wellesley College, Wellesley, Miss Ada L. Howard, president.

Object,—To educate teachers.
Faculty—Numbers 31.
Students.—All women, 375; annual expenses, \$250.
Scholarships—Number 4.
Graduates—For 2 years, number 58; confers degree of A. B.
Course of study.—Intended to train women as thoroughly as men are trained in

Course of study.—Intended to train women as thoroughly as men are trained in college.
 See No. 4 and No. 8.
 Appliances.—Chemical and mineralogical laboratories, physical laboratory and apparatus, astronomical apparatus, botanical apparatus and herbarium, microscopes, library &c.

MICHIGAN.

State Agricultural College.

Statement of President T. C. Abbott:

Statement of President T. C. Abbott:

1. Object.—To afford students instruction in agriculture and related sciences.
2. Endocument.—United States land grant, 235,673 acres; of which 86,121 hadbeen sold up to September 1, 1879, the rest being held at \$3 for ordinary and \$5 for pine lands. The sales have produced a fund of \$143,474, on which the State pays 7 per cent. The State in 1879 and 1880 appropriated \$33,080. Annual current expenses amount to \$29,000. Value of grounds and buildings, \$266,100. Annual cost of teaching staff, \$18,000.
3. Faculty.—A president, 6 professors, 6 assistant professors.
4-5. Students.—In 1879, 232; 11 of them women. Tuition is free.
6. Graduates.—Whole number, 205; 69 of them farmers, 31 teachers, 26 business men, &c.

men, &c.

7. Courses of study.—Chemistry, physics, botany, practical agriculture.

8. Women.—Enjoy the same opportunities as men.

9. Appliances.—Farm of 676 acres, with stock and buildings. All departments are well equipped. There is a library of 4,000 volumes.

MINNESOTA.

University of Minnesota.

From statement of President W. W. Folwell:

From statement of President W. W. Folwell:

1. Object.—To provide the means of acquiring a knowledge of literature, science, and the arts, and especially such as relate to agriculture and mechanics.

2. Endowment.—Funds arising from land grant, (in hands of State land commissioner.) \$457,405; receipts for 1879, \$44,892. Value of grounds and buildings, \$220,000. Expenditure equals income. Expense of teaching.staff, \$32,452.

3. Faculty—Consists of a president, 15 professors, and 4 instructors.

4. Students.—Three hundred and eighty-six; 253 males, 133 females.

5. Scholarships.—None.

6. Graduates.—Seventy-seven.

7. Courses of study.—Academical: I. The collegiate department offering three courses—classical, scientific, and modern; H. College of science, literature, and the arts, offering three courses, one in each branch. Professional: I. College of agriculture; H. College of mechanic arts.

8. Women—Are admitted to all privileges.

9. Appliances.—The university has spacious laboratories, extensive museums, considerable apparatus, two farms, &c.

10. Additional tiems.—The university has made many experiments with seeds, plants, implements, &c., valuable to farmers.

MISSISSIPPI.

State Agricultural and Mechanical College.

Statement of President S. D. Lee:

1. Object.—To afford students instruction in practical agriculture and the mechanic arts at a moderate cost.

2. Endowments.—One hundred and fifteen thousand dollars, out of the interest of which the college buildings, costing \$20,000, have been erected. The State Legislature appropriated \$55,000 for dormitory, equipment, &c.

3. Faculty.—A president, 6 professors, and various other college officers.

4. Students.—Two hundred and forty, all males.

5-6.
7. Courses of study.—Scientifie.
8. Women.—Not admitted.
9. Appliances.—Not yet secured. The college opened October 6, 1880.

State Agricultural College, University of Missouri.

Statement from reports, &c. :

Statement from reports, &c.:

1. Object—To fit the pupils for intellectual and manual labor.

2. Endowment.—The endowment is principally the 75 per cent. of the land grant assigned to the institution. The land being unsold, the income is in the form of rents, and has been about \$2,600 a year. The chief support is State aid. Expenses are about \$3,600 a year, of which \$6,000 is for salaries.

3. Faculty.—A president, 10 professors, and one superintendent.

4-6. Students.—In agriculture, 48; graduates, 67; expense per annum for tuition and contingent fees, \$2,000.

7. Courses of study.—A comprehensive curriculum extending over 10 semesters is amounced for the agricultural course.

8. Women—Are admitted, and the horticultural course specially invites them.

9. Appliances.—College has a farm and gardens, each of considerable extent.

School of Mines and Metallurgy, University of Missouri.

Statement from reports, &c.:

Statement from reports, &c.:

1. Object.—To fulfill the requirements of the land-grant bill of 1862.

2. Endowment.—The school has 25 per cent. of the land grant, an income from productive funds of \$1,250, and grounds and buildings worth \$45,960. The State appropriation may be set at \$7,500; the receipts from tuition fees, \$687. Expenses for salaries, about \$6,700 per annum.

3. Faculty.—President, 4 professors, and 1 assistant.

4-5. Students.—Preparatory department, 11 male, 13 female; scientific department, 7 male. Tuition and incidental fees, \$20 per annum.

6. Graduates.—Seventeen, licentiates, 10.

7. Courses of study.—Three courses: civil engineering, mining engineering, and for the degree of Ph. B.

8. Women—Are admitted.

Washington University Polytechnic School, Saint Louis.

Washington University Polytechnic School, Saint Louis.

1. Leading objects.—Intended to prepare students * * * as engineers, chemists, and architects.

2. Endowment, income, and teaching expenses.—Assets of university, \$850,000; of which \$.00,000 are invested funds.

3. Faculty.—Ten professors, 1 superintendent of workshops, and 5 instructors.

4. Students.—Forty-three regular, 100 special students; of whom 2 regular and nearly all special students are women. Regular tuition, \$100 a year.

5. Scholarships.

6. Graduates.

7. Courses of study.—Six of 4 years each, namely: civil engineering, mechanical engineering, chemistry, mining, and metallurgy, bullding and architecture, science and literature.

8. Women—Are admitted to every course on same terms as men.

9. Appliances.—Chemical and physical laboratories, workshops, art museum, library, &c.

library, &c.

NEBRASKA.

Industrial College of University of Nebraska.

Statement made up from catalogues, reports, &c.:

Statement made up from catalogues, reports, &c.:

1. Object.—To afford liberal culture in literature, science, and the arts.
2. Endowment.—United States land grant; amount and value not given.
3. Faculty.—A president and 9 professors and instructors.
4. Students.—Nine; tuition free.
5. Scholarships.
6. Graduates.
7. Courses of study.—Engineering and agriculture.
8. Women.—Admitted on same terms as men.
9. Appliances.—Farm of 320 acres; laboratory, with appliances for illustrating physics and chemistry; herbarium; entomological cabinet; library of 2,700 volumes.

NEVADA. The State University of Nevada

Is at present only a preparatory institution. The endowment consists of the United States land grant of 136,000 acres, the income of which, with interest, is allowed to accumulate. Value of grounds and buildings, \$30,000.

NEW JERSEY.

Stevens Institute of Technology, Hoboken, Henry Morton, president.

1. Object—To fit young men * * * for * * * mechanical engineering.

2. Endowed—By Edwin A. Stevens.

3. Fuculty.—One president, 7professors, and 1 instructor in shop-work, &c.

4. Students.—Seventy four.

5. Scholarships.—Four free scholarships subject to competition in the

5. Scholarships,—Four free scholarships, subject to competition in the preparaschool

tory school.

6. Graduates.—Seventy-five, almost without exception mechanical engineers in active service; degrees conferred, M. E., B. S., and Ph.D.

7. Course of Study—Occupies 4 years, and is both manual and theoretical.

8. Women—Not admitted.

9. Appliances.—Laboratory, workshop, library, apparatus, museum, &c.

NORTH CAROLINA

University of North Carolina.

Statement of President Kemp P. Battle:

Object.—To afford theoretical instruction in the sciences relating to agriculture and the industrial arts.
 Endowment.—Proceeds of land grant, \$125,000, yielding \$7,500; annual income and expenditure each, \$17,000; cost of teaching staff, \$16,000.

and expenditure each, \$17,000; cost of teaching-stail, \$10,000.

3. Faculty.—Thirteen.

4. Students.—One hundred and seventy-one, all men; tuition, \$75.

5. Scholarships.—Ninety-seven.

6. Graduates.—Since 1875, 26 graduates; no women; most of the students have left before graduation.

7. Courses of study.—General, literary, and scientific courses.

8. Women—Not admitted.

9. Appliances.—Farm of 550 acres; chemical, mineralogical laboratories; agricultural, geological, botanical museums, &c.

The State Agricultural College at Corvallis.

1. Objects — Presumed to be those contemplated by the act of Congress.
2. Funds, &c.—Value of real estate, \$!2,000; productive funds, \$.0,000; income, \$5.000; State appropriation for 1870, \$500.
3. Faculty.—Three professors, besides the president.
4. Students.—One hundred and sixty-three.
5. Scholarships.—State law provides for 60.
6. Graduatts (of the Corvallis College).—B. S., 35; A. B., 2, and A. M., 2; total, 30.

8. Women-Are admitted.

PENNSYLVANIA.

Pennsylvania State College.

Pennsylvania State College.

1. Objects.—Those specified in act of Congress of 1862.
2. Endowments, &c.—Value of grounds, buildings, &c., \$532,000; State bond, (agricultural fund), \$500,000; expense of teaching staff, \$12,457.
3. Faculty—Consists of president, 10 professors, 1 lady principal, 1 instructor in music, 1 assistant, and 3 farm superintendents.

4. Students.—In course, 58; special, 13; music, 28; preparatory, 66; total, 165; deducting names inserted twice (13) leaves, 152; of these 43 are women; tuition free; incidentals, \$20 per anum.

5. Scholarships.—See No. 4.
6. Graduates.—One hundred and two. Degrees conferred: B. S., 45; B. Ag., 43; A. B., 14. Occupations: lawyers, 16; farmers, 14; teachers, 13; physicians and druggists, 10; chemists, 8; engineers, 6; miscellaneous and deceased, 35.

7. Courses of study.—Agricultural, classical, scientific, and post graduate.

8. Women—Admitted and instructed in sewing, laundry work, house decoration, gardening, &c.

9. Appliances.—College has the usual appliances. There are three experimental farms in different parts of the State.

Swarthmore College, at Swarthmore.

Swarthmore College, at Swarthmore.

1. Object of scientific department.—To prepare students as analytical chemists and civil and mechanical engineers.

2. Endowments, de.—Vested funds, \$75,100; value of buildings and grounds, \$450,000. Income 1879-'80 was about \$93,443, of which \$26,267 were paid for salaries.

3. Faculty.—Nino professors, I matron, I superintendent, I0 teachers.

4. Students in scientific department.—Eighty-eight men and 23 women. Expenses of pupil about \$330 a year.

5. Scholarships.—The interest of \$30,100 of invested funds is used to help poor pupils.

6. Graduates of college.—Number 42 men and 20 women.

pupils.

6. Graduates of college—Number 42 men and 29 women. Of these 27 women took degree of A. B. and 2 that of B. L. Degree of B. S. was taken by 21 men.

7. Course of study.—Two of four years each, engineering and chemical, besidesapreparatory course of two years.

8. Women—On exactly same footing as men.

9. Appliances.—Chemical laboratory, natural history museum, draughting-room, a physical laboratory will soon be established.

RHODE ISLAND.

Brown University.

Statement from catalogue:

The national education land-grant of 1862 is assigned to Brown University, and the latter agreed to educate scholars at the rate of \$100 a year to the extent of the entire income. This fund is \$50,000. The university offers 3 regular courses of study and instruction in the following "departments of practical science:"

1. Chemistry applied to the arts.
2. Civil engineering.
3. Physics.
4. Botany.
5. Zoology and geology.
6. Agriculture.
Women do not attend.

SOUTH CAROLINA.

State College of Agriculture.

State College of Agriculture.

1. Object.—
2. Endowment, &c.—The income from land grant is divided between the South Carolina College of Agriculture and Mechanic Arts, which opened in October, 1880, at Columbia, with a faculty of 6, (4 professors and 2 instructors,) and is for white students, and the Agricultural College and Mechanics' Institute, for colored students, at Orangeburgh. President Cooke's letter gives the following information:

"The Agricultural College and Mechanics' Institute is a co-ordinate branch of Clafiin University, and has three departments, namely, collegiate, normal, and grammar school, with 20, 24, and 150 pupils, respectively. The income is the State appropriation from the agricultural fund of about \$5,200. The grounds and buildings are valued at \$11,000. It pays \$3,400 toward salaries."

9. Appliances.—The farm comprises 153 acres. A carpenter's shop is supplied with the necessary tools.

8. Women—Are admitted on equal terms.

TENNESSEE.

University of Tennessee.

Statement of President Thomas W. Humes:

1. Objects.—Those contemplated in act of 1862.

2. Endovment.—Nine thousand dollars belonging to university, which may be used for building; \$396,000 in State bonds, being proceeds of sale of land sorip. The income of this fund amounts to \$30,766, and cannot be used for building. The college fees for 1878 amounted to \$2,723. The library fund yielded \$615. Expenditure in 1879, \$30,884; cost of teaching staff, \$19,800.

3. Faculty.—President, 13 professors, and 4 assistants.

4. Students.—Two hundred and forty-three, all men. Tuition free; hereafter to be \$30.

5. Scholarships.—Two hundred and seventy-five, filled by State senators and rep-

6. Graduates since 1871.—Eighty—22 teachers, 22 lawyers, 9 merchants, &c.
7. Courses of study.—Scientific, agricultural, mechanical, and literary courses.
8. No provision for technical education of women, and no women have applied.
9. Appliances.—Farm of 260 acres well stocked, various mechanical apparatus, natural-history museum, chemical laboratory, &c.

State Agricultural and Mechanical College.

From statement of President James:

1. Object .- To impart instruction in agriculture, engineering, and the mechanic

1. Object.—To impart instruction in agriculture, engineering, and the mechanic arts.

2. Endowment, &c.—Proceeds of United States land grants, (Texas 7 per cent. gold bonds,) \$174.000; accrued interest, (in Texas 6 per cent. gold bonds,) \$35,000; total endowment, \$209.000; valne of grounds and buildings, \$200.000; annual income from endowment, \$14,280; receipts for matriculation, &c., \$3.000; total income, \$19,230. Expenditure equals income. Expense of teaching staff, \$12,000.

2. Faculty.—A President, 11 professors, and a farm superintendent.

4. Students.—One hundred and forty-three. Tuition, \$20 a year; incidentals, \$13.

5. Scholarships.—None.

6. Graduates.—No full graduate yet.

7. Courses of study.—Embrace the usual scientific instruction.

8. Women.—Are not admitted.

9. Appliances.—Are physical and chemical laboratories, farm, library, &e.

10. Additional items.—College has been recently remodeled.

VIRGINIA.

Virginia Agricultural and Mechanical College.

Statement of President Buchanan:

1. Objects.—Those specified by Congress.

2. Endowment—Is derived from two-thirds of land-grant, and amounts to \$340,000. Value of grounds and buildings, original cost, about \$100.000; annual income, \$21,000; annual expenditure the same; annual expense of teaching-staff, about \$14,000.

\$14,000.

3. Faculty.—Eight.

4. Students.—One hundred and sixty in 1879. Tuition free to the inhabitants of Virginia; to others, \$40 per year.

5. Scholarships.—Two hundred.

6. Graduates.—About 50; one-half, probably, are engaged in agricultural and mechanical pursuits.

7. Course of study.—Is an ordinary scientific course.

8. Women—Do not attend.

9. Appliances.—Farm of 320 acres, shop supplied with engine, machinery, forge, and bench tools, and apparatus for the illustration of the studies.

Hampton Normal and Agricultural Institute.

1. Leading Object.-Training of colored youth as teachers, agriculturists, and

2. Endowments, &c.—Income from agricultural fund, \$10,000; from school endowment, \$2,500; private contributions, \$20,000; value of real estate, \$204,650; and of stock, implements, and furniture, \$16,500; invested securities, \$37,000; salaries of teaching-staff, \$20,000.

3. Teachers—Number 24.

4. Scholars—Are 221 boys and 99 girls. Board costs \$10 a month, at least half of which is paid by work done; tuition is free.

5. Scholarships.—Forty-five permanent and 150 annual.

6. Graduates—Number 316: 213 men and 103 women; most of these are teachers.

7. Courses of study—Are normal and industrial. Among the industries taught are farming, sewing, housework, knitting, printing, machine-making, wood-working, blacksmithing, shoemaking, harness-making, &c.

8. Women—Have the same educational advantages as men. A cooking school is contemplated.

9. Appliances.—As indicated above, under No. 7.

9. Appliances.—As indicated above, under No. 7.

WISCONSIN.

University of Wisconsin. From letter of President Bascom:

1. Object.—To furnish general and special courses of education.
2. Endowment.—Half agricultural funds, \$489,610; value of grounds and build ings, \$325,000; annual income, \$80,000; annual expenditure, the same; expense of teaching staff, \$40,200.
3. Faculty.—President, 15 professors of the colleges of arts and letters, 8 professors law faculty. 13 instructors, and 5 other officers.
4. Students.—Four hundred and eighty-one; males, 381; females, 100. Tuition free to inhabitants of State; \$18 to others.
5. Scholarships.—Ten; at present limited te students speaking a Scandinavian language.

guage. 6. Graduates.—Five hundred and ninty-six. Degrees: classical, 253; science,

6. Graduates.—Five hundred and hinty-six. Degrees: classical, 2:3; science, 2:24; engineering, 16; mining, 2; agricultural, 1.

7.—Courses of study.—Ancient classical, modern classical, general science, civil engineering, mechanical engineering, metallurgical.

8. Women.—Have same opportunities as men.

9. Appliances.—Carpenters'shop, machine-shop, 3 chemical laboratories, 1 physical laboratory, a zoological and botanical laboratory, observatory, &c.

Training Schools for Nurses.

These institutions, supplemental to the medical profession and associated with parental duties, are to meet one of the demands for labor by affording training to those who with proper qualifications may answer the call for nurses. There are in the United States 10 such institutions, having 39 instructors and 322 pupils. They are supported mainly by endowment, contributions, labor of inmates, and general appropriations.

Training Schools of Cookery.

Training Schools of Cookery.

This class of schools has arisen from the demand for the establishment of institutions for the practical industrial training of women.

The New York Cooking School, the starting point of the movement in America, was begun in 1674, and from September, 1874, to March, 1875, about 200 persons attended the lessons, while from January to April, 1879, the total attendance at public and private lectures and lessons was 6,560.

Among prominent institutions in which an interest has been taken in domestic training may be mentioned Lowell Seminary, Wellesley College, Illinois Industrial University, Iowa Agricultural College, and The State Agricultural College at Manbattan, Kansas.

The support of the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading the schools of cookery is mainly derived from initial and leading t

The support of the schools of cookery is mainly derived from tuition and lecture fees and receipts from the sale of cooked food.

The facts stated in the concluding paragraphs of the paper I have presented, that the number of persons who attended upon these lectures and these instructions increased from 200 so that within the tures and these instructions increased from 200 so that within the period of less than three months they had gone up to 6,560, it seems to me, do not furnish us any reason for despairing of our success if we shall make it compulsory on the States to adopt a system of this kind. I will not debate the propriety or the necessity of this movement any further. I feel that I have not time now to debate it as extensively as I should like to do. But I desire to call attention to one fact in reference to female education in this country. We have a great many well educated, thoroughly trained, and beautifully accomplished women in the United States, women, it would seem, who ought to have the means of supporting and sustaining themselves almost to an equal degree with the wisest and strongest and best intered men in the land. Here are fields of enterprise and

themselves almost to an equal degree with the wisest and strongest and best tutored men in the land. Here are fields of enterprise and industry open to them which are incalculably broad.

Why, sir, if you cast your eyes around this Chamber you can see in the decorations of its walls, you can see in the varnish upon its furniture, you can see in the paintings, in the engravings, in the glassware upon the desks, in the pens, in the paper—in fact, throughout the entire Chamber—you can see everywhere evidences of handiwork performed by men in these industries in our country which could be equally well performed by women; but we not only deprive them of the opportunity of gaining this information and shut them out from

it by a false public sentiment, but we withhold from them every adyantage and every opportunity of learning the elementary branches of industries like these. The whole country is full of opportunities for woman to labor, to earn an honorable subsistence, without the necessity of being compelled to follow after some drunken fellow who may be her husband and call her wife, and to take at his hands what he may be disposed to bestow upon her as a gratuity or as an act of

charity.

Mr. President, we shall not have even the men of this country thoroughly well educated and imbued with sufficiently genuine manly principles until means are provided whereby the women can live. Look at the Departments in Washington City; look at the crowds of elegant ladies who come here from all parts of the United States for the purpose of getting employment in the Government Departments, and does it not excite, not your sympathies merely, but a sense of and does it not excite, not your sympathies merely, but a sense of alarm that we are neglecting to provide for them in some other way than by putting them upon the mercy and charity of politicians, or under the rule of official overseers in the different Departments of this Government? The very influx of these ladies itself proves that there is some serious infirmity in the very groundwork of our educational system in this country. You do not find skilled artisans in the ceramic art, or skilled painters, or manufacturers of furniture, or of jewelry, or of feathers, or of flowers, or of ribbons, or of bonnets, or anything of that sort, coming to Washington City and asking to be thrust into the Departments as clerks. Why are not these men here? Why do they not neglect their labors at home and come here for the purpose of throwing themselves upon the charity of members of Congress for appointments in these different offices? It is because men, and women, too, very greatly prefer, when they have the ability, to earn their honest living by their own toil, and they despise and abhor that sort of dependence which places them at the foot of any man to receive charity and indulgence at his hands. If the ladies who come to Washington City seeking employment had in their power the means Washington City seeking employment had in their power the means of livelihood through having learned some branch of trade or industry by which they could earn a living, this city would not be crowded with them as it has been now for the last twenty years. I should like to see something done somewhere and by somebody at least to start this matter, so that the good people of the land, the benevolent, those who are well-intentioned toward civilization and education, may have a little nucleus, a little chance to come around the subject and to support and sustain it.

Congress cannot do wrong by passing this amendment. It may do very wrong by refusing to pass it. It cannot harm this bill. The little pittance of money that may be used by the States in the inauguration of the system which is proposed in this amendment is not going to hurt the Government; it will not hurt the States; it will not impair the efficiency of the agricultural colleges to which this bill attaches it; but it will lay broad and deep the foundations of a system which this country must adopt for the purpose of educating system which this country must adopt for the purpose or educating its men and its women both, in order to maintain even its commercial supremacy in the world. American genius is finding its way, and fighting its way, too, throughout all the coasts of the earth, carrying abroad our magnificent productions, carrying abroad the evidences of our skill and of our industry. But we have competitors in this world, wise and able men both in government and in society, and we need not expect that if we refuse or even delay to educate the masses of the country in technical industries we shall be able to hold our own with these competitors in years to come.

Our patent system here, the genius of our mechanics, the necessities of the country itself, which forced genius to come to its assistance, have enabled us to achieve great triumphs in our commercial interhave enabled us to achieve great triumpns in our commercial inter-course with foreign countries. Our agricultural implements particu-larly, and our railroad engines, locomotives, and various other steam machinery, are forcing themselves into the world. Why is it? What has been at the foundation of this movement? The necessity in this country of having these improvements in order that we might carry on our agriculture and our internal commerce. The law of necessity has operated here to compel men to become skilled in these matters, and in yielding to that law and in carrying out its influence and its benefits our men have become so largely and so excellently skilled that they now drive out the productions from foreign markets, and we have the monopoly of the markets in very many places in the

we have the monopoly of the markets in very many places in the world. But this is not going to be so always.

What do we know about the manufacture of worsted goods in the United States. There is one little village in Switzerland where a poor Swede seventy years ago inaugurated a little manufacture of the light woolen tissues and fabrics which ladies use in knitting shawls and various little articles of adornment; he drew around him a parcel of girls to assist him in this manufacture. He went forward and taxed his genius and made some inventions for the purpose of facilitating the labor. After awhile he got his party of skilled women around him to the number of perhaps twenty; he then commenced building houses around him, and there has quite a city grown up, a population of more than fifty thousand people, and the whole industry of that town is in the manufacture of these worsted threads. Now, see what instruction that man has given to this little community, how it has enabled those people to master a great industry, and how it has enabled them to grow rich merely from the fact that information in regard to this peculiar manufacture has been disseminated among the women of that country.

So it will be here, Mr. President, if we inaugurate this system. If we just make this little plant in the States and invite the attention of the State governments to the necessity of this movement, we shall in five years from this day find that we have developed an ability to educate our people which will astonish us with its success and also with its economy. The Senator from Massachusetts, because he has a large institution there which is expensive and which undertakes to teach men in a great variety of pursuits, need not be alarmed if we introduce this system in a simple form in the different States. After awhile the \$500,000, which I believe he said had been subscribed for the endowment of that excellent school in Massachusetts, will be re-

the endowment of that excellent school in Massachusetts, will be repeated in various of the States of this country, and it will be a beautiful and blessed thing to know that we have thirty-eight such schools as that technical college or school in the city of Boston.

Mr. HOAR. The Senator from Alabama misapprehended the point of my interruption, as I conceive. I suppose the Senator does not believe and that no Senator believes that an act of Congress ordering a State to establish a technical school for women is constitutional. That is the form of his amendment; and if that were the substance of the would agree with me that it was uttarly unconstitutional. of it he would agree with me that it was utterly unconstitutional. suppose, therefore, the only validity of an amendment attached to this sill which says the States are hereby required to establish technical schools for women is that it makes a condition on its receipt of its portion of this fund for the future. Now the portion of the fund for the future is to be for several years, certainly in the future a portion of a very small fund; and I ask him if he supposes the State of Alabama could establish such a school as he describes for its women for less than two or three million dollars' expenditure at the outset, and if it cannot, if he thinks it would make that expenditure merely to secure its share of \$40,000? That is the point of my inquiry, not that I object to his general views of the excellence of these institutions.

Mr. MORGAN. The Senator from Massachusetts misapprehends the force of the amendment. This is an amendment to the act of 1862 that I propose, which puts additional words simply to those words which in that act prescribe duties to the States. The States have entire liberty as to when and how and in what manner they will establish these schools and conduct them. The language of the act is this: bill which says the States are hereby required to establish technical

To the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

This amendment merely adds to that:

The said last-mentioned act of Congress is hereby amended so as to require each State and Territory to establish in said college schools for the instruction of females in such branches of technical education as are suitable to their sex;

Leaving to the Legislatures of the different States just as much Leaving to the Legislatures of the different States just as much play, as much liberty in carrying that provision into effect, as they have under the fourth section of the act of 1862. They have a discretion in regard to this matter, and I do not propose to make this a condition upon which the grant shall be forfeited, but to impose it as one of the duties upon the Legislature of the State that it shall make provision for the admission of women into schools, to be taught in technical branches of education. I would not undertake so to interrupt the force and effect of that original enactment as to attach a condition to it which had not hereotofice been extrached to it. but I condition to it which had not heretofore been attached to it; but I would give direction, as far as we can, in the bestowment of the fund, to the purpose to which it is to be applied. There is no condition of forfeiture involved in the amendment which I have offered, but of forfeiture involved in the amendment which I have obsered, but it is a mere direction to the Legislatures of the different States that they shall establish in these colleges a school for the technical education of the female sex. I can see no embarrassment or difficulty to the measure in the adoption of this amendment. It is what you to the measure in the adoption of this amendment. It is what you might call a directory proceeding. At the same time it prescribes a duty to the Legislature which it is expected, of course, on the part of Congress, the Legislature shall comply with, but there is no ground of forfeiture in the event that the Legislature should not establish such a school. It would perhaps in after years, if a State had neglected to do so and other States were prospering while this State was falling away in consequence of it, be a good ground for argument to the Congress of the United States why there should be then some further modification of this law.

gress of the United States why there should be then some further modification of this law.

Mr. President, I have thus imperfectly presented the view that I have of this question. I ask the Senate to adopt this amendment because I believe it will be the starting point of a very great movement in this country. I believe that it cannot possibly do any harm; that it does not in the slightest degree embarrass the bill which has all of my sympathy and will have my support. I commit it to the candid attention of the Senate and ask for it their support.

Mr. MORRILL. Mr. President, I disliked to interrupt the Senator from Alabama while he was in the course of his remarks on a very interesting question indeed: but the hour has long since passed when

interesting question indeed; but the hour has long since passed when we were to vote upon the bill. I merely desire to say this, that I trust the friends of the bill will adhere to it in substance as reported, if they expect it to be adopted not only by the Senate but by the House. So far as the Senator from Alabama is concerned in his proposition, I wish to say merely that all the funds accumulated in more than half the States would not be sufficient to establish the technical school that he proposes for women as to ecolving and pursing and vaschool that he proposes for women as to cooking and nursing and va-

rious other pursuits; and in relation to the proposition of the Senator from Colorado, I do not believe that a majority will be in favor of appropriating the principal of this fund to the States, for the simple reason that they desire to make this a permanent fund and put it where it cannot be squandered, and where there will be no occasion for making reclamations on account of any squandering.

Mr. President, I now ask that the agreement that we came to yesterday shall be enforced.

Mr. WALLACE. It is evident that no vote can be taken on this bill this evening; there are several who wish to speak, and I trust the Senator in charge of the bill will give way for a motion for an

Mr. BURNSIDE. I do not wish to insist on a vote if other Senators desire to address the Senate; but there was an agreement to take the vote at four o'clock to-day.

Mr. WALLACE. I move that the Senate proceed to the consideration of executive busines

Mr. BURNSIDE. I think there was a distinct understanding that the vote should be taken at four o'clock to-day, and I hope if we go into executive session now there will be an understanding about a vote to-morrow at some hour.

Mr. DAVIS, of Illinois. I do not propose to say anything on this bill, but several gentlemen do. I am in favor of the main features of the bill, but I think it had better be passed over until to-morrow. Some Senators wish to speak.

Mr. WALLACE. I propose that the bill go over as the unfinished

business for to-morrow.

Mr. HOAR. What has become of the unanimous agreement to vote on this bill to-day?

The PRESIDING OFFICER. The Chair is informed that there was

an understanding arrived at yesterday that the vote should be taken

an understanding arrived at yesterday that the vote should be taken at four o'clock to-day.

Mr. ALLISON. It is half-past four o'clock now.

Mr. HOAR. That was the unanimous agreement, and four o'clock passed because no gentleman wished to appear discourteous and interrupt the Senator from Alabama in his speech. The Senate remained, therefore, without calling time on him. I think we are entitled to a

Mr. McDONALD. This bill will remain the unfinished business. The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Mr. BURNSIDE. I hope that motion will not prevail and the

Mr. BURNSIDE. I hope that motion will not prevail and the unanimous understanding of yesterday be passed over.

Mr. DAVIS, of Illinois. I am in favor of the bill, but gentlemen want to think about it. It seems to me it does not do any harm to let it go over as the unfinished business.

Mr. BURNSIDE. I do not care to press a vote to-night if there are other Senators who desire to address the Senate. If any Senator will rise and say he desires to address the Senate to-morrow on this bill, I shall not object to a delay till then.

Mr. JONES, of Florida. I heard the word "agreement," but certainly that word has no application here. That only relates to political matters and party questions.

ical matters and party questions.

Mr. HOAR. I desire to ask the consent of the Senator from Florida to interrupt him a moment, because what he has already said indicates that he misunderstood what I said. Last night when it was proposed to adjourn some of the friends of this bill desired to have a vote upon it. Thereupon the Senate came, as is frequent in like cases, to a unanimous agreement that if an adjournment was then had there to a unanimous agreement that if an adjournment was then had there should be a vote on the bill to-day at four o'clock. It has nothing to do with politics, nothing to do with different views; but it is a very common thing to agree, when some gentleman wishes to adjourn, that we will, instead of "sitting it out" and voting then, fix a time for voting on the following day. That was agreed to. When four o'clock came to-day the Senator from Alabama was on his feet addressing the Senate, and no gentleman desired to seem to be discourteous by calling time and stopping him in his speech, as there was a right to do. Now, the speech is over, and it is only half past four, and it seems to me that every Senator is bound, if we are to be bound by such agreements, to permit a vote at this time. I make that point.

Mr. INGALLS. What is the pending question, Mr. President?

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

Mr. INGALLS. Is that debatable?

The PRESIDING OFFICER. Debate is proceeding by unanimous

The PRESIDING OFFICER. Debate is proceeding by unanimous

Mr. INGALLS. Mr. INGALLS. I ask for the question on the pending motion.
The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

Mr. BLAINE. I hope that will be voted down because this ought

not to go as it is now likely to go—

Mr. INGALLS. Vote it down. That is all right.

Mr. BLAINE. If the Senator from Kansas will permit me one

word, I should like to say—

Mr. INGALLS. I ask for a vote on the pending question.

The PRESIDING OFFICER. A vote is called for. The question is upon the motion of the Senator from Pennsylvania, [Mr. Wal-LACE.]
The motion was not agreed to.

Mr. BURNSIDE. I ask for a vote on the bill according to the

unanimous understanding of yesterday.

Mr. BLAINE. I was only going to say, as I apprehended the mo-tion might be carried, that I think it is of the very greatest impor-tance that there never should be any disregard or violation of a unantance that there never should be any disregard or violation of a unanimous consent. It is the previous question of the Senate. It is the way that has been observed, and most honorably and carefully observed, to terminate debate; and where there has been an understanding of this kind it ought not to be lightly violated or placed aside. I have not the slightest desire to force a vote on the bill; I have taken no part in the debate; I am in favor of the bill, and shall vote for it whenever it shall please the Senate to come to a final vote; but a unanimous consent of that kind ought only to be waived by unanimous consent. Now, if there is any gentleman on the other side who desires to further debate the bill, I would ask unanimous consent that the enforcement of the agreement of yesterday be postponed until to-morrow, so that we shall preserve that which is the common law and has become the obligatory rule of the Senate, and not close a debate of this kind with the Senator who has the bill in charge feeling that an agreement which had been entered into on both sides had not been scrupnlously kept. I ask unanimous consent that the

feeling that an agreement which had been entered into on both sides had not been scrupulously kept. I ask unanimous consent that the vote shall be taken to-morrow at four o'clock.

Mr. BURNSDE. Allow me to state that I have already declared that if any Senator on either side of the Chamber said he desired to speak, I would let the bill go over until to-morrow. No Senator gave notice of any desire to speak, and I therefore insisted on the unanimous agreement of yesterday being carried out.

Mr. HILL, of Georgia. It seems to me we might vote at an earlier hour than four o'clock to-morrow.

Mr. BLAINE. I have no choice about the hour, I only wanted to present the point.

Mr. BLAINE. I have no choice about the hour, I only wanted to present the point.

Mr. JONES, of Florida. I will say to Senators that I desire to say a few words on this question.

Mr. BURNSIDE. Then I ask that we take the vote at half past

two o'clock to-morrow.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the vote be taken on this bill at half past

two o'clock to-morrow.

two o'clock to-morrow.

Mr. EDMUNDS. Mr. President, I object. I should have objected yesterday if my attention had not been withdrawn from the subject by somebody speaking to me; I did not know of the understanding; and upon the same grounds that only two or three days ago I objected to a similar proposition about some other matter or measure that was before the Senate, because I believe that except in some extreme emergency it is not right to absolutely agree to cut off the debate at a given time. Senators may wish to make explanations, amendments arise that need to be explained and considered. If the friends of this bill—I am one of them—wish to stay here to-night until everybody has had his say, and we can carefully consider every branch and feature of this measure with the amendments to be proposed, very well, I will stay, and I am quite willing to stay to-morrow; but very well, I will stay, and I am quite willing to stay to-morrow; but I will not agree that a vote shall be taken at six o'clock to-morrow or at any other time on this bill or any other except in some extreme and exceptional case; and at the same time I shall expect to help to-morrow to get this bill to a final decision. The Senator from Illinois says, and truly, that after this debate so many suggestions have been made that Senators wish to consider, not in hostility to the bill, but in order to have a just and fair consideration of it, and to put it into the best possible shape. It is very near now, no doubt, the best possible shape it n.ay be in—

Mr. BURNSIDE. Will the Senator from Vermont object to a

proposition to finish the bill to-morrow?

proposition to finish the bill to-morrow?

Mr. EDMUNDS. I will object to any proposition which binds gentlemen in this body to keep their mouths closed when they feel it their duty to say something. At the same time, so far as I am concerned—

Mr. BURNSIDE. I think the Senator from Vermont has frequently made agreements of that kind himself, or consented to them.

Mr. EDMUNDS. And in every instance I have been sorry for it

afterward

Mr. BURNSIDE. In view of the fact that there was an agreement made for to-day, I think the Senator from Vermont will hardly put himself in the way of an agreement for to-morrow.

Mr. HOAR. I ask the Senator from Vermont if he will consent, in consideration of the existing condition of things, to a postponement of the vote till four o'clock to-morrow?

Mr. EDMINIOS. I will be the control of the post of the control of the co

Mr. EDMUNDS. I will not consent to anything that will fix a

time to close debate.

Mr. BLAINE. According to the position of the Senator from Vermont, the possibility of making unanimous consent for votes will be broken down in the Senate. He says he would consent to it only in an emergency. Of course that reserves to himself the right to judge of the emergency. He was absent when this agreement was made. That has uniformly and universally been held not to be a sufficient

Mr. EDMUNDS. I do not dispute it; but I am asked now to make

a new agreement.

Mr. BLAINE. No; you are not asked to make a new agreement. The ground I took was that an agreement had been made, and that if it was to be observed now it must be carried out, or it could only be waived by unanimous consent, which would itself express the will of every person present.

Mr. EDMUNDS. Very good; I agree to that. Mr. BLAINE. But the honorable Senator has just said that he will

Mr. BLAINE. But the honorable Senator has just said that he will not consent to any other agreement.

Mr. EDMUNDS. Very well. I am ready to go on now.

Mr. BLAINE. If the Senator from Vermont takes the ground that an agreement made on this bill is not to be carried out because he was not present and did not consent to it, and that now, being present, he will not consent to any other arrangement, then I give him notice—and I think I give him notice on the part of everybody—that his judgment of an emergency that shall require unanimous consent may not be the judgment of some other man in the Senate, and that if you break down the principle of unanimous consent in one case, you break it down necessarily in all. It stands upon the good faith of every member of the Senate. If that good faith is violated in a small matter, it may be violated in a large one. If the Senator from Vermont reserves to himself the right to determine when an emergency arises, the Senator from Florida and the Senator from Illinois will have their the Senator from Florida and the Senator from Illinois will have their notions of when an emergency arises. I regard it not of any great matter whether this bill is voted on to-day or to-morrow or next Tuesday or next Wednesday, but I do regard it as of very great moment whether an agreement that was fairly and honorably made in the Senate shall be honorably carried out in the sense in which it was made. made.

Mr. EDMUNDS. Mr. President, I wish to thank my friend from Mr. EDMUNDS. Mr. President, I wish to thank my friend from Maine for so correctly defining my position in one respect, and that is that I am the sole judge of what I will agree to, and neither he nor anybody else can help me except by reason of persuasion and solicitation, &c., as to how I shall exercise my judgment. I agree with him entirely in another thing and that is that the understandings in the Senate ought to be faithfully adhered to unless everybody will agree to make some new arrangement or to waive them altogether. I propose faithfully to adhere to this so long as any single Senator says that he insists upon going on now. When I am asked to make a new engagement to tie myself up for to-morrow I must be excused. I did not vote to go into executive session, for the very reason that here was the understanding and I expect to carry it out with quite as good faith as my friend from Maine; and I cannot be persuaded by his method of argument into finding myself bound to with quite as good faith as my friend from Maine; and I cannot be persuaded by his method of argument into finding myself bound to make another trade. I do not see the force of that at all. I will stand by this one. When I am asked to make another I must beg to be excused as I would have done if I had been present or my attention had been called to it when this was made. I am quite ready to stand by all that has been agreed to.

Mr. MCDONALD. It is very evident that the agreement of yesterday cannot now be carried out, the time having passed, and I see no impropriety in our adjourning at this time and letting the bill pass over as unfinished business.

Mr. MORRILL. I hope not. I trust the Senate will keep in session until we have voted on all the amendments and on the bill.

Mr. INGALLS. Mr. President, there was undoubtedly an agreement to vote this afternoon at four o'clock. Why did we not vote at four o'clock? The Senator from Vermont, the Senator from Maine, and every other Senator who was on the floor yesterday afternoon had a right under the immemorial usage of the Senate to call for the vote at that hour. Now, that agreement was abrogated by unani-

had a right under the immemorial usage of the Senate to call for the vote at that hour. Now, that agreement was abrogated by unanimous consent at four o'clock. That is the simple solution of this whole difficulty. The hour of four o'clock arrived and unanimous consent was given that the vote should be postponed. Three-quarters of an hour have already elapsed. Now, what is the difficulty, in order to solve this Gordian knot and get over this question of breaking the immemorial usage, in assuming that this agreement was abrogated by unanimous consent and now unanimously agreeing to take the vote to-morrow? It seems to me that is a reasonable solution of the whole difficulty.

the whole difficuity.

Mr. FERRY. I desire to remind the Senator from Kansas, what perhaps he omitted to notice, that the Senator from Alabama was on

perhaps he omitted to notice, that the Senator from Alabama was on the floor when the hour of four arrived.

Mr. INGALLS. It has always been the case when that hour has been reached which has been agreed upon that the presiding officer rapped with his gavel upon the table and announced that the hour had arrived. He failed to do it in this case. I say that that agreement was abrogated by unanimous consent, and it is entirely competent now to make another agreement.

Mr. FERRY. I restate the fact that the Senator from Alabama was making a speech and had not concluded when the hour of four o'clock arrived. The Senate has always in such instances yielded to the condition of things and allowed the Senator to continue when objection was not made.

jection was not made.

Mr. INGALLS. Never.
Mr. BURNSIDE. I do not think there ever has been a vote since I have been in the Senate that was taken at the hour it was agreed to be taken.

Mr. BLAINE. That is correct.

Mr. BLAINE. Inat is correct.

Mr. INGALLS. But the hour has always been announced.

Mr. BURNSIDE. I do not think that is so, though I am not entirely certain as to that point; but the vote has never to my knowledge been taken at the hour it was agreed to be taken. The votes have always been taken after that hour.

Mr. WALLACE. I desire to say that I was not present yesterday afternoon when the agreement to take the vote at four o'clock to-day

was made. I did not remember the fact. I knew that there were gentlemen on this side of the Chamber who desired to speak to the bill, and I supposed the friends of the bill were willing to give further time for its discussion, and therefore I moved an executive session. I think they ought to consent now to allow the bill to go over as unfinished business in order that gentlemen who desire to speak may

Mr. BURNSIDE. Allow me to state to the Senator that as we cannot get unanimous consent, I should be perfectly willing, as I said before, if any gentleman wishes to address the Senate on this bill, to

before, if any gentleman wishes to address the Senate on this bill, to consent to postpone the bill until to-morrow.

Mr. WALLACE. I think the bill can go over by unanimous consent if no special time be fixed for taking the vote to-morrow.

Mr. BURNSIDE. If unanimous consent can be obtained for its going over until to-morrow and finishing the bill to-morrow by the end of the session, I shall be glad.

Mr. DAVIS, of Illinois. I will state to the Senator from Rhode Island who has the bill in charge, that from the gentlemen whom I have heard speak on the subject there is no factious opposition to it, and it seems to me it can be finished in an hour or an hour or two and it seems to me it can be finished in an hour or an hour or two to-morrow

Mr. BLAINE. Then agree to it.

Mr. BLAINE. Then agree to it.
Mr. DAVIS, of Illinois. I am willing to agree.
Mr. BURNSIDE. I ask unanimous consent that action on this bill
be postponed until to-morrow, with the distinct understanding that
the vote be taken during to-morrow's session.
The PRESIDING OFFICER. The Senator from Rhode Island asks
unanimous consent that the bill be postponed until to-morrow, and

that the vote be taken during the session to-morrow.

Mr. MORRILL. Say at half past two o'clock.

Mr. INGALLS. It is not necessary to postpone the bill.

Mr. BURNSIDE. That the vote be taken during the session to-

The PRESIDING OFFICER. That the vote be taken during the

session to-morrow, not fixing the hour.

Mr. EDMUNDS. I do not agree to that, while at the same time I expect to stay with my friend from Rhode Island until the bill is

finished to-morrow.

Mr. DAVIS, of Illinois. I will say to the Senator from Rhode Island that there is not any doubt about a vote being taken to-

morrow.

Mr. BURNSIDE. I am entirely at the mercy of the Senate in this matter. We have made an agreement to which I am willing to adhere. Now I am quite willing, being in charge of the bill, to change it for another arrangement, to which other Senators object. There is nothing left to me but to insist upon a vote to-day in accordance with the agreement. I think the reason given by the Senator from Kansas does not apply. I do not think I ever heard of a more marked instance of whipping the devil around the stump. [Laughter.]

Mr. BLAINE. I quite agree with the honorable Senator from Rhode Island that the Senator from Kansas did try to whip the devil around the stump, but did not succeed; the devil got ahead of him. [Laughter.] The fact that the Senate permitted the honorable Senator from Alabama to remain on his feet was not a unanimous consent to waive

Alabama to remain on his feet was not a unanimous consent to waive the agreement; it was a unanimous consent of the Senate on the ground of courtesy that that honorable Senator might conclude his remarks, and that was all it was, and it varied the agreement just to that extent. The ground presented by the Senator from Vermont and the Senator from Kansas is that when the Senate agree to vote at a given hour, if the presiding officer does not bring down the gavel at that particular moment all rights are lost and you have got to watch the gavel of the presiding officer and the face of the clock to

secure your vote or it is gone!

This case has arisen, I think, fortunately, because it is at a time when there is no pressure on the business of the Senate. It is just as convenient to have this bill finished to-morrow as it is to-day. It is better that this bill be finished to-morrow. If any Senator has any views to submit upon it it is better that those views be heard. It is an important bill; I agree to that; but it is a very serious matter if an agreement made upon this bill shall be trampled under foot and an agreement made upon this bill shall be trampled under foot and Senators will not permit any other agreement to take its place. For one I say it is the utter destruction of all agreements. You cannot maintain that rule in the Senate about anything, and there can be no agreement made that any Senator will not within the prescriptive rule of the Senate have as much right to trample upon as any Senator has to-day to trample upon this.

Mr. BURNSIDE. In order to try to come to some understanding, I will make this proposition: that the bill be postponed until to-morrow—

morrow

Mr. MORRILL. Not postponed.
Mr. BURNSIDE. That we adjourn and continue the bill to-morrow, and continue with the bill without putting it out of the hands of the Senate until it is finished to-morrow or next day.

Mr. HOAR. I do not understand that.

Mr. BURNSIDE. That we continue action on the bill until it is

finished.

Mr. HOAR. I object

The PRESIDING OFFICER. Will the Senator from Rhode Island

state his proposition?

Mr. BURNSIDE. - With that understanding, I move that the Senate adjourn.

Mr. HOAR. I object to that understanding. Mr. BAILEY. I hope the Senator from Rhode Island will with-

draw his motion. Mr. BURNSIDE.

Mr. BURNSIDE. I withdraw the motion to adjourn.
Mr. BAILEY. I understand the Senator from Rhode Island to
make this proposition, that this bill be the unfinished business to be taken up to-morrow, and that it shall be considered to the exclusion of all other measures before the Senate until a vote shall be reached.

Mr. BURNSIDE. That is my proposition.

Mr. BAILEY. That no other matter shall interpose until this bill

Mr. HOAR. I do not object to that.
Mr. DAVIS, of Illinois. Nobody objects to that.
Mr. BURNSIDE. With that understanding, I move that the Senate proceed to the consideration of executive business.

ate proceed to the consideration of executive business.

Mr. EDMUNDS. I do not agree to that, for one.

Mr. DAVIS, of Illinois. Oh, do not interpose any obstacle. It will be done anyway.

Mr. EDMUNDS. The reason why I do not agree to that proposition is that I think it is just as bad in principle, although in practice probably it will do no harm at all, as any of these propositions to tie up the discussion of measures in this body. It might happen and has happened a great many times that something of still larger importance needed to be attended to, and therefore I am not willing to make agreements of that kind. I am willing and shall be glad to stay now. I stand by the agreement although I was not a party to it and would have objected to it if I had known it was proposed, not on the ground of want of friendship for the bill but on quite a difon the ground of want of friendship for the bill but on quite a different ground.

ferent ground.

Mr. JONES, of Florida. I wish to say to the Senate that so far as I am concerned I do not want to delay its action. I feel very sure that nothing I can say will enlighten the Senate.

Mr. BURNSIDE. I hope the Senate will now proceed to vote on the bill, carrying out the understanding.

Mr. JONES, of Florida. It is true I did expect to have an opportunity of saying a few words on this bill within the time allotted for its consideration, but it so happened that the time was occupied by other Senators. I do not complain of that at all. I am willing to yield now, and I am a friend of the bill, but I thought that I would have an opportunity before four o'clock to say a few words. That was denied me, and I yield now, and state to the Senator from Vermont and the Senator from Rhode Island that I do not wish this matter post-poned on my account. poned on my account.

Mr. FERRY. It is evident that the Senate is not ready to vote on this question to-night. It is now five o'clock. One hour has transpired since the time fixed by the agreement. It is also really evident that if we adjourn now this measure cannot be removed out of the way to-morrow without a majority vote of the Senate, and that the final vote will be taken to-morrow is evident by what has been disclosed by different Senators. I therefore move that the Senate do

now adjourn.

Mr. MAXEY. I hope the Senator will change that motion to one for an executive session, as there is important executive business to

be attended to.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. FERRY. One or two Senators have intimated to me that my motion is a violation of the agreement. It is not so in my understanding, because this bill will be the unfinished business, but as they say so, I withdraw the motion.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Tennessee to the bill. The amend-

ment will be read.

Mr. RANSOM. Mr. President, it is manifest that at this late hour of the evening we shall not be apt to get along well with this bill to-night, and I know myself that one or two Senators left the Chamber after the hour of four had passed, thinking there would be no vote to-day. I would suggest to the Senator from Rhode Island, as a friend of the bill, that he give notice that this bill is the unfinished business for to-morrow, as it is, and that to-morrow he will ask the friends of the bill to stand by until a vote is taken, and I think there can be no difficulty about that. There will be no objection to

Mr. BURNSIDE. If it will not be construed that I am violating the unanimous consent of the Senate by moving an adjournment under conditions of that kind, I move now that the Senate adjourn, with the understanding that I shall ask the Senate to consider this with the understanding that I shall ask the Senate to consider this bill as unfinished business to-morrow, and ask them to adhere to the bill to-morrow until it is disposed of. I do not ask unanimous consent; I merely give notice that I will expect the friends of the bill to stand by the bill to-morrow.

Mr. EDMUNDS. I will stand by you, for one.

Mr. BURNSIDE. With that understanding, I move, if I am not violating the agreement myself, that the Senate adjourn.

The PRESIDING OFFICER. Does the Senator ask unanimous consent of the Senate?

Mr. BURNSIDE. I do not. I move an adjournment.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate adjourn.

moves that the Senate adjourn.

The motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 16, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

HOLIDAY RECESS.

Mr. FERNANDO WOOD. Mr. Speaker, I am directed by the Committee on Ways and Means to report to the House a concurrent resolution, fixing the time for the usual holiday vacation.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That when the two Houses of Congress adjourn on Wednesday, the 22d instant, it shall be to meet on Wednesday, the 5th of January next.

Mr. FERNANDO WOOD. I demand the previous question on the

Mr. FERNANDO WOOD. I demand the previous question of the resolution.

The House divided; and there were—ayes 84, noes 29.

Mr. SINGLETON, of Illinois, and Mr. McMILLIN made the point of order that no quorum was present.

The SPEAKER appointed Mr. McMILLIN, and Mr. SINGLETON of

Illinois, tellers.

The House again divided; and the tellers reported—ayes 101, noes 46.

Mr. FINLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 125, nays 74, not voting 92; as follows:

	YE.	AS-125.	
Acklen,	Cowgill,	Lounsbery,	Sapp.
Aldrich, N. W.	Crowley,	Lowe	Sapp, Scales,
Aldrich, William	Culberson,	Manning,	Scoville,
Armfield,	Davis, George R.	Martin, Edward L.	Shallenberger,
Bachman,	Davis, Joseph J.	Mason.	Sherwin,
Bailey,	De La Matyr,	McCoid,	Simonton,
Baker,	Errett,	McCook,	Smith, A. Herr
Barber,	Felton,	McKinley,	Sparks,
Bayne,	Ferdon,	McMahon,	Stone,
Beale,	Fisher,	Miles,	Talbott,
Belford,	Forney,	Mills,	Taylor, Robert L.
Beltzhoover,	Forsythe,	Mitchell,	Thomas,
Bicknell,	Frost,	Monroe,	Tucker,
Bingham,	Frye,	Morse,	Tyler,
Blake,	Geddes,	Norcross,	Updegraff, J. T.
Bland,	Godshalk,	O'Neill,	Updegraff, Thomas
Bliss,	Goode,	O'Reilly,	Upson,
Blount,	Hall,	Orth,	Urner,
Boyd,	Hammond, John	Osmer,	Van Aernam,
Briggs,	Hammond, N. J.	Overton,	Voorhis,
Brigham,	Harmer,	Phelps,	Wait,
Burrows,	Harris, John T.	Poehler,	Ward,
Butterworth,	Hayes,	Pound,	Warner,
Cabell,	Heilman,	Prescott,	Wellborn,
Calkins,	Henry,	Price,	Williams, Thomas
Camp,	Herndon,	Reed,	Willits,
Carpenter,	Horr,	Rice,	Wood, Fernando
Chittenden,	Hurd,	Richardson, D.P.	Wood, Walter A.
Clardy,	Johnston,	Richmond,	Yocum.
Colerick,	Keifer,	Robinson,	
Converse,	Kelley,	Ross,	
Covert,	Kenna,	Russell, Wm. A.	

		NAYS-74.
Anderson,	Deuster,	Joyce,
Atherton,	Dibrell,	Le Fevre,
Blackburn,	Dunn,	Martin, Benj. F.
Bouck,	Dunnell,	McKenzie,
Brewer,	Ellis,	McMillin,
Browne,	Evins,	New,
Buckner,	Field.	Nicholls,
Caldwell,	Finley.	O'Connor,
Cannon,	Fort,	Philips,
Chalmers,	Gillette,	Phister,
Clark, John B.	Gunter,	Reagan,
Clements,	Haskell,	Robertson,
Cobb,	Hawk,	Ryan, Thomas
Coffroth,	Henderson,	Samford,
Cook,	Henkle,	Sawyer,
Cravens,	Hill,	Singleton, J. W.
Daggett,	Hostetler,	Slemons,
Davis, Horace	Holl,	Speer,
Deering,	Hunton,	Steele,

Davis, Horace	Holl,	Speer,
Deering,	Hunton,	Steele,
	NOT V	OTING-92.
Aiken.	Ford,	Ladd.
Atkins,	Gibson,	Lapham,
Ballou,	Harris, Benj. W.	Lindsey,
Barlow.	Hatch,	Loring,
Berry,	Hawley,	Marsh,
Bowman,	Hazelton,	Martin, Joseph J.
Bragg.	Herbert,	McGowan.
Bright,	Hiscock.	McLane,
Carlisle,	Hooker,	Miller.
Caswell.	Houk,	Money,
Claffin,	House.	Morrison.
Clark, Alvah A.	Hubbell.	Morton,
llymer.	Humphrey,	Muldrow,
Conger.	Hutchins,	Muller.
Cox,	James,	Murch,
rapo,	Jones,	Myers,
Davidson,	Jorgensen,	Neal
Davis, Lowndes H.	Ketcham	Newberry.
Dick,	Killinger,	O'Brien,
Dickey,	Kimmel,	Pacheco,
Dwight,	King,	Page,
Einstein,	Kitchin,	Persons,
21.000	TZI-4-	Til-banda T C

Rothwell, Russell, Daniel L. Ryon, John W. Shelley, Singleton, O. R. Smith, Hezekiah B, Smith, William E. Springer, Springer,
Starin,
Valentine,
Van Voorhis,
Waddill,
Wells,
White,
Wilber,
Williams, C. G.
Willis,
*
Vright,
Young, Casey

Stephens,

Stephens,
Stevenson,
Taylor, Ezra B.
Thompson, P. B.
Thompson, Wm. G.
Tillman,
Townsend, Amos
Townshend, R. W.
Turner, Oscar
Turner, Oscar
Turner, Thomas
Vance,
Washburn,
Weaver.

Weaver, Whiteaker, Whitthorne, Wilson, Wise.

So the resolution was agreed to.

On motion of Mr. Dibrell, by unanimous consent, the reading of the names was dispened with.

the names was dispened with.

The following pairs were announced from the Clerk's desk:
Mr. Clymer with Mr. Hiscock, on the motion to adjourn. Mr.
Hiscock would vote "aye," Mr. Clymer "no."
Mr. O'CONNOR with Mr. MARTIN of North Carolina.
Mr. SMITH, of New Jersey, with Mr. Newberry.
Mr. Hubbell with Mr. Wells. If Mr. Wells were present, Mr.
Hubbell would vote "no."
Mr. Berry with Mr. Pacheco.
Mr. James with Mr. O'Brien.
Mr. Whitte with Mr. Persons

Mr. WHITE with Mr. PERSONS.

Mr. Miller with Mr. Talbott. Mr. Ballou with Mr. Carlisle. Mr. Lapham with Mr. Tucker.

Mr. VALENTINE with Mr. DAVIDSON.

Mr. Young, of Tennessee, with Mr. Houk. Mr. McMahon with Mr. NEAL. Mr. Hutchins with Mr. Starin.

Mr. Conger with Mr. House, on the vote to adjourn over.

Mr. Wells with Mr. Hatch, on this question. If Mr. Wells were present, Mr. Hatch would vote "no."

Mr. Rothwell with Mr. Shelley, on this vote. If Mr. Shelley were present, Mr. Rothwell would vote "no."

Mr. King with Mr. Hawley, on all questions for the 16th and 17th

Mr. WILBER with Mr. SMITH of Georgia, until the holiday recess.

The result of the vote was then announced as above recorded.

Mr. FERNANDO WOOD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. JOHNSTON, by unanimous consent, introduced a bill (H. R. No. 6620) to further amend section 3385 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

Mr. KING. Mr. Speaker, I desire to make a correction in the REC-ORD, as I think in reference to a matter of fact, and also as to what I know in reference to the rules of this House. A bill was offered a few days ago by the gentleman from New York [Mr. MORTON] which I think should be referred to the Committee on the Interoceanic Ship-Canal, but which was referred to the Committee on Commerce. I ask, therefore that it he referred to the proper committee, which is in my therefore, that it be referred to the proper committee, which is in my judgment the Committee on the Interoceanic Ship-Canal. I thought

judgment the Committee on the Interoceanic Ship-Canal. I thought the Speaker had already so ordered.

The SPEAKER. The Chair, if his attention had been called to the fact at the time, would have so ordered, and is not absolutely certain but that he did order the reference. But the RECORD can only be changed by the House. The gentleman now asks that the reference of that bill be changed from the Committee on Commerce to the Committee on Interoceanic Ship-Canal.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. CANNON, of Illinois. Mr. Speaker, I demand the regular

Mr. UPSON. I ask, Mr. Speaker, unanimous consent to take from the Calendar of the Committee of the Whole House Senate bill No.

The SPEAKER. The regular order having been demanded the Chair has no option but to recognize that demand. The regular order

is the morning hour.

Mr. HUBBELL. Mr. Speaker, I move to dispense with the morning hour to-day, and I give notice if that motion prevails that I shall move to go into the Committee of the Whole on the state of the Union for the consideration of the pension appropriation bill.

CLERKS TO COMMITTEE ON INVALID PENSIONS.

Mr. BOYD. Mr. Speaker, I rise to make a privileged report from

the Committee on Accounts.

The SPEAKER. The Chair would suggest to the gentleman that he withhold the report until after the consideration of the appropri-

ation bill referred to by the gentleman from Michigan.

Mr. BOYD. This will take but a very short time for consideration.

The SPEAKER. If the gentleman insists, the Chair will recognize

Mr. BOYD. I would prefer to have it considered at once. The Committee on Accounts recommend the adoption of a substitute for the original resolution submitted to that committee. The SPEAKER. The substitute will be read.

The Clerk read as follows:

Resolved, That the Committee on Invalid Pensions be, and they are hereby, authorized and empowered to continue in their employ three additional clerks during the remainder of the present Congress, who shall be paid at the rate of \$6 per diem during the session, out of the contingent fund of the House; and it shall be the duty of the said additional clerks to aid and assist the members of the committee in examining the evidence and preparing the reports upon bills referred to said committee, and to perform such other labor as may be required of them.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred a resolution authorizing the Committee on Invalid Pensions to continue to employ three additional clerks during the remainder of the present Congress, respectfully report that they have carefully considered the same, and find that the great amount of business before the said committee renders the assistance asked for very necessary, and they therefore recommend the passage of the resolution.

The substitute was agreed to.

Mr. BOYD moved to reconsider the vote by which the substitute was agreed to; and also moved that the motion to reconsider be laid

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUBBELL. I move to dispense with the morning hour with a view to go into the Committee of the Whole on the state of the Union for the purpose of considering the pension appropriation bill. The SPEAKER. The gentleman from Michigan moves to dispense

with the morning hour.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. I beg leave now, Mr. Speaker, to report back from the Appropriations Committee the bill making appropriations to pay invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and I move that it be referred to the Committee of the Whole on the state of the Union.

Mr. SPARKS. I reserve all points of order on that.

The motion was agreed to.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882.

The SPEAKER. The report accompanying the bill will be read.

The Clerk read as follows:

The estimates upon which the bill is based are to be found on page 119 of the Book of Estimates.

The total amount recommended in this bill aggregates \$50,000,000, or exactly the amount recommended by the estimates. The appropriations for the same purpose for the current fiscal year of 18s1 amount to \$32,404,000, and it is estimated that a further appropriation of \$17,500,000 will be needed to complete the service

that a intracer appropriated of \$\psi_1\$, \$\psi_2\$, \$\psi_2\$.

The committee have embodied in the bill the following clause, which is recommended by the Commissioner of Pensions, to wit:

"Accrued pensions due the Indian pensioners shall, in the discretion of the Commissioner of Pensions, be paid in installments."

ENROLLED BILLS SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the fellowing titles; when the Speaker signed the same: An act (S. No. 992) granting a pension to Mrs. Julia Gardner Tyler, widow of ex-President Tyler; and

An act (S. No. 148) granting an increase of pension to J. J. Purman.

POST-OFFICE DEFICIENCY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting an additional item of appropriation required to supply deficiencies in the appropriations for the Post-Office Department for the current fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BALLOU till after the holidays, on account of sickness.

PENSION APPROPRIATION BILL.

Mr. HUBBELL. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. McMillin in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882.

Mr. HUBBELL. I move that the first and formal reading of this bill in Committee of the Whole he dispensed with

bill in Committee of the Whole be dispensed with.

There was no objection, and it was so ordered.

Mr. HUBBELL. This bill appropriates \$50,000,000 to meet the demands of the Pension Bureau for the next fiscal year. By the bill of last year, \$32,404,000 were appropriated for like purposes during the current fiscal year. The Commissioner of Pensions, however, in his report says there will be a deficiency of \$17,500,000 for the present fiscal year, which brings the expenses of the present fiscal year close up to \$50,000,000. From the data before the committee, it was evident that the requirements of the bureau for the next fiscal year would be comal to if not greater than those for this fiscal year. Hence would be equal to if not greater than those for this fiscal year. Hence the sum recommended by the Commissioner was incorporated in the

This fiscal year, for Army invalids, widows, minors, and dependent relatives, survivors and widows of the war of 1812, \$31,475,000 were appropriated, while in this bill \$48,400,000 are asked to be appropri-

For similar Navy pensions \$575,000 were appropriated for the present fiscal year, while for the coming fiscal year \$1,100,000 are asked to be appropriated.

For pay and allowances for salary, &c., the present year \$253,000 were appropriated, while for the next year \$250,000 are asked to be

appropriated.

For examining surgeons \$101,000 were appropriated for this year, while for the next fiscal year this bill contains an appropriation for

that purpose of \$250,000.

The total appropriations in this bill reach \$50,000,000, as I have stated, to meet the current expenses of the bureau for the coming

In addition to making these appropriations the committee have inserted in this bill a proviso for the payment of pensions to the Indian pensioners, as follows:

And provided further. That the amount expended for each of the above items shall be accounted for separately. And accrued pension due the Indian pensioners shall, in the discretion of the Commissioners of Pensions, be paid in installments.

There are one hundred and sixty-seven Indian pensioners from the three regiments recruited in the Indian Territory, payments to whom are now due or will soon be due, and must soon be met. In nearly all of these cases a large amount goes as a first payment, and existing law requires it to be sent in one payment, by draft or check on some assistant treasurer. The Commissioner in his report says there are no banks and no facilities for making exchange in that Indian Territory, and his belief is that if the whole payment goes to each one of these Indians at once, speculators, parties interested in getting this money, will be quite likely to get a portion of it from them. Hence his suggestion in this respect is that this money should be paid in installments of one or two hundred dollars. The committee concluded to leave it entirely to his discretion, allowing him to pay this money in installments, to meet the exigencies of each case, instead of money in installments, to meet the exigencies of each case, instead of

money in installments, to meet the exigencies of each case, instead or making it all in one payment.

Now, Mr. Chairman, ordinarily this is all that would have to be said upon a bill making appropriations for the payment of pensioners of the Government. In what I am about to say I wish it distinctly understood by this House and the country that I am not opposed to the payment of pensions to worthy pensioners, to persons who are entitled to receive pensions. I not only desire this, but I desire that the support aball he made as seen a preside. payments shall be made as soon as possible. From what little study I have given this subject, I regard it as one of the greatest that can engage the attention of the American Congress. It is so appalling in its magnitude as to almost stagger one who looks at and computes the vast aggregates that must be paid out under our present system

of pensions.

When the bill for arrears of pension was passed, we were told that it only required a few millions of dollars to meet the payments con-

it only required a few millions of dollars to meet the payments contemplated by the act.

Mr. BLOUNT. I wish to ask my friend from Michigan whether the highest estimate made in the discussion was not \$25,000,000?

Mr. HUBBELL. It was \$25,000,000, I think; but that is not material. Up to November 1, 1880, we had paid out for arrearages alone \$24,600,487.27. We had appropriated for that purpose \$25,515,000. The average arrearage of each pensioner already on the list has been officially computed to be \$560.58.

At the same date—that of the report—there were in the office of

The average arrearage of each pensioner already on the list has been officially computed to be \$560.58.

At the same date—that of the report—there were in the office of live, original claims, after making all deductions, 282,597 still pending; and the average amount of arrears on first payment is \$1,100. Now suppose—and I take it it will be a fair supposition—that 30 per cent. of these 282,597 claims are disallowed. Then there would still be 197,818 claims yet to be paid; and at an average of \$1,100 each, what is yet to be paid would amount to \$217,599,800, making the total cost of arrearages thus far, including that estimated, \$242,200,287.27. This will be reduced somewhat by the fact that there are yet 1,238 claimants to come in, in whose case the average amount of the arrears is \$560.58; and still further by the fact that at the date of the report, November 1, the Commissioner had at his disposal for that purpose \$1,098,334.04 still available for payment of arrears. Hence, if we look, as we ought to look, at the probable aggregate of the arrears of pensions alone, we will find, by adding the amount appropriated (\$25,515,000) to the amount estimated, (\$217,599,800,) after deducting 30 per cent. of claimants, as before stated, that it will reach the astounding sum of \$243,114,800. That is the first payment. That is to commence with. to commence with.

to commence with.

In addition to that, I will state that the further annual payment to each pensioner, after the first payment has been made, is \$103.34. And I will state another thing: the average age of the pensioners on our pension list is only forty-one years. Hence we must meet this state of facts: the pension list to-day requires for annual payments the sum of \$25,917,907.60. To that is to be added the 197,818 cases, requiring for their payment \$20,442,512.12 more, making a total annual appropriation of \$46,660,418.72. This sum, of course, will decrease a little after some years; but we must remember that the average age of our present pensioners is forty-one years, and that new claims are being filed at the rate of fifteen hundred per month, which, under the provisions of the arrearages act, are not entitled to arrears.

That is the present condition of our pension affairs—the problem which we are called upon to solve. I claim that it is well worthy the consideration of this House and the country whether some safeguard

cannot be thrown around this system; whether something cannot be devised in the way of legislation to protect the honest pensioner in his just claim and at the same time prevent the dishonest claimant from defrauding a beneficent Government; for it is the part of prudence to remember, in full view of the appalling figures here presented, that there are tax-payers in this land as well as pensioners, and that there is a limit to the obligations which it is safe for any nation to assume.

I now desire to call the attention of the House briefly to our present system of paying pensions. During the last fiscal year the Commissioner of Pensions was enabled under it to save to the Government, sioner of Pensions was enabled under it to save to the Government, by the detection of frauds, out of payments then due, the sum of \$425,-309.46; that was the net saving. That saving carries with it a further annual saving of \$59,967. Under what circumstances and how was it that this saving has been made?

I hardly think that this House is aware how few safeguards, if any, and arranged the dishursement of this large sum of money. I

are placed around the disbursement of this large sum of money. I wish to call the attention of the Committee of the Whole to the only provision of law on our statute-books under which any frauds in regard to pensions can be detected and payment stopped. I ask the attention of members to the peculiar wording of that provision, which is as follows:

SEC. 4744. The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension law, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

In what condition does that leave the Commissioner? Before he can investigate a case he must have reason to suspect fraud in connection with it. He is authorized to investigate only "suspected attempts at fraud." Although he may have just ground for serious suspicion as to a surgical report, the authority is not conferred upon him to even send a surgeon, in whom the Government has confidence,

Therefore, under the system which we have to-day we are making an annual payment of over \$24,000,000, of first payments, where the Government is not authorized to make even an insufficient investi-Government is not authorized to make even an insufficient investigation unless it suspects an attempt at fraud, and where by a combination of four clerks in any division of the Pension Bureau the grossest and most gigantic frauds might be perpetrated without the knowledge of the Commissioner or his deputy. And more than that, the Government is paying out this money without any check against the Commissioner of Pensions or his deputies and assistants, and he might by collusion defraud this Government out of millions of dollars and nobody would know it. We require in the payment of money from any other Department of the Government the closest proof and the most diligent examination, and the Department has authority to send special agents to look up testimony and to do anything and everything deemed necessary to protect the interests of the Government, whether fraud is suspected or not.

But in our payment of pensions this large and appalling sum of

But in our payment of pensions this large and appalling sum of money is paid out without any power on the part of the officer placed in charge to examine any cases, save those in connection with which he may suspect some attempt at fraud, and without any such safeguards thrown around the payment as ought to be thrown around it. All that is required to be done is to make out an ex parte prima facie

Now, I do not believe that the soldiers who fought in the war to save this Governmennt and who were wounded in battle are men who would attempt to defraud the Government; not at all. But I do know that from the moment the arrearages bill became a law there has been organized frauds perpetrated on this Government which are simply stupendous. The Commissioner of Pensions informs me, and the press of the country has published it, that he is satisfied that under the present system of paying out pensions over \$4,000,000 (and he does not know how much more) has been paid fraudulently out of every fifty millions disbursed.

Mr. SPARKS. Will the gentleman allow me a moment?

Mr. HUBBELL. Certainly.

Mr. SPARKS. Are we to understand from the argument of the gentleman that he is opposed to the arrearages bill?

Mr. HUBBELL. Not at all; I disclaimed that at the outset. I am only calling attention to the loose manner in which this arrearage is being disbursed, and I desire to get the attention of Congress sufficiently well directed to this matter so as to ascertain whether in Now, I do not believe that the soldiers who fought in the war to

being disbursed, and I desire to get the attention of Congress sufficiently well directed to this matter so as to ascertain whether in view of the fact that so much money is to be paid out it is not our duty to provide necessary checks to secure its payment to honest claimants. That is my proposition.

Just think of it. The Commissioner of Pensions distributes annually in first payments \$24,000,000 on proofs submitted to him by clerks in his bureau, proofs simply ex parte and prima facie. Experience has shown that a fraudulent claim will always be supported by apparently the best proofs. When men undertake to perpetrate by apparently the best proofs. When men undertake to perpetrate fraud they will know how to do it, and the danger is that they will make all the circumstances dovetail so nicely as to clude the suspicion of the Commissioner and secure payment of the fraudulent claim.

Let me call the attention of the House to some of the frauds which have here perpetrated and recommendate the commissioner and secure payment of the frauds which have here perpetrated and recommendate to the commissioner and secure payment of the frauds which have been perpetrated and recommendate the commissioner and secure payment of the frauds which have been perpetrated and recommendate the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and secure payment of the frauds which the commissioner and the commissioner a

have been perpetrated under our present system. I send to the Clerk's desk, to be read, the history of what is known as the Maine case, in which a former clerk was discharged from the Department, and by

fraudulent practices succeeded in obtaining nearly \$20,000 as pensions for seven fictitious claimants.

The Clerk read as follows:

The Clerk read as follows:

In 1864, George Prince, of Bath, Maine, then a clerk in the Pension Office, began a series of frauds through which to procure the allowance of pensions to fictitious widows of officers whose rank gave high rates—monthly payments. While employed in, and after he left the office, he secured the issuance of seven pension certificates, and by adroit arrangements at different post-offices came into the possession of the letters addressed to the supposed pensioners, and by the commission of nearly a thousand forgeries, extending over fourteen years, he obtained possession of the pension checks, and appropriated the proceeds, amounting in the aggregate to nearly \$21,000, to his own use.

In the commission of these frauds he forged court records, having abstracted the genuine originals from other claims while a clerk, and used fictitious seals obtained by him for the purpose, and finally secured an appointment as justice of the peace to enable him the more readily to defraud the Government.

He was arrested, plead guilty, and sentenced to ten years' imprisonment, and a civil suit instituted in the State courts to recover to the Government the amount paid in these cases, which was compromised upon the refundment of \$15,000.

Mr. HUBBELL. Mr. Chairman, I desire also to submit the state.

Mr. HUBBELL. Mr. Chairman, I desire also to submit the statement of another case. These are specimen cases of the frauds which are being perpetrated under our present system.

The Clerk read as follows:

The Clerk read as follows:

Fourteen claims were filed from Detroit, Michigan, alleged to have been made by the relatives of deceased colored soldiers. Eugene Fecht, of that city, prepared and filed them as attorney of record. Suspicion having been excited in one case, investigation was ordered therein, and the facts developed pointed to the probability of an extended conspiracy between Fecht and James Richardson, colored, and numerous other colored people influenced by them, to perpetrate extreme frauds; thereupon an investigation was ordered in all the claims having the characteristic of the fraud.

The results, so far as the investigations have been completed, show that all the testimony filed in the Pension Office in these claims is false, and those connected with it, about twenty persons, have been arrested, and most of them indicted, and all who have been arraigned have plead guilty, except Fecht and Richardson. A trial of the two, on one indictment, resulted in the acquittal of Fecht and conviction of Richardson. Several indictments are still pending against the former. Nearly all these claims having been lately filed are still pending, and the actual loss to the Government has been small, but had they not been discovered it would have been at least \$30,000.

Mr. HUBBELLL. From these statements gentlemen may form some

Mr. HUBBELL. From these statements gentlemen may form some idea of the kind of frauds which are perpetrated under the present

idea of the kind of frauds which are perpetrated under the present system.

The Pension Bureau is to-day literally snowed under with pending claims, and the chances are that fraudulent claims which have backing will be the first to be pushed through. Here, sir, the first payment is \$1,100. Can it be possible that by the arrearage act we propose to pension every camp-follower, every man who without deing any service was injured during the war of the rebellion?

Mr. Chairman, it is time to talk plainly and squarely to the American people upon this subject. While I am in favor of paying pensions to deserving soldiers, and in favor of devising some system which shall give it to him speedily, yet I do not believe that all the pending claims are of that kind; nor do I believe that the slow system under which we are now operating will ever enable us to pay to the honest claimant his just dues. It is time that the American Congress should look this issue fairly in the face. There should be no sentimentality about it. We have undertaken to pay out nearly \$300,000,000 to the defenders of our country, if they are honestly entitled to it; but, in God's name, Mr. Chairman, let us throw around this system all the safeguards that we can. Let us not pay out this money on a mere ex parte and prima facie case, made up perhaps by an incompetent clerk. It seems to me that we owe it not only to the honest soldier who is entitled to our bounty, but to the laboring interest and to the tax-payers to see to it that we not only do equal and speedy justice to worthy pensioners and pension claimants, but that we do all in our power as legislators to provide every necessary safeguard and give ample power to investigate or do anything else which ought to be done in order to prevent the payment of a single sourious claim. While the Treasury Department disburses its millsateguard and give ampie power to investigate or do anything eise which ought to be done in order to prevent the payment of a single spurious claim. While the Treasury Department disburses its millions without any allegation or suspicion that 10 per cent. of such disbursements is paid out illegally, it seems strange to me that disbursements cannot be made from the Pension Office without such allegations, and that we cannot determine between those who are justly entitled to the bounty of the Government and those who are

It will thus be seen that under our present system anybody can get a pension who is willing to take a false oath. A man may put in claims of persons who never existed as widows of private soldiers or of officers. The colonel, the major, or some officer of a company may have been killed; and knowing that no one will ever inquire into it, a man may get affidavits that the fraudulent claimant applying is the widow of such officer. All the proofs may be apparently in proper shape, and yet the claimant be a fictitious character. Although I have no present definite plan by which these immense disbursements may be guarded, yet it does seem to me that the utmost publicity should be given to all proceedings of this kind. The applicant for a pension might be required to establish his claim just as any other claim against the Government is established. There should be some plain, practical, business-like way of making proof in open daylight It will thus be seen that under our present system anybody can get plain, practical, business-like way of making proof in open daylight and where the real facts are known. Then if we owe the money, let

us pay it promptly.

Mr. Chairman, I had desired to talk further, but my voice fails me, and I must desist for the present.

Mr. SPARKS. Mr. Chairman, in much that the gentleman from Michigan [Mr. Hubbell] has said, I concur. Our pension system, as

we all understand, grows out of the desire on the part of Congress to we all understand, grows out of the desire on the part of Congress to make a proper provision for those who have incurred disability in the military or naval service. Under any system which could be devised, parties might doubtless in some cases obtain pensions fraudulently; but that it is the duty of our Government, and of all governments, to pension men who have been disabled in its military and naval service, all good men, I think, will concur. That is the object and

only purpose of our pension laws.

Since I have been in Congress I have on several occasions tried to throw safeguards around the Treasury to protect it from frauds in this direction. I have tried to reduce the cost of the service by this direction. I have tried to reduce the cost of the service by lopping off needless expenditures, and have sought to relieve the service of unnecessary officials. For instance, on one occasion I made an effort to get rid of the pension agents and to establish a pension bureau whose operations should be plain and simple and less cumbersome than the present system. In the Forty-fifth Congress, however, (and that is the point to which I wish now to direct the attention of this committee,) an attempt was made to remedy that which was clearly seen to be an inequality of pensioners.

Under the pension laws there were certain limitations as to the

Under the pension laws there were certain limitations as to the time within which applications should be made, and which regulated the dates from which pensions should begin, &c.; &c. There were parties who failed to apply within the limited periods, and others who, although they applied at a proper time, yet, having had insufficient papers or proofs accompanying or subsequently presented to make good their applications, failed to be successful, and yet the applicants were as meritorious in every respect as those who had applicants were as meritorious in every respect as those who had been expeditious and successful, and to whom pensions were granted.

In other words, while many obtained pensions beginning from date of discharge or disability, a large number of others equally meritorious had theirs for many years delayed, and when granted dated from issuance of pension and not from date of discharge or disability, on account of not being acted upon within the prescribed limitation, to which should also be added all applications then pending or subsequently to come before the Pension Bureau. sequently to come before the Pension Bureau.

Sixteen or more years may have passed and men failed to get their Sixteen or more years may have passed and men failed to get their pensions, while others, standing upon precisely the same ground, had been drawing theirs during this interval. For example, a man is pensioned, say sixteen years ago, and although another man belonging to the same class under the law, having suffered the same disability, yet owing to some insufficiency of papers or proofs, has during all that time been delayed, and not until the sixteen years have elapsed received his pension. Will any one say that he should not be allowed for the same time and at the same rate of pay equally as the other? And this is the principle upon which the arreary-of-pension act is And this is the principle upon which the arrears-of-pension act is

Mr. HUBBELL. I have not claimed, Mr. Chairman, that the gen-tleman in such a case ought not to have the same pension as the one to whom he refers.

Mr. SPARKS. I made the inquiry of the gentleman during the course of his speech whether he was antagonizing the arrears act, and he told me that he was not. Up to the time of that inquiry I could not tell whether he was for it or against it. He told me then

that he was for it, and I took his word for it.

Mr. HUBBELL. For what?

Mr. SPARKS. That you did not antagonize the arrears-of-pension

Mr. HUBBELL. Not at all.
Mr. SPARKS. I am now, Mr. Chairman, speaking in reference to
that act and defending it as a simple act of justice by the Govern-

ment to its pensioners.

Mr. HUBBELL. The gentleman will allow me to put myself right.

I have not attempted in any way nor intended in any way to oppose the arrearages bill. I acknowledge its justice. All I have tried to do is to show that under our present system the Government is liable in carrying out that law to suffer great frauds. The honest pensioner

is entitled to it.

Mr. SPARKS. Precisely. I now understand the gentleman's position, and respect it; and not in answer to the gentleman or opposing him, but of my own volition, I propose defending or attempting to defend that arrears act. When the gentleman interrupted me I was stating the fact that there were men who had suffered the same disability and yet some had obtained their pensions many years ago and been drawing it ever since, while others had failed to secure theirs until these years had passed, and though of the same class of disability the latter had been deprived of theirs for these years. That act was passed to remedy this injustice, so that one man entitled under the law to a pension should not draw a pension for years while another equally entitled was prevented from receiving it. It was exactly to meet that class of cases the arrears-of-pension bill was passed. It was, I think, put through the House, being reported from the Committee on Invalid Pensions by the distinguished gentleman

the Committee on invalid Pensions by the distinguished gentleman from Ohio, Mr. Rice, then chairman of that committee.

Mr. PORT. I ask my colleague to yield to me in order that I may set him right, for I see that he is mistaken in his last statement. That bill did not come from the Committee on Invalid Pensions. It was offered by the gentleman from Iowa, Mr. Cummings, under a suspension of the rules, and passed. The bill which was reported from the Committee on Invalid Pensions contained other provisions, and was not the bill which was passed at all.

Mr. HASKELL. If the gentleman from Illinois on my left and the gentleman from Illinois on my right will yield a moment I will

Mr. SPARKS. I submit whether or not I have stated it correctly.

Mr. HASKELL. No, you have not. That arrears bill was passed under a suspension of the rules, on my motion, and not on any re-

under a suspension of the rules, on my motion, and not on any report from the Committee on Invalid Pensions.

Mr. FORT. Exactly what I stated.

Mr. HASKELL. The other bill was a bill introduced by the gentleman from Iowa, Mr. Cummings, which had been beaten once in the House. On my motion the rules were suspended and it was passed without any report from the Committee on Invalid Pensions.

Mr. FORT. Precisely. So I am right.

Mr. McMahon. Let me make a statement.

Mr. OSMER. I wish to say a word.

Mr. SPARKS. Mr. Chairman, I must insist on retaining the floor if I have it.

if I have it.

Mr. WARNER. I wish to ask the gentleman from Kansas a ques-

Mr. SPARKS. I will yield to the gentleman from Ohio on my right for a moment

for a moment.

Mr. McMAHON. The question I wish to ask the gentleman from Kansas is this: whether the bill as it finally passed was not in the Forty-fourth Congress reported by the gentleman from Ohio, Mr. Rice, from the Committee on Invalid Pensions?

Mr. HASKELL. I desire to say that the bill as it passed was not the bill ever drawn by the gentleman from Ohio. It was not the bill reported by that committee. It was not a copy of any bill that Committee is the property of t

General Rice had ever seen, let alone any bill which he had drafted. The committee never agreed to the bill. It was a bill that was amended, not much over fifteen minutes before it was passed, in one important particular. The real author of the bill was the gentleman from Iowa, Mr. Cummings.

Mr. SPARKS. I wish to say to the gentleman from Kansas that in

my opinion—

Mr. HUBBELL. I have not yielded the floor, but merely suspended my remarks because my voice gave out, and the gentleman from Illinois is occupying my time.

Mr. SPARKS. I submit to the Chair that I took the floor in my

Mr. SPARKS. I submit to the Chair that I took the floor in my own right, having waited until the gentleman was through.
Mr. HUBBELL. I have not taken my seat at all.
Mr. SPARKS. I do not claim to be occupying the floor as a part of the gentleman's time.
The CHAIRMAN. The Chair recognized the gentleman from Illinois in his own right, supposing the gentleman from Michigan had righted the floor.

wielded the floor.

Mr. HUBBELL. I did not, sir. I was obliged to suspend temporarily, because my voice had become hoarse.

Mr. SPARKS. I will be through in a few moments. I do not think

ve ought to quibble about time on this bill, but I thought I had the

floor in my own right when I commenced.

I want to call the attention of the House to the fact and to say to the gentleman from Kansas that the bill he is so anxious to assume the gentleman from Kansas that the bill he is so anxious to assume the paternity of was, in my judgment, an extremely inequitable and unjust bill, a miserably gotten-up affair. That is my opinion about it. I think (as I recollect now) that the gentleman from Kansas, and perhaps some others, after General Rice, of Ohio, had been maturing a bill quite similar to theirs, attempted to capture the thunder of that gentleman and jump in ahead of him with their bill. But they succeeded, as I propose to show, in getting up an extremely poor affair. Now, Mr. Chairman, what was that bill? It made provision for paying arrears of pensions to those pensioners who had come in late, about after this shape; here is a pensioner of a certain class and

paying arrears of pensions to those pensioners who had come in late, about after this shape: here is a pensioner of a certain class, and who is classed according to his disability; his pension begins from the date of his discharge or disability, say at the rate of \$4 per month. The pension runs on, and in the mean time age is progressing with him. That increases his disability, so that in, say, four years his pension is increased to \$8 per month. Age still increases the disability, and in four years more his pension is increased to \$12 per month. Still the same cause is operating with the pensioner for four years longer, and his pension is increased to \$16 per month.

Now, the Rice bill (which the gentleman from Kansas wants to take from him) made provision that the pensioner now being put on the roll, being of the same class, and of course now entitled to and

the roll, being of the same class, and of course now entitled to and the roll, being of the same class, and of course now entitled to and granted a pension of the same amount per month as the other now receives, should go back upon that same pay to the beginning; that is to say, at the rate of \$16 per month. That would make his arrears for the whole time include the additional payment which had been added from time to time in consequence of increased disability growing out of additional years. Such an inequitable rating as this, it is clear to all, would be manifestly unjust to the old pensioner. It is founded in wrong, and is a clear misconception of equality between these parties. That two men, being of the same class of pensioners, should receive from the Treasury a vastly different sum of money, the one from the other, is clearly unjust. Yet that was the effect of

the Rice bill.

Toward the end of the Forty-fifth Congress I was instructed by the Committee on Appropriations, of which I was then a member, to report the appropriation bill to pay these arrears, with an amendment therein to the Rice bill, that I will be modest enough to say I

suggested and matured, by the aid of the Commissioner of Pensions, which was incorporated in the body of the appropriation bill, which made guarded provisions for fairly and equitably grading the pensions paid, going back according to respective increases from time to time, so that each and all of the pensioners of the same class should be placed upon the same basis, and each and all receive precisely the same amount of pay, and saving to the Government many millions of

Mr. Chairman, if you remember, the Secretary of the Treasury had estimated that it would take about (in round numbers) \$42,000,000 to meet these payments under the Rice bill. Yet we met them with this clause in that appropriation bill with \$26,800,000, saving to the Treasury some \$15,000,000 and equalizing these pensioners as to their arrears. Hence, that thing which the gentleman from Kansas is so arrears. Hence, that thing which the gentleman from Kansas is so anxious to father, and which he was so anxious to jump in ahead of the distinguished gentleman from Ohio, (thereby using his thunder,) was a measure founded in wrong, producing injustice and inequality, and calculated not only to produce bad feeling among the pensioners all over the country, but to deplete the Treasury unjustly and unnecessarily of many millions of dollars.

Mr. HUBBELL. I now yield to the gentleman from Kansas.

Mr. HASKELL: Mr. Chairman, the honorable gentleman from Illinois has taken occasion to accentuate a declaration that in the pasage of the arrears of rengion bill, upon my motion on the 19th day of

nois has taken occasion to accentuate a declaration that in the passage of the arrears-of-pension bill, upon my motion on the 19th day of June, there was an attempt to steal somebody's thunder, and he asserts, and the gentleman from Ohio also asserts, that the bill passed on that day, which is the arrears-of-pension bill, the law of the land to-day, was a fac simile of a bill introduced by the gentleman from Ohio, (Mr. Rice.)

Mr. SPARKS. I beg the gentleman's pardon; I did not state that bill was an exact fac simile or copy of the bill introduced by the gentleman from Ohio, (Mr. Rice.) I believe I did not use the offensive word "steal," either; but I said, or meant to say, that the gentleman had attempted to use the thunder of the gentleman from Ohio, and presented substantially the same bill as the gentleman from Ohio presented.

Mr. HASKELL. And, Mr. Chairman, the statement that I took a bill of Mr. Rice's, or that it was a copy of Mr. Rice's bill—Mr. SPARKS. I did not state it.

Mr. SPARKS. I did not state it.
Mr. HASKELL. Or that it was a fac simile of Mr. Rice's bill—
Mr. SPARKS. I did not so state.
Mr. HASKELL. Or substantially Mr. Rice's bill—
Mr. SPARKS. That is about what I said.
Mr. HASKELL. Or in any possible way or form had any connection whatever with his bill, or that I had intrenched upon some patent right of Mr. Rice's in the formation of that bill, I beg leave to deny in the most emphatic terms. There has been enough of misrepresentation in this country concerning this agrees of pension bill resentation in this country concerning this arrears-of-pension bill without being called upon to submit to any more of it. Now, I hold in my hand the bill of the gentleman from Ohio, (Mr. Rice,) that he sought earnestly to pass through this House and Congress, and that his committee was anxious to pass through this House and Con-

Mr. SPARKS. A very bad bill. Mr. HASKELL. And the seventh section of that bill, which is said to be an exact copy of the arrears-of-pension bill which passed upon my motion, reads as follows:

That the Secretary of the Interior be, and he is hereby, anthorized and required to restore to the pension-rolls the names of all invalid pensioners now living and who were stricken therefrom on account of disloyalty and pay them pensions from the 26th day of December, 1868, at the rate at which they would have been entitled to receive pay had they not been dropped from the pension-rolls.

That was the bill of the honorable gentleman from Ohio. That proposed to strike down the distinguishing differences between a man proposed to strike down the distinguishing differences between a man who had ever been loyal to his country and to his flag and to place upon the same footing and the same plane with the loyal men the men whose names had been dropped from the pension-roll for disloyalty to that flag. And the honorable gentleman from Illinois [Mr. SPARKS] claims that when I secured or helped to secure the passage of the present arrears bill, that left out this obnoxious and this outrageous section, I was stealing the thunder of the honorable gentleman from Ohio. I did not care to steal that particular kind of thunder that lies embalmed in the seventh section of the Rice bill

man from Ohio. I did not care to steal that particular kind of thunder that lies embalmed in the seventh section of the Rice bill.

Mr. SPARKS. Will the gentleman allow me a moment?

Mr. HASKELL. Yes, sir.

Mr. SPARKS. I think I did not use the offensive word "steal," and would prefer the gentleman would not use it again. If I did use it, I know it is offensive and I should not have used it.

Mr. HASKELL. I think the gentleman did use the word.

Mr. SPARKS. If I did, I beg pardon. It is not a proper phrase for a member of Congress to use.

Mr. HASKELL. I do not take any offense. I desire to state further that I hold in my hand the RECORD containing the proceedings at the time this bill was passed. I quote from the report as follows:

time this bill was passed. I quote from the report as follows:

Mr. Banning. I understand that this is the bill reported from the Committee on Pensions and recommended by them.

Mr. Riddle. No, sir; it is not the bill.

The Speaker pro tempore. Debate is not in order.

Mr. Banning. I ask for the reading of that section which was not contained in the bill reported from the Committee on Invalid Pensions.

Mr. Rice, of Ohio. This bill was not reported from the committee at all.

Mr. Rice, of Ohio, further said :

I will state that it is not the bill. I have been trying to get the bill reported unanimously from the committee acted upon, but have failed to do so.

and the bill reported unanimously from the committee that he referred to, and the one he tried to get action upon, was the bill that put the disloyal soldier side by side with the loyal one. It was to avoid just exactly that particular trap set for the Union soldiers of this country that I made the motion on that day to suspend the rules and take from the Calendar and pass the Cummings bill; because I knew that before that session adjourned, if it was in the power of that Pensions Committee, headed by the gentleman from Ohio, Mr. Rice, he would force this House to a vote upon a bill that was obnoxious to every loyal man in the nation. For the purpose of avoiding that vote and getting a fair and square vote upon the idea and the issue of granting arrears to the loyal soldiers of this country I made that motion, and the bill passed.

Mr. KEIFER. Before the gentleman passes from that point I would wish him to state if he remembers the number of democrats who voted against the bill and the number of republicans who voted against it,

against the bill and the number of republicans who voted against it, if there were any. My recollection is that 61 democrats voted against the bill and not a single republican.

Mr. HASKELL. Not one republican voted against the bill. There were 61 nays—all democrats.

I desire further, since this question has come up and since some-body is supposed to be surreptitiously gobbling somebody else's thunder, to read a statute of the United States which was sought to be repealed by this bill, unanimously reported by the Committee on Pensions, and which the gentleman from Ohio, Mr. Rice, tried to pass but failed. It is as follows:

SEC. 4716. No money on account of pension shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in or aided or abetted the late rebellion against the authority of the United States.

That statute was to be repealed by the Rice bill.
[Here the hammer fell.]
Mr. SPARKS rose.
Mr. HUBBELL. I yield the gentleman from Kansas [Mr. HASKELL] a few minutes more.
Mr. SPARKS. I thought the time of the gentleman had expired.
The CHAIRMAN. The Chair was under the impression that the gentleman from Michigan had yielded the floor without reserving the balance of his time, and therefore he permitted the gentleman from Illinois [Mr. SPARKS] to go on for the time he desired. The Chair finds he was mistaken, and now makes reparation by recognizing the gentleman in charge of the bill.
Mr. HUBBELL. I yield three minutes more to the gentleman from Kansas.

Mr. HASKELL. I have read the section of the United States statute that prohibits the payment of pension to any soldier or any person who aided or abetted the cause of the rebellion; and I have said the Rice bill repealed that section. The Rice bill provides as follows:

That sections 4709, 4716, and 4717 are hereby repealed.

I think that disposes of the question as to who has attempted to steal thunder either before the people in the late campaign or upon the floor of this House. Mr. WARNER rose.

The CHAIRMAN. To whom does the gentleman from Michigan

Mr. HUBBELL. I yield to the gentleman from Ohio, [Mr. WAR-NER,] who desires to ask a question.

Mr. WARNER. We have had a good deal of thunder, whether surreptitious or stolen, in the course of this discussion.

I desire to ask the gentleman who has charge of the bill some questions respecting it. I do not know if he explained in his remarks how much of the sum he appropriated is for arrears and how much is for the annual payments. If he did, I did not hear it, and I will be glad to know.

much is for the annual payments. If he did, I did not hear it, and I will be glad to know.

Mr. HUBBELL. This is for the annual payments.

Mr. WARNER. Is the whole of it for the regular annual payments to pensioners now on the roll? Do I understand the gentleman from Michigan to state that?

Mr. HUBBELL. The items are: Army invalids, \$28,000,000; widows, children, and dependent relatives, \$17,100,000; survivors and widows of the war of 1812, \$3,300,000. Navy pensions: Invalids, \$500,000; widows, children, and dependent relatives, \$600,000. Then there follow fees to examining surgeons and expenses of pension agents. &c.

agents, &c.

I will inform the gentleman from Ohio that the amount of arrears already paid—and there is a surplus yet—has been a separate appropriation. We appropriated by the act of March 3, 1879, for arrears and expenses of disbursement of arrears, \$25,015,000. Then by the act of May 31, 1880, we appropriated \$500,000. Of the amount appropriated for arrears there is still a surplus of a little over \$1,000,000; and there are twelve hundred and thirty-eight cases of seldiers still

on the rolls to come in.

Mr. WARNER. Then do I understand from the gentleman that
Congress will be called upon this session to pass another bill appropriating for arrearages of pensions for the year for which this appropriation is made?

Mr. HISCOCK. I think we never appropriated for arrearages by itself.

Mr. HUBBELL. Oh, yes, we did. Mr. BLOUNT. We passed a special bill. Mr. ROBINSON. A special appropriation that was passed in a separate bill.

Mr. WARNER. I will repeat my question. Do I understand that this House will be called upon again this session to make another appropriation for arrearages, as distinct from the appropriation for

annual payments?

Mr. HUBBELL. No.

Mr. WARNER. This fifty millions, then, covers the entire estimate for pensions and arrears for the fiscal year ending June 30, 1882. Is that it?

Mr. HUBBELL. There is no appropriation for arrears.
Mr. HISCOCK. The first appropriation was made for arrears, and I understand that now no appropriation for arrears is included in the

annual appropriation bill.

Mr. WARNER. Very good; that may be so for claims that have been allowed. But the Pension Office is allowing new claims every week. Now, does this bill cover the arrears that are expected to arise

in the adjustment of new claims?

Mr. HUBBELL. Yes; that is, the first payments.

Mr. WARNER. That is what I mean; the first payments under the arrearage bill?

Mr. HUBBELL. Yes, sir. Mr. COFFROTH. In other words, there are no arrearages any

Mr. WARNER. Very well; this covers the claims arising under the arrearages pension bill. I endeavored at the last session of Congress, against much of what then seemed to me to be unreasonable opposition, to call the attention of the House to the magnitude and gravity of this question; and I am very glad to see now some evidence of more attention being given to it. But the place to modify the law, or to introduce any new provision of law, is not in connection with this appropriation bill. I think this should be passed distinctively as an appropriation bill; and while I think some modification of the law is demanded. If agree in that respect with the gentleman of the law is demanded, (I agree in that respect with the gentleman who has charge of this bill,) I think such modification cannot be con-nected with this appropriation bill, and I do not know that it is proposed to so connect it.

Mr. HUBBELL. I do not propose to do so. I wish to state further that this fifty millions is not all that we will have to appropriate this

Mr. WARNER. That is just what I was trying to get at.
Mr. HUBBELL. It will be all that we will have to appropriate this Congress for the coming fiscal year. But there is a deficiency of about \$18,000,000.

Mr. WARNER. For the year ending June 30, 1881?

Mr. HUBBELL. Yes. Mr. WARNER. For what is that?

Mr. HUBBELL. For Army pensions \$17,500,000, and for Navy pensions \$700,000, making a total of payments for the present fiscal year of \$50,000,000. Hence it was that I said the Committee on Appropriations could not at this time attempt to cut down the estimates for the next fiscal year inasmuch as new claims were being allowed

for the next fiscal year masmuch as new claims were being anowed all the time.

Mr. WARNER. Nothing is clearer to my mind than that there needs to be a thorough revision of our pension laws and a change made in our machinery for allowing and paying pensions; but I do not think this appropriation bill is the place where it can be done.

Mr. OSCAR TURNER. I desire to make an inquiry of the gentleman from Michigan, [Mr. HUBBELL.]

Mr. HUBBELL. I will hear the gentleman.

Mr. OSCAR TURNER. According to the estimates before Congress, what proportion of the \$48,000,000 appropriated for pensions is for the payment of pensions to the survivors of the war of 1812 and

for the payment of pensions to the survivors of the war of 1812 and the widows of the soldiers of that war?

Mr. HUBBELL. For that purpose there is appropriated \$3,300,000. Mr. KEIFER. I want to ask the gentleman a question, if he is repared to answer it. On page 2 of this bill, commencing at line 29, I find this proviso:

Provided, That a fee of \$1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, &c.

Is that matter now regulated by law? And is the fee here allowed, of \$1, the same as now allowed by law?

Mr. HUBBELL. Formerly and until within a few years the fee

was \$2.

Mr. KEIFER. By law?

Mr. HUBBELL. By appropriation; the fee was fixed in the appropriation bill, as I understand it, in the act.

Mr. KEIFER. In what act?

Mr. HUBBELL. In the act granting pensions; but since it has been reduced to \$1 it had been fixed each year in the appropriation

Mr. KEIFER. What was the reason for cutting it down from two dollars to one?

Mr. HUBBELL. Well, I was not in the Committee on Appropriations when it was cut down. The subject has been discussed somewhat, and the Commissioner of Pensions was asked whether this was

a sufficient allowance. His reply was that the service was equally as effective with the fee of \$1 as it was when we paid \$2.

Mr. KEIFER. The gentleman will allow me to say that I think that is very bad logic. I think, after the very appropriate remarks the gentleman has submitted in relation to the necessity of guarding against fraud and imposition upon the Pension Bureau, it would be well enough to pay these persons something commensurate with the value of the services performed.

well enough to pay these persons something commensurate with the value of the services performed.

Mr. HUBBELL. That matter can come in when we consider the bill by paragraphs. If the gentleman wishes, he can move an amendment, and can then get in his thunder.

Mr. Chairman, I ask unanimous consent that general debate be now closed, and the bill be read by paragraphs for amendment.

Mr. SPARKS. I presumed when I took the floor before that it was in my corn right.

in my own right.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. Hubbell] has not yet expired, if he wishes to make further use of it. Mr. Hubbell. I do not.

Mr. SPARKS. Then I understand the gentleman is now through.

Mr. SPARKS. Inen't inderstand the gentleman is now through.
Mr. HUBBELL. Yes, sir.
Mr. SPARKS. Mr. Chairman, in my remarks awhile ago, in regard
to the arrears-of-pension bill, I stated rather broadly that the bill
was introduced or put through the House by General Rice, then a
member from Ohio. I was interrupted at that point by both my colleague [Mr. FORT] and the gentleman from Kansas, [Mr. HASKELL,] they showing some disagreement as to the bill that was passed, my colleague insisting that it came from some member from Iowa, while the gentleman from Kansas

Mr. FORT. I beg to correct the gentleman. I was attempting to state that, as I understood, it was the bill originally drawn by the gentleman from Iowa that was put on its passage by the gentleman

from Kansas

Mr. SPARKS. Then let us accept that as the correct statement; and that bill was voted for by my colleague, by the gentleman from Kansas, by General Rice, and myself. I assume now, to end it, that there is no doubt about all that. In the statement that it was the bill of General Rice, it seems there is a mistake. But was it not substantially the bill of that gentleman?

In the Forty-fourth Congress the Committee on Invalid Pensions, of which General Rice was a member, if I remember aright, reported through him a bill, which passed this House, (then largely democratic,) substantially if not precisely the same as the bill which the gentle-

man from Kansas speaks of.

Mr. TOWNSHEND, of Illinois. Who originated that bill?

Mr. SPARKS. I do not remember; nor is it important in this con-

Mr. TOWNSHEND, of Illinois. It was originated by General

Mr. SPARKS. Now, in the Forty-fifth Congress, that committee, of which General Rice was then chairman, reported (and if I am correctly informed unanimously) the bill which the gentleman from Kansas now so severely criticises. I am informed that it was unanimously reported, the democrats and republicans of the committee joining in the report. The fact I do not myself pretend to know.

Mr. JOYCE. Does the gentleman from Illinois say that that

Mr. SPARKS. The Rice bill. Mr. JOYCE. Was agreed to by the committee unanimously?

Mr. SPARKS. I so understand it.

Mr. JOYCE. It was not.
Mr. SPARKS. Then that is a mistake, is it?
Mr. JOYCE. Yes, sir, I opposed the bill.
Mr. SPARKS. Then there was one member of the committee who

Mr. SPARKS. Then there was one member of the committee who opposed it, was there?

Mr. JOYCE. I was a member of the committee.

Mr. SPARKS. One member, then, of the committee opposed it; yet that committee, embracing as it did several republicans while the majority were democrats, with one dissenting voice only reported the bill which has been so severely criticised by the gentleman from Kansas. The gentleman is severe in his denunciation because, as he tells us, the bill contained a clause "proposing to give pensions to disloyal men." Does the gentleman want that to go to the country as an insinuation that the committee reported a bill to pension those who were known as rebels or confederates? He knows that the clause in were known as rebels or confederates? He knows that the clause in question was no such thing, but related simply to the old men who, having borne our flag gallantly on many of the battle-fields in the war with Great Britain of 1812, had been stricken from the rolls. And that the committee, headed by General Rice, with a number of republican members on it and all agreeing to it, (save one,) reported in that bill the provision to which he takes such serious exceptions, namely, that those old men, having done all they could to preserve the honor of the those old men, having done all they could to preserve the nonor of the country in a war with a foreign power and long past, where there was no disagreement between the members or sections of the Union, should be restored to the pension-roll. That is in fact the special point of objection made by the gentleman from Kansas. He in his extreme loyalty then demanded that those old veterans should be forever dishonored and go begging through life under the curse rather than the blessing of the Government they had fought to save because, forsooth, in an internecine strife they had gone with their sections into it. Now, such glory as that I am willing the gentleman from Kansas shall have and enjoy during his natural life and that it may be buried with him.

and enjoy during his natural life and that it may be buried with him. The gentleman speaks of that bill and the action of General Rice in reporting it as a "trap set to catch loyal men."

Now, sir, General Rice, who was a member of this House for four years, hobbled around here upon an artificial limb, having left one leg upon the battle-field while battling for the Union. We fail to see any battle-scars or hobbling impediments upon the loyal gentleman from Kansas; he has lost neither arm nor leg. I am not a colleague nor an authorized defender of General Rice; he was simply my acquaint-ance and friend; but, sir, I will put his loyalty and his patriotism (throwing in his wooden leg) against the loyalty and patriotism of the gentleman from Kansas.

Sir, have we not had enough of this clap-trap? Is it not about time for gentlemen on the other side to end it? Do they suppose the American people are going to sanction the monstrous idea that a man who risked his life battling for the Union, and left a part of himself upon the battle-field as a sacrifice to his convictions, ever could undertake "to set a trap to catch the loyal gentleman from Kansas?" I trow not. No, sir; the people understand this thing; they appreciate its meaning fully and detest it cordially.

The section referred to proposed in simple justice to restore to the pension-roll those old men whose heads then whitening for the grave had temporarily been stricken from it, and to restore to them the pensions which they had honorably earned in maintaining the honor and glory of our country upon the battle-field in a war long prior to, and having no earthly connection with, the late rebellion.

But, as I have already stated in my remarks, the other bill (whoever may have credit for it) was a mistake, for it failed to do justice

having no earthly connection with, the late rebellion.

But, as I have already stated in my remarks, the other bill (whoever may have credit for it) was a mistake, for it failed to do justice to the soldier. It made provision for emptying the Treasury, but it was in fact unequal, unfair, and unjust in its practical purport. And when it came to the Committee on Appropriations to make the appropriations to carry it into effect I had the honor, and am proud of it, to suggest and carry through in the appropriation bill, by "special legislation," if you please, the provision by way of amendment to that arrears act which equalizes these pensions, making them fair, just, and equitable to the pensioners, and satisfactory to them and, I trust, to the country.

Mr. McMAHON. Will the gentleman yield to me?

Mr. SPARKS. With pleasure.

Mr. McMAHON. Mr. Chairman, as the bill to which I referred did not become a law, and therefore is not incorporated in any publication, before I sit down I will have it read—the bill to which I referred in the inquiry which I made of my friend from Kansas, [Mr. Has-

in the inquiry which I made of my friend from Kansas, [Mr. Has-Kell.] The only question I put to the gentleman from Kansas was this: whether the bill which he passed under a suspension of the rules was not a copy of the bill which had been passed by General

Rice in the Forty-fourth Congress under suspension of the rules?

Mr. RYAN, of Kansas. Do you mean passed?

Mr. McMAHON. Yes, I mean passed; and it would have become a law, my friend, if the republican Senate had considered it with the same alacrity that the democratic House did. It was passed March 3, 1877.

Mr. HASKELL. I replied, or I might have replied—and I think I did—that I could not have told what was done in the Forty-fourth Congress. I had reference to the bill reported by this man Rice in

the Forty-fifth Congres

Mr. McMAHON. That will all do for a gentleman who is simply speaking about current history, but for one who claims a patent for an invention he must know what is in the Patent Office beside. [Laughter.]
Mr. HASKELL. I did not claim that patent. You are the ones

Mr. HASKELL. I did not claim that patent. You are the ones who claim the patent.

Mr. McMAHON. I stated awhile ago that in the Forty-fourth Congress General Rice, being then a member of the Committee on Invalid Pensions, reported a bill from that committee to this House which was put upon the Calendar and was passed by this democratic House and sent to the republican Senate, and there not considered. And it never did get consideration nor did get commendation from our republican friends till the agitation of this arrears question by the democratic side of the House had created a public sentiment in its favor. The gentlemen are always laggards, behind in the good cause till they find it gets to be popular.

Now, I hold in my hand, and I will have read, a copy of the original bill.

H. R. 2803.—[Report No. 293.]

H. R. 2803.—[Report No. 293.]

A bill to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall bereafter be granted, on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pension.

MARCH 22, 1876.—Read twice, committed to the Committee of the Whole House on the state of the Union, made a special order for April 5, 1876, to be continued from day to day until disposed of, and ordered to be printed.

Then, about the last six days of the session, according to my recollection, (and I must fall back on my recollection, because I have not had time to consult the documents,) General Rice got the floor without a dissenting voice, as I understand, and passed this bill under a

wo-thirds vote.

Mr. TOWNSHEND, of Illinois. Who originated that bill?

Mr. McMAHON. That I cannot tell the gentleman. But this I can say, having been a member of the Forty-fourth Congress, that

the argument which weighed most with this House was that of the distinguished and patriotic gentleman from Pennsylvania, Mr. Jenks. He advocated it as a measure which ought to be passed, and made a legal argument in its favor.

Mr. SAPP. Does the bill state who introduced it?
Mr. McMAHON. The bill states that Mr. Rice, from the Committee on Invalid Pensions, by unanimous consent, reported the bill as a substitute for the bills H. R. 316, 394, 463, and 1162.
Mr. SAPP. That is in substance the bill introduced by my former

colleagne from Iowa, Mr. Cummings.
Mr. THOMPSON, of Iowa. And a republican.
Mr. McMAHON. I do not wish to rob anybody.
Mr. HUBBELL. This seems to be leading to trouble.
Mr. McMAHON. I wish the record to get straight a little bit.

This bill, being reported to the Calendar, was passed. I do not wish to rob any man of the credit which may properly attach to him, and I did not expect to say anything about it except for the way in which my friend from Kansas excluded General Rice from any participation in or control over the passage of this bill. I think now he will withdraw the broad remark he made awhile ago, that there was nothing in his bill or the law which passed, nothing at all, to which the name of Rice would ever attach. I want, as a member of the Forty-fourth

of Rice would ever attach. I want, as a member of the Forty-loural Congress, to say this—

Mr. HASKELL. I hope the gentleman will do me the credit to quote me correctly. I stated that if he could find a copy of the bill which is now the statute providing for the payment of the arrears to which the name of Rice appears as anthor I would offer a suitable reward. I did not state that there was no line or portion of the law that might not have been found in some part of Mr. Rice's bill. It would perhaps have been impossible todraught an arrearages-of-pension bill which did not contain some portion of his bill. My statement was that it was not intended or known to be a copy of it or similar to it in any respect.

Mr. McMAHON. I have no objection to the gentleman making any qualification or statement that he chooses in order to set himself any qualification or statement that he chooses in order to set himself right upon the record. My impression is, and it is an impression that exists after the lapse of several years and without examination, that the committee reported and passed in the Forty-fourth Congress almost identically the bill which the gentleman from Iowa subsequently endeavored to pass under a suspension of the rules. I do not know that there is any better mode of setting the question at rest than by having the bill read, in order that the record may be set right in this matter. I therefore ask to have the Rice bill read, and thus it can be compared with the law as it stands, and whatever is right and proper can be understood by the parties.

The Clerk read as follows:

Forty-fourth Congress, first session.—H. R. No. 2803. [Printer's No., 2968.] IN THE HOUSE OF REPRESENTATIVES, March 22, 1876.

Read twice, committed to the Committee of the Whole House on the state of the Union, made a special order for April 5, 1876, to be continued from day to day until disposed of, and ordered to be printed.

Mr. Rice, from the Committee on Invalid Pensions, by unanimous consent, reported the following bill as a substitute for the bills H. R. Nos. 316, 394, 463, and 1162.

Mr. Rice, from the Committee on Invalid Pensions, by unanimous consent, reported the following bill as a substitute for the bills H. R. Nos. 316, 394, 463, and 1162. A bill to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted, on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all pensions which have been, or may hereafter be, granted in consequence of death occurring from a cause which originated in the service of the United States since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since said date, shall commence from the date of the death or discharge from the United States service of the person on whose account the claim has been, or shall hereafter be, granted, or from the termination of the right of the party having prior title to such pension: Provided, That applications for pensions growing out of the war of 1861 have been or shall hereafter be filed with the Commissioner of Pensions on or before the 1st day of January, 1880. In all other cases, unless the application shall be filed within five years from the accruing of the right, the pension spall commence from the date of the filing of the application: Provided further, That the limitation herein prescribed shall not apply to claims by or on behalf of insane persons or minor children of deceased soldiers.

Sec. 2. That immediately upon the passage of this act the Commissioner of Pensions to pay, or cause to be paid, to such pensioner shall have died, to the person or persons entitled to the same, all such arrears of pension under this act, and it shall be the further duty of the Commissioner of Pensions to pay, or cause to be paid, to

Mr. McMAHON. I think that bill was accompanied by a report. I wish to add to what I have said that as a member of the Forty-fourth Congress my recollection of this fact is that if anything was understood in that Congress it was that General Rice of all men in the House of Representatives was entitled to the credit of urging and pushing forward and passing the arrears-of-pension bill. And I want to say to the distinguished gentleman from Kansas that when he puts forward a claim for a patent upon that bill that a prior occupation of the ground was had at least two years in advance of his time.

Mr. HUBBELL. I now move that the committee rise for the purpose of closing general debate upon this bill.

Mr. KEIFER. Mr. Chairman, I would suggest, if nobody else wants to speak upon the subject, that the debate can be limited by consent [cries of "Vote!" "Vote!"] and debate begun under the five-minute

The CHAIRMAN. It is suggested by the gentleman from Ohio that general debate be closed upon this bill and that it be read by sections for debate under the five-minute rule. If there be no objection it

There was no objection; and it was ordered accordingly.

The Clerk read as follows:

For fees of examining surgeons, as provided by the several acts of Congress, \$250,000: Provided, That a fee of \$1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid.

Mr. KEIFER. I move to strike out, in line 29, the word "one," and insert in lieu thereof the word "two;" so that it will read, if adopted, a fee of \$2," &c.

Mr. HUBBELL. I make a point of order upon that amendment. I am directed by the Committee on Appropriations to make the point of order against it.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HUBBELL. I make the point of order for the reason that this amendment changes existing law and does not retrench expenditures, and also that it is new legislation. Ever since the original law was amended the fee has been \$1.

Mr. KEIFER. Mr. Chairman, if I understood the honorable gentheman aright in his answer a few moments ago, when I called his attention to this matter, he now makes a statement which is entirely the opposite of that. He then stated to us, and I thought he was right, that the law gave to each examining surgeon in these cases \$2; but that under this new-fangled method—that is the effect of what he said—of legislating upon appropriation bills, for a few years past, this has been ingrafted on the law and the fee thereby cut down

Is it not true that under existing law, without a provision in the appropriation bill and without a limiting clause in the bill, the allowance would be \$2? From year to year for a few years past we have been changing existing law on our appropriation bills, and in this case we have cut down the sum allowed examining surgeons to \$1. Now, if I understand the law aright, the amendment that I offer is not only in exact accordance with the existing law, but simply proposes to restore the law to what it was before this temporary change was made, and the point of order therefore ought to have been made was made, and the point of order therefore ought to have been made was made, and the point of order therefore ought to have been made that this, which in reality changes the law, is legislation on an appropriation bill. This provision in the bill, coming from this august Committee on Appropriations, is simply an undertaking to change existing law itself. My proposition is to restore the clause so that it will be entirely consistent with existing law. If the gentlemen on the Committee on Appropriations deem it possible that they can violate a rule by injecting into their bill or by undertaking to put into their bill a provision that changes existing law, I ought to be allowed by my metion at least to restore the law.

my metion at least to restore the law.

The CHAIRMAN. The Chair presumes, and it will not be controverted, that the appropriation made heretofore for the purpose of providing fees for surgeons in such cases has been at the rate of \$1 for each examination.

Mr. KEIFER. Will the Chair allow me to suggest that applied to the law regulating the distribution of the appropriations under that particular bill and for that fiscal year only, but it did not undertake

the charge existing laws permanently.

The CHAIRMAN. Be that as it may, the Chair is of opinion that the existing law provides that the fee shall be \$1. It will not be denied that for this year at least the law has been \$1. Then, if you hold that you do not repeal the present law, you will have the absurdity of two laws existing at the same time directly the reverse of each other, which is an impossibility. The Chair is of opinion that this is the existing law, and therefore that the point of order is well

Mr. KEIFER. Do I understand the Chair to say that if the law was modified for but one year, not by repealing the act, but modified simply for that year, that it would change it forever? I believe it is conceded that recent appropriation bills of like character to this have only undertaken to amend that law pro tanto in this respect, and for the fiscal year appropriated for only. But in the absence of any other legislation on the subject the old law would operate again. The existing law for the coming fiscal year, for which we are now appropriating, would be \$2.

Mr. HISCOCK. I believe it is entirely right the House should have had a chance to express an opinion on this question. There-

fore, I would suggest to the gentleman from Ohio that he modify his

motion and move to strike out the proviso.

Mr. KEIFER. That I intend to do.

Mr. HISCOCK. And then certainly he will not be subject to the

The CHAIRMAN. The fee of \$1 is existing law. It is existing law for a time at least, and being existing law, the gentleman's amendment seeking to change it and to increase the expenditure is not in the line of retrenchment Therefore the Chair is of opinion that the point of order is well taken.

Mr. KEIFER. I will not appeal from the decision of the Chair, although I am inclined to think that my amendment does not change existing law for the year for which this bill proposes to make appropriation. But the point of order having been sustained, I move to strike out the proviso beginning on line 29, as follows:

Provided, That a fee of \$1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law

shall be paid.

shall be paid.

The object of my motion will be quite apparent to the committee. It is to get rid of the legislation proposed in this appropriation bill on the subject of regulating the fee to be paid to an examining surgeon for the examination of pensioners. I understand, and I believe it to be conceded all around, that in the absence of such a limitation as is found in this bill the fee of an examining surgeon, under existing law, would be \$2. The last clause in the proviso that is proposed to be stricken out is simply in the nature of an exception in favor of paying the sum of \$2 when there is an examination made of a pensioner by a board of surgeons. The proviso says that in such a case the fees now allowed by law shall be paid. So that if the committee and the House should decide to strike out all that I have called attention to and that is included within my motion, the law would operate and the sum of \$2 would be paid, under the law as it now stands, to examining surgeons. as it now stands, to examining surgeons.

Mr. HUBBELL. As I understand, there is no general law as to

Mr. KEIFER. Gentlemen all around me say there is. And there is certainly a presumption there is a general law when we find the

Mr. KEIFER. Gentlemen all around me say there is. And there is certainly a presumption there is a general law when we find the Appropriations Committee undertaking to do something in limitation of that general law. It is a very late day, it is true, to undertake to talk about legislation upon appropriation bills; but I may be permitted to say again that it is exceedingly unsatisfactory, not only to members of the House, but to the country. We have to get along with these appropriation bills rapidly. We are expected to appropriate the necessary money to carry on the different departments of the Government and to pay for the important services that are to be paid for by appropriations; and we very often find that in the appropriation bills we have struck out many provisions of law that are very wise for the country.

[Here the hammer fell.]

Mr. SAPP obtained the floor, and yielded his time to Mr. Keifer.

Mr. Keifer. I am very much obliged to the gentleman from Iowa.

Now, a word as to the merits of this. In the first place, it is but simple justice to pay a skilled surgeon or physician what his services are worth. I need not add anything more than that. All over this country, when you employ a good surgeon or physician to do so important a thing as to examine the man who claims to be suffering from wounds or diseases contracted in the service of the United States, it will be agreed that \$1 is too small a sum. For my part, I think the general judgment of the country would say that \$2 was too low a fee for such a service. The corporations that are called upon to employ physicians to make examinations in reference to life insurance I think in every case pay at least \$3 for a single examination, and in many cases? B. But that is immarkerial. It is but inst that a ance I think in every case pay at least \$3 for a single examination, and in many cases \$5. But that is immaterial. It is but just that a physician who is fit to be selected for this duty should be paid what it is worth.

it is worth.

Without any reflection upon the physicians who accept this duty, I believe it is better for the Government to pay what the service is worth; it is in the line of economy to do it; and it will at least be some incentive to the physician to do his work well, and will protect the Government also against any mistakes or errors of his, and in some degree, however slight, will avert that great danger to which the distinguished gentleman from Michigan says we are constantly exposed in the matter of appropriations. I do not quite agree with that gentleman in the methods he would adopt to ferret out what he calls suspected cases of fraud. If we employ a good Commissioner of Pensions, if we employ good clerks, if we employ the best physicians of the land, and pay them, we are very likely to getrid of much of what the gentleman denominates and classifies generally as frauds upon the Government.

upon the Government.

Now, I think it would be a wise thing to take the judgment of a Congress that has passed upon this question deliberately, not in an appropriation bill, but in a law, and that re-enacted that law in the Revised Statutes of the United States, and pay at least something that approximates the real value of this important service to the

Mr. HUBBELL. I want to say one word about this matter. I have personally no desire to beat the proposition of the gentleman from Ohio. I care but little about it. I wish, however, to make this remark in reply to the gentleman when he says the employing of these physicians and paying them what he terms a fair fee for their service will prevent fraud. Does he not know that in the majority of cases

where frauds are perpetrated on the Treasury there is no surgical examination required?

Mr. KEIFER. I do not know anything of the kind.

Mr. HUBBELL. If the gentleman will study up this subject he will find the frauds occurred in cases where widows were applying for pensions or where children were applying for pensions on account of deceased husbands or fathers; and of course in those cases there is no surgical examination.

Mr. RYAN, of Kansas. Does it not occur with regard to determining the degree of disability?

Mr. KEIFER. It always occurs there.

Mr. BLOUNT. We appropriate here the estimate for this service, \$250,000. Why should we double it? There was no suggestion from the Commissioner of Pensions to the committee that we should. The opinion of the Commissioner, as stated by the gentleman in charge of this bill, is that there will be no benefit to the service by increasing the fee; and that is the opinion after an experience of several years

with the present fee. It is not a matter of fee alone. It should be considered it is an advertising of the physician also.

Having no information from the officer who is expected to make suggestions to the House on this subject, and who is understood to be in favor of allowing it to remain as it is, I cannot see why we should make this change, and I hope the Committee of the Whole will not do it.

Mr. ANDERSON. I desire to say that this matter of advertising the surgeon has two sides to it; and while the idea may have some weight with the gentleman from Georgia, [Mr. Blount,] yet he should remember that the claimant who applies to the surgeon for examination and is reported against will invariably attack the surgeon. He will find that the fact is that this office is one of the most vexatious that a surgeon can hold. At least it is so in the community where I live.

The Department requires that if possible an examining surgeon shall have been an Army surgeon. Now, a man who was an Army surgeon is likely at the end of fifteen years to have become a prominent practitioner. And it is proposed to ask from him, for \$1, an amount of work and time which a life-insurance company will pay him from three to five dollars for. The result is that the very small-ress of this fee is endangering the applicant of the work performed.

him from three to five dollars for. The result is that the very smallness of this fee is endangering the quality of the work performed. I have heard a great deal about this matter from these examining surgeons, and I have no hesitation in saying, in the first place, that for the Government of the United States to pay the magnificent, grand, and gorgeous fee of \$1 for this kind of work is altogether too small a thing for this Congress to attempt to perpetuate; and, in the second place, that in just this way you are opening one of the gates for such fraud upon the Government as the gentleman from Michigan [Mr. Hubbell] has indicated. It is a gate in the fence.

Now, let me say, with all due respect for the Committee on Appropriations, whose members I love personally, yet who collectively I would like to see a little broader in their views, the idea of continuing this fee at \$1 is utterly preposterous, and I hope very much that it will be put up to three, four, or five dollars—at least to the amount provided in the Revised Statutes.

Mr. ROBINSON. I do not desire to speak upon the merits of the

Mr. ROBINSON. I do not desire to speak upon the merits of the pending proposition, but I wish to suggest to the gentleman from Ohio [Mr. KEIFER] that he should consider what is the law now, for there is great doubt about his accomplishing with his amendment what he wishes.

Section 4777 of the Revised Statutes provides for a two-dollar fee for examination in pension cases. If the motion of the gentleman to strike out the proviso in the pending bill shall prevail, it may be he will find that he falls back on the law of last year, which contains precisely the same proviso that is contained in this bill; I refer to the last pension appropriation bill:

Provided, That a fee of \$1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, &c.

Now, I suggest to the gentleman whether that is not a general provision, going to a modification of section 4777 of the Revised Statutes, and whether, if this proviso is stricken out of this bill, it will not be held that we go back to the last pension appropriation bill which has the same proviso in it, not special in terms, not confined to that appropriation bill whether the same provision is the confined to that appropriation bill when the same provision is the same provision. priation bill, not confined to the expenditure of that identical appropriation at all, but is made to apply to examinations "provided by law." If so, then the gentleman will accomplish nothing by his amendment. I do not refer to the merits of his proposition at all,

amendment. I do not refer to the merits of his proposition at all, Mr. KEIFER. I do not know but possibly there is something in the point made by the gentleman from Massachusetts, [Mr. Robinson,] though I am inclined to think there is not. I am obliged to him, however, for making the suggestion. I think the clause he has read from the last pension appropriation bill has reference to the payments for examinations of pensioners under that act.

Now let me submit a slight evidence at least in favor of that position. It is that our Committee on Appropriations in preparing this bill gave interpretation to their bill of last year and came to the conclusion that in order to prevent the operation of section 4777 of the Revised Statutes, which allows the payment of \$2 for each examination, it was necessary to repeat this clause in this appropriation bill. If I am not mistaken, then under the law of last year, by a provision put into an appropriation bill—I will not say stolen into it—with the understanding that it applied only to the then coming fiscal year, gentlemen have accomplished a repeal of a general law. I do not think they intended to do that, and I do not think they did do it. I think if my motion to strike out this provise shall prevail we will go back to the general law found in section 4777 of the Revised Statutes.

Before I close I desire to say one word in response to the argument, if I may so call it, which came from the gentleman from Georgia [Mr. BLOUNT] has tends the time to fully I, 1882. It makes no change in the gentlems the time to fully I, 1882. It makes no change in the set med sthe time to fully I, 1882. It makes no change is the time to the point of order that this amendment changes existing law, the Chair berefore of chair the time to the point of order that this amendment changes existing law, the chair berefore of opinions. Therefore I think it in not subject to the point of order that this amendment changes existing law, while it does not retrench expenditures. If the time be extending the

BLOUNT] in favor of economy. As I understood it, amid the confusion around me, the gentleman was under the impression that distinguished physicians of the country ought to perform this work for less than it was worth because it might be an advertisement for them.

Now, I wonder if we here work on any such principle? I wonder if the gentleman himself takes his seat in Congress, draws his pay of \$5,000 a year, and his mileage for coming here and returning, on the theory that his services are worth a vast deal more than that amount,

theory that his services are worth a vast deal more than that amount, but that the rest is paid him by a mere advertisement to the people of the country and to the world?

The humble physician in a remote village, wherever he may be, is to be annoyed by pensioners and called upon to perform a great and valuable service to the country merely as an advertisement! Sir, the people in my portion of the country do not accept such an advertisement. I am told by gentlemen around me that in the principal towns on the frontiers of Kansas, Nebraska, and other States physicians cannot possibly be found who will, for the miserable sum of \$1, make this examination; and the poor pensioner is obliged in many instances to travel scores of miles to find some man who is willing to perform this service for the pitiable sum of \$1.

Instances to travel scores or miles to find some man who is willing to perform this service for the pitiable sum of \$1.

Now, if we are to protect the Government as we should protect it, we should employ the best men for the purpose and pay them for their services; we should secure the best skill of the country and pay for it as individuals are willing to pay for it and as large corporations

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio, [Mr. KEIFER.]

Mr. SPARKS. Has not a point of order been raised on that amend-

The CHAIRMAN. No point of order has been made upon it.

Mr. KEIFER. None can be made. Mr. SPARKS. Of course none can be made now.

Mr. SPARKS. Of course none can be made now.

The question being taken on agreeing to the amendment, there were—ayes 62, noes 62.

Mr. KEIFER. I call for tellers.

No quorum having voted, tellers were ordered; and Mr. KEIFER and Mr. Hubbell were appointed.

The committee divided; and the tellers reported—ayes 80, noes 74. So the amendment was agreed to.

Mr. BLOUNT. I shall ask a separate vote on this amendment in the House.

the House.

Mr. KEIFER. You are entitled to that without giving notice.
Mr. BLOUNT. I know we are.
Mr. RANDALL, (the Speaker.) We will fix the responsibility by vote in the House.

Mr. COFFROTH. I move to amend by adding as a new section

what I send to the desk

The Clerk read as follows:

The Clerk read as follows:

SEC. 2. All pensions which have been or which may hereafter be granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, if the disability occurred prior to discharge; and if such disability occurred after the discharge, then from the date of actual disability, or from the termination of the right of party having prior title to such pension: Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1882, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

Mr. BLOUNT. I make the point of order that the amendment

Mr. BLOUNT. I make the point of order that the amendment

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. COFFROTH] desire to be heard on the point of order?

Mr. COFFROTH. Yes, sir. Mr. Chairman, the provision I have submitted is identical in its terms with the act approved in 1879 and

submitted is identical in its terms with the act approved in 1879 and known as the arrears-of-pension act; there is no change except in the date. By the act of 1879, pensioners filing applications after July 1, 1880, are not entitled to arrears. This amendment simply extends the time to July 1, 1882. It makes no change in the pension laws in any respect except extending the time for filing these applications. Therefore I think it is not subject to the point of order. The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] has made the point of order that this amendment changes existing law, while it does not retrench expenditures, and is therefore obnoxious to the rule. The existing law, the Chair begs leave to state, limits the time within which those applying for pensions shall be entitled to arrears. If the time be extended within which arrears will follow the granting of pensions, there would be necessarily an increase of expenditures. The Chair is therefore of opinion that the amendment not only does not retrench expenditures, but changes existing law as

answer the numerous inquiries from such claimants that there was no money for that purpose. Now, if this matter has not been provided for, I trust the committee will make the needed provision for this year and provide in the deficiency bill what is due in a matter so important to a class having the very highest claim on justice.

Mr. HUBBELL. In reply to that question I beg to inform the gentleman that no estimate of any disbursement for such purpose ever came before the committee. No one representing the Pension Office ever recommended any such appropriation, and without such recommendation of course the committee, in preparing a bill making appropriations for pensions for the next fiscal year, would not undertake to embrace that subject. It never came in an appropriation bill, as I understand.

as I understand.

Mr. UPDEGRAFF, of Ohio. Will your deficiency appropriation

Mr. HUBBELL. It does not belong in this bill. It can come in in some other way. I move that the committee rise and report the bill to the House.

Mr. HISCOCK. Before that is done I desire to put an inquiry to the gentleman in charge of the bill. In view of the action of the majority of the Committee of the Whole striking out the proviso limititing the fee of examining surgeon to \$1, is it not necessary that there should be some amendment increasing the appropriation of \$250,000 for such fees? Without some such amendment will there not be a deficiency created?

deficiency created?

Mr. HUBBELL. If this provise should be struck out and the old law is regarded as being in force, \$500,000 instead of \$250,000 would be required for this purpose. If it be held that the fee is \$1, then the appropriation in the bill is ample. I do not propose now to offer any amendment increasing the appropriation. If it should be held that the legal fee is \$2, provision can be made as a deficiency.

Mr. WARNER. Before the committee rises I wish to suggest an amendment to the gentleman in charge of the bill. I understand from him that this bill does include arrears for 1882. I submit, therefore, that in line 9, after the word "relatives," the words "including arrears" should be inserted. I think there will be no objection to this amendment.

Mr. BLOUNT and others. That is right.
Mr. HUBBELL. I assent to that amendment.
The CHAIRMAN. If there be no objection the amendment suggested by the gentleman from Ohio [Mr. WARNER] will be regarded as adopted.

There was no objection.

Mr. HUBBELL moved that the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMillin reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and had directed him to report the same back to the House with sundry amendments.

Mr. HUBBELL demanded the previous question on the bill and amendments.

amendments.

The previous question was seconded and the main question ordered to be now put.

The first amendment was read, as follows:

In line 9, after "relatives," insert "including arrears."

The amendment was agreed to.

The second amendment was read as follows:

In line 29 strike out the following proviso:

"Provided, That a fee of \$1, and no more, shall be paid to the examining surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid."

Mr. KEIFER demanded the yeas and nays.
The yeas and nays were ordered.
The question was taken; and it was decided in the affirmativeyeas 99, nays 91, not voting 101; as follows:

	X.F	AS-99.	
Aldrich, N. W. Aldrich, William Anderson, Bailey, Belford, Beltzhoover, Blake, Bowman, Boyd, Brewer, Briggs, Brigham, Browne, Burrows, Butterworth, Cannon, Carpenter, Chittenden, Claffin, Conger, Cowgill,	Deering, Dick, Dunnell, Dwight, Einstein, Ellis, Errett, Evins, Felton, Ferdon, Field, Fisher, Frye, Gillette, Godshalk, Hall, Hammond, John Harmer, Harris, Benj. W. Haskell, Hawk,	Humphrey, Johnston, Jones, Joyce, Keifer, Killinger, Lindsey, Loring, Marsh, Mason, McCoid, McCook, McKinley, Miller, Mitchell, Monroe, Neal, Norcross, O'Reilly, Orth,	Price, Reed, Rice, Richardson, D. P. Sapp, Shallenberger, Sherwin, Speer, Stone, Taylor, Ezra B. Thompson, W. G. Tillman, Tyler, Updegraff, J. T. Updegraff, Thomas Urner, Van Aernam, Voorhis, Washburn, Weaver, Williams, C. G.
Cowgill, Crapo,		Osmer, Overton,	Williams, C. G. Willits,
Daggett, Davis, George R. Davis, Horace	Heilman, Henderson, Horr.	Page, Pound, Prescott,	Wood, Walter A. Youum.

	N.A	XS-91.	
Acklen, Armfield, Armfield, Atherton, Bachman, Beale, Bicknell, Blackburn, Bland, Blount, Bouck, Bright, Buckner, Cabell, Caldwell, Caldwell, Colfroth, Coffroth, Covert, Cravens, Davis, Joseph J. De La Matyr, Deuster,	Dibrell, Finley, Forney, Fort. Geddes, Goode, Gunter, Hammond, N. J. Harris, John T. Hatch, Henkle, Herbert, Herndon, Hossetler, House, Hull, Hunton, Kenna, Kimmel, Klotz, Ladd, Le Fevre, Manning,	Martin, Benj. F. Martin, Edward L. McMahon, McMillin, Mills, Money, Myers, New, Nicholls, O'Connor, Phelps, Philips, Philips, Phister, Poehler, Reagan, Richmond, Ross, Rothwell, Samford, Sawyer, Scales, Scoville, Simonton,	Singleton, O. R. Slemons, Smith, A. Herr Sparks, Springer, Steele, Stevenson, Talbott, Taylor, Robert L. Thompson, P. B. Townshend, R. W. Turner, Oscar Turner, Thomas Upson, Vance, Warner, Wellbotn, Whitthorne, Williams, Thomas Willis, Wilson, Wise.
	The same of the sa	and the second	

	NOT VO	TING-101.	
Aiken, Atkins,	Davis, Lowndes H. Dickey,	Lapham, Lounsbery,	Ryon, John W. Shelley,
Baker,	Dunn,	Lowe,	Singleton, J. W.
Ballou,	Elam,	Martin, Joseph J.	Smith, Hezekiah B.
Barber,	Ewing,	McGowan,	Smith, William E.
Barlow,	Ford,	McKenzie,	Starin,
Bayne,	Forsythe,	McLane.	Stephens,
Berry,	Frost,	Miles,	Thomas,
Bingham.	Gibson,	Morrison,	Townsend, Amos
Bliss,	Hawley,	Morse,	Tucker.
Bragg.	Hazelton,	Morton,	Valentine.
Calkins,	Henry,	Muldrow,	Van Voorhis.
Camp,	Hill,	Muller.	Waddill,
Carlisle.	Hiscock,	Murch.	Wait,
Caswell.	Hooker,	Newberry,	Ward,
Clardy,	Houk.	O'Brien,	Wells,
Clark, Alvah A.	Hubbell,	O'Neill,	White,
Clark, John B.	Hurd,	Pacheco,	Whiteaker.
Clements,	Hutchins,	Persons.	Wilber,
Clymer,	James,	Richardson, J. S.	Wood, Fernando
Converse,	Jorgensen,	Robertson,	Wright,
Cook,	Kelley,	Robeson,	Young, Casey
Cox.	Ketcham,	Rebinson,	Young, Thomas L.
Crowley,	King,	Russell, Daniel L.	Toung, Thomas Lit
Culberson,	Kitchin,	Russell, Wm. A.	
Davidson,	Knott,	Ryan, Thomas	The state of the s

So the amendment was agreed to.

During the roll-call the following additional pairs were read from the Clerk's desk:

Mr. HISCOCK with Mr. CLYMER. Mr. HISCOCK would vote "ay" and Mr. CLYMER "no.

Mr. ROBINSON with Mr. KNOTT, for to-day.

Mr. Young, of Ohio, with Mr. HILL, generally on all questions. Mr. Muldrow with Mr. Calkins. Mr. Shelley, detained from the House by sickness, with Mr. Wait,

Mr. BARBER with Mr. CULBERSON, on all questions till 7th of January, 1881.

uary, 1881.

Mr. Atkins with Mr. Baker, for this day.

Mr. Bingham, being indisposed, with Mr. Singleton, of Illinois.

Mr. Thomas with Mr. Clements.

Mr. Ryan, of Kansas, with Mr. Converse.

Mr. Van Voorhis with Mr. Lounsbery, till further notice.

Mr. Richardson, of South Carolina, with Mr. Forsythe, on and after Thursday, 23d of December, till further notice, on all questions except the Reagan bill.

Mr. Cox with Mr. Morton.

Mr. Cox with Mr. Morton.
Mr. Aiken with Mr. Ward, on this vote. Mr. Ward would vote "ay" and Mr. Aiken "no."

Mr. TOWNSEND, of Ohio, on all political questions, with Mr. McLane,

Mr. BAYNE, with Mr. CLARK, of Missouri, till January 2, 1881.
The vote was then announced as above recorded.
Mr. KEIFER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question now recurs on the passage of the bill, which under the rules must be taken by yeas and nays.

The question was taken; and there were—yeas 170, nay 1, net voting 120; as follows:

	Y	EAS-170.	
Acklen, Aldrich, William Anderson, Atherton, Bailey, Belford, Beltzhoover, Bicknell, Blackburn, Blake, Bland, Blount, Bonck.	Boyd, Brewer, Briggs, Brigham, Browne, Buckner, Burrows, Butterworth, Caldwell, Cannon, Carpenter, Chalmers, Chittenden,	Cobb, Coffroth, Colerick, Conger, Converse, Cook, Covert, Cowgill, Crapo, Daggett, Davis, George R. Davis, Horace Deering.	Dibrell, Dunn, Dunnell, Dwight, Einstein Ellis, Errett, Evins, Felton, Ferdon, Field, Finley, Fisher.
Bowman,	Claffin,	Deuster,	Forney,

Fort,	Killinger,	Phelps,	Thompson, P. B.
Geddes,	Klotz,	Phister,	Thompson, W. G.
Gillette,	Ladd,	Poehler,	Tillman,
Godshalk,	Lindsey,	Pound,	Townsend, Amos
Goode,	Loring,	Prescott,	Townshend, R. W.
Gunter,	Lounsbery,	Price,	Tucker,
Hall.	Lowe,	Reed,	Turner, Thomas
Hammond, John	Manning,	Rice,	Tyler,
Hammond, N. J.	Marsh,	Richardson, D. P.	Updegraff, J. T.
Harmer,	Martin, Edward L.	Richmond,	Updegraff, Thoma
Harris, Benj. W.	Mason,	Ross,	Upson,
Harris, John T.	McCoid.	Rothwell,	Urner,
Haskell,	McCook,	Russell, W. A.	Van Aernam,
Hatch,	McKinley,	Sapp,	Vance,
Hawk,	McMahon,	Sawyer,	Voorhis,
Hayes,	McMillin,	Scales,	Ward,
Heilman,	Miller,	Scoville,	Warner,
Henderson,	Monroe,	Shallenberger,	Washburn,
Henry,	Morse,	Sherwin,	Weaver.
Hooker,	Myers,	Simonton,	Williams, C. G.
Hostetler,	New,	Smith, A. Herr	Williams, Thomas
House,	Nicholls,	Sparks,	Willis,
Humphrey,	Norcross,	Speer,	Willits,
Hunton,	O'Connor,	Springer,	Wilson,
Johnston,	O'Reilly,	Stevenson,	Wise,
Jones,	Orth,	Stone,	Wood, Walter A.
Joyce,	Osmer,	Talbott,	Yocum.
Keifer,	Overton.	Taylor, Ezra B.	
Kenna,	Page,	Taylor, Robert L.	

Martin, Benj. F.

NOT VOTING-120.

		221.0	122727
Aiken,	Davidson,	Kimmel,	Robinson,
Aldrich, N. W.	Davis, Joseph J.	King,	Russell, Daniel L.
Armfield,	Davis, Lowndes H.		Ryan, Thomas
Atkins,	De La Matyr,	Knott,	Ryon, John W.
Bachman,	Dick,	Lapham,	Samford,
Baker,	Dickey,	Le Fevre,	Shelley,
Ballou,	Elam,	Martin, Joseph J.	Singleton, J. W.
Barber,	Ewing,	McGowan,	Singleton, O. R.
Barlow,	Ford,	McKenzie,	Slemons,
Bayne,	Forsythe,	McLane.	Smith, Hezekiah B.
Beale,	Frost,	Miles,	Smith, William E.
Berry,	Frye,	Mills,	Starin,
Bingham,	Gibson,	Mitchell,	Steele,
Bliss,	Hawley,	Money,	Stephens,
Bragg,	Hazelton,	Morrison,	Thomas,
Bright,	Henkle,	Morton,	Turner, Oscar
Cabell,	Herbert,	Muldrow,	Valentine.
Calkins.	Herndon,	Muller,	Van Voorhis,
Camp,	Hill.	Murch,	Waddill,
Carlisle,	Hiscock.	Neal.	Wait,
Caswell,	Horr,	Newberry,	Wellborn.
Clardy,	Houk,	O'Brien.	Wells,
Clark, Alvah A.	Hubbell,	O'Neill,	White,
Clark, John B.	Hull,	Pacheco,	Whiteaker.
Clements,	Hurd,	Persons.	Whitthorne,
Clymer,	Hutchins,	Philips,	Wilber.
Cox,	James,	Reagan,	Wood, Fernando
Cravens,	Jorgensen,	Richardson, J. S.	Wright,
Crowley,	Kelley,	Robertson,	Young, Casey
Culberson,	Ketcham.	Robeson,	Young, Thomas L.
Curberson,	Accomani,	Tropesori	Toung, Thomas D.

So the bill was passed.
The following additional pairs were announced:
Mr. NEAL, of Ohio, with Mr. SAMFORD.
Mr. PHILIPS, of Missouri, with Mr. BRIGHT, on the pension appro-

The result of the vote was then announced as above recorded.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolu-tion (H. R. No. 338) directing one copy of Congressional Record to be sent to each of our legations abroad; when the Speaker signed

WILLIAM H. TURLEY.

Mr. DIBRELL, by unanimous consent, introduced a bill (H. R. No. 6621) for the relief of William H. Turley, in the case of the illegal seizure of the steamer T. D. Hine; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BYRON C. PIERCE.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 6622) granting a pension to Byron C. Pierce, late a private in Company F, Twenty-fourth Michigan Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. MARTIN, of West Virginia. I ask unanimous consent, Mr. Speaker, to have printed in the RECORD for reference to the Committee on Pacific Railroad a resolution of inquiry in relation to the Northern Pacific Railroad.

There was no objection, and it was ordered accordingly. The resolution is as follows:

Whereas it is alleged that the Northern Pacific Railroad Company, to which a very large grant of the public domain was given—such grant being conditioned that said company should completely build, equip, construct, and furnish its line of road on or before the 4th day of July, 1880—and that said company has utterly failed to build and construct more than one-fifth of its line, said excess of unearned land grant being now subject to forfeiture, has, in violation of its charter and in prejudice of the interest of the people of the United States, mortgaged to certain parties all of its land grant, both earned and unearned; and

Whereas it is further currently alleged that the Atlantic and Pacific Railroad Company, a corporation which also received a land grant from the Government conditioned upon the construction and equipment of its line of road, the time for such construction having expired and lapsed, and said Atlantic and Pacific Railroad Company having utterly failed to earn any portion of said land grant by construction; and

Whereas, notwithstanding said failure, said company, as it is alleged, has sold or pretended to sell said unearned land grant in prejudice of the rights of the people of the United States: Now, therefore,

Be it resolved, That the Committee on the Pacific Railroads be instructed forthwith to inquire into said alleged mortgage and sale of their unearned land grants by the Northern Pacific and the Atlantic and Pacific Railroad Companies, with full power to send for persons and papers, and to report to this House in full in regard to said matters, and what legislation is necessary to preserve the interests of the people of the United States.

HONORS TO GENERAL GRANT.

HONORS TO GENERAL GRANT.

Mr. FORT. Mr. Speaker, I move that the House take a recess for ten minutes, in order that members may be enabled to pay their respects and tender their greetings to ex-President Grant, who is present upon the floor.

The motion was agreed to; and accordingly (at three o'clock and forty-three minutes p. m.) the House took a recess for ten minutes.

AFTER THE RECESS.

The House reassembled at three o'clock and fifty-three minutes, p.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate insisted on its amendment, disagreed to by the House, to the bill (H. R. No. 2658) to regulate the award of and compensation for advertising in the District of Columbia, had agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate Mr. Whyte, Mr. Ransom, and Mr. Anthony. The message further announced that the Senate had passed a bill of the following title; in which the concurrence of the House was

requested:

An act (S. No. 1493) to regulate the use and prevent the waste of Potomac water in the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows: To Mr. FRYE, for ten days, on account of serious illness in his fam-

To Mr. Cowgill, from and after Monday the 20th instant until the 5th of January next, on account of important business;
To Mr. Forsythe, until the 5th of January;
To Mr. Bayne, indefinitely, on account of important business; and
To Mr. Hayes, until after the holidays.

AMENDMENT OF REFUNDING BILL.

Mr. BLAND. Mr. Speaker, I desire to offer an amendment to the bill of the House No. 4592, and ask that it be printed in the RECORD and be considered as pending.

There being no objection, it was ordered accordingly.

The amendment is as follows:

Strike out all after enacting clause and insert as follows:

"That of the coin now in the Treasury the sum of \$100,000,000 is hereby appropriated for the payment of the interest-bearing debt of the United States due in the years 1880 and 1831: And it is further provided, That the sum of \$100,000,000 of revenues not otherwise appropriated be, and the same is hereby, appropriated for the purposes aforesaid: It is further provided, That the Secretary of the Treasury shall cause to be coined the maximum amount of silver bullion into standard silver dollars in the manner now authorized by law, and shall pay out such dollars in the redemption of the public debt hereinbefore mentioned monthly, and the particular bonds to be redeemed from time to time in pursuance to this act shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe.

scribe.
"SEC. 2. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States, be, and they are hereby, repealed."

ORDER OF BUSINESS.

Mr. COFFROTH. I move that the House do now adjourn. The motion was agreed to; and accordingly (at three o'clock and fifty-eight minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorial, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of employés in military prison at Leavenworth, Kansas, for the payment of wages due them—to the Committee on Military Affairs.

By Mr. BAYNE: Resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring a national inspection service—to the Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States.

By Mr. BOWMAN: The petition of Boston Manufacturing Company and others, of Massachusetts, for the early enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BUCKNER: A bill to provide for the improvement of Cuerne River, in the State of Missouri—to the Committee on Commerce.

By Mr. GEORGE Q. CANNON: Memorial of the officers of the twenty-second Legislative Assembly of the Territory of Utah, for an appropriation to pay them for their services—to the Committee on Appropriations.

By Mr. CHALMERS: A bill to improve the harbor at Vicksburgh and Grand Gulf, Mississippi—to the Committee on Commerce.

By Mr. COFFROTH: The petition of Samuel Mowery, for increase of pension—to the Committee on Invalid Pensions.

By Mr. GEORGE R. DAVIS: The petition of S. M. Nickerson, H. F. Eames, and other business firms and bankers of Chicago, Illinois, for the establishment of a branch United States mint at Chicago, Illinois—to the Committee on Coinage, Weights, and Measures.

By Mr. N. J. HAMMOND: The petition of citizens of Georgia, for a post-route from Doraville to Oak Grove or J. J. Cook's residence in Enlton County, Georgia—to the Committee on the Post-Office and

Fulton County, Georgia-to the Committee on the Post-Office and

Post-Roads

By Mr. HISCOCK: The petitions of Abijah Shaver and 36 others, of Williamstown, and of George M. Shears and 49 others, of Wilson, New York, that soldiers of the late war discharged for disease be granted the same bounty as those discharged on ac count of wounds—to the Committee on Military Affairs.

Also, the petition of Nathaniel Carver and Warner L. Nelson, of Holly, New York, of similar import—to the same committee.

By Mr. O'CONNOR: A bill making an appropriation for the improvement of the Ashley River—to the Committee on Commerce.

Also, a bill making an appropriation for the deepening, widening, and improving of Wappoo Cut, emptying into Charleston Harbor—to the same committee. By Mr. HISCOCK: The petitions of Abijah Shaver and 36 others, of

the same committee.

By Mr. SIMONTON: The petition of Ray & Smith and other citizens of Alabama and Tennessee, to be refunded certain taxes paid by them upon bagging and rope upon which the tax had already been paid-to the Committee on Claims.

IN SENATE.

FRIDAY, December 17, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication of the Chief of Engineers, containing report of survey, under the provisions of the river and harbor act of June 14, 1880, for improving the bayou south of Milwaukee Harbor for additional purposes of a harbor of refuge; which

was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with copies of reports from Major John M. Wilson, Corps of Engineers, relating to surveys and examinations, under the river and harbor act of June 14, 1880, of Sandusky River, near Fremont, Ohio; of Chagrin River, Ohio; of Toledo Harbor, Ohio; of Maumee River, Ohio, from Perrysburgh to the city of Toledo; and of Saint Mary's River, from the town of Saint Mary's to its mouth, Ohio; which was referred to the Com-

mittee on Commerce. mittee on Commerce.

He also laid before the Senate a letter from the Secretary of War, transmitting a letter of the Chief of Engineers containing a report of examinations and surveys made, under the river and harbor act of June 14, 1880, of the bars at the entrance of Annapolis Harbor, Maryland; of Chester River, between Kirby's and Spry's Landings, and of water passage between Deal's Island and Little Deal's Island, Maryland; which was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the memorial of C. A. Hand, Stewart L. Woodford, and John S. McCook, a committee of the bar association of New York City, praying that the salaries of the United States circuit and district judges in the State of New York be increased; which was referred to the Committee on the Judiciary.

He also presented the petition of A. V. V. Dodge, of Albany, New York, praying for the extension of a patent granted Hezekiah Dodge for an improvement in presses; which was referred to the Committee on Patents.

Mr. DAWES presented the patition of the W.

Mr. DAWES presented the petition of the Woman's Christian Temperance Union of the District of Columbia, praying for the enactment of a law prohibiting the sale of intoxicating liquors in the District; which was referred to the Committee on the District of

REPORTS OF COMMITTEES.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the subtreasury building in the city of New York, reported it without amend-

ment.

Mr. MORRILL, from the Committee on Public Buildings and
Grounds, to whom was referred the bill (S. No. 1889) making appropriation for the purchase of ground and erection thereon in the city of Washington of a building to be used as a hall of records, reported it without amendment.

HOLIDAY RECESS.

Mr. DAVIS, of West Virginia. I am directed by a majority of the Committee on Appropriations to report back favorably the concurrent resolution of the House of Representatives in regard to an adjournment for the holidays. As it is necessary that many members should know what the two Houses will do in regard to this question, I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to the consideration of the following House concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring.) That when the two Houses of Congress adjourn on Wednesday, the 22d instant, it shall be to meet on Wednesday, the 5th day of January next.

Mr. McDONALD. Is it proposed to amend the House resolution? The VICE-PRESIDENT. There is no amendment proposed, as the

The VICE-PRESIDENT. There is no amendment proposed, as the Chair understands. The committee report the resolution as it came from the House of Representatives.

Mr. DAVIS, of Illinois. It is the House resolution?

Mr. DAVIS, of West Virginia. It is the House resolution, proposing to adjourn from Wednesday, the 22d instant, to Wednesday, the 5th of January.

Mr. BECK. This is the report of a majority of the committee. I could not vote for it in committee and do not propose to vote for it now, for the following reasons: there are on the House Calendar, I understand, over a thousand bills, some of public importance, some of private importance, some good, some bad perhaps, I do not know how many. All are entitled to a hearing, and there is a very large number on the Calendar of the Senate. There will be but forty-odd working days after the 5th of January. We have the census bill to dispose of, the refunding bill, and all the appropriation bills, for while the House has acted upon one or two, such as the fortifications, the pensions, and other pro forma bills, the great bills that have to the pensions, and other pro forma bills, the great bills that have to be considered and involving much time and labor are yet untouched. Very little has been done up to this time. To adjourn from Wednesday next till January 5, and waste two weeks more, seems to me to be crowding into the last days of the session more business than can

be crowding into the last days of the session more business than can be well done.

(I have had occasion on the Committee on Appropriations of the Senate to complain time and again of the House holding back their bills, even beyond the time provided by their own rules, and forcing us here in the last hours of the session to consider as best we could the most important questions. The Senator from Minnesota who sits before me [Mr. WINDOM] will recollect that a little over two years ago, while he and I were members of that committee, we were compelled to sit night after night until the sun was shining in the mornago, while he and I were members of that committee, we were compelled to sit night after night until the sun was shining in the morning in order to hurry through what was called legislation that was indispensable. I do not want any excuse to have that sort of work repeated. I know what bad legislation is necessarily had when that condition of things exists; and I know, furthermore, that legislation that ought not to be upon appropriation bills is forced upon them, and the excuse is made that there is no time or chance to consider the questions except upon appropriation bills; it is maintained that they cannot be taken up and considered as independent measures for want of time, and therefore have to be pressed upon appropriation bills or of time, and therefore have to be pressed upon appropriation bills or fail altogether.

Now, doing nothing for this month, or very little, and adjourning for two weeks without any sort of necessity for it at this short session, with all these important measures, seems to me to again force that condition of things upon us. Take, for example, the pension bill that has just passed the House. I have looked over the speeches made by gentlemen yesterday elsewhere, and I have read the report of the Commissioner. It is conceded now that the arrears of pensions will involve us in the payment of say two hundred and odd million dollars, and our annual pension-roll will likely be \$50,000,000 annually from this time on, and that there are frands connected with the payment of these pensions running up to five or six million dollars a year. ment of these pensions running up to five or six million dollars a year.

ment of these pensions running up to five or six million dollars a year.

Mr. EATON. Annually, five or six million dollars. A plan has to be devised to prevent that, and it ought to be done by independent and careful legislation. If we adjourn as proposed, go away and do not attempt to do it until the heel of the session, then all this work has to be forced upon the pension appropriation bill, as a part of it, to guard the appropriations we have made. So with many other things I represent the property of it, to guard the appropriations we have made. So with many other things. I remember last year when he had the sundry civil appropriation bill up an effort was made to make us settle up, construe, and carry out contracts for four iron-clads, involving three or four million dollars. It was resisted successfully on the ground that it should come in an independent measure and be passed upon, and not be placed upon an appropriation bill. I suppose if we adjourn now the pressure and want of time will induce these committees to make it an adjunct again on some appropriation bill. So with many other things; subsidy bills of all sorts under pretended postal arrangements

will have to be forced upon appropriation bills.

It is for this and other public reasons that I believe it is the duty of this Senate to refuse to adjourn or take a recess for two weeks. Of course we shall take a holiday on Christmas Day and on New Year's Day, but we should sit and act upon the refunding bill, upon the census bill, upon the other important matters that are before us, except on these special days, and give the House an opportunity to have the appropriation bills before us in reasonable and proper time, so that they can be fairly considered in this body, and not render it necessary to

attach as riders to appropriation bills legislation which can as well be considered and passed upon independently. I might say much more, but will not delay the proposed vote. These are some of the reasons why I oppose this resolution and shall vote against it.

Mr. McDONALD. I fully agree with the Senator from Kentucky in regard to this question of adjournment. I hoped that the Committee on Appropriations would have amended the House resolution and sent it to us amended, indicating their views on this subject. I shall certainly not vote for the resolution in its present form. I am for the shortest adjournment for the holidays that is consistent with for the shortest adjournment for the helidays that is consistent with propriety. I have not any doubt but that we shall find more work than we shall be able to do at this session if we give to it all the legislative days that we can properly devote to it. If the resolution is to be voted on in its present form, I shall ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to say that if this were a long session I should vote very cheerfully for the resolution reported from the Committee on Appropriations. It is very evident, and must be very evident to every member of the Senate, from the amount of business that must necessarily be done, that if we take a recess of two weeks legislation will have to be hurried, or else something will be omitted that perhaps may necessitate the meeting of Congress after the 4th of March. Now, I desire to avoid any necessity for an extra session. While it would be exceedingly pleasant for me to be at home during the proposed recess, I still feel that it is incumbent upon me to oppose any measure of that kind, in order that we may transact the public business without rendering probable any necessity for an extra session of Congress. I therefore shall vote against the proposed two weeks' adjournment. I think three or four days, at any rate, would be as long a recess as we ought to take.

weeks' adjournment. I think three or four days, at any rate, would be as long a recess as we ought to take.

Mr. WITHERS. Mr. President, if I thought it possible that the public business would be materially expedited by voting down the resolution from the House which has just been reported, I should favor that action; but an experience of a few years here has taught me that in all probability there would be no more public business transacted and no greater impression made upon our Calendaries. me that in all probability there would be no more public business transacted and no greater impression made upon our Calendar if we should refuse to adjourn entirely than if we accept the proposition which has been sent us from the House. The question of adjournment or non-adjournment was fairly tested there, and the vote indicates unmistakably the sentiment of that body. As to a shorter adjournment, I believe we should find that our business would not be materially advanced if such a proposition were adopted, from the fact that we should find ourselves without a quorum, as the past history of this body abundantly verifies, until about the time fixed by the House for reassembling. reassembling.

reassembling.

As to the suggestions of my friend from Kentucky, [Mr. Beck,] especially in reference to the pension bill and its importance, I will state to him and to the Senate that there is already upon the Calendar of the Senate, awaiting the action of this body, a bill which is designed to correct the very evils to which the Senator from Kentucky called the attention of the Senate. I certainly could see nothing which would indicate my judgment more unmistakably than this, that there is no bill upon the Calendar which in my opinion is commensurate in its importance to that bill, and that I am instructed by the Pensions Committee to call it up for the consideration of the Senate and insist that action shall be had upon it at as early a day as practicable; and I hope my friend from Kentucky will aid me in securing action upon this most important of subjects, involving as it does probably the second largest appropriation made by Congress for any public service. I think we can get up this bill and pass it, and we can pass all other bills of importance within the limits of the present session of Congress. The difficulty is that there are so many gentlemen here interested in local bills and bills of a comparatively unimportant character that they bring them up at the expense of gentlemen here interested in local bills and bills of a comparatively unimportant character that they bring them up at the expense of more important public measures. Whether we sit here two weeks longer or not, my impression is that the Calendar will be a great deal larger at the close of the session than it is at present, my experience being that the longer a session is the larger the Calendar is, because we introduce bills and put them upon the Calendar much more rapidly than we vote upon them and get them off.

The VICE-PRESIDENT. The question is on concurring in the House resolution reported from the Committee on Appropriations, on which the years and navy have been ordered.

which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. HARRIS, (after having voted in the negative.) I desire to inquire if the Senator from Nebraska [Mr. PADDOCK] is recorded as having voted?

The VICE-PRESIDENT. He is not.

Mr. HARRIS. Then I desire to withdraw my vote. I voted in the negative, but I remember that I promised the Senator from Nebraska that if he were absent I would pair with him upon this question. I withdraw my vote.

The result was announced-yeas 27, nays 31; as follows:

Allison,	Cameron of Wis.,	Kellogg,	Saunders
Anthony,	Davis of Illinois.	Kirkwood,	Teller.
Baltlwin,	Dawes,	McMillan.	Vest.
Blaine,	Edmunds,	McPherson.	Wallace,
Booth,	Ferry,	Morrill,	Windom
Burnside,	Hill of Colorado,	Platt,	Withers.
Cameron of Pa.	Hoar,	Ransom,	

	NA	YS-31.	
Bailey, Beck, Blair, Brown, Call, Cockrell, Davis of W. Va., Eaton,	Garland, Groome, Grover, Hamlin, Hereford, Hill of Georgia, Ingalls, Johnston,	Jonas, Jones of Florida, Kernan, McDonald, Maxey, Morgan, Pendleton, Plumb,	Pugh, Saulsbury, Slater, Vance, Voorhees, Walker, Williams.
	ABSI	ENT—18.	
Bayard, Bruce, Butler, Carpenter, Coke,	Farley, Conkling, Hampton, Harris, Jones of Nevada,	Lamar, Logan, Paddock, Randolph, Rollins,	Sharon, Thurman, Whyte.

So the resolution was rejected

Mr. INGALLS subsequently said: At the request of several Senators I desire to enter a motion to reconsider the vote by which the Senate refused to concur in the House resolution relative to adjournment for the holidays.

The VICE-PRESIDENT. The motion to reconsider will be entered.

PUBLIC BUILDING AT PENSACOLA.

Mr. JONES, of Florida. I am directed by the Committee on Public Mr. JONES, of Florida. I am directed by the Committee on Public Buildings and Grounds to report with amendments the bill (S. No. 1886) to authorize the Secretary of the Treasury to erect a public building in the city of Pensacola, Florida, in place of the one recently destroyed by fire. Agreat calamity has fallen upon that city, and every public building has been destroyed. There is no place there that the Government can secure suitable for its business, and in view of the emergency of the case I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the committee was, in line 10, after the word "vault," to strike out the words "extending to" and insert the word "in;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, at private sale or by condemnation, in pursuance of the statute of the State of Florida, all the land that he may deem necessary adjacent to the site lately occupied by the United States custom-house, post-office, and the United States court-rooms in the city of Pensacola, Florida, and to cause to be erected thereon a suitable brick or stone building, with a fire-proof vault in each story, for the use and acc ommodation of the United States district and circuit courts, custom-house, post-office, and other Government offices in that city, at a cost not exceeding \$250,000, including the purchase of land.

The amendment was agreed to.

The next amendment was, in line 16, before "feet," to strike out "forty" and insert "sixty;" so as to read:

And the building hereby authorized shall be so erected as to afford an open space of not less than sixty feet between it and any other building; and the sum of \$250,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose herein mentioned.

The amendment was agreed to.

Mr. MORRILL. I desire to ask the chairman of the Committee on
Public Buildings and Grounds whether it will not be necessary to

have the jurisdiction and the right of taxation ceded by the Legislature of the State of Florida before this ground can be taken?

Mr. JONES, of Florida. I suppose this building will stand precisely upon the same footing as the old one. The old site is there, and I think there is a State law regulating that. We discussed the

and I think there is a State law regulating that. We discussed the matter very fully at the last session.

Mr. MORRILL. So far as it occupies the same ground, of course nothing need be done by the Legislature; but the bill proposes to buy a small additional strip of ground.

Mr. JONES, of Florida. I think the present site will be sufficient. The other ground will only be necessary to keep off other buildings that might endanger the structure.

Mr. MORRILL. I only call the attention of the Senator to the point.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1927) for the relief of Colonel Alfred B. Meacham; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1929) to establish a uniform system of bankruptcy; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KERNAN asked and by unanimous consent obtained leave to

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1930) to fix the salary of the circuit judge of the second circuit and the salary of certain district judges, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

PRIZE OF HONOR TO PROFESSOR BAIRD.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1928) to provide for remitting the duties on the object of art awarded by the Berlin International Fishery Commission to Professor Spencer F. Baird; which was read twice by its title.

Mr. EDMUNDS. I move that the bill be referred, as usual in such cases, to the Committee on Finance; but I wish to say (I think it is perhaps to the public interest that I should say) what the circumstances were, for usually I am rather opposed to the remitting of duties

At this great international exhibition, although Professor Baird was not personally present, by the unanimous vote of the juries Professor Baird was personally awarded the highest prize of honor, consisting of an object of art, made of silver, I believe, which had been given by the Emperor of Germany and King of Prussia to the exhibition beforehand, as several other objects were given, to be awarded according to their discretion by the juries to the most deserving persons. Professor Baird, so well known in this country, as I say, received the unanimous vote of the great juries of the exhibition as being best entitled of all the people of the civilized world to this great honor. A great many other prizes and premiums were awarded; but in respect of three or four of these objects they were called prizes of honor. This particular prize has been sent to this country, so well deserved as I think it is, and under the circumstances it appears to

deserved as I think it is, and under the circumstances it appears to me that it would be right that the United States should allow the professor to receive it without being applied for to pay a tax upon it, inasmuch as I think his service to the United States entitles him to that consideration.

In this connection, Mr. President, I beg to have read a letter to me from Mr. Goode, who had charge of our interests at the exhibition, if it is agreeable to the Senate.

The VICE-PRESIDENT. The letter will be read. The Chief Clerk read as follows:

United States Commission of Fish and Fisheries, Internationale Fischerei-Ausstellung in Berlin, Washington, D. C., December 14, 1880.

UNITED STATES COMMISSION OF FISH AND FISHERIES,
INTERNATIONALE FISCHEREI-AUSSTELLUNG IN BERLIN,
Washington, D. C., December 14, 1880.

SIR: I beg leave to submit the following memoranda in regard to the distribution of the prizes at the close of the International Fishery Exhibition in Berlin,
and especially with reference to the award of the first honor prize to Professor
Spencer F. Baird, United States Commissioner of Fish and Fisheries.

The ceremony of awarding the prizes took place in the-great hall of the exhibition building on the 20th of June, 1880. His Excellency Dr. Lucius, minister of
agriculture, in an opening address, stated to the Crown Prince of Germany, who
was present as the protector of the exhibition, the object of the gathering. The
list of prizes was then read by the director of the exhibition, ministerial Director
Marcard, from the printed catalogue, a copy of which is herewith inclosed (Verzeichniss der gelegentlich der Internationalen Fischerei-Ausstellung zu Berlin, 1880.
Zuerkannten Auszeichnungen.) After the reading he turned to the protector of
the exhibition and received from him an approval of the awards upon the schedule.
A list of the prizes received by American exhibitors is appended to this letter. An
examination will show that the highest award, an address of thanks signed by His
Imperial Highness the Crown Prince, was awarded to the Government of the
'United States; that distinguished awards, consisting of gold medals, with special
diplomas of honor, were assigned to the United States Commission of Fish and
Fisheries and the United States Coast Survey, for their collective exhibits, while
the Fish Commission also received gold medals in class I and class 6, for special exlibits, and the United States Hydrographic Office and the United States Engineer
Bureau received honorable mention for collective exhibits of charts. In the various classes, special exhibitors in the United States section carried away a full quota
of gold, silver, and bronze medals. The number may be tab

G. BROWN GOODE, Deputy Commissioner.

Hon. GEORGE F. EDMUNDS.

Mr. EDMUNDS. Here follows the list which is a part of that letter

which I shall not ask to have read in full, but with the permission of the Senate it may be printed as an appendix to the letter.

The list is as follows:

Berlin International Fishery Exhibition-The prizes awarded.

I. ADDRESSES OF THANKS.

The united juries decided not to award a prize of honor or medal to the government of any nation for its collective exhibition, but, instead of this, an address of thanks, signed by His Imperial Highness the Crown Prince, was substituted. These addresses were awarded to the following countries: Russia, Italy, Saxony, Denmark, Holland, Norway, Sweden, Switzerland, the United States of North America, China, and Japan.

IL GRAND PRIZES OF HONOR.

1. First grand prize of honor, given by His Majesty the German Emperor and King of Prussia: To Professor Spencer F. Baird, Commissioner of Fisheries of the United States of North America, Washington, D. C.

- 2. Second grand prize of honor given by His Majesty the German Emperor and King of Prussia; To Herr C. Lindenberg, Berlin.
 3. Third prize of honor of the Emperor, &c.: To Herr von dem Borne, Berneu-

- chen.

 4. Prize of honor given by Her Majesty the German Empress and Queen of Prussia: To Cavilier Guiseppe Mazza, Torre del Greco.

 5. Prize of honor of their Highnesses the Crown Prince and Princess of Germany and Prussia: To Oberburgermeister Carl Schuster, Freiburg, (Baden.)

 6. Prize of honor of His Majesty the King of Wurtemburg: To Professor Arrhenius, Stockholm.

 7. Prize of honor of the Grand Duke of Baden: To Consul A. E. Mass, Scheveningen, Holland.

 8. Prize of honor of the Grand Duke of Mecklenburg-Schwerin: To Professor Dr. Dorhn, of the zoological station, Naples.

 9. Prize of honor of the Grand Duke of Oldenburg: To Herr A. Stortenbecker, director of the Institution for the promotion of Religion and Industry of Hollandish-India, Batavia.
- India, Batavia.

 10. Prize of honor of the free city of Hamburg: To Herr Robert Eckardt, Lub-
- 11. Prize of honor of the free city of Bremen: To Herr Harald W. Fiedler, 12. Prize of honor of the Agricultural Club of Berlin: To Selskabet for De Norske
- Fiskeriers fremme in Bergen.

 13. Prize of honor of the Teltower Agricultural Society: To Herr A. Micha,

HI. GOLD MEDALS WITH SPECIAL DIPLOMA.

United States Coast Survey: For illustration of the apparatus used in the deep-sea fisheries observations; coast charts of the Atlantic and Pacific Oceans; publi-cations and maps.

United States Commission of Fish and Fisheries, Washington: For grand collect-ive exhibit of implements of fish culture, fishways, charts, models of hatching-houses, and publications.

IV. Class 1.

IV. Class 1.

This class includes all water animals whether living, stuffed, in alcohol, or represented by pictures; foods, prepared or dried, salted, smoked, powdered, in tin boxes or in process of preparation; sponges, corals, oysters and their anatomy; muscles, pearls, mother-of-pearl, radiates, worms, insects and their larvæ, (as food for fish or destroyers of their eggs and young.) crustaceans, fishes, amphibians, turtles and tortoises, tortoise-shell in different processes of preparation, salamanders, frogs, and snakes; water-birds, mammals living in water, and all the products of water animals.

Gold medals in class 1: United States Fish Commission, Washington, District of Columbia—general exhibition of implements of pursuit and capture of fishes. Isinglass and Glue Company, of Gloucester, Massachusetts—fish bladders and fish glue, together with the different preparations therefrom.

Silver medals in class 1: Alaska Commercial Company, San Francisco—specimens of skins of fur-seal from the raw, dried skin to the same when dyed and finished.

Captain N. E. Atwood, Provincetown, Massachusetts—oil of mammals, as harbor.

finished.
Captain N. E. Atwood, Provincetown, Massachusetts—oil of mammals, as harborseal, cowfish, porpoise, blackfish, jaw of porpoise, &c.
J. W. Beardsley's Sons, 179 West street, New York—dry-salted preparations:
"Beardsley's shredded codfish," "Bee-hive brand boneless codfish;" smoked preparations: "Star brand boneless herring."
E. G. Blackford, 72 to 89 Fulton Market, New York—specimens of fresh fish sent weekly, as brook trout, grayling, red snappers, pompano, striped bass; reptiles and batrachians; great American edible bull frogs, hell-benders, and salamanders.
A. Booth & Co., Chicago and San Francisco—canned salmon; entire salmon in tin fish-shaped box.

A. Booth & Co., Chicago and San Francisco—canned salmon; entire salmon in tin fish-shaped box.

Potter & Wrightington, Boston—smoked preparation: halibut, boneless herring, salmon; cooked preparations in cans: fresh mackerel, fresh lobster.

Portland Packing Company, Portland, Maine—cooked preparations in cans—"fresh Seguin mackerel, star brand," "the farmers' old Orchard Beach clams," (Little Necks, star brand.)

Russia Cement Company, Rockport, Massachusetts—liquid fish glue, (Le Page's.)
Rosenstein Brothers, 332 Greenwich street, New York—preparations in spices or vinegar: sardines in mustard, "sardines royales aromatiques," (in spices.)

H. K. & F. B. Thurber & Co., New York—collection of prepared foods in tin: "genuine George's Bank codtish," whole fresh mackerel, "deep-sea mackerel," one pound fancy mackerel," selected bloaters, (mackerel,) canned lobsters, (Egmont Bay.)

Professor Henry A. Ward, Rochester, New York—collection of stuffed fishes and

"genuine George's Bank coddish," whole fresh mackerel, "deep-sea mackerel," one pound fancy mackerel," selected bloaters, (mackerel,) canned lobsters, (Egmont Bay.)

Professor Henry A. Ward, Rochester, New York—collection of stuffed fishes and marine mammals, skeletons, reptiles, &c.

Hagedorn, Hamburg and New York—fresh American oysters.

Bronze medals in class 1: J. H. Bartlett & Son, New Bedford, Massachusetts—mammal oils: whale-oil "foots," bleached winter sperm.

J. B. McCarley, Fulton Market, New York: oysters and conserves—pickled oysters, pickled Little Neck clams, pickled soft clams, pickled scallops, pickled muscles, pickled oyster-crabs.

Caleb Cook, Provincetown, Massachusetts—mammal oils: oils from head of blackfish, (sold as "porpoise jaw,") oil from the beluga, (white whale,) watch-oil, clock-oil.

A. M. Dodd, Gloucester, Massachusetts—mammal oils: blackfish, fish oils, oils from livers of codfish, medicinal oil from livers of codfish.

Heick & Stoll, Hamburg Germany—American oysters.

W. R. Lewis & Co., Boston—canned salmon.

Joseph Palmer, taxidermist and modeler to the Smithsonian Institution, Washington, D. C.—zoological preparations: series of plaster casts of American food fishes, collection of stuffed aquatic birds.

Jasper Pryor, New York—mammaloils: sea-elephant, crude whale, natural whale, bleached whale, whale oil, (foots;) oils used for lamps, lubrication or medicinal: crude sperms, natural sperm, spermaceti.

J. Schmidt, New York—food preparations, (not specified.)

T. W. Smillie, photographer to the Smithsonian Institution, Washington, D. C.—series of photographs of American fishes.

William Underwood & Co., Boston—cooked preparations in cans: fresh codfish, fresh haddock, canned mackerel, preserved fresh halibut.

W. H. Wonson & Co., Gloucester, Massachusetts—smoked fish: Grand Bank halibut, Newfoundland halibut.

Homorable mention: Max Ams & Co., 370 Greenwich street, New York—pickled or brine preparations: American caviare.

H. M. Anthony, 104 Reade street, New York—fresh Columbi

hake.

Kemp, Day & Co., 116 Wall street, New York—cooked preparations in cang: canned mackerel, canned lobsters, canned oysters, Orchard Beach clams, Little Neck clams.

Marvin Brothers & Bartlett, Portsmouth, New Hampshire—oil of porpoise, oil from liver of sun-fish, (Mola rotunda.) pure ced-liver oil, stearine from cod-liver oil.

Maryland Packing Company, Baltimore, Maryland—canned hard crabs.

McMenamin & Co., Hampton, Virginia—canned hard crabs, canned deviled crabs. Franklin, Snow & Co., Boston—dry salted preparations: cod; pickle, or brine salted preparations: haddock; cooked, in cans: mackerel.

S. Schmidt, New York—pickled eels in jelly.
Livingston Stone, Charlestown, New Hampshire—specimens of salmon eggs (8. quinnat) in alcohol.

Class 2.

Fishery apparatus of all sorts in original or in model; boats for inland and seafisheries in model or in picture; material for apparatus in different stages of construction; machines or implements for working the raw material.

Gold medals in class 2: H. L. Leonard, Bangor, Maine—rods of split bamboo for salmon, trout, or bass fishing; pieces of bamboo showing splitting process.

Silver medals in class 2: James Everson, 499 First street, Brooklyn, E. D., New York—the "shadow canoe," with sails for fishing, hunting, or cruising.

Wilcox, Crittenden & Co., Middletown, Connecticut—general collection of accessories to the rigging of fishing vessels, as clews and hanks, chocks, boat-hooks, belaying-pins, riggers, books, grommets, &c,

Honorable mention in class 2: Captain J. W. Collins, Gloucester, Massachusetts—Collin's adjustable marine drag; used by vessels when "laying-to" in a storm.

Class 3.

storm.

Class 3.

The artificial culture of aquatic animals. Breeding apparatus in operation, collective exhibits of apparatus and implements used in the culture of fish, crustaceans, and oysters; transporting apparatus for fry; models or pictures of approved hatching, houses; models or pictures of apparatus for fish protection, ashaways, &c. Aquaria—development of aquatic animals, as oysters, fish, crabs, &c. Exhibition of the progress of fish culture.

Gold medals in class 3: C. G. Atkins, assistant United States Fish Commission, Bucksport, Maine—model of United States salmon-breeding house at Bucksport, Maine, models of implements, trough, &c., used in American fish culture; models of fishways.

T. B. Ferguson, assistant United States Fish Commission and commissioner of fisheries of the State of Maryland, Baltimore, Maryland—for improvement in fish-cultural apparatus and invention of plunging-baskets, worked by steam power, for shad hatching, as shown in model of United States fish hatching steamer Fishhawk, and also in original.

S. Green, superintendent of fisheries of the State of New York, Rochester, New York—collective exhibition of implements in use by the New York fish commission for hatching salmonidæ and shad, floating hatching-box and "Holton box."

M. McDonald, assistant United States Fish Commission and commissioner of fisheries of the State of Virginia, Lexington, Virginia—improvement in fishway.

F. Mather, assistant United States Fish Commission, Newark, New Jersey—invention of conical apparatus for fish hatching. (Original shown.) Apparatus for sending fish eggs across the ocean.

L. Stone, assistant United States Fish Commission, Charlestown, New Hampshire—models of fish-cultural apparatus.

Silver medals in class 3: D. M. Chase, assistant Michigan fish commission, Detroit Michigan—"self-picking" apparatus for whitefish (Coregonus) eggs, whereby the dead ones flow out.

Bronze medals in class 3: B. F. Shaw, commissioner of fisheries of Iowa, Anamosa, Iowa—model of his patent spiral fishway.

Class 4.

Apparatus for transporting adult fish to market or for other purposes, in model or original. (No gold or silver medal for America in this class.)

Bronze medals in class 4: F. Mather, assistant United States Fish Commission, Newark, N. J.—improvement in transporting apparatus for use at sea, whereby the motion is utilized for aeration.

(Nothing for America in class 5.)

Class 6.

Models of fishermen's houses and costumes and such implements in use as have

Models of fishermen's houses and costumes and such implements in use as have not been placed in other classes.

Silver medals in class 6: United States Commission of Fish and Fisheries, Washington, District of Columbia—collection of fishermen's clothing, implements, and tools used in the commercial fisheries and in angling.

C. S. Merriman, 341 Broadway, New York—the "Merriman life-saving suit," as in use by the United States life-saving service.

Bronzemedals in class 6: H. D. Ostermoor, New York—patent elastic felt mattress and life-preserver.

(Nothing for America in classes 7 and 8.)

Class 9.

Literature and statistics of the fisheries and maps, &c., showing the geographical distribution of fishes.

Silver medal in class 9: Prof. G. Brown Goode—charts showing the distribution of American food-fishes.

Forest and Stream Publishing Company, New York—exhibit of thirteen bound volumes (from the first number) of this journal, which contain articles upon fish-culture, angling, woodcraft, natural history, &c.

Charles Scribner's Sons, New York—exhibition of the new work on Game Fishes, with large colored lithographs after paintings by Kilbourn and text by G. Brown Goode.

S. Thaxter & Co., Boston—Eldridge's Coast Charts, in use by fishermen.

Honorable mention in class 9: United States Hydrographic Office, Washington, District of Columbia, collective exhibit of coast charts.

United States Engineer Bureau, Washington, District of Columbia—charts of the inland waters of the United States.

Mr. EDMUNDS. I hope the Committee on Finance will find it consistent with their duty to report the bill favorably. I move its reference to that committee.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. BURNSIDE. I move that when the Senate adjourns to-day, it

be to meet on Monday next.

Mr. DAVIS, of West Virginia. I hardly think that can be done unless the bill now pending as the unfinished business can be disposed of.

Mr. BURNSIDE. I withdraw the motion.
The VICE-PRESIDENT. The motion is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 6532) making appropriations for the payment of invalid and other

pensions of the United States for the fiscal year ending June 30, 1882; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 338) directing one copy of Congressional Record to be sent to each of our legations abroad; and it was thereupon signed by the Vice-President.

DANFORD MOTT.

Mr. MORRILL submitted the following resolution; which was read:

Resolved by the Senate of the United States, That the report of the Court of Claims, No. 474, first session, Thirty-sixth Congress, for the relief of Danford Mott, and Senate bill No. 480, reported by the Committee on Claims, as appears by Senate Calendar of January 17, 1861, be, and the same are hereby, referred to the Court of Claims, with authority to consider and readjust the same according to law and justice; and if any allowance shall be made, to allow interest thereon from the date of the judgment rendered heretofore by said court.

Mr. MORRILL. I believe the facts show that this is a peculiarly hard case; that the Court of Claims rendered judgment and that the Committee on Claims of the House and the committee of the Senate both reported bills in favor of paying the claim. It amounts to a little over \$2,000. I desire to have the resolution lie upon the table in order that the Committee on Claims of the Senate may examine it.

Mr. DAVIS, of Illinois. I suggest to the Senator from Vermont that to refer a case to the Court of Claims requires a bill or resolu-

tion of both Houses.

Mr. MORRILL. The Senator from Illinois will find by looking at the statute that a simple resolution of either body sends a claim to the Court of Claims.

Mr. DAVIS, of Illinois. It ought not to be done in that way.
Mr. COCKRELL. In connection with what the Senator from Vermont has said about a resolution of the Senate or of the House taking

a case to the Court of Claims, I desire to remark that I understand that it can be referred by resolution either of the Senate or of the House to the Court of Claims when presented to Congress, and the Court of Claims has jurisdiction; but where the Court of Claims has no jurisdiction then a resolution of the Senate or a resolution of

the House cannot invest that court with jurisdiction.

Mr. BLAINE. That is what I understand.

The VICE-PRESIDENT. The resolution will lie on the table.

SUPREME COURT JUDGES.

Mr. BLAINE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of increasing the number of judges of the Supreme Court to thirteen.

YELLOW FEVER REPORT.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, That 500 copies of the report on yellow fever on the United States ship of war Plymouth, in 1878-79, prepared under the direction of the Surgeon-General of the Navy, be printed and bound for the use of the Senate.

COMMITTEE ON REMOVAL OF NORTHERN CHEYENNES.

Mr. MORGAN submitted the following resolution; which was read:

Resolved. That the Select Committee to examine into the circumstance connected with the removal of the Northern Cheyennes be continued during this session of Congress, with authority to further investigate all matters heretofore referred to them and not disposed of, and also be authorized to employ a clerk, to be paid from the "miscellaneous items" of the contingent fund of the Senate.

Mr. MORGAN. I ask for the present consideration of the resolution unless some Senator has objection to it, and I desire to make an explanation in regard to it.

When conferences were held for the purposes of ascertaining what select committees should be retained and what not, I inadvertently gave information that there was no longer any necessity for this committee. The chairman of the committee also concurred in that statement. But I find that the purposes for which the committee was raised are not at all completed. The Senate at its last session passed a joint resolution defining certain action on the part of the Secretary a joint resolution defining certain action on the part of the Secretary of the Interior in reference to selecting a location for the Cheyenne and Arapahoe Indians, and also certain information in respect of the settlement of a portion of the band of Little Chief that was in the neighborhood of Fort Keogh. The House did not concur in the resolution. It passed over for want of time for its consideration, and it is now pending in the House. For that purpose, if for no other, the restoration or reappointment of this committee would be necessary. The honorable Senator from Iowa [Mr. Kirkwood] is the chairman of the committee, and the membership is composed of Mr. Plumb, Mr. Dawes, Mr. Bailey, and myself. I trust the Senate will reinstate the committee.

Other matters were referred to it also which have been drawn in

Other matters were referred to it also which have been drawn in controversy between the Secretary of the Interior and the governor of Massachusetts, and it seems to me that it will be necessary to have a reference of some recent action of the Interior Department in relation to the Ponca band of Indians made to that committee. It has been asserted that a contract has been made with the chiefs of the Ponca Indians whereby they have agreed to relinquish entirely all their title to the lands in the Territory of Dakota and accept in lieu thereof lands in the Indian Territory. That may not be a proper statement of the proposition; I think it is, however; but that subject will necessarily come before some committee. I have seen the chairman of the Committee on Indian Affairs, and he has informed me that his committee is very much overcrowded with work. I would further say that the select committee, in my opinion, would have the advantage of very extensive and complete knowledge of the particular facts relating to this investigation for their information, and any other committee would have necessarily to travel over a large part of the ground which we have already been over. It would therefore be a matter of wisdom and economy as well, I think, as one of public necessity to reinstate this committee. I ask that the Senate adopt the resolution.

Mr. DAVIS, of West Virginia. While I do not object, I should like to hear the resolution read.

The VICE-PRESIDENT. It will be again reported.

The Chief Clerk read the resolution the second time.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution, which under the rule would go to the Committee to Audit and Control the Contingent Expenses of the Senate? The Chair hears none, and under the rule the resolution is before the Senate as in Committee of the Whole.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and

HOUSE BILL REFERRED.

The bill (H. R. No. 6532) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, was read twice by its title, and referred to the Committee on Appropriations.

CHARLES H. NICHOLS.

Mr. VOORHEES. I ask the Senate to take up the bill (S. No. 523) for the relief of Charles H. Nichols, late superintendent of the Government Hospital for the Insane.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which directs the proper accounting officers of the Treasury to pass to the credit of Charles H. Nichols, late superintendent of the Government Hospital for the Insane, the sum of \$3,037.09, being the amount disallowed in his accounts, and being the difference in salary between \$2,500 and \$4,000 per annum from June 22, 1874, to June 30, 1876; the disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and it fixes the salary of the superintendent

adopted June 22, 16/4; and it likes the salary of the superintendent at \$4,000 per annum, as originally provided in act of March 2, 1867.

Mr. VOORHEES. This bill is reported unanimously from the Committee on the Revision of the Laws. It is made necessary by reason of a mistake of the revisers. They reduced the salary of the superintendent of the Government Hospital for the Insane without intendintendent of the Government Hospital for the Insane without intending to do so. They restored an old law, which had been repealed, thereby repealing the new law, which had fixed the salary. I explained the matter at the last session of Congress, and I trust no further time may be necessary upon it now. It has had full consideration in the Committee on the Revision of the Laws, the chairman of which [Mr. WALLACE] is present and can make any explanation required; but I have given the simple facts. The old salary first allowed was repealed by an act of a certain date, and the salary fixed at a certain other rate, at which rate he drew his salary for a certain. allowed was repealed by an act of a certain date, and the salary fixed at a certain other rate, at which rate he drew his salary for a certain period of time, and while he was drawing it at that rate the revision of the laws took place, and the commissioners in revising them took up the old statute instead of the new, and made it a law by which he should receive salary. He continued to draw some little time after that according to the legal salary, so that he has somewhat overdrawn his account according to the letter of the law. It is for the purpose of enabling the accounting officers to settle his accounts according to the law as it really existed and was meant to be that this cording to the law as it really existed and was meant to be that this bill is brought forward here. I am sure the Senate will be willing to apply a corrective.

Mr. COCKRELL. Mr. President, when this matter was first called up I made some objection to a bill of this character, allowing an officer a credit coming from the Committee on the Revision of the Laws. I thought it very strange that that committee should take jurisdiction of such a case. It was discussed at some length at that time, and was passed over. I have since examined into the question fully. I have written to the Department and ascertained that the superintendent, Dr. Nichols, retained out of the moneys that came into his hands the amount that this bill proposes to credit him with, he claimhands the amount that this bill proposes to credit him with, he claiming that the law authorized him to retain that much as his salary. I have traced the different acts fixing the salary of this officer in different years, and there seems not to have been any general legislation fixing the salary, as is generally the fact in other cases, naming the amount. I have no doubt but what the report of the Committee on the Revision of the Laws is correct. I found that the provision in force was left out of one of the statutes in the revision, but nevertheless that leaves the smaller supports and he law suppose the theless that leaves the smaller sum the salary fixed by law unless the old law is restored. The present superintendent had notice that this salary was a certain amount, the amount now fixed, and he has no right to claim that his salary shall be increased. I move, therefore, to leave the bill one simply for the relief of Dr. Nichols, striking out lines 15, 16, 17, and 18, in these words:

And the salary of the said superintendent is hereby fixed at \$4,000 per annum, as originally provided in act of March 2, 1867.

That becomes a general law, and it ought not to be placed in this bill. I move that these words be stricken out, leaving the bill simply to credit what Dr. Nichols has actually received.

The VICE-PRESIDENT. The question is on the amendment of the

The VICE-PRESIDENT. The question is on the amendment of the Senator from Missouri, [Mr. COCKRELL.]

Mr. VOORHEES. I am very glad of the support of the Senator from Missouri, so far as it goes; but I wish the Senate now to distinctly understand what the amendment proposed by the Senator from Missouri contains. Up to a certain time, March 2, 1867, the salary of the superintendent of the Government Hospital for the Insane was \$2,500. In March, 1867, it was increased, for reasons satisfactory to Congress, to \$4,000. It is that law increasing the salary which was dropped in the revision, taking us back to the old law. The bill corrects that mistake as to Dr. Nichols, and proposes also to make the salary for the superintendent what it was made by Congress in March, 1867. Now the question is whether that is right. That is the question presented by the amendment offered by the Senator from Missouri.

In 1867 Congress thought \$4,000 for the superintendent of the Government Hospital for the Insane was not too much. I have had as large experience connected with that institution as any Senator on It was once my fortune to assist in an investigation of that institution lasting more than three months, during which time a day's work was put in every day, and I say with all the weight my words can carry in the Senate that the duties of the superintendent of that institution are worth that much money or they are worth nothing. There are a thousand sick people under his care, afflicted with the worst form of sickness, that require the most delicate and skillful care. He has the management of a large farm of four or five hundred acres and of stock, furnishing supplies required by the patients under his care. Dr. Godding, the present superintendent, who tients under his care. Dr. Godding, the present superintendent, who has succeeded Dr. Nichols, it is my good fortune to know, and to know well. I have examined him as a witness and expert, on the subject of insanity, on the stand. I can testify to his capacity, his learning, his fidelity, and his industry; and inasmuch as Congress fixed this salary thirteen years ago at \$4,000, and inasmuch as the duties of the office have greatly increased now, I think Congress ought to keep the salary at what was then provided by law. Therefore I hope the Senate will not concur in the amendment of the Senator from Missouri. I think it would be an eat of injustice to this insembert. think it would be an act of injustice to this incumbent. It is true, as the Senator from Missouri says, that the present incumbent took the office with notice that this revision had cut the salary down. He also knew, however, that it was done by mistake; that it was not done by intelligent or deliberate legislation, and he had reason to believe that the mistake would be corrected, because Dr. Nichols, his faint south to head reason to be the contraction of t his friend, sought to have it corrected ever since, not merely for his own benefit, but for the benefit of whoever might succeed him in that institution

Mr. DAWES. Mr. President, I hope the Senate will not concur in the amendment of the Senator from Missouri. I knew a good deal about this institution when I was in the other House, and when it was in charge of Dr. Nichols. I have not known so much of it since, although I know the present superintendent to be all the Senator from Indiana has said of him—a gentleman of rare attainments and ability in the profession and position to which he is called, and who would command at any time in any private institution of this character such commentation as this bill provides, and perhaps more. Dr. Nichols was called from that position to a much higher salary in a private institution, and if we should cut down the salary the effect would be that we should lose the valuable services of the present superintend-I am confident, although I have no personal knowledge of the fact, that he would certainly be called to a private institution where he would be paid according to the value of his services, and this institution, paying but \$2,500 a year, would perhaps fall into incompetent hands. Think of the responsible position that Dr. Godding occupies in charge of a thousand patients bereft of their reason and requiring his constant present attention, the constant present of the property of the prope requiring his constant personal attention—the constant personal at-tention of a man of attainments and practical experience in a kind of life and service to which very few men can be called-and when one is found who has the ability and experience and the tact necessary to have the safe conduct of such an institution as that, he is a rare man and should receive a proper compensation. Although I have no personal knowledge of this matter now, I did know all about the manner in which, by the merest accident, the \$4,000 established thirteen years ago was dropped to \$2,500, which was established when the institution itself was founded twenty-five years ago, every brick of which and all that massive structure has been built up under these two superintendents and under their personal knowledge, and there never has been an institution in this District, or, I believe, anywhere else, where so much money has passed through the hands of two men with such absolutely honest results and with so much to show for the money expended. This institution has commanded the admiration of private institutions, and they have been sending here time and again to get away the superintendent. Certainly that will be the result in this case if the salary is stricken down to \$2,500.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the amendment proposed by the Senator from Missouri, [Mr. COCKRELL.]

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TREASURY BOOKS AND ACCOUNTS.

Mr. MORGAN. I offer the following resolution and ask for its present consideration:

Resolved, That the usual number of the report (S. No. 539) from the Select Committee to investigate the financial reports, books, and accounts of the Treasury Department, submitted on the 28th April, 1880, be printed for the use of the Senate.

I have had frequent applications for the report and cannot furnish copies. The number already printed has been exhausted.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDING OFFICER. The Calendar will now be proceeded with under the order of the Senate until half past one o'clock.

Mr. INGALLS. Before the Senate passes from the consideration of the resolution just agreed to, I desire to know from the Senator offering the resolution whether it includes the views of the minority report that were submitted in connection with the report of that com-

Mr. MCRGAN. Certainly, that is the object.
Mr. McMILLAN. I do not think the views of the minority are em-

braced in this resolution.

Mr. INGALLS. The language of the resolution is, "that the usual number of the report (S. No. 539) from the select committee to investigate the financial reports, &c., be printed for the use of the Senate." It is my impression that that language would not include the views submitted by the minority, and I ask unanimous consent that the action of the Senate may be reconsidered for the purpose of enabling me to amend the resolution by inserting the words necessary to in-Mr. GARLAND. Were not the minority views printed with the

report?
Mr. McDONALD. Does not the reference to the report by number cover the minority views? The resolution refers to the report by

The PRESIDING OFFICER. The Senator from Kansas asks unan-The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the Senate reconsider the vote adopting the resolution offered by the Senator from Alabama. Is there objection? The Chair hears none, and the vote is reconsidered and the question recurs on agreeing to the resolution.

Mr. INGALLS. I now move to amend the resolution by inserting after the word "report" the words "including the views of the minority of the committee."

Mr. MORGAN. I accept that amendment.

The PRESIDING OFFICER. The amendment is accepted.

The resolution as modified, was agreed to.

The resolution, as modified, was agreed to.

VAGRANCY IN THE DISTRICT.

The PRESIDING OFFICER. Under the order of the Senate the Secretary will report the first bill on the Calendar at the point where the Senate left off yesterday.

The bill (S. No. 1477) for the punishment of tramps in the District of Columbia was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amountment to strike out all after the energing element in

with an amendment to strike out all after the enacting clause and in lieu of the matter stricken out to insert:

with an amendment to strike out all after the enacting clause and in lieu of the matter stricken out to insert:

That all idle, vicious, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, or who babitnally go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms; all persons found trespassing in the night-time upon the private premises of others; all persons found habitnally loitering in or about tippling-houses, gambling-houses, or houses of ill fame; all persons guilty of indecent behavior publicly in the streets; all persons going about and having in their possession any article, device, or thing for the purpose of gaming, cheating, or obtaining money under false pretenses; all persons known to be pickpockets or thieves, either of said oftenses, found loitering around any steamboat landing, railroad depot, banking institution, place of public amusement, store, shop, crowded thoroughfare, car, or omnibus, or at any public gathering or assembly, shall be taken and deemed to be vagrants, and upon conviction thereof, or any part thereof, in the police court, or in any court of competent jurisdiction, upon information filed in the name of the District of Columbia, be required to enter into security for their good behavior in a sum not exceeding \$300 for a space of time not exceeding one year; and in case of refusal or inability to give such security they shall be confined for a term not exceeding one year in the workhouse of said District, unless such security be sooner given; and the same proceedings shall be had against such person or persons so offending for each and every offense.

Sec. 2. That whenever any person so convicted of any of said offenses as aforesaid shall give security as above provided for his or her good behavior, and shall, within the time for which said security was given, be again convicted of any of said offenses, the judge of said court shall cause a summons to issue requiring the

Sec. 4. That any vagrant who shall willfully and maliciously do any injury to

any person, or to the real or personal estate of any person, shall be punished by imprisonment at hard labor not more than two years.

Sec. 5. That any act of beggary or vagrancy by any person not a resident of the District of Columbia shall be evidence that the person committing the same is a vagrant within the meaning of this act.

Sec. 6. That minors under seventeen years of age who shall be convicted under the first section of this act may be committed to one of the charitable, educational, industrial, or reformatory institutions within the District of Columbia provided for the support and education or reformation of the poor, destitute, and vagrant, there to be detained, kept, instructed, and employed in such useful labor as such child shall be able to perform, until discharged therefrom by the commissioners of the District or bound out by their authority, or until the parents or friends of such child shall give security, to be approved by the court, that such child shall not again commit such offense.

Sec. 7. That it shall be the duty of the Metropolitan police, and they are hereby required, to arrest any persons committing any offense described in this act and take them before the police court for oxamination.

Sec. 8. That this act shall not apply to any female or blind person who, upon examination, shall be found by the court to be a worthy object of charity.

Mr. KERNAN. Without knowing more of this bill than I gather

Mr. KERNAN. Without knowing more of this bill than I gather from hearing it read, I call attention to lines 5 and 6 of the first section of the amendment:

That all idle, vicious, or disorderly persons in the District of Columbia without any fixed, regular, or lawful means of support, or who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

For one I hardly wish to arrest persons who are not vicious or dis-For one I hardly wish to arrest persons who are not victous of disorderly, but being poor, solicit alms. Frequently many poor persons live by going to houses getting cold meats and soliciting things of that kind. I move to strike out from and after the word "support," in line 5, to and including the word "alms," in line 7, striking out "or who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms." I am unwilling to put these with disorderly, idle, and victous persons.

The PRESIDING OFFICER. The Senator from New York moves to amend the amendment of the committee by striking out the following words:

lowing words:

Or who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

Mr. VANCE. I wish to state that this bill was prepared by the commissioners of the District of Columbia, and I desire to have read a letter from the district attorney, who draughted the bill for the

The PRESIDING OFFICER. The Senator from North Carolina asks that a letter be read. If there be no objection the Secretary will read it.

The Chief Clerk read as follows:

Office of the Attorney for the District of Columbia, Washington, March 12, 1880.

Gentlemen: Herewith find your communication of the 8th instant, directing the preparation of a vagrancy law, and a bill prepared in pursuance thereof.

Mr. Riddle referred the matter to me, and the accompanying bill, which meets his approval, is the result of an examination of the statutes of the various States upon the subject of vagrancy and tramps, and of my own experience in the police court, where the various offenses described in the bill are almost daily complained of and the inadequacy of the present law forcibly demonstrated.

For a long time the city has been infested with a number of sharpers and three-card-monte men, who, under the guise of guides to the public buildings, prey upon the unsuspecting visitors, and by trickery and various devices cheat them out of their money. This has been a frequent subject of complaint, but as there is no law to punish the offenders, this business cannot be suppressed. There is also another class of criminals who prowl about at night, sleeping and building fires in unoccupied houses, breaking into stores and other places, for whom there is no adequate punishment.

Under the present vagrancy law, the defendant, upon conviction, is required to give bond for his good behavior in the sum of \$20, or in default be committed to the work-house. This bond is practically a nullity, as the court has no power to enforce it. I think that the enactment of a law like the bill submitted would result in ridding the city to a large extent of this vagabond class.

Very respectfully,

JAMES E. PADGETT,

Special Assistant Attorney, District of Columbia.

JAMES E. PADGETT,

Special Assistant Attorney, District of Columbia.

Of the District of Columbia.

Mr. VANCE. It is recommended. Mr. VANCE. It is proper to observe that in considering the substitute the committee desired to avoid the difficulty suggested by the Senator from New York, but were exceedingly anxious to suppress the evils mentioned in the letter. This city is known to be the resort of a great many disreputable people, of a great many people without occupations, as well as of a great many unfortunate people. I ask the Senator from New York if his objection is not obviated by this section, to which I call his attention:

SEC. 8. That this act shall not apply to any female or blind person who, upon examination, shall be found by the court to be a worthy object of charity.

If that provision does not meet the objection of the Senator from New York, then the question recurs whether it is desirable to sup-press miscellaneous vagrancy on the part of the people who are not

vicious and disorderly.

The PRESIDING OFFICER. The morning hour has expired, and it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is Senate bill No. 133.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States;

A bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia;

A bill (H. R. No. 6599) to change the time for holding circuit and district courts of the United States for the western district of Virginia, held at Danville, Virginia.

The message also announced that the House had passed the follow-

ing bills:

A bill (S.No. 1776) granting a pension to Margaret S. Heintzelman; and

A bill (S. No. 1814) to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes.

EDUCATIONAL FUND.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (8. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of uational colleges for the advancement of scientific and industrial education, the pending question being on the amendment proposed by Mr. Bailey, to strike out lines 10, 11, and 12 of section 3, and insert in lieu thereof:

And entered upon the books of the Treasury to the credit of the fund, and bearing interest at the rate of 4 per cent. per annum;

So as to make the clause read:

That the next proceeds of said sales and receipts for patents shall be set apart as an educational fund, and entered upon the books of the Treasury to the credit of the fund, and bearing interest at the rate of 4 per cent. per annum.

Mr. BURNSIDE. I have no objection to the amendment.
Mr. McDONALD. I am decidedly in favor of that amendment,
because I think it more nearly brings this in harmony with the rule which has been adopted in such matters than to leave the bill in its present form. Most of the States have provided an endowment stock, of which the money received under this bill will undoubtedly form of which the money received under this bill will undoubtedly form a part and thus become a part of the permanent funds of the State. Nearly all the States that have such a provision as that have regulations for the use of that fund by which it shall earn interest or income. That fund will receive the amount of 4 per cent. on the money provided for in this bill. For instance, in my own State three and a half million dollars of our common-school funds is in State bonds, which pay 5 per cent., and are non-negotiable bonds, and the remainder of our common-school fund under the laws of our State is earning every year over 5 per cent. It is the interest of the fund that we

divide and distribute for the expenses of our schools.

Now, if this money, in place of being retained at interest by the General Government, is turned over to the States and becomes a part of their State systems and is blended with their State funds, it will of their State systems and is blended with their State funds, it will be in entire harmony with the system that is in operation in most of the States. It would be inconvenient in my own State to dispose of a fund of this kind in the manner in which this bill in its present shape proposes. Therefore I hope this amendment will be adopted. It gives to the States who have not made this permanent provision the presence of a fund and enables them to apply it at once to educational purposes, and so it will meet, I have no doubt, the wants of a greater number of those for whom it is designed than if the section is retained in its present form and simply the interest from year to year is doled out to the different States under the provisions of the bill.

Mr. MORRILL. I think there will be no objection to the adoption of the amendment proposed, as it obviously diminishes the expense of printing bonds, and it is safer for all the States to have it as pro-

posed by the Senator from Tennessee.

Mr. COCKRELL. Mr. President, I am opposed to that provision of the amendment which prescribes 4 per cent. interest. It is more than this Government ought to pay upon any of its obligations or liabilities of any kind. I have no doubt that the Government can borrow any reasonable amount of money at 3 per cent., and it ought not to contract an obligation to pay more interest upon this fund than it could borrow the money for in the market. We are having a number it could borrow the money for in the market. We are having a number of special funds placed in trust in the Treasury, upon some of which we are now paying 5 per cent. interest. I do not favor that policy. In February, 1879, when we had the refunding certificate bill before the Senate, I opposed it because the interest was 4 per cent., and stated that it should be reduced to 3 per cent., and that bonds bearing that rate of interest could be negotiated by the Government. Subsequent events have proved that the statement then made was correct, and I do not think that we ought to make any obligation of the Government bear over 3 per cent. interest.

Mr. INGALLS. Mr. President, the Senator from Missouri appears to me to misapprehend the object and purpose of this bill. This is not a question of paying interest on an obligation of the United States. Here is a certain sum of money set apart from the sales of the public lands as a gratuity, the income or interest of which is to

States. Here is a certain sum of money set apart from the sales of the public lands as a gratuity, the income or interest of which is to be applied to the purposes of education, to the several States. It is not a case of the Government borrowing money. It is merely a question of what the Government is willing to pay annually for the purposes of education. I would agree fully with the Senator from Missouri that in case we were borrowing money the interest of which was to be paid to a person holding the obligation, 3 per cent. would probably be high enough; but this is an entirely different purpose.

We are endeavoring to ascertain what we are willing to pay for the purposes of education in those States where illiteracy exists. I would be glad to see it raised to 10 per cent. I would be very glad, indeed, to have the Government allow 10 per cent. per annum on this insignificant fund for that purpose. It was stated yesterday, I think, that the amount that would be realized year by year would be about one million dollars. At 4 per cent. there is \$40,000 to be paid by the United States Government.

United States Government.

Mr. HOAR. It will be a million and a half.

Mr. INGALLS. Well, a million and a half; the argument is not changed; it is an insignificant amount; and when we are considering this as a question of gratuity, what we will give for a beneficent purpose, it seems to me that the Senator from Missouri is not occupying a proper attitude in haggling about the rate of interest that shall be paid. I wish it were 10 per cent.; instead of reducing it I would

paid. I wish it were 10 per cent.; Instead of reducing 10 I would vote to enhance it.

Mr. BAILEY. Mr. President, I do not agree with the Senator from Kansas or with the Senator from Missouri. I think the latter would put the bill in a shape which would not accomplish the object and purpose of the amendment which I have offered and which is under consideration. The Government is dealing not with creditors but with its own citizens, and this money is to be paid not to a single person but to be paid out for the benefit of all the children of the United States. I trust the Senator from Missouri will withdraw his objection.

objection.

The bill as reported by the committee directed that this fund should be invested in 4 per cent. bonds of the United States. Those bonds are now in the hands of people here and abroad, and the Secretary of the Treasury is compelled to go into the market to buy them. To obviate the necessity for doing that and paying a premium on the bonds, it was suggested that it would be better to have this sum inscribed on the books of the Treasury to the credit of this fund. It is money which belongs to the people of the United States, and the Government pays 4 per cent. on it. Mr. McDONALD. I should like to ask the Senator from Tennessee

if it would not be better to solve this whole question by adopting the amendment of the Senator from Colorado [Mr. Teller] and letting this fund go over to the States, and permitting them to pay it out as

this fund go over to the States, and permitting them to pay it out as they choose. They may get more than 4 per cent.

Mr. BAILEY. But they might less the whole.

Mr. McDONALD. Let it be paid over to the States, to be blended with the common-school funds and systems of the different States; systems that have been built up for years and years.

Mr. BAILEY. This money will go in part to the State of Indiana, and it will be administered and need need need need need need with

Mr. BAILEY. This money will go in part to the State of Indiana, and it will be administered and used under and in accordance with the laws of the State of Indiana; that is to say, the interest will go to the benefit of the common schools of that State from year to year. Here this fund will be forever safe; and the experience that we have gained in respect to the administration of the lands that were donated by the Government by the act of 1862, it seems to me, should teach us the necessity of retaining this money in the Treasury of the United States. Under that act distributing land scrip between the States for the benefit of agricultural colleges great abuses occurred. Many of the States lost altogether the fund. Some of them were alleged to have devoted it to other purposes. Some have loaned it out at high rates of interest, and have met that fate which is common to those who undertake to secure large returns for the loan of money. I think it altogether better to let the fund remain in the Treasury. Let it be here under the custody and under the control of Congress, under the control of the Government from whose bounty it proceeds, and let the interest, and only the interest, be paid from year to year to

Mr. DAVIS, of West Virginia. Mr. President, it occurs to me far better to let the proceeds go directly to the States to be used now, instead of in future generations. Let the present generation profit by this donation, for it needs it as much as any other generation will. Further, we are now paying off our national debt very rapidly. This generation is paying it for future generations, and I cannot see why if we are to have the General Government aid the States in education of the states are to have the General Government and the States in education.

cational purposes we should build up a fund for future generations and the present generation get very little or no benefit for it. We are certainly now as much in need of it as we ever shall be, and probare certainly now as much in need of it as we ever shall be, and probably a great deal more so, for we know that a certain class of our people have not had opportunities and their wants now are perhaps greater than they will be at any future time. It occurs to me that it will be far better to adopt the amendment of the Senator from Colorado. I believe that looks to that object. Am I right?

Mr. TELLER. That is the purpose of it.

Mr. DAVIS, of West Virginia. Then I hope that the amendment of the Senator from Colorado will be adopted, and let the fund go to the States for a specific use: let it be paid to the States now, and

of the Senator from Colorado will be adopted, and let the finnt go to the States for a specific use; let it be paid to the States now, and not held, as has been suggested, for generations yet to come. If you put the money as a fund in the Treasury there will be constant efforts at legislation about it. Schools and colleges will be constantly growing up; some special charitable object will want a part of it, and will seek to get it from year to year. We are paying the public debt annually at this time at the rate of about \$100,000,000 a year. That is for the benefit of generations to come. Now, why tax ourselves additionally when this money can be applied to the present wants of the people? I hope that course will be taken by the Senate. Mr. JONES, of Florida. Mr. President, I am clearly of the opinion that the amendment offered by the Senator from Colorado ought to be adopted. I understand that that proposes to turn over this entire fund yearly to the States and the Territories, and thus make the respective shares of this money a part of the school fund of the respective States. Now, Mr. President, it certainly cannot be claimed that the Government of the United States can feel a deeper, a greater interest in the education of the people of the respective States than the States themselves; and I think that this Government can rely with great security, upon the guarantees and safeguards which surround States themselves; and I think that this Government can rely with great security upon the guarantees and safeguards which surround the respective school funds of the several States. There is hardly a State in the Union at the present day that has not got an independent school fund surrounded by every possible guarantee that the education and the interests of the people shall be protected. Now, for the Government of the United States to set itself up as the superior guardian of the interests of the people of the States in respect of this great subject, and to say, "We cannot trust you with the management of this little sum of money which is annually to be paid into your treasury for the education of your people," is a position that I think ought not to be taken by this Government toward the governments of the several States. What objection, therefore, can there be to the proposition of the Senator from Colorado? Suppose this money is turned over every year according to the proportion fixed by the to the proposition of the Senator from Colorado? Suppose this money is turned over every year according to the proportion fixed by the bill and the States permitted to invest it in their own securities—the State of Georgia in her bonds, the State of Florida in her bonds or in other funds—where is the harm? At all events let it become part and parcel of the State educational fund, and not have one educational fund under the control of the General Government relating to the education of the children of the State and a distinct fund within

to the education of the children of the State and a distinct fund within the control of the State for the same purpose.

I have no hesitation in saying that I approve heartily of the principle of this bill, and in no event shall I oppose it; but I would be glad to see the amendment of the Senator from Colorado adopted.

There is another part of the bill on which I designed to say a few words. It is that which relates to the taking of a portion of this fund annually for agricultural colleges. I have no objection to agricultural colleges, although I think the best way to learn the business of farming is in the open field. Nevertheless, a great deal of time and knowledge is necessary to make a practical farmer or a practical mechanic; but, after all, I think it is more important that the great body of the people should have a common-school education than that any special information should be imparted to any particular class. I do not think we shall have money enough under this bill to divide it up into small portions, setting one part aside for the education of up into small portions, setting one part aside for the education of women, another portion for the education of men, another portion for instruction in agriculture, another for instruction in mechanics, and another portion for instruction in the rudiments of an ordinary

I think, sir, if there is anything that ought to strike the legislative mind with regard to this subject it is this, that the whole fund ought to be taken and put into the common-school channel, and let the college fund stand where it is. This bill provides that one-third of the income of this fund shall be taken annually for the purpose of maintaining our agricultural colleges until their incomes amount to \$30,000 a year. Practically this would do the people of my State no good whatever, for the limited fund which we have there arising from the agricultural-college scrip is so small that I hardly expect to live long enough, even though I might live to the period which ordinary calculation assigns to human existence, to see that fund reach \$30,000 a year. Therefore I would be glad to see that provision changed so that the whole of this money arising from the net proceeds of patents and public lands should go at once into the common-school funds of the States, to be appropriated in accordance with the State laws for the purpose of enlightening and building up the intelligence of the

and public lands should go at once into the common-school funds of the States, to be appropriated in accordance with the State laws for the purpose of enlightening and building up the intelligence of the people there upon whose shoulders rests the great fabric of this great Government. It may be that hereafter in the exercise of a liberal spirit we may find some other source to draw upon to carry out the views of my friend from Alabama [Mr. Mongan] to build up a college system; but if you mean to bring practical advantages home to the great body of the people, let this money go into the commonschool fund and have the people educated with it.

Mr. MORRILL. Mr. President, I regret to see an effort made to reduce this great measure to the dimensions of merely an annual appropriation. I take it that it is a measure which is to mark a point on the great block of time, showing that we have established a permanent fund on the part of the General Government for all future time. In many of the States where they have a large school fund it commenced from small beginnings and has risen up to a respectable and very efficient amount. Although this begins in a small way I trust it will be a permanent way to make a lasting fund, and one that cannot be diminished by any indiscretion or by any accident on the part of any State.

Mr. ALLISON. Mr. President, I desire to ask the Senator from Vermont, who seems to have charge of the bill, especially in view of

Mr. ALLISON. Mr. Fresident, I desire to ask the Senator from Vermont, who seems to have charge of the bill, especially in view of what he has just said, whether it is the purpose of the promoters of this bill to set apart this fund in the Treasury? The language of the provision clearly indicates, to my mind, that it is the purpose of the bill to set apart this fund in the Treasury. Now I do not think that ought to be done. It seems to me that this fund as it accumulates ought to be used by the Government of the United States to liquidate

its existing indebtedness or in some other way so that we shall not be practically holding a large fund in the Treasury uninvested.

Mr. MORRILL. Undoubtedly the Senator is mistaken in supposing that the Treasury will have to hold this identical sum. All it will be required to do is to pay the annual interest on it at the rate of 4 per cent

Mr. ALLISON. Then I would suggest to the Senator from Vermont that instead of saying it shall be set apart as an educational fund, the bill should say that the proceeds of the sales of the public lands

shall be paid into the Treasury, and that 4 per cent. of the ascertained amount each year shall be devoted to this purpose.

And while I am on my feet I should like to ask the Senator from Vermont upon what principle it is that the surplus of the patent fund is thus to be set aside and made sacred? I see there is a reservation of power here to still legislate as we may choose to legislate with reference to the public lands; but when we come to the clause relating to the surplus of the patent fund there is no such reservation made. Now suppose it should occur hereafter that we want to tion made. Now suppose it should occur hereafter that we want to reduce the rate that we require now the poor inventors or rich inventors of our country to pay for the purpose of securing a patent, it would be at once said "we cannot do that in good faith to this permanent and sacred fund which we have provided for in this bill." I do not see any real reason why we should set apart the surplus of the patent fund at all. The proceeds of the Patent Office are now paid into the Treasury, and Congress ought to retain control of those proceeds first for an efficient and effective administration of the affairs of the Patent Office itself, and secondly, if we choose to reduce the fees that inventors are compelled to pay.

This is nothing more nor less, as I understand, than a mere assignment of a certain fund from the Treasury of the United States, because not only our patent fund but the proceeds of the sales of public lands have been used for the ordinary purposes of our Government, and they are a part of the assets of this Government. The patent

lands have been used for the ordinary purposes of our Government, and they are a part of the assets of this Government. The patent fees are a tax on inventors, just as much a tax as the tobacco tax is, and we might with equal propriety, it seems to me, set apart a certain portion of the fund received from the tax on tobacco for educational purposes as the amounts paid in by inventors. Ido not object to it; I only wish, with the Senator from Kansas, that we could enlarge this fund in some proper way. I am willing, therefore, to pay 4 per cent. nominally, because it is not a payment of interest; we are simply setting apart a portion of the fund which we derive from various sources to educational purposes. It matters not whether we call it 4 or 10 or 20 per cent.; it is a mere designation of a certain amount annually, as I understand it, to be devoted to this purpose.

Mr. HOAR. Mr. President, I represent, I suppose, a constituency as much interested in having justice to patentees done by legislation as any constituency in the world, and I think there is a special appropriateness in setting apart this patent fund to the purpose of educating the people. In the first place, as I said yesterday in regard to the sales of the public lands, it seems inappropriate that the proceeds of the public lands, regarded as in the light of public property, should be used up for the purposes of a single generation. There is a great sacred property of the United States acquired for us by past generations and the inheritance in fee-simple of all generations. Now, these patent fees are the result of what? They are the payment by the inventive intellect of the country to the Treasury as the performance of the reasonable foundation which is required of inventors for the security of their property in their inventions. The invention does not come from ignorant communities; it does not come from communities where there are no schools. On the other hand, it does not come from men of science or men of letters or the men of large and various

ing to save the labor of his fingers and his toil at the workman's bench or with tools, possessing a brain instructed enough to enable him to understand and to apply science and to understand the processes and the principles of mechanism in complicated machines—it is from that class of men, receiving an education in the common school or in the technical school, that the inventions of the country come.

To appropriate this fund to the endowment of these technical schools (not merely agricultural colleges, but technical schools) and to the endowment of the common schools, without which education is impossible, seems an appropriate disposition of this fund, instead of using it for the general purposes of Government year by year. That is the first answer which I make to the point made by the honorable Senator from Iowa, [Mr. Allison.]

His second suggestion is that this may be construed to prevent the diminution of the fees which are to be paid by patentees from time to time if justice and reason shall seem to require that hereafter. I do not understand that there is anything in this bill, and I do not believe there should be anything in this bill, which shall in the least prevent the United States hereafter from diminishing the price at which it will sell its public lands, or from distributing its public lands altogether gratnitously hereafter, or from diminishing the patents. lands altogether gratuitously hereafter, or from diminishing the pat-ent fees which are to be paid by inventors; and the bill is carefully guarded to prevent any such conclusion. I have no doubt that those patent fees are to be diminished, that Congress will think it reasonable to make a change in the system in that respect, and require, perhaps, a renewal fee once in five or ten years, but to diminish the original fee paid by the inventor for his patent. But I do not believe

that that diminution is to result ever in a diminution of the total receipts from that quarter into the Treasury. On the contrary, I believe that under the stimulant of the free common-school education which this bill is intended to promote, and under the stimulant of a diminution of the fee required of the inventor, the inventive genius of this country is largely to be increased, and the proceeds of that inventive genius in the Treasury, the immediate advantage to the Treasury, largely to be increased. Large as have been the achievements of the inventive genius of America, larger than the achievements of the inventive genius of all other countries in the world and ments of the inventive genius of all other countries in the world and ments of the inventive genius of all other countries in the world and of all the ages of time put together, we are in the infancy of invention. The great and chief glory of America is to be its contribution through the inventive brain of its people to those arts which make up the comfort and safety and civilization of humanity. And there certainly is nothing in this bill—if there were those who are now its chief friends and advocates would be its most determined opponents—which can in the least impose any burden on the inventive genius of

Mr. ALLISON. The Senator from Massachusetts misapprehends, I think, the force of my inquiry. I stated that a very careful reservation seems to be made with reference to the disposition of the public lands leaving the power of Congress to deal with them hereafter; but when it comes to the question of patent fees there seems to be no such reservation. If this bill has the sacredness which its promoters claim for it, a question may be raised in the future whether or not we can honorably and fairly reduce the fees to be paid by inventors and thereby possibly reduce the aggregate amount that shall go into the

fund for this purpose.

Mr. HOAR. The other provision in regard to the public land was in my judgment totally unnecessary; but the way that came about was this: that was inserted to save any possible question in any mind which otherwise would be likely to be friendly to the bill, in regard to its affecting in the least the policy which the interest of settlers would require this Government to adopt. When this bill originally passed the House of Representatives some years ago it did not contain this provision for disposing of patent fees at all, and that was added at a subsequent time. If I had my way I would add to this bill, and answer the objection made by my friend from Colorado in that way, a provision that every dollar hereafter to be received by the United States from the debts due them for railroads, which incidentally are connected with grants of the public land, should be devoted to this purpose. I should be glad to see Congress do that; but I have no idea that the Senate would be ready to take apparently so radical and large a step. Certainly it is very easy to use such caution in regard to the patent fees as shall obviate any objection on that point; and though it seems to me to be unnecessary, if it seems to so carewhich otherwise would be likely to be friendly to the bill, in regard and though it seems to me to be unnecessary, if it seems to so careful and accurate a lawyer as my friend from Iowa to be necessary, that would be enough to induce me to vote for such a provision for that reason. Therefore if he desires to have a provision that nothing in this act contained shall be held to bind Congress in regard to the policy it may pursue with relation to patents for invention, I shall

give it my vote, for one.

Mr. ALLISON. The only reason I made the inquiry was this: I found this reservation in reference to the public lands but did not find it in reference to the patent fees, and I only inquired why the

distinction was made.

The Senator knows how a bill of this kind is a growth from one point to another. That provision was inserted when the

bill did not contain the disposition of patent fees at all.

Mr. INGALLS. Mr. President, whatever surplus money there is in the Patent Office in my judgment is money that is unjustly and improperly taken from the people, and the disposition that I would improperly taken from the people, and the disposition that I would make of it would be to return it pro rata to the inventors of the country. This Government is not instituted or carried on for the purpose of making money or declaring dividends. It is a government of the people; and when the expenses have been paid that is all that can be asked, and any imposition of fees in any Department that leaves a surplus is so much money unjustly taken from the people. I have no sympathy with the idea continually advanced that certain departments of the Government ought to be self-supporting, and that fees and imposts and duties ought to be added from time fees and taxes and imposts and duties ought to be added from time to time so as not only to make the expenses but to leave a surplus in the Treasury to be applied for some other purpose. But if there is to be a surplus in the Treasury from the Patent Office, which I do not think ought to exist—on the contrary, I think the fees ought to be reduced until there is nothing more than a fair meeting of the expenses—then I can see no better object to apply it to than the educa-

beneses—then I can see no better on the country.

But I rose more expressly to say that I shall very cordially support the amendment offered by the Senator from Colorado, [Mr. Teller,] and I shall do that for two reasons. In the first place, I am opposed to the idea, which the Senator from Vermont [Mr. MORRILL] seems to desire, of making this a permanent department in this Govern-ment. I want it to be in the nature of an annual appropriation over which we shall have complete control, and that whenever from any reason, whether from the diminution of illiteracy or from the reduction of the revenue, it shall be necessary to stop this appropriation, we can do so without any injustice, either express or implied.

In the second place I favor the amendment because I want to do something for these people. I do not want to hold out to them an

empty and delusive promise that shall be kept to their ear and broken to their hope. We have a fund annually of a million and a half of dollars; that at 4 per cent. will yield \$60,000. Mr. President, half of dollars; that at 4 per cent. will yield \$60,000. Mr. President, that would not buy slate-pencils and primers for the children of this country. It is empty and idle to talk about curing the disease of illiteracy in this country with \$60,000 a year. Here is a great, ominicus problem threatening us to-day. Every ignorant, unlettered voter in this country is unconsciously and involuntarily a conspirator against liberty, and is a standing menace against its safety. What we want to do is to apply the remedy to the disease to-day. If we have got a million dollars that we can appropriate to that purpose let us do it now. We do not owe posterity anything; posterity will take care of itself; and I hope that the future generations of this country will not stand in need of this medicine that we now propose to apply. Future generations, I hope, will see this curse removed. to apply. Future generations, I hope, will see this curse removed. Here is a condition abnormal existing in consequence of certain social conditions, certain political conditions, that we hope will be healed and cured in time; and what we ought to do in this bill, as in any bill proposing to educate the people, is to heal the illiteracy that exists to-day in consequence of the war and the social conditions of the South.

But, sir, the amount that is proposed by this bill to be set apart as a permanent fund, in my judgment, is entirely insignificant even as an annual appropriation. We have an unquestioned right, as a duty of self-preservation to save our institutions from imminent peril, to educate these people up so that they will appreciate their duties and their rights and maintain them, and to make liberal and generous appropriations, and the petty sum of \$60,000 a year to be derived from the income of the public lands and the Patent Office fees is

entirely inadequate to cure the evils that we all admit to exist.

Mr. BAILEY. Mr. President, sentiments of great importance have fallen from the lips of the Senator from Kansas, but I ask the Senate to stand by the bill as reported by the committee. ate to stand by the bill as reported by the committee. The income of the first year under the operation of this bill, if it shall become a law, certainly may not exceed sixty or seventy thousand dollars, but each recurring year will add another million and a half, perhaps two millions, certainly some sum of money to the principal upon which this interest is to be paid, and in the course of time, within his lifetime, perhaps, instead of \$60,000 a year there may be a million or two or three millions a year to be distributed among the States for this

Mr. TELLER. How soon?

Mr. BAILEY. Perhaps within his life-time; and more especially will that be true if Congress shall hereafter see fit to adopt the suggestion made a moment or two ago by the Senator from Massachusetts, and dedicate to this fund all the moneys which shall hereafter be setts, and dedicate to this fund all the moneys which shall hereafter be received from the railroad companies, amounting now, I believe, to \$90,000,000, or near \$90,000,000, according to the report of the Secretary of the Treasury. And the Senator made another suggestion yesterday, that this will be a nucleus around which may gather the charity of the country, and from every part of our broad land, North and East and South and West, great-hearted men and sagacious men, looking to the future of our country and desiring that the children may be educated and that the schemes and dangers which have been pictured by the Senator from Kansas may be removed, will give out of their substance and from their great wealth large sums of money to this fund, to be distributed from year to year. Therefore, although the necessity of my section of the country, to-day, is very great; although we are endeavoring in our poverty, and perhaps not so successfully as we might, to build up a system of schools that will educate all the children of the country of all colors and of all races; although we would feel relieved at this time by this distribution, yet in the end it will be better for us and for all the people of the country, in my opinion, that this fund shall remain sacred and untouched that the principal of it shall be held in the Treasury of the United States now and forever for the benefit of all the people and all the children of the country.

These lands belong, as was justly said by the Senator from Massamay be educated and that the schemes and dangers which have been

These lands belong, as was justly said by the Senator from Massachusetts, to the people of the United States in fee-simple in trust. This great domain is an inheritance of the past. It should be sent down to our posterity as an inheritance, and let those who are to succeed us enjoy the benefits of this fund as well as the men of to-day. trust the Senate will not adopt, when it shall come to act upon it, the amendment offered by the Senator from Colorado, but will stand by the principle of the bill, namely, that this shall be a perpetual fund for the benefit of the people for all time.

Mr. HOAR. Mr. President, I wish to make one simple suggestion

in addition to what has been said so much better than I can say it by the Senator from Tennessee. This fund is not to-day the only instrumentality of aiding the common-school systems of the States. The Peabody fund, which amounts to about \$3,000,000, is being appropriated now in the same general direction, and the American propriated now in the same general direction, and the American Missionary Society, though having, I suppose, some regard to the charities of the religious bodies which make it up, is largely engaged toward the same end, so that the \$60,000 which is to be paid out the first year is not the only addition to the common-school funds of the States which now is available for that purpose.

Mr. MORGAN. Mr. President, I am opposed to the pending amendment for the reason that I think it will reduce the amount of morary to be provided for education to a weekly superparently. I we

money to be provided for education to a small sum annually. I pre-

fer the amendment offered by the Senator from Colorado. The Sen-

ator from Tennessee suggests that one of the objects of this bill is to provide a fund which shall continually increase—

Mr. BAILEY. The bill as reported from the committee directs that the money shall be invested in United States bonds drawing interest. The object of my amendment is to avoid the necessity of going into the market and buying the securities of the United States. It is simply to perfect the bill, and I trust the Senator when he comes to vote on it will vote to perfect the bill, and then will come up the question submitted by the Senator from Colorado.

Mr. MORGAN. I propose to perfect the bill and have every disposition to do so, but the purpose of setting apartand securing this fund perpetually for the benefit of education will not be better accomplished by the investment of it in United States bonds or by putting it in the Treasury than by handing it over to the respective States for the benefit of their school funds. Great good, I think, has already been accomplished by the system we have been pursuing of having such a fund in the different States for investment. The States have, of course, a very particular interest in the security of this fund; the public attention of the whole mass of the community is turned to this subject every time the Legislature meets in any of the States, and no State, I think, will ever prove unfaithful in the administration

Now, if Senators will turn to the table which I presented yester-day, furnished by the Commissioner of Education, they will find that three States in the administration of this fund have realized a very much larger share annually to be devoted to the purposes of education than this 4 per cent. will amount to. The State of Alabama has secured a fund and pays annually 8 per cent. upon the entire amount of the investment. The State of Arkansas pays an equal if not a greater amount. This is the statement as to Arkansas:

Endowment.—Lands given by Congress; \$100,000 by Washington County; \$30,000 by town of Fayetteville. Value of grounds and buildings, \$300,000. Annual income from bonds, \$10,400; from tuition, \$2,000, and State appropriation of \$5,000; total income, about \$17,500.

Of course that is not merely from the Government fund, but it is very much an increase over the 4 per cent. proposed to be paid by this bill on this amount of money. So you may follow it through every State and Territory that has received land scrip under the act of 1862, and you will find that the average is above 5 per cent. of moneys actually realized by the States from the investment of the fund.

realized by the States from the investment of the fund.

I see no occasion at all for withdrawing the control of the remaining fund we propose to put in the hands of the States from the different State governments, but I see a great advantage, I think, which has already been realized in the experience of the country in the administration of this system of laws, in intrusting to each of the States the investment of this money in such manner as it may see preper. There is no danger about the security, and I am quite sure we should realize from 2 to 3 per cent. more money by adopting this course than we should either by putting it in the bonds of the United States or by putting it in the Treasury of the United States to be paid out. I consider that we are assuming here voluntarily a trust in behalf of the uneducated classes of the United States, and when we impose upon ourselves a trust of this character and set the money apart for the purpose of complying with the objects of the trust, we apart for the purpose of complying with the objects of the trust, we ought as wise trustees to allow the money to be so invested as that it will make the largest sum possible for the interest of the beneficiary. Senators have remarked that we are not creating a debt with this fund; we are not even creating a debt against the Government of the United States, but we are setting apart a portion of its revenue to be realized from the sale of public lands in trust for its purposes of common education.

One remark further, Mr. President. It was suggested by the Senator from Florida that it is not worth while to parcel out this fund, a portion of it to agricultural colleges, a portion of it to commonschool education, a portion of it to the education of women, &c., but that all had better go to one common-school fund and be applied to that all had better go to one common-school fund and be applied to the education of the masses in those branches of learning which make them qualified as voters or qualified to understand the duties of citizenship. I grant you that that is the primary object of education, to qualify the citizen for the duties of citizenship; but there is another very important matter connected with citizenship, and that is the ability of self-support and the ability of making some contribution to the advancement and prosperity of the country, so that it is necessary to give special education to special classes and for special purposes. That has been the experience of mankind, and we cannot afford now to ignore the lessons of experience when we are making this movement in favor of the education of the country.

I will say however, that it is no part or purpose of the amend-

I will say, however, that it is no part or purpose of the amendment that I propose to offer to set apart any special part of this fund for the education of women. The object I have in view is simply to so amend the original statute of 1862 as to authorize—I have changed the language of my amendment for the accommodation of Senators so as to authorize the States to endow, if they please, or to establish and conduct schools for the special education of women with reference to the industries which surround us and with which they are intimately and necessarily connected. With that explanation I have

mo further remarks to make.

Mr. McDONALD. Mr. President, as connected with the amendment offered by the Senator from Colorado I desire to call attention

to the constitution of the State of Indiana in regard to our public schools. It is made the duty of the Legislature "to provide by law schools. It is made the duty of the Legislature "to provide by law for a general, uniform system of common schools, wherein tuition shall be without charge and equally to all." And as to the principal of the common-school fund, our constitution provides that "the principal of the common-school fund shall remain a perpetual fund, which may be increased, but shall never be diminished, and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever." It is then made the duty of the State to invest the principal of the fund, or that portion of it under the immediate control of the State so as to make portion of it under the immediate control of the State, so as to make it an increasing and interest-bearing fund, and that portion of it which under the laws of our State had been distributed to the several counties, or might be distributed to the several counties of the State, the counties were made responsible for; so that there can be no loss, the State being responsible for the principal of the fund, and then, so far as it was committed to the counties or municipal corporations to manage it, they were made directly responsible. As has been suggested by the Senator from Alabama, the fruits of the fund, the earnings of the fund, have all the time exceeded very considerably the interest provided for in this bill. I think it will be found so in almost all the States; but if there should be any of the States that would be compelled from necessity to use a greater amount than the interest of its fund and should draw on the principal for the immediate supply of its educational necessities, it should be at liberty to do so.

As respects the Patent Office fund, it seems to me that the remarks of the Senator from Kansas are well worthy of consideration. I see by the last report of the Commissioner of Patents that the income of that office for the year 1879, over expenditures, amounted to the sum of \$174,292.50. We have taxed the inventive genius of the country that enormous sum in one year more than it has cost to consider their applications and to provide under the law, in accordance with the Constitution, for securing to them for a limited time a special property in that which they had invented. That seems to me to be entirely unjust, and I would not be willing to disturb the proceeds now in the Treasury in excess of the cost of considering and patenting inventions to any particular purpose, and I trust that Congress will take some measures, as far as may be in its power, to do justice to those who have been thus overtaxed. I do not favor, therefore, that

portion of this bill.
Mr. PENDLETON. Mr. PENDLETON. Mr. President, in as far as this amendment is intended to perfect the text of the original bill, I have no objection to it, but on the contrary I rather am inclined to support it. I believe it is better to inscribe the amount upon the books of the Treasury as an irreducible debt rather than to have the money invested in the bonds of the United States, and fix an amount of interest which shall in the case of refunding require a change of the investment. I sympathize most heartily with the purpose which the gentlemen who have introduced this bill evidently have at heart; and, notwithstanding, I have found it quite difficult to get my consent to vote for the bill in any shape, and my difficulties have arisen from an almost invincible any shape, and my difficulties have arisen from an almost invincible repugnance—objection perhaps would be a better word—to increasing the scope of the operations of the Government even within the limit of its acknowledged powers, much less to straining in any degree those powers beyond what I think they fairly cover by their language. But in view of the great good that I think may be done (and which possibly may not be accomplished otherwise than by the aid of the Federal Government) to the systems of education in the States, I have concluded to solve my doubts in favor of this measure. Having come to the conclusion that I ought to give up some of my prepossessions, and possibly some of my indement in the matter. I Having come to the conclusion that I ought to give up some of my prepossessions, and possibly some of my judgment in the matter, I desire that the good which has induced me to make that surrender shall be effected. Therefore I shall support the amendment of the Senator from Colorado. I will not "carry coals to Newcastle" by enlarging upon the considerations presented so forcibly by the Senator from Kansas. I desire to furnish education to the people of the country to-day, not as a means simply of giving them the gratification which may come from their being well educated, but as a measure of safety to the Government and our institutions. I believe that we are now in a crisis that requires solution. I think that crisis can only be solved by educating this impense mass of people to whom we are now in a crisis that requires solution. I think that crisis can only be solved by educating this immense mass of people to whom suffrage has been given. I believe the difficulty impends upon us today, not the next decade, however great the necessities of that decade may be. Therefore I am in favor of a measure which shall to-day provide the States which are otherwise so impoverished that they cannot accomplish this good a fund which will enable them within the next current year to establish a system of education, or commence to do it, which shall go far to relieve these States from the incubus of ignorant voters which has been put upon them without their concurrence and the rest of the country from the danger which impends by reason and the rest of the country from the danger which impends by reason of that immense mass of ignorant voters. Your forty thousand or your sixty thousand dollars a year this year and next year and the next year after that will have no good effects; but if you give them a million dollars next year and a million dollars the year after and a million dollars the year after that until the period shall have elapsed within which you provide that this fund shall be distributed according to illiteracy, you will have done an immense work for bringing those States where there is so much illiteracy to an equality with the other States which have had a good system of common-school education from the beginning.

This is the consideration which has been weighing upon me and which has induced me to come to the support of this bill. As the Senator from Kansas well said, this ignorant mass of voters is a standing menace to the perpetuity of our institutions and to the good government of the country while those institutions last. I feel this to the very bottom of my heart, and I am prepared to take the step which shall, so far as is in the power of Congress, remove that difficulty and save us from the peril that is threatened. That cannot be done, as I said before, by a small contribution; it should be large. The whole question of constitutional power, so far as the Government is concerned, is given up when you apportion this sixty thousand or thirty thousand dollars, or whatever it may be, among these States. That being given up, my objection to the bill having been removed, if I may say so, to that extent, I am prepared to go to the full extent and for the next ten years to give to these people an amount of money which shall be effective for establishing a system of education in those States in behalf of the people who have lately been enfranchised among them.

been enfranchised among them.

It is because this fund is to be distributed according to illiteracy, because the attempt is to be made now to remove that illiteracy, that I am brought to support the bill. Hereafter, when ten years shall have elapsed, when our States shall stand somewhat upon a par in have elapsed, when our States shall stand somewhat upon a par in regard to the attainments their citizens have made in the ordinary branches of education, then I shall be perfectly willing to lay the foundation of a great fund which shall in all time make our people as thoroughly educated in all that is necessary to good citizenship as those of any government in the world. But until that time is reached, until this difficulty is removed, until we shall give to children who are now six, and eight, and ten years old the advantages of such an education as will remove them from the class that we call illiterate I am approach alteresthes to distributing only the income of illiterate, I am opposed altogether to distributing only the income of

Therefore, sir, I shall support the amendment of the Senator from Colorado; and I should be very willing to vote for an amendment to strike out so much of the bill as provides that any portion of the fund shall go for the present to the agricultural colleges; and I should do that, not in the least degree from hostility to them, but because I want to make this fund as large as possible now, and to accomplish immediately, in the near future, the next year, and the year after, and the year after that, all the good that can come from this or any similar measure.

Mr. JONES, of Florida. In that connection will the Senator allow me to ask him a question? I ask the Senator if he can conceive any possible objection to a provision leaving it at the option of the States concerned to use a portion of this fund for agricultural-college purposes or not? I am with the Senator in his line of argument; but if it is made imperative upon all the States it will compel them to

take that course.

Mr. PENDLETON. I am in favor of making it imperative upon the States to expend all of this fund immediately, and I should prefer that it should not be expended in the direction of building up the agricultural colleges but of building up the simple school system. So, while I do not intend to make that an objection to the bill which will prevent my supporting it, I should be glad to have the provision in reference to agricultural colleges stricken out.

I desire to call the attention of the gentlemen who have charge of the bill particularly to the fourth section. In the first line of the fourth section it is declared that "the amount apportioned to the school districts of any State or Territory or of the District of Columbia and certified as herein provided, shall be paid," &c. I desire to ask those gentlemen whether or not it is the intention of the bill

school districts of any State or Territory or of the District of Columbia and certified as herein provided, shall be paid," &c. I desire to ask those gentlemen whether or not it is the intention of the bill that the officers of the Federal Government shall apportion to the school districts of the different States the amounts which under a previous section would be apportioned to the State itself and deal directly with the school districts through its officers?

Mr. MORRILL. It will be done entirely by the States.

Mr. PENDLETON. The gentleman has answered the question as I hoped he would, that the fund apportioned under the third section is to be given to the States themselves according to the illiteracy of the population, and the fund is to be paid over to the officer of the State for the purpose of distribution among the school districts according as the State shall direct. That being the case, I will only call attention to the language of the fourth section, in the first, second, and third lines, and afterward in the ninth and tenth lines, and suggest that an amendment will be necessary, because the meaning of that section, as I understand it, is that the apportionment shall be made by the Federal Government among the school districts, and the payments shall be made to an officer of the State, who shall deliver over to the school districts the amount which is apportioned to them by the Federal officer. But as the gentleman assents to the view which I intended to assert, there will be no difficulty in amending the section, if it shall be found necessary, so as to conform to his idea and my own. the section, if it shall be found necessary, so as to conform to his idea

and my own.

Mr. President, I intend also to support the amendment to be offered by the Senator from Missouri, [Mr. Vest,] to strike out the sixth section of the bill, because I agree with every word that he has said, that when you require the Legislature of a State, as a condition-precedent dent to receiving any portion of this money, to pass a law declaring that the money shall be distributed according to the provisions of this act, it is not only unnecessary but it is entirely derogatory to the

dignity of the State to permit a mere clerk here in the city of Washington to sit in judgment on that State and determine whether or not it has fulfilled the obligations of its own law and the pledge of

not it has fulfilled the obligations of its own law and the pledge of honor which it gives in order to receive any portion of this fund. In order to carry out that idea, I desire to say that on line 19 of section 9 I shall at the proper time move an amendment which shall require the judgment of Congress upon the default of a State in distributing the fund according to the provisions of this law and the State law before the State shall be deprived of its proportion of the fund according to the provisions of the provision of the state shall be deprived of its proportion o state law before the State shall be deprived of its proportion of the fund created by this bill. I am not willing that any less authority than Congress shall sit in judgment upon the performance of the obligation and duty by the State to administer the fund that it receives in accordance with its own law and the law of Congress.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Tennessee, [Mr.

Mr. JONES, of Florida. Let it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out lines 10, 11, and 12 f section 3, in the following words:

And shall be invested in the bonds of the United States bearing a rate of interest not less than 4 per cent. per annum, both principal and interest payable in coin;

And to insert in lieu thereof:

And entered upon the books of the Treasury to the credit of the fund, and bearing interest at the rate of 4 per cent. per annum.

Mr. DAVIS, of West Virginia. I desire to make an inquiry of the hair. If this amendment should be adopted, would it then be competent for the Senate to strike out the whole proviso as proposed by the Senator from Colorado?

The PRESIDING OFFICER. The Chair understands that an amendment is pending to strike out the whole clause, and this is an amendment by way of perfecting the text before the question is taken on striking it out.

Mr. DAVIS, of West Virginia. Then of course it will be in order to strike it out hereafter.

Mr. EDMUNDS. Certainly, it will be in order to strike the whole thing out.

Mr. TELLER. The amendment of the Senator from Tennessee is

to perfect the text.

The PRESIDING OFFICER. The question is on agreeing to the

amendment of the Senator from Tennessee, [Mr. Bailey.]

The amendment was agreed to—ayes 29, noes not counted.

The PRESIDING OFFICER. The question now recurs on the

amendment offered by the Senator from Colorado, [Mr. Teller,] to

Mr. TELLER. My amendment needs some slight modification in order to carry out the idea of the bill. I move to strike out all after the word "year," in line 8 of section 3, down to and including the word "provided," in line 15, and in line 16 to strike out "said apportionment of said net proceeds and the interest on said fund to and among" and to insert "proceeds of said sales and receipts for patents shall be paid to;" so as to make the proviso read:

And provided further, That for the first ten years the proceeds of said sales and receipts for patents shall be paid to the several States, Territories, and District of Columbia, &c.

Mr. DAVIS, of West Virginia. I suggest to the Senator from Colorado to let the question be first taken on striking out the matter down to the word "provided," in line 15, and afterward he can move his amendment to the subsequent clause.

Mr. TELLER. I will accept the suggestion of the Senator; and in order that there may be no misunderstanding, I will first move to strike out from the word "year," in line 8, down to the word "and," in the fifteenth line. Then the other amendment may come after-

ward.
The PRESIDING OFFICER. The amendment of the Senator from Colorado will be reported.
The CHIEF CLERK. It is proposed to strike out, in section 3, all after the word "year," in line 8, down to and including the word "provided," in line 15.
Mr. MORRILL. That I understand includes the amendment of the

Mr. MORRILL. That I understand includes the amendment of the Senator from Tennessee just adopted by the Senate.

Mr. TELLER. That includes the amendment just adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, [Mr. TELLER.]

Mr. TELLER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORRILL. Mr. President, a single word. I desire to ask the friends of the bill to stand by it as it was reported, if they expect any considerable benefit from it hereafter, and not to fritter it away on the idea of absorbing all the income for a short time. If this is to the idea of absorbing all the income for a short time. If this is to amount to anything and make a figure in future history, the bill should retain its features as reported by the Committee on Education and Labor; and, in my judgment, it would be a penny-wise and pound-foolish policy to adopt the amendment proposed by the Senator from Colorado. It would settle the question as to any further funds being incorporated with this educational fund. I hope, therefore, the Senate will adhere to the bill as it was reported.

Mr. JONES, of Florida. Mr. President, if the people of the whole country were in the condition of those in the State which the Senator so ably represents there would be great force in what he says,

but it must be admitted that one of the greatest benefits calculated to flow from this measure will be in lifting up and enlightening a very large class of people in the South who have never tasted the blessings of a common-school education. In nearly all the States of New England they have had a perfected system for years, the advantages of which have been extended to all classes of their people. Not so in the South. The common-school system has just come into life, and it has met with encouragement and support not beyond its merits, but at the same time it has hardly been a success. There is a large class of people there, especially the black people, who are in need of education. A few years ago they emerged from slavery with the scales of bondage upon their eyes.

Mr. MORRILL. May I ask the Senator from Florida if he would really desire to diminish the proportions of this bill to an annual assistance to the several States in relation to their annual appropriations, or whether he would not prefer to see it something of a larger character?

character?

Mr. JONES, of Florida. No; I would not diminish it, but I would increase it, if I could. If I had my way, meeting the liberal spirit which has been indicated from the other side of the Chamber on this measure, I would appropriate the proceeds of every foot of the public lands in the five land States of the South to the education of the uncultured masses who live within their limits. That would be a measure that would come up to the justice of the case. I have no complaint to make of this bill, because the principle of it I approve; but I say you have in existence there a class of people who are without education, that it is important to educate them now, and when you get them educated, even partially, they will be people to appreciate its blessings and lend a helping hand to the children that come after them and who will not stand in need of the same bounties of the Government that the present generation requires. There has the Government that the present generation requires. There has always got to be a starting point in everything.

Mr. HOAR. Will the Senator from Florida allow me to ask him a

question f

Mr. HOAR. Will the Senator from Florida allow me to ask him a question?

Mr. JONES, of Florida. Certainly.

Mr. HOAR. Is the Senator informed as to the opinion of the superintendent of public schools in his State in regard to the comparative efficiency, in accomplishing the object, of the two schemes?

Mr. JONES, of Florida. I am not.

Mr. HOAR. I do not of course put the opinion of any man against that of the Senator from Florida (it would be indecorous and farthest from my point) but I am speaking now of simply effecting this object best. Does it not seem to the honorable Senator that the united opinion of the superintendents of public education, expressed in the Southern States, who have made this scheme their study, ought in a matter of mere comparative efficiency to weigh very much with the Senate, and I ask whether it will not with him?

Mr. JONES, of Florida. I pay respect to the enlightened opinions of everybody, and still I make it a rule never to surrender my own. I have great regard for the opinion of the gentleman who has been alluded to by the Senator from Massachusetts, but with all due deference to him I still think that more substantial benefit to the interests of the great body of the people requiring education will result from the adoption of the amendment of the Senator from Colorado than by permitting the bill to remain in its present condition.

by permitting the bill to remain in its present condition.

Mr. SAUNDERS. I wish to ask if an amendment is now in order?

I have been out of the Chamber, and do not know exactly the situation

of the bill.

The PRESIDING OFFICER. There is an amendment pending.
Mr. SAUNDERS. I can offer the amendment I propose now or at
some other time. I will offer it now, if there is no objection.
The PRESIDING OFFICER. The Senator can state it, but there

The PRESIDING OFFICER. The Senator can state it, but there is an amendment pending.

Mr. SAUNDERS. If there is a question before the Senate, I will wait until it is settled.

Mr. INGALLS. The yeas and nays have been ordered, I understand. Mr. BLAIR. Mr. President, there are fifty million people in this country, we are told. There are about fifteen million children to be educated. The average of school wages is not far from \$40 per month to each teacher. If the amendment of the Senator from Colorado should be adopted, there would be perhaps \$1,000,000 annually to be distributed among the States. As near as I can calculate, allowing fifty scholars to each school, which is a liberal allowance, that would prolong a school in each district in the country about two days annuprolong a school in each district in the country about two days annually. Perhaps the average length of the school year is not far from ninety to one hundred days, at present, throughout the country. It is not far from that, I think, in the South; it may be somewhat more in the North.

It is perfectly apparent, it seems to me, that the amendment of the Senator from Colorado is not to result in any appreciable increase of the length of term of the common schools in this country in each year. There is no essential difference, so far as the prolongation of the schools is concerned, between the bill amended as suggested by the Senator from Colorado and the bill as it stands at present. Whatever real advantages are to come from this bill must come from other considerations, and I think they will be very great. The Peabody fund is now between two and three million dollars. Only the interest of that fund is distributed, and yet it is the concurrent testimony of the educators of the country everywhere, who are qualified really from anything like an expert knowledge to judge upon this

subject, that the distribution of the Peabody fund, all through those sections of the country where it is distributed, has accomplished more for the benefit of the cause of education than almost any other

zency whatever.

The good to result from the enactment of this bill is not to come from the money that will be distributed in the different sections of the country, but it is to come from the other essential fact that public attention is necessarily drawn to the subject of education by the imperative requirement that there shall be reports from every school imperative requirement that there shall be reports from every school district showing the status of every child throughout the country, and leading to discussion among those who are interested in the subject-matter of the education of the people, so that ideas will be evolved, so that measures will be devised, so that the people at the South, the people at the North, the people of all sections of the country will come to be interested in themselves, and learn their own wants, and then they will seek to relieve them.

My friend, the Senator from Massachusetts, [Mr. Hoan,] suggests to me the idea that if the entire Peabody fund had been distributed the first year it would have been a dron in the bucket, it would have

the first year it would have been a drop in the bucket, it would have disappeared as an influence upon the condition and prospects of the country, while now it is one of the great educational agencies at work in the United States, not because of the money that is involved in it, but because it necessarily draws attention to the subject-matter of

education.

The distribution of this fund through national agencies—for it is a The distribution of this fund through national agencies—for it is a national fund, and it ought to go through them if at all to the States to be appropriated by them for the improvement of the common schools in all the States, and in the Territories likewise—will be, I think, of very great consequence to this country; and it is only by reason of the fact that this class of agencies will be set at work that I feel any great interest in this bill. I surely am not at all bewildered by the extravagant sum that is to be distributed, and I think but very little will come of it except in the way in which I have indicated. There has been some suggestion from time to time as though Senators were conquering an invincible conviction in their own minds in

There has been some suggestion from time to time as though Senators were conquering an invincible conviction in their own minds in making this national appropriation in the way that is proposed, as though it might be perhaps unconstitutional, as though it might perhaps be a dangerous thing that the nation should take some interest in itself as a nation. I, for my own part, cannot conceive that there is any violation of State rights in the strictest possible construction of that theory in the nation appropriating its own funds to the education of the children who, while they are to be citizens of the States, are equally to be citizens of the nation itself. We are called more by the national Constitution to guarantee to every State in the upon by the national Constitution to guarantee to every State in the upon by the national Constitution to guarantee to every State in the Union a republican form of government; and how are we to guarantee to a State a republican form of government unless we possess one ourselves? It seems to be conceded all over the Chamber that a republican form of government cannot exist excepting as it is based upon the intelligence and virtue of its citizens. If a republican form of government cannot exist in a State except by the virtue of its citizens, how is it to exist in the nation? Can a nation without a republicant of the contraction of the contracti zens, how is it to exist in the nation? Can a nation without a republican form of government guarantee a republican form of government to the States? It seems to me that it becomes a practical absurdity to say that the nation cannot educate wherever it finds him the child of any State who is to become the citizen of the nation. I go so far as this, and I think it is no violation of the theory of State rights at all. I believe it is simply in accordance with the principles of the Constitution and the implied powers contained in the Constitution itself, that if the State fails to educate the child who is to be the citizen of the nation as well as of the State the nation may inthe citizen of the nation as well as of the State, the nation may interfere and by compulsion if necessary provide within the geographical limits of the State the means of education; otherwise it cannot preserve to itself a republican form of government. If it cannot be that to itself, to the National Government, how is it to guarantee that

that to itself, to the National Government, how is it to guarantee that form to the State, I want to know?

But to leave that matter, which is not raised by the bill, every one concedes, I think, that this bill is so drawn as to violate the feelings of no man, however strictly he may hold to the theory of State rights. If the amendment proposed by the Senator from Colorado should be adopted the essential features of the bill, it seems to me, would disappear from it; the good to be expected from it would be gone. Therefore I for one am for adhering as strictly as possible at least to all the leading features of the bill as reported.

Mr. BAILEY. Mr. President, I do not agree with the Senator from New Hampshire [Mr. BLAIR] in much that he has said, for I think the Government of the United States has nothing whatever to do with the education of the children of the country and has no power to dictate to the State itself on questions of education. But some

with the education of the children of the country and has no power to dictate to the State itself on questions of education. But some portion of what the Senator has said has suggested to my mind a little arithmetical calculation. Estimating there are fifteen million children in the country of the school age—and there are more than that, for one-third of the population of the United States, certainly in the Southern States, in my own State quite one-third of the population, is within the school age—and assuming that this fund will yield \$1,500,000 in the first year, then but ten cents, a single dime, would be given by the amendment offered by the Senator from Colorado for each child in the country, a sum that would be utterly valueless, that would add nothing to the efficiency of the school system of any one of the States; it would be money thrown away; it would do no good.

I agree that the value of this measure is not so much in the donation that is now given by the bill as it is in what may come hereafter. The suggestion made by the Senator from Massachusetts, to which I referred a while ago, is very pregnant. He is evidently looking to the time when this Government will donate to this fund perhaps the money due from the railroads with which the Government haps the money due from the railroads with which the Government has been associated, a large sum of money. Other sums will be given, as he has suggested, by individuals, by the charity of citizens. From other quarters money will come, and, as suggested by the Senator from New Hampshire, the attention of the country will be directed to the school systems of the country. Reports will come under the directions of this bill from each of the States to the Commissioner of Education, and Congress can by examining the reports of the Commissioner acquaint itself, and the reports being sent through the country the people throughout the whole length and breadth of our

land will acquaint themselves with the condition of education.

I hope, therefore, Mr. President, that we shall not be guilty of the folly, for I would regard it as a folly, of voting away the capital of this fund to be distributed among the States, for it would be of no value to any one of them. I repeat, if any gentleman will make the calculation he will see that it would give but one dime for each child who is of school age in the United States, and it would be worse than folly to fritter the money away in that manner.

Mr. DAVIS, of West Virginia. I ask the Senator if that be so how much will the State get if the interest only is given?

Mr. BAILEY. About one-half a cent for each child in the first year, two cents the next; but I will refer the Senator to that problem which he and I worked out when we were school-boys, of a contract made between a gentleman and his neighbor in the sale of a horse. made between a gentleman and his heightor in the sale of a horse. He was to pay one cent for the first nail in the horse's shoe, two cents for the next, doubling each time; and I believe it required the sale of a vast estate to pay the debt. But this will be an accumulating fund; it will grow from year to year; and the time will come, I trust in my day, when instead of fifty thousand or seventy thousand dollars a year there will be millions distributed by the Government of the United States among the States for the education of their

Mr. WILLIAMS. Mr. President, it seems to me that the sole question in this controversy is whether the United States Government or the State governments shall be the trustee for the school fund. The principle of this bill merely carries out the famous land bill of Mr. clay to distribute the proceeds of the sales of public lands among the several States. Most of the States took their distributive share and consecrated it to the purposes of common-school education. My State did so, and that is the basis of our system to-day.

I understand the amendment of the Senator from Colorado simply to be to turn over to each State as the money is paid into the Treasury its distributive share of the proceeds of the sales of the public

lands and let them add that to the fund they already have. No State is going to squander this away; no State is going to pay out the capital itself. All the States will invest the money in good securities and put it in the common-school fund for the great purpose of gen-

eral education. Sir, I dislike the idea of having the United States Government hold a portion of the fund and the States a portion of the fund that is to go to the support of the common schools. Make it uniform. Put some money at once into the hands of the States. They will add that to the fund which they already have, and it will simplify the entire transaction. I therefore shall support the amendment of the Senator

from Colorado.

Mr. TELLER. Mr. President, the bill, as it came from the committee, is a bare sentiment. It contains nothing practical and nothing useful. The honorable Senator from Massachusetts, [Mr. Hoar,] who is a member of the committee, I believe, says that it is not expected that it will be any financial benefit directly, but it will be an incentive; that when the people of Georgia, of Alabama, and of Mississippi look up here and see that the United States is accumulating a large sum of money to be available in the far distance, it will incite them immediately to commence levying taxes and collecting them from their people for educational purposes.

Mr. President, we ought to deal with the practical things of life,

Mr. President, we ought to deal with the practical things of life, and never more so than when we come to a question of so much importance as the education of the people. Suppose the United States accumulates ten, fifteen, or twenty million dollars; and I say to the Senators here who expect to get a great fund of money from this land that that is not so. In a little while the proceeds of the sales of public lands will fall off to such an extent that there will be very little to be paid under this measure. The expenses will continue, but the receipts will be lessened, and this is the net result that goes to these States.

Mr. President, I do not believe that it is necessary that the Government of the United States should accumulate a large fund of money for this object. I believe that it is the duty of every State to educate its children, and I believe that it is within the province of the General Government not to go into the States and control their schools, but to contribute money if the Government see fit. I do not deny that the Government may contribute in the way proposed by the bill. It is a question with me of practicability. The question is, which will have the greatest effect upon the people now, to give them this ten cents or five cents, or whatever it may be, to-day, or to pile it

up and tell them that if they behave well in the distant future they

may have it?

May have it?

As I said yesterday, what you should desire to meet is the present want. "Since this bill has been under discussion," said an intelligent gentleman to me who has been all over the South and who knows, "the hungering for education among the negroes of that section of the country is perfectly marvelous." Shall we put them off ten years? Shall we wait until the fund accumulates? Shall we let them hunger for education and go without it until they have grown up and passed out of the years recognized by the bill as those which entitle them to share in the beneficence of the Government? I say that it is the child of say years old end unward to day who wents. that it is the child of six years old and upward to-day who wants education. I say that if you educate the boys and girls to-day and give them education the children who come after them will be much give them education the children who come after them will be much more apt to get an education than these children now. If you educate the older children in a family the younger ones will get an education. If you educate the fathers and the mothers the children will always be educated. In the country from which most of us came there is no man so poor who has an education who does not get it for his children; and he will get it if he is put on the heights of the Rocky Mountains. He will get it no matter where he may be. If there are no schools he will teach them himself; his wife will teach them. The object should be to meet the present want of children. them. The object should be to meet the present want of children whose parents are unable to teach them and give these children an education, and not wait to say when they have grown up and beyond its reach and beyond its wants that then we will turn in and educate the whole community.

The Senator from New Hampshire [Mr. BLAIR] says that the fund The Senator from New Hampshire [517, 51,318] says that the linu is so small that if you devote the whole of it it will do no good, and yet he proposes to devote the mere interest upon it, and he says that will accomplish the great purposes of the bill. If so, it is simply because the States, looking at this fund, are stimulated to raise a fund of their own by the fact that the National Government has a fund. The Senator says the reports will stimulate them. He says that the people will not want the reports to come here and have it appear that they are lower in the scale of intelligence and that their educational facilities are not as good as those of other States. Mr. President, they have been coming here year after year with those reports. The report of the Commissioner of Education has shown conclusively that the facilities for education in some sections of the country are not to be compared with those in others. The statistics that have been on file have shown that 45 per cent. of the people of one entire section neither read nor write, while only 6 per cent. in the other sections of the country are in that unfortunate position. And yet they have not been moved or stimulated by that report, and they will not be moved and stimulated in the future by such a report as is now proposed. It is a question whether the sum is big enough to give these people any practical immediate benefit, and if it is not then the bill is vicious in the whole and ought not to be here at all.

I say that a million dollars or a million and a half, as it was stated here this morning—a million, I think, is nearer to the fact—divided practically among the late slave States would be of some benefit, whether it be used to-day or put at interest, and to-morrow you will get another, and the next year you will get another, and the following year you will get another million. It is said that if the Peabody fund had been distributed it would have been of no avail. Why? Because when it was once distributed that would have been an end Because when it was once distributed that would have been an end of it. We propose to distribute the same money next year that we distribute this year; and I trust and hope that we shall be able next year to vote a larger sum than this for this unfortunate class of people. I am in favor of meeting this necessity now. As I said yesterday, I am in favor of voting a larger sum than this. If it is not large enough, let us vote more now. Let us find somewhere that we can wring from the tax-payers a little more money. I tell you, Mr. President, the people of the United States will pay for this purpose with a freedom and with a zeal that they pay no other portion of the public taxes. I know that it is so with all men who have an interest in public education. I know in the State in which I live we began in public education. I know in the State in which I live we began poor, and the people paid school taxes with a greater freedom and alacrity than they paid any other taxes; and it will be so all over the country. Give them to understand that the money thus collected

the country. Give them to understand that the money thus collected by special tax or otherwise goes to educate the unfortunate and the ignorant men in the South, and they will respond to that demand of the Government with alacrity and with zeal.

I believe that the principle is right to pay the money now, but I do not believe in the principle of hoarding this money. I do not believe it is the duty of the General Government, in the ordinary sense of the term, to educate the people. I believe that is the duty of the States, but the States have neglected that duty, and therefore there is an emergency, as has been said, upon us. I believe now in responding to that emergency and appropriating from the public funds.

is an emergency, as has been said, upon us. I believe now in responding to that emergency and appropriating from the public funds. When you have paid this money for ten years you may stop. When the illiteracy stands upon the record as represented by 6 per cent, then you may stop, because then the public of those States will see to it that the school system is not abolished.

To-day you may go through the Southern States (and it has been my fortune to go there twice at the command of the Senate) and you will find that the anxiety of those people is for an education, and if they have responded to the calls of a certain political party with zeal and with alacrity it was because they believed that that party was

the party of free schools. To-day in any State in this Union where a common-school system has been adopted and has been in effect five years you cannot without a social revolution destroy the system. Ten years will put it upon a foundation that nothing can defeat or destroy. As I said before, educated fathers will have educated children; the educated older members of the family will see to it that the younger are educated; but more than that, the tax-payers will see to it that the opportunities are presented for every child in that community to have an education. That, I believe, is the duty of the State, and wherever the State responds to that demand then it is the duty of the General Government to drop the matter and let the States take care of it themselves and not further interfere.

I am not a State-rights man in the proper sense of the term. not afraid of the beneficence and donations of the General Government; but I do not believe that the General Government would be ment; but I do not believe that the General Government would be justified in stepping up and supporting the schools of my State. Why? Because we are able to support our own schools and we are willing to support our own schools. Is that the case all over the country? We are told here by friends of this bill, and the friends of the bill as it came from the committee who oppose this amendment, that they are not able to support a public school; that they are not willing to do it if they are able; and because they are neither willing nor able, or perhaps because they are unable, I am in favor of bestowing this gratuity on the part of the Government. I want it bestowed immediately. If anybody will show me how it can be done without embarrassing the Government, I will double it, I will treble without embarrassing the Government, I will double it, I will rebie it, I will give them enough so that every school district in that section of the country shall maintain a competent and proper school for three or four months in the year. I would fix it, if I had the power, so that they would be compelled to do it; but we cannot do that. Therefore we must encourage them; and I say the encouragement best made is by giving them the means of doing it, and not simply by piling up money here and having them endeavor to emulate some

by piling up money here and having them endeavor to emulate some other State, to follow the example of Massachusetts or New York or some other State whose example has been held up to them for these many years without any appreciable benefit.

Mr. President, I said yesterday, and I repeat to-day, that I offered this amendment in the interest of the whole theory of assisting these people to educate their children. I do not see how the beauty or the harmony of the bill is destroyed when we pay over this small pittance to the people to be now used as is suggested by the committee itself. I said the bill was founded upon a sentiment. There seems to be another sentiment in it, and that is that we ought not to touch this fund. I know that the committee baye given great attention to the subject. I know that the committee have given great attention to the subject. I know they have consulted the superintendents of public instruction, and I know that their wishes and their views upon this subject are entitled to some consideration; but I do not propose here or elsewhere to surrender my views upon a question of this kind to the suggestions of anybody who can know no more about it than I do. I have tested all the advantages of the common school; I have seen it from the Atlantic to the Pacific Ocean; I profess to know something about it; I spent seven years of my life as a public-school teacher, and I know something of the wants of the people and how to reach them by the ordinary methods of inductive learning. I know something about it; but if the superintendent of public instruction from Florida or from another State said that he wanted a half of one cent for each child in his State, and that that would be better than a donation, that that would hire teachers and put them in the schools and keep them there, I should very much doubt his judgment, and I

would never surrender my judgment upon that question to him.

Mr. BLAIR. Mr. President, there is really no difference between
the proposition of the Senator from Colorado and that of the commit-

Mr. BLAIR. Mr. President, there is really no difference between the proposition of the Senator from Colorado and that of the committee. Both propose to give absolutely nothing so far as money is concerned. The Senator from Colorado proposes to add one or two days to the school year; not more than that. The committee propose to add, it may be a minute, five minutes, fifteen minutes out of the year. That is all there is to it. Now, if the Senator will make a motion to amend the bill, or if he or anybody will appear here with a proposition to distribute fifty millions of money immediately throughout the United States and give forty millions of it to the South, I will vote for that proposition. I will vote for it every year as long as I am in Congress, and I will advocate it as long as I live, if it is wanted.

The accumulation of a great national fund to be appropriated to such an extent as to affect to any perceptible degree the education of the children within the several States will not, in my belief, be the best way to approach this subject. I say that there is no good coming from the interference of the national power in this matter of education, except as it stirs up the feeling at home and arouses the interest of the people themselves. If we should make appropriations, I say that I am ready to do it, if anybody will ask for them; but if we should accumulate a large national fund, so large that ultimately it might relieve the people of the various States to any considerable extent of the burden of self-education, the people throughout the country would abandon their State systems of education. Of course the people are not going to submit quietly to taxes even for the best purpose in the world, and if they find that they can lean upon the General Government for those funds they will come to do so, and the common-school system and the education of the common people, so far as it depends upon the people themselves, will disappear. When common-school system and the education of the common people, so far as it depends upon the people themselves, will disappear. When they have in each locality, in each school district, in each county, in

each State, lost their personal interest in the subject-matter of educa-tion, then it will be impossible for the National Government to educate that people, unless it interferes by a well-organized system of its own and plants its teachers in every school district throughout the entire geographical jurisdiction of the country, States and Territories alike

I do not think it would be well for the country that there should be an extraordinary national fund, or a great amount of money cont-ing to the various States in the way of national assistance in the maintenance of the schools by the Government of the United States. Neither the proposition of the Senator from Colorado nor that of the committee will give it, but there will be a great benefit resulting in the way that I indicated in the few remarks which I offered before.

the way that I indicated in the few remarks which I offered before.

The statistics which are offered here are the statistics of the census of 1870. The man who thinks there has been no progress made at the South since that time is laboring under a very mistaken view of things, as I believe. The common-school system in every Southern State has very largely improved since 1870. Many of the Southern States have to-day, I think, vigorous, thrifty, and extremely beneficial and efficient systems of common-school education, and they are improving every day. The man who notes the reports of the national Commissioner of Education must see this. The Southern people themselves are to-day more interested in the subject-matter of education than the people are at the North. The Northern man who thinks that in ten years from this time there will be more intelligence in the North than there will be among the children of the South I believe also labors under a mistaken view.

North than there will be among the children of the South I believe also labors under a mistaken view.

Now, what has brought about this change, which is a matter of fact, since the year 1870 ? It has not been done by the appropriation of any national fund at the South. It has been done, more than by all other agencies whatever, as I believe, by the fact that the Commissioner of Education here at Washington and the superintendents of public instruction throughout the South have co-operated with each public instruction throughout the South have co-operated with each other so that information has become very generally diffused by this national agency all through the South, and the improved condition of the various States at the South has stimulated them to provide for the waster afficient systems of common-school education. There has been no national fund concerned in this process. until we get the statistics of the incoming census will find that the North does not stand with 6 per cent. of illiterates and the South with 45 per cent. He will find that there has been an improvement,

and to what is that attributable, I ask?

and to what is that attributable, I ask?

Mr. President, I believe whatever good there is in this bill is in keeping it just as it is, unless somebody will make a motion to have a very largely increased amount appropriated and distributed at once to provide for the existing emergency. For my own part, I think we had better stand by the bill as it now is.

Mr. GARLAND. Mr. President, yesterday I stated briefly the reasons why I could not support the amendment of the Senator from Colorado, which amendment is very broad upon its face and is somewhat attractive. I beg leave now, with the indulgence of the Senate, to follow up a little further the idea that I then threw out in opposition to the amendment. It has been my duty heretofore to look into and examine to some considerable extent the workings of the common-school system. I am satisfied, from my experience and from common-school system. I am satisfied, from my experience and from my observation in the consideration of this question here in the last two days, that the very worst thing we could do would be to give this fund directly to the States, as contemplated by the amendment of the Senator from Colorado.

this fund directly to the States, as contemplated by the amendment of the Senator from Colorado.

The theory of a school fund is that it shall be fixed, that it shall be certain. The purpose of the bill is to fix a fund, though small it may be, but yet to grow, to grow certainly although it may grow slowly, nevertheless it will grow, as imperceptibly as you please, as the islands of the sea, or as the small shrub that becomes the tall sapling of the forest, yet grow it will and grow it must.

Then if this fund is given to the States directly it will be sure to enter into the local politics of the States, to ascend or descend with the political barometer of the States, to share the vicissitudes of the States, and instead of a benefit being conferred upon the people of those States there will be a direct evil done. I have seen this and I have read of it, besides having known it. Here is a fund provided by the bill, fixed and certain, as fixed and certain as the credit or the ability of the United States will be fixed and certain, to grow with the coming and going of each year. Whether it be two cents, four cents, or five cents, yet it will come as certainly as to-morrow's sun. Whatever may be the condition of the State, prosperous or not, high taxes or low, hard times or good times, this fund is to be fixed and certain, and the interest paid regularly. If you say to the States, take this sixty or seventy or one hundred thousand dollars without restriction, without limitation, with no one to account to, then the fund may be dissipated in a short time, and not a trace of it left, because it is as sure to go into the politics of the State as it is given unrestricted to it.

Every sixteenth section grant every school grant that has been restricted to it.

Every sixteenth section grant, every school grant, that has been made by the Government of the United States has been made under restrictions of this character, and every decision that has been made by the Supreme Court of the United States upon those grants has held that they are sacred and consecrated grants, and there can be no diversion of the fund if there is power to prevent it. There have been two celebrated cases, one in fourth Otto, and the other in twenty-

second Howard from Indiana, in which this question was tested, and we follow now but in the wake of the precedents when we say that only the interest of this fund shall be used, and that the fund itself shall be forthcoming as sure as the Government of the United States

shall be forthcoming as sure as the Government of the United States lives, and breaths, and prospers.

It is confessed on all sides that the benefit immediately from this bill will be small, taking either view of it, whether we use the principal or merely the interest. No school-house will be built under the operation of either view of the bill upon every hill-top in the State of Arkansas and the State of Louisiana and the State of Alabama and ther States. We cannot at once take care of the great mass of in of Arkansas and the State of Louisiana and the State of Alabama and other States. We cannot at once take care of the great mass of ignorance that has been thrown upon the country so suddenly and so unexpectedly by the results of the war, as to which nobody yet knows why it came on, but, as was said of the battle of Blenheim, "it was a famous victory;" and we propose to lay a foundation by which after a while, as certainly as the needle points to the pole, we may redeem this ignorance in the South and in other portions of the country. That we may heal, but no healing will come by the fund being given directly to the States. We should make it as all school funds have been made, a fund upon which you may draw your interest, and whether the sun shines or whether we have storms from the heavens the interest will be paid, and to that extent the schools will prosper.

I am satisfied upon investigating this question, with the experience

I am satisfied upon investigating this question, with the experience I have had with school funds, that this is the only practical course to be pursued in this matter.

Mr. BURNSIDE. Mr. President, I could add but little to what has been said on this subject by the Senator from Arkansas [Mr. GAR-LAND] and by the other friends of the bill. I simply ask that the friends of the bill stand by it in its present shape. I do not desire to differ with the Senator from Florida [Mr. Jones] certainly, but if the amendment of the Senator from Colorado [Mr. Teller] is adopted the whole principle of the bill is given away, and in that sense it is a hostile amendment. The bill is for the establishment of an educational fund, and I ask the friends of the bill to stand by it in its present shape and vote down the amendment of the Senator from Colo-

rado. I ask for a vote on that amendment.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the amendment of the Senator from Colorado, [Mr. Teller,] on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 31, nays

30; as follows:

YEAS-31. Beck,
Booth,
Brown,
Call,
Coke,
Davis of W. Va.,
Eaton, Kirkwood, McDonald, Morgan, Plumb, Pugh, Slater, Teller, Vance, Vest, Voorhees, Farley, Groome, Hereford, Ingalls, Johnston. Jonas, Jones of Florida, Kernan, Williams, Withers. Saulsbury, Saunders,

NAYS-30.

Allison,	Cameron of Pa.,	Harris,	Maxey,
Anthony,	Cameron of Wis.,	Hill of Colorado,	Morrill,
Bailey,	Davis of Illinois,	Hill of Georgia,	Platt,
Baldwin,	Dawes,	Hoar,	Rollins,
Blaine,	Edmunds,	Kellogg,	Walker,
Blair.	Ferry,	Logan,	Windom.
Bruce,	Garland,	McMillan, McPherson	windom.

ABSENT-15.

Bayard,	Grover,	Paddock,	Thurman,
Butler.	Hampton.	Pendleton.	Wallace,
Carpenter,	Jones of Nevada,	Randolph,	Whyte.
Conkling,	Lamar,	Sharon,	

So the amendment was agreed to.

Mr. TELLER. To carry out the idea completely, I now move in line 16 of section 3 to strike out the words "said apportionment of said net proceeds and the interest on said fund to and among" and to insert "proceeds of said sales and receipts for patents shall be paid to;" so as to read:

That for the first ten years the proceeds of said sales and receipts for patents shall be paid to the several States, Territories, and the District of Columbia, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado, [Mr. Teller.]

The amendment was agreed to.

The amendment was agreed to.

Mr. BURNSIDE. I do not know but that it would be proper now to turn the bill over to the Senator from Colorado.

Mr. TELLER. Not at all.

Mr. BURNSIDE. I still ask to have the bill perfected by the adoption of the amendment which I have heretofore offered.

In section 3, line 27, I move to strike out the words "the aforesaid" and insert "an," so that the clause will read, "in accordance with an act of Congress." I beg to state to the Senate that I consider the loss of this principle in the bill was my own fault for not asking the Senate to adhere to its agreement made day before yesterday, and the responsibility of it rests upon myself for not insisting on an adherence to the agreement.

agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Rhode Island, [Mr. Burn-

The amendment was agreed to

Mr. SAUNDERS. I wish to make an amendment in the first section. After the word "provided," in line 5, it reads thus:

That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands.

After the word "lands," in line 10, I wish to insert:

Nor shall this act in any way interfere with any law now in force relating to en-ries under the timber-culture act.

tries under the timber-culture act.

It will be remembered that there are three ways of disposing of the public lands now; one by homestead, another by pre-emption, and a third, under the timber-culture act allowing title to parties who plant and cultivate a certain number of trees. Two of these modes are provided for here, but the third is left out evidently by an oversight of the framers of the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. BOOTH. If that be necessary, which I doubt, I suggest that after the words "timber-culture act" there should be added "or the act for the sale of timber lands." Timber lands cannot only be acquired under the timber-culture act, but by direct sale.

acquired under the timber-culture act, but by direct sale.

Mr. SAUNDERS. I accept that modification.

The PRESIDING OFFICER. The Senator from Nebraska modifies his amendment, as the Chair understands. The question is on

the amendment as modified.

Mr. BOOTH. On second thought I do not think it is necessary, and I do not effer the amendment I suggested.

The PRESIDING OFFICER. Does the Senator from Nebraska

The PRESIDING OFFICER. Does the Senator from Nebraska withdraw his modification?

Mr. SAUNDERS. I understood the Senator from Celifornia to propose this as an additional amendment.

Mr. BOOTH. I have withdrawn the suggestion.

The PRESIDING OFFICER. The Senator from Nebraska accepted it and it then became a part of the amendment of the Senator from Nebraska, and it now stands as a part of his amendment.

Mr. SAUNDERS. I wish, then, to withdraw that part of it.

The PRESIDING OFFICER. The Senator from Nebraska again modifies his amendment so that it now reads as the Secretary will report.

The CHIEF CLERK. It is proposed in line 10 of section 1, after the word "lands," to insert:

Nor shall this act in any way interfere with any law now in force relating to entries under the timber-culture act.

Mr. McDONALD. As that whole subject is embraced in section 10 of the bill, I move to strike out the entire proviso from section 1.

The PRESIDING OFFICER. The motion of the Senator from Ne-

braska has precedence.

Mr. SAUNDERS. I think it would be better to perfect this now, and if anything should occur afterward inducing the Senate to strike out any other part they can do so.

Mr. McDONALD. I should like to inquire the necessity of having

this same subject twice repeated in the bill, in the first section and in the tenth section?
The PRESIDING OFFICER. The question is on the amendment

of the Senator from Nebraska.

of the Senator from Nebraska.

The amendment was agreed to.
Mr. McDONALD. Now I move to amend the first section by striking out the entire proviso beginning on line 5 and ending on line 10, together with the amendment just inserted.

The PRESIDING OFFICER. The Senator from Indiana proposes an amendment to strike out the words which will be read.

The Chief Clerk read the words proposed to be stricken out, as

Provided, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands; nor shall this act in any way interfere with any law now in force relating to entries under the timber-culture act.

Mr. McMILLAN. Before the question is put on that amendment, I should like to have the tenth section of the bill read referred to by the Senator from Indiana.

The PRESIDING OFFICER. The tenth section will be read for information if there be no objection.

The Chief Clerk read as follows:

SEC. 10. Nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States, upon their admission into the Union, the per cent of the net proceeds of the sales of the public lands within their respective limits, or to repeal, impair, or suspend any law now authorizing the pre-emption of public lands, or the entry of public lands for homesteads, or limit the power of Congress over the public domain, or interfere with granting bounty lands to soldiers and sailors.

Mr. McMILLAN. The tenth section does not embrace the amendment proposed by the Senator from Nebraska, which is proposed to be stricken out. The timber-culture acts are not embraced in the tenth section, and the amendment of the Senator from Nebraska embraces that class of lands. I think it very important that that provision should be incorporated in this bill. It is in now, and I think the Senator from Indiana had better let it remain by withdrawing his amendment.

Mr. McDONALD. I prefer not to withdraw the amendment I have moved. I think that the tenth section is the proper place and the

proper manner to declare the reservation of authority on the part of the General Government over the public domain, and if it is not broad enough as it has been reported by the committee, it is very broad enough as it has been reported by the committee, it is very easy to suggest a proper amendment there and have it adopted. The first section is entirely complete without either of the provisos, and the tenth section embraces the purpose of both of them.

Mr. McMILLAN. Then I ask the Senator from Indiana if it is his intention to amend section 10 by embracing the timber-culture act?

Mr. McDONALD. Section 10 can be amended, if it is deemed nec-

essary, for that purpose.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana.

The amendment was agreed to.

The amendment was agreed to.

Mr. McDONALD. Now I move also to strike out the second proviso, beginning on line 10 of the first section and ending on line 13. Like the first proviso, the subject of this proviso is fully embraced in the tenth section.

The PRESIDING OFFICER. The words proposed to be stricken out by the Senator from Indiana will be read.

The Chief Clerk read the words proposed to be stricken out, as fol-

And provided further, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands.

The amendment was agreed to.

Mr. KERNAN. Mr. President, I wish to call attention for a moment to the sixth section of this bill. I think it contains a power that ought not to be vested in the Commissioner of Education. I therefore move to strike that section out. I will read it:

SEC. 6. On or before the 1st day of September in each year the Commissioner of Education, under direction of the Secretary of the Interior, shall certify to the Secretary of the Treasury as to each State, Territory, and district, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

I submit that there should not be power in the Commissioner of I submit that there should not be power in the Commissioner of Education to withhold a certificate from a State, he being of the opinion that it had not complied with something, so that thereupon the State should not receive its share unless the State came to Congress and got relief. I do not think that section is necessary to the bill. It is in the power of Congress to deal with any State that does not comply with the ninth section, and I think this ought to be stricken out. It is quite unheard of that a single officer should have the power of a court to decide that a party has not complied with the law and shall not have his share, and thereupon put the burden on the State of coming to Congress and if it cannot get a bill through at the first session to relieve it, it will have lost its share. I hope that will be stricken out. will be stricken out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, to strike out the sixth section.

Mr. SAUNDERS. I hope the Senator from New York will wait a few moments. We were not quite through with all we wanted in regard to section 10. I wish to perfect it so as to cover the points embraced in the provisos stricken out of the first section.

Mr. KEPNAN I have no objection

Mr. KERNAN. I have no objection.

The PRESIDING OFFICER. Does the Senator from New York withdraw his amendment?

Mr. KERNAN. I am asked to yield that the Senator from Nebraska may perfect another section. I withdraw it in order to enable him to do that.

The PRESIDING OFFICER. The amendment is withdrawn. Mr. SAUNDERS. Now I move in section 10, line 8, after the word "homesteads," to insert "or under the timber-culture act."

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Nebraska.

Mr. ALLISON. Before that amendment is agreed to I should like to suggest to the Senator from Nebraska that it is wiser to strike out all of section 10 after line 3, down to and including the word "homesteads," in line 8, and to insert in lieu thereof "for the disposition of the public lands," so that the section shall read:

Nothing in this act contained shall be so construed as to affect, in any manner, the existing laws and regulations for the disposition of the public lands, or limit the power of Congress over the public domain.

The Senator from Nebraska suggests the timber-culture act; some other Senator in a moment may see that some other law of Congress ought to be excepted. Why is it that it is necessary to interfere in any way with existing laws and regulations in reference to the disposition of the public domain, whatever they are, or to limit the power in any way hereafter of disposing of the public domain?

Mr. SAUNDERS. I will say to the Senator from Iowa that the bill making exceptions of the other two modes of disposal, left this out. They all ought to be left out or they all ought to be in.

Mr. ALLISON. I agree with the Senator in that; but there are probably some things that even the Senator has overlooked. I ask that the bill be modified by striking out all of section 10 after the word "regulations," in line 3, down to and including the word "homesteads," in line 8, and inserting after the word "regulations," The Senator from Nebraska suggests the timber-culture act; some

in line 3, "for the disposition of the public lands." Then the section, if so amended, would read thus:

Nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations for the disposition of the public lands or limit the power of Congress over the public domain.

Mr. BURNSIDE. That would be perfectly satisfactory, I think.
Mr. ALLISON. I move that amendment.
The PRESIDING OFFICER. The Chair thinks the amendment proposed by the Senator from Iowa is not now in order pending the amendment of the Senator from Nebraska, which is to a preceding

part of the section.
Mr. SAUNDERS. Let my amendment be put in, and then the other

can be moved.

Mr. MORRILL. According to my reading of the section, neither the amendment of the Senator from Nebraska nor that of the Senator from Iowa is necessary, or would change the legal effect of the section as it stands. There is no necessity for any amendment whatever, and the amendment proposed by the Senator from Nebraska will not change the section from its present status, nor would the amendment proposed by the Senator from Iowa. The only difference is that the Senator from Iowa strikes out the reservation of the per centum of the net proceeds of the sales of the lands. I think the Senators from new States would not like to have that stricken out, because that may not be a simple law or regulation for the disposition of the lands.

Mr. SAUNDERS. Allow me to ask the Senator from Vermont what

necessity there was for naming two manners of disposing of public land and leaving out the third. There are just three ways of dis-

land and leaving out the third. There are just three ways of disposing of the public lands, and two of them are alluded to in the bill and the other left out.

Mr. MORRILL. The first clause embraces the whole "existing laws and regulations." The proposition of the Senator from Nebraska is in relation to an existing law.

Mr. SAUNDERS. But this bill says that it "shall not impair or suspend any law now authorizing the pre-emption of public lands."—that is one way of disposing of them—"or the entry of public lands for homesteads;" that is another. Now, if we retain these two, why should we not say "or under the timber-culture act," so as to cover all? It seems to me it would be better to have all in or all out. I therefore insist that we take a vote on my amendment, to which I can certainly see no objection if the section is to be retained at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. PENDLETON. Mr. President, I ask unanimous consent of the Senate that my vote may be recorded upon the amendment offered by the Senator from Colorado. I was called from the Senate for a moment and requested the Senator from Florida who sat beside me to say to gentlemen on the other side that I was called from the Senate for a moment, and would endeavor to be back before a vote was taken. The Senator endeavored to make a pair, inasmuch as I was momentarily absent, but without success, and inasmuch as my want of voting on the vote that I ask should be recorded does not change the result, I ask that it may be recorded in favor of that amendment.

Mr. FERRY. That cannot be done.

The PRESIDING OFFICER. The eighteenth rule of the Senate

When the yeas and nays shall be taken upon any question no Senator shall, under any circumstances whatever, be permitted to vote after the decision shall have been announced from the Chair; but a Senator may, for special reasons assigned by him, with the unanimous consent of the Senate, change or withdraw his vote after such announcement. No motion to suspend this rule shall be in order.

The Chair thinks, therefore, he cannot entertain the request of the

Senator from Ohio.

Mr. PENDLETON. That being the ruling of the Chair, and no doubt in entire accordance with the just interpretation of the rule, I desire to say that having favored in the few remarks I made to the Senate the adoption of the amendment offcred by the Senator from Colorado, I was called for a moment from the Senate, desiring the Senator who sat beside me to make a statement to some gentlemen who were opposed to the views I entertained and procure a pair if he could. It seems that he made that request, but that he was not successful. I desire not to be put in the attitude of having neg-

not successful. I desire not to be put in the attitude of having neglected merely to vote on an amendment which I had sustained; and having made this statement to the Senate, and it having been impossible to obtain a pair, my purpose is entirely accomplished.

Mr. McMILLAN. Mr. President, I think the amendment offered by the Senator from Nebraska is very important, just as important as these timber-culture acts are to the people of this country, if this bill can affect the existing laws at all. It is said it cannot do it at all. Then these specifications of the pre-emption law and of the homestead law should also be stricken out. Two of the methods of procuring the public lands being specified in this section, under a well-known rule the implication would be that the other methods not mentioned would be affected by the law, if it has any operation. The omission of a reference to the timber-culture acts in this saving clause would imply that they were not intended to be saved from the operation of this law. If the law has no operation at all, it can do no harm to insert the exception. If the section is to remain embracing these other methods of obtaining the public lands, this one should also be embraced. also be embraced.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska, [Mr. SAUNDERS.]

The amendment was agreed to.

Mr. KERNAN. I now renew the motion to amend the bill by striking out the sixth section, which was read before I yielded.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from New York, to strike out section 6.

Mr. McDONALD. I should like to inquire of the Senator from New York what substitute he proposes for the provisions of this section if it be stricken out?

Mr. KERNAN. I do not propose any substitute. I do not think it is necessary to make such a provision at all. You may provide that the States shall accept by an act, but I do not propose that the bill shall allow any one officer to say that a State has not complied and shall forfeit her rights unless she comes to Congress and gets an act for her relief at the first session. I do not think it should be in at all.

Mr. McDONALD. Under what section of the bill will the States

lose their distributive share?

Mr. KERNAN. This merely says the Commissioner of Education shall give a certificate whether the States are entitled to their share

or not. Other portions of the bill provide what the share is.

Mr. HOAR. Mr. President, the bill now provides a method of getting this money by the State. The State is to perform certain conditions, very simple and easy ones, and somebody must pass on the question of whether they are performed. The authority is lodged with the Commissioner of Education, the understanding being that if he declines to make the certificate then Congress acts, otherwise the States get their money as of course. The Senator from New York might just as well strike out the whole bill after the enacting clause as to strike out this section. If he has stricken out this section there is no mode left of the moneys being got, except by an act of Congress, which, of course, would be just as valid without this present law as with it. So that the amendment is merely a motion to strike out the enacting clause of the bill. That is all there is of it.

Mr. KERNAN. I do not so understand it at all. This bill itself

declares that the money shall be distributed in a certain way on an acceptance by the State. Then this section comes in, that if this man does not certify that the States have performed these conditions they never shall have it, unless Congress relieves them. The bill provides for distribution and acceptance by the States, a distribution on certain principles, to which is superadded that if the Commissioner does not certify that they have performed the conditions they shall not

get the money.

Mr. HOAR. Will the Senator from New York be good enough to inform the Senate what is the process of getting the money by the State of New York without this sixth section? Suppose the sixth section is stricken out and the State of New York has performed these simple conditions, how is it to get its money? It has got to go to some public officer to show him that it has performed the conditions. Some public officer to show him that it has performed the conditions. That authority might be lodged with the Comptroller of the Treasury. He does not know anything about the subject-matter of this act; the returns are not made to his office; they go to another office. Therefore, the head of the office to whom these returns are made certifies that they have been made to the Secretary of the Treasury. Then the Secretary draws his warrant. The Secretary of the Treasury cannot, without such a certificate, know what returns are in the Education Compissions of officer how the wave was applied the relief tion Commissioner's office or how the money was applied the previous year. It depends on the returns made there. It is merely doing in this case what is done in regard to every case. Where money is appropriated for one department of the Government some officer in that department certifies to the Secretary of the Treasury that the facts on which the appropriation is to take effect exist. It is not facts on which the appropriation is to take effect exist. It is not putting the States under any guardianship; it is the usual way of dealing with every appropriation of the public money. Then the Secretary of the Treasury pays out. This being something of special importance, the bill adds that, if the certifying officer refuses to make the certificate to the Secretary of the Treasury, the money shall not be covered into the Treasury, and the States lose it or have to go to the Court of Claims for it, but there shall be a presentation of the matter to Congress that it may set the thing right. That is all.

Mr. PENDLETON. Mr. President, the third section of the bill provides that "upon the receipt of such certificate," that is, as to the amount of the fund, the Secretary of the Treasury shall make a certain apportionment. The fourth section provides that after that an

amount of the fund, the Secretary of the Treasury shall make a certain apportionment. The fourth section provides that after that apportionment is made the amount shall be drawn upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States and paid to the

the Interior, out of the Treasury of the United States and paid to the State officer who is entitled to receive the fund. The machinery by which the money can be paid out is perfect. The machinery of apportionment and of distribution is perfect under the other sections of the bill, and this section No. 6——

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. PENDLETON. Certainly.

Mr. HOAR. Supposing what the Senator has said to be true, suppose the officer refuses, then comes in section 6 and says if this officer refuses the money shall not be mixed with the general moneys in the Treasury, but kept for the State till it can come to Congress. That is what you strike out by the amendment.

Mr. PENDLETON. The Commissioner of Education has no right to refuse, provided the apportionment is made and the officer appointed

to refuse, provided the apportionment is made and the officer appointed

on behalf of the State presents himself to receive the warrant. This provision is in addition to that, a surveillance given to the Commissioner of Education, an inferior officer of the Government, to determine whether or not the State has done that which this law says the State shall do as a condition-precedent to receiving the fund, and that which the State has promised to do by an act of its Legislature. There is no defect in the machinery by reason of striking out this section. The machinery is perfect; the distribution is made; the amount is paid over; and the officers are appointed to do the respective duties, and the only purpose of this section is that the Commissioner of Education shall go down into the operations of the State governments in the distribution of this fund, and if he finds that the States have not distributed it according to the provisions of the law, that he shall make this report. I intend when the ninth section

that he shall make this report. I intend when the ninth section comes up to propose that that surveillance shall be exercised by Congress itself and only by Congress.

Mr. HOAR. Mr. President, the bill provides that this money shall be paid annually on certain conditions, the conditions being that the State has had a school system in force, that it has applied the money to the use of schools (which nobody will question the reasonableness of) the last year, and that it has made certain returns to the Commissioner of Education. Now suppose the State of New York or Ohie comes for its money. Is it to have this money if it has not made the returns which is the condition? I sit to have its money if it has comes for its money. Is it to have this money if it has not made the returns, which is the condition? Is it to have its money if it has not spent it the previous year as the bill provides? Is it to have its money if it has no school system at all? Certainly not. Nobody proposes that who votes for this bill.

That being the case, it must either wait for an act of Congress That being the case, it must either wait for an act of Congress every year, or somebody must be authorized to give it its money without an act of Congress. If you give that authority to the Secretary of the Treasury he has got to devolve it on some subordinate. That subordinate has not got the returns in his hands; he has to go and ask the Commissioner of Education. Therefore, instead of having it done by a subordinate in the Treasury Department, the Commissioner of Education says, "This State has returned, according to law, to my office these returns, which show a compliance with the act." When he certifies that, the money is paid as of course. If he refuses, the money is retained until the State gets its remedy from Congress. the money is retained until the State gets its remedy from Congress, if it is entitled to it.

Now the Senator proposes to strike that out, the result of which is that either the State has got the money without performing the condition, (which nobody has said ought to be done,) or that the question whether it has performed the condition shall devolve upon a subordinate in the Treasury Department, which does not seem to me

to be reasonable.

Mr. PENDLETON. I do not think the alternative of the Senator from Massachusetts is correctly stated. The alternative is not that the State shall receive its proportions not having performed the condition, or that the judgment should lie in a subordinate officer of the Treasury Department or of the Educational Department. The State, having performed its condition, is entitled to receive its money until the Congress of the United States, and not a subordinate in any of the Departments, shall say that it has not done so. The State comes here asking its money, asserting that it has performed the condition, and the Senator from Massachusetts desires that a subordinate in one of these Departments, the Department of Education or the Department. ment of the Treasury, shall say to that State, "You have not performed the condition, and therefore you shall not have the money." I put the case of a State which, in its judgment, and therefore probably truthfully, has performed the conditions upon which it is cutitled to the money, and the Senator desires that this subordinate shall sit in judgment upon the performance of its duty by the State, while I desire that the Congress of the United States shall sit in judgment upon it

Mr. HOAR. If we grant to a State, for instance, the 5 per cent. which the Senator has been so desirons of having for the State of onlio, does he mean to tell us that any State has ever, since the foundation of the Government, come to Congress and said, "I am entitled," and come to the proper department of the Government and said, "I am entitled to this sum of money," and on its warrant, on saying that it has performed the conditions and is entitled to it, drawn the money? because that is what he proposes. This bill says—the simplest condition in the world—that if a State returns so and so, laving a school system and having a privary inter this propose. system and having appropriated this money last year, and if it makes

system and naving appropriated this money last year, and it it makes returns of school attendance to the Commissioner of Education, it shall have this money; and then it says in order to get it let it carry the certificate from the office where the returns have arrived to the Treasury and there draw it. That is all.

Mr. PENDLETON. I would have the certificate of the State that it had done its duty under the provisions of the law rather than the certificate of a subordinate officer in one of these Departments. And I do not exactly understand why the Senator from Massachusews should say that I was so extremely anxious that the State of Ohio should have its 5 per cent., for I think he will look over the RECORD

in vain to find that I uttered one word upon that subject.

Mr. HOAR. Who shall make the certificate of the State? The certificate of the State will be made by its commissioner of cducation. When the superintendent of education of the State of Ohio is to make a certificate, it is the State; when the Superintendent of Education of the United States is to make one, it is a subordinate

bureau officer. If one is the certificate of the State to receive the money, the other is equally the certificate of the United States that

Mr. PENDLETON. When a State has assumed to perform a duty, when its Legislature has declared by law that it will perform that duty, when a law is passed making it obligatory on all its officers that they shall perform that duty, when the State sends here a certified copy of this law and has it filed in a department of the Goving order to entitle it to receive its proportionate share of tified copy of this law and has it filed in a department of the Government in order to entitle it to receive its proportionate share of this fund, then I say that every presumption is to be made in favor of the performance of that duty, and when the State presents itself here to receive its proportionate share of this fund, if there is objection to it, that objection should be made by some officer of the Government to the Congress of the United States, and the Congress of the United States should say whether or not the fund thus given to the State has been distributed and used in accordance with the obligation and the duty of the State or not. There is the difference begation and the duty of the State or not. There is the difference between the gentleman and myself. I do not say that the certificate of the commissioner of education of the State of Ohio is superior or inferior either in dignity or in truth to the judgment that may be passed by the Commissioner of the Federal Government, but I say that when the State has assumed to do the duty in the solemn way pointed out by this law, the assumption and presumption that it has done so is in favor of the State, and if that is to be overridden it should be by

in favor of the State, and if that is to be overridden it should be by the Congress of the United States, and not by a subordinate officer.

Mr. KERNAN. I wish to call attention, in addition to what the Senator from Ohio has so well said, to the fact that in the ninth section the bill does not make the right to get the money depend on the certificate of an officer of the State, but the provision is that the State "shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make"—what? Not a certificate of what is done, but "make full report to the Commissioner of Education," and that will be before Congress, and we can deal with a State if it has not complied. But the sixth section enables the Commissioner to say, "I will not pay you; your report is not full enough, and therefore you shall lose your money unless Congress gives it to you at the next session," which will be, perchance, a short one.

Mr. SAULSBURY. Mr. President, I think that this amendment ought to be adopted; and the provision in the fourth section requiring the amount apportioned to be paid on the warrant of the Commissioner of Education countersigned by the Secretary of the Interior is in my opinion wrong. The fourth section ought to be so

missioner of Education countersigned by the Secretary of the Interior is in my opinion wrong. The fourth section ought to be so amended that the fund to be distributed among the several States and Territories entitled to the same should be paid on the warrant of the governor of the State or some other State officer, accompanied by a certified copy of the State law accepting the proposition and appropriating the money to the support of the common schools of the State or Territory. That, in my opinion, would be a very proper amendment to be incorporated in the fourth section of this bill, so that the States should have no possible connection whatever with the Commissioner of Education in Washington; but when a State has accepted the appropriation made by this bill, and the proper officer of the State, the governor or the State, treasurer, or some other officer of the State, shall certify that there has been a law enacted by the State, and produce it to the Treasurer of the United States, accepting the appropriation by Congress and also providing for its distribution among the free schools of the State, that ought to be sufficient authority for the purpose of paying the fund out. There is no necessity of having the intervention of the Commissioner of Education in this fund, in my opinion. I shall vote, therefore, to amend the fourth section so by a certified copy of the State law accepting the proposition and appromy opinion. I shall vote, therefore, to amend the fourth section so as to strike out from the bill asy interference whatever in this matter by the Commissioner of Education, resting it upon the authority of the State officer and the law of the State accompanying his certificate

Mr. McDONALD. I am not entirely satisfied with the sixth section, but it seems to me if it were stricken out there would have to be some amendment made to some of the other sections to provide for what it seeks to provide for, because I do not think it was the intent or purpose of this bill to give to any State that distributive share which the proportion of persons incapable of reading and writing in a State would entitle it to unless it had also complied with the ninth section, by the establishment of common schools within its limits for at least three months in the year for the first four years, and four months in the year after that. There does not seem to be anything else in this bill that guards against a failure to comply with that provision before the money is drawn, except that contained in the sixth section.

the sixth section.

The Secretary of the Treasury, upon receiving the certificate of the amount of funds, is directed to make an apportionment of the sum among the several States on the basis provided for in this bill, taking the last census as his guide. That is clear enough. Then the next section—the fourth—provides that "the amount apportioned to the school districts of any State or Territory, or of the District of Columbia, and certified as herein provided, shall be paid upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior."

That is the manner in which the money is paid out of the Treasury upon the warrant of the Commissioner of Education countersigned by the Secretary of the Interior. I think that fourth section should be amended so as to make the Secretary of the Interior the judge of

whether the States complying, and that would otherwise be entitled to the distributive share as fixed by the Secretary of the Treasury, have complied with the ninth section of the act by keeping schools in the manner therein provided for; and unless something of that kind is done I do not feel inclined to strike out the sixth section and leave this matter to be adjusted at each session of Congress when questions of controversy may come up. If the Secretary of the Interior were authorized to determine whether there had been a compliance with the ninth section of this act, that might avoid the objection which has been raised to the certification or failure to certify on the part of this inferior officer, as he is termed, the Commissioner of Education. I have very little idea of what he has been doing, although the office has been in existence for some time. I think the result of striking out the sixth section would be to leave the bill in a very different form from that which the general purpose of the bill intends, and unless it is to be supplemented by that which shall be its equivalent in showing a compliance with the provisions of the law, I shall not vote for the

amendment proposed.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York to strike out the sixth sec-

tion of the bill.

Mr. KERNAN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 37; as follows:

	11110-20			
Beck, Brown, Call, Cockrell, Coke, Davis of W. Va.,	Farley, Groome, Hereford, Johnston, Jonas, Jones of Florida,	Kernan, Morgan, Pendleton, Pugh, Ransom, Saulsbury,	Slater, Vance, Vest, Williams.	
	NA	YS-37.		
Allison, Anthony, Bailey, Baldwin, Blaine, Blair, Booth, Bruce, Burnside, Cameron of Pa.,	Cameron of Wis., Davis of Illinois, Dawes, Edmunds, Ferry, Garland, Hamlin, Harris, Hill of Colorado, Hill of Georgia,	Hoar, Ingalls, Kellogg, Kirkwood, Logan, McDonald, McMillan, McPherson, Morrill, Platt,	Plumb, Rollins, Saunders, Teller, Voorhees, Walker, Windom.	
	ABS	ENT-17.		
Bayard, Butler. Carpenter, Conkling, Eaton,	Grover, Hampton, Jones of Nevada, Lamar, Maxey,	Paddock, Randolph, Sharon, Thurman, Wallace,	Whyte, Withers.	

So the amendment was rejected.

Mr. ALLISON. In section 4, line 9, I move to amend after the word "same" by inserting the words "or the interest thereof." The object in moving the amendment is to enable such States as are required by their constitutions to invest all their school funds to distribute the interest instead of the principal, as I understand this bill now provides

interest instead of the principal, as I understand this bill now provides for. For example, in the State of Iowa all the funds arising from donations of the General Government are compelled to be placed at interest, and the interest only can be used for purposes of education.

Mr. MORRILL. I suggest to the Senator from Iowa to wait and see what the action of the Senate may be on the provision already adopted in Committee of the Whole. If the provision already adopted should not be concurred in when we come into the Senate, I shall regard it as a defeat of this bill, and then it will not be necessary to amend it.

Mr. ALLISON. Very well; I am entirely satisfied to wait; but if the provision now in the bill is to remain there ought to be a means provided to save the States which are required to use only the interest instead of the principal of the fund. I withdraw for the moment my

amendment.

Mr. INGALLS. I move to amend section 3 of the bill by striking out the provise included between lines 22 and 36, my object being to provide that this entire sum shall be appropriated for the support of the common-school system in the several States.

The PRESIDING OFFICER. The Senator from Kansas proposes an amendment, which will be stated.

The CHIEF CLERK. It is moved to strike out of section 3 the following words between lines 22 and 22.

lowing words between lines 22 and 36:

And provided further. That one-third of the income arising from said educational fund, and which shall be apportioned to each State or Territory, shall be annually appropriated to the more complete endowment and support of colleges established or such as may be hereafter established therein, in accordance with the aforesaid act of Congress approved July 2, 1862, until the annual income thus accruing to the said colleges in each State shall have reached the sum of \$30,000, then the said amount only shall be annually appropriated to said colleges; and the whole remaining annual income of the aforementioned educational fund shall thereafter, in the manner provided in this act, be appropriated by each State and Territory, including the District of Columbia, to the free education of all its children between the ages of six and sixteen years.

Mr. MORRILL. This is a second move in hestility to the bill. The

Mr. MORRILI. This is a second move in hostility to the bill. The effect I have no doubt will be to kill the bill provided this shall be stricken out. I have no kind of idea that the bill can pass if this portion should be stricken out. I hope, therefore, the friends of the bill

will resist the amendment.

Mr. JONES, of Florida. I am as desirous as anybody can be to have this bill pass in an acceptable form. I had an amendment prepared on this subject, and I will say to the Senator from Vermont who has

just addressed the Senate that I intended to leave it to the option of the States whether they would accept this provision or not. I say very candidly that in my own State this fund will be in a great measure lost if this provision remains as it is in the bill. We have an agricultural college fund there, but the income from it is so small that it has not resulted in any practical advantage to the people; and now to take away from the fund proposed to be given to the State by this bill one-third and add it to the fund already in existence, and thus tie it up uselessly to the people, is to my mind not a wise thing to do. I do not know how it will be in other States; but I intended to offer an amendment leaving it to the option of each State to say whether it would take the whole fund for common-school purposes or appropriate one-third, in accordance with this provision of the bill, to the support of agricultural colleges. Some States might be willing to take one-third of the fund for the purpose of supporting agricultural colleges, while States situated like mine might not be willing to do it. I think it would be the wisest thing to do to leave this matter to the individual option of each State. With that view I prepared an amendment. Whether the Senator from Vermont who takes such a deep interest in the bill would be willing to accept that change, I am not prepared to say.

Mr. HAMLIN. Mr. President, I have not said one word upon this

Mr. HAMLIN. Mr. President, I have not said one word upon this bill, and I did not propose to open my mouth with regard to it; and yet I am now inclined to say a word in consequence of the motion which has been just submitted by the Senator from Kansas. Congress made an appropriation of public land, as we all know, years ago specifically for the purpose of founding colleges in which agriculture and the mechanic arts should be mainly taught. I presume in nearly all of the States where that money has been expended for the formation of such schools they are found in a weak condition. They are not what they should be; and they are not what they would be in their usefulness if the States had additional sums with which to support them. I therefore think that this bill made a wise provision in determining that a portion of the money to be distributed under it should go to the support of these colleges already in existence. I listened to what the Senator from Georgia [Mr. Brown] said the other day; and if this clause is stricken out and the moneys all go for common schools, the adjuncts to the college like those which have been already established in Georgia, and which are parts of the college and might be denominated as normal schools where teachers are taught for the common schools, would be deprived of any portion of this fund, for this amendment takes it all away from the agricultural colleges now in existence.

I look at our whole system of schools together, from the lowest to the highest, and it is as necessary to educate the teacher of the common school as it is to teach the pupil in the common school for the ordinary avocations of life. You must have the higher school as they have adopted it in Georgia, wisely, as I think, to teach the teacher to prepare him and fit him to teach the common school, and you want the still more highly educated man who shall be able to teach the teachers of these normal schools. You must consider your whole system of schools together, in my judgment, and if you want to do the best with the money you appropriate you will not appropriate it to any one specific object. I am not quite sure but that the suggestion made by the Senator from Florida would be the wisest—to leave it to the States; I would be willing to leave it to my State; but if this money is all to be appropriated in one line, I think it will be a grand mistake. I think we shall do more good by strengthening our agricultural and mechanical colleges, by allowing this section of the bill to stand as it is, and I shall vote for it to stand there, and if the amendment is adopted, I confess I do not think the bill

and rate amendments is support.

Mr. HOAR. Mr. President, of course any measure of this kind which has any complication in its machinery or in its details can be very easily destroyed by amendments, and this bill can very easily be destroyed by the moving of amendments, without anybody's avowing hostility to the bill itself; the practical result, however, is the same. An eloquent speech in favor of this bill, however able and brilliant, has very much less value to the persons whom it is hoped will be benefited by it than a vote to retain the bill as it was proposed. Now, gentlemen from the South either want this gift or they do not want it; they are not obliged to accept it; nobody forces upon any section of the country the bounty or the aid of the Government to its common schools. It is a matter wholly within the discretion of Senators whether they want it or not; but it is also a matter which is not likely to be misunderstood or misapprehended in consequence of the forms of proceeding—

of the forms of proceeding—

Mr. MORGAN. Will the Senator allow me to ask him whether he thinks the Senator from Colorado and the Senator from Kansas are gentlemen from the South? They have proposed amendments to the bill.

Mr. HOAR. It is not likely to be misapprehended in consequence of the forms of proceeding; and if the gentlemen from the South do not want it, do not consider it to the interest of the country or of their section to accept this proposition, they are the best and the sole judges of that interest; nobody has the least right to interfere with their action; but the result is this: if this bill passes in substance as it was framed, through the Senate, it will become probably the law of the land. If it passes materially changed, it never will be the law of the land.

Mr. TELLER. Why?

Mr. INGALLS. Mr. President, I do not propose quietly to submit to any imputation of hostility either to this bill or to the cause of education in this country; nor is it in keeping with the temper and spirit of the education that I received to submit to a denial of the right of private judgment upon any measure that may be proposed here; and the presentation of a bill with the declaration that unless it is accepted in the same form and in the same language in which it emanates from a committee it cannot become a law is hardly a proper argument to advance to a body of peers.

argument to advance to a body of peers.

Mr. President, other Senators than those upon that committee have opinions upon this great subject; others besides the members of that committee have devoted some thought and some consideration to this subject; and it ill befits any member of this body to assume that when he dies wisdom will perish with him, or that if this measure had been submitted to any other committee of this body it is not possible that something worthy of consideration might have been evolved therefrom

Mr. President, when a man's house is on fire he usually takes the nearest utensil at hand and goes to the creek and gets water and pours it on the flame. He does not devote himself to an attempt to build an extensive system of water-works. The wise physician, if he has a patient that is suffering in convulsions of fever and ague, does not devote his time to an attempt to start a grove of cinchona trees in South America, but he goes to the nearest drug-store and buys a dose of quinine. I propose to treat this matter in a practical direction. Here are certain things we desire to accomplish, not to create a great, magnificent, all-embracing system of universal education for all mankind, but to take hold of certain existing facts in this country and treat them as they exist to-day. When we attempt in our humble way to deal with this bill we are met with the assertion that unless this bill is accepted in shape and form there can be no law passed on this subject. Mr. President, that is not the spirit or the temper in which to approach this subject. I believe that the common school is the nursery of civil liberty in this country, and that if the founders of New England had left no other legacy to mankind than their immortal ordinances of 1642 establishing that system and declaring that universal education should prevail through the public school, they would have established satisfactorily their claim to be considered among the most illustrious and conspicuous benefactors of the human race. What these people South want is the acclimation of the Puritan idea. What these people want who are illiterate and poor is the opportunity to learn the three R's. They want to learn the use of their faculties; they want the application of the common-school system; they want to be elevated up out of the slough of ignorance in which they find themselves; and that is the threatening evil that, so far as I am concerned, I propose to try and meet in this bill. There is too much tendency in this country toward half-education, and these po

and carried into the cities and made failures as lawyers and as halfstarved doctors and wretched ministers, and failing in those callings
have become lightning-rod peddlers and book agents, and finally disappeared beneath the earth that they cumbered while on its surface.

Mr. MORRILL. Will the Senator yield to me for a moment?

Mr. MORRILL. I think the Senator is misinformed in relation to
the graduates of these institutions, and that if he will converse with
the president of any of them he will ascertain that they have sent
out some of the most efficient business men this country now has
within its boundary. I have been told repeatedly by the presidents
of some of these institutions that no sooner were their graduates matriculated than they were taken into service as engineers for mines
and for railroads and into business so that they received a thousand
or fifteen hundred dollars a year salary while the graduates of other
institutions had to work along year after year before they got their
professions or got into any kind of business.

Mr. INGALLS. The Senator from Vermont and myself can have
no difference of opinion on that subject. I believe in the highest
education, in the most liberal education, and in the broadest application of these principles to all the citizens of this country. But that

Mr. INGALLS. The Senator from Vermont and myself can have no difference of opinion on that subject. I believe in the highest education, in the most liberal education, and in the broadest application of these principles to all the citizens of this country. But that is not the object of this bill. I should like to see a great national American university established in this city that should be magnificently endowed and that should furnish the opportunities for the highest and broadest education for every citizen of this or of any other land. But we are not attempting to do that in this bill. We are attempting to deal with the illiteracy of this country, to deal with certain subjects that have a political aspect, and we are called upon in our political capacity here, judging what is best for this country, to decide what appropriations shall be made for the education of the citizens.

Now, sir, I believe that what is to be accomplished is not by the devotion of this fund to the establishment of the common-school system in the South; and when that has once been accomplished, other results will follow. There is a subtle and most potential contagion about knowledge. Let the humblest man be instructed, let the seed be sown, and it will be communicated as far as his influence and his power can go. Educate the present generation; correct this evil

that exists in the South and other portions of this country; drop this seed; establish your common-school system; endow these men with the sacred flame of knowledge and the desire for knowledge, and the future will take care of itself. We have already established magnificent foundations for agricultural and mechanical colleges. Very cent foundations for agricultural and mechanical colleges. Very good. I wish them God-speed; I would like to see them still further established; but so far as this little pittance here is concerned, I want it applied to the purpose of a common-school education; and for that purpose, and that purpose alone, not in hostility to this bill, but in favor of what I believe to be its truest and most beneficent principles, I have made the motion that I have submitted.

Mr. MORRILL. Mr. President, I merely desire to add a single word to what I said before in reply to the Senator from Kansas. I have here informed by the heads of the colleges in Arkansas Ten-

have been informed by the heads of the colleges in Arkansas, Tennessee, and Kentucky that two-thirds of their students are immediately wanted as teachers in the South, and get good wages as such.

Mr. INGALLS. This bill provides in section 8—an amendment offered by the committee—for the establishment of normal schools.

There is an express declaration that 50 per cent. of this fund shall be applied to the establishment of schools for the instruction of teachers.

Mr. MORRILL. But that is not sufficient to do anything at once.

Mr. INGALLS. If 50 per cent. is not enough, do you want to take

Mr. INGALIS. It so per cent. Is not enough, do you want to take the whole of the sum appropriated to instruct teachers?

Mr. MORRILL. These colleges are in existence and they require a little additional stimulus to make them very effective, and I wish to say to the Senate that there have been twenty-five Legislatures of this country that have petitioned and resolved in favor of it, and that there is not one subject in which the farmers of this country take so deep an interest as they do in these agricultural colleges. They are making experiments, they are making tests of artificial manures, enough to pay the whole expense to the country, detecting the false and cheap articles that are exposed for sale and also detecting those that are good.

the false and cheap articles that are exposed for sale and also detecting those that are good.

Mr. HOAR. Mr. President, the graduates of these technical schools are greedily employed by the business men and business institutions of this country as fast as they leave their schools, and they are greedily sought for as teachers; and it is impossible to build up the commonschool systems of the South without having some provision for the education of teachers to go hand in hand with the provision for the caheals themselves because of course the great power in the school schools themselves, because, of course, the great power in the school is the teacher; there is no school without him.

Now, the honorable Senator from Kansas says that he does not propose to sit still under some imputation which nobody has made, or under some method of conducting business which nobody has pursued. What I said and what I say now is that, in my judgment, this scheme as framed by this committee, having taken pains to ascertain the opinion of the educators of this country, having taken pains to asceropinion of the educators of this country, having taken pains to ascertain the opinion of the legislators who are to pass the bill, is the only one which can command a majority of the Senate and the House. If it cannot command a majority, none can command a majority. It is not because this committee, of which I have not the honor to be a member, seems to me better calculated to frame such a measure than any other committee of the Senate or of the House; it is not because the individual judgment of the Senators who voted for the amendants. ment of the Senator from Colorado is not better than my own, that I made the remarks which I reiterate. Perhaps I am mistaken, but I believe, as the result of the ascertaining of the public opinion of these two branches, that unless the offer, if it may be properly termed so, of the establishment of the educational fund and the growth and prospect of its addition turns out to be acceptable to the majority of the persons interested, no other offer is likely to be agreed upon by the legislative power which can adopt this measure, and that is all. Now, what is there in that observation which is properly spoken of

as an imputation under which a Senator is to say that he cannot sit still? I have nothing of personal desire; I have nothing to gain. It is a matter utterly indifferent to my State so far as its immediate interests are concerned. It is a gift, and a large gift, if you were to speak merely of proportion and of population, of what would be according to its population the proportionate share of Massachusetts to some other States. Gentlemen think and represent that as the result of our political strifes and discussions there is a bitterness, a feeling of hostility and of antagonism on the part of the men of New England toward their brethren of the West and South. It is a mistake. Whatever utterances may be made in speech, if there be a State in this country farthest from us in territory, sharing the least of the common ancestry, differing from us the most widely in opinion, in institutions, opposed to us most angrily in the conflicts which have divided this country in the past, civil conflicts or conflicts of war, that will show us how of our wealth or of our poverty we can help them to anything which is deemed good by civilized States, they may com-

mand us to the extent of our power.

Do you want railroads? We will help you build them. Do you want the mouth of the Mississippi cleared so that the farm produce of the Northwest may go around away from Boston and from New England on its pathway to the sea? You have had and you may have again our votes. Do you want your fields reclaimed? Do you want your waste places settled? You may have our money; you may have our children; you may have our help in every form. But much better, as we believe, for you than all these things would be

the building up of the school-houses in your States, a creation which is to increase your strength for any future conflict with us, which is to make it more likely that the political power which under the inexorable law is passing away from you to other sections of the country will return to you again, which is sure to make of our little New England with its rocks and its ice and its narrow limits but a corner, an insignificant corner of this mighty Republic, while your rivers, and your water-falls, and your fertile fields, your infinite corn-fields for food, your infinite coal-fields for fuel, your abundant iron, welded and wrought and worked by the educated brain of man, are to make you the seat of empire, of an empire which is to pass away from us. We love our country, without distinction of section, or of race, or of State, enough to be willing to help you do all that. And now will you turn your backs and reject by any indirection the offer, the best the building up of the school-houses in your States, a creation which you turn your backs and reject by any indirection the offer, the best offer that we know how to make? When we come to you with the school-house; when we come to you with the certain root and source of power, of wealth, of population, of comfort, of educated, happy, free homes, which make the dignity and comfort of a State, will you

men homes, which make the dignity and comfort of a State, will you turn your backs on it and reject it?

Mr. BAILEY. Mr. President, I wish to say only a word in reply to the remarks which fell from the Senator from Kansas, [Mr. INGALLS,] in which he spoke of the agricultural colleges of the country, and I think an incorrect inference would be drawn from what he said. He spoke of them as failures. In my own State the land scrip granted by the act of Congress of 1862 has been sold, the money has been invested, and securely invested by the State, and to-day we have a school numbering three hundred untils. Young men from every part of our numbering three hundred pupils. Young men from every part of our State are gathered together there, are being educated and are becoming useful men. The school has done good in the past; it is doing good now, and will, I think, continue to do good in the future. The endowment of that school was the bounty of the Government of the United States. The bill that is now under consideration proposes to strengthen and increase the usefulness of those schools wherever they may be situated; among others, the one in my own State will share the benefit of this act. School-masters go out from this institution. They are in demand all through my State and throughout the Southwest, and one of the great needs of the South to-day is not along the school-house, but the teacher who can make the school system effective. We need teachers very much in Tennessee. We have now, I believe, about seven thousand teachers; we have about six thousand public schools. Three hundred thousand children of the State are gathered together in our public schools, and yet we want a greater number of school-houses, and we want more teachers. We have not got them; we are trying to educate them, and I ask the Senate to take into consideration the wants of our people in the West and South with respect to school-teachers and the necessity we are under of educating them for the business which they are to follow.

For that reason I gave in committee, as I give here to-day, my hearty support to this provision in the bill that appropriates a certain ratable part of this money to the support of agricultural schools, for they teach in these schools not only such branches of learning as are taught elsewhere, but they have a wider operation and a wider system. They teach the science of agricultural chemistry, they teach agriculture as a practical art, and in that way this school is doing much good. I say this simply in reply to what has been said by the Senator from Kansas, who intimated that these schools everywhere are failures. They may be failures in Kansas, but they are not in the State of Tennessee.

Mr. INGALLS. Oh, I said no such thing.
Mr. BROWN. Mr. President, I regretted very much a while ago to vote against the recommendation of the committee as contained in the bill and for the distribution of the principal of the net proceeds of the sales of the public lands and the net income from the Patent Office in place of the interest. I did it because of the urgent and pressing necessity that I think exists in my own State at present for some important help in the education of the mass of her people. The amount which each State would receive from the interest at 4 per cent. on the basis of apportionment proposed would be so very small for our

State as to be of very little assistance to us.

I do not share, I confess, in the fear that after this system is once commenced it will break down under any circumstances. I have never known a system of public schools, and I have not read of one, that has been once put on foot that has gone backward. I think the result will be so favorable that there will be no difficulty when we have once inaugurated the system in carrying it forward. Therefore have once inaugurated the system in carrying it forward. Therefore I think it is better for the next few years to distribute the principal of the fund we may receive from the two sources already mentioned.

But I do protest against the amendment now proposed to take from the agricultural colleges the percentage of this fund that is proposed by the bill to be given to them. I think there has been no appropriation of public money within my knowledge that has done so much good as has been accomplished by the distribution made to the States of land-scrip and the inauguration of these agricultural colleges. stated in my remarks the day before yesterday what had been the history of the workings of this system in my own State, that we have four branch colleges there, which have now about eight hundred students, where we turn out from one of them—which is the only one authorized yet to license teachers—about eighty teachers per annum. We need to have teachers educated as much as we need funds to educate the mass; indeed, it is the first step toward the education of the mass; and I think it would be very unwise now to remove a portion of this fund from the agricultural colleges. I would rather vote that the 50 per cent. should go to that purpose than vote that a less percentage go than the percentage already mentioned in the bill. Therefore I cannot give my vote for the amendment to strike out that portion of the bill. I think it the most important portion of it. Not much harm would be done if the whole fund for the next two or three years were given to the agricultural colleges; but surely

two or three years were given to the agricultural colleges; but surely as large a percentage as has been mentioned should be given to them.

Mr. BLAINE. Mr. President, I do not know that I have very decided convictions on the amendments offered by the Senator from Kansas. I think the main amendment which has been adopted in Committee of the Whole to-day, as far as my judgment reaches the merits of the bill, will destroy its effect; and therefore, unless it is reversed in the Senate, I shall hope, for one, that the bill will not become a law. I do not believe the money will be guarded with sufficient care, and I think it may be merely another illustration of wasteful and ridiculous excess.

I only rose, however, to say, as I supposed the debate was about to close, that I want to congratulate the Senate and the country upon the final extinction and death of the old doctrine of strict constructhe final extinction and death of the old doctrine of strict construc-tion. Here is part of the revenue of the United States, just as much a part of the revenue as the customs collected at New York or the whisky tax, the receipts from the sale of public lands, over which the old democratic and whig parties fought and wrought for twenty-five years. There was not a democrat between the lakes and the gulf who did not swear that the Constitution was torn in tatters, was not worth preserving, if the proceeds arising from the sales of public lands were distributed per capita and fairly between the States. Oh then the original compact was gone! Now we take this bill up Oh, then the original compact was gone! Now we take this bill up and abandon the idea of an equal partition; we give away the whole proceeds, as a great benefactor who has an estate to distribute at his own will calls around him the most needy and the most deserving

own will calls around him the most needy and the most deserving of those to whom he feels the most partially inclined, and says, "Take this freely, without limit and without stint."

I am glad that up to this time we have not heard from the strict-construction side a solitary objection to this legislation. I do not object to it; I shall vote for it, and I congratulate the country that that controversy is so far ended that there is not a man now living who can raise his voice against the distribution of the proceeds of the public lands among the States.

Mr. BECK. Mr. President, I desire to say in only a word why I shall yote for this hill without being a very strict construction ist.

shall vote for this bill without being a very strict constructionist. The laws upon the statute-book from 1862 up to the present time read thus as to all public lands subject to homestead and pre-emp-

That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies,

shall be entitled to enter upon certain lands and to pre-empt certain lands; and these laws stand upon the statute-book to-day, authorizing every man who comes from Africa, from Europe, or from Asia, the day he lands and declares his intention to become a citizen, to take possession of the lands of the United States, and have practically excluded the people of eleven States of this Union—boys who were pages in the Legislatures, who knew no more about the war than if they had been unborn—from entering upon the public lands to take homesteads or pre-emptions. And when these lands are to be disposed of, as is now proposed, to educate the negroes, or educate be disposed of, as is now proposed, to educate the negroes, or educate anybody else, I am willing that the proceeds shall go, rather than to maintain a system that has such injustice in it on the statutebooks of the United States.

books of the United States.

Mr. SAULSBURY. Mr. President, what has been said by the Senator from Kentucky and by other gentlemen on this side of the Senate explains why objections have not been interposed to the bill; and there are other reasons. There have been donated to public corporations not less than 180,000,000 acres of the public lands, donated by the party of which the Senator from Maine [Mr. Blaine] is so distinguished a leader. When we see the public lands frittered away, given to rich corporations, we may well abate our objections in the distribution of the proceeds of the public lands to educational purposes.

Mr. MORRILL. May I interrupt the Senator to ask him a question?
Mr. SAULSBURY. Certainly.
Mr. MORRILL. I merely ask him if it was not a democratic Senator that first introduced the policy of giving these lands to railroads?
Mr. SAULSBURY. I am not sure who first introduced it; but I am sure that the policy that has been practiced by the party of which the Senator from Vermont is also a distinguished leader has frittered

away more than an empire to rich corporations who have been the beneficiaries largely of their legislation. It ill becomes Senators on the other side of this Chamber now to twit us with an abandonment of former ideas in reference to the distribution of the proceeds of the public lands because we have seen in the legislation of the country that the whole public lands of the United States are to be given away in the same direction; and if we choose to discriminate as to the ob-

jects to which they shall be given I think we shall be perfectly just in the matter.

Yet I have never said that I shall vote for this bill. On the contrary, there are serious objections to the bill, and without the amendtrary, there are serious objections to the bill, and without the amendment of the Senator from Colorado I certainly should never have dreamed of voting for the bill. I am not sure that I shall vote for it now; but that amendment has taken away from the bill one of its most objectionable features that was proposed, namely, the placing of the school system of the States to a certain extent under the supervision and control of the General Government. To that I am utterly opposed. I think the States of this Union can be trusted to maintain their own educational interests, and they have not been unfaithful in the past: for when under a democratic administration the revein the past; for when under a democratic administration the reve in the past; for when under a democratic administration the revenues of this country had accumulated in the public Treasury until they became a burden to the Treasury and when upon the recommendation of a democratic administration the surplus revenues were distributed among the States of this Union, most of the States, and I speak particularly of my own, faithfully and carefully appropriated every dollar of their share of that surplus revenue to educational purposes, and the fund has been sacredly guarded from that day to the present time. Not one dollar of it has been appropriated to any other purposes; and when the dark clouds of war spread over the country. purpose; and when the dark clouds of war spread over the country, and we were compelled to resort to extraordinary means to raise revenue, we carefully guarded the school fund of the State, and subjected our people to taxation to meet the exactions which were placed upon us by the exigencies of the war.

I should not, perhaps, have participated in this discussion except for the remarks of the Senator from Maine, who seems to want to twit us with inconsistency because we abate something of our objection to the policy of distributing the proceeds of the public lands for reasons such as I have stated.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas, [Mr. INGALLS.]

The amendment was rejected.

Mr. TELLER. Inasmuch as that clause is not stricken out, there

Mr. TELLER. Inasmuch as that clause is not stricken out, there should be some amendment of it as it now stands, to make it in accordance with the amendments that have been made. In lines 28 and 29 the words "annual income" should be stricken out and the word "amount" inserted; so as to read, "until the amount thus ac-

oruing."

Mr. MORRILL. I hope the Senator will wait until we get the bill into the Senate to see whether his previous amendment will be concurred in. If it should be adopted, then he can move that amend-

Mr. TELLER. Very well, if it will not be overlooked. It would make the bill rather unseemly to stand as it is.

The PRESIDING OFFICER. The Chair understands the Senator

from Colorado to withdraw the amendment.

Mr. TELLER. I withdraw it.

Mr. MORGAN. I wish to offer an amendment. After the word "colleges," in line 31 of section 3, I move to insert:

And said last mentioned act of Congress is hereby amended so as to authorize each State and Territory to establish in said colleges, or under their directions, schools for the instruction of females in such branches of technical or industrial education as are suited to their sex.

The Senate will observe that I have made a modification of the amendment, changing the word "require" to "authorize"

Mr. KIRKWOOD. This is to apply to agricultural colleges?

Mr. DAVIS, of Illinois. Yes, in agricultural colleges.

Mr. MORGAN. Or by their direction.

Mr. KIRKWOOD. Does not that power exist now under existing

Mr. MORGAN. That is a question. The Senator from Iowa may read the law so as to authorize him to say that that power does exist now in the States under the act of 1862, but that has not been the mr. KIRKWOOD. We do it in Iowa.
Mr. MORRILL. And we in Vermont.
Mr. MORGAN. There is a construction in some of the States by

which the boards of trustees do not consider that they have the right to establish either female education or that they have a right to establish special schools for the benefit of female education. It is in

order to remove the doubt on that point that I offer this amendment. I desire to call the attention of the Senate to the fact that almost universally in the South neither have females attended these col-

leges nor have they been permitted to attend them. No provision has been made in the organization of these colleges—

Mr. MORRILL. If the Senator from Alabama will allow me, I do not think there will be any objection to merely authorizing these institutions to do this. I see no objection to the amendment, and I

think it will pass without an argument.

Mr. MORGAN. I am very glad to hear that. I will add a word, however. The Senate may suppose that this is a very unimportant matter, but really it reaches a condition of things in regard to which I think the Senate ought to act so as to provide sufficient and clear authority on the part of these colleges for the maintenance of these schools.

The act which I now propose to amend already authorizes the col-leges to establish schools of instruction, which need not be in the same

campus or under the same roof as the other colleges, at which females may attend for the purpose of receiving instruction in technical education. That is the main part of the matter that I desire to reach by the amendment, and I hope that the Senate will adopt it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

Mr. PENDLETON. In section 4, line 1, I move to strike out the words "the school districts of;" so as to read:

The amount apportioned to any State or Territory, or the District of Columbia, and certified as herein provided, &c.

This amendment is in accordance with the suggestion I made, and which I think was concurred in by the Senate.

Mr. MORRILL. I think that amendment is correct, and it will be

agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio, [Mr. Pendleton.]

The amendment was agreed to.

Mr. PENDLETON. In order to perfect the section in the same direction, I move to strike out all of section 4 after the word "same," in line 9, in the following words:

To the several school districts entitled thereto under such apportionment, which treasurer or officer shall be required to report, on or before the 30th day of June of each year, to the Commissioner of Education, a detailed statement of the payments made and balance in his hands withheld, unclaimed, or for any cause unpaid. The term "school district" as used in this act shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining schools.

I think the Senator from Vermont will concur in the propriety of this amendment also.

Mr. MORRILL. I hope that amendment will not be adopted. I think it would very essentially change the whole character of the section. I trust that it will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, [Mr. PENDLETON.]

The amendment was rejected.

Mr. BAILEY. In section 3, line 35, in order to make the meaning a little clearer, I move, after the word "free," to strike out the word "education" and to add the words "and impartial education in public schools;" so as to read:

To the free and impartial education in public schools of all its children between the ages of six and sixteen years.

Mr. HOAR. That is right.
Mr. MORRILL. That is all right.
The PRESIDING OFFICER. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. BAILEY. In section 7, line 12, after the word "free," I move to strike out the word "education" and to insert the words "an impartial education in public schools;" so as to read:

Shall be faithfully applied to a free and impartial education in public schools of all its children between the ages of six and sixteen.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I desire to call the attention of the Senator having charge of the bill to section 6, lines 12, 13, and 14, and I think I shall suggest an amendment that he will be willing to accept. He will notice that it reads:

If Congress shall not, at its next session, direct such share to be paid, it shall be added to the general educational fund.

I suggest to the Senator to insert "Congress" instead of "session," and I will state the reason. For instance, we are now in a short session. Suppose last September the Commissioner had refused to certify to the Secretary of the Treasury, there would be too short a time probably to have gotten a bill through Congress. Therefore if you make it "the next Congress" it appears to me it will meet all objections and perhaps be much better.

Mr. BURNSIDE. There is no objection to that amendment.

Mr. HOAR. I suggest to the Senator from West Virginia to put in the words "the next" before "Congress" and strike out the words "at its next session."

Mr. DAVIS, of West Virginia. It has the same effect and reads a little better as the Senator proposes. The intention is to give a little further time for Congress to act.

The PRESIDING OFFICER. The Secretary will report the amendment as now modified, as the Chair understands it, by the Senator from West Virginia.

West Virginia.

The CHIEF CLERK. In section 6, line 12, after the word "if," it is proposed to insert "the next," and in the same line to strike out the words "at its next session;" so that the clause will read:

If the next Congress shall not direct such share to be paid, it shall be added to the general educational fund.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia, [Mr. Davis.]

The amendment was agreed to.

Mr. HOAR. That amendment will require the striking out in the tenth line of the words "session of," which I move; so that the clause will read, "until the close of the next Congress."

The PRESIDING OFFICER. The question is on agreeing to the amendment moved by the Senator from Massachusetts

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now read an amendment which the Chair is informed was reported from the Committee on Education and Labor, which has not yet been acted upon.

The CHIEF CLERK. It is proposed to insert at the end of section 7 the following additional section:

SEC. 8. A sum not exceeding 50 per cent. of the amount received from the United States by any State or Territory, or by the District of Columbia, the first year of such receipt by it, and not exceeding the amount of 10 per cent. in any year thereafter, may be applied, at the discretion of the Legislature thereof, to the maintenance of one or more schools for the instruction of teachers of common schools; said sum, after the first year, to be apportioned wholly to the payment of teachers of such schools.

Mr. INGALLS. I suggest to the Senator from Vermont or the Senator from Rhode Island, whichever has the bill in charge, whether it would not be advisable to insert the word "normal" after "more," in line 7, and before "schools," and to strike out the words "for the instruction of teachers of common schools." The word "normal"

has a well-defined technical signification.

Mr. MORRILL. Yes; but it is not recognized and used in all the States, and therefore the section had better remain as it is.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.
The PRESIDING OFFICER. The Secretary will report another amendment recommended by the committee.

The CHEF CLERK. In section [8] 9, line 3, after the word "least," the committee report to insert the words "three months in each year until January 1, 1885, and thereafter;" so as to read:

Intil January 1, 1885, and thereafter; "so as to read:

That to entitle any State, Territory, or the District of Columbia to the benefits of this act, it shall maintain for at least three months in each year until January 1, 1885, and thereafter four months in each year, a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report to the Commissioner of Education of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature, or otherwise received for the purpose of maintaining a system of free public schools.

The PDETSTING OFFICER. The generation is an exceeding to this.

The PRESIDING OFFICER. The question is on agreeing to this amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. As these amendments have been agreed to, the Chair supposes the Senate would like the Secretary to change the numbers of the sections to correspond with the necessi-

change the numbers of the sections to correspond with the necessities of the bill as it has been filled up.

Mr. BURNSIDE. I move that the bill be so changed.

Mr. HOAR. It can be done by the Clerk as a matter of course.

The PRESIDING OFFICER. The Chair is informed that, the amendment of the Senator from Colorado [Mr. Teller] having been adopted, the words "and provided further" should be adjusted to correspond to the text of the bill.

Mr. Teller. I move that amendment to make it uniform.

The PRESIDING OFFICER. The amendment will be made if there be no objection.

there be no objection.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole. The Secretary will

amendments made as in Committee of the whole. The Secretary will report the first amendment.

Mr. BURNSIDE. I suggest that all the amendments that have been made be concurred in except the amendment of the Senator from Colorado, [Mr. Teller,] on which I ask for a separate vote.

The PRESIDING OFFICER. The Senator from Rhode Island suggests that the question be taken in gross upon all the amendments except the one adopted on the motion of the Senator from Colorado.

except the one adopted on the motion of the Senator from Colorado. Is there objection?

Mr. TELLER. There were two. I suppose the Senator means both.

Mr. MORRILL. Yes, both of them.

Mr. BURNSIDE. Both of them.

The PRESIDING OFFICER. It is proposed that a separate vote be taken only on the two amendments of the Senator from Colorado. Is there objection? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole, with the two exceptions named. the two exceptions named.

The unexcepted amendments were concurred in.

The PRESIDING OFFICER. The Secretary will now report the first reserved amendment made as in Committee of the Whole.

The CHIEF CLERK. In section 3, line 8, after the word "year," the Senate, as in Committee of the Whole, struck out the following

Provided, That the net proceeds of said sales and receipts for patents shall be set apart as an educational fund, and entered upon the books of the Treasury to the credit of the fund, and bearing interest at the rate of 4 per cent. per annum, the interest on such educational fund only to be paid to said States for educational purposes as herein provided.

The PRESIDING OFFICER. The question is on concurring in this amendment made as in Committee of the Whole.

Mr. BLAINE and Mr. BURNSIDE called for the year and nays, Booth, Brown Call, Coke,

Davis of W. Va.

and they were ordered; and being taken, resulted—yeas 28, nays 28, as follows:

YE	AS-28.	
orida,	McDonald, Maxey, Morgan, Pendleton, Pugh, Ransom, Saulsbury,	Saunders, Slater, Teller, Vance, Vest, Voorhees, Williams.

NAVS-28.

Allison, Anthony, Bailey, Baldwin, Blaine, Blaine,	Burnside, Cameron of Pa., Cameron of Wis., Davis of Illinois, Dawes, Edmunds,	Garland, Hamlin, Hill of Colorado, Hill of Georgia, Hoar, Kellogg,	McMillan, McPherson Morrill, Platt, Rollins, Walker, Window
Bruce,	Ferry,	Logan,	Windom.
	1 7000	03701 oo	

Hereford, Ingalls, Johnston, Jonas, Jones of F

Kernan, Kirkwood.

Bayard,	Eaton,	Jones of Nevada,	Sharon,
Butler,	Farley,	Lamar,	Thurman,
Carpenter,	Grover,	Paddock,	Wallace,
Cockrell,	Hampton,	Plumb,	Whyte,
Conkling,	Harris,	Randolph,	Withers.

The PRESIDING OFFICER. On this question the yeas are 28 and the nays are 28. So the Senate being equally divided the nays have it, and the amendment made as in Committee of the Whole is nonconcurred in. The Secretary will report the next amendment re-

The CHIEF CLERK. In section 3, line 16, the Senate, as in Committee of the Whole, struck out the words "said apportionment of net proceeds and the interest on said fund to and among" and inserted "proceeds of said sales and receipts for patents shall be paid to;" so as to read:

That for the first ten years the proceeds of said sales and receipts for patents shall be paid to the several States, Territories, and the District of Columbia, &c.

Mr. TELLER. I suppose it is not worth while to take a vote on concurring in this amendment by yeas and nays, or to make any contest. The Senate now having voted that the theory of the bill is to go on and pay the interest only, that is the end of it. It has been intimated very strongly by the friends of this bill that the effect of my amendment was to kill the bill. The honorable Senator from Vermont [Mr. Morrill] says that this is the second hostile amendment. In my solemn judgment the bill is a nullity and a nonentity of no practical importance, a bill that will return to plague us, but will never do any good to the people in whose interest it is professedly passed. That is my honest judgment, deliberately made up after a thorough examination of the bill, and I am, like the Senator from Kansas, not disposed to yield my personal judgment to anybody who has consulted experts. It is a practical question that practical common-sense business men are able to meet and ought to meet; and I repel any insinuation that I have offered any objection to this bill. Mr. TELLER. I suppose it is not worth while to take a vote on common-sense business men are able to meet and ought to meet; and I repel any insinuation that I have offered any objection to this bill. I brought forward the amendment I offered in the interest of what I thought to be, in the first place, the theory of the bill. I think I should be justified in saying that the parties who so strenuously urged its passage unchanged from the form agreed on by the committee were not so anxious for the immediate education of the people as they were to build up a public system of education that might be the admiration of the whole world. I said before it was a sentiment. I repeat it again, it is a sentiment without practical benefit to the people for whose benefit it professedly is made.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on concurring in the second amendment made as in Committee of the Whole, offered by the Senator from Colorado.

The amendment was non-concurred in.

The amendment was non-concurred in.

Mr. BURNSIDE. There were two amendments made to make the bill correspond with the amendments which have been non-concurred

in.

Mr. EDMUNDS. They became a part of the amendments of the Senator from Colorado, and are now out, so that the whole thing stands as it was before. I move to amend the bill at the end by adding this clause, which I think ought to be in every bill of this character and indeed in every other that I can think of:

And the power to amend and repeal this act is hereby reserved.

I wish it to be perfectly clear. That is probably the present construction of the bill, but inasmuch as States and possibly school districts get a vested right in this fund, and inasmuch as undoubtedly future legislation, will be necessary to adjust the operations of a scheme of this kind, I think it desirable that there should be no question as to the power of Congress by future legislation to make such further provision or to withdraw this altogether as the public interest may seem to require. I therefore move to add at the end of section 10 the words: 10 the words:

And the power to amend or repeal this act is hereby reserved.

Mr. KIRKWOOD. I wish to say a single word. I voted with a great deal of pleasure and a great deal of earnestness for the amendment offered by the Senator from Colorado. I supposed that there was a serious difficulty existing in certain portions of our country; that in certain States of the Union there was a large, a lamentably large number of the people of those States utterly illiterate, and

that the safety of those States, and to some extent the safety of the country, depended upon removing that unfortunate condition of affairs. Looking at this bill in that light, it seemed to me to be an utter absurdity. It could not by any possibility have any effect upon the actual existing condition of affairs in those States. It could not tend at all to educate the present children of school age in those

The amendment offered by the Senator from Colorado, if it had prevailed, would have given the principal of this sum year by year to bring those children up with some degree of education; and I trusted that when they came to be the men of action of their day, they, having been themselves educated, would see to it that their children in some way should be educated as well at least as they had been. The Senate has decided, however, that that shall not be done, and that the measure as it stands, which can be of no practical importance to the present generation, shall be brought to a vote. Now, in looking at the matter according to the best lights I have, I cannot see any object in doing that other than this: that this is the start of building

object in doing that other than this: that this is the start of building up in our country under the control and influence of the General Government a vast educational fund, to be created by it, and applied by it, and superintended by it in the education of the country. That may be a good thing to do; I do not know whether it is or not; I cannot say; but that can be the only effect to follow from the passage of this bill as it stands.

Something has been said here about this bill as it stands being the result of the advice of experts in education. Now, I have a great deal of respect for experts in all branches of learning and all kinds of information; and if this were a question how best to teach scholars in our schools and colleges, what it was best to teach them there, I might defer my judgment to that of so-called experts; but when it becomes a question broader than that—to determine how we shall I might deter my judgment to that of so-called experts; but when it becomes a question broader than that—to determine how we shall raise the means, the money to sustain the teachers in their expert calling of teaching—that is a question of which I think I am as capable of judging perhaps as a man whose business it is to teach. If this be, as I apprehend it is, but a commencement in doing something that is not understood and perhaps not avowed, if it be merely a commencement in building up here at the center of our Government a vast educational scheme, to be fed from time to time by appropriations, diversions of the revenue of one kind and another to it thus a vast educational scheme, to be fed from time to time by appropria-tions, diversions of the revenue of one kind and another to it, thus absorbing the educational system of the country into and under the control of the National Government, I have grave doubts whether it is a thing that should be encouraged or not.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont, [Mr. EDMUNDS.]

amendment offered by the Senator from Vermont, [Mr. Edmunds.]

The amendment was agreed to.

Mr. McDONALD. If the amendment offered by the Senator from
Colorado had been adopted by the Senate, I should have voted for
the bill; but as that has been rejected, the bill as it now stands before the Senate is just what its title indicates, "a bill to establish an
educational fund, and apply a portion of the proceeds of the public
lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of
scientific and industrial education;" and as the means by which all
this is to be carried out are utterly inadequate to the great end sought
to be attained by it, I shall wait until the nation is in a better condition to take up and elaborate and carry out so grand a scheme as

dition to take up and elaborate and carry out so grand a scheme as this before I shall vote for its inauguration.

The theory upon which this bill has been supported is that it is to furnish educational aid to those who can neither read nor write, and that it would be a great means of educating the colored people of the that it would be a great means of educating the colored people of the South by the distribution of 4 per cent. Interest upon the proceeds of the sales of a portion of the public lands and adding to that a fund which we have improperly taken from the inventive genius of this country and held in some kind of control of the United States; and this magnificent scheme of thus educating the colored people of the South looks to me now, as this bill stands before the Senate, very much like that magnificent charity over which Mr. Bumble presided and which furnished the nutriment that was doled out to the charity inmates of that institution at the time Oliver Twist asked for more. If we are to wait for this fund to educate the colored people of the South and to make them intelligent voters, I fear that the people of this country may have to suffer from that evil, and will have all their

and to make them intelligent voters, I fear that the people of this country may have to suffer from that evil, and will have all their sufferings before the relief comes.

To devote the proceeds of the public lands, a portion of them or all of them, to education under the control and auspices of the several States in accord with and in aid of their several common-school systems would be a measure that I should be very glad to aid in; but to inaugurate a scheme of this kind, under the pretense of educating the people of the South, I shall wait for some other day until there is more means provided for the purpose before I vote for it.

means provided for the purpose before I vote for it.

Mr. BURNSIDE. The friends of this bill can very well afford to wait until the time elapses to let it demonstrate itself. If the Senator from Indiana lives as long as I hope he will live he will feel very proud of the action of Congress in the adoption of this bill, if it passes both Houses

The bill was ordered to be engrossed for a third reading, and was

read the third time.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The bill having been read three times, the question now is, Shall it pass † Mr. SAULSBURY. On that question I ask for the yeas and nays.

Williams.

Slater, Thurman, Wallace,

Whyte. Withers.

The yeas and nays were ordered; and being taken, resulted-yeas 41, nays 6, as follows:

YEAS-41. Hill of Georgia, Hoar, Johnston, Cameron of Pa., Cameron of Wis., Anthony, Bailey, Baldwin, Pugh. Coke, Davis of Illinois, Davis of W. Va., Ransom Rollins, Teller, Vance, Walker Jones of Florida, Kellogg, Edmunds, Logan, McMillan, McPherson, Maxey, Hereford, Maxey, Morgan, Morrill, Beck, Blaine, Blair Brown, Bruce, Burnside, Call, Windom.

Saulsbury, Vest, Jonas, McDonald, Voorhees. ABSENT-29

Bayard, Groome, Kirkwood, Grover, Hamlin, Hampton, Harris, Ingalls, Jones of Nevada, Butler, Carpenter, Cockrell, Conkling, Eaton. Farley. Kernan.

Lamar, Paddock, Pendleton, Plumb, Randolph, Saunders, Sharon,

So the bill passed.

Mr. BURNSIDE. I move to amend the title by striking out the word "national" before "colleges." These agricultural colleges are not national colleges; they are colleges of the States.

The amendment was agreed to.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it be to meet on Monday next at twelve o'clock. The motion was agreed to; there being on a division—ayes 34, noes

Mr. BOOTH. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 17, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. BROWNE. If I correctly heard the reading of the Journal, it states that I obtained indefinite leave of absence. I have asked no leave of absence. There must be some mistake about it.

The SPEAKER. The leave of absence granted was to the gentle-

man from Pennsylvania, Mr. BAYNE. The correction will be made. The Journal was then approved.

ORDER OF BUSINESS.

Mr. WILSON. I call for the regular order.
Mr. HUNTON. I ask the gentleman from West Virginia to withhold the call for the regular order that I may offer a resolution to which I am sure there will be no objection.
Mr. WILSON. I withdraw the call for the regular order.

MARY AND SARAH STEUART.

Mr. HUNTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House to Mary Steuart and Sarah Steuart, sisters of James M. Steuart, late Postmaster of the House of Representatives, a sum equal to his salary for six months, and also the necessary funeral expenses, not to exceed the sum of \$250.

Mr. HUNTON moved to reconsider the vote by which the resolu-tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF NAME OF YACHT.

Mr. O'NEILL. I ask unanimous consent to report back from the Committee on Commerce, for present consideration, the bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized to change the name of the yacht Stephen D. Barnes, owned by Henry C. Lea, of Philadelphia, Pennsylvania, to that of Vega, and to grant said vessel a register in said name; the said vessel being a pleasure-yacht only, and not engaged in commercial or other business.

The SPEAKER. The report will now be read.

The Clerk read as follows:

The Committee on Commerce, to which was referred House bill No. 6539, entitled "An act to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, owned by Henry C. Lea, of Philadelphia, Pennsylvania, to that of Vega, beg leave to report the bill to the House, recommending its passage.

This vessel being a pleasure-yacht only, and not engaged in commercial or other business, or in the carriage of freight or passengers for compensation, and being free of debt at the time of the purchase by the present owner, the committee has unanimously approved it and hope it will pass the House.

The SPEAKER. Is there objection to the present consideration of

Mr. WARNER. Is it reported from a committee?

The SPEAKER. It is a unanimous report from the Committee on Commerce. This is a pleasure-yacht, which will not under any circumstances carry freight or passengers for compensation.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

third time, and passed.

Mr. O'NEILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DURATION OF LEGISLATIVE SESSIONS IN TERRITORIES.

Mr. AINSLIE. I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 1852 be, and the same hereby is, so amended as to read as follows:
"Sec. 1852. The sessions of the Legislative Assemblies of the several Territories of the United States shall be limited to sixty days' duration."
The report was read, as follows:

The Committee on the Territories, to whom was referred bill H. R. No. 1760, beg leave to report the same back with a recommendation that the same do pass, for the following reasons, to wit:

1. Section 1846 of the Revised Statutes provides that biennial sessions only shall be held in the Territories.

2. Section 1852 limits the sessions to forty days.

Your committee believe that in view of the fact that biennial sessions are established, sixty days in each two years is as short a period as is consistent with justice and a due administration of affairs in each Territory. Some of these Territories contain nearly seventy thousand square miles of territory, nearly ten times the size of Massachusetts or twice as large as the State of Ohio.

Your committee believe, therefore, that the public interests will be better conserved by the limit of sessions of said Territories to sixty days than forty, as under the existing law.

There being no objection, the bill was taken from the House Calendar and was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KLOTZ moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

UNITED STATES COURTS IN WESTERN DISTRICT OF VIRGINIA.

Mr. HARRIS, of Virginia. I ask unanimous consent to report back from the Committee on the Judiciary, with a favorable recommendation, the bill (H. R. No. 6599) to change the time for holding circuit and district courts of the United States for the western district of Virginia, held at Danville, Virginia. I ask that the bill be now put upon its passage. It simply changes the time of holding a court of the United States. It is approved by the bar and the judge presiding at that court.

The bill was read, as follows:

Be it enacted, &c. That the United States circuit and district courts of the United States for the western district of Virginia, held at Danville, in the State of Virginia, shall hereafter be held at said city of Danville, commencing on Tuesday after the third Monday in June and on Tuesday after the third Monday in November 1. after the third alonday in while and or russay when the control ber of each year.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed. This act shall be in force from its passage.

The SPEAKER. The report will now be read.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. No. 6599) to change the time for holding circuit and district courts of the United States for the western district of Virginia, held at Danville, Virginia, respectfully recommend its passage. It is a matter of convenience for the bar and court.

The memorial of the members of the bar and others was read, as

To the Congress of the United States:

The undersigned, practicing in the United States courts at Danville, and others, would respectfully represent that the present terms are inconveniently arranged, and would ask that the same be changed so that the first semi-annual term occur on the Tuesday after the third Monday of June, instead of the Tuesday after the fourth Monday of February; and the second semi-annual term on Tuesday after the third Monday of November, instead of the 15th of that month, of each year. As the terms now exist, there is too little interval between the November and February term, and it hus deprives suitors of equal facilities at both terms.

Signed by E. Barksdale, jr., and others.

Berryman Green, judge fourth judicial circuit of Virginia, recommends the above change.

change.
I concur in this petition.

ALEXANDER RIVES, United States District Judge.

Mr. CALKINS. I desire to ask the gentleman from Virginia what effect that bill would have on any of the cases now pending, especially the criminal cases? There is no clause in the bill saving the pending cases. I do not know if the gentleman from Virginia has considered that question.

Mr. HARRIS, of Virginia. I have considered it to this extent, that I find the judge of the court signs the petition and makes the application.

Mr. CALKINS. Should not the act prescribe that this shall not interfere with processes that have heretofore been served or may be served ?

Mr. CABELL. All that matter has been considered by the judge

of the court

Mr. CALKINS. I think there ought to be a saving clause in the bill. But I content myself with calling the attention of the gentleman from Virginia to the point, and am willing to let the matter take

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the

third time, and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which
the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELEVATOR IN SOUTH WING OF CAPITOL.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No. 6623) to amend a paragraph of the statutes of the second session of the Forty-sixth Congress; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HAWK. I desire to state that this bill relates to the construc-

tion of the elevator in the south wing of the Capitol.

MARGARET S. HEINTZELMAN.

Mr. BINGHAM. I ask unanimous consent to take from the Speaker's table for present consideration the bill (8. No. 1776) granting a pension to Margaret S. Heintzelman.

The bill was read, as follows:

Be it enacted, do., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret S. Heintzelman, widow of Major-General Samuel P. Heintzelman, deceased, and pay her a pension at the rate of \$50 per month from and after the passage of this act.

Mr. BINGHAM. The House Committee on Invalid Pensions has made a favorable report in this case. I ask that the Senate report be read.

The report of the Senate Committee on Pensions was read, as follows:

Major-General Heintzelman died May 1, 1880, at the age of seventy-five years. He entered the military service of the United States July 1, 1892, and was retired from active service on the 22d of February, 1869. During his term of more than forty-five years of continuous service he was engaged and distinguished himself in the Florida war, in the war with Mexico, in expeditions against the Indians in California and Oregon, and in the war of the rebellion, being twice wounded in action. His military service was faithful and brilliant, and his death is believed to have resulted from wounds received in line of duty.

He left his family no property adequate for their support.

In view of the action of Congress in similar cases, the committee recommend that the prayer of the petition be granted and the bill pass.

There being no objection, the bill was taken from the Speaker's

table, read three times, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS SAINT MARY'S RIVER.

Mr. NICHOLLS. I ask unanimous consent that Senate bill No. 1814, to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes, be taken from the Speaker's table for consideration at this time. I am authorized to state that the gentleman from Michigan, [Mr. Conger,] who objected to the consideration of the bill the other day, after examining it has consented Mr. NICHOLLS. It is, with a second section which was added by

the Senate

The SPEAKER. The bill will be read, after which the Chair will recognize gentlemen to make objections to its present consideration. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the Waycross and Florida Railway Company and the East Florida Railroad Company be, and they are hereby, authorized to construct a fixed bridge with one span over the Saint Mary's River at the point selected by said companies for crossing said river with their railroad line, about one and one-half miles below Trader's Hill, in Charlton County, Georgia, and to make such bridge of such height as they may see fit: Provided, The height be sufficient to permit the passage of timber rafts under said bridge; and such proposed railroad crossing and bridge are hereby declared to be the head of navigation on the said Saint Mary's River.

SEC. 2. That Congress reserves the right to alter or amend or repeal this act at any time, and that if at any time the navigation of the said river shall in any way be obstructed or impaired by the said bridge the Secretary of War shall have anterity and it shall be his duty to require the said railroad companies to alter and change the said bridge at their own expense in such manner as may be proper to secure free and complete navigation without impediment, and if upon reasonable notice to said railroad companies to make such changes or improvements they shall fail to do so, the Secretary of War shall have authority to make the sane, and all the rights conferred by this act shall be forfeited and Congress shall have power to do any and all things necessary to secure the free navigation of the river.

Mr. CONGER. I would ask the gentleman if he has any objection

Mr. CONGER. I would ask the gentleman if he has any objection to striking out the last clause of section 1, which declares the proposed bridge to be the head of navigation of the Saint Mary's River?

Mr. NICHOLLS. It is really the head of navigation. Mr. CONGER. That statement must be an inconsistency, for the use of the stream above the bridge for the floating of rafts is pro-

wided for by the bill.

Mr. NICHOLLS. It cannot be used for any other purpose. Boats cannot run up past the bridge, for the river is too small.

Mr. CONGER. Yes, but there is navigation for flat-boats, canoes, and rafts.

and rafts.

Mr. NICHOLLS. The river cannot be used except for rafts.

Mr. CONGER. Is there any objection to striking out that clause?

Mr. NICHOLLS. The principal objection would be that it would require the bill to go back to the Senate.

Mr. CONGER. The other provisions of the bill are in accordance with the usual acts of Congress, and I have no objection to them.

Mr. NICHOLLS. Where this bridge is to be located is really the head of payigation.

head of navigation.

Mr. HUMPHREY. If the river is navigable in fact and in law this bill could not take away that character from the river.

Mr. CONGER. I know that. But the navigability of a stream is as much for logs, rafts, and flat-boats as it is for steamers and other

Mr. NICHOLLS. Yes, sir, but there are no flat-boats on this portion of the river. Mr. CONGER.

But there are logs

Mr. CONGER. But there are logs.

Mr. NICHOLLS. Precisely; but this fixed bridge is to be of sufficient height to permit the passage of timber rafts under it.

Mr. CONGER. I cannot see any propriety in putting in the clause; but I care less about that than I do about the other provisions of the

I hope the gentleman will not object.

The SPEAKER. Does the gentleman from Michigan [Mr. CONGER]

make any suggestion by way of amendment?

Mr. CONGER. I merely made the inquiry of the gentleman.

The SPEAKER. Then the Chair understands the gentleman not

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. NICHOLLS moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPARKS. I call for the regular order.
The SPEAKER. The regular order is the morning hour for reports of a private nature from committees.

Mr. FORNEY. I move to dispense with the morning hour.
Mr. BRIGHT. Does that require a two-thirds vote?
The SPEAKER. It does.
Mr. WILSON. If the motion of the gentleman from Alabama [Mr. FORNEY] is carried, will it cut off the consideration of private bills

to-day?

The SPEAKER. It will cut off reports from committees; but another vote will be required to dispense with the consideration in Committee of the Whole of private bills to-day. The Chair understands that the object of the gentleman in moving to dispense with the morning hour is to enable the House to consider to-day the Military Academy appropriation bill.

The question was taken upon the motion of Mr. FORNEY; and upon a division there were appropriated as a second of the consideration.

a division there were—ayes 124, noes 30.

Before the result of the vote was announced,
Mr. BRIGHT called for tellers.

Mr. SPRINGER. I desire to make a parliamentary inquiry of the Chair. If the pending motion shall be carried, would it prevent a motion to go into Committee of the Whole on private business?

The SPEAKER. It would not. Another vote would be required to dispense with private business for to-day.

Mr. SPRINGER. The House may go into Committee of the Whole on the Private Calendar immediately after the pending motion is carried?

The SPEAKER. It may; but the Chair would recognize the gentleman who submits the pending motion to submit a further motion to dispense with the consideration of private business to-day.

Mr. BRIGHT. I will withdraw the call for tellers.

The SPEAKER. No further count being called for, and two-thirds

having voted in the affirmative, the morning hour of to-day is dispensed with.

Mr. FORNEY. I now move to dispense with the consideration of

private business for to-day.

Mr. BRIGHT. Pending that motion, I move that the House go into Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair would suggest to the gentleman from

Tennessee that the motion of the gentleman from Alabama [Mr. For-NEY] is more favorable to the gentleman than his own motion. A majority can vote down the motion of the gentleman from Tennessee, whereas a two-thirds vote is required to carry the motion of the gen-

tleman from Alabama.

Mr. BRIGHT. I made the motion principally to give notice to the

Mr. FORNEY. I will withdraw my motion. [Laughter.]

The SPEAKER. The Chair thinks the gentleman from Alabama [Mr. Forney] had better insist upon his motion.

Mr. BRIGHT. Has the morning hour been dispensed with?

The SPEAKER, It has Mr. BRIGHT. Then I move that the House now resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar. the Private Calendar.

Mr. PRICE. I suggest that the House goes into Committee of the Whole on the Private Calendar unless two-thirds vote against it. Several Members. Oh, no!

Mr. PRICE. Yes; the rule is imperative. It sets apart Friday of each week for private business. I ask the Clerk to read the rule. The Clerk read as follows, from Rule XXIV:

On Friday of each week, after the morning hour, Itshall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Mr. PRICE. I call for the reading of Rule XXVI. The Clerk rend as follows:

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and

Mr. PRICE. That is the rule.

The SPEAKER. There is an apparent inconsistency in the rules on this subject; but it has always been held that a majority of the House has the right to control its business.

Mr. TOWNSHEND, of Illinois. Under the rule one-third only is

necessary to go into committee.

The SPEAKER. The Chair would suggest to the gentleman from Tennessee [Mr. BRIGHT] that he had better allow the question to be voted on in the form suggested by the gentleman from Alabama, [Mr.

Mr. BRIGHT. I withdraw my motion for the purpose of having a

Mr. BRIGHT. I withdraw my notion for the purpose of having a vote on that question.

Mr. FORNEY. I renew the motion that the consideration of private business to-day be dispensed with.

The SPEAKER. That will solve the difficulty.

The question being taken on the motion of Mr. FORNEY, there were—

ayes 100, noes 61.

Mr. FORNEY. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there

more than one-fifth of the last vote. The yeas and nays are ordered. The question was taken; and there were—yeas 107, nays 92, not voting 92; as follows: The SPEAKER. The Chair votes in the affirmative, making 34-

	LE	10-101.	
Armfield, Atkins, Bachman, Belford, Beltzhoover, Bicknell, Bingham, Blackburn, Blackburn, Blount, Bouck, Boyd, Briggs, Brigham, Buckner, Burrows, Cabell, Caldwell, Caldwell, Calkins, Camp, Cannon, Chalmers, Chittenden, Elardy, Clements, Clymer, Conger,	Converse, Cowgill, Crapo, Daggett, Davis, Horace Davis, Joseph J. Dick, Dunn, Dwight, Einstein, Evins, Ferdon, Finley, Fisher, Forney, Geddes, Gunter, Hall, Hammond, N. J. Harris, Benj. W. Harris, John T. Heilman, Henderson, Henry, Herbert, Herndon, Hiscock,	House, Hubbesl, Hull, Johnston, Jones, Joyce, Keifer, Kenna, Ketcham, Killinger, Ladd, Lounsbery, Lowe, Manning, Martin, Benj. F. Martin, Edward L. McCook, McGowan, McKinley, Monroe, Muldrow, Nicholls, O'Reilly, Osmer, Page, Philips, Pound,	Reagan, Reed, Robertson, Robinson, Ryon, John W. Scales, Shelley, Singleton, O. R. Slemons, Smith, A. Herr Sparks, Speer, Steele, Talbott, Thomas, Tillman, Townsend, Amos Turner, Oscar Voorbis, Wait, Warner, Washburn, Whiteaker, Williams, Thomas Willits, Wise.

	NAT	7S-92.	
Acklen, Aldrich, William Anderson, Atherton, Bliss, Bailey, Bowman, Brewer, Bright, Browne, Butterworth, Carpenter, Claflin, Cobb, Coffroth, Colerick, Cook, Covert, Davis, George R. De La Matyr, Deering,	Dunnell, Errett, Felton, Field, Gillette, Godshalk, Hammond, John Haskell, Hatch, Hatch, Hawk, Henkle Horr, Hostetler, Humphrey, Hunton, Hurd, Klotz, Lindsey, Marsh, McKenzie, McLane,	7S—92. Mills, Mitchell, Morse, Myers, Neal, New, Norcross, O'Neill, Orth, Overton, Phelps, Phister, Poehler, Prescott, Price, Richardson, D. P. Richmond, Ross, Rothwell, Ryan, Thomas	Shallenberger, Sherwin, Simonton, Springer, Stephens, Stovenson, Stone, Taylor, Ezra B. Taylor, Robert L. Thompson, P. B. Thompson, W. G. Townshend, R. W. Updegraff, J. T. Updegraff, Thomas Upson, Urner, Vance, Ward, Wellborn, Whitthorne, Whitthorne, Williams, C. G.
Deuster, Dibrell,	McMahon, McMillin,	Sapp, Sawyer,	Wilson, Yocum.

NOT	VOTING-	90
MOT	ANTITAGE	200

Aiken, Aldrich, N. W. Balker, Ballou, Barber, Barber, Barlow, Barlow, Berry, Bayne, Beale, Goode, Bland, Harmer, Bragg, Carlisle, Clark, Alvah A. Clark, John B. Cox, Cravens, Cravens, Cravens, Crowley, Davidson, Cravens, Kelley, Kimmel, King, Kitchin,		Knott, Lapham, Le Fevre, Loring, Martin, Joseph J. Mason, McColid, Miles, Miller, Money, Morrison, Morton, Muller, Murch, Newberry, O'Brien, O'Connor, Pacheco, Persons, Richardson, J. S. Robeson, Russell, Daniel L. Russell, W. A.	Samford, Scoville, Singleton, J. W. Smith, Hezekiah B. Smith, William E. Starin, Tucker, Turner, Thomas Tyler, Valentine, Van Aernam, Van Voorhis, Waddill, Weaver, Wells, White, Willia, Wood, Fernando Wood, Walter A. Wright, Young, Casey Young, Thomas L.	
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So (two-thirds not voting in favor thereof) the motion to dispense with private business to-day was not agreed to.

with private business to-day was not agreed to.

The following pairs were announced:

Mr. Cox with Mr. Moeton, on all questions.

Mr. Hill with Mr. Young of Ohio, on all questions.

Mr. Harmer and Mr. Ellis, till next Monday.

Mr. Miller with Mr. Samford, until the return of the former, Mr. Samford reserving the right to vote to make a quorum.

Mr. Milles with Mr. Singleton of Illinois, until after the holiday recess, Mr. Singleton reserving the right to vote to make a quorum.

Mr. Hubbell with Mr. Wells, on political questions.

Mr. Smith, of New Jersey, with Mr. Newberry.

Mr. O'Connor, on political questions, with Mr. Martin, of North Carolins.

Carolina.

Mr. Hutchins with Mr. Starin.
Mr. White with Mr. Persons.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Valentine with Mr. Davidson.

Mr. Valentine with Mr. Davidson.
Mr. Lapham with Mr. Tucker, on political questions.
Mr. James with Mr. O'Brien.
Mr. Ballou with Mr. Carlisle.
Mr. King with Mr. Hawley.
Mr. Wilbur with Mr. Smith of Georgia.
Mr. Barber with Mr. Culberson.
Mr. Bayne with Mr. Culberson.
Mr. Bodde with Mr. Beale, on this question.
Mr. Bland with Mr. Hayes, until after the holidays.
Mr. Knott with Mr. Frye, on all questions until the reassembling of Congress after the holidays.

of Congress after the holidays.

The result of the vote was announced as above stated.

The SPEAKER. The Chair, if there be no objection, will lay before the House certain communications for reference.

There was no objection.

REFUND OF CUSTOMS DUTIES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of the various sums of money refunded as customs duties during the fiscal year ending June 30, 1880; which was referred to the Committee on Ways and Means, and ordered to be printed.

SANDY HOOK BAR.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the channel of Sandy Hook Bar; which was referred to the Committee on Commerce.

CHICAGO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of examinations of the Chicage River; which was referred to the Committee on Commerce.

LIEUTENANT-COLONEL T. G. BAYLOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the memorial of Lieutenant-Colonel T. G. Baylor for relief.

The SPEAKER. That memorial will be referred to the Committee

The SPEAKER. That memorial will be referred to the Committee on Military Affairs.

Mr. HENDERSON. I have been requested to move that it be referred to the Committee on Appropriations and ordered to be printed. The SPEAKER. If it be so referred that committee will have to report it back again for reference to the appropriate committee. They have no right to institute legislation under the rules.

Mr. HENDERSON. I only act in accordance with a request made to me by the Chief of Ordnance, that it be referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER. If there be no objection the Chair is willing that it should be referred as the gentleman suggests; but the Committee on Appropriations has no right, under the rules, to institute legislation. On examining this matter the Chair finds it to be a claim, and that it really ought to go to the Committee on Claims. It does not

belong to the Committee on Appropriations at all. It asks for a re-

belong to the Committee on Appropriations at all. It asks for a reimbursement on a check paid to the wrong person.

Mr. HENDERSON. A four-hundred-dollar check.

The SPEAKER. It will require a law, and under the rules the Committee on Appropriations are debarred from instituting any new legislation and from incorporating into any law adding to the expenditure of the public money in any appropriation bill. The Committee on Appropriations uniformly refused to take cognizance of any private claim. The progress of this matter will be facilitated, the Chair suggests, by reference to the appropriate committee.

Mr. HENDERSON. Very well, then. Let it go to the Committee on Claims.

on Claims

The motion was agreed to.

LOSS OF TOOLS AT BENICIA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to loss of tools at Benecia arsenal, California; which was referred to the Committee on Military Affairs.

ICE-HARBOR AT MARCUS HOOK.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the ice-harbor at Marcus Hook, Pennsylvania; which was referred to the Committee on Commerce.

CANAL BETWEEN GALVESTON AND BRAZOS.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a canal to connect Galveston and Brazos River; which was referred to the Committee on Commerce.

IRREGULARITY IN ARIZONA ELECTION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to an alleged irregularity in the election to the Legislature of the Territory of Arizona; which was referred to the Committee on Territories.

LEAVE OF ABSENCE.

Mr. Orth, by unanimous consent, obtained leave of absence for three days from Monday next.

Mr. Dick, by unanimous consent, was granted leave of absence for three days from Monday next.

ADVANCED PAYMENT OF EMPLOYÉS.

Mr. SPRINGER. I ask by unanimous consent to introduce the following resolution for the payment of the employés for the current

Resolved, That the Clerk of the House be, and he is hereby, directed and authorized to pay to the employés of the House their salaries for the current month on Monday, the 20th instant, or as soon thereafter as possible.

This does not increase the expense at all, but enables the employés

to get their pay before the holidays.

There was no objection; and the resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. BRIGHT. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House, Mr. Stevenson in the

WILLIAM A. AND ADELICIA CHEATHAM.

The CHAIRMAN. The committee resumes the consideration of the Private Calendar, and the first business is a bill (H. R. No. 3561) for the relief of William A. and Adelicia Cheatham.

Mr. BRIGHT. It was the understanding that claim should go to the foot of the Calendar. I find in the RECORD that the chairman of the Committee of the Whole House said it should be put at the foot of the Calendar, there being no objection. It should not come up first in order this morning, and therefore I ask it be passed over in pursuance of the understanding I have indicated.

in order this morning, and therefore I ask it be passed over in pursuance of the understanding I have indicated.

The CHAIRMAN. The Chair is informed that request was made as stated by the gentleman from Tennessee, but that subsequently the request was withdrawn.

Mr. FINLEY. I do not like to question the information of the Chair, but I remember the understanding that bill should go to the foot of the Calendar. So, too, in reference to the bill (H. R. No. 3784) to compensate Asa Weeks, which follows it, the request was made and agreed to that it also should be referred to the foot of the Calendar. The Chairman ruled that informally passing over the bill sent it to the foot of the Calendar. Whether the Chairman was right or not in his ruling, it appears to me that it is not fair to take up to-day not in his ruling, it appears to me that it is not fair to take up to-day first in order a bill passed over informally and sent, as was understood, to the foot of the Calendar. I now make the point, in order that I may have a ruling, that passing over a bill informally takes it to the

may have a trining that passing over a bill informally taxes to the foot of the Calendar.

Mr. SPARKS. I understand the Committee of the Whole House may dispense, by unanimous consent, with the consideration of a bill without rising for that purpose, but that it can make no order changing the position of a bill upon the Calendar. When occupying the

man from Illinois. If there be no objection the bill will be passed over informally for the present.

There was no objection, and it was so ordered.

ASA WEEKS.

The next business on the Private Calendar was the bill (H. R. No. 3784) to compensate Asa Weeks for his labor and expenses in perfecting torpedoes, torpedo machinery, and the art of torpedo warfare for the sole and exclusive benefit of the United States, and for other pur-

Mr. HARRIS, of Massachusetts. I ask by unanimous consent that bill be passed over informally for the present. There was no objection, and it was so ordered.

FRANCIS B. M'NAMARA.

The next business on the Private Calendar was the bill (H. R. No. 281) granting a pension to Francis B. McNamara.

The bill, which was read, authorizes and directs the Secretary of

the Interior to place the name of Francis B. McNamara, late drummajor in Company E of the Sixty-first Regiment of Pennsylvania Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The accompanying report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 281) granting a pension to Francis B. McNamara, have had the same under consideration, and beg leave to submit the following report:

The committee, after an examination of the evidence, concur in the report presented to the second session of the Forty-fifth Congress, and adopt the same, as

The committee, after an examination of the evidence, concur in the report presented to the second session of the Forty-fifth Congress, and adopt the same, as follows:

"That said McNamara enlisted as musician on the 1st day of August, A. D. 1861, in Company E, Sixty-first Pennsylvania Volunteers, at Harrisburgh, Pennsylvania, to serve three years, and was discharged honorably on the 5th day of February, A. D. 1862, for general debility; that Captain Alex. Hay, commanding said company, certified him unfit for duty January 20, 1862; whereupon he was examined for discharge by R. M. Tindle, surgeon, who certified that said McNamara was 'incapable of performing the duties of a soldier, because of general disability, from which (says the certificate of disability for discharge) it is not at all probable that he will ever recover sufficiently to perform duty: upon which certificate of disability he was duly discharged at the time aforesaid at Spring Bank, Virginia, by command of Major-General McClellan.

"That his application for pension was filed February 6, 1863, and therein he alleges 'that while in the service aforesaid, and in the line of his duty, he contracted a disease which renders him in great part incapable of supporting himself and family by manual labor;' that the disease contracted was typhoid fever and rheumatism. at Camp Spring Bank, near Alexandria, Virginia, in January, 1862; that the evidence filed in the case clearly and satisfactorily shows that the said soldier was physically sound and in good health at and prior to his enlistment, and well qualified for service in the Army; that the evidence also shows that he was disabled while in said service and sent to hospital at Camp Advance, Virginia, where he was treated in the fall of 1861 and winter of 1861-62; that he was examined by the United States examining surgeon at Post Allegheny, Pennsylvania, Dr. B. S. Gould, on the 4th day of June, 1863, and found to be three-fourths incapacitated for obtaining his subsistence by manual labor at that time, b

tion."
The committee therefore report the bill to the House with a recommendation

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. STEECE.

The next business on the Private Calendar was the bill (H. R No. 2547) increasing the pension of Mary A. Steece, widow of Tecumseh

The bill, which was read, authorizes and directs the Secretary of the Interior to increase the pension of Mary A. Steece, widow of Tecumseh Steece, late lieutenant of the United States Navy, to \$150 per month,

subject to the provisions of the pension laws.
The report was read, as follows:

The request was withdrawn.

Mr. FINLEY. I do not like to question the information of the Chair, but I remember the understanding that bill should go to the oct of the Calendar. So, too, in reference to the bill (H. R. No. 3784) to compensate Asa Weeks, which follows it, the request was made agreed to that it also should be referred to the foot of the Calendar. The Chairman ruled that informally passing over the bill sent to the foot of the Calendar. Whether the Chairman was right or not in his ruling, it appears to me that it is not fair to take up to-day irst in order a bill passed over informally and sent, as was understood, or the Calendar. I now make the point, in order that I may have a ruling, that passing over a bill informally takes it to the soot of the Calendar. I now make the point, in order that I may have a ruling, that passing over a bill informally takes it to the may dispense, by unanimous consent, with the consideration of a bill without rising for that purpose, but that it can make no order changing the position of a bill upon the Calendar. When occupying the thair I so ruled.

The CHAIRMAN. The Chair coincides in opinion with the gentle
The report was read, as follows:

That Mary A. Steece is the widow of Tecumseh Steece, who was a lieutenant in the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to the United States Navy, and was attached at the time of his death to

when he died. "When he was well," says Dr. Hyde, "he was foremost in jealously preserving for the sick the ice which we had on board, and which some officers
wished to expend in part upon the mess of which he was a member; and when he
was taken sick it was a pleasure to me to see how thoroughly he enjoyed the luxury
himself, being permitted to hold small pieces of it in his mouth. When it gave
out, and the intense heat of his skin became almost insupportable, his strong imagination grew eloquent in depicting to me rivers, lakes, and fountains of cool water
in which he would like to repose."

"The intense heat of the weather," continues Dr. Hyde, "at this season in this
climate, and the general sickness of the ship's company, together with our great
distance from land, made it imperatively necessary that he should be buried at
sea," which was done.

It thus appears that Lieutenant Steece died while at his post of duty. The testimony of his fellow-officers to his gallantry and constant fidelity to duty is presented in the language of encomium. He had almost matured what he termed a
"Republican Military System," which challenged the attention and consideration
of those of his comrades to whom he had submitted it. He left the petitioner without means, his salary being his and her only means of support.

The committee, believing the claim to be meritorious, recommend the passage of
the bill with an amendment, that the words "one hundred and "be stricken out, so
that the pension of the petitioner be increased to \$50 per month; and the bill, as
amended, the committee herewith report to the House.

Mr. WARNER. Mr. Chairman, this is a remarkable report if it is

Mr. WARNER. Mr. Chairman, this is a remarkable report if it is not a remarkable case. I would like to inquire of the gentleman having it in charge whether \$50, which the report proposes to give, is the pension which the law now gives to officers of that rank or to the widows of officers of that rank?

widows of officers of that rank?

Mr. COFFROTH. I think this act increases the usual pension that is given to that class of cases, but there are scores of cases where the same pension has been fixed for the same rank of officers. This man lost his life by means of yellow fever. He belonged to the regular Army, and the widows of officers of that rank in the regular Army now receive from the Government \$50 per month. They have been increased to that sum. This places this widow upon the same rank and gives her the same pension as the widows of officers of the same rank and class are now receiving.

and gives her the same pension as the widows of omcers of the same rank and class are now receiving.

Mr. SPARKS. Mr. Chairman, I do not think in this case or in any other case there ought to be that unnatural and unusual increase of pension. I object to it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee, which is to strike out "one hundred and" and insert "fifty."

Mr. SPARKS demanded a division.

Mr. BROWNE. I apprehend that the gentleman from Illinois does not desire to oppose the amendment which is proposed by the com-

mittee.

Mr. SPARKS. Of course I do not desire to oppose the amendment.

I thought the question was being taken on laying the bill aside. I was not aware that that was the motion pending at the time I asked for a division, and I withdraw the demand.

The amendment was agreed to; and the bill, as amended, was laid aside to be reported favorably to the House.

BENJAMIN F. WORRELL.

The next business on the Private Calendar was the bill (H. R. No. 2448) for the relief of Benjamin F. Worrell.

The bill, which was read, directs the Secretary of the Interior to restore to the pension-roll the name of Benjamin F. Worrell, late a private in the First Regiment New Jersey Volunteers, and to cause payment to be made to him of all arrears due upon his pension.

The report was read, as follows:

The report was read, as follows:

It is in evidence that Benjamin F. Worrell was placed upon the pension-rolls January 5, 1863, and remained on said rolls until September 27, 1875, when he was dropped from said rolls upon a report made on his case by a special agent (T. P. Kane) of the Pension Office, on the grounds that the wound which caused the amputation of his leg was not received in the line of duty.

It is in evidence that the First New Jersey Volunteers, the organization to which claimant belonged and was on duty with at the time of the wounding, was in the field near Alexandria, Virginia, when claimant was detailed, with a party of four others, to perform patrol duty.

It is also in evidence that while performing said duty the party to which the claimant belonged were fired into on their road to camp, the shot taking effect in claimant's left leg, which resulted in the amputation of said leg.

It is also in evidence that the shot was fired by some unknown enemy, and by no fault of the claimant.

The evidence in the case is largely in favor of the claimant's statement that he was in the line of duty when shot.

Against that theory is the claimant's own statement that he was on a pass when wounded. This statement was made thirteen years after the wounding, and it is in direct conflict with the statement made by him within a year after the wounding. The claimant claims that the statement made by him that he was on a pass was an error, and has made an effort to show he was on duty, but the Commissioner is inclined to the theory that claimant was on a pass, and is therefore not entitled under the law to a pension.

It is the opinion of the committee that the evidence in the case that he claimant was on patrol duty when shot is largely in favor of the claimant's statement, and, as the Pension Office admit that he was not shot by any gnard or sentry, or by any fault of his own, that he should be restored to his formerplace on the pension-rolls, and that he is entitled to the relief provided for him in the bil

The bill was laid aside to be favorably reported to the House.

WILLIAM C. PARKER.

The next business on the Private Calendar was the bill (H. R. No. 3786) granting a pension to William C. Parker, being a substitute proposed by the committee for the original bill referred to them.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William C. Parker, of West

Virginia, who lost both legs by a railroad collision while transporting Government troops during the late war, under a peremptory order of General B. F. Kelley, the officer then in command of troops in West Virginia, at the rate of \$25 per month.

The report was read, as follows:

Virginia, at the rate of \$25 per month.

The report was read, as fo llows:

On the night of May 27, 1861, and during the prevalence of a storm, by a collision of the cars on the line of the Baltimore and Ohio Railroad Company, near Wheeling, West Virginia, William C. Parker had one foot torn off and the other so crushed and mangled as to render its amputation necessary, and serious injuries-inflicted in the spine, leaving him a most deplorable cripple for life; that he has no means of support, and that he is a subject of charity; that at that time the engines, cars, and employes of the Baltimore and Ohio Railroad Company were subject to the orders of the military efficers of the Government; that an emergency called for an immediate removal of the troops from Wheeling, to accomplish which General B. F. Kelley, then in command of the Government forces in that State, issued his peremptory military order, about one o'clock in the morning, to have an engine and a sufficient number of cars in a state of immediate preparation for the movement of troops; that Parker was directed to perform this duty, and in his performance and during the prevalence of the storm a collision occurred by which he sustained the injuries aforesaid; that he was not in the military service of the United States, but was acting under the immediate peremptory orders of the military commander, and that in the prompt discharge of his duties and in the execution of these orders he sustained injuries that have made his life one of sorrow and of suffering.

He made application for a pension, but his application was rejected by the Pension Department for the technical reason that he was not actually in the military service of the United States.

While this technicality controls the Commissioner of Pensions, who is acting under and must conform to the provisions of the pension laws, it does not estop Congress from granting pensions in meritorious cases to persons who served the Government, but not in the regular Army,
Congress has heretofore exercised

eyes from the effects of a fever contracted while in the faithful discharge of his duties.

A great war had just been inaugurated. Its limits had not then been well defined, and the whole country was filled with consternation and alarm. An extreme emergency arose for the immediate use of troops. General Kelley issued his peremptory order, in the execution of which Parker, for the time being, became a servant of the United States. It was his duty to execute that order, and he would have been punishable for a refusal to do so. General Kelley, in his testimony in aid of this claim, uses the following language:

"Although Parker was not in the service of the United States at the time of the accident, yet he was executing a peremptory military order, and therefore I think it would be an act of justice and humanity if Congress would pass an act to place him on the pension-roll of wounded soldiers."

Your committee fully concur in the humane recommendation of that gallant general that the Government should extend relief to the unfortunate wounded man. They deem it preferable, however, to follow the precedent established in the case of Hall, above referred to, and allow him some specific sum.

They therefore recommend that he be allowed \$25 per month for the residue of his life. In the course of human events that cannot be very long. The case is one of such peculiar hardship and great suffering that in the opinion of your committee it will be an act of justice and charity to extend relief.

Your committee report herewith a substitute for the bill referred to them, and recommend the passage of the substitute.

Mr. SPARKS. Let us understand this case. If I comprehend aright,

Mr. SPARKS. Let us understand this case. If I comprehend aright, from the reading of the report, it is proposed here to pension a man who never was in the military or naval service of the United States

at all.
Mr. STEPHENS. Mr. STEPHENS. He was in the service, but not upon the rolls.
Mr. SPARKS. He was not in the military or naval service of the
United States in any acceptation of the term whatever. Now, he United States in any acceptation of the term whatever. Now, he had, perhaps, a meritorious case. I have no objection to that part of the report; but our pension laws make provision only for pensioning those who were either in the military or naval service of the United States. Does this committee desire to report to the House a bill pensioning a man in conflict with the pension laws? That seems to be this case. I admit, as I have already said, that this seems to present a strong and meritorious case, if you please. The man was wounded severely upon a railroad then being run under the control of the military service of the United States; but this man was simply a civilian, not in the Army at all; was not in the military service in any capacity, but was simply a railroad official; and the question is, should he not look for compensation to the railroad company if any injury was sustained? injury was sustained?

Mr. McMILLIN. Do I understand the gentleman from Illinois to-say that this man was simply an employé of the railroad company? Mr. SPARKS. Yes; that is all. Mr. WILSON. I will explain when I can get the floor that he was

Mr. COFFROTH. Mr. Chairman, it is the duty of the Committee on Invalid Pensions when a bill is referred to it to examine the evidence and examine the law bearing upon the case to enable it to say whether that pension should be granted by the Pension Department or not. If it does not come within the provisions of the rules laid down by the Pension Bureau or within the provisions of any law upon the statute-book in regard to pensions, then it is the duty of the Committee on Invalid Pensions to examine whether it presents a case worthy of consideration and relief by Congress. In the examination of the case now under consideration we found one or two precedents where a man had been pressed into the service by a general in command, for the purpose of the transportation of troops, and where he was injured and received a pension by special act of Congress. This being a very meritorious case, and believing that it required the intervention of a special act of Congress in order to pay this man what he was justly entitled to and place him upon the pension-roll for that purpose, the committee have reported this bill, and they say they have reported according to precedents and in accordance with justice to the party himself. Now, the Senate during the last session of Congress took up considerable time in discussing the question whether a scout should be put upon the rolls or not. They ave decided it affirmatively, and there are numerous instances where the applicant does not come within the provisions of any pension law, and yet Congress has placed his name upon the rolls by special act. Congress has that authority, and for that reason the bill has been reported by the committee; and I desire to say again, Mr. Chairman, that this is a meritorious case.

Mr. WILSON. Mr. Chairman, I desire to give a brief history of this case, as it is one with which I am somewhat familiar. First, I desire to reply to the objection of the gentleman from Illinois, [Mr. SPARKS, I that the name of Parker has not been placed on the pen-sion-rolls for the reason that he had not enlisted in the military or naval service of the United States, but was simply an employe of the Baltimore and Ohio Railroad Company. It is true that the Pension Department, by its rules and regulations, could not permit his name to be placed on the rolls, but it is equally true that this House is not controlled by those rules, and it is wise that it should not be. It is equally true that this House has heretofore wisely and properly exercised that discretionary power by granting pensions to persons who have performed valuable service for the Government when they were

nave performed valuable service for the Government when they were not in the Army or Navy, and who have suffered from injuries received while performing such service.

Now, what are the facts in this case? This occurrence transpired in May, 1861, in the city of Wheeling, West Virginia. A great war had recently been inaugurated. Its limits were not then well defined, and along the border where I lived the country was filled with consternation and alarm. Many were going off as soldiers to the confederate side and more to the Federal side. It was very uncertain where or when an outbreak might occur. At the instance of the Government the Baltimore and Ohio Railroad Company put their road, rolling-stock, and employés at the disposal of the United States Government. General Benjamin F. Kelley was in command at Wheeling, and, having received information that the confederates were marching on that city, he issued his peremptory order directing the employés of the railway company to put a train of cars in immediate running order with the view that soldiers might be sent to meet the invaling force. The order was issued about midnight and during running order with the view that soldiers might be sent to meet the invading force. The order was issued about midnight, and during the prevalence of a storm. Parker was charged with the duty of getting the train in order. In the darkness of the night, and during the storm, a collision occurred. He was thrown from the cars; one leg was entirely cut off and the other was fearfully mangled. While in the performance of this duty he was the servant of the Government obeying the order of the commendation of the Government. in the performance of this duty he was the servant of the Government, obeying the order of the commanding general, and would have been liable to be cashiered and punished for disobeying orders. He did for the Government as much as a soldier could have done. By his promptness the train was got ready, and troops were put on it and sent out to meet the supposed invading force.

This case does not stand alone. This Congress has wisely in other

cases exercised the power to grant a pension under somewhat similar circumstances. I refer to the case of another constituent of mine, John S. Hall, of West Virginia, who, when a boy, entered the service as teamster and followed the army down to Tennessee. After a battle he set out with supplies for the wounded soldiers in his wagon. He was lost in the woods, lay out in the storm all night, contracted typhoid fever, which settled in his eyes, and both eyes ran out, leaving him forever blind. Congress, with a magnanimity which characterizes the American people, granted him a pension of \$25 dollars a month.

Here is a case equally meritorious. The petitioner sustained severe injuries while making the prompt response of a loyal man to a peremptory order of the commanding general, and I trust no man in the American Congress, and certainly no man on this side of the House,

Mr. Chairman, I know Mr. Parker. He is now old and crippled. Let me go further and say he is surrounded by a family of consumptive children, who are utterly penniless and dependent on charity; and if we grant this relief for the remaining period of his life, which in the ordinary course of human events cannot be long, we will be doing not of instications which every reticitie man will sendend.

an act of justice which every patriotic man will applaud.

Mr. McMlLLIN. It would seem from the proposition that is now Mr. McMILLIN. It would seem from the proposition that is now before the House, and the favor with which in some quarters it is being received, that the remarks, undisputed and undeniable, made by the gentlemen who had charge of the pension bill yesterday have had but little effect on the House. We have had propositions to pension soldiers who were crippled in the service, and it has been done. We have had various propositions of that kind; but I believe this is the first time in the short experience that I have had here in which it has been proposed that the Government shall pension disabled railroad employee. employés. Mr. WILSON.

employés.

Mr. WILSON. Will the gentleman allow me a moment?

Mr. McMILLIN. Yes, sir, with pleasure.

Mr. WILSON. Let me say to the gentleman from Tennessee that the party petitioning here was not obeying the order of the railroad company. He was directly in the service of the Federal Government, under the orders of the general commanding in that district.

Mr. McMILLIN. I do not care whose order he was obeying. He was an employé of the railroad and was serving the railroad, and was never a soldier, nor did he ever claim to be. The fact that the Government had taken charge of the railroad benefits him nothing. Why, sir, the Government has reserved the right to use some transportation sir, the Government has reserved the right to use some transportation

lines of the country, including those great trans-continental railroads that are drawing their folds around the institutions of this country so

that are drawing their folds around the institutions of this country so tightly and threatening to subvert them.

It is proposed to establish a precedent in a democratic House, to be followed in all time to come, by which every employé of a railroad disabled while the Government is using its road shall be pensioned. I ask the House—I ask the members who are here to look vigilantly after the interests of their constituents—not to set such a precedent. When \$50,000,000 are required annually to meet the various pension demands; when, according to the statement made yesterday by the gentleman who had charge of the pension bill, over two hundred mill-

gentleman who had charge of the pension bill, over two numbered millions will be required to meet the arrearages of pensions alone—

Mr. HOUSE. It will be \$500,000,000.

Mr. McMILLIN. When, as my colleague says, we are threatened with an obligation of \$500,000,000 for this purpose, is it possible that gentlemen propose to lift the flood-gates of expenditure still higher, and open the doors of the Treasury and let in every railroad employé, be he of low or of high degree, who gets crippled and has the audacity to demand new for it? I hope not

The pension problem is the great problem of this time. We should approach it thoughtfully, and be slow to extend the pension law to those who never enlisted in the service of the country. I do not think, however the circumstances in this individual case may appeal to our charity, that we ought to grant this pension. It has been stated by the gentleman from West Virginia [Mr. WILSON] that this man has a consumptive family. Ipresume every Representative here has constituents who are consumptive, and we cannot afford to open the public well, that cannot be helped! [Laughter.] You cannot give a pension to every man who has a numerous family; otherwise, instead of \$50,000,000 a year being required, a billion a year would not suffice. There is no statute giving pensions on account of a large family; otherwise, the descendants of Brigham Young would be clamoring for public recognition.

I hope the House will at least give due consideration before it establishes a precedent of this kind, and with proper consideration I do

not think so pernicious an example will be set.

Mr. WARNER. I take a different view of this bill and the propriety of its passage than is taken by some gentlemen on this side of the House. I think that such cases as these are really the only cases that ought to be made the subjects of special acts; that is, cases that are meritorious, where damage has been sustained by persons who if not technically in the military service were nevertheless practically in the military service of the Government. Where damage has been sustained in such cases there is some obligation resting upon the Gov-

We have passed general laws covering as we supposed all cases that ought to be pensionable. Still there are exceptional cases; there are two or three hundred, possibly a thousand, cases in the United States similar to this, of men who served in the different departments, some in the Quartermaster's Department, not enlisted men, yet while so serving were disabled, have lost limbs, or have suffered as much disability as those in the military service technically. Their cases are not covered by general law, and can be met only by special legislation.

It would be difficult to extend the general laws so as to cover all these cases. I know a number which I think ought to be made the subject of special acts, and if I had my way I would rule out all that come under the provisions of the general laws and limit our legisla-tion of this character to strictly meritorious cases that do not come

within the provisions of the general laws.

Whether this case should be made the subject of special legislation, without attempting to pass a law which would cover a hundred equally meritorious cases, I do not know. It is very probable that such cases can be reached only by special acts of this kind. I am not opposed to a special act to cover a special case not coming under gen-

eral laws

Mr. SPRINGER. I think this case is one that requires special relief, from the fact that the pensioner was practically in the military service of the United States. What is embraced in the term "service?" It is not necessary that a man should have been regularly enlisted and mustered into the ranks or commissioned as an officer of the

time of war a military commander may summon all the male inhabitants of a town or city capable of bearing arms and force them into the service. Their names may not be enrolled, they may not be regularly sworn in, but they may all be marched out to engage in the defense of the city, and some of them may be killed or wounded. Now, would it be said that because they had not been enrolled and mustered into the service they are not entitled to pensions? I think

This man was in the military service of the United States just as This man was in the military service of the United States just as much as if he had been sworn into the service. The company by which he was employed was engaged to operate a railroad. The officers and employes of that railroad company and the cars of the road were impressed into the service of the Government by a military commander in time of war. This man obeyed the command of the military officer and proceeded to operate the mailroad under military direction. He was therefore in the service of the Government. Would the railroad company have been responsible for the negligence of its employés had this man been crippled in the service of the railroad company? Of course not; for the railroad company was absolved from any liability for any accident that might happen to the

This man was liable to the service of the Government, and was in the service of the Government, and compelled to perform that service. If he had refused to perform it he might have been immediately taken out by order of the military commander and shot. He was in the midst of war, and the military commander ordered him to do a certain thing. He proceeded to do it, and while he was doing it he was the servant and employ6 of the Government and in the military service of the United States, and as much entitled to be protected while in that service as any person in the service by virtue of regular enlist-

Mr. McMILLIN. Will the gentleman permit me to ask him a ques-

Mr. SPRINGER. Certainly.

Mr. McMILLIN. The gentleman from Illinois [Mr. Springer] says that it was not necessary that this man should have been enlisted in the military service of the United States. Will he refer me to any statute under which men are recognized as entitled to pensions without being enlisted and sworn into the service of the country?

Mr. SPRINGER. We are making a statute to that effect now.
Mr. McMILLIN. And a very bad one, too.
Mr. SPRINGER. I would not be in favor of a general law on this subject. As the gentleman from Ohio [Mr. WARNER] has remarked, this is one of the very kind of cases if any which ought to be brought before Congress for special relief. As we cannot make a general law to cover cases of this kind, we must pass special acts granting the relief required.

relief required.

Mr. ATHERTON. I am not willing to extend the pension laws any further than they now reach. I do not believe, upon the report made in this case, that this man was in the service of the United States. In fact, the committee in their report, as I understand it, say that they propose to extend this relief because this man was not in the service of the United States, and therefore his case is not covered by the general pension law. They say in the report that he "was not actually in the military service of the United States, but was acting under immediate peremptory orders of the military commander."

Mr. COFFROTH. Read the whole of that portion of the report.

Mr. ATHERTON. That is what the report says; and "that in the prompt discharge of his duties and in the execution of these orders he sustained injuries." This report says that "this railroad and the cars and the locomotives had been placed under the orders of the military officers of the Government." The report does not say that this man who was injured was placed in the military service, or that he was acting under any immediate order of the military officer.

Now, when the railroad officer directed this man to get out his

Now, when the railroad officer directed this man to get out his locomotive he might have said he was under no obligation to obey, that he was not enlisted in the military service of the United States. He might say, if you please, to the railroad officer, "You may place your locomotive and ears, so far as you may, under the control of the Government for military purposes; but I do not choose to run this train at this time."

Gentlemen who advocate this bill say that this man might have been punished for disobeying the order of the military commander. Now, remember the circumstances. This case arose in West Virginia. A general order was issued by a military commander to have a train of cars put upon the road. The railroad officers ordered their employés to get out the locomotive and prepare the train for use. Did this place the employés of the railroad company in the service of the Government so that they were subject to military control and liable to military punishment? Whose orders were they obeying? Not the orders of the military commander directly, but the orders of the railroad officers who told them to get out the locomotive and place the cars upon the track.

It does seem to me that in no just sense was this man in the mili-

It does seem to me that in no just sense was this man in the military service. In my view he could not have been punished by the military commander for a violation of the order. Upon the whole report it seems to me that he was the employé of a railroad company, simply executing such orders as his superior officers in that company

simply executing such orders as his superior officers in that company told him to execute, while perhaps the company was placing its rolling stock, its cars and locomotives, at the service of the Government.

Mr. HOUSE. I see that the gentleman has the report in his hand. Does that disclose whether this man was a loyal man or a rebel?

Mr. ATHERTON. It does not disclose anything on that subject.

Mr. HOUSE. We might pension a rebel by mistake.

Mr. ATHERTON. If this man was in the military service, there is no reason why he should not, at least in the first instance, make his application at the Pension Office. If he was not in the military service. application at the Pension Office. If he was not in the military service, then the question arises, shall we extend the provisions of the pension laws to a new class of cases? I say that we ought not to do this. In opposition to what has been said by my colleague, [Mr. Warner,] I think it unjust to many meritorious persons to take up a single case of this sort because the applicant may have a friend at court and give him relief which is denied to all others. If you propose to extend relief to a new class of cases, let all coming within that class be placed upon terms of equality. If you intend to pension persons who were not regularly in the service of the United

States, but who acted in this general way under the authority of a railroad company which placed its cars at the disposal of the Government, let us have a general act which will be fair to all. Let us not take a single isolated case and give relief which we deny to all others.

Nor am I in favor of extending the pension laws to new classes of cases. They are now extended, if not too far, as far at least as the generosity and beneficence of the Government ought ever to carry

generosity and beneficence of the Government ought ever to carry them. I am not in favor of any greater expenditure than the present laws require the Government in good faith to make.

Mr. WILSON. I desire to read for the benefit of the gentleman from Ohio [Mr. ATHERTON] an extract from the testimony of General Kelley, in command of the West Virginia district at the time of the occurrences on which this claim is founded:

Although Parker was not in the service of the United States at the time of the accident, yet he was executing a peremptory military order; and therefore I think it would be an act of justice and humanity if Congress would pass an act to place him on the pension-roll of wounded soldiers.

him on the pension-roll of wounded soldiers.

Now, I concede that if Parker rendered no meritorious, valuable service to the Government, he should not receive the proposed bounty. It will be remembered that this affair occurred early in the war. The confederate forces were marching on the city of Wheeling, as it was supposed, taking advantage of a dark, stormy night. The cars and employés of the railroad company had been put under the command of the military. The car-men of the company were notified and required to put a train of cars in immediate preparation for use, an order they were bound to obey. That put Parker as perfectly in the service of the Government as though he had been an enlisted soldier and was carrying his musket on his shoulder. The order came to him, "Get up your train without delay." He responded in a loyal spirit; he was a loyal man. In the discharge of this duty he was thrown from the car and injured as stated.

I am not at all surprised at the objection coming from the gentle-

I am not at all surprised at the objection coming from the gentle-man from Tennessee, [Mr. McMillin.] Perhaps the atmosphere in which he has lived may have educated him to the belief that no man should receive bounty from the Government for vindicating the old should receive bounty from the Government for vindicating the old flag. But I must confess I am somewhat surprised at the opposition of the gentleman from Ohio, [Mr. ATHERTON.] I had hardly thought that a gentleman coming from his latitude would have been so hostile to the supporters of the Federal Government, so prejudiced against their claims for relief as to refuse to give them the benefit of a well-earned bounty.

Mr. ATHERTON. I will ask whether I did not do as much for the Government as the gentleman now on the floor?

Mr. WILSON. I do not claim anything for myself. My friend claims to have been a loyal man; I have not claimed to be. But I accept the situation and will gladly accord to those who bravely and gallantly stood by the Government and the Constitution the full measure of all their rights and all the bounty they are entitled to receive.

Why, sir, men have been pensioned for personal injuries received in this Capitol. A few years ago one of the employes of the Senate who fell or was thrown down stairs was pensioned; and there was no objection. Other persons injured in the service of the Government have also been pensioned in the same way. No more meritorious case has come before Congress than the claims of this unfortunate man. His service to the Government has rendered him a cripple for life, his service to the Government has rendered him a cripple for life, so that he is now unable to earn a living for his suffering family. I hope, Mr. Chairman, that this House will promptly award to him the measure of relief which the committee recommend.

I move to amend the bill by striking out the words "place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of," and in lieu thereof to insert the word "pay;" so the bill will then read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay William C. Parker, of West Virginia, who lost both legs by a railroad collision while transporting Government troops during the late war, under a peremptory order of General B. F. Kelley, the officer then in command of said troops in West Virginia, at the rate of \$25 per month.

Mr. SPARKS. I have no objection to the gentleman perfecting his bill, but I do want a vote on laying the bill aside to be reported favorably to the House.

The amendment was agreed to.

Mr. WILSON. I now move, Mr. Chairman, that the bill be laid aside to be reported to the House with the recommendation that it

do pass.

The committee divided; and there were—ayes 67, noes 15.

Mr. ATHERTON. I do not make any question of a quorum, but I give notice that in the House I shall demand the yeas and nays on the passage of the bill.

So the bill was laid aside to be reported to the House with the recommendation that it do pass

DALTON HINCHMAN.

The next business on the Private Calendar was the bill (H. R. No.

1628) granting a pension to Dalton Hinchman.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll the name of Dalton Hinchman, late a private in the Second Michigan Cavalry.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1628) granting a pension to Dalton Hinchman, late private, under the name of Samuel

M. Burson, in Company G, Second Michigan Cavalry Volunteers, have had the same under consideration, and ask leave to submit the following report:

The committee find the facts set out in the soldier's petition are substantially proven as stated: that he first enlisted in Company C, Eleventh Ohio Infantry Volunteers, in July, 1861, and served until February 22, 1863, when, on account of the abuse of his orderly sergeant, he deserted and again entered the service as a private, under the name of Samuel M. Burson, in Company G, Second Michigan Cavalry Volunteers, and in December, 1863, was wounded in action at Murray Creek, East Tennessee, by a gunshot wound through his left thigh, which has totally disabled him from duty and from earning his living by manual labor, and that his wounds have crippled him for life, and that he was honorably disabled from the service February 21, 1865.

The committee therefore report back said bill, and recommend its passage.

Mr. ATHERTON. I wish to ask whether this case was presented to the Commissioner of Pensions before it was brought to Congress.

Mr. NEW. Mr. Chairman, I wish to remark in reference to this claimant that I have known him from his boyhood, and can say no person more worthy to receive a pension has ever served his country

With the indulgence of the committee I will make a brief statement of his services and of his injuries. In July, 1861, he enlisted at Camp Dennison, Ohio, in the company and regiment named in the bill and report. He served in that company faithfully until February 22, 1863, during that period participating in some thirteen or four-teen engagements, among which I may name Bull Run, Frederick City, and Antietam. About that time, on account of the overbearing City, and Antietam. About that time, on account of the overbearing conduct and cruel treatment of his orderly sergeant, he, with twenty-five or thirty others, left their company—deserted, if you please. In November following he re-enlisted in Company G, Second Michigan Cavalry, as stated in the report of the committee just read, under the name of Samuel M. Burson, having changed his name, very naturally, on account of the fact that he had abandoned the former company without a discharge. In the following December he was wounded in the battle of Mossy Creek, I believe it was called, in East Tennessee, by a gunshot, which entered the left groin, shattered the hip joint and crushed the upper end of the thigh bone. The hip joint became stiff, that leg much shorter than the other, and the result is that his condition as a cripple could not be much worse. He made his application in the usual way to the Pension Department for a pension under the name of Samuel M. Burson, through the advice his application in the usual way to the Pension Department for a pension under the name of Samuel M. Burson, through the advice of the claim agent who prepared and filed his application. A pension was granted to him, but before a payment was made the full facts became known to the Commissioner of Pensions, and his name was dropped from the rolls, by operation of law, because his injuries were not received in the line of duty as a soldier, he having left his company in the manner I have stated and receiving his wound while company in the manner I have stated and receiving his wound while not in and of that company. It was for that reason, and that alone, that he has not obtained and is not now drawing a pension in the

I have before me a letter written by the Commissioner of Pensions stating substantially as I have the reason why his name was dropped from the pension-rolls. In it he says, however, if the facts be as stated by the soldier, his case is not without merit, but that the terms

of the general law deny him a pension.

A bill passed both Houses of the Forty-fourth Congress granting him a pension, but it, with other pension bills passed at the same time, was not signed by the President for want of time. A bill was also passed through this body in the Forty-fifth Congress, but failed in the Senate, as the report of the committee there shows, simply for the reason that there was a failure of proof before the Senate committee

reason that there was a failure of proof before the Senate committee as to the personal identity of Dalton Hinchman and Samuel M. Burson. He was discharged, Mr. Chairman, on the 21st of February, 1865, his discharge showing that it was because of a gunshot wound. The case is certainly most deserving and in every way worthy of the favorable consideration of Congress. He ought to have received a pension in the years gone by, and it will be a great wrong if arrears of pension are not hereafter granted to him. No soldier who has received the arrears under the general law is more entitled to it than is this soldier. soldier.

I move that the bill be laid aside to be reported favorably to the

The motion was agreed to; and accordingly the bill was laid aside to be reported to the House with the recommendation that it do

MESSAGE FROM THE SENATE.

The committee informally rose, and a message from the Senate by Mr. Burch, its Secretary, notified the House of the passage of the following bills; in which concurrence was requested:

A bill (S. No. 523) for the relief of Charles H. Nichols, late superintendent of the Government Hospital for the Insane; and

A bill (S. No. 1886) to authorize the Secretary of the Treasury to erect a public building in the city of Pensacola in place of the one recently destroyed by fire.

JAMES J. FERRIS.

The committee resumed its session.

The next business upon the Private Calendar was the bill (H. R. No. 788) for the relief of James J. Ferris.

The bill, which was read, authorizes and directs the Secretary of the Interior to put the name of James J. Ferris on the pension-roll at \$72 per month, subject to the conditions and limitations of the

The report of the committee accompanying the bill was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 788) granting an increase of pension to James J. Ferris, have had the same under consideration, and respectfully report:

That James J. Ferris was a corporal of Company K, Seventy-third Indiana Volunteers; that said Ferris was wounded in the service of the United States, losing his left arm, the same being disjointed at the shoulder, and also losing his right hand, except a scarred and crippled thumb; that said Ferris is totally unable to feed or clothe himself, it being impossible for him to put on the most simple garment without help; that the constant attention and assistance of another person is required to enable said Ferris to clothe or feed or perform the most necessary service for himself.

Your committee find that the said James J. Ferris is now receiving a pension of \$\frac{8}{2}\$— per month, and they are of the opinion from the foregoing facts that the said James J. Ferris is as totally disabled, so far as concerns helping himself, as if his right hand had been entirely gone, and therefore your committee would respectfully report back the accompanying bill and recommend that it do pass.

Mr. WARNER. I move to strike out "\$72 per mouth." We are

Mr. WARNER. I move to strike out "\$72 per month." We are departing from what I understood to be the established rule of the

House, that is, to leave the rating of these cases to the Pension Office.

Mr. RYAN, of Kansas, That would defeat the bill.

Mr. WARNER. Very good; let it defeat it. I do not know how many cases there are of this kind, but I think it will be a bad policy to depart from what seems to have been a settled purpose of the House

to remit this question of rating to the Pension Office.

Mr. CALKINS. Mr. Chairman, however much force there may be in the suggestion of the gentleman from Ohio in ordinary cases, in this case it ought not to obtain for the reason that the Commissioner this case it ought not to obtain for the reason that the Commissioner of Pensions refuses to put Mr. Ferris upon the pension-roll at this rate, because there is a little part of the last joint of the thumb remaining, and he construes the law to be that because there is a small portion of the joint left the hand is not entirely gone, and consequently the man is not brought within the rule which provides for the loss of both arms. The purpose of this bill is to declare that in this case the disability is as great as if both arms were gone. The law rates such cases of disability now at the amount fixed in this bill.

It provides that persons who have lost both eyes, who have lost both arms or both legs in the service, shall have a pension at the rate.

of \$72 per month. But the Commissioner of Pensions asys, as I have a pension at the rate of \$72 per month. But the Commissioner of Pensions says, as I have a leady stated, that because there is a little part of the thumb, or a portion of the last joint of the thumb, remaining, therefore this man does not come within the purview of the law, and this bill simply allows him to derive the benefit of it because his disability is equally as great as if he had lost both hands.

Mr. FINLEY. Will the gentleman allow me to make an inquiry?
Mr. CALKINS. Certainly.
Mr. FINLEY. Do I understand that this man has lost the use of

both arms

Mr. CALKINS. The left arm is taken off at the shoulder; the right one is taken off commencing at the little finger and leaving only a small portion of the last joint of the thumb on that hand.

Mr. FINLEY. And that disability prevents him from using his

hand?

Mr. CALKINS. He has no use of the hand, excepting in so far as' that he may be able to press the remaining joint of the thumb against the hand; but he cannot feed himself or cannot put on his clothes. The disability from this cause is absolute and total, and it is because of this fact that the present bill is introduced to instruct the Commissioner of Pensions that, because his disability is the same as if he had lost both arms, therefore that he should be placed upon the roll on the same terms as if he came strictly within the letter of the law. So to strike out what the gentleman from Ohio suggests would simply defeat the object of the bill and the relief sought. The Commissioner of Pensions would again refuse to put him upon the roll for the same reason that he refused when the application was originally

Mr. WARNER. This may be an exceptional case, and so entirely exceptional as to bring it within the rule providing for such cases by general legislation; but, for all that, it is substituting the judgment of the House for the Pension Office and its surgeons. However, I will withdraw the amendment on the statement made by the gentle-

man from Indiana.

There being no further objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BRIDGET SHERLOCK.

The next business on the Private Calendar was the bill (H. R. No. 2453) for the relief of Bridget Sherlock.

The bill, which was read, authorizes and directs the Secretary of

the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bridget Sherlock, dependent mother of Stephen Sherlock, late a private in Company F, Fifteenth Regiment Indiana Volunteers, and pay her a pension for herself from June 25, 1863, that being the date of the death of her

The report was read, as follows:

That the evidence abundantly shows that Bridget Sherlock was the mother of the late Stephen Sherlock, late a private in Company F, Fifteenth Regiment of Indiana Volunteers, who was mustered into the service of the United States June 14, 1861, as a private, to serve for three years or during the war. That he was discharged from the service November 23, 1862, for disability, at Bowling Green, Kentucky, by order of General Rosecrans. The certificate of disability shows, "Discharged by reason of scrotal hernia, with severe pain in the lumbar regions, heavy.

dragging down sensations, numbness, and difficulty in using the lower extremities, which wholly deprived him of the capacity to earn his subsistence. His case is one of very bad scrotal hernia, caused by a fall over a log May 10, 1882, in front of Corinth, while carrying a heavy load of rails upon his shoulders for the purpose of building a road over which to pass the artillery during that memorable siege, and recommends an honorable discharge." Signed by the assistant surgeon Fifteenth Regiment Indiana Volunteers.

The affidarits of different persons show that the said Stephen Sherlock worked for said parties prior to his enlistment, and that his earnings, to their certain knowledge, went to the support of his parents.

The evidence further shows that at sundry times after his enlistment, and while in the service, he sent money home in letters, by express, and by persons passing. The letters and envelopes that contained the money, together with affidavits, are on file with applicant's papers.

It appears that before the enlistment in the United States service, the said Stephen Sherlock was a laborer on the Louisville, New Albany and Chicago Railroad, and after his return home, having partially regained his health, he sought and obtained the position of freight-conductor on said road, which he held but a short time, when an accident occurred by his attempting to get on his train when in motion, his foot slipping, throwing him off, and the train passing over his foot, crushing it, and it had to be amputated; and owing to his bad health he never recovered, and finally died June 25, 1863.

Mrs. Bridget Sherlock, dependent mother, being a widow, about seventy years of age, without land and without means of support, her support being cut off in part by death of son, your committee therefore report the bill back and recommend its passage.

Mr. WARNER. I move to strike out the words "from June 25, 1863," so as to make this conform to the rule we have established of striking out arrears in all these cases. If stricken out of one, as we

Mr. ATHERTON. I would like to ask the gentleman who presents this bill whether this claim has been presented to the Commissioner

Mr. HOSTETLER. It was presented to him.
Mr. ATHERTON. Upon what ground was it excluded?
Mr. HOSTETLER. It was denied upon the ground that the soldier
did not die of disease contracted in the Army, but that his death was

occasioned by a fall from a train.

occasioned by a fall from a train.

Mr. ATHERTON. I desire, Mr. Chairman, to call the attention of the House to the fact that this report, upon its face, shows that the soldier did not die of disease contracted while in the service of the United States, and if upon that ground the Commissioner of Pensions refused a pension in his case, I hold that it was properly refused. The facts here show that this soldier had hernia. The facts show that subsequently he, being in bad health, engaged in the service of a railroad company; that he fell from a train; that by reason of that fall his foot was injured so as to require amputation; that by reason of bad health when the accident occurred he never recovered. It will not do to say, nor will it be pretended, that all the relatives of will not do to say, nor will it be pretended, that all the relatives of a soldier, whether dependent or not, who receives an accident after leaving the service, and dies from the effects of it, should be entitled to Government aid and Government bounty. It is not contemplated by the law that all such should be burdens upon the Government.

Mr. BROWNE. Will the gentleman permit me to ask him a ques-

Mr. ATHERTON. Certainly.
Mr. BROWNE. The House just now pensioned an employé of a railroad, who was injured in the service of the railroad and in the line of duty as a railroad employé. Is it not quite as proper that the House should now pension the mother of a soldier who was killed by a railroad accident?

Mr. ATHERTON. If the case to which the gentleman refers did pass the House it might be a precedent, and to that extent the gentleman will probably be right. But it will be remembered that it is not yet the action of the House, and may never be. At all events, so far as that principle is concerned, I shall oppose it when it comes to the House upon that case to which he refers or upon the one now under consideration. It is propose properly that if a soldier dies of under consideration. It is proper enough that if a soldier dies of disease contracted in the service, who has a dependent mother, that she should receive a pension, if the proof is properly made. But upon what theory should a dependent mother or any other dependent relative receive a pension from the Government by reason of the death of a soldier if he did not die in the service or on account of wounds or injuries received while in the service of the Government.

The gentleman at my right [Mr. COFFROTH] says the committee say this man did die of disease contracted in the service. They do not so report. Let me call the attention of the gentleman to the language of this report. After reciting his services, they say that it is shown by the certificate of disability that he was—

Discharged by reason of scrotal hernia, with severe pain in the lumbar regions, heavy dragging-down sensations, numbness, and difficulty in using the lower extremities, which wholly deprived him of the capacity to earn his subsistence.

Then the committee say:

It appears that before the enlistment in the United States service the said Stephen Sherlock was a laborer on the Louisville, New Albany and Chicago Railroad, and after his return home, having partially regained his health, he sought and obtained the position of freight conductor on said road, which he held but a short time, when an accident occurred by his attempting to get on his train when in motion, his foot slipping, throwing him off, and the train passing over his foot, crushing it, and it had to be amputated.

The Government was not responsible for that accident, or for that amputation.
Mr. COFFROTH. Read on.
Mr. ATHERTON. The report continues-

And owing to his bad health he never recovered, and finally died June 25, 1863.

Now, will anybody say that hernia is to be considered under such circumstances the cause of his death? Did not the Commissioner of Pensions determine properly when he said this man's death was caused by a railroad accident, resulting in the amputation of his foot, and that it did not occur from the hernia which was the result of his

Mr. HOSTETLER. I had no intention to keep back any of the facts from the committee or the House, but desired to show most fully to the committee the condition of this soldier when he came out of the the committee the condition of this soldier when he came out of the service and to show also how and when he received the disability that he incurred while in the service, and that he was discharged from the service in consequence of this disability, which the evidence shows; though I believe the report does not show that it was a double hernia caused by this fall while in the service of the Government, and which under the law certainly would have entitled the man to a pension had he made application during his life-time. It was a disability incurred while in the service. But he being proud-spirited did not avail himself of the benefit of the offer of the Government. He deferred making application, and tried to earn a support for himself and for his aged parent until the time of this accident.

The question is this: whether or not this aged mother shall be deprived of the benefit of a pension he might properly have received had he applied for it. It is shown that this hernia which he received while in the service produced partial paralysis, and disabled him to that extent. Now this was probably a part of the cause why he did not recover from the effects of the accident that occurred by his fall from the railway train.

from the railway train.

The question then is whether or not this old lady would be deprived of the benefit of the services of her son simply because he was trying to earn a support for himself and her and met this accident under to earn a support for himself and her and met this accident under those circumstances. I trust the committee will do an act of justice to this lady in her old age.

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. HOSTETLER] accepts the amendment of the gentleman from Ohio, [Mr. WARNER.]

Mr. HOSTETLER. I do.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out all after the word "volunteers" in line 8 namely, these words:

Strike out all after the word "volunteers," in line 8, namely, these words: "And pay her a pension for herself from June 25, A. D. 1863, that being the date of the death of her son."

Mr. COFFROTH. Let the bill be read as amended. The bill, as proposed to be amended, was read, as follows:

Be it enacted, dc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Bridget Sherlock, dependent mother of Stephen Sherlock, late a private in Company F, Fifteenth Regiment Indiana Voluntages

The amendment was agreed to.

The CHAIRMAN. The question is on ordering the bill, as amended, to be laid aside to be reported favorably to the House. Mr. ATHERTON. I call for a division.

The committee divided; and there were—ayes 46, noes 7. So (further count not being called for) the bill, as amended, was laid aside to be reported favorably to the House.

WILLIAM H. SCRIBNER.

The next business on the Private Calendar was the bill (H. R. No. 859) granting a pension to William H. Scribner, reported by Mr. Davis, of Illinois, from the Committee on Invalid Pensions.

The bill was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Scribner, late a private in Company E, of the Third Regiment of New York Cavalry Volunteers.

The report was read, as follows:

The report was read, as 10110ws:

The evidence shows that the said Scribner enlisted in the United States military service in Company E, Third Regiment New York Volunteers, on August 22, 1861, and was honorably discharged August 21, 1864. It further appears that on June 28, 1864, while in the line of duty, on a raid with his regiment, he fell from his horse and severely injured his leg and ankle. He was soon after discharged. It is further shown that he never recovered from the injuries then received. The bruises and injury to his ankle-bone developed into permanent disease; he became lame, and finally necrosis of the ankle-bones set in, and at length his leg had to be amputated.

The committee think it is clearly shown that this soldier is suffering from disability resulting from injuries received in the United States military service in the line of duty. They therefore report back said bill, and recommend that it do pass.

Mr. WARNER. I would like a little explanation as to the reason why this application was rejected in the Pension Office.

why this application was rejected in the rension Office. The report is not satisfactory on that point.

Mr. DAVIS, of Illinois. This case was rejected in the Pension Office on account of the inability of this party to show clearly enough to satisfy the iron rule adopted in that office that the disease which necessitated the amputation was contracted in the service. It is believed by the committee that that is clearly shown, and I do not believe that the mere fact of the rejection of the claim by the Pension Office can be insisted on here.

I reported to this House, as is shown on the Private Calendar, on the 6th December, a bill for the relief of John Murphy, whose claim was rejected by the Pension Office. After a rehearing that claim has been adjusted and admitted, and I think if this claim be not passed here at this time it would be reopened and passed at the Pension

Mr. WARNER. Then I submit by all means it should go to the Pension Office. I ask the gentleman from Illinois whether the com-mittee which reports this bill has had any evidence before it not submitted to the Commissioner of Pensions?

Mr. DAVIS, of Illinois. Not any.

Mr. WARNER. I submit this is a case that ought to go to the

Pension Office.

Mr. HAWK. I would like to say, for the benefit of the gentleman from Ohio, that the claim was rejected at the Pension Office because of the merest technicality, the inability of this pensioner to show precisely that this injury was received at the time the horse ran over him in this charge. To my mind, and I presume to the minds of the

committee, this seemed to be proven.

The Commissioner of Pensions thought, by applying the strictest construction to the closest rule of law governing this case, he could not pass it. It was because of that kind of technicality the claim

as rejected.

Mr. WARNER. I believe we should abide by the decision of the Commissioner.

The bill was laid aside to be reported favorably to the House.

WILLIAM W. CHURCH.

The next business on the Private Calendar was the bill (H. R. No. 1649) granting a pension to William W. Church, reported by Mr. Davis, of Illinois, from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William W. Church, late a private in Company K of the Sixty-fifth Regiment of Infantry, Illinois Volunteers, and pay him a pension as such.

The report was read, as follows:

The report was read, as follows:

The evidence shows that the said Church enlisted in the United States military service in Company K, Sixty-fifth Illinois Volunteers, on the 15th day of May, 1862, and was honorably discharged May 15, 1865. It appears the soldier was sound at enlistment; that he suffered some from an affection of the lungs by cold in the winter of 1862-63; rheumatism in 1862; rupture, March, 1865; wound left leg, Harper's Ferry, September 15, 1862; wound left hand, Knoxville, November 20, 1863; and wound left ear, Knoxville, November 30, 1863. The rupture was caused by a horse rupning over the soldier in a cavalry charge, March, 1865, soon after which (May 15, 1865) he was discharged. The testimony all goes to show that the soldier has never been able to do full manual labor since his discharge; that he is now utterly and entirely unable to do manual labor since his discharge; that he is now utterly and entirely unable to do manual labor of any kind for the support of himself and family owing to a very severe rupture, the result of injury received in the military service of the United States.

The committee have no doubt that the disability of the soldier comes from injuries received in the line of duty in the military service of the United States.

They therefore report favorably upon the bill (H. R. No. 1649) and recommend that it do pass.

Mr. WARNER. This is another case that comes clearly within the

Mr. WARNER. This is another case that comes clearly within the provisions of the general law; and if relief is due under the laws it can be granted at the Pension Office. I should like to know why it was not granted there if application was made, and why the case comes to this House.

Mr. HAWK. This is a case where the man was slightly ruptured in consequence of falling from his horse. He himself hardly realized it at the time; but two or three months after he went home the rupture had developed in such a way as to unfit him for manual labor entirely; and now he is entirely and utterly incapacitated from performing any manual labor, the rupture having increased so much in size and is torn out.

size and is torn out.

The technical point in this case is this: the applicant could not, of course, prove that he was ruptured exactly at the time when he fell from his horse, although his own affidavit to that effect was submitted. But how could he get anybody else to testify to that fact? He did not go to the hospital at once.

Mr. WARNER. The report says that he was also wounded.

Mr. HAWK. Yes, that is true; but he did not attempt to prove his wounds. His disability comes largely from the rupture.

Mr. FORT. His wounds did not materially disable him.

Mr. HAWK. His wounds did not disable him materially, although they are a consideration in the case. At the same time he did not

Mr. FORT. His wounds did not materially disable him.

Mr. HAWK. His wounds did not disable him materially, although
they are a consideration in the case. At the same time he did not
deem them of sufficient importance to claim a pension on that ground.
I know this man personally, and I know something of his case from
personal observation. I believe it to be a thoroughly deserving case.

Mr. WARNER. I withdraw my objection.

The bill was laid aside to be reported favorably to the House.

JAMES M. ALLISON.

The next business on the Private Calendar was the bill (H. R. No. 3787) to restore the name of James M. Allison to the pension-roll, reported from the Committee on Invalid Pensions by Mr. TAYLOR, of

Tennessee.
The bill was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of James M. Allison for restoration to the pension-roll, have had the same under consideration, and submit the following report with accompanying bill:

It appears from the evidence submitted to the committee that the said James M. Allison was enlisted in the United States service in the war with Mexico, as pri-

vate in Company G, Second Tennessee Volunteers, and was wounded by a gunshot in the front of the left hip, at the battle of Cerro Gordo; that in consequence of disability from this gunshot wound, the said James M. Allison was placed on the pension-roll at \$4 per month. November 6, 1874, and on certificate of examining surgeon, showing increased disability, an increase of pension from \$4 to \$12 per month was allowed November 18, 1874. It appears further from the evidence before the committee that upon the recommendation of one Dr. Van Deman the name of the said James M. Allison was dropped from the pension-roll June 20, 1877. But affidavits of prominent physicians and other respectable citizens of Chattanooga, who are well acquainted with Mr. Allison, show that the disability does exist; that it is the reuslt of a gunshot wound received while in the line of duty at the battle of Cerro Gordo, and that he is, beyond a doubt, entitled to a pension.

The committee are therefore of the opinion that the soldier above named is entitled to be restored to the pension-roll, at the rate of \$12 per month, amount received by him before his name was stricken therefrom.

Mr. DIBRELL. I move to fill the blank in the bill with the word.

Mr. DIBRELL. I move to fill the blank in the bill with the word twelve."

The motion was agreed to.

The bill, as amended, was laid aside to be reported favorably to

WILLIAM HAMILL.

The next business on the Private Calendar was the bill (H. R. No. 3788) granting an increase of pension to William Hamill, reported from the Committee on Invalid Pensions by Mr. TAYLOR, of Tennessee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Hamill, late sergeant Company K, One hundred and seventeenth Regiment Illinois Volunteers, at the rate of \$18 per month; and that said pension date from and be paid at the rate of \$15 per month from the 6th day of June, 1865, to the 4th day of June, in the year 1872; and that he be paid pension from and after the 4th day of June, in the year 1872, at the rate of \$18 per month, deducting former payments.

The report was read, as follows:

he be paid pension from and after the 4th day of June, in the year 1872, at the fixe of \$18 per month, deducting former payments.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 3788) granting an increase of pension to William Hamill, have had the same under consideration, and submit the following report:

It appears from the evidence submitted to the committee that the said William Hamill was enlisted in the service of the United States on the 14th day August, 1862, and mustered as a sergeant in Company E, in the One hundred and seventeenth Regiment Illinois Infantry Volunteers, and was honorably discharged on the 25th day of January, 1865; that while in said service, and in the line of his daty, at Baker's Creek, near Clinton, in the State of Mississippi, he received a gunshot wound in the elbow of the right arm. The ball entered the anterior surface of the forearm immediately in front of the ulma at its articulation with its humerus. The bullet produced total anchylosis of the elbow-joint. The arm is flexed at an angle of ninety degrees, and is as immovable as if it was a solid bone, and causes the parts to perish, preventing any rotation or bending of the arm to any extent whatever, rendering him totally and permanently incapacitated from obtaining subsistence from manual labor, and as equivalent to the loss of a hand. He was pensioned from January 25, 1865, at \$5 per month. This rate was increased to \$8 per month from July 18, 1866, and again to \$14 from April 2, 1873, and reduced to \$10 per month from July 18, 1866, and again to \$14 from April 2, 1873, and reduced to \$10 per month in 1875, on account of the construction of the claim for increase of his pension to \$18 per month was rejected because the Commissioner of Pensions holds that, notwithstanding the claimant's disability is permanent, it is not permanently and secretary to the law allowing \$18 per month as a pension. Section 4697, title 57, Revised Statutes 1878, provides that from the

Mr. WARNER. If the provision of the bill giving arrears is stricken out and the proposed increase made to date from the passage of the bill, I will not object.

Mr. TAYLOR, of Tennessee. I have no objection to that amend-

The bill was amended accordingly; and, as amended, was laid aside to be reported favorably to the House.

MRS. SALLIE T. WARD.

The next business on the Private Calendar was the bill (H. R. No. 1579) granting a pension to Mrs. Sallie T. Ward, introduced by Mr. Willis, and reported from the Committee on Invalid Pensions by Mr. CALDWELL.

The bill was read, as follows:

Be it enacted, dc., That the pension of \$30 per month, heretofore paid to William T. Ward, now dead, formerly a major general of volunteers, United States Army, (certificate No. 109492) be paid to his wife Sallie T. Ward.

SEC. 2. That said pension to Sallie T. Ward shall begin on the 12th day of October, A. D. 1878, the day of the death of said William T. Ward, and continue during the natural life of the said Sallie T. Ward.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1579) granting a pension to Sallie T. Ward, widow of the late William T. Ward,

report:
That he was mustered into the service October 4, 1847, as major of the Fourth
Kentucky Velunteer Infantry, and served with his regiment in Mexico to July,
1848, and was honorably mustered out with his regiment at Louisville, Kentucky,
July 25, 1848:

He was appointed brigadier-general of volunteers 18th September, 1861, and brevetted major-general of volunteers 24th February, 1865.

His services were: Organizing brigade in Kentucky from September 20 to December 1, 1861; commanding troops at Green River Bridge, Kentucky, to January 8, 1862; commanding Sixteenth Brigade, Department of the Ohio, to March 12, 1862; commanding camp of instruction at Bardstown, Kentucky, and all the troops on the lines south of Louisville, Kentucky, to July, 1862; commanding troops at Lexington, Kentucky, during part of July, 1862, and in pursuit of Morgan to August, 1862; commanding at Munfordville, Kentucky, to September 5, 1862, and a brigade in Army of Ohio to November, 1862; commanding post and brigade at Gallatin, Tennessee, to June, 1863; commanding Second Brigade, Third Division, Reserve Corps, Department of the Cumberland, to October, 1863, and brigade in the district of Nashville to January 8, 1864; commanding First Division, Eleventh Corps, to April, 1864, and First Brigade, Third Division, Twentieth Corps, to June 29, 1864; commanding Third Division, Twentieth Corps, to Lave of absence to October 10, 1864; commanding Third Division, Twentieth Corps, to Revente Corps, was discontinued, June, 1865. Honorably mustered out of service August 24, 1865.

He distinguished himself in the battles before the fall of Atlanta and in the fights preceding the surrender of General Joseph E. Johnston's army.

While leading his brigade in a charge at the battle of Reseaca, Georgia, he was severely wounded in the arm and side, but refused to leave the field. He was absent on leave only seventeen days during the whole war.

The fractured bone by the wound at Reseaca gave him much trouble, and he finally found the arm useless. On account of his wounds he was receiving a brigadier's pension of \$30 per month at the time of his death. (Certificate No. 1094):

He died October 12, 1878, a few months after completing his seventieth year of life.

While we cannot say that his wounds and exposure

While we cannot say that his wounds and exposures in the service of his country were the direct cause of his death, they doubtless tended to diminish his powers to resist the effects of old age and to hasten his death.

He left a widow, now past sixty years of age, and without property or means of

He left a widow, now past sixty years of age, and without property or means or support.

Your committee find many precedents for the legislation asked in the accompanying bill passed at every Congress since the war. Among them we will only refer to the pensions to Elizabeth York, widow of Shubal York, surgeon Fifty-fourth Illinois Volunteers, (ch. 53, p. 582, 14 Stat. at L.;) Rose Webster, widow of Reason H. Webster, Company E. One hundred and twenty-third Illinois, (ch. 116, p. 530, 20 Stat. at L.;) Grace Aikins, widow of William R. Aikins, Company A, Eleventh Iowa Volunteers, (ch. 296, p. 575, 20 Stat. at L.;) Caroline S. Webster, widow of Colonel Fletcher Webster, 850 per month; and widow of General James Shields, \$100 per month, (ch. 46, p. 3, first session Forty-sixth Congress.)

Your committee recommend that the accompanying bill (H. R. No. 1579) be passed.

The bill was laid aside to be reported favorably to the House.

JAMES D. GRANT.

The next business on the Private Calendar was the bill (H. R. No. 2968) for the relief of James D. Grant, introduced by Mr. MILLS and reported from the Committee on Ways and Means by Mr. MORRISON. The bill was read, as follows:

Be it enacted, de., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to release James D. Grant, a distiller, of Robertson County, in the State of Texas, from the payment of \$1,493.46, which remain unremitted of the two following assessments made against him for deficiencies in the production of distilled spirits, occurring in the months of September, October, November, and December, 1876, and January and February, 1877, at his distillery, No. 1 of the first district of Texas, namely: An assessment for \$1,340.05 on the list for February, 1877, and another for \$528.16 on the list of May, 1877: Provided, That before the Commissioner of Internal Revenue shall release the said Grant from the payment of said assessment, or any part thereof, he shall ascertain by inquiry and investigation into all the facts that said Grant correctly reported and paid taxes upon all spirits made by him during the time for which said assessments were made.

The report was read, as follows:

The report was read, as follows:

The claimant, James D. Grant, was a distiller in Robertson County, Texas. The capacity of his distillery, as appeared from the survey under which he operated for the six months from September, 1876, to February, 1877, inclusive, was greater in quantity, yielding \$1,862.21 taxes, than the quantity reported by him of spirits upon which he paid taxes. He was assessed for this deficiency, and \$374.75 abated therefrom, leaving the sum of \$81,493.46 unabated and still unpaid. From the payment of this sum the claimant asked to be released. In support of his petition to be so released he alleges that the survey of his distillery for said period of six months was excessive; that by reason of the use of inferior grain, lack of water, and the want of experience of the workmen he was compelled to employ, the spirits were not produced; and that he correctly reported and paid taxes on all he did or could produce.

It appears from the statement of the Commissioner of Internal Revenue that the survey of capacity was excessive in quantity, yielding \$661.26 taxes, for which no abatement was or could be allowed by him because the law requires the distiller to account for 80 per cent. of the producing capacity, as shown by the survey under which he operates; that the distillery was operated on the "sour-mash" plan, the mashing and fermenting being done in the same tubs, but no abatement could be allowed under existing laws on account of the employment of inexperienced workmen, lack of water, or use of inferior grain, however equitable; that the revenue officers were satisfied that the claimant did correctly report and pay taxes on all spirits made by him during said period of the justice of the claim that he staid collection that the claimant might secure congressional action and relief.

The committee recommends that said Grant be released from payment of said assessment upon showing to the Commissioner of Internal Revenue that the operation of his distillery for said period of six months he acte

Mr. DWIGHT. Is this the unanimous report of the committee? Mr. DUNNELL. It is the unanimous report of the committee after a very full investigation. It will be seen that the bill affords full protection to the Government by providing that the amount to be paid must be ascertained by the Commissioner of Internal Revenue. I think there can be no objection to the bill.

Mr. MILLS. The amendment suggested in the report is made in the bill by the insertion of the provise at the close of the bill.

Mr. WARNER. Is the Commissioner of Internal Revenue satisfied of the propriety of passing this bill?

Mr. MILLS. He is.

Mr. WARNER. Does he recommend the passage of the bill?

Mr. MILLS. He does.
Mr. DUNNELL. As the gentleman from Texas [Mr. Mills] says,
the proviso in the bill was suggested by the Commissioner of Internal Revenue.

The bill was laid aside to be reported favorably to the House.

WILLIAM S. BURGESS AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 709) for the relief of William S. Burgess and others, introduced by Mr. Dibrell, and reported from the Committee on Claims by Mr.

The bill was read, as follows:

The bill was read, as follows:

Whereas William S. Burgess, William H. Willhite, and Nathaniel Austin, of White County, Tennessee, each paid to P. G. Wilkinson, internal-revenue collector for the third district of Tennessee, the sum of \$300 as a special tax for distilling fruit, the said Austin's payment having been made on the 31st day of August, and the said Burgess's and Wilhite's each on the 8th day of October, 1888; and Whereas the Commissioner of Internal Revenue, with the approval of the Sceretary of the Treasury, on the 12th day of October, 1868, made an order exempting such distillers from the payment of said special tax: Therefore,

Bettenacted, dc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury prototherwise appropriated, to pay to the said William S. Burgess, William H. Willhite, and to Elizabeth Austin, administrative of said Nathaniel Austin, deceased, upon proper evidence of her administrative, each the sum of \$300, collected from them as special tax as aforesaid.

Mr. COFFROTH. I would suggest that where the reading of the reports is not called for the bills be laid aside without consuming. time by reading the reports.

Mr. WARNER. Let the report be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 709) for the relief of William S. Burgess and others, of Tennessee, beg leave to report as follows:

relief of William S. Burgess and others, or Tennessee, begreave to report actallows:

The persons mentioned in said bill for relief were engaged in the business of distilling brandy from fruits. The act of July 20, 1868, imposed a special tax of \$400 per annum upon distillers, but contained a provision authorizing the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to exempt this class of distillers from the payment of said special tax.

Owing to some difficulty in the construction of this provision in the statute, the Commissioner did not exercise the authority conferred upon him to exempt from the payment of this special tax until the opinion of the Attorney-General was had upon the subject.

On the 10th of October, 1868, the Attorney-General gave his opinion to the effect that the Commissioner was authorized by said act to exempt from the payment of said tax, and on the 12th of October, 1868, the Commissioner, with the approval of the Secretary of the Treasury, made an order, as follows:

No. 173 — Decision exempting distillers of brandy from apples, peaches, or grapes

No. 173.—Decision exempting distillers of brandy from apples, peaches, or grapes from special tax.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE, Washington, October 12, 1868.

Washington, October 12, 186c.

In accordance with the opinion of the Attorney-General of the United States, rendered on the 10th instant, distillers of brandy from apples, peaches, or grapes, exclusively, are hereby, with the approval of the Secretary of the Treasury, exempted from so much of the provisions of section 59 of the act of July 20, 1862, as imposes a special tax of \$400 upon distillers producing one hundred barrels or less of distilled spirits, and of \$4 per barrel for every barrel in excess of one hundred barrels.

This accomplise is additionable to the section of the content of the con

arrels.

This exemption is additional to the exemptions heretofore specified in series 4, to, 7, and assessors and collectors will govern themselves accordingly.

E. A. ROLLINS, Commissioner.

Approved.

HUGH McCULLOCH, Secretary of the Treasury.

In the month of August, 1868, each of the parties named in the bill was assessed with said special tax to the amount of \$300, and afterward, but prior to the 12th of October, 1868, each paid said amount to the collector. The Commissioner held the opinion that the order referred to took effect from its date, and distillers of brandy were not thereafter required to pay said special tax. But these claims thaving all paid said tax before the date of said order, their claims for refunding were therefore rejected, upon the ground that said taxes had been legally assessed and collected, and that the Commissioner had no authority to refund in such cases.

While the opinion referred to may be correct, yet it could not properly be regarded as equitable and just that those who paid their taxes promptly should be left in worse condition than those who were less punctual. And at the last session of the Forty-fourth Congress an act was passed for the relief of Samuel B. Stauber and others, allowing them credit for special taxes paid by them under similar circumstances. As a matter of equal justice, the committee are of the opinion that relief should be granted, and recommend that the bill do pass.

The bill was laid aside to be reported forwarably to the House.

The bill was laid aside to be reported favorably to the House.

HOMER FELLOWS.

The next business on the Private Calendar was the bill (H. R. No. 3789) for the relief of Homer Fellows, reported from the Committee on Claims by Mr. SAMFORD.

The bill was read, as follows:

Be it enacted, dc. That the Secretary of the Treasury be, and he is hereby, empowered to pay to Homer Fellows, out of any money in the Treasury not otherwise appropriated, the sum of \$250, in full payment of his claim for services as an employe of the House of Representatives from December 4, 1877, to April 4, 1878.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of Homer Fellows, for compensation as messenger of the House of Representatives, beg leave to report: That the committee find that Homer Fellows was appointed messenger of the House by ex-Doorkeeper Polk, and, by assignment, performed the duties of messenger to the Committee on the Territories from the 4th day of December, 1877, until the 4th day of April, 1878, and has not been paid for said service.

The committee further find that said Homer Fellows, through the agency of the said Polk, was not borne on the rolls, notwithstanding said appointment, and hence was not paid by the Congress during which he served.

The committee are of opinion he should be paid for the time he served; and recommend the passage of the accompanying bill.

Mr. WARNER. It is evident, on the face of the report, which has been read, that this man was appointed without any authority of law and without authority of the House to the officer who made the appointment. I think that this is just one of those cases which ought

appointment. I think that this is just one of those cases which ought not to pass.

Mr. SAMFORD. This gentleman was appointed by the Doorkeeper of the House, and in fact he was legally appointed; but the then Doorkeeper of the House exceeded his authority and appointed too many persons. On account of the confusion incident to the administration of the office of Doorkeeper by the then incumbent this man was not paid. The Committee on Claims had before them a communication signed unanimously by the territorial Delegates of this House, stating that this man performed the duty for the time for which he asks to be paid. While there may have been some little irregularity on the part of Colonel Polk, the then Doorkeeper, there was none whatever on the part of this claimant. His claim is a just was none whatever on the part of this claimant. His claim is a just

was none whatever on the part of this claimant. His claim is a just one, and should be paid.

Mr. WARNER. It is evident, from the gentleman's own statement, that this man was appointed without authority of law or of the rules of this House. Although he may have served during the time for which he now asks payment, it was the duty of that Congress, not of this, to make provision for his payment.

Mr. SAMFORD. I have already explained why he was not paid during that Congress. It was on account of the confusion incident to the administration of the office of the then Doorkeeper, a matter

during that Congress. It was on account of the confusion incident to the administration of the office of the then Doorkeeper, a matter with which many members of this House are perfectly familiar. This man not having been paid during that Congress, it was necessary for his case to go before the Committee on Claims for adjudication. That committee have examined it; they have had before them the territorial Delegates, who certify that all these services were performed, and performed faithfully, and that this man ought to have been paid. been paid.

The bill was laid aside to be reported favorably to the House.

MRS. S. A. WRIGHT.

The next business on the Private Calendar was the bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright, introduced by Mr. URNER, and reported from the Committee on Patents by Mr. Ballou.

The bill was read, as follows:

Be it enacted, &c., That, out of any money in the Treasury of the United States and otherwise appropriated, the Secretary of the Treasury pay to Mrs. S. A. Wright, widow of the late George Wright, deceased, the sum of \$3,500, in full consideration for the entire past and future use by the Government of the United States of the patent linchpin of the said deceased George Wright: Provided, That a full, sufficient, and legal transfer and license is executed and deposited with the War Department for the Government purposes, free of all charges of royalty.

The CHAIRMAN. There is a very long report in this case. The Chair suggests that it be not read unless some gentleman calls for the reading.

reading.

Mr. ATHERTON. I want to hear it read.

Mr. WARNER. What is the amount which the bill proposes to

appropriate?

Mr. ATHERTON. Thirty-five hundred dollars for the use of a patent, claimed to have been owned by the husband of this woman. Mr. BROWNE. If it be in order, I move that the committee rise. I do not want to hear that report to-night.

The question being taken; there were—ayes 6, noes 27; no quorum

Mr. PAGE. I am satisfied the Committee of the Whole did not understand the question.

Tellers were ordered; and Mr. BROWNE and Mr. BRIGHT were appointed.

The committee divided; and the tellers reported ayes 62, noes 61.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. STEVENSON reported that the Committee of the Whole on the Private Calendar had directed him to report sundry bills with the recommendation that they be passed, with or without amendments respectively.

PRIVATE BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar without amendment, were severally taken up, ordered to be engrossed for a third reading, read the third time, and

assed:
A bill (H. R. No. 281) granting a pension to Francis B. McNamara;
A bill (H. R. No. 2448) for the relief of Benjamin F. Worrell;
A bill (H. R. No. 1628) granting a pension to Dalton Hinchman;
A bill (H. R. No. 789) for the relief of James J. Ferris;
A bill (H. R. No. 859) granting a pension to William H. Scribner;
A bill (H. R. No. 1649) granting a pension to William W. Church;
A bill (H. R. No. 1579) granting a pension to Mrs. Sallie T. Ward;
A bill (H. R. No. 2968) for the relief of James D. Grant;
A bill (H. R. No. 709) for the relief of William S. Burgess and others;
and

A bill (H. R. No. 3789) for the relief of Homer Fellows.

The following bills, reported from the Committee of the Whole with amendments, were severally taken up, the amendments agreed to, the bills, as amended, ordered to be engrossed for a third reading, read the third time, and passed:
A bill (H. R. No. 2547) increasing the pension of Mary A. Steece,
widow of Tecumseh Steece;

A bill (H. R. No. 2453) for the relief of Bridget Sherlock; A bill (H. R. No. 3787) to restore the name of James M. Allison to the pension-roll; and

A bill (H. R. No. 3788) granting an increase of pension to William

Hamill.

The bill (H. R. No. 3786) granting a pension to William C. Parker, reported from the Committee of the Whole with an amendment, was taken up, the amendment agreed to, the bill, as amended, ordered to be engrossed for a third reading, and read the third time.

The question being on the passage of the bill,
Mr. ATHERTON called for the yeas and nays.

The yeas and nays were not ordered.
The bill was passed.
Mr. COFFROTH. I move to reconsider the votes by which these various pension bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BRIGHT. I move to reconsider the votes by which all the other bills reported from the Committee of the Whole on the Private Calendar were passed; and also move to lay that motion on the table. The latter motion was agreed to.

THORNTON SMITH.

Mr. WHITTHORNE. I ask unanimous consent that the bill (S. No. 562) granting an increase of pension to Thornton Smith be taken from the Speaker's table for reference to the Committee on Invalid

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Invalid Pensions.

PROPOSED ADJOURNMENT UNTIL MONDAY.

Mr. TALBOTT. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

The motion was not agreed to; there being-ayes 39, noes 59.

PRINTING REPORT ON COTTON-WORM, ETC.

Mr. SHELLEY, by unanimous consent, submitted the following resolution; which was referred under the law to the Committee on Printing:

Resolved by the House of Representatives of the United States of America, (the Senate concurring.) That there be printed at the Government Printing Office 30,000 copies of the second revised edition, with necessary illustrations, of Bulletin No. 3 of the United States Entomological Commission, being a report on the cotton and boll worms, with means of counteracting their ravages; 10,000 copies thereof for the use of the Senate, 18,000 for the use of the House, and 2,000 for the Interior Department.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will lay before the House certain executive communications for reference.

There was no objection.

LIEUTENANT JONATHAN A. YECKLEY.

The SPEAKER laid before the House a letter from the Secretary of War, relative to the case of Lieutenant Jonathan A. Yeckley, United States Army, (retired;) which was referred to the Committee on Claims.

CAPTAIN S. T. NORVELL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of Captain S. T. Norvell for pay for services as acting second lieutenant of the Fifth United States Infantry, from January 28, 1862, to February 18, 1863; which was referred to the Committee on Military Affairs.

PECOS RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a bridge over Pecos River; which was referred to the Committee on Military Affairs.

LIEUTENANT G. S. HOYLE.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the claim of Lieutenant G. S. Hoyle; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

Mr. Davis, of Illinois, for two weeks from next Wednesday;
Mr. CHITTENDEN, for three days;
Mr. TUCKER, until the holiday recess; and
Mr. HEILMAN, from Monday next to January 10.

On motion of Mr. ATHERTON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of William H. Price, copies being left on file.

TITLE TO LAND, CHICAGO.

Mr. ALDRICH, of Illinois, by unanimous consent, introduced a bill (H. R. No. 6624) to confirm to the city of Chicago the title to certain public grounds; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EMILY H. DRURY.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R.

No. 6625) granting a pension to Emily H. Drury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET CORRIGON.

Mr. PRESCOTT also, by unanimous consent, introduced a bill (H. R. No. 6626) for the relief of Margaret Corrigon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. M. CANNING.

Mr. PRESCOTT also, by unanimous consent, introduced a bill (H. R. No. 6627) for the relief of M. M. Canning; which was read a first and second time, referred to the Committee on Claims, and ordered

to be printed.

And then, on motion of Mr. UPSON, (at three o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petition of Keys & Co. and others, of the District of Columbia, for legislation to prevent double taxation of livery-stable keepers in said District—to the Committee on the District of Columbia.

By Mr. GEORGE R. DAVIS: The petition of Craft J. Wright, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: The petition of C. D. Godfrey and 37 others, for an appropriation for the improvement of the Yellowstone Park to the Committee on the Public Lands.

By Mr. MONEY: The petition of citizens of Mississippi, for the transfer of Noxubee, Winston, and Attala Counties from the northern to the southern judicial district of Mississippi—to the Committee on

to the southern judicial district of Mississippi—to the Committee on the Judiciary.

By Mr. MORSE: The petition of Charles A. Currier, for additional compensation for services rendered as an officer in the United States Army—to the Committee on Military Affairs.

By Mr. PHELPS: The petition of George W. Miles and 575 others, masters of vessels, and others, for a breakwater at Milford, Connecticut—to the Committee on Commerce.

By Mr. PHISTER: The petition of George M. Adams, to be reimbursed for expenses incurred in a contested election to a seat in the House of Representatives—to the Committee on Elections.

By Mr. RICHARD W. TOWNSHEND: The petition of W. C. Garrard, for compensation for services rendered as clerk of the Committee on War Claims of the House of Representatives—to the Committee on Assemble.

mittee on Accounts.

By Mr. WILLIS: The petition of Daniel Sullivan, for back pay and bounty—to the Committee on Military Affairs.

By Mr. THOMAS L. YOUNG: The petitions of Robert Townsend and 51 others, of D. C. Elliott and 37 others, and of Newton Kendle and 314 others, citizens of Hamilton County, Ohio, for the passage of a bill granting to each soldier and sailor of the war of the rebellion and had added and sixty earns of land without the war of the rebellion of settless.

one hundred and sixty acres of land without the condition of settlement thereon—to the Committee on the Public Lands.

Also, the petition of 18 masters, engineers, and pilots on steamboats plying on western rivers, for the passage of the bill to increase the efficiency of the Marine-Hospital Service—to the Committee on Com-

CHANGE OF REFERENCE.

Change of reference was made of the petition of citizens of Salt Lake, Utah Territory, for compensation for damages resulting from the diverting of their irrigating water to supply Fort Douglas mili-tary reservation, from the Committee on the Public Lands to the Com-mittee on Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 18, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

NATIONAL FAIR ASSOCIATION.

Mr. BLACKBURN. Mr. Speaker, I move by unanimous consent to take from the Speaker's table Senate amendments to the bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association." I ask to be permitted to state the amendments of the Senate do nothing beyond making a simple change in the number of directors of the National Fair Association and striking out the word "grounds" from the title. It increases the number of the board of directors.

There was no objection, and the motion was agreed to.
The amendments of the Senate were read, as follows:

Strike out all after the enacting clause and insert:
"That the name of said association shall be 'The National Fair Association of the District of Columbia.'

"Sec. 2. That the board of directors of said association shall consist of eleven members, to be elected in accordance with its charter and by-laws.

"Sec. 3. That within thirty days after the passage of this act the stockholders of said association shall be convened in general meeting, and shall elect six of their number as additional members of the board of directors, who, with the five directors now serving, shall hold their office until the second Monday in January. 1881, and until their successors are elected; six of said board shall constitute a quorum for the transaction of business.

"Sec. 4. That on the second Monday in January, 1881, and annually thereafter, the stockholders of said association shall be convened in general meeting and shall elect eleven of their number as a board of directors.

"Sec. 5. That in all elections each share of stock shall be entitled to one vote, and shareholders may vote by proxy in accordance with the provisions of the by-laws."

Amend the title by striking out the word "grounds."

Mr. BLACKBURN. I move to concur in the Senate amendments. The motion was agreed to.
Mr. BLACKURN moved to reconsider the vote by which the amend-

ments of the Senate were concurred in; and also moved that the mo-tion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CONGER. I demand the regular order of business, as I am desirous of going on with the appropriation bills.

Mr. HUNTON, Mr. CALKINS, Mr. UPSON, and others requested the withdrawal of the demand for the regular order of business.

Mr. CONGER. I will withdraw it for a few moments only.
Mr. BLOUNT. I renew the demand for the regular order.
Mr. FORNEY. I move to dispense with the morning hour to-day for the purpose of proceeding with the consideration of one of the appropriation bills.

The SPEAKER. That motion requires a two-thirds vote.
The motion was agreed to, two-thirds voting in favor thereof.

MILITARY ACADEMY BILL.

Mr. FORNEY, from the Committee on Appropriations, reported back the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1880, and for other purposes, and moved its reference to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. TOWNSHEND, of Illinois. I reserve all points of order on that

Mr. FORNEY. I now move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of considering the Military Academy appropriation bill.

Mr. HUNTON. The gentleman yields to me for a moment.

Mr. BLOUNT. We ought to go on with the appropriation bills.

Mr. CONGER. I wish to go on with the appropriation bills.

The SPEAKER. So does the Chair.

Mr. FORNEY. I renew my motion that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. REAGAN in the chair.

The CHAIRMAN. The first business in order is the consideration of the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes. for other purposes.

Mr. FORNEY. Mr. Chairman, I move to dispense with the first formal reading of the bill.

formal reading of the bill.

The motion was agreed to.

Mr. FORNEY. I desire to make a brief statement for the benefit of the House in reference to this bill. It is based upon estimates made by the Department, amounting in round numbers to \$394,000. The sum recommended by the bill is \$322,135.37. The amount appropriated last year for similar purposes was a little over \$316,000. This appropriation is greater than that of last year to that extent, and rendered so by the fact that under existing laws the amount due the professors, nine in number, is increased by \$1,000 on account of length of service. Two of the professors heretofore entitled to \$3,000 will receive \$3,500 during the coming fiscal year. Those who have been in the service for ten years or over are entitled to the pay of a colonel, which is \$3,500, and the pay is therefore increased to that extent under the law.

onel, which is \$3,500, and the pay is therefore increased to that extent under the law.

In this bill we also appropriate to complete the hospital for cadets, allowing for that purpose a little over \$11,000, as recommended by the Boara of Visitors. The old hospital is to be used for the accommodation of officers, which is much needed. In all other respects the bill is precisely similar to what it was last year. If no gentleman desires to discuss it any further I shall move that it be read by clauses for amendment and debate under the five-minute rule.

There being no objection, the bill was read by sections.

The Clerk read as follows:

For department of law: For text-books and stationery and books of reference for the use of instructors, \$100: Provided, That the Secretary of War may, in his discretion, assign any officer of the Army as professor of law.

Mr. CONGER. I desire to ask the gentleman in charge of this bill whether that proviso in this clause changes the existing law?

Mr. FORNEY. No, sir; the law was changed three or four years ago in that respect. This only allows a wider range for the selection of the law instructor. Heretofore the Secretary of War had been

limited in his selection to the judge-advocates of the Army. The

law is not changed in any respect from what it was last year.

Mr. CONGER. For the purpose of saying a word in reference to this matter I move to strike out the proviso. I do not know, sir,

Mr. FORNEY. It will not hurt if it be allowed to remain in. Here-tofore the Secretary of War has been compelled to select from the judge-advocates, and that was confined to some six or eight men—six, I believe. Now, we changed that so as to confine this selection not to a limited number but to the entire Army, and the Secretary of War, therefore, has a broader field from which to select.

therefore, has a broader field from which to select.

Mr. CONGER. Mr. Chairman, there have been some things which occurred in the Law Department, and the application of the laws and the enforcement of the rules at West Point within the last year, that have aroused the attention of the country to the mode of proceeding there. I do not know that the professor of law in the transaction to which I now allude, or the Judge-Advocate-General there, was the professor of law provided for in this bill. But I do say that there was an exhibition made by the officer in charge at the time of the examination of the colored cadet there, in his intercourse of this Government, that was unworthy of any officer in the officers of this Government, that was unworthy of any officer in the law or in the military or in the civil or naval service of the Govern-

Mr. BLOUNT. Will the gentleman allow me to ask what officer he

Mr. CONGER. If it does not come out of my time.
Mr. BLOUNT. I merely ask the question as to what officer the gentleman alludes to.

Mr. CONGER. I refer to the officer that was appointed to take charge of the interests of cadets in the establishment, who became

charge of the interests of cadets in the establishment, who became the prosecuting officer.

Mr. FORNEY. Who does the gentleman refer to?

Mr. CONGER. I refer to the officer whose duty it was in a court of inquiry to see to the rights of all persons in there, or who was assumed for the time being to be the person in charge, who became a public prosecutor of a witness to the extent that even the Government of the United States was called upon by popular sentiment all over this country to send a civilian lawyer there, that at least there might be the appearance of fairness or impartiality or justice in the prosecution of that inquiry. I do not care, sir, to revive any of the profound feeling or sentiment that spread like wildfire throughout the North on account of that examination and the occurrences which took place there. But if this clause has any reference to continuing took place there. But if this clause has any reference to continuing took place there. But if this clause has any reference to continuing in force or allowing to remain in power and teaching in that institution the doctrines and policy that were exhibited on the examination of one of the cadets there—a cadet in a public institution of the United States; an institution whose professors, whose officers, even whose prosecutors and law officers are all paid out of the Treasury of the United States; I say if there is to be a renewal of the feelings and sentiments which were displayed there and of those scenes which then took place, there are many people in this country who will desire their Representatives to withhold money from that institution absolutely and let it die. [Here the hammer fell.] The gentleman from Georgia and others interrupted me so that my five minutes was occupied in part by them.

Mr. RANDALL (the Speaker) obtained the floor and yielded to Mr. CONGER.

Mr. CONGER

Mr. CONGER. I have felt, Mr. Chairman, in common I believe with nine-tenths of the fair-minded people of the United States, during the last year, that an institution which was heretofore the pride and glory of the American people; an institution which was taken away from the influences of cities; taken away from the North; taken away from the South, taken away from contact with the multitude, from all the surroundings that might in any way embarrass it; an institution planted upon a plateau where the mountains look down upon West Point and West Point looks down upon the Hudson River, far removed from all commercial or political influences or feelings, that that was the place of all other places within the limits of the United States where, when the Government took up a young man that that was the place of all other places within the limits of the United States where, when the Government took up a young man from the remote parts of the country, a boy, too young to have imbibed evil habits or vicious principles, and sent him there to educate him and fit him for the Army of the United States, whether he come from the interior of the country, from the city, or from the wilderness—that when he came to this secluded place, sent there by the Government at its expense, he should be taught and educated, his mind and his principles regulated for the best interest of his country, without regard to section and for the service of the whole United States. I have believed, sir, that it was no place in that secluded point for the teaching of northern or southern doctrines. It was to be removed from all influences. There was to be no aristocracy. There was to be no caste there. There was to be no question about the right o. arv man that this Government sent there to be educated by our servants, whether he was white or black, whether he was rich or poor, whether man that this Government sent there to be educated by our servants, whether he was white or black, whether he was rich or poor, whether he was of high birth or of lowly origin. But the amazing spectacle has been presented within the last year of an institution thus guarded, thus paid for out of the public Treasury, being made an institution in which caste rules, an institution where a man sent by this Government to be educated has been compelled to dwell in the silence and the solitude of his cell without intercourse, without sympathy, without kindness, without consideration. I care not whether this colored

cadet be the author of his own misfortunes, whether he may have deceived the officers of that institution by himself having committed what he has charged against others. I say an institution that will drive a man, goad a man, compel a man by his isolation, by his destitution of all sympathy, to resort even to such measures, needs watch-

Sir, I have heard it said that of all punishments in this world that of absolute solitary confinement was the worst. I have heard it said that you may pass along the aisle and listen at the door of the contact who never sees human face, and that you may pass along the aisle and listen at the door of the convict suffering solitary confinement, who never sees human face, and you will hear an unearthly moan in his dreams in the night-time mingled with every drawn breath. Sir, it is equally damnable that in an institution of our own a child chosen by the people to be educated by the servants of the people among others thus chosen should be compelled to live a life of four years with no intercourse, no companionship, not a word of cheer, because he belongs to a degraded and lately enslaved race. [Here the hammer fell.] I wanted to say a few more words upon this subject. [Cries of "Go on."]

Mr. FINLEY. I hope the gentleman's time will be extended.

Mr. OSMER obtained the floor and yielded his time to Mr. CONGER.

Mr. CONGER. I wanted to express in connection with the passage of the West Point bill my own indignation, and I believe the indig-

Mr. CONGER. I wanted to express in connection with the passage of the West Point bill my own indignation, and I believe the indignation of nine-tenths of the American people, not against individuals, not against officers at West Point, but against the spirit which prevails there and is permitted there to control so that they can thus ostracize the wards of the nation whom they are paid to educate. It is not for them to judge whom the nation shall send to that academy. Their place is to teach and to educate those whom the sovereign nation sends there, whoever they may be.

There is no place in all this Union where that intolerant spirit of caste has been more manifest as exercised apparently against a race or a man of a particular race or condition than in that institution. Even the venerable old man who used to grace a seat in this House,

or a man of a particular race or condition than in that institution. Even the venerable old man who used to grace a seat in this House, Mr. Martin I. Townsend, district attorney in the State of New York, when sent to West Point by our Administration, which saw the people demanded some recognition of the rights of cadets—he too, by some officer in charge of that inquiry, was treated with the same contumely and the same scorn with which that institution by its officers and the brother cadets of this colored man had treated him.

Now, sir, I do not like the spirit manifested there. I have hoped that in the appointment of a man who has been just and true to the colored race as well as to the white race, a brave and gallent soldier.

that in the appointment of a man who has been just and true to the colored race as well as to the white race, a brave and gallant soldier with a heart too grand to be governed by prejudice and caste, that institution may be redeemed so that it may become again the pride and glory of our country. Feeling so, I did not care to antagonize this bill. With the prospect of the appointment to be at the head of that institution of that gallant soldier whose every principle of life has been justice to all, I am willing to permit this to pass without speaking further, but I desired to enter my protest against the spirit which seems to have prevailed in that institution as to the equality of rights of the cadets there educated. [Here the hammer fell.] I withdraw of the cadets there educated. [Here the hammer fell.] I withdraw

the amendment.

The Clerk resumed the reading of the bill and read the following paragraph:

For continuing addition to cadet barracks, \$25,000.

Mr. PHILIPS. With reference to the paragraph just read, which is the last item in the bill, I desire to submit that in my judgment the appropriation asked for is unnecessary. It would have been well and I should have been pleased if the Appropriations Committee could have deferred this until the Board of Visitors to West Point for the last year could have made their report to Congress, which is now in process of preparation and will be ready to submit next

With the completion of the new hospital for which an appropria-With the completion of the new hospital for which an appropriation is made in the preceding paragraph, in the judgment of the Board of Visitors, a continuation of an appropriation for the wing to the cadet barracks will be quite unnecessary. As is shown by the letter which I have here from the post commandant, General Schofield, there are quite a number of officers quartered in the cadet barracks. The completion of the new hospital will of course vacate the present building occupied as a hospital. The vacation of the old hospital will surrender to the use of quarters for these officers now quartered in the cadet barracks.

in the cadet barracks.

Mr. BLOUNT. Will the gentleman allow me to ask him how many

officers there are in the cadet barracks?

Mr. PHILIPS. There are twenty-one. And the conclusion arrived at by the Board of Visitors is that the vacation of the old hospital And the conclusion arrived win afford sufficient accommodation for the officers quartered in the cadet barracks and give as a matter of course increased accommodation in the barracks for cadets.

The number of cadets assigned to each room of the present barracks The number of cadets assigned to each room of the present barracks does not exceed two; and, as is usually the case, the officers have taken for themselves the best quarters, the best ventilated and the most commodions rooms, so that their vacation by the officers will afford ample accommodation, in our judgment, for the increase of cadets in the institution.

Mr. TOWNSHEND, of Illinois. What amendment do you offer?

Mr. PHILIPS. The amendment I propose is to strike out lines 192 and 193, making an appropriation of \$25,000 for additional cadet barracks. A sufficient appropriation ought to be made now to complete

racks. A sufficient appropriation ought to be made now to complete

the new hospital, which every interest of economy requires should be completed, and if urged to immediate completion the old hospital building can be set apart for officers' quarters. I send to the Clerk's desk, to be read for information in this connection, a letter received from General Schofield in response to one addressed to him by the Board of Visitors.

The Clerk read as follows:

Headquarters Department of West Point, United States Military Academy, West Point, N. Y., June 7, 1880.

UNITED STATES MILITARY ACADEMY,
West Point, N. Y., June 7, 1880.

Sir: In response to your letter of the 5th instant, I have the honor to inform your committee as follows:
First. The number of cadets at present quartered in the barracks is 244.
Second. Number of living-fooms in barracks, 154. Of these 127 are used by cadets; 21 used by officers; 2 used by cadet dentist; 2 as cadet company armories, and 2 as cadet light prison; in addition to which are 15 rooms not available for living-rooms, used as follows: 4 for trunk rooms, 2 for armories, and 9 as part of officers' quarters, being dark. Total, 189 rooms.

Third. Rooms having two occupants, 118; having one occupant, 8; unoccupied, 1. Fourth. Twenty-one rooms in barracks are occupied by fourteen officers, six of whom have living rooms in the angle and sleeping rooms in cadet divisions.

Fifth. Probable increase of the number of cadets at beginning of the next academic year 68 over number present at the academy, making a total of 312, so that if the corps is filled to that number 58 rooms would have to be occupied by three cadets, showing a necessity for 29 additional rooms for cadets and 3 for officers.

Sixth. Average dimensions of barrack rooms: length 22 feet; width 12 feet; height 10½ feet.

I am, sir, very respectfully, your obedient servant.

J. M. SCHOFFIELD,

Major-General United States Army,

Superintendent Military Academy.

Committee of Board of Visitors. West Paint N. Y.

Hon. John F. Philips, Committee of Board of Visitors, West Point, N. Y.

Committee of Board of Visitors, West Point, N. Y.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I will move to strike out the last word, and yield to my friend from Missouri [Mr. Philips] if he desires to say anything further. This is a matter in which I feel some interest, and I desire to hear all that he has to say upon it.

Mr. PHILIPS. It will be observed, from the letter which has just been read, that there are now twenty-one rooms in the cadet barracks building occupied by fourteen officers. Those twenty-one rooms would accommodate well forty-two cadets. With that addition to the number of rooms now occupied by the cadets it is our opinion there will be sufficient accommodation for all the cadets for the next fiscal year. In my opinion, formed after personal inspection made during the past summer, there is no public necessity for this additional appropriation of \$25,000 for the extension of the wings of the cadet barracks. of the cadet barracks.

of the cadet barracks.

Mr. BLOUNT. The gentleman is just from West Point as one of the Board of Visitors. The sum of \$25,000 was appropriated for the present fiscal year for the extension of the cadet barracks and the work has already been commenced. What does the gentleman propose to do with that?

Mr. PHILIPS. There has been an extension of the wings of the barracks which can be abandoned where it is. As I understand from the information gathered there, the appropriation here proposed is not so much to complete buildings now in process of construction as it is to add to the building.

Mr. BLOUNT. So I understand, and that is in pursuance of a plan adopted many years ago, and for which we appropriated last year \$25,000. This apprepriation is in continuation of the work on that wing.

wing.
Mr. PHILIPS. As I understand it the \$25,000 already appropriated will be sufficient to complete the internal arrangement of the rooms

in the building already erected.

Mr. BLOUNT. I think my friend is mistaken, according to the information which has come to the Committee on Appropriations.

The estimate of the Department is for a sum much larger than we propose to appropriate in this bill. We appropriated \$25,000 for the current fiscal year to begin the work. No information has come to us that the building is completed, but an estimate was made for a larger sum than we here appropriate. We have agreed to give a part this year, with the intention of going on from year to year until the build-

ing is completed.

Mr. FORNEY. The Secretary of War asks for \$56,000 for this purpose, and the committee agree to give \$25,000, deeming that amount sufficient for the coming fiscal year. I will read what the Board of Visitors say upon this subject, the board appointed by the President; a different one I suppose from the board to which the gentleman be-

The board have examined the new hospital, and find from the report of the engineer officer in charge that a further appropriation by Congress of \$21,617.64 will be required to complete the building.

We appropriated \$10,000 last year, and we now appropriate the balance, being the amount the Secretary of War asks to be appropriated. The board proceed to say in regard to this hospital building, "it has been erected in the most substantial manner." In regard to the cadet quarters, the board reports:

On inspection of the cadet quarters, the board find that they are inadequate to their proper accommodation, many of the rooms at present being occupied by three cadets, which overcrowds them and is likely to interfere with health and a proper attention to their studies.

Plans have been drawn and estimates made for extending the west wing of the barracks, so as to add thirty-two rooms, and your hoard recommend that Congress be asked to appropriate the necessary sum for this purpose.

The necessary sum for this purpose we are told is \$56,000. By reference to page 147 of the Book of Estimates, gentlemen will find the following items.

For completion of main building and one wing for the new hospital for cadets, \$11,617.84.

For continuing addition to cadet barracks, \$56,190.54.

The Committee on Appropriations thought that \$25,000 would be sufficient for the coming fiscal year. The gentleman from Missouri [Mr. Philips] has been one of the Board of Visitors sent there by this House, and he knows more about the matter than I do. I have given

all the information which we have.

Mr. CANNON, of Illinois. I would like to have the attention of members of the committee for a moment. I only want to say that in 1876 the first estimate was made for the extension of the cadet building, the amount estimated being \$\$1,190.54. Last year we appropriated \$25,000 for that purpose to be expended during the current fiscal year, and we recommend in this bill the appropriation of \$25,000 ad-

ditional for the coming fiscal year.

If the amendment of the gentleman from Missouri [Mr. Philips] shall prevail, of course we will practically throw away the \$25,000 appropriated last year, and which will be expended during the current fiscal year. It is true that he has had read a letter from General Schofield, of year. It is true that he has had read a letter from General Schooled, or which we now hear for the first time, showing that upon the completion of a certain building a number of rooms will be released for the use of the cadets, barely enough, even upon his own showing, to accommodate the number of cadets that are entitled to go there, should the institution be filled.

I think it is much wiser to go on and complete these buildings, es pecially as they have been estimated for, as we have entered upon the work, and as the Board of Visitors report them to be necessary.

I would suggest to the gentleman from Missouri, [Mr. Philips,] that perhaps it is unfortunate, if any considerable number of the Board

of Visitors hold the views that he does, that they did not submit them

of visitors not the views that we want to the form of a report.

Mr. BLOUNT. A minority report.

Mr. CANNON, of Illinois. A minority report, so that we could have had the advantage of their views officially given. I feel quite clear that it is wise to reject the amendment of the gentleman and to continue the work upon this building.

that it is wise to reject the amendment of the gentleman and to continue the work upon this building.

Mr. WARNER. I think when the Board of Visitors and the commanding officer at West Point concur in telling us that this appropriation is not necessary we should be guided by that opinion, at least so far as to agree to strike out this appropriation without any

thing further being said.

Mr. HUBBELL. The report of the Board of Visitors is the other

way.

Mr. CANNON, of Illinois. Will the gentleman from Ohio [Mr. WARNER] allow me to say that this is the only report [holding up a pamphlet] which the Board of Visitors has made?

Mr. WARNER. I refer to the forthcoming report.

Mr. CANNON, of Illinois. I know nothing about that.

Mr. WARNER. The gentleman from Missouri [Mr. Philips] is a member of the board; and I think the recommendation of this board with the he specificant to determine up to strike such this item.

ought to be sufficient to determine us to strike out this item. I will ask my friend from Alabama [Mr. FORNEY] how many cadets are now accommodated at the institution?

Mr. FORNEY. Two hundred and seventy. The full number authorized by law is three hundred and twelve; and there will be an increase if we should increase the number of members of this House

Mr. WARNER. This appropriation bill shows that it costs some

Mr. WARNER. This appropriation bill shows that it costs somewhere about \$1,200 per annum to educate a cadet at West Point, which is a very large sum, I think. Whenever there is a reasonable opportunity to cut down the appropriation, I believe it ought to be done.

Mr. PHILIPS. Mr. Chairman, in explanation of the apparent delay in the presentation of the report of the Board of Visitors, I will state that hitherto, as it appears, the Board of Visitors appointed on the part of the House and the Senate have made no report to Congress at all, although the statute requires a report; and under the impression that the members of the board appointed by the Speaker gress at all, although the statute requires a report; and under the impression that the members of the board appointed by the Speaker of the House should make its own report to the House, I had, at the instance of the Board of Visitors on the part of the House, written out a report, which has been ready for a week past; but upon the suggestion of Senator Edmunds, a member of the board on behalf of the Senate, we concluded that the report must be a joint report of both branches of the board to Congress. We have had a conference this morning; and the report will be ready by Tuesday next. The report of the Committee on Appropriations has simply anticipated the report of the Beard of Visitors. The statute requires that we shall make our report within twenty days. That time not having expired, we were not impressed with the necessity of haste in respect to it. to it.

Mr. FORNEY. Did I understand the gentleman to say that the

Mr. FORMEY. Did I understand the gentleman to say that the Board of Visitors on the part of the Senate and House are opposed to the completion of this building?

Mr. PHILIPS. From what I understand in respect to this matter the concurrent report of the two branches of the visiting board from Congress will agree in the suggestion that the completion of the new hospital will allow the rooms of the old hospital to be used for the accommodation of officers now quartered in the barracks. As is

shown by the letter of General Schofield, there are twenty-one officers quartered in the barracks, occupying fourteen rooms; and there are about one hundred and eighteen rooms of the barracks, in each of which not more than two cadets are quartered, and in some only one. The letter, as will be observed, does not disclose the fact asserted in the report of the executive branch of the Board of Visitors, that there are three cadets quartered in some of the rooms. The conclusion is apparent that with the vacation of twenty or twenty-one rooms by officers now quartered in the cadet barracks, (those being choice rooms,) there will be ample accommodation for the cadets.

There were two hundred and forty-four cadets there on the 1st of June last. In the first class there are fifty-three members who will shortly go out, while the number of new cadets who will be admitted will be probably about sixty-eight, making in the aggregate not over two hundred and sixty-eight cadets in the institution for the ensuing year. If two cadets were put in each room there would be ample accommodations for them in the barracks. The letter of the post commander indicates that there is waste room now used for

storage and other purposes.

Speaking for myself and in behalf of the Board of Visitors, I will say that we have no disposition whatever to stint in the smallest degree the accommodations in that institution, but we conceive that no appropriation ought to be made beyond the necessities of the pub-

Mr. ATHERTON. I would like to inquire of the gentleman having this bill in charge the full number of cadets the country is entitled to have in this institution?

Mr. FORNEY. Three hundred and twelve; and if we increase the number of Representatives next year there will be a corresponding increase in the number of cadets.

Mr. ATHERTON. I was just going to make that suggestion. It seems to me we might well calculate generally upon having at the institution the full quota of cadets to which the country is entitled; and certainly the number is likely to increase in the future rather than diminish. Naturally there will continue to be the same number of cadets entitled to places at West Point as there are members of Congress; and probably there will be the same number of cadets at large. As the membership of this House is likely to be increased, I think it quite probable there will be an increase in the number of cadets authorized to attend that institution.

But, in any event, it seems that we have already appropriated for this building \$25,000. It seems to be conceded that \$56,000 more will complete the building; and I suppose the \$25,000 already appropriated would be substantially lost unless this additional appropriation

It would seem to me, Mr. Chairman, that the Board of Visitors appointed by the President of the United States gives the better reason, and hence their report is more entitled to our consideration than that of the other board.

A MEMBER. Composed of our own members.

Mr. ATHERTON. Yes, sir. I do not care where the report comes from. We have the right to consider which gives the better reason; and the probability of increase in the number of cadets, together with the fact that the \$25,000 already appropriated would be substantially lost unless the building be completed, would seem to me to indicate that the statement made by the Board of Visitors appointed by the President is more entitled to our consideration than that of the heard appointed on the part of Congress. Not that I propose to the board appointed on the part of Congress. Not that I propose to say that these gentlemen, having been upon the ground, are not entitled to due consideration at our hands for anything they may recommend; but we have a right to look at the reasons upon the one side and the other as furnished by these two boards; and to my mind (speaking for myself) it seems that the committee appointed by the President gives the better reason for our action, and that we should follow its precommendation. follow its recommendation.

The CHAIRMAN. Debate is exhausted.

Mr. BLOUNT. I ask the gentleman to withdraw his formal amendment.

The CHAIRMAN. There has been no formal amendment offered.

Mr. BLOUNT. Then I move to strike out the last word. And I regret, Mr. Chairman, very much to differ from my friend from Missouri, for whose opinion I have a great respect. The reason, however, souri, for whose opinion I have a great respect. The reason, however, he gives for the action he proposes is not to my mind a satisfactory one. He attempts to sustain the position he occupies by reading a letter from General Schofield, wherein it is stated there are only twenty-one rooms used by officers, the remaining available rooms being used as sleeping-rooms by the cadets. General Schofield states that if the corps of cadets should be filled up to three hundred and twelve, fifty-eight rooms would have to be occupied by three cadets each. That being true, if the twenty-one rooms now in use by officers should be vacated by them, there would still be required sixteen rooms putting two boys in each room. rooms, putting two boys in each room.

It is not correct, as my friend seems to think, therefore, that the rooms occupied for other purposes than by officers and cadets can be used as sleeping-rooms. The contrary is stated in the letter of Gen-

rooms occupied for other purposes than by omcers and cadets can be used as sleeping-rooms. The contrary is stated in the letter of General Schofield.

There is possibility, too, of an increase of the corps of cadets under the new apportionment. That is an additional reason why we should continue to carry out what Congress has already begun; that is, the adding on to this building of this new wing.

As I stated a while ago, the plan was made many years since for this barracks, and in that plan the erection of wings was contem-plated. The Board of Visitors, members of Congress and those appointed by the President two years ago, recommended this additional wing should be provided, taking in view not only the fact that the cadets were already crowded, but the probability of an increase in

cadets were already crowded, but the probability of an increase in the corps of cadets.

I happened to be of that number. We felt the importance of the matter, and the Committee on Appropriations accepted it unanimously, agreeing it was time the erection of this additional wing should be commenced. The whole appropriation asked for was not given, but the committee agreed to the sum of \$25,000, to be used during this fiscal year for the purpose of proceeding with the construction of that wing. That they have done so I cannot tell, but the presumption is they have made contracts with a view to the completion of the work. It does seem to me, that being true, it is best for us to let this sum of money stay in here and allow the wing to be completed, for it is certain it will be demanded in the future; that as the work has been begun we might as well go on with it now until the work has been begun we might as well go on with it now until it is completed.

Mr. PHILIPS. I wish to ask a question for information. On that point I may be misinformed; but do I understand the gentleman to say that the \$25,000 heretofore appropriated has been expended and the work begun under that appropriation is incomplete? In other words, is the building begun under that appropriation of \$25,000 in process of construction?

Mr. BLOUNT. I do.

Mr. PHILIPS. And the \$25,000 here asked for is to complete that building which has already been begun?

Mr. BLOUNT. It is an additional sum. What amount it will take to complete the wing I do not know. In the estimates \$56,000 is asked for. Whether that will complete it or not we cannot tell. It is an additional sum amount which they think they can use for the fiscal year.

perhaps an amount which they think they can use for the fiscal year, for which provision is being made.

Mr. CANNON, of Illinois. The original estimate is \$81,000.

Mr. PHILIPS. My objection to this is predicated upon the impression made upon the Board of Visitors on the part of the House, from our inspection and observation, that this appropriation is to begin an addition and not to complete a building already in process of contents.

Mr. BLOUNT. Mr. BLOUNT. I cannot, of course, tell anything about the correctness of my friend's scource of information; but I know, as a matter of fact, that \$25,000 was appropriated at the last session of Congress, the bill then being in charge of the gentleman who now has it, for the purpose of beginning the erection of this wing. What has been done by the architect I do not know. This is an additional sum to be united with the former one for the purpose of making this extension.

Mr. PHILIPS. There was no material on the ground observable to

us; and we saw no exterior wall there which was incomplete.

Mr. BLOUNT. I presume that is a true statement; but it is to be

presumed that contracts have been made for building material which of course could not have been upon the ground when my friend was

Mr. PHILIPS. Of course, Mr. Chairman, if the appropriation already made has begun the erection of the building I, for one, believe it is proper to go on and complete it. If this appropriation, however, is designed for the erection of a new structure, that is, for the extension of a new wing, I still adhere to my original objection to it.

Mr. BLOUNT. I have examined the statute and am sure I am cor-

rect in my statement.

Mr. PHILIPS. I understand the gentleman to state his statement

Mr. CANNON, of Illinois. Allow me a word.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BLOUNT. I withdraw my informal amendment to the amend-

ment, so the gentleman from Illinois may be heard.

Mr. CANNON, of Illinois. I renew the pro forma amendment in order to ask the gentleman from Missouri a question. I wish to ask him when he was at West Point? Was it not in June last?

Mr. PHILIPS. Yes, sir.

Mr. CANNON, of Illinois. This appropriation was not available until the 1st day of July, and probably that is the reason the gentleman did not see any appearance of proceeding with the construction of the building. Mr. PHILIPS.

That is possibly the reason.

Mr. CANNON, of Illinois. I have no doubt that they have commenced work since he was there.

Mr. FORNEY. I desire to state, in response to the inquiry of the gentleman from Missouri, that the appropriation asked for in the Book of Estimates is "for continuing addition to cadet barracks." I presume that the work has been commenced before this time.

Mr. PHILIPS. In view, Mr. Chairman, of the assurance of the gentleman from Georgia that the \$25,000 heretofore appropriated has been expended, and in view of the fact that I am well satisfied if the work is commenced it should be prosecuted, I now withdraw the amendment which I offered.

Mr. FORNEY. I move that the committee rise and report the bill

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed

Taylor, Robert T. Voorhis, Thomas, Wait,

the chair, Mr. Reagan reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes; and had directed him to report the same to the House without amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate had passed a bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. FORNEY. I demand the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time.

The SPEAKER. The question now is on the final passage of the bill, on which the rule requires that the yeas and nays shall be

Mr. CALKINS. I ask unanimous consent, Mr. Speaker, that the call of the roll on the passage of this bill be dispensed with.

The SPEAKER. The Chair thinks the rule requires the yeas and nays to be called, and that this rule had better be adhered to, as it is

nays to be called, and that this rule had better be adhered to, as it is a wholesome practice.

Mr. CALKINS. I simply desire to make the request in this case with a view to get a ruling from the Chair as to whether or not the rule absolutely requires it unless demanded by some member.

The SPEAKER. The Chair thinks from the language of the rule that the yeas and nays are required to be called absolutely. This was one of the reforms incorporated in the new rules on their revission by the committee and adopted by the House in order that when the responsibility of appropriating large sums of money should be upon the House it should only be done by a yea-and-nay vote.

Mr. CALKINS. I supposed that it was the purpose of the Committee on Rules not to enforce this rule except on the suggestion of some member where unanimous consent was not given.

some member where unanimous consent was not given.

The SPEAKER. If the rules are to be vacated in that way the Chair thinks it might run into an abuse. Of course unanimous consent will vacate the rules; but the Chair thinks that this practice had better be adhered to.

Mr. WARNER. I object to dispensing with the roll-call on the

passage of this bill.

The SPEAKER. The sixth clause of Rule XXI is as follows:

Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.

It is true that by unanimous consent the rule can be vacated; but the language of this rule was made intentionally strong in order that the practice might become established. It will be observed that the language of the rule is imperative.

The gentleman from Ohio [Mr. WARNER] objects to the vacation of the rule.

Mr. BUCKNER Lacing to solve it is the second of the second of the rule.

Mr. BUCKNER. I desire to ask if it cannot be suspended by a

two-thirds vote?

The SPEAKER. It could be suspended on Monday by a two-thirds The SIERRER. It could be suspended on Monday by a two-thirds vote, but it is not now in order to move a suspension of the rules. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 175, nays 4, not voting 112; as follows:

	X.E.	AS-175.	
Acklen, Aldrich, William Armfield, Atherton, Bachman, Baker, Bicknell, Bingham, Blake, Bliss, Blount, Bowman,	Clymer, Cobb, Coffroth, Colerick, Conger, Converse, Covert, Cowgill, Crapo, Cravens, Crowley, Daggett, Davis, George R.	Godshalk, Gunter, Hall, Hammond, N. J. Harris, John T. Hatch, Hawk, Hawley, Heilman, Henkle, Henry, Herbert, Herndon,	Lindsey, Loring, Lowe, Manning. Martin, Benj. F. Martin, Edward L. Mason, McCook, McKinley, McLane, McMahon, Mills, Mitchell,
Boyd, Brewer,	Davis, Horace Davis, Joseph J.	Hill, Hostetler,	Money, Monroe,
Briggs,	Davis, Lowndes H.	House,	Morse,
Brigham, Bright,	De La Matyr, Dibrell,	Hubbell, Hull,	Morton, Muldrow
Browne,	Dick,	Humphrey,	New,
Buckner,	Dunn,	Hunton,	Nicholls,
Burrows, Butterworth,	Dunnell, Einstein,	Hurd, Johnston,	Norcross, O'Neill,
Cabell,	Errett,	Jones,	O'Reilly,
Caldwell,	Evins,	Joyce,	Orth,
Calkins,	Felton,	Keifer,	Osmer,
Cannon,	Field,	Kenna,	Overton,
Carpenter, Caswell,	Finley, Fisher,	Ketcham, Kimmel,	Pacheco, Page,
Claffin,	Forney,	Klotz,	Phelps.
Clardy, Clements,	Fort, Geddes,	Ladd, Le Fevre,	Philips, Phister,

Reagan, Rice, Richardson, D. P. Richmond, Robinson, Rothwell, Russell, W. A. Ryan, Thomas Ryon, John W.	Simonton, Singleton, O. R. Smith, A. Herr Sparks, Speer, Springer, Steele, Stevenson, Stone,	Thompson, P. B. Thompson, W. G. Tillman, Townsend, Amos Townshend, R. W. Turner, Oscar Turner, Thomas Updegraff, Thomas Upson, Van Aernam.	Washburn, Weaver, Wellborn, Whitthorne, Williams, Thomas Willis, Willits, Wise, Wood, Walter A.
Sawyer,	Taylor, Ezra B.	Vance,	A SECTION OF THE PROPERTY OF
	N.	AYS-4.	
Bouck,	Gillette,	Neal,	Updegraff, J. T.
	NOT V	OTING-112.	
Aiken.	Dwight,	Kitchin.	Sapp.
Aldrich, N. W.	Elam,	Knott,	Scoville.
Anderson,	Ellis,	Lapham,	Sherwin,
Atkins,	Ewing,	Lounsbery,	Singleton, J. W.
Bailey,	Ferdon,	Marsh,	Slemons.
Ballou.	Ford,	Martin, Joseph J.	Smith, Hezekiah B.
Barber.	Forsythe,	McCoid,	Smith, William E.
Barlow,	Frost,	McGowan,	Starin,
Bayne,	Frye,	McKenzie,	Stephens,
Beale,	Gibson,	McMillin.	Talbott,
Belford,	Goode,	Miles,	Tucker,
Beltzhoover,	Hammond, John	Miller,	Tyler,
Berry,	Harmer,	Morrison,	Urner,
Bland,	Harris, Benj. W.	Muller,	Valentine,
Bragg,	Haskell,	Murch,	Van Voorhis,
Camp.	Hayes,	Myers,	Waddill,
Carlisle,	Hazelton,	Newberry,	Ward,
Chalmers,	Henderson,	O'Brien,	Wells,
Chittenden,	Hiscock,	O'Connor,	White,
Clark, Alvah A.	Hooker,	Persons,	Whiteaker,
Clark, John B.	Horr,	Poehler,	Wilber,
Cook,	Houk,	Reed,	Williams, C. G.
Cox,	Hutchins,	Richardson, J. S.	Wilson,
Culberson,	James,	Robertson,	Wood, Fernando
Davidson,	Jorgensen,	Robeson,	Wright,
Deering,	Kelley,	Ross,	Young, Casey
Denster,	Killinger,	Russell, Daniel L.	Young Casey
Dickey,	King,	Samford,	Young, Thomas L.

Scales, Shallenberger,

So the bill was passed.

The following pairs were announced:
Mr. Chalmers with Mr. Anderson, for to-day, on account of the

Mr. CHALMERS WITH Mr. ANDERSON, for to-day, on account of the sickness of Mr. CHALMERS.

Mr. HENDERSON WITH Mr. POEHLER.

Mr. HUBBELL WITH Mr. WELLS, on political questions.

Mr. MARTIN, of North Carolina, with Mr. O'CONNOR, on political

questions. Mr. HUTCHINS with Mr. STARIN. Mr. WHITE with Mr. PERSONS. Mr. YOUNG, of Tennessee, with Mr. HOUK.

Mr. LOUNG, Of Tennessee, with Mr. HOUK.
Mr. LAPHAM with Mr. TUCKER, on political questions.
Mr. VALENTINE with Mr. DAVIDSON.
Mr. JAMES with Mr. O'BRIEN.
Mr. BALLOU with Mr. CARLISLE.
Mr. WILBER with Mr. SMITH, of Georgia.
Mr. BARBER with Mr. CULBERSON.
Mr. ELLIS with Mr. HARMER.

Mr. ELLIS with Mr. HARMER.
Mr. KNOTT with Mr. FRYE.
Mr. BAYNE with Mr. CLARK, of Missouri.
Mr. BLAND with Mr. HAYES.
Mr. MILES with Mr. SINGLETON, of Illinois.
Mr. MILLER with Mr. SAMFORD.
Mr. SMITH, of New Jersey, with Mr. NEWBERRY.
Mr. AIKEN with Mr. WARD, on all political questions, until Tuesday, let instant 21st instant.

Mr. Unner with Mr. Talbott, on all political questions, for to-day. Mr. Beale with Mr. Jorgensen, upon all questions save those of

adjournment and a quorum.

Mr. BROWNE. I was paired for the day with my colleague, Mr. Myers; but knowing he would have voted for this bill, I have voted notwithstanding that pair.

The result of the vote was then announced as above stated.

ORDER OF BUSINESS

Mr. WEAVER. I send to the desk a resolution which I ask to have read; and I will ask unanimous consent to have it placed on its pas-

sage.

Mr. BLOUNT. I object. We ought to go on with the next appro-

priation bill. Mr. WEAVER. I hope the gentleman will allow the resolution to

The SPEAKER pro tempore, (Mr. McMillin in the chair.) The gentleman from Georgia objects. That is conclusive. The resolution cannot be read without unanimous consent.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi, from the Committee on Appropriations, reported back the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, and moved that it be referred to the Committee of the Whole on the state of the Union. Mr. ROBINSON and Mr. KEIFER reserved all points of order. The motion of Mr. SINGLETON, of Mississippi, was agreed to.

Mr. SINGLETON, of Mississippi. I now move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of proceeding with the consideration of the consular and diplomatic appropriation bill; and pending that motion I move that all general debate on this subject be limited to one hour.

Mr. CONGER. I hope the gentleman will not insist upon that. desire a little time to speak on the bill in general debate, and so do

other gentlemen. Mr. BURROWS. Mr. BURROWS. I object to the motion to limit debate. The bill must first be considered in Committee of the Whole before debate can

Mr. KEIFER. I would inquire whether this bill, in the form in which it is now presented, is printed?

Mr. SINGLETON, of Mississippi. The bill is printed as it was reported to the House. There is no change.

The motion that the House resolve itself into Committee of the

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Hill in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and

for other purposes.

Mr. SINGLETON, of Mississippi. I move that the first and formal reading of the bill be dispensed with.

Mr. CONGER. If that cuts off general debate, I object.

Mr. SINGLETON, of Mississippi. I propose after a little to make a motion to limit general debate, and I will try to accommodate the gentleman from Michigan.

There being no objection, the first reading of the bill was dispensed

Mr. SINGLETON, of Mississippi. I now move that the Committee rise, that I may make a motion in the House to limit general debate upon this bill.

Mr. BURROWS. I am afraid the gentleman will find as much difficulty in limiting general debate at this point, the bill not having yet been considered, as he found in endeavoring to limit debate before the House resolved itself into Committee of the Whole.

The CHAIRMAN. There has been no debate upon the bill. The

motion that the committee rise that the House may make an order to

limit debate is not now in order.

Mr. SINGLETON, of Mississippi. I wish it understood by the House that I shall occupy but little time in what I have to say. If I can have the attention of members, I think it will expedite the consideration of this bill.

sideration of this bill.

In framing this bill, Mr. Chairman, the committee have had in view two important points. One is the protection and extension of our commerce with foreign countries, and the other practical economy in the appropriation of the public money.

So far as our diplomatic intercourse is concerned your committee have not thought it necessary to add one dollar to the appropriations of last year. Indeed, it is the opinion of that committee, as expressed in the bills heretofore reported to this House, and I may say of this House, too, as expressed in the votes given, that more money has been expended in this direction than was either necessary or profitable. But the Senate has on every occasion, when a reduction was attempted But the Senate has on every occasion, when a reduction was attempted by this House in that part of our foreign intercourse, obstructed the passage of such legislation, urging as a reason therefor that it was new legislation upon an appropriation bill, and that so long as the statutes regulating the number and compensation of our ministers abroad stood unrepealed, this House had no power in an appropria-tion bill to restrict the number or pay of said ministers. The House has therefore been compelled on several occasions to recede from its position. Your committee have for this reason deemed it inexpedient to again attempt to force the opinions of this House upon the Senate, and have therefore made up this bill in exact accordance with the act providing for the present fiscal year, neither adding to nor subtracting from the appropriation of said act.

From this course, however, it is not to be inferred that a change of opinion on the part of individual members of said committee has taken face; but they await the pleasure of the Committee on Foreign Relaplace; but hey await the pleasure of the Committee on Foreign Relations touching this subject. It is believed by many who have examined the subject closely that our present diplomatic system is next to useless, and is kept up in its present form as affording an asylum for disappointed and superanuated politicians. This may be charity to these retired gentlemen, but it is hardly just to those who foot the bills. Could this cumbrous system be reduced to half its present dimensions and the money now spent in maintaining it be expended in research and constructions are the the construction. in promoting our consular service, much good would accrue to the commerce of the country from such a change.

So far as our consular system is concerned, we have pursued a dif-

ferent line of policy. We have adopted and reported to this House a number of changes which have been proposed by the Secretary of State and which we think will advance the interest of the country. If I can have the attention of this committee for a few moments I will give more in detail the changes which we propose to make in

Mr. KEIFER. Do I understand the gentleman to say that the

committee has reported a bill upon the plan heretofore proposed by them, to cut down some of the salaries

Mr. SINGLETON, of Mississippi. No, exactly the reverse; the gentleman misunderstands me.

tleman misunderstands me.

Mr. KEIFER. That is my fault; I desire to understand the gentleman correctly. I am, then, to understand that this bill does not in any respect undertake to cut down the salaries fixed by law?

Mr. SINGLETON, of Mississippi. It does not.

Mr. KEIFER. In no case at all?

Mr. SINGLETON, of Mississippi. In no case at all.

First, as to the consular service there, it is recommended by your committee that the salary of the consul-general at Halifax be increased from \$2,000 to \$3,000.

The officer at Halifax was raised to the grade of a consulate-general by the appointment of M. M. Jackson (who had been consul

there are framed was raised to the grade of a constitue-general by the appointment of M. M. Jackson (who had been consulthere since 1851) on the 11th of June, 1880. The jurisdiction of the consul-general embraces all the consulates and subordinate agencies—in all, thirty-eight offices—in the eastern maritime provinces of the in all, thirty-eight offices—in the eastern maritime provinces of the Dominion of Canada, including Newfoundland. The duties imposed by the appointment in the supervision of the subordinate consular offices place the office at Halifax in the same relation to them as that held by the consul-general at Montreal toward the subordinate offices in the other provinces of the Dominion. These duties, in addition to this extended supervision, also embrace the adjustment of all difficulties and disputes arising with the local authorities in connection with the fishing fleet, prior to their reference to the Department.

The recommendation is intended to place the office at Halifax more nearly on the same footing as the consulate-general at Montreal. To this end, also, an allowance should be made of \$800 (which your committee recommends) for clerk-hire, no allowance for that object being now authorized by Congress

Second. That the consulate at Apia, Samoan Islands, should be placed in class 4, with a salary of \$2,000 instead of \$1,000.

The political and commercial considerations for this recommenda-

tion were submitted to the members of the sub-committee by the Section were submitted to the members of the sub-committee by the Secretary of State, which members can read, and which are briefly these, to wit: that these islands are now jointly protected by the English, German, and American Governments; that the point is one at which the vessels of all nations call on their way to and from San Francisco to Australia and New Zealand; that it is in a direct line between the two points; that it is a most important coaling station; that our consul there exercises judicial functions as well as consular and diplomatic; that the English and German governments are straining every point to secure ascendency in these islands; that a suitable person cannot be had for the position at a salary of \$1,000, and hence the proposed change. proposed change.

To these may be added the importance of extending the jurisdiction To these may be added the importance of extending the jurisdiction of that consulate so as to embrace neighboring groups of islands and those more remote, and to be able by larger compensation to obtain a suitable person for the office. Great Britain recognizes the importance of the place by appointing a consul with £1,000 salary, with other allowances, and it is reported that the salary of the German consul is large. It is also to be remarked, as stated above, that the consul for the Samoan Islands is a judicial officer; and it may fairly be questioned whether a proper person to determine the rights fairly be questioned whether a proper person to determine the rights of property and persons there can be had for the salary of \$1,000.

Third. That the consulates at Dundee and Nottingham should be

Thru. That the constitutes at Dundee and Nottingham should be placed in class 4, with a salary of \$2,500.

The present salary of the consul at Dundee is \$2,000. The average fees for the last five years have been \$6,440 a year. The fees at Nottingham for the same years have been \$6,588 a year. It will be observed that these amounts of fees equal those at consulates in Great Britain whose salaries are \$2,500. Both offices return a rever-

Great Britain whose salaries are \$2,500. Both offices return a revenue to the Treasury.

Fourth. That the consulates at Crefeld, Maracaibo, and Sidney, New South Wales, should be placed in class 5, with a salary of \$2,000. These offices are now compensated by fees. They have no salaries. Apart from the growing importance of these ports it will be observed that, on comparison with other \$2,000 consulates, the fees collected justify the salary asked for. As it is now, the Treasury receives very little from Crefeld, whereas on a salary of \$2,000 about \$1,200 would be turned into the Treasury. The same is true, in substance, of Mar-

be turned into the Treasury. The same is true, in substance, of Maracaibo. At Sidney the fees turned into the Treasury would cover the action. At stilley me less tailed the table the salary and contingent expenses but leave no revenue. It is unquestionable that better service is obtained from salaried officers than from those who have only fees as their compensation. The fees at these places for the year 1879 were as follows: Crefeld, \$5,802; Maracaibo, \$3,466; Sidney, \$2,531.

Fifth. That the following consulates should be placed in class 6,

with a salary of \$1,500, namely: Aix-la-Chapelle, Guayaquil, Guada-loupe, Manila, Ottawa, Para, Puerto Cabello, and Southampton.

Of the foregoing the following are feed consulates, namely: Aix-la-Chapelle, Guadaloupe, Manila, and Ottawa. The remaining ones have a salary of \$1,000. The fees at these posts for the last year were as follows: Aix-la-Chapelle, \$1,562; Guadaloupe, \$1,707; Manila, \$1,398; Ottawa, \$2,991; Puerto Cabello, \$1,225.

During the year 1880 the trade returns from Aix-la-Chapelle show an increase of nearly twice that of the preceding year, and that the

an increase of nearly twice that of the preceding year, and that the

business is equal to that at Cologne, the consul at which post has a salary of \$2,000. The expense to the Government will not be increased, except at Manila and Puerto Cabello, at any of these feed consulates by the proposed salary; and at Ottawa a gain of nearly \$1,000 will be made to the Treasury.

At the remaining posts, namely, Guayaquil, (Ecuador,) Para, (Brazil,) and Southampton, the propriety of a becoming salary is based (as to the two former places) on the needs of the enlarging trade with South America, and upon the fact that a decent man cannot be had who can live on the salary of \$1,000 as the representative of the United States. Southampton is important as the resort of destitute seamen and as the point of departure of steamers for the East. The office is used by the Department of State for the dispatch of its matter. There is at present no allowance for rent of office or clerk-hire, ter. There is at present no allowance for rent of office or clerk-hire, and, when the duties now charged upon the consul there are considered, the salary of \$1,000 is inadequate.

Sixth. That the consulate at Mozambique, on the east coast of Africa,

Sixth. That the consulate at Mozambique, on the east coast of Africa, should be revived on a salary of \$1,500.

There is now a strong effort making in that quarter by several American business firms to establish their trading houses in that colony, (Portuguese,) and they have urgently represented to the Department the need of consular protection. Admiral Schufeldt, who recently visited that coast, also urges the establishment of a consulate there. If a salary of \$1,500 should be regarded as too high, a salary of \$1,000 might be appropriated. This would allow the incumbent to engage in business.

of \$1,000 might be appropriated. This would allow the incumbent to engage in business.

Seventh. That the consulate at the following places should be transferred to class 7, with a salary of \$1,000, namely: Algiers, Bombay, Nuevo Laredo, Piedras Negras, Sierra Leone, and Turk Islands.

The consulate at Algiers now has a wide jurisdiction on the northern coast of Africa, and is located at the capital of the colony. The fees are inconsiderable, while the office is of acknowledged usefulness both to the large number of Americans visiting Algeria and to the enlargement of trade on the coast, as to which very strong efforts are now making. The consulate is regarded as a very necessary one and of growing importance.

The consulate at Bombay exercises jurisdiction over the whole of Western India, and is the port of import, in a very large measure, for

The consulate at Bombay exercises jurisdiction over the whole of Western India, and is the port of import, in a very large measure, for American goods into that country. His fees amount to more than the salary asked for, and the port is an important one.

The offices at Nueva Laredo and Piedras Negras (both on the Mexican border) are feed offices. It is urgently represented by the Treasury Department that competent men should be placed there in order to prevent smuggling. They also have some political importance from the condition of affairs on the border. Outside of Matamoras (which have a salary of \$2 000) they are the most important posts on the Bio has a salary of \$2,000) they are the most important posts on the Rio

The office at Turk's Island has largely to deal with shipwrecked seamen and damaged vessels, and demands the presence of a consular officer of experience and good judgment. It is for these reasons especially that the office is found necessary. There are more wrecked and stranded American vessels in that quarter (about the Bahama Islands) than in any one other quarter in the world. The consulthere is of acknowledged usefulness to underwriters, and should be a manuscript of edgests compared to worthy of adequate compensation

worthy of adequate compensation.

This embraces the changes which have been proposed by the committee. As stated above, they are mostly the suggestions of the Secretary of State. We believe them to be important to the extension and protection of our commerce.

Mr. WARNER. Will the gentleman state how many salaries have been reduced, and the total of the reduction?

Mr. SINGLETON, of Mississippi. The gentleman will find that statement at the end of the bill, if he will refer to it. While it will be found that we propose changes in the compensation of our consuls.

Mr. SINGLETON, of Mississippi. The gentleman will find that statement at the end of the bill, if he will refer to it. While it will be found that we propose changes in the compensation of our consuls and consular agents, yet, when we come to foot up the amounts in the bill, the changes will be found to result to our advantage.

It is true that we save nothing from the bill of last year by this bill (nor did we deem it proper to do so) so far as the consular system itself is concerned. It will be remembered, however, that last year we raised a commission which proceeded to China and which has negotiated a treaty said to be of great importance to us. For the expense of that commission we appropriated about \$37,000. That service is not appropriated for in this bill, as a matter of course, it being an appropriation for a temporary purpose. In this way we get a credit of \$37,000 in making up this bill, and the changes proposed do not cover that amount by \$16,016.78.

Mr. WARNER. Were all the increases which are contained in this bill recommended by the Secretary of State?

Mr. SINGLETON, of Mississippi. Every one of them, and some others in which we did not concur. It will be found, therefore, when the items come to be footed up, that this bill saves to the Government from the amount of last year, mostly on account of the Chinese commission, as just stated, the sum of \$16,016.78.

Mr. AINSLIE. Has there been any estimates submitted to the committee of the expenses of the Chinese commission?

Mr. SINGLETON, of Mississippi. Not yet. I suppose the commis-

Mr. AINSLIE. Has there been any estimates submitted to the committee of the expenses of the Chinese commission?

Mr. SINGLETON, of Mississippi. Not yet. I suppose the commission has not filed its final report; at least no statement on the subject has been submitted to the Committee on Appropriations.

There are one or two other points I might mention. Last year we appropriated for the contingent expenses of our diplomatic service

the sum of \$80,000. We were asked to appropriate this year the sum of \$85,000. By turning to the report of the Register it will be found that the amount expended at the close of the last fiscal year, of \$80,000 appropriated, was \$73,054.82, leaving a balance of \$6,945.18. That balance doubtless will be absorbed by outstanding accounts which have not yet been settled, and your committee therefore could see no necessity for giving \$5,000 additional to the amount appropriated last year.

ated last year.

Again, it was asked that we appropriate for the contingent expenses of our consular service \$140,000. We appropriated last year for that service \$125,000. It was ascertained by the committee, from the settlements which have taken place, that about \$137,000 have been expended in the settlement of the accounts of the last fiscal year and pended in the settlement of the accounts of the last fiscal year and of the preceding year, an amount in excess of the sum appropriated; but this could not well be avoided, as all accounts are never in at the end of the year. Therefore, in order that there shall be no deficiency in that portion of our service for the next fiscal year, we propose to appropriate \$135,000, which we believe to be sufficient, instead of \$125,000, the amount appropriated last year.

I believe I have now stated pretty much all the points of difference.

I believe I have now stated pretty much all the points of difference. We have favored our consular system because we believe that the interests of commerce demand it. We did this the more readily because we ascertained, by turning to the report of the Fifth Auditor for the fiscal year before the last, that there was paid into the Treasury of fees over and above the expenses of the consular system the sum of \$131,396.52. For the last fiscal year the showing is that the amount so paid in was \$249,307.31; making a difference in favor of the last fiscal year of \$117,900.89.

I do not know but that the sub-committee to whom this bill was referred would have been in favor of extending sympathy and protection to this consular system further than we did, but we were apprehensive that we would meet with objections either from the full committee or the House which we could not overcome. We have therefore thought proper to follow the recommendations of the Secretary in every instance where we felt ourselves at liberty to do so. It is time, Mr. Chairman, that we should begin to remove from commerce the shackles which have been put upon it.

merce the shackles which have been put upon it.

One of the most serious drawbacks to our foreign commerce is the restrictions which are put upon the purchase of vessels for our carrying trade. As the law now exists, a man cannot go to any country outside of his own and buy a vessel and get an American register for it. He is compelled to buy from the New England ship-builders, or those who are engaged in that business in our own country. This has proved to be very detrimental to our commerce.

Whereas in 1861 we carried in vessels owned by Americans about 74 per cent of all the goods transported to and from this country, we

now carry but 21 per cent. American bottoms are pretty nearly driven out of the carrying trade. Whereas at or about the same period we received a very large proportion of the money arising from the transportation of passengers, we now receive but about 6 per cent. of the same, the balance, as shown by the reports, going to the owners of foreign vessels. 74 per cent. of all the goods transported to and from this country, we

Mr. HUBBELL. I hope the gentleman does not intend to create the impression in this House that we have by our legislation lost the

the impression in this House that we have by our legislation lost the commerce or carrying trade which we had formerly.

Mr. SINGLETON, of Mississippi. That is my belief.

Mr. HUBBELL. The gentleman ought to know perfectly well that at the time of the breaking out of the rebellion we had a very large carrying trade, and that we lost it by the war of the rebellion. It is only surprising that we have regained so much of it as we have already. already

is only surprising that we have regained so much of it as we have already.

Mr. SINGLETON, of Mississippi. That may be true in part; but the time has come when these restrictions which now shackle our commerce should be taken off. I can see no reason why a party who wishes to engage in the carrying trade should be compelled to go to New England ship-builders and buy from them; I can see no valid reason why he should be prohibited from buying wherever it suits him. But if he buys in any other quarter he cannot get an American register, and his vessel going upon the high seas is liable to be treated as piratical. I repeat that this is one of the shackles which should be taken off. I think the people demand this at our hands; and we should enter upon that policy now.

I deem it unnecessary, Mr. Chairman, to say more upon this subject. Perhaps I have said too much already. I shall await any objections which may be made to the bill when we come to consider it under the five-minute rule. I now yield to the gentleman from Ohio, [Mr. MONROE,] my colleague on the committee.

Mr. CONGER. The gentleman from Ohio proposes to yield until I can make some remarks. He may wish to reply to them.

Mr. SINGLETON, of Mississippi. Very well.

Mr. MONROE. Mr. Chairman, the gentlemen having charge of this bill, as I understand, yielded the floor to me; but the gentleman on my right [Mr. CONGER] would like, I believe, for some reasons, to speak next; and as it is not important to me, I yield the place; but in doing so I do not wish, of course, to be understood as yielding my opportunity of making a few remarks on the bill.

The CHAIRMAN. The Chairman, the appropriate place for peculiar

Michigan.

Mr. CONGER. Mr. Chairman, the appropriate place for peculiar diplomatic and political remarks comes, I admit, on a diplomatic

appropriation bill. The discussion of ship-building and the carrying trade is thrown in here by way of an apology to this House for the policy of the democracy in cutting down, as far as possible, for six years the appropriations for our consular agencies, a policy which needs some apology. The intimation comes also in a side-thrust that it is necessary to destroy the vast ship-building interests of the United States—the production of ships of wood and iron and steel and com-States—the production of ships of wood and iron and steel and composite; and this is offered to make good the apology for cutting down the appropriations for consuls and consular agencies. The opening is a very fortunate one for me. I accept the gentleman's proposition; and I take note of his apology and his reasons for not increasing the number of consuls, their salaries, and their efficiency. If there is anything important to the manufacturers and producers of the United States to-day, as it has been for years past, more than all other things, it is that, in view of the exercise of their ingenuity and industry, the wooderful development of their invention as applied to the construcwonderful development of their invention as applied to the construcwonderrif development of their invention as applied to the construc-tion of all kinds of machinery in world-wide demand, but the market for which is confined almost exclusively to our own country, this great nation should have representatives abroad among the millions of people on the face of the earth who might use our products; who might make purchases of our commodities—representatives who shall see where American manufacturers and producers may find a market; who shall inform the Government at home, and through the Government the manufacturer and producer, of the condition and demands of trade in every region where these representatives are sent; who shall keep up an enlightened and vigorous communication between the markets of the world and the producers of our land.

markets of the world and the producers of our land.

It was my good fortune a few years ago, in conversation with the Secretary of State, at a time when constant attacks were made upon our consular system, to suggest to him, aided by several other gentlemen of this House, the propriety of preparing circulars instructing our consuls and commercial agents, wherever they might be among the nations of the earth, to search diligently the condition of the markets of the respective countries for American productions of all kinds, to report continuously, to send us information to be distributed through the press and be circulated through printed statements or in letters to manufacturers.

ments or in letters to manufacturers.

Sir, we were then a great, restless, laboring nation, producing more than we had a market for, manufacturing more than we could sell throughout the length and breadth of this land. That fact, with others, caused the stagnation in business, the prostration of the in-

dustrial interests of our land.

Those suggestions were carried out by the Secretary of State by the preparation of careful instructions sent to our consuls and commercial agents abroad, as well as to our ministers representing this country in other lands, requiring them to make frequent reports of each of the regions where they dwelt in reference to the probability or possibility of introducing the products of American industry, whether agricultural or manufacturing. The reports began to come in speedily. It was found that throughout the nations of the earth there were new markets for the product of American industry, and the particular kinds were mentioned in these reports to the State Department, and immediately thereupon the manufacturers and producers of these particular kinds or articles were communicated with by the State Department and were notified when and how these new markets for their industries might be made available. The particular kinds of machinery and agricultural implements, indeed products of all kinds were notified when a product of the particular kinds of machinery and agricultural implements, indeed products of all kinds, were pointed out and places designated where new markets

for their sale could be found by our home producers.

The result has been, Mr. Chairman, to my own knowledge, that over one hundred and eighty thousand dollars' worth of wagons have been sent to the islands of the Pacific and Australia, finding a new market there, information of which came through the reports made by our consuls in those countries—a fifteen-hundred-dollar consul, a thousand-dollar consul, or a consul merely drawing fees, probably

thousand-dollar consul, or a consul merely drawing fees, probably receiving nothing at all.

I learn there has been imported into Russia nearly two hundred thousand dollars' worth of agricultural implements to be used upon the great wheat and grain fields of Southern Russia, and that the first step toward that importation and the leading cause to that exportation from our land, the original cause of the new markets for this special industry, was the reports of the one poor consul in all Southern Russia to his government, which reports were sent to the manufacturers of the agricultural implements which he stated might find a market there. Reapers, mowers, binders, and threshers have find a market there. Reapers, mowers, binders, and threshers have been sent to Russia, according to the last report, to the extent of over \$200,000, and the demand for them is still increasing.

over \$200,000, and the demand for them is still increasing.

But what do we pay that consul? Two thousand dollars a year at Odessa. There is the great Russian Empire of eighty millions of people, our neighbors on the northwest, always desiring intercourse with us; and what do we pay in Russia for consular agents and consuls? We pay a consul-general at St. Petersburg for all of Northern Russia, for all the Russian Empire, \$2,500. For that vast empire we have only one consul-general. What more do we do for that mighty nation of eighty millions of people, waiting for our productions, buying of us in the simple article of locomotive engines \$7,000,000 already? What do we pay for our commercial knowledge and intercourse with that great nation, our friend, our neighbor? We have an additional consul in Russia. Thank God, we are not left in all Southern Russia without a representative. I find it here in this bill. Here is a consul at Odessa.

We pay him \$2,000 a year. This is all for an empire of eighty millions of people, a friendly nation, just emerging from semi-barbarism, or at least a great portion of it, and just at this time demanding agricultural and other implements, if only to learn how to manufacture them, demanding the ten thousand valuable agricultural implements made in this land.

To encourage our communications with that great nation we pay in toto \$4,500. And such is the result in these later days of economy, retrenchment, and reform! I venture to say that already the information derived from these consular agents in Russia has added some \$10,000,000 to our sales in that empire during the last ten years. some \$10,000,000 to our sales in that empire during the last ten years. Yet we have only one consul-general shivering among the iceburgs of St. Petersburg. [laughter,] and a consul sweltering in the heat of Odessa, fanned by the breezes when they can be gotten up from the Black Sea; one receiving \$2,500 a year for freezing in a climate not colder than the hearts of the Committee on Appropriations, [laughter,] and the other sweltering in the heats of Southern Russia—not more afflicted with heat than is my friend who reports this bill by his eagerness to place ships upon the free list, so that those who ply on the little rayinghle streams in the interior of Mississippi may on the little navigable streams in the interior of Mississippi may purchase abroad vessels for the commerce that floats down from the plantations.

I have happened to pick out these two places from this bill. Next

But the gentleman cannot excuse himself to-day by saying there are as many consuls provided for as formerly, for, sir, the world moves. I tell that to the gentleman. Commerce moves, although we cannot buy free ships from England, or we cannot contract with agents in this House for their purchase. New fields are opened up to our trade. Our trade increases and demands new markets. The energy of our people will continue to create new appliances to save labor, our manufacturers will continue to increase their production, and provision should be made in time for new markets for their sale. and provision should be made in time for new markets for their sale.

We can produce more than can find a market upon this continent.

We must go out into all the available markets in the world. Where are they? That is the question. The answer comes from these consular reports. When we have opened to our trade the highways of the world, we can then supply the markets of every land with our manufactures and other products.

But the gentleman thinks the carrying trade is commerce! Ah, how

But the gentleman thinks the carrying trade is commerce! Ah, how little part of commerce is the carrying trade with its risks! We can manufacture ships as cheaply and better than any other people. Why should we not? We have iron, steel, copper, wood, composite. We can manufacture them against the world. We are doing it to-day. There would be no difficulty or trouble were it not for the continual effort made in this House that our people should go abroad and buy ships, thus endangering and preventing the establishment of ship-yards of every kind suitable to the production of ships. We have at hand all the material, iron, steel, wood, composite, and skilled labor. If we were not met with this constant cry here for free ships we could manufacture them still cheaper than we do to-day.

we could manufacture them still cheaper than we do to-day.

There is no need of going abroad; every industry of this country should be protected. The ten thousand men engaged in ship-building upon our coasts, upon our lakes, in Wilmington, Delaware, at Chester, upon the Mississippi River, everywhere wherever they are, should be protected and should be sustained. They should not be threatened.

Oh, but there should not be permitted to come before this House one single bill for them, but a "diplomatic" bill ought to be permitted to go through the House, is the doctrine that we are to learn from the lightning eloquence of the chairman of the committee who reported this bill!—a diplomacy which is to break down the ship-building interthis bill!—a diplomacy which is to break down the ship-building interests of the whole country and leave it in a worse condition than ever. They cannot let it alone. For my part, Mr. Chairman, I have ceased to hope or expect that they will let that interest alone, or that anything would come from this committee (which reports such diplomacy as this) that would have a tendency to lift up, to elevate, to build up, or to improve in any way the industries of this country in that regard. The gentleman from Mississippi brings forward his bill, but he has been told in tones that he cannot disregard that he must close the portals of his mouth on the subject of free ships! The people who sent him here tell him in a kind of language that most men understand in these latter days that if he had a diplomatic bill to introduce to introduce it. They told him that the power to destroy the indusstand in these latter days that if he had a diplomatic bill to introduce to introduce it. They told him that the power to destroy the industries of this great country was being fast taken away from him; that they were withdrawing their confidence in him and in his party, that had destroyed their industries and broken down the manufacturing interests of the country long enough. A brighter day is dawning for the manufacturing interests all over the country.

I do not dwell upon this now, Mr. Chairman, as long as I would, because this is the last spasmodic struggle of my friend who is undertaking to inject his life-long free trade system into this parthage.

because this is the last spasmodic struggle of my friend who is undertaking to inject his life-long free-trade system into this, perhaps his last public demonstration as chairman of the Diplomatic Committee. [Laughter.]

Now, sir, after this little episode, which in the tenderness and kindness of my heart I throw out, to call attention to the doctrine and theory which prevails so thoroughly in the South that the ship-building industries of this country must be destroyed; that free-trade, which has been condemned by the universal voice of the American people, shall be left as a legacy from this democratic Congress to be people, shall be left as a legacy from this democratic Congress to be

Gold came back to our shores in payment for our commodities exported abroad. And it gave new life to our country; it made resumption possible; it made resumption easy. It started the spindles in our factories. It set in motion the tremendous trip-hammer that forged the iron into shape and usefulness. It gave an impetus to our grain growers, to our manufacturers all over the land. From all the world, first commencing in rivulets and collecting into streams as it gathered into London, we brought back the gold of the world into our Treasury and the pockets of our people.

In these circumstances there never was a time when a small expenditure to encourage our consular agents abroad to be active, to

penditure to encourage our consular agents abroad to be active, to be zealous, to be watchful, to be vigilant on behalf of American in-dustries and American interests would do so much as it would do today. The people have commenced at their own expense and by their own exertions to find additional markets for their productions, and they have been aided by these reports from consuls and ministers abroad. Sir, we cannot imagine the vastness of the benefit that has accrued to the people of the United States from the watchfulness and care with which these two-thousand-dollar consuls have searched through the regions where they live for new markets for our productive. ductions.

It is time we had a different consular system. It is time we paid our men better. We send a man into a foreign land with a pitiful salary of \$1,000, or \$1,500, or \$2,000, or \$3,000, to be the representative of our commerce and manufactures in the region where he is stationed; and right by his side is the British consul, receiving £5,000, living in a house built for him by his government, a man of repute, a man of wealth a man that has access to and intercourse with all the business men of the region where he resides; and alongside of him is our poorly paid, industrious, earnest, hopeful man, struggling on, looking to-day for the means to buy his bread to-morrow, and promoting the industries and the commerce of such a nation as ours; receiving a meager support from his own Government, overshadowed by the princely position of the representative of the little island in the sea. Yet he does very much for us, and brings in his portion of the vast accumulation which goes to make this balance of trade that makes our country to-day more prosperous than any other country in the world. It is time we had a different consular system. It is time we paid the world.

Sir, I felt impelled to make these remarks on this bill not knowing how it might be, whether there might not be reductions in the bill. But even if the bill be as it has been heretofore, I desire to make these remarks because, in my judgment, the time has come when any Congress of any political views ought to look at this great subject of our commercial intercourse, not only with the civilized and enlightened nations of the earth, but our commercial intercourse with all parts of the inhabitable globe where the people will purchase our commodities and send the reward of our labor. I shall not propose an parts of the limitatione globe where the people will purchase our commodities and send the reward of our labor. I shall not propose any amendment. If I were to ask anything in regard to this matter, I should ask that the bill be recommitted to the committee that the committee should tell us whether our consular system in the growing demand for markets for our immense productions did not need now an immediate revision; whether we should be tied down to the old landmarks.

I do not care what party started that system. I know that to-day the appropriations for our consuls are less than they were ten years ago, although new regions of country are opening up to trade, and the nations of the earth are vieing with each other to obtain possession of the trade of those new regions. They are establishing agencies, they are spending millions of dollars, to obtain even the trade of interior Africa; risking thousands and millions of dollars, and hundreds of lives of those who go there into that sickly climate, to obtain possession of the outlets of trade from the interior of Africa. We do not try to obtain that trade We do not try to obtain that trade.

We do not try to obtain that trade.

Even in respect to the nations with which we have commercial treaties we begrudge the trifling sum that will enable us to obtain the attention of the people about one little port in the south of Russia and one place in the north of Russia, and of the millions of friendly people in the Russian Empire. With proper consular arrangements with the different countries of the world, with proper consular arrangements, not expensive, not extravagant, but of ordinary cost, we might establish commercial intercourse not by treaties, not by high-sounding phrases, but by direct export to and import from all the nations of the earth and all the isles of the sea.

Now, if what I have said approaches even as a shadow the reality, I would like the gentleman to tell me why it is not better that he should devote his marvelous energies to the preparation of a new bill than to come in here weeping and moaning like the bending bulnushes of the Nile because he cannot buy a catamoran from a foreign nation and register it here at home?

nation and register it here at home?

Mr. SINGLETON, of Mississippi. Will the gentleman allow me a moment?

Mr. CONGER. Certainly.
Mr. SINGLETON, of Mississippi. I suppose the gentleman has unbounded confidence in the present Secretary of State, Mr. Evarts.
Mr. CONGER. That is not material to the consular question. I have very high respect for Mr. Evarts. I have conversed with him on this subject.

Mr. SINGLETON, of Mississippi. I will state to the gentleman that in every single instance where the Secretary of State has recommended the establishment of a new consulate or the promotion of a consular

brought up and again condemned in future republican Congresses, where every industry and every enterprise of this people knows that it can depend for protection and support, I look over this consular and diplomatic bill. I find that Austria, with its sixty-nine millions of people, has but two representatives in the consular and diplomatic part of the bill. One of these is at Trieste on the Adriatic for all of Austria, who is to receive only \$2,000—one of the great powers of the earth, with only one shipping port, and that (on the Adriatic) directly on its borders; but the great Danube, like our own Mississippi, flowing through it, floating the products of that mighty kingdom down into the Black Sea, thence into the Mediterranean, thence to the ocean, and thence to the whole world; anxious for our commodities, desirous to obtain our products, open always as a great market to the enterprise of this country; but two little consulates of some modities, desirous to obtain our products, open always as a great market to the enterprise of this country; but two little consulates of some class or other, I hardly know what—class 5, at \$2,000 each, I believe! Two little consuls for an empire containing a population of sixty-nine million of souls, who to-day would receive our productions, our manufactures, our cotton goods, our agricultural implements, our steam-engines, and thousands and tens of thousands of the different implements and articles which we have invented and manufactured, some of greater value, some of less expense, if we only had commercial communication with that great kingdom. And yet this "diplomatic" bill has distributed that kingdom between two little petty consuls who receive in the aggregate only \$4,000 to keep up the intercourse of the United States of North America with the great Kingdom of Austria and Hungary, the middle of the continent of Europe! Is that good policy? Is that what you call diplomacy? Is that statesmanship? Will the gentleman strike out a word from my assertion that we need more commercial intercourse, greater means of finding a market for our producers and manufacturers and for all the surthat we need more commercial intercourse, greater means of finding a market for our producers and manufacturers and for all the surplus products of this great country? And will he frighten us by saying, "Somebody somewhere wants to buy a ship, and without paying duty, and wants to break down our ship-building interests!" Or will he claim that it is statesmanlike or "diplomatic" to refuse the relief that is so much needed and cripple our commercial intercourse at this day when the whole people have demanded with a unanimity of voice that we would do well not to disregard, that we shall have greater facilities for spreading our commerce all over the earth in order to onen up other markets for our surplus productions and manufactures? open up other markets for our surplus productions and manufactures? This little bill, Mr. Chairman, with the defects I have named, and they are not even the worst, is all that is given to us in answer to the great demand which has been made upon us by the people of this country. This is all that is left us to take or reject. I do not know that we can modify or improve it now. Perhaps the rules will be invoked to shield it from any of the changes which are demanded by the best interests of the country. I do not know that the committee would take the bill of the country. I do not know that the committee would take the bill back and go over the ground again, and see, where the people of the United States make millions of dollars by the efforts of a few additional, active, well-paid consuls in the distant parts of the earth, whether they will be willing to incorporate that into their bill and make it what it ought to be before presenting it to the House. They have received, within the last few days, and each of us has received, copies of the printed reports of our consuls largely filled with information demanded for our producers and our manufacturers.

I venture to say any man who has read them will see where some

mation demanded for our producers and our manufacturers.

I venture to say any man who has read them will see where some manufacturer, some producer, within his own region can look to find a new opening for the productions which he has for sale.

Mr. Chairman, one matter of profound congratulation to the American people has been, and is to-day, perhaps, that the balance of trade is in our favor. Notwithstanding the despondency, notwithstanding the panic, notwithstanding the depression of labor, notwithstanding all the isms that were floating wildly through the country and alarming the American heart, the people went on producing and manufacturers.

the panic, notwithstanding the depression of labor, notwithstanding all the isms that were floating wildly through the country and alarming the American heart, the people went on producing and manufacturing. In the darkness of their own land they sent out their productions into the light of the world and found new markets. The balance of trade began to turn in our favor. In one sense the panic and the depression were the very means of encouraging the enterprise and the genius of American producers to find a market where they could sell their goods. What was the result? We exported more than we imported, the amount being sometimes enough for parts of the year to equal \$365,000,000 a year.

What was the effect of that? The balance of trade being in our favor, we sold all over the world more than we bought from all over the world. The balance was in our country among our people. Foreigners paid for our products through the great mart of exchange, London; they paid by sending back our notes and our bonds, and our people took up our bonds. They paid by sending back our railroad securities; and our people took up our railroad securities with what we received for the surplus productions we sold in foreign lands. The people abroad had no longer our bonds, no longer our railroad securities, no longer the evidences of our indebtedness. But they must have our grain; they must live; they must have our beef; they must have our grain; they must live; they must have our beef; they must have our petroleum; they must have our lard-oil; they must have the millions and millions of döllars' worth of the different products and commodities which we send to them and the rest of the world, to be paid through their counting-houses. What could they do? They had nothing but their gold left them, and they sent their gold. Each dispatch brought news of the shipment of gold. Each ship that came, one following the other in quick succession, was laden with gold.

officer by the payment of a higher salary it has been done by the Committee on Appropriations except in one instance, that of a consul at Gaboon. There perhaps is one thing which ought to have been done—the gentleman himself should have been called to fill the office of Secretary of State in place of Mr. Evarts.

Mr. HUMPHREY. Allow me one moment.

Mr. CONGER. Let me answer the gentleman.

Mr. HUMPHREY. Did not the Secretary of State recommend that the salary of the consul-general at Halifax be raised to \$4,000 a year?

Mr. SINGLETON, of Mississippi. Yes, and we do increase it, but give only \$3,000 a year.

Mr. CONGER. The complimentary remarks of the gentleman from Mississippi [Mr. SINGLETON] in reference to the position which he is pleased to say it would have been well for the country if I had occupied comes, like all the other admissions by that side of the House, with no effort at the proper time to accomplish that valuable result, [great laughter;] but somewhere about three years and a half afterward, waking up to the necessity and propriety of agreeing to what [great laughter;] but somewhere about three years and a half afterward, waking up to the necessity and propriety of agreeing to what almost all of us on this side of the House think proper, the suggestion is made. Now, it might have been better that I should have been called to that distinguished position, although I know of nobody else who would suggest it except the gentleman from Mississippi. And it may perhaps be better that the new consulate on the Gaboon be created, and that my distinguished friend from Mississippi be called upon to fill the post, and to give to the country the benefit of his distinguished services there. [Laughter.] But we cannot direct these things ourselves. Man proposes and God disposes. Whether my friend will go to Gaboon or I to the State Department is hidden in the uncertainties of the future.

I do know this, however, that when six years ago and when four

I do know this, however, that when six years ago and when four years ago this Committee on Appropriations prepared a bill contrary to the recommendations of the Secretary of State, contrary to the recommendations of Assistant Secretary Seward under whose immerecommendations of Assistant Secretary Seward under whose immediate supervision these matters were, against every remonstrance, against every urgency, threatening to do away with the whole consular system, he devised means requiring our consuls and consular agents to make reports to this country, and so appeal from the gentleman and his party to the country for a better consular system. That I know; of that I was a small part.

Now I tell the gentleman, and I say it without hesitation, that in the opinion of members of Congress on this side of the House, in the opinion of members of the Cabinet, there has been a continuous, willful, I might almost say, if there was any motive for it, a malicious attack on our diplomatic and consular system for six years past.

Mr. SINGLETON, of Mississippi. Allow me a moment.

Mr. CONGER. Certainly.

Mr. SINGLETON, of Mississippi. Does the gentleman think that the committee of which I am a humble member has attempted to destroy the consular system?

Mr. CONGER. I do not speak of the present Committee on Appropriations particularly; but I do say that from six years ago until two years ago there was apparently a studied attempt, upon the plea of

priations particularly; but I do say that from six years ago until two years ago there was apparently a studied attempt, upon the plea of retrenchment or reform, or, the Lord knows what, to weaken and destroy the diplomatic and consular system of the United States.

Mr. SINGLETON, of Mississippi. Allow me to ask the gentleman if he is willing for the statement he is making to go to the country, that the Committee on Appropriations of this House has attempted to destroy the consular system of this country?

Mr. CONGER. That is what I make the statement for. [Laughter]

Mr. SINGLETON, of Mississippi. Very well; let the gentleman's statement go to the country.

Mr. CONGER. I could go through the diplomatic appropriation bills of six years ago and four years ago, (I do not know the gentleman was then on the Committee on Appropriations,) and convince him that there was a constant effort to cut down the salaries of these

officials. They were reclassified—
Mr. SPARKS. One moment.
Mr. CONGER. Well.
Mr. SPARKS. Does the gentleman mean the diplomatic service or the consular service, the salaries of which were designed to be cut down ?

Mr. CONGER. Both.
Mr. SPARKS. Allow me to suggest to the gentleman that he is utterly mistaken. Efforts have been made to trim the diplomatic service of its useless membership, but never to decrease the compensation of the consular service, but rather an increase in that direc-

Mr. CONGER. I know cases where consulates were left out of the bill entirely-important places. I know places where by this rear-

rangement consuls were cut down.

Mr. SPARKS. Pray, name one.

Mr. CONGER. Well, sir, I will name them at my leisure. The gentleman knows me well enough to know that I do not stand here to fight the men of straw that he holds up with a strong hand.

Mr. SPARKS. Will the gentleman allow me a moment? He knows my kindly feelings toward him, certainly.

Mr. CONGER. They are reciprocated heartily.

Mr. SPARKS. Having been a member of the Committee on Appropriations in the Forty-fifth Congress, I say that our efforts were to

protect the consular service. We did feel that the diplomatic service was top heavy, something like a "fifth wheel to a wagon," and we propose to trim it; but at the same time we ought to foster and improve the consular system. That is all there is about it.

Mr. CONGER. That may have been the object of the gentleman. Mr. SPARKS. It was the object of the committee.

Mr. CONGER. With our growing commerce, our rapidly-extending communication with all the world, there should be a rapid, decided, and positive increase in our consular system. It should be supported, not crushed. I tell the gentleman that consular stations were left out of the last bill that he talks about; some of them today I find put in again in this bill. There were important consular stations, with great intercourse, where the Secretary of State was compelled to appoint a commercial agent or else the Government business could not have been done.

Now, I cannot go into particulars. There is no gentleman on the other side of the House who will deny that in this classification of consuls there are great reductions from what the system was eight

other side of the House who will deny that in this classification of consuls there are great reductions from what the system was eight or ten years ago. Take the two bills. Here are great reductions in salaries, a constant depression and cutting down of the influence and ability of consular agents to perform the service. The gentleman admits the fact in regard to the diplomatic service; I assert it in regard to our consular service. I tell the gentleman that the people of the United States learn from exporters and manufacturers in ten thousand cities, villages, and country places of the United States that there is a means provided by the Government of finding out through our consular system the wants of any foreign country, and through our consular system the wants of any foreign country, and that one of the principal objects of the establishment of the consular system is to furnish such means to the people. They are demanding of Congress a speedy reform in the management of the consular system especially and the appropriations for it. This feeling entered vigorously into the last contest. Our commercial interests, our tariff interests, the protection of our industries everywhere, and connected with that the facilities for exportation, the finding of a foreign marwith that the facilities for exportation, the finding of a foreign market for our productions, entered into the discussions of the people of the United States; and they spoke upon it in a voice which, it seems to me, it would be well for every Representative governed by the will and wish of the people to heed, and in nothing more than preparing a proper consular system which would, for instance, let us into the heart of Russia, into the heart of Austria. Why, there is not even a consul for all the valley of the Nile. Notwithstanding the great intercourse which our country is trying to open with Abyssinia, Nubia, and that part of Africa, we have for that region only a consul-general and an agent at Cairo, the two officers receiving \$4,000; we have none at Alexandria—none far up the Nile, where it meets the caravans of Africa bringing in the products of that country and buying the productions and manufactures of the rest of the world.

ing the productions and manufactures of the rest of the world.

But, sir, I have not time except to glance at the matters which I have attempted to present. I say the time has come when there must be a revision and a reform of our consular service—not in the must be a revision and a reform of our consular service—not in the direction of retrenching a few dollars upon each officer, but in the direction of first finding where consular officers can be useful, and then giving them the pay proportionate to the value of their services to the people of the United States. Then the manufacturers, the agriculturists, the producers of this country, will be satisfied, and not till then will they cease to demand new regulations upon these explicates.

agricultatists, the producers of this country, will be satisfied, and not till then will they cease to demand new regulations upon these subjects.

Mr. MONROE. Mr. Chairman, I have not much to add in regard to this bill. The gentleman from Mississippi, [Mr. SINGLETON,] in explaining the provisions of the bill, has anticipated much of what I would have said on that point; and the gentleman from Michigan [Mr. Conger] has made the speech which I had in my head in regard to the value of these commercial reports which have lately been coming to us from our consuls in different parts of the world. I entirely agree with him as to the great value of these reports. They are very suggestive as to what the demands of our commerce are speedily to become. I had intended to say a few words on that point; but, Mr. Chairman, I do not at all regret that the gentleman from Mississippi and the gentleman from Michigan have anticipated me, because they have both presented the topics which they had to offer better than I could have done. I am always glad when any topic which I might have discussed is presented by some one else in the House better than I could have done it. That has been the case in both instances to-day. There may be room, however, for a word or two more in regard to the bill.

Now, as I observe that some members of the House are reading the secret.

Now, as I observe that some members of the House are reading the report of the Committee on Appropriations upon this subject, it may be well enough, in order to prevent confusion and to obviate unnecesbe well enough, in order to prevent confusion and to obviate unnecessary questions, to call attention to one or two typographical errors. Near the beginning of this report the total appropriation recommended by the bill is printed \$1,189,935. The appropriation actually recommended by the bill is \$1,190,435.

Mr. SINGLETON, of Mississippi. That mistake occurs in the report only; the sum is correctly printed in the bill.

Mr. MONROE. I was going to add, as many reports are found on the desks of members with this sum inaccurately printed, that the correct sum may be found at the end of the bill.

Then again, at the close of this report, I find the list of consulates where salaries have been substituted for fees has been made inaccurate by the accidental insertion of Gnavaguil among the consulates

supposed to be paid by fees. Guayaquil is a salaried consulate, and hence should not be placed in this list. The point is not of great importance, but it might have led to some confusion if unexplained. Now, Mr. Chairman, just one word on another point. My friend from Michigan [Mr. CONGER] I know wished to do entire justice to this bill. He did not quite do justice to it in regard to the matter of Austria-Hungary. We have at least one more consulate in that country than he named, but, on account of the consulates being arranged in different classes he no doubt overlooked it. In addition to the in different classes, he no doubt overlooked it. In addition to the consulates he mentioned, we have a consul-general at Vienna, and, although I had not time to look through the different classes, I have an impression we have one more. However that may be, I know we have a consul-general at Vienna, who keeps an eye somewhat upon the general system of commerce between that country and this. We have also the two consuls that the gentleman from Michigan has

In regard to this bill, Mr. Chairman, there are several points in it where I could readily have voted for a larger sum than is inserted by the committee; and I could cheerfully undertake, at the proper time, to sit down with my friend from Michigan, or others who may be interested in the matter, and review our whole consular system. I agree with him that these reports which come to us from all parts of the world, and which seem to demand an enlargement of our commerce and an enlargement of our consular system, do indicate that we must speedily go thoroughly and carefully into this whole question. The only question between myself and the gentleman from Michigan, and I do not think we should differ much even about that, would be whether the time has come this winter to undertake to reconstruct

whether the time has come this winter to undertake to reconstruct the whole consular system of the country.

My judgment was that it had not come, and my reason for that judgment was this: I found these reports still coming from all parts of the world. The gentleman from Michigan is quite right as to their value, but the business of getting these reports is yet in its infancy. They are only beginning to come in. They are very suggestive; and after reading them it does occur to you there should be a new consulate here and a new consulate there, an enlargement of the salary at such a place, or advancement in grade and rank of a consular office in another place, and so on. But one difficulty about taking up this whole subject this winter is that we have not as yet got the whole case before us. whole case before us.

And I must say to my friend from Michigan, through the chairman, that I think in this respect the judgment of the Secretary of State is of great value, because I know his heart is in this business. I know he has felt great interest in sending out circulars with carefully prepared questions, and bringing in these reports. I know he is anxious to have the consular system of the country keep pace with the commerce of the country, and with the demand for the extension of that commerce.

of that commerce.

Whoever else may be cool in regard to this matter the Secretary of State I know is not. We have had some conferences with him on this subject, and I know he wants to enlarge the consular service just as soon as we get ready to say what ought to be done.

But, as I have understood the Secretary of State, he does not think as yet he has got the whole case before him and so understands what the demands of different parts of the world are as to make it expedient at present to go into this business of recasting the whole consular avision of the country.

Now, that may be right or it may be wrong; it is a question of judgment; and as one member of the Committee on Appropriations, after getting all the information I could in regard to the matter, my judgment was that the Secretary of State was right on that point, and that the time had not yet come, that we do not have a sufficient fullness of detail, that we do not yet have the case sufficiently before us to sit down and say just how this consular system should be recon-

The probability is if the Committee on Appropriations sat down to that work this winter, even with the Secretary of State to help them, and did their best to reconstruct this system on the most liberal scale, they would make a great many mistakes in consequence of the incomplete character of the information which has yet reached this country. And we should find we had adopted a system that had to be reconstructed again at a subsequent session of Congress.

The Secretary of State is ready to go at this work just as soon as the time has come. I hope we all are. I think there is a general feeling in the House that the consular system at no distant day is to be reconstructed. I think there is a feeling among us all that whenever that time comes, whenever we find that the commerce of this country requires it at our hands, we shall none of us hesitate to go on with the work of reorganizing our consular system and making it adequate for all the demands of our commerce. I admit that the bill in its present form would not be considered satisfactory provided we took the view of the case that the time was now here that this reorganization of the system should be had. But the committee have acted upon the theory that until we get much more information upon the subject we would better act in a manner consistent with what we the subject we would better act in a manner consistent with what we believe to be the present needs of the service.

When the time does come that this system is to be reorganized it should be done after mature and thorough reflection and examination into the whole system. I think, therefore, that the bill as a whole is a very satisfactory bill. As I said before, I would very

gladly have provided larger sums for salaries at some points; but a bill of this kind has to be made up as a sort of compromise, the result of different opinions and views upon it. Concessions must be made in such matters, and I am only doing justice to the Committee on Appropriations when I say that, assuming the time has not come yet for a thorough reconstruction of the system, there was a general disposition to meet the whole subject fairly; and it is a matter of some interest to both sides of the House that so far as the question of consular salaries is concerned almost everything that the Secretary of State asked for has been granted in this bill. Almost everything he asked in the way of extending the consular system for the present is conceded; and in that respect there is little difference between the is conceded; and in that respect there is little difference between the views submitted by the Secretary of State and those of the Committee on Appropriations. Hence I thought it but right to state to the committee that I would give the bill my support, although it was not in every particular exactly what I would have preferred. The principal item of difference between this bill and the estimates of the Department of State—the heaviest item—is that in which the Department asks for \$25,000 to erect buildings for the American legation in Japan. The committee struck that out for the reason that they did not feel prepared now to enter upon the work of constructing new buildings, nor did they feel quite certain that it was an economical thing to do at the present time. Yet it might have been. It was simply a ques-

tion of judgment about which men differ.

Now, Mr. Chairman, to sum up in regard to the advancement made here in respect to the consular system. When gentlemen read this bill they will see that there has been an honest attempt on the part of both the Secretary of State and the Committee on Appropriations of both the Secretary of State and the Committee on Appropriations to meet the great wants of the country and of our commerce. They have met this demand in the best manner that the present condition of affairs will in their judgment admit. Perhaps not by a broad effort, not in a fundamental manner by changing the whole system, but in a fair, equitable manner, based upon the present condition of things. In the first place, to run rapidly over the points in which progress has been made in this bill, it establishes one new consulate at Mozambique, in Southeastern Africa.

Again, there are six consulates at which the salaries have been increased—Halifax, Apia, Dundee, Guayaquil, Para, and Southampton. The increase in these cases has been from five hundred to a thousand dollars.

At fifteen consulates this bill substitutes salaries for fees. I most heartily approve of that change. Mr. Chairman, I could wish that we were not under the necessity of having any consuls supported by fees. The salary gives to the consul a distinguishing mark as to his authority as an officer, and puts him upon a better footing with the consuls representing other nationalities.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

tion?

Mr. MONROE. Certainly.

Mr. DUNNELL. I desire to ask whether it would not be a stimulus to greater activity on the part of the consul if his salary depended entirely upon fees, rather than have a fixed sum paid him. Would he not in that case be more likely to look more closely to the necessity of commerce and the wants of the country to which he might be as-

Mr. MONROE. That is an important inquiry, and there are, no doubt, two sides to this question. By the light of such experience as I have had in the service, and also of such reading and examination. I have had in the service, and also of such reading and examination as I have been able to give to the matter, I am of the opinion that salaried consuls, other things being equal, are more efficient and better officers. In the first place, their rank is better. It places them, as I have said, on a better footing with the consuls of other countries; it puts them in gentlemanly relations with the representatives of other governments. The feed consul is scarcely a consul at all. The salaried consul is recognized all over the world as an officer of the Government. When he grees out to call among the representatives of ernment. When he goes out to call among the representatives of other governments, and leaves his bit of pasteboard, with his name upon it, his fixed salary places him upon the footing, not of a half-way officer of the Government, but a man representing in his position the full authority of the Government from which he comes. But if the salary is not fixed by law, if it happens that he receive only fees, then he is looked upon as some sort of a fellow turned loose upon the world to pick up a living by ravages upon the commerce of the

It is not well to send a poor fellow abroad and tell him you will not pay him any salary, but expect him to live off the country somehow. It is a bad system, and I am glad to see so much of it abolished as we

have undertaken to do in this case.

And let me say here that the fee system is not always economical. Some of these consuls paid by fees make large returns. Some of them get larger salaries than some consuls having the better class of salaries get. In the case of the fifteen consulates where we have substituted fixed salaries for fees we have put these men in a fairly good position. We have done what will please them by increasing good position. We have done what will please them by increasing their rank; and in the aggregate we pay them a little less than they received when paid by fees. I am sure they would rather get their money in the form of a salary, and there has been a little gain, but not much, on the side of economy. The fees will now be paid into the Treasury. I have here a list of all the consulates in which salaries have been substituted for fees, and it will be seen that the aggregate of the salaries is not quite equal to the aggregate of emoluments which had been paid to these men out of the fees which they had re-

Consulates.	Salaries.	Fees re- turned to Treasury.
Nottingham. Crefeld Maracaibe Sidney Aix-la-Chapelle Guadaloupe Manila. Ottawa Puerto Cabello Algiers Bombay Nuevo Laredo Piedras Negras Sierra Leone Turk's Island	\$2,500 2,000 2,000 2,000 1,500 1,500 1,500 1,500 1,000 1,000 1,000 1,000 1,000	\$4, 621 24 3, 996 76 2, 500 00 2, 260 73 1, 927 50 1, 660 83 1, 487 10 188 74 1, 108 21 987 00 411 50 346 11 345 18
Total	22, 000	26, 116 78

Well, Mr. Chairman, we have not only created one new consulate, raised salaries at six consulates, substituted fixed salaries for fees at fifteen consulates, but we have given the Secretary of State \$10,000 fifteen consulates, but we have given the Secretary of State \$10,000 more than we gave him last year for what is known as the contingent expenses of the consulates. The allowance made to the Secretary of State for this purpose is an important and useful allowance. It is used to pay rent and many other miscellaneous expenses; but one of the important things about it is that it is a fund over which I believe the Secretary of State can by law perhaps exercise a little discretion. I have not lately looked at the statute upon that point, but in voting for that additional amount I felt that I was giving the Secretary of State a little margin for the exercise of a sound discretion, so that he could look over the field and see what the needs of our commerce were, and do something, perhaps, through this additional fund toward providing for them. The truth is, changes are going on all over the earth. Every day consulates are becoming more important in one place and less so in another. It is important, therefore, to give the Secretary of State a little discretion as to that, and it is for that reason we all thought it wise to wait awhile before we attempted any general reconstruction of the consular system. attempted any general reconstruction of the consular system.

Let me give an illustration of what I mean. Montreal has always hitherto been the seat of the consulate-general of Canada. We have thought that the important point; but of late Halifax has become the interesting point—partly on account of this great question of the fisheries—and the Secretary of State has deemed it important to have a gentleman there with semi-diplomatic powers. We have accordingly advanced the rank of the consul there to that of consul-general which gives him to a certain extent, a diplomatic position. We eral, which gives him, to a certain extent, a diplomatic position. We increase his salary and make appropriation for a clerk for him. Halifax I suspect is likely to be hereafter the important point for consular services in the British possessions of North America.

Then there is this small place, Apia, a port in the Samoan Islands, which we never heard of before, but which has now come to be politically significant on account of the tripartite occupation of those islands by England, France, and the United States. We have also raised the salary of the consul there.

raised the salary of the consul there.

I wish to refer to another thing in the bill which I believe has not been mentioned. We have added \$2,000 to the amount of money the Secretary of State uses to pay consuls who are not citizens of the United States. It sometimes becomes absolutely necessary to have such consuls, and it is essential that the Secretary should have a fund at his disposal for paying them.

There have been some other small additions in this bill. The approximations for the disposation service have been bett substituted.

propriations for the diplomatic service have been left substantially as propriations for the diplomatic service have been left substantially as they were. There is no important change there. The great difference between the bill of this year and the bill of last year is, that there has been progress made and liberality displayed in regard to the consular service. This was done out of respect to the growing demands of the commerce of our country. Fortunately it so happens that we can make these additional appropriations for consulates without further expense to the Treasury of the United States, because the appropriation bill this year is relieved of one heavy item which it had last year, that of an appropriation of \$37,000 for the commission to China; the work of that commission, I believe, having been very properly done, the gentlemen connected with it having

commission to China; the work of that commission, I believe, having been very properly done, the gentlemen connected with it having exhibited more energy and dispatch than is usual in such cases.

Again, we return to the Treasury these fees for which we have substituted fixed salaries; so that while this bill on the face of it is \$10,100 more than the bill of last year, yet there is really less expense to the Government of the United States under this bill than there was under the law of last year. The reduction is someting more than \$16,000.

Now, to sum this whole thing up for friends on our side of the House and those on the other side of the House also, if we were to attempt to-day to test this bill by the enlarged view of our growing commerce and of its great demands for an enlarged consular system, the Appropriations Committee would be compelled to admit that this bill comes far short of the mark and does not meet that exigency.

If you judge of this bill simply upon the basis of our present consular system, if you decide whether you will vote for it or not (and I expect you will all vote for it) with reference to its liberality and fairness as based upon that system—if that be the test, then I will say that while I do not think it a perfect bill, while I would have altered it in a few points myself if my own individual preference could have prevailed, while I would have been glad of a little more liberality in two or three places, yet, under the circumstances, I consider it a fair and satisfactory bill—a bill which the friends of our comparers and of our convenier system, when they come to read it

commerce, and of our consular system, when they come to read it carefully over, will not find much reason to complain of.

Mr. DUNNELL. I desire to ask one or two questions of the gentleman from Ohio who has just taken his seat, [Mr. MONROE.] He has said that all the items embraced in the recommendations of the Secre-

tary of State have been provided for in this bill.

Mr. MONROE. Not all. I said nearly all so far as the consular service is concerned, but not quite all even there.

Mr. DUNNELL. I find some items in the estimates of the Secre-Mr. DUNNELL. I find some items in the estimates of the Secretary of State which are not provided for in this bill, but perhaps they will be provided for in the sundry civil or the miscellaneous appropriation bill yet to be reported. For instance, the sum of \$7,000 is asked for by the State Department for the more frequent publication of the second state of our consuls. I suppose that item is to

priation bill yet to be reported. For instance, the sum of \$7,000 is asked for by the State Department for the more frequent publication of the commercial reports of our consuls. I suppose that item is to be provided for in some other bill not yet reported.

Mr. MONROE. That is so; that is not considered as belonging properly to the diplomatic bill. It belongs perhaps primarily to the Committee on Printing; ultimately it will be decided on its merits. There is no disposition anywhere, that I know of, to interfere with the granting of that item.

Mr. SINGLETON, of Mississippi. There has been no decision upon that subject at all; it has not been considered.

Mr. DUNNELL. Mr. Chairman, when I sought recognition a few moments ago I intended to ask some questions which have been fully answered by the gentleman from Ohio; and as I do not desire unnecessarily to take up the time of the House, I will not occupy its attention now except to say that I am very much pleased to recognize a fact which I think is true of this bill and which is in harmony with the closing remarks of the gentleman from Ohio, [Mr. MONROE.]

There is in this bill evidence of a progress in the right direction. One year ago I made some remarks in the Committee of the Whole on the diplomatic appropriation bill then pending, and I directed my attention principally to the importance of our consular system. I must say that in this bill there is a decided advance, and I am glad of it. The gentleman from Michigan [Mr. CONGER] spoke well when he alluded to the value of the consular system in developing the

I must say that in this bill there is a decided advance, and I am glad of it. The gentleman from Michigan [Mr. Conger] spoke well when he alluded to the value of the consular system in developing the commerce of the country.

The gentleman from Mississippi [Mr. Singleton] may be better answered by other gentlemen when he says that the navigation laws of this country are crippling American commerce. I think American commerce received its most deadly blow during the rebellion. It has also been injured by the change in the commerce of the world from sailing-vessels to steamships, which change has put us in our present condition as a commercial nation. If we should repeal the laws to which the gentleman refers, the entire coastwise trade of the country, which we now entirely and completely hold, would fall intoforeign hands. But I do not propose to enter upon that discussion now.

My friend on my left, the gentleman from Michigan, [Mr. Hub-Bell,] desires a moment upon this point, and I will yield to him any time that I may have left.

Mr. Hubbell. Mr. Chairman, I have thought it would perhaps be well to correct the error into which the gentleman from Mississippi [Mr. Singleton] fell when he stated that the decrease in our tonnage was attributable, as I inferred from his remarks, to the fact that we did not allow free ships. He says that the laws discriminating against foreign shipping coming into this country are the cause of our commerce falling off.

In 1878, when the consular and diplomatic appropriation bill was

In 1678, when the consular and diplomatic appropriation bill was pending before the Committee of the Whole, I prepared and submitted to the committee a sueech upon the subject of our foreign commerce, which was filled with statistics. By a reference to the tables in that speech it will appear that in 1860 our tonnage amounted to fifty-three hundred thousand tons. In 1866 it had fallen off some two million tons; and up to 1877 it had increased only to about forty-two hundred and forty thousand tons.

Now, this falling off of our tonnage can be traced directly to one cause, that cause being the unfortunate rebellion which took place in this country. Its slow increase since that time is not at all chargeable to our customs laws or to the laws which prevent ships from

able to our customs laws or to the laws which prevent ships from coming into this country free.

In 1860 our tonnage was almost equal to that of Great Britain, and we enjoyed almost as much of the carrying trade of the world as did Great Britain. How had we obtained that trade? We had had up to that time a set of statesmen—democratic statesmen—who had courage, who saw that the way to build up a trade was to encourage it. They encouraged it by means of lines of steamers and lines of sailing-vessels to many parts of the world, to which they granted what was termed "subsidies."

What is the reason that to-day the increase in our tonnage has not been as great as we would have it, in view of the fact that our exports are all the time exceeding our imports? Is it because our laws

do not allow free ships to come in? Not at all. Is it because we do not pay our consuls sufficient salaries? Not at all. You might

do not pay our consuls sufficient salaries? Not at all. Fou might allow free ships, you might raise the salary of every censul at points where now trade is springing up, to \$10,000 per annum, and you would increase the carrying trade of this country but very little.

Why, sir, the fact stares us in the face to-day that Great Britain, France, Germany, Spain, nearly every country that undertakes to participate in this carrying trade, subsidizes every line of steamships running to points where the trade is growing. It is not because our laws prevent ships from coming in free that we do not get the trade; it is simply because we of to-day have not the coursage to brush away persimply because simply because we of to-day have not the courage to brush away perhaps the crudities, perhaps the irregularities which may connect themselves with subsidizing lines, and to come right to the point of paying a fair remuneration, of encouraging in some way the construction of ships and the establishment of lines of ocean communication with other countries.

with other countries.

You might allow ships to come in free, and it would not make any difference as to the ship-building in Maine. The time has gone by for sailing-vessels. We must have steam instead of sail. We must have ships that can carry immense cargoes. We may talk about this as we choose; while we are perhaps the greatest producing country in the world, while we have more resources than any other country, while we probably shall have a larger balance of exports than any other country, those exports will be carried by foreign ships just so long as we neglect to encourage our own lines.

The trouble is not with the consular system. If my recollection serves me right, the Congress of the United States has ever been trying to strengthen this consular system. Why, sir, at the time when the bill was pending on which I made the speech to which I have referred, the amendment offered by myself was adopted, calling upon consuls and consular agents to make monthly reports of the

upon consuls and consular agents to make monthly reports of the condition of trade in their different countries. It is not the want of proper consular salaries, it is the want of the fostering hand of the Government in building up steamship lines, that prevents us from

having tonnage and carrying trade.

Allow me to state one other fact. As I understand, there has been no change whatever in the navigation laws since 1860. The carryno change whatever in the navigation laws since 1860. The carrying trade of the country does not always show the wealth of the country. If we want to do business in the carrying trade, we must adopt the methods which other nations adopt. If they are liberal to their customers, they will get the trade; if they encourage the establishment of steamship lines, those lines will carry the commerce. It makes no difference whatever about the increase of pay in our consular service, unless you take some steps to encourage the establishment of transportation lines under the auspices of the Government and sailing under the American flag. and sailing under the American flag.

For the purpose of bringing this question more fully to the attention of the House and the country, I will take the liberty of printing as part of my remarks a portion of the speech which I made on the occasion referred to, showing precisely the condition of our carrying trade, together with the number of subsidized lines engaged in that

trade by other countries.

OUR MERCHANT SERVICE NOT WHOLLY DESTROYED.

It must not be supposed, however, that our shipping has been entirely swept from the ocean, as foreign competitors would have the commercial world believe. A careful compilation from the annual commerce and navigation reports of the United States from 1800 down to the close of the fiscal year 1877 shows the following re-

Total t	onnage of	the United States.	
Year. 1800	292, 492		Tons. 4, 242, 599 4, 282, 607
1820	1, 298, 958	1872 1873	4, 437, 746
1850	3, 535, 454	1874 1875	
1860			4, 279, 458 4, 242, 599

These figures show an increase from a fraction over a quarter of a million tons in 1880 to five and one-third million tons in 1880—just before the commencement of the rebellion—and a falling off of two million tons up to 1866, or during the war. Our tonnage in 1860 was nearly equal to that of England at that period; but many of our ships were, while unable to sail in safety under the American flag, transferred to English purchasers. American tonnage, however, is again on the increase, the returns for 1877 showing nearly a million tons more than at the close of the war, employed mainly in our home coast, lake, and river trade. So much, then, for our merchant marine. It is not what it should be, but though depressed it is on the increase in our own waters, and if the proper means are now employed to foster and extend our ocean tonnage in iron steamships and sailing-vessels of both wood and iron, we may ere long be again enabled to compete successfully in the contest for a larger share of the world's commerce.

SOME FOREIGN MARKETS IN WHICH AMERICAN COMMERCE MAY BE INCREASED.

Having shown in a series of tables the description of goods sent from the United States and of those imported, the countries with which we are in commercial intercourse, and the percentage of commodities sent to and received from each, it will be well to glitnee briefly at some of those markets where opportunities are presented for an increase of our foreign trade. Proceeding by geographical divisions, 1 will consider first-

THE SOUTHERN COUNTRIES IN OUR OWN NEIGHBORHOOD.

It is well known that Mexico, Cuba, the West India Islands, Central and South America are not, in the usual acceptation of the term, manufacturing countries. Yet each produces beyond its own consumption specialties which make up a large annual export, consisting of raw materials and other products which are always in demand in manufacturing and commercial centers. These are all natural markets of the United States. Their people want from us flour, port, lard, butter, cheese, lumber, furniture, locomotive engines, rails, cars, sugar-mills, and manufactured

goods in cotton, woolen, and mixed fabrics. For these they will send us wool, coffee, cocca, hides, tallow, horns, rubber, drugs, dyes, gums, tapioca, rosewood, diamonds, &c. This would be a valuable exchange; but to what extent do we participate in this traffie? They buy from the United States altogether about 12 per cent. in value of their importations. England gets the lion's share, nearly 60 per cent. The import trade of Mexico, South and Central America, and the West Indies, including Cuba, amounts annually to about \$300,000,000 in value; their exports to about the same. In this trade England leads; France and Germany come next, the United States, Spain, Holland, and Portugal coming in for a portion each, in small parcels, of what there is left.

But there is another feature in this trade in which the United States is shown to greater disadvantage than any other country. A reference to the tables will show at a glance that we sell to our southern neighbors fewer goods in value than we purchased from them. For example, during the last fiscal year Brazil purchased from us goods to the value of nearly 6 per cent. of our total exports, while we purchased from Brazil to the value of nearly 6 per cent. of our imports. In other words, Brazil purchased from us goods to the value of less than \$7,500,000, while we purchased from that country goods to the value of \$43,500,000, but a during the last fiscal year took from us goods to the amount of less than \$13,000,000, while we purchased from that country products to the value of \$68,000,000, making a balance against the United States \$655,000,000. Take another illustration. Club during the last fiscal year took from us goods to the amount of less than \$13,000,000, while we purchased from that country products to the value of \$68,000,000, making a balance against the United States of \$55,000,000. Here, then, we have two items which together amount to \$91,000,000. The balance against the United States in the other countries named in the group of markets under considera

ton. Lamport & Holt's Line, two steamers monthly, one from Liverpool and one from

Lamport & Holt's Line, two steamers monthly, one from Liverpool and one from London.

The Red Cross Line, one steamer monthly from Liverpool.

Booth's Line, one steamer monthly from Liverpool.

Booth's Line, one steamer monthly from Liverpool.

Booth's Line, one steamer monthly from Liverpool.

Lamport & Holt, two steamers monthly from Bremen.

The Mossageries Maritimes, two steamers monthly from Bremen.

The Messageries Maritimes, two steamers monthly from Bremen.

The Progres Maritime, one steamer monthly from Havre.

The Progres Maritime, one steamer monthly from Hopoto and one from Lisbon.

Here is a list of ten distinct companies who together dispatch eighteen steamships monthly to Brazilian ports. In addition to these there are a number of other companies and firms which dispatch steamers to Brazil at irregular periods. How many American steamers are there plying between Brazilian and United States ports? This question was recently propounded and answered in an address before the New York Liberal Club by Mr. Landisman, on the resources of Brazil and the valley of the Amazon. He said:

"From the United States there is not a steamer leaving for Brazil except a single one belonging to a private trading-house."

It is a matter of doubt whether even that solitary craft is now running, for it is stated in a recent issue of the Boston Commercial Bulletin that—

"The United States to-day has not a steamer in the Brazil trade, while in the harbor of Rio Janeiro there appear every month at least twelve steamers under British colors, together with one each from Havre, Marseilles, and Gonoa, and two each from Bremen and Hamburg."

Twelve steamships monthly from Great Britain, and not one from the United States! And yet I believe we are in the habit of calling ourselves an enterprising people. With rare exceptions the same condition of affairs is general in all the ports of our southern neighbors.

Mr. SPRINGER. Mr. Chairman, I desire to submit some remarks

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Mr. SPRINGER. Mr. Chairman, I desire to submit some remarks in reply to the statement of the gentleman from Michigan, [Mr. Conger,] to the effect that the legislation of this House in reference to the consular service has tended to destroy the efficiency of that service and to cripple our foreign commerce. This point was urged by the gentleman with some zeal. Facts are much more important than unsupported declarations in reference to a matter of this kind. If gentlemen will examine the facts in regard to the amount of our exports for the last eight years they will find that during the time the democrats have had a majority in this House our exports instead of decreasing have largely increased under the legislation enacted by this House and the Senate. I have made a comparison of the amount of our exports during eight years ending June 30, 1879. I have not the statement for the year closing June 30, 1880. Taking these eight years ending June 30, 1879, I find that for the four years during which the democratic House made appropriations for the consular service the whole amount of our exports was \$2,632,000,000 in round numbers, as given in the American Almanac for 1880, compiled by Mr. Spofford; and during the four preceding years, when the legislation of both Houses was under the control of the republican party, the whole amount of our exports was \$2,292,000,000, showing an increase during the four years of democratic legislation of nearly \$340,000,000. The following statement will show the exact figures for than unsupported declarations in reference to a matter of this kind. \$340,000,000. The following statement will show the exact figures for

Statement of exports from the United States for the eight years ending June 30, 1879.

For the year ending June 30— \$72\$501, 285, 371 \$73\$578, 938, 985 \$74\$629, 133, 107 \$75\$583, 141, 299	For the year ending June 30— 1876
Total	Total
	Increase 339 561 816

Mr. DUNNELL. Will the gentleman yield a moment? He states that this increase has resulted from democratic legislation. I would like him to state what laws passed since the democrats have been in

power have caused this increase.

Mr. SPRINGER. I was answering the point made by the gentleman from Michigan to the effect that the legislation of the democratic party has almost ruined our export trade; that we have legislated in such a manner as to deprive this country of the advantages it should enjoy in sending its products abroad. I was answering that argument. I showed, notwithstanding the fact that the democratic party had made the appropriations for the consular system during all this time, yet our exports were continually increasing, and for four years had increased more than \$339,000,000.

It is not our legislation in reference to the particular salary a consul receives, whether \$2,000 or \$2,500 a year, that makes the demand abroad for American products and the articles of our manufacture. It is not that, sir; for trade is governed by a higher, a more impor-tant law than the amount of salary paid to consuls abroad. The laws of trade, of demand and supply, regulate this whole matter. I admit that commerce can be crippled by unfriendly legislation;

but that is not unfriendly legislation which endeavors to secure efficiency in the administration of our consular laws at a reasonable salary for the services of the consul.

I am in favor of encouraging commerce with foreign nations. in favor of having a representative of the Government of the United States in every commercial port and city in the world, and I am in favor of paying him a reasonable compensation for his service. But, sir, I am opposed to using this important arm of the service as an asylum for broken-down politicians.

Mr. HISCOCK. Does the gentleman from Illinois know of any abuse of that kind he desires to have corrected?

Mr. SPRINGER. I do. Mr. HISCOCK. Let him, then, suggest it by amendment to this

Mr. SPRINGER. I hope the honorable gentleman from New York has himself made in Committee on Appropriations the proper amendment to provide remedy for all such abuses. He is a member of that committee, and I am not. The appointing power has more to do with this than legislation.

I am not complaining of this bill. I hope it remedies all abuses. I could, if time permitted, point out many abuses in the consular service which have come under my observation during the five years of my legislative experience. They are, I am glad to say, being corrected, at least some of them.

Mr. EINSTEIN. I do not quite catch the drift of the argument of

the gentleman from Illinois, and I should like to ask whether, from his preceding remarks, he takes the position that our exports for the last four or six years have increased because the Senate and House of Representatives became democratic, or because of the law of supply and demand, the crops here being so enormous and more than we could use and the crops in Europe and elsewhere having failed, thus creating an unusual demand? Does he mean it is because of better democratic

an unusual demand? Does he mean it is because of better democratic legislation during the last four or six years?

Mr. SPRINGER. What does the gentleman say is the reason?

Mr. EINSTEIN. I am asking the gentleman from Illinois the question; he made the assertion, and I did not quite catch the drift of his

argument.

Mr. SPRINGER. I desired the benefit of the gentleman's answer, because I wished to use his reply against the gentleman from Michigan in addition to what I have said.

Mr. EINSTEIN. I am happy to be of service to my friend from

Mr. Elakitelik. I am happy to be of service to my friend from Illinois in allowing my answer to be turned in reply to the gentleman from Michigan, if that can be done.

Mr. SPRINGER. The gentleman from Michigan made the point that our legislation was destroying our commerce, breaking it down, and I was endeavoring to show that our exports had continually in-

and I was endeavoring to show that our exports had continually increased during the time the democratic party had had control of the legislation of the two Houses of Congress and made apprepriations for the consular and other services of the Government.

Mr. EINSTEIN. That is the question I wished to ask the gentleman from Illinois: whether he thought it was the law of demand and supply, bad crops in Europe and good crops here, that caused these larger exportations from this country, or that it arose altogether from better legislation by the democratic party during the last four years?

Mr. SPRINGER. I made the point that the democratic legislation had not injured the commerce of this country at all, but that, on the contrary, while the democratic party held control of the two Houses of Congress our commerce had flourished more than ever before; that, in other words, there has been a very large increase during the time in other words, there has been a very large increase during the time the democratic party has made the appropriations for the consular and other services of the Government.

Mr. EINSTEIN. I am glad to know the democratic party has not

injured our commerce.

Mr. SPRINGER. Yes; and I wish the gentleman to remember that.
Mr. EINSTEIN. It is a satisfaction to this side of the House that
there is one thing at least of importance to the country it has not in-

Mr. SPRINGER. The gentleman will find a great many other things that democratic legislation has not injured, if he will only study the subject up.

Mr. EINSTEIN. I am trying to find it.
Mr. SPRINGER. The gentleman has a subject before him that will occupy the rest of his congressional career.
Mr. EINSTEIN. In finding it?
Mr. SPRINGER. It will occupy the gentleman's time in learning what he seems to have neglected.
Mr. EINSTEIN. In looking for that to which the gentleman refers?

Mr. SPRINGER. Yes; in learning what I have stated. I am afraid he has not been as diligent in searching in this direction as he might have been.

The assertion, therefore, Mr. Chairman, that the economies of the democratic House of Representatives have crippled the commerce of the country is absolutely exploded by the fact, unquestioned and apparent to all, that during the control by the democratic party of the two Houses of Congress our commerce has largely increased, as I have shown.

Further than that, it is said our legislation has injured the country in other respects. When were we more prosperous than now? When did United States 4 per cent. bonds sell for 111 as they now do? When have we negotiated a loan of the United States to as good an advantage to the country as since the democratic party has had control of the legislation of the House of Representatives? When have our exports been so large? When has our commerce been more advan-tageous to us? When have times been more prosperous than since the democratic party got control of the legislation of the country Gentlemen say we are going to have a change now—
Mr. DAVIS, of North Carolina. When did we have more silver in

the country?

Mr. SPRINGER. The gentleman from North Carolina asks the question, When was there ever so much silver? There never was more silver and gold in circulation than there is at this time. Never

Notwithstanding, therefore, the lamentations of the gentleman from Michigan, equal to those of Jeremiah and the prophets; notwithstanding the lamentations that the gentleman and his friends have indulged in before the country during the last election, all business in this country is prosperous, and there never was a period of greater prosperity than now. Commerce is more extensive, exports are greater, business of every kind more remunerative than ever before.

Mr. HEILMAN. Will the gentleman from Illinois allow me to ask

Mr. HEILMAN. Will the gentleman if all of these things Mr. SPRINGER. Certainly.
Mr. HEILMAN. I wish to ask the gentleman if all of these things have not been brought about in spite of the democratic party?
Mr. SPRINGER. I will answer the gentleman. They have been

brought about in spite of the legislation of the republican party for

Mr. HEILMAN. You are certainly mistaken.

Mr. SPRINGER. And by the economies and legislation of democratic Congresses, and by the bountiful gifts of Providence, in the

cratic Congresses, and by the bountiful gifts of Providence, in the shape of good crops, a foreign demand for our products, and by foreign and domestic peace.

I want to call the attention of gentlemen to the fact that it was under republican rule and when their tariff law that they have boasted so much about was in full force and effect, and had been for a long time, in the year 1873, that the greatest crisis that ever happened to the commercial interests of this country, a crisis that prostrated and destroyed business interests of every kind, took place. At that time, Mr. Chairman, republican legislation and republican tariffs failed to save us from financial distress unexampled. save us from financial distress unexampled.

Mr. HEILMAN. Will the gentleman allow another question?
Mr. SPRINGER. Yes, sir.
Mr. HEILMAN. Was not this trouble that the gentleman talks about brought about by democratic legislation that plunged this country into a war costing hundreds of millions of dollars and destroying every interest almost that the country had?
Mr. SPRINGER. "Still harping on my daughter." Nothing can be said in reference to business in reference to exports in reference.

Mr. SPRINGER. "Still harping on my daughter." Nothing can be said in reference to business, in reference to exports, in reference to imports, in reference to tariff legislation of any kind, that some gentleman upon the other side does not get up in his seat and say "Did not that happen on account of the rebellion?" That seems to be an answer satisfactory to the gentleman for every injury that republican legislation has brought upon the country.

Mr. HEILMAN. You know better than that. [Laughter.]

Mr. SPRINGER. The rebellion, Mr. Chairman, had been over more than eight years when the crash of 1873 took place, and both Houses of Congress had been for long years in possession and under the control of the republican party as also had been the Administration.

Mr. HAWK. I desire to ask the gentleman, my colleague, a question for information if he will permit me.

Mr. SPRINGER. Certainly.

Mr. SPRINGER. Certainly.

Mr. HAWK. I desire to know in what particular has the democratic party or has the democracy since they have been in power in Congress modified the tariff? The gentleman has referred to the blessings conferred upon the country through democratic legislation. Now, I would like to know that for my own benefit.

Mr. SPRINGER. I can refer the gentleman to one instance, at all events, where the tariff has been taken off of quinine, [laughter on the republican side,] so that my republican friends on the other side

could get free quinine when they found themselves shaking with the

Mr. KEIFER. Will the gentleman allow me to ask him how much has been paid to England by our people for quinine since democratic legislation took the tariff off of it?

Mr. SPRINGER. I suppose the gentleman knows about as much on that subject as I do. I have no statistics on the subject before me and no means of informing him.

Mr. KEIFER. If the gentleman does not know I will state to him that we paid more for quinine since the duty was taken off than we

that we paid more for quinine since the duty was taken off than we did before, quinine being higher now than before the tariff was taken off, and not a dime goes into the Treasury on account of it. Quinine is dearer to-day than it was before the tariff was taken off or for years

before.

Mr. SPRINGER. Very well; that may be all very true, for the few persons engaged in the manufacture of quinine in this country, who have made vast fortunes out of it by reason of a protective tariff, are enabled to get up a corner in it and thus prevent dealers from getting it excepting by paying high rates to them. That is their way of showing the necessity of a protective tariff upon it. There is an argument which some persons pretend to maintain, which holds that the higher the tariff, or tax, the lower the price of the taxed commodity to the consumer, and the lower the tax the higher the price. I never, with my limited knowledge, could understand it. If any gentlemen on the other side believe that the reduction or abolition of the tax on quinine raised the price, I have no objection. It would follow that quinine would be higher without a protective tariff than with it. The quinine would be higher without a protective tariff than with it. The

quinine would be higher without a protective tariff than with it. The manufacturer ought, therefore, to favor free trade in that article.

Mr. DAVIS, of North Carolina. Quinine was cheaper until the war in Peru made bark higher.

Mr. SPRINGER. I have very little use for quinine and am not able to give further information to the gentleman on that subject.

Mr. HAWK. Will the gentleman permit me to ask him a question again? I desire to ask him in regard to the claim of the democratic party in reference to its tariff legislation of which he has spoken; I want to know what they have done in that regard.

Mr. SPRINGER. In what regard?

Mr. HAWK. In what respect have you modified the tariff?

Mr. SPRINGER. I have already stated that they have taken the duty off of quinine, but it is not expected that that would revolutionize the world. tionize the world.

ionize the world.

Mr. HAWK. I am simply asking my colleague for information, inasmuch as he has stated that the tariff cut a great figure in reference to the democratic legislation and democratic economy. I desire to know and I wish him to state in what respect they have modified it?

Mr. SINGLETON, of Mississippi. Mr. Chairman, if general debate is closed upon this bill, I propose now to ask that it be read by paragraphs for debate under the five-minute rule, if the gentleman from Illinois has yielded the floor.

Mr. SPRINGER. I have been holding the floor simply to answer the question of my colleague.

the question of my colleague.

Mr. HAWK. The question I desired to ask was in view of the state-

Mr. HAWK. The question I desired to ask was in view of the statement made by my colleague, that, during the time that the republican party had control of the Government, it was the tariff legislation which precipitated our troubles in 1873, and that this crisis of 1873 was attributed largely to our tariff. Now, I desire to ask him what modifications of that tariff have been made since that time to remedy the evils of which he complains?

Mr. SPRINGER. My colleague is probably as well advised upon that subject as I am. I did not say that the tariff legislation of the republican party caused the crisis of 1873. I said that the crisis came when those laws were in full force and effect, and when the republican party had controlled the legislation of the country for thirteen years; that the republican party could not claim that their rule was necessary to prosperity; that our greatest distress came when that

years; that the republican party could not claim that their rule was necessary to prosperity; that our greatest distress came when that party was in full control of all the departments of the Government. That is the point I made, and that is the truth of history. My colleague is as well advised in reference to that matter as I am myself.

Mr. SINGLETON, of Mississippi. I suppose that general debate has run as long as desired upon this bill. I now ask that the bill be read by sections, and as soon as the first section is read I will move that the committee rise with a view to adjournment. [Cries of "Oh, no; pass the bill to night."] I thought it was desired, perhaps, on the part of gentlemen that we should adjourn. I much prefer to pass the bill to night, if it can be done. I move, then, that the bill be now taken up and considered by sections.

The Clerk proceeded to read the bill by paragraphs for amendment. No amendment was offered.

The Clerk proceeded to read the bill by paragraphs for amendment. No amendment was offered.

Mr. SINGLETON, of Mississippi. I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hill reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6212). 6613) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had directed him to report the same back to the House without amendment and to recommend that the bill be passed.

Mr. SINGLETON, of Mississippi. I call the previous question on the bill.

The previous question was seconded and the main question ordered;

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time. The question was upon the passage of the bill.

The SPEAKER. On the passage of this bill the rule requires the vote to be taken by yeas and nays, and the Clerk will now call the roll. The question was taken; and there were—yeas 140, nays 2, not voting 149; as follows:

	X.E.	AS-140.	
Acklen,	Deering,	Keifer.	Ryon, John W.
Aldrich, William	Deuster.	Ketcham,	Sawyer,
Armfield,	Dibrell,	Klotz,	Scales.
Atherton,	Dick,	Ladd,	Shallenberger,
Bachman,	Dunnell,	Le Fevre,	Shelley,
Bicknell.	Einstein,	Lindsey,	Simonton,
Blackburn,	Errett,	Loring,	Singleton, O. R.
Blake,	Evins,	Lounsbery,	Smith, A. Herr
Blount,	Felton,	Lowe.	Sparks,
Bouck,	Forney,	Marsh,	Speer,
Brewer,	Geddes,	Martin, Edward L.	Springer,
Briggs,	Goode,	Mason,	Stevenson,
Brigham,	Hall,	McKinley,	Stone,
Bright,	Hammond, N. J.	McMahon,	Taylor, Ezra B
Buckner,	Harris, Benj. W.	Mills,	Taylor, Robert T.
Burrows,	Haskell,	Mitchell.	Thomas,
Cabell,	Hatch,	Monroe,	Thompson, P. B.
Caldwell,	Hawk,	Morse,	Tillman.
Carpenter.	Hawley,	Morton,	Townsend, Amos
Claffin,	Heilman,	Muldrow,	Townshend, R. W.
Clements,	Henderson,	New,	Turner, Thomas
Cobb,	Henkle,	Nicholls,	Tyler, Inomas
Coffroth,		Overton,	
Colerick,	Henry, Herbert.	Pacheco,	Updegraff, J. T.
			Upson,
Conger,	Herndon,	Page,	Vance,
Converse,	Hill,	Phelps,	Voorhis,
Cook,	Hiscock,	Philips,	Warner,
Covert,	Horr,	Phister,	Washburn,
Cowgill,	Hostetler,	Poehler,	Weaver,
Crapo,	Hubbell,	Prescott,	Wellborn,
Cravens,	Hull,	Price,	Whitthorne,
Davis, George R.	Humphrey,	Reagan,	Williams, Thomas
Davis, Horace,	Hurd,	Reed,	Willis,
Davis, Joseph J.	Johnston,	Richardson, D. P.	Wilson,
Davis, Lowndes H.	Jones,	Russell, W. A.	Yocum.
	37.4	370 0	

NAYS-2. McMillin Turner, Oscar.

	NOT W	OTING-149.	
Aiken,	De La Matyr,	Kitchin,	Ryan, Thomas
Aldrich, N. W.	Dickey,	Knott,	Samford,
Anderson,	Dunn.	Lapham,	Sapp,
Atkins,	Dwight,	Manning,	Scoville,
Bailey,	Elam.	Martin, Benj. F.	Sherwin,
Baker,	Ellis,	Martin, Joseph J.	Singleton, J. W.
Ballou,		McCoid,	Slemons,
Barber,	Ewing, Ferdon,	McCook,	Smith, Hezekiah B.
	Field,	McGowan,	Smith, William E.
Barlow,	Field,	McKenzie	Starin, William E.
Bayne,	Finley,	McLane,	Steele,
Beale,	Fisher,	McLane,	
Belford,	Ford,	Miles,	Stephens,
Beltzhoover,	Forsythe,	Miller,	Talbott,
Berry,	Fort,	Money,	Thompson, W. G.
Bingham,	Frost,	Morrison,	Tucker,
Bland,	Frye,	Muller,	Updegraff, Thomas
Bliss,	Gibson,	Murch,	Urner,
Bowman,	Gillette,	Myers,	Valentine,
Boyd,	Godshalk,	Neal,	Van Aernam,
Bragg,	Gunter,	Newberry,	Van Voorhis,
Browne,	Hammond, John	Norcross,	Waddill,
Butterworth,	Harmer,	O'Brien,	Wait,
Calkins,	Harris, John T.	O'Connor,	Ward,
Camp,	Hayes,	O'Neill,	Wells,
Cannon,	Hazelton,	O'Reilly,	White,
Carlisle,	Hooker,	Orth,	Whiteaker,
Caswell,	Houk,	Osmer,	Wilber,
Chalmers,	House,	Persons,	Williams, C. G.
Chittenden,	Hunton,	Pound,	Willits,
Clardy,	Hutchins,	Rice,	Wise,
Clark, Alvah A.	James,	Richardson, J.S.	Wood, Fernando
Clark, John B.	Jorgensen,	Richmond,	Wood, Walter A.
Clymer,	Joyce,	Robertson,	Wright,
Cox,	Kelley,	Robeson,	Young, Casey
Crowley,	Kenna,	Robinson,	Young, Thomas L.
Culberson,	Killinger,	Ross,	
Daggett,	Kimmel,	Rothwell,	
Davidson	King	Russell, Daniel L.	

The following additional pairs were announced:

The following additional pairs were announced:
Mr. House with Mr. Bailey.
Mr. Bliss with Mr. Crowley.
Mr. Bliss with Mr. Crowley.
Mr. Butterworth with Mr. Kenna.
Mr. Wait with Mr. McLane.
Mr. Browne with Mr. Myers.
Mr. Morse. I voted, though paired with my colleague, Mr. Rice, believing he would vote "ay," as I did.
The SPEAKER. On the passage of the bill the yeas are 140, the nays 2. A quorum has not voted.
Mr. SINGLETON, of Mississippi. I desire to make a parliamentary inquiry. If the House should now adjourn, would this be the first matter up on Monday?
The SPEAKER. It would come up immediately after the reading

matter up on Monday?

The SPEAKER. It would come up immediately after the reading of the Journal on Monday, the main question having been ordered.

Mr. BLOUNT. I move that the House adjourn.

The motion was agreed to.

And accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz.:

By Mr. BOWMAN: The petition of Jerome B. Adams, of Lynn, Massachusetts, for increase of pension—to the Committee on Invalid Pensions

Pensions.

Also, the petition of Charles S. Bolton, of Boston, Massachusetts, of similar import—to the same committee.

By Mr. COVERT: The petition of Andrew Burr and others, for a post-route from Comac to East Northport, New York—to the Committee on the Post-Office and Post-Roads.

By Mr. GEORGE R. DAVIS: The petition of E. J. Dulany, J. B. Mears, A. F. Dreutzer, and Joseph Hazen, a committee appointed by the letter-carriers of Chicago, that the compensation of letter-carriers receiving \$800 per annum be increased to \$1,000 per annum—to the same committee.

By Mr. HENKLE: The petition of Levin Committee.

By Mr. HENKLE: The petition of Louisa Gassaway, of Maryland, for a pension—to the Committee on Pensions.

By Mr. McLANE: The petition of William T. Dove, for additional compensation for services rendered and material furnished in making packing boxes for the use of members of the House of Representa-* By Mr. OVERTON: The petition of Buckingham Stuart, for a pension—to the Committee on Pensions.

By Mr. PHILIPS: Papers relating to the pension claim of Thomas

W. Mahan—to the same committee.

By Mr. SIMONTON: The petition of Anderson Watson and others, of Memphis, Tennessee, to be refunded taxes paid on rope and bagging upon which the tax had already been paid—to the Committee on Claims.

By Mr. SPEER: The petition of Thomas W. Smith, J. T. Mulkey, and others, citizens of Franklin and Habersham Counties, Georgia,

and others, citizens of Franklin and Habersham Counties, Georgia, for a post-route from Tugalls to Big Smith's, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. AMOS TOWNSEND: The petition of F. H. Draz, of Cleveland, Ohio, for the removal of the duty from Oleum Baunsheidtii—to the Committee on Ways and Means.

Also, the petition of Arnold Moser and 15 others, letter-carriers of Cleveland, Ohio, for an increase of their salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: Papers relating to the petition of Daniel Sullivan for relief—to the Committee on Military Affairs.

IN SENATE.

MONDAY, December 20, 1880.

LUCIUS Q. C. LAMAR, a Senator from the State of Mississippi, and ROSCOE CONKLING, a Senator from the State of New York, appeared in their seats to-day.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of the proceedings of Friday last was read and approved. HOUSE BILLS REFERRED.

The bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States was read twice by its title, and referred to

the Committee on Territories.

The bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia, was read twice by its title, and referred to the Committee on Com-

The bill (H. R. No. 6599) to change the time for holding circuit and district courts of the United States for the western district of Virginia, held at Danville, Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting an estimate of appropriations for the legislative expenses of the Territory of Idaho for the fiscal year ending June 30, 1882; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers containing reports, made under the provisions of the river and harbor act of June 14, 1880, of surveys of Malden River, Massachusetts, Rockland Harbor Maine, and the month of Narraguagus River. Maine: which was bor, Maine, and the mouth of Narraguagus River, Maine; which was referred to the Committee on Commerce. He also laid before the Senate a letter from the Secretary of War,

transmitting a report of the Quartermaster-General recommending an appropriation of \$10,000 for the construction of a bridge over the ecos River, Texas; which was referred to the Committee on Military

Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting a copy of the report of the commission appointed under the act of Congress approved June 8, 1880, to recommend a suitable design for a monumental column at Yorktown, Virginia; which was referred to the Select Committee on the Yorktown Centennial Celebration.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with a resolution of the 14th instant, a copy of the correspondence between General J. M. Schofield and Major A. B. Gardner in regard to the board of officers inquiring into the case

A. B. Gardner in regard to the board of officers inquiring into the case of Fitz-John Porter; which, on motion of Mr. Logan, was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting a communication from the Secretary of the Interior, submitting an estimate of the Commissioner of the General Land Office for an appropriation of \$20,000 for publishing the centennial map of the United States and Territories; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Sec-The VICE-PRESIDENT presented a communication from the Secretary of War, transmitting a copy of a letter from Lieutenant Jonathan A. Yeckley, United States Army, retired list, in relation to judgments against himself and Captain John C. Bates, Twentieth Infantry, in consequence of their action in arresting the persons and seizing the goods of W. N. Belmont, Clarke, and W. Ward Bell, in whose favor the judgments were rendered; which was referred to the Committee on Military Affairs.

Have presented a communication from the Secretary of War, trans-

He also presented a communication from the Secretary of War, transmitting to the Senate the petition of Captain S. T. Norvell, Tenth Cavalry, for pay as acting second lieutenant from January 28, 1862, to February 18, 1863; which was referred to the Committee on Military

Mr. HARRIS presented the memorial of the Catholic clergy of the District of Columbia, praying that certain taxes assessed upon parsonages in the District be remitted; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of W. W. Marbour, of Atchison, Kansas, remonstrating against the passage of the bill for the extension of the patent of D. M. Cook on sugar evaporators; which was ordered

to lie on the table.

He also presented the petition of Matthias Pfeiffer, the petition of Philip Hutchinson, the petition of C. Ardeeser, the petition of Caroline Harrison, the petition of John H. Gates, the petition of Almira V. Brown, and the petition of J. D. S. Hall, citizens of Washington, District of Columbia, praying compensation for damages caused to their property by the public improvements of the District of Columbia, the Committee of the District of Columbia, C bia; which were referred to the Committee on the District of Colum-

Mr. BLAIR presented the petition of Post No. 23, Grand Army of the Republic, of Lisbon, New Hampshire, praying for the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. FARLEY presented the petition of Abraham Andrews and others, delegates of the several Mexican veteran associations of the State of Coliman and Sta

State of California, praying for the passage of Senate bill No. 1753, granting pensions to the survivors and widows of deceased soldiers and sailors of the Mexican war; which was ordered to lie on the

table.

Mr. BAYARD presented the memorial of The Swift and Courtney and Beecher Company and 37 other corporations and individuals of Wilmington, Delaware, praying for a survey of the Brandywine River from Market street bridge, in Wilmington, to the mouth of the river; which was referred to the Committee on Commerce.

Mr. WHYTE presented the petition of Mrs. Ellen Walsh, of the District of Columbia, praying to be allowed compensation for injuries done to her property by the action of the late board of public works of the District of Columbia; which was referred to the Committee on the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. THURMAN presented the petition of A. Nailor, jr., and others, livery-stable proprietors in the District of Columbia, praying to be relieved from the alleged excessive taxation levied upon their business by the commissioners of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL. I desire to present, by request, a petition of

Mr. COCKRELL. I desire to present, by request, a petition of citizens of Missouri and Kansas in regard to the Indian Territory. As the petition is short, I ask that it be read and referred to the Committee on Territories

The VICE-PRESIDENT. The petition will be read at length. The petition was read, as follows:

ON THE STATE LINE OF KANSAS, December 13, 1880.

To the Members of Congress:

To the Members of Congress:

We respectfully represent that we are loyal citizens of the United States; that we have started on our way to the public lands in the Indian Territory; that when we reached the line of the Territory we found ourselves confronted by soldiers of the Army, who ordered us not to cross said line. We have, out of respect to our Government, obeyed said order; but we feel that a great wrong and outrage is being done us. We therefore respectfully petition you for such relief as will enable us to continue on our journey to settle the public lands, to build up homes, open schools and churches. We go actuated by no sentiment of lawlessness, but believe we in law and justice have the right to occupy these lands, as the Government has purchased these lands; and, in the words of the law, the Indian title is extinguished.

The VICE-PRESIDENT. The petition will be referred to the Committee on Territories.

mittee on Territories.

Mr. INGALLS. I would call the attention of the Senator from Missouri to the fact that petitions and bills on that subject have heretofore been referred to the Committee on Indian Affairs. I have no

special preference as to the course that this paper shall take, but the subject is one that that committee has previously had under consideration and I think it is now before it.

eration and I think it is now before it.

Mr. HARRIS. It seems to me obvious that the petition ought to go to the Committee on Indian Affairs rather than the Committee on Territories; and I make that suggestion to the Senator from Missouri.

Mr. COCKRELL. I had not even read the petition; I presented it by request, as it is the right of the people to petition. I was requested to have it referred to the Committee on Territories, and I presumed that committee would have jurisdiction as it relates to the public lands in the Territory of the United States.

Mr. INGALLS. I ask what course has been taken with the petition?

The VICE-PRESIDENT. It was referred to the Committee on Territories at the request of the Senator from Missouri. Does the Senator from Kansas make any motion?

tor from Kansas make any motion

tor from Kansas make any motion?

Mr. INGALLS. The question, I think, is before the Senate. The only reason offered by the Senator from Missouri why the subject should go to the Committee on Territories was that the person handing him the petition requested that it might take that direction. I understand it to be the right of any citizen to petition the Senate or the House, but I do not understand that a petitioner has a right to control the action of the Senate as to the committee that shall have charge of the subject. I shall ask the opinion of the Senate, in view of the very great importance of this question that has arisen, whether it is not proper that the subject should go to the Committee on Indian Affairs. I therefore move, if it is not too late, that the petition be referred to that committee.

The VICE-PRESIDENT. The question is first on the motion of the Senator from Missouri that the petition just read be referred to the

Senator from Missouri that the petition just read be referred to the Committee on Territories.

Committee on Territories.

Mr. GARLAND. Let the petition be read again.
The VICE-PRESIDENT. It will be again reported.
The Chief Clerk again read the petition.
Mr. GARLAND. The petition might very well go to one of three committees. I am not very clear in my mind as to which one it ought to be referred to. The Senator from Kansas is aware that we have had to be referred to. The Senator from Kansas is aware that we have had several difficulties about questions of this sort in reference to this particular country, as to what committee should take jurisdiction of them. The proper disposition to make of the petition, in my judgment, is this: there is a bill pending in the Senate, reported by the Senator from Missouri [Mr. Vest] from the Committee on Territories, involving everything that is presented by this petition. The petition should probably lie upon the table, to be called up when that bill is to be acted upon by the Senate. I speak in reference to this matter with perfect indifference, because I have no object in wishing the petition to go to the Committee on Territories. I never heard of the petition before it was sent to the desk by the Senator from Missouri. I do not intend to interfere in this matter one way or the souri. I do not intend to interfere in this matter one way or the other, because last session we had something of an unpleasant en-counter upon the question of referring a petition to the Committee on the Judiciary or the Committee on Territories. I am indifferent as to what committee this petition goes; but I make the statement that there is already a bill pending before the Senate involving every question, and more too, that is embodied in the petition.

Mr. INGALLS. I have no objection to the petition lying on the

The VICE-PRESIDENT. There is no motion of that kind pending. Mr. COCKRELL. I have no objection to its taking that course.
Mr. GARLAND. Let it be printed and lie on the table.
The VICE-PRESIDENT. The petition will lie on the table and

Mr. HOAR. I present the petition of Esek Saunders, an eminent manufacturer in Worcester County, Massachusetts, and also a num-ber of other manufacturers in that State; also the petition of Edmund ber of other manufacturers in that State; also the petition of Edmund White, treasurer of the Boston Manufacturing Company; of the American Watch Company; the China, Webster, and Pembroke Mills, and agents representing the Dudley Mills, the Ætna Mills, and a good many others; also the petition of the Merrimac Manufacturing Company, by C. H. Dalton, its treasurer, the large manufacturing companies in Lowell, representing many millions of manufacturing and commercial capital, all asking for a national bankrupt law. I desire to say, in the hearing of the Judiciary Committee, that so far as the public sentiment of the business men of New England is concerned, who are engaged in commerce and in manufactures, it is. I believe. who are engaged in commerce and in manufactures, it is, I believe, substantially unanimous in the desire that a just and well-considered bankrupt law is of great public necessity and will much advantage business and the credit of the whole country.

There were objections to the details of the bankrupt law which

There were objections to the details of the bankrupt law which was repealed two years ago, which led to a great division of sentiment in regard to the expediency of retaining that law upon the statute book; but I believe there is no division whatever of sentiment in the community which I represent in regard to the desirableness of a bankrupt law containing substantially the arrangements of the bill drafted by Judge Lowell of the United States circuit court. That is an extremely lenient law to the debtor, and provides against the great expense which, under the other bankrupt law, ate up the estates without any benefit either to the debtor or creditor.

I move that the petitions be referred to the Committee on the Judicioner.

diciary.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 4646) for the relief of the heirs of Cornelius Boyle, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HARRIS. The Committee on the District of Columbia, to

which was referred the bill (S. No. 1748) to compensate the trustees which was referred the bill (S. No. 1748) to compensate the trustees of the Louise Home for certain improvements and for damages to real estate, have considered the same and arrived at the conclusion that the claim was meritorious; but pending its consideration I received a note from Mr. W. W. Corcoran saying that, while he regarded the claim as perfectly just and proper, it was repugnant to his feelings, as the founder of that charity, to have Congress asked even to refund the moneys that he had so expended, and he asked me to have the bill withdrawn, and to also withdraw the papers in order that they might be returned to the trustees. I ask that the bill may be indefinitely postponed, at the request of Mr. Corcoran, and also ask leave to withdraw the papers in order that they may be returned.

The VICE-PRESIDENT. The Senator from Tennessee, from the Committee on the District of Columbia, reports back the bill named by him with the recommendation that the further consideration of it be indefinitely postponed, and that the petition and accompanying

it be indefinitely postponed, and that the petition and accompanying papers, with the bill, be withdrawn and returned. If there be no

papers, with the bill, be withdrawn and returned. If there be no objection it is so ordered.

Mr. BUTLER, from the Select Committee on the Yorktown Centennial Celebration, to whom the subject was referred, reported a joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial celebration; which was read twice by its title.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1931) for the relief of Major D. H. Hastings, United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs

Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1932) granting arrears of pension to Annie Farley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1933) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BROWN asked and by unanimous consent obtained leave to

Mr. BROWN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1934) to appropriate money to remove obstructions to navigation and improve the Chattahoochie and Flint Rivers in Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Cemmittee on Commerce.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1935) to confirm to the city of Chicago the title to certain public grounds; which was read twice by its title.

Mr. LOGAN. I present with the bill certain accompanying papers, resolutions of the common council of Chicago; which I move be referred with the bill to the Committee on the Judiciary, and printed.

The motion was accounted to

The motion was agreed to.

Mr. HOAR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1936) to amend section 4233 of the Revised Stat-

ntes of the United States; which was read twice by its title.

Mr. HOAR. The bill relates to the matter of fog-signals. I present the bill by request, and move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1937) granting a pension to John H. Gray; which was read twice by its title, and referred to the Committee on

Pensions.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1938) to make the city of Chattanooga, in the State of Tennessee, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAINE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1939) granting a pension to Jonathan G. Bigelow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1940) for the relief of Charles E. Capehart; which was read twice by its title, and referred to the Committee on Naval Affairs.

Naval Affairs

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1941) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read twice by its title, and referred to the

Committee on the District of Columbia.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1942) for the relief of James E. Montell; which was read twice by its title, and referred to the Committee on

Finance.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 135) authorizing the compila-tion of the report and narrative of the cruise of the United States

steamer Ticonderoga; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 136) declaring certain unocto introduce a joint resolution (S. R. No. 130) declaring certain undercupied lands in the Indian Territory, to which the Indian title has been extinguished, subject to settlement under the homestead and pre-emption laws; which was read twice by its title.

Mr. COCKRELL. I introduce this joint resolution by request, and as the matter is probably before the Senate in the shape of a bill, reported from a committee, I ask that it lie on the table.

The VICE-PRESIDENT. The joint resolution will lie on the table.

BILL RECOMMITTED.

Mr. FERRY. Additional papers having come to the Committee on Finance in the matter of the bill (S. No. 436) for the relief of Charles Clinton, reported by me adversely from that committee March 16, 1880, I move that the bill be recommitted to the Committee on Fi-

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. KERNAN, it was

Ordered. That the papers in the case of Eugene C. Johnson be taken from the files of the Senate and be returned to the petitioner.

COMMITTEE ON CIVIL SERVICE.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Vice-President is hereby authorized to fill by appointment the vacancies existing in the special committee to examine the different branches of the civil service; and that said committee be authorized to send for persons and papers and to employ a stenographer, if deemed necessary.

PROVIDENCE CUSTOM-HOUSE LOT.

Mr. BURNSIDE. At the last session of Congress the Senate passed a bill to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island. In that bill the description of the land intended to be purchased was left out. I introduced the identical bill at this session of Congress, and it was referred to the Committee on Public Buildings and Grounds. That bill contains a provise to provide for the purchase of this additional ground, but does not change the amount; in fact, it is the identical bill passed before, with the single exception that the United States gets just so much more land by the purchase. The bill has been reported favorably by the Committee on Public Buildings and Grounds, and I ask the Senate, in order to perfect the previous bill, to take this bill up for consideration this morning.

Mr. COCKRELL. I ask for the Calendar.

Mr. BURNSIDE. I hope the Senator from Missouri will not insist

Mr. BURNSIDE. I hope the Senator from Missouri will not insist upon the regular order. It will take but a moment to consider this bill. It is the identical bill that passed last year, with a slight correction. I beg to ask the Senator from Missouri, if he will give me his attention for one moment, not to interpose an objection. The bill that I speak of is the identical bill that was passed at the last session. There was a clause left out which provided for the purchase of the wharf lot on the square opposite this lot, and this bill simply perfects the bill which was formerly passed. It provides for the purchase of this additional land, but does not change the amount. It simply corrects a mistake made in the introduction of the original bill, and gives the United States, if the bill becomes a law, more land than would be purchased under the original bill. I beg the Senator to withdraw his objection for a moment in order that this bill may pass through and go to the other House to take the place of the other bill.

Mr. COCKRELL. I withdraw the objection.

Mr. COCKRELL. I withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1888) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOLIDAY RECESS.

Mr. McPHERSON. I desire to call up for consideration Senate bill No. 1206.

Mr. COCKRELL. Let us have the Calendar, Mr. President.
Mr. WITHERS. I call for the regular order.
The VICE-PRESIDENT. The regular order is demanded, which is the consideration of the Calendar of General Orders under the An-

the consideration of the Calendar of General Orders under the Anthony rule.

Mr. CAMERON, of Pennsylvania. I ask to take up the motion to reconsider the vote by which the resolution of the House of Representatives in reference to adjournment for the holidays was rejected. The VICE-PRESIDENT. The Senator from Pennsylvania calls up the motion of the Senator from Kansas, [Mr. INGALIS,] entered on Friday last, to reconsider the vote by which the Senate disagreed to the resolution of the House of Representatives relative to a recess.

Mr. EDMUNDS. Let the resolution be read, so that we shall know precisely what it is.

The VICE-PRESIDENT. The resolution will be reported.

The Chief Clerk read as follows:

Resolved by the House of Representatives, (the Sanate concurring.) That when the two Houses of Congress adjourn on Wednesday, the 22d instant, it shall be to meet on Wednesday, the 5th day of January next.

The VICE PRESIDENT. Will the Senate reconsider the vote by which it disagreed to this resolution?

Mr. BLAIR. Mr. President, I voted against this resolution the other day when it was under discussion; but I have since become satisfied that I was laboring under one of those childish delusions which are apt to affect a juvenile Senator, and I withdraw further opposition so far as I am concerned, and will vote to help everybody

opposition so far as I am concerned, and will vote to help everybody out of the city as rapidly as possible.

Mr. THURMAN. I was confined by sickness to my house when the matter was under consideration before the Senate, and therefore could not attend, and my vote is not recorded. As I am very much opposed to the resolution as it came from the House, and want to oppose it by my vote, I ask for the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

Mr. MORRILL. I voted for the resolution before simply on the ground that I believe there will not be a quorum present during the holidays, as I understand there was not a quorum present in the other House on Saturday on the last vote taken on the passage of a bill. I shall be in the city and I have no objection to being in the Senate every day, but I do not believe there is going to be a quorum present every day, but I do not believe there is going to be a quorum present in either House.

Mr. WHYTE. I was engaged, under the permission of the Senate, in the room of the District of Columbia Committee on the municipal in the room of the District of Columbia Committee on the municipal code of the District at the time that, the resolution was last up, and therefore my vote is not recorded on the subject. I agree with the Senator from Vermont that an attempt to hold Congress tegether without the usual Christmas holidays will be a folly. More than that, I am one of those who believe that the country is not hurt a great deal when Congress does adjourn, and therefore I propose to vote in favor of the resolution.

Mr. HOAR. The Christmas season is one which, by the customs of a very large part of the Christian world, is devoted to religious observances and to family gatherings. It has been the custom of the Congress of the United States for many years to recognize this desire, which amounts to a religious feeling in so many minds, to have families united at their homes at that season, where it is possible. Containly any Seaster who moved to adjoin the Seaster in its

have families united at their homes at that season, where it is possible. Certainly any Senator who moved to adjourn the Senate in its busiest season last year to attend a horse-race will respect this feeling on the part of those who entertain it for the Christmas season. Mr. THURMAN rose.

Mr. RANSOM, (to Mr. THURMAN.) You did not do that.

Mr. THURMAN. I do not know who did it, nor do I care who did it. If the Senator from Massachusetts pretends to insinuate that there is any want of respect for Christmas Day on the part of any Senator here, he is in a lamentable state of ignorance indeed about the feelings of his brother Senators. I do not suppose there is a Senator here who would object to adjourning over Christmas. Nobody does that; nor is there one here who will object to adjourning over New Year's Day; but I cannot believe that it is necessary for us to adjeurn for two weeks, and that at the risk of having an extra session of Congress, in order to pay respect to any day whatever. I am willing to pay respect to the day mentioned by the Senator from Massachusetts, and I am willing to adjourn over for the other holiday, the first day of the year, and that is about as far as I am willing to go. We have plenty of work to do and very little time to do it in, and if we do not want an extra session of Congress I think we had better not throw away two weeks of our time.

we do not want an extra session of Congress I think we had better not throw away two weeks of our time.

Mr. WITHERS. I am in favor of the recess. I voted for the resolution the other day, but the majority of the Senate having apparently a spasmodic attack of industry voted it down; but in the course of the session of that day they voted to adjourn over Saturday, thereby entirely destroying the force of the argument that it was indispensable that we should work every day which we could have in order to dispose of the business of the Senate.

Mr. THURMAN. Will my friend allow me to interrupt him right there?

there?

Mr. WITHERS. Certainly.

Mr. THURMAN. It is one thing to adjourn over for two weeks and go off to New York, Baltimore, Philadelphia, or Boston, and it is another thing to adjourn over from Friday to Monday and spend your time at work in committee, or in the Departments, or wherever you have work to do, or in the early part of the session when Senators have to look around for their accommodations for the winter. I have have to look around for their accommodations for the winter. I have

always believed we gained by adjourning over from Friday to Monday, because it gave us more time to do that work which was necessary in committee or the Departments or what our own private affairs required. But that is one thing, and a two weeks' holiday is another. Mr. WITHERS. It is very true, as the Senator from Ohio has stated, that they are two different things; but unfortunately for the argument which was made here successfully on Friday that it was imperatively necessary that we should devote our whole time and attention every day to the end of the session in order to make an

impression upon our already large Calendar, the subsequent vote of the Senate agreeing to adjourn over on Saturday, in my judgment, entirely neutralized the effect of that argument.

If it were necessary that we should have meetings of the commit-

these in order to prepare business for this body, I would say that the argument of the Senator from Ohio was perfectly logical; but inasmuch as we have already a far greater amount of business upon the Calendar than it is possible to dispose of, I think the idea that it is necessary in order to enable committees to report business is a falla-

I myself have favored the proposition to adjourn because I believe that we shall transact just as much public business if we take the usual Christmas recess as if we refuse to do so, from the fact that we shall in all probability be left without a quorum. Several of my friends, I know, who voted against the proposition to adjourn the other day have gone home; others expect to do so; and I myself had rather meet the responsibility at once and vote in favor of the reso-

Mr. WILLIAMS. If the gentlemen who are anxious for this holiday will give me any assurance that upon reconsideration they will propose an amendment to take a recess for one week only, I shall be glad to aid them. It is usual always to take a holiday during Christ-mas week. The boys and the negroes in old slave times expected always one full week of holiday, and I do not see why "grave and reverend seigniors" should demand more than the servants and the

always one full week of holiday, and I do not see why "grave and reverend seigniors" should demand more than the servants and the boys. If any gentleman will give me an assurance that he intends to move an amendment to take one week's holiday, say from next Friday until Monday week, I would vote for the reconsideration. Unless some gentleman will give me that assurance, I shall vote against the reconsideration. With that assurance I shall vote for it.

Mr. EDMUNDS. If the Senator from Kentucky will allow me I will say that I am about half on his side and that of the Senator from Ohio, although I have found by several years' experience that it did not amount to anything, but still I believe in the theory. Therefore if this vote is reconsidered I shall move, if nobody else does, to make the adjournment begin on Thursday, which is two days before Christmas, in order to allow gentlemen time to get home to their Christmas festivities, and to have the session begin again on Monday, the 3d of January, Saturday being the first day and Sunday the second, so that Monday is the first working day.

Mr. BLAINE. We cannot get back.

Mr. EDMUNDS. We can get back from Christmas I think without any serious difficulty unless we go too far.

Mr. BLAINE. This is the eighteenth winter that I have personally witnessed this exact form of discussion. It always runs about the same length, it has about the same fervor and the same vote one way, to be backed out of the next day; and it always ends in precisely the

same length, it has about the same lervor and the same vote one way, to be backed out of the next day; and it always ends in precisely the same way as this will end. I am so situated that a vacation is of little consequence to me, for I do not want to leave the city; at least I am under no obligation to leave. I am living here and it is just as easy for me to attend the Capitol daily as not; but I know that it is perfectly impossible to devote the Christmas holidays to work. It has become a part of the common law of Congress to have a holiday

As to what the Senator from Kentucky [Mr. WILLIAMS] says, how can any one guarantee to him that upon a reconsideration any action will be taken? He has the right to make a motion to amend; that is all he can ask. We cannot pledge in advance what will be done

is all he can ask. We cannot pledge in advance what will be done on a reconsideration.

Mr. WILLIAMS. I will take the Senator's statement.

Mr. MAXEY. I have voted ever since I have been in the Senate against these long recesses and against the Thursday adjournments to Monday. It is especially important, it seems to me, that during the short session where we have, as we all know, more work upon the Calendar than we can do by occupying all reasonable time, that we should devote the great body of that time to business. I am willing to adjourn for Christmas Day and for New Year's Day, but the long adjournment proposed is unnecessary and wholly disadvantageous in my judgment to the public business.

The VICE-PRESIDENT. The question is, Will the Senate reconsider the vote by which the resolution was rejected? upon which the yeas and nays have been ordered.

yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRIS, (when his name was called.) Upon this question I was paired with the Senator from Nebraska, [Mr. Paddock,] but my colleague, [Mr. Balley,] who agrees with me upon this question, is necessarily absent this morning, and I will transfer the pair of the Senator from Nebraska and make it with my colleague. I will therefore record my wate "ner". fore record my vote "nay."

The roll-call having been concluded, the result was announced-yeas 31, nays 29; as follows:

Allison, Anthony, Baldwin, Bayard, Blaine, Blair.	Burnside, Cameron of Pa., Cameron of Wis., Davis of Illinois, Dawes, Edmunds,	Hoar, Johnston, Kellogg, Kirkwood, Logan, McMillan.	Y	Platt, Ransom, Saunders Teller, Whyte,
Booth, Bruce,	Ferry, Hill of Colorado,	McPherson, Morrill.		Windom, Withers.

	NA	YS-29.		ı
Beck, Brown, Butler, Call, Cockrell, Davis of W. Va., Farley,	Garland, Groome, Hamlin, Harris, Hereford, Ingalls, Jonas, Kernan,	McDonald, Maxey, Pendleton, Pugh, Rollins, Saulsbury, Slater, Thurman,	Vance, Vest, Voorhees, Walker, Williams.	
	ABS	ENT-16.		
Bailey, Carpenter, Coke, Conkline.	Grover, Hampton, Hill of Georgia, Jones of Florida.	Jones of Nevada, Lamar, Morgan, Paddock	Plumb, Randolph, Sharon, Wallace.	

So the motion to reconsider was agreed to. The VICE-PRESIDENT. The question recurs, Will the Senate

gree to the resolution?

Mr. EDMUNDS. Mr. President, I move to amend the resolution by striking out the words "Wednesday, the 22d," and inserting "Thursday, the 23d," and by striking out "Wednesday, the 5th," and inserting "Monday, the 3d," so as to read:

That when the two Houses of Congress adjourn on Thursday, the 23d instant, it all be to meet on Monday, the 3d day of January next.

shall be to meet on Monday, the 3d day of January next.

Mr. HOAR. I appeal to the Senator from Vermont to make the day of reassembling Tuesday instead of Monday. If he makes it Monday, there will be hardly anybody here, and it will require traveling on Sunday. I move to amend by substituting "Tuesday, the 4th," for "Monday, the 3d" day of January next.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HOAR. I hope that will be agreed to by the Senator from Vermont.

Mr. McDONALD. Congress always meets on Monday in regular session, and there is never any difficulty in meeting on that day. I do not see why we cannot meet on that day after our recess without any trouble. I hope the amendment of the Senator from Massachusetts will not be agreed to.

Mr. HOAR. It has been said by some Senators, and especially by

will not be agreed to.

Mr. HOAR. It has been said by some Senators, and especially by the Senator from Ohio, [Mr. Thurman,] that there was entire willingness to have the New Year's Day holiday respected. It is a legal holiday, I think. Now, to be here on Monday will require the leaving home of many Senators before that time and traveling on New Year's Day, or else traveling on Sunday. As to the case of the session beginning on Monday, that is at the end of the long summer interval when Senators like to get here a few days before, and are in the city by Saturday night; but it cuts off the New Year's holiday altogether to compel Senators to be back by Monday morning. I hope my proposition or suggestion will be assented to.

Mr. BLAINE. Mr. President, it has been anneunced here twice by Senators that there is no quorum left in the House. How are you going to have this change concurred in? The House was not unanimous on this resolution. Any one gentleman can step it in the House who is opposed to the recess, if you send it back with an amendment. The Senators who desire a recess and who find it necessary to have one, will secure it by voting to concur in the House resolution; otherwise they put it in the power of a single member of the House to stop the matter by an objection.

whise they part to the flower of a single member of the flower to stop the matter by an objection.

Mr. DAVIS, of West Virginia. No Senator here knows better than the Senator from Maine that we ought not to refer to the other end of the Capitol for effect upon the Senate.

of the Capitol for effect upon the Senate.

Mr. BLAINE. I was not the first to do it. I was correcting a misapprehension which two other Senators had made; and that is always parliamentary. In showing the effect of the vote of the Senate in view of what others had indiscreetly stated, I was wholly within the rules, I beg my honorable friend to observe.

Mr. BAYARD. I hope the Senate will take this recess and for the time proposed by the House of Representatives. The question is a practical question and to be considered fairly. The object is not to delay public business but to enable the members of this body to take part in the general holiday of thanksgiving and of good feeling which comes around at Christmas time. Therefore in voting for this resolution why not secure the result that the co-ordinate branch of Congress has already reached and without jeoparding the passage of Congress has already reached and without jeoparding the passage of the resolution to which in some shape or form the Senate seems now to have given a consent.

to have given a consent.

There are many gentlemen in this body whose homes lie distant from Washington, and the object of adjourning in advance of Christmas Day is to allow them an opportunity to reach their homes, and we should allow them time to return. I would not try to transact public business when I thought the Senate was thin because of the absence of gentlemen who, anticipating the holidays, had gone home in time to enjoy them and who were not able to return by the day fixed. It is a practical fact that whatever day you fix for adjournment there will be a sensible diminution of the attendance of members of this body for several days before that time. It is also a fact that whatever day you fix for the reconvention of the Senate there will be many Senators absent on that day if you fix it at such a period that they cannot conveniently return after the termination of the legal holiday. Therefore it is, treating this question as a matter of practical sense, that I do not think there will be twenty-four hours of legislative serv-

ice subtracted from the public use by amending this resolution of the House; and desiring that the Christmas holidays should always be respected in this country, I propose to vote for the time proposed by the House

Mr. SAUNDERS. I am as anxious as any Senator here to get along with the business we have before us, but I have observed with the Senator from Maine for a number of years that when one House proposes such an adjournment the other opposes it for a while, and finally in every case the holiday has been granted. If we give a holiday at all we ought to give it so as to accommodate the members of Congress. all we ought to give it so as to accommodate the members of Congress. Senators and Representatives who live as far off as I do, if we do not adjourn so as to get away on Wednesday, cannot reach home by Friday. Unless I leave here myself on Wednesday evening I cannot get home by Saturday. If we are to have a holiday at all for the purpose of accommodating the members, it seems to me we ought to adjourn as early as Wednesday, even if we meet at an earlier day than is spoken of; but I think myself it is better to take the resolution as it was passed by the House, and therefore I shall vote against the amendment.

Mr. DAVIS, of Illinois. Mr. President, we have always taken a recess for the Christmas holidays, and, like the Senator from Maine, I am in favor of the resolution as it came from the House. The Senator from Vermont proposes to amend this resolution in two particulars, and they certainly are unimportant. He makes the day of adjournment one day further off, Thursday, although it is very immaterial to him, because he lives here, whether it is Thursday or Wednesday. New England geutlemen can get home if you adjourn on Thursday, day. New England gentlemen can get home if you adjourn on Thursday, in time for Christmas Day, but those of us who live in the West cannot do it. The Senator from lowa cannot get to his home in time, neither can I; but I do not propose to go home, and I can be here on the 3d day of January. I am giving a recess for the benefit of my brethren who live in the West and do want to go home, and there are plenty of them who want to go home. Now, sir, if they are to enjoy their Christmas holidays you ought to adjourn on Wednesday, and, as the Senator from Massachusetts has very well said, New Year's Day is recognized as a holiday throughout the whole country; it is a legal holiday and almost everyhody who is at home on Christmas wants to holiday, and almost everybody who is at home on Christmas wants to be at home on New Year's Day, and gentlemen cannot even by traveling on Sunday from my country get here on Monday, the 3d of January, and cui bono? What particular object is there in shortening the time a day or two when everybody can get here by Wednesday, the

5th of January?

I am not of the opinion of the Senator from Kentucky [Mr. Beck] that this recess is to cause an extra session of Congress. I believe, for one, that there is too much legislation, a great deal too much legis lation, and that there are very few important measures that can be got through at this short session of Congress. If we pass the appropriation bills and take the sense of Congress upon a funding bill, there will be no necessity for an extra session of Congress, and I should suppose that the incoming Administration would not be over-

anxious to have a special session of Congress.

Mr. THURMAN. Mr. President, I believe that I may plead as an excuse for troubling the Senate with any remarks on this question, that it is the first time I have ever done it. I do not remember ever before to have spoken on this important question of a recess for the holidays. My friend from Delaware [Mr. BAYARD] makes the very best argument that could be made against a long recess. He says that for two or three days before the recess commences there is such inattendance in the two Houses that nothing can be done, that it takes two or three days after the recess ends before you can get a working quorum of both Houses. Then if we take a recessof two weeks, and gentlemen are in the habit of running away before it commences and of not coming back for two or three days after it ends, it is in effect

of not coming back for two or three days after it ends, it is in effect giving up three weeks of this session.

Now, a word in respect to what was said by the Senator from Massachusetts about not getting back here. Why, Mr. President, next Saturday is Christmas Day, and any one can observe that day and observe the next day, Sunday, and then he can have Monday, Tuesday, Wednesday, Thursday, and Friday of next week to get back here. Here is a whole week to get back; and then he can be here on New Year's Day, and we all know that whatever the recess may be a large majority of the Senate and of the House, too, will be here on New Year's Day. They prefer to spend New Year's Day in Washington to spending it elsewhere. It is a gayer day here, a brighter day, and there is more observance of it, more amusement than anywhere

and there is more observance of it, more amusement than anywhere else on this continent; and they will be back here, and will be back in good season, so as to enjoy their New Year's Day in the capital.

Mr. President, I think that what we ought to do would be to adjourn over from Thursday of this week until next Monday or Tuesday, and toward the close of next week adjourn over New Year's Day, Saturday of next week. Thus we could save nearly two weeks of the work of this session.

I for one am very apprehensive that things are drifting so as to make a pretext for an extra session of Congress, and I for one do not want it. I do not think there is any necessity for it, and I do not think it ought to be done.

As to the amendment offered by the Senator from Vermont, I believe that it saves three days. If the amendment of the Senator from Massachusetts is adopted we only save two days. We might as well take the resolution as it came from the House as to take either one

of the amendments. You cannot give a vacation to gratify every member. You cannot give a recess that will allow a man from the Pacific coast to go home, or will allow our friends from Texas to go home, or will allow even my friend from Iowa to go home; he does not want to go; he is afraid of getting snowed up. Therefore there is no necessity for making it two weeks in order that people may get around their own firesides, as gentlemen poetically say. One half the Senate cannot get around their own firesides except here in the city of Washington.

Mr. President. I think the best way to dispose of the matter before

Mr. President, I think the best way to dispose of the matter before us is to lay the resolution on the table. I make that motion.

The VICE-PRESIDENT. The Senator from Ohio moves to lay the

whole subject on the table.

Mr. DAWES. Will the Senator withdraw the motion?

Mr. THURMAN. I withdraw it if the Senator wishes to be heard.
Mr. DAWES. I do not feel as if I could allow this important question to go, upon which the country is so much aroused from one end to the other, without clearly defining my own position upon it before the vote is taken. It is an annual discussion, in which I am always greatly interested. This question of the length of the holiday recess is a great quickener of the legislative conscience. It is an oppor-tunity for us all to relieve ourselves of great shortcomings in our attention upon our duties here, and I have observed while I have been in Congress—I feel it myself, and so I suppose it is others feel it—that just in proportion as we feel that we have enjoyed too much leisure during the ordinary legislative days, we ought to make up for it by a strong protest against the holiday recess; and if we put it clearly before the country that, so far as we are concerned, we are opposed to the holiday recess, or at least that we will do what we can to save certainly a day at each end of it, we shall satisfy a conscience which sometimes tells us we are off too much during the ordinary course of

During my time here there have been known to be two occasions, and only two, upon which this spasm has so taken possession of us all, and our consciences therefore have pricked us so much that we must make atonement, and hence refused to have a recess. This has must make atonement, and hence refused to have a recess. This has occurred two years in twenty-four; and during those years we have marched up the hill and then marched down again, and the Record will show that not one of those days has any legislative business been done, either because there was no quorum, or because there was no disposition to do business. So it will be now; and while it is proper that we should make this sacrifice, feeling as I do for one that I had kept away in the few days that have transpired before the holiday recess altogether too much from these legislative Halls, yet I would like to satisfy the country by an opposition to this resolution. But it will not do any good. The country does not expect that there will be legislation during the holidays. It expects that there will be the recess which always has taken place; and it is wise that it should take place. The only question is whether we will cut it off at both ends so that gentlemen can neither go home before nor come back take place. The only question is whether we will cut it off at both ends so that gentlemen can neither go home before nor come back after. I am in an unfortunate position myself, and I wish to submit my case to the Senate. I live on railreads that observe the Sabbath, and it is utterly impossible for me to get out of my town or into it, as the Senator from Maine [Mr. Blaine] suggests, on Sunday. If I am unfortunate enough to be caught out of my town on Sunday I am gone, and if I am there, whatever may be the demands of this Senate, I cannot get out of it. I suggest, therefore, that the country will be satisfied if our friends will let us have time to get home before Christmas and time to get back after New Year's, and when we come back we will devote ourselves to our duties here and let outside attractions go as far as we can

come back we will devote ourselves to our duties here and let outside attractions go as far as we can.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HOAR. I withdraw the amendment to the amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was rejected.

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the

Mr. THURMAN. I move to lay the resolution on the table.
The question being put, there were on a division—ayes 23, noes 32.
Mr. HEREFORD called for the yeas and nays, and they were erdered; and being taken, resulted—yeas 28, nays 34; as follows:

1804 LA 115 800	YE	AS-28.	
Beck, Brown, Butler, Call, Cockrell, Davis of W. Va., Eaton,	Farley, Garland, Groome, Hamlin, Harris, Hereford, Jonas,	Kernan, McDonald, Maxey, Morgan, Pendleton, Pugh, Saulsbury,	Slater, Thurman, Vance, Vest, Voorhees, Walker, Williams.
	. NA	YS-34.	
Allison, Anthony, Baldwin, Bayard, Blaine, Blair, Booth, Bruce, Burnside,	Cameron of Pa., Cameron of Wis., Conkling, Davis of Illinois, Dawes, Edmunds, Ferry, Hill of Colorado,	Ingalls, Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Platt	Ransom, Rollins, Saunders, Teller, Whyte, Windom, Withers.

	23.000	DATE TO THE	
Bailey, Carpenter, Coke, Grover.	Hampton, Hill of Georgia, Jones of Florida, Jones of Nevada.	Lamar, Paddock, Plumb, Randolph,	Sharon Wallac

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS, (when Mr. Balley's name was called.) Upon this question of a holiday recess my colleague [Mr. Balley] is paired with the Senator from Nebraska, [Mr. Paddock.] If the Senators were present, the Senator from Nebraska would vote "yea" and my

The roll-call having been concluded, the result was announced-yeas 33, nays 26; as follows:

	XE	AS-33.	
Allison, Anthony, Baldwin, Bayard, Blaine, Blair, Booth, Bruce, Burnside,	Cameron of Pa., Cameron of Wis., Conkling. Davis of Illinois, Daves, Edmunds, Ferry, Hill of Colorado, Hoar,	Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Platt, Ransom,	Rollins, Saunders, Teller, Whyte, Windom, Withers.
	NA	YS-26.	
Beck, Brown, Cockrell, Davis of W. Va., Eaton,	Groome, Hamlin, Harris, Hereford, Jonas,	Maxey, Morgan, Pendleton, Pugh, Saulsbury,	Vance, Vest, Voorhees, Walker, Williams.

Eaton, Farley, Garland

	ABS	ENT-17.	
Bailey, Butler, Call, Carpenter, Coke,	Grover, Hampton, Hill of Georgia, Ingalls, Jones of Florida,	Jones of Nevada, Lamar, Paddock, Plumb, Randolph,	Sharon, Wallao

So the resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 6614), making appropriations for the support of the Military Academy for the fiscal year ending Jane 30, 1882, and for other purposes; in which it requested the concurrence of the Senate.

REPRINTING OF A REPORT.

Mr. HOAR. Mr. President, at the last session of the Senate, Mr. Mr. HOAR. Mr. President, at the last session of the Senate, Mr. Pryor, then a Senator from the State of Alabama, presented a report from the Committee on Claims in a case to which he had given great attention, and I think the report was the first report made by him. By an accident at the printer's that report is printed as having been made by me, and it will pass into the bound documents of the Senate, so that I shall have appropriated and have the benefit, as far as reputation is concerned, of his labors. I am quite sure that gentleman, whose industry and learning and intelligence we all valued and respected so much, would desire to have the record of his brief legislative service preserved, and therefore I have prepared a resolution lative service preserved, and therefore I have prepared a resolution that the printed copies of that report be destroyed and that the report be reprinted correctly. The report is a brief one, and it involves an expense of only two or three dollars to make the correction. I move the following resolution, and ask for its present consideration:

Resolved. That the printed copies of the Senato report No. 255, presented to the second session of the Forty-sixth Congress by Mr. Pryor, then Senator from Alabama, on the petition of W. W. Busby, now in the document-room, be destroyed and the said report reprinted.

The resolution was considered by unanimous consent, and agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

FUNDING OF DISTRICT CERTIFICATES.

Mr. HARRIS. I ask unanimous consent for the consideration at this time of Senate bill No. 1681, being a bill to provide for funding the 8 per cent. improvement certificates of the District of Columbia.

Mr. McDONALD. I should like to make a parliamentary inquiry. I desire to know if it is not a privileged question to call up a motion

to reconsider ?

The VICE-PRESIDENT. It is not treated as such under the rules of the Senate. A motion to reconsider the Chair always recognizes under the head of "concurrent and other resolutions."

Mr. McDONALD. But a previous motion entered to reconsider a bill or a vote by which any measure has been for the time disposed of by the Senate?

The VICE-PRESIDENT. If it be a bill, whenever the Calendar of bills is reached that order will be recognized.

Mr. McDONALD. Is not a motion to reconsider a privileged ques-

The VICE-PRESIDENT. It adheres to the order of business to which it belongs. The Senator from Tennessee asks the Senate to consider at this time Senate bill No. 1681. The Chair hears no objec-

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and to insert:

to insert:

That the Treasurer of the United States, as exoficio commissioner of the sinking fund of the District of Columbia, is hereby authorized and required to cause bonds of the District of Columbia to be prepared in sums of fifty and five hundred dollars, bearing date August 1, 1874, payable fifty years after date, bearing interest at the rate of 3.65 per cent. per annum, payable semi-annually, to be signed by said Treasurer as exoficio sinking-fund commissioner, and countersigned by the comptroller of said District, and sealed as the said Treasurer may direct, which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved or printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively, beginning with the number next to the last bond that was issued under the seventh section of the act approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," and shall be registered in the office of the comptroller of said District, and in the office of the Register of the Treasury of the United States.

And the Treasurer of the United States, as exoficio sinking-fund commissioner of the District of Columbia, is hereby anthorized to exchange said bonds at par, after detaching the coupons from the same up to the date of such exchange, for like sums of the 8 per cent. certificates of said District and the accrued interest thereon, issued under act of the Legislative Assembly of said District, approved May 29, 1873, and shall cause the said certificates upon redemption to be duly can

Mr. HARRIS. I ask that a brief report submitted by myself, explaining the facts in this case, be read as the explanation of the bill.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HAR-RIS, May 17, 1880:

The Committee on the District of Columbia, to which was referred the bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia, has had the same under consideration, and submits the following re-

of Columbia, has had the same under consideration, and submits the following report:

That it appears from the report of the commissioners of the District that under the act of the Legislative Assembly, approved May 29, 1873, the board of public works issued certificates of indebtedness to the amount of \$2,000,000, dated July 1, 1873, bearing interest at the rate of \$8 per cent. per annum, and payable in equal amounts in one, two, three, four, and five years from their date.

The interest was paid upon all of these certificates up to July 1, 1874, but no interest has been paid since that time. That \$1,328,700 of these certificates have been received in payment of special assessments, and canceled, which leaves a balance outstanding of \$671,300, with the interest which has accrued since July 1, 1874, amounting to about \$220,000, making the aggregate of about \$291,300. These certificates were issued by the board of public works to pay for certain street and avenue improvements, and the act that authorized their issue was a part of the general system of improvements inaugurated by the board of public works.

By act of June 20, 1874, Congress adopted the policy of funding the large unfunded debt, which the very liberal, not to say reckless, policy of the board of public works had fixed upon the District of Columbia, in fifty-year bonds, bearing interest at the rate of 3.65 per cent. per annum. And much the greater part of that debt has been so funded, and the committee can see no reason why these certificates should be placed on any higher ground than other evidences of indobtedness created by the same board in carrying out the same system of public works.

The committee therefore recommends that these certificates be funded in 3.65 bonds, to be issued bearing the same data and payable at the same time and on the same conditions in all respects as the 3.65 bonds heretofore issued; to accomplish which the committee reports the bill back with an amendment, and recommends that it pass as amended.

Mr. HARRIS. Since th

Mr. HARRIS. Since this substitute was reported by the Commit-Mr. HARRIS. Since this substitute was reported by the Committee on the District of Columbia, a bill has passed and become a law authorizing the issue of 3.65 bonds to settle certain claims. I therefore desire to amend that provision of the substitute which provides for numbering the bonds consecutively from the bonds last issued under the act of 1874. I propose to strike out, in line 25, the word "ninth" before "section;" in line 26, the word "sixteenth" after "June;" in the same line, to strike out "seventy-four" and insert "eighty;" and then in line 27, after the word "act," to strike out "for the government of the District of Columbia and for other purposes," and insert the following, which refers to the last set: 2 poses" and insert the following, which refers to the last act:

To provide for the settlement of outstanding claims against the District of Combia and conferring jurisdiction on the Court of Claims to hear the same and for other purposes:

So as to make the clause read:

Said bonds shall be numbered consecutively, beginning with the number next to the last bond that was issued under the ninth section of the act approved June 16, 1880, entitled "An act to provide for the settlement of the outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," and shall be registered in the office of the comptroller of said District and in the office of the Register of the Treasury of the United States.

The amendment to the amendment was agreed to.

Mr. ALLISON. I move to strike out "and sixty-five hundredths," where it occurs after "three," so that the rate of interest on these bonds shall be 3 per cent. As provided by this bill, these bonds are in every essential respect the bonds of the United States; our faith is pledged for their redemption, and one-half the sum is paid out of the public Treasury and the other half by taxation. These 3.65 bonds

were for a long time below par. They are now, I think, 2 or 3 per cent. above par, or at least 1 per cent. above par, including accrued interest

Mr. HARRIS. Will the Senator from Iowa allow me? Believing as Mr. HARRIS. Will the Senator from Iowa allow me? Believing as I do that a 3 per cent, bond running the length of time the bill provides for this bond to run will command par, I have no objection to the amendment. As representing the time I cannot accept it; but I believe 3 per cent, bonds will sell for par. I believe the 3.65 per cent, bonds will sell for more than par at this time. They have sold so I know within the last few days for a premium. I have no objection myself and am quite satisfied to have the amendment suggested by the Senator from Iowa adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment, as amended, was agreed to.

Mr. McMILLAN. May I inquire of the Senator from Tennessee what is the rate of interest now fixed for these bonds?

Mr. HARRIS. Three and sixty-five hundredths per cent. interest

in the bill

The VICE-PRESIDENT. And it has been made 3 per cent. by the Senate as in Committee of the Whole.

The bill was reported to the Senate as amended, and the amend-

ment was agreed to.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

PENSIONS TO SOLDIERS OF MEXICAN WAR.

Mr. WILLIAMS. I move that the bill to pension the soldiers of the Mexican war be made the special order for the 8th of January.

The VICE-PRESIDENT. The Senator from Kentucky asks that the bill pensioning the soldiers of the Mexican war be made the special order for the 8th day of January next. That motion requires a two-thirds vote.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 281) granting a pension to Francis B. McNamara; A bill (H. R. No. 709) for the relief of William S. Burgess and others

others;
A bill (H. R. No. 788) for the relief of James J. Ferris;
A bill (H. R. No. 859) granting a pension to William H. Scribner;
A bill (H. R. No. 1579) granting a pension to Mrs. Sallie T. Ward;
A bill (H. R. No. 1628) granting a pension to Dalton Hinchman;
A bill (H. R. No. 1649) granting a pension to William W. Church;
A bill (H. R. No. 2485) for the relief of Benjamin F. Worrell;
A bill (H. R. No. 2547) increasing the pension of Mary A. Steece,
widow of Tecumseh Steece;
A bill (H. R. No. 2968) for the relief of James D. Grant:

A bill (H. R. No. 2968) for the relief of James D. Grant;
A bill (H. R. No. 3786) granting a pension to William C. Parker;
A bill (H. R. No. 3787) to restore the name of James M. Allison to
the pension-rolls;
A bill (H. R. No. 3788) granting an increase of pension to William

Hamill;
A bill (H. R. No. 3789) for the relief of Homer Fellows; and
A bill (H. R. No. 6613) making appropriations for the consular and
diplomatic service of the Government for the year ending June 30, 1882, and for other purposes

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds As-

STATUARY COMMEMORATIVE OF WASHINGTON'S INAUGURATION.

Mr. KERNAN. I ask the Senate to proceed to the consideration of House bill No. 5384. I think it will only require to be read to secure its immediate passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the subthe Chamber of Commerce of New York to erect a statue on the subtreasury building in the city of New York. It proposes to authorize the Secretary of the Treasury to permit the New York Chamber of Commerce to erect, without any cost to the Government, a suitable statue, or group, commemorative of the inauguration of George Washington as first President of the United States, on the front of the building known as the sub-treasury of the United States, which now marks the spot, on the corner of Wall and Nassau streets, in the city of New York, where the eath of office was administered to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

to a third reading, read the third time, and passed.

ABBIE N. CONDRON.

Mr. BAYARD. I ask the Senate to proceed to the consideration of Senate bill No. 1669.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1669) for the relief of Abbie N. Condron. It provides for the payment to Abbie N. Condron, widow of George M. Condron, of \$438.32, in full payment for three months'

services of George M. Condron as chaplain of the First Regiment of Volunteers of the State of Delaware in the year 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Pen-

sions:

A bill (H. R. No. 281) granting a pension to Francis B. McNamara;
A bill (H. R. No. 788) for the relief of James J. Ferris;
A bill (H. R. No. 859) granting a pension to William H. Scribner;
A bill (H. R. No. 1628) granting a pension to Mrs. Sallie T. Ward;
A bill (H. R. No. 1628) granting a pension to Dalton Hinchman;
A bill (H. R. No. 1649) granting a pension to William W. Church;
A bill (H. R. No. 2445) for the relief of Benjamin F. Worrell;
A bill (H. R. No. 2547) increasing the pension of Mary A. Steece,
widow of Tecumseh Steece;
A bill (H. R. No. 3786) granting a pension to William C. Parker;
A bill (H. R. No. 3786) granting a pension to William C. Parker;

A bill (H. R. No. 3786) granting a pension to William C. Parker;
A bill (H. R. No. 3787) to restore the name of James M. Allison to
the pension-roll; and
A bill (H. R. No. 3788) granting an increase of pension to William

Hamill.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 709) for the relief of William S. Burgess and others;

And
A bill (H. R. No. 2968) for the relief of James D. Grant.
The bill (H. R. No. 3789) for the relief of Homer Fellows was read twice by its title, and referred to the Committee on Claims.
The bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations. to the Committee on Appropriations.

THE SURPLUS-REVENUE DEPOSITS.

THE SURPLUS-REVENUE DEPOSITS.

Mr. DAVIS, of West Virginia. I ask the Senate to consider the bill (S. No. 877) to relieve the Treasurer of the United States from the amount now charged to him and deposited with the several States.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. INGALLS. What committee reported that bill?

The VICE-PRESIDENT. The Committee on Appropriations.

Mr. INGALLS. Is it accompanied by a report? It deals with a pretty large sum. Unless there is some explanation, it is hardly advisable to consider it now.

Mr. DAVIS. of West Virginia. In answer to the Senator from Kan-

Mr. DAVIS, of West Virginia. In answer to the Senator from Kan-

Mr. DAVIS, of West Virginia. In answer to the Senator from Kansas, I will say that this is a unanimous report from the Committee on Appropriations, and I will say to my friend, further, that the special committee of which he and I were members considered it to some extent, though they did not report it.

In 1837, the Senator will recollect, there was deposited with the States, in round figures, \$28,000,000 of surplus revenue under what was known as the Calhoun-Clay bill. That amount has remained upon the books of the Treasurer ever since, and has been treated as cash in all the statements from that day to this. It is not necessary to say that we have had two or three trying times in the Government, and it has never been called for from the States, and perhaps it never was intended to be called for. I hold in my hand a communication from the Treasurer of the United States, making a general statement of the cash in the Treasury, and on the page before me this \$28,000,000 is named five times, and has to be deducted each time and an explanation made that it is not in the Treasury but deposited with the States. States.

States.

The Treasury Department, so far as I know, for a long time has wished to get it off the Treasury books. It is one of the things, though not the main one, perhaps, that have confused to a considerable extent the accounts of the Treasury Department. For instance, the Treasurer makes a statement of the cash in the Treasury; the Register makes a statement of the same date. One of these two gentlemen counts the twenty-eight millions in round numbers; the other does not. That makes confusion at once. As I stated, each and every time the cash is said to be in the Treasury this must be explained and deducted from the Treasurer's accounts to give the true amount. This bill is intended to wipe it out entirely and let it remain with the States where it is; in other words, to make it a donation. It is practivally that now, but it remains nominally on the books, producpractically that now, but it remains nominally on the books, produc-

ing confusion.

I shall be glad to answer any question any Senator may wish to propound

Mr. INGALLS. Is there any communication from the Secretary of

Mr. INGALLS. Is there any communication from the Secretary of the Treasury on the subject embodying the suggestion the Senator from West Virginia has made?

Mr. DAVIS, of West Virginia. I am not sure that the Secretary has made any communication, for he was not asked to do so, but I will say to the Senator that in frequent conversations the Secretary has desired it and wished it, and not only the Secretary, but other officers of the Treasury during our investigations. Here is a letter from the Assistant Register of the Treasury which reviews the matter, and I believe states that it would be very convenient and be an

advantage to the Treasury to have it wiped out. I do not know that there is a recommendation from the Secretary of the Treasury; he was never asked for it. This account has remained on the books and created confusion for the last forty years.

Mr. GARLAND. The Secretary of the Treasury has recommended

this measure

Mr. DAVIS, of West Virginia. My impression was that there was a letter from the Secretary, but I have it not before me.
Mr. GARLAND. He has recommended it in his annual report.
Mr. DAVIS, of West Virginia. It has been recommended by several Secretaries in their reports. The whole question is, shall this The VICE-PRESIDENT. An amendment of the committee will be

reported.

The CHEF CLERK. The amendment reported from the Committee on Appropriations was, at the end of the bill to add:

And all laws or parts of laws authorizing a call upon the States to repay said money be, and they are hereby, repealed.

Mr. McMILLAN. Was this bill taken up by unanimous consent?

Mr. DAVIS, of West Virginia. It has been taken up in the regular

The VICE-PRESIDENT. The Chair asked if there was objection and heard none. It is before the Senate regularly.

Mr. DAVIS, of West Virginia. We are not under the Anthony rule

Mr. MORRILL. I hope my friend from Minnesota will not interfere with this bill. It is manifestly all right; and if it had no other effect than to relieve the mind of the Senator from West Virginia, I

should be in favor of its passage.

Mr. DAVIS, of West Virginia. As to the mind of the Senator from West Virginia, the Senator from Vermont need not make himself uneasy about that. The matter referred to may not disturb his mind as much as it has that of the Senator from West Virginia; but I can say to the Senator that it has a much more powerful effect than that on his mind or mine either, and I ask nothing on that score. I think this is right in itself and ought to be done.

Mr. MORRILL. I think it is right.

Mr. McMILLAN. I ask the Senator from West Virginia if this is

Mr. MCRRILL. I think it is right.

Mr. McMILLAN. I ask the Senator from West Virginia if this is merely a question of book-keeping, if it merely affects the condition of the accounts or books of the Treasury, or does it appropriate or dispose of money not already disposed of ?

Mr. DAVIS, of West Virginia. The money has been disposed of for forty years and the States have had the benefit of it for forty years, and it has confused the Treasury accounts to a considerable extent. I hold in my hand now a statement from the Treasurer, and on the first page I open this item is paged five times and it has to be defirst page I open this item is named five times, and it has to be deducted five times and an explanation given that the money is not in the Treasury. I turn over the next page and it three times occurs

on that page.

Mr. McMILLAN. Then I understand from the Senator from West Virginia that this bill makes no legislative disposition of this fund;

Virginia that this bill makes no legislative disposition of this fund; that it has already been disposed of.

Mr. DAVIS, of West Virginia. Yes, sir; I wish the Senator to understand that it is already with the States. The only effect of the bill will be to cause it to be dropped from the Treasury books.

Mr. INGALLS. I object to the amendment. I should like to read the sections of the statutes intended to be repealed by this amendment, if I can find them.

Mr. DAVIS, of West Virginia. I will say to the Senator that there is a letter from the Assistant Register of the Treasury making an explanation of it, the Register not being present at the time. That letter had better be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 25, 1879.

Siz: In compliance with your verbal request, I have the honor to make the following statement respecting the amount of public money on deposit with certain of the States.

Six: In compliance with your verbal request, I have the nonor to make the following statement respecting the amount of public money on deposit with certain of the States.

The thirteenth and fourteenth sections of the lact of Congress approved June 23, 1836, (volume 5, page 55, Statutes at Large,) provided as follows:

"Sec. 13. And be it further enacted, That the money which shall be in the Treasury of the United States on the 1st day of Jannary, 1837, reserving the sum of \$5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers, or other compent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations, and pleage the faith of the State for the safe-keeping and repayment thereof, and shall pleage the faith of the States receiving the same to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury, beyond the amount of the \$5,000,000 aforesaid: Provided, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States, agreeing to accept the same on deposit, in the proportion aforesaid: And provided further, That when said money, or any part thereof, shall be called for, in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall

part on the 1st day of January, 1837, or as soon thereafter as may be; one quarter part on the 1st day of April, one quarter part on the 1st day of July, and one quarter part on the 1st day of October—all in the same year.".

In compliance with these provisions of law the sum of \$28,101,644.91 was deposited, in three installments, with the States as follows:

THE CHILDS SHIP SHIP SHIP SHIP IN YOUR	CITC PROFESTOR NO.	AVAAV II O	
Maine	\$955, 838 25		\$1,051,422 09
New Hampshire		Alabama	
Massachusetts	1, 338, 173 58	Louisiana	
Vermont	669, 086 79	Mississippi	382, 335 30
Connecticut	764, 670 60	Tennessee	1, 433, 757 39
Rhode Island		Kentucky	1, 433, 757 39
New York		Ohio	2, 007, 260 34
New Jersey	764, 670 60	Missouri	382, 335 30
Pennsylvania	2, 867, 514 78	Indiana	800, 254 44
Delaware	286, 751 49	Illinois	477, 919 14
Maryland	955, 838 25	Michigan	286, 751 49
Virginia	2, 198, 427 99	Arkansas	
North Carolina	1, 433, 757 39		Hard State of the
South Carolina	1 051 499 09		93 161 644 91

By the act of Congress approved October 2, 1837, the transfer of the fourth installment was postponed until the 1st day of January, 1839, (volume 5, page 201, Statutes at Large,) and, as at that time the surplus in the Treasury had been used for payment of appropriations made by law, no further deposit was made.

The last named act provided also that the three first installments should remain on deposit with the States until otherwise directed by Congress.

No subsequent direction having been made by Congress, the money still remains with the States.

Very respectfully, your obedient servant,

W. P. TITCOMB.

W. P. TITCOMB, Assistant Register.

Hon. H. G. Davis, Chairman Select Committee on Treasury Accounts, United States Senate.

Mr. KERNAN. I have examined the law of 1836, and it is as stated in the letter just read. There were three installments paid over to the States; and I believe no one pretends that we ever shall or should call on the States to pay the money back under a law. In the State of New York the principal has been invested as part of our school fund, and the income has been annually used for school pur-poses. As I understand this bill, it is to prevent this item being kept on the books of the Treasury as though it was money belonging to the Government. I think there is no probability of Congress calling it back from the States now, particularly as we are passing laws for aiding schools. I am in favor of the bill, unless there be some objection that I cannot see, to relieve the Treasury from having on its books what really was deposited with the States in 1836 and treated

as though it was never to be recalled.

as though it was never to be recalled.

Mr. INGALLS. Mr. President, this bill revives the memories of one of the historic struggles of this country; and it appears to me that to pass the bill in this manner without consideration is unworthy of the importance of the subject. It appears by reading the thirteenth section of the chapter regulating the deposits of the public money that it was not in any sense whatever a gift to the States with which that it was not in any sense whatever a gift to the States with which it was deposited, but that there was an express reservation of power on the part of the Government to recall it, and an implied contract on the part of the States to repay it in case it should ever be called for. Now, no reasons are advanced why this bill should be passed except that this account is continued on the books of the Treasury, and that it is inconvenient to the system of book-keeping that this \$25,000,000 should be regarded as money in the Treasury of the United States. With all due respect to the Senator from West Virginia, that is no reason at all. This money was not given to the States; it is to-day a part of the assets of this Government, and I want to submit this further consideration, that if there is to be a final disposition of the surplus revenues of 1836, the States that have been admitted to the Union since that time are entitled to their proportionate share of the Union since that time are entitled to their proportionate share of that money. If this had been a donation to the States that were then in the Union, it would be different; but it was not. The reservation of power was made in the bill itself, and I submit that it is a gross injustice to the States which have been subsequently admitted that this donation should now be made without their receiving their pro-

portionate share of these funds.

Mr. SAULSBURY. It seems to me that the Senator from Kansas cannot regard this money in 1837 in any other sense than a gift by the nation to the States at that time. While the power was reserved by the General Government to call for it and a pledge given on the part of the States that if so called for it would be refunded, everypart of the States that if so called for it would be refunded, every-body familiar with the history of that affair knows that the money was taken by the States, and by many of the States, perhaps most of them, incorporated with their school funds. It has therefore become a part, virtually, of the free-school fund of the several States in this Union, and I am sure there are not ten members of the Senate who would disturb the school funds of the respective States to which this money was denoted in 1836. In my own State it was appropriated money was donated in 1836. In my own State it was appropriated exclusively—I believe every dollar of it—to the school fund, and has exclusively—I believe every dollar of it—to the school fund, and has been sedulously guarded and preserved as part of the school fund of the State. No exigency that has come upon the State has ever caused us to resort to that fund. Now, I am sure that the Senator from Kansas would not, unless there was a very great exigency on the part of the Government, ask for the repayment of that fund which had been thus sacredly appropriated to the education of children forty-four years ago. So far as the new States are concerned that have come in since that time, they have had public lands donated to them in large amounts for school purposes and for railroad purposes, and other purposes, while the old States had none of the lands given to them for educational purposes.

I cannot think the Senator is serious in making his objection on the ground that it would be inequitable to the new States. The only object and purpose of this bill is to relieve the Treasury accounts of the necessity of constantly carrying on the books of the Treasury these items. I think that the amendment reported by the committee is perfectly proper, that we shall at once settle the question and say that the laws which prescribe the conditions on which the fund that the laws which prescribe the conditions on which the fund donated to the States may be recalled shall be wiped out, because I am sure we never shall have a Senate or House of Representatives that would propose such a thing unless in a case of such extreme exigency that none of us would dare to resist. The Government did not do it during the war, and I am sure nobody will hereafter ever make such a proposition. I therefore am in favor of the amendment proposed by the committee.

Mr. INGALIS. Mr. Describert the Control of the sure of the sure of the committee.

Mr. INGALLS. Mr. President, the Senator from Delaware says that the States which have been since admitted into the Union have received lands and donations for educational and other purposes. That is very true; but it is also true that a considerable number of the States named in this bill also received donations of land for educational purposes when they were admitted into the Union. I know it was the case with regard to Arkansas; I think it was the case with regard to Indiana, although I am not positive. In fact I believe that all the States that were admitted out of what was known as the Northwest Territory received large and ample donations of land for educational purposes; but I can see no reason and no justice and no equity in saying that this money shall now finally be disposed of in the nature of a gift, at this particular time, to these several States, unless the other States in the Union shall also receive their proportionate share of the benefits of the fund. There certainly has been no argument advanced in favor of it, and if it is possible for me to object to this bill at this time, I shall be very glad to do so.

The VICE-PRESIDENT. An objection does not throw the bill over. The question is on the amendment reported by the Committee

on Appropriations.

Mr. TELLER. Why does not one objection send the bill over?

The VICE-PRESIDENT. Because it has been entertained by the

Senate by unanimous consent, and discussed for nearly an hour.

Mr. TELLER. It is not under the Anthony rule, then?

The VICE-PRESIDENT. It is not; it was not taken up until a little before two o'clock.

little before two o'clock.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. TELLER. It seems to me that this is a very summary manner to dispose of a bill involving so many important questions as a bill of this kind, and involving so much money.

Mr. INGALLS. Only \$23,000,000!

Mr. TELLER. It is true, as suggested, it is only \$28,000,000, usually regarded as a pretty large sum of money. I suppose some interest has accumulated on it since 1836, and I had an estimate made of the amount that would be due now if the Government had charged 4 per amount that would be due now if the Government had charged 4 per

eent, but I cannot put my hand on it.

Mr. ANTHONY. But the Government did not charge 4 per cent.

Mr. TELLER. Very well, the Government did not charge 4 per cent., I will admit. If the Government had charged 4 per cent. upon this money, which has been in the hands of the States since 1836, it would now amount to \$134,000,000.

Mr. SAULSBURY. I should like to ask the Sepator if there was any provision in the law which authorized the Government to collect

interest on that amount?

Mr. TELLER. I do not know that there is any such provision. I do not know that the Government could collect interest, and I am not certain that the Government can collect anything at all. I am not certain that the Government can collect anything at all. I am very certain the Government never will. I have looked over this list, and I find that there are twenty-eight States that are beneficiaries under this bill. My experience has taught me that twenty-eight interested States are pretty sure to find votes in the Senate and in the House sufficient to pass a bill like this. I do not think there is any doubt about it at all. But when there was a bill here that was in the special interest of a few of the Western States, and when we were asking the mere letter of the law, as we thought, the payment of 5 per cent. on the sales of the public lands, pretty much every Senator who voted for it was charged by Senators representing the States that derive the greatest benefit from this bill with being moved entirely by a desire to appropriate a portion of the public Treasury entirely by a desire to appropriate a portion of the public Treasury that did not belong to us. I will not make any such insinuation in reference to Senators who vote for this bill. All there is about it is that here are \$28,000,000 that go to these States, and I have not the slightest doubt but what the bill will be passed and the States relieved from any charge or probability of ever paying the principal or interest. I would not say a word about it now if it were not for the fact that when the Western States and the new States that have never had any benefit from this fund, or in fact from any other fund,

come here to get that which is rightfully their due, they are met by the cry that they are making a raid upon the public Treasury.

Mr. President, some of the States have derived some benefit from public lands. The State of Colorado has not, and while Colorado has been four years a State in the Union, there has been every session before the Committee on Education and Labor a bill to enable that State to take its agricultural college lands. The State has gone to work and built an agricultural college without a dollar from the Gov-

ernment, paid \$25,000 last year from the treasury of the State toward the support and building of this public institution, and yet we have never been able, not having any representative on that committee, to get a report from the committee on that question, and I doubt very much whether we ever shall get a report. We are told that we can take our share from the offered lands. There is no offered land that is worth a dollar a square mile that we can get.

I think it would be fair to divide this fund between all the States, but I repeat again I have not any idea that it is going to be done. I do not suppose the new States will come in for any part or parcel of it, or get any interest in it whatever.

it, or get any interest in it whatever.

Mr. SAULSBURY. Mr. President, these funds were donated before the State of Colorado or the State of Kansas had an existence. It is not the first time in the history of humanity when men have been reminded that they have raised up children who have rebelled against them. We have raised all these Western States; we have treated them very kindly, as kindly as we could; we have given them public lands for educational purposes, and in some instances for railroad pur-poses, and I think it is captious now for the representatives of those new States which have been treated so kindly by the older States to rise and object to an equity so proper in every sense of the term. My friends, however, I think are simply desiring to make some objection to this because they have been thwarted in some of their purposes heretofore.

Mr. TELLER. Some of our raids on the Treasury! Mr. President, I will answer the question asked by the Senator. This was not donated to the States, and has not been yet. We object to its being donated now. This money was deposited with the States, and I believe then there was a very respectable portion of both branches of Congress who denied the power of the Government to donate it, and it was deposited with the States to be called for whenever the Government should see fit to call for it. Practically, it might have been a donation; but it was not a donation in form. It is now to be.

Mr. GARLAND. This matter was before the Senate in January last, and I thought then and still think the committee had a report

of the Secretary of the Treasury recommending the adoption of this

measure.

After this deposit was made, in 1837 Congress passed an act that the States should be called on before this money should be collected. There never has been a demand by the Government on these States for this money up to this day, now more than forty years. One peculiar fact that I wish to call the attention of the Senate to is this: that with every one of the States with which this money was deposited the General Government has had money transactions of different sorts arising from different grants, in which the character of creditor and debtor was frequently transferred from one to the other, and in no instance I believe (and certainly it is so as far as the State I represent is concerned) has any mention ever been made in the settlement of accounts of this fund.

Mr. TELLER. I should like to ask the Senator if he supposes that makes any difference with the fund, because the party owing it fails to put it in his account. I know a great many people who do busi-

ness in that way

Mr. GARLAND. I will state a proposition directly which the Sena tor will recognize, and show that it does make a difference. The State of Arkansas, for example, has transacted business with the General Government in the relation of both debtor and creditor to the extent of thousands and thousands of dollars since that time, arising from swamp lands and other matters which it is unnecessary now to detail; and no indication of this item has ever been made, and no reference to it. It has slept quietly, and has not been disturbed in the statements of the accounts at any time. Now, a period of forty years in individual transactions would raise an absolute estoppel as against the party claiming; and if it has not that effect against the Government it must at least raise this moral consideration, that if the Government by her course of conduct has induced the States to believe that she never would call upon them for this money she will be bound, as a matter of course, by that conduct which she has practiced toward these States, and say, in good faith, that she never intends to call for the money. Then, what is the practical question? This is not a debt; the law never did exactly define the capacity in which the States held this money; it has been repeated a million of times in these forty years in the accounts that have been stated by the Treasury Department in its general financial statements.

Mr. TELLER. Stated as a debt against the States.
Mr. GARLAND. Not particularly as a debt. Here has been a course of conduct for forty years, and the Treasury Department has frequently submitted to us that this matter was in the way of the proper keeping of its accounts. A call has never been made and never even been suggested under the act of 1837. Then why not relieve the States? I am not affected by this sensitiveness in regard to what the States? I am not affected by this sensitiveness in regard to what are called raids on the Treasury, mentioned by the Senator from Colorado, because my section embraces now in its wide domain the old flag and the most liberal appropriations that can possibly be made for the development of this country.

Mr. KIRKWOOD. Mr. President, I desire to say a few words in regard to this matter, but am not prepared to do so now, it having come up unexpectedly to me.

A proposition of this kind was before the Senate and attracted my notice at the last session: but different from this: it was merely to

notice at the last session; but different from this; it was merely to

authorize the Secretary of the Treasury so to correct his books that he would not be compelled to carry from year to year this amount as money in the Treasury, or as an asset to be collected into the Treasury. As the bill stands now, however, it is a proposition to donate to certain States of the Union—"donate" is the word I use, because it expresses the precise meaning—to give to certain States of this Union the sum of over \$28,000,000. Well, that may be right; it may be that that money ought to be given to those States, and yet I have not heard any very good reasons offered to the Senate why it should

Mr. EATON. It belongs to them.

Mr. KIRKWOOD. I do not so understand it. I suppose all the money in the Treasury on the same principle belongs to the States, and we ought to divide it out and fill up the Treasury again in some

Mr. JONES, of Florida. We have not had any surplus revenue for

some time.

Mr. KIRKWOOD. Yes, we are having a surplus revenue of forty or fifty millions every year now and we are not dividing it among the States. I am sorry the matter has been so suddenly brought to the attention of the Senate. I wish, however, specially to call the attention of Senators to the actual condition of this matter before

At the last session of Congress a bill was offered and discussed before the Senate and postponed indefinitely, and stands now upon a motion to reconsider, the object of which was not to donate, but to pay to certain States in this Union certain sums of money which they claimed to be their due under a clear and specific contract between those States and the General Government. When that bill was pend-ing before the Senate there was a great deal of opposition to it from some of the Senators representing the States to be benefited by this bill, and, as I thought at the time, some remarks were made touching the matter that had better have been left unmade. Let me compare the two propositions for a moment. The State of New York will have donated to it, if this bill pass, \$4,014,520.71. That was placed in her treasury from the Treasury of the United States some years ago and to be repaid. It never has been repaid, never has been called

Mr. KERNAN. It was only to be repaid if called for by act of

Congres

Congress.

Mr. TELLER. No, by the Secretary of the Treasury.

Mr. DAVIS, of West Virginia. The Senator from Colorado is mistaken. The act of 1837 said it should be by act of Congress and not by the Secretary of the Treasury.

Mr. KIRKWOOD. I have tried to find the act of Congress, but have not laid my hand on it. But here is a proposition to give to the State of New York \$4,014,520.71 and to other States other amounts. Iowa claimed at the last session of Congress that the Government of the United States owed her certain sums of money as a just debt. the United States owed her certain sums of money as a just debt, fairly and honestly and equitably due to her, and it was alleged against her that the matter had lain too long; and it was also alleged that the United States Government had donated lands in the State of the United States Government had donated lands in the State of Iowa for the purpose of building railroads, and that therefore the State of Iowa should not claim what was her due. There were various other reasons of that kind assigned, and it was alleged that it was an attempt to rob the Treasury of the United States of money at a time when the Treasury needed it. Now the old States, the wealthy States of this Union, have \$28,000,000 that ought to be paid into the Treasury of the United States to enable the Government to discharge its indebtedness. It was said at that time, I remember very distinctly—and I felt unpleasant under the assertion—that there was a combination of the States to be benefited by that bill by massing their claims together to secure a united vote of Senators in favor of the payment of them. If it were not in my judgment improper to have said that at that time, I should be tempted to say at this time that here is precisely a combination of the same kind, an attempted massing of influence to carry through here a claim of \$28,000,000; but as I thought it was improper at that time to be said as against the bill I was favoring, I do not feel disposed to say it now against this bill. But, Mr. President, my main purpose in rising at this time is to give

notice of my intention to move as an amendment to this bill, when

notice of my intention to move as an amendment to this bill, when the time shall come that it may be considered, the bill to which I have alluded as pending at the last session of the Senate.

Mr. McDONALD. Senate bill No. 19, I suppose the Senator refers to? Mr. KIRKWOOD. Yes, sir. I propose when the proper time comes to offer that as an amendment to this bill.

Mr. McDONALD. The substance of it?

Mr. KIRKWOOD. The substance of Senate bill No 19, pending at the last session of the Senate. I must insist, if it is proper for me to do so, that this measure shall not be pressed to a vote to-day, because

the last session of the Senate. I must insist, if it is proper for me to do so, that this measure shall not be pressed to a vote to-day, because I did not expect it to come up, and am not prepared to say in regard to it that which I desire to say before the vote is taken.

Mr. McDONALD. I hope the Senator will offer his amendment now. Mr. KIRKWOOD. There is an amendment pending, I understand. The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on concurring in the amendment made as in Committee of the

The amendment was concurred in.
The PRESIDING OFFICER. The bill is still open to amendment in the Senate.

Mr. INGALLS. I think I heard the Senator from West Virginia say that this money was to be recalled from the States only by an act of Congress

Mr. DAVIS, of West Virginia. Yes, sir.
Mr. INGALLS. In order to ascertain precisely what the intent of
the act was, I will rehearse the language of section 13:

Which certificates

That is, the certificates to be delivered by the States upon the receipt

Which certificates shall express the usual and legal obligations, and pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury, beyond the amount of the five millions aforesaid.

Does the Senator still think it required an act of Congress to recall this money

Mr. DAVIS, of West Virginia. If the Senator will refer to the subsequent act, passed October 2, 1837, he will find that the fourth installment that was then intended to be deposited with the States was stopped by that act, and it also required an act of Congress before anything should be called for from the States.

Mr. CONKLING. Has the Senator that act before him?
Mr. DAVIS, of West Virginia. I have not. The Treasury Department refers to it in its letter.

Mr. KERNAN. I have the law, volume 5, page 201:

That the transfer of the fourth installment of depoeits directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed till the 1st day of January, 1839: Provided, That the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress.

That is the act of October 2, 1837. That is the entire act.

Mr. VOORHEES. I have a suggestion to make. I have heard the remarks of the Senator from Iowa, that he did not desire a vote this afternoon; he had not expected this measure to come up. I suggest that it go over, in order to allow him to make the remarks he wants to make upon it. My colleague suggests that the Senator from Iowa offer his amendment first, which I will do and then I will ask the Senate to let the matter go over for the Senator's convenience.

Mr. DAVIS, of West Virginia. I will say to my friend from Indiana that this is the second time this bill has been before the Senate, and each time there have been request that it will be second to the senate.

and that this is the second time this bill has been before the Senate, and each time there has been a request that it go over. He will recollect that at the last session it was debated for half a day probably and then went over. I see no reason why it should go over this evening. Notice has been given of calling it up. It has been on the Calendar for a year. It is not unusual for a bill to go over the first time it is taken up; but when it is called up the second time it is not usual to ask that it should go over to another time. I must say that I think we ought to dispose of it, if we can, this legislative day. If we cannot, of course that is another onestion.

we ought to dispose of it, it we can, this legislative day. If we can not, of course that is another question.

Mr. VOORHEES. I should be very reluctant to insist upon a vote on a question when a Senator was asking time to discuss it.

Mr. KIRKWOOD. I offer the following amendment, to come in as

additional sections:

Mr. KIRKWOOD. I offer the following amendment, to come in as additional sections:

Sec. — That the Secretary of the Interior be, and he is hereby, directed to ascertain the amount of public lands entered by the location of military scrip and land warrants in the States of Ohio, Indiana, Illinois, Missouri, Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Arkansas, Louisiana, Alabama, Mississippi, Florida, Oregon, Nevada, and Colorado, whose enabling acts of admission into the Union contain a stipulation for the payment of 5 per cent, on the sales of the public lands therein. And after making such investigation, it shall be the duty of the Secretary of the Interior to certify the amount so found to the Secretary of the Treasury; and it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to such States 5 per cent, on the amount of lands located by military scrip and land warrants, estimating said lands at the rate of \$1.25 per acre: Provided, That the Secretary of the Interior shall exclude from his estimate and certificate all lands so entered upon which the said 5 per cent, has been paid.

SEC. — That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the amounts allowed as herein provided, by issuing and delivering to the governors of the States named, or their duly anthorized agents. United States certificates of indebtedness, said certificates to be of the denomination of one hundred, five hundred, and one thousand dollars each, as the Secretary may direct, to be made and issued by the said Secretary, in such form, and signed and attested and registered as he shall direct, each certificate to run twenty years from its date, to draw interest, payable semi-annally, at the rate of 3.65 per cent, per annum, and to be payable, both principal and interest, when due, out of any money in the Treasury not otherwise appropriated, on the presentation of the same. And whatever may be necessary to carry out the purp

Mr. DAVIS, of West Virginia. I will merely explain that the effect of the amendment would be to kill the bill. That is as plain as any thing can be; and I hope the Senate will vote it down. I think that is enough to say about it.

Mr. THURMAN. The amendment of the Senator from Iowa is in-

tended to kill the bill. Nevertheless it is in order in this body. The obvious object is to kill the bill by placing upon it the most incongruous matter. That is entirely in order under the rules of the Senate and of the British Parliament. So the amendment is in order. I agree it has no connection with the bill whatsoever, not the least I agree it has no connection with the bill whatsoever, not the least in the wide world. It brings in a new subject which ought not to be introduced in the same bill. If the amendment proposed by the Sen-ator from Iowa is a meritorious amendment, it ought to stand upon its own merits, and not be ingrafted on this bill.

I do not propose to say anything upon the amendment, but I propose to repeat very briefly my objections to the bill itself. I say repeat them, because when this bill was before the Senate on a former occasion I stated them briefly, and I can do so again. The principle of this bill in effect is that the General Government may raise money of this bill in effect is that the General Government may raise money to give to the States. If the naked proposition were made to the Senate that we should raise all the revenue necessary to carry on the State governments and dole it out to the States from year to year, I think Senators would hesitate a good deal before they would agree to any such proposition. There is certainly nothing in the Constitution of the United States that contemplates any such thing. There is certainly nothing that would be more inconsistent with the independence and the dignity of the States; and there is certainly nothing that would be worse, looking at it in the point of economy. One of the greatest safeguards the people have against excessive taxation of the greatest safeguards the people have against excessive taxation is that those who levy the taxes are in the midst of the people, right under the eye of the people. That secures economy to a great extent in the State governments. The State Legislature sits in the State, surrounded by the people who are to be taxed. All their acts are carefully scrutinized and watched. Therefore there is some security that the taxes levied in the States will not be more than the people can bear. But if the Federal Government is to raise the taxes by which the State government is to be carried on, if it is to be done by which the State government is to be carried on, if it is to be done by several hundred gentlemen here in Washington, thousands of miles away from some of the States, then there is no security that the people will not be taxed beyond a suitable amount.

I say this is precisely that thing in principle. The General Govern-

ment had certain surplus moneys, as they were called, in its Treasury. Very soon it found that it had no surplus at all and had to borrow money to carry on the General Government. Very soon this that was called a surplus having disappeared by being deposited with the States, called a surplus having disappeared by being deposited with the States, we were compelled, and at a very great sacrifice too, to borrow money in order to carry on the Federal Government. But Congress saw fit at one time to deposit this money with the States. It was a debt due by the States with whom it was deposited. It is a debt due to day by them just as much as any that they owe, just as much as any debt that any individual owes. I for one must say, with my old-fashioned notions of the Constitution, that we have no more right to give up that indultdness than we have to give any \$28,000,000 now in the that indebtedness than we have to give any \$28,000,000 now in the Treasury to the States. Here are \$22,000,000 due by the States to the Federal Government, and it is proposed by one stroke of the pen to strike out that indebtedness, to give it up. In principle it is precisely the same thing as if you were to take \$28,000,000 now in the Treasury the same thing as if you were to take \$22,000,000 now in the Treasury and distribute it among the States as a gracious gift. I do not believe in it at all; I do not believe in the principle; I do not believe in the constitutionality of any such thing; and no mere convenience of bookkeeping in the Treasury shall make me ever vote for a thing that is so repugnant to my ideas of the fundamental law.

Sir, I confess I am a little surprised at what I see. Last week the Senate saw fit to give up the proceeds of the public lands to be distributed among the States, and voted to dole out a little sum of \$30,000 or \$40,000 around among the States for the purposes of edgestion.

tributed among the States, and voted to dole out a little sum of \$30,000 or \$40,000 around among the States for the purposes of education, which is very little more than half as much as is raised in my single county in the State of Ohio for school purposes. The Senate saw fit to give up the proceeds of the public lands. Now it is proposed to give up \$28,000,000 more. We owe \$2,000,000,000 in round numbers, \$1,600,000,000 of which are bearing interest. As it seems to me, with all humility be it spoken, the obvious plain duty and good policy of the United States is to pay off that debt as fast as it can be paid. Nearly or quite \$700,000,000 of it matures next year. Every dollar of that maturing debt could be paid in ten years without oppressing the people of the United States; but it is proposed to extend the time thirty or forty years; and in order to make a further extension necessary we are to give away the revenue from the public lands and sponge out \$28,000,000 that are due to us by States which are able to pay. I know my State is able to pay the two million and odd dollars deposited with her. It is proposed to sponge all that out, to increase our appropriations every year, make the burden of the Government heavier appropriations every year, make the burden of the Government heavier from year to year, and borrow money. What is to be the end of it? The end of it is to make the national debt irreducible, to make it what the British consols are, annuities, perpetual annuities, irredeemable annuities

That is what our legislation tends to in respect of our public debt. That is what our legislation tends to in respect of our public debt. With great wisdom, as I think, we have been paying off that debt for some years past. We might pay off the remaining seven hundred millions that mature next year in ten years, I venture to say, and not oppress the people with any more taxation than has been imposed upon them in the last ten years. But if we are to give away one day the proceeds of the public lands, sponge out \$23,000,000 that are due to us the next day, increase expenditures the third day, and so go on, the time will be when this debt of ours will be simply what the British debt is, a system of irredeemable annuities. I do not want

to see it. I of course shall not live to see it, but those who come after me will live to see it if this policy is perpetuated. They will live to see it, and they will live to see what I believe to be the greatest curse under which a nation can suffer—an irredeemable great public

I shall vote against this bill because its principle is all wrong.

Mr. CONKLING. Mr. President, it is impossible to listen to the honorable Senator from Ohio and not be impressed by his reasoning; but, as often occurs in such instances, the fallacy is in the foundation, in the premises. The honorable Senator from Ohio cautions us to observe and appreciate the impropriety in law and in reason of having taxes raised by the Government of the United States and allotted or distributed among the States. I think no member of the Senate will be found wanting in any of the repugnance with which the Senator would regard such a proposition. Again he cautions the senate will be found wanting in any of the repugnance with which the Senator would regard such a proposition. Again, he cautions the Senate to remember that we have no right, and that, had we the right, in our circumstances now would be found insuperable objection, to make a present to solvent responsible and prosperous States of \$-3,000,000. There is a statement to which everybody will defer, and if it has any application to this case its weight in the argument would be almost immeasurable.

would be almost immeasurable.

But let us turn from these hypothetical and abstract propositions of the Senator, and see exactly the plain thing which we confront. In 1837, with an overflow in the Treasury and with other circumstances which it would be beside the purpose to stop now to enumerate, the General Government proposed to deposit with the States, not share and share alike, but in the ratio of representation, which was the population, and which again was the basis on which direct taxes are to be imposed if imposed at all, a certain sum of money derived in the manner which has been repeatedly stated in the debate. In making that deposit—and I ask the attention of the honorable Senator from Ohio to the fact—it was expressly provided that at any time, forthwith, immediately, always, if or when the Government wanted this money or any part of it returned, it might by summary requisition of one of its Departments, make demand, which should be answered. The only bridle put on the option was this:

When said money, or any part thereof, shall be wanted by the said Secretary.

When said money, or any part thereof, shall be wanted by the said Secretary, to meet appropriations by law, the same shall be called for, in ratable proportions, within one year, as nearly as conveniently may be, from the different States, with which the same is deposited, and shall not be called for, in sums exceeding \$10,000, from any one State, in any one month, without previous notice of thirty days, for every additional sum of \$20,000, which may at any time be required.

It was therefore a call loan; I will state it so; that is as strongly as the honorable Senator can state it; and at the option of the Government, at any and every moment, it was subject to its requisition. What followed? Later on, and not much later on, Congress interposed again by an act taking away the call feature of this loan, and posed again by an act taking away the call feature of this loan, and saying that neither then nor at any time should it be called for unless Congress interposing by act should so provide. What followed that? And here I wish I could hear the honorable Senator from Ohio, with that accuracy of diction and especially of legal diction for which he is so well known in the Senate, define an estoppel, that something known to the law after which he whom it binds is never again free to assert that which might once have been asserted. Could again free to assert that which might once have been asserted. Could I hear the honorable Senator state clearly the very essence of the doctrine of estoppel I should hear him lay down a principle which must be overridden in order to apply the argument which he has made to this transaction.

Let me see what warrant I have for saying that. I have spoken of what occurred in the year 1837. Time went on. The honorable Senator reminds us that a time soon came when there was a deficit in ator reminds us that a time soon came when there was a dencit in public revenue and when the Government went into the market as a borrower of money. The Senator says, and I agree with him, that still up to that time there was certainly a technical right, and I am not disposed to deny a substantial and unimpaired right, to call for the repayment of this money. On the contrary, exercising its option, the United States proceeded to borrow and by other and different modes to possess itself of the sums which might have been derived by a call of this lane.

modes to possess itself of the sums which might have been derived by a call of this loan.

Years went on. These items appeared in the public statements, not as some Senator inquired, being answered in the negative, as a debt against the States, but confessedly, obviously, as no debt at all against the States. It was matter of public notoriety; it was all part of the public history of the country. After the lapse of some years and after repeated acts on the part of the Government, which it would consume too much time to narrate, acting as they supposed upon the intention of the Government what did the States do in this regard? They proceeded not only to appropriate and apply this deregard? They proceeded not only to appropriate and apply this deposited money but to interweave it and mingle it with their State funds until it became insusceptible of partition as a specific fund. It was incorporated in the school fund; it was treated otherwise as the money of the State. It was put, in the language of the old cases, the money of the State. It was put, in the language of the old cases, in the crucible and melted up as one common possession. The United States stood by, seeing all this done; the United States did not interpose, did not speak, did not assert its right, but by repeated references not only in the public accounts but in acts of Congress, by recitations not only in the debates of both Houses, but by solemn recitals in acts of Congress, directly and indirectly too, the Government assumed not only but asserted over and over again that instead of being as technically it began, a call loan subject to the instantaneous requisition of the Government all the time, the transaction had passed on, the nature of it had changed, the States had acted upon an assumption that no liability was ever to be enforced, and the

United States had acquiesced.

Am I wrong in supposing, I ask the honorable Senator, this to be the very genius of an estoppel, that by the action or omission of one party the other party has been led to do that which he would not have done but for such action or omission, and that in respect of which he will be damnified if the other party is permitted to go back and assert what he might once have asserted, but which by holding his peace or by affirmative acquiescence he has forever lost his right to assert? Is not that an estoppel? Is not this the very case to which it applies? The State of New York creates a school fund. The honorable Senator has stated with what liberality and munificence, and orable Senator has stated with what liberality and munificence, and I do not doubt it, in the county in which he lives taxes are raised to carry on public education. So they are in the State of New York. The fund is not only vast but astounding when looked at in the total, and still more so when looked at under its special names and in its special parts. The people of that State have gone as far as they thought they could go in imposing burdens upon themselves to maintain a system of public schools open to all, and they have created funds composed as well of what they themselves could thus render and spare as of their share of this deposit. They have put the two things together; they have disbursed the interest; they have grounded their system in that way, made their outlays and arrangements in their system in that way, made their outlays and arrangements in that way. The Government all the time had the most conspicuous that way. The Government all the time had the most conspicuous notice of the three kinds, actual, constructive, and presumptive, over and over again, and instead of saying by hint or intimation of any sort, "the States are mistaken, they have ventured too far in sup-posing that it is designed never to recall this money," instead of merely holding the peace of the Government and allowing the depositaries to proceed at their peril, as I have said once before, over and over again and in many ways, not only by the statement in the public accounts, not only by the lapse of time and silence, not only by no end of instances in debates and reports of departmental officers, but by legislative declarations and recitals, they have said that they never intended to call for this money. And when a vast war broke out, when the resources of the country were taxed to the uttermost, when a drag-net was spread over every object of taxation, when the highest tariff that could be borne was adopted, when, in the language of a democratic national platform applied to another subject, the resources of statesmanship had been exhausted in order to replenish the national exchequer, the jaded ingenuity of no late brother anxious to establish a reputation for invention ever suggested the idea that these States were to be called upon to make restitution of this long by-gone

Now it is proposed that in place of having this piece of superfluons book-keeping appear on the books of the Treasury, in place of hav-ing it appear and disappear and reappear and be reported and printed and formulated over and over again, that idle ceremony shall cease and it shall be left where it has been and where it is, and where, as I understand the law, it would be if the question were submitted to a court between individuals, where the original creditor would have the fullest and the most technical right. Now we propose to say that as the tree has fallen so it shall lie, and the clerks and printers shall no longer be employed to recite and recite again an utterly meaning-

Therefore, I submit that the argument of the honorable Senator, although no fault is to be found with it, although it will prove any case to which it applies, does not prove his side of this case, because there is too little connection between what he so ably states as a

theory and the principle and the instance before us.

The honorable Senator shrinks apparently as he bends his eye upon the future and witnesses in his time or in a far hereafter a cessation of the reduction of the public debt. I think the honorable Senator might readily find a mantle which would cover that phantom of might readily find a mantie which would cover that phantom of fright. I think the past has sufficiently demonstrated that the people of the country, the resources of the country, and, above all, the integrity of the country, are able and determined to pay the public debt, every honest dollar of it even to the uttermost. In my humble opinion a worse step in that regard could not be taken than any which would look like treating with levity, much more with disregard, any of the obligations of good faith which have grown up, although they may have been suffered by inadvertence to grow up, between the

United States and its citizens, or any portion of them.

Were I the holder of any portion of the public funds, I should consider my security appreciated by any and every act of Congress showing that Congress sets its face like flint against a deviation, even the slightest, from that understanding which other parties had a right to receive and to act upon. Judge Story has said somewhere that a promise is to be construed as the promisor supposed the promisee understood it. Apply that to this case. Has there been for more than a quarter of a century the shadow of a doubt how the United States and those representing the United States understood that the States comprehended and received this transaction? I think Therefore, as well in respect of the well-being of the public

orditor and the certainty of the payment of the public debt as on other grounds, I am for this bill, and against the position of the honorable Senator from Ohio.

Mr. BLAINE. Mr. President, I have only one observation to make in regard to this bill, which may be in the least degree worthy of the attention of the Senate. The act which it recalls was an act of great public folly growing out of some extreme views that prevailed at that

day as to the limitations upon the power of the Federal Government to use its resources for the general improvement of the country, and when the Congress of that day found a sum that might have been very beneficially employed, a surplus on their hands, they had to resort finally to this extreme mode of distributing it among the States. We have now reached the forty-fifth year since that was done, and I submit to the honorable Senator from Ohio that it would not only violate the conclusions of the last thirty or forty years if there was an attempt made to collect the money, but it would violate the principles of common justice, and for the reason that I shall state.

At the time the distribution was made the States of this Union numbered twenty-six. States that were then very small have been called into being; States that were then old have not kept up anything

into being; States that were then old have not kept up anything like relative progress. Take the three northern New England States, Maine, New Hampshire, and Vermont. They would be called upon for two and a quarter million dollars; Michigan would be called upon for two and a quarter million dollars; Michigan would be called upon for \$200,000; but the people from Maine, Vermont, and New Hampshire have moved out to Michigan and built up that State. In my own State of Maine the great folly was committed of dividing the deposit per capita among the people. The distinguished Senator from Oregon [Mr. Grover] would be called upon to refund what he got. As I was not then a resident or citizen of the State, I got nothing. The senior Senator from Maine, my colleague, [Mr. HAMLIN,] got his share. The division of that fund in Maine probably illustrated in the extremest point of view the folly of the distribution. Now, when a half or a third of the population of Maine that then existed has absolutely left and gone to people other States and build up the resources and develop the growth of other States, it is proposed to come back upon a subsequent generation, a generation and a half of time havupon a subsequent generation, a generation and a half of time having elapsed, when these men have gone West and gone South, and gone to the Pacific coast and called into being twelve States that did not then exist, when they have increased Illinois from a State of less population than Maine until it is the fourth, if not the third, in the Union. All these States have grown up very largely from the emigration from the East. The whole relations of the Union within that time having utterly changed, it is proposed to come back now at the end of a generation and a half and say to those who were lucky enough, or unlucky enough, to receive this deposit that it must be refunded. My friend from Kansas [Mr. INGALLS] looks up and smiles at me. He inhabits a State which was then an Indian reservation. A very large number of the people who have built up that great and prosperous commonwealth, himself conspicuous among them, derived all the benefit that was obtained from the distribution of the fund among the States in which they then resided, and if the money is to be paid back, it ought not to be paid back by the mere parties to the

Mr. INGALLS. I have made no such suggestion. Mr. BLAINE. But the Senator from Ohio did.

Mr. BLAINE. But the Senator from Ohio did.
Mr. THURMAN. I did not catch the Senator's last word.
Mr. BLAINE. I understand the honorable Senator suggests that
the money should be treated as a live debt against the States.
Mr. THURMAN. I have expressed myself very clearly, I think, and
if I have not I shall do so when the Senator gets through.
Mr. BLAINE. That is what I understood. If it has degenerated

ar. Thurman. I have expressed myself very clearly, I think, and if I have not I shall do so when the Senator gets through.

Mr. BLAINE. That is what I understood. If it has degenerated into a mere question of how book-keeping shall apply, how books shall be kept, of course it is not worth while spending any time upon it; but if you are to keep the idea in view of its being ultimately collected, then I say let it be collected on equitable principles, and not upon principles that would do the rankest possible injustice to the old States of the Union. Now, as to its being carried over as a fancied asset of the Federal Government, from one liscal year to another, for another generation and a half, or for three or four generations, I submit that that might just as well come to an end. I think my honorable friend from West Virginia, who conceived such extraordinary notions about the way the Treasury books were kept, and thought that two or three hundred million dollars were all awry, got started wrong by this mode of book-keeping. I think his expensive and extensive investigation had its origin considerably in the book-keeping that arose from this particular account.

Mr. DAVIS, of West Virginia. I agree with the Senator as to the disposition of this account; yet he has no warrant for making that statement.

statement.

Mr. BLAINE. I am making an inference.
Mr. DAVIS, of West Virginia. On the contrary, this is one of the things that are plain, and this account ought to be wiped out. There

are a good many others that may not be so plain.

Mr. BLAINE. I am very glad to hear the Senator say that this ought to be wiped out, and I hope there will be no hesitatien in wiping it out. As to any intimation at all that it is an equitable debt due from the twenty-six States that receive it, that I utterly

Mr. KIRKWOOD. Who owes it?

Mr. BLAINE. Nobody owes it.
Mr. DAVIS, of West Virginia. I agree with the Senator in that.
Mr. BLAINE. Nobody owes it; and I should like to know where
the honorable Senator from Iowa himself, who has been a distinguished citizen of three States, would locate his accountability for
it. There is no way of settling it at all except to wipe it out; let it

Mr. THURMAN. Mr. President, I am very much afraid my friend

from Maine will get into bad odor with the bondholders, for he has mooted the most dangerous subject that ever was started in this world in regard to the public debt. Nor has it been done for the first time. About the beginning of this century or a little before, a Frenchman, wonderfully distinguished for the brilliancy of his intellect and the profoundness of his thought, when France was convulsed, just before the breaking out of the French revolution, by her debt and her enormous taxes, broached the idea—no, not broached it, but asserted it roundly and broadly—that no generation had a right to impose a it roundly and broadly—that no generation had a right to impose a debt upon a subsequent generation; and so strongly did he reason that he almost captured one of the most distinguished men to whom America ever gave birth, Thomas Jefferson, who came very near sanctioning that doctrine by the weight of his great name. If the Senator from Maine who speaks about this thing being a debt of a prior generation proposes to apply that doctrine, when and how will the two thousand millions of debt now due by the United States be paid? That is a very dangerous doctrine indeed, and the last one to apply. I hope there never will be a time when any respectable man in I hope there never will be a time when any respectable man in this country will not be willing to pay the public debt to the last farthing as fast as we are able to pay it. There is no large body of people in the United States who are not in favor of it, and I do not think the Senator will live long enough (certainly I shall not) to find the doctions of the exemption of the property of the prope

senator will five long enough (certainly I shall not) to find the dec-trine of the exemption of subsequent generations pleaded in bar of the payment of the public debt.

Mr. President, there is something further upon this subject. The Senator says Michigan has grown great by emigration from Maine, Vermont, and New Hampshire, and so on, and therefore it would be very hard upon those three States to make them pay what they owe; that you cought to follow the emigrants from those States their chilthat you ought to follow the emigrants from those States, their children and their grand-children, and collect from them, and not collect from the neonle who now inhabit those old States. To say nothing from the people who now inhabit those old States. To say nothing of the impossibility of such a scheme as that, to say nothing about the adoption of such an idea being simply naked repudiation, let me say to the Senator, that Michigan has done more for the emigrants from Maine, and Vermont, and New Hampshire than their own States ever did for them; that every Western State which received into her bosom these emigrants, your brothers, your fathers, your children, has given them homes, and comfort, and consideration, and fortune, has done more for them than ever was done by their own native

Mr. President, I have no idea that anything that I may say will make Congress call in this debt. I have not the least idea of it in the world. I do not expect that it ever will be called in, and it will not be called in because there will always be enough people in Congress to vote down the proposition, and because there will always be interests enough to take money out of the Treasury of the United States in order that a public debt may be made and perpetuated; but nevertheless it is a debt due by these States to the United States.

I must say, with the greatest respect for my friend from New York, IMT CONKLING I that he never was in greater error in the world than

[Mr. CONKLING,] that he never was in greater error in the world than when he talked about there being an estoppel. Sir, one single sentence is an answer to him. No constitutional government ever was estopped or ever in the nature of things can be estopped to demand obedience to the requisitions of its fundamental law. If the fundamental law of the United States, its Constitution, forbids our raising money to give it to the States, if it forbids our raising money to distribute to the States, and yet if under the guise not of a gift but of a deposit we give them that money and then undertake to say afterward that we are estopped to reclaim our money, the answer is that the Constitution does not authorize us to give it to you and we cannot be estopped to obey the Constitution.

Mr. CONKLING. Will the honorable Senator indulge me in an

Mr. CONKLING. Will the honorable Senator induling the infan inquiry?

Mr. THURMAN. Certainly.

Mr. CONKLING. I want to ask a simple question to test the Senator's position. Suppose Congress to-day by a bill called "to improve rivers and harbors," if you please, appropriates money to build a plank road, or a grist-mill, or anything else which the Senator and I would sure was entirely beyond the purview of the Constitution. plank road, or a grist-mill, or anything else which the Senator and I would agree was entirely beyond the purview of the Constitution, but the money is appropriated and expended and twenty or thirty years afterward the question comes up, would the honorable Senator say that because the original act was unconstitutional the Government could turn around and reclaim this money and collect it, and then vindicate it by his proposition that it could not be estopped by denying obedience to the fundamental law?

Mr. THURMAN. The Senator puts a case which would create no debt at all; that is the answer. But does anybody deny that here was a debt? The Senator most happily called it "a call loan." So it was a call loan until when? It is a call loan to this day. What is the difference between the first act and the second act on this subject? Simply this, that according to the first act it might be called

ject? Simply this, that according to the first act it might be called by an officer of the Government, the Secretary of the Treasury; by the act as it now stands on the statute-book it can only be called by the Government itself, by an act of Congress. The creditors are the same, the debtors are the same, and the right to call is precisely the same. The only difference between the legislation is that a mere executive officer of the Government once had the right to call and now he has not, but the Government itself must make the demand.

Mr. BLAINE. Will the Senator allow me to ask him a question at that point, if it does not interrupt him?

Mr. THURMAN. Yes, sir. ject? Simply this, that according to the first act it might be called

Mr. BLAINE. The Senator says the debtors are the same. I want to ask him whether the debt was not incurred by the entire population of the United States at that time exactly in equal proportions?

Mr. THURMAN. No, sir; it was not.

Mr. BLAINE. Was it not given exactly according to the basis of

representation, and did not every State, representing the entire nation, I suppose then having a population of about sixteen million, have share and share alike? So that if the debtors were the same were they

not the whole people of the United States?

Mr.THURMAN. No, sir; it was not the whole people of the United States then, for not a dollar of it was given to any one of the Territories. It was all given to the States. There were Territories then that had more population in them than some of the States, and they got not a dollar. The real truth of it is that the fact to which the Senator alludes is one that makes against his whole argument. Here have been eleven States admitted into the Union since this money was deposited, and there are ten Territories besides—all the Pacific States, all the States made out of Territory acquired from Mexico, and other all the States made out of Territory acquired from Mexico, and other States beside them in the great Northwest. All of them have been admitted. Here is a debt due to the United States. They have their right to a portion of that debt, just as much as Maine or Ohio has, but yet it is all to be given up; they get none of it whatever. Although they may have been citizens, millions of them, and helped to defray the expenses of the Government then, although they may have gone into the Mexican war and helped to gain that mighty territory which was gained at the close of that war, although they may have helped to preserve the Union by their arms and their treasure in the helped to preserve the Union by their arms and their treasure in the last war, not one dollar of this money do they get. It is all to be sponged out, it is all to be wiped out, forsooth.

Mr. President, I say that really there is no equity in it whatsoever, and if the Government would do, as I humbly conceive, what justice and good policy require, it would demand of these States to pay up. The Senator from New York was pleased to draw a very striking picture of the wants of this country in the late war of the rebellion; he described the Government as seeking for money in all the nooks and crapping in which it could now in order to get money to cover and crannies into which it could pry in order to get money to carry on the war, but never then thinking of demanding this money of these States. No, sir, it did not demand the money of these States, because nearly half the States that received the money were in rebellion. It could not call for this money from the original States when those States that were in rebellion could not be called upon at all until they were conquered. Of course it did not demand it, but the fact remains were conquered. Of course it did not demand it, but the rect remains just as I stated, just as the Senator from New York admits, that this money was a call loan. It was subject to the call of the Secretary of the Treasury. That was afterward changed so that it was subject to the call of the Congress of the United States, and pray where is there any estoppel of this debt? The statute of limitations does not run against the Government. "No time runs against the king;" no estoppel runs against the Government to forbid it setting up the Constitution of the load and demanding the return of the money. But, sir, I do not want to take up more time. Certainly I shall

never live to see this money called back, but I will not vote for a bill which sanctions such a principle as this. That is my objection to this bill. I never expect the money to be paid back. I know that in justice it ought to be, but I never expect it at all. But a bill that sanctions the idea that the General Government can raise the money with which the State governments are to be carried on, that the General Government can raise \$28,000,000, or something like that, and deposit it round about and then give it up, that the money in the Treasury is at the absolute control of Congress to give it without consideration to whom it pleases—a bill that rests on such a principle as that I never can vote for, although no good whatever can come of its defeat except the vindication of a principle.

M. GARLAND, I may that the Senate proceed to the consideration of the consideratio

Mr. GARLAND. I move that the Senate proceed to the considera-tion of executive business.

Mr. DAVIS, of West Virginia. It is understood that this bill is the unfinished business for to-morrow.

The PRESIDING OFFICER. The bill under consideration is necessarily the unfinished business if the Senate shall pass from it at this time. The question is on the motion of the Senator from Arkansas that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 20, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.
The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair finds upon examination that the previous question was not prevailing upon the passage of the bill making appropriations for the diplomatic and consular service, on which a quorum did not vote on Saturday. The Chair therefore, as required. by the rules, will now call the States and Territories in alphabetical order for bills and joint resolutions for printing and reference; and under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and on this call resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committee, which latter resolutions shall be reported to the House within one week.

LANDS IN THE INDIAN TERRITORY.

Mr. DUNN introduced a joint resolution (H. R. No. 350) relating to lands in the Indian Territory; which was read a first and second

Mr. DUNN. I move that the joint resolution be referred to the Committee on the Public Lands.

Mr. HASKELL. I suggest that the joint resolution be referred to the Committee on Indian Affairs.

The SPEAKER. This relates to public lands of the United States.

Mr. CONGER. But they are in the Indian Territory.

The SPEAKER. The gentleman introducing the joint resolution desires it should go to the Committee on the Public Lands. The gentleman introducing the joint resolution desires it should go to the Committee on the Public Lands. tleman from Kansas and the gentleman from Michigan wish it to go to the Committee on Indian Affairs. It is for the House to decide.

Mr. BLOUNT. Let the joint resolution be read.

The joint resolution was read, as follows:

Resolved, dc., That the lands in the Indian Territory to which the Indian title has been extinguished, and which are unoccupied by Indians, are public lands of the United States and are hereby declared subject to settlement under the preemption and homestead laws.

Mr. CONGER. It is well understood——
The SPEAKER. Debate is not in order under the rule.
Mr. CONGER. Not on the question of reference ?
The SPEAKER. The Chair has allowed it to some extent hereto-

fore, but he directs attention to the rule which expressly says that the question of reference shall be decided "without debate." Mr. CONGER. I suppose an objection will prevent the resolution

coming in?

The SPEAKER. It will not, for it comes in under the rules. The

House can vote on the question of reference.

Mr. FINLEY. I wish to inquire of the Chair whether under the rule this joint resolution must not go the Committee on the Public

The SPEAKER. There is a doubt where it should go.

Mr. CONGER. If I may be allowed to make one remark—
The SPEAKER. The Chair will hear the gentleman, if no one

The SPEAKER. The Chair will hear the gentleman, if no one objects.

Mr. CONGER. I desire to say that the title of the Indians to these lands in the Indian Territory has been extinguished by an arrangement with the Indians to make places for other Indians, not for whites, not for settlement. The law prevents any white people settling there; and this is one of the methods by which it is attempted to get possession of that Territory for white settlers. I think the resolution should go the committee that has charge of the rights of Indians in that Territory.

The SPEAKER. The question is on the amendment to refer the joint resolution to the Committee on Indian Affairs.

The question being put, there were—ayes 39, noes 41.

Mr. CONGER. I consider this so important a matter that I would like to have the sense of the House fully tested upon it, and must therefore raise the question of a want of a quorum.

The SPEAKER. What vote will the gentleman have on it? By tellers, or by yeas and nays?

Ine SPEARER. What vote will the gentleman have on it? By tellers, or by yeas and nays?

Mr. CONGER. We may as well have it by yeas and nays.

The yeas and nays were ordered; there being 25 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 114, nays 68, not voting 109; as follows:

	220,11.15		
1 15		YEAS-	-114

Sherwin,	
Slemons,	
Smith, A. Herr	
Speer,	
Steele,	
Stephens,	
Stone,	
Taylor, Ezra B.	
Thomas,	
Townsend, Amos	
Townshend, R. W.	٠
Tyler,	
Updegraff, J. T.	s
Updegraff, Thoma	ä
Urner,	
Van Aernam, Vance,	
Van Voorhis,	
Voorhis,	
Wait.	
Wellborn,	
Whitthorne,	
Willits,	
Wilson,	
Wood, Walter A.	
Yooum.	
T-100 TO WAY 2	

	NA NA	XYS-68.	
Acklen, Aldrich, N. W. Belford, Berry, Bicknell, Blackburn, Bland, Blount, Bouck, Bright, Buekner, Cabell, Caldwell, Chalmers, Clymer, Coffroth, Converse,	Cook, Cravens, Dibrell, Dunn, Evins, Forney, Geddes, Gibson, Hammond, N. J. Harris, John T. Hatch, Henry, Hill, Hostetler, House, Hunton, Hurd,	Johnston, Kimmel, Kiotz, Le Fevre, Martin, Benj. F. Martin, Edward L. McLane, Myers, New, Philips, Philips, Phister, Reagan, Ricimond, Rothwell, Ryan, Thomas Ryon, John W. Sapp,	Scoville, Simonton, Singleton, O. R. Stevenson, Talbott, Taylor, Robert L. Thompson, P. B. Tillman, Turner, Oscar Turner, Thomas Upson, Warner, Washburn, Weaver, Whiteaker, Wise, Wood, Fernande.
	\$7.0/TL \$7	CODE DESTROY	

Aiken.	Dickey.	King.	Richardson, J. S.
Atkins,	Dwight,	Kitchin,	Robertson,
Baker,	Elam.	Knott.	Ross,
Ballou,	Ewing,	Lapham,	Russell, Daniel L.
Barber.	Ferdon.	Lindsey.	Samford,
Barlow,	Ford,	Loring,	Singleton, J. W.
Bayne,	Forsythe,	Lounsbery,	Smith, Hezekiah B.
Beale,	Fort,	Martin, Joseph J.	Smith, William B.
Beltzhoover,	Frost,	McGowan,	Sparks,
Blake,	Frye,	McKenzie,	Springer,
Bliss,	Gillette.	McMahon,	Starin,
Bragg,	Godshalk,	Miles,	Thompson, W. G.
Butterworth,	Gunter,	Miller,	Tucker,
Camp,	Harmer,	Mitchell,	Valentine,
Carlisle,	Harris, Benj. W.	Morrison,	Waddill,
Chitter.den,	Hayes,	Morton,	Ward,
Clardy,	Hazelton,	Muldrow,	Wells,
Clark, Alvah A.	Heilman,	Muller,	White,
Clark, John B.	Henderson	Murch,	Wilber,
Cobb,	Herndon,	Neal	Williams, C. G.
Cowgill,	Hooker,	Newberry, O'Brien,	Williams, Thomas Willis,
Cox, Crowley,	Houk, Hull,	O'Connor.	Wright,
Culberson,	Hutchins.	O'Reilly,	Young, Casey
Davidson,	James,	Orth,	Young, Thomas L.
Davis, Lowndes H.	Jorgensen,	Page,	
De La Matyr,	Kelley,	Persons,	
Dick,	Kenna,	Rice,	

So the joint resolution was referred to the Committee on Indian

The following pairs were announced:

Mr. Ellis with Mr Harmer, for to-day on political questions.

Mr. McGowan with Mr. Thomas Turner, upon all political ques-

Mr. MILLER with Mr. SAMFORD. If Mr. MILLER were present, Mr. SAMFORD would vote "ay."

Mr. Klotz with Mr. Dick, on all questions for the 20th, 21st, and 22d instant, except to make a quorum.

Mr. Cabell with Mr. Blake, until after the holidays, except for the

purpose of making a quorum.

Mr. Atkins with Mr. Baker, on all political questions from to-day

Mr. Atkins with Mr. Baker, on all political questions from to-day until the 23d instant, inclusive.

Mr. McMahon with Mr. Hiscock, on all political questions; the pair to continue from to-day until January 3, 1881, each inclusive.

Mr. Heilman with Mr. McKenzie, on all political questions, from to-day until January 10, 1881.

Mr. Cowgill with Mr. Colerick, on all political questions, from and after to-day until the 6th of January next.

Mr. Smith, of New Jersey, with Mr. Newberry.

Mr. Aiken with Mr. Ward.

Mr. Beale with Mr. Jorgensen.

Mr. Hubbell with Mr. Wells.

Mr. O'Connor with Mr. Martin of North Carolina.

Mr. O'Connor with Mr. Martin of North Carolina. Mr. Hutchins with Mr. Starin. Mr. White with Mr. Persons.

Mr. White with Mr. Persons.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Lapham with Mr. Tucker.
Mr. Valentine with Mr. Davidson.
Mr. James with Mr. O'Brien.
Mr. Ballou with Mr. Carlisle.
Mr. Wilber with Mr. Smith of New Jersey.
Mr. Barber with Mr. Culberson.
Mr. Knott with Mr. Frye.
Mr. Bayne with Mr. Clark of Missouri.
Mr. Bland with Mr. Hayes.
Mr. Singleton, of Illinois, with Mr. Miles.
Mr. Lounsbery with Mr. Van Voorhis, on all political questions, ntil after the recess. until after the recess

PUBLIC LANDS IN CALIFORNIA.

Mr. BERRY introduced a bill (H. R. No. 6628) granting to California 5 per cent. of the sale of public lands in that State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. BERRY also introduced a bill (H. R. No. 6629) to extend to the State of California the provisions of the acts of Congress approved March 2, 1855, and March 3, 1857; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed. to be printed.

LEGAL HOLIDAY IN THE DISTRICT OF COLUMBIA.

Mr. PAGE introduced a joint resolution (H. R. No. 351) to make the anniversary of the discovery of America a legal holiday in the District of Columbia; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

HOG CHOLERA AND CATTLE PLAGUE.

Mr. STEPHENS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Agriculture:

Resolved. That the subject of the hog cholera or swine plague and cattle plague be, and is hereby, referred to the Committee on Agriculture, with instructions to investigate and report by bill or otherwise in relation to the best mode of eradicating and of preventing these diseases, or any of the diseases of farm stock, and the most economical expense of attaining these results.

REGISTRATION OF TRADE-MARKS.

Mr. HAMMOND, of Georgia, submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform this House under and by what authority the registration of trade-marks is permitted, and fees for such registration are charged and collected, since the Supreme Court of the United States, at its October term, 1879, in the case of Emil Steffins et al. v. The United States, decided that the enactments of Congress authorizing such registration and collection of fees are void because unconstitutional.

CHANGE OF NAME OF A STEAMER.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 6630) to authorize the Secretary of the Treasury to change the name of the steamer or tug O. B. Green, of Chicago; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM T. KIRK.

Mr. STEVENSON introduced a bill (H. R. No. 6631) granting a pension to William T. Kirk, late assistant surgeon in the First Regiment of Illinois Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN L. KNICK.

Mr. STEVENSON also introduced a bill (H. R. No. 6632) granting a pension to Calvin L. Knick, late a private in Company E, One hundred and forty-fifth Regiment of Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARAGES OF PENSIONS.

Mr. STEVENSON also introduced a bill (H. R. No. 6633) extending the time for granting arrearages of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TWELFTH, SIXTEENTH, AND FIFTY-FOURTH INDIANA VOLUNTEERS.

Mr. BROWNE introduced a bill (H. R. No. 6634) for the relief of the Twelfth, Sixteenth, and Fifty-Fourth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. COOPER.

Mr. SAPP introduced a bill (H. R. No. 6635) granting a pension to William E. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. UPDEGRAFF, of Iowa, (by request,) introduced a bill (H. R. No. 6636) for the relief of settlers on public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARREARAGES OF PENSIONS.

Mr. DEERING introduced a bill (H. R. No. 6637) repealing that portion of the act approved March 3, 1879, which limits the time within which the filing of a claim for pension will, if allowed, carry with it the payment of arrears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLEGE OF PHYSICIANS, KEOKUK, IOWA

Mr. McCOID introduced a bill (H. R. No. 6638) for the relief of the College of Physicians and Surgeons at Keokuk, Iowa, and to compensate it for loss of college and hospital buildings by fire while used by the United States during the rebellion; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITS OF MONEY BY COURT OFFICERS.

Mr. McCOID also introduced a bill (H. R. No. 6639) to amend sections 995 and 5504 of the Revised Statutes of the United States, on the subject of the deposit of moneys by officers of the United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAIL AND WATER ROUTES.

Mr. McCOID also introduced a joint resolution (H. R. No. 352) to authorize and require the preparation of a map showing all rail and water transportation routes in the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NEW YORK AND COUNCIL BLUFFS THROUGH ROUTE.

Mr. GILLETTE submitted the following resolution; which was referred to the Committee on Railways and Canals:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to report to this House, at his earliest convenience, an estimate of the cost of a double-track steel railroad, thoroughly equipped, for a great commercial highway, running between New York City, New York, and Council Bluffs, Iowa, the present terminus of the Union Pacific; the said estimates to be made from data on hand and from the actual cost of lines recently constructed.

DURANT F. HUNT.

Mr. ANDERSON introduced a bill (H. R. No. 6640) granting arrears of pension to Durant F. Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GODFRIED HAUG.

Mr. ANDERSON also introduced a bill (H. R. No. 6641) granting a pension to Godfried Haug, Company G, Twelfth Indiana Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HANSON.

Mr. ANDERSON also introduced a bill (H. R. No. 6642) granting a pension to Samuel Hanson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

LEWIS CHRISTIE.

Mr. ANDERSON also introduced a bill (H. R. No. 6643) for the relief of Lewis Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JAMES S. WRIGHT.

Mr. HASKELL introduced a bill (H. R. No. 6644) granting a pension to James S. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JOSEPH M'INTOSH.

Mr. HASKELL also introduced a bill (H. R. No. 6645) granting a pension to Joseph McIntosh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

REBECCA J. LOWERY.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 6646) granting a pension to Rebecca J. Lowery, guardian of the minor children of James F. Branch, late second lieutenant Company F, Twentieth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WEST.

Mr. BLACKBURN introduced a bill (H. R. No. 6647) granting a pension to Elizabeth West, widow of James E. West, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TAXES ILLEGALLY COLLECTED.

Mr. BLACKBURN also introduced a bill (H.R. No. 6648) for refunding taxes illegally collected under the internal-revenue law; which he moved be referred to the Committee on the Judiciary.

Mr. CONGER. That should go to the Committee on Ways and

Means Mr. BLACKBURN. I have no objection, though I do not think that would be a proper reference, for it is a question of law. I advised with some members of the Judiciary Committee before proposing the reference; but I have no particular preference in the matter.

The bill was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

L. P. TOMPSON.

Mr. BLACKBURN also introduced a bill (H. R. No. 6649) granting a pension to L. P. Tompson, late fourth sergeant of Company A, Third Kentucky Volunteers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

G. C. GOODLOE.

Mr. BLACKBURN also introduced a bill (H. R. No. 6650) for the relief of G. C. Goodloe, late first lieutenant Company I, Twenty-third Kentucky Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be

VICTORIA L. BREWSTER.

Mr. BLACKBURN (by request of Mr. Myers) also introduced a bill (H. R. No. 6651) for the relief of Victoria L. Brewster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY ISENBERG.

Mr. CALDWELL introduced a bill (H. R. No. 6652) for the relief of Henry Isenberg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRAUD AND CORRUPTION IN ELECTIONS.

Mr. THOMAS TURNER introduced a bill (H. R. No. 6653) to prevent fraud and corruption in the election of President, Vice-Presi-

dent, and of Senators and Representatives in Congress; which was read a first and second time, referred to the Committee on Civil Service Reform, and ordered to be printed.

TAX ON TOBACCO.

Mr. ELLIS introduced a bill (H. R. No. 6654) to amend section 3368 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PERMANENT IMPROVEMENT OF THE RED RIVER.

Mr. ELLIS also introduced a bill (H. R. No. 6655) to appoint a special commission of engineers and appropriating money for the permanent improvement of Red River in Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GOVERNMENT DIRECTORS UNION PACIFIC RAILROAD COMPANY.

Mr. ELLIS (by request) also introduced a joint resolution (H. R. No. 353) to abolish Government directors in the Union Pacific Railroad Company; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

JESSE HYDER.

Mr. URNER introduced a bill (H. R. No. 6656) to increase the pension of Jesse Hyder, late Company B, Seventh Regiment Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. KRANTZ.

Mr. URNER also introduced a bill (H. R. No. 6657) granting a pension to William H. Krantz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

GEORGE CALVERT.

Mr. HENKLE introduced a bill (H. R. No. 6658) for the relief of George Calvert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EXTENSION OF SOUTHERN MARYLAND RAILROAD.

Mr. HENKLE (by request) also introduced a bill (H. R. No. 6659) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN P. PHELPS.

Mr. HENKLE (by request) also introduced a bill (H. R. No. 6660) for the relief of John P. Phelps; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MATES IN THE NAVY.

Mr. BOWMAN introduced a bill (H. R. No. 6661) to appoint those now holding rank as mates in the Navy ensigns, not in the line of promotion; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

THOMAS D. ELDER

Mr. BOWMAN also introduced a bill (H. R. No. 6662) to remove the charge of desertion against Thomas D. Elder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, STONEHAM, MASSACHUSETTS

Mr. BOWMAN also introduced a bill (H. R. No. 6663) donating condemnded cannon to the town of Stoneham, in Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, LYNN, MASSACHUSETTS.

Mr. BOWMAN also introduced a bill (H. R. No. 6664) donating condemned cannon to the city of Lynn, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. NOBLE.

Mr. WILLITS introduced a bill (H. R. No. 6665) for the relief of William A. Noble, postmaster at Monroe, Michigan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLINTON SPENCER.

Mr. WILLITS also introduced a bill (H. R. No. 6666) for the relief of Clinton Spencer, postmaster at Ypsilanti, Michigan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. WILLITS also introduced a bill (H. R. No. 6667) to amend the act of June 16, 1880, for the settlement of all outstanding claims against the District of Columbia, &c.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LETTER-SHEET ENVELOPES, ETC.

Mr. STONE introduced a bill (H. R. No. 6668) to authorize and direct

the Postmaster-General to introduce and furnish for public use a letter-sheet envelope, and a double or return postal card; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN R. HALL.

Mr. STONE also introduced a bill (H. R. No. 6669) granting a pension to John R. Hall, late private Company B, Sixth Regiment, Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

IMPROVEMENT OF GRAND RIVER, MICHIGAN.

Mr. STONE also submitted the following resolution of inquiry; which was referred to the Committee on Commerce:

Resolved. That the Secretary of War be, and he hereby is, directed to transmit to the House of Representatives any report in his Department relative to the survey and proposed improvement of Grand River, Michigan, with such views of its importance and necessity and recommendations respecting the same as may be deemed advisable by the Department.

WILLIAM J. BARKER.

Mr. HUBBELL introduced a bill (H. R. No. 6670) granting a pension to William J. Barker, private in Company A, Eleventh Michigan Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. PAGE.

Mr. HUBBELL also introduced a bill (H. R. No. 6671) granting a pension to George W. Page, Company F, Twenty-eighth Michigan Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HERMANN HERBOTH.

Mr. HATCH introduced a bill (H. R. No. 6672) for the relief of Hermann Herboth, postmaster at Queen City, Missouri; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WEST POINT MILITARY ACADEMY.

Mr. PHILIPS introduced a bill (H. R. No. 6673) to amend section 1319, chapter 4 of the Revised Statutes of the United States, in respect to West Point Military Academy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to

HENRY C. CULP.

Mr. PHILIPS also introduced a bill (H. R. No. 6674) for the relief of Henry C. Culp, of Georgetown, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF COMMISSIONER OF AGRICULTURE.

Mr. FROST introduced a bill (H.R. No. 6675) ordering the printing of the annual report of the Commissioner of Agriculture in the German language; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. FROST also introduced a joint resolution (H. R. No. 354) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB MAY.

Mr. BLAND introduced a bill (H. R. No. 6676) for the relief of Jacob-May, Fifteenth Missouri Regiment Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONVEYANCE, ETC., OF LANDS.

Mr. BRIGHAM introduced a bill (H. R. No. 6677) for the enforcement of decrees of courts of the United States relating to the conveyance, release, or acquittance of lands; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES JUDICIAL OFFICERS IN NEW YORK STATE.

Mr. COVERT (for Mr. Cox, absent on account of sickness) introduced a bid (H. R. No. 6678) relating to the compensation of the United States judicial officers in the State of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACCEPTANCE OF DECORATIONS.

Mr. COVERT (for Mr. Cox) also introduced a joint resolution (H. R. No. 355) referring to the acceptance of decorations; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHANGE OF NAME OF SCHOONER.

Mr. COVERT (for Mr. Cox) also introduced a bill (H. R. No. 6679) to change the name of the schooner Lizzie to Lillie Thorn; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TIMOTHY E. ELLSWORTH.

Mr. McCOOK introduced a bill (H. R. No. 6680) providing for the

relief of Timothy E. Ellsworth, late collector of customs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAROLINE LAUFFER.

Mr. KETCHAM introduced a bill (H. R. No. 6681) granting a pension to Caroline Lauffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

WILLIAM M. PENLAND.

Mr. VANCE introduced a bill (H. R. No. 6682) for the relief of William M. Penland, of North Carolina; which was read a first and sec ond time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF GEORGE W. HAYES.

Mr. VANCE also introduced a bill (H. R. No. 6683) for the relief of the heirs of George W. Hayes, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATHAN CRISP ET AL.

Mr. VANCE also introduced a bill (H. R. No. 6684) for the relief of Nathan Crisp, George Shular, and Erwin Hyde; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIXTH AND THIRTEENTH STREETS RAILWAY, DISTRICT OF COLUMBIA

Mr. VANCE (by request) also introduced a bill (H. R. No. 6685) to incorporate the Sixth and Thirteenth Streets Railway; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PETER MOAG.

Mr. HILL introduced a bill (H. R. No. 6686) for the relief of Peter Mogg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JONATHAN L. JONES AND W. D. PORTER.

Mr. CONVERSE (by request) introduced a bill (H. R. No. 6687) authorizing the legal representatives of Jonathan L. Jones and W. D. Porter to sue in the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TESTS OF AMERICAN IRON AND STEEL

Mr. CONVERSE also introduced a bill (H. R. No. 6688) to provide for continuing the tests of American iron and steel and other materials; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

POSTAL MONEY-ORDERS.

Mr. WARNER introduced a bill (H. R. No. 6689) to amend certain sections of the Revised Statutes so as to cheapen and facilitate the issue of postal money-orders; which was read a first and second time referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MATHIAS F. AULT.

Mr. GEDDES introduced a bill (H. R. No. 6690) granting a pension to Mathias F. Ault, Company B, Fifty-first Regiment Ohio Volunteer Infantry; which was read a first, and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS COLE.

Mr. GEDDES also introduced a bill (H. R. No. 6691) granting a pension to Thomas Cole, of Company H, Second Regiment of Infantry, in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REBECCA TAMSETT.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 6692) granting a pension to Rebecca Tamsett; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CONSUL FEES, ETC.

Mr. TOWNSEND, of Ohio, introduced a bill (H. R. No. 6693) to amend section 2851 of the Revised Statutes, in relation to consul fees on dutiable articles imported into the United States, and to amend section 5 of an act entitled "An act to amend the statutes in relation to immediate transportation of duitable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to

MILITARY AND NAVAL CADETS.

Mr. COFFROTH introduced a bill (H. R. No. 6694) to regulate the appointment of cadets to the Naval and Military Academies of the United States; which was read a first and second time.

The SPEAKER. This bill appears to embrace two different subjects, the one properly belonging to the Committee on Military Affairs and the other to the Committee on Naval Affairs.

Mr. COFFROTH. Let it go to the Committee on Military Affairs for

the present.

The bill was accordingly referred to the Committee on Military

WILLIAM W. KER.

Mr. COFFROTH also introduced a bill (H. R. No. 6695) for the relief of William W. Ker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENTS AND HEADSTONES FOR REVOLUTIONARY SOLDIERS.

Mr. COFFROTH also introduced a bill (H. R. No. 6696) to erect monuments or headstones, with inscriptions, over the graves of the revolutionary soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES HALLER.

Mr. COFFROTH also introduced a bill (H. R. No. 6697) for the relief of James Haller; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS

Mr. COFFROTH also introduced a bill (H. R. No. 6698) to provide that all pensions on account of death, or wounds received, or disability contracted, in the military service of the United States, since the 4th day of March, 1861, which have been granted, or which shall hereafter be granted, shall commence from the death, discharge, or date of disability of the person, or from the termination of the right of the party having prior title to such pension; which was read a first and second time, referred to the Select Committee on the payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

AARON B. ISETT.

Mr. COFFROTH also introduced a bill (H. R. No. 6699) granting a pension to Aaron B. Isett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

MARY ANN ZIMMERMAN.

Mr. COFFROTH also introduced a bill (H. R. No. 6700) granting a pension to Mary Ann Zimmerman, mother of David Zimmerman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NON-COMMISSIONED OFFICERS OF MEDICAL STAFF.

Mr. OSMER introduced a bill (H. R. No. 6701) to fix the rank and pay of the non-commissioned officers of the medical staff of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL BOUNTY.

Mr. BINGHAM introduced a bill (H. R. No. 6702) extending the time for filing applications for additional bounty under act of July 28, 1868; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

C. A. MESSERSMITH.

Mr. CLYMER introduced a bill (H. R. No. 6703) for the relief of C. A. Messersmith, postmaster at Fleetwood, Berks County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STATUE OF CHIEF-JUSTICE MARSHALL.

Mr. O'CONNOR introduced a bill (H. R. No. 6704) to authorize the erection of a statue in the city of Washington in honor of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PAUL HAMILTON.

Mr. O'CONNOR also introduced a bill (H. R. No. 6705) for the relief of Paul Hamilton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEDICAL LIBRARY, SURGEON-GENERAL'S OFFICE.

Mr. O'CONNOR also introduced a joint resolution (H. R. No. 356) authorizing the printing of a new edition of the Index Catalogue of the Medical Library of the Surgeon-General's Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM CHANDLER.

Mr. WHITTHORNE introduced a bill (H.R. No. 6706) for the relief of William Chandler, late a commander in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL CEMETERY NEAR CHATTANOOGA.

Mr. DIBRELL introduced a bill (H. R. No. 6707) to construct a public road from the city of Chattanooga to the national cemetery near that city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States being concluded the Chair will now recognize, for the introduction of bills, &c., gentlemen who were not in their seats when their States were called

TAX ON BANK-CHECKS AND BANK DEPOSITS.

Mr. MORTON introduced a bill (H. R. No. 6708) for the repeal of

the tax on bank-checks and bank deposits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM E. TAYLOR.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 6709) granting a pension to William E. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS BY STATES.

Mr. SPRINGER introduced a bill (H. R. No. 6710) to authorize the States of Ohio, Indiana, and Illinois, respectively, to commence and prosecute suits against the United States in the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HIRAM SMITH.

Mr. McKENZIE introduced a bill (H. R. No. 6711) granting a pension to Hiram Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR, TEXAS.

Mr. RYAN, of Kansas, by unanimous consent, introduced a bill (H. R. No. 6712) for an appropriation to deepen the channel over the bar of the harbor of Galveston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be

POLITICAL CONTRIBUTIONS.

Mr. FROST introduced a bill (H. R. No. 6713) to prevent the solicitation, collection, contribution, disbursement, and use of money or objects of value for elections or any political purposes, by officers in the service of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SINGLETON, of Mississippi. Mr. Speaker, on last Saturday when the vote was taken upon the passage of the diplomatic and consular appropriation bill, no quorum voted. It is proper we should get that bill through promptly so that it may go to the Senate for reference and consideration. If we delay action there may not be a quorum present when the question is brought up.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the rell be again called upon the passage of the consular and diplomatic appropriation bill. The Chair hears no objection.

The question was taken; and it was decided in the affirmative—yeas 194, nays 2, not voting 95; as follows:

YEAS-194

	LAID	D-104.	
Acklen.	Deuster,	Keifer.	Sapp.
Aldrich, N. W.	Dibrell,	Ketcham,	Sawyer,
Aldrich, William	Dunn,	Killinger,	Scales,
Anderson,	Dunnell,	Klotz,	Scoville.
Armfield,	Einstein.	Ladd,	Shelley,
Atherton,	Ellis,	Le Fevre,	
Dealerton,		Le nevre,	Sherwin,
Bachman,	Errett,	Lowe,	Simonton,
Bailey,	Evins,	Manning,	Singleton, O. R.
Belford,	Felton,	Marsh,	Slemons,
Berry,	Field,	Martin, Benj. F.	Smith, A. Herr
Bicknell,	Finley,	Martin, Edward L.	
Bingham,	Fisher,	McKenzie,	Speer,
Blackburn,	Ford,	McKinley,	Springer,
Bliss,	Forney,	McLane,	Steele,
Blount,	Fort,	Mills,	Stevenson,
Bouck.	Frost,	Mitchell.	Stone,
Bowman,	Geddes,	Money,	Talbott,
Boyd,	Gibson,	Monroe,	Taylor, Ezra B.
Brewer,	Gillette,	Morse,	Taylor, Robert L.
Briggs,	Goode,	Muldrow,	Thomas,
Brigham,	Gunter,	Myers,	Thompson, P. B.
Bright,	Hall,	Neal,	Thompson, F. B.
Prompo	Hammond, John	New,	Thompson, W.G.
Browne,			Tillman,
Buckner,	Hammond, N. J.	Nicholls,	Townshend, R. W.
Cabell,	Harmer,	Norcross,	Turner, Thomas
Caldwell,	Harris, Benj. W.	O'Connor,	Tyler,
Calkins,	Harris, John T.	O'Neill,	Updegraff, J. T.
Cannon,	Haskell,	O'Reilly,	Updegraff, Thoma
Carpenter,	Hatch,	Osmer,	Upson,
Caswell,	Hawk,	Overton,	Urner,
Chaimers,	Hawley,	Pacheco,	Van Aernam,
Clark, John B.	Henderson,	Page,	Van Voorhis,
Clements,	Henry,	Phelps,	Voorhis,
Clymer,	Herbert,	Phister,	Wait,
Cobb,	Herndon,	Poehler.	Washburn,
Coffroth,	Hill,	Prescott,	Wellborn,
Colerick,	Hiscock,	Price,	White,
Conger,	Hooker,	Reagan,	Whiteaker,
Converse,	Hostetler,	Reed,	Whitthorne,
Cook,	House,	Rice,	Williams, C. G.
Covert,	Hubbell,	Richardson, D. P.	Williams, Thomas
Crapo,	Hull,		
		Richmond,	Willis,
Cravens,	Humphrey,	Robeson,	Willits,
Daggett,	Hunton,	Robinson,	Wilson,
Davis, George R.	Hurd,	Ross,	Wise,
Davis, Horace	Hutchins,	Rothwell,	Wood, Fernando
Davis, Joseph J.	Johnston,	Russell, W. A.	Yocum.
Davis, Lowndes H.		Ryan, Thomas	
Deering,	Joyce,	Ryon, John W.	
and the second second	The second second		

Turner, Oscar.

NAYS-2.

AIKUL,	Lygvidson,	Enort,	Robertson,
Atkins,	De La Matyr,	Lapham,	Russell, Daniel L.
Baker,	Dick,	Lindsey,	Samford,
Ballou.	Dickey,	Loring,	Shallenberger,
Barber,	Dwight,	Lounsbery.	Singleton, J. W.
Barlow,	Elam.	Martin, Joseph J.	Smith, Hezekiah B.
Bayne,	Ewing.	Mason,	Smith, William E.
Beale,	Ferdon,	McCoid,	Starin.
Beltzhoover,	Forsythe,	McCook.	Stephens,
Blake,	Frye,	McGowan.	Townsend, Amos
Bland,	Godshalk.	McMahon,	Tucker,
Bragg,	Hayes,	Miles,	Valentine.
Burrows,	Hazelton.	Miller.	Vance,
Butterworth,	Heilman.	Morrison,	Waddill,
Camp.	Henkle,	Morton,	Ward,
Carlisle,	Horr,	Muller,	Warner.
Chittenden,	Houk,	Murch,	Weaver,
Claflin,	James,	Newberry,	Wells,
Clardy,	Jorgensen,	O'Brien,	Wilber.
Clark, Alvah A.	Kelley,	Orth,	Wood, Walter A.
Cowgill,	Kenna,	Persons,	Wright,
Cox,	Kimmel,	Philips,	Young, Casey
Crowley,	King.	Pound,	Young, Thomas L.
Culherson	Kitchin	Richardson J S	THE RESERVE OF THE PARTY OF THE

NOT VOTING-95.

So the bill was passed.

The following additional pairs were announced from the Speaker's

Mr. SAPP with Mr. CLARDY, on all political questions until further

Mr. SAPP with Mr. CLARDY, on an political questions until intener notice.

Mr. KENNA with Mr. BURROWS, for to-day.

Mr. McKENZIE. I am paired with Mr. Hellman, but with the consent of his colleagues I have voted in order to make a quorum.

Mr. KLOTZ. I am paired with my colleague, Mr. DICK, on all political questions except when it is necessary to make a quorum. I have therefore voted for this bill. My colleague, I learn, would vote in

The vote way.

The vote was then announced as above recorded.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOYNTON VS. LORING.

Mr. CALKINS. I rise to a question of privilege concerning the right of a member to his seat, and report from the Committee on Elections the following resolution:

Resolved, That GEORGE B. LORING is entitled to retain his seat in the Forty-sixth Congress as a member of the sixth congressional district of the State of Massachusetts, and that E. Moody Boynton is not entitled thereto.

I desire to ask, Mr. Speaker, in behalf of the minority of the committee, leave to submit their views between this and the time when the resolution shall be called up for action. And I now give notice that I shall call it up immediately after the holidays.

The SPEAKER. The report of the Committee on Elections is ordered to be printed and laid over to be called up at the time indicated by the gentlement from Indiana.

ordered to be printed and laid over to be called up at the time indicated by the gentleman from Indiana.

Mr. WEAVER. The views of the minority also to be printed.

The SPEAKER. Are they ready?

Mr. WEAVER. They are not ready to put in now.

The SPEAKER. The Chair hears no objection to the suggestion that the views of the minority shall also be ordered to be printed with the report of the committee. with the report of the committee.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday of the month, the Chair directs the Clerk to read the rule under which the business next in order will be conducted.

The Clerk read as follows:

RULE XXVIII.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. This is the third Monday, when, according to the rule just read, committees of the House are entitled to recognition for motions to suspend the rules. The Chair has given a good deal of reflection as to the manner in which he should discharge this duty of reflection as to the manner in which he should discharge this duty under the rule without discrimination among the committees of the House, and he has come to the conclusion as the result of his best judgment, that in the recognition of committees the Chair will call them in the order in which they appear in the rules. By this proceeding each committee will have an opportunity of one recognition for suspension of the rules before any other committee can have two opportunities for recognitions. The Chair thinks it is the most equi-

McMillin.

table mode to adopt. He therefore calls the Committee on Elections first. Of course these recognitions must be accompanied by the state-

ment on the part of the gentleman moving to suspend the rules that his committee did actually by vote direct such motion to be made.

Mr. SPRINGER. I desire to ask, for information, whether a committee may direct one of its members to move to suspend the rules and pass a bill which did not come from that committee?

The SPEAKER. The Chair does not suppose that any committee of this House would undertake to interfere with another committee which had a bill under consideration in that way.

Mr. SPRINGER. But there are many bills that might properly go to several committees, and one of these committees might desire to take cognizance of a subject that was not really before it, although it might have under the rules authority to do so. Or one committee might desire to pass a measure which another committee would op-

The SPEAKER. The Chair thinks that the suspension of the rules in accordance with the view expressed by this rule, which has been read, should only relate to business actually in charge of a committee and which had directed a motion to be made to suspend the rules.

Mr. SPRINGER. Such committees as have charge of a subject-

matter which is properly before them by reference?

The SPEAKER. The Chair takes it for granted that the reference of a subject to a committee without controversy or by order of the House is an expression of the judgment of the House as to the author-

ity of that committee to take cognizance of the subject.

Mr. SAMFORD. Do I understand that it is the intention of the Speaker that there shall be but one recognition of each committee until all the other committees are called?

The SPEAKER. That was the statement the Chair made, so that each committee would have an opportunity for recognition.

Mr. SAMFORD. For the introduction of but one motion to sus-

pend the rules?

The SPEAKER. After the committees were all ealled the Chair would then call the committees again and give the committees in this way what the Chair believes to be an equal chance to introduce

Mr. SAMFORD. Then if the Chair goes all through with the call of committees in this form he will begin again at the beginning of the

list and call them in their regular order?

The SPEAKER. The Chair will go to the first committee on the list, or else begin the call at the committee where the call left off if it

be not completed.

Mr. SPRINGER. I think the next time the call is made that it will be proper to begin where the call was left off, or with the last committee called, for this reason: that the order in which the Speaker proposes to call the committees to-day is different from the order in which they have heretofore been called, and committees which have business or may desire to report might not have been aware of this change so as to avail themselves of the call this morning, and could

not know, of course, that the Chair was going to adopt a different system of calling than has heretofore prevailed.

The SPEAKER. The Chair could not very well anticipate the judgment of the House would approve his suggestion upon this mat-It is his desire now to submit the suggestion to the approval of the House

Mr. FINLEY. But committees may have matters to report, but are not prepared to report at this time by reason of the new plan sug-

gested by the Speaker, or they may not be ready to report now.

The SPEAKER. That would be their own omission.

Mr. FINLEY. It is, then, the Speaker's intention to call the committees in the order in which they stand upon the list to-day, each committee for one recognition?

The SPEAKER. It is, with the consent of the House; and the Chair, after having gone over the committees, could then, if the House should so direct him, begin again and call those committees which have not had an opportunity of reporting in view of the fact, as claimed, that they have not had notice of this new order, and are not

prepared to report.

Mr. SPRINGER. The Chair having gone through with the list of committees, would not the Chair on the second call take only those committees which have not had an opportunity to report, not having notice of this new method?

Mr. CONGER. That would give more time for the other committees

to prepare their business.

The SPEAKER. The Chair is willing to adopt any course that the House directs

Mr. CONGER. I think the rule as proposed is a very just one. If committees are not prepared now, they can be by the time the next call is had.

The SPEAKER. The Chair will then submit the question to the The SPEAKER. The Chair will then submit the question to the House, that in case a committee to-day is not ready, in view of the fact that they have not had previous notice of the purpose of the Chair in making recognitions in manner as proposed, whether under the first call of the committees the committees which do not to-day claim the privilege shall have at the next call the preference or prior opportunity of motions to suspend the rules, rather than committees which have been called to-day and exercised the privilege?

Mr. BUCKNER. As I understand this is not any new proposition.

The rule gives the right to the committees, and the Speaker is simply fixing an equitable method of reaching them.

The SPEAKER. The Chair is trying to avoid anything like discrimination between the various committees of the House. [Cries of "Regular order!"] The Chair will submit the question to the

Mr. CONGER. But, Mr. Speaker, if there was any matter of such importance before any committee prior to to-day, they would have been called upon to have it ready, and it cannot be important enough to take precedence of others even under this rule.

The SPEAKER. The Chair will submit to the House whether it is the wish of the House that committees called to-day, which are not

ready to exercise the privilege under the proposed practice, shall have the right on the third Monday of next month to be called in preference to those who had the opportunity to-day and exercised

Mr. HARRIS, of Virginia. I think that ought not to be given, for the reason that if the committees are not ready now they may be ready between this and the time that the next call is had, and therefore it would do injustice to those who are now ready if they were compelled

to delay.

Mr. WHITE. That is proper. I suggest that we go on in the old form to-day, and then on the next call of committees proceed under

The SPEAKER. The Chair will act in obedience to the order of

the House, whatever that may be.

Mr. SPRINGER. Will the Chair be kind enough to state the ques-

tion again ? The SPEAKER. The Chair will proceed to-day to call the committees in the order in which they stand in the rule. The complaint is made that the committees were not notified of this new plan which the Chair desires to have adopted, and therefore they have not had in their committees an opportunity of selecting matters of business upon which they wanted to enter motions to suspend the rules, and that by calling them to-day they would be cut off. The suggestion is this: Is it the judgment of the House that the Chair shall on the third Monday of the next month call such committees as do not exercise that right a day when called?

cise that right to-day when called?

Mr. FORT. Would it not be best to wait until the next third Monday comes before that question is submitted?

The SPEAKER. The Chair thinks it might as well be settled

The question being submitted to the House, it was decided in the negative.

The SPEAKER. The House having decided in the negative, the

Chair will follow the practice as suggested.

Mr. SPRINGER. Now let me ask whether it would be necessary for a vote to be had in committee authorizing the motion to suspend the rules to be made, or whether it would be sufficient to obtain informally the authority of the majority of the members of the com-

mittee? The SPEAKER. The rule gives preference on the third Monday to committees. The Chair thinks a statement by the member asking on behalf of a committee the suspension of the rules should be accompanied by the statement that he has the authority of his commit-

tee for that purpose.

Mr. HARRIS, of Virginia. It would not be proper for the Chair to go behind this statement of a member as to his authority.

The SPEAKER. The Chair is always willing to take a member's

Mr. SPARKS. This point is involved: whether a member desiring an opportunity to move a suspension of the reles can go about among the members of his committee, and having got the sanction of a majority shall then be recognized; or whether it should be the action of the committee sitting as a committee. The latter is my view of the matter.

the matter.

The SPEAKER. The Chair thinks the gentleman's view is correct. It should be the action of the committee in regular session.

Mr. SPRINGER. It was my desire that that should be announced from the chair, so that there might be no misunderstanding.

Mr. ROBINSON. It is not the action of a committee when a gentleman goes round among its members and gets their opinions.

The SPEAKER. The Chair has stated he thinks it should be the

action of the committee sitting as a committee.

FUNDING BILL.

The call of committees was then proceeded with. The Committee on Ways and Means having been called,
Mr. FERNANDO WOOD said: Instead of asking now a suspension of the rules, I give notice that to-morrow morning, after the regular order has been dispensed with, I shall ask the House to go on with the funding bill and continue its consideration till its final passage

before the vacation.

Mr. MILLS. I hope the gentleman will not do that to-morrow, because the Senate having concurred in the resolution for the holiday adjournment, a great many members will be leaving.

STAMPS ON BANK-CHECKS.

The Committee on Banking and Currency having been called, Mr. PRICE said: I am authorized by the Committee on Banking

and Currency to move to suspend the rules so as to take the House bill No. 5897 from the House Calendar and put it on its passage.

Mr. MILLS. I reserve all points of order.

The SPEAKER. This is a motion to suspend the rules.

Mr. MILLS. I make the point of order that that bill does not come legitimately from the gentleman's committee.

The SPEAKER. The bill will be read.

The bill was read, as follows:

A bill (H. R. No. 5897) repealing section 3418 of the Revised Statutes, in reference to stamps on bank-checks.

Be it enacted, &c., That section 3418 of the Revised Statutes of the United States be, and the same is hereby, repealed, and that from and after the passage of this act no stamp shall be necessary upon any check such as is named in said section 3418.

Mr. MILLS. I make the point of order that that bill does not come legitimately from the Committee on Banking and Currency. Under the practice announced by the Speaker to-day each committee of this House having jurisdiction of the subject-matters committed to that committee have the privilege of coming before the House by their organized action and presenting a bill to be acted on under a suspension of the privilege. sion of the rules.

sion of the rules.

Mr. PRICE. If the gentleman will hear the report read I think he will change his opinion.

Mr. MILLS. No report can convince me that the Committee on Banking and Currency are charged with the consideration of questions dealing with taxation. I know the rules commit the whole subject of taxation to the Committee on Ways and Means, and I know the Committee on Banking and Currency have no higher right to come into this House and propose to deal with anything connected with the fiscal administration of this Government than the Committee on Agriculture have a right to ask a reduction of duty on agricultural implements, or than the Committee on Military Affairs have the right to ask a reduction of duty on ordnance. And I might run the parallel through the whole of the committees of this House. It is a usurpation of authority on the part of the Committee on Banking and Currency to come here and ask this House without any sort of argument to deal with the question of taxes, when they well know themselves

rency to come here and ask this House without any sort of argument to deal with the question of taxes, when they well know themselves they have nothing to do with that question and cannot legitimately know anything about it; I mean, of course, as a committee they are not charged with the fiscal administration of this Government at all.

The question about how much money shall be in circulation or how much banks shall have on deposit, all the questions about the mode of conducting national banks, legitimately belong to that committee. But the question of how money is to be taken from the people of the United States to support the Government of the United States belongs to the Committee on Ways and Means, and you have no right to ask for the cutting off any part of that revenue without consultation with that committee.

Mr. PRICE. It is a sufficient answer to all the gentleman from

tion with that committee.

Mr. PRICE. It is a sufficient answer to all the gentleman from Texas has said on the point of order to remark that this matter has been referred to the Committee on Banking and Currency by bill and petition. It has been considered by them and they have reported this bill, and I have been authorized to move a suspension of the rules in order to pass it. If the matter had not been referred to the committee by bill and petition, then the argument of the gentleman from Texas would have weight on the point of order; but having been properly brought before them, under the rules of the House they have jurisdiction of the matter so referred.

Mr. MILLS. The reference of the bill to your committee—

The SPEAKER. Did this bill come in on petition, or by a bill read in place f

in place f
Mr. PRICE. Both by bill and by petition, and was referred to the Committee on Banking and Currency; the bill being read by its title.
The SPEAKER. The Chair would like to have the report read for his information, before he considers the point of order.

The Clerk read the report, as follows:

The Committee on Banking and Currency, to whom was referred the bill in reference to repeal of the law requiring a two-cent stamp on checks drawn on banks,

erence to repeal or the law requiring a two-cent stamp on checks drawn on banks, report:

That petitions for the passage of such a bill, presented to the House and referred to said committee, or gently demand this action. This two-cent stamp is one of the few remaining taxes denominated a "war tax," and is paid, not by the bank, but by every person who deposits his or her money for safe-keeping in a bank. This will be a relief to all classes of persons. As the law now stands, money may be deposited in a bank for safe-keeping without cost to the depositor, but cannot be withdrawn without paying this tax, under a heavy penalty. Your committee therefore recommend the passage of the bill.

therefore recommend the passage of the bill.

The SPEAKER. The Chair has no doubt that under the rules of the House this bill should have been referred to the Committee on Ways and Means. Does the bill come from the Committee on Banking and Currency based only on petition?

Mr. PRICE. It comes in on a petition and on a bill read twice by its title and referred to the committee.

The SPEAKER. That fact does not appear of record, as the Chair is informed by the journal clerk.

Mr. PRICE. Well, I state that fact.

Mr. MILLS. This bill could not have been properly referred to the Committee on Banking and Currency.

Mr. PRICE. It was so referred.

Mr. MILLS. It may have been referred, but improperly.

Mr. PRICE. At the time no question was raised as to the reference

At the time no question was raised as to the reference Mr. PRICE. of the bill.

Mr. MILLS. My friend remembers the fearful contest raised in this House about referring a bill to the Committee on Agriculture. Mr. PRICE. Yes; and it looks like we were to have a "fearful contest" now about a bill that has been referred.

Mr. MILLS. And your side of the House compelled the bill to be brought back and referred to the appropriate committee.

Mr. CALKINS. I submit that when the House has passed upon the reference of a bill, that reference stands until it is reversed by the action of the House.

The SPEAKER. The Chair is trying to find out the history of the case in that connection. This bill is not reported as a substitute—

Mr. PRICE. Not at all; it is the very bill which was presented under the rules of the House, read twice, and referred to the Commit-

under the rules of the House, read twice, and referred to the Committee on Banking and Currency.

Mr. MILLS. And improperly.

The SPEAKER. The Chair is advised by the journal clerk that the gentleman from Iowa [Mr. PRICE] is mistaken in that respect.

Mr. PRICE. I do not see how that can be, for I presented the bill myself and had it referred to the Committee on Banking and Currence.

The SPEAKER. The Clerk will read from the Journal.

The Clerk read as follows:

Mr. PRICE, by unanimous consent, from the Committee on Banking and Currency, reported a bill (H. R. No. 5897) repealing section 3418 of Revised Statutes in reference to stamps on bank-checks, accompanied by a report (No. 1126) in writing thereon; which said bill and report were referred to the House Calendar and ordered to be printed.

Mr. PRICE. But the introduction of the bill was prior to that.

The SPEAKER. Can the gentleman from Iowa remember the date of the original introduction of the bill in open House?

Mr. PRICE. I could not state that without reference to the record. The SPEAKER. The Chair is advised by the journal clerk that this bill got its first status in the House on the day it was reported

The SPEAKER. The Chair is advised by the journal clerk that this bill got its first status in the House on the day it was reported from the committee and placed on the House Calendar.

Mr. PRICE. My recollection is that I introduced the bill myself, it was read twice, and on my motion referred to the Committee on Banking and Currency; and the committee considered it and instructed me to report it back to the House with a favorable report, as shown by the Journal which has just been read.

Mr. CONGER. The question has heretofore been raised and decided by a full House that where a bill containing subject-matter belonging to one committee under our rules has by inadvertence, design, or in any other manner been referred to the wrong committee, this House will take it from that committee and send it where it properly belongs under the rules.

The SPEAKER. It is for the House to do that.

Mr. CONGER. It is not to be wondered at if the gentleman from Iowa, [Mr. PRICE,] his Quaker reputation for candor and sincerity being known all over the House, had introduced such a bill, that no man should suspect that he was endeavoring to give his committee the control of a subject-matter that did not belong to it at all.

On a former occasion we took from a committee that had obtained the possession of a subject-matter the bill so referred to them and referred it to another committee. Suppose that this bill has gone through all the forms, but illegally and improperly; suppose the House did receive this report from the committee and did place the bill on their Calendar. It does not now belong to that committee, for it is on the Calendar of the House and beyond the control of any committee whatever. If that committee did wrong once in taking possession of this subject-matter, and if the House inadvertently permitted that to be done, the subject has now gone where the committee has no control of it as a committee any more than has any individual member of this House.

The SPEAKER. The Chair, if his attention had been directed to

tee has no control of it as a committee any more than has any individual member of this House.

The SPEAKER. The Chair, if his attention had been directed to the point at the time this bill was originally introduced, would have ruled that this subject belonged to the Committee on Ways and Means. But there having been no objection to this bill going to the Committee on Banking and Currency, it is now for the House to correct in some way that reference, if it should deem it necessary.

Mr. MILLS. From the report of the Committee on Banking and Currency it seems this bill was brought in upon a petition.

Mr. CALKINS. It occurs to me that the way out of this difficulty is to vote down the motion to suspend the rules, and then make a motion to refer the bill to the proper committee.

Mr. MILLS. I hope the Committee on Banking and Currency will let this bill go to the proper committee.

Mr. BLOUNT. I raise the question whether the fact that this bill has been reported back to the House and placed on the Calendar does not deprive the Committee on Banking and Currency of the right to

not deprive the Committee on Banking and Currency of the right to bring it up at this time and ask a suspension of the rules. Mr. HUBBELL. It is not now the committee's bill, it belongs to

the Hous

Mr. MILLS. No committee but one having jurisdiction of the subject-matter can bring a bill before the House and ask to have it

Mr. BLOUNT. The question is not which committee is entitled to report the bill. It is now on the Calendar, and out of the hands of

any committee.

Mr. PRICE. It appears to me, Mr. Speaker, that this matter is very plain. If this were the original introduction of the bill and the ques-

tion of reference were raised, then this discussion would be in order, and it would be entirely competent for the House to determine where it would send the bill. But the House has had this bill before it once and has referred it to the Committee on Banking and Currency, has received the bill back upon the report of that committee, and has placed

it on the Calendar.

Now I submit (and I think the Chair will agree with me) that it is The bill belongs to the House, but under the call of the Committee on Banking and Currency I rise in my place and say I am authorized by that committee to take that bill from the Calendar and ask a suspenthat committee to take that bill from the Calendar and ask a suspension of the rules to put it on its passage. It does not belong to the Committee on Banking and Currency any longer; it belongs to the House. I ask to take it from the House Calendar and put it on its passage under the rules of the House. The point where the objection of the gentleman from Texas [Mr. MILLS] would properly lie has passed. Any gentleman on this floor could have made the same motion I made if authorized by the Committee on Banking and Currency

Mr. HARRIS, of Virginia. My friend on my right has anticipated the remark I was going to make. The question whether this bill was rightfully or wrongfully before the Committee on Banking and Currency was concluded by the action of the House. That Committee has acted on the bill, and it has gone upon the Calendar. While now the bill is within the control of the House, yet by courtesy and universal custom any proposed action upon that bill is under the control of the Committee on Banking and Currency. They come in now and propose to suspend the rules to put it on its passage, and I hold under the rules that is the only action that can be taken. You can under the rules that is the only action that can be taken. You cannot move to refer the bill to any other committee. All the action that can be taken under the rules now is to vote on the bill. If it be voted down the motion to refer may be in order, but it is not in order now.

The SPEAKER. The Chair is informed that this bill was reported

back from the Committee on Banking and Currency as a bill reported on petition, and not as an original bill—

Mr. PRICE. A report upon petition and bill, Mr. Speaker.

The SPEAKER. Is this the original bill as introduced by the gentleman from Iowa?

Mr. PRICE. I say it is the original bill, word for word and letter

The SPEAKER. The Chair is without remedy in the matter so far

as his power extends. The bill is on the Calendar of the House.

Mr. HARRIS, of Virginia. Is it contended that because a bill is on the Calendar of the House the mode of conducting its passage is not under the control of the committee which reported it? If bills reported by the various committees and placed upon the Calendar are not to be taken charge of by the committees that respectively reported them—if the committee that reported a bill is by placing it apon the Calendar ousted of control over the bill, in what condition will be the business of the House? As the Chair remarked awhile ago very sensibly, in reply to one gentleman, certainly no committee of the House would undertake to control a bill reported by another committee. If a bill which has been reported is not to be controlled afterward by the committee reporting it, what committee is to have control of it

The SPEAKER. The Chair is of opinion that if this is the bill originally introduced and referred to the Banking and Currency Committee, and reported from that committee and placed on the House

Calender, then said committee should have control of it until the House otherwise directs.

Mr. WARNER. But is it in order for that committee to call it up out of its order from the House Calendar?

The SPEAKER. Under a suspension of the rules that can be done. This action requires a two-thirds vote; and the question is first on

Mr. FORT. I desire to ask a question which may refer as well to other bills which may come up hereafter. This bill having been reported by the Committee on Banking and Currency, and being now on the Calendar, has or has not that committee lost jurisdiction of

the bill?

The SPEAKER. When a committee properly reports a bill on a subject over which it has jurisdiction, the control of that bill, no matter where it may go in the House, ought to belong, the Chair thinks, to the committee that reported it. The gentleman from Texas demands a vote on seconding the motion to suspend the rules.

Mr. McLANE. I understand the gentleman from Texas to make a point of order which, in my judgment, has no reference at all to the original report. I understood the gentleman from Michigan to make substantially the same point. The question now before the House is not whether these petitions were originally properly referred. They

tion. The point of order made by the gentleman from Texas is that now, to-day, on a call of committees for motions to suspend the rules, no committee can make that motion except upon a subject over which it has jurisdiction. And although the point was not made originally when the bill and petition were referred, it is perfectly competent to make that point now, when the motion is made to suspend the rules. As I understood the gentleman from Texas, the point he made was that the Committee on Banking and Currency could not, under the rules of this House authorizing a committee to move for suspension of the rules on a certain Monday, make such motion in reference to a revenue bill. That point, I think, is very well taken. It is an entirely new question. In think, is very well taken. It is an entirely new question.

The SPEAKER. The Chair thinks the suggestions and argument of the gentleman from Maryland should weigh with the judgment of the House.

Mr. McLANE. The supposition cited by the gentleman from Virginia has no application at all. It might and may be the custom of the House. It is not the rule of the House, but it is the custom of the House for committees who report bills to keep them in charge. But this is now a question of rule, and it must transcend the question of custom; and it is not competent for any member of this House to move to suspend the rules and take up a revenue bill for consideration. No committee except the Committee on Ways and Means can

authorize a member thereof to make that motion.

The SPEAKER. The gentleman from Maryland will remember the Chair made special inquiry of the gentleman from Iowa whether this was the actual bill which he himself had introduced into the House was the actual bill which he himself had introduced into the House and had referred to the Committee on Banking and Currency. He stated that it was. The Chair thinks it was not a proper reference. Since then the Committee on Banking and Currency reported the bill back to the House. Thus the former action of the House was confirmed. The House referred the bill to the Calendar of the Committee of the Whole House on the state of the Union. The Chair is of opinion that under the circumstances stated the control of the bill is with the committee reporting it, and that the remedy sought by the gentleman from Texas is not now with the Chair, but with the House.

Mr. MILLS. Mr. Speaker, this question is confused by going back

Mr. MILLS. Mr. Speaker, this question is confused by going back to the original status of this bill. The original introduction of this bill into this House has nothing on the face of the earth to do with defining its privileged character under the rules. Suppose a committee had originated a bill which had never been introduced into the House at all, and had instructed one of its members to come in and take the benefit of the rule and ask the rules be suspended and the bill passed. It has nothing to do with any prior introduction at all. The privileged character of the bill is taken from the fact that the committee having jurisdiction of the subject comes here and asks for a suspension of the rules to pass it. It does not go back to any prior question at all. Whether the control of this bill was originally with or without jurisdiction does not make a particle of difference. But the question for the Chair to decide here is, has the committee having charge of the subject-matter, and therefore having jurisdiction of it, asked this House to suspend the rules and pass the bill? I charge that bill has no sort of authority in this House from any part

charge that bill has no sort of authority in this House from any part it has taken, so far as its reference and report are concerned. The thing that gives that bill significance before the House and makes it within the rules is, has it the indorsement of the committee to which the rules committed the subject? There is all there is of it.

Mr. CANNON, of Illinois. I demand the regular order.

Mr. HARRIS, of Virginia. I want to recall to my friend from Texas just one fact. He supposes the case of a committee taking charge of a bill which has not been referred to it—a committee wrongfully taking charge of a bill of which it has no invisidation. Very well: a bill which has not been referred to it—a committee wrongfully taking charge of a bill of which it has no jurisdiction. Very well; when that bill is reported to the House, if the committee reporting it has no jurisdiction under the rules over the subject, it is then competent for any member to move that the bill be referred to the appropriate committee; in other words, to give the bill the proper reference to the appropriate committee, instead of allowing it to be sent to the Committee of the Whole House on the state of the Union, there to be placed on the Calendar for action. If the House, however, by negligence permits that bill to go to the Calendar under the rules of the House, it loses its remedy, and the committee which may have jurisdiction in the matter under the rules loses all right to it. In other words, the House has decided the question for itself.

Mr. SPARKS. But suppose the committee originates the bill.

Mr. HARRIS, of Virginia. Very well; suppose a committee originates a bill and reports it to the House, and the House sends it to the Calendar of the Committee of the Whole House on the state of the Union, nobody interposing, no member or committee objecting, con-

Union, nobody interposing, no member or committee objecting, consent is then given, and, therefore, by vote of the House, the bill is properly and regularly upon the Calendar under the rules.

Mr. CONVERSE. I have one word I desire to say on this subject. It seems to me it makes no difference whether this measure was prop-

not whether these petitions were originally properly referred. They have been referred.

The SPEAKER. If it had originated on a petition, the Chair thinks he could properly have interposed.

Mr. McLANE. He stated that it originated on a bill and petition. The SPEAKER. The gentleman from Iowa states that it originated on a bill referred and petition placed in the box at the desk.

Mr. McLANE. I take the statement of the gentleman as to the fact. He said the subject had been originated as well by bill as by petition. The point of order made by the gentleman from Texas has no reference to that original reference at all, whether by bill or by petithis rule for the Committee on Banking and Currency or not. The null does not limit a committee to the subjects properly under its charge. The rule authorizes one day in the month for each member of this House to make a motion to suspend the rules, and on another Monday authorizes each committee to make that motion. The rule does not limit the motion to any subject that may have come under the control of that committee at all. It is perfectly competent under this rule for the Committee on Banking and Currency to move to sus-

pend the rules and pass a bill that came from the Committee on Ways and Means or from any other committee of the House. We must have a strict construction of this rule, and if the rule is wrong it ought to

Now, the other rule in relation to the suspension of the rules applies to the suspension of all rules, and applies as much to the suspension of this rule in relation to the reference of bills as it does to any other rule of the House. The proposition is to suspend all the rules of the House and to pass a bill; and the committee is authorized to make that motion, and a two-thirds vote in the House results in suspending all the rules, the rule in relation to the reference of the bills as well

as any other and all other rules of the House Mr. SPRINGER. It was with a view to having this question settled that I raised this point when the Chair announced his decision this that I raised this point when the Chair announced his decision this morning in reference to the manner in which the committees would be called. Up to that time there was no practical question before the House on which a decision could be predicated. The Chair has decided that when a measure had been referred to a committee and that committee had taken jurisdiction of the matter, that the fact had thereby been adjudicated by the House, and the Chair would recognize the right of the committee thereafter to control the bill, whether it was on the Calendar or had come originally from the committee.

The SPEAKER. The Chair reaffirmed that decision but a few mo-

Mr. SPRINGER. And correctly so, in my judgment. Now, the point having been made before, when a similar question was before the House, without reference to any particular measure, the decision of the Chair then adds additional weight to the decision now made. But so far as the point which has been made by the gentleman from Ohio so far as the point which has been made by the gentleman from Ohio is concerned, that committees may move to suspend the rules not only upon questions which have been submitted to them but upon any other question, whether submitted to them or not, I think that carries the rule too far, and it was with a view to having a judgment thereupon of the Chair that I made the point I did. The Chair has, as I believe, decided properly both these questions, and I think the House should proceed now to consider the motion which is pending.

The SPEAKER. The Chair does not believe that the improper reference of a petition through the petition-box at the desk should

The SPEAKER. The Chair does not believe that the improper reference of a petition through the petition-box at the desk should give to a committee the power to originate a bill on a subject which the rules of the House deny such committee the jurisdiction of. Therefore the Chair submitted the question to the gentleman from Iowa as to whether he had originally introduced this bill or not.

Mr. PRICE. And I replied that my distinct recollection was, and also the recollection of the chairman of the committee with whom I had conferred, that it had been so introduced.

Mr. CONGER. Is this proposed bill the same number as the other which was referred?

which was referred?

Mr. FORT. Yes, sir. The SPEAKER. The Chair is informed that the number is the

same.

Mr. CONGER. Mr. Speaker, I desire to say a word in reply to the gentleman from Ohio, [Mr. CONVERSE.] The Chair recognizing a committee under this rule must recognize the committee with its proper subject-matter, else there is no rule. Now, the point here is that it is attempted to introduce matter belonging to another committee and seek to pass it under a suspension of the rules; matter which under all other rules of the House is properly to be referred to the Committee on Ways and Means, and no matter how it came to them or where it is now. I make the point that the Speaker in enforcing the rules of the House is bound to say when he recognizes any ing the rules of the House is bound to say when he recognizes any gentleman of any committee—is bound before he receives the motion to suspend the rules (for after that motion is adopted it of course vacates all the rules for the time being)—is bound to see that the rules of the House in regard to the subject-matter which the committee seeks to report upon give the authority which the committee attempts to exercise. In other words, that the subject-matter which the committee attempts to report is a subject which properly belongs to them

under the rules of the House.

The SPEAKER. The Chair has generally avoided asking a member what subject he wanted to bring before the House under a suspension of the rules for manifest reasons.

Mr. CONGER. But there is no suspension of the rules until there has been a vote upon it. The gentleman from Ohio seems to be of the impression that the mere motion to suspend the rules vacates all

The SPEAKER. Of course that is an erroneous view. The mere motion to suspend the rules does not suspend the rules. After the motion to suspend the rules is made there is the second by tellers allowed,

debate under the rule, and one motion to adjourn.

Mr. CONGER. The subject-matter of this bill which it is now proposed to pass here has been referred to the Committee on Ways and

The SPEAKER. The Chair repeats that in his opinion this subject belongs under the rules to the Committee on Ways and Means.

Mr. CONGER. Now, as far as the Chair has any power of decision Mr. CONGER. Now, as far as the chair has any power of decision or of recognition in accordance with the rules upon that subject, the time to do it is when a motion is made to bring the subject-matter from a wrong committee and refer it to the committee it should properly have been referred to in the first instance, the committee having juris-

diction of the subject under the rules, and then he may decide that, although they reported it, it should be submitted to the House to determine whether it should not be appropriately referred.

The SPEAKER. Does the gentleman think that the Chair, after the House has received a bill and referred it to a committee, and that

committee has reported it back and the House ordered it placed upon the Calendar—that the Chair should then have a right to displace it in an arbitrary way and say that it was not a proper subject for the consideration of that committee, and therefore that the bill should go to some other committee? Such action on the part of the Chair

might lead to confusion.

Mr. CONGER. No, sir, I do not mean that. But I think the Chair pursued the right course the other day on an occasion similar to this, when the Chair stated that under the rules of course a certain bill was improperly referred, but he would submit the question to the House as to its reference.

The SPEAKER. The Chair would prefer that the same course be taken now as to this bill.

taken now as to this bill.

Mr. CONGER. Very well. My point is if the Chair has failed to decide this question it should be submitted to the House.

The SPEAKER. The Chair has expressed his willingness to submit the question to the House.

Mr. ACKLEN. I desire to say that the House has twice sanctioned the action taken in reference to this bill. In the first place, when it was introduced the House sanctioned the action by letting it be referred to the Committee on Ranking and Currency. When it was ferred to the Committee on Banking and Currency. When it was reported from that committee the House sanctioned the action taken When it was reported from that committee the House sanctioned the action taken by the committee by allowing it to be placed on the Calendar. And I submit now the remedy is to vote down the second, after which a motion to refer the bill to the proper committee would be in order.

The SPEAKER. The Chair thinks that would be the most expeditious course. But the Chair is quite willing to submit this question to the House under the circumstances, which are entirely new.

Mr. DIBRELL. I ask the gentleman from Iowa to admit an amendment to the bill which would add to its strength.

Several members objected.

Several members objected.

The SPEAKER. The Chair is now willing to submit to the House the quesion whether this bill has been improperly referred, if consent

is given.

Mr. HARRIS, of Virginia. I think the Chair cannot submit that question to the House. The only question that can be submitted is, Shall the rules be suspended and the bill passed? It is too late now to deal with the question of reference.

Mr. SAMFORD. When a gentleman moves to suspend the rules

what rules does he move to suspend?

The SPEAKER. All rules are suspended if under the terms of the rules two-thirds so decide.

Mr. SAMFORD. Very well. One rule provides that certain sub-ject-matters shall be referred to certain committees which have jurisdiction over them. That is one of the rules. This motion is to suspend all rules and put the bill on its passage. The language permitting individuals to make the motion to suspend the rules is idenmitting individuals to make the motion to suspend the rules is identical with the language permitting committees to make the motion. Where is the limitation in regard to the subject-matters about which committees shall move to suspend the rules?

The SPEAKER. There is an equitable limitation.

Mr. SAMFORD. There is no limitation in the rules.

The SPEAKER. There is some limitation, however, in parliamentary law. The Chair will read the following paragraph from Wilson's Digest of Parliamentary Law:

Like a committee of the whole, a select committee is restrained from considering matters not specially referred to them by the House.

Mr. SAMFORD. But we may suspend the rules as to that. This motion is to suspend all rules including the rule which would require that subject-matter to go to the Committee on Ways and Means.

The SPEAKER. There is objection to the Chair submitting the question of the propriety of the reference to the House. The gentleman from Texas [Mr. Mills] demands that there shall be a second before the motion to suspend the rules is submitted to the House. The Chair appoints as tellers the gentleman from Texas, Mr. MILLS,

The House divided and the tellers reported—ayes 102, noes 45.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rule fifteen minutes are allowed for debate on each side before the final vote is taken. [Cries of "Vote!" Vote!

Mr. MILLS. Let us have a vote by yeas and nays.

The yeas and nays were ordered.

The Clerk commenced to call the roll, and Mr. Acklen voted. Mr. McLANE, (who had been standing.) I rise to a question of privilege as well as a point of order.

Mr. CLARK, of Missouri. The gentleman cannot interrupt the

Mr. McLANE. I rose and addressed the Chair before the Clerk commenced to call the roll. I ask the Chair before a vote is taken on this motion to suspend the rules to submit to the House the question whether or not this improper reference shall be corrected. That question has not been put to the House; and I submit it is competent for a majority of the House now to correct that improper reference.

The House has already decided in the case referred to by the gentleman from Texas, [Mr. Mills,] the case of the bill introduced by the gentleman from Illinois, [Mr. Townshend,] and that a day after the reference, that at any time any improper reference could be cor-rected. This is the time to make that demand of the Chair before a vote is taken on a suspension of the rules upon this motion made on behalf of the Committee on Banking and Currency. I ask the Chair to submit to the House the question whether the reference is not wrong and should not now be corrected. It is proper for a majority of the House to decide that question before voting on the motion to suspend the rules.

The SPEAKER. The Chair thinks the House should at some time have the opportunity to correct an error of reference where it is manifestly wrong. The Chair some time ago proposed to submit that question, but there was objection. The difficulty now is that the gentleman from Maryland [Mr. McLane] did not make the point until after the commencement of the roll-call.

Mr. ACKLEN. If the Chair will permit me, I will state that the gentleman from Maryland rose to address the Chair before I answered to my name. I did not know when he rose that his intention was to address the Chair.

The SPEAKER. The question raised by the gentleman from Mary land is whether the House should now have an opportunity to correct an improper reference of this bill to the Committee on Banking and

Mr. HARRIS, of Virginia. The Chair made the same proposition before to submit that question to the House, and I objected. Nothing is now in order but the vote on the motion to suspend the rules and

pass the bill.

pass the bill.

The SPEAKER. The Chair will ask the gentleman from Virginia if he does not think it is proper and equitable at some time to allow the House to correct what has been improperly referred? If a majority declares it to be an improper reference, that same majority would be sufficient to prevent the bill passing by a two-thirds vote.

Mr. HARRIS, of Virginia. I will show how the submitting of that question operates to defeat the whole object of a suspension of the rules. The object is to give committees an opportunity to get a bill passed which in the ordinary routine of business could not be done. Therefore the motion is peremptary and cannot be interfored with

Therefore the motion is peremptory and cannot be interfered with. Therefore the motion is peremptory and cannot be interfered with. If you interfere with a motion to suspend the rules and pass a given bill, by moving to refer it to some committee, and then move to amend that motion by referring it to some other committee, you may have dilatory motions which would occupy the whole day.

The SPEAKER. This is a case in regard to which there should be no controversy. The bill was not properly before the Committee on Banking and Currency, in the opinion of the Chair.

Mr. ALDRICH, of Illinois. The House has already decided that question by a majority vote on seconding the praying question upon

question by a majority vote on seconding the previous question upon the motion to suspend the rules and pass the bill. That settles the question of what the House should now do, and the call of the roll has been commenced upon the suspension of the rules.

The SPEAKER. The gentleman from Maryland [Mr. McLane]

states that before any response was made he was on his feet to ask that a vote be taken upon the question of the proper reference.

Mr. SPRINGER. But the House has already decided that question by voting by tellers to second the motion to suspend the rules, and the House is now engaged in executing that order. By a majority vote the House has already seconded the motion to suspend the

rules.

Mr. ALDRICH, of Illinois. That is so.

Mr. SPRINGER. And it is now too late to raise the other question.

The SPEAKER. The Chair, upon reflection, thinks it is too late, a
name on the roll having been called.

Mr. SPRINGER. The only method of correcting an improper reference of a bill is by a motion to reconsider the vote by which the bill
was so improperly referred, and that motion must be made within
two days after the reference and cannot be made afterward. The
House frequently refers bills to improper committees, and the reference is corrected by a reconsideration. Members must not complain
that bills are improperly referred if they allow such references to be
made.

The SPEAKER. The Chair will recognize the gentleman from Texas [Mr. Mills] to control fifteen minutes. The rule provides that the gentleman who speaks against the proposition shall have fifteen

Mr. MILLS. Ido not think that I shall want to speak more than four

Mr. WARNER. I desire to address the House on this question.

The SPEAKER. If any gentleman desires to speak in favor of the proposition the Chair will now recognize him.

proposition the Chair will now recognize him.

Mr. PRICE. Can I take my time after the gentleman from Texas?

Mr. SPRINGER. Did not the gentleman from Louisiana [Mr. ACKLEN] respond to his name on the roll-call? I heard him respond to his name, and the response should be recorded.

Mr. ACKLEN. I have explained that.

The SPEAKER. The Chair would not take advantage in that way so as to cut off debate against the terms of the rule, as the gentleman made it plain to the Chair that he desired to debate.

Mr. SPRINGER. The rule is that when the roll-call is commenced it must be completed without interruption.

The SPEAKER. The gentleman from Texas [Mr. MILLS] indicated

some time ago his purpose to debate this proposition.

Mr. PRICE. I am perfectly willing to submit this question to the House without debate. If the gentleman from Texas [Mr. Mills] or any other gentleman opposed to the bill wishes to debate it, I am perfectly willing to listen to him, and, if I think it necessary, to reply to him in a few minutes.

Mr. CANNON, of Illinois. The gentleman from Texas [Mr. MILLS] did not rise to debate this proposition until after the call of the roll

had been commenced and a response had been given.

The SPEAKER. There was a great deal of confusion in the House at the time, and the Chair has never heretofore taken advantage of a member on like occasions to deprive such member of an opportunity to debate pending propositions, and will not do it now. The Chair therefore recognizes the gentleman from Texas [Mr. MILLS] to speak

upon this proposition.

Mr. MILLS. Having opposed the passage by a suspension of the rules of the bill now under consideration, it is perhaps proper that I should give my reasons for it, and I hope that while I am doing so I

may have the attention of the House.

Mr. STEVENSON. I desire to ask the gentleman one question.

What is it?

Mr. STEVENSON. What is the amount of revenue raised annually by this tax?

Mr. MILLS. You can ask the chairman of the Committee of Ways

and Means, [Mr. Fernando Wood.] I think it is about \$2,000,000.

Mr. WEAVER. It is over \$2,000,000.

Mr. MILLS. I have the figures here from the Treasurer of the United States. For 1878 the receipts on account of bank-check stamps amounted to \$1,835,269.44; for 1879, \$1,924,604.16, and for 1880,

\$2,270,421.40.

I have one or two very serious objections to the passage of this bill. One is as to the manner of passing it. This is a very grave subject, a subject given by the rules of the House to the Committee on Ways and Means. That committee is charged with the duty of preparing and reporting to this House such legislation as may be necessary in order to raise taxes, and to indicate from what subjects such taxes shall be raised, for the purpose of providing the means of carrying on the several departments of this Government. In this case a committee not charged with that business brings before this case a committee not charged with that business brings before this House and proposes to have passed without amendment or discussion a bill to remit the tax on the checks of bankers. This is my first

objection.

My second objection is more serious. It is that while I am in favor of reducing taxes so far as they can properly be reduced, I think there

of reducing taxes so far as they can properly be reduced, I think there are other subjects that commend themselves to the favorable consideration of the American Congress with far more force than the checks of the banking associations of the United States. Why is it that the committee having charge of this subject has not yet brought before this House some bill providing for removing the tax from clothing? We are here to-day, in this great legislative assembly of the American people, with a wintry snow falling all around us, with the cold wind blowing all over the northern part of this continent, while many a poor man is shivering because he has not enough clothing to wear. Yet who dares ask of this American Congress a reduction of the duty on woolen goods?

on woolen goods?

How much duty is now paid on woolen goods? One hundred per cent.

In the same way the shirts, the socks, the clothing, the blankets of our laboring people are taxed; yet the object of clandestinely smuggling the bill through the House in this manner is to shut out an other states of the source of the sour amendment which might take from the coffers of monopolies some of the ill-gotten gains that legislative robbery has given them. What answer shall I make to my constituents who have been complaining for years of the robbery by our tariff legislation, which, among other things, places 100 per cent. duty on iron—what answer shall I make to them when I go back home and they ask me why we have taken the bankers to our bosom and have removed the little taxation of \$2,000,000 upon the great capital they have in their vaults, while we have refused to take off the duty upon the plows, the hoes, the spades, the harrows with which the people labor? What will my constituents say when I tell them that you have refused to take the duty off clothing and cotton and woolen goods; that while they are paying 65 and 70 per cent. duty upon sugar, one of the comforts of life—a branch of taxation which this House persistently refuses to reduce—yet when the banker asks to have some little taxation which he says is onerous taken off, this House is down on its knees to pass the preposition by a suspension of the rules? amendment which might take from the coffers of monopolies some of

I want this bill to come before the House in such a manner that, consistently with the character of American legislators, we may look into this general question of taxation and find the inspiration of our action somewhere else than in the smiles of the associated bankers of the country. I oppose any bill of this character passing here with the gags put upon the legislative authority, so that there is no oppor-tunity to offer an amendment, but we must take this or nothing.

These are my reasons for opposing this bill; and upon these reasons I will go before the constituency who have intrusted their rights to my keeping, and I shall have no fear of seeing a frown upon their faces.

Mr. PRICE obtained the floor.
Mr. WARNER. The gentleman from Iowa [Mr. PRICE] desires to speak in favor of this bill; I wish to be heard in opposition.

Mr. FINLEY. Before the gentleman from Iowa proceeds, I wish to inquire whether under the rules I can offer an amendment to take off the tax of matches imposed by section 3435 of the Revised Statutes.

The SPEAKER. No amendment is in order at this stage.

Mr. WEAVER. I wish to be heard in opposition to the bill.

Mr. PRICE. I yield three minutes of my time to the gentleman from Missouri, [Mr. BUCKNER,] chairman of the Committee on Bank-

from Missouri, [Mr. BUCKNER,] chairman of the Committee on Banking and Currency.

Mr. BUCKNER. Mr. Speaker, it is perhaps proper I should state (and I believe I can do so without any violation of the confidence of the committee-room) that at the last session of Congress I opposed action on this bill in the Committee on Banking and Currency for the reason that the committee had not jurisdiction of the subject, and for the additional reason that there were other methods in which I preferred to have taxation taken off. I did not believe this a proper subject for the action of our committee, and so stated. But I am decidedly in favor of the passage of this measure at this present sesdecidedly in favor of the passage of this measure at this present session. Why does my friend from Texas [Mr. Mills] oppose it? Because this bill does not remove the tax from other things that he mentions. When propositions to reduce taxation upon those shall come up in their order, I propose to vote for such reductions. I propose to vote for any proposition that will reduce taxation, internal or external. But because I cannot get all I want, shall I therefore refuse to join in repealing one of the most annoying and pestiferous

tuse to join in repealing one of the most annoying and pestilerous taxes ever introduced into this country?

Sir, this is not a tax on bank capital. It is a tax on all who are required to do business at the banks. To say that this is a tax on bankers is to raise a clamor without any reason. In all our business transactions no one can draw a check upon any bank, State or national, without going to the trouble (I say nothing of the expense) of getting a two-cent stamp to put upon it. Without regard to the question of the amount, this is an annoying tax, not recommended by any corresponding benefit. It is not a tax on bankers. If any petition has come here from bankers calling for the removal of this tax, I am not aware of it. The bankers have asked that the tax on deposits be taken off; that is a matter in which banks and bankers are inter-

ested.

Mr. FINLEY. The gentleman will allow me to ask what proportion of the masses will be benefited by the repeal of this tax?

Mr. BUCKNER. It will benefit everybody who has any business

with a bank, directly or indirectly.

Some gentleman asks why not take off the tax on matches. I have been in favor of removing that tax; I have regarded it as a tax on labor or productions which ought to be taken off. When I have on labor or productions which ought to be taken off. When I have the opportunity I will vote to take off the tax on matches; and now that this proposition is before us to remove the tax on bank-checks, I propose to vote for it.

Mr. STEVENSON. I desire to ask the gentleman from Missouri the same question which I put a little while ago to the gentleman from Texas, [Mr. Mills.] What amount of revenue is annually raised by this tax?

Mr. BUCKNER. My recollection is that when the question came up last year in the committee and we were called on to act upon it we

up last year in the committee and we were called on to act upon it, we found that the amount of the tax for the year before last was about

found that the amount of the tax for the year before last was about \$1,700,000. That is my impression. I may be mistaken.

Mr. STEVENSON. Now I will ask, further, whether the \$2,000,000 taxation in round numbers derived from this source does not fall upon a portion of the people who are well able to pay this amount of tax for the support of the Government?

Mr. BUCKNER. I suppose so. The same may be true of almost every other tax.

Mr. BUČKNER. I suppose so. The same may be true of almost every other tax.

A MEMBER. How about the tax on matches?

Mr. BUCKNER. There is obvious reason, in my judgment, especially since the last election, why we should favor every proposition that may be presented for reduction of taxation. I have no idea that our friends on the other side are going to make any material or substantial reduction in the taxes of this country. The sentiment that whisky and tobacco must be taxed will always prevent the removal of taxation from these western productions as long as there is any possibility of getting revenue from them. Then, again, our friends on the other side are in favor of protection and will not support any proposition looking toward the reduction of the tariff to any great extent. Hence I have come to this conclusion, on which I shall act extent. Hence I have come to this conclusion, on which I shall act—
to strike every head of taxation at which I may get a chance. I will
vote in favor of any proposition brought before the House, come from

vote in favor of any proposition brought before the House, come from what committee it may, which has for its purpose to reduce any tax now imposed. That is all I desire to say on this subject.

The SPEAKER. The gentleman from Iowa yielded seven minutes to the gentleman from Missouri and he has occupied only five.

Mr. PRICE. I will yield, then, the remaining two minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Speaker, I care for less than two minutes. I observe each of the speakers against this measure has had more or less reference to tariff and protectionists and their unwillingness to revise duties. I know something of the feeling of manufacturers and of protectionists who are manufacturers, of those who are extreme in their protection doctrine and those who are extremely liberal also, and so far as I know them the great majority of the friends eral also, and so far as I know them the great majority of the friends of the doctrine of protection in this country desire a revision of the tariff. I think the votes in another branch of this Congress showed

it. I think if we bring up that bill for a tariff commission the votes in this House will show the great majority of protectionists are ready for and desire a revision. I shall be agreeably disappointed if they do not disclose there are men who would like to perpetuate some of the anomalies and irregularities, not to say abuses, of the present tariff in order they might have a sore spot to point out in future campaigns. As a protectionist, as one who believes absolutely in the abstract justice and practical wisdom of a reasonable protection, I desire a revision of the tariff to correct its irregularities, or, if you please, its abuses. please, its abuses.

Here the hammer fell.]
Mr. PRICE. I yield now for one minute to the gentleman from Illinois

Mr. CANNON, of Illinois. The gentleman says this is a tax on bankers' checks. That is a mistake; it is a tax on the checks of individuals. The great multitude of small dealers throughout the country and of small means, constantly drawing their checks, pay this tax. They do not grumble so much at the amount of the tax they pay as the great inconvenience which results as everybody knows. It was the great inconvenience which results as everybody knows. It was a war tax. The same kind of tax on promissory notes has been taken off long ago; and this would have been taken off long since if it had not been for the cry raised in years past like that now made by the gentleman from Texas and other members. I am ready to vote to take it off. I believe the people want it off because it is an onerous tax on them, not so much in the amount involved as in the great trouble it puts them to.

Mr. PRICE. Mr. Speaker, there are but a few questions involved in this bill, and they are so simple and plain that it requires but little discussion in reference to them.

discussion in reference to them.

I do not propose to take charge of the constituents of the gentle-man from Texas and to protect them from the freezing and inclement weather by taking off this tax on bank checks. He is afraid somebody will freeze because these stamps are taken off of checks.

Now, the whole question in this matter is just here. One hundred to five hundred thousand people in the United States have their small or great earnings in banks. They put them there for safe-keeping. They put them there without its costing them anything, but they cannot draw out a dollar without first paying to the bank two cents on every check.

It is not as gentlemen have attempted to show; this tax on checks is not in favor of the banks. I would not expect any measure to pass that would favor national or any other banks; but this is in the interest of the depositors in the banks, who are unable to get their money out of the bank unless they first put a two-cent stamp on every

money out of the bank unless they first put a two-cent stamp on every check they present, if to draw but fifty cents out of the bank.

I have stated under that report, Mr. Speaker, that this is asked for mainly because the men and women—and there are hundreds of thousands of women in these United States who have their money deposited in banks—cannot draw their money out of the banks in which they have deposited it until they have paid something for the privilege of so doing. They can put their money into these banks without paying anything for it; but to enable them to get their money out they are now compelled to pay a tax on every check they draw. It is in the interest of those whose money is deposited there, and not at all in the interest of the banks. The bankers sell their stamped checks to the people, but the tax goes into the hands of the Government. If the people do not buy the stamped checks, of course they cannot get their money out. If this bill should pass, they will be able to get their money out without paying anything, just as they now can put it into the banks without paying anything. It is, of course, not in the interest of the banks at all, as the banks get their money back. It will not do, therefore, to seek to make the impression upon the mind of this House that this bill is in the interest of the banks, for I again repeat that it is not in the interest of the sion upon the mind of this House that this bill is in the interest of the banks, for I again repeat that it is not in the interest of the banks, but altogether in the interest of the people who have their money deposited in the banks; the small depositors all over the country—in savings-banks, as suggested on my right and left, and in other banks. All these thousands of men, women, and children, from Maine to California, and from north to south, will be benefited by the passage of this bill, while the banks will not be benefited by it at all. The argument, therefore, on that basis is without foundation, and ought to have no force with the House.

This was one of the war taxes: it is a relic of the days of war, and

tion, and ought to have no force with the House.

This was one of the war taxes; it is a relic of the days of war, and we want to get rid of everything of that kind which brings in the panorama of life anything unpleasant to the American people. [Laughter.] And this is another reason why we should get rid of this tax. It is in the interest of the poor people of the country. The rich men can pay the two cents without trouble. It is the poor man and the poor woman all over the country that is to be benefited by the removal of this tax; and the man who votes against this bill to-day records his vote against the poor man and the poor woman and in favor of the rich man who, as I have already said, is well able to pay the tax of two cents and does not feel it as a drain upon his resources.

mr. SCALES. Will the gentleman allow me to ask him a question?
Mr. PRICE. Certainly.
Mr. SCALES. I wish to ask the gentleman if the deposits in a bank are not a source of profit to the bank, and if it is not therefore to the interest of the bank to have the taxes upon checks abolished so as to invite and increase deposits?

Mr. PRICE. My friend mistakes the case materially. That is not the question here at all. He has got hold of the wrong end of the argument. I think if the question was properly understood there would be no difficulty in getting it through the House. This is simply in reference to the tax upon checks, the two-cent stamp tax, which is paid by the customer himself and not by the bank.

Mr. SCALES. But does not the gentleman agree that the deposits are a source of profit to the bank?

are a source of profit to the bank?

Mr. PRICE. In this light not at all. It has no connection whatever with this question. If the depositor wants his money he has got to pay the two cents to draw it out, that is all. The check is no part of the profit of the bank, nor is the stamp upon it a source of profit, and that is just exactly where the gentleman does not understand the question. If the question were understood there would be, I am convinced, only one voice in reference to the passage of this

Mr. WARNER. Mr. Speaker, I am decidedly opposed to this bill. I am opposed to it, first, because there is probably no tax under our system of taxation which is so easily collected as this tax, and that is collected at so little cost as this two-cent stamp tax upon bank-checks. I am opposed to it, in the second place, for the reason that no class of our people are better able to pay a tax than those who are able to have money on deposit. I am opposed to it, in the third place, because we need the revenue. We have just appropriated the sum of \$50,000,000 to pay pensions. We have also a maturing debt of \$670,000,000 falling due, and we need all the tax we can possibly collect to apply to the payment of that debt, after meeting the ordinary expenses of the Government.

This, Mr. Speaker, is, in my judgment, the very last tax that ought to be taken off. I would like to see taxes reduced, were it not for the debt we have to pay, but there are many other taxes that should

debt we have to pay, but there are many other taxes that should come down first. We have already taken off the income tax, and we are asked also to take off the tax on circulation and deposits which the banks hold and which they lend out for profit. The tax from bank-checks is one of the first in the list of this class of taxes, and then all of the taxes will be rolled off from the shoulders of those

whose wealth is in money and money capital and who are best able to pay them, and left without reduction upon the people.

Mr. Speaker, there is scarcely an implement of industry in use in this whole country that is not now taxed in some form. There is scarcely a thing produced by the labor or ingenuity of our people or consumed by them that does not in some form hear a share of taxe. consumed by them that does not in some form bear a share of taxa-tion. Here is an instrument used for the transfer of money from person to person and from bank to bank on which a tax is easily colson to person and from bank to bank on which a tax is easily collected and which is well able to bear it, or which they who use this medium as a means of transfer of money are able to pay. There is another reason why I am opposed to the removal of this tax. A man who has a hundred thousand dollars in greenbacks, or a million dollars, for that matter, or any other sum, is now able to escape taxation and does practically escape it entirely on his ready money. This little tax on a check is the only tax he pays.

The law imposes a tax, it is true, upon bank deposits which are not in greenbacks, but greenbacks not being subject to taxation.

The law imposes a tax, it is true, upon bank deposits which are not in greenbacks, but greenbacks not being subject to taxation, hundreds of millions of money and deposits practically escape taxation. Deposits in banks on the day when taxes are assessed are counted as greenbacks, and consequently a large share of this money and banking capital under the control of depositors escapes taxation. Now it is proposed by this bill to take the tax off of bank-checks, thereby removing the last pittance of taxation from this class of people who are best able, as I have stated, to pay their taxes. I hope the House will refuse to do it. I hope the House will hesitate and consider this subject well before it commits itself to such a policy, and begin the reduction of taxes at this place—on a tax which is so lightly felt by those who bear it.

and begin the reduction of taxes at this place—on a tax which is so lightly felt by those who bear it.

Mr. PRICE. Will the gentleman allow me to ask him a question?

Mr. WARNER. I will be pleased to answer the gentleman.

Mr. PRICE. I wish to ask the gentleman if he has forgotten that the poor man and poor woman who want to get \$1 out of the savings-bank where their little earnings are deposited have to pay two cents for the privilege, while the rich man who draws out his thousand or ten thousand dollars pays no more than that?

Mr. WARNER. Bankers pay this tax upon checks drawn upon one

Mr. WARNER. Bankers pay this tax upon checks drawn upon one another. Indeed a large part—at least a very considerable part—of the tax upon bank-checks is paid by bankers in the regular course of their business. The more money one has, or the more deposits and the oftener he makes transfers, the more tax he will pay, and this is not the way poor men do.

Mr. PRICE. You are mistaken about that; a very small portion

Mr. WEAVER. Mr. Speaker, I am opposed to the passage of this bill. The reduction of taxation at this time is a part of a scheme to make popular the system of funding the national debt. It is a delusion and a snare. From our present system of taxation the entire public debt can be paid in a very few years, but it will be found impossible to liquidate it from the revenues if taxes are cut down until the receipts are simply sufficient to meet the current expenses of the Government. The fund-holders desire this condition of things to ensue, for they will then have ample excuse for further funding

The tax sought to be repealed falls not upon the banks, it is said,

but upon bank customers. Very well. In many instances this may be true, but it falls upon a class of people who are as able to bear it be true, but it falls upon a class of people who are as able to bear it as any other. All taxes fall upon the people in some shape or another, and this argument would repeal all tax laws. The tax upon distilled and fermented liquors is paid ultimately by parties least able to do so, and this is greatly true of all taxes, and yet they cannot be dispensed with until we find some way to pay the public debt. The great effort of this great debtor nation should be to so legislate and administer the laws as to make capital bear its just share of the public burdens. Let capital be the servant and not the master of the people. This bill, should it become a law, will reduce our receipts \$2.000.000 annually. I hope it will not pass.

people. This bill, should it become a law, will reduce our receipts \$2,000,000 annually. I hope it will not pass.

Mr. SCALES. Mr. Speaker, I am in favor of reducing taxes on all subjects. Since I have been a member of Congress I have watched every opportunity to make this reduction, and have voted up to this time for every proposition which looked to this result; but so far I have only succeeded in aiding to reduce the tax on tobacco. That tax is now much too high and is to-day much more oppressive than the tax upon checks. Time and again have I with many others endeavored to reduce the tax on brandy and whisky. Its effect was demoralizing, and brought much evil upon the country. It is an industry recognized by the law and should not be indirectly prohibited by taxation. I am in favor of reducing the heavy tariff upon all by taxation. I am in favor of reducing the heavy tariff upon all woolen goods and thereby cheapen the articles of clothing which the people must wear, and so upon other articles now so heavily taxed which are essential to the comfort and well-being of our people. But all efforts in this direction have failed. There are many gentlemen in this House who are opposed to reduction of all taxes on industries, but who are always ready to favor a reduction upon capital. These out who are always ready to favor a reduction upon capital. These gentlemen are of course for this reduction. There are others here who are anxious to reduce taxes of every name and description and are not willing to let this opportunity fail. I sympathize in the views of these gentlemen and will gladly aid them upon a proper bill to reduce all taxes as far as practicable; but I cannot fail to remember that nearly every proposition to reduce taxes upon industries has failed and I believe will continue to fail if presented by themselves. If nearly every proposition to reduce taxes upon industries has failed and I believe will continue to fail if presented by themselves. If a bill is gotten up that will reduce or abolish this tax and at the same time reduce the other taxes so oppressive, I shall most gladly support it and use my best efforts to pass it. But we cannot hope to reduce other taxes except by a bill that will embrace all. Then the man who wants taxes upon banks and capital reduced alone will vote for other reductions, and thus by a combination of interests get votes enough to benefit all tax-payers

The SPEAKER. Three minutes of the time allowed for debate

Mr. SPRINGER. I shall vote for the passage of this bill for the reason that this is a vexatious tax which produces little revenue. It is paid by the depositors in banks of all kinds. This is not a measure for the relief of national banks or private or State bankers, but a bill for the purpose of removing a tax, I believe the only one of this kind that has survived the war; a vexatious stamp tax which

produces little or no revenue.

I have received petitions from a large portion of the business communities which I represent praying for the abolition of this tax. These petitions come from the persons who deposit their money in the banks and are required to pay this tax before they can get it out. The bill is in the interest-of small dealers, who draw many checks for small amounts and have to pay the same amount of tax on each one of the small checks as large dealers have to pay on checks of thousands and hundreds of thousands of dollars. It is an unequal tax, a most vexatious tax, and one that produces little revenue, and it should be abolished. abolished.

Mr. WEAVER. Will the gentleman yield to me for a question?
Mr. SPRINGER. Yes, sir.
Mr. WEAVER. Do not these petitions generally come from the

bankers themselves

bankers themselves?

Mr. SPRINGER. No, sir. They come from the depositors and the business community generally, and this bill is in the interest of the great mass of the business men who have to pay taxes to get money from the banks which they put in for safe-keeping.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill, on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 130, nays 68, not voting 93; as follows:

ard L

Morse, Morton, Myers, Neal, New, Nicholls, Norcross, O'Connor, O'Neill, Osmer, Overton, Page, Philips,	Prescott, Price, Reed, Rice, Richardson, D. P. Robeson, Robinson, Ross, Russell, William A Ryan, Thomas Ryon, John W. Sapp, Sawyer,	Smith, A. Herr Speer, Springer, Starin, Stone, Talbott, Taylor, Ezra B. Thomas, Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas	Van Voorhis, Voorhis, Wait, Wait, Washburn, Whiteaker, Williams, C. G. Williams, Thomas Willis, Willis, Wise, Wood, Fernando Wood, Walter A. Young, Thomas L.
Phister,	Scoville,	Upson,	
Pound,	Shallenberger,	Van Aernam,	
		7S-68.	
Ackien,	Dibrell,	Le Fevre,	Sparks,
Armfield,	Dunn,	Lowe,	Steele,
Berry,	Finley,	Marsh,	Stevenson,
Blount,	Forney,	Martin, Benj. F.	Taylor, Robert L.
Bonek	Fort.	McCoid.	Thompson, P. B.

Thompson, P. B.
Tillman,
Townshend, R. W.
Turner, Oscar
Turner, Thomas
Urner, McLane, McMillin, Mills, Muldrow, O'Reilly, Boyd, Brigham, Bright, Butterworth, Geddes Gillette, Gunter, Harris, John T. Hill, Hostetler, House, Hull, Hurd, Johnston, Caldwell, Phelps, Reagan, Rothwell, Scales, Simonton, Singleton, O. R. Slemons, Vance, Warner, Weaver, White, Whitthorne, Chalmers, Clements, Cobb, Colerick, Converse. Cravens, Jones, Davis, Lowndes H. Ladd, Wilson, Yocum.

NOT VOTING-93.

Aiken.	Culberson,	Kenna,	Poehler.
Anderson.	Davidson.	King,	Richardson, J. S.
Atkins,	De La Matyr,	Kitchin,	Richmond,
Baker.	Deuster.	Klotz,	Robertson,
Ballou.	Dick.	Knott,	Russell, Daniel L.
Barber,	Dickey,	Lapham,	Samford,
Barlow,	Dwight,	Lindsey,	Shelley,
Bayne,	Elam.	Loring,	Sherwin.
Beale.	Ewing,	Lounsbery,	Singleton, J. W.
Belford,	Ferdon,	Manning.	Smith, Hezekiah B
Beltzhoover,	Forsythe,	Martin, Joseph J.	Smith, William E.
Bland,	Frost,	McGowan,	Stephens,
Bragg,	Frye,	McKenzie,	Tucker,
Burrows,	Gibson,	McMahon,	Valentine,
Cabell,	Haskell,	Miles,	Waddill,
Camp,	Hayes,	Miller,	Ward,
Carlisle.	Hazelton,	Morrison,	Wellborn,
Chittenden,	Heilman,	Muller,	Wells,
Claffin,	Houk,	Murch,	Wilber,
Clardy,	Hubbell,	Newberry,	Wright,
Clark, Alvah A.	James,	O'Brien,	Young, Casey.
Clark, John B.	Jorgensen,	Orth,	
Cowgill,	Keifer,	Pacheco,	
Cox,	Kelley,	Persons,	

So (two-thirds not having voted in the affirmative) the rules were

not suspended.

The following additional pairs were announced:

Mr. Murch with Mr. Lindsey, on this bill. Mr. Murch would vote

"no."
Mr. DE LA MATYR with Mr. CHITTENDEN.
Mr. HAWLEY with Mr. KING.
Mr. DEUSTER with Mr. POEHLER.
Mr. BELFORD with Mr. WELLBORN, on all questions from and including to-day till the 6th proximo.
Mr. WILSON. My colleague [Mr. KENNA] requested me to state that he would vote "no" if not paired.
Mr. HAWLEY. My pair with the gentleman from Louisiana [Mr. KING] expired last Friday, and I have voted.
The SPEAKER. The Chair is informed that the pair was renewed to-day.

to-day.

Mr. HAWLEY. I paired only for Thursday and Friday.

The SPEAKER. The gentleman from Connecticut has the control

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had agreed to the concurrent resolution of the House for the adjournment of the two Houses from Wednesday, December 22, 1880, to Wednesday, January 5, 1881.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the subtreasury building in the city of New York.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

requested:

A bill (S. No. 1669) for the relief of Abbie N. Condron;
A bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia; and
A bill (S. No. 1888) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island.

APPOINTMENTS ON COMMITTEES.

The SPEAKER. The Chair announces the following appointments on committees:
Mr. McKinley on the Committee on Ways and Means, to fill a

Mr. Conger on the Committee on Rules, to fill a vacancy.
Mr. McKINLEY. I ask to be excused from further service on the

Judiciary Committee.

The SPEAKER. If there be no objection, the gentleman will be excused. [After a pause.] The Chair hears none. The Chair appoints the gentleman's colleague [Mr. Taylor] to fill the vacancy thus caused on the Judiciary Committee.

VISITORS TO NAVAL SCHOOL AT ANNAPOLIS.

The SPEAKER. The Chair appoints as visitors to the Naval School at Annapolis, Mr. Wellborn, Mr. Scoville, and Mr. Browne.

ENROLLED BILLS SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 1776) granting a pension to Margaret S. Heintzel-

An act (S. No. 1814) to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes.

Mr. THOMPSON, of Iowa, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled

a bill of the following title; when the Speaker signed the same:
An act (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Grounds Association."

POST-OFFICE OF THE HOUSE.

The SPEAKER laid before the House a letter from the Postmaster of the House, transmitting an inventory of public property in the post-office of the House; which was referred to the Committee on Accounts.

MONUMENTAL COLUMN AT YORKTOWN, VIRGINIA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a design for a monumental column at Yorktown, Virginia; which was referred to the Select Committee on the Yorktown Celebration.

CENTENNIAL MAP.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of an appropriation for publishing the centennial map of the United States; which was referred to the Committee on Appropriations.

JOHN F. RUSSELL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition of John F. Russell, praying for an amendment of his military record; which was referred to the Committee on Military Affairs.

LEGISLATIVE EXPENSES OF IDAHO.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate of the appropriation required to meet the expenses of the Legislature of Idaho; which was referred to the Committee on Appropriations.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Superintendent of the United States Coast and Geodetic Survey for the year ending June 30, 1880; which was referred to the Committee on Printing.

YERBA BUENA ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a bill to quiet title to land on Yerba Buena Island; which was referred to the Committee on the Judiciary.

ROBERT AVERY.

Mr. VAN AERNAM asked and obtained unanimous consent for the withdrawal from the files of the House of the bill (H. R. No. 5756) for the relief of Robert Avery, with the accompanying papers, with the view of referring the same to the Secretary of the Treasury for report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. VALENTINE, for three days, on important business;
To Mr. Horr, indefinitely, on account of sickness in his family;
To Mr. Persons, until after the holidays; and
To Mr. McCoid, until the 10th of January next.
Mr. FERNANDO WOOD. I desire to give notice that I shall here-

after object to granting any further leave of absence, so that we may not be left without a quorum for the transaction of business to-morrow and next day.

ORDER OF BUSINESS.

The SPEAKER. The next committee in order to move a suspension of the rules is the Committee on Coinage, Weights, and Measures.

Mr. BLAND. I am directed by the Committee on Coinage, Weights, and Measures to move to suspend the rules so as to take from the Calendar of the Committee of the Whole on the state of the Union

the bill (H. R. No. 6025) to establish an assay office in the city of Saint Louis, Missouri, and that the same be now passed.

Mr. WARNER. While the Committee on Coinage, Weights, and Measures did authorize the gentleman from Missouri [Mr. Bland] to move to suspend the rules and pass the bill he has indicated, that

committee this morning authorized its chairman to move to suspend the rules and pass another bill.

Mr. BLAND. My motion has the prior right.

Mr. WARNER. That is for the Chair to determine.

The SPEAKER. The committee should settle that matter for itself, and not throw the onus on the Chair.

Mr. BLAND. The committee gave me the first right.

Mr. CALKINS. What is the question before the House?

ASSAY OFFICE, SAINT LOUIS, MISSOURI.

Mr. BLAND. By instruction of the Committee on Coinage, Weights, and Measures, I now move that the rules be suspended so that House bill No. 6025, to establish an assay office in the city of Saint Louis, Missouri, be taken from the Calendar of the Committee of the Whole on the state of the Union and passed at this time.

Mr. CALKINS. Let the bill be read.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and required to establish an assay office at Saint Louis, in the State of Missouri; the said office to be conducted under the provisions of an act entitled "An act revising and amending the laws relative to the mints, assay offices, and coinage of the United States," approved February 12, 1873.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to set apart sufficient room for said assay office in the Government building in Saint Louis, now used for a post-office and custom-house, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding \$10,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The previous constitution was seconded and the main question ordered.

The previous question was seconded and the main question ordered upon the motion to suspend the rules and pass the bill.

The SPEAKER. Under the rules debate is in order for fifteen min-

The SPEAKER. Under the rules debate is in order for fifteen minutes for and fifteen minutes against the pending proposition.

Mr. BLAND. The old custom-house building in Saint Louis will be vacant in a short time, as the new one will be completed during the coming summer. The old building will either have to be sold at a great sacrifice or put to some public use.

The Director of the Mint, before the Committee on Coinage, Weights, and Measures, has stated that he has inspected and examined this building and finds it in every respect suitable for an assay office. He further stated that it would be a matter of economy on the part of the Government to operate an assay office at that point; that now silver bullion purchased for the purpose of coinage, especially at New Orleans, is often required to be transported from Saint Louis and other points to New York City, to be there assayed and then transported again to New Orleans for coinage. He also states that he can purchase silver bullion cheaper in Saint Louis than in New York, and there will be a saving to the Government both in the cost of transportation and in the price of silver bullion over and above the cost of the operation of an assay office at Saint Louis, by establishing an office at that point.

There will be no expense under this bill, except to provide machinery to put in the building which is now already there a building which is

There will be no expense under this bill, except to provide machinery to put in the building which is now already there, a building which will answer all the purposes of an assay office. Saint Louis is contiguous to all the great mining Territories and States, and bullion is now transported to Saint Louis and from there to New York City for now transported to Saint Louis and from there to New 10rk City and assay. The time may come when mints should be established in the West. Indeed, it is the great distributing point to-day for the silver dollars coined by the Government. As I have already said, this bill meets the approbation of the Director of the Mint. The bill was thoroughly considered by the Committee on Coinage, Weights, and Measures, and unanimously recommended by them to the House.

Mr. BLOUNT. I wish to ask my friend whether that Committee has jurisdiction of this subject.

Mr. BLAND. Certainly, we have jurisdiction.

Mr. BLOUNT. Under what provision of the rules?

Mr. BLAND. By the rules all subjects relating to coinage, weights, and measures are referred to that committee.

Mr. BLOUNT. Building houses?

Mr. BLAND. This is not building a house. The house, as I have said, is already there, and will soon be useless to the Government unless some legislation of this kind be adopted. This is simply to put into that building, at an expense of \$10,000, the machinery for an assay office. All such questions belong to our committee. As I said before the bill is recommended unanimously by the committee, be-

assay office. All such questions belong to our committee. As I said before, the bill is recommended unanimously by the committee, besides having the indorsement of the Director of the Mint.

Mr. BLOUNT. I will ask the gentleman whether in addition to the appropriation of \$10,000 for machinery there will not necessarily be required employés, laborers, &c.?

Mr. BLAND. As a matter of course there will be required the usual appropriation of \$10,000 for machinery there will be required the usual symployées to express on a seasy officer, but according to the test test and the seasy of the

employés to carry on an assay office; but according to the statement of the Director of the Mint the Government, by the adoption of this measure, will save in the purchase and transportation of bullion more than will be necessary to establish this assay office and conduct it

from year to year.

Mr. BLOUNT. Does the Director of the Mint recommend this?

have not examined his report.

Mr. BLAND. In his examination before the committee he stated that this assay office would be a great convenience to the Government, and that this bill ought to pass. [Cries of "Vote!"] The question being taken on the motion to suspend the rules and pass the bill there were avently need to be a great convenience.

pass the bill, there were—ayes 111, noes 4.
So (two-thirds voting in favor thereof) the motion was agreed to; and the bill was passed.

ORDER OF BUSINESS.

The Committee on Military Affairs being called, Mr. UPSON and Mr. BROWNE addressed the Chair.

The SPEAKER. As the Chair understands, both these gentlemen represent the same committee. They had better adjust between themselves which shall occupy the floor.

Mr. SPARKS. Cannot both reports be acted upon? They are brief

and can go through in a moment.

The SPEAKER. The Chair could not entertain two motions from the same committee without unanimous consent.

Mr. UPSON. I do not wish to antagonize my friend; but I believe the report in my charge has precedence as to age. My instruction from the committee dates back to June 1.

Mr. BROWNE. Under the well established rule of equity I am

entitled to recognition because courts always give preference to the diligent. The gentleman says that he was instructed last June. My instructions are much more recent; and I have sought my opportu-

nity at the very first moment.

The SPEAKER. Are the gentlemen unable to adjust this matter

between themselves?

Mr. SPARKS. These are both unanimous reports, I believe, from our committee, but the gentleman from Texas is first in order.

The SPEAKER. The Chair now understands that the gentleman

from Indiana consents to yield the floor to the gentleman from

SAN ANTONIO ARSENAL.

Mr. UPSON. I am directed by the Committee on Military Affairs to move that the rules be suspended so as to discharge the committee from the further consideration of the bill which I send to the desk,

The bill was read, as follows:

The bill was read, as follows:

A bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, out of any moneys in the Treasury not otherwise appropriated, there is hereby appropriated the sum of \$15,000, to enable the Secretary of War to purchase, inclose, and improve the following-described piece of land adjoining the United States arsenal grounds at San Antonio, Texas, namely: All that tract of ground bounded by Arsenal street, Lower Flores street, the United States arsenal, and the San Antonio River, with a frontage on Arsenal street of thirteen hundred and fifty feet, more or less, and on Lower Flores street of one hundred and twenty-five feet, more or less, and containing about three and one-half acres: Provided, That no part of the money hereby appropriated shall be expended until the requirements of section 355 of the Revised Statutes have been complied with. complied with.

The motion to suspend the rules was agreed to, (two-thirds voting in favor thereof,) and the bill was passed.

ORDER OF BUSINESS.

Mr. BROWNE. Mr. Speaker, I hope now under the circumstances the House will indulge me in asking a suspension of the rules in the little case which I desire to present. [Cries of "Vote!" "Vote!"] Mr. STONE. I call for the regular order.
Mr. BROWNE. This is the first time I have ever asked such a

favor.

The SPEAKER. The next committee in order is the Committee on Naval Affairs.

PEDESTAL FOR FARRAGUT STATUE.

Mr. HARRIS, of Massachusetts. I am directed by the Committee on Naval Affairs to move that the committee be discharged from the further consideration of the bill which I send to the desk, and that it be passed with an amendment.

The Clerk read as follows:

A bill (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That out of any moneys in the Treasury not otherwise appropriated the sum of \$5,000 be, and is hereby, appropriated for the purpose of increasing the height of the pedestal to the monument erected in honor of the late Admiral Farragut in the city of Washington, and which sum shall be expended for said purpose under the orders and direction of the Secretary of the Navy.

The amendment recommended by the Committee on Naval Affairs was read, as follows:

Add to the bill the following:

"The Secretary of the Navy is hereby authorized to make use of such ordnance and other naval stores now on hand for the appropriate ornamentation of said pedestal as may be required."

Mr. HARRIS, of Massachusetts. I desire that a brief report which accompanies the bill may be read. [Cries of "Vote!" "Vote!"]
Mr. WARNER. Let us hear the report.
The SPEAKER. The reading of the report being called for, it will

be read.

The Clerk read as follows:

The Ciefk read as follows:

The Committee on Naval Affairs, to which was referred H. R. No. 6593, entitled "A bill to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington City," submits the following report:

By a joint resolution approved June 22, 1874, Congress authorized the Secretary of the Navy " to contract with some suitable and skillful sculptor for a bronze statue of the late Admiral Farragut, as authorized by the joint resolution of April 16, 1872, to be disposed of as therein directed: Provided, That the selection of the sculptor or artist to execute the statue shall be made by the Secretary of the Navy, the General of the Army, and Mrs. Virginia L. Farragut, or a majority of them."

The joint resolution of April 16, 1872, had provided that a statue of Admiral Farragut should be erected in Farragut Square, in the city of Washington.

The commission appointed by the joint resolution of June 22, 1874, before quoted, having selected Miss Vinnie Ream as the "sculptor or artist to execute the statue," the then Secretary of the Navy, on the 28th of January, 1875, entered into a written contract with Miss Ream by which she agreed to execute and deliver and cause to be erected in Farragut Square aforesaid, within a reasonable time, a colossal statue ten feet in height of the late Admiral David G. Farragut, made of the best quality of bronze, and also a granite pedestal of suitable height, similar in style and equal in quality to that of the Scott statue in the Soldiers' Home in said District, both statue and pedestal to be finished to the reasonable satisfaction of the commissioners who made the award to Miss Ream, or the survivor or survivors of them."

This contract has been fully complied with on the part of Miss Ream, and the work has been accepted and paid for.

The pedestal is like that of the Scott statue at the Soldiers' Home, except that it is a few inches taller than that. The drawing after which the pedestal was cut was furnished Miss Ream by the Government.

The Scott statue stands upon a considerable elevation, while the Farragut statue is located in the center of a nearly level park.

It is now apparent to the most casual observer that the pedestal of the Farragut statue is much too small at its base and also several feet too low, and that in designing the pedestal the difference in location of the two statues was not sufficiently considered and that the Scott pedestal was too closely copied. Miss Ream is not at fault in this matter. The statue was her own design, and for his she was responsible. The pedestal is in compliance with the requirements of the Government, and for its defects the Government is alone at fault.

This defect can be cured by raising the pedestal about nine feet and placing under it a broad granite base, according to plans which have been prepared and are now ready.

now ready.

The cost of the proposed improvement will be \$5,000.

The cost of the proposed improvement will be \$5,000.

It has been determined to unveil the statue on the 4th of March next, if possible. The committee believes that the work should be done at once, and it therefore reports the bill back to the House with an amendment, and recommends its passage with the amendment.

The question being taken on the motion of Mr. HARRIS, of Massa-

chusetts, there were—ayes 146, noes 2.

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, with the proposed amendment, passed.

SALARIES OF POSTMASTERS.

The SPEAKER. The next committee in order is the Committee on

the Post-Office and Post-Roads.

Mr. STONE. I am instructed by the Committee on the Post-Office and Post-Roads to move that the committee be discharged from the further consideration of the bill which I send to the desk, and that it be passed. of the bill. There is a unanimous report from the committee in favor

The Clerk read as follows:

A bill (H. R. No. 3981) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866.

of the act of June 12, 1866.

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made direct official application or sworn returns of receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854; such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such application, sworn returns of receipts and business, or quarterly returns were made.

Mr. BLOUNT. I call for the reading of the report of the committee, and I hope we shall have order. This is a very important bill.

Mr. MILLS. Will there be any discussion on this bill?

Mr. BLOUNT. There ought to be.

The Clerk read as follows:

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred H. R. No. 27, being a joint resolution to enable certain postmasters and late postmasters to institute certain proceedings in the Court of Claims, ask leave to make the following report, and recommend the passage of the accompanying bill as a substitute for said resolution:

Your committee adopt the following statement contained in the report of the Senate committee on this subject, namely:

"The act of Congress passed June 22, 1854, directed the Postmaster-General to allow to deputy postmasters, in lieu of the compensation before allowed, commissions on the postage collected at their respective offices, at varying rates, according to the sums collected.

"The act of July 1, 1864, instead of compensating them by commissions upon actual receipts, substituted a new system by which the receipts for two years preceding an adjustment of salaries were to be regarded as the basis, and, fixing the date of the act as the initial point, directed that a readjustment should be made every two years thereafter. But in special cases the Postmaster-General was authorized to make readjustments as much oftener as he should deem expedient, with the proviso, however, that changes in any salaries should not take effect until the next quarter succeeding the order of the Postmaster-General directing the change.

"The act of July In June 1866 amended the least recited on the valding a direction."

the next quarter succeeding the order of the Postmaster-teneral directing the change.

"The act of 12th June, 1866, amended the last-recited act by adding a direction that when the quarterly returns of any postmaster of the third, fourth, or fifth class should show that his salary was 10 per cent. less than it would have been on the basis of commissions under the act of 1854, the Postmaster-General should review and adjust the salary.

"In executing the provisions of the act of July 1, 1864, so far as the regular biennial adjustments were concerned, it was the practice of the Post-Office Department, by an order issued from the office of the First Assistant Postmaster-General, and addressed to all postmasters, to require from the latter a sworn statement of the revenues of their offices from the 1st of July to the 31st of December (inclusive) next preceding the date of the proposed readjustment.

"Upon these sworn statements the salary to be assigned to each officer was estimated and fixed, by an order bearing date June 1 of the current year, or one month prior to the date when the salary as adjusted was to take effect.

"In case of special readjustments the Department rules required that the attention of the Postmaster-General should be called to the case by direct application.

"Under the act of 1864, and also of 1866, letters of appointment were issued to

newly appointed postmasters whose compensation was necessarily fixed at an arbitrary sum, by which they were notified that the compensation was fixed at a certain sum until the amount of business to be transacted and their receipts could be ascertained. They were instructed 'at the end of each quarter to make and forward to the Third Assistant Postmaster-General a statement under oath of the total value of postage-stamps canceled during the quarter and sold;' that 'their salaries would be readjusted at the proper time by the Postmaster-General, on the basis of the amount of business done as shown by the quarterly statement above required.

"In the period reaching from the year 1806 to the year 1872, when the whole system of compensation was modified, many new post-offices were established, and the rate of compensation was necessarily fixed, not upon the basis of receipts, but arbitrarily; in the same period the business of other offices belonging to the 'third,' 'fourth,' and 'fifth' classes increased.

"The Department, carrying out its practice and conforming to instructions given to the postmasters, did not readjust the salaries oftener than once in two years, except in cases to which its attention had been called by official letters, or by sworn returns made in accordance with its rules."

Section 2, act July 1, 1864, as amended by section 8, act June 12, 1866, is as follows:

to the postmaters, did not readjust the salaries oftener than once in two years, expert in cases to which its attention had been called by official letters, or by sworn refurms made in accordance with its rules."

Section 2, act July 1, 1964, as memoded by section 8, act June 12, 1866, is as follows:

"Sec. 2. And be it further enacted, That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in writing, and recorded in his journal, and notified to the Auditor for the Post-Office Department: Provided, That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on a basis of commission under the act of 1554, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section." (See 13 Statutes at Large, section 1, page 335, 14 Statutes at Large, section 8, page 35).

Giddings, a member of this committee in the Post-office Department, or for the committee in the Post-office of the Section 8, page 35).

Giddings, a member of this committee in the Post-office and provided with and executed the requirements of the original salary law, and also provided the means and a rule for a fair and reasonable use of the discretionary power as to special readjustments confided to him by that act. In October, 1894, he notified the them incumbents that they had a "right to apply for special readjustments under section 2 of said act," and applications made in pursuance thereof were "acted upon when the increase of the binsiness of an office was above to be 50 per cent." To make it the duty of the Court said, for readjustment of the facts as well as the provided of the post-office and prescribed the beans of a coline as above to be 50 per cent." To make it the duty of the Court said a

Exhibit A.

Washington, D. C., February 10, 1879.

Washington, D. C., February 10, 1879.

Six: I have the honor to acknowledge your letter of January 31, inclosing copy of Honse bill 5745, and to say, in reply, that under the act of July 1, 1864, post-masters were notified thereof by circular and requested to keep an account of canceled stamps and forward the same to the Department, which was done, and the first adjustment under the statute made to take effect October 1, 1864, for fourth and fifth class offices, and July 1 for first, second, and third classes. At the same time postmasters were advised of their right to apply for special readjustments under section 2 of said act, and many applications were received subsequently from time to time, and acted upon when the increase of business of an office was shown to be 50 per cent. This was the practice of the Department up to 1872, when favorable action was taken upon cases showing 20 per cent. of increase in business, as required under sections 82 and 84 of the code of June 8, 1872. Said 20 per cent. was the basis of all readjustments up to July 12, 1876, when, by section 10 of the act of that date, 50 per cent was made the basis.

The act of June 12, 1866, was not at any time made the basis of such readjustments, nor could it be stated whether applications for readjustments made the act of 1864 or 1866.

It will be seen from the above statements that the Postmaster-General, who acted under the law of 1866, construed it as requiring him to examine applications for

readjustments of salaries, other than biennial, when the applications were made by postmasters, and that he did not regard it as his duty to take up cases out of the biennial order in the absence of such special application.

Very respectfully,

JAS. N. TYNER, First Assistant Postmaster-General.

Hon. D. C. Giddings,
Committee on the Post-Office and Post-Roads,
House of Representatives.

Mr. BLOUNT. I demand a second of the motion to suspend the rules.

Mr. STONE. I demand tellers.

Mr. STONE and Mr. BLOUNT were appointed tellers. The House divided; and the tellers reported—ayes 100, noes 6.

Mr. BLOUNT. No quorum has voted.

EXPLANATION.

The SPEAKER. The Chair desires to ask on the part of the gentleman from Connecticut [Mr. Hawley] to withdraw his vote on the bank-check tax bill. Although his pair had expired, yet Mr. King left supposing the pair continued. The gentleman from Connecticut prefers not to vote rather than have the gentleman from Louisiana disappointed.

There was no objection, and the vote was ordered to be withdrawn.

PENSIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a letter from the Commissioner of Pensions relative to the necessity for increased appropriations for pensions; which was referred to the Committee on Appropriations, and ordered to be printed.

And then, on motion of Mr. WHITE, (at four o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of Oliver B. Green and George P. Gilman, for change of name of steamer or tug O. B. Green to The Comodore—to the Committee on Commerce.

By Mr. ANDERSON: The petition of citizens of Kansas, for the appointment of a national railroad commission and for the regulation of railroad charges—to the same committee.

of railroad charges to the same committee.

By Mr. BLACKBURN: Two petitions of citizens of Kentucky, for

the repeal of the stamp-tax on perfumery, cosmetics, and medicines—to the Committee on Ways and Means.

By Mr. BOYD: The petition of citizens of Fulton County, Illinois, for a commission to investigate the causes and devise means to suppress the spread of contagious diseases among domestic animals—to

the Committee on Agriculture.

By Mr. BRIGGS: The petition of J. T. Webster and 26 others, eitizens of Manchester, New Hampshire, for an amendment of the patent laws, so as to make the maker or vendor of patented articles alone

responsible for infringement—to the Committee on Patents.

Also, the petition of J. T. Webster and 31 others, citizens of Manchester, New Hampshire, for the regulation of interstate commerce-

chester, New Hampshire, for the regulation of interstate commerce—
to the Committee on Commerce.

Also, the petition of Daniel Webster, of Concord, New Hampshire,
for payment of fees due him as a witness before the Committee on
Expenditures in the War Department—to the Committee on Claims.
By Mr. BRIGHAM: The petition of Solo Phillipowski, a citizen of
the United States, late of the Russian Empire, for legislation that
will prevent the Government of Russia exacting military service of
citizens of the United States who are natives of Russia upon visiting
that empire—to the Committee on Experient Affairs

that empire—to the Committee on Foreign Affairs.

By Mr. JOSEPH G. CANNON: The petition of F. F. Shook and others, of Charleston, Illinois, for legislation to prevent the spread of contagious diseases among domestic animals—to the Committee on

Agriculture.

By Mr. CARPENTER: The petition of 104 citizens of Lynn County, Iowa, for the passage of the bill (H. R. No. 4334) to create a commission of inquiry into the causes and for the prevention of contagious diseases among domestic animals—to the same committee.

By Mr. CLEMENTS: A bill for the improvement of Warrior River, in Alabama—to the Committee on Commerce.

By Mr. CONVERSE: The petition of representatives of Jonathan

L. Jones and W. D. Porter for authority to sue the United States in the Court of Claims for infringement or use of a patent—to the Committee on Patents.

By Mr. COVERT: The petition of Mr. W. H. Glenny, John Tyrrell, E. R. Persons, H. F. West, E. W. F. Meier, W. Somerville, Jerome Jones, John T. Clark, W. A. French, and others, praying a modification of the existing tariff on earthenware—to the Committee on Ways and Means.

Also, the petition of Ellen Horgan, for a pension-to the Commit-

Also, the petition of Ener Horgan, for a pension—to the Committee on Invalid Pensions.

By Mr. CRAVENS: The petition of H. James and others, of Hot Springs, Arkansas, for the privilege of purchasing the lots of the Government reservation, upon which they dwell, at their appraised value—to the Committee on the Public Lands.

By Mr. DIBRELL: The petition of Samuel A. Hicks and others, soldiers in the war with Mexico, for the passage of the bill granting a pension to Mexican soldiers—to the Committee on Pensions.

By Mr. DUNNELL: The petition of citizens of Minnesota, for a post route from Currie, via Avoca, to Fulda—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: The petition of Captain George V. Hebb, of Alabama, a veteran of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. HATCH: Memorial and resolutions of the Merchants' Ex-

mittee on Pensions.

By Mr. HATCH: Memorial and resolutions of the Merchants' Exchange of Saint Louis, Missouri, favoring the establishment of a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. HENKLE: The petition of George Calvert, for compensation for damages done to his ferry at Nottingham, Maryland, during the late war—to the Committee on War Claims.

Also, the petition of John P. Phelps, for pay for property taken by the United States Army during the late war—to the same committee.

By Mr. HERNDON: A bill to appropriate \$10,000 for the survey of the Sipsey River, in the State of Alabama—to the Committee on Commerce. merce

By Mr. HILL: The petition of S. W. Richardson and 125 others, exsoldiers, of Defiance, Paulding, and Henry Counties, Ohio, for the passage of Senate bill No. 496, to facilitate the adjustment of pension claims—to the Committee on the Payment of Pensions, Bounty, and

Back Pay.

By Mr. HUBBELL: The petition of the General Association of the Congregational Ministers and Churches of Michigan, for the enactment of a law abolishing and preventing polygamy in the Territory of Utah and elsewhere in the United States—to the Committee on the

By Mr. HUNTON: The petition of H. W. Febrey and others, for the incorporation of a farmers' wholesale market, to be located at the intersection of Louisiana and Ohio avenues, in the city of Washington—to the Committee on the District of Columbia.

By Mr. LADD: The petition of Samuel Brown, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Love Jordan, for a pension—to the same com-

Also, the petition of soldiers of Maine, for a pension for services in the border war upon the northeastern frontier of the United States in 1839—to the Committee on Pensions.

By Mr. BENJAMIN F. MARTIN: The petition of Samuel C. Ludington, that certain papers on file in the Treasury Department be called for and referred to the Committee on War Claims—to the Committee on War Claims. By Mr. MASON: The petition of Martha J. Coston, administratrix of the estate of B. F. Coston, deceased, that the Commissioner of Pat-

ents be authorized to extend the patent of the Coston pyrotechnic signal light—to the Committee on Patents.

By Mr. NICHOLLS: A bill to appropriate \$10,000, to improve the navigation of Jeykel Creek, in the State of Georgia—to the Commit-

tee on Commerce.

Also, a bill to appropriate \$45,000 to improve the navigation through Romney Marsh, in the State of Georgia—to the same committee.

By Mr. O'CONNOR: Memorial of members of the legal profession,

of Charleston, South Carolina, for the erection of a statue in honor of Chief-Justice Marshall in Washington, District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. PHILIPS: A bill for the improvement of the harbor in the

Missouri River at the city of Boonville-to the Committee on Com-

Also, memorial of citizens of Cooper County, Missouri, asking an appropriation for the improvement of the harbor at Boonville, Mis-

souri, on the Missouri River—to the same committee.

By Mr. SHELLEY: A bill for the improvement of the Cahawba River, in the State of Alabama—to the same committee.

By Mr. STARIN: The petition of Alvin L. Hemstreet and others, of Schuylerville; of Charles Barker and others, of Blue Mountain Lake; and of Charles Adams and others, of Corinth, New York, that soldiers discharged on account of disease be granted the same bounty as those discharged for wounds—to the Committee on Military Af-

By Mr. TALBOTT: The petition of Mary Butler, for a pension—to the Committee on Invalid Pensions.

By Mr. VAN VOORHIS: Resolutions of the republican central club of the city and county of New York, favoring the passage of the laws relating to funding the public debt recommended by Secretary Sherman—to the Committee on Ways and Means.

By Mr. WASHBURN: The petition of Union Putnam and 38 others, of Granite Falls, Minnesota, that soldiers discharged on account of disease be granted the same bounty as those discharged for wounds— to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of Mary and Charlotte Jones,

that war claims in their favor be referred to the Court of Claims—to the Committee on War Claims.

By Mr. THOMAS L. YOUNG: The petition of A. Simpkinson & Co. and 573 citizens of Cincinnati, Ohio, for the passage of an act granting one hundred and sixty acres of land without condition of

settlement to each soldier who served in the war of the rebellion—to the Committee on the Public Lands.

Also, the petitions of the president of the Southern Transportation Line and 170 owners, masters, and employés of steamboats; and of 31 pilots, captains, and mates of vessels plying on western rivers, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the Committee on Commerce.

IN SENATE.

TUESDAY, December 21, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. COMMITTEE ON CIVIL SERVICE.

The VICE-PRESIDENT appointed, to fill the vacancies upon the Select Committee to examine the several branches of the Civil Service, occasioned by the retirement of Mr. EATON and Mr. HAMLIN, Mr. PENDLETON in place of Mr. EATON and Mr. DAWES in place of Mr. HAM-

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a communication of the Commissioner of Pensions setting forth the necessity for additional appropriation for the current fiscal year for the Army and Navy pension fund; which was referred to the Committee on Appropriations, and

ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, containing reports made in compliance with the provisions of the river and harbor act of June 14, 1880, of surveys of the Mississippi River at Sainte Genevieve, Missouri, and of the Maramec River, Missouri; which was referred to the Committee on Commerce.

which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, with copies of reports from Major G. L. Gillespie, Corps of Engineers, of examinations made in compliance with the requirements of the river and harbor act of June 14, 1880, of Stillaquamish, Nooksack, and Snohomish Rivers, Washington Territory, and Snislaw Bay, Oregon; which was referred to the Committee on Commerce.

COAST SURVEY REPORT.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting a report of the Superintendent of the United States Coast and Geodetic Survey, showing the progress made in that work during the year ending June 30, 1880; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. BUTLER presented the petition of B. C. Creed, and 33 others; the petition of C. C. Tracy, and 200 others; and the petition of James H. Rion and 59 others, citizens of South Carolina, praying for an appropriation for the improvement of Broad River in that State; which were referred to the Committee on Commerce.

Mr. VOORHEES presented additional papers to accompany the bill (S. No. 1876) for the relief of Salmon B. Colby; which were referred

(S. No. 1876) for the relief of Salmon B. Colby; which were referred to the Committee on Claims.

Mr. EDMUNDS. I present the petition of O. J. Walker and a large number of other business men, traders, and navigation men of the State of Vermont, and also of New York, praying Congress to provide means for the improvement of the navigation of a certain part of Lake Champlain known as "The Gut," between New York and Vermont, and Swanton Harbor, between two islands of Vermont, in order that the very considerable trade which passes through that space may be better accommodated against the rocks and shoals that now make navigation on that stormy sea somewhat difficult. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

they were under the laws of the United States prior to the passage of the general law of the Revised Statutes. By that revision of the statutes there were, without authority, and I suppose inadvertently, changes made in the rates of duty. The bill proposes to have those duties restored to the rate at which they stood prior to the enactment of the statute authorizing the adoption of the laws as revised. It is well known that the jurisdiction of the other branch of Congress over the question of revenue makes it impossible for us to successfully attempt an amendment of the revenue laws in this body; but in this case as it is the mere correction of an error in a statute it is this case, as it is the mere correction of an error in a statute, it is supposed that the object can be reached by the Committee on the Revision of the Laws; and therefore it is that I ask the change of

reference.

The report was agreed to.
Mr. ANTHONY, from the Committee on Printing, to which was referred the joint resolution (H. R. No. 340) in reference to the distribution of the CONGRESSIONAL RECORD, reported it with amendments.

The VICE-PRESIDENT. Does the Senator from Rhode Island desire the present consideration of the joint resolution?

Mr. EDMUNDS. Let it go on the Calendar. It is not one of the ordinary printing resolutions.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

the Calendar.

Mr. MORRILL. I am directed by the Committee on Finance to report back favorably and without amendment the bill (S. No. 1928) to provide for remitting the duties on the object of art awarded by the Berlin International Fishery Commission to Professor Spencer F. Baird, and I am unanimously instructed to ask for its present consideration sideration.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HEREFORD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1943) to provide for a building suitable for a post-office and for the accommodation of the revenue officers and the United States courts and their officers in the city of Clarksburg, West Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1944) to authorize the issue of legal-tender notes of the United States upon the deposit of gold; which was read twice by its title, and referred to the Committee on Finance.

twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1945) to repeal all laws which impose taxes on the capital of and deposits with banks and bankers, and on bankchecks, &c.; which was read twice by its title.

Mr. BECK. Mr. President, I desire to say one word, if the Senate will allow me, in regard to the bill. I know that bills of this character have to originate in the other House, but perhaps we have bills before us, or certainly will have, to which this will be an appropriate amendment. I desire, if the Senate will allow me, to make part of the RECORD a very short letter from the president of the Northern Bank of Kentucky, one of the best lawyers in Kentucky, which perhaps may influence those who know him, and I think it will. I do not care to read it, but if it may go into the RECORD without reading, I prefer it.

ing, I prefer it.

The VICE-PRESIDENT. The communication will be printed in the RECORD, if there be no objection, and the bill will be referred to

the Committee on Finance.

The letter referred to is as follows:

for the improvement of the navigation of a certain part of Lake Champlain known as "The Gut," between New York and Vermont, and Swanton Harbor, between two islands of Vermont, in order that the very considerable trade which passes through that space may be better accommodated against the rocks and shoals that now make navigation on that stormy sea somewhat difficult. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GARLAND. The Committee on Territories have instructed me to report back the bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States with a recommendation that it pass. It is an important bill to the Territories and I am instructed by the committee to ask then present consideration of the bill, but it shall not ask it until we get through with the morning business.

Mr. BAYARD. The Committee on Finance have instructed me report back the bill (S. No. 1890) to provide for refunding of fees in all cases of void registration of trade-marks; which was inadvertently committed to them, and ask that it be referred to the Committee on Patents.

The report was agreed to.

Mr. BAYARD. I am also instructed by the Committee on Finance have instructed me to report back the bill (S. No. 1890) to provide for refunding of fees in all cases of void registration of trade-marks; which was inadvertently committed to them, and ask that it be referred to the Committee on Finance have instructed me to Patents.

The report was agreed to.

Mr. BAYARD. I am also instructed by the Committee on Finance have instructed me to report back the bill (S. No. 1890) to provide for refunding of fees in all cases of void registration of trade-marks; which was inadvertently committeed to them, and ask that it be referred to the Committee on imported merchandise, and to ask that it be referred to the Committee on imported merchandise, and to ask that it be referred to the Committee on imported merchandise, and to ask that it be referred

All banks are equally interested in the repeal of the tax on deposits and checks. It is a great benefit to the whole community that the surplus money of individuals should be kept in bank where it can be utilized by making money for loan more abundant and interest lower to the borrower from the greater abundance of money. If that money was kept in the pockets of the owners money would be more stringent and interest higher.

It is therefore a general benefit, and in no sense a subject of taxation, except when everything has to be taxed, as in a state of war.

I hope, therefore, that you will find it consistent with your duty to urge the repeal of the taxes indicated.

With the United States debt funded at a low rate of interest, it is not good policy to tax the people to pay off the principal. It is taking money which is worth 5 or 6 per cent, to the people from whom it is taken to pay a debt only bearing 3 per cent, not counting the cost and expense of collection, which will probably make 1 per cent. more.

The debt should always be diminishing, but it should be slowly.

M. C. JOHNSON.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1946) to establish an assay office at Deadwood, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Mines and Mining.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1947) to enlarge the boundaries of the Norfolk land district in Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McDONALD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1948) for the relief of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon; which was read twice by its title, and referred to the Committee on the Judiciary.

mittee on the Judiciary.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1949) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Com-mittee on Territories.

Mr. BROWN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1950) to appropriate money to remove obstructions and improve the navigation in the Savannah River, in the

structions and improve the navigation in the Savannah River, in the State of Georgia, between Savannah and Trotter's Shoals on said river, sixty-four miles above Augusta; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1951) to appropriate money to improve the harbor of Brunswick, in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 1952) to remove the obstructions and improve the navigation of the Oostenaula and Coosawattee Rivers in Georgia, and the Coosa River in Georgia and Alabama; which was read twice by

navigation of the Oostenaula and Coosawattee Rivers in Georgia, and the Coosa River in Georgia and Alabama; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1953) to appropriate money for the improvement of the Altamaha, the Oconee, and the Ocmulgee Rivers in the State of Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Committee on Commerce.

Mr. TELLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1954) in relation to the Utah and Northern

introduce a bill (S. No. 1954) in relation to the Utah and Northern Railway Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. CAMERON, ef Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1955) to establish a postroute in Wisconsin; which was read twice by its title, and referred to the Cemmittee on Post-Offices and Post-Roads.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1956) granting a pension to John Curry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

SUPREME COURT.

Mr. WHYTE. I ask leave to introduce a joint resolution proposing an amendment to the Constitution of the United States, and before its reference I desire the indulgence of the Senate to make a

very few remarks.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 138) proposing an amendment to the Constitution, relating to the Supreme Court of the United States; which was read the first time by its title.

The VICE-PRESIDENT. The joint resolution will be read at

The joint resolution was read the second time at length, as follows: Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein.) That the following be proposed as an amendment to the Constitution of the United States, to be added as section 4 to the third article of the Constitution, which, when ratified by three-fourths of the Legislatures of the several States, shall be valid to all intents and purposes as part of the said Constitution, to wit:

"Sec. 2. The Supreme Court of the United States shall consist of a Chief-Justice of the United States and —— associate justices, any —— of whom shall constitute a quorum."

Mr. WHYTE. Mr. President, at this time, when the Committee on the Judiciary is considering the resolution offered by the Senator from Maine, in regard to the increase of the number of the judges of the Supreme Court to thirteen, it seems to me an opportune moment

to present to the Senate this proposed constitutional amendment. The Constitution now provides for "one Supreme Court," and while guaranteeing the tenure of office to the judges during good behavior, and a certain salary, that instrument is silent as to the number of judges to compose the court.

The object of the convention was to secure the independence of

the judiciary. In the seventy-eighth number of the Federalist, it is

The complete independence of the courts of justice is peculiarly essential in a limited constitution. By a limited constitution I understand one which contains certain specified exceptions to the legislative authority; such for instance, as it shall pass no bills of attainder, no expost facto laws, and the like. Limitations of this kind can be preserved in practice in no other way than through the medium of the courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this all the reservation of particular rights or privileges would amount to nothing. * * If, then, the courts of justice are to be considered as the bulwarks of a limited constitution against legislative encroachment, this consideration will afford a strong argument for permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so ardnous a duty.

Moreover, if the fixing of the personal tenure of judicial office during "good behavior" and the security of a certain salary could contribute so much to the independence of the judge, how essential is it to the security of the collective body, the court, to have its number permanently established? The number was not fixed by the framers of the Constitution for manifest reasons.

At that experimental period it was scarcely possible to have done so, because of the plastic, formative state of the nation, and in view of the many unsettled questions concerning the extent of territory of which the Union would be constituted, the mode in which the powers conferred on it would operate practically, both in respect to foreign nations and in the relation of the General Government of the United States to the particular governments of the several States. foreign nations and in the relation of the General Government of the United States to the particular governments of the several States. Besides this, the desire to fix no more than was absolutely essential and the great difficulty of harmonizing the convention on any form of government, with other considerations which might be suggested, had their influence in leaving this matter an open question. It was left, wisely or unwisely, I will not say, to the discretion of Congress. It was at least a strange venture, for it was supposed, using the language of another, that—

The independence of the judiciary was the felicity of our Constitution. It was this principle which was to curb the fury of party on sudden changes. The first moments of power gained by a struggle are the most vindictive and intemperate. Raised above the storm, it was the judiciary which was to control the fiery zeal and to quell the fierce passions of a victorious faction.

If, then, in our frame of government the supreme judicial tribunal, the last resort on constitutional questions, is to be a check upon the National Legislature, what sort of check can there be when the power to be checked can by the increase of judges reverse the decision restraining the legislative encroachment?

straining the legislative encroachment?

The instability of the present method of fixing the number of judges is made manifest by a brief review of the course of legislation on the subject since the establishment of the court.

By the original act of 1789 the Supreme Court was to be composed of six judges; in 1801 an act was passed providing that the number should be reduced to five on the first vacancy, but this act was repealed

In 1802.

In 1807 an act was passed providing for an additional associate judge. By the act of 1837 the number of associate judges was increased to eight, and by act of 1863 to nine, and that act provided that the Supreme Court of the United States shall hereafter consist of a Chief-Justice and nine associate justices.

The act of 1866 reduced the number of the whole court from ten to cover while the act of 1869 fixed the court as consisting of a Chief-

seven, while the act of 1869 fixed the court, as consisting of a Chief-Justice and eight associate judges.

With this changing composition of the court, the time may come when the confidence of the people in this great tribunal may be

In a popular government like ours care should be taken in every part of the system, not only to do right, but to satisfy the community that right is done.

Is it not important, then, to settle upon a number which will be permanent in its character and stand for at least a century to come?

Can it not be now done?

The extent of territory over which its jurisdiction now extends, is so great that any possible additions would not probably require any change.

Should it hereafter come to pass that Canada, Cuba, or Mexico should be annexed to our already vast domain, it would be time enough when

that contingency occurs to provide for it.

The time is fast approaching when it will be a matter of impossibility for the judges of the Supreme Court to go upon their circuits. An imperative necessity is now upon us, by reason of the over-crowded docket of the Supreme Court and the great increase of busicrowded docket of the Supreme Court and the great increase of obsiness in all the Federal courts, to provide for some new arrangement of the judicial department; but this "one Supreme Court" of the Constitution should stand while the Republic lasts. It should be put beyond the power of any political party, holding the Legislative and Executive Departments of government, in any gust of faction, by doubling the court, to annihilate its independence and make it subservient to party. I have left the number blank in the proposed amendment, as much may be said both in favor of the present number or of the increase to thirteen. A recent reperusal of the papers in the Federalist bearing on the structure of the supreme and other federal courts, a review of the speeches of Mr. Bayard and others on the same subject in 1803, and the later speeches of Mr. Webster in 1826, in the House of Representatives, upon his proposition to add three associate judges to the Supreme Court, have given a tendency in my mind to the increase of the number of judges, but I shall defer to the better judgment of the Judiciary Committee in that regard, assured, however, that whatever may be the fate of the proposition of the Senator from Maine, this constitutional amendment will command the approval of every conservative law-loving citizen of the mand the approval of every conservative law-loving citizen of the United States

I move the reference of the joint resolution to the Committee on the Judiciary.

The motion was agreed to.

that section read:

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BECK (by request) submitted an amendment intended to be proposed by him to the bill (H. R. No. 6529) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

DEXTER E. CLAPP.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Sen ate copies of all papers in his office relative to the settlement of the accounts of Dexter E. Clapp, late agent of the Crow Indians, Montana Territory.

TERRITORIAL LEGISLATIVE ASSEMBLIES.

Mr. GARLAND. I now ask for the consideration of House bill No. 1760, reported by me this morning from the Committee on Territories. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States. It proposes to make

SEC. 1852. The sessions of the Legislative Assemblies of the several Territories of the United States shall be limited to sixty days' duration.

Mr. GARLAND. There is a short House report accompanying the

bill, which the committee adopt.

The Chief Clerk read the following report, submitted by Mr. Humphrey in the House of Representatives, March 10, 1880:

The Committee on Territories, to whom was referred bill H. R. No. 1760, beg leave to report the same back with a recommendation that the same do pass, for the following reasons, to wit:

1. Section 1846 of the Revised Statutes provides that biennial sessions only shall be held in the Territories.

2. Section 1852 limits the sessions to forty days.

Your committee believe that in view of the fact that biennial sessions are established, sixty days in each two years is as short a period as is consistent with justice and a due administration of affairs in each Territory. Some of these Territories contain nearly seventy thousand square miles of territory, nearly ten times the size of Massachusetts, or twice as large as the State of Ohio.

Your committee believe, therefore, that the public interests will be better conserved by the limit of sessions of said Territories to sixty days than forty, as under the existing law.

Mr. GARLAND. The report, short as it is, shows the necessity for the passage of this bill extending the time of the session of the Legislative Assemblies of the different Territories to sixty days, instead of forty. The Delegates from the Territories, nine in number, I believe, unanimously favor this proposition. They say it is a necessity for the reasons given in the short report which has been read. The necessity for acting upon the bill at this time is because some of those Legislative Assemblies are now in session and will about close their meeting by the time that Congress reassembles in January. Therefore I have asked the indulgence of the Senate to consider the bill at this time. bill at this time.

The bill was reported to the Senate without amendment and ordered to a third reading.

The bill was read the third time by its title.

Mr. HOAR. What is the purpose of the bill?

The VICE-PRESIDENT. It was just explained by the Senator

from Arkansas.

Mr. GARLAND. It extends the length of session of the Legislative Assemblies of the different Territories to sixty days, instead of forty, as the law now is.

as the law now is.

Mr. HOAR. Then I suggest to the Senator from Arkansas to change the title by making the exact subject the title of the bill, "regulating the length of the meeting of the Territorial Legislatures." I think the practice of describing bills by simply referring to a section in the Revised Statutes is a very vicious one. The result is that there is no publicity given to a measure so that any suggestion which can be made by persons outside of Congress may be made. You might as well have no title at all as to have this fashion of giving titles merely by reference to the number of the section in the Revised Statutes which it is proposed to amend.

Mr. GARLAND. I concur in every word that has been said by the Senator from Massachusetts, but it is not practicable at this time to apply his suggestion to this case, because it would send the bill back to the House, and before the House could concur in the amendment

the time would expire to which certain Legislative Assemblies now

in session are limited.

Mr. HOAR. I shall not insist on it with reference to this bill, but I wish to call the attention of the honorable Senator who has so many bills in charge to the practice.

Mr. GARLAND. I am very glad that the Senator has called attention to it, and I concur with him fully.

The bill was passed.

DAUGHTERS OF RICHARD K. CALL, DECEASED.

Mr. HEREFORD. I ask the Senate to take up for present consideration Senate bill No. 1779, for the relief of Mrs. Ellen Call Long and

eration Senate bill No. 1779, for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard.

The Chief Clerk read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Ellen Call Long and Mrs. Mary K. Brevard, the daughters and heirs at law of Richard K. Call, deceased, \$8,563.37, being the amount of a verdict given in favor of Call in the district court of the United States for the district of Florida, on the 18th of January, 1847, in a suit wherein the United States were plaintiffs and Richard K. Call was defendant.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read the following report, submitted by Mr. Hereford May 20, 1880:

FORD May 20, 1880:

The Committee on Claims, to whom were referred the memorial and accompanying papers of Mrs. Ellen Call Long, of the State of Florida, report as follows:

R. K. Call was for many years, more than ten, receiver of public moneys at Tallahassee, Florida. He died in 1862.

Your committee received the following letter from the office of the Secretary of the Treasury; the letter is from F. B. Streeter, a former Solicitor of the Treasury, to the then Secretary of the Treasury, James Guthrie, which fully sets forth all the facts in the case:

Your committee received the following letter from the office of the Secretary of the Treasury, to the then Secretary of the Treasury, James Guthrie, which fully sets forth all the facts in the case:

"OFFICE OF THE SOLICITOR OF THE TREASURY, "February 19, 1856.

"Sir: The letter of R. K. Call, dated the 10th ultimo, referred to this office for a report on the matter to which it relates, has been duly received, and in compliance with your direction I have the honor to state that if appears from the dockets and fles of this office that suit was commenced in February, 1840, against Richard K. Call for the recovery of \$5,907.33, alleged to be due from him as late receiver of public moneys at Tallahassee. This balance was subsequently reduced to \$5,606.13. A separate suit was also commenced against his sureties. In defense General Call was tried at February term, 1842, of the district court of Tallahassee, and a verdic rendered in his favor for \$7,923.72. In his report of this trial the district attorney states, in a letter dated 8th March, 1842, that 'the court allowed evidence to go to the Jury upon a claim for extra service in revising the decisions of the register and receiver of the land office at Tallahassee upon pre-emption claims, which the defendant insisted he was directed to perform by a letter of G. Graham, Commissioner of the General Land Office, directed to the register and receiver at Tallahassee, dated July 27, 1827. It was shown by the testimony that this revision occupied from two to three months, and for this service the jury allowed the sum of \$12,500. I excepted to the opinion of the court in the admission of this testimony, contending that the revision of these decisions were included in the ordinary and special duties of his office prescribed by law, and were not extra official, also to the introduction of other letters specified in the copies of the bill of exceptions herewith inclosed. Upon the return of the vendict I entered a motion for a new trial, upon the ground that the verdict was aga

"Hon. James Guthrie, "Secretary of the Treasury.

"P. S.-I return the letter of General Call."

From the foregoing it appears that after a full and fair trial there was a verdict rendered against the United States in favor of said Call for \$8,563.37.

A "transcript of the pleadings in the case and a copy of the instructions of the court to the jury "were sent to the Solicitor of the Treasury for his revision and further direction.

further direction.

Upon examination he says "he finds no possible question therein which can be carried to the Supreme Court."

Here we have the verdict of a jury finding in favor of said Call for \$8,563.37. As between individuals this would be conclusive. Why not as between the United States and one of its citizens?

Your committee are aware that no valid judgment can be rendered against the United States upon a set-off as in this case, and that no execution can issue as

against a private citizen. But can the Government afford to assume such a position as that?

It is true there is no evidence before the committee to sustain the items of the set-off. But it is not the verdict of a jury upon these items, rendered upon testimony taken in open court where the witnesses were subject to a strict cross-examination, of mere avail and more satisfactory and convincing than exparte affidavits?

Your committee think the results is recovered.

Your committee think the verdict is persuasive if not morally and equitably binding, and recommend the passage of the bill herewith reported.

Mr. HEREFORD. The letter of the Solicitor of the Treasury which has just been read by the Secretary, which was furnished to me as a sub-committee to whom this case was referred, contains all the facts. It appears that Mr. Call was receiver of public moneys at Tallahassee, in Florida, for a period of over ten years. There arose some controversy as to his accounts, and he invited a suit by the General Government against him so that the truth of the matter could be ascertained. ment against him so that the truth of the matter could be ascertained. There were two trials had and also a non-suit. Upon the first trial Mr. Call filed, as he did in the last suit, his set-off, and the jury brought in a verdict of \$7,923.72 in favor of Mr. Call. The case was carried up and that finding was reversed. The case came back to the lower court, and when it was called again the district attorney of the United States not being ready to proceed took a non-suit, and then afterward instituted another suit. Upon the trial of that suit similar pleas to those in the first trial were filed and instructions given upon them to the jury. The jury brought in a verdict the last time for an increased amount in his favor, the sum of \$8,563.37.

As it is said in the report of the committee, we know that under the law no judgment can be rendered against the United States upon a plea of set-off; but here is the verdict of a jury. Twelve men were

a plea of set-off; but here is the verdict of a jury. Twelve men were impaneled and all the evidence was taken; the witnesses were subjected to a severe cross-examination; and after that on two occasions the jury gave a verdict saying that the General Government was indebted to Mr. Call in the sum at one time of over \$7,000, and on the

It is true, as is also said in this report, that there is no evidence before the committee nor before this body to substantiate the various items. Mr. Call died in 1862. Consequently the evidence cannot now be furnished; but there is the verdict of the jury before when all the evidence was taken, and as between private individuals it would be conclusive and an end of the whole matter. Why should it not be as between the United States and one of its citizens?

There is stronger evidence in these two verdicts by a jury impan-eled in a Federal court than in any exparte testimony in the shape of affidavits that the Senate of the United States or a committee thereof could have before it. As the committee say, we do not think the General Government can take the ground that she does not owe the debt, and refuse to pay it, after she has sued one of her citizens and the verdict is not only found against the United States, but it is found that the United States owes this defendant.

This is all there is in the case, and I hope that the matter may be

This is all there is in the case, and I hope that the matter may be disposed of, and disposed of favorably. I hope it may be disposed of this morning, because one of the Senators from the State of Florida expects to leave pretty soon, and will be absent for some time, and desires action upon the bill during his presence. I hope it may be acted upon favorably, in view of the fact that we have the verdict of two juries finding in favor of the defendant, and the last time they increased their verdict by several hundred dollars over the first.

Mr. COCKRELL. Mr. President, this was not a unanimous report from the Committee on Claims. This is not the first time that this case has been before Congress. In 1873, in the Forty-second Congress, a bill precisely similar to this was introduced in the Senate and referred to the Committee on the Judiciary, and was reported adversely on February 5, 1873, by Mr. Frelinghuysen, then a member of the Judiciary Committee, and that bill was indefinitely postponed. I send to the Clerk's desk the report made by Mr. Frelinghuysen from the Committee on the Judiciary of the Senate in 1873, and ask that the Committee on the Judiciary of the Senate in 1873, and ask that

The Chief Clerk read as follows:

The Chief Clerk read as follows:

The Committee on the Judiciary, to whom was referred Senate bill No. 586, for the relief of Ellen Call Long, the only child and heir of Richard K. Long, deceased, respectfully report:

The petitioner, Ellen Call Long, asks Congress to pay her, as the representative of her father, \$8.563.37, with interest from January 18, 1847, because a jury impaneled to try a sati instituted in the district court of the United States for Florida, by the United States, against said Richard K. Call, rendered a verdict that the said amount was due, at the date referred to, from the United States to said Call.

Mr. Call was receiver of public moneys at Tallahassee, Florida, for more than ten years. The Government claimed that he did not account for the public funds in his hands and his salary was suspended, and in 1840 the United States instituted a suit against Mr. Call in the superior court of Florida Territory, for \$5,060.12. The defendant pleaded a set-off for \$15,230, consisting of four items, to wit:

1. For extra services in adjudication of pre-emption land claims, 1,460 days,	
at \$5 per day	300
3. Extra services in adjudication of land claims in addition to 50 cents al-	,
	, 825

The account was presented to the proper accounting officer and disallowed; judgment was entered against the United States for \$7,923.72. The judgment was, of course, revised and a new trial ordered. In the mean time Florida was admitted as a State, and the cause was again tried before the United States district court for the northern district of Florida. A new and different set-off was presented to

the proper officer for \$18,460, and disallowed, and then pleaded, of which set-off the jury allowed the following items:

Amount paid register, salary third quarter 1825	\$125	00 50
Amount paid Colonel R. Butler, second quarter's salary, 1827	1,000	
Amount paid Colonel R. Butler, first quarter's salary, 1833	1,000	
Amount paid William P. Duval, 1835	1,000	
Amount deposited first quarter 1831, Bank of Mobile. Amount deposited second quarter 1834, Central Bank of Florida	550	
Amount deposited second quarter 1834, Central Bank of Florida	3, 200	
And for the following offsets, to wit:	200	00
For legal services in fifteen mandamus cases at chambers, at \$100 each	1,500	00
For attending three mandamus cases in superior court, \$50 each	150	
For attending two mandamus cases in court of appeals, \$100 each For adjudicating and revising pre-emption land claims, 939 days, at \$5 per	200	00
day	4, 695	00

Then deducting the claim of the Government for. 5,060 13 Leaves a balance in favor of Mr. Call of.....

..... 8, 563 13 The committee are of opinion that this claim should not be allowed for the fol-

The committee are of opinion that this claim should not be allowed for the following reasons:

1. There is no proof, documentary or otherwise, of any indebtedness of the United States to Mr. Call other than the said verdict, and the only effect the verdict can legally have is to satisfy the claim made by the Government, and not to create an indebtedness against the United States.

2. The effect that a verdict might have in establishing an equitable or moral claim against the United States is destroyed by the fact that the set-offs made and relied on in the two suits were essentially diverse the one from the other.

3. It does not appear when Mr. Call died, but it appears that he was living in December, 1860, and there is no evidence that for the thirteen years after the rendering of this verdict he made claim on the Department. And in a copy of a letter without date, sent by Miss Long with the petition, written by Mr. Call to Mr. Woodbury, Secretary of the Treasury, he makes no claim that the Government is indebted to him.

4. The claims which the United States are called upon to pay existed nearly half a century since, were at the time disallowed by the Department, and are now unsustained by any evidence.

The committee recommend that the bill be indefinitely postponed.

Mr. COCKRELLI. Under Rule 58 of the Senate—

Mr. COCKRELL. Under Rule 58 of the Senate-

Whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report shall have been agreed to by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a memorial for that purpose, stating that new evidence has been discovered since the report, and setting forth the new evidence in the memorial.

That was not done in this case, as I understand. These proceedings were commenced, as this report shows, in 1840. A trial was had in a suit brought by the United States against Mr. Call, in a territorial court, in which he had stated an offset amounting to \$15,250. A verdict upon that offset was rendered in his favor. An appeal was taken and the proceedings were set aside and a new trial ordered. Florida having been admitted as a State in the Union, the cause was heard before the United States district court for the northern district of Florida and then a new and entirely different set-off was heard before the United States district court for the northern district of Florida, and then a new and entirely different set-off was pleaded to the claim of the United States, not embracing the items pleaded in the first set-off. Upon that set-off, as the jury had done in the first case, so the jury in the last case found that there was a certain amount, \$5,563.37, due from the Government to him after allowing the amount of the claim of the Government, \$5,060.13. The jury in considering that offset allowed \$13,623.50 and deducted the claim of the Government, \$5,060.13, leaving the balance in favor of Mr. Call \$8,563.37.

No judgment was ever rendered upon that finding of the jury; the finding of the jury was never sanctioned by the court; and finally, after a review of the proceedings by the attorney of the Department after a review of the proceedings by the attorney of the Department here in Washington that suit was stricken from the docket. The suit was dismissed. The proceedings had in it fell when it was dismissed as stricken from the docket. Mr. Call lived for thirteen years at least after this finding, a finding by the jury never sanctioned by the court and never made a judgment of the court.

Mr. HEREFORD. Will the Senator allow me to interrupt him a moment? It ought to be stated in justice to the applicant in this case, that the Solicitor of the Treasury said that he found no error in the proceedings by which the case could be reversed by carrying it to a higher court.

to a higher court.

Mr. COCKRELL. That is true. When the proceedings were submitted to the proper attorney of the Government here, the Solicitor

of the Treasury, he said he found no technical—
Mr. HEREFORD. No.
Mr. COCKRELL. Or other kind of objection that would enable

that ease to be reversed in an appellate court.

Mr.CONKLING. What was there to go to the appellate court with? There was no judgment entered and could not be any on such a ver-

Mr. HEREFORD. The United States sued for a large amount of money, and there was a judgment against the United States.

Mr. CONKLING. There could not have been a judgment against

the United States

Mr. COCKRELL. The point I am making is that there never was a judgment of the court against the United States.

Mr. HEREFORD. There had been one just before in a similar proceeding. Then he took an appeal, and it was reversed.

Mr. CONKLING. The Senator is speaking now about setting aside

the first verdict.

Mr. EDMUNDS. A verdict is one thing, a judgment another.
Mr. COCKRELL. There never was a judgment in this case against
the United States, and after the proceedings had been reviewed by the proper officers of the Treasury Department the suit itself was dismissed, and that ended all the proceedings that had been had in the case. Mr. Call lived thirteen years subsequently, and never made any claim against the Government, directly or indirectly. The case has been acted upon adversely by one of the leading committees of the Senate, no additional evidence has been filed, and I think there is no justice or equity in the claim as now made and presented to the Senate.

Mr. JONES, of Florida. Mr. President, I have very little to say in addition to what has been said by the Senator who reported this bill. The Senator from Missouri referred to the fact that General Call the senator from missour referred to the fact that General Call in his life-time made no claim, and he makes none now; he is beyond the portals of human life. He is in his grave. The claim that is made here is made in behalf of his two surviving daughters, Mrs. Ellen Call Long and Mrs. Mary K. Brevard.

I had never inquired into the reasons of General Call's failure to who possesses the programment of the home of the contract of the contract

I had never inquired into the reasons of General Call's failure to make a claim to the Department after the rendition of the judgment in this case, but I think I understand it. In the first place, he was a very wealthy and a very patriotic man. During his life he had a large estate, all of which was swept away from his children by the fortunes of the war, which he did as much, I suppose, as any living man to avoid; but that has nothing to do with the question. He made this claim, however, against the Government in his life-time, as is shown by the papers in this case, and if ever there lived a man who would have been the farthest from making a claim that he believed to be dishonest, I think it was General Call. In order to ascertain who he was I will just read a few words of his own writing addressed to the people of Florida in December, 1860, because in a matter of this kind I say, Mr. President, that character has a good deal to do with it. We are not speaking of the claim of a man or of a family who come here and put forth an unsupported demand against the Government. General Call speaks of himself thus:

But I have a common interest, and from my long residence I am somewhat identi-

Government. General Call speaks of himself thus:

But I have a common interest, and from my long residence I am somewhat identified with the history of Florida. Before the birth of most men now living I was a soldier in Florida. I was with Jackson in 1814, when he drove the fleet and army of Britain from the forts and bay of the peninsula. I was with him in 1818, when he conquered the Seminoles, and made the first trail of civilized man in the wilderness of Middle Florida, when he captured Saint Mark's, Pensacola, and Barraneas. I was with him in 1821, when, as the first American governor, and as the representative of his country, he took possession of West Florida in person, and of East Florida by his adjutant-general, the late Colonel Butler. I negotiated all the preliminary arrangements for that possession, and superintended the hoisting of the Stars and Stripes as the emblem of our national dominion. Since then Florida has been my home. Here are my children, and here is also all I have on earth.

That, I say, is a short account of who the man was. He was a very

of the Stars and Stripes as the emblem of our national dominion. Since then Florida has been my home. Here are my children, and here is also all I have on earth.

That, I say, is a short account of who the man was. He was a very distinguished character, and I do not think he would have preferred a claim against the Government of the United States that he did not believe was correct. Now, I will say, Mr. President, that at the time this case was tried the court that tried it was presided over by one of the most distinguished men that ever went to that country, Judge Bronson, originally from New York, an able lawyer; and while there is no pretense here for saying that a judgment could be formally rendered against the Government of the United States, I think it has been customary in many cases to permit set-offs like this to be pleaded. While no formal judgment can be entered against the Government, the plea of set-off was allowed and the jury found in its favor; and all the force that is claimed to have resulted from that verdict is a moral one. The whole case was investigated, inquired into, the reasonableness of this service was ascertained, as has been said by the Senator who reported this bill, from the testimony of witnesses under oath, and a jury under oath twice recorded their verdict in favor of the reasonableness of this demand.

Now, I say as a lawyer that while there is no just judgment against the Government, for none can be rendered against the Government except by its own consent, the question is whether this verdict thus recorded is not entitled to as much weight as cases which come before the Senate nearly every day supported by merely ex parte affidavits.

As to the other objection mentioned by the Senator from Missouri.

davits.

As to the other objection mentioned by the Senator from Missouri, that this bill was once postponed, every presumption must be in favor of the regularity of the proceeding. It is to be presumed at least that the Committee on Claims, of which the distinguished Senator is chairman, looked into those matters and presented its report upon a

proper foundation.

Mr. COCKRELL. It is distinctly understood that it was not a

Mr. COCKRELL. It is distinctly understood that it was not a unanimous report of the committee. The minority do not always write out a minority report; they do not have time to write out a minority report; but there is practically a minority report in this case just as much as if it had been written out.

Mr. CAMERON, of Wisconsin. Mr. President, as a member of the Committee on Claims I dissented from the report made in this case by the majority of the committee. The case has been stated very fully by the chairman of the committee, the Senator from Missouri. The Senator from Florida says that in his opinion the verdict of the jury certifying that a certain amount of money was due by the Government to Mr. Call constitutes what he calls a moral obligation on the part of the Government to pay that amount. Now I will ask that Senator, or any other Senator who is able to explain the matter, how it happened that the offset, or counter-claim, or whatever it is called,

pleaded by Mr. Call when the case was first tried in the Florida court, differed essentially from the offset that was pleaded when the case was tried the second time? The Committee on the Judiciary, which reported upon this claim in 1873, found that the effect the verdict might have in establishing an equitable or moral claim against the United States was destroyed by the fact that the set-offs made and relied on in the two suits were essentially diverse the one from the other. I agree with the Committee on the Judiciary in that statement, that the moral effect of the verdict is very much weakened, if not entirely destroyed, by the fact that the offset pleaded by Mr. Call when the case was first tried differed essentially from the offset which he pleaded when the case was tried the second time.

Mr. CALL. Mr. President, the claim which has been presented by the Committee on Claims I do not think is subject to any of the exceptions taken by the Senator from Missouri and the Senator from Wisconsin. The two pleas of set-off were not different; they were the same. It is true that in the last suit brought by the Government against General Call there were some additional items which were not contained in the first, but that is certainly not an unusual proceeding, and it is not at all strange that at some future time there should be other items added, and these items in the letter first submitted by General Call consisted to a large extent of payments of money made by him.

Mr. CONKLING. May I ask the Senator a question on that point?

money made by him.

Mr. CONKLING. May I ask the Senator a question on that point?

Mr. CALL. Yes, sir.

Mr. CONKLING. I observe in the report of the majority of the

committee this statement:

It was shown by the testimony that this revision-

That is, the revision made by the regulations of the Land Officeoccupied from two to three months, and for this service the jury allowed the sum of \$12,500.

Will the Senator show me where that appeared in the first statement of offset found in the report of the Judiciary Committee?

Mr. CALL. I am not familiar, I will reply to the learned Senator from New York, with these accounts. I have in my hand, on which I predicated my statement, the reports; I do not know the evidence on which they were made.

Mr. CONKLING. I speak of the items of offset stated on the record.

record.

Mr. CALL. I have never examined anything but these reports, which the Senator has in his hand. I find here in the letter of General Call addressed to the Department on the 27th of October, 1840, the following statement of account:

The United States,

To R. K. Call, late receiver of public moneys at Tallahassee, for extra services performed in the adjudication of pre-emption land claims in Florida, (and where no compensation has been allowed,) from the 1st day of June, 1826, to the 31st day of May, 1830, inclusive, 1,460 days, at \$5 per day..... \$7,300

The period of time contained in this item is from the 1st day of

June, 1826, to the 31st of May, 1830.

Mr. CONKLING. That was in the first offset?

Mr. CALL. And that is the original account of General Call, from June, 1826, to May, 1830—fourteen hundred and sixty days.

To clerk hire during same period, at \$3 per day.

To extra services performed in the adjudication of pre-emption land claims in Florida, from the 1st day of June, 1830, to the 31st day of May, 1835, (where fifty cents only was allowed in each case approved and nothing for those rejected,) 1,825 days, at \$1 per day.

To clerk hire during same period, at \$1 per day.

That is the amount General Call presented to the Department with a request that the items might be presented and rejected in order that they might come within the rule for the purpose of being introduced

as evidence.

Now, I desire to say to the Senate that there never was a man who lived of a higher character, of purer integrity, of loftier purposes than General Call. He was a patriot, and a man who was willing to die for his convictions of right. He was devoted to the Union of the States, and when the war of secession occurred, as an old officer of the Army, who had gone through the war of 1812, who had velunteered when he was seventeen years of age, and accompanied General Jackson in his Indian campaign, served with great distinction, and as the favorite officer and friend of General Jackson, identified with the Army and with the Union throughout his whole life—when the war of secession occurred it grieved him to the death, and he died the victim of his own disappointment and bitter mortification at the course which public affairs had taken. He in his whole lifetime in Florida had signalized his devotion to the country and the Government. When the Indian war occurred and a difficulty of communi-Florida had signalized his devotion to the country and the Government. When the Indian war occurred and a difficulty of communication existed between the capital and the then remote frontier of Florida, he had contributed out of his own private means \$100,000, which were paid into the hands of the quartermaster of General Jesups army for the purpose of defraying the then pressing expenses and necessities of the volunteers that were called into the service to anticipate the coming of the regular forces of the Government. His whole life was signalized by contributions of this character, and whole life was signalized by contributions of the Government. His whole life was signalized by contributions of this character, and when in 1840 the general presented this claim he considered that he was the creditor of the Government and openly maintained that attitude and position toward it.

I will not read this letter, presenting this account which is sub-

stantially the foundation of the report of the committee, which has never been varied from except that some additional items have been added to it, and which was sustained under the rigid ruling of Judge Bronson, formerly a member of Congress from the State of New York and appointed to be district judge of the United States, a man of the greatest learning, of the highest integrity, and of the most rigid honesty. This account was sustained by two verdicts, two trials, and careful and minute examinations into the truth of every item. I, as careful and minute examinations into the truth of every item. I, as a boy, at the time, and familiar with the facts, remember the trial. I remember that General Call, when the verdict was obtained, was highly gratified, and that, being a man of wealth, he never asked the Government for it; he was too proud to ask the Government. He said, "There is my vindication. If the Government sees fit it can pay the amount, for I shall not press it with solicitations." He died in 1862, and his fortune was swept from his children. He died because he was broken-hearted at the contemplation of the calamities which had come upon the country. He died a martyr to his devotion to the old flag, and to his love for the perpetuation of the Union. His children were left in comparative poverty.

There is no pretense for the statement that these services were not rendered. There is no ground for suspicion that every item in that

rendered. There is no ground for suspicion that every item in that account was not a just and true item of services rendered and money paid for the Government. On the contrary, every proof and every presumption of proof is in its favor.

Then, I say there can be no doubt whatever. The Senator from Mis-

Then, I say there can be no doubt whatever. The Senator from Missouri has found none. The objection that he makes on the ground of a judgment is one that has no weight in it. There is no evidence that the court did not approve the verdict of that jury. There is every presumption that the court did approve the verdict of the jury. Judge Bronson upon the second trial of the case refused to set aside the verdict, and there is every evidence in the facts of the case that it met with his entire approval. I myself know the fact, as a matter of common notoriety at the time, that Judge Bronson regarded this verdict as a just verdict and this sum of money as honestly due by the Government to General Call.

by the Government to General Call.

I hope, therefore, that the Senate will vote this sum of money as an act of tardy justice to this man and of just performance of the obligations of the Government.

obligations of the Government.

Mr. CONKLING. Allow me to ask a question of the Senator before he sits down. This report, I observe, states:

It is true there is no evidence before the Committee to sustain the items of the set-off. But is not the verdict of a jury upon these items rendered, see

Therefore the verdict of the jury, although it could not be the foundation of a judgment against the United States, becomes quite important. Now I wish the Senator to turn his attention to this important. Now I wish the Senator to turn his attention to this point. He has read item by item the original set-off spread on the record. Here is the report of the Judiciary Committee which gives the items of set-off as presented at another time. They are not only somewhat different, but they are most significantly different. The letter from the Solicitor of the Treasury states among other things:

In his report of this trial the district attorney states almong other things:

In his report of this trial the district attorney states, in a letter dated 8th March,
1842, that "the court allowed evidence to go to the jury upon a claim for extra
service in revising the decisions of the register and receiver of the land office at
Tallahassee upon pre-suption claims which the defendant insisted he was directed
to perform by a letter of G. Graham, Commissioner of the General Land Office,
directed to the register and receiver at Tallahassee, dated July 27, 1827. It was
shown by the testimony that this revision occupied from two to three months, and
for this service the jury allowed the sum of \$12,500.

Now when you come to the set-off as it appears on the Judiciary Committee report, it not only does not read as this set-off of which the Senator has read different items, for example, for services in preempted land claims \$7,300 and so on, but this is it:

Amount paid register, salary third quarter 1825	\$125	
Amount paid for office furniture		50
Amount paid Colonel R. Butler, second quarter's salary, 1827	1,000	
Amount paid Colonel R. Butler, first quarter's salary, 1833	1,000 (00
Amount paid William P. Duval, 1835	1,000	00
Amount deposited first quarter 1831, Bank of Mobile	5.0 (
Amount deposited second quarter 1831, Central Bank of Florida	3, 200 (00
Amount deposited tourth quarter 1833, Bank of Mobile	200	
For legal services in fitteen mandamus cases at chambers, at \$100 each.	1,500 (00
For at ending three mandamus cases in superior court, \$50 each	150	
For a tending two mandamus cases in court of appeals, \$100 each	200 (
For adjudicating and revising pre-emption land claims, 939 days, at & per day		00
	13, 623	50

If I am not mistaken every one of these items is different, radically different from any item which appears in the first set-off excepting the last, and that one instead of being an item for \$7,300 is an item for \$4,695; and now inasmuch as we are remitted to the proceedings in this court, very irregular as they seem to me to have been, it becomes quite important to know what took place there; and I ask the Senator how it can be that this gentleman in his life-time, on the spot, seeing to this himself, presented in two instances a set-off not only different but repugnant and irreconcilable the one with the other.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The hour of half past one having arrived, the Senate resumes the consideration of its unfinished business.

Mr. CONKLING I wish the Senate would allow the Senator from

Mr. CONKLING. I wish the Senate would allow the Senator from Florida at least to call our attention, if he is able to do so, to the explanation of these discrepancies. It can be done much more quickly now than it can be again.

Mr. EDMUNDS. He ought to be allowed to conclude his remarks at any rate.

REPORTS OF COMMITTEES.

Mr. VEST. I ask permission to make a report at this time. The PRESIDING OFFICER. The Chair will receive it if there be

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1943) to provide for a building suitable for a post-office and for the accommodation of the revenue officers and the United States courts and their officers in the city of

Clarksburgh, West Virginia, reported it without amendment.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the memorial of Charles Allen, M. D., and others, in relation to the improvement of the sanitary condition of James Creek Canal, submitted a report thereon, accompanied by a bill (S. No 1957) making appropriation for the improvement of James Creek Canal, in the District of Columbia.

The bill was read twice by its title, and the report was ordered to

be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal.

The message also announced that the House had passed the follow-

A bill (H. R. No. 6025) to establish an assay office in the city of Saint Louis, Missouri; and
A bill (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 1776) granting a pension to Margaret S. Heintzelman;

A bill (S. No. 1814) to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes; and

A bill (H. R. No. 4429) to amend an act entitled "An act to incorporate the National Fair Association."

INDIAN LANDS.

Mr. COKE. I gave notice last week that this morning I should move the Senate to lay aside the pending business and take up and consider the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians,

and for other purposes.

Mr. EDMUNDS. I suggest that the Senator from Florida, according to the custom, is entitled by courtesy to go on and finish what he

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Is there objection, the morning hour having expired, to the Senator from Florida [Mr. CALL] proceeding? The Chair hears none.

Mr. DAVIS, of West Virginia. The regular order is subject to call,

I presume.
Mr. EDMUNDS. Of course.

DAUGHTERS OF RICHARD K. CALL, DECEASED.

The PRESIDING OFFICER. The bill (S. No. 1779) for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard will be regarded as

of Mrs. Ellen Call Long and Mrs. Mary K. Brevard will be regarded as still before the Senate as in Committee of the Whole, to enable the Senator from Florida [Mr. CALL] to conclude his remarks.

Mr. CALL. I think I can answer the inquiry of the honorable Senator from New York. I will answer it in this way: the letter of General Call referred to in the report of the Judiciary Committee, as I suppose the foundation of the set-off in the first trial, is dated the 27th of October, 1840. The report says:

The defendant pleaded a set-off for \$15.250, consisting of four items, to wit:

1. For extra services in adjudication of pre-emption land claims, 1,460 days, at \$60 per day.

\$7,300

That is in the letter which I have read. Clerk hire for same time, at \$3 per day
 Extra services in adjudication of land claims in addition to 50 cents allowed by law, 1,825 days, at \$4 per day
 Clerk hire for same time. 4,300

That was the first trial of the case. Now, the objection of the Senator from New York is that in the second trial of the case a new and different plea of set-off was entered for a different amount. I said before that General Call stood before the court in this controversy before that General Call stood before the court in this controversy insisting that for a long period of time he had performed these services without any compensation, and that he had paid out large sums of money, and the objection is that at the first trial the specifications in the plea were of certain items which upon the second trial were not contained in the plea, but a new series of items were inserted and relied upon for the defendant. I explain that in this way, and I will state to the Senator from New York that it is a true explanation: General Call was a man who transacted the business of the Government in the Territory of Florida; as receiver and as a lawyer representing the Government he was continued in this employment for a number of years by General Jackson, and no doubt there was more or less difficulty in obtaining vouchers, more or less uncertainty in his own mind until the progress of this suit in its different phases called to his attention the different payments made for the Govern-ment; and when he came to trial the second time we find in the ver-dict of the jury, (which is the only part of the record that we have,) not that there was no other plea of set-off, not that there was no other claim presented by General Call or insisted upon, but that the jury found some additional items different from the items claimed in jury found some additional items different from the items claimed in the first suit

Mr. CONKLING. If the Senator will pardon me a moment, he will perceive that if the first plea was still insisted upon and the verdict of the jury was for these items and only for these, then they found against the other items which had been insisted upon in the first trial; so it follows that General Call withdrew his original claim or set-off and substituted another, or else that the jury found against that claim although it found in favor of the claim as it stands now.

Mr. CALL. I will submit to the honorable Senator from New York,

whose experience is very great, this question: While that might perhaps be the conclusion drawn, has he not often seen the second verdict of a jury for a larger amount a different finding from the first one? The fact is only that the jury found in this case that they could agree on the proof as to certain items while they might have disagreed as to the others; but there is no evidence that there was anything wrong in the original items. The evidence in the case is this:

We, the jury impaneled in the case of the United States against Richard K. Call, find that said Richard K. Call is not indebted to the plaintiff, but that the plaintiff is indebted to the defendant in the sum of \$8,563.37, as exhibited by the following

statement, to wit:

For the following sums, marked as suspended items in his certified account with

Amount paid register, salary third quarter, 1825	the Department:		
Amount paid Colonel R. Butler, second quarter's salary, 1827	Amount paid register, salary third quarter, 1825	\$125	00
Amount paid Colonel R. Butler, second quarter's salary, 1827. 1, 000 00 Amount paid Colonel R. Butler, first quarter's salary, 1833. 1, 000 00 Amount paid William P. Duval, 1835. 1,000 00 Amount deposited first quarter, 1831, Bank of Mobile. 550 00 Amount deposited second quarter, 1834, Central Bank of Florida 3, 200 00 Amount deposited fourth quarter, 1833, Bank of Mobile. 200 00 And for the following offsets, to wit: For legal services in fifteen mandamus cases at chambers, at \$100 each. 1, 500 00 For attending three mandamus cases in superior court, \$30 each. 150 00 For adjudicating and revising pre-emption land claims, 939 days, at \$5 per		3	50
Amount paid Colonel R. Butler, first quarter's salary, 1833		1,000	00
Amount haid William P. Duval, 1835 1,000 00 Amount deposited first quarter, 1831, Bank of Mobile 550 00 Amount deposited second quarter, 1834, Central Bank of Florida 3,200 00 Amount deposited fourth quarter, 1833, Bank of Mobile 200 00 And for the following offsets, to wit: For legal services in fifteen mandamus cases at chambers, at \$100 each 150 00 For attending three mandamus cases in superior court, \$30 each 150 00 For adjudicating and revising pre-emption land claims, 939 days, at \$5 per		1,000	00
Amount deposited first quarter, 1831, Bank of Mobile		1,000	00
Amount deposited second quarter, 1834, Central Bank of Florida		550	00
Amount deposited fourth quarter, 1833, Bank of Mobile	Amount deposited second quarter, 1834, Central Bank of Florida	3, 200	00
And for the following offsets, to wit: For legal services in fifteen mandamus cases at chambers, at \$100 each	Amount deposited fourth quarter, 1833, Bank of Mobile	200	00
For attending three mandamus cases in superior court, \$30 each			
For attending three mandamus cases in superior court, \$30 each	For legal services in fifteen mandamus cases at chambers, at \$100 each	1,500	00
For attending two mandamus cases in court of appeals, \$100 each 200 00 For adjudicating and revising pre-emption land claims, 939 days, at \$5 per		150	00
For adjudicating and revising pre-emption land claims, 939 days, at \$5 per		200	00
	For adjudicating and revising pre-emption land claims, 939 days, at \$5 per		
	day	4, 695	00

The presumption is that the judge considered some of the items in the first account plead as unsustained by the evidence, and for this reason set aside the verdict; and on the second trial additional items of account were added, but these items had been presented to the Government by General Call, as is shown by his letter of 1840, which I will read to the Senate. Here in his letter he says:

I have the honor herewith to inclose my accounts against the United States for legal services rendered in my professional capacity.

That is the letter of 1840. This is the verdict of the jury to which the Senator referred, the last jury in the case, and here is his letter:

For legal services rendered in my professional capacity, and for extra services, which in their nature were judicial and performed as receiver of the land office at Tallahassee, Florida, in adjudicating pre-emption land claims.

Should these accounts not be allowed, I have to request that they may be returned to me through the post-office at this place, with the usual indorsement and evidence that they have been presented and rejected at the Treasury Department.

evidence that they have been presented and rejected at the Treasury Department. There are the very items returned by the last jury. I cannot speak certainly as to the pleas, but I said they were substantially the same. Here is the claim for revising the pre-emption laws: Nine hundred and thirty-nine days the jury allowed at \$5 a day. General Call claimed for the whole period of time from 1826 to 1830; and you will perceive that in both pleas, so far from there being material difference, as the report of the Judiciary Committee alleges, they are substantially the same. General Call presented this account in 1840. In the first trial it was allowed; in the second trial a specific sum awarded by the verdict of the jury, of which I hold in my hand a certified copy—of the verdict which allows more for adjudicating and revising the pre-emption land claims—nine hundred and thirty-nine revising the pre-emption land claims-nine hundred and thirty-nine days, at \$5 a day

Mr. CONKLING. And that is the only item which appeared in the first account, and in place of being for \$7,300 it is for four thousand and odd dollars; and every other item which they found never appeared in the original account at all, and no other item that appeared in the original account appears in this?

Mr. CALL. Let us see if my learned friend from New York is not in over about that "General Call cave."

in error about that. General Call says:

I have the honor herewith to inclose my accounts against the United States for legal services rendered in my professional capacity.

Mr. CONKLING. Now read what they are. Mr. CALL. Now let us see what the jury found:

For legal services in fifteen mandamus cases at chambers, at \$100 each, \$1,500.

Mr. CONKLING. Does that appear in the first account !

Mr. CALL. It appears in the account in 1840 substantially. Would you not hold that to be covered by these words? I am reading from the original documents on file, not from the Judiciary Committee's

Mr. CONKLING. It is not here at all.

Mr. CALL. I do not refer to the Judiciary Committee's report which the Senator has before him; but I submit to the Senate that I hold in my hand a letter of General Call, written in 1840, claiming I hold in my nand a letter of General Call, written in 1849, claiming of the Government compensation for his professional services as a lawyer in these cases, and I say that the verdict of the last jury sustains that claim of General Call. If it be objected that at the first trial he did not specify any particular items of accounts which the Government owed him for this service, and that therefore he was wrong in claiming them afterwards—I know the Senator will not make that assertion—the objection of course in the inforces that there are

wrong in chaiming them afterwards—I know the Senator will not make that assertion—the objection of course is the inference that there was no claim or he would have presented it at the first trial.

Mr. CONKLING. That is not the objection. The objection is that at the first trial he did claim for professional services, he did specify what they were; and they were services of a wholly different kind and character from those which were afterward insisted upon. That is the objection is the objection.

Mr. CALL. Well, let us see. The report of the Judiciary Committee says:

Extra services in adjudication of land claims, in addition to fifty cents allowed by law, 1,825 days, at \$1 per day, \$1,825.

The learned Senator from New York is wrong. The jury in the last verdict specified that particular item, as any Senator may see.

Extra services in adjudication of land claims, in addition to fifty cents allowed by law. 1,825 days, at \$1 per day, \$1,825.

Clerk hire for same time, \$1,825.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to inquire when those legal services were rendered? Does it appear from

quire when those legal services were rendered? Does it appear from the account when they were rendered?

Mr. CALL. It appears from the account that they were rendered from the year 1826 to the year 1830.

Mr. CAMERON, of Wisconsin. Was General Call during that time or during any portion of that time the receiver of public moneys?

Mr. CALL. I am not able to state certainly in what years he was the receiver. I presume he was at that time. General Call was the receiver of public moneys for many years in Florida, but as to the particular years I have no information except that which is contained in these naners.

these papers.

Mr. CAMERON, of Wisconsin. What I want to get at is this: Was or was he not receiver at the time it is alleged these legal services

were rendered?

Mr. CALL. I presume he was; but he was required to perform them as extra services, as his statement in this account no doubt will show; and I can assure the honorable Senator that such a judge as Judge Bronson never would have allowed a claim against the Government by an officer for compensation which he should have rendered in his official capacity to have been presented as an offset before a jury. He would have ruled it out.

would have ruled it out.

Mr. CAMERON, of Wisconsin. This claim, I think, was not allowed by the judge, but it was passed upon by the jury.

Mr. CALL. When such a claim is presented, it is for the court to rule it to be either competent or incompetent evidence, and the court would have instructed the jury and if the jury had violated the instructions of the court it would certainly have set aside the verdict. There is no doubt about that. No jury ever presumed in Judge Bronsons's court, upon a clear question of the ruling of the court, to disregard the instructions of the court without finding their verdict summarily set aside.

I can only say to the Senate that this is beyond all doubt a just claim, that a man who, like General Call, stood up in the last moment and hour, when passion was at its height, and confronted the entire public opinion of the country upon a sincere conviction of right, would never be the man to present an account against the Government for services which were not rendered. And I submit to the honorable Senator from New York that even if it is true that there is not in the record of the first trial in court a specific item of charge for professional services, it appears in the letter of General Call addressed to the Department in 1840; and whether by omission or purposely it was not contained in the plea at the first trial, it was contained in the plea at the second trial, and that claim presented in 1840; the Transport Percent Percent is the second trial, and that claim presented in 1840. to the Treasury Department here was, at a trial before Judge Bronson, by an intelligent jury, found to be true and sustained by the evidence. And I will submit further that the law officer of the Gov-

son, by an intelligent jury, found to be true and sustained by the evidence. And I will submit further that the law officer of the Government, the Solicitor of the Treasury who at that time examined the case and the proofs and the record as reported to him, certified that there was no ground of error, in his opinion. This also was the view of the United States district attorney.

Senators cannot say that a judge of character would not have set aside the verdict if there had been an insufficiency of evidence to sustain the claim for services alleged to have been rendered by General Call, both professional and non-professional, and the items of credit claimed by him. If the evidence did not clearly show that they had been rendered and were done, gentlemen cannot say that the presumption is that a judge of a United States court would not have set aside the verdict of the jury.

Mr. HEREFORD. Mr. President, it seems to me that there is a disposition to go outside of the record in this case. We have here be-

position to go outside of the record in this case. We have here before us—and I do not think we can go outside of that—the report of the Solicitor of the Treasury, and in that report is included the report of the United States district attorney who tried the case. They must have known more about it than anybody else can know. Now,

what do they say? The district attorney who tried the case, in his report to the Solicitor of the Treasury at Washington, says:

The court allowed evidence to go to the jury upon a claim for extra service in revising the decisions of the register and receiver of the land office at Tallahassee upon pre-emption claims, which the defendant insisted he was directed to perform by a letter of G. Graham, Commissioner of the General Land Office, directed to the register and receiver at Tallahassee, dated July 27, 1827.

That was his claim.

It was shown

The district attorney says-

by the testimony that this revision occupied from two to three months, and for this service the jury allowed the sum of \$12,500. I excepted to the opinion of the court in the admission of this testimony, contending that the revision of these decisions were included in the ordinary and special duties of his office prescribed by law, and were not extra-official; also to the introduction of other letters specified in the copies of the bill of exceptions herewith inclosed.

He sent the whole bill of exceptions to Washington.

Upon the return of the verdict I entered a nfotion for a new trial, upon the ground that the verdict was against evidence, and was given under an obvious misconception of the charge of the court, and that the judge misdirected the jury.

And that distinguished judge, after the motion for a new trial made, with those several entries in the account, overruled the motion of the United States district attorney, and said that those items were proper charges against the United States and that the jury did not misconceive the construction of the judge. That was the first trial in this case, and upon that there was a judgment, notwithstanding the Senator from New York, a moment ago, and I believe the Senator from Missouri, stated that in such a case as this there could be no judgment. souri, stated that in such a case as this there could be no judgment. Every lawyer ought to know, I think, that in such a case as this there ought to be a judgment, and certainly would be between private citizens. I do not mean a judgment for the overplus, but a judgment to let the defendant go free and acquit of the demand of the plaintiff; and as far as the charge of the General Government against him was concerned he was thereby exonerated and discharged from it forever. Then comes the second trial; Mr. Penrose was then Solicitor; two Solicitors of the Treasury had charge of this matter:

By direction of Mr. Penrose, then Solicitor, the case was appealed, and in February, 1843, the judgment in the court below reversed.

And yet we are told by the chairman of the committee on Claims that there never was and never could be a judgment in a case of this kind. The district attorney says there was a judgment, the Solicitor of the Treasury says there was a judgment, and from that judgment there was an appeal to the superior court, and the judgment was reversed and the case remanded—

And a venire facias de novo awarded. After this there was much correspondence with the district attorney, and diligent efforts appear to have been made to prepare the case, and at November term, 1843, it again came on for trial, but in consequence of the inadmissibility of some of the papers offered in evidence the district attorney submitted to a non-suit, and commenced a new suit.

This explains the colloquy that took place between the junior Senator from Florida and the Senator from New York as to the difference between the items of set-off in the first trial and in the last. The officer who tried the case, who had control of the matter, says:

The set-off plea was for services as counsel in arguing mandamus cases under instructions from the Land \cup ffice.

That was the addition and the only addition. It was for arguing mandamus cases and extra compensation for adjudicating pre-emption claims. That charge for adjudicating pre-emption claims, as we have seen, was ene of the set-offs pleaded in the first case, and in the second the only addition is the argument of these mandamus cases, as is set forth by the Solicitor of the Treasury himself, and that is the only discrepancy. The report of an ex-Senator here, a very distinguished man, Senator Frelinghuysen, is quoted, and it is said in that report that the fact that the verdict in the second trial was different from the first covercement the inference to be drawn from the original verthat the fact that the verdict in the second trial was different from the first overcomes the inference to be drawn from the original verdict. All those matters were before the jury at the nisi prius trial. They were argued before the jury and were decided by that jury; and at the second trial they increased the verdict over the first and brought it in for eight thousand and odd dollars. Then when the matter came here to the Solicitor of the Treasury the second time he says he has examined the case diligently and "that there is no possible question which can be carried to the Supreme Court;" in other words, there is no error. If the jury had been wrong in allowing these various items the judge would have set the verdict aside; but he refused to set the verdict aside, and thereby indorsed the correctness of the second verdict. If they had allowed improper items to swell the proportions of the verdict the United States judge would have set the verdict aside, as he was asked to do. Then the Solicitor of the Treasury says he finds no possible cause for taking an appeal to the Supreme Court. an appeal to the Supreme Court.

It is upon those two verdicts that the petitioners in this case come before the Senate and ask it to render them what twenty-four men

before the Senate and ask it to render them what twenty-four men awarded, what a court has twice said was their due; what two juries have said was due to their father, when the witnesses were before them publicly and subjected to a strict cross-examination.

That is this case, Mr. President. Two verdicts of two juries, given in a United States court presided over by one of our most distinguished judges, say this money is due by the United States; and if there had been error in those verdicts the judge would have set them aside. Upon those two verdicts the petitioners in this case come be-

fore this body and ask the Senate to do simple justice to one of the most distinguished men that the State of Florida has ever produced.

PEDESTAL OF FARRAGUT STATUE.

The PRESIDING OFFICER. The unfinished business is before

Mr. VOORHEES. Before the unfinished business is before the Senate, being Senate bill No. 877.

Mr. VOORHEES. Before the unfinished business is taken up, I observe that the bill (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington City has come from the House of Representatives. I move that the usual reference be dispensed with, the subject having been before the Naval Committee of the Senate, who examined it and I understand entirely concur in the action of the House in the propriety and necessity of this small appropriation. I hope the Senate priety and necessity of this small appropriation. I hope the Senate will take it up and pass it without an unnecessary reference to the committee, because the Committee on Naval Affairs have had the matter under consideration and are of the same mind as the House. The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from Indiana? The Chair hears none.

Mr. McPHERSON. I should like to ask the Senator from Rhode Island whether the sub-committee, of which he is one, has examined the House bill on this question of the sufficiency of the plan of the proposed pedastal?

proposed pedestal?

Mr. ANTHONY. We have not had any consultation upon the subject, but from the drawing that has been submitted to us it is manifest that the pedestal which is now under the statue is inadequate for its exhibition. We have not examined the plan for a new pedestal. Indeed I do not know that this bill contains a plan. Let the bill be reported.

The PRESIDING OFFICER. The Chair will lay before the Senate the bill received from the House of Representatives, which will be

reported.
The Chief Clerk read as follows:

A bill (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That out of any moneys in the Treasury not otherwise appropriated the sum of \$8,000 be, and is hereby, appropriated for the purpose of increasing the height of the pedestal to the monument erected in honor of the late Admiral Farragut in the city of Washington, and which sum shall be expended for said purpose under the orders and direction of the Secretary of the Navy. The Secretary of the Navy is hereby authorized to make such use of ordnance and other naval stores now on hand for the appropriate ornamentation of said pedestal as may be required.

The bill was read three times and passed

The bill was read three times, and passed.

ORDER OF BUSINESS.

Mr. JONES, of Florida. I do not think any great harm will result to the public interests by finishing the case the Senate has been con-

Mr. EDMUNDS. I do not believe that case can be finished immediately. Of course the amount involved is not large; but as a precedent for future action in a thousand other cases, it is quite important, and the Senator knows there is considerable executive business that ought to be attended to before the holiday recess, and therefore I suggest that we had better do what we ought as a matter of carrying on the Government to do. I want to be heard a little while about the principle involved here.

Mr. ALLISON. Let us have the regular order first, Mr. President.
Mr. DAVIS, of West Virginia. I call for the regular order.
The PRESIDING OFFICER. The Chair has directed the Clerk to report the unfinished business of the Senate, being Senate bill No. 877.

BEN. HOLLADAY.

Mr. VOORHEES. Before the unfinished business is taken up, I desire to make an announcement and give a notice. The Committee on Claims reported some time ago a bill for the relief of Benjamin Holladay. It was ready for action last session. It is conceded on all hands that there is money due him, some large amount. Toward the close of the last session the Senate will remember that a day was set when it should be taken up after the convening of the present session. That day passed by. It was not taken up. I give notice now that after the morning hour on the 5th of January, when we reconvene here, I shall move to take the bill up and ask the Senate to vote upon it, and I hope I shall live to be in my place to make that motion.

LIST OF PRIVATE CLAIMS.

Mr. WHYTE. I ask unanimous consent of the Senate to make a report from the Committee on Printing.

The PRESIDING OFFICER. The report will be received in the

absence of objection.

Mr. WHYTE. The Committee on Printing has instructed me to report back the letter of the Secretary of the Senate, transmitting, in obedience to the resolution of the Senate of June 16, 1880, an alphabetical list of all private land claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, and with the letter to report the following resolution, and ask for its immediate consideration by the Senate:

Resolved, That the alphabetical list of private claims extending to the 3d day of March, 1867, and which has been continued and completed to the close of the second session of the Forty-sixth Congress, in obecience to the resolution of the Senate of June 16, 1880, be printed for the use of the Senate.

Mr. EDMUNDS. Is that a resolution that has been referred to the

Committee on Printing?

The PRESIDING OFFICER. It is reported by the committee.

Mr. EDMUNDS. Does it fall within the rule prescribed by act of
Congress about referring resolutions that call for an expenditure of

An. EDMUNDS. Does it all within the fule prescribed by act of more than \$500?

Mr. WHYTE. The letter asking for the information was referred to the Committee on Printing, and this resolution is reported back with the letter. I take it for granted it is precisely in the same condition as if the resolution itself had been referred to the committee.

Mr. EDMUNDS. I do not know whether it is or not. I do not make any point about it; I only call attention to the question whether we are going to get the Public Printer into any bother about his accounts by this thing. That is all.

The resolution was considered, by unanimous consent, and agreed to.

Mr. EDMUNDS. I rather think the law requires that a resolution for printing anything that costs more than \$500 must be concurred in by both Houses. However I do not make any point.

Mr. WHYTE. I have pursued the regular course that I found in other cases. I take it for granted that the gentleman who preceded me, my learned friend from Rhode Island, [Mr. Anthony,] was correct. I am following behind him.

Mr. EDMUNDS. Very likely it is correct, then. Far be it from me to dispute two such high anthorities.

Mr. ANTHONY. Does the resolution call for the publication of extra copies?

extra copies?

Mr. WHYTE. No; only for the usual number for the use of the

Senate.
Mr. ANTHONY. Then it is proper.
Mr. EDMUNDS. Very well, it is all right; they both say it is all right.
The PRESIDING OFFICER. The unfinished business is Senate

bill No. 877.

HOUSE BILL REFERRED.

The bill (H. R. No. 6025) to establish an assay office in the city of Saint Louis, Missouri, was read twice by its title, and referred to the Committee on Finance.

CHANGE OF NAME OF A YACHT.

Mr. RANSOM. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia, to report it without amendment, and I ask for its immediate consideration at the request of the Senator from Pennsylvania, [Mr. WALLACE,] who is not here, but desires the bill to pass

Pennsylvania, Lair. Wallace, as in Committee of the Whole, proceeded to consider the bill. It proposes to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, owned by Henry C. Lea, of Philadelphia, to that of Vega, and to grant a register in the new name, the vessel being a pleasure yacht only, and not engaged in commercial or other business.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the considera-

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-six minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Tuesday, December 21, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

CORRECTION.

Mr. OSMER. In the RECORD of to-day, Mr. Updegraff, of Ohio, is credited with having introduced a bill (H. R. No. 6699) to fix the rank and pay of the non-commissioned officers of the medical staff of the Army. That bill was introduced by me and I ask the correction be made accordingly.

The SPEAKER. The correction, the Chair is informed, has already been made.

been made

Mr. PRICE. That seems to be another case like that where a bill was introduced and no notice taken of it in the Journal or the RECORD.

The SPEAKER. The Chair has directed a search to be made in ref-

erence to the bill referred to by the gentleman from Iowa so that the question may be determined between the clerks and that gentleman as to which is correct. Whoever turns out to be correct shall have the benefit of the announcement by the Chair.

IMPROVEMENT OF CAPITOL GROUNDS.

Mr. HUNTON. I ask by unanimous consent to introduce at this

time the usual joint resolution making appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

Mr. FERNANDO WOOD. I object.

Mr. BLOUNT. I object too.

Mr. HUNTON. This is the usual resolution passed for the purpose of employing the poor of this District in reclaiming valuable lands for the Federal Government.

Mr. BLOUNT. I am willing to have it read

Mr. BLOUNT. I am willing to have it read.

The SPEAKER. The gentleman from New York objected. Does the gentleman insist on his objection?

Mr. FERNANDO WOOD. I object to any bill which will give rise

to discussion.

Mr. HUNTON. This cannot lead to discussion.
Mr. FERNANDO WOOD. I must object as I wish to go on with the funding bill.

PORTRAIT OF SPEAKER TRUMBULL,

Mr. HAWLEY. Mr. Speaker, I am charged with a brief message from the General Assembly of Connecticut, for which I beg the unan-imous consent of the House to occupy a few moments. When the imous consent of the House to occupy a few moments. very acceptable changes were made in the rooms and corridors in rear of the Speaker's chair, it was suggested that the varied, imperfect, and unsatisfactory collection of photographs and lithographs of former Speakers ought to be replaced by a full series of portraits in oil. To contribute to that end, the delegation from Connecticut addressed a communication to his excellency the governor, and upon his suggestion the General Assembly immediately ordered a portrait of Jonathan Trumbull 2d, member of the first two Congre Speaker of the second. The painting has arrived and has this morning been placed in the corridor.

Permit me to give a brief catalogue of the eminent services of the distinguished statesman whose portrait I have now the honor to present. He was a son of Governor Jonathan Trumbull 1st, the original "Brother Jonathan," who was governor from 1766 to 1784, and was the only colonial governor in office at the beginning of the Revolution who continued to serve throughout. Jonathan Trumbull 2d was born at Lebanon, Connecticut, March 26, 1740, and graduated at Harvard College. He served several years in the General Assembly before the Revolution. He was appointed by the Continental Congress paymaster of the northern department of the Continental forces and served as such from 1775 to 1778, when he resigned to settle the affairs of his deceased brother, Colonel Joseph Trumbull, (who was and served as such from 1775 to 1778, when he resigned to settle the affairs of his deceased brother, Colonel Joseph Trumbull, (who was the Commissary-General of the United States forces,) and immediately entered the Legislature. In 1780 he was appointed secretary and first aid to General Washington, and served with him until the end of the war, honored with the confidence and friendship of his distinguished commander and the esteem and affection of the Army. In 1788 he was elected speaker of the Legislature of the State of Connecticut, and in March, 1789, he took his seat in the First Congress. He was re-elected to the Second Congress, and in 1791 he was elected Speaker. In October, 1794, he was chosen United States Senator, which position he resigned in May, 1796, to accept the office of lieutenant-governor of his State.

On the death of Governor Wolcott, in 1798, he became governor of the State, and was thereafter annually elected by large majorities

On the death of Governor Wolcott, in 1798, he became governor of the State, and was thereafter annually elected by large majorities for eleven years consecutively, dying in office August 7, 1809. He was a man of culture, of dignity of character, remarkably evenly balanced faculties, a man of sound judgment and devoted patriotism, beloved in private life and admired and respected in public life. The portrait brought here to-day was painted by Harry I. Thompson, of New Haven, Connecticut, from a miniature painted about the time Governor Trumbull was Speaker, and with the aid of a portrait by his brother, Colonel John Trumbull, (the artist, likewise one of Washington's aids,) and aided also by a portrait by the famous Sully. The General Assembly of the State of Connecticut desires to present to the House his portrait, to be placed among the collection of distinguished Speakers, and I have the honor, Mr. Speaker, of placing it at your disposal.

at your disposal.

Mr. BURROWS. Mr. Speaker, I desire to submit the following resolution accepting the portrait referred to.

The SPEAKER. The resolution will be read.

Resolved, That the thanks of the House of Representatives be tendered to the General Assembly of the State of Connecticut for the portrait of the distinguished statesman and citizen, Jonathan Trumbull, presented to the House to-day.

The resolution was agreed to.

IMPROVEMENT OF CAPITOL GROUNDS.

Mr. HUNTON. I now ask, Mr. Speaker, to submit the following joint resolution for immediate consideration.

The SPEAKER. The joint resolution will be read.
The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled. That the sum of \$20,000 dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of continuing the filling up, draining, and placing in good sanitary, condition the old canal, the grounds of the United States south of the Capitol, along the line of said canal. The commissioners of the District shall determine the plan of said work, employ the labor to do the same by the day, week, or morth, and see that it is properly conducted, and shall disburse the money and make report of the same to Congress.

The SPEAKER. Is there objection to the present consideration of the resolution !

Mr. FORT. Mr. Speaker, that ought to go to the Committee of the

Whole.
The SPEAKER. Objection being made, the resolution is not before the House for consideration.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I demand the regular order. The SPEAKER. The regular order is the morning hour for reports from committees.

CONTESTED-ELECTION CASES.

Mr. FIELD. Mr. Speaker, I wish to make a privileged report from Mr. FIELD. Mr. Speaker, I wish to make a privileged report from the Committee on Elections. I am directed by the committee to present the following report and the accompanying resolutions, two in number, and ask that the resolutions be read and the report and resolutions be printed. Also, that the gentleman from Kentucky and the gentleman from Indiana, members of the committee, have the privilege of presenting the views of the minority in the same cases.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

In the matter of J. C. Holmes, claiming a seat from the eighth congressional

the matter of J. C. Rolmes, claiming a seat from the eighth congressional district of Iowa:

Resolved, That the petitioner, J. C. Holmes, in the matter of his petition asking to be admitted to a seat in the Forty-sixth Congress as a Representative from the eighth congressional district, from the State of Iowa, have leave to withdraw his petition.

In the petter of John J. Wilson eleming a seat from the pinth congressional

In the matter of John J. Wilson, claiming a seat from the ninth congressional

district of Iowa:

Resolved, That the petioner, John J. Wilson, in the matter of his petition asking to be admitted to a seat in the Forty-sixth Congress as a Representative from the ninth congressional district, from the State of Iowa, have leave to withdraw his petition.

The SPEAKER. Are there two reports?

Mr. FIELD. The matter referred to in the two resolutions which have been read is all involved in one report.

The SPEAKER. The report and resolutions will be printed, and also, as suggested by the gentleman from Massachusetts, without objection, the gentleman from Kentucky and the gentleman from Indiana, members of the Committee on Elections, will be authorized to

diana, members of the Committee on Elections, will be authorized to present the views of the minority, and that the same be printed.

Mr. WEAVER. Mr. Speaker, I desire at this time to present the views of the minority in the contested-election case of Boynton against Loring, which was presented yesterday, accompanied by the resolution which I desire to offer, and ask that the resolution be read.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That E. Moody Boynton is entitled to the seat in the Forty-sixth Congress from the sixth congressional district of Massachusetts, and that George B. Loring is not entitled thereto.

The SPEAKER. The minority report and the resolution will be printed in accordance with the order of the House previously made.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the

following title; when the Speaker signed the same:

An act (H. R. No. 5384) granting permission to the Chamber of
Commerce of New York to erect a statue on the sub-treasury building in the city of New York.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I must insist on the regular order.
The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. REAGAN. I move that the morning hour be dispensed with.
Mr. WEAVER. I ask that the vote be taken by tellers.
Tellers were ordered; and Mr. RICHMOND and Mr. REAGAN were

appointed.

The House divided; and the tellers reported—ayes 83, noes 52.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

ASSISTANT SECRETARY OF WAR.

Mr. SPARKS, from the Committee on Military Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 6515) to provide for an Assistant Secretary of War; which was laid on the table, and the report ordered to be printed.

EDWARD M'DONALD REYNOLDS.

Mr. BRIGGS, from the Committee on Naval Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 4776) for the restoration of Edward McDonald Reynolds to the rank of captain in the Marine Corps of the United States; which was laid on the table, and the report ordered to be printed.

M. P. JONES.

Mr. DUNN, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 1747) for the relief of M. P. Jones; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALONZO GESNER.

Mr. DUNN also, from the same committee, reported back, with a

favorable recommendation, the bill (H. R. No. 1748) for the relief of Alonzo Gesner; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CARR LAKE.

Mr. SAPP, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 6527) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses a certain lake known as Carr Lake, situated near said city; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

WILLIAM F. SCHLOEGEL.

Mr. RYAN, of Kansas, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 6557) to authorize a patent to issue to William Frederick Schloegel for the southeast quarter of section 34, in township 22 south, of range 15 east of the sixth principal meridian in Kansas; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAN ANTONIO AND MEXICAN BORDER RAILWAY COMPANY.

Mr. OSCAR TURNER. I desire to present an adverse minority report on the bill (H. R. No. 2967) to authorize the Secretary of War to contract with the San Antonio and Mexican Border Railroad Comto contract with the San Antonio and Mexican Border Railroad Company for the immediate construction of a railroad from San Antonio to a point on the Rio Grande at or near the town of Laredo for the purpose of establishing a postal and military highway from the United States military headquarters at San Antonio, Texas, to the Mexican border. The bill has heretofore been reported favorably by the Committee on Railways and Canals, and has been referred to the Committee of the Whole on the state of the Union. I present now the views of the minority of the committee adverse to the bill, and ask that they be printed to accompany the bill.

There was no objection, and it was so ordered.

HEIRS OF RICHARD HALE.

Mr. DIBRELL, from the Committee on Pensions, reported a bill (H. R. No. 6714) directing the Commissioner of Pensions to pay to the heirs of Richard Hale the pension that would have been due him had he not been dropped; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANKLIN CROCKER.

Mr. COLERICK, from the Committee on Claims, reported a bill (H. R. No. 6715) for the relief of Franklin Crocker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. FLORA A. DARLING.

Mr. THOMPSON, of Kentucky, from the Committee on War Claims, reported a bill (H. R. No. 6716) for the relief of Mrs. Flora A. Darling; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS REPORTED BY TREASURY DEPARTMENT.

Mr. THOMPSON, of Kentucky, also, from the same committee, reported a bill (H. R. No. 6717) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, recommitted to the Committee on War Claims, and ordered to be printed.

CONFIRMATION OF LAND CLAIMS IN MISSOURL

Mr. MITCHELL, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 1015, a bill (H. R. No. 6718) to confirm certain land claims in the State of Missouri, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

RANCHO PANOCHE GRANDE.

Mr. CALDWELL, from the Committee on Private Land Claims, reported back, with an adverse recommendation, the bill (H. R. No. 449) to ascertain and determine the title to the tract of land known as Rancho Panoche Grande, in the State of California; which was referred to the Committee of the Whole on the Private Calendar, and

the adverse report ordered to be printed.

Mr. CALDWELL. My colleague on the committee, the gentleman from Indiana, [Mr. MYERS,] desires to submit the views of the minor-

There was no objection; and it was ordered that Mr. Myers have leave to present the views of the minority, and that the same be printed.

GOVERNMENT PRINTING OFFICE.

Mr. WILSON. I am directed by the Committee on Printing to report back a resolution heretofore referred to that committee, and to move that the resolution and accompanying papers, together with the report of the committee, be printed and referred to the Committee on Appropriations.

Mr. BLOUNT. Is it in reference to constructing a new building or extending the old building of the Government Printing Office? If it is, it seems to me it should go to the Committee on Public Buildings

Mr. WILSON. I understand that the subject was before the Com-

mittee on Appropriations last year.

The SPEAKER. The resolution will be read.

The resolution was read, as follows:

Resolved. That the Committee on Printing be directed to ascertain and report to this Honse whether there is any necessity for enlarging the buildings of the Government Printing Office, and, if so, that they report the extent and probable cost of such additional buildings as may be necessary.

The SPEAKER. Under the rules of the House, if strictly enforced, the Committee on Appropriations, upon the objection of a single member, it being new legislation not in the line of retrenchment, would be prevented from considering the resolution.

Mr. BLOUNT. It should go to the Committee on Public Buildings

and Grounds.

Mr. WILSON. I conferred this morning with a member of the Committee on Appropriations, and he thought that it should go to that committee. The Committee on Appropriations has been charged with

committee. The Committee on Appropriations has been charged with the investigation of the subject.

Mr. BLOUNT. A simple resolution was referred to that committee; I do not think any instructions were given to the committee.

Mr. WILSON. This is a report in regard to the necessity of additional facilities for the Government Printing Office, and I think it should go to the Committee on Appropriations.

Mr. BLOUNT. I think it should go to the Committee on Public Buildings and Grounds.

The SPEAKER. The House can refer it to any committee it pleases. The question will be first on the reference to the Committee on Appropriations.

propriations.

The motion to refer to the Committee on Appropriations was not agreed to, upon a division-ayes 4, noes 16; no further count being called for

Mr. BLOUNT. I move that the resolution and report be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

YORKTOWN CELEBRATION.

Mr. GOODE. I am directed by the Select Committee on the Yorktown Celebration to report back a joint resolution referred to them with a recommendation that it be considered at this time.

The SPEAKER. The title of the joint resolution will be read.

The Clerk read as follows:

A joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis and the British forces at Yorktown, Virginia.

Mr. GOODE. I ask that that joint resolution be considered at this

The SPEAKER. Under the rules it cannot be considered during this call.

Mr. GOODE. Can it not be by unanimous consent?

The SPEAKER. The Chair will recognize the gentleman later in the day.

Mr. GOODE. I will withhold it for the present.

ORDER OF BUSINESS.

Mr. HASKELL. I ask consent to submit a report from the Committee on Indian Affairs for reference to the Public Calendar. If the

Committee on Indian Affairs was called I failed to hear it.

The SPEAKER. It was called distinctly, and the Chair waited for a response but did not hear any. After the call of committees has been concluded the Chair will recognize the gentleman.

The call of committees was then resumed and concluded.

The SPEAKER. The Chair will now recognize the gentleman from

OTOE AND MISSOURIA INDIANS,

Mr. HASKELL, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (S. No. 753) to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I move that the House now resolve itself into Committee of the Whole for the purpose of further considering the funding bill. Pending that motion, I move that all general debate on the bill shall be limited to one hour.

Mr. ROBESON. Pending that motion, I rise to a question of privi-

lege.
The SPEAKER. The gentleman will state it.

ELECTORAL COUNT.

Mr. ROBESON. I send to the Clerk's desk a resolution which I ask may be read.

The Clerk read as follows:

Joint resolution (H. R. No. 357) providing for the assembling of the two Houses while the electoral vote is counted.

Resolved. That the two Houses will assemble in the Chamber of the House of Representatives on the second Wednesday of February, 1881, at twelve o'clock, and the President of the Senate shall be the presiding officer; that two persons shall be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which announcement, together with a list of the votes, shall be entered on the Journals of the two Houses.

Mr. ROBESON. We have now passed four appropriation bills before the holiday recess, and I think we will eat our Christmas din-

ners with easier consciences—
Mr. FERNANDO WOOD. I raise the question for consideration at

this time on that resolution.

Mr. ROBESON. I desire to present the question.

Mr. TOWNSHEND, of Illinois. I object to debate, unless it be in

The SPEAKER. The Chair rules that it is a question of privilege,

but the question of consideration can be raised upon it.

Mr. ROBESON. I think we will do better if we make the necessary preparations to discharge our constitutional duties before we enter upon the holidays.

The SPEAKER. On the question of consideration, which in fact involves the priority of business, the resolution is not debatable.

Mr. ROBESON. If it is a question of privilege, then it must be

the regular order.

the regular order.

The SPEAKER. The Chair has always ruled, even in a case involving the right of a member to a seat upon this floor, that the question of consideration could be raised upon it.

Mr. ROBESON. Well, sir, I desire to be heard upon the question of consideration. I believe I have the floor.

The SPEAKER. Under the rules the question of consideration is not deletable.

not debatable.

not debatable.

Mr. ROBESON. Well, here is a resolution similar to the resolutions under which the votes for every President up to Abraham Lincoln were counted by the democratic party. I want to see now if the democrats of this House are willing—

Mr. TOWNSHEND, of Illinois, and others. Order! Order!

The SPEAKER. The question of consideration is before the House.

Mr. ROBESON. Consideration with what?

The SPEAKER. The Chair recognizes the resolution presented by the gentleman as a question of privilege, but the gentleman from New York [Mr. FERNANDO WOOD] raises the question of consideration upon it.

tion upon it.

Mr. ROBESON. Consideration with what?

The SPEAKER. The question is whether the House will now pro-

The SPEAKER. The question is whether the House will now proceed to consider the resolution.

Mr. ROBESON. Is it a question of consideration whether a privileged question shall be considered before a question not privileged?

The SPEAKER. The majority of the House has always the right to determine the order of its business; the rules give the majority that right. This is merely a question of the priority of business. The gentleman had the right to present his privileged question, and the gentleman from New York [Mr. Fernando Wood] had the right to raise the question of consideration upon it, which he has done.

Mr. ROBESON. I desire to antagonize every bill until this question of high privilege has been considered.

The House then proceeded to vote upon the question of consideration, but before the result of the vote was announced,

ion, but before the result of the vote was announced,
Mr. ROBESON called for tellers.
The SPEAKER. The gentleman from New Jersey, Mr. Robeson,
and the gentleman from New York, Mr. FERNANDO WOOD, will act as

Mr. ROBESON. In order to save time I will call for the yeas and nays at once.

ays at once.
The yeas and nays were ordered.
Mr. WARNER. Let the resolution be again read.
Mr. ROBESON. I can explain it to the gentleman if he desires.
Mr. WARNER. Let the resolution explain itself.
The resolution was again read.
Mr. SPRINGER. What is the question?
The SPEAKER. The question is whether the House will now consider the resolution. sider the resolution.

Mr. REAGAN. Is a motion to commit in order at this time?
The SPEAKER. The Chair thinks not.
Mr. REAGAN. I desire to move that the resolution be referred to the committee

Mr. ROBESON. That is not in order. When the question of consideration is voted upon, I shall claim the floor.

The SPEAKER. If the House refuses to consider, the Chair will then decide upon the motion indicated by the gentleman from Texas. The question was taken; and there were-yeas 88, nays 96, not vot-

ing 107; as follows: YEAS-88.

Aldrich, N. W. Aldrich, William Anderson, Bailey, Bingham, Boyd.

Cannon, Carpenter, Caswell, Claffin,

Daggett,
Davis, George R.
Davis, Horace
Deering,
Dunnell,
Einstein,

Errett, Field, Fisher, Ford, Fort, Gillette, Godshalk, Hall, Hammond, John Harmer, Harris, Benj. W. Haskell, Henderson, Hiscock, Humphrey, Jones,	Joyce, Keifer, Ketcham, Killinger, Lindsey, Loring, Marsh, Mason, McCook, McGowan, McKinley, Mitchell, Monroe, Neal, Norcross, O'Neill,	Osmer, Page, Pound, Prescott, Price, Richardson, D. P. Robeson, Robinson, Russell, W. A. Ryan, Thomas Shallenberger, Smith, A. Herr Starin, Stone, Taylor, Ezra B. Thomas,	Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Van Aernam, Voorhis, Wait, Wasbburn, Weaver, White, Williams, C. G. Willits, Wood, Walter A. Yocum, Young, Thomas L.
		S-96.	
Acklen, Armfield, Atherton, Bachman,	Davis, Lowndes H. Deuster, Dibrell, Dunn,	Hutchins, Johnston, Kenna, Kimmel,	Samford, Sawyer, Scales, Scoville,

Kimmel,
Ladd,
Le Fevre,
Martin, Benj. F.
Martin, Edward L.
McLane,
McMillin,
Mills,
Morse Beltzhoover, Evins, Felton, Finley, Forney, Geddes, Berry, Bicknell, Blackburn, Bliss, Sparks, Speer, Springer, Steele, Talbott, Blount. Bouck, Bright, Buckner, Caldwell, Goode, Talbott,
Thompson, P. B.
Tillman,
Townshend, R. W.
Turner, Oscar
Upson,
Warner,
Whitteaker,
Whitteaker, Gunter, Hammond, N. J. Harris, John T. Hatch, Henkle, Morse, Myers, New, Nicholls, Chalmers, Clements, Phelps, Philips, Phister, Poehler, Reagan, Richmond, Clymer, Cobb, Coffroth, Herbert, Herndon, Hill, Hostetler, House, Whitthorne, Williams, Thomas Willis, Converse, Cook, Covert, Cravens, Davis, Joseph J. Hull, Hunton, Hurd, Wilson, Rothwell, Ryon, John W. Wise, Wood, Fernando.

	TOT	VULLNG-101.	
Aiken, Atkins, Baker, Ballou, Barber, Barlow, Bayne, Beale, Belford, Blake, Bland,	De La Matyr, Dick, Dickey, Dwight, Elam, Ewing, Ferdon, Forsythe, Frost, Frye, Gibson,	Knott, Lapham, Lounsbery, Lowe, Manning, Martin, Joseph J. McCoid, McKeuzie, McMahon, Milos, Miller,	Richardson, J. S. Robertson, Russell, Daniel I Sapp, Shelley, Sherwin, Singleton, J. W. Singleton, O. R. Smith, Hezekiah Smith, William I Stephens,
Bowman, Bragg, Cabell, Calkins, Camp, Carlisle, Chittenden, Clardy, Clark, Alvah A. Clark, John B.	Hawk, Hawley, Hayes, Hazelton, Heilman, Henry, Hooker, Horr, Houk, Hubbell,	Money, Morrison, Morton, Muldrow, Muller, Murch, Nowberry, O'Brien, O'Connor, O'Reilly,	Stevenson, Taylor, R. L. Tucker, Turner, Thomas Urner, Valentine, Vanee, Van Voorhis, Waddill, Ward,
Colerick, Cowgill, Cox, Crowley, Culberson, Davidson,	James, Jorgensen, Kelley, King, Kitchin, Klotz,	Orth, Overton, Pacheco, Persons, Reed, Rice,	Wellborn, Wells, Wilber, Wright, Young, Casey.

So the House refused to consider the resolution.

The following pairs were announced from the Clerk's desk:
Mr. AIKEN with Mr. WARD. Mr. WARD, if present, would vote

"ay."
Mr. McMahon with Mr. Camp. Mr. McMahon would vote "no" on this question; Mr. Camp "ay."
Mr. Shelley with Mr. Miller, for this day, Mr. Shelley being

Mr. MULDROW with Mr. DWIGHT.
Mr. HENRY with Mr. URNER, until the holiday recess upon all political questions.

Mr. Orth with Mr. Myers.
Mr. McGowan'with Mr. Thomas Turner, on all political questions.
Mr. Horr with Mr. Stevenson, until further notice.
Mr. Overton with Mr. Persons, until after the recess.
Mr. Stephens with Mr. Sherwin, on all political questions until after the holidays.

Mr. Calkins with Mr. Manning, on all questions from to-day until

after the holidays

Mr. McCoid with Mr. Wise, on all questions until the 10th of January next, unless the pair be canceled previously.

Mr. Miles with Mr. Singleton of Illinois.

Mr. Bland with Mr. Hayes. Mr. Bayne with Mr. Clark of Missouri. Mr. Knott with Mr. Frye. Mr. Hawley with Mr. King.

Mr. BARBER with Mr. CULBERSON.

Mr. WILBER WITH Mr. SMITH of Georgia.
Mr. BALLOU with Mr. CARLISLE.
Mr. JAMES WITH Mr. O'BRIEN.
Mr. VALENTINE WITH Mr. DAVIDSON.
Mr. LAPHAM WITH Mr. TUCKER.

Mr. Young, of Tennessee, with Mr. Houk.

Mr. Hutchins with Mr. Starin.
Mr. Hubbell with Mr. Wells.
Mr. Beale with Mr. Jorgensen.
Mr. Smith, of New Jersey, with Mr. Newberry.
Mr. Lounsbery with Mr. Van Voorhis.
Mr. Cowgill with Mr. Colerick.
Mr. Hellman with Mr. McKenzie.

Mr. DICK with Mr. KLOTZ. Mr. ATKINS with Mr. BAKER.

Mr. Sapp with Mr. Clardy. Mr. Belford with Mr. Wellborn. Mr. Blake with Mr. Cabell.

Mr. O'CONNOR with Mr. MARTIN of North Carolina.

The result of the vote was announced as above stated.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I now move that the House resolve itself into Committee of the Whole to consider the funding bill.

Mr. ROBESON. I desire one moment only to ask a parliamentary question. The House having refused to consider this resolution, when does it come up?

The SPEAKER. Whenever the House may be ready by a majority vote to bring it up, or whenever the gentleman introduces it again, the Chair supposes.

Mr. ROBESON. Does this vote reference to the suppose of the control of

Mr. ROBESON. Does this vote refusing to consider the resolution now, as against the funding bill, kill the resolution? Did the gentlemen who voted not to consider, vote against the resolution? That

The SPEAKER. The House has decided practically by the vote just

The SPEAKER. The house has decided practically by the vote just given that it is not ready now to consider the subject. The inference is that the House prefers to go on with the funding bill.

Mr. ROBESON. We know which side of the House is opposed to going on with the electoral count. [Laughter.]

The SPEAKER. It seems to be a contest between the funding bill.

and the electoral count.

Mr. TOWNSHEND, of Illinois. The gentleman from Indiana [Mr. BICKNELL] has charge of the subject of the electoral count, which will come up after the holidays according to the notice he has already

FUNDING BILL.

Mr. FERNANDO WOOD. I now insist on my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the funding bill, and pending that motion I move that all general debate be limited to one hour after the consideration of the subject

debate be limited to one hour after the consideration of the subject shall be resumed in committee.

Mr. MILLS. This is one of the gravest questions to come before this Congress, and I hope the gentleman will relax a little and let us have a full and free debate on it.

Mr. BUCKNER. I move to amend by saying four hours.

Mr. BLOUNT. Is the motion of the gentleman from New York in and are the force we get into committee.

order now before we get into committee?

The SPEAKER. The committee has already had this subject under consideration, and the motion is in order.

Mr. FERNANDO WOOD. I am willing to modify my motion by

Mr. MILLS. If I cannot get any modification of the motion so we shall have a fair debate on the funding bill, I shall have to move the House adjourn. Indeed, Mr. Speaker, we do not wish to dispose of

this question until after the holidays.

Mr. WEAVER. Then we do not need to discuss it until after the holidays.

Mr. MILLS. The venerable gentleman from Pennsylvania wishes to discuss this grave and serious question, and he is not present. We want it discussed before a full House, and a full House is not present

Mr. KEIFER. Does the gentleman from New York intend to press this bill to a final consideration and passage before the holiday

adjournment?

Mr. FERNANDO WOOD. I am glad the gentleman from Ohio has put that question. I believe it is entirely practicable for the House to exhaust the general debate by limiting it to two or three hours, and then to pass the bill or reject it before to-morrow night. My intention is to do so if the House will sustain me.

Mr. TOWNSHEND, of Illinois. Does the gentleman from New York know there are not more than two-thirds of the House now present, one-third having gone away?

present, one-third having gone away?

Mr. KEIFER. To day there is barely a quorum present, and tomorrow there will not be a quorum, and it will be quite improper to

press this bill through now.

The SPEAKER. Debate is not in order on the proposition, but the Chair will hear at moderate length gentlemen who desire to make suggestions

suggestions.

Mr. REAGAN. Mr. Speaker, when it was agreed by the House to take this question up the supposition was it was for the purpose of disposing of it and not making it an obstruction and a hinderance to action on other important measures now pressed and demanding action. We have agreed between the two Houses to cut out two weeks of this short session, notwithstanding the large amount of important business before it. business before it.

We are told now we cannot do anything for to-day and to-morrow, the only time remaining before the two weeks' vacation begins, because all the members are not here. We have grave questions before us and so far matured that we can act on them if we can only get this House to consent to do the business before it. I hope, therefore, the House will take this funding bill up, put a reasonable limitation upon the general debate, and act on it, so as to afford opportunity

npon the general debate, and act on it, so as to afford opportunity for something else to be considered.

Mr. FERNANDO WOOD. As I have already indicated, I modified my motion to limit the debate to two hours.

Mr. MILLS. Will not a motion as a substitute for that be in order?

Mr. FERNANDO WOOD. I insist upon being heard upon my motion.

Mr. MILLS. Would it not be in order to move that the subject be laid over until after the holidays, say to the 6th of January next?

Mr. FERNANDO WOOD. I desire to be heard, Mr. Speaker, for one moment. Now, the condition of this bill is of this character: under the law as it now stands the Secretary of the Treasury is obliged to give three months' notice if he intends to pay the 5 per cent. bonds, which constitute two-thirds of the bonds maturing next cent. bonds, which constitute two-thirds of the bonds maturing next summer. If the House does not pass this bill before the vacation, gentlemen will see it will be utterly impossible for us to take it up

gentlemen will see it will be utterly impossible for us to take it up in January, with the great pressure of other bills and important measures, and make any progress in it whatever.

Mr. WEAVER. That would be a great blessing to the country.

Mr. MILLS. The Sesretary can do that after January next.

Mr. FERNANDO WOOD. He cannot, unless he pays 5 or 6 per cent. interest on bonds instead of three. Now, if gentlemen will absent themselves from the sessions of this House to-day and to-morrow, and thereby prevent a quorum and any further action on this bill, they assume, in my judgment, the gravest official and personal responsibility they ever assumed in their lives.

Mr. TOWNSHEND, of Illinois. Why, one-third of the House is absent now.

Mr. TOWNSHEND, of Illinois. Why, one-third of the House is absent now.

Mr. FERNANDO WOOD. If gentlemen assume to leave the House pending the determination of a question of this character, pressing upon our consideration at this time, I hope their constituents will hold them to a just accountability.

Mr. WEAVER. I wish to be heard on the proposition.

The SPEAKER. The fact is debate is not in order.

Mr. MILLS. We have heard a lecture from one side, and now the Chair certainly ought to hear the other.

Mr. WEAVER. The plan of funding this debt, falling due this year and next, has been materially changed since last Congress. It is now sought to adopt a very different plan. They attempt now to force this bill upon the House and force its passage through the House regardless of the short time that is allowed for its consideration. They propose to force the passage of this funding bill, one of

to force this bill upon the House and force its passage through the House regardless of the short time that is allowed for its consideration. They propose to force the passage of this funding bill, one of the most important measures that has been presented to the House, between now and the adjournment to-morrow—a day and a half. It cannot be done and receive that proper consideration which its vast importance demands. It is, as I have said, one of the most important bills now pending before Congress. I protest most heartily against this haste. I protest in the name of my constituents, and in the name of the people of the United States; and if there are sufficient members upon this floor who will stand by me—if there are twenty-five men here who will sustain me in my efforts—I will see that it does not pass, and that it is not to be considered now.

Mr. SPARKS. I demand the regular order.

Mr. KEIFER. Mr. Speaker, I hope I will have an opportunity to answer the remarks of the gentleman from New York who has made some criticism upon what he supposes to be my position in reference to the funding bill. I think he is laboring under a misapprehension. What we object to on this side is the tardiness with which this important matter has been treated and the time which has elapsed during the long session of this Congress when this bill could have been brought before the House and when it could have received that attention its importance merits. This matter was passed over and neglected during the whole of the last session of Congress. And now it is proposed to take it up and pass it in this short time before the adjournment. What I now complain of is that time sufficient is not granted on a bill of its importance.

Mr. SPARKS. I demand the regular order. it is proposed to take it up and pass it in this short time before the adjournment. What I now complain of is that time sufficient is not granted on a bill of its importance.

Mr. SPARKS. I demand the regular order.

Mr. MILLS. The gentleman should have demanded the regular order while the gentleman from New York was on the floor.

Mr. KEIFER. Mr. Speaker, I wish to say further—

The SPEAKER. The regular order being demanded, the Chair has no option but to recognize the demand.

Mr. FERNANDO WOOD. A single word Mr. Speaker in reply to

Mr. FERNANDO WOOD. A single word, Mr. Speaker, in reply to the gentleman from Ohio.

the gentleman from Ohio.

Mr. KEIFER. I have not finished my statement, and if the gentleman from New York is permitted to go on with his remarks, I hope I will have an oppertunity of replying. [Cries of "Regular order."]

The SPEAKER. The regular order having been demanded, the question is on limiting debate to two hours upon the funding bill.

The motion was not agreed to.

Mr. MILLS. If it be in order, Mr. Speaker, I move that the whole subject be postponed until the 6th day of January.

The SPEAKER. That is not now in order, the gentleman from New York having made a previous motion that the House resolve itself into the Committee of the Whole.

Mr. FERNANDO WOOD. I now renew the motion that the House resolve itself into the Committee of the Whole on the state of the Union to consider the funding bill.

The motion was agreed to.

COMMITTEE SERVICE.

The Chair desires to announce the following The SPEAKER. changes on committees.
The Clerk read as follows:

Mr. Sherwin, on the Committee on Education and Labor, in place of Mr. Bar-Mr. Barlow, on the Committee to inquire into the Causes of the present Depression of Labor, in place of Mr. Sherwin.

The SPEAKER. These changes are made by reason of a letter from Mr. Sherwin, in which he states that this understanding has been arrived at between himself and Mr. Barlow.

The House has resolved to go into Committee of the Whole on the state of the Union. The gentleman from New York, Mr. Covert, will please take the chair.

FUNDING BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The Clerk will read the title of the pending

The Clerk read as follows:

A bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. KEIFER. Mr. Chairman, I rise to a question of privilege.
The CHAIRMAN. The gentleman will state it.
Mr. KEIFER. I find in the printed copy of the bill which is furnished us—the pending bill—what may be in a certain sense designated a speech attached to it. I want to know if that is in order.
The CHAIRMAN. The Chair is of opinion that if there be anything of the suggestion of the gentleman from Ohio that it is a proper subject for the consideration of the House if it trenches upon the privileges of the House.

Mr. KEIFER. I only make the suggestion. I waive the question

Mr. KEIFER. I only make the suggestion. I waive the question of privilege.
Mr. GILLETTE. Mr. Chairman, the Wood refunding bill is not new, but has hung over us like a black cloud for nearly a year. On the 10th of May last I spoke at length upon it, but cannot see it pass without adding a further protest. There are most important measures before Congress pressing for immediate consideration, measures that would benefit the whole people. For example, the regulation of railway freight charges now controlled arbitrarily by avarice. As another has stated it: another has stated it:

A dozen or so of railroad magnates, summoned by private message, meet from time to time in one of our great cities. They consult in secret, dine and wine satisfactorily, adjourn and go their several ways. Next morning, the telegraph wires will have flashed across the land their decision that every bushel of grain going to market, every bale of goods passing inland, shall henceforth pay 20 to 30 per cent. more freight than has hitherto been paid. In effect, this bevy of railroad kings has arbitrarily reduced the value of every farm, every quarter section, every bushel of grain, in the great West. If they owned the whole country, and all who live in it, they could not lord it over us more tyrannically.

It is the duty of Congress by just laws to promptly protect inter-state commerce from such unjust and arbitrary impositions. The It is the duty of Congress by just laws to promptly protect interstate commerce from such unjust and arbitrary impositions. The suppression of pleuro-pneumonia, the cattle disease which is to-day damaging foreign markets for our beef and threatening our great cattle interests with wholesale ruin—bills enough have been introduced for that purpose, but we are discussing a proposition to load down our cattle and other interests with perpetual bonds rather than taking steps to protect them. Like Nero, we fiddle while Rome is burning. Wholesale disfranchisement of citizens in Massachusetts and other States calls for prompt action by Congress, and election frauds demand attention. Beside there are over a thousand bills already considered by committees of the House and recommended for action, but all are pushed aside that this bill in the interest of a small class of bankers may be crowded through. It cannot be urged that pay-day is near, for the bonds to be refunded are not due, and only become payable next year at the pleasure of the Government. It is the option to pay that matures, and not the bonds.

The Committee on Ways and Means have materially changed the bill. Every time they have considered it they have reported amendments. Their last is to issue 3 per cent. rather than 3½ per cent. bonds. We would be willing the bill should remain in their hands for a year more, in hopes they would discover by that time the folly of paying any interest and, indeed, the folly of the whole bond scheme.

This bill authorizes the Secretary of the Treasury to borrow the credit of individuals, agreeing that the people shall be taxed for a generation or more to pay interest for that credit. Government, which is another name for the people, holds all the power, wealth, and resources of the nation, issues directly or indirectly all the money, and has a

eration or more to pay interest for that credit. Government, which is another name for the people, holds all the power, wealth, and resources of the nation, issues directly or indirectly all the money, and has a thousand-fold more credit than all the citizens whose credit it borrows or proposes to borrow. There is therefore no reason why it should borrow and pay interest for the credit or money of individuals. Why carry coals to Newcastle? Why should the nation borrow from itself? Why ignore its own prerogative and resources? Thomas Jefferson condemned funding as "swindling futurity on a large scale." It is a swindle to unnecessarily tax the many to support the few. It is as undemocratic and unrepublican as a throne and a crown.

Every bond must be paid, principal and interest, by labor. When

we sell a bond we sell the labor of our constituents to the purchaser. we sell a bond we sell the labor of our constituents to the purchaser. I am opposed to the sale; I oppose it as I would the slave trade. It is the same thing in principle and in result. You have no right to sell the labor of my constituents to the Vanderbilts. The toilers who pay taxes to support the rich and untaxed will some day discover that they are the victims of a very refined but cruel system of slavery. This bill nominally calls for 3 per cent. interest; but considering that 90 per cent. of the purchase-money may be demanded back in national-bank notes, and the exemption from taxation, these bonds will really be worth three times that to the holders. They can practically be purchased for ten cents on the dollar.

practically be purchased for ten cents on the dollar.

Be it known to the members of this House and to the country that the purpose of this bill and of those who introduce and advocate it is to sell these bonds for ten cents on the dollar; that is what the Government is to get for them, while the people are to pay interest upon their face. The provisions of the bill will make them national-bank bonds. They will be purchased by the banks, deposited with the United States Treasurer, who will keep them safely and return interest regularly, and will refund to these institutions 90 per cent. of the purchase-money in national-bank notes, universally accepted as money, because secured by the credit of the people and made a tender for some debts, and printed and prepared by the Government; and thus are the people to be swindled. I would oppose this bill if it proposed 1 per cent. bonds. It is the principle involved that I oppose. It will overthrow our Government if we do not overthrow it as Jackson did the old United States Bank.

it as Jackson did the old United States Bank.

Away with this slavery of usury, and let this Government commence at this late day to foster and protect labor from the robberies of refunding, and all other schemes that go hand-in-hand with it. Absolute equality is the only standard we will accept. Ours must be a government that protects the weak rather than a government that taxes them for the benefit of the strong.

If there was ever an excuse for issuing and selling bonds there is none now. We are not at war. There is no emergency upon us. The bonds which it is proposed to refund are not payable except at the option of the Government, and can be redeemed within two years

The bonds which it is proposed to refund are not payable except at the option of the Government, and can be redeemed within two years without adding to our circulating medium or oppressing any class of our people. Indeed, without further legislation our surplus revenue, according to present receipts and future estimates, would pay these bonds in six years; but lest even that should be done, the committee propose in this bill to take away from the people the right to pay most of them for a generation to come. The title of this bill should be, a bill to prevent the payment of the Public Debt. Then its object would be patent to all. its object would be patent to all.

its object would be patent to all.

The Secretary of the Treasury has just reported that he has paid in the last fiscal year \$2,795,320 premium on bonds purchased before maturity. This bonus of nearly \$3,000,000 was taken from the people because of the folly of previous Congresses in issuing bonds that could not be paid at any time. If we now desired to pay the \$740,000,000 of four percents recently sold, we would be compelled to pay a premium of \$88,000,000 at least. This is a direct loss to the people in addition to the interest; and yet in the face of this the Committee on Ways and Means propose to repeat the blunders and crimes of the past by the issue of \$500,000,000 of bonds that cannot be paid for twenty years. Was ever such criminal folly!

In this mad scheme the democratic party of the East and the republican party join hands in harmony, vying with each other in their

In this mad scheme the democratic party of the East and the republican party join hands in harmony, vying with each other in their efforts to serve capital and sell labor. The solid South is forgotten. We do not hear of troops at the polls, nor of rebel brigadiers. These campaign cries are hushed; while upon the supreme question, who shall own the labor of the land, the lion and the lamb lie down together in sweet accord, and the national banker leads them. President Hayes and John Sherman ask for a refunding bill, and Mr. Wood champions the republican scheme. I rejoice to say, many of the western and southern democrats, and I hope republicans, too, will refuse to vote for this swindle. Prior to the late election the people were everywhere assured that it was the purpose of the republican party to pay this debt, and were pointed to the monthly debt statements, which showed an average monthly payment of \$8,779,250 for the five months preceding election; but the next statement after election showed a payment of only \$3,609,261, not one-half of the previous payments, and the President in his message asks us to repeal the law requiring the coinage of the silver dollar, "which," he says, "in reality is not a dollar."

It has been the standard dollar of this country almost ever since the foundation of the Government, so much so that our gold coins

It has been the standard dollar of this country almost ever since the foundation of the Government, so much so that our gold coins have been reduced in metallic value to correspond thereto. It was until 1849 the only dollar coined. The first gold dollar struck at our mints is only about thirty years old, and yet our simple fathers were all badly fooled. The Forty-fifth Congress, that assured Mr. Hayes by a two-thirds vote over his own veto that this is a dollar, were misby a two-thirds vote over his own veto that this is a dollar, were mistaken. Webster, Wooster, the United States statutes are all wrong. The world is upside down and inside out. This coin is not a dollar according to the bull of our infallible President. And as for the greenback, he says that is only a debt to be paid and retired, Congress and the Supreme Court to the contrary notwithstanding. The national-bank note escapes his criticism. No official of this Government dares criticise that. It is a promise to pay, like the greenback, and, like it, a partial legal tender. But, unlike the greenback, it is issued in the interest of our lords, the national bankers, and designed to ex-

tort interest from the many to enrich the few. Hence it is all right; and not only the greenback but the silver dollar must go to make more room for this royal money—the promise to pay of bondholders. Shades of Jackson! Was ever a United States President so shameless in his devotion to bank corporations and so false to the people who have honored him?

honored him?

He further "recommends prompt legislation to complete the funding of the debt which is about to mature"—not to pay it; and here is the bill for that purpose.

These measures, if adopted, would prevent the payment of the published by the property of the payment of the right.

lie debt by depriving us not only of money to pay it, but of the right to pay it, and would largely increase it. They show the utter insin-cerity of the leaders of the republican party when they profess a pur-pose to pay it. For the people before election; for the bankers after election

This bill is the natural outgrowth of the English spirit of caste and snobbery, which is rapidly developing here. The same spirit which we find asking for life-Senators to govern the people, without being responsible to them, demands permanent interest for an aristocracy of fund-holders from our Treasury. This refunding bill would add, as now proposed, over \$300,000,000 to the public debt in interest obligations that the state of the state of

or fund-holders from our Treasury. This refunding bill would add, as now proposed, over \$300,000,000 to the public debt in interest obligations that must be paid before the principal could mature. This effort to perpetuate and increase our bonded debt is an effort to pinch with famine the men that feed the world, to make an Ireland of the Northwest and the South. It is the English system of degrading and enslaving labor adopted here. The English 3 per cent. debt has drawn over \$12,000,000,000 from the people in interest.

Farmers of the Northwest, planters of the South, here is the republico-democratic scheme for selling you out. Here is the reward you get for your sectional, bloody-shirt fight. Not only your labor but that of your children is to be sold by a combination of the Eastern democrats and republicans to the capitalists of the country, because they refuse to call in the national bank notes, apply the useless heap of coin in the Treasury, impose a tax upon large income and pay this debt at once. But then the "honor" of the country, we are told, demands that you shall be sold out. "Honest money" (i. e., national-bank money) demands the sacrifice on your part. Wall street financiers and political quacks all insist and now for the sale.

Here is practically the advertisement which the gentleman from New York [Mr. Fernando Wood] and the committee he represents propose this Congress shall put out to the world:

Rothschilds, Vanderbilts, national bankers, and others,

Rothschilds, Vanderbilts, national bankers, and others,
Take notice! Who speaks first!

To be sold at the Treasury! over three hundred million dollars' worth
of the future labor of the people of the United States to

any syndicate for the use of gold or silver coin or greenbacks or national bank notes!

Government will collect from the people, with the Army and Navy, if necessary, taxes to this amount, and pay in quarterly

installments for the next twenty years.

N. B. Ninety per cent. of the purchase-money will be returned upon lawful application in national-bank notes, so called, issued by the Treasury, guaranteed by the credit of the people and a partial legal tender!

My colleague [Mr. PRICE] introduced a bill to abolish the two-cent stamp upon bank-checks, and his argument yesterday was that this tax was a war measure, and therefore should be abolished. This tax was a war measure, and therefore should be abolished. This same argument was used against the income tax which was abolished and against many other taxes that have been repealed. I wish to remind the House that these bonds were a war measure only, and therefore should be abolished. They are the black monument to commemorate, like a horrid nightmare, that fratricidal war; and in the name of peace and unity and brotherly love, in the name of our common country, I demand that they be abolished forever.

The pending substitute for this refunding bill which I had the honor to submit proposes to pay these bonds, not to reissue them: to reduce

The pending substitute for this refunding bill which I had the honor to submit proposes to pay these bonds, not to reissue them; to reduce the interest, not to 3 per cent., with exemptions from taxes and other advantages, but to reduce it to nothing. It proposes to end dangerous monopolies, not to foster them. It restores to the people the highest prerogative of sovereignty, the direct issue of all the money. It divorces the political from the money power. It converts bank-notes into greenbacks, and thus enables us to pay \$344,000,000 of these bonds at once, without increasing our currency, without taxation, and without injustice. Section 64 of the national-bank act provides "that Congress may at any time alter, amend, or repeal this act." My bill reimposes the income tax upon large receipts, thus compelling the wealthy to help lift this load. realthy to help lift this load.

If adopted, it would be the second emancipation proclamation to the people from the slavery of usury and the domination of banks. It utilizes most of the idle money in the Treasury and sends it out to bless the country and relieve the great stringency in the money mar-

Such a famine for money exists in our great money center, New York City, that it has recently commanded 100 per cent. interest, and I clip from last evening's paper a statement that some bankers are begging for a new kind of paper money:

Application was made last week to Comptroller Knox by certain New York banks that they be allowed to use assay office receipts as part of their reserve in order to relieve the money market.

In the face of this alarming condition of things we are as indifferent as a Chinese god, and talking about issuing more bonds, instead of paying them off and supplying business with its vital breath—

of paying them on and supplying business with the real money.

My bill is drawn in the interest of labor, of business, of the people. It would pay these bonds as follows: with \$344,000,000 of greenbacks issued in place of national-bank notes retired; with \$150,000,000 of useless coin now hoarded at an expense to tax-payers of over \$6,000,000 per annum. The remaining \$150,000,000 would be paid from surplus revenues and income taxes in less than two years.

I appeal to members of this House, without regard to party, to sustain my substitute and vote down this scheme to issue 20-40 bonds. I believe the men who lend themselves to this measure will be held to strict account by their outraged constituents.

Mr. Chairman, I oppose this refunding bill because it conflicts with free institutions, because I am unwilling this Government should continue to collect taxes for the support and emolument of private citizens. I oppose it because it subserves the few at the expense of the many, and is a proposition to issue letters of marque against our own many, and is a proposition to issue letters of marque against of whi people. I oppose it because it places a premium upon idleness and a tax upon industry. I oppose it because I am unwilling to see the next generation of toilers mortgaged in advance to the Floods, Vanderbilts, and others. I oppose it because it will build up caste and derbilts, and others. I oppose it because it will build up caste and classes in American society—for every bond is a patent of nobility—and because there is no excuse, no necessity whatever for it. I oppose it because it is designed as a corner-stone to be placed under that fungous outgrowth of war and debt, the national-banking system. I oppose it because I want the ninety-odd millions of interest now extorted annually from the people for bondholders used to build national railroads and ship-canals, to furnish our vast commerce the cheapest possible transportation. I oppose it because I wish to overthrow that combination of bankers and gamblers who now at pleasure create a money famine, and force interest rates to 100 per cent. in New York City and ruin business men. I oppose it because I hear the millions of freemen calling to us to block the wheels of this modern car of Juggernaut in the name of justice and humanity. I oppose the millions of freemen calling to us to block the wheels of this modern car of Juggernaut in the name of justice and humanity. I oppose it because all history raises its warning voice and bids us beware of the quicksands which have ingulfed others. I oppose it because Washington, Jefferson, and other early statesmen warned us over and over against this folly—this danger to our liberties. I oppose it because unless these bonds are paid now and a different policy adopted other wars are likely to afford the excuse for plunging us into hopeless debts. I oppose it because I believe it to be the policy and purpose of the bank party to fund these bonds out of our reach and then insist upon using our surplus revenue to take up and destroy the insist upon using our surplus revenue to take up and destroy the greenback, as urged by the President in his message.

I yield now the remainder of my time to my colleague, [Mr.WEAVER.]

The CHAIRMAN. The gentleman has thirty-five minutes of his

time left.

Mr. WEAVER. Mr. Chairman, if it be in order, I would like to reserve my time and speak on another occasion, with the consent of the committee. I am not fully prepared now, and if other gentlemen present are, as I presume they are, I hope I may be permitted to retain the time until some other occasion.

The CHAIRMAN. The Chair has grave doubts whether that privilege can be extended to the gentleman except by unanimous consent.

Mr. WEAVER. I hope unanimous consent will be given.

The CHAIRMAN. Is there objection to the request of the gentlemen from Jowa?

man from Iowa

There was no objection.

There was no objection.

Mr. MILLS. Mr. Chairman, if there is no one else who desires to address the committee, I move that the committee now rise.

Mr. ATHERTON. Mr. Chairman, as to the last matter determined by the committee in reference to the request of the gentleman from Iowa [Mr. Weaver] I wish to ask, can the committee sitting now bind any future committee by its action as to the question of allowing a member the right of the floor?

Mr. HARRIS, of Virginia. I think the committee ought not to rise in the temporary absence of the chairman of the Committee on Ways and Means. He will be here in a moment.

The CHAIRMAN. A messenger has been dispatched for the chairman of the Committee on Ways and Means. In reply to the gentleman from Ohio, [Mr. ATHERTON,] the Chair will state that he entertains very grave doubts as to the power of the committee now to bind the action of the committee at a subsequent sitting as to debate.

Mr. FINLEY. I do not think the Committee of the Whole can bind the committee hereafter by that sort of arrangement. To obviate

Mr. FINLEY. I do not think the Committee of the Whole can bind the committee hereafter by that sort of arrangement. To obviate any difficulty, I ask unanimous consent that the gentleman from I owa [Mr. WEAVER] have leave to print his remarks.

Mr. WEAVER. The gentleman is very kind.

Mr. FINLEY. I do not charge anything for the suggestion.

Mr. FERNANDO WOOD, (having just entered the Hall.) If there is no gentleman present who is ready to continue the general debate, I move that the committee now proceed to the consideration of the hill by sections. bill by sections.

Mr. MILLS. I hope the gentleman from New York will not attempt to force the House at this time to a vote on so important a bill.

Mr. FERNANDO WOOD. I do not intend to permit a few members of the House, less than one-twentieth of its members, to force the House and control this bill. But I am quite willing the House

itself shall dispose of it. There are two ways of defeating a measure. One way is to vote it down; another is when those who desire to defeat a measure are not ready, and ask the House to delay action until they are ready. The gentleman from Iowa who held the floor obtained it for one hour. If he is not prepared to occupy his hour, any other gentleman who desires to speak is entitled to the floor, if the Chair recognizes him. But if nobody is ready to continue the general debate, it is my right and my duty to move that we now proceed to the consideration of the bill by sections.

Mr. MILLS. The gentleman from New York [Mr. Fernando Wood] need not lecture me about the rights of which I avail myself on this floor; and he ought not to permit his zeal to serve the syndicates and bankers in Wall street to lead him so far as to insult a member on this floor who is asking this House to give a grave and deliberate consideration to a great question, the passage of a bill which amounts to no less than to condemning the generations that are to come after us to the slavery of a perpetual debt to satisfy the godless greed of the men in Wall street, whom the gentleman represents. I stand here to resist it, and notify the gentleman from New York, when he says he does not intend to permit a few gentlemen in this House to control this bill—I tell him he shall not force this measure so long as the Chairman of this House maintains the parliamentary rights I have as a member of this House maintains the parliamentary rights I have as a member of this House. I have some parliamentary rights House before the gentleman shall prostrate this whole House in this House hefore the gentleman shall prostrate this whole House in this House hefore the gentleman shall prostrate this whole House in this House hefore the gentleman shall prostrate this whole House in the shall not force this measure rights on this floor, and I shall exercise every power known to the rules of this House before the gentleman shall prostrate this whole House in submission to the endless demands of Wall street.

submission to the endless demands of Wall street.

I move to strike out the enacting clause of the bill.

Mr. FERNANDO WOOD. In reply to the gentleman from Texas, I doubt whether anything I have said can be construed by that gentleman or the House into any personal allusion to himself. I had notice served on me by the leader of a very small party in this House that every parliamentary stratagem and right they could possibly command they would make use of to prevent the passage of any funding bill.

Mr. WEAVER. And I now renew that declaration in the presence of the whole House.

Mr. FERNANDO WOOD. Vary wells, if the continuous from Level.

Mr. FERNANDO WOOD. Very well; if the gentleman from Iowa will assume that position openly in the presence of the House for himself and those who act with him, upon their heads rests the responsibility.
Mr. WEAVER.

Mr. WEAVER. Let it come.
Mr. FERNANDO WOOD. But let me say, so far as I am concerned,
I am not connected directly or indirectly in the remotest degree with
any Wall street brokers or with any selfish interests. I am controlled
by a majority of the Committee on Ways and Means, who have reported this bill to the House in pursuance of an imperative public

necessity, which compels me, and, in my judgment, compels every member of this House to lay aside every other question in order to reach a conclusion upon this bill.

I am not wedded, Mr. Chairman, to the details of this bill, but I feel the necessity of passing some bill that will enable the Government to maintain its honor and its credit; a bill that will enable the Government to redeem the bonds that mature next summer without in any way dishonoring our creditor impairing that high position we now hold before the nations of the world. I am acting, therefore, in pursuance of what I feel to be our duty and of what is demanded by every consideration of justice and right, when in every way I can I press a speedy conclusion of this question.

I renew my motion that we proceed to the consideration of the bill

by sections for amendment.

Mr. BLAND. Mr. Chairman, I cannot imagine why the gentleman from New York desires so strenuously to press his bill at this time.

Mr. FERNANDO WOOD. I have just told the gentleman and the

House why I do so.

Mr. BLAND. It is well known that nearly one-half of the members of this House are not here, and no doubt there are gentlemen now absent who desire to be heard on this measure. At the instance of the gentleman from New York [Mr. Fernando Wood] this House but a short time ago voted for a two weeks' recess, and members living at a distance from the capital, in order to have a little time to remain at home, have already gone, and there is hardly a quorum present. And now, sir, when there is scarcely a quorum in this House it is not, in my opinion, proper to press an important measure of this sort. Let it go over until after the holidays, until gentlemen have had time to reflect on the subject and investigate, and until a full

House can be had to vote on it.

So far as I am concerned, and I think I can speak for many absent members, I believe that this bill looking to the perpetuation of the public debt will not meet the approbation of the people whose representatives are absent. And on behalf of them and of the great body of the tax-payers of this country, who look to the wiping out of the national debt some time, I enter my protest against trying to force this measure through the House when there is scarcely a quorum

present to vote on it

Mr. FERNANDO WOOD. I have not asked that a vote be taken on the bill now. I acquiesce in the action of the House refusing to put a limitation on the debate. I am quite ready to let this debate run on just as long as any member is prepared to speak upon the bill. But in view of the great importance of this question I am not willing to adjourn from day to day during this short session of Congress in order to give gentlemen an opportunity to prepare speeches on this If no man is ready to go on now, I am ready to consider the bill

section by section.

I will say further that on the last yea-and-nay vote which we have had there were thirty more than a quorum of members answering to their names. Now, with thirty more than a quorum, for us under the retense of the want of a quorum to refuse to debate this bill is some thing astonishing. I am surprised at the ground taken by gentle-men. While I will not attempt to control the action of any member of this House, because each member is responsible to his own constituents, I feel it to be my duty in season and out of season to impress upon the House the gravity of this question and the imperative necessity of the action of Congress upon it before the 4th day of March next

I desire to say, as a member of the Committee on Ways and Means, that in my judgment the chairman of that commit-tee [Mr. Fernando Wood] has not failed to do his whole duty with

tee [Mr. Fernando Wood] has not failed to do his whole duty with regard to the pending bill.

The Secretary of the Treasury in his report, submitted in December, 1879, urged in very strong language the importance of early action in view of the maturing of these bonds in 1880 and 1881. The Committee on Ways and Means prepared a bill and reported it to this House at its last session, and action upon it was urged again and again by the chairman of that committee. Perhaps it was fortunate for the country that action did not then take place, but the chairman of the committee was only carrying out the wishes of the Treasury of the committee was only carrying out the wishes of the Treasury of the committee was only carrying out the wishes of the Treasury of the committee was only carrying out the wishes of the Treasury of the committee was only carrying out the wishes of the Treasury of t man of the committee was only carrying out the wishes of the Treasury Department and the instructions of his committee.

The bill was spoken to by very many members on each side of the House during the last session of Congress. Action was not then taken upon it, and it comes over now to this short session. A bill should be passed by the 1st day of February next. The gentleman from New York [Mr. FERNANDO WOOD] has been urging its consideration

almost every day of the present session of Congress.

As the gentleman has said, this is a very important question. There will become due prior to the 1st day of July next \$637,000,000 of bonds. To redeem those bonds three months' notice must be given. One-third of those bonds will become due in May next. It is important that this or some similar bill shall pass in order to meet these bonds when they shall become due. those bonds when they shall become due.

We are now here in Committee of the Whole, the whole House has understood that we were to go into Committee of the Whole as soon as possible to consider this bill. We are now in Committee of the Whole for the purpose of considering it. The gentleman from Texas [Mr. MILLS] speaks very strongly against the passage of this bill. He does not attempt to address the committee upon the merits of the bill. he does not attempt a graph of the bill.

of the bill; he does not arge any argument against its passage. The

Is snow open to debate.

I stand here to say that the chairman of the Committee on Ways and Means has done his duty and has done nothing less than his duty in regard to this matter, and I am unwilling to hear him found fault with by the House for what he has done. He has represented the wishes of the Government in trying to secure early and definite action upon this subject. We have two days remaining before the holiday recess. Why does the gentleman from Texas criticise the chairman of the Committee on Ways and Means and the committee itself? If he has any argument to make against this bill, let him

Last year when this bill was reported it fixed the rate of interest on the bonds to be issued under it at 3\frac{1}{4} per cent. per annum. The chairman of the Committee on Ways and Means is now under instructions from his committee to move an amendment reducing that rate of interest from 3½ to 3 per cent., and also to increase the volume of Treasury notes to be issued under the bill from \$200,000,000

There never was a time in our history when our credit was what There never was a time in our history when our credit was what it is now. There never has been an hour befere when we could dispose of this large volume of bonds so readily as at the present time. Yet we linger in our action here, although this large volume of maturing bonds is on our hands, with a seeming inability to meet the emergency of the hour. I do not see why men on either side of the House should quarrel with this great fact staring us in the face. We must either take care of these bonds or continue to pay 6 or 5 per cent. interest on them. We will not represent our constituents if we permit this session to close without making some provision for the payment of these bonds.

I am not in favor of this bill in all respects. I think we might well increase the volume of Treasury notes to be issued under the bill from \$200,000,000 to \$400,000,000. But I am not willing to issue any quantity of bonds greater than \$637,000,000, the quantity that will be outstanding after this year's surplus shall have been used for the re-

demption of those bonds.

We may well congratulate ourselves and the country upon the great progress which we have made during the last year, the great reduction of the national debt, amounting to nearly one hundred millions of dollars, and the increase of our credit so that nobody now doubts our ability to place 3 per cent. bonds, and even 3 per cent. 2-10 Treas

ury notes. I was surprised at some of the remarks of the gentleman from Iowa, [Mr. GILLETTE.] I will not stop to answer them now, but if his speech shall appear in the RECORD to-morrow, I will take a few minutes to answer some of the wild and strange declarations made by the

gentleman touching the pending bill. He has read his bill; he has not read the bill of the committee.

I rose, however, simply to uphold and sustain the hands of the chairman of the Committee on Ways and Means, who is doing his whole duty and nothing less than his duty in urging action upon this bill.

Mr. RANDALL, (the Speaker.) I do not believe there is any bill which we can consider at this session of Congress more important than the one now under consideration, and I do not believe that there are ways any born of this Heave who would be a present the interior are many members of this House who really desire to prevent legislation upon this subject. We want to legislate, and in my opinion we will legislate upon this matter. We are not bound to wait from day to day for gentlemen who want to speak by the hour. It is their duty to be here and to avail themselves of the disposition manifested by the House to-day to give them the opportunity under the rules to speak upon this bill, and to speak by the hour if they desire so to do. The consideration of this bill should not be procrastinated because such gentlemen absent themselves. If they are not here it is their own fault; and public business should not be delayed in consequence. It is desirable that we should proceed to consider this bill under the five-minute rule.

There are many provisions in the bill, as reported and printed, to which I cannot give my support. I agree with the gentleman from Minnesota [Mr. Dunnell] in the suggestion that if we are to have what I might denominate a call-bond running from two to ten years, we can make such loan in larger amount than this bill proposes. It will be observed the Secretary of the Treasury states in his last report that during the next ten years as he believes there can be and should be taken up \$520,000,000 of public indebtedness to go to the credit of the sinking fund. I would like to see the difference of opinion as to this character of legislation between the East and the West reconciled as far as possible. I would like to see an agreement that the larger part of the indebtedness falling due next July shall be met by a call loan running from two to ten years. The figures given by the Secretary of the Treasury show that the amount which should be placed to tary of the Treasury show that the amount which should be placed to the credit of the sinking fund varies from \$40,000,000 to \$60,000,000 yearly from 1882 to 1891, inclusive. We could provide in this bill that the first year \$40,000,000 should be paid to the credit of the sinking fund; the second year \$45,000,000; the next three years \$50,000,000 annually; the next three years \$55,000,000 annually; and the last two years \$60,000,000 annually. We would in this way get clear of an existing objection on the part of some to a long bond. If the Secretary of the Treasury can handle, as I do not doubt he can, \$520,000,000 or thereabout of these call-bonds, then there will remain but \$100,000,000 to be placed as a permanent loan at 3 per cent.

but \$100,000,000 to be placed as a permanent loan at 3 per cent.

I think, myself, from examination, that \$600,000,000 in the aggregate will be a sufficient amount for us to provide for by legislation. gate will be a sufficient amount for us to provide for by legislation. There is to be paid on the 31st of December, 1820, \$13,414,000 on account of the loan of February, 1861; and the Secretary of the Treasury states he has the money to meet that requirement. In July next there will be redeemable in the aggregate \$672,224,800 of bonds.

Mr. HATCH. Will the gentleman be kind enough to state to the House what portion of that \$672,000,000 is due or payable at that time, and what portion is redeemable at the pleasure of the Government.

ment?
Mr. RANDALL, (the Speaker.) It is practically all in one shape. It is redeemable then or at any time thereafter, at the pleasure of the Government. The Secretary of the Treasury tells us that from money now in the Treasury he can pay \$50,000,000 of the amount, thus reducing the aggregate amount to \$622,224,800 that we must provide for by legislation. I believe it will be found, after a careful examination of the resources of the Treasury, that we can go further and pay to the extent of \$72,224,800, and that we need not provide for more than an issue of \$620,000,000, to include both the proposed call Treasury

an issue of \$600,000,000, to include both the proposed call Treasury notes and bonds, both at 3 per cent. per annum.

In this bill I would like to provide, if possible, as an auxiliary to this legislation, that the national banks shall be compelled to deposit entirely in 3 per cent. bonds the amount required by them to be deposited in the Treasury as a protection for the holders of their circulation. I am not quite sure whether such a provision would interfere with a seeming contract with the banks. I am not quite certain whether we have the power by a law to change the requirement as to whether we have the power by a law to change the requirement as to the form of the securities to be placed by the banks in the Treasury as a protection to the note-holders and indicate a particular bond at a particular rate of interest. If upon examination it be found that we possess this power, then I would like so to legislate that the entire \$359,000,000 of bonds held by the Treasury of the United States as security for the circulation of the banks shall be exclusively in the 3 per cent. indebtedness now to be issued. Thus we would make an immediate market for those bonds to the extent of \$359,000,000 from that source. The Secretary of the Treasury tells us that of the bonds falling due on the 1st of July next \$200,000,000 are held by the banks. As to this amount, there would be no difficulty; but I would prefer to go further and say to the banks, "We propose now by legislation to change the character of the guarantee which the people have in the deposit of bonds for the national-bank circulation; and instead of depositing 6 per cent., 5 per cent., 4½ per cent., and 4 per cent. bonds, you shall make your entire deposit in three percents." Should the banks accept this condition, they could with much more equity come forward and ask a reduction in the amount of taxation on their circulation. circulation.

Mr. HISCOCK. Will the gentleman allow me to ask a question?
Mr. RANDALL, (the Speaker.) Certainly.
Mr. HISCOCK. What would be the result in the event that the

banks refused to accept that condition?

Mr. RANDALL, (the Speaker.) I have observed that the banks study, as other people do, their interests, and I believe that it will be the interest of the banks to have this deposit of bonds for the protection of the note-holder placed permanently in the form of bonds bearing 3 per cent. interest. I think I speak for the banks of Philadelphia when I say that they would be willing to promote as far as they can under the law this form of deposit.

Mr. BUCKNER. Does the gentleman from Pennsylvania suppose that the banks would be willing to take these three percents in lieu of the four-and-a-half or four percents that they now hold?

Mr. RANDALL, (the Speaker.) I think that they will. As to \$200,000,000 of the bonds falling due in May and July, 1881, and at present held by the banks, they naturally would, and as to other bonds hearing a higher rate of interest. Thus we would immediately make a market for our 3 per cent, bonds. The banks would at once

make a market for our 3 per cent. bonds. The banks would immediately make a market for our 3 per cent. bonds. The banks would at once become large purchasers, and other capitalists would follow their example. The entire amount of the indebtedness of the United States held by the national banks, State banks, savings-banks, and private bankers can be stated at more than \$630,000,000.

held by the national banks, State banks, savings-banks, and private bankers can be stated at more than \$630,000,000.

Mr. EINSTEIN. Will the gentleman allow me to make a suggestion in support of his argument?

Mr. RANDALL, (the Spenker.) Cheerfully.

Mr. EINSTEIN. In my opinion it is more to the interest of the national banks to deposit 3 per cent. bonds as security for their circulation than to deposit higher-priced bonds—4 per cent., 4½ per cent., or 5 per cent. bonds—which sell at a much higher premium. In other words, they will in this way have to deposit less security for their circulation than if they are required to deposit less security for their circulation than if they are required to deposit higher-priced bonds selling at a higher premium in the market.

Mr. RANDALL, (the Speaker.) The gentleman from New York [Mr. EINSTEIN] well states it. As I said a moment ago, the banks will naturally, as fast as they can, dispose of bonds for the purpose of deposit on circulation, bearing the higher rate of interest at whatever premium they will command in the market, parting with them at different periods so as not to depress the principal value of those bonds. It is, I deem, the best policy to be pursued by this Congress to pass such a refunding bill as will provide an auxiliary power in behalf of the Government to place the new indebtedness so as to make it the interest of the banks to buy these 3 per cent. bonds.

As I was going on to say when interrupted, there is now held by the national banks, state banks, savings-banks, and private bankers more than \$630,000,000 of the public debt. It is so invested by them.

As I was going on to say when interrupted, there is now held by the national banks, state banks, savings-banks, and private bankers more than \$630,000,000 of the public debt. It is so invested by them for security as the safest place in which to deposit it beyond all the contingencies of trade and commerce, and I believe the banks of the country, just as they did at the beginning of the war, will promptly come forward and secure for these 3 per cent. bonds, an early taking,

country, just as they did at the beginning of the war, will promptly come forward and secure for these 3 per cent. bonds, an early taking, so far as they are able.

There is one further remark I desire to make. In my judgment there is no earthly reason why the United States should not borrow money at as low a rate of interest as any other of the civilized nations. We have the ability, which is an important fact for the investor to know, and we have the disposition to meet principal and interest of our debt. England borrows money at 3 per cent., and is now trying to reduce the rate of interest to 2½ per cent.; and yet England confessedly never expects to pay the principal of her public debt, and has sometimes a struggle to meet the interest upon it. Holland borrows money at less than 3 per cent., a fact which I think the gentleman from New York, [Mr. Fernando Wood,] chairman of the Committee on Ways and Means, will corroborate. There is therefore no good reason why United States securities should not have a superior credit to those of any other nation, or why United States bonds should not stand at the head of all governmental securities. What we ought to do concerning the previsions of a refunding bill at this time is precisely what any good business man would do in the management of his own affairs, that is, borrow money in manner where we can borrow it at the lowest rate of interest.

I come now to touch another point. I find in this bill a re-enactment of various laws in connection with the past funding of the public debt, laws passed under totally different condition of things, and in reference to which there has been, to my mind, some abuse. If there is in any of these laws which are proposed by this measure to be re-enacted and given fresh force and effect anything which provides for the payment of a commission for the disposal of these new bonds which are to be issued, then I for one want to know it. We ought to

the payment of a commission for the disposal of these new bonds which are to be issued, then I for one want to know it. We ought to know before we are called upon to vote upon the proposition whether the re-enactment of any of the laws alluded to renews the payment

of any such commission.

Mr. FERNANDO WOOD. With the permission of the gentleman from Pennsylvania, I will say that the general clause in the first section of the bill reported by the committee provides that the regulation of the details under which the Secretary of the Treasury was authorized to have printed and to dispose of the bonds authorized by the act of 1861 shall apply to these new issues. In those laws there was a provision that the Secretary should be allowed † per cent, which included the cost of the preparation of the bonds as well as the

commission to be paid to syndicates and others through whom he negotiated the sale of the bonds. In this bill we make one-fourth of 1 per cent. as the amount allowed to the Secretary for the disposal of the bonds, which does not include the cost of the preparation of the

of the bonds, which does not include the cost of the preparation of the bonds themselves.

Mr. RANDALL, (the Speaker.) I do not believe in re-enacting any such law. I do not see any propriety or any necessity on the part of the United States Government paying any commission. Let the purchaser pay the broker commission.

Mr. CLAFLIN. The Secretary claims the cost of engraving and printing will amount to one-fourth of 1 per cent.

Mr. RANDALL, (the Speaker.) Then let us realize that it is for engraving and printing, and appropriate for that object; but do not provide for the payment of any commission. I believe the payment of commissions by the Government has led to a large and unnecessary expense.

of commissions by the Government has led to a large and unnecessary expense.

There is another feature in reference to which I should like to make an inquiry of the gentleman from New York, and that is, whether in any law which it is proposed by this bill to re-enact there is any provision for the double payment of interest in any case?

Mr. FERNANDO WOOD. This bill guards and protects the Treasury in that regard. The practical operation of it, if it should become a law, would be that the holder of 5 or 6 per cent. bonds, if he chooses to surrender them before the maturity of the bonds and take 3 per cent. bonds in exchange for them, that then the difference of interest between the bonds shall be adjusted so as to make it exactly equal; in other words, that the purchaser of the new bond shall not acquire any double or additional interest beyond the legitimate interest due upon the bond which he relinquishes. That I understand to be the operation of the provision contained in this bill in that regard.

Mr. RANDALL, (the Speaker.) I have never been able to find out from the Treasury Department the amount of money paid in the way of double interest. There was during 1879 refunded about \$740,000,000 of the debt of the United States. I learn from a report of the Bureau of Statistics of the Treasury Department, and issued under the authority of the Secretary of the Treasury, that in 1879 there were \$83,773,778.50 of money due to bondholders according to the rate of interest on the face of the bonds, and yet on a prior page of that same report I find there was actually paid on account of interest during that same year \$105,327,949. The difference is \$21,554,170.50. I can account for a part of this difference. I find there is not included, the amount of interest paid on account of Pacific railroad bonds, which is \$3,800,000, or thereabout. I do not know what amount of commission was paid on the \$740,000,000 exchanged or redeemed during the said year; but at one half of 1 per cent., the highest commission allowed is \$3,500,000, or thereabout. I do not know what amount or commission was paid on the \$740,000,000 exchanged or redeemed during the said year; but at one-half of 1 per cent., the highest commission allowed by law, it would only be \$3,700,000, and the two together would make \$7,500,000, or thereabout.

There is still an amount of over \$14,000,000 that I cannot account

for in any other way than as having been paid out on double-interest account during that year. This is a large sum. Perhaps the gentleman from New York can tell me what amount of interest was paid in 1879 under the head of double interest.

Mr. FERNANDO WOOD. No; I cannot answer that question. I

am not informed as to the exact amount. I have been trying to get

am not informed as to the exact amount. I have been trying to get the information from the Department.

Mr. RANDALL, (the Speaker.) This, Mr. Chairman, is a matter connected with the formation and passage of this bill which should be looked to in the most careful manner; and we should provide in some way absolutely that there shall not be any payment of deable interest. The interest should cease upon one bond as soon as another bond is issued to replace it.

I have been induced to make these remarks not in the light of criticism upon the bill, but simply in a way suggestive to the Committee on Ways and Means, in order that they may proceed to make such investigations into the subject to which I have directed their attention as will make this bill in accord with the necessities of the Governtion as will make this bill in accord with the necessities of the Government, and satisfactory so as to secure a favorable public judgment. I want, Mr. Chairman, to facilitate the Government in its refunding operations in every possible way. There is not, as far as I believe, and as far as I have been able to learn, any considerable number of members of this House who do not want every necessary legislation enacted to meet these bonds in July, and we shall fail in our duty if we onit providing a satisfactory manner of meeting them. enacted to meet these bonds in July, and we shall fall in our duty it we omit providing a satisfactory manner of meeting them. In that connection I want to say to the gentleman from New York that the three months' notice required, and of which he spoke, does not arrive until the 1st of April.

Mr. DUNNELL. Let me correct the gentleman from Pennsylvania. The great body of these bonds becomes due on the 1st of May—\$468,000,000 of them, or about two-thirds of the whole debt, become due on the 1st of May, as is shown by the report of the Secretary of the Treasury.

Mr. RANDALL, (the Speaker.) They are not actually due at that time, because there is the power of option which exists so that the

bonds may run for a longer period.

I thought the Secretary of the Treasury indicated the 1st day of July as the day on which these payments would be made.

Mr. WARNER. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. RANDALL, (the Speaker.) Certainly.

Mr. WARNER. These bonds that mature on the 1st of May or the

30th of June, or rather become redeemable at the option of the Government at these dates, become then redeemable, as I understand the law, according to the terms of the bond, and it is not in that case necessary to give the three months' notice.

Mr. FERNANDO WOOD. I think the gentleman is entirely mistaken. The last clause of the third section of the act of 1870 makes

taken. The last clause of the third section of the act of 1870 makes it the duty of the Secretary to give three months' notice before option arrives that interest upon the bond shall cease.

Mr. SPARKS. That is the option bond?

Mr. FERNANDO WOOD. All of these are option bonds. The 5 and 6 per cent, bonds are option bonds, the Government having the

option to continue them for a longer period.

Mr. RANDALL, (the Speaker.) There is another matter in connection with the past issue of bonds and their sale that I think should be a subject of careful inquiry and be guarded against in some way in framing this bill, and that is in reference to the time allowed for the exchange or sale of the bonds and the manner in which the brokers or the syndicate obtained control of them for disposition. I am advised by gentlemen whom I believe to understand all the details of the transaction, that between the time when the Government placed the \$740,000,000 of bonds sold in 1879 in the hands of the syndicates and bankers for sale and the time that the Government had the right to compel payment in money by the syndicates and bankers, the syndicates and bankers so manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that there was a large predicates and bankers to manipulated them that the graph that the dicates and bankers so manipulated them that there was a large premium which fell to the syndicates and bankers by the increased value of the bond in the intervening time. I will illustrate: We handed to the syndicates or bankers, or anybody buying the bonds, bonds. The interest on the old bond kept on, and in the mean time, before the United States Government had the power to call upon those parties taking the new bonds for the money, the new bonds had largely increased in value and commanded a premium in the market. This premium was not a source of profit to the Government, but was, as I am informed, a large source of profit to the syndicate and bankers. I would like if possible in the handling of these bonds, if the Secretary of the Treasury had the power under the proposed law to enable him, as the bonds gradually increased in value in the markets above par, in some way to reap the benefit of this premium for the Government of the United States, and not let such advantage or profit go to parties purchasing our bonds. ties purchasing our bonds.

A MEMBER. The bonds to which the gentleman refers were sold

Mr. Manual.

Mr. RANDALL, (the Speaker.) They were technically sold, I know, at the time the Government lost possession of them, yet the bankers were not required to pay the Government until a time when in fact a large premium accrued, and the Government derived no benefit from the increased value of her own indebtedness.

In conclusion let me say that in this bill I want to provide against, first, the payment of any commissions to banks, brokers, or syndicates; second, double interest, and, third, to so retain the control of the funding operations that if there is any premium it may be received by the Government and go to the benefit of the great body of

the tax-payers and not to the bankers.

These are mere suggestions, and I throw them out simply because when this bill comes up if these matters are properly attended to the interests of the Government will be better protected than they have

interests of the Government will be better protected than they have been under any former law which has been enacted for the funding of our public debt. We ought to know exactly what we are doing by the re-enactment of laws in the manner proposed in this bill.

Mr. ATHERTON. Will the gentleman permit me to ask him a question? I have listened with interest to the discussion upon this subject. My question is this: What is the shortest possible time that we can have these bonds run and still provide this lowest rate of interest? In other words, how short a bond can we make and have it negotiated at par in the markets?

megotiated at par in the markets?

Mr. RANDALL, (the Speaker.) If I understand the Secretary of the Treasury, and I have no doubt that that officer has conferred with the moneyed interests of the country, he can negotiate a 2 10 with the moneyed interests of the country, he can negotiate a 2 10 bond to the extent of \$400,000,000 of Treasury notes at par. He does not distinctly favor a 3 per cent. bond for the balance of indebtedness to be redeemed on May 1 and June 30 next. I think he might be able to go further and place the 2-10 Treasury notes to the extent which he states as the requirement according to law for the sinking fund, which is \$520,000,000 during the next ten years.

Mr. ATHERTON. Is there no reason that can be given, then, why

Mr. RANDALL, (the Speaker.) The reason I think so is, because our bonds, in my opinion, at 3 per cent. are the best governmental securities in the money markets of the world.

Mr. ATHERTON. The gentleman did not permit me to finish my question. It is this: If shorter bonds can be negotiated at par is there any reason why a twenty-year bond should be issued at all?

Mr. RANDALL, (the Speaker.) If I did not thereby weaken the principal value of the bond and did not increase the rate of interest on the bond, they I would prefer to run the bond for a short time and

principal value of the bond and did not increase the rate of interest on the bond, then I would prefer to run the bond for a short time and at the option of the Government.

Mr. ATHERTON. That is the exact point.

Mr. RANDALL, (the Speaker.) But then we have in our past history been led to believe that the banking men of the country do not want to take bonds made payable at short periods; that the longer you want to take bonds made payable at short periods; make the bond run the steadier and more desirable you make the

investment to the man who has money to lend; and consequently the value of the principal of the bond is increased when the time is lengthened. The 4½ per cent. bonds now sell for less than the 4 per cent. bonds, because the latter have from their first issue thirty years

cent. bonds, because the latter have from their first issue thirty years to run, while the former have but fifteen years from their first issue. Mr. WARNER. I desire to call the attention of the House simply to one point. The bonds we are to provide for are redeemable some on the 1st May and some on the 30th June next, but are not payable except at the pleasure of the Government at that date, but may run on indefinitely. Therefore there is no obligation resting upon the Government to provide for the payment of bonds absolutely. The whole question, then, is one of reduction of interest; and I should be willing myself to authorize the Secretary of the Treasury to issue and sell at once all the bonds he can, \$200,000,000, \$400,000,000, or \$600,000,000, enough to fund this whole debt, if he can sel a 3per cent. or a 3pper cent. 2-10 bond; the whole idea being to allow him to reduce the interest as far as possible, reserving the option of the Government to pay at par and to apply the surplus revenue of the Government to the payment of the principal of the debt. I think such a bill could be passed almost any time. I concur with the distinguished gentleman from Pennsylvania in that.

MESSAGE FROM THE SENATE.

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. HILL took the chair

A message from the Senate, by Mr. Burch its Secretary, informed the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. No. 1928) to provide for remitting the duties on the objects of art awarded by the Berlin International Fish Commission to Professor Spencer F. Baird.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1760) amending section 1852 of the Revised Stat-

utes of the United States.

A bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes, of Philadelphia.

A bill (H. R. No. 6593) to provide a standard pedestal to the monument erected in honor of the late Admiral Farragutin Washington City.

FUNDING BILL.

The Committee of the Whole resumed its session.

The Committee of the Whole resumed its session.

Mr. RANDALL, (the Speaker.) The gentleman from Iowa [Mr. WEAVER] desired to ask me a question.

Mr. WEAVER. The gentleman from Pennsylvania has just stated that the capitalist prefers a long bond.

Mr. RANDALL, (the Speaker.) I said that is the history of the past.

Mr. WEAVER. That is the history of the past, and certainly it is the condition of the present. Now the Secretary of the Treasury asks, not to be allowed to issue short bonds, but, as an alternative propesition, that he be allowed to issue twenty-year bonds or 2-10 bonds in his discretion. His discretion will be controlled by the hidders for his discretion. His discretion will be controlled by the bidders for these bonds. He cannot compel any man to take the short bond. He has a discretion. A combination of capital would compel him to issue has a discretion. A combination of capital would compel him to issue the twenty-year bonds in evitably. I am opposed to clothing the Secretary of the Treasury with any more discretion than he has now. His discretion has invariably been used and exercised against the people and in favor of the bondholders and capitalists.

Mr. RANDALL, (the Speaker.) I agree with the gentleman from Iowa that we ought not to give too much discretion to the Secretary of the Treasury, and that is the reason I objected to this sweeping re-enactment of old laws in connection with the future funding of the debt.

Mr. WEAVER. One more point. Some of us have insisted this

Mr. WEAVER. One more point. Some of us have insisted this bill should not be brought to a vote. Between this and to-morrow

bill should not be brought to a vote. Between this and to-morrow there is not enough time for members to examine these sweeping enactments. All we ask is that this should be postponed until after the holidays, when we will have had time to reflect, and the House will be able to act intelligently.

Mr. RANDALL, (the Speaker.) The difficulty about the position of the gentleman from Iowa I think is, that he is not willing to do anything that looks to a permanent debt, or the further exchange of any bond which continues even the present aggregate of the public debt. The truth is we have this debt on our hands, and if we have not the money to pay it off absolutely now, we have to provide for it by new loans in some way. Therefore the gentleman's position is not a practical one, nor does he present a business-like argument that would be applicable to the business either of an individual, a firm, a would be applicable to the business either of an individual, a firm, a

corporation, or a government.

Mr. WEAVER. I cannot understand why it is not.

Mr. DUNNELL. I would like to interrupt the gentleman from

Mr. DUNNELL. I would like to interrupt the gentleman from Iowa [Mr. WEAVER] for a moment.

The CHAIRMAN. Does the gentleman yield?

Mr. WEAVER. I will yield.

Mr. DUNNELL. The gentleman says the Secretary of the Treasury has recommended an alternative proposition providing for the issue of bonds or of Treasury notes.

Mr. WEAVER. Yes, sir.

Mr. DUNNELL. The gentleman is mistaken. The Secretary recommends the issue of bonds and Treasury notes; there is no alternative in the proposition.

Mr. WEAVER. The Secretary is not confined to the one or the other.

Mr. RANDALL, (the Speaker.) He recommends an issue of call Treasury notes to any amount not exceeding \$400,000,000, and he must issue bonds for the remainder of the debt due not placed under call

Treasury-note proposition.

Mr. DUNNELL. The statement of the gentleman leaves the impression that the Secretary might issue the whole amount in Treasury

notes.

Mr. WEAVER. Not at all; the Secretary is clothed with discretion. Now I wish to reply to the remarks of the gentleman from Pennsylvania, [Mr. RANDALL.] He is quite right when he says that I am opposed to any permanent debt. I am, and the gentleman himself would be if he was following in the footsteps of Thomas Jefferson. What I am opposed to is this: the funding of any portion of the public debt beyond the power of the Government to pay it when it pleases. That is my position. In reply to the criticism of the gentleman from Pennsylvania that my argument is not business-like, I wish to say that it is business-like at all times for either individuals or nations to pay their debts when within their power.

Mr. RANDALL, (the Speaker.) But you would issue a note without interest to pass from hand to hand. In other words, you would increase the aggregate of the circulation of the country to meet these bonds, and if you do that you will produce inflation and depreciate values of every description.

Mr. WEAVER. The only difficulty with the gentleman is this: he does not understand the doctrines of the greenback party. [Laughter.]

ter.]
Mr. RANDALL, (the Speaker.) I was in favor of greenbacks before

Mr. RANDALL, (the Speaker.) I was in favor of greenbacks before the gentleman was.

Mr. WEAVER. Yes; I was like Saul of Tarsus, persecuting the saints at the time the gentleman was, like Judas, serving with the Apostles. I am not now in that condition. The resolution which I had so hard a time to get before the House at the last session [laughter] proposed to pay the public debt according to the contract, and in no other way. The greenback party does not propose, nor do I propose, to pay this debt in notes that do not draw interest, unless the holder of the bond desires to take such notes. What we propose is not to fund the debt beyond the power of the Government to pay it.

Mr. ATHERTON. Let me ask the gentleman's proposition: not to fund the debt at all, under any circumstances? Is that not the argument made by his colleague only a few moments ago?

Mr. WEAVER. I am not bound by the argument of my colleague, and yet if I understood his remarks correctly I indorse them most fully. This is the position of my colleague and of myself: the only bonds which the Government now has the right to pay, or will have after the 1st of July next, amount to about \$700,000,000.

Now the party which I have the honor to represent is opposed to taking away from the Government the option of paying the only bonds to which that option now applies. We want to pay those bonds, we want to provide for their payment. We do not want to pay them in greenbacks, either, unless the holder is willing to take them. We are opposed to refunding because the Government has the right and the power to pay, and I greatly mistake the tone of public opinion if the people are not with us.

power to pay, and I greatly mistake the tone of public opinion if the

people are not with us.

Mr. BUCKNER. Pay them in silver.

Mr. WEAVER. Yes; the gentleman from Missouri [Mr. BUCKNER]

Mr. WEAVER. Yes; the gentleman from Missouri [Mr. BUCKNER] smiles at the idea of paying them in silver.

Mr. MORSE. At eighty-three cents on the dollar.

Mr. BUCKNER. No; I am in favor of it.

Mr. WEAVER. The gentleman says he is in favor of it. I am very glad to hear it. There is something very curious about this proposition to pay the debt. Not one gentleman who has debated this question refers to the hoard of silver on hand in the Treasury which can be need for this purpose.

mr. CANNON, of Illinois. Nor to the hoard of gold there.

Mr. WEAVER. Nor to the hoard of gold there, as very properly suggested by the gentleman from Illinois, [Mr. CANNON.] That silver can certainly be paid out without endangering resumption; it is not

held there to maintain resumption

I will never vote for any funding bill which excludes the right of the Government to pay these bonds at any time we have the money; nor will I support any measure that takes from the Government the right to pay these bonds, according to the contract, in standard silver dollars of 412½ grains. It is very marvelous that the leading democrats of the East are found to be in full accord with the republican party of this country when it comes to the consideration of the questions of the end of the great contract operation of the questions.

tion of finance and other great economic questions.

Mr. FINLEY. I would like to ask the gentleman a question, if it will not interrupt him. I understood the gentleman to say that he

will not interrupt him. I understood the gentleman to say that he was not in favor of paying the debt in paper except it draws interest, or words to that effect.

Mr. WEAVER. I cannot understand the gentleman distinctly.

Mr. FINLEY. In short, I understood the gentleman to say that he was in favor of paying the debt in greenbacks. Now, the inquiry I want to make is, whether the gentleman did not at the last session of Congress declare from his place in this House that he was in favor of paying this debt according to the contract, and that the contract permitted its payment in greenbacks?

Mr. WEAVER. No, Mr. Chairman. The gentleman knows nothing

about either my declarations in this House or the doctrines of the party to which I belong if he claims anything of that kind.

Mr. FINLEY. I do not pretend to know anything about the gen-

tleman's doctrines; I only asked whether the gentleman did not say

that last session.

Mr. WEAVER. I have no doubt the gentleman made his canvass upon that error, that blunder, and that is the reason of the lack of

upon that error, that blunder, and that is the reason of the lack of success in his part of the country. [Laughter.]

Mr. FINLEY. I did not hear the remark.

Mr. CLAFLIN. How about the result in your part of the country?

Mr. WEAVER. The success of my party in my part of the country was very marked. The district which I have the honor to represent is only counted republican by seven majority, and they had to put in one hundred and fifty illegal votes to count it that way. There was a republican majority of four thousand when I ran two years ago, and the district remains reliably anti-republican to-day.

Mr. KEIFER. I suppose the gentleman does not want to do him-

Mr. KEIFER. I suppose the gentleman does not want to do him-self injustice. The remark which was made here playfully was un-derstood to refer to the whole party that the gentleman represented

self injustice. The remark which was made here playfully was understood to refer to the whole party that the gentleman represented in the recent canvass.

Mr. WEAVER. Then I will enlarge my remarks to the area of the country. The party which I had the honor to represent in the late campaign polled nearly 400 per cent. of an increase over the vote polled in 1876. At the same ratio of increase, Mr. Chairman, the gentleman from Ohio [Mr. Keifer] will be a loud-mouthed fiatist in four years from now. [Laughter.]

Mr. RANDALL, (the Speaker.) I want to direct the attention of the gentleman from Iowa to an enactment made by Congress before the democrats came into possession of this House—the law known as the "act to strengthen the public credit," by which gold was made the medium of paying the bonds.

Mr. WEAVER. Yes, sir; and the democratic party voted against it. Mr. RANDALL, (the Speaker.) The reason I said in the early part of my remarks to-day that I thought the Government could pay \$72,000,000 of this indebtedness out of the funds in the Treasury was because I find the amount of gold coin in the Treasury is more than \$69,000,000, and of bullion more than \$55,000,000. In my opinion the Government should at once begin to coin that bullion at the rate, say, of \$10,000,000 a month, and by so doing be able to pay out that addition of gold coin. At the same time I would not reduce the amount of money in the Treasury of the Government to such an extent as to endanger the continuance of specie payments. I would not diminish the aggregate amount of money to such an extent as to impair the ability of the Government to continue resumption in spite of any distress in the money market or any financial crash that might happen.

Mr. SAMFORD. What extent would that be?

ability of the Government to continue resumption in spite of any distress in the money market or any financial crash that might happen. Mr. SAMFORD. What extent would that be?

Mr. RANDALL, (the Speaker.) I think it would not be necessary to hold for this purpose anything like the amount now in the Treasury. Mr. SAMFORD. Has the gentleman any well-defined idea as to the amount that would be necessary?

Mr. RANDALL, (the Speaker.) I have only an opinion to express on that subject. The amount of assets in the Treasury, as I understand, is more than \$260,000,000. If I were transacting the business of the Treasury I would not like to reduce its assets below \$160,000,000 to \$170,000,000, in manner as at present accumulated.

Mr. SPARKS. Can we not pay out 50 per cent. of the surplus?

Mr. RANDALL, (the Speaker.) I have examined that subject as a business man, and I believe that the Government can, between now and the 1st of July, pay out of the Treasury \$72,000,000 on account of the bonded indebtedness we mean to meet in July. I think we can safely go to that extent, and that we would still leave the Government in a position strong enough to meet any draught that might ernment in a position strong enough to meet any draught that might

arise from any panic or crisis.

Mr. WARNER. The gentleman will allow me to call his attention to the fact that of this \$260,000,000 of coin less than \$150,000,000

belongs to the Government.

Mr. RANDALL, (the Speaker.) One hundred and forty-four million dollars is the amount.

Mr. CLAFLIN. One hundred and forty-three million dollars of gold, \$12,000,000 of silver, and about \$24,000,000 of fractional currency.

Mr. RANDALL, (the Speaker.) Over forty-seven million of silver dollars, I believe.

dollars, I believe.

Mr. HARRIS, of Virginia. I will ask my friend from Pennsylvania this question: In view of the money now in the Treasury, together with the present income of the Government and its expenditures, what length of time would be required to meet the debt which will fall due between now and July, 1881, if no law be passed at all?

Mr. RANDALL, (the Speaker.) I say that with the amount now in the Treasury, and the surplus constantly accumulating, to which the Secretary of the Treasury directs attention, and which he estimates at \$40,000,000, over and above an excess of the \$50,000,000 which he proposes to use, the Government can pay \$72,000,000 of this indebtedness in ready cash, leaving as the amount of indebtedness to be met on the 1st of July, 1881, only \$600,000,000, and I believe that of this amount possibly \$500,000,000, certainly \$400,000,000, can be placed in these 2-10 bonds, and the balance, whatever it may be, can be put into a permanent loan with proper option at 3 per cent.

can be put into a permanent loan with proper option at 3 per cent.

Mr. HARRIS, of Virginia. How long will it require, without any law being passed, to extinguish the whole of the bonds falling due in 1881 at the present rate of income on the part of the Government?

Mr. RANDALL, (the Speaker.) If the increase during the fiscal year of 1879 from about \$130,000,000 to \$186,000,000 in 1880 in receipts from customs, and the increase in internal revenue receipts of \$12,000,000 in 1880 over 1879 be continued, then it resolves itself into a simple question of mathematics which the gentleman can work out for himself. It would be about \$90,000,000 each year.

Mr. GILLETTE. It would take about six years at that rate to pay

Mr. RANDALL, (the Speaker.) Amounting to \$90,000,000 a year, it would be as \$90,000,000 is to the entire debt, and the quotient would be the number of years it would take to extinguish that debt.

Mr. HARRIS, of Virginia. Would not that be cheaper than to issue a bond running forty years at 3 or 4 per cent.?

Mr. RANDALL, (the Speaker.) There is no well-informed person who proposes to issue a bond at any greater rate of interest than 3

Mr. WEAVER. I wish to call the attention of the gentleman from Pennsylvania to the point where he refers me to the vote of the democratic party when the public-credit act was passed.

Mr. RANDALL, (the Speaker.) I did not refer to the vote, but to

the act itself.

Mr. WEAVER. Not the vote, but the act itself. The act itself does not say gold. It says payment of the public obligations in coin or its equivalent.

Mr. RANDALL, (the Speaker.) The gentleman and I do not disa-

gree about that.

Mr. WEAVER. I hear some gentlemen dispute what I say; but I am correct, having referred to the act itself, and it does say coin or its equivalent. That was the credit strengthening act of March, 1869. That act was voted against solidly by the democratic party in Congress, because the democratic party had just carried on a campaign in 1868 under the declaration that the bonds should be paid in green-

Mr. RANDALL, (the Speaker.) I think the gentleman is mistaken about that. The democrats of the House voted against it upon the ground that it changed the contract then existing and gave a better contract, one of more value to the holders of the bonds.

Mr. ROBESON. Will the Speaker allow me to ask one question?
Mr. REAGAN. The democratic party of 1868 substantially declared that the debt should be paid in lawful money where not required by law to be paid in coin, and that was responded to by the act of 1869 that the whole debt should be paid in coin—should be paid in gold.

Mr. WEAVER. I beg pardon of the gentleman from Texas. It does not say that it shall be paid in gold, but that it shall be paid in

does not say that it shall be paid in gold, but that it shall be paid in coin or its equivalent.

Mr. ROBESON. Undoubtedly.

Mr. WEAVER. That is the language of the act of 1869. The gentleman from Pennsylvania is mistaken as to the position of the democratic party in 1868. He will not deny that the democratic party made its canvass in 1868 on the principle that the bonds should be paid in greenbacks. I hold here in my hand before the House one of the democratic flags printed in the Cincinnati Enquirer office in 1868, when Horatio Seymour was the candidate of the democratic party for President. [Laughter on the republican side.] I will read the legend on that flag, [Laughter and cries of "Read."] This is the banner which the gentleman from Pennsylvania marched under in 1868. in 1868.

Mr. RANDALL, (the Speaker.) And he has been marching ever

since. [Laughter.]
Mr. WEAVER. Yes; he has been marching ever since, and has marched clear out from under this banner. Mr. Chairman, I demand

Mr. BLAND. Where was the gentleman from Iowa himself in

Mr. ROBESON. I wish to ask the gentleman from Pennsylvania

Mr. ROBESON. I wish to ask the gentleman from Pennsylvania this question—
Mr. WEAVER. Where was I in 1868?
Mr. BLAND. Yes; where was the gentleman from Iowa in 1868?
The gentleman in 1868 supported the party which voted for that act. Mr. WEAVER. I know that; but about the time I got converted to the democratic theory the democratic party went back on it. [Laughter and applause.]
Mr. ROBESON. I wish to ask the gentleman from Pennsylvania a question. He says the act strengthening the public credit was passed by the republican party. I want to ask him whether the democratic party in the Senate, led by its finance leaders, did not propose an amendment to that and voted for it solidly that the debt should be paid in coin at the value of that coin at the time the debt should be paid in coin at the value of that coin at the time the debt was contracted?

Mr. RANDALL, (the Speaker.) I say the democratic position was that it changed the contract under which the bond was issued.

Mr. WEAVER. I wish to read to the House the legend on this flag, under which the distinguished gentleman from Pennsylvania marched in 1868.

marched in 1868.

The CHAIRMAN. The House must come to order and gentlemen in the aisles will resume their seats.

Mr. WEAVER. I will read the legend on this flag. "The people demand of the United States payment of the bonds in greenbacks."

Listen to that. [Laughter on the republican side.] "Payment of the bonds in greenbacks. Equal taxation. One currency for the conditions and other securities.

That is a part of the democratic platform of 1868.

Mr. REAGAN. The gentleman knows very well that all but about \$750,000,000 of the debt at that time was redeemable in legal-tender notes.

Mr. WEAVER. The fourth clause of this same platform provides:

Equal taxation of every species of property according to its real value, including Government bonds and other securities.

Government, the people, the laborer, the office-holder, the producer, and the bondholder. For President, Horatio Seymour, of New York." [Laughter and applianse on the republican side of the House.]

Mr. ATHERTON. And the democratic party is true to that ban-

Mr. ATHERTON. And the democratic party is true to that banner yet.

Mr. WEAVER. There is not one word in this legend about a "tariff for revenue only." [Laughter.] That was the position of the democratic party at that time. The gentleman from Missouri says I supported the party that was opposed to that.

Mr. WARNER. Will the gentleman let me ask him a question?

Mr. WEAVER. But upon patient investigation, Mr. Chairman, I found the democratic theory to be right in a qualified form, and just about the time that I was ready to concede that fact and agree to their theories, the democratic ship left its moorings and sailed away on the broad sea from payment in greenbacks to just the opposite harbor. I yield now to the question of the gentleman from Ohio.

Mr. WARNER. I wish to ask the gentleman from Iowa, if he has it at hand, to read the republican platform in the State of Ohio in 1868, as he has read a portion of the democratic platform. It is desirable to have it read in connection with the one he has just referred to. If the gentleman has not the platform, I can send and get it for

to. If the gentleman has not the platform, I can send and get it for

him.

Mr. WEAVER. I have not the platform to which the gentleman refers, nor does it matter in this connection.

I yield now to the question of the gentleman from Missouri.

Mr. BLAND. The gentleman has read a portion of the democratic platform. That platform in 1868 pledged the payment of the 5-20 bonds in greenbacks, according to contract. Now, the gentleman belonged to that party then, and he has held to it ever since until during last session, or after the republican party had changed that contract and had driven, under the laws of this country, the democratic party from that platform on which they stood in 1868. The gentleman from Jowa has no right to read the democratic party a leaving tleman from Iowa has no right to read the democratic party a lecture for having receded from the position it then held in a political plat-form, when the party with which he affiliates has so framed the laws

form, when the party with which he affiliates has so framed the laws as to force it to change its position or else come in conflict with the laws of the land. [Applause on the democratic side.]

Mr. WEAVER. My reply to the remark of the gentleman is that millions of the five-twenties could have been paid in greenbacks long before they were refunded; but the gentleman and his party were discouraged in 1868, and have never renewed their declaration of principles. There are no two platforms of the democratic party four years apart that will tally upon the question of finance; and I propose to show by reading from another platform of principles set forth in another general election—

in another general election—

Mr. BLAND. The gentleman and his party have changed the law, and of course the democratic party could not go contrary to the

Mr. REAGAN. I would like to ask the gentleman a question. Mr. WEAVER. I think I have yielded about enough to gentlemen

for questions

Mr. REAGAN. I only want to put right after what the gentleman has said the fact that after March, 1869, the power was taken away from the democratic party to maintain the position it did in the platform of 1868 unless it would oppose itself squarely to the law of the land and the contract which the Government had made in reference

and and the contract which the Government had made in reference to the payment of the bonds.

Mr. WEAVER. No, sir. The act of 1869 could have been repealed. The new bonds were not funded under the act of 1869, but they were funded under the acts of 1870-71, and there was no effort on the part of the democratic party whatever to repeal the act or make any effort to pay the bonds in the manner they had declared in that platform.

Mr. TOWNSHEND, of Illinois. The democratic party was not in power at that time.

Mr. BLAND. And even in 1871 the

ower at that time.

Mr. BLAND. And even in 1871 the gentleman himself voted to send the republican party into power here, a party which had been committed already to make the bond payable in coin, and when he voted for members of Congress at that time he voted, as he well knew, to make the bond payable in coin.

Mr. REAGAN. I want to ask the gentleman another question. I simply want to get at the facts of the case. The gentleman refers to the act of 1870. Now, he knows very well that when the democratic platform of 1868 was drafted there were some \$750,000,000 of the 5-29 bonds redeemable in lawful money. After the passage of the act of bonds redeemable in lawful money. After the passage of the act of 1869 not one dollar was redeemable in lawful money, but the whole was to be redeemed in coin. Now, that being so, the democratic party could not maintain the platform of 1868 without putting itself directly in opposition to the act of 1869, and therefore putting itself in opposi-tion to the laws of the land.

Mr. WEAVER. I will read the platform of 1868. I have it here:

When the obligations of the Government do not expressly state upon their face or the law under which they were issued does not provide for it, they ought in right and justice to be paid in lawful money of the United States.

That is a part of the democratic platform of 1868.

Mr. REAGAN. The gentleman knows very well that all but about \$750,000,000 of the debt at that time was redeemable in legal-tender

Now, the democratic party raises its voice in favor of an entirely different principle from that which prevailed in 1868.

A MEMBER. We paid the debt.

Mr. WEAVER. And therefore they have changed their position

Mr. WEAVER. And therefore they have changed their position and indorsed the republican doctrine. [Applause on the republican side.] The God's truth of the matter is simply this: the democratic party in its whole history has simply camped every four years exactly where the republican party camped four years before, and during the late campaign they were neck and neck with the republican party in their doctrine. [Laughter on the republican side.]

But before I reach that point I wish to call attention to another point. In 1876 the democratic party in the Saint Louis convention indorsed the resumption policy of the republican party.

Mr. TALBOTT. You are four years behind us.

Mr. WEAVER. In 1876 the democrats complained of the republican party because they had not hastened resumption, and demanded

lican party because they had not hastened resumption, and demanded that the law setting a day for resumption should be repealed so that they might, I presume, resume immediately. That was the intention as expressed in the platform of 1876. But they were beaten again in

Mr. RICHMOND. We were cheated out of it that time. Mr. WEAVER. You were beaten out of it some way. A Member. Who was elected in 1876?

Mr. WEAVER. I do not believe anybody was elected in 1876.
Mr. BLAND. For whom did you vote in 1876?
Mr. WEAVER. I voted for Rutherford B. Hayes in 1876, and I am sorry for it. [Laughter on the democratic side.]
Now let me notice the position of the democratic party in 1878.
After they had adopted, in 1876, the resumption and hard-money platform at Saint Louis—in 1878 the democratic platform of Ohio read as follows:

We demand * * * the gradual substitution of United States legal-tender paper for national-bank notes, and its permanent establishment as the sole paper money of the country, made receivable for all dues to the Government and of equal tender with coin.

That was the Ohio idea. And the Texas democratic platform is to the same purport; I have it here. The Maine platform, away down in New England, the country of steady habits, demanded the same thing. In Louisiana, all through the South, and in the West and Northwest, the democratic party favored the same policy of the substitution of greenbacks for national-bank currency, and the abolition of national banks—one currency of equal legal-tender value with coin, and the abolition of national-bank notes. That was their position then.

But the time came in 1880, two years after that, when for the second time in the history of the democratic party it had to be determined which set of ideas should dominate in the councils of that party. In 1860 it had to be determined whether Stephen A. Domelas and his co-

1860 it had to be determined whether Stephen A. Douglas and his co-adjutors or Jefferson Davis and his co-adjutors should dominate in the democratic councils. They could not agree; and the consequence was the nomination of two candidates, followed by the triumph of the

republican party.

The same crisis arose in the history of the democratic party in 1880, when it had to be determined whether August Belmont and the Bayards, the eastern wing of the democratic party, should dominate on all these questions, or whether leaders like Hendricks of Indiana, Ewing of Ohio, Voorhees of Indiana, Trimble of Iowa, and Beck of Kentucky, should dominate in the councils of the party, and whether the policy of the South and West should be adhered to. The result was that the Bayards and the August Belmonts dominated, and

result was that the Bayards and the August Belmonts dominated, and the sequel was the overthrow of the democracy—a just retribution for forsaking the principles they had enunciated to the people.

'There is but one party in the country that does adhere strictly to the principles it has enunciated before the public—save and except the republican party, which is open and bold in its piracy upon the rights of the people of the United States. [Laughter.] The party I refer to does adhere to its maintenance of the rights of the people, and is aboveboard in the declaration of its principles, and will be till it sweeps this country. And let me say to those who length at the it sweeps this country. And let me say to those who laugh at the diminutive size of the greenback party that that comes with an ill grace from the republican side of the House, when in my own short memory I can recall the time when the republican party did not poll so many votes as did the national greenback party in the last cam-

paign.
Mr. TOWNSHEND, of Illinois. The republican party was born in 1856, and polled more votes then than the greenback party did at the

Mr. WEAVER. Not at all; the republican party was nothing more nor less than the old abolition or free-soil party.

Mr. HASKELL. The abolition and free-soil parties were not the

Mr. WEAVER. I know that; but the republican party united the free-soil and abolition elements. All parties have had to have a beginning. Now I defy any gentleman to show me why the following plank could not have been inserted in the republican platform without the dotting of an i or the crossing of a t. I read from the fourth plank of the democratic platform of 1880, adopted at the Cincinnation of the convention. convention:

The republicans are in favor of that.

Honest money-

My country! where did that come from? There is not a republican platform, State or national, up to 1880, for the last four years that has not demanded honest money, by which they mean gold as the exclusive standard of values in America.

Honest money

Let me read further.
Mr. SPRINGER. What is the gentleman reading from?
Mr. WEAVER. From the democratic platform of 1880. Don't you know your own platform? [Laughter.]
Mr. SPRINGER. I did not hear you.
Mr. WEAVER. The gentleman from Illinois, it seems, has already forgotten his principles, and no doubt is ready now for a new declaration since the defeat of his party.

Honest money, consisting of gold and silver and paper converted into coin on demand.

The strict maintenance of the public faith, State and national.

A tariff for revenue only.

[Laughter on the republican side.]
There is another declaration which will make the platform differ-There is another declaration which will make the platform different from the platform of the republican party, and that is the strict maintenance of the public faith, State and national. That signalizes the permanent abandonment by the democratic party of the doctrines of State rights. In that plank they propose to become the agents and attorneys of the holders of the bonds of Tennessee, of Arkansas, and of Virginia, and to compel the payment of those bonds. Now, what has the General Government to do with the payment of the State dath of Virginia on of Arkansas, or of Tennessee.

debt of Virginia, or of Arkansas, or of Tennessee, or of any other State? In this platform the democratic party has out-Heroded Herod and become the agents and attorneys of the bondholders in the collection of their claims against the repudiating States.

That platform was a slap in the face of every southern and western democrat, and of every democrat who formerly adhered to the declarations of 1868 and the State platforms of 1878. It was the repudiation of a VOORHEES, a Hendricks, a EWING, a THURMAN, the wisest and most fearless and talented leaders that the democratic party has produced in modern times. It was an indorsement, and a cowardly indorsement, of the republicant heory of finance and of funding. And the result was that the people of the United States said, If that is to be the settled policy of the Government, we prefer to trust the party that has shown itself the time-honored friend of the bondholder and of the syndicates of the country; we will not swap

horses while crossing the stream.

I have some remarks to make in the way of criticism of the recommendations of the Secretary of the Treasury, the Comptroller of the Currency, and the President of the United States, so far as their recommendations are connected with the system of funding. I do not wish to do so to-day, but in all probability will do so when we come to consider this bill under the five-minute rule, when I will offer some

to consider this bill under the nve-minute rule, when I will offer some amendments and the substitute now pending.

Mr. WARNER. The gentleman from Iowa [Mr. WEAVER] has referred to the democratic platform of 1868, and has read the legend which was on some flag paraded in the State of Ohio. I ask the Clerk to read the republican platform of the State of Ohio for that year, in order that it may go along with the remarks of the gentleman from Iowa.

The Clerk read as follows:

Resolved. That we cordially approve the determination of Congress to retrench the expenses of the Government, and that we urge upon the National Legislature the necessity of the strictest economy, a reduction of the Army and Navy, and a thorough revision and simplification of our system of Federal taxation, so as to equalize and lighten the burdens of taxation of the people.

Resolved, That the republican party pledge itself to the faithful payment of the public debt according to the laws under which the 5-20 bonds were issued; that said bonds should be paid in the currency which may be a legal tender when the Government shall be prepared to redeem such bonds.

Resolved, That we heartily approve of the policy of Congress in arresting contraction, and believe that the issue of currency should be commensurate with the industrial and commercial interests of the people.

Mr. REAGAN. I desire to say a word or two in response to some remarks made by the gentleman from Iowa [Mr. Weaver] on the subject of political platforms and the consistency of political parties. He has arraigned the democratic party for inconsistency, because in its platform of 1868 it avowed itself in favor of paying the 5.20 bonds that were redeemable in legal money, according to the contract; and because when the law of the contract was changed in 1869 it changed its platform to meet the law. The gentleman has arraigned the democratic party because in its platform and speeches this year it proposed honost money, gold and silver, and paper convertible into coin.

Now, that gentleman and his political associates have urged upon the country the issuance of greenback notes to pay all public and private indebtedness. I wish to call the attention of the gentleman from Iowa [Mr. Weaver] to the debate which occurred on this floor in May last, I think. During that debate, while the gentleman was discussing this question, he was interrogated by General Garfield and asked if he proposed to pay the debt in flat money. He replied that he did not. When asked how he proposed to pay it, he replied, by the current revenues of the country and by the free and unlimited coingre of silver. That is one point.

coinage of silver. That is one point.

Another point is, that by the platform of the convention which presented him to the American people for the office of President it

was proposed to pay the debt according to the contract. The contract now is to pay the debt in coin. How, then, can that gentleman come here and arraign the democratic party for proposing to pay the debt according to the law when he and his party and its platform of principles were in favor of paying the debt in coin?

Mr. WEAVER. Allow me a question. I can answer that right

Mr. REAGAN. I will yield for a question; not for an argument

Mr. WEAVER. I want to answer the gentleman now.

Mr. REAGAN. The gentleman can do so after I am through. This is pretty much all I have to say. Of course I will submit to a question from the gentleman, but I will be through in a moment.

The gentleman stands here arraigning the democratic party because it does not still propose to pay the public debt in greenback notes as it proposed to do according to the law and the contract in 1868, when the power to do so was taken from it by the law of 1869 strengthening the public debt. Yet his party, following the inexorable logic that drove the democratic party to accept the law of the land and act upon it, proposed in its platform of last year to do precisely what the democratic party proposed to do—to pay the public debt according to the law and the contract, which requires now that it shall be paid in coin. I think he should remember these things when he undertakes to criticise the action of other political parties.

Mr. WEAVER. Now, Mr. Chairman, I want to reply to the gentleman. He cannot point this House to a single declaration in the platform of the democratic party of 1880 proposing to pay any portion of

man. He cannot point this House to a single declaration in the platform of the democratic party of 1880 proposing to pay any portion of the public debt in silver dollars.

Mr. REAGAN. I did not speak of that subject.

Mr. WEAVER. Oh, no! you spoke of coin; but the greenback party proposes to pay in whatever hoard we have on hand—gold or silver. We propose, and we did propose in the resolutions to which the gentleman has just referred, to pay the bonds according to contract by using the hoards on hand—the surplus coin in the Treasury—by using the silver on hand and by the nurestricted coinage of silver. by using the silver on hand and by the unrestricted coinage of silver dollars. Now the gentleman knows very well there was no declara-tion of that kind in the democratic platform during the whole cam-

and of that kind in the democratic platform during the whole campaign; not one word.

Mr. REAGAN. I was not talking about that,
Mr. WEAVER. I defy the gentleman to show wherein the green-back party has wavered one hair's breadth from its declaration of

Mr. REAGAN. If the gentleman will allow me, the democratic party in its platform did not propose to deal with the question in precisely the form in which the gentleman presents it; but it proposed to make gold and silver, and paper convertible into gold and silver, its money to pay all debts. It was not necessary to go further than it did in indicating its policy. The gentleman knows that I am as much inclined to the free and unlimited coinage of silver and to its use in the discharge of its public and private obligations as he is; and he knows that the great body of the democratic party hold the

same view.

Mr. WEAVER. But let me ask the gentleman this question: Did not the platform of the democratic party of Texas as late as 1878 propose to pay the Government bonds in greenbacks?

Mr. REAGAN. It did not in the terms in which the gentleman speaks; but it proposed to ask, if necessary, for a constitutional amendment to restore the original contract as it stood prior to the

law of 1869.

Mr. WEAVER. "If necessary." That was put in as a saving clause; but the declaration was that it was not necessary, and that the Government in the exercise of its sovereignty had the right to pay its obligations in any kind of money. Now, this platform was penned by the gentleman himself, I understand.

Mr. REAGAN. I did not write it.

Mr. WEAVER. The declaration of the democratic platform in 1878, was that they favored one uniform currency for all the people—the laborer, the office-holder, the pensioner, the soldier, the producer, and the bondholder.

Mr. DAVIS, of North Carolina. Who demonetized silver, and who remonetized it?

remonetized it?

Mr. WEAVER. I will reply to the gentleman. The republican party demonetized silver, with the aid of the eastern wing of the

democratic party.

Mr. SPARKS. Who remonetized it?

Mr. DAVIS, of North Carolina. Did not the republican party at the time silver was demonetized have more than two-thirds of both

Houses of Congress?

Mr. WEAVER. Oh, yes. There was no necessity for any democrat to vote for it at all.

Mr. DAVIS, of North Carolina. None whatever; and did not the democratic party remonetize it?

Mr. WEAVER. The gentleman asks who remonetized silver. In

aft. WEAVER. In gentleman asks who remonetized silver. In the first place, silver has never been fully reinstated; but in so far as they have gone, the republican Senate and a democratic House remonetized it.

Mr. DAVIS, of North Carolina. Could the "republican Senate" have done it without the almost unanimous vote of the democrats of the Senate? Did not a large majority of republican Senators vote against it? vote against it?

Mr. REAGAN. I shall have to claim the floor. I desire to conclude

Mr. Kr.AGAN. I shall have to claim the source of the problem of the source of the sour

The gentleman also knows that in the national democratic plat-form of 1880 there was no declaration in favor of paying any portion form of 1880 there was no declaration in favor of paying any portion of the public debt in silver dollars; nor is there a single proposition of that kind now pending in this House emanating from a democrat. A substitute has been offered for this bill by the gentleman from Missonri, [Mr. Buckner,] and a bill has been introduced by the gentleman from New York. No democratic member has in any speech or in any bill proposed to pay out the silver on hand in discharge of the public debt; yet democratic members know that they have the right to pay out every dollar in liquidation of the public debt. Therein they differ from the greenback party.

Mr. REAGAN. Now, Mr. Chairman, since the gentleman has been very happy in his humor about political parties and their consistency, I wish to say that the democratic party did not feel itself under any obligation to make the declaration that it would obey the law and be honest. It did propose that gold and silver, and paper convertible

honest. It did propose that gold and silver, and paper convertible into gold and silver, should be the money of the country. What else was there with which to pay the debt? It was not necessary for the democratic party to make a formal declaration in favor of paying the

democratic party to make a formal declaration in favor of paying the debt of the country. It is a thing to be done of course in common honesty. The gentleman has carefully avoided, in his response to me, meeting the point I made as to his platform, that his party bound itself to the same thing, to gold and silver—to coin.

But I will go a little further. There is an action of parties outside of platforms. In the canvass, in which I participated to some extent, meeting the representatives of his party and his opinions, I found they often repudiated his platform, disregarded it; that they proposed to issue greenbacks without limit, some advocating as much as \$2,500,000,000 with which to relieve the public by paying public and private debts.

private debts.

Mr. WEAVER. Mr. Chairman

Mr. WEAVER. Mr. Chairman—
Mr. REAGAN. I am not through.
Mr. WEAVER. But I wish to ask the gentleman a question.
Mr. REAGAN. Very well; I will hear the gentleman.
Mr. WEAVER. I wish to ask the gentleman this question: whether he to-day indorses the democratic platform of Texas of 1878?
Mr. REAGAN. I do not know what part of the platform the gentleman refers to

tleman refers to. Mr. WEAVER. Then I will read it for the gentleman.

Mr. REAGAN. I understand the democratic platform—
Mr. WEAVER. Does the gentleman indores it?
Mr. REAGAN. The gentleman does not himself indorse the payment of the bonds in legal tender notes, and he should not put that question to me

question to me.

Mr. WEAVER. But I ask the gentleman the question.

Mr. REAGAN. The democratic platform was in favor of the same currency for all classes of people and all classes of debt, but doubted the Government's capacity to make the unqualified declaration, and favored, if need be, constitutional amendment to enable it to do so It never made any declaration which was intended to place it in opposition to the laws of the land.

Mr. WEAVER. I wish to read the gentleman's platform.

Mr. REAGAN. On that subject why should the gentleman catechise me when he comes as the representative of the greenback party, pledged to pay the debt in gold and silver? Why catechise me? Why catechise democrats?

Mr. WEAVER. I will tell you why. I see you have been waver-

Mr. WEAVER. I will tell you why. I see you have been wavering as a shuttlecock on this question of finance, and to show that the democratic party is not to be trusted with the leadership of the people in opposition to the syndicates and the bondholding class of this

Mr. REAGAN. I respond in Yankee fashion by asking the gentleman another question, and that is, whether he is now in favor of paying the public debt in greenbacks?

Mr. WEAVER. I have already, Mr. Chairman, said the greenback party do not propose to violate any contract which now exists between the bondholder and the people.

Mr. REAGAN. Exactly what the democratic party said after the passage of the law of the 4th of March, 1869.

Mr. WEAVER. No, sir. The declaration of the democratic party I hold in my hand. It was penned by the gentleman from Texas himself, and was to the effect that the bonds were to be paid in greenbacks. Let me read. [Cries of "Read," "Read," from the republican side of the House.]

Mr. REAGAN. I was not a member of the convention, and did not write the platform, though I was conferred with as to some parts of it.

of it.

Mr. WEAVER. You were a member of the party. Did you not stump the State in favor of it?

Mr. REAGAN. I suppose I did. [Laughter.]

Mr. WEAVER. Then you were an accessory after the fact, at least.

Mr. REAGAN I do not propose, Mr. Chairman, to give my place away, and if the gentleman from Iowa would answer my question I

would be glad to hear him, and then I will proceed. I want to know with what propriety he stood up on this floor, in the presence of the representatives of the people, and arraigned the democratic party for being in favor of paying the debt in coin, when he himself, and all that portion of his party which abided by his platform, was pledged to the same thing. I remember they were not all of the same opinion.

Mr. WEAVER. Oh! well.

Mr. REAGAN. Mr. Dillaye, in a letter written to the Greenback Tablet, and which was printed on the 10th of May, declared the platform was a fraud and a cheat, that the committee had sold out to the banks; and the gentleman's candidate for Vice-President on the greenback ticket, Mr. Chambers, of Texas, also wrote a letter, published in the same organ on the 30th of May, declaring that the platform was a great mistake. Yet he accepted their votes as cheerfully as my friend.

Mr. WEAVER. The declarations of persons made after the action

Mr. WEAVER. The declarations of persons made after the action Mr. WEAVER. The declarations of persons made after the action of the convention cannot be charged to the party itself. Its solemn declaration will be found in the platform, and that declaration is to be taken rather than any declaration of any individual. When I had the honor to stump the State of Alabama during the late campaign, a gentleman of the audience hurrahed for Hancock first, and immediately afterward hurrahed for Jefferson Davis. Now, would it be right and honorable in me to charge that declaration upon the democratic party as foreshadowing their belief? [Cries of "Yes!" "Yes!" on the republican side of the House.] No, I say it would not, for, since I left the republican party I have increased in charity and love for all men. love for all men.

Mr. BUCKNER. When was that? When did you leave the repub-

lican party?

Mr. WEAVER. In 1877.

A MEMBER. When did you return to it?

Mr. WEAVER. I want to answer the question of the gentleman from Missouri, and hope he will not go away before I have answered him. The gentleman asks me when I left the republican party. I will tell you when I left the republican party; it was in 1877; and at that time, or in the year after, in 1878, the gentleman from Missouri, chairman of the Committee on Banking and Currency of this House, was stamping his district in that State as a greenbacker. this House, was stumping his district in that State as a greenbacker, and in favor of issuing greenbacks as a substitute for national-bank notes. [Laughter on the republican side.]

Mr. BUCKNER. I say that so far as that statement is concerned

Mr. REAGAN. I yield to the gentleman from Missouri.
Mr. BLAND. Mr. Chairman——.
Mr. WEAVER. Now, the gentleman [Mr. BUCKNER] also publicly promised that at the next session of Congress the democratic party would repeal the resumption act, and I ask him to show a single step that has been taken in that direction. If anything has been done in that line, I certainly have not heard of it. Now I wish to read this

Texas platform.

The CHAIRMAN. The Chair desires to state to the gentleman from Iowa that the gentleman from Missouri [Mr. Bland] has been recognized of "Let us hear the platform."]

lowa that the gentleman from Missouri [Mr. BLAND] has been recognized. [Cries of "Let us hear the platform."]

Mr. WEAVER. He could not have been recognized until I yielded the floor, and I had not yielded.

Mr. RANDALL, (the Speaker.) I had five minutes of my hour left, but I think it must have gone somewhere. [Laughter.]

Mr. WEAVER. Let me read this platform. [Cries of "Read it!"

"Read it!"]
Mr. WEAVER. This is a part of the Texas platform of 1878. It

reads as follows:

We hold that the right of the States to tax property in the States is inviolable, and that United States bonds should bear the burden equally with all other property, and any legislation that exempts such bonds from taxation is unjust and oppressive.

The fifth clause of this platform declares-

That the bonds and obligations of the United States Government ought to be paid in legal-tender notes of the United States, except where it is otherwise provided by the original law under which they were issued, and all that can be called in and paid now should be paid at once, and the remainder as soon as it can be lawfully done. We heartly approve the action of Congress in passing the act known as the silver bill, thereby increasing the circulating medium of the country and restoring to us the dollar of the fathers.

Now, I asked the gentleman from Texas a very pertinent question little while ago

Mr. BLAND. I do not yield the floor any further.
Mr. WEAVER. I asked the gentleman from Texas whether he indorsed that platform of his own party and of his own State in 1878, and he refused to answer.

and he refused to answer.

Mr. BLAND. Mr. Chairman, I decline to yield the floor any further. I demand my rights under the rules of the House. If I am entitled to the floor I desire to proceed.

Mr. WARNER. Will the gentleman from Missouri simply permit me to have read an extract from the republican platform from the State of Indiana in that same year, 1868, as this seems to be a question of platforms, and it will take but a few moments' time to read. [Cries of "Go on!" "Read it!" "Read it!"]

Mr. BLAND. J. will yield for that purpose

Mr. BLAND. I will yield for that purpose.
Mr. HOUSE. I rise to a question of order.
Mr. TOWNSHEND, of Illinois. What is it the gentleman from Ohio desires to hear read?

Mr. WARNER. An extract from the republican platform of 1868 in Indiana. [Cries of "Let it be read!"]

The Clerk read as follows:

4. The public debt, made necessary by the rebellion, should be honestly paid, and all bonds issued therefor should be paid in legal-tenders, commonly called greenbacks, except where by their expressed terms they provide otherwise, and paid in such quantities as will make the circulation commensurate with the commercial wants of the country, and so as to avoid too great an inflation of the currency and an increase in the price of gold.

5. The large and rapid contraction of the currency, sanctioned by the votes of the democratic party—

Mr. WARNER. That is all. [Laughter on the republican side, and cries of "Read on!"

Mr. ROBINSON. Go on; that is good reading.
Mr. WARNER. Read what I have marked.
Mr. TOWNSHEND, of Illinois. Yes, read it all; we can stand it

if they can.
Mr. WARNER. Read all of the paragraph marked.

The Clerk read as follows:

The Clerk read as follows:

5. The large and rapid contraction of the currency, sanctioned by the votes of the democratic party in both Houses of Congress, has had a most injurious effect on the industry and business of the country, and it is the duty of Congress to provide by law for supplying the deficiency in legal-tender notes, commonly called greenbacks, to the full extent required by the business wants of the country.

Mr. WARNER. I simply wanted this to appear in connection with what the gentleman from Iowa has read and commented on.

Mr. BLAND. Mr. Chairman, I hope in the few remarks that I shall now make I will not be interrupted; for it is not my purpose to detain the committee but for a few moments. Since this Government began the democratic party has had its existence as an organization and as a party in this country, and it has seemed to me the special mission of every new party which springs up from time to time in this country to make bitter and violent attacks upon the democratic party. They seem to suppose that it is necessary to do away with this grand old party that has always stood up in the front for the rights of the people of this whole country, not only in finances, but in civil liberty old party that has always stood up in the front for the rights of the people of this whole country, not only in finances, but in civil liberty and for all the rights of the people, and that that old party must be supplanted before any of these new growth of parties can survive. The gentleman from Iowa in his speech in this House to-day has not only reiterated what I suppose to be some of his campaign speeches during the last canvass, but has carried out exactly what I supposed he would carry out from his speeches during that canvass, and he has shown the animus which then inspired him in attacking the democratic party, the only friend he has here upon this floor to stand by him. [Laughter on the republican side.] Now, Mr. Chairman, during the last session of Congress the gentleman introduced certain resolutions here, the purport of which was against the funding of this debt beyond the power of the Government to pay or at any time to pay the debt in silver, and a proposition that he sustained in a speech and on the call of the roll of this House. That roll-call shows that there were 84 votes in favor of that resolution, and 72 of those were democrats.

Mr. WEAVER. Now let me ask a question.
Mr. BLAND. I will not yield to the gentleman.
Mr. WEAVER. I yield to the gentleman for his questions and hope he will exercise the same courtesy toward me.

hope he will exercise the same courtesy toward me.

Mr. BLAND. I will not be further interrupted at this point.

I say, Mr. Chairman, that this proposition received in this House
84 votes, 72 of which were east by democrats, and only one single
republican voted with the gentleman. Yet he stands here to-day
making his speech, and cheered on by the republican side of the House
in his attack upon the democratic party and upon democrats.

In the gentleman's canvass it was charged by men high in authority (of his own party) that he visited committees of the republican
party in the city of New York, and that during the canvass the whole
influence of himself and his party was yielded to the republican party,
which did not support him in this House, and was used against the
party that did. The gentleman may deny it, but he knows what
is matter of public history, and that men high in the cancus of his
own party charged him with this conduct in the canvass.

What did the gentleman do after he was nominated? The first
State he went into was Alabama; and while the record shows that
every democrat from that State who voted on this proposition voted
with him, he went down there to defeat the very men who upheld

with him, he went down there to defeat the very men who upheld him here. Then he went to Arkansas to do the same thing there, and his whole canvass seemed to have been conducted with a view to de-

his whole canvass seemed to have been conducted with a view to defeat the men who stood by him on these propositions, and to elect men who voted against him and his propositions.

Mr. CONGER. Did he stay there long? [Laughter.]

Mr. BLAND. I am glad the gentleman has suggested that. There seems to be a sort of harmony between the gentleman representing the greenback party and the republicans in all these questions. He stayed there till near the election. Then he went up into West Virginia, and he claimed there the greenback party was going to carry Alabama. But the Associated Press sent out dispatches that the gentleman from Iowa denounced the people of that State as being bull-dozers, and had said the republicans had not told half the truth condozers, and had said the republicans had not told half the truth condering them. Senator Conkling, in making a speech in New York denouncing the democratic party, adduced these dispatches and put Mr. Weaver on the stand to prove these men were bulldozers. So that I say his whole campaign, from beginning to end, corresponds with his speech here in the interest of the party that has conducted

this Government and passed the laws he has complained of and fixed them upon the people of this country, and against the party that all this time has opposed that policy.

Mr. SPARKS. The gentleman from Iowa was aiding them at that

Mr. WEAVER. That is not true.
Mr. SPARKS. Were you not a republican?
Mr. WEAVER. I understand the gentleman to say that during the campaign I aided the republican party.
Mr. SPARKS. Were you not a republican, and as a republican did you not vote for the men that passed those laws?
Mr. WEAVER. I understood you to say I aided the republican

Mr. WEAVER. I understood you to say I aided the republican party during the campaign.

Mr. SPARKS. I said you were a republican.

Mr. SPARKS. The gentleman is crazy.

Mr. SPARKS. The gentleman states a falsehood.

Mr. WEAVER. I rise to a question of privilege.

Mr. BLAND. I have the floor, and call for order in the House.

Mr. WEAVER. I rise to a question of personal privilege.

Mr. BLAND. I claim my personal privilege. I have the floor, and do not desire to be further interrupted. The gentleman from Iowa arraigns the democratic party because of its platform of 1868. In that platform it declared the 5-20 bonds to be payable in lawful money, and the gentleman talks of the platform of Texas in 1876. Now, sir, I do not desire to misstate the record concerning this matter, but my information is that these 5-20 bonds, or a portion of them, in 1874 and 1876 were outstanding and were payable in greenbacks, and hence a platform making this declaration, at that time, did not declare what was contrary to law. As I understand the democratic platform of 1880 it makes no allusion to this subject, because these bonds have been redeemed and canceled. Hence there was no reason why there should be any declaration concerning them. They were not in existence. were not in existence.

were not in existence.

The gentleman from Iowa charges the democratic party with having abandoned the platform of 1868. Yet his own speeches show he has himself abandoned that platform. He gave as an excuse at the last session of Congress why he abandoned it, that the law of 1869 had changed the contract, and the funded bonds of 1870 were coin bonds. If he had looked at the record of that legislation he would have found that a democratic Senator in the Senate of the United States endeavored to incorporate into that law the power to tax these bonds, and his proposition was voted down by a republican Senate. And yet the gentleman charges the democratic party as not in favor

bonds, and his proposition was voted down by a republican Senate. And yet the gentleman charges the democratic party as not in favor of taxing these bonds. That proposition was voted down by the republicans, and the bonds were issued under the law, exempt from taxation and payable in coin. The gentleman acknowledges the binding obligation of these laws, and his proposition was to pay these bonds in silver; a proposition supported by democrats in this House. And now how does the gentleman stand? Why is it he has not a word to say concerning the republican party except now and then to throw in something by way of parenthesis to laugh at? And I think the gentleman will remember he was an office-holder under General Grant from 1867 to 1873; that he was a candidate for Congress before republican conventions in 1872 and 1874, and was defeated; that again he was a candidate for State senator on the republican ticket and was defeated by the people. And when the republican ticket and was defeated by the people. that I think in 1878 he was candidate for State senator on the republican ticket and was defeated by the people. And when the republican party had tired of him he found an excuse to leave that party and join the greenback party. Hence his change of heart. He never changed heart until it was too late to remedy this legislation. Why did he not in 1869, when the party for which he voted and to which he held up to that time, changed the law and made these bonds payable in coin—why did he not change heart then? Why did he not have a change of heart in 1870, when his party passed the law refunding this debt into a coin debt? Sir, he never found time to change his heart until the republican party refused him office, refused to divide with him its steal of \$500,000,000. [Laughter.]

I say the democratic party has a clear record on this subject. It is a party that has stood with the people on this question. It is a party through the influence of which silver was remonetized, which had been demonetized by his party.

Mr. FORT. Will the gentleman tell me how many dollars in silver the democratic party coined in forty years? The republican party coined more silver in one year under Lincoln than the democratic party did in forty years.

party did in forty years.

Mr. BLAND. When my republican friend from Illinois [Mr. Fort] tries to defend his greenback friends on this floor it all sounds very well. He and his friend from Iowa [Mr. Weaver] have always slept in the same bed, and I am willing to place them there to-day.

I say that there never was a piece of legislation in the interest of I say that there never was a piece of legislation in the interest of the people until the democratic party got possession of the House of Representatives. I say that the remonetization of silver never was talked of until you got a democratic House of Representatives. There never was a reduction of appropriations until the democratic House of Representatives wrung it from an unwilling Senate and an unwilling President.

Mr. CONGER. Nor then, either.

Mr. BLAND. The surplus revenue was wasted by extravagant appropriations. By the economy forced upon a republican administra-

tion we have to-day a surplus revenue sufficient, if properly applied, to wipe out the national debtattherate of from \$2,000,000 to \$4,000,000 per month.

Mr. WARNER. More than \$5,000,000.

Mr. BLAND. More than \$5,000,000. I say that all the reforms that have come to the people of this country have come from the democratic party. While belonging to his pretended greenback organization, the gentleman from Iowa [Mr. Weaver] seems to be more hostile to the democratic party to-day than he was when holding to his old faith. That seems to be the whole purpose and object of these new parties to employed and object of these new parties to employed and object. of these new parties, to supplant and cut down the democratic party.

of these new parties, to supplant and cut down the democratic party. [Applause.]

The gentleman talks about the democratic party being dead. Sir, you may by your assessments on your office-holders and by your system of public plunder, by expending the public money for purposes of corruption, and with greenback tails to republican kites succeed for the moment in defeating this grand old party that stands by the liberties and rights of the country. But sooner or later that party will rise and be the governing power of this Government. Reform will come through that organization, and not through his little greenback party, that had one platform two years ago and that has another platform to-day.

other platform to-day

other platform to-day.

I would like to allude to the platform of that party two years ago and to the platform of to-day. Two years ago it was a platform that promised one money to the bondholder and the plow-holder. The platform of the greenback party in Missouri proposed that fiat money should be issued and loaned out to States and counties and school districts to pay off their debts, and should be made a legal tender.

The gentleman in his speech to-day does not claim that he proposes the same money for the plow-holder and the same money for the bondholder; not much. He announced in the last session of Congress and he announces here to-day that he is in favor of paying these bonds in coin. Then, if he issues his flat money, who is to take it? The bondholder? No, sir.

I believe the gentleman made a speech in Indianapolis, in which

I believe the gentleman made a speech in Indianapolis, in which he said to the bondholder, "Back up your cart and take away your coin." I suppose he would say to the plow-holder, "Roll up your wheelbarrow and take away your fiat money." [Laughter.] That is the logical conclusion of his platform and all his principles. His platform and his speech to-day is in favor of paying the bonds of the Government, principal and interest, in coin. What, then, is he to do with his flat money? Who is to take it? The pensioner and the plow-holder. plow-holder.

plow-holder.

Here is a system of finance that the republican party has adhered to until it resumes specie payments. He wants to go back and take that same old system, a system that he supported and maintained when he was a republican, and which he holds to now.

I say to the gentleman that if he desires to reform this Government let him come over to the only party that is able and willing to reform it. My friend from Iowa [Mr. Weaver] seems to have the sympathy of gentlemen on the republican side of the House. They seem to be a sort of harmonious family, and therefore we may expect that when he makes another change it will be simply to go back to his old bed and lie down in the place that is mentioned in scripture where wallow and mire are named. and mire are named

Mr. WEAVER. Mr. Chairman, the gentleman from Missouri says (and his remarks were quite personal) that I have turned upon the only party that showed me any sympathy or encouragement during the last

Congress.

Mr. FERNANDO WOOD. Before the gentleman from Iowa proceeds I would like to know to what question or what point he now proposes to address the committee.

Mr. WEAVER. I propose to reply to the gentleman from Missouri [Mr. BLAND] in extenso, in general debate.

Mr. BLAND. And I suppose that I can reply to him. He made a long speech to which I have replied.

Mr. WEAVER. And I will rejoin.

Mr. HUMPHREY. This is a surrebutter. [Laughter.]

Mr. WEAVER. Mr. Chairman, I certainly have a right to the floor to reply to the gentleman from Missouri, whose remarks were quite personal.

personal.

The CHAIRMAN. The gentleman from Iowa is entitled to the floor.

Mr. WEAVER. The gentleman says in substance that I am antagonizing the only party which gave me any encouragement or sympathy upon the resolutions that I had the honor to introduce at the last session of Congress. It is true, Mr. Chairman, in the history of that matter, that after I had by dint of perseverance extorted by a three months' contest recognition for the purpose of bringing that question before the House seventy-two democrats who dare not face their constituents upon a yote against these resolutions yoted for it. their constituents upon a vote against those resolutions voted for it. But what democrat gave me any encouragement or assistance in getting the resolution before the House? Did not the chairmen of democratic committees interpose and seek recognition at the hands of the Speaker in order to prevent me from obtaining the floor? Is it not true, also, that just as soon as those seventy-two democratic members of the House voted in favor of that resolution they went straight away to Cincinnati and adopted a hard-money republican platform?

The gentleman passes some strictures upon my campaign. I spoke perhaps to a million people during that campaign. I spoke in six-

teen States of the Union. I traversed the country from Arkansas to the northeast corner of Maine, and from midway on the eastern shore of Lake Michigan to the Bay of Mobile. What I did and said was not done in a corner. I discussed all these issues of the different parties, freely, openly, boldly; and I now challenge the gentleman to show one word that I uttered during that campaign in favor of the republican party. Until you do show it, shut up or put up. [Laughter.] Mr. BLAND.

Mr. BLAND. The gentleman's own party—
Mr. WEAVER. I will not yield to the gentleman. I will return "an
eye for an eye, and a tooth for a tooth" when I am dealing with him.
Mr. BLAND. Then do not ask questions

wr. BLAND. Then do not ask questions.

Mr. BLAND. Then do not ask questions.

Mr. WEAVER. I not only defy the gentleman to show one word I ever uttered during the canvass in favor of the republican party, but on the contrary I affirm that in every speech I made during that campaign I arraigned the republican party as being hostile to every interest of the people. I now declare them to be so. The charge that I am in sympathy with them the gentleman knows to be untrue. That is all there is about it.

That is all there is about it.

Mr. BLAND. I do not know any such thing.

The CHAIRMAN. The gentleman from Iowa declines to yield.

Mr. WEAVER. As to the greenback platform in Missouri, I will refer the gentleman to the Forty-seventh Congress, when four greenbackers from Missouri, who displace democratic candidates, will be here to meet him on that question; and the reason these democrats were displaced was because the leaders of the democratic party in Missouri had gone back upon their declaration.

Missouri had gone back upon their declaration.

A MEMBER. No; because they received radical votes.

Mr. HATCH rose.

Mr. WEAVER. I must decline to yield. Now, one word more in regard to democratic sympathy. Let me show what kind of democratic sympathy I received. During the campaign I denounced the democratic platform as being identical with the republican platform upon all essential questions which the greenback party presented; and hence I opposed a division of electoral votes with the democratic party in Maine and with the republican party in West Virginia. I party in Maine and with the republican party in West Virginia. I went into the State of Alabama; and, by the way, I will say, in reply to a suggestion which has been made from the republican side of the House, that I was never better treated in my life than by the people of Alabama. They treated me with the greatest courtesy. But because I had the boldness to declare that there was no free election because I had the boldness to declare that there was no free election in the State of Alabama, the gentleman therefore says I am in sympathy with the republican party. I say to him that the greenback party is just as much in favor of a free election and a fair count as the republican party. That is not peculiarly a republican principle; it is the abiding faith of all good citizens. [Applause.]

The gentleman says I went into Alabama to defeat the party of the count the decease the decease in favor of the result in favor of

The gentleman says I went into Alabama to defeat the party of the seventy-two democrats who voted in favor of my resolution. I went into Alabama to elect Governor Pickens as governor of that State—a straight greenback nominee; and every other man who was on our ticket in Alabama was a straight greenbacker, and all were of first-class democratic and confederate record. There was no fusion with the republican party in Alabama. That party made no nominations, and advised their constituencies to vote the greenback ticket. And I would to God that all parties in this country may do that at every election. [Langther 1]

I would to God that an parties in this country and election. [Laughter.]

Mr. SAMFORD. The majority of the votes received by Governor Pickens in Alabama were cast by republicans.

Mr. WEAVER. That may be true; but nobody knows how many votes Governor Pickens did get in Alabama. [Laughter.]

Mr. SAMFORD. He got very few in fact. The official return shows

his vote.

Mr. WEAVER. It does not show the vote cast, by any means.

Mr. SAMFORD. How does the gentleman know that when he was in Maine at the time?

Mr. WEAVER. Because you had ninety-two thousand majority. and seven counties "to hear from;" and there are not seventy-five thousand democratic votes in Alabama, and you could not have had

minety-two thousand if there had not been a single vote in opposition Mr. SAMFORD. That is not the fact, nor is it history. Mr. WEAVER. That is my judgment.

Mr. SAMFORD. Precisely; but there has never been an election in Alabama when a full vote was called out that the democratic vete was not one hundred thousand and more.

Mr. WEAVER. I must decline to yield.

Mr. SAMFORD. The gentleman ought not to make an incorrect statement and then decline to yield for a correction.

Mr. WEAVER. I mean no discourtesy.

Mr. BLAND rose.

Mr. WEAVER. I do not yield to the gentleman from Missouri. I

hold him to his own doctrine. I shall not yield to him at all.

Now, one word more with regard to democratic sympathy. The
chief item of sympathy was embodied in a forged letter published in a democratic paper, the New York Star. [Laughter.] No such letter was ever written by me; yet it was printed by the democratic papers and circulated broadcast over the country by the democratic committee—a bold, bare, bald forgery—nothing more and nothing less. More than that, Mr. Chairman, upon careful examination made by myself and by experts that letter is found to be in identically the same handwriting with the Morey letter. [Laughter and applause.]

One other matter, about my having conferred with the republican committee during the campaign. I pronounce, on the floor of the House and in the hearing of the American people, the declaration that I conferred with the republican committee, either personally, orally, or in writing, by myself or another or in any manner, during the campaign, I pronounce it, sir, here, before the representatives of the American people, an utter falsehood from first to last.

Mr. BLAND. Did not one of your constituents, Mr. Lum, make the

charge?

charge?
Mr. WEAVER. Yes, sir.
Mr. BLAND. That is what I referred to.
Mr. WEAVER. But it is charged and believed by the country at large that the democracy had bribed Lum to do it.
Mr. BLAND. What do you know about that?
Mr. WEAVER. I will tell you what I do know if you will pay at-

I passed, Mr. Chairman, from West Virginia to Indiana, and arrived in the latter State at a very critical period in the campaign previous to the October election. When I arrived at the city of Indianapolis the democratic party had just bought one Yeagley off our ticket. He was the greenback candidate for secretary of state. The democratic party had just induced him by corrupt influence to leave the greenback ticket and to publish a letter in favor of General Hancock. Mr. Yeagley was owner of five-sixths of the Indianapolis Sun, one of the leading greenback papers in the Northwest. The contract required that he should surrender the only greenback paper in Indianapolis into the hands of the democratic party. The chairman of the greenthat he should surrender the only greenback paper in Indianapolis into the hands of the democratic party. The chairman of the greenback committee waited on the chairman of the democratic committee with an injunction in his hand, telling him that Mr. Speer, the editor of that paper, had the right to edit it for one year as a greenback paper, and if they put any money in it they would certainly lose it. The democratic chairman replied that he had put none into it, and he therefore refused to invest. Yeagley's treachery being known, he was compelled to publish his card, coming out for Hancock. At that time I arrived in the State of Indiana. I made no speech in favor of the republican party. I said everywhere there, as I said in Maine. the republican party. I said everywhere there, as I said in Maine, Alabama, and Georgia, to the greenbackers, "Vote your own ticket;" that there must be some place where the greenback party shall stand out separate and distinct from all other parties. I said to the greenbackers of Indiana, "Vote your own ticket against both of the old parties." That is all I said anywhere, and I say it here; and be it known to the democratic side of the House and to the republican side of the House that the greenback party is not a republican party nor a

of the House that the greenback party is not a republican party nor a democratic party, but it is a greenback party, separate and distinct in its organization. That was my position throughout the country, and I was fearless in my declarations.

About the time that I was making those speeches in Indiana, the letter of Lum was telegraphed to Indiana, as well as the letter of Hughes and Dewees, of Pennsylvania—not telegraphed to me, but telegraphed to the democratic committee. All these letters, all these slanders, were hurled into the Indiana campaign for the purpose of influencing the greenbackers of the State of Indiana. But no man believed them. The men who circulated them did not believe them. I pronounce them here and now unqualified falsehoods from first to last, and challenge any man to show a single word that I ever uttered. last, and challenge any man to show a single word that I ever uttered during that long and arduous campaign in favor of the republican party or that was not strictly in accordance with loyalty to the party

I had the honor to represent.

had the honor to represent.

Mr. SPARKS. The Lum letter, at all events, was genuine.

Mr. WEAVER. It was a genuine instance—

Mr. SPARKS. Was not the letter genuine?

Mr. WEAVER. It was a genuine instance of democratic bribery.

Mr. SPARKS. The letter was genuine, at all events.

Mr. WEAVER. I think it was. I think he wrote it.

Mr. RIAND. Did you not have generous with Mr. HUNDER.

Mr. BLAND. Did you not have a conference with Mr. Hubbell at the Riggs House, in this city?

Mr. WEAVER. What is the question?

Mr. BLAND. Did you not have a conference with Mr. Hubbell at

Mr. BLAND. Did you not have a conference with Mr. Hubbell at the Riggs House during the campaign?

Mr. WEAVER. No, sir.

Mr. BLAND. You did not?

Mr. WEAVER. No, sir; I had no conference with Mr. Hubbell at the Riggs House during the campaign.

Mr. HUMPHREY. We have a witness here.

Mr. SPARKS. Swear the witness.

Mr. WEAVER. I have no doubt the men who bribed Lum agreed to believe him; I have no doubt about that. But he was smoked out. He claimed to have testimony in his hands showing complicity on my part with the republican committee. By the greenback press on my part with the republican committee. By the greenback press of the country he was compelled to give what he had. What did it show? It showed he went to Maine with \$100 of republican money in his pocket to oppose fusion in that State. When he got there the agent of the republican party wanted to know what he was doing. Then he could not oppose fusion. He had changed his mind after he got to Maine. Immediately after returning from Maine he published

Just prior to his making that declaration he had published a letter in the Irish World, a leading paper of our party, charging that I was about to compromise myself and my party by going upon the stand there at political meetings with the Speaker of this House, with Mr.

Cary, with Senator Doolittle, and General Butler, alleging that I was in favor of a fusion in that State on the electoral ticket. When I got there I took a decided stand in opposition to the division of our electoral ticket, arguing against it and protesting against any division of the electoral ticket with the democratic party. After that he turned round and accused me of selling out to the republican party because I was not in favor of doing the very thing he had denounced.

A MEMBER. Perhaps he sold out himself.

Mr. WEAVER. The truth of the matter is that he had sold out to both of the old parties, and both got badly cheated when they bought

him. [Laughter.]

Mr. FERNANDO WOOD. I rise to a question of privilege. The gentleman from Missouri rose and addressed the committee, and the gentleman from Iowa rose to make a remark in response. The gentleman is discussing other matters widely different from that which is now before the committee.

Mr. WEAVER. I must reply to other points made by the gentle-man from Missouri.

The CHAIRMAN. The gentleman from New York will state his

point of order.

Mr. FERNANDO WOOD. I raise the point of order and I wish the Chair to rule upon it. My point of order is, that the committee unanimously gave the gentleman from Iowa the privilege of replying to the gentleman from Missouri. I submit that he has consumed twice as much time in his own right as the gentleman from Missouri did in the discussion of that question. I insist that this is a debate upon the funding bill, and I shall move that the committee now rise unless other gentlemen desire to discuss the merits of the bill.

Mr. ACKLEN. The gentleman is not confined in this discussion exclusively to the consideration of the funding bill in Committee of the Whole. The rule is very distinct on that

the Whole. The rule is very distinct on that.

Mr. BLAND. I hope the gentleman will be permitted to proceed.

Mr. FERNANDO WOOD. I ask a ruling upon the point of order

which I have made.

which I have made.

The CHAIRMAN. The committee have been proceeding in the direction of general debate, and the gentleman from Iowa sought recognition from the Chair. The recognition was accorded to him. The Chair holds that he is in order in discussing generally the question of funding. The gentleman must, of course, confine himself to the subject-matter pending before the committee.

Mr. FERNANDO WOOD. The gentleman has already addressed the committee. I hold that it is not in order for any gentleman to address the committee twice upon the same subject until every other gentleman has spoken who desires to speak upon it. But I shall not press the motion that the committee rise. I would like to know from the gentleman, though, how much longer time he proposes to consume.

Mr. WEAVER. Only a very few moments longer. I should have been through by this time if I had not been interrupted.

The CHAIRMAN. The Chair, in response to the suggestion of the gentleman from New York that the gentleman from Iowa cannot address the committee twice on the same question, holds that the objection comes too late. If objection had been interposed at the time

tion comes too late. If objection had been interposed at the time when the gentleman claimed the floor, the Chair would have had to take notice of the fact. But he holds that the objection is not well taken at this time.

Mr. COOK. I would like to ask the Chair a question. How long is the gentleman entitled to speak?

The CHAIRMAN. The gentleman has an hour in his own right

from the time he commenced.

Mr. WEAVER. I will not consume very much time, Mr. Chairman. I know very well that gentlemen perhaps do not like to hear this, but I think they must hear it. The gentleman from Missouri [Mr. Bland] is much concerned about my having once been a republican. I did enter the republican party about the time I attained my majority, and I remained in that party. When I left it, in 1877, I was a private citizen, engaged in business at that time, and am not responsible in any way for what the republican party did in the way of unjust class legislation, which I now denounce. I am undoubtedly obnoxious to the criticism of having followed blindly my party with

obnoxious to the criticism of having followed blindly my party without due investigation, just as thousands are now doing.

As far as that responsibility carries me I plead guilty, and I am perfectly willing that gentlemen shall hold that up to the people of the United States and to my constituents. I regret it, Mr. Chairman, as much as they do; but when the light did strike my mind I left the republican party and thereafter and from that time have adhered strictly to what I believe to be right, swerving neither to the right nor to the left from that day to this. But that cannot be said of the democratic party; neither can it be said of the gentleman from Missouri who has just taken his seat. That gentleman and his party have occupied every sign in the political zodiac, first being against greenbacks, then supporting greenbacks platforms favoring the subgreenbacks, then supporting greenback platforms favoring the substitution of greenbacks for national-bank notes; then supporting the Saint Louis platform of 1876, favoring resumption; then supporting the Missouri platform of 1878, favoring the substitution of greenbacks for national-bank notes; and in 1880 supporting the Cincinnati platform, calling for "honest money." The gentleman and his party leaders are driven about by every wind that blows.

Mr. BLAND. The gentleman misstates the democratic party and may register.

my position— Mr. WEAVER. I do not yield to the gentleman. If the gentleman

can show any shadow of change or turning on my part, in any respect, since I embraced the doctrine of the greenback party, then the charge of inconsistency can be made against me; but that he cannot do. I do say, and I show, that he supported the democratic party without regard to what its platform declared, a party that has changed its platform as often as the presidential year came around, and that he supports any platform they choose to give him. The gentleman made his canvass in Missouri, and I had the pleasure of reading a speech of his, delivered in that State, in favor of our doctrines substantially, when he well knew that his declarations were not in harmony with the principles adopted by the democratic party at Cincinnati.

principles adopted by the democratic party at Cincinuati.

Mr. BLAND rose.

Mr. WEAVER. I do not yield.

Mr. BLAND. The gentleman makes a false statement and then will not yield to have it corrected.

Mr. WEAVER. The gentleman from Missouri can take the floor in his own time. He knows very well—

Mr. BLAND. I know that when the gentleman says I made a canvass on greenback principles he states what is not true.

Mr. WEAVER. Did the gentleman not state in his speech that the democratic party was the only true greenback party in this country because it sought to substitute legal-tender notes for bank-notes?

Does he deny he made that statement?

Mr. BLAND. I deny that yours is the true greenback platform.

Mr. BLAND. I deny that yours is the true greenback platform.
Mr. WEAVER. Let me say this in justice to the great mass of the democratic party: what I have been pointing out I do not charge to the party itself, but I charge it to the leadership of the party, those who run with the hounds and hole with the hare. I desire to hold up to the gaze of the American people as being unsafe and untrust-worthy to lead a great party—those leaders who are endeavoring to introduce the British system of a perpetual debt and the British banking system into this country are the parties I have in view. I know very well that in the next democratic conventions in Missouri and throughout the South and West they will declare themselves in favor of the abolition of national banks and the payment of the publie debt in silver, and in every other way. But I know they never can deceive the American people again into following their leader-ship in the great battle that is now upon us with the combined moneyed corporations of the world. The American people in this

moneyed corporations of the world. The American people in this great struggle desire above all things an honest, bold, and fearless opposition to the encroachments which now threaten them. They have given the democratic party every opportunity to assume that attitude. The leaders of that party have refused to champion the people, and henceforth they will look elsewhere.

Now as to my candidacy before I left the republican party: I was a candidate in 1874 before the republican convention for the office of governor of my State. As the delegation from Iowa will bear me out in stating, I had publicly, over my own signature, made declaration refusing to permit my name to be used before the convention; and it was not until four o'clock on the evening of the day before the convention assembled that I finally consented they might use my name. And the statement that I ever was a candidate before any republican convention in the State of Iowa for governor after that republican convention in the State of Iowa for governor after that

mr. BLAND. My information is that the gentleman was twice a candidate for Congress and once for governor. I do not know whether it was in 1874 or in 1876 he was candidate for governor. Mr. WEAVER. It was in 1874 and in 1876 my name was before the republican convention for Congressman, and that is the only time I authorized my name to be used before a convention for the office of Congressman. At that time I was defeated by one vote in the convention, and it was claimed by my friends it was done fraudulently. Nevertheless I gave in my adhesion to the nominee of that convention, and I supported the same gentleman, Judge Samson, two years

tion, and I supported the same gentleman, Judge Samson, two years afterward for the same position.

The gentleman from Missouri has sought to create the impression that I have been a chronic office-seeker in the republican party, and that I left it because I was disappointed by not getting an office. That is not true. When I left the republican party it had sixty thousand majority in Iowa over all opposition combined. I left it because I believed, on investigation of its principles, that its policy was hostile to the interests of the people, and that there was no possible chance of reforming that party. That is why I left the republican party and have remained out of it ever since, and I am more at war this moment with that party than ever before; and no amount of abuse can drive me or remained out of it ever since, and I am more at war this moment with that party than ever before; and no amount of abuse can drive me or inducements lure me into a party that is hostile to the principles which my party promulgates. I will organize with any man to fight the money power who will agree with me on the principles I advocate, without regard to the party to which he has formerly belonged.

Mr. SPARKS. Will the gentleman yield to me for a moment?

Mr. WEAVER. Yes, sir.

Mr. SPARKS. A short time ago some little trouble occurred between the gentleman and myself, and may have arisen from a misapprehen-sion. My remark to the gentleman was this, that during the time this vicious legislation which had been referred to was being adopted by the republican party he was a republican; namely, when the law of 1868 was passed, and when the laws of 1871 and 1873 were passed. I did not of course mean to charge the gentleman that since he had become a member of what is known as the greenback party he had been inconsistent at all. But the gentleman misunderstood me. I simply meant to state what is on record, and to say that while this vicious legislation was being adopted on the money question, the law of 1869, then the law of 1870-71, and then the silver demonetization law of 1873—during all that time the gentleman was aiding the republican party by being a member of it.

Mr. WEAVER. That is true. I do not yield further.

Mr. SPARKS. The gentleman is as much interested in this as I am.

Mr. WEAVER. I will say that I never allow myself to get excited in debate. There were two gentlemen talking at the same time, the gentleman from Missouri [Mr. BLAND] and the gentleman from Illinois, [Mr. SPARKS.] I understood the gentleman from Illinois to refer to

gentleman from Missouri Mr. BLAND and the gentleman from Illinois, [Mr. SPARKS.] I understood the gentleman from Illinois to refer to some remarks which I had made during the campaign, and that is why I made the remark I did. The gentleman replied very offensively that that was a falsehood. Now, having been compelled once to apologize to this House, the gentleman should be very careful about using language of that kind. I did not take it as a personal insult; I did not take it as applying to me. If the gentleman ever does apply such language to me, and does it within the reach of my arm, I certainly shall personally chastise him. [Laughter.] But as he does not do a now.

ort do so now—

Mr. SPARKS. This man certainly will not make that remark here and refuse to let me answer it. I was told that he misunderstood my remark, which was that he had aided the republican party during

Mr. WEAVER. I understand all that now.

Mr. SPARKS. To relieve the gentleman from that I made my statement. The gentleman talks about what he will do within the reach

ment. The gentleman talks about what he will do within the reach of his arm. Sir, that gentleman could not do anything "within the reach of his arm." I spurn with contempt the reach of his arm. The reach of his arm would affect me about as little as it affected the last presidential election. [Laughter.]

Mr. WEAVER. That is sufficient. Does not the gentleman now see that he ought never to open his mouth at all when he is excited? He spurns the reach of my arm. He can well do so in the temper I now am in. I would not hurt a hair of his head. His apology was ample, and I accept it as such. But I only caution him against the further use of such expressions as, "That is a falsehood," "That is a lie." In Kentucky, I believe, such an expression is regarded as the first blow, and even if I was not as large as a mouse, I would show a proper spirit. And the gentleman is mistaken about my fighting weight; it is one hundred and eighty-five pounds. [Great laughter.]

Mr. SPARKS. And the gentleman will understand that mine is two hundred and fifteen pounds. [Laughter.] Does the gentleman say that I said he was a liar?

Mr. WEAVER. The gentleman said it was a falsehood, which is the same thing.

the same thing. Mr. SPARKS.

You said so.

Mr. WEAVER. No.
Mr. SPARKS. Yours were the first offensive words.
Mr. WEAVER. No, you cannot make that out.
Mr. SPARKS. The gentleman certainly used the first offensive words.
Mr. WEAVER. Well, we are all right now.
Mr. SPARKS. You misunderstood me and said that I was stating that which was not true and wanting the qualities of a gentleman

that which was not true, and wanting the qualities of a gentleman you failed to remedy it.

Mr. WEAVER. Oh, no.

Mr. SPARKS. That is all about it. I think it was developed at the last election that you wanted those qualities.

Mr. WEAVER. I denounce the gentleman personally as a liar on the floor of this House.

Mr. SPARKS. You are a scoundrel and a villain and a liar. [Mr. Weaver then approached Mr. Sparks in a menacing attitude.] If you get within my reach I will hit you.

The members of the committee generally rose to their feet, and many came to the front, some of them interposing between the parties.

The SPEAKER took the chair and called the House to order, saying: The Speaker has taken the chair for the purpose of restoring order, believing that parliamentary propriety and practice justify him in so doing.*

The Sergeant-at-Arms, (by direction of the Speaker,) with his mace of office, moved about the floor of the House, and order was restored. The SPEAKER. The Speaker will now yield the chair to the chairman of the Committee of the Whole, order being restored.

Mr. SPRINGER. I move that the House now adjourn.

The SPEAKER. The Chair would prefer to have the Committee of the Whole rise in due form.

Mr. COVERT, as chairman of the Committee of the Whole, then took the chair.

took the chair. Mr. WEAVER. I believe I have the floor now, but I will yield for

a motion that the committee rise.

Mr. SPRINGER. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COVERT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the public debt, and had come to no conclusion thereon.

Mr. McLANE. I move that the House now adjourn.

Mr. WARNER. Pending the motion to adjourn I ask consent to

have printed in the RECORD—
Many Members. "Regular order!"
The SPEAKER. The regular order is the motion that the House

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BELTZHOOVER: The petition of citizens of Hanover,
Pennsylvania, for the passage of an act to facilitate the granting of
pensions—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of J. H. Hathaway and 261 others, honorably discharged soldiers and sailors, for the passage of an act granting one hundred and sixty acres of land to every soldier and sailor
who served fourteen days—to the Committee on the Public Lends

who served fourteen days—to the Committee on the Public Lands.

By Mr. DEUSTER: The petition of assistant messengers and laborers of the Treasury Department, for restoration to position and pay—to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of Milwankee, Wisconsin, asking for the construction of a harbor of refuge in Milwankee Bay—to the Committee on Commerce.

By Mr. ERRETT: The petition of owners, masters, and pilots of steamboats plying on the Ohio River and its tributaries, for the passage of the bill tolincrease the efficiency of the Marine Hospital service—to the same committee.

By Mr. GIBSON: A bill appropriating \$1,800,000 for the improvement of the Mississippi River, to be expended by and under the direction of the Secretary of War, in accordance with the recommendation, plans, specifications, and estimates, and under the advisory supervision of the Mississippi River commission—to the same com-

mittee.

By Mr. KEIFER: The petition of A. Kohler and 50 others, for the passage of the bill (H. R. No. 4334) on the subject of infectious and contagious diseases of domestic animals—to the Committee on Agri-

Also, the petition of Job S. Goff, of Bellefontaine, Ohio, for the amendment of the arrears-of-pension act so as to grant arrears of pension to pensioners under special laws—to the Committee on Invalid Pensions

By Mr. McKENZIE: Papers relating to the claim of L. C. Chatham, of Greenville, Kentucky, for pay as a recruiting officer in the military service of the United States—to the Committee on War Claims.

By Mr. McLANE: The petition of the Steamboat Officers' Protective Association, of three hundred and five members, asking early action on the bill introduced by Mr. McLane to increase the efficiency of the Marine Hospital service—to the Committee on Com-

By Mr. MONROE: The petition of H. C. Post & Co. and several

By Mr. MONROE: The petition of H. C. Post & Co. and several firms dealing in fish at Sandusky, Ohio, that the duty on fish may be advalorem rather than specific—to the Committee on Ways and Means. By Mr. WILLIAM A. RUSSELL: The petition of the Merrimac Manufacturing Company and others, for the passage of a national bankrupt law—to the Committee on the Judiciary. By Mr. J. T. UPDEGRAFF: The petition of Hannah Dunlap, for a pension—to the Committee on Pensions.

By Mr. VAN AERNAM: The petition of 10 citizens of Versailles, New York, for the establishment of a post-route from Versailles to Brant, New York—to the Committee on the Post-Office and Post-Roads. By Mr. WARD: The petition of citizens of Philadelphia, Pennsyl-

Brant, New York—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: The petition of citizens of Philadelphia, Pennsylvania, for legislation that will result in the suppression of pleuropneumonia among cattle—to the Committee on Agriculture.

By Mr. THOMAS L. YOUNG: The petitions of 74 steamboatmen and of 7 owners and masters of steamboats plying on western rivers, for the passage of the bill to increase the efficiency of the Marine Hospital service—to the Committee on Commerce.

IN SENATE.

Wednesday, December 22, 1880.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. VISITORS TO WEST POINT AND ANNAPOLIS.

The VICE-PRESIDENT, pursuant to law, appointed Mr. MORRILL and Mr. Pendleton members of the Board of Visitors on the part of the Senate to attend the next annual examination of the cadets at the United States Military Academy at West Point, New York, and Mr. Allison and Mr. Morgan as members of the Board of Visitors

^{*}In a committee of the whole, the tellers on a division differing as to numbers, great heats and confusion arose, and danger of a decision by the sword. The Speaker took the chair, the mace was forcibly laid on the table; whereupon, the members retiring to their places, the Speaker told the House "he had taken the chair without an order, to bring the House into order." Some excepted against it; but it was generally approved as the only expedient to suppress the disorder. And overy member was required, standing up in his place, to engage that he would proceed no further, in consequence of what had happened in the grand committee, which was done.—3 Grey, 128.

on the part of the Senate to attend the next annual examination of the cadets at the United States Naval Academy at Annapolis, Mary-

PETITIONS AND MEMORIALS.

Mr. BUTLER presented the petition of James McMahan, ordnance-sergeant United States Army, praying to be allowed compensation for property destroyed during the war; which was referred to the Committee on Military Affairs.

He also presented the petition of S. C. Hook and 35 others, and the petition of J. W. Wooten and 33 others, citizens of South Carolina, praying that an appropriation be made for the improvement of Broad River in South Carolina; which were referred to the Committee on

Mr. KERNAN presented the petition of C. M. Carter, in behalf of one hundred and seventy soldiers of the war of 1812 and their heirs, praying for an appropriation by Congress to pay soldiers' certificates of the State of New York; which was referred to the Committee on

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1158) for the relief of V. S. M. Chapman, submitted an adverse report thereon; which was ordered

to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Paul Gregory, formerly residing at Napoleon, Arkansas, now a resident of the State of New York, town of Marilla, Eric County, praying that he may be indemnified for loss of property by reason of

praying that he may be indemnified for loss of property by reason of the rebellion, &c., reported it with the recommendation that the claim be not allowed, and submitted a report thereon.

The report was agreed to, and ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 1214) for the relief of Charles P. Chonteau, submitted a report thereon, accompanied by a bill (S. No. 1958) for the relief of Charles P. Chonteau. Charles P. Chouteau.

The bill was read twice by its title, and the report was ordered to

be printed.

be printed.

Mr. McPHERSON, from the Committee on Public Lands, to whom was referred the bill (S. No. 1783) relating to the survey and disposal of unsurveyed lands, keys, and islands belonging to the United States, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

SETTLERS ON RESTORED RAILROAD LANDS.

Mr. BOOTH. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands, to report it favorably and without amendment, and to request its present consideration.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Yes, sir, I object.

The VICE-PRESIDENT. The Senator from Vermont objects to the present consideration of the bill.

Mr. BOOTH. I file with the Senate the report of the House Committee on Public Lands, which the Senate Committee has adopted.
Mr. EDMUNDS subsequently said: After explanation by my friend

from California, [Mr. BOOTH,] and on his responsibility and not mine, I withdraw the objection I made to the present consideration of the bill he reported.

The VICE-PRESIDENT. The Senator from California renews his request that the Senate may consider at this time the bill reported

by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands. It provides that all persons who shall have settled and made valuable and permanent improvements upon any odd-numbered section of land within any railroad withdrawal, in good faith, and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved may, for any cause, be restored to the public domain, and who, at the time of such cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead, or timber-culture acts of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent, by legal subdivisions, at the price of \$2.50 per acre, and to receive patents therefor.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and passed.

to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BAYARD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1959) for the relief of Charles H. Frank; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to intro-duce a bill (S. No. 1960) to amend section 5171 and repeal section 5176

of the Revised Statutes, in relation to the circulation of national banks; which was read twice by its title.

Mr. BAYARD. This bill was prepared by the Department, and I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1961) to establish a post-route in Missouri; which was read twice by its title, and referred to the Committee on

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1962) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1963) to incorporate the Maritime Canal Company of Nicaragua; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAINE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1964) for the relief of Greenleaf Cilley; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BROWN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1965) to appropriate money to remove obstructions and improve the navigation of the Chattahoochee River, in Georgia; which was read twice by its title, and referred to the Committee on Commerce.

CIVIL-SERVICE REFORM BILLS.

Mr. RANSOM, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and

Resolved, That 500 extra copies of Senate bill No. 1914 and Senate bill No. 1915-be printed for the use of the Senate.

COUNT OF ELECTORAL VOTES.

Mr. MORGAN. I desire to call up the resolution I offered at the last session of Congress relating to the power of the Vice-President of the United States or President of the Senate in counting the votes of electors for President and Vice-President; and at the conclusion of some remarks which I propose to submit upon that subject, if no other Senator desires to debate the question, I shall ask the Senate to consider the resolution and act upon it; otherwise I shall move its reference to the select committee on that subject.

Mr. EDMUNDS. I hope the Senator from Alabama will not call up that resolution this morning. I think that after what the Senator shall say—of course I know in general his views upon the subject—it may be desirable that something further should be said on the same occasion, and I think there are matters of greater urgency at this research research that leat days of support the same occasion. this present moment, the last day of our present sitting, than that one. Therefore I hope the Senator will not ask the Senate to take up his resolution this morning but defer it until the first day of our next

meeting.

Mr. MORGAN. I will state that it is a courtesy seldom denied to a Senator to allow him to call up a resolution for the purpose of making remarks upon it. I submitted this resolution at the last session of the Senate; I think it is now important that the subject should be brought to public attention, and I desire to have the action of the Senate upon it; but if any Senator wishes to debate it and has objection to its consideration, I will not move its consideration at this time, but will consent that it go over until such time as Senators can have an opportunity of making such remarks upon it as they choose. But I really regard the subject as one of importance, and I much prefer to proceed with my remarks now.

Mr. EDMUNDS. It is undoubtedly one of importance, but I hardly Mr. EDMUNDS. It is undoubtedly one of importance, but I hardly think that any complaint of want of courtesy can justly be made when it is proposed to enter upon an important debate on the last day of our present sitting, and when practically there would be no fair and convenient opportunity for immediate reply. That is my point, and that is why it is that I ask the Senator not at this last moment to take up the resolution and debate it from his point of view without there being any practical opportunity for further consideration at this time. The Senator I am sure knows that I would not wish to be guilty of the slightest want of courtesy to him; but in the interest of a fair consideration of all views of the question I do not think that the resolution ought to be taken up at this modo not think that the resolution ought to be taken up at this moment, and have one set of views presented without the reasonable possibility of having another set of views presented, if there should be another set of views

Mr. MORGAN. I think the Senator from Vermont will find, after he has heard my remarks, that he has really nothing to urge against them, unless, indeed, he takes up the record of his own course on this subject in the Senate and undertakes to demolish that. I think that my remarks will be entirely in the line of the course which the Senator has heretofore taken on this question in the Senate, and so I expect not to find in him an antagonist in the course of the views which I shall express before the Senate, if I am permitted to go on.

Mr. EDMUNDS. May I ask the Senator, if it is agreeable to him, what length of time he thinks he will occupy?

Mr. MORGAN. I think not more than forty minutes.
Mr. EDMUNDS. The Senator is aware that from particular considerations to which I cannot here refer, it is desirable that important public business connected with the administration of the Government should be done to-day before we adjourn and before we find ourselves without a quorum. I think it would be a great misfortune to the public interests to run any risk of doing what it is necessary the Senate should do for a little while by a discussion of a topic of this character; and I should be glad to submit a motion at the present time, but I will not take the Senator off his feet.

Mr. ALLISON. I ask leave to have an order made, which will take

The VICE-PRESIDENT. The Chair will receive morning business, after which he will recognize the Senator from Alabama.

REPORTING FOR COMMITTEE ON APPROPRIATIONS.

Mr. ALLISON, from the Committee on Appropriations, reported the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the "miscellaneous items" of the contingent fund of the Senate, for reporting any testimony which may be taken in connection with appropriation bills, &c., for the Committee on Appropriations, the vouchers to be approved by the chairman of said committee and andited by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. I ask for the present consideration of the resolu-

Mr. EDMUNDS. Is that to be a standing order?
Mr. ALLISON. It is to be an order for the present session.
Mr. EDMUNDS. Then you had better insert the words "at this session."

Mr. ALLISON. I will insert "at the present session."

The VICE-PRESIDENT. The Senator from Iowa asks the Senate to consider the resolution at this time. Is there objection?

Mr. MORGAN. I object.

Mr. ALLISON. I trust no Senator will interpose an objection to the seolution. It is rather important we should take some testimony— Mr. MORGAN. I withdraw my objection.

By unanimous consent, the resolution was read the second time, and

considered as in Committee of the Whole.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and

COUNT OF ELECTORAL VOTES.

Mr. MORGAN. Mr. President, as to the especial matter suggested by the Senator from Vermont, [Mr. EDMUNDS,] I think he will find that there will be no necessity for being apprehensive about that. I will therefore ask permission of the Senate to proceed briefly to deliver my remarks on the resolution which I now call up.

Mr. President—*
Mr. EDMUNDS. The resolution is not up yet, is it?
The VICE-PRESIDENT. It is not. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. Morgan June 15, 1880:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate is not invested by the Constitution of the United States with the right to count the votes of electors for President and Vice-President of the United States so as to determine what votes shall be received and counted or what votes shall be rejected.

The VICE-PRESIDENT. The Senator from Alabama,

Mr. EDMUNDS. Is the resolution now before the Senate?
The VICE-PRESIDENT. It is; and the Chair recognizes the Senator from Alabama.

Mr. MORGAN. Mr. President, I introduced the resolution at the last session of Congress in anticipation of a state of affairs which has already been realized, and that is, the assertion on the part of a large number of gentlemen in both Houses of Congress, as I believe, of the doctrine that the Vice-President, when acting as President of the Senate, has a right to count the electoral votes for President and Vice-President. I will read such portions of the Constitution of the United States as I think bear directly upon this question. Article 1, section 2, provides that section 2, provides that-

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Section 3 of the same article provides that-

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have

Article 2, section 1, provides that-

Each State shall appoint, in such manner as the Legislature thereof shall direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

to the age of thirty-five years, and been fourteen years a resident within the United

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Before he enter on the execution of his office, he shall take the following oath or

Fore the enter of the execution of his office, he shall take the following office affirmation:—
"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States."

Then the twelfth article of amendment to the Constitution pro-

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as Vice-President, and they shall make distinct lists of all persons voted for as Vice-President, and they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

I will also read section 1756 of the Revised Statutes, which con-

I will also read section 1756 of the Revised Statutes, which contains the oath of office which the Vice-President of the United States is required to take:

Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I.A. B., do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

"Mr. President, the true construction of the parts of the Constitution."

Mr. President, the true construction of the parts of the Constitution above quoted presents the most delicate and dangerous question in American politics. The wide diversity of opinion which has existed for nearly a century in the minds of the most eminent jurists and statesmen of the country on this subject, and the frightful dangers with which it has so often beset the course of government, are enough to compel every true citizen to give his assistance toward some satisfactory remedy of this difficulty.

No man can afford to say that the way to the ascertainment of the result of a presidential election is entirely clear and plain. The language of the Constitution does not furnish a positive, distinct, and express rule, either as to the tribunal that is empowered to count the votes of the electors, or as to the manner of ascertaining what votes have been rightfully and lawfully cast, or as to the tribunal that is to decide upon the eligibility of the electors to hold that office, or the qualification of the person who receives a majority of the electoral vote to hold the office of President or Vice-President. All these matters and many other like questions depend for their solution, not upon the express language of the Constitution, but upon its proper construction.

There is a most unfortunate obscurity of meaning in the organic law which is constantly exposing the country to the danger of having a President counted in or counted out of his election through the mere construction of the Constitution by men whose passions are aflame with partisan zeal or hate, or whose most vital interests are involved in the election of their favorite. We must forget all the history of our race before we can be content while such dangers are lurking in our system of government.

lurking in our system of government.

But owing to the obscurity of the text the true meaning of the parts of the Constitution above copied can only be settled by construction and the instinct of self-preservation, if no other motive requires us to adopt a just and reasonable construction, and to adhere to it in any and every event. The moment when an election is to be ascertained and declared is of all other times the least propitious for coming to a wise, just, and true conclusion as to the meaning of the Constitution. This should be settled in advance of a presidential election. In May, 1880, before either of the great political parties had made its nominations for President and Vice-President, the Senate declared its construction of the Constitution in reference to some of the most important of the questions that have heretofore arisen The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained of the most important of the questions that have heretofore arisen

on these clauses of that instrument; but the House of Representatives failed at its last session to act on the proposed measure or to send any other to the Senate for its action; and the measure still hangs in doubt in that body, so that we are still left without any agreement upon any of these grave and difficult matters unless we are required to meet and conduct the count of the votes of electors cast on the 2d day of December, 1880, under the twenty-second joint rule, which the Senate has discarded, but which the House has never agreed to rescind. Either horn of this dilemma is needlessly dangerous to the tranquillity of the country. Some agreement should be made before the Houses meet in February to count the votes of the electors by which it shall be determined who is to count the votes, and also as to the procedure of the Houses when they are brought together.

together.

If the Senate and House of Representatives fail to make such agreement, then we are to be left to all the hazards of an obstinate or violent controversy over a subject that has never failed in all the nations of the earth to excite and alarm the people—the right of succession to the supreme executive power. When the Houses have failed to agree, then safety requires that the people shall agree as to the proper construction of the Constitution, so as to give the valuable and effectual support of public opinion to that party or body which the people believe has the right of the matter. It is time that the respect cheeple enterties.

which the people believe has the right of the matter. It is time that the people should consider this question.

What is the proper construction of the Constitution as to who must count the votes of electors? Does it mean that the vote shall be counted by the President of the Senate without control or direction, or shall it be counted by the direction of the Senate and House of Representatives?

of Representatives?

The office of all words found in the text of a law, whether it is organic law or ordinary legislation, is to define and explain the intent of the law-giver, and if the words used do not clearly define that intention, it must be gathered from the nature of the object or purpose to secure which the law was enacted. The guiding light, therefore, which we should follow in our effort to ascertain the true meaning of the parts of the Constitution which touch this controversy where other lights have failed should be the great object or purpose intended to be secured by their ordination.

The general purpose of our electoral system for the choice of the President and Vice-President of the United States is (I) that these officers shall be elected, and not that they shall be appointed; (II) that they shall be elected by the votes of the chosen representatives of the people of the respective States, and not by the direct vote of the people or the choice of one man. It is expressly required by the Constitution that a President and Vice-President shall be voted for by electors "appointed" in each State in the manner prescribed by the Legislature thereof, and that the votes of the electors shall be by ballot. This is the indispensable preliminary proceeding through which a title to the office of President or Vice-President is to be acquired. But this is only a preliminary step in the election of these efficers. The power of the electors ceases when they have voted by ballot, and have certified and transmitted their votes to the President of the Senate. It is a final and irrevocable act, and if they should all die the moment after this act is completed, and before their votes were counted, it would not affect the validity of the vote.

Another and distinct agency is created by the Constitution to take up the matter of the election of a President and Vice-President at the point where the power of the electors has ceased from exhaustion.

When the authority of that agent supervenes, it is only the power to further conduct an election that is partially completed. It is not a power to appoint a President, or to declare who is elected President, but the power to do the particular thing which the Constitution provides shall be done to complete the proceedings which the electors inaugurated, namely, to open the votes of the election, also required by the Constitution, that "the votes shall then be counted." It is the President of the Senate who is expressly required to open the certificates of the votes of the electors. As in the case of the electors, this is all that the Constitution requires of him, and he exhausts that power in its exercise. This is an important provision, and is necessary to the programme of the election arranged in the Constitution. It is necessary that the President of the Senate, to whom the votes of electors are required to be transmitted, should be able to identify the certificates that were sent to him by lawful authority, and that he should open all that had been so delivered to him.

If he should refuse to count the votes after opening them, that would not end the election; or if he should resign or die before they were counted, the election would be incomplete until they were counted; but his resignation or death would not stop or defeat the election. The Constitution requires that "the votes shall then be counted," and this must be done or else there can be no completed election. This proposition is not answered nor is its force impaired by the suggestion that another person could be chosen as President of the Senate to complete the work of the person who, while he held the office, refused or was disabled from performing it. If the President of the Senate is empowered to count the votes of electors, as well as to open the certificates when he begins the process of counting by opening the votes, he must complete it. If the power to count the votes is conferred upon him, as well as the power to open the cer-

tificates, the powers are not separable, and the same person who opens them must count them. If the Constitution commands him to count the votes as well as to open them, the mandate is that he shall perform both acts, and not that he shall do one thing and may do the other or omit to do it at his option. He must proceed with and complete both duties. He must do all that the Constitution requires him to do. If he can take a recess between the act of opening and the act of counting, or if he can resign or should die in that interim, the same thing could as well occur after he had commenced the count and had counted five of the thirty-five votes of New York, leaving the remaining thirty to be counted or not as his successor might determine.

counted five of the thirty-live votes of New York, leaving the remaining thirty to be counted or not as his successor might determine.

The act of opening the packets containing the certificates of the votes of electors and the act of counting the votes are separate and distinct acts, and each is separately provided for. "The President of the Senate shall "" open all the certificates, and the votes shall then be counted." The reason of distinguishing and separating between these acts in the grammar of this sentence is, clearly, that the acts to be performed are of different natures and were intended to be performed by different officials. The power conferred on the President of the Senate is given in definite, distinct, and express terms. This was done so as to limit his authority to the particular act required, and to prevent him, as President of the Senate, and in virtue of his office, from exerting a power to count the votes in the presence of his colleagues in the Senate and his peers in the House, and thereby exclude them from uttering a word for the protection of the people that they represent. Opening the certificates is only a ministerial act requiring no exercise of judgment above that required to open a snuff-box; while the counting of the votes is essentially the exercise of a judicial power, and one that demands the highest exercise of judgment, the most perfect integrity, and the purest impartiality, of any other in the whole range of moral or official duty. If it was intended to confer this highest reach of judicial power on one man, to be exercised in the presence of three hundred and sixtynine dumb representatives of the States and of the people, who are required to be present, and are only permitted to remain and look on while he mentally counts the vote, and then states it, why was the expression in this sentence changed from the express mandate that "the President of the Senate shall open all the certificates" to the less definite and more general form of expression which would apply as well

It was so easy and natural to have said grammatically that "the President of the Senate shall open all the certificates and then count the votes," that it is utterly incredible that language should have been used to convey this meaning, which violates the plainest rules of syntax, and condemns its authors as wanting the capacity to express the simplest thought in an intelligible way. The true construction is that after the President of the Senate has performed his ministerial function of opening "the certificates," then the election is to be completed by counting the votes. Now, whether this act of counting the vote is more or less judicial than it is ministerial in its nature, it is part of the procedure required by the Constitution in holding an election. An election consists in voting and counting. The various parts of the machinery requisite to provide for voting and for counting the votes are necessary facilities in holding an election. The election is a result lawfully attained through various acts of different persons in voting and counting the votes, and the election is not complete until the votes are counted and the result is ascertained.

Is the President of the Senate the only person who can count the votes of electors and ascertain the result? Is he the one person who alone can complete the election in which the electors do all the voting, and in which he is expressly prohibited from voting? Is this the true construction of the Constitution? The answer which logically interposes itself as an immovable barrier to this construction of the Constitution is, that the whole purpose of the Constitution, in its provisions touching the election of a President and Vice-President of the United States, is to secure to the people of the States, respectively, the right to elect these officers through their chosen representatives—men chosen for that purpose. This right is secured to them when their representatives in the electoral college vote for President and Vice-President, and when their representatives in the Senate and in the House complete the election by counting the votes and ascertaining the result. It cannot be secured to them when a Vice-President, elected to an executive office, and not to a representative office, completes the election by counting the vote according to his will and pleasure, unconstrained by the responsibilities attaching to a representative of the people; nor is it secured when a Senator from Ohio, being President of the Senate by the election of that body, and not by the vote of the people of any other State except Ohio, may complete the election by counting the votes. In a construction of the Constitution which allows the President of the Senate to count the votes of the electors, and to ascertain the result, the whole idea of the representation of the people of the several States in the election of President and Vice-President is sunk out of sight.

Constitution which allows the President of the Senate to count the votes of the electors, and to ascertain the result, the whole idea of the representation of the people of the several States in the election of President and Vice-President is sunk out of sight.

A construction of a clause in the Constitution which destroys a right expressly secured to the people in another part of the instrument, or by its general tenor and effect, cannot be sound or safe. To prevent a failure of the people to elect a President through their chosen representatives, two electoral bodies are expressly provided for in the Constitution, and each of them is a representative body. The first is the

colleges of electors chosen in the States, and the second is the membership of the House of Representatives, elected directly by the people of the respective States. The second electoral body is the counterpart of the first as a representative body, but it votes on a different basis. The Senate is excluded from this body, but the States are made exactly equal by the method of voting, so that Rhode Island and New York have the same weight in electing a President.

In construing the Constitution we certainly are not at liberty to ignore this important exemplification of the great principle that the

ignore this important exemplification of the great principle that the people have kept in the hands of their own representatives all the power relating to the election of a President and Vice-President. In the second electoral body the House represents the people and the States, not as a Legislature, but as a great and peculiar constitutional tribunal, "a high council of state," with full power to elect a President, but not a Vice-President; yet confined in their selection to not more than three men for whom the people through their first body of representatives have voted. They not only represent the people in voting, but they must follow their nomination of the persons to be voted for.

In the case of an election by the House of Representatives, it would be as reasonable to say that the Speaker of the House should count the votes cast by the States, and at his pleasure refuse to count such as he might choose to reject, as to say, in the other case, that the President of the Senate should have such powers because he is required to open the certificates.

Many other reasons could be assigned in opposition to the construc-tion of the Constitution which claims for the President of the Senate the right to count the votes of electors without the aid or direction the right to count the votes of electors without the aid or direction of the two Houses, but I will present only one other view. It cannot be truly said that the power to count the votes of electors is expressly granted to the President of the Senate by the Constitution. The Senate has, by solemn resolution, which it had the right to adopt, declared that its President, when elected by it, holds his office at the pleasure of that body, and may be removed at any time. It cannot be that this great power to count the votes for the Presidency and to ascertain the result of an election was intended to be given to the office of "President of the Senate" without any reference to the fact that the Senate can remove its incumbent at any moment. that the Senate can remove its incumbent at any moment. Have we lodged a power that involves the whole destiny of the people and the fate of their government in a mere office whose occupant comes and goes like a shadow of the clouds, according to the will or caprice

of the Senate?

If the President of the Senate, in counting the votes of the electors, should thwart the will of a majority of that body, they could, in the absence of the Vice-President, return to their Chamber and depose him; and put a man there with a more pliant conscience who would do their bidding. In that case the Senate would virtually elect the President; or it could force the election upon the House of Representatives by deposing their President and refusing to elect his successor. The absurdities that follow this doctrine are so numerous and gross and have been so often exposed that there is no need to and gross and have been so often exposed that there is no need to call further attention to them. It is the present danger in which this doctrine threatens to involve the country that needs to be dis-

oussed.

It may be conceded, for the sake of argument, that a President of the Senate, whether he is Vice-President, or a Senator, would act fairly and wisely in counting the votes; but "the one-man power" is hoshie to the spirit and genius of our popular government.

The President of the United States comes nearer than any other person in our Government to the possession of autocratic power. But he is guarded at every point with the requirement of obedience to the laws and the Constitution fastened upon his conscience by the obligations of his cath and even by severe penalties for their violation. tions of his oath, and even by severe penalties for their violation. The Supreme Court cannot be held by one man, and the legislative department consists of two Houses and many men. The electors of department consists of two Houses and many men. The electors of President and Vice-President are collections of numerons men in the several States. The one-man power is an alien enemy to our system. No more complete description could be given, however, of the one-man power than is presented in an exact statement of the power to be exercised by a "President of the Senate" when he is deciding the result of an election for President and Vice-President of the United States. No man can point out the clauses of the Constitution or of the laws that are to control him in arriving at his conclusions when he counts the vote; or that provide for his punishment if he makes a corrupt decision; or for the correction of his errors or mistakes, however gross they may be. He can silently count the vote in his own mind, and state a conclusion that is as little open to question as the ukase of a Russian czar. The Houses of Congress, though required to be present, are merely the accessories to give state and dignity to the expressions of the will of one man, whose will is the supreme law of the land.

They have no right to question his judgment, or to deny the con-

supreme law of the land.

They have no right to question his judgment, or to deny the conclusiveness of his decrees, or to require him to inform them of the reasons for his action in admitting or excluding the votes of electors. His unexplained will is made the sole arbiter of the greatest event in government, and the people are required to bow to it while they declare that the President of the Senate "can do no wrong." The construction of the Constitution that makes it necessary to find warrant in its provisions for such a monarch as this must destroy every other part of the instrument which alludes to the republican form of the

government, or the right of the people to rule through their selected representatives. When any party attempts to crown a mere despot to rule the people in the great and vital act of electing their President, and to solemnly proclaim his right thus to determine their destiny according to his own unaided judgment and uncontrolled will, it must create a degree of alarm and agitation in the country that will be disastrous if persisted in.

There cannot be the same degree of security in the count of the votes of electors by the President of the Senate as is guaranteed by a count under the direction of the two Houses of Congress. These tribunals that the three tool of the two Houses of Congress. These tribulars have a direct responsibility to the people, and are in full sympathy with them, and hold toward them the responsible relation of Representatives them, and hold toward them the responsible relation of Representatives chosen directly by them. If there is any doubt, therefore, as to the meaning of the clauses of the Constitution in question, every consideration of respect for the theory of the Government and for the supreme power of the people to begin, conduct, count, ascertain, and declare an election of President and Vice-President, through their chosen representatives, should influence us to resolve that doubt in favor of the power of the people's representatives. It cannot be safely or justly resolved in favor of the "one-man power" lodged in the hands of a man who is not in any constitutional sense a representative of the people, when he is holding an office to which is merely attached the ex officio duty of presiding over the Senate. The settled practice of this Government to count the votes by tellers appointed in each House that has prevailed since the second term of Washingin each House that has prevailed since the second term of Washington's administration, without exception, is a strong declaration against the power of the President of the Senate to count the votes. It may not be an authority as to the manner in which the two Houses may proceed to settle an objection that may arise to the counting of a vote,

but it is a clear assertion of their right to participate in the count through their previously elected officers.

This question has been frequently mooted in Congress, and the opinion has always largely prevailed when the question has been brought to a test that the President of the Senate has not the right to count the votes of electors. The first actual test of the question was made on the 6th of February, 1865, in the adoption of the twentywas made on the 6th of February, 1865, in the adoption of the twentysecond joint rule by the concurrent resolution of the two Houses
of Congress. It was then affirmatively decided that the power to
direct what votes should be counted and what votes should be rejected
resided in the two Houses, each voting separately. That rule declared that "no question shall be decided affirmatively and no vote
objected to shall be counted except by the concurring vote of the two
Houses." Language could not be more definite to exclude the power
of the President of the Senate to count the votes of electors. Under
this rule the second election of Mr. Lincaln and both elections of Genthis rule the second election of Mr. Lincoln and both elections of General Grant were counted. When the election in 1876 was to be counted the republicans were afraid to risk this twenty-second rule because the House of Representatives was democratic. A dead-lock between the Houses would have carried the election into the House of Representatives was democratic. sentatives, and the majority of the States were democratic. The movement to get rid of the twenty-second joint rule was begun in the Senate on the 20th of January, 1876, when it was known that the House of Representatives would be democratic in February, 1877, when the presidential election was to be counted.

The rule was not repealed or rescinded, but was dropped by the Senate on the ground that the House had not adopted any joint rules to govern the Forty-fourth Congress; and that the adoption of joint rules by each Congress was necessary to keep them in force. Under rules by each Congress was necessary to keep them in force. Under this view there remained no law or rule governing the count of the electorial vote, and the way was opened for the enactment of the law creating the electoral commission. That law expressly negatived the right of the President of the Senate to count the votes of electors. This should be enough, it seems, at least to abate the zeal of republicans for the establishment now of a power which that party has uniformly denied to the President of the Senate, and from party has uniformly denied to the President of the Senate, and from which they have expressly excluded him by joint rules and by law. Having thus counted four elections in defiance of the supposed power of the President of the Senate to count the votes, they now suddenly claim that power for him and defy the Houses of Congress to deprive him of it. This is done for a purpose that will be of importance four years after date, and only for that purpose. The danger to the country of a course so vacillating and so destitute of respect for principle in dealing with a great constitutional question is forcibly stated in the following extract from the celebrated report of Oliver P. Morton from the Senate Committee on Privileges and Elections, of which he was chairman, on the 28th of May, 1874:

Of which he was chairman, on the 25th of May, 1874:

Upon the hypothesis that the President of the Senate has the power to open and count the electoral votes, and that the two Houses are to be present merely as witnesses and have no jurisdiction over the subject, either jointly or separately, everybody must perceive that it is a vast and dangerous power to repose in the hands of one man, especially when he may be ardently devoted to the fortunes of a great party, or when he may be personally interested, sitting as a judge in his own case; for it has happened six times in the history of our Government that the President of the Senate has opened and counted the votes for himself either for President or Vice-President. In 1737 John Adams, as Vice-President, opened the votes for himself and declared himself elected President. In 1801 Jefferson, as President of the Senate, opened and counted the votes for himself when he and Burr were the candidates for President.

In 1821 Vice-President Tompkins, as President of the Senate, opened and counted the votes for himself, he being a candidate for re-election; and in 1837 Mr. Van Buren, then Vice-President and declared himself elected. In 1841 Richard M. Johnson, then Vice-President, opened and counted the votes for himself as President, opened and counted the votes for himself selected. In 1841 Richard M. Johnson, then Vice-President, opened and counted the votes for his re-election as against Mr. Tyler, the opposing candi-

date; and in 1861 Mr. Breckenridge, then President of the Senate, opened and counted the votes for himself as a candidate for the Presidency.

Clearly the framers of the Constitution did not contemplate that the President of the Senate, in opening and counting the vote for President and Vice-President, should exercise any discretionary or judicial power in determining between the votes of two sets of electors, or upon the sufficiency or validity of the record of the votes of the electors in any State; but that he should perform a merely ministerial act, of which the two Houses were to be witnesses and to make record.

He further continued:

If it should happen upon the recurrence of any one of the cases we have been considering, that the decision of the President of the Senate should determine the result and give the Presidency to the candidate who would otherwise have been defeated, or throw the election into the House of Representatives, where the candidate who had been rejected by the people should be elected by the vote of the States, all can understand the imminent peril in which the nation would be placed. In 1801, when Mr. Jefferson, as President of the Senate, counted the vote as between himself and Aaron Burr for President, it turned out to be a tie vote, and had there then been a question or contest in regard to a single vote, such as exist to day in regard to several, he might have decided himself elected, and the nation would have been without redress. Such a temptation, springing lion-like upon a man of less patriotism and weaker virtue, backed by a great party, in a season of high excitement, might have proved fatal to the peace of the nation.

When we have passed the question of who shall count the vote the dangers of violent disagreement as to how the vote shall be counted are not formidable. On several occasions such questions have been settled by the Houses without any previous agreement as to the methods of procedure. However strong the strife may be between the members of Congress, they always gain enough of equa-nimity at the supreme moment to remember their direct responsibility to the people; and their keen sense of gratitude for favors to come nerves them to render obedience to the Constitution and the laws and

nerves them to render obedience to the Constitution and the laws and the will of the people.

There is a broad and potential distinction between assuming the brunt of personal responsibility for an unconstitutional course of action, and upholding a bold usurper after he has violated the Constitution by assuming to do a thing which others dread to attempt. One of the Houses of Congress might obstinately protect a President of the Senate in counting the votes of electors so as to secure the election of their favorite, when, if they were compelled to decide the count for themselves, they would shrink from assuming such responsibilities. It is safer to intrust the power to count and ascertain an election in the hands of any one man.

hands of any one man.

Much diversity of opinion has always existed, and between men of the greatest ability and experience in public affairs, as to the precise character in which the Houses of Congress must act when engaged in counting the votes of electors, or in directing the count. On one point, however, there is little or no disagreement, namely: that whatever decision the Houses may arrive at it is final and conclusive, and beyond the power of any other tribunal or department to review or reverse it. This would not be true of a decision of an election made by the President of the Senate in which the Houses should refuse to concur. This refusal to accept a final decision at his hands would destroy its effect, and the people would stand by the Houses. If the Houses should disagree as to the validity and correctness of a count of the votes by the President of the Senate, the House of Represent-atives would be compelled to count the vote for itself, and by itself, in order to determine whether the votes of the electors had, in fact, elected a President, and to determine whether the constitutional duty of electing a President had devolved upon them as the second electoral

body.

If this decision of the House of Representatives should reverse the action of the President of the Senate the people would be most likely to sustain their own immediate representatives in their action. They would say that an election had been made by a constitutional body of electors, voting by States, and that such an election is of higher authority and more clearly rightful than an election in which one man has interfered under a merely constructive authority, and has decided without advice or assistance from either of the Houses. So that it will turn out that every such controversy will end in the ac-ceptance by the people and the Government of the decision made by both Houses, or when they fail to agree upon a count of the votes cast by the first body of electors, it will result in their acceptance of an election of the President by the second body of electors.

The two Houses can and always will control the President of the

Senate, and will, at their option, accept or refuse any decision he may make as to the counting of the vote of any elector; and their decis-ion will be accepted by the country as final and conclusive. There is then nothing but a theory involved in the question whether the Houses shall act by concurrent resolution or by joint resolution or by bill in the prearrangement of the rules and regulations which shall

govern them in counting the votes of electors.

Mr. Lincoln, with whom a great number of our most eminent constitutional lawyers have agreed in opinion, in the most self-abnegating and patriotic spirit, disclaimed the right, as President, to participate, directly or indirectly, in the government of the two Houses in this high and delicate duty. If his view was correct, it is undeniable that the only way in which the Houses can adopt rules for their government, in advance of their meeting to count the votes of electors, or even to witness the count, is by concurrent resolution. But as the decision of the Houses when reached will be final as to every the decision of the Houses, when reached, will be final as to every question involved in the election of a President, and will settle the title to the office, it cannot be a vital matter whether they have been

governed by a law, or joint resolution, which is a law, or by a con-current resolution, which is only a rule or an agreement in reference to the procedure, by which the decision was had. When the Houses are met they can, if they choose, disregard or nullify a law or joint resolution, or a concurrent resolution, established for their government in counting the votes, without affecting the validity of the election, which they may ascertain and declare. It is far better in every way, and especially for the tranquillity of the country, that some rule should be agreed upon in advance of the count for the government of the Houses when met to discharge their constitutional duty.

The absence of some such agreement might, in a moment of pas sionate excitement, expose the country to fatal injury. The attitude of the democratic party in this matter, so far as it is declared by the vote of the Senate on the joint rule now under consideration in the House, may be thus stated: They prefer a joint rule to a joint resolution or a law to be approved by the President, because it better secures the Houses from the interference of the Executive in a matter where the greatest temptation would be present to give a personal bias to his action in the enactment or repeal of such a law. They agree with Mr. Lincoln's view, that the Houses are not constitutionally subject to the power of the Executive in the discharge of this great duty. They insist that the President of the Senate and the great duty. They insist that the President of the Senate and the Senate and House of Representatives, being expressly mentioned in the Constitution as participants in the counting of the votes, the President of the United States is as clearly excluded from any participants. ticipation in that power and duty as the judges of the Supreme Court or the General of the Army, because they are not mentioned in the

The two organized Houses, when met to count the vote, constitute "a high council of state and discretion," with powers both judicial and ministerial, adequate to the duties imposed upon it by the Constitution, acting independently of every other tribunal, and having exclusive jurisdiction of that particular matter. Its decrees are final and conclusive, and its free right of judgment is above the direct control of any other power or tribunal, and is only regulated or controlled trol of any other power or tribunal, and is only regulated or controlled by its sense of duty and its responsibility to the people whose repre-sentative it is. If this council is not able to ascertain that a Presi-dent has been elected by a majority of the votes of electors rightfully cast under the Constitution, then immediately the power to elect a President is devolved upon the House of Representatives, in which the vote is cast by each State through its Representatives in the House. If the two Houses, when met to count the votes fail, from any cause, to ascertain that an election has resulted from the votes of electors, the constitutional power of the House of Representatives of electors, the constitutional power of the House of Representatives to elect a President at once becomes perfect; and thereby the Government is saved from the danger of a vacancy in the office. So long as we adhere to the system of electing a President by electoral bodies, the voice of the people, that is now too indirectly expressed, should not be entirely silenced in the election by depriving their immediate representatives not only of power to guard their rights and to secure the execution of their will, but of power even to enter a protest against the act of one man, who may entirely disregard and annul their choice of a President and Vice-President.

Mr. President, if any Senator desires to debate this resolution now, I will consent that it be kept before the Senate; otherwise I shall move to refer it to the select committee on the subject.

Mr. EDMUNDS. Mr. President, I do not wish to debate this resolution at this time, but I wish to say two things. I wish to say in the first place that I agree with the Senator from Alabama that the President of the Senate has no power to count the vote for President in the sense of deciding anything about it. I wish to say also, and as part of the same phrase, that the House of Representatives and the Senate, together or separately, have no more power to count that vote, under the Constitution, than the President of the Senate, and that neither of them and not all of them together, as such, have power that neither of them and not all of them together, as such, have power to count the vote for President and Vice-President in the sense that I have described as undertaking to decide. The Constitution of the United States says that when these great public documents from States, presumed to be formal and right, have been opened, they shall be enumerated, footed up. Then the Constitution says that the man who has the greatest number of votes (under qualifications that I need not stop to consider now) shall be the President—not the man who the President of the Sensite serve has the greatest number of who the President of the Senate says has the greatest number of votes; not the man who the Senate and House of Representatives votes; not the man who the Senate and House of Representatives say has the greatest number of votes; but the man who on these documents being opened and displayed, has in fact the greatest number of votes, shall be the President. And I wish to add that I think he will be on this occasion, whether the House agrees to the unconstitutional and otherwise injurious proposition that the Senate passed at its last lession, or not, whether the House of Representatives agrees with the Senate to meet here or elsewhere, if there be any constituwith the Senate to meet here or elsewhere, if there be any constitutional power to compel the President of the Senate to go elsewhere to open the votes (about which I say nothing now) or not. When the day fixed by law comes, I have no doubt the votes will be constitutionally opened and that some constitutional count, if a count be constitutionally necessary, will be made; and the person who appears from those votes from States to have a majority, qualified as the Constitution qualifies it, will be the President, for the Constitution says that he shall be, and he will be.

The remarks of the Senator about the power of the President of the

Senate and about the necessity of a jointrule—which is just as good in my opinion as a town meeting, and I think the Senate was unan-imously of that opinion when we agreed it ought not to be revived remind me of a remark imputed to the late President Lincoln. He was elected, as was agreed on all hands by gentlemen of all parties, fairly and squarely under the forms of the Constitution; I am not speaking of the political grievance of his election; but so far as the form and the method went he was known to have been elected. Having been elected, certain misguided persons over the country here and there said that he should not be counted in and that he should not be inaugurated, and so on. This being called to Mr. Lincoln's attention, he is reported to have said in his homely phrase "suppose the two Houses didn't meet and didn't proceed to attend on the constitutional occasion" he thought that the people who elected the President would see to it that he was set up. That was his homely and western phrase; and on this occasion when there is no possible question that any honand on this occasion when there is no possible question that any honest or intelligent man of any party will say exists, as there did exist four years ago, when no possible question exists, I wish to prophesy with firm faith that peacefully, constitutionally, and rightfully the President-elect of the United States of America will have the votes that have been returned to the Vice-President of the United States opened on the day fixed by law and a constitutional law, and that if the House of Representatives does not choose to attend they will be opened nevertheless on that occasion; and that if it appears, as we all understand the fact to be, that James A. Garfield, of Ohio, has the greatest and the constitutional number of votes, he will be, as the Constitution says he shall be, the President of the United States, and I have my friend from Alabama will not fash his heard, as the phrase is hope my friend from Alabama will not fash his beard, as the phrase is, on the subject of the necessity to guard against political calamities which may happen of having his joint rule adopted, which I believe and which the Senate when there was no bias of interest about it I think unanimously, certainly very nearly so, and certainly without regard to party, thought was wholly indefensible both in respect of its constitutional sway and in respect of the fitness of the thing itself.

I am willing now that this resolution shall be referred.

Mr. MORGAN. Mr. President, I am a little surprised to have heard from the Senator from Vermont this morning that the rule which passed the Senate at the last session in his opinion is unconstitutional.

Mr. EDMUNDS. I said so then. Mr. MORGAN. I did not remember that the Senator had made any point of unconstitutionality against that rule. If unconstitutionalit can only have been because of the manner of its adoption, not of the

with the bill the Senator himself brought forward.

Mr. EDMUNDS. That is precisely the point. The Constitution declares that every bill and resolution requiring the assent of the two Houses, before it becomes operative shall be presented to the President of the United States. I maintain as I maintained when the electoral hill was before Congress that the power of making near the electoral bill was before Congress that the power of making necessary regulations where they are necessary, (as none are now happily,) resided in the law-making power of this Government; which is not the Senate and House of Representatives by a joint rule, but it is the law-making power, and that includes not merely the representatives of the States and of the congressional districts, but also the one representative of all the States and all the people fixed by the Constitution, the President of the United States. I stand in favor of the legislation of 1877 upon the ground that the Constitution required this thing to be done, and did not point out the specific way and method and regulations under which it should be done, but it did say that every power lodged in every department of the Government should be carried into effect by necessary and proper legislation by Congress,—laws passed by Congress to carry into effect every power vested in every department of the Government. That was my position then; that is my position now, that if you are going to interject into this, what was supposed to be, formality of the arithmetical computation of the votes of the States, regulations which are to take the character of decisions, not judicial in my opinion as the Senator says, but administrative, like those of a canvassing board in a State—if you give to those regulations any vitality you must give it to them by a law that the Constitution says Congress may pass to carry on every one of the operations of the Government. way and method and regulations under which it should be done, but ernment.

The Senator from Vermont has quoted a remark Mr. MORGAN. The Senator from Vermont has quoted a remark of Mr. Lincoln, rather because of his expertness in trite sayings than his knowledge of constitutional law. He said that though the Houses might not meet for the purpose of counting the votes the people who elected the President would set him up. I am very happy that Mr. Lincoln did not say "although the President of the Senate might not count the votes." The Senator says also that he has no doubt at all that on the proper day fixed by law the two Houses will assemble, and that by some means or other they will ascertain the votes of the electors which have been cast in the recent election, and that they will state the result, and when that result is ascertained and stated the Constitution will go into effect and Mr. Garfield, who and stated the Constitution will go into effect and Mr. Garfield, who he says is elected, will then become the President of the United States without more.

Now, there is some regulation necessary for the conduct of the two bodies when they get together. Questions may arise. Particularly I cite the Senator's attention to a difficulty that is spoken of in reference to the count of the vote of Georgia. Difficulties may arise. The

Senator thinks it the power and duty of Congress to provide by law in reference to the count of the votes, and he does not think we have any right to make a prearrangement of a joint rule through which these difficulties may be settled. He puts us in the position of having a President, counted by a method that he does not designate and does not attempt to describe, in the presence of the two Houses without any previous agreement and without any law. It seems to me that if the two Houses have the capacity thus to count the votes cast at an election and declare the result, they surely have the right and power to regulate their own conduct and action in advance of such meeting, and that too, without the assistance of the executive department. ing, and that, too, without the assistance of the executive department. The Constitution does not mention the President of the United States as being a participant in an election for President. If the language of the Constitution needs any construction on this subject at all, that construction must necessarily amount to his exclusion, unless the honorable Senator from Vermont can draw his power into this matter through the clause of the Constitution which he has cited in reference through the clause of the Constitution which he has cited in reference to the duty of Congress to enact laws for the purpose of carrying into effect all the provisions of the Constitution conferring proper and just powers on each department. But surely the President of the United States is not mentioned in the Constitution in this connection; he is to be drawn into it by construction; and I think I have cited an authority which even the honorable Senator from Vermont would de well to consider, an authority that stands very high in this country, especially among the republicans of this country, to show that in the opinion of a great committee of the Senate when it was presided over by Mr. Morton, and when there appears to have been little or no dispute about the propriety of the conclusions at which he arrived, it was asserted that the Vice-President of the United States ought not to be admitted to the exercise of this dangerous power under circumstances of great temptation, unless there was a clear and positive command to that effect in the Constitution.

Mr. EDMUNDS. Mr. President, my friend from Alabama I think has done injustice to the late Senator Morton in representing him as having such views as he has now expressed; but I do not mind about My learned friend from Alabama answers the suggestion that

I made by saying that I am very expert in trite sayings.

Mr. MORGAN. I beg pardon, I said the Senator quoted Mr. Lincoln more because of his expertness in trite sayings than his knowl-

edge of constitutional law.

Mr. EDMUNDS. I understood my honorable friend from Alabama to say—and there is no offense in it certainly—that I was used to trite sayings. He, I trust, will take no offense if I resolve the statement by saying that he is somewhat trite in what he has said, in what may be called expert sayings. The case perhaps is true both

My friend has given us a very able dissertation, but the most of it has been discussed over and over again and stated not with as much grace and force as the Senator from Alabama has stated it, but put forward as the views of a great many men. But we come back every time to this simple proposition, and that is the one the Senator states, that it is clear that the Constitution has not reposed in the President of the Senate, who is to open these votes, the power to count them in the sense of deciding. So say I, because the Constitution does not say that the President of the Senate shall then proceed to count and decide who is President and who is not. I say that the very same argument demonstrates from the fact that the Constitution says that shall be done in the presence of the two Houses, that neither nor both of them have any power to decide anything about the election of President and Vice-President of the United States until that power is given to them by law, as it might be given to anybody else, and not given to anybody else in the sense necessarily of a judicial decision but in the sense of an administrative one which stands good until some competent power, as we know in all cases, brings it into review and reverses it. But I do not care to prolong this discussion now; perhaps it is not very profitable because it has been all gone I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session, the doors were reopened.

CHANGE OF A BANK'S LOCATION.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name, to report it without amendment; and I ask for its present consideration.

There being no objection, the bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name was considered, as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading,

read the third time, and passed.

D. T. KIRBY.

Mr. LOGAN. I ask unanimous consent of the Senate to take up

Senate bill No. 965.

Mr. DAVIS, of West Virginia. I do not rise to object to the Senator's motion; but it will be recollected that the day before yesterday, when the regular business of the Senate was superseded, Senate bill No. 877 was the regular order and was laid aside informally, sub-

ject to call. It will be recollected that yesterday we gave way to

Mr. LOGAN. What bill is that?

Mr. DAVIS, of West Virginia. The bill to relieve the Treasurer of the amount deposited with the States, which was under discussion and laid aside when we went into executive session.

Mr. LOGAN. This bill will take but a moment.

Mr. DAVIS, of West Virginia. I said that I did not rise to object to the Senator's bill, but I wish the Senate to understand that the bill to which I have called attention is the regular order subject to

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The bill referred to by the Senator from Illinois will be read by its title for information

read by its title for information.

The Chief Clerk read the bill (S. No. 965) for the relief of D. T. Kirby; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. LOGAN. I desire to strike out all the bill except the part that provides for Mr. Kirby's appointment in the Army.

The PRESIDING OFFICER. There is an amendment in the nature of a substitute reported by the Committee on Military Affairs.

Mr. LOGAN. Let that he read.

Mr. LOGAN. Let that be read.

The Chief Clerk read the amendment reported by the Committee on Military Affairs, which was to strike out all after the enacting clause and insert:

and insert:

That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect D. T. Kirby; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said D. T. Kirby, late a captain, to the same regiment, with the rank of captain, in any vacancy occurring in the grade of captain in said regiment: Provided, however, That no pay, compensation, or allowance whatever shall ever be given to said Kirby for the time between the dismissal of the said Kirby and the date of appointment hereunder: And provided further. That the acceptance of any benefit under this act by the said Kirby shall be taken and construed to be by his election a bar to any claim for pay or allowances from the date of his discharge to his acceptance of a commission, if one be granted him under the provisions of this act.

Mr. LOGAN. That is the substitute, and I hope it will be adopted.

Mr. LOGAN. That is the substitute, and I hope it will be adopted.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third-time, and passed.

The committee reported to amend the preamble by striking out the words "and rendered null and void the sentence they undertook to pronounce."

The amendment was agreed to.

Mr. COCKRELL. I think we had better strike out the whole pre-

Mr. LOGAN. I ask by unanimous consent that the preamble be

Mr. LOGAN. I ask by unanimous consent that the preamble be stricken from the bill.

The PRESIDING OFFICER. The Senator from Illinois asks that the preamble be stricken from the bill. Is there objection? The Chair hears none, and that order will be made.

The title was amended so as to read: "A bill to authorize the appointment of D. T. Kirby to the rank of captain."

SURPLUS REVENUE DEPOSITS.

Several Senators addressed the Chair.

Mr. DAVIS, of West Virginia. Several Senators are asking for the floor. It is understood, if anything can be understood in the Senate, that the regular order is the bill referred to by myself, the bill to relieve the States of the \$28,000,000 deposited with them. I shall not object to any bill coming up now unless it brings on a long debate, if that is the understanding of the Senate. If not, we ought to take up that bill.
Mr. JONES, of Florida. Will the Senator from West Virginia yield

Mr. JONES, of Fioria. Will the Senator from West Virginia yield to me for a moment?

Mr. DAVIS, of West Virginia. The matter may not be in proper form for a yielding; but if it is understood that that bill is the unfinished business, I am willing to yield.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that it has not been treated as unfinished business.

Mr. DAVIS, of West Virginia. I feared that might be the case; but as it was the unfinished business when we were last regularly at business, I want it now understood that it is the unfinished business which I hear no objection from any one and if the Chair cases. ness, to which I hear no objection from any one, and if the Chair so announces, I shall be satisfied.

The PRESIDING OFFICER. The Senator from West Virginia asks that the bill to which he refers be considered as the unfinished

business of the Senate. Is there objection? The Chair hears none, and it will be so regarded.

Mr. DAVIS, of West Virginia. That will do.

B. S. JAMES.

Mr. BUTLER. I ask the Senate to proceed to the consideration of the bill (S. No. 60) for the relief of B. S. James. It will not require, in my judgment, three minutes. There is a very short report in the case which explains it fully. It is reported unanimously.

The bill was read for information.

Mr. EDMUNDS. I do not think we ought to take up that bill at

Mr. BUTLER. I am sure that when the Senator from Vermont hears a brief statement made by the Senator who has the bill in charge [Mr. GROOME] and a very short report read, he will not object to it. It involves an amount of about \$400, which has been passed upon by the Committee on Post-Offices and Post-Roads, who, passed upon by the Committee on Post-Offices and Post-Roads, who, as I understand, unanimously reported in favor of the allowance. I think there can be no objection to it.

Mr. EDMUNDS. This bill is a bill which does not limit the amount the claimant is to have. It allows whatever the accounting officers of the Treasury may say he is entitled to.

Mr. BUTLER. But the Senator will understand that the accounting officers of the Treasury have reported the amount I have stated.

ing officers of the Treasury have reported the amount I have stated, as the report shows.

Mr. EDMUNDS. That may be true; but the accounting officers of the Treasury have a happy or unhappy way sometimes of reconsidering their reports, and I do not think we are in the habit of passing bills in this form. I am not now speaking of the claim at all, which may be perfectly correct; but at the tip-end of this present session to pass the bill in that form is going to do no good; but I should not be write willing to agree to it in the form passet. quite willing to agree to it in the form presented.

Mr. BUTLER. It can be amended in accordance with the sugges-

Mr. BUILER. It can be amended in accordance with the suggestion of the Senator, not to exceed a certain amount.

Mr. EDMUNDS. That is the way it usually goes.

The PRESIDING OFFICER. The question is, Will the Senate take up the bill for consideration at this time? Is there objection? The Chair hears none, and the bill is before the Senate as in Committee. of the Whole

Mr. EDMUNDS. That is pretty quick. Let it be read, then, if we are to have it.

The bill was read, as follows:

Be it enacted, de., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to B. S. James, out of any moneys in the Treasury not otherwise appropriated, such sum as shall, upon reference to the proper accounting officers, be found justly due and payable to him for transportation of the mails over route numbered 5610 in the years 1869 and 1870.

Mr. EDMUNDS. Now let us hear the report.

The Chief Clerk read the following report, submitted by Mr. GROOME May 20, 1880:

May 20, 1880:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 60) for the relief of B. S. James, report that they find the facts to be as stated in House Report 373, second session Forty-fifth Congress, which is as follows:

"In 1866 B. S. James became the lessee of the Laurens Railroad Company in the State of South Carolina. In 1867 the Laurens Railroad Company (James being lessee) contracted, by Joseph Crews, its superintendent, to carry the United States mails on route 5510 for \$1,200 per annum. In 1869, Crews having been discharged from the superintendency, a controversy arose in regard to the rolling-stock of the road, which resulted in litigation, and the Auditor of the Treasury for the Post-Office Department, by a letter dated August 19, 1869, informed the claimant that Joseph Crews having written to the Department 'that H. R. Scott was the owner of the rolling-stock of the Laurens Railroad, and that he, Crews, was his agent, the account of the railroad company cannot be settled until this difference is adjusted between you.

"The decision of the court was in favor of claimant, but in the mean time the unexpended balance of the appropriation for the postal year in which the service was rendered was covered into the Treasury. The statement of the account furnished by the Post-Office Department shows a balance due for mail service on that route to September 30, 1870, to the amount of \$408.03. The present bill provides that the claimant be paid such sum or sums as, upon reference to the proper accounting officers of the Treasury, shall be found to be justly due and payable to him for transportation of the mails over said route between the 1st of January, 1869, and September 30, 1870. This is just and reasonable, and the committee report back the bill, with the recommendation that it do pass."

Your committee report back the bill and recommend its passage.

Mr. EDMUNDS. In order to make this bill conform to the usual form of such bills, I move to amend it by inserting in the proper place "not exceeding four hundred and eighty dollars and three cents." Mr. BUTLER. I have no objection to that amendment. Mr. GROOME. I accept that amendment on behalf of the com-

mittee

Mr. EDMUNDS. With that amendment on the report of the committee I do not see but that the bill is perfectly just.

The PRESIDING OFFICER. Shall the bill as amended be reported

to the Senate?

of the Senate?

Mr. EDMUNDS. The amendment must be agreed to. I have no doubt it will be; but it cannot be accepted in the technical sense.

The PRESIDING OFFICER. The amendment will be reported. The CHIEF CLERK. In line 5, after the word "sum," it is proposed to insert "not exceeding \$408.03."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engressed for a third reading, read the

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. George M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building in the city of New York;

A bill (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States;

A bill (H. R. No. 6593) to provide a suitable pedestal to the monu-ment erected in honor of the late Admiral Farragut in Washington

City;
A bill (H. R. No. 6539) to authorize the Secretary of the Treasury to change the name of the yacht Stephen D. Barnes of Philadelphia;

A bill (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal.

STEPHEN POWERS.

I should be glad if the Senate would allow me to call up the bill (S. No. 1541) for the relief of Stephen Powers. It will take but a very few moments to consider the bill; and it is a meritorious bill, as I think I can show to the satisfaction of any Senator.

The PRESIDING OFFICER. Is there objection to taking the bill

up for consideration?

Mr. EDMUNDS. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read for informa-

The Chief Clerk read the bill, as follows:

Be it enacted, dc., That the United States Court of Claims, before whom the said Stephen Powers was lately plaintiff against the United States, in cause numbered 9835 of the docket, for professional services, be, and is hereby, required to grant a new trial therein, and proceed to adjudicate the claim therein involved according to the principles of justice and equity, anything in any law of limitation to the contrary notwithstanding.

Mr. EDMUNDS. That bill involves the question of removing the Mr. EDMUNDS. That bill involves the question of removing the statute of limitations, which has been a subject of debate in this body. There is one committee, I am sure, that, I think unanimously, without regard to party, has for the last two or three years, at least, reported against removing the statute. I hope that my friend from Texas will not call up that debatable subject at this time.

Mr. COCKRELL. To what committee does the Senator refer?

Mr. EDMUNDS. The Committee on the Judiciary.

Mr. COCKRELL. This bill was reported from the Judiciary Committee.

mittee.

Mr. EDMUNDS. I never heard of it before.

Mr. MAXEY. The bill comes from the Judiciary Committee; and I wish to make a statement which I think will fully satisfy the Senator from Vermont or anybody else that the bill ought to pass.

The Supreme Court, in the United States vs. Lippitt, (10 Otto, 663,) conclusively settled the question that so long as a claim is pending before the proper Department the statute of limitation does not run. This suit was instituted in the Court of Claims within sixty days after the Department had finally decided adversely to the claimant. Hence the court was wrong in determining the question against him. The Supreme Court has decided in substance that question in the decision to which I refer. decision to which I refer.

The PRESIDING OFFICER. Is there objection to taking up the

bill at this time?

Mr. EDMUNDS. Yes, sir; I object.
The PRESIDING OFFICER. The Senator from Vermont objects.

CEMETERY LAND AT VICKSBURGH.

Mr. LAMAR. I ask to take up House bill No. 460. It is a very simple bill, recommended unanimously by the Committee on Military Affairs.

The Chief Clerk read the bill (H.R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company, through the United States cemetery tract of land near Vicksburgh, Mississippi; and by unanimous consent the Senate, as in Committee of the Whole, proceeded

mous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. EDMUNDS. Is there a report?

The PRESIDING OFFICER. There is a report.

Mr. LAMAR. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. Randolph December 14, 1880:

This act passed the House of Representatives at the last session of Congress. The object of the bill is to grant the right of way for a wagon-road through the military cemetery grounds, near Vicksburgh, Mississippi.

The Military Committee of the House, in its report favoring the passage of

The Military Committee of the House, in its report lavoring the passage of the bill, says:

"A part of that tract is not included in the cemetery, because unfit for such a purpose. It lies between the wall and the water of the Mississippi. It is through it that the right of way is asked.

"The Government is making a road along the bank of the river from the city to the cemetery. The county, which has contributed two handsome bridges to this work, wishes to extend the road into the Yazoo Valley. The same route would be very advantageous to the railroad company, by enabling it to avoid high and steep hills which are on the other side of the cemetery."

As the rights to be conferred by the passage of this act are subject to the approval of the Secretary of War, the committee feel justified in recommending its passage, with an amendment.

Mr. EDMUNDS. What is the amendment referred to in the report? The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to add at the end of the bill the fellowing proviso:

Provided, That the right of way granted by this act shall not exceed fifty feet in width: And provided further, That said roads shall not be laid off so as to in any manner interfere with the plan of the cemetery.

Mr. EDMUNDS. May I ask the Senator from Mississippi whether this fifty feet proposed will disturb any grave?

Mr. LAMAR. It will not; it will disturb nothing whatever. The proposed road is between the inclosure and the river.

Mr. EDMUNDS. It is outside of the place of burial, then?

Mr. LAMAR. Yes, sir; it is not only outside the place of burial, but it is incapable of being made part of the cemetery.

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be reada third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had passed a joint resolution (H. R. No. 358) appropriating \$2,500 to meet the expenses of the international sanitary conference, invited to meet in Washington on the 1st of January, 1881; in which it requested the concurrence of the Senate.

MRS. S. A. WRIGHT.

Mr. CALL. I ask the Senate to take up the bill (S. No. 730) for the relief of Mrs. S. A. Wright. It will, I think, occupy the attention of the Senate but a moment.

Mr. EDMUNDS. Let it be read at length for information.

The Chief Clerk read the bill.

Mr. EDMUNDS. Let us hear the report read for information. The Chief Clerk read the following report, submitted by Mr. Ker-NAN May 22, 1880:

The Committee on Patents, to whom was referred the bill (S. No. 730) for the relief of Mrs. S. A. Wright, widow of the late George Wright, which asks for remuneration for the use of his patent linchpin, adopted and used by the United States Government, make the following report:

May 20, 1862, George Wright invented a linchpin for field-artillery carriages, and shortly thereafter obtained a patent for said linchpin. The invention was adopted by the Ordnance Department and approved by the Secretary of War, under date of September, 1863, and since has been used by the United States.

There are filed with the record letters from five colonels commanding regiments of the United States Artillery. They regard the Wright linchpin as a meritorious invention; that it has answered its purpose in preventing such accidents as wheels coming off of field artillery in rapid traveling, or in traveling over rough ground. They are confirmed in this belief by their extended experience of the past war. Brevet Major-General R. B. Ayers, United States Army, commanding Second Artillery, states as follows:

"1st. That the use of the patent safety linchpin of George Wright did materially advance the public interests during the war of 1861, and was a great benefit to the Government.

"2d. I would consider \$5,000 as a fair compensation from the Government for the use of said linchpin."

Brevet Brigadier-General H. R. Jackson, United States Army, commanding Light Battery K, First Artillery, late commanding Artillery Brigade, Tenth Army Corps, in his report recommends—

"That \$20,000 be paid by the Government for the use of said linchpin; that it decidedly did advance the public interests materially during the war of 1861, and the public interests are being advanced by it at the present time."

Brevet Brigadier-General I. Vogdes, United States Army, commanding First Artillery, in transmitting the report of Jackson to the Secretary of War, states as follows:

"Capitaling Jackson has commanded the light battery of his regiment since August,

Ithlery, in transmitting the report of Jackson to the Secretary of War, states as follows:

"Captain Jackson has commanded the light battery of his regiment since August, 1873. He commanded a light battery during part of the war, and was also an inspector general, so that he has had ample opportunities of judging of the merits of the linchpin referred to."

Brigadier-General S. V. Benét, Chief of Ordnance, in his report under date of February, 18, 1880, to the Secretary of War, relative to said linchpin, says:

"The views of experienced artillery officers who have used and are now using this invention, and whose opinions are of great value in determining the amount to be paid, deserve careful consideration. Colonel Ayers deems \$5,000 'as a far compensation."

"I think the amount proposed to be given by the Senate bill No. 730 a fair and liberal compensation."

The views expressed by the Chief of Ordnance are concurred in by the Secretary of War, under date of February 20, 1880.

As no compensation has been awarded for the use of said patent linchpin, which has proven to be a valuable auxiliary to the artillery arm of the service, your committee report the accompanying bill, as amended, and recommend its passage.

A similar bill for the relief of George Wright passed both Houses of the Forty-first Congress without a dissenting voice, but failed to reach the President for his approval through lack of time.

Mr. EDMUNDS. Before this bill is taken up more Leak the above.

Mr. EDMUNDS. Before this bill is taken up, may I ask the chairman of the Committee on Patents whether the Committee on Patents investigated the question as to whether this was really a new invention and the patent a valid one? The Senator of course, as the head of that committee, knows that about seven out of ten, probably, of all the patents that are granted turn out on judicial inquiry to be investigated in the patents.

all the patents that are granted turn out on judicial inquiry to be invalid, justly invalid.

Mr. KERNAN. We did not make any investigation beyond inquiring at the Patent-Office and the War Department. The officers there say the invention is useful and new, and advise payment. The claim has been pending in Congress here a long time, a bill having been reported once before which passed both Houses but failed to reach the Executive in time. There was no intimation to the committee but that it was a valid invention which the Government had used without the consent of the preparts. Indeed we are hardly compared. without the consent of the patentee. Indeed, we are hardly competent to investigate such a case like a court; we hardly have the means to go back and litigate a patent case. We heard no suggestion from the officers of the Government, or from the Patent-Office, or from

what had happened in the two Houses of Congress when such a bill passed before, that the patent was not a valid one.

Mr. EDMUNDS. As to the fact that a similar bill had passed the

two Houses of Congress before, I think that our experience at this moment would teach us that it did not make a very strong precedent

moment would teach us that it did not make a very strong precedent or authority for passing it now. We know how such bills go through. Mr. KERNAN. Allow me to suggest that I only alluded to that fact to show that while the matter had been before Congress and had been talked about, no one suggested the invalidity of the patent. I do not mean to say that is the highest evidence, but the case did not go through without pending here a good while at a former Congress as

Mr. EDMUNDS. May I ask the Senator before he sits down, if he will be kind enough to tell us what this invention really consists of? I suppose every Senator knows what a linchpin is in general, but

what is this particular device?

Mr. KERNAN. I do not know that I can describe it well. It was exhibited before us. Possibly my friend from Florida [Mr. Call] can state it. I cannot state what it is from memory, but I remember that it was exhibited to the committee. I am not a very good me-chanic, and I cannot give a description of it. It was brought in and

was exhibited, I know.

Mr. EDMUNDS. Perhaps we had better wait to have the linch-

pin brought in here. [Laughter.]
Mr. PLATT. I wish to make a single remark.
Mr. KERNAN. I yield to my colleague on the committee.
Mr. PLATT. I think that the Ordnance Department in cases like this has always adopted the rule that where there was the slightest question about the validity of the patent it would require the patentee to establish the validity of his patent in a suit. I know that it has been done in a great number of cases. Where patentees have thought they were entitled to compensation because the Government had used their inventions, I know that the Ordnance Department has in a great many cases required them to establish the validity of their patents in a suit before it would listen to any compromise or proposition for payment. That induces me to believe that there can be

sition for payment. That induces me to believe that there can be no question about the validity of this patent.

Mr. EDMUNDS. Was Wright an officer of the Army?

Mr. PLATT. I cannot answer that.

Mr. EDMUNDS. Perhaps the chairman of the committee can tell us whether this claimant was a person in the service of the United States when he made this invention?

Mr. KERNAN. I understand that he was in the service of the United States when he made this invention. [To Mr. CALL.] Am I right?

Mr. CALL. He was

Mr. CALL. He was.

Mr. KERNAN. He was in the employ of the Government.

Mr. EDMUNDS. Was he merely an employé, or an officer?

Mr. KERNAN. I think he was only an employé, and not an officer.

Mr. CALL. He was in the workshops.

Mr. KERNAN. It will be observed that when we sent to the Department they not only recommended the payment, but some of the officers advised a much larger sum. The Department recommended that there he payment made. that there be payment made.

Mr. LOGAN. What is the amount?

Mr. KERNAN. Five thousand dollars is the amount named in the

bill, but the committee propose, by an amendment, to pay \$3,500.

Mr. EDMUNDS. The recommendation of a Department is un-

doubtedly entitled to consideration, but I wish to remind my friend, (if it is necessary to do so and I am sure it is not,) that the recommendation of a Department does not make an appropriation of money, and that it ought not to; that the Constitution happily has not vested in the Departments the power to part with the money of the United States. Therefore the fact that a Department has recommended it does not determine the question whether it and to be a recommended it. does not determine the question whether it ought to be paid or not.

Mr. KERNAN. I fully concur with the Senator, and yet in refer-

ence to an invention used in the Army it is very high evidence to have the War Department say that it is useful, that it is desirable to continue using it, that there has been no payment made; and that the patentee has a valid claim, whatever amount we may see fit to appro-

The PRESIDING OFFICER. Is there objection to taking up the bill at this time? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. LOGAN. Let us hear the bill read and see what it is. The bill was read, as follows:

Be it enacted, dc., That out of any money in the Treasury of the United States not otherwise appropriated, the Secretary of the Treasury pay to Mrs. S. A. Wright, widow of the late George Wright, deceased, the sum of \$5,000, in full consideration for the entire past and future use by the Government of the United States of the patent linehpin of the said deceased George Wright: Provided, That a full, sufficient, and legal transfer and license is executed and deposited with the War Department for the Government to use said linehpin for Government purposes, free of all charges of royalty.

Mr. LOGAN. The bill says "the linchpin of George Wright." I should like to know what use the linchpin is to be put to. Is it a linchpin to a wagon or what is it?

Mr. CALL. Artillery.
Mr. LOGAN. An artillery wagon?
Mr. CALL. Yes, sir.
Mr. CONKLING. Mr. President, I want to ask somebody who knows about this bill a question, or to make an observation which

points to a question about it. The Senator from Connecticut [Mr. PLATT] said, and was quite warranted I have no doubt in saying, that when there has been a challenge of a patent the officers of the Government have required the claimant of the patent to establish it judicially. The Senator from Connecticut, who is more familiar with such things than I am, will observe that here is a patented article of which nobody is a customer or user except the Government. Private persons do not have carriages to carry cannon and ordnance; and therefore they do not use or investigate linchpins to go with such carriages. Many another article which the Government uses is used by other people as well. If it were worth while I could enumerate a good many of them. In all these latter cases there is competition, there is motive, there is probability that a patent may be challenged; but a man takes out a patent for an improvement in a cannon, a gas-check, for example, or a primer of a cannon; it is of no possible in-terest businesswise to any man in any branch of trade. The Government of this country or the governments of other countries are the sole parties who can become vendees, licensees of any such invention. So in this instance it strikes me that the fact that this patent has not

been challenged, if it has not been, proves absolutely nothing.

We have been told that the description of this linchpin cannot be given. As the Senator from Vermont has said, we all know tolerably well what a linchpin is. There may be some very novel and extraordinary combination here to do the office of a linchpin, but without dinary combination here to do the office of a linchpin, but without anybody to say—for nobody does say in this report, there is no hint anywhere—that this invention in point of fact was new and original, different from anything which had been used before, as well as valuable, it seems to me that it would be proceeding with great hazard, considering the class of cases to which this bill belongs, to give compensation for its use by the Government, which, among other things, is itself a legislative declaration of the validity of this patent, a send-off which for numbers in foreign countries and everywhere else is off which, for purposes in foreign countries and everywhere else, is what Colonel Benton would have called "a very solemn certification of the validity of the whole thing." It is that, beyond the payment of the money involved, which it seems to me would make it rather loose legislation, without any committee investigating the validity of the patent, without anybody to say that it is a new or original invention, without any presumption, however slight, that this is one of those things which other persons would have investigated, would have challenged, would have disputed, would have had a motive to dispute if in reality it was not new and was not original—it seems to dispute if in reality it was not new and was not original—it seems to me it will be going upon a very narrow and insecure foundation to say that we will pay money for the Government for its use of such a thing, and more especially in view of another point upon which no comment has been made. One Senator has said that this inventor was at least in the employ of the Government; whether an officer or not he could not be sure, but he thought he was an employé. Ithink I am not mistaken—I appeal to the recollection of other Senators whether I am—the Senator from Illinois [Mr. Logan] more likely than almost anybody in an instance of this kind would remember. Am I mistaken in supposing that it has been the rule of the Senator Am I mistaken in supposing that it has been the rule of the Senate and of the House that no officer of the Army, no officer of the Government shall receive compensation from the Government for the use of

ment shall receive compensation from the Government for the use of an invention which he made while his time belonged to the Government and while he had the apparatus of the Government with which to make experiments? Is not that so?

Mr. LOGAN. The Senator, perhaps, by my calling his attention to it, will remember a discussion that occurred here some years ago on that very point. It was then considered by the Senate, and I think almost unanimously, that a person in the Army or in the employ of the Government, receiving his pay, using the machinery of the Government for the purpose of experimenting, had no right to compensation from the Government for any invention made during that time. That has been the rule for years in the Senate and in Congress.

Mr. CONKLING. Not only so, but reported cases in the courts will show that where an alleged inventor was in the employ of an indi-

show that where an alleged inventor was in the employ of an individual or of a corporation, and using the workshops, the tools, the laboratory, the opportunity of his employer, made experiments which led to an invention, a very grave doubt, to say the least, has been interposed how far in his own right he could claim the fruits of that

invention.

I know little about this case, and certainly I have no disposition to put any impediment in the way of this claimant if she be meritorious; but there is one other thing on the face of the bill which strikes me, and I direct the attention of the Senator from Connecticut to it. Here is a bill which proposes to pay to the widow of a deceased inventor and patentee a lump sum for the use of this invention. Upon what principle is this sum to be paid to the widow? I submit to the Senator it should be paid to the legal representatives. The widow is not the legal representative of this deceased person unless in virtue of a will of which we have heard nothing. Suppose it turns out that there are assignees; suppose this patent or this invention inchoate before a patent issued, as in equity it may be, has been assigned to somebody else, this is not a good accord and satisfaction as between the Government and a person who might turn out to be the bona fide holder. My sole purpose is to draw attention to this because it seems to me as a precedent, if it is to become one, it has not been sufficiently considered.

Mr. PLATT. Mr. President, I have not this bill in charge; but I ask the Senater who has it in charge, the Senator from Florida, [Mr.

CALL,] to indulge me in some suggestions by way of reply to the Senator from New York, [Mr. CONKLING.]

The Senator from Florida, who has charge of this report, can much better describe this invention than myself; but as to the suggestion that the validity of this patent would not be questioned because it was in use only by the Government, I think that has very little force. My experience has been that the Government of the United States and the Departments of the Government do not recommend the payment of anything for the use of inventions by the Government avenue. ment of anything for the use of inventions by the Government except in the strongest and most equitable cases. Whether this linehpin was used by others than the Government I am unable to state; I have no doubt it will come out in this discussion; but it seems to me very much better for the Congress of the United States, in a case which the Government does not contest, where the validity of the patent is acknowledged by the Government, to pay a fair consideration by an act of Congress than to encourage the litigation which the Senator from New York is familiar with, which is now going on between patentees and Government officers who use the inventions of claimants. It does seem to me that we can safely at here when there has come to be an understanding between the patentee and the proper officers of the Government that he has a valid patent, and that the Government has used it and a proper compensation has been

that the Government has used it and a proper compensation has been agreed upon. It seems to me that we can safely act, and it is very much better for us to act than to drive the patentee into the courts to sue some officer of the Government, and thus the Government have an expensive litigation and the patentee also.

With regard to one other thing, it is suggested that because this man was in the employment of the Government the Government may have a right to the use of his patent. I think that the rule is well established now that where an employé of a private individual, using the time and the tools of that individual, a manufacturer for instance, has made a valuable invention, while the patentee owns his invention, the manufacturer has a kind of equitable license to use it. I understand that in this case the claim was first made on the part of understand that in this case the claim was first made on the part of the Government that in accordance with that rule they had an equitable right to the use of the patent, that the whole facts in relation to the invention of this linchpin were brought before some of the law officers of the Government, and that after investigation they reported that the Government had no right to the use of the invention. I think I am not mistaken in supposing that this is the case which I have in mind. These things being true it seems to me that this is an equitable bill.

There is simply one other consideration, and that is suggested by the inquiry as to why the money should be paid to the widow. I believe investigation was made in this case, and it was found that there were no other heirs, and no other person so deserving of it as the widow, and I know that in numberless instances where patents have been extended they have been extended for the benefit of the widow. I think the rule is this in the extension of a patent, or in making compensation for it, for the committee to ascertain the meritorious party and make the bill to run in favor of that party.

Mr. LOGAN. This person comes to Congress with a claim for the reason that in law she has no right to it. If she had a right to this compensation she could get it from the courts; but because she has no right she comes to Congress claiming an equity that Congress may award to her. There is simply one other consideration, and that is suggested by

The objection that I have to allowing this compensation is this: without discussing it I believe the principle is a correct one that the employes of the Government are not entitled to anything except their salary or compensation while using the machinery of the Government for the purposes of invention. That has not only been established in Congress, but it has been established by the courts; and I can cite an instance where one of the officers of the Army had to come to Congress to get permission to obtain a patent because the courts had decided that he was not even entitled to a patent while he was in the employment of the Government. So you may take it in divers and sundry cases that have been before Congress. During the war there were officers of the Army who invented shells of different kinds, guns of different kinds. They came before Congress for compensation. Congress always refused to give it in every instance. There was a claim here for two or three hundred thousand dollars in one instance that it is not necessary to mention. It was discussed here one whole day, and Congress utterly refused to pay the claim. That was for the invention of one of the great guns during the war. So it was in other instances that I could mention. Congress has refused in every such instance to allow compensation.

I can cite you to a patent obtained by one of the employés in the Ordnance Department for an improvement on a gun. The Government claimed the use of it. He came to Congress to obtain compenment claimed the use of it. He came to Congress to obtain compensation for that use. Congress refused it. So another instance I might cite and give the name. A man who invented something that was considered very useful in the Ordnance Department came here years ago. I do not see the Senator in his seat now, but one of the Senators from Michigan argued the case before the Senate, and the Senate utterly refused to pay one cent.

So you can find in every instance since these cases have been brought to the notice of Congress they have refused to give compensation to employés of the Government for the use by the Government of their inventions. It is considered that the invention of a party in

the employ of the Government may be used by other parties than the Government and he may receive compensation for that use or a royalty, but not from the Government, in whose employ he was at the time of the invention.

There are various inventions made in the Post-Office Department as to stamps, and the making and canceling of stamps. Everything of that kind, if made by the employés of the Government, they are not allowed a cent of royalty from the Government for the use of. It has been the rule time out of mind, in this country, that inventions are not to be paid for by the Government where they are made by the employes of the Government, but outside of that they are entitled to their patents and to their royalty for individual use.

I hope that in this case the same rule will be maintained by Con-

gress that has ever been maintained in reference to matters of this kind.

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. LOGAN. Yes, sir.
Mr. COCKRELL. Do not these employés get their employment because of their supposed skill and facility to do this kind of work;

and are they not paid accordingly?

Mr. LOGAN. That is the way I understand it. I know that a gentleman to whom I alluded a while ago without mentioning his name, a very skillful man in the Ordnance Department, one of the employés, used to come to my room and talk to me frequently about his inventional to the company. tion, the great use it had been to the Government. I said to him at all times that the Government would not pay a cent for it. He thought differently and came to Congress, and his case was maintained here with great ability, but Congress utterly refused, and almost by a unanimous vote, to give him one cent.

As far as this patent is concerned, I do not know anything about it, whether it is a good one or bad one, whether the Government has used it or not used it. That is immaterial to the principle involved. If this gentleman while testing his invention, while improving it, was in the employ of the Government, using the machinery of the Ordnance Department to complete his models, to perfect his invention, he is not entitled to one cent from this Government. Neither is

ordnance Department to complete his models, to perfect his invention, he is not entitled to one cent from this Government. Neither is his executor or representative entitled to anything. Why did he not apply himself while he was alive?

Mr. KERNAN. He did.

Mr. LOGAN. Then he could not get it, and because he could not get it the presumption is that the widow can get it. That is not correct. It is not fair; it is not right. If he could not get it she is not entitled to it. Why? She would only be entitled to what he was entitled to it. Why? She would only be entitled to what he was entitled to. If he was not entitled to it, she has no claim to it, and he certainly was not entitled to it.

Mr. HOAR. Mr. President, I should like to ask the Senator from Illinois—I did not hear the first part of his remarks; I came in while he was addressing the Senate—what are the facts in regard to the employment of this man by the Government?

Mr. LOGAN. I do not know; I only heard it stated that he was in the employ of the Government when he made this invention. That is all I know about it.

Mr. HOAR. There is nothing in the report on that subject.

Mr. CONKLING. It has been stated by a member of the committee that he was in the employ of Government.

Mr. HOAR. In what capacity?

Mr. CALL. I will state to the Senator from Massachusetts that I have sent for the papers in the case, but they cannot be had at this moment. The clerk of the committee is not within reach at the present moment. My impression is that the papers state that he was a laborer in the employ of the Government at the navy-yard.

Mr. HOAR. Now, Mr. President, I am a member of the committee that made this report, and I am unable to recall any evidence before the committee which indicated that this invention was one that became the property of the Government. I do not understand it to be the law in private employments, I do not believe it is expedient to assert the principle in regard to employment by the Government, that the mere fact that one man is in another's

the mere fact that one man is in another a service gives the carpost a title to the invention created by that man.

Mr. LOGAN. Not at all, if the Senator will allow me; that is not the position that the Government gets title to it; but if the inventor is in the employment of the Government at the time he makes the invention and uses the material of the Government, the Government

invention and uses the material of the Government, the Government will not pay him a royalty for the use of his invention. He may get his patent; he may have a title to the invention; he may get his royalty from other people, if he made the invention; but while in the employ of the Government the rule is that the Government will not pay for the use of the article.

Mr. HOAR. That comes to the same thing. If the party employed be employed to make inventions, or if the time expended in the invention belonged to the employer, or if it be fairly within the scope of the service, that is one thing; but a day laborer, who drives a wagon, inventing a linchpin, (which I understand is the suggestion here,) which is a valuable mechanical contrivance, is entitled to that property himself, and he is entitled to the entire property of the invention which is a variable mechanical contrivance, is entitled to that property himself, and he is entitled to the entire property of the invention himself, as it seems to me, and the fact is that he does not use any material of the Government in regard to the contrivance of the linchpin. It is not as if he had invented a new steam-engine which he had

built out of iron of the Government and in which he had used the tools in a Government machine-shop to construct. Then it becomes tools in a Government machine-shop to construct.

Mr. DAVIS, of West Virginia. Will the Senator give way for a moment? I wish to make a statement in regard to the joint resolution which came from the House a few moments ago.

Mr. HOAR. I would rather complete my statement, if the Senator

Pleases.

Then it becomes his property, and I do not understand that the authorities of the United States have any rule, or can lawfully establish or act upon such a rule if they had, that they will proceed to take this property. The Constitution and the statute make the obtaining a patent for an invention the appropriation to the personal property of the inventor, the patentee, of the entire property in that invention against the Government and against all the world. Now, it is very clear that the various authorities of the United States, the officers who have made these several recommendations, including officers who have made these several recommendations, including Brigadier-General Benét, the Chief of Ordnance, do not understand that this comes within any principle which the Government has adopted of taking possession of the inventions of persons in its employ, for they all recommend the payment, as I understand.

Mr. LOGAN. I would merely say to the Senator, without any intention to reflect on any officer of the Army, that doubtless there are many officers of the Army who would be very glad to see this principle established. General Benét himself tried to get a patent, and the courts refused and said he had no right to it.

the courts refused and said he had no right to it.

Mr. HOAR. They would not fly in the face of a recognized rule of

the War Department in like cases.

Mr. LOGAN. Not at all; but I wish to call the attention of the Senate to the fact that it might be an important rule for Congress to establish. He could not get a patent because he had invented a cerestablish. He could not get a patent because he had invented a certain something, I do not know what, while he was serving the United States; he was refused a patent on that ground; he had to come to Congress to get a resolution for that purpose. It has been the rule in the Government that persons obtaining patents for inventions while they were in the employ of the Government could not have a royalty from the Government. That is the rule in every Department. It is the rule in the Army; it is the rule of Congress, for Congress has refused on divers occasions to allow one cent by way of royalty in such cases. Leadly name on its a number for I took part in the dissuch cases. I could name quite a number, for I took part in the discussion. Let me state to the Senator an illustration. During the war we used to a very considerable extent what was called the Dyer shell. General Dyer was then Chief of Ordnance. He was supposed to have invented that shell; that point I will not now discuss; I have my own opinion about it, but that makes no difference now. The royalty on that shell would amount to hundreds of thousands of dollars.

Mr. HOAR. If the Senator were making a speech I should interrupt him, but as he is interrupting me, I do not know that I can

Mr. LOGAN. I was only stating the reasons that caused Congress to take the position that it did. There is one illustration. He was not entitled to royalty because he was at the head of the Ordnance

not entitled to royalty because he was at the head of the Ordnance Department when he invented that shell. I could give you fifty illustrations; I do not have them all in my mind now.

Mr. HOAR. Now, Mr. President, taking that illustration and that rule, how is it applicable to this case? The fallacy, if it be a fallacy, of the argument of the Senator from Illinois lies in his use of the phrase "in the employment of the Government." The Chief of the Ordnance Department, whose duty it is to recommend, to direct, to improve the construction of ordnance for the use of the Government, under the direct of the minute of the department. undoubtedly in every exercise of his mind upon a question like that is a man in the Government's employ in that thing. But is a team-ster obliged by his official duty to give to the Government service the exercise of inventive power and intellectual faculty which results in the invention? It is very proper, therefore, that General Benét or General Dyer should not be permitted to be speculating in ordnance inventions. But that is not the case of a laborer who gets \$20 a month, if that be his compensation, for driving mules and feeding them. He was a mere laborer; he was under no obligation whatever to improve the Government's wagons or the Government mechanism is a man in the Government's employ in that thing. But is a teamto improve the Government's wagons or the Government mechanism of any kind any more than any other citizen of this country; so that he did not invent this while in the employ of the Government in any he did not invent this while in the employ of the Government in any correct legal sense of that term. He invented it in his own right and in his own time, and the invention was his own property, and is just as foreign, as alien to that employment as if the Senator from Illinois, twenty years ago, when in a private capacity, had made the same invention. It has nothing to do with his being a teamster. And that is the law in regard to all private employments.

Now, Mr. President, I deem this to be a very important matter, and I deem it to be of infinite importance to the Government that the principle mon which this report and bill go should be established

principle upon which this report and bill go should be established as its rule of action. I concede to the fullest extent everything that as its rule of action. I concede to the fullest extent everything that I understand the honorable Senator from Illinois to have said as applicable to such officers as General Benét; but if this Government is to excel other nations in war as it has in peace, it cannot afford to do without the resource of the inventive faculty of its people. That is the distinction which separates the American brain of the poorest, of the common people, of the uneducated people alike, or rather far more than that of our men of science and our men of education and our men of property, it is in this maryleous inventive featlets. our men of property; it is in this marvelous inventive faculty; and

I hold it to be one of the most shameful things, among the many shameful things that have happened in some departments of our administration, that the Government has failed to avail itself of this

marvelous resource of the inventive genius of this people.

Sir, what is the history of inventions? It is not Professor Agassiz or Professor Baird alone or chiefly, or Professor Henry, although he had an illustrious place among the inventors of the world, who make the great inventions which tend to the comfort of man, to the growth of civilization. More of those inventions have been made within the life-time of the honorable Senator from Illinois, and by his country-men, than by all the world and all past ages beside put together. They come from the poor workingmen of America, on the farm and in the workshop, to whom some suggestion of the mode by which they may save the daily drudgery and the daily toil to which their lives seem to be condemned is a great inspiration, and from the poor, illiterate, uneducated operative in his shop in Massachusetts, or on the farm in Illinois, or in the manufacturing establishments which are growing up there and into which the East is moving its capital and its brain and its inventive resources. They come from these men; and everything which denies or limits the hope of just compensation for the blessings that these inventions have given to mankind is a fatal mistake in public policy.

Again and again soldiers from the Northwest and the Northeast

Again and again soldiers from the Northwest and the Northeast went to the Ordnance Office during the late war and pointed out inventions and methods of strengthening our arms, improving the comfort of the soldier in the field, relieving his toils, diminishing his danger, increasing his effective power, and persons whose names have been mentioned in this debate, but whose names I will not name, turned their backs on those inventions. Now, here, Mr. President, is a case of the widow of a man of whom I never heard before, a teamster driving mules for fifteen or twenty dollars a month. He gives to the Government of the United States an invention for which, as Brigadier-General Jackson said, he ought to have been paid the sum of \$20,000 for the use during those few years of the war alone; and twenty years, nearly half a generation, have gone by, the poor man who rendered that service to the Government is dead and in his grave; his widow comes in her poverty. Army officer after Army officer, the Chief of Ordnance included, recognizes that this little pittance of Chief of Ordnance included, recognizes that this little pittance of \$5,000 should be granted. Is it not a good thing that a teamster, if he be a man of genius, should have the hope that at least a tithe of the benefit which he confers on mankind shall come to him or to his wife or his widow? We guard sacredly the millions which the speculator in stocks or in gold makes by his stock gambling. Is it not fair to do something for the useful product of the brain of the poor inventor of the country?

Why, Mr. President, an inventor in my own neighborhood came before this very committee a year ago, a man who invented an improvement in the matter of canister-shots, and first it was tried by a board of ordnance officers, and when they had gone so far that this

board of ordnance officers, and when they had gone so far that this shot turned out to be five times as effective as that the Government had in stock, they broke off suddenly the experiments and would not go any further with it. Then Secretary McCrary ordered a new board of officers, on which he put some men from other branches of the service, and they tried the experiment again, and they reported that this canister-shot had five times the effective power of any that was known, and the Government has discarded all its old stock and adopted this, and there is an elaborate illustrated description of it in the report of the Ordnance Officer, and General Benét reports that not only has it increased largely the efficiency of canister-shot, but it saves the necesincreased largely the efficiency of canister-shot, but it saves the necessity of having two or three smooth-bore cannon in every battery of twelve rifled cannon, because it does no harm to the rifling, which the old canister did. That man came here to Congress for a little petty compensation, and they turned him from one door to another; this was the wrong place for such things!

Sir, do we wish to banish from the resources of this country in war its greatest reserves event that of the country and

Sir, do we wish to banish from the resources of this country in war its greatest resource except that of the courage and bravery and military science of persons like the honorable Senator from Illinois, to which I always desire to pay my homage? The next resource to the spirit and courage of her sons is the inventive brain of her workmen; and I hold that it would be poor policy to establish the principle, when an invention like this is made, that the mere fact that the man happens to be a mule-driver at the time, getting his ten or fifteen dollars a month, should deprive him of his title to a reasonable compensation. compensation.

Mr. LOGAN. Mr. President, I appreciate very fully what the Senator from Massachusetts has said. I am as much in favor of compensating the inventive genius of this country as any one; but it is not the question in this case as to whether the man was a mule-driver or whether he was the General of the Army. The question is whether the Government shall adopt the policy of paying a compensation to persons for inventions created or made while they were in its employ. That is the proposition. So far as the man being a mule-driver is concerned, he was as much entitled to compensation for his inventive genius as if he was the greatest statesman in the land, and I should certainly at all times give to a poor man that which I would give to

any other.

I shall detain the Senate only a few moments; but I desire to call the attention of the Senator from Massachusetts to one fact. If this precedent is established in the Congress of the United States that you will make compensation for inventions made by parties in the Government employ, whether general officers or mule-drivers, during the war, for the improvement of ammunition or arms or anything else connected with the service, this Government can commence empty-

ing its Treasury now.

Mr. HOAR. If the Senator will pardon me, that is not the principle I state. The principle I state is that where the employment is totally disconnected with the invention then the man stands as a the general officer whose duty it is to improve all the resources of the Army, like the General of Ordnance, improves one of them, he cannot take a patent for that, I agree; but suppose, for instance, a paymaster in the Army should invent a rifled cannon, taking nothing

paymaster in the Army should invent a rined cannon, taking nothing from the time due to the Government, I should say he was not the employé of the Government. That is my proposition.

Mr. LOGAN. I disagree with the Senator right there. If a paymaster invents a gun while he is in the employ of the Government of the United States, he is no more entitled to pay or compensation for that as a royalty from the Government than if he invented something in connection with the Pay Department; at least that is my indement

Now, to illustrate what I desire to arrive at, suppose that I or any other Senator am the Chief of Ordnance; I find something that is other Senator am the Chief of Ordnance; I find something that is very important in connection with the ordnance of the Government, but there is no patent for it. It is an improvement on ammunition or something of that kind. The rule of the Government is that I, being Chief of Ordnance, or an officer in the Army, cannot have a royalty from the Government. That arm in the service is heavy ordnance; from the Government. That arm in the service is heavy ordnance; hence it will not be used by common people, and can be used only by the Government. I cannot obtain a royalty for it; but I have a man who is a good laborer in my employment who, upon the theory of the Senator from Massachusetts, may obtain a royalty from the Government if he invents it. Then I give my secret to him, and he gets the patent and I receive my royalty. There is exactly where the principle of the Senator from Massachusetts would lead.

Mr. HOAR. Such a fraud as that, for it is nothing but a fraud, could be done equally by the Chief of Ordnance getting somebody outside the Government service. There is no argument in supposing

outside the Government service. There is no argument in supposing

such a fraud as that. Mr. LOGAN. Very well; there is the chance. Call it a fraud or what you please, it is a way to avoid it. The true rule is, as has been established years and years gone by by Congress and by the Departments, that no person in the employ of the Government shall have compensation for his invention made while in the line of his duty. If a paymaster invents something in connection with the Pay Department while he is in the employ of the Government in that service, I ask the Senator if then he ought to be entitled to pay

for it? Mr. HOAR.

Mr. HOAR. No.
Mr. LOGAN. If a mule-driver, then, in the line of his duty driving wagon, invents a linchpin, why should he be paid for it? That is in the line of his duty.

Mr. TELLER. If he invented a method of driving the mule he might not be entitled.

Mr. LOGAN. No matter, it is a method of protecting the wagon; the principle is just the same; it is as broad one way as it is the other; it is in connection with the article that he is employed in other; it is in connection with the article that he is employed in charge of. I do not desire to deprive a poor man of compensation; but I do hope the rule now proposed will not be established. There were claims presented to the Congress of the United States after the war was over that would have amounted to a million of dollars for the very kind of inventions spoken of here-improvements on guns, the very kind of inventions spoken of here—improvements on guns, improvements on ammunition, improvements in wagons, improvement in tents, improvement in everything that pertained to the Army and the war; and such applications were all refused. Why, a gentleman down South who served his term of years in the rebel army had a claim before Congress for the invention of an improved ammunition while he was in the Army of the United States prior to passing over, amounting to two or three handred thousand dollars. All this character of claims has been before Congress, and has been refused. I do not wish to take up the time of the Senate but I will refused. I do not wish to take up the time of the Senate, but I will say to Senators that so far as this question is concerned it does not appear to be well understood by the Senate. How this man was employed, I do not know, whether he was a mule-driver or a gun man-

Mr. KERNAN. Allow me to say that I could not remember all the facts, not having the papers before me, when the bill was called up; we have a good many cases before the Committee on Patents. I have had the paper since. Mr. Wright appears to have been a master mechanic in some of the shops of the Government. I think the Senator from Minnesota [Mr. WINDOM] made a report in favor of this claim some years ago, and the gentleman now in charge of the bill finds in the papers an opinion of Judge-Advocate-General Holt discussing this case and holding that Mr. Wright was not within the rule which would prevent his getting compensation. Now allow me to say further, because this is an important question ther, because this is an important question-

Mr. CONKLING. Is Judge Holt's opinion there?

Mr. KERNAN. The Senator from Florida [Mr. Call.] has it in the papers. I have not had a chance to look at it. As I understand the law, where a man is in the employ of the Government at a salary and uses its material and its machinery in making experiments, as

was the case in some applications which have been before the committee, that would be one thing; but the precedents to be in the past are that where a laberer or mechanic, without using the Government materials and without using the time which he is paid for by the Government, makes an invention for which he is entitled to have a patent, he may enforce it and be paid for it. The question is one of importance, and I desire that the gentleman who has charge of this bill, and who has the papers now, shall state more particularly the facts with reference to the employment and the opinion of Judge Holt about it. I want to say in regard to myself that this allowance

Holt about it. I want to say in regard to myself that this allowance being recommended in former reports I concurred in this report, believing that this was a case where the rule which has been alluded to ought not to and does not apply.

Mr. LOGAN. Mr. President, if the rule is as the Senator from New York [Mr. Kernan] states it, we ought to have the evidence, because the presumption certainly is if this gentleman was in the employ of the Government. We then should have the evidence to exclude that presumption. The evidence should be to show that this invention was made not in the Government shows, that the material of the was made not in the Government shops, that the material of the Government was not used by this individual, and that the time of the Government was not used by this individual. We should have that in order to get on a proper basis to discuss the question.

that in order to get on a proper basis to discuss the question. The Senator from Massachusetts says this gentleman was a mule-driver; the Senator from New York says he was a master mechanic. Now, which was he? I want to know.

Mr. HOAR. I only caught what I heard stated by some Senator on the other side of the Chamber on that point. As I said, I never heard of the case before. I do not disagree with the Senator from Illinois in his present position, if I now understand it. The point which I desire to insist upon, and on which I have a very deep feeling as to what is for the public interest and what is righteous and just in itself, is that the mere fact of being in the employ of the Govjust in itself, is that the mere fact of being in the employ of the Government should not deprive a man of his right in an invention which has no connection whatever with his employment by the Govern-

That is all that I insisted upon.

Mr. LOGAN. I will answer that, too. The invention of a linch-pin for a wagon to bear a cannon does belong to the Ordnance De-partment; and if this man was a master mechanic in the Ordnance Department, anything connected with ordnance wagons was in the line of his duty. If he was a master mechanic in the shops of the Government, using the material and time of the Government in making this invention, he is not entitled to compensation according to the rule.

Now, I desire to call attention to a very strong case, the case of a man whose name, I think, was either Taylor or Nailor, but I believe it was Taylor, who was a master mechanic in the ordnance shops in this city. He made a very important invention in connection with some of the ordnance machinery, I do not remember what. He came to Congress with the same kind of recommendations that this man comes with. Congress with the same kind of recommendations that this man comes with. comes with. Congress utterly refused to give him one cent because he was a master mechanic in those shops and invented the thing dur-ing his time of service for the Government. That is the rule, and not only the rule in Congress but it has been established by the courts, and it is the rule in all the Departments of the Government. So if this man occupied this position and invented anything connected with the Ordnance Department, he is not entitled to pay. That is

with the Ordnance Department, he is not entitled to pay. That is the proposition I state.

Mr. TELLER. Mr. President, it is said the passage of this bill will establish a very dangerous precedent. There has been one already passed that has established the precedent, Isuppose. At the last session of Congress we passed here, practically without dissent if not entirely so, a bill appropriating \$50,000 to the heirs of a Mr. Shreeve, who had invented a snag-boat. There was not any doubt but that he invented it when in the employ of the Government; that he used it for the Government several years before he got the patent; he got his patent after he had used it in the employ of the Government; he invented it while he was in the employ of the Government. And yet the Committee on Claims, looking the matter over, said that his heirs were entitled to some compensation inasmuch as the Government had used this snag-boat for many years with great advantage. In had used this snag-boat for many years with great advantage. In that case we appropriated \$50,000. I believe the committee reported the bill unanimously, and it passed the Senate without any great opposition; indeed I do not know that it had any at all. So if this it to extall the present of the senate without any great opposition; is to establish a precedent, let me say that the precedent has been already established, and I am credibly informed that there have been several other cases similar to Shreeve's that have passed this body several other cases similar to Shreeve's that have passed this body and passed the House and have become laws. There can be no rule to govern this body upon such a question. If we think the discovery or invention is of importance to the Government and that the party is entitled to it, we have a right to make an appropriation to compensate him. I do not understand that there is any law which prevents the authorities from issuing a patent because a man was in the employ of the Government, unless his case falls within the rule laid down by the Senator from Massachusetts. It seems to me this case does not fall within the rule. If it did and if you want a pre-

case does not fall within the rule. If it did, and if you want a precedent, you can go back to the precedent of the last session.

Mr. CONKLING. Mr. President, when a few moments ago I ventured to call attention to some of the features of this case, I did so in utter ignorance, not of the case, but of the possibilities of this occa-

sion. I had no idea that a linchpin could give rise to so large and luminous a view as has illustrated this consideration. We have heard a very eloquent oration touching the trials, the tribulations, and the pangs of inventive genius. I listened for one, not now so much as a good many years ago at different times, to such a presentation of the struggles and the merits of men who evolve out of their own consciousand weave upon the loom of their own brain those great results which benefit mankind; and when sometimes I have heard a distinguished Senator, whom I do not see, talking about the wrongs which have been perpetrated upon his neighbors by some man who insisted upon a monopoly of the right to bore into the ground and put a particular tube in to be used as a pump, I have felt like remonstrating somewhat

Mr. DAWES. That came from the West.

Mr. CONKLING. My friend says that came from the West; I believe that particular patent right did not come from Massachusetts. I say that when I have heard these things I have felt like mildly interposing against the austerity with which the claimants of patents and patent rights have been now and again visited. So that in associating my name, as I am ambitious to do, with this debate, which I cannot doubt will become historic as it has been so eminently rhetorical, I wish to be linked with those who sympathize most fully and deeply and energetically with all the trials, rewarded and unrewarded, deeply and energetically with all the trials, rewarded and diffewarded, especially of the poor, of the mule-drivers, who, out of the little germ of some suggestion of their own, filled the world with fruits and results which promote civilization and carry forward the great ends of the human family.

But really, Mr. President, when I come to take the measure of this case and see what it is, I humbly conceive that some very odd propositions of law, of ethics, and of casuistry are presented. I hear one Senator say that if a man in the domain of his employment makes senator say that it a man in the domain of his employment hakes an invention, he ought to receive nothing for that from the Government. Why not? Again, I venture to ask why not? If a man, not wandering out of the domain of his employment, not appropriating time which the Government owns to things touching which he is not employed at all, but in the faithful prosecution of the very direction

in which he is employed, invents some new and useful thing, why should he not be paid for that?

Again, we are told that if a man in the employ of the Government outside of that domain invents something, he should be paid for it. Upon that proposition I venture to inquire why? If a man employed as a mechanic by the Government, devoting his time as a side-show and by-play to studying problems in chemistry, dabbling in a labor-atory, wandering away from what he is employed to do, discovers something, why should he be paid by the Government for the use of

Now, against these two propositions, both of them fallacious, as I humbly conceive, I venture to state a proposition of my ewn, not being sure that it is sound, but being very confident that it comes nearer being sound than either of these two positions. If a man in the employ of the Government, no matter for what employed, makes an invention, no matter of what, whether lying within the domain of his employment or foreign to it, and that invention is made by the application of time not within the hours of his employment, but beyond those hours—in those hours which belong to himself—I can see a very broad distinction of merit, not because the invention concerns the mules which he drives or the gun-carriage on which he rides or the ordnance belonging to the Department of which he is chief, nor because it does not concern any of these things, but simply because it cause it does not concern any of these things, but simply because it is one of those glories and privileges of our system, to which allusion has not been made, that between the employer and the employed, has not been made, that between the employer and the employed, whether the employer be the Government, a corporation, or an individual, nothing belongs to the employer except a rendition of the time and attention for which he or it pays. And accordingly, when the Government attempts to follow one of its employes, be he an office-holder or anybody else, beyond the limits of the hours which belong to the Government and undertakes to tell him whether in hours which

holder or anybody else, beyond the limits of the hours which belong to the Government and undertakes to tell him whether in hours which are his own he shall devote his time to the efforts of inventive genius or whether he shall attend religious or spiritual meetings or political meetings, or shall do anything else, the Government, in my opinion, is a tyrant—not a petty tyrant, as an individual might be, but a bald, insolent usurper—and it is the birthright of every American citizen to stand against such insolent intrusion.

It has happened sometimes; I have heard of it; I have heard of an executive order which undertook to visit the employé of the Government, not in business hours, not in respect of the time belonging to the Government, but to follow him into the privacy, the solitude, the secrecy of his own personal life and opportunity, and dare to oversee him as to the disposition he should make of his time and his whereabouts. If any Senator will draw a distinction here, if he will say that in case General Dyer after his Department was closed, after for that day he had rendered fully and faithfully to the Government all the time, all the labor, all the thought, all the effort which belonged to it, in hours which were his own, devised a gas-check for a cannon or a machine which should rifle a cannon with a shorter or a longer wind so as to prevent the clubbing of projectiles or their vacillating in their traverse, which was and is one of the great problems in gannery, he should be entitled to compensation for his invention, there would be a distinction which would be somewhat palpable to me, a distinction which I think I might venture to say ought

to be regarded by the law and by the Government. But I can see no distinction, certainly no distinction favorable to the claimant, between a man who adhering to his duties and doing those makes an tween a man who adhering to his duties and doing those makes an invention in the line of them, and a man who instead of adhering to his duties and attending to those is experimenting apart, aside from his duties, away from the thing which he is employed to do. The distinction, if there be one, it may be said I think truly, is rather shadowy, rather refined, rather fine-spun; but if you shall find a distinction discernible to the naked and to the legal eye, with my imperfect perception it would militate rather against than for the man who while employed to do a particular thing was experimenting with other things and in that way hits upon some contrivance or combinaother things and in that way hits upon some contrivance or combina-tion or new motion or new something which should be the topic and the essence of value to him.

Now, as I first, I believe, ventured to suggest the point to which I have been alluding, I wish to come back to this case as I find it now to be, not the case of a mule-driver, not the case of a poor and humble and struggling genius clamoring in the twilight of great and peculiar difficulties, beclouded by poverty and appealing for sympathy in such lively and attractive forms as have been presented to us, but the case of a man a master mechanic, an inventor not of linchpins alone but of other things, of other things for which it seems he has already re-ceived compensation from the Government, the inventor, for example,

of a fuse-mold.
Mr. EDMUNDS.

Mr. EDMUNDS. That is better than a mold of fuse.

Mr. CONKLING. Yes; a fuse-mold invented while this claimant was a master mechanic, made from the materials of the Government, manufactured by the machinery of the Government, used in the service of the Government, and paid for from the public Treasury, that is with the money of the people. Therefore he was not a mule-driver and he was not a day-laborer in the sense in which that term has been employed.

Mr. Wright

I am reading now from what Major Benton says, Major Benton being the ordnance officer to whom was referred an application for pay, who refused that application and assigned reasons for his refusal-

Mr. Wright claims to have invented this linchpin May 20, 1862. He states he did so without instructions or orders from his superior officer, but merely from a desire to correct a serious defect in the linchpin then in use in our field artillery. The invention was made while Mr. Wright was employed as master machinist at a compensation of \$3.73 per day. He states he

He was undoubtedly a day-laborer in the same sense as Senators always were until, I believe, by the act of 1856 the per diem allowance, which from time immemorial had been paid to them was turned into an annual salary. In no other sense that I can see was this man a day-laborer. Now, I beg the attention of the Senate to what I am about to read :

The linchpin was made in the Government shops, by Government workmen, and from Government material In the spring of 1863, Mr. Frances, of New York, called General Ramsey's attention to the fact—

General Ramsey is not the present Secretary of War, but General Ramsey, whom we all know so well. My friend from Illinois [Mr. Logan] says General Ramsey at that time was Chief of Ordnance.

Mr. Francis, of New York, called General Ramsey's attention to the fact that a similar linehpin was in use in France, and afterward sent him a sample, a drawing of which is herewith inclosed. Mr. Wright states that he was not aware of such a pin, and has sworn to his statement in a patent which he took out for it on the 9th

That is three years, lacking eleven days, after the invention was

Mr. EDMUNDS. May I ask whether it appears in that report that the description of the French invention had been printed in any of

the description of the French invention had been printed in any of the public prints of France?

Mr. CONKLING. I have no right to say that that appears; but it does appear that Mr. Frances, who called attention to this, was a resident of the city of New York; he was not in France, and as far as one can infer he called attention to it by reason of information which he had, not of a local character from being present himself and seeing it in the French army, but because he knew generally that here was this thing. Then there is the more pregnant fact which this report states, that a sample of this pin and a drawing had been furnished, which, unless it had appeared in some scientific or some other periodical, journal, or publication, it is hardly possible anybody would have been able on the spur of the moment here to produce.

Mr. EDMUNDS. That would make an end of the case between private parties?

Mr. EDMUNDS. That would make an end of the case between private parties?

Mr. CONKLING. Of course it would make an end of the man's case between private parties, and if the Senator from Vermont will pardon me, much less than this would make an end of his case between private parties. If the thing had never been patented in France at all, if it never had appeared in any publication, public or private, and if it had only been used not by an army, but by one single man and that fact could be established, that would put an end to his claim. The Supreme Court so said recently in a case in which Coffin was a party. I do not stop to remember the volume. It was the case of a door-latch. Judge Nelson, giving the opinion of the court, said that if it could be shown that one single man in one single instance had used the same thing anterior to the invention of the patentee, it was as fatal to it as if everybody had used it.

Mr. EDMUNDS. If he did not do it covertly, meaning to keep it? Mr. EDMUNDS. If he did not do it covertly, meaning to keep it?

Mr. CONKLING. Oh, of course, if he stole it from the other man or concealed it, or there was something which impaired the effect, of course the effect would not be as I intend to state it.

Now let me read the rest of this indorsement of Major Benton:

Mr. Wright claims that his pin is superior to the French pin-

That would look as if the French pin had not been used in a corner; he seems to have known about it-

inasmuch as it is stronger from having no slot in the body.

Now I turn to what was said by Mr. Wright. Mr. HOAR. Before the Senator from New York departs from that point, if I heard his reading correctly all that he read was that some-body said that there had been a similar pin invented in France. Does it appear that it was in any way established that this invention was the invention in France, or was it something similar, which was

not this invention?

Mr. CONKLING. Knowing that the honorable Senator from Massachusetts is not afflicted with any defect of hearing, I must attribute entirely to myself the blunder which so misinformed the Senator. I have not said, I have not read, that anybody had invented this article in France; I have not read that somebody said anything about it; I have read that Mr. Frances of New York called the attention of the Chief of Ordnance to the fact that in use in the French army then and theretofore had been and was a pin similar to this, of which not only a sample but a drawing was forwarded to him, and that this claimant said that he thought his pin was a better pin than that which the French army used because, in the first place, it was stronger, and, in the second place, it had no slot in its body, from which I infer that the French linchpin had a slot. The Senator says he understands me to say that somebody said that such a thing had been invented in France. Mr. CONKLING. Knowing that the honorable Senator from Masinvented in France.

I come now to read what Mr. Wright said. Mr. Wright on the 17th of March, 1866, sent to the Secretary of War a paper, whether it should be called a petition, an application, or a protest, will appear from so much of it as I shall read. He is assigning reasons why they

ought not to refuse to pay him.

6. In Mr. Wright's own person, and within the last three years, both the Navy and War Departments have acted upon this rule—

That is the rule he insisted upon-

by giving him compensation for another of his inventions, namely, his patented

As he says there not another invention but "another of his inven-As he says there not another invention but "another of his inventions," in the plural, and as the language is his, I think we have a right to assume that not only the linchpin and not only the fuse-mold but at least something else had been invented by Mr. Wright as far as that is important. Then follows a variety of matter which I have not had time to read, including a statement from Judge Holt to the effect that as he understands it the mere circumstance that a man was in the employ of the Government and was at the same time an inventor had not been held of itself enough to render it inadmissible or unsuitable or improper to allow him some compensation. Lest I may vary the sense of this by my abbreviation of it, I had better read something to indicate what it is:

In the second report it is set forth that for the use (past and future) of a patent for a mold for casting fuses, there was in March, 1864, ordered to be paid to Wright by the Secretary of War, upon the recommendation of the late Chief of Ordnance, the sum of \$1,500, (the amount of the present claim,) and the same sum was, for a similar use of the patent, paid to Wright by the Navy Department;—

That is \$3,000, I infer-

That is \$3,000, I infer—
but in this report it is not stated whether or not this invention was made in a Government workshop or at Government expense. In the views of the Ordnance Department in regard to the validity of this claim, this bureau is unable to concur. On the contrary, the opinion is entertained that the fact that an invention has been perfected by a Government employé at a public workshop, and with the tools and materials in use there, as well as at a period when the time and labor of the party were at the disposal of the Government by virtue of its contract with him, should not of itself be deemed conclusive against a claim interposed by him to be paid by the United States for the permanent use of such invention, especially where (as is proposed in this instance) the patent right is upon such payment wholly transferred.

I understand I also will be the support of the patent of the pate

I understand Judge Holt to say that the mere fact that the man was an employé should not prevent the entertainment of the queswas an employe should not prevent the entertainment of the question, should not be conclusive, but that it should still be a fair question of inquiry whether if he made over his patent entirely to the Government it ought to give him compensation for it. That was alluded to by my colleague, and I call attention to it because as far as it goes it certainly makes in favor, in any case to which it is applicable, of considering the claimant's case.

Mr. EDMUNDS. Does he refer to the question of the originality of

the patent in that statement?

the patent in that statement?

Mr. CONKLING. No, sir; on the contrary, as the Senator reminds me of that, I had a report here,—I suppose I have it now—which developes rather a curious thing in that connection. The Senator from Massachusetts said it was not at all likely that officers of the War Department, in vielation of the rule of the Department, would do anything like recommending payment to this claimant. I think anybody who reads these answers of the military officers will see that they had before them no such question as the Senator from Massachusetts supposes in his remark, and that they made no expression on that point at all. See what Major-General Ayers said:

I would consider \$5.000 as a fair compensation from the Government for the use

I would consider \$5,000 as a fair compensation from the Government for the use of said linchpin.

I think it pretty clear that that came in answer to the question, how much would you consider fair, how much would you think just compensation? An honest man would answer that without, as I conceive, the slightest reference to whether he understood that the Government would under its rules or otherwise be likely to entertain such a claim or not. What would be a fair price for the Senator from Vermont to pay the Senator from Colorado for such a piece of property? Answer, so much; but the answer would not I think imply that the person who made it had any knowledge one way or the other, or expressed any opinion one way or the other upon the point whether at that price or any price the Senator from Vermont would buy that property

So General Jackson:

That \$20,000 be paid by the Government for the use of said linchpin; that it decidedly did advance the public interests materially during the war of 1861, and the public interests are being advanced by it at the present time.

That is an expression by this gentleman that the man ought to be paid, and he recommends that as a reasonable and proper amount, but I do not understand that he could be convicted of any impropriety for saying that, although he might know never so well that as a rule, even an inflexible rule, if it turned out that this invention was made by a person in the employ of the Government, with the materials of the Government or the tools of the Government, in the time of the Government, it would not pay anything by way of royalty at all. So, without reading these different answers, I think it can hardly be argued without straining a point that these officers have undertaken, one way or the other, to state their understanding of what was or was not the rule in this respect, or even that they knew anything about this invention having been made by this man at a time when he was employed by the Government, and with the materials and tools of the Government.

Senators will observe in this connection, that in the report Judge Holt observes that in the case of the fuse-mold it never appeared, whether the invention was made with the materials of the Government, in the workshops of the Government, with the tools of the Government. ernment, or not. Who knows that the officers to whom this question was put understood or had ever inquired anything about the point whether this invention was made at one time or at another time, with materials of the Government or with materials of his own, in the workshop of the Government or in somebody else's workshop?

Mr. President, although this claimant is a widow and although it would disquiet me if I doubted that I am as sensitive to the claims of the needy, of the defenseless, of the helpless as other Senators, I understand this case to be that of a man who while employed by I understand this case to be that of a man who while employed by the Government and employed in respect of such things, not only then made this invention, but that other workmen of the Government were employed upon it; that the tools, machinery, opportunities, capital belonging to the Government were employed. Three years afterward lacking eleven days he took out a patent. He applied for compensation from the Government. The case was investigated and that compensation was refused. Pending that it turned out that a fact existed fatal to this claim as against an individual, for two reasons. It turned out that this same thing in substance, although this claimant said his pin was stronger and had no slot whether though this claimant said his pin was stronger and had no slot, whether invented or not, whether patented or not, was actually in use by the French army before all the eyes of military observers; and after-ward having received compensation for one other invention at least, those who represented this impeached invention come here and insist that now, without any investigation judicial or otherwise, whether this patent was good or not, with the patent on the face of those papers presumptively bad and valueless, by a legislative decree a lump sum is to be paid over in violation as I understand of the law applicable not peculiarly to the Government but applicable to all

applicable not peculiarly to the Government but applicable to all private persons as well.

Here I wish to disclaim for myself a position implied by the Senator from Massachusetts, if I understood him aright, in respect of those who doubted the propriety of this claim. He said (I think everybody will agree with him, certainly I shall) that the fact that one man employs another does not invest the man who employs him with a sint to the weak employed. I did not right to the product of the brain of the man employed. I did not suppose it had ever entered into the wit of man, lawyer or layman, to deny that proposition. I will state the proposition which I maintain; and I will take to illustrate it the instance of a private employer, that there need be no magic or necromancy or confusion about its that there need be no magic or necromancy or confusion about its being the Government. A man in the employ of another who, during the time contracted to that other, using the machinery, apparatus, and material of that other, makes an invention, which invention is applicable to and used in the business of the employer, does that which gives to the employer an equitable license, to formulate it in legal phrase, to the use of that invention. The right to it, the property in it, belongs to the inventor under the statutes, and the Constitution, to which reference has been made. He has it against all comers. But the right concurrently and continually to employ this invention in the business in which the inventor was engaged, as I understand all the cases I can remember bearing upon that question, has been held to be one of the incidents and results of such tion, has been held to be one of the incidents and results of such circumstances. I have in my mind one or two cases in which that has been carried very far. Transplanting the illustration to an office-holder, to an agent, a servant of the Government, he during the war, for example, as here, suggests an experiment to be tried in the

improvement of a linchpin for gun-carriages. It is tried by him and by other workmen as well, as the report shows, and with the machinery of the Government, out of the iron of the Government, heated by the fuel of the Government, and the whole proceeding conducted by the Government in the only way in which the Government can conduct a proceeding, that is, by living, mortal men who are its agents. When that takes place the Government has a right concurrently and afterward to continue to make this linchpin and to put it upon its gun-carriages, and to use it; and although the inventor owns the inven-tion, although it be a valid invention, new and original and unknown before, and he may patent it not only here but in every foreign realm and may defy all comers so far as any inventor can, as to the Government whose agent he was, whose machinery he used, whose materials he used, whose workmen besides himself he used in carrying it on, ne used, whose workmen besides himself he used in carrying it on, he cannot turn around and say, "You must pay me for the privilege you have exercised in the use, in the enjoyment, in the convenience for the time being of this invented thing." I do not think the Senator from Massachusetts will say that I overstate the law in that regard, as it prevails between individuals.

Mr. HOAR, (in his seat.) The Senator does not state it at all, as I understand the law.

Mr. CONKLING. I accept that courteous remark of the Senator from Massachusetts

Mr. HOAR. I certainly did not propose to make a discourteous re-

Mr. CONKLING. I do not understand what the Senator means when I was making or attempting to make a distinct statement, and he retorts that it is not a statement at all.

he retorts that it is not a statement at all.

Mr. HOAR. I made the remark in haste, and if I have made in any human being's mind a suggestion of discourtesy, I wish to take it back.

Mr. CONKLING. Very well.

Mr. HOAR. I sat in my seat; the learned Senator said, "the Senator from Massachusetts will not say that I overstate the law;" to which I replied from my seat substantially, "I do not understand that the Senator is stating it at all, it seems to me that that is not the law as he states it." Now I differ with the Senator from New York. That of course no Senator considers a discourtesy. I had no idea that the expression would be conceived to be discourteous by him; and if it is, I desire that it shall not have been said.

expression would be conceived to be discourteous by him; and if it is, I desire that it shall not have been said.

Mr. CONKLING. I regret that I misundertood the Senator in his reply; I know he is quite sincere in disclaiming it. Without attempting to state very exactly perhaps, without making the effort at precision that I should endeavor to make if I were drawing points to be printed and submitted to a court, I endeavored to state in a general way and no doubt somewhat inexactly, the result, as I understand it, of the cases, not quite coincident, perhaps not conflicting but somewhat varying in their expressions on this subject, but the result of the cases in which have been considered as between employer and employé the rights of the one touching the use of inventions made by of the cases in which have been considered as between employer and employé the rights of the one touching the use of inventions made by the one in the employ of the other. If I have not been so fortunate as to make myself intelligible, that fault is of course my own. I understand the law to be as I have endeavored in general terms to indicate. As to the case of the boat to which the Senator before me [Mr. Teiler] referred, I inferred from his remark that there was no debate, no discussion. He said that he did not know that anybody objected to it.

Unfortunately a good many bills pass here which are not scrutinized. The only wonder is that there are not more. I regret that there are so many. Notwithstanding that case, I cannot doubt that a most dangerous and a most expensive if not vicious principle of action would obtain whenever it is established that the officers, the agents, the servants, I care not of what grade or denomination, of the Government may expend the time which belongs to the Govern-ment while in its employ, make use of all the vast opportunities for observation and intercourse, which official positions give, employ the money, the materials, the workmen, the opportunities of the Government to make experiments, and then when they achieve something allow the Government to go on for years and make use of the invention, and come in afterward without ever establishing a patent in a court of justice and ask for a legislative decree paying them a lump

court of justice and ask for a legislative decree paying them a lump sum, jumping accounts, for what some officer can be found to certify or some committee can be persuaded would on the whole be a pretty fair and generous gift between this fortunate experimenter and the Government which has profited by his experiment.

Mr. HOAR. Mr. President, the question whether this particular sum of money shall be granted to this claimant is a question important only to her. The question of principle upon which Congress will act in dealing with such cases is a question of vast importance to the public. I came into the Senate Chamber while the Senator from Illinois [Mr. Logan] was addressing the Senate in regard to this case, and I inquired, while he was making his remarks, hearing this principle which was interesting to me, under discussion, what was the relation to the Government of the person who had invented this linchpin, and the answer which was made was that he was a this linchpin, and the answer which was made was that he was a

Mr. LOGAN. Not from me.
Mr. HOAR. Not from the Senator from Illinois, but some Senator having the matter in charge made that answer. The Senator from Illinois, if I understood him, thought the proper general rule was that while persons were in the employ of the Government in any capacity

their inventions ought not to be the subject of compensation by the Government if they were taken and used in military or other service

of the Government.

Mr. LOGAN. For the use of the Government, not of private parties.
Mr. HOAR. I understand; for the use of the Government. To
that proposition I addressed myself, deeming that it was a proposition which would be of exceedingly unfortunate consequence, not only to the people that I especially represent, but to the Government itself. The doctrine, notwithstanding the ingenious statement of the Senator from New York, seems to me to be a very simple one. He says it is claimed that if a person in the employ of the Government

says it is claimed that if a person in the employ of the Government makes an invention in the scope of that employment he ought not to be compensated for it, and asks, why not?

Mr. CONKLING. I did not say that.

Mr. HOAR. The Senator said that that statement was made, and put the question "Why not?"

Mr. CONKLING. I submitted the statement; I did not assert it.

Mr. HOAR. The Senator will hear what I say. The Senator from New York said that it is asserted that if a person in the employ of the Government make an invention in the scope of that employment. New York said that it is asserted that if a person in the employ of the Government make an invention in the scope of that employment he is not entitled to compensation; and, "why not," asked the Senator. It is said that if a person in the employ of the Government make an invention not within the scope of his employment, he ought to be paid for it; and, "why," asked the Senator. It seems to me that the answer to both those questions is very simple. If a person make an invention within the scope of his employment, as in the case of the Chief of Ordnance, whom I put as an illustration, what the Government purchases and pays for is the capacity of the man to do that very thing. The Chief of Ordnance is employed at large compensation because of his mechanical and scientific skill and knowledge. He is employed to devote himself to the improvement of the ordnance service of the Government and the mechanical appliances of that

Mr. CONKLING. Is he employed to make inventions?
Mr. HOAR. If he can. If the making an invention tends to discharge the duty of his office he is employed for that, and the invention becomes a part of a service which he owes to the Government. If, on the other hand, a teamster or a master machanic make an invention which is not within the scope of his employment but relates wholly to a different matter, he has as much right to devote his spare leisnre time to such an invention as the person who is not in the employment of the Government at all, or as the office-holder has to discharge his duty as a citizen, in regard to which I quite agree with the Senator from New York.

the Senator from New York.

But now the question is in regard to the application of this principle. The honorable Senator from New York states, as I understand him, in the close of his remarks, that he conceives the result of the cases as between private employers and employés to be that where the employé using the time, the tools, the material of the employer, makes up in that time from that material and with those tools a certain mechanical invention, the employer is entitled to use that invention, and not merely to use the particular article which is made of his material but to senest reiters to that inventions from time to time. his material but to repeat, reiterate that invention from time to time

Mr. CONKLING. Does the Senator mean to state my proposition?
Mr. CONKLING. Then he will pardon me for putting in a very

important element.

Mr. HOAR. That is a proposition which I intended to say I did

not understand.

Mr. CONKLING. That proposition the Senator will see is wide open to the idea that the employer may go on and make the article and vend it and sell it to others.

Mr. HOAR. I said "use it."

Mr. CONKLING. My proposition was, provided the invention was applicable to, incidental to, belonging to the business which was there being carried on. I do not mean that if a man engaged in making mowers and reapers had in his employ a man who should invent a telephone or some other extraordinary or external thing, the employer

telephone or some other extraordinary or external thing, the employer might go on and make telephones and sell them.

Mr. HOAR. If the Senator will hear the illustration, I think he will see precisely where I desire to challenge his general principle. Suppose the engineer of a manufacturer using a steam-engine make in his employer's time, with his employer's tools, from his employer's iron and copper and brass, a new steam-engine and an improvement, and then takes out a patent on it. That undoubtedly is an implied license to the owner to use that particular article, but it is not an implied license to him to replace it with another of the same kind when the first article is used up. That is the limit, as I understand, of the right of the employer under those circumstances.

Mr. CONKLING. Will the Senator pardon me a moment?

Mr. CONKLING. Will the Senator pardon me a moment?

Mr. HOAR. Certainly.

Mr. CONKLING. Shall I understand him to say that if in an es AIR. CONKLING. Shall I understand him to say that if in an establishment where a dozen steam-engines are at work, the servant of the owner of those engines invents a new governor or a new throttle, although the employer has a right to use that governor or that throttle on the particular engine on which the inventor put it and tried it, he cannot put it on the other eleven engines and use them?

Mr. HOAR. I so understand it.

Mr. EDMUNDS. Suppose he was employed to build engines?

Mr. HOAR. Undoubtedly if he be employed to build engines so that he owes to his employer his best skill in the construction and devising of such engines, that is a very different thing, and that comes within the statement that I have made; but supposing the scope of his employment requires no such service, but all that happened is that he has used the time the using of which in that way is a theft, if I may apply that term to the using of the time of the employer by the employe, or has appropriated material of the employer, that only goes to the extent of an implied license to use the particular thing which he has put into his employer's service. That is what I understand to be the well-settled law. well-settled law.

Mr. President, in regard to the application to this case, I do not understand that the document read by the Senator from New York establishes the proposition which he seemed to be impressing upon the Senate. All that I understand from it is that while the Secretary of War, according to one report, and these several Army officers have certified to the great value of this invention to the Government, somebody called the attention of the officers of the Government to the body called the attention of the officers of the Government to the fact that a similar—not the same invention but a similar invention—had been used before that time in France. It is spoken of as the fact. Whether that assertion of this gentleman in New York turned out to be the fact or not nobody knows, except that that particular pin was used, to which the claimant replied that his invention was better than this French article, being stronger and having a particular distinction, no slot in the linchpin. If this French article in use was substantially the same, if this was not a new, valuable, and different invention, it is incredible that these Army officers should not have known it and it should not have appeared, and that they should have madethese recommendations. It is incredible also that the fact would not have appeared before this time. The phrase is not that it is the same invention, but only a similar thing that has been used in France. The inventor could not have obtained his patent if the invention used there was exactly the same.

Mr. LOGAN. Will the Senator allow me to make a suggestion in reference to the incredibility of the fact being known? I remember very well an investigation here once, for I was on the joint commit-

reference to the incredibility of the fact being known? I remember very well an investigation here once, for I was on the joint committee of the Senate and House of Representatives to investigate the question of ordnance and ordnance patents. It turned out in evidence that one of the materials used during our war, which was invented or purported to be invented during the war, and used very extensively, had been used for fifty years in Germany, and that right in the Patent Office where the patent was granted was the drawing of that very article.

in the Patent Office where the patent was granted was the drawing of that very article.

Mr. HOAR. But that is where it was plain. The document which the Senator from New York read does not speak of this as the same invention in a legal and technical sense; it is only that a similar thing had been used in France, to which the claimant replied that it was different. Therefore it seems to me, in the application of the principle which has been stated, there is no objection to this claim unless on the broad principle of the Senator from Illinois, to which I do not understand that any other Senator has given his adherence, that the fact of being in the Government employ in whatever capacity entitles the Government to use the invention of whatever charity entitles the Government to use the invention of whatever char-

Mr. LOGAN. The Senator-

Mr. LOGAN. The Senator—
Mr. HOAR. If I am stating that too broadly—
Mr. LOGAN. The Senator will remember that I said at the time that if this person in the Government employ made this invention during the hours that he was not employed, not in the time of the Government, proof of that fact would dispel the presumption that he was in the employ of the Government and used the Government material at the time he made the invention.

Mr. HOAR. The Senator does not claim, then, that if a teamster invents a new rifled gun the Government can use that invention because he happens to be a teamster in the employ of the Government?

Mr. LOGAN. Oh, no; that was not the point at all. The proposition was that where the invention was made in the direction of his duty the Government could use it; and I followed it up by stating that this man was a master mechanic, that the fact was developed that he was, and that the making of linchpins or anything else connected with ordnance, cannon, wagons, or anything relating to the mechanism of the Ordnance Department was a part of his duty. I said that as far as being a teamster was concerned, if he was in any connection with wagons, perhaps an invention of that kind would be

said that as far as being a teamster was concerned, if he was in any connection with wagons, perhaps an invention of that kind would be in the line of his duty, but I said nowhere that where an invention was outside entirely of any connection with the employment of the inventor and outside of the time of the Government the Government had a right to the use of the invention. I made no such statement; at least I did not intend to do so.

Mr. HOAR. Then it all depends upon the application of a principle upon which, so far as applicable to this case, every Senator is agreed, and that is that if it were a violation of his duty to the Government for the man to have made this invention as an invention for himself, his own property, he is not entitled to pay; and if, on the other hand, his duty did not require him to give his best service to the Government at that time in an improvement of this character, then, I understand, we are agreed he is entitled to compensation. The report, it is true, is indefinite in that particular, but we have the fact of the recommendation of these officers and of the Secretary of War.

Mr. LOGAN. The Senator will remember that Mr. Benét, who was in charge of the Ordnance Department at that time, states that this man did make it out of the material of the Government, that he made it out of Government iron, and made it in the time of his service. All that is stated in Mr. Benét's amended statement, who was

acting in charge of the Ordnance Department at that time.
Mr. HOAR. I do not understand that to be so.
Mr. LOGAN. That is the statement he makes.

NTERNATIONAL SANITARY CONFERENCE.

Mr. DAVIS, of West Virginia. Evidently we shall not get through with this bill to-night, and I wish to make a statement to the Senate. There is a joint resolution now on the Vice-President's table which There is a joint resolution now on the Vice-President's table which came from the House to-day, making an appropriation of \$2,500 to bear the expenses of the international sanitary commission called for the 1st of January. I, of course, understand that the joint resolution can only be considered to-day by unanimous consent. I will state that it is deemed to be a pressing matter. I have a letter here from the Secretary of State asking that it be passed; also, two or three members from the other end of the Capitol say that its passage is pressed upon them. I desire to ask unanimous consent to take up the joint resolution and that the Senate now pass it. I will state further that a majority of the Committee on Appropriations, whom I have consulted, agree to it.

consulted, agree to it.

Mr. EDMUNDS. I should not object to its being taken up and read
the first time if I believed there was a quorum here, but I believe

Mr. BLAINE. There is.
Mr. BLAINE. There is.
Mr. EDMUNDS. In order to test the question of whether there is a quorum here or not, I move that the Senate adjourn.
Mr. HARRIS. I appeal to the Senator from Vermont to allow the letter of the Secretary of State to be read, and if that be satisfactory to the Senator from Vermont, then let the suggestion of the Senator from West Virginia be entertained.
Mr. EDMUNDS. Lengthfield that there are less than thirty Sen

Mr. EDMUNDS. I am satisfied that there are less than thirty Senators in this Chamber. I believe that I have pledged myself in a very solemn manner to obey the Constitution of the United States, and that requires that we shall not do any business without a majority present. In order to find out whether there is a quorum present, I will take the simplest means of moving that the Senate adjourn.

Mr. HARRIS. Upon which question I ask for the yeas and nays, in order that we may test the question and ascertain the fact.

Mr. EDMUNDS. That is right.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I have no wish to press this joint reselution if any Senator objects to it. If the Senator from Vermont objects to it, I shall not press it. One objection carries it over.

Mr. BLAINE. The Senator from Vermont only objects on the ground that he thinks a quorum is not here. Mr. EDMUNDS. I am satisfied that there are less than thirty Sen-

mont objects to it, I shall not press it. One objection carries it over.

Mr. BLAINE. The Senator from Vermont only objects on the
ground that he thinks a quorum is not here.

Mr. EDMUNDS. I said I did not object to its first reading. I do
not think it will hurt anybody to wait until Wednesday after New
Year's. Whether I shall object to the second reading of the joint
resolution depends on what it is somewhat.

Mr. DAVIS, of West Virginia. I so understood the Senator from
Vermont, and I say to him now that if he has objection to the joint
resolution, I should like to have it read the second time and referred
in the usual way, because if it is not to be passed we had better do

in the usual way, because if it is not to be passed we had better de

Mr. EDMUNDS. I have no objection to its being referred. That is a mere matter of form.

Mr. DAVIS, of West Virginia. Then I ask that the joint resolution be read and referred.

The PRESIDING OFFICER. The Chair will lay before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. R. No. 358) appropriating \$2,500 to meet the expenses of the international sanitary conference invited to meet in Washington on the 1st of January, 1881, was read twice by its title.

title.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Appropriations.

Mr. HARRIS. Before the reference, in order that the communication from the Secretary of State may be before Senators, I ask that it may be read so that it shall go into the RECORD.

Mr. EDMUNDS. Let it be printed and referred. That is much cheaper than it is to put it into the RECORD.

Mr. HARRIS. Very well.

Mr. DAVIS, of West Virginia. I understand the Senator from Vermont to object to any further proceedings.

Mr. EDMUNDS. We cannot have any further proceedings until it is reported.

reported

Mr. DAVIS, of West Virginia. That is true, but I can ask unani-nous consent. I ask unanimous consent to take up the joint reselution now.

Mr. EDMUNDS. Has not the joint resolution been referred ?
The PRESIDING OFFICER. It has been referred to the Com-

mittee on Appropriations.

Mr. EDMUNDS. Then I move that the Senate adjourn.

The PRESIDING OFFICER. The yeas and nays have been ordered on that motion.

The Secretary proceeded to call the roll.

Mr. DAVIS, of West Virginia. I think it hardly worth while, unless some Senator insists upon it, to call the yeas and nays. I am aware that the joint resolution cannot pass now unless by unanimous consent.

TEAR OO

Mr. CARPENTER. Debate is out of order.
Mr. DAVIS, of West Virginia. I do not see the necessity of calling the yeas and nays, and hope the call will be withdrawn.
The PRESIDING OFFICER. The roll-call will continue.
The Secretary concluded the call of the roll.
Mr. DAVIS, of West Virginia, (after having voted in the negative.)
I change my vote from "nay" to "yea." I think we had better adjourn.

The result was announced-yeas 29, nays 14; as follows:

	I.L.	(ZXI)—#01.	
Bayard, Beck, Blaine, Blair, Booth, Brown, Bruce, Cameron of Wis.,	Coke, Conkling, Davis of W. Va., Edmunds, Farley, Ferry, Hereford, Hill of Colorado,	Hoar, Jonas, Jones of Florida, Kernan, Lamar, Logan, McMillan, Platt,	Pugh, Randolph, Ransom, Saulsbury, Slater.
	NA	YS-14.	
ASSESSED BY AND ADDRESS OF THE PARTY OF THE			WWW 33

Morgan Morrill, Harris, Thurman, Vest. ABSENT-33. Allison, Anthony,

McDonald, McPherson, Paddock, Pendleton, Plumb, Rollins, Saunders, Sharon Vance, Voorhees, Wallace, Whyte, Williams, Withers. Grover, Hamlin, Hamith, Hampton, Hill of Georgia, Ingalls, Johnston, Jones of Nevada, Kellogg, Kirkwood,

Sharon, Teller,

Bailey,
Baldwin,
Burnside,
Cameron of Pa.,
Davis of Illinois,

So the motion was agreed to.

The PRESIDING OFFICER. The Senate, under the concurrent resolution of the two Houses, stands adjourned until Wednesday, January 5, at twelve o'clock noon.

HOUSE OF REPRESENTATIVES.

Wednesday, December 22, 1880.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

QUESTION OF PRIVILEGE.

The SPEAKER. The Journal of yesterday's proceedings will be read.

mr. BOWMAN. Mr. Speaker, I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BOWMAN. After the disgraceful proceedings of yesterday, the
House immediately and without any intervening business adjourned.
Now, I desire to ask of the Speaker—
The SPEAKER. If the gentleman has any matter of privilege, or

Mr. BOWMAN. I think this is a privileged question.

The SPEAKER. The Chairwould prefer that the gentleman should submit it after the Journal has been read.

Mr. BOWMAN. But the point I wish to make is in regard to the reading of the Journal. I wish to ask the ruling of the Speaker on the question whether under clause 5 of Rule XIV the reading of the Journal would be regarded as such intervening business as would cut off the appplication of the rule. The clause is as follows:

He [the member] shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

My parliamentary inquiry is, whether the reading of the Journal would be regarded or construed as such "intervening business" in the language of the rule as would cut off any further proceedings by the House for the gross violation of its dignity by the words spoken in debate yesterday. I raise this point because no other member has raised it; and it seems to me an important point; for if the Chair rules that the reading of the Journal is "intervening business," then further proceedings on account of that disgraceful affair, and the opportunity of punishment by the House, may be entirely cut off.

The SPEAKER. The Chair is of opinion that the reading of the Journal does not take from the House any privilege that it now possesses.

The Journal was then read.

The SPEAKER. If there be no objection the Journal will be ap-

proved.

Mr. WEAVER. I wish to correct the RECORD.

The SPEAKER. The Journal or the RECORD?

Mr. WEAVER. The RECORD—the publication of remarks.

The SPEAKER. That will not interfere with the question of the approval of the Journal.

Mr. WEAVER. Very well. I wish to be heard upon the point just

Mr. McLANE. I did not understand the request made by the gen-

a moment.

Mr. McLANE. I did not understand the request made by the gentleman from Iowa, [Mr. Weaver.]

The SPEAKER. The gentleman desires to make a statement by way of correction of the Congressional Record. The first question is on the approval of the Journal of yesterday.

The question being taken, the Journal was approved.

Mr. McLANE. I rise to a question of privilege.

The SPEAKER. The gentleman from Iowa [Mr. Weaver] asks to correct the Congressional Record; the gentleman from Maryland [Mr. McLane] rises to a question of privilege. The gentleman from Maryland will state his question of privilege.

Mr. WEAVER. My statement will not take more than a moment. Mr. McLane. I want to refer, Mr. Speaker, to the scene of disorder which occurred yesterday in the Committee of the Whole House on the state of the Union; and without going into any detail at all, without attempting to measure and assign to either the gentleman from Iowa [Mr. Weaver] or the gentleman from Illinois [Mr. Sparks] his respective share in any censure that it may be proper to pass upon that scene of disorder—

Mr. CANNON, of Illinois. Will the gentleman yield for a question?

Mr. McLANE. Yes, sir.

Mr. CANNON, of Illinois. Will the gentleman yield for a question? Mr. McLane. Yes, sir.
Mr. CANNON, of Illinois. Did not the transaction to which the gentleman refers occur in Committee of the Whole? The House, as I understand, has no knowledge of that transaction?
Mr. McLane. The House has every knowledge of it.
Mr. WEAVER. I prefer that no technical objection should be made to anything the gentleman may state.
The SPEAKER. The gentleman from Maryland baving now indicated his purpose in addressing the Chair and claiming the floor upon a question of privilege, the Chair would state that whatever might have been his decision touching that part of the rules to which the gentleman from Massachusetts has directed the attention of the Chair—clauses 4 and 5 of Rule XIV—the Chair finds warrant for the recognition of the gentleman from Maryland in the terms of Rule IX, which declares: IX, which declares:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

This matter, in the opinion of the Chair, relates, beyond controversy, to the dignity of the House. The Chair therefore rules the question one of privilege, and recognizes the gentleman from Mary-

Mr. McLANE. Without attempting to take any measure of the relative blame which might be attached to either of those gentlemen—ignoring that altogether—I want to call the attention of the House to the scene of disorder of which the House had full knowledge, since the Speaker took the chair to restore the House to order and called the attention of the House to the scene of disorder that had

called the attention of the House to the scene of disorder that had occurred.

Now, to avoid any further proceedings, to avoid any necessity for any committee of inquiry or investigation as to the facts, but taking the facts as they notoriously existed, taking the notorious fact that every man, including the gentleman from Iowa and the gentleman from Illinois, will recognize that scene of disorder as discreditable and derogatory to the character of this House, I rise to a question of privilege and submit to the House the propriety, the absolute necessity of those two gentlemen anticipating any proceedings on the part of this House by making to the House a full, complete, unqualified apology for the part they respectively took in that scene of disorder. That is the demand which I make upon those gentlemen if I have the unanimous consent of the House to make that demand; and for one I wish to divest myself of all responsibility as to the scene itself, as to the relative measure of fault on either side. I recognize, Mr. Speaker, that all that passed between those two gentlemen which was personal concerns them and them alone; and all that this House has to deal with is that which is offensive and derogatory and discreditable to its own character as a parliamentary body. I have great confidence (although I have no knowledge upon the matter) that both gentlemen, without hesitation, without waiting to require this House to determine which of the two should make the apology first, will feel that they, independently of their relations to each other, have each for himself offended and insulted this House and that before any further question is dealt with they should relieve themselves of that offense. That offense can only be obliterated by the apology of those gentlemen, one and the other, to this House. That is the proposition I make with the unanimous consent of the House—that before any other question is entertained, before we go into any question of inquiry—that we shall divest this House of the insult and the outra

Mr. McLane. If they do not do it, then it will be for any man in this House to propose any remedy he pleases.

Mr. CONGER. I do not think the gentleman from Maryland has raised a question of privilege. It is not a question of privilege for a member to intercede with this House to give time to and to arge gentlemen who have offended against the dignity of the House to make apologies. That is not a question of privilege at all.

The SPEAKER. The Chair supposed the gentleman from Maryland would accompany his statement with a resolution.

Mr. McLane. I do not propose to leave it voluntary with gentlemen, but I am asking unanimous consent of the House to require an apology of those gentlemen.

Mr. Conger. I do not know it enhances at all the dignity of this House that it supplicates offenders to apologize to it for their conduct, and therefore I think the question of privilege is not well taken.

Mr. Weaver. Mr. Speaker, I reiterate—

Mr. Bowman. I rise with extreme reluctance, Mr. Speaker—

Mr. McLane. I have not surrendered the floor. I yielded, I suppose, to the gentleman from Michigan, but I did not hear a word he said.

The SPEAKER.

said.

The SPEAKER. The Chair will protect the gentleman from Maryland in whatever rights he may have.

Mr. McLANE. I was actually in the act of explaining to the House that I did not submit it at all as a proposition voluntary on the part of those gentlemen, but I asked the unanimous consent of the House that we should make that disposition of the question, that these gentlemen should be required to make to this House an apology. That was the question I raised. You may do it by resolution, but quite as efficiently and effectively by unanimous consent of the House.

The SPEAKER. A question of privilege does not require unanimous consent.

imous consent.

Mr. BOWMAN. Mr. Speaker, I rise with reluctance as a younger member of the "House," and I had hoped that the unpleasant task would have fallen upon some of the older members which I now deem it my duty to assume, and that is to point out what seems to be the only dignified course for us to pursue. The night has passed, and we have had opportunity for calm reflection. We sit here as judges to-day, not to hold the scales between these two men, not to decide which

day, not to hold the scales between these two men, not to decide which was guilty of the greater wrong or the greater provocation—we care nothing for their quarrels; but the crime, for it is a crime, we are considering to day is an insult offered to this House and all the gentlemen of this House individually, to Congress and the country.

There is hardly a man here who yesterday did not hang his head with shame and take it as a personal disgrace to himself that such an occurrence should take place on the floor of this House. And it is our duty before the people and the country to put the stamp of our condemnation upon that occurrence. We feel it as a personal disgrace. To-day all through this country and in foreign lands they are reading that a pot-house brawl, a gambling-house quarrel, a fight with fists, only prevented by force, took place on the floor of the Congress of the United States.

Mr. REAGAN. I rise to a question of order.

Mr. REAGAN. I rise to a question of order. Mr. BOWMAN. I offered my resolution as a substantive proposition.

Mr. REAGAN. That is the point of order I intended to make—that there was nothing before the House.

Mr. McLANE. I did not yield for that or any other resolution.

Mr. BOWMAN. I have the floor, recognized by the Speaker.

Mr. McLANE. I hope I can have the attention of the House for

Mr. BOWMAN. I have the floor, recognized by the Speaker.
Mr. McLane. I hope I can have the attention of the House for one moment. I ask unanimous consent—
Mr. BOWMAN. I object; it cannot be done.
The SPEAKER. The Chair will cause the resolution to be read.
Mr. HARRIS, of Virginia. I beg to suggest that perhaps both of these gentlemen are willing of their own motion to make an apology to the House. If so, certainly it will be more agreeable to them, and equally so to the House, and therefore I think they ought to be given an opportunity for a personal explanation, to determine the question for themselves, whether they desire of their own motion, from their own sense of justice to themselves, to the House, and to the country, to make this explanation before any proceedings are taken which look toward a threat or coercion against them on the part of the House. It will certainly be more agreeable to them to do it now than then, and therefore I hope, if the two gentlemen feel so disposed, and feel they have infringed on the rights of the House, they will make an apology now under the head of personal explanation before any proceedings are taken, or before any resolutions are read.

Mr. BOWMAN. Read my resolution.

The SPEAKER. The Chair will say to the gentleman from Virginia that it is not in order to interrupt a question of privilege by a member claiming the floor for personal explanation, and thus to have two subjects before the House at one and the same time.

Mr. HARRIS, of Virginia. That is a question of high privilege, too.

Mr. BOWMAN. I offered a substantive proposition, the only one

Mr. BOWMAN. I offered a substantive proposition, the only one

before the House.

The SPEAKER. The Chair will in due and proper time decide whether the resolution embraces a question of privilege.

Mr. HARRIS, of Virginia. The gentleman from Maryland did not

yield the floor. Mr. McLane. I have not yielded the floor at all. I still hold it. Mr. Haskell. If, Mr. Speaker, the gentleman from Maryland

Mr. BOWMAN. Mr. Speaker, I have the floor by the recognition

of the Chair

Mr. HASKELL. I say if the gentleman from Maryland will yield for a moment, since he asks unanimous consent of the House, I desire to state that for one I shall withhold my consent from the inauguration of any proceeding or the adoption of any motion by this House that looks to the selection of two of the offending parties en-

gaged in the tumult of yesterday and holding them up as an example. I shall oppose any motion which proposes to single them out for condign punishment to the neglect or exclusion of other parties that in that scene of tumult might be deemed, and were, equally guilty. I see in the proceedings thus far a certain drift toward that action, and in my judgment it is due to the dignity of this body to determine whether any other party or parties are not equally worthy of the censure of the House as those who are specially named by the gentleman in his remarks. I believe, Mr. Speaker, that there was a tumult here in which other parties were engaged just as offensively to the dignity of the House as the gentlemen mentioned. And therefore I shall object to giving my consent, at least, to any action or proposed action which singles them out.

Mr. BROWNE. Mr. Speaker, I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. BROWNE. I wish to ask if there is any substantive proposition before the House. gaged in the tumult of yesterday and holding them up as an exam-

tion before the House.

tion before the House.

The SPEAKER. The gentleman from Maryland stated that he rose to a question of privilege. Having stated to the House the subject-matter of what he regarded as a privileged question, the Chair decided under Rule IX that it was a question of privilege.

Mr. BROWNE. Ought not a substantive proposition be submitted for the action of the House before the question is discussed?

The SPEAKER. The Chair supposed the gentleman from Maryland would formulate his proposition in some way so as to bring it before the House for action.

land would formulate his proposition in some way so as to bring it before the House for action.

Mr. BOWMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BOWMAN. My point of order is, that having been recognized by the Chair, having made a few remarks, and having offered a substantive proposition, which has been sent up to be read by the Clerk, whether under these circumstances I have not still possession of the

floor?
The SPEAKER. The Chair supposed the gentleman from Maryland to have yielded to the gentleman from Massachusetts, under which supposition the Chair recognized the gentleman.

Mr. BOWMAN. I got up and was recognized by the Chair.
The SPEAKER. Under the impression stated by the Chair.
Mr. McLANE. I have not given consent to the introduction of any such proposition, nor have I yielded the floor for any purpose, and the House will bear me witness to that statement.
The SPEAKER. After the gentleman from Maryland makes his proposition, the Chair will entertain the proposition of the gentleman from Massachusetts as an amendment thereto.

from Massachusetts as an amendment thereto.

Mr. McLANE. Mr. Speaker, I desire, if it be possible, to dispose of this question by the unanimous consent of the House.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] makes the point that there is no substantive proposition before the House. If the gentleman from Maryland has any proposition to submit, the Chair thinks he had better submit it so as to avoid the question which is resized.

Mr. McLANE. I am quite aware that my proposition ought to be submitted in writing, and I should have done so, such being my purpose, as soon as I had completed the few remarks that I intended to make by way of explanation. I now submit a proposition which I ask to be read.

The SPEAKER. The proposition of the gentleman from Maryland will be read.

will be read.

The Clerk read as follows:

Resolved. That the gentlemen from Iowa and from Illinois be required to now apologize to this House for their conduct of yesterday in this House.

apologize to this House for their conduct of yesterday in this House.

Mr. McLANE. Mr. Speaker, I desire to say in reply to the inquiry of the gentleman from Kansas that it was altogether unintentional on my part to exclude every other member of this House from his share in that disorder on yesterday. I am quite as well aware as he or any other member upon this floor that if we enter upon that question at all that almost every member of the committee, with the exception of a very small number, is more or less responsible for that disorder, and I supposed that I could have appealed with confidence to the general sense of this House that nearly every honorable gentleman now sitting here would feel that he was in some degree responsible for the disorder on both sides of the House for more than sponsible for the disorder on both sides of the House for more than

sponsible for the disorder on both sides of the House for more than an hour and a half of yesterday's proceedings, and—

Mr. FERNANDO WOOD. Mr. Speaker, I hope the gentleman from Maryland will make some exception. I for one interrupted the gentleman from Iowa and made an effort to bring him to the discussion of the bill under consideration; but the committee did not sustain me in my effort, but permitted the discussion to drift on, involving extraneous matters, which culminated in what was in my opinion the most shameful exhibition that any man on this floor has ever made.

made.

Mr. McLANE. Mr. McLANE. Out of respect for the gentleman from New York personally, I will permit him to interrupt me to that extent. But I stated nothing which justified that interruption. I did not say that every member was responsible for that disorder, but I did not say that every member was responsible for that disorder, but I did say that nearly every member of the committee was to a greater or less degree responsible for it, and I think the gentleman from New York might very well content himself with being one of the small number that I excepted. There were, Mr. Speaker, very few members that did not participate in that scene of disorder. It was not as discreditable as the climax, certainly. I am willing to admit that; but, sir, if the climax had not occurred the country would have been at no loss to stigmatize the conduct of the Committee of the Whole as discreditable and disgraceful. As for the chairman of that committee, whom I do not see at present in his seat, if he were here I am sure he would bear me witness that it was beyond his power to prevent the disorder which occurred or to have any effect whatever upon the committee in that respect. He will bear me witness that gentlemen on all sides quit their seats, came down and crowded into the area here in front of the Speaker's seat. Although I did not participate in it myself any more than my honorable friend from New York, yet I do not feel it necessary to make any personal exception in my own favor. I sat here and shared with this body the responsibility for this misbehavior, as I think every gentleman did who failed to remonstrate and call to order and insist upon the enforcement of the rules of the House, which should be as much respected in committee as in the House.

Mr. KENNA. Then the gentleman ought to include his own name is the respective of the state of the state of the control of the rules of the search of the control of the search of the control of the con

Mr. KENNA. Then the gentleman ought to include his own name

Mr. KENNA. Then the gentleman ought to include his own name in the resolution.

Mr. McLANE. No, sir; I do not think I ought to include my name in that resolution; because there is a very great difference of degree in the offense that was committed. I did not either quit my seat to assault a fellow-member, nor did I exert myself to load down with the weight of my person either of those two honorable gentlemen who did quit their seats with such an intent.

Mr. FORT. I would suggest to the gentleman from Maryland—
The SPEAKER. Does the gentleman from Maryland yield?

Mr. McLANE. I do not yield. I shall try to give no occasion for interpolion.

interruption. Mr. FORT.

The resolution which the gentleman from Maryland

has presented—

The SPEAKER. The gentleman from Maryland declines to yield.

Mr. FORT. I hope we will all keep our tempers.

The SPEAKER. The Chair will keep his and wishes to enforce the

The Strands. The Chair will keep his and wishes to the trules of the House.

Mr. FORT. The gentleman from Maryland includes all the gentlemen from Illinois in his resolution, and all the gentlemen from Iowa. I therefore, as one of the gentlemen from Illinois, feel that I am included in the resolution.

The SPEAKER. The gentleman from Maryland states he does not

yield.

The SPEAKER. The gentleman from Maryland states he does not yield.

Mr. McLANE. Let me remind the gentleman from Illinois that if I yield to any such interruption I would deprive myself of the advantage I now possess, which is that of appealing if possible to the unanimous sentiment of this House. I will endeavor not to say a word, and I am sure that up to this time I have not said a word, from which any man on either side of this House can dissent.

The scene of disorder to which I have referred was such a scene as I have described. The great majority of the House participated in that scene of disorder—encouraged that debate which finally led to that offensive and insulting conclusion.

I wish to say to my friend from Kansas [Mr. Haskell.] that that is precisely why I propose this resolution. The reason why I content myself with an apology and why I want this whole transaction to be effaced is because I recognize there is a great responsibility resting upon this House for the encouragement it gave to that scene. My desire is, without entering any further into an inquiry as to the matter, to assert the privilege of this House by demanding an apology. That is all I do by my resolution. And I exclude everybody else who was guilty of more or less disorder, because the two gentlemen I have named, the honorable member from Illinois [Mr. SPARKS] and the honorable gentleman from Iowa, [Mr. Weaver,] were the only two members who did reach that crisis to which I have referred. It is from them alone I would ask the apology; and I do it not only because it is a quick and to me a satisfactory conclusion, but because I am perfectly satisfied that it would be impossible by any inquiry this House could make to apportion to every member his share in that disorder.

Now, sir, that is all I have to say in support of the resolution which

disorder.

Now, sir, that is all I have to say in support of the resolution which I propose for the adoption of this House.

Mr. FORT. I desire to make an inquiry.

Mr. McLANE. I will only add, with the permission of the gentleman from Illinois, [Mr. FORT,] that having said all I have to say and being desirous that the gentleman from Illinois and the gentleman from Iowa should give consent to this adjustment, I now yield to the gentleman from Iowa, [Mr. Weaver,] from whom I took the floor on this question of privilege. I yield to him that he may answer this inquiry: Will he make voluntarily such an apology?

Mr. WEAVER rose. [Cries of "No!" "No!"]

Mr. BOWMAN. I object.

Mr. FORT. I understand the gentleman from Maryland offers his resolution and asks unanimous consent of the House for its considera-

resolution and asks unanimous consent of the House for its considera-

The SPEAKER. The Chair rules that the resolution involves a mr. FORT. It shall not in any case have my consent, because it censures all the members from Illinois.

Mr. HASKELL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. The resolution of the gentleman from Maryland

implies a censure by the House of the gentleman from Iowa and the gentleman from Illinois.

Mr. FORT. Of all the gentlemen from Iowa and of all the gentlemen from Illinois.

The SPEAKER. The resolution has been modified, and will be

read as modified.

Mr. FORT. I would like to know when it was modified.

The SPEAKER. The Clerk informs the Chair that it has been modified by authority of the gentleman from Maryland [Mr. McLane] so as to include only the one member from Iowa and the one member

isided by authority of the gentleman from Maryland [Mr. McLane] so as to include only the one member from Iowa and the one member from Illinois, who are directly involved.

Mr. HASKELL. I desire the attention of the House to this point: the gentleman from Maryland has introduced a resolution which is now pending, in which the gentleman from Illinois and the gentleman from Iowa are made the subjects of intended or implied censure. He then yields the floor to the gentleman from Iowa [Mr. Weaver] for a personal explanation, which he has not the right to do. The gentleman from Iowa has no right to the floor, and cannot take the floor while he is the subject of the deliberation of this House. And, Mr. Speaker, if I may be permitted, I desire to call attention to the declaration of the gentleman from Maryland that a large number of the members of this House have been guilty of disorderly conduct on this floor, and to the further fact that of this large number of gentlemen who have been disorderly on the floor of the House of Representatives his resolution singles out but two. Sir, I deem it better due from this House as a body that they make their apology to the country rather than, having suffered an adjournment of the session of yesterday to take place, they should now seek to shoulder from their own persons the obloquy that belongs there and single out two members upon this floor as the scape-goats of their sins.

The SPEAKER. The gentleman will state his point of order.
Mr. HASKELL. That the gentleman from Maryland has no right to yield to the gentleman from Iowa, and that the gentleman from Iowa is not entitled to the floor either by the gentleman from Maryland yielding to him or in his own right until this resolution is acted upon.

The SPEAKER. The Chair thinks there is a clear line of distinc-

upon.

The SPEAKER. The Chair thinks there is a clear line of distinction between a question of privilege and a personal explanation, which the gentleman from Maryland, [Mr. McLane,] in view of the statement of the gentleman from Kansas, [Mr. HASKELL,] had better

statement of the gentleman from Kansas, [Mr. HASKELL,] had better recognize.

Mr. McLane. I cheerfully submit to the ruling of the Chair. I really did not intend to yield to the gentleman from Iowa [Mr. Weaver] for any personal explanation. But having in my mind the fact that by my question of privilege I had taken the floor from that gentleman, I thought it was only courteous and proper that I should yield to him before I concluded, and give him an opportunity to say what will after all be a personal explanation.

But under the ruling of the Chair I make no such yielding, nor shall I continue my remarks further than to say to this House what I have already said, that I have singled out the gentleman from Iowa [Mr. Weaver] and the gentleman from Illinois [Mr. Sparks] in that resolution for the reason that on my conscience as a gentleman and a member of this House I believe those two gentlemen were the principal ones offending, and I believe it would be trifling on my part to attempt to confound them with honorable gentlemen who were more or less responsible for promoting that discussion. There can be no comparison between those two gentlemen and any other members of this House who participated in that disorder, whether they are honorable gentlemen who sate in their seats cheering offensive epithets, or whether they are the other class of honorable gentlemen who rushed to the area and made themselves so conspicuous in preventing a collision. For one I do not believe that we had any right to do either. I was just as careful not to interfere with what took place in the area as I was just as careful not to interfere with what took place in the area as I was just as careful not to interfere with what took place in the area as I was just as careful not to interfere with what took place in the area I was just as careful not to interfere with what took place in the area as I was sitting in my seat not to encourage either of those gentlemen

men.

Mr. BOWMAN. I object—
Mr. FERNANDO WOOD. The gentleman from Massachusetts [Mr. BOWMAN] will pardon me; I desire to say a few words.

Mr. BOWMAN. I shall take but a few moments, a very few. [Cries of "Go on!"]
I object to the resolution of the gentleman from Maryland, [Mr. McLane,] and I propose to offer a substitute therefor. A gross outrage, which the experienced gentleman from New York [Mr. Fernando Wood] criticises as the worst he ever witnessed upon this floor has taken place. The two gentlemen concerned in it bandied Nando Wood criticises as the worst he ever witnessed upon this floor, has taken place. The two gentlemen concerned in it bandied between themselves the vilest and most opprobrious epithets that could pass from one man to another. They led up to a personal quarrel; they boasted of their fighting weights, [laughter;] they treated it as a joke. Not content with their words, they came down into the area, endeavored to strip off their coats, and, as they were held by men on each side, swayed back and forth and were separated only by force. Now, what is proposed by the gentleman from Maryland? It is proposed to do nothing, to administer no punishment, to allow those men to get up and simply say that they are sorry, to pass over this disgrace upon Congress and upon the country. If those gentlemen had been two boys fighting upon the sidewalk, they would have spent the night in the Tombs and in the morning would have been brought to a police court and fined or imprisoned. But they are Congressmen, belonging to the highest legislative body in the country,

to which the people look for calm and dignified discussion of great matters affecting their lives, their property, and their interests. And I say that for the insult offered to us all, for the disgrace to Congress, such punishment should be inflicted as will demonstrate to the country and to members that the dignity of Congress and its claims to the respect of the people shall be maintained and these abuses must end. There have been many of these fights, many of these differences, though none quite so gross. I believe it is due to us and due to the country that we should express in the strongest terms our sense of indignation and of condemnation of these acts, and should write upon our record-book a warning for the future government of this Congress. I speak this with no feeling of anger. I believe that these gentlemen do regret it; I believe they have the true manliness and bravery to stand up here and say they did wrong and are sorry for it, and that they apologize to the House.

But the offense has been committed; the wrong has been submitted to. I believe that if we pass over this, if we allow it to go unpunished, if we do not show to the country and to the people that we value the dignity of this Hall above all personal feelings for these gentlemen, we shall do a great wrong. If I may say it without its being taken in a ludicrous sense, this Hall is a sacred tribunal. But that assertion is almost Indicrous because by the course of proceedings in Congress we show that it is anything but sacred. The Judges of the Supreme Court administer the laws—we make those laws—on which the people depend for life and liberty and happiness. The effects are felt in every household.

Now, when we allow this Congress to come into contempt, to be made the scene of personal brawls and pot-house fights, when we allow the dignity of the House to be tampered with, we lower it in the opinion of the people, and we disgrace ourselves in the act and are false to our high duty.

With personal feelings of friendship for these gentlemen

GRESSIONAL RECORD.

The SPEAKER. It will be read as a part of the gentleman's re-

The Clerk read as follows:

The Clerk read as follows:

Mr. Sparks. Will the gentleman yield to me for a moment?

Mr. Weaver. Yes, sir.

Mr. Sparks. A short time ago some little trouble occurred between the gentleman and myself, and may have arisen from a misapprehension. My remark to the gentleman was this, that during the time this vicious legislation which had been referred to was being adopted by the republican party be was a republican; namely, when the law of 1868 was passed, and when the laws of 1871 and 1873 were passed. I did not of course mean to charge the gentleman that since he had become a member of what is known as the greenback party he had been inconsistent at all. But the gentleman misunderstood me. I simply meant to state what is on record, and to say that while this vicious legislation was being adopted on the money question, the law of 1869, then the law of 1870-71, and then the silver demonetization law of 1873—during all that time the gentleman was aiding the republican party by being a member of it.

Mr. Weaver. That is true. I do not yield further.

Mr. Sparks. The gentleman is as much interested in this as I am.

Mr. Weaver. I will say that I never allow myself to get excited in debate. There were two gentlemen talking at the same time, the gentleman from Missouri [Mr. Bland] and the gentleman from Illinois, [Mr. Sparks.] I understood the gentleman from Illinois to refer to some remarks which I had made during the campaign, and that is why I made the remark I did. The gentleman replied were offensively that that was a falsehood. Now, having been compelled once to apologize to this House, the gentleman should be very careful about using language of that kind. I did not take it as a personal insult; I did not take it as applying to me. If the gentleman ever does apply such language to me, and does it within the reach of my arm, I certainly shall personally chastise him. [Laughter.] But as he does not do so now—

Mr. Sparks. This man certainly will not make that remark here and refuse to let me answer it. I was told

had affed the republican party during the time when this vicious legislation was adopted.

Mr. Weaver. I understand all that now.

Mr. Sparks. To relieve the gentleman from that I made my statement. The gentleman talks about what he will do within the reach of his arm. Sir, that gentleman could not do anything "within the reach of his arm." I spurn with contempt the reach of his arm. The reach of his arm would affect me about as little as it affected the last presidential election. [Laughter.]

Mr. Weaver. That is sufficient. Does not the gentleman now see that he ought never to open his mouth at all when he is excited? He spurns the reach of my arm. He can well do so in the temper I now am in. I would not hurt a hair of his head. His apology was ample, and I accept it as such. But I only caution him against the further use of such expressions as, "That is a falsehood," "That is a lie." In Kentucky, I believe, such an expression is regarded as the first blow, and even if I was not as large as a monse, I would show a proper spirit. And the gentleman is mistaken about my fighting weight; it is one hundred and eighty-five pounds. [Great laughter.] Does the gentleman say that I said he was a liar?

Mr. Weaver. The gentleman said it was a falsehood, which is the same thing.
Mr. Sparks. You said so.
Mr. Weaver. No.
Mr. Sparks. Yours were the first offensive words.
Mr. Weaver. No, you cannot make that out.
Mr. Weaver. No, you cannot make that out.
Mr. Weaver. Well, we are all right now.
Mr. Weaver. Well, we are all right now.
Mr. Sparks. You misunderstood me and said that I was stating that which was not true, and wanting the qualities of a gentleman you failed to remedy it.
Mr. Weaver. Oh, no.
Mr. Sparks. That is all about it. I think it was developed at the last election that you wanted those qualities.
Mr. Weaver. I denounce the gentleman personally as a liar on the floor of this House.
Mr. Sparks. You are a scoundrel and a villain and a liar. [Mr. Weaver then approached Mr. Sparks in a menacing attitude.] If you get within wreach I will hit you.

approached Mr. Sparks in a menacing attitude.] If you get within my reach I will hit you.

The members of the committee generally rose to their feet, and many came to the front, some of them interposing between the parties.

The Speaker took the chair and called the House to order, saying: The Speaker has taken the chair for the purpose of restoring order, believing that parliamentary propriety and practice justify him in so doing.

The Sergeant-at-Arms, (by direction of the Speaker,) with his mace of office, moved about the floor of the House, and order was restored.

Mr. McLANE and Mr. REAGAN addressed the Chair.
Mr. BOWMAN. I retain the floor.
Mr. REAGAN. I want to call attention to the necessity of a correction in the RECORD. There is an error which does an injustice, and I am sure no one will object to making the correction.

The SPEAKER. The Chair will recognize the gentleman hereafter to correct the RECORD.

to correct the RECORD.

Mr. REAGAN. I will make the request at the proper time.
Mr. BOWMAN. I understand that I hold the floor.
Mr. McLANE. I want to ask the gentleman from Massachusetts a question.

question.

Mr. BOWMAN. Yes, sir.

Mr. McLANE. I want to know from that gentleman why he commenced reading this RECORD on page 23?

Mr. BOWMAN. Because, as I said, it is not for this House to hold the scales balanced between these gentlemen, and say which had the greater provocation or did the greater wrong.

Mr. McLANE. Very wall

Mr. McLANE. Very well.

Mr. BOWMAN. I only cared to have that part of the RECORD read which showed that both of them had grossly insulted the House and the country. We do not care which was right or which was

Mr. McLANE. The gentleman has not answered my question.

Mr. BOWMAN. That is not for us to determine. We are not settling the quarrels of either, or the charges of either against the other.

Let them settle those for themselves, and between themselves. As independent a high tribunal we are trying here the question of an insult Let them settle those for themselves, and between themselves. As judges of a high tribunal we are trying here the question of an insult offered to our body in its collective capacity; and I have had read only enough to show that those two gentlemen by gross language and grosser actions had insulted the House of Representatives of the Congress of the United States. If the gentleman from Maryland thinks he can swing this great inquiry off into the petty inquiry, which was wrong and which was right, and into a settlement of the personal quarrels of these individuals, he misunderstands the magnitude of the question and the enormity of the offense. I ask that my resolution be read. tion be read.

The Clerk read as follows:

Resolved, That, for gross breach of the privileges, rules, and decorum of this House, James B. Weaver, of Iowa, and William A. J. Sparks, of Illinois, be, and they hereby are, expelled from the House of Representatives of the Forty-sixth Congress of the United States.

Mr. HARRIS, of Virginia. I make the point of order that this resolution cannot be offered now; and I will give my reasons if the Chair will hear me.

Mr. McLANE. I do not understand that the gentleman from Massachusetts has yielded the floor.

Mr. BOWMAN. No, sir.

Mr. McLANE. He has not answered my question.

The SPEAKER. The gentleman from Virginia makes a point of

order on the resolution.

Mr. McLANE. The resolution is not yet submitted; it was only read for information.

The SPEAKER. The Chair understands the gentleman from Massachusetts to submit the resolution.

Mr. BOWMAN. I understand that I hold the floor, and I submit

Mr. BROWNE. I ask the gentleman from Massachusetts to yield to me. That we get the whole question before the House, I desire to offer an amendment to the substitute.

Mr. McLANE. The gentleman from Massachusetts gave me per-

Mr. McLANE. The gentleman from Massachusetts gave me permission to ask a question.

Mr. BROWNE. He answered it.
Mr. McLANE. I beg pardon.
Mr. BROWNE. He tried to.
The SPEAKER. Does the gentleman from Massachusetts yield?
Mr. BOWMAN. I yield to the gentleman from Indiana [Mr. BROWNE] for the purpose he has indicated.
The SPEAKER. There is a point of order made against the proposition of the gentleman from Massachusetts.
Mr. BROWNE. Let me appeal to the gentleman from Virginia

[Mr. Harris] to withdraw that point for the present. When I offer my substitute he can make a point of order as to both.

Mr. HARRIS, of Virginia. I withdraw the point of order for the

Mr. McLANE. If the gentleman from Virginia withdraws his point of order I may be permitted to press my interrogatory addressed to the gentleman from Massachusetts.

The SPEAKER. The gentleman from Maryland will observe that the gentleman from Massachusetts yields at this time to the gentle-

man from Indiana, [Mr. Browne.]

Mr. BROWNE. As an amendment to the substitute I offer what I

send to the desk.

The Clerk read as follows:

Whereas on yesterday, when the House was in the Committee of the Whole, Mr. Sparks, a Representative from the State of Illinois, and Mr. Weaver, a Representative from the State of Iowa, used language and were guilty of conduct which, in the opinion of the House, was undignified and unparliamentary and a breach of the privileges of the House: Therefore,

Be it resolved. That a special committee of three be appointed by the Speaker to investigate the conduct of the Representatives aforesaid, and report to the House without delay what proceedings should be taken, if any, to vindicate its dignity.

Mr. BROWNE. Mr. Speaker, I desire to say simply a word. I hope that a committee will be appointed to investigate this matter, because much that occurred yesterday does not appear in the RECORD and could not be put in the RECORD. I desire to put not only the conduct of these distinguished gentlemen, but, if possible, the conduct of the whole House on the record that it may all be seen and adjudged the conduct of the words. I think it is impossible to get the convergence of year. by the country. I think it is impossible to get the occurrence of yesterday properly before the people unless the matter be referred to a committee, that it may report it all.

Mr. McLANE. I ask the gentleman from Massachusetts a ques-

Mr. BOWMAN. I will hear it.
Mr. McLANE. The gentleman from Massachusetts had read to the
House a certain part of the RECORD from page 23, commencing where

Mr. Sparks addressed this interrogatory—

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. BOWMAN. I yield for a question.

Mr. McLANE. Then follows a colloquy between those two gentlemen, in which the issue was who first uttered the offensive words, who first said it was not true. If the gentleman from Massachusetts had caused to be read from the Clerk's desk from page 22, he would have found a colloquy to which the subsequent words referred.

Mr. BOWMAN. Will the gentleman allow me a moment?

have found a colloquy to which the subsequent words referred.

Mr. BOWMAN. Will the gentleman allow me a moment?

Mr. McLANE. Certainly.

Mr. BOWMAN. I have no objection whatever to its being read, but I do not think it has any bearing on this case whatever.

Mr. McLANE. I ask the Clerk to read from page 22.

The SPEAKER. The gentleman asks to have read a part of the Congressional Record of this morning. Is there objection?

There was no objection.

Mr. McLANE. Will the Clerk commence where Mr. Sparks says

"The gentleman from Iowa was aiding them at that time"? That
is where the whole thing commenced. That is where the first offense

The Clerk read as follows:

Mr. Sparks. The gentleman from Iowa was aiding them at that time. Mr. Weaver. That is not true.

Mr. McLANE. That is where the first offense was given.
Mr. CONGER, Mr. WHITE, and others. "Go on and read further."
Mr. McLANE. Very well, let the Clerk proceed further.

The Clerk read as follows:

Mr. SPARKS. Were you not a republican?
Mr. Weaver. I understand the gentleman to say that during the campaign I aided the republican party.
Mr. SPARKS. Were you not a republican, and as a republican did you not vote for the men that passed those laws?
Mr. Weaver. I understood you to say I aided the republican party during the

Mr. Weaver. I understood a republican.
Mr. Sparks. I said you were a republican.
Mr. Weaver. The gentleman is crazy.
Mr. Sparks. The gentleman states a falsehood.
Mr. Weaver. I rise to a question of privilege.
Mr. Bland. I bave the floor, and call for order in the House.
Mr. Weaver. I rise to a question of personal privilege.

Mr. BOWMAN. I demand the previous question on my resolution.
Mr. SPRINGER. I rise to a question of privilege.
The SPEAKER. There is one question of privilege already pend-

ing.

Mr. SPRINGER. I rise to a question of order. Does the gentle-man from Massachusetts demand the previous question on the adop-

The SPEAKER. He offers his as a substitute and then proposes further to admit an amendment as indicated by the gentleman from Indiana.

Indiana.

Mr. SPRINGER. I desire to state—
The SPEAKER. The Chair thinks under the rules he should treat
the two latter propositions as amendments to the resolution offered
by the gentleman from Maryland.
Mr. SPRINGER. I rise to a question of order.
The SPEAKER. The gentleman will state it.
Mr. REAGAN. Let me ask permission to have a paragraph of the
RECORD corrected. It is materially wrong as it is.

The SPEAKER. Does the gentleman propose to interject it here?
Mr. SPRINGER. I did not hear the gentleman.
Mr. REAGAN. I ask in justice to the facts that the third paragraph in the left-hand column on the twenty-fourth page of the RECORD be corrected, to show the facts. I desire to say that the language as it was used by Mr. SPARKS was, "You are a scoundrel and a villain and a liar," and that was the end of that sentence; but the words "and if you come within my reach I will hit you" are published in the RECORD as if they were a part of the same sentence, when they were not. The gentleman from Illinois, [Mr. SPARKS.] on completing the RECORD as if they were a part of the same sentence, when they were not. The gentleman from Illinois, [Mr. Sparks,] on completing the part I have mentioned, paused. The gentleman from Iowa [Mr. Weaver] was then passing round through the aisle toward him and approaching him; and then the new sentence, "If you come within my reach I will hit you," was uttered. It was not a part of the same sentence; both were not spoken at the same time as reported in the RECORD. I ask it be corrected accordingly, if there be no objection. Mr. CONVERSE. I desire to suggest another correction of the RECORD. The statement as set out in the RECORD as made by Mr. Sparks is, "Perhaps the gentleman is not so much interested in this as I am." Mr. Sparks's language was, "Perhaps the gentleman is as much interested in this as I am." I ask that it be corrected. The RECORD states the reverse of what Mr. Sparks said.

Mr. SPRINGER. The point of order I raised is this: the proceedings to which the pending resolution refers took place in the Committee of the Whole House, and in order that this House may know what was said and done in committee the words spoken in the committee

was said and done in committee the words spoken in the committee must be reported to the House, and the words excepted to must be read from the Clerk's desk and known to the House before we can

read from the Clerk's desk and known to the House before we can act upon them as a question of privilege.

The resolution proposes to expel two members for disorderly conduct and for words used in debate. What are the words? The gentleman had something read from the RECORD as the basis of that action. Before gentlemen rise in their places and say that the RECORD is not correct the House must determine what were the words used

in debate.

Mr. McLANE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McLANE. My motion, to which the gentleman from Illinois is taking exception, has no reference to words spoken at all—not

the slightest.

The SPEAKER. The Chair is listening to the gentleman and endeavoring to find out the point of order he desires to make.

Mr. SPRINGER. If the gentleman from Maryland will pay attention to what I am saying and the decision of the Chair he will not

The SPEAKER. The Chair entertained the resolution of the gentleman from Massachusetts as an amendment to that submitted by the gentleman from Maryland without objection on the part of any

one.

Mr. SPRINGER. Very well; my point of order is that this is an adjudication as to words used in Committee of the Whole, when the words have not been reported to the House, and the House, therefore, has no information in reference to them for the reason that the alleged offense was not reported to the House, and that therefore under such circumstances the House could not take cognizance of them.

The SPEAKER. The Chair did not make any decision of this question or any decision touching this matter based upon clauses 4 and 5 of Rule XIV; but the Chair recognized the gentleman from Maryland in his right under the privileges granted by Rule IX. As to the point made by the gentleman that the House was not aware of what occurred in Committee of the Whole, the Chair has only to say that the officers in front of the Chair known as the official reporters of the House are sworn officers of the House and they have spread upon the Congressional Record what did occur, and therefore the House, the Chair thinks, in consequence of that official report, is fully advised as to the truth of what took place in Committee of the Whole on yesterday.

Mr. REAGAN. Before action is had I hope that the RECORD may be corrected in the manner that I have suggested as a matter of justice to both gentlemen, who agree as to the statement which I have made in reference to it.

The SPEAKER. Corrections can be made in the stereotyped edition of the RECORD.

Mr. McLANE. Mr. Speaker—

The SPEAKER. The Chair has ruled upon the point of order raised by the gentleman from Illinois.

Mr. SPRINGER. Do I understand the Chair as holding that objectionable words spoken in the Committee of the Whole can be taken notice of in the House without a report from the chairman of the Committee of the Whole and a statement of the facts in accordance. Committee of the House without a report from the chairman of the Committee of the Whole, and a statement of the facts in accordance with the rules of the House?

The SPEAKER. The Chair made no ruling directly upon that question, which view is based upon clauses 4 and 5 of Rule XIV; but, as already stated, he recognized the gentleman from Maryland under Rule IX, which refers to the privileges of the House.

Mr. SPRINGER. Will the Chair be kind enough to state the question park before the House?

The SPEAKER. The question is, Shall the previous question be sustained on the several propositions pending?

Mr. BLOUNT. Mr. Speaker, before that is done I desire to ask the

gentleman from Maryland to modify his resolution, that the gentleman from Iowa and the gentleman from Illinois be required to now apologize, by striking out the words "be required" and inserting "be permitted" to apologize. The objection is that it is alleged by gentlemen on the other side of the House, and by one or two gentlemen on this side, that in its present form it seems as if the House was seeking to avoid its responsibility by calling upon these gentlemen to apologize for the objectionable proceedings on yesterday, thereby placing the House in the attitude of asking or requesting an apology. Now, sir, I feel authorized to say that I know both of the gentlemen directly mentioned here feel their unpleasant relations to this House very keenly, and desire now to make an apology. And if it is permitted, I ask the gentleman from Maryland to modify his resolution as I have indicated.

Mr. McLANE. I have not the slightest objection to that

indicated.

Mr. McLANE. I have not the slightest objection to that.

The SPEAKER. Is there objection to the modification suggested by the gentleman from Georgia?

Mr. McLANE. Before the question is put, I desire to say a word further. Certain resolutions have been read for the information of the House. I do not understand that there is any resolution pending for the consideration of the House; neither the resolution of the gentleman from Massachusetts nor of the gentleman from Indiana are resolutions in order as amendments to the resolution which I have presented.

The SPEAKER. The resolutions which have been submitted are offered as substitutes to the proposition of the gentleman from Maryland. The resolution proposed by the gentleman from Massachusetts grows out of the power given by the first article of the fifth section and second clause of the Constitution of the United States. That requires a two-thirds vote.

requires a two-thirds vote.

Mr. McLANE. I ask that it be read again.
Mr. HARRIS, of Virginia. I make the point of order, and desire
to have a ruling of the Chair upon it—
The SPEAKER. One point at a time.
Mr. McLANE. I ask for the reading of the resolution of the gentleman from Massachusetts.
The SPEAKER. The resolution will be read.
The Clerk read as follows:

Resolved. That, for gross breach of the privileges, rules, and decorum of this House, James B. Weaver, of Iowa, and William A. J. Sparks, of Illinois, be, and they hereby are, expelled from the House of Representatives of the Forty-sixth Congress of the United States.

Mr. McLANE. I make no point on that.

The SPEAKER. The question is, Shall the main question be or-

Mr. FINLEY. I desire to inquire if that question can be divided under clause 6 of Rule XVI? If so, I call for a division of the ques-

Mr. HARRIS, of Virginia. I desire now, Mr. Speaker, to submit the point of order to which I have referred.

The SPEAKER. The gentleman will state it.
Mr. HARRIS, of Virginia. I make the point of order, and I wish to make it distinctly, that we cannot in this House call upon a member to answer for words spoken in debate after intervening business has taken place, unless the language to which objection has been made shall have been taken down at the time on the demand of the member objecting to it.

member objecting to it.

The SPEAKER. The Chair has practically overruled that by stating that he did not recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Maryland [Mr. McLane] under clauses 4 and 5 of Rule XIV, but that he did recognize the gentleman from Mr. McLane]

nize him under Rule IX.

Mr. HARRIS, of Virginia. If the Chair will pardon me for a moment, I desire to state that at the time the rules of the House were ment, I desire to state that at the time the rules of the House were enacted we had no short-hand reporters and in order that a man who was called to order might know the charge against him a shield was thrown around him that the objectionable words should be taken down at the time and that he should be protected so as not to be required to depend upon the memory of those persons who might have heard the language objected to. The objectionable words were required to be taken down at once; for, if intervening business took place it was not permitted to do so, and this was done in order that he might know the charge made against him and further that there might be no mistake as to the language used and the offense with which he was charged. The Speaker will see, if his judgment is a correct one upon this question, to what extent and to what grave results it might lead. Suppose the row which took place here on yesterday had taken place this afternoon just prior to the recess when the House will not be in session again for two weeks and there were no short-hand reporters to take down accurately the words as spoken and commit them to writing at the time.

The SPEAKER. The Chair has never yet decided a point of order on supposition.

on supposition.

Mr. HARRIS, of Virginia. Suppose, then, this recess had taken place, and a trial of those gentlemen had come up two weeks afterward, the words not having been written down and the House trusting alone to human memory as to the accuracy of the words with which those gentlemen were charged. I make the point of order under the rules to which I have referred, and if the Speaker will allow me, for I do not occupy his attention often, I think I can show that the rule

to which the Chair referred has no application. Clause 4 of Rule XIV says:

If any member in speaking or otherwise transgress the rules of the House, the Speaker shall, or any member may, call him to order.

The rule evidently contemplates that for every transgression the peaker, on his own motion, by virtue of the dignity of his position, Speaker, on his own motion, by virtue of the dignity of his position, shall call the member to order, or any other member may do so. And if neither the Speaker nor any other member calls the member to order, that is prima facie evidence he has committed no offense, and is at liberty to proceed. The rule goes on to provide that if a member is called to order he is required immediately to take his seat and the words shall be at once written down and read aloud at the Clerk's desk. Clause 5 of Rule XIV says:

If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to.

He must indicate the words. Are there any words indicated here? They run over half a dozen pages of the Congressional Record. If you expel these two gentlemen or censure them in the language of the resolution, history will ask what were the words for which that proceeding was taken; and people will have to look through the musty Record, and one will conjecture one set of words and another another. We thus see the force and the sense of the rule which is intended to obviate this:

The member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House;—

So that they may be corrected if there shall be error-

But he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Why is that provided? What is the reason for the rule that he shall not be held to answer after further debate or other business has intervened? It is founded on the correct idea that afterward there may be error in regard to what was the language he used, and injustice might be done a member if before action was taken you proceeded one iota further than the commission of the offense.

I fall back upon this rule, then, and say it shows that Rule IX has

I fall back upon this rule, then, and say it shows that Rule IX has no bearing on this question. Rule IX states what are questions of privilege, but does not determine the mode of procedure.

The SPEAKER. That the House will determine.

Mr. HARRIS, of Virginia. It is for the Speaker first to determine the rules, and not for the House. The House can do it on appeal. It is for the Speaker to determine first.

Mr. BOWMAN. I desire to be permitted to make one suggestion.

Mr. MILLS. I wish to inquire of the Chair what is the pending question.

question.

question.

The SPEAKER. The pending question is the demand for the previous question, pending which the gentleman from Virginia [Mr. Harris] is on the floor on a point of order.

Mr. HARRIS, of Virginia. I submit it is fully competent for the House to give these gentlemen the opportunity of carrying out the idea I started with. If they desire to apologize to the House or have any explanation to make, they should have an opportunity to do it. Under the ruling of the Speaker, impliedly at least, they must sit with their mouths closed and locks on them, and cannot express their regrets for what occurred. I submit that under the rules they have a right to rise and debate this privileged question; and in speaking to it they have a right to say whether they regret what occurred and make their apology. Among the questions of privilege enumerated in Rule IX are: in Rule IX are:

The rights, reputation, and conduct of members individually in their representative capacity only.

The conduct of members now under investigation is therefore a The conduct of members now under investigation is therefore a privileged question, and, being a question involving individual rights, those members have a right to speak to it as much as any other member of the House. And if in speaking to that question they choose to make a personal explanation or to say something that will relieve them from the censure of the House, they have a right to do so.

Mr. BOWMAN. I wish to make one suggestion in regard to the point of order. The argument of the gentleman from Virginia falls utterly to pieces when you realize that the resolution is based not on the words spoken but on the acts of these members on the floor.

Mr. MCLANE. That is it; it is the disorder.

The SPEAKER. Does the gentleman from Virginia insist upon the point of order?

Mr. HARRIS, of Virginia. I desire a ruling of the Chair on the

point I have made.

Mr. SINGLETON, of Illinois. I rise to make a parliamentary in-

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. Is the pending question now upon
the substitute offered by the gentleman from Massachusetts, [Mr. BOWMAN?

The SPEAKER. The question is now on the demand for the pre-

wious question on all three propositions under the rule.

Mr. SINGLETON, of Illinois. Very well; I make this point of order on the proposition of the gentleman from Massachusetts, that each one of the gentlemen named is entitled to be heard separately, and

the gentleman from Massachusetts has no right to present their names jointly in a resolution for the action of the House. They are entitled to be heard separately and not jointly.

Mr. MILLS. I desire that the resolution on which we are to vote

shall be read.

The SPEAKER. That can be done after the House has voted on

the previous question.

Mr. MILLS. Is the proposition to expel?

The SPEAKER. It is what the Chair might term the middle proposition; the one to expel.

Mr. SINGLETON, of Illinois. It is a single proposition to expel

two member

The SPEAKER. When that point is reached, the Chair will rule upon it.

my new my point is that these parties cannot be called upon to order yet. My point is that these parties cannot be called upon to answer, because the words were not taken down at the time of delivery, and because other business has intervened.

The SPEAKER. The Chair overrules the point of order. The Chair has already stated that this proceeding is being conducted under Rule IX. He does not recognize as pending before the House any proceeding under the fourth and fifth clauses of Rule XIV. The Chair might go a little further and say that these gentlemen are really in contempt of the House. Therefore the House should have this matter under its control, which is what the Chair has very carefully permitted, only deciding on the direct question as involved in fully permitted, only deciding on the direct question as involved in the proposition of the gentleman from Maryland [Mr. McLane] that it is a question of privilege. The entire subject is now under control of the House, because the House in its collective capacity is affected

by this proceeding. Mr. RYAN, of Kansas. We are proceeding under Rule IX, not under Rule XIV; therefore is not the point well taken by the gentleman from Virginia [Mr. HARRIS] that both the gentleman from Iowa [Mr. Weaver] and the gentleman from Illinois [Mr. Sparks] have a right to speak to this question? They can be excluded from speaking only by a proceeding under Rule XIV, and we are now proceeding under Rule IX.

The SPEAKER. In regard to that point the Chair thinks that if the House desires to hear them it can so determine at the proper time by some proposition looking to a permission of the House set a allow

by some proposition looking to a permission of the House so to allow. The Chair will take no responsibility or power or right from the House in this respect.

Mr. STEVENSON. I ask that by unanimous consent the gentleman from Illinois [Mr. SPARKS] and the gentleman from Iowa [Mr. Weaver] be now heard.

Mr. BOWMAN. I object.

WEAVER] be now heard.

Mr. BOWMAN. I object.

Mr. BROWNE. Not until the previous question is voted on.

Mr. WARNER. I think they can claim it as a right.

The SPEAKER. The Chair thinks at some time the privilege of a hearing should be accorded. The permission, however, should be given by the House.

Mr. HARRIS, of Virginia. Does the Chair rule that they have no right to be heard upon a privileged question? that if they are heard it must be by the grace of the House?

The SPEAKER. The Chair has stated that when this question came up he decided it to be a question of privilege. Having so decided the House has now the absolute and complete control of the subject, to be regulated by its votes.

subject, to be regulated by its votes.

Mr. HARRIS, of Virginia. That ruling is very general; it does not say whether these gentlemen have the right to be heard or not.

The SPEAKER. The Chair does not decide that.

Mr. BOWMAN. I rise to a point of order.

The SPEAKER. The point of order raised by the gentleman from Virginia [Mr. HARRIS] being disposed of, the gentleman will state the point of order he now makes. point of order he now makes

Mr. BOWMAN. Can any one be heard now, pending the motion

Mr. BOWMAN. Can any one be neard now, pending the motion for the previous question?

The SPEAKER. Not if objection be made.

Mr. BOWMAN. I insist upon the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the proposition of the gentleman from Indiana, [Mr. Browne,] which will now be read.

The Clerk read as follows: The Clerk read as follows:

Whereas on yesterday, when the House was in the Committee of the Whole, Mr. Sparks, a Representative from the State of Illinois, and Mr. Weaver, a Representative from the State of Iowa, used language and were guilty of conduct which in the opinion of the House was undignified and unparliamentary, and a breach of the privileges of the House: Therefore,

Be it resolved. That a special committee of three be appointed by the Speaker to investigate the conduct of the Representatives aforesaid, and report to the House without delay what proceedings should be taken, if any, to vindicate its dignity.

The question was taken; and upon a division there were-ayes 90, noes 43.

No further count being called for, the resolution, as an amendment,

was adopted.

The question was upon adopting the resolution as amended.

Mr. SAMFORD. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMFORD. Do I understand that we have just adopted an amendment to the eriginal proposition?

The SPEAKER. Yes, and the question is now on the proposition

s amended.

Mr. SAMFORD. Is it the proposition of the gentleman from Massachusetts, [Mr. Bowman ?]

The SPEAKER. It is the proposition of the gentleman from In-

The SPEAKER. It is the proposition of the gentleman from Indiana [Mr. Browne.]

Mr. SAMFORD. That has been adopted as an amendment to the proposition of the gentleman from Massachusetts, [Mr. Bowman?]

Mr. BOWMAN. That is all there is of it.

The SPEAKER. The Chair has stated that the amendment proposed by the gentleman from Indiana [Mr. Browne] has been adopted by the House, and the question now is on the original proposition as averaged.

Mr. BROWNE. That is simply my proposition.
Mr. CONGER. I think the time has now come, before the adoption

of any resolution, when the ordinary opportunity should be given to the persons implicated to be heard, if they desire so to do.

The SPEAKER. Does the gentleman submit any motion?

Mr. CONGER. I move that the two gentlemen referred to have the privilege of stating to the House whatever they may desire to say on the subject.

Mr. McLANE. Before the vote on the resolution ?

Mr. CONGER. Yes.

There was unanimous consent, and leave was granted.

Mr. WEAVER. Mr. Speaker, there cannot be two opinions as to
the propriety and necessity of an apology to the House for what took the propriety and necessity of an apology to the House for what took place yesterday. No one regrets the occurrence more deeply than I do myself. I know that I very rarely lose my temper at all either in public debate or in private life; and I had not intended to do so yesterday. I can only say to the House what is understood by every member and by the country at large, that the language used by myself was wholly unjustifiable under the rules of this House and the proprieties of debate, and was entirely out of order. I am not only willing, but I am anxious, to say so to this House; I am sorry I used such language in the presence of the House; and I make my apology. Such conduct is wholly unjustifiable. I certainly feel this as deeply as any other member.

as any other member.

I wish to say further that I had borne myself through a long runring debate, as I thought, with good nature; and the offensive language was used just before the close of my last remarks in reply to the gentleman from Missouri, [Mr. Bland.] The occurrence was wholly unexpected at the time. I thought the whole difficulty was

I do not wish to raise at all any question as to who was to blame. I say that, whether I was to blame or some one else, or both to blame, our conduct was wholly unjustifiable as members of this body. I

apologize to the House for my part of it, and ask to be excused.

Mr. SPARKS. Mr. Speaker, during the great confusion (I am warranted in saying it was great confusion) in the Committee of the Whole House, yesterday, I used language that I well know to be in conflict with the rules of this House. I do not on this occasion propose, nor indeed do I feel any disposition, to speak of the part taken in that confusion by a great number of other gentlemen of the House. I do know that my language was in contravention of its rules and unparliamentary. To this House, therefore, I feel that I owe an apology, and hereby tender it.

The SPEAKER. The question is on agreeing to the resolution as

amended.

Mr. SINGLETON, of Illinois. If it be now in order, I move to lay

Mr. SINGLETON, of Illinois. If it be now in order, I move to lay the whole subject on the table.

Mr. CONGER. The gentleman [Mr. Browne] who introduced the substitute which the House has adopted in lieu of the original resolution has been suddenly called away by illness, and he requested me to see that the resolution was proceeded with in its proper order. If, then, the Chair will recognize me, I demand—

Mr. MILLS. There the resolution will now be witted away. [Cries.]

Mr. MILLS. I hope the resolution will now be withdrawn. [Cries of "Vote!" "Vote!"]

The SPEAKER. Gentlemen insist on a vote.
Mr. MILLS. There is a motion to lay on the table.
Mr. SINGLETON, of Illinois. I have moved to lay the whole sub-

Mr. SINGLETON, of Illinois. I have moved to lay the whole subject on the table.

Mr. McLANE. I wish to make a parliamentary inquiry. I want to know whether my original resolution is pending?

The SPEAKER. The gentleman's resolution is pending as amended. That is the parliamentary form of the submission of the question.

Mr. McLANE. I beg pardon for not being able to hear; the noise around me was so great. I desire simply to know—

The SPEAKER. The House has by a vote adopted the proposition offered by the gentleman from Indiana [Mr. Browne] as an amendment, and the question now recurs on the proposition as amended.

Mr. McLANE. The original proposition as amended?

The SPEAKER. That is the form in which the question is presented.

sented.

Mr. McLANE. Then I withdraw the proposition.

The SPEAKER. The gentleman has not control of it. Besides the House has ordered the previous question; and the gentleman from Michigan [Mr. Conger] asks that a vete shall be proceeded with. That is his right. But the gentleman from Illinois [Mr SINGLETON] now moves that the whole subject be laid on the table.

Mr. CONGER. I rise to a privileged motion. I move to reconsider the vote by which the amendment to the original resolution was adopted, and also move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair has already recognized the gentleman from Illinois, [Mr. SINGLETON,] and that gentleman has submitted a motion in order under the rules.

Mr. CONGER. This would be a proper motion even if the other had been entertained, because this motion must be made within twenty-four hours.

SPEAKER. The Chair inclines to the opinion that the motion to table the whole subject is in order, even if the motion indicated by the gentleman from Michigan had been made in time, because the motion to lay the whole subject on the table gives the House the oppor-

Mr. CONGER. There is no question under the rules of the right to move to reconsider and to lay that motion upon the table.

The SPEAKER. If made in time. But it was not made in time. Mr. CONGER. The rule says it may be made at any time within

twenty-four hours.

The SPEAKER. The Chair will cause the rule to be read relating to the motion to lay on the table.

The Clerk read as follows:

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

4. When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question, (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Mr. CONGER. That does not refer to it. The SPEAKER. The Clerk will now read Rule XVIII.

The Clerk read as follows:

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said steeceding day without the consent of the House, and therefore any member may call it up for consideration: Provided, That such motion, if made during the last six days of a session, shall be disposed of when made.

The SPEAKER. If the motion to reconsider had been made in time, the Chair would, of course, have recognized it; but the gentleman did not make it, and the Chair recognized it; but the gentleman did not make it, and the Chair recognized the gentleman from Illinois on a motion to lay the whole subject upon the table. The Chair thinks the gentleman from Michigan lost his opportunity under

Mr. CONGER. The Chair will bear in mind the motion to reconsider must be made within twenty-four hours—
The SPEAKER. If this question is voted down—

Mr. CONGER. And it therefore takes precedence of every other motion.

motion.

The SPEAKER. But the precedence claimed was not taken advantage of by the gentleman from Michigan. The House is now voting upon a notion to lay the whole subject upon the table.

Mr. CONGER. Very well, sir.

The SPEAKER. If that motion be voted down—

Mr. CONGER. I would rather withdraw my proposition than have the Chair to decide on this without further thought.

The SPEAKER. The Chair would have recognized the gentleman to make the motion to reconsider if he had made it in time; but it was not attempted until after the gentleman from Illinois had made his motion to lay the whole subject on the table and he had taken his seat. Sometimes a motion to reconsider is not made at all, and there Sometimes a motion to reconsider is not made at all, and there seat. Sometimes a motion to reconsider is not made at all, and there have been frequent instances where the action of the House has become the law where there appears of record no motion to reconsider in connection with such action by the House.

Mr. SINGLETON, of Illinois. If the motion to reconsider had been made before the motion to lay the whole subject upon the table, the latter motion would have carried that with it.

The SPEAKER. The motion pending is to lay the whole subject

upon the table.

Mr. CONGER. And pending that motion I demand the yeas and

Mr. WHITE. May I not apply to the gentleman from Michigan to withdraw his demand for the yeas and nays? The apology on the part of both gentlemen has been ample. There is no reservation about it.

about it.

Mr. CONGER. Let the question be stated. I ask that because it comports better with the dignity of this House. It is more just and fair to the gentlemen implicated in the resolution, and will be more satisfactory to the country, that a committee should report upon it, [cries of "Regular order!"] even if that report be unsatisfactory.

Mr. WILSON. Debate is not in order.

Mr. CONGER. I demand the yeas and nays.

The House divided; and there were—ayes 32, noes 99.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

yeas and nays were ordered.

The question was taken; and it was decided in the affirmativeyeas 105, nays 44, not voting 142; as follows:

	YE	AS-105.		
Acklen, Atherton, Bachman, Blount, Blount, Briggs, Buckner, Butterworth, Caldwell, Cannon, Carpenter, Chalmers, Clark, John B. Clements, Clymer, Cobb, Confroth, Converse, Cook, Cravens, Crowley, Davis, Lowndes H. Deuster, Dibrell, Dunn, Evins, Felton,	Finley, Ford, Ford, Forney, Gibson, Gillette, Goode, Gunter, Hall, Hammond, N. J. Harmer, Harris, John T. Hatch, Henderson, Henkle, Herbert, Herndon, Hill, Hiscock, Hostetler, House, Humphrey, Hurd, Johnston, Jones, Kenna, Kimmel,	AS—100. King. King. Klotz, Ladd, Le Fevre, Lowe, Manning, Marsh, Martin, Benj. F. McLane, McMillin, Mills, Money, Morton, New, Nicholls, O'Connor, Phelps, Philips, Philips, Philips, Philips, Philips, Philips, Philips, Robertson, Robinson, Robinson, Rothwell Ryon, John W. Sapp. Sawyer,	Scales, Shallenberger, Shelley, Simonton, J. W. Singleton, J. W. Singleton, O. R. Slemons, Speor, Talbott, Taylor, Robert L. Thompson, P. B. Thompson, W. G. Tillman, Turner, Oscar Turner, Thomas Upson, Vance, Warner, White, Whiteaker, Williams, Thomas Williams, Wilson.	
		YS-44.		
	NΔ	15-44.		

	NA	15-11.	
Aldrich, William Anderson, Berry, Bingham, Bowman, Brewer, Brigham, Burrows, Caswell, Claflin, Conger,	Daggett, Davis, George R. Davis, Horace Deering, Dunnell, Field, Hammond, John Haskell, Joyce, Ketcham, Mason,	McKinley, Mitchell, Norcross, O'Neill, Osmer, Price, Reed, Rice, Russell, W. A. Ryan, Thomas Taylor, Ezra B.	Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Erner, Voorhis, Washburn, Willits, Wood, Fernando Wood, Walter A. Young, Thomas L.
	NOT V	OTING-142.	

	NOT VO	OTING-142.	
Aiken,	Davis, Joseph J.	Kitchin,	Robeson,
Aldrich, N. W.	De La Matyr,	Knott,	Ross,
Armfield,	Dick,	Lapham,	Russell, Daniel L.
Atkins,	Dickey,	Lindsey,	Samford,
Bailey,	Dwight,	Loring,	Scoville,
Baker,	Einstein,	Lounsbery,	Sherwin,
Ballou,	Elam,	Martin, Edward L.	Smith, A. Herr
Barber,	Ellis,	Martin, Joseph J.	Smith, Hezekiah B.
Barlow,	Errett,	McCoid,	Smith, William E.
Bayne,	Ewing,	McCook,	Sparks,
Beale,	Ferdon,	McGowan,	Starin,
Belford,	Fisher,	McKenzie,	Steele,
Beltzhoover,	Forsythe,	McMahon,	Stephens,
Blackburn,	Fort,	Miles,	Stevenson,
Blake,	Frost,	Miller,	Stone,
Bland,	Frye,	Monroe,	Thomas,
Bliss, Bouck,	Geddes, Godshalk,	Morrison, Morse, Muldrow,	Townshend, R. W. Tucker, Valentine,
Boyd, Bragg, Bright,	Harris, Benj. W. Hawk, Hawley,	Muller, Murch,	Van Aernam, Van Voorhis,
Browne, Cabell,	Hayes, Hazelton, Heilman,	Myers, Neal,	Waddill, Wait, Ward,
Calkins, Camp, Carlisle,	Henry, Hooker,	Newberry, O'Brien, O'Reilly,	Weaver, Wellborn,
Chittenden,	Horr,	Orth,	Wells,
Clardy,	Honk,	Overton,	Whitthorne,
Clark, Alvah A.	Hubbell,	Pacheco,	Wilber,
Colerick,	Hunton,	Page,	Williams, C. G.
Covert,	Hutchins,	Persons,	Wise,
Cowgill, Cox,	James, Jorgensen, Keifer,	Poehler, Pound, Prescott,	Wright, Young, Casey.
Crapo, Culberson, Davidson,	Kelley, Killinger,	Richardson, J. S. Richmond,	Toung, Casey.

So the motion to lay on the table was agreed to.

The following pairs were announced from the Clerk's desk:

Mr. Richardson, of South Carolina, with Mr. Forsythe, on and after Thursday, the 23d, until further notice, upon all questions except the Reagan bill.

Mr. WHITTHORNE with Mr. THOMAS, for the balance of this day.
Mr. FISHER with Mr. BELTZHOOVER, on all questions for this day.
Mr. BLACKBURN with Mr. CROWLEY, for the day.
Mr. ROBESON, of New Jersey, with Mr. HUNTON, until further notice.
Mr. HAWK with Mr. ELLIS, for this day.
Mr. ARMFIELD with Mr. EINSTEIN, for to-day on all questions.

Mr. PRESCOTT with Mr. RICHMOND, until the return of both after the holidays.

Mr. Harris, of Massachusetts, with Mr. Whitthorne.
Mr. Orth with Mr. Myers.
Mr. Blake with Mr. Cabell. If Mr. Blake were present, Mr. Cabell would vote "ay."

Mr. MILLER with Mr. SAMFORD. If Mr. MILLER were present, Mr. SAMFORD would vote "ay."

Mr. Crapo with Mr. Davis of North Carolina, for this day.

Mr. Aiken with Mr. Ward, on to-day.

Mr. Covert with Mr. Bailey, on all questions this day.

Mr. McMahon with Mr. Hiscock. Mr. Klotz with Mr. Dick. Mr. McKenzie with Mr. Heilman.

Mr. Sapp with Mr. Clardy. Mr. Atkins with Mr. Baker. Mr. Wellborn with Mr. Belford. Mr. Ballou with Mr. Carlisle.

Mr. WILBER with Mr. SMITH of Georgia. Mr. Barber with Mr. Culberson.

Mr. Wilber with Mr. Smith of Georgia.
Mr. Barber with Mr. Culberson.
Mr. Hawley with Mr. Frye.
Mr. Knott with Mr. Frye.
Mr. Bayne with Mr. Clark of Missouri, on all political questions.
Mr. Bland with Mr. Hayes.
Mr. Bland with Mr. Singleton of Illinois.
Mr. Henry with Mr. Urner, on political questions.
Mr. Horr with Mr. Stevenson.
Mr. Overton with Mr. Persons.
Mr. Overton with Mr. Persons.
Mr. Stephens with Mr. Calkins, on political questions.
Mr. Manning with Mr. Calkins, on political questions.
Mr. McCoid with Mr. Wise.
Mr. O'Connor with Mr. Martin of North Carolina.
Mr. James with Mr. O'Brien.
Mr. Valentine with Mr. Davidson.
Mr. Lapham with Mr. Tucker.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Bouck with Mr. Browne.
Mr. Hubbell with Mr. Starin.
Mr. Smith, of New Jersey, with Mr. Newberry.
Mr. Smith, of New Jersey, with Mr. Newberry.
Mr. Beale with Mr. Jorgensen.
Mr. Cowgill with Mr. Colerick.
Mr. Lounsbery with Mr. Van Voorhis.
The result of the vote was then announced as above recorded.
Mr. Singleton, of Illinois, moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.
The latter motion was agreed to. The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same.

An act (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States;

An act (H. R. No. 6539) to authorize the Secretary of the Treasury

to change the name of the yacht Stephen D. Barnes, of Philadelphia; An act (H. R. No. 6593) to provide a suitable pedestal to the monument erected in honor of the late Admiral Farragut in Washington

An act (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage, without amendment, of the bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands.

CORRECTION OF RECORD.

Mr. WEAVER. Mr. Speaker, I rise to a privileged question.
The SPEAKER. The gentleman will state it.
Mr. WEAVER. I ask to correct the RECORD of this morning. The

remarks I made on yesterday during the first part of the discussion I find published in the RECORD of to-day. Those remarks I never saw until after they were published. I want the privilege of correcting my own remarks. Of course I shall not change the sense of the remarks, nor shall I omit or alter any interruptions which were made during the delivery of the remarks. But I simply ask the right to correct my own remarks. correct my own remarks.

Mr. FERNANDO WOOD. If the gentleman from Iowa asks that privilege, I will ask him and the House by what authority some of the motions and proceedings that took place in Committee of the Whole on yesterday are omitted entirely from the proceedings as published in the RECORD of this morning? The motion which I made that the gentleman should confine himself to the subject-matter of the debate, and also that the committee rise, is entirely omitted from the RECORD. The answer to my inquiry on this subject from the reporters is, that the gentleman withheld his speech for revision, and that portion so withheld contains the motions, which will appear with his remarks when they are published.

The SPEAKER. The Chair understands that the gentleman has not withheld his remarks.

Mr. WEAVER. I have not withheld my speech. The latter part of the speech is not published in this morning's RECORD, but the first part, which was published without correction, is what I desire now to have the privilege of correcting.

The SPEAKER. The Chair desires to have read in this connection

a letter bearing upon the subject. The Clerk read as follows:

House of Representatives, December 22, 1880.

Sie: Mr. Weaver complains that his speech was published without revision. He informed the messenger that he would withhold. It was afterward sent for from the office for some purpose of ascertaining in what connection it was delivered, and he was surprised this morning to find it published.

Respectfully, yours,

J. K. EDWARDS, Official Reporter.

Mr. WEAVER. I was not at my room last night when the manuscript of my speech was left, but my colleague was there, and the remark was made to the messenger who brought the speech that I would correct it for this morning's RECORD and that it would appear

in the RECORD of to-morrow.

The SPEAKER. The material point stated in the Reporter's letter is that the gentleman from Iowa did make request to have his speech

is that the gentleman from Iowa did make request to have his speech withheld for revision.

Mr. WEAVER. I did; but in the night some time the messenger came back to my room and stated that the manuscript was wanted at the Printing Office in order to determine the consecutive order of the various speeches during the day, and for that reason they wanted to see the numbers of the folios. I sent the pages back to the office by him and to my astonishment this morning I find the whole speech, with the exception of the latter portion of it, published in the RECORD. Now, what I want is simply the right to correct my own remarks and I hope there will be no objection. I have not had the manuscript, and I desire simply to revise it.

and I desire simply to revise it.

The SPEAKER. The usual privilege will be granted to the gentleman to correct his own remarks.

man to correct his own remarks.

Mr. SAMFORD. Is there not a portion of the gentleman's remarks which has not yet appeared in the RECORD?

Mr. WEAVER. Yes, sir; a portion of the manuscript was sent back from the Printing Office, that which contained my reply to the gentleman from Missouri, [Mr. BLAND.] I do not know why part was sent back and part was printed.

Mr. SAMFORD. I suppose the portion not published includes the correction I week.

Mr. SAMFORD. I suppose the period for period for correction I made.

Mr. WEAVER. Yes; and I suppose also what the gentleman from New York [Mr. FERNANDO WOOD] referred to.

The SPEAKER. A motion ought not to have been omitted under

any circumstance

Mr. FERNANDO WOOD. The motion was omitted and my re-

marks in connection with it.

Mr. WEAVER. That is not my fault.

The SPEAKER. The Chair here states that it is not competent for The SPEARER. The Chair here states that it is not competent for the Reporter or anybody else to omit from the RECORD a motion in the way that has been stated. But that has no connection with the request of the gentleman from Iowa, [Mr. WEAVER.]

Mr. TOWNSEND, of Ohio. I wish to inquire of the gentleman if the corrections he desires to make have reference to anything personal

that occurred?

Mr. WEAVER. Not at all.

The SPEAKER. The gentleman from Iowa informed the Chair that what he desired to correct had no relation to matters of personal

Mr. WEAVER. None in the world.
There was no objection to Mr. WEAVER's request.
Mr. GILLETTE. I move that the House do now adjourn.

ARMY APPROPRIATION BILL.

ARMY APPROPRIATION BILL.

The SPEAKER. The gentleman from Pennsylvania [Mr. CLYMER] desires to report the Army appropriation bill.

Mr. GILLETE. I yield for that purpose.

Mr. CLYMER, from the Committee on Appropriations, reported a bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes; which was read a first and second time, recommitted to the Committee on Appropriations, and ordered to be printed.

Mr. BLAND. I reserve all points of order on the bill.

REFUNDING THE NATIONAL DEBT.

Mr. WARNER. I ask unanimous consent to have printed in the RECORD a substitute for the pending funding bill, which I propose to offer when the opportunity presents itself. It was this request which I rose to make yesterday immediately before the adjournment, when I was cut off by calls for the regular order.

There was no objection.

The substitute proposed by Mr. WARNER is as follows:

The substitute proposed by Mr. Warner is as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to the public, in exchange for lawful money of the United States, at not less than par, Treasury certificates or bonds, as the Secretary of the Treasury may direct, not exceeding three hundred and fifty million of dollars in amount, in denominations of \$50, \$100, \$500, and \$1,000, bearing interest at 3.65 per cent. per annum, and redeemable at the pleasure of the Government after one year, taken by lot and payable in six years; also bonds at not less than par, not exceeding two hundred and fifty millions of dollars in amount, registered or coupon, and in such denominations as the Secretary of the Treasury may direct, bearing interest at 3½ per cent. per annum, and redeemable at the pleasure of the Government after five years, taken by lot, and payable in ten years. Said certificates and bonds shall be payable in eoin of the United States of the present standard value, and said bonds bearing 3½ per cent. interest shall alone be received, after the passage of this act, from national banks as security for their circulation, and the certificates of bonds becoming payable in 1881.

SEC. 2. That the money received for certificates or bonds sold under this act, together with all the coin that may at any time be in the Treasury belonging to the United States and held for redemption purposes, in excess of 25 per cent. of outstanding legal-tender notes, shall be applied weekly to the purchase, until they become payable, and then to the redemption, first, of bonds becaring 6 per cent. interest and then to the bonds bearing 5 per cent. interest, until all of both classes of bonds are redeemed, and then to the redemption, first, of bonds bearing 6 per cent. frev.

SEC. 3. The Secretary of the Treasury is hereby authorized to make all suitable and necessary regulations for carrying out the provisions of this act: Provided, That the expenses for engraving and issuing the certificates and bonds provided for by this act shall not exceed one-eighth of 1 per cent.

SEC. 4. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. RYON, of Pennsylvania. I desire to have printed in the RECORD two additional sections, which I shall offer as amendments to the funding bill when I have an opportunity.

There was no objection.

The amendments proposed by Mr. Ryon, of Pennsylvania, are as

SEC. 6. That it shall be lawful for all banks, banking associations, companies, and corporations doing a banking business under and by authority of the laws of the United States to exchange any bonds deposited in the Treasury of the United States to secure their circulation, on the same terms and conditions provided for in the second section of this act, for the bonds authorized to be issued by this act for and in lieu of the bonds now on deposit as security for their circulation. To enable such exchange and substitution to be made, the Secretary of the Treasury shall cause notice to be given to said corporations, and give sufficient opportunity to effect such exchange and substitution.

SEC. 7. That from and after the time any bank, banking association, or corporation doing a banking business as aforesaid shall deposit bonds as aforesaid with the Treasurer of the United States equal in amount to the capital employed to secure its circulation, there shall not be levied, collected, or required to be paid and the proporation of the deposits or circulation of such bank, banking association, or corporation and all laws and parts of laws in conflict herewith are hereby repealed.

The SPEAKER. These two substitutes or amendments, as offered

The SPEAKER. These two substitutes or amendments, as offered by the gentlemen from Ohio and Pennsylvania, had better be printed in usual bill form.

CHANNEL THROUGH SANDY HOOK BAR.

Mr. REAGAN, by unanimous consent, from the Committee on Commerce, reported back a letter from the Secretary of War, with report of board of engineers, relative to the channel through the Sandy Hook Bar of the port of New York, and moved that the same be printed and recommitted.

The motion was agreed to.

INTERNATIONAL SANITARY CONFERENCE.

Mr. BLOUNT. I desire to report from the Committee on Appropriations for consideration at this time a joint resolution appropriating the sum of \$2,500 to meet the expenses of the international sanitary conference

The joint resolution was read, as follows:

Be it resolved, &c.. That the sum of \$2,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to defray the necessary spenses attending the meeting of the international sanitary conference invited to meet at Washington on the 1st of January, 1881, in pursuance of the joint resolution of Congress approved the 14th May, 1880; the said sum to be immediately available, and to be expended under the direction of the Secretary of State.

Mr. BLOUNT. That there may be no misunderstanding about this I desire that the joint resolution under which the meeting of the international sanitary conference is to take place shall now be read.

The Clerk read as follows:

The Clerk read as follows:

Joint resolution authorizing the President of the United States to call an international sanitary conference to meet at Washington, District of Columbia.

Resolved, &c., That the President of the United States is hereby authorized to call an international sanitary conference, to meet at Washington, District of Columbia, to which the several powers having jurisdiction of ports likely to be infected with yellow fever or cholera shall be invited to send delegates, properly authorized for the purpose of securing an international system of notification as to the actual sanitary condition of ports and places under the jurisdiction of such powers, and the vessels sailing therefrom.

Mr. BLOUNT. I ask also that the letter of the Secretary of State which I send to the desk be read.

Mr. SAMFORD. Let the joint resolution be voted upon. There

will be no objection.

Mr. BLOUNT. I have a reason for asking that the letter be read.

Mr. CONGER. Is this joint resolution a report from the Commit-

Mr. CONGER. Is this joint resolution a report from the Committee on Appropriations.

Mr. BLOUNT. It is.

The SPEAKER. It came in by consent.

Mr. BLOUNT. I will say this to the gentleman from Michigan, and I know he will appreciate it: by a joint resolution of Congress an international sanitary conference was to be held at a time to be designated by the President of the United States. The 1st of January is the time designated. No money has been appropriated for the purpose of meeting the expenses of the conference, and this joint resolution becomes necessary. tion becomes necessary.

The Clerk read the letter of the Secretary of State, as follows:

DEPARTMENT OF STATE, Washington, December 7, 1880.

Washington, December 7, 1880.

Sin: Referring to the joint resolution of Congress, approved May 14, 1880, "authorizing the President of the United States to call an international sanitary conference, to meet at Washington, District of Columbia," I have the honor to inform you that, in pursuance of said joint resolution, this Department, by direction of the President, on the 39th of July last, issued an invitation to all the maritime powers of the world to appoint delegates to attend an international conference, to be held in this city on the 1st day of January next, to consider the question of an international system of notification as to the sanitary condition of ports and places under the jurisdiction of such powers, and of vessels salling therefrom, with the view of concluding, if deemed expedient upon consultation, an international convention in relation to any proper subjects for international sanitary regulations.

Answers accepting the above-mentioned invitation have already been received from such a number of the leading maritime powers of the world as to assure the meeting of the conference at the appointed time. It therefore becomes very in-

portant, in view of the near approach of the day fixed for the assembling of the conference, that Congress should make provision for the expense of the proper representation of this Government at the conference, and also for meeting such incidental expenditures as may be made necessary by the action of this Government in inviting the conference in question to assemble at this Capitol.

I therefore recommend that the sum of \$10,000 be appropriated for the purposes above indicated, said sum to be expended under the direction of the Secretary of State, and to be available by the 1st of January, 1881.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS

Hon. J. D. C. ATKINS,

Chairman of the Committee on Appropriations,

House of Representatives.

Mr. BLOUNT. Mr. Speaker, I desire to call the attention of the House to the fact that the Committee on Appropriations in this resolution appropriating a given sum of money confine it to the single purpose of an international system of notification, not making it applicable to any other purpose outside of the scope of the resolution, namely, the making of sanitary regulations. I ask unanimous consent that the joint resolution be now considered in the House, instead of being referred to the Committee of the Whole.

There being no objection, the joint resolution (H. R. No. 358) was

read three times, and passed.

Mr. BLOUNT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. There are many gentlemen who desire to be recognized on subjects that will not cause any debate. The Chair would like to have the privilege of recognizing them.

BRIDGET HOLIHAN.

Mr. HAWK, by unanimous consent, introduced a bill (H. R. No. 6720) granting a pension to Bridget Holihan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES EWING.

Mr. TALBOTT, by unanimous consent, introduced a bill (H. R. No. 6721) granting a pension to James Ewing, a revolutionary soldier; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HON. EVARTS W. FARR, OF NEW HAMPSHIRE.

Mr. UPDEGRAFF, of Ohio. I have a resolution from the Committee on Invalid Pensions, which I ask permission to submit at this

The SPEAKER. The resolution will be read. The Clerk read as follows:

The Clerk read as follows:

Whereas the Committee on Invalid Pensions desires to place upon its record its appreciation of the kindly qualities and faithful labors of their late member, Hon. Evarts W. Farr, of New Hampshire; and
Whereas its members wish to express their regret and sympathy to the country, the State of New Hampshire, and to the bereaved family of the deceased in a worthy and substantial manner: Therefore,

Resolved, That the House be requested to make the customary appropriation of the balance of the salary which would be due to him as a member of the Fortysixth Congress; and that the next Congress, to which he was elected, be respectfully requested to make a similar appropriation of the salary which would have been due to him as a member of the Forty-seventh Congress.

The SPEAKER. What disposition does the gentleween desire to

The SPEAKER. What disposition does the gentleman desire to

make of the resolution?

Mr. UPDEGRAFF, of Ohio. I desire to have it considered.

The SPEAKER. The Chair would suggest that action upon it would be facilitated by reference to the proper committee, the Committee on Appropriations.

Mr. UPDEGRAFF, of Ohio. Very well. I will move that it be

referred to that committee.

The resolution was referred accordingly.

Mr. COFFROTH. I move that the House now adjourn.

VANCOUVER BARRACKS, WASHINGTON TERRITORY.

Pending the motion to adjourn,
The SPEAKER laid before the House a letter from the Secretary
of War, transmitting estimates for a building at Vancouver Barracks,
Washington Territory; which was referred to the Committee on Appropriations.

REINSTATEMENT OF ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition relative to reinstatement of Army officers; which was referred to the Committee on Military Affairs.

QUINCY, ILLINOIS.

The SPEAKER also laid before the House a letter from the Secretary of War relative to the acceptance of land donated by the city of Quincy, in Illinois; which was referred to the Committee on the Public Lands.

LEAVE OF ABSENCE FROM EVENING SESSIONS.

Mr. PHELPS asked and obtained leave of absence from night sessions on account of ill health.

LIMIT OF DEBATE ON FUNDING BILL.

Mr. FERNANDO WOOD. If the House will pardon me for a moment I desire to submit a proposition. I do not propose at this time AN 77

to call for the regular order, or to move to go into Committee of the Whole on the funding bill to-day, provided the House will consent that when the House shall next go into Committee of the Whole on the funding bill all general debate on that bill shall be limited to one day, to be equally divided between the friends and the opponents of the bill.

Mr. WARNER. Let that be done; it is a very fair proposition.

Mr. GILLETTE. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

Mr. FERNANDO WOOD. Will the gentleman permit me to take the sense of the House on my proposition?

Mr. GILLETTE. I insist upon the regular order.

The SPEAKER. The Chair will state the proposition of the gentleman from New York, [Mr. FERNANDO WOOD.] The gentleman asks that the House will now by its order restrict the general debate on the funding bill in Committee of the Whole on the state of the Union to one day, the time to be equally divided between the friends Union to one day, the time to be equally divided between the friends and the opponents of the bill. Pending which proposition, the gentleman from Iowa [Mr. GILLETTE] demands the regular order, which is the motion of the gentleman from Pennsylvania [Mr. COFFROTH] that the House do now adjourn.

The question was taken on the motion to adjourn, and on the viva

roce vote the Speaker announced that the nays seemed to have it.

Mr. GILLETTE. I call for a division on that question.

The question was taken upon a division, and there were 26 in the

Before the negative vote was counted,
Mr. GILLETTE said: I do not call for a further count.
The motion to adjourn was accordingly not agreed to.
The SPEAKER. The question is now on the proposition of the gentleman from New York.
Mr. GILLETTE. I call for a division on that proposition.
The question was taken; and upon a division there were—ayes 110,

Mr. GILLETTE (in his seat) said: There is no quorum voting.
The SPEAKER. Does any gentleman rise and make that point?
Mr. GILLETTE. I will not insist upon it.
No further count being called for, the motion of Mr. FERNANDO

Wood was agreed to.

Mr. FERNANDO WOOD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. HOOKER. I insist upon the motion to adjourn.

The motion was agreed to, (at two o'clock and thirty-five minutes

p. m.)
The SPEAKER. In obedience to the concurrent resolution of the two Houses, this House now stands adjourned until Wednesday, January 5, 1881, at twelve o'clock meridian.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. CONVERSE: The petition of J. W. Burton and others, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. DAGGETT: The petition of citizens of Virginia, Nevada, for the increase of pensions for maimed soldiers—to the same com-

mittee

By Mr. FINLEY: The petition of T. Worthington, that the Committee on Military Affairs be directed to send for persons and papers for examination before acting upon the bill placing General U. S. Grant upon the retired list of the Army—to the Committee on Mili-

By Mr. HOSTETLER: The petition of William L. Day and other citizens of Bedford, Indiana, that Congress grant him a pension—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Papers relating to the pension claims of Frederick Hidelmann—to the same committee.

By Mr. REED: The petition of Abraham Bray, for a pension—to the Committee on Pensions.

IN SENATE.

WEDNESDAY, January 5, 1881.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of the proceedings of Wednesday, December 22, 1880, was read and approved.

RESIGNATION OF SENATOR-ELECT GARFIELD.

The VICE-PRESIDENT laid before the Senate a letter from Hon. James A. Garfield; which was read, and ordered to be placed on the files of the Senate, as follows:

MENTOR, OHIO, December 23, 1880.

SIR: On the 13th and 14th days of January, A. D. 1880, the General Assembly of the State of Ohio, pursuant to law, chose me to be a Senator in the Congress of

the United States from said State for the term of six years, to begin on the 4th day of March, A. D. 1881.

Understanding that the lawful evidence of that fact has been presented to the Senate and filed in its archives, I have the honor to inform the Senate that I have by letter dated December 23, A. D. 1880, and addressed to the governor and General Assembly of the State of Ohio, formally declined to accept the said appointment and have reacounced the same.

I am, sir, very respectfully, your obedient servant,

To the President of the Senate
Of the United States, Washington, D. C.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, in response to a resolution of the 13th ulitmo, an estimate of the cost of deepening the entrance to Saint Jerome's River, Maryland, so as to make it an available harbor; which was referred to the Committee on Commerce.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a resolution of the 12th of March last, information concerning the alleged killing by soldiers in the office of the agent of the Poncas, in the Indian Territory, of Big Snake,

a chief man of the Poncas.

Mr. DAWES. I move that the communication lie upon the table and be printed. When it is before the Senate so that we shall be able to ascertain its contents, I will move its reference to the mittee, and at that time I shall ask the indulgence of the senate to

make some remarks upon it. The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting copies of papers showing the maintenance of the channel at the South Pass, Mississippi River, for the quarter ending November 9, 1880; which was referred to the Committee on Commerce.

He also laid before the Senate a communication from the Secretary He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Quartermaster-General of the Army, dated December 16, 1880, inclosing reports in regard to the stock of clothing, camp and garrison equipage on hand at the several depots of the Quartermaster's Department; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting plans and estimates for the construction of buildings at Vancouver Barracks, Washington Territory, and recommending an appropriation for the same: which was referred to the Committee on

appropriation for the same; which was referred to the Committee on

Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Quartermaster-General, dated December 20, 1880, reporting the insufficiency of the appropriation made by the act of June 16, 1880, to complete the road from Vicksburgh to the national cemetery near that place; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, transmitting a communication from the Superintendent of the United States Military Academy recommending that the sum of \$3,600 be appropriated for the ponton train of the academy; which

as referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of War, recommending that legislative provision be made for the employment and payment of eight messengers instead of eight assistant messengers for his office; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary

of War, transmitting copies of papers, correspondence, &c., respecting the status of certain portions of the lands included in the military reservation of Fort Missoula, in Montana Territory; which was referred to the Committee on Public Lands.

He also laid before the Senate a letter from the Secretary of War, ransmitting copies of plans of proposed new buildings for permanent barracks and quarters at Hot Springs, Arkansas, together with reports and official correspondence explanatory of the necessity for the same; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT laid before the Senate a letter from the

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting the petition of Second Lieutenant E. S. Farrow, Twenty-first Infantry, praying for compensation for personal losses sustained through the burning of the Government storehouse at Vancouver Barracks, Washington Territory, March 8, 1880; which was referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from Messrs. E. Remington & Sons, inclosing reports of officers of the Army and Navy who have examined and tested the Remington magazine rifle, and requesting the enactment of a law authorizing the purchase by the Government of a number of these guns to be put into the hands of troops immediately, and of an equal number of any other magazine arm having as good a record; which was referred to the Committee on Appropriations.

He also presented resolutions of the republican central club of the city and county of New York, urging upon Congress the passage of the funding bill proposed by Hon. John Sherman, Secretary of the Treasnry; which were referred to the Committee on Finance.

Mr. McDONALD presented the memorial of James Hargen and

others, of Madison, Indiana, protesting against the passage of a bank-rupt law; which was referred to the Committee on the Judiciary. Mr. DAVIS, of West Virginia, presented the petition of J. W. P. Reid, praying for a pension for the minor children of the late Lieu-tenant Joseph C. Caldwell, Company C, Twelfth Regiment West Vir-ginia Volunteer Infantry; which was referred to the Committee on Pensions.

ginia Volunteer Infantry; which was referred to the Committee on Pensions.

He also presented additional papers to accompany the bill (S. No. 1706) for the relief of Samuel Pollock; which were referred to the Committee on Appropriations.

Mr. KERNAN presented resolutions of the Board of Trade, of Buffalo, New York, praying for the passage of the bill to change the duty on malt from 20 per cent. ad valorem to twenty-five cents per bushel; which was referred to the Committee on Finance.

Mr. RANDOLPH presented the petition of D. P. Holloway, Ellis Spear, H. E. Paine, and others, praying for the passage of the bill (S. No. 1925) to facilitate appeals from the decisions of the Commissioner of Patents; which was referred to the Committee on Patents.

Mr. EATON presented the memorial of sundry soldiers and sailors belonging to Wadham's Post, No. 49, Grand Army of the Republic, in favor of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. PENDLETON presented the petition of the Cincinnati Board of Trade and Transportation, praying that Congress have a more skilled and scientific test and report made by proper officers of the Navy Department of the various devices suggested for the abatement of the smoke nuisance in burning soft coal and of their relative economy and efficiency; which was referred to the Committee on Naval Affairs.

Mr. KIRKWOOD presented the petition of Sergeant John H. Jessup, Company A, Eighty-ninth New York Volunteers, praying for an increase of his pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present a memorial signed by Alonzo B. Cornell.

Pensions.

Mr. CONKLING. I present a memorial, signed by Alonzo B. Cornell, governor of New York, and Charles B. Andrews, governor of Connecticut, touching a boundary-line between their respective States, containing as well the acts and proceedings of the Legislature of New York. I am informed by the Chair that this paper appropriately goes to the Committee on the Judiciary, and I move that it take that reference.

The motion was agreed to.

The motion was agreed to.

The motion was agreed to.

Mr. CONKLING. I present also the petition of Alexander Mabon,
Post No. 125 of the Grand Army of the Republic, touching the passage
of Senate bill No. 496, relating to pensions; and like petitions with
the same prayer, signed by large numbers of citizens and soldiers of
Sing Sing, New York, of Nyack, New York, and of various other counties and cities in the State of New York. I move that they be laid on
the table.

The motion was agreed to.

Mr. MORRILL presented the petition of J. I. Loomis, George M. Marsh, and numerous other soldiers of Bennington, Vermont, praying that Senate bill No. 496, with the amendment reported from the Com-mittee on Pensions, shall receive the favorable consideration of the Senate and the House of Representatives; which was ordered to lie on the table.

He also presented the petition of Emily J. Ingram, William Ingram, George Shoemaker, and a large number of other citizens of Philadelphia, praying that Congress will take all needful steps to prevent the encroachment of white settlers upon the Indian Territory, and upon all the Indian reservations; and also to keep all treaties with the Indians until they are changed by the mutual and free consent of both parties; which was referred to the Committee on Indian Affairs.

Mr. MORRILL. I also present a like petition of Emma Cropper, Samuel S. Bunting, and numerous other citizens of Philadelphia, to the same effect; also the petition of Martha D. Hough, Joseph C. Turnpenny, and various other citizens of Philadelphia, on the same subject. I move that they be referred to the Committee on Indian

Affairs.

The motion was agreed to.

Mr. BURNSIDE. I present the petition of Henry F. Jenks and many other Union soldiers of Pawtucket, Rhode Island, praying for the passage of Senate bill No. 496, to facilitate work in the Pension Bureau. In view of the fact that this bill has already been favorably reported by the Committee on Pensions, I move that the petition lie on the table.

bly reported by the Committee on Pensions, I move that the petition lie on the table.

The motion was agreed to.

Mr. GARLAND presented the petition of W. L. McKinley and others, citizens of the counties of Pulaski, Grant, and Saline, in the State of Arkansas, praying the establishment of a certain mail route in those counties; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of W. A. Trigg and 95 others, citizens of Arkansas, praying the improvement of the Ouachita River in that State from Rockport to Camden; which was referred to the

Committee on Commerce.

Mr. McPHERSON. I present the memorial of the Monmouth Battle Monument Association of Freehold, New Jersey. I ask its reference to the Committee on Military Affairs, and I would like to have

it read; it is very short.

The VICE-PRESIDENT. The memorial will be read.

The memorial was read and referred to the Committee on Military Affairs, as follows:

To the Senate and House of Representatives of the United States:

To the Senate and House of Representatives of the United States:

The State of New Jersey was the battle-ground of the American Revolution. Three important battles were fought on her soil, at each of which Washington commanded the American troops in person.

There should be monuments at Trenton, Princeton, and Monmouth, erected by the United States or by the joint contributions of the United States, the State and the people of those respective localities.

On the 28th day of June, 1878, the corner-stone of a monument was laid at Monmouth, with appropriate ceremonies, in the presence of the governor, many members of the Legislature, State officers, the National Guard, and a large concourse of citizens, on a magnificent site of nearly four acres, presented to the association, valued at \$3,000.

Since then efforts have been made to obtain subscriptions to creet the monument, and more than nine thousand dollars in cash have been collected. Other subscriptions will be paid early in the spring, and it is confidently expected that within a few months sufficient additional subscriptions will be obtained to bring the amount up to \$10,000.

The Monmouth Battle Monument Association are anxious to contract for the creetion of the monument at an early day, but being apprehensive that the sum of \$10,000 will not construct such a monument as the people of the United States will deem worthy the important historic event, have resolved to give the Government an opportunity to aid to some extent the pariotic efforts of individuals.

This association, incorporated under the laws of the State of New Jersey, representing the people of the county of Monmouth and others who have contributed to the object, respectfully request that at the present session of Congress an appropriation be made to aid in the erection of the monument at Monmouth, the corner-stone of which was laid on the 28th day of June, 1878, of a sum equal to the amount already paid and which shall be paid in to the treasurer of this association within six months from th

FREEHOLD, N. J., January 1, 1881.

Mr. SLATER. I ask leave to present a memorial of the Legislature of the State of Oregon, in favor of an appropriation to commence permanent improvements at the mouth of the Columbia River. The memorialists make various representations, among other things that the work is one of great national importance and that the commerce of the Columbia River is rapidly increasing. They urgently ask for the appropriation prayed for. I move its reference to the Committee

The motion was agreed to.

Mr. SLATER presented the memorial of the Board of Trade of Portland, Oregon, praying for an appropriation for the improvement of the mouth of the Columbia River and for deepening its channel and the channel of its tributaries; which was referred to the Committee on Commerce.

He also presented the memorial of the Chamber of Commerce of Astoria, Oregon, praying for an appropriation for the improvement of the mouth of the Columbia River; which was referred to the Com-

mittee on Commerce.

Mr. VEST presented resolutions of the Board of Trade of Kansas City, Missouri, praying for an appropriation for the improvement of the Missouri River; which were referred to the Committee on Com-

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1722) for the relief of the heirs of Edward B. Clark, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 333) to pay the officers and employés of the House of Representatives borne on the annual roll one month's extra pay, reported adversely thereon; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 358) appropriating \$2,500 to meet the expenses of the international sanitary conference, invited to meet in Washington on the 1st of January, 1881; reported it without amendment.

YELLOW-FEVER REPORT.

Mr. ANTHONY. I am instructed by the Committee on Printing. to which was referred the resolution for printing 500 copies of the report on yellow fever on the United States ship of war Plymouth in 1878-79, to report it without amendment and recommend its passage. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed

to, as follows:

Resolved by the Senate, That 500 copies of the report on yellow fever on the United States ship of war Plymouth, in 1878-'79, prepared under the direction of the Surgeon-General of the Navy, be printed and bound for the use of the Senate.

BILLS INTRODUCED.

Mr. KIRKWOOD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1966) to increase the pension of John H. Jessup; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1967) for the relief of certain officers in the Medical Department of the United States Army; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Military Affairs.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1968) for the relief of the

heirs of George H. Meriam, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 1969) to authorize the Secretary of War to ascertain and report to Congress the amount of money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions of Mexican and Mexican-Indian banditti, and in suppressing Indian hostilities; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KERNAN asked and, by unanimous consent, obtained leave to

Mr. KERNAN asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 1970) regulating the coinage of the standard silver dollar; which was read twice by its title, and referred to the Committee on Finance.

Committee on Finance.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1971) for the relief of C. Haynes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. JOHNSTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1972) providing for the purchase and printing of the manuscript treatise on logic by James Madison; which was read twice by its title, and referred to the Committee on the Library.

Library.

Mr. DAVIS, of West Virginia, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1973) for the relief of the heirs of Nathaniel Kuykendall; which was read twice by its title,

and referred to the Committee on Claims.

Mr. FARLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1974) for the relief of Thomas B. Shannon, of San Francisco, California; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1975) for the payment of certain Indian war bond coupons of the State of California; which was read twice by its title.

Mr. FARLEY. I present certain accompanying documents, which are explanatory of the bill I introduced a few days ago on this same subject. I move the reference of the bill, with these papers, to the Committee on Finance.

Committee on Finance.

The motion was agreed to.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1976) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in the State of Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. Hill Lot Colored asked and by manifering appears to be included.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1977) to create an additional land district in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

SWORD OF WASHINGTON.

Mr. WHYTE. I am about to introduce a joint resolution for the purchase of a sword formerly belonging to George Washington. Before doing so, however, I should like to state that as during this year, in October next, by authority of Congress, there is to be a celebration of the surrender of Lord Cornwallis to the American and French forces of the surrender of Lord Cornwallis to the American and French forces at Yorktown, it is fitting that the United States should be in possession of this sword used by Washington during the revolutionary war. I find that this is one of the five swords left in the will of Washington to his nephews, this one having been left to George Lewis, and it being now in the possession of one of the heirs of that gentleman. The State of New York has within the last three or four years (as I find from an examination of the catalogue of the New York State Library) purchased two of these swords at a cost of \$20,000, and is now the possessor of them. It is proper, therefore, that this remaining sword, being now the property of a gentleman who is willing to sell it, should be obtained by the Government of the United States and should be on exhibition at Yorktown celebration in October next. Therefore I ask leave to introduce this joint resolution and request its reference to the Select Committee on the Yorktown and request its reference to the Select Committee on the Yorktown Centennial Celebration.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 139) for the purchase of a sword formerly belonging to George Washington; which was read twice by its title, and referred to the Joint Select Committee on the Yorktown Centennial

Celebration.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d ultimo approved and signed the following acts:

An act (S. No. 148) granting an increase of pension to J. J. Purman;
An act (S. No. 992) granting an increase of pension to Mrs. Julia
Gardner Tyler, widow of ex-President Tyler;
An act (S. No. 533) for the relief of Charles W. Abbot, a pay director, and W. W. Barry, a passed assistant paymaster in the United

States Navy;
An act (S. No. 1583) to change the name of the schooner-yacht
Nettie to Nokomis;
An act (S. No. 1776) granting a pension to Margaret S. Heintzel-

An act (S. No. 1814) to authorize the construction of a fixed bridge over the Saint Mary's River, and for other purposes.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAVIS, of West Virginia, it was Ordered, That the papers in the case of Nathaniel Kuykendall be taken from the files and referred to the Committee on Claims.

AMENDMENTS TO A BILL.

Mr. HILL, of Colorado, submitted amendments intended to be proposed by him to the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of sections 16 and 36, found to be mineral lands; which were ordered to lie on the table and be printed.

CENSUS OF SOUTH CAROLINA.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Secretary of the Interior be, and he is hereby, requested and directed to forward, for the information of the Senate, the report of the Superintendent of the Census touching the alleged frauds in the enumeration of the inhabitants of South Carolina under the law providing for taking the tenth census.

PRINTING FOR COMMITTEE ON FINANCE.

Mr. KERNAN. I ask for the following order:

Ordered, That the notes of the hearing before the sub-committee of the Finance Committee on Senate bill No. 741 be printed for the use of the Senate.

The VICE-PRESIDENT. If there be no objection that order will

Mr. HOAR. I should like to have the order read again.

Mr. HOAR. I should like to have the order read again.

The proposed order was read.

Mr. HOAR. I suggest to the Senator that it ought to be an order that the proceedings be printed; in other words, that the responsibility of the committee for the correctness of what is reported to the Senate should exist. The committee should be responsible. A mere

Senate should exist. The committee should be responsible. A mere order to print the notes, what may be the notes of an entirely irresponsible person, is not a good form.

Mr. KERNAN. Allow me to state that the sub-committee gave a hearing to persons on all sides, and had the Senate Stenographer, Mr. Murphy, to take down all that occurred. We thought it would be very useful to print these notes, as all sides were represented in the hearing, for the use of the committee and of the Senate.

Mr. HOAR. I suggest that the matter should be printed under the direction of the committee.

Mr. HOAR. I suggest that the matter should be printed under the direction of the committee.

Mr. KERNAN. The matter to be printed is not testimony; it is the arguments that were presented, and the statistics, and the views of persons on the various sides of the question as to free ships; and of course there was so much of it that printing is necessary.

Mr. HOAR. My suggestion to the Senator is a mere question of form and precedent. The Senator's order is that the notes of a certain hearing be printed. My suggestion is that the form of such an order should always be that the proceedings be printed under the direction of the committee. We had a pretty serious lesson within twelve months, in the Senate, as to the character of some reports which twelve months, in the Senate, as to the character of some reports which were furnished.

Mr. KERNAN. I have no objection to having the order amended, and instead of "notes of the hearing" let it say "proceedings before the sub-committee." I ask that by unanimous consent the order be amended in that way.

Mr. MORRILL. And "printed under the direction of the com-

mittee?

Mr. KERNAN. Under the direction of the committee.
Mr. CONKLING. Let us hear it read.
The VICE-PRESIDENT. The resolution will be again reported. The Chief Clerk read as follows:

Resolved, That the proceedings before the sub-committee of the Finance Committee of the Senate on Senate bill No. 741 be printed for the use of the Senate.

Mr. CONKLING. May I inquire have these proceedings been reported to the Senate

The VICE-PRESIDENT. The Chair is not aware.

Mr. KERNAN. No, sir; the proceedings were taken by the Stenographer yesterday, and have been written out, and we desire an order to have them printed under the direction of the sub-committee.

That is the desire of the sub-committee.

Mr. HOAR. Let the first resolution be read again, for the information of the Senator, as it was originally proposed.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Ordered, That the notes of the hearing before the sub-committee of the Finance Committee on Senate bill No. 741 be printed for the use of the Senate.

Mr. HOAR. If I may be permitted to state it again, the point I make is that whatever is printed should be reported to the Senate under the responsibility of the committee in some form.

Mr. CONKLING. I did not hear in the first instance the suggestion of the Senator from Massachusetts. I hear it now, and I agree with him entirely. I think that there is no usage or precedent which would warrant an order of the Senate to print matter committed to a committee and now before the committee, which has not been brought back to the Senate. It is not in the keeping of the Senate; it is not before the Senate. I suggest to my colleague, and I think that will answer his convenience and wish much more readily, that his committee have power now to print these proceedings. The Judiciary Committee and other committees of the Senate continually do that. All the Senator needs to do is to send to the Public Printer an order of the committee or its chairman to print this matter either in confidence for the use of the committee or publicly, as the committee confidence for the use of the committee or publicly, as the committee

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chooses; but the Senate, I suggest to my colleague, has nothing to do

with it.

Mr. KERNAN. It was an open hearing, and what the subcommittee desire is to have power to print what there was said for the use of the committee and of the Senate.

Mr. CONKLING. The Committee on Finance—I do not speak of the subcommittee, but the Committee on Finance,—a regular committee of the Senate has the undoubted right for its convenience to have this matter printed. The only awkwardness is in asking the Senate to act upon a matter which is not before the Senate at all, but before a committee, and of which the Senate knows nothing properly except that it is before that committee; but the committee has power to do

just what it pleases in this regard.

Mr. KERNAN. Allow me to suggest that it is the desire to have this matter printed now. The committee will not regularly meet for a week, and it is the desire to have it in print for the committee at its next meeting. The chairman is away, and there is no call for a meet-

ing of the committee this week.

Mr. CONKLING. Will my colleague receive another suggestion

from me?

Mr. KERNAN. I shall be very happy to do so.
Mr. CONKLING. I do not think it would require a great deal of rashness on the part of my colleague individually, or my friend from Kentucky, [Mr. Beck,] who sits before him, if they were to give this order, assuming that when there was a full meeting of the committee the committee would ratify what they had done. I do not think it at all likely that any member of the committee would be repudiated and reprimanded by the full committee if, as a matter of convenience, he gave an order to print.

Mr. MORRILL. I think the usual form is for the committee to ask

that such a document be printed for the use of the committee, and I take it if the resolution were in that form there would be no objectake it if the resolution were in that form there would be no objection to it. I suggest, therefore, to the Senator from New York that be modify the resolution so that the document shall be printed for the use of the committee. I do not understand that a committee has a right to send any document to the Printer and have it printed, without leave of the Senate.

Mr. CONKLING. Not for its own use?

Mr. MORRILL. I think not.

Mr. CONKLING. Then I can inform the Senator from Vermont that there is one committee of this body which is proceeding not only frequently but habitually upon usurped right. Nothing is more common in the Judiciary Committee than to send to the Public Printer such matter as we think ought to be printed, and frequently in confidence for the use of the committee, so that no member of the committee is at liberty to deliver a copy of it even to another Senting. ator. It is frequently the case that we could not get along at all without a multiplicity of copying, which would swamp the whole work if we had not power to have put in print papers which we must use, and I never heard the right challenged before.

Mr. MORRILL. I am informed by an authority to which we constantly appeal here that there is no power except on the part of the Secretary of the Senate to order this document to be printed, with-

out the direction of the Senate itself.

Mr. KERNAN. I accept the suggestion of my colleague on the sub-committee, [Mr. MORRILL,] and ask that the proceedings be printed

for the use of the committee.

The VICE-PRESIDENT. The resolution will be modified so that the proceedings will be printed for the use of the committee, and the question is on the resolution as modified.

The resolution was agreed to.

EXPENSES OF INDIAN WARS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting, in response to Senate resolution of June 21, 1879, reports from the Secretaries of the Interior and War, relative to expenses in certain Indian wars; which was ordered to lie on the table and be printed.

DARIEN CANAL-MONROE DOCTRINE.

Mr. BURNSIDE. If there is no further morning business, I wish to state to the Senate that on June 25, 1879, I introduced a resolution in relation to the construction of a canal across the Isthmus of Dain relation to the construction of a canal across the Isthmus of Darien by European powers, which resolution was referred to the Committee on Foreign Relations. I hoped that a favorable report would be made upon that resolution, and that the committee would even go further than the resolution and express its disapproval of any such work by any corporation established under the laws of any European power with European capital. I beg now to ask the chairman of that committee if any action has been taken upon the resolution, or if any action is likely to be taken by his committee within a short time?

Mr. EATON. I can inform the Senator from Rhode Island that no action has been taken upon that subject. I have no doubt the matter will be brought to the consideration of the committee without great loss of time.

ORDER OF BUSINESS.

Mr. WHYTE. The morning business seems to have been concluded, and before the Senate proceeds to take up the Calendar at the point where it was left off, I desire to ask the indulgence of the Senate to

take up those bills for railroads in the District of Columbia which were passed over the other day on account of an objection from the Senator from Vermont, [Mr. EDMUNDS.] I have prepared an amendment to cover his objection. The bills are matters in which the public of this District are largely interested, and therefore I should like to dispose of them as they would have been disposed of at that time but for the objection.

Mr. VOORHEES. I hope the Senator from Maryland will yield to a motion which I desire to make. I gave notice the day before the adjournment for the recess that at the expiration of the morning business this morning I would move to take up the bill (S. No. 231) for the relief of Ben. Holladay and ask the Senate to pass it. I hope the Senator will allow me to make that motion. This is a measure which has been pending here nine years. Nine years an American citizen has been asking the Congress of the United States to consider his claim for relief. In the mean time a committee of this body has passed upon the question and reported in his favor that there is money due him. That is a year and a half ago, and in the mean time with this report pending here in his favor his property is being sold under the hammer to pay his debts, and the Senate of the United States is asked and appealed to, in vain it seems, to take up and consider the

question at all. I know no higher duty of a government than to do right by its citizens. Consequently I feel that I am in the line of the strictest and highest and most sacred duty in moving, as I now do, to set aside the Anthony rule, (which would exclude the motion, by the way, of the Senator from Maryland,) and proceed to the consideration of the bill for the relief of Benjamin Holladay. It cannot be a long matter; it will take but a little while, and we shall have discharged a duty

by disposing of it.
The VICE-PRESIDENT. The Senator from Maryland [Mr. WHYTE] had the floor.

Mr. WHYTE. I yielded, of course, out of courtesy to my friend

The VICE-PRESIDENT. The Senator from Indiana moves that the pending order of business, which is the consideration of the Calendar of General Orders under what is known as the Anthony rule, be set

aside—
Mr. WHYTE. That motion is not just yet in order, as I had not concluded the sentence that I was about uttering.
The VICE-PRESIDENT. The Chair asks the Senator's pardon.
Mr. WHYTE. Not at all.
Mr. VOORHEES. I meant no discourtesy of course to the Senator from Maryland. The Senator knows that I am incapable of that.
Mr. WHYTE. I said I yielded in courtesy to the Senator from Indiana to learn from him what motion he desired to submit, without acquiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion, before he had announced to the Senator sequiescing at all in the motion he fore he had announced to the Senator sequiescing at all in the motion he fore he had announced to the Senator sequiescing at all in the motion he senator sequiescing at all in the senator sequiescing sequiescing sequiescing at all in the senator sequiescing s acquiescing at all in the motion, before he had announced to the Senate his purpose. I cannot give way to the Senator from Indiana for the motion which he proposes. The measure he represents is a bill to provide for a private claim, and I do not know what relation to the claim the Senator from Missouri [Mr. COCKRELL] may have, who is chairman of the Committee on Claims, and who is to-day absent from the Senate. from the Senate

Mr. VOORHEES. I can inform the Senator

Mr. WHYTE. I do not know what view the Senator from Missouri might have of the claim, or whether he desires to be present and be heard upon it or not.

Mr. VOORHEES. Will the Senator from Maryland allow me to

inform him on that point?

Mr. WHYTE. Certainly.

Mr. WOORHEES. At the close of the last session of Congress, last June, when this matter was then earnestly pressed on the attention of the Senate, the Senator from Missouri, for the purposes of assisting in protecting property of Mr. Holladay, then under execution, rose in his place here and as a Senator and chairman of the Committee on Claims stated, as the Congressional Record will show, that there was a very considerable sum of money doubtless due to this gentleman—how much he was not prepared to say; but he conceded that the finding of the committee in his favor was right, only not making definite the concession as to the amount, and he agreed at that time that the bill should be made a special order for the first Wednesday after the meeting of this session of Congress. It was so noted in the RECORD. When that day arrived at this session, for some reason, not, however, arising out of any antagonism on the part of the Senator from Missouri, the bill again went over; and I think that I am not going too far in saying that the Senator from Missouri would not antagonize a hearing of this claim before the Senate at

Mr. WHYTE. I understood at the time, Mr. President, that the Senator from Missouri desired to take some part in the discussion of this bill; that while he might admit that there was something due to the claimant, he was not satisfied with the amount allowed in the bill. He being very familiar with the character of the claim, its details, and all its surroundings, was probably as well if not better posted than other Senators in regard to the merits of the claim, and certainly I should be glad as a Senator before being called upon to vote on this bill to learn from the Senator from Missouri, the careful chairman of the Committee on Claims, what were his views upon the subject. I cannot vote now to take this bill up on that account.

Mr. VOORHEES. All I can say is this: I gave notice on the day

before we adjourned for the holidays, now more than two weeks ago, that I would at this hour make this motion; therefore it cannot be claimed that anybody who is not in his seat cannot have had full notice. I gave the notice, and if Senators are absent it would certainly be a hardship to ask this claim to go over on that account. Besides, it has been here nine long years, during which bankruptcy, public sales of property, disaster, and distress have overtaken this man, and all he asks is to have a claim heard that a committee of this body has found in his favor upon. He asks to have it heard, and if it is to be decided against him let it be done. A committee of this body, however, examined this claim under the instruction of the Senate; they took testimony more than two years ago under the instruction of the Senate, which ordered them to take it and to report whether there was anything due. That has been done, and now he humbly requests and petitions from hour to hour and day to day that this body will pass upon a report of its own committee; and for one I intend to stand here until I secure that right if it is in my power to do it.

Mr. HOAR. Will the Senator from Indiana allow me to add to his statement the fact that the committee in the first place reported a bill sending this matter to the Court of Claims, where it could have been tried on testimony, and the Government would have been heard in opposition so far as it saw fit. The Senate rejected that recommendation, and substituted a direction to the committee to try, hear, and determine the case itself, which it has done.

Mr. VOORHEES. That makes it stronger.

Mr. WHYTE. I had not yielded the floor; I had not got to the point of making my motion.

The VICE-PRESIDENT. The Chair recognizes the Senator from

Maryland as entitled to the floor.

Maryland as entitled to the floor.

Mr. WHYTE. I was going on to say that, in addition to the absence of the Senator from Missouri, there is another reason which impels me to make objection at this time to taking up the case of this private claimant. The Senator from Delaware [Mr. BAYARD] is also thoroughly posted in regard to the merits of this claim. He is anxious to be heard by the Senate upon the subject. He has already declared, in the hearing of the Senate, his desire to make remarks upon this bill. He is absent from the Senate to-day.

These are reasons which I offer to my friend the Senator from Indiana why I will not yield to him until the Senate requires me to yield, in allowing him to make his motion in preference to the motion I have suggested.

As the organ of the Committee on the District of Columbia it is

As the organ of the Committee on the District of Columbia it is my duty to ask the Senate to consider these bills which had their place under the Anthony rule on the Calendar when the Calendar was last up, and dispose of them, the objection made by the Senator from Verment [Mr. Edmund) being met by the preparation of an amendment which I have upon my table, and which I propose to offer when the first bill is taken up by the Senate, and there is nothing to prevent the disposal of these bills within a very few minutes. They are called for by the Departments of the Government. The Bureau of Engraving and Printing are urgent to have these bills passed for the convenient transportation of their employés to that branch of the public service. The National Museum being just finished and being taken possession of, being filled at this time with the curiosities which belong to the Government, will be opened very shortly for the inspection of the citizens of the United States. The inauguration ball is to take place in that building as I understand, and for the convenience of those who visit the city at that time and for the citizens of this District it is important that these cheap means of transportation should be provided for them, and unless this bill pass now or in the next few As the organ of the Committee on the District of Columbia it is provided for them, and unless this bill pass now or in the next few days so that it may go to the House of Representatives in season, it is hopeless to expect any such conveniences to be obtained for the people during the present session of Congress.

Mr. VOORHEES. If the Senator from Delaware and the Senator from Missouri are absent why does the Senator from Maryland want

his bills considered to-day?

Mr. WHYTE. Because neither of those Senators indicated a desire

Mr. WHYTE. Because neither of those Senators indicated a desire to be heard upon these bills, while they did indicate their desire to be heard upon the Holladay bill.

Mr. VOORHEES. I never heard either indicate any such purpose. On the contrary, the Senator from Missouri at the last session agreed to have the Holladay bill made a special order for the first Wednesday of this session.

Mr. HARRIS. If the Senators from Indiana and Maryland will

Mr. HARRIS. If the Senators from Indiana and Maryland will allow me, I beg to state as a member of the committee that I know that the chairman of the committee desires to be present and to be heard when the Holladay bill is considered. I was informed by the Senator from Missouri that he expected to be in attendance upon the Senate either to day or very soon after to day. I have no disposition myself to antagonize the consideration of the bill in question; but I ask the Senator from Indiana to let the matter stand over for a day

ask the Senator from Indiana to let the matter stand over for a day or two until the Senator from Missouri may return. I am satisfied that he will be here, or at least that he expected to be here, either to-day or to-morrow.

Mr. VOORHEES. The Senator from Missouri not only knew by the notice which I gave that this motion would be made at this hour, but he knew it by conversation occurring between him and me during the recess; and he made no request of me. If it was anything 'ess than the case it is, and if it was not for the suffering that it has

inflicted, I would not hesitate one moment; but I feel that I should be derelict in duty if I did not ask the Senate to vote on this question now. I know the Senator from Missouri last June agreed that tion now. I know the Senator from Missouri last June agreed that it should be heard on the first Wednesday of this session. I know that he has manifested no opposition, so far as I have heard, to its being heard at any time during this session. Doubtless he would like to be here, doubtless other Senators would like to be here whose business has called them away; but why such a reason should stand in the way of an act of simple justice, I cannot understand.

Now, Mr. President, let me ask one question about the order of business. I am utterly incapable of any discourtesy to the Senator from Maryland; but I do not understand that he has made the only motion which can be made, and that is to set aside the operation of the Anthony rule. That motion I have made, and I suppose the only motion really before the Senate is the one I have made. The Senator from Maryland indicated his desire to take up another bill, but made

no motion of the kind, as I judge.

Mr. WHYTE. Yes, I did.

Mr. VOORHEES. If he wants to get a motion before the Senate he should make it.

he should make it.

Mr. WHYTE. I propose to make the motion now, if I have not already done so in form. If the Senate vote it down, of course that is the end of it. I move to lay aside the Anthony rule so that I can afterward offer a motion to take up the bills I have referred to.

The VICE-PRESIDENT. The Senator from Maryland moves to lay aside the Anthony rule for the purpose indicated by him.

Mr. CONKLING. May I inquire what the bill is which the Senator from Maryland wishes to take up in the event that his present motion prevails?

or from his aryland wishes to take up in the event that his present motion prevails?

The VICE-PRESIDENT. There are several bills, as the Chair understands, relating to railroads in the District of Columbia.

Mr. WHYTE. Several city railroad bills that were put aside the other day for the preparation of an amendment.

Mr. CONKLING. I wish to so vote as to advance the consideration of the bill indicated by the Senator from Indiana. The history of that bill, as referred to by the Senator from Massachusetts and also by the Senator from Indiana, is such that I think it manifestly an act of justice promptly to pass one way or the other and finally upon the merits of that claim. Moreover, I think it an act economical of time on the part of the Senate. This bill has been taken up over and over and over again, deferred indefinitely, postponed to a day certain, dealt with in this way and in that way to accommodate present convenience, and when taken up again so faded has the recollection of it become that a Senator as familiar with it as the Senator from Indiana makes a statement and another Senator gets up and reminds him of a very important thing which in the lapse of time has passed from his mind. from his mind.

Now, I think we ought to adjudge one way or the other upon this bill; and although its merits are in no sense in order for discussion, I shall not be out of order in saying that I have myself a very clear judgment as to its merits; but be it for or against this claim, I hope the Senator from Maryland will concur with me in saying that we ought to make an end of it one way or the other. Therefore I shall vote for the motion, as I suppose the Senator from Indiana will, to postpone the present and all prior orders, but when the Senator from Maryland proposes to supersede the bill to which I refer by a street railway bill, I shall vote against that motion in the hope that the Senator from Indiana will insist upon his motion, and that we may take up the hill which he has indicated.

kake up the bill which he has indicated.

Mr. KERNAN. Mr. President, I shall vote against taking up the Holladay bill, not from any disposition to delay it, but because the Senator from Delaware who sits at my right ordinarily [Mr. BAYARD] is not here to-day. He expected to be here and he has not come. I know that he has examined the claim and desires to be present and I know that he has examined the claim and desires to be present and submit some views about it when it is considered. I know that he was here, as was the chairman of the committee, on the day to which the bill was postponed at the last session, and supposed it would be called up then, but it was not. I hope it will not be taken up to-day in his absence, although I shall make no objection to its being taken up at an early day when he has had an opportunity to get back.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland, that the pending order of business, being the consideration of the Calendar under the Anthony rule, be set aside.

Mr. MORRILL. Mr. President, it is a little singular that the first

Mr. MORRILL. Mr. President, it is a little singular that the first thing we are called upon to do after the recess is to take up a bill appropriating \$526,000, I believe, for an old stale claim of a contractor who received his full compensation for the time of his contract. That is to say, I find that the service performed from Saint Joseph, Missouri, to Placerville, California, from July 1, 1861, to June 30, 1864, was undertaken for a million a year, and he received three million for that service.

Mr. INGALLS. Mr. President, is it in order to discuss the merits

of a bill on a motion to take it up?

Mr. CONKLING. I should like to know if it is.

Mr. INGALLS. I should like to be heard on the subject whenever it comes un The VICE-PRESIDENT. Discussion of the merits is not now in

Mr. MORRILL. I merely desired to call attention to the extraor-

dinary character of this bill that we are called upon in these early moments of the resumed session of Congress to consider to the displacement of everything else, and in the absence of two Senators on the other side who have given it special attention and who desire to be heard upon the subject. I happen to know myself that the Sena-tor from Delaware has prepared himself elaborately to consider this question. Now, it seems to me that in common courtesy to the absent Senator from Delaware, if for nothing else, we ought to defer the

consideration of this question until he returns.

The VICE-PRESIDENT. The Chair desires to remind the Senate that the Holladay bill is not before it for consideration or discussion. The pending motion is that of the Senator from Maryland, to set aside the Anthony rule in order that the Senate may proceed to the

aside the Anthony rine in order that the Senate may proceed to the consideration of certain city railroad bills.

Mr. VOORHEES. I hope that motion will prevail, and then I will ask the Senate to judge whether it will take up these street railway bills or whether it will take up and consider the bill which I have indicated. But first the motion of the Senator from Maryland, I hope, will prevail to set aside the Anthony rule so that one or the

other of these questions may be taken up.

Mr. CONKLING. Mr. President, I am disposed to believe that the Senator from Vermont, [Mr. MORRILL,] when he comes to reflect upon the bearings of what I understood him to call "common courtesy," will question somewhat whether he is warranted at a time when his will question somewhat whether he is warranted at a time when his remarks are out of order, when other Senators have observed the rule and not dealt with the merits of the bill, in stigmatizing it in such a way as very nearly to impute some impropriety to other Senators who favor the bill referred to. Now, I will not violate the rules by dealing with the merits of this bill, but I will venture to say that when discussion be in order, I shall be ready to vindicate myself from the imputation of supporting a bill deserving any such animadversion as the Senator from Vermont has somewhat swiftly bestowed upon it. At this moment I leave it there, not being quite content to have the Senator from Vermont talk so much at large about a stale and indefensible claim thrust forward at this early moment. Not supposing that the Senator from Vermont means to do injustice to supposing that the Senator from Vermont means to do injustice to anybody, I submit to him that it is hardly the thing to speak in that way of a bill which has received repeatedly the indorsement of a committee of this body and which has been favorably stated by some

of the most experienced and ablest members of the body.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland, [Mr. Whyte.]

The motion was agreed to; there being on a division—ayes 38,

noes 7. Mr. WHYTE.

Mr. WHYTE. I now move that the Senate proceed to the consideration of the bill (S. No. 257) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company.

Mr. VOORHEES. Now, I simply desire to state to the Senate in all candor and frankness that I hope the motion of the Senator from Maryland will be voted down in order that I may then move to take up the bill for the relief of Benjamin Holladay, as I gave notice two weeks ago I would do. That is all I desire to say now. I think with the Senator from New York [Mr. CONKLING] that when the proper time comes I can vindicate myself from the imputation of supporting an improper measure before this body.

Mr. WHYTE. I merely desire to state to the Senate that the bill which I have called up came up during the last legislative sitting when the Calendar was under consideration, and the Senator from Vermont [Mr. EDMUNDS] made a suggestion that there ought to be an

Vermont [Mr. EDMUNDs] made a suggestion that there ought to be an additional amendment to those proposed to the bill having reference to a requirement on the part of the company to keep the tracks in good order at its own expense. I did not then think that it was necessary and the company to the company t essary, owing to the requirements of the original charter of the company, but at the same time acquiesced in the view of the Senator from Vermont that it would be better "to make assurance doubly sure" by incorporating such an amendment in the bill. All three of the bills went over at that time to give me time to prepare such an amendment, which I have done. Therefore these bills do not really amendment, which I have done. Therefore these bills do not really come up out of order. They come up under the Anthony rule; and if the Senate chooses to lay them aside and take up the Holladay bill I shall feel that I have at least discharged my duty, having no personal interest in the matter whatever, but only being anxious to gratify the desire of the people of this District.

Mr. GARLAND. Mr. President, I move to amend the motion of the Senator from Maryland by striking out the bill indicated by him and inserting in lieu of it "the bill for the relief of Benjamin Holladay."

The VICE-PRESIDENT. The Senator from Arkansas moves by way of amendment that the Senate consider at this time the bill for the relief of Benjamin Holladay.

Mr. EDMUNDS. Is that in order?

The VICE-PRESIDENT. It is, this being outside of the morning hour.

hour.

Mr. EDMUNDS. I beg the Chair to refer to the rule. The VICE-PRESIDENT. The Chair knows no rule on the subject except the restriction contained in the resolution relating to the morn-

ing hour. Mr. EDMUNDS. Mr. EDMUNDS. I think the rule says that a motion to proceed to consider any bill shall not be amended. I may be mistaken. I shall be glad to know how it is.

The VICE-PRESIDENT. The Secretary will read the rule.

The Chief Clerk read from Rule 8, as follows:

Until the business of the morning shall have been concluded and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Chair, unless by unanimous consent; and if such consent be given, the motion shall not be open to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up; nor shall the consideration of any subject taken up during the morning hour, except a motion to amend the Journal or a motion pertaining to the credentials of a Senator-elect or his admission to his seat, be extended, unless by unanimous consent, beyond the expiration of the morning hour.

The VICE-PRESIDENT. That is the only limitation of which the

The VICE-FRESIDENT. That is the only limitation of which the Chair is aware, and he has examined the precedents of the Senate.

Mr. EDMUNDS. I think that is the rule, but I beg respectfully to suggest to the Chair that this is in the morning hour, for Rule 9 directs that the moment the morning hour expires the presiding officer "shall lay before the Senate the unfinished business." We are therefore either in the morning hour, or we have the unfinished business before us.

The VICE-PRESIDENT. The Chair will submit the question to the Senate. There are precedents that outside of the morning hour

it is the other way. He desires to have it settled.

Mr. EDMUNDS. I should be very glad to have it settled authorita-

tively one way or the other.

The VICE-PRESIDENT. Is the motion of the Senator from Arkan-as, to substitute for the bill proposed by the Senator from Maryland

the Holladay bill, in order?

The question being put, there were on a division—ayes 29, noes 21.

Mr. EDMUNDS. I think we had better have the year and nays and make it a final precedent.

The yeas and nays were ordered.

The VICE-PRESIDENT. The question is whether the motion of the Senator from Arkansas is in order.

Mr. BUTLER. Before the vote is taken I should like to have the

rule read again.

The VICE-PRESIDENT. The rule will be again read.

The Chief Clerk read as follows:

Until the business of the morning hour shall have been concluded and so announced from the Chair, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Chair, unless by unanimous consent; and if such consent be given, the motion shall not be upen to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up; nor shall the consideration of any subject taken up during the morning hour, except a motion to amend the Journal or a motion pertaining to the credentials of a Senator-elect or his admission to his seat, be extended, unless by unanimous consent, beyond the expiration of the morning hour.

Mr. EDMUNDS. Now read the rest of the rule. The Chief Clerk read as follows:

If any portion of the morning hour shall remain after the call for resolutions, the presiding officer shall lay before the Senate, in their order, resolutions and concurrent resolutions introduced on any prior day, and the same may be proceeded with but not beyond the expiration of the morning hour, unless by the unanimous consent of the Senate.

The VICE-PRESIDENT. The Chair announced, after calling for concurrent and other resolutions and the usual morning order of business, that the morning hour was concluded and that the Senate would proceed to the consideration of the Calendar under the Anthony rule, when the Senator from Maryland made his motion.

Mr. EDMUNDS. Now, Mr. President, I ask that the Secretary may read the following rule, the ninth. It is very short.

The Chief Clerk read as follows:

set aside.

Immediately upon the expiration of the morning hour, the presiding officer shall lay before the Senate the unfinished business at its last adjournment, which shall take precedence of the special orders, and shall be proceeded with until disposed of the the Senate of the special orders.

Mr. EDMUNDS. Now, Mr. President, my point is that, taking these two rules together, they seem to me to be explicit that, to begin with, there is to be a morning hour in which first the Journal is to be read, then petitions and memorials and reports of committees and the introduction of bills and concurrent and other resolutions are to follow troduction of bills and concurrent and other resolutions are to follow in their order. They are not the only business of the morning hour. It then proceeds to say that, "until the business of the morning hour"—not merely that particular business but "the business of the morning hour" shall have been concluded—no motion to take up a bill shall be the subject of an amendment. It then says that if any portion of the morning hour shall remain—that speaks again of "the morning hour" and a portion of it left after the call for resolutions in the series—then the presiding officer shall lay before the Senate the concurrent resolutions of the preceding day. Then comes Rule 9:

Immediately upon the expiration of the morning hour the presiding officer shall lay before the Senate the unfinished business.

The VICE-PRESIDENT. The Chair thinks that is superseded by the Anthony rule which provides that, immediately after the call for concurrent and other resolutions the Senate shall proceed under the

Anthony rule to the Calendar.

Mr. EDMUNDS. "Unless otherwise ordered." The Senate has otherwise ordered, and therefore the Anthony rule has nothing to do with this moment of time or the morning hour to-day because we have determined that we would waive the Anthony rule for this time, as appears to me, with great respect to the Chair. That being the state of the case, the Anthony rule has no effect now, it having been

The VICE-PRESIDENT. The Chair is aware of that, but was only

constraing it in reference to the rule cited by the Senator.

Mr. EDMUNDS. Very good, but there is no need to construe it if we have it not before us. It is not in operation at this moment because the Senate has voted to set it aside.

anse the Senate has voted to set it aside.

Mr. DAVIS, of Illinois. It has expired.

Mr. EDMUNDS. That being the state of the case, we have the standing rule of the Senate, and that to my mind clearly declares that the morning hour in which Senators may be entitled without displacing the unfinished business which is to come afterward, to move to take up something, shall not be wasted by a succession of amendments to try to take up something else, but that each such motion shall be voted upon on its own merits and then if such a motion is voted down a Senator who votes it down can move to take up something else, but the case who works a down as move to take up something else, but the case who works are the case who works are down as senator who votes it down can move to take up something else. voted down a Senator who votes it down can move to take up something else. That is the rule, and I think it is of good sense and of convenience, but the most I care for is to have the Senate settle it so that we shall all understand our rights.

Mr. DAVIS, of West Virginia. I believe the morning hour has ex-

pired; and now the regular order comes up.

The VICE-PRESIDENT. The morning hour proper expired at one

o'clock

Mr. DAVIS, of West Virginia. Under the Anthony rule it goes to half past one o'clock; therefore the regular order must now come

up.

The VICE-PRESIDENT. It is after half past one.

Mr. DAVIS, of West Virginia. I believe it was understood by the
Senate that Senate bill No. 877 was to be the regular order on our convening after the re

convening after the recess.

The VICE-PRESIDENT. The pending order of business and which is now in order is the question whether the motion submitted by the Senator from Arkansas [Mr. GARLAND] is in order.

Mr. THURMAN. Mr. President, I wish to say that according to my recollection it has uniformly been held that a motion to proceed to the consideration of a bill, whether made in the morning hour or out of the morning hour, is not amendable by proposing to substitute some other bill; and if the Senate will turn to the Senate Journal of the third session of the Fortieth Congress they will find that these proceedings took place:

Mr. Pomerov moved to take up a bill (S. 256.)
Mr. Edmunds moved to amend by striking out "S. 256," and inserting Resolution "S. 66."

Mr. CONKLING. What date is that? Mr. THURMAN. The third session of the Fortieth Congress.

Mr. THURMAN. The third session of the Fortieth Congress.
Mr. HOAR. Was that in the morning hour or after?
Mr. CONKLING. What is the date?
Mr. THURMAN. I am reading from the late Chief Clerk's memorandum of decisions. I have sent for the Journal, however, and when I get it I shall be able to tell the date, and also to answer the question of the Senator from Massachusetts; but I think when you come to hear the reasons stated here for the decision you will find that they apply just as well after the morning hour as before:

Mr. Howard raised a question of order: That the motion being a simple propo-

sition to take up a subject was not open to amendment.

The CHAIR [Mr. Wade] sustained the point of order raised by Mr. Howard.

Mr. EDMUNDS appealed; and the Senate sustained the Chair.

Then our late Chief Clerk gives the reasons, which I suppose are the reasons that were stated, and I beg the attention of Senators to the ground of this ruling, because it is a complete answer to the proposition that it is admissible outside of the morning hour but not in-

Note: The ground of this ruling was that the motion to take up belonged to that class of motions, "first made, first put," and until decided by the Senate there could be no amendment to the subject of the motion until it was up; when being up it could be again removed by a motion to postpone. The motion to amend might be a reason for rejecting the motion to take up; and the fate of the proposed amendment was involved in the decision of that motion, for if it was agreed to the Senate had decided upon the question as to what business it would consider, and if rejected the alternative proposition might then be made. (See debate in Congressional Globe, January 20, 1863, 467-8-9.) Senate Journal, third session Fortieth Congress, 125.

If think that decision has been followed ever since I have had a

I think that decision has been followed ever since I have had a

seat in the Senate.

Mr. EDMUNDS. The Senator will allow me to interrupt him to say when that question arose the standing rules of the Senate contained no prohibition against moving to amend a motion to take up; but following out that decision of the Senate the rules were made to

conform to it

Mr. THURMAN. I presume the reasons which our late accomplished Chief Clerk has put down here were the reasons stated by the Chair, Mr. Wade, as the grounds of his decision. Certain it is that the Senate decided then, and, according to my recollection, although I do not profess to have an infallible memory, has ever since adhered to the rule that no matter at what hour of our proceedings a motion is made to proceed to the consideration of a particular bill or subject, that motion is not amendable by proposing to substitute some other. I have sent for the Journal.

Mr. HOAR. Mr. President, the answer to the Senator from Ohio has been already indicated, perhaps not intentionally, by the Senator from Vermont. The Senate has a rule which it had not when that decision was made, which defines a method of proceeding which before this time was debatable; and it says that when, upon unanimous consent, a motion to take up a subject during the morning hour

is entertained by the Chair, if it be so taken up, the unanimous consent of the Senate having been previously obtained, in that case it is not amendable, leaving the clear inference on the principle expressio unius exclusio alterius, that in all other cases it is amendable. So the question which, before this rule was established, was debatable is now settled; and it is a question simply upon the rule that the honorable Senator from Vermont raises it, and it seems to me that it is very simple one

Mr. CONKLING. Will the Senator just there receive a suggestion from me in confirmation of what he is saying? I have in my hand the rule as it stood at the time when Mr. Wade ruled as the Senator from Ohio has read and the Senate confirmed it, and in that rule is no such thing as the Senator from Massachusetts, quite correctly as think, refers to as the governing thing here. There is no such im-

I think, refers to as the governing thing here. There is no such implication whatever.

Mr. HOAR. That being the case the question comes up of the correctness of the original intimation of the Chair upon the rule. Now, what does the rule say? First, it declares what shall be the business of the morning hour. Then a subsequent rule, known as the Anthony rule, adds to the business of the morning hour the Calendar. Then the rule is that until the business of the morning hour shall have been concluded no motion of this character shall be entertained but by unanimous consent. The Chair announced that all the business. by unanimous consent. The Chair announced that all the business of the morning hour was concluded, except that provided for by the Anthony rule, and then the motion was entertained and adopted by the Senate which laid aside the business which is in order under the Anthony rule. So that the whole business of the morning hour is over and ended, and has been so announced formally from the Chair, and therefore the whole subject-matter to which Rule 8 and Rule 9 apply has been disposed of. Then Rule 8, saying simply that until the business of the morning hour has been concluded and the Chair. has made that announcement, no motion to proceed to the consideration of any bill shall be entertained but by unanimous consent. The question which the Senator from Vermont made is not whether the original motion of the Senator from Maryland is in order to take up the railroad bills. That motion has been entertained as in order without asking any unanimous consent; it has been put from the Chair; it has been adopted, and it is too late to raise any question as to the propriety of that motion, if any question could be raised. Now comes in the question of the motion to amend it, and whether, that motion being before the Senate, the Chair ought to have called for the unfinished business when he announced that the business enumer-

The VICE-PRESIDENT. There is no unfinished business on the Calendar which is printed and laid on the desk.

Mr. HOAR. The Chair says there is no unfinished business; but if there were, the question whether that should have been called up it is too late to raise now, because the motion of the Senator from Maryland was entertained, nobody raising any question as to its being in order. Therefore, that motion being in order the question whether it is in order to move to amend it is a question that depends upon the general parliamentary law as defined by the rule of the Senate, which says that when a motion of this kind has been made in the morning hour, before the morning hour business is over, it is not amendable, and when made by unanimous consent it is not amendable, leaving, of course, the absolute inference that at other times it is amendable

Mr. BLAINE. Mr. President, I shald like the attention of the Senate for a moment to this point. I was voting with the honorable Senator from Indiana, but I think it is very important to maintain the rule in the Senate that a motion to take up a particular bill shall not be amendable. It is important for both sides. The honorable Senator from Indiana will observe that he does not reach the conclusion he desires by one motion the less by taking this course. If the Senate votes directly on the motion of the honorable Senator from Maryland and disposes of it in the negative, then his motion comes up. If he would substitute his motion for that of the honorable Senator from Maryland, he would still have another motion ahead, that the Senate now proceed to consider the bill, whereas if you establish the rule by a wrong decision this morning, that the motion to take up a bill is amendable by substituting another bill, and if according to the speech of the honorable Senator from Massachusetts you can still further add an amendment to the amendment, then you introduce into the Senate the dangerous practice of filibustering, because you can keep off any bill, you can keep off a direct vote on any bill. A Senator moves to take up bill A, another Senator moves to substitute bill B, and another Senator moves to amend that amendment by substituting bill C. Those two amendments are voted on. As soon as they are done with another Senator moves to substitute bill D, and another Senator moves to amend that by putting in bill E, and so you can go through the entire alphabet and you can prevent the first

Senator from getting a vote on his proposition.

Now, let us stick to the old rule and vote directly upon the bill that the first Senator moving proposes. Thus you get the sense of the Senate upon it. There is no advantage or disadvantage either the one way or the other, but it is a direct issue. Then the honorable Senator from Indiana gets exactly the same test upon his motion, and he cantal the least of it by an appropriate by a right indirection. It is not be kept out of it by an amendment or by an indirection. It is taking it front face, and every bill has its day in court. Otherwise, the least little combination of three or four determined opponents of

any measure can prevent under that ruling its ever getting consid-

ered in the Senate at all.

The VICE-PRESIDENT. The Chair wishes to state that there are several precedents for the motion of the Senator from Arkansas, but he cannot cite them from memory. He supposed with the Senator from Massachusetts that the only inhibition was contained in the rule regulating the business of the morning hour, that outside of that the question stood on the ordinary parliamentary law. The Chair will be very glad to have the rule settled by the Senate for his guidance.

Mr. BLAINE. I was going to suggest, if it is not desirable to have it decided now, that the honorable Senator from Indiana might with-

draw his motion and allow the vote to be taken on the motion of the

Senator from Maryland.

Mr. VOORHEES. The Senator from Arkansas made the motion to substitute, and inasmuch as it is desired to have a ruling on the point perhaps it had better stand.

Mr. BLAINE. Very well.

Mr. EDMUNDS. Mr. President, if the suggestion that this motion to amend is in order be sound on the claim that is made, it is equally true, then, that this amendment, or if it were an independent motion the motion itself would be the subject of debate on the merits, because the very next clause of this eighth rule to the one which has been referred to says that this motion to take up "shall be decided without debate upon the merits of the subject proposed to be taken without debate upon the merits of the subject proposed to be taken up;" and if that only applies to a case where unanimous consent has been given, then it does not apply to this case, for unanimous consent was not given to this motion, and the Chair would have been wrong in his sustaining the objection to my colleague referring to the merits of this case under the authority of this rule. I respectfully submit to the Chair that that would be a holding that would be contrary to the universal practice and construction that the Senate has put upon these rules and contrary to the convenience and facility of disposing of the business of the Senate. But of course the Chair is not responsible for convenience and facility. He is only responsible for a uniform interpretation of the rule.

If it be in order to move to amend this motion on the ground that it is not prohibited by this rule, then it is in order to debate it, be-

it is not prohibited by this rule, then it is in order to debate it, because the prohibition against debate only exists under exactly the same circumstances; and if that be so I shall be glad to hear from my colleague on the merits of both these measures that are proposed

my colleague on the merits of both these measures that are proposed to be taken up.

I think, Mr. President, that the error into which the Chair, if I may say so with great respect, seemed about to fall—I have never known him actually to fall into an error—and into which other Senators have fallen, is in giving a wrong construction to these words "and if such consent be given" as controlling the subsequent words. I think that is a mistake. That expression merely means that if a man gets an opportunity to make his motion (which he cannot at that particular stage without consent) he may make the motion and it shall be decided without debate.

The VICE-PRESIDENT. Will the Senator pardon the Chair for a moment in saying that he has treated this question as wholly outside the morning hour? He has not regarded it as in the morning hour at all. He supposed the morning hour was closed and so an-

hour at all. He supposed the morning hour was closed and so announced it, and he treated it (not in his decision, for he has made none, but submitted the matter to the Senate) as entirely outside the morning hour, and as standing on the ordinary parliamentary law.

Mr. EDMUNDS. Then standing on the ordinary parliamentary law, and not affected by this eighth rule at all, I am bound to say with great respect to those who differ with me that I think the motion to amend

would be in order, as I thought it was when I made the motion some years ago to amend a Central Branch Pacific subsidy bill by substi-

tuting for it a bill to keep the public faith.

The VICE-PRESIDENT. That is the only ruling the Chair has in-

Mr. EDMUNDS. But the Senate of the United States, which upon all questions except that of the seats of Senators is supposed to stand by what it has once decided, thought otherwise, and decided on an appeal to it that it was not in order upon the principles of general parliamentary law to move to amend a motion to take up a bill. If pariamentary law to move to amend a motion to take up a bill. It it stands on that, then let the Senate stand by its regular decision that it has made and which is so conducive, as the Senator from Maine has so well said, to the orderly dispatch of business and to the saving of time. But I must submit, with great respect, that I think this rule was intended—until in some revision it got rather jumbled together with several other rules—to accomplish the purpose of preventing debate on a motion to take up a bill at any stage of the business of the Senate. I mean debate upon the guestien waves de la less of the Senate. venting debate on a motion to take up a bill at any stage of the business of the Senate; I mean debate upon the question proposed to be taken up on its merits; and to prevent an endless succession of amendments proposing to take up other measures instead of the one moved, which would also interfere with the orderly progress of the business of the Senate. I think, therefore, that this rule has been applied and understood not only as cutting off debate but also as cutting off amendments. I think it will be wholesome to so construe it, whether you call it within the morning hour or without.

Mr. THURMAN. Mr. President, I wish to call the attention of the Senate to the debate on the greeting that has been referred to on the

Mr. THURMAN. Mr. President, I wish to call the attention of the Senate to the debate on the question that has been referred to on the motion of the Senator from Vermont [Mr. Edmunds] on the 20th of January, 1869, to amend a motion made by the then Senator from Kansas, Mr. Pomeroy, to proceed to the consideration of a Pacific Railroad.

bill. And first I want to call the attention of the Senate to the fact that the motion of the Senator from Kansas, and, of course, the motion to amend, was made after the expiration of the morning hour. The Congressional Globe of the Fortieth Congress, third session, page 467, contains in the proceedings of January 20, 1869, this:

Mr. POMEROY. If the morning business is over, I move to proceed to the consideration of Senate bill No. 256, the bill which we undertook to take up last night, but the Senate adjourned while the question was pending about taking it up.

That shows that the motion to proceed to the consideration of that bill was not made in the morning hour, but after the morning hour. Then followed some debate, not upon the question of order at all, until the Senator from Vermont moved to amend by striking out the Pacific Railroad bill and inserting the number of another bill. The

It is the opinion of the Chair that a motion to take up a bill is not amendable by moving to take up another bill. The two propositions seem to me to be entirely independent of each other, and really the subject of two independent motions. The case is like that of a motion to refer a bill to a committee. You cannot amend that motion by moving to refer to another committee, but you may make another motion for reference, and then the rule is that the motion first made should be first put. It strikes me that this is in the same nature. The matter is entirely under the control of the Senate. If they refuse to take up this bill they can then pass upon the next named, and so on.

Now, Mr. President, to show what was the usage of the Senate, I beg the attention of Senators to what was said by the most experienced Senators in this body, those who had longest served in the body, or served as long as any others, at any rate. In the first place, Mr. Pomeroy, who had had much service here and who was recognized as very good parliamentarian, arguing upon this question of order,

The fact is that this Senate is a law unto itself-

And he was answering the very argument which has been made now, that, according to parliamentary law, the motion was amendable. The Senator from Vermont had argued that, according to parliamentary law, the motion was amendable, and in the absence of any rule expressly forbidding it, parliamentary law must prevail, and the question must be put on the amendment. In reply to that the Senator from Yearses said: tor from Kansas said:

The fact is that this Senate is a law unto itself, and there never has been to my knowledge, during the years I have been here, an instance where, on a motion to take up and proceed to business, you could substitute another by way of amendment. I have never known that done. Some Senators have been here longer than I have, and they can state their experience.

Mr. Trumbull said:

This is not a new question. I recollect its having been raised in the Senate before, and my recollection of it is that it has uniformly been decided as the Chair has now decided it, and for the reason that you cannot pile one motion upon another

Mr. Sumner said :

I cannot add anything to what he has said in the way of reason-

Speaking of the remarks of the Senator from Kansas-

that I may contribute my testimony as to the usage of the Senate, and I would say that from the first time I came into this Chamber I have never known such a motion as that of the Senator from Vermont to prevail. I have known it to be made more than ence and brought under consideration, but it always fell. I may say, therefore, that the unbroken usage of the Senate is precisely as has been stated and explained so well by the Senator from Kansas.

That is, that the motion to amend was not in order.

This debate went further, but it is not necessary for me to read any more. This is the testimony of men who had served in the Senate of the United States, one of them nearly eighteen years, and one of them over twelve years, and the other over seven years, and not one single instance was cited by those who were in favor of the amendment of the Senate ever having entertained a motion to amend a motion to proceed to the consideration of a bill. I do not think we ought to depart from that usage which has prevailed in the Senate for at least the third of a century, if not from the foundation of the Senate.

Mr. GARLAND. Mr. President, I made the motion to amend in the

Mr. GARLAND. Mr. President, I made the motion to amend in the utmost good faith, supposing it was strictly in order. I shall not take the time of the Senate to show why I think it in order, because I feel that the suggestion made by the Chair and the suggestion made by the Senator from Massachusetts are correct. I was never clearer in my own mind of any proposition being in order than this. But as it is likely to produce debate longer possibly than would enable us to dispose of the Holladay bill and the railroad bills both, I withdraw the motion to amend, and am willing to take a vote on the motion of the Senator from Maryland.

The VICE-PRESIDENT. The Chair nevertheless, for his own guidance, would be glad of the opinion of the Senate on the question whether the motion submitted by the Senator from Arkansas was in order under the rules. The Chair will submit that question.

Mr. ANTHONY. Mr. President, my recollection is that the precedents are against the motion of the Senator from Arkansas, although I understand the Chair to say that he has found some—

The VICE-PRESIDENT. There are precedents in the other direction. The Chair examined the question heretofore very carefully at the suggestion of the Senator from New York at the first session of

the suggestion of the Senator from New York at the first session of

Saunders Sharon, Vest.

Mr. ANTHONY. Then I hope we shall settle it according to the ancient precedents of the Senate. It is too much the custom for Senators to settle questions of order with a view to the measures which they affect. I am inclined to think that there is much merit in the bill of Mr. Holladay. I have not examined it sufficiently to make up my mind, but I certainly am in favor of considering it. He is entitled to a hearing; but I think that this motion is not in order and I shall vote against it.
Mr. HAMLIN. Mr. President, the poet says that—

Order is Heaven's first law

and the Senate never seems to be so much delighted as when it gets before it some broad, grave question of order. The whole morning has been taken up. I want to vote on these bills and I do not want to listen any more to these discussions; and while it is well to be in order, I would suggest to the Chair whether the matter is not complete. A motion was made and that motion was withdrawn. There is therefore no motion before the Senate, and there can be none as

is therefore no motion before the Senate, and there can be none as the question now stands. That is my suggestion.

The VICE-PRESIDENT. Unquestionably the Senator is correct. Mr. EDMUNDS. Why, Mr. President, a motion cannot be withdrawn after the yeas and nays have been ordered.

Mr. HAMLIN. There were no yeas and nays ordered upon the motion made by the Senator from Arkansas.

The VICE-PRESIDENT. The Chair will accept the suggestion of the Senator from Maine, [Mr. HAMLIN,] and the question is now on the motion made by the Senator from Maryland, [Mr. Whyte,] that the Senate proceed to the consideration of the bill named by him, Senate bill No. 257.

Senate proceed to the consideration of the bill named by him, Senate bill No. 257.

Mr. VOORHEES. If the Senate refuse to proceed to the consideration of the street railway bill, I shall then move to take up the bill for the relief of Ben. Holladay.

Mr. DAVIS, of West Virginia. When we were last in session previous to the recess Senate bill No. 877 had been under discussion, and it was understood I think by the Senate that it would be in order when we met after the recess; and the morning hour having gone by, as it is the unfinished business as I consider, I ask that it be taken up, and I ask the Chair if he has what was said at the time before him, and if so whether I am not correct in that construction?

The VICE-PRESIDENT. The Chair's attention was not called to that matter till a short time since. He saw that the bill alluded to was not put on the Calendar as the unfinished business. The Secre-

was not put on the Calendar as the unfinished business. The Secretary will report from the RECORD what the Senator from West Vir-

ginia desires to have read.

Mr. DAVIS, of West Virginia. Will the Secretary report what took place in regard to the bill I am now seeking to get up?

The Secretary read as follows from the RECORD of December 23,

1880, containing the proceedings of December 22:

SURPLUS REVENUE DEPOSITS.

Several Senators addressed the Chair.

Mr. Davis, of West Virginia. Several Senators are asking for the floor. It is understood, if anything can be understood in the Senate, that the regular order is the bill referred to by myself, the bill to relieve the States of the \$22,000,000 deposited with them. I shall not object to any bill coming up now unless it brings on a long debate, if that is the understanding of the Senate. If not, we ought to take up that bill.

Mr. JONES, of Florida. Will the Senator from West Virginia yield to me for a moment.

Mr. Davis, of West Virginia. The matter may not be in proper form for a yielding; but if it is understood that that bill is the unfinished business, I am willing to yield.

The Presidence of Fricer. The Chair is informed by the Chief Clerk that it has not been treated as unfinished business.

Mr. Davis, of West Virginia. I feared that might be the case; but as it was the unfinished business when we were last regularly at business, I want it now understood that it is the unfinished business, to which I hear no objection from any one, and if the Chair so announces, I shall be satisfied.

The Presiding Officer. The Senator from West Virginia asks that the bill to which he refers be considered as the unfinished business of the Senate. Is there objection? The Chair hears none, and it will be so regarded.

Mr. Davis, of West Virginia. That will do.

The VICE-PRESIDENT. If that point had been made at half past one o'clock the Chair would have felt bound to entertain it, but the motion having been made by the Senator from Maryland and de-bated for an hour without objection, he holds that that is now in order.

Mr. DAVIS, of West Virginia. The Chair will recollect that at half past one I rose, but the Senator from Vermont had the floor, and then as soon as I could get the Chair's attention I submitted the question to the Chair by calling his attention to it, but the question then under debate being somewhat in the nature of a privileged one

I did not press my motion any further.

The VICE-PRESIDENT. The Chair had no means of information except the Calendar before him until his attention was afterwards

called to the RECORD.

Mr. DAVIS, of West Virginia. That is true.

The VICE-PRESIDENT. The Senate having entertained this motion for an hour the Chair must suppose it is now in order.

Mr. DAVIS, of West Virginia. Then am I not in order in moving to take up bill No. 877?

The VICE-PRESIDENT. If the motion of the Senator from Mary-

land shall fail, which is the pending motion, then the Senator will be in order. The question now is on the motion of the Senator from Maryland.

Mr. WHYTE. I call for the yeas and nays. The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 35; as follows:

VEAS-17 Morrill, Pugh, Slater, Thurman, Wallace, Harris Coke, Davis of Illinois, Edmunds, Farley, Johnston, Kernan, McPherson, Maxey, NAYS-35. Allison, Anthony, Beck, Blaine, Blair, Booth, Hereford, Hill of Georgia, Cameron of Wis., Platt, Rollins, Teller, Vance, Voorhees, Walker, Carpenter, Conkling, Davis of W. Va., Hoar, Ingalls, Kellogg, Kirkwood, Davis of Dawes, Eaton, Garland, Williams Brown Logan, McDonald. Burnside, Call, Groome, Hamlin, Windom Pendleton. ABSENT-24. Jones of Nevada, Lamar, McMillan, Randolph, Bailey, Baldwin Grover. Ransom, Sanisbury, Bayard, Bruce, Cameron of Pa., Cockrell, Hampton, Hill of Colorado,

So the motion was not agreed to.

Jonas, Jones of Florida,

Mr. VOORHEES. I now move that the Senate proceed to the consideration of Senate bill No. 231, being a bill for the relief of Ben. Holladay.

Morgan, Paddock, Plumb,

The VICE-PRESIDENT. The Senator from Indiana moves that

the Senate proceed to the consideration of the bill named by him.

Mr. DAVIS, of West Virginia. Mr. President, it appears to me, from the RECORD, that the unfinished business is Senate bill No. 877. It was so understood, I believe, by every Senator, for it was unanimously agreed to, and the Chair announced it, and I hope the Senate mously agreed to, and the Chair announced it, and I hope the Senate will now proceed with it, as the understanding was a direct understanding and a unanimous understanding. The bill had been under discussion for a day or two, and it was announced by the Chair that it would be considered as the unfinished business. I hope the Senate will carry out that direct understanding. I judge that I shall not be in order to move to substitute it for the bill named by the Senator from Indiana, but I hardly think that necessary, for I hope the Senator will adhere to its away menimens understanding. ate will adhere to its own unanimous understanding.

The VICE-PRESIDENT. It requires unanimous consent; is it

given?

Mr. VOORHEES. There was no such understanding then, and it cannot be had now. I gave notice that I should make a motion to take up this bill at this hour, two weeks ago. I was not a party to a unanimous understanding that we were to proceed with the bill indicated by the Senator from West Virginia as unfinished business. Now, I wish to say that, as the Senator from New York [Mr. Conk-Now, I wish to say that, as the Senator from New York [Mr. CONK-LING] justly and properly observed, there is an economy of time in taking up this bill and disposing of it, and then it will not be in the way of other measures. I shall be happy to co-operate with the Senator from West Virginia or anybody else in disposing of other measures after this shall have been acted on.

Mr. DAVIS, of West Virginia. I ask the Chief Clerk to read the latter part of the announcement of the Chair as regards Senate bill No. 877 on the last day of our session, and I hope the Senate will listen to what the Chair amnounced, and then, of course, I shall submit to the will of the Senate

the will of the Senate.

The Chief Clerk read as follows:

The Presiding Officer. The Senator from West Virginia asks that the bill to which he refers be considered as the unfinished business of the Senate. Is there objection? The Chair hears none, and it will be so regarded.

Mr. TELLER. What day was that?
Mr. DAVIS, of West Virginia. The last day of our session.
Mr. TELLER. The day before the last day, I think.
Mr. DAVIS, of West Virginia. No, the last day.
The VICE-PRESIDENT. The 22d day of December.
Mr. DAVIS, of West Virginia. Which was the last day of the ses-

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana, that the Senate proceed to the consideration of the

bill for the relief of Ben. Holladay The question being put, a division was called for, and twenty-nine Senators voted in the affirmative.

Mr. DAVIS, of Illinois. I want the yeas and nays.

The yeas and nays were ordered and taken.

Mr. HILL, of Colorado. I am paired on this question with the Senator from Michigan, [Mr. BALDWIN.] If he were here, I should vote

The result was announced-year 33, nays 20; as follows:

	YE	AS-33.	
Allison, Anthony, Blaine, Blair, Booth, Brown, Bruce, Burnside,	Cameron of Wis., Carpenter, Conkling, Dawes, Garland, Hamlin, Hereford, Hill of Georgia,	Ingalls, Kellogg, Kirkwood, Logan, McDonald, MoMillan, Pendleton, Plett, Rollins	Teller, Vance, Voorhees, Walker, Williams, Windom.

NAYS-20.

Beck, Butler Coke, Davis of Illinois, Davis of W. Va., Edmunds, Farley, Harris, Johnston.

Lamar, McPherson, Maxey. Morrill, Pugh

Slater, Thurman, Wallace, Whyte, Withers.

ABSENT-23.

Bailey, Baldwin, Ferry. Groome, Bayard, Cameron of Pa., Cockrell, Eaton, Grover. Hampton, Hill of Colorado, Jonas,

Jones of Florida, Jones of Nevada, Morgan, Paddock, Plumb, Randolph,

Ransom, Saulsbury, Saunders, Sharon, Vest.

So the motion was agreed to.

BEN. HOLLADAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 231) for the relief of Ben. Holladay.

The VICE-PRESIDENT. At a former sitting the Senate, as in Committee of the Whole, adopted an amendment, which will be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out all after line 8 of the bill, in the following words:

For spoliations by hostile Indians on his property while carrying the United States mails, during the existence of Indian hostilities on the line of said mailroute; for property taken and used by United States troops for the benefit of the United States, and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer.

And in lieu thereof inserted:

On account of his contract with the Post-Office Department to carry the United States mails, and in full payment and satisfaction for all losses sustained by him by reason of his having carried the mail on a route different from the one specified in the contract under the order of the military authority of the United States, and upon the request of the President, during the existence of Indian hostilities on the line of said mail-route; and in full satisfaction for the property taken and used by United States troops for the benefit of the United States.

So as to make the bill read:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$526,739, to be paid by the Secretary of the Treasury to Ben. Holladay, in full payment and satisfaction of all claims of said Holladay against the United States on account of his contract with the Post-Office Department to carry the United States was the contract with the Post-Office Department to carry the United States

The VICE-PRESIDENT. Are there other amendments?

Mr. WHYTE. Is there a report in that case the VICE-PRESIDENT. There is.
Mr. WHYTE. I should like to hear it read.

Mr. VOORHEES. I think the report of the committee was read

at a former time.

The VICE-PRESIDENT. It was read at a former session.

Mr. VOORHEES. I think it had better be read again.

The VICE-PRESIDENT. The report will be again read.

The Chief Clerk read the report submitted by Mr. CAMERON, of Wisconsin, February 9, 1880, which appears in the Congressional Record for the Forty-sixth Congress, second session, from page 2946 Mr. KERNAN. If it be in order I offer at this time an amendment to the bill, which I send to the desk.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

Ing clause and insert:

That Benjamin Holladay be, and he hereby is, authorized and empowered to institute and prosecute an action in the Court of Claims against the United States for the recovery of any amount for which the United States are justly liable to him on account of any seizure or destruction by hostile Indians of property owned and used by him in performing his contract with the United States to transport the mails on what was known as the overland mail-route, between the Missouri River and Salt Lake City, between the year 1800 and the 13th of November, 1866; also on account of any loss of property and expenses incurred in changing his route in carrying the mail in compliance with the orders of the United States commanding officer, and also for any property owned by said Holladay and taken and used by United States troops; and the said Court of Claims is hereby authorized to hear and determine said suit upon the merits, and render judgment therein in accordance with the rights of the parties.

SEC. 2. Either party shall have the right to prosecute an appeal from the judgment of the Court of Claims to the Supreme Court of the United States at any time within sixty days after the rendition thereof.

SEC. 3. If the said Holladay shall not commence said action in the Court of Claims within six months from the passage of this act, and prosecute the same to effect, then the said claims hereinbefore mentioned shall be forever barred.

Mr. KERNAN. Mr. President, I offer this because, as I understand

Mr. KERNAN. Mr. President, I offer this because, as I understand the evidence, I cannot vote for the bill allowing Mr. Holladay \$526,000. The evidence is entirely unsatisfactory to me that he sustained damage to any such amount. In the report you will find on page 11 this item, which seems to be one of those making up the

A. D. 1863. One hundred and seventy-three horses and 34 mules, near Fort Halleck, (page 4, printed evidence of R. L. Pease;) total value, \$41,400.

Now, turning to the evidence of Mr. Pease, it would seem to consist of an affidavit which certainly would not establish of his knowledge any such loss of property, and as it is short I will read it. It is on page 3 of the printed evidence referred to in the report which has increased; just been read :

Before me, William Jackson, a notary public in and for Atchison County, Kansas, personally appeared Robert L. Pease, of lawful age, who, being duly sworn according to law, makes oath and says, namely:

From the 31st day of December, A. D. 1861, to the 21st day of March, A. D. 1862, I was one of the trustees in charge of all the property belonging and appertaining to the stage line carrying the mails from Atchison, Kansas, to Salt Lake

City, commonly called now the overland stage line, holding the same as such trustee in possession for the use and benefit of Benjamin Holladay; and as such trustee I had the chief control and management of said property during the period

aforesaid.

Between the 31st day of December, 1861, and the 21st day of March, 1862, the losses to said stage line were reported to me as such trustee by the officers and employés thereof, and number of mules and horses taken from said stage line by hostile Indians amounted to one hundred and seventy-three; and that this number of animals employed in said line were so taken by said Indians there certainly can be no doubt. None of said animals were ever recovered to my knowledge. I was agent for said stage line at Denver City, Colorado, during the summer of the year 1863, and during that time thirty-four head of stage animals (mules) were taken by Indians off said line, near Fort Halleck. The Indians were pursued, but none of the stock recovered.

The loss of this lot of animals was reported to me, and that they were so taken by Indians there is not any doubt at all.

R. L. PEASE.

y Indians there is not any doubt at all.

R. L. PEASE.

Sworn to and subscribed before me this 17th day of November, A. D. 1865.

WILLIAM JACKSON,

Notary Public.

LOSS AND DAMAGE DONE AS PER AFFIDAVIT OF R. L. PEASE.

From December 31, 1861, to March 21, 1862, on the road, 173 horses stolen or destroyed, \$200 each \$34, 600
In summer of 1863, 34 head of mules, near Fort Halleck, \$200 each 6, 800

That makes up the \$41,400 which the report cites the evidence of Mr. Pease to establish. I find nothing else to establish it, but I do find a little evidence that the committee speak of in their report from a Mr. Murdock which would go to the contrary, if gentlemen will look at it from pages 67 to 80. He says that there were a few mules taken, but that they were returned or got back again.

Mr. INGALLS. Who says that?

Mr. KERNAN. Mr. Murdock, as I understand his name to be. His testimony begins on page 67. What he says about the price is not so very important, but I will refer to that:

O. Did you know anything about the value of mules is that the contract of the same of the contract of the c

Q. Did you know anything about the value of mules in that country at that

A. There were mules and horses bought there at Halleck of pilgrims coming over the plains. I should say that \$100 or \$125 would be a fair value of the majority of the mules used by the overland stage line.

Mr. TELLER. Whose testimony is that?
Mr. KERNAN. Mr. Murdock's.
Mr. TELLER. That is the bugler.
Mr. KERNAN. I think it is said he is a bugler and was only twenty-three years old, and there seems to have been a gentleman there to cross-examine him. That was about the price. Now look at page 69, where he speaks about the return of the mules:

at page 69, where he speaks about the return of the mules:

Q. You may state what you know, if anything, about Indian disturbances on the old line and on the new line during the time that you were there.

A. There were six or seven head of mules taken from Pass Creek Station, the second station west of Fort Halleck, in the spring of 1863. They were taken by the Ute Indians, and were returned to Halleck Station, and a bounty of \$5 claimed for the return of the mules.

Q. Were they captured by some one and taken back?

A. The Ute Indians claimed that the Sioux had been over and stolen some ponies from them, and they wanted to borrow the mules to hunt for their stock. The station agent refused to let them have them, and so they took them anyway. The agent came down to Halleck immediately after, and invited us, and we went in pursuit, but were unable to overtake the Indians. The stock was brought back to Halleck Station some time afterward, to George Launsberry, who was keeping the station at that time, and they claimed \$5 reward for the return of the stray animals. Along in July, 1853, there was a bell-mare shot at the second station east of Halleck by what was supposed to be Ute Indians.

Q. Have you noticed the affidavit of Mr. R. L. Pease?

Q. Have you noticed the affidavit of Mr. R. L. Pease? A. Yes, sir. Mr. Pease makes the statement that it was reported (I don't know that he makes the affidavit direct) that the mules were stolen. I was at Fort Halleck at that time, and it was about that time that the six mules were taken or bor-

Mr. McDONALD. I should like to call the attention of the Sen-

Mr. McDONALD. I should like to call the attention of the Senator from New York—

Mr. KERNAN. Let me read what I am going on with.

Mr. McDONALD. It is simply a matter of fact.

Mr. KERNAN. Very well.

Mr. McDONALD. The mules spoken of by Murdock were taken in 1863, while those coved by the affidavit of Pease were from December 1861 to March 1862.

ber, 1861, to March, 1862.

Mr. KERNAN. No, the thirty-six or thirty-four—it is printed both ways—are thus spoken of in the testimony, on page 3:

I was agent for said stage line at Denver City, Colorado, during the summer of the year 1863, and during that time thirty-four head of stage animals (mules) were taken—

In another place it is said thirty-six-

thirty-four head of stage animals (mules) were taken by Indians off said line, near Fort Halleck. The Indians were pursued, but none of the stock recovered. The loss of this lot of animals was reported to me.

He was examined about it, and you will find that the committee themselves contrast the evidence and say they would rather rely on Pease. Now I will read to you what Murdock says about it:

Q. Have you noticed the affidavit of Mr. R. L. Pease?

A. Yes, sir. Mr. Pease makes the statement that it was reported (I don't know that he makes the affidavit direct) that the mules were stolen. I was at Fort Halleck at that time, and it was about that time the six mules were taken or borrowed. There were not thirty-six mules stolen from that station by Indians, or by anybody else, at that time.

You will find that he is cross-examined about it, and that it is the same transaction. As to the thirty-four or thirty-six that he speaks of, all I mean to say is that the evidence to establish this \$41,400, dropping out Murdock, is that of a man who simply says it was reported to him. There is no evidence that he knows it himself. I give that as a specimen of a very large portion of this claim. I am not going into it in detail, though I have looked over the evidence. There is very little of evidence. There is no evidence, in my judgment, to prove any considerable number of these animals were stolen for which compensation should be made by the Government.

Mr. WILLIAMS. I think the Senator from New York is under a misapprehension. If he will allow me—

Mr. KERNAN. I think the Senator had better wait until I get

Mr. WILLIAMS. I only want to refer the Senator to a matter of fact now

Mr. KERNAN. Will my friend point to me the evidence of any men who say they knew, had personal knowledge, that fifty mules were stolen of this great number? The report of the committee refers to Pease alone for this item of \$41,400. Here is what they say:

A. D. 1863. One hundred and seventy-three horses and 34 mules, near Fort Halleck, (page 4, evidence of R. L. Pease;) total value, §41,400.

They refer us to the evidence, and in their report they discuss the

testimony of both and say Murdock was a bugler, a young man, and that they prefer not to rely on him. The difficulty is that what Pease says is not evidence, taking all that is said, giving him the utmost credit. He says he held this property as trustee, that it was reported to him that there were so many animals lost or stolen, and that there can be no doubt of it. I shall be very glad to hear gentlemen who can show that there is evidence here authorizing us to give any such amount for property of the value and character here stated to have

amount for property of the value and character here stated to have been stolen. I am entirely desirous that this man should have justice, and therefore have proposed the substitute.

This is an extraordinary case in many ways. In the first place, the first report of the committee was that they thought the evidence was too loose, and they proposed to send it to the Court of Claims on affidavits. When it came here Mr. Christiancy, it will be remembered, in 1878 moved to strike out that provision saying that it was not in 1878 moved to strike out that provision, saying that it was not proper to send it to the court on affidavits; the court might think they were called upon to allow the claim on affidavits if contrary evidence was not presented. Therefore, on the yeas and nays on the motion of Mr. Christiancy that clause was stricken out of the first bill and it Mr. Christiancy that clause was stricken out of the first bill and it was provided in substance that the claimant should go to the Court of Claims to recover, on competent evidence, all that he was entitled to. Then the friends of the bill, after that was put in, moved to refer it back to the committee. It was on motion of Mr. Mitchell, who then was on the committee, and had charge of the bill. I think if we mean to do justice by this bill we shall set a wise precedent if we send the case to the Court of Claims under a fair bill, saying that the court shall allow Mr. Holladay any amount which is established by evidence and which he is fairly entitled to. Without pretending now to do more than state the reasons for this amendment, I may say that I have looked through the evidence and cannot find any proof now to do more than state the reasons for this amendment, I may say that I have looked through the evidence and cannot find any proof to justify us giving half the amount proposed. I have offered this substitute that it may be printed and examined. It seems to me it would be dangerous to set the precedent that we shall order the Treasury to pay on the facts stated in this report, because almost all the facts stated in this report are in the first one, and the committee then said the evidence did not sustain the case, and therefore it ought to go to the Court of Claims. We amended the bill to send it there are legal evidence, and not one reports affidavits, and then it was sent on legal evidence, and not on ex parte affidavits, and then it was sent back to the committee. I think we had better give this man a bill authorizing him to go to the Court of Claims and establish his claim. If he can prove fairly what he is entitled to, let that court be authorized by law to award him judgment, and then he can receive his pay

from the Treasury.

Mr. GARLAND. Mr. President—

Mr. HOAR. Will the Senator from Arkansas before he proceeds allow me to make in a single sentence an explanation of one fact? The Senator from New York, it seems to me, has failed to understand in his statement, at any rate he has not stated correctly as I underin his statement, at any rate he has not stated correctly as I understand it, the original action of this committee. This man had no legal right to go into the Court of Claims originally. He came to Congress and Congress kept him year after year dancing attendance, putting him off until witnesses were dead, and there had been no time when he could take depositions in perpetuum or depositions where there should be an appearance by the Government and a cross-examination. It seemed to the committee that while it was desirable to send him to a court where the Government could be heard, and where all the living witnesses might be cross-examined it would be a great outto a court where the Government could be heard, and where all the living witnesses might be cross-examined, it would be a great outrage on the part of this Government in its treatment of that citizen to say, "You shall be deprived absolutely of any advantage to be obtained by the affidavits which were taken of men who are now dead, but who knew the circumstances when they were alive;" to keep the man until it is impossible for him to have his case by legal evidence, without any remedy whatever, and then when the witnesses were dead turn around and say, "Oh, we are willing now you nesses were dead turn around and say, "Oh, we are willing now you should have a remedy, but you must prove your case wholly by legal evidence, and if your witnesses are all dead it is your fault that your case was not heard when they were alive." That is the attitude the Senator from New York seems to think an honorable government ought to take with respect to its citizen. The committee said, "No; we will send this man and his case shall be argued before a judicial tribunal against his claim by the Attorney-General of the United States, and his assistants; the United States may go to the Supreme

Court if they choose by way of appeal; every safeguard shall be thrown around the Treasury, except that that court shall have the right in its discretion to give such weight as it shall think they now deserve to the affidavits of the witnesses, whose testimony taken in the ordinary way has passed beyond the power of human magistrates to take.

That is all and it seems to me that is the most absolutely just course that the Government of the United States could possibly have taken. The original bill did not require the court to believe the affidavits, did not require them to decide the case on affidavits alone, but if there happened to have been a deceased Postmaster-General or a deceased Army official of high and unquestioned character, whose deposition now cannot be taken but who made his affidavit in the time when that was the only way in which his evidence could be procured, the court should have the right to consider it.

Mr. KERNAN. Mr. President, I do not know why the Senator from

Massachusetts should say that I am in favor of what is not an honest course or that I am inaccurate in stating what happened before. Now I ask, first, that the bill reported before be read and then I will state briefly just what action was had. I send it to the desk for that pur-

The Secretary read the bill (S. No. 346, Forty-fifth Congress, first session) referring the claim of Benjamin Holladay to the Court of Claims, as follows:

IN THE SENATE OF THE UNITED STATES, November 26, 1877.

Mr. Cameron, of Wisconsin, from the Committee on Claims, submitted a report, (No. 18,) accompanied by the following bill; which was read the first and second times by unanimous consent:

A bill referring the claim of Benjamin Holladay to the Court of Claims.

A bill referring the claim of Benjamin Holladay to the Court of Claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the claim of Benjamin Holladay, now before Congress, for spoliations by hostile Indians, on his property, while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route; for property taken and used by United States troops for the benefit of the United States; and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer, be, and the same is hereby, referred to the Court of Claims for adjustment, upon the affidavits and orders now before Congress, and such additional testimony as either party may present, to ascertain the amount of losses of property and expenses sustained by him as aforesaid, and render judgment thereon.

SEC. 2. That the said court shall have the power, in its discretion, to cause the production for cross-examination of any witness whose affidavit is now before Congress.

Mr. KERNAN. It will be observed that the court is there asked and REMAIN. It will be observed that the court is there asked to adjudicate the case upon the affidavits and records on file and without saying certainly "and such additional testimony as either party may present." When that bill was up in the Senate attention was called to it, not by me, but by Mr. Christiancy, Senator from Michigan. I find in the RECORD, volume 7, part 2, Forty-fifth Congress, second session, page 1554, precisely what the motion was to amond. Mr. Christiancy said. amend. Mr. Christiancy said:

I shall therefore move to strike out in the twelfth line of section 1 the words "affidavits and," so as to leave all "orders" matters of evidence "and such additional testimony as either party may present" to ascertain the amount of loss. In fact my objection would be answered by striking out simply the words "affidavits. The Vice-President. The question is on the amendment of the Senator from-

The Vice-President. The question is on the amendment of the Michigan.

Mr. Christiancy. I should prefer to strike out still more, to make the bill read as follows:

"The same is hereby referred to the Court of Claims for adjustment upon such testimony as either party may present."

The Vice-President. The Secretary will report the amendment to the Senate.

The Chief Clerk. It is proposed in lines 12 and 13 of section 1 to strike out the words "the affidavits and orders now before Congress," and strike out the word "additional;" so that, if amended, the bill will read:

"The same is hereby referred to the Court of Claims for adjustment upon such testimony as either party may present."

Tacking it all to the court, whereas the former bill in the second

Leaving it all to the court, whereas the former bill in the second section provided that the court in its discretion might require him to produce additional testimony. I am right about it. It will be found that it was discussed several days, and on page 1642 the amendment was adopted by a vote of 27 to 23. You will find later on, at page 1688, the resolution which the committee reported.

Mr. MITCHELL. I offer the following resolution:

The bill had been amended, making it a fit one to go to the Court of Claims, and it was then, on the motion of Mr. Mitchell, referred back to the committee in 1878-

Resolved, That the bill be recommitted to the Committee on Claims with instructions to report to the Senate what amount, if any, is equitably due the claimant on account of his claim, and the said committee shall have power to send for persons and papers, and to take testimony.

That was done by the friends of the measure, those who knew much about it. I said then during that debate, as I say now, that I think the case ought to be sent to the Court of Claims. It involves a very large amount. The evidence which was before us then is not strengthened much now in regard to the horses and mules, and was entirely too loose to establish the exact loss. I think still that the claim should be sent to the Court of Claims because, as the first committee says, it is an important case and should be examined in a court where the Government will have an attorney present and where the witnesses can be produced and examined. Mr. Pease is not dead, I presume. At any rate he does not pretend to know anything about it that I can see from looking through this evidence. They asked men to give evidence. They named others who are living now; there

may be some who are dead, but I do not remember any. I do not think such a course is delay, because there is now an effort to pass the bill and order the claimant to be paid this half million dollars in a lump. I have never seen a man in the Senate who was opposed to sending this case to the Court of Claims, with a fair bill that the claimant may get what he is entitled to receive. Lest I forget it, I ask that the amendment may be printed, as the bill will not be disposed of to-day

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The printing of the amendment will be ordered.

Mr. GARLAND. Mr. President, some two years ago, at the suggestion of the Senator from New York [Mr. KERNAN] who has just taken his seat that I should look into this matter and draw a bill to send the case to the Court of Claims, I took the papers to examine them with a view of drawing such a bill. I made a close investiga-tion of the papers, of the three different reports made by the three different committees, and instead of convincing myself that Holladay ought to go to the Court of Claims I convinced myself very thoroughly

that Congress should pay him this money.

Mr. HARRIS. If the Senator from Arkansas will yield to me, I will move that the Senate do now proceed to the consideration of

The PRESIDING OFFICER. Does the Senator yield?
Mr. GARLAND. It that is the pleasure of the Senate, I have no objection.

Mr. HARRIS. I make that motion.

Mr. KERNAN. My amendment will be printed?

The PRESIDING OFFICER. The order to print the amendment has been made. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of executive

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened.

D. T. KIRBY.

Mr. VEST. I move that the Senate reconsider the vote by which the bill (S. No. 965) for the relief of D. T. Kirby was passed, for the purpose of moving an amendment which was overlooked in the Committee on Military Affairs.

The motion to reconsider was agreed to.

Mr. VEST. I now move to reconsider the vote by which the bill was ordered to be engrossed for a third reading and read the third

The motion was agreed to.

Mr. VEST. In line 9 of the bill I move to strike out the words "to the same regiment," and in lines 10 and 11 to strike out the words "in said regiment" and insert "of infantry;" so as to read:

That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect D. T. Kirby; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said D. T. Kirby, late a captain, with the rank of captain, in any vacancy occurring in the grade of captain of infantry.

Mr. LOGAN. That amendment is correct. The bill was passed the other day without noticing the defect which the amendment corrects. The change the committee intended to make, but it was corrects. overlooked.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RESTORATION OF NAVAL OFFICERS.

Mr. LOGAN. I desire to have an understanding in regard to the bill (S. No. 1210) for the relief of certain officers of the Navy. The bill was passed on the last day of the last session of Congress, and I entered a motion to reconsider the vote by which it was passed. My understanding with the committee was that if the Senate would agree to reconsider the bill and allow it to be recommitted to the Committee on Naval Affairs so that they could re-report it to the Senate after examining the facts in connection with it, I should have no opposition to it. The Senator from California [Mr. Farley] who had charge of the bill agreed to that course, and the chairman of the committee also had no objection to it. If the Senate can agree to do that, I will ask that the vote by which the bill was passed be reconsidered now, and that it be recommitted to the Committee on Naval Affairs.

Mr. FARLEY. There is no objection to that course.

Mr. FARLEY. There is no objection to that course.

The PRESIDING OFFICER. A motion to reconsider the vote by which the bill was passed was entered on the 15th of June, 1880. The Senator from Illinois now moves to proceed to the consideration of

the motion to reconsider.

The motion was agreed to

The PRESIDING OFFICER. Will the Senate reconsider the vote

by which the bill was passed?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The bill is before the Senate.

Mr. LOGAN. I now move that it be re-referred to the Committee on Naval Affairs.

A State of

The motion was agreed to.

EXECUTIVE SESSION.

Mr. McDONALD. I move that the Senate proceed to the consideration of executive busines

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock p.m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, January 5, 1881.

The House met at twelve o'clock m. The Chaplain, Rev. W. P. HARRISON, D. D., offered the following prayer:

By Thy good providence, Almighty God, we have been permitted to meet together to enter again upon our public labors. May it please Thee, Almighty God, our Heavenly Father, to bless these Thy servants, the officers and members of this House, and to preserve them in good health, to enable them in the discharge of their duty to seek the highest good of the people whom they represent. May the blessing of Divine Providence abide upon our Chief Magistrate, upon all classes of our people, and all sections of our country. May God govern us; and may we, in righteousness, in justice, in peace and harmony, obey Thy will and keep Thy commandments. And to Thy name be all praise in Jesus Christ our Redeemer. Amen.

The Journal of Wednesday, December 22, 1880, was read and approved.

PERSONAL EXPLANATION.

Mr. PRICE. I ask unanimous consent to make a few remarks in the way of personal explanation.

The SPEAKER. If there be no objection, the gentleman will pro-

The SPEAKER. If there be no objection, the gentieman will proceed. The Chair hears no objection.

Mr. PRICE. Mr. Speaker, in the discussion which took place two days previous to the holiday adjournment, on House bill No. 5897, some remarks made by me on that occasion have been construed, I understand, as reflections upon the correctness and efficiency of the reporters or journal clerk, or both. Inasmuch as these gentlemen cannot be heard in their own defense on this floor, I deem it due to them and to myself to say that no such reflection was intended. To say that no mistakes are made by them is to suppose them to be more say that no mistakes are made by them is to suppose them to be more than human, but all who have given any attention to their work must acknowledge that, considering the confusion which sometimes takes place in this Hall, their work is done with marvelous correctness, and this opinion I have taken occasion to express frequently during my

ten years' service in this House.

I wish also to say a word in reference to my utterances that day in the discussion upon that bill. When questioned as to whether the bill had been referred by the House to the Committee on Banking and Currency, and whether the bill reported back to the House from said committee was in every particular the bill discussed in committee, I answered both in the affirmative, and did so under a firm conviction that such was the case. It will be remembered that this bill was reported by the committee and placed on the Calendar, not at this but ported by the committee and placed on the Calendar, not at this but at the last session of Congress, some eight months ago, and that my statements were made entirely from recollection. The record kept in the document-room, showing what bills are introduced, by whom introduced, and the subject-matter of each bill, shows this bill to have been introduced by me. In addition to this, it is also a fact that the record of our proceedings and the Journal of the House do not agree in every particular, yet the manuscript copy of the bill, which was shown to me only an hour or two before the adjournment for the holidays, does not show any evidence of having been referred by the

shown to me only an hour or two before the adjournment for the holidays, does not show any evidence of having been referred by the House to the Committee on Banking and Currency. I conclude, therefore, that the entry of the journal clerk is correct, and that the Journal as it now stands contains the history of the case as it occurred. My recollection of the consideration of the bill in committee, of its being reported from the committee to the House without amendment and placed on the Calendar without objection, and the authority of the committee to call it up for passage under a suspension of the rules, were all exactly as I stated; but on the question of the reference of the bill by the House, I am now inclined to believe my memory was at fault, and I have taken the first opportunity afforded me to make this statement.

The SPEAKER. The Chair desires to state that at the time he said the gentleman from Iowa [Mr. PRICE] was mistaken, he did so upon the authority of the journal clerk; and a subsequent examination by the printing clerk and the journal clerk has shown that the statement of the journal clerk was correct. The Chair thinks it due to the offi-cers having charge of these matters to make this statement in corrob-oration of what the gentleman from Iowa has said; and the Chair is

oration of what the gentleman from Iowa has said; and the Chair's very glad that the gentleman from Iowa has made this statement. Mr. PRICE. Mr. Speaker, I ought probably to say that the chairman of our committee concurred with me in the opinion I expressed; so that I was not alone in my mistake.

The SPEAKER. Then both gentlemen were mistaken. Mr. PRICE. Yes, sir.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins; and the regular order is the call of the committees for reports.

MELTING AND REFINING OF BULLION.

Mr. STEPHENS. By the unanimous direction of the Committee on Coinage, Weights, and Measures, I report back without amendment the bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard. There will be no objection I think to the passage of the bill at this time, though perhaps it is not in order to ask unanimous consent for that purpose.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of this bill.

Mr. KEIFER. We had better hear the bill before consent is given. The Clerk read the bill, as follows:

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3524 of the Revised Statutes of the United States be amended by striking out of said section the words "for melting and refining when bullion is below standard" and inserting in lieu thereof the words "for melting or refining bullion." Mr. STEPHENS. I will state that this bill is reported upon the

earnest request of the Director of the Mint. He was fully heard be-fore the committee, who have unanimously directed me to make this

report.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROBINSON. I must object. I dislike to do so; but I believe it is quite out of the regular order to consider bills during the hour devoted to reports; and I think we had better adhere to the regular

Mr. WILSON. The Director of the Mint and the whole Committee on Coinage, Weights, and Measures recommend this bill. I hope the gentleman will let it go through.

Mr. ROBINSON. It is simply on general grounds that I object.

The bill was referred to the House Calendar, and the accompanying

report ordered to be printed.

FOREIGN COMMERCIAL COMPANY.

Mr. ACKLEN, from the Committee on Commerce, reported back adversely the bill (H. R. No. 1782) to incorporate the Foreign Commercial Company; which was laid on the table and the accompanying report ordered to be printed.

CUSTOMS DISTRICT IN MAINE.

Mr. TOWNSEND, of Ohio. I desire to ask unanimous consent for the consideration of a bill which has been already favorably reported by the Committee on Commerce.

The title of the bill was read, as follows:

A bill (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes, and changing the boundaries of a customs district in the State of

Mr. TOWNSEND, of Ohio. I understand, Mr. Speaker, that there is no objection to the passage of this bill. I have been requested by the gentleman from Virginia, [Mr. Beale,] my colleague on the committee, who is not here now, to ask unanimous consent that the bill

be taken up and passed.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill may be considered at this time. Under the new rules the practice has been during the morning hour not to allow the consideration of any bill reported from any committee, because it would deprive other committees of the privilege of making reports. However, as there does not seem to be any matter pressing at present,

the Chair submits the question to the House.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

of the bill, which was read, as follows:

Be it enacted, &c., That section 2517 of the Revised Statutes of the United States be amended by inserting after the word "sixty-nine," in the third line of the first clause of said section, the following words: "Excepting those towns, plantations, and townships lying on the line of the European and North American Railway;" so that said clause, as amended, shall read as follows:

"First. The district of Aroostook, to comprise the county of Aroostook as bounded on the 22d day of February, 1869, excepting those towns, plantations, and townships lying on the line of the European and North American Railway, in which Houlton shall be the only port of entry."

Also, that said section 2517 be further amended by inserting after the word "forty-seven," in the fourth line of the sixth clause thereof, the following words: "And the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway;" so that said clause, as amended, shall read as follows:

"Sixth. The district of Bangor, to comprise the counties of Penobscot and Piscataquis and the town of Frankfort, in the county of Waldo, as bounded on the 3d day of March, 1847, and the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway, in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery."

SEC. 2. That the sixth clause of section 2518 of the Revised Statutes be amended so as to read as follows:

"Sixth. In the district of Bangor, a collector, who shall reside at Vanceborogh."

The bill was ordered to be engrossed for a third reading; was accord-

The bill was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which

the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPORTIONMENT.

Mr. STEPHENS. Mr. Speaker, the committees having been called through, I ask now by unanimous consent to take up and pass the bill I reported this morning from the Committee on Coinage, Weights, and Measure

The SPEAKER. Is there objection?

Mr. ROBINSON. I made objection before, but as the House seems willing to entertain this by unanimous consent and as I have no personal objection, I withdraw my objection.

Mr. SPRINGER. Will the gentleman allow me to introduce a bill for reference?

Mr. STEPHENS. If my bill is disposed of, I shall move to reconsider and lay upon the table.

The SPEAKER. The Chair has heard no objection to its consid-

eration.

Mr. SPRINGER. If there be no objection, I ask by unanimous consent to introduce a bill (H. R. No. 6722) for the apportionment of Representatives in Congress among the several States and to secure to the people of each State equal and just representation in the House of Representatives.

The bill was read a first and second time.

Mr. KEIFER. That should be referred to the Committee on Elec-

The SPEAKER. The Chair thinks it should be referred to the Committee on the Census.

Mr. KEIFER. There is no Committee on the Census under our rules at all.

The SPEAKER. The Chair has just called the Committee on the Census.

Mr. KEIFER. That is a special committee, and not one under the rules, as I understand it. It is a special committee, looking wholly and entirely to the taking of the census, and has nothing to do with working out the results which come from the census.

The SPEAKER. The practice heretofore has been to refer all questions relating to the taking of the census to the Committee on

the Census.

Mr. KEIFER. The present rules are very different from the old rules in that respect, and I desire to say that I think the Chair is in error. Hitherto such bills have been referred to the Committee on the Judiciary; not to the Committee on the Census, but to the Committee on the Judiciary. My examination has taught me that. Now, under our rules, all legislation, (and that is the word used,) all legislation relating to the election of members of Congress must go to the Committee on Elections. It was not so formerly. The Committee on the Census is a mere committee for the purpose of providing tee on the Census is a mere committee for the purpose of providing legislation to take the census.

The SPEAKER. This provides for the apportionment of representation, and not for the election of members.

Mr. KEIFER. I so understand it. The SPEAKER. For apportionment of representation under the

census just taken.

Mr. KEIFER. But the census is the basis of the representation. I desire to call attention to it.

Mr. THOMPSON, of Kentucky. Mr. Speaker, this subject has been before the Committee on the Census, and the practice heretofore has

been universal to refer such bills to that same committee.

The SPEAKER. The Chair thinks that is where it belongs.

Mr. KEIFER. I do not so understand.

Mr. KEIFER. I do not so understand.

Mr. THOMPSON, of Kentucky. I desire to call the attention of the House, Mr. Speaker, to the fact that the Committee on the Census is a joint select committee of the two Houses, and that the gentleman from New York, [Mr. Cox,] the chairman of that committee, is sick and absent from the city. He has no chance on behalf of that committee to set the matter right before the House.

committee to set the matter right before the House.

Mr. SPRINGER. I have no choice, so far as the reference of the bill is concerned, but I desire to say before the vote is taken that the pending proposition embodies also a provision for the election of members hereafter on what is known as the minority plan, authorizing the creation of congressional districts so as to permit the election of minority candidates. That feature of the bill should have consideration by some other committee than the Committee on the Census. Still I do not object to the reference of the bill to that committee, nor do I desire to prevent the members of that committee from considering this subject; but it seems to me it would be more appropriate to refer the bill to the Committee on Elections. I would like however, to have the sense of the House on that sphicet

appropriate to refer the bill to the Committee on Elections. I would like, however, to have the sense of the House on that subject.

Mr. THOMPSON, of Kentucky. The Committee on the Census has already had referred to it, by order of the House, so much of the President's annual message as relates to this subject. I do not see, therefore, why the same subject should be considered by two committees of this House. It is already before the Committee on the Census.

Mr. M. H. H. H. We are unable to bear what is said on the flow.

Mr. KEIFER. We are unable to hear what is said on the floor.
The SPEAKER. The gentleman from Kentucky moves to refer to the Committee on the Census. That is an amendment to the original

motion made by the gentleman from Ohio, to refer to the Committee

Mr. LORING. I should like to ask where the bill has usually gone

Mr. LORING. I should like to ask where the bill has usually gone under such circumstances.

The SPEAKER. All matters relating to apportionment, so far as the Chair has read or observed, have come from the Committee on the Census. But the Chair may be wrong.

Mr. LORING. That is a joint select committee.

The SPEAKER. It is.

Mr. THOMPSON, of Kentucky. It is a joint select committee especially having charge of matters relating to the census. An apportionment clause was reported in the census bill, was stricken out by the House, and there was a motion made to refer it to the Committee on the Judiciary at that time, which was overruled by the House, and it was referred back to the Committee on Census as the appropriate committee by which the apportionment should be considered.

committee by which the committee of Census as the appropriate committee by which the apportionment should be considered.

Mr. BURROWS. I should like to inquire whether the Census Committee is not a joint committee?

Mr. THOMPSON, of Kentucky. It is.

Mr. BURROWS. A select committee and joint committee of both

Mr. LORING. And appointed for this special purpose.

Mr. KEIFER. I desire to call the attention of the Speaker to the language of our present rule upon the subject. Rule XI provides

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating,

1. To the election of members—to the Committee on Elections.

1. To the election of members—to the Committee on Elections.

Now, if the Speaker will take notice, this bill proposes legislation which relates to the election of members. It does not refer to legislation looking to contests between members, but it relates to the election of members of the House, and according to the language of the rule to which I have just referred all such subjects must be referred to the Committee on Elections.

The SPEAKER. There are existing laws which regulate the election of Representatives growing out of the Constitution of the United States.

States.

Mr. KEIFER. Yes, but this is a law which proposes to regulate the election of members also, and it relates to the election as well as the apportionment of Representatives.

The SPEAKER. The Chair has no wish upon the subject, but desires to submit the question for the judgment of the House.

Mr. KEIFER. There is no rule under which this can be otherwise referred. The language of this rule is absolute and admits of no doubt. The Census Committee was properly constituted as a joint committee, to which was referred all matters essential to taking the census, but it was not contemplated in the powers of that committee that it should take into consideration or that it should be entitled to consider legislation relating to the subjects proposed in this bill. to consider legislation relating to the subjects proposed in this bill.

Mr. THOMPSON, of Kentucky. It has cognizance of matters relat-

ing to apportionment.

Mr. KEIFER. And if we refer this bill to that committee now we refer it to them in violation of the language and spirit of our own

Mr. THOMPSON, of Kentucky. I would like to suggest to the gentleman from Ohio that it is customary for this committee to have charge of the apportionment bill—and this relates to the apportionenarge of the apportionment bill—and this relates to the apportionment of members under the Constitution—and furthermore that the calculation upon which representation is based is made by the Secretary of the Interior, or, rather, by the Superintendent of the Census, who reports the result of the census to the House, and the House has generally referred the matter to the Census Committee and through that committee the subject-matter is reported to the House

Mr. CANNON, of Illinois. I would like to ask the gentleman from Kentucky if the very object of a census is not to provide a basis for

apportionment?

Mr. THOMPSON, of Kentucky. Undoubtedly that is one of the purposes. But the committee is to take cognizance also of questions. growing out of the census and pertaining to the question of appor-

tionment also.

Mr. KEIFER. I desire to ask the gentleman from Kentucky, and incidentally to note the question of the gentleman from Illinois as to what the object of taking the census is: Whether, if they agree to the conclusion that the gentleman from Kentucky seems to have arrived at, if hereafter every particle of legislation based upon any fact found in the census returns is not also to go to the Census Committee for consideration? There may be a thousand questions raised out of the taking of the census besides the mere fact of furnishing the basis for the apportionment of members of Congress; and nishing the basis for the apportionment of members of Congress; and if there should be found a thousand subjects growing out of that census, is it their conclusion that all of these subjects shall go to that committee and to no other committee of the House, although the rules of the House specifically prescribe the legislation which shall go to these other committees? This committee was simply a joint committee, formed for the purpose of arranging the result of legislation of each branch of Congress for taking the census, and that only. There is nothing else in it. While we have committees that we understand are efficient in numbers, which are constituted by our rules,

and to which all legislation is to be referred—all legislation—this is a mere transitory committee, having only a specific purpose, and having no further duties than are involved in that specific pur-

Mr. THOMPSON, of Kentucky. I would like to ask the gentleman

Mr. THOMPSON, of Kentucky. I would like to ask the gentleman from Ohio whether it has not been customary to fix the apportionment in the passage of the bill and upon the report of the Committee on the Census until the ninth census was taken?

Mr. KEIFER. I have not pursued the subject far enough to be able to answer the question of the gentleman, but my impression is that the legislation came from the Committee on the Judiciary. The House referred the subject to that committee for action.

Mr. THOMPSON, of Kentucky. The gentleman is mistaken.

Mr. KEIFER. And not to the Census Committee at all.

Mr. THOMPSON, of Kentucky. The legislation was reported in the census bill, coming from the Census Committee, of which General Garfield was chairman. It was stricken out of the census bill by the House itself, and an attempt was made to refer it to the Judiciary Committee, but it failed, and the subject went to the Census Committee.

Mr. KEIFER. I think the gentleman is in error.
Mr. THOMPSON, of Kentucky. I do not think I am.
Mr. KEIFER. My recollection is that the gentleman is entirely mistaken, and my examination has led me to reach an entirely dif-

ferent conclusion.

Mr. THOMPSON, of Kentucky. The Census Committee certainly

Mr. THOMPSON, of Kentucky. The Census Committee certainly had that power.

Mr. KEIFER. Then it may be, Mr. Speaker, that the Census Committee at that time was differently organized and differently authorized from the present committee. I do not understand that this present committee has any power, or was intended to have any power, given to them excepting such power as was connected with legislation necessary for taking the census.

Mr. STEPHENS. Mr. Speaker—

The SPEAKER. The Chair will cause the original resolution to be read under which the ninth census was taken.

The Clerk read as follows:

The Clerk read as follows:

Mr. SCHENCK, by unanimous consent, submitted the following resolutions; which were severally read, considered, and agreed to, viz:

Resolved, That a select committee of nine members be appointed to inquire and report to the House what legislation is necessary to provide for taking the ninth census as required by the Constitution; and that said committee have leave to report at any time by bill or otherwise; and that all papers and matters which are before the Select Committee on the Ninth Census of the Fortieth Congress referred to them be referred to the committee authorized by this resolution.

The SPEAKER. The Chair will now cause to be read a report from that committee.

The Clerk read as follows:

Mr. STOKES. by unanimous consent, from the Select Committee on the Census, reported a bill (H. R. No. 424) to provide for taking the ninth census of the United States and to fix the number of the members of the House of Representatives and to provide for their future apportionment among the several States; which was read a first and second time, and made the special order for Wednesday next, after the morning hour, and from day to day thereafter until disposed of.

The SPEAKER. The bill to which reference is made there became

Mr. KEIFER. That subject was specially referred to that committee at that time. But there is no such resolution providing for that reference now. On the contrary our new rule provides for the reference of all such matters to the Committee on Elections.

Mr. SPEER. The new code of rules has changed the rule of procedure which was applicable at the time of the precedent just read by the Clerk; and the comparison of the old rule with the new will show that under the present code this bill properly goes to the Committee on Elections. The old rule was:

It shall be the duty of the Committee on Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented.

The new rule is entirely different and refers to matters of substantial legislation. It is as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating,

1. To the election of members—to the Committee on Elections.

Subjects relating to the election of members. Why, sir, this is a subject relating to the election of members, for two reasons: in the first place it is to provide an apportionment for the election of members; and in the second place it is impossible to escape the argument that this bill also provides for minority representation and a new system of elections. system of elections. As a matter of course, therefore, it is a subject relating to the election of members, and accordingly the bill should go to the Committee on Elections. The new rule is not restricted to the questions of contest and petition, &c., which, under the old rule, were referred to the Committee on Elections, but contemplates all subjects relating to the election of members, and this I submit, under

the new rule, must be referred to that committee.

Mr. THOMPSON, of Kentucky. I wish to suggest to the gentleman from Georgia that we have a Committee on the Census, and if they do not have this bill to consider they have nothing else before them. The Committee on Elections, on the contrary, have as much

before them as they can get along with. They have been engaged ever since the commencement of Congress in the consideration of contested-election cases, and they have not yet got through the cases referred to them.

I would suggest to the gentleman from Ohio [Mr. Keifer] that when this subject was formerly under discussion, when General Garfield had charge of the census bill, on motion made by the chairman of the committee, this matter was referred to the Committee on the Ninth Census

Mr. KEIFER. At that time was there not a special resolution authorizing that committee to take charge of the matter of apportion-

Mr. THOMPSON, of Kentucky. As to that I cannot say.
Mr. KEIFER. Now there is not.
Mr. THOMPSON, of Kentucky. But the matter, as I understand it, has already been referred to the Committee on the Census. That portion of the President's message relating to the question of appor-

tionment has been referred to them.

When the proposition was made on a former occasion to take the matter out of the hands of the Census Committee it was because in the apportionment bill at that time there was an attempt made to matter out of the hands of the Census Committee it was because in the apportionment bill at that time there was an attempt made to scale under the fourteenth amendment the representation of those States which had any disqualification of voters except on account of rebellion or crime. It was therefore proposed to send it to the Judiciary Committee rather than to the Committee on Elections, for the purpose of inquiring how far Congress had the power to enforce such a law. Now, I understand that question does not arise, and cannot arise here. There may be involved in this bill matters which may go to half a dozen different committees, including, it may be, the Committee on the Judiciary and the Committee on Elections. But the question is whether the whole bill as it relates to apportionment ought not to go to the Committee on the Census as the appropriate committee. I think it ought, and I make the motion that this bill be referred to the Committee on the Census, to which this subject has hitherto been referred, and where it properly belongs.

Mr. SPRINGER. Before the question of reference is put I wish to make some remarks with reference to the basis on which the bill has been prepared, and also in regard to the additional provision in reference to the election of members upon what is known as the principle of minority representation.

erence to the election of members upon what is known as the principle of minority representation.

I have provided in this bill for the election of the same number of members during the next decade that were elected to this House, namely, two hundred and ninety-three. I have taken the population which has been ascertained by the Commissioner of the Census, as will be seen by a letter from the Commissioner which I hold in my hand, giving the approximate statement of the population of the several States and Territories. I will not read it, but will have it printed as part of my remarks: printed as part of my remarks:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE, Washington, D. C., January 4, 1881.

Washington, D. C., January 4, 1881.

Dear Sir: As requested, the inclosed approximate statement of population has been verified.

The figures, I believe, will come within five thousand, and probably within three thousand, of the final figures, which will be definitively reported as soon as correct returns are received from one or two remaining districts.

Very respectfully, yours,

F. A. WALKER, Superintendent of Census.

Hon. WILLIAM M. SPRINGER, House of Representatives.

CENSUS OF 1880-POPULATION OF STATES AND TERRITORIES.

The Superintendent of Census makes the following approximate statement of the population of the States and Territories:

Alabama	1, 262, 344	Missouri	2, 169, 091
Alaska		Montana	
Arizona		Nebraska	
Arkansas	802, 564	Nevada	
California	864, 686	New Hampshire	347, 784
Colorado	194, 649	New Jersey	1 130 800
Connecticut	622, 683	New Mexico	
Dakota	134, 502	New York	
Delaware	146, 654	North Carolina	
District of Columbia	177, 638	Ohio	
Florida	266, 566	Oregon	174, 767
Georgia		Pennsylvania	4, 282, 738
Idaho	32, 611	Rhode Island	276, 528
Illinois		South Carolina	
Indiana	1, 978, 358	Tennessee	
Iowa		Texas	1, 597, 509
Kansas		Utah	
		Vermont	
Kentucky	940, 263		
Maine	648, 945	Virginia Washington	
Maryland	935, 139	West Virginia	75, 120
Massachusetts		West virginia	618, 193
Michigan	1, 783, 086	Wisconsin	
		Wyoming	20, 788
Minnesota			
Mississippi	1, 131, 899	Total	50, 152, 559

It will be seen that these figures are so nearly correct as to be reliable as a basis for apportionment, and not likely to vary after all corrections are made more than two or three thousand.

I will also have printed a table showing the population of each State, the number of full ratios to which each State is entitled, the

number of fractions over that ratio, and the number of members to

which each State will be entitled if this bill should pass. The statement is as follows:

States.	Population 1880.	Full ratios.	Fractions.	No. of members.
Alabama Arkansas California Colorado. Connecticut. Delaware Florida Georgia Illinois Indiana Iowa Kansas Kentucky Louisiana Maryland Maryland Massachusetts Michigan Minnesota Mississippi Missouri Nebraska Nevada New Hampshire New Jersey New York North Carolina Ohio Oregon Pennsylvania Rhode Island South Carolina Roonnesses	1, 262, 344 802, 564 864, 686 194, 649 652, 683 146, 654 296, 566 1, 538, 933 3, 078, 636 1, 978, 358 1, 694, 463 995, 335 1, 648, 599 940, 263 1, 634, 096 1, 634, 096 1, 634, 096 1, 634, 096 1, 131, 899 2, 109, 091 452, 432 62, 265 337, 782 1, 330, 892 5, 083, 173 1, 400, 000 3, 197, 794 174, 767 174, 767 174, 767 174, 767 174, 767 175, 528 995, 706	7 4 5 1 3 1 1 1 9 9 18 11 1 9 5 5 3 3 5 5 10 9 4 4 6 12 2 1 2 2 6 30 8 18 1 24 1 5	82, 858 128, 572 22, 196 23, 971 1117, 189 22, 451 45, 672 124, 880 107, 984 132, 117 97, 773 143, 451 98, 106 117, 614 106, 815 115, 944 106, 815 115, 944 106, 815 115, 944 106, 815 115, 944 106, 815 115, 944 116, 815 115, 944 116, 815 117, 614 117, 614 118, 904 119, 904 119, 904 119, 904 119, 904 118, 766 119, 904 118, 766 119, 904 118, 766 119, 904 118, 766 117, 030 118, 216	77 55 55 11 44 44 11 19 91 18 12 100 100 55 100 110 100 55 77 133 31 11 22 56 66
Tennessee Texas Vermont Virginia West Virginia Wisconsin	1, 542, 463 1, 597, 509 332, 286 1, 512, 203 618, 193 1, 315, 386	9 9 1 8 3 7	25, 981 81, 027 163, 788 164, 219 112, 669 135, 900	992948
Total number members				293

I also have a statement of the twenty-one highest fractions or those over 100,000, which will entitle the States named and having those fractions to additional members so as to bring the number up to 293. It is as follows, in the order named:

10	hio	164, 830	Indiana	124, 880
	irginia		Mississippi	120, 911
10	ermont	163, 788	Now Town	
6	Crimone	100, 100	New Jersey	119, 904
	outh Carolina			
	ansas		Connecticut	117, 189
1 7	Iissouri			115, 436
A	faine	143, 451	West Virginia	112, 699
P	ennnsylvania	138, 786	Rhode Island	108, 030
	Visconsin		Iowa	
	entucky		Minnesota	
	rkansas			100, 010

States having large fractions, but below 100,000, but which would be entitled to one additional member each, in the order named, if the number of members should be increased over 293, are as follows:

Massachusetts		Alabama Texas	82, 858 81, 027
Louisiana	97, 773	North Carolina	52, 016
Maryland	372, 043	Illinois	45, 672

I have deducted from the whole population of the United States the population of the Territories and of the District of Columbia, which ought not to be included in an estimate in reference to the number of members of Congress. Taking out the population of those Territories and the District, I find that the population of the States of the Union amounts to 49,369,965. That amount divided by the number 293, the present number of members of the House, gives 168,498 as the ratio of population for one member of this House. Taking the population of each State and dividing it by that ratio will give the number of Representatives to which each State will be entitled upon full ratio, and the fractions over 100,000, which it is proposed shall entitled the States to additional members, will bring the whole

shall entitled the States to additional members, will bring the whole number up to the full quota, 293.

There are two States which have fractions coming very near to 100,000, which States may be the subject of special consideration hereafter. The State of Massachusetts will have a fraction of 98,106, hereafter. The State of Massachusetts will have a fraction of 98,106, and Florida will have a fraction of 98,068. If Representatives are allowed to those States on account of such fractions, then the State of Florida will have two members, and Massachusetts will have her present number; and in that event the whole number of Representatives will be increased to 295. Otherwise Massachusetts would lose one member. I call attention to the losses and gains of the several States under the proposed bill, as follows:

The following States, by the bill which I have introduced, lose one

member each: Alabama, Florida, Indiana, Illinois, Louisiana, Maine, Massachusetts, Maryland, New Hampshire, Ohio, Vermont, Tennessee. Pennsylvania loses two members.

New York loses three members.

The following States gain one member each: Arkansas, California, Iowa, Michigan, Mississippi, South Carolina, West Virginia.

The following States gain two members each: Minnesota, Nebraska. The following States gain three members each: Kansas, Texas. One word now in reference to the principle of minority representation contained in this bill. It provides for dividing States having more than two members into districts having three members each, as far as possible. Where there shall be a fraction of two members then there will be a district having five members, and where there is a fraction of one member then there will be one district having one member. In each district of three members the voters will be en a fraction of one member then there will be one district having one member. In each district of three members the voters will be entitled to vote for but two members, thus securing absolutely to the minority one member. In districts having five members each voter would be entitled to vote for but three members. I state this for the purpose of calling the attention of members of the House to the fact that this bill embodies more than a mere apportionment, and relates to the election of members of this House upon a principle different from the one heretofore adopted. I therefore think the reference of this bill should be properly to the Committee on Elections.

Mr. STEPHENS. I call the previous question.

The SPEAKER. If the previous question shall be sustained, the House will be brought to a vote first upon the amendment proposed by the gentleman from Kentucky, [Mr. Thompson,] to refer this bill to the Select Committee on the Census; should that amendment not prevail, the question will then be upon the motion of the gentleman from Ohio, [Mr. Keifer,] to refer the bill to the Committee on Elections.

The previous question was seconded and the main question ordered. The question was upon the motion of Mr. Thompson, of Kentucky, to refer the bill to the Select Committee on the Census.

Mr. KEIFER. On that I call for tellers.
Tellers were ordered; and Mr. KEIFER and Mr. THOMPSON, of Ken-

tucky, were appointed.

The House divided; and the tellers reported that there were-

ayes 94, noes 34.

No further count being called for, the motion of Mr. Thompson of Kentucky, was agreed to, and the bill was accordingly referred to the Select Committee on the Census, and ordered to be printed.

MELTING AND REFINING BULLION.

Mr. STEPHENS. I now ask unanimous consent for the present consideration of the bill (H. R. No 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting and refin-

ing bullion when at or above standard.

There was no objection, and the bill was accordingly taken up, ordered to be engressed and read a third time, read the third time,

and passed.

Mr. STEPHENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF ARMY OFFICERS.

Mr. TOWNSHEND, of Illinois, by unanimous consent, introduced a bill (H. R. No. 6723) to amend sections 1244 and 1253 of the Revised Statutes, relating to the retirement of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CLYMER. I now move that the House go into Committee of the Whole for the purpose of considering the Army appropriation bill.

the Whole for the purpose of considering the Army appropriation bill.

The SPEAKER. That bill is not now in Committee of the Whole; it was recommitted to the Committee on Appropriations.

Mr. CLYMER. I rise to report the bill to the House and to move its reference to the Committee of the Whole.

Mr. MILLS. And I reserve all points of order on the bill.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. What effect will the proposition of the gentleman from Pennsylvania [Mr. CLYMER] have upon the special order of to-day, the funding bill?

Mr. CLYMER. The understanding was that the general appropriation bills should not be postponed for the funding bill.

Mr. BLOUNT. The order was that the funding bill should not interfere with the appropriation bills.

Mr. CLYMER. And I will state further that the gentleman from New York [Mr. Fernando Wood] in charge of the funding bill is sick and cannot appear in the House to-day. He wrote me a note requesting me to go on to-day with the appropriation bill.

Mr. TOWNSHEND, of Illinois. It does not displace the special order, the funding bill?

order, the funding bill \(\frac{7}{2} \)
The SPEAKER. It does not.
Mr. CLYMER. The funding bill is always subject to the appropriation bills.

ARMY APPROPRIATION BILL.

Mr. CLYMER, from the Committee on Appropriations, reported back with amendments the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 39, 1882, and for other purposes, and moved that the same be referred to the Committee of the Whole on the state of the Union.

Mr. MILLS. I reserve all points of order on the bill.

The SPEAKER. The points of order will be reserved.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

Mr. CLYMER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill. Pending that motion I move that all general debate upon the bill be limited to ten minutes.

Mr. BURROWS. I object to that.

The SPEAKER. It is not in order to make that motion until the bill has been reached in Committee of the Whole.

The motion to go into the Committee of the Whole was agreed to

The motion to go into the Committee of the Whole was agreed to. The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. HARRIS, of Virginia, in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the Army appropriation bill.

Mr. CLYMER. I move that the first reading of the bill be dis-

pensed with.

There being no objection, the motion was agreed to.

Mr. CLYMER. Mr. Chairman, I can assure the committee that
there is nothing in this bill save that which relates specifically and exclusively to appropriations for the support of the Army for the ensuing fiscal year. I believe that none of the items of the bill are new save one under the head of "pay," which provides, in general terms, for the payment of interest upon sums deposited by soldiers under the act of May 15, 1872, Revised Statutes, sections 1305 and

The amount recommended to be appropriated by it is \$25,190,800. The amount appropriated for like purposes for the existing fiscal year is \$26,425,800, making an apparent reduction in this bill upon the appropriations for the present fiscal year of \$235,000. But, Mr. Chairman, there are in this bill reappropriations of balances of sums heretofore appropriated for the use of the Quartermaster's Department during the fiscal years 1879 and 1880, amounting to \$564,714 25, which under existing law would lapse into the Treasury on the 1st day of July in 1881 and 1832 respectively, so that, with these reappropriations added to the total amount apparent upon the face of the bill, there is an actual increase of \$329,714.25 upon the amount which by law has been appropriated for the support of the Army for the existing fiscal year.

law has been appropriated for the support of the Army for the existing fiscal year.

Mr. BLOUNT. The gentleman will allow me to ask him whether the reappropriations made in this bill are not just the same as are made in the Army appropriation bill every year?

Mr. CLYMER. Mr. Chairman, the gentleman is correct. It has been the practice to make reappropriations of unexpended balances, but I have made my statement broad and accurate for the reason that I do not wish to mislead the committee or the country as to the actual amount which will be required for the support of the Army during the coming fiscal year. This increase goes almost entirely to the Quartermaster's Department; for regular supplies, for incidental expenses, for purchase of horses, for transportation of the Army, for hire of quarters for troops, for repairs of hospitals, and for purchase and manufacture of clothing and camp equipage. I hold in my hand a statement, which I will incorporate with my remarks, that shows succinctly what is proposed to be done by this bill, and instituting a comparison between its provisions and those of the law for the present fiscal year:

present fiscal year:	
Commanding General's office, same as last year. Expenses of recruiting, &c., same as last year. Contingent expenses, Adjutant-General's Office, same as last year. Expenses of Signal Service, purchase of equipments, &c. Pav of the Army, same as last year. \$11,548,601.55 Mileage of Army, same as last year. 200,600.60 Miscel'aneous expenses of the Army, being \$4,000 less than last year. 547,198.45	\$2,500,00 75,100,00 3,000,00 10,500,00
	12, 295, 800 00
Subsistence Department, same as last year	2, 250, 000 00
Quartermaster's Department \$10,519,000 00 Last year 10,755,000 00	10, 519, 000 00
Decrease	
Contingent fund, same as last year	40,000 00
Medical Department, same as last year	210,000 00
Engineer Department, same as last year	5, 000 00
Ordnauce Department, same as last year	770,000 00
Testing machine \$10,000 00 Last year 5,000 00	10,000 00
Increase	Opinies elec
Total recommended. Amount appropriated in 1881	26, 190, 800 00 26, 425, 800 00
Decrease	235, 000 00 564, 714 25
Actual increase over bill of 1881	329, 714 25
ZAUGUIL MUNDERO OTTO MARE DE AUDA :	Charles and Alberta Charle

\$26, 190, 800 (564, 714 S	00 25
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880,000 850,000 20,138 75,000 75,000 2,571 1,000,000 1,000,000 132,334	00 00 00 00 51 00
	564, 714 : 26, 755, 514 ; 26, 425, 800 ; 329, 714 ; 26, 190, 800 ; 564, 714 ; 26, 755, 514 ; 29, 003, 747 ; 2, 248, 233 ; 3, 250, 000 ; 361, 660 ; 3, 601, 660 ; 3, 600, 000 ; 11, 660 ; 200, 000 ; 100, 000 ; 100, 000 ; 100, 000 ; 11, 601 ; 6

By examination it will appear that there is no increase proposed over this year for the Commanding General's office, for expenses of recruiting, for contingent expenses of Adjutant-General's Office, or for the expenses of the Signal Service.

The amounts for the pay of the Army and mileage are the same as for the present year, although fifty men were added to the Signal Corps by the act of June last, and that for the first time provision must be made under the head of "Pay" for the interest due soldiers on deposits made with that Department, under the act of May 15, 1872, which provides that the Pay Department shall receive on deposit from soldiers money in sums not less than \$5, which when they amount to \$50 shall draw interest at the rate of 4 per cent. per annum, principal and interest to be payable on the expiration of the term of enlistment. It will surprise many to be informed of the large enlistment. It will surprise many to be informed of the large amounts received and held by the Government in this way. In 1876 there was deposited \$435,912.68; in 1877, \$328,585.05; in 1878, \$346,-243.94; in 1879, \$370,770.38; in 1880, \$477,174.44; making a total of \$1,958,686.49.

For miscellaneous expenses there is a decrease of about four thou-

sand dollars

For the Subsistence Department the amount is the same as for the present year.

For the Quartermaster's Department there is an apparent decrease of \$236,000, but, adding the proposed reappropriation of \$564,714.25, there is an increase of \$328,714.25.

The only other increase in the bill, or change in amounts from the existing law, is the proposed addition of \$5,000 to the appropriation for the testing reaching.

The only other increase in the bill, or change in amounts from the existing law, is the proposed addition of \$5,000 to the appropriation for the testing machine.

For the contingent fund we appropriate precisely the same amount as last year, \$40,000; for the Medical Department also the same amount, \$210,000; for the Engineer Department, \$5,000; and for the Ordnance Department, \$770,000, these amounts being in both cases those appropriated for the existing year.

I trust, Mr. Chairman, that I have clearly stated wherein this bill differs from the existing law, and thereby explained its provisions fully. In its preparation great care was taken to examine the several bureaus or departments—Pay, Subsistence, Quartermaster's, and Surgeon-General's; and having examined the balances in each one of these bureaus which are turned in yearly to the Treasury, I cannot feel that the amounts appropriated for this year or the amounts proposed to be appropriated for the coming year are excessive in any case. I do not think it wise that in legislating for a great bureau such as the Pay Department of the Army we should so appropriate that the paymasters (of whom there are more than fifty throughout the country) will be at any time without means at their command.

I hold in my hand a statement showing the appropriations for pay of the Army and disbursements, from 1876 to 1880 inclusive. The statement of the disbursements for 1880 is incomplete. They will be quite as large as the previous years:

B .- Disbursements from the appropriations, pay, &c., of the Army.

Pay, mileage, and general expense of the Army.	Amounts appropriated.	Amounts ex- pended.	Differences.
1876 1877 1878 1878 1879 1880	\$12, 165, 000 00 13, 011, 175 50 11, 300, 000 00 12, 300, 687 18 12, 300, 776 00	\$19, 217, 844 02 12, 807, 272 36 11, 065, 281 71 12, 033, 061 66 11, 394, 595 41	*\$52,844 02 †203,903 14 †234,718 29 †267,625 59 †906,180 58

* Excess. + Surplus.

The largest surplus in the series of years has not amounted in any one to but little more than a quarter of a million of dollars; and one to but little more than a quarter of a million of dollars; and when you consider that this sum is distributed to every quarter of the Union, north and south, east and west, through the Territories and on both coasts, it is not a large margin; indeed I think it a necessary one; and while I believe that the amount proposed for pay for the ensuing year is possibly a quarter of a million in excess of what may be absolutely disbursed for that purpose, yet it is not in excess of the amount required by the necessities of the Department and for the convenience of the officers and soldiers who are to be noid.

of the amount required by the necessities of the Department and for the convenience of the officers and soldiers who are to be paid.

It is well understood by this committee that in each bureau of the War Department, save that of subsistence, all surpluses are after two years covered into the Treasury. Therefore, if the appropriation should be slightly in excess in any one year there can come to the Government no loss. Such an excess cannot be used upon the expenditures of the next or any subsequent year. An appropriation for 1882 cannot be used to meet expenditures incurred in 1883 or 1884, but can only be used to next of the next or appropriation the fiscal year for can only be used to pay bills contracted during the fiscal year for which the appropriation was made. It seems to me, sir, that after many years of practice and after a good deal of tribulation we have finally reached a system which saves this Government from anything like excessive expenditures at the mere will or whim of officers who distribute the public moneys. While our Army establishment as compared with similar establishments in different nations of the world seems to be costly, yet after a somewhat intimate acquaintance with its details and with an earnest desire to see if there might be some changes in practice which would lead to greater economy and less cost I confess to this committee that if there be opportunity for such reduction of expenditures it has not been within my ability to discover it. True, there might be great and ruthless reduction which would cripple and greatly impair the usefulness of the Army; but it would not be wise economy.

I will say, and it is only just I should say to this committee and to the country, that so far as I can discover the affairs of this great arm of the Government are economically and prudently administered. We make the law and they execute it, and it is my pleasure to be able to say, sir, that so far as I know the law is fully and fairly and honestly carried out. I must bear testimony, and it is an agreeable thing for me to be able to do it, to the fidelity and efficiency of each one having charge of its great bureaus.

Now, Mr. Chairman, if any member of the committee desires to ask me any questions which will more particularly demonstrate what is

Now, Mr. Chairman, if any member of the committee desires to ask me any questions which will more particularly demonstrate what is contained in the bill, I shall be most willing and happy, so far as I am able, to answer him. Should no questions be asked, and if no one desires to engage in general debate, I will move the committee rise for the purpose of closing it.

Mr. HAWLEY. I will ask the gentleman a question.

Mr. CLYMER. I will yield for that purpose.

Mr. HAWLEY. I should be glad to hear the opinion of the representative of the committee upon this question. If I recollect aright, General Sherman would like to have the number of enlisted men in the Army raised to an extent to cover these general-service men and

the Army raised to an extent to cover these general-service men and others who are charged to the Army but are not soldiers in any proper sense. They are clerks really, and ought to be taken out of the Army list and be so classified. There are a number of extra-duty men who are charged to the Army as private soldiers but who never perform any duty as private soldiers. The country supposes that the Army consists of 25,000 men, but take out clerks and those detailed to service and deing duty which might be decay by sivilings was reduced. consists of 25,000 men, but take out clerks and those detailed to service and doing duty which might be done by civilians, you reduce the actual fighting force of the Army to a very low figure. We cover more territory with it than ever before in the history of the country, from the Mississippi to the Pacific, and from the northern boundary of the Union to the southern. It has more duty to perform, and it is with great difficulty and at considerable expense in the way of transportation the Army is able to secure force enough to suppress Indian or other disturbances. It is a waste of money and a lack of true economy.

For example, let a force of two or five hundred Indians start out and frequently the most the commanding general can do is to start an equal number after them. It seems to be the theory of the country that we ought to make a fair fight of it, and the consequence often is a brush and the loss of five or ten or twenty men, whereas, if the com-manding officer had within his reach enough to send out a crushing force, they could avoid any fight whatever. I think we have been pursuing a false economy in this matter. I should like to answer the recommendation of the General so far at least as to give him enough to cover these non-combatants who ought to be classed among civilians. I should like to add 2,000 to the purely enlisted men of the Army, if there was any chance to do it, because I know it is accordingly the independent of the head was to be a second-

Army, it there was any chance to do it, because I know it is according to the judgment of the best and most patriotic men of the Army.

Mr. CLYMER. In response to the inquiry of the gentleman from
Connecticut I would say the subject to which he refers received careful consideration by the gentleman from New York, Mr. Hewitt,
in the Forty-fifth Congress. During the first session of this Congress the question was again under consideration and excited much
interest. I cannot but feel, when it is said the Army consists of 25,000 men, that great injustice is done to it, by the fact that a large number of persons enlisted as common soldiers are employed in various bureaus of the War Department, and at the several headquarters throughout the country, acting in the capacity of clerks. There are enlisted as common soldiers men whom it is never proposed shall carry a musket or do any military duty. My impression is, although I have not the figures before me just now, that in number they amount to over three hundred who are thus employed.

Mr. HAWLEY. Allow me to correct the gentleman; not at the headquarters, but regularly at work in the Surgeon-General's Office

and elsewhere. They are not assigned to the staff at the headquarters of any general.

Mr. CLYMER. I mean to say there are, in the different bureaus of the War Department, and at the various headquarters throughout the country, in the different divisions of the Army, men employed in clerical service, and my impression is they number between three and four hundred. That is my impression. I may be understating, but I would rather choose to do that than to overstate it. This subject, as I have said, has attracted attention, and been investigated by gentlemen who have heretofore had this bill in charge, as well as by myself. We have all felt that it was an injustice to the Army that men who should be in the ranks are at the desks. It was a custom which grew up during the war, when pressing and urgent necessity required that men should be taken from the ranks and assigned to clerical duty. It continued subsequent to the close of the war. I think the only thing which warranted it in the minds of most gentlemen who have had to deal with this question is the fact that the services could be recovered character that the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the country of the services could be recovered to the services could b most gentiemen who have had to deal with this question is the fact that the services could be procured cheaper by detailing soldiers as clerks than by employing them as civilians. In other words, Mr. Chairman, if we provided the same amount of clerical force here and elsewhere, wherever these detailed and special service men are used, it would cost us much more to supply it by persons appointed from civil life to hold positions merely as clerks than to have those duties performed by persons not technically soldiers, but who are detailed for that preprices. detailed for that purpose.

It is true that some of them receive as high, I think, as \$1,400 a year, but it is not true that any one of them or any considerable number of them receive anything like the amount which is paid for first-class clerks, though I doubt not in many if not in most instances we receive much better and more intelligent service from a soldier at \$1,000 or \$1,200 or \$1,400 than we receive from many clerks borne upon the rolls as first or second class clerks.

The Appropriations Committee, Mr. Chairman, has not undertaken to remedy this thing, and we do not propose to do it in this bill even had we the power, which we have not under the rules. It is not the time nor are we the committee to attempt it.

In the future it presents a field for investigation and, in my judgment, for reform in the practice of the Government in this regard; and therefore, sir, I would advise the Committee of the Whole in this short session, so hear the close of the Forty-sixth Congress, that it leave the question as it finds it. In the future, as I have before intimated, I would gladly see those who are to follow us examine this question and do what is best for the Army and possibly just to the civil service of the Government at the same time.

Mr. WARNER. Will the gentleman permit me to ask him a question?

tion?

Mr. CLYMER. Certainly.
Mr. WARNER. I wish to ask the gentleman in charge of this bill Mr. WARNER. I wish to ask the gentleman in charge of this bill if he can state to us about how many enlisted men are detailed in the various offices to which reference has been made and consequently away from their command on detached duty?

Mr. CLYMER. I will answer the gentleman immediately; I have sent for a statement which will give full particulars upon that subject, and I will then endeavor to give him the information he desires.

MESSAGE FROM THE PRESIDENT.

The committee here informally rose, and Mr. FRYE having taken the chair as speaker pro tempore, a message from the President, by Mr. Pruden, one of his secretaries, was received, announcing the ap-

proval of bills and a joint resolution of the following titles:

An act (H. R. No. 3191) to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other pur-

An act (H. R. No. 3921) to amend section 2238 of the Revised Stat-utes, in relation to fees for final certificates in donation cases; An act (H. R. No. 5918) granting a pension to Thomas Pettijohn;

A joint resolution (H. R. No. 338) directing a copy of the Congres-

An act (H. R. No. 6539) to authorize the Secretary of the Coscarge to change the name of the yacht Stephen D. Barnes, of Philadelphia; An act (H. R. No. 6593) to provide a suitable pedestal to the monment erected in honor of the late Admiral Farragut, in Washington

An act (H. R. No. 1760) amending section 1852 of the Revised Statutes of the United States

An act (H. R. No. 5384) granting permission to the Chamber of Commerce of New York to erect a statue on the sub-treasury building in the city of New York; and
An act (H. R. No. 4429) to amend an act entitled "An act to incorpo-

rate the National Fair Grounds Association."

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. WARNER. I ask this question for the reason that this bill as reported from the committee carefully restricts the number of enlisted men to 25,000, while I observe—

Mr. CLYMER. That is the law.

Mr. WARNER. I observe that the officers for which appropriation

is made are 16 brigadier-generals, which amounts to one brigadier-general for every 1,561 men; 68 colonels, or one colonel for every 360 men; 85 lieutenant-colonels, or one for about every 300 men; majors, 243, or one for about every 100 men, and a captain to about 40 men.

243, or one for about every 100 men, and a captain to about 40 men. It is plain to me that we have here too few men or too many officers; too much rank altogether for the Army that we have. While I do not claim this to be the place, Mr. Chairman, to enter upon a course of reform in this regard, yet I do think the attention of the committee ought to be called to this question.

Another matter, too, which is further on in the bill, I desire to call attention to. I observe that appropriations have been made for all specific objects named in the bill, and then a round sum of \$1,000,000 is thrown in for incidental expenses. This appears on pages 6 and 7 of the bill. That seems to me to be a large sum for incidental expenses after everything has been already appropriated for. It reminds me very much of the estimates of a certain builder I once knew, who adopted the rule and followed it to appropriate a sufficient sum for everything that he could think of and name, and then put sum for everything that he could think of and name, and then put in twice as much for those things that he could not think of and whose names he had forgotten. It strikes me that this appropriation is in apparently that same spirit, and I would like, if it be possible,

to get information from the committee upon the subject.

Mr. CLYMER. I may and possibly do agree with the gentleman Mr. CLYMER. I may and possibly do agree with the gentleman from Ohio that our Army is top-heavy at present, that for an Army of 25,000 men there are too many officers. But I do not know, sir, that that is the fault of the Army; it is the fault of the law; and if the law exists that requires this number of officers, and requires them to be paid, it is the duty of the Appropriations Committee to make provision for their payment. We are not here to make laws under the rules of this House. It is for another committee to recommend legislation on that subject; and if that committee has, after earnest effort during the last two Congresses, failed to make a change in the law governing the Army, I do not think that it is their fault or that it is the fault of the Committee on Appropriations that that number has to be provided for. We have to deal as an appropri number has to be provided for. We have to deal as an appropriations committee with the law as we find it; and it would be denounced as rank injustice for us as a committee, if the law authorizes a certain number of officers, to fail to make appropriation for their pay; and in the discharge of my duty as a member of that committee, and in obedience to law, I do not propose to fail to do so. Hence it is that we have had to appropriate this amount. If the law is unwise which makes the number, it is in the power of this House to change it.

Mr. WARNER. I recognize the justice of the gentleman's remarks there; but I think it is a very fit time in this connection to call the attention of the House to the subject, and I would like to have the gentleman from Pennsylvania state to the committee the number of

retired officers for whom appropriation is made.

Mr. CLYMER. There cannot be by law over four hundred. The number is dependent somewhat on the President; he may decrease

Mr. MAGINNIS. There are now three hundred and eighty-one on the retired list.

Mr. WARNER. Are they generally of the highest rank?

Mr. CLYMER. They are from lieutenants up.

Mr. HAWLEY. The retired list embraces all ranks.

Mr. MAGINNIS. They ought to be of the highest rank, but they are not.

Mr. CLYMER. I think it is matter of regret to the country that many officers of the higher ranks who should be retired are still in the service. The gentleman from Ohio [Mr. WARNER] seems to complain of one of the divisions of appropriation in the Quartermaster's Bureau, the one providing for the incidental expenses. As to that, I do not think the bill could be more definite than it is in its enumeration of these matters of expenditure. They are set forth with particularity, and I would pledge my word for it that every dollar is spent with honesty and due regard to the object for which it was appropriated. General Meigs, the Quartermaster-General, has earned a name that will be resplendent for its honesty so long as the country has an army worthy of a record. Surely the necessity for these expenditures exists or they would not be estimated for; and I have no hesitation as a member of the Committee on Appropriations, while not giving him everything, yet trying to deal so fairly by him that one of his just disposition who estimates so accurately the cost shall not be disappointed in his just expectation as to the amount he deems necessary to do what he believes to be right and necessary for the Army. In these incidentals there are appropriations for postage and telegrams or dispatches. I campot, and neither can the Quarter-Army. In these incidentals there are appropriations for postage and telegrams or dispatches. I cannot, and neither can the Quartermaster General, anticipate what amount will be needed for purposes of that kind. Then he has to pay for the erection of temporary barracks, quarters, storehouses, and hospitals at different points. He must give extra pay for that, and it is not in his power to say what the exact amount will be. Then, sir, expresses have to be sent in times of Indian wars and trouble from different frontier posts to the armies in the field. Who can say accurately what those will cost or what the emergencies will be on such occasions? Then he has to send his paymasters all over the West and through the Territories and to inaccessible points. Having vast sums of money they must have escorts. Who can say precisely what this will cost?

All these items can only be determined relatively by comparison—taking a series of years and ascertaining an average. And that has

taking a series of years and ascertaining an average. And that has taking a series of years and ascertaining an average. And that has been done; because I have seen, as other gentlemen may see, and I can present to them, the balances which, from year to year, have remained under this head to be paid into the Treasury; and I can assure the committee that they are so meager that the only wonder to me is that there have not been deficiencies in this particular item. Veterinary surgeons have to be employed. Medicine has to be provided for horses and mules. Rewards have to be offered for the apprehension of deserters, and they have to be delivered to headquarters. And so, Mr. Chairman, there are numberless items of expense under And so, Mr. Chairman, there are numberless items of expense under the head "incidental" that no man can accurately estimate. They the head "incidental" that no man can accurately estimate. They are not fixed by law, yet they are absolutely necessary to the well-being and to the efficiency of the Army; and the best we can do is to take the judgment of some skilled and honest officer and abide by his judgment, and to feel satisfied that if the amount is not required it will be returned to the Treasury.

Now, Mr. Chairman, if I may be permitted to give my judgment of the little of the treasury and the state of the treasury.

Now, Mr. Chairman, if I may be permitted to give my judgment of this bill before taking my seat it would be that it has been reduced not by myself but by those who have gone before me at successive stages in the history of the legislation of this House during the last five or six years to about the lowest sum with which it is possible to maintain the Army. That is my judgment. The experience of the past has demonstrated it. Therefore I shall commit the bill to the committee with entire confidence that its provisions will be found to be just and right, and that the country will not suffer from their adoption.

If there is no other gentleman who desires to address the commit-

there is no other generalian who desires to address the committee, I move that the committee rise for the purpose of obtaining an order from the House limiting general debate.

Mr. WARNER. Before that is done I would like if the gentleman at some time during the discussion would give us the number of private soldiers detailed on extra duty in connection with the various departments.

ons departments.

Mr. CLYMER. I have a paper containing that information, furnished me last year, and when we come to that portion of the bill I will, if reminded of it, gladly furnish it to the gentleman.

The CHAIRMAN. The question is upon the motion of the gentleman from Pennsylvania, [Mr. CLYMER,] that the committee now

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose, and Mr. SINGLETON, of Illinois, having taken the chair as Speaker pro tempore, Mr. HARRIS, of Virginia, reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1832, and for other purposes, and had come to no resolution thereon. thereon.

Mr. CLYMER. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Army appropriation bill. Pending that motion I move that all general debate upon the bill be limited to one minute.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole.

The House accordingly resolved itself into Committee of the Whole,

and Mr. HARRIS, of Virginia, resumed the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of further considering the Army appropriation bill; and by order of the House all general debate upon the bill has been limited to one minute. If no further general debate is desired, the Clerk will now proceed to read the bill by paragraphs for amendment.

The Clerk read the following:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1882, as follows:

For expenses of the Commanding General's office, \$2,500.

For expenses of recruiting and transportation of recruits from rendezvous to depot, \$75,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of 25,000 enlisted men, including Indian scouts and bospital stewards; and thereafter there shall be no more than 25,000 enlisted men in the Army at any one time, unless otherwise authorized by law. Nothing,

however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding 500.

Mr. HAWLEY. I believe I will test the sense of the Committee Mr. HAWLEY. I believe I will test the sense of the Committee of the Whole by an attempt to increase the number of enlisted men in the Army. I therefore move to amend the last paragraph read by the Clerk by striking out "25,000" and inserting in lieu thereof "26,000" as the number of enlisted men in the Army.

Mr. CLYMER. I reserve all points of order upon that amendment. Mr. HAWLEY. My opinion is that there is no law, except such as is made by successive appropriation bills, each year for itself, in relation to the number of enlisted men in the Army. I therefore think that my motion is not subject to the point of order that it "changes"

that my motion is not subject to the point of order that it "changes

existing law and is not in the interest of economy."

My object is sufficiently understood by those gentlemen who heard what I said before upon the subject. The Army, for certain effective services west of the Mississippi River, is now too small. It is charged with 25,000 enlisted men; but it is inevitable that an army of 25,000 men must have a very large fraction of its enlisted men incompetent for active service.

It is the habit of some gentlemen to frequently point to the fact that enlisted men are detailed as clerks around generals' quarters, &c., as if there were more men for that service than was necessary. There are some men detailed for that purpose. Considering the clerical duty at the different headquarters, commencing, if you will, at the company headquarters and passing up through battalions and divisions, &c., you find that nearly all grades of officers require enlisted men for clerical duty, and it is the cheapest service that you can employ

In addition to that, as the gentleman from Pennsylvania [Mr. CLY-MER] has stated, and as every man familiar with the service knows, there has grown up a habit of detailing enlisted men for extra duty, putting them upon a class of labor that might well be performed by civilians, and which should be classed with that done by civilians. Now, there is no fraud about that, and no wastefulness so far as I know. There are several hundreds of men in this city who are nominally enlisted men; men who go through the form of enlistment but never put on the uniform, never go through any physical examination to show that they are fitted for soldiers. They are in name only enlisted men and go directly on service here as clerks. So far as I know they are first-rate clerks, and I know some of them personally.

I doubt, however, if there is much economy in employing such men for that service, because by an ingenious system of allowances their pay is brought up to nine hundred, ten hundred, eleven hundred or more dollars per year, for which amount competent civilian clerks could be obtained. It is not a wrong, but it is the custom to have men nominally enlisted detailed for clerical duty, and who are in real-

ity clerks. They are all charged to the Army.

Now, at all the forts along the coast there must be a few men to keep the gates closed and the forts in order, others are in the arsenals, others in charge of various classes of property, so that this number of 25,000 enlisted men really serving as soldiers is reduced many thousands, I will not say how many, when you come to anything like effective service. It is unfair to charge the Army as an army with that number of men, with these men who are performing purely clerical

work in time of peace.

Now, we are liable to have Indian and other disturbances at any point from our northern frontier down to Mexico, from the Mississippi belt to the Pacific. In all this vast region difficulties with the Indians may arise. Our posts are almost innumerable. They have grown tenfold within twenty years. There are from five to fifty or one hundred men at many of these posts. When an Indian raid breaks out the general in command must exert his wits to the utmost to out the general in command must exert his wits to the utmost to gather up the necessary force of men in squads of ten, fifty, or one hundred taken from different posts. And somebody must be left at each of these posts for the care and defense of the public property. Then the commanding general must put the railroads into requisition. His men in the middle of winter may have to march two, three, or four hundred miles until he has accumulated a force sufficient to match that of the Indians who are making the raid; and perhaps he must meet them about man for man. This is not the way to conduct war. It is cruelty; it is almost murder. The general in command when he knows that there is a raid of two hundred Indians, for instance, ought to be able to bring against them five hundred or six when he knows that there is a raid of two indicated indicats, in instance, ought to be able to bring against them five hundred or six hundred or eight hundred men. Then perhaps there would be no fight at all. That is true economy. But we seem to have gone upon the ground that in order to make a fair thing of it we ought to make our force about the same, man for man, as that of the Indians; and

our force about the same, man for man, as that of the Indians; and in that case there is generally a fight.

I would be in favor of an additional force of 5,000 men; but I propose 1,000 just now, because this number, properly distributed, would compensate for a part at least of the detached men, and be of very valuable assistance to General Terry on the north, General Schofield and General Augur and our other military commanders on the frontier. I think that my motion ought to be adopted.

Mr. CLYMER. I make the point of order that the law now fixes the number of men for the Army; that this amendment changes that

the number of men for the Army; that this amendment changes that law, and is not in the direction of retrenching expenditures.

Several MEMBERS. "Too late!"

The CHAIRMAN. The right to make the point of order was

reserved. The Chair sustains the point of order. The Clerk will

The Clerk read as follows:

The Clerk read as follows:

Pay Department:

For pay of the Army: For one General, one Lieutenant-General, three majorgenerals, sixteen brigadier-generals, thirty-nine aids-de-camp, in addition to pay in the line, sixty-eight colonels, eighty-five lieutenant-colonels, two hundred and forty three majors, three hundred and twelve captains mounted, three hundred and six captains not mounted, thirty-four chaplains, twenty-one storekeepers, forty adjutants, forty regimental quartermasters, adjutant and quartermaster of Engineer Battalion, in addition to pay in the line, two hundred and two first lieutenants mounted, three hundred and sixty first lieutenants not mounted, one hundred and forty-eight second lieutenants mounted, three hundred and five second lieutenants not mounted, one hundred and eighty acting assistant commissaries of subsistence, in addition to pay in line, to officers of foot regiments while on duty which requires them to be mounted, to the officer in charge of public buildings and grounds in Washington, and to the examiner of State claims in the office of the Secretary of War; additional pay to officers for length of service, be paid with their current monthly pay; pay to enlisted men for length of service, payable with their current monthly pay; retired officers; enlisted men of all grades, not exceeding 25,000 men; five hundred enlisted men of the Signal Corps; the allowances for travel, retained pay, and clothing not drawn, payable to enlisted men on discharge; one retired ordnance sergeant; and for interest on deposits of enlisted men, \$11,548,601.55.

Mr. HAWLEY. I wanted to say a word on the point of order.

Mr. HAWLEY. I wanted to say a word on the point of order. I was not aware that the decision had been made.

Mr. CLYMER. It is too late for the gentleman to raise the point

now.

Mr. HAWLEY. There was a sort of snap judgment on me. I decidedly wish to argue the point of order. I thought the Clerk was reading from some old statute to justify the point of order. I can knock the gentleman's point of order sky high.

Mr. CLYMER. The decision has been made. Let the Clerk read. Mr. HAWLEY. I thought the Clerk was reading from the existing law which it was claimed my motion would change.

The CHAIRMAN. The Chair announced his decision very clearly, and no exception was taken to it. The Clerk then resumed the reading of the bill.

Mr. HAWLEY. Then I will offer another amendment. I move, in line 50, to strike out "five" and insert "six." so as to allow the enlist-

Mr. HAWLEY. Then I will offer another amendment. I move, in line 50, to strike out "five" and insert "six," so as to allow the enlist-

ment of 26,000 men.

Mr. CLYMER. A point of order has already been made on that amendment and sustained.

Mr. HAWLEY. I desire to be heard on the point of order.

The law on this subject is contained in the second section of an act making appropriations for the year 1871. It is a permanent provision of law adopted in 1870 and put into an appropriation bill. I read it:

That the President be, and he is hereby, authorized and directed, on or before the 1st day of July. 1871, to reduce the number of enlisted men in the Army to 30,000; and thereafter there shall be no more than 30,000 men enlisted in the Army at one time, unless otherwise authorized by law.

Now, as I understand, the provisions in subsequent appropriation bills agree substantially in their tenor. Appropriations are made for 25,000 men, and it is provided that the money shall not be used to pay more than 25,000. But nowhere, since the law I speak of was enacted, has Congress established 25,000 as the permanent limit of

The CHAIRMAN. The Chair would like to see the law referred to

by the gentleman.

Mr. HAWLEY. I have read the provision which I claim to be the only permanent statute on the subject, a provision contained in the bill for the support of the Army for the year 1871. In subsequent appropriation bills for 1875 and other years I find such a provision as

No money appropriated by this act shall be paid for recruiting the Army beyond the number of 25,000 enlisted men, including Indian scouts.

This I understand to be the substance of the provisions in successive annual appropriation bills. There has never been any provision changing the law which fixes 39,000 as the legal limit of our Army. We have simply appropriated money sufficient for 25,000 men. My motion to increase the force from 25,000 to 26,000 is in accordance with motion to increase the force from 25,000 to 26,000 is in accordance with law. I have a right to move an amendment fixing any number not exceeding 30,000. Twenty-five thousand is simply an arbitrary figure fixed from year to year.

The CHAIRMAN. The pending bill contains this provision:

And thereafter there shall be no more than 25,000 enlisted men in the Army at any one time, unless otherwise authorized by law.

any one time, unless otherwise authorized by law.

The Chair wishes to inquire whether this provision is not copied from some other appropriation bill.

Mr. HAWLEY. I take it that is new. That is the result of my investigation, at all events.

Mr. CLYMER. It has been the same for years.

Mr. HAWLEY. I am not so informed.

Mr. BLOUNT. It has been the language for many years before 1870. It is the language of the Revised Statutes fixing that there shall not be in the Army more than 30,000 enlisted men, but the law of last year and for years before reduced the number to 25,000 men, and this is strictly in conformity to the law, as I think I can show the gentleman.

the gentleman.

Mr. HAWLEY. I do not think the gentleman can find that there is any permanent law to that effect. There may be, as I have said, a temporary law in an appropriation bill, but no permanent law. If he can show me any law for it anywhere, of course his point is good.

Mr. CLYMER. Mr. Chairman, I do not concede that the point of

order is determined or that what has been advanced here is very material as far as this point of order is concerned; but as this has become a question of history it may be interesting. By the act of 1870 in the Army appropriation bill of July 15, for that year, it was provided that the President is hereby authorized and directed on or before the 1st day of July, 1871, to reduce the number of the Army to 30,000 enlisted men, unless otherwise authorized by law.

day of July, 1871, to reduce the number of the Army to 30,000 enlisted men, unless otherwise authorized by law.

Mr. HAWLEY. That is exactly it, but where is the law that reduces the number to 25,000?

Mr. CLYMER. That, Mr. Chairman, reduced the Army from its excessive proportions after the close of the civil war down to a peace footing. In 1874, when Mr. Blaine was Speaker of this House and Mr. Garfield was chairman of the Committee on Appropriations, and the present Vice-President of the United States had charge of the Army appropriation bill, the Army was reduced from 30,000 to 25,000 men.

Mr. HAWLEY. For that year?
Mr. CLYMER. And ever since that time the number has been

limited to 25,000.

Mr. BLOUNT. I hope the gentleman from Pennsylvania will allow me to call his attention to the Army appropriation bill that was passed last year. That reads as follows:

No money appropriated by this act shall be paid-

Mr. HAWLEY. Exactly; for that year. Mr. BLOUNT.

for recruiting the Army beyond the number of 25,000 enlisted men, including the Indian scouts and hospital stewards, and thereafter there shall be no more than 25,000 enlisted men in the Army at any one time unless otherwise authorized by

Mr. HAWLEY. That probably will sustain the point of order, but it has succeeded in keeping down the force on the frontier.

Mr. CLYMER. And that was done by the gentleman's own friends when they were in power; the Army was cut down in that way.

Mr. HAWLEY. I remember that point very well; it has been made before.

Mr. KEIFER. I desire to offer an amendment to the present para-

graph. The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Insert after the word service in line 47:
"And the actual time of service in the Army and Navy of the United States, or in both, shall be allowed to all officers in computing their pay and length of service."

"And the actual time of service in the Army and Navy of the United States, or in both, shall be allowed to all officers in computing their pay and length of service."

Mr. CLYMER. I reserve the point of order upon that amendment. Mr. KEIFER. Mr. Chairman, there seems to be some confusion in the matter of ascertaining the pay of officers on account of length of service. Some officers have been transferred, especially in the medical force, from the Navy to the Army, and some from the Army to the Navy. In that way, under the present construction of the law, they have lost the benefit to which they were entitled by their length of service; that is to say, the benefit that extended to officers who have served a certain length of time, and which is received by officers who are transferred from the Marine to the Navy, or from the Navy to the Marine service, and who are allowed pay in accordance with their length of service. Now, the same rule which benefits them, or gives them simply their rights in that respect, should apply here. Under the present construction of the law many officers in the military service who are entitled to the benefit of increased pay from length of service are entirely deprived of it by reason of the want of adequate legislation. Many of these have been transferred from one service to the other, and they ought to be allowed their pay and have the benefit of that length of service. I trust there will be no objection to this, which seems to be simply a matter of right and justice.

Mr. CLYMER. I desire to ask the gentleman from Ohio the question whether, if this amendment is adopted, it will not increase the total amount of the bill?

Mr. KEIFER. Undoubtedly the effect of it will be to slightly increase the total amount of the bill but it is simply an act of instice.

Mr. KEIFER. Undoubtedly the effect of it will be to slightly increase the total amount of the bill, but it is simply an act of justice.

Mr. CLYMER. Then undoubtedly it is my duty to make the point of order against it.

Mr. KEIFER. I do not think it is the gentleman's duty to object to a matter so obviously just as this is, and I hope he will not insist

to a matter so obviously just as this is, and I hope he will not insist upon it.

The CHAIRMAN. Does the Chair understand the gentleman from Pennsylvania as insisting upon his point of order?

Mr. CLYMER. Certainly. I am compelled to insist upon it.

Mr. KEIFER. It does not undertake to repeal any law, nor does it undertake to amend any law; it simply corrects what is now an abuse, and it gives the construction that is just and proper to the law, so as to enable these officers to derive the benefit of their length of service. of service.

Mr. CLYMER. I sympathize just as much as the gentleman from Ohio with any case of hardship that may arise under this or any other bill. But I have simply before me the duty, with which I am intrusted by the committee, of objecting to anything which will increase the total amount of this appropriation and which is not warranted

Mr. KEIFER. The law in its spirit does warrant this. I hope the gentleman from Pennsylvania will allow the sense of the committee to be taken upon this question, at all events. Mr. CLYMER. I must insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The point of order being insisted upon, the Chair is bound to decide that the amendment is not in order.

Mr. MAGINNIS. Mr. Chairman, I would like to offer an amendment at this point. I desire to call the attention of the gentleman in charge of the bill to an amendment which I believe will meet with the approval of the committee.

The Clerk read as follows:

Insert on page 3, in line 56, the following:
"And the allowance for commutation of quarters to the Lieutenant-General shall be \$100 per month."

Mr. CLYMER. My duty is to reserve the point of order. Does the gentleman wish to be heard?

Mr. MAGINNIS. I do not care to be heard if the point of order is insisted on. I understood the committee agreed to the amendment.

Mr. CLYMER. I am only insisting on the point of order under a stern sense of duty. I feel that this is an amendment that ought to be adopted, and if I could get rid of the point of order I would be

Mr. MAGINNIS. Then you should not make the point of order

yourself.

Mr. CLYMER. I must.
Mr. HAWLEY. The committee are all in favor of the amendment.
The CHAIRMAN. The point of order is sustained.
Mr. WARNER. I offer the amendment which I send to the desk.
The Clerk read as follows:

In line 49, after the words "retired officers," insert:

Provided, That no officer on active duty in the field shall be retired without his consent."

Mr. CLYMER. I reserve the point of order. Mr. WARNER. I would like to be heard on that amendment. Mr. WARNER. I would like to be heard on that amendment. I do not think any point of order can lie against it; and I am induced to offer the amendment in view of the late retirement of a distinguished and gallant officer, who has been in service in the field most of the time since the war, and who was promoted to the rank of brigadier-general at the beginning of the war on his merit as a soldier, and who fairly won all his promotions during the war in the field; and I confess, Mr. Chairman, that on this subject I have some personal feeling, as General Ord, to whom I allude, was my first brigade commander, and I know something of him as a soldier, and it is well understood that he did not desire retirement at this time.

The CHAIRMAN. The gentleman from Ohio must confine himself to the point of order.

Mr. WARNER. I thought it was not insisted on.
Mr. CLYMER. I thought it was not insisted on.
Mr. CLYMER. I insist on the point of order, and desire that the discussion shall be confined to that. The gentleman provides by his amendment that officers shall not be retired without their consent.

That changes existing law.

Mr. WARNER. My amendment provides that they shall not be retired without their consent if on active duty in the field. This changes the law, but certainly it does not increase expenditures. It retains an officer in the service in the field instead of placing him on the retired list and paying him for no duty; in other words, it requires

services for pay.

Mr. CLYMER. Will the Clerk be kind enough to report the amend-

The amendment was again read.

Mr. CLYMER. That amendment is clearly within the point of order. The law now is that an officer must be retired at a certain age. Under this amendment he could not be retired without his consent although above that age. The cost therefore would be greater to the Government, and the amendment is not in the interest of economv

The CHAIRMAN. The Chair sustains the point of order.
Mr. WARNER. I move, then, to amend the bill by striking out the
words "retired officers," in line 49; and I wish to speak to that amendment.

I was induced, Mr. Chairman, to offer the amendment which has twas induced, Mr. Chairman, to offer the amendment which has been ruled out of order in view, as I stated, of the late retirement of a distinguished general officer who was on active duty on the frontier and who did not wish to be retired. I regard General Ord's retirement under the circumstances and against his will as unjust to him and injurious to the service. I think the discrimination made against General Ord and in favor of an officer older than General Ord, and one who was one of the oldest brigade commanders. I believe on the list, and was one of the oldest brigade commanders, I believe, on the list, and who has no such record of successful service to sustain him as supports General Ord's claim to the consideration of his country, to be unjust to him. It is believed, too, that the selection for retirement in this case was not made on purely military considerations, but that political considerations had quite as much to do with it. If that be true, ical considerations had quite as much to do with it. If that be true, I think it ought to be known. I think it due to General Ord and to the country that it should be known that a deserving officer has been retired, not at his request nor for the good of the service, but from political considerations. I do not desire to speak disparagingly of the merits of General McDowell, but his name certainly stands unfortunately connected with events that shed no luster on him or the country, while General Ord's services, during the war and since, both on the western frontier and the Mexican border, deserve commendation and not the ingratitude of early retirement.

I wish in this connection and in support of what I have said, Mr. Chairman, to refer to an interview reported to have been held with

General Sherman. I find it in the Washington Post and send it to

the desk and ask to have read the paragraph I have marked.

Mr. HUNTON. Does the gentleman from Ohio know if that interview was actually held?

Mr. WARNER. It is reported to have been held, and I believe it

The Clerk read as follows:

Well, I have the highest regard for General Garfield as a large-hearted, whole-souled, splendid man, who would not commit an act of palpable injustice, and also for General Hayes, who I believe to be of too kindly and just a disposition to do a deliberate wrong, but I have been told that politics had something to do with it; that General McDowell came here to New York to vote for General Garfield in a very ostentations manner, while General Ord did not do that.

Mr. WARNER. It is reported elsewhere also that General McDowell drew his mileage. I wish to ask the chairman of the committee if that is included in this appropriation.

Mr. CLYMER. I will say in reply to the gentleman from Ohio that the mileage was appropriated last year, and who is drawing it this year we have no means of knowing. I Ohio does not insist on his amendment. I presume the gentleman from

Mr. KEIFER. I wish to know if the gentleman from Ohio states as a fact that General McDowell did draw mileage on the occasion referred to.

Mr. WARNER. I stated that it was reported that he had drawn mileage

Mr. KEIFER. Did you state it as a fact?
Mr. WARNER. Oh, no; I was careful to state it as being so reported

Mr. KEIFER. Then you expect to enlighten us with statements based on common rumor without reference to the fact?

Mr. WARNER. I asked for information. Possibly the gentleman from Ohio [Mr. Keifer] may be able to give us some information on the subject. I withdraw the amendment.

The Clerk read the following:

For miscellaneous expenses, to wit: Hire of one hundred and twenty-five contract surgeons and two hundred hospital matrons; extra-duty pay to enlisted men for service in hospitals; pay of fifty-four paymasters' clerks and fourteen veterinary surgeons; hire of paymasters' messengers, not to exceed fifteen thousand dollars; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon military courts and commissions; travel expenses of paymasters' clerks; commutation of quarters for officers on duty without troops at places where there are no public quarters; and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1882, in excess of the numbers for each class provided for in this act, \$547,198.45.

Mr. MAGINNIS. I move to amend the paragraph just read by adding to it the amendment which I send to the Clerk's desk.

The Clerk read as follows:

And the allowance for commutation of quarters to the Lieutenant-General shall be \$100 per month.

Mr. BLOUNT. I reserve all points of order upon that amendment. The CHAIRMAN. The Chair sustains the point of order and rules the amendment out of order.

The Clerk read the following:

The Clerk read the following:

Subsistence Department:

For subsistence of 25,000 enlisted men, 120 additional half-rations for sergeants and corporals of ordnance, enlisted men of the Signal Service, women to companies, (laundresses,) 2,065 civilian employés, 125 contract surgeons, 220 hospital matrons, 75 military convicts, and 500 prisoners of war, (Indians,) in all, 10,668,220 rations, at twenty-cents each; for difference between cost of rations and commutation thereof for detailed men and for enlisted men and recruits, at recruiting stations, and for cost of hot coffee and cooked rations for troops traveling on cars; for manual for Army cooks; for subsistence stores for Indians visiting military posts, and Indians employed without pay as scouts and guides, \$2,250,000; of which amount \$300,000 shall be available from and after the passage of this act for the purchase of stores necessary to be transported to distant posts in advance of the 30th of June, 1881: Provided, That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section 1149 of the Revised Stautes, 10 per cent. shall be added to cover wastage, transportation, and other incidental charges, save that subsistence supplies may be sold to companies, detachments, and hospitals at cost prices, not including cost of transportation, upon the certificate of an officer commanding a company or detachment, or in charge of a hospital, that the supplies are necessary for the exclusive use of such company, detachment, or hospital.

Mr. CLYMER. By direction of the Committee on Appropriation.

Mr. CLYMER. By direction of the Committee on Appropriations I offer an amendment to come in at the close of the paragraph just

The Clerk read as follows:

And provided further. That the cost price of each article shall be understood in all cases of sales to be the invoice price of the last lot of that article received by the officer by whom the sale is made.

The amendment was agreed to.

Mr. UPSON. I move to amend the paragraph just read by striking out the proviso in the printed bill, and inserting in lieu thereof that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That all stores and other articles sold to officers at any post or station west of the Mississippi River shall be sold at cost prices exclusive of the cost of transportation, and whenever there is Government fuel for issue on hand at such post or station, officers of the Army thereat on duty shall be permitted to draw for their own use their proper allowance, free from cost, in accordance with the regulations of 1863.

Mr. CLYMER. I must insist upon the point of order in regard to that amendment, that it changes existing law and is not in the direc-

The CHAIRMAN. Is there any law on the subject?

Mr. CLYMER. It changes existing law.
The CHAIRMAN. In what respect?
Mr. UPSON. Wherein does it change existing law?
Mr. CLYMER. In the very proposition to allow the cost of transportation to be taken off absolutely. The law now is that 10 per cent. is to be added to the cost of the material in place of any amount for transportation. for transportation.

Mr. UPSON. There is no general law to that effect.
Mr. CLYMER. You will find that provision in the appropriation

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will proceed with the reading of the bill.

The Clerk began the reading of the next paragraph; but, before

concluding,
Mr. UPSON said: Do I understand that the Chair has ruled upon

my amendment?

The CHAIRMAN. The Chair sustained the point of order upon the statement of the gentleman from Pennsylvania, [Mr. CLYMER,] that the amendment proposed to change existing law.

Mr. UPSON. Then I will offer another amendment to strike out

Mr. CISOR. Then I was called another another the whole proviso.

Mr. CLYMER. I must insist upon the rule that we cannot go back.

The CHAIRMAN. The Chair will take no advantage of the gentleman from Texas. If the gentleman states that he intended to offer this amendment before the Clerk had proceeded to read, the Chair will go back. But if the amendment was an afterthought the Chair holds that it comes too late and that the committee cannot go back.

Mr. UPSON. I did not know that the Chair had decided the point

of order at all

Mr. BLOUNT. The Clerk has read half way through the next paragraph.

Mr. UPSON. I intended to offer this amendment if the other was not adopted.

The CHAIRMAN. The Clerk will proceed with the reading of the

The Clerk resumed the reading of the bill, and read the following: The Clerk resumed the reading of the bill, and read the following:

For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the depots of Philadelphia and Jeffersonville to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of elivery, under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads and for removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, \$4.114,000.

Mr. CLYMER. By direction of the Committee on Appropriations.

Mr. CLYMER. By direction of the Committee on Appropriations, I move an amendment, which I send to the Clerk's desk, to come in after the paragraph just read.

The Clerk read as follows:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds due them for transportation, \$125,000.

Mr. CLYMER. That is an estimate furnished by the War Department. When this bill was first reported to the House it did not contain this item, for the reason that the Committee on Appropriations, not having examined the subject, was not certain whether it was necessary to make the appropriation or not. On further examination we are unanimously of the opinion that it is necessary to insert a clause of this kind in this bill.

we are unanimously of the opinion that it is necessary to insert a clause of this kind in this bill.

Mr. ATKINS. I would inquire of my colleague on the Committee on Appropriations [Mr. CLYMER] if this item has ever been incorporated in any previous appropriation bill?

Mr. CLYMER. Never before.

Mr. ATKINS. And it is proposed now in consequence of a recent decision of the Supreme Court?

Mr. CLYMER. Which decision is to the effect that our law of 1874 (I think that is the date) prohibiting any payment by the Government to land-grant railroads for transportation over them is not operative and that notwithstanding that law we are obliged to pay those railroads 50 per cent. of the cost of the transportation over them. That act was passed in 1874, and from that time to 1879 no appropriations were made to pay the bills of land-grant railroads against the United States for transportation. By the act of March 3, 1879, the sum of \$300,000 was specially appropriated to pay 50 per cent. of the then existing indebtedness of the United States to these land-grant railroads; and the amount was expended in pursuance of that appropriation. Subsequently there has been a judicial decision, first by the Court of Claims and then by the Supreme Court of the United States in the cases of the Lake Superior and Mississippi Railroad Company vs. The United States. In the decision of the Supreme Court upon these cases, which will be found in the third volume of Otto's Reports, the court determines that 50 per cent. is the amount which the Government must pay. We can refuse to make the appropriation; but it would only put these railroad companies to the amount which the Government must pay. We can refuse to make the appropriation; but it would only put these railroad companies to

the cost of suit, in which recovery must be had against us. The Quartermaster-General estimates that during the coming fiscal year the bills for these expenses will run up to about \$300,000, and therefore 50 per cent. of that amount, \$150,000, is necessary to be appropriated for paying debts which we shall incur to these railroad companies during the next fiscal year. This recommendation of the Quartermaster-General is made in accordance with the decision of the

Supreme Court in the cases to which I have referred.

Mr. WARNER. What railroad companies will receive this money?

Mr. CLYMER. There are a great many of them; I cannot enumerate them. They are all the land-grant railroads over which we send troops, including, among others, the Pacific Railroads and the roads I have mentioned.

Mr. WARNER. Let the amendment be read again.

The Clerk again read the amendment.

The amendment was adopted. The Clerk read as follows:

And the unexpended balances of the several appropriations for the different bureaus of the Quartermaster's Department for the fiscal years ending June 30, 1879, and June 30, 1880, are hereby reappropriated and made available for the use of said bureaus for like purposes for the fiscal year ending June 30, 1882, to those for which they were originally appropriated.

Mr. CLYMER. By direction of the Committee on Appropriations, I move to amend by striking out, in lines 197 and 198, the words "of the several appropriations for the different bureaus of" and inserting "under the several heads of appropriations for." This is merely a formal amendment.

The amendment.

The amendment was agreed to.

Mr. CLYMER. I also move to amend by striking out, in line 202, the word "bureaus" and inserting the word "Departments."

The amendment was agreed to. The Clerk read as follows:

United States testing-machine:
For caring for, preserving, using, and operating the United States testing-machine at the Watertown arsenal, \$10,000.

Mr. CONVERSE. I move to amend by adding to the clause just read the following:

Provided, That the tests of iron and steel and other materials for industrial purposes shall be continued by a board of officers appointed to that duty; and an annual report thereof shall be made to Congress.

Mr. CLYMER. I make a point of order on this amendment.

The CHAIRMAN. Unless the gentleman from Ohio desires to be heard, the Chair sustains the point of order.

Mr. CONVERSE. I wish to be heard on the point of order. In addition I might make the point of order that the clause in the bill is not in order.

Mr. CONVERSE. I wish to be heard on the point of order. In addition I might make the point of order that the clause in the bill is not in order.

The CHAIRMAN. The point of order against the clause, if sustained, would carry the amendment with it.

Mr. CONVERSE. I desire that they shall stand or fall together.

Mr. CLYMER. I will state that the clause in the bill is in pursuance of existing law.

Mr. CONVERSE. There is no law authorizing these tests to be continued. The clause is not in pursuance of law. The law by which the board for making these tests was created was the appropriation act of March 3, 1875; and when those appropriations had been expended that was the end of the law upon the subject, and Congress at the session of 1878 expressly provided that the board should cease to exist when the money then appropriated should be expended. There is no authority now under the law for making a single test or for using that testing-machine for any purpose whatever.

Mr. CLYMER. When I say that the provision of this bill is in pursuance of existing law, I mean that a testing-machine, like a Government steamship, is useless to the Government or anybody else unless means be provided to work it. A steamship lying in the dock without coal and without men is useless, but if built in pursuance of law its maintenance is in accordance with law. The provision in this bill is designed simply to make a testing-machine already constructed useful to the Government. Hence I say the provision is in

this bill is designed simply to make a testing-machine already constructed useful to the Government. Hence I say the provision is in

structed useful to the Government. Hence I say the provision is in pursuance of existing law.

The CHAIRMAN. Will the gentleman from Pennsylvania please state the law on the subject? As the Chair understands, the law which provided for a testing-machine was repealed some years ago.

Mr. HAWLEY. There was a special board for a special purpose—to conduct an investigation. That board after a while completed its report. But the testing-machine was not thereby destroyed. It is an independent matter entirely.

Mr. CONVERSE. That is very true; the machine is not destroyed. But the fact that the machine has been paid for and is in existence does not prove that an appropriation for continuing the operations But the fact that the machine has been paid for and is in existence does not prove that an appropriation for continuing the operations of that machine is in pursuance of law. By the bye, the machine was not completed and paid for until after the board went out of existence. It was then that the machine was finally completed and the Government placed in possession of it. The board made its final report June 8, 1878, and the testing-machine was not completed till the latter part of that year.

But, Mr. Chairman, this bill appropriates \$10,000, not for preserving that machine at Watertown arsenal, but for using and operating it. Now, Mr. Chairman, my amendment proposes to direct that this machine shall be used in testing materials for industrial purposes. We are appropriating annually \$40,000 or \$50,000 for making tests for destructive purposes, but no appropriations amounting to anything

have ever been made in the interest of industry and peaceful pursuits, except that appropriated for the commission just referred to. During the war the Government was in the habit of purchasing vessels and stationing them out at a distance from shore, to be shot to sels and stationing them out at a distance from shore, to be shot to pieces or blown up by torpedoes, at a cost of hundreds of thousands of dollars. Millions have been expended in making tests of cannon and other warlike implements and materials for their construction and for other warlike or destructive purposes; no tests have been made for industrial purposes, except under the law of 1875 creating this commission. What I desire is that these tests shall be continued in the interest of industry and the civil pursuits of life.

Mr. KELLEY. Will the gentleman yield to me for a moment?

Mr. CONVERSE. I will, with pleasure.

Mr. KELLEY. I have no personal knowledge of the management and use of this machine; but I read many of the industrial journals, and from my reading of those journals I am quite sure that the gentleman is under a misapprehension. I have seen in not only our own

tleman is under a misapprehension. I have seen in not only our own journals but those of England eulogies upon the merits and the utility of this testing-machine, as having shown itself the most perfect which has ever been produced, and also seen a statement of its great value in industrial pursuits connected not only with steel and iron but other

Mr. CONVERSE. My friend is right in that statement, but still the statement I made is true that that machine was not completed until the commission went out of existence which was to operate it. Then some mine owners or some men interested in iron and steel con-

Then some mine owners or some men interested in iron and steel contributed a fund, and for themselves made some experiments. They were not made by the Government, although upon the Government machine. The money, I believe, was all paid out, and some fourteen or fifteen hundred dollars was contributed by the iron men to complete certain tests. The tests which my friend from Pennsylvania refers to are the tests of iron and steel that were reported and printed last year by Congress. They are invaluable, so far as they go, but they ought to be continued.

There is no subject in which this country is as deeply interested as in the tests of materials. The tests which were made whereby the present rules under which engineers and architects are operating and make their calculations were made twenty and thirty years ago. They were imperfect tests, made mostly in England, France, and Germany by testing machinery that was itself imperfect. Knowledge of chemistry and the means of producing iron and steel and the mixing of metals was not so far advanced as now, and the rules which have been deduced from those experiments are themselves therefore imperfect, and the formulas not entirely accurate and reliable. Thoubeen deduced from those experiments are themselves therefore imperfect, and the formulas not entirely accurate and reliable. Thousands, I may say millions of dollars are expended by the Government each year in providing material in excess of that which is necessary to secure the required strength in the construction for want of these very tests. There is no subject that would so rapidly advance the interest of science as well as material prosperity in this country as the continuing of these very tests. This \$10,000 would be ample to continue the tests and make the reports each year to Congress. They ought to be made, and should not be limited to small bars of iron and steel but should embrace heams and columns in various forms lengths.

ought to be made, and should not be limited to small bars of iron and steel, but should embrace beams and columns in various forms, lengths, and size, and should extend to and determine the strength and value of all other materials, and especially those of American production.

Mr. CLYMER. I sympathize very fully, both in a general way and personally, with the gentleman from Ohio and all he has said as to the value of the experiments made by this testing-machine with reference to the different qualities of iron, their strength, durability, &c. I do not wish to resist this amendment, save I conceive from what I have heard that by providing for the appointment of a heard crence to the different qualities of iron, their strength, durability, &c. I do not wish to resist this amendment, save I conceive from what I have heard that by providing for the appointment of a board we are merely doing that in a most cumbrous way which can be arrived at by the Department if it had the means in a very simple one under the direction of an engineer officer. Last year we appropriated \$5,000 for this purpose, and I have heard no special complaint as to the lack of means so far as we have gone up to this time.

The gentleman from Michigan, [Mr. Hubbell,] a member of the Committee on Appropriations, was very much interested on this subject; and although we only appropriated \$5,000 last year on his representation, the amount was doubled and made \$10,000 this year. We felt we had done all that was required.

Now, it is a mere difference of opinion between the gentleman from Ohio and the Committee on Appropriations as to which is the best method, if I understand it. We think the Engineer Department of the Army, through one of its officers, can conduct these experiments without providing for the cumbrous machinery of a board; that it will cost less; that it will be equally reliable, and certainly quite as serviceable to the people.

Mr. CONVERSE. Let me call attention to the fact that this amendment does not change the appropriation. It does not change the board; it simply provides that tests shall be made in the interest of industrial pursuits as well as of others.

Mr. CLYMER. There is no board provided.

Mr. CONVERSE. Where does the gentleman get the board to do it?

Mr. CLYMER. It puts it under the Engineer Department. I simply provide this board of engineers, or whoever is detailed to make experiments, shall report to Congress. I ask the Clerk to read the amendment. Certainly there can be no objection to it when it is amderstood.

The amendment was read.

The amendment was read.

Mr. CLYMER. You, Mr. Chairman, and most of the House, like myself, have served long enough in Congress to see what mighty structures are built up on small foundations in these appropriation bills. We have seen this Capitol surrounded by greenhouses. I do not object to them, but vote for them and support them, but they were all built up originally upon an appropriation to take care of about one hundred and fifty dollars' worth of plants brought here by Com-modore Wilkes' exploring expedition. There is no board provided by

modore Wilkes' exploring expedition. There is no board provided by law for this thing.

Mr. ATKINS. I suggest to the gentleman from Ohio to strike out the provisions for the board of officers.

Mr. CLYMER. That will do.

Mr. CONVERSE. I will accept the suggestion. My intention was the same board should make the test.

Mr. CLYMER. But there is no board.

Mr. CONVERSE. Some one must be detailed to make the experi-

Mr. CLYMER. If the gentleman will incorporate the idea that the result of the test by that machine shall be reported to Congress, well and good. Mr. CONVERSE.

That is what I say; I will strike out that part relating to the board.

Mr. CLYMER. I will withdraw my point of order if the gentle-man's amendment is confined to that idea. For, if we put in it a board, that board will come here and demand to be paid, as they were

The CHAIRMAN. The Clerk will report the amendment as it is now proposed.

The Clerk read as follows:

Provided, That the tests of iron and steel and other material for industrial pur-oses shall be continued, and an annual report thereof shall be made to Congress.

Mr. CLYMER. I withdraw the point of order.

The amendment was agreed to. The Clerk read as follows:

Sec. 2. All officers, agents, or other persons receiving public moneys appropriated by this act shall account for the disbusement thereof according to the several and distinct items of appropriation herein expressed.

Mr. WARNER. I desire not to offer an amendment but simply to

ask a question of the gentleman in charge of this bill. To whom are these reports to be made?

Mr. CLYMER. To the Treasury Department.

Mr. WARNER. To the accounting officers of the Treasury; so I supposed. Now another question. Are these reports to be made also to Congress

Mr. CLYMER. They are furnished in the reports of the Depart-

ment to Congress.

Mr. WARNER. The law already requires that.

Mr. CLYMER. The law requires it but not in as imperative a form as the Appropriations Committee desire to have it here.

I move now, Mr. Chairman, that the committee rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having taken the chair, Mr. Harris, of Virginia, chairman of the Committee of the Whole on the state of the Union, reported that the committee having had under consideration the bill of the House No. 6719, making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes, had directed him to report the same to the House with sundry amendments thereto.

Mr. CLYMER. I ask the previous question on the bill and amendments.

ments. The previous question was seconded and the main question ordered.

The SPEAKER. The question is on the amendments of the committee.

Mr. CLYMER. There is no contest on any amendment, and I therefore move that they all be adopted in gross

The motion was agreed to.

The SPEAKER. The question recurs on the engrossment and third reading of the bill, as amended.

The bill was ordered to be engrossed and read a third time.

Mr. ATKINS. On the passage of the bill the rule requires the yeas and nays to be called.

The SPEAKER. That is demanded by the rule.

The question was taken; and there were—yeas 174, nays 7, not voting 110; as follows:

	Cravens,	Fisher,	
Buckner.	Daggett.	Ford,	
Clark, John B.			
Clymer.		Hall.	
Cobb.		Hammond, John	
Cenverse,	Ferdon,	Harmer,	
	Briggs, Brigham, Browne, Buckner, Burrows, Butterworth, Cabell, Cannon, Carpenter, Chalmers, Clark, John B. Clements, Clymer, Cobb, Coffroth, Cenverse,	Brigham, Browne, Buckner, Burrows, Butterworth, Cabell, Cannon, Carpenter, Chalmers, Clark, John B. Clements, Clymer, Cobb, Coffroth, Cavens, Cavens, Davis, George R. Davis, Horace Davis, Joseph J. Davis, Lowndes H. Davis, Lowndes H. Decring, Decring, Dibrell, Ellis, Errett, Evins,	Brigham, Browne, Browne, Buckner, Burrows, Butterworth, Cabell, Cannon, Carpenter, Clark, John B. Clements, Clymer, Cobb, Coffroth, Errett, Cravens, Davis, George R. Forney, Davis, Horace Fort, Davis, Joseph J. Frye, Gibson, Gillette, Gillette, Gunter, Gode, Gunter, Hall, Hammond, N. J.

Harris, John T.	Lowe,	Rice,	Thompson, W. G.
Haskell,	Manning,	Richardson, D. P.	Tillman,
Hatch,	McCook,	Richardson, J. S.	Townsend, Amos
Hawley,	McLane,	Robertson,	Townshend, R. W
	Miles,	Robinson,	Tucker,
Hazelton,		Ross,	Turner, Thomas
Henderson,	Mills,		Tyler,
Herbert,	Mitchell,	Rothwell,	
Herndon,	Money,	Russell, W. A.	Updegraff, J. T.
Hill,	Monroe,	Ryan, Thomas	Updegraff, Thoma
Hostetler,	Morton,	Sapp,	Upson,
House,	Muldrow,	Sawyer,	Urner,
Hull.	Murch,	Scales,	Vance,
Hunton,	Neal,	Shelley,	Van Voorhis,
James,	New,	Sherwin,	Voorhis,
Johnston,	Nicholls,	Simonton,	Waddill
Jones.	Norcross.	Singleton, O. R.	Wait,
Jorgensen,	O'Connor,	Slemons,	Ward,
Torses	Osmer,	Smith, A. Herr	Warner,
Joyce,		Smith, William E.	Washburn,
Keifer,	Overton,		Williams, C. G.
Kelley,	Pacheco,	Speer,	
Ketcham,	Page,	Steele,	Williams, Thomas
Killinger,	Persons,	Stevenson,	Willis,
Kimmel,	Phelps,	Stone,	Wilson,
Klotz,	Philips,	Talbott,	Wise,
Ladd,	Phister,	Taylor, Ezra B.	Yooum,
Le Fevre,	Pound,	Taylor, Robert L.	Young, Casey.
Lindsey.	Price.	Thomas,	
Lonnsbery.	Reagan.	Thompson, P. B.	

NAYS-7.

Sparks, Turner, Oscar Caldwell, Hurd, Martin, Benj. F. Morrison,

Whitthorne.

Crapo,
Crowley,
Crowley,
Culberson,
Davidson,
Dick,
Dickey,
Dunn,
Drunell,
Dwight,
Elam,
Ewing,
Feiton,
Forsythe,
Frost,
Godshalk,
Harris, Benj. W.
Hawk,
Hayes, NOT VOTING-110. Reed,
Richmond,
Robeson,
Russell, Daniel L.
Ryon, John W.
Samford,
Scoville,
Shallenberger,
Singleton, J. W.
Smith, Hezekiah B.
Springer. Aiken, Aldrich, Nelson W. Anderson, Armfield, Bachman, Bailey, Ballou, Barbar Hutchins, Kenna, King, Kitchin, Kitchin,
Knott,
Lapham,
Loring,
Marsh,
Martin, Edward L.
Martin, Joseph J.
Mason,
McCoid,
McGowan,
McKenzie,
McKinley,
McMahon,
MoMillin Barber, Barlow, Beale, Belford, Bliss, Bowman, Smith, Hezeki Springer, Starin, Stephens, Valentine, Van Aernam, Boyd, Bragg, Bright, Calkins, Camp, Carlisle, Weaver, Wellborn, Wells, White, Whiteaker, McMillin, Miller, Morse, Muller, Haves, Heilman, Carhisle, Caswell, Chittenden, Claffin, Clardy, Clark, Alvah A. Colerick, Conger, Cowgill, Cox, Muller, Myers, Newberry, O'Brien, O'Neill, O'Reilly, Orth, Poehler, Prescott, Wilber, Wilbits, Wood, Fernando Wood, Walter A. Wright, Young, Thomas L. Henkle, Henry, Hiscock, Hooker, Horr, Houk, Hubbell, Humphrey,

So the bill was passed.

Mr. DAVIS, of North Carolina. I desire to state, Mr. Speaker, that I am paired with Mr. Crapo on all general subjects. As I understand this is not a party question, and that he would probably vote the same way as I do, I have therefore voted "ay" upon the

Mr. RICHARDSON, of South Carolina. I am paired with Mr. FORSYTHE; but I understand that we would both vote the same way upon this bill. I have voted "ay."

The following pairs were announced from the Clerk's desk:

Mr. SAMFORD with Mr. MILLER; Mr. SAMFORD reserving the right
to vote to make a quorum. If Mr. MILLER were present, Mr. SAMFORD would vote "no."

Mr. Bragg with Mr. Shallenberger, for to-day. Mr. Starin with Mr. King. Mr. McMahon with Mr. Hiscock, for this day. Mr. Myers with Mr. Orth, on all political questions, for ten days from this date.

Mr. DAVIS, of California, with Mr. WHITEAKER, detained by illess. As this is not a political question Mr. DAVIS votes "ay."
Mr. LAPHAM with Mr. TUCKER, for to-day, except to make a quorum.
Mr. McMILLIN with Mr. DICK, for this day.
Mr. KENNA with Mr. O'NEILL, for the 5th and 6th, on all questions except making a quorum.

except making a quorum.

Mr. McKinley with Mr. Hooker.

Mr. Armfield with Mr. Miller.

Mr. Prescott with Mr. Richmond.

Mr. McCold with Mr. Wise.

Mr. Horr with Mr. Stevenson.

Mr. Horr with Mr. O'Brien.
Mr. James with Mr. O'Brien.
Mr. Valentine with Mr. Davidson.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Balley with Mr. Wells.
Mr. Beale with Mr. Jorgensen.
Mr. Cowgill with Mr. Colerick.
Mr. Hellman with Mr. McKenzie.
Mr. Sadd with Mr. Clardy.

Mr. Hellman with Mr. McKenzie. Mr. Sapp with Mr. Clardy. Mr. Belford with Mr. Wellborn. Mr. Ballou with Mr. Carlisle. Mr. Barber with Mr. Culberson.

Mr. STEVENSON. Mr. Speaker, I am announced as being paired with Mr. Horr, of Michigan. I voted on this bill not understanding it to be a political question.

The result of the vote was then announced as above recorded.

passed; and also moved that the motion to reconsider be laid on the table. Mr. CLYMER moved to reconsider the vote by which the bill was

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed a bill (S. No. 60) for the relief of B. S. James, in which the concurrence of the House was requested.

Also that the Senate had passed, with amendment, a bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company, through the United States cemetery tract of land near Vicksburgh, Mississippi.

Also that the Senate had passed, without amendment, a bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location.

ORDER OF BUSINESS.

Mr. REAGAN. I desire to call up the special order, being the bill (H. R. No. 4748) to establish a board of commissioners of interstate

commerce, and for other purposes.

The SPEAKER. The bill to which the gentleman from Texas directs attention stands fifth on the House Calendar. Before it can be considered it would be necessary to lay aside the bills that are ahead of it. The gentleman can reach his object by making a sep-

arate motion to lay aside each bill as it is reached.

Mr. REAGAN. The bill which I call up is not in Committee of the Whole. It is in the House as in Committee of the Whole.

The SPEAKER. The bill is on the House Calendar which embraces

The SPEAKER. The bill is on the House Calendar which embraces bills that under the rules do not go to the Committee of the Whole on the state of the Union. The bills will be called in their order, and the gentleman from Texas can move to lay aside one bill after another until the order which he desires the House to consider is reached. The gentleman should first move to proceed to the consideration of the House Calendar.

Mr. PAGE. I desire to make an inquiry. Is not the funding bill the regular order?

The SPEAKER. The funding bill is in Committee of the Whole.

The SPEAKER. The funding bill is in Committee of the Whole on the state of the Union. Mr. REAGAN. Can I not under the rules call up the special order, the interstate-commerce bill, and antagonize with it all other busi-

The SPEAKER. A motion that the House resolve itself into Com-

mittee of the Whole on the state of the Union would have preference.

Mr. REAGAN. This is a bill which is a special order in the House
as in Committee of the Whole. I now ask the privilege of taking it

up.

Mr. BLOUNT. I hope my friend from Texas will amend his proposition by saying that his bill shall not interfere with the appropriation bills or the funding bill. Those are not before the House at this but they are pressing upon us. I make this suggestion to osition by saying that his bill shall not interfere with the appropriation bills or the funding bill. Those are not before the House at this moment, but they are pressing upon us. I make this suggestion to the gentleman because I am in sympathy with him and desire to act with him; but I think the funding bill ought to be disposed of one way or the other. So, also, with the appropriation bills. If the gentleman will agree to that, I have no objection to his proposition. Mr. REAGAN. I cannot hope ever to get gentlemen ready to act upon this bill. The funding bill is not up to day and cannot be. There is no appropriation bill here now. The bill I call up is a special order before the House, made so in last February, to be considered as in Committee of the Whole, and I ask the House to proceed with it. Of course, when appropriation bills come up they have their full privilege. Their rights are already reserved.

The SPEAKER. The Chair has suggested to the gentleman from Texas how he can reach his bill by making a motion to proceed to the consideration of bills on the House Calendar.

Mr. REAGAN. I understood the Speaker to make that suggestion; but not being very familiar with the operation of the rules of the House I did not understand why I ought to make that motion.

The SPEAKER. Because there is a House Calendar to be considered under the rules in order, and if the House is in favor of considering the bill indicated by the gentleman his object will be reached in the way the Chair has suggested.

Mr. REAGAN. If the motion would bring the House to the consideration of bills that are not special orders, then I would accomplish nothing. That would cut me out.

The SPEAKER. There are other special orders that are ahead of that of the gentleman from Texas.

Mr. PAGE. Would it be in order to move that the House resolve

itself into Committee of the Whole for the consideration of the pend-

ing bill?

Mr.ATKINS. How many special orders are ahead of that in charge of the gentleman from Texas?

The SPEAKER. Four.

Mr.REAGAN. I move that the House proceed to the consideration of the House Calendar.

Mr.BLOUNT. I should like my friend from Texas to consent that

the consideration of his bill shall not interfere with the funding bill.

The SPEAKER. The gentleman from Texas has already so stated. The funding bill has gone into Committee of the Whole on the state of the Union, and has a preference over this bill.

Mr. REAGAN. I know my friend from Georgia is very vigilant as to all matters coming from the Committee on Appropriations. If he will content himself with taking care of them and let us take care of will content himself with taking care of them and let us take care of other measures we will get along very well. As regards the importance of this bill to the country, neither the funding bill nor any other now before Congress stands equal to it in importance, and that fact is recognized by the country.

Mr. BLOUNT. I recognize the propriety of my friend from Texas taking charge of this bill, and I do not propose to interfere with his doing so; but other gentlemen of the House must exercise their judgment as to the legislation which is pressing upon us.

Mr. REAGAN. If the gentleman from Georgia favors this bill I hope he will not fritter away time by making useless objections to the taking of it up.

the taking of it up.

Mr. BLOUNT. I am not frittering time away, and the suggestion I made to the gentleman is not to be regarded in that light. But I regard the funding bill of greater importance than that in charge of the gentleman from Texas.

Mr. REAGAN. I do not.

The SPEAKER. The Chair would suggest that the gentleman from

Texas can reach his bill in another way: by having the House Cal-endar considered and then raising the question of consideration against each bill as it is reached which is ahead of the interstatecommerce bill.

Mr. REAGAN. That is what I propose to do.

The question being taken on Mr. REAGAN'S motion, that the House proceed to the consideration of the House Calendar, it was agreed to.

The title of the first bill on the House Calendar, reported by Mr.

HOSTETLER from the Committee on Reform in the Civil Service, was

read, as follows:

A bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Mr. REAGAN. I raise the question of consideration upon that

bill.

The question of consideration being put, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. PAGE called for the yeas and nays.

Mr. REAGAN. I desire to make an inquiry. I have understood that a special order of the House can be called up at any time. I cannot understand how the bill, the title of which has just been read, can be permitted to antagonize the special order.

The SPEAKER. The Chair is endeavoring to aid the gentleman to reach his hill.

The SPEAKER. The Chair is endeavoring to aid the gentleman to reach his bill.

Mr. REAGAN. I know that.

The SPEAKER. The question is upon ordering the yeas and nays on considering the bill, the title of which has just been read.

The yeas and nays were not ordered, there being 22 in the affirmative, not one-fifth of the last vote.

The House accordingly refused to consider the bill.

The next business on the House Calendar was the bill (H. R. No. 2973) to provide office-rooms for the National Board of Health, and

2273) to provide office-rooms for the National Board of Health, and

for the publication of its reports and papers, and for other purposes.

Mr. REAGAN. I raise the question of consideration on that bill.

The question was taken; and the House refused to consider the

The next business on the House Calendar was the bill (H. R. No. 1370) giving to all religious denominations equal rights and privileges in the Indian reservations.

Mr. REAGAN. I raise the question of consideration on that bill.

The House refused to consider the bill.

The next business on the House Calendar was the bill (H. R. No. 3013) to provide for regulating the manner of increasing service and

expediting schedules on mail-routes.

Mr. REAGAN. I raise the question of consideration on that bill.

The House refused to consider the bill.

The next business on the House Calendar was the bill (H. R. No. 1029) concerning commerce and navigation and the regulation of

Mr. REAGAN. I raise the question of consideration on that bill.

Mr. FRYE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. FRYE. If the bill which the gentleman from Texas [Mr. ReaGAN] desires to reach shall be reached this afternoon in this way, will

that give it any advantage to-morrow?

The SPEAKER. It will come up to-morrow as unfinished business.

Mr. FRYE. And take precedence of the funding bill?

The SPEAKER. The Chair understands that there is a special agreement in regard to the funding bill and appropriation bills. Besides that, the funding bill is in Committee of the Whole on the state The SPEAKER. The Chair understands that there is a special agreement in regard to the funding bill and appropriation bills. Besides that, the funding bill is in Committee of the Whole on the state of the Union, and a motion to go into committee would take precedence of this bill at any time.

The House refused to proceed with the consideration of the bill.

The next business on the House Calendar was the bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3 of the Revised Statutes of the United States, relating to presidential elections, and

to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. REAGAN. I raise the question of consideration on that bill.

The House refused to consider the bill.

The next business on the House Calendar was the bill (H. R. No. The next business on the House Calendar was the bill (H. R. No. 2715) requiring the reserves of national banks to be kept in gold and silver coins of the United States.

Mr. REAGAN. I raise the question of consideration on that bill. The House refused to consider the bill.

The next business on the House Calendar was the bill (H. R. No. 3764) for the relief of General Fitz-John Porter, &c.

Mr. REAGAN. I raise the question of consideration on that bill. The House refused to consider the bill.

INTERSTATE COMMERCE.

The next business on the House Calendar was the bill (H. R. No. 4748) to establish a board of commissioners of interstate commerce, and for other purposes, reported from the Committee on Commerce

by Mr. Reagan.

The SPEAKER. The Chair desires to state that there evidently must be a way under the rules to reach a bill of this character and must be a way under the rules to reach a bill of the House to connust be a way under the rules to reach a bill of this character and importance when it is the desire of the majority of the House to consider it. That is the reason that the Chair pointed out to the gentleman from Texas [Mr. REAGAN] the mode and the manner under the rules by which his bill could be reached.

Mr. REAGAN. I am much obliged to the Speaker.

Mr. CHALMERS. I would ask unanimous consent to concur in a little Senate amendment that will take up no time.

Mr. REAGAN. If it leads to no debate I do not know that I would object.

object. Mr. CHALMERS.

It will not.

Mr. CHALMERS. It will not.

Mr. REAGAN. It is suggested to me by friends around me that I had better go on with the interstate-commerce bill.

The SPEAKER. The bill will now be read.

Mr. REAGAN. Members of the House have read the bill, I have no doubt, and unless some one desires to have it read now, time could Mr. CANNON, of Illinois. The bill had better be read.
Mr. REAGAN. Very well.
The Clerk then read the bill at length.

Mr. ROBESON. Is there a report accompanying this bill?
Mr. REAGAN. There is not a written report.
Mr. ROBESON. I think the rules require that there shall be a

written report.

The SPEAKER. This bill was reported before the new rules were adopted.

Mr. ROBESON. I would like the Speaker to decide whether a bill that was reported before the rules were adopted requiring a written report can be considered without a report when it comes up after that rale has been adopted.

The SPEAKER. The rules existing at the time of the reporting of the bill must be adhered to, of course.

Mr. ROBESON. But when the bill is considered the rule then existing must be enforced.

Mr. TOWNSHEND, of Illinois. When this bill was reported there

was no rule requiring a report in writing to accompany it.

The SPEAKER. And it is too late now to raise the question of consideration, as the bill is before the House and has been read.

Mr. ROBESON. I ask for the reading of the report accompanying

The SPEAKER. The Chair will cause to be read a resolution

adopted by the House.

Mr. REAGAN. If I am entitled to the floor I do not propose to

Mr. REAGAN. If I am entitled to the noor I do not propose to give way to idle questions which merely consume time.

Mr. ROBESON. My question goes one step further. If, after the new rule is adopted, a substitute is reported, can that substitute be considered without a report in writing accompanying it?

The SPEAKER. They were all reported together.

Mr. REAGAN. They were all reported together and at the same time.

The SPEAKER. The Chair will cause to be read a resolution which will throw light upon this subject. It is a part of the proceedings of March 2, 1880.

The Clerk read as follows:

Resolved, That the foregoing rules, just adopted as a substitute for all existing rules of the House, shall take effect and be in force from and after the hour of noon on Monday next, on which day, after the reading of the Journal, the Speaker shall present to the House the calendars provided for in these rules, on which shall be entered in proper order all the measures now pending before the House or the Committee of the Whole: Provided, That, in carrying these rules into effect, no standing committee shall be abolished, nor the number of the same decreased, during the present Congress; nor shall any existing special order be set aside.

House number, but with printer's number 4929. It authorized the reporting of a second amendment by way of substitute—a measure bearing the same House number but with printer's number 4928. The latter was the substitute offered by my friend from Maryland, [Mr. McLane,] which he proposes to withdraw. That will leave for the action of the House the original bill and the substitute, the latter being substantially the bill which passed in the Forty-fifth Congress, there being but two changes—one in the fourth section and another in another section, to which I may call attention, although the change is not of great importance. This is the bill with which the House

Now, for the purpose of getting the matter in a shape for debate I propose to explain for a moment the provisions and objects of the substitute offered to the committee's bill, to suggest a few points with respect to that bill, and then, if the House will sustain me, to call the previous question upon the adoption of this substitute for the committee's bill. If I can have the attention of the House one moment, I think I can relieve some difficulties which gentlemen have encountered in the consideration of this subject. tered in the consideration of this subject.

At the very threshold the question arises as to the constitutional power of Congress over this subject. I can well understand how other gentlemen may have difficulty on this point, because before studying the question I encountered the same difficulties which they encountered the same diffi But if one distinction be taken it relieves the whole matter of

difficulty.

Mr. HENDERSON. If the gentleman from Texas will yield for a moment I would like to make a parliamentary inquiry.

Mr. REAGAN. I will yield, of course.

Mr. HENDERSON. I think there ought to be an understanding in regard to debate upon this bill. The bill occupies a somewhat anomalous position. The gentleman from Texas, being chairman of the Committee on Commerce, reported the bill to the House when he was unfriendly to the bill, and when some friend of the bill ought to have reported it and ought to have the control of it in the House.

The SPEAKER. The gentleman from Texas must have reported it as the action of the committee.

Mr. HENDERSON. Yes, sir. I understand that perfectly well. But what I want now (and I want nothing but what is entirely fair and just) is, that this bill, which has been read and which is the bill of the majority of the committee, shall first be considered by the

and just) is, that this bill, which has been read and which is the bill of the majority of the committee, shall first be considered by the House. I do not wish to have a motion made to substitute another bill for it and for the previous question on that motion without the friends of the bill having had any opportunity whatever to discuss it on the floor of the House, or to perfect the provisions of the bill.

What I would suggest (and it seems to me very fair) is, that we shall first discuss the bill before the House and then proceed under the five-minute rule to consider this bill, so that those who are friendly to it may have an opportunity to perfect it. That will be legitimate and proper. When that is done the gentleman from Texas, the chairman of the Committee on Commerce, can move to substitute his bill and take the sense of the House on the substitution of it. I am sure that nothing else than this will be fair in the consideration of this question, which, in my opinion, is of more importance to the people of the country than any other before this Congress.

The SPEAKER. The reason the Chair recognized the gentleman from Texas as in charge of the bill was because the Chair found that it had been reported by him.

it had been reported by him.

Mr. HENDERSON. But I think that regularly it ought not to have been reported by him. It is an anomalous condition of things for a member unfriendly to a bill to have control of it on the floor of the

Mr. REAGAN. If my friend will allow me, I desire to say that if there is anything anomalous in the position of this measure, it was made so by the express purpose of the committee. This was a subject to which I had devoted a great deal of attention for more than four years. The committee determined to adopt instead of the bill which I advocated another bill. But in consideration of the fact that I had devoted real, earnest attention to the matter the committhat I had devoted real, earnest attention to the matter the committee determined by its own action to permit the control of the subject in the House by reporting a bill of which I did not approve, and by reporting as a substitute the bill which passed the Forty-fifth Congress, and the substitute offered by the gentleman from Maryland, all at the same time. I asked that privilege because I desired the action of the House, and I did not desire that this great question should go into the hands of its enemies, where it would sleep the sleep of death. It was for that reason, and that alone. Now, if my friend will allow me, I desire to say that no one more than myself wishes to obtain fairly an expression of the opinion of the members of the House upon this matter. I have listened to his suggestions and observations in relation to proceeding on this bill with interest. and observations in relation to proceeding on this bill with interest. I was proceeding to say, and if he will permit me to proceed for a moment without interruption, I think I can state enough to satisfy the members present clearly that if it wishes to act to abridge debate and avoid delay, that I can point the way for it to do so. That is what I ask, and that only, and it was with a view to make a suggestion in reference to that matter that I have asked the attention of

Mr. HENDERSON. And I wish to say further, Mr. Speaker, that I understand the gentleman from Texas proposes to call the previous question upon his substitute, which would cut off any discussion what-

ever, as I understand it, by friends of other measures, which it might be desired to substitute for his.

Mr. REAGAN. Oh, no! I shall leave the whole subject open for

Mr. REAGAN. Oh, no! I shall leave the whole subject open for discussion.

Mr. HENDERSON. My impression is that a fair and just way would be to take up the bill which has been reported by the majority of the committee and let us consider it as in Committee of the Whole, and then when we have perfected the bill it will be a proper time for the gentleman from Texas to propose his substitute.

Mr. REAGAN. If the gentleman will allow me, this is a subject which surprises no one. All are more or less familiar with this bill. It has been repeatedly debated in Congress in the last few terms, and in this House during the present term. My friend from Illinois as well as myself have discussed it and given our views in full upon it. Now, I ask, are the members of the House not sufficiently familiar with this to justify them to proceed to the consideration of a bill which is not a sham bill—

Mr. HENDERSON. Mr. Speaker, I wish to say now to the gentleman from Texas that if he alludes to me in his remarks he is entirely mistaken.

tleman from Texas that if he alludes to me in his remarks ne is entirely mistaken.

Mr. REAGAN. I do not allude to the gentleman personally.

Mr. HENDERSON. I am as much interested in the passage of a proper bill upon this great question as he can possibly be, and I do object to the assumption of all the virtue of this House, which the gentleman from Texas sometimes indulges in.

Mr. REAGAN. If the gentleman from Illinois will only permit me for a moment, I wish to say that I do not propose—

Mr. ROBESON. Will the gentleman from Texas indulge me for a moment?

Mr. REAGAN. No, sir, not now; I want to make a statement now. Mr. HENDERSON. I only want a fair understanding in reference

Mr. HENDERSON. I only want a fair understanding in reference to the debate upon this question.

Mr. REAGAN. I want to say to the gentleman from Illinois that in the remarks which I have made in reference to this bill I have no thought of reflecting upon him in any way. He knows very well that I have the greatest respect for him personally, and could not be induced to make any remarks about him which would be personal in their tendencies. I only spoke of the bill, and to that bill, if he will permit me only for a few words, I wish to call the attention of the House.

The SPEAKER. The Chair thinks that this is the usual course. The Chair understands the gentleman from Texas to say that he will

call the previous question upon his own amendment.

Mr. REAGAN. Yes, sir. That is the idea.

The SPEAKER. If his own amendment is adopted it settles the question that the House accepts that as an amendment or substitute for the original bill.

for the original bill.

Mr. ROBESON. Without discussion or consideration?

The SPEAKER. Discussion is involved in the fact of consideration.

Mr. HENDERSON. I am unwilling to agree to anything that will involve the cutting off of a reasonable time for discussion and the opportunity to perfect the bill before the House.

The SPEAKER. The Chair thinks that there should be some understanding between the gentleman from Texas and the gentleman from Illinois in reference to this matter.

Mr. HENDERSON. There ought to be, sir.

The SPEAKER. So that there may be equal time to discuss both propositions, and the House have an opportunity of understanding and voting upon them.

and voting upon them.

Mr. REAGAN. We have each of us made a speech upon this bill.

Mr. ROBESON. Not here in this session.

Mr. REAGAN. We are now in the short session of Congress. Every member knows just as well as I know that it will be the object of dilatory motions and discussion to defeat action upon this matter, and member knows just as well as I know that it will be the object of dilatory motions and discussion to defeat action upon this matter, and that these motions may, if so desired, defeat all action upon this great question. Now, I propose a plan by which that can be avoided, and if I can be permitted to proceed without interruption for a very few moments, I think I can make suggestions which will be so plain that the House will agree readily to the conclusion at which I have arrived.

Mr. ROBESON. But the very question here is as to the manner of proceeding, not whether you shall proceed or not; the question is simply as to the manner in which this matter shall be considered.

Mr. REAGAN. I know very well that the gentleman by dilatory motions can defeat the consideration of the bill.

Mr. ROBESON. I deny that I have any such intention. I have not even read the bill.

Mr. ROBESON. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. It is whether the bill, as reported by the chairman of the committee, is reported in virtue of the action of the committee? The SPEAKER. It so appears.

Mr. ROBESON. That is my first question. Then I want to know if that bill is reported by the chairman of that committee for the favorable action of this House? That is my second question.

Mr. REAGAN. I decline to answer the gentleman's question further than it has been answered already, and I hope I will be protected in my right to the floor, and that time will not be thus consumed.

Mr. ROBESON. It appears to me that that goes to the very merits of the question.

Mr. HENDERSON. I would like-

Mr. HENDERSON. I would like—
Mr. REAGAN. I am willing to hear the gentleman from Illinois.
Mr. HENDERSON. I would like to come to some fair arrangement in regard to this, if it be possible to do so; for I do not want to delay action on the bill or to retard discussion in any way. I have no speech to make myself. There are some suggestions which I propose to make, and which I stated in my speech in the House I would be active the proposer to make and which I stated in my speech in the House I would be active to the stated in the second to the control of the second to the make at the proper time. But it seems to me the gentleman from Texas proposes to cut off all debate and all discussion and substitute this bill in place of that reported by the majority of the committee. I do not think that is fair or just.

Mr. REAGAN. I cannot do that unless I am sustained by a major-

ity of the House. The SPEAKER. The SPEAKER. The Chair thinks there might be an arrangement to permit a brief discussion on both these bills.

Mr. REAGAN. I have no objection if we can limit the discussion

to the bill before us, but I do not wish to open general debate on the

original bill.

Mr. ROBESON. I understand the gentleman from Texas to say this is the most important bill and involves the most important questions that have been before this House; that it involves questions of millions of property; that it involves the relations of the powers of the States to that property, and the relations of the powers of the United States to that property, and the relations of the United States

United States to that property, and the relations of the United States Government to the State governments.

Mr. REAGAN. I do not yield further.

The SPEAKER. The gentleman from Texas is on the floor.

Mr. ROBESON. But I am asking a question.

Mr. REAGAN. If the gentleman will pardon me, I believe he means to use every dilatory expedient to prevent the House from doing anything to reach a result, and I say he ought not to obtrude himself into this debate until the proper time comes. I want, however, to come to an agreement with the gentleman from Illinois, [Mr. Henderson.] He is a fair man, and I shall be as fair. What I want to agree with him is that we shall explain the provisions of these bills and let the House take a vote on which it shall proceed to discuss. I would not ask any privilege which I would not accord to the gentleman from Illinois. If that would be agreeable, that is what I sak to do. I propose we shall make brief statements of what we mean by these bills and then ask the House which of those bills they proby these bills and then ask the House which of those bills they propose to make the basis of action.

Mr. ATKINS. How much time would it require to make a statement on each side?

Mr. REAGAN. A very short time, so far as I am concerned. The SPEAKER. How much time does the gentleman from Illinois

desire?

Mr. HENDERSON. I do not desire to make a speech.

Mr. HENDERSON. I do not desire to make a speech. I have already made the only speech I propose to make on the bill. There are some gentlemen here, however, who expect to speak on the bill. Mr. REAGAN. I will now proceed with the remarks I was making. I was saying that at the threshold of this question has been raised a question of the extent of our authority. When we come to look at this subject we are confronted by the fact that most of the railroad corporations are the creatures of the State governments. So far as the power of Congress over this subject goes it is derived from the clause of the Constitution which confers upon Congress the power to regulate commerce among the States. It has to that extent the power to regulate commerce. That power carries with it no other powers over these corporations. The Congress have no power and this committee and this bill assume no power to operate on the railroads as railroads, or upon their franchises or corporate rights. And when the committee have been asked to remedy other evils, such as the watering of stock as a pretext of levying additional tribute upon the people, we have had to meet the friends of such propositions as that with the statement that we had of these corporations and deal with with the statement that we have no power, however much we symwith the statement that we have no power, nowever much we sympathize with them, to take hold of these corporations and deal with them as such, but our powers are limited alone to the regulation of commerce among the States. While under an unbroken line of precedents the Supreme Court have held that the power is exclusively in Congress to regulate interstate commerce, they hold that the power of Congress is not only exclusive, but that it is ample and as complete in every respect as the power of the State to regulate commerce within the State. merce within the State.

Perhaps I may as well say that Mr. Story, in his Commentaries, and the justices of the Supreme Court, in their opinions, a number of them, refer to the fact that the point has been made that railroads were not in existence when the Constitution was made, from which it has been inferred that its provisions did not cover the regulation of commerce on railroads. The papers connected with the formation of the Federal Constitution and the transition from the articles of confederation to the constitutional government, show that the question which was most conspicuous in those discussions was one which looked to limit-ing the power of a State to legislate in a hostile manner against the commerce of its sister States and to conferring upon Congress a power

which would prevent them from doing so.

It is held by the Supreme Court in some of its decisions that it was an evidence of the wisdom, the foresight, and the prescience of that convention than in its few simple, elemental rules of government it was wiser than it could itself foresee by making a regulation which applied to all the future modes of carrying on commerce among the

States, as well as to those which existed at the time. That is as much

as I desire to say on that point.

We take the position that we have no power to regulate commerce over railroads outside of that power which follows the authority to regulate commerce among the States. With that settled under the provisions of the Constitution as interpreted by the Supreme Court,

regulate commerce among the States. With that settled under the provisions of the Constitution as interpreted by the Supreme Court, our pathway is clear on the question of power.

I desire now to call the attention of the House to the provisions of the substitute offered by myself for the original bill. And I desire the attention of the House for a few moments while I endeavor to show that by labor and study the Committee on Commerce of the Forty-fifth Congress succeeded in developing a few simple, plain, clear, and easily understood rules that will obviate the greater number of complaints against the action of the railroads, without in any way embarrassing the railroads or crippling their usefulness.

And I desire to say here that in three Congresses and on three committees I have heard no member of the committee of the House express any opinion which indicated a hostility to railroads. We all realize their beneficent effect in building up our commerce, in promoting the prosperity of the country, and generally in contributing to the progress of the civilization and wealth of our country. No purpose has existed to cripple them; no one has expressed any desire to inflict a serious injury upon those great interests.

How did we meet this great question? We propose, first, that one man should not be charged more than another man for like services by a railroad. That is a simple rule, so elemental in its truth that no one can or will controvert its justice or propriety.

What next? As a corollary to that we propose to say that no rebates or drawhacks shall in any case he allowed. Behotes and draw.

What next? As a corollary to that we propose to say that no rebates or drawbacks shall in any case be allowed. Rebates and drawbacks are simply a means of discrimination which we propose to cut

Next, we propose that the people shall not be deprived of the benefit of competition among these corporations by their pooling freights between competing lines. We propose to secure to the people the between competing lines, benefits of full competition.

We propose next to protect the people of localities by a partial re-We propose next to protect the people of localities by a partial restriction upon the powers of corporations, not by taking away their power of discrimination, but by limiting their power of discrimination between places. And the best rule which we were able to adopt, which does not quite approach equity, but leaves a larger discretion than strict equity would justify, being the best rule we could adopt, is one by which we declare that more shall not be charged for a shorter than for a longer distance on the same haul. For instance, we declare that no more shall be charged for a car-load of freight for one hundred miles than for three hundred or five hundred miles on one hundred miles than for three hundred or five hundred miles on the same line.

Remember, we do not use the term prorate, we do not use the idea prorate. We simply make the car load the unit. We then provide that more shall not be charged for a car load for a shorter than for

a longer distance.

a longer distance.

Now to illustrate the necessity of this. The sworn testimony before the Committee on Commerce of the Forty-fourth Congress shows that freight from the city of Pittsburgh, to be sent to Philadelphia, in the same State, could be placed on the Ohio River and sent down the Ohio River five hundred and forty miles to the city of Cincinnati, where there are competing lines of railroad, and from there sent back through Pittsburgh to Philadelphia cheaper than it could be sent directly from Pittsburgh to Philadelphia.

directly from Pittsburgh to Philadelphia.

A year ago last winter the commercial bodies of New York and Philadelphia stated before our committee that they could ship articles of commerce from Philadelphia and New York to the city of Boston and from there ship them to the West cheaper than they could send them directly from those cities to the West. My friend from Nevada here [Mr. DAGGETT] has the evidence, which if he has the opportunity he will present to the House, showing that a car load of freight sent from Omaha to the West will be charged more if it stops at the Pal-isades, in Nevada, than if it went to San Francisco and was brought back. Freights could be taken from Omaha to San Francisco on through rates and back to the Palisades on way rates as cheap or cheaper than they could be taken from Omaha directly to the Pal-

I could go on and multiply instances of this kind to an indefinite extent, showing the necessity of limiting the power of these corpora-tions to discriminate in favor of one locality or business and against another locality or business, to enrich one town or city and impoverish another town or city.

When these corporations were created it was for the purpose of furnishing conveniences of transportation to all the people, and not

as instruments of oppression to any.

These are all the provisions of the proposed bill except one. We require these railroads to print and post up their schedule rates of freight. They say they do that now. If they do, then they pay no respect to their schedules. It was denied by the president of the New York Central Railroad and by the president of the Eric Railroad in writing over their considerations in answer to an inquire. road, in writing over their own signatures, in answer to an inquiry of the Chamber of Commerce of the City of New York, that they discriminated in rates or made any special rates, and immediately succeeding that denial proof was made before the committee of the New York Legislature engaged in the investigation of the subject that six thousand special contracts had been made by the New York Central

Railroad in one year preceding that time—that many instances of special rates, of discriminations.

I am speaking now of the railroads themselves, not the stockholders, for these fare but little better than the other people of this country. It is the managers, the officers, who profit by the wrongs inflicted upon the people and the stockholders. One of the modes of doing this is by the organization of corporations within corporations,

doing this is by the organization of corporations within corporations, rings within rings, to control particular branches of commerce in their own interest and then to exercise the power of discrimination as between men and places, to secure a monopoly in the particular trade. But I pass from that branch to the subject.

These are the provisions of the bill—simple, easily understood, incontrovertible, on account of the practical truth which underlies and supports each of them. We propose to remedy these evils. We propose three remedies: first, a civil action in behalf of the party aggricated by a violation of the provisions of this hill, with trule dame grieved by a violation of the provisions of this bill, with triple damages in case of recovery; second, a qui tam action—a civil suit to be brought and conducted by a public officer where the litigants are unable to combat the power of these vast corporations; and on the anable to combat the power of these vast corporations; and on the successful prosecution of such suit the penalty is to be not less than \$1,000. In addition to this we propose by the bill which I advocate to allow a criminal remedy by indictment against the officers and agents of the corporations violating the law, with a penalty of \$1,000. These measures do not involve imprisonment; they involve pecuniary liability only; but they have been intentionally made sufficiently vigorous to prevent a willful violation of the law.

But if these simple provisions of the bill with these remedies so

orous to prevent a willful violation of the law.

But if these simple provisions of the bill, with these remedies so easily understood, were adopted, and nothing more, the measure would not meet the expectations of the public. I looked to the action of the various States to see why it was that State legislation of a somewhat similar character had been ineffectual. I found that suits often failed for want of evidence. When one of the officers of these corporations was summoned before the tribunals of justice and put upon the stand as a witness he declined to testify. When asked for upon the stand as a witness he declined to testify. When asked for his reasons, he would say he could not testify without criminating himself; and so he was permitted to stand aside. To overcome this

difficulty, to open the mouths of these gentlemen who know what they are doing, we propose to compel them to testify in civil suits in which they are parties, with the reservation that their testimony shall not be used against them in criminal proceedings. This is not an un-

usual, but in such cases a necessary remedy.

Again, in States where equitable powers were not given, in the trial of civil causes of this kind it often became necessary to get facts from the books, papers, and documents of these corporations, and when they declined to surrender them the court was powerless to enforce its production. To overcome this difficulty we provide that the courts trying civil cases under this bill shall have equitable as well as legal powers, and may compel the production of books and papers, may compel discovery as in any other proceeding in equity. Thus we pro-

compel discovery as in any other proceeding in equity. Thus we provide for opening the mouths, for opening the books, papers, and documents of these corporations, so as to prevent the concealment of facts necessary to the ends of justice, and to prevent evasions of law which would defeat the purposes of the bill.

These, briefly stated, are the provisions of the bill which I propose to ask the House to adopt as a substitute for the original bill, that substitute being now in fact the bill of the majority.

Mr. HAMMOND, of Georgia. Does the gentleman mean that his bill is the committee's bill?

Mr. REAGAN. No. sir: my bill is the substitute.

bill is the committee's bill?

Mr. REAGAN. No, sir; my bill is the substitute.

Mr. TOWNSHEND, of Illinois. Does the gentleman mean that the majority of the committee are at present in favor of his substitute?

Mr. REAGAN. I think so.

Mr. STEVENSON. I would like the gentleman to explain the particular provisions of the bill of my colleague, [Mr. HENDERSON.]

Mr. REAGAN. I will do so.

Mr. SINGLETON, of Illinois. I would like to get the gentleman's contribution upon the question of the power of the States to furnish the

Mr. SINGLETON, of Illinois. I would like to get the gentleman's opinion upon the question of the power of the States to furnish the same remedies proposed by this bill.

Mr. REAGAN. As to the power of the State, it is as full and ample as the power of the General Government, though limited to commerce wholly within the State. The State can adopt the same provisions with reference to State commerce that we adopt with reference to interstate commerce.

Mr. SINGLETON, of Illinois. Does not this bill apply to internal

commerce?

Mr. REAGAN. We cannot control that; we have not the power to control commerce wholly within a State.

Mr. SINGLETON, of Illinois. All the commerce within a State

must be internal commerce, of course.

Mr. REAGAN. I will tell my friend how we meet that difficulty.

Of course when goods are shipped in a State the commerce originates in the State; but the marks upon the goods indicate whether they are destined to stop within that State or go to another. These marks are put upon the goods, not by the railroad company, but by the shipper; and if the shipper in Illinois marks his freight for New York or any other State than Illinois, it is interstate commerce; and the law takes hold of it and protects it from the initial point to the time the freight is landed at its destination.

Mr. RICE. Will the gentleman allow me to ask him a question?

Mr. REAGAN. I wish to reply to the question of the gentleman from Illinois

Mr. SINGLETON, of Illinois. What I wished to ask was, whether that commerce would be subject to inspection at the terminal point?

Whether the commodity the gentleman treats as commerce in transitu would be subject to inspection or not? Is that your understanding?

Mr. REAGAN. I am not sure that I understand the gentleman's question. There is nothing in the bill in reference to that, however.

Mr. SINGLETON, of Illinois. This is a very important inquiry, because our courts have held that it is not even an article of commerce until after it has been inspected, much less commerce itself.

merce until after it has been inspected, much less commerce itself.

Mr. REAGAN. Very well. However that may be, when a man ships five tons of wheat from Chicago to New York I submit that it is commerce, and it does not take an inspector to make it wheat.

Mr. RICE. May I ask the gentleman a question now?

Mr. REAGAN. I am replying to the gentleman from Illinois. As soon as I have heard his inquiries I will answer the gentleman from Massachusetts.

Mr. RICE. My question is in the line of the gentleman's question. I wish to ask the gentleman from Texas whether he believes that Congress has power to oblige the New York Central Railroad in any way to modify its charges on freight received by it at Buffalo, either from railroads coming into Buffalo or by water carriage over the lakes, that freight to be carried within the State of New York by the New York Central Railroad, a corporation of the State of New York,

lakes, that freight to be carried within the State of New York by the New York Central Railroad, a corporation of the State of New York, and not existing outside of the State of New York?

Mr. REAGAN. I will answer the gentleman from Massachusetts as I have already answered the gentleman from Illinois. Whether the commerce is interstate or State commerce depends upon the fact as to whether it is shipped from one State and destined to another or to a foreign country, or shipped from a foreign country for one of the States. If the commerce is shipped the bill specially provides that from the point of shipment in the State where it starts to the point of its destination it is interstate commerce in the sense of the law, whether it goes over one or many railroads. It would be undoubtedly as much interstate commerce passing part of the way over water as if it passed all the way overland. The question of water or land transportation has nothing whatever to do with the character of the commerce, but simply its origin and destination. Its origin and destination fix the fact. origin and destination fix the fact.

Mr. RICE. I wish to ask the gentleman does not this bill in any way affect the freight that comes to Buffalo by water and is then transported by rail?

Mr. REAGAN. The fact that the freight comes to Buffalo by water and is then transferred to railroads does not change its character as interstate commerce.

Mr. RICE. That gives, of course, railroads having water facilities

advantages over those which have not.

Mr. REAGAN. We assume it safe to trust to the competition of ship-owners—the boat owners—for reasonable rates in the shipment of freight, and declined in any way to embarrass them by the pro-visions of this bill.

Mr. RICE. I would ask whether the Baltimore and Ohio Railroad,

for instance, would have equal facilities with the New York Central Railroad with its water carriage in the carriage of freight from

Railroad with its water carriage in the carriage of freight from Chicago to New York?

Mr. REAGAN. The gentleman assumes by his question more than should be assumed under this bill. There is nothing in the bill which compares rates of freight on one line with those on another, or that fixes rates on any line. These roads would remain as free as now to charge reasonable rates and to compete for freights. This bill does not always their relations in these respects. not change their relations in these respects.

If the commerce originated at Chicago or at any port upon the lake, if destined for New York it is interstate commerce from the place where it starts to the place of its destination, whether it travels

by water or by land or both by water and land.

Mr. RICE. But I understand the gentleman from Texas to say that this bill in no wise affects freight charges by water; that such charges are in no way disturbed, whether interstate or State commerce.

Mr. REAGAN. The bill carefully avoids making any reference to

water freight.

Mr. RICE. That leaves water carriage free, then, and gives a great advantage to railroads that can avail themselves of it.

Mr. SINGLETON, of Illinois. Let me ask the gentleman a ques-

Mr. REAGAN. I wish to reply to the gentleman from Massachusetts. I want to say to him that the railroads may influence legislatetts.

tures and congresses, but we thought it safe to assume that they could not heat he Almighty on the natural open water ways.

Mr. RICE. I hope the gentleman from Texas will meet the argument which I have advanced and answer the questions which I have

ment which I have advanced and answer the questions which I have asked him. I have as yet had no answer.

Mr. SINGLETON, of Illinois. I would like to ask the gentleman from Texas myself, further, if a stream should have its source in one State, and thread its way through the mountains and valleys for one-half its length before it became navigable and subject to the power of Congress, would it be an interstate stream?

Mr. REAGAN. That is a question that has already been decided by the courts of the country. The Supreme Court has settled that

questian and it is even stronger than the question of my friend from Illinois. They have declared, and the decision has been repeated, that if a commerce originates upon a stream running entirely within a State which ends by emptying into another stream or bay, gulf or sea, and thereby communicates by water with other States or foreign countries, the commerce which passes on from State to State is interstate commerce. The Saginaw River in Michigan, a small stream only forty miles long, is given as an example. All its course is wholly within the State of Michigan, but the commerce passing on it to other States is held to be interstate commerce.

within the State of Michigan, but the commerce passing on it to other States is held to be interstate commerce.

Mr. SINGLETON, of Illinois. Does not the case to which my friend from Texas has alluded say that where a voyage may be commenced in a State and terminated in a foreign country, or commenced in a foreign country and terminated in a State, that Congress has the power to declare that it is interstate commerce?

Mr. REAGAN. Upon such a quastion as this property.

Mr. REAGAN. Upon such a question as this we must observe nice legal distinctions. It is not a river or the means of transportation that affects the character of the commerce. It is the origin and destination of the commerce itself that fixes that question.

Mr. HARRIS, of Virginia. Will my friend from Texas permit me

Mr. REAGAN. Yes, sir.

Mr. HARRIS, of Virginia. The gentleman says the destination of the commerce shall determine its character. Then let me suppose a the commerce shall determine its character. Then let me suppose a case that must inevitably arise. Goods or produce in Ohio destined for Wheeling, West Virginia, is shipped on a road that has no control east of the west bank of the Ohio River, and the company says "We will ship this to the west bank of the Ohio River, but we have no power to ship it beyond that;" would that be, under the gentleman's bill, interstate commerce if landed on the Ohio River, simply because directed to Wheeling, on the east bank of the Ohio River?

Mr. REAGAN. I will read a clause of the bill which answers the gentleman's question. We knew the railroads would make the exact point which my friend from Virginia has made, and we undertook to settle that for them. The bill provides:

No break, stoppage, or interruption, nor any contract, agreement, or under-

No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage, or to evade any of the provisions of this act.

We take care to provide in advance that the objects of the act shall

We take care to provide in advance that the objects of the act shall not be defeated by the machinations of the railroads; and if you will give us the bill I will guarantee that that shall not be done.

Mr. RICE. I desire to ask the gentleman a question right there. Does he contend that under that section he has read Congress can force the New York Central road—I speak of that road merely in illustration—to make any rates beyond its terminus or to do anything else than take the freight that comes to it at Buffalo and carry it to its destination? Can the power of Congress be exerted over that State corporation to compel it to make contracts and rates beyond the State?

Mr. REAGAN. I will answer that question, and I hope the gentleman will listen to me, because I understand the various objections that are urged to the bill, and I want to meet them all.

Mr. RICE. We want to have that done in a discussion, and not in

this desultory manner.

Mr. REAGAN. What I propose to say to the gentleman from Massachusetts is that this bill nowhere fixes any rates. I expressly avoided making any rates. But it takes the protection of the commerce between the States into its control and out of the monopoly powers of the corporations; it prevents charging one man more than another man; it prevents rebate and drawbacks; it prevents peoling of freights and prevents unjust discriminations between place and place. And the gentleman before he debates this question intelligently must separate his idea of regulating freights from the consideration of this

I know, sir, in all preceding discussions here in this House, in our committee, and in the committee of the Senate the lawyers and managers of railroads have attempted to confuse this subject by saying that members of Congress by their vocation were not qualified to regulate railroad traffic. I have answered that before as I answer it to-day. They have said that none can do it but experts. God deliver this country if its interests are placed in the hands of railroad experts in the interest of railroad companies, under the dictation of railroad officers. Sir, we have done better than that. We ask no aid of a railroad officers. Sir, we have done better than that. We ask no aid of a railroad expert. We ask but honest consciences and common sense to solve these propositions. What expert is necessary to say that the gentleman from Massachusetts shall not pay two dollars a ton for his freight while the gentleman from Illinois pays only one dollar a ton for the same sort of freight over the same ground? What expert is necessary? Common justice common right gentleman from is necessary? Common justice, common right, common necessity settles that question, and settles with equal conclusiveness the question against rebates and drawbacks, against the pooling of freights and against the destroying of one city or town or business for the benefit of another.

Mr. STEVENSON. Will the gentleman from Texas please explain to the House the points of difference between the original bill of the committee and his substitute?

Mr. REAGAN. I shall do so with pleasure.

Mr. SCALES. The time of the gentleman from Texas is nearly expired. Mr. WILSON.

Let the gentleman go on and make his speech. We will extend his time.

Mr. RICE. I object to the gentleman from Texas going on unless the same privilege of debate be allowed on the other side. The SPEAKER. The time of the gentleman from Texas has not

quite expired.

Mr. REAGAN. The committee's bill in all of its twelve pages and eighteen sections nowhere gives a remedy to the citizen; nowhere does it give to the individual citizen any right to appear in a court of justice to vindicate his rights. Then in the eighteen sections of the committee's bill no provision is anywhere made to authorize the indictment of the man engaged in leaving unconscionable exactions upon the people. Those are two fatal defects to begin with. All the citizen can do under that bill is to complain to a commission, and the

commission does—what? It inquires and reports to the railroad. Good God! is the remedy of the poor citizen to end there?

There is no legal remedy given to correct these wrongs, and when the complaint is investigated this great commission, made by the United States and paid high salaries, reports to the complainant and

the railroad.

The SPEAKER. The time of the gentleman has expired.

Mr. OSCAR TURNER. I move that the time of the gentleman be extended.

Mr. ROBESON. This is a very important question, involving the most important interests of the country, and I would like to hear the gentleman discuss it further.

Mr. TOWNSHEND, of Illinois. I desire to submit a proposition which I think will not be objected to.

Mr. REAGAN. I will agree to let the debate go on for a reason-

Mr. TOWNSHEND, of Illinois. For two days?

Mr. WILSON. One day will do.

Mr. REAGAN. One day or two, as the case may be, with this understanding, that the House will not take up either bill under the five-minute rule until we can test the sense of the House as to which bill chall be mad the best of it estimates. bill shall be made the basis of its action.

Mr. ROBESON. If the gentleman would like to hold the floor I will move that the House now adjourn.

Mr. TOWNSHEND, of Illinois. Let it be understood that there

will be two days' debate.

Mr. ROBESON. I move that the House now adjourn, the gentleman from Texas [Mr. REAGAN] holding the floor.

MEMPHIS AND VICKSBURGH RAILROAD COMPANY.

Pending the motion to adjourn,
Mr. CHALMERS said: I ask unanimous consent to take from the
Speaker's table House bill No. 460, returned from the Senate with an
amendment, for the purpose of concurring in the amendment.
There being no objection, the bill (H. R. No. 460) granting the right
of way to the county of Warren, in the State of Mississippi, and to
the Memphis and Vicksburgh Railroad Company, through the United
States cemetery tract of land near Vicksburgh, Mississippi, was taken
from the Speaker's table. from the Speaker's table.

The amendment of the Senate was to add to the bill the following: Provided. That the right of way granted by this act shall not exceed fifty feet in width: And provided further, That said road shall not be laid off so as to in any manner interfere with the plans of the cemetery.

Mr. CHALMERS. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

Mr. CHALMERS moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EGYPTIAN STEAMSHIP DESSOUG.

Mr. REAGAN, by unanimous consent, introduced a joint resolution (H. R. No. 359) authorizing the inspection and issue of an American register to the Egyptian steamship Dessoug; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GENERAL E. O. C. ORD.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 6724) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CONVERSE. I am instructed by the Committee on the Public Lands to ask that the 12th day of this month be set apart after the Lands to ask that the 12th day of this month be set apart after the morning hour for the consideration of business reported from the Committee on the Public Lands.

Mr. BLOUNT. Not to interfere with appropriation bills.

Mr. CONVERSE. I desire one day without regard to them.

Mr. BLOUNT. Then I object. I will not object if appropriation bills are excepted.

Mr. REGAN. I must insist that the interstate-commerce bill also

be excepted.

The SPEAKER. Objection is made.

CONTINGENT EXPENSES OF MILITARY ESTABLISHMENTS

The SPEAKER laid before the House a letter from the Secretary of War, transmitting an account of the contingent expenses of military establishments for 1880; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

REMINGTON MAGAZINE RIFLE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report on the Remington magazine rifle; which was referred to the Committee on Appropriations.

SURVEYS OF RIVERS, ETC.

The SPEAKER also laid before the House the following communi-

A letter from the Secretary of War, transmitting a report of the survey of Sumpawamus Inlet and Patchogue River;

A letter from the Secretary of War, transmitting a report of the survey of Sumpawamus Inlet and Patchogue River;

A letter from the Secretary of War, transmitting a report of the survey of Wareham, Massachusetts, and Portsmouth River, Rhode Island;

A letter from the Secretary of War, transmitting the report of Major Merrill on the Youghlogheny River; and
A letter from the Secretary of War, transmitting surveys of the Altamaha and Canoochee Rivers, in Georgia, and Wappoo Cut, South Carolina.

ABUSE OF THE FRANKING PRIVILEGE.

The SPEAKER also asked consent to lay before the House the reply The SPEAKEE also asked consent to lay before the House the reply of the Postmaster-General to the resolution of the House of December 14, 1880, in regard to the abuse of the franking privilege.

Mr. BROWNE. I ask that that communication be read.

The SPEAKER. It had better be printed.

Mr. BROWNE. Printed in the RECORD?

Many Members. Oh, no!

Mr. BROWNE. Then I will ask to have it read now.

Mr. ACKLEN. Pending that request, I ask that all the reports of surveys of rivers which have been referred to the Committee on

surveys of rivers which have been referred to the Committee on

surveys of rivers which have been referred to the Committee on Commerce be printed.

Mr. KEIFER. It is too late now.

Mr. ACKLEN. It is customary and usual to print those reports.

Mr. WILLITS. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from New Jersey, [Mr. Robeson,] that the House do now adjourn.

Mr. BROWNE. What will become of my application to have this

communication read?

The SPEAKER. It will be considered at some future time.

Mr. KEIFER. The Speaker does not present the communication

The SPEAKER. It is cut off from presentation by the demand for

the regular order, which is the motion to adjourn.

Mr. BROWNE. I desire to have it read whenever it shall be presented.

The motion of Mr. Robeson was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of S. B. Pelton, of El Dorado County, California, that mail carriers through sparsely settled sections be required to deliver mail matter addressed to persons living along their routes—to the Committee on the Post-Office and Post-

Also, the petition of citizens of Iowa, that certain lands granted by the Government to the Mississippi and Missouri Railroad be forfeited—to the Committee on the Public Lands.

By Mr. BALLOU: The petition of Henry J. Jencks and 27 others,

of Pawtucket, Rhode Island, for the passage of Senate bill No. 496, relating to the payment of pension claims—to the Committee on Invalid Pensions.

Also, memorial of the Monmouth Battle Monument Association, for Also, memorial of the Monmouth Battle Monument Association, for an appropriation, not to exceed \$10,000, for the erection of a monument to commemorate the battle of Monmouth, New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. BINGHAM: The petition of citizens of Philadelphia, Pennsylvania, for the passage of Senate bill No. 496, relating to the payment of pension claims—to the Committee on Invalid Pensions.

By Mr. BLAND: The petition of W. N. White and others, of Lebanou, Missouri, against the extension of the patent of John A. Cummings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Commings for improvements in artificial games and malates—to the Committee of the C

mings for improvements in artificial gums and palates—to the Committee on Patents.

By Mr. BRENTS: The petition of Justin Chenoweth, of Washington Territory, for an investigation of certain charges of official mis-conduct preferred against Roger A. Green, chief-justice, and John B. Allen, United States attorney for the Territory of Washington—to the Committee on Reform in the Civil Service.

Also, memorial of the Astoria Chamber of Commerce, relative to the improvement of the mouth of Columbia River—to the Commit-

tee on Commerce.

By Mr. BREWER: Resolutions of the Northeastern Agricultural Society of Michigan, for legislation to prevent the spread of pleuro-

pneumonia and other contagious diseases among cattle-to the Com-

pneumonia and other contagious diseases among cattle—to the Committee on Agriculture.

Also, the petition of George W. Stuart and 50 others, farmers and stock-raisers of Michigan, of similar import—to the same committee. Also, the petition of letter-carriers of Detroit, Michigan, for increase of salary—to the Committee on the Post-Office and Post-Roads. By Mr. BRIGGS: The petitions of Edward Clark and 18 others, soldiers of Suncook, and of Stark Fellows Post, Grand Army of the Republic, of Weare, New Hampshire, for the passage of Senate bill No. 496, as amended, providing for a commission for the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. CALDWELL: The petition of Dr. B. F. Kidd and others

By Mr. CALDWELL: The petition of Dr. B. F. Kidd and others, citizens of Kentucky, against the extension of the patent of John A. Cummings for improvement in artificial gums and palates—to the Committee on Patents.

By Mr. COFFROTH: Memorial of the Monmouth Battle Monument Association, for an appropriation to aid in erecting a monument in commemoration of the battle of Monmouth, New Jersey—to the Committee on Public Buildings and Grounds.

By Mr. COOK: The petition of citizens of Wilcox and Irwin Counties, Georgia, for a post-route from Tifton to Wolf Creek, Georgia—

to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: Papers relating to the report of the Mississippi River commission—to the Committee on Commerce.

By Mr. HARMER: The petition of men and women of Philadelphia,

Pennsylvania, for legislation to prevent the encroachment of white settlers upon Indian territory—to the Committee on Indian Affairs. By Mr. JOHN T. HARRIS: The petition of James Sullivan, of Harrisonburgh, Virginia, that the accounting officers of the Post-Office Department be authorized to refund to the estate of E. J. Sullivan, late postmaster at Harrisonburgh, Virginia, the sum of \$125, being the amount erroneously charged by said Sullivan to himself—to the Committee of Claims. mittee on Claims

By Mr. HUMPHREY: The petition of George Melrose and others, of Trempealeau County, Wisconsin, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of William Watt and others, of Trempealeau

County, Wisconsin, for legislation on interstate commerce—to the Committee on Commerce.

Also, the petition of William Bennett and others, of Trempealeau County, Wisconsin, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of L. Crandall, R. H. McDiarmid, and others, of Hendson, Wisconsin, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. JONES: The petition of citizens of the county of Matagorda, Texas, for an appropriation to improve Matagorda Bay at the mouth of Saint Mary's Bayou—to the Committee on Commerce.

Also, the petition of citizens of Ellis County, Texas, against refunding the public debt, and for the payment of bonds as they fall due—to the Committee on Ways and Means.

By Mr. JOYCE: The petition of citizens of Vermont, for the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

Also, the petition of citizens of Vermont, for the amendment of the

By Mr. KETCHAM: The petition of John H. Mink and 20 other soldiers, of Rhinebeck, New York, for the appointment of a commission to facilitate the settlement of pension claims—to the Committee

on Invalid Pensions.

By Mr. LADD: The petition of citizens of Carmel, Maine, for increase of pensions to soldiers who lost limbs in the late war—to the

same committee.

By Mr. LINDSEY: The petition of A. A. Haynes and others, of Harmony, Maine, for the passage of an act to allow all soldiers of the war of 1861 discharged for disease the same bounties now allowed to those discharged on account of wounds-to the Committee on Mili-

those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. LORING: The petition of Charles Marshall and others, of Danvers, Massachusetts, for a pension commission in each congressional district—to the Committee on Invalid Pensions.

By Mr. NORCROSS: The petition of officers and members of the Grand Army of the Republic, Post 53, Charles H. Stevens Encampment, Leominster, Massachusetts, for legislation to facilitate the settlement of pension claims—to the same committee.

By Mr. O'CONNOR: Memorial of the presidents of national banks, merchants, and bankers of Charleston, South Carolina, for a reduction of the taxes upon national banks—to the Committee on Ways and Means.

and Means.

By Mr. OVERTON: The petition of J. A. Edge and 23 others, of Bradford, Pennsylvania, for an increase of the amount of pension of each soldier of the late war who lost a limb—to the Committee on Invalid Pensions

By Mr. PHELPS: The petition of William W. Munson and 39 others, of Waterbury, Connecticut, for the adoption of the amendment to Senate bill No. 496, relating to pension claims—to the same committee. By Mr. PHISTER: The petition of E. E. Pearce and 14 others, citizens of Fleming County, Kentucky, for legislation to prevent the spread of pleuro-pneumonia among cattle—to the Committee on Agriculture.

Also, the petitions of John W. Heflin, David Wilson, and Thomas S. Andrews, of Fleming County, and of George Cox and 120 others, citizens of Maysville and Mason County, Kentucky, for the repeal of all laws imposing a tax on the capital and deposits of banks, bankers, and bank checks—to the Committee on Ways and Means.

By Mr. RICE: The petition of citizens of North Brookfield, Massachusetts, for legislation to promote the efficiency of the Pension Bureau—to the Committee on the Payment of Pensions, Bounty, and Back Pay

Back Pay.

By Mr. WILLIAM A. RUSSELL: The petition of William H. Coan

and others, for the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. THOMAS RYAN: The petition of citizens of Kansas, for legislation for the suppression of infectious and contagious diseases

among domestic animals—to the Committee on Agriculture.

By Mr. SAWYER: Resolutions of the Board of Trade of Kansas City, Missouri, in relation to the improvement of the Missouri River—to the Committee on Commerce.

By Mr. JAMES W. SINGLETON: The petition of Brinton Levis, of Fulton County, Illinois, for increase of pension—to the Committee on Invalid Pensions.

By Mr. STEPHENS: The petition of James Iredell Waddell, for the removal of his political disabilities—to the Committee on the

Judiciary.

By Mr. STONE: The petition of John Preston and 80 others, citizens of Kent County, Michigan, for legislation to relieve the people from the oppressions of railroad monopolies—to the Committee on

Also, the petition of the second-class letter-earriers of Detroit, Michigan, for an increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, the petition of John Preston and 80 others, citizens of Kent County, Michigan, for such legislation as will protect innocent users of patented articles—to the Committee on Patents.

of patented articles—to the Committee on Patents.

By Mr. P. B. THOMPSON, Jr.: The petition of citizens of Kentucky, for legislation to prevent the spread of pleuro-pneumonia among cattle—to the Committee on Agriculture.

Also, the petition of J. C. Dougherty, for an honorable discharge from the Army—to the Committee on Military Affairs.

By Mr. THOMAS UPDEGRAFF: The petition of Marvin Cook, of Clayton County, Iowa, for the repeal of the succession tax—to the Committee on Ways and Means.

Also, the petition of William H. Torbert, of Dubuque, Iowa, for removal of the tax on proprietary medicines—to the same committee.

Also, the petition of T. Natchwey and others, of similar import—to the same committee.

Also, the petition of 1. Natchwey and others, of similar import—to the same committee.

By Mr. URNER: The petition of Samuel F. Culbertson and 207 others, citizens of Washington County, Maryland, for the passage of the bill to prohibit monopolies in dealing in and shipping grain—to the Committee on Commerce.

By Mr. VOORHIS: The petition of citizens of New Jersey, for an appropriation to aid in the erection of a monument to commemorate the lattle of Maymouth New Jersey, the Committee on Public

the battle of Monmouth, New Jersey-to the Committee on Public

Buildings and Grounds.

By Mr. WARD: The petition of soldiers and sailors of Chester County, Pennsylvania, for the passage of Senate bill No. 496, to facilitate the settlement of pension claims—to the Committee on Invalid

Pensions.

By Mr. WEAVER: The petition of George I. Root and 105 others, citizens of Lewis County, Missouri, against refunding any portion of the public debt falling due in the years 1850 and 1881—to the Committee on Ways and Means.

By Mr. WILLIS: The petition of Newton Bright and others, citizens of Henry County, Kentucky, for the passage of the Keifer bill to prevent contagious diseases of cattle spreading—to the Committee on Agriculture.

on Agriculture.

Also, the petition of Dr. Charles C. Dunn and others, of Louisville, Kentucky, against the extension of the patent of John A. Cummings for improvement in artificial gums and palates—to the Committee

on Patents.

By Mr. WILLITS: The petition of Dr. A. M. Long and 75 others, citizens of Monroe, Michigan, of similar import—to the same com-

mittee.

By Mr. THOMAS L. YOUNG: The petition of 15 masters and owners of vessels plying on western rivers, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the Committee on Commerce.

IN SENATE.

THURSDAY, January 6, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, relative to the claim of the Evansville, Cairo and Memphis Packet Company for services rendered under the

act of June 16, 1880, in relation to maintaining lights and buoys on the Ohio River; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Postmaster-General, transmitting, in answer to a resolution of June 18, 1880, a report in regard to changes of laws affecting the Post-Office Department; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. ROLLINS presented the petitions of Edward Clark, W. H. Robinson, and others, of Suncook, New Hampshire, and of Stark Fellows Post, No. 46, of Weare, New Hampshire, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims:

which were ordered to lie on the table.

Mr. FERRY presented the memorial of W. A. Lewis and 31 others, ex-soldiers and sailors of the Union, residents of the State of Michigan, in favor of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. BAYARD presented the petition of John W. Whiteman and 47 others, citizens of. Delaware, praying for a survey of the Christiana River from Newport to Smalley's Mills, Delaware; which was referred to the Committee on Commerce.

to the Committee on Commerce.

Mr. WALLACE presented the memorial of John W. Edwards and 22 others, soldiers in the late war, in favor of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was

the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. BUTLER presented the petition of the Board of Trade of Columbia, South Carolina, the petition of J. Horace Lee and 67 others, and the petition of O. F. Cheatham and 56 others, all citizens of South Carolina, praying for an appropriation for the improvement of Broad River in that State; which were referred to the Committee on

Commerce.

Mr. HOAR presented the petitions of Daniel W. Lewis, Charles B. Flagg, E. B. Corbin, and others, Union soldiers, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

He also presented the petition of Annie E. Gardiner, widow of John W. T. Gardiner, late a major and brevet lieutenant colonel on the retired list, praying for a pension; which was referred to the Committee on Pensions.

Mr. CONKLING presented five petitions of ex-soldiers for the Union, citizens of New York, praying for the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims as amended by the Committee on Pensions; which were ordered to lie

amended by the Committee on Pensions; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. EATON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. SLATER (by request) asked and, by unanimous consent, obtained leave to introduce a bi!! (S. No. 1978) for the relief of Lientenant Edward S. Farrow, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1979) authorizing the construction of a bridge over the Missouri River at Howell's Ferry, Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KERNAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1980) for the relief of Alice J. Repuit: which was read twice by its title and referred to the Committee on Commerce.

Bennit; which was read twice by its title, and referred to the Com-

Bennit; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS, of Illinois, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1931) to amend section 2851 of the Revised Statutes of the United States; also, to amend section 5 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. CONKLING (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1932) for the relief of the Sone and Eleming Mannfacturing Company. limited, of the city of New

and Fleming Manufacturing Company, limited, of the city of New York; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1953) to amend section 4718 of the Revised Statutes of the United States in relation to the payment of accraed pension money due at the time of the death of a pensioner, or a person having a claim pending therefor; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1984) to provide for the refunding of certain taxes in conformity with a decision of the Supreme Court; which was read

twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

AMENDMENT TO A BILL.

Mr. FERRY (by request) submitted an amendment intended to be proposed to the bill (8. No. 257) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company; which was ordered to lie on the table and be printed.

M'DONALD'S COMPILATION.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on Rules be instructed to examine a compilation of the decisions of the Senate on questions of order prepared by ex-Chief Clerk W. J. McDonald, and report upon the propriety of having the same printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. King, one of its clerks, announced that the House had agreed to the amendone of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company, through the United States cemetery tract of land near Vicksburgh, Mississippi.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes, and changing the boundaries of a customs district in the State of Maine;

A bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes.

A bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard; and
A bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes.

VAGRANCY IN THE DISTRICT.

The VICE-PRESIDENT. The business of the morning hour is concluded, and under the standing order of the day the Senate proceeds to the consideration of the Calendar of General Orders. The Secretary will call the Calendar, commencing at the point reached when

it was last considered.

The bill (S. No. 1477) for the punishment of tramps in the District of Columbia was announced as first in order upon the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration, the pending question being on the amendment submitted by Mr. Kernan on the 17th of December last, in line 5 of section 1 of the reported amendment, after the word "support," to strike out all down to and including the word "alms," in line 7, as follows:

to and including the word "alms," in line 7, as follows:

Or who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

Mr. KERNAN. I simply wish to call the attention of the Senate to the fact that if we do not strike these words out, the bill makes it penal for a man who cannot get work, an idle man, to habitually go from door to door, or place to place, or to occupy any public place for the purpose of begging or receiving alms. There are many people, you meet them habitually at your church doors, one-legged soldiers who cannot work, maimed people who cannot work, who are therefore idle, who are not able to work, who do solicit alms; and we are to punish them under this bill just as we do pickpockets. I do not think we should do that. I am opposed to punishing a man simply because he asks alms. It may be that now and then people are imposed upon, but they need not give. I would not make the are imposed upon, but they need not give. I would not make the asking of alms an offense for which a man shall be confined for a term not exceeding one year in the workhouse of the District of Columbia unless he can give security.

Columbia unless he can give security.

Take the case of an humble, poor person who cannot get work or who is not able to work if he can get it. Do you mean to say that it shall be an offense and that he shall be ranked with a pickpocket and with vicious persons if he asks people for alms? Take other cases. Take a mother with children—there are such in this District, plenty of them—who is not able to live by her work, or who cannot get work, and who does go to the doors of people, generally where she is known, and solicit aid for her children. I object to bringing that class of people in under a bill intended to punish vicious people, because an idle person going from door to door falls under this bill. I hope the clause will be stricken out.

Mr. VANCE. I do not think the bill is obnoxious to the Senator's objection at all.

Mr. KERNAN. Let me show my friend how I read it. "All idle persons who habitually go from door to door, or place to place, or

objection at all.

Mr. KERNAN. Let me show my friend how I read it. "All idle persons who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms," are within the bill, because the language is "that all ide, vicious, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, or who habitually go from door to door," &c. Therefore an idle person who habitually solicits alms, giving no offense beyond merely asking people who would be apt to do so to aid him, would fall under the provisions of the bill. I ask the Senator if I am not right in this construction.

the Senator if I am not right in this construction.

Mr. HOAR. I would ask the Senator from New York if his whole idea will not be carried out by simply striking out the word "idle," in the third line, leaving the provision to apply to vicious or disorderly persons who go about?

Mr. KERNAN. That would remedy it to a large degree, and I do

not know but entirely. However, I think I would prefer to strike out the description of that class of persons who habitually ask alms. I think the bill will remedy the evils by striking out what I move to strike out. If that fails, I would ask to strike out the word "idle."

Mr. VANCE. I have no objection to the idea of the Senator from New York being incorporated in the bill, but I want to say in justification of the committee that I do not think the bill as prepared and reported by them is obnoxious to the charge of the Senator from New York. I think that it refers to habitually idle persons; that is, whenever a person is habitually idle and goes from door to door and place to place begging there shall be some restraint in the law upon such conduct. If it is the sense of the Senate that the effect of this bill, properly construed, would be to punish a person who happens to be idle through misfortune and who is a proper subject of charity, I would be as far from voting for it as the Senator from New York.

Mr. INGALLS. The Committee on the District of Columbia had a great deal of difficulty with this subject. The suggestion that is

great deal of difficulty with this subject. The suggestion that is made by the Senator from North Carolina appears to me to cover and made by the Senator from North Carolina appears to me to cover and fully meet the objection offered by the Senator from New York. The bill does not cover the cases referred to by the Senator from New York of persons who are driven by some temporary stress to occasional mendicancy. The word "habitually "refers to all classes who solicit alms under the circumstances named in the bill. It applies to the habitually idle, vicious, and wicked persons who go from door to door begging and soliciting alms.

The purpose of the bill is to control professional vagrancy and mendicancy in this District. It appears to me that if the Senator from New York will regard the effect of the word "habitually" he will withdraw his objection and also not insist upon his amendment, because so long as the word "habitually" remains in the bill no court

withdraw his objection and also not insist upon his amendment, because so long as the word "habitually" remains in the bill no court having jurisdiction of the subject-matter that is referred to would think of condemning a person who was infirm, or mutilated, and stood occasionally by a church door while soliciting alms for some temporary relief. There must be some action had by which this class of professional mendicants and beggars who unite that profession with stealing and other violations of law, shall be controlled in this District. If the Senator will observe the language and see the controlling effect of the word "habitually," I think he will not insist on his amendment. his amendment.

Mr. KERNAN. The words "habitually begging" give a very wide discretion. There are persons in this city, and deserving persons, as I am informed by others, who cannot labor. They are infirm, they are stripped of their property, and they live through a month by habitually going about and asking a few people to give them cold pieces and give them other aid.

A SENATOR. Are not places provided for them?

A SENATOR. Are not places provided for them?

Mr. KERNAN. Talk about places being provided for them! We know about the places provided! There are plenty of women who would rather die in the street than be put in the places provided, with the vicious and dishonest.

with the vicious and dishonest.

I simply ask the Senate to say whether in the case of an idle person—a person who is either unable to get work or unable to do it, and who is therefore idle—if some magistrate says this person is idle because she does not work at all, and because she habitually calls at certain places and gets aid, the penalty shall be enforced. My experience is that we do not anywhere give too much to the poor, and it is no hardship to be asked. If you are not inclined to give, if you think you ought not to give, you give nothing and pass on.

Mr. VANCE. Will the Senator allow me to interrupt him so far as to call attention to the saying clause of section 8 or rather to the

to call attention to the saving clause of section 8, or rather to the whole section, for it is all a saving clause?

Mr. KERNAN. I have observed that; I marked it. It reads:

That this act shall not apply to any female or blind person who, upon examination, shall be found by the court to be a worthy object of charity.

Why send it to a court? Can I not decide for myself whether I think Why send it to a court? Can I not decide for myself whether I think she is a worthy object of charity? Can I not be trusted to decide? That section only saves women or blind persons. Take a man who can hardly walk. My objection to the bill is on the principle that it is not a crime to ask alms where the party asking needs them; that there is no such evil to those who give alms as requires us to say that they must be protected by penal statutes from being asked for alms. Take children who are sent out sometimes by mothers who cannot go themselves. Your wife will inquire, if she finds that such a child comes habitually to her door asking alms, whether help is needed. Why say that some officer may construe that that coming is habitual under this act, and that that child must go to jail, because the poor cannot give security.

cannot give security.

I hope, sir, we shall not legislate against asking for alms as a crime. I have no objection to saying that every vicious person, whether he asks alms or not, and every disorderly person, whether he asks alms or not, may be punished; but it is not right to say that in the case of an idle person we will send it to a court to determine whether he shall not be sent to jail because it is habitual, if he cannot live during a winter without getting alms habitually. I hope the clause will be attribled out.

be stricken out.

Mr. HOAR. The great difference between the Senator from New York and the committee seems to be in an understanding of what the bill really means. I will move an amendment which I think will be accepted by the Senator from North Carolina. In line 3 of section 1 I move to strike out the word "idle," and after the word "vicious" to insert "willfully idle," and in the fifth line to strike out the word "or," where it first occurs; so as to read:

That all vicious, willfully idle, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, who habitually go from door to door, &c.

That will relieve a large portion of the objection of the Senator from New York, and I ask the Senator from North Carolina if he will accept that amendment?

Mr. VANCE. I am authorized by such portion of the committee as is within my reach to accept that amendment.

Mr. KERNAN. That would doubtless improve it, but why send it to a court? I do not believe the time has come when we should begin to have courts decide whether women, children, and men who are asking alms are willfully idle or not. Some may say they are; others may say they are not. I do not think there is any evil which requires us to include this class in a bill of this kind for the vicious, the dis-

orderly, the pickpockets and thieves.

The VICE-PRESIDENT. Does the Chair understand the Senator from North Carolina to accept the amendment proposed by the Senator from Massachusetts?

Mr. VANCE. Yes, sir.

The VICE-PRESIDENT. The question is on agreeing to the

amendment.

Mr. KERNAN. Inserting that might lead to the rejection of the amendment I offered. I object to that being put in the bill on that ground, and ask for a vote upon it. "Willfully idle" and "idle" are about the same thing, only the former sounds a little better, and you leave it to some judge to point out the difference.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. KERNAN. I hope that will be rejected.

Mr. TELLER. If the amendment offered by the Senator from New York is to fail, I am in favor of the amendment offered by the Senator from Massachusetts, and I should prefer to vote on the amendment offered by the Senator from New York first.

The VICE-PRESIDENT. That cannot be done under the rule. The amendment proposed by the Senator from Massachusetts perfects the matter moved to be stricken out, and is in order before the

fects the matter moved to be stricken out, and is in order before the amendment of the Senator from New York to strike out the whole

Mr. TELLER. If the amendment offered by the Senator from Massachusetts is adopted, will then the amendment of the Senator

The VICE-PRESIDENT. Then the question will recur on the amendment of the Senator from New York to strike out the whole clause. The question is on the amendment of the Senator from New York to strike out the whole clause. Massachusetts, [Mr. HOAR.]

The amendment was agreed to; there being on a division-ayes 27,

The VICE-PRESIDENT. The question now recurs upon the amendment of the Senator from New York [Mr. Kernan] to strike out the clause as amended.

Mr. WHYTE. I understood the Senator from Massachusetts to move to correct the text by striking out the word "or."

The VICE-PRESIDENT. He did.

Mr. WHYTE. The vote should be taken on that.

The VICE-PRESIDENT. That was included in the first amendment.

Mr. WHYTE. I did not so understand the proposition.
The VICE-PRESIDENT. The question now is on the amendment of the Senator from New York to strike out the first clause of the

Mr. HOAR. Before voting on the motion of the Senator from New York to strike out the first clause, I desire to be informed whether the committee think that it is desirable to prescribe so severe a pen-alty as is to be found in the conclusion of this section for all cases which come under the section without allowing any discretion whatwhich come under the section without allowing any discretion whatever to the court. This section covers, for instance, every child who trespasses in a front yard in the night-time, every boy of ten or twelve years old, persons guilty of indecent behavior, which may cover a large latitude of meaning, and persons having in their possession a pack of cards. Now, no Senator would ever travel the streets of Washington with a pack of cards in his pocket, but some other very respectable citizens may do so. This section as it is leaves no discretion whatever in the court but requires in all sends cases. other very respectable citizens may do so. This section as it is leaves no discretion whatever in the court, but requires in all such cases that the presiding judge shall compel security for good behavior to be given in "a sum not exceeding \$300 for a space of time not exceeding one year;" so that a bondsman must be obtained for some amount. Of course the judge need not make it so large as that. "And in case of refusal or inability to give such security, they shall be confined for a term not exceeding one year." It seems to me that this section, instead of saying they shall be required to do so and so, night to say that the court may in its discretion require seeding security. ought to say that the court may in its discretion require such security. It seems to me that otherwise there is an absolute mandate upon the

court to treat as a serious offense, requiring security for good behavior, many acts which are not offenses at all.

Mr. VANCE. It seems to me there is a very wide discretion allowed to the court in this case. The court is required to take bond, and the bond shall in no case exceed \$300; it may be \$5 and it may be but

fifty cents.

Mr. HARRIS. Or one cent.

Mr. VANCE. Or one cent, as the court may order. In case the bond is not forthcoming and the defendant is sent to the workhouse, then the limit on the discretion of the judge is that the time shall

then the limit on the discretion of the judge is that the time shall not exceed one year.

Mr. HOAR. Will the Senator from North Carolina allow me to put him a practical question? If a boy twelve years old commits the slightest possible trespass after six o'clock at night in anybody's front yard, does the Senator think a judge ought to be compelled to require that child to furnish a bondsman for his good behavior for twelve months, or otherwise send him for twelve months to the workhouse; or to furnish any bondsman at all? Does he think that any citizen of the District of Columbia who has a pack of cards in his pocket ought to be absolutely and as a matter of course liable to such a judgment? It is true a discretion is left in the judge by the bill as to the length of time and as to the amount of security; but the bill leaves no discretion in the judge in regard to the question whether he shall order a bondsman in some amount for some time. It seems he shall order a bondsman in some amount for some time. It seems to me that when you have got a definition of an offense which includes, among a great many other cases I might quote, the two cases that I have stated, which are enough, the judge ought to have a discretion whether he will order the person to be punished at all or whether he will be the discretion whether he will be the person to be punished at all or whether he will not discharge him.

Mr. VANCE. I suppose that the judge will have some discretion,

some knowledge of law, and some common sense. Those are requisitions for judges, I believe, in this country. The defendant has in the first place to be convicted of one of the crimes which are defined in the bill, and when he is convicted of that crime then the punishment and the amount of the bond are entirely within the discretion of the court. He may he sent to the workhouse for one hour; he may be required to enter into bond for one cent, but he cannot be

may be required to enter into bond for one cent, but he cannot be required to enter into bond for over \$300, and he cannot be sent to the workhouse for a period longer than twelve months.

Mr. HOAR. Then will the Senator allow an amendment in the twenty-third line, after the word "Columbia," by inserting the words may in the discretion of the court ?"

Mr. VANCE. No, sir, I do not accept that amendment.
Mr. HOAR. I should like that amendment made, and I think the

Senator will agree to it on reflection. I move that amendment.

Mr. WHYTE. Will the Senator from Massachusetts allow me to ask him whether section 6 does not cover all that he would like to accomplish? It leaves it in the discretion of the court to allow the parent or friend of the child to become the bondsman, and he may not be worth half a dollar.

Mr. HOAR. I hope the Senator from Maryland is more fortunate

in his children than some of us who think themselves very fortunate; but I suspect there are very few small boys who have not thrown a stone over a fence or have not run or lain in somebody's front yard, and have not done something which is technically a trespass. My point against the bill is that it absolutely requires this judgment, which is in the nature of a criminal judgment, a conviction of the offense, and a requirement to give security for good behavior in the case of any person who commits in the night-time a trespass upon the premises of another. To say nothing of various other cases, (I do not wish to detain the Senate by proposing a great many other cases, because one is enough for my point,) I cannot conceive that any Senator, if he understands the bill as I do, can vote for a proposition which requires the courts in this District to condemn as a criminal, and to exact a bond either of the parents or somebody else, or a commitment to a reformatory institution, every boy who com-

mits a trespass on anybody's premises.

Mr. BUTLER. The Senator from Massachusetts will allow me to call his attention to the provision in lines 20 and 21 "shall be taken and deemed to be vagrants, and upon conviction thereof." As I understand his argument it is upon the assumption that every boy who

throws a stone over a fence is guilty; but according to this bill he must be convicted in court before he can be sent to the workhouse.

Mr. HOAR. But convicted of what? Convicted of the offense.

Mr. BUTLER. Precisely; but I take it for granted that no court would convict a boy and make him a vagrant because he throws a

stone over a fence.

Mr. HOAR. Then it is because the court would disobey the express mandate of this law.

Mr. BUTLER. Not at all.
Mr. HOAR. And the Senator from South Carolina, if I understand him, proposes to the Senate to pass a law which can only be justified and made tolerable on the ground that any respectable magistrate would of course disobey it. The law is to be this:

All persons found trespassing in the night-time upon the private premises of others * * * shall be taken and deemed to be vagrants, and upon conviction thereof, or any part thereof, in the police court, * * * be required to enter into security for their good behavior.

And then there is a subsequent sentence that if it is a boy under venteen years of age he may be committed to a charitable or reformseventeen years of age he may be committed to a charitable or reformatory institution until his parents or friends give security that he shall not again commit the offense. I do not understand that the Senator from South Carolina or any Senator thinks that is a just law, but he says that no decent magistrate will obey it if we pass it, if I understand him correctly; perhaps I misunderstand him.

Mr. BUTLER. The Senator very certainly misunderstands me. I

said nothing of the kind, nothing that would justify any such interpretation. I said that before anybody under this bill could suffer the penalties imposed he must be convicted by a court of competent jurisdiction, and that I did not believe any court would convict a boy for throwing a stone over a fence.

Mr. HOAR. But does it not make it the duty of the court to con-

Mr. HOAR. But does it not make it the daty of the court to vict him?

Mr. BUTLER. Not at all.

Mr. HOAR. Why not?

Mr. BUTLER. I do not so understand it. "Shall be taken and deemed to be vagrants, and upon conviction thereof," that is, on conviction of one of the offenses alleged, shall be punished. It does not follow that because a man is charged or a boy is charged that he will

be convicted, by any means.

Mr. HOAR. When a statute enacts that if a person does a thing, on conviction thereof he shall be punished so and so, I understand

that the statute makes of that thing a penal offense.

Mr. BUTLER. Certainly.

Mr. BUTLER. Certainly.

Mr. HOAR. And that every magistrate before whom that alleged offender is brought, properly charged with that offense, says guilty or not guilty on his official duty and oath, and he says "guilty" if he finds the man has done the thing, he says "not guilty" if he finds that he has not. Now, the act which is made a penal offense by this bill is trespassing in the night-time on the private premises of others. It includes every act for which a civil action may be maintained by the owner against a trespasser. The committee meet that difficulty by saying that a magistrate would not convict for all these trifling matters. My answer is that the best way is to say that in the discretion of the magistrate conviction may be had.

Mr. WHYTE. Will the Senator from Massachusetts allow me to ask him if it is not common in the ordinances or municipal regulations of every city to provide where there is a breach of the peace, a trifling breach of the peace for which the party is not punished by sending him to jail or confining him, that he shall give security to keep the peace for six months, or a year, or what not?

Mr. HOAR. A breach of the peace means a breach of the peace of the commonwealth, or, in this case, of the United States; that is, the violation of some criminal law. This proposed statute goes further and makes of the merest and most trifling trespass a crime or penal offense.

Mr. WHYTE. But suppose the crime of a box throwing stones in

offense.

Mr. WHYTE. But suppose the crime of a boy throwing stones in the public streets. That is a very trifling thing. The boy may throw at a bird and not suppose he is violating the law at all. It is a violation of law. The parent or guardian of the child has to go and pay his fine or give security that he shall not offend again. That is common in every city; and the reason for this sort of legislation is that the Senate and House of Representatives are really the municipal body regulating these trifling affairs of the District of Columbia and the city of Washington. If the Senator from Massachusetts—

Mr. HOAR. Will the Senator allow me to ask him a question as he has got through his question to me?

he has got through his question to me?

Mr. WHYTE. Certainly.

Mr. HOAR. Does the Senator know of any State where the committing of a trespass on the private property of another is in all cases

Mr. HOAR. Does the Schator know of any state where the committing of a trespass on the private property of another is in all cases made a penal offense?

Mr. WHYTE. Why, certainly.

Mr. HOAR. I do not know of any such.

Mr. WHYTE. Probably if I were to take the time of the Senate in getting the tramp laws of the various States the Senator from Massachusetts would find that going upon a man's property and sleeping in his barn at night was an offense for which a man could be punished.

Mr. HOAR. That is a different thing. The learned Senator does not answer my question or my point, he will allow me to suggest to him. This bill makes, not of some trespasses penal offenses, but it makes of all trespasses committed after sundown penal offenses, including those of the lightest and the most trifling character committed by children, committed by women, committed by anybody. Now it is not a good answer when I ask him if he knows of any jurisdiction where so harsh a provision exists to point out to me that certain trespasses committed by tramps are punishable. That does not answer my question or the point. My question is, does the Senator know any civilized jurisdiction where the law makes of the most trifling trespass upon real estate in all cases, of every trifling trespass, a crime?

Mr. WHYTE. I do not know of any particular case that I can re-

Mr. WHYTE. I do not know of any particular case that I can refer to at the moment, but almost all the vagrant laws which are of new creation, growing out of the extraordinary circumstances which existed in this country in 1877 and 1878, have been made so broad and expansive in their character that every one of them would be liable

to some technical objection of this character.

Now, this bill can be amended, of course; it is yet open to amendment. The object of the committee is to cover the case of tramps within this District, and you cannot limit it as you can in a country district; you cannot here speak of barns, barracks, hay-ricks, and all those places that you can designate, but you must make the language general in its character; you must make the punishment elastic; you must make the requirement of a bond also elastic. That is done in this case. Where it is a trespass not willful in its character, where it is small in its nature and ought not to be severely punished, the judge has the power under the jurisdictional clause here of ex-

acting only, not even a bond with good security, but the individual recognizance will be sufficient under this bill; the requirement is to give security, but no sureties are called for. It allows the party to escape upon a bond of a dollar or of two dollars, which any charitable party would give for him if he was entitled to commiseration and compassion; and it allows the judge to inflict a fine of fifty cents or twenty-five cents, according to the crime which has been committed. It must be, in the nature of the character of the legislation, expansive; it must be left in the discretion of somebody, either of the police to arrest or of the judge to punish, and it is better to put it in the hands of the judge who acts judicially rather than in the hands of the officer of the law who acts in seizing upon the individual, and on the presumption that he has been guilty rather than on the presumption which the judge has of his innocence. It is better to leave it with which the judge has of his innocence. It is better to leave it with the judge. You must leave it broadly for all the cases. When you commence to circumscribe it as the Senator from Massachusetts would circumscribe it the act will fail of its good effect and will be worthless.

Mr. HOAR. Will the Senator from Maryland permit me to call his attention to the fact that he is argning against an amendment proposed by me to insert in the twenty-third line of the first section of this bill, after the word "Columbia," the words "may in the discretion of the court?" That is my proposition.

Mr. WHYTE. But that defeats the next clause of the same section

Mr. HOAR. The Senator is arguing now that the judge ought to-

Mr. WHYTE. He has it under this bill.

Mr. HOAR. Then what harm is there in putting it in express terms? I do not so understand it.

Mr. WHYTE. Because it is there in express terms.
Mr. HOAR. Where?
The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. KERNAN. What has become of the amendment that I pro-

The VICE-PRESIDENT. It is still pending, but the amendment of the Senator from Massachusetts goes to perfect the text.

Mr. KERNAN. Where is that amendment?

The VICE-PRESIDENT. In the twenty-third line, after the word "Columbia," to insert "may in the discretion of the court."

Mr. WHYTE. Will the Senator from Massachusetts now explain

what will become of the case when he gets to the next clause

And in case of refusal or inability to give such security they shall be confined

Mr. HOAR. Such security as the court in its discretion requires; and if it does not require any, of course that clause does not apply.

Mr. WHYTE. If the court is not to require security, how is the man to be punished?

Mr. HOAR. He is not to be punished then.

Mr. WHYTE. Then he is to be found guilty and yet allowed to go

Mr. HOAR. Why, Mr. President, the Senator from Maryland defends this bill. Here is a bill which requires security for good behavior from anybody who commits an involuntary trespass, or any child who chucks a stone over a fence, for every sort of trespass upon real estate, and he defends that bill which otherwise would be branded to his apprehension as it is to mine as monstrous by saying that the discretion of the court will take care of this person; it will not punish a man or make him give security in any improper case. I then move to put in a provision that this order shall be an order in the

discretion of the court. The Senator resists that, as I understand him; I do not understand why, but he resists it.

Now, the Senator puts me another question. He says if that is adopted then does it not leave the party to be convicted without any adopted then does it not leave the party to be convicted without any possibility of rendering judgment against him? To which I answer, no, there will be no conviction in that case; in other words, where a statute says that if a person commits certain acts he may, on conviction thereof, be ordered to give security for his good behavior in the discretion of the court, when in the discretion of the court there is no conviction except for that one purpose and object; and therefore, when in the discretion of the court it is not a proper case to order the security, the judge declines to convict. That is the whole of it.

Mr. WHYTE. Mr. President, I may be very obtuse, but the proposition of the Senator from Massachusetts strikes me as a most extraordinary one. He proposes to give discretion to a judge after conviction. It must be so; the language of the bill is this: after describing who are to be deemed and taken to be vagrants, it proceeds to say:

And upon conviction thereof, or any part thereof, in the police court, or in any court of competent jurisdiction, upon information filed in the name of the District of Columbia, be required to enter into security for their good behavior in a sum not exceeding three hundred dollars for a space of time not exceeding one year.

Now, the learned Senator from Massachusetts proposes to give a discretion to the judge to exact security or not. That is, after the conviction, after the man is convicted and the judgment is entered upon the docket, he is to be acquitted! That would be the effect of it, because the very next clause is:

And in case of refusal or inability to give such security they shall be confined for a term not exceeding one year in the workhouse of said District, unless such security be sooner given.

So that practically after conviction the judge acquits. Now, would it not be a great deal better to give the party the benefit of a release before conviction, and insert the word "willfully" in line 7 of that section, so as to read "all persons found willfully trespassing in the night-time?" &c. That would cover the objection of the Senator from Massachusetts, I think; but I confess—it may be very dull in me—I cannot understand how the Senator from Massachusetts can ask us to give a discretionary power to the judge to exact security after conviction, which practically means a pardon of the offense. That is the effect of it.

That is the effect of it.

Mr. HOAR. Mr. President, I am very sorry to detain the Senate by so much discussion of so small a point; but, still it is a question of importance to the personal liberty and rights of a great many poor persons and children. The Senator from Maryland entirely abandons his other point, and he admits, or, if he does not admit in terms, he does not now deny, that it would be a great and an improper stretch of authority to sentence a child for every trespass committed on the premises of another. His point is that the conviction is still to be had under the amendment which I propose, and that the discretion is only given to the magistrate who tries the offense after conviction to order or not to order the security. But the answer to the Senator's proposition is a very simple one. Where a criminal statute enacts that on conviction of a certain offense, or act, which offense it creates, which act it for the first time makes criminal, a person conthat on conviction of a certain offense, or act, which offense it creates, which act it for the first time makes criminal, a person convicted may, in the discretion of the court, be required to give security; and that is the only result of the conviction, the conviction and the requiring of the giving of security are one thing, just as if we said, "On conviction, he may be sentenced so and so;" and if in the opinion of the magistrate it is not a case where in his discretion he would order security, he does not convict, the statute would authorize him not to convict, and he discharges the defendant. In other words, where the only judgment is discretionary upon conviction the conviction itself is discretionary also.

Mr. HARRIS. Mr. President, under the section as it now stands, as reported from the committee, it is too clear to admit of doubt that the worst consequence that can come to the party convicted is to be

the worst consequence that can come to the party convicted is to be required to give a bond for his good behavior in the sum of \$300.

Mr. WHYTE. That is the outside.

Mr. HARRIS. That is the maximum limit to which the require-

Mr. HARRIS. That is the maximum limit to which the requirement can go; but it is within the discretion of the court to fix the amount of that bond at one cent. All the space between one cent and \$300 is within the discretion of the court. Failing to give the bond required, then it is the duty of the court to commit the party to imprisonment in the workhouse for a period not exceeding one year. It cannot exceed that time; it may be, for it is within the discretion of the court to commit the party to the workhouse for one minute instead of one year. The court has discretion in the first case from one cent to \$300; in the second case the court has discretion from one minute to our year. I had boned that extent of discretion would one minute to one year. I had hoped that extent of discretion would be sufficient to satisfy the demands of my friend from Massachusetts

and all other Senators. Certainly a broader discretion than that is not necessary to answer any of the ends suggested.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts, which will be reported. The CHIEF CLERK. In line 23 of section 1, page 4, after the word "Columbia," it is proposed to insert "may in the discretion of the

Mr. CONKLING. Mr. President, I rise rather for the purpose of asking a question than of entering into this debate; and I beg the attention of the honorable Senator from Tennessee who just now took his seat. I should suppose, I will say before asking my question, that this amendment will have very little effect in view of two sections of the bill to which I beg the attention of the Senator from Tennessee. I observe:

Sec. 5. That any act of beggary or vagrancy by any person not a resident of the District of Columbia shall be evidence that the person committing the same is a vagrant within the meaning of this act.

Again, I observe:

SEC. 7. That it shall be the duty of the Metropolitan police, and they are hereby required, to arrest any persons committing any offense described in this act, and take them before the police court for examination.

If a single act of beggary makes conclusive proof of guilt under this statute, first it seems to me that very little comes of the pending amendment; but I want especially to ask the Senator from Tennessee this question—
Mr. HARRIS. The Senator from North Carolina [Mr. VANCE] is in charge of this bill.

Mr. CONKLING. I was not aware of that. My question relates to what the Senator from Tennessee has said. We all see this morn-ing, as we frequently see, little boys with brooms on the cross-walks ing, as we requently see, little boys with brooms on the cross-walks sweeping off the snow; and when the Senator from Tennessee passes along one of these little boys says to him, "Won't you give me a penny, sir." I inquire of the Senator whether under the sections I have read to him that would be an act of vagrancy for which the police would be in the language of the law required to arrest this boy and take him before the police court, and when he got there an act conclusive of the charge against him? That certainly must be a single set of beggarv act of beggary.

Mr. WHYTE. I suggest to the Senator from New York that that

has been stricken out by the committee.

Mr. CONKLING. Not as I read it here. My copy of the bill says that it is reported "with an amendment, namely, 'Strike out all after the enacting clause and insert the part printed in *italics*,'" and I am reading to the Senator from "the part printed in italics." Am I not

Mr. WHYTE. I thought the Senator was reading from the original

Mr. CONKLING. I take the bill as it stands on its face, which is that all after the enacting clause is stricken out by the committee's report and all that appears in italics is inserted, and I am reading from the part in italics.

report and all that appears in italics is inserted, and I am reading from the part in italics.

Mr. KERNAN. My colleague is right. He has read part of the amendment reported as section 5.

Mr. CONKLING. Now, I observe in one section of this bill that blind persons and women are excepted from its operation.

Mr. CARPENTER, "Provided."

Mr. CONKLING. Oh, yes, the Senator is quite right. They are excepted if "upon examination" it "shall be found by the court" that they are "worthy objects of charity."

Mr. CARPENTER. Therefore, a man who is not blind, but is an object worthy of charity, must starve before he can beg.

Mr. CONKLING. That is rather a physiological inquiry I should think for a court to judge whether a particular person who stands with a broom on a cross-walk and asks a passer-by for a penny is a proper object of charity. I do not know exactly by what judicial process that could be ever certainly ascertained.

Mr. CARPENTER. Or by what rule of economy.

Mr. CONKLING. Or, as the Senator from Wisconsin helps me by saying, by what rule of economy. As an old story says, we must draw the line somewhere; and where the line would be drawn in such a case as this I do not know. However, if it be the purpose, among draw the line somewhere; and where the line would be drawn in such a case as this I do not know. However, if it be the purpose, among others, of this bill to subject to this punishment and these proceedings minors, small children, decrepit persons, a one-legged soldier who turns the crank of an organ and holds out his hat as some one passes by, it seems to me that the Senate should pause before entering on such a field of legislation. Customarily I think such things are regulated by the ordinances of a city. When you come to the graver proceeding of an act of Congress leveled at all the little urchins of both sexes that may propose to somebody who passes along to give them something, it is a different matter.

I should borrow the suggestion made by another Senator if I were

I should borrow the suggestion made by another Senator if I were to add to my remarks that if some person comes here, a stranger, and asks somebody else for a cigar, I do not know but for the light of a cigar, or for a pinch of snuff, if there should be anybody found present from the Senate or elsewhere who could afford the gratification of a snuff-box, I do not know but that under this proposed amend-ment that would be an act of vagrancy for which this stranger might not only be arrested but might find himself condemned by proof

which under this statute would be conclusive.

Mr. HILL, of Georgia. I should like to make an inquiry. What became of the amendment offered by the Senator from New York,

The VICE-PRESIDENT. It is still pending. The motion of the Senator from New York was to strike out part of the section, and the motion of the Senator from Massachusetts is to amend it.

Mr. HILL, of Georgia. I wish to make a suggestion to the Sena-

tor from New York and to the Senate. I do not remember precisely

what the Senator's amendment was.

Mr. KERNAN. I will state it again. I originally moved to strike out from the word "support," in the fifth line, to the word "alms," in the seventh line. The Senator from Massachusetts has amended the text now by striking out the word "or" and by striking out the word "idle," in the third line, and inserting after the word "vicious" the words "willfully idle," and that is the way it stands now. So my amendment is now as to these words, beginning in the fifth line:

Who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

Mr. HILL, of Georgia. Your amendment would be to strike out those words !

those words?

Mr. KERNAN. Yes, sir.

Mr. HILL, of Georgia. I made that inquiry because I want to support that motion. With those words in we shall make almsgiving a crime. The begging business may be very annoying, but still I do not think it ought to be made a crime. Vagrancy proper ought to be.

Mr. CARPENTER. Mr. President, I notice another remarkable provision on the third page of this bill:

All persons known to be pickpockets or thieves, either by their own confession or otherwise, or by their having been convicted of either of said offenses, found loitering around any steamboat landing, railroad depot, banking institution, place of public amusement, store, shop, crowded thoroughfare, car, or omnibus, or at any public gathering or assembly, shall be taken and deemed to be vagrants, and upon conviction thereof—

Of course such a man must be convicted if he is found stopping there a moment-

or any part thereof, in the police court, or in any court of competent jurisdiction, upon information filed in the name of the District of Columbia, be required to enter into security for their good behavior in a sum not exceeding three hundred dollars for a space of time not exceeding one year.

It would seem from this bill that any man who has once been convicted of being a pickpocket or of stealing can never find rest for the sole of his foot hereafter. If he pauses at a depot before the train

starts and before taking his seat, if he pauses in front of a car or a steamboat, if he pauses to hear our friends make a democratic speech anywhere in the District of Columbia, that is vagrancy, for which he can be arrested and treated as a criminal under this act. "Or at any public gathering." If he loiters there for a moment, even to hear the burning and touching words of one of our friends on the other side of the Chamber upon some great moral or political question, he is a vagrant under this act, and there is no possible hope for him. That man is worse than the Wandering Jew; he cannot rest anywhere; for of course the District of Columbia is all there is in this world of any consequence, and if he can never pause here to catch breath what will

Mr. BAYARD. I would ask, sir, whether the amendment of the Senator from New York [Mr. KERNAN] has been adopted or acted on in lines 5, 6, and 7

The VICE-PRESIDENT. It has not been; it is pending.
Mr. BAYARD. It proposes, as I understand, to strike out from the
penal operation of this bill persons "who habitually go from door to
door, or place to place, or occupy public places for the purpose of
begging or receiving alms."

begging or receiving alms."

I concur with the Senator who moved that amendment, that this is attempting to make a criminal and highly penal offense out of a simple case of misfortune. It strikes me that the whole of this section is liable to that charge of severity, of narrowness, of inhumanity, which affected that whole code of strict and narrow laws known as the Blue Laws. Every one knows that to-day for all the offenses enumerated in this act there are remedies, and efficient remedies, in the discretion of a sensible, orderly police force. All of these classes of indefined offenses against society, resulting from what we call vagrancy, not having visible means of support or fixed habitation, are all to-day within the reasonable line of power and discretion of a sensible and orderly police court regulated by a wise magistracy.

Sir, upon the letter of many of the clauses of this bill few persons in misfortune would find themselves safe. It proposes to punish a

in misfortune would find themselves safe. It proposes to punish a man, woman, or child, to imprison him or her for twelve months or require him or her to find security in such an amount as excludes the

very poor and the helpless.

Mr. President, it has been often said that laws were made to restrain only the weak, not the strong. In this case you are certainly following that idea. Those classes of the community who most need protection and those who are least able to avail themselves of the protection of the statutes are those who are the peculiar objects of the penal features of this act. I believe to-day that all the evils complained of can be coped with and repressed by such a police as should exist here; and I do not say that it does not exist in this city. The exist here; and I do not say that It does not exist in this city. The members of that force as far as they can meet the eye of the passer-by are respectable and orderly men. I take it for granted the justices of the peace and other committing magistrates are men of fair character and benevolent disposition. There is not substantially a single evil which is proposed to be remedied by this bill that cannot to-day be dealt with by the existing powers of the police and the committing magistrates. Indictments could be drawn, charges could be preferred under the language of this act which would embrace hosts of unfortunate and impropert results. tunate and innocent people.

I do not believe in harsh legislation, I do not believe that respect for the law is increased by exhibiting cases in which injustice, palpable injustice, so recognized by the moral sense of the community, will follow the execution of the law. I think it will tend to bring it into disrespect; I think it will tend to multiply the cases of legal oppressions and for that reason I shall segret to the execution of the law. disrespect; I think it will tend to multiply the cases of legal oppres-sion; and for that reason I shall regret to see any act so sweeping in its provisions leveled against those classes of the community who are most helpless to resist it. Examine the language of the bill and are most helpiess to resist it. Examine the language of the bill and this particular phrase now before the Senate, which I understand a motion has been made to strike out by the Senator from New York, people "who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms."

Mr. VANCE. Will the honorable Senator allow me to suggest to him that that is modified by the amendment which has already been accepted by the committee, to wit, "all willfully vicious and disorderly persons?"

derly persons?"

Mr. BAYARD. I was not an inattentive observer of that amendment; but it strikes me that it has simply given a definition to what would constitute a vicious, willfully idle, or disorderly person, by saying that persons who habitually go from door to door or occupy while places for the purpose of begging are of that class.

public places for the purpose of begging are of that class.

Mr. MORGAN. I desire to offer an amendment to the bill to strike out all after the enacting clause and insert a substitute, and I ask

that it be printed.

The VICE-PRESIDENT. It will be printed. The time for the consideration of the Calendar of General Orders has expired, and the Senate will proceed to the consideration of its unfinished business. Before laying it before the Senate, the Chair will present some bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6451) to amend and re-enact sections 2517 and 2518 of the Revised Statutes and changing the boundaries of a customs district in the State of Maine was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other pur-poses, was read twice by its title, and referred to the Committee on

Appropriations.

BEN. HOLLADAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 231) for the relief of Ben. Holladay, the pending question being on the amendment of Mr. Kernan, to strike out all after the enacting clause and in lieu thereof to insert:

all after the enacting clause and in lieu thereof to insert:

That Benjamin Holladay be, and he hereby is, authorized and empowered to institute and prosecute an action in the Court of Claims against the United States for the recovery of any amount for which the United States are justly liable to him on account of any seizure or destruction by hostile Indians of property owned and used by him in performing his contract with the United States to transport the mails on what was known as the overland mail-route, between the Missouri River and Salt Lake City, between the year 1860 and the 13th of November, 1866; also on account of any loss of property and expenses incurred in changing his route in carrying the mail in compliance with the orders of the United States commanding officer, and also for any property owned by said Holladay and taken and used by United States troops; and the said Court of Claims is hereby authorized to hear and determine said suit upon the merits, and render judgment therein in accordance with the rights of the parties.

SEC. 2. Either party shall have the right to prosecute an appeal from the judgment of the Court of Claims to the Supreme Court of the United States at any time within sixty days after the rendition thereof.

SEC. 3. If the said Holladay shall not commence said action in the Court of Claims within six months from the passage of this act, and prosecute the same to effect, then the said claims hereinbefore mentioned shall be forever barred.

Mr. GARLAND. Listated to the Senate vesterday, when I grave way.

Mr. GARLAND. I stated to the Senate yesterday, when I gave way for a motion for an executive session, that some time ago at the request of the Senator from New York, who offered this amendment, I took the papers in the Holladay case and examined them with a view of drawing a bill to send it to the Court of Claims. My first impression was that that would be the proper action of the Senate in respect to a bill for Holladay's relief. I examined the case most carefully and critically, as much so as I am capable of examining any case; and instead of coming to the conclusion that it ought to go to the Court of Claims, I came to the conclusion that he ought to be paid this money as quickly as possible by order of the Congress of the United States. That position I shall undertake to give my reasons

for to-day.

First, let us know just exactly what we are trying, because this is a trial at last by the Senate. A trial is nothing more nor less than the application of certain principles of law to a certain state of case. Here, to produce a result we must ascertain the law in reference to the claim of Holladay as developed by the facts, and we are to apply the law to the facts. So I will read to the Senate now the beginning of this claim, which brings about the trial that the Senate is now engaged in. On the 6th of March, 1872, nearly nine years ago, this claimant presented the following petition to the Senate:

gaged in. On the 6th of March, 1872, nearly nine years ago, this claimant presented the following petition to the Senate:

Your petitioner, Ben. Holladay, of the State of New York, and a citizen of the United States, represents that from the year A. D. 1860 until the 13th day of November, A. D. 1866, he was contractor for the transportation of the United States malls on what has heretofore been known as the Overland Mail-Route between the Missouri River and Salt Lake City, in the Territory of Utah; that in the performance of his service in the transportation of the United States mails, amounting during much of his time of service to more than diffy tons of mail matter per quarter, he employed 110 coaches, 1,750 horses and mules, and 450 men and upward; that at great expense he was compelled to erect buildings, houses, stables, stations, and shelters for the convenience and shelters and protection of its men and animals along said mail-route and its tributaries, and also to provide at great expense of cost and transportation large supplies of food, forage, and wood.

Your petitioner further says that while engaged in the discharge of his duties as such contractor, in the faithful performance of his contract with the Post-Office Department, his service was interfered with, impeded, and obstructed by large and numerous bands of Indians, who murdered his agents, servants, and employés; who captured and carried away his horses and mules; who burned his store houses, station-houses, barns, stables, large quantities of forage, provisions, wagons, harness, clothing, and other property which had been provided for properly conducting the business which your memorialist had contracted with the said Post-Office Department to conduct and which he was compelled to replace at enormons expense and with tedious delay and damage in order to enable him to perform the service which he had contracted to perform.

And your memorialist alleges that very frequently after he had erected his buildings heretofore mentioned, and secured h

The Senate will please observe this:

Your petitioner, as a reason for his delay in urging his claim of damages for his sees occasioned as aforesaid, says that his claims were presented to Congress in

A. D. 1866, and that on the 24th day of January of that year his petition for redress was referred to the Committee on Indian Affairs of the House of Representatives—

Now fifteen years ago-

Now fifteen years ago—
and that subsequently, by a disagreement of the two Houses of Congress as to
the proper relief to be granted, the measures of relief failed by the adjournment of
Congress. Your petitioner comes now with his proffers of proof of his losses, and
asks such relief in the premises as in equity and good conscience he ought to have.
And, as in duty bound, your petitioner will ever pray, &c.
BEN. HOLLADAY.

We have now, Mr. President, the statement of the case made by the petitioner himself upon which he asks relief, and he shows on the face of the papers, and the fact is verified by the records of Congress, that he has been active, diligent, and energetic in pursuing the remedy to which he supposed he was entitled. He has been haunting Congress now a longer time than the siege of Troy took, a longer time than the revolution of our Colonies in establishing their independence, a longer time than it took to suppress what is called the rebellion of the Southern States. It is no fault of his that he has

not been paid.

It is said this is a big claim. Mr. President, this man was engaged in a big enterprise. He was engaged in no small business when he made these contracts with the Post-Office Department. He was engaged in no small and no light business when he undertook to carry this mail through this unknown country almost at that time, which has since become an empire of power and an empire of weight in this country; and this upon the very best testimony is shown to have been the entering wedge to the great railroad, this old-fashioned mail-coach, which is always the best harbinger of civilization in the western country. I hold in my hand a short letter from the then Postmaster-General addressed to the committee on an inquiry as to this matter, which I beg in this connection to read to the Senate:

ter, which I beg in this connection to read to the Senate:

DEAR SIR: In reply to your note of the 7th, which has just been received, I have to say that I well recollect the fact that Mr. Benj. Holladay carried the overland mails during my term in the Post-Office Department. His name does not appear, because he was a sub-contractor.

It was during that time that the route was changed from the northern to the direct line, a matter of great political importance. Too much credit cannot be given to Mr. Holladay for the energy and courage which he gave to this great work. I regarded it as one of the triumphs of the Administration with which I was connected that we put a daily mail across the continent, and this led the way to the railway communication which came quickly afterward. Mr. Holladay's part in this great achievement was second to that of no other individual. He hazarded his property and his life freely in the enterprise.

That letter is from Montromery Blair, the then Postmaster-General

That letter is from Montgomery Blair, the then Postmaster-General of the United States. For the change of that mail-route and for the destruction of his property in consequence of it, for the taking of his property by the military authorities and using it in behalf of the Gov-

property by the military authorities and using it in behalf of the Government, and for the destruction of his property by Indians, after this long delay this claimant is before the Senate for relief.

What has been the progress of his claim in the mean time? We have seen that because of the doubt as to the remedy he was entitled to he failed in 1866 to get any relief. He failed because of a difference of opinion as to parliamentary law, I suppose. Sydney Smith speaks somewhere of some one living in a country that was misgoverned too much on account of too much dictionary. This claimant has failed because of too much parliamentary learning possibly, or for the want of a sufficient amount of parliamentary learning some has failed because of too much parliamentary learning possibly, or for the want of a sufficient amount of parliamentary learning somewhere. But when he came with his petition, in 1872, to the Senate, that was referred to the proper committee, and on the 26th day of November, 1877, over three years ago, the committee reported a bill to send him to the Court of Claims. Accompanying that report there were twenty-three exparte affidavits, together with letters of three or four military officers, General Craig, Colonel Chivington, and others, establishing the facts set forth in the petition of Mr. Holladay. But insample as that testimony was exparte the Committee day. But inasmuch as that testimony was ex parts the Committee on Claims thought it was best to make it the foundation of his suit and send him to the Court of Claims. The language of the committee is that the testimony is rather loose in that particular form to give him the amount direct by an act of Congress, but it is sufficient to make the basis of a claim in order that he may prosecute it before the Court of Claims; and they report a bill for that purpose. The present report, the Senate will bear in mind, adopts this first report that was made in 1877 except as to the recommendation to send him to the Court of Claims. to the Court of Claims.

On the 12th of March, 1878, this first report, with the bill, being under consideration, what was done? The Senate did not adopt the report of the committee, but what did they do? The very same effort now made by the Senator from New York was then made here, but the Senate did not see proper to adopt the report and send the claimant to the Court of Claims. What did they do on the 12th of March, 1878? On the following resolution introduced by Senator Mitchell

the case was recommitted:

The Senate resumed, as in Committee of the Whole, the consideration of the bill (S. No. 346) referring the claim of Benjamin Holladay to the Court of Claims; and

On motion by Mr. Mitchell,

Resolved. That the bill be recommitted to the Committee on Claims with instructions to report to the Senate what amount, if any, is equitably due the claimant on account of his claim; and the said committee shall have power to send for persons and papers and take testimony.

That was on March 12, 1878, now nearly three years ago. The claim went back to the committee. The committee took, in addition to

these twenty-odd affidavits that were first filed, the depositions in due form of thirteen witnesses; I leave out now the deposition of the claimant, Mr. Holladay, and say there were twelve depositions, an even dozen, because under the act of Congress Mr. Holladay could not be allowed to testify in the Court of Claims in this matter. So we pass over his deposition, and there are twelve depositions taken in due form in addition to the twenty-odd affidavits the committee

had when they first made the report.

No action was had on the second report made on that reference.

The third committee now comes, headed by the Senator from Missouri, who is absent from his seat, [Mr. Cockrell,] and adopts these other two reports, says that Holladay is entitled to \$526,000, and files with that all testimony it has taken, both the ex parte affidavits and the thirteen depositions, counting that of the claimant, and the letter. The third contact has a supervised the second of the claimant, and the letter. To this day there has never been a minority report filed in this case of Ben. Holladay, and if there is any objection on the part of one of the committee to any of these reports, it can only be arrived at by implication. It has not been developed by anything that has been said or done here. The Senator from Missouri, on the 15th of June last, when the consideration of this case was pressed, did not say that he opposed the bill; he did not say that he opposed the claimant being paid anything, but he said that he expected to make a speech on it when it came before the Senate. That is his language

as contained in the RECOED.

Now, Mr. President, we have these three reports by three committees of nine members each; three times nine are twenty-seven; and to-day the Senator from New York is not willing to pay this claim on their authority, and would refer it to five men who are no wiser than they, for all we know, to settle the claim of this man after all this time. It is a reflection on the committees; it is a reflection on twenty-seven Senators; it is a reflection on the Court of Claims, for in point of fact the law is settled in the case. Not even the Senator from New York himself has ventured to say that this party is not entitled to something. No one has ventured to say that this man has not established his right to a recovery; we get at the spirit and meaning of a law always by construing the letter of it; and the spirit and meaning of the resolution that was passed on the motion of the Senator from Oregon, Mr. Mitchell, was that the committee should find out what was equitably due the party. We believed he was entitled to something, and we sent the case to the committee to ascertain what that something was. It is now, then, before us simply as it would be before a court in the nature of a writ of inquiry to assess damages. There is by direct action a judgment by the court that this man ought to recover, and you stand now upon three reports of your committees, three different committees, to simply pass upon twenty-seven Senators; it is a reflection on the Court of Claims, for of your committees, three different committees, to simply pass upon this writ of inquiry and assess the damages of this man. That is all there is in this case.

Is there any allegation of fraud? I have heard none. If there be fraud in the case, why has it not been shown after this long time and these several different investigations. Certainly there has been time and opportunity enough; and the committees of the Senate in their examinations represent the Government and protect, in the eyes of the law, its interests as well as those of the claimant. They have examined and recevamined and cross-examined and every time they examined, and re-examined, and cross-examined, and every time they have reported for the claimant.

The amendment offered by the Senator from New York, in the face of all this, after three years of time since the recommittal with in-structions to take testimony and report the amount due, after three years' reflection since the testimony was brought in, sends this party to the Court of Claims without the right to use this testimony which has been taken in due form; when we know, or have every reason to believe if we do not know, that many of his witnesses cannot be reached, that some of them have passed beyond the reach of human process and human voice. It is not even proposed to send him into the Court of Claims with this labor of sixteen years that he has performed to get the reached but to each him there was to hear in the reached. the Court of Claims with this labor of sixteen years that he has performed to get his remedy, but to send him there now to begin de novo when I happen to know he cannot get a hearing under the most favorable circumstances for three years. Then he has to take an appeal or the United States to take an appeal to the Supreme Court of the United States, and that court, we all know in our legislative capacity, is three years behind time. Thus you would send this man around from post to pillar six years more, under the benign proposition of the Senator from New York, after he has been here sixteen years already. years already.

This makes it criminal in effect for a man to have a claim against

the United States. It is a large claim, and therefore it is bad and fraudulent; or it is small, and therefore it is too insignificant! Its very parvitude (if I may use an obsolete word) inhibits any investigation of it. Therefore Congress should pass some law fixing just exactly the amount of the claim a man must have before he can have

it investigated.

Let us face this now; we have three reports of three committees; Let us sace this now; we have three reports of three committees; and let us see if we cannot settle it upon the facts of the case, because the law is clear; or if it is not, it is proved and established by the precedents cited in these three reports that the United States has always come forward and paid for property taken under the circumstances under which this was appropriated. It is not worth while for me to go over that part of the reports. When we should have sent him to the Court of Claims when the bill was reported in 1878, if we were going to send him at all, we failed to do it, and we ordered a committee of our own to settle the question and take testimony. They have taken that testimony in due form and upon notice and upon examination and cross-examination. While of course there is a good deal of testimony which is not entirely exact as to all the details of values, the amount due is not difficult of ascertainment by any per-

son who can add up and subtract figures.

Look at the speech of the Senator from New York and his amendment, and what do they amount to? There is a dispute between Mr. Pease and Mr. Murdock as to thirty-four mules in one of the bills of Pease and Mr. Murdock as to thirty-four mules in one of the bills of particulars affixed to the report. Pease was trustee for this company, and it was his duty te know what property he had and what property he did not have. But suppose in point of fact now that Pease is mistaken and that Murdock is correct, what then? Murdock I will show presently only testifies to as far as he knew, and he says that six mules were taken, and those were all he knows of, as the report in the Record this morning says. Six from 34 leaves 28. The mules are estimated at \$200 apiece. Twenty-eight times 200 make \$5,600 that this man after sixteen years' toil and labor here is to be sent to the Court of Claims for! Then to make the amendment applicable it should read something like this:

"That whereas after sixteen years' labor on the part of Benjamin Holladay to get his bill through Congress to secure a remedy, and the report of three committees in favor of the same, there is some doubt whether he should have pay for twenty-eight mules, amounting to \$5,600, therefore the whole case be sent to the Court of Claims for their determination and adjudication."

That is all there is in the benign and merciful proposition of the

That is all there is in the benign and merciful proposition of the Senator from New York! Rather than higgle about it and make the claimant go through five or six years more litigation, I suppose that Mr. Holladay might come in and enter a remittitur for that \$5,600, and I trust that will conciliate and satisfy the Senator from New York.

and I trust that will conciliate and satisfy the Senator from New York.

But, Mr. President, Murdock says those mules were not taken so far
as he knew. There is positive testimony on the other side that they
were taken. Then the committee did just what juries have very often
to do, resonciled the testimony, and they preferred to believe Pease.
The Senate, I think, will believe him because he had responsibility,
and he was aware of the weight of that responsibility. They would
be correctled to do it whether they wanted to a very resonable to all. and he was aware of the weight of that responsibility. They would be compelled to do it whether they wanted to or not according to almost the very first principle of law in the books of evidence, a principle that is almost prehistoric, pre-Adamite in law, that where one man testifies positively to a fact and another one only negatively, the positive testimony must be received and preference given to it always. There is a case recorded where two men testified in reference to the striking of a clock; one said positively that he heard the clock strike, and the other said he was in the room but did not hear it, and the court held that the testimony of the man who testified that he the court held that the testimony of the man who testified that he did hear it must be received. The committee did that here; they took the testimony of Pease in preference to the testimony of the man who said that as far as he knew only six mules were lost. It is to settle this overwhelming fact that this case is now asked to be sent to the Court of Claims. It is not respectful to the Senate, it is not respectful to the committee's report; I mean no disrespect to the Senator from New York when I say this.

That is the history, in short, of this case. Omitting the testimony of Holladay himself, take the depositions of the other twelve persons who were examined by the committee. They are not insignificant persons, persons that are unknown. Take the testimony of Colonel Eaton; take the testimony of Mr. Hughes, who I believe ran once for governor of Colorado, and some people said he was elected; I do not know how that was.

t know how that was.

Mr. TELLER. He was not elected; we elected the other man.

Mr. GARLAND. He ought to have been elected, the Senator from

Mr. GARLAND. He ought to have been elected, the Senator from Indiana [Mr. Voorhees] says.

Mr. President, such is the character of the witnesses who establish this claim. I will not annoy the Senate by reading over the testimony, but take Mr. Hughes now, whose deposition is the last. He was called on the part of the claimant; he was sworn and examined by the Senator from Wisconsin, [Mr. Cameron.] He says:

That he resides in Denver, Colorado; that in the year 1861 he became connected with the business of Ben. Holladay as his attorney and general agent for the Overland Stage Line, owned by said Holladay; that from March, 1862, to March, 1863, he had intimate knowledge of the affairs of said line, the contracts and purchases of and for the same coming under his supervision during that year.

He is in a position to know of what he speaks. He goes on, then, to speak of the prices of horses and mules ranging from \$175 to \$250, oxen from \$175 to \$200 a yoke, and then as to hay, corn, and all those things. There is no dispute in the world that these are enormous prices. That is true; but there was an abnormal condition of affairs there that made everything dear, according to the testimony of every witness; and when we speak of the value of property taken or the value of property destroyed, it is the value of it when and where it was taken or destroyed. Horses and mules would not have cost so much here, would not have cost so much, possibly, in other States; but the fact that these prices were such as charged is established, not only by Mr. Hughes, but by every witness who testified.

When you examine the statement of accounts made by the committee you will find that not in half the cases do they take the maximum prices the testimony would have justified. In many items they take the minimum price, and in some they take the average price. It is a familiar principle in the practice of the law that in the assess-

ments of damage before juries, where the testimony as to value ranges from one sum to another, leaving a large margin, the jury is at lib-erty to estimate anywhere within that margin and no injustice is done, and no verdict is set aside because of its being excessive on that account. What did this committee do? This committee took their testimony and examined it, and they settled upon the sum that is reported by them when they might very well have settled on the sum of \$700,000 easily enough as any gentleman will see who undertakes to cipher it out, or they might have taken the minimum of \$350,000 just as well. They did what we ordinarily say a jury does, they split They are nearer the minimum amount than they are

the maximum that could be allowed under this testimony.

You may take this testimony as reported by the committee and possibly every Senator will take it and nearly every Senator would differ with his brother Senators in stating the account as a master in chancery or as an auditor appointed to settle this account. Each one would name a different amount, governed by his habits of business, by his habits of thought, by his impressions of law; but the committee were within the range of the law. In any state of the case they are within the full meaning and spirit of any law on the subject when they settle within the margin anywhere. They have settled within the margin, and settled nearer the minimum than the maximum. No injustice is done the Government. No count would undertake to set

the margin, and settled nearer the minimum than the maximum. No injustice is done the Government. No court would undertake to set aside the verdict of a jury so found because of excessive damages. What I mean is that this testimony would well support a finding of a much higher amount than the committee propose; and it might be very well to support a finding for a smaller amount. Now, if the Senator from New York, who is a lawyer, who has framed a proposition to send the case to the Court of Claims, thinks this is too much—and that is all he really said in his speech on this bill—let him estimate what is fairly due to this person, and possibly the Senate may agree with him that that amount is due and not the sum of \$526,000 named in the bill. The whole difficulty arises from the fact that the first impression made on the Senators is that these are large sums to pay. They were large sums to pay, and they were large sums that pay. They were large sums to pay, and they were large sums that Holladay had to pay to get these provisions, these mules, these horses, these wagons, and these oxen. The committee have settled it, as I contend, as favorably to the Government as it could be settled by any tribunal.

This application has been here a long time in a good many different forms. Something was said heretofore, I do not recollect by whom, that we should not pay this sum because it is an estimate upon greenback prices at the time the losses occurred. Very well; take it upon that basis. If Senators will take the pains to examine the relative

that basis. If Senators will take the pains to examine the relative prices of gold and greenbacks during the years from 1861 to 1866, they will find that 40 per cent. off would be about a fair discount. Take that off now, if you please, from \$526,000, and you will have \$312,000 due Mr. Holladay at that time upon a gold basis.

Mr. McPherson. Why take off 40 per cent. *

Mr. Garland. I am arguing upon the objection which has been made. Of course when the Government says to Mr. Holladay, "You must do justice in this case," certainly Mr. Holladay has but to reply, "The Government must do justice also." Very well. The equitable principle is that when a man goes into a court of equity he must give equity; not that he must be a moral man particularly and give the other party everything he wants, but he must give everything the party is entitled to in the particular case. Very well, let us try it on that hypothesis. Mr. Holladay was entitled to \$312,000 at that time, because the payment was due when the damage occurred, under the laws of all countries. Mr. Helladay has waited now over fourteen years, nearly fifteen years, for his pay. He has lain out of the use of laws of all countries. Mr. Helladay has waited now over fourteen years, nearly fifteen years, for his pay. He has lain out of the use of that money that length of time—that \$312,000 computed on that basis. The Government exacts justice from Mr. Holladay and the Government must do justice to Mr. Holladay; that is, it should give him all he is entitled to in this case, and he gives the Government all it is entitled to. Now he has reduced his claim to \$312,000 on a gold basis; then as he did not get his money at that time, he should be allowed a little interest; he is entitled to it. Of course as against an individual there would not be a second's controversy on the point, for at last it gives exactly the damage done and the man because he did not a little interest; he is entitled to it. Or course as against an individual there would not be a second's controversy on the point, for at last it gives exactly the damage done, and the man, because he did not have the use of his money, is entitled to interest. Put it at 5 per cent., which is a very small interest. I have given my note very often to pay money, and I have never been so fortunate as to get it at 4 or 5 per cent. Put it at 5 per cent. even, and you carry the sum to \$530,000 due to Mr. Holladay at the present moment, leaving out the odd numbers. Mr. Holladay should be allowed to settle upon principles of equity, I take it; and if so you carry it over \$4,000 more than the committee award him simply by the Government doing that justice she exacts of Mr. Holladay.

That is all there is, Senators, in this case. Take it upon either horn of the dilemma; take it upon the weight of the testimony, and he is entitled to his \$526,000; and it is made so plain that I venture the assertion that no master in chancery in the country would surcharge the Government with less; and, on the other theory, that you remit him to the gold basis at that time, you should give him \$312,000 as of that day; and then, if you give him a fair, decent, and respectable interest, he overreaches the report of the committee by nearly five thousand dollars.

Accompanying the report is an appendix, referring to the testimony in brief of the different witnesses.

Accompanying the report is an appendix, referring to the testimony in brief of the different witnesses, and the different points upon

which that testimony bears, as to the mules and horses at every station and corral destroyed, the wagons, and so on. I will not detain the Senate by reading it. I say, with some experience in these matters in the courts and in the Senate, that the case is made out more completely than nine-tenths of the cases are made out that come completely than nine-tenths of the cases are made out that come before any tribunal. If you are going to differ about the testimony, take it and settle it upon some basis of law and justice. All that has been pointed out to us now for nearly fifteen years shows that he is entitled to \$526,000. I could, examining this case, satisfy my conscience, as I said before, with a less amount, or I could satisfy it with a greater amount. The books are full of just such findings as this. There are many cases going to a conclusion of this sort—a sulliting of the difference.

But, Mr. President, in the face of the reports of three committees, I prefer to give the benefit of the doubt to the committee of my own making in part. I prefer to give the benefit of that doubt to the claimant whose right to recover something is not denied and who has sought these chambers and the chambers of the other House for has sought these chambers and the chambers of the other House for the purpose of establishing his claim face to face with the Government. If I have a doubt on the question I will support the committee. Will the Senate stop to look for a moment at the personnel of the committee? Take the present chairman of the committee the Senater from Missouri, [Mr. COCKRELL,] and the chairman that preceded him, the Senator from Minnesota, [Mr. McMillan.] Where, I ask, at least since I have been here, has anything been suffered to pass against this Government without the most absolute, the most thorough, the most perfect and searching inquiry initiated by these Senators? My honorable friend from Missouri is so noted for his economy—and I was glad to see this morning that he will have no opposition to coming back to the Senate—that he has been called the great objector in this body. It has passed the ordeal of the most the great objector in this body. It has passed the ordeal of the most severe scrutiny that any claim has ever passed yet. As I could very well give a verdict for either a smaller or a larger amount, I will give it for the committee that has reported this three times over, and we all know that there is a charm about the third time.

I know little or nothing about Mr. Holladay, and when I examined these papers first I had never laid eyes on the man; but I have said, and I repeat it, that I think the first great duty of this Government is to do justice to its citizens and not to keep them here asking for is to do justice to its citizens and not to keep them here asking for compensation, and send them first to one court and then to another. There must be nice pastime in this to some persons; but certainly it cannot be to the claimant. He came here year after year with that "hope deferred" which "maketh the heart sick," and sometimes almost killeth. In 1866 when I came to this city looking for my pardon, which I was very auxious to secure at that time, I met here a man named Ray, from Arkonsas, who had a claim for \$2,500 for the destruction of a steamboat on the Lower Red River in the time of the war, and he told me if I would wait a few days he would get his money and would go home with me. He had to go through Little Rock. I waited on him, but I left him here. Six years after that I came back and here was Ray still at the Departments working away for his \$2,500. I came here to attend the Supreme Court. By that for his \$2,500. I came here to attend the Supreme Court. By that time I had got the pardon, and under the terms of my pardon it seems I was better than I was before I committed the offense, so the law I was better than I was before I committed the offense, so the law said, and I undertook to help Mr. Ray some. I thought his claim was just. Well, he got in sight of it he thought and his claim was certain in a few days, and if I would wait then he would go home with me sure. I would not wait the second time. I bade him goodbye at Willard's Hotel, standing against one of those posts. Six years from that time I was sent to the Senate; I came here, walked into Willard's Hotel, and there stood Ray not three feet from where I had left him six years before. [Laughter.] Said I, "How are you, Ray; have you got the claim?" Said he, "No, but I think I will get it in a few days. [Laughter.] I would like you to assist me; you are a Senator now." "No," said I, "you must excuse me; I cannot do anything." It went on about two years and Ray did get his claim, and when he paid up his lawyer's fees and hotel bills he had \$300 left. That is an absolute fact to my own knowledge. This man discounts That is an absolute fact to my own knowledge. This man discounts that by a good deal. He has been here now before both Houses for lo! these many years, and out of mercy to him do not send him to the Court of Claims. He had better sign a release to the Government

and go home at once.

Mr. MORRILL. Mr. President, yesterday when the Senator from Indiana [Mr. Voorhees] spoke about the bankruptcy of this claimant, I really thought I had some right to suggest the number of millions that had been paid to him on the part of the United States. When he asked for justice for the claimant, I thought I was justified in asking for justice for the United States; but it seemed that I was out of order. Of course I do not pretend that it is right to discuss in asking for justice for the United States; but it seemed that I was out of order. Of course I do not pretend that it is right to discouss the merits of a question upon a motion to take up a bill, nor shall I at this time say a single word derogatory of the claimant. I have no doubt that he is an enterprising man, a large-hearted man, and if he secures this claim, I have just as little doubt that he will spend the money generously and liberally; he will not be a mean man about it. But, Mr. President, I do not understand that because he is a large-hearted man and an enterprising man that fact gives him any valid title to put his hand into the Treasury of the United States and take out half a million of dollars.

So far as I have been able to read and understand this question, I

So far as I have been able to read and understand this question, I do not believe the claimant is entitled to a single dollar. If there

can be shown a single instance where a mail carrier has received compensation for damages inflicted by the depredations of Indians, why has not this committee shown it? I know of no such instance. The only instances that they pretend to exhibit here are some claims that occurred in Kentucky. We know there were no Indians there, that occurred in Kentucky. We know there were no Indians there, and those damages arose simply in consequence of the country being in a state of civil war. I do not know by which party the damages were inflicted, but those mail carriers, I understand by the report, were compensated.

The other case that they cite was not that of a mail carrier, but of some party in Oregon that had some of his property taken and destroyed, and a claim was presented here by the Senator from Oregon, and it was very light in character as to the amount claimed for the mules and the horses; but when that claim was adjudicated by the

Senate, instead of allowing \$30,000 it was cut down to \$7,600.

Now, Mr. President, so far as I understand the law, parties who take contracts for carrying the mails are not entitled to recover any damages in consequence of any depredations that may be committed

upon them by the Indian tribes.

Mr. CAMERON, of Wisconsin. Before the Senator from Vermont passes from the point that he is now upon will he allow me to call his attention to a portion of the report which he has probably overlooked? The Senator from Vermont stated that no instance had been cited-

Mr. MORRILL. So far as I had observed.

Mr. CAMERON, of Wisconsin. So far as he observed. I call the Senator's attention to page 5 of the report. I read from the report

upon that page, near the top of the page:

Acts of indemnity by the Government for losses by private citizens, and by citizens engaged in the Government service, by depredations of hostile Indians have been very frequent. In the case of Magraw, mail contractor from July, A. D. 1854, to August, 1856, on route from Independence, Missouri, to Salt Lake, (almost this identical route,) the Government gave him, by special enactment, \$17,750, for losses in stock, stations, and supplies through Indian depredations during the two years he was engaged in transporting the United States mails on said route. As early as A. D. 1836, Saltmarsh, Avery & Co., mail contractors in Georgia and Alabama, lost their property by the Creek Indians. The Government, by special enactment, paid them for their losses \$9,779. (See Statutes at Large, volume 6, page 882.)

These are two mail contractors that received indemnity.

These are two mail contractors that received indemnity.

Mr. MORRILL. But they were very inconsiderable in amount, and I know nothing at all about the circumstances.

Mr. CAMERON, of Wisconsin. The amount is inconsiderable, it is true; but their losses were inconsiderable in comparison to the losses of this man.

Mr. MORRILL. I wish to say that I know of a large-hearted and Mr. MORRILL. I wish to say that I know of a large-hearted and enterprising man from my own State who was carrying the mails from Texas into Arizona and New Mexico, and during the late war he had his stock destroyed and became a bankrupt. I allude to Mahlon Cotterill, certainly one of the most enterprising men of our State, and so far as I know he never while living made any claim for reimbursement on the part of the United States, nor have his heirs since. I do not think it is generally understood that mail contractors have any title to reimbursement for such losses. title to reimbursement for such losses.

But, Mr. President, if it were to be conceded that something should be done in relation to these cases, I call attention to the character of this measure. In the first place, this bill was originally introduced and the exact sum put in it in March, 1879, two years ago, copied from some report from the House, by the Senator from Colorado.

Mr. TELLER. I would say that it was not reported by me. I introduced it on behalf of the Senator from Wisconsin, whose committee

reported it.

Mr. MORRILL. The caption of the printed bill says "Mr. Teller asked and, by unanimous consent, obtained leave to bring in the following bill."

Mr. TELLER. I misunderstood the Senator. I thought he said I

mr. Hellet. I misunderstood the Senator. I thought he said I reported the bill.

Mr. MORRILL. No, sir. It was subsequently reported by the committee, and after it was presumed to have had special investigation; yet they report dollar for dollar precisely the sum indicated in the bill as originally introduced.

This bill is footbod like the state of the said of the

This bill is founded almost entirely upon ex parte evidence, upon ex parte affidavits, the poorest and leanest of all sorts of evidence, without undergoing the slightest cross-examination, and the parties testifying were, nearly every one of them, in the employment of the claimant at the time they gave their testimony. It is a sort of machine testimony, given very much as many petitions that are presented here, in due form. If any gentleman will take the trouble to look over this testimony he will see that it goes on, page after page, like this:

Affiant further states that on or about the last day of March, 1862, the Indians at the said station of Split Rock took from said line seven head of mules and eight set of harness, and that the mules were the value of \$300 per head, and the harness \$20 per set, making for said mules \$1,400, and for said harness \$160.

And so it goes on, giving the exact date and exact amount of the worth and the various stations where it was utterly impossible that these affiants could have been present and known all about it, going through statement after statement here without being subject to the slightest cross-examination; and yet the committee take the case upon this kind of testimony and report it without deducting one single picayane from the amount claimed by the claimant. Many of these witnesses testify to losses and yet do not testify to the amount and value of the same, and that, I suppose, has been put in by somebody; it does not seem to be by anybody under oath, I presume by

the claimant, giving the amount of value of these horses and mules, \$200 and \$225 apiece. There is no deduction for old mules or for young ones; they were all of exactly the same value, old or young,

young ones; they were all of exactly the same value, old or young, and whether they had been long in service or only a short time.

Mr. President, under such circumstances I undertake to say that if this testimony had been subjected to the scrutiny of even an ordinary lawyer, there is not a single affidavit in the printed testimony of these employés of the claimant that could have withstood an hour's cross-examination; it would have been torn all to pieces. Look at the difference between that testimony and the two little witnesses brought in on the part of the United States. They were subjected to a very severe cross-examination, such an examination as I think they ought to have been protected from. Yet the committee report that the preponderance of the testimony is against these witnesses, and throw out the testimony of these men because they testified that the mules were not worth so much; that they were worth \$125 or \$150 instead of \$200, and that the stations instead of being worth one or two thousand, or \$2,500, were not worth more than \$300 or \$600. Under such circumstances as these I think that the Senate cannot be justified in voting to pay half a million dollars to this claimant.

Again, how do we know that this party is the sole claimant for these damages? The report of the Postmaster-General does not show that he was the contractor; he appears to have been a sub-contractor in a large part of these heavy contracts; and the report from the Postmaster-General only shows a very small part of them. If we go on and give this man the amount that he claims for damages, how do we know that some other party may not come up and claim for a much larger sum or a lesser sum?

I ask that the Secretary read a letter received by me from the Auditor for the Post-Office Department, which I send to the desk.

The Chief Clerk read as follows:

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST-OFFICE DEPARTMENT,
Washington, May 4, 1880.

Washington, May 4, 1880.

Sin: In reply to your verbal request I have the honor to inform you that the service from Saint Joseph, Missouri, to Placerville, California, from July 1, 1861, to June 30, 1864, was performed by the Overland Mail Company, at a compensation of \$1,000,000 per annum, the sum of three millions having been paid them for this service. The same company also performed this service from July 1 to September 30, 1864, for which it was paid \$210,000, or at the rate of \$840,000 per annum. On the 1st day of October, 1864, Ben. Holladay, as contractor, began performance of service from Saint Joseph, Missouri, to Salt Lake City, Utah, supplying Denver City, Colorado, at the rate of \$365,000 per annum, which rate of pay was paid to him up to June 14, 1868, when his contract pay was reduced to \$347,648.

Respectfully,

Hon. J. S. MORRILI, United States Senate. Mr. MORRILL. It seems a little singular that this claimant who took out this contract and ranit should have been willing to take it at a lesser rate when the contract expires. If he was not making money why did he choose to continue the contract at a lesser price? There can be no doubt that a high and a very enormous sum was agreed to be paid on the part of the United States on account of the extraordinary risk. A million a year for a single contract! Does not that involve something of risk? Of course on the very face of it it is evident that that must be so.

Mr. McPHERSON. May I ask the Senator from Vermont a question?

tion? Do I understand from the report he has just had read that upon this contract the Department paid \$3,000,000?

Mr. MORRILL. They paid a million a year, and afterward it was taken for \$800,000.

Mr. TELLER. A million each year.
Mr. HILL, of Georgia. As the Senator from Vermont is about to conclude, I should like to ask him a question for information.
Mr. MORRILL. I will answer it if I can; I do not know that I

Mr. HILL, of Georgia. I am, as at present advised, very strongly inclined to concur with what the Senator has said as to the right of a mail contractor to recover for depredations committed by Indians. The rule of law, as I understand it, is that, the contract for the service having been entered into with a knowledge of those risks, with a having been entered into with a knowledge of those risks, with a knowledge that those depredations might occur, the presumption is that they were estimated for in fixing the amount to be allowed for the service. Conceding that, and agreeing, therefore, as I am inclined to agree, as I said, as at present advised, with the Senator on that question, I call his attention to the fact that this is not the only ground upon which the claimant claims damages. He says that in addition to the depredations committed by the Indians he was, secondly, required by an early of the covernment. quired by an order of the military authorities of the Government to change his route from that which was fixed by the contract, and that change his route from that which was fixed by the contract, and that that change involved a large expense; and he states a third ground of complaint, the first being the one stated by the Senator, the depredations of the Indians, the second being the change of the route. The third, he says, is that a large amount of supplies belonging to him was taken by the Government for the troops, and for that he asks compensation. I want to know if the evidence sustains those two last charges, that he was required to change his route and that a large portion of his supplies was taken by the Government to feed the troops, ought he not to be paid for those items; and if so, how much do they amount to; and if he ought not to be paid for those items, why not?

Mr. MORRILL. The only possible doubt about this case is the one suggested by the Senator from Georgia; but I call his attention to the fact that this claimant could at any time have surrendered his contract if he had chosen so to do. So far as the order of the military was concerned, I understand that the committee have allowed for damages in the Chivington case \$50,000. This change is something that perhaps is worthy of consideration; and yet the evidence that the United States troops took any considerable amount of his property I think is very vague and indefinite. I do not find that there is anything very satisfactory on that point in the testimony thus far submitted. But why should the claimant have concealed his claim and never made any pretension of having a claim so long his claim and never made any pretension of having a claim so long as he was able to get a contract from the Government from 1862 to

Mr. CAMERON, of Wisconsin. If the Senator will allow me for a moment, the claimant did not conceal his claim. It appears from the evidence that as early as 1862 he came to Washington, after his property had been destroyed by the Indians, and had an interview with the President, President Lincoln, and with the then Postmaster-General, Montgomery Blair. He said to them that unless they would assure him that he would have protection in transporting the mails over the routes he would be compelled to abandon his contract. They assured him that he should have full and ample protection, and the Government, so far as it was able, I think, did furnish protection, but it was not able to furnish complete protection.

Mr. MORRILL. Yes, the President told him that he would give him all the protection in his power, and undoubtedly he did so. If

him all the protection in his power, and undoubtedly he did so. If he agreed to vary and change the contract, why did he not submit some written evidence that it was changed at that time? Even the Postmaster-General does not pretend to say that he gave him any assurance of any compensation for these damages.

Let me call attention to the character of some of the evidence upon which this claim is based. Here is the affidavit of Sol Riddle, the division agent of the claimant. He says:

At Platte Station we abandoned two hundred and fifty sacks of corn and teatons of hay; at Diamond Springs, two hundred and fifty sacks of corn and fifteen tons of hay; at Sand Hill, two hundred and fifty sacks of corn and fifteen tons of hay; at Alkali, two hundred and fifty sacks of corn and twenty tons of hay; at Alkali, two hundred and fifty sacks of corn and twenty tons of hay, &c.

Does anybody believe that that witness knew anything about the facts upon which he was testifying, that there were exactly two hundred and fifty sacks of corn at either of these places, no more and no dred and fifty sacks of corn at either of these places, no more and no-less? Two hundred and fifty sacks of corn was a six-months' sup-ply; they only received it once in six months, according to the testi-mony in other parts of this report; and yet this witness swears that at all these stations there were in round numbers just two hundred and fifty sacks of corn, and then there were in round numbers ex-actly ten tons of hay, or fifteen tons of hay. There is nothing small about any of these witnesses, either as to the number of sacks of corn or the number of mules or the prince propuration they are sackingted.

or the number of mules or the price upon which they are estimated.

Mr. President, I do not want any injustice done to this claimant or any other; God forbid; but I do think that if this claimant had had a valid claim against the Government of the United States for half a million dollars he should not have let it rest from 1862 to 1866, even, without presenting it to Congress, taking his testimony—of his own employés, mind you, all the time—dated in 1862, many of them concealed from the Government, which knew nothing about any such concealed from the Government, which knew nothing about any such testimony being taken, and of course it was not prepared to have any rebutting testimony, and then waiting from 1866 six years more, until 1872, before the case is presented again. I should very much like, if it were possible, to have had an inventory of this gentleman's business. Let us know whether he made or lost in pursuing this business. I have very little doubt that he made it a handsome business while he was in the employment of the Government. I do not understand that he became a bankrupt while he was a mail carrier of the Government, but it was only since arising perhaps (and I do not Government, but it was only since, arising, perhaps, (and I do not know anything about it,) from other investments, from other speculations, if he is a bankrupt; and I hope he is not. It strikes me that it is extremely strange that a claim of this kind should have been allowed to slumber for eighteen or nineteen years, or even fifteen ears, or ten years, without the claimant coming forward here and

years, or ten years, without the claimant coming forward here and letting us know something more precise about it.

I wish to say, in addition to what I have said, one thing more, that if we pass this claim as it is presented here I think it will go far to justify the public judgment that Congress is a good place for a large claim but a bad place for a small one. I have no question but that if we establish this as a precedent, instead of having \$500,000 to pay we shall have five or ten million dollars to pay within the next five or ten years for similar claims that will sprout out and come forth here with all of the appeals to justice that this has had or has seemed to have had in the arguments of gentlemen who have sustained it.

Mr. McPHERSON. Mr. President, I do not rise for the purpose of making any extended remarks upon this bill, from the fact that I had not looked at the testimony or any of the papers in the case until this

not looked at the testimony or any of the papers in the case until this morning; but the debate has exposed some facts in relation to it upon which I should like to be advised. I find that the petitioner himself in his memorial to Congress states certain facts:

That in the performance of his service in the transportation of the United States mails, amounting during much of said time to more than fifty tons of mail matter per quarter, he employed 110 coaches, 1,750 horses and mules, and upward of 450-

Will the Senator who has charge of this bill upon the floor, the Senator from Arkansas, [Mr. GARLAND,] or some member of the committee, please inform me why, in the transportation of fifty tons of mail matter, it was necessary to have so many coaches and horses and mules. Of course the mail was carried between the different stations along the route, not all of it throughout the whole extent of the route, but portions of it from station to station along the line. From one given station to another, thirty miles distant, there might be ten tons of mail matter or two tons, while to the next station less than one. For such a service why was it necessary to employ 1,750 horses exposed to all the perils of transportation through the Indian country, through which the Government had never contracted with the gentheman to give him anything more than the usual protection? Why did he want to expose that amount of property to hazard?

Mr. CAMERON, of Wisconsin. If the Senator from New Jersey will allow me to make a remark right there, I shall detain him but a

single moment. The Senator stated that the amount of mail transported between two stations might be ten tons and between the next two stations not more than one or two tons. The fact is that nearly all the mail matter transported was through-mail matter. It went from the Missouri River to Salt Lake City, and so on, to California.

There was very little local matter.

Mr. McPHERSON. But there were some intermediate stations, of course

Mr. CAMERON, of Wisconsin. There were intermediate stations, but very few persons at those stations and very little local mail mat-

Mr. McPHERSON. The answer is perfectly satisfactory.
Mr. TELLER. I should like to say to the Senator from New Jersey
that between Saint Joseph, where the mail started, and Denver, six hundred miles, there was nobody, you may say. Of course the men around the station might occasionally have received a letter by mail, but after you passed a short distance beyond Saint Jo you passed beyond the settlement, and there were no farmers, no traders, nobody until you reached Denver, a distance of over six hundred miles. Then from there to Salt Lake it was an absolute waste, so far as people were concerned, and so it was after you passed Salt Lake until you got through to California.

Mr. McPHERSON. The answer is very satisfactory indeed. However, it has but very little effect upon the argument that I propose to make upon that point. We shall find, I guess, when we come to examine this matter minutely that instead of using 1,750 horses, 110 coaches, and the number of men here stated, for the transportation of the state of of the mail, they were employed in the transportation of passengers over the plains, for which the claimant received a very large compensation; and now he comes to the Senate of the United States and asks to put his hand in the public Treasury and take out of the public Treasury a compensation for services that he was performing for the general public, and for which the Government never agreed to reimburse him in the least particular.

The contract made between the two contracting parties, to wit,

the Government on the one hand and the petitioner on the other, does not contain a single provision of any nature or character that he is to receive more than the usual protection from the different military stations established along the route which is usually given in those cases. But notwithstanding all that, he persisted in exposing to the perils of an Indian country an amount of property far in excess of that needed in the conveyance of the United States mails. Let us read the contract. The contract itself is a full answer to his whole demand. The contract was

First. To carry said mail within the times fixed in the annexed schedule of departures and arrivals, and so carry until said schedule is altered by the authority of the Postmaster-General of the United States, as hereinafter provided, and then to carry according to said altered schedule. 2. To carry said mail in a safe and secure manner, free from wet or other injury, in steam-vessels, and in a separate and convenient apartment.

This is with respect to the contract for carrying the mail on steamboats. Now turn to another contract. On page 4 you will find the contract for \$186,000 per annum:

First. To carry said mail with certainty, celerity, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size or weight or increase, during the term of this contract and within the times fixed in the annexed schedule of departures and arrivals.

Second. To carry said mail in a safe and secure manner, free from wet or other injury, under a sufficient oilcloth or bearskin if carried on horse, and in a boot under the driver's seat if carried in a coach or other vehicle, and in preference to passengers and to their entire exclusion if its weight and bulk require it.

It is not only implied in the contract but absolutely expressed in terms that the mails should be carried in any way he pleased, either upon horseback or in any other mode. Now, he says he has carried fifty tons of mail matter within three months. Does any Senator on this floor believe for one single moment that those fifty tons of mail matter, covering a period of three months in their delivery, could

matter, covering a period of three months in their delivery, could not have been carried upon horseback or in wagons or coaches of some kind without the use of 1,750 horses and mules and 110 coaches to do it? The proposition upon its face is simply absurd.

I do not criticise the report of the committee in this matter, because I think upon the testimony adduced they believed that the claimant was entitled to compensation; but I think this is a phase of the question that the committee have failed really to investigate.

Let me go further. I suppose it is usual in making a statement of

a case, particularly on the part of the party who expects to receive the benefit, to make it in such a manner that it will really appear plausible. Taking the report of the committee as we find it, (and, by the way, this is a full answer to the Senator from Georgia,) on page 9 the way, this is a full answer to the senator from Georgia,) on page 9 it appears that a claim has been made for removing stations from one line to the other, for which he claimed, I suppose, \$77,000; at all events, the committee have awarded him \$77,000. We will consider, then, the matter to be settled, that he has distinctly specified that \$77,000 is due him for that service, and the committee have allowed it. We find on the same page that the memorialist claimed for the removal of the line under the Chivington order, for which the committee believe he is entitled to \$50,000, and they report and recommend that \$50,000 be is entitled to \$50,000, and they report and recommend that \$50,000 be given. We find, then, a very strange condition of things, not with respect to the report of the committee, but with respect to the action of the memorialist himself. We find a claim here for property said to have been taken by the Government itself for the support of the troops. For this he claimed \$30,000, and the committee have awarded \$30,000. I wish to know whether the petitioner had a claim against the Government for \$30,000 that he could support by testimony that was convincing to the Department where during the set to the claim. was convincing to the Department whose duty it was to pay a claim of that kind. I say if he could have supported it by testimony that would have been satisfactory and sufficient to make it plain to the Department it would have paid a claim of \$30,000 for provisions furnished to troops on the line.

Mr. HILL, of Georgia. Does it say "furnished?"

Mr. MCPHERSON. Yes. This claim is \$30,000, and it is all that is awarded. Let me say that the memorialist himself magnifies the importance of this thing in the memorial. Even the smaller matters are mentioned as though they were matters of a great deal of importance, and the major ones are almost eclipsed.

Going further we find a complete answer to the inquiry of the Sena-tor from Georgia, and we find it in the report of the committee on

tor from Georgia, and we find it in the report of the committee on the same page, page 9, to which I have referred.

Mr. MORRILL. May I call the attention of the Senator from New Jersey to the language of the report on page 9? The committee say in relation to the \$50,000 that the damage suffered was in the neighborhood of \$50,000, and then very explicitly say in relation to this \$30,000 that it was in the neighborhood of \$30,000.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to make a remark?

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) Does the Senator from New Jersey yield?

Mr. McPHERSON. I yield.

Mr. CAMERON, of Wisconsin. That report was submitted by the committee to the Senate before the resolution was adopted in 1878 directing the committee to take testimony. In that report the committee recommended that the matter be sent to the Court of Claims for trial and adjustment.

Mr. McPHERSON. The committee very properly, on page 2 of the report, speak of the testimony as "being in the form of ex parte affidavits," and say that it—

is, to a great extent, unsatisfactory; and your committee, although satisfied that a large amount of valuable property belonging to memorialist was so taken, do not feel justified in attempting to determine with any degree of accuracy the amount or value thereof.

I think it is due to the committee to say—
Mr. TELLER. That is the old report.
Mr. CAMERON, of Wisconsin. That is the first report.
Mr. TELLER. That is the first report made to the Senate, when we asked the Senate to send the case to the Court of Claims before the testimony was taken.

Mr. McPHERSON. I have in my hands the report of Mr. CAMERON,

of Wisconsin.

Mr. TELLER. That is the old report. It was recommitted to the committee.

committee.

Mr. MORRILL. But this report was readopted and rereported.
Mr. TELLER. It may have been left in.
Mr. HOAR. Will the Senator from New Jersey allow me to make a statement? This case was sent to the Committee on Claims. They reported that the petitioner had been a large loser; that they had not before them the means of determining accurately the amount that he had lost, in the neighborhood of thirty thousand dollars for one thing, in the neighborhood of fifty thousand dollars for another, &c. They recommended that the case be sent to the Court of Claims with anthority to take testimony and determine accurately all these with authority to take testimony and determine accurately all these things. Thereupon the Senate sent the case back to the committee directing them to take testimony themselves, to hear witnesses, allowing the United States to cross-examine the witnesses, if it saw fit. They did it. In making their second report, in which they state what they have ascertained upon evidence taken, and taken with great patience and thoroughness by the Senator from Wisconsin, they insert in it the first report; that is, they give the Senate the whole history of the thing. It is from that first report that the Senator from New Jersey is now reading.

Mr. MCPHERSON. It is all incorporated in this report and forms

part of it.

a part of it.

Mr. HOAR. I understand it; but, in other words, in the present report the Senator from Wisconsin says, "I have examined and ascertained these values, but I also produce for the information of the Senate, that they may have the whole history before them, an old report

in which the committee reported that the man was a loser, said they had not examined the value, and recommended the Court of Claims to do it." Now, the Senator makes his point as if the present final report contained a statement that the committee had not exactly

appraised and ascertained these losses.

appraised and ascertained these losses.

Mr. McPHERSON. Let me say to the honorable Senator from Massachusetts that if in reading as I now do from the report incorporated in the new report and becoming a part of the same I read a statement from the same committee and reaching a conclusion which in dollars and cents amounts to the identical sum, I certainly can not be very far wrong in my statement. Therefore I will proceed to read it. I find on page 9 a complete answer to the inquiry made by the Senator from Georgia, [Mr. Hill:]

Your committee further report that the evidence tends strongly to show that the damages sustained by the memorialist, Holladay, while carrying the mail of the United States, by reason directly of depredations and hostilities of the Indians along his route, was \$369,739.

Of the amount that the petitioner now asks, three hundred and sixty-nine thousand and odd dollars, the major part of the whole sum is asked for depredations by the Indians. Upon what? Upon property that, under his contract with the Government, he had no right to expose to such peril. If so, it was at his own peril and at his own

I confess I would have more sympathy (I have sympathy now) with the petitioner if he had simply employed in the transportation of this property exactly such material as was necessary to carry out his contract with the Government, and if he had suffered and sustained a loss thereby I should have been more than willing to have seen him reimbursed, even if there was no such thing as a precedent for it upon

the books.

Mr. TELLER. I should like to ask the Senator if he is not aware that it has been the policy of the Government to have the mails carried, not on horseback, but by coaches, and if that is not for the purpose of settling and developing the country? The Government would not have consented at that time to his carrying the mail on horseback.

Mr. McPHERSON. I do not know but that it has been the policy of the Government to do so. I think it would be very good policy if they would adopt if

they would adopt it.

Mr. TELLER. It has been adopted.
Mr. McPHERSON. But at the same time there are circumstances attendant upon almost every case which require that case to stand alone. If the Indians were committing depredations through the country along the route traversed by these stage-coaches, the probability is that he would have but few passengers to carry. But the petitioner made a proposal to the Government to carry the mails for a certain period of time with the full knowledge that upon that route were hostile bands of Indians; knowing full well that he must confront them some time during the period that he had contracted with the Government to carry the mails, and still he employed an amount of property, according to the statement of the honorable Senator from Arkansas, [Mr. Garland,] approximating a million dollars, when no more than one hundred thousand dollars was necessary to perform the service, and put it at the mercy of bands of hostile Indians, and then comes to the Government and asks it to reimburse him. Why did he do it? Simply that he might profit out of the proceeds of the country along the route traversed by these stage-coaches, the proba-

did he do it? Simply that he might profit out of the proceeds of the passenger travel across the plains at extraordinary rates.

Mr. President, there is another fact to which I wish to call attention. I will say nothing of the witnesses, because I know no reason why the testimony of an honest stage-driver is not as competent as that of any other man, whatever may be his position in life. But there is one most significant fact attached to this whole case. There cannot be found one particle of testimony that does not emanate from some man in the employ and in the pay of the petitioner.

Mr. CAMERON, of Wisconsin The Senator from New Jersey states that a little stronger than the fact.

Mr. MCPHERSON. I withdraw it, because I state again I have

not read all the testimony.

Mr. MORRILL. There are two or three witnesses besides.
Mr. MCPHERSON. The major part of the testimony, then, is of that character. I will correct my statement.
Mr. CAMERON, of Wisconsin. The Senator must see that the persons who had knowledge of these facts were persons engaged in the

business.

Mr. CARPENTER. It must in the nature of things have been so. Mr. CAMERON, of Wisconsin. It must have been so in the nature of things. Therefore it is not at all surprising that the witnesses called to substantiate this claim are persons who were employed by Mr. Holladay, and who consequently were acquainted with the facts. Mr. McPHERSON. Very well; I stand corrected upon that remark and ask to withdraw it. I stated that all the testimony was of that character. I will now say the major part of it is. I confess that the Senator from Wisconsin is quite right in saying that it was impossible for the petitioner to produce any testimony other than the kind he has produced, to wit, the testimony of those people who were in his employ, because I suppose no other testimony was attainable.

I am not a lawyer, and I know but little of the rules of evidence, but I profess to have something of a practical knowledge of men and things. I read in the testimony, for instance, with regard to values placed upon certain commodities which appear in the bill of particulars filed by the petitioner. I find in almost every instance so many

tons of hay, \$50 per ton; ten tons of hay, \$50 per ton; fifteen tons of

hay, \$50 per ton.

I read also in the testimony that it became necessary to transport I read also in the testimony that it became necessary to transport this hay long distances. Let it be remembered that these are specified sums. For instance, at Liberty Town so many tons of hay, \$50; at Valley Station so many tons of hay, \$50. I see in the testimony that it became necessary to transport this hay at times a long distance, and that the cost which appears in this bill of particulars was made up largely of the expense of transportation. It does seem to me as though there might have been found a certain amount of hay nearer some of those stations. The experience that the people of this country have had with respect to that section since that mailroute was run is that there are some places along that line where grass does grow. It would seem that it should not have been necessary to pay the same amount at each station. I can readily conceive that the Government had at that time very extensive plains covered that the Government had at that time very extensive plains covered with grass, where the petitioner was at perfect liberty to go at any moment with the immense force of four hundred and fifty men whom he had employed to cut grass and cure it and store it for his own use. I can readily conceive that where hay had to be transported for a distance there was an increased price, and if it was stolen by the Indians perhaps he was quite right if he was going to make out a bill at all to make out a fair one; but at the same time it does seem to me, the sums ranging from \$30 to \$50 a ton, as though the evidence

to me, the sums ranging from \$30 to \$50 a ton, as though the evidence and petition together meant to make out a case as favorable as possible to the petitioner. In other words, with all due deference to the committee, I for one, had I been a member of the committee, would have refused to accept that kind of testimony as conclusive.

Mr. President, I might go further, as there are a great many things involved in this bill that do not commend themselves, at least to my judgment. Certainly if the petitioner had not had seventeen hundred and fifty horses and mules to feed he would not have had three hundred and sixty-nine thousand dollars' worth of feed to sell the Government at \$50 per ton for hay, much of which I suppose never cost him more than one, and corn to sell the Government at \$5 per sack. In other words, he would not have suffered in his pocket to the extent In other words, he would not have suffered in his pocket to the extent of hundreds of thousands of dollars if he had simply devoted his energies and money to carrying out his contract with the Govern-ment, and not the additional contract that he saw fit to make for the

transportation of passengers.

If I could be informed more fully with respect to the points that I have raised, I should like very much to receive the information.

Mr. TELLER. I think I can inform the Senator as to some of those points, if he is really anxious to know the truth. If he has raised

points, if he is really auxious to know the truth. If he has raised these objections simply as a method of fortifying himself in his opposition to the bill, I do not suppose that anything I shall say will make very much impression upon him.

During all the time that these troubles existed and these damages occurred, I was a resident of that immediate section of country. I have had some personal observation about this person and about this route. I never knew the claimant until I came here as a member of the Senate. I may have seen him and probably have been introduced to him, but certainly I did not know him by sight when he first met me here at the Capitol; but I have known the stage line, I have gone over it again and again, not only between the river and Denver but much farther, more than a thousand miles beyond Denver, over this particular line, and I have passed over it during the time that these troubles existed. I have ridden on his stage carrying my rifle on my arm day and night to protect myself and my family and my fellow-passengers. I have known something of the difficulties of carrying the mail through such a country, and I believe to-day that the amount reported by the committee is not anything like the damage that this man sustained and that the Government ought to damage that this man sustained and that the Government ought to pay. I believe the Government ought to pay it, in the first place, because I believe it to be the highest obligation of the Government to carry mail matter to its citizens in every part of the country. do not care how much it costs. I am not one of the men who have ever believed that the postal service should be a paying service any more than the Army; and I believe it would be better to expend \$40,000,000 a year for postal service than \$40,000,000 a year for the

I believe it was the duty of the Government to carry this mail across the continent. There were at Denver and in the country suracross the continent. There were at Denver and in the country surrounding it 25,000 people, citizens of these United States, who had gone there in pursuance of a right given them under the laws to make their homes in that country and to build up a new commonwealth. They were entitled to the mail, not to be carried on a pony express, but to be carried in a coach, so that when they saw fit to come and go back and forth they might have the ordinary conveyance adapted to civilized communities and to civilized life.

This man carried the mail under a contract. the part of the Government that he would furnish these facilities. I want to say to the Senator from New Jersey that he could not have carried it any cheaper. If he had taken seventeen hundred or any other number of horses and put a mail-rider on every one, it would have cost him as much as to run the coaches. He could not have cheapened this method of transportation.

The trouble seems to be the price. That is one objection. Another is that the character of the men who have testified is not quite as exalted, at least their occupation was not quite as exalted, as that of

some of us who are present here to-day. I believe that I have seen a great many men on the frontiers who drove stages, and whotended the stock at the stations, whose word would go as far with me and with every other man who knew them as that of any man I ever knew, no matter what might have been his position and no matter what might have been his pretensions. Because these men drove stage, because they were superintendents of a mail division, because they were the men who curried and dressed the horses in the stables, it cannot be said with any degree of decency that they are not it cannot be said with any degree of decency that they are not entitled to credit.

But in this testimony we are not left to those men. There is the testimony here of General Mitchell, who testifies that the hay was worth \$80 a ton. There is the testimony of Mr. A. S. Hughes, a respected citizen of Denver, an acquaintance of a number of Senators on this floor; an honorable gentleman, whose word would go anywhere where he was known as quick as that of any other man in the land. There is the testimony of Bela M. Hughes, who was the democratic candidate for governor in our State four years are a man land. There is the testimony of Bela M. Hugnes, who was the democratic candidate for governor in our State four years ago—a man against whom in all the excitement of politics no one dared to say a word derogatory of his general character; one who every man in the State of Colorado is proud to own as his friend. He testifies as to the value of these articles, as to the loss of some of them, and as to the general character of the claim. As to the testimony of Mr. Hooker, an experienced stage man living in Iowa having no earthly connection with this claim. tion with this claim, I would appeal to the Senators from Iowa if his

tion with this claim, I would appeal to the Senators from Iowa if his word in a court of justice in Iowa would not be as good as that of any other man in the State. I venture that they will respond in the affirmative. He testifies to higher prices for horses and higher prices for harness than have been allowed by the committee.

Senators here seem to be disposed to deal with this case as if it belonged to the Atlantic coast. They insist upon applying to it the rule as to prices which would prevail in New England or New York. The proof here is that the Government paid at Leavenworth \$175 for horses, and could get none for less. No horse could be bought on that stage line for \$200. Not a horse that was fit to run could be purchased anywhere in that community for \$200. In Colorado, which is only a third of the way across this stage line, mules sold, to my personal knowledge, all the way from \$250 to \$500, and three, four, and five hundred dollars were paid for horses. Senators should remember that that was a far-distant land then. There were no railroads west of the Missouri River. Horses were being bought up by the Government for its use in the South. The Government was a great purchaser of horses at that time, commencing with almost the

by the Government for its use in the South. The Government was a great purchaser of horses at that time, commencing with almost the first movement of this stage company in 1861.

The honorable Senator said that there were places where they could cut hay along the line of the road. Undoubtedly there were some places and undoubtedly they did cut hay in some places; yet General Mitchell swears here, not in an affidavit but before the committee, that the Government offered \$80 for hay and could not get it. All the testimony shows that hay was worth more money than is allowed by the committee. I have seen hay sold in the town in which I live. by the committee. I have seen hay sold in the town in which I live, much nearer the hay fields than the great portion of this route, for \$120 a ton by the ton; I have seen it sold in smaller quantities for from three to four hundred dollars a ton; and there are other Senators here who have seen the same thing in the West. The wood that was burned at these stations was worth \$40 and \$50 a cord. Every board in the buildings that were put up was worth from one Every board in the buildings that were put up was worth from one to five hundred dollars a thousand. Lumber was sold during that time in the community in which I live for more than \$100 a thousand, and then it had to be transported three or four hundred miles to these places down the Platte River. In some sections of course the lumber was comparatively cheap. Take the Black Hills. When you passed beyond the arid hills into the timber region you could buy timber at a moderate sum; that is to say, you could buy the logs and build in that way; boards could not be had at all. If Senators would just stop a moment and think of the difference between that country then and this country or even between that country then country then and this country, or even between that country then and that country now, they would see that these prices are not extortionate, that they are not unreasonable.

The Senator from Vermont, [Mr. Morrill.,] who has read us a homily upon this question, says it is astounding that this man should have allowed fifteen years to go by and not make a claim; and that, too, when the evidence stands upon the records of the Senate and upon when the evidence stands upon the records of the Senate and upon the records of the other House that he made these claims in 1862 and has pressed them ever since. He has haunted the Senate like a ghost, asking that he might have this bill presented to the Senate and passed on, and the Senator from Vermont has never been ready that it should be voted on yet, and he is not ready to-day. There has not been any disposition to dispose of this case and come to a conclusion whether the Government did owe this debt or not. We are met here by the the Government did owe this debt or not. We are met here by the very astonishing argument, if it can be dignified by calling it an argument, by the statement, that if we pay this claim we may pay \$10,000,000 more. If we owe \$10,000,000 more weought to pay it. I have an idea that there are some people in the United States who are entitled to be paid who have never been paid and never will be paid. There are claims for millions of dollars presented by the citizens of Colorado, of Kansas, of Utah, of Montana, and Idaho for depredations committed by the Indians on their persons and on their property. I believe they ought to be paid. I believe it is a debt that the Government owes, and it is a debt for a great many years that the Government of the state of the state

ment recognized and the Government paid. But I do not see that this case will make any precedent. I do not see that this will form a precedent that will compel us to pay those claims. The Senate is a law unto itself, and precedent never bound it anyway, but it ought to be bound to pay the honest obligations that the Government owes. The Senator from Vermont says that the contractor, Mr. Holladay, could have abandoned the contract. Grant it; nobody denies it; nobody doubts it. War would have released him from the contract. What did he do? He came here and the President of the United States and the Postmaster-General said, "You must not abandon your contract; you must carry the mails, and for whatever you suffer financially the Government will make whole." I expect to hear the Senator from Vermont rise and say that the President and Postmaster-General were not the agents to make such a contract and that they

tor from Vermont rise and say that the President and Postmaster-General were not the agents to make such a contract and that they had not any authority to do it.

Mr. HILL, of Georgia. I should like to ask the Senator a question upon that point, for with me it is a very important point. Where is the evidence that the President and the Postmaster-General entered into that obligation?

Mr. MORRILL. The claimant says so. Does the Senator from Georgia want any higher evidence than the word of the claimant?

Mr. HILL, of Georgia. I did not ask for that. I want the evidence; I want to know what the evidence is, without passing upon its character first. I want to know first what it is.

Mr. TELLER. The evidence is the sworn testimony of Mr. Holladay, and Mr. Otis, who is a reputable gentleman residing in the city

day, and Mr. Otis, who is a reputable gentleman residing in the otig of New York—reputable so far as I know, except that he has some connection with this claim, and that, I suppose, will be enough for the Senator from Vermont to destroy his character. It is not denied, it is not disputed by anybody, that such a contract was made. The necessity for keeping up that communication with those people everybody ought to admit. When 25,000 men had assembled around the foot of Pike's Peak to make a home and develop that region and the foot of Pike's Peak to make a home and develop that region and who sent one-fourth of all the people who were there into the service of the United States, who furnished a greater quota to the Army in proportion to their population than any other section of the Union, should the Government leave these men there without any mails to save a few paltry dollars? The fifty or sixty thousand people assembled in the Salt Lake Basin, although they might be Mormons, were citizens of the United States, and were entitled to their mail, and it was a duty of the President and the Postmaster-General to see that these men had an encortunity of receiving that mail no matter what these men had an opportunity of receiving that mail, no matter what

it might cost. The Senator says that the claimant did not present his claim. It is apparent from an examination of the evidence that immediately when these losses occurred he took the testimony, filed the affidavits, and presented the claim as well as it could be presented. It has been here ever since, and he has been ever since appealing to Congress to make good the promise of the President of the United States and the Postmaster-General to pay him for the losses he sustained.

Mr. President, I do not propose to testify about this matter. I have seen the burnt ranches of this man. I never went before the committee, neither have I given my testimony to the committee, but I have seen the dismantled stations, and I have seen the dead stock. I have walked on foot after these coaches because there was no stock to carry the coach, it was destroyed by the Indians, carrying my rifle on my shoulder as I marched. That is what we underwent in the on my shoulder as I marched. That is what we underwent in the West. This man kept up the mail as best he could, at great expense, sometimes a week and sometimes two weeks intervening, and at one time six weeks, when the people of Colorado had no connection what-ever with the East, and that, too, in the most exciting condition of public affairs in 1864.

Let me say one thing suggested by the honorable Senator from Wisconsin, [Mr. Carpenter.] In the beginning when this contractor came here there was anxiety as to what was to be the condition of California with reference to the public disturbances. Everybody knew that there was a vast number of people in California who sympathized with the rebellion, and it was a question whether California was going to remain in the Union or whether she would attempt It was a necessity that communication should be kept up,

to go out. It was a necessity that communication should be kept up, and the Government felt the necessity of keeping up its communication not only with California but with Colorado and with Utah, and for the purpose of keeping those Territories in close connection with the Government of the United States it authorized the raising of troops through that section of the country. We are told that \$500,000, which is the expense of having kept up the mails during the three years, in addition to what the Government has paid is an enormous sum and that the Government ought not to pay it.

Mr. President, since I have been a member of the Senate I have noticed with pain that every time a proposition comes to vote money for the benefit of the section that I in part represent it meets the sturdy opposition of some Senators living in another section of the country. I regret it; and when you talk about sectionalism much of it arises from the fact that there is in the Senate, and there has been ever since I have been here, a disposition not to do entire justice to the section of the country called the West. This claim comes from the West; perforce it must be a fraud, and perforce, I suppose, every man who defends it here must be in collusion with the claimant, because I hear it stated that if this claim passes, if the bill becomes a law, cause I hear it stated that if this claim passes, if the bill becomes a law, the public will understand that it is a great deal easier to get a big

claim through than a little one. What does the Senator mean? Does he mean that because this is a big claim the claimant proposes to he mean that because this is a big claim the claimant proposes to divide, and that Senators are supporting it on that ground? If he does not mean that, then there is not any point at all in the remark that he made. I do not suppose he will admit that he meant that; I do not suppose that anybody will admit that; but that kind of language has been repeated day after day in the Senate to my disgust, and I think to the discredit of the Senate. I think it ill befits the honorable Senator from Vermont to come here and present that kind of an argument to the Senate of the United States. It is beneath the dignity of this holds. nity of this body.

Mr. President, I have the same interest in this claim that every other man has—an interest to see the Government of the United States deal justly with its citizens. It has become a by-word all over the country that a man who has a claim here might as well let it go as to attempt to get it. We may occasionally allow a claim that ought not to pass, but we had better allow a million dollars every session than deprive the citizens of the United States who have just claims at our hands of their right to redress. If now and then a claim slips through that ought not to have passed, I would rather it should go through and that the people who have honest claims should be paid than that they

should fail.

I do not believe the opposition to this bill has been very anxious to arrive at the facts. One Senator tells us that he has not read the testimony, and yet he proceeds to attack it on the ground that it is not true. Another tells us that the testimony comes from a class of not true. Another tells us that the testimony comes from a class of men that must be received with suspicion, overlooking the character of the men whom I have named and overlooking the fact that a man's business has nothing to do with his veracity. Mr. President, you may go into the cultured regions of New England and you will find as many men who will dodge the truth as you will find in the rough and uncouth regions of the West. It does not make any difference where a man was born or where he lives or what he follows in determining the question of his veracity. It is a question that depends upon his moral character and his moral standing. I say there is not a thing in this testimony that would lead a fair-minded man to doubt the accuracy of these statements. There is the testimony of Robert J. Spottswood. He is a stage man, and I will venture to say that there is not a court in Colorado that would not receive Spottswood's testimony with as much favor and as much credit, as that of wood's testimony with as much favor and as much credit as that of any other living man, no matter how high he may be in social life or social position.

I believe the claim is an honest one and I believe it ought to be

I believe the claim is an honest one and I believe it ought to be paid. The Government has left this man knocking here year after year and I believe has done him great injustice; I am willing to vote for the payment of the claim, and I am not to be frightened by the suggestion that somebody will think that there is a job in it, nor by the suggestion that there will rise up numerous claimants presenting claims of this character and therefore we shall establish a bad precedent by passing this bill.

Mr. WALLACE. Mr. President, this is a large claim, and one that is sustained mainly by ex parte testimony. A generation has passed since the claim had its origin, and it behooves us to closely scan the testimony upon which it is based, to look at the history of the claim, to examine it in all its bearings, to see whether the United States justly and equitably owe this \$526,000, and if so to pay it. If they owe a part of it, that should be paid, but that fact and the amount should be first judicially ascertained. Where are we most likely to find light on the subject of the correctness and equity of this claim? Is it here and now, after a generation has passed, or is it in the Congress light on the subject of the correctness and equity of this claim? Is it here and now, after a generation has passed, or is it in the Congress that was in existence when the work was done and the claim had its inception? I have turned to the record, and I find that in the Thirty-ninth Congress, on January 24, 1866, for the first time there came to the House of Representatives a petition by the claimant for relief for injury done him by Indian depredations. I have been unable to find the original or a copy of it. This petition was referred to the Committee on Indian Affairs, and was reported back in the form of a joint resolution (H. R. No. 103) by the now Senator from Minnesota, [Mr. WINDOM 1. The form of that joint resolution is as follows: The form of that joint resolution is as follows:

That so much of the claim of Benjamin Holladay as relates to damages for change of route by military orders and property taken by the military authorities and appropriated to the use of the Government be referred to the Court of Claims for adjustment.

That joint resolution was passed by the House in the words I have ven. In it we find no word about Indian depredations, not a sylgiven. In it we find no word about Indian depredations, not a syllable. It came to the Senate and was referred to the Committee on Claims, of which I believe Mr. Clark, of New Hampshire, was chairman. It was reported back with an amendment, and on the 17th of May, on motion of Mr. Nesmith, was taken up and passed by the Senate, first adopting the amendment reported by the Committee on Claims. What was that amendment? It was to strike out the matter that is made most potential here now as an argument in support of the claim.

The amendment thus reported and adopted by the Senate—all of the original joint resolution that relates to damages for change of route by military order—that provision was stricken out of the resolution, and the claim stood only upon the justice of the demand for property taken by the military authority. I refer Senators to the Thirtyninth Congress, first session, page 2636, Congressional Globe, May 17, 1866, for the data I thus give. In the debate that followed Mr. Pome-

roy resisted the striking out. Mr. Clark, however, insisted that it should be stricken out. He (Mr. Clark) said:

should be stricken out. He (Mr. Clark) said:

This is a joint resolution from the House of Representatives. As it came to the Senate it was referred to the Committee on Claims, and read in this way: "That so much of the claim of Benjamin Holladay as relates to damages for change of route by military orders and property taken by the military authorities and appropriated to the use of the Government be referred to the Court of Claims for adjustment." The Committee on Claims came to the conclusion to recommend to the Senate to strike out that part of the claim which was for damages for change of route, and to let the other part of the claim for property alleged to be taken by military orders go to the Court of Claims, and no more; and we think that is a better tribunal than the Committee on Claims and the Senate.

Mr. POMEBOY. I do not wish to contest the amendment, but I have this to say: Benjamin Holladay, who had the overland contract, made his stations every fifteen miles on a given route, and bnilt houses. The military authorities.

Mr. McRHEPSON. May Leek the Senator from Penyselvanie to

Mr. McPHERSON. May I ask the Senator from Pennsylvania to please state in this connection what sum of money of the whole amount claimed could have gone to the Court of Claims under this report? Thirty thousand dollars only of the \$526,000, I think.

Mr. WALLACE. Permit me to finish Mr. Pomeroy's remarks.

The military authorities told him to abandon all those and to go to another line, because they could protect him from the Indians on that other line. It is a question of equity whether he ought not to have some compensation for the abandoned houses and stations that he had built at great expense.

Now hear the chairman of the Committee on Claims in answer to Mr. Pomeroy on Indian depredations:

Mr. CLARK. I ought to say that the Committee on Claims examined the claim so far as to see precisely what it was. I doubt very much whether he can set up any military order in the case; but we concluded to let the whole matter go for adjudication to the Court of Claims.

When the resolution went back with this amendment put on by the Senate Committee on Claims and adopted by the Senate the House refused to concur, and so informed the Senate, and a committee of conference was asked and was appointed by the Senate. The House also appointed a committee of conference, and there the matter dropped. We hear no more of it in that Congress. What follows? Is this claimant a prompt and eager claimant for equity and right? His claim is not heard of in the next or Fortieth Congress, except that in that Congress leave was granted to Mr. Holladay, on December 5, 1867, to withdraw his papers from the files. That is all we hear of Mr. Holladay then. In the Forty-first Congress no word about his claim is found in the Journal.

During the Forty-second Congress, on March 25, 1872, the Senator from West Virginia [Mr. DAVIS] presented the memorial of Mr. Holladay which has been alluded to to-day. It was referred to the Comladay which has been alluded to to-day. It was referred to the Committee on Indian Affairs, that committee was discharged, and it was, April 22, 1872, referred to the Committee on Claims. No more is heard of it in the Senate in that Congress, and it is unheard of in the House. On the 15th of December, 1873, in the Forty-third Congress, Hon. Benjamin F. Butler presented Mr. Holladay's petition for relief. That is all we hear of it in the House during the Forty-third Congress. On the 13th of January following, in the Forty-third Congress, Mr. Hitchcock presented the memorial of Mr. Holladay in the Senate, praying to be indemnified for losses sustained by Indian depredations: it was referred to the Committee on Claims, and we hear

redations; it was referred to the Committee on Claims, and we hear no more of it in that Congress.

Then we come to the Forty-fourth Congress. In the Senate, on the 8th of December, 1876, Mr. Mitchell moved to refer the papers on file to the Committee on Claims. They were thus referred, and that Senator early in 1877 reported a bill to send the claim to the Court of Claims, and accompanied it with a report No. 583. It was not Senator early in 1877 reported a bill to send the claim to the Court of Claims, and accompanied it with a report, No. 583. It was not reached during that Congress, and no action was had in the House. In the Forty-fifth Congress Mr. Mitchell, chairman of the Committee on Claims, on October 16, 1877, again moved to refer the papers to his committee, and on the 26th of November, 1877, a bill was again reported back referring the case to the Court of Claims. What occurred then? The bill and report of the Committee on Claims came up for consideration March 11, 1878, and it was discussed at length. The language of the bill did not suit the lawyers on this floor, and the ex-Senator from Michigan, Mr. Christiancy, and others so criticized the language used as to the character of the testimony to go to the court that he satisfied the Senate that the word "competent" ought to be placed before the word "testimony," in order that the Court of Claims should have other knowledge of the facts on which the claim was based than ex parte proof, so that the court might be the claim was based than ex parte proof, so that the court might be able to scrutinize it carefully. The Senate sustained this view and thus amended the bill, so that when the case came before the Court of Claims it was to be adjudicated there upon competent testimony. What followed? The chairman of the Committee on Claims, Mr. Mitchell, moved to recommit the bill to his committee with instructions and it was so recommitted and it was constituted.

tions, and it was so recommitted, and it was recommitted to do what? To take up the case and examine it ex parte, to take up the case and investigate it upon the testimony before it by the committee itself, and to report back what was equitable and just. From the beginning until this time there had been no willingness, no consent to have the claim judicially examined, carefully scrutinized, but ex parte testimony only was the basis of the claim. It went again to the Committee on Claims, under instructions to send for persons or papers and report what was equitably due. They examined it mainly on the ex parte testimony and they have reported back this bill, and now they resist again our desire that it may go to the Court of Claims and be examined there.

Mr. CAMERON, of Wisconsin. I am certain the Senator from Pennsylvania does not desire to misstate any fact.

Mr. WALLACE. Certainly not.
Mr. CAMERON, of Wisconsin. The Senator has stated that the
Committee on Claims, after its recommittal to that committee, as I understood him, examined it upon the ex parte testimony alone

Mr. WALLACE. I said mainly upon ex parte testimony. I know

that other witnesses were called.

Mr. CAMERON, of Wisconsin. I thought the Senator overlooked that fact.

Mr. WALLACE. No; I know that fact; but it was mainly upon

Mr. WALLACE. No; I know that fact; but it was mainly upon the ex parte testimony which had been in existence long before.

Mr. CAMERON, of Wisconsin. I doubt if it was mainly on that; but that is a question of opinion.

Mr. WALLACE. I think the statement I make will be borne out by the record of the testimony. However, the bill comes back, not to send the case to the Court of Claims, but to give this claimant what he is equitably entitled to.

Mr. CAMERON, of Wisconsin. Will the Senator from Pennsylvania observe the resolution under which the claim was recommitted

to the committee?

Mr. WALLACE. I do. Mr. Mitchell moved to recommit the bill to the Committee on Claims with instructions to report what amount, if any, is equitably due to the claimant.

Mr. CAMERON, of Wisconsin. The committee was not at liberty under the order of the Senate—

Mr. CARPENTER. Not with a view to send it to the Court of

Mr. WALLACE. Certainly not.
Mr. CAMERON, of Wisconsin. That was the remark I intended to make. The committee was not at liberty under the order of the Senate to report a bill sending the case to the Court of Claims.

Mr. WALLACE. I suppose not under the peculiar wording of the

resolution.

Mr. CAMERON, of Wisconsin. Under the wording of it, without "peculiar." The wording is not peculiar at all.

Mr. HILL, of Georgia. If the Senator from Pennsylvania will allow me just a moment, I will say a word. Of course the record shows that I am no advocate of this bill, but I want to say here that I took considerable part in the discussion before as to whether this case should be sent to the Court of Claims or not, and I think it is but just and fair to state that from my recollection of what occurred it would be very unfair now to send this case to the Court of Claims. The point was that the proposition was made to send the case to the Court of Claims with what we regarded as instructions to the Court The point was that the proposition was made to send the case to the Court of Claims with what we regarded as instructions to the Court of Claims to accept certain affidavits as evidence under order of Congress. The late Senator from Michigan and myself both made motions and speeches objecting to sending the case to the Court of Claims with instructions to consider that as evidence which was not evidence under the ordinary rules of law. If we sent the case to the Court of Claims at all, he and I said we ought to send it under the regularly established rules of evidence, competent evidence under the law. The reply to that was, (as you will see if you examine the RECORD; I remember it well,) that this testimony could not be legally taken, a large portion of it, because in consequence of the delay some of the witnesses had died; Mr. Holladay had been unable to perpetuate the testimony in the forms of law; that it was not his fault, and that there were witnesses who could not be got at, and to send the case back to the Court of Claims authorizing them to consider only competent testimony would amount to a denial of his right. We said then (and you will find this in the debate; I remember making the point myself) that if that was the case, that owing to circumstances for which he was not responsible this testimony could not be considered by the Court of Claims, it would be proper for Congress, instead of sending it to the Court of Claims, to adjadge the merits, because there was no rule of law which restrained this body from considering evidence which technically might not be competent evidence before a court; that we could consider all the evidence; that if the case was in such condition that the court could not consider all the evidence is an adjust to retain the case and adjudy. if the case was in such condition that the court could not consider all the evidence, it was but fair and right to retain the case and adjudicate it on the merits here.

Mr. CARPENTER. That was why it was sent back to the com-

Mr. HILL, of Georgia. For that reason, as I understand, it was sent back to the committee; and I will state that when Mr. Mitchell's resolution was prepared my recollection is it was prepared with the approval of the senior Senator from Ohio, [Mr. Thurman,] and that the Senator from Ohio, who had opposed the bill, who had fought the measure, expressed the hope that the resolution offered by Senator Mitchell would be adopted. That resolution of Senator Mitchell instructed the committee to take testimony and send for persons and papers and to report the amount that they should find due Mr. Holpapers, and to report the amount that they should find due Mr. Holladay and the amount they should find equitably due; and that was passed, as I understand it, by the unanimous consent of the Senate. So I think it is but fair and just now to say that this case went back to the committee by the consent of the whole Senate, by the agreement of those who opposed the bill, including myself, and in opposition to the wishes of the friends of the measure.

Mr. KERNAN. Oh, no.

Mr. HILL, of Georgia. We changed the bill, I admit; there was a proviso. But I say it was a sort of compromise by which it was agreed on all hands.

Mr. CONKLING. What proviso does the Senator refer to?
Mr. HILL, of Georgia. I am not speaking of any proviso.
Mr. CONKLING. The Senator said that those who favored the claim wanted to refer it to the court with a proviso. What pro-

Mr. HILL, of Georgia. I a little while ago stated that it was that certain ex parte evidence should be considered by the Court of Claims;

amdavits.

Mr. TELLER. That affidavits should be received in the same way depositions would be. That was all. They were not conclusive.

Mr. HILL, of Georgia. That was the proviso I referred to. We considered that not to be competent testimony. The friends of Mr. Holladay were willing to send it to the Court of Claims with that proviso. We were opposed to the proviso, and opposed to sending it to the Court of Claims with that proviso.

Mr. CARPENTER. Provision, not "proviso."
Mr. HILL, of Georgia. "Provision" is a better word. In that condition of things, I repeat, as I understood it, we agreed all around to the resolution of Mr. Mitchell and it was passed without opposition, I think by unanimous consent, that the Committee on Claims should investigate this case on the merits, take the testimony and report the amount equitably due, and under these circumstances I must say for one that I think it would be unfair to Mr. Holladay now to send the case back to the Court of Claims.

Mr. WALLACE. Mr. President, the Senator from Georgia has, have no doubt, correctly stated what occurred in 1878 when the bill was sent back to the Committee on Claims with instructions to report, but I said that it was done on motion of a gentleman who had

reported the bill favorably.

Mr. HILL, of Georgia. My recollection is, and I think if you will examine the RECORD you will find that the Senator from Ohio [Mr. Thurman] stated before Mr. Mitchell offered his resolution that he would offer it, and expressed the hope that it would pass, that we

would offer it, and expressed the hope that it would pass, that we would all agree to it.

Mr. WALLACE. Well, it got back to the Committee on Claims and they have made their report, and now the question presents itself again whether it ought to be passed by the Senate or go to the Court of Claims. The points to which I wanted to call the attention of the Senate was, first, that this ease when considered by the Thirty-ninth Congress which knew what it was, the men who were here and who understood what was going on in regard to this mail-route and these Indian depredations, negatived positively all claim therefor by Holladay, and refused to send to the Court of Claims any claim for Indian depredations. The second point is that the Committee on Claims of this body, and the Senate itself, by a clear, decided vote negatived the proposition to send to the Court of Claims that which relates to damages for change of mail-route by military orders. Here relates to damages for change of mail-route by military orders. Here are two plain, clear, and distinct propositions made and settled, the one by a committee of this body and the Senate, and the other by the joint resolution adopted in the House within two years after the occurrence of these events, when men were living who knew what had transpired, and when the law was being administered as it was

had transpired, and when the law was being administered as it was understood to apply to this character of cases.

Besides this, Mr. Holladay himself folds his hands and sits quietly under this action. When a committee of conference is appointed to take up and act upon his bill there is no movement by him. The committee of conference does not meet; the bill drops in silence; he withdraws his papers, and for three Congresses we hear no more of the case until now, when "distance lends enchantment to the view," we hear of it, and we find in it the most even lot of claims, \$50 per ton for hay, and two hundred and fifty sacks of corn at every station—everything exactly the same everywhere in regard to these losses, and a statement thereof that rises up in magnificent proportions to appal us.

losses, and a statement thereof that rises up in magnificent proportions to appal us.

I ask the Senate to scan this claim carefully. If the Committee on Claims has judicially determined it on competent testimony and Holladay is equitably or justly entitled to this large sum of money, then it ought to be given to him. I cannot concur with this finding of the committee, and the bill cannot have my vote.

Mr. McDONALD. Mr. President—

Mr. McPHERSON. I wish to occupy the time of the Senate about five minutes in answer to the Senator from Colorado, [Mr. Teller.] I see with great regret that a distinguished Senator from a Western State, the State of Kansas, upon the border, who apparently from the discussion of this question in 1878 had been conversant with all the facts in relation to it, is not in his seat; and inasmuch as statements made then on the floor of the Senate seem to be so fitting an answer to the Senator from Indiana made then on the floor of the Senate seem to be so litting an answer to the Senator from Colorado, I would like the Senator from Indiana to indulge me a few moments that I may present the case.

Mr. McDONALD. I understood the Senator desired to occupy but a brief time in explanation.

Mr. DAVIS, of West Virginia. If the Senators will give way, I will move that the Senate proceed to the consideration of executive brainess.

business

Mr. McDONALD. I do not propose to take up much time, but I will give way to the motion of the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and twelve minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 6, 1881.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. Harrison, D. D.

The Journal of yesterday was read and approved.

CUSTOMS DISTRICT IN MAINE.

The SPEAKER. The Chair desires to state that the bill which was yesterday passed by unanimous consent, on the motion of the gentleman from Ohio, [Mr. TOWNSEND,] during the morning call of committees, was, according to the record, on the Calendar. The Chair at the time was under the impression that the gentleman from Ohio was reporting it from the Committee on Commerce. The House had better agree that the record shall show that the bill was taken from the Calendar for consideration by unanimous consent.

Mr. TOWNSEND, of Ohio. I make that request.

The SPEAKER. The Chair never allows the record of the proceedings to be touched without the consent of the House.

Mr. TOWNSEND, of Ohio. I beg to state that the matter was a mistake on my part—a misapprehension. The bill was placed in my hands by my colleague on the committee, the gentleman from Virginia, [Mr. Beale.] I was not aware that the bill was on the Calendar. The SPEAKER. The Chair desires to state that the bill which

The SPEAKER. The Chair did not intend to reflect in the least on the gentleman from Ohio. On the contrary he knew that the bill was brought up by the request of the gentleman from Virginia, [Mr. Beale.] If there be no objection, the record in regard to the bill will be made up in the form which the Chair has suggested.

Mr. TOWNSEND, of Ohio. In what shape will that leave the bill? The SPEAKER. It will leave it passed, so far as the House is concerned. The Chair hears no objection.

Mr. WHITTHORNE. I ask unanimous consent to take from the Speaker's table, for reference to the Committee on Naval Affairs, Senate bill No. 616 to promote the efficiency of the Navy.

Mr. BELFORD, Mr. MILLS, and others, called for the regular

The SPEAKER. The regular order is the call of committees for

reports.

Mr. TUCKER. I move to dispense with the call of committees for to-day, my object being to move that the House go into Committee of the Whole to resume the consideration of the funding bill.

Mr. REAGAN. Inasmuch as the sense of the House was taken upon the funding bill in antagonism to the bill which we had up yester-the Labout feel that I would be justified in opposing the proposi-

day, I do not feel that I would be justified in opposing the proposition to go into Committee of the Whole on the funding bill.

The SPEAKER. The Chair under the rules must recognize the motion of the gentleman from Virginia, [Mr. Tucker.] The gentleman from Texas [Mr. Reagan] could not reach his bill until after

the morning hour.

Mr. REAGAN. Perhaps the Chair misunderstood my remark. observed that inasmuch as the sense of the House had previously been taken between these two bills, I would not antagonize the purpose of the Committee on Ways and Means to take up the funding bill.

Mr. BURROWS. Will the gentleman from Virginia [Mr. Tucker] yield to me for a moment?

The SPEAKER. The regular order has been demanded; and the gentleman from Virginia has not the right to yield.

Mr. BURROWS. I understood the gentleman to ask to dispense

with the morning hour.

The SPEAKER. The demand for the regular order was made by

the gentleman from Colorado, and others.

Mr. BURROWS. Pending which the gentleman from Virginia moved to dispense with the morning hour.

The SPEAKER. That motion is in order.

Mr. BURROWS. I ask the gentleman to yield to me to make a re-

port.
The SPEAKER. The regular order is demanded. The Chair recognizes under the rules the motion of the gentleman from Virginia; and while holding the floor upon that motion the gentleman cannot yield to other members unless the call for the regular order be withdrawn.

The question being taken on the motion to dispense with the call of committees, it was agreed to, two-thirds voting in favor thereof.

mittee of the Whole on the state of the Union with the view of taking up the funding bill.

Mr. FRYE. Before the House goes into Committee of the Whole, I would like to inquire, as the gentleman from New York, [Mr. Fernando Wood,] the chairman of the Committee on Ways and Means, is absent, what arrangement, if any, was made touching the length of general debate and the division of time.

The SPEAKER. The Clerk will read an extract from the Journal of the proceedings of December 22, 1880.

The Clerk read as follows:

Mr. Fernando Wood, by manimous consent, moved that when the House next resumes in Committee of the Whole House on the state of the Union the consideration of the bill of the House No. 4592 to facilitate the refunding of the national debt, all general debate thereon shall be limited to one day; the time to be equally divided between the supporters and opponents of the bill.

Mr. FRYE. Now, Mr. Speaker, I would like to inquire whether or not gentlemen have signified to the chairman of the committee their desire to occupy this time. I do not understand that any arrangement has been made touching the occupation of the time. I simply desire that gentlemen who are in favor of a funding bill may know that half the time of to-day's debate is appropriated to those who that hair the time of to-day's debate is appropriated to those whofavor such a measure, and no names of gentlemen who desire to occupy
the time have been given to the chairman of the committee. I understand that the gentleman from New York [Mr. Chittenden] desires
half an hour to follow the gentleman from Pennsylvania [Mr. Kelley]
who opens the debate this morning against the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. Kelley]
and the gentleman from Texas [Mr. Mills] both desire to speak, as
the Chair is advised.

Mr. MILLS. I desire to state that there was an agreement between

Mr. MILLS. I desire to state that there was an agreement between the gentleman from New York [Mr. Fernando Wood] and myself that he should parcel out the time among those who are supporting his bill, and (the gentleman from Pennsylvania, Mr. Kelley, not being

his bill, and (the gentleman from Pennsylvania, Mr. Kelley, not being then present) that I should parcel out the time among the opponents of the bill.

A MEMBER. Judge Kelley is here.

Mr. MILLS. I know that; but he was not here at the time I speak of. He and I understand each other in reference to this matter. The gentleman from Maryland [Mr. McLane] also wishes to speak. The SPEAKER. This is a matter which is always regulated by the chairman of the Committee of the Whole, in accordance with

Mr. MILLS. Yes, sir; and members of the committee that reported the bill will have precedence in the discussion.

The SPEAKER. The Chair is speaking of the Committee of the Whole on the state of the Union.

Mr. MILLS. I understand that; but the chairman of the Committee of the Whole will defer to the Committee on Ways and Means in regard to the course of the discussion.

in regard to the course of the discussion.

The SPEAKER. The Chair never undertakes to rule in the House as to what should be done in Committee of the Whole.

Mr. COVERT. In answer to the question of the gentleman from Maine, I desire to state that a number of gentlemen have spoken to me desiring to speak on this question, among them the gentleman from Missouri, [Mr. BLAND,] and the gentleman from Illinois, [Mr. SPRINGER,] whom I do not now see in his seat.

Mr. BLAND. I have an amendment to the bill which I desire to discuss.

I claim that the Committee on Ways and Means ought

Mr. MILLS. I claim that the Committee on Ways and Means ought to be entitled first to discuss the question before other gentlemen.

Mr. FRYE. The gentleman from Texas states he has charge of the time against the bill and that the chairman of the Committee on Ways and Means reserved to himself the charge of the time for the bill. The chairman of the committee will not be here to take charge of the time for the bill, and I do not propose to take it and allot the time even if I could. Therefore I simply desire to give notice to those who are friendly to the bill and desire to speak that there will be a chairman in his place in a few minutes who undoubtedly will have control of it, and those gentlemen may signify to him, without reference to the chairman of the Committee on Ways and Means, what time they desire. I do not propose to undertake to allot the time.

Mr. Tucker's motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. Covert in the chair.

resolved itself into the Committee of the Whole House on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and resumes, as the first business in order, the consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt. When the committee rose the gentleman from Iowa [Mr. Weaver] had twenty-five minutes of his time remaining, which the Chair understands he now yields to the gentleman from Pennsylvania, [Mr. Kelley,] who is therefore entitled to the floor.

Mr. Kelley. I do not understand myself as speaking in limited time or by the courtesy of another gentleman.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that he has twenty-five minutes of the time of the gentleman from Iowa and, in addition, one hour in his own right.

Mr. KELLEY. Mr. Chairman, I have seen it stated in the course

Mr. KELLEY. Mr. Chairman, I have seen it stated in the course of the discussion of this bill that the simple question is whether the Mr. TUCKER. I now move that the House resolve itself in Commembers of this Congress have the sagacity and honesty to borrow

money at 3 per cent. with which to pay bonds which are carrying 6 or 5 per cent. Never, sir, was a more misleading statement than this made to the people of a country or to a deliberative body. It excludes all the pregnant questions involved. Were the United States burdened with a perpetual debt, as are Great Britain, France, Germany, Austria, Russia, Italy, Spain, and all other European nations, it might be a question whether we had the sagacity and honesty to reduce the rate of interest when opportunity offered. But, sir, it is among the proudest traditions of our country, and the one which should be most cherished, that a national debt is not an American institution; that our people regard it as an evil that war or other great exigency may inflict people regard it as an evil that war or other great exigency may inflict upon us, an evil which sends the tax-collector into every house to gather the money with which to pay the annual interest, and an evil to be gotten rid of as soon as the resources of the country will permit. It is our proud boast that we alone among the nations have twice paid off our debt. It is our present and prouder boast that, having come out of an intestine war which statesmen of every country be-lieved would destroy us burdened with a debt of nearly three thouneved would destroy us burdened with a debt of nearly three thousand million dollars, we have proceeded year by year, through prosperity and adversity, to pay, between August, 1865, and November, 1879, an average of more than \$57,000,000 a year. In 1865 the South was almost without resources. In 1865 we were disbanding, North and South, 2,000,000 of men used to war, hoping that they would, but fearing they might not, find and accept employment profitable to themselves and advantageous to the Government. Since then sir about fifteen they might not, find and accept employment prohiable to themselves and advantageous to the Government. Since then, sir, about fifteen millions of tax-payers have been added to our population, and our resources have increased in greater ratio, and now the South shares to a very high degree the general prosperity of the country.

One of the questions which must be met in this discussion is, Can we without borrowing pay the 6 per cent. and the 5 per cent. bonds shortly to mature? In reply to it let me say that a constant payers of \$60,000,000,000 are for the prescript when them that for \$60.000.000 are for the prescript when there is the form.

shortly to mature? In reply to it let me say that a constant payment of \$60,000,000 a year for ten years will pay them; that for fifteen years we have paid an average of within \$3,000,000 of \$60,000,000; that in the year just closed we paid nearly \$74,000,000, and that in the first half of the present fiscal year, as appears by the last debt statement of the Secretary, we have paid \$42,990,559 of the debt, showing an ability to pay more than \$85,000,000 in the current fiscal year. Mr. Chairman, in further response to this question, let me ask for evidence which will show that we are in a position which requires us to borrow money? Is our financial condition such as to require us to mortgage the land and labor of the American people for fifteen, twenty, or forty the land and labor of the American people for fifteen, twenty, or forty years, as is proposed by the Secretary of the Treasury and the Committee on Ways and Means, in order to pay \$637,000,000? That is the question, and not the one stated by the gentleman from New York, [Mr. Chittenden,] as to whether we have the sagacity and the honesty to borrow money at a lower rate than we have hitherto

A farmer or business man who was rapidly extinguishing his obligations by the application of his current profits would not be deemed wise if because somebody offered to loan him money at a reduced rate of interest until succeeding generations should own his farm, factory, or store, he should accept the loan and mortgage his estate for fifty years. He would not act wisely in making such a long and irredeemable mortgage in consideration of the fact that he should pay a lower rate for two or three years. The consideration would not be sufficient to justify him in binding his children and grandchildren to take all the contingencies of a long future. That is the position of our

all the contingencies of a long future. That is the position of our country to-day. It has the current income with which to pay these bonds, and should pay them.

Mr. Chairman, a delusion has been industriously spread among the people that these bonds are payable on the 1st day of July next. They are not. Whoever makes that statement deliberately, after due inquiry, makes a deliberately false statement. The debt matures on that day, but is payable at the option of the Government. No dishonor can attach to the Government for declining to pay a debt, the holders of which do not wish their money, and which the Government is not bound by law, equity, or usage to pay. This false theory is promulgated for the purpose of making the people believe that the Government is embarrassed and must issue new and long bonds to save its credit. But, sir, the Government is not embarrassed; nor is there anything in the situation to endanger its credit. The truth is we are in a position in which, by exercising the option belonging to us by the express terms of the bonds to pay them at our convenience, to hold the loans while extinguishing them gradually and at what time will determine to be a lower rate of interest than that proposed by will determine to be a lower rate of interest than that proposed by any bill before the House, even my own substitute. Sir, one of the wisest elements of Mr. Chase's management of our

national finances was the value he attached to the retention by the Government of an option. In the course of his annual report of 1863

The object of future controllability has also had a prominent place in the regards of the Secretary. Under the conditions which existed at the outbreak of the rebellion he acquiesced in the necessity which seemed to dictate the negotiation of bonds apayable after twenty years; but he acquiesced with reluctance, and as soon as permitted by circumstances, recommended the enactment of laws authorizing the issue of bonds payable after shorter periods as well as the creation of temporary debt in other forms. In harmony with these views, Congress provided for the issue of the bonds known as the five-twenties, and also for the issue of Treasury notes payable three years from date; for certificates of indebtedness payable in one year, and for temporary loans by deposits reimbursable after ten days' notice. At the last session Congress repealed some embarrassing restrictions of former acts, and authorized the issue of bonds payable after ten years and of Treasury notes pay-

able at pleasure or three years from date. These Treasury notes were made legal-tenders for face value or convertible, for amount and interest, into United States

notes.

The Secretary availed himself of this legislation by placing with the people as large an amount as possible of 5-20 bonds and by using the other powers so as to put the whole debt, except the long loans first negotiated, in such a shape that prompt advantage can be taken of favorable circumstances to diminish the burdens it imposes on industry. Whenever the constitutional supremacy of the nation shall be re-established over all its parts it will be completely within the power of Congress and the Secretary to fund the whole or any part of the temporary debt in bonds bearing a very moderate interest and redeemable at the pleasure of the Government after very brief periods, or perhaps at any time after their issue. Nothing further seems desirable on the score of controllability.

Did not the Congress of that day accept his suggestions? Yes, sir; and it is to this sagacious forecast that we owe our ability to refund

our high-rate bonds as we have done.

I have here Gibbon's Debt of the United States, in which he recites the character of the various issues of bonds. He speaks of fivetwenties payable at the option of the Government in five years; again, of five-twenties payable at option after a period of ten years; again, of the debt of 1847, at option; again, the loan of 1861, and so on, running on until he shows that the Government retained to itself an option on eleven issues of its bonds, believing that the controllability of the debt in that way was more economical than a low

rate of interest on a long bond.

Sir, as illustrating the wisdom of Secretary Chase in saving to the Government an optional control of its debt and of the extravagant ex-Government an optional control of its debt and of the extravagant expenditure of the people's resources contemplated by the committee's bill, which proposes to convert into long bonds a debt which we are not bound by law to pay in the next ten years, or within any fixed period, let me invite attention to the following facts: By reference to page xi of the Report of the Secretary of the Treasury you will find that of the \$637,000,000 it is proposed to refund, \$520,904,707 must, if we are to maintain the sinking fund, be paid in the next ten years. This sum we are bound by express law to pay, and we can pay it and more from our current revenue. From August, 1865, to November, 1880, we paid an annual average of \$57,760,388. Last year we paid \$73,652,900, and have paid in the first half of this year \$42,990,559. In view of these facts shall this House say that we cannot maintain the sinking fund? Shall we in their inspiring presence surrender the optional control of \$637,000,000 of our public debt? Let me show, Mr. Chairman, what such a surrender has cost in the last year. In order to pay with current surplus revenue bonds which have since matured—matured on the first of this year, and others

have since matured—matured on the first of this year, and others which will mature on the 1st of May and 30th of June respectively—bonds having from less than a year to fifteen or eighteen months to run, what did we pay in premium? I have here the Treasurer's statement, and find by reference to it that the total amount of

months to run, what did we pay in premium? I have here the Treasurer's statement, and find by reference to it that the total amount of net premium paid on the bonds purchased since the 1st of November, 1879, was \$3,786,520. (See page 32 of the Annual Report of the Secretary of the Treasury for 1880.) Now we have the right to call in those bonds at par and pay them without any premium.

Mr. PRICE. Not to-day.

Mr. KELLEY. We will have it on the five percents after May 1, and on the six percents after July 1, when they become payable at the option of the Government. But to pay one of either class to-day we must buy it at a premium, because we have no optional control of it. We sold the rights of the people and of the Government to the bondholders and retained no option; and therefore if to-day we want to pay a 5 or 6 per cent. bond that matures on the 1st of May or July we must pay for the privilege what the bondholder sees fit to ask—the average bondholder of the market.

It is to this surrender of the control of its debt by the Government will retain its option and make an economical bargain. Hence I propose, and shall at the proper time ask a vote upon, a substitute authorizing temporary loans redeemable after one or two years at the option of the Government. I propose these short obligations as a temporary measure to supply deficiencies, should any occur in the current revenues, a thing of which I have no apprehension.

But, sir, the gentleman from New York, [Mr. CHITTENDEN,] who proposes to reply to me, will say, Will you pay 6 per cent. when you can borrow for three? To this I reply 3 per cent. for fifty years, as the chairman of the Committee on Ways and Means proposed, is 150 per cent. on your borrowing; 3 per cent. for forty years, as the chairman of the Committee on Ways and Means proposed, is 150 per cent. on your borrowing; 3 per cent. I wonder whether those who propose or defend these long loans are aware of the fact that the British people pay in interest three and a half times the amount of their g

The British debt originated a little before the year 1700. Seventeen years of peace, ending with the year 1739, reduced it about forty-two millions of dollars. Nine years of war followed, adding nearly one hundred and sixty millions of dollars to it. At a subsequent period there was paid off in seven years of peace less than thirty million; but seven years of war followed and increased the debt nearly four hundred million of dollars.

The peace expenditures of modern times include the preparations for war—forts, the manufacture of war implements, the building of shot-proof vessels, areenals, machinery, &c. The fable of the wild boar sharpening his tusks just after making a treaty of permanent peace with the other animals is a close type of the present policy of nations.

Mr. Chairman, let us see what economy invites us to do and what we may do if it has not been predetermined by a majority of this House that we must refund, must fall into the wake of European nations and adopt the worst of their characteristics, the creation of great national debts; if we are not unwilling that foreign statesmen shall continue to hold us up, as the writers of England, Germany, and France are doing, as a people so prosperous that, while we invite millions of immigrants from every other country, we proceed year by year to pay our debt and are thus enabled to reduce the rate of interest on the constantly diminishing balance of our debt.

ions of immigrants from every other country, we proceed year by year to pay our debt and are thus enabled to reduce the rate of interest on the constantly diminishing balance of our debt.

Of the six hundred and thirty-seven millions which are to be provided for—and as the Secretary has paid forty-two millions in the first part of this year, when the 1st of July comes round it will be found that much, if not all, of the thirty-seven millions will have disappeared—but if the account should then stand as it does now, there would be two hundred millions of six per-cents. They would be paid in a little over three years, and the interest on those two hundred millions would be less than 5 per cent. for the period of payment; not 150 per cent., or 120 per cent., as proposed.

But gentlemen say, we will buy in the long bonds we propose to issue and save the interest. Why issue them if you can so soon pay them? At what rate of premium will you buy them? If you have paid nearly four millions in one year to buy maturing bonds, what will be the premium on bonds having fifteen, twenty, or forty years to run? Who can say? Look where your 4 per cent. bonds stand to-day. At 113. Why? Because they are long bonds, though bearing a low rate of interest. You can buy the maturing sixes at 2½ or thereabouts; but go to buy a long four and you pay 13. And it is proposed to get rid of the optional control of this debt in order to enjoy the privilege of paying the premium that may be demanded when the Government shall go into the market to bid against itself for the purchase of its bonds. Who that advocates such theories as these may talk of sagacity or honesty without feeling the reproach of hypocrisy every time he applies the innuendo to those who oppose so extravagant a scheme? Admit, sir, that it will take something over three years to pay the six per-cents: here is a calculation to which I invite attention: I ask

Admit, sir, that it will take something over three years to pay the six per-cents; here is a calculation to which I invite attention: I ask gentlemen to mark that I deduct the interest only at the end of the year. The Secretary calls matured bonds by the week or the month, and when they are paid interest on them stops, and the interest thus liberated increases the purchasing power of the Government. But as I could not obtain the data on which to calculate all that, I thus throw at least ten millions into the account against myself by making

throw at least ten millions into the account against myself by making the interest payable only once a year, and that at the end of the year. Assuming that there will be on the 1st of July two hundred millions of six per-cents, which there cannot be; with the first payment in July, 1862, the interest will be \$12,000,000; with the second payment, in 1883, the interest will be \$8,400,000; with the third payment, in 1884, the interest will be \$4,800,000. The fourth payment, which would include forty millions of five per-cents, after paying the whole of the sixes, \$180,000,000, in three years, and \$20,000,000 in the fourth, will be \$1,200,000, or a total interest account of twenty-six millions. So much for the sixes. That part of our debt would then be paid. We would not thereafter have to offer premiums to anybody to permit us to pay it. The interest account would have been wiped out by the payment of the principal. The twelve millions a year it had originally amounted to would remain in our coffers, earning money and compounding interest for the people instead of for bondholders. And mark you, sir, the amount of interest that you would pay in thus extinguishing the debt calculated upon the whole sum would be greatly reduced. The whole sum at the start, say twelve millions per annum, would be six millions at 3 per cent., and would continue six millions so long as your bonds were outstanding. But under the system I propose both principal and interest will have disappeared in less than four years.

What is to be said on the subject of the fives? The interest on the ss than four years

What is to be said on the subject of the fives? The interest on the whole body of fives, \$437,000,000, would have run during the three years and ten months required to pay the sixes, and therefore we will charge it up at \$83,825,532. We start in this account with \$437,000,000, less \$40,000,000 paid in the fourth year, leaving \$397,350,600 as the balance due May 1, 1885.

At the fifth payment of \$60,000,000 May 1, 1886, the interest will

halance due May 1, 1885.

At the fifth payment of \$60,000,000, May 1, 1886, the interest will be \$19,867,520. At the sixth payment the interest will be \$18,867,520. At the next payment the interest will be \$13,867,520. At the next payment the interest will be \$13,867,520. The payment in 1890 will show an interest charge of \$10,867,520. The payment of 1891 will show an interest charge of \$7,867,520, and in 1892 but \$48,000,000 would be required to pay the last bond, and the interest for that year would be \$1,867,520.

The interest on the sixes would be \$26,400,000, and that on the fives while the annual payments were going on would be \$76,072,000 and for the period required to pay the six per-cents would, as I have said, be \$83,825,000, giving a total of interest during the whole process of payment of \$186,298,062.

By this process we would have paid every bondholder that was entitled to 6 per cent. his full interest, and every one entitled to 5 per

titled to 6 per cent. his full interest, and every one entitled to 5 per cent. his full interest; yet we would have paid interest on the whole debt for but one-half of the period, for we would have been paying it regularly along and extinguishing the debt in ten years, so that the total interest paid would be precisely five years' full interest. It

would be an interest rate during the period of gradual payment of from 2.60 to 2.65 per cent. Two hundred million dollars carry 6 per cent. and \$437,000,000 carry 5 per cent. He who will add the total of interest on these two sums for ten years and divide it by two will ascertain the annual rate of interest we will have paid, and find that it will have been lower than that proposed by any bill.

No bill proposes to pay less than 3 per cent. Therefore they all propose to pay for the privilege of surrendering the option we are soon to possess. They propose to pay for the privilege of extending a debt which we may pay year by year out of our current surplus at a lower rate of annual interest than is proposed in any bill, and to extend it by the scheme of the Secretary of the Treasury for fifteen years, with a possibility of forty years, and by that of the Committee of Ways and Means for twenty years, with a possibility of forty years.

In the name of the nation that stands as an exemplar to the oppressed people of the world I appeal to gentlemen to do no wanton act which shall lead them to believe that the American people regard a national debt as a national blessing and are willing to pay for the

a national debt as a national blessing and are willing to pay for the

\$500,000,000 to run the full ten years and notes for \$137,000,000 more bearing the same rate, as is also proposed, the interest on the \$500,000,000 for ten years will be \$150,000,000, and that on the notes \$41,205, 180, making a total interest of \$191,205,180. That is the amount of interest we will pay if we borrow but for ten years and not for the longer time proposed by the committee's bill.

To meet the principal and the interest at the end of ten years will require \$228,555,780.

My throat, Mr. Chairman, is so much affected that I shall have to omit much I would have been glad to say; but I must add that I find by the figures before me that while the cost of the payment of the sixes and the fives, assuming that the whole shall remain unabated

sixes and the fives, assuming that the whole shall remain unabated by payments during the current half year, would, as I have already said, be \$828,555,780; but allowing only for annual payments of interest at the end of each year, allowing the Secretary of the Treasury to hoard the surplus revenue until the end of the year, instead of reducing noard the surplus revenue until the end of the year, instead of reducing interest by making weekly or monthly payments, as he has been doing, and which it is certain he will continue to do, the total cost would be not much over eight hundred and twenty millions of dollars, showing a saving by paying the debt, even with the allowance of all sums that will be paid between now and the 1st of July next, and with the allowance for the annual payment of interest only, a saving as against the 3 per cent. ten-year bonds, of within \$93 of five millions

By paying these bonds in this way we would have no syndicate to market new bonds; we would pay no commission of one-half of 1 per cent. to such syndicate; we would cause no disturbance of the financial market of our own or other nations. The people would know that each month the surplus revenue was being applied to the reduction of our interest account by the calling in at par of bonds on which the

Government had an option.

Sir, I had hoped to say many things which I feel might be useful to some members on this floor. I find, however, that in view of the condition of my throat I must omit them, but not without recurring briefly to the question, Can we pay these bonds and thus reduce the

Are we not more in numbers than we were between August, 1865, and August, 1870? Are we not more prosperous than we were between 1873 and 1878? Is not the South a section of our country from which we now gather large revenues; and was she not a tax upon us in the autumn and early winter of 1865? Are not immigrants flowing in upon us in unparalleled numbers, and are not those immigrants drawn from classes of people who have heretofore come to us rarely and in but small numbers? Do not these immigrants bring with them cap-ital, skill in agriculture and varied branches of industry? Do they ital, skill in agriculture and varied branches of industry? Do they not come to increase our tax-bearing power—to share our taxes and all our other burdens? Are we so craven, have we so lost confidence in the energy and integrity of the American people, as to believe that fifty millions in the height of abounding prosperity can not do what thirty-seven millions did when emerging from a desolating war or living through a panic that suspended the trade of the world? From 1865 to 1880 our average annual payment upon our debt was more than fifty-seven millions; and I reiterate the statement that our payment last year was nearly seventy-four millions. ment that our payment last year was nearly seventy-four millions, and that in the first six months of the current fiscal year we paid nearly forty-three million dollars. Our revenue steadily increases. Without reflecting upon the motives of any one, I will say that were I to seek a motive that would induce me to surrender an optional right to pay these bonds out of our current income, I would find it (my mind may be peculiar) only in the fact that I might desire to give some of my banking friends the privilege to become members of a syndicate and to share the commissions and profits to be derived from mortgaging the lands, labor, and enterprise of the American people for terms ranging from fifteen through twenty to forty years.

I must say a few words more, let come what may come. Let me show what has happened to the nations of Europe from familiarity

with making loans. Let us see how insidiously but overwhelmingly national debts grow. Here is an article in which it is said:

The United States is the only nation that provides for the exigencies of the future by relieving its land and labor from this unappeasable demand—

Speaking of annual interest-

and is consequently the only one of the great nations of the world whose debt is not found to have increased when measured by any term of years that will probably involve a war. That of Great Britain is sometimes temporarily reduced, but soon expands again, and is now about as heavy as it was at the beginning of the long reign of Queen Victoria. A carefully prepared paper in a recent number of the Frankfurter Zeitung says:

"The total debts of the States of Europe have since 1865—

This, it is worthy of remark, refers to the period from 1865 to 1880, during which we paid over eight hundred and sixty-six millions of

"The total debts of the States of Europe have since 1865 risen from \$13,130,000,000

"The total debts of the States of Europe have since 1865 risen from \$13,130,000,000 to \$21,620,000,000."

It is the facility with which national debts are perpetuated that enables the States of Europe to maintain their constantly expanding armies, and its effect upon taxation is thus illustrated by the Zeitung:

"In 1865 the German budget was \$155,000,000; but she now finds it no easy task to supply the public needs with \$300,000,000. Russia then required half as much as now. Her budget then amounted to but \$255,000,000, and now involves \$595,000,000." It is the interest upon the debts of these countries that oppresses the people, and consumes not only the first fruits of their industries and enterprise, but, so far as the laboring classes are concerned, leaves them at best but a poor subsistence with which no class of American citizens would be content, or upon which any of them should be supposed to exist.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KEL-

The CHAIRMAN. The gentleman from Pennsylvania [Mr. Kel-LEY] has forty minutes of his time remaining. To whom does he

Mr. KELLEY. I think I will give back the floor, with thanks, to the gentleman [Mr. WEAVER] who yielded me twenty-five minutes.

Mr. WEAVER took the floor.

Mr. HATCH. I ask the gentleman from Iowa to yield to me that

I may offer an amendment. Mr. KELLEY and others. That is not in order now.

The CHAIRMAN. As the Chair understands, the gentleman from Missouri [Mr. HATCH] asks unanimous consent for the submission of an amendment for the information of the House, and that it may be printed.

Mr. KEIFER. It can be read as a part of the debates if the gentleman chooses, but it would not be in order now as an amendment.

The CHAIRMAN. It would be in order by general consent, and the Chair understands the gentleman from Missouri to ask such con-

Mr. HATCH. I ask unanimous consent to offer the amendment at

this time and have it printed in the RECORD.

The CHAIRMAN. Is there objection? The Chair hears none.
The amendment will be read.

The Clerk read as follows:

The Clerk read as follows:

Amend by adding at the close of section 5 the following:

"And any bank duly chartered and incorporated, and doing business under the laws of any State, shall on transfer and delivery to the Treasurer of the United States of registered 3 per cent. bonds authorized by the first section of this act, be entitled to receive from the Comptroller of the Currency circulating notes in the same manner, proportion, and amount as is authorized and prescribed by law for national-bank associations, which circulating notes shall be subject to the same regulations and taxation as is or may be prescribed by law for the issue and taxation of circulating notes furnished to national-bank associations; and any law or part thereof in conflict with this provision is hereby repealed."

Mr. WEAVER. Mr. Chairman, L. wish to make an inquiry of the

Mr. WEAVER. Mr. Chairman, I wish to make an inquiry of the Mr. WEAVER. Mr. Chairman, I wish to make an inquiry of the Chair and of the gentleman from Texas, [Mr. Mills.] If my remarks submitted at this time would be in contravention of the understanding I entered into with the Chair and with the gentleman from Texas, I do not wish to proceed.

Mr. MILLS. Will the gentleman repeat his statement?

Mr. WEAVER. It has been remarked that I have already occupied in fact, although not in my own time, about an hour and a half, and that it might be unjust to other gentlemen who wish to discuss this measure for me to proceed. I say that if there is such a feeling

this measure for me to proceed. I say that if there is such a feeling on the part of members

Mr. MILLS. I have no such feeling. I hope the gentleman will go on.

Mr. WEAVER. Very well. I do not wish to deprive any gentleman of the right to discuss this measure.

Mr. Chairman, I would like to allude to a fact not mentioned by Mr. Chairman, I would like to allude to a fact not mentioned by the gentleman from Pennsylvania, [Mr. Kelley,] concerning these bonds. About \$200,000,000 of the amount to be refunded are not made payable by the express terms of the bonds in coin. They are payable in lawful money of the United States. They are thus payable by the terms of the bonds themselves, notwithstanding "the act to strengthen the public credit," approved March 18, 1869.

That act by its express terms provides that the obligations of the United States shall be paid in "coin or its equivalent." It will be conceded by all that Treasury notes are now the equivalent of coin.

conceded by all that Treasury notes are now the equivalent of coin. Some deed by all that Treasury notes are now the equivalent or coin. Now, if these \$200,000,000 are to be funded into the new bonds provided for by this bill, not only will the Government surrender the option of paying the bonds when it pleases, but we will also surrender the option to pay lawful money, in Treasury notes, if you please, possessing legal-tender qualities. That is a right I am not willing to see surrendered on the part of the Government. We should not only retain the option to pay the debt but the right to pay it in any lawful money that may accumulate in the Treasury during the life-time of the bond.

Indeed, sir, no portion of this debt should be refunded into new bonds which will take from the Government the right to pay. The only pretext for refunding the bonds is the reduction of the interest. It has been ably demonstrated by the learned gentleman from Pennsylvania [Mr. Kelley] that we will pay more interest on a 3 per cent. bond than we shall have to pay if the present bonds are allowed to run until the Government can pay them with the accumulations of surplus revenue.

surplus revenue.

Another point, Mr. Chairman. By the terms of the act of 1870, under which over four hundred million dollars of these bonds were issued, we have the right to pay in coin and are not restricted to gold; but if this act is allowed to pass in the face of the fact that we have now in the Treasury of the United States \$50,000,000 of standard silver dollars of 412½ grains, if this bill authorizes the refunding of the bonds in the face of that fact it is tantamount to a legislative construction that the bonds cannot be properly paid in silver dollars. I shall vote for no refunding bill nor any substitute that takes from the Government the right to pay the bonds in lawful money where the present contract permits it, or that will deprive the people of the right to pay in silver where coin is the money of the contract.

Since the passage of the funding bill of 1870, two of the prominent nations of the earth, following the lead of England, have demonetized silver, the German Empire and our own Government. We have never fully reinstated silver to the position it occupied prior to the passage of the acts of 1873 and 1874. What has been done was done in the face of the opposition of the administration and the Chief of the Treasury Department, and the execution of the law remonetizing silver has been in unfriendly hands from that moment until the present.

It is now claimed by the President in his message and by the Secretary in his report that silver for the past year has only been worth 88½ cents; that the bullion value of the silver dollar has been but 88½ cents. It is therefore urged that it is not honest to pay the pub-

But, Mr. Chairman, did we ever agree to pay the public creditor a gold dollar's worth of silver bullion? Not at all. The contract was to pay the public creditor a silver dollar of specific weight and fine-It was the creditor who insisted the money should be weighed ness. It was the creditor who insisted the money should be weighed to him. It is a nice thing in a republic of fifty million of people to have a class, and a very small class, of men who insist the coin of the realm shall be weighed to them instead of being counted to them as to other citizens. It was their own law, passed at their own request. It should be weighed to them in coin of 412½ grains.

The Government never guaranteed that a silver dollar should remain of equal value with gold. The Government has the option of paying in either gold or silver, and so far as \$200,000,000,000 of these bonds are concerned, in gold, silver, or greenbacks.

are concerned, in gold, silver, or greenbacks.

The act of 1878 remonetizing silver was passed with a view to the payment of the public debt in silver dollars. I will ask the Clerk to read an extract, page 564, volume 7, part 1, Congressional Record, second session Forty-fifth Congress.

The Clerk read as follows:

The Clerk read as follows:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas, at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act stapplementary to the act entitled 'An act testablishing a Mint and regulating the coins of the United States," to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate, (the House of Representatives concurring therein,) That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of

the rights of the public creditor.

Mr. WEAVER. Now, Mr. Chairman, the resolution just read was the concurrent resolution adopted by the Senate and House of Representatives, and known as the Stanley Matthews resolution. It passed the Senate on the 25th of January, 1878, by a vote of 42 yeas to 20 nays. It was taken up in the House three days thereafter, on the motion of the honorable gentleman from Ohio, [Mr. EWING,] and passed the House under a suspension of the rules on the 28th day of January, by a vote of 189 yeas to 79 nays, 110 majority in this House expressly declaring that the option should remain in the Government to pay every Government obligation in standard silver dollars of 412½ grains. That resolution was cotemporaneous with the passage of what was known as the Bland silver bill, and is an interpretation of it, declaring the right of the Government to pay in silver dollars, and

that the option—and I call particular attention to that language—that the "option" to pay in standard silver dollars should remain

with the Government.

I now wish to read from a letter written by the Secretary of the Treasury after the passage of that law and the concurrent resolution, directed to Thomas M. Nichol, president of the so-called Honest Money League at Chicago, dated January 8, 1879. In this letter which I hold in my hand the Secretary states that "while it is the duty of the Government to coin different kinds of money, a public policy dictates it should be within the power of the citizen, at his option, to demand either form of lawful money." The will of the people as declared through the law-making power expressly places the option in the Government, but the Secretary defies the people

and the law.

Now, what is the practical effect of that policy? Manifestly to set the public creditor, the citizen, above the law and to give to the public creditor an absolute veto over the acts of Congress, a veto as

absolute as that of the British monarch in his realm.

Conscious that the sentiment prevails among the people that the administration of this law has been in unfriendly hands, the Secretary of the Treasury in his annual report undertakes to answer that charge. He puts it in the following language on page 18 of his late annual report:

Since the passage of that act the Department has issued numerous circulars and notices to the public, in which it has offered every inducement which it could under the law to facilitate the general distribution and circulation of these coins.

It has offered to place the silver in the hands of the people throughout the United States without expense for transportation, &c.

Now, the object of the law was not that the Secretary of the Treasury might hoard the silver in the Treasury, but that he should pay it out as available funds for the liquidation of the public debt—not that he should exchange the silver for United States notes, and then hoard the notes and take them out of circulation. That was not the hoard the notes and take them out of circulation. That was not the intent of the law. It was not to be made an instrument to contract the circulation of United States notes. The silver was to be paid out and treated like any other money of the Government. But it is urged that it speedily finds its way back into the Treasury again. Very well, so does other money. When it comes back, pay it out again.

Mr. Chairman, no sooner had the law and the concurrent resolution passed than a howl came up from every part of the country from the money kings and the banking corporations that the law must be repealed and that it must be circumvented by the business men of the country. In this connection I read from page 168 of the Finance

country. In this connection I read from page 168 of the Finance Report for 1878 and 1879, detailing the action of the clearing-house in New York, that great institution for swapping promises, concerning the silver dollar, which establishes the fact that the Treasury Department is a party to the conspiracy of that association to discredit the silver dollar and to drive it from circulation. This will appear from

the following:

First. Hereafter drafts drawn upon any bank represented in the clearing-house association in the city of New York, received by the assistant treasurer in that city, may be presented to such bank at the clearing-house for payment. Second. Hereafter drafts drawn upon the assistant treasurer at New York may be adjusted by him at the clearing-house, and the balance due from the United States may be paid at his office in United States notes or clearing-house certificates.

Fourth. Receive silver dollars upon deposit only under special contract to withdraw the same in kind.

Fifth. Prohibit payments of balances at clearing bouse in silver certificates or in silver dollars, excepting as subsidiary coin in small sums, say under \$10.

In silver dollars, excepting as subsidiary coin in small sums, say under \$10.

Now, sir, that agreement between the Treasury Department and the clearing-house association takes from the Government of the United States the right to pay any balance found due in silver dollars, and thus we have the head of the Department, the Government itself, a party to a contract unfriendly to the circulation of silver. But, sir, the demand is made on the part of the business men, the bullion owners, that the value of a dollar shall not depend upon the stamp of the Government, but upon the bullion contained in the coin. Now, that is in direct violation of the spirit of the Constitution, which declares that "Congress shall have power to coin money and regulate the value thereof." I do not deny that Congress in fixing the value of our coin may take into consideration its bullion value; but that they are to be exclusively controlled by the market value; but that they are to be exclusively controlled by the market value of the bullion I deny. That would take from the Congress of the United States the power granted by the Constitution and relegate the whole matter to commerce, the bullion brokers, and to the

syndicates of the country.

It is a nice scheme, Mr. Chairman. The Constitution, in broad and comprehensive language, declares that "Congress shall have power to regulate commerce between the States and with foreign nations." Money and transportation are the great agents of commerce, without which it cannot exist. What have we here in this Republic? The national banks, by regulating the volume of the currency, regulate its value instead of Congress, as provided in the Constitution, and on the other hand the railroads control the other great agent of commerce by fixing, absolutely, the rates of transportation. Thus the Government has abdicated and surrendered its control over both

money and transportation.

But here is the third demand made on behalf of the money power that Congress shall now surrender its power to regulate the value of our coin, expressly conferred by the Constitution, retaining solely

the right to be the mouthpiece of gold gamblers and bullion brokers. In the name of the American people and of labor I protest against this threefold crime—against this abdication of power on the part of the Government—against this trinity in humiliation.

Mr. WHITE. Will the gentleman from Iowa allow me to ask him a greater?

a question?
Mr. WEAVER. Yes, sir.
Mr. WHITE. The gentleman is discussing the funding bill as we find it on our desks?
Mr. WEAVER. Yes, sir.
Mr. WHITE. Do I understand the gentleman to say there is anything in that bill that prevents the payment of the bonds proposed

Mr. WEAVER. There is nothing in express terms, but there has been nothing in the law to prevent the payment of interest on bonds in silver since the passage of the silver bill. And yet it is true that not one dollar of silver has been paid on the bonds. It is the administration of the passage of the silver bill.

istration of the law I am finding fault with.

Mr. WHITE. Will the gentleman inform the House how much gold has been paid for these bonds that have been redeemed?

Mr. WEAVER. There have been none redeemed; some have been

Mr. WHITE. What have they been purchased with?

Mr. WEAVER. They have been purchased under the policy of the Secretary of the Treasury, who says he will allow the public creditor to demand either form of money.

Mr. WHITE. I speak of facts, not expressions of Departments.
Mr. WEAVER. All I know is that the Secretary has laid it down
as a rule by which the Government will be guided to allow the public creditor to demand either form of money, and of course to reject

Mr. WHITE. Is it not the fact that the bulk of the interest on

Mr. WHITE. Is it not the fact that the bulk of the interest on the bonds is paid in paper?

Mr. WEAVER. I have no doubt of that.

Mr. WHITE. The reports of the Department show it.

Mr. WEAVER. But it is only paid as a matter of convenience. The Government does not claim the right to do it. The public creditor claims the power to step up to the Treasury and say, "You shall pay me either in greenbacks or silver or gold as I may dictate." This completely nullifies the law.

Mr. WHITE. So it is not a question of any practical account because the creditor prefers to take it in greenbacks instead of coin, whether gold or silver.

cause the creditor prefers to take it in greenbacks instead of coin, whether gold or silver.

Mr. WEAVER. Is it not a question of practical account whether the Government will compel its creditors to take any lawful money? whether we shall have a class of men in this country who openly declare themselves to be above the law? Is there nothing practical in that? Under the rule laid down by the Secretary of the Treasury, if there was not a dollar of gold in the Treasury and a bond should become due the bondholder could demand gold, and his bond would continue to run and draw interest at the expense of the people when there are millions of silver dollars in the vaults of the Treasury. That is the truth about it. The gentleman knows very well that the position of his party and of all men who oppose continuing the coinage of this silver dollar is that it is not an honest dollar, that it has not in it a gold dollar's worth of bullion, and that it is dishonest on

age of this silver dollar is that it is not an honest dollar, that it has not in it a gold dollar's worth of bullion, and that it is dishonest on the part of the Government to pay the debt in this silver dollar.

Mr. WHITE. I asked the gentleman about the law, not about the administration of it. I voted for the Stanley Matthews resolution.

Mr. WEAVER. The law has always been better than the administration of it. If your party would administer the law as it is on the statute-book there would not be half so much complaint. But you violate the law; you spit upon the law. When the law-making power says that the option shall remain with the Government, with the people, you declare through the head of the Treasury Department.

power says that the option shall remain with the Government, with the people, you declare through the head of the Treasury Department that it shall remain with the bondholder.

Mr. WHITE. If the Secretary of the Treasury has violated the law, you have your remedy; why not impeach him?

Mr. WEAVER. There never was a law that a bad man could not drive a coach and four through if he wanted to without making himself technically liable to impeachment. I do impeach him before the bar of public opinion.

Since the passage of the act of 1869 every declaration on the part of the party having control of the Government has been to the effect that that act meant gold coin and did not include silver. There was a very stout opposition to the passage of the Stanley Matthews resolution. The gentleman says he voted for that resolution. So he did. But he has never opened his mouth since that time to see that the

resolution was enforced in good faith.

Mr. WHITE. I have no evidence that it is not.

Mr. WEAVER. You have the fact that there are about fifty millions of silver dollars now in the Treasury. You have the further fact that the Secretary of the Treasury says he will not enforce that law, but will allow the bondholder the option to demand other form of money. You have that statement coming from the head of the money. You have that statement coming from the head of the Treasury Department. What evidence does the gentleman want? "A man convinced against his will is of the same opinion still." Mr. WHITE. How much of that silver belongs to the United

Mr. WEAVER. Almost all of it.

Mr. WHITE. Efforts have been made to put it into circulation. Mr. WEAVER. Only to enable the Secretary to hoard the greenbacks.

Mr. FORT. About nineteen million dollars is represented by certificates

Mr. WHITE. And about twenty-five million dollars are in circu-

Mr. WEAVER. And the remainder, about thirty million dollars, is idle in the Treasury and can be paid with all future coinage on these

Let me ask the gentleman if he will vote for an amendment to this

bill which will compel the Secretary of the Treasury to pay out silver coin in payment of these bonds?

Mr. WHITE. In answer to the question of the gentleman from Iowa [Mr. WEAVER] I will say that I never cross a stream until I come to it. I will be prepared for that question when it comes up. I believe that under the act of 1870 there is no violation of the contract if we pay the bonds in silver. I will take the law as I find it. And, furthermore, I am conscious of the fact that we have now outstanding 4\frac{1}{2} and 4 per cent. bonds without any privilege of that kind. I do not want any amendment offered in regard to these bonds which will cripple the power of the Secretary of the Treasury to negotiate them.

Mr. WEAVER. Are not the 4\frac{1}{2} and 4 per cent. bonds payable in

silver coin?

Mr. WEAVER. Are not the 4½ and 4 per cent. bonds payable in silver coin?

Mr. WHITE. They are under the same rule.

Mr. WHITE. I would have no discrimination against these bonds; I would have them on the same footing with the others.

Mr. WHITE. I say this, that the 4½ and 4 per cent. bonds are issued and negotiated under the act of 1870. Many people think they are payable either in gold or silver, as the Government may see fit; the gentleman so says. It is now proposed to issue bonds at 3 per cent. to take up these maturing bonds. I do not want to put a badge upon these bonds which will depreciate them in the market.

Mr. MCLANE. And make it impossible to sell them.

Mr. WHITE. And make it impossible to sell them.

Mr. WHITE. I will answer it.

Mr. WEAVER. My question is whether this Government has not the option to pay these bonds after the 1st of July, and whether the gentleman is in favor of exhausting the hoard of silver on hand in their payment before we proceed to fund any of them?

Mr. WHITE. I want the Treasury Department to exhaust all the surplus funds it has over current expenses to meet any obligations of

Mr. WHITE. I want the Treasury Department to exhaust all the surplus funds it has over current expenses to meet any obligations of the Government in gold or silver or paper.

Mr. WEAVER. Including the silver dollar?

Mr. WHITE. Certainly.

Mr. WEAVER. I am very glad my friend has taken square ground on that proposition, but it is not the doctrine of his party. Without an amendment to this bill, specifically requiring the Secretary of the Treasury to pay out silver on the bonds falling due this year, it will not be done; for we have the public declaration of the Secretary of the Treasury that he will allow the holder of public securities to demand either form of lawful money. That is equivalent to saying that the silver shall remain in the Treasury.

Now, in the face of that declaration and in the face of the fact that

Now, in the face of that declaration and in the face of the fact that Now, in the face of that declaration and in the face of the fact that this silver is hoarded and is not accounted a part of the money available for the payment of the public debt, if we pass this bill without a specific declaration that the Secretary of the Treasury shall pay out the silver, it will not be done. At the proper time, Mr. Chairman, I propose to offer an amendment providing that nothing in this bill shall be construed to authorize the Secretary of the Treasury to retain in the Treasury the surplus standard silver coin, but that he shall exhaust it in payment of the bonds falling due in common with all other leaving money. I shall offer that amendment and if possi-

all other lawful money. I shall offer that amendment, and, if possible, get a vote upon it by yeas and nays.

Mr. Chairman, I believe I have said all that I desire to say until we reach the five-minute rule.

Mr. CHITTENDEN. Mr. Chairman, I wish, in the first place, to ask unanimous consent to present, have read, and printed in the RECORD an amendment which I believe to be an essential condition of a proper funding bill, and which at a proper time I hope to see

The CHAIRMAN. The gentleman from New York asks unanimous consent to have read at this time and printed in the RECORD the amendment which he sends to the Clerk's desk. Is there objection? The Chair hears none, and the amendment will be reported.

The Clerk read as follows:

Add to the bill the following:

"And all acts and parts of acts imposing taxation upon the capital and deposits of savings-banks, national banks, State banks, and private bankers are hereby repealed; and the tax upon the circulating notes of the national banks issued upon the bonds authorized by this act shall not exceed one-half of 1 per cent. per annum: And provided further. That the total amount of silver dollars of the weight of 412½ grains troy authorized under the act of February 28, 1878, an act to authorize the coinage of the old standard silver dollars and to restore its legal-tender character, shall not exceed \$100,000,000."

Mr. SPRINGER. I reserve all points of order on that amendment. The CHAIRMAN. The gentleman from Illinois reserves all points of order on the amendment.

Mr. KEIFER. It is not offered yet.
Mr. SPRINGER. I understood that unanimous consent was asked to offer it at the proper time. If consent were now given that it should be offered, it would not be subject to a point of order unless

should be offered, it would not be subject to a point of order unless points of order were reserved.

A MEMBER. The amendment has only been read to be printed.

Mr. CHITTENDEN. Mr. Chairman, I am taken entirely by surprise by the course of this debate to-day. I spent more than an hour yesterday in trying to find out its probable course and my chance of an opportunity to speak. The most encouragement I obtained pointed to a possible permission to speak for five minutes during the time of three telepropers as considerable for the most encouragement. three other members at some indefinite stage of the debate, under the five-minute rule. Before leaving my house this morning I was informed that the chairman of the Committee on Ways and Means was ill and that this funding bill would not come up to-day. Hence I left at home the few meager notes which I had prepared for my three speeches of five minutes each, and I happen to have nothing three speeches of five minutes each, and I happen to have nothing with me now but a small memorandum pointing to the doctrines for which I speak here to-day and which have been uttered on this floor by our late associate, the distinguished gentleman from Ohio, the President-elect of the United States. Fortunately for me, I have these texts to fall back upon.

A single word personal to myself and then I will state my doctrine

and then I will state my doctrine upon this question. If there be a man of this body who is in a position to be judicially impartial, absolutely unbiased by any selfish or political consideration in discussing this subject, I am such a man. I do not own a Government bond; I do not own a share of nationalbank stock; I have not a shilling deposited subject to any such influ-

name or force.

Now, Mr. Chairman, I will ask the Clerk to read an extract from a speech made by General Garfield on the 13th of July, 1876, which is a better answer than I can give to those who insist upon paying the national debt in silver.

The Clerk read as follows:

The Clerk read as follows:

It is claimed that, by the terms of the act of 1869, it would be lawful for us to pay the public debt in silver dollars such as might have been coined under the law as it stood in 1861.

Now I desire to recall to the mind of the House the letter and the spirit of that law. After all the doubt and the turbulent excitement about what the actual obligation of the nation was in regard to the public debt, the first act of the Congress approved by President Grant made a solemn declaration designed to put all those doubts to rest. It was declared by Congress that—

"The faith of the United States is solemnly pledged to the payment"—

In what? Not in silver, not in gold, not in eoin, but—

"in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver."

The declaration there was that the payment of all these national obligations not specifically currency obligations was to be in "coin or its equivalent." Now, what did Congress mean? What were our laws before 1861? Why, Mr. Speaker, since 1834 we have had one standard, a dollar; and we have by law embodied it in two metals, gold and silver. Eut all the time, in order to have one standard, not two, we have sought to make the coins of the two metals conform to the one standard; keeping the amount of metal in one so adjusted to the amount of metal in the other that a dollar of gold should be equivalent to a dollar of silver. Every hour that we have a dollar of gold should be equivalent to a dollar of silver. Every hour that we have a gold and silver dollar and the gold dollar have varied from each other in value Congress has undertaken to equalize them by increasing the amount of metal in one or decreasing the amount of metal in the other. We al

Mr. WARNER. Will the gentleman allow the Clerk to read in this connection the Stanley Matthews resolution? I have it here.
Mr. CHITTENDEN. I cannot yield.
Mr. BLAND. I would like the gentleman to state what change was ever made in the silver dollar. The gold dollar was changed, but never the silver dollar.

Mr. CHITTENDEN. I will myself read from the same authority touching a question which lies to-day at the foundation of our currency system, and which foreshadows, if persisted in, serious disasters to the commerce of this country. Mr. Garfield on the 16th of November, 1877, uttered these words:

I want it remembered in the outset that the greenback currency was, and is so known in the courts, and so known everywhere, a forced loan—a forced loan by the Government upon its Army and upon its other creditors, to meet the great emergencies of the war; and the primary fact connected with every greenback is that it is a promise to pay. Those who believe in resumption intend some time or other the nation shall make good the promise.

Once more, Mr. Chairman, and this, so far as I have looked, is an utterance of the President-elect on his very last appearance in this House. At any rate, it was so pointed and good, so just and honest, so true and grand as the exponent of the principles of the first man of the nation, that I look no farther. It is an utterance of General Garfield here on the 5th of April, 1880, in respect to this very question now under consideration. I will ask the Clerk to read it.

Now the third point in this resolution is that there shall be no refunding of the \$780,000,000 to fall due this year and next, but all that shall be paid. How f Out of the resources of the nation f Yes; but the money to be manufactured at the Treasury is to be called part of these resources. Print it to death—that is the way to dispose of the public debt, says this resolution.

I have only to say that these three make the triple-headed monster of centrali-

zation, inflation, and repudiation combined. This monster is to be let loose on the country as the last spawn of the dying party that thought it had a little life in it a year ago. It is put out at this moment to test the courage of the two political parties; it is offered at this moment when the roar of the presidential contest comes to us from all quarters of the country. In a few moments we shall see what the political parties will do with this beast. All I have to say for one is, meet it and throttle it; in the name of thosety, in the name of the public peace and prosperity, in the name of the rights of individual citizens of this country against centralism, worse than we ever dreamed of, meet it and fight it like men. Let both parties show their courage by meeting boldly and putting an end to its power for mischief.

for mischief.

Mr. CHITTENDEN. Now, Mr. Chairman, I am sincerely in favor of the passage of this funding bill with such amendments as are essential to make it practical. I shall not stop for one moment to deal with the image which the gentleman from Pennsylvania set up here and then knocked down again. I do not know of a single man, not one—not one intelligent man who believes or ever believed the bonds which mature this year, 1881, require to be paid. Every word the gentleman from Pennsylvania said on that point was a waste of his voice. The Government has the option to pay them and the question is simply whether it will accept that option, borrowing money at about 3 per cent, at the worst to pay bonds that draw 5 and 6 per cent, inter-3 per cent. at the worst to pay bonds that draw 5 and 6 per cent. interest. That is the simple business question that Congress is called upon to determine.

Well, now, where is the money to pay these bonds without a refunding bill? It is not found in the Treasury. No man can point to it. These gentlemen from Iowa talk about the silver dollars, but what

it. These gentlemen from Iowa talk about the silver dollars, but what they mean is silver certificates or anything else manufactured having the sign of the Government in which to pay off these bonds.

The procrastinating doctrine, the argument to let this thing run, however sincerely held, tends, in my judgment, to support the devices of those who seek in the end to get something that costs nothing to pay the bondholders with.

Now, Mr. Chairman, I have said just now in reference to the legal-tender matter that the condition of the currency, after all our boasting, is absolutely threatening and sure to bring disaster. And I think I can prove this if I can get the candid hearing of gentlemen on both sides of this House. sides of this House.

what is our available paper money at the present time? What have been our resources for necessary paper money during the last ninety days? Those of you who took the trouble to read the report of the Treasurer on the 1st of January will see that we have \$45,500,000, or nearly ten million dollars more of silver certificates floating about than had been issued when I spoke accidentally on this subject on the 14th of December last. What are these silver certificates? How came they to be issued? By what law do they exist? Not by any law that contemplated the process by which they are largely issued. Certainly not. They are in their legal status only issuable upon the deposit of silver dollars. Nobody would take the silver dollars in bulk unless forced to do it, and there was no way of getting out the silver certificates by that process. How have they got out? To a large extent they have been put out by a sort of jugglery which would disgrace my friend from Iowa [Mr. Weaver] if he were president of a bank and were to practice it in the village where he resides. Here is a man in New York with a hundred thousand dollars of gold. He wants some paper money. The banks cannot afford to circulate it, a man in New York with a hundred thousand dollars of gold. He wants some paper money. The banks cannot afford to circulate it, under existing circumstances, equal to the demands of trade. He says, "What shall I do?" The heavy charge of transporting his gold to Chicago or Omaha stands before him. He says, "How shall I get silver certificates?" They tell him, "Take your gold to the sub-treasury and exchange it for silver dollars. That is lawful. Then deposit the silver dollars and get silver certificates." He sends these silver certificates to Chicago or Omaha and buys pork. His pork is shipped to Europe; he is paid in gold and the merchant is safe. But how long shall the issue of silver certificates go on in this way? What shall be the end? It cannot extend beyond the amount of silver dollars in the Treasury, which on the 3d of January, 1881, was \$48,190,000 and will soon be limited to \$2,000,000 per month. At that point, sooner or later, the Government will have gathered into its hoard gold for a large proportion of the silver certificates afloat. For what purpose? Not for the redemption of such certificates, for they are payable in silver, but practically to redeem legal-tender greenbacks when gold is wanted to send to Europe. When? Just as soon as Europe has long crops and we have short crops.

wanted to send to Europe. When I Just as soon as Europe has long crops and we have short crops.

It is apparent from the small stock of dollars now on hand in excess of certificates that without unlimited coinage we have no silver resources at the present moment for paying bonds. With unlimited coinage how long before the silver will have driven every dollar of gold out of circulation?

gold out of circulation?

Now, I ask what would be thought of the fact if my friend's bank in Iowa were to inveigle a man into its office who had \$5,000 in gold and get him to exchange it for silver in order that he might get his bank's silver certificates into circulation? I say, Mr. Chairman, that that operation performed by any private banker, by any State banker, or by any national banker in this country would be regarded as contrary to common honesty, as an imposture, and the man that did it would be posted as a public enemy. I believe, moreover, that my friend, if he were to start a bank upon that principle, would see the day when the people of his State would drive him out of it and not permit him to live among them and conduct business there on such a principle. Well, now, is it more honorable for the Government, for a great government like the United States, or for a Congress repre-

senting fifty millions of people which will be sixty-five millions ten years hence—I say, is it honorable for us to sleep here upon our knowledge of law, upon our knowledge of reason, upon our knowledge of common honesty, upon a legal-tender currency which has already brought us to this position, when there is no flexible currency available by the laws of trade but only silver certificates by a juggle? I say, for one, that when I look over this House, on both sides of it, and see the number of lawyers here, men who know what the law is, and see that every man who had any reputation or any expectations, without reference to party in 1860, when the Government was out of money, that every man, every statesman in the land resorted to the legalthat every man, every statesman in the land resorted to the legal-tender currency as a mere expedient, a mere necessity when the Gov-ernment had no money and must have something to keep its armies and to pay them; when I go back to the records of these debates and read the just, discriminating, and truthful arguments against the qual-ity of this legal-tender money, I am amazed that party politics, per-sonal ambition, and a want of courage have so long combined to con-ceal from the public that which is as sure as the foundations of our Government are sound.

I realize in some sense what we have before us. We are the representatives of a nation such as has never yet lived on earth. Within

sentatives of a nation such as has never yet lived on earth. Within ten years nearly 33\(^1\) per cent. of our population has grown up, and we are rushing along to-day in a spirit of aggrandizement, and I am sorry to say in a wild spirit of speculation which warrants the prediction that we may have an early repetition of the disasters which always come from wrong-doing.

In respect to this currency question I hold that the statement I have made in regard to the process by which silver certificates have been issued to the extent of \(^1\)45,500,000 in the great exigencies that occurred during the last three months, is a conclusive argument against the soundness of our present currency system. The silver certificates clearly and seriously complicate the currency problem; but the legal-tender greenback is the fundamental evil of it. The certificates have some real money back of them, while the greenbacks certificates have some real money back of them, while the greenbacks have nothing but the "flat" of Congress and the hope of good crops.

A word in respect to the amendment which I have offered and which

A word in respect to the amendment which I have offered and which I hope to see adopted. The real point of that amendment is this, that it reduces the taxes on the circulation issued on the 3 per cent. bonds one-half from its present rates. The present tax upon the circulation of bank-notes is 1 per cent. The tax which my amendment proposes is one-half of 1 per cent. This is, I believe, after careful inquiry, an essential and necessary condition of the success of a 3 per cent. funding bill. There is really no 3 per cent. money in this country. Unless the banks can be encouraged to buy these bonds by a prospect of issuing currency thereon, there is nobody to buy these six or seven hundreds of millions of Government bonds, and in saying that I am not saying that our credit is not the best in the world. It is, as it deserves to be, the best absolutely in the world. There are no 3 per cent. Government bonds in the world at the present time that will sell at par.

The Government 3 per cent. consols of England are, I believe,

will sell at par.

The Government 3 per cent. consols of England are, I believe, 98½ to-day. The French rentes are about 85 or 86. Now, then, if we assume, as I do, that our pride, our self-respect, our conscious power requires us to insist upon the lowest rate of interest, we still have to recognize the fact that there is no 3 per cent. money in the world seeking the very best investments; and it is proved true that at the present prices of the 4 per cent. bonds the banks will not buy them for the purpose of circulating their notes. I therefore say, after careful inquiry of those who know as much as any know on the subject, I am thoroughly convinced that a 3 per cent. funding bill without relieving the tax rates which are now burdensome will utterly fail. It has no chance whatever. It has no chance whatever.

Well, now, as to letting these bonds remain. Everybody agrees that Well, now, as to letting these bonds remain. Everybody agrees that there is no necessity for paying them. But we must pay the interest, and is it nothing that by a little honest business arrangement we can save nearly half the interest. The average rate on those six hundred millions now being paid is over 5 per cent. And I ask members of this House if they are prepared in a free and easy way to leave six hundred millions of the Government credit floating about at 5 and 6 per cent. interest when they can place it at 3 per cent. by a little common sense and practical judgment. I do not know but the party who believe in hours money would be prepared to do so. I do not know believe in bogus money would be prepared to do so. I do not know but the party who believe—but let us see what General Garfield calls that party. I would like to read it again, it is so much better than anything I can say:

Now, the third point in this resolution is that there shall be no refunding of the \$750,000,000 to fall due this year and next, but all that shall be paid. How? Out of the resources of the nation? Yes; but the money to be manufactured at the

Money to be manufactured at the Treasuryis to be called part of these resources. Print it to death-

So says the President-elect-

that is the way to dispose of the public debt, says this resolution.

Yes, print it to death. That is the tendency of the gentlemen who argue as the honorable gentleman from Pennsylvania argued for leaving this thing alone, subject to possible payment by an income and resources known to be insufficient.

Mr. GILLETTE. May I ask the gentleman from New York a ques-

Mr. CHITTENDEN. No, sir; not now. I may yield to the gentleman after I read this. It is very interesting. [Laughter.]

I have only to say that these three make the triple-headed monster of centraliza-tion, inflation, and repudiation combined.

I should like to ask some of my democratic friends to consider that in view of the great many speeches I have heard here about frightful centralization in the last few years. If there is anything about it of a dangerous character, General Garfield has touched it here:

This menster is to be let loose on the country as the last spawn of the dying party that thought it had a little life in it a year ago. It is put out at this moment to test the courage of the two political parties; it is offered at this moment when the roar of the presidential contest comes to us from all quarters of the country. In a few months we will see what the political parties will do with this beast. All I have to say for one is, meet it and throttle it.

Thank God for that! "Meet it and throttle it," says the President-

In the name of honesty, in the name of the public peace and prosperity, in the name of the rights of individual citizens of this country against centralism, worse than we ever dreamed of, meetit and fight it like men. Let both parties show their courage by meeting boldly and putting an end to its power for mischief.

And that is my hope for my country, that both parties will have the honest manhood to take this question from the political arena and decide it upon its merits, decide it with absolute independence from all self-seeking members of Congress who fancy they must have plenty of greenbacks or have the silver dollar in order to be re-elected.

plenty of greenbacks or have the silver dollar in order to be re-elected.

My friend from Iowa, [Mr. GILLETTE,] proposing to address to me a question wants, I judge, to ask if a greenbacker is not elected to succeed me in the next Congress. While I have not been disposed to say anything about that, I will indulge him, though knowing nothing about it. I have got the card that defeated me here in my pocket, and will give it to the Record, [having taken out and opened a pocket-book.] I do not know the gentleman who is to succeed me. I never saw him. He lives in my city and in the district that I represent. In that respect he has the advantage of me. I have been a carpet-bagger here among you for nearly seven years. [Laughter.] I lived in the district I represent some twenty years, but after that some political trimmer wanted to fix it a little differently, and he cut me off two hundred feet. So I live over the line. But the gentleman who is coming in my place lives in the district. He is a Baptist minister. It was known that I was a reluctant candidate. I was ill; confined to my house. I did not go out in the canvass and refused to engage with anybody in respect to it. I simply accepted the nomination. All I know of Mr. Smith's politics is that in one of his Sunday sermons he protested against making hats in the State prisons of the State of New York. This I got from my newspaper.

And there seems to have been an association of hatters, [laughter,] two hundred strong, in the end of the district where he preaches, who nominated him for Congress. I believe he himself thought it was a

two hundred strong, in the end of the district where he preaches, who nominated him for Congress. I believe he himself thought it was a joke when it first happened. But things went on, and a regular democratic candidate was nominated, who seemed to be a little weak, and some of his friends came to me to know if I would help to support some of his friends came to me to know if I would help to support him. Now, I have understood that a great many of you here know how to run a third candidate in your districts where it seems to be necessary for success, and it seems to be the right thing to do in the minds of many. [Laughter.] But I said to these gentlemen, "I will not give you a half dollar to keep your democratic candidate in the field. If the people want Mr. Smith to represent them, I hope they will elect him, and that he will prove to be a better man than I am. I can afford to be defeated, but I cannot afford to go back upon the principles which have governed me for years as a candidate for office and as the occupant of an honorable office." They said, "Well, then, he will be withdrawn." Said I, "Withdraw him;" and they did withdraw him. [Laughter.] draw him. [Laughter.]

Let me say again I was sick and confined to my house. On the Friday prior to the election on Tuesday, a newspaper in the district charged me with being a free-trader. [Great laughter.] It said explicitly, "Mr. CHITTENDEN is a free-trader, and he voted"—I must read now:

On the 26th of March, 1878, S. B. CHITTENDEN voted, with one hundred and twenty-two democrats, in favor of the Wood tariff bill.

There, now, you see what a man gets when he votes with the democrats in opposition to brother Conger. [Laughter.] I told the editor of that paper that I opposed the Wood tariff bill, and I voted to get it up for a chance to oppose it on the floor. [Laughter.] I had written every correspondent in my district who had alluded to it that it was an utterly impracticable bill, and I wanted to get a chance at it as quickly as possible. at it as quickly as possible.

at it as quickly as possible.

But I was not the only republican who voted for taking it up. Here is my friend, Mr. HISCOCK; he is a copper-fastened protectionist, and he voted with me on that occasion, as did eight or ten other New York straight republicans. [Laughter.]

I wrote a note to that editor stating that if he would refer to my record he would see that I simply voted to fix a day for the consideration of a revenue measure reported from the Committee on Ways and Means, and he might as honestly have charged me with having shot Abraham Lincoln as with being in favor of that bill and with voting for it. I wrote him that I left it to him to correct the statement or not as he pleased; to let it stand unless he had manhood enough to correct it without intimating that I had called his atten-

tion to it. And he never has corrected it, so far as I know. He certainly did not reply to my note. [Renewed laughter.]
I believe I will read the rest of this card.

One hundred and four republicans and ten democrats voted against it. Were the one hundred and four republicans wrong and Mr. CHITTENDEN right? Mr. CHITTENDEN stands with the democracy of the South upon the tariff question as he did when he voted against the civil-rights bill.

Now, do any of you remember that? I did vote against the civilrights bill when I first came here, and I have always been glad that I did so. I believed then and believe now that it was impolitic and unwise, if not unconstitutional, and I have been thanked by many able colored men for the vote I gave on that occasion. But that was only stuck in here; it had nothing to do with the matter.

The "solid South"-

Only think of it!

The "solid South" approves his vote upon the civil-rights bill, and Great Britain applands his speeches and votes upon the tariff question. Let us send to Congress a man who all his life has done manful service in the cause of human rights, and who represents the American doctrine of protection to American interests.

Then this paper winds up "That man is," in very small type, "J. Hyatt Smith," in very large type.

Allow me to say that in two wards of my district alone I ran 4,496 votes behind General Garfield, where this paper was persistently and carefully circulated among the laboring people on the day prior to the election and on the morning of the election. None of my friends knew anything about it until after the election. I call attention to the ingenious form of this paper:

Chittenden and the Tariff.

On the 26th of March, 1878, S. B. CHITTENDEN voted with 122 DEMOCRATS in favor of the WOOD TARIFF BILL.

104 REPUBLICANS AND 10 DEMO-CRATS voted against it.

Were the 104 REPUBLICANS wrong and Mr. Chittenden right?

Mr. Chittenden stands with the DEMOCRA-CY OF THE SOUTH upon the TARIFF QUESTION as he did when he voted against the CIVIL-RIGHTS BILL.

The "SOLID SOUTH" approves his vote upon the Civil Rights Bill, and GREAT BRITAIN applauds his speeches and votes upon the TAR-IFF QUESTION.

LET US SEND TO CONGRESS a man who all his life has done manful service in the CAUSE OF HUMAN RIGHTS, and who represents the AMERICAN DOCTRINE of PROTECTION TO AMERICAN INTER-ESTS. That man is

J. Hyatt Smith.

Mr. Chairman, the merriment of the House has brought my serious speech to rather a ridiculous conclusion. But there is a moral in the fun after all. The responsible author of that card is an uncommon ingrate, hypocrite, and idiot. The card is a lie, as inexcusable, mean, and immoral as the forged Garfield letter. But it has done—can dome no harm. I hope its reverend and honorable beneficiary will enjoy the distinction it brings him, and that he will prove to be a more useful representative of the people than I have been. He has been in the habit of standing in the pulpit, all his own, and preaching fifty times a year at home. He says that hereafter Congress will be a part of his pulpit; be said that the other day, according to the newspapers. I hope you will listen to him, [laughter,] and that he will use this part of his pulpit to the best possible advantage.

In the mean while, in respect to this funding bill, with an earnest and honest belief that it has much to do with the economical welfare, the real prosperity, and the honor of this great nation, which to-day is a spectacle to all mankind and promises in the near future, within the life-time of many who are standing about me, to be absolutely the monarch of the world, I say to the representatives of the people, in the interest of such a nation, brush away your selfish, partisan, political purposes, and allow reason to have sway. Come up to this question as fearless, honest, worthy representatives of the Mr. Chairman, the merriment of the House has brought my serious

greatest people on the earth, and revise our vicious currency system'

[Here the hammer fell.]
Mr. McLANE obtained the floor.
Mr. GILLETTE. Will the gentleman from Maryland yield to me

a moment?

Mr. McLANE. I have agreed to yield to the gentleman from Illinois [Mr. Morrison] for a moment.

Mr. Morrison] for a moment.

Mr. CHITTENDEN] has been giving us the views of the President-elect upon the subject of our national currency and the silver dollar. I would be glad to have read, in justice to the President-elect, his last public expression upon that subject. It is contained in a short extract from his letter of acceptance.

The Clerk read as follows:

The Clerk read as follows:

Our paper currency is now as national as the flag, and resumption has not only made it everywhere equal to coin, but has brought into use our store of gold and silver. The circulating medium is more abundant than ever before; and we need enly maintain the quality of all our dollars to insure to labor and capital a measure of value from the use of which no one can suffer loss. The great prosperity which the country is now enjoying should not be endangered by any violent changes or doubtful financial experiments.

Mr. GILLETTE: Will the particular of the March 1997.

doubtful financial experiments.

Mr. GILLETTE. Will the gentleman from Maryland allow me to put a question to the gentleman from New York, [Mr. CHITTENDER?]

Mr. McLANE. I do not yield to the gentleman from Iowa. I am sure that the gentleman from New York has disposed of all his personality as well as his argument. Nor would I trespass at all upon the attention of the committee if I were not persuaded that there is no necessity at all for any further funding of the public debt. Although I have no responsibility as to the mode in which this debt was issued, I feel the fullest responsibility for every effort that we can make to discharge it, and to discharge it with the least possible burden to the people of the country. I am persuaded that the maintenance of the public credit has been of more value to the country than any other legislation that has been effected since the close of the war. I think I am within bounds when I say that the maintenance of the credit of this country has saved the people more than forty millions of dollars per annum in taxation since the war, and it is for this reason that I would set my face against the gentleman is for this reason that I would set my face against the gentleman from Iowa [Mr. Weaver] when he would endeavor to use either of our standards, gold or silver, to destroy the credit of the country. I am as much in favor as he is of the double standard; but while I maintain the right of the country to maintain these two standards which were in existence when we contracted the debt, I would think it in the last degree unwise to stipulate that we should pay the debt in one of those standards at a time when that standard had by the course of commerce become debased.

It is a notorious fact to-day that silver, as compared with gold at their relative values as now fixed, is at a depreciation, and although we may hold it in our Treasury and hold it in our banks as other great countries that have a double standard do, I would not consent to enforce payment in it at the moment when it was thus depreciated. I

force payment in it at the moment when it was thus depreciated. I would consider that by such an amendment to this bill I did more harm to the credit of the country than by a failure to pay the debt at all. A failure to pay the debt would only leave the Government responsible to pay current interest on it until it was finally paid—

Mr. GILLETTE. May I ask the gentleman a question?

Mr. McLANE. I beg the gentleman from Iowa to let me pursue my remarks. I would yield to any gentleman if any remark that I had made required of him an explanation. But I do not recognize that any individual of this House is responsible for the silver theory any more than for the gold theory. I am stating for myself that while I believe in the double standard, yet I believe that an amendment to this bill requiring this debt due in 1881 to be paid in silver would be a vital injury to the public credit; and I believe the public credit to be of vital interest to the people of this country.

Mr. WEAVER. Will the gentleman yield to be corrected? I wish to correct a misunderstanding.

Mr. WEAVER. Will the gentleman yield to be corrected? I wish to correct a misunderstanding.

Mr. McLANE. If the gentleman wishes to correct anything that he has said, I will yield with pleasure.

Mr. WEAVER. I want to correct what you have said.

Mr. McLANE. I do not want the gentleman from Iowa to correct what January in the said was a said.

what I have said.

Mr. WEAVER. I merely wish—

Mr. McLANE. I decline to yield. I do not want the gentleman from Iowa to correct what I have said. If he rises to correct what he has said, I will yield to him with pleasure.

Mr. WEAVER. Will not the gentleman yield to let me suggest that he has missurderstood me.

that he has misunderstood me?

Mr. McLANE. I cannot misunderstand the gentleman, for he stated, if he did not read, the amendment that he proposed. Now I have commented upon that, and it is all I have to say upon that point.

Mr. WEAVER. The gentleman did misunderstand me.
Mr. McLANE. I believe that the maintenance of the public credit is of vital importance to this country; and the only question in my judgment that we have to consider is how we shall maintain that

surplus money without funding it at all, or, if funding it, then limiting the period to the time that our current revenue will meet it.

I am in favor of paying off that debt with our surplus money. I believe that the funded debt of four percents due in 1906 and the funded debt of four-and-a-half percents due in 1891 are the only funded debts which this country ought ever to know in the future, I stand here to-day to support the report of the Secretary of the Treasury. I would not alter a line of it, except as to the rate of interest, and I have no objection to leaving that rate of interest discretionary. The Secretary of the Treasury states that after paying out the surplus revenue of the year which expires on July 1, 1881, there will then be \$637,350,600 of indebtedness to be provided for. And he then makes an estimate of our current revenues and our current he then makes an estimate of our current revenues and our current penses and shows we must have a surplus of from eighty to ninety million dollars

Now, Mr. Chairman, any gentleman in this House who will follow the statistics accompanying that report will find that every year and every half year our revenue increases over the preceding year and half year, and for the very obvious reason that our revenue is derived from articles of consumption, and as our population increases our consumption increases. And if there was no other reason but that

rom articles of consumption, and as our population increases our consumption increases. And if there was no other reason but that one it would make it a sure thing that our revenue will increase. And when the Secretary of the Treasury estimates \$90,000,000, if the present condition of prosperity in the country continues, his \$90,000,000 will become \$100,000,000 and \$120,000,000 before these ten years have expired. This House will run no risk at all in giving him the authority he asks to pay off \$520,904,707.58, which is the aggregate amount of the money due the sinking fund in these ten years. He proposes to limit these yearly payments to that amount.

But, Mr. Chairman, why should he limit it to that amount? By his own figures, liberally considered, he will have nearly twice that amount in those ten years. I am quite willing, and I hope this House will give the Secretary precisely the authority he asks—\$400,000,000 in Treasury notes of a denomination not less than ten dollars, he says, at 4 per cent. But he states in that connection he has no doubt at all he can negotiate that \$400,000,000 at 3 per cent. Why should we hesitate, therefore, to give him authority to negotiate that \$400,000,000 at 3 per cent., and, if need be, at 4 per cent.? For one I should not have the least hesitation in giving him that discretion at 3½ or 4 per cent. Is it to be supposed when he is required by law to sell these bonds in the open market and at not less than par he will sell them bearing 4 per cent. if he can get par at 3 per cent.? We who are bearing 4 per cent. if he can get par at 3 per cent. We who are legislating for the people, believing as I do their best interest is in paying off this debt at the earliest possible moment—why should we hamper him in his negotiating those \$400,000,000 of bonds? He says, expressly for the encouragement of the country and of this Hous that he can negotiate them in his opinion at 3 per cent., but in order that he may not be put at disadvantage he asks for the authority to

that he may not be put at disadvantage he asks for the authority to negotiate at four.

Then he proceeds, and asks for authority to negotiate \$400,000,000 in short bonds. And that is a very proper authority to give him, because although we stand to-day in the face of this prosperity and plenty, and although we can count to-day, if we continue as we are, that we will have ninety or one hundred millions of dollars surplus, yet by a disaster to-morrow, by a failure of our own crops or by greater abundance of crops in Europe, we might not have this prosperity so far as imports and exports are concerned, and therefore this surplus of ninety or a hundred or a hundred and ten millions might not exist. And in case it does not exist, then it would be necessary for him to fund these debts rather than to pay them off in Treasury notes. Give him the discretion to do that which is best for the people of this country, to negotiate a bond bearing 3 per cent. interest, or 4 per cent. interest, if that be the figure—I am coming to the figure directly—the discretion to do that or to issue his Treasury notes in

directly—the discretion to do that or to issue his Treasury notes in sums not less than ten dollars.

Mr. Chairman, the Secretary of the Treasury not only would be able in the ten years that these bonds have to run, that is to say, before in the ten years that these bonds have to run, that is to say, before we come to 1891, when the four and one-half percents are due, he would not only be able to take up these short Treasury notes, or pay off this short loan—and I suggest here that loan ought not to go beyond that year, 1891—he would not only have money enough to pay off this poor little \$637,000,000, but he would have more than enough in the Treasury to pay off the four and one-half percents due in 1891. And if we continue as we are now—I ask only the present condition of commerce; that the present industries of the country shall remain undisturbed by disaster—then our income in these ten years will exceed the present debt of \$637,000,000, and the debt due in 1891 of \$250,000,000, and even adding to that the debt of about \$100,000,000 which falls due in 1895, the bonds issued to the Pacific Railroad. There is, in my judgment, within our reach to-day a solution of this debt question which will save to the people in taxation \$12,000,000.

We could not to-day, if we entered upon the question of revenue reform, with any satisfaction to ourselves, in the present condition of the country politically, effect a reduction as satisfactory as that. And I for one do not desire to disturb the country. I believe that it

Judgment that we have to consider is now we shall maintain that the desired we shall maintain it by passing a bill such as has been reported from the Committee on Ways and Means, which funds the debt due in 1881, and makes it payable twenty or forty years hence, or whether we shall endeavor to pay off that debt with our current will be our duty in the future, as an opposition, to enforce upon the

Government that policy, that they shall not reduce revenue but that they shall reduce taxation. I have no doubt at all, sir, that in that way we have a political future not only honorable to ourselves but

way we have a political future not only honorable to ourselves but in the best interests of the people of this country.

I understand very well that there are two extremes to this question. I understand perfectly well that the capitalists of this country, or of any country, whether they have banks or not, like these long bonded loans. They have even in their very length of time a feature of value. They find in the length of time that they have to run a value so material that it will be a question as between seventy years and forty years of nearly or quite 5 per cent. on the bond. So we have the other extreme of gentlemen who would pay off this debt in fiat money. That I regard as the other extreme. I hope, Mr. Chairman, as a Representative to stand perfectly independent of either extreme. I would be sorry to advocate a policy that was in the interest of any single class in this country. I would be sorry if any act of mine here in reference to the payment of the public debt should have that for its result; so, also, I would be sorry if any error of mine would induce me to vote for silver or for any other currency which was depreciated or any paper which had no value in payment of a debt of the United States which by law is made payable in coin.

Mr. GILLETTE. Is there any such proposition before the House?

Mr. McLANE. It is not material that either proposition is before the House, but I do know perfectly well that both ideas are represented in the House.

Now sir a word more and I have done. There are two bills pend-

sented in the House.

Now, sir, a word more and I have done. There are two bills pending, the bill of the committee and the bill or substitute of the gentleing, the bill of the committee and the bill or substitute of the gentleman from Pennsylvania. Now, I hope the bill of the committee will be so amended as to embody these two features. The bill is a valuable bill. Its first section provides that all the existing laws which have reference to funding shall be applied to these two debts which are to be funded, and that those laws and stipulations which are valuable to the proposed system of funding shall be continued in force and applied to the funding of these two debts.

Then it withdraws from the Secretary the authority to act under the law of 1870 and 1871 under the operations of which there are

Then it withdraws from the Secretary the authority to act under the law of 1870 and 1871, under the operations of which there are \$104,652,200 which he has the right to use under the law of July 14, 1870. That is repealed in this law, and those provisions of the first section of the bill are of great importance. But when we pass from that we come, in this first section, to what are clearly only questions of details, whether the interest shall be 3 or 4 per cent., or whether the amount shall be \$400,000,000 of the one kind and \$200,000,000 of the other, or whether we shall make both \$400,000,000 as recommended by the Secretary.

the other, or whether we shall make both \$400,000,000 as recommended by the Secretary.

Now, Mr. Chairman, as to the debt due in 1891, as I said before, that is a debt of only \$250,000,000, while if we are right in this view that the surplus revenue of the country will pay off in five years, and not in ten, this entire debt of \$637,000,000, then there will be in the accruing revenue in the remaining five years more than enough to provide for the debt falling due in 1891; and I have no doubt at all that by this legislation we will not only relieve the country of the debt due in 1891 and therefore by this action to-day we will relieve the country of all debt excepting the 4 per cent.

Thus we rid ourselves entirely of these—I will not call them intrigues, though they are perfectly well characterized by this term—we will relieve ourselves of the intrigues of those who are already in the possession of the funded debt, and who do not want the debt funded at all, while on the other hand we relieve ourselves of those who would keep the whole debt of the country at 3 or 3½ per cent. for seventy

keep the whole debt of the country at 3 or 31 per cent. for seventy

We have now a sinking fund which will provide for the 4½ percent. bonds as well as the four percents. So that thus it is not extravagant at all to say that when we pass this bill to-day, which provides for the debt due in 1881, we know there is provision for the payment of the entire debt of the United States. No further legislation will have to be adopted. None will be required. If reasonable prosperity continues we will have a surplus long before 1907. In my own humble opinion I think that surplus will justify the reduction of taxation in 1885. So that this bill will enable all surplus revenues after paying the sixes and five percents to be applied to the payment of any debt whatever in addition to the sinking fund specially provided by law.

of any debt whatever in addition to the sinking rand specially vided by law.

Now, I believe firmly that if we stand together in defense and in support of the national credit, if we on both sides of the House show a spirit of accommodation and meet the Secretary of the Treasury in a fair and a liberal spirit, we will pass a bill that will relieve this country from all public debt, and have it in our power to reduce taxation fifty millions a year after 1885. I understand very well that this picture may be highly colored. I understand perfectly well that no country in the world, no commercial country, has ever gone so long without some set-back, without some financial check. We have had lessons enough in our own country, Mr. Chairman. It was only in 1873, when, with an enormous revenue, a revenue greater than our 1873, when, with an enormous revenue, a revenue greater than our present revenue, we were obliged to suspend payment on our sinking fund. Any gentleman who will follow these tables will find that in 1873 and 1874 and 1875 we were unable to perform our full duty as provided by law in regard to the sinking fund; and although a period of prosperity which has since ensued has enabled us to make up that

deficiency, and although the sinking fund to day stands fully provided for, as every dollar due it will be paid up in the next year, yet there were three years when we were altogether unable to meet it. And of course such a disaster as overtook the country in 1873 can overtake it in 1883. And it is because that is possible that I for one not only want to put it in the power of the Treasury Department to have a choice of issuing bonds or notes, but I want to adopt this suggestion, vaguely stated but yet intelligently enough, that these notes when they shall fall due shall be redeemable rather than payable; in other words, if we have a recurrence of disaster and have not the necessary surplus revenue, then we let the notes lay paying the interest. necessary surplus revenue, then we let the notes lay, paying the interest on them till we are able to redeem them; and when it is known that these notes can either be redeemed at the day named or can become as good as a bond redeemable at the pleasure of the Government but still bearing interest, the Secretary of the Treasury will have no difficulty in placing those notes, and we need not be disturbed on that

I do not hold this opinion because a banker here or a banker there tells me the money can be placed at 3 per cent. I understand perfectly the bankers and individuals who are not bankers can be interfectly the bankers and individuals who are not bankers can be interested in bonds, say of 4 per cent. or of the fives and sixes, and therefore advocate the issuing of bonds at 3 per cent. or of not funding at all, that the value of the four percents may be advanced or that the same may be so of the fives and sixes. As I said before, I reject them and their counsels and come back to my own judgment and the support of what I believe to be in the interest of this country; that is, to borrow the money necessary to pay the debt in 1891 and make the best terms I can, and make the period for which I borrow not a day longer than I will be able to pay it in.

If I had the least doubt of the revenue of this country being equal to these fifty or sixty or seventy millions a year, then I would not advocate the payment of these bonds as early as 1885. But I am persuaded under any reasonable view of the future we can count upon a sum 20 or 30 per cent. larger than the Secretary asks us to appropriate; that is, the amount due the sinking fund, \$520,000,000. See where we are. Six hundred and thirty-seven millions is the entire debt, and if we take five hundred and twenty millions out of it in the next

and if we take five hundred and twenty millions out of it in the next ten years there is left only a little under one hundred and twenty millions of dollars. I would not repeal that provision which authorizes the Secretary to issue one hundred and four millions at 4 per cent. I would be perfectly willing to leave that as it is, because with that one hundred and four millions and this money due to the sinking fund he has nearly the amount necessary to cover the entire debt.

In my opinion, for the Secretary to sell his one hundred and four

millions of four percents at a premium of 12 is quite as good as selling his new bonds at 31, and we might just as well leave him the authority to sell his one hundred and four millions at 4 per cent., because really to sell one hundred and four millions of four percents at authority to sell his one hundred and four millions at 4 per cent, because really to sell one hundred and four millions of four percents at the present premium is just as good an operation for the Government as selling a 3½ per cent. bond at par. I am perfectly willing, therefore, to let that amount of one hundred and four millions stand. But as it is the sense of the committee to repeal that provision, I acquiesce, as I think we ought to concede to each other on points that are not material. I take the bill as it comes from the committee, only enlarging the amount of the bonds so as to have four hundred millions of each. In other words, I follow up the report of the Secretary of the Treasury. I hold the operation, if he can accomplish it, is a splendid operation for this country. If he can sell four hundred millions at 3 per cent, he will have done well for the country, and then if he can negotiate a short bond—he says fifteen years, I would say a less time—at 3.65, he has done well for the country.

Give him his authority, and we know very well that even if he were capable of doing a wrong, which I for one do not dream that he would, the manner in which the bonds are to be issued makes it impossible for him to do it. He has to sell these bonds in the open market, and the only room for distrust that I can conceive of is the amount of money we give him to pay the expenses of that negotiation.

I will not say anything about the Secretary having his favorite bankers and brokers, for that would follow if any of us had such a duty to perform. All the brokers in the world and all the bankers in the country cannot be employed. There must be a selection, and the Secretary must make that selection. I should feel that I was wasting my time to embarrass myself with that question.

But there is a point to be considered, and that is in connection with the expense of this negotiation, whether it shall be 1 per cent. or one-half per cent. That is the question which we cannot go very far wrong on, for it is one which every ex

and to permit every man in the country who wants to buy a ten-dollar bond to go to the Treasury Department and buy it, he has but to call to mind our experience under the law passed some years ago, when the brokers of the whole country in different localities took the matter out of the hands of the people by sending their agents to the Treasury to buy the bonds. There never has been devised any mode by which this Government could negotiate a large loan without the assistance of men who trade in money. Their assistance is necessary. When you wish to buy flour and clothing, it is necessary for you to

go to the people who deal in those articles. If you wish to sell these bonds you must go to the people who deal in money; you must employ them and pay them what is reasonable. That is the only point for distrust I find in this bill.

distrust I find in this bill.

I certainly do not find the amount extravagant which the committee have allowed. There is a difference between the report of the Secretary of the Treasury and the bill of the committee, but that is a difference which I am quite willing to leave to the committee and to the Secretary. For myself, if I can I want to go on the line of that report, and I want to take so much of this bill as covers that report. The House must remember that it is no reproach to the committee, either in its entirety or in its individuality, that this bill is not exactly in pursuance of the report of the Secretary of the Treasury. The bill was reported last year, and the Secretary of the Treasury said in his report of that year that it was absolutely necessary that he should be allowed to issue 4 per cent. bonds. During the year which has passed since then he has modified his opinion, and has gone even below the original proposition of the bill, which was for a 3½ per cent. bond.

These are details which I refer to only to put the Secretary and the committee in perfect harmony, as I believe they are. For one I am willing to leave the credit of this country to the Committee of Ways

and Means and to the Secretary of the Treasury.

I have promised to yield to my friend from Illinois [Mr. Springer]

The CHAIRMAN. The gentleman has twenty minutes of his time

remaining.

Mr. GILLETTE. Will the gentleman allow me to ask him a question?

Mr. McLane. With pleasure.
Mr. GILLETTE. The gentleman from Maryland [Mr. McLane]
conveys the impression that the use of the surplus silver coin in the Treasury to pay the bonds when they become due would be an injury to the public credit. I wish to ask him how the fulfillment by the Government of the contract according to its letter and its spirit

the Government of the contract according to its letter and its spirit could injure its credit?

Mr. McLANE. I will answer the question. Although the Government has the power to pay this either in silver or in gold—and I have no doubt it has that power—yet when it had in the Treasury all the gold that was necessary to pay the debt, if it should take silver at a depreciation of 8 or 10 or 12 per cent. and pay the debt, I should consider it a fraud on the creditor. I think any individual or any government that did such a thing as that would lose its credit in the world. world.

I do not think the gentleman from Iowa [Mr. GILLETTE] or any other advocate of the double standard should allow the silver quesother advocate of the double standard should allow the silver question to come into this discussion. Whether we should have two standards or one standard is a question entirely apart from the consideration of this bill. We have two standards now; we have the right to pay the debt either in gold coin or silver coin; that is admitted by everybody. There may be those who would like to have the debt payable in gold; they have not a majority in this House to make the debt so payable.

The debt is payable in gold or silver at the option of the Government. If the Government had no gold; if it had nothing but silver, it would not be dishonorable on the part of the Government to pay the debt in silver. There might be some necessity for negotiation:

the debt in silver. There might be some necessity for negotiation; there might be a question as to whether the Government ought to make up the depreciation of its silver. That would be an equitable if not an abstract question; and I have no doubt at all that this Government of the United States, if it ever found itself in a condition to be obliged to pay off its debt in a depreciated coin or a depreciated paper, would recognize its obligation to pay the balance when it was able. I do not think this Government will ever fall to any form of

able. I do not think this dovernment of the repudiation.

Mr. GILLETTE. Another question.

Mr. McLANE. I agreed to yield a part of my time to the gentleman from Illinois, [Mr. Springer,] and I do not desire to take any

Mr. SPRINGER. Mr. Chairman, there are not many minutes of the hour remaining, and I desire to yield a portion of my time to the gentleman from New York; hence I shall ask the attention of the committee for only a short time. I am opposed to the pending bill, and unless it can be amended in a very material manner I must vote

Let us consider, first, what would be the effect upon the public debt in the event of the passage of this bill. It provides that the Secretary of the Treasury may issue bonds not exceeding five hundred million dollars, redeemable at the pleasure of the United States after million dollars, redeemable at the pleasure of the United States after twenty years and payable forty years after the date of issue. It provides also for the issue of Treasury notes to the amount of \$200,000,000, redeemable at the pleasure of the United States after two years and payable in ten years. If this bill should be passed it would carry all the debt payable within the ensuing years, except \$200,000,000 payable in Treasury notes, to a period twenty years beyond this time. If this bill should be passed, there would only be within our reach for payment \$200,000,000 after two years, \$250,000,000 of the four-and-a-half percents at the end of ten years, and the bonds provided for by this bill, about five hundred millions, in twenty years. In

other words, we could only pay at par \$200,000,000 within the next ten years, at which time \$250,000,000 of the four-and-a-half percents would be payable, and after these sums we could pay nothing until

would be payable, and after these sums we could pay nothing until after twenty years from this time.

This being the effect of the passage of the bill, I wish to call the attention of the committee to our ability to pay within this time, so as to ascertain whether this bill does not put far beyond the reach of our present ability to pay the public debt of the United States.

I hold in my hand the public debt statement issued on the 1st day of January of this year, from which it will be seen that there will be redeemable on the 1st day of May next 5 per cent. bonds to the amount of \$469,651,050, and on the 30th of June there will be redeemable 6 per cent, bonds to the amount of \$144,339,900 and other 6 per cent, bonds. of \$469,651,050, and on the 30th of June there will be redeemable 6 per cent. bonds to the amount of \$144,339,900, and other 6 per cent. bonds to the amount of \$57,216,100, making in all \$671,207,050 redeemable at the pleasure of the United States between this time and the 1st day of July next. The Secretary of the Treasury informs us in his annual report that the surplus funds in the Treasury will redeem a portion of this, so as to reduce the whole amount at that time (July 1) to about six hundred and forty million dollars. Without further legislation we have \$630,000,000 within our reach on the 1st day of July next and \$250,000,000 within our reach ten years from this time. But this bill proposes to put \$500,000,000 of this amount beyond our reach for the period of twenty years from this date, leaving only \$200,000,000 of interest-bearing Treasury notes and the 4½ per cent. bonds due ten years hence, or \$450,000,000 in all, as redeemable within the next twenty years.

We can do better than that; and I am opposed to placing the public debt in funded loans which will deprive the Government of the right to pay it to the extent of the sinking fund and the surplus revenues without increasing taxation. I would leave this debt in such a shape that we could continually apply to it these means of payment. This we cannot do if this bill is passed. After the passage of this bill and the payment of \$200,000,000, which can be made within two or three years, we must go into the market and buy our own bonds at such premium as the bondholder may be willing to accept; and when the Government is the largest purchaser of bonds, when there is a large demand by the Government on account of purwhen there is a large demand by the Government on account of purchases for the sinking fund, the market price of bonds will necessarily go up. I have in my hand the statement of the Secretary of the Treasury showing what will be the accumulations of the sinking fund for the next ten years. I find this statement in the very able and exhaustive speech of the gentleman from Ohio [Mr. WARNER] who sits on my right. The Secretary of the Treasury, in his last report, says:

The requirements of the sinking fund prior to the maturity of the 4½ per cent. bonds, for a period of ten years, from 1882 to 1891, both inclusive, are estimated as follows:

10110 1101	
For the fiscal year ending June 30, 1882	\$43, 386, 645 00
	45, 122, 110 80
	48, 804, 075 04
For the fiscal year ending June 30, 1886	50, 756, 238 04
For the fiscal year ending June 30, 1887	52, 786, 487 56-
For the fiscal year ending June 30, 1888	54, 897, 947 07
For the fiscal year ending June 30, 1889	57, 093, 864 95
For the fiscal year ending June 30, 1890	59, 377, 619 55
For the fiscal year ending June 30, 1891	61, 752, 724 33

From this statement it will be seen that the accumulations of the sinking fund for the next ten years will amount to \$520,000,000, saysinking fund for the next ten years will amount to \$522,000,000, saying nothing of the surplus revenue which must be added to this sum, which will be the means in our Treasury that we may apply to the payment of the public debt during the next ten years, and which the Secretary of the Treasury estimates, as the gentleman from Maryland [Mr. McLane] has stated, to be equal to the sum I have just named. If within ten years we shall have in our hands for application to our indebtedness, without increasing taxation, a thousand million dollars, why not leave the debt in such shape that we can apply this surplus revenue to it? This bill does not make such provision. this surplus revenue to it? This bill does not make such provision, and I shall vote for no bill which proposes to fund the debt beyond the reach of payment by the use of this \$1,000,000,000 within the

I have been endeavoring to find out by an examination of the reports of the Treasury Department the amount of debt that has been paid in the last ten years. I hold in my hand a statement issued by the Treasury Department, July 1, 1879. Upon an examination of this table, which purports to be an analysis of the principal of the public debt from July 1, 1856, to July 1, 1879, showing the amount of the debt at the close of each fiscal year, it appears that during the ten years last passed we have reduced the public debt to the extent of \$382,000,000, and that we have now in the Treasury \$100,000,000 more than we had when we started out on this decade. During three of these years, as the gentleman from Maryland [Mr. McLane] suggests, we paid very little; yet during those ten years we did pay \$382,000,000, while we increased the amount in the Treasury to the extent of \$100,000,000, which might have been applied to the same purpose, but which is held for resumption.

I have another table from the Secretary of the Treasury accompanying the report submitted to this House a year ago. From this statement of the amounts of the payment of the public debt, it seems I have been endeavoring to find out by an examination of the re-

that the Treasury has paid during the same time \$53,000,000 more than the sum I just named, or \$435,810,339. I do not know which of these statements is correct; I cannot reconcile these discrepancies of the Secretary of the Treasury, but I am willing to take either statement as substantially correct for the purpose of this argument. We may assume that the reduction has been between \$48,000,000 and \$53,000,000 per annum, with the increased accumulations in the Treasury for pur-

per annum, with the increased accumulations in the Treasury for purposes of resumption. One statement shows \$53,000,000 more paid in the same time than the other. If, then, we have paid off during the last ten years the public debt at the rate of \$50,000,000 a year—

Mr. McLane. Of the principal.

Mr. SPRINGER. Of the principal; yes, sir. If during that time we have had a succession of years when our imports were very small, owing to the hard times in this country consequent on the crisis of 1873, and the amount of accumulations from customs revenue fallen off some years making the reduction of the whole amount less than off, some years making the reduction of the whole amount less than four millions of dollars, we can assume at least our ability to pay \$50,000,000 a year for the next ten years; and I think the estimate for the payment of \$1,000,000,000 in ten years, or \$100,000,000 for each year, is not beyond reasonable probability. I do not anticipate, how-

ever, so favorable a result.

I believe this bill can be so amended that we can refund the whole amount of the bonds redeemable within the periods I have mentioned, and make the new issues payable or redeemable at such times in the future as the surplus funds in the Treasury from year to year and the sinking fund can meet. Then we will have, after the payment of the amounts covered by this bill and of \$250,000,000 of four-and-a-half amounts covered by this bill and of \$250,000,000 of four-and-a-half percents due ten years hence, remaining of the public debt the sum of \$738,420,400 of four percents which are not redeemable until the year 1907—twenty-six years hence before we can pay any part of the remaining portion of the public debt, unless we shall go into the market and buy it there at whatever premium it may command. We have then but \$1,000,000,000, or \$921,207,050 in exact numbers, to be paid within these twenty-six years, and after we have paid this amount, which we may in ten years from this time, we will have all the accumulations of the sinking fund and surplus revenues for the purpose of meeting the 4 per cent. bonds which can only be paid after twenty-six years from this time.

Hence, Mr. Chairman, if this bill can be so amended as to place the public debt coming due between this and the 1st of July next within the means of the United States to pay, I think we ought to pass it, and the bonds should be such that they can be negotiated in the markets of the world at the lowest rate of interest possible. If the bill can be amended in this and in one other respect, I shall take pleasure in supporting it.

in supporting it

I am opposed to the theory which has been advanced here that we should pass no refunding bill and make no provision to meet these bonds. If I were the possessor of five, ten, or fifteen millions of dollars of five or six percents due on the 1st of July next, or of any of those bonds, my interests might induce me to oppose any provision of law by which those bonds should be refunded into bonds at a lower rate of interest because helding such bonds. I sould do not see that the same and the same see that the same are helding such bonds. I sould do not see that the same helding such bonds. I sould do not see that the same helding such bonds. rate of interest; because, holding such bonds, I could demand 5 and 6 per cent. interest on them until the Government was able to pay

per cent. interest on them until the Government was able to pay them off. It seems to me such would be the position of the holders of bonds due the 1st of July next. They would naturally oppose the refunding of those bonds into bonds bearing a lower rate of interest. But as representatives of the people we should seek to make the public debt as little burdensome as possible. Low rates of interest, short bonds, and rapid payments as possible, should be our motto.

I desire also a provision to be incorporated in the bill to prevent the abuses which grew up under the last funding bill of paying double interest and large commissions to syndicates of bankers to negotiate our loans, giving exclusive privileges by contract to such syndicates. I hope we shall not have repeated under the sanction of this proposed legislation (as the first section seems to provide) the paying of double interest or large commissions to syndicates and brokers, or the keeping of large deposits of Government moneys in private banks during long periods of time, thus encouraging speculation with Government funds and making possible irregularities like those attending the last negotiation of Government bonds.

I yield now the remainder of my time to the gentleman from New

I yield now the remainder of my time to the gentleman from New York.

The CHAIRMAN. The gentleman from New York is entitled to

Mr. LOUNSBERY. Mr. Chairman, I am obliged to the gentleman from Illinois [Mr. Springer] for the unexpected opportunity I have to make a brief expression of the reason why I shall oppose the general propositions contained in this bill. There are no doubt very many of the people of the country and of my own constituency who are induced to favor a refunding bill on account of the promise it affords for a reduction of the interest on the national debt. But there is much that is delusive in this promise. I esteem it of much greater importance that this debt of the country should be paid at the very earliest opporthis tens does of the country should be pain at the very earnest opportunity afforded to the Government and according to the means and revenue of the Government than that it should be refunded at a lower rate of interest. We must assume—and in this respect I am greatly relieved in the statement of my views by the fact that my friend from Maryland [Mr. McLane] and my friend from Illinois [Mr. SPRINGER] have given the statistics upon which the proposition rests—I say we

must assume that for the next few years at least the income of the Government will be much larger than it has been in the past. We cannot expect from this Congress, and very likely not from the next, cannot expect from this Congress, and very likely not from the next, any radical change in our customs laws, whereby the people shall be relieved from taxation. We may therefore expect the revenues arising from the increased prosperity of the country will gradually increase rather than diminish from duties on imports. The national resources then will be greater, and yet it is stated by the Secretary of the Treasury that for the last year our revenues furnished \$90,000,000 to diminish the national debt.

Now, sir, if we adopt the proposition of this bill to refund \$500,000,000 into a permanent debt, outside of the possibility of being redeemed for thirty years, there must necessarily be gathered into the Treasury an amount of income which cannot be used in the payment of the public debt. Under the present law it cannot even be used as a sinking fund. Hence arises the difficulty which has not been stated sinking fund. Hence arises the difficulty which has not been stated in this debate hitherto, but which to my mind is a controlling one. A large fund gathered into the Treasury will furnish temptation for large and unusual appropriations of money. Members of Congress here in this House, all of them, are pressed by their constituents in one way or another for the construction of public buildings, for the commencement of public works, for expenditures upon those that are already commenced, or for expenditures upon this matter or that, and there will be a constantly increasing pressure brought to bear upon them, so that extravagant appropriations of the public moneys lying idle in the Treasury, which cannot be even used for the paylying idle in the Treasury, which cannot be even used for the pay-ment of the national debt and the cancellation of the outstanding bonds, will inevitably follow.

In the first place, by my vote and position upon this bill, in alliance with my friend from Pennsylvania, [Mr. Kelley,] who from exactly opposite motives opposes this permanent debt because he sees in it a reason why Congress will be moved from time to time, and more strongly moved for the reduction of customs duties, I am moved to vote against the proposition of funding \$500,000,000 because I fear it must necessarily place in our Treasury a large sum of money, and be a temptation thereby to the House of Representatives and to the Senate to discover some new fashion of expending money in the public service. It is fortunate that this is not a party measure at this time. It might well have been forced into the rut of party consideration. But we meet this question, a purely economic and business one, standing alone upon figures and computation, fortunately at this time in such manner that I find high-tariff men and low-tariff men such as myself, the leaders of the greenbackers of the country and the hard-money men of the country, all able to unite in opposition to a permanent fastening of the public debt upon the people of this coun-

[Here the hammer fell.]
Mr. MILLS. Mr. Chairman, I desire to invite the attention of the committee to the practical questions presented for our determination.
We have \$671,917,600 of bonds that are redeemable between this and the 1st day of July next. Of this amount \$202,266,550 bear interest at 6 per cent. and \$469,651,050 bear interest at 5 per cent. The annual interest on these bonds is \$35,618,545. It is not denied that we can sell other bonds bearing 3 per cent. interest and obtain the money with

other bonds bearing 3 per cent. Interest and obtain the money with which to redeem those now outstanding. The annual interest of such 3 per cent. bonds would be \$20,157,528. By this means the Government would save annually \$15,461,017.

The question before us is a practical business question, just such as presents itself to every one in his own individual affairs. It is neither more nor less than that. The measures proposed embrace two distinct propositions. One provides for the sale of long-term bonds, and the other for Treasury notes and short-term bonds that may be called and paid with the annual surplus revenues of the Government. There the other for Treasury notes and short-term bonds that may be called and paid with the annual surplus revenues of the Government. There are grave objections to long bonds. They are only justified when the emergencies of the State are such that the required revenue cannot be obtained in any other way; they are like that onerous and excessive taxation endured in war but wholly indefensible in time of peace. Nothing except a great calamity like war can justify the Government in selling long-term bonds and piling up interest upon the people year after year and generation after generation. Such a policy is un-American, undemocratic, and unrepublican. It has not met the sanction of any great statesman in this country in any period from the organization of the Government to the present time. The payment of the public debt as rapidly as possible without oppressing the people has been the constant and cherished policy of those who have gone before us. It is a policy founded in the wisest statesmanship and demanded us. It is a policy founded in the wisest statesmanship and demanded by the best interests of the nation. Our first great President said to Congress

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt.

Again calling their attention to the subject, he urged them "to consummate the work without delay." In his farewell address to the American people he warned them of the evils that lay in the path American people he warned them of the evils that lay in the path of their progress to jeopardize their institutions and imperil the common welfare of themselves and their children. He warned them against the evils of sectionalism, of foreign entanglements, of party spirit, of the encroachments of power, and prominent among the dangers that would rise to confront them was the accumulation of debt. He admonished them to avoid it, "not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burdens which we ourselves ought to

bear."

Mr. Adams, who succeeded him, charged Congress to be careful and prevent the growth of the debt and to provide for the necessities of Government "as much as possible by immediate taxes and as little as possible by loans." Dr. Benjamin Rush, one of the great minds of that day and one of the fathers of the Republic, besought Mr. Adams to leave a posthumous address to the American people, and when he came to speak of public debts and banks to summon all his resources and blaze with all the splendor of his genius, as he did on the 2d of July, 1776. President Jefferson, after spending his life impressing upon the administrations that succeeded him the imperative necessity of eradicating the "moral canker," as he more than once characterized it, died without seeing the consummation of that act for which he so earnestly contended. One of the sad utterances of his last days was, "Farewell all hope of paying the public debt."

Mr. Madison contended with the others for "the effectual and early extinguishment of the public debt." John Quincy Adams held the same creed, and, commending the subject to Congress, said in vindication of the earnestness with which he pressed it upon their consideration, that "the deep solicitude felt by our citizens of all classes throughout the Union" must be his apology. That solicitude continued to grow deeper until it culminated in a conviction that free institutions were imperiled every day by its existence. As the result of an avalend nublic oningen. Andrew Jackson a man more of deeds than

to grow deeper until it culminated in a conviction that free institutions were imperiled every day by its existence. As the result of an awakened public opinion, Andrew Jackson, a man more of deeds than of words, was called to the Chief Magistracy, and he accomplished without delay what others had for so many years been vainly essaying. He delivered the young republic from the meshes of the web that was being woven over its limbs; and when it was done, done speedily, and well done, he said to the representatives of the people in justification of the act and the energy with which it was performed "the experience of other nations admonished us to hasten the extinguishment of the public debt." No one of the distinguished citizens that have occupied the exalted station of Chief Magistrate of the Republic agents and the extinguishment of the complete the station of the distinguished citizens that have occupied public debt." No one of the distinguished citizens that have occupied the exalted station of Chief Magistrate of the Republic ever taught any other doctrine. The present Chief Executive has done honor to himself in calling our attention in his message recently read at our desk to the same great truth that our fathers so often expressed. In that message he says:

It is fortunate that this large surplus revenue occurs at a period when it may be directly applied to the payment of the public debt soon to be redeemable. No public duty has been more constantly cherished in the United States than the policy of paying the nation's debt as rapidly as possible.

policy of paying the nation's debt as rapidly as possible.

These are noble words, fitly spoken, and "like apples of gold in pictures of silver." In response to these utterances, these oft-repeated utterances of our statesmen, we are now told by the advocates of these long bonds that our debt must be prolonged for thirty, forty, or fifty years. Are there no evils growing out of this prolongation of debt through these many years? Have we suffered nothing by putting our debt beyond the control of the Government? Look at your seven hundred and thirty-eight millions of 4 per cent. They are to day at a premium of 13 per cent. due in 1907. They are to-day at a premium of 13½ per cent.; they were sold two years ago. The bill that authorized them was passed through the House almost without a ripple of debate. No amendment was permitted; no term was prescribed when the Government might call and redeem them. The results are now before our eyes. If we had retained the option of calling and paying at the pleasure of the Government, we could refund them into 3 per cent. bonds, and save to the tax-paying people of the United States over seven millions of dollars of annual interest. Our loss by our not doing so will be over seven millions per year for the twenty-seven years yet to elapse before we can call them in.

can call them in.

If we were to refund them now we would have to purchase them at a premium of over ninety-nine millions of dollars. And that is not the end of it, either. In ten years from to-day we will be ready to begin the payment of these bonds, and before ten years more could elapse we could extinguish them and stop the annual drain of twenty-nine millions of interest from the people. Now, if after paying these bonds maturing this year and the two hundred and fifty millions in 1891 we shall desire to call in and pay any of the remaining bonds we must pay high premiums, and as the Government proceeds with the extinguishment of the debt the premiums will grow greater. We have paid sixty-two millions in premiums since 1865, and before 1907 we will pay a sum vastly larger than that either in interest or premiums on those bonds. We ought all to feel humiliated when we reflect upon that transaction.

When the public debt was being created a sinking fund was established by law, and it is as much a part of the pledge of the public faith as any other part of the law. The Government and the public creditor are both bound by it, and the obligation in every part binds the one as strongly as the other. Yet all the power and influence of the public creditor has been constantly exerted to do away with the sinking fund and perpetuate the debt. The sinking fund would pay the debt in 1905, and the four percents went to 1907; and we are now being urged to sell bonds to be paid in 1920. I submit here a table furnished me at the Treasury which shows that to keep up the sinking fund would extinguish the last dollar of our indebtedness in 1905. Here it is, and I give it for the information of those who may feel any interest in the subject. I submit it with the remark that the When the public debt was being created a sinking fund was estab-

Government must pay by 1905, and may pay as much earlier as it Amount of sinking fund for each fiscal year from 1889 to 1905 inclusive

For fiscal year ending— Am	ount for each year. \$43, 356, 645 00
June 30, 1882	. 45, 122, 110 80
June 30, 1884	
June 30, 1885	
June 30, 1886	
June 30, 1887	52, 786, 487 56
June 30, 1888	54, 897, 947 07
June 30, 1889	57, 093, 864 95
June 30, 1890	59, 377, 619 55
June 30, 1891	. 61, 752, 724 33
June 30, 1892	64, 222, 833 25
June 30, 1893	66, 791, 746 58
June 30, 1894	. 69, 463, 416 44
June 30, 1895	
June 30, 1896	
June 30, 1897	
June 30, 1898	
June 30, 1899	
June 30, 1900	
June 30, 1901	
June 30, 1902	
June 30, 1903	
June 30, 1904	102, 822, 825 19
June 30, 1905	106, 935, 738 20
Total	. 1, 695, 663, 069 68

Interest-bearing debt outstanding July 1, 1880...... 1, 686, 520, 400 00

the instrumentalities of exchange. If this Government were to continue its present taxation for twenty years and retain its surplus in its vaults and not return it again to circulation, it would produce a convulsion that would shake every government on earth to its center. But I shall be answered by the friends of this measure that they propose to repeal taxes, which is much more plausible.

It will be so much more agreeable to the people to tell them that you are going to lighten the burden of taxation. That is all very well, and I will go with you as far in reduction of taxes as any one, but I will first pay the debt, stop the annual drain of a hundred millions to pay interest, and then gut down the taxation to the lowest

ions to pay interest, and then cut down the taxation to the lowest figure and require from the people only taxes enough to support an economical administration of government. Suppose you now sweep away all the taxes that give you your annual surplus with which you are reducing your debt, and your bonds are to run for twenty years. As my friend from Illinois [Mr. Springer] has said, you cannot pay one of them until the end of that time. Your taxes are repealed. You one of them until the end of that time. Your taxes are repealed. You are only receiving year by year enough to meet the ordinary demands of the Government. When the twenty years or forty years shall come, what will you then do? It will find our children or grandchildren doing just what we are doing to-day—discussing a refunding bill for another term of twenty or forty years. The bill first introduced by the gentleman who reported this one was for fifty years, and he clung to it with great stubbornness and only came down to the 20-40 bond when the fifty-year bond became utterly hopeless. I have no doubt he would have preferred a bond for a hundred years and retained it, undemocratic and unrepublican as it is, to stand like a vulture and tear the vitals of the people from generation to generation. a vulture and tear the vitals of the people from generation to generation.

But the question recurs, Can we pay these maturing bonds in a shorter period? Why, sir, we all know, for it is our business to know, But the question recturs, can we pay these matring bonds in a shorter period? Why, sir, we all know, for it is our business to know, that the revenues of our Government are to-day one hundred millions in excess of the ordinary expenditure and the annual interest charge. In six years we can redeem and pay every one of these bonds. The Secretary tells us in his estimate for this year that the receipts will be three hundred and fifty millions and the ordinary expenditure and interest two hundred and sixty millions, leaving a surplus of ninety millions. He made his estimate as a prudent man, and as an able officer he chose to keep well within the receipts. The first six months of the fiscal year are gone, and the 31st of December shows \$182,000,000. The six months to come are the best revenue months of the year, and it is now estimated at the Treasury that the receipts for these will be \$185,000,000. That will give us \$367,000,000 instead of \$350,000,000, and the surplus this year will be one hundred and seven instead of ninety millions. The expenditure for the present and ensuing fiscal year he estimates at two hundred and sixty millions each. Now, when we shall have substituted a 3 per cent, bond for those now existing we will reduce the interest charge fifteen millions annually. The expenditure will then require two hundred and forty-five millions, leaving a surplus of one hundred and twenty-two millions. But I am answered by the friends of the long bonds that this happy condition of things is temporary; that it cannot last. Why not? Everybody knows that the great bulk of our taxes are raised from con-

body knows that the great bulk of our taxes are raised from consumption.

The annual consumption depends upon the number of people who are to consume and their ability to purchase such things as their want requires. Therefore, if the number of our people increase, and their pecuniary ability increases with their numbers, their consumption must increase in a corresponding ratio. We are increasing in population rapidly. We are receiving a half million annually by immigration. In a recent article on this subject in the London Economist it is estimated that these immigrants bring to the United States annually \$500,000,000. What is the cause of this vast tide that is pouring upon our shores? The author of the article answers that they are flying from the vast national debts that are pressing upon the people of Europe, and the prosperity of our country invites them to come as to a house of refuge. We have added twelve millions to our population in the last ten years. We are increasing to-day at the rate of a million and a half a year. Why should not consumption increase? Will not fifty millions of people wear more clothing than forty? And clothing is taxed. Will they not eat more rice and sugar, and drink more whisky, and chew and smoke more tobacco? Will they not use more implements of labor? All these things are taxed. The consumption of these things must increase as population increases, and revenue must increase as consumption increases. must increase as consumption increase

must increase as consumption increases.

Again, our monetary circulation is increasing rapidly and adding to the ability of the people to buy. The Director of the Mint informs us that our circulation since January 1, 1879, in gold, silver, and currency has increased among the people—outside the Treasury and the banks—more than \$186,000,000. Increased capacity to buy increases demand for the things that satisfy want, and the increased demand increases the price of commodities. Let us take the tariff, which is the largest source of our revenue.

Mr. WRIGHT. Why not talk about the tax on incomes?

Mr. MILLS. I am dealing with a practical question. I am trying to show that our customs will increase year by year. Our tariff is in the main specific. That is, it is imposed by weight and measure and not by value. It is so much per yard and so much per pound.

Let us take a ton of iron for illustration. If it is worth \$10 per ton and the duty is \$10 per ton the equivalent ad valorem is 100 per cent.

Let us take a ton of iron for illustration. If it is worth \$10 per ton and the duty is \$10 per ton the equivalent ad valorem is 100 per cent. If by increased demand it rises in value to \$20 per ton the equivalent ad valorem is 50 per cent., and a large importation would result and we would get a large revenue where we would otherwise get none or a very small one. Our tariff is largely on the prohibitory order. Revenues have been designedly sacrificed to the manufacturing interests. The tariff being above the revenue standard every reduction brings it nearer to that point. The very term revenue standard means the largest amount of revenue that can be reached without restricting consumption. Two years ago iron went up 105 per cent restricting consumption. Two years ago iron went up 125 per cent. Other things rose in price, not so largely as iron perhaps, but there was a general rise in the price of all commodities. What was the result? Imports increased largely and the revenues rose from one hundred and thirty millions in 1878 to one hundred and thirty-seven millions in 1879 and one hundred and eighty-six millions in 1880, and the imports are still increasing. During the five months ending 30th November our imports amounted to two hundred and sixty-two millions, a gain over the corresponding five months of last year of forty-seven millions. If the remaining months of the year but equal those of last year we shall have seven hundred millions of imports this year. It is a fact that cannot be disputed that every enhancement of the price of commodities must increase our imports in the present status

of the tariff. The importations of last year demonstrate the truth of the proposition. And so do the revenues derived from internal taxes. They rose from one hundred and ten millions in 1878 to one hundred and thirteen in 1879, one hundred and twenty-four in 1880, and the Secretary tells us they will be one hundred and thirty-five

and the Secretary tells us they will be one hundred and thirty-five millions the present year.

I have expended some labor in trying to reach an approximate estimate of our revenues for the next ten years. I took the fifteen years from 1866 to 1880, inclusive, and made an average of customs taxes per head of our population and found it to be four dollars in round numbers. I took the last nine years of the internal-revenue taxes, and found the average \$2.56 per head. I selected nine years for the internal revenue because very considerable changes were made in the laws prior to that time. I take Elliot's tables of estimated population for each of the years from 1880 to 1800.

Applying the averages of taxes paid per head for the time given to

Applying the averages of taxes paid per head for the time given to the ensuing ten years, it gives me the following table of population, customs, and internal revenue. The miscellaneous revenues are about the same every year, and I place them at twenty millions, though they are already fifteen millions for the half year that is gone. In the column of expenditures, including charge of annual interest, I have retained the Secretary's estimate for this and next year, and after that added five millions each succeeding year. I have made no deduction on account of the large sum that will be taken from the annual expenditure in a few years by reason of the payment of the arrearages of pensions. Nor have I made any deduction on account of the fifteen millions reduction of interest. Nor have I made any deduction on account of the decrease of interest by annual payment of the public debt. If one hundred millions of that debt is paid each year, the amount required for interest will be three millions less each

year, and after that when we take up a hundred millions per year of four-and-a-half percents, then the deduction will be four and a half millions per year. And after they are paid and we purchase a hundred millions annually of the four percents, then it will sink at the rate of four millions each year. Here is the table. The population, which is the basis upon which it is made, is by estimate of Mr. Elliot, of the Treasury, and General Walker referred me to him and assured me his estimate could be relied on:

Years.	Population.	Customs, at \$4 per capita.	Internal revenue, at \$2.56 per capita.	Miscellaneous.	Total.	Ordinary expenses and annual interest.	Surplus to be applied to annual payment of public debt.
1881	51, 462, 000 52, 799, 000 54, 163, 000 55, 554, 000 56, 973, 000 58, 419, 000 59, 892, 000 61, 393, 000 62, 921, 000 64, 476, 000	205 211 216 222 227 233 239 245 251 257	130 134 138 141 144 149 153 157 160 165	20 20 20 20 20 20 20 20 20 20 20 20 20 2	355 365 374 383 391 462 412 422 431 442	260 260 265 270 275 280 285 290 295 300	95 105 109 113 116 122 127 132 136 142

I ask gentlemen to look at the annual surplus—over a hundred millions and growing larger every year—and tell me how they can vote to sell bonds that are not to be paid for twenty years. Is not the estimate made on a sound basis, and is it not a very reasonable one? Does it not follow, as the night follows the day, that our revenues must increase with our increasing population and wealth? Would it not be a piece of supreme folly in this body representing the interests of all the people to take this debt, fast disappearing, and which would be wholly exhausted in five or six years at the furthest, and fasten it on us for twenty or forty? Look at this thing as an intelligent business man, and act as you would if it were your own personal concern. When a man embarks in any business enterprise he looks forward and judges the future by the experiences of the past. You invest ward and judges the future by the experiences of the past. You invest your capital upon the probabilities that like causes will produce the same results in the future that they have in the past. If you buy land, engage in mercantile pursuits, invest in public securities, you calculate the probabilities of success, and determine your course accordingly.

But it is said taxation is too high and should be reduced. Taxation,

much or little, should never be greater than the demands for an honest and economical administration of the Government. It should always be sufficient to meet the demands of the Government. When we compare the taxation we have to-day with that of the last twenty years we see that it is far below the average. In 1866 we paid in Federal taxation \$14.75 perhead; 1867, \$13.07; 1868, \$10.49, and 1880, \$6.75. If we act wisely and continue our revenues and pay these bonds and those of 1891, which we can do in the next seven or eight years, we

may then repeal a large amount of taxation.

I have heard it frequently said by the advocates of these long bonds that posterity must bear some of these burdens. Whose posterity? Not theirs. The men who clamor for oppressive taxation on all the Not theirs. The men who clamor for oppressive taxation on all the necessaries of life are equally clamorous against imposing any taxes upon their wealth. The right to eat bread by the sweat of one's brow is a right that was reserved in the primal curse of man; but these men who are so zealous to escape taxation themselves mercilesily demand that the burden shall grow heavier upon the shoulders of those who tail and done to them the right to satisfy their hunger with the who toil, and deny to them the right to satisfy their hunger with the products of their own toil. The wealthy do not intend to bear any of products of their own toil. The wealthy do not intend to bear any of the burdens of the Government, nor do they intend that their children shall. It is the great army of toilers who live by daily labor who are to bear while living this enormous burden, and it is their posterity that are to continue to bear as their fathers did. It is of these that President Washington spoke when he said we should "not ungenerously place upon posterity the burdens which we ourselves ought to bear." In those days the people were not separated into two orders far apart—one enjoying an immunity from taxation and the other suffeiring and bending under all its unconscionable burdens. In those days "equal and exact justice to all men" was the proud motto borne upon the frontlets of the Republic and engraven on the palms of her hands. Suppose you go to the capitalists in Wall street and propose to fix a tax on their income and continue it upon their posterity, what would be their reply? Suppose you propose atax on the five thousand would be their reply? Suppose you propose a tax on the five thousand millions invested in railroads in the United States and continue it millions invested in railroads in the United States and continue it upon the children and grandchildren of the present owners, what will they say? They will denounce the proposition, as they have repeatedly done, as odious and inquisitorial. They once paid taxes, but they swept away the laws that imposed them as with the breath of awhirlwind. They said it was a war tax and fearfully oppressive, and Congress gave them up. But the other day we heard another complaint of excessive taxation. We are told every day that taxes are too heavy. And so they are on those who pay them.

But the question is, do you propose to relieve those who are best entitled to your sympathy? Let us see if we understand each other. How much do you propose to reduce the tax on sugar, that is taxed from 62 to 73 per cent.? On rice, that is taxed 100 per cent.? On salt, that is taxed from 40 to 66 per cent.? On cotton goods, that are taxed from 61 to 71 per cent.? On window-glass, that is taxed from 90 to 116 per cent.? On iron, that is taxed from 70 to 90 per cent.? On candy, that is taxed from 100 to 153 per cent.? The children of peop folls would like for it to come pear enough for them to get a poor folks would like for it to come near enough for them to get a lick at it occasionally. How much do you propose to reduce the taxes on spices, that are all the way from 181 to 461 per cent.? How much on spices, that are all the way from 181 to 461 per cent.? How much on wool and woolen goods, so essential to the comfort of fifty millions of people in winter? They are taxed from 60 to 90 per cent. How much on blankets and wool hats, that are taxed 89 per cent.? Is it not a shame that woolen clothing is taxed 90 per cent.? How many thousands are to-day destitute of such comforts because they are not within their reach! These taxes are shamefully oppressive. They are so exorbitant that they defraud the Government and rob the people. And yet the gentlemen who are here urging a repeal of taxes would not so much as touch them with their little fingers. would not so much as touch them with their little fingers.

would not so much as touch them with their little fingers.

Who is it, then, that is so oppressed with taxes? Why, the banks. The little tax on their circulation must be repealed. What next? The tax on bank deposits must be repealed. What next? The tax on bank capital must be repealed. What next? The tax on bank-checks must be repealed. It is banks, and only banks—banks first, banks last, and banks all the time. The banks in whose vaults are two thousand millions of money, and who are receiving a bounty from the Government of over fifteen millions annually as interest on the bonds they have deposited, while 90 per cent. of them have been paid in dollars that are equal in value to gold, are greatly oppressed. So oppressive is this taxation and so eager was the House to comply with the request of the bankers and repeal it at once that it only lacked a half dozen votes of securing the requisite two-thirds, a few days ago, when it was proposed to pass a bill by suspension repealing the tax on checks. When we begin to reduce taxes I want to see it begin in the right place. The first point to attack is the tarift. The first taxes to reduce are the taxes on food and clothing and the implements of labor.

to reduce are the taxes on food and clothing and the implements of labor.

Now, sir, I have shown that we have every probability to expect the increase of our revenues. We are in the enjoyment of a prosperity the result of two co-operating causes, and when these two concur we will-always have increased revenues. The first is increasing population, and the second is increasing wealth distributed among the people. No man can gainsay the proposition. On these two "hang all the law and the prophets." A man's wants always increase with his ability to satisfy them. When a man is poor he will be contented with a two-horse wagon, but if he rises to an income of ten thousand a year he will discard his wagon and ride in a carriage attended with servants in livery. A millionaire will live in a palace, a mendicant will be contented with a hovel. We are prosperous to-day. We can remove the producing causes and bring distress again. We can drive away our population as Europe is doing by the oppressive burdens of national debts fastened upon the people and persecuting them with taxes. We can stop the coinage of gold and silver and issue no more paper convertible into coin. We can continue large taxes and lock them up in the vaults of the Treasury, and it would not be long till we would see our land as though it were visited by the "pestilence that walketh in darkness, and the desolation that wasteth at noonday." The people would soon be unable to bear the burdens of government, and hunger and want would stand on many of the thresholds of the poor. We are coining silver every day and adding it to our circulation. It is bound to remain in the country and aid in the increase of prices. The Secretary tells us that it has the fiat quality. It is worth in commerce eighty-five cents in London and elsewhere.

Mr. DAVIS, of North Carolina. Ninety and six-tenths.

Mr. MILLS. Somewere along there. The exact figure is not material to my argument. We have invested the silver dollar with all the functions of money. We compel creditors to a

of the value of property, the amount of the revenues, and the pros-

of the value of property, the amount of the revenues, and the prosperity of the people.

Now, sir, in the light of the prospects around us will we continue this debt for forty years? If we pay it in six years we will pay one hundred and eight millions of interest. If we put it off to forty years we will pay seven hundred and twenty millions of interest. Are we to lay six hundred and twelve millions of unnecessary burden upon the vast body of the people and their children? Would it not be an act of consummate folly, nay, would it not be treason to the people, whose interests we are here to represent, if we should bind them like Prometheus upon the rock to be torn by the talons of those foul birds that feed and fatten on corruption? If taxes are no burdens, let those two hundred and seventy thousand persons who have an annual income of eight hundred and fifty millions come forward and contribute something to the support of the Government. Let those large railroad corporations come forward and contribute something to aid the Government to transport over their own tracks the troops that are necessary to preserve their own property from conflagration when the torch is in the hands of their own strikers.

Burke, the great English statesman, tells us that every exemption from the burdens of government of any class in the State tends to the dissolution of the ties of sympathy and citizenship, and to produce in the bosoms of those who are exempted a feeling that is alien to the rest of the commonwealth. The observation is true. There is a class, few but powerful, that have grown up under the fostering care of legislative robbery, and who feel toward the vast body of their fellow-citizens as though they were but hewers of wood and drawers of water for them. They ask Congress to keep this debt on the people that they may amass great fortunes by its stock—extend the power of the banks and increase the spoliations of the tariff.

As President Washington says, let us pay the debt "without delay," and not ungenerously place upon the shoulders of our children the burden we should bear ourselves. In the language of President Madison, let us press for the "effectual and early extinguishment of the debt." In the language of President Jackson, let us "hasten the extinguishment of the debt." In the language of President Hayes, let us pay the debt "as rapidly as possible." Everything now is propitious. The shadow of the long night of distress lies in the vale behind us. Our faces are turned away from the habitations of the task-masters. Let us with a glad heart and bounding step move forward in the discharge of the great trust committed to us and in the fulfillment of the great destiny that awaits us. [Applause.]

Mr. PHILIPS. Mr. Chairman, I ask to have read as a part of my remarks a bill which I have prepared and propose to submit as a substitute for the pending measure.

The Clerk read as follows:

A bill to facilitate the refunding of the public debt.

A bill to facilitate the refunding of the public debt.

A bill to facilitate the refunding of the public debt.

Section 1. Be it enacted, &c., That in lieu of and for the purpose of redeeming the United States bonds anthorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and all acts amendatory thereof, the Secretary of the Treasury is hereby authorized and directed to issue Treasury notes of the United States in the amount of not more than five hundred million dollars, in denominations of not less than ten dollars, and bearing interest at a rate not exceeding 3 per cent. per annum, redeemable at the pleasure of the Government at any time after the lat day of July, 1882: Provided, That not more than sixty millions of said notes shall so mature in each year from the date of their issue; and said notes shall be disposed of by the said Secretary at not less than par, and the proceeds thereof shall be applied to the payment of the 5 and 6 per cent, bonds of the United States maturing during the year 1881.

Sec. 2. That the Secretary of the Treasury is hereby authorized to exchange at not less than par any of the notes aforesaid for any of the said bonds so maturing in the year 1881. And on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of the contract of exchange to the time of their maturity and the interest for a like period on the notes so exchanged.

Sec. 3. That the Secretary of the Treasury is hereby authorized to issue the said notes either with coupons or registered, and in such appropriate form as he may prescribe, and to make suitable regulations for disposing of said Treasury notes to the best advantage for the Government, the expenses attending such disposition not to exceed one-fourth of 1 per cent. of the notes so disposed of or exchanged.

Sec. 4. That for the purpose of redeeming the residue of said bonds so maturing in the year 1881 the Secretary of the Treasury is hereby authorized and directed to

Mr. PHILIPS. Mr. Chairmau, I claim no originality for the bill just read. It contains what in my judgment is the good in the several substitutes proposed, and attempts to avoid the chief evil of the

eral substitutes proposed, and attempts to avoid the chief evil of the original bill. I have sought a common ground on which I believe every patriot can stand.

This question is one of practical legislation. It ought to be adjusted by the rules of plain common sense and business experience; and there ought to be wisdom and conservatism enough here to secure such unity of action as will bring out of the conflict of opinion a result that will command public approval.

It is the very sum of folly for us to stand here chaffering and whining about how or why this debt was created, or how or why it took its present shape. History and an enlightened public sentiment will assign this responsibility to its rightful place.

The debt exists. It has the sanction and sanctity of legislative authority. To its ultimate liquidation the faith of this great Government stands pledged. The principal of a part of this debt becomes payable or redeemable on or before July 1 next, as follows:

Loan.	Rate.	Payable.	Redeemable.	Amount.
February, 1861		Dec. 1, 1880 July 1, 1881	June 30, 1881 June 30, 1881 May 1, 1881	\$13, 414, 000 711, 800 145, 786, 500 57, 787, 250 469, 651, 050
Outstanding Nov. 1, 1880				687, 350, 600

None of the remaining public bonds become redeemable prior to September 1, 1891, and those are 41 per cent. bonds. The bonds payseptember 1, 1891, and those are 4½ per cent. bonds. The bonds payable December 1, 1880, have been redeemed, leaving \$637,350,600 to be provided for. Under the acts of July 14, 1870, and January 20, 1871, there are \$104,652,200 of 4 per cent. bonds in the hands of the Treasurer available for the purpose of sale with which to continue the work of redemption. Thus it is apparent that the practical question which confronts Congress, first, is, shall the Secretary of the Treasury dispose of these \$104,652,200 of four percents to obtain that amount for redemption purposes? For Congress to permit this would certainly be most culpable when it is now conceded by the best informed that a 3 per cent. bond of like provisions can be readily negotiated. So, too, as to the bonds redeemable this year bearing 6 and 5 per cent. interest. We would confessedly be unsafe custodians of the public credit and welfare if we were to permit this immense sum of money to continue to bear these rates of interest when we could substitute this dath with a 3 per cent interest bond with its saving substitute this debt with a 3 per cent. interest bond, with its saving of millions of interest, which is a tax on the earnings and resources

of the people.

Under the favoring conditions of internal peace and abounding prosperity, resulting from unexampled home production and foreign demand, the day and the hour is ours in which to obtain loans at a rate hitherto unknown to the Government; and which no statesman, in the vicissitudes of harvests, commerce, foreign trade, and peace at home and abroad, can predict will continue for a year. So that the plainest dictates of common sense and self-preservation

require that we should, at once, refund this debt, unless it can be satisfactorily demonstrated that this question admits of some other solution consistent with public faith and sound financial economy.

Chief among the pending bills, chief because it is presented to us from so important a committee as that of the "Ways and Means,"

"WOOD FUNDING BILL."

It authorizes, in brief, the Secretary of the Treasury to issue bonds to the amount of \$500,000,000 bearing $3\frac{1}{2}$ per cent. interest, redeemable at the pleasure of the Government after twenty years, and payable in forty years; and also \$200,000,000 of notes bearing $3\frac{1}{2}$ per cent., redeemable after two years and payable in ten years; but not more than \$40,000,000 to be payable in any one year. Since this bill was reported to the House the chairman of the Ways and Means Committee has been instructed by his committee to move an amendment reducing the rate of interest on the bonds to 3 per cent. and to increase the volume of Treasury notes to \$400,000,000.

In other words the amended bill is but the echo of the recommen-

In other words the amended bill is but the echo of the recommendation of the Secretary of the Treasury. I am opposed, Mr. Chairman, to the issue of another public bond beyond the power of the Government to call it in and redeem whenever it has the money to pay. If the lessons taught by history in other governments were forgot, the fresh experience of the past fifteen years of our people teaches us that our bonded debt system is an intolerable curse, pro-

lific of evil and dangerous to popular liberty.

The report of the Comptroller of the Currency submitted to this Congress announces the amount of United States bonds held by the banks, as follows:

Savings-banks	\$189, 187, 816
State banks and trust companies	24, 498, 604
Private banks	
National banks	403, 369, 350

Total ...

And it is a well-known fact that one-thirtieth of the entire public

And it is a well-known fact that one-thirdeth of the entire public funded debt of this nation is held and owned by a single man.

The effect of this concentration of public obligations in the hands of a few corporations and individuals is but too palpable. They have become autocrats in finance and dictators in legislation. Under the false notion that the holders of the nation's obligations are its benefactors, their wants and wishes have hitherto displaced all just considerations of the needs and rights of 50,000,000 of tax-paying people.

The holders of these securities are always on the side of immense The holders of these securities are always on the side of immense revenues and high taxes; for in these exactions lie the value of their claims. They are so potential at home that they dictate congressional nominations and dominate elections. There are so few of them and they are so vigilant that on short warning they concentrate on the National Legislature and make their power felt in all of its financial policies. They uphold and sustain the man and party in politics whose voice and vote will maintain and magnify the interest rates on their bonds; for they have no convictions in politics that are permitted to hazard their gains.

THE NATIONAL BANKS

being dependent on the perpetuation of these bonds for their continued existence and a high rate of interest for their better security and profits, are ever impressed with the idea that

'Tis their duty, so all the learned think, T' 'spouse the cause by which they eat and drink.

T' 'spouse the cause by which they eat and drink.

So they can always, in our politics, be implicitly relied on to aid with votes and money the party that will continue the bonded debt and stand for high rates of interest. And in turn the dominant party is the unswerving friend of the national banks. Hence, for years all our ministers of finance, from the Secretary to his subordinates, have in their annual reports to Congress devoted a large space to a most labored defense of the supreme importance of the national banks, without whose existence, they teach, there would be no outlet for our gushing revenues, no healthful actions in the financial system. Therefore, as to the public debt, their motto is esto perpetua.

The Secretary of the Treasury states in his recent report that the requirements of the sinking fund, prior to the maturity of the 4½ per

cent. bonds in 1891, will aggregate for the ten years from 1882, \$520,-904,707.58, or an average in round numbers annually of \$52,000,000.

904,707.58, or an average in round numbers annually of \$52,000,000. The total of revenues collected in the last fiscal year amounted to \$333,526,610.98. The total of ordinary expenditures for the year, including \$2,795,320.42 for premiums on bonds purchased, were \$267,642,957.78, leaving a surplus revenue of \$65,883,653.20. The item of \$2,795,320.42, for premiums on bonds purchased ought never to be repeated in the schedule of public expenditures. It is a shameful commentary on the financial management of the republican party that the Government should be forced into competition with the bond-mongers, the bulls and bears of Wall street to call in its own bonds; an occurrence we will not again witness if the policy be adonted which I propose to outline. adopted which I propose to outline.

It is apparent that the application of the surplus revenues, leaving the sinking fund intact, to the redemption of the 1881 debt, would

liquidate it in ten years.

For the ten years from 1870 to and inclusive of 1879 there was paid of principal of public debt \$436,356,968.06, and of interest on public debt the sum of \$1,092,330,558.33, making a grand total of \$1,528,687,526.39; and this, too, during a period of four years of unexampled stringency in monetary affairs and business distress.

The receipts of the Government, now far in excess of the most favor-

able year of the past decade, may not, under any reasonably conceivable fortune, average less through the next decade, and, coupled with an annual interest debt from twenty millions to thirty-five millions less than the average of the past period, it becomes an absolute demonstration that the whole of the 1881 debt can be liquidated inside of the ten years. Therefore any enactment by this Congress that would prolong it or put it out of our power to wipe it out would be almost criminal.

criminal.

Since March, 1877, in a period of little over two years, with our heavy interest rates and the payment of premiums, there has been paid of the principal of the public debt \$109,489,850. In addition to the foregoing ordinary resources, there is no satisfactory objection to the application of a portion of the coin locked up in the Treasury vaults. The Secretary admits that of the \$218,710,154 so held \$141,597,013.61 are available for redemption purposes; but he claims that it is, and should be, retained as the basis of specie resumption—the security for the greenback circulation of \$346,681,016. I shall concede, Mr. Chairman, what the intelligence of the age approves and all political economists teach that a healthful and stable paper currency rests upon the assurance of its ultimate redemption, if demanded, in a money of intrinsic value. Yet it is due to the actual facts to admit that the real convenience and utility of such a currency, and the reliance on the ability of the Government to redeem rency, and the reliance on the ability of the Government to redeem rency, and the reliance on the ability of the Government to redeem ultimately, make it quite as current when it is well known to the public that there is not dollar for dollar in specie in the vaults for the circulating notes. No better proof of this need be offered here than the patent fact that the \$346,000,000 of greenbacks to-day are at par with gold and silver when there are only \$141,597,013 of coin available for their redemption in the Treasury. I entertain not the shadow of a doubt in asserting that at least \$100,000,000 of this coin could at once be put to the service of the redemption of the bonds without affecting in the least the circulating value and office of the green-

On the day of the proclaimed resumption of specie payments there were in fact in the Treasury only \$112,703,342 of gold and \$32,000,000 of silver. The whole amount of notes presented for redemption the year prior to November 1, 1880, was only \$706,658. What contingency is likely to arise in the near future to lessen confidence in the greenback or increase the demand for specie? The greenback survived the shock of battle, the desolations of war, and the depletion of the Treasury. It has withstood the frowns and hatred of gold-mongers. And despite the devilish ingenuity and machinations of the bondholders its very name for ten years made their knees to smite together like Belshazzar at the handwriting on the wall amid even his royal revels. And even the Secretary of the Treasury, whose right hand penned the resumption act—"the steel point unseen, not unfelt," beneath the fair words of which was a covert thrust at the greenbacks to make place for the national-bank notes—is now pelled in his late report to pay this high tribute to its worth:

United States notes are now in form, security, and convenience the best circulating medium known. * * The United States note, to the extent that it is willingly taken by the people and can beyond question be maintained at par in coin, is the least burdensome form of debt.

And yet with all the seeming instincts of the miser he clutches with and yet with all the seeming instincts of the miser he citatenes with nervous hands and guards with greedy eyes his coin bags, as if he would suffer the pangs of starvation rather than let one darling shin-ing piece go. He pleads in justification of the doting passion the pos-sibility of "an adverse balance of trade, or a sudden panic, or other unfortunate circumstances."

No such misery can possibly come upon this land for the next four years; for last fall preceding the election the Secretary from the hustings, and all his party allies, assured the people that financial disorders and reverses were only possible in the event of Hancock's election; but only elect the hero of the "tow-path" and sage of Mentor, and the golden glimmer of the dawning of a financial millennium would light the Orient on the morn succeeding his inauguration. The people were taken in imagination upon the very top of Pisgah's Mount, and pointed, as an inheritance for the faithful, to a republican Canaan

flowing eternally with milk and honey, ever swelling in abundance, where even the blasts would but shake "spices from the leaves" and "every month drop fruits upon the ground."

No trade currents, no foreign disturbances were to interrupt a joyous people breathing with the active energies of profitable life. No locusts were to swarm on us again. The skies were never to become brass, the sun ungenial, nor aught in nature was to interrupt the processes of reproductive growth. Well, he is elected. And the man whose magic wand we have been told, like the rod of Moses that drew water from the rock, could produce abundant revenues from

the resources of his genius, may continue to hold and wave it.

Why, then, on the eve of this inauguration (which promises in its wasteful outlay of money and imperial ostentation to vie with the crazy triumphal reception of a returned Roman general from his carcrazy triumphal reception of a returned Roman general from his carnival of blood and plunder, and that, too, when the poor of this city block its streets begging) base a claim for the continued hoarding of this unemployed treasure on the apprehension of "hard times?"

Less of extravagance and more of economy, less corruption and more honesty, less partisanism and more patriotism, less charlatanism and more statesmanship, are the great needs to utilize the nation's

resources

There is in the resumption act of 1875, as claimed by the Secretary

There is in the resumption act of 1875, as claimed by the Secretary, ample provision already to meet any emergency likely to arise. By it the Secretary, to maintain resumption, is authorized "to issue, sell, and dispose of, at not less than par, in coin," bonds of the description named in the act of July 14, 1870.

There is likewise this further safeguard against any probable raid on the redemption fund: the liquidation and reduction of the principal of the public debt will greatly strengthen the public credit, lessen the burdens of taxation, inspire popular confidence, stimulate healthful enterprises, thereby creating such activities for the employment of the greenback circulation that the occasion for its redemption will be diminished just in the ratio of the diminution of the bonded debt. Then there is the resource of the annual product of silver, yearly increasing, and which would multiply twofold under the fostering hand of a friendly minister of finance, every surplus dollar of which ought in law and justice to the people to be applied to the liquidation of the national debt; though I am free to confess that the future political complexion of this House inspires little hope in this direction. The people are such patient asses that they will bear any burden their litical complexion of this House inspires little hope in this direction. The people are such patient asses that they will bear any burden their republican masters will impose on them if only their ears are tickled with the tintinnabulation of "loyalty" or dinned with the coward outery against a "solid South." With the application of the present surplus revenue and \$100,000,000 of coin in the Treasury, the principal of the \$637,000,000 bonded debt would be reduced below \$500,000,000. This, then, brings us to the practical inquiry, how is this residue to be met so as to relieve the people from the curse of long-running bonds and at the same time give them the advantage of the low rate of interest?

The Secretary of the Treasury concedes in his report that "the large accumulation of money now seeking investment affords a favorable opportunity for selling (Treasury) notes bearing a low rate of interest." He recommends the issue of \$400,000,000 in denominations not less than \$10, bearing interest not exceeding 4 per cent., running from one to ten years, to be sold at par, the amount maturing in any one year not to exceed the sinking fund for that year. While expressing the belief that a large portion of these could be sold bearing 3 per cent, interest, yet he craves authority to allow him the discretion of selling at 4 per cent.

selling at 4 per cent.

But why allow him this discretion? The history of the past justifies the assertion that to grant the power is to witness its fullest exercise. For years the popular judgment has been in advance of the Secretary, who has struggled against the people's demand that the management of their public fiscal affairs should be divorced from

the management of their public fiscal affairs should be divorced from the network of syndicates, national banks, and jobbers in bonds.

Impelled by the force of public sentiment and the logic of actual events in monetary transactions transpiring at home and abroad to admit that the simple issue of interest-bearing notes would suffice to absorb two-thirds of the maturing bonds, yet, like Ephraim bound to his idols, he asks in addition to the issue of the \$400,000,000 of Treasury notes that authority be given him to sell \$400,000,000 of bonds, bearing interest at the rate of 3.65 per cent., to be applied to the payment of the bonds redeemable on or before July 1, 1881. He wants to exercise his discretion again between the sale of these and the Treasury notes. the Treasury notes.

I have no doubt myself as to where this discretion would strike. It would fall to the national banks, whose capacious throats would cry down the little unaristocratic Treasury notes. If \$400,000,000 of

cry down the little unaristocratic Treasury notes. If \$400,000,000 of the latter can be negotiated, as he admits, there would, under the conclusion I have already reached, remain only about one hundred million dollars of the outstanding bonds of 1881 to be provided for.

Mr. Chairman, I am confident the whole \$500,000,000 can be provided for in the issue of a like amount of Treasury notes of the description indicated bearing only 3 per cent., and certainly not over 3½ per cent. I doubt if any species of securities would be more popular. The immense sums of money daily entering into the most visionary schemes of adventure, with the prevailing low rates of interest on collaterals in our metropolitan cities, amply attest its abundance. The premium on 4 per cent. bonds shows that money is not worth more than 3 per cent. than 3 per cent.

These small notes would be eagerly sought for as safe investments for the humble savings of the people, as also by guardians, trustees, and insurance companies. They would, in such shape, be most convenient to the masses for temporary use and investment, readily exchangeable, and at once entering largely into all the commercial transactions of traders and merchantmen and the ordinary bargains and traffics of farmers. And, what is of still higher recommendation to this method, it would induct us into that great secret of the marvelous success of the French Republic in the management of its vast indemnity debt entailed by the Franco-Prussian war, in having our obligations distributed among and held by the masses of our own people, instead of long-lived bonds hawked about in alien markets in quest of moneyed autocrats who only desire to draw from among us

to their own coffers semi-annual drains of gold.

Why take counsel of our apprehensions, and decline this experiment upon the arrogant suggestion of stock-jobbers and pampered syndicates? Who has a warrant to arrest the effort by mere prediction when we have never been permitted to make the experiment? tion when we have never been permitted to make the experiment? Give the people a chance at least to test a financial policy in their favor, and discredit it only on failure. Let us at least make one more honest, sturdy struggle to regain the primitive idea and practice in government, that it should be administered amori patrix and not amori nummi. Let us here and now, on this offered field of battle with the haughty knights of Mammon, test their golden armor with the simple courage of the popular legionaries shielded with justice. Inspired with the true democratic policy that this public debt, while honestly paid, should be managed in the interest of the people rather than the creditor, I would stake my life on a popular result.

THE GILLETTE BILL.

As usual when the great body of democrats is struggling for popular relief, with need of every friendly hand, certain so-called green-backers interpose some irrational, impractical scheme, only calculated to weaken the democrats and strengthen the republicans. This seems to be the special mission of that element of this party sloughed off from the republican party. Their only rational hope of financial reform in any degree lies in co-operation with this side of the House. Their assertion of independence makes them wanton obstructionists and supple instruments of mischief. The net result of their last year's exploits, under the ill-starred banner of the gentleman from Iowa, [Mr. Weaver,] was the loss of six of their own number in this House and the displacement here of three democrats of western birth and sympathy with three gentlemen of nomadic politics, who can always tent inside of the republican picket-lines unchallenged.

and sympathy with three gentlemen of nomadic politics, who can always tent inside of the republican picket-lines unchallenged. Their views on this and cognate questions are so visionary and revolutionary that it is beyond all expectation that a majority of the American Congress can ever be brought to their support. Hence they are simply agitators and disturbers.

The "Weaver resolutions" of last session permitted the refunding of the debt, but "not beyond the right of the Government to redeem at any time." But now these gentlemen advance a step farther in the Gillette bill, and say the bonds shall not be refunded at all. All surplus coin and paper money in the Treasury is to be set aside for their payment, and all the silver the mints can turn out. Then the bill provides for the issues of \$340,000,000 of Treasury notes of denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, to be made receivable for all dues, debts, and taxes, with legal-tender qualities for private debts, thus discriminating against the people in favor of the bondholders! One-half of the bonded debt to be paid in silver, &c. Then the national banks are to be crucified without three days of grace or any regard to business or individual rights. Coupled with all this intricate and cumbrous machinery is the restoration, in an intensified form, of the income tax of the war act of 1862 and the war-fever days of 1867. And as an evidence of the consciousness of the framer of this act that under the tardy operation of his modified flat system sufficient revenues could not be realized to meet our public bonds the last section of the bill concludes. consciousness of the framer of this act that under the tardy opera-tion of his modified flat system sufficient revenues could not be real-ized to meet our public bonds, the last section of the bill concludes with the defiant announcement that "only so many of them shall be called in as can be paid under the provisions of this act." Indeed "the said Hagan is not to be hastened."

Indeed "the said Hagan is not to be hastened."

Now, Mr. Chairman, this House understands full well the object of this bill. It is for buncombe! There is much in it that we might approve as an independent measure. Its direct attack on the national banks might elicit more sympathy, but for the fact that if the banks were "taken off" in this fashion they might lay claim to the glory of martyrdom, for having been crucified between two thieves—fiat money and repudiation; whereas, as a result of the policy I have discussed, the banks would be permitted to die on the very plea on which they were horm—the public good

which they were born—the public good.

This Gillette bill is too cumbrous—too much stuffed. It is like an amateur Thespian performer in a western town, whose rôle was to personate Falstaff. Being spider-legged, and lean of body, he overdrew on the straw pile and his bed for filling; so that, in a supreme effort before the footlights, his overstretched outer garments "busted," and to his horror and the convulsion of his audience he strewed the stage with a cart-load of straw and bed-quilts.

The truth is, these latter-day political new lights do not expect their financial nostrums to be taken. They do not desire this debt to be paid and eliminated from our politics. Its continuance in its present shape, while a morsel to the bond-jobbers and a bounty to national bankers, is a hobby-horse for demagogues to bestride and

perpetually jog on. The greenbackers and the national banks are much alike. They both exist upon the present condition of the public debt. The passage of a bill embodying the views I have indicated would shortly remove both of these barnacles on the body-politic. It would remove insuperable objections to the inauguration of legislative measures for the revision of our outrageous custom and excise laws, the repression of monopolies, the invigoration of internal com-

merce, the revival of American ship-building, restoring to us the lost glory of the American flag streaming on the high seas and flaunting in every foreign port of trade.

Mr. Chairman, in the future of so grand a republic as ours, with its march of empire, its swelling tide of population, its new rising stars in the constellation of States, its marvelous production of cereals and precious ores; with its pasture lands and meadows stretching from occan all capable of indefinite expansion develop. from ocean to ocean, all capable of indefinite expansion, development, and utilization under the crafty hand and inventive genius of as bold, energetic, and aggressive a race as ever "wrought or fought" under the sun of civilization, there are other problems for the solution of statesmanship, for which patriotism and genius sigh, rather than for this perpetual struggle of degradation with debt and money-

Let us, with rugged, practical business sense, and in the spirit of patriotic compromise, settle this bond question here and now, and turn the country's eye to those brighter fields of glory.

Mr. TUCKER. If there is no other gentleman who wishes to engage

Mr. TUCKER. If there is no other gentleman who wishes to engage in this general debate I will move the committee rise with a view, I will say, of taking up the bill on Saturday next and considering it section by section, as to-morrow is private bill day.

Several MEMBERS. Oh, no; let it be taken up to-morrow.

Mr. TUCKER. To-morrow is private bill day.

Mr. McLANE. That makes no difference.

Mr. TUCKER. I will say for the information of the House that to-day I stand in charge of this bill at the instance of the chairman of the Committee on Ways and Means, [Mr. FERNANDO WOOD,] who is detained from the House by sickness. He hopes to be in the House by Saturday next, when the bill comes up to be considered by sections. I move, therefore, the committee rise with a view to taking this up again on Saturday next. The idea of the gentleman from tions. I move, therefore, the committee rise with a view to taking this up again on Saturday next. The idea of the gentleman from New York was that as to-morrow is private bill day the funding bill must go over until Saturday next.

Mr. REAGAN. That being the case, Mr. Chairman, I give notice that I shall try to-morrow to get up the interstate-commerce bill.

Mr. Tucker's motion was agreed to.

The committee accordingly rose: and the Speaker having resumed

Mr. Tucker's motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Covert reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no conclusion thereon.

Mr. COOK. I now move the House adjourn.

Mr. HISCOCK. Before the motion is made to adjourn, Mr. Speaker,

I wish to move that the refunding bill and the amendments proposed thereto be printed in the RECORD to-morrow for the convenience of members

The SPEAKER. The gentleman from New York moves that the refunding bill and all amendments proposed thereto shall be printed in the RECORD to-morrow so they may be seen in one connection. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. TOWNSHEND, of Illinois. Will not the bill be open to amendment when taken up section by section?

The SPEAKER. The bill is now in Committee of the Whole House on the state of the Union, and an amendment to an amendment will be in order at the same time, and when the amendment to an amendment is voted down another amendment to the amendment will be in order. In the House amendments will be in order in like manner until the previous question is seconded and the main question ordered.

Mr. HISCOCK. My order has been agreed to. The SPEAKER. It has.

The bill and amendments are as follows:

H. R. No. 4592.—A bill to facilitate the refunding of the national debt.

H. R. No. 4592.—A bill to facilitate the refunding of the national debt.

Be it enacted, &c., That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than \$\frac{1}{4}\$ per cent, per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$500,000,000, which shall bear interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States after twenty years, and payable forty years from the date of issue, and also notes in the amount of \$200,000,000 bearing interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue; but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds anthorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt.

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of

refunding the national debt, to exchange at not less than par any of the bonds or notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum, and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or notes issued, but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies, and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

Sec. 3. Authority to issue bonds and notes to the amount necessary to carry out the provisions of this act is hereby granted.

Sec. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit is hereby amended so as to continue and limit the amount of certificates to be issued to \$50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at three and one-half of 1 per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of \$50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds, the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of \$50,000,000, until the aggregate amount of the bonds authorized by this act and of the said certificates combined then outstanding shall equal the amount of bonds hereby authorized. It shall be unlawful for any person or persons to form combinations by which to procure said certificates of deposit authorized out of the said certificates on bonds author

The substitute proposed by Mr. Kelley is as follows:

A bill to provide for the payment of the bonds falling due in 1881.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to issue Treasury notes to the amount of \$400,000,000, in denominations of not less than \$10, bearing interest at the rate of 3 per cent. per annum, redeemable at any time at the pleasure of the Government after the 1st day of July, 1882, and to sell the same at not less than par. He is also authorized to issue bonds to the amount of \$237,000,000, bearing interest at the rate of 3 per cent. per annum and redeemable at the pleasure of the Government at any time after the 1st day of July, 1885, and to sell the same at not less than par. And the proceeds of the sale of said notes and bonds shall be applied to the payment of the bonds of the united States falling due in 1881.

Sec. 2. The Secretary of the Treasury is hereby authorized to exchange at not less than par any of the bonds or notes herein authorized for any bonds of the United States outstanding and which mature during the year 1881. And on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity and the interest for a like period on the bonds or notes issued and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

Sec. 3. The Secretary of the Treasury is hereby authorized to issue the said notes and bonds, either coupon or registered, and in such form as he may prescribe.

Sec. 4. The Secretary of the Treasury is neared and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of said notes and bonds authorized to be issued shall not exceed one-half of 1 per cent.

The substitute proposed by Mr. GILLETTE is as follows:

A bill to provide for the payment of the public debt of the United States.

A bill to provide for the payment of the public debt of the United States. Be it enacted, &c., That all bonds of the United States that shall become redeemable in the year 1881 or prior thereto, shall not be refunded or exchanged for other bonds of the United States, but shall be paid as hereinafter provided.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to set apart all surplus coin and paper money which may be in the Treasury from time to time as a fund for the payment of the said mataring bonds, and for the purchase of silver bullion for minting purposes. The said Secretary of the Treasury shall cause to be coined at the mints of the United States standard silver coins to the full extent of the capacity of the mints, and he is hereby authorized to purchase the silver bullion for said purpose as provided in the act approved February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

Sec. 3. That it shall be the duty of the Secretary of the Treasury to prepare Treasury notes to the amount of \$340,000,000, with such additional amount as may be necessary to equal but not exceed the amount of national-bank notes in the United States as shown by the books of the Treasury on May 1, 1881. These notes shall be in denominations of \$1, \$2, \$5, \$10, \$20, \$50, and \$100, as most adapted to the convenience of business, and shall be receivable for all dues and debts and taxes of every kind due or that shall become due to the United States, and shall be receivable for all dues and debts of every kind due from or that shall become due from the United States where not otherwise provided by law, and shall be a legal tender for all debts where not otherwise provided by law, and shall be alegal tender for all debts where not otherwise provided by law, and shall be alegal tender for all debts where not otherwise expressly stipulated by contract. These notes shall be paid for an equal amount of United States bonds, unless coin is demanded, in which case at least one-half the coin paid shall be silver coin; and to the extent of the demand for coin, in excess of the supply in the Treasury, these notes shall be used in the purchase of silver bullion for coinage to meet that demand.

Sec. 4. That on and after May 1, 1881, the Treasurer of the United States shall neither have prepared nor issue any national-bank notes to any bank, nore shall he pay out any that shall be received, nor shall any national bank issue or pay out any national-bank notes on any pretext, but the Treasurer of the United States shall return to the respective banks of issue for redemption all such notes received by him.

shall return to the respective banks of issue for redemption at such acceptable by him.

SEC. 5. That as a further means of raising the necessary funds for the payment of all outstanding Government bonds it is hereby enacted that from and atter May 1, 1880, there shall be imposed upon all net incomes exceeding \$1,500 er annum of each and every citizen of the United States taxes as follows, to wit: A tax of 3 per cent. upon all excess over \$1,500, an additional tax of 2 per cent. upon all excess over \$3,000; these taxes to be collected under the provisions of "An act to provide internal revenue to support the Government, and to pay interest on the public debt," approved July 1, 1862, as modified and inforce after the act of March 2, 1867, so far as they may be applicable, with such provisions and penalties as therein prescribed.

SEC. 6. That in case there should not be sufficient accumulations in the Treasury

to fully meet all of the said bonds of the United States, only so many of them shall be called in as can be paid under the provisions of this act, but as fast as possible the Secretary of the Treasury shall call in, redeem, and cancel them.

The substitute proposed by Mr. Buckner is as follows:

The substitute proposed by Mr. BUCKNER is as follows:

Strike out all after the enacting clause and insert the following:

'That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' and the acts amendatory thereof, the Secretary of the Treasury is hereby authorized to issue Treasury notes of the United States, in the amount of not more than \$600,000,000, in denominations of not less than \$10, and bearing interest at a rate not exceeding 4 per cent. per annum, of which said notes not more than sixty millions shall mature each year from the date of their issue; and said notes shall be disposed of by the Secretary of the Treasury at not less than par, and the proceeds thereof shall be applied to the payment of the 5 and 6 per cent. bonds of the United States maturing during the year 1881, or the Secretary may exchange the Treasury notes for the said bonds, on such terms as he may deem most advantageous to the United States.

"Sec. 2. That the Secretary of the Treasury is authorized to make suitable regulations for disposing of said Treasury notes to the best advantage to the Government, and all expenses attending the same shall not exceed one-quarter of 1 per cent. of the notes so disposed of or exchanged.

"Sec. 3. That the sum of \$100,000,000 of the coin in the Treasury of the United States be set apart as a fund for the redemption of the notes known as legal-tender notes; and any surplus of coin over and above said sum, and belonging to the United States, remaining in the Treasury shall be used by the Secretary of the Treasury in the purchase or redemption on account of the sinking fund of any of the said 6 per cent. bonds maturing in the year 1881."

The amendment proposed by Mr. McMillin is as follows:

The amendment proposed by Mr. McMillin is as follows:

Add to section 1:

"And provided further, That the bonds issued under this act shall be subject to taxation as other property."

The substitute proposed by Mr. Bland is as follows:

Strike out all after enacting clause and insert as follows:

"That of the coin now in the Treasury the sum of \$100,000.000 is hereby appropriated for the payment of the interest-bearing debt of the United States due in the years 1880 and 1881: And it is further provided. That the sum of \$100,000,000 of revenues not otherwise appropriated be, and the same is hereby, appropriated for the purposes aforesaid: It is further provided. That the Secretary of the Treasury shall cause to be coined the maximum amount of silver bullion into standard silver dollars in the manner now authorized by law, and shall pay out such dollars in the redemption of the public debt hereinbefore mentioned monthly, and the particular bonds to be redeemed from time to time in pursuance to this act shall be determined by lot under such rules as the Secretary of the Treasury shall prescribe.

scribe.
"Sec. 2. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States, be, and they are hereby, repealed."

The amendment proposed by Mr. HATCH is as follows:

Amend by adding at the close of section 5 the following:

"And any bank duly chartered or incorporated and doing business under the laws of any State shall, on transfer and delivery to the Treasurer of the United States of registered 3 per cent. bonds authorized by the first section of this act, be entitled to receive from the Comptroller of the Currency circulating notes in the same manner, proportion, and amount as is authorized and prescribed by law for national-bank associations, which circulating notes shall be subject to the same regulations and taxation as is or may be prescribed by law for the issue and taxation of circulating notes furnished to national-bank associations, and any law or part thereof in conflict with this provision is hereby repealed."

The amendment proposed by Mr. Chittenden is as follows:

Add to the bill the following:

"And all acts and parts of acts imposing a tax upon the capital and deposits of savings-banks, national banks, State banks, and private bankers are hereby repealed, and the tax upon the circulating notes of the national banks issued upon the bonds authorized by this act shall not exceed one-half of 1 per cent. per annum: And provided further. That the total amount of silver dollars of the weight of 412; grains troy, authorized under the act of February 28, 1878, an act to authorize the coinage of the old standard silver dollar and to restore its legal-tender character, shall not exceed \$100,000,000."

The substitute proposed by Mr. WARNER is as follows:

The substitute proposed by Mr. WARNER is as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue to the public, in exchange for lawful money of the United States, at not less than par, Treasury certificates or bonds, as the Secretary of the Treasury may direct, not exceeding three hundred and fifty million of dollars in amount, in denominations of \$50, \$100, \$500, and \$1,000, bearing interest at 3.65 per cent. per annum, and redeemable at the pleasure of the Government after one year, taken by lot, and payable in six years; also bonds at not less than par, not exceeding two hundred and fifty millions of dollars in amount, registered or coupon, and in such denominations as the Secretary of the Treasury may direct, bearing interest at 3½ per cent. per annum, and redeemable at the pleasure of the Government after five years, taken by lot, and payable in the years. Said certificates and bonds shall be payable in coin of the United States of the present standard value, and said bonds bearing 3½ per cent. interest shall alone be received, after the passage of this act, from national banks as security for their circulation, and the certificates or bonds herein provided for may be exchanged at par for either class of bonds becoming payable in 1881.

Sec. 2. That the money received for certificates or bonds sold under this act, together with all the coin that may at any time be in the Treasury belonging to the United States and held for redemption purposes, in excess of 25 per cent. of outstanding legal-tender notes, shall be applied weekly to the purchase, until they become payable, and then to the redemption, first, of bonds bearing 6 per cent. interest and then to the bonds bearing 5 per cent. interest, until all of both classes of bonds are redeemed, and then to the redemption, first, of bonds bearing 6 per cent. interest and then to the bonds bearing the highest rate of interest, and then to the remaining bonds issued under this act, until the same are all paid; and wh

The substitute proposed by Mr. PHILIPS is as follows:

A bill to facilitate the refunding of the public debt.

SECTION 1. Be it enacted, &c., That in lieu of and for the purpose of redeeming the United States bonds authorized to be issued by the act of July 14, 1870, entitled "An

act to authorize the refunding of the national debt," and all acts amendatory thereof, the Secretary of the Treasury is hereby authorized and directed to issue Treasury notes of the United States in the amount of not more than five hundred million dollars, in denominations of not less than ten dollars, and bearing interest at a rate not exceeding 3 per cent. per annum, redeemable at the pleasure of the Government at any time after the 1st day of July, 1882: Provided, That not more than sixty millions of said notes shall so mature in each year from the date of their issue; and said notes shall be disposed of by the said Secretary at not less than par, and the proceeds thereof shall be applied to the payment of the 5 and 6 per cent. bonds of the United States maturing during the year 1881.

SEC. 2. That the Secretary of the Treasury is hereby authorized to exchange at not less than par any of the notes aforesaid for any of the said bonds so maturing in the year 1881. And on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of the contract of exchange to the time of their maturity and the interest for a like period on the notes so exchanged.

SEC. 3. That the Secretary of the Treasury is hereby authorized to issue the said notes either with coupons or registered, and in such appropriate form as he may prescribe, and to make suitable regulations for disposing of said Treasury notes to the best advantage to the Government, the expenses attending such disposition not to exceed one-fourth of 1 per cent. of the notes so disposed of or exchange in the year 1881 the Secretary of the Treasury is hereby authorized and directed to appropriate and apply the sum of \$100,000.000—one-half in gold and one-half in silver—of the coin in the Treasury of the United States, together with so much of the surplus revenues on hand as may be necessary therefor.

SEC. 5. All acts and parts of acts inconsistent with provisions of this act are hereby r

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 965) to authorize the appointment of D. T. Kirby to

the rank of captain.

ORDER OF BUSINESS.

Mr. COOK. I insist upon my motion, that the House do now adjourn.

The SPEAKER. The Chair requests the gentleman from Georgia to allow the introduction of some executive documents pending the motion to adjourn, and also some enrolled bills.

Mr. COOK. I yield for that purpose.

ENROLLED BILLS SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the fol-

the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company through the United States cemetery tract of land near Vicksburgh, Mississippi;

A bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name; and A bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands.

CLOTHING FOR THE ARMY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting special estimate for clothing for the Army; which was referred to the Committee on Appropriations. S. H. W. CLAYTON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petition of S. H. W. Clayton; which was referred to the Committee on Military Affairs.

PONTON TRAIN AT WEST POINT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting estimates for ponton train at West Point; which was referred to the Committee on Appropriations.

MESSENGERS IN OFFICE OF SECRETARY OF WAR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to messengers in the office of the Secretary of War; which was referred to the Committee on Appropriations.

DES MOINES RAPIDS CANAL.

The SPEAKER also; by unanimous consent, laid before the House a letter from the Secretary of War, relative to the maintenance of Des Moines Rapids Canal; which was referred to the Committee on

Mr. ACKLEN. I ask, Mr. Speaker, to have that letter printed, and also that letters in reference to surveys presented on yesterday be printed for the use of the committee.

Mr. WARNER. What are they?

The SPEAKER. They are surveys which are requested to be printed for the Committee on Commerce.

There being no objection, the printing was ordered as requested.

YERBA BUENA ISLAND.

The SPEAKER. The gentleman from California [Mr. Davis] requests that a letter from the Secretary of War, relative to the Yerba Buena Island, which was presented to the House on the 20th of December, be printed also.

There was no objection, and it was ordered accordingly.

BARRACKS AT HOT SPRINGS, ARKANSAS.

The SPEAKER also, by unanimous consent, laid before the House

a letter from the Secretary of War, relating to barracks and quarters at Hot Springs, Arkansas, recommending an appropriation therefor; which was referred to the Committee on Appropriations.

ADVERTISEMENTS FOR PROPOSALS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to section 3709 of the Revised Statutes; which was referred to the Committee on Military Affairs.

BUOYS ON THE OHIO RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to buoys on the Ohio River; which was referred to the Committee on Appropriations.

MILITARY RESERVATION AT FORT MISSOULA

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the status of land military reservation at Fort Missoula; which was referred to the Committee on Military Affairs.

CAPTAIN J. SCOTT PAYNE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, against the promotion of Captain J. Scott Payne; which was referred to the Committee on Military

ABUSE OF FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House the reply of the Postmaster-General to House resolution of December 14, 1880, in regard to abuse of the franking privilege.
Mr. BROWNE. That is the report which I asked to have read.
Mr. COOK. I insist upon the motion to adjourn.
Mr. BROWNE. You will have to yield to have it read some time,

and you may as well have it read now, as you have probably as much leisure now as at any other time.

Mr. COOK. That has all been printed, and it is not necessary now to take time in reading it.

Mr. BROWNE. No, sir; the gentleman is mistaken; it has not been printed; the document has never been opened at all.

Mr. COOK. I insist upon the motion to adjourn.

The SPEAKER. The effect of that motion will be to cut off the reading.

Mr. BROWNE. I hope the House will not adjourn.

The House divided; and there were—ayes 36, noes 39.

So the motion was not agreed to.

Mr. COOK. I demand tellers.

Mr. HUMPHREY. I would ask if this cannot be printed in the RECORD, and obviate this difficulty.

The SPEAKER. The Chair desires to make a statement that these executive documents come to the Speaker's desk, and unless unanimous consent is given for their presentation to the House they must be taken up when the business on the Speaker's table is reached. Of course it has been the practice heretofore to allow all such papers to be read by unanimous consent for their appropriate reference.

Mr. BLOUNT. Then, if the House refuses to adjourn, objection will

defeat the reading of this?

Mr. BROWNE. If there be any gentleman who objects to the read-

ing.—
Mr. MILLS. The only objection we have on this side is the time consumed; let it be read to morrow morning.
Mr. BROWNE. I am willing that a reading shall be had to-morrow

morning

Mr. BLOUNT. As the gentleman from Illinois has asked that some gentleman make objection to its reading, I will object to its being read at this time. I have no objection whatever to its being printed in the RECORD.

Mr. BROWNE. I have no special desire to insist upon its being read now, but simply that some time shall be fixed for its reading, or that it be printed in the RECORD.

Mr. WARNER. We might as well have it read to-morrow morn-

ing.
Mr. BROWNE. I hope it will be printed in the Record if it is not

Mr. Brongread to-night.
Mr. WHITE. Let it be read.
Mr. WHITE. What is the document?
This is the reply of 1880. The SPEAKER. This is the reply of the Postmaster-General to House resolution of December 14, 1880, in regard to alleged abuses in the franking privilege.

Mr. HUMPHREY. I ask unanimous consent that it be printed in

the RECORD

The SPEAKER. The Chair hears no objection to the request of the gentleman from Wisconsin.

Mr. SPRINGER. Mr. Speaker, I must object.

Mr. KEIFER. I thought unanimous consent had been given to its

being printed.

The SPEAKER. The Chair will not take advantage of any gentleman in that manner. If the gentleman from Illinois desired to make an objection the Chair will hear it.

Mr. SPRINGER. I do not like to agree to printing anything in the RECORD of which I have no knowledge, and this matter has not been read for the information of the House. read for the information of the House.

The SPEAKER. There is objection to printing in the RECORD.

Mr. KEIFER. As I understand it the agreement is not being carried out. If it is not to be printed in the RECORD then the report

should be read now.

The SPEAKER. The gentleman from Ohio will recognize the fact that the Chair had no option except to recognize the objection made.

Mr. KEIFER. I understand that the gentleman's proposition is that it shall now be read, as there is objection to its being printed in

Mr. SPRINGER. Let the communication be referred to the Committee on the Post-Office and Post Roads.

The SPEAKER. That is where it would naturally go.
Mr. BROWNE. After it has been read it may be so referred.
Mr. WARNER. Let it be referred to the committee and if they

wish it printed they can ask an order from the House for its printing.

Mr. BROWNE. When it is reached in regular order on the Speaker's table it will be read.

Several members called for the regular order.

The SPEAKER. The regular order is the appointment of tellers on the motion to adjourn, and the Chair appoints the gentleman from Illinois, Mr. SPRINGER, and the gentleman from Indiana, Mr. BROWNE The House divided; and the tellers reported ayes 45, noes 35.

So the motion was agreed to.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn

To Mr. Armfield, until Monday next, on account of illness; and To Mr. Hubbell, indefinitely, on account of illness; and To Mr. BROWNE. Will the Chair allow me to make an inquiry? Is the communication now on the Speaker's table?

The SPEAKER. It is.

The result of the vote was then announced as above stated; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ANDERSON: The petition of Eugene B. Allen, for compen-

sation for losses sustained under a contract with the Commissioner of Indian Affairs—to the Committee on Indian Affairs.

By Mr. BEALE: The petition of J. F. Samden, to be reinstated as an engineer in the Navy of the United States—to the Committee on Affairs

By Mr. BELTZHOOVER: The petition of soldiers of Adams County, Pennsylvania, for the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. BOWMAN: The petition of A. J. Hoitt and 18 others, of Lynn, and of Post 12, Grand Army of the Republic, Wakefield, Massylvania of control of the committee of the control of the Republic, Wakefield, Massylvania of the Republic of the Republic

sachusetts, of similar import—to the same committee.

By Mr. BRIGGS: The petition of M. P. Dowley and 16 others, of Greenville and New Ipswich, New Hampshire, of similar import—to the same committee.

By Mr. BROWNE: A memorial of 100 citizens of Randolph County, Indiana, for legislation to prevent the spread of pleuro-pneumonia among cattle—to the Committee on Agriculture.

By Mr. CARPENTER: The petition of John Scott, of Nevada, Iowa,

of similar import—to the same committee.

By Mr. HORACE DAVIS: The petition of letter-carriers of San Francisco, for increase of salary—to the Committee on the Post-Office and Post-Roads.

Also, the petition of manufacturers of matches in California, against the repeal of the tax on matches—to the Committee on Ways and

By Mr. DEERING: The petition of citizens of Iowa, for legislation to prevent the spread of pleuro-pneumonia among cattle-to the Com-

mittee on Agriculture.

By Mr. FRYE: The petition of Joshua L. Chamberlain and 200 others, for the improvement of Androscoggin River—to the Committee on Commerce.

By Mr. HALL: The petition of Ezra H. Wheeler and others, citizens of New Hampshire, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of Z. S. Wallingford and 67 others, citizens of Dover, New Hampshire, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. HAWK: The petition of 18 ex-soldiers of the late war, for

the adoption of the amendment proposed to Senate bill No. 496-to

the Committee on Invalid Pensions.

By Mr. HENDERSON: The petition of James W. Ballard and 252 others, citizens of Rock Island and Mercer Counties, Illinois, for the improvement of the Mississippi River at Andalusia, Illinois, in pursuance of the survey and estimates made in the fall of 1880-to the Committee on Commerce.

By Mr. HUBBELL: The petition of D. W. Lawrence and 3I others, of Ohio, for the passage of the bill for the equalization of bounties—to the Committee on Military Affairs.

Also, the petition of David W. Brink and others, of similar import—

to the same committee.

Also, the petitions of J. B. Smith and 73 others, of Baraga County;

of F. G. White and 98 others, of Marquette County; of R. R. Goodell and 123 others, of Houghton County; of M. A. Delano and 16 others, of Keweena County; and of B. U. White and 442 others, citizens of Ontonagon, Michigan, that the land grant to the State for railroad purposes be held by it to aid in building a railroad from Ontonagon to the State line—to the Committee on the Public Lands.

By Mr. KETCHAM: The petition of John H. Templeton, postmaster at Millerton, New York, to be reimbursed the amount of postage-stamps stolen from him by masked burglars—to the Committee on the Post-Office and Post-Roeds.

the Post-Office and Post-Roads.

By Mr. LAPHAM: The petition of William W. Wright and 180 others, citizens of Western New York, for the dredging and improving the harbor of Great Sodus Bay—to the Committee on Commerce.

Also, five petitions of citizens of New York, for the repeal of the

stamp tax on proprietary medicines—to the Committee on Ways and

Also, two petitions of citizens of New York, that soldiers discharged

of disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. MAGINNIS: The petition of citizens of Montana, against the adoption of the changes in the public land system recommended by the public land commission—to the Committee on the Public Lands.

by the public land commission—to the Committee on the Public Lands.
Also, the petition of citizens of Montana, against the adoption of
the proposed scheme to sell or lease the public lands west of the one
hundredth meridian in large tracts—to the same committee.

By Mr. EDWARD L. MARTIN: The petition of John Whiteman
and 50 others, for the improvement of the Christiana River above
Newport, Delaware—to the Committee on Commerce.

By Mr. MORSE: The petition of E. & A. H. Batchelder & Co. and
2,800 others, merchants of New England, for the repeal of the tax
upon the capital and deposits of banks and bankers, and for the repeal
of the stamp tax—to the Committee on Ways and Means.

By Mr. PAGE: The petition of manufacturers of matches in San
Francisco, against the repeal of the tax on matches—to the same com-

Francisco, against the repeal of the tax on matches-to the same com-

By Mr. ROBINSON: The petition of A. B. Chapman, for the enactment of a law giving discharged soldiers the bounty and land promised at enlistment—to the Committee on Military Affairs.

By Mr. THOMAS RYAN: The petition of citizens of Greenwood County, Kansas, for legislation for the suppression of infectious and contagions diseases among domesticated animals—to the Committee on Agriculture

By Mr. SPARKS: The petition of citizens of Marion County, Illinois, for the payment of the national debt and against refunding—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of citizens of Illinois, for the

assage of the bill to prevent the transportation of diseased cattle-

the Committee on Agriculture.

By Mr. STONE: The petition of F. P. Tillson and 600 others, citizens of Michigan, that Congress declare forfeited to the United States certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line—to the Committee on the Public Lands.

Committee on the Public Lands.

By Mr. VANCE: The petition of M. B. Long and others, for a postroute from Wickle's Store to War Woman, Georgia—to the Committee
on the Post-Office and Post-Roads.

By Mr. WEAVER: The petition of John Healy and 89 others, of
Pike, New York, against refunding any portion of the public debt,
and asking that any deficiency in the public revenue to meet said
debt be supplied by an issue of legal-tender notes—to the Committee
on Ways and Means.

By Mr. WHITEAKER: Memorials of the Legislative According to

By Mr. WHITEAKER: Memorials of the Legislative Assembly of Oregon, asking appropriations for the improvement of the mouth of Columbia River, and to improve the entrance to Yaquina Bay—to the Committee on Commerce.

Also, the petition of the Board of Trade of Portland, Oregon, for appropriations for the improvement of Columbia River-to the same

committee.
Also, the petition of the Astoria (Oregon) Chamber of Commerce, of similar import—to the same committee.

Also, the petition of citizens of Oregon, for the improvement of the

Coquille River—to the same committee.

By Mr. WILLIS: The petition of H. J. Hul-cee & Sons, of Louisville, Kentucky, for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

IN SENATE.

FRIDAY, January 7, 1881.

WADE HAMPTON, a Senator from the State of South Carolina, appeared in his seat to-day.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Adjutant-General of the Army, stating that the amount appropriated by the

House of Representatives in the Army appropriation bill for the fiscal year ending June 30, 1882, for the recruiting service, is insufficient to meet the demands of the service; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting estimates from the Chief of Engineers of appropriations necessary to meet the expenses of operating and care of the Louisville and Portland Canal; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War, calling attention to a former letter from him of April 23, 1880, transmitting a report relative to public lands, forts, arsenals, &c., and recommending the creation of a division in his office to be known as the land title division; which was referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. BUTLER presented the petition of James W. Moore and 56 others, citizens of South Carolina, and the petition of John T. Sloan and 201 others, citizens of South Carolina, praying for an appropriation for the improvement of Broad River; which were referred to the Committee on Commerce.

He also presented the petition of I. N. Burritt, praying for the purchase of the estate of the late Daniel Carroll, of Duddington, by the United States Government, for the use of a proposed general hospital; which was referred to the Committee on the District of Columbia.

which was referred to the Committee on the District of Columbia.

Mr. ROLLINS presented the petition of Wyman H. Holden, James Quinn, and others, of West Concord, New Hampshire, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. BLAIR presented the petition of U. S. White, William H. Wilson, and others, of New Ipswich, New Hampshire, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication to the bill (S. No. 496) providing for the examination and adjudication and state of the second secon

to the bill (S. No. 496) providing for the examination and adjudica-

tion of pension claims; which was ordered to lie on the table.

He also presented the memorial of the George T. Sweat Post, No. 38, Grand Army of the Republic, of Franklin Falls, New Hampshire, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was

ordered to lie on the table.

Mr. KERNAN. I present the petition of the Elwin D. Farmer Post,
No. 119, Grand Army of the Republic, of Oneonta, New York, in which,

among other things, they state:

The proposition contained in the amendment to Senate bill No. 496, reported by the Committee on Pensions in the United States Senate, to appoint a commission to consist of one properly qualified surgeon and one attorney in each congressional district properly empowered to administer oaths and examine claimants and witnesses in pension cases, for that purpose frequently visiting county seats and other principal places in the district, is, in our opinion, calculated to greatly facilitate not only an early but a just settlement of claims and at the same time protect the Government from the payment of fraudulent pensions.

As the bill has been reported I move that the petition lie on the

The motion was agreed to.

Mr. CALL presented the petition of J. W. Callahan and several others, farmers, of Jefferson County, Florida, praying for a repeal of the law imposing a license tax on the sale of tobacco and an increase of the tax on manufactured tobacco; which was referred to the

Committee on Finance.

Mr. SLATER presented a memorial of the Legislature of Oregon in favor of an appropriation, not exceeding \$200,000, for the improvement of Yaquina Bay in that State; which was referred to the

Committee on Commerce.

Mr. PENDLETON presented the petition of 31 citizens of Racine, Ohio, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table

Mr. LAMAR presented the petition of merchants and manufacturers of Wesson, Mississippi, praying for the enactment of a national bankrupt law; which was referred to the Committee on the

Judiciary.

SENATOR FROM LOUISIANA.

Mr. JONAS. I present the memorial of W. J. Moore, of New Orleans, and I ask that it be read by the Clerk.

The VICE-PRESIDENT. The memorial will be reported at length.

The VICE-PRESIDENT. The me The Chief Clerk read as follows:

NEW ORLEANS, LOUISIANA, December 13, 1880.

To the honorable the President and Senators of the United States Senate, Washington, District of Columbia:

District of Columbia:

Gentlemen: Your petitioner respectfully represents to your honorable body that he is a citizen of the State of Louisiana and the United States, and that he was returned by the returning board of canvassers as a duly elected member of the house of representatives of the Legislature of the State of Louisiana in the year of 1876, and as such member he was duly qualified and assumed the office, and as such Legislature he, with the other members thereof, assisted to perform and did perform the duties of the joint session of the Legislature of the State of Louisiana that elected and returned the present sitting member, the Hon. W. P. Kellogo, as United States Senator from the State aforesaid, and that under said election the said Senator Kellogo was duly qualified and is now performing the functions of the said public trust, although the said Senator Kellogo did secure his election as a United States Senator by bribery of the members of the Legislature of the State

aforesaid and other fraudulent means, as is hereinafter presented by your said petitioner.

aforesaid and other fraudulent means, as is hereinafter presented by your said petitioner.

Your petitioner further represents the following facts in connection with the election of the said Senator KELLOGG:

First. The republican members of the lower house of representatives of the State of Louisiana elected in 1876, or a majority of them, were controlled by two combinations, one of which consisted of twelve and the other of about forty-five members, the latter number embracing the first. For the purpose of securing the election of the said Senator KELLOGG to the United States Senate the members of the combination of twelve each received and were paid by the said Senator KELLOGG the sum of \$500, and those constituting the large combination not included in the twelve each received and were paid the sums of \$200 and \$250 respectively, and all the said money so paid by the said Senator KELLOGG was lawful money of the United States of America, and among the number so receiving the said bribe from Senator KELLOGG of \$500 was your petitioner, who did vote in the joint convention aforesaid for Hon. W. P. KELLOGG, the sitting member in your honorable body, as one of the United States Senators from the State of Louisiana.

Second. Your petitioner further respectfully represents that himself and two other members constituted the delegation of the seventh representative district of the parish of Orleans in the said lower house of the Legislature of Louisiana, and the delegation aforesaid were elected at the general election in the year 1876, and returned as republican members thereof by a process of repeating, by the casting of two hundred and seventeen fraudulent ballots for the members of the Legislature for the district aforesaid; and if the delegation aforesaid and not been returned to the said Legislature that elected the said Senator KELLOGG to the United States Senate aforesaid, the said joint convention as then constituted would have been left without a qualified and constitutional quorum requisite to elect to th

Your petitioner would further represent that when he was summoned and testified before the sub-committee of which Senator Hill was chairman, in New Orleans, Louisiana, recently, he testified to the truth of the matters on which he was examined, but he was not examined on the question of the bribery presented herein. He therefore asks to be examined on the question of the bribery presented herein. He therefore asks to be examined now on the subject-matter of this petition, together with such other witnesses which he will furnish for examination on the subject-matter of the charges presented herein.

And your petitioner will ever pray, &c.

W. J. MOORE.

Mr. JONAS. I ask that the memorial be referred to the Committee on Privileges and Elections.

Mr. MCMILLAN. I observe the Senator from Louisiana [Mr. Kellogg] is not in his seat, and I would suggest to the other Senator from Louisiana whether he had not better wait until his colleague is present before the reference is made. He may desire to make a suggestion in regard to it.

gestion in regard to it.

Mr. JONAS. Whether the Senator is present or absent will not make any difference. The motion I make is simply to refer the memorial to the Committee on Privileges and Elections, where he will

have ample chance to be heard.

The VICE-PRESIDENT. Is there objection to the reference of the

memorial to the Committee on Privileges and Elections?

Mr. CAMERON, of Wisconsin. Who is the memorialist? I did not hear the name

The VICE-PRESIDENT. W. J. Moore.

Mr. CAMERON, of Wisconsin. W. J. Moore was examined before the sub-committee of the Committee on Privileges and Elections, which sat in New Orleans in November and December, 1879. He was examined at length in regard to the election in the seventh ward of the city of New Orleans. I observe that he makes some statements in the memorial in reference to that election. He declared most emphatically at the time he was examined by the sub-committee that he knew of no fraud having been committed at that ward in the elec-

knew of no fraud having been committed at that ward in the election to which he now refers. I do not remember whether he was examined in reference to the alleged bribery of members of the Legislature. I observe that he states in the memorial that he was not examined in regard to that; but I think the memorial had better not be referred to the committee until we have an opportunity of examining the evidence which he gave before the sub-committee.

Mr. JONAS. The memorialist is a citizen of my State, and he was a member of the body which professed to elect KELLOGG to a seat on this floor. He has presented a petition asking that he may be examined as a witness in support of the allegation he makes. He states that he is prepared to show, not by his own evidence, but by the evidence of other parties, the fact, which he states he was not aware of at the time he was examined in New Orleans, that he was never duly elected, that neither he nor his colleague was entitled to sit for the seventh ward of New Orleans, and that unless he and his colleague were in the Legislature which elected Mr. KELLOGG it would have been without a quorum. He also offers to testify and furnish evidence that without a quorum. He also offers to testify and furnish evidence that he himself and other members of the Legislature were bribed and paid either by Mr. Kellog or by his agents to vote for him in the election for Senator held in that body. He states that he was not examined on this subject at all by the sub-committee before which he was brought in New Orleans. I think the matter is presented in a form to go before the Committee on Privileges and Elections, so that they may decide whether or not the avidence of Moore shall be taken and may decide whether or not the evidence of Moore shall be taken, and

may decide whether or not the evidence of Moore shall be taken, and whether or not it is valuable to the decision of this case.

I only ask that the memorial be referred. Of course Senator Kellogg can be heard before that committee, and the committee is best qualified to decide what evidence may be necessary.

Mr. MCMILLAN. Whatever may be the propriety of referring this memorial of a man who states that as a member of the Legislature he was bribed, in the absence of the colleague of the Senator from Louisiana it would be proper that that motion should remain undisposed of until the colleague of the Senator can be present. He may desire to make some remarks upon the memorial. He may desire to submit

to the Senate views which would induce the Senate to refuse to refer to the Senate views which would induce the Senate to refuse to refer such a memorial to one of its committees. I do not say that he will take that course; I do not say that such evidence can be given to the Senate; but affecting the seat of the Senator's colleague, I submit to the Senator whether courtesy does not require that he should permit this matter to remain over until his colleague can be present.

Mr. HILL, of Georgia. I desire to say that I was not in when the memorial was read. I understand that it is a memorial from W. J.

Mr. McMILLAN. Some man who says he was a member of the Leg-

Mr. HILLAN. Some man who says he was a member of the Leg-islature when Mr. Kellogg was elected, and that he was bribed. Mr. HILL, of Georgia. I remember that witness very well in New Orleans. He was a witness in behalf of the sitting member. He made one very distinct impression on my mind, and that was that at that time he was ready to testify to anything in the world in behalf

that time he was ready to testify to anything in the world in behalf of the sitting member.

Mr. LOGAN. I presume he has changed his opinion.

Mr. HILL, of Georgia. I do not know anything about him now, but I say that I would hesitate before I should delay the case by reopening it for an investigation.

Mr. EDMUNDS. May I suggest to the Senator from Georgia whether, in view of what has been said by the Senator from Minnesota that it would be fair to the other Senator from Louisiana, he will permit the memorial to lie on the table for a moment.

Mr. HILL, of Georgia. If the Senator will allow me, I was going to add that whatever might be my opinion as to reopening the case, (the propriety of which I may have some doubt of, and the testimony to justify it would have to be very strong,) I do think that it would be proper to let the memorial lie on the table for the present. That is my judgment, because it is due to the absent member, I think. I think

I wish to say one more thing; that I hope in no event it will be referred to the committee without giving that committee discretion to reopen the case or not after the memorial gets before it. I hope there will be no instruction from the Senate, but that it will let the there will be no instruction from the Senate, but that it will let the committee determine the question for themselves.

Mr. EDMUNDS. Senator Kellogg is here now.

Mr. HILL, of Georgia. I see the sitting member is in his seat now.

Mr. EDMUNDS. He has just come in.

Mr. LOGAN. Mr. President—

Mr. McMILLAN. The Senator from Louisiana whose seat is affected by the memorial is present.

The VICE-PRESIDENT. The Senator from Illinois has the floor.

Mr. LOGAN. Ide not know that it is a very proper thing to ob-

Mr. LOGAN. I do not know that it is a very proper thing to object to a memorial or its reference; but I should like to know at what time, if the time shall ever arrive, this case will be concluded. It has been referred and re-referred to the committee time and again. It does strike me, without passing any improper remarks on this memorial, that it is somewhat strange that for the purpose of reopening a case that has been before a committee time and again it is proposed to refer the memorial of a person, I will not say gentleman, declaring before the world that he is a bribed villain and scoundrel, and therebefore the world that he is a bribed villain and scoundrel, and therefore wants to be investigated. That is what the memorial declares, not in that language, but he says, "I received so much money to commit a penitentiary offense; I am a scoundrel; I am a villain; I ought to be in the penitentiary, and I want the Senate of the United States to examine me and see if I ought not to be there." That is the memorial. On the presentation of a paper of that character, coming from that kind of a man, I myself would ask at least that the Senator against whom it is presented might be heard if he desired to be, and that not only he might be heard but that the Senate at least

in the position that this man does.

Mr. KELLOGG. Mr. President, I have just entered the Chamber, having been sent for in some haste. If I am informed correctly there is a memorial pending. I understand that it is signed by one Moore. There is such a man. I am informed that he was discharged from the employment of the Government recently for stealing or for an

and that not only he might be heard, but that the Senate at least would consider the propriety of a paper of that character being referred to any committee. I shall not say what I would believe of a man, either under oath or without oath, who would present himself

the employment of the Government recently for stealing or for an attempt to embezzle, or perhaps he was permitted to resign; the precise nature of the charge I do not know. Several affidavits I am told were filed against him by reputable citizens, and I believe that the charge was considered amply sustained.

This Moore I have heard recently threatened to come to Washington and procure to be laid before the Senate some memorial. The collector of the port at New Orleans some time since informed me that he had received information that Moore had threatened that ruless he was appointed to some good resition under the Government. unless he was appointed to some good position under the Government he would send to Senator SAULSBURY or some other member of the Committee on Privileges and Elections some communication to be laid before the Senate reflecting upon me. Later, I am informed, he sent a communication to the appraiser of the port demanding \$1,600.

If, as I am informed by the Senator from Wisconsin, Moore asserts

that he ever received a cent from me or from any one so far as I know touching my election as a Senator, he lies. If he swore to it he perjured himself; and I will undertake to impeach him by a hundred witnesses. Moreover, I will undertake to show that his recent acts prove him a blackmailer.

This Moore was a witness before the sub-committee at New Orleans.

This Moore was a witness before the sub-committee at New Orleans

touching the election in the Seventh ward. It was attempted to show that certain names were stricken from the registration list and certain qualified voters denied the right to vote. He was brought upon the stand to show that such was not the case, against my judgment, but some of our friends desired that he be sworn. He swore ment, but some or our friends desired that he be sworn. He swore positively and unqualifiedly, as the Senator from Wisconsin and other members of the committee must recollect, that there was no fraud whatever regarding the registration or the election in the Seventh ward. So unqualifiedly and positively did he swear touch-

Seventh ward. So unqualifiedly and positively did he swear touching that point in controversy that the opposite side attempted to, and thought they did successfully, impeach him. His testimony will be found covering fifteen or twenty pages, I think.

If I am informed correctly regarding the purport of the memorial he proposes to swear just different to what he did before the committee. I will show that during the past few months he has been offering to sell his testimony, and has stipulated and named the amount that he demanded, or the office, or else he would come here and procure something of scandal, if nothing else, to be laid before the Senate and the country regarding some improper pactices he the Senate and the country regarding some improper practices he asserts to be within his knowledge in connection with my election to

the Senate.

Now, I say in conclusion, that I have no objection to having this man's statement investigated, and if it is to be investigated I should like to have thirty or forty witnesses, or fifteen or twenty, just as the committee or the Senate shall determine, brought from New Orleans, and if one reputable man can be found to corroborate him, I say I

and if one reputable man can be found to corroborate him, I say I shall be utterly amazed; and if I cannot impeach him by a hundred reputable citizens I shall be, if possible, still more astonished.

Mr. HILL, of Georgia. I wish to say, as I said awhile ago, that it would take a very strong case to induce me to reopen this issue and to take anybody's testimony in it. I hope the members of the Senate will now, since the question has been raised, look into the testimony of this man Moore at New Orleans. It is very peculiar; there is no doubt about that; and much that the sitting member has said has a great deal of force in it. If I understand the sitting member he says great deal of force in it. If I understand the sitting member, he says now that this offer to make a disclosure and confession of bribery by this man arose because he had been turned out of the custom-house, or something to that effect; I may not have heard him distinctly. I will state my recollection that when this man was before us he was regarded, I thought, as one of the most respectable witnesses produced by the sitting member. It was charged, however, as the examination shows, that this man was turned out of the custom-house, or reported to have been turned out of the custom-house, once before; that he then offered to make these disclosures, or was threatening to make them, and that when threatening and making appointments with another witness to see what he would testify to that would show that the sitting member was not entitled to his seat, he was re-given a place in the custom-house. After he was given a place in the custom-house he then became a most exceedingly willing witness for the sitting member. If he did not testify specifically he testified in very general strong terms, as the sitting member has stated, that his side was all right, that his election was all fair, or something to that effect.

Now it seems he has been turned out of the custom-house, and he is
now willing to testify that it was not all fair, but all foul.

That is the finest illustration I have seen of the character of those

witnesses who were members of that Legislature. I am willing to concede that I have never yet seen one man connected with that concern whom I would believe in a court of justice on eath upon his character. If there was one man who looked respectable out of the

character. If there was one man who looked respectable out of the whole pack before the committee, it was this man Moore.

The sitting member says that he can produce testimony in New Orleans to prove that this man was not a man to be believed under oath. Really, if I recollect aright, the sitting member insisted that he was entitled to belief under oath. I think if you will examine the testimony, you will find that this man's character was very strongly defended by the sitting member, and he maintained that he was entitled to credit under oath. Now this man has come in with this revelation which he threatened to make once before, and which the memorialist charged he did not make because he was given a place in morialist charged he did not make because he was given a place in the custom-house not to make it, and the sitting member says he can show by a thousand witnesses, if I understand him, that he is not en-

snow by a thousand witnesses, if I understand him, that he is not entitled to credit under oath. He brought up so many of his men down there before to prove that he was entitled to credit under oath that I had to shut down the brakes, as it would take up too much time, and now he can prove by a thousand witnesses that he was not entitled to credit under oath. Judge Spofford would have been delighted to have had those thousand witnesses produced in New Orleans, for there this man was one of the main witnesses of the sitting member. I think there is nothing in this matter except that it does show to

think there is nothing in this matter except that it does show to the Senate and the country very much the character of the whole case. My friend, the Senator from Illinois, [Mr. Logan,] says he would hesitate to believe any man who would come in and confess that he was bribed as a member of a Legislature to vote for a Senator. If the distinguished Senator from Illinois will look into the testimony taken before the committee he will find there that members of the Packard legislature came forward and deliberately swore, and some of them wrote their own affidavits, confessing that they were bribed, and subsequently came before this committee, after having been given places in the custom-house, and swore that they were not bribed.

Mr. LOGAN. If the Senator will allow me, I know something about

that evidence, because I happened to be on the committee. ator certainly will not state a desire that the Senate shall understand him to mean that there is any such testimony there that he himself would recognize as testimony without any cloud on it. He knows very well that the witnesses testified before some notary public down there, and came before the committee and swore that the affidavits were not read over to them and they did not know what was in them, some of them, and they have all contradicted the statements. That has nothing to do with my statement. I do say that a man who would come before the Senate of the United States and ask to publish to the world his crime, not only as a bribe-taker but a perjurer, is unworthy of belief before any community in the world.

Mr. HILL, of Georgia. I do not join issue with the Senator from Illinois on that. The fact has come to light that such was the condition of the Packard legislature that sent the sitting member here, for man after man of that body has gone either before a notary public or before this committee and confessed the bribery. The Senator says that they came before this committee and said that they did not know what was in the affidavits. Some of them did come before the committee and say that they did not know what was in the affidavits; and yet the men wholly disinterested who took the affidavits came and yet the men wholy disinterested who cold the anidavits can't before the committee and swore that the affidavits were distinctly and correctly read over to them before they signed them, and that they distinctly signed them after they were read over, knowing what was in them, and that they were read over to them by disinterested parties. In addition to that, one or two of the witnesses it was proved wrote out their own affidavits, and when confronted with the facts that they had sworn one thing before a notary public and testifield to a different thing before the committee they went so far as to say they considered it right to lie for their party. They said even under oath that they committed perjury in the interest of their party,

and they thought it right to do so.

Mr. LOGAN. If the Senator will allow me now, I will say that I did not expect that this memorial would open up the whole case for argument. I did not dream of such a thing. I only supposed the remarks would be confined to the memorialist or the memorial; but

in answer to what the Senator says now in reference to those witnesses, inasmuch as he has opened that question—

Mr. HILL, of Georgia. I did not open it. You opened it.

Mr. LOGAN. I did not, I beg the Senator's pardon. I spoke in reference to this man and not in reference to the other witnesses. The Senator is now speaking of the witnesses who testified before the committee other than this one. I made no reference to the others except in response to the remark the Senator made. I will now say to the Senator that on the same theory that I announced in reference to this man, the witnesses that he mentions now who made affidavits in one direction before a notary public in New Orleans and swore exactly the reverse before the committee, and made the statements that he attributes to them, I would not believe them. I say that a man who will go before an officer and make affidavits in one direction knowingly, unless he is deceived, and then go immediately and contradict it, and say that he made that affidavit but it is not true, is unworthy of belief.

Mr. HILL, of Georgia. I said before that I made no issue with the

Senator from Illinois on that point; none whatever. I am glad to hear-him take that position now. It is the first time I have heard any member of the committee take it in this investigation on that side of the house. I am glad he has taken it. That has been my position-all the while, that none of these witnesses of the character alluded to were entitled to the slightest credit on their character, and the facts sworn to were not to be believed merely on their swearing to them, and could only be believed from corroborating testimony. I believe some of the witnesses testified to the truth in this case, and I am compelled to believe it, not because they testified to it, but because facts and circumstances clearly proved that they were telling the truth.

That is all.

Now, I believe and did believe when this witness Moore was before the sub-committee in New Orleans that he was there swearing falsely. I did believe then and believe now that he was so swearing because he was rewarded to swear so by an office in the custom-house. I be-lieve what he swears now is the truth, or what he offers to swear now is the truth, not because he says it, but because I can take the record of the evidence and show by other circumstances and facts that what he says must be true in the nature of things. That is the difference. I say to the gentleman frankly I understand that quite a cabal whowere introduced in behalf of the sitting member in New Orleans and whose character the sitting member then defended, and they were supporting each other as entitled to credit on oath, are now ready to come porting each other as entitled to credit on oath, are now ready to come up and swear differently. I would not believe them; I agree with the Senator from Illinois on that. I say it would take a very strong case to induce me to open this investigation. I would concur in much that the Senator has said on that subject.

But, sir, under the circumstances, as the sitting member has, I suppose, not seen this memorial, and I think he ought to see it and has a right to see it he fore action is taken by the Senator I suggest to the

pose, not seen this memorial, and I think he ought to see it and has a right to see it before action is taken by the Senate, I suggest to the Senator from Louisiana [Mr. Jonas] that he let it go over a day to allow the sitting member from Louisiana to have a full opportunity to examine it before any disposition is made of it. I think that is

right.
Mr. KELLOGG. I now have the memorial before me, and have

read it hurriedly. I do not ask the Senate to delay any action they may choose to take regarding their memorial. I do desire, however, to make a simple statement touching a matter referred to by the Senator from Georgia.

The Senator from Georgia said in the hearing of the Senate-Ithink I quote him in substance—that witness after witness, members of the Legislature, came before the committee and swore that they had received bribes for voting for me. I assert here in the face of the Senator that not one member swore to that.

Mr. HILL, of Georgia. The Senator from Georgia said no such thing. The Senator from Georgia said—

Mr. KELLOGG. Wait a moment.

Mr. HOAP, Leal the Senator from Georgia to order.

Mr. KELLOGG.

Mr. HOAR. I call the Senator from Georgia to order.
Mr. HILL, of Georgia. Very well.
The VICE-PRESIDENT. The Senator from Louisiana has the floor.

Mr. KELLOGG. The Senator from Georgia said in substance, as I understood him, that member after member came before the committee and either swore or had before made affidavits that they had received bribes for voting for me. Now I assert that no member of the Legislature or witness swore before the committee anywhere that he had so received a bribe; not one. That has been asserted in the report, and it has been asserted heretofore in speeches, but it is not

There were four or five members or perhaps six in all who made There were four or five members or perhaps six in all who made affildavits, and in the case of one we proved that it was a forgery, and that the person purporting to have signed it never saw it, and the justice admitted on oath that a strange man personated a member, and falsely made an affidavit. In every other instance we proved that the affidavits were paid for, or that the men signing them did not really know their contents. They themselves swore to this and in some cases other corroborating witnesses swore that those making the affidavits did not know what the affidavits contained; and I believe excepting one or two or perhaps two or three instances there was no excepting one or two or perhaps two or three instances there was no direct allegation even of their having received money for voting for me, moreover in every instance the person who purported to make the affidavit or who made it came before the committee and swore positively that he never did receive a cent for voting for me. And even the parties mentioned in the affidavit as knowing the fact of the payment of money or promise of office came before the committee and swore positively and unqualifiedly that it was untrue; and every man that testified to corroborate the allegation of bribery—in almost every case hearsay—we impeached chiefly by democratic witnesses. Some of their most material witnesses we impeached by such men as John Fitzpatrick, the democratic criminal sheriff of the parish of Orleans, now by recent election the administrator of public improvements for the city. We impeached by numbers of democratic citizens the most material witnesses they had, and in fact we chiefly relied upon democratic evidence to not only contradict but impeach their testi-

mony. So much for that.

Mr. President, I do not propose to let assertions go unchallenged, especially when they come here under guise of a memorial in order to load this record with iterations and reiterations affecting me, which

I assert here are absolutely false.

I am not surprised that the Senator from Georgia makes these statements. Before this investigation commenced, as I had occasion once before to state, and I believe it has never been contradicted, he stated that he always had intended to put me out of this seat. I think I may say, and I do not think the Senator will deny it, that before more than two-thirds of the testimony was taken he gave out substantially the points of the report he subsequently made, and they

stantially the points of the report he subsequently made, and they were published in the papers and asserted in substance that he intended to press this matter against me.

Now, a word more. Moore was intended originally as the witness of the opposite party. Moore swore himself that they tried to use him against me. He was at first called by the opposition, and they asked that he be sworn upon his roir dire. It was finally agreed that he should be sworn, if at all, in the usual way. Some of our friends insisted that Moore should be put upon the stand by us, because the fact in controversy upon which he was to testify was a matter of record and was of such a nature that he could not avoid testifying fact in controversy upon which he was to testify was a matter of record and was of such a nature that he could not avoid testifying to the truth. We called him in regard to the registration lists and in regard to the allegation that he struck certain names from the registration and prevented certain citizens from exercising the right of suffrage in the Seventh ward. Upon that point he swore, in conformity with the record, that he did not do it. We had abundance of evidence to show that what he swore to was true. They cross-examined him and then attempted to impeach him. We did not care particularly about that, because his testimony was not so very material. We could have found it in other directions. We could have proved it by the testimony of the supervisor of the Seventh ward or proved it by the testimony of the supervisor of the Seventh ward or any of the three commissioners, there being three at each poll in the ward. We called Moore himself to prove that there were no fraudu-

That is the whole story. When he came on the stand he went on to testify, I believe, that he had been approached by the opposite party; they had endeavored to persuade him to testify for them. He went on to state, as I recollect, that the collector of internal revenue had him in his employ a number of months and had suspended him. At that time I think a number of the collector's employes were being

suspended for want of appropriations. Moore being out, he had, it was asserted, said to one Williams that there were improper practices in the Seventh ward, and Williams had gone to the attorney of Spotford and told what Moore said, and therefore Moore was summoned,

and when they refused to examine him we examined him, and he contradicted the statements made by Williams.

This is the whole story as to Moore. I do not think he was examined on any other point; but I see that he does assert now not only that there were improper practices in the Seventh ward, but he asserts also that he was bribed. Well, it is passing strange when as they assume, and as they asserted then and now, he was disgruntled and dissatisfied because he was turned out of the custom-house, that he did not tell some of those witnesses like Williams who testified as to what Moore had told them, something about bribery, why when he was unloading his bosom, as they asserted, and was telling everything he knew, that he did not drop one word about bribery. But no, the testimony was confined to the improper practice in the matter of registration in the Seventh ward; but now, after looking over the record and seeing that he did not cover that point, he comes up here and says unless he gets an office he proposes to tell what he knows about brib-Who brought this man here, and for what purpose?

ery. Who brought this man here, and for what purpose?

The VICE-PRESIDENT. The morning hour has expired.

Mr. HILL of Georgia. Mr. President, I hope the Senate will allow me simply to say a word.

The Chair hears no

The VICE-PRESIDENT. Is there consent? The Chair hears no

objection.

Mr. HILL, of Georgia. When the sitting member from Louisiana commenced quoting what he said was the language used by myself I was thoughtless enough to suppose the Senator had misunderstood me, and so thinking I was thoughtless enough to attempt to correct him, for both of which pieces of thoughtlessenss I beg pardon of the Senate and of myself. It was thoughtless in me to notice the sitting

member or anything he said or could say.

I simply intended to say, in reference to the statement of the Senator from Illinois, that he did not believe this man who has confessed his bribery, that there were various witnesses in behalf of the sitting member who came before the committee and testified that they did not receive bribes who had previously sworn that they had received bribes; that some of them denied that the contents of the affidavits in which they confessed the bribery were known to them; and it was proven that they were read over to them before they signed, that others confessed that they did know what was in the affidavits and had written them themselves confessing their bribery, and when confronted with the fact that they had sworn one thing in their own chosen, written affidavits and testified to another thing before the committee, their explanation was that they thought it was right to commit perjury in the interest of their party. That was my statement, and I repeat it, and the records will abundantly show it. Of course I have no dis-

cussion with the Senator from Louisiana.

Now, this memorial of this man I trust will have one good effect.

It will bring vividly to the attention of this Senate and the country the great fact which explains more than any other one fact the whole bearing of this case, and that is that the custom-house at New Orleans has been used from beginning to end to suppress the truth in this case. In the language of one of the sitting member's own witnesses, members have had to be appointed to that custom-house to prevent them from squealing on Kelloge.

Mr. KELLOGG. He has made an affidavit that he did not say any spet thing.

Mr. KELLOGG. He has made an amdavit that he did not say any such thing.

Mr. HILL, of Georgia. That is precisely what the testimony shows, as the record will prove. Having said that I have nothing more to say. Unless the sitting member is willing that this memorial be disposed of now, I am still willing that it may lie over until to-morrow. The VICE-PRESIDENT. It passed from the consideration of the Senate before the Senator from Louisiana rose.

ADJOURNMENT TO MONDAY.

Mr. BAYARD. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to; there being on a division-ayes 23,

REPORTS OF COMMITTEES.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1628) granting a pension to Dalton Hinchman, reported it without amendment, and submitted a report thereon;

which was ordered to be printed.

Mr. BROWN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3788) granting an increase of pension to William Hamill, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. KIRKWOOD. I am instructed by the Committee on Pensions, to whom was referred the petition of Lucretia P. Brewer, praying for a pension, to report it adversely and ask that the committee be discharged from its further consideration.

This petition was presented by the junior Senator from Michigan, [Mr. Baldwin,] who is not present. I think it is a matter he takes some interest in, and I ask that it be placed on the Calendar. The VICE-PRESIDENT. Petitions do not go on the Calendar. The report will lie on the table.

ROSALIE LOUIS.

Mr. McPHERSON. I ask the unanimous consent of the Senate to reconsider the vote by which the bill (H. R. No. 4887) granting a pension to Rosalie Louis was indefinitely postponed on the adverse report of the Committee on Pensions. Under the rule of the committee the case was presented to the Pension Office and rejected. There is new testimony in the case, and as there was a misunderstanding about the report when made, I ask unanimous consent to reconsider the vote for the purpose of sending the papers back to the commit-

The VICE-PRESIDENT. The Chair hears no objection, and the

order will be entered.

BILLS INTRODUCED.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 1985) to promote the efficiency of the life-saving service and to encourage the saving of life from shipwreck; which was read twice by its title.

Mr. FERRY. In this connection I desire to call the attention of the Committee on Commerce to the importance of this bill, and especially to section 8, which provides for a pension for those who have lost life or received wounds while acting in the life-saving service of the Government. I notice the chairman of the Committee on Commerce is not present, but there are other members of the committee present, and I hope early attention will be given to this bill, and that it will

and I hope early attention will be given to this bill, and that it will be reported to the Senate at an early day for action.

The bill was referred to the Committee on Commerce.

Mr. BURNSIDE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1986) authorizing the retirement of Brevet Major-General William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAULSBURY (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1987) for the relief of John H. Schabinger, guardian of Susan McKnatt and Martha McKnatt, minor daughters of James McKnatt, deceased; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. BURNSIDE submitted an amendment, intended to be proposed by him to the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes; and it was referred to the Committee on Appropriations, and ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL

Mr. EATON. If there is no further business of the morning hour I ask the Senate to proceed to the consideration of the consular and diplomatic appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the

for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes.

Mr. EATON. Perhaps it would be as well that I should make a brief statement to the Senate before the reading of the bill. The estimates for the coming year were \$1,257,035; the appropriations for 1881 were \$1,180,335. The amount appropriated by the House, in this bill, is \$1,190,435, to which the Senate Committee on Appropriations have added \$1,000, so that the amount as reported to the Senate is, \$1,191,435. The bill as reported is less than the estimates \$65,600, but exceeds the appropriations of 1881 by \$11,110.

Mr. EDMUNDS. The appropriations for the current year you

Mr. EDMUNDS. The appropriations for the current year, you

The appropriations for the current year.

Mr. EATON. The appropriations for the current year.
Mr. EDMUNDS. But for 1880 you said 1881.
Mr. EATON. The appropriations for the year ending June 30, 1881.
Mr. EDMUNDS. I wish to understand: by "1881" you mean the year ending the 30th of next June?
Mr. EATON. I do. This bill exceeds that appropriation \$11,110.
I will give now the increases in the bill over the act for 1881:

Clerk to legation in Central America (new)	\$1,000	00	
Consul at Halifax made consul-general	3,000	00	
Changes in salaries of consuls, vice-consuls, commercial			
agents, &c			
Clerks at consulates, (Halifax, new)	800	00	
Consular officers not citizens of the United States			
Marshals of consular courts			
Contingent expenses of United States consulates	10,000	00	

Execution of the neutrality act..... 5,000 00 Then the items in the previous appropriation not included in this

Perhaps I might as well speak of the changes that have been made in the bill at this time. The Senate Committee on Appropriations have changed the consulate at Belfast from class 4 to class 3, and the

consulate at Ceylon from class 7 to class 6, thus increasing the amount of the bill \$1,000.

of the bill \$1,000.

The changes made by this bill and our amendments in consulates from the act for 1881 are as follows:

1. Mozambique, re-established at salary of \$1,000.

2. Belfast, increased from class 4 to class 3; Dundee, increased from class 5 to class 4; Apia, increased from class 7 to class 5; Southampton, increased from class 7 to class 6; Guayaquil, increased from class 7 to class 6; Guayaquil, increased from class 7 to class 6; Ceylon, increased from class 7 to class 6—seven.

The following consulates are changed from fees to salaries, namely:

The following consulates are changed from fees to salaries, namely:
Nottingham, Sidney, (New South, Wales,) Crefield, Maracaibo, Ottawa, Guadeloupe, Puerto Cabello, Manila, Bombay, Sierra Leone,
Turk's Island, Algiers, Nuevo Laredo, Piedras Negras, Aix-La-Cha-

Turk's Island, Algiers, Nuevo Laredo, Fieuras Regras, Alt-La-Chapelle—fifteen.

I ought to say here that the changes from the fees to official salaries does not increase but decreases the expenditures for the consulates several thousand dollars—I did have the exact amount—perhaps five thousand dollars. At some of the offices the compensation is thereby increased, while in others it is very much less, but the total result shows a decrease of several thousand dollars.

As the consideration of the bill proceeds, if further information is desired. I shall be very glad to give it.

desired, I shall be very glad to give it.

The VICE-PRESIDENT. The bill will be read and the amendments reported considered as they are reached in the reading.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations

was, after line 37, to insert:

For salary of chargé d'affaires and consul-general of the United States in Rou-mania, (at Bucharest,) \$4,000.

Mr. EDMUNDS. I would rather that amendment should not be agreed to at this time. I wish to know whether we have any office of chargé d'affaires at Roumania, and I doubt extremely the propriety of our going into diplomatic business at this particular place. course there is no objection to a consul-general. Therefore let the reading go on until we find out exactly what the office is.

The VICE-PRESIDENT. The question on this amendment will

be reserved.

The Secretary resumed and continued the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out lines 69 and 70 under the heading "Schedule B," as fol-

For the chargé d'affaires of the United States in Roumania, (at Bucharest,) \$4,000.

The VICE-PRESIDENT. This involves the same question as the

The VICE-PRESIDENT. This involves the same question as the previous amendment, and will be passed over.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 88, to increase the appropriation "for salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks" from \$329,400 to \$330,400.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in line 104, after "Demerara," to insert "Belfast" in the list of consulates of Class III.

The amendment was agreed to.

The next amendment was, in line 126, to strike out "Belfast" from the list of fourth-class consulates.

The amendment was agreed to.

The next amendment was, in line 181, after "Ottawa," to insert "Ceylon" in the list of consulates of Class VI.

The amendment was agreed to.

The next amendment was, at the beginning of line 217, to strike out "Ceylon" from the list of consulates of Class VII.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 263, in the clause relative to clerks at consulates.

Mr. HOAR. I believe all the committee amendments are disposed

The VICE-PRESIDENT. They are not; one is still pending. Mr. HOAR. All with the exception of one passed over. I move, in line 263, to insert, after "Montreal," "a sum not exceeding the

rate of \$1,400 in any one year."

rate of \$1,400 in any one year."

The clerk of the consul-general at Montreal has been paid until within two years the sum of \$1,500. Last year the appropriation was cut down to \$1,200. The clerk is a gentleman whom I know, a gentleman of very high character, a very efficient officer, and he writes that it is impossible to support his family on \$1,200, that the expenses of living in Canada have increased during the last year from 10 to 15 per cent., owing to the operation of the new Canadian tariff. His labors frequently last till a very late hour of the evening. He does a very large proportion of the work of the consulate. This amendment, I understand, has been requested by the Department of State, and by it recommended to the committee. I have a letter from the Assistant Secretary of State to that effect. I have not moved to restore the allowance for clerk hire at that consulate to the old rate of \$1,500 the allowance for clerk hire at that consulate to the old rate of \$1,500

a year, but have fixed it at \$1,400. I trust the committee will make no objection to that slight amendment.

Mr. EATON. I shall be compelled to object as the organ of the committee, because this matter had due consideration in the committee. We had a letter from the clerk, who is a very worthy gentleman,

I have no doubt, as the Senator from Massachusetts says, and a very good officer. We had a communication from him, and we had the recommendation of the Department also in regard to it; but the committee did not think it advisable under the circumstances to make this change. The change was made from \$1,500 to \$1,200 a year or two since, I have forgotten which, by recommendation of the Department itself with divers and sundry other changes, reductions in one place and additions in another. The committee hardly felt it proper to make an exception of this one man.

Mr. HOAR. The Senator from Connecticut, I have no doubt, would desire to do justice in a matter of this kind. Although it is a small amount to the Government, it is a matter of great importance to so humble and at the same time worthy an officer as this clerk. He says, what I suppose the chairman of the Committee on Foreign Relations

knows as well as anybody else, that the expenses of living have increased from 10 to 15 per cent. within the past year.

The case is this: Two years ago the Department of State thought the compensation of this clerk in Montreal could properly be reduced. It was reduced to \$1,200. Since then this extraordinary fact, applicable to that consulate alone, has intervened, to wit, a general change in the scale of living by reason of the operation of the Canadian tariff; and now the Department on whose recommendation the reduction was made recommends the partial restoration of the old pay. It does seem to me that if they fixed \$1,200 as a proper compensation two years ago, when the price of living has risen from 10 to 15 per cent, it is proper that there should be some allowance made according to the request of the party.

I should hardly feel warranted in urging an amendment, even of so slight a character, against the judgment of the Senator who has this bill in charge, because I know his absolute desire to do justice in such cases; but I submit to him for his consideration whether that

is not a good reason for this trifling change in the bill.

Mr. EATON. It may be a very good reason for the opinion of the clerk at Montreal who says, I agree, that the cost of living is 10 per cent. higher there than last year. Suppose it should be 10 per cent. lower next year than this, should we hear from the clerk in regard to that state of the case? For some reason that I know nothing about he says there is an advance in the cost of living at this particular point. There may be advances at other points. I do not know but that we ought to increase the salary of the consul-general from \$4,000 because the cost of living has increased.

Mr. HOAR. But the Senator should take into consideration, cer-

tainly, the cost of living, the price of the necessaries of life in the place where the officer exercises his duties; and if the Canadian tariff has within the last twelve months made this increase in the price of living, as the clerk says, and he certainly knows, as no doubt the Senator does, it seems to me that is a reason for increasing the com-

Mr. EATON. That was not the sole reason, I believe, why this clerk desired an increase of his salary; but no matter about that.

Mr. HOAR. What was the other?
Mr. EATON. As the organ of the committee I do not feel at liberty myself to accept the amendment. Let the vote of the Senate be taken upon it.

Mr. BECK. I wish to ask the Senator from Massachusetts what information, if any, he has that the cost of living has increased in

Montreal specially?

Mr. HOAR. I do not know why it has increased. The clerk writes that under the new Canadian tariff the cost of living has increased there to such a degree that his salary of \$1,200 is not enough to pay his family expenses. Of course that is a cause which would apply to every other Canadian consulate; but it may be that at the other Canadian consulates the pay was fixed so that a little margin was left. At any rate, I do not understand that there is application from any other quarter, but this man makes this suggestion. The committee acted two years ago in reducing his compensation on the authority of the Department of State, who recommended a reduction in quite of the Department of State, who recommended a reduction in quite a large number of consulates. Now the Department of State concur with this particular clerk and say that in his case, without meddling with the other reductions, they think there should be a restoration or partial restoration of the old salary. If hereafter the expenses of living are reduced, that will be another thing. That is the reason for having the Committee on Appropriations and Congress revise these appropriations every twelve months.

Mr. BECK. My reason for asking the question was that I had received a similar letter: I know the salary is a small one; and I wish

to vote according to the facts.

Mr. WINDOM. I think this amendment ought to be adopted, and I want to say a word as to why the reduction was made a year or two ago, as I understand it; and I think I shall state the facts as the committee have them.

The State Department was unable to employ a sufficient number of consular clerks elsewhere, and in order to get them they recom-mended a reduction in quite a large number of clerkships, paring mended a reduction in quite a large number of clerkships, paring down several of them in order to have money enough to employ others elsewhere. This reduction in Montreal was not made, as I understand, because the Department believed that the clerk there then received a larger salary than he should have, but they pared \$300 off his salary to pay somebody else. In other words, they made him contribute to pay the salaries of clerks elsewhere. I think the Govern-

ment should pay the salaries of the clerks and give a fair compensa-tion to all. I have read the letters of the consul and others showing tion to all. I have read the letters of the consul and others showing the increase in the cost of living and the necessity for this little addition, and I believe it is just and right that it should be given to him. I dislike to disagree with the committee, but my friends know why I do it; this matter has been fully discussed and they know what my opinion has been hitherto, and I think the Senate will do a simple act of justice if it raises this salary to the amount proposed.

Mr. DAVIS, of West Virginia. The Senator from Minnesota says he dislikes to disagree with the committee. He knows I always dislike to disagree with him and always like to agree with him; but, Mr. President, the raising of this salary in all probability involves the raising of many others. The Senator has properly stated that there is a gross sum appropriated here for salaries of the various con-

there is a gross sum appropriated here for salaries of the various consular clerks. This gentleman is a clerk at Montreal. Two years ago or a year ago the Department of State, so as to make the gross sum appropriated for salaries go all around and make the salaries equal appropriated for salaries go all around and make the salaries equal to clerks at the different consulates, reduced this clerk among others and may have increased one or two; I do not know how that was. At any rate it was done by the Department after careful investigation, and it was supposed by them that this place would be equal to the others, if \$1,200 was paid this clerk. The committee could not see how they could raise this salary and let the others remain where they are they are.

The Senator from Minnesota and the Senator from Massachusetts will notice that this bill appropriates nearly one thousand dollars more for this purpose than was appropriated last year, so that if the State Department believe that this particular man ought to have more than he now receives, they will most probably give it to him. The same discretion that they had to reduce his pay they have to

The same discretion that they had to reduce his pay they have to advance it, and I hardly think we can afford to single out this one clerk and let the others remain as they are.

Mr. WINDOM. Before the Senator takes his seat I wish to say in reply to his suggestion, that the increase of this salary will involve a large number of others, that this is the only exception made that I know of by the State Department. Quite a number were reduced a year or two ago, and now the State Department ask that this one alone shall be increased. They themselves make the exception, and there is only one exception in their recommendation.

Mr. DAVIS, of West Virginia. In answer to my friend I will say that perhaps this is the only gentleman who has written as many letters, and urged the State Department and Senators to raise his salary. Perhaps this is the only one. I believe there is a general rule

ary. Perhaps this is the only one. I believe there is a general rule in the State Department that none of the clerks shall make efforts to raise their own salaries. This clerk appears to have changed that entirely, and the State Department has made an exception in his case. I was told by a clerk only last night that he thought a brother clerk would be dismissed for making an effort to have his compensa-tion advanced. I believe the general rule in all the Departments prohibits such efforts by clerks; and I take it it is so in the State Department; but this particular clerk appears not only to have writ-

Department; but this particular ciers appears not only to have written to the Department but to have written to Senators.

Mr. WINDOM. I ask if that does not prove the strength of this case, that the Department sees the justice of it so strongly that it is willing even to waive the violation of the rule in order to do justice.

Mr. DAVIS, of West Virginia. The Department do not recommend it very strongly; they are very tender. They say this clerk asks it.

Mr. HOAR. I have the letter here from the Assistant Secretary of State.

I do not know whether it is a proper mode of introducing a

letter from the Department to the Senate, but the Department do certainly express their approbation and recommendation very decidedly.

Mr. President, here is a question of fixing the compensation of a very faithful, important, and hard-worked officer. There is not a member faithful, important, and hard-worked officer. There is not a member of the committee who will get up and say that he thinks the officer is now paid enough. The officer writes that by reason of an extraordinary cause acting upon the community where his services are performed alone he cannot support his family, and he asks the slightest increase. The Department, which has recommended a decrease in other cases, recommends this increase. The committee do not say there is any mistake about that; they say on the contrary that they believe the man to be a worthy man whose statement is to be credited; do not say that there is any mistake, do not say the salary ought not to be raised, or anything of that kind; they only say there is this, that, or the other technical difficulty, that the Senate may improperly raise somebody else's salary if they raise this one.

that, or the other technical difficulty, that the Senate may improperly raise somebody else's salary-if they raise this one.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR.]

The question being put, there were on a division—ayes 16, noes 9. The VICE-PRESIDENT. Is a further count called for?

Mr. DAVIS, of West Virginia. I hardly think this question is properly understood, and I ask for the yeas and nays.

The yeas and nays were ordered.

The yeas and nays were ordered. The yeas and nays were ordered.

Mr. HOAR. I hope the Senator will let the yeas and nays be called in the Senate, and not have them now. Let the amendment prevail here and go to the Senate.

Mr. EATON. Let it be passed over.

The VICE-PRESIDENT. The amendment will be passed over for the present, and the reading of the bill will continue.

Mr. DAVIS, of West Virginia. I called for the yeas and nays, and I want to be heard a minute on this question.

The VICE-PRESIDENT. The gentleman in charge of the bill suggested that it be passed over for the present, and the Chair supposed that the Senate acquiesced in the suggestion.

Mr. EATON. Let it be passed over.

Mr. DAVIS, of West Virginia. I have no objection if it is not to

Mr. DAVIS, of west virginia. I have no objection it it is not to be declared carried.

Mr. EDMUNDS. Is there a quorum present, Mr. President?

The VICE-PRESIDENT. Evidently not.

Mr. EDMUNDS. Then I believe the rules provide for the Chair doing something about that.

The VICE-PRESIDENT. The Secretary will call the roll of Sen-

The Secretary proceeded to call the roll.

Mr. FERRY. I desire to say that my colleague [Mr. BALDWIN] is Mr. FERRY. I denecessarily absent.

Fifty-three Senators answered to their names,
The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. WHYTE. As I understand that this proposition has passed for the moment, I desire to offer an amendment.

Mr. HOAR. What has become of my proposition?

Mr. HOAR. What has become or my proposition:
The VICE-PRESIDENT. It has been passed over until the bill shall be reported to the Senate.
Mr. HOAR. But my proposition was declared carried by the Chair; then some one on the other side—

The VICE-PRESIDENT. The Chair asked if a further count was desired.

Mr. HOAR. I suggested that as it would have to be voted on again in the Senate it was not worth while to call the yeas and nays here,

and that was accepted. So my amendment stands as adopted by the Committee of the Whole.

The VICE-PRESIDENT. The Senator is mistaken. The Chair asked if a further count was demanded, and the Senator from West Virginia demanded the yeas and nays, and then the suggestion was made that the matter be postponed until the bill came into the Senate, to which the gentleman of the committee in charge of the bill assented.

Mr. HOAR. I did not assent to that. I do not understand that the Senate has postponed this amendment which I moved in order, and it was carried, but the point was taken that there was no quorum, and there was a call of the Senate.

The VICE-PRESIDENT. The Senator is mistaken in his supposition that the Chair declared it carried.

Mr. HOAR. The Chair announced the numbers on the vote.

The VICE-PRESIDENT. And asked if a further count was desired, no quorum having voted, to which the Senator from West Virginia responded that he demanded the vees and navs before any

ginia responded that he demanded the yeas and nays before any further count was had.

further count was had.

Mr. HOAR. No assent has been given to a postponement of the matter except that I made a suggestion that the Senator from West Virginia withdraw his call for a further count and let the matter be presented in the Senate, the amendment having been adopted here.

The VICE-PRESIDENT. The Senator from Connecticut accepted the suggestion, and the Chair presumed the Senator from Massachusetts acquiesced in order that a quorum might vote on his amendment. Still, if he desires it, the question now can be put upon it.

Mr. HOAR. It may be as well now, because the debate has been had; otherwise we shall have to have it all over again.

The VICE-PRESIDENT. The question recurs on the amendment proposed by the Senator from Massachusetts, which will be again reported, as Senators have come in since it was read.

The CHIEF CLERK. In line 263, after the word "Montreal," it is proposed to insert "a sum not exceeding the rate of \$1,400 in any one year."

Mr. DAVIS, of West Virginia. Only a word. I wish the Senate to understand that this is an exception to the other clerks. This is an advance of salary to one. The salary is now \$1,200. While this may be a deserving gentleman it appeared to the committee that we ought not to single him out from all the consular clerks and make an ought not to single him out from all the consular clerks and make an advance of his salary. It appears to me to involve the whole question. If this man is entitled to it the others are. It is understood, and a Senator on the other side has stated very distinctly, that this salary was reduced by the Secretary of State, or by his option. It was not reduced by the Senate, but by the Department of State, because they believed that the salary ought to be \$1,200 in proportion to the others. Now, while it is true that this advance affects none but this one clerk this year, will it not next year lay a claim for the other consular clerks? other consular clerks

My friend from Minnesota will notice that there was an appropriation of \$56,100 last year for clerk hire. This bill advances it to \$57,400; over a thousand dollars advance. It may be that the Secretary of State deems that this gentleman is worthy of the advance of \$200; from \$1,200 to \$1,400. Part of that increased appropriation can probably be taken for that purpose. If he had the power to reduce the salary he certainly has the power to advance it if we give

him the money.

Mr. WINDOM. I do not remember the fact; but is there any additional clerk provided for in the bill?

Mr. DAVIS, of West Virginia. I am not able to answer that.

Mr. EATON. There is.

Mr. WINDOM. Even if there were not, the Secretary of State could not increase this salary above \$1,200, because this bill fixes it

Mr. WINDOM. Even if there were not, the Secretary of State could not increase this salary above \$1,200, because this bill fixes it at \$1,200.

Mr. DAVIS, of West Virginia. I ask the Senator if the bill of last year did not fix it at \$1,500 in the same way? I understand these salaries to run along according to the recommendation of the Secretary of State, and according to the estimates. The estimates of the Department are \$1,200 for this particular salary, and this salary is in accordance with the recommendations of the Department.

Mr. WINDOM. I would say that if the bill of last year fixed it at \$1,500 in the same language that this fixes it at \$1,200 this year, the Secretary could have reduced it to \$1,200; but he cannot increase this to \$1,500 for the reason that the bill says "at a sum not exceeding the rate of \$1,200 for any one year." He cannot go above \$1,200, but he can go below it.

Mr. HOAR. If the Senator from West Virginia, as I understand him, is right in his statement, he will vote for my amendment, which is simply that a sum not exceeding \$1,400 may be allowed. That is all. If he is right in supposing that the Secretary can allow it now, my amendment simply expresses that and nothing else. It does not require him to allow more than \$1,200.

Mr. EATON. I really think on the whole that the Senate had better leave this salary where the committee have left it. This is not the only one where an increase has been suggested.

Mr. HOAR. By the Department?

Mr. EATON. A very good stowy undenbtedly can be made out for

Mr. HOAR. By the Department?
Mr. EATON. A very good story undonbtedly can be made out for the increase of the salaries of various consular clerks. I think the Senate had better leave this where the committee left it, and do what

is fair by all the Government employés.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Massachusetts.

I am almost ashamed to talk so much about so small a matter; but it is very remarkable that here is a proposition recommended by the Department against which no single member of the committee brings any argument whatever; not one has said it is not right, but one member of the committee thinks that the bill means

right, but one member of the committee thinks that the bill means that now exactly, the chairman of the committee. Certainly, therefore, there is no harm in making the amendment. The other members simply say, we had better leave it where they did.

Mr. DAVIS, of West Virginia. The Senator certainly misunderstood me. I said in case the bill did leave it to the Secretary, that could be done; I did not say it did leave it. But I did not rise to that; I rose to withdraw the call for the yeas and nays and let a division take place, as it is hardly a matter worthy of the yeas and

nays.

The VICE-PRESIDENT. The call for the yeas and nays is withdrawn. The question is on the amendment of the Senator from Massa-

The question being put, there were on a division—ayes 19, noes 16. The VICE-PRESIDENT. Is a further count demanded?

Mr. EDMUNDS. Is there a quorum present?

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll of the Senate.

Mr. EATON. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary began to call

Mr. HOAR. I ask unanimous consent to be permitted to withdraw

Mr. HOAR. I ask unanimous consent to be permitted to withdraw the amendment.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. WHYTE. During this session of Congress the two Houses have passed a joint resolution directing the Public Printer to send to our foreign legations a copy of the daily Congressional Record, but made no provision for the payment of the postage on it. There is no fund at the State Department, nor is there any fund under the care of the Public Printer out of which to pay this postage. I have therefore been requested by the Public Printer and by the State Department to offer the following amendment, to come in between lines 337 and 338—

The VICE-PRESIDENT. When that portion of the bill shall have been reached the amendment can be proposed. It has not yet been reached in the reading of the bill. The reading will continue.

The Secretary resumed and continued the reading of the bill to

Mr. WHYTE. I move to add after line 337:

For postage on copies of the daily CONGRESSIONAL RECORD, to be sent by the Public Printer to all of our legations abroad under the provisions of the joint resolution approved December 18, 1880, \$1,000.

The amendment was agreed to.

Mr. CARPENTER. In the part of the bill just read there is a provision, as I heard it imperfectly, for taking care of prisoners in China and Japan. I ask the Clerk to re-read that part.

The Secretary read lines 317 and 318, as follows:

For wages of keepers, care of offenders, and expenses, (China,) \$9,500.

Mr. CARPENTER. I wish some Senator familiar with the Constitution, and who has leisure, would inform this body what right we have to try any man for crime in China, without a judge, without a jury, without any constitutional jurisdiction whatever. Men are being tried for crimes frequently in China, Turkey, and elsewhere; some have been tried for murder and are awaiting execution, as I am

told, and I would like to know, just for the peace of my own conscience as a Senator, what authority we have to vote money to keep them in jail until somebody can hang them by judicial murder. The Constitution says that no man shall be tried for crime except upon the presentment of a grand jury. They are in prison now in every one of these countries, Japan, China, and Turkey, and I assert here that they are in prison there in violation of the Constitution of the United States.

United States.

Between China, for instance, and the United States a treaty removes all cause of national offense. China, if it chooses to let us do it, can make no complaint. If we hang our own people and half of hers, it might be a blessing to her as far as she is concerned; but when you come to our power to do what China is willing we should do you must point to some provision in the Constitution which gives us the right. I have looked thoroughly for it, and I cannot find it. It is undoubtedly there, because Senators would not sit here year after year and you money for an illegal purpose; but I have never been able to find that particular provision. I see before me the Senator from Illinois. that particular provision. I see before me the Senator from Illinois, [Mr. Davis,] ripe in constitutional learning, who has administered law on the bench, and who has participated in making appropriations. I wish he would take five minutes of his valuable time and point to that provision of the Constitution, or else I wish the Senate would say openly out and out, so that we can understand what we are about, that whenever anything becomes desirable in our opinion, that is

I move to strike out that provision to test the sense of the Senate.
The VICE-PRESIDENT. The Senator from Wisconsin moves to strike out the following paragraph—
Mr. VOORHEES. Let the paragraph be read.
The SECRETARY. It is proposed to strike out lines 317 and 318,

For wages of keepers, care of offenders, and expenses, (China,) \$9,500.

Mr. VOORHEES. The Senator from Wisconsin perhaps had better address his inquiry to a member of the present administration rather than to the Senate. Some time back there reached me in var-ious forms a series of accounts of the exercise of this high and lawless power which he has described, in Turkey, and I think perhaps an inquiry addressed by the Senator from Wisconsin to the present Postmaster-General might elicit the information he desires. I commend

him to that quarter.

Mr. CARPENTER. I modify my motion by moving to strike out the two paragraphs which read as follows:

For rent of prison for American convicts in China, \$1,500, For wages of keepers, care of offenders, and expenses, (China,) \$9,500.

They should both go out together.

Mr. VOORHEES. I desire to inquire of the Senator from Wisconsin, who seems to have looked into this question and with whom I heartily sympathize, whether it is not true that at this time an American citizen is under sentence in Turkey by our late resident minister, condemned to death? Is not that the fact at this time?

Mr. CARPENTER. I so understand it.

Mr. VOORHEES. And so do I; and I take pains to embrace this opportunity to say that the trial was as utterly lawless as if it had been conducted by a Comanche Indian on the plains; without authority, and a disgrace to our country.

Mr. CARPENTER. I would be quite willing under the circumstances, and considering the importance of it to our citizens residing in China. Japan, and other countries, if it can be constitutionally sin, who seems to have looked into this question and with whom I

in China, Japan, and other countries, if it can be constitutionally done, (about which I am not entirely clear,) to vote to establish a judicial district over the concessions in Japan, another over the concessions in China, and another over the concessions in Turkey, appoint a judge and administer justice there as Great Britaindoes. Great Britain has a court in each one of those countries, composed of judges Britain has a court in each one of those countries, composed of any under a treaty similar to ours, and it has a bar of English barristers, and a grand jury are subposned, and a petit jury are called; and when a British subject is charged with murder or any other crime, he is tried in those courts as he would be in the "Old Bailey," by regular judicial proceeding. We ought to do one of two things. If we are too rried in those courts as he would be in the "Old Bailey," by regular judicial proceeding. We ought to do one of two things. If we are too mean as a nation to pay the expense of observing the Constitution in China, then let us give up our concessions in China and come back to as much of the Constitution as we can afford to carry out.

I am opposed to this whole proceeding. It has resulted already in China and in Japan in such proceedings on the part of our diplomatic representatives there as are simply a disgrace to this nation in the avec of all nations. A diplomatic representative of the United

the eyes of all nations. A diplomatic representative of the United States on one occasion embezzled from the United States a large sum of money; he invested it in bonds and mortgages in his own name. He sat as sole judge in his own court and foreclosed the mortgage in his own name. He ordered the property to be sold by the marshal, or whatever officer carried his decrees into effect. The sale took place; the officer appeared at the sale and bought in the property himself. He then went back on the bench and confirmed the sale to Such a thing would have made such a noise in Great Britain that the atmosphere could not have held it; but we have become so indifferent to constitutional provisions, so careless of the fundamental and essential rights and principles of freedom, that these things go on and we sit here and vote appropriations to carry them on in flat, plain violation of the Constitution, of every principle of Magna Charta, of the rights of all men, and it ceases to excite the least surprise or attention. least surprise or attention.

Mr. HOAR. Mr. President, I do not know whether the Senator from Wisconsin means to press his motion to strike out all the provisions in this bill for rent of prisons for care of offenders in foreign countries, or whether he merely makes that motion as a text for his very eloquent and excellent sermon on the impropriety of the proceedings of some of our foreign officers. I suppose that the Senator from Wisconsin will agree that it is expedient that the American consul abroad shall have some authority to try offenders on American ships, when they come into port, for petty or for grave offenses, and that if he has such authority he should have authority to sentence them, to imprison them, and that a place should be provided where they shall be imprisoned and kept under sentence instead of being brought half around the world home for petty offenses. So I think it would be hardly just to strike out the entire provision. I understand, however, that the jurisdiction of our consular officers or ministers in foreign countries, especially in Asiatic countries, for the trial of offenders for grave offenses is not under any authority conferred by the Constitution of the United States, but it is under the authority conferred by the governments where they reside. Mr. HOAR. Mr. President, I do not know whether the Senator

by the Constitution of the United States, but it is under the authority conferred by the governments where they reside.

Mr. CARPENTER. Mr. President—

Mr. HOAR. Let me complete the statement, and then I will yield for a moment. For instance: Here is an American citizen in China who commits an assault or a larceny; if he is to be tried by the savage Chinese law he would be beheaded or disemboweled. The Emperor of China, for a crime committed by an American citizen, has consented that the American consul shall exercise a criminal jurisdiction. It is therefore the rescuing of American citizens abroad by sened that the American consul shall exercise is criminal jurisdiction. It is therefore the rescuing of American citizens abroad by the concession of these semi-barbarous governments from barbarous trials and punishment, which we obtain by this provision and for their imprisonment and punishment.

Mr. EATON. If my friend will permit me right here, let me read section 4095 of the Revised Statutes:

When any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

Then section 4096:

The circuit court for the district of California is authorized and required to receive, hear, and determine the appeals provided for in this title, and its decisions shall be final.

I only wanted to call the attention of my friend to the statute to that effect

Mr. HOAR. I do not regret that the Senator from Wisconsin has called public attention to this matter, for I agree that in the exercise of these rude and imperfect jurisdictions there is wanting proper proof these rude and imperiect jurisdictions there is wanting proper provision for the security of the citizen, and for a trial by jury in proper cases, and for the proper method of proceeding. Such an outrage as the Senator described perhaps is not sufficiently prevented by our existing laws. We passed the other day a treaty extending the fugitive slave law to American sailors; that is the only proper and adequate description which can be given; and yet those legal processes which when applied to persons claimed as fugitive slaves excited the indignation of the entire North, especially of the section of the country that I represent, when applied as they are applied every day untry that I represent, when applied as they are applied every day under our treaty, and have been from the beginning of the Government, to American sailors, pass without any indignation whatever. I am very glad that the honorable Senator from Wisconsin has called attention to the defect in the code which provides for the trial of citizens committing offenses abroad; but I suppose he will not seriously claim that the entire abolition of all criminal process whatever abroad is the remedy. The remedy would be to have the committee of which

he is so distinguished a member, the Judiciary Committee, provide a carefully drawn and limited law to cure the evil.

Mr. CARPENTER. Mr. President, I had no expectation that the provision would be stricken out. It would be of course, as the Senprovision would be stricken out. It would be of course, as the Senator from Massachusetts says, an eccentric, a violent, and partial interference with a great evil which ought to be treated as an entirety. I did think, however, it was well enough to call the attention of the Senate to it, and see what its disposition was. We ought certainly to have a carefully prepared bill establishing a judicial district in each of those countries; but to say that because it is a good thing to rescue our citizens from the savage treatment they would receive at the hands of the Emperor of China, from being beheaded for a trifling offense, and all that, we are therefore justified in doing this thing, is the old argument by which all constitutions have been supplanted, namely, that if a thing is desirable, if it is beneficial to the people, let us have it, constitution or no constitution.

let us have it, constitution or no constitution.

Take the very case mentioned by the Senator from Massachusetts. I concede that if an American citizen commits lareeny in China, for which he would be beheaded, it is a favor to that citizen to resone him from the ax and send him to jail for a few months. But it is said by the Senator that this power is conferred upon the United States by the treaty with the foreign nation. That learned Senator will see, if he will reflect one moment, that the United States can re-

ceive no power whatever from a foreign nation.

Mr. HOAR. The Senator will pardon me for an interruption. President Grant acted as an arbitrator between foreign nations by their consent. There is nothing in the Constitution whatever which author-

ized him to do it. I suppose the Senator would not deny the fair legality and propriety of that proceeding. If that be so, what difficulty is there in the American consul at Smyrna, by consent of the culty is there in the American consul at Smyrna, by consent of the Government of Turkey, trying a case for an offense committed by an American citizen upon another American citizen within the criminal jurisdiction of Turkey?

Mr. CARPENTER. The difference in the two cases strikes me as a very broad one. General Grant did this, I suppose, while he happened to be President.

Mr. HOAR. I believe so.

Mr. CARPENTER. That, however, was a mere accident. If those two notions had agreed to refer that question to the Senator from Mar.

two nations had agreed to refer that question to the Senator from Mastwo nations had agreed to refer that question to the Senator from Lass-sachusetts, if they had agreed to refer it to the Sergeant-at-Arms of the Senate, or to some respectable hack-driver driving on the Avenue, the arbitrament might have been binding between those two nations, but the arbitrator would have acted in his individual capacity. But our Government can do nothing except it has authority. Where our Government can do nothing except it has authority. Where do you look for that authority? In but one place, and that is in the Constitution. Undoubtedly the United States have power to make treaties; they have the constitutional power to make treaties. a treaty is made and anything is to be done by the United States under that treaty, how is it to be done? You do not get the power to do it from the treaty. The obligation to do it may be imposed by the treaty, but the power to do it must be derived from the Constitution of the United States.

To test this for a moment, suppose we should make a treaty with Great Britain by which we should provide that we would confer titles of nobility upon certain persons in the United States; whether citizens of the United States or British subjects would not make any zens of the United States or British subjects would not make any difference, perhaps. Suppose we make such a treaty. That fixes upon us, in the language of the law of nations, an obligation to confer those titles; but when we come to perform the duty, the President has no authority to confer such a title, Congress has no specific authority to confer such a title, the Supreme Court has no authority, no other branch or officer has, and over all is the prohibition of the Constitution that no titles of nobility shall be granted by anybody. I ask, and that brings the matter to a proper test, does that treaty we have made with England promising to confer a title of nobility upon some person give Congress the power to do what the Constitution says shall not be done? In other words, does the treaty-making power which is a creature of the Constitution override the Constitution itself and enable Congress in pursuance of a treaty to do what is expressly

which is a creature of the Constitution override the Constitution itself and enable Congress in pursuance of a treaty to do what is expressly forbidden by other clauses and provisions of the Constitution itself? In the early days, when the Government was first put into operation under the Constitution, there was some discussion, and some pretty close discussion, as to whether a treaty could not be made that would carry things beyond the Constitution. It was said that the treaty-making power was an independent power, as much so as the power of Congress to pass a law appropriating money, and being given by the Constitution, a treaty made within the general scope of international law would be a treaty binding upon the United States under the Constitution. But that has been negatived for the last fifty years. No statesman, no lawyer, no judge, that I am aware of, has for half a century made any such claim for the treaty-making power, and all concede now that it is absurd. Two or three decisions of the Supreme Court, which I encountered last year in examining this question, although not directly upon the point, seem to put this matter at rest. matter at rest.

Therefore when you come to the right of hanging a man in China for murder, or when you come down to sending him to prison two weeks for murder, when the Emperor of China might hang him or behead him, although you do the fellow a favor, under what authority do you do it? The Senator from Massachusetts says under authority derived from the Emperor of China. I deny that the Government of the United States can exercise any authority derived from anybody or anything except the Constitution of the United States. I deny or anything except the Constitution of the United States. I deny that the monarchy of Great Britain can clothe us with powers denied to us by the Constitution; I deny that the Emperor of China can do any such thing; and although it be to exercise power upon our citizens, I deny that our Government as a Government can do it. An individual citizen of the United States, General Grant, my learned friend, the Senator from Connecticut, [Mr. EATON,] or any private individual may be chosen an arbitrator by two nations and may decide the question, and if those two nations say they will be bound by the decision then they are so bound in honor; but I deny that France and Great Britain could not refer a question of that kind to the Congress of the United States, because I deny that the Congress of the United States when assembled as a Congress could enter into the discussion of the question and determine who was right and who was wrong between two foreign nations. It cannot be done, because the Constitution does not give the power to do it. When you get into a Constitution does not give the power to do it. When you get into a State Legislature there anything within the general province of legislation may be done if it is not forbidden by the State or Federal constitution; but when you come to consider any power of Congress it is not enough to show that it is forbidden in the Constitution. You must be able to point out the clause that confers the power, because if there is no such clause the tenth amendment expressly denies it to you, for it says that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Therefore the suggestion made by my honorable friend from Massa-chusetts cannot be maintained. We cannot exercise a power derived from a treaty if it be forbidden by the Constitution itself. It might from a treaty if it be forbidden by the Constitution itself. It might be beneficial to do it; it might be a great mercy if China would let us administer justice over all her people. If by treaties they can give us power to administer justice over Americans happening to reside in China, by treaty they can give the United States power to administer justice over all the people of China. Suppose such a treaty were made, would any man in his senses claim that the United States had thereby acquired the power to administer justice over them, that we could appoint judges there and administer justice for that people under the treaty? In other words, can this Government loan its powers for the use of other nations?

It is doubtful enough, Mr. President—and I do not wish to discuss the question without more reflection—it is doubtful enough whether we could under any circumstances establish a judicial district in

the question without more reflection—it is doubtful enough whether we could under any circumstances establish a judicial district in China; but one thing is perfectly clear, that if we can it must be authorized by the provisions of the Constitution; it must be done by a judge who is to hold his office during good behavior, whose salary shall not be reduced while he is in office, and in obedience to all the other special provisions of the Constitution that regulate the administration of justice. Whether we can or cannot do that I would not enter upon the discussion of now; but I do say that the idea that we can get such power from a foreign nation cannot be maintained one moment, and such practice and proceedings are a disgrace to our nation. ment, and such practice and proceedings are a disgrace to our nation. I say disgrace to our nation because foreign nations point with contempt to a nation whose theory is the most perfect protection to private right but whose practice is to condemn its own citizens for crime vate right but whose practice is to condemn its own citizens for crime without presentation by a grand jury, without trial before a judge possessing the qualifications fixed by our own Constitution, and without any jury whatever; and an American cannot help blushing at such a proceeding in a country where Great Britain—not a republic but a monarchy—surrounds its subjects with the various safeguards which the experience of centuries has demonstrated to be indispensable to the protection of innocence.

Mr. PENDLETON. Mr. President, I concur with every word that has fallen from the lips of the Senator from Wisconsin. It seems to me that every sentiment that he has uttered is in entire concurrence with the spirit of the Constitution. My attention was called last summer to the incident referred to by the Senator from Indiana, that a minister accredited to the court of Turkey had left the city of Constantinople and gone to Cairo to try an American citizen for his life.

stantinople and gone to Cairo to try an American citizen for his life. I followed up somewhat the telegrams that were sent in relation to those proceedings, and I found that that minister, upon an application that triers should aid him in the trial, had determined, in effect, tion that triers should aid him in the trial, had determined, in effect, that he had the sole power, sitting alone, under the provisions of the statute, to try, convict, and execute that man without any power of review or reversal in any tribunal whatever and without any legal duty on his part to submit his proceedings even to the President of the United States. I called the attention of the Senate, on the 2d of June last, to that state of the law; I asked the Committee on the Judiciary to examine the provisions of the statutes and see whether they were in accordance with the provisions of the Constitution of the United States, but the session had so far progressed that the committee had no time to make that examination.

Mr. CARPENTER. Will my friend allow me to interrupt him for a moment to make another statement to go with the one already made?

Mr. PENDLETON. Certainly.

Mr. PENDLETON. Certainly.
Mr. CARPENTER. I have no doubt that the minister is right

under the statutes.

Mr. PENDLETON. I was about to go on to read the statute to

Mr. CARPENTER. I wish to call attention to another fact also, that our ministers in China and Japan are not only clothed with all the judicial power which this Government or any government possesses, but with all legislative power. They are authorized by the

Mr. PENDLETON. I am going to read the statute; I have it here. Mr. CARPENTER. Go on and read it. I thought you were pass-

Mr. CARPENTER. Go on and read it. I thought you were passing from it.

Mr. PENDLETON. No, sir. My attention was called, as I said, to the decision, as transmitted to us by telegraph, of this minister sitting there as a court. He decided under the statute that he, sitting alone, had a right to try and convict and execute that man; and while in civil cases he was obliged to report his proceedings to the President of the United States, in criminal cases there was no such obligation upon him, and he could issue his warrant for the execution. That led me to examine the law and I found that the minister obligation upon him, and he could issue his warrant for the execution. That led me to examine the law, and I found that the minister was entirely right under the law, that he had anthority just to do that thing; that while in civil cases he might be obliged to call three triers to his assistance, in criminal cases, involving the liberty and the life of citizens, he could sit alone. In those cases arising in Egypt at least he was not obliged even to submit his proceedings; he was obliged to make no report to the President of the United States; and the man could be executed without the knowledge of the President so that he could exercise his pardoning power. the President so that he could exercise his pardoning power.

Mr. CARPENTER. He could be executed the next day.
Mr. PENDLETON. He could be executed the next day; but if he
was not executed until the next year the minister was not obliged

Mr. TELLER. When was that law passed?
Mr. PENDLETON. I do not know that I can tell the Senator. I will give the sections of the Revised Statutes.

Mr. CARPENTER. It was passed immediately after our first treaty

with China.

Mr. JOHNSTON. I wish to call the attention of the Senator from Ohio to the twenty-first article of the treaty between the United States and China which regulates the subject, and which gives to the consuls of the United States the exclusive power in those cases. I ask the Secretary to read it, that Senators may see where this power is

Mr. PENDLETON. Before that is read, I desire to say that no treaty can confer upon the Government of the United States power treaty can confer upon the Government of the United States power to try and execute one of its citizens, except in accordance with the provisions of the Constitution. The Constitution says that no citizen of the United States shall be tried for a crime except by a jury, after having been presented or indicted by a grand jury. As the Senator from Wisconsin has so well said, no foreign government can confer upon this Government a right to do that in relation to the life and liberty of its citizens which the Constitution has not conferred upon liberty of its citizens which the Constitution has not conferred upon this Government. Now I will hear what the Senator from Virginia wishes to have read.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The article called for will be read.

The Chief Clerk read as follows:

Subjects of China, who may be guilty of any criminal act toward citizens of the United States, shall be arrested and punished by the Chinese authorities according to the laws of China; and citizens of the United States, who may commit any crime in China, shall be subject to be tried and punished only by the consul, or other public functionary of the United States, thereto authorized according to the laws of the United States. And in order to the prevention of all controversy and disaffection, justice shall be equitably and impartially administered on both sides.

Mr. JOHNSTON. The act of 1848, which was passed to carry out that provision of the treaty, certainly gives the consul the most extraordinary powers, the right not only to execute the laws but absolutely to make a code of laws.

Mr. HOAR. I desire to ask the Senator from Ohio, if I understand him in citing the provision of the Constitution requiring a jury trial and presentment in capital cases, to mean to say that there is no power which can be properly exercised by a United States officer abroad, with any consent of a foreign government, to try offenders who commit offenses on shipboard, or to try American citizens who commit offenses in those countries? I ask if his suggestion goes to that length?

Mr. PENDLETON. My suggestion goes to this length, that while the foreign nation may permit that to be done within its jurisdiction by the officers of the Government of the United States which the Constitution of the United States authorizes the Government to do, no

consent can be given to this Government which enables us to do that which the Constitution forbids.

Mr. HOAR. If the Senator will pardon me I will read the entire clause to which he referred. The provision is that—

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

Of course one part of that is as much in force as the other, and there is no possibility of a trial for an offense committed on shipboard or in a foreign country.

Mr. PENDLETON. That involves the very question that was sug-

gested by the Senator from Wisconsin in regard to the power of the Government as to extra-territorial courts. Upon that point I do not desire just now to express an opinion; but I am very certain that if there be power to establish an extra-territorial court there is no power to invest that court with the right to do that which the Constitution says the Government of the United States shall not do.

Mr. HOAR. I understand the argument of the honorable Senator

from Ohio to be that no foreign government by its permission can authorize a United States consul to do what the Constitution of the United States prohibits. The Constitution of the United States prohibits trying a man for crime without a jury. Ergo, no United States consul can try a man for a crime in a foreign country without a jury. My point is that the same clause says that the trial shall take place

in a State and district.

Mr. EDMUNDS. In "the State."

Mr. HOAR. I understand; "in a State and district" being the State and district where the offense was committed, which district shall have been previously ascertained by law. Therefore, according to the logic of the honorable Senator from Ohio, a United States consul must only try a man in a State and district, and cannot try him anywhere else. Thus he cuts up by the roots the whole power of the United States consular officers to try offenses committed on ship-board or offenses committed by American citizens in foreign countries. His logic remands the American sailor who does not take off his hat to a mandarin in China, or whoever else may happen to be a dignitary there, to be impaled, or beheaded, or bastinadoed, or whatever may be the punishment of the country.

Mr. PENDLETON. In relation to the particular point which the

Senator from Massachusetts makes, I do not feel myself going quite !

as far as he seems to indicate; for I find in the Constitution this provision:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Mr. HOAR. Now look at the sixth amendment; what I read.
Mr. PENDLETON. I know what the Senator read, but I am reading from the Constitution itself, which provides exactly for the case where the crime is not committed within a State.

Mr. HOAR. We hold over here that the amendments are as much a part of the Constitution as the Constitution itself.

a part of the Constitution as the Constitution itself.

Mr. PENDLETON. So say I, and I believe none of us has ever doubted that the first ten amendments, at all events, were passed in conformity with the provisions of the Constitution.

Mr. HOAR. We think so of the whole fifteen.

Mr. EDMUNDS. We go you four better.

Mr. PENDLETON. I am willing to agree with you upon that point power at all events.

now, at all events.

Mr. President, I said that in my opinion the decision of the minister was right, so far as the statute could confer upon him the authority he claimed, and I beg to call the attention of the Senate to the provision of section 4086 of the Revised Statutes:

SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

Mr. President, you violate the Constitution of the United States when you invest your ministers and your consuls with law-making power. You violate the Constitution of the United States, which says that the trial of all crimes except in cases of impeachment shall be by jury, when you invest one man with the power to sit upon the life and liberty of a citizen of the United States. You violate the Consti-tution which says that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed," when you do not carry out that provision. If the Constitution of the United States has not invested the Government of the United States with all the power which perchance it ought to have in its relations to other nations of the world, then you must do what we have found we can do in modern times, amend the Constitution. The Constitution says:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved.

Yet this law is intended to operate upon our citizens so that in-stead of providing that from those who are there a jury shall be impaneled it provides that the minister shall sit alone and try the

life and the property of a citizen in those countries.

I had not intended to say a word upon this subject; but I agree so heartily with the object which the Senator from Wisconsin has had in proposing this amendment that I was unwilling not to call the attention of the Senate to these provisions of the diplomatic and consular laws which, when I first came to see them, struck me with amazement that we should commit those great acts of injustice upon our citizens who happened to be in those nations which the Constitution of the United States expressly prohibited this Government at home to exercise in regard to its citizens here; and I shall vote, merely by way of expressing an opinion upon this subject, for the amendment of the Senator from Wisconsin.

Mr. BROWN. I should like to have the amendment reported, for was not in to hear what it is.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out lines 315, 316, 317, and 318, as follows:

For rent of prison for American convicts in China, \$1,500. For wages of keepers, care of offenders, and expenses, (China,) \$9,500.

For wages of keepers, care of offenders, and expenses, (China,) \$9,500.

Mr. BROWN. I am not quite certain that I understand the proposition before the Senate, but if I understand the amendment as it is reported, we have in the bill an authority to pay for certain expenses of prisons and trials in China. The motion now is to strike that out of the bill, and we have gone off into a discussion as to whether the United States had any constitutional right to confer upon our ministers there the jurisdiction to try cases or whether we had any right to establish prisons there. Whether we had that right constitutionally or not, it seems to me the statute is very clear in conferring it. If Congress had no right to confer it, and yet the statute does confer it, and our minister has contracted these debts, common honesty requires, I presume, that we should pay them. quires, I presume, that we should pay them.

Mr. CARPENTER. Will the Senator allow me to interrupt him a

Mr. BROWN. Certainly.
Mr. CARPENTER. I do not understand that debts have been contracted. I understand that this is an appropriation for next year.

We do not contract debts in foreign countries and then pay them, but we make appropriations in advance, so that next year the minister will not have to go in debt, but will have the money on hand to make this payment; and our logic is that if we have no right to maintain a prison we have no right to vote the money to support it.

Mr. BROWN. I thank the Senator for the explanation; still I think Mr. BROWN. I thank the Senator for the explanation; still I think it does not obviate the difficulty. Until we have a repeal of the law and have afforded some other protection for our citizens in China we ought to make provision for paying the expenses as we have done heretofore. Admit for argument that the whole of this legislation is absolutely unconstitutional, null, and void, yet we have practiced for a number of years under it. It has been the custom there for the citizen of the United States to look to the American minister for protection. tection. It has been the custom there to try American citizens before the consul, and not before Chinese tribunals. It has been the custom to have prisons to confine them in when they are arrested for crime. It seems to me, therefore, it would be very bad policy for us to discontinue the appropriations necessary to pay for the prisons until we have repealed the statute. I am ready at any time to vote to repeal the statute whenever a bill comes up in proper shape, if you will show me something better.

me something better.

But there is another view of this question that is to be taken in discussing now the constitutional question, and it is this: What disposition do you propose to make of your citizens in China? How do you propose that they shall be tried? Is it proposed to turn them over in case of the commission of alleged offenses there to the Chinese tribunals for trial? That is the very point that our Government in the treaties has very carefully guarded, from the time of first opening any relations with that country. We do not permit citizens of the United States, as I understand it, to be tried by Chinese tribunals, and we have carefully guarded that in the treaties we have made with the Empire of China. If we are not to give our own ministers the power to try them, who is to try them?

Mr. CARPENTER. You should establish a court to try them there, according to the Constitution. You should have a judicial district and a judge, a law for subpenaing a grand jury, and you should have attorneys, clerks, &c., as we do at home.

Mr. BROWN. Where would you get the jurors?

Mr. CARPENTER. Export them, if you could not get them any other way.

other way.

Mr. BROWN. Ifeel pretty certain that my honorable friend would not be willing to be one of the jurors transported. The jury, I believe, must be drawn from the district. There might be some difficulty there, perhaps. Really I think the question should not come up in this way. It is not so much our commerce as it is our missionary stations there that have brought about this provision in the treaties. The religious denominations of the United States, as I understand it, have been very jealous of this question and very guarded about it; and they have from time to time impressed their views upon the legislative authorities and the freaty-making power views upon the legislative authorities and the treaty-making power, so that they should not be put within the power of the tribunals of that foreign country while they are there teaching a religion which does not conform to the opinions and usages of that country. It has been more with a view to protect the missionary than it has been to protect the tradesman there that this legislation has taken place.

So far as trial there without jury is concerned, I admit there is point in that. I am not prepared to say, though, that my honorable friend is right as to the rest of it, that we have no authority to establish a court there; in other words, that Congress has no right to confer upon the minister there the power to try causes and have a jury when there should be a jury. I agree very fully with my friend that we can confer no jurisdiction unless we find power in the Constitution of the United States to confer it. We have no difference of opinion there. However, when I turn to the Constitution, I find this lan-

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority:—to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction.

Mr. CARPENTER. That of course speaks of jurisdiction in the United States

That is the jurisdiction of the United States. FER. In the United States. Mr. BROWN.

Mr. CARPENTER.

Mr. BROWN. The Constitution provides that-

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

There is no limit there as to the inferior tribunals that Congress may ordain and establish. The Constitution gives the right to Congress to establish one Supreme Court and such inferior courts as Congress may from time to time ordain and prescribe. The establishment of a minister in China as a judge may be one of those inferior courts.

Mr. CARPENTER. Does the Senator from Georgia understand me

to maintain that we could not establish a judicial tribunal there!

Mr. BROWN. I understood the Senator a while ago to argue that under the Constitution this jurisdiction could not be given, but from my seat I hear so badly that I may have misunderstood the Senator.

Mr. CARPENTER. I simply expressed a doubt upon the subject.

Still my general balance of opinion is that we can do it. But it must

be a court presided over by a judge who holds his office during good behavior; it must not be some political officer who happens to be there, removable at the will of the President.

there, removable at the will of the President.

Mr. BROWN. I am not prepared to quite agree with the Senatorthat it must be a judge who holds his term for life. You appoint judges in the Territories, I think, who do not hold their term for life. The judges of the Territory of Montana, or of Utah, or any one of the Territories, holds office for a term of four years, if I recollect the law correctly. If you may establish a court in a Territory, with a judge holding office for four years, why may you not establish a court in China, if a treaty with that country allows you to do it, with a judge holding only during the time the minister remains there, or for four years?

Mr. EATON. Is there any necessity of using the word "judge" to

empower the minister to try causes

empower the minister to try causes?

Mr. BROWN. That is very well suggested by my friend the Senator from Connecticut. We are not obliged under the Constitution to use the term "judge." The language is "one Supreme Court" and "such inferior courts." You may call him judge, or call him court, or call him minister, or what you please, and Congress has the right to give him the power to try causes. If Congress may establish a judge with a commission for four years in a Territory it may appoint a judge for less than life in China.

Mr. CARPENTER. I have no doubt you can call a judge of the Supreme Court anything you please except the Chief Justice; his title is fixed in the Constitution; but you cannot give him another quality or deprive him of qualites which the Constitution gives him. Whether you call him judge or commissioner he must hold the office which entitles him to exercise judicial power.

Mr. BROWN. How do they hold in Territories where the term is four years?

Mr. BROWN. How do they hold in Territories where the term is four years?

Mr. CARPENTER. That matter depends on a long argument entirely outside of this. The Supreme Court held that to be law, because they hold that the power to govern the Territories came from an entirely different branch of the Constitution.

Mr. BROWN. Then I suppose they would hold this to be a totally different thing from that branch of the Constitution which has been cited as to the judicial power.

Mr. CARPENTER. I do not think so.

Mr. BROWN. I do.

Mr. CARPENTER. All right.

Mr. BROWN. By turning to the Revised Statutes I find in section 4083 this language:

4083 this language:

To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

That embraces China.

Mr. CARPENTER. There is no doubt the treaties are broad enough

Mr. CARPENTER. There is no doubt the treaties are broad enough to cover it. The question is whether the statutes are valid.

Mr. BROWN. Then there is as little doubt, I think, under the provision of the Constitution I have referred to, that Congress has the right to establish a court there to try American citizens. The statutes may be defective in making no provision for a jury; but I think it would be a constitutional tribunal. If the law provided we might summon a jury of American citizens living there and try citizens who have committed offenses before that jury, I see no reason why it could not be done. There it is defective; but because the law is defective in that regard and there is no permission for a jury, as we have practiced under it for years we should at least provide for the expense until we have amended the law. I know that generally the rule is that a government cannot exercise extra-territorial jurisdiction, but here there is express permission given by the treaty with China that our there is express permission given by the treaty with China that our own minister should exercise this jurisdiction within her territory in the trial of our own citizens there.

Mr. CARPENTER. Will the Senator allow me to ask him a ques-

tion?

Mr. BROWN. Certainly.
Mr. CARPENTER. The question is whether this Government can derive any power denied to it by the Constitution from a treaty with

Mr. BROWN. No, I answer emphatically it cannot, but it can establish courts for the trial of its own citizens on the territory of another sovereignty with the consent of that sovereignty, guaranteed by treaty that it may establish them, and that is what it does

Mr. CARPENTER. According to the Senator's own admission he has got to have authority in the Constitution for trying our citizens in foreign countries with the consent of those countries. Now I want Mr. BROWN. I read it to you a little while ago.
Mr. CARPENTER. I think not.
Mr. BROWN. The Constitution provides that—

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

There is the power to ordain and establish a court not confined to any territorial jurisdiction. Then the Constitution provides that-

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Here the Congress has by law directed that it shall be in China. The Congress had a right so to direct, because the authority is expressly delegated to it by the Constitution to direct it so. There is where the

authority is derived from.

Mr. CARPENTER. There are two ways of discussing the constitutionality of a law; the one is to begin and read the statute first and show that it was passed immediately after the Constitution was and snow that it was passed immediately after the Constitution was adopted, and therefore it must be constitutional, and the Constitution must be construed so as to harmonize it with the statute. That is the popular method of determining the question, into which the Senator from Georgia has fallen to-day. The other method is to take up the Constitution and see what it declares, what laws it will permit to be passed, and if by that examination it be ascertained that the statute in question conflicts with the Constitution, then the statute in question conflicts with the Constitution, then the statute in question conflicts with the Constitution, then the statute in question conflicts with the Constitution, then the statute is a second conflicts with the Constitution, then the statute is a second conflict with the Constitution, then the statute is a second conflict with the Constitution of the conflict with the Constitution of the constitution was a statute in question to the constitution was a supplied to the constitution of the constitution was a statute of the constitution of the constitution was a supplied to the const ute has no force whatever. The Senator from Georgia must start at the right end of this thing if he wants to discuss the question in a proper way. He must show, in the first instance, that the Constitu-tion authorizes the statute, not that we have had such a statute since 1860, and have been hanging men in violation of the Constitution; and therefore we ought to go on for consistency's sake and do it for the next forty years. That will not do. He must show that the Constitution authorized us to hang the first man, or imprison the first man, or fine the first man, and if he can show that then his argument that we ought to go on and do the same thing is entirely consistent and may be entirely proper. I am not objecting that there ought not to be some way to punish crime in China committed by our citizens; I am only objecting to the method that is adopted.

If any man will look at the statute for the first time—and I mean

If any man will look at the statute for the first time—and I mean by that if he had not examined it already—if any Senator will take that statute and read it, I am certain he will be very much astonished. It is a delegation not only of all the powers of this Government, but of the powers of all governments. This consul or minister, who is thus clothed with judicial power, is authorized to administer the Constitution of the United States, the statutes of the United States, and exercise all jurisdiction at law and in equity, and admiralty, and maritime jurisprudence, and when the law falls short then the common law of England and all of its provisions, and when that fails the statute declares in express words that he may pass the common law of England and all of its provisions, and when that fails the statute declares in express words that he may pass ordinances which shall have the force of law, and they apply not only to resident Americans who go to China to reside and carry on trade or business, but they apply to every American who may by chance or accident or the wild winds of heaven be driven upon that shore by shipwreck. If the Senator from Georgia, traveling in the East, should be sailing by one of these countries and by adverse winds be blown into the jurisdiction of one of these American consuls, he may find himself confronted with an ordinance made by that consul declaring some conduct of his a crime, which in the United States would be entirely innocent, be arrested and tried by the man who made the ordinance without a jury, and be sentenced to be executed the next day at four o'clock in the morning. And the Senator is about to vote an appropriation of money which at some future day may be used to aid in his own arbitrary execution, if adverse winds and waves should waft him into that jurisdiction.

I trust no such misfortune will ever overtake the Senator from Georgia. But if it should I fear there are persons malicious enough to smile and exclaim that it was a visitation of poetic justice upon a Senator who had made it possible that such calamity should befall any citizen. In other words, he who had digged a pit for his neigh-

bor had fallen into it himself.

That such a statute could ever have passed Congress, and especially that it could have passed when Daniel Webster was in the Senate, as

I believe it did, is matter of astonishment.

The Senator from Massachusetts not at this moment in his seat started a difficulty about the theory which I advanced on this subject. I admit it to be a difficulty, and he did not state it as broadly as he might have stated it. He should have pointed to the fact, to make his argument as broad as it can be, that the Constitution gives Conms argument as broad as it can be, that the Constitution gives Congress the power to punish piracy on the high seas, and that piracy on the high seas necessarily is not within the jurisdiction of a State.

Mr. BROWN. When I yielded the floor I did not know that the honorable Senator proposed not only to criticise my speech but to reply to the Senator from Massachusetts.

Mr. CARPENTER. I beg the Senator's pardon. I thought he had Mr. BROWN. Not at all; but I yielded to the Senator.
Mr. BROWN. Not at all; but I yielded to the Senator.
Mr. CARPENTER. A thousand pardons, then.
Mr. BROWN. I yielded with great pleasure.

The Senator from Wisconsin seems to misunderstand my position on this question. I have not defended here the power that these statutes confer upon the minister in China either to try criminals without a jury or to make ordinances or to do any other act that is legislative in its character. I have defended no such thing. I am as far from consenting to the principle as he is, and being quite a young man myself and a very young Senator, I cannot be responsible for

these measures being upon the statute-book. But my honorable friend from Wisconsin having been a member of the Senate for a long time, and during nearly all that period I believe a very prominent member of the Committee on the Judiciary, I wonder he has not had these obnoxious laws stricken from the statute-book long since. It certainly ought to have been done, and I would naturally have looked to him as the man to report the measure to have it done. It has not have to him as the man to report the measure to have it done. It has not been done, however, and they are still upon the statute-book. Now I say I think while they are there we ought to carry out their pro-

visions, so far as the expense is concerned at least, until they can be amended. That is my reply to that portion of the Senator's argument.

As I have said, I claim no power for the courts that is not given by the Constitution of the United States. The Senator objects to my mode of discussing this question, however. According to his ideas a man should always read the Constitution first when he undertakes to discuss the constitutionality of a statute, and then refer to the statute and see whether it is in conformity to the Constitution. In this instance I read the statute first and then the Constitution. I do not think it is very material which is read first. We are testing the constitutionality of a statute. I read the statute and then read the Constitution, and show from it that the statute is or is not constitutional. The Senator from Wisconsin reads the Constitution first and then reads the statute to show that it is not constitutional. It is a good deal a matter of taste as to which is read first. At least I preferred the course I took on that subject. If I shall ever have another discussion of this character with my honorable friend, I shall be very careful to observe the other order, for I have no particular preference in regard to it, and I would be willing to read first the Constitution and then the statute. In any event I have read the statute and then I have read the provision of the Constitution which authorized Congress to pass that statute to the extent that I have defended it, and that is all that I desired.

Mr. EATON. Mr. President. I do not propose to go into the discussions. The Senator from Wisconsin reads the Constitution first and then

Mr. EATON. Mr. President, I do not propose to go into the discussion of this matter at all; yet I do not think, with all due deference to my friend from Wisconsin, on an appropriation bill of this character it is necessary to give way to a constitutional discussion. There has been a treaty with China, and for aught I know my friend from Wisconsin was one of the parties to that treaty. For aught I know he may have been a member of the Senate at the time when that treaty was declared one of the laws of the land; I was not.

Mr. CARPENTER. I might have been, but I was not.

Mr. EATON. The Senator has been here a great number of years,

a very distinguished member of a leading committee, the Judiciary Committee of the Senate, and I have not yet learned of any proposition from that committee to alter these laws. Here is a treaty with China and Japan. Certain statutes have been passed by the Congress of the United States. It is necessary that certain appropriations should be made. Those statutes have not yet been declared to be unconstitutional by any body of men. I do not now propose to discuss the question whether they are constitutional or not, but I to discuss the question whether they are constitutional or not, but I simply propose that we shall appropriate a sufficient sum of money to carry on the interests of the United States in China and Japan, and upon the proper occasion I have no doubt that I shall be found very nearly shoulder to shoulder with my friend from Wisconsin in attacking the laws of the character of which he has been speaking.

Mr. CARPENTER. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. CARPENTER. Is any other Senator entitled to the floor?

The PRESIDING OFFICER. The Senator remy Wisconsin is en-

The PRESIDING OFFICER. The Senator from Wisconsin is en-

titled to the floor.

Mr. CARPENTER. Mr. President, having by accident invaded the speech of the Senator from Georgia I desire not to repeat the blunder, and so I have inquired whether any other Senator was entitled

to the floor.

As I was about to say when I was informed that I was interrupting the Senator from Georgia, the Senator from Massachusetts [Mr. HOAR] has alluded to another provision of the Constitution as seem-Hoar I has alluded to another provision of the Constitution as seemingly in conflict with the theory I have advanced upon this subject. The Constitution provides that Congress shall have the power to define and punish piracies and felonies committed on the high seas. The high seas not being within the limits of any State or judicial district, such crimes could not be included within the provisions of the clause of the Constitution which requires the trial of all crimes to be had before a jury of the State in which the crime was committed. The ocean is the highway of all nations, and no nation can accomize any special jurisdiction over it or any part of it. The ocean quire any special jurisdiction over it or any part of it. The ocean being as much a part of the United States as of any other nation, the Constitution gave Congress the power to punish crimes there committed, and the last paragraph of article 3, section 2 of the Constitution provides that when crimes are not committed "within any State the trial shall be at such place or places as the Congress may by law have directed." The original Constitution did not require that any one to be tried for crime should be first indicted by a grand jury.

Mr. JONES, of Florida. The original Constitution did provide that all crimes must be tried by a jury.

Mr. CARPENTER. The last paragraph of article 3, section 2 of the Constitution is as follows:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

There stood that provision side by side with the provision in regard to piracy. Of course there is but one way to construe the Constituto pracy. Or course there is out one way to construe the Constitu-tion. You cannot do that as you construe a statute by holding that where one clause conflicts with another the last clause must prevail over that which stands first in order, but Judge Story says in his Commentaries that each provision must be construed with reference to its subject-matter, and to be so construed as to carry the provision in regard to its subject-matter into force and execution, although it may conflict with other provisions of the Constitution upon other

Applying this principle, you have here, in the first place, the provision in the broadest terms, that Congress might provide for the punishment of piracy, and then the provision that it should be tried in the State where the crime was committed. That of course would be a flat contradiction, and one section or the other upon the principle of construing a statute would have to fall. But the high seas not being within any State it would be impossible to try any offense committed on the high seas in the State in which the offense was committed; but according to the rule laid down by Judge Story and the Supreme Court it would follow that in a case of piracy the manifest purpose and in-tention of the Constitution was to be carried out upon that subject, and when they came to the trial of an offense which was committed within some State then that provision of the Constitution should be construed as the makers of it intended with reference to that particular subject. That would undoubtedly be the principle of construction. But here is the other question raised by the Senator from Massachusetts. Piracy being one of the offenses which the original Constitution au-Piracy being one of the offenses which the original Constitution authorizes Congress to punish, and which, of course, could not be tried within the limits of any State, the trial must necessarily be outside of the limits of any State. The Senator could well say the argument goes to this extent, for you could not try and punish a man in the limits of a State for an offense committed outside the limits of the State. Then you have struck down the provision which authorizes the United States to try the crime of piracy. That would undoubtedly be so but for the one reason, which I have already mentioned, that the two subjects containing provisions antagonistic, each provision must be construed with reference to its subject, although in conflict with the other. That is Judge Story's rule and the rule of all the courts. Then the further provision, the provision in regard to trial by jury, and all that sort of thing, comes in under the form of an amendment to the Constitution. of an amendment to the Constitution.

We all understand that an amendment to a statute as to a constitution is not to be construed with reference to its own subject-matter merely, but it repeals as much of the original instrument as it conflicts with. Now, then, upon this principle it would follow that the amendment had repealed the provision in regard to piracy. No court would hold that, I admit, and I do not think any court ought to. I think the principle laid down by Judge Story entirely and fully covers it, but in all respects except piracy which was covered by the original Constitution, and which in the nature of things is a separate subject altogether, these amendments of the Constitution would repeal and do repeal every provision of the original Constitution with which they conflict.

Mr. HOAR. I should like to ask the Senator from Wisconsin, if he will permit me, the practical question, is there any lawful power under which an American consul may try an American who commits an assault on another American in the streets of Canton, sending him to six or twelve months' imprisonment there, or must he be sent tution is not to be construed with reference to its own subject-mat-

him to six or twelve months' imprisonment there, or must be be sent on a six months' voyage home to take his trial, or can be not do that? Mr. CARPENTER. I have no hesitation whatever—

Mr. CARPENTER. I have no hesitation whatever—Mr. HOAR. Where do you get your authority to do that?
Mr. CARPENTER. I will tell you. I do not get it; I deny it; I say it is in flat violation of the Constitution. It was convenient to have it done, and convenience is getting to be higher than the Constitution of this country; but I do say it is denied by the Constitution that that man should be tried for the simplest offense except before a magistrate exercising judicial power, and that judicial power must be vested in courts, not in men.
Mr. HOAR. Then the Constitution has an extra-territorial force and governs the American citizen everywhere, according to the Senator?

Mr. CARPENTER. The Constitution says this—
Mr. HOAR. Where does the Constitution say you shall not do

Mr. HOAR. Where does the Constitution say you shall not do this thing in China?

Mr. CARPENTER. I will read the language that says so plainly. I see both the Senators from Massachusetts are combining to get this information, and I will stop to give it to them:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There is nothing in the Constitution that says you can punish a man in Canton. Therefore the power is reserved under the tenth

Mr. DAWES. I take it the Senator means the people of the United States or the people in the States. Does that have any reference to

what is going on in Canton?

Mr. CARPENTER. It does. It speaks of power being conferred upon consuls of the United States. I do not think the people of Canton, and that is what I have been arguing all the way through, or the Emperor of China, can confer any authority whatever upon any officer of the United States, and any American citizen being pun-

ished out of our jurisdiction is being punished under very doubtful authority. If he can be punished at all under the Constitution it must be because he is arraigned before a magistrate recognized by the Constitution, and that must be before a court. It has been asked the Constitution, and that must be before a court. It has been asked here, why not the consul? You need not call him a judge, says the Senator from Connecticut. No, you need not call him a judge, but you must make him a judge, you must give him the attributes of a judge; you must give him the good-behavior tenure; you must fix him a salary, and all those things which make a judge. See what the Constitution says, and let me have the attention of both the Massachusetts Senators on this question: setts Senators on this question:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and es-

Mr. DAWES. I suppose that means the courts of the United

Mr. CARPENTER. So do I, but I say the power cannot be invested anywhere except in a court of the United States.

Mr. DAWES. Not under that authority?

Mr. CARPENTER. No, nor anywhere else, because it says all judi-

cial power shall be vested.

Mr. DAWES. All the judicial power in the United States shall be ested so and so.

Mr. CARPENTER. Of the United States is what it means. It is

not the judicial power in the United States.

Mr. DAWES. I understand "all the judicial power of the United States" and "all the judicial power in the United States" are one and

the same thing.

Mr. CARPENTER. I do not think any such thing. Great Britain may exercise judicial power in the United States with our permission. Great Britain is a monarchy. She may do what Parliament Great Britain

Mr. DAWES. Let me ask the Senator from Wisconsin if he means to say that Great Britain could exercise judicial authority in the

United States

Mr. CARPENTER. I say with our consent she can, and I say the sole difference between Great Britain and the United States is that Parliament, according to the theory of Great Britain and her constitution, is omnipotent; it may do what it pleases, while Congress, instead of being omnipotent, is the servant of the people, bound hand

stead of being omnipotent, is the servant of the people, bound hand and foot within certain lines and certain principles.

Now, this judicial power must be vested in the courts, and I must say that I am getting sick and tired of defending democratic principles of the Constitution here in this body. I have done it for years. The democratic party have fallen away, dropped their flag, deserted their standard, and stand out in any direction where they may get an office, and have left me principally to stand by the old landmarks and the Constitution. [Laughter.] I am really tired. I call a halt.

Mr. McDONALD. I will explain that that service has been mere lip service, and that his real work has been on the other side.

Mr. CARPENTER. Nobody says that John Smith is a court because he is a consul at some place. He is not a judge even. He is not even called so.

not even called so.

Mr. SAULSBURY. When was the statute passed?
Mr. CARPENTER. I think the first one in 1860. It was to execute the Burlingame treaty. I must apologize to Senators who have charged me with having been on the Judiciary Committee for several years and with not having brought forward a bill for the repeal of these statutes. I must say, and I say truthfully, that until within two years I had no more idea that such a provision could be found on any statutes passed by Congress than I had that I should be hanged myself by the judgment of a lamp-lighter.

This third article confers, as I say, all the judicial power of the United States upon one Supreme Court. That Supreme Court might perhaps consist of one judge, but he would still be a court and could cally act when he was sating as a court. Take our significant outst.

only act when he was acting as a court. Take our circuit courts; the power may be lodged in a single judge; in all our district courts it is, and the law fixes the term of holding the district court, although there is but one judge. He can do things in term which he cannot do in vacation. He calls the court, opens it, adjourns it from day to day, and adjourns it sine die; but the distinction between the powers of the judge at chambers and the powers of the judge in court is clear and distinct.

Mr. DAWES. If it does not interrupt the Senator—
Mr. CARPENTER. Nothing interrupts me.
Mr. DAWES. If it does not interrupt the Senator to have an interrogatory put to him, I should like to have him inform me, if all the judicial power of the United States is confined to these particular courts, the Supreme Court and inferior courts, where is there any of it left to give to Great Britain in the form of a consent to her exercise of it here?

Mr. CAPPENTED

exercise of it here?

Mr. CARPENTER. There is not any.
Mr. DAWES. I understood the Senator to say that under the Constitution we could give it to Great Britain, because she was almighty.
Mr. CARPENTER. No, I did not. I said that under Parliament, which was omnipotent—
Mr. DAWES. Parliament being almighty, this Government could give England judicial power here!
Mr. CARPENTER. No, I said nothing of the kind. It is bad enough to have Massachusetts on my back as often as I am defending

the Constitution without having her Senators pervert what I say, [Laughter.] A court, whether composed of one judge or forty, must be treated as a court. The jurisdiction is given by the Constitution to courts, not to men or officers.

Mr. DAWES. You did say a moment ago that Great Britain could exercise judicial authority here because of parliamentary omnipo-

Mr. CARPENTER. did not say anything of the kind. I said Great Britain could authorize her courts to do such things here or any-

where on the globe.

Mr. DAWES. With our consent?

Mr. CARPENTER. Yes, we do not make a row about it, but we have no authority to give them.

Mr. DAWES. Oh!

Mr. CARPENTER. Oh! What I mean is this-

Mr. BROWN. In that connection the Senator will allow me to ask him a question. The Constitution clearly shows that Congress has power to establish courts inferior to the Supreme Court of the

ask nim a question. The Constitution clearly shows that Congress has power to establish courts inferior to the Supreme Court of the United States, and the Government of China gives the United States by treaty the right to establish such courts in her dominions for the trial of American citizens who may be in that kingdom. Why is there any objection to its being done?

Mr. CARPENTER. I have maintained all the way through to-day that although it was one of those powers that everybody would call doubtful, I thought it might be done. It is pretty sharp straining of the Constitution—pretty close shaving.

Mr. BROWN. The gentleman is a defender of State rights, and we are greatly obliged for his defense of them.

Mr. CARPENTER. I always defended State rights. I was attacked before I had been in the Senate Chamber thirty days because I let fall the accidental expression "State rights," which I maintained upon the ground that there were rights which the States had and which were bound to be protected; for instance the right to pay their own taxes, build their own highways, and provide for the administration of justice within their own sphere of action; that those were State rights which we could not interfere with, and that the great mistake which had led the country into an uproar and a war was that the which had led the country into an uproar and a war was that the cry of State rights meant State sovereignty. I was trying to draw that distinction. I never denied State rights. I will stand up and defend them as long as any man in the world.

Mr. BROWN. We are very thankful to the gentleman for stand-

ing by them.

Mr. CARPENTER. I am not on the subject of State rights exactly now. [Laughter.] When I am talking about the power of Congress to establish courts in China, I do not know what particular State I am defending except the State of China.

Mr. BROWN. That State has already given her consent, as I un-

Mr. CARPENTER. But the United States of America have not given their consent that we shall spend the people's money to main-

tain an unconstitutional principle.

Now, if I can get back once more. I have started so often on this point that I almost forget the point itself, but I believe it was that Congress can vest judicial power only in courts, nowhere else, and that the judge of such a court, if he be one, or the judges, if they be many, must hold their offices during good behavior, with a fixed salary, which cannot be diminished during their term of service, and that Congress cannot vest judicial power anywhere except in such tribunal. Mark the language of the Constitution; this was not written carelessly:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts—

Not individuals, not persons, not officers, not consuls, not foreign ministers, but in such courts; and this language was used by men familiar with the language of the English courts and the English law. They knew the distinction between a judge and a court; they knew the distinction between an individual and an officer and a judicial tribunal, and this language was used carefully and for a purpose; and then the limitation of the office to the life of the judge and all that

would follow in order.

Mr. BROWN. If the Senator will allow me I will ask whether any judge holding the office from the United States must be for life? Are there not judges holding by a different tenure?

Mr. CARPENTER. Certainly it is illegal. The territorial judge

is under another clause.

Mr. BROWN. Your position, then, I understand is, that no court is

Mr. BROWN. 1 our position, then, I understand is, that he court is legal unless it has a judge with a life office?

Mr. CARPENTER. Let me state my position. I maintain that every court which exercises the judicial power mentioned in the third article of the Constitution of the United States must be presided over article of the Constitution of the United States must be presided over by a judge holding his office for life or during good behavior, with a fixed salary, which cannot be diminished during his continuance in office. The Territories are not governed under this third article at all. The third article speaks of nothing but the judicial power of the Union as such. The government of the Territory springs entirely from another provision of the Constitution which authorizes Congress to admit new States into the Union; and the District of Columbia stands upon a separate provision which authorizes Congress to exercise exclusive power of legislation over the District. The power is

just as complete and just as conclusive as the power of the State of New York for domestic purposes over the people of that State.

There are three kinds of judicial power included in this Constitution. One is in the District of Columbia, which springs from their general legislative power over the District; and one in the Territories, which springs from the power of Congress to admit new States, and carries with it as a corollary the power to hold a community in place, to protect them from the savages, protect them from thieves and from robbers, and preserve the peace and administer justice among them until they grow to a condition where they can be admitted as a State in the Union. All that is independent of the provisions of the third article. But here in the third article is the regulation of the judicial power proper of the United States. The United States Government is divided into three great departments—the legislative department, the powers being in Congress subject to the veto of the President; the executive department, vested in the President with certain qualifications; the judicial power, vested in one Supreme Court and such inferior courts as Congress may from time to time ordain and qualifications; the judicial power, vested in one supreme Court and such inferior courts as Congress may from time to time ordain and establish. Then it says what that power shall extend to, and then it provides that the judges shall hold their offices during good behavior and have their salaries fixed, &c. The Territories are outside of this provision entirely; but I do maintain, to answer the question of the Senator from Georgia fairly and squarely, that no man can exercise any part of the power contemplated by the third article of the Constitution except in a court, except as the judge of a court, and that he must have the qualities of a judge which the Constitution fixes for judges.

judges.

I offered the amendment more for the purpose of calling the attention of the Senate to this subject than for any other purpose; and yet I am inclined to think I will stand by the amendment and let the Senate vote upon it, for I should like to know how many Senators think there is a plausible excuse for continuing an unconstitutional

It is said here by some Senators that we have done this and that, even conceding it to be all wrong; yet inasmuch as we have been doing it for some years now it would be inconsistent to say we will not do it next year; that that would not look well as a part of the policy of a great nation. Well, I am rather inclined to the opinion that when we become fairly satisfied that we have been doing wrong for five years it is manly and proper to say we will not do it next year nor ever thereafter.

As my friend from New York [Mr. CONKLING] suggests to me, if this amendment is adopted it is notice to the Executive Department and to all the other Departments of the Government and to the committees and to Congress that the laws which you provide for these payments are to be changed or repealed. It is virtually an instruc-

wr. ALLISON. But let me call the Senator's attention to the fact that these powers are being exercised now in China.

Mr. CARPENTER. And they are paid for up to the 1st of July

Mr. ALLISON. I understand that; but suppose an American citizen should desire to bring himself within the provisions of these laws, is it not our plain duty to appropriate money to carry out these laws in that distant country until we do repeal the laws?

Mr. CARPENTER. We have done it up to the 1st of July next.

Mr. ALLISON. Perhaps we cannot repeal or change these laws by

Mr. CARPENTER. If human right is thought of any consequence in this Congress, we can certainly pass a bill within the next forty days. So I will stand by my amendment and see who is in favor of

it and who is against it.

Mr. HILL, of Georgia. I simply desire to say one thing for myself, and that is that in my judgment this whole question of the protection of our citizens in foreign countries is vested in the Government of the United States under the treaty-making power, not under the judicial power or any of those other powers relating to the government of citizens in this country; and I think that in all our relations with foreign governments the United States Government is just as much a pation as England or France. nation as England or France.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin, [Mr. CARPENTER.]
Mr. CARPENTER. I ask for the yeas and nays.

Mr. CARPENTER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Florida. I think, Mr. President, that this is a very important question, and while I am ready to go as far as the Senator from Wisconsin in the way of protection of our citizens under the judicial power, I think I can see that great injury might follow to the rights of our citizens abroad from the adoption of this amendment. There is nothing better understood in the code of nations than that a sovereign is supreme within the limits of its own territory, and that it can hold amenable the citizen of any country who commits an offense there within its own courts and according to its own laws. That is a proposition which I imagine no lawyer will dispute. When it comes to offenses on the high seas the Senator from Wisconsin states the law correctly; no nation can appropriate the high seas. An American ship floats the ocean as a part of the territory to which she belongs; but when it comes to the territory of China that is a very different thing. We have no jurisdiction there whatever except what the sovereign of that country may consent to

give us. Now, what is the character of this concession? It is a concession for the benefit of our own citizens to keep them out of the clutches of Chinese law. Is it not preferable that an American citizen who should unfortunately commit an offense within the territory of China should be tried by his own countrymen according to the forms of trial prevailing in his own country rather than to be turned over to the arbitrary methods of Chinese justice? And if you take away this power of trial you will have no right to demand that a criminal who happens to be an American shall be remitted to this country for trial, and he has either to be tried in the way that the foreign government says he shall or be tried in a Chinese court. I prefer to have this protection over the citizen and to have him tried before a consul rather than before a set of Chinese judges.

Mr. BECK. Mr. President, I have only to say that the Committee on Appropriations made this appropriation to carry out the law as it exists. Various suggestions have been made about the revolutionary

exists. Various suggestions have been made about the revolutionary character of the democratic party in failing to make appropriations to carry out existing laws. I am glad to be able to say that no such

charge can be made now.

The question being taken by yeas and nays, resulted—yeas 12, nays 43; as follows:

	YEAS—12.						
Call, Carpenter, Conkling,	Farley, Jonas, Logan,	Pendleton, Pugh, Teller,	Vance, Vest, Voorhees,				
	NA	YS-43.					
Allison, Anthony, Bayard, Beck, Blair, Booth, Brown, Bruce, Burnside, Butler, Cameron of Wis.,	Coke, Davis of Illinois, Davis of W. Va., Dawes, Eaton, Edmunds, Ferry, Garland, Groome, Hampton, Harris,	Hereford, Hill of Georgia, Hoar, Ingalls, Johnston, Jones of Florida, Kernan, Kirkwood, McDonald, McMillan, Maxey,	Morgan, Morrill, Platt, Rollins, Saulsbury, Saunders, Slater, Thurman, Wallace, Williams.				
	ABSI	ENT-21.					
Bailey, Baldwin, Blaine, Cameron of Pa., Cockrell, Grover,	Hamlin, Hill of Colorado, Jones of Nevada, Kellogg, Lamar, McPherson,	Paddock, Plumb, Randolph, Ransom, Sharon, Walker,	Whyte, Windom, Withers.				

So the amendment was rejected.

The PRESIDING OFFICER. The Secretary will proceed with the

The PRESIDING OFFICER. The Secretary resumed and concluded the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The PRESIDING OFFICER. The question will be now taken on the amendment of the Committee on Appropriations, at the end of line 37 to insert:

For salary of charge d'affaires and consul-general of the United States in Romania, (at Bucharest,) \$4,000 .

mania, (at Bucharest.) \$4,000.

Mr. EATON. I have information which induces me to suppose that the description of the title of that office ought to be changed. It ought to be "consul-general and diplomatic agent." Therefore I move to so amend the amendment. I have consulted with as many of the committee as I have noticed here. My reason for moving the change is that we have just confirmed that officer with that title, "consul-general and diplomatic agent," and therefore I do not think it proper that he should be called a chargé.

Mr. EDMUNDS. On what part of the bill are we now?

The PRESIDING OFFICER. Two amendments were passed over and this one is on page 3 of the bill.

Mr. EDMUNDS. I suggest to the Senator from Connecticut, if he will pardon me, that the description of the office being changed to precisely the one the Senate consented to—

mr. EATON. My motion is to make it correspond with the title of the efficer who was confirmed the other day by the Senate.

Mr. EDMUNDS. I understand it and entirely concur in what the

Senator from Connecticut states, because the Senate has never consented to the appointment of any other officer than that; but that sented to the appointment of any other officer than that; but that being done, this provision ought to be in the class of consuls and not in the class of diplomatic officers and ought to be left, therefore, in Schedule B, having Schedule B on page 4 corrected in its description in the way the Senator suggests.

Mr. EATON. The Senator from Vermont is quite right. I will say that the reason why it wasput on page 3 was that it was removed from Schedule B under consuls when the amendment was made by the committee, and therefore I will, in addition to moving that amendment, move to replace it under Schedule B after line 68.

Mr. EDMUNDS. The simplest way I suggest will be to disagree to this amendment on page 3, and then when we come to the one on line 69, page 4, change the description of the office according to the truth.

truth. Mr. EATON.

Mr. EATON. Very well; I have no objection to that. The PRESIDING OFFICER. The question is on the amendment just reported.

The amendment was rejected.
The PRESIDING OFFICER. The next amendment reserved will be stated.

The SECRETARY. After line 68 it is proposed to strike out:

For the chargé d'affaires of the United States in Boumania, (at Bucharest,) \$4,000.

Mr. EATON. Instead of striking that out I propose to insert: For consul-general and diplomatic agent of the United States in Roumania, (at Bucharest,) \$4,000.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Connecticut that there is an amendment pending to strike out lines 69 and 70. Ought not that to be acted upon first?

Mr. EDMUNDS. But a paragraph can always be perfected, according to the extraordinary notions of the Senate, before it is stricken

The PRESIDING OFFICER. The question then is on the amendment offered by the Senator from Connecticut.

The SECRETARY. After line 68 it is moved to insert:

For consul-general and diplomatic agent of the United States in Roumania, (at Bucharest,) \$4,000.

The amendment was agreed to.

Mr. EDMUNDS. Now we should disagree to the recommendation of the committee to strike the whole clause out. That will make the

Journal straight.

The PRESIDING OFFICER. The amendment reported by the Committee on Appropriations is to strike out the clause as amended, which will be read.

to the amendment.

The SECRETARY read as follows:

For consul-general and diplomatic agent of the United States in Roumania, (at Bucharest,) \$4,000.

Mr. EDMUNDS. Now the question is on striking that out as

The PRESIDING OFFICER. The question is on striking out the clause as amended.

The amendment was rejected.

The bill was reported to the Senate as amended; and the amendments made as in Committee of the Whole were concurred in.

Mr. EDMUNDS. Mr. President, on page 14, lines 323 to 325, the phrase is:

For rent of court-house and jall, with ground appurtenant, at Yeddo, or such other place as shall be designated, \$3,850.

I think that after the word "place," in line 324, there should be inserted the words "in Japan," so as to confine this expenditure of money to the country to which it was evidently intended to refer.

Mr. ALLISON. There is no objection to that.

Mr. EDMUNDS. I move that amendment.

The amendment was agreed to.

Mr. EDMUNDS. And on the same point precisely, in the following paragraph, line 327, there is a similar appropriation:

For rent of buildings for legation and other purposes at Peking, or such other place as shall be designated, \$3,100.

I think after the word "place" there should be inserted "in China." I move that amendment.

Mr. EATON. I do not know that there is any objection whatever to that, except that we follow the custom of years in this matter. The estimates are so made, but I do not think there is any objection

to the amendment.

Mr. EDMUNDS. I did not doubt that the estimates were that way, but the Senate is not responsible for the estimates, and it is always better, I think, in legislation when we are appropriating money to confine its expenditure to what was evidently intended and properly intended to be its object. I should not wish to give the incoming Administration the opportunity to consider that "other place" allowed the renting of a building in the District of Columbia, or at Hong-Kong, (which is a British possession by the way,) or at Siam, or somewhere else if they happened to be a little short of the appropriation there and wanted to transfer this money. My only object is to make it secure. it secure

it secure.

Mr. EATON. I hardly suppose that even the incoming Administration would venture on anything of that kind.

Mr. EDMUNDS. I do not know; for they have precedents before 1861 that would warrant a very large diversion.

The amendment was agreed to.

Mr. CARPENTER. I move to amend on page 4, in line 82, by striking out the words "and Halifax" and inserting at the end of line 83 "and Halifax, \$4,000; "so that the provision will read:

For the consuls-general at Vienna, Frankfort, Rome, Constantinople, each \$3,000, \$15,000, and Halifax, \$4,000.

The Secretary of State has strongly recommended that the salary

The Secretary of State has strongly recommended that the salary of the officer at Halifax shall be increased to \$4,000.

Mr. EDMUNDS. Let us hear the recommendation.

Mr. CARPENTER. I have not got it in my pocket, but I have

Mr. BLAINE. There are very strong reasons for doing it.
Mr. CARPENTER. The commercial interests of this country are

Mr. CARPENTER. The commercial interests of this country are so great as to require this increase.

Mr. EATON. I hope that amendment will not be made.

Mr. EDMUNDS. Is it in order?

Mr. EATON. I do not raise any point of order, but I will simply say that the committee have investigated this matter thoroughly, and while I agree that the Department recommends the raising of the salary from \$2,000 to \$4,000 the committee reported that it could be properly placed with the other cases named in this paragraph at \$3,000. We see no reason to make that more than \$3,000.

Mr. CARPENTER. The amendment to be complete should be this: In line \$2 strike out the words "and Halifax" and the words

"\$15,000," and insert "and Halifax \$4,000, \$16,000 in all." That should be the amendment.

Mr. DAVIS, of West Virginia. The bill already increases the salary of the consul-general at Halifax \$1,000, and the effect of the amendment is to increase it \$2,000. Of course it is out of order if a point of order is raised, which I think I shall have to raise.

Mr. ALLISON. It does not seem to me that this can be out of

order if the statement made by the Senator in charge of the bill is

order if the statement made by the Senator in charge of the bill is correct.

The PRESIDING OFFICER. No point of order has been raised.

Mr. ALLISON. I know; but I only desired to see whether it could be made. As I understand now, this cossul-general at Halifax receives \$2,000 by existing law. The House of Representatives proposes to raise his salary to \$3,000, and that we find in the bill. It would certainly be competent for us to change it from \$3,000 to \$2,500 by an amendment; and if so, why is it not competent to increase it \$4,000?

Mr. EDMUNDS. Because the rule says you shall not increase a provision in the bill without the recommendation of the head of a Department and without its being referred to the committee, and so

Mr. ALLISON. But we have not only the recommendation of the head of the Department, but we have also that recommendation referred to the committee.

Mr. EDMUNDS. I want to hear the recommendation of the head

Mr. EDMUNDS. I want to hear the recommendation of the head of the Department read.

Mr. ALLISON. I know we have such a recommendation.

Mr. EDMUNDS. I should like to hear it.

Mr. CARPENTER. There is no way provided in which the fact how it is recommended by the Department shall be proven. I believe the recommendation is before the committee itself, and the chairman of the Committee on Foreign Relations is aware of it.

Mr. EATON. There is no doubt about that.

Mr. EDMUNDS. I should like to hear the recommendation read.

Mr. EDMUNDS. I should like to hear the recommendation read as evidence

Mr. EATON. It is in the estimates, and there is a letter from the

Secretary of State in regard to it.

Mr. EDMUNDS. Let us hear the letter read that we may know what the ground is for putting up that salary at an English naval station over all the others.

Mr. EATON. I will read the letter:

Mr. EATON. I will read the letter:

Department of State,
Washington, December 10, 1880.

Sir: On the 11th of June last the President, by and with the advice and consent of the Senate, appointed Mr. Mortimer M. Jackson to be consul-general at Halifax, with a jurisdiction embracing all of the eastern maritime provinces of the Dominion of Canada, and including the province of Newfoundland. The appointment so made raised the grade of the consular office at that post, and was conferred upon Judge-Jackson for his faithful and valuable services as consul at Halifax since 1861.

The jurisdiction and duties imposed by the appointment, in their relation to all the consulates and subordinate agencies in the maritime provinces, place the office in the same position as that now held by the consul-general at Montreal toward the consulates and subordinate offices in the other provinces of the Dominion. In addition to this, the consulate-general at Halifax is now charged with the preliminary examination into the recurring difficulties between the American fishing fleet and the local officers of the Dominion, and with the adjustment of the disputes arising on those vessels, and the subordinate officers in his jurisdiction refer to him for instructions in matters of ordinary administration. Apart, however, from the greatly increased duties and responsibilities imposed upon the consul-general, it is to be observed that the appointment of an officer of that grade has had the effect of drawing attention in the Dominion to the importance attached to the office at Halifax in its relation to questions concerning the fisheries. In connection with those questions Judge Jackson has rendered the most efficient service, and an adequate salary and outlit for the office suggest themselves as a recognition of his usefulness and fidelity, without regard to what is demanded by the enlarged jurisdiction intrusted to him. In the view of the Department, the appropriation for salary should be made so as to embrace the period since June 11, 1850, th spects.

I have the honor to be, sir, your obedient servant.

WM. M. EVARTS.

Hon. HENRY G. DAVIS, Chairman of the Committee on Appropriations, Senate.

The committee did not change their opinion at all. That letter was considered by them, and they are clearly of the opinion that \$3,000 at that point is all that is required.

Mr. CARPENTER. It is \$4,000 at Montreal.

Mr. CARPENTER. It is \$4,000 at Montreal.

Mr. EATON. There is more business at Montreal than in Halifax.

Mr. CARPENTER. The Secretary of State does not so certify.

Mr. EATON. The Secretary of State does not certify at all in regard to the business at Montreal, begging my friend's pardon.

Mr. BLAINE. The Senator from Vermont [Mr. EDMUNDS] remarked in his seat that the business at Montreal was tenfold larger than at Halifax. I presume the mercantile business, the bulk of it when you count it in dollars and cents, is much larger at Montreal; but I precount it in dollars and cents, is much larger at Montreal; but I presume there is no port in the world where as many American sail are dealt with by the consul as at Halifax, and I presume the duties of the American consul-general at Halifax are more onerous and exacting and tedious by far than those of the corresponding officer at Montreal. You cannot quite measure the compensation that a consul is entitled to by the amount of commercial transactions that may be involved at that port. At Montreal the duties are important. They are not half as engrossing and exacting as those of the consul-general at Halifax. I have no doubt that the recommendation is well and strongly based, and it ought to be responded to.

Mr. EDMUNDS. As the Senator from Maine has referred to the observation I made, and with entire propriety, for I made it, that the business at Montreal is tenfold that at Halifax, I wish to say that I think it is. The business of Montreal is different from that of Halifax in general. The business at Montreal is proper consular business, commercial affairs, and it is very heavy and very extensive. The commercial business at Halifax is almost nil. Occasionally when an American fisherman gets into trouble in respect of the fishing question in the northeastern waters the consul-general at Halifax is called upon to assert his rights and to protect his interests and to write the proper note to the proper Canadian official and to write to the Secretary of State a report of the circumstances. That is all true, but in respect of the labor and time necessary to the performance of his duties I repeat the observation that in my belief—and I think I know something about it—the work at Halifax is not one-tenth that at Montreal.

The PRESIDING OFFICER. The question is on the amendment

offered by the Senator from Wisconsin.

The amendment was rejected. Mr. LOGAN. I should like to inquire of the Senator if there is any probability of getting through with this bill to-day.

Mr. EATON. So far as I know, it cannot take but a very few minutes longer. I know of no more amendments to be proposed.

Mr. LOGAN. Ido not wish to interfere with it, but I was going to

ask for an executive session.

Mr. EATON. I do not know that there will be any more amendments.

Mr. LOGAN. Very well; I shall not interpose at present.

The amendments were ordered to be engressed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. LOGAN. Now, Mr. President— Mr. VOORHEES. I call for the regular order. Mr. WILLIAMS. Will the Senator from Indiana indulge me a moment? I rise for information.

ment? I rise for information.

Mr. CONKLING. Let the regular order be taken up.

Mr. DAVIS, of West Virginia. I wish to make a statement which will only take a moment. There is a joint resolution from the House appropriating \$2,500 for the expenses of an international sanitary conference which is now in session in this city, and as I understand from the Secretary of State, it is subject to daily expenses. The Committee on Appropriations reported it favorably; I think it will only take a few minutes, and though I do not wish to interfere with gentlemen, I beg my friend from Indiana to allow this to be taken up.

Mr. VOORHEES. There will be no objection to that.

Mr. VOORHEES. There will be no objection to that.
Mr. WILLIAMS. The Senator from Illinois [Mr. LOGAN] has the floor, I understand, and he has yielded to me a moment to make a motion, on condition that I will renew his motion to go into executive ssion.

Mr. DAVIS, of West Virginia. I think the Senator from Illinois

will allow this joint resolution at least to be read.

Mr. WILLIAMS. Let that be done after I have made my motion.

Mr. VOORHEES. I have a right to the floor to call for the regular order.

Mr. WILLIAMS. I think I have the floor.
Mr. VOORHEES. I want an understanding. Here the Senator
from Kentucky says he is to make a motion and then yield to the Senator from Illinois to make a motion for an executive session. ask that the regular order be taken up, and then I am ready to yield to the motion of the Senator from Illinois.

Mr. LOGAN. I have no objection to that.

Mr. VOORHEES. With that understanding I yield to the Senator from Kentucky to make his motion and the Senator from West Virginia to have his resolution passed, to which I presume there is no

objection.

Mr. DAVIS, of West Virginia. That is satisfactory.

Mr. EDMUNDS. I call for the regular order, Mr. President.

The PRESIDING OFFICER. The regular order will be laid before the Senate.

The CHIEF CLERK. A bill (S. No. 231) for the relief of Ben. Hol-

Mr. WILLIAMS. Now, Mr. President, I had a bill of very great importance in which I take very deep interest set as a special order for to-morrow; but I understand the Senate has resolved to adjourn,

when it does adjourn to-day, until Monday; and I ask to have that order continued to another day. It is a bill to pension the Mexican soldiers. I want the order extended so that the bill shall be the special order for Tuesday next.

Mr. EDMUNDS. I must insist on the regular order, Mr. President,

pure and simple.

pure and simple.

The PRESIDING OFFICER. The bill (S. No. 231) for the relief of Ben. Holladay is before the Senate as in Committee of the Whole. The pending question is on the amendment offered by the Senator from New York, [Mr. KERNAN.]

Mr. VOORHEES. On that the Senator from Indiana, [Mr. McDon-ALD,] my colleague, has the floor.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from New York, upon which the Senator from Indiana is entitled to the floor.

Mr. HARRIS. Mr. President, I appeal to the Senator from Indiana

Mr. HARRIS. Mr. President, I appeal to the Senator from Indiana and to the Senate to allow—

The PRESIDING OFFICER. The Chair has recognized the Senator from Indiana. Does he give way to the Senator from Tennessee?

Mr. HARRIS. Then I ask the Senator from Indiana to yield to me one moment only in order that I may ask the Senate and the Senator from Indiana to allow the unfinished business, the regular order, to be informally laid aside in order that the joint resolution mentioned by the Senator from West Virginia may be considered. It cannot take five minutes to dispose of that joint resolution.

Mr. EDMUNDS. I insist on the regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Indiana has the floor.

Mr. McDONALD. Mr. President—
Mr. LOGAN. The Senator from Indiana will yield to me to make a motion, I believe.

Mr. McDONALD. Yes, sir.
Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of

the Senator from Illinois.

Mr. DAVIS, of West Virginia. I hope that will be voted down.

Mr. McMILLAN. I ask the Senator from Illinois to withdraw that motion for a moment to permit me to introduce a bill, which I was

prevented from introducing this morning.

Mr. LOGAN. The Senator can do that before we get through, after the doors are closed. I insist upon my motion.

Mr. BUTLER. I trust the Senator from Illinois will not insist

npon his motion at present.

Mr. LOGAN. I shall insist on it.

Mr. DAVIS, of West Virginia. Then I trust the Senate will vote it

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The motion was agreed to; there being on a division-ayes 30, noes 16.

I move that the Senate do now adjourn.

Mr. EDMUNDS. The order of the Senate must be executed to clear the galleries and close the doors.

Mr. DAVIS, of West Virginia. A motion to adjourn is always in

Mr. CARPENTER. I rise to a point of order.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. CARPENTER. I rise to a point of order.
Mr. BECK. I rise to a privileged motion. I move to reconsider
the vote by which the Senate decided to go into executive session.
Mr. CARPENTER. I rise to a point of order, Mr. President.
The PRESIDING OFFICER. The Senator from Wisconsin will

Mr. CARPENTER. My point of order is this, that the Senate having ordered that it proceed to executive business, it is not in order to do anything else until that order is executed, the doors closed and the galleries cleared.

Mr. DAVIS, of West Virguia. The Chair has not announced that.
The PRESIDING OFFICER. The Chair has announced it and has directed the Sergeant-at-Arms to clear the galleries and close the

Mr. EDMUNDS. Why does not the Sergeant-at-Arms do it? Mr. DAVIS, of West Virginia. I did not hear the Chair announce it. The PRESIDING OFFICER. The Chair announced it very dis-

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened; and (at four o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 7, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Domer, D. D., of Washington, District of Columbia. The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BELFORD. I demand the regular order.

The SPEAKER. The regular order of business is the call of committees for reports of a private nature.

JAMES I. WADDELL.

Mr. KNOTT, from the Committee on the Judiciary, reported a bill (H. R. No. 6725) to remove the political disabilities of James I. Waddell; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES I. GRAVES.

Mr. KNOTT also, from the same committee, reported a bill (H. R. No. 6726) to remove the political disabilities of Charles I. Graves, of Georgia; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF JOHN E. BOULIGNY.

Mr. HAMMOND, of Georgia, from the Committee on the Judiciary, reported back, with an adverse recommendation, the petition of the widow and heirs of John E. Bouligny, in regard to lands granted by Congress; and the same was laid on the table, and the accompanying report ordered to be printed.

SETTLERS IN WIND RIVER VALLEY.

Mr. AINSLIE, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1779) for the relief of certain settlers in the Wind River Valley, Wyoming Territory; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PENSION BILLS.

Mr. UPSON, from the Committee on Invalid Pensions, reported back, with an adverse recommendation, the bill (H. R. No. 5309) granting a pension to Walter D. Plowden; and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. UPSON also, from the same committee, reported a bill (H. R. No. 6727) granting a pension to Anne R. Voorhees; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

printed.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (8. No. 562) granting an increase of pension to Thornton Smith; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. COFFROTH also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3812) granting a pension to Sarah Lupkin Merchant; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. COFFROTH also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 6278) granting a pension to John H. Weaver; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ordered to be printed.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported a bill (H. R. No. 6728) granting a pension to Allen G. Bernard; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOSTETLER, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2933) granting a pension to Cutler S. Dobbins; and the same was referred to the Committee of the Whole on the Private Calendar, and the accom-

panying report ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (8. No. 335) granting a pension to Simeon Crain; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. BURROWS, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 3555, a bill (H. R. No. 6729) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB CRAMER.

Mr. VOORHIS, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 283) for the relief of the heirs of Jacob Cramer; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees having been concluded, the Chair will now recognize gentlemen to make reports who were not in their seats when their committees were called.

ASSIMILATED RANK FOR SHIP-CARPENTERS.

Mr. BREWER, from the Committee on Naval Affairs, reported adversely upon a petition that the President of the United States be authorized to grant assimilated rank to naval officers of the United States known as ship-carpenters; which was laid upon the table, and the accompanying report ordered to be printed.

LEAVE OF ABSENCE FOR THE CHAPLAIN.

The SPEAKER. The Chair desires to ask leave of absence indefinitely for the Chaplain of the House, who has been called home by information that his wife is at the point of death.

There was no objection; and leave was accordingly granted.

AWARD OF HALIFAX FISHERY COMMISSION.

Mr. SPRINGER. I ask consent to submit at this time, for reference to the Committee on Foreign Affairs, a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That the Secretary of State be requested, if not incompatible with the public interest, to communicate to this House all information in the State Department not heretofore communicated to Congress in reference to the Halifax fishery award of \$5,500,000 paid by this Government to Great Britain, and especially relating to the alleged fictitious statistics and perjured testimony imposed upon the arbitrators, and upon which evidence the award was made; and also whether this Government has taken any steps to procure a verification of a recently published statement of Professor Henry Youle Hind on this subject.

There was no objection; and the resolution was referred to the Com-

mittee on Foreign Affairs.

Mr. NEWBERRY. I ask permission to make a statement touching the subject of this resolution just referred.

There was no objection.

Mr. NEWBERRY. Mr. Speaker, it is more than a year since my attention was called to the alleged fraudulent, false, fictitious, and the probably manufactured and forged testimony which was brought before the Halifax fisheries commission by the British officials who managed the case. Since that time many facts have come to my knowledge. Much information has been furnished that warrants me in calling the attention of this House and the country to the subject. in calling the attention of this House and the country to the subject. and which will justify me in alluding to it as a great international

By this false and fraudulent testimony this Government was most unjustly condemned to pay an award of \$5,500,000, which was de-

By this talse and traudulent testimony this Government was most unjustly condemned to pay an award of \$5,500,000, which was denounced by this Government and official notice given that this Government would not be bound in the future by its alleged findings. And very soon the important so-called evidence adduced before that tribunal will again be brought forward as true and as a basis to settle the rights of this Government and the people in the great fisheries question. It is fitting, therefore, that this resolution should be introduced, and by permission of the mover I make this statement and submit certain documents to be printed.

On July 4, 1871, the treaty between Great Britain and the United States was proclaimed. This treaty among other things provided for the settlement of the questions relating to the fisheries on the North Atlantic coast, &c. It gave United States fishermen the right to catch sea-fish on this coast, and all bays, harbors, &c., but not shell-fish, salmon, or shad. This limitation it is important to notice in view of the substance of the matter hereinafter referred to. This treaty provided for the appointment of three commissioners, one by Great Britain, one by the United States, the third conjointly by the two governments or by the King of Belgium. Hon Ensign H. Kellogg, appointed by the United States, Sir Alexander T. Galt, named by Her Britannic Majesty, and Monsieur Maurice Delfosse constituted the commission.

by the United States, Sir Alexander T. Galt, named by Her Britanine Majesty, and Monsieur Maurice Delfosse constituted the commission. The commission convened in Halifax June 15, 1877, and an alleged award was made by two of the commissioners November 23, 1877, a protest or disclaimer being attached by Commissioner Kellogg, awarding \$5,500,000 to be paid by the United States. This sum so awarded, although it was conceded by the British and claimed by American writers to be not binding upon either government because not manimous, was duly and promptly paid.

The history of the appointment of the third commissioner was such that it was looked upon with suspicion by the American people at

that it was looked upon with suspicion by the American people at the time of the appointment, or as soon as the facts in connection therewith were made known.

Time and again it is said the proposed selection of Mr. Delfosse was not assented to by the United States Government when proposed by England, and it was always considered that the efforts on the part of the British Government to procure his appointment, particularly after the United States had declined to consent, was in the greatest degree indelicate and suspicious, and not compatible with high national honor. The subsequent appointment of this same gentleman, notwithstanding the action of the United States Government, and the acceptance of the appointment by Mr. Delfosse, after it was well known that the United States Government had declined to consent to his appointment, was a still greater surprise; more particularly when the ground of that non-consent was substantially that it was feared he might have a preconceived bias, or a subjection to influences of one of the arbitrating parties.

Subsequent action tended strongly to show that the fears of the

American people were not groundless.

A high official of the British Government, the minister of justice of Canada, it is alleged, before the commission had organized, had declared in an official paper-

That the amount of compensation that we (i. e., the Canadians) would receive from our fisheries must be an amount unanimously agreed upon by the commissioners, and that therefore we must be willing to accept such compensation as the American commissioner would be willing to concede to us, or we should receive nothing.

And the London Times, July 6, 1877, while the commission was in session—a paper whose announcements are considered quasi-official said in relation to this commission in unqualified language:

On every point that comes before it for decision the unanimous consent of all its members is, by the terms of the treaty, necessary before an authoritative verdict can be given.

The American commissioner, when two commissioners proposed to make an award, raised the point at once that the commission had not the power to make an award except the same was made unanimously, and further and promptly attached his protest to the alleged award. As to other commissions established by the same treaty, it was provided expressly that an award could be made by a majority, while there was no such provision as to this Halifax commission.

Notwithstanding all this and much more this member of the com-mission, who was placed upon the board as heretofore suggested, has-tened to join hands, as it was suspected beforehand he possibly might, with the British commissioner; made the alleged award against the opinions of British writers that the award must be unanimous; decided by a mere majority the very initial, crucial point on which depended the legality of any action; decided it without giving the representatives and counsel of either government an opportunity to be heard upon it—indeed, as I am informed, without letting them know that they had even considered the point, or that such a question was involved.

Mr. REAGAN. I would inquire of the gentleman from Michigan [Mr. Newberray] if the facts to which he now refers ever came to the knowledge of our commissioner.

Mr. NEWBERRY. They never came to the knowledge of our com-

missioner, and were not made known until the whole proceedings were finished, and I think not until the award was paid. I have no knowledge that anybody connected with that commission ever knew any-thing about these facts save Professor Henry Youle Hind, who was appointed by both parties to thoroughly index the documents and testimony. I think it took him nearly a year, perhaps more, to complete his analytical index. And I will tell you how this matter came

In the papers presented to him by the British Government, unfor tunately for them, was a true statement of the official statistics, with interlineations in ink and in different handwritings, showing they had been manufactured and forged for this purpose. In a subsequent letter Professor Hind says that he has put this information

where it can be produced when wanted.

Mr. REAGAN. Then our Government had no knowledge of these

frauds before Congress voted the award. Mr. NEWBERRY. It had not.

Mr. REAGAN. One question more. How was it that the third commissioner was forced upon our commissioner without his con-

Mr. NEWBERRY. Not upon our commissioner.

Mr. REAGAN. I understood the statement of the gentleman to be that there was a British commissioner, an American commissioner, and that a third commissioner, or arbiter, if you choose to call him so, was forced upon our commissioner against his consent.

Mr. NEWBERRY. Oh, no; not that.

Mr. NEWBERRY. Oh, no; not that.
Mr. REAGAN. I misunderstood the gentleman, then.
Mr. NEWBERRY. The American Government appointed one commissioner, Mr. Kellogg, and the British Government appointed a commissioner, Sir A. T. Galt. By the treaty, if those two commissioners could not agree upon a third man, the King of Belgium was to appoint a third one. The British Government suggested that Mr. Delfosse be put on the commission, but our Government would not consent to that. I understand, but I do not know the fact, that when the time had nearly expired for the Belgium Government to appoint a third commissioner the United States Government finally consented to the placing of Mr. Delfosse upon the commission. That I understand is the history of the matter, of course unwritten, but well established by tradition. tablished by tradition.

Two days ago I had another document placed in my hand containing far more explicit and definite statements in regard to this false

and fraudulent testimony.

Mr. RICE. What is the date of that document?

Mr. NEWBERRY. It is dated November 23, 1880, or nearly two months ago. It seems incredible that such conclusive action should have been taken, such an extraordinarily hostile decision arrived at, on a question upon which hung not only the legality and propriety of their award, but which would very likely call in question, if not actually impugn, their personal and official honor, without referring it to the eminent and distinguished lawyers and jurists whom the two governments respectively had deputed to watch their interests and discuss disputed questions of law which might be raised before the commissioners. Add to this the extraordinary fact that this arbitration, commencing June 15, was continued almost continuously for four months and six days, and on Wednesday, at the close of a session on October 21, the final argument was ended, and the commission adjourned until Friday the 23d, over one day only, and at two o'clock on the 23d the president read what he was pleased to term an award, signed by himself and the British commissioners.

It is to be noted that there are three large volumes of one thousand pages each of testimony, statistics, and arguments, and yet these

reference are three large volumes of the todasate pages each of testimony, statistics, and arguments, and yet these two astute commissioners, hastily, giving no reasons, referring to no data, no evidence, deciding all questions against the United States, not even indicating that the United States could by any possibility have had or even presented any counter-claim, so far as appears, without even a meeting for consultation, made the alleged award for

It is with feelings of pride and patriotic satisfaction that I add

that the American people and the Congress of the United States paid this iniquitous, illegal award without a question.

It has been deemed necessary to make this statement as introductory of the momentous question which follows naturally and not unexpectedly from the foregoing statement of facts. It needed but what is to follow to round up and complete in its fullness this disgraceful and scandalous proceeding.

I charge that the privileges and the integrity of the proceedings of the House of Representatives of the Congress of the United States and of both the Executive and Legislative Departments of the Government have been most grossly invaded, in that—

ernment have been most grossly invaded, in that—
First. In order to procure the passage of an act of Congress appropriating \$5,500,000 to pay what was called the Halifax fishery award also and fraudulent testimony and statements and altered official documents were adduced and brought before said commission and this House, which will be found at large in volumes 18, 19, and 20, Executive Documents of the House of Representatives, second session of the Forty-fifth Congress.

Second. Such false and fraudulent statements, &c., consist of altered official public documents, tables, and statistics of the Canadian and British Governments, which were presented to the commissioners as part of the "Case," so called, of the British Government, and of the evidence to sustain such alleged "Case."

Third. That such alterations and falsifications were made designedly

and continuously by the authorized agents and officers of the British Government in presenting their case and evidence to said commis-sioners in order to corruptly influence said commissioners in their de-cision and the Congress of the United States in making the necessary

cision and the Congress of the United States in making the necessary appropriation to pay said award so corruptly obtained.

Fourth. That the false and fraudulent alterations and testimony were of such a nature as to materially and largely enhance the value of the privileges given to American fishermen, and at the same time materially diminish the advantages which would accrue to the Canadian Government and its inhabitants under the said treaty.

Fifth. That these false and fraudulent alterations and testimony were called to the attention of the agents and officials having charge of the preparation of the said "Case" of the British Government before they were presented to said commissioners, and said officials persisted in such false and fraudulent testimony after their admission of its falsity.

sisted in such false and fraudulent testimony after their admission of its falsity.

Sixth. That extraordinary precautions were taken by said agents and officials of the British Government to prevent the discovery of these fraudulent alterations and testimony by the United States officials, and success for the time being crowned their efforts.

Seventh. That proof of the existence of these extraordinary, false, fraudulent alterations of testimony was communicated to said Commissioner Delfosse and placed in his hands after said alleged award was made, to the end that he might, as substantially the arbitrator between the two nations, take such action as right, justice, and equity and such as the honor of the inculpated party might demand; that said Delfosse, in a letter, referring to this actual proof of false and fraudulent alterations of testimony, declined to take any action in the premises, but used the following remarkable language in reference to the same: ence to the same:

I have not in my possession here the documents which would be required to elucidate the points, which are not stated clearly and precisely in your letter, but it strikes me that the errors or alterations of figures, values, &c., in certain tables do not, as recorded in your letter, bear out the accusation of intentional and systematic fraud, for while some are errors by less, others are errors by morc.

It will here be seen that Mr. Delfosse does not dispute the allega-It will here be seen that Mr. Delfosse does not dispute the allegations of falsehood and alterations, but seeks to avoid their force by a weak attempt to discuss the weight and effect of the false evidence, and by the intimation that errors, being some "more" and some "less," correct each other. This is a characteristic remark and criticism, to be expected from one who accepted a place upon the commission after he had been objected to by the United States; but it shows more clearly than anything else could the baseless character of the award. His remarks prove that he was so fatally ignorant of the Case—the proof, the points involved—that it made no difference to him as an impartial index whether the testimony produced hefter him was true proof, the points involved—that it made no difference to him as an impartial judge whether the testimony produced before him was true or false. His reply proves that he did not understand or comprehend that the false and fraudulent alterations making amounts "less" and others making amounts "more" were each designedly made for the express purpose of belittling the advantages to the Canadians and enhancing the advantages to the United States.

Eighth. That the existence and proof of such false and fraudulent alterations and testimony was afterward communicated to said British Commissioner Galt, and he was asked in the following remarka-

ish Commissioner Galt, and he was asked in the following remarkaish Commissioner Galt, and he was asked in the following remarkable language to be addressed by one British official to another, each of whom were actors in the proceedings of said commission, "to press inquiry into the matter without fear or favor," "to initiate an open inquiry into this uncondoned offense, which, as it stands, is fraught with grave consequences to millions of your countrymen, and threatens to undermine the harmony and good relations which at present exist between the neighboring people of the United States and Canada."

Sir A. T. Galt was also cautioned that "Canada alone will suffer from the duplicity with which you have now been familiar since November, 1878." * " "She" (Canada) "has become the victim of nefarious work, which has a growing tendency to unsettle and im-

pair the peaceful relations between her people and those of her great pair the peaceful relations between her people and those of her great and powerful neighbor. The direct consequences which Canada has to fear, unless atonement be made—none knowing this better than yourself—lie in the direction of retaliatory measures, which may per-meate and disturb the industrial and political status of the country throughout many years to come."

Sir A. T. Galt peremptorily declined to take any steps toward this

monstrous wrong, and it is believed attempted to silence this great national scandal by the hand of power, as would seem to appear from the closing sentence of one of his letters hereafter referred to.

Ninth. That it is believed that proof can be produced that the

existence of these false and fraudulent alterations and testimony was communicated to the British Government in England, who also declined to atone for this great national wrong or to bring the perpe-Tenth. That the evidence of the truth of these charges is in existence ready to be produced.

The full history of these false and fraudulent alteration of statistics,

and public documents of the Dominion of Canada, and their discovery, and the attempts that have been made to have the same investigated and proven true or false by said Commissioner Delfosse, and subsequently by said Galt and the British Government, and their refusal so to do, are fully detailed in the following letters and

1. Open letter of Professor Henry Youle Hind, compiler of the index of the documents and proceedings of the Halifax fisheries commission, appointed and paid conjointly by the British and United States

This and following letters are part of the correspondence in relation to this matter:

WINDSOR, NOVA SCOTIA, March 27, 1880.

This and following letters are part of the correspondence in relation to this matter:

Windson, Nova Scotta, March 27, 1880.

Sir: I have the honor to inform you that I have received from Washington a copy of a resolution introduced into the United State Senate by the honorable Mr. Brains, which resolution was adopted. I gather that this intimation of inquiry is the natural outcome of the discoveries made by me during the discharge of the duties with which I had been jointly intrusted by the British and United States representatives during the late international contention at Halifax, and that the responsibility now rests with me to deliver proof of my allegations.

You have been directly made aware, through verbal and written communications extending over a period of sixteen months, that the result of the examination of the documents and proceedings of the Halifax commission, officially placed by the mutual consent of the litigants in my hands for analysis and indexing, resulted in the discovery of numerous and gross falsifications of the fishery records of the Dominion government, in quantities, in denominations, and in prices; also, in the adoption and use of these falsified statistics in a contention with the Government of the United States equally with great Britain in this matter, I have announced my intention of presenting myself at Washington when requested, to answer questious, and supply proof of the truthfulness of all my statements, and to circumscribe and limit, while time and opportunity permit, the inseparable evils which arise from dishonest dealing by one class of representatives in a peaceful contention between two foremost nations.

It is quite unnecessary for me to refer to the unwearied steps I have taken during the past two years to have the falsified statistics presented in the British "Case" and the use made of them, properly examined by competent authorities either in Canada or in England. I regret to say that I must attribute mainly to your influence the disregard of my warnings and av

Resolved, That the President be respectfully requested, if in his judgment not incompatible with the public interest, to communicate to the Senate any information in possession of the Government touching the alleged false statistics and fabricated testimony imposed upon the Halifax commission and used as the basis of their award in the matter of the fisheries.
 Report of the minister of finance on the reciprocity treaty with the United States, also the memorial of the Chamber of Commerce of Saint Paul, Minnesota, and report of Congress United States thereon. Quebec, 1862.
 Explorations in the interior of the Labrador peninsula, by Henry Youle Hind, M. A., &c. Longman's, London, 1863. Two volumes, octavo.
 The political and commercial importance of the fisheries of the Gulf of St. Lawrence, Labrador, and Newfoundland. Chap. XXXV. Explorations in Labrador, by Henry Youle Hind, M. A. Also in the British American magazine, No. 7, vol. II. November, 1863.

before you wrote the extraordinary paragraph above quoted, the exports of Nova Scotia amounted to about three millions of dollars, while the total value of the catch of Upper and Lower Canada reached only \$832,646. (P. 242-3, Vol. II.)

I venture now to ask you to bridge the gap between 1862 and 1877, turning your attention to the paragraphs numbered 1, 2, and 3 in the "Reply on behalf of Her Britannic Majesty's Government to the answer of the United States of America," in the late contention at Halifax. 'These paragraphs are thus introduced:

"The commissioners will readily perceive, on referring to the table appended to the 'Case'—

"1. That the increase of catch by British subjects consists principally of those kinds of fish which are not affected in any way whatever by the content of the second states of the second seco

attention to the paragraphs numbered 1. % and 3 in the "Reply on behalf of Her Britamic Majesty's Government to the answer of the United States of America," in the lato contention at Halifax.¹ These paragraphs are thus introduced:

"The commissioners will readily perceive, on referring to the table appended to the 'Case'—

"1. That the increase of catch by British subjects consists principally of those kinds of fish which are not affected in any way whatever by the remission of the United States customs duties under the treaty of Washington, trasmuch as fresh fish was admitted for ome time previously.

"2. That the cargragate annual value of fish caught by the British subjects increased in much greater ratio for the four years preceding the complete operation of the treaty than for succeeding years.

"3. That the value of the British catch in 1872—the year before the treaty took effect as regards customs duties—amounted to more than double that of 1869, while the value of 1875 was considerably less than that of 1873."

In order that you may 'readily perceive' "the effect of this table, I will take the last paragraph first, for when its bearings are pointed out the intentions of paragraph No. 2 will become manifers.

"Case." "The value of the British catch in 1872 amounted to more than double in the "Case." "The value of the British catch in 1873 amounted to more than double that of 1862. "The statement is true in so far as it concerns the figures given in the "Case." The statement is true in so far as it concerns the figures given in the "Case." The statement is true in so far as it concerns the figures given in the "Case." The statement is true in so far as it concerns the figures given in the "Case." The statement is true in so far as it concerns the figures given in the "Case." The statement is true in so far as it concerns the figures given in the "Case." The statement is true. In so far as it concerns the figures given in the "Case." The statement is true. The statement is the state of the state of the sta

work.

Paragraph No. 1 calls your attention to the fact that the table in the "Case" shows "that the increase of catch by British subjects consists principally of those kinds of fish which are not affected in any way whatever by the remission of the United States customs duties under the treaty of Washington, inamuch as fresh ish was admitted free of duty into the United States at the time of the treaty of Washington, and for some time previously." The attention of the commissioners is therefore especially called to the items "fresh fish" in the table in the "Case." Now there are only five enumerations of "fresh fish" in this table. These are:

Year.	Fresh.	Quantity.	Value.
1871 1874 1875 1874 1869	Fish used Sea-fish Sea-fish Herring Salmon	181 tons 2, 200 pounds 20 barrels 19, 341, number	\$146, 700 7,157 110 100 19, 341

These items are utterly insufficient for any comparison such as would require the attention of the commissioners, and they are thrown back upon those fish which are charged as fresh fish, such, for instance, as salmon in ice, haddock at six cents a pound, sea-trout at six cents a pound, halibut at six cents a pound, &c. By way of illustration let us take haddock. You are told in the table in the "Case," to which your attention is specially called, that in 1870 there were caught in the Dominion of Canada 1,747 barrels of haddock and 24,000 fish. This is a delusion. By reference to the fishery reports for 1870, (page 312.) you will find that 11,000 quintals of haddock were left out, and 11,000 quintals of haddock reduced to the form of "fresh fish" represents 3,300,000 pounds. You are told that there were

¹ Appendix D., p. 126, of the imperial Blue Book entitled "Correspondence respecting the Halifax fisheries commission," and Appendix D., p. 174, of the United States "Documents and proceedings of the Halifax commission."

² Videorrespondence respecting the presence of falsified statistics in the "Case" of Her Majesty's government presented at Halifax June 15, 1877.

caught in 1873, 1874, and 1875 the following quantities of haddock at six cents a pound:

Year,	Pounds.	Value.
1873	1, 892, 726 4, 104, 532 4, 695, 928 15, 073, 100	\$113, 563 56 246, 271 92 281, 755 68 904, 386 00

The table for 1876 was put in the "Case," and it professed to show that the 15,073,100 pounds of haddock was really a fish-catch worth \$904,386, whereas subsequent records show that it was chiefly marketed as cured fish at a price very much less than the official recorded price. Now, if you take the 11,000 quintals left out of the enumeration of 1870 and reduce it to the form of fish at six cents a pound, it will change the aspect of the haddock catch in 1870. These omissions and methods of charging alter legitimate conclusions. In 1877, when the "fresh fish" illusion was no longer necessary, the Canadian returns sink suddenly from 15,073,100 pounds, at six cents, in 1876, to 129,048 pounds in 1877, the remaining portion of the catch being recorded as hundred-weights, at \$3.50 per hundred-weight, or one and one-half cents a pound for green fish.

The haddock produce of 1876 and other years is shown to have been marketed in the West Indies, Brazil, Spain, &c., as cured fish, although the record of the catch appeared in the fishery report with a "fresh fish" price.

In a similar manner 127,320 boxes of smoked salmon falsely recorded as produced in 1874, and 57,880 boxes of smoked salmon in 1875 sink to one box in 1870 and one box in 1875 are inventions which disappear in succeeding years.

This illustration ought to afford you an insight into the real value of paragraph No. 1, to which your attention and that of the other arbitrators was especially directed in the "Reply." These three paragraphs in the "Reply" disclose a part of the use to which the falsified table in the "Case of Her Majesty's Government" was put in influencing the minds of the arbitrators, and one illustration of the method employed in defeating the argument of the United States agent by its use must suffice for the present.

The British "Reply" to the United States "Answer" says as follows:

"With regard to the statement in page 10 of the "Answer." that for a number of years past the value of the mackerel in Eritish waters by Canadian fisherme

Item:	1871.	1872.	1873.	1874.	1875.
Barrels of mackerel according to the "Case"	140, 305	119, 439	150, 404	161, 096	123, 654
to fishery reports and Mr. Tache! Total barrels caught, including Prince Edward Island.	240, 426	119, 859	160, 617	161, 793	123, 960
for the years 1871, 1872, and 18732.	260, 426	128, 985	160, 617	161, 793	123, 960

Mr. Tache's table, which is the correct enumeration, shows a marked decline in the products of the mackerel fishery. It is the same with regard to barrels of herring as recorded in the "Case." The comparison between the true statement as embodied in the fishery reports and the false statement as given in the table in the "Case" shows an opposite conclusion, namely, a decline in the herring catch for the years named.

Year.	Barrels of herring according to the Case.	Barrels of herring according to fish- ery returns.	Remarks.
1871	379, 824	379, 824	Not including Prince Edward Island.
	277, 958 ⁸	286, 958	Not including Prince Edward Island.
	307, 045	307, 045	Not including Prince Edward Island.
	398, 089 ⁴	298, 089	Including Prince Edward Island.
	300, 238	300, 258	Including Prince Edward Island.

¹ Mr. Tache, the deputy minister of agriculture, was deputed in 1876 by the then minister of marine and fisheries to prepare a series of tables from the fishery reports showing a true exhibit of the Canadian fisheries. This exhibit embraces twenty-two tables and was printed in 1876. A portion is reprinted in my papers (Part I, page 43, and Part II, page 55) prepared for the commission. Part I, containing the important portion of Mr. Tache's tables, was given by Mr. Ford, the British agent, to Mr. Foster, the United States agent, near the close of the proceedings; and thus Mr. Tache's paper became public property. In Mr. Tache's enumeration of the mackerel catch "cans of mackerel" are reduced to barrels. But the "cans of mackerel" at fifteen cents a pound, and seem to have relation to the subject of "fresh fish," noticed in Paragraph I.

² The catch of Prince Edward Island was not included in the enumeration of the mackerel catch in the "Case" for the years 1871, 1872, and 1873.

³ Nine thousand barrels are fraudulently abstracted from the official returns in this enumeration.

this enumeration.

4 One hundred thousand barrels are fraudulently added to the official returns in this enumeration.

When the falsified table in the "Case" and the statistics put in as evidence, and the ase made of them are contrasted with available testimony, as they will probably be during the inquiry, more startling illustrations of malfeasance will be revealed. It will be shown that the true table was rejected and the false table chosen.

No more searching and convincing argument of the effect of the falsified table in the "Case" can be found or can be created than the simply expressed conviction of its supposed merits, and the deductions drawn from those supposed merits, contained in the official report of Professor Spencer F. Baird, the United States Commissioner of Fisheries, to Mr. Secretary Evarts. Professor Baird says: "Accurate statistical information is the one essential foundation on which protective legislation must rest." The reference is in a foot-note.

The United States Commissioner of Fisheries accepted these statistics, which are identical with those given in the "Case" in good faith as records of government, and he generously commended them as stated in the foot-note. They were presented to the Dominion Parliament in 1878, and constitute the leading feature, specially referred to, of the fishery report for 1877.

Suppose that the United States Commissioner of Fisheries had found out during the sittings of the commission that these records of government were falsified throughout in quantities, denominations, and prices, what would have been the effect of paragraphs 1, 2, and 3 in the "Reply," to which your attention as arbitrator was especially directed!

I have given you a few illustrations of the use to which some of the immoral and illegal artifices introduced into the Reitigh "Case" were part in its management.

was especially directed?

I have given you a few illustrations of the use to which some of the immoral and illegal artifices introduced into the British "Case" were put in its management. It is unnecessary here to add more instances of so degrading an exhibition of diplomacy in an international contention. But for your prevailing influence, I cannot doubt that my proofs would have been readily received and examined at the foreign office in 1878.

Silence will affined us above.

doubt that my proofs would have been readily received and examined at the foreign office in 1878.

Silence will afford no shelter from the evils which the acceptance of these dishonest means for obtaining an end is certain to invite, but which might have been avoided if my efforts had been met with encouragement in place of repulse. Every facility and chance was offered you for creditably fulfilling this daty.

I deeply regret to be compelled to notice that there is a startling contrast between the parting words you are reported to have very recently used in relation to the United States in your farewell speech as "high commissioner for Canada in England" and the wise counsel Lord Dufferin kindly offered when he separated from the peeple he had governed so well.

His Lordship feelingly referred to the cordial relations it should be the highest endeavor of Canada to maintain with "the generous people of the United States," and he said:

"A nobler nation, a people more generous or hospitable does not exist."

You have recently delivered your opinion, as the representative of Canada, that British skill and labor "should not, from the want of proper encouragement, be permitted any longer to swell the ranks of a hostile, or, certainly, if not a hostile, at least of an unifriendly nation."

For can I gather any signs of accord between your successful endeavors to prevent me from laying before the foreign office in December, 1878, the matter of this letter and the memorable words addressed to me by those who subsequently aided in placing my efforts on record there: "Gold is a bust as compared with hooks?

I have the honor to be, your obedient servant,

HENRY YOULE HIND,

Compiler of the Analytical Index to the Documents of the Halifax Fisheries Commission.

Sir Alexander T. Galt, G. C. M. G., Lately Her Majesty's High Commissioner at the Halifax Fisheries Commission.

For the purpose of the present information of the House of Representatives I beg leave to read and comment on portions of the letters which I shall ask to be printed in full in the RECORD with these remarks, and as documents to go to the Committee on Foreign Affairs, to whom the resolution introduced by the gentleman from Illinois will be referred.

will be referred.

Mr. TOWNSHEND, of Illinois. Is this debate in order?

The SPEAKER. The gentleman from Michigan asked permission to address the House and no one objected.

Mr. TOWNSHEND, of Illinois. It appears to me that all these documents might be printed in the RECORD and the time of the House saved for other and important purposes.

Mr. SPRINGER. I do not think the time of the House could be taken up with any more important matter than this.

taken up with any more important matter than this.

Mr. NEWBERRY. I think that gentlemen will find this is a very important matter before it is done with.

In a letter dated March 20, 1880, Professor Hind says:

But if you are not misled you may rely upon me to place in your possession, for open use in a just cause, the most damning proof of long-premeditated and purchased fraud in the fisheries commission matters.

WINDSOR, NOVA SCOTIA, March 22, 1880.

DEAR SIE: In drawing your attention to the enormous discrepancies between the alleged value of the Dominion fish-catch, as given in the "Case," and the value of the imports, I am only repeating what Mr. Tache did in his memorandum. Mr. Tache called attention to the population. Compare the differences between 1869 and 1874, amounting to not far from seven millions of dollars. This fact alone points to some extraordinary measures taken to increase the apparent yield of 1874 and diminish the yield of 1869. I have a copy of the printed table the fishery officers were obliged to use in making their returns up to 1877. Since 1877 a great change has taken place in some items. These are among the numerous facts which require

1 "The minuteness with which this method is carried out is illustrated in report of Mr. Whiteher, commissioner of fisheries for the Dominion of Canada, which, for the year ending December 31, 1877, contains a series of very exhaustive tables showing in detail the results of the fisheries in every province of the Dominion. Too much cannot be said in commendation of the very thorough method in which the Canadian Government regulates and protects its fisheries. Accurate statistical information is the one essential foundation upon which protective legislation must rest."—Report of the United States Commissioner of Fisheries on the "Relations of the United States Fish Commission to the Halifax convention." Report for 1879, page 13.

examination. The Nova Scotia official returns before confederation show very large exports of mackerel, all the details being given. There are a great number of other dishonorable features apart from direct faisification, which I do not wish to trouble you with, as I hope, for the sake of honest dealing, there will be an inquiry. Very truly, yours,

HENRY Y. HIND.

Hon. JOHN S. NEWBERRY, Member of Congress, House of Representatives, Washington, United States.

WINDSOR, NOVA SCOTIA, January, 1880.

Windson, Nova Scotia, January, 1880.

Six: Two years have elapsed since I finished the Analytical Index of which the accompanying correspondence is an outcome. You will find it referred to in No. 63. The work was paid for by the Governments of Great Britain and the United States in equal portions. The documents handed to me were duly taken from the records of the commission by its Secretary, who was appointed under the treaty, and whose services were rewarded at the joint expense of both governments. By one of those extraordinary occurrences which do happen—it is not necessary to suggest under what guidance, for that is a matter of unobtrusive faith—the copy of the "Case of Her Majesty's Government" given to me by the Secretary turned out to be a proof copy of Her Majesty's agency at Halifax.

In this proof copy all the corrections made in Canada in the "Case of Her Majesty's Government" were either recorded in ink on the margin, or as erasures, or disclosed in consequence of their being printed on different paper and in a different type from the unaltered portions.

The proof copy contained also a duplicate sheet of the statistics referred to in the "Case" with corrections in writing.

The correspondence as a whole (a small part only being sent to you) discloses every step I took and which was taken by others in relation to this matter, as far as known to me, since the 15th of June, 1878, shortly after the discovery of the falsified statistics in the "Case."

This being an imperial matter, I went to England in November, 1878, for the express purpose of delivering the proof copy of the "Case" and the duplicate copy of the corrected table of statistics, (the only really important document,) with all other necessary papers, into the hands of the proper authorities at the foreign office, having previously described the extent and bearings of the falsifications in several communications, and given notice of my intention to bring to England the incriminating document.

No opportunity was permitted me to present this

beyond human foresight, and which changed silence and inaction into fresh endeavors.

As an outcome of this unforeseen event, I received a letter from one high in position and influence, which contained the following passage:

"MONEY IS DUST IN THE SCALE AS COMPARED WITH HONEST DEALING IN THE RELATIONS OF THE TWO COUNTRIES."

In consequence of this letter I remained in England, and after a short period measures were taken by those gifted with the will and endowed with the power to deliver into the hands of the proper authorities a formal remonstrating record of the whole matter.

Proper inquiry in England will probably reveal what followed. The correspondence inclosed speaks for itself, and for its publication I alone am responsible in thought, word, and deed. Apart from the fact which none can doubt that "money is dust in the scale as compared with honest dealing in the relations of the two countries," there has to be met all that is involved in the presentation of falsified records of government to the Imperial and to the Dominion Parliaments.

It is my earnest endeavor to be at all times an undoubting believer in the providence of God. As such it has been and still is my conviction that the will to do the things which this correspondence discloses, coupled with the delegated power to use them and enjoy their fruits, are utterly inconsistent with a general acknowledgment of our dependence as a great imperial nation upon that providence. They are equally irreconcilable with undoubted obligations (apart from any definitions by solemn treaty) to a kindred people, to whom the nation is linked in bonds of closest intimacy.

I must believe, too, that the subordinate issues of uncondoned dishonest dealing

are equally irreconcilable with undoubted obligations (apart from any definitions by solemn treaty) to a kindred people, to whom the nation is linked in bonds of closest intimacy.

I must believe, too, that the subordinate issues of uncondoned dishonest dealing, as far as relates to Canada, will in this, as in other matters of State, inevitably bear and ripen baneful fruit, if permitted among us.

Therefore, it remained for me, as an enforced custodian of a record of public fraud, to exercise my judgment as to the duty which this responsibility imposed. The correspondence will reveal the direction of thought and events which finally led me to submit these matters to the tribunal of English-speaking people.

More than four months ago, I announced to the proper authorities my intention to pursue the only course left for me to take, coupling the intimation with the words I now repeat:

"In such a matter the bright sunlight of public opinion is surer and better than the dark paths so frequently trodden in the practice of modern diplomacy, as the brief history I have been compelled to relate sufficiently proves.

"This course will anticipate by a very brief period the exposure which must occur, but it will beckon to the front, to be heard in self-defense, those whose tactics have been, of all things, best calculated to undermine and wreck the principles upon which the treaty of Washington is based, and to shake confidence in positions of public trust.

"I shall look for a just interpretation of the step I am about to take, from those who in singleness of heart 'love their country' and believing in the providence of God, strive to do His will."

I am living here in comparative isolation, without sufficient access to published exponents of different shades of opinion. Hence I shall regard it as a favor if those whose position and duty as leaders of cultured thought impel them to comment on this matter will be pleased to forward their criticisms here, in order that I may continue to take a well-informed part in the dis

For this is a very far-reaching question, which will test men's principles and try their souls. I submit it without fear to English-speaking people as to those who have courage to discuss that which relates to their honesty, and whose history shows that they possess the determination to insist upon the right in matters concerning the State.

Your obedient servant,

HENRY YOULE HIND,
Compiler of the Analytical Index to the documents
and proceedings of the Halifax Fisheries Commission.

¹These statistics will be found in the fifth supplement to the tenth annual report of the minister of marine and fisheries for the year 1877, pages 16 to 21 inclusive, presented to the Dominion Parliament on February 15, 1878. The table there given has the years 1876 and 1877 added, together with the fish catch for Ontario added to the series of years; otherwise it is identical with the table in the "Case of Her Majesty's Government."

² Vide speech of Lord Dufferin, at Toronto, September 24, 1878.

the United States Fish Commission to the Halifax convention." Report for 1879, page 13.

² Speech of Lord Dufferin at Toronto, on the 24th September, 1878.

³ 'That is the policy which I conceive to be embodied in the action of the government in sending a representative to England; and what that policy means I take to be this, that all desire British skill and labor should find a fair field for their exercise and development under the British Crown, and that they should not, from the want of proper encouragement, be permitted any longer to swell the ranks of a hostile, or, certainly, if not a hostile, at least of an unfriendly nation."

— Speech of Sir Alexander T. Galt, G. C. M. G., at a banquet given to him at Montreal, on March 24, 1880, on his appointment as high commissioner for Canada in England. (Montreal Gazette.)

Correspondence respecting the presence of falsified statistics in the "Case of Her Majesty's Government," presented at Halifax, June 15, 1877.

STEAMER PERUVIAN, November 23, 1878.

STEAMER PERUVIAN, November 23, 1878.

DEAR SIR: I gather from your manner and conversation during the voyage that you are unaware of the correspondence which has been going on since 15th June last in relation to the frauds in the statistics of the "Case of Her Majesty's Government" presented to the Halifax fishery commission, at which you officiated in a judicial capacity.

If, upon your arrival at the foreign office, you should then first be made aware of the discoveries made by me of falsifications and frauds in those statistics, and of the part I have taken in tracing them out, you might justly consider that, under the circumstances, I ought to have informed you of what was going on.

Therefore, I now beg leave to state to you that I am conveying to the foreign office the first printed copy of the statistics of the "Case," with corrections in writing, embodying proof beyond all doubt of the extent, approximate date, and apparent intent of the frauds therein perpetrated.

The table of statistics thus framed and submitted to you and your associates in your judicial capacity, having served its degraded purpose, was preserved uncorrected, and subsequently presented to the Imperial Parliament in the record of the proceedings of the Halifax fishery commission for the information of that august body.

It is reprinted in the United States congressional documents. It is also reprinted.

body.

It is reprinted in the United States congressional documents. It is also reprinted in a blue book at Ottawa, and although known to be false was presented to the Dominion Parliament for the information of that body and the governor-general. Being apprehensive that, when the fraud should be known, an outburst of taunt and indignation from the American people would be greatly detrimental to international relations, immediately after their discovery, in June last, I informed Sir A. J. Smith, subsequently the Marquis of Salisbury and then the Earl of Dufferin. I am bringing with me printed and written proof, from which there is no escape, that these frauds were conceived and perpetrated so early as the year 1875, or before

I have strongly urged on Sir A. J. Smith that they reflect on the honor of the mation, the dignity of Her Majesty's Government, and imperil the vast interests of the British North American fisheries.

I have the honor to be, your obedient servant,

HENRY Y. HIND.

SIT ALEXANDER GALT, G. C. M. G.

[No. 63 of said correspondence.]

WINDSOR, NOVA SCOTIA, September 2, 1879.

Windson, Nova Scotia, September 2, 1879.

Sir: I have the honor to request your excellency's attention to the inclosed copy of the statistical table in the "Case of Her Majesty's Government" presented to you at Halifax, Nova Scotia, on the 15th day of June, 1877, for your judgment as presiding arbitrator in the recent contention between Her Britannic Majesty's Government and the Government of the United States.

The corrections in ink on the face of this copy of the table, jointly with other sources of information, led me to the discovery of extensive fraudulent alterations of official records of government in the statistical data forming part of the "Case of Her Majesty's Government," and formally presented to you as a correct statement, in a contention with the United States for a pecuniary compensation.

The table now submitted for your scrutiny as president of the Halifax commission, and to the scrutiny of your colleagues, was placed in my hands, in a copy of the "Case of Her Majesty's Government," by the secretary of the commission.

These documents were officially given to me in compliance with the joint instructions of the agent of the United States and the agent of Her Majesty's Government, with the concurrence of the minister of marine and fisheries of the Dominion of Canada.

My instructions were to prepare a complete analytical index of the documents and proceedings of the commission, which index was printed in January, 1878.

Mr. Bergne was appointed by your excellency to the office of secretary of the commission, in accordance with the twenty-fifth article of the treaty of Washington. His expenses were paid by the two governments in equal moieties, by virtue of the same article of the treaty, and his duties were "to assist the commissioners in the transaction of the business which may come before them."

The corrections in writing on the face of the document officially given to me by the secretary of the commission, and now submitted for examination to yourself and your colleagues, point to the pro

CHAPTER I.—EXTENT AND VALUE OF CANADIAN FISHERIES.

fied table, and it remains as a consequence still in my possession, imposing the gravest responsibilities.

Your excellency will perceive that this misrepresenting document, coming officially from the secretary of the commission over which your excellency presided, implies a knowledge on the part of that gentleman of the origin and object of the corrections it carries on its face.

But it has a wider bearing. If your excellency will refer to page 111 of the Documents and Proceedings of the Halifax Commission, printed at Washington, you will find in the column of total quantities, opposite the words "mackerel, barrels," the number, 840,122; whereas in the imperial blue book, entitled Correspondence Respecting the Halifax Fisheries Commission, printed in London, the

addition of the same totals is given on page 78 as \$33,0923, which corresponds with one of the corrections in writing on the copy of the same table now submitted to the arbitrators through your excellency.

If this were a temporary matter, merely affecting a money compensation between individuals in a commercial transaction, I might be justified in leaving it as it now stands; but it concerns an arbitration between nations, which has to be renewed in one form or another within the short period of five years, and which was originally designed in good faith, by a solemn treaty, to avoid or lessen discord and disputes between the British American provinces and the United States.

It is therefore invested with an importance difficult to express in words, because falsified records of government wreck the most carnest attempts at international arbitration in matters leading to such disputes.

Your excellency is familiar with the troubles which for the past half century nave been associated with the North American fisheries, and it will not escape your notice how much the increase of ill-will and discord between neighboring peoples is likely to be enhanced—if explanations be not speedily made—upon the discovery that these frauds have been intentionally perpetrated in an international contention, for a money compensation arising out of those disputes.

That the frauds cannot escape discovery is evident, not only from their nature, but also from the circumstance that they consist of altered official records of government. These are easily accessible, and now form the only recognized official basis of economic and scientific inquiry on a subject of great international import. The ground I have taken in pressing for a thorough examination of the whole matter may be thus briefly stated:

Apart from the dishonorable and illegal nature of the transaction, the good relations and harmony of the United States and the British North American provinces should not be placed in jeopardy by the unlawful acts of two or three individua

made.

The tenor of this letter will be communicated to Sir A. T. Galt and the Hon. Ensign Kellogg, your excellency's co-arbit ators in the contention.

I have already informed the Marquis of Salisbury of the nature of the step left for me to take in the disposal of this document.

I have the honor to be, your excellency's obedient servant,

HENRY YOULE HIND.

His excellency Monsieur Maurice Delfosse.

President of the Halifax Fishery Commission.

[No. 64.]

BELGIAN CONSULATE AT NEW YORK.

Belgian Consulate at New York.

I certify that Professor Henry Youle Hind presented to me a printed document, being appendix to the "Case of Her Majesty's Government," designated A of the fishery commission under the treaty of Washington of May 8, 1871, 3078, left corner on top, 101 left corner below, and one sheet of paper folded in two and printed on three sides, the first side containing six alterations in ink; and the said professor also presented to me a letter, which he says was written by him, requesting me to inclose said appendix and said letter to Mr. Maurice Delfosse, minister plenipotentiary of the King of Belgium at Washington, and lately president of the Halifax fishery commission; which request I complied with, and will forward said appendix and said letter in one envelope to Mr. Delfosse, at the address in Paris left to me by said Mr. Delfosse.

New York, September 12, 1879.

The Consul of Belgium.

[Seal Belgian consulate.]

The Consul of Belgium, CHARLES MALI.

[No. 65.]

WINDSOR, Nova Scotia, September 20, 1879.

Sir: I have the honor to inform you that on the 2d of the present month I transmitted to the Marquis of Salisbury a categorical risumé of the reasons which have constrained me to return to the custody of the president of the Halifax fisheries commission a certain document, taken from the records of the commission and officially given to me, which bears upon its face proofs of premeditated frauds in the alteration of records of the Canadian Government, of their use in a contention with the United States for a money compensation, and which also points to promoters and patrons of these frauds.

On the 12th instant I placed this document in the hands of Mr. Charles Mali, Belgian consul in New York, for transmission to his excellency M. Maurice Delfosse. It is the same I was conveying to England in November, 1878, for the scrutiny of the Marquis of Salisbury, as secretary of State for foreign affairs, from which department the document emanated and which it also intimately concerns. I have received from Mr. Mali a consular certificate of his reception of the document, and of his compliance with my request to transmit it, with an accompanying explanatory letter, in one envelope, to his excellency M. Delfosse, minister plenipotentiary of the King of the Belgians, and lately president of the Halifax fisheries commission.

I have informed his excellency of the bearing of the document thus transmitted to him enveloped to the first order.

explanatory letter, in one envelope, to his excellency At Denosee, minister plenties commission.

I have informed his excellency of the bearing of the document thus transmitted to him, and of the fruitless efforts made to secure an examination of the corrections in ink it carries on its face; also, of certain relations which Mr. J. H. G. Bergne, of the foreign office, holds to this document, in his joint capacity as secretary to the Majesty's agency at Halifax and secretary of the Halifax fisheries commission. The reasons why this document is imperatively restored to the custody of M. Delfosse, for the joint scrutiny and judgment of the several arbitrators appointed under the treaty of Washington, or their representatives, are succinctly stated in the letter I have addressed to his excellency.

It will be within your recollection, that when on board the steamer Peruvian I delivered to you a letter on the 23d November, 1878, describing the object of my voyage to England and its relations to yourself as one of the arbitrators of the Halifax fishery commission.

It is obviously unnecessary for me to enter into further particulars respecting past proceedings in this matter, because you are already familiar with all that took place during your stay in England in November and December, 1878; and you have subsequently been in a position to inform yourself of whatever may have occurred there, in connection with this subject, up to the date of my last communication to the Marquis of Salisbury.

Since it is not probable that any intimation of the reference to yourself in that communication could have reached you before leaving England, it is proper for me

to mention that, considering the circumstances under which you acted as one of the arbitrators at Halifax, considering the tenor of myletter of the 23d November, 1878, and the evil consequences to Canada inseparable from malfeasance in the proceedings of certain members of the commission to which that letter referred, I have affirmed the belief that you were bound in duty and conscience to insist upon the reception and examination of the proffered proofs of international frands in the reception and examination of the proffered proofs of international frands in the of an international tribunal.

What becomes of the principle upon which international arbitration or arbitration of any kind is based, if the assumption I have made be not correct? What becomes of the principle upon which international arbitration or arbitration in accordance with justice and equity?

What becomes of the principle upon which international arbitration or arbitration in accordance with justice and equity?

What becomes of the principle upon which international arbitration or any kind is based, if the assumption I have made be not correct? What becomes of the proofs established to the constraint of the purpose stated does not in any way disarra me or in the slightest degree impair the force of accessible proofs establishing a certain relation between the British agency at Halifax and the preservation and use of fraudulent statistics in the "Case of Her Majexty Soverment" presented to you for judgment "according to justice and "according to justice and "according to justice and control of the British Case.

The force, iterally this presented to you for judgment "according to justice and proceedings of the Haliax Commission," are actually made to differ in one and the british Case.

Therefore, literally this thing has been done, in addition to the impanting and use of falsified official records in the "Case of Her Majexty's Government," presented to the commission, are actually made to differ in one and the haliax Commission, are actually

Sir A. T. Galt, G. C. M. G., British Commissioner at the Halifax Fisheries Commission, Montreal.

[No. 66.]

NEW YORK, September 26, 1879.

NEW YORK, September 26, 1879.

Sir: I beg to acknowledge the receipt of your letter of the 20th instant.

Neither in your letter of 23d November nor in your present communication have you stated what was the precise nature of your charge against Mr. Ford and Mr. Bergne. But from my knowledge of these gentlemen, I am convinced they are utterly incapable of any act derogatory to their character as men of honor, and I am quite sure that any investigation that may be made into their conduct before the commission will entirely exonerate them.

On the occasion of your delivering to me your letter of 23d November, I stated to you that my connection with the subject had ended with the rendering of the award. I again repeat this, and decline assuming any authority or responsibility which I do not possess.

I am, sir, your obedient servant,

A. T. GALT.

H. Y. HIND, Esq., Windsor, N. S.

WINDSOR, NOVA SCOTIA, October 6, 1879.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th ultimo, and to thank you for a prompt reply to my communication.

The tenor of your statement places me under the obligation to refer to details which ought to be unnecessary, considering the opportunities long within your reach for obtaining full information on the subject.

My letters of November 23, 1878, and September 20, 1879, directed attention in the most positive manner to the presence and use of grossly fraudulent statistics in

the "Case of Her Majesty's Government," submitted to your judgment at Halifax. This was a distinct charge, and concerned the Government of the United States, together with Her Majesty's Government. Who the perpetrators were was a secondary consideration, and concerned Her Majesty's Government only.

Hence, to raise a seeming objection that I have not made any precise charge against Mr. Ford or Mr. Bergne is to advance a side issue, which leaves the main feature in the background.

You cannot believe that the character of the nation is sinking to the degree which would tolerate fraud, by whomsoever committed, in a contention whose first principles are proclaimed to be those of justice and equity?

Your chief personal interest in the inquiry relates to the evil consequences likely to result to Canada from malfeasance in the premises upon which you had to adjudicate, irrespective of the perpetrators, and this is a responsibility which I believe rests with you.

I shall not shrink from the task, when duly demanded, of furnishing an exact definition of the position in which Mr. Ford has placed himself as Her Majesty's agent before the Halifax commission, or Mr. Bergne as secretary to Her Majesty's agency at Halifax, and subsequently, but jointly with that office, as secretary of the Halifax commission.

The definition will be based on the documents to which your attention was called on the 23d November, 1878, in the following words:

"I am bringing with me printed and written proof, from which there is no escape, that these frauds were conceived and perpetrated so early as the year 1875, or before."

I observe that you make no attempt whatever to dispute the nature or bearing of the fraudulent details wormed into the statistics of the "Case" upon which you had to adjudicate, but confine yourself virtually and inferentially to the opinion that Mr. Ford and Mr. Bergne were unconscious of their presence.

Notwithstanding your refusal last November, and its repetition at the present time, to take part in or insist upon

An announcement so inconsistent with a refusal to examine evidence declared toprove the contrary, as stated in a subsequent paragraph, suggests a strained conception of honor, greatly at variance with generally received opinions of that virtue, because questioned honor challenges proof, but conduct open to mistrust fears it.

Mr. Ford and Mr. Bergne have been aware of the statements I have made since July, 1678, and you know that the matter has been discussed at the foreign office, which was fenced against the vidence I had to offer.

I must carnestly protest against the closing paragraph of your letter, for it appears to me impossible to shake off responsibility for consequences to the State which might have been averted by timely and decisive action.

To decline assuming responsibility in a grave emergency, imperiling the honor of your country and the interests of millions of your countrymen, is to yield obedience to the biddings of fidelity or disloyalty with equal mind.

With like indifference or self-regard I might have smothered the promptings of Knowledge which had been made, perhaps exclusively, my own. I might have treated its acquisition as casual or providential, according to the bent which defines it, and, passively conspiring, have permitted the evil coasequences such knowledge forbodes to be secretly worked out on the indefensiole ground that their creation and nurture was no affair of mine.

But in either case I should have been a consenting witness to the perpetration of crime, and to the sowing of seeds of mischief to public interests and of suffering to large communities.

As a silent looker-on I should have carried the consciousness that upon discovery of this turpitude there would arise among its consequences, unless atonement be previously proffered, the wrecking of the principles and purposes of the treaty of Washington; the shaking of faith in good government; the certainty that there would seed not such as a subject of the major and proposes of the treaty of Washington; the shaking of fa

Sir A. T. GALT, G. C. M. G., Lately British Commissioner, Halifax Fisheries Commission.

[No. 68.]

MONTREAL, October 11, 1879.

MONTREAL, October 11, 1879.

SIR: I beg to acknowledge your letter of 6th instance.

After my distinct statement in writing that I would not discuss the subject of your previous letter, you cannot expect me to depart from that decision.

There is, however, one allegation in your present letter which I desire to correct. You assert that I took "highly important action" on the subject at an interview with the Marquis of Salisbury, in December, 1878. I did nothing of the kind; but only tried to do you a friendly service in preventing your objects as a scientific mambeing injured through what I considered were your absurd charges against Mr. Ford.

I do not wish to be discourteous, but correspondence on this subject must now be at an end.

I am, sir, your obedient servant,

A. T. GALT.

HENRY YOULE HIND, Esq., Windsor.

INo. 69.1

GIVERNY, DEPARTMENT EURE, FRANCE, October 19, 1879.

Sir: I have the honor to acknowledge the receipt of your letter of September 2, (forwarded to me here.) with the table inclosed referring to the decision of the late fishery commission of Halifax.

I have not in my possession here the documents which would be required to elucidate the points which are not stated clearly and precisely in your letter, but it strikes me that the errors or alterations of figures, values, &c., in certain tables do not, as recorded in your letter, bear out the accusation of intentional and systematic fraud; for, while some are errors by less, others are errors by more as well.

well.

The "Cases" presented by either government, however, are distinct from the evidence, and could not alter nor impair the value and weight of such evidence as heard before the commission.

The powers of the commission, however, being at an end, I can only receive your letter as intended to convey information concerning the communication addressed by you to the governments interested. It will be for them to appreciate this matter and decide as they think fit.

I keep at your disposal the document which was inclosed in your letter.

I am, sir, your obedient servant,

MAURICE DELFOSSE.

P. S.-I shall be back to Washington, I expect, in a few weeks.

INo. 70.1

WINDSOR, NOVA SCOTIA, November 10, 1879.

SIR: I have the honor to acknowledge the receipt of your favor of the 11th Oc-

tober.

I have delayed my reply waiting for an answer from Mons. M. Delfosse. That answer I have just received. His excellency totally misunderstands my letter, and, neglecting the object for which it was sent, closes his own with the remark:

"I keep at your disposal the document which was inclosed in your letter."
His excellency's arithmetic is so bewildering that I have not attempted to respond. As to his remarks on the effect of evidence—which has nothing to do with the matter under review—the evidence of angels would not have effaced the brand which marks the presence of falsified records of Government in the Imperial "Case," or wiped away the stain it leaves, or averted some of the evil influences it imparts

which marks the presence of falsified records of Government in the Imperial "Case," or wiped away the stain it leaves, or averted some of the evil influences it imparts.

I have written to his excellency, requesting him to be so good as to return to me the document he has placed at my disposal. By the time this letter reaches you I shall be once again the sole custodian of the proofs of my "charges," and shall know what to do with them.

This communication will be long and decisive, because, according to your dictum, it must be final. To abbreviate it, I have referred to earlier letters by numbers in brackets. The number of this letter is 70, being the seventieth in the series relating to the falsifications in the "Case of Her Majesty's Government," and dating from June 15, 1878, five months before the award was paid.

I do not desire to say anything that may look like a neglect of courtesy, or appear to show a want of respect or feeling, but I am compelled by the gravity of the subject and the turn it has taken to make my reply cover details which can only be referred to with profound regret.

Therefore I ask such indulgence as you can give, in consideration of the position in which your refusal to move in this matter places me, being mindful of what has already been said and done.

I have first to show that my charges were very far, indeed, from being "absurd," and if in so doing illusions are dispelled, you cannot have any cause whatever to accuse me of harshness or insensibility should such illusions seem to have been cherished after the manner of those who cry "peace, when there is no peace."

Subsequently, it will be my duty to revert to your letter of the 11th October.

I will be my endeavor to arrange the argument now to be presented under three periods:

Second period—During the sittings of the commission, (June 15, 1977, to November 23, 1877.)

Third period—Subsequent to the award being declared (Novembers time.)

FIRST PERIOD-BEFORE THE PRESENTATION OF THE "CASE."

(August 25, 1875, to June 15, 1877.)

If you will be so good as to place any one of the seven editions of the table in the "Case," upon which chapter 1 is based, before you, and glance at the details I now point out, there will be conveyed to you certain impressions which cannot be resisted by any one, even in a small degree conversant with the Canadian fisheries and the Canadian fish markets.

THE MINOR FALSIFICATIONS APPARENT ON THE FACE OF THE TABLE IN THE "CASE.

Roughly dividing the annual values of the items named below by the annual quantities given in the table in the "Case," it appears, according to this document, that—

quantities given in the table in the "Case," it appears, according to this document, that—

1. A box of smoked herrings varied in average price, during the years 1869 to 1875, from 143 cents a box to \$1.52 a box.

2. A pound of mackerel varied in average price during the same period, from 12 to 15 cents a pound,

3. Haddock varied from 6 to 12 cents a pound.

4. The yield of haddock, as given in pounds, varied from 75,000 pounds in 1871 to 4,693,928 pounds in 1875.

5. Boxes of smoked salmon varied from 15 cents to 25 cents a box.

6. The "yield" of smoked salmon in boxes varied from 540 boxes in 1871 to 137,320 boxes in 1874, sinking in value to 15 cents a box in 1874 and 1875.

7. Berrels of "mixed fish" varied from 93 cents a barrel to \$5 a barrel.

8. Eels varied in price from \$8 to \$17.88 a barrel.

9. Shad varied from \$3 a barrel to \$8.54 a barrel.

10. "Finnan haddies," or smoked haddock, cost in 1871 \$20 a barrel.

These are "facts" deduced from the details on the face of the table presented to you on the 15th of June, 1877. They require no evidence, no reference; they appeal for their truthfulness or falsity to common sense, and they are the only interpretations possible of the items as they are presented. They are among the details upon which chapter 1 in the "Case" is based, and are submitted with that chapter in proof of the statements it embodies.

Whether common sense vouches for the truthfulness of these items will soon appear.

Is the smoked herring market in Canada so unstable that while the average price

appear.

Is the smoked herring market in Canada so unstable that while the average price per box was \$1.52 in 1870, it fell to less than 15 cents in 1871—a fall of a thousand per cent. in one year?

Is any class or variety of mackerel, taken in Canadian waters, so valuable a fish that its average price was 12 cents a pound in 1872 and 15 cents a pound in 1871, 4873, 1874, and 1875?

Is "smoked salmon" so abundant in the market that the average price of 125,785 boxes was 17 cents (nearly) a box in 1873, and the average price of 137,320 boxes fell to 15 cents each in 1874?

Are barrels of "mixed fish" so variable in value that the annual yield was worth, on an average, 32 cents a barrel in 1871, and \$4 a barrel in 1869, 1870, 1872, and 1873; rising to \$5 a barrel in 1874 and 1875?

When and where, in Canada, were finnan haddies sold at \$20 a barrel?

Did the take of oysters spring suddenly from 600 barrels in 1869 to 42,000 barrels in 1870?

Did the take of oysters spring saddenly from 600 barrels in 1860 to 42,000 barrels in 1870?

I submit that these illustrations of the condition of the table upon which chapter 1 is based were sufficient to stimulate inquiry in the mind of any one whose attention had been officially directed to the subject of the Canadian fisheries and documents relating to them for many months in the necessary preparation and study of details for use in a great international arbitration.

It was more than sufficient to stimulate inquiry in the mind of a responsible agent, in whose hands a great trust had been placed for the benefit of a numerons people, whose material interests depended in a great measure upon that trust being guarded in a manly and upright manner.

But what is the interpretation of the appearance of these items in an official document of the greatest importance? In order to answer this question we must refer to No. 30 of the "documents filed with the secretary of the commission in support of the 'Case,'" namely, the "Canadian fishery reports for the last ten years."

These can be examined separately or as they are embodied in the "Sessional

document of the greatest importance? In order to answer this question we must refer to No. 30 of the "documents filed with the secretary of the commission in support of the 'Case,'" namely, the "Canadian fishery reports for the last ten years."

These can be examined separately or as they are embodied in the "Sessional Papers" of the Dominion Parliament.

The Sessional Papers contain all the material necessary for a full comparison of the table in the "Case" and the authorities from which the statements on its face are alleged to be taken.

They embrace the fishery reports, and on pages 16 to 21 of supplement No. 5 to the Teuth Annual Report of the minister of marine and fisheries (1877) the table of the "Case" is given in full, with the cutch for Ontario and the catch for the years 1876 and 1877 added.

The details for Nova Scotia, New Brunswick, and Quebec for the years 1889 to 1875, inclusive, there shown, are an exact transcript of the table given in the "Case," with this exception, namely, thesum total of the catch of mackerel from 1869 to 1875 is correct in supplement No. 5, according to the items there given; but it was not corrected in the copy from which the United States reprint is taken, as will be subsequently shown, and this copy must have been identical with the copy of the "Case" presented to the arbitrators.

There is probably no responsible officer in the Dominion more thoroughly familiar with the annual official documents called "Sessional Papers" than yourself. The constant necessity for consulting these documents, involved by the various official positions you have held since your first election to Parliament, thirty years ago, has made you master of their arrangement from time to time, so that the reference, which is difficult to many, is easy to you. Hence it will be needless for me to particularize with greater detail than to state the date of the Sessional Paper, when substantiating any statement, in case you have not the separately printed fishery reports at hand.

Both Mr. Ford and Mr.

INTERPRETATION OF THE ITEMS REFERRED TO

Socia and New Brunswick are not given in the years 1869 and 1871.

INTERPRETATION OF THE ITEMS REFERRED TO.

1. The item "smoked herrings." Referring to the departmental fishery report for 1870, (Sessional Paper No. 5, anno 1871, page 302.) we find that, in order to obtain the value given in the "Case" for that year, viz. \$112,327.25, the 60,200 boxes of herring from New Brunswick must have been charged in the "Case" at the rate of \$1.70 a box. In 1871, we discover, in the same manner, that 10,300 boxes of smoked herrings from Nova Scotia were charged in the "Case" about 10½ cents a box; from which it appears that smoked herrings were worth, according to the table in the "Case," \$1.70 a box in New Brunswick in 1870; 10½ cents a box in Nova Scotia in 1871.

2. The item "pounds of mackerel." "Pounds of mackerel "are returned for one year only in the fishery reports, namely, 1871. In all the other years of the table the item "pounds of mackerel." should read "cans of mackerel." The returns for Nova Scotia are correctly given as "cans of mackerel." The returns for Nova Scotia are correctly given as "cans of mackerel." The returns for Nova Scotia are correctly given as "cans of mackerel." The returns for Nova Scotia are correctly given as "cans of mackerel." The returns for Nova Scotia are correctly given as "cans of mackerel." The paparent reason for this change may be noticed further on.

3. The item "haddock, pounds." Reference to the fishery reports shows that 75,000 pounds of haddock and 40,000 pounds of haddock, as given in the table in the "Case," should read 75,000 fish and 40,000 fish. Hence 75,000 fish are charged at the rate of six cents a fish, being a singular contrast with the same species "smoked," which is introduced as "finnan haddies," worth \$20 a barrel. In the fishery reports the same quantity is enumerated under the denomination of "hundred-weight."

4. The item "salmon, (smoked.)" Reference to the fishery reports reveals the fact that, for "boxes of smoked salmon," the arbitrators should have r

dies," &c.? These minor falsifications appear to have been introduced for the purpose of concealing the major falsifications which follow.

THE MAJOR FALSIFICATIONS WHICH ARE NOT APPARENT ON THE FACE OF THE TABLE IN THE "CASE."

In order to understand the bearing of the falsifications which are now about to be enumerated, it is necessary to remind you that special attention was given in the text of the "Case" to the pursuit by the Americans of two species of fish, namely, mackerel and herring.

We read in the "Case" as follows:

"In recapitulation of the above it is estimated that each United States fishing-vessel will, on a moderate computation, take within British Canadian waters three thousand six hundred dollars' worth of mackerel and two thousand dollars' worth of other fish, or a total of five thousand six hundred dollars worth ofish of all kinds as an average for each trip." (Correspondence Respecting the Halifax Fisheries Commission, page 64; Record of the Proceedings of the Halifax Fisheries Commission, page 66.)

The quantity of herrings taken by American fishing-vessels within British Canadian waters are estimated at 300 for each trip "during the intervals of mackereling." (Ibid., pages 64 and 66.)

The item "barrels of mackerel." When we compare the enumeration of the annual quantities and values of the mackerel catch, the produce of Canadian fisheries, given in the table of the "Case," with the enumeration in the fishery reports, from which the details are alleged to be taken, we find that the year 1869 falls 2,000 barrels short in the "Case," amounting in value, at \$10 a barrel, to \$1,020,300.

This quantity, namely, 102,030 barrels of mackerel, was docked from the official returns in formulating the table in the "Case," upon which chapter 1 is made to depend. But evidently the spollation was not done at one time; it extended over two periods, and the proof of this is contained on the face of the document.

One hundred thousand barrels of mackerel were first taken from the official returns of the year 1871, and then the total Dominion catch of mackerel, having a value of \$8,937,676.

This total is reprinted in the "Documents and Proceedings of the Halifax Commission," published at Washington; it occurs consequently, in th

value of \$8,937,676.

This total is reprinted in the "Documents and Proceedings of the Halifax Commission," published at Washington: it occurs, consequently, in the "Case," as presented to the arbitrators; but in the imperial blue book, entitled "Correspondence Respecting the Halifax Fisheries Commission," and in the imperial "Record of the Proceedings of the Halifax Fisheries Commission," the total number given is different. In these imperial documents you will find the total quantity of mackerel caught in Dominion waters is stated to have been \$38,092\frac{1}{2}\$ barrels. (Pp. 78 and 80.)

The comparison between the United States record and the British record of the same proceedings stands thus:

United States record, barrels of mackerel. British record, barrels of mackerel.	840, 122½ 838, 092½
Difference, barrels	2,030

Item.	Year.	Quantity.	Value.	Average price per barrel.
Mackerel in barrels	1869 1870 1871	51, 011 92, 183 140, 305	\$530, 110 1, 092, 638 1, 349, 682	\$10, 392072 11, 8529 9, 6196
Total		283, 499	2, 972, 430	

The "Case" should say, according to Hon. Peter Mitchell's table and the Fishery Report for 1869:

Item.	Year.	Quantity.	Value.	Average price per barrel.
Mackerel in barrels Mackerel in barrels	1869 1870	53, 011 92, 213	\$530, 110 1, 099, 202	\$10. Nova Scotia, \$12; Quebec, \$10; New
Mackerel in barrels	1871	240, 3051	2, 869, 3552	Brunswick, \$12. Nova Scotia, \$12; Quebec, \$10; New Brunswick, \$12.
Total		385, 529	4, 498, 667	

Showing a difference in these three years—1869, 1870, and 1871—between the statements in the "Case" and the revised official reports of 102,030 barrels of mackerel and a value of \$1,526,237.

The item "barrels of herring." Reference to the fishery reports shows falsifica-

tions as gross in the enumeration of the catch of this fish as those pointed out with

regard to mackeren.	Barrels.	
In 1872 the "Case" gives.	277, 958	
Difference	9, 000	less in the "Case."
In 1874 the "Case" gives The official reports		
	STATE STATE	2 12 1/2 1

Adding plus and minus quantities together, we find 91,000 barrels of herring more in the "Case" than in the official reports.

Adding plus and minus quantities together, we find 91,000 barrels of herring more in the "Case" than in the official reports.

DID MR. FORD KNOW OF THESE CORRECTIONS IN WRITING ON THE FACE OF THE TABLE REFORE IT WAS REFRINTED IN CANADA?

I now beg your particular attention to what follows:

The total catch of herrings during the years 1869 to 1875, inclusive, is recorded in the "Case" as amounting to 2,202,725 barrels. But in the first printed edition of the table brought to Canada, a copy of which, with corrections in ink, I took to England in November, 1878, and which I was not allowed to exhibit at the foreign office, the sum total, given in type, is 2,117,25. This is crossed out, and in ink is written on the margin 2,202,725 (barrels.) The difference between these quantities is 91,000 barrels, which is the difference, as stated above, between the true official records and the statement in the "Case."

Therefore, after the table was formulated, and the annual products correctly added, some person must have docked 9,000 barrels from the returns of 1872 and added 100,000 barrels to the returns of 1874; but when this was done the corresponding alterations in the totals was omitted. The resulting error in the total was subsequently corrected in writing, as on the face of the copy given to me by Mr. Bergne, and on the copy pasted into Mr. Ford's proof copy of the "Case." These corrections must have been made before the presentation of the "Case." These corrections that have been made before the presentation of the "Case," because the corrected total, 2,202,725, appears in the United States "Documents and Proceedings of the Hallfax Commission," and the "British Case," there reproduced, must be, in this particular, a transcript of the "Case" made by erasure of certain words in Mr. Ford's proof copy, which words are not found in the United States reprint, or in the imperial Blue Book, or in the imperial Record. And there are several whole pages printed on different paper and in a slightly different type to the origi

be cited.

When the copy of the "Case," without the table, was submitted to me at Ottawa in May, 1877, I pointed out to Mr. Bergne, among other anomalies, that codfish did not enter the bays of the Magdalen Islands for the purpose of spawning. (See original copy of "Case," page 28, 7 and 9 lines from the bottom.) That they spawned free in the sea, in cold water, their spawn floating. The word "cod" on the ninth line from bottom is crased in this proof copy.

On the twenty-ninth page, I pointed out to the same gentleman that the climate on the seaboard of Canada is not "dry." In the proof copy the word "dry" is erased.

on the seaboard of Canada is not "dry." In the proof copy the word "dry" is erased.

On the thirty-first page I pointed out that the superiority of the Canadian cured codish was not "due in a great measure to the 'dryness' of the climate." The word "dryness" is erased from the proof copy.

These passages are to be found in the United States "Documents and Proceedings of the Halifax Commission," on page 33, 31 lines from the top. In the original copy the words are "mackerel, cod, halibut capelin, and launce abound." The word "cod" does not appear in the United States copy of the "Case," nor in the imperial copy. (Correspondence, &c., page 66, top line; Record, page 68, top line.)

The word "dry" does not appear in the United States documents, page 93, 11 lines from the bottom.

The original reads: "In a dry and salubrious climate."

The proof copy has the words "dry and" erased in conformity with my suggestion in May, 1877, and the United States documents read, "in a salubrious climate."

These passages occur in the imperial reprint of the "Case" as in the United States reprint. (Correspondence, &c., page 66, 15 lines from top; Record, page 68, 55 lines from top.) Similarly, the words "dryness and," erased in this proof copy, do not appear in the United States copy. (Page 94, 7 lines from the bottom; imperial Correspondence, &c., page 67, 4 lines from top; Record, page 69, 4 lines from top.)

It appears from the foregoing statements that Mr. Ford and Mr. Bergne were aware of the corrections in ink on the face of the statistical table formerly in their possession before the "Case" was reprinted in Canada under their supervision, and previous to the assembling of the commission at Halifax.

But being aware of the corrections, it would be unreasonable to suppose that they did not understand their meaning and bearing, as I shall have occasion to notice further on.

In the official Report of the Commissioner of Fisheries for 1875, bearing date

But being aware of the corrections, it would be unreasonable to suppose that they did not understand their meaning and bearing, as I shall have occasion to notice further on.

In the official Report of the Commissioner of Fisheries for 1875, bearing date Ottawa, 31st March, 1876, (Sessional Papers No. 5, A, 1876; Supplement No. 4, to the eighth Annual Report of the Minister of Marine and Fisheries for the year 1875, page 13, it is stated that Mr. Ford and Mr. Bergne came to Canada in the autum of 1875. The passage is as follows:

"Sir A. T. Galt, G. C. M. G., was therefore appointed as British commissioner, and F. C. Ford, esq. Her Majesty's chargé d'affaires at Darmstadt, was appointed as British agent. The last-named gentleman arrived at the capital, accompanied by an assistant, Mr. J. H. G. Bergne, of the foreign office, during last autumn.

"They addressed themselves promptly and diligently to preparing for the business of the commission at Halifax, where it was expected to assemble about the commencement of winter. The following eminent legal counsel were retained and consulted regarding the claim to be submitted to such tribunal: Joseph Doutre, esq., Q. C. Montreal: S. R. Thomson, esq., Q. C., of St. John, N. B.; R. L. Weatherbe, esq., of Halifax, N. S., and Louis H. Davies, of Charlottetown, Prince Edward Island. These gentlemen, together with Messrs. Ford and Bergne and the undersigned, met and conferred with you (Sir A. J. Smith) at St. John, N. B. It proved impossible, however, to effect any further progress, because of failure on the part of the American Government to appoint their commissioner. Her Majesty's agent and his companion consequently proceeded from St. John to New York, and returned thence to England."

In 1877 Mr. Ford left England again on the 5th of May, (Correspondence, &c.,

thence to England."

In 1877 Mr. Ford left England again on the 5th of May, (Correspondence, &c.,

page 5.)
The interval of a year and a half between these arrivals at Ottawa and conference with Canadian authorities gave ample time to consider the matter and the "supports" of the "Case."
Numerous alterations were made in the "Case" at Ottawa after Mr. Ford's arrival there in May, 1877, and the "Case" was reprinted then and there.

THE METHOD OF MANIPULATION, OR "COOKING."

I shall first call your attention to a point of great significance, which is, that, notwithstanding the numerous alterations in the records of government, alleged to be truthfully presented to you, the sums total at the bottom of the column, showing the total value of the catch in some years, is made to agree with the sums total recorded in the fishery reports.

You know what this means and what it involves.

Not including 24,228 pounds, or 121 barrels.
 Not including value of 24,228 pounds, or 121 barrels.

••••••

463, 487, 50

395, 590 00

I have derived all my information from the table in the "Case," and its "supports," the annual fishery reports, having had no other documents or sources of information than those possessed by yourself during the five months and nine days between June 15, 1877, and November 24, 1877, you sat as arbitrator. The corrections in ink on the table given to me by Mr. Bergne have been my guides, and, like finger-posts, have pointed to where the leading falsifications were to be found. Let us take the years 1870 and 1871, because the fishery reports supply the means for comparison without further inquiry. The table in the fishery reports bearing the name of Hon. P. Mitchell, then minister of marine and fisheries, and found on page 54, of Sessional Paper No. 3, A. D. 1873, may be compared with the table in the "Case."

The title of Mr. Mitchell's table is:

Mr. Mitchell's table is a revised table, and he draws especial attention to this fact on page 55 of his report. It is the authoritative statement of the head of the department of marine and fisheries from 1869 to 1873.

The two tables, placed side by side, and compared as to certain items, show the following remarkable result:

Total value of codfish in 1870. Provinces. Mitchell's table.1 The "Case." \$1,699,188 00 467,622 00 86,243 00 Total..... Difference, \$29,426 less value in the "Case." 2, 253, 053 00 \$2, 223, 627 00 Mackerel: Nova Scotia. Quebec New Brunswick. 1,023,048 00 36, 770 00 39, 384 00 1, 099, 202 00 1,092,638 00 503, 452 00 79, 258 00 422, 946 00 1,005,656 00 1, 662, 858 25 Difference, \$57,202.25 more value in the "Case." Nova Scotia Quebec New Brunswick. 125, 205, 00 93, 440 00 176, 945 00

Total.
Difference, \$67,897.50 more value in the "Case."

Adding the plus and minus quantities we find, from a comparison of these tables, that there is a sum of \$89,103.75 to be deducted from among the values of the other items in the "Case" in order to make the sums total agree and amount to \$6,312.410, neglecting the difference of eighteen cents.

Is there any trace of such a deduction and distribution of values?

The item "scalefish" may furnish an illustration which strikes the eye at once. In the "Case" the value of "scalefish" for the year 1870 is returned as 92,513 cwt., valued at \$323,795.07. In the Fishery Reports (Sessional Papers No. 5, 1871, page 306) the item is given as follows: "92.513 qtls. scalefish, at \$3.50, \$323,795.50." A correct statement, then why should the "Case" have \$323,795.07?

It was impossible to introduce smoked herrings at \$152 a box, 560 cwt. of pollock as equivalent to 500 cwt. and 120 barrels, (Sessional Papers No. 5, 1871, page 303.) 330 barrels of hake as 330 cwt.. &c., without some adjustment of values.

It was impossible to dock \$29,426 from the value of codfish, \$6,564 from the value of mackerel, and put on \$77,202.25 to the value of herring and \$67,897.50 to the value of salmon without that nice adjustment which would prevent the results of these changes from appearing in the total results of the year's catch.

This is technically called "cooking," and it appears to run through every year, in one form or another, in the table presented to the arbitrators, but its extent and degree is not measurable by what I have pointed out.

I can only indicate a few alterations in the items of the year 1869, because I have not the means of comparison, prices not being given in the returns. Yet there is a correction in ink on the face of Mr. Bergne's and Mr. Ford's copy of the table, which points to some alterations of moment.

The "Case" gives, in the original printed table, the total yield of "smoked herrings" in the provinces of Nova Scotia, New Brunswick, and Quebec as amounting to 2.479,059 boxes.

Turning to the Fishery Reports—
On pa

Add these items together without regard to denomina-

169, 879 which is the number of boxes of smoked herrings given in the "Case." But it is not usual to add barrels to boxes, especially when a barrel contains from twelve to sixteen boxes, and the number 1,000 added requires explanation.

That this correction covers some alterations is clear from the fact that beside

the docking of 2,000 barrels of mackerel from the official returns of the year 600 hogsheads of oysters are entered in the "Case" as 600 barrels and charged \$3 a barrel; and the value given of salmon preserved in cans is just \$100 short. Notwithstanding these differences in items the total values agree.

Now let us take the year 1871, bearing in mind that 100,000 barrels of mackerel had been docked from the returns as given in the "Case:"

	Total value of codfish in 1871.		
Provinces.	Mitchell's table.1	The "Case."	
Nova Scotia	\$1, 900, 464 0 653, 319 0 43, 268 0	0	
Total Difference, \$20,648 less in the "Case."	2, 597, 051 0	0 82, 576, 403 00	
Mackerel : Nova Scotia. Quebec New Brunswick.	2, 737, 824 0 76, 380 0 56, 603 0	0	
Total Difference, \$1,517,491 less in the "Case."	2, 870, 807 0	0 1, 353, 316 00	
Herring : Nova Scotia. Quebec New Brunswick.	811, 500 0 82, 617 0 603, 484 0	0	
Total. Difference, \$193,825 less in the "Case."	1, 497, 601 0	0 1, 303, 776 75	
Salmon : Nova Scotia Quebec	125, 087 0 59, 648 0 201, 062 0	0	
Total Difference, \$22,250 more in the "Case."	385, 797 0	408, 077 00	

Adding the plus and minus quantities, we find that there is a difference of \$1,709,684 in the value of the items enumerated, between Hon. Peter Mitchell's revised estimate and the estimate given in the "Case." But—and this is an important matter—the sum total in the "Case," although the value of 100,000 barrels of mackerel had been docked, agrees with the sum total of the returns for the three provinces given in pages 53, 134, and 137, of the Fishery Reports for 1871, in which the 100,000 barrels appear, (Sess. Paper No. 5, A, 1872,) namely, \$7,379,675.85. It will be remarked, however, that the returns for Nova Scotia and New Brunswick are there given without prices attached, and those for Nova Scotia, amounting to \$5,101,030.90 are uncertified by either the minister or the Commissioner of Fisheries, these being the only uncertified returns in the three years.

It appears as if the values in the "Case," after docking 100,000 barrels of mackerel, had been purposely taken from the uncertified returns without prices given, in preference to the revised returns, the summary of which is embodied in Mr. Mitchell's table, on page 54 of Sess. Paper No. 8, Anno 1873.

Can there be any justification for the selection of uncertified returns (to say nothing of docking 100,000 barrels of mackerel) in preference to those adopted after revision by the minister in power, and published in his official report, over his own name?

THE RESULTS OF MANIPULATION IN VALUES, IN THE TWO YEARS 1870 AND 1871.

The effect of the docking of 100,000 barrels of mackerel from the catch of 1871, and the arbitrary selection of the uncertified tables, is thus represented:

Hon. Peter Mitchell's revised table.	
Total value of catch for 1871, deducting Ontario	\$9, 242, 046 00
Total value of catch for 1871 Case."	7, 379, 675 85
Difference, less in the "Case"	1, 862, 370 15

A glance at the effect of these alterations in the values of the items enumerated for the two years, 1870 and 1871, will suffice to show that very notable results were produced, having a special bearing.

Adding the alterations made in both years together, we obtain the ferences between the "Case" and its "Supports:"	following dif
Codfish— 1870	\$29,426 00 20,648 00
Total, less in the "Case"	. 50, 074 00
Mackerel— 1870	6, 564 00 1, 517, 491 00
Total, less in the "Case"	1, 524, 055 00
Herring— 1870, more	57, 202 25 193, 825 00
Total, less in the "Case"	136, 622 75
Salmon— 1870	
Total, more in the "Case"	90, 177 50

The effect of the alterations so far being to diminish the values of cod, mackerel, and herring by \$1,710.750, and to increase the value of salmon, which fish does not come within the purview of the treaty of Washington, by \$90,177. I have already shown the extent to which the quantities were reduced.

THE APPARENT OBJECT OF THE FRAUDS.

The APPARENT OBJECT OF THE FRAUDS.

It will be observed that the corrections in ink on the faces of the two copies of the table referred to relate only to those items which had been grossly falsified, namely: mackerel, herring, salmon, and codfish.

There are forty-six other fish and products of fish enumerated in the table, yet all of these have their total yield and value correct, according to the details there given, although many of these details are false; yet the total quantities of mackerel, herring, salmon, and codfish are altered in ink in Mr. Ford's proof copy, the values remaining undisturbed as given there.

This marked distinction between the important and unimportant items, coupled with the obvious effect of an alteration in aggregated quantities without corresponding alteration in aggregate values, would naturally suggest an examination of details to see if any mistake or omission existed.

It is contrary to all experience to credit the supposition that a skilled diplomatist like Mr. Ford, or a diplomatist in training like Mr. Bergne, both familiar with the effect of figures, and having a distinct and well-defined duty to perform, and nearly two years' time given them to do it in, should have failed to familiarize themselves with the leading points upon which the trust placed in their hands was known to be dependent for success.

Among the most important of these leading points were the wealth of Canadian waters in mackerel, herring, codfish, and salmon. The table in the "Case" was prepared for the purpose of illustrating this wealth, as stated in chapter 1. But it was so manipulated and deformed as to exhibit, not the true wealth of Canadian waters, but a lectitious wealth, having relation, first, to the enterprise of United Strates fishermen in those waters; second, to the fish trade of Canada with the United Strates.

First, With regard to mackerel:

From the table in the "Case" it appears that the actual annual Quantity of mackerel canned never rose above 80.460 cans; the official statement a

"Case" the total quantity of codfish taken in Dominion waters was given as amounting to 3,780,310\(2\) cwt.

This enumeration is crossed out and corrected in ink in both revised copies of the table, the sum placed on the margin being 5,006,292\(3\), which is the correct addition of the items given.

With respect to salmon, the original printed total was recorded as 66,287\(\) barrels. This is crossed out, and on the margin is recorded 56,287\(\) barrels, being the correct addition of the items given.

But it must not be inferred that the values which are not corrected are the true values.

values.

Take the year 1871. The "Case" says that in 1871 there were produced 7,675½ barrels of salmon, valued at \$80,073. The official reports for that year have the following items:

Page 53.—Queboc, salmon	3, 728 3, 885	barrels, at \$16, \$60,648. barrels, no value recorded.
Total barrels.	7, 613 7, 675 <u>1</u>	
Difference	621	barrels
THE RESIDENCE OF THE PARTY OF T	ALCOHOL: SALES	800 040 14 1 APR 040

Now, 3,728 barrels, at \$16 a barrel, will not produce \$60,648; it gives \$59,648, a difference of \$1,000.

Now, 3,725 barrels, at \$16 a barrel, will not produce \$60,648; it gives \$39,648, a difference of \$1,000.

But 62\$ barrels, at \$16, produces \$1,000. Hence it appears that the compiler of the table in the "Case" added 62\$ barrels to the Quebec yield, probably to rectify a possible error in the printing of the fishery report for that year. As to the value of the Nova Scotia salmon yield for 1871, we are confronted with the following picture of the quality of that fish in Nova Scotian waters.

Deduct \$60,648, the official value of 3,728 barrels, plus 62\$ barrels added, of Quebec salmon, from the total value of the salmon catch for 1871 given in the "Case," namely, \$80,073, and there remain only \$19,425 as the value of 3,885 barrels of Nova Scotia salmon, which is at the rate of \$5 a barrel.

Therefore, according to the table in the "Case," the salmon yield of Quebec was worth \$16 a barrel in 1874, while the salmon yield in Nova Scotia was worth only \$5 a barrel, or not one-third of the value of Quebec salmon.

Similarly it is found that, according to the table in the "Case," the price of a barrel of salmon in 1869 was \$16 a barrel in Quebec, \$10 a barrel in Nova Scotia. In 1870, Quebec salmon, \$16 a barrel; Nova Scotia, \$15: New Brunswick, \$18. The contrast in prices during five years is shown in the following table:

Price of salmon in barrels.

Price of salmon in barrels.

Year.	Quebec.	Nova Scotia.	New Brunswick.
1869	\$16 00 16 00	15 00	No returns. \$18 00 No returns.
1879. 1873.	16 00 16 00 16 00	18 00 18 00	\$18 00 18 00

PERSONAL TESTIMONY.

When journeying from Ottawa to Halifax, early in June, 1877, one week before the commission met, with Mr. Ford and Mr. Bergne, I furnished, at the request of these gentlemen, for their perusal then and there, so much of the manuscript of my paper on "The Effect of the Fishery Clanses of the Treaty of Washington on the Fisheries and Fishermen of British North America" as I had written. At this time I said to these gentlemen, "YOUR STATISHICS ARE WRONG," basing my criticism upon a large, separate sheet of statistics of the Canadian fisheries, which I afterward found to be identical with the table in the "Case" in all details as to the years 1869 to 1875. Both gentlemen instantly replied that they knew it, and that they were corrected, and at that time were being reprinted at Ottawa. Mr. Bergne was particularly excited, and descanted on the trouble he had had in "putting them right."

Neither Mr. Ford nor Mr. Bergne asked me to point out the errors I had detected in this sheet of statistics or made any further reference to the matter.

This fact I have mentioned in the lotter addressed to the foreign office, bearing date London, December 12, 1878, (No. 51.) in which letter I declined to avail myself of your friendly services, stating the reasons for so doing.

I could not at the time furnish you with a copy of that letter, because you had already left England for the continent, and this I stated in my communication to the foreign office, presuming that a copy would then be sent to you.

You will now probably say, "If these fraudulent statistics in the table in the 'Case' upon which chapter I was based were so apparent to any one familiar with the Canadian fisheries, why did you not point them out before!"

I have answered this question a year and a half ago, (No. 27, pointing out the apparent means taken to guard the table from scrutiny and some incidental circumstances which prevented the discovery.

Among these are to be noticed that the table, although referred to in the 'Case' as "the subjoined statement," (ch

The United States reprint of the "Case," which must be a fac simile of the

3. The United States reprint of the "Case," which must be a fac simile of the "Case" as presented.

4. The British parliamentary copy of the "Case," as published in the Blue Book, entitled "Correspondence Respecting the Halifax Fisheries Commission," with its corrected item before referred to.

These formed a chain of evidence from which there was no escape; but you would not even look at it.

There is, then, no absurdity in the conclusion at which I have arrived, that Mr. Ford and Mr. Bergne, knowing of these corrections in the table before it was reprinted at Ottawa under their special supervision, accepted the transformations and thus became responsible for their appearance in the "Case" presented to the arbitrators.

printed at Ottawa fluor their special supervision and thus became responsible for their appearance in the "Case" presented to the arbitrators.

The view I have taken of this matter is as follows: If Mr. Ford and Mr. Bergne did not accept these frauds, they would have compelled the restoration of the table to a condition of purity before reprinting it; but because they permitted it to be reprinted for presentation to the arbitrators, with all its impurities intact, they became accomplices in the objects of the frauds.

This connivance removed the responsibility to the shoulders of Her Majesty's agent, to whom the "Case" had been intrusted by Her Majesty's Government. On him the duty and honor of laying the "Case" undefiled before a judicial assembly representing the two foremost nations in the world, by act of royal grace, had been imposed.

It is now very nearly a year and a half since I called attention to these mutilations, with every necessary particularity and minuteness of detail. I have offered to submit myself to any kind of cross-examination as to the facts presented, sources of knowledge, and motives for communicating it—journeying to England and remaining there four months for that purpose—but all in vain.

I now pass to the second period, during which the commission was sitting.

Period during which the Commission was sifting—June 15 to November 23, 1877.

The conduct of the "Case" implied a knowledge of the frands, for it involved the arrangement and classification of evidence according to such method that the hidden transgression should not be disclosed. It was Mr. Ford's especial work, as he states himself in his dispatch to Lord Derby, (Blue Book, dated Halifax, June 16, 1877.) to arrange and classify the documentary evidence.

How would it be possible safely to steer a ship under full sail through a strait known to be beset with torpedoes, unless guided by a finger which pointed to where the hidden dangers lay!

The closing paragraph of the first protocol states that "Mr. Ford then presented to each of the commission a copy of the 'Case of Her Majesty's Government' and duplicate copies to the United States agent, accompanied by a list of the documents to be filed with the secretary in support of the 'Case.'"

Among these documents are "No. 30—Canadian Fishery Reports for last the years." Is it possible that Mr. Ford can have presented documents in support of the "Case" about which he knew nothing, and yet which were the foundation of the most important chapter in the "Case," namely, "Chapter I—Extent and value of Canadian fisheries?

These documents illustrated the extent and value of these fisheries. The table Mr. Ford presented to you magnified the wealth of those branches which did not come under the purview of the treaty of Washington, and diminished the value of those far more important branches which were subject to the treaty. There was no relation except a fictitious one between the table in the "Case," and the supports, and yet, as we shall see presently, Mr. Ford called Lord Derby's attention to the fact that the portion of those supports relied on, being "the documents alluded to in British 'Case,'" were arranged by Mr. Bergne for the nse of the commission.

In a dispatch to the Earl of Derby (No. 28, Blue Book) Mr. Ford states, under date Halifax, August 2, 1877:

"The documents alluded to in the British 'Case' which had been filed with the secretary were also read, and I have the honor to forward herewith copies of a reprint of the extracts and portions relied on; which has been arranged by Mr. Bergne for the use of the commission and for preservation in the archives."

Among the most important documents alluded to in the "Case" are the departmental "Fishery Reports," (page 78, Blue Book.) from which the table in the "Case" is alleged on its face to be taken.

Without these documents it would have been impossible to have had any "Case," for they embody the records of the Canadian Government respecting the Dominion fisheries.

Is it to be conceived that Mr. Ford presented these documents in the second contents of the canadian description.

fisheries.

« Is it to be conceived that Mr. Ford presented these decuments, which were the groundwork of the "Case," without informing himself of their contents, or that those contents supported the statements in the "Case?"

Would the manager of a bank, engaged to conduct an arbitration of great importance to the institution he represented, permit himself to present a balance-sheet without being satisfied that its details would bear the test of scrutiny? Would he not be considered to have neglected his duty and recklessly risked his frust if he had thus failed to make his position and that of his claimants secure?

WAS MR. FORD INFORMED OF THE FALSIFICATIONS IN THE TABLE AT ANY TIME DURING THE SITTINGS OF THE COMMISSION.

Confining attention to a leading fraud in the statistics of the "Case," namely, the docking of 100,000 barrels of mackerel from the return of 1871, will you be so good as to ponder the following facts, because you will remember that the catch of mackerel was the main subject of inquiry, as far as fish were concerned, during the sittings of the commission.

There was prepared, in June and July, 1877, at Halifax, under the same roof as Mr. Ford and Mr. Bergne, a printed document, being an appendix, with the title "Memorandum concerning Article XXI of the treaty of Washington."

On page 6 of this memorandum the following passage occurs; in explanation of the prices of mackerel from the year 1881 to the year 1876:

"These figures would have been still more conclusive but for the extraordinary catch of 1871, which was 50 per cent. larger than any previous year recorded, and in consequence of which mackerel fell in price from \$18 in June, 1871, to \$7 in August, September, and October, subsequently rallying in January, 1872, to from \$12 to \$15. This immense catch and the consequent decline in prices considerably reduced the average prices between 1867 and 1873. They further prove that the prices depend upon the laws of demand and supply, rather than upon fiscal regulations."

This extraordinary catch of 1871, being docked to the extent of 100,000 barrels in the "Case" its immense.

prices depend upon the laws of demand and supply, rather than upon fiscal regulations."

This extraordinary catch of 1871, being docked to the extent of 100,600 barrels in the "Case," its immensity did not appear there in consequence.

Yet this very fact was virtually pointed out in the printed document prepared by Mr. Miall, under the same roof as Mr. Ford, during the early part of the sittings of the commission, in an important paper showing the relation between prices and catch; a subject necessarily most intimately connected with the conduct of the "Case," and therefore with the statements in that "Case."

Mr. Ford thus speaks of Mr. Miall in his dispatch to the Earl of Derby, dated foreign office, December 17, 1877, (Blue Book, No. 44:)

"Mr. Miall is an English gentleman at present holding a high situation in the department of internal revenue at Ottawa, and to his uniform willingness to assist me in every way in which his services might be available or his talents turned to account, I wish to speak in terms of the highest recognition. To his knowledge of statistics, and accuracy in dealing with them. I ascribe in a great degree the success of that important part of the British 'Case' which depended on a true and clear exposition of figures, and I feel greatly indebted to the Canadian Government for having placed that gentleman's services at my disposal."

Please contrast this avowal to the Earl of Derby of the importance of a "true and clear exposition of figures" with the presentation to you and the other arbitrators of the fraudulent document upon which chapter I of the British 'Case' was made to depend.

I should not have made any allusion to Mr. Miall, or to the document from which I have quoted, had not that gentleman's name appeared so prominently in Mr. Ford's dispatch to the Earl of Derby, that it was noticed by one of the British 'Case' was

I should not have made any allusion to Mr. Miall, or to the document from which I have quoted, had not that gentleman's name appeared so prominently in Mr. Ford's dispatch to the Earl of Derby, that it was noticed by one of the British counsel, (Mr. Weatherbe, now Mr. Justice Weatherbe,) in an official letter to the minister of marine and fisheries, which letter, in some unexplained manner, appeared in the Boston Commercial Advertiser in the spring of 1878. There are incidents referred to in that letter relating to witnesses which may receive new light from what I have stated in relation to the table in the "Case."

In order that the weight to be attached to a "true and clear exposition of figures" in this matter may be realized, I will add a synoptical table of some of the transformations presented to you, which are distinct from the leading alterations of the records of the Canadian Government in quantities and values already enumerated. It furnishes jointly with the illustrations which have preceded it a frightful commentary upon "a true and clear exposition of figures."

Transformed denominations.

Year.	Item.	In "Case."	In Fishery Reports.	References.
1869	Oysters	600 bbls	600 hhds	S. P. 1870, p. 105.
1870	Pollock	560 ewt	(560 cwt)) 120 bbls (S. P. 1871, p. 103.
1871	Hake	330 cwt 2 200 bxs 42 000 bbls 540 bxs 300 bbls	330 bbls 550 fish 42, 000 bush 75, 000 fish 540 fish 300 cwt	S. P. 1871, p. 303. S. P. 1871, p. 305. S. P. 1871, p. 305. S. P. 1872, p. 137. S. P. 1872, p. 137. S. P. 1872, p. 137.
	Eels	3, 806 bbls	\$ 806 bbls \$ 30, 000 lbs	S. P. 1872, p. 137. S. P. 1872, p. 135.
1872 1873	Pumice	900 tons 33, 680 lbs 40, 000 lbs 21, 050 lbs 125, 785 bxs	900 bbls 33, 680 cans 40, 000 fish 21, 050 cans 125, 326 lbs. and 75 boxes. (See next table.)	S. P. 1872, p. 135. S. P. 1873, p. 174. S. P. 1873, p. 173. S. P. 1874, p. 160. S. P. 1874, p. 157,16 and 81.
1874	Mackerel Haddock Salmon	59, 000 lbs 241 bbls 137, 320 bxs.,	59,000 cans 241 qtls 137, 320 lbs	S. P. 1875, p. 136. S. P. 1875, p. 95. S. P. 1875, p. 133,136
1875	Ling	43 bbls 39, 980 lbs 126 bbls 57, 880 bxs 33 bbls	43 qtls 39, 980 cans 126 qtls 57, 880 lbs 33 qtls	S. P. 1875, p. 95. S. P. 1876, p. 191. S. P. 1876, p. 129. S. P. 1876, p. 189,18; S. P. 1876, p. 129.

Additions of	of different	denominati	0218.

Year.	Item.	In "Case."	In Fishery Reports.	References.
1869	Herring (sm.)	169, 879 boxes	156, 694 boxes 12, 185 barrels	S. P. 1870, p. 105. S. P. 1870, p. 103.

Add boxes and barrels together and then add 1,000, and the number 169,879 is

Year.	Item.	In "Case."	In Fishery Reports.	References.
1873	Salmon (sm.)	125, 785 boxes	N. S., 37, 376 lbs. at 15 cts N. B., 87, 950 lbs. at 15 cts Q., 75 boxes at 0	S. P. 1874, p 157. S. P. 1874, p. 160. S. P. 1874, p. 81.

The items 37,376 pounds at 15 cents a pound, 89,750 at 15 cents a pound, and 75 boxes at \$30 a box are added together and made to produce 125,785 boxes, valued at \$21,106.50, thus:

	\$5, 664	00
87, 950 lbs. at 15 cents, (page 160)	13, 192	50
75 bxs. at \$30, (page 81)	2, 250	00
	2 00 7 3 U.S.	9.925

The value is correct, but the addition of the items is made to produce 125,785 exes of smoked salmon.

Year.	Item.	In "Case."	In Fishery Reports.	References.
1871,.	Eels	3, 860 bbls	{ N. S., 806 bbls { N. B., 30,000 lbs	S. P., 1872, p. 137. S. P. 1872, p. 135.

Therefore 30,000 pounds of eels is made equivalent to 3,000 barrels, and according to the value given in the "Case," namely, \$68,060, the average value of the whole is \$17.88 per barrel. But since 3,000 barrels weigh but 30,000 pounds, each barrel must weigh 10 pounds, and the value of the eels, according to the "Case," will be \$1.78 a pound, not including the weight of the barrel.

Tabular view of some of the average prices as given in the "Case."

Year.	Herring, (sm.,) per box.	Mackerel, per pound.	Haddock, per pound.	Salmon, (s.m.) per box.	Ecls, per bar- rel.	Shad, per bar- rel.	Mixod fish.
1869	\$0 25 nearly 1 52 141 25 25 25 25 25	\$0 15 12 15 15 15	\$0 06 12 06 06 06	\$0 25 25 25 17 15 15	\$8 00 8 00 17 88 17 00 9 00 9 00 9 00	\$3 00 8 54 3 30 8 00 8 00 8 00 8 00	\$4 00 4 00 93 4 00 4 00 5 00 5 00

These illustrations of the condition of the "Case of Her Majesty's Government" presented to the arbitrators forbid any moral appreciation of that unqualified praise you conceived it to be your duty to accord to Mr. Ford at the successful close of the proceedings.

Your testimony is thus recorded in your dispatch to the Earl of Derby, dated Halifax, November 24, 1877. (Blue Book No 33:)

"I should be wanting in my duty if I omitted to state in the strongest terms my appreciation of the manner in which the British "Case" has been conducted by Mr. F. C. Ford, to whose intelligence, zeal, and tact the measure of success obtained must be mainly attributed."

These unrivaled sea fisheries were won by the sword and held by the sword through many generations of men. in fair and manly conflict, face to face.

They were won by men who held their lives and bonor in open palm. The men of the sea, who hold them now, have used them to build up a marine which ranks fourth in the world, and is rapidly winning its way to the third place—the United Kingdom, the United States, Canada. The territorial rights these fisheries cover, and the national growth of which they are the promise, demand the excercise of a high order of "intelligence, zeal, and tact" to cherish and maintain them. This can be done, and was meant to be done, in fulfillment of every international obligation, without a trace of such a record as these pages disclose.

Period From The 23d November, 1879, To The Date Of Your Last Letter, Octo-

Period from the 23p November, 1878, to the date of your last letter, October 11, 1879.

I now beg leave to revert to your communication of the 11th October, 1879.

After I had handed to you my letter of the 23d November. 1878, (No. 45,) mentioning therein no names, and making no mention of names in conversation, you were enabled within a few days to individualize the charges and to frame a judgment that those against "Mr. Ford" were absurd. (No. 68.)

Thus to individualize and designate grave charges in a weighty matter as "absurd," without looking at the proofs, involved great responsibility, for it implied partial inquiry into the matter and the adoption of one-sided conclusions.

There is only one other "highly important action" (Nos. 67, 68) you could have taken in this matter, and that would have involved a full examination of proof and the adoption of just conclusions.

It was impossible for you to have known without inquiry that I alluded to Mr. Ford, and it was equally impossible that you could deede anything as to Mr. Ford's relationship to these falsifications without examining the proofs I was prepared to offer.

There was sent to me in August, 1878, (No. 39,) an answer from the foreign office, in which the following passage occurs:

"The table in question was prepared at Ottawa under the supervision of Mr.

Whitcher, the Canadian commissioner of fisheries, from the official records of gov-

"There is therefore no ground whatever to question the accuracy of the figures referred to, and no blame can in any way attach to Her Majesty's agent in the

matter."

As it stands, this reply is magnificent in its deluding simplicity, but, like an enchanting mirage, it fades before the sunlight of truth. It would be grandly strong if it rested upon what it assumes; it is sadly weak, because it assumes what is not

if it rested upon what it assumes; it is sadly weak, because it assumes what is not true.

In November, 1878, you could have aided me in correcting the dangerous inaccuracies it embraces, and reversed the erroneous conclusions based on them. (No. 51.) But, with all your knowledge of the subject and opportunities for knowledge, you soothed your conscience with the delusion that the charges were "absurd" in relation to "Mr. Ford."

You could have satisfied yourself in five minutes' time, by looking at what I had to offer, that they were founded on fact, and that there was no escape from them. And during any period within the past year, by proper inquiry at Ottawa, you could have ascertained the exact relation which Mr. Ford and Mr. Bergne bore to the acceptance of the frands, and the object of their presence in the "Case."

The quotation from the letter referred to above (No. 32) would then have been corrected, and it would read as follows:

"The table in question was reprinted in Canada, under the supervision of Mr. Ford, Her Majesty's agent, who neglected to correct the falsified records of the Canadian Government it embodied.

"There is therefore ground to question the accuracy of the figures referred to, and blame must attach to Her Majesty's agent in the matter."

The onus of the transaction would not then have been thrown sltogether upon Canada, and the legend so meanly won,

"Auspicium melioris ævi,"

would have lost none of the hope and trust it inspires.

Canada, and the legend so meanly won,

"Auspicium melioris ævi,"

would have lost none of the hope and trust it inspires.

That your passive acceptance of the situation seriously affected the future position of Canada in this matter may be illustrated by a record which is to be found in the proceedings of the Legislature of Newfoundland on April 18 and 19, 1879.

In the reply of Hon. W. V. Whiteway, Q. C., premier and attorney-general of Newfoundland, to the vote of thanks recorded by both branches of the Legislature for his services upon the Halifax fisheries commission, the following statements by Mr. Whiteway are recorded:

"Had the commission found nothing in our favor, what would have been the effect hereafter in British negotiations with the United States and with France?

"Let us for a moment suppose the case of Great Britain proposing to us to give the French a free right of fishing all along our coast, with a view to the solution of our so-called French shore difficulty. We know that this course would prove our ruin, but the argument of Great Britain to us would have been unanswerable;

"You have had the opportunity of a solemn inquiry before a disinterested tribunal sitting in the very center of your fisheries, when every facility was at band for fully investigating their value, and the conclusion arrived at after six months' inquiry by that tribunal was, that a right to fish along-your coast was not worth anything."

Also to be found in a pamphlet published in London in 1879 bearing the title:

"Yote of thanks recorded by both branches of the Legislature of Newfoundland, for his services upon the Halifax fishery commission."

"Extract from report of proceedings of the Legislature, April 18 and 19, A. D. 1879." (Whitehead, Morris & Lowe, printers, 167 Fenchurch street, E. C.)

When this matter comes to be discussed between Canada and the mother country, should the responsibility implied in the first quotation from the views entertained at the foreign office be accepted, their relative positions will b

RETALIATION.

In my several communications to yourself and others, it has been necessary to allude to the consequences which may spring from the presentation of a deliberately falsified record to arbitrators, in a contention for a money consideration between two powerful nations, whose people are free to discuss what is due to themselves.

Prominent among these consequences were the masures of retaliation such unwarrantable malfeasance was likely to invite, unless atoned for.

Similar ideas, though springing from a very different basis, are introduced into the "Case." (Correspondence, &c., page 68;) they are also to be found in the dispatch of Her Majesty's agent, (Correspondence, &c., page 18,) and especially in your own memorable speech before the commission on September 6, (Correspondence, &c., page 190,) in which you instance actual and threatened retaliatory measures on the part of the United States and Canada, which ultimately led to the treaty of Washington.

These references to consequences are so pointed and important that they may be fittingly introduced at length.

No. I.—"The Case of Her Majesty's Government."

No. I.—"The Case of Her Majesty's Government."

"In addition to the advantages above recited, the attention of the commissioners is respectfully drawn to the great importance attaching to the beneficial consequences to the United States of honorably acquiring for their fishermen full treadom to pursue their adventurous calling without incurring constant risks, and exposing themselves and their fellow-countrymen to the inevitable reproach of will-fully trespassing on the rightful domain of friendly neighbors. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

"It was repeatedly stated by the American members of the joint high commission at Washington, in discussing proposals regarding the Canadian fisheries, that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation.' This commendable desire evidently was reciprocated by the British commissioners in assenting to the proposition that the matter of disagreement as regards a money equivalent 'should be referred to an impartial commission.' "—Correspondence Respecting the Halifax Eisheries Commission, page 68; Record, page 70; United States Documents and Proceedings of the Halifax Commission, page 96.

No. II.—Mr. Ford to the Earl of Derby.

No. II .- Mr. Ford to the Earl of Derby.

(Date Halifax, September 10, 1877.)

"Very serious inconveniences may arise from the point so ably stated by Sir A. Galt in his speech, namely, that by the interpretation thus placed on the treaty by the United States the right of their fishermen to any use of Canadian ports or shores for any purposes save those of fishing, landing to dry their nets, and curing their fish is distinctly renounced and abandoned.

"Were any dissatisfaction to arise in these colonies, particularly in Newfoundland, with regard to the eventual award, the colonial authorities may, not unnaturally, feel that while United States fishermen have for some years already enjoyed the benefit of all privileges without question, advantage has been taken of a rigid construction of the treaty of Washington by the United States Government to

escape the payment which was probably contemplated by that treaty; and it might well happen that a disposition should be shown to re-enforce the suspended statutes against any use of their coasts by United States fishermen, except for the specified purposes, thus debarring them from the privilege of purchasing balt, ice, and supplies, and especially of transhipping their cargoes, which last is a most valuable advantage. It is needless for me to point out the very grave difficulties to which any restrictive policy in this direction might give rise.

"The decision, however, removes any reasons which the United States might advance for repudiating the award on the ground of the commissioners having acted ultra vires."—Correspondence, dc., No. 33, page 18.

No. III .- Speech of Sir A. T. Galt before the Commission, September 6, 1877.

No. III.—Speech of Sir A. T. Galt before the Commission, September 6, 1877.

"These were complaints which were made in the annual message of President Grant in 1870; and he concludes by suggesting to Congress the course that should be taken in reference to this matter, in the following words:

"'Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly coaduct toward our fishermen, Irecommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws authorizing the transit of goods, wares, and merchandise in bond, across the territory of the United States to Canada; and further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

"It is therefore plainly evident that disagreements were in existence at that time with regard to the fisheries and that the fear that they would produce serious complications between the two countries was present in the minds of the President and Government of the United States. Well, the history of the case goes on to show that these complaints made by President Grant were the foundation of the negotiations which led to the adoption of the Washington treaty," &c.

The ever-present consciousness that all I have described was done with serious apprehensions of the results to which it must eventually lead greatly aggravates the situation; and in view of the outlook so forcibly depicted by yourself the peace and good-will of two great nations rise paramount to every other consideration and justify under the circumstances the appeal which I shall presently make.

I am grateful for whatever you may have said to the Marquis of Salisbury in my behalf as a scientific man having certain information of economic home value to present, although I refused for stated reasons (No. 51) to accept the fruits of your kind offices.

But I cannot feel grateful for the opinions you virtually express of the labors of scientific men, when you offer friendly facilities for adding to the knowledge upon which the permanency of a great industry is based, and accept at the same time the criminal alterations of records of government upon which such knowledge in

But I cannot feel grateful for the opinions you virtually express of the labors of scientific men, when you offer friendly facilities for adding to the knowledge upon which the permanency of a great industry is based, and accept at the same time the criminal alterations of records of government upon which such knowledge in great part rests.

Of what avail would be the work of any "scientific man," as opposed to the motives and power which, for a temporary purpose, dare sweep—or dare countenance the sweeping—from records of government 100,000 barrels of mackerel, or add 100,000 barrels of herring to those records, or alter at the promptings of unlawful expediency the same authorized records of prices, denominations, and quantities. Of what avail would be the conscientious work of any man, under any circumstances, if liable to be opposed by such unscrupious authority—omnipotent within the sphere of its unresisted influence? And what right have you to assume that your countrymen would be content to sacrifice the guidance of correct principle and the interests of self-respect to a craven fear of "being injured" (No. 68) in the objects of their work in life? Let me give you an illustration.

A year and a half ago it was announced that Professor Baird, the United States Commissioner of Fisheries, was engaged in elaborate inquiries into the annual catch of mackerel since that industry attained importance. Indige of the character of his conclusions should he base his results upon the statistical table, bearing the impress of the Imperial Government, presented to the arbitrators during the late contention.

That falsified document subverted all known facts respecting the abundance, periodicity, and fluctuations of the fish in British American waters, and as long as it maintains its authoritative status it render suscless all previously acquired knowledge derived from Canadian records of government, and it impairs the ground-work for future negotiations.

The presence of this falsified table in the "Case of Her Majesty's

shown its consequences better than yourself in your speech of the 6th of September, 1877.

In the remarkable letter of Mr. Secretary Evarts to his excellency the American minister, Mr. Welsh, (correspondence respecting the award of the Halifax fisheries commission, October 10, 1878, Blue Book), this danger is pointed out in language not to be misunderstood.

That letter, too, when read by the light of what I have advanced, seems also to indicate a knowledge of the fraudulent statistics in the "Case."

You will bear in mind that what I have described was done in the name of Her Majesty's Government, sanctioned, according to the evidence herewith offered, by Her Majesty's agent, who received his appointment direct from Her Majesty. It was done under the authority of the treaty conceived and framed to remove international irritation and prospective difficulties between two kindred and foremost nations.

The witnesses, some eighty-two in number, on the British side were examined

most nations.

The witnesses, some eighty-two in number, on the British side were examined on oath or solemn affirmation.

The treaty guaranteed that the judgment should be made according to justice and equity; not justice alone, but in unison with that higher standard of human reason and sense of right which, guided by a relief in the attributes of the Almighty, rises superior to the technical imperfections of the law.

Considering, therefore, that silence and inaction are equivalent to a renunciation of principle and a blind acceptance of whatever consequences may gather strength

to influence the future; that the longer open inquiry is deferred the greater will be the difficulty of proving responsibility, thus provoking recriminations; that Canada, and particularly the maritime provinces thereof, whose territorial rights and leading industry are the occasions of disputes, will probably be made most to feel the effects of retaliation, should atonement not be made; considering, too, that inaction lays as a foundation for the next international discussion of the fisheries question a record of fraud, which places the imperial cause under vast discavantages, and can only tend to unsettle the friendly relations between England and Canada on the one hand, the United States on the other, there is left for me, as the sole custodian of available proofs, but one course, seeing that all others have failed—an appeal to PUBLIC OPINION.

In such a matter vox popult is vox Dei, which alone appears competent to grapple with this great difficulty and insist upon a speedy and proper solution. For, in a day of advancing civilization, of general education and of thanksgiving, it cannot be possible that among English-speaking people, an unreconciled witness of the agency of fraud in a peaceful international contention, or for any other purpose, should be permitted to remain among the records of national councils for whose guidance by the Almighty the church of the State authoritatively prays.

These are antagonistic and irreconcilable conditions. To accept such a witness would be to sustain immoral expediency in opposition to truth. It would imply a disregard of religion, and show that honor was lightly esteemed. It would involve submission to a principle which would gradually close the door to collective rights and open the way to dangerous personal power; for if the principle were admissible in one form it would become possible in many forms, and thus destroy an inestimable security for the preservation of good government.

As for myself—for what I have written and done—I must look forward to very diverse

Sir ALEXANDER GALT, G. C. M. G., Lately British Commissioner, Halifax Fishery Commission, Montreal.

Yesterday, Mr. Speaker, I received the printed paper I hold in my hand, which is entitled "Falsified Departmental Reports." It contains far more specific and definite statements of the false and fraudulent testimony and alleged forged and fictitious governmental and department tables at that time used and since prepared doubtless for future use. And what is more to the point, it stamps the same with deliberate, dishonest intention, and proves the falsity by showing the cool, villainous intentions with which the whole is designed. I have but time to read a few sentences, but ask leave to print the same as

part of my remarks.

In this letter is shown by minute details how the false tables are made up, how skillfully dishonest and knowingly false they are. And the keen perspicuity with which each separate fraud and forgery is pointed out is worthy of all praise.

Falsified Departmental Reports.

A letter to his excellency the Marquis of Lorne, Governor-General of Canada, by Henry Youle Hind, M. A., compiler of the Analytical Index to the documents of the Halifax faheries commission; goologist to the Red River expedition of 1857; in charge of the Assinbione and Saskatchevan expedition of 1858; author of Narrative of the Canadian expeditions to the Northwest, 1860; Explorations in the interior of the Labrador Peninaular, 1863; official reports on the geology of New Brunswick, 1865; official reports on Waverly, 1869; Sherbrooke, 1870; Mount Uniacke, Oldham and Renfrew gold districts of Nova Scotia, 1872, de. Official papers on the effect of the fishery clauses of the treaty of Washington on the fisheries and fishermon of British North America. Parts I and II. 1877. Windsor, Nova Scotia. C. W. Knowles, Publisher, 1880.

FALSIFIED DEPARTMENTAL REPORTS.

WINDSOR, NOVA SCOTIA, November 23, 1880.

My Lord: The veracity of the departmental reports presented annually to the governor-general of the Dominion is of the highest importance to the State. When known to embody fallacious details, the subsequent use of these details for any purpose whatever, necessarily carries with it the most weighty responsibilities.

any purpose whatever, necessarily carries with it are most weighty responsibilities.

I respectfully ask permission to point out to your excellency, firstly, the condition in which the annual reports of at least two departments of the Government have been presented to the governor-general and the Legislature during a series of years; secondly, to indicate in part the subsequent use made of details in these reports for State purposes.

I am compelled to take this step in consequence of the recent reappearance of important statistical statements, known to me to be grossly false, over the signature of a Dominion official occupying a high position.

These false statements are used to influence public opinion in a very grave matter and they are the rebash of similar statements previously and successfully employed in a great international contention.

Mr. Whitcher, the promulgator of these statements, is the Dominion commissioner of fisheries, and he closes his communication, which is appended to this letter, with the assurance that it is "founded on published information accessible to everybody."

ter, with the assurance that it is "founded on published information accessible to everybody."

I propose to show your excellency that this "published information" is gleaned or falsified from the annual trade and navigation returns of the customs departments, and the fishery reports of the department of marine and fisheries; also, that during a series of years many of the details embodied in the official reports of these departments of government are of such a doubtful character as to excite the gravest suspicions of their truthfulness, and in some instances to induce a belief that the entries are fictitious, misleading, and premeditated.

The figures used by Mr. Whitcher represent the averages of Canadian fish exports and imports during different fiscal periods extending over the last seven and twenty years. Previous to the appearance of Mr. Whitcher's letter it had fallen to my lot, as an outcome of official duties, to inquire into the accuracy of some of these averages. I found them to be fallacious in the extreme, and to involve in their preparation and use the gravest offenses against morality and law. The renewed public use of these forged statistics necessarily compels me to call your excel-

lency's attention to them chiefly on the ground that they are of Canadian origin, that they consist of the falsified representations of vast international commercial dealings; also, because they serve as records of government for the basis of legislative enactments as well as of imperial diplomacy, and are in a measure based upon Canadian public records of tainted character, officially presented to the governor-general and the Parliament of the Dominion.

I shall first make some general remarks on the averages Mr. Whitcher presents, and then refer to the details they embody, and their relation to the annual trade and navigation returns of the Dominion, and the annual Dominion fishery reports.

GENERAL CHARACTER OF THE AVERAGES

CENERAL CHARACTER OF THE AVERAGES.

The table from which Mr. Whitcher takes his averages up to the year 1876, was presented in evidence to the Halifax fisheries commission, upon oath, by Mr. James Barry of the customs department, Ottawa, on the 18th of September, 1877. It is printed on page 435 of the British Evidence, and on page 1071 of the "Documents and Proceedings of the Halifax Commission," published at Washington. The averages are printed on page 418 of the Imperial Blue Book, entitled "Correspondence respecting the Halifax Fisheries Commission," and the argument there based on them is credited by the counsel to Mr. Miall. Hence Mr. Whitcher is so far correct in his avowal that his communication is based upon "published information accessible to everybody."
My analysis of these averages revealed the fact that in the enumeration of Canadian imports and exports of fish and fish products, the following artifices have been employed:

SECTION I.—Fish imports by Canada from the United States.

First. During the duty period, from 1867 to 1873, the items oysters, (excepting the year 1873,) whale oil, lobsters, preserved fish, furs and skins of marine animals, &c., are omitted, but in framing the averages from 1874 to 1877 all these items are introduced.

Second. In the customs returns for 1874, the item "furs, skins and tails, undressed"—a terrestrial item—amounting to \$110,258, is changed to "furs and skins of MARINE animals," and introduced as such into the alleged average imports of fish and fish products from the United States.

Third. The prices and quantities of imports of fish and products of fish from the United States, as stated in the customs returns from 1874 to 1877, are in many instances absurdly high and enormously large, suggesting false entries.

Fourth. The imports of Manitoba and British Columbia are included in the imports of the year 1877, but in no other year; these provinces not being included in the treaty of Washington.

Fifth. While whale oil is rejected during the duty period, it is introduced in the free period, and "crude oil," a terrestrial product, is introduced as a marine item during the duty period, but rejected during the free period.

The effect of these various artifices in framing the averages of imports from the United States during different fiscal periods is to lessen enormously the apparent value of Canadian importations of fish and fish products from the United States during the duty period, and to increase enormously the apparent imports of fish and fish products from the United States during the free period, or since the working of the Washington treaty.

SECTION II .- Fish exports from Canada to the United States.

First. In framing the averages of Exports of Canada to the United States during the duty period, 1867 to 1873, the compiler lessened the official record of exports from Prince Edward Island to the United States, and increased the official record of exports to other countries. In some cases this alteration of records of government was made to very large extent.

Second. The prices given in the customs returns of fish exported to the United States, when compared with the prices charged to other countries, are so widely different and so much less during the years 1874, 1875, and 1876 as to suggest certain conclusions respecting the origin of these differences.

Third. Certain large items of fish export to the United States are absent from the customs returns during different years.

The effect of these artifices is to diminish to a very large extent the record of exports of fish and the products of fish from Canada to the United States during both the duty period, from 1867 to 1873, and the Washington-treaty period.

SECTION III .- Fish exports from Canada to other countries.

SECTION III.—Fish exports from Canada to other countries.

First. In framing the averages of exports to other countries, the compiler has thrown out a very large proportion of the exports of the Province of Quebec in the year 1874.

Second. By the introduction of manifestly absurd entries into the customs returns the fish exports to foreign countries are largely increased. The object of this article appears to be antagonistic to the object of the preceding alterations, but it is susceptible of satisfactory explanation.

Third. The compiler has largely increased the fish exports of Prince Edward Island to other countries and lessened the official record showing exports to the United States.

The effect of these artifices and frauds is to increase the apparent exports of fish and fish products to other countries in comparison with the exports of the United States.

I will now proceed to give illustrations of each of the artifices enumerated in the three preceding sections, commencing with the details in the Trade and Navigation Official Returns:

The tables of trade and navigation of the Dominion of Canada.

The tables of trade and navigation of the Dominion of Canada.

Reference to page 369 of the Trade and Navigation Returns for the year 1874, showing the "general statement of imports for the Dominion," will reveal two items, designated as follows:

1. "Furs or skins, the produce of fish or marine animals."

2. "Furs, skins, and tails—all other, undressed."

The first is a marine item, the second a terrestrial item.

Further reference to the trade returns of the several provinces, as given on pages 49, 115, 170, 217, 255, and 291 of the same volume, develops the fact that in grouping these items for the general statement of Dominion imports on page 369 they have been rearranged and by far the larger portion transferred from "furs, skins, and tails, undressed," to "furs or skins, the produce of fish or marine animals," and these items are made there to read:

Furs or skins, the produce of fish or marine animals. Furs, skins, and tails—all other, undressed	\$246, 535 41, 826	
Total	288, 361	00
Furs or skins, the produce of fish or marine animals. Furs, skins, and tails—all other, undressed	1, 051 287, 310	
Total	988 361	00

Again, although the items are correctly given in the summary statement of imports of each province on pages 388, 399, 410, 420, 427, 433, yet in the summary state-

¹ Letter addressed to the editor of the Toronto Globe by W. F. Whitcher, esq., dated Ottawa, June 5, 1880, and published in the Globe and in other Canadian Journals. (*Vide* Appendix No. 1.)

Appendix No. 11.-Letter to Mon. M. Delfosse.

ment of the Dominion they are once more transposed, and the marine product, instead of being represented by \$1,051, is represented as before by \$246,535.

This grouping of the items does not consist of a mere transposition of values from one heading to another, but it involves the separate acts of selection and addition of marine items and terrestrial items to form the value of \$246,535, and this occurs in the trade and navigation returns of the Dominion, and was repeated in 1876. Now for the application of this transformation.

On page 418 of the "Correspondence respecting the Halifax fisheries commission," we find the imports of fish and fish-oil from the United States into the Dominion of Canada given as amounting to \$725,921 in the year 1874.

This sum, \$728,921, is made up of the following details:

**Imports of fish and fish products from the United States in 1874.

Imports of fish and fish products from the United States in 187	4.	
Ontario	\$275, 804	00
Onebec	265, 723	00
Nova Scotia	166, 291	00
New Brunswick	19, 238	
Prince Edward Island	1,865	00
Total .	798 991	00

When we compare these figures with the sums total of the fish items for each revince in the trade and navigation reports for 1874, we find that—

T	o much.
Ontario has	109, 215
Nova Scotia has	594
Prince Edward Island has	0

On page 369 we find the transformed entry, "furs and skins, the produce of fish or marine animals" imported from the United States, \$110, 256, which number is made up of the following:

"Furs, skins, and tails, undressed," imported from United States.

 Quebec, (p. 115)
 \$109, 213

 Nova Scotia, (p. 170)
 330

 New Brunswick, (p. 217)
 713

Importations of fish and fish products from the United States in the	year 1	874.
Nova Scotia, fresh mackerel whale oil, at forty-one cents a gallon. Ontario, fish—all other.	\$41 79, 750	\$79, 791
Nova Scotia, fresh herring. Prince Edward Island, pickled herring	7, 961 18	79, 791
New Brunswick, compiler's excess of imports	594 713	7, 979
New Brunswick, whale oil, at eighty-three cents a gallon. Nova Scotia, sea fish, other, fresh at \$2 a pound 2 1 Ontario, sea fish, other, fresh	17, 355 4, 725	1, 307
	6, 068 14, 352	22, 080
Nova Scotta, cod on (United States 1,304, Newfoundland 350)	1,000	22, 080

	22, 08
1 \$110, 258 is made up of the following imported items: "Furs, skins, and tails, undressed," by Nova Scotia. "Furs, skins, and tails, undressed," by Nova Scotia. "Furs, skins, and tails, undressed," by Quebec. "Furs, skins, and tails, undressed," by Quebec.	665
Total	110, 250
And the compiler gave— To Nova Scotia. To Ontario. To Quebec. To New Brunswick.	109, 21,

This artifice is repeated in the year 1876, and was detected by the proof-reader, with, however, the loss of thirty-two thousand one hundred and ninety dollars' worth of "furs and skins of marine animals," which disappear, according to the "errata," from the imports of British Columbia.

2 Sea fish, other—fresh (page 367) 22,093, includes \$13 from Prince Edward Island.

The first question which suggests itself, after contemplating these figures, relates to the presence and character of the details of symmetrical quantities in the records of the far distant provinces of Nova Scotia and Ontario; Nova Scotia and Prince Edward Island; Nova Scotia and Quebec.

How did it happen that these figures, representing certain fish items, fit and make equal wholes?

The second question relates to the astonishing importations of fresh fish from the United States by Nova Scotia, and Ontario during the season of 1874, which form the bulk of these figures.

There could be no fiscal reason for the enormous importation of fresh fish in 1874, after the commencement of the Washington treaty, for fresh fish were free during the duty period.

Leaving for future consideration the answer to the first question, I beg to direct your excellency's attention to the following tables, which show the quantities, values, and prices given in the trade and navigation returns for that year, of the fresh fish imports of Nova Scotia:

Imported from the United States during 1874, for home consumption.1

Item.	Quantity.	Value.	Price.
Fresh mackerel Fresh herring Fresh sea-fish, other Fresh oysters Fresh salmon Fresh cod, haddock, ling and pollock	1, 612, 560 lbs No quantity. 8, 619 lbs. ² 2, 863 bbls. 6, 742 lbs. 19, 325 lbs.	\$79, 791 7, 961 17, 355 6, 864 1, 210 2, 147	5 cts. a lb., nearly. \$2 a lb., nearly. \$2.40 a bbl., nearly. 18 cts. a lb. nearly. 11 cts. a lb. nearly.
Total value of fresh fish		115, 328	William American

Without stopping to inquire whether it is in the remotest degree probable that the fishing province of Nova Scotia imported these quantities of fresh fish from the United States at the prices named, I will compare the entries of the most unlikely imports in the different provinces, which I take to be fresh cod, haddock, and pollock. These stand thus:

Imports of fresh cod, haddock, and pollock from the United States, year 1874.

Province.	Quantity.	Value.	Price.3	
Ontario . Nova Scotia . New Brunswick .	294, 515 lbs. 19, 325 lbs. 5, 175 lbs.	\$13, 737 2, 147 671 60, 450	\$0 04½ per pound. 11 per pound. 13 per pound.	

By reference to page 502 (1874) it will be seen that New Brunswick exported to the United States 109,786 pounds of the same fish at a shade over one cent a pound, and she imported at the rate of 13 cents a pound. This is what the trade and navigation returns tell us.

The fishing provinces paid, one more than double, the other nearly three times as much, for fresh codish from the United States as was paid by the inland province of Ontario. This is scarcely probable.

It is paralleled, however, by the exports of fresh cod, ling, and pollock from Quebec to South America, the British West Indies, and Italy. The entry is as follows, page 472, Trade and Navigation Returns for 1874:

Exports of codfish from the province of Quebec, including ling and pollock, fresh.

Country.	Quantity.	Value.
Great Britain South America British West Indies Italy	3, 978 lbs. 451, 848 lbs. 150, 132 lbs. 70, 800 lbs.	\$684 63, 5084 25, 0225 11, 8006
Total	676, 758 lbs.	101, 014

This is at the rate of fresh codfish to South America at 14 cents a pound; to British West Indies at 16\\$ cents a pound; to Italy at 16 cents a pound. And in grand contrast stands the entry on page 502.

New Brunswick, 1874, exported to the United States fresh cod, &c., 109,786 pounds, value \\$1,106, or at the rate of ONE cent a pound nearly. Also in 1875.

*Quebec exported 21,490 pounds weight of the same article to the United States at 1.4 cents a pound, (page 570, year 1875,) and in 1877 we find that Ontario exported to the United States codfish, including haddock, ling, and pollock, fresh, 283,000 pounds, value \\$3,502, or at the rate of about 3 cents a pound. (Page 518, 1877.)

I pause for a moment to consider the entry—South America, 451,848 pounds, 863,508.

Was it to Costa Rica to Rescale to Pataconic or to COMM check.

Was it to Costa Rica, to Brazil, to Patagonia, or to Chili, that the province of Quebec exported, in the year 1874, 451,848 pounds of fresh codfish, &c., at 14 cents a pound, as recorded on page 472 of the Dominion Trade and Navigation Returns for that year?

On page 473, we may also need that Online

On page 473, we may also read that Quebec exported 35,963 cwt. of dry salted codfish, &c., to "South America" for \$174,839, or within a fraction of \$5 a hundred-

codish, &c., to "South America" for \$174,839, or within a fraction of \$5 a hundred-weight.

Common sense rejects the statement that the province of Quebec exported firesh codish to "South America" or the British West Indies at 14 and 16 cents a pound, or that the large quantity, representing more than one hundred thousand dollars' worth of fresh cod, ling, and pollock, was ever exported from Quebec to the countries named. It is to be observed that the item "fresh codffsh" is exclusive of the exports by Quebec of the same species "dry salted," "wet salted," and "pickled." Therefore it cannot be a misprint, and it is on a par with the imports of fresh codfish, &c., from the United States by Nova Scotia and New Brunswick at 11 and 13 cents a pound, and also on a par with similar astonishing fish exports and imports during the years 1875 and 1876.

The items are used, too, in the preparation of the tables from which Mr. Whitch er's averages are taken, which were employed for specific purposes.

Trade and Navigation Returns for 1874, pages 168 and 169.
 The general statement of Nova Scotia imports for 1874, page 169, no quantity is given for this item, but in the summary statement, page 410, 8,619 pounds are introduced.
 Nearly.
 At 16 cents a pound.
 At 16 cents a pound.

Importations of fresh fish from the United States.

In order to show that the importations of fresh fish and fish products by different provinces from the United States in 1874 are not only abnormal, but excessive in quantity and price, I subjoin comparative tables showing how particular items stand out in bold relief when arranged in order:

Table showing the imports from the United States of fresh fish by the provinces of Ontario and Nova Scotia during a series of years for home consumption, (not including oysters.)

Year.	Ontario.	Nova Scotia.	Total.
1872 1873 1874 1875 1876 1877 1878	\$9, 896 12, 553 99, 4361 30, 871 23, 407 12, 034 9, 945 15, 820	\$3,378 0 108,464 1,033 7,109 2,081 309 767	\$13, 274 12, 553 207, 900 31, 904 30, 516 14, 115 10, 245 16, 587

We learn from this table that in 1874, Ontario imported more than three times as much fresh fish in 1874, and Nova Scotia more than fifteen times as much fresh fish as in any year of the series of eight years given in the table, either before or after. We will now take the imports of Quebec as concerns the item "pickled fish" enverated among the symmetrical numbers on page 10.

Imports of "fish, all other, pickled"-from the United States to the province of

Queoto.		
1873		\$364
1874		\$364 14, 352
1875		721
1876 1977	No	entry.
1877		9
1878	No	entry.
1877 1878		30

The imports of pickled fish from the United States stand out in similar marked contrast in 1874. The same observation applies to Nova Scotia and New Brunswick.

Nova Scotia—The item "sea-fish, other, fresh," and "sea-fish, all other, fresh."—Im-

1873	No entry.
1874	
1875	
1876	
1877	
1878	
1879	666

New Brunswick-The item "oysters in barrels."-Imports of New Brunswick from

the Other States.	
1873	
1874	
1875	
1876	
1878	
1879	

The prices of "fish oil, other" stand out in the same unequal measure in 1874 for Quebec. They are as follows:

1873	No entry.
1874	\$1 18 per gallon.
1875	39 nearly.
1876	
1877	
1878	37 nearly.
1879	39 nearly.

The amount of fish oil imported by Quebec in 1874 from the United States is very large, and makes a considerable difference in the imports at the price named. The item is: Fish oil, other, 16, 696 gallons; value, \$19, 789.

The value of the reported catch of salmon in the province of New Brunswick in 1873 and 1874 is also in marked contrast with the catch of other years. Strange to say, too, the exports of salmon during those years do not conform to the catch. Tabulated, these details are as follows:

Official value of the salmon catch and exports of New Brunswick.

(Fiscal year ends 30th June.)

Year.	Value of catch.	Exports.	Difference.
1870	\$176, 945	\$136, 052	\$40, 893
1871	201, 062	125, 550	75, 512
1872	207, 767	84, 247	123, 520
1873	527, 312	95, 985	431, 327
1874	605, 997	157, 024	448, 973
	284, 235	134, 061	150, 174
1876	140, 482	75, 931	64, 551
1877	233, 654	101, 117	132, 537
1878	262, 885	237, 278	25, 607
	254, 224	203, 977	50, 248

¹ In the general statement of imports, page 368, occurs the item "fish, all other, resh," United States, \$85,818, which is made up of the items—

Ontario—fish, all other, (p. 49)	\$79, 750 6, 068
Total	85, 818

which shows that the item fish, all other, \$79,759, referred to fresh fish. Vide also pages 367 and 449, for "sea-fish, other, fresh."

What can have become of the enormous quantities not exported, amounting in value to \$431,327, and \$448,973 for New Brunswick alone in 1873 and 1874? The same remark applies to the dominion exports of salmon in that year.

Hitherto I have confined my remarks chiefly to the year 1874, but similar anomalies are to be found in the years 1875, 1876, and 1877, and in articles of a totally different class. The following comparison of the annual imports of oysters by the province of Ontario is suggestive:

Importations of oysters from the United States by the province of Ontario.

1873	\$139, 894
1874	
1875	
1876	
1877	174, 668
1878	144, 457

	1879	144, 457 125, 484
THE REAL PROPERTY.	Although the total values of imported oysters by Ontario are excessive 1876, and 1877, it is the price charged per barrel in the trade and navigation which excite astonishment. These are as follows: Year, 1875:	returns
	Ontario, per barrel. Quebec, per barrel	
	For two barrels Mean	
	Nova Scotia, per barrel New Brunswick, per barrel	. 3 73
	For two barrels. Mean	
	Year, 1876: Ontario, per barrel	. 8 97
	For two barrels	
	Nova Scotia, per barrel New Brunswick.	3 73 3 82
	For two barrels	
	Year, 1879: Ontario, per barrel	. 5 63
	For two barrels	. 10 16
	Nova Scotia, per barrel	. 4 61
	For two barrels	8 21
	The disgrepancies in the charges for "overtone in harmale "during 1975	and 1000

The discrepancies in the charges for "oysters in barrels" during 1875 and 1879 for the provinces of Ontario and Quebec is very striking when taken in connection with other discrepancies pointed out. All of these abnormal entries cannot be mistakes, because in relation to IMPORTS they are all in excess, and, as I shall now proceed to show, similar anomalies in the exports to the United States are all in defect.

Exports to the United States.

In order to illustrate the extraordinary differences which exist in the export prices of certain articles to the United States during the years 1874, 1875, and 1876, compared with the export prices charged to other countries, I append the subjoined table:

Prices of "codfish, dry salted," exported from Nova Scotia to the Spanish West Indies and to the United States.

Year.	Spanish West Indies.	Difference.	United States.
1873	\$3 82 4 14 4 88 4 80 4 38 4.04 3 89	\$3 60 2 62 3 77 3 78 3 69 3 42 3 36	Less \$0 22 1 52 1 11 1 02 40 62 53

It will be observed that this remarkable depreciation of price put upon the EXPORTS of codfish to the United States occurs in the same years as the extraordinary increase of price and quantity of IMPORTED items from the United States. It ceases

crease of price and quantities involved are large, and the United States is served with codfish, &c.. at the rate of \$3.57 per cwt., while "South America" and British Guiana are charged over \$5 per cwt. The figures are, (page 472:)

Dominion exports of dry salted codfish, 1876

United States, 42,323 cwt., at \$3.57 per cwt	\$151,770
South America, 57,850 cwt., at \$5.10 per cwt	295,258
British Guiana, 31,130 cwt., at \$5.07 per cwt	

From this we learn, according to the trade and navigation returns, that 31,130 cwt. of dry coddish, &c., sent to British Guiana brought more money than 42,323 cwt. sent to the United States.

In 1874, New Brunswick is actually recorded to have sent 9,863 cwt. of cod, haddock, ling, and pollock, dry salted, to the United States at the rate of 76 cents per cwt., (page 502,) and to Italy 2,060 cwt., at \$4 per cwt. The entries are: Coddish—including haddock, ling, and pollock, dry salted—exported to the United States, 9,863 cwt., valued at \$7,586 Italy, 2,080 cwt., valued at 8,320

And what can the following entry mean?

Exports of Prince Edward Island. Codfish-salted, (p. 516.)-1874

Countries.	Cwt.	Amount.
Great Britain United States British West Indies	13 30 24	\$3,098 00 10,708 00 9,402 00
Total	67	23, 208 00

From this we learn that in 1874 Prince Edward Island exported 37 cwt. of salted codfish to Great Britain and the British West Indies for \$12,500, and 30 cwt. to the United States for \$10,708. The aggregate exportation being at the rate of \$344 per cwt. for salted codfish.

It is the same with regard to herring. The following table shows that, while in one province a reasonable export price was recorded, in another province a remarkably low export price was charged for exports to the United States.

Exports of pickled herring to the United States

Year.	Province.	Per barrel.
1874	Quebecdo	\$1 43 1 07 2 52
1877 1875 1876	Nova Scotiado	2 80 4 47 4 00

Imports of pickled herring by Prince Edward Island and Quebec from the United States in 1877.

Prince Edward Island

Year.	Imports.	Amount.
1874	5 barrels. No imports from the United States 3 cwt 1,427 barrels, at \$4.77	\$18 00 10 00 6, 808 00

In 1877 Prince Edward Island is recorded to have exported to the United States 1,210 barrels of pickled herring for \$3,855, or at the rate of \$3.18 a barrel, a difference of \$1.39 per barrel between the import and export price of pickled herring for the province of Prince Edward Island, being more than the total value per barrel charged by Quebec in 1874 and 1875 for similar articles exported to the United States.

States.

This importation of six thousand eight hundred and eight dollars' worth of pickled herring by Prince Edward Island from the United States in 1877 is most surprising. The price, \$4.77 per barrel, is unparalleled. In order to show how this abnormal importation stands out in a series of years, I introduce the total importation of fish and fish oil of all kinds by Prince Edward Island from the United States, from 1856 to 1876. The quantities are given in the printed table from which Mr. Whitcher takes his averages.

Total fish importations of Prince Edward Island from the United States.

Year.	Value.	Year.	Value.
1856	\$244 35	1867 1868 1869	\$4, 234 2, 324 4, 504 2, 150
1860	37	1871 1872 1873	3, 016
1863 1864 1865 1866	955	1874 1875 1876	1, 865 2, 215 2, 312 8, 382

Of which \$6,808 is credited to "pickled herring" at \$4.77 per barrel. The following is the comparison of prices:

Per			
Imported by Ontario	\$	3 5	98
Imported by Quebec	. 0	4	78
Imported by Prince Edward Island		4	77
Imported by Nova Scotia		3 (60
Imported by New Brunswick	. 60	2 9	94

Province of Quebec.

In 1875 the province of Quebec exported pickled herring to the United States at \$1.07 a barrel; two years later the province imported the same article from the United States at \$4.78 per barrel, or more than four times as much as she sold her own produce for, according to the trade and navigation returns. The other provinces imported at reasonable charges.

Smoked herring.

In 1876 Nova Scotia sent smoked herring to the United States at a trifle over one cent a pound, but to Danish West Indies and Hayti at about two and one-fourth cents a pound. New Brunswick, in 1877, sent smoked herring to Great Britain at over seven cents a pound, to British West Indies at two and four-tenths cents a pound, and to the United States at one and six-tenths cents a pound.

Similar distinguishing export charges are observed in relation to canned salmon. The United States as usual being supplied with the cheap article.

Exports of canned salmon from Quebec.

Year 1874—Exported to Great Britain at 20 cents. Exported to United States at 7.3 cents

In 1876 the export price of canned salmon to the United States was charged

17 cents, but according to the record of 1874 about 200,000 pounds of Quebec canned salmon sent to England brought more than twice as much money as \$21,000 pounds sent to the United States.

Prince Edward Island, in 1875, sent canned salmon to Great Britain at 16½ cents a pound, and to the United States at 6½ cents a pound. (P. 559.)

Exports of lobsters from New Brunswick and Prince Edward Island.

Exports of lobsters from New Brunswick and Prince Edward Island.

In 1877, New Brunswick exported 752,126 pounds of preserved lobsters to Great Britain at 11.8 cents per pound, but to the United States she sent 186,722 pounds at 6.1 cents a pound. (P. 563.)

In 1875, Prince Edward Island sent eight thousand nine hundred and two dollars' worth of preserved lobsters to Great Britain, at 15 cents a pound, and sixteen hundred dollars' worth to the United States, at 16 cents a pound, but in 1876 Prince Edward Island sent twenty thousand four hundred and ninety-four dollars' worth of preserved lobsters to Great Britain, at 30 cents a pound, and five thousand seven hundred and sixty-six dollars' worth to the United States, at 50 cents a pound. (P. 462.) The price is higher, but the quantity is very much less. The price, compared with 1875, is astonishing.

Exports of halibut to the United States.

There is, however, another feature to be noticed in our exports to the United States. Certain items during particular years disappear from the record—one item in one year, another item in another year—and there is no knowing how far this practice has been carried. By way of illustration I will take the province of New Brunswick.

rts from New Brunswick to the United Stat

The item "fish, all other, fresh:"	
1873	\$1,428
1874	31, 040
1875	42, 834
1876	11, 756
1877, no exports of "fish, all other, fresh" this year to the United States.	11, 100
1878.	82, 929
1879	41, 511
The item "sea fish, other, fresh:"	
1873	118
1874	22, 486
1875.	23, 484
1876, no exports of "sea fish, other, fresh" this year to the United States.	mo, 101
1877	50, 162
1878	35, 259
1879	16, 191

These important items thus disappear from the record in 1876 and 1877, and the question arises, What became of the prolific yield of the growing winter fisheries of New Brunswick in those years?

Price of exports of "sea fish, other, fresh" to the United States.

Price of exports of "sea fish, other, fresh" to the United States.

New Brunswick:

1874—4,123,900 pounds, \$22,486, at the rate of one-half cent a pound nearly.

1875—1,335,400 pounds, \$23,484, at the rate of 17.1 cents a pound nearly.

1876—no "sea fish, other, fresh" exported to the United States.

The contemplation of these omissions, coupled with the remarkable prices, the introduction of excessive alleged importations to hot, foreign countries of commercially impossible articles, throws a doubt upon all the fish entries, both export and import, during the years 1874, 1875, and 1876.

It will be remarked that while our imports of fish and fish products from the United States are excessive in quantity and absurdly high in price during these years our exports to that country are exceedingly low in valuation, and in some instances disappear altogether. These features wear the aspect of design to a degree impossible to escape attention, and suggest premeditated and concurrent action.

action.

The transformation of "furs, skins, and talls, undressed," into a marine product, involving the selection and addition of marine and terrestrial items, coupled with the subsequent use of the transformed items, gives vivid color to this supposition.

THE CHANGE IN THE YEARS 1878 AND 1879.

The following deduction from the figures supplied by Mr. Whitcher in his communication to the Toronto Globe will illustrate better than any enumeration of details the effect of the anomalies I have pointed out in the trade and navigation returns during the years 1874, 1875, 1876, and 1877, upon our supposed fish-trade relations, and the sudden return to a very different state of things when the entries ceased to exhibit an abnormal and perplexing character.

Mr. Whitcher informs us that "under the reciprocal provisions of the Washington treaty Canada has imported from the United States an annual average of six hundred and sixty-eight thousand one hundred and seventy-six dollars' worth of fish products." This is the average of six years' experience, and covers, therefore, a total importation amounting to \$4,009,056 during that period, or from June 30, 1873, to June 30, 1879. By reference to page 418 of the "Correspondence respecting Halifax commission," presented to the Imperial Parliament in 1878, it appears that the annual average of Canadian fish imports from the United States for the four years ending June 30, 1877, amounted to \$721,637. Multiplying this number by four we obtain the total value of importations during that period, namely, \$2,886 548. Deducting this sum from \$4,009,056, we find the value of importations during the fiscal years 1878 and 1879 to have amounted to \$1,122,508, or at the rate of \$561,254 per annum. The record stands thus:

ì	Average annual imports from the United States.	
١	During 1874 to 1877, inclusive	\$721, 637 561, 254
ı	Average annual decrease since 1877	160, 383

Average annual accrease since 1877. 100, 383 or about 29 per cent.

A similar comparison between Mr. Whitcher's figures, showing our exports to the United States, and the "published information accessible to everybody," exhibits a like extraordinary change in our commercial relations with the United States as concerns our exports of fish and fish products. Mr. Whitcher says: "In the six years which have transpired since the removal of duties under the Washington treaty, from 1874 to 1879, these exports have averaged \$5.971,887, of which one million seven hundred and twenty thousand one hundred and fifty six dollars' worth was imported into the United States, and four million two hundred and fifty-one thousand seven hundred and thirty-one dollars' worth found other markets."

¹ Vide letter in Appendix.

The value \$1,720,156 multiplied by six gives \$10,320,936, which represents our total exports to the United States of fish and fish products from 1874 to 1879. On page 419 of the "published information" before referred to, we find the average annual exports to the United States from 1874 to 1877, inclusive, given as amounting to \$1,505,888, or in the aggregate to \$6,023,559. Deducting this amount from \$10,320,-936 there remains \$4,297,384, which represents our exports to the United States for the years 1878 and 1879, or at the rate of \$2,148,692 per annum.

Tabulated the difference is this:

Average annual exports to the United States.
 During 1878 to 1879, inclusive.
 \$2, 148, 692

 During 1874 to 1877, inclusive.
 1, 505, 888

Average annual increase since 1877......or about 30 per cent.

or about 30 per cent.

Therefore, according to Mr. Whitcher's figures, compared with the "published information" to which he refers, our average annual imports of fish and fish products from the United States have diminished by \$160,383 during the past two years, and our average annual exports to the United States have increased by \$642,804. According to these figures the direction of our fish trade with the United States has turned immensely in our favor during the past two years.

The effect of this great change, if it exists, in the fish trade of the Dominion, according to Mr. Whitcher's figures, may be gathered from the following "summary statement of the exports of Nova Scotia" for the year 1879.1

Item.	Produce.	Not pro- duce.	Value.
The fisheries The mine The forest Animals and their products Agricultural products Manufactures Miscellaneous articles	332, 272 509, 225	\$139, 382 6, 667 329 16, 437 6, 563 195, 594 13, 234	\$4, 638, 377 342, 652 797, 032 348, 709 515, 788 669, 347 14, 113
TotalCoin and bullion	6, 947, 812	378, 206	7, 326, 018 38, 306
Total exports			7, 364, 324

From this statement it will be seen that the fisheries greatly exceed the aggregate of all other sources of industry in the province of Nova Scotia; therefore all questions relating to her fisheries are of vital interest to the province.

It is indeed of immense importance to all the fishing provinces to know whether it be true that their import fish trade with the United States has diminished 22 per cept. during the past two years, and their export fish trade to the United States has increased 30 per cent. during the last two years.

If it be not true, then the data from which these numbers flow must be fallacions.

The dilemma.

But the inevitable conclusion derived from Mr. Whitcher's figures involves a most serious dilemma, from which there is no escape.

The dilemma in which the country is placed is this: If the figures found in the trade and navigation returns, which form the bases of the averages Mr. Whitcher employs, are true, then the conclusions to which they lead must be accepted also.

If, because they are "records of government," handed to and received by the governor-general and the parliament of the country, they are ex officio, as it were, indisputable, then we must believe that we did export a very large quantity of fresh codifish, at fancy prices, to South America, to the British West Indies, and to Italy. We must believe that Nova Scotia and New Brunswick did import cod, &c., from the United States at 11 and 13 cents a pound, and salmon at 18 cents a pound.

We must have faith in the assertion that we bought large quantities of dry salted cod, &c., from the United States at a much higher price than we sold our own productions to that country.

We must have faith in the record that Ontario paid \$11.38 per barrel for oysters from the United States, at the same time that Nova Scotia procured them in the same market for §3.73.

We must believe that Quebec and Ontario together spent \$53.350 in barreled oversers at \$10.29 a barrel, while Nova Scotia and New Brunswick together purchased the same article in the same market for §3 a barrel, or nearly for one-third the price.

We must treat the phenomenon as real, that Nova Scotia purchased seventy-nine

chased the same article in the same market for \$3 a barrel, or nearly for one-third the price.

We must treat the phenomenon as real, that Nova Scotia purchased seventy-nine thousand seven hundred and ninety-four dollars' worth of fresh mackerel from the United States at nearly five cents a pound, and that Ontario at the same period bought seventy-nine thousand seven hundred and fifty dollars' worth of nameless fish, which, dove-tailed with forty-one dollars' worth of whale oil at an abnormal price, produce a surprising concurrence of the same figures supposed to be recorded in localities a thousand miles apart.

We must treat the phenomenon of the dove-tailing items, some of which involve a great stretch of credulity, as an accident of commercial business life, which ought not to stagger us.

We must accept without cavil all the anomalies which we find in our trade and navigation returns for those four years, and we must acknowledge the commercial comclusions which flow from such a belief in these "Records of Government" and the vast benefit the country has derived during the last two years from the treaty of Washington. There is no escape from these conclusions according to the premises presented by Mr. Whitcher, based on the trade and navigation returns of the country.

But if our common sense revolts against such a strained commercial record, one series of questions to be answered is: How did these marvelous entries find a place in our trade and navigation returns? Who put them there? Was it done in the province whose industry they are supposed to represent, or where the records of those industries are gathered and grouped together? Was it done at Halifax, St. John, Quebec, Toronto, Charlottetown, or—at Ottawa?

The number \$1,137,839.

The number \$1,137,839.

I now ask leave to call your excellency's attention to another of Mr. Whitcher's average numbers and the conclusions which flow from its analysis and its use, for it is the use of this average number which gives color and force to the interpretation which may be put upon the anomalies in the trade and navigation returns—an interpretation from which one would otherwise shrink.

Mr. Whitcher says: "The average yearly value of fish exports from Canada during the seven years between the termination of the reciprocity treaty and the fiscal operation of the trade of Washington, from 1867 to 1873, was \$4,003,375, of which one million one hundred and thirty-seven thousand eight hundred and thirty-nine dollars' worth was imported into the United States, and two million eight hundred

and sixty-five thousand five hundred and thirty-five dollars' worth was absorbed

and sixty-five thousand five hundred and thirty-five the save by other markets."

The number \$1,137,839 hides the key to the history of much which, for the sake of the honor and interests of the country, ought to be speedily unveiled. This number we find by referring to page 418 of the "correspondence respecting the Halifax fishery commission" is made up from the following items:

Annual exports from Canada and Prince Edward Island of fish and fish products to the United States.

Year.	Amount.
1867	\$1, 108, 779 1, 103, 859 1, 208, 805 1, 129, 665 1, 087, 341 933, 044 1, 393, 389
Total	7, 964, 879
Average	1, 137, 839

For the sake of brevity I will select one of these yearly numbers and submit it to analysis as a type of the whole. I take the year 1872, in which the recorded value of our exports to the United States is stated to be \$933,041.

This number is made up of the following items:

Ontario	\$59, 911
Quebec Nova Scotia	38, 636
Nova Scotia.	584, 514
New Brunswick	157, 142
Prince Edward Island	92, 838
- mary	

Taking one of these items, that of Prince Edward Island, for example, and referring to the Prince Edward Island trade and navigation returns, as furnished by that province, we find the following items:

			Exported to the United States-1872.	
Codfi	sh			\$15, 998
Hake			***************************************	5, 319
Alew	ives		•••••••••••••••••••••••••	
Herr	nos			201
				111, 512
				4, 300
TOTAL S				137, 746
Mr.	w hitche	r's avera	ge number	92, 838
	73100-			44 000

The question naturally arises, for what reason and by what authority were the Prince Edward Island "Records of Government" altered in framing the averages Mr. Whitcher uses?

The Prince Edward Island records.

Mr. Whitcher uses?

The Prince Edward Island records.

The liberty taken with the public records of Prince Edward Island present some very repulsive features. They are, indeed, of so gross a character and involve such a menace to the rights and privileges of provinces, and so defiantly uphold false witness in the face of truth, that I advert to them with profound regret.

On the 6th August, 1877, a senator of the Dominion, Hon. G. W. Howlan, testified upon oath before the Halifax commission that 111,512 barrels of mackerel had been exported from Prince Edward Island to the United States in 1872, and that he had obtained his information "from the journals of Prince Edward Island-from a table I prepared myself when I was a member of the government." (pages 75 and 77 "British Evidence," and pages 387 and 391 "Documents and Proceedings of the Halifax Commission," published at Washington.)

On the 18th September, 1877, Mr. James Barry, member of the civil service, statistical branch, customs department, Ottawa, testified on oath that the tables from which Mr. Whitcher obtains his averages "cover all the ground and give all the information which is to be gained from the returns of both countries." (The Dominion and the United States.) Mr. Barry's figures for 1872 embody the statement that the total exports of fish and products of fish exported by Prince Edward Island to the United States amounted to \$92,838, as opposed to the honorable Senator Howlan's testimony that the value of the mackerel alone, exported to the United States in 1872, amounted to \$11,512. Mr. Barry's summary is printed on page 435 of the British Evidence, and the details are printed in a document in which the "attention of the commission" is invited in the text.

The utter helplessness of individual warfare against official work of this stamp manifests itself upon a comparison of Mr. Barry's figures with the official figures sent to Hon. Peter Mitchell, on the 19th of February, 1873, by the custom-house officer of Charlottetown, Prince Edward Isla

Exported to the United States in the year 1872.

Fish.	Amount.	Value.
Codfish quintals Hake quintals Alewives barrels Herrings barrels Mackerel barrels. Sounds	4, 695 1, 806 142 67 9, 126	\$15, 998 5, 319 416 201 111, 512 4, 300
Total		137, 746

In this independent official statement we observe Senator Howlan's figures for mackerel not only correctly given, but the total amount of fish exported to the United States in 1872, returned by the custom-house officer at \$137,746, in place of Mr. Barry's ninety-two thousand eight hundred and thirty-eight dollars' worth. In effect, a senator of the Dominion produces upon oath, before a court of justice, the records of his own work and his own government in a distant province, when that province possessed jurisdiction over her trade and navigation returns. Subsequently, in the same court of justice, an officer of the Dominion customs department at Ottawa produces upon oath an alleged statistical statement of the same details, but differing altogether from the senator's statement, and he delares that he has derived his results from the same source as the senator himself.

The thing is done in such a manner that the officer of the customs department

¹Trade and Navigation Returns for 1879, page 734.

Now, if we subtract \$394 from \$1,307, the value of New Brunswick imports of whale oil, there remains \$713, which is the value of the imports by New Brunswick of "furs, skins, and tails, undressed"—a terrestrial item—from the United States, and which appears to have been split up by the compiler, and \$119 given to Ontario and \$594 to New Brunswick, as shown on page 8.

But how did it happen that the two added numbers, \$594 plus \$713, which ought not to have been introduced, make up \$1,307, the value of New Brunswick importations of whale oil? And how did it happen that marine and terrestrial items were selected and added together to make a new number for the general statement of Dominion imports, as given on page 369 of the trade and navigation returns for 1874 and subsequently used, as exemplified on page 8 of this letter? The answer to these important questions may be simplified by an examination of other items.

I will once again group together the series of dovetailing numbers so far discovered in the trade and navigation returns for 1874, which suggest manipulation as their origin, on account of their character, bearings, associations, and uses, with some brief remarks on these several points.

The item "whale oil "—100 gallons, \$41, or at the rate of 41 cents a gallon—was alleged to have been imported by Nova Scotia from the United States in 1874, at the same time that New Brunswick imported 1,572 gallons for \$1,307, or at the rate of 82 cents a gallon. (Pages 169 and 220.)

The item "ish, all other, \$79,750" imported by Ontario from the United States, without mention how they came or in what quantity, fitted to \$41 for Nova Scotia's importations of whale oil, at 41 cents a gallon, makes exactly the sum paid for Nova Scotia for fresh mackerel, namely, \$79,791.

This item, fresh mackerel, stands thus on the record:

"Imported from the United States for home consumption: Nova Scotia—Fish, mackerel, fresh, (1,612,560.) in British vessels; value, \$79,791.

The assertion that Nova Scotia imported 50 tons of fre at Ottawa triumphs in this court of justice, and use is made of his falsified figures. The two statements cannot be true, and the senator's statement is susceptible of The two statements cannot be true, and the senator's statement is susceptible of verification.

I shall ask leave still to offer one more illustration of the value of Mr. Whitcher's averages, because it exhibits the manner in which the item "whale oil" has been used in framing the fallacious table from which he takes his figures.

The fish imports of the Dominion from the United States in 1872 are stated, on page 418 of the correspondence before referred to, to have amounted to the sum of \$123,670. This sum is made up of the following items:

Ontario

Ont An examination of the details given in the trade and navigation returns of the several provinces shows that the item "whale oil" has been in all cases omitted, and the item, "oils of all kinds, crude, except whale oil and others elsewhere specified," introduced. But this is a terrestrial product, as may be seen by reference to the record of 1873, pp. 22 and 76.

The effect of the omission of "whale oil" and the introduction of "oils, crude, &c.," is noteworthy.

The total importations of whale oil in 1872 were as follows:

 Ontario, (p. 43)
 \$4,287

 Quebec, (p. 97)
 9,943

 Nova Scotia, (p. 147)
 2,733

 New Brunswick, (p. 191)
 2,462

 Ontario No. I.
 Quebec...
 26

 Nova Scotia...
 22

 New Brunswick...
 3,729
 Total.

3,777
The terrestrial item, \$3,777, was added to the fish importations of 1872, and the marine item, whale oil, amounting to \$19,485, was rejected, thus diminishing the value of the imports of fish and fish products by about 8 per cent. This feature frequently occurs during the enumeration of our imports in the duty period. But "whale oil "forms an important item in the subsequent free or Washington treaty period, when it was desirable to increase the imports from the United States.

THE VERACITY OF THE TRADE AND NAVIGATION RETURNS. No. II. Nova Scotia, fresh herring. \$7,961
Prince Edward Island, pickled herring. 18 I beg now to direct your excellency's attention to a very important matter which concerns every man, woman, and child in the dominion—namely, the veracity of our records, particularly the trade and navigation returns.

For this purpose I must again advert, at the risk of repetition, to the imports of New Brunswick from the United States for the year 1873, the close of the duty It is to be noticed that there is no record to say how these fresh herring were imported, whether in United States vessels or British vessels; no price is given. The bare fact is simply stated that in 1874 Nova Scotia imported seventy-nine hundred and sixty-one dollars' worth of fresh herring for home consumption from the United States. The total imports of fish of all kinds, fresh and salt, from the United States by Nova Scotia in 1873 amounted to \$1,375 less than the alleged importation of fresh herring alone for home consumption in 1874.

The similarity in the three sets of figures—all sevens and nines—for these imported abnormal items is startling.

The seventy-nine hundred and sixty-one dollars' worth of fresh herrings, at one cent a pound, amounts to about four hundred tons of fresh herrings imported by Nova Scotia in 1874 from the United States. They must have come in schooners, but whether British or foreign, is not recorded.

They have come, too, with seventy-nine thousand seven hundred and ninety-one dollars' worth of fresh mackerel, at five cents, nearly, a pound, and with seventeen thousand three hundred and fifty-five follars' worth of fresh "sea-fish, other," at \$2 a pound, and they came with fresh salmon, at eighteen cents a pound, and with fresh cod, &c., at 11 cents a pound, and with whale oil at 41 cents a gallon, and all from the United States for the consumption of the fishing people at Nova Scotia.

No. III. New Brunswick from the United States for the Jeriod.

The imports of that province from the United States are given in the table from which Mr. Whitcher takes his averages as amounting to \$5,959. This number is obtained from our trade and navigation returns, by adding together all the fish export items, which amount to \$4,504 exclusive of whale oil, which was imported to the value of \$125.

To this sum there was added the item "oils of all kinds, crude, except whale oil and others elsewhere specified, \$1,455."

The two make a total as subjoined—

\$4,504 Total.

Total. No. III. | New Brunswick | # Furs, skins, and tails, undressed | # Furs, skins, and tails, undressed | # Excess of imports in compiler's table | # 504 | | Total | # 1,307 | | # Whale oil," at 83 cents a gallon | 1,307 | | | General statement of imports of fish and the products of fish from New Brunswick to the United States during the year 1874 according to the trade and navigation returns for that year. Nova Scotia, sea-fish, other, fresh, at \$2 a pound. \$17,355 Ontario, fish, all other, fresh. 4,725 Fish: Including cod, haddock, ling, and pollock, dry salted.....
 Fish: Including cod, haddock, ling, and pollock, dry salted
 \$64

 Preserved
 6

 Oil, cod-liver, not elsewhere specified
 13

 Including cod, haddock, ling, and pollock, fresh, (imported at 13 cents a pound)
 671

 Including cod, haddock, ling, and pollock, dry salted
 340

 Mackerel, fresh.
 24

 Herring: Fresh, (imported in British vessels at 1½ cents a pound)
 996

 Pickled, (imported at \$3.70 a barrel)
 900

 Smoked
 302

 Oysters: Fresh, in barrels²
 13, 274

 Fresh, in cans
 267

 Oil: Cod
 480

 Whale
 1, 307
 There is nothing recorded to show how these "fish, all other" came to Ontario; There is nothing recorded to show how these "fish, all other" came to Outario; no quantity is given.

There is nothing recorded to show how these "sea-fish, other" came to Nova Scotia. The quantity, 8,619 pounds, is introduced into the summary statement on page 410; the price, \$2 a pound, is marvelous, and the questions arise, how did the quantity is not found in the general statement of the provincial imports from the United States—find its way into the "summary statement" of the provincial imports; and how did the character "fresh," which is not found in the general or summary statement of the provincial imports, find its way into the general statement of the Dominion imports? "Fish, all other, pickled" \$14, 352 "Fish, all other, fresh" 6, 068 Difference Nova Scotia: ¹Page 181-Trade and Navigation Returns for 1878-Sessional Papers. Anno 1 Page 181—Trade and Navigation Returns for Ico.

2 According to the trade and navigation returns New Brunswick imported considerably more cysters in barrels in 1874 than Ontario. We only know the quantity of cysters in barrels imported by Ontario by an inductive process, for the general statement of Ontario's imports does not give the number of barrels. But the Dominion general statement (page 367) makes the total for the five provinces to be 11.542 barrels valued at \$51,639. Therefore, subtracting the given quantities for the other provinces from this amount we find that Ontario imported 2,904 barrels against New Brunswick's 3,353 barrels. But how is it that the general Dominion statement contains information which the provincial statement does not contain? Where did the information comesfrom?

There is nothing in the record to show how the "fish, all other," fresh and pickled, came into Quebec—no quantities given, and consequently no price can be obtained; but by reference to page 13, it will be seen that the item "fish, all other, pickled," as an importation from the United States to such a large amount, stands alone in the year 1874 for the series given.

Now, if we suppose that these symmetrical groups of numbers, involving abnormal items, represent the faithful record of commercial transactions, we must

recognize a remarkable fortuitous concurrence of numbers in no less than five different countries many hundred miles apart. For we observe—
First. That the items are nearly all excessive and unprecedented.
Second. Most of them lack two important elements, namely, how they came and in what quantity.

Third. Most of them involve the separate addition of numerous smaller items. This is best exemplified by considering that 1,612,560 pounds of fresh mackerel imported by Nova Scotia is about eight hundred tons, which required large numbers of fishing schooners to bring them from the United States, and consequently numerous entries at the custom-houses. The entire quantity is recorded as having been brought in British vessels, and imported from the United States at 5 cents a pound, nearly.

Again, the seventy-nine thousand seven hundred and fifty dollars' worth of nameless fish imported by Ontario from the United States during the same fiscal year must have come in numerous vessels or at different periods by rail, and entries must have come in numerous vessels or at different periods by rail, and entries must have come in numerous vessels or at different periods by rail, and entries and have come in the custom-houses; but it passes belief that numerous separate entries in the customs records of Nova Scotia and of Ontario, embracing abnormal commercial products to an enormous extent, wholly unprecedented, should exactly agree in total amount. The same remark applies to the other symmetrical numbers to which attention has been drawn.

But if it be difficult to suppose that the fortuitous concurrence of many separate entries of figures, representing abnormal items, should result in the same numbers when added together in provinces far apart, how much more difficult it is to believe that four similar phenomena should occur in the separate abnormal entries of four different provinces when similarly treated.

Should they be found in these records of the different provinces, not only will all the phenomenal conclusions towar

FOREIGN OFFICE, August 12, 1878.

FOREIGN OFFICE, August 12, 1878.

Sir: I am directed by the Marquis of Salisbury to acknowledge the receipt of your letters of the 17th and 18th ultimo, calling attention to certain inaccuracies which you state that you have discovered in a statistical table annexed to the "Case" presented on behalf of Her Majesty's government at the Halifax fisheries commission, and I am to inform you, in reply, that the table in question was prepared at Ottawa under the supervision of Mr. Whitcher, the Canadian commissioner of fisheries, from the official records of Government. There is therefore no ground whatever to question the accuracy of the figures referred to, and no blame can in any way attach to Her Majesty's agent in the matter.

I am, sir, your most obedient humble servant,

JULIAN PAUNCEFOTE.

Henry Y. Hind. Esg. Windsor. Nova Scotia.

HENRY Y. HIND., Esq., Windsor, Nova Scotia.

It remains for me now to point out the method by which Mr. Whitcher's averages showing "exports to other countries" have been diminished in one particular year, namely, the opening year of the treaty of Washington—the year 1874.

On page 1071 of the "documents and proceedings of the Halifax commission," and also on page 435 of the original copy of the British evidence, there will be found the following figures in the summary statement of imports and exports:

	Imported from the United	Exported—		The same of the sa
Year.		To United States.	To other countries.	Total.
1874	\$728, 921	\$1, 612, 295	\$2, 892, 283	\$4, 504, 578

According to the official trade returns these figures have been distorted to the following extent:

The imports from the United States are about \$110,000, or 16 per cent. in excess of the trade returns. (See page 8.) The exports to other countries are more than half a million dollars, or 24 percent. less than the trade returns. The total exports are consequently more than half a million dollars short in 1874.

The several provinces have been defrauded by the compiler of this table to the following extent:

following extent:

Province.	Compiler's statement.	Trade re- turns.	Differ- ence.
Ontario	\$78, 597 112, 369 3, 790, 149 388, 229 135, 234	\$78, 597 778, 672 3, 791, 152 393, 772 135, 234	\$666, 303 1, 003 5, 543
Total	4, 504, 578	5, 177, 427	672, 849

FORGED ITEMS IN THE TRADE AND NAVIGATION RETURNS.

The questions which naturally spring from this subject are among the most important which can be asked or answered in relation to the commercial integrity of the country. How did the abnormal items to which I have called attention find a place in commercial records of different provinces far removed from one another; and for what purpose were they put there?

Hitherto I have relied upon a process of inductive reasoning to show the existence of foul play in the manipulation of the trade and navigation returns of the different provinces. I now venture to submit to your excellency proof positive, from which there is no escape, that this manipulation was intentional and perpetrated at Ottawa.

The items mentioned on page 11, enumerating the details of the shipment of a very large quantity of fresh codfish, &c., at fancy prices from the province of Quebec to South America, the British West Indies, Italy, and Great Britain, are foregrees, and forgeries associated with the transformation of imported "furs, skins and tails, undres-ed" into marine products, and the subsequent introduction of these transformed items into a record of the country's industry, which record was submitted in evidence under the sacred shield of an oath during a friendly contention with a great neighboring state.

The quantities inserted tell their own shameful tale, and one for which history must be keenly scrutinized to find a parallel. They are as follows:

No. I.

Dominion trade and navigation returns.

Great Britain, South America, British West Indies, and Italy, (page 473). Compare this amount with "furs, skins, and tails, undressed," year 1874:	3101, 014
Quebec imported from Great Britain, (page 115). New Brunswick imported from Great Britain, (page 217). New Brunwick imported from United States, (page 217). Nova Scotia imported from United States, (page 170).	\$99, 069 308 713 330
Total New Brunswick imports, less \$119 given to Ontario, (page 8)	100, 420 594
Total Fresh codfish, &c., to South America, &c Difference, nothing.	101, 014 101, 014

This value of imaginary codish exported to Italy from the province of Quebec is made up of the following items, the page of the Trade and Navigations Returns being given for reference and comparison, so that there may be no mistake:

No. II.

"Furs, skins, and tails, undressed," year 1874: Ontario imported from Great Britain, (page 49) Quebee imported from Germany, (page 115). New Brunswick imported from Great Britain, (page 217) Quebee imported from Newfoundland, (page 115). Prince Edward Island imported from Newfoundland, (page 291)	
Total	11, 800
Quebec exported to Italy, year 1874, 70,800 pounds fresh codfish, &c., at 16 cents a pound, (page 472) Difference, nothing.	11, 800
No. III.	

The item 451,848 pounds of fresh codfish exported to South America, at 14 cents a

ound \$63,508.
This item is made up of the following, "furs, skins, and tails, undressed:" Quebec imported from Great Britain, (page 115) \$99,069 Deduct imported from United States by Ontario, (page 49) 35,997
 Difference
 \$330

 Add imported by Nova Scotia, (page 170)
 \$330

 Quebec, (page 115)
 50

 Nova Scotia, (page 170)
 55

Difference, (too much) No. IV.

Deduct \$11,800, which represents the value of the fresh cod sent to Italy, from \$101,014, the total value of the imaginary fresh cod exported from Quebec to South America, the West Indies, &c., there remains the quantity, \$29,214.

This sum is made up of the following "furs, skins, and tails, undressed:"

\$35,997 This sum is made up of the following "furs, skins, and tails, undressed:
Ontario, (page 49). \$35, 997
Ontario, (page 49). 5, 824
British Columbia, (page 255). 27, 675
Quebec, (page 115). 5, 613
Ontario, second time, (page 49). 5, 824
Ontario, third time, (page 49). 5, 824
Nova Scotia, (page 170). 1, 793
Nova Scotia, (page 170). 665 Difference, (too little).....

Fresh cod exported to South America, &c. 63,508
Fresh cod exported to South America, &c. 89,214

Total added quantities 152,722 Total added quantities. 152, 722

It is therefore probable that the same officer who grouped, adjusted, and transformed the "furs, skins, and tails, undressed" into a marine product inserted at the time the fictitious items relating to the exportations of fresh codfish to South America, &cc., into the exports of the province of Quebec, taking his numbers from the details before him.

The year 1876 is not less striking for its forged items in the trade and navigation returns of the Dominion.

In the general statement of Dominion imports, on page 290, the following items are given:

are given : Furs or skins, the produce of fish or marine animals.

Furs, skins, and tails, all other, undressed...... The item should read: Furs or skins, the produce of fish or marine animals. \$36, 468
Furs, skins, and tails, all other, undressed. 153, 306

But in the summary statement of Dominion imports, on page 370, these items are summarized in the following manner:	W
Furs or skins, the produce of fish or marine animals	We will now try the item: South America
Total	Add I, II, III, IV together, as
The marine animals have grown from four thousand two hundred and sixty-nine	I. III. IV. IV.
dollars' worth to one hundred and fifty-seven thousand five hundred and twenty-	IV
three dollars' worth during the simple transference from the general to the sum- mary statement, being represented by entirely different numbers, which must have been invented and inserted for a purpose, for there is no relation between the num-	Total
peen invented and inserted for a purpose, for there is no relation between the num- pers in the general statement and the summary statement, except in the aggregates.	Add imports from:
	Ontario, furs, skins, and tails, (page Quebec, furs, skins, and tails, (page
xports of the province of Quebec one is not startled with the spectacle of	
resh counsn' exported in large quantities and at high prices to South America, but he eye catches at once an extraordinary export of salted codfish, &c., to Great	Deduct furs, skins, and tails, or "
But now comes another application of the numbers employed. Turning to the xports of the province of Quebec one is not startled with the spectacle of resh codfish exported in large quantities and at high prices to South America, but he eye catches at once an extraordinary export of salted codfish, &c., to Great Sitian, South America, Portugal, Newfoundland, Italy, and British West Indies. The prices instantly arrest attention and awaken suspicion. (Page 396.) There are: 5,889 cwt. to Great Britain, value \$44,394, or at the rate of \$7.54 per cwt.; and to Portugal 10,084 cwt., value \$35,420, or at the rate of \$3.51 per cwt., being less than me-half the export price to Great Britain.	Nova Scotia, (page 123) Nova Scotia, (page 123) New Brunswick, (page 158)
re: 5,889 cwt. to Great Britain, value \$44,394, or at the rate of \$7.54 per cwt.; and to	New Brunswick, (page 158)
ne-half the export price to Great Britain.	Ontario, (page 39)
ne-half the export price to Great Britain. A comparison of the tables showing the imports of "furs or skins, the produce f marine animals," and "furs, skins, and tails, undressed," with the exports of	Total
alted codish from the province of Quebec in 1876, establishes the astonishing fact hat the numbers are ideutical, as was the case in 1874, with respect to the imports f the same transformed articles and the fresh codish alleged to have been ex-	
f the same transformed articles and the fresh codfish alleged to have been ex- orted to South America and Italy from the Saint Lawrence of Canada.	Salted codfish to South America Difference, nothing.
No. I.	2 2 2 2
Take for example the item, "province of Quebec, year 1876, salted cod, &c., to reat Britain, 5,889 cwt., valued at \$44,394." (P. 396.)	And now I will compare the who I. Imports made up of marine a
reat Britain, 5,889 cwt., valued at \$44,394." (P. 396.) This money value is made of the following items:	dressed"
1876.—Imported by—	II. Imports made up of marine a
ritish Columbía, marine animals, (page 211) \$32, 199 Intario, furs, skins, and tails, (page 39) 6, 131	III. Furs, skins, and tails, undress IV. Marine animals, and "furs, s
ova Scotia, Turs, skins, and tails, (page 158)	V. Marine animals, and "furs, si
1	SE STATE OF THE SECOND
rince Edward Island, marine animals, (page 237)	General statement of exports—Que
44, 394	I. Great Britain
alted codfish to Great Britain at \$7.54 per cwt	III. Italy
No. II.	V. South America
Take the item, "Portugal, 10,084 cwt., \$35,420, at \$3.51 per cwt." This value is composed of the following items:	Total
Imports, 1876:	
British Columbia, marine animals, (page 211)	This is the character of the pub ulated at Ottawa and presented to
Nova Scotia, furs, skins, and tails, (page 123)	country. The items are clearly f
Nova Scotia, furs, skins, and tails, (page 123) 103 Manitoba, furs, skins and tails, (page 183) 2	bers in records supposed to be made
	Therefore, with these illustrati
Salted codfish to Portugal at \$3.51	Ontania did not enond 922 000 for
Difference, nothing.	Neither did Quebec in 1874 send
The next illustration requires a trifle more ingenuity to unravel than any of the receding, but they are all easily accomplished by any one accustomed to num.	port 800 tons of fresh mackerel from
receding, but they are all easily accomplished by any one accustomed to numers and familiar with some of their properties. It is necessary to take out and ray all the items in the trade and navigation returns, relating to "furs, skins, id tails, undressed;" also "furs and skins, the produce of marine animals." hese items are eighteen in number. A rapid inspection of the column will some	teen thousand three hundred and a pound; nor cod at 11 cents a pou import seven thousand nine hund
nd tails, undressed;" also "furs and skins, the produce of marine animals."	from the United States, nor do an
name recently with any particular counsilor use item to be discovered, should	mi de la
uch exist. It is of course impossible to say how far this practice has extended, but its existence reveals a great deal of dry rot in the timbers of the ship of State	
chich it is desirable to cut out at the earliest possible moment. No. III.	pages. But while we may draw o
Italy, \$27,039, cwt.; value, \$125,079, at \$4.62.	and reasoning powers, we can only carried, from comparison with 187
This large number is made up of the following items:	But can we place any faith even
Quebec imported "furs, skins, and tails, undressed," (p. 84)	provinces of the dominion have be year, and forged items introduced
125, 826	these tainted public documents ha
Deduct—	The country has now to meet the
Nova Scotia, furs, skins, and tails, (p. 123) \$319 Nova Scotia, furs, skins, and tails, (p. 123) 426	tries, and of the industries of the Ottawa for specific purposes from
Manitoba, furs, skins, and tails, (p. 183)	This is a very grave matter, far
195.07	Unfortunately the trade and na
Salted codfish to Italy	For it is certain that OTHER OFF
	CONCOCTED AT OTTAWA BY ALTERIN KNOWN AT THE TIME TO BE FORGE
In the same manner the exports of salted cod, &c., by the province of Quebec to the British West Indies are found to be inseparably connected with the imports of 'furs, skins, and tails, undressed," and the transformation of these items into ma	
rine products, thus:	These omeiai documents so pre
No. IV.	annual report of the minister of the "report of the commissioner
Exported by Quebec, in 1876, to British West Indies, 10,224 cwt. dry salted codfish, &c., value, (page 396)	1877."
But \$48,099 is made up of the following items:	and the special letter relating to the
	Lament of Canada Jears date Wil
Ontario imported 1876 from United States fors skins and tails (noge 20) 90 44	
Ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44' Quebec imported, 1876, from United States, furs, skins, and tails, (page 84). 27, 22'. Nova Scotia imported, 1876, from Newfoundland, marine animals, (page 132). 299	MR. WHITCH The commissioner of fisheries' r
Ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44 Quebec imported, 1876, from United States, furs, skins, and tails, (page 84). 27, 22; Nova Scotia imported, 1876, from Newfoundland, marine animals, (page 123). New Brunswick imported, 1876, from Newfoundland, furs, skins, and tails, (page 158).	The commissioner of fisheries' rery statistics is as follows: "Between the years 1867 and 187.
Ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44 (20ebec imported, 1876, from United States, furs, skins, and tails, (page 84). 27, 92 (Nova Scotia imported, 1876, from Newfoundland, marine animals, (page 123). 39 (20eb) (20	The commissioner of fisheries' rery statistics is as follows: "Between the years 1867 and 187 in value from about four millions
Ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44 (page 44). 27, 22 (page 44). 27, 22 (page 44). 27, 22 (page 44). 28 (page 45). 29 (page 44). 29 (page 44). 29 (page 45). 29 (p	MR. WHITCH The commissioner of fisheries' r ery statistics is as follows: "Between the years 1867 and 187 in value from about four millions 1879 this increase continued up to On pages 16 to 21 of the commiss
ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44 (puebec imported, 1876, from United States, furs, skins, and tails, (page 84). 27, 22 (sova Scotia imported, 1876, from Newfoundland, marine animals, (page 183). 39 (page 183). 29 (page 183). 20 (page 186). 20 (page 1876, from Newfoundland, furs, skins, and tails, (page 237). 30	MR. WHITCE The commissioner of fisheries' r ery statistics is as follows: "Between the years 1867 and 187 in value from about four millions 1879 this increase continued up to On pages 16 to 21 of the commiss inous table showing the alleged of fish, the produce of Canadian
Ontario imported, 1876, from United States, furs, skins, and tails, (page 39). 20, 44 (page 44). 27, 22 (page 44). 27, 22 (page 44). 27, 22 (page 44). 28 (page 45). 29 (page 44). 29 (page 44). 29 (page 45). 29 (p	MR. WHITCE The commissioner of fisheries' r ery statistics is as follows: "Between the years 1867 and 187: in value from about four millions 1879 this increase continued up to On pages 16 to 21 of the commiss inous table showing the alleged of fish, the produce of Canadian i Brunswick, Quebec, and Ontario if

No. V.	
We will now try the item:	
South America	295, 258
Add I. H. IV together, as follows:	
	44, 394
<u>II</u>	35, 420
IN	125, 079
IV	48, 099
Total	252, 992
Add imports from:	
Ontario, furs, skins, and tails, (page 39)	26, 603
Quebec, furs, skins, and tails, (page 84)	
	295, 807
Deduct furs, skins, and tails, or "marine animals:"	
Nova Scotia, (page 123)	\$392
Nova Scotia, (page 123)	102
New Brunswick, (page 158)	
Ontario, (page 39)	25
Manitoba, (page 183)	
Total	549
	295, 258
Salted codfish to South America	295, 258
Difference, nothing.	
And now I will compare the whole—1876.	
 Imports made up of marine animals, and "furs, skins, and tails, undressed". 	B44 004
II. Imports made up of marine animals, and "furs, skins, and tails, un-	
dropped "	25 400
III. Furs, skins, and tails, undressed	125, 079
III. Furs, skins, and tails, undressed. IV. Marine animals, and "furs, skins, and tails" V. Marine animals, and "furs, skins, and tails"	48, 099
V. Marine animals, and "furs, skins, and talls"	295, 258
	548 250
General statement of exports—Quebec—1876. (P. 396.) Codfish, including ling, and pollock, dry salted.	
I. Great Britain	844, 394
II. Portugal	35, 420
III. Italy	125, 079
IV. British West Indies	
V. South America	295, 258
Total	548, 250
More than half a million dollars' worth of salted codfish thus manipulat	

rs' worth of salted codfish thus manipulated. blile records of the industry of Canada, as manipto the governor-general and the Parliament of the forgeries, for the theory of probabilities makes against the fortuitous concurrence of these numbed in widely separated provinces. They are Chidesign and much disrespect. It was a barrel, nor will her hibit this result.

In the may accept the conclusion that in 1875 or barreled oysters at \$11.38 a barrel, nor will her hibit this result.

Ind one hundred and one thousand dollars' worth of med in her books; nor did Nova Scotia in 1874 immor the United States at 5 cents a pound, nor sevend fifty-five dollars' worth of "sea-fish, other," at \$2 cund; nor salmon at 18 cents a pound; nor of did she dred and sixty-one dollars' worth of fresh herring my of those distracting things which the trade and 1874. 1875, 1876 and 1877, in relation to the abnormal 's attention is respectfully directed in preceding conclusions from facts which come under the eye ly conjecture how far this midnight work has been \$78 and 1879.

In in those records, after what we have seen? This the trade and navigation returns of the different been greatly tampered with at Ottawa, year after have been presented to the governor-general, and year after year.

In fact that the most important records of its indushed different provinces, are liable to be falsified at m time to time and from year to year.

In the range and the sum of the sum of the salided at m time to time and from year to year.

avigation returns do not stand alone under this

PICIAL STATISTICAL STATEMENTS OF GREAT MOMENT, NO THE RECORDS OF THE DIFFERENT PROVINCES, AND ED AND PALSE BY THE OFFICER WHOSE NAME THE ALLY PRESENTED TO THE GOVERNOR-GENERAL AND

SION OF 1878.

esented, were "supplement No. 5 to the tenth marine and fisheries for the year 1877" being r of fisheries for the year ending December 31,

on file in the department of marine and fisheries, the presentation of a falsified document to the Par-ndsor, Nova Scotia, August 19, 1878.

HER'S FISHERY STATISTICS.

reference in his published letter to his own fish-

73, the produce of the Canadian fisheries increased s to ten millions of dollars, and between 1874 and near thirteen millions of dollars." sioner's official report for 1877, there is a volumidetails of the "aggregate quantities and values fisheries in the provinces of Nova Scotia, New from 1869 to 1877, and in Prince Edward Island, in 1874." This voluminous table is stated on its nental fishery reports for the above-named years."

In a printed letter, addressed to Sir Alexander Galt, bearing date Windsor, Nova Scotia, November 10, 1879, in reply to a letter addressed by Sir Alexander Galt to myself, I have shown that this table, alleged to represent the produce of Canadian fisheries from 1869 to 1877, is a gross forgery; that it not only alters the quantities, the prices, and the denominations of the items in the fishery reports from which it is falsely alleged to be taken, but it presents in the aggregate a shamefully concocted contrivance framed to deceive. I have shown that, among many other falsifications, it cuts off more than a million pounds of haddock from the catch of 1870, annihilates 100,000 barrels of mackeral in 1871, adds 100,000 barrels of herring in 1874, introduces cels at \$1.78 a pound, alters quantities, denominations, and prices, and is "cooked" throughout from 1869 to 1875.

The use to which this false table was put during the Halifax convention, I have in part indicated in printed letters to Sir A. T. Galt, and to Mr. M. Delfosse, copies of which are inclosed. In the department of marine and fisheries, at Ottawa, my letters on this subject to Sir A. J. Smith are on file, and date from June 15, 1878; the closing letter relates to the presentation of the false statistical table of Canadian fisheries to the Parliament of Canada.

It is a very noteworthy feature in Mr. Whitcher's letter, that he should defiantly furnish, in an unsolicited communication to the public, grounds for the strongest suspicions of the wide-spread dishonesty which is velled by the figures he uses.

The amazing apparent increase in the fish exports of the country to the United States during 1878 and 1879 stand out in such bold relief that they court and demand elucidation for the sake of the provinces whose interests they pretend to portray. This is the record:

Fish exports of Canada to the United States, exclusive of Manitoba and British Columbia.

Fish exports of Canada to the United States, exclusive of Manitoba and British Co-

		TO T
Year.	Value.	Authority.
1874 1875 1876 1877 1878 1879	\$1, 612, 295 1, 637, 712 1, 455, 629 1, 317, 917 2, 155, 894 1, 737, 305	Trade and Navigation Returns, according to Messrs. Barry, Miall, and Whitcher—(vide, page 419, Correspondence.) ³ Trade and Navigation Returns, pages 666, (1878,) 719—(1879.)

The sudden advance of our fish exports to the United States from THIRTEEN HUNDRED THOUSAND DOLLARS in 1877 to over TWENTY-ONE HUNDRED THOUSAND DOLLARS in 1878 is astonishing; but it loses all its force as a commercial phenomenon because we find it linked to the false record of years in which the wandering creatures of the land were transformed into the products of the sea, and slipped into our imports from a friendly and neighboring people.

It ceases to inspire confidence and becomes worse than misleading when, stripped of its illusions, it stands forth as the work of unskillful and vicious meddling, which hazarded the best interests of loyal provinces on the success of juggler's tricks.

But worse than all this is the dark formlocking record in the success of juggler's The sudden advance of our fish exports to the United States from THIRTEEN HUN

which hazarded the best interests of loyal provinces on the success of juggler's tricks.

But worse than all this is the dark, foreboding record it leaves of the first years in the life of a young and emancipated state.

Our imports and our exports, claiming to be the faithful records of a vast industry extending over three thousand miles of seaboard, appear to have become healthy and reliable witnesses only when the records of provinces ceased to be tampered with, and the manufacture of shrines for the great goddess Diana no longer continued a lucrative trade.

But Mr. Whitcher's recent revival of the stale forgeries embodied in the averages he uses creates suspicion that the false worship is not dead, but merely transferred from Diana to Ceres, or to swift-footed Mercursus, messenger of the gods.

As far as we know from the trade and navigation returns for 1879, the fisheries are the source of 40 per cent. of the entire home production export rade of the maritime provinces. Forty per cent. of the whole exported fruits of the industry of Nova Scotia, New Brunswick, and Prince Edward Island are represented by the great fisheries alone. But the government records of this grand and perilous industry, which trains so many fearless and skillful seamen for the brave service of their country, are liable to be curtailed or augmented—altered into monstrosities or converted into Chinese puzzles—by subordinates at Ottawa, for purposes which are neither occult nor legal, manly nor wise.

The motive inspiring, and the use made of the fraudulent fish-trade tables.

On page 417 of the "Correspondence respecting the Halifax Fisheries Commis-

The motive inspiring, and the use made of the frauducint fast-trade tables.

On page 417 of the "Correspondence respecting the Halifax Fisheries Commission." there will be found the following passage, and on succeeding pages the yearly imports and exports and the averages Mr. Whitcher again uses in 1880:

"I now propose to deal at length with two questions of VITAL IMPORTANCE IN THIS INQUIRY, namely:

"First. In favor of which country is the balance of advantages arising from reciprocal freedom of trade gained by the treaty of Washington? and

'Question. "The Dominion statistics, are, in your opinion, erroneous? Answer. I speak most confidently in this respect for Prince Edward Island."—Evidence of Hon, Senator Howlan, Halifax fisheries commission, page 75.

"In Professor Baird's official report for 1877, under the heading "Relation of the United States Fish Commission to the Halifax Convention," the following allusion to the Canadian fishery statistics is generously made:

"The minuteness with which this method is carried out is illustrated in report of Mr. Whitcher, commissioner of fisheries for the Dominion of Canada, which for the year ending December 31, 1877, contains a series of very exhaustive tables showing in details the results of the fisheries in every province of the Dominion. Too much cannot be said in commendation of the very thorough method in which the Canadian Government regulates and protects its fisheries. Accurate statistical information is the one essential foundation upon which protective legislation must rest."

rest."

The tables so generously praised are identical with the tables presented in the British "Case" as far as the details of the maritime provinces are concerned, for the years 1869 to 1875, both inclusive, and they are falsified in the manner described in the text.

² See !" Correspondence Respecting the Halifax Fisheries Commission;" also page 1071, and 1877 to 1880 of the "Documents and Proceedings of the Halifax Fisheries Commission," published at Washington.

4 Vide, letters to Sir A. J. Smith, on file in the marine and fisheries d	epartment.
⁵ Total exports of all kinds of home industry, 1879. Now Brunswick Prince Edward Island.	\$6, 947, 812 4, 896, 335 1, 825, 556
Family of the market of the debasics 1970	13, 669, 703
Nova Scotia	
	5 399 550

About 40 per cent. of the whole.

"Second. Upon whom is the incidence of duties levied upon fish exported by Canada into the United States, the producer or the consumer?"
Reference to the arguments given at length on pages 418 to 421 of the Blue Book named above, or to pages 1876 to 1880 of the "Documents and Proceedings of the Halifax Commission," coupled with an inspection of the figures there displayed, will amply explain the motive which inspired and the use which was made of these forged trade tables.

Credit is there given to Mr. E. Miall for his "valuable assistance."

Her Majesty's agent, Mr. F. C. Ford, also recognizes the valuable assistance rendered by Mr. Miall. He says in his dispatch to the Earl of Derby, dated December 17, 1877:

"Mr. Miall is an English gentleman, at present holding a high situation in the department of internal revenue at Ottawa, and to his uniform willingness to assist me in every way in which his services might be made available, or his talents turned to account, I wish to speak in terms of the highest recognition. To his knowledge of statistics, and accuracy in dealing with them, I ascribe in a great degree the success of that important part of the British 'Case' which depended on a true and clear exposition of figures, and I feel deeply indebted to the Canadian Government for having placed that gentleman's services at my disposal."

These pages explain the venal character of "a true and clear exposition of figures which Mr. F. C. Ford considered it proper to commend to the Imperial Government.

INCIDENTAL CONSEQUENCES.

Not the least troublesome results of the handiwork of Mr. Whitcher and his conferes are the unexpected issues, which, like mushrooms, must spring up from the congenial soil they have prepared.

Mr. Whitcher alludes in his letter to the duty imposed by the United States Government on "tin cans," but he omits to state what he was doing at the very time the committee of the privy council were using their best endeavors to assist the trade of the country.

On the 30th of April, 1875, a report of a committee of the honorable the privy council was approved by his excellency the governor-general for transmission to the secretary of State for the colonies, relative to the imposition of duties by the United States Government on tin cans containing fish imported from the Dominion.

to the secretary of State for the colonies, relative to the imposition of duties by the United States Government on tin cans containing fish imported from the Dominion.

The committee, in their report, urge that "the trade between Canada and the United States in fish, including oysters and lobsters, inclosed in hermetically sealed cans of tin, is large and important," &c. Justat the time when the honorable the privy council were making a great effort to remove this serious restriction on the trade of Canada, the commissioner of fisheries was passing his pen through records of government which obliterated 153,710 cans of mackerel from the aggregate trade of the country by altering the denomination from "cans" to "pounds," as may be seen by comparing the statement on page 78 of the "Correspondence Respecting the Halifax Fisheries Commission," with the official details from which that statement is falsely alleged to be taken. A similar and subsequent obliteration of cans of mackerel may be recognized by comparing the statement on page 19 of the Fishery Report for 1877, with the details from which that statement is also falsely alleged to be taken.

The coincidence in point of time between the efforts of the honorable the privy council and the first obliteration or fraudulent change in denomination is proved by the dispatch of Lord Derby to Mr. F. C. Ford, dated August 27, 1875.2

The Catholic countries bordering on the Mediterranean, and those of South America are the best customers for Canadian codfish, haddock, &c. It has recently been the endeavor of the government to open negotiations with Spain and Brazil for increased commercial intercourse.

Curiously enough, Sir Alexander Galt was the agent in the one case, Mr. F. C. Ford in the other. What facilities could these gentlemen expect to gain by parading before the eyes of the courteous ministers of these countries the figures which display the quantities of fresh codfish sent to them?

What possible use could Mr. Francis Clare Ford make of his fish tables of

Although the "published information accessible to everybody" from which Mr. Whitcher draws his averages is a record of deliberate official dishonor and crime, yet its importance to the people of Canada fades before the greater evil which I have endeavored to portray.

The falsification of the business records of the different confederated provinces by subordinates at the central departments, coupled with the deliberate falsification for State purposes—and also at the central department—of the printed and published records of government belonging to any one of the confederated provinces, overrides all other considerations and all consequences arising out of their public announcement.

During a period now extending over two-and-a-half years I have with unwearying efforts exhausted all available methods for quietly arresting the use of the frauds partly described in preceding pages.

Their recent renewed application forces upon me the manifest duty of publicly informing your excellency, in order that proper steps may be taken to insure open inquiry under the auspices of the governor-general and the parliament of the country, into the character and use of the tainted official documents presented to them.

In reply to my statements to Sir A. J. Smith respecting the falsified fish statistics, I was informed in writing bearing date July 11, 1878, that my letter has been sent to Mr. Miall (!) for a report.

On the 23d of November, 1878, and on the 10th of December, 1878, Sir Alexander T. Galt refused to look at proofs which established complicity, and from which he had been told in writing there was no escape, a moment's glance sufficing—with his thirty years' experience of Canadian public documents—to show that there was and is no escape. Yet, on the 26th of September, 1879, he declared to me in writing that he believed Mr. Ford and Mr. Bergne to be stainless in the matter, tightly shutting his eyes when confronted with proof.

As for Mr. J. H. G. Bergne, the neutral secretary of the Halifax commission appointed under

¹Correspondence respecting the imposition of duty by the United States authorities on tin cans containing fish from Canada. (Imperial Blue Book, 1876.)

² Correspondence respecting the Halifax Fisheries Commission.

Majesty's Government." The corrections in writing subsequently led me, when the table was officially placed in my possession, to the discovery of many of the

Majesty's Government." The corrections in writing subsequently led me, when the table was officially placed in my possession, to the discovery of many of the forgeries.

I can summon it from safe custody, and produce it before a committee of the house of commons, and compare it with the Sessional Papers of the house of commons for 1878, which embrace it. It is found on pages 18 to 21 of supplement No. 5, Sessional Papers No. 1, session of 1878.

Mr. Francis Clare Ford was duly informed by me of its falseness before the commission assembled for which it was prepared, yet with full knowledge of its criminality and its repelling breach of faith he allowed it to remain unchanged and permitted it to be ignobly used, although it carried on its face the sacred impress of a royal name.

Why did Mr. Whitcher, in the year of grace 1880, revive the stale fish trade forgeries, and offer the base coin to the public as the genuine metal, also bearing upon its face the country's impress and the seal of its authority.

There is an ill-defined unwritten chapter in the record of the forged trade tables which makes the responsibilities of these gentlemen measureless and dark.

There lie behind what I have stated in this letter facts which have no manhood in them, and which must some day froth to the surface in the interests of the maritime provinces, and the grand bulwark to the empire they confront; which are injurious to international comity and to good relations between neighboring people of the same history and blood.

The evil influences of the practices involved in what I have described, upon the industry, credit, and integrity of the country are so apparent, that it is quite unnecessary, and indeed it would be unbecoming in me, to enter upon their consideration. It is equally evident that the offspring of the frauds to which reference is now made are ghosts which will never be laid until atonement be made.

And I feel sure that your excellency will be the first to see that the fraudulent alteration of the official records

in attributing to the power of those most deeply concerned the failure of my efforts.

I am aware that the revelations made in this letter will astonish and grieve your excellency; but I must appeal to the correspondence (a synopsis of which is inclosed) and to the abuse of masked influence for a justification of the method I have chosen to employ.

When I was in England, in 1878, vainly endeavoring to bring these matters under the notice of the imperial authorities in their proper relation, the question was asked, "What's his motive!" I may freely express it here: it is to check the growth of protected crime; to counteract misrule, as exemplified by the matter of this letter; to assert the rights of truth against fraud; to oppose the tyramy of which I have spoken; to advance, by just means, the interests of my country; to assist in preserving good relations between neighboring and kindred people, and to resist the false worship of "SUCCESS" as the only god.

I beg leave to close this letter with the avowal that neither in the preparation of its details, nor in the sources of the information to which I have had access, have I used, in any form or shape, other than self-obtained knowledge, derived from "published information accessible to everybody," or printed information embodying the announcement that it was intended for the Halifax commission.

The statements herein made are the outcome of official and neutral work; the consequences must rest with those who, preferring their own aggrandizement to the interests of their country, have accepted the aid of dishonest dealing and repelled or countermined all efforts in the direction of honor, integrity, manliness, and truth.

I have the honor to be, your excellency's most obedient servant.

HENRY YOULE HIND,

Compiler of the Analytical Index to the documents of the Halifax Fishery Commission.

To his excellency the Right Honorable Sir John Douglas Sutherland Campbell, Marquis of Lorne, K. T., G. C. M. G., Governor-General of Canada, &c.

APPENDIX No. I.

MR. WHITCHER'S LETTER.

The Fisheries question—Exportation of fish from Canada to the United States—Importations from the United States to Canada under the Washington treaty.

SIR: In view of promised action by the American Government to restore import duties on certain products of the Canadian fisheries, it may be interesting to consider the probable effect of such legislation on the fish trade of the Dominion. The New England fishing interest seems to have persuaded the authorities at Washington that the very existence of this industry depends upon free access to United States markets. It is assumed, therefore, that the reimposition of customs duties against Canada will be a substantial, as it is a vicarious, sort of retaliation for alleged injury sustained by United States citizens at Fortane Bay, in Newfoundland. A careful examination of the trade returns of the United States and Canada, before and since the Washington treaty, shows the results of practical experience in quite a different light.

The average yearly value of fish exports from Canada during the seven years between the termination of the reciprocity treaty and the fiscal operation of the

The average yearly value of fish exports from Canada during the seven years between the termination of the reciprocity treaty and the fiscal operation of the

Vide letters to Sir A. T. Galt. Nos. 61, 67, and 69.
 Correspondence Respecting the Halifax Fisheries Commission, page 419, and Documents and Proceedings of the Halifax Commission, page 1878.

treaty of Washington from 1867 to 1873 was \$4,003,375; of which \$1,137,839 worth was imported into the United States and \$2,865,533 worth was absorbed by our markets. Thus, under a tariff meant to be prohibitive, 28 per cent. was marketed in the United States and 72 per cent. in other countries. In the six years which have transpired since the removal of duties under the Washington treaty, from 1874 to 1879, these exports have averaged \$5,971,887; of which \$1,720,156 worth was imported into the United States and \$4,251,731 worth found other markets. The percentage to the United States was a trifle over 28, and that to other countries was a fraction over 71. While the annual increase of fish trade during this latter period averages \$1,968,512, only five hundred and eighty-two thousand three hundred and seventeen dollars' worth represents exports to the United States, the business with other markets having increased to the extent of \$1,366,195 yearly average. This enlarged exportation to both European and American markets is a consequence of increasing production and demand, and bears no special relation to the remission of duties under the treaty. Between the years 1867 and 1873 the produce of the Canadian fisheries increased in value from about four millions to ten millions of dollars. The ratio of increased production was greater throughout the prohibitory than the free period. An extended market in the United States cannot therefore be credited with stimulating the fishing industry of Canada in any peculiar manner.

Comparing our fish trade for twelve years under the treaty of 1854, it is found that the treaty and the production was \$2000.025, the relation to the found of the treaty and the production was greater throughout the prohibitory than the free period. An extended market in the United States cannot therefore be credited with stimulating the fishing industry of Canada in any peculiar manner.

prohibitory than the free period. An extended market in the United States cannot therefore be credited with stimulating the fishing industry of Canada in any peculiar manner.

Comparing our fish trade for twelve years under the treaty of 1854, it is found that while the average yearly bulk was \$3,960,375, the relative proportion of exports to the United States was 35 per cent., and 65 per cent to other countries. There is therefore a comparative decrease under the Washington treaty, which may be accounted for in part by the transfer of attention to other markets, where an enforced experiment has become an established advantage. Such also was the case in respect of the lobster business, in which the export of canned lobsters to European markets increased between 1874 and 1879 from about three hundred thousand dollars' worth to nearly a million of dollars' worth, without materially decreasing the annual export to the United States, notwithstanding the notorious lobster-can tax. This cute dodge was resorted to in 1875 for the purpose of giving to United States citizens who were canning lobsters in Canada, because of the exhaustion and closure of the Maine and Massachusetts fishery, a monopoly of the United States market, to the disadvantage of Canadian canners. If the existing lobster regulations had been firmly adhered to at that time this discreditable bit of sharp practice might have been foiled of any appreciable benefit to its authors, and at the same time we should have economized our own resources and assured to Canadian packers and fishermen the permanent control of an almost exclusive source of supply.

Under the reciprocal provisions of the Washington treaty Canada has imported from the United States an annual average of six hundred and sixty-eight thousand one hundred and seventy-six dollars' worth of fish products, 74 per cent. of which is freed from duty, 26 per cent. being still dutiable. We could supply the greater part of this demand from Canadian instead of from American produce. The exclusive use

APPENDIX No. II.

WINDSOR, NOVA SCOTIA, July 13, 1880.

Windsor, Nova Scotia, July 13, 1830.

Sir: A recent misleading communication to the public, by a Canadian official, relating to the effect likely to be produced on Canadian trade with the United States by the contemplated abrogation of the fishery clauses of the treaty of Washington, has compelled me to reveal harassing circumstances connected with the data upon which that communication is based, wholly apart from the now well-known fraudulent fish statistics.

These data consist of fallacious trade returns of twenty-six years, which were presented to the Halifax commission in evidence. The only inference that can be drawn from the systematic alteration of the figures comprised in these trade returns points to the conclusion that they were intended to mislead the arbitrators. Their recent revival and use for another public purpose is the primary cause of this open communication.

The Toronto Globe, in which the communication referred to appears, is a leading Canadian journal. It is conducted with ability and energy, possesses a large circulation, and is the recognized exponent of the views of a powerful political party.

The Toronto Globe, in which the communication referred to appears, is a leading Canadian journal. It is conducted with ability and energy, possesses a large circulation, and is the recognized exponent of the views of a powerful political party.

On the 9th instant the Globe notices editorially a letter I addressed to the editor, but which it does not publish, in reply to the misleading efforts of the Canadian official, and reference is made by the editor to you and to your letter to me bearing date October 19, 1879. In this letter you say:

"The 'cases' presented by either government, however, are distinct from the evidence, and could not alter nor impair the value and weight of such evidence as heard before the commission."

This quotation has been again and again referred to by the Canadian press in answer to my assertions respecting the falsified fish-catch introduced into the British "Case," and it is now repeated with reference to a far more serious fraud, about which you and the public knew nothing whatever a week ago, and might have known nothing for some years to come had the Canadian official not attempted to use the figures a second time for the purpose of guiding public opinion on a very important public question concerning trade relations.

It is now my duty to direct your attention to forged statistics used in evidence of a tenfold more important bearing than the false figures representing the Canadian she-catch which appeared in the British "Case."

The Canadian export and import trade returns, covering twenty-six years, and presented to you in evidence, are, in the main, forgeries. It is the public use of these forgeries by a Canadian official, within the past month, which compels me to call your attention to the evils which have in part resulted from the passage in your letter so frequently quoted, and to arrest, by this seemingly harsh proceeding, the growth of those evils.

Article 21 of the treaty of Washington is as follows:

"It is agreed that for the term of years mentioned in article 23 o

Any man of unbiased mind who chooses to form a comparison between the forged trade returns and the true trade returns for twenty-six years must arrive at the opinion that they lead to opposite conclusions. Hence the importance of arresting at once the new use and arguments, based on forged returns, which has recently been publicly advanced in relation to impending negotiations and international policy.

Hence, also, it will appear that the force of the reasoning embodied in the quotation from your letter in regard to evidence submitted to you falls to the ground, in so far as it concerns the twenty-first article of the treaty of Washington.

The importance of this matter, however, relates to the future; the award of the Halitax commission is a thing of the past, and with it I have nothing whatever to do; but I am bound by the knowledge of the subject I possess to prevent fresh use of these fraudulent trade tables for any purpose whatever, and expressly when that purpose tends to lessen the friendly intercourse and the mutual respect of neighboring nations.

In order to show you the nature and bearing of the forgeries, I will take one year out of the twenty-six, and one in which the true trade tables are easily accessible.

Similar discrepancies, though on a smaller scale, between the true trade returns and the figures presented in evidence occur in Nearly every year of the Siries from 1855 to 1874, and they are so systematically adjusted that they present a balance of advantages in favor of the United States during the reciprocity treaty and during the Washington treaty, and against the United States during the period of fiscal imports, namely, 1867 to 1873. All this is shown in the argument advanced on pages 1877 to 1880 of the "Documents and Proceedings of the Halifax Commission," and pages 417 to 422 of the "Correspondence Respecting the Halifax Fisheries Commission," and it is shown once again in June, 1880, by the Canadian official in his recent communication to the Toronto Globe, wherein he uses the forged trade tables.

The true trade tables certainly do not point to these results, but they rather tend to strengthen the opposite conclusions.

The true trade tables.

The true trade tables certainly do not point to these results, but they rather tend to strengthen the opposite conclusions.

It is thus that in the year 1877 the twenty-first article of the treaty of Washington was made to appear to you prejudicial to Canadian interests, by means of fraudulent trade statistics submitted in evidence upon eath. In the year 1820, long after that dishonest but successful transaction, the public at large are sought to be moved by a Canadian official to concur in negotiations and in legislation which are indicated as advantageous by the same netarious process and a rehash of the same forgeries.

I have derived my knowledge of this matter from the documents officially placed in my hands by both contending parties in 1877, for the preparation of a fair and just analysis of those documents. I have received no aid from confidential documents or aid from confidential information of any kind whatever.

The Toronto Globe, unlike some other critics, says of my work: "He is in a position to speak with authority as to the matter of fact, for he was appointed after the award was made to index and otherwise prepare the documents in the possession of the commission for publication. But it does not necessarily follow that these discrepancies were purposely introduced with a view to 'cheating' the United States agent and deceiving the commissioners." This is a matter for inquiry. From the prominent official position you occupied as neutral arbitrator in relation to the origin and purposes of the frauds, and the consequences which I fear have arisen from that deluding passage in your letter which gave encouragement to the repetition of the crimes I have described, I trust you will consider it to be due to the position you then occupied, to your present station, and to the interests of humanity, to urge an open investigation of the whole matter.

I have the honor to be, your obedient servant,

HENRY YOULE HIND,

Compiler of the Analytical Index to the documents of the Halifax

To His Excellency Monsieur MAURICE DELFOSSE, Washington, Lately President of the Halifax Commission.

APPENDIX No. III. Letter to Sir Alexander Galt.

[No. 83.]

WINDSOR, NOVA SCOTIA, July 18, 1880.

Sin: I have the honor to inclose a copy of a letter addressed by me to M. M.

SIR: I have the honor to inclose a copy of a letter addressed by me to M. M. Delfosse.

Had you thought fit to use the opportunity and knowledge you possessed nearly two years since, the wretched repetition of the infamy which surrounds part of the work of the Halifax commission would not have occurred, nor would there have been any occasion for this letter.

I beg of you to gather from the inclosed communication that escape from the proofs of forgery and * * * for dishonorable purposes during the Halifax contention is hopeless, and that immediate publicity is the necessary result of recently renewed and encouraged attempts to use the same unlawful means again, with a view to direct and control opinion.

I withhold for the present any reference to a third species of very suspicious official work which envelopes the preliminaries of the same international contention. This doubtfal and farreaching effort frothed to the surface during my analysis of the forger's work.

The conscious enjoyment of the fruits of successful crime is fraught with moral and legal responsibilities to which I need not ask your attention, except for the sake of subordinates, particularly the young, among whom may be those whose instincts are not yet bardened, and who may be unaware of the danger of placing too confiding a trust in the influence of position and the power of superiors to afford shelter in time of greatest need.

I therefore trust that you will not, as heretofore, oppose my application to Lord Granville for a full, impartial, and open inquiry into the whole matter.

I have the honor to be, your obedient servant,

HENRY YOULE HEND,

HENRY YOULE HIND,
Compiler of the Analytical Index to the documents
of the Halifax Fisheries Commission.

To Sir Alexander Galt, G. C. M. G., Lately Her Majesty's Commissioner at the Halifax Commission, &c.

Such, Mr. Speaker, is the important, monstrous international wrong which I bring before this House and the country. The open charge, clear as noonday, that in an arbitration between two of the most civilized, most powerful nations of the globe, to settle grave disputed national rights, and provide for the elimination of every and all questions from which trouble might ensue in the future, false, forged, and fraudulent testimony was knowingly and designedly manufactured and produced by one party to his own advantage and the wrong of the other; that the governmental officials doing that dishonorable and most dastardly act have utterly refused even to investigate, much less to atone for such an international crime, although called much less to atone for such an international crime, although called

upon so to do by British officials. But beyond that the government itself has received \$5,500,000, the amount of that iniquitous award. Its agents accomplished the fraud, and the whole English nation is Its agents accomplished the fraud, and the whole English nation is enjoying the fruits of the ill-gotten plunder. Has national probity departed from England? Can England in honor retain what has been procured by fraud, false testimony, fraudulent alterations of public official documents, in a proceeding tainted by suspected fraud in the appointment of the arbitrators, carried to finality by conceded falsehood, established by a pretended adjudication assumed to be made by an illegal part of the tribunal to whom the case was submitted, and ended by the prompt payment of the disgraceful award by the Government against whom the wrong was perpetrated.

It is with no pleasure, Mr. Speaker, that I have brought before the country this wicked and disgraceful fraud. But within two or three years this whole question under this treaty will be brought up again unless meanwhile the treaty is terminated. The \$500,000 a year to England will, as res adjudicata, be insisted upon as the measure of

England will, as res adjudicata, be insisted upon as the measure of damages for the privileges of this treaty.

When the knowledge of these frauds, which were initiated by the British international agents who conducted the "Case" before the commission, was brought to the attention first of the Belgian and then of the British commissioners, then of the Marquis of Salisbury, and then of the British home government, it would naturally be supposed that the high sense of national honor supposed to obtain among English statesmen would have led to a full investigation and atone-English statesmen would have led to a full investigation and atonement, even to the setting aside of the award or the refusal to receive, or, if received, the quick return of money received in a proceeding so tainted by falsehood and fraud. Such, unfortunately, was not the case; and at the bar of international justice England must in the near future be compelled to stand and defend itself against this unheard-of crime, national perjury and falsification of public records, or by her silence admit her guilt. Punishment by England of the guilty authors of this crime and public disgrace at the hands of the British Government must follow all participants and promoters of the fraud, or the English Government and British statesmen must stand particips criminis. If this fraud is fully proven and prompt apology and atonement not rendered, all official communication or recognition should cease, as you would cease all relations with a convicted perjurer and thief.

victed perjurer and thief.

I am pleased to say that the present party in power in England had no hand in this great scheme of national plunder, and that they feel keenly the disgrace brought upon their nation, and that they

will gladly co-operate in undoing the wrong. Such at least are intimations that I have received.

But let it not be imagined for a moment that were it \$50,000,000 or 500,000,000,000, and the fraud a thousand times more wicked and disgraceful, the money would be received back. Such is not the object to be accomplished here. No, but it is to fix this disgrace by an official investigation, to brand the criminals, to hold up to the nation and the civilized world the English statesmen then in power, now happily retired, in their true light, that they may feel the finger of scorn and find that under their leadership England has again earned its disgraceful name, "Perfidious Albion." But the disgraceful epithet will not remain. Under more high-minded, honorable statesmen we have reason to believe the wrong will be disclaimed and justice and right prevail

I have been asked if the present representative of the British Government accredited to the United States is in any way involved in these nefarious and wicked proceedings. It gives me great pleasure to reply that in not the least particular is he involved or any act of his, private or public, even questioned, nor indeed do I believe can be. His record is clear and unstained, and I trust he will be among the first to denounce, when it is proven, as it surely will be, this record retired.

great national crime.

Iask permission of the House that the preamble and resolution which I send to the Clerk may be referred to the committee along with the resolution presented by the gentleman from Illinois, [Mr. Springer.] [Cries of "Regular order!"]

Mr. HAWLEY. I desire to be heard on this subject.
Mr. NEWBERRY. Let my preamble and resolution be read.
The Clerk read as follows:

The Clerk read as follows:

Whereas it has been alleged in the public papers, and quasi-official documents, well authenticated, that before the so-called "fisheries award commission" made in Halifax in November, 1877, false, fraudulent, simulated, and altered official statistics and documents, evidence and testimony were offered and introduced before the said commissioners, in order to procure said unjust and illegal award, all of which false and fraudulent statistics and evidence were well known to and were procured designedly and with corrupt intent by the officials and agonts of the British Government, and which said false and fraudulent statistics and evidence and said illegal award were subsequently brought before the House of Representatives of the United States, and were the foundation for the act of Congress appropriating \$5.500,000 to pay said illegal, unjust, and fraudulent statistics and evidence a great public national scandal has been created; and

Whereas this state of facts was long since brought to the notice of Monsieur Delfosse, the joint commissioner, and of Mr. Galt, the British commissioner, and of the British Government in England, who have each and all declined to take any steps toward investigating this extraordinary state of facts; and

Whereas in relation to this matter a high-minded official and distinguished statesman in England used this remarkable language, "MONEY IS DUST IN THE SCALE AS COMPARED WITH HONEST DEALING IN THE RELATIONS OF THE TWO COUNTRIES;" and Whereas all the false and fraudulent statistics and evidence, and the award and action of Congress will be again involved in 1883, when said treaty must be terminated and some new convention be established or the payment of nearly \$500,000

a year be taken as res adjudicata, as fixed damages, under said treaty if the same is not ended; and
Whereas it is believed and alleged that bribery has been used, that false statements and evidence have been corruptly purchased by the British authorities, and the promoters of a great national wrong, although known, have been rewarded by the same government for their infamous crime; and
Whereas it is also alleged and believed that there are men high in position in England who stand ready and have already taken steps to co-operate with statesmen of this country, as soon as a public inquiry is set on foothere, to take the necessary steps to right this momentous wrong: Therefore,
Resolved, That a special committee, to consist of —— of this House, be appointed, to whom this communication to the House shall be referred, with the accompanying letters, and that the same be printed in the Recomp; and that said committee have authority to sit at any time, and to send for persons and papers and administer oaths, and to employ a clerk and stenographer, and may proceed to any other place to prosecute said investigation if deemed advisable by said committee at any time. And the expenses of said committee and investigation shall be paid out of the contingent fund of the House upon the certificate of the chairman of said committee.

Mr. BLOUNT. I object to this resolution. I understood that the gentleman from Illinois desired simply to offer for reference to the regular committee of this House a resolution calling for information. This additional resolution of the gentleman from Michigan [Mr. Newberry] proposes, as I understand, to raise a committee—

Mr. NEWBERRY. My object is to have this resolution referred to the same committee to which the resolution of the gentleman from Illinois has been referred.

Illinois has been referred.

The SPEAKER. As the Chair understood, the resolution of the gentleman from Illinois was introduced for reference; and it has been referred. The gentleman from Michigan [Mr. NEWBERRY] then asked consent to make a statement touching this question, and the House by

consent to make a statement touching this question, and the House by unanimous vote gave its consent.

Mr. HAWLEY. I desire to say a word on this subject.

Mr. BLOUNT. I call for the regular order.

Mr. HAWLEY. I think that in order to perfect the record a word or two ought to be said giving a slightly different view of this matter. If gentlemen will allow me a moment, I wish to say to this

Mr. BLOUNT. I withdraw the call for the regular order.
Mr. HAWLEY. I wish to say that I more than doubt the wisdom of this proceeding, and of the language employed in connection with it. I speak for the honor of my country and this House, if nothing else. To the eternal honor of both people, the British and the United States Governments concurred in submitting to an international arbitration certain great questions. An award was made against the British at Geneva, and they paid it like men.
Mr. McCOOK. But they grumbled a good deal—
Mr. HAWLEY. Yes, among themselves; but they paid the money. Another question, the question concerning the Canadian fisheries, was

Mr. McCook. But they grumbled a good deal—
Mr. HAWLEY. Yes, among themselves; but they paid the money.
Another question, the question concerning the Canadian fisheries, was submitted to arbitration; and an award was made against us. We have likewise paid the money. Now, it is alleged in the public journals and the gossip of the world that in the latter case there was grossly fraudulent testimony against us. When such an allegation is made, I am willing to pursue toward a friendly nation the policy which I would pursue in controversies among private gentlemen. I would wait until the British Government has had time to hear whether it has been imposed upon, for courtesy requires we should take it for granted that whatever fraud there may have been was committed on that government primarily. I would wait until the British Government shall have investigated the matter; and if it should discover that it has been grossly deceived, I have not the shadow of a doubt it will come to us and ask that the question shall be reopened. I prefer that this matter shall rest for the present, where I am sure it can safely rest, in the hands of our Secretary of State.

Mr. NEWBERRY. Just one sentence in reply to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. BLOUNT. This is simply a matter of reference, and I object to further debate.

Mr. BLOUSI.

to further debate.

Mr. SPRINGER. Under the rules I believe I hold the floor for an hour, consent having been given for the introduction of the resolution which I presented. I do not desire that debate on a question of so which I presented. I do not desire that debate on a question of so great importance should be cut off by one objection.

Mr. BLOUNT. I object to debate on a mere question of reference.

The SPEAKER. The gentleman from Illinois simply stated that he wanted to refer his resolution.

Mr. SPRINGER. Yes, sir; and I moved the reference of the resolution, which is a debatable question.

The SPEAKER. Not in the present position of the matter.

Mr. SPRINGER. I hope the gentleman from Michigan will be

heard.

Mr. NEWBERRY. I want simply to say that the British Government and its officials have had notice of this matter for sixteen, eighteen, or twenty months—probably two years.

Mr. BLOUNT. I understand the only question before the House is

Mr. BLOUNT. I understand the only question before the House is the question of reference.

Mr. SPRINGER. I ask that the two resolutions, together with the documents furnished by the gentleman from Michigan, be printed and referred to the Committee on Foreign Affairs.

The SPEAKER. The original resolution offered by the gentleman from Illinois [Mr. SPRINGER] went directly to the Committee on Foreign Affairs; and then the gentleman from Michigan asked to be allowed some time to speak on the subject, to which the House gave its consent. its consent.

Mr. HUMPHREY. I desire simply to say with the leave of the House that the British Government compel us to furnish in this case the same kind of proof that we did under the foreign-enlistment act, while they furnish no proof and take no steps in the matter.

The SPEAKER. Is there objection to the reference of this second resolution to the Committee on Foreign Affairs?

Mr. FIELD. Yes, sir; I object.

The SPEAKER. The gentleman from Massachusetts objects to the reference of the resolution submitted by the gentleman from Michi-

reference of the resolution submitted by the gentleman from Michigan, [Mr. NewBerry.]

Mr. SPRINGER. Which gentleman objects?

The SPEAKER. The gentleman from Massachusetts, [Mr. Field.]

Mr. SPRINGER. I hope the gentleman from Massachusetts will

Mr. SPRINGER. I hope the gentleman from Massachusetts will withdraw his objection.
Mr. FIELD. No; I will not.
Mr. RICE. I should like to have the first resolution read.
The SPEAKER. It has been read and gone to the Committee on Foreign Affairs. The gentleman can come to the desk and the Chair will see he has opportunity to read it.
Mr. RICE. It has been referred, then?
The SPEAKER. It has, and so far the question has been disposed of.

PRIVATE CALENDAR,

Mr. O'CONNOR. I move the House resolve itself into the Com-

Mr. O'CONNOR. I move the House resolve itself into the Committee of the Whole House on the Private Calendar for the purpose of proceeding to the consideration of the bills on the Private Calendar.

Mr. REAGAN. Before that is done, I move we go to the Speaker's table for the purpose of taking up the private bills from the Senate.

The SPEAKER. There is no authority in the rules for the motion of the gentleman from Texas. The motion to go to the Speaker's table under the rules provides for the consideration of the bills in their order.

their order.

Mr. REAGAN. On private bill day cannot we go to the Speaker's table for the consideration of private bills from the Senate?

The SPEAKER. The motion to go to the business on the Speaker's table is prescribed by the rules—

Mr. REAGAN. It is a general motion.

The SPEAKER. It is, and the gentleman cannot qualify the motion so the House shall go to the Speaker's table for the consideration only of the bills specified by him.

Mr. REAGAN. Very well; then I withdraw my motion,

The question recurred on Mr. O'CONNOR's motion; and it was agreed to.

agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. SIMONTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House the Chairman of considering the hills on

on the Private Calendar for the purpose of considering the bills on the Private Calendar.

WILLIAM A. AND ADELICIA CHEATHAM.

The first business on the Private Calendar was the bill (H. R. No. 3561) for the relief of William A. and Adelicia Cheatham.

Mr. O'CONNOR. I move by unanimous consent that bill be laid aside to be reported to the House with the recommendation that it be recommitted to the Committee on Claims.

There was no objection, and it was ordered accordingly.

ASA WEEKS.

The next business on the Private Calendar was the bill (H. R. No. 3784) to compensate Asa Weeks for his labor and expenses in perfecting torpedoes, torpedo machinery, and the art of torpedo warfare for the sole and exclusive benefit of the United States, and for other

Mr. HARRIS, of Massachusetts. That bill ought to be passed over

for the present.

Mr. FINLEY. It has been passed over on two or three occasions.

The CHAIRMAN. The Chair hears no objection, and the bill is passed over for the present.

MRS. S. A. WRIGHT.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Frivate Calendar was the bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright.

The bill provides that out of any money in the Treasury of the United States not otherwise appropriated the Secretary of the Treasury shall pay to Mrs. S. A. Wright, widow of the late George Wright, deceased, the sum of \$3,500, in full consideration for the entire past and future use by the Government of the United States of the patent linchpin of the said deceased George Wright; provided that a full, sufficient, and legal transfer and license is executed and deposited with the War Department, for the Government purposes, free of all charges of royalty

Mr. TOWNSHEND, of Illinois. Let the bill be read.
Mr. BALLOU. Perhaps I can briefly state the principal fact in relation to this subject, which will be preferable to reading the report,

which is a voluminous one.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. TOWNSHEND, of Illinois. I do not object.

Mr. BALLOU. Mr. Chairman, it appears that George Wright, while in the employment of the Government, invented a linchpin for artillery-carriages in 1862, which was adopted by the Ordnance Department and approved by the Secretary of War in September, 1863,

and that Wright obtained a patent for the linehpin in May, 1875, and applied to the Secretary of War for such compensation as might be awarded him for the past and future exclusive use of the same, which application for remuneration was refused by the Assistant Secretary of War, on the ground that Wright, when he made the invention, was in the employ of the Government; which decision, with remonstrance, was afterward presented to the Secretary of War, who decided that the claimant must apply to Congress for compensation, if entitled to it. if entitled to it.

if entitled to it.

There is no question, Mr. Chairman, that this linchpin was invented by him; that it was considered valuable to the Government; that it has been in use by the Government from the time of 1862 up to the present. The only question is, Was it invented by any one before Wright, or is an employé of the Government entitled to consideration or remuneration for an invention made while in its employ? I have asked the Department two or three questions, which, with their answers, I think will bring the whole subject before the House.

The Secretary of War, in answer to my letter, writes:

Was dependent the House.

Was dependent to my letter, writes:

Washington City, January 5, 1881.

Sir: I have the honor to acknowledge the receipt of your letter of this date, requesting the following information for the use of the Committee on Patents, House of Representatives, said committee having under consideration House bill 2414, for the relief of Mrs. S. A. Wright, namely:

First. Is the Department in possession of any official record showing that a similar linchpin was used or patented in this or any other country at the time of George Wright's invention of a linchpin?

Second. Was any law officer of the Government called upon for an opinion as to whether said Wright's claim for said linchpin was valid in law and just that it should be paid?

Third. Has the right of any employe of the Government to compensation for the use, by the Government, of his invention been decided by the Supreme Court of the United States; and if so, give the name, employment at the time of invention, and compensation allowed such employe?

In reply to the foregoing questions, I beg to inclose herewith copy of report of the Chief of Ordnance on the subject, which furnishes the information desired, so far as the same can be furnished by this Department.

Very respectfully, your obedient servant,

Hon. L. W. Ballou,
Of Committee on Patents, House of Representatives.

The letter from the Ordnance Office is as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 5, 1881.

Respectfully returned to the Secretary of War with the following replies to the questions propounded within, namely:

First. This department can find nothing on its files on the subject except the statement of Colonel Benton in his report on the first page of Senate report 28, Forty-first Congress, second session.

Now, Mr. Chairman, that report is as follows:

Colonel Benton says, in the spring of 1863. Mr. Frances, of New York, called General Ramsey's attention to the fact that a similar linchpin was in use in France, and afterward sent him a sample, the drawing of which is herewith inclosed. Mr. Wright states that he was not aware of such pin, and has sworn to his statement in the patent which he took out for it on the 9th of May, 1865.

Mr. Wright claims that his pin is superior to the French pin, inasmuch as it is stronger from having no slot in the body. I believe it has given entire satisfaction to the artillery, and on the strength of this was adopted by the ordnance board in the fall of 1863.

I continue to read from the letter of the ordnance officer:

I continue to read from the letter of the ordnance officer:

Second. The only law officer called upon for an opinion touching the case was Judge Holt, Judge-Advocate-General, whose opinion will be found in Senate report 28, Forty-first Congress, second session. This bureau is aware of no law or regulation precluding the Government from contracting with one of its employés not in the military service. Paragraph 1002 of the regulations probibits the entering into a contract with any person in the military service by any military officer or agent, and paragraph 1003 provides that no such person shall receive any compensation for any service, &c., performed by him beyond his fixed pay, &c., unless the same shall be authorized by law and explicitly set out in the appropriation. This bureau has been informed by the Chief of the Ordnance Department that Wright, who is a master workman at the Washington arsenal, is in no manner connected with the military service. The provisions of the two paragraphs referred to would not therefore apply to his case; and it is accordingly concluded that the Secretary of War may lawfully compensate the party for the past use of his invention as well as purchase the right to use it exclusively for the future.

Third. The Supreme Court decided in the case of Burns vs. United States, that "if an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States equally with any other citizen not engaged in such service; and the Government cannot, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him." (See 12 Wallace, page 252.)

S. V. BENÉT, Brigadier-General, Chief of Ordnance

I need only say a word in addition; that inquiries have been made where this linchpin has been used in the various places in the service, in the arsenals and in the yards, and the testimony is uniform that it has been valuable, and that it has been of great service to the Government. It is in use at this present day, and in estimating the compensation which should be made to this party for the use of it estimates vary from \$2,500 to \$20,000. The committee, by a majority, favored \$5,000, but it was suggested that inasmuch as Mr. Wright had offered in the commencement, in 1862, to sell the right to the Government for \$1,500, or asked that rather as a remuneration for his invention, that for the United States to pay that \$1,500, with interest added for seventeen years, would be about a fair compensation, and that would make the amount about three thousand five hundred dollars, would make the amount about three thousand five hundred dollars,

which received the unanimous approval of the committee. The committee have therefore recommended it, and it is hoped that the Com-

mittee have therefore recommended it, and it is noted that the Committee of the Whole will adopt it.

Mr. BLOUNT. I would like to ask the gentleman a question.

Mr. BLOUNT. I want to call the attention of the gentleman to the provision of the Constitution of the United States in reference to the constitution. this matter. In enumerating the powers of Congress the Constitution provides that-

It shall have the power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

respective writings and discoveries.

Now, I ask you if there is any other power under the Constitution which would give the House authority over this matter, and if there is not, where is the authority for this appropriation at all?

Mr. BALLOU. But there has been a patent granted for this already. Mr. STEPHENS. We can buy anything we want.

Mr. BLOUNT. I understood that it had not yet been patented. I misunderstood the statement of the gentleman from Rhode Island.

Mr. VANCE. The facts of the case are that the Government used this man's property, which was very desirable and useful to the Government, and now it is proposed simply to pay him for the use of it.

Mr. BLOUNT. I would like to be informed positively upon this question. Had the party in interest here a patent on this improvement or not?

ment or not?

Mr. VANCE. Yes, sir; he had a patent and the Government made use of it, and the committee thinks that he ought to be paid for the use of it

Mr. BALLOU. I move that it be reported to the House with a favorable recommendation.

Mr. FINLEY. I desire before the question is put to say a single word upon this point. As I understand it from the statement of the gentleman from Rhode Island this man perfected this patent and the War Department used it and is continuing to use it up to this time. He received a patent on it and now the War Department has refused to pay him for the use of it, simply because it is said he was in the to pay him for the use of it, simply because it is said he was in the service of the Government at the time he invented it. That is to say he was a clerk drawing \$3 a day from the Government, and because he was drawing a salary—the paltry sum of \$3 a day as a clerk—the War Department says we will not pay him for this valuable improvement, although the Government has been using it all the time since it was not tracked with a say it.

ment, although the Government has been using it all the time since it was patented and is continuing to use it.

The man is dead, and the widow now comes to Congress and asks a reasonable appropriation for the use of this patent by the Government. Now, why should we not pay it? As the gentleman from Georgia [Mr. Stephens] well said when the objection was made by his colleague, [Mr. BLOUNT,] we can buy anything; we can buy this man's right. The Patent Office gave him the exclusive right, and if the Government has been using and has had the benefit of this patent, why should we not pay for it what is right?

The report of the committee, as I understand it, is unanimous. I understand further that in the Forty-first Congress a bill similar to this passed both Houses, but failed to become a law for want of time to receive the President's signature.

Mr. BLOUNT. Has the Government paid anything for this invention so far as it has had the use of it?

Mr. FINLEY. I understand not. I understand there has not been

Mr. FINLEY. I understand not. I understand there has not been

one dollar paid.

Mr. WHITE. Is there not a report in this case? Back here we have not heard what has been going on, and we want to know something about this case.

The CHAIRMAN. The gentleman from Rhode Island moves that the bill be laid aside to be reported favorably to the House.

Mr. WARNER. Before that is done I wish to say a word. The report, I believe, was read.

The CHAIRMAN. The report has not been read. When the bill

came up the reading of the report was dispensed with by unanimous consent.

Mr. WARNER. I have looked over the report.

Mr. TOWNSHEND, of Illinois. If the gentleman from Ohio will permit me, I suggest that the report be read. Not one-fifth of the House heard the statement of the gentleman from Rhode Island. Let it be read, and then the gentleman from Ohio can be heard intel-

Mr. WARNER. I am quite satisfied to have the report read.
The report was read, as follows:

The report was read, as follows:

The Committee on Patents, to whom were referred the petition and bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright, widow of the late George Wright, which ask for remuneration for the use of his patent linchpin, adopted and used by the United States Government, make the following report:

On May 20, 1862, while George Wright was employed as a master machinist in the Washington Arsenal, at a compensation of \$3.73 per day, he invented a linchpin for field artillery carriages, which was adopted by the Ordnance Department and approved by the Secretary of War, under date of September, 1863.

On the 9th of May, 1895, the said George Wright obtained a patent for said linchpin, and shortly thereafter applied to the Secretary of War for "such compensation as might be awarded him for the past and future use of said invention or patent" as he might be considered "entitled."

This application was referred to the Ordnance Department, and by it to Major Benton, commanding at the Washington Arsenal, who returned it with an indorsement that Mr. Wright invented this linchpin without orders, but merely from a desire to correct a serious defect in the linchpin then in use in our field artillery. The invention was made while Mr. Wright was employed as master machinist at

a compensation of \$3.73 per day. It has given entire satisfaction to the artillery, and on the strength of this was adopted by the Ordnance Board in the fall of 1863. In transmitting Major Benton's report to the Secretary of War, W. Maynadier, colonel and Acting Chief of Ordnance, says:

"Taking into consideration the fact in regard to Mr. Wright's invention, as stated in Major Benton's report, herewith inclosed, the case is not, in my opinion, one which establishes a claim in equity for remuneration, the invention claimed having been made while Mr. Wright was in the employment of the Government as a master-machinist, and to which, consequently, his time and mechanical skill were due. Nor has Mr. Wright, in my opinion, any valid claim under his patent, as it was not taken out until after the linchpin had been for more than a year adopted for and put into Government use."

Upon this the Assistant Secretary of War indorsed:

"The views of the Chief of Ordnance are approved, and Mr. Wright will be so advised."

The petitioner, not accepting this view of his case, remonstrated with the Chief

advised."

The petitioner, not accepting this view of his case, remonstrated with the Chief of Ordnance against the injustice of the foregoing conclusions. This remonstrance was submitted to the Secretary of War, who, under date of October 14, 1865, ordered that the claimant be informed that if he is entitled to compensation he must apply to Congress to get it.

On the 17th of March, 1866, the matter was again brought to the notice of the Secretary of War, as follows:

"In the matter of the application of George Wright for compensation for the use of his patented linchpin, the following points are respectfully submitted for your consideration:

"In The invention was educated by the Ordnance Department, with the appropra-

of his patented linchpin, the following points are respectfully submitted for your consideration:

"1. The invention was adopted by the Ordnance Department, with the approbation of the Secretary of War, in 1e63, and has been used by the Government ever since, which is conclusive of its utility and importance.

"2. The Ordnance Bureau has given no valid reason for refusing compensation to this inventor for the use of his linchpin.

"3. The objection that the invention was used one year before the date of the patent law allows an inventor to use his inventor, is entitled to no consideration, for the patent law allows an inventor to use his invention two years before applying for a patent, without prejudice.

"4. The applicant, though an employé of the Government, is not a public officer, and the patent law gives him the same protection that it does to patentees in individual employment. And, further, the Government guarantees him protection by the grant of a patent. With what justice, then, can it do violence to its own protection granted and guaranteed by the patent law by using without compensation Mr. Wright's valuable invention?

"5. The usage of the Department in making compensation for the use of patented inventions is of long standing, and, in the absence of statute law, may be properly regarded as the rule for the government of the Departments in making compensation to inventors for the use of their inventions.

"6. In Mr. Wright's own person, and within the last three years, both the Navy and War Departments have acted upon this rule by giving him compensation for another of his inventions—namely, his patented 'fuse-modd."

"7. It is presumed that, in view of this example, without allusion to the numbers of others on the files of the Department, the honorable Secretary of War will have no doubt of his authority to compensate Mr. Wright for the use of his invention.

S. Mr. Wright herewith presents an assignment of the patent to the Government.

"9. As the invention is conceded to be valuable, has been ad

ment.

"9. As the invention is conceded to be valuable, has been adopted by the proper official authority, and put in use for the benefit of the Government, and as, from manifold precedents, the Department is authorized to compensate inventors for the use of their patents, with what justice, I would most respectfully ask, can compensation be refused the applicant?"

This statement was referred to the Judge-Advocate-General for his opinion on the following regions:

the following points:
"1. The validity of a claim by a Government employé for the use of his patented

This statement was referred to the Judge-Advocate-General for his opinion on the following points:

"1. The validity of a claim by a Government employé for the use of his patented invention.

"2. Whether the claim in this case is valid in law and proper to be paid."

To which Judge-Advocate-General Holt replied:

"Respectfully returned to the Secretary of War, with the following expression of opinion upon the questions referred by him to this bureau in the case of the within-named George Wright:

"This bureau is aware of no law or regulation precluding the Government from contracting with one of its employés not in the military service. Paragraph 1002 of the regulations prohibits the entering into a contract with any 'person in the military service, by any military officer or agent, and paragraph 1003 provides that no such person shall receive any compensation for any service, &c., performed by him beyond his fixed pay, &c., 'unless the same shall be authorized by law, and explicitly set out in the appropriation.' This bureau has been informed by him beyond his fixed pay, &c., 'unless the same shall be authorized by law, and explicitly set out in the appropriation.' This bureau has been informed by him beyond his fixed pay, &c., 'unless the same shall be authorized by law, and explicitly set out in the appropriation.' This bureau has been informed by the Chief of the Ordnance Department that Wright, who is a master workman at the Washington arsenal, is in no manner connected with the military service. The provisions of the two paragraphs referred to would not therefore apply to bia case, and it is accordingly concluded that the Secretary of War may lawfully compensate the party for the past use of his invention, as well as purchase the right to use it exclusively for the future. It is advised, therefore, that, if deemed reasonable and no suggestion to the contrary is found in the papers, it may properly be allowed. These or the future is a contrary to the future of the future in the papers, it may properly be a

for the express purpose of making experiments," but devised this "new and valuable improvement" while he was employed by the Government without any reference to any invention or experiment, the committee are of the opinion that the claimant is entitled to reasonable compensation.

There are filed with your committee letters from five colonels commanding regiments of United States artillery. They regard the Wright linchpin as a meritorious invention; that it has answered its purpose in preventing such accidents as wheels coming off of field artillery in rapid traveling, or in traveling over rough ground. They are confirmed in this belief by their extended experience of the past war. Two of the communications are as follows:

ground. They are communications are as follows:

"Headquarters Second Artillery,
"Fort McHenry, Md., December 17, 1879.

"Sir: In reply to your letter of the 25th instant, inclosing bill No. 2414, H. R., I would respectfully state:
"1st. That the use of the patent safety linchpin of George Wright did materially advance the public interests during the war of 1861, and was of great benefit to the Government.
"2d. I would consider \$5,000 as a fair compensation from the Government for the use of said linchpin.
"I am, sir, very respectfully, your obedient servant,
"Colonel Second Artillery, Brevet Major-General U. S. A.,
"Commanding Regiment.

"Hon. L. W. BALLOU committee, House of Representatives, Washington, D. C."

"Washington City, January 16, 1880.

"Sin: Referring to your letter of the 15th ultimo, addressed through the Adjutant-General of the Army to the commanding officer of the First Artillery, and inclosing House bill 2414 for the relief of Mrs. S. A. Wright, with request for information concerning the use by the Government of 'George Wright's patent safety linehpin for field-artillery carriages' and as to what sum would be adequate for the past, present, and future use by the Government of said patent linehpin, I have the honor to inclose herewith a copy of the report of the commanding officer First Artillery, dated the 7th, and copy also of report of the commanding officer Light Battery K, First Artillery, dated the 5th instant.

"The copy of the bill received with your letter is also herewith inclosed.

"Very respectfully, your obedient servant,"

"ALEX. RAMSEY, "Secretary of War.

"Hon. L. W. BALLOU,
"House of Representatives."

"Headquarters First Artillery, "Fort Adams, Rhode Island, January 7, 1880.

"Respectfully returned through Adjutant-General United States Army. Attention invited to inclosed communication of Captain R. H. Jackson, commanding Light Battery K. First Artillery.

"Captain Jackson has commanded the light battery of this regiment since August, 1873. He commanded a light battery during part of the war, and was also an inspector-general, so that he has had ample opportunities of judging of the merits of the linchpin referred to. I am unable to form an opinion as to an adequate sum to be paid by the Government for the past, present, and future use of the same.

"I. VOGDES,"

"Colonel First Artillery, Commanding."

"To the Adjutant First Artillery, Fort Adams, Rhode Island:

"Sir: I have the honor to return herewith the letter of Hon. L. W. Ballou, of the House of Representatives, together with the other papers, all having reference to the claim of Mirs. S. A. Wright, widow of George Wright, for the use by the United States of 'Wright's patent safety linchpin for field-artillery carriages,' which papers were referred to me on the 4th instant.

"To the first query of Mr. Ballon, 'Did the use of "patent safety linchpin for field-artillery carriages" advance the public interests materially during the war of 1861?' I answer, it decidedly did, very materially indeed; and the public interests are being advanced by it at the present time.

"To the second query, as to an adequate compensation for its use by the United States, (since May 20, 1862,) past, present, and future by the United States, &c., it is difficult to give an answer, but I should say \$20,000.

"Very respectfully, your obedient servant,

"Commanding Light Battery & First Artillery,

"Commanding Light Battery & First Artillery,

"Late Commanding Artillery Brigade Tenth Army Corps."

Under date of December 13, 1879, your committee submitted bill H. R. No. 2414 and the following interrogations to the honorable Secretary of War:

"First. Is your Department still using George Wright's patent safety 'linchpin' for field-artillery carriages?"

To which he replies in the affirmative.

"Second. Has the Department compensated said George Wright for the use of said invention by the Government?"

To which he replies in the negative.

"Third. If no compensation has been given, what would be an adequate sum embracing the claim for past, present, and future use of the same for the Government to pay for the use of said patent linchpin?"

To which he replies that \$2,500 would not be excessive.

Considering the fact that said George Wright for inventing an improved mold for casting Borman fuses, which was adopted by the Army and Navy Ordnance Bureaus and extensively used during the

Mr. WARNER. It seems to be conceded, Mr. Chairman, in the first place, that this was a valuable invention; and second, that the Government did derive benefit from its use. But I am not quite clear on one point involved here and I have not been able to get just the light

I desire on that point from the reading of the report. I understand that all precedents are against the payment of claims of this kind where an employé of the Government and in the department with which his invention is connected and where he is using the material and implements of the Government is paid for his time. I say under such circumstances I understand the precedents are against paying for the use of patents.

Mr. CHALMERS. Will the gentleman allow me to ask him a ques-

tion ?

Mr. WARNER. Yes, sir.

Mr. CHALMERS. Did the gentleman from Ohio not vote for the payment of the family of Admiral Dahlgren for the use of his gun by the Government? Or was the gentleman in Congress at that time?

Mr. WARNER. I did not vote for that. I was not at the time in Congress, and if I had been how I might have voted then would not settle this question, which must rest on its merits.

Mr. CHALMERS. I think the gentleman is entirely mistaken in what he has said about precedents, and that he will find the greater number of precedents are exactly the other way.

Mr. BALLOU. I will state to the gentleman from Ohio that this same gentleman, Mr. Wright, received \$1,500 for the fuse which he invented, as stated in the report. There is therefore, in the case of this same man, a precedent for what is recommended in the bill before the committee. the committee

Mr. WARNER. And was he at that time in the employment of the

Government in the Ordnance Department?

Government in the Ordnance Department?

Mr. BALLOU. He was.

Mr. WARNER. I fear the precedent we would establish by passing this bill to be a bad one. The employé of a company or of any employer who was paid for his time and used the material and implements of his employer to make an improvement on any piece of machinery could not claim a right of patent against that employer. He could not estop the employer from using such improvement in connection with that machinery, although of course he would be the owner of his invention or patent and have the benefit of it against all other persons except his employer.

all other persons except his employer.

Mr. DE LA MATYR. Does the gentleman say that the employer in that case would have the right to use the improvement for him-

Mr. WARNER. Yes, he would have the right to use for himself

that improvement.

Mr. MORSE. Never.

Mr. TUCKER. Does the man belong to any employer?

Mr. WARNER. Oh, no; but the employer pays him for his time in

making the improvement; pays for the improvement.

Mr. DE LA MATYR. It seems to me this is a very plain case—
The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] has

Mr. DE LA MATYR. It seems to me this is a very plain case—
The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] has
the floor. Does he yield?
Mr. DE LA MATYR. I thought the gentleman had finished.
Mr. WARNER. I say in that case the employer paying for the
man's services and for the time employed in making the improvement would have the equitable right to the use of that improvement,
although not of course a right in the patent otherwise. And I take
it that the same rule should apply to an employé of the Government,
provided he were employed in the department with which the improvement was connected and was paid for making that improvement.

Mr. MORSE. The gentleman is right in his last statement, but this man was not employed in that way.

Mr. WARNER. I desire to ask the gentleman in charge of the bill or some other member of the committee to state how Mr. Wright at the time was employed, for it seems to me to turn much on that

Mr. WARD. In the report of the committee this testimony ap-

This application was referred to the Ordnance Department, and by it to Major Benton, commanding at the Washington Arsenal, who returned it with an indorsement that Mr. Wright invented this linchpin without orders, but merely from a desire to correct a serious defect in the linchpin then in use in our field artillery.

It is thus shown that while this man was in the employment of the It is thus shown that while this man was in the employment of the Government he was an inventor as well as a workman, and that the invention for which compensation is claimed here and the use of which was so valuable to the United States was the product of the native talent and genius of this man, entirely outside of the line of his employment and without any direction from his superior officer.

Mr. WARNER. That is the information which I desired to elicit.

Mr. BLOUNT. I would like to ask the gentleman from Ohio this question: Does not the fact that this gentleman has had this invention patented determine his right to receive compensation for the use of it?

Mr. WARNER. Not necessarily against his employer.
Mr. BLOUNT. Against the Government or any other person?
Mr. WARNER. Not necessarily as against his employer. That would depend upon the facts of the case.
Mr. BLOUNT. Why not, if the Government gave him a patent?
Mr. ROBINSON. I do not wish to delay the committee, but it seems to me that this is a claim that ought to be paid. It does not appear here that this man made the invention under the direction of any officer of the Government, and there is no law that limits his right to officer of the Government, and there is no law that limits his right to

this patent. Congress has not seen fit to deprive a patentee of his

this patent. Congress has not seen fit to deprive a patentee of his rights and privileges simply because he makes an invention when he may be in the employ of the Government.

Mr. FINLEY. Allow me to ask the gentleman—

Mr. ROBINSON. One moment. In sections 1672 and 1673 of the Revised Statutes Congress has enacted that a certain form of gun called the Springfield breech-loading musket shall be adopted by the Ordnance Department and manufactured by and for the Government. In the next section it is provided that no royalty shall be paid and no compensation for the use of any patent which may be made upon that gun by any officer or employé of the Government. That was manifestly because Congress knew that in the national armories, where a great number of skilled workmen were employed, during the time for which they were paid by the Government they might apply time for which they were paid by the Government they might apply their inventive genius to the making of improvements; and Congress enacted that compensation should not be given therefor in that par-

I say that simply because a man is a master workman, receiving a certain sum per day from this Government, he is not owned by the

Government

Government.

Mr. WARNER. That is not claimed by anybody.

Mr. ROBINSON. Let gentlemen consider the nature of this invention for a moment. It consists simply in the application of the thought of connecting a hook over the top of the linchpin, reaching down below the axle so as to prevent the pin from jumping out of place. Now, gentlemen will see that from this man's brain this invention "jumped out" all equipped and armed for the emergency. He did not sit down in the shop of the Washington arsenal for days and weeks to study up and contrive that invention. It came right out of his brain, just as all our best inventions are the production of a fertile mind directed to the object. Perhaps it was all wrought out in five minutes' time, while the man was at home with his family or in five minutes' time, while the man was at home with his family or eating his dinner.

Mr. WARNER. Will the gentleman allow me to ask him a ques-

Mr. ROBINSON. Certainly.
Mr. WARNER. Does the gentleman mean to lay it down as law that if a man is employed as a workman, as a master mechanic, in a railway shop, for instance, to make an improvement upon a given machine, and he afterward takes out a patent for that improvement, he can stop his employer from using it or claiming compensation for the use of it?

Mr. ROBINSON. The gentleman of course understands that the patentee of an improvement holds all the rights under it. is to be any controversy about it it must be in the Patent Office for the purpose of invalidating the patent. That question is not perti-

Mr. WARNER. That does not answer my question.
Mr. VANCE. I hope we will have a vote now.
The bill was laid aside to be reported favorably to the House.

J. M. MICOU.

The next business on the Private Calendar was the bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased, reported from the Committee on Claims by Mr. Samford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to pay the sum of \$685.67, without interest, to the estate of J. M. Micou, deceased, for rent of storehouse in Montgomery, Alabama, from August 1, 1865, to April 2, 1866, used for storing quartermaster's stores, under contract with said Micou, at a monthly rental of \$85 per month, and said sum of \$685.67 is hereby appropriated to pay the same upon the presentation of proper evidence of the qualification of a legal representative of his estate.

Mr. SAMFORD. I move that the bill be laid aside to be reported

favorably to the House.

Mr. WHITE. Let the report be read.

The report was read, as follows:

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (S. No. 32) for the relief of J. M. Micow and others, have duly considered the same so far as it relates to J. M. Micow, and submit the following report:

During the session of the Forty-fourth Congress, Senate bill No. 109, for the relief of the estate of J. M. Micow, was introduced, and referred to your committee. On Angust 4, 1876, your committee made the following report, to wit:

"The Committee on Claims, to whom was referred the bill for the relief of the estate of J. M. Micow, have had the same under consideration, and submit the following report:

"Senate bill No. 109, for the relief of the estate of J. M. Micow, of the State of Alabama, directs the proper accounting officers of the Treasury to andit and settle the claims of said estate for rent of buildings accruing after the suppression of hostilities in the late war, and for which a voucher was given, now on file in the Treasury Department, and allow him the sum named in the said voucher, \$685.67.

"Your committee, through Mr. Caperton, addressed the Secretary of War relative to the above claim, and received in reply the following papers duly certified by him:

"[No. 22.] The United States to J. M. Micow.

by him:

"[No. 22.] The United States to J. M. Micow,

"April 30, 1866.—For rent for storehouse on Commerce street, used for storing quartermaster's stores, from April 3, 1866, to April 30, 1866, being 28 days, at \$85 per month

"'I certify that the above account is correct and just; that the services were rendered as stated, and that they were necessary for the public service, as per my report of persons and articles for month of April, 1866.

"'H. B. WHETSEL,

of April, 1866.

"'H. B. WHETSEL,

"'Captain and Assistant Quartermaster.

"'Received at Mobile, Alabama, the 22d of May, 1866, of Colonel M. D. Wickersham, chief quartermaster Department of Alabama, the sum of \$79.33 in full of the above account.

"'[Form No. 2.] Report of persons and articles employed and hired at Montgomery, Alabama, during the month of April, 1866, by H. B. Whetsel, captain and assistant quartermaster, United States Army.

	and occu-	di		the	c		hire or pensa-	ract.	ned.	nt in the	Time and and ren	the amou		
Names of persons and articles.	Designation and pation.	From-	T0-	Days.	Dollars.	Cents.	Day, month, or voyage.	Date of contr	Ву whom оw	Amount of rent month.	From-	To-	Dollars.	Cents.
One storehouse on Commerce street	Quarter- masters' stores.	1	30	30	85	00	Month.	August 1, 1865	J. M. Micow	\$85 00	August 1	April 30	765	00

REMARKS.—Transferred by Captain E. P. Graves, Assistant Quartermaster. Used for quartermasters' stores. Vacated April 30, 1866.

"'I certify on honor that the above is a true report of all the persons and articles employed and hired by me during the month of April, 1866; that the observations under the head of "remarks" and the statement of the amounts due and remaining unpaid are correct. "' Captain and Assistant Quartermaster.

"'Examined.

ined.
"'JAMES P. BROWN,
"'First Lieutenant Fifteenth Infantry Commanding."

"A communication relative to the claim, and inclosing the following, was received from the Secretary of the Treasury:

"'Treasury Department, Third Auditor's Office,
"'Washington, D. C., January 3, 1876.

"I hereby certify the papers hereto annexed to be true copies of the originals on file in this office with claim No. 26995, and that the claim has not been settled for the reason the voucher does not state where the property is situated; nor is the claimant's title to the property shown.

"'HORACE AUSTIN, Auditor.

" 'The United States to J. M. Micow.

" 'May 19, 1866.

"'For rent of storehouse on Commerce street, used for storing quartermasters' stores, from August 1, 1865, to April 2, 1866, both days inclusive, being 8 months and 2 days, at \$85 per month..... 8685 67

"'I certify that the above account is correct and just; that the services were rendered as stated; that they were necessary for the public service, and are borne in my report of persons, &c., for the month of April, 1866.
"'H. B. WHETSEL,

" Captain and Assistant Quartermaster."

"On the back of the voucher is the following indorsement:

"'CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT ALABAMA,
"'Mobile, May 22, 1866.

"'Instructions of the Department permit payment of rent for time subsequent to the 2d day of April, 1866, only, per G. O. No. 6, C. Q. M. O., M. D. T., current series.

"'M. D. WICKERSHAM, "Colonel and Chief Quartermaster.

"'TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE, "'November 14, 1872.

"Respectfully referred to the Quartermaster-General for examination and report. Claim of J. M. Micow for rent, \$685.67.
"ALLAN RUTHERFORD, Auditor.

"Respectfully returned to the Third Auditor of the Treasury.
"The service covered by the inclosed certified account has been reported to this office by the certifying officer as required by regulations.
"By order of the Quartermaster-General.

"'M. I. LUDINGTON,
"'Quartermaster, United States Army.
"'Quartermaster General's Office, February 10, 1873."

"'QUARTERMASTER-GENERAL'S OFFICE, February 10, 1873."

"Your committee find that the property for which rent is claimed was rented from J. M. Micow, August 1, 1865; that it was occupied under the said contract at a monthly rental of \$50 per month until April 30, 1866; that Micow was paid \$70.33, the amount accruing after April 2, 1866, and that there still remains due and unpaid \$605.67, the amount named in the bill. They therefore recommend its passage."

Said bill, so reported afterward, passed the Senate and was favorably reported in the House of Representatives by the Military Committee in January, 1877, but was not acted upon.

After a re-examination of the case, your committee adopt and concur in the above report made to the Forty-fourth Congress.

The bill (8. No. 32) embraces the claims of sundry parties. Your committee have only considered the claim of the estate of J. M. Micow in this report, and report a substitute for said bill and recommend the passage of the substitute so reported, directing the Secretary of the Treasury to pay to the estate of J. M. Micow, upon presentation of proper evidence of the qualification of an administrator of his estate, the sum of \$655.67 for rent of storehouse in Montgomery, Alabama, from August 1, 1865, to April 2, 1866, used for quartermaster stores under a contract with said Micow, at a rental of \$65 per month.

Your committee recommend the passage of a bill accompanying this report for the payment of said sum to the representative of the estate of said Micow.

There being no objection, the bill was laid aside to be reported favorably to the House.

SAMUEL I. GUSTIN.

The next business upon the Private Calendar was the bill (H. R. No. 4003) to pay Samuel I. Gustin for supplies furnished to the Army of the United States, reported from the Committee on Claims by Mr. SAMFORD.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. I. Austin the sum of \$1,129 for supplies furnished by him under contract made with Government officials to the Army of the United States.

Mr. WHITE. Let the report be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 4003) for the relief of Samuel I. Gustin, have had the same under consideration, and submit

the relief of Samuel I. Gustin, have had the same under consideration, and submit the following report:

This is a bill to pay Samuel I. Gustin for a quantity of wood used by United States troops near Macon, Georgia, in the year 1865. A similar bill was introduced in the House of Representatives during the last Congress, which was referred to the Committee on War Claims. That committee made a favorable report thereon,

"[House report No. 38, Forty-fifth Congress, third session.]

"Mr. Sheller, from the Committee on War Claims, submitted the following report, to accompany bill H. R. No. 5706:

"The Committee on War Claims, to whom was referred the bill (H. R. No. 1662) for the relief of Samuel I. Gustin, submit the following report:

"General J. H. Wilson entered Macon, Georgia, on or about the 21st day of April, 1865, and on the 22d day of April, 1865, and on the 22d day of April, 1865, and on the 22d day of Special Field Orders No. 22, as follows:

"'[Special Field Orders No. 22.]

"'Is pecial Field Orders No. 22.]

"'HEADQUARTERS CAVALRY CORPS.

"'Macon, Georgia, April 22, 1865.

"'It is hereby amounced to the cavalry corps of the military division of the Mississippi that an armistice had been agreed upon between Lieutenant-General J. E. Johnston and Major-General W. T. Sherman, with a view to a final peace. The troops of the cavalry corps are ordered to refrain from further acts of hostility and depredations. Supplies of all kinds are to be contracted for, and foraging upon the country will be discontinued.

"'The officers of the cavalry corps will enforce the strictest discipline in their commands. Guards will be established, private and public property respected, and everything done to secure good order.

"The brevet major-general commanding again takes just pleasure in commending the officers and men of the corps for their gallantry, steadiness, and endurance in battle, and during the arduous marches to this place. He enjoins them to remember that the people in whose midst they are now stationed are their countrymen, and should be treated with magnanimity and forbearance, in hopes that although the war which has just ended has been long and bloody, it may secure a lasting and happy peace to our beloved country.

"'By command of Brevet Major General Wilson.

"E. B. BEAUMONT,

"Major and Assistant Adjutant-General.'

"At the time Samuel I. Gustin had on his farm near Macon one hundred cords of

"Major and Assistant Adjutant-General."

"At the time Samuel I. Gustin had on his farm near Macon one hundred cords of wood. He also had a large amount of rails and other wood suitable for fuel. Between the 24th day of April and the 27th day of July, 1865, it was all used by the troops for fuel, under the promise by the officers in command that payment would be made.

"About the same time, and after April 22, 1865, a building belonging to said Gustin was burned.

"On the 27th day of July, 1865, Special Orders No. 3, Headquarters District of Columbus, were issued, appointing Lieutenant-Colonel J. H. Tompkins, Fourth Kentucky Mounted Infantry, and Captain John A. Roberts and Lieutenant George A. Patton, of the same regiment, a beard to assess damages. This board called before it witnesses, both civil and military, and reported the amount due to Samuel I, Gustin as \$2,529, which included \$1,400 as the value of the said building destroyed. This report was made after not only taking testimony but personal examination by the board, and was approved by Brigadier-General John T. Croxton, in command. On account of lack of funds it was not paid by the quartermsster, and nover has been paid. The board, in calculating the amount of \$1,129, reduced all the fuel to cords, and calculated the amount due at the price at which the Army was purchasing similar fuel at the time under contracts.

"The papers in the case were, in 1867, sent to an attorney in Washington and lost, and have only within a short time been recovered.

"Your committee think the amount found due Samuel I. Gustin by the said military board for fuel, to wit, \$1,129, should be paid to him, and report a bill as a substitute for the bill H. R. No. 1862, for his relief.

"Proceedings of a board of survey held at Macon, Georgia, in obedience to the in-

"'Proceedings of a board of survey held at Macon, Georgia, in obedience to the in-closed order.

"'[Special Orders No. 3-Extract.]

" Headquarters District of Columbus, " Macon, Ga. , July 27, 1875.

"'II. A board of survey is hereby convened to examine into and assess damages sustained by citizens of this vicinity at the hands of the United States troops. In each case the board will examine the premises carefully, take the testimony of witnesses, and report the nature of the damage fully, when possible, the troops committing the same, and whether the same was occasioned by the neglector carelessness of the officers or was unavoidable.

"The board will be composed of the following officers, namely:
"Lieutenant-Colonel J. H. Tompkins, Fourth Kentucky Mounted Infantry.

"'Captain John A. Roberts, Fourth Kentucky Mounted Infantry.
"'Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry.
"'The board will convene at these headquarters at nine a. m. this morning.
"'By command of Brigadier-General Croxton.
"'W. A. SUTHERLAND,
"'Captain and A. A. A.

"'W. A. SUTHERLAND,
"'Captain and A. A. G.

"'The board met pursuant to the above order. Present: Lieutenant-Colonel J.
H. Tompkins, Fourth Kentucky Mounted Infantry; Captain John A. Roberts,
Fourth Kentucky Mounted Infantry; Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry; Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry; Lieutenant George H. Patten, Fourth Kentucky Mounted Infantry.

"Samuel I. Gustin, (citizen,) being duly sworn, testifies that he has lost (or was
destroyed) by United States troops the following property: 600 feet of fencing
lumber, 3,090 rails, 100 cords of wood; also, one frame building, with the machinery
used for the manufacture of enameled cloth.

"Julius Peters, (citizen,) being duly sworn, testifies that the Fourth United
States Cavalry made a road through Mr. Gustin's lands and destroyed a large quantity of rail-fencing from ten to twelve rails high.

"William Steinmetz, sergeant Company G, Fourth United States Cavalry, being
duly sworn, testifies that since on or about the 24th day of April, 1865, the United
States troops had been hauling wood from the lands of Mr. Gustin; has seen from
four to six wagons hauling three or four days every week for two months; he is
satisfied that over fifty cords of wood have been taken.

"Francis M. Seay, (citizen,) being duly sworn, testifies that on or about the 21st
day of April, 1865, the enameled-cloth factory owned by Samuel I. Gustin, and
valued at from \$2,500 to \$3,000, was burned by United States troops.

"Mrs. Francis M. Seay, being duly sworn, testifies that the enameled-cloth factory owned by Samuel I. Gustin was burned by Federal soldiers the day after
General Wilson's command entered Macon.

"The board then proceeded to examine the premises, and, after carefully investigating the evidence, find that Samuel I. Gustin has been damaged by United
States troops to the amount of \$2,559, and that said damage was unavoidable, except the factory; and no evidence can be had as to what command the soldiers

o that destroyed it.

"'J. H. TOMPKINS,

"'Lieutenant-Colonel Fourth Kentucky Mounted Infantry.

"'JOHN A. ROBERTS,

"'Captain Company D, Fourth Kentucky Mounted Infantry.

"GEORGE H. PATTEN,

"'First Lieutenant Company D, Fourth Kentucky Mounted Infantry.

"'Approved.
"'JNO. T. CROXTON,
"'Brigadier-General Volunteers.'" The foregoing report was submitted recently to J. H. Wilson, late major-general, under whose order the wood was taken, who indorsed thereon the following:

"BOSTON, MASSACHUSETTS, January 2, 1880.

"I know Samuel I. Gustin, and believe him to be an honest and deserving man. Special Field Order No. 22 was issued by me. The proceedings of the board of survey seem to be regular and in order, and to fairly show that Mr. Gustin should be paid as recommended by the committee. Assuming all the facts to be as herein set forth, I have no doubt Mr. Gustin should be paid without further delay.

"JS. H. WILSON,

"Late Major-General Volunteers."

Your committee coincide in the findings and conclusions of the committee of the last House of Representatives, and therefore report the bill with the recommendation that it do pass.

Mr. STEPHENS. The name in the body of the bill is incorrectly printed. It should be "Gustin" and not "Austin." I desire further to say that a bill identical with this has passed the Senate and is now on the Private Calendar of this House. I move that the Senate

bill be taken up and considered in lieu of this bill.

The CHAIRMAN. The Chair is of the opinion that the Senate bill is in the House, and that would be the proper place to make the mo-

Mr. STEPHENS. The Senate bill is on the Calendar.
The CHAIRMAN. The gentleman can move in the House to take
the Senate bill from the Calendar and consider it in place of this bill. Mr. STEPHENS. It is just as competent to make the motion here as anywhere. We have full control of the Private Calendar now.
Mr. SPARKS. Is the bill on the Private Calendar?

Mr. SPARKS. Is the bill on the Private Calendar?
Mr. SPARKS. It is.
Mr. SPARKS. Then the proposition is in order.
Mr. STEPHENS. Of course it is. I trust there will be no objection.
Mr. SAMFORD. The bill is on the Calendar. It was referred to

the Committee on Claims and reported back.

The CHAIRMAN. The gentleman from Georgia [Mr. STEPHENS]
moves that the Senate bill on the same subject be substituted for the House bill under consideration.

Mr. WHITE. I do not think that can be done in Committee of the

Whole

Whole.

The CHAIRMAN. The Chair has a little doubt on the point himself.

Mr. WHITE. I understand this to be a bill to pay a gentleman in
Georgia for cord-wood, fencing-boards, rails, &c., taken and used by
the United States troops in 1865. The allegation is that the Government is liable because there was an armistice then pending between
General Johnston and the commander of the United States Army.

That is the substantial and the commander of the United States Army.

That is the substantial and the commander of the United States Army. That is the substantial and the only substantial reason for the claim. It is perfectly clear that there would have been no ground for the payment of this claim if the property had been taken prior to that time. Now, I submit that the passage of this bill is a departure from the policy adopted hitherto by our Government in this behalf. The southern claims commission was organized in 1866 or 1867—perhaps later. I do not recall the precise date. For the settlement of all property and the settlement of all southern claims commission was organized in 1800 of 1867—perhaps later, I do not recall the precise date—for the settlement of all proper claims of this description. Of course the prerequisite to recovering a claim before that body was the establishment of the loyalty of the claimant. Now, as I understand, the claim is not made that this man was a loyal man. As I understand this is the claim of a gentleman who was disloyal to the Government for property taken by United States troops just at the class of the war.

States troops just at the close of the war.

Now I recall the fact that in the Forty-fifth Congress (if I remem-

ber correctly the date) there was introduced here a bill to proclaim ber correctly the date) there was introduced here a bill to proclaim that the war closed for all purposes of settling damages, &c., in 1865—the 4th of July, 1865, I think. The purpose of that was to make a formal statutory declaration of the close of the war, so that subsequently all property taken, all quarters occupied by United States troops should be paid for by the Government. Now, we know historically that the war did not legally close until April, 1866. That date was designated for the purpose of fixing a period within which claims of this character should not be made against the United States Government. This claim is for goods. &c., taken by the United States ernment. This claim is for goods, &c., taken by the United States

ernment. This claim is for goods, &c., taken by the United States troops before that time.

If we pass this bill we take a new departure in this respect. We commit the Government of the United States to the payment of all this class of claims all through the South. I for one protest against it. We had repeated precedents against the passage of bills to pay even loyal claimants within the rebel States. Why, sir, I recall the case of the occupation by the United States of an Episcopal church building in Alexandria for hospital purposes. I recall the case of a wharf which was occupied there by the United States. In a number of cases the sense of the American Congress on this question has been declared. One bill came very near passing. I believe—perhaps did of cases the sease of the American Congress on this question has been declared. One bill came very near passing, I believe—perhaps did pass without being observed. But this is a new departure; and I want to raise my voice against the passage of this bill, because it is obnoxious to these criticisms. For the purpose of having a test vote on the question, I move to strike out the enacting clause.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that after further reflection he thinks he cannot entertain the motion to substitute the Senate bill for the House bill. The Senate bill has not been reached; and the proposition cannot be enter-

ate bill has not been reached; and the proposition cannot be enter-

tained except by unanimous consent.

Mr. STEPHENS. I ask unanimous consent that the House bill be Mr. STEPHENS. I ask unanimous consent that the House bill be reported to the House with the recommendation that it be laid on the table, and the Senate bill be reported to the House with the recommendation that it do pass instead of the House bill.

The CHAIRMAN. The Chair will entertain that proposition.

Mr. WHITE. What is the motion?

The CHAIRMAN. The proposition of the gentleman from Georgia has been reduced to writing and will be read by the Clerk for the information of members.

formation of members.

The Clerk read as follows:

That House bill No. 4003 be reported to the House with the recommendation that it be laid on the table, and that Senate bill No. 549 be reported to the House with the recommendation that it be passed instead of House bill No. 4003.

Mr. WHITE. I do not think that is in order. I raise the point that under the rules the motion is not in order in Committee of the

whole, the Senate bill not having been reached.

Mr. STEPHENS. It is only by general consent that I ask it.

Mr. SPARKS. I presume it will require unanimous consent.

Mr. BLOUNT. I hope the gentleman from Pennsylvania [Mr. WHITE] will not object except upon the merits of the bill.

Mr. STEPHENS. Let the question come up on its merits.

Mr. WHITE. The distinguished gentleman from Georgia knows how much I dislike to object to anything that he requests; but I think it proper to use any parliamentary means to defeat a bad measure.

Mr. BLOUNT. I hope my friend from Pennsylvania will let the bill come up on its merits.

Mr. STEPHENS. I wish to speak to the merits of the bill.

Mr. BLOUNT. I think that when the gentleman from Pennsylvania understands the facts of this case he will be as much in favor

vania understands the facts of this case he will be as much in favor of the bill as anybody.

Mr. WHITE. No; I never can be in favor of a bill of this sort.

Mr. STEPHENS. I want to speak to the merits of the bill. The gentleman from Pennsylvania is entirely mistaken as to the items which enter into the amount included in this bill. This claimant did suffer largely by the destruction of his property at the time General Wilson approached Macon; but every item of the sum which this bill proposes to pay—about sixteen hundred dollars, I think—is for wood and other supplies furnished under contract after, not before the surrender—furnished by agreement and by purchase, as General Wilson certifies. Will the Clerk read General Wilson's statement?

Mr. WHITE. I did not hear any certificate of that kind.

Mr. STEPHENS. The report was submitted to J. H. Wilson, late major-general, under whose order the wood was taken, who indorsed thereon the following, which I ask the Clerk to read.

thereon the following, which I ask the Clerk to read.

The Clerk read as follows:

Boston, Mass., January 2, 1880.

I know Samuel I. Gustin, and believe him to be an honest and deserving man. Special Field Order No. 22 was issued by me. The proceedings of the board of survey seem to be regular and in order, and to fairly show that Mr. Gustin should be paid as recommended by the committee. Assuming all the facts to be as herein set forth, I have no doubt Mr. Gustin should be paid without further delay.

JS. H. WILSON,

Late Major-General Volunteers.

Mr. WHITE. My friend will understand me. I believe he is in error, which I say with all deference to his accuracy. General Wilson does not state that. According to military law a board of survey is appointed and organized to pass upon the value of property the Government is liable for, that is, after it has been taken, in order to do justice to the citizen. Such was the practice when I was in the Army. Mr. STEPHENS. So it was in this case.

Mr. WHITE. The point made in this case is the property was taken as all other property throughout the South during the war.

Mr. STEPHENS. It was taken after the war.

Mr. WHITE. But that is the question.

Mr. STEPHENS. And on contract.

Mr. WHITE. After the surrender. You will observe this, and gentlemen of the committee will understand after the surrender of Gentlemen of the committee will understand after the surrender of Gentlemen. themen of the committee will understand after the startender of veneral Johnston we had troops quartered all over the South, in Louisiana, Mississippi, Georgia. That is a matter of history. Now, the Government did not pay for quartering these troops except when they made an antecedent contract for the purpose.

Mr. SAMFORD. And there is the statement there was just such a

Mr. WHITE. Where is the evidence of it?

Mr. SAMFORD. It is stated in the report that between the 24th day of April and the 27th day of July, 1865, this property was used by the troops for fuel under the promise by the officers in command that payment would be made.

Mr. WHITE. Oh! that is the general promise made by the quar-

termasters

Mr. SPARKS. I rise to a question of order.
The CHAIRMAN. The gentleman will state it.
Mr. SPARKS. That the motion as offered here is not competent.
The CHAIRMAN. The gentleman from Pennsylvania has made the same point of order, and if he insists upon it the Chair will make

Mr. WHITE. This is an appeal to my good nature. I am opposed to the bill, but— Mr. BLOUNT

Before the gentleman answers I desire to call his

Mr. SPARKS. I rise to a point of order, and insist it shall be settled before we proceed any further. The House bill on the Calendar which has been reached in its turn is up for consideration at this dar which has been reached in its turn is up for consideration at this moment. The gentleman from Georgia desires to take up for consideration at this time the Senate bill on the Private Calendar. Of course that is not in order except by unanimous consent. The two bills are identical. The gentleman's motion, as I understand it, is to report the House bill with the recommendation that it be laid upon the table, and then to take up the Senate bill for action. Of course it is competent to do that, but it requires unanimous consent.

Mr. STEPHENS. And so I have stated.

Mr. SPARKS. I understand the gentleman from Pennsylvania, however, to object, and on that objection he is proceeding to discuss the merits of this bill. I insist the point of order must be first determined.

The CHAIRMAN. Does the gentleman from Pennsylvania insist

on his point of order?

Mr. WHITE. I believe I will follow my conviction of what is right, and insist upon my point of order.

The CHAIRMAN. The Chair is compelled to sustain the point of

order.

Mr. WHITE. I move to strike out the enacting clause of the bill.

Mr. STEPHENS. But the gentleman has not the floor to submit any such motion. If the Committee of the Whole is to proceed now with the consideration of the House bill, I have a few remarks to

make.

As I have already stated, Mr. Chairman, this property for which payment is asked was taken under the order of General Wilson. A large amount of other property which was destroyed by accident is not claimed for nor included under this bill. Payment only is asked for what General Wilson contracted beforehand should be paid for, and General Wilson in the indorsement which has been read from the

General Wilson in the indorsement which has been read from the Clerk's desk says it ought to be paid for.

Now, sir, this case has been before Congress seven or eight years. There have been unanimous reports in favor of it from every committee, even from the Committee on War Claims.

Mr. BLOUNT. Unanimously?

Mr. STEPHENS. Yes, unanimously. It has been before the Senate committee three or four times, and that committee has unanimously reported in favor of it. Every committee of the House before which it has gone has reported in favor of it. The claimant is old and infirm, and whatever is to be done must in all probability be done soon. He has been waiting and waiting here for years, and the obsoon. He has been waiting and waiting here for years, and the object I had in asking that the House bill should be reported to the House with the recommendation that it be laid upon the table and House with the recommendation that it be laid upon the table and then that the Senate bill should be taken up and acted on in its stead, both being identical, was to save time. If we pass the House bill, and we doubtless will, it will have to go back to the Senate; whereas by taking up the Senate bill and passing it, it would not be necessary to again present the matter to the Senate, but it would go at once to the President. I now yield to my colleague.

Mr. BLOUNT. Mr. Chairman, it seems to me that this is a very simple case.

Mr. WELLBORN. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. WELLBORN. Is this motion debatable; the motion to strike

out the enacting clause?

Mr. BLOUNT. My friend [Mr. STEPHENS] had the floor and yielded to me, and I hope I will be permitted to proceed without interruption.

Mr. STEPHENS. Mr. Chairman, I yielded to my colleague from

Georgia, but I want to make this remark in reply to the point of order which has been raised, that I had the floor and that the gentle-man from Pennsylvania did not have the floor, except by courtesy, to

make the motion to strike out.

The CHAIRMAN. The Chair thought that the gentleman from Georgia had yielded the floor. The Chair, however, is of opinion that the motion is debatable.

Mr. STEPHENS. It is certainly not debatable-a motion to strike

out the enacting clause.

Mr. BLOUNT. Mr. Chairman, I cannot conceive that there will be any difficulty in the mind of the committee in reference to this matter when it comes to be properly understood. In 1865 an armistice was arranged between Generals Sherman and Johnston with a view to the suspension of hostilities between the Union and confederate forces. General Wilson happened to be near Macon at that time and afterward came into the city. The confederate forces were disbanded, and he issued an order, dated Macon, Georgia, April 22, 1865, in which he states:

It is hereby announced to the cavalry corps of the military division of the Mississippi that an armistice has been agreed upon between Lieutenant-General J. E. Johnston and Major-General W. T. Sherman, with a view to a final peace. The troops of the cavalry corps are ordered to refrain from further acts of hostility and depredations. Supplies of all kinds are to be contracted for, and foraging upon the country will be discontinued.

Mr. WARNER. What is the date of that order?
Mr. BLOUNT. It is dated on the 22d of April, 1865, shortly after

Mr. BLOUNT. It is dated on the 22d of April, 1865, shortly after the entrance of the troops into that city.

Macon, Mr. Chairman, was my home. I happened to be there and was one of the bearers or escort of the flag of truce, and I know all the facts connected with this case. I know of the troops being stationed there; of General Wilson's presence; of the purchase of supplies from our people, the money paid being the first money our people handled, and which was paid to them by the Government for their corn, for their bacon, and other supplies at that time. Under this order a board was convened and adjudged this old gentleman entitled to the sum of money which was specified. That money was not paid him, as I shall presently show. The property was taken without compensation.

out compensation.

Mr. WARNER. I would like to ask the gentleman from Georgia

right there at what time these supplies were taken?

Mr. BLOUNT. The supplies in question were taken subsequently to the date of the order to which I have referred and between that

time and the 27th of July, 1865.

Now, this is the whole question involved here. It has been discussed in every shape and form in the Senate of the United States. Every question connected with it has been taken up and thoroughly Every question connected with it has been taken up and thoroughly canvassed there, the question of loyalty and all other questions relating to it; and it was properly said by Mr. HOAR in the Senate that it involved a question not of loyalty, but whether or not the Government had used the supplies under the circumstances, and if so, that the supplies ought to be paid for; that the Government should stand by the agreement that had been then and there made. The Government has uniformily paid for such supplies under similar circumstances. stances

During the Forty-fifth Congress this matter was before the Committee on War Claims of the House, which committee unanimously reported it favorably. I see before me now the gentleman from Ohio, [Mr. Keiffer,] who will well remember interrogating me as to the merits of this claim, and republicans and democrats themselves uniformly agreed in favor of it. The same thing occurred in the Senate during this session, and the bill passed there after a thorough discussion. sion and investigation after having gone through a debate for several days. Such gentlemen as Mr. EDMUNDS, Mr. HOAR, and others of that class, with all their vigilance, after discussing it, sustained and passed it by their votes, and it is now unanimously reported to this House. It never has been paid, and there is no doubt of its correct-

Mr. WARNER. As I understand the gentleman from Georgia, these supplies were taken after the order to which he has referred and dur-

ing the armistice.

Mr. BLOUNT. That has been the uniform finding of the committee.

Now, it has been also urged here that there was delay in the prosecution of this claim. I will state the facts in connection with that ention of this claim. I will state the facts in connection with that matter. A Government officer whose name I cannot now recall undertook to take charge of this claim. But first let me say there had been a change of quartermasters, and when the account was presented to the new incumbent it was not paid for the reason that he had no funds on hand. Subsequently an Army officer undertook to bring the papers to Washington with a view to their collection. It so happened that this officer died. After a long while and many endeavors to recover the papers they were found and placed in the hands of a law firm in this city, and it appears that they were subsequently of a law firm in this city, and it appears that they were subsequently lost a second time. In this way the matter has been delayed, and the claim was not presented and could not be presented sooner, as was originally intended. Now, Mr. Chairman, as to the merits of this case I am thoroughly acquainted. I know all of the facts connected

Mr. SAPP. May I ask the gentleman a question?
Mr. BLOUNT. Certainly.
Mr. SAPP. I wish to ask if these supplies were contracted for or taken forcibly?

Mr. BLOUNT. They were contracted for by virtue of the order of General Wilson.

Mr. WARNER. It would be in violation of the laws of war to have

Mr. WARNER. It would be in violation of the laws of war to have taken possession of the property under the circumstances as stated here without paying for it.

Mr. FORT. What became of the vouchers?

Mr. STEPHENS. They were lost with the other papers.

Mr. BLOUNT. The bill ought to pass.

Mr. WHITE. I want to state this, that there was no specific contract between the Government or its officers so far as I can gather from the record of this case, as has been claimed here. The reliance of the gentlemen who are advocating the claim is this: they say that an order was issued by the commander of the United States Army that an armistice was agreed upon between Johnston and Sherman that an armistice was agreed upon between Johnston and Sherman for a certain purpose, and specifying certain details. That was a

for a certain purpose, and specifying certain details. That was a general military order.

Now, I submit this, that the Government in a number of cases where claims were presented, alleging that the Government was liable because of this order, refused to pay them; that it disregarded the liability; and I submit that this was done upon the ground that the war, in the view of the law, had not ceased and did not cease until the issuing of the proclamation, which I hold in my hand, on the 5th of April, 1866. And you will find adjudication after adjudication by the Quartermaster's Department of the United States Government against the allowance of claims of this kind; and conspicueusly will you find it in the instance of claims made by the loyal citizens of Eastern Tennessee, and notably in the case of a Methodist church that was occupied for a hospital. So that I am justified in saying it is a new departure if we pass this bill. It is against the policy the Government has established in this behalf.

Mr. SAMFORD. I would like to state the Quartermaster-General has uniformly refused to allow such claims because under his con-

has uniformly refused to allow such claims because under his construction of his powers under the law he has no authority to pay them; hence the necessity for the claimant to come to Congress. While he may have no authority to pay such claims, still the claim

is just and should be paid.

The question being taken on the motion to strike out the enacting

clause, it was decided in the negative.

The CHAIRMAN. The question recurs on the motion that the bill be laid aside to be reported to the House with the recommendation

that it do pass.

The motion was agreed to.

Mr. WHITE. I give notice that I will call for the yeas and nays on this bill in the House.

RELIEF OF LABORERS ON GOVERNMENT WORKS.

The next business on the Private Calendar was the bill (H. R. No. 1129) for the relief of certain laborers employed upon Government works, reported by Mr. BARBER from the Committee on Claims with an amendment.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War of the United States is hereby authorized and directed to pay to the laborers who worked upon the Government improvements upon the Fox River, in the State of Wisconsin, under or employed by Day, Call & Co., (or subcontractors under them.) late contractors with the Government in the improvement of the Lower Fox River, in the State of Wisconsin, the amount due each of such laborers, respectively, for work, labor, and services by them done and performed, respectively, upon and about said improvements as aforesaid, out of and from any moneys actually earned by said Day, Call & Co. (or subcontractors under them) under their said contract with the Government, or for work done and materials furnished by said Day, Call & Co. (or subcontractors under them) and which have not been paid for by the Government, and which may be withheld by the Government from the said Day, Call & Co. (on their said contract as a forfeiture or otherwise: Provided, however, That if the amount thereof is not sufficient to pay in full the amount due to such laborers, respectively, then to pay said laborers pro rata. Such payments may be made after giving notice four weeks successively in some newspaper published in the county of Outagame, Wiaconsin, for such laborers to present and prove their claims: It is further provided. That such payments be made in the State of Wisconsin by and through some engineer officer of the United States designated by the Secretary of War.

The amendment was read, as follows:

The amendment was read, as follows:

Add to the bill the following:

'And provided further, That no money shall be paid by virtue of the authority of this act except out of such sum or sums as in the opinion of the Secretary of War may be lawfully withheld from the assignee in bankruptey of said Day, Call & Co. as a forfeiture under the terms and conditions of their said contract."

Mr. BOUCK. I move that the amendment be adopted, and that the bill be reported to the House with a favorable recommendation.

The question being taken on the amendment, it was agreed to; and the bill, as amended, was laid aside to be reported favorably to the House.

CONFIRMATION OF TITLE TO LANDS.

The next business on the Private Calendar was the bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio, reported by Mr. MYERS from the Committee on Private Land Claims.

The bill was read, as follows:

Be it enacted, dc., That the United States relinquish all title, interest, and control in and to that certain parcel of land ceded to the children of Captain Logan, a chief of the Shawnee tribe of Indians, by the eighth article of the treaty of September 29, 1817, and more fully described as section 26, township 4, range 5, in the State of Ohio, containing six hundred and forty acres, and that the approval of the United States be, and the same is hereby, given to the sale heretofore made by the said children of Captain Logan to Marcus Heylin, and that the title to said tract of land be, and the same is hereby, confirmed to the following-named persons, who derived title through the said Marcus Heylin, as follows: To Madison J. Bowsher,

the west one-third part of said section; to Albert Bodkin, the center one-third part of said section, and to Francis M. Bowsher, the east one-third part of said section, as shown by their several deeds bearing date, respectively, August 4, 1863, January 5, 1870, and November 1, 1862, of record in the county of Auglaize, State of Ohio.

The report was read, as follows:

The report was read, as follows:

The land described in the bill is a section containing six hundred and forty acres, situated in Auglaize County, Ohio, which was granted to the heirs of the late Shawnee chief, Captain Logan, by the eighth article of a treaty concluded September 29, 1817, between the United States and certain Indian tribes then living in Ohio. That subsequently, to wit, on the 17th day of September, 1813, a supplemental treaty was made with said Indians, by which the former treaty was modified in language as follows:

"That the tracts of land are to be granted by the United States to the persons named; shall never be conveyed by them, or their heirs, without the permission of the President of the United States."

The patent (a certified copy of which has been submitted) granting the lands as aforesaid bears date April 18, 1821.

Proof has been furnished that the said heirs of Captain Logan, prior to the year 1824, for a valuable consideration, conveyed said tract of land to one Marcus Heylin, who was a reputable merchant at the town of Urbana, State of Ohio, and with whom the Indians were accustomed to trade. That on or about the year 1824 the said Marcus Heylin died and the said tract of land became the property of his heirs, who conveyed the same to Amos Bowsher, Albert Bodkin, and Francis M. Bowsher, keirs of said Amos Bowsher, each received a third part of said sections, as appears from the original deeds submitted.

It is in evidence that frey, and the parties through whom they hold, have been in continuous and undisturbed possession of said land since the year 1824, a period of fifty-five years, and have placed thereon very valuable improvements; that it has been in the undisturbed occupation of the present owners for a period of twenty-eight years, and that until recently they had rested in the belief that their title was perfect; that in endeavoring to effect a loan of money on a portion of said land it was discovered that the approval of the President to the first sale or transfer had

The bill was laid aside to be reported favorably to the House.

LEWIS A. KENT.

The next business on the Private Calendar was the bill (H. R. No. 3450) for the relief of Lewis A. Kent, reported by Mr. Sparks from the Committee on Military Affairs.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, de., That Lewis A. Kent, late captain of Company G, Sixth Regiment Wisconsin Volunteer Infantry, who was mustered as such captain to date July 28, 1864, shall be taken and deemed to have been mustered as such captain as of the 7th day of May, 1864, that being the day when he was assigned to and from which he continuously discharged the duties of such office, and shall be recognized and treated by all the Departments of the Government of the United States as a captain mustered at said last-named date and doing duty as such from that date until his final muster out of service; and there is hereby granted and awarded to him all the right of pay and pension that he would have been entitled to had he been in fact so mustered and performed duty and incurred disability while holding such rank; and there is hereby appropriated out of any money in the Treasury such sum as may be sufficient to meet the requirements of this act.

The report was read, as follows:

The report was read, as follows:

Lewis A. Kent was mustered in the United States service as a private in Company G, Sixth Wisconsin Volunteer Infancry, on the 16th day of July, 1861. He participated in all the battles of the Rappahannock, Gainewille, second Bull Run, South Mountain, Anticiam, Fredericksburgh, Chancellorsville, Mine Run, Gettysburgh; all the battles of the Wilderness; the battles about Petersburgh, Hatcher's Run, Yellow Tavern, Dabney's Mill, Five Forks, Sailor's Creek; and was present at the surrender of General Lee at Appomatox.

The nature of his service may readily be inferred from two incidents in the history of his regiment. At Antictam the loss in killed and wounded was 60 per cent. of the command; and when the regiment crossed the Rapidan in May, 1864, it had twenty-three officers and only three hundred and forty-seven muskets, and of these, in that campaign, two hundred and twenty-six were killed or wounded.

And among all the brave men who composed that regiment, which was the right regiment of the "Iron Brigade," there was none braver, none more efficient than Lewis A. Kent; and the writer of this report takes great pleasure, from personal knowledge, in paying this deserved compliment to him.

On the morning of the 7th May, 1864, in the Wilderness, Company G of said regiment had but a second licutenant; the captain and first licutenant had been killed the day previous. The military situation required that some competent officer should be assigned to the command of the company; there was no company officer in the regiment, was selected for the assignment, and, by order of the licutenant-clonel commanding the regiment, was a sergeant, was selected for the assignment, and, by order of the licutenant-clonel commanding the regiment, was a saint upon Petersburgh, when it was transmitted and Kent's commission was issued, but by an oversight did not give him rank of the date of his assignment, but only from its date; and he was not able to be mustered until July 29, 1864.

In the mean time,

lacerating the left ling, and lodging inside the body against the spine.

He was sent to the hospital at Annapelis, Maryland, as an officer, was treated as an officer, and by reason thereof was charged and paid \$1.25 per day, as did all officers under treatment at that hospital. Notwithstanding this severe wound, Kent returned to his command within six weeks, and, crippled as he was, resumed his command and fought it out to the end of the war.

The committee believe such a soldier deserves recognition, and should not be debarred from any right or privilege which he would have had and been entitled to had he been a captain de jure instead of de facto.

But the strict letter of the law deprived him of the pay of a captain from May 7,1864, to July 23, 1864, and compelled him to accept the pension of a sergeant for injuries received when he was in fact a captain.

Your committee are of the opinion this officer justly deserves to be treated and considered as a captain from the date of his assignment to duty, with all the rights of pay and pension that he would have had and been entitled to had he been in fact commissioned and mustered as a captain, and therefore report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported favorably to the House.

GEORGE W. BROWER.

The next business on the Private Calendar was the bill (H. R. No. 3451) for the relief of George W. Brower, reported by Mr. Sparks from the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, de., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to George W. Brower, late sheriff of Dodge County, Wisconsin, the sum of \$1,443.05, the same to be payment in full for personal services rendered and expenses incurred in connection with the draft of 1862, in said county of Dodge and State of Wisconsin.

The report was read, as follows:

The report was read, as follows:

The committee have carefully considered the facts upon which this claim is based and find them to be as follows:

In the year 1802 George W. Brower, the claimant, was the sheriff of Dodge County, Wisconsin, and was charged with the enrollment of the militia of such county under the act of Congress of July 17, 1862, entitled "An act to amend the act calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion, approved February 28, 1795, and the acts amendatory thereof, and for other purposes."

The claimant, in the execution of his duty, by himself and a large number of persons employed by him as special deputies for such purpose, did the services and incurred the expenses for which this claim is made. His claim is certified by the governor of the State of Wisconsin, and is supported by his own affidavit and the sworn vouchers of the persons employed by him. It has been presented to the War Department for audit and payment, and payment has not been made because it is alleged that the vouchers were not in the form prescribed by the Department. The order of the War Department regulating the form of voucher and fixing the pay for services is in substance as follows:

"General Order No. 201, series 1862.]

"[General Order No. 201, series 1862.]

"Washington, December 8, 1862.

"In making out the account for expenditures connected with the drafting and organization of the militia in the several States, under the act of Congress approved July 17, 1862, the following rules will be observed:

"First. The accounts and vouchers must be in duplicate and verified, and must be transmitted to the Adjutant-General of the Army, through the governor of the State, with such remarks as they may see fit to make upon them.

"Second. Each claimant will state distinctly in his account the items of charge for services or for supplies, and all necessary expenditures made by him, for which vouchers must accompany the account.

"Third. Enrelling officers appointed by the governors of States; their accounts must state the number of days they were actually employed and between what dates; the district, the number of names enrolled by them, and the gross amount of compensation. These accounts must be certified by the governor as reasonable and just, and forwarded by him. Under ordinary circumstances the pay may be \$3 per day."

The vouchers presented with this account comply, as nearly as a man of ordinary intelligence not familiar with Army rules and regulations could comply, with an order of the Adjutant-General of the Army, but fail to meet the requisites of that office. They show, however, the work done; the number of names carolled; the number of days actually employed, and between what dates; and the gross amount of compensation; and have appended the certificate of the governor of the State.

The price charged is \$3 per day, the compensation fixed in the order, and amounts in gross to the sum of \$1,443.05, the greater part of which is for the services of the deputies, who have held the said sheriff personally responsible for payment, and in a number of instances have enforced collection by the judgment.

The claimant alleges that he has been continually pressing his claim for payment, and in a number of instances have enforced collection by the judgment.

The committee think the claim eminently just, a

The bill was laid aside to be reported favorably to the House.

HENRY B. EASTMAN.

The next business on the Private Calendar was the bill (H. R. No. 4261) for the relief of Henry B. Eastman, reported by Mr. Sparks from the Committee on Military Affairs.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Henry B. Eastman, late second lieutenant of Company B, Third Regiment Wisconsin Cavalry, in the war of the rebellion, the pay and allowances of a second lieutenant, mounted, from February I, 1865, to March 20, 1885, less such pay as he may have received in any other grade for such period of time; and also to pay him three months' pay proper of a second lieutenant, mounted, under the provisions of section 4 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1866," approved March 3, 1865, and the act extending the benefits of said last-named act, approved July 13, 1866.

Mr. BROWNE. I move that the bill be reported to the House with

a favorable recommendation.

The motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. H. DILLARD.

The next business on the Private Calendar was the bill (H. R. No. 2806) for the relief of J. H. Dillard, introduced by Mr. MILLS and reported from the Committee on Military Affairs by Mr. DIBRELL.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and required to place the name of James H. Dillard on the muster-roll of Company H, Fifth Louisians Volunteers, and to pay him whatever amount may be found due him for his services as a soldier in the Mexican war.

Mr. DIBRELL. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

J. SCOTT PAYNE.

The next business on the Private Calendar was the bill (H. R. No. 4413) for the relief of J. Scott Payne, reported from the Committee on Military Affairs by Mr. DIBRELL.

The bill was read, as follows:

Be it enacted, &c., That the Paymaster-General, in computing the pay of Captain J. Scott Payne, Fifth Cavalry, United States Army, for longevity pay, shall compute the same from the date of his commission as a second lieutenant in the United States Army: Provided, That no pay proper, or longevity pay, shall be paid to said Payne during any of the time he may have been out of the United States Army.

The report was read, as follows:

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 312) for the relief of J. Scott Payne, having had the same under consideration, respectfully submit the following report:

J. Scott Payne was a graduate at West Point, and as such was commissioned a second lieutenant in the Fifth United States Cavalry, and assigned to duty with his regiment. In June, 1868, Lieutenant Payne was placed in arrest at Knoxville, Tennessee, and ordered before a court-martial convened in Washington, District of Columbia, for his trial. On the 17th June, and before the trial, he tendered his resignation by letter, to take effect 15th September, 1868, which was not accepted at the time, and on the 5th August, 1868, before the trial, he asked permission to withdraw his letter of resignation, which was also refused. He was tried by the court-martial and honorably acquitted. In September following, Lieutenant Payne's regiment was ordered to Omaha, when he again, by telegram to the President, tendered his resignation, on the 11th September, 1868, to take effect 1st December following. This telegram was referred by the President to the Secretary of War, who indowed thereon:

Inform Lieutenant Payne, by telegraph, that his resignation has been accepted

Lieutenant Payne's telegram asked his "resignation to take effect 1st December, 1868, or he asked delay for six months, reporting for duty. This step is absolutely necessary." The answer was as above, an immediate acceptance of his resignation. On the 5th of October, 1868, Lieutenant Payne requested that the order accepting his resignation be revoked, giving reasons for tendering, and saying he would not have tendered it if he had thought the conditions stipulated in his request would not be complied with.

By direction of the President, Special Orders No. 25 was issued by General Grant, on the 30th January, 1869, revoking the order accepting Lieutenant Payne's resignation. But as his resignation had been accepted, and he was discharged from the service, it was held that this order was void, and he could only be reinstated to the Army by special act of Congress, which was done; and Lieutenant Payne, by act of Congress and regular promotion, is now a captain in the Fifth Cavalry Regiment. United States Army. There is a letter from the late Secretary of War W. W. Belknap on file in the case, which says that Lieutenant Payne's resignation was accepted upon his letter of the 17th June, 1868, and not upon the telegram, and that the only mistake was in not accepting it to take effect on the 18th September, the date mentioned in his letter of 17th June. But a copy of the telegram filed herewith shows that the resignation was accepted upon the telegram, and on the 12th September, when his telegram expressly stated it was not to take effect until the 1st December following.

The act of Congress restoring Lieutenant Payne provided that Lieutenant Payne should have no pay for the time he was out of the service. But inasmuch as his resignation was accepted contrary to law and the usages of war, and in violation of the terms upon which it was tendered, your committee think that Captain Payne should be entitled to the benefits of the time from the date of his first commission as second lieutenant in computing his longevity p

Mr. HUNTON. I move an amendment to the bill by way of a substitute, which I send to the Clerk's desk.

The substitute was read, as follows:

The substitute was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the services of J. Scott Payne, now a captain in the Fifth Regiment of United States Cavalry, be regarded as continuous, so far as his pay is concerned, from the date of his original commission as second licutenant of said Fifth Cavalry. That the Paymaster-General in computing the pay of said Captain Payne for longevity pay shall compute the same from the date of his said original commission as second licutenant of Fifth Cavalry, and that said Captain Payne be paid, out of any money in the Treasury not otherwise appropriated, the difference between the amounts he would have received under the computation herein provided for and the amounts he has actually received: Provided, That he shall receive no pay for the time he was actually out of the military service of the United States."

Mr. HUNTON. I desire to make a brief statement of the reasons which have induced me to offer this substitute for the bill reported by the committee. I believe the substitute will not be antagonized

by the committee or by any member of it.

by the committee. I believe the substitute will not be antagonized by the committee or by any member of it.

The committee in its report give unquestionably the facts in the case. It is shown by that report that the resignation of Lieutenant Payne was illegally accepted, and that he never was legally out of the service of the United States. General Grant, who was then President of the United States, became convinced of that fact and attempted to restore him to the service by revoking the order accepting the resignation of Captain Scott Payne. But it was found that the resignation having been accepted, although illegally, it required a law of Congress to restore Captain Payne to the service of the United States. That law was passed by the Forty-third Congress. Captain Payne has served gallantly in the Army of the United States not only since that time, but for a considerable time anterior thereto.

The difference between my substitute and the bill reported by the committee is this: the bill of the committee gives Captain Payne longevity pay from the present time, while the substitute which I have offered gives him longevity pay from the time he was improperly put out of the Army by the Secretary of War.

It seems to me that if this action on the part of the Secretary of War was illegal, as the President of the United States decided it was, and as Congress has decided, then Captain Payne ought to have the

benefit of his longevity pay the same as though his resignation had never been accepted. That is all there is in the substitute which I have offered. The difference between the money which would come to Captain Payne under the bill of the committee and under the substitute which I have introduced will be some eight or ten hundred dollars

dollars.

I wish to state who Captain Payne is. His history is known to most of those on this floor, but there may be some gentlemen here who have forgotten it. All will recollect that in 1878 the country was anxious for the safety of a little band of one hundred United States troops on Milk River, in the Ute country. We all know that the gallant officer commanding that small force, Major Thornburg, was killed by the Indians, and the command thereupon devolved upon Captain Scott Payne. There is not a man in all this broad land who can say that anybody else would have managed that command with more heroic skill and bravery than did Captain Payne. He held out against an overwhelming Indian force for five or six days until reenforcements reached him, and thereby saved his command and this against an overwhelming Indian force for five or six days until reenforcements reached him, and thereby saved his command and this
country from the disgrace of having that whole force fall into the
hands of the Indians. I state here, and I state it with emphasis, that
the Federal Army has within its ranks no more gallant, patriotic
soldier than Captain Scott Payne.

Now, if it be true, as the Military Committee of this House has reported, as both Houses of Congress have decided, and as President
Grant decided when he undertook to revoke the order accepting the
resignation of Captain Payna that that acceptance was illegal then

Grant decided when he undertook to revoke the order accepting the resignation of Captain Payne, that that acceptance was illegal, then it seems to me it is but a poor measure of justice to him to give him longevity pay from this time forward only, instead of giving it to him from the time he was put out of the Army by the improper acceptance of his resignation by the Secretary of War.

These are the facts of the case, and it seems to me that simple justice to this gallant officer of the United States Army demands at our hands that this measure of relief should be given him. I trust that my substitute will be adonted

hands that this measure of relief should be given him. I trust that my substitute will be adopted.

Mr. SPARKS. The Committee on Military Affairs, after considering this matter, have explicitly reported against precisely what the substitute of the gentleman from Virginia [Mr. Hunton] proposes. The committee came to the conclusion that this officer ought to receive longevity pay from the time of his restoration to the Army. We propose to let his service be considered continuous, so that from the date of his restoration he will draw longevity pay. The substitute proposes to give him longevity pay during the period that he was rightfully or wrongfully out of the Army. I agree with all the gentleman from Virginia has said in praise of Captain Payne. He is a gallant officer. The whole country knows it. He is very deserving at the hands of the Government. But the question is whether we shall pay him for services he never rendered. During a certain

we shall pay him for services he never rendered. During a certain time he was out of the service—

Mr. HUNTON. I beg the gentleman's pardon. My substitute provides in totidem verbis that not a dollar shall be paid to Captain Payne vides in totidem verbis that not a dollar shall be paid to Captain Payne for the time he was out of the service. The provision of my substitute in this respect is the same as that of the bill reported by the committee. But in my opinion when the committee undertook to do justice to this officer they did but half justice. They propose that his longovity pay shall commence from the date of the passage of the bill. My substitute proposes that it shall commence—

Mr. SPARKS. From his restoration?

Mr. HUNTON. No, sir; I propose, just as you do, that his longevity pay shall be computed from the time that Captain Payne was appointed a second lieutenant in the Army of the United States. If my friend from Illinois will look at the bill of his own committee he will find it provides—

will find it provides

That the Paymaster-General, in computing the pay of Captain J. Scott Payne, Fifth Cavalry, United States Army, for longevity pay, shall compute the same from the date of his commission as a second lieutenaut in the United States Army.

Now that would effect everything which my substitute would effect, but that the bill makes no appropriation to pay that portion of Captain Payne's longevity pay which has accrued anterior to the passage of this bill. I dare say it was the intention of the committee to give this bill. I dare say it was the intention of the committee to give this officer longevity pay from the time he was commissioned a second lieutenant, because the bill says so; but unless there is an appropriation to carry out this purpose the Paymaster-General cannot pay Captain Payne anything but his longevity pay from the passage of the bill. The bill of the committee provides, as does my substitute, that the Paymaster-General shall compute Captain Payne's longevity pay from the date of his commission as secound lieutenant, but the pay from the date of his commission as secound lieutenant, but the substitute goes further, and makes the necessary appropriation to pay the longevity pay when it has been computed. The bill of the Military Committee does not make such provision. The difference between my substitute and the bill of the committee is that the substitute makes an appropriation to pay longevity pay for the time for which the bill directs it to be computed.

Mr. SPARKS. Mr. Chairman, I do not wish to be considered as antagonizing any fair bill in favor of this officer. The bill reported by the committee contains a proviso (and here seems to be the point of difference between the gentleman from Virginia and myself) that—

No nay proper or longevity pay shall be paid to said Payne during any of the

No pay proper or longevity pay shall be paid to said Payne during any of the time he may have been out of the United States Army.

I understand the gentleman from Virginia to say that this man was not out of the service

Mr. HUNTON. My substitute contains the same proviso. Here is the proviso of the substitute:

Provided. He shall receive no pay for the time he was actually out of the military service of the United States.

Mr. SPARKS. What, then, is the object of the gentleman's substi-

Mr. HUNTON. I will state the object. My substitute makes an appropriation to do that which the bill of the committee attempts to do without an appropriation. This officer cannot receive his longevity pay without an appropriation. That is the only difference between the Military Committee and myself. We agree as to what should be done; but my substitute proposes an appropriation to carry out what the committee agrees ought to be done, while the bill of the committee does not make the necessary appropriation.

Mr. SPARKS. How does the gentleman's substitute increase the

Mr. HUNTON. Because it goes back, while the bill of the committee simply goes forward from the date of its passage. My substitute provides that-

The Paymaster-General in computing the pay of said Captain Payne for longevity pay, shall compute the same from the date of his said original commission.

That is exactly what the Committee on Military Affairs have said in their bill. My substitute further provides:

That said Captain Payne be paid, out of any moneys in the Treasury not otherwise appropriated, the difference between the amounts he would receive under the computation herein provided for and the amounts he has actually received.

Mr. DEERING. Will the gentleman from Virginia yield a moment

mr. DEERING. Will the gentleman from Virginia yield a moment for a question?

Mr. HUNTON. With great pleasure.

Mr. DEERING. If I rightly understand, there is no difference now between the chairman of the Committee on Military Affairs [Mr. Sparks] and the gentleman from Virginia [Mr. HUNTON] upon this matter. Is not the chairman of the Committee on Military Affairs willing to accept the substitute as now explained?

Mr. SPARKS. As I understand the substitute, it proposes to pay this officer for the time that he was out of the service. The provision of the committee's bill is simply this: that no pay of any kind—pay proper or longevity pay—shall be made to this man for the time he was not in the service of the United States. We provide in effect that when a man does no service, whether he be rightfully or wrongfully out of the service, he shall not be paid. The gentleman from Virginia says that this man was never out of the service.

Mr. DIBRELL. The object of the Committee on Military Affairs was to put Captain Payne upon the same footing with other captains of the same rank. Other captains of the same rank are now drawing about one hundred and eighty dollars a year more than Captain Payne draws, because of the time he was out of the Army. It was the intention of the committee to put him on an equality with these other officers, so that he shall receive the same longevity pay as other captains of similar rank. My friend from Virginia [Mr. Hunton] proposes to make this pay date back, which was not the intention of the committee. I have nothing to say against Captain Payne personally; I know him to be a gallant officer. But while the bill of the committee would increase his pay about one hundred and eighty dollars per annum, this substitute would give him \$1,000 or \$1,600 back pay.

Mr. HUNTON. Now, Mr. Chairman, one word. My friend says it

dollars per annum, this substitute would give him \$1,000 or \$1,600 back pay.

Mr. HUNTON. Now, Mr. Chairman, one word. My friend says it was the object of this committee to put Captain Scott Payne on a footing of equality with other officers of the same rank. But this bill does not do it. It puts him on the same footing with these other officers for the future, but, if he was improperly turned out of the Army, surely it was enough.

Mr. SPARKS. Allow me.

Mr. HUNTON. Let me finish my sentence first.

Mr. PARKS. Certainly.

Mr. HUNTON. If he was improperly deprived of his commission in the Federal Army, surely it is enough to take away his pay when thus outside of the service—improperly, illegally, as my friend and the whole Military Committee have reported; and the only way to restore Captain Payne to equality with other officers of the Army is to give him longevity pay from the time when he was commissioned in the Army down to the present time, without regard to the time he was out of the service.

Mr. SPARKS. The question I propounded to the gentleman is this:

Mr. SPARKS. The question I propounded to the gentleman is this:
Would not that pay him longevity from the original commission?
Mr. HUNTON. So does your bill.
Mr. SPARKS. No; we pay him from the date of his second com-

mission.

Mr. HUNTON. That is all mine does.

Mr. SPARKS. What is the difference?

Mr. HUNTON. I have made an appropriation to do that which you

do without appropriation.

The CHAIRMAN. The pending question is on the adoption of the substitute offered by the gentleman from Virginia.

The substitute was adopted, and the bill, as amended, was laid aside to be reported to the House with the recommendation that it do pass.

N. & G. TAYLOR COMPANY.

The next business on the Private Calendar was the bill (H. R. No. 4416) for the relief of N. & G. Taylor Company, authorizing and

directing the Secretary of the Treasury to refund and pay to N. & G. Taylor Company, of Philadelphia, out of any moneys in the Treasury not otherwise appropriated, the sum of \$11,017.06, being the amount of duties paid by them under protest and appeal on certain importations in excess of the legal rate as ascertained by the decision of the United States circuit court for the southern district of New York giving construction to the laws, said decision having been ac-quiesced in and said rate thereafter adopted by the Treasury Department.

The accompanying report was read, as follows:

ment.

The accompanying report was read, as follows:

The Committee of Ways and Means, to whom was referred the petition of N. & G. Taylor Company for the pessage of a bill refunding to them the amount of certain duties erroneously assessed and collected, respectfully report:

That the petitioners are, and have for a long time been, importers in Philadelphia, of an article known as "terne tin," and that the Treasury Department, between March 21, 1870, and March 13, 1873, claiming that the rate of duty on their importations under the thirteenth section of the act of July 4, 1862, 12 Statutes, page 557,) was 35 per cent. instead of 25 per cent. ad valorem, as contended by petitioners, assessed the first-named rate and collected it from said petitioners, the difference paid by them between said rates being \$14,953.77.

That they paid this larger rate of duty to the extent of \$11,017.06 under protest, and within the time limited by law appealed from the decision of the collector. Finally, in order to determine their rights in the matter, their correspondents, Messrs. Bruce & Cook, who are also like importers in the city of New York, at their instance, sued the collector of the port of New York in the city of New York, at their instance, sued the collector of the port of New York in the city of New York and on December 12, 1872, in said case, Judge Shipman rendered a decision against the collector and in favor of the plaintiffs that "the rate of duty exacted upon the importations in question was 10 per cent. in excess of that fixed by the statute, and to that extent is illegal."

On March 13, 1873, the Treasury Department, by letter of that date, "acquiseced in the decision of Judge Shipman in the suit of Bruce et al. vs. Murphy," and instructed the collectors at New York and Philadelphia to assess duty on continuous terne plates in accordance with said decision, which was afterward done.

Messrs. N. and G. Taylor Company have applied to the Treasury Department for a refund of the sum thus decided to have been colle

Mr. KELLEY. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. KELLEY. The Senate has passed a bill in precisely the same language, and when we go into the House I shall move to substitute that Senate bill for the House bill. After examination by the Finance Committee and favorably reported, it was adopted by the Senate in precisely the same language.

Mr. PAGE. I move the committee do now rise.

Mr. STEPHENS. I wish to be heard a moment before the question is taken on the motion to rise for the purpose of asking manimous

is taken on the motion to rise, for the purpose of asking unanimous consent.

The CHAIRMAN. The Chair hears no objection.

S. I. GUSTIN.

Mr. STEPHENS. I wish to make a request for unanimous consent before the committee rises, in reference to the bill in favor of S. I. Gustin. The Committee of the Whole House has already laid aside the House bill to be reported with the recommendation that it do pass. There is on this Private Calendar a Senate bill in identically the same language. Now, in order to relieve the Calendar and save delay in action upon this just claim, I ask, by unanimous consent, that Senate bill No. 549 be also taken up and reported to the House with the recommendation that it do pass. Of course, when we go into the House I shall move the passage of the Senate bill instead of the House bill.

The CHAIRMAN. The gentleman states both bills are the same?
Mr. STEPHENS. They are identically the same.
The CHAIRMAN. Is there objection?

There was no objection; and it was ordered accordingly.

Mr. PAGE. I now insist on my motion that the committee rise.

The motion was agreed to; and Mr. CARLISLE having taken the chair as Speaker pro tempore, Mr. SIMONTON reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and had directed him to report to the House sunders hills some with and some without are administration. dry bills, some with and some without amendment.

BILLS PASSED.

The following bills, reported from the Committee of the Whole on the Private Calendar without amendment, were severally taken up, ordered to be engrossed for a third reading, read the third time, and

A bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright;
A bill (H. R. No. 4002) for the relief of J. M. Micou, deceased;
A bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;
A bill (H. R. No. 3450) for the relief of Louis A. Kent;

A bill (H. R. No. 3451) for the relief of George W. Brower; A bill (H. R. No. 4261) for the relief of Henry B. Eastman; and A bill (H. R. No. 2806) for the relief of J. H. Dillard.

N. AND G. TAYLOR COMPANY.

The next bill reported from the Committee of the Whole on the Private Calendar with a favorable recommendation was the bill (H. R. No. 4416) for the relief of N. & G. Taylor Company.

R. No. 4416) for the relief of N. & G. Taylor Company.

Mr. KELLEY. Mr. Chairman, in pursuance of notice given, I ask
to have taken from the Speaker's table Senate bill No. 1353, which is
the same in totidem verbis as the bill recommended by the Committee
of the Whole, and ask that the Senate bill be put upon its passage,
and the House bill laid upon the table.

Mr. TOWNSHEND, of Illinois. Is there no difference in the bills?

Mr. KELLEY. Not the slightest.

The SPEAKER pro tempore. The Clerk will report the title of the
Senate bill

Senate bill.

The Clerk read as follows:

A bill (S. No. 1353) for the relief of N. & G. Taylor Company.

The bill was read a first and second time, ordered to a third read-

ing, and, being read the third time, was passed.

The SPEAKER pro tempore. The House bill will be laid upon the table.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SAMUEL I. GUSTIN.

The next bill reported from the Committee of the Whole on the Private Calendar with a favorable recommendation was the bill (H. R. No. 4003) to pay Samuel I. Gustin for supplies furnished to the Army of the United States.

Mr. STEPHENS. I move that the Senate bill No. 549, entitled "A bill for the relief of Samuel I. Gustin," be substituted for the House bill, in pursuance of the recommendation of the Committee of the Whole, and that the House bill be laid upon the table. The Senate bill (No.

549) is identical with the House bill.

The SPEAKER pro tempore. The question is on the third reading

of the Senate bill.

The bill was read the third time, and passed.

Mr. STEPHENS moved to reconsider the votes by which the several bills reported from the Committee of the Whole on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LABORERS ON GOVERNMENT WORK.

The next bill reported from the Committee of the Whole on the Private Calendar with a favorable recommendation was the bill (H. No. 1129) for the relief of certain laborers on Government works,

with an amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment reported from the Committee of the Whole.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

J. SCOTT PAYNE.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 4413) for the relief of J. Scott Payne, with an amendment in the nature of a substitute.

The SPEAKER pro tempore. The question is on agreeing to the amendment of the Committee of the Whole.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM A. AND ADELICIA CHEATHAM.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 3561) for the relief of William A. and Adelicia Cheatham.

The SPEAKER pro tempore. This bill is reported from the Committee of the Whole with the recommendation that it be recommitted

to the Committee on Claims.

The recommendation was agreed to.
Mr. STEPHENS. I move that we now adjourn.
Mr. HUNTON and Mr. BOUCK moved to reconsider the votes by which the several bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAINT MICHAEL'S CHIMES, CHARLESTON, SOUTH CAROLINA.

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole on the state of the Union from the further consideration of the following bill, and ask that the same be put on its passage.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast.

The SPEAKER pro tempore. There being no objection, the bill will

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit, free of import duty, one of the bells composing the chimes of Saint Michael's church, Charleston, South Carolina, after it has been recast at the foundery where it was first manufactured in 1764 and been reshipped to America.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'CONNOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

JOHN GAULT, JR.

Mr. WILLIS. Mr. Speaker I ask unanimous consent to discharge the Committee on Military Affairs from the further consideration of the Committee on Military Abairs from the further consideration of the Senate bill No. 105, and ask that the same be put upon its passage. This bill passed the Forty-fifth Congress and passed the Senate during the present Congress, and has been favorably reported by the Military Committee of the House.

The SPEAKER pro tempore. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eight Regiment of Kentucky Volunteer Infantry.

The SPEAKER pro tempore. There being no objection, the bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay John Gault, jr., late a major in the Twenty-eighth Regiment Kentucky Infantry Volunteers, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances of a major of infantry from August 16, 1862, to April 15, 1863, deducting therefrom any moneys paid him for any other position held during that period.

Mr. BROWNE. Do I understand the gentleman from Kentucky to ay that this bill has received the assent of the Committee on Military

Affairs of this House?

Mr. WILLIS. Yes, sir; it is reported by General Bragg. It passed this House in the Forty-fifth Congress, and, as I have stated, passed the Senate during the present Congress, and has been recommended by the Committee on Military Affairs of the House.

The bill was ordered to be read a third time; and being read the

The bill was ordered to be read a third time; and being read the

third time, was passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

Mr. BROWNE. I move that the House do now adjourn.

HENRY M. SHREVE.

Mr. CLARK, of Missouri. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table Senate bill No. 814 and put it upon its passage.

The SPEAKER pro tempore. The Clerk will report the title of the bill, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. No. 814) for the relief of Henry M. Shreve.

The bill was read, as follows:

That the Secretary of the Treasury pay to the legal representatives of Henry M. Shreve, deceased, the sum of \$50,000 as a full compensation for, and in satisfaction of, all claims for the invention of the steam snag-boat, and for the use of the same, past, present, and future, and for any and all rights that the said Shreve may have acquired under the patent granted to him for the invention of the steam snag-boat.

Mr. WARNER. Is there a report accompanying that bill. Mr. CLARK, of Missouri. I would state in answer to the question of the gentleman from Ohio there are reports both from the commit-tee of the Senate and the committee of the House on this bill. The tee of the Senate and the committee of the House on this bill. The same bill is reported from the Committee on Claims in the House, and is on the Private Calendar. It is identically the same bill which has passed the Senate; and it has been reported favorably eight different times by committees of Congress.

Mr. FRYE. What committee reports it?

Mr. CLARK, of Missouri. The Committee on Claims.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

laid on the table.

The latter motion was agreed to.

WINNEBAGO INDIANS.

Mr. HUMPHREY. I ask unanimous consent to take from the Speaker's table and put upon its passage Senate bill No. 323. This bill is for the benefit of the Winnebago Indians in Wisconsin. It has passed the Senate on the unanimous report of the Senate committee; and the chairman of the Committee on Indian Affairs of the House has looked over the bill and is satisfied it is all right. The Clerk read the title of the bill, as follows:

A bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits and to promote their civilization.

Mr. SIMONTON. Let the bill be read.

Mr. HUMPHREY. This bill is of some length. It has already been read once in one of the last days of last session. The chairman of the Committee on Indian Affairs, the gentleman from North Carolina, [Mr. Scales,] at that time asked that the bill should be laid over that he wight have an exportantly of examining it. He has examined it. he might have an opportunity of examining it. He has examined it

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMONTON] calls for the reading of the bill. The bill must be read. The bill was read, as follows:

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMONTON] calls for the reading of the bill. The bill must be read. The bill was read, as follows:

Whereas a large number of the Winnebago Indians of Wisconsin have selected and settled in good faith upon homestead claims under section 15 of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 39, 1875, and prior years, and for other purposes," approved March 3, 1875, and all said Indians having signified their desire and purpose to abandon their triblar relations and adopt the habits and customs of civilized people, and avail themselves of the benefits of the aforesaid act, but in many income, and the second of the trible benefits of the aforesaid act, but in many income, and accruing under the act of June 25, 1864, "providing for deficiencies in whether and accruing under the act of June 25, 1864, "providing for deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota, amounting to the sum of \$90, 889.39, is now in the Treasury of the United States to their credit; and

Whereas the major portion of the fund belonging to said Indians under said act tribe, has since said date been expended for the benefit of that portion of the Winnebago Indians residing in Nebraska; and Whereas the location of said Winnebago Indians of Wisconsin has, under the said act of March 3, 1875, become permanent: Therefore,

Bet exacted, 4c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a sensus of the tribe of Winnebago Indians now resonant eliest, the first in cholded all of said Irrhe now residing upon or who draw their annulties at the tribal reservation in Nebraska, and the second to embrace all of said tribe now residing in the State of Wisconsin.

Sec. 2. That upon the completion of the census of the Winnebago Indians in Wisconsin, the Secretary of the Interior shall also expend for the interior is hea

annum.

SEC. 5. That the titles acquired by said Winnebagoes of Wisconsin in and to the lands heretofore or hereafter entered by them under the provisions of said act of March 3, 1875, shall not be subject to alienation or incumbrance, either by voluntary conveyance or by the judgment, decree, or order of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty years from the date of the patent issued therefor. And this section shall be inserted in each and every patent issued under the provisions of said act or of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. WARNER. I think such bills as this ought to go to the appro-

Mr. HUMPHREY. As I have said, the chairman of the Committee on Indian Affairs has looked over the bill and says it is all right. There is also a report in favor of it by the Acting Commissioner of Indian Affairs.

Mr. SCALES. I ask the gentleman from Wisconsin to yield to me

for one moment.
Mr. HUMPHREY.

for one moment.

Mr. HUMPHREY. Certainly.

Mr. SCALES. When this bill was called up in the House on a former occasion I objected myself to its passage on the ground that it had never been referred to the Committee on Indian Affairs. The gentleman from Wisconsin has now given me every information in regard to it, and I am satisfied it is all right.

Mr. WARNER. After this statement by the chairman of the Committee on Indian Affairs, I make no objection to the bill if it takes no money out of the Treasury.

Mr. HUMPHREY. It does not.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. HUMPHREY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

the table.

The latter motion was agreed to.

Mr. BOUCK. I move that the House do now adjourn.

Mr. DEERING. I hope the gentleman from Wisconsin will withdraw that motion for a moment. There are some bills on the Speaker's table which ought to be referred to the appropriate committees.

[Cries of "Regular order!"]

The question being taken on the motion to adjourn, there were—ayes

95, noes 25.
So the motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BEALE: The petition of citizens of Westmoreland County, Virginia, for the improvement of Pope's Creek-to the Committee on Commerce.

Also, the petition of citizens of Virginia, for the improvement of York, Pamunkey, and Mattaponi Rivers—to the same committee.

By Mr. BRIGGS: The petition of Wyman W. Holden and 14 other soldiers of West Concord, New Hampshire, for the passage of Senate bill No. 496, as amended, providing for the creation of a commission for the settlement of pension claims—to the Committee on Invalid

By Mr. CARLISLE: The petition of citizens of Lexington, Kentucky, for the repeal of the tax on bank capital and deposits—to the Committee on Ways and Means.

By Mr. CARPENTER: Papers relating to the claim of Rudolph Lobsiger for pay for stores furnished the United States Army during the late war—to the Committee on War Claims. By Mr. JOHN B. CLARK: The petition of J.C. Heberlin and others,

of Howard County, Missouri, against refunding the bonds of the United States redeemable in 1880 and 1881, and in favor of paying said bonds in lawful money—to the Committee on Ways and Means.

By Mr. COVERT: The petition of J. S. Seabury, of Jamaica, New York, for the repeal of the tax on proprietary medicines—to the same

committee.

By Mr. FIELD: The petition of Edward T. Russell & Co. and 17 other firms of Boston, Massachusetts, wholesale dealers in fish, for the early enactment of a national bankrupt law—to the Committee on

early enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. JAMES: The petitions of Horace Hinds and 36 others, of Burke; of L. McDole and 100 others, of Matilda; of Jerry Gratton and 54 others, of Fort Covington; and of Benjamin F. Tuthill and 39 others, of Trout River, New York, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. KETCHAM: The petition of Albert Reynolds and 29 others, of Valatie, New York, of similar import—to the same committee. By Mr. MONEY: The petition of J. C. Woodward and others, for the transfer of Winston County, Mississippi, from the northern to the southern Federal court district of Mississippi—to the Committee on the Judiciary.

the Judiciary.

Also, the petition of citizens of Mississippi, for the transfer of Noxubee County, Mississippi, from the northern Federal district of Mississippi to the southern district—to the same committee.

Also, the petition of citizens of Mississippi and Alabama, for the improvement of the navigation of the Noxubee River—to the Committee.

improvement of the navigation of the Noxubee River—to the Committee on Commerce.

By Mr. MORSE: The petition of Mrs. Sarah Williams Very, widow of Samuel Very, jr., formerly an acting master in the United States Navy, for relief—to the Committee on Naval Affairs.

By Mr. MURCH: The petition of David Hows and 33 others, citizens of Lincolnville, Maine, for the improvement of Lincolnville Harbor—to the Committee on Commerce.

Also, the petition of F. Maher and 54 others, citizens of Washington County, Maine, for the passage of a law for the prevention of adulteration, by the introduction of mineral substances, of confectionery,

food, and clothing—to the Committee on Agriculture.

By Mr. PRICE: The petition of 40 citizens of Iowa, for a law to prevent the spread of pleuro-pneumonia among cattle—to the same

By Mr. J. T. UPDEGRAFF: The petition of H. H. Harrison, of Cadiz, Ohio, against the extension of the Cummings patent on vulcanite for dental work—to the Committee on Patents.

By Mr. VANCE: The petition of John K. Hughes and G. D. S. Allen, for the repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. WILLES, The activity of the committee of the Ways and Means.

on Ways and Means.

By Mr. WILLITS: The petition of Alfonso Shafer and 25 other soldiers, of Reading, Michigan, for the passage of Senate bill No. 496 as amended—to the Committee on Invalid Pensions.

By Mr. THOMAS L. YOUNG: The petition of 11 steamboat men,

plying on western rivers, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 8, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuer. Domer, D. D., of Washington, D. C.
The Journal of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. BRIGGS. I rise to a privileged question and present the credentials of Ossian Ray, Representative-elect to this House from the third congressional district of New Hampshire to fill the vacancy occasioned by the death of Hon. Evarts W. Farr.

The credentials were read.

Mr. Ray then presented himself and took the oath of office.

ORDER OF BUSINESS.

Mr. BELFORD. I call for the regular order.

The SPEAKER. The regular order is the call of committees for

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 5294) regulating the rates of postage on second-class mail matter at letter-carrier offices; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

SCHOOL LANDS IN DAKOTA.

Mr. BENNETT, from the Committee on the Public Lands, reported Mr. BENNETT, from the Committee on the Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 6524) to amend chapter 248 of the acts of the second session of the Forty-sixth Congress, approved June 16, 1880.

The SPEAKER. Does this bill propose to part directly or indirectly with any land or other property of the United States?

Mr. BENNETT. It provides for giving the Territory of Dakota certain sections of land for school purposes in lieu of certain sections of the property of the United States?

otherwise disposed of.

The SPEAKER. Then it parts with some of the property of the

United States, and must be considered in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to

CHIPPEWA INDIANS.

Mr. POEHLER, from the Committee on Indian Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5624) to-authorize the Secretary of the Interior to fulfill certain treaty stipu-lations with the Chippewa Indians of Lake Superior and Mississippi, and making an appropriation for the same; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. COWGILL, from the Committee on War Claims, reported adversely upon the following; which were laid upon the table, and the accompanying reports ordered to be printed:

The petition of William H. Wood, administrator of the estate of George Wood, deceased, of Memphis, Tennessee, for property taken by the United States Army during the war;

The petition of Sarah Waters, administratrix of Robert Waters, deceased, of Collierville, Shelby County, Tennessee, for property taken by the United States Army during the war; and

The bill (H. R. No. 677) for the relief of the Odd Fellows' lodge of Pulaski, Tennessee.

Pulaski, Tennessee.

Mr. COWGILL also, from the same committee, reported adversely upon the petition of William F. Moore, of Manry County, Tennessee, to reopen his claim before the southern claims commission.

Mr. WHITTHORNE. I ask that that petition may go to the Private

The SPEAKER. It will go to the Private Calendar with an adverse

report.
Mr. WHITTHORNE. Certainly.
The petition was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes.

ORDER OF BUSINESS.

The call of committees was resumed and concluded.
Mr. FERNANDO WOOD. I move that the House now resolve itself into Committee of the Whole for the purpose of further considering

The motion was agreed to.
The House accordingly resolved itself into Committee of the Whole, Mr. COVERT in the chair.

FUNDING BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and will resume the consideration of the bill (H.R. No. 4592) to facilitate

will resume the consideration of the bill (H. K. No. 4592) to facilitate the refunding of the national debt. By a prior order of the House all general debate upon this bill has been closed. The committee will now proceed to consider the bill by sections.

Mr. FERNANDO WOOD. Before the committee proceeds with the consideration of this bill by sections I desire to state that since the bill was reported from the Committee on Ways and Means the committee has agreed upon a change of the rate of interest which it is proposed these bonds shall bear. I also shall offer some technical amendments, possibly one or two upon my own responsibility as the amendments, possibly one or two upon my own responsibility, as the consideration of the bill is proceeded with. As most of the amendments proposed to be offered to this bill are in the nature of substitutes, I would suggest that they might better be considered after the committee has proceeded through the bill by sections, as otherwise

committee has proceeded through the bill by sections, as otherwise the consideration and adoption of a substitute might prevent the consideration of other and desirable amendments.

Mr. FRYE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. FRYE. This is an exceedingly important bill. The chairman of the Committee on Ways and Means [Mr. FERNANDO WOOD] is not at the present time in good health, and I hope that order will be maintained in this committee so that we may understand what the gentleman is saying.

maintained in this committee so that we may understand what the gentleman is saying.

The CHAIRMAN. The Chair desires it to be distinctly understood that absolutely no business will be transacted in this committee unless perfect order is maintained. Order will be secured else the business of the committee will be suspended.

Mr. FERNANDO WOOD. I desire to state, in the interest of economy, that nearly all the amendments proposed to be offered to the bill originally reported from the Committee on Ways and Means are similar in their leading features. All the amendments that are really pertinent or germane to the objects of the bill are nearly alike. The issue which they made with the committee's bill is in reference to the number and character of bonds and the relative number of certificates to be issued. I would like to have the Committee of the certificates to be issued. I would like to have the Committee of the Whole confine its consideration to the main issues, and to first settle and dispose of them so far as practicable, in order that we may conclude the consideration of this bill to-day.

I hope, therefore, that the Chair will adopt such a course as, without any violation of the rules, may secure the consideration of amendance is such a consideration of amendance.

ments in such order as will facilitate reaching a conclusion upon the

whole subject

The CHAIRMAN. Does the Chair understand the gentleman from New York to move that the formal reading of the bill be dispensed with, and that the Committee of the Whole now proceed to consider the bill by sections for amendment?

Mr. FERNANDO WOOD. I ask that the reading of the bill pro

forma may be dispensed with.

The CHAIRMAN. If there be no objection the formal reading of the bill will be dispensed with, and the Committee of the Whole will now proceed to consider it by sections for amendment.

now proceed to consider it by sections for amendment.

There was no objection.

Mr. KELLEY. If this be the proper time, I wish to submit a substitute of which notice has been given.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania [Mr. KELLEY] that, as he understands, the uniform custom has been to entertain first amendments from the committee having in view the perfecting of the phraseology of the bill. The Chair is disposed, therefore, to adopt that order of procedure.

Mr. KELLEY. All right.

Mr. WARNER. As a number of substitutes have been printed in the Record, which I suppose may be considered as pending, I desire to ask whether they are to be considered in the order in which they have been printed in the Record or whether they may be taken up

have been printed in the RECORD or whether they may be taken up in a different order?

The CHAIRMAN. The amendments printed in the RECORD were offered simply for the information of the House, and were printed in the RECORD by unanimous consent. They will not be considered in theorder in which they have been printed. They were printed simply for the information of members.

Mr. WARNER. That was my understanding.
Mr. SPRINGER. May I be permitted to suggest that if we follow
the usual proceeding in cases of this kind, the original text of the

bill must first be amended, and until we have gone through the original text and amended it, no substitute for the whole bill will be in

order to be voted upon.

The CHAIRMAN. The Chair has so indicated.

Mr. SPRINGER. A substitute may now be offered for the whole bill, but a vote upon that substitute will not be in order until after the original text has been perfected by the consideration of the separate sections of the bill.

Mr. McLANE. I object to the disposition of any substitute at this me. The bill reported by the Committee on Ways and Means is the only bill before the Committee of the Whole at this time. section is read, no amendments are in order except amendments to the pending section. No one has a right at this stage of proceeding to offer a substitute.

The CHAIRMAN. The Chair has so indicated.

Mr. BLAND. I rise to a point of order. The amendment proposed by myself was referred by the House to the Committee of the Whole, as the Journal will show, and is now pending before the Committee of the Whole; so that it stands in a different attitude from amend-

ments which may be proposed under the five-minute rule.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the order adopted uniformly by the House when in Committee of the Whole has been first to entertain verbal amendments that may be offered by the committee from which the bill has been reported. The Chair feels disposed to adopt the practice which has uniformly prevailed.

Mr. BLAND. Then I understand that we go through the original

bill first.

The CHAIRMAN. Yes, sir.

Mr. BLAND. That will not preclude the offering of other amendments than those of the Committee on Ways and Means?

The CHAIRMAN. At the proper time the Chair will entertain any amendment which may be offered. The Clerk will read the first section of the bill for amendment.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, &c., That all existing provisions of law anthorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1873, entitled "An act to authorize the issue of certificates deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding five bundred million dollars, which shall bear interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of \$200,000,000, doo, hearing interest at the rate of 3½ per cent. per annum, redeemable, at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than forty million dollars of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt.

Mr. FERNANDO WOOD. I am directed by the Committee on Ways

Mr. FERNANDO WOOD. I am directed by the Committee on Ways and Means to report the amendment which I send to the desk, changing the rate of interest on the bonds provided for from 31 per cent.

Mr. BUCKNER. Will it now be in order to offer an amendment to test the sense of the Committee of the Whole as to whether we are to

have long or short bonds?

The CHAIRMAN. That amendment would not be in order at this

Mr. FERNANDO WOOD. I offer this amendment to be made a part of the original bill, the committee, since the reporting of the bill, having decided to change its report by the reduction of the rate of

interest from 3½ to 3 per cent.

Mr. CLAFLIN. I wish at the proper time to offer an amendment, which may be read now for the information of the House as it may

which may be read now for the information of the House as it may have a bearing upon the rate of interest which we may wish to adopt. I send my amendment to the desk.

The CHAIRMAN. The request has been made that the amendment of the gentleman from New York be reported by the Clerk.

Mr. FRYE. I rise to a point of order. The amendment submitted by the gentleman from New York touches, as I understand, the rate of interest which is provided for in the seventeenth line of the section. I presume the Chair would not rule that the entertaining of this amendment to the seventeenth line will preclude the subsequent this amendment to the seventeenth line will preclude the subsequent

offering of amendments touching previous portions of this section.

The CHAIRMAN. No, sir; not all.

Mr. CARLISLE. The rate of interest occurs twice in the first section-first, with reference to the bonds, and, secondly, with reference

to the notes.

Mr. FRYE. That is not material so far as my point is concerned.

The CHAIRMAN. The Clerk will report the amendment submitted
by the gentleman from New York, [Mr. FERNANDO WOOD.]

The Clerk read as follows:

In the seventeenth and eighteenth lines of the first section strike out the words "and one-half;" and in the twenty-second line strike out the same words, so that the clause will read:

"The Secretary of the Treasury is hereby authorized to issue bonds in the

amount of not exceeding five hundred million dollars, which shall bear interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of \$200,000,000, bearing interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States," &c.

The CHAIRMAN. Is the proposed amendment of the gentleman from Massachusetts in the nature of an amendment to the amendment of the gentleman from New York?

Mr. CLAFLIN. It is an amendment to the section, and has a bear-

The CHAIRMAN. The Chair is constrained to hold that unless the amendment of the gentleman from Massachusetts is in the nature of an amendment to the amendment of the gentleman from New York, it is not in order at this time.

York, it is not in order at this time.

Mr. CLAFLIN. I do not propose to have it presented now but merely read by the Clerk for the purpose of letting the House know what I am in favor of in this regard.

Mr. FERNANDO WOOD. I think the committee are under a misapprehension as to the change proposed to be made in this bill. This is a part of the original report of the Committee on Ways and Means, just as if the bill had been reported with that rate of interest in it. While I agree the committee can do with that question of the rate per cent. as they please, yet they must proceed in the order that they are amending the original bill and not considering any amendment not offered from the Committee on Ways and Means. I have offered no amendment myself, but have merely made a correction ordered by the Committee on Ways and Means in the original bill.

Mr. KEIFER. Oh, yes; but it is a pending amendment.

Mr. FERNANDO WOOD. I have corrected an error of print because the bill as reported to the House should contain 3 per cent., as that is the only rate of interest the Committee on Ways and Means

that is the only rate of interest the Committee on Ways and Means

have reported unanimously in favor of.

Mr. CLAFLIN. And I rise to oppose the amendment of the Committee on Ways and Means.

The CHAIRMAN. The Chair desires to suggest to the gentleman from Massachusetts that perhaps there is a slight misapprehension as to the status of this matter. The gentleman from New York has made a verbal amendment in the bill by order of the Committee on Ways and Means, and the Chair will state that that correction being made in the bill will not in any way jeopardize the rights of the gentleman from Massachusetts to present his amendment at the proper

Mr. CLAFLIN. If this amendment is not to be voted on—
The CHAIRMAN. The Chair insists it is to correct a verbal error

in the bill.

Mr. CLAFLIN. It is proposed to strike out an important word in the bill. It is not for the purpose of perfecting the phraseology of the bill, but to strike out one word and insert another.

Mr. TUCKER. I suggest to the gentleman from Massachusetts and the House that we vote by unanimous consent on substituting the word "three" for "three and a half," as the gentleman from New York has proposed, and then the bill will be open to amendment in all other respects ment in all other respects.

Mr. CLAFLIN. I rise to discuss that very point, as I am opposed

odopting 3 per cent. for 3½ per cent.

Mr. TUCKER. Does the gentleman propose to change the rate?

Mr. CLAFLIN. I propose the rate in the bill shall remain as it is, at 3½ per cent., and therefore I am opposed to the amendment of the gentleman from New York to reduce it to 3 per cent.

Mr. BUCKNER. I understand the gentleman will not be produced.

mr. BUCKNER. I understand the gentleman will not be precluded from offering his amendment hereafter. The pending amendment is simply one proposed by the Committee on Ways and Means.

The CHAIRMAN. The Chair has so stated to the gentleman from Massachusetts. Unless his amendment be an amendment to the amendment of the gentleman from New York, it cannot now be received as in order. The present status of the bill reported by the Committee on Ways and Means is this: the Committee on Ways and Means a verbal amendment to correct the bill as it now and Means proposes a verbal amendment to correct the bill as it now stands before the House, and the Chair feels strongly that amend-ments of any other character should be excluded until that committee has had an opportunity to correct verbal errors.

tee has had an opportunity to correct verbal errors.

Mr. CLAFLIN. I have not risen to offer an amendment at this time, but to be heard in opposition to the amendment coming from the Committee on Ways and Means.

The CHAIRMAN. The gentleman then merely wishes to have what he sends to the Clerk's desk read as part of his remarks?

Mr. CLAFLIN. That is all; and for the information of the House.

Mr. KEIFER. I rise for the purpose of offering an amendment to the amendment of the gentleman from New York.

The CHAIRMAN. The gentleman from Massachusetts is entitled to the floor.

to the floor

Mr. KEIFER. But he wishes to speak while I propose to offer an

amendment to the amendment.

The CHAIRMAN. The gentleman from Massachusetts has been

mr. KEIFER. But he rises for the purpose of making a speech, and the Chair has said an amendment to the amendment is in order.

Mr. BLAND. But the gentleman has a right to make a speech.

The CHAIRMAN. The Clerk will read what the gentleman from Massachusetts has sent up.

The Clerk read as follows:

Amend, in the first section, in the nineteenth line, by striking out the word "twenty" and inserting the word "five;" and further on in the same line, by striking out the word "forty" and inserting the word "twenty."

Mr. CLAFLIN. Mr. Chairman, I am opposed to reducing the rate of interest in this bill to 3 per cent. for two reasons. In the first place of interest in this bill to 3 per cent. for two reasons. In the first place that rate is on the supposition that the House will pass a loan of twenty years. It seems to me, sir, that it was fully demonstrated in the debate that the House is not ready to adopt any such time, but on the contrary is in favor of adopting a short loan of five or six, or ten years, if any at all. My proposition is that we shall issue a loan at 3½ per cent. to run five-twenty, that is, in five years to be redeemable if the Government chooses, or to run for twenty years if the Government is not in a condition to redeem at a shorter period.

The question is asked, what shall we do with the surplus revenue for the five intervening years? I propose to have this loan remain as the committee has it so far as the \$200,000,000 are concerned, that is, to bring the \$200,000,000 for the next two years within the reach of the Treasury Department if it shall be ready to redeem the notes.

This is a proposition which seems to me to be perfectly simple. In

This is a proposition which seems to me to be perfectly simple. In the first place certificates will be issued at 3½ per cent. for two years, payable in ten years, for \$200,000,000. Nobody supposes that in the next two years we can liquidate a greater sum than that. Then there will be some \$500,000,000 which will be issued at five and twenty. Now, I do not believe that we shall be able to pay the \$200,000,000 in two years and if we could there are other leans coming in which we two years, and if we could there are other loans coming in which we would be unable to take up; and the rate of 3½ per cent. precludes

would be unable to take up; and the rate of $3\frac{1}{2}$ per cent. precludes any high rate of interest.

The House will understand that up to this time not a bond has been sold at a less rate than $3\frac{1}{2}$ per cent. Whatever people may have thought some time since in reference to that matter, to-day I find no man in business who believes it is possible to float a loan at 3 per cent. They might hope to do so; but when they say it is certain, or even fairly presumable, they doubt it. For my own part I do not believe it to be possible. I do not speak of bankers or persons interested in the loan, but of business men who are familiar with the facts. Now, the difference between a loan of 3 per cent. for five years and $3\frac{1}{2}$ per cent. is only $2\frac{1}{2}$ per cent. It is the unanimous opinion of financiers that a $3\frac{1}{2}$ option on a short loan may be floated. It would be dangerous to put a 3 per cent. bond on the market, and certainly this House would not run the risk of having the loan break down as did a loan under Secretary Chase's administration when an attempt was made to float it at too low a rate of interest.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. KELLEY. Mr. Chairman, the gentleman advocates an increase of interest in order to issue bonds that shall run five years becrease of interest in order to issue bonds that shall run five years before an option rises, and to be absolutely payable at twenty. He proposes to provide for these fives by the application of the surplus revenues of the Government by reserving the \$200,000,000. Now, we paid \$108,000,000 and over in the year that ended with the close of October, and for that privilege we paid \$3,780,000; in other words, to pay \$108,000,000 and a fraction the Treasury had to disburse \$112,000,000 and a fraction. Now, the gentleman says that in addition to this \$200,000,000 other loans will be coming in. What are they?

The next loan that matures is the four-and-a-halfs, and they mature in 1801 ton years bence. The next loan that matures is in 1907 nearly

The next loan that matures is the four-and-a-halfs, and they mature in 1891, ten years hence. The next loan that matures is in 1907, nearly twenty-seven years hence; so that having paid \$57,000,000—nearly \$58,000,000 a year on the average since 1865, having disbursed \$112,-000,000 for the privilege of paying \$108,000,000; having paid in the first six months of this year largely over \$42,000,000, with our revenues steadily increasing, and our interest diminishing, by means of these payments we are to issue a 3½ per cent. loan, and after three years or three years and six months, pay such premium as may be demanded by the owners of the bonds we are about to issue.

Sir, by reference to page 27 of the report of the Secretary of the Treasury it will be seen that between November 9, 1879, and October 31, 1880, he made thirty-eight purchases of bonds. Four of these purchases were made at intervals of a month and thirty-four were weekly. The amount of bonds purchased in this one year was, as

purchases were made at intervals of a month and thirty-four were weekly. The amount of bonds purchased in this one year was, as I have stated, \$108,758,100; but they involved an expenditure of \$112,544,620, as the Government had to pay \$3,786,520 for the privilege of applying \$108,000,000 of its surplus cash to the extinguishment of its debt. The average rate of premium on these purchases was 3.48, or say 3½ per cent. One of these purchases furnishes a most instructive lesson. The Secretary had confined his proposals to purchases of fives and sixes; but hoping that he might buy at better advantage if he enlarged his proposals, he on one occasion advertised for four-and-a-halfs and fours, and on the 2d of June, 1880, purchased \$1,500,000 of the four percents which will be redeemable July 1, 1907. [Here the hammer fell.] I ask leave to append to my remarks as a part of them so much of the paper that I hold in my hand as contains the remainder of the statement of the Secretary to which I am referring. I am referring.

There was no objection; and it was ordered accordingly.

The remainder of the statement is as follows:

On this \$1,500,000 of bonds he paid as premium \$125,558.26, or more than 8.3 per cent. He could buy fives and sixes for an average of 3½ per cent. premium because the bonds that bear those rates were soon to mature; but these four percents had twenty-seven years to run, and though their rate of interest was 33 per cent. less than the six percents the premium demanded for the privilege of paying them was 8.3 per cent.

The books of the Treasury abound in illustration of two facts, first, that a long bond commands a higher premium than a shorter one; secondly, that the Government cannot pay any part of its bonded debt even in the last month preceding its maturity without the payment of premium. This was the case with the sixes that matured and were payable on the 1st of this month; and an examination of the books of the Treasury shows that from May, 1869, to June 30, 1880, the Treasury purchased \$258,819,330 of bonds, paying thereon premiums that amounted to \$19,461,338, an average rate of 7.52 per cent.—say 7½ per cent.

Mr. WARNER. Mr. Chairman-

The CHAIRMAN. Debate upon the pending amendment is exhausted

Mr. KEIFER. I desire to offer an amendment to the proposed

amendment

Mr. WARNER. I rose to offer an amendment. I move to make Mr. WARNER. I rose to offer an amendment. I move to make the rate of interest $2\frac{1}{2}$ per cent. This bill proposes along bond—that is, a twenty-year bond. That is, the Government would part with the option to pay for twenty years. Now, I think it very probable that such a bond might be floated at 3 per cent. Certainly some amount might be. I think a thirty or forty year bond or a perpetual annuity at 3 per cent. could be sold in large amounts. But it is certain that we cannot borrow at as low a rate of interest on a short bond. Time and interest are elements that go together. If this bill were to pass, disposing of the option for twenty years, I should be in favor of the lowest rate of interest proposed; that is, 3 per cent.; but I am opposed to that feature of the bill. But if we choose a short bond, as I hope we will, we will be compelled to pay a higher rate of interest. If we lessen the time or hold the option to redeem at any time, we must raise the rate of interest. I am opposed to a long bond and am in favor of raising the rate of interest a little in order to have a short bond.

Mr. McLANE. I rise to ask unanimous consent of the Committee

Mr. McLane. I rise to ask unanimous consent of the Committee of the Whole to let this report from the Committee on Ways and Means be treated as part of the original bill; and we can then get on with the discussion of the bill as it comes from the committee. The gentleman from New York [Mr. Fernando Wood] offers this as a technical amendment to the report of the committee, the Committee on Ways and Means having agreed by unanimous consent to insert 3 instead of 3½ per cent. in the bill.

Mr. MURCH. I object.

Mr. CLAFLIN. I also object. I wish the vote to come on the original proposition as it appears in the printed bill.

Mr. McLane. I make this proposition in order to facilitate the proceeding with the bill. I want to get before the Committee of the Whole the report of the Committee on Ways and Means. When that report of the Committee on Ways and Means is before this Committee of the Whole we can then proceed to the consideration of the bill with a view to amendments. Now we are fighting at cross-purposes. The bill with the rate of 3 per cent. is in truth the committee's bill, with a view to amendments. Now we are fighting at cross-purposes. The bill with the rate of 3 per cent. is in truth the committee's bill, and the Committee on Ways and Means ask permission, before we enter on the consideration of the bill, to make the clerical correction of inserting 3 instead of 3½ per cent. It will facilitate every member's action on this floor in dealing with the bill to give unanimous consent to have that clerical alteration made. The whole bill will then be before us as it is reported, and the Committee on Ways and Means will be out of the way for the time being.

The CHAIRMAN. The Chair understands that objection has been interposed to the proposition of the gentleman from Maryland.

Mr. McLANE. I do not so understand.

Mr. CLAFLIN. I do object, for I wish the vote to come on the bill of the committee as they have reported it.

of the committee as they have reported it.

Mr. RANDALL, (the Speaker.) The gentleman from New York has
the right to make the amendment under instructions from his com-

Mr. CLAFLIN. Without the vote of the Committee of the Whole

accepting it?

Mr. RANDALL, (the Speaker.) He has the right to submit it, undoubtedly.

Mr. CLAFLIN. I am willing he should submit it to the House.
Mr. RANDALL, (the Speaker.) The gentleman has certainly as much right to regulate the procedure of the House on the bill as has the gentleman from Massachusetts or myself.
The CHAIRMAN. The Chair made the suggestion that the gentleman from New York having charge of the bill be permitted to suggest to the House amendments to each section and to the entire bill which were in the nature of small procedures to the the contract of the state of the state of the state of the section and to the entire bill which were in the nature of small procedures to the state of the which were in the nature of amendments to the text, so that the bill as perfected by the Committee on Ways and Means might be be-fore the Committee of the Whole for amendments by the committee. Mr. CLAFLIN. If unanimous consent be given, I have no objection

Mr. FERNANDO WOOD. I will remind the Chair and the commit-tee that the Committee on Ways and Means have already reported to the House this change made by the committee in their own bill and have received unanimous concurrence to its being made. Two or three weeks ago, before the vacation, I announced that the Committee on Ways and Means had instructed me to change the rate in the bill to 3 per cent. The Chair took cognizance of that announcement and, as I understood, had it entered upon the Journal. I think, therefore, gentlemen are precluded from interposing an objection now, although I will remind them that practically it does not make a particle of difference, because this is simply the report of the Committee on Ways and Means, and the gentleman from Massachusetts or any other

gentleman has the right to make any proposition in the way of an gentleman has the right to make any proposition in the way of an amendment that he pleases. And I suggest that if we seriously intend to act upon this bill at all, we shall not waste hours in a fruitless and unnecessary discussion. Therefore I desire that the report of the Committee on Ways and means, with 3 per cent. as the rate of interest, shall be before the Committee of the Whole in a legitimate and proper manner; and of course it is the right of the Committee of the Whole to amend the bill as they think best.

The CHAIRMAN. Does the Chair understand the gentleman from New York to ask unanimous consent that the report of the Committee on Ways and Means be presented to the House and stand as the

bill of the committee?

Mr. FERNANDO WOOD. Undoubtedly.
Mr. WARNER. There will be no objection to that.
Mr. CLAFLIN. I object.
The CHAIRMAN. Objection is interposed. The Chair desires to state that even although the amendments suggested by the gentleman from New York having the bill in charge are amendments to the text, merely formal amendments perhaps, yet the Chair thinks every amendment to a pending measure is open to discussion; and the Chair therefore feels constrained to hear the suggestions of gentlemen who

therefore feels constrained to hear the suggestions of gentlemen who desire to discuss even these formal amendments.

Mr. BLAND. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. If I understand the gentleman from New York he simply desires to amend his bill by a formal amendment; and after that we go back and read the bill and it is open to all amendments that may be offered.

The CHAIRMAN. That is undoubtedly correct.

Mr. BLAND. Then I can see no objection to that Let the general section of the contract of the contr

Mr. BLAND. Then I can see no objection to that. Let the gentleman from New York, on behalf of the Committee on Ways and Means, amend his bill by such amendments as he desires, and then let us go back and read the bill for amendment by the Committee of the

The CHAIRMAN. The gentleman from Massachusetts [Mr. Clar-LIN] has indicated his objection to that course. Mr. CLAFLIN. I have no objection to merely formal amendments being made. My objection is to amendments in the substance being

being made. My objection is to amendments in the substance being made in that way.

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. As I understand the proposition of the gentleman from New York, the Ways and Means Committee submitted a report which might be illustrated by the bill I hold in my left hand. By a subsequent action of that committee they agreed to submit a report which may be illustrated by what I hold in my right hand as the report of the committee. That is all. Now the rule says that can be done before a vote is reached; and I submit that the chairman of the Committee on Ways and Means, having been authorized to submit this report and then subsequently authorized to submit this later report; has the right to submit this later report; and it is upon this later report that amendments may be moved and action upon this later report that amendments may be moved and action had by the Committee of the Whole.

Mr. BLOUNT. Will the gentleman have the rule read which authorizes the committee to do that?

The CHAIRMAN. The Chair is constrained to entertain these various propositions as they are presented. The gentleman from New York in charge of this bill [Mr. Fernando Wood] proposed an amendment to the bill as previously reported by the committee, and the Chair was bound to entertain that amendment. That amend-ment is now before the committee for consideration and discussion, and unless the committee shall by unanimous consent or a formal

obliged to adhere to the universal practice of the committee.

Mr. FRYE. I do not see why it will make any difference what course is pursued, for this question of 3 per cent. or 3½ per cent. must inevitably be met by this committee and voted upon. It might as inevitably be met by this committee and voted upon. It might as well be voted on now, after discussion, if gentlemen desire to further discuss it, as at any other time. If the vote shall be in favor of a 3 per cent. bond, then clearly that 3 per cent. interest must be accompanied by a twenty or thirty years' time for the bond. Therefore a vote of this committee to fix the rate of interest at 3 per cent. may be regarded as a vote for a long bond.

Mr. FERNANDO WOOD. Will the gentleman from Maine [Mr. FRYE] permit me to correct him? I think he is in error in that assumption.

sumption.

Mr. FRYE. I hope this will not be taken out of my five minutes time. Mr. FERNANDO WOOD. I will call the attention of the gentleman to the report of the Secretary of the Treasury, in which he says that even short-time certificates having less than ten years to run can that even short-time certificates having less than ten years to run can be negotiated at 3 per cent. I would very much dislike to have this committee concluded upon the question of time by its vote upon the rate of interest. There is a great deal of difference among gentlemen as to whether or not a short-time 3 per cent. bond can be negotiated, more especially if it be accompanied by some attributes which will make it acceptable and desirable for a short-time and at a low rate of interest. Therefore I here the gentlemen from Maine [Mr. rate of interest. Therefore I hope the gentleman from Maine [Mr. FRYE] will not endeavor, though perhaps not intentionally, to have the House commit itself to a position which in my judgment is not

Mr. FRYE. Just before the holiday recess I voted in favor of a 3 per cent. bond. I went home to spend the vacation, and while away I saw a large number of business men in New York, in Boston, and farther on in New England. I came to the deliberate conclusion that it was utterly impossible to float a 3 per cent. bond at par with less than thirty years of existence in it. I believe that the attempt to float a 3 per cent bond other than as the gentleman from New York [Mr. Fernando Wood] has mentioned would result in disaster. I believe that there is perhaps \$100,000,000 or \$200,000,000 of floating capital in this country, now on deposit in banks and largely without interest, that you might obtain for 3 per cent. one, two, or three year certificates. But when it comes to a bond of five years, or ten years, or something of that kind, I do not believe you could sell a single 3 per cent. bond at par. One reason why I do not believe it is, that you never have sold a bond yet at par for 3 per cent. Even when the Committee on Ways and Means voted for a 3 per cent bond, and thus at once put a fictitious value on your four percents, those four percents did not reach such a premium as would make it possible to float a bond at par at less than 3½ per cent.

There never was a government on the face of the earth that has floated a bond at par at 3 per cent. I am fully convinced that a 3 per cent. bond cannot be placed, and if you undertake to do it the effect will be disastrous. I believe in leaving the Secretary of the Treasury a discretion up to 3½ per cent., and if you do that I believe the bond

can be floated.

[Here the hammer fell.]
Mr. WARNER. I withdraw my formal amendment of 2½ per cent.
Mr. KEIFER. Mr. Chairman, I move to amend the amendment of the gentleman from New York [Mr. Fernando Wood] by striking out the words "the rate of 3 per cent." and inserting in lieu thereof the words "a rate not exceeding 4 per cent.;" so that the section will

The Secretary of the Treasury is hereby authorized to issue bonds, &c., which shall bear interest at a rate not exceeding 4 per cent. per annum, &c.

Of course if this amendment shall prevail it will be necessary to make an amendment in lines 21 and 22 of this same section so as to make make an amendment in lines 21 and 22 of this same section so as to make the bill harmonious. In the five minutes allowed for debate on this question it will be impossible for me to enter into the reasons that have led me to offer this amendment. This I deeply regret, as we are in danger of going far astray. One year ago, the Secretary of the Treasury, with all his experience in placing bonds and in refunding the debt of the United States, recommended to Congress that a funding bill be passed fixing absolutely the rate of interest at 4 per cent. This was then regarded a wise recommendation. By my proposed amendment I do not seek to fix the rate absolutely at 4 per cent, but I wish to provide that the rate shall be not exceeding 4 per cent, per annum; thus giving the Secretary of the Treasury, if he finds he has the ability to do so, the right to issue bonds at a lower rate of interest than 4 per cent. I would vest in him discretion to issue a lower rate bond than 4 per cent. if the state of the market would justify him in doing so. I would amend the bill in other important features. In my opinion we are in danger of issuing a bond at a rate of interest so low that it will not remain at par if it can now be sold at par.

I myself believe that 4 per cent. is as low a rate of interest as bonds should be issued for. I believe that in my region of country, in the West, or the Middle West, we would be unable to sell a bond at a lower rate than 4 per cent. and maintain it at par. On account in the West, or the Middle West, we would be unable to sell a bond at a lower rate than 4 per cent. and maintain it at par. On account of the success of resumption and the general prosperity incident to it, and good crops at home and poor ones abroad, we have exceptionally cheap money now. I do not know what experience gentlemen from New York and from the New England States may have in these matters, or what special knowledge they may possess on this subject. I am, however, glad to hear my distinguished friend from Maine [Mr. FRYE] express to the committee his opinion, based upon recent interviews with the financiers of New York and New England, which information leads him now to advocate 3½ per cent. interest bonds instead of 3 per cent., which he formerly advocated.

The judgment of the people of this country will be found to be in favor of a 4 per cent. bond. It is true that the long bonds of the four percents are at a high premium to-day; but will they remain at such a premium? A stringency in the money market will reduce if it does not wipe out this premium. Money is even now seeking other investments where it will bring better returns. Only a few years since an attempt to fund our then maturing debt into 4 per cent. bonds proved a failure. Only extraordinary times enabled the Secretary of the Treasury to sell such bonds at all.

We can recollect a time when money was plenty, and yet it was difficult to sell and keep the 5-20 sixes at par. We had to go abroad for a market for them. The democratic party's last attempt to sell 6 per cent. and higher-rate bonds at par was a total failure. The then Secretary of the Treasury was obliged to sell such bonds at 11 and 12 per cent. discount.

We have sold \$738.420.400 of 4 per cent, bonds redeemable Inly 1.

Secretary of the freedal, 12 per cent. discount.

12 per cent. discount.

We have sold \$738,420,400 of 4 per cent. bonds redeemable July 1,
1907. What will be the effect if the Government should place on the
market at once nearly a like sum in bonds?

In London, where money is cheaper and being loaned at a lower rate of interest than in any other country of the world, much of the 3½ India loan was recently bid for at figures below par. It is true there were bids above par, but no bid was above 104½, and much of the loau was bid for as low as 98, although it was not payable for

fifty years. This India loan, so much talked about here, was a very small one—£3,500,000—equal to less than \$17,500,000, and only about one-fortieth of the sum we propose now to authorize through this one-tortieth of the sum we propose how to authorize through this funding bill. There is nothing to be assumed from this small British India long loan in favor of a 3 per cent. bond, but the contrary. It is fair to conclude that even now a 3 per cent. bond may not sell for par, or if sold at par that it will not be maintained at that. We cannot expect to sell our bonds in other money centers. The present current rates of discount will not justify us in a hope to do so.

The following are current rates of discount for money at the principle way contract when the form the for

pal money centers, excluding London. The figures are taken from the Commercial and Financial Chronicle of New York, of date of December

Cities.	Bank rate.	Open market.
Paris .	Per cent.	Per cent.
Amsterdam	3	3
Genoa Berlin Frankfort	4	3
Hamburg Vienna St. Potersburg	4 4	31-3
Geneva Madrid, Cadiz, and Barcelona	4 4	
Lisbon and Oporto	31-4	5-6
Calentta	4	

The average rate of discount in the open market, as shown by this

The average rate of discount in the open market, as shown by this table, will be found to be above 4½.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, in response to a part of the remarks of my friend from Maine, [Mr. FRYE,] I desire to say that when we were about to refund by the issue of bonds bearing 4 and 4½ per cent. interest the Committee on Ways and Means was visited by the most honorable, intelligent, and wealthy of the bankers of the country, who assured the committee that a 4 per cent. loan could not be floated; that it would be idle to propose the taking of a bond at less than 4½ per cent. They claimed to know the state of the money market of this country and of Europe and predicted that we would bring the credit of our Government into disrepute and disgrace if we undertook to float a 4 per cent. bond.

float a 4 per cent. bond.

Mr. TUCKER. That was in 1876.

Mr. KELLEY. Yes, sir; in 1876. We did undertake to float a 4 per cent. bond, and before the bonds could be issued and put upon the market it was found that these very honorable gentlemen, at the very time they were making these representations to us, had been forming a syndicate to take the 4 per cent. bonds in case they should be issued; and they did gobble them all up. Of course they object now to 3 per cent. bonds as much as they did to 4 per cent. bonds four years ago.

I am ready to vote to fix 3 per cent. as the rate of interest on twentyyear bonds, and then to vote down, so far as my vote may avail, the proposition to issue such bonds. If, on the other hand, you issue paper which the Government shall have the option of paying from paper which the Government shall have the option of paying from the day of its issue, so that it can without the payment of premium apply its cash in hand from time to time to the payment of this indebtedness and the reduction of its interest, I care not whether you make the rate 3½ or 4 per cent. Nay, I care not if you leave it to stand at 5 per cent., as it is now, on \$437,000,000, and 6 per cent. on \$200,000,000; because by constant payments of such sums as we may be able to pay from time to time, the whole of this debt of \$637,000,000 will disappear, and the interest paid on this indebtedness will be less than the interest which would be paid on a 3 per cent. bond for the same amount running ten years. The result of paying the average rate of interest during the whole term of such constant payments, as against 3 per cent. for ten years, would be between \$28,000,000 and \$29,000,000 in favor of the constant payment of a specific sum. This is all calculated in a statement which I have prepared and which I will take the liberty of reading.

In the course of my remarks on Thursday last I assumed that the Secretary of the Treasury would by the purchase of bonds arrest and extinguish interest but once a year, and that at the close of the year,

extinguish interest but once a year, and that at the close of the year, and claimed that even upon that basis it would be more economical and claimed that even upon that basis it would be more economical to proceed with the payment of the outstanding bonds by constant payments that would extinguish them in ten years than to refund them in 3 per cent, bonds payable in ten years. What I meant to say was this: that the 3 per cent, for the ten years in which those bonds should mature, and not consider the possibilities of their continuance for a longer period, the total interest paid on them would be greater than the total interest paid on them would be greater.

than the total interest paid on the fives and sixes, with their extinguishment under the process I have indicated.

But the Secretary, as I have since learned and stated to the committee, made thirty-eight purchases in the year closing October 31, 1880. Four of them were monthly, and each stopped interest from the date of the purchase. The other thirty-four were weekly; and each of them also stopped interest on the amount purchased from its

date forward. Thus at thirty-eight periods during the year the purchasing power of the Government was reinforced by its release from liability for the interest on the bonds purchased. Assuming a like course of payment to be pursued during the extinguishment of the bonds now under discussion, the saving of interest as against a 3 per cent. bond for ten years, considering the interest question alone, would be \$22,693,960. The aggregate interest at 3 per cent. for ten years on \$637,350,600 would be \$191,205,180, while the aggregate interest on the outstanding bonds at their higher rates, if paid in stated and equal monthly payments within ten years, would be but \$162,611,220. The account stands thus: account stands thus:

Interest on \$637,350,600 at 3 per cent., ten years \$191,205,180
Interest on \$637,350,600 at 5 and 6 per cent., paid monthly,
at the rate of \$5,000,600 a month for ten years 162,611,220

Saving by monthly-payment plan at 5 and 6 per cent... 28,593,960

But the saving in interest would not be the only material one.

There has to be a half per-cent. paid the parties who shall negotiate the refunding, and then the premiums we will be compelled to pay whenever we propose to apply our surplus means to the extinguishment of our interest-bearing debt.

ment of our interest-bearing debt.

[Here the hammer fell.]

Mr. BAYNE. I desire to offer an amendment to the amendment.

The CHAIRMAN. The Chair will state that there is pending one amendment to the amendment of the gentleman from New York, [Mr. FERNANDO WOOD.] No further amendment is in order.

Mr. ANDERSON. I desire to offer a substitute for the pending

amendment. Mr. BAYNE. Mr. BAYNE. I would like the privilege of offering a substitute. The CHAIRMAN. The gentleman from Kansas [Mr. Anderson]

has been recognized.

Mr. ANDERSON. I move as a substitute to insert at the appropriate place in the section the words "at a rate not to exceed 3½ per cent., at the discretion of the Secretary of the Treasury." I only wish to say that there are two factors which render this problem uncertainty of the treasury.

to say that there are two factors which render this problem uncertain—one is the question of time, the other the question as to the state of the market. It seems to me that a discretion should be left somewhere, and by leaving this discretion with the Secretary of the Treasury, limiting at the same time the maximum rate, we accomplish as much as can be accomplished by this bill.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I desire to call attention to one point upon which I have heard no one in this debate express an opinion. When you take into consideration the fact that this bill will pass in such a shape that these bonds will not be subject to State or local taxation, and when you bear in mind the further fact that the average aggregate amount throughout the country of municipal, school, county, and State taxation is at least 2 per cent, these bonds, owing to their exemption from taxation, though bearing only 3 per cent. interest, will in reality be equivalent to a 5 or 6 per cent. investment when compared with other securities.

Let me say further that there is in this country a very large amount of capital which does not realize even 3 per cent. A large fund is constantly lying in the banks on deposit, bearing no interest

amount of capital which does not realize even 3 per cent. A large fund is constantly lying in the banks on deposit, bearing no interest whatever. Again, we know that at times many millions of dollars are loaned in Wall street on call at 2 per cent. and even less. Taking into consideration these as well as other facts, I feel confident that a 3 per cent. Government bond can be floated at par, and that

that a 3 per cent. Government bond can be noated at par, and that an agreement for a higher rate of interest will be unjustifiable.

Why, sir, to-day British consols are nearly at par; they are quoted at something over 98 per cent. Now, if the Government of Great Britain, afflicted with a chronic state of colonial and domestic disturbance in India, in Ireland, and in Africa, can maintain its 3 per cent. bonds at 98 per cent., why cannot we float a 3 per cent. bond at par, when our national debt is not much more than half of the British debt blessed as we say the present the second with the British debt blessed as we say the second to be say the say of the British debt blessed as we say the say of the say of the say of the British debt blessed as we say the say of the British say of the say of ish debt, blessed as we are with peace at home and with foreign na-tions, and with great resources and grand possibilities that no one can see in the future of England or any other country beneath the

It must not be forgotten that when the nearly seven hundred millions of maturing debt is paid by the Government those receiving that vast sum will at once seek safe investment for it. I have no doubt nearly all those to whom this money shall come will prefer to place it in a 3 per cent. bond rather than in taxable securities; and again, I would have you remember that those who hold trust funds for investment will greatly prefer a 3 per cent. Government bond to any other kind of investment, as it gives absolute security and freedom from taxation.

dom from taxation.

In a recent visit to New York it came under my observation that opposition to a 3 per cent. bond comes mainly from the national-banking interest. Why? Because those banks desire a high rate of interest on the bonds deposited by them in the Treasury as the basis interest on the bonds deposited by them in the Treasury as the basis of their circulation so that may swell their profits. But, sir, we are not legislating here solely in the interest of the stockholders of national banks. It is our duty to look well to the interest of the tax-payers of this country. If we do this we shall not fail to adopt the amendment which has been offered by the chairman of the Committee on Ways and Means.

Mr. HAWLEY. Mr. Chairman, I desire to make a parliamentary inquiry. Can we not by unanimous consent agree that this five-minute debate, confined to the points of the interest and duration of

these bonds, shall go on for two hours without the necessity of making and renewing these little amendments? It would be, I am sure, in the interest of economy of time, and that would pretty much exhaust what the House has generally to say. Let us agree for two hours there may be five-minute speeches without the trouble of making and renewing amendments and all that.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that in his opinion this Committee of the Whole would not have power under the rules to enter into any such arrangement.

Mr. HAWLEY I know it: but if nobody says anything we can do

Mr. HAWLEY. I know it; but if nobody says anything we can do

Mr. HAWLEY. I know it; but if nobody says anything we can do it.

Mr. WARNER. What is the proposition?

Mr. HAWLEY. To devote a couple of hours to five-minute speeches without the trouble of offering and renewing amendments.

Mr. WARNER. On this section or on all the bill?

Mr. HAWLEY. I believe the Committee on Ways and Means does not object to this. I consulted its leader.

The CHAIRMAN. If no objection is made, the Chair will consent.

Mr. WARNER. Before consent is given, I desire to know whether it is to be on the rate of interest and time or on the bill generally.

Mr. STEVENSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. What is the proposition pending before the committee?

committee?

Mr. McLANE. And I rise to a question of order.

The CHAIRMAN. The gentleman from Connecticut suggests that by unanimous consent this discussion proceed for two hours without the necessity of moving formal amendments. To that proposition the Chair has heard, so far, no objection.

Mr. MURCH. Yes; I object, as I want this bill to take its regular

Mr. McLANE. I wish to amend the amendment of the gentleman from New York by inserting the words "not exceeding 3½ per cent.;" and in making that motion I avail myself of the opportunity at the same time to say as the bill is read through I shall propose to move other amendments which will make the interest not exceeding 31 per cent.

The CHAIRMAN. The Chair will state to the gentleman from Maryland that his amendment is not in order, as there are already two

amendments and one substitute pending.

Mr. McLANE. I submit to the Chair when can an amendment of offered to the amendment of the gentleman from New York?

The CHAIRMAN. The amendment of the gentleman from New York has been amended by the amendment moved by the gentleman from Ohio, and to that a substitute has been offered by the gentleman from Kansas

Mr. McLANE. Will the Chair inform me how many amendments can be pending at the same time in the Committee of the Whole? The CHAIRMAN. Four.

Mr. McLANE. I shall be much indebted to the Chair if he will have the kindness to state the question.

The CHAIRMAN. The Clerk will first read the rule under which

we are operating.
The Clerk read as follows:

RULE XIX. OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Mr. McLANE. All right. I move, then, to amend the amendment of the gentleman from Ohio.

The CHAIRMAN. The Chair will state that the amendment of the

gentleman from Ohio is an amendment to the amendment of the gentleman from New York, and that the substitute of the gentleman

from Kansas is now pending.

Mr. McLANE. Then let that substitute be reported.

Mr. Anderson's substitute was reported.

Mr. McLane. Then let that substitute be reported.

Mr. Anderson's substitute was reported.

The CHAIRMAN. That is the pending substitute.

Mr. McLane. I understand that to be the pending amendment. The CHAIRMAN. That is the pending substitute.

Mr. TOWNSHEND, of Illinois. On which debate has been exhausted, has it not?

The CHAIRMAN. It has.

Mr. McLane. I move to strike out the words "and a half;" and I make this motion to avail myself of the opportunity to advise those who concur with me in the opinion this entire debt of 1881 ought to be paid by short loans or short Treasury notes, that I wish to test the sense of the committee on that question, and have prepared with some care amendments to the bill of the Committee on Ways and Means which carry through that whole bill the provision that the Secretary of the Treasury shall issue either certificates of not less denomination than ten dollars, redeemable at the pleasure of the Government after one year, in amounts not exceeding one hundred millions per annum, or 3½ per cent. bonds payable at the pleasure of the Government after one year. Not exceeding 3½. I explained when I addressed the committee on this question two days ago that I believed 3 per cent. would do, and that the Secretary of the Treasury had reported that 3 per cent. was sufficient, but recommended that he should have

discretion to go as high as $3\frac{1}{2}$ per cent. if necessary, and I think we ought to give him that in the matter of a short bond. We ought to have no failure in this legislation. We want to provide either that we shall issue short bonds payable one year after date, not exceeding in any one year a certain amount, that being one hundred millions per annum, or, if you please, the sinking-fund amount, and then every holder of the debt knows that the amount to be paid in any one year is to be drawn by lot, and he has his chance of the five or ten years. There is no doubt that the Secretary of the Treasury will encourage the negotiation of that class of bond. If he has the discretion to choose the bond or certificate he will get them bought at par and we will in five years, I think, redeem the whole of the debt due in 1881. In order to be perfectly sure I would accept the amount par and we will in five years, I think, redeem the whole of the debt due in 1881. In order to be perfectly sure I would accept the amount recommended, that is, the sinking-fund amount, which makes the whole debt payable in ten years. I have the amendments prepared and an amendment covering this specific point which limits the amount to a rate of interest not exceeding 3½ per cent., leaving the obligation imposed upon the Secretary of the Treasury to get them if he can at 3 per cent.

if he can at 3 per cent.

[Here the hammer fell.]

Mr. FRYE. Mr. Chairman, I desire to call the attention of the committee to the proposition which is foreshadowed by the gentleman from Maryland. Please look at this bill. On page 1, in the seventh line, strike out the words "provided that in lieu of" and insert "in addition to." That would authorize the Secretary of the Treasury to take the \$104,000,000 of four percents now on hand and sell them in the market for the purpose of paying a portion of the six percents when they become due. That would leave \$520,000,000 only to be provided for. In the fifteenth line insert an amendment authorizing the Secretary of the Treasury to issue Treasury notes as well as bonds of a denomination as low as ten dollars. Then again, in the nineteenth line, amend by one word, strike out "twenty;" and with a few other informal amendments you will have this condition of things: The Secretary of the Treasury, after paying the debt, that is to say, the sixes, with the proceeds of the \$104,000,000 of 4 per cent. bonds, would have \$520,000,000 remaining, for which he can, under this bill as amended, issue three and one-half percents redeemable after one year and payable each year to the amount required by the this bill as amended, issue three and one-half percents redeemable after one year and payable each year to the amount required by the law providing for the sinking fund. And on looking at his report, touching the sinking fund, you will find that this amount will exactly pay the whole debt provided for in ten years. In my judgment this is the true method to dispose of this question, and I am obliged to the gentleman from Maryland for foreshadowing this method in his creech

his speech.
Mr. WARNER. That is \$104,000,000 more of thirty-year bonds in

Mr. FERNANDO WOOD. Mr. Chairman, in order to reply to the gentleman from Maine I move to strike out the last word.
Mr. KEIFER. Is an amendment in order at this time?

The CHAIRMAN. It is not.

Mr. KEIFER. Then, if an amendment is not in order, is debate in order ?

The CHAIRMAN. The gentleman from New York moves to strike

out the last word.

Mr. KEIFER. Is that in order? Is not that an amendment?

The CHAIRMAN. If insisted upon, the Chair would have to rule that it is not in order, but it has been customary to allow informal

Mr. KEIFER. The limit to which amendments may be carried under the rule having been reached, and debate having been exhausted, I ask if the gentleman can offer an amendment now and

The CHAIRMAN. The Chair has stated that he is simply following the practice which has heretofore prevailed by unanimous consent in Committee of the Whole.

Mr. KEIFER. The practice, the Chair will recollect, has always been that a motion to strike out the last word is in order where debate as permissible; but where debate has been exhausted, it is not in order.

The CHAIRMAN. If the gentleman insists upon his objection, the Chair must rule that the amendment of the gentleman from New York is not in order.

York is not in order.

Mr. KEIFER. I do not want to cut off debate. If the agreement proposed by my friend from Connecticut [Mr. HAWLEY] a few moments ago be concurred in, that debate be allowed for one or two hours by unanimous consent on this question of the rate of interest and the duration of the bond, without the necessity of making these pro forma amendments in every case, then I am perfectly willing to withdraw all objection to continuing the discussion.

The CHAIRMAN. Does the Chair understand the gentleman as asking unanimous consent?

asking unanimous consent?

Mr. KEIFER. I do ask unanimous consent that such an agreement be arrived at.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. GEDDES and others objected.

Mr. KEIFER. Then I insist upon the enforcement of the rules.
The CHAIRMAN. The Chair must entertain the objection, then.
Debate upon the pending amendments is exhausted and the vote will first be taken upon the amendment of the gentleman from Ohio to the

original amendment proposed by the gentleman from New York from the Committee on Ways and Means.

Mr. KEIFER. I think the first question would be on the amendment to the substitute which is pending.

The CHAIRMAN. Not at all; the Chair is clearly of the opinion that the order of voting is as he has indicated, first upon the amendment of the gentleman from Ohio to the amendment of the gentleman from New York to perfect the original text of the bill.

Mr. TOWNSHEND, of Illinois. What becomes of the substitute of

the gentleman from Kansas?

The CHAIRMAN. The Clerk will first report the amendment of the gentleman from New York and the subsequent amendment of the gentleman from Ohio.

Mr. KEIFER. Let the committee understand clearly what it is to

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman from Ohio will be first voted upon, but the Chair will ask the Clerk to read the original amendment of the gentleman from New York, and also the amendment proposed by the gentleman from Ohio.

The Clerk read as follows:

In lines 17 and 22 strike out the words "three and a half per cent." and insert

The CHAIRMAN. The Clerk will now report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Strike out "three and a half per cent.," in line 17, and insert in lieu thereof, "at rate not exceeding 4 per cent."

The CHAIRMAN. The question is on the amendment just read.

The CHAIRMAN. The question is on the amendment just read.

The committee divided; and there were—ayes 12, noes 149.

So the amendment was not agreed to.

Mr. RANDALL, (the Speaker.) I offer an amendment to make the rate 2½ per cent. for the purpose of saying a word or two.

We are somewhat in confusion because we run the two subjects together as to the rate and as to the length of the bonds. We had better first settle the rate and then try to accommodate the time with rate, whether it shall be as to Treasury notes or whether it shall be rate, whether it shall be as to Treasury notes or whether it shall be as to bonds. To my mind there is an extraordinary spectacle presented here to-day, in this, that there are gentlemen here who are advocating, honestly, of course, a higher rate of interest than that at which we hear on all sides we can negotiate our bonds for. I differ in judgment with the gentleman from Maine, and my information differs from his as to the rate at which our bonds can be negotiated. I believe we can negotiate a bond and a Treasury note at 3 per cent.

at par.

Mr. BLOUNT. On what time?

Mr. RANDALL, (the Speaker.) Surely on fifteen years as far as the bond is concerned, and perhaps on the 2-10 principle so far as the Treasury note is concerned. I do not want, for one, to be led into fixing a higher rate of interest than my knowledge from correct information gives me. There is not one of us here to-day who has not letters from responsible parties in this country who tell us they can negotiate these bonds at 3 per cent. Should you give a discretion between 3 and 3½ per cent., of course you induce a combination, or, rather, a combination will be made against the lower rate of interest by the capitalists. That is natural. But the way to do this, in my judgment, as I stated a moment ago, is to fix a rate and then accom-

by the capitalists. That is natural. But the way to do this, in my judgment, as I stated a moment ago, is to fix a rate and then accommodate the time to the rate. If we vacillate back and forth discussing upon one amendment, first about the rate and next about the time, we will delay an intelligible conclusion.

There are more than two hundred millions of the bonds due this year held by the national banks. Why can we not say to the national banks that in the future placing of bonds on deposit to secure the circulation, and in the future placing of bonds to secure the deposit of public money in the national depositories, and in so far as their discretion allows under law as to reserves of banks, we will deposit of public money in the national depositories, and in so far as their discretion allows under law as to reserves of banks, we will hereafter take only the proposed 3 per cent. bonds on deposit for such purposes as I have named? You would thus at once secure purchasers to the extent of the amount I have stated.

Mr. BUCKNER. Will the gentleman yield to me for a question? Mr. RANDALL, (the Speaker.) Yes, sir.

Mr. BUCKNER. Has the gentleman forgotten that the gentleman from New York [Mr. CHITTENDEN] has a proposition pending to increase the rate of interest to 3½ per cent., for the reason that the banks will not take 3 per cent. bonds?

Mr. RANDALL, (the Speaker.) The Committee on Ways and Means have come to the conclusion unanimously to make the rate of these bonds 3 per cent.

Means have come to the conclusion unanimously to make the rate of these bonds 3 per cent.

Mr. BUCKNER. That depends on the length of time.

Mr. RANDALL, (the Speaker.) It will be time enough to speak of that when we come to discuss the option.

Mr. WARNER. Would you not prefer a 2-10 bond at 3½ per cent. to a 15-40 bond at 3 per cent.?

Mr. RANDALL, (the Speaker.) I believe a 2-10 bond can be negotiated at 3 per cent. The bonds to-day of the United States are under 3½. They vibrate somewhere between 3½ and 3½. And yet the proposition is made here to negotiate a bond of the United States at a higher rate of interest than your bonds command to-day in the market. higher rate of interest than your bonds command to-day in the market.
Mr. WARNER. That is on a long bond.
Mr. RANDALL, (the Speaker.) I believe that the necessity and

disposition of the people to secure a safe deposit for their money would secure the placing of this bond at the rate stated. I would popularize it. I would make all the national banks agents and pay them a reasonable amount, and not run to the syndicates that combine against the people. I would make these two thousand national banks open a subscription for fifteen days, and I would give the smaller bidden at the contract of the syndicates and longer than the syndicates are syndicated as the ders at the same prices the preference over the syndicates and large holders

I withdraw the amendment.

Mr. FERNANDO WOOD. Mr. Chairman, this question of the rate of interest is one that has attracted a great deal of attention in this country and in Europe. It is simply and altogether a practical question. The question is what low rate of interest we can adopt consist-

ent with the success of the negotiation.

Now, sir, in my position I have been compelled very much to seek practical information upon that question. In the first place, I find that so far back as 1870, when the Government considered the question of the rate of interest in connection with the original refunding that so far back as 1870, when the Government considered the question of the rate of interest in connection with the original refunding proposition to gather in all the bonded debt of the United States and replace it by bonds bearing a lower rate of interest, when the four percents were proposed, the Treasury Department and the whole banking interest of the country said it was impossible to negotiate any bond at so low a rate of interest. We gave before the Committee on Ways and Means a hearing to the ablest financiers of this country, and but one of them said the 4 per cent. bonds could be negotiated, and by far the larger amount of the fifteen hundred millions to be refunded would be placed at that rate; and in 1876 the same gentleman laid before our committee a long and elaborate argument. Four years ago, at a period of national depression, a period of low rate of revenue, a period of larger appropriations than we have at present, he still said, and time has vindicated what he said, that the credit of the Government of the United States stood the first in the world, and that there was capital idle and seeking investment in this country and in Europe that would take the 4 per cent. bonds. The result has been that these 4 per cent. bonds have been issued to the amount of nearly eight hundred millions, and they are worth to-day a premium of 12½ or 13 per cent.

Mr. FRYE. Eleven per cent.

Mr. FRYE. Eleven per cent.

Mr. FERNANDO WOOD. I hold in my hand letters from the ablest financiers and the largest bankers in the United States, including the representative of the largest bankers in the world. In every case they say that if you will clothe this bond with certain attributes, which I am sure this House will not object to, there will be no possible difficulty in negotiating the whole of them at 3 per cent. in the time required.

Mr. SPRINGER. How long a time is given in these letters as the

required.

Mr. SPRINGER. How long a time is given in these letters as the shortest life of the bond?

Mr. FERNANDO WOOD. I hold in my hand a letter received yesterday from a gentleman who formerly represented the 4 per cent. interest—Mr. Hatch, of the firm of Fiske & Hatch, of New York, one of the largest dealers in Government securities in this country—in of the largest dealers in Government securities in this country—in which he states that while he thought originally a long bond would be necessary he now does not think so. When to that we have added the high financial authority of the Secretary of the Treasury that even a short-time certificate, to run not to exceed six or eight years, can in his judgment be negotiated at 3 per cent., I believe with the gentleman from Pennsylvania, the honorable Speaker of this House, [Mr. RANDALL,] that we could reduce the time to fifteen years and successfully place the bond.

[Here the hammer fell.]

Mr. MILLS obtained the floor.

Mr. SPRINGER. I would inquire of the gentleman from New York what his information is in regard to a five-year bond?

The CHAIRMAN. Does the gentleman from Texas [Mr. MILLS] yield?

Mr. MILLS. I cannot yield now.
Mr. SPRINGER. I beg the gentleman's pardon; I thought the gentleman from New York [Mr. FERNANDO WOOD] was holding the floor.
Mr. MILLS. The question before this House is a double question.
The question of interest is dependent upon the question of time, and the question of time is dependent upon the settlement of both of these questions. those questions.

I suppose that if the House was ready to authorize a bond running for one hundred years it might be placed at 2 or 2½ per cent., and if for forty or fifty years at 3 per cent., or even at a lower rate. But if we were to authorize a thirty-day bond we certainly would have to pay a much higher rate of interest.

The House must consider both these questions together. The paramount question is that of time. The great question for the country is the controllability of these bonds by the Government, its power to call them in and pay them whenever the surplus revenues of the country enables us to do so, and thereby save interest. We are placing the cart before the horse in giving prominence to the question of interest.

I have made a calculation upon this subject. If we leave unrefunded the \$200,000,000 of six percents and the \$469,000,000 of five percents, using round numbers, and apply from time to time the surplus revenues of the country to their redemption at the rate of \$100,000,000 a year, we will redeem them all in six years' time by the payment of

\$117,000,000 of interest. If we should refund those bonds in three percents at thirty years we would pay \$557,000,000 interest; at twenty years at $3\frac{1}{2}$ per cent. \$433,000,000 of interest, and at ten years at $3\frac{1}{2}$ per cent. \$216,000,000 of interest. It is in round numbers \$100,000,000 cheaper to let this debt remain at 5 and 6 per cent. and pay it in the course of the next five or six years than to refund it at 3 per cent. in

Mr. FERNANDO WOOD. Will the gentleman allow me a moment?

Mr. FERNANDO WOOD. Will the gentleman allow me a moment of the Mr. MILLS. Certainly.

Mr. FERNANDO WOOD. Allow me to call the attention of my colleague on the Committee on Ways and Means [Mr. MILLS] to the action of that committee when it was considering the question of profit and loss between the immediate disposition of this debt and the pront and loss between the immediate disposition of this debt and the refunding of it in bonds bearing a rate of interest as high as 4 per cent. A distinguished member of that committee, now elevated to the highest position in the Government, addressed a letter to the Secretary of the Treasury, in his own handwriting, which I hold in my hand. The reply came back indorsed upon that letter—

Mr. MILLS. The gentleman is taking up all of my time. I thought he wanted to sak up a question. He can reply to me after I shall.

he wanted to ask me a question. He can reply to me after I shall

have got through.

Mr. FERNANDO WOOD. I wanted to show the House where the

Mr. FERRANDO WOOD. I wanted to show the House where the question of economy comes in between the immediate payment of this debt by anticipating assumed resources of the country, and providing in a regular legitimate proper financial way for its payment. The reply came back from the Secretary of the Treasury that by refunding the fives and sixes into 4 per cent. bonds, and then purchasing in the open market fifty millions of fours each year at a premium of 5 per cent.

mium of 5 per cent—

Mr. MILLS. They are now 13 per cent.

Mr. FERNANDO WOOD. Instead of deferring refunding indefinitely, and purchasing annually fifty millions of fives and sixes, the Government would save in ten years the present value of sixty-six millions at 4 per cent. and one hundred and thirty-five millions at

3½ per cent.

Mr. MILLS. That is pure speculation; the Secretary of the Treasury is in a land of dreams.

Mr. FERNANDO WOOD. That is a mathematical calculation. Mr. FERNANDO WOOD. That is a mathematical calculation.

Mr. MILLS. A mathematical calculation that you can purchase 4 per cent. bonds at 5 per cent. premium, when they stand before you to-day at a premium of 13½ per cent.? That is assuming a predicate that is based upon air. The fact is the Secretary of the Treasury is obliged to purchase these bonds at a premium of 13½ per cent.; and that premium will increase as soon as this Government ties its hands and puts it in the power of the bondholders to increase the premium. This is purely a question of the multiplication table. The question is whether it is better to pay these bonds at 5 and 6 per cent. interest with the \$100,000,000 of surplus revenue accumulating in the Treasury every year, and thus to extinguish the bonds within five years, or whether you will issue bonds payable in forty years and then go into the land of dreams with a project to buy in those bonds, when we cannot control them and must purchase them at such figures as the bondholders may demand.

[Here the hammer fell.]

Mr. CANNON, of Illinois. Mr. Chairman, I do know that after

Mr. CANNON, of Illinois. Mr. Chairman, I do know that after using the money from the surplus revenue we shall have at the end of this year \$637,000,000 of indebtedness, part of it bearing interest at 5 per cent. and part at 6 per cent., which we will have the right to pay off. Taking the present rate of revenue, I believe we may safely calculate that inside of ten years we can pay this indebtedness. from our surplus revenues. Now, I am opposed to borrowing money upon obligations running a longer time than is necessary. Hence if we can pay this indebtedness inside of ten years out of our surplus we can pay this indeptedness inside of ten years out of our surplus revenues it would be wisdom to berrow money for one to ten years at the lowest rate of interest possible. Some gentlemen say that this rate is 3 per cent.; some say 3½ per cent.; some say 4 per cent. Even 4 per cent. is a reduction upon 5 and 6 per cent. which will have to be paid if nothing is done. I do not believe that you can borrow this money for this short time at 3 per cent., because by the financial table in Spofford's Almanac I find that the 4 per cent. bonds when we have det 13 per cent.

table in Spofford's Almanae I find that the 4 per cent. bonds when purchased at 13 per cent, premium yield an interest of 3.52 per cent.

Mr. TUCKER. The calculation is that when the bonds sell at 109 the rate of interest is equivalent to 3½ per cent.

Mr. CANNON, of Illinois. Taking the gentleman's own statement these long bonds at present prices are yielding not less than 3.30 per cent. Now, I want to reduce the rate of interest paid by the Government. I want the Government's indebtedness paid as fast as it can be paid, year by year, and I want, at the same time, to reach the lowest possible rate of interest. But in providing for the issue of bonds I do not want to fix, absolutely, the rate of interest so low that we cannot float the bonds at par, and may thus fail to reduce the rate of 5 and 6 per cent. which we are now paying. Hence, I would give to the Secretary of the Treasury the discretion to pay as high as 3.65 or even 4 per cent. If he can get the bonds taken at 3 high as 3.65 or even 4 per cent. If he can get the bonds taken at 3 per cent., all right; if he can get them taken at 3.65 per cent. or 4 per cent., all right. In any event, the rate of interest will be 2 per cent. lower than we are now paying; and I would rather pay one-half per cent. or three-fourths per cent. or 1 per cent. more during a period running from one to ten years than pay 3 per cent. for fifteen, twenty, or forty years as is proposed by the committee's bill.

Mr. BAYNE. I offer as a substitute the amendment, which I send to the desk

The Clerk read as follows:

In the seventeenth and eighteenth lines strike out the words "the rate of three and a half" and insert "a rate not exceeding four."

In the twenty-first and twenty-second lines strike out the words "the rate of three and a half" and insert "a rate not exceeding four."

In the twenty-fourth line, after the word "issue," insert the following: "And it shall be the duty of the Secretary of the Treasury to negotiate the sale or exchange of such bonds at the lowest rate of interest practicable."

Mr. BAYNE. Mr. Chairman, testimony comes from gentlemen on the other side of the House—from the gentleman from New York, [Mr. Fernando Wood,] the chairman of the Committee on Ways and Means, from my colleague, [Mr. Randall,] the Speaker of the House, and from others—that a bond bearing interest at 3 per cent. can be sold in the market at par; on the other hand, testimony comes from this side of the House, notably from the gentleman from Maine [Mr. Frye] and from the gentleman from Ohio [Mr. Keifer] (and my own information corroborates this testimony) that a bond bearing 3 per cent. interest cannot be sold in the market at par. Hence, so far as the evidence before this House goes, it is a mooted question whether a bond bearing 3 per cent. interest can or cannot be sold at par. While this remains a disputed question I take it that it would be wise for Congress to vest in the Secretary of the Treasury the power to nego-Congress to vest in the Secretary of the Treasury the power to negotiate the sale of these bonds at the best rates he can. The amendment which I offer will enable him to sell these bonds at 4 per cent. if he cannot dispose of them at a more advantageous rate. This amendment will enable him to sell the bonds at 31 or at 3 if the state of the market will allow it. It will enable him to carry out the view expressed by some gentlemen here and sell the bonds at 2½ per cent. if that be practicable. Nothing in the law will interfere with the power of the Secretary of the Treasury to sell these bonds at the best market

Now, it strikes me that if we look at this matter as practical men, as business men with sound ideas of political economy would look at it, we shall place in the hands of the Secretary of the Treasury the discretion to negotiate these bonds at the best rates he can. This is what we would do in our private business. If we were sending out an agent to transact important business for us, involving the saving of nine, ten, twelve, or fifteen million dollars a year, we would not place upon him an absolute restriction which might defeat the very of nine, ten, twelve, or fifteen million dollars a year, we would not place upon him an absolute restriction which might defeat the very purpose for which we employed him and which might at the same time injure our credit most materially. We would vestin this agent a discretionary power, placing upon it a proper limitation. That is the scope and object of the amendment I propose. It invests the Secretary of the Treasury with authority to negotiate these bonds at the best practicable market rates. It will permit the negotiation of them at 3 per cent., 2½, or any less rate which may be practicable. I trust that we shall take a business view of this question and arrive at the conclusion that it is best to vest this discretion in the Secretary of the Treasury.

[Here the hammer fell.]

Mr. HAWLEY. Mr. Chairman, we are sometimes getting ourselves into confusion here by not keeping clearly in mind the distinction between bonds and currency. I suppose, of course, "Uncle Sam" can dispose of 3 per cent. bonds if you give them the characteristics of "legal-tenders," because we take "legal-tenders" without any interest. So we must be a little careful about that. And I doubt if some of these arguments which have been made will apply.

Now, I do not want to tie the Secretary of the Treasury in this negotiation so that the capitalists of the ceuntry will have him at their mercy. If you make these limitations very strict and close they will stand around him and see how he is tied while they are all free, and perhaps they will nullify the loan.

As against the three percents that may perhaps be issued you have to provide in the first place against the fact that the banks will not to provide in the first place against the fact that the banks will not

As against the three percents that may perhaps be issued you have to provide in the first place against the fact that the banks will not seek to take them unless you relieve them from a part of their burdens of taxation. You cannot burn your candle at both ends. If you force on them a bond at too low a rate of interest they will not be able to afford to retain their circulation, as they could make more

money in the other lines of banking; they would return their notes and possibly cause a considerable contraction in the currency.

And next you will have against the Secretary of the Treasury with his three percents all the holders of the five and six percents coming due next May and June. They would be pleased as financiers, if not as good citizens, to have a funding bill defeated or an impracticable one pass, because either would extend the term of their five and six percents and intentity raise their rives.

percents and instantly raise their price.

I should like to talk longer than five minutes on the general question, but I must hurriedly put in here some calculations which will help gentlemen to come to a safe conclusion.

I do not believe a 3 per cent. bond just now can be negotiated with advantage, and I believe we should make as much to make the rate advantage, and I believe we should make as much to make the rate 3½ or 3½ and give some time and perhaps get a premium on it. I do not believe we can sell a 3 per cent. at par just now, and that opinion is partly based on figures which I will give. But it is possible, if we would dare to do what the British Government has done, make a perpetual bond which we might sell at about par, and which would be in the market at par, or nearly so, all the while. We could then enter the market every year and expend our surplus revenue in purchase and cancellation. But this House will not yet adopt a perpetual

bond, nor would the country at first approve it, although I think it would be the most economical measure we could adopt.

Mr. RANDALL, (the Speaker.) Let me ask the gentleman from

Connecticut a question.

Mr. HAWLEY. Please be brief, as my time is running and I need

Mr. RANDALL, (the Speaker.) If we adopt a bond like that suggested by the gentleman from Connecticut, then the Government would have the right to go into the market and buy the bonds at any time ?

Mr. HAWLEY. That is what I have stated. Some of the bonds would always be in the market, and the Government could come in and take up some and reduce its debt in that way. I believe it would be the most economical bond we could adopt, but I do not think it is

Now do not bring down that hammer, Mr. Chairman, until I get these figures before the House. The United States fours of 1907 are to-day in the market, not including accrued interest, net 112.4. That was the price very recently.

Mr. WARNER. They are 112\(\frac{3}{6}\).

Mr. HAWLEY. They net the investor 3.3 per cent. interest. The price of the four-and-a-halfs of 1891 is 111.59, and they net the investor 3.21 per cent. interest. That is the lowest I think we have ever reached. Investors purchasing the four-and-a-halfs of 1891 at 111.59 get 3.21 per cent. for their money. The District of Columbia three-sixty-fives of 1924 sold, a few days ago, net, i. e., excluding accrued interest, for 100.56, and net the investor 3.63 per cent. The currency sixes of 1895 at 130 net the investor 3.30; of 1896 at 131 net 3.34; of 1897 at 132 net 3.38; of 1898 at 133 net 3.42; of 1899 at 134 net 3.44. These figures show the best we do now is on the four-and-a-halfs of 1891.

I have other figures I desire to give, and I will say I have obtained

I have other figures I desire to give, and I will say I have obtained them from my friend, Mr. Elliott, the expert mathematician of the Treasury Department, an authority on these matters. I asked him to give me the present value of an imaginary 3 per cent.

bond, which it is quite easy to do, based on the price of our existing securities. The question as stated by me was: Required the present value of a thirty-year 3 per cent. security calculated on the basis of the present current net prices of 4 per cent. and 44 per cent. United States securities. His answer is: "The computed rates of interest States securities. His answer is: "The computed rates of interest realized to investors in the 4 and 4½ per cent. securities of the United States Government at the present current net prices of these securities are, respectively, 3.3 and 3.2 per cent. per annum; and consequently the required present value of a thirty-year 3 per cent. security is, respectively, 94.34 and 96.12"—the former rate based upon the price of four percents, the latter upon the price of the four and a half. And if a 3 per cent. bond cannot be negotiated save below par, the longer you make it the lower must be its present value. This is the mathematical truth, but considerations outside of rigid arithmetical rules might help us in selling a 3 per cent.

The CHAIRMAN. Debate on the pending amendment is now exhausted

Mr. BLAND. I move to strike out the last word. Mr. Chairman, it does not seem to occur to this House that we have a law now upon the statute-books which, if it be enforced, would enable us to pro-vide for the payment of this debt and save to the Government some \$40,000,000 more than any other proposition which has been reported to the House, and without reducing the rate of interest. This law, which was enacted in view of this state of facts which we are now to meet, is a law that this House and the Senate passed after a resolution of the Senate declaring that "inasmuch as the bonded debt of this Govern-

Senate declaring that "inasmuch as the bonded debt of this Government was authorized under a law which provided for its payment in the standard money of the Government," which money at that time was the silver dollar as well as the gold dollar.

I assert this proposition, that to pay the debt in standard silver dollars will cost the people less than to pay it in any manner of refunding. If we pay now in coin say one hundred millions, and of our revenues one hundred millions, thus reducing the debt to, say, five hundred and eighty-two millions, this \$582,000,000 and the interest thereon of 5 per cent. can be paid with \$528,000,000 of surplus revenues by enforcing the law authorizing the coinage of the standard silver dollar. This law authorizes the Secretary of the Treasury to purchase at market rates not less than two millions nor more than four millions' worth of silver bullion per month, and to coin this bullfour millions' worth of silver bullion per month, and to coin this bullion into dollars. The maximum amount would be forty-eight millions' worth of bullion per annum. At the present price of silver bullion, \$48,000,000 of revenues will purchase sufficient bullion to coin ion, \$48,000,000 of revenues will purchase sufficient bullion to coin fifty-four millions of standard silver dollars; so that \$54,000,000 is the maximum required by law to be coined. We see that there is a clear profit of \$6,000,000 on every forty-eight millions' worth of bullion; so that we save to the people \$6,000,000 on every fifty-four millions of debt thus paid. If, then, we pay at the rate of fifty-four millions annually, we reduce the debt to that extent, and thus reduce the interest. By this process we can pay the debt of five hundred and eighty-two millions in about ten years. During that time we will have paid about eighteen millions of interest and five hundred and eighty-two millions of principal, making, in all, \$600,000,000. The profit in coinmillions of principal, making, in all, \$600,000,000. The profit in coinage will have been \$72,000,000. Subtract \$72,000,000 from \$600,000,000, and we have as a result \$528,000,000. It will thus be seen that we have paid the whole debt of \$582,000,000 and the interest on it for

ten years at 5 per cent. with \$528,000,000, thus not only saving all the interest, but \$54,000,000 of the principal. In short, \$528,000,000 expended in the purchase of silver bullion will, under the silver law, pay off this debt and the interest on it during the process of payment. This is what the people expect and demand of us. This was the object and intent of the silver law.

the object and intent of the silver law.

The law restoring the silver dollar thus executed in good faith, and for the very purposes for which it was enacted, will pay off this debt at less cost by at least \$55,000,000 than any proposition of refunding now before the House. This plan of paying it brings to bear the benefits of the double standard, utilizes the silver, and places the country on the double standard instead of the single standard of gold. We are paying it now on a gold standard, and it was the demand of the people that we should pay it on the double standard. That is just where the difference comes in. The Secretary of the Treasury refuses to execute the law, and comes here and standard. That is just where the difference comes in. The Secretary of the Treasury refuses to execute the law, and comes here and tells Congress and the committees of this House that he will not coin and pay out silver dollars, because he proposes to maintain the gold standard in this Government; and what he proposes before this House to do is to pay the debt according to the gold standard and not according to the double standard as the law requires. And when the Secretary enters into an agreement with the clearing-house of New York, in which he clearly discriminates against silver and in favor of gold, he tells the House he will not pay the money, except so far as he can do it without disturbing the gold standard, and this House acquiesces in this policy and administers the Government in that way. He usurps the authority to pay the debt under the gold standard when the people of this country demand that both standards shall be used. I say that it is time that the House should assert the rights of the people to demand that the Secretary shall carry out the law that was enacted when the bonds were issued, and which, as appear upon the very face of the bonds themselves, require that as appear upon the very face of the bonds themselves, require that they shall be paid in the standard coin of the country.

Mr. CONVERSE. Mr. Chairman, I desire to call the attention of the committee for a few moments to the suggestions brought to the

attention of the House in the remarks of the gentleman from Illinois [Mr. Townshend.] Interest on money, like all other commercial transactions and business, seeks and finds its own level. There is transactions and business, seeks and finds its own level. There is scarcely a State in this Union, certainly none east of the Mississippi River, where individuals cannot borrow all the money they want on ninety days' time or six months' time, or one or two years even, at 6 per cent. The banks are full of money, and unable to find investments at that rate. Now, Mr. Chairman, that being so, it is, as the gentleman from Texas said, simply a question of mathematics. State gentleman from Texas said, simply a question of mathematics. State and local taxes range, as has been truly said, from 2 to 2½ per cent—2.4 per cent. would be about the average. What, these facts being established or conceded, should be the rate of interest required to float these bonds or sell them at par in the money market? Manifestly not above 3 per cent. per annum. Whenever the Government pays a high rate of interest upon its bonds it is not only an injury to the Government itself, but, as my friend from New York will understand, it increases the rate of interest which individuals are required to pay when they want a loan of money. In such case, when applied to pay when they want a loan of money. In such case, when application is made by an individual to the bank, or to those who have money to lend, for a loan, the banker or money-lender would say, "The Government pays so much interest on its bonds, (mentioning the rate;) there are no taxes to be paid if I loan my money to the

the rate;) there are no taxes to be paid if I loan my money to the Government; therefore, if I loan to individuals, I must charge such additional interest as will pay my taxes."

Take, for example, the 3 per cent. Government bond. Add to the 3 per cent. the 2.4 per cent. per annum, which is the average rate of State and local taxes in the cities; that amounts to 5.4 per cent. But, Mr. Chairman, the greater security of the loan to the Government over and above the loan to individuals is worth more than the remainover and above the loan to individuals is worth more than the remaining six-tenths of 1 per cent.; so that in effect, if you fix your rate of interest at 3 per cent., it is to the lender the equivalent of 6 per cent. on a loan to individuals or to any other borrower. It is then a duty which we owe not only to the Government to economize in all the expenditures of the Government and keep her rates of interest low, expenditures of the Government and keep her rates of interest low, but it is a high duty we also owe to the people of this country, and especially to the debtor classes and to the producing classes, who carry on their business on borrowed capital. If the Government fixes the rate of her interest high, then the debtor class and those who do business on borrowed capital must pay the money-lender the increased rate of interest; and when the rate is low those classes are correspondingly benefited.

ingly benefited.

It is simply a question of arithmetic whether the bonds can be It is simply a question of arithmetic whether the bonds can be floated at 3 per cent. We are not obliged, Mr. Chairman, to take simply the opinion of this man or that man in New York or Philadelphia, or anywhere else. The question is, what is the present rate of interest throughout the country? That is a fact which, like the price of wheat or corn or pork, can be easily established. If you take the present rates of interest charged to individuals in the great money-centers of this country and deduct the amount of State and local taxes paid by the money-lender, you will find that the rate which he actually receives will fall below rather than above 3 per cent. I am surprised that gentlemen living in localities where an abundance of capprised that gentlemen living in localities where an abundance of capital can be had for 6 per cent. by individuals, on either short or long time, and in other localities where it can be had for 4 per cent. by

individuals, should propose to create a bond of the Government and pay on it above 3 per cent. Time has little or nothing to do with this question. Such loans are made to individuals on both short and this question. Such loans are made to individuals on both short and long time. No taxes whatever can be exacted on this proposed loan to be made to the Government. I imagine, Mr. Chairman, this is a question in which the people throughout the country in their local business transactions are interested, and will be affected as well as the

Mr. FERNANDO WOOD. I would like to ask the gentleman from Ohio a question before he resumes his seat. Mr. CONVERSE. I will hear the question.

Ohio a question before he resumes his seat.

Mr. CONVERSE. I will hear the question.

Mr. FERNANDO WOOD. I desire to ask the gentleman from Ohio, as a western man representing the agricultural interests so far at least as his own district is concerned, whether the effect of the General Government establishing a rate of interest of 3 per cent. will not help the debtor interest of this country to the amount of millions, and whether mortgages on farms instead of hereafter going to 6 and 8 per cent. will not in the Western States come down to 5 and 6?

Mr. CONVERSE. I will answer my friend's question by saving it

per cent. will not in the Western States come down to 5 and 6?

Mr. CONVERSE. I will answer my friend's question by saying it will. Millions of dollars will be saved to the debtor and industrial classes in the West by fixing a low rate of interest in this bill. There is a larger amount of saving in that very way to the people than the difference between a higher and a lower rate of interest on the amount involved in this bill. I will mention a fact which came within my own knowledge bearing on this point. When the Government a few ye ars ago was paying 6 per cent. on its bonds no man in my State could borrow money at less than 8 or 10 per cent. from those who had the money to lend, and when Government rates went down to 4 per the money to lend, and when Government rates went down to 4 per cent. a corresponding reduction in rates to individuals followed.

Mr. BUTTERWORTH. I desire to ask my colleague a question before he takes his seat. In advocating a 3 per cent. rate of interest what is the time he would fix for the bond?

Mr. CONVERSE. That is wholly immaterial. I would make it a 2-10 bond if I had my choice—a bond redeemable at the pleasure of the Government after two years, and at any time within ten years. I would not extend it beyond that. But I claim that the question of time does not enter into this calculation if you fix the rate of interest as high as 2 per cent.

est as high as 3 per cent.

Mr. BUTTERWORTH. I understand, however, if the gentleman advocates a rate of 3 per cent. he will nevertheless oppose a long-

time bond

Mr. CONVERSE. I would take the suggestion of the gentleman from Maryland, that the interest should not exceed 3 per cent. and that the bond still should be a short bond or a 2-10 bond.

Mr. BUTTERWORTH. I will ask the gentleman another question:
Does he not understand it to be the proper policy of this Government
to cancel its debt as rapidly as possible and hence to retain to itself
the option to redeem its bonds as rapidly as the surplus revenue will permit?

permit?

Mr. CONVERSE. That is exactly my idea.

Mr. BUTTERWORTH. The gentleman [Mr. CONVERSE] agrees that the bonds should be payable at the option of the Government after, say, one year, but says that the time of payment has nothing to do with the rate of interest. In my judgment the questions of time and the rate of interest are inseparably connected. You should know the one in order rightly to fix the other; and I therefore differ with my honored colleague when he suggests that the time has nothing to do with the question of the rate of interest.

I want to submit to the House a doubt as to the soundness of the proposition of the gentleman from Pennsylvania, [the Speaker,] when he asserts that the great prosperity of the country settles the question in favor of our ability to refund the maturing bonds at so low a rate of interest as 3 per cent. In my judgment the logic of that prosperity points in another direction. Our exceptionally prosperous condition, resulting from abundant harvests, quickened industries, and restored confidence in business circles, calls the capital of the country into other channels where investments yield a return far and restored confidences in business circles, can't the capital of the country into other channels where investments yield a return far above that which could be realized from a bond bearing 3 per cent. It must be manifest as a business proposition that the ability of the Government to refund at so low a rate of interest must result from the inability of parties having money to invest it in business ventures or securities which yield a greater return. Whatever might have been accomplished in the matter of placing a 3 per cent. bond one or two years ago, it is clear to my mind that the present condition of the country is not such as to encourage the expectation that such a bond could be placed at par now. I refer especially to a 3 per cent. bond which the Government may pay at its option after, say, one

year.

The business of the country is in an exceptionally prosperous condition, which indicates that capital is employed, and profitably employed. When a year or two since you placed your 4 per cent. loan the reverse was true. Business was stagnant; our great industries not yet quickened into healthful life and activity. The effects of the terrible panic were still with us; money was not lacking, but confidence had not been restored. The savings-banks of the country had been compelled to suspend, and had not resumed; and men had lost their savings, together with their confidence, in the banks; and in that dilemma they sought a safe investment rather than a profitable one, the object being rather to save the principal than to secure interest.

To-day a different condition of affairs obtains; that extra caution born of the panic has disappeared. Every channel of trade has been reopened; every branch of industry revived and quickened, and if our means are ample our opportunities are boundless; and four percents are now being sold, and the money finds more profitable investment. What I mean to say is, that the ability of the Government to refund its debt at a very low rate of interest, say 3 per cent., would not necessarily indicate national prosperity, but in a large degree the contrary. The rate of interest fixed by the Government must the contrary. The rate of interest fixed by the Government must have relation to the return derived from legitimate business ventures and other investments.

and other investments.

My colleague would not to-day if he had charge of a trust fund invest it in Government three percents. He would not feel that he had discharged his duty to the beneficiary if he invested such funds in Government bonds at 3 per cent.; because he knows that, with the healthful financial condition which now obtains throughout the country, the active and growing demand for money, and the safe returns which may be relied on from fair business ventures, in the presence of confidence restored, he could find in the West, in the East as well, in fact everywhere in this country, a much more profitable investment. Now, as a friend suggests to me, would any court authorize such an investment of trust funds where the interest to be realized was a prime object and not simply and solely the safety of the was a prime object and not simply and solely the safety of the was a prime object and not simply and solely the safety of the principal. Justice to the beneficiary would not permit it. The main point is to reserve to the Government the right to pay these bonds as rapidly as our surplus revenues will enable us to do so. With the business of the country at high tide, with the demand for money active and increasing, with business ventures and investments yielding from 5 to 10 per cent. net, to fund a debt of five hundred millions in bonds bearing but 3 per cent. never leafur a veer or two set the bonds bearing but 3 per cent., payable after a year or two at the pleasure of the Government, seems to me impossible. In my judgment the Treasury notes and bonds should bear a rate of 3½ per cent., and the rate of interest should be fixed by this act, and not be left to the judgment or discretion of the Secretary of the Treasury.

Mr. KELLEY obtained the floor.

Mr. HAMMOND, of Georgia. Before the gentleman from Pennsylvania [Mr. Kelley] proceeds, I desire to make a parliamentary

inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND, of Georgia. As I understand, the House is called upon to pass upon two questions: first, as to the rate of interest; and, second, as to the time the bond is to run. I want to know whether, if we fix the rate of interest now, for a long-term bond for instance we can afterward, if we vote for a short bond, go back and change that rate of interest?

Mr. ROBINSON. While we remain on the section?

Mr. HAMMOND, of Georgia. While we remain on the section.

The CHAIRMAN. The Chair would feel disposed to relegate that matter to the committee and be governed by the expressed wish of the majority of the committee.

Mr. HAMMOND, of Georgia. It seems to me that should the committee bind itself by a particular rate of interest it might thereby greatly influence its vote for a long bond. It occurs to me that as the rate of interest depends upon the length of time the bond is to run, the sensible business way would be to fix the time the bond is to run and then the rate of interest would naturally adjust itself to that time.

The CHAIRMAN. The Chair would suggest to the gentleman from Georgia that the Chair cannot dictate the manner by which the com-

Georgia that the Chair cannot dictate the manner by which the committee may reach an objective point.

Mr. HAMMOND, of Georgia. The Chair does not answer my question. Can we go back and make a change? That is the parliamentary inquiry to which I desire an answer. If we cannot go back, that is a very strong argument why the committee should refuse to fix any rate of interest until it has fixed the time.

The CHAIRMAN. The Chair would state that under no circumstances would he dictate to the committee what should be or should not be done but would relegate the whole question to the majority

not be done, but would relegate the whole question to the majority

of the committee

Mr. HAMMOND, of Georgia. When I made the inquiry of the Chair I thought there was a rule upon the subject.

The CHAIRMAN. The Chair is not aware of the existence of any rule upon that point.

Mr. KELLEY. I seek the floor now, Mr. Chairman, for the purpose of submitting, as a reply to my colleague from the Allegheny district, [Mr. Bayne,] an article on the scarcity of sound investments, from the London Saturday Review, in these words:

The growing scarcity of sound investments is a phenomenon that is forcing itself upon the attention of the least observant of those who have money to put by. Only a few years ago French rentes yielded over 5 per cent. on the market price, and not very long since United States Government bonds could be bought to return 7 and 8 per cent. Where now can securities such as these be found to give a like income ? Consols are no longer at par, but they are so little under it that practically they may be said to yield only 3 per cent.; United States fours yield about 3½ per cent.; French rentes about 4 per cent.; Indian sterling bonds not quite 4 per cent.; and colonial government securities generally about the same rate. Even Russian and Hungarian bonds, great as is the risk attached to them, pay an investor only 5½ and 6½ per cent. respectively. And if we pass from the securities of States to those of private companies, we find that those in good credit give usually from 3 to 4 per cent, but seldom more. It is obvious, too, that the tendency is to reduce still lower the return to the investor. In other words, really good investments are becoming searcer every year, and of course their scarcity enhances their price.

RECORD—HOUSE.

It is a common complaint that all stock-exchange prices at present are extravaguntly high, not alone in England, but all over the world; and though to a certain extent this is due to speculation, fostered by the abundance of capital in the short-loan market, the permanent tendency of events is to lower the interest of money. The principal cause of this is the magnitude of the annual savings in the more advanced countries of the world. In his paper on "Recent accumulation of capital." Mr. Giffen estimates the annual savings of the United Kingdom in the ten years from 1865 to 1875 at two hundred and forty millions. Granting that the depression in trade and the series of bad harvests have since greatly diminished the rate of accumulation, still the savings every year must have been enormous. Part of these were invested in bringing new land into cultivation—a process which went on even in 1879, perhaps the worst year of the century; part in improving land previously cultivated; part in ship-building; part in renewing and replacing the mechanical appliances used in industry; part in house building; and part in founding new businesses or extending old ones. But there remained a large balance, which flowed have surplus money wish to invest it in a manner in which, if there should be need, it can be easily realized, and in which, while out of the owner's control, it will not call for his supervision, or give him any trouble. On the stock exchange alone can he usually find a security of the kind. And accordingly there is always an immense sum seeking employment there. It has been said—we know not upon what basis of calculation—that at the present moment there are £200,000,000 in this country waiting investment.

Whatever may be thought of this estimate, it is certain that the amount is enormous. In France it is generally estimated that, in spite of the loss of Alsace-Lorraine, of the ravages of the phylloxera, and of the series of bad harvests, the amount is enormous. In France, the series of the annual s

of first-class securities within the past ten years has occuring relative learns.

It will be seen, however, if we add together the repayments by the United States, England, and Germany and the repudiations by Turkey and Peru that the latter greatly exceed the new issues. In fact since 1873 new issues upon a great scale have ceased. This is true of industrial and commercial undertakings as well as of States. As we saw last week in discussing the railways of the world, the United Kingdom has practically completed its railway system. Whatever may be done in the future there can in this country be no vast railway constructions as in the past. France, Germany, Holland, and Belgium find capital for their own lines. Russia has not credit enough to raise a loan for the present, and Hungary is obliged to be cautious. It is the same with most of the colonies. At any moment a new mania for foreign loans may no doubt spring up and railways may be financed for all sorts of places; but we are now dealing only with the present and the immediate past, and it is unquestionable that the issues of first-class securities have not kept pace with the reductions. At the same time the new savings constantly made have been seeking for investment and have not been met by any new creations.

The inevitable result of this double movement is the rise of prices to which we referred above, or, in other words, a fall in the rate of interest. This is the natural tendency in all advanced communities. During the past forty years it has been counteracted by the construction of railways, which, in the United Kingdom alone, have used up a capital nearly equal to the present amount of the national debt. The tendency has further been checked by the laying down of telegraph wires all over the globe, by the replacement of sailing vessels by steamers, and the substitution of iron for wood in naval construction, by the vast development of industry and manufactures, and by the immense loans made to foreign States. But there has come a pause in the creation of all these forms of investment, and instantly the permanent tendency of events asserts itself. The prices of securities rise, money accumulates in Lombard street, and bankers complain that they can get nothing for it.

I cut this article from a paper, feeling that it involved as philosophical a discussion of our financial condition and duty in the matter of refunding as I had heard or was likely to hear. I submit it now as a part of my remarks, that gentlemen may have it for their Sunday reading. I also desire to submit as a part of my reply an extract which I have clipped from a paper containing information sent to us from London, of date December 8, 1880:

Tenders for £3,500,000 of India 3½ per cent. stock were opened yesterday. The applications amounted to over £14,500,000, varying from the official minimum of 98 to 104½. The tenders at £103 12s. will receive about 71 per cent. of the amount bid for; those above that figure will receive the amounts bid for in full.

Now, bonds at 3½ per cent. are competed for by the great financial houses of the world at a premium as high as 4½ per cent. Yet gentle-

men here hesitate as to whether we can borrow a small sum of money at 3 per cent. And further:

at 3 per cent. And further:

The Financier, in a discussion of the foregoing in connection with the redemption of the American debt, says: "The United States will be apt to rate its credit as at least equal to that of India. It may be questioned whether on the issue of the coming loan for refunding the bonds falling due next year the Secretary of the Treasury will be so liberal ast ogive 33 per cent., when he can evidently foat bonds at a lower rate. The success of the loan has strengthened the market for all first-class investments; but prices are somewhat restrained by rumors that £500,000 in gold will be taken to-day or on Thursday for New York, an operation which would, under an advance of the bank rate on Thursday to 3 per cent., be possible."

The Times, in its financial article this morning, says: "The finances of the United States may excite the envy not only of England but of Europe. The unprecedented rate of redemption is having its natural effect, raising the credit of the United States to a level with the most staid and best-paying communities of the Old World. In reaching that level the United States will only attain the rightful position a country which is so faithful to its engagements, whose resources are so limitless and whose population increases with such remarkable rapidity ought to enjoy—the best credit accorded to any. In all probability, should conditions remain favorable, Secretary Sherman will accomplish his refunding operations at a rate nearer 3 than 4 per cent. The very rapidity with which he is able to pay off the debt must aid him most materially by reducing the supply of stock. This, acting pari passes with the augmenting demand for sound investments, will give him an incalculable advantage in his operations."

Mr. TOWNSHEND, of Illinois. Mr. Chairman, in connection with

Mr. TOWNSHEND, of Illinois. Mr. Chairman, in connection with what the gentleman from Pennsylvania [Mr. Kelley] has just said, I rise for the purpose of putting an inquiry to those who have disputed the ability of the Secretary of the Treasury to float at par a 3 per cent. bond. The other day \$20,000,000 of 6 per cent. bonds of the Northern Pacific Railroad Company were put upon the market; \$10,000,000 were offered in Europe, and \$10,000,000 in New York. These bonds rest for their security upon a road which possibly may never be finished. I hope, however, and think the probabilities are that it will be built and successfully operated. The subscriptions in England to those 6 per cent. railroad bonds amounted, as I understand from the newspapers, to over \$30,000,000; and for the \$10,000,000 offered in New York there were subscriptions to the amount of \$20,000,000. Mr. TOWNSHEND, of Illinois. Mr. Chairman, in connection with \$20,000,000.

A MEMBER. At what rate?

Mr. TOWNSHEND, of Illinois. At a premium of 2 per cent. Now I wish to ask this question: If a railway company whose road is not yet constructed can float a bond subject to all kinds of local and State

yet constructed can hoat a bond subject to all kinds of local and State taxation at a premium of 2 per cent, what can the National Government do with a 3 per cent, bond, exempt from all taxation and with no question about the safety of the security?

Let me make another inquiry. If one of these gentlemen acting as trustee held in his possession \$20,000 of the 5 or 6 per cent. Government bonds maturing this year, and if those bonds were called in by the Government, what would he do with the money which he is obligated to reinvest? Would he prefer a Northern Pacific or any other railroad bond, or a State bond bearing 6 per cent., a bond subject to local and State taxation, or a 3 per cent, non-taxable Government railroad bond, or a state bond bearing o per cent., a bond subject to local and State taxation, or a 3 per cent. non-taxable Government bond which gives absolute security? I say, for one, that with such a trust resting upon me, I would feel it my duty, legally and morally, to invest that trust fund in Government bonds. In my State the amount of municipal, county, school, and State taxation upon any other kind of investments that you can name will reach, taking the average of the cities and counties of the whole State, 3 per cent.; and yet Illinois is without a State debt. She, perhaps, has the proudest financial record of any State in the Union. In many of the States burdened with enormous State debts taxation is much greater than 3 per cent. I submit, then, that a Government bond bearing 3 per cent. interest would be a better investment than a bond of the Northern Pacific Railroad or any other railroad bearing 6 per cent. interest; for when you deduct the taxes you would have but 3

cent. interest; for when you deduct the taxes you would have but 3 per cent. remaining.

Mr. CANNON, of Illinois, rose.

Mr. TOWNSHEND, of Illinois. My colleague perhaps is going to claim that in his county the local taxes are not so great as the figure I have mentioned. But most of the towns, cities, and counties of Illinois owe heavy indebtedness. I do not doubt that the municipal, school, and county tax, in connection with the State taxation of Illinois, will average 3 per cent., taking the whole State into consideration.

Mr. CANNON, of Illinois. On a valuation not exceeding one-third of the actual value. I hope my colleague does not want to slander his State and mine.

Mr. TOWNSHEND, of Illinois. I do not slander my State. I say that the rate of taxation in Illinois is less than in a majority of the States of the Union; and yet the rate of taxation there will average 3 per cent. on the assessment as fixed by the State board of equalization. I repeat that a 3 per cent. Government bond is a better invest-

tion. I repeat that a 3 per cent. Government bond is a better investment in Illinois than any railroad or other bonded investment at their present market valuation, bearing 6 per cent. interest.

Mr. KEIFER. Mr. Chairman, I have been opposed to legislating in this bill in such a way as to provide alone for the present state of things in this country. If we pass a bill of the kind indicated by the chairman of the Committee on Ways and Means, we are legislating for an exceptional condition of things in this country and in a particular part of the country. There is even a little more force and a little more consistency in the course of the gentleman from Illinois, [Mr. Townshend,] when he advocates the passage of a funding bill to provide for the issue of a bond that is to be sold alone in the London market. I sympathize with the distinguished Speaker of this don market. I sympathize with the distinguished Speaker of this

House when he talks about issuing a "popular loan;" but I know as well as I know anything that a 3 per cent. Government loan would not get a willing subscriber to a single dollar of it in any money center in Ohio, although the subscription might be kept open one hundred and fifty rather than fifteen days, as he suggests. I am in favor of a bond that our own people can and will take and hold. The bond should not be issued to be held alone by banks as a basis of banking or for a permanent investment, but they should be such as could be profitably held by trustees of charitable and educational trusts for

profitably held by trustees of charitable and educational trusts for the benefit of estates and for other proper purposes.

Mr. RANDALL, (the Speaker.) The gentleman is mistaken about any bond of the United States going necessarily to London.

Mr. KEIFER. I was speaking of the argument of the gentleman from Illinois, [Mr. Townshend,] who undertakes to prove that our bonds ought necessarily to be issued in such a way that they will go to London instead of remaining at home.

Mr. RANDALL, (the Speaker.) If the gentleman will examine the facts of the case, he will find that the flow of bonds back to our country has been enormous: and we are draining nearly every civil-

facts of the case, he will find that the flow of bonds back to our country has been enormous; and we are draining nearly every civilized country of its gold.

Mr. KEIFER. The flow of bonds has now largely ceased and they have commenced to go abroad again. I wish to have it understood that I believe that not a single bond, for \$100 if you please, would be willingly subscribed for in my district or in any other district of Ohio if the rate of interest is fixed as low as 3 per cent. You may force the banks to take these bonds if they do not go out of charter. But if they go out of charter and take up their circulation and contract the currency, who will take them? I suppose gentlemen on the other side who always make capital by assailing banks or corporations desire this—

desire this—

Mr. RANDALL, (the Speaker.) We have heard this sort of talk for the last twelve years. But it is a prophecy which is never fulfilled. These banks have never refused what we have offered them.

Mr. KEIFER. I only refer to what I have heard from gentlemen on the other side for four or five years past. I have heard two speeches from one gentleman to-day, and all there was in them was attacks upon the banks, except an indication that we ought to issue bonds for the Furnment market.

for the European market

Now I find strange things here. Gentlemen advocate a "popular loan" which cannot be popular—a loan which would only be taken in exceptional cases. Charitable and educational institutions, trust estates, and savings-banks might be forced for a time at least under some circumstances to take these bonds. Charitable and educational institutions would do it at a great sacrifice of their hitherto supposed permanent income, and the savings-banks in many cases would be compelled to discontinue the business which they are now doing for the poorer classes of depositors. We find combined and united here gentlemen who believe in no bonds at all, who believe in issuing notes to pay all the bonds, and gentlemen who are in favor of the least rate of interest on long bonds, so as to force these loans out of our country or into the hands of some special syndicate in some particular money center, perhaps New York City alone. In refunding the bonds soon to mature we should take into consideration the interests of all sections of our own country and the interests of all classes of our

sections of our own country and the interests of all classes of our people.

I wish to put into the Record a brief statement showing what a 4 per cent. bond would realize to the purchaser if issued for thirty years, for twenty years, or for ten years, at the various rates of premium that might be paid. I do it for the purpose of showing that the Secretary of the Treasury might sell a 4 per cent. bond at a premium and realize in exceptional times, such as the present, when money is cheap and bonds high, all the benefits which can be obtained by the Government from a 3 per cent. interest bond:

A 4 per cent bond for thirty years, the interest payable every six months, will produce 3 per cent. at a premium of 119.69; 3½ per cent. at a premium of 114.30; 3½ per cent. at a premium of 109.24; 3½ per cent. at a premium of 104.48. A 4 per cent. bond for twenty years will produce 3 per cent. at a premium of 110.97; 3½ per cent. at a premium of 107.15; 3½ per cent. at a premium of 103.50. A 4 per cent. bond for ten years will produce 3 per cent. at a premium of 104.19; 3½ per cent. at a premium of 106.36; 3½ per cent. at a premium of 104.19; 3½ per cent. at a premium of 102.07.

It will be noted that a 4 per cent. twenty-year bond sold at 114.96 would realize to the purchaser and holder 3 per cent. on his investment, and that a 4 per cent. ten-year bond would realize the same per cent. if sold at 108.58. If the Secretary of the Treasury was authorized to go into the market and sell 4 per cent. bonds to the highest bidder the Government would suffer no loss. One great risk in only authorizing the issue of a 3 per cent. bond is that the bonds may not be taken at all at par should times change before the time for refunding arrives. Those who favor the forced issue of low-rate bonds now, so that, if money becomes dearer and they are not worth par, the Government may buy them up on its own account and thus bonds now, so that, if money becomes dearer and they are not worth par, the Government may buy them up on its own account and thus speculate on its own indebtedness, may be statesmen—far-seeing statesmen. If such a course were premeditately planned and executed by wealthy and powerful individuals or corporations, then all good people would say they were dishonest. I may be pardoned, I hope, for saying that such a policy is unworthy of our Republic.

If the banks should be forced to take and hold 3 per cent bonds

as a security for their circulation, but a comparatively small portion

of the \$671,917,600 of 5 and 6 per cent. bonds, which become payable or redeemable in May and June next, would be taken. There are \$202,266,550 of sixes which are redeemable June 30, 1881, excepting of this sum \$710,550, which are absolutely payable July 1, 1881, and there are \$469,651,050 of the five percents redeemable May 1, 1881.

While I do not believe that a "national debt is a national blessing." I do holieve that a blessing it is a national blessing.

ing," I do believe that so long as this country must have a debt it is better that it should be held by its own people. Aside from adding to their and the country's prosperity, it adds to their patriotism very

to their and the country's prosperity, it adds to their patriotism very materially.

[Here the hammer fell.]

Mr. FELTON obtained the floor.

Mr. NEWBERRY. I rise to a point of order. Is not debate on the pending amendment exhausted?

The CHAIRMAN. The point of order is well taken. The discussion on the pending amendment was exhausted some time since, and it has been proceeding by general consent.

Mr. FELTON. I move to strike out the last word.

Mr. Chairman, in the matter we are now discussing the question of interest is not so important as the question of the time when these bonds are to be paid. The country cares but little for the mere difference between a bond bearing 3 per cent. interest per annum and one bearing 4 per cent. interest, but the country is deeply concerned in the question whether the Government intends to perpetuate this debt or to pay it off as rapidly as possible. We have here on this refunding question an illustration of the importance of delay and caution in legislative action. Last session of this present Congress we were asked to refund this maturing debt in bonds running for we were asked to refund this maturing debt in bonds running for thirty, forty, and I believe one proposition was made for fifty years, bearing from 3 to 4 per cent. interest, a measure practically perpetuating this debt, or for an indefinite period of time fastening upon the country this national mortgage—a mortgage upon the enterprises and industries of the reader.

and industries of the people.

Now, it is admitted by nearly all that a bond of the United States bearing a reduced rate of interest and redeemable at the option of the Government within one year or fifty years can be easily disposed of

at its face value.

Now, it is conceded by nearly all that this maturing debt and the entire national debt should be paid as rapidly as the resources of the

Government will permit.

Our country is growing in wealth and population—our resources are inexhaustible—our revenues are increasing from day to day. The surplus income of the Government over the estimated expenditures for the next fiscal year will amount to \$90,000,000. With this vast and ever-increasing production of wealth, and with this enormous surplus revenue, it is criminal to talk of ways and methods for continuing this day. tinuing this debt.

There can be no objection, it seems to me, to the recommendation of the Secretary of the Treasury and to the proposed substitute for the original bill offered by the gentleman from Pennsylvania, [Mr. Kelley,] to issue Treasury notes to the amount of about four hundred millions of dollars, bearing interest at the rate of 3 per cent. per annum, payable every year by the Government to the amount of the sinking fund for that year.

This proposed measure practically seek scide the expelse income of

sinking fund for that year.

This proposed measure practically sets aside the surplus income of the Government of each year for the payment of this debt. We must remember that the Government can pay no more of this debt per annum than our surplus revenues amount to, and by adopting these Treasury notes we reduce our annual interest and insure the speedy cancellation of this debt, as speedy as if no refunding measure was authorized by Congress.

If these Treasury notes to the amount of the maturing debt are resolved upon, then I see no necessity for the remaining portion of the honorable Secretary's recommendation, namely, that an amount not exceeding four hundred millions of bonds, bearing a rate of in-

not exceeding four hundred millions of bonds, bearing a rate of interest not exceeding 3.65 per cent. per annum and redeemable at the pleasure of the United States after fifteen years, be issued.

Both propositions are not necessary; and a bond passing beyond the power of the Government to redeem within fifteen years is highly objectionable, especially when it can be demonstrated that this entire maturing debt can be canceled within the next six or eight years. I desire to keep this debt always within the grasp of the Government. I am opposed to giving premiums for the privilege of paying our debts. The day you authorize these Treasury notes you place the entire national debt, now amounting to \$1,890,025,740, in process of liquidation. You set in motion the machinery which is to relieve the labor of this country from the burdens imposed upon it by this debt. You publish to all the world the fact that the debt is to be paid according to contract, by making every surplus gold and silver dollar a fund applicable only to its extinction.

The CHAIRMAN. The gentleman's five minutes have expired.

Mr. FINLEY. I will take the floor and yield my time to the gentleman from Georgia.

tleman from Georgia.

Mr. FELTON. I thank the gentleman from Ohio.

The financial prosperity of this country is attributable to various

First. The ability with which the finances of the Government have been managed. Differ as we may with the honorable Secretary of the Treasury in many of his financial ideas, and we do certainly differ with him, yet it must be conceded that he has administered the House.

financial affairs of this country with an ability rarely, if ever, equaled by any of his predecessors since the formation of the Government.

Second. The agricultural prosperity of the country has been a wonderful and perhaps the most important factor in this financial success. We have exported during the fiscal year ending June 30, 1880: Bread and breadstuffs, worth...... \$288, 036, 835

 Raw cotton, worth
 211, 535, 905

 Manufactures of cotton, worth
 9, 981, 418

 Tobacco and manufactures of tobacco, worth
 18, 442, 273

 Hemp and manufactures of hemp, worth
 1, 629, 259

 Heart month
 1, 629, 259

 9, 981, 418 18, 442, 273 1, 629, 259 2, 573, 292 2,776,823 This list of agricultural products exported to foreign countries

This list of agricultural products exported to foreign countries might be greatly extended, but by these articles alone the balance of trade is kept overwhelmingly in our favor. With the two single agricultural products of wheat and cotton we have and can maintain our financial supremacy among the nations of the earth. This demonstrates, what was already known to every intelligent mind, that agricultural prosperity is the basis of all real and permanent national wealth

Third. The next and very important factor in our financial success has been the remonetization and recoinage of silver. I am unwilling that any arrangement should be made for the settlement of this refundthat any arrangement should be made for the settlement of this refunding question without giving due prominence to this the principal agent in the payment of our debts. In all the congressional action of this country since 1875, I know of no measure enacted into a law by Congress which will live in the grateful memory of our producing classes with the same intensity as the remonetization of the silver dollar of 412½ grains. I know of no act of Congress that has contributed more to the revival of business, which has done more to lift the country out of the stagnation and gloom which was resting like a nightmare upon its industries. It made resumption of specie payment possible and practicable. It has quickened every department of labor. It has been a national blessing, strengthening the North and West, a cordial to the South when it was ready to faint. [Applause.] I know of no coin in such demand among and so acceptable to the farming and mechanical classes of the country. This silver dollar is going to remain with us. You may issue your edicts of excommunication against it, but this coin, with its firm hold upon the American mind, will never again be dethroned by a legislative act. Let it, then, be coined up to the full maximum standard required by the silver law, four millions per month, and let every dollar thus coined be paid out by the Government in canceling these bonds and meeting the ordinary expenditures of the Government. meeting the ordinary expenditures of the Government.

Our material prosperity at this time, I repeat, is wonderful, and our financial condition is the admiration of the world. Three hundred thousand emigrants every year coming into the United States from Europe, bringing some capital with them, and each and every from Europe, bringing some capital with them, and each and every one of them adding something to the productive capacity of the country; with our immense agricultural resources, and those resources being rapidly developed; our manufacturing industries constantly multiplying; the political outlook giving assurance to every patriot that in a few years sectionalism and political proscription will give place to a broad and liberal nationalism, binding together the various States, and our millions of citizens in one great brotherhood, one perfect Union—with such a country, with such a citizenship, every dollar of the national debt paid according to contract, labor freed from the excessive burdens of taxation now resting upon it, perfectly unencumbered, with the greatest facilities for accumulating wealth, we thus foresee a future for our country and our people surpassing in beauty, wealth, and power the dream of our prophetic fathers. [Applause.]

Mr. WARNER. Mr. Chairman, I wish to say a few words upon this amendment.

Mr. WARNER. Mr. Chairman, I wish to say a few words upon this amendment.

Mr. SIMONTON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SIMONTON. My point of order is that the discussion of the pending amendment is exhausted.

Mr. WARNER. I ask the gentleman from Georgia to withdraw the conformal amendment.

pro forma amendment.

Mr. FELTON. I have no objection to withdrawing the amend-Mr. SIMONTON. I understand the gentleman from Georgia did not

make the amendment.

The CHAIRMAN. There is an amendment pending, offered by the gentleman from Pennsylvania to the amendment already pending, which the Clerk will report.

The Clerk read as follows:

In lines 17 and 18, strike out the words "at the rate of 3½ per cent." and insert "a rate not exceeding 4 per cent."

In lines 21 and 22, strike out the words "at the rate of 3½ per cent." and insert "not exceeding 4 per cent." After the word "issue," in line 24, insert the words "it shall be the duty of the Secretary of the Treasury to inaugurate the sale or exchange of such bonds at the lowest rate of interest practicable."

Mr. WARNER. Now I move to make the rate 12 per cent. instead

of 4 per cent., in order to say a few words.

Mr. SIMONTON. Mr. Chairman, I make the point of order again that the pending amendments, which have not been acted upon, are as many as the committee can now entertain under the rules of the

The CHAIRMAN. The Chair thinks the point of order of the gentleman from Tennessee is well taken, and it is the duty of the Chair, inasmuch as the point of order has been made, to cause a vote to be taken upon the pending amendment.

The question was taken; and the amendment was not agreed to.

Mr. WARNER. Now, Mr. Chairman, I move to strike out the last word of the pending amendment. I desire to recall the attention of the committee for a moment to the question of time on the bonds proposed to be issued. I agree with my friend from Georgia that the question of time really ought to be settled first; then, after we have settled that question, the rate of interest can be fixed. Certainly if we fix on a low rate of interest the time must be extended. On the other hand if we reduce the time the rate of interest must be raised. other hand if we reduce the time the rate of interest must be raised, or the bonds will not be taken.

We know what the market rate of our securities is. This furnishes us a ready scale of interest. The four percents, as the gentleman from Connecticut has shown, are equal to a bond bearing a rate of interest Connecticut has shown, are equal to a bond bearing a rate of interest of something over 3.3 per cent. The value of bonds of 1881, five percents, are equal to a bond bearing a rate of 3½ per cent. interest. I must differ with some of my friends here as to what determines the rate of interest. Rate of interest is determined not by what the Government may fix as interest on its securities, but by financial laws over which this Government has no control whatever to determine. The credit of the Government has been often referred to during this debate. That, of course, is all-important; but I beg leave to say to the committee that the credit of this Government was established before the oldest member of this Hunse was born. It was established

The credit of the Government has been often referred to during this debate. That, of course, is all-important; but I beg leave to say to the committee that the credit of this Government was established before the oldest member of this House was born. It was established when the debt of the war of the Revolution was paid. It is not a creature of to-day. The credit of this Government was as well established and as good ten years ago as it is now. It was shaken necessarily to some extent during the war, because the question of the ability of the Government to pay its debts under the circumstances was then brought in question.

But neither its ability nor its purpose to pay is any longer questiened. Nor has it been in question during all the changes in the rates of interest. The rate of interest has changed everywhere under the operation of financial laws. The rate of interest varies in different parts of the country. West of the Alleghany Mountains it is one rate for the best credit, and west of the Mississippi another and a higher. East of the Alleghany Mountains it is lower, and on the other side of the Atlantic it is lower still. Possibly a 3 per cent. bond payable in ten or fifteen or twenty years might be sold in Europe, and a bond bearing a very low rate of interest, if sold at all, would have to go over there for a market. The fact that gold is coming this way is no proof that the bonds are not going the other way. The fact is, railroad securities are going over to the other side, and that is one reason why gold is coming to us now. There is, however, in my judgment, but one thing to consider, and that is, at how low a rate of interest can the Government borrow enough to fund the maturing debt? If it is decided to hold the option to pay in one, two, or at most say five years, on part of the debt to be funded, then the question is, at how low a rate can we borrow the money?

If you can borrow the money at 3 per cent., if you believe we can go into the market and borrow at 3 per cent, if you believe we can go

certificates for the public, and not exceeding a three-and-a-half rate for bonds which are to be received from the banks as security for their circulation. I close by saying that the important thing is to limit the time, especially the time when they become redeemable; and if it is understood that we are not going to put this debt out of the power of the Government to pay it at par, I am prepared to vote on this question at once. But if by adopting 3 per cent. interest it is proposed to lengthen the time of the bond, I am opposed to that.

[Here the hammer fell.]

Mr. WARNER. I withdraw the amendment.

Mr. NEWBERRY. Having listened to much that was interesting in this debate, I ask leave to have read the amendment which I send

The Clerk read as follows:

Strike out all of section 1 included between the word "hereby" in the fifteenth line to and including the word "issuing" in the twenty-fourth line, and insert the

line to and including the word "Issuing" in the country following:
"Authorized to issue bonds not to exceed \$450,000,000, redeemable at the pleasure of the United States after ten years, and payable thirty years from date of issue; also notes in the amount of \$250,000,000, and redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue, which notes it shall be lawful and national banks shall be permitted to hold as part of their legal reserve; and the interest on said bonds shall be 3 per cent. and the interest on said notes shall be 3‡ per cent."

Mr. NEWBERRY. Now, Mr. Speaker, after listening with a great deal of interest to all that has been said on both sides of the House, upon all sides of the question, I have attempted in the amendment which has been read to cipher down in words what it strikes me is

the prevailing condensed sentiment of this House in two or three particulars: First, it seems to be conceded that there should be a certain amount of bonds and a certain amount of notes; that these bonds should run for a time—ten years—when the option shall commence in which the Government may redeem up to thirty years; that the amount of those bonds shall be \$450,000,000; that then the Government shall issue \$250,000,000 of notes redeemable at two years from date and payable ten years from date.

Up to that point in the amendment I have said nothing about the rates, bearing in mind what the distinguished Speaker of the House said, that we had better settle upon one of those points first and then we could more easily arrive at a conclusion as to the other. After consultation it has been thought best to fix the amount first—not to

consultation it has been thought best to fix the amount first—not to exceed \$450,000,000 of bonds and \$250,000,000 of notes; the bonds to run ten-thirties, the notes to be two-tens. Now if we can get a vote upon that, amending the amounts if you please, we can then come to

the question of rate.

upon that, amending the amounts if you please, we can then come to the question of rate.

There is a difference of opinion as to what is the best rate of interest. The opinion of this House is quite manifest that on the longer bond we can get a lower interest. I therefore put in my amendment the rate of 3 per cent. on the bonds. On the notes I put, following the suggestion made near me here; a higher rate of interest, say 3½ per cent., but the Government has the right to take them up after two years under its option, and must pay them at the end of ten years. With that explanation of the amendment, I think it will appear that I have striven to embody the sense of the House.

Mr. RANDALL, (the Speaker.) I would like to ask the gentleman from Michigan a question, for his business experience entitles his judgment to great weight in this House and elsewhere. I would like to ask him whether there is in fact any value as to option on a 3 per cent. bond if it is in the power of the Government at all times to go into the open market and purchase such 3 per cent. bonds at par? To my mind, such power to purchase at par at all times is equivalent to option of redemption at any time.

Mr. NEWBERRY. I would answer the gentleman that a 3 per cent. bond would rarely rise above par.

Mr. RANDALL, (the Speaker.) Then the difference between a proposed option to the Government to redeem even in future, and its power to purchase the bonds in open market at par, as you state a 3 per cent. bond would rarely rise above par, amounts to very little.

Mr. NEWBERRY. Without that option the holders of bonds could compel the Government to pay a premium when it seeks to buy. The Government to pay a premium when it seeks to buy. The Government to pay a premium when it seeks to buy.

Government, it will be noticed, is generally buyer of large amounts, running up to millions, and is the only large purchaser of these bonds. Therefore in giving the Government the option to buy at the end of

the reference in giving the Government the option to buy at the end of ten years, you give a privilege which no ring or syndicate can possibly take advantage of.

Mr. RANDALL, (the Speaker.) I do not believe the power of the Government to go into the open market at any time and buy a 3 per cent. bond involves the extent of the option here attributed in the

case of the notes to be negotiated.

Mr. CLAFLIN. Will the gentleman from Michigan allow me to ask

him a question?

Mr. NEWBERRY. Yes, sir.

Mr. CLAFLIN. The gentleman is largely acquainted with the money interests of the West, and particularly of Michigan. How many bonds does he think the banks of the State of Michigan would

Mr. NEWBERRY. I will guarantee that the Second National Bank, of which I am a director, will exchange all the bonds that the funding bill may require them to do to retain their present circulation.

Mr. TOWNSHEND, of Illinois. Will that answer apply to all the

Mr. 10WhShERD, of links. Will that answer apply to all the trust funds of the West?

Mr. NEWBERRY. One at a time, if you please. I am asked by the gentleman from Massachusetts [Mr. CLAFLIN] as to what will be done in Michigan. I believe the banks generally where they hold the 5 per cent. bonds—and there are two hundred millions of them the 5 per cent. bonds—and there are two hundred millions of them—will exchange the 5 per cent. bonds for the 3 per cent. bonds, provided you relieve them from the taxation on circulation. I think I have answered the question fairly.

Mr. CLAFLIN. You say if we take off the tax—
Mr. NEWBERRY. Wait a moment; this is a practical question. I have said what the bank of which I am a director will do under the funding bill if it passes, and to that extent I feel authorized to speak.

While recently in Detroit I want to experienced distinguished.

Funding bill if it passes, and to that extent I feel authorized to speak. While recently in Detroit I went to experienced, distinguished bankers and asked them to tell me, considering the state of business and the material interest of this the central or rather the principal city of Michigan, how in their opinion I ought to vote on that question. Their combined opinion, agreeing with my own, was that it would be best for the whole country that the 3 per cent. funding bill should pass rather than the credit of the country should run risk of injury by its failure.

of injury by its failure.

As to the bank above referred to, they had no doubt but it would take the circulation under the funding bill to the extent the law might require, and that was said without any condition as to taxa-

Mr. CLAFLIN. For how many years would the bank take those bonds

Mr. NEWBERRY. As long as they used any circulation. [Here the hammer fell.]

Mr. BLOUNT. If I desired a long-time bond I would insist that the rate of interest should be settled first. The gentleman from New York [Mr. Fernando Wood] is of the opinion, and he may be correct, that if we are to have a 20-40 bond we can negotiate it at 3 per contract. cent. Other gentlemen insist that if we make these bonds redeemable at any time after one year, we may still negotiate them at 3 per cent.; and so these gentlemen are found co-operating together to fix the rate of interest at 3 per cent. Then when we come to the question of time, other gentlemen, who are satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the satisfied that a bond redeemable of the contract by the cont tion of time, other gentlemen, who are satisfied that a bond redeemable after one year cannot be negotiated at 3 per cent, being anxious to refund this debt, will be driven to co-operate with the gentleman from New York [Mr. Fernando Wood] and others who agree with him and make a long bond, or else fail entirely to pass any funding measure. I say, therefore, that if I wanted a long-time bond I would insist upon first settling the question as to the rate of interest. I believe that our true interest is not to fix this rate at 3 per cent., but to allow the Secretary of the Treasury some discretion. I recognize the fact that there is some other department of this Government besides the House of Representatives. I amnot over-eager totake all the responsibility upon my own party. I desire to put upon the Secretary of the Treasury the negotiation of these bonds, and I would limit the maximum rate of interest at 3½ per cent., and make the bonds redeem

or the Treasury the negotiation of these bonds, and I would limit the maximum rate of interest at 3½ per cent., and make the bonds redeemable after one year. If it shall be found that we have made a mistake, then at the end of the year the bonds can be taken up, and it will be no very great matter after all.

I trust, therefore, that we will not accept the proposition of a 3 per cent bond. If any mistake shall be made, it will be entirely within the corrective power of Congress. I would give the Secretary of the Treasury the right to negotiate a bond at 3½ per cent. and keep those bonds within the option of the Government for redemption after one year.

after one year.

Mr. HURD. I rise to oppose any measure of refunding which shall deprive the Government of the United States of the option it now

deprive the Government of the United States of the option it now possesses to redeem the bonds at any time, unless it shall be one which proposes new bonds with less rate of interest.

Let us understand distinctly this question. There are now due only \$14,000,000 of bonds. There are 6 per cent. bonds to the amount of \$200,000,000, not payable now, but redeemable at the option of the Government after a certain day of this year, and there are \$470,000,000 of bonds bearing 5 per cent. interest, not payable now, but redeemable at the option of the Government after the 1st of July, 1881. None of the debt is due to-day save \$14,000,000. The rest is a debt redeemable at the pleasure of the United States, but not now payable.

My proposition is to pay the debt which is due, and also to redeem the six percents out of money which the Government will have during this fiscal year and out of the proceeds which may be realized from the sale of bonds which the Government still possesses the power to issue.

The Secretary of the Treasury says that on the 1st day of July, 1881, there will be fifty millions surplus revenue. I say there will be more than ninety millions, because the Secretary deducts the amount which

than ninety millions, because the Secretary deducts the amount which is to be given to the sinking fund, and there is no sinking fund when we come to deal with the principal of the debt.

The receipts for the half year just ended show that there will be a surplus revenue exceeding ninety millions, in the neighborhood of one hundred and seven millions. There will then be that sum to be applied to the payment of the debt now due and to the redemption of the 6 per cent, bonds.

The Secretary of the Treasury has still the power to issue 4 per cent. bonds to the amount of one hundred and four millions. I would change that law so as to lessen the time for which the bonds shall run, and also to decrease the rate of interest. Out of the proceeds from bonds thus sold there may be realized enough, in addition to the surplus in the Treasury on the 1st of January, 1881, to pay off all the 6 per cent indebtedness.

the 6 per cent. indebtedness.

We have then left four hundred and seventy millions of 5 per cent. We have then left four hundred and seventy millions of 5 per cent. bonds. I say without hesitation that as between the proposition of the Committee on Ways and Means and the proposition of the Secretary of the Treasury to have twenty-year bonds issued, and the proposition not to refund the debt at all, I would be in favor of letting the 5 per cent. bonds stand as they are. In the first place, a twenty-year bond at 3 per cent., or 3½ per cent., will cost the people of this country more than these 5 per cent. bonds, even supposing that they are not paid within ten years.

But they will be paid before ten years. The Secretary of the Treasury estimates that on the 1st day of July, 1882, there will be a surplus revenue of ninety millions. And I have no doubt that from that time on until the ten years shall have expired there will be a surplus revenue, and that there will be no difficulty in getting rid of all these 5 per cent. bonds within five or six years.

5 per cant. bonds within five or six years. [Here the hammer fell.]

Mr. MILLS. I will take the floor and yield to the gentleman from

Mr. MILLS. I will take the noor and yield to the gentleman from Ohio, [Mr. HURD.]

Mr. HURD. I am much obliged to the gentleman from Texas.

Mr. FORT. I would like to have some time.

The CHAIRMAN. The gentleman from Texas [Mr. Mills] sought and obtained recognition from the Chair, after which he yielded his time to the gentleman from Ohio.

Mr. HURD. While I think there will be surplus revenue enough to pay off all these 5 per cent. bonds in a few years, I do not believe

there will be surplus revenue as anticipated by the gentleman from Texas [Mr. MILLS] and by the gentleman from Georgia, [Mr. Felton.]

I do not believe that this pretended prosperity of the country can long continue. I do not believe that prosperity in business in any country can long continue unless there is resumption of specie payments. And I confidently say, from all the information I have been able to gather on this subject, that the specie payments now claimed in this country is a delusion and a snare. It is based not upon specie honestly coined but upon false and fraudulent silver dollars which are in this country is a delusion and a snare. It is based not upon specie honestly coined, but upon false and fraudulent silver dollars which are untruthfully coined every day from the mint. [Applause on the republican side.] It is based upon legal-tender paper currency which has the power of discharging debts. Mr. Chairman, there can be no specie payment unless nothing but specie can pay debts. When you have a paper currency usurping all the functions of money, discharging all debts, you have no specie payments. In a little while this delusion as to specie payments will be dissipated, and then your prosperity will disappear and the husiness of the country will tonne into

delusion as to specie payments will be dissipated, and then your prosperity will disappear and the business of the country will topple into a chasm of ruin such as has never been seen in this country before. But even though the surplus revenue should not be sufficient to pay these 5 per cent. bonds, they can be paid out of the funds required by law to be put into the sinking fund. The sinking fund, as the Secretary of the Treasury states, will in the next ten years amount to \$520,000,000. The sinking fund is desired as a security for the payment of the principal of the debt; and when the principal is due it is absurd to talk about a sinking fund. Let the money which each year would otherwise go into the sinking fund go to the discharge of this debt, and in less than ten years I am sure the indebtedness will have been paid.

Mr. Chairman, if this theory of mine, that we should discharge these debts now when we can, is not to prevail, we shall have long-time bonds forced upon the country. The issue is whether we shall have long-time bonds or shall pay our debts when we can. For one I am in favor of paying our debts when we can.

in favor of paying our debts when we can.

There are two reasons why I am against these long-time bonds which have been proposed by the Ways and Means Committee. One is, that it will require the continuance of the sinking fund.

The payment of any part of the debt destroys, pro tanto, the necessity for a sinking fund. There is not an intelligent modern writer on finance who does not oppose a Government sinking fund, however it may be constituted. It leaves in the treasury large accumulations of money unused, which tempt to large appropriations. By these excessive accumulations, also, official integrity is tempted. When large amounts of money not needed for immediate expenditures are put under the control of any individual, the propensity of human nature is to spend that money. Under all governments a sinking fund has been shown to be a source of embarrassment and corruption in the administration of public affairs. administration of public affairs.

administration of public aliairs.

[Here the hammer fell.]

Mr. BLAND. I would like to ask whether the gentleman from Ohio [Mr. HURD] did not make a speech in favor of the silver dollar?

Mr. BELFORD. Mr. Chairman, I seldom address this House on any subject; and inasmuch as I intend to vote against the bill reported by the committee it is but due to myself and my constituents that I should state my reasons for so doing. I do not regard a national debt as a national blessing. I do not regard the indefinite continuance of the present banking system as paramount to the substantial debt as a national blessing. I do not regard the indefinite continuance of the present banking system as paramount to the substantial interests of the people. The perpetuation of a national debt, when we have he means at our disposal to discharge it, is undemocratic and unrepublican. England began her national debt in 1692, when Monague brought forward his bill for the loan of a million pounds. From that hour forward that debt has been steadily increasing, and to-day, according to the statement made by the honorable gentleman from Pennsylvania, [Mr. RANDALL,] England never expects to pay it. In 1879 the debt of the British Empire amounted to £966,250,000, and during the present century that empire has paid more than two during the present century that empire has paid more than two thousand millions of pounds interest, and the debt has not been diminished. All the leading European governments have large debts, and in my judgment the principal of them will never be paid. Spain owes £500,000,000; Russia, £420,000,000; Austria, £386,000,000; Italy, £400,000,000. The reports from our consuls who represent our interests in those countries show us the condition of the toiling millions. Powerty and want are the prevailing features. Every man's industry Poverty and want are the prevailing features. Every man's industry, every man's farm is mortgaged to the moneyed interest of those countries; and nothing but a future revolution will rescue these people from the intolerable despotism of a money-grabbing aristocraey, who neither sew nor spin, but who live always and constantly on the sweat and labors of their fellows.

I am opposed to this scheme for many reasons, which are satisfactory to my own mind if not to others. This bill proposes for twenty years, possibly for forty, to exempt well nigh seven hundred millions of capital from State and municipal taxation and to transfer these burdens to the sweating foreheads and feverish hands of the

toiling millions of this country

toiling millions of this country.

To fully understand the mischief of this bill, it is wise to consider the following facts. On the 31st of August, 1865, when our interest-bearing debt had reached its highest point, we owed \$2,381,530,295; on the 1st of July, 1880, we owed \$1,723,993,100. In fifteen years we have paid \$657,537,195. In addition to this, it is well enough for us to consider the amount of non-interest-bearing debt which we have paid. In 1874 our non-interest-bearing debt amounted to \$515,000,000;

July 1, 1880, it amounted to \$388,500,000. It appears, then, that during fifteen years we have reduced our indebtedness \$784,037,195; and during all this time we were paying a large rate of interest on the great bulk of this indebtedness. It is now proposed to tax the agricultural, manufacturing, and commercial interests of the people for twenty and possibly for forty years in order to perpetuate a debt which, in round numbers, I shall fix at \$700,000,000; and as an inducement we are told that we can borrow this money at 3 per cent. Interest. Suppose we refused to refund and continued to pay 6 per cent., what harm will come to the country? come to the country?

In his last annual report the Secretary of the Treasury estimated that the surplus revenues for the current fiscal year would be \$90,-000,000. The correspondent of the New York Times, Mr. Carson, a most careful and painstaking gentleman, fixes it at \$95,000,000. If this surplus revenue continues for eight years we could pay this debt during that time even at 6 per cent. interest, and gain by that operation over \$235,000,000. The first year we would pay in interest \$42,000,000, the second year \$36,600,000, the third year \$31,200,000, the fourth year \$25,800,000, the fifth year \$20,400,000, the sixth year \$15,000,000, the seventh year \$9,600,000, the eighth year \$4,200,000. The total amount of interest paid would be \$184,800,000, and the debt would be extinguished.

would be extinguished.

Now, suppose we refund at 3 per cent. for twenty years, the minimum term proposed, what amount of interest will we pay? It will be twenty-one millions a year, or \$420,000,000 in the twenty years, and thus the principal of the debt will remain undischarged. Under the6 per cent. or non-funding plan we will have paid \$8.4,800,000, and extinguished the debt. Under the proposition to refund in a 20-40 bond we will pay at 3 per cent. \$420,000,000, and the principal will remain unsatisfied. Under the first plan we pay \$84,800,000; under the proposed plan we pay \$1,120,000,000. In other words, for allowing the bondholders to enjoy \$700,000,000 of capital untaxed we pay them a bounty of \$255,000,000. In my judgment this is a scheme of gross oppression. gross oppression.

Now, Mr. Chairman, I wish to call the attention of the House to a few other matters. During the month of December the reduction of the public debt was \$5,699,431, and for six months nearly \$43,000,000. There has been an enormous increase in the public revenues during the year, as appears from the following exhibit:

Source of revenue.	1880.	1879.
Customs	\$200, 133, 133 131, 240, 466 28, 117, 141	\$153, 448, 844 116, 617, 597 23, 487, 490
Total	359, 496, 740	293, 553, 931

By these figures the aggregate receipts for the calendar year 1880 exceed those of 1879 about sixty-six millions. And yet, with these facts of a marvelous increase staring us in the face, we are asked to enter into a contract whereby our right to pay the national debt shall be taken away from us for twenty and probably forty years. Such a policy is a crime against the interests of the people; and any party that tolerates it will suffer in the popular judgment.

There have been some peculiar features attending this debate. I was not surprised at the speech of the gentleman from New York, [Mr. CHITTENDEN.] He has gone wild on the gold standard theory, and every session denounces every one who favors the silver coinage as a thief and a robber. Blinded by his rage against all money save that preferred by the Wall street sharks, he overlooks the fact that silver was the coin of this country before the Constitution was adopted. It was the coin of all the States during the Confederation. Each State reserved the right to regulate the value of foreign coin, though the States gave to the Confederation the right to regulate the value of their own if nine States agreed to it. There being a want of uniformity in the coinage of the States and a want of uniformity in the value of foreign coins, when the States came to adopt the Federal uniformity in the coinage of the States and a want of uniformity in the value of foreign coins, when the States came to adopt the Federal Constitution they relinquished their right to coin money to the General Government. In doing so they never contemplated that silver, which as a coin had antedated the Constitution, would cease to be money, for they reserved to themselves the right to make gold and silver coin a legal tender for all debts. Both were money, and the only power that the States parted with was the power to coin this money and make it a legal tender. They did not give to Congress the right to take away its legal-tender quality.

In 1869, at the bidding of the bondholders of this country and Europe, we passed the public credit act, by which we made our bonds payable in coin or its equivalent. This inured to their advantage. When we funded our debt under a provision allowing it to be paid in coin or its equivalent, we were told that the word "coin" meant gold and not silver; and Eastern statesmen labored long and arduously in the Senate to convince the people that coin meant gold and did not include silver. If any man doubts this, I refer him to the

only in the Senate to convince the people that coin meant gold and did not include silver. If any man doubts this, I refer him to the speech of Senator Edmunds on the resolutions introduced by Senator Matthews, of Ohio. The gentleman from New York [Mr. CHITTENDEN] says that he is a simple merchant and not a lawyer, and that he can not communicate his views in apt phrase to the House. The gentleman seems to be an adept and expert on the gold-standard theory;

and he is to be pitied if he does not understand that the word "coin" means that which may be coined into money. The act of 1837 provided for the coinage of the silver dollar. Under this act existed the vided for the coinage of the silver dollar. Under this act existed the right to coin it. We might coin it in greater or less quantities, but the right to coin it continues while the act remains in force. If the Government contracts a debt, while the right to coin silver exists, which is payable in coin, then even a simple merchant should know that payment can lawfully be made in any coin which the Government has the right to coin or issue. A wayfaring man though a fool could understand that, if he were actuated by honest purposes. But this gentleman proposes to stop the coinage of silver, to destroy the greenback, and to hand us over to the bankers and robbers of the country; and because we will not march to his music we are "obnoxious to the charge of dishonesty." The republican party cannot afford to follow his leadership, unless it is willing to surrender the Western States.

I for one am opposed to retiring the greenbacks; and I wish to call the attention of the House to a few facts of recent date that should not be forgotten. On the 29th of April, 1878, the gentleman from Illinois [Mr. Forr] moved to suspend the rules and pass the follow-

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes; and that when any of said notes may be received into the Treasury under any law from any source whatever and shall belong to the United States they shall not be retired and canceled or destroyed, but they shall be reissued and paid out again and kept in circulation. (See RECORD, Forty-fifth Congress, volume 7, part 3, page 2928.)

This bill passed by a vote of 177 to 35. When the bill reached the

Senate, Mr. BAYARD, a gold-standard man, offered an amendment, as

Provided, That the said notes when received shall be receivable for all dues to the United States, excepting duties on imports, and not to be otherwise a legal tender; and any reprint of these notes shall bear this superscription.

The amendment was defeated by a vote of 18 to 42. (Record, Fortyfifth Congress, vol. 7, pages 4 and 3868.) The bill was passed without amendment by a vote of 41 to 18. In view of this act, so recently passed by both branches of Congress, I am unwilling to forego and abandon the pronounced views of the republicans as expressed in the Forty-fifth Congress, even at the bidding of the gentleman in whose

view everything turns to gold.

And, now, Mr. Chairman, I desire to give the republicans from the East a word of friendly advice. Silver-mining is one of the chief industries in this country. Millions of dollars are invested in it, and we people who live among the mines have become wearied at this incessant war waged against us by such gentlemen as the Representative of the Brooklyn district.

If it is right to protect the iron interest in Pennsylvania, why is it not right to protect the silver interest of Colorado? If it is right to protect the copper of Michigan, the sugar of Louisiana, the shipping interest of Maine, why is it wrong to extend a friendly hand to our great industry in the new West?

These are facts for eastern members to consider; silver is the money These are facts for eastern members to consider; silver is the money of the people, gold the money of the bankers. I stand for the rights of my people as the gentleman from Pennsylvania [Mr. White] stands for the rights of his. You ask me to protect pig-iron. I ask you to protect silver. The gentleman from Michigan [Mr. Congen] asks me to protect copper. I ask him to extend a friendly glance to silver. Refuse us this demand, which is in your power to do, and I will say to you that the time will shortly come when the toiling millions who are bringing their treasures from the mountains to fill your eastern coffers, only to have such treasures discredited and disgraced at the hidding of the hondholders and gold-hugs will rebel against your coffers, only to have such treasures discredited and disgraced at the bidding of the bondholders and gold-bugs, will rebel against your pretensions and will seek new alliances under a new banner where pretensions and will seek new alliances under a new banner where their rights will receive recognition. They will, in my judgment, be mortgaged neither to the banker nor the bondholder. We will insist that the Secretary of the Treasury, executing a law which provides that our national indebtedness shall be paid in coin, shall discharge it in silver as well as gold. Silver is the money of the Constitution, and we insist that it shall be respected. We know that if the legal-tender quality of the greenback is destroyed the banks will refuse to receive it on deposit, as they threaten to refuse silver. We are not ready to acknowledge the sovereign whose head is of gold and whose feet are of iron, because this sovereign meant mischief in biblical days to God's honest poor. Neither the gold head furnished by New York nor the iron feet furnished by Pennsylvania will deter us from our purpose. We propose to have the currency of the Constitution, gold and silver and paper, convertible into coin under the republican banner, or under that of some other party which has at least a decent respect for the rights of man. [Laughter and applause.]

[During the delivery of the foregoing remarks, Mr. HARRIS, of Virginia, and Mr. FORT successively obtained the floor, and each yielded five minutes to Mr. Beleford.]

ginia, and Mr. FORT successively obtained the noor, and each yielded five minutes to Mr. Belford.]

Mr. FORT. Mr. Chairman, there are two questions presented in this bill. One is a question as to the time the bonds should run, the other as to the rate of interest that should be paid. The more important of the two, in my judgment, is that relating to the time the bonds should run. I agree with the gentleman from Pennsylvania, the Speaker of this House, that one thing should be settled at a time. We have the right to fix the time the bonds shall run. We have complete control of that question; but we cannot fix the rate of interest

which we must pay. The rate of interest will be fixed by the money market, and not by Congress. We should first determine how long our bonds should run, which we ascertain by our prospective revenues, our prosperity, and ability to pay. The first thing to settle is how long we expect to borrow money, and then we must pay whatever interest we have to pay, be it 3 per cent. or more. The moneymarket will fix it in spite of anything we can do here.

For my part I am in favor of a reasonably short time, even if we have to pay a little higher rate of interest. We can certainly pay this debt soon in view of what we have been paying, what means we have now on hand and what we may reasonably expect to receive in the near future. I am in favor of paying our debt, and not making it perpetual. Debt is no blessing to such a people as we are. Dr. Franklin said, "He who goes borrowing goes sorrowing." We had in the Treasury, Mr. Chairman, on the 3d day of this month more than \$200,000,000 of coin and bullion; \$61,481,244.71 in gold coin, \$95,260,851.05 in gold bullion, \$48,190,518 standard silver dollars, \$24,769,057.32 fractional silver coin, and \$6,183,224.05 silver bullion, making in all \$235,884,895.14 in the Treasury all in hard cash. It is true it was not all subject to order, but there was on that day \$156,000,000 and more of gold coin and bullion every dollar and ounce of which was subject to order to meet liabilities already accrued and to accrue. And as to silver, I wish to correct a statement I made day before yesterday, when the gentleman from Iowa [Mr. Weaver] had the floor, in reference to the amount of silver dollars in the Treasury. The gentleman from Pennsylvania [Mr. White] asked the gentleman from Iowa how much of this \$48,000,000 was in the Treasury. The answer was made by the gentleman from Iowa that he understood it was nearly all there. I know he desires to be correct, and certainly does not interposed a remark that about \$19,000,000 of it was represented by certificates of deposits, which I understood for this month before me, which is as follows:

Statement of liabilities and assets of the Treasury of the United States from latest returns received. LIABILITIES.

Post-Office Department account.....

\$2,354,195 79

Disbursing officers' balances	19, 834, 984 31	
dation," and "reducing circulation"	20, 852, 614 85	
Undistributed assets of failed national banks	565, 022 06	
Five per cent. fund for redemption of national bank	15, 348, 997 87	
Fund for redemption of national-bank gold notes	448, 185 00	
Currency and minor coin redemption account		3, 028 54
Fractional silver coin redemption account		54, 436 60
	30, 976 50	
Interest account, Pacific Railroads and L. & P. Cana	al Company	423, 990 00
Treasurer United States, agent for paying interest	on District of	100000000000000000000000000000000000000
		473, 723 64
Treasurer's transfer checks and drafts outstanding	************	6, 293, 874 41
Treasurer's general account, interest due and un-	917 616 040 91	
Treasurer's general account, matured bonds and	\$17, 616, 940 31	
interest	6, 308, 163 36	
Treasurer's general account, called bonds and in-		
terest	5, 221, 291 51	
Treasurer's general account, old debt	811, 825 71	
Treasurer's general account, gold certificates	6, 658, 880 00	
Treasurer's general account, silver certificates	45, 582, 130 00	
Treasurer's general account, certificates of deposit. Treasurer's general account, balance, including	7, 005, 000 00	
bullion fund	133, 786, 356 82	
Total Treasurer's general account	222, 990, 587 71	
Less unavailable funds	690, 848 30	
Less unavanaoto lunus	000,010 00	222, 299, 739 41
		288, 983, 768 98
ASSETS.		,,
Gold coin	\$61, 481, 244 71	
Gold bullion	95, 260, 851 06	
Standard silver dollars	48, 190, 518 00	
Fractional silver coin	24, 769, 057 32	
Silver bullion	6, 183, 224 05	
Gold certificates	130, 500 00	
Silver certificates	9, 454, 410 00	
United States notes	15, 741, 818 06	
National-bank notes	4, 119, 998 20	
National-bank gold notes	122, 830 00	
National control of the second	53, 665 64	
Fractional currency		
	12, 901, 607 22	92
Nickel and minor coin	850, 856 37	
New York and San Francisco exchange	2, 128, 000 00	
One and two year notes, &c	535 50	
Redeemed certificates of deposit, June 8, 1872	25, 000 00	
Quarterly interest checks and coin coupons paid	3, 216, 559 55	
Registered and unclaimed interest paid	4, 061, 389 50	
United States bonds and interest	68, 405 14	
Interest on District of Columbia bonds	14, 853 24	
Speaker's certificates	208, 436, 42	

288, 983, 768 98 JAMES GILFILLAN, Treasurer United States.

208, 436 42

TREASURY OF THE UNITED STATES, Washington, D. C., January 3, 1881.

It appears from this statement that in round numbers there were forty-eight millions of silver dollars in the Treasury, and further, that \$45,000,000 of that \$48,000,000 was represented by silver certificates of deposit and floating among the people in that shape.

The CHAIRMAN. The gentleman's time has expired.

Mr. CHALMERS. I am willing to yield my time to the gentleman from Illinois if I can be heard when he has concluded what he has to

Mr. FORT. I only wish a minute or two more, and I will then yield the floor to the gentleman from Mississippi, who so kindly yields

yield the floor to the gentleman from Mississippi, who so kindly yields to me.

Mr. Chairman, there are in round numbers \$45,000,000 of silver certificates in circulation, \$9,000,000 of which have found their way back into the Treasury, so that to-day there are \$36,127,711 of silver certificates still in circulation, and there are but 12,062,807 of silver dollars in the Treasury subject to order.

Some of our friends complain that silver will not circulate, and that it is hoarded in the Treasury. Now, why do they not complain that gold will not circulate and that it is hoarded in the Treasury. There was in the Treasury on the 3d of this month \$156,741,095.77 in gold coin and bullion, and only \$12,062,807 in silver; and if my friend from New York now before me [Mr. Chittenden] should go to the Treasury with his draft for \$13,000,000 and desire silver dollars he could not get them, because they are not there. They are out circulating in shape of silver certificates among the people.

I merely wish to state this in order to correct myself, and to correct the gentleman from Iowa, and to correct especially the impression which is abroad that silver does not circulate, and is hoarded, which is not the fact. I wish I had time to reply to some of the extreme statements just made by the gentleman from Ohio. It is quite possible that the weight of the silver dollar will have to be readjusted when the other great commercial nations get ready to join us, but let us proceed cantiously, so that we may not have to retrace our steps in this regard. The President-elect wisely stated in his letter of acceptance of the republican nomination that "the great prosperity which the country is now enjoying should not be endangered by any violent changes or doubtful financial experiments." This is the true policy.

I am obliged to the gentleman from Mississippi for his kindness.

the true policy.

I am obliged to the gentleman from Mississippi for his kindness, and yield the floor back to him.

Mr. CHALMERS. Mr. Chairman, we have a debt of about six hundred and seventy million dollars which it is constantly said matures in 1881, but which in truth only becomes payable then if we choose to pay. Of this debt about two hundred millions bear 6 per cent., and about four hundred and seventy millions 5 per cent. interest, and we are asked to refund this debt, in order to save interest, into bonds bearing 3 per cent.; some say into bonds having many years to run, and others say into Treasury notes payable in twelve years. Whether we shall refund this debt or not involves two questions: one a mere question of dollars and cents, and the other a grave question of gov-

ernmental science.

The first question depends upon the fact which no man has yet affirmed or can affirm, whether we can borrow money at 3 per cent. or not. But for the sake of the argument I am willing to admit that or not. But for the sake of the argument I am willing to admit that we can borrow money at 3 per cent. even on Treasury notes payable in from two to twelve years, and yet I am not convinced that we can save any money by the operation. If it be true, as asserted, that we can by a proper application of the coin now in the Treasury and our annual surplus revenue pay off this debt in six years, there will be but little difference between paying 6 and 5 per cent. for six years or 3 per cent. for twelve years. Governments are like individuals, and a debt postponed is too often regarded as a debt discharged, and the money which would pay the debt is liable to be used for other and perhaps unnecessary purposes. I am opposed, therefore, to any postponement of the debt and any diversion of our funds on hand or our surplus revenues from its payment. I believe there is more certainty surplus revenues from its payment. I believe there is more certainty in its discharge and more economy in attempting to pay the debt as it stands than in attempting to refund it in any manner whatever. Again, I am opposed to refunding this debt because it will change

the contract.

These bonds are now payable, both principal and interest, in silver, and if we change the contract we may lose the advantage and may bind ourselves to pay them in gold. I listened with pleasure and also with profit to the learned and exhaustive argument on this bill from the distinguished gentleman from Ohio, [Mr. Warner,] but I had one very serious objection to his speech.

He said these bonds were by the letter of the contract payable either in silver or gold—412½ grains of one metal to the dollar, and 25.8 grains of the other. This proposition I deny. I deny that there was any such double meaning to the world dollar when these bonds were issued, and I defy any man to show it. The word dollar controls all of our contracts, and this word depends for its meaning upon the definition given to it by law. There is no such thing as a dollar of commerce or a dollar of the world. There is a Spanish dollar and an American dollar, both of which are defined by law and dependent entirely upon law for their meaning. The promises in these bonds are promises to pay dollars in coin of its then standard value, and it was the duty of those who took these bonds, if they did not know, to examine the statutes of the United States and learn what was meant by this word dollar. If they had examined the law, or if the gentleby this word dollar. If they had examined the law, or if the gentle-men of this House will now examine it, they will find nowhere from 1792 to 1873 any statute defining a dollar to be 25.8 grains of gold. There was not during all that time, and there was not when these bonds were issued, any definition of the word dollar except in grains of silver.

In 1849, when for the first time a gold dollar was authorized to be coined, the statute said a gold dollar shall be coined of the value of a dollar. The first coinage act of 1792 defined a dollar to be 371½ grains of pure, or 416½ grains standard silver. The act of 1837 reduced the amount of alloy, making it 412½ grains of standard silver, and that was the definition and the only definition of the word dollar at the time when the gold dollar was first authorized to be coined and when these bonds were issued. That then was the dollar of the contract and the is the only dollar these bondholders could collect if contract and that is the only dollar these bondholders could collect if

contract and that is the only dollar these bondholders could collect if they were suing on these bonds in a court of law.

But we have been told that the silver dollar is a dishonest dollar and that it is worth but eighty-seven cents. In our coinage the cent is a copper piece, and I might reply by saying that the bullion value of a cent is about the eight-hundredth part of a silver dollar. Or I might say that in legal contemplation the cent is always the one-hundredth part of a dollar, and therefore it is absurd to speak of a dollar as worth but eighty-seven cents. But I know that gentlemen who use this language mean that 412½ grains of silver in bullion value is only worth eighty-seven cents if 25.8 grains of gold be the standard of value for a dollar.

And this brings us to the most serious question in this matter of our coinage. The dollar is our unit of value, and while I am in favor of bimetalism in our coinage, I am opposed to a double standard of value. Gold and silver vary in their relative value, and one must be the standard to measure the value of the other. From 1792 to 1873 silver was the standard by which we measured gold, and in 1834 and

value. Gold and silver vary in their relative value, and one must be the standard to measure the value of the other. From 1792 to 1873 silver was the standard by which we measured gold, and in 1834 and 1837, when we found that 270 grains of gold which composed the eagle was more than of the value of ten silver dollars, we said 258 grains of gold should be an eagle. But in 1873, for the first time, 25.8 grains of gold was defined to be a dollar, and the unit of value. This statute stopped the coinage of silver dollars, but it did not repeal the statute which said 412½ grains of silver should be a dollar and the unit of value, so that then, for the first time, we had a double standard, although for a term we had no silver coinage. In 1878 we reauthorized the silver coinage, and now we have both bimetalism and a double standard. These bonds, as I have said, were issued when we had the single silver standard, and if we refund them now we may subject ourselves to pay in gold. Our friend from New York [Mr. Chittender] tells us the silver dollar is worth thirteen cents less than the gold dollar, and if this is so, and we pay in gold a debt that is payable in silver, we lose thirteen cents on every dollar, and about eighty-seven millions in the payment of these bonds. The people of the United States have been swindled enough in the refunding of our debt, and I hope no more such frauds will be practiced upon them. We lost millions by refunding the bonds payable in greenbacks into bonds payable in coin, and we will lose millions more if we refund bonds payable in silver into bonds payable in gold. If we were out of debt we might select any standard we chose, and if we were the creditor nation of the world we might select that metal which has most frequently enhanced in value and is likely in future to be the most valuable; but we are a debtor people and good faith requires that we should preserve, as nearly as possible, our laws as they stood when our debts were contracted. For at last all coins, whatever may be their bu

whatever may be their bullion value, are made legal-tender money only by law. The bullion value of one hundred copper cents is about twelve cents, and yet their money value, when coined, is one dollar. The bullion value of one hundred nickles is about seventy-five cents, and yet their money value is five dollars, and hence it is not strange that the bullion value of 412½ grains of silver should be eighty-seven cents in gold, while its money value by law is one dollar.

In London, in the great crisis of 1847, not a pound of English money could be borrowed on a deposit of £60,000 of silver, because silver was not a legal tender above thirty shillings. In Calcutta, in 1864, not a rupee could be borrowed on £20,000 of gold, because gold was not a legal tender for any amount in India. The American dollar, whether of gold or silver, is not a legal tender in foreign countries, and can therefore only pass for its bullion value. Hence it makes no difference whether we put four hundred or five hundred grains of silver in what we call a dollar, it will only pass at last for its bullion value abroad. On the other hand, if the money value of our coin exceeds its bullion value, it will stay at home, and we will run no risk of being paid in our light-weight dollars by our foreign debtors, for they will have none of them to pay with.

It is true that "the extent of international trade generally depends upon the means available to liquidate balances," and to this extent it is necessary to consider the demands of the commercial world. If we consider the world by the number of its inhabitants far the greater number receive silver as money.

Nations in which silver is the only full legal-tender money.

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The nations which make silver the standard of payment and the money of account, are Russia, Austria, Mexico, Central America, Ecuador, Peru, China, and British India. These nations number about eight hundred millions of souls, being a large majority of the human race. If we make our money to correspond with that of Great Britain, compared with that of these nations, the former has 32,000,000 of people, the latter had 800,000,000 of people.

Nations which make both gold and silver coin full legal-tender money at 15½ or 16 to 1. The United States, Greece, Roumania, Colombia, Venezuela, Chili, Urugnay, Paraguay, Japan, Holland, France, Belgium, Italy, Switzerland, and Spain; the population of these countries amounts to 187,000,000, which added to 800,000,000 make 987,000,000 people, all of whom make silver full legal-tender money, without regard to the few nations which have demonstrated it. Nations which have demonetized silver.

The nations which have made gold the only full legal-tender money are Great Britain, some of her colonies, Germany, Denmark, Sweden, Norway, and Portugal, which number about 100,000,000 people.

If we consider the world in its commercial relation with us we must If we consider the world in its commercial relation with us we must give great heed to the demands of England, which is the commercial and monetary center of the world. But looking to either I cannot see what advantage it would be to us to change the definition of our word dollar by adding more grains of silver to it. If we owe a debt to England, it will be expressed either in dollars or in pounds, shillings, and pence, usually denominated sterling money. If our debt is payable in dollars, we pay according to our own definition of the word; if in sterling money, we pay in the bullion value of our coin, and it is immaterial in this case what value we stamp on our coin. So and it is immaterial in this case what value we stamp on our coin. So at last it is a question for us and not for other people to determine what shall constitute the American dollar. The great advantage of foreign trade consists in the exchange of exports; money is only essential to settle the balance of accounts. If the balance is in our favor, we are paid in silver or gold coins of other nations at their bullion value; if the balance is against us with a silver-money country like India, we pay in silver at its bullion value; if the balance is against us with England, we must pay in gold at its bullion value and not its stamped value. The addition of 100 grains to our silver dollar would not make it pass as money in England or any gold-money country, and we rate silver lower now than any silver-money nation. It is therefore ridiculous to talk of adding more silver to our dollar to meet the demand of the commercial world. We can only conform to what are called the demands of the gold-standard commercial world by demonetizing silver entirely. But we are the greatest silver-producing country of the world, and we cannot afford to strike it from our coinage.

We should in fact repeal the definition of a dollar in gold and re-store silver to its former position as our standard of value, and if this should for a time drive gold coin from our country it would not place should for a time drive gold coin from our country it would not place us in as bad a situation financially as we now are. We now rate silver at 16 to 1 of gold, which is a lower ratio than is adopted by any other nation of the world. If we should adopt silver and discard gold entirely as money, it would increase the value of our silver. But we have adopted both as money, and I am opposed to increasing the value of either metal by discarding the other. Justice to ourselves demands that we should restore our coinage laws exactly as they were when these debts were contracted, and good faith to our creditors can demand no more; and justice to our posterity, to whom we propose to leave the legacy of our debts, demands that they should not be required to pay a dollar heavier in weight or more precious in metal than their fathers promised to pay.

A distinguished writer has said, "Abraham Lincoln described the Government of the United States as one of the people, by the people, and for the people," but his successors have perverted it into one "of the bondholder, by the bondholder, and for the bondholder." During our late canvass for President the public were amused and deluded by the payment of the debt at the rate of from six to eleven millions per month, and by their votes they indorsed this rapid cancellation of

month, and by their votes they indorsed this rapid cancellation of their bonds. Now that the election is over, and the offices secured for another four years, the payment ceases and we are asked to refund at long time.

But, Mr. Chairman, I pass from the question of dollars and cents

to the question of governmental science.

A postponement of the debt may lead to its perpetuation. The moment the pressure of payment is taken from us we will hear loud demands for fortifications and military preparation on our sea-coast, and at the same time a demand for large expenditures on our Navy, and our surplus revenues will not only be absorbed but perhaps further indebtedness incurred, and when our debts again fall due we will be compelled again to extend them.

But, sir, there is another and most serious objection to refunding this debt. The democratic party has been denouncing the republicans for creating a bomb-proof sanctuary for the investments of capitalists, where they would pay no taxes, and now a democratic Congress is talking about doing the same thing. When money is growing scarce in trade and when all classes of industries are laboring under heavy loads of taxation a democratic Congress is talking about again by increase the Congressis talking about again by increase the Congressis talking about again

neavy loads of taxation a democratic Congress is taking about again bringing the Government into the market as a borrower to compete with its citizens, and, worse still, are talking about creating six hundred and seventy millions of property that shall pay no taxes.

Sir, there are a thousand industries in every part of this broad land only awaiting the quickening influence of capital to spring up, and yet a democratic House is talking about offering inducements to bankers to hide their money in Government bonds. I have seen the demoralization of defeat on many fields. I have seen cannoniers the demoralization of defeat on many fields. I have seen cannoniers cutting loose their horses; I have seen infantry in flight throwing away their arms, and I have seen hatless horsemen in wild retreat; but, sir, if a democratic House shall change bonds payable in silver into bonds payable in gold, and shall create six hundred and seventy millions of wealth to bear no share in the burden of taxation, I shall confess that I have never seen demoralization before. I am opposed, sir, to any refunding whatever. I shall vote to amend the bill as far as I can, and then I shall vote against it when amended

There are three classes who favor a perpetuation of our debt: the protectionist, who desires an excuse for a high protective tariff; the

national banker, whose existence depends on a national debt; and the centralizer, who believes a national debt a national blessing. To each and all of these I am utterly opposed, and hence I oppose this bill.

Mr. GILLETTE. Mr. Chairman, the gentleman from Connecticut [Mr. Hawley] made a remark to which I wish to call the attention of the committee. He stated that undoubtedly a 3 per cent. Treasury note or bond could be issued at par, provided we would permit that note to be made a circulating medium, for we take such notes now without any interest. He objected to issuing such a note; he preferred that this Government should pay a higher rate of interest rather than to allow the debt to be used as money. He would compel the people to pay for being deprived of the nse of their debt as a medium of exchange. I want to call the attention of this committee to the fact that this Government has made between thirty and forty issues of Treasury notes and that such as have been non-interest-bearing, both before and during the late war, have been eagerly taken by the people, much more so indeed than interest-bearing bonds. The value of the note as money is greater than as a bond. The only reason why we attach one cent of interest to Treasury notes is because we are governed by the interests of bankers and usurers rather than by the interests of the people.

The national banks of this country, Wall street and Lombard street, have been stalking in here from the hour we met until this minute. Almost every speaker has advised us what his banker wants or what he thinks. The very chairman of the Committee on Ways and Means has read a letter from a leading banker in his district or in the city of New York upon this question. One gentleman after another has stated what would be satisfactory to the national banks; and, to his eternal shame be it said, one gentleman stated to the committee that he is under instructions from a national bank.

Lest I do the gentleman from Michigan [Mr. Newberry] injustice, I quote his language as tak

I say what the bank of which I am a director authorized me to say; because I went to them to say how I should vote on that question.

Shame on a Congress that receives its instructions from its creatures. Shame, eternal shame! This is not a question, if we are to judge from this debate, as to what the people themselves want, but a question as to what the corporations, the syndicates of this coun-

a question as to what the corporations, the syndicates of this country, want.

What do the people want? I will tell you what, and I defy any man in any party to dispute my word. The people of this country want a Treasury note that can circulate as money. They want a note that can be used in their business from day to day, and if you will issue such a note you can pay off all the bonds that become redeemable this year without violating any contract, but with the sanction of the bondholders. Experience proves, if it proves anything, that rather than take offered coin for their bonds the holders will prefer non-interest hearing Treasury notes.

prefer non-interest bearing Treasury notes.

In the face of the fact that such a money famine exists in this country as to have recently, within one month, forced rates of interest upon call in New York city to over 300 per cent. per annum, we are asked to issue Treasury notes bearing interest enough to prevent their new convents.

their use as money. The leading papers of New York are already predicting a great panic, for want of sufficient money. I clip from the New York finan-cial report of the American, of Philadelphia, December 25, this state-

Nothing but the fact that the manipulators of the market were unable to cart the gold through the streets for the purpose of locking it up has saved us from a Wall-street panic. Had the bank reserves been in greenbacks a single messenger might have transferred a sufficient sum in the course of an hour to a private vault to have done more mischief than six months' prosperity could have corrected.

The business of the whole country rests upon a volcano.

The gamblers and bankers of New York were only prevented from inflicting greater woe than six months of prosperity could overcome because of the inconvenience of handling coin. In the mean time members of this House are so fearful that the people will use Treasury notes and have enough to transact their business without regard to stock gambling operations in New York that it is proposed to load them does not be supposed to load them. them down with interest enough to insure their being locked up in

Now I ask you whether you will pass a bill in the interest of corporations and bankers or pass a bill in the interest of the people. I have had the honor of introducing a substitute bill, such as I think the people want; a bill that I believe to be in their interest; and I ask for it the candid consideration of all members.

ask for it the candid consideration of all members.

[Here the hammer fell.]

Mr. FERNANDO WOOD. I believe there are no other gentlemen who desire to address the committee. I propose we shall now take a vote, and that then the committee shall rise.

Mr. WEAVER. I want to address the committee.

Mr. FERNANDO WOOD. I should suppose that this debate, so far as the question of rate is converged and nearly as to the question of

Mr. FERNANDO WOOD. I should suppose that this debate, so far as the question of rate is concerned, and nearly as to the question of time, has been pretty well exhausted, and that gentlemen have about made up their minds. I propose, therefore, to take a vote so far as it may reach my amendment, and then to move that the committee

The CHAIRMAN. The Chair would suggest to the gentleman from New York that his object could be reached by a motion for the com-

mittee to rise for the purpose of obtaining an order from the House

mittee to rise for the purpose of obtaining an order from the flower to close debate.

Mr. FERNANDO WOOD. By unanimous consent that can be avoided. I assume that debate on the amendment has now exhausted itself, and we are ready to take a vote.

The CHAIRMAN. Does the Chair understand the gentleman from New York to move that the committee rise?

Mr. FERNANDO WOOD. No, sir; I desire the committee to come

The CHAIRMAN. The gentleman from New York asks unanimous consent that a vote be now taken on the pending amendments.

Mr. WEAVER. I object.

Mr. FERNANDO WOOD. Then I move that the committee rise for

the purpose of asking the House to limit the debate on all the amend-

ments now pending.

Mr. CLAFLIN. Oh, no; only on this amendment.

Mr. McLANE. I ask the gentleman from New York to give way till I offer an amendment which I desire to have printed in the Rec-

The CHAIRMAN. The gentleman from Maryland can submit in the House his amendment for printing in the RECORD. The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and

Mr. FERNANDO WOOD. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the refunding bill; and pending that motion I move that all debate on the present amendment and amendments thereto

that all debate on the present amendment and amendments thereto be limited to five minutes.

Several MEMBERS. Say one minute.

Mr. FERNANDO WOOD. Well, I will say one minute.

Mr. WEAVER. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole on the state of the Union, pending which he moves that when the House again goes into Committee of the Whole on the state of the Union, and resumes the consideration of the refunding bill, all debate on the pending amendments he confined to one minute.

consideration of the refunding bill, all debate on the pending amendments be confined to one minute.

Mr. CLAFLIN. On the amendment and amendments thereto.

The SPEAKER. On all pending amendments. The House cannot preclude the offering of amendments in Committee of the Whole. And pending the motion of the gentleman from New York the gentleman from Iowa moves that the House do now adjourn.

Mr. ROBINSON. Under the present rule it is competent for the House to close debate on the whole section or paragraph if the House shall see fit

shall see fit.

shall see fit.

The SPEAKER. The gentleman is correct. The Chair stated, in reply to the remark of the gentleman from Massachusetts, [Mr. Claf-Lin.] that the House could not cut off future amendments.

Mr. ROBINSON. Not amendments; but the House could cut off debate on amendments to be offered to the section.

The SPEAKER. The question is on the motion of the gentleman from Iowa, [Mr. Weaver,] that the House do now adjourn.

Mr. McLane. I ask the gentleman from Iowa to withdraw the motion for a moment that I may give notice of an amendment which I desire to have printed in the Record.

Mr. Weaver. I yield for that purpose.

Mr. McLane. I give notice that at the proper time I will offer the following amendment as a substitute for the first section of the bill:

the following amendment as a substitute for the first section of the bill:

Be it enacted, &c., That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt." and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds or Treasury certificates of denomination of not less than \$10, in amount not exceeding \$637,000,000, which shall bear interest at the rate of not exceeding 3½ per cent. per annum, redeemable, at the pleasure of the United States, after one year, and payable in ten years; but not more than \$100,000,000 of said bonds or certificates shall be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe. The bonds and certificates shall be, in all respects, except as herein otherwise provided, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, but the Secretary my, at his discretion, make the interest on the certificates herein authorized payable annually: Provided. That nothing in this act shall be so construed as to authorize an increase of the public debt.

The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or certifiates herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½

the certificates and bonds authorized to be issued shall not exceed one-quarter of 1 per cent.: Provided, That said certificates shall not be sold or converted at less than par.

From and after the passage of this act, the 3½ per cent. bonds authorized by the first section of this act shall be receivable as security for national-bank circulation. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. WEAVER. I now renew the motion to adjourn.

The question being taken on the motion to adjourn, there wereayes 81, noes 90.

Mr. WEAVER. I call for tellers.

Mr. WEAVER. I call for tellers.

Tellers were ordered.

Mr. CANNON, of Illinois. I call for the yeas and nays.

On the question of ordering the yeas and nays, there were—ayes
36, noes 115; the affirmative being more than one-fifth of the whole

Mr. BLOUNT. I call for tellers on the yeas and nays.

Tellers were ordered; and Mr. BLOUNT, and Mr. CANNON of Illinois,

were appointed.

The tellers having taken their places, no members came forward to be counted in the affirmative.

Mr. BLOUNT. I am willing to withdraw the demand for tellers. The time will be taken up anyhow.

The SPEAKER. The gentleman from Georgia can withdraw the demand for tellers on the demand for the yeas and nays. The Chair presumes the House now wants to vote on the question of adjournment by tellers, and not by yeas and nays, and save time.

The tellers reported ayes none; noes not counted.

The SPEAKER. The vote will now be taken by the tellers on the

motion to adjourn.

The House divided; and the tellers reported—ayes 105, noes 33.

Mr. BAYNE. I demand the yeas and nays.

The SPEAKER. The Chair supposed by consent the yeas and nays.

Mr. BAYNE. The Chair supposed by consent the yeas and nays were refused.

Mr. BAYNE. When?

The SPEAKER. A few moments ago.

Mr. BAYNE. The demand for the yeas and nays was sustained some time ago by 36 affirmative votes.

The SPEAKER. Was not that the vote on ordering tellers?

Mr. BAYNE. Oh, no.

Mr. HAZELTON. I submit it is too late to raise that point now.

Mr. CARLISLE. The gentleman from Illinois [Mr. CANNON] demanded the yeas and nays and the Speaker decided the yeas and nays were ordered by a rising vote of the House. Thereupon the gentleman from Georgia [Mr. BLOUNT] demanded tellers upon the yeas and nays, and the vote was taken by tellers and the demand failed.

Mr. BAYNE. There was no vote taken upon that by tellers, because nobody voted. The gentleman from Georgia withdrew the demand for the vote by tellers.

The SPEAKER. The House appeared to change its mind as to the mode of voting on the motion to adjourn, whether by yeas and nays or by tellers, and decided to rescind what was its former intervening action and vote on the motion to adjourn by tellers, which it has done.

Mr. BAYNE. World it now be the right of one fifth of the mem-

Would it now be the right of one-fifth of the mem-

Mr. BAYNE. Would it now be the right of one-fifth of the members present to have the yeas and nays on the motion to adjourn?

The SPEAKER. The gentleman from Pennsylvania demands, as is his right, that another opportunity be given him to test the sense of the House on taking the vote on the motion to adjourn by yeas and nays. The Chair will give him that opportunity.

The question being taken on ordering the yeas and nays, there were—ayes 10, noes not counted.

So the yeas and nays were not ordered.

INDIAN APPROPRIATION BILL.

Pending the announcement of the vote on the motion to adjourn, Mr. WELLS, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1882, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

Mr. WELLS. I desire to give notice that on Monday next I shall endeavor to obtain action of the House upon the bill I have just reported.

reported.

FUNDING BILL.

Mr. JONES. I have been unable to obtain an opportunity to-day to submit some remarks on the funding bill. I ask consent to have printed in the RECORD as a portion of the debates some remarks

prepared by me on that subject.

There was no objection, and leave was granted accordingly. [See CLAIMS ALLOWED BY TREASURY DEPARTMENT.

Appendix.]

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims allowed by the accounting officers of the Treasury under section 4 of the act of June 14, 1878; which was referred to the Committee on Appropriations, and ordered to be printed.

TENTH CENSUS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Super-intendent of the Census, asking an additional appropriation of \$500,000 for completing the tenth census; which was referred to the Committee on Appropriations.

RECRUITING THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, concerning an estimate for recruiting the Army; which was referred to the Committee on Appropriations.

LAND-TITLE DIVISION, WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the creation of a land-title division in the War Department; which was referred to the Committee on Appropriations.

PENSION OFFICE BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to a renewal of the lease of the build-ing occupied by the Pension Office; which was referred to the Committee on Appropriations.

REMOVAL OF SNOW IN WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of War, recommending an additional appropriation for the removal of snow in Washington; which was referred to the Committee on Appropriations.

REINSTATEMENT OF ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition on the subject of reinstatement of officers in the United States Army; which was referred to the Committee on Military Affairs.

THE WILLAMETTE VALLEY AND CASCADE MOUNTAIN WAGON-ROAD.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting papers relative to the Willamette Valley and Cascade Mountain military wagon-road in Oregon; which was referred to the Committee on Military Affairs.

GEORGE HARPER.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the Indian-depredation claim of George Harper; which was referred to the Committee on Indian Affairs.

ANNIE J. ELLIOTT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the Indian-depredation claim of Annie J. Elliott; which was referred to the Committee on Indian Affairs.

JOHN ELLIS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the Indian-depredation claim of John Ellis; which was referred to the Committee on Indian Affairs.

DEPUTY COLLECTORS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an amendment to section 2633 of the Revised Statutes; which was referred to the Committee on Ways and Means.

INTERCHANGE OF DOCUMENTS BETWEEN UNITED STATES AND FRANCE.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a letter from the Secretary of the Smithsonian Institution relative to the interchange of documents between this Government and the Republic of France; which was referred to the Committee on Foreign Affairs.

WAR DEPARTMENT LIBRARY.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the binding of books in the War Department Library; which was referred to the Committee on Printing.

IMPROVEMENT OF RIVERS AND HARBORS.

The SPEAKER also laid before the House the following communications; which were severally referred to the Committee on Commerce, and ordered to be printed:

A letter from the Secretary of War, relative to the improvement of

Portland Harbor;

A letter from the Secretary of War, relative to the Louisville and Portland Canal;
A letter from the Secretary of War, relative to damages caused by the improvement of the Fox and Wisconsin Rivers;
A letter from the Secretary of War, relative to the breakwater near the city of Calais:

the city of Calais;

A letter from the Secretary of War, relative to the improvement of Minton Point, Illinois;

A letter from the Secretary of War, relative to the survey of Coan-jock Bay;

A letter from the Secretary of War, transmitting report of work on

Connecticut River; A letter from the Secretary of War, transmitting the report on the survey of the Savannah, Salkiehatchie, and Edisto Rivers; and A letter from the Secretary of War, transmitting a report on the survey of the Snake, Upper Red, and Minnesota Rivers.

WITHDRAWAL OF PAPERS.

Mr. A. HERR SMITH asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of Mrs. Charlotte Andrews, widow of J. J. Andrews, late of Company H, One hundred and seventy-ninth Regiment Pennsylvania Volunteers, praying for a pension; no adverse report.

ABUSE OF FRANKING PRIVILEGE.

The SPEAKER. There is upon the Speaker's table another communication from the Postmaster-General, touching a matter which has been the occasion of some dispute here. The Chair does not see the gentleman from Indiana [Mr. Browne] in his seat.

Mr. KEIFER. If that communication is now submitted, I ask that

it be read.

Mr. HATCH. I object to the reading of it.

The SPEAKER. If the gentleman from Ohio assumes to represent
the gentleman from Indiana, the Chair will present the communica-

Mr. KEIFER. I ask that it be read. Mr. WARNER. Let it be printed and referred to the appropriate committee.

Mr. KEIFER. And read also.
Mr. HATCH. If this proceeding requires unanimous consent, I ob-

ject.
The SPEAKER. The communication can be reached by a motion to go to the Speaker's table. This is the first paper that would be reached.

Mr. HATCH and others. Regular order!
The SPEAKER. The Chair did not understand the gentleman from

Mr. KEIFER. I simply desired to carry out the wish of the gentle-man from Indiana, that when the communication is presented it should be read.

Mr. HATCH. I insist on the regular order.
The SPEAKER. The Chair will take care that the gentleman from
Missouri [Mr. HATCH] loses none of his rights.
Mr. KEIFER. I see no reason why the paper should not be sub-

mitted.

The SPEAKER. There is objection to its coming in now; and, as the Chair has stated, it can be reached by a motion to go to the Speaker's table whenever that motion be in order.

Mr. KEIFER. Is that motion in order now?

The SPEAKER. It is not in order pending an affirmative vote of the House on a motion to adjourn.

Mr. KEIFER. I supposed not. The communication will have to go over for the present. I would myself be willing to allow it to be referred and printed; or if it could be printed in the RECORD, that would be satisfactory. would be satisfactory.

Mr. BLOUNT. It might be referred and ordered to be printed in

the RECORD.

Mr. KEIFER. I would have no objection to that. Mr. HATCH. I call for the regular order.

LEAVE OF ABSENCE.

By unanimous consent, Mr. Morrison obtained indefinite leave of absence on account of sickness.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of General W. H. P. Steere and 17 others, for the appointment of a pension commission—to the Committee on Invalid Pensions.

Also, the petition of Rodman Post, No. 12, Grand Army of the Republic, Providence, Rhode Island, of similar import—to the same committee

By Mr. BOUCK: The petition of citizens of Wisconsin, for the establishment of a post-route from Plainfield, via East Oasis and Wild Rose, to Saxeville, Wisconsin—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWMAN: The petition of Dileno Robinson, of Lynn, Massachusetts, for increase of pension—to the Committee on Invalid Pen-

By Mr. CALDWELL: The petition of A. J. Breedlove and other citizens of Kentucky, against the reissue of letters-patent to J. A. Cummings for improvement in artificial gums and palates—to the Committee on Patents.

Also, the petition of Dr. Albert S. Weir and others, citizens of Ken-

Also, the petition of Dr. Albert S. Weir and others, citizens of Kentucky, of similar import—to the same committee.

Also, the petition of James W. Warder, of Summershade, Kentucky, for bounty and back pay—to the Committee on Military Affairs.

By Mr. CONVERSE: The petition of Andrew Case and 45 other Union soldiers, for the enactment of a law giving each soldier one hundred and sixty acres of public land—to the Committee on Pensions.

By Mr. LOWNDES H. DAVIS: A bill for the improvement of the

Black River, in the State of Missouri-to the Committee on Com-

Also, a bill for the improvement of Saint Francois River, in the

State of Missouri—to the same committee.

Also, a bill for the improvement of Current River, in the State of Missouri-to the same committee.

Also, a bill for the improvement of the Mississippi River near the city of Cape Girardeau, in the State of Missouri—to the same com-

city of Cape Girardeau, in the State of Missouri—to the same committee.

By Mr. FIELD: The petition of Jackson, Mandell & Daniell, and 17 other firms in Boston, Massachusetts, importers and jobbers of dry and fancy goods, for the early enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. GODSHALK: Two petitions of citizens of Pennsylvania, for legislation to prevent the spread of pleuro-pneumonia among domestic animals—to the Committee on Agriculture.

By Mr. HENKLE: Memorial of Norman Wiard, asking remuneration for ordnance, money, materials, and labor supplied to the United States Navy during the late war—to the Committee on Naval Affairs.

By Mr. HUBBELL: The petition of Fred. Smith and 58 others, of Keweenaw County, Michigan, that the grant of land to the Ontona

Keweenaw County, Michigan, that the grant of land to the Ontonagon and Brule River Railroad Company be held by it for the purpose of building a railroad from Ontonagon to the State line—to the Committee on the Public Lands.

By Mr. JONES: The petition of Anthony Metcalfe and others, of Brazoria County, Texas, for the establishment of a life-saving station at Quintana, Texas—to the Committee on Commerce.

By Mr. JOYCE: The petition of citizens of Vermont, for the re-

eal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Ways and Means.

Also, the petition of James Thompson, for bounty, back pay, and a land warrant—to the Committee on Military Affairs.

By Mr. EDWARD L. MARTIN: The petition of the Harland and Hollingsworth Company of iron-ship builders, the J. Morton Poole Company, ship-builders, and others, for an appropriation to improve the Christiana River at Wilmington, Delaware—to the Committee on

By Mr. McLANE: The petition of citizens of Baltimore, Maryland, for the passage of a bankrupt law—to the Committee on the Judi-

By Mr. NEW: The petition of citizens of Madison, Indiana, of similar import—to the same committee.

By Mr. PHELPS: The petition of George E. Elliott and 118 others, masters of vessels, and others, for a survey of Clinton Harbor, and an appropriation for the improvement of the same—to the Committee

on Commerce.

By Mr. J. S. RICHARDSON: The petition of citizens of South Carolina, for legislation on the subject of interstate commerce—to the same committee.

Also, the petition of citizens of Georgetown, South Carolina, for an appropriation to improve the navigation of Santee River—to the same committee.

Also, the petition of citizens of South Carolina, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Georgetown, South Carolina, to have the bar to Winyah Bay surveyed and examined with a view to deepening the same—to the Committee on Commerce.

By Mr. ROBERTSON: Papers relating to the war claims of Hugh Core, Elias R. Core, Harmon Mickle, and Ransom Thompson—to the Committee on War Claims.

By Mr. SHERWIN: The petition of L. H. Wikoff, William Hart,

and A. S. Wright, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. STEVENSON: The petition of citizens of Illinois for the passage of the bill pensioning soldiers of the Mexican war—to the

Committee on Pensions.

By Mr. EZRA B. TAYLOR: The petition of R. S. Drake and others, of Youngstown, and of Charles Shumway and others, of West Richfield, Ohio, that soldiers discharged for disease be granted the same bounty as those discharged on account of wounds—to the Committee on

Military Affairs.

By Mr. WARNER: The petition of Jefferson McLean, of Racine, Ohio, and 31 others, ex-soldiers, for the passage of Senate bill No. 496, relating to pension claims—to the Committee on Invalid Pension

By Mr. WHITEAKER: The petition of D. H. Divelbiss and others, of Ellenburgh, Oregon, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. WHITTHORNE: The petition of William R. Porter, that

soldiers of the Mexican war be granted pensions-to the Committee

on Pensions.

By Mr. WILLIS: The petition of Charles L. Reid and others, census enumerators, of Louisville and Jefferson County, Kentucky, for an increase of compensation—to the Committee on the Census.

By Mr. THOMAS L. YOUNG: The petition of 65 steamboatmen employed upon western waters, for favorable action on the bill to increase the efficiency of Marine Hospital Service—to the Committee on Commerce.

tee on Commerce.

IN SENATE.

MONDAY, January 10, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS

The VICE-PRESIDENT laid before the Senate a letter from the

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the Superintendent of the Census asking for an additional appropriation for the completion of the tenth census; which was referred to the Select Committee to make provision for taking the Tenth Census.

He also laid before the Senate a letter from the Postmaster-General, transmitting recommendations of the First Assistant Postmaster-General in regard to changes of laws affecting the Post-Office Department, and asking that it be made a part of his letter of the 5th instant; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the Chief of Engineers reporting the inadequacy of the appropriation for removing snow and ice, owing to the unusual severity of the season, and recommending an additional appropriation of \$2,000 for that purpose; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the clerk in charge of the War Department Library calling attention to the act of June 30, 1878, and recommending that it be amended so as to except the library of the War Department and thereby place it on the same footing as the Congressional Library and the libraries of the Department of State, the Patent Office, and the Surgeon-General's Office; which was referred to the Committee on Printing.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting copies of certain papers and correspondence.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting copies of certain papers and correspondence relating to the lands granted to the State of Oregon and conferred by that State upon the Willamette Valley and Cascade Mountain Wagon Road Company; which was referred to the Committee on Mil-

itary Affairs.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of the Indianapolis Merchants' Exchange, in favor of the abolishment of the special taxes levied on the capital and deposits of banks and bankers, and also the repeal of the law levying a tax on bank-checks; which were referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of the State of New York, in favor of enacting legislation for the distribu-tion of the balance of the Geneva award; which were referred to the Committee on the Judiciary.

He also presented resolutions of the Chamber of Commerce of the

He also presented resolutions of the Chamber of Commerce of the State of New York, in favor of such legislation as will give effect to the treaties of the United States concerning trade-marks; which were referred to the Committee on the Judiciary.

Mr. DAWES presented the petition of Parker, Wilder & Co., Rufus S. Frost & Co., and others, of Boston, Massachusetts, praying for the early enactment of a national bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of Alexander Smart, Charles P. Baker, and others, of Merrimac, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. LOGAN presented the petition of Lewis Hulbinger and others, of Rock Falls, Illinois, praying for the passage of a law in reference to the manufacture of oleomargarine, and requiring that it shall be made from materials that in quality are equal to the French standard; which was referred to the Committee on Agriculture.

He also presented the petition of Schmidt & Glade and others, brewers of Chicago, praying for the passage of House bill No. 4585, changing the duty on barley malt; which was referred to the Committee on Finance.

He also presented resolutions of the Board of Trade of Chicago, in favor of the passage of House bill No. 4585, changing the duty on

He also presented resolutions of the Board of Trade of Chicago, in favor of the passage of House bill No. 4585, changing the duty on barley malt; which were referred to the Committee on Finance.

barley malt; which were referred to the Committee on Finance.

He also presented the petition of John T. Angerer, John Kastner, and others, of Columbia, Illinois, praying that Captain John Gundlach and his securities be relieved from the charges for arms and equipments which were delivered to him by the State government for purposes of defense, and which were partially taken by force about 1864; which was referred to the Committee on Military Affairs.

He also presented the petition of George Smith, an inmate of the National Home, Elizabeth City County, Virginia; the petition of Clark Stanhope and others, of Hedges, Kentucky; the petition of W. H. Robbins and others, of Apple River, Illinois; the petition of B. S. Teets and others, of Centralia, Illinois; the petition of G. W. Tercey and others, of Spencer, Indiana; the petition of B. Hyde and others, of Princeton, Maryland, praying for the passage of a law for the equalization of bounties; which were referred to the Committee on Military Affairs. on Military Affairs

He also presented the memorial of William Avery and 30 others,

citizens of Illinois, soldiers in the late war, and the memorial of J. L. Garner and 32 others, citizens of Missouri, soldiers in the late war, remonstrating against the passage of the bill (8. No. 496) providing for the examination and adjudication of pension claims, and in favor of a bill introduced in the House of Representatives by Mr. Geddes, of Ohio, for the creation of a court of pensions; which were ordered

Mr. BURNSIDE presented the petition of Taft, Weeden & Co. and 40 other firms, of Providence, Rhode Island, praying for the early enactment of a national bankrupt law; which was referred to the

Committee on the Judiciary.

He also presented the petition of Rodman Post, No. 12, Grand Army of the Republic, of Providence, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims;

of the Republic, of Providence, praying for the passage of the amend reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. SAUNDERS presented the petition of H. Mitchell and 26 others, citizens of Palmyra, Nebraska, soldiers in the late war, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. CAMERON, of Pennsylvania, presented the petition of Daniel J. Williams and others, now citizens of Shenandoah, Schuylkill County, Pennsylvania; the petition of Miller and others, citizens of Reading, Pennsylvania; the petition of F. J. Diehl and others, citizens of Pine Grove, Pennsylvania; the petition of F. T. Tate and others, of Gettysburgh, Pennsylvania; and the petition of D. Lloyd and others, citizens of Apollo, Pennsylvania, praying for the passage of the amendment reported by the Senate Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

He also presented the petition of Hiram Baum, a citizen of Cass, Huntingdon County, Pennsylvania, late a private in Company F, Sixteenth Regiment United States Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HOAR presented the petition of Jackson, Mandell & Daniell, and 19 other firms of Boston, Massachusetts, importers and jobbers of dry and fancy goods, praying for the examination and adjudication of pension claims; which was referred to the Committee on the Judiciary Mr. KERNAN presented the petition of George Taylor and 18 others, citizens of New York City, soldiers of the late war, praying for the passage of the amendment reported by the Committee on the Judiciation of pension claims; which was ordered to lie on the table.

He also presented resolutions

the Committee on Commerce.

Mr. WHYTE presented the petition of Messrs. Hodges Brothers and 14 other firms of Baltimore, Maryland, praying for the early enactment of a national bankrupt law; which was referred to the

Committee on the Judiciary.

Mr. VOORHEES presented additional papers to accompany the bill (S. No. 1876) for the relief of Salmon B. Colby; which were referred

to the Committee on Claims.

Mr. BRUCE presented the petition of citizens of Mississippi, praying for the division of the northern judicial district of Mississippi into an eastern and western division and for the location of the place for holding court in the eastern division at Starkville; which was referred to the Committee on the Judiciary.

referred to the Committee on the Judiciary.

Mr. McMILLAN presented the memorial of W. B. Benham and others, citizens of the United States, remonstrating against the passage of the bill for the extension of the patent of D. M. Cook on sugar evaporators; which was referred to the Committee on Patents.

Mr. DAVIS, of Illinois, presented resolutions adopted by the Board of Trade of Chicago, Illinois, favoring the passage of the bill which has passed the House of Representatives proposing to change the duty on malt from 20 per cent. ad valorem to a specific duty of twenty-five cents per bushel; which were referred to the Committee on Finance. on Finance.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on Private Land Claims, to which were referred Senate bill No. 400 and Senate bill No. 1199, both bills being I believe identical and entitled "A bill to confirm certain land claims in the State of Missouri, and for other purposes," to report the same adversely with a written report. The Senator from Missouri [Mr. Cockrell] who introduced them is not in his seat, and as he may desire to take the sense of the Senator them, I ask that they be placed upon the Calendar with the adverse report.

adverse report.

The VICE-PRESIDENT. The bills will be placed on the Calendar with the adverse report of the committee, which will be printed

under the rule

Mr. VOORHEES, from the Joint Select Committee on additional accommodations for the Library of Congress, reported a bill (S. No.

1988) authorizing the construction of a building for the accommodation of the Congressional Library; which was read twice by its title, and, on motion of Mr. VOORHEES, recommitted to the committee.

Mr. MORRILL. I desire merely to say that while I am impressed with the necessity of early action upon any bill in relation to building a public library, yet I shall seek an early opportunity to test the sense of the Senate as to the proper site.

COMMITTEE ON APPROPRIATIONS.

Mr. DAVIS, of West Virginia. I am directed by the Committee on Appropriations to ask the permission of the Senate that that committee may sit during the sittings of the Senate for the remainder of the

session.

The VICE-PRESIDENT. The Senator from West Virginia, on behalf of the Committee on Appropriations, asks leave for that committee to sit during the sittings of the Senate. Is there objection? The Chair hears none, and it is so ordered.

BILLS INTRODUCED.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1889) to authorize Charles William Siemens and Frederick Siemens to make application to the Commissioner of

and Frederick Siemens to make application to the Commissioner of Patents for the extension of their patent for a regenerator furnace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on patents.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1990) granting a pension to Harley S. Wait; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHYTE. I ask leave without previous notice to introduce a bill for the relief of James Gibbons, of Baltimore, State of Maryland, and with it a petition from him in regard to the subject-matter contained in the bill. He is really the archbishop of the See of Baltimore, and asks for some change in a trust deed of property in this District. For the purpose of the convenience of the members of the Senate to whom the petition and bill will-be referred, I ask that they both may be printed. be printed.

be printed.

By unanimous consent, leave was granted to introduce a bill (S. No. 1991) for the relief of James Gibbons, of Baltimore, in the State of Maryland; which was read twice by its title.

The VICE-PRESIDENT. The bill and petition will be referred to the Committee on the District of Columbia and be printed.

Mr. WHYTE subsequently said: I desire to ask consent of the Senate to change the reference of the bill in regard to the application of the archbishop from the District of Columbia to the Judiciary Committee, as I find a note to that effect upon my table.

The VICE-PRESIDENT. That change will be made.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1992) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army; which was read by its title.

Mr. CONKLING. Let us hear that bill read at length, Mr. President. It is short and I should like to hear it read.

The VICE-PRESIDENT. The bill will be read.

The bill was read the second time at length, and referred to the Committee on Military Affairs, as follows:

Committee on Military Affairs, as follows:

Be it enacted, &c., That in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, and ex-President of the United States, the President be, and he hereby is, authorized to appoint him, by and with the advice and consent of the Senate, to the retired list, with the rank and full pay of General of the Army.

SEC. 2. That at any time when the President shall consider that an emergency has arisen requiring the services of General U. S. Grant on active duty, he is hereby authorized to assign him to any command commensurate with the rank of General.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1993) to correct and complete the record of Colonel B. H. Grierson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military

Mr. WHYTE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1994) for the relief of Emily J. Fardy; which was read twice by its title, and referred to the Committee on Naval

Affairs.

Mr. FERRY (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1995) to incorporate the United States Fidelity Guarantee Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BRUCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1996) to amend the several acts in relation to the division of the State of Mississippi into judicial districts, and further to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the United States district courts in said northern district; which was read twice by its title, and referred to the Committee on the Judiciary.

mittee on the Judiciary.

Mr. WINDOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1997) to quiet the title to certain lands in the Upper Peninsular of Michigan; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent,

obtained leave to introduce a bill (8. No. 1998) granting a pension to Hiram Baum; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1999) to amend section 3406 of the Revised Statutes, relating to stamps on cigars; which was read twice by its title, and referred to the Committee on Finance.

title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No 2000) granting a pension to Elza M. Hanks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2001) authorizing the Secretary of War to release a right of way in lands in Groton, Connecticut; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2002) to regulate the promotion of midshipmen and cadet engineers and establish the grade of sub-assistant engineer in the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. BAYARD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2003) to amend section 5172 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to intro-

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2004) to provide for the distribution of unclaimed dividends among the creditors of national banks; which was read twice by its title, and referred to the Committee on Finance.

Mr. WHYTE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2005) for the relief of William H. Rogers; which was read twice by its title, and referred to the Committee on

the Judiciary

the Judiciary.

Mr. PENDLETON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2006) to regulate and improve the civil service of the United States; which was read twice by its title, and referred to the Select Committee to examine the several branches of the Civil Service.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2007) to prevent extortion from persons in the public service, and bribery and coercion by such persons; which was read twice by its title, and referred to the Select Committee to examine the several branches of the Civil Service.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave

tee to examine the several branches of the Civil Service.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2008) amending the act entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved June 14, 1880; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2009) to regulate the promotion and retirement of certain officers in the naval service; which was read twice by its title, and referred to the Committee on Naval Affairs.

FRANKING PRIVILEGE.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 140) in regard to the extension of the franking privilege; which was read the first time at length, as

Be it resolved, &c., That the franking privilege is hereby extended to all official business sent through the mails by Senators, Representatives, and Delegates in Congress; in all other respects to be under the restrictions and limitations of existing law.

The joint resolution was read the second time by its title.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN. I do not want it referred to a committee unless there is objection to it. I desire to state the object of the joint resolution. Official communications come from the Departments to constituents is objection to it. I desire to state the object of the joint resolution. Official communications come from the Departments to constituents of members of Congress on which they have to pay postage of three cents, and the joint resolution would allow the matter to be franked and go free. So far as I am concerned—I can speak for myself—my postage on mere matter coming from the Pension Office costs me from five to seven dollars a month, and one month \$10. These communications come to me from all parts of the country, and it is a pretty heavy tax. I suppose other Senators and Members of Congress feel the same tax upon them. It is a mere matter of accommodation to our constituents, and not to us. I do not desire any franking privilege on any private communication of Members or Senators, but on official business going through them to their constituents. I do not see why there should be any objection to the joint resolution. If there is not, I ask the Senate to adopt it.

The VICE-PRESIDENT. Is there objection to the consideration of the joint resolution at this time?

Mr. DAVIS, of West Virginia. Let it be read again.

The VICE-PRESIDENT. It will be again reported.

The joint resolution was again read.

Mr. MORRILL. I would suggest to the Senator from Illinois that it ought to be "sent to or received by."

Mr. LOGAN. I do not desire to use the words "received by." Let the people who send communications pay the postage themselves. It only applies to those communications that go through Senators and

Members of Congress to their constituents on which they now have

to pay postage.

Mr. HOAR. I would suggest to the Senator that a poor soldier who sometimes has to write dozens of letters in regard to a single pension ought to be permitted to send his letters free. The Senator from Illinois is more familiar with that class of cases than any mem-

ber of the Senate.

Mr. LOGAN. I have no objection to that; I only put the resolution in this shape, so that Senators will see that it is a protection to the postal service, that there can be no improper use of the franking privilege. That is the only object I have.

The VICE-PRESIDENT. The first question is, Will the Senate consider the joint resolution at this time? It requires unanimous

Mr. KERNAN. I suggest that it had better go to a committee. The VICE-PRESIDENT. Objection is made to the present consideration of the joint resolution.

Mr. LOGAN. Very well, let it go to the Committee on Post-Offices

and Post-Roads.

The VICE-PRESIDENT. It will be so referred.

Mr. LOGAN. I believe, on the suggestion of the Senator from Wisconsin, [Mr. CARPENTER,] that I will allow the joint resolution to lie on the table, so that I can call it up again to-morrow morning.

The VICE-PRESIDENT. It will be laid on the table subject to

the call of the Senator.

Mr. EDMUNDS. And printed.

The VICE-PRESIDENT. It will be printed under the rule.

AMENDMENT TO A BILL

Mr. BLAIR submitted an amendment intended to be proposed by him to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table and be printed.

ARMY AS POSSE COMITATUS.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee on Territories:

Resolved, That the Committee on Territories be instructed to inquire into the necessity and propriety of so amending section 15 of an act approved June 18, 1878, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1879, and for other purposes," that its provisions shall not be applicable to the government of the Territories of the United States.

PUBLIC DOCUMENTS FOR STATE LIBRARIES.

Mr. HOAR submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on Printing consider the propriety of furnishing to the State library of each State copies of all bills, resolves, and other documents and papers printed for the use of either House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1129) for the relief of certain laborers employed

A bill (H. R. No. 1129) for the relief of certain laborers employed upon Government works;

A bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright;

A bill (H. R. No. 2806) for the relief of J. H. Dillard;

A bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio;

A bill (H. R. No. 3450) for the relief of Lewis A. Kent;

A bill (H. R. No. 3451) for the relief of George W. Brower;

A bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased:

deceased;
A bill (H. R. No. 4261) for the relief of Henry B. Eastman;
A bill (H. R. No. 4413) for the relief of J. Scott Payne; and
A bill (H. R. No. 4663) to admit free of duty one of the bells of
Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast.

The message also announced that the House had passed the fol-

lowing bills:

A bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry;
A bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits

A bill (S. No. 549) for the relief of Henry M. Shreve; and A bill (S. No. 1353) for the relief of N. & G. Taylor Company.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 460) granting the right of way to the county of Warren, in the State of Mississippi, and to the Memphis and Vicksburgh Railroad Company through the United States cemetery tract of land near Vicksburgh, Mississippi;
A bill (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name; and A bill (H. R. No. 6256) for the relief of certain settlers on restored railroad lands.

railroad lands.

WITHDRAWAL OF PAPERS.

On motion of Mr. BURNSIDE, it was

Ordered, That General Schuyler Hamilton be allowed to take from the files of the Senate the papers accompanying his petition for restoration to the Army, pro-vided he leaves copies of the same on file.

COAST SURVEY REPORT.

Mr. WHYTE submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, for distribution by the said superintendent.

DISTRICT LIQUOR LICENSES.

Mr. BLAIR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be directed to furnish to the Senate the names of all persons applying for liquor licenses for the year commencing November 1, 1880, with all the signatures of property-holders and residents appended thereto, and all the indorsements thereon, designating those to whom licenses have been granted and those to whom licenses have been refused.

ARMY APPROPRIATION BILL.

Mr. WITHERS, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes, reported it with amendments.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast, was read twice by title, and referred to

sent to England to be recast, was read twice by title, and referred to the Committee on Finance.

The bill (H. R. No. 2414) for the relief of Mrs. S. A. Wright was read twice by its title, and referred to the Committee on Patents.

The bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio was read twice by its fitle, and referred to the Committee on Private Land Claims.

mittee on Private Land Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 2806) for the relief of J. H. Dillard;

A bill (H. R. No. 3450) for the relief of Lewis A. Kent;

A bill (H. R. No. 4261) for the relief of Henry B. Eastman; and A bill (H. R. No. 4413) for the relief of J. Scott Payne.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 1129) for the relief of certain laborers employed the Covernment works:

upon Government works;
A bill (H. R. No. 3451) for the relief of George W. Brower; and
A bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased.

VAGRANCY IN THE DISTRICT.

The VICE-PRESIDENT. If there be no further business for the morning hour, that business is concluded, and the Senate proceeds to the consideration of the Calendar of General Orders under the special

order upon that subject.

The bill (S. No. 1477) for the punishment of tramps in the District of Columbia was announced as first in order upon the Calendar, and

the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The Chair will state the condition of this bill before the Senate proceeds further with it. It was reported by the Committee on the District of Columbia with an amendment in the nature of a substitute. An amendment was then offered by the Senator from New York, [Mr. Kernan,] which amendment was amended by one offered by the Senator from Massachusetts, [Mr. Hoar.] The Senator from Massachusetts afterward offered another amendment in another part of the section; so that the pending motion is that of the Senator from New York, to strike out the paragraph

from the bill which will be read.

The CHIEF CLERK. In section 1, line 5, after the word "support," it is proposed to strike out "who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or

receiving alms."

Mr. HOAR. The amendment which I offered, though in another part of the section, was in substance a correction of the entire section, designed to perfect it before the amendment of the Senator from

New York was voted upon, which proposes to strike out one large class of cases from the application of the whole section.

The Chair, therefore, I suppose for that reason, at any rate for some reason the Chair held the other day that my amendment was first in order, and it was submitted to the Senate and discussed for some time.

The VICE-PRESIDENT. The Chair did so hold, supposing the amendment was proposed to the paragraph under consideration. It being of the same general nature, however—

Mr. HOAR. It was in substance a perfecting of the section.
The VICE-PRESIDENT. Then the Chair adheres to his former

Mr. KERNAN. We are not able to hear what the Senator from

Mr. HOAR. What I said was that the Chair held the other day

that the amendment which I moved was in substance a perfection of

that the amendment which I moved was in substance a perfection of the section, and was to be first put before the amendment of the Senator from New York, which was to strike out a portion of the section, and the debate proceeded on that the other day.

The VICE-PRESIDENT. Without examining the section the Chair afterwards saw that the amendment proposed by the Senator from Massachusetts was to the latter part of the section; but on observation he sees that it relates to the same subject-matter, and so holds that the first amendment is that of the Senator from Massachusetts, which will be reported.

that the first amendment is that of the Senator from Massachusetts, which will be reported.

Mr. VANCE. Mr. President—

Mr. EDMUNDS. Let the amendment be reported first.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be reported.

The CHIEF CLERK. In line 23 of section 1, after the word "Columbia," it is proposed to insert "may, in the discretion of the court;" so that the clause will read:

And upon conviction thereof, or any part thereof, in the police court, or in any court of competent jurisdiction, upon information filed in the name of the District of Columbia, may, in the discretion of the court, be required to enter into security for their good behavior.

for their good behavior.

Mr. VANCE. Mr. President, this bill, as I have had occasion to state before, was draughted at the request of the commissioners of the District of Columbia, whose familiarity with the business of the District is supposed to be such as to have great weight with the committee. It has been represented to us, and our own observation concurs in that, that of all cities in the United States which need the protection of a law relating to vagrancy, perhaps Washington City is foremost. All kinds of characters, from the political deadbeat down to the fellow who stands upon the crossing with a broom in his hand, assemble at this place. Sharpers, thieves, pickpockets, confidence men, gamblers, and all kinds of criminals make a habit of consorting here for the purpose of plying their vocation. Many consorting here for the purpose of plying their vocation. Many instances have been given to us by the commissioners showing the great necessity for some law of this sort for the protection of the

people of this city.

This bill was framed in conjunction with the solicitor of the District. After its introduction, especially when it was last under consideration, I was astonished to see it so vigorously assailed, as it was by both the honorable Senators from New York, by the honorable by both the honorable Senators from New York, by the honorable Senators from Delaware, from Wisconsin, and from Massachusetts. They assailed it with so much vigor and so much ridicule that I had almost become ashamed, as the organ of the committee, of my own inhumanity, and had come to the conclusion that I was a hard-hearted wretch, entirely devoid of the ordinary instincts of philanthropy and humanity. That led me, in justification of myself and my colleagues on the committee, to examine the laws of the States of these honorable Senators, thinking that, of course, as they were so ultra in their humanity, and so humane, so liberal, so broad-gauged, that I could find in the volumes of statutes of their respective States a form for a bill that would meet all the requirements of the most advanced humanity.

The first State whose laws I had the honor to examine on the subject of vagrancy was the State of the honorable Senator from Massachusetts, and I propose now to read what the humane laws of that humane State are. In section 28 of the general statutes of the State of Massachusetts I find the following:

Rogues and vagabonds, idle and dissolute persons who go about begging, per-ns who use any juggling or unlawful games or plays, common pipers, and fid-

It seems that in the godly State of Massachusetts a man is not allowed to play the fiddle; whether upon the same principle that Macaulay described the Puritans objecting to a bear-fight or not, I do

Mr. CARPENTER. Bear-baiting.
Mr. VANCE. Bear-baiting; I thank the honorable Senator from Wisconsin. He said they objected to bear-baiting not that it gave the bear pain, but because it gave the spectators pleasure. I cannot see any reason for forbidding a man to play the fiddle in the State of Massachusetts.

pipers and fiddlers; stubborn children,-

That is, I suppose, the child who refuses of a cold morning to wash his face is to be taken up and committed to the house of correction for vagrancy-

Whether black or white the statute does not say-

common drunkards, common night-walkers, pilferers; lewd, wanton, and lascivious persons, in speech or behavior; common railers and brawlers; persons who neglect their calling or employment, misspend what they earn, and do not provide for themselves or for the support of their families, and all other idle and disorderly

Not "willfully idle, vicious, and disorderly," as we have proposed here, but all other idle and disorderly persons—

including therein those persons who neglect all lawful business and habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling-shops, may, upon conviction, be committed, for a term not exceeding six months, to the house of correction, or to the house of industry or work-house within the city or town where the conviction is had, or to the work-house, if any there is, in the city or town in which the offender has a legal settlement, if such town is within the county.

Section 32, I find, provides that-

When a person is brought before a magistrate upon a charge of any offense mentioned in section 28, such magistrate, or the court before which the cause may be carried by appeal, may in any stage of the proceedings direct the respondent or appellant to be discharged, upon his entering into a recognizance with sufficient sureties, in such sum as the magistrate or court directs, for his good behavior for a term not less than six months nor exceeding two years, and paying the costs of prosecution or such part thereof as the magistrate or court shall direct.

Sention 23 provides the

Section 33 provides that-

A person found in a street, highway, or other public place, in the night-time, committing any of the offenses or disorders before mentioned, may be apprehended by any sheriff, deputy sheriff, constable, or watchman, or by any other person by the order of any magistrate, or either of said officers, without a written warrant, and kept in custody in a convenient place, not more than twenty-four hours, Sundays excepted; at or before the expiration of which time he shall be brought before a justice of the peace or police court, and proceeded against in the manner directed in the preceding section, or discharged, as such magistrate shall determine.

So much for the statutes in relation to vagrancy in the State of So much for the statutes in relation to vagrancy in the State of Massachusetts. Any one who will take the pains to examine this statute in connection with the bill now pending before the Senate will find that the Senate bill is incomparably superior, in my judgment, to the statutes of the State of Massachusetts.

The next statute to which I directed my attention—
Mr. HOAR. Mr. President—
The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. VANCE. Certainly, sir.
Mr. HOAR. Before the Senator passes from what he has been reading, if he deems it important, as I suppose he does, or he would not have taken the time of the Senate with it—

Mr. VANCE. The Senator will oblige me by speaking a little

londer.

Mr. HOAR. I cannot speak louder, so that we neither of us lose

very much.
The PRESIDING OFFICER. The Senator from Massachusetts is

The PRESIDING OFFICER. The Senator from massachusetts is unable to speak louder.

Mr. VANCE. I do not wonder.

Mr. HOAR. The provision of the State of Massachusetts which the Senator has read is precisely what it was contended ought to be the provision of the bill introduced here. The statute of Massachusetts authorizes a magistrate, in his discretion, to require this recognizance from idle and disorderly persons. The Senator's bill makes it the absolute duty of the magistrate to require it from idle persons, whather they are idle and disorderly or only idle, and from persons absolute duty of the magistrate to require it from idle persons, whether they are idle and disorderly or only idle, and from persons who commit trespasses on real estate of the slightest character. I did not attack the Senator's bill. I only suggested to the honorable Senator that instead of making his bill peremptory in all cases, he should leave a discretion with the court, just as the Massachusetts statute leaves it; and I think I shall be breaking no confidence if I say that a very large majority of the committee who reported the bill agree with me; but that will appear when they come to vote.

The Senator has totally misapprehended any position that I have taken. Certainly there is nothing in the statute of Massachusetts which he has read of the harsh character of the statute which he has reported, if it be correctly interpreted to mean what I suppose it

reported, if it be correctly interpreted to mean what I suppose it means. I think if the Senator could hear the noise that those common fiddlers and pipers make in the streets he would join in any legis-

lation against them.

Mr. VANCE. It is possible, Mr. President—
Mr. DAWES. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. VANCE. Oh, yes, certainly.

Mr. DAWES. The other day when this measure was under discus-

Mr. DAWES. The other day when this measure was under discussion it was impossible, it seemed to me, to bring the Senator's mind to the objection to his bill. The objection was not to the class of persons that he desired to reach by the bill; but it was from the fact that whatever was the degree of offense, he made it obligatory on the court to impose imprisonment or exact bonds to keep the peace. He has brought in a section of the statutes of Massachusetts very much like his, though not altogether like it, in the class of persons—

Mr. VANCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina decline to yield further?

Mr. VANCE. If the Senator will allow me, I will say that upon reflection as I have not recurred to the last debate recently, it was to

flection, as I have not recurred to the last debate recently, it was to the objection of the Senator from New York to the bill that my re-marks were principally directed. The amendment of the Senator from Massachusetts I do not believe would be objected to by the com-

Mr. DAWES. Then it is not worth while to take any time, except that the Senator will allow me, as he has been disposed to make a little fun of the Massachusetts statute, to express my gratification

that the Senator from North Carolina approves of the statute so much as to embody it in this bill and is willing to conform more exactly to it to-day than he was a few days since.

Mr. VANCE. Fiddlers and pipers excepted.

Mr. DAWES. I am gratified that the Senator applies himself to the protection of fiddlers and stragglers. The people of Massachusetts do not care so much for them as the Senator from North Carolina seems to do. seems to do.

Mr. VANCE. The next statute which I consulted in relation to vagrancy was that in relation to the State represented by the honorable Senator who now occupies the chair. I read from Taylor's Statutes of the State of Wisconsin, volume 1:

SECTION 1. All idle persons

I commend that to the Senator from New York, not "willfully or viciously idle" persons, but—

All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, beerhouses, out-houses, market places, sheds or barns, or in the open air—

It seems to be a crime for a man to sleep in the open air, if he has got no house, in the State of Wisconsin—

and not giving a good account of themselves

If that would not be called by metaphysicians a psychological and physiological inquiry I should like to know what would—"a man not giving a good account of himself!"

All common drunkards; all lewd, wanton, lascivious persons in speech or behavior; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms, shall be deemed vagrants.

Section 5 provides that-

All male children under the age of eighteen years, and all female children under the age of seventeen years, convicted under the provisions of this chapter, shall be sentenced to imprisonment in the house of refuge, at Waukesha, for a term not more than one year nor less than three months.

The bill reported by the Committee on the District of Columbia of the Senate, which is under consideration, does not provide a minimum term of punishment, but provides that the punishment shall not exceed confinement for a certain term; but here it shall not be less than three months. A child of five years of age found begging on the streets shall be committed not in the discretion of the magistrate but absolutely, if found guilty, shall be punished by confinement for a term of not more than one year nor less than three months.

In all other cases, the defendant shall be punished by imprisonment in the county jail for a term not exceeding ninety days, there to be kept, if the justice shall so direct, in solitary confinement for the whole or part of the time of his or her imprisonment; or if, in the opinion of the justice, the defendant is a proper subject for such relief, he shall commit him or her to the county poor-house of such county, if there be one, or to the almshouse or poor-house of such town or city, there to be kept at hard labor for a term not exceeding six months.

So much for the statutes of the State of Wisconsin. The next State to which I directed my attention—perhaps it should have been the first, as it is the greatest State in importance of this country—is the State of New York, the one represented by the honorable and humane Senator who made objection to this bill. I read from the Revised Statutes of New York, Banks & Brothers, page 836, volume 2, title II, reading 1:

All idle persons who, not having visible means to maintain themselves, live without employment—

Here the bill, as now amended, reads, "All willfully idle, vicious, or disorderly persons;" but the statute of the State of New York makes idleness a crime itself, provided the man has not visible means to support him in his idlenes

all persons wandering abroad and lodging in taverns, groceries, beer-houses, out-houses, market-places, sheds, or barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms, shall be deemed vagrants.

The punishment that is provided is as follows:

The punishment that is provided is as follows:

If such justice or other officer shall be satisfied by the confession of the offender or by competent testimony that such person is a vagrant within the description aforesaid, he shall make up and sign a record of conviction thereof which shall be filed in the office of the clerk of the county, and shall by warrant under his hand commit such vagrant, if he be not a notorious offender and be a proper object for such relief, to the county poor-house, if there be one, or to the almshouse or poor-house of such town or city, for any time not exceeding six months, there to be kept at hard labor; or if the offender be an improper person to be sent to the poor-house, then he shall be committed to the bridewell or house of correction of such city or county, if there be one, and if none, to the common jail of such county for a term not exceeding sixty days, there to be kept, if the justice think proper so to direct, upon bread and water only for such time as shall be directed, not exceeding one-half the time for which he shall be committed.

Solitary confinement, on bread and water is a punishment for a

Solitary confinement on bread and water is a punishment for a man going about from place to place begging in the State of New

Sec. 4. If any child shall be found begging for alms or soliciting charity from door to door, or in any street, highway, or public place of any city or town, any justice of the peace, on complaint and proof thereof, shall commit such child to the county poor-house, if there be one, or to the almshouse or other place provided for the support of the poor, there to be detained, kept, employed, and instructed in such useful labor, &c.

Those are some of the statutes which I have examined. I have examined more, but it is not necessary to weary the Senate by reading from them all. Suffice it to say, that so far as the effect of this act which the committee propose is concerned, the bill follows almost in totidem verbis the language of the chief States of this Union in re-

Mr. ALLISON. I did not know but that the date might appear on the face

Mr. VANCE. Eighteen hundred and seventy-one is the date which I have just read from in the State of Wisconsin.

Mr. ALLISON. That is the date of the revised statutes undoubt-

edly. Mr. VANCE.

Mr. VANCE. Yes, sir.
Mr. ALLISON. That is a collation of the Wisconsin statutes.
Mr. VANCE. I do not suppose the date of the statutes makes any

The PRESIDING OFFICER. The reference is to be found in the

margin.

Mr. VANCE. I suppose the date would make no difference if the law is still in force.

Mr. ALLISON. It might make a difference, perhaps.

Mr. VANCE. I do not find it, sir.

Mr. WHYTE. The Massachusetts statute is 1864.

Mr. VANCE. I do not find the date in the margin, as is suggested. I was going to remark that I do not think in harshness these laws exceed any of the laws of the various States in the Union in relation to vagrancy, if indeed they come up to them; and when we come to consider the peculiar character of this city and the tendency which there is to overflow it with all kinds of adventurous characters, from the lowest to the highest order of crime, I do not think that there ought to be any hesitation at all in protecting the people of this city.

As to the substitute which was offered by the honorable Senator from Alabama, I will say that it would relieve the Committee on the District of Columbia, it would relieve the Congress of the United States very much, which has to legislate for the District, if such a law could be constitutionally passed. But I am of the opinion that its constitutionality is doubtful; that the legislative power proposed to be vested by the amendment of the honorable Senator from Alabama in the three commissioners of the District of Columbia could not constitutionally be so vested, and that it will remain still in the power of Congress and still be the duty of Congress to enact the legislation necessary for the government of the District according to the Con-

Mr. KERNAN. Mr. President, I notice that in the laws which have been quoted vicious persons are provided against. Under the bill we are considering a vicious person will not be punished unless he has other terrible things attached to him. I will read them; they

That all idle, vicious, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

A man may be a vicious person, he may be a disorderly person, but under the bill reported here, unless he goes about habitually "begging or receiving alms" the disorderliness does no harm, the vice does no harm, but it is the begging. Now I will read the bill as it stands without my amendment:

That all vicious, willfully idle, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, "who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms."

So that if a man does not beg, but some charitable person sees that he is in need, has not shoes to cover his feet from the snow, and steps up and hands the man a dollar or two and says, "Go and get something for your feet," he is receiving alms, and that is enough; he is idle and has received alms. It is not in the conjunctive, but in the

Mr. CARPENTER. Read the next two lines.
Mr. KERNAN. "All persons found trespassing in the night-time upon the private premises of others." A man may merely go in out of a storm and seek the shelter of a stoop.

Mr. CARPENTER. Or he may pass across a vacant lot to make a

Mr. KERNAN. Yes. If the laws in New York or in any other State have been made with provisions like these they ought to be repealed. have been made with provisions like these they ought to be repealed. I do not hesitate to say so. I do not believe any man ever heard of punishing a person not vicious, not disorderly, simply idle because he could not get work whereby to earn his bread, who goes to a man, if you please, habitually, day after day, and gets something to sustain him, receives it even without begging for it, but merely shows himself and excites commiseration, and the charitable impulse of some one gives him something. The idea that that is to be an offense for which he shall be sent to jail unless he can give security is, I think, not in accordance with what is right. not in accordance with what is right.

I have not looked at the statute of the State of New York recently, but I venture to say that no man ever heard that a person there was wilfully idle and was sent to jail because he received a coat to cover him, or because he or his family habitually went to neighbors who knew all about their character, knew they were deserving, knew they were sick, knew they were hungry without their fault, and that for that he could be arrested, taken before a magistrate, and required for that he could be arrested, taken before a magistrate, and required to be sent to jail if he could not give security. The friends of the bill ought to have this stricken out. The idea that under the bill a vicious person must habitually ask or receive alms in order to be punished is not right. I think if we take care of the vicious, of the disorderly, of those who hang about public places, and pickpockets, &c., it is all we ought to do; but to say that an individual who receives alms because a person who thinks he is deserving gives them and tells him, as many a family does, "Come around every day and you shall have something for your children"—to say that such recip-

ients of charity are to be classed with pickpockets and disorderly persons is not what I think should be the law anywhere.

Mr. ROLLINS. I should like to inquire what has become of the amendment of the Senator from Massachusetts. I understood the Senator from North Carolina to withdraw objection to that amend-

ment.
The PRESIDING OFFICER, (Mr. Morrill in the chair.) The amendment of the Senator from Massachusetts is now pending.
Mr. ROLLINS. I hope a vote will be taken on that amendment.
Mr. WHYTE. Mr. President, if that amendment be adopted we might as well abandon the bill entirely.
Mr. CONKLING. I think we had better abandon the bill, whether

it is adopted or not.

Mr. WHYTE. I have no objection to abandoning it. It is a bill which has been called for by the commissioners of the District of Columbia. It is a bill similar in character to almost all the tramp laws which have been enacted throughout the United States since 1873. It may not be in totidem verbis with each one of the statutes, but it comprises most of the provisions of those different statutes throughout the States.

throughout the States.

Mr. CONKLING. May I inquire is there such an act in Maryland?

Mr. WHYTE. Yes, but not in the same words exactly.

Mr. CONKLING. In substance?

Mr. WHYTE. A tramp act? Certainly.

Mr. CONKLING. Is it true under that act that if a person goes into the Senator's yard and commits a petty larceny that he may be sent to jail—if that is what it is called in Maryland—for thirty or forty days, or whatever; but if, without stealing anything at all, he walks into the Senator's yard, goes to his back door and asks for a loaf of bread, that he may be sent to the penitentiary or somewhere else for a year? Is that one of the provisions of the Maryland statnte?

Mr. WHYTE. Neither is it the provision here.
Mr. CONKLING. No; it is not here; it is the provision of some of these so-called tramp acts, which the Senator says this bill resembles; and if it does, it is a resemblance which would prejudice me very much against it. I could refer the Senator to so-called tramp acts, not in Maryland—for I have inquired for information about that—but in State which Levell name under which execute the measurement. but in States which I could name, under which exactly the monstrons thing that I have stated to him may occur by the terms of the act.

Mr. CARPENTER. It is so in Connecticut.

Mr. CONKLING. I hope we shall avoid anything resembling that,

rather than embrace it.

Mr. WHYTE. It is exactly what I was saying, Mr. President, that so far from this being a severe bill it is more moderate, more benignant in its character than almost any tramp act in the United States, because it lodges in the hands of the judge of the police or criminal countries this District the power of the countries of the countrie because it lodges in the hands of the judge of the police or criminal court in this District the power to fine two cents or one cent, to discharge the prisoner on his own recognizance. It is the mildest of all these various acts. It has some provisions that, when we read them, I agree with the Senator from Wisconsin, ought to go out; some provisions that may be amended; but on this part of the case the Senator will see that the punishment of imprisonment only follows where the bond is not given. There is no other provision; and if you leave it discretionary upon conviction to exact a bond the man is convicted and not punished at all. What are you to do with him? If the bond is not furnished he is to be sent to the work-house. It is only in the case where the bond is exacted that he is sent to the work-house, and yet the conviction stands there upon the face of the act. Is it not case where the bond is exacted that he is sent to the work-house, and yet the conviction stands there upon the face of the act. Is it not better to leave it in the discretion of the judge when he comes to try the case? If it is a case not willful in its character, if it is a case that ought not to be punished, he can discharge the man upon the execution of a recognizance of his own to keep the peace. Nobody will be arrested unless he is habitually going upon other people's premises. This act ought to be amended in that it does not provide for insane persons, and I intended to propose, after this amendment was disposed of, after the words "disorderly persons" to insert "not insane." They must be relieved, of course, from the application of this law. That is an oversight which, I am sure, the Senator from North Carolina will correct. But the act of my State is this—and this is the mature result of an examination of all the statutes and of the practical working of our own statute—drawn by the attorney-general of our own State, one of the wisest criminal lawyers we have there, and this is the result of his examination into other statutes and into the practical workings of our own statute, and we had to

there, and this is the result of his examination into other statutes and into the practical workings of our own statute, and we had to alter it; it was too severe when it was first passed, and now, at the very last session of the Legislature, we altered it in these words:

Every person, not insane, who wanders about in this State and lodges in markethouses, market places, or in other public buildings, or in barns, out-houses, barracks, sheds, or in the open air, without having any fixed place of residence, and without having any lawful occupation in the city, town, or county in which he may so wander, and without having any visible means of support, shall be deemed to be a tramp, and be guilty of a misdemeanor, and shall be subject to imprisonment in the Maryland House of Correction for a period not less than two months nor more than one year.

The pending bill is even milder in its punitive character than this act, because there it is discretionary with the judge to imprison a day, an hour, five minutes, if he thinks proper; that is proper, right, natural, and fair for the protection of the citizen. The minimum is not expressed, because it comes down to the smallest farthing of money or the very shortest period of imprisonment.

It strikes me, Mr. President, that if this amendment of the Senator from Massachusetts is adopted by the Senate, we had better just put the bill out of the Senate altogether.

Mr. CARPENTER. Mr. President, it is well known that a few years since, when the tramp scare spread over the country a good deal more generally than the tramps did, the Legislatures of the States rushed madly into legislation upon this subject and passed a great many statutes of which I have no doubt they are now rather ashamed. It is certain that they passed statutes which for severity and for cruelty were never equaled in this country by anything since the so-called Blue Laws of Connecticut. This statute the Senator from Maryland says will be the mildest one in existence on that subject. I suppose that is so because it will be the last, the latest, the most remote from the alarm produced on that subject. I take it that every law which passes from this time out in the State Legislatures or anywhere else will be still milder and milder until people will get so far restored to their confidence in self-preservation under the old and restored to their confidence in self-preservation under the old and habitual laws of the land that they will repeal them altogether. I

Now, to save time and to test the sense of the Senate, I move that this bill be indefinitely postponed, and on that motion I ask for the

yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 36; as follows:

		X.E	AS-13.	-10.	
	Allison. Bayard, Call, Cameron of Pa.,	Carpenter, Conkling, Eaton, Farley,	Hereford, Johnston, Jones of Florida, Kernan,	McDonald, Saunders. Voorhees.	
NAYS-36.					
	Anthony, Beck, Blair, Brown, Burnside, Cameron of Wis., Coke, Davis of W. Va., Dawes,	Ferry, Garland, Groome, Hampton, Harris, Hill of Georgia, Hoar, Ingalls, Jonas,	Kirkwood, Lamar, McMillan, McPherson, Maxey, Morgan, Morrill, Pendleton, Platt,	Pugh, Rollins, Saulsbury, Slater, Vance, Wallace, Whyte, Williams, Windom.	
ı		ABS	ENT-25.		
	Bailey, Baldwin, Blaine, Booth, Bruce, Butler, Cockrell	Davis of Illinois, Edmunds, Grover, Hamlin, Hill of Colorado, Jones of Nevada, Kellogg	Logan, Paddock, Plumb, Randolph, Ransom, Sharon,	Thurman, Vest, Walker, Withers.	

So the motion was not agreed to.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Massachusetts.

Mr. INGALLS. Mr. President, I agree with the Senator from Massachusetts in thinking there ought to be some discretion left with the court in regard to the penalty to be inflicted or the security to be demanded in case a conviction is made. I suggest to the Senator from Massachusetts and to the Senator from North Carolina whether it would not be well, and whether it would not meet the wishes of both Massachusetts and to the Schater from North Caronia whether it would not be well, and whether it would not meet the wishes of both opinions upon this subject, to modify the bill by inserting the word "may" before the words "be required," in line 23, and by striking out the word "shall" after "they," in line 27, and inserting "may;"

May be required to enter into security for their good behavior in a sum not exceeding \$300 for a space of time not exceeding one year; and in case of refusal or inability to give such security they may be confined, &c.

That will leave no doubt as to the fact of discretion, and it appears to me, as that is the customary use of the word "may" in statutes of this kind, that it would so far modify the asperity of the bill as to meet the views of those who are opposed to it; and I suggest to the Senator from Massachusetts whether he will not accept that in lieu of the amendment that he has offered. If he will, I will offer it as a compromise, in order to test the sense of the Senate.

Mr. VANCE. I am authorized by such portion of the committee as I can consult to accept the amendment of the Senator from Kansas, if that is satisfactory to the Senator from Massachusetts.

sas, if that is satisfactory to the Senator from Massachusetts.

sas, if that is satisfactory to the Senator from Massachusetts.

Mr. HOAR. If that is preferred I withdraw mine.

Mr. VANCE. I accept the amendment of the Senator from Kansas.

Mr. CONKLING. The committee cannot accept an amendment.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The
Senator from Kansas moves to amend the amendment of the Senator
from Massachusetts as will be now reported:

The CHIEF CLERK. In line 23, after the word "Columbia," it is
moved to insert "may," and in line 27 to strike out the word "shall"
and insert "may;" so that the clause will read:

Or in any court of competent jurisdiction, upon information filed in the name of the District of Columbia, may be required to enter into security for their good be-havior in a sum not exceeding \$300 for a space of time not exceeding one year; and in case of refusal or inability to give such security they may be confined for a

Mr. VANCE. I understood the amendment of the Senator from Massachusetts was to be withdrawn if this amendment was accepted. The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts not to withdraw his amendment.

Mr. HOAR. No; I could have no authority to accept the amend-

ment; but I said if this amendment was adopted by the Senate I should withdraw mine.

The PRESIDING OFFICER. The Chair understood the proposition of the Senator from Kansas was to have the Senator from Massachusetts accept his proposition as an amendment to his own amend-

Mr. INGALLS. Mine cannot be offered now, it being in the third

degree.
The PRESIDING OFFICER. Certainly not. Mr. HOAR. I withdraw my amendment to let the Senator move

The PRESIDING OFFICER. Then the question is on the amendment proposed by the Senator from Kansas which has just been read.

The amendment was agreed to.
The PRESIDING OFFICER. The morning hour has expired, and the Senate will now proceed to the consideration of its unfinished

BEN. HOLLADAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 231) for the relief of Ben. Holladay, the pending question being on the amendment proposed by Mr. Kernan, to strike out all after the enacting clause and insert a substitute.

Mr. McDONALD. Mr. President, on the 12th day of March, 1878, the Senate recommitted by a resolution Senate bill No. 346 of the Footy-fifth Congress "referring the daim of Banjamin Helladay to

Forty-fifth Congress, "referring the claim of Benjamin Holladay to the Court of Claims," to the Committee on Claims, "with instructions to report to the Senate what amount, if any, is equitably due to the claimant on account of his claim, and that said committee shall have claimant on account of his claim, and that said committee shall have power to send for persons and papers and to take testimony." After the expiration of more than eighteen months from the adoption of that resolution, the Committee on Claims reported back the bill that had been thus recommitted to them, and reported as the amount equitably due to Benjamin Holladay the sum of \$526,739. That sum was made up of three items; first for the amount of loss sustained by the removal of his mail-route under military orders of the United States; second, for provisions and forage taken and used by the United States will say while engaged in Indian bastilities on the plains; and third military while engaged in Indian hostilities on the plains; and third, for Indian depredations committed upon the property of Benjamin Holladay while he was engaged in transporting the mail from the Missouri River to Salt Lake City.

In the discussion that has taken place in reference to this report there seems to be some misunderstanding in regard to the relations which this claimant bore to the mail contract for the transportation of what was called the overland mail. I understand the facts to be that the route called "the overland" was first established by act of that the route called "the overland" was first established by act of Congress upon what is known as the southern route through Texas, and the contract was taken by what was called "the Overland Mail Company;" that the chief security and bondsman of that company was Benjamin Holladay; that after the mails had been carried for a time upon this route, by act of Congress also the route was changed, to what is termed the middle overland route from the Missouri River, starting somewhere near Atchison, by Salt Lake City, to Placerville, California, a distance of between seventeen hundred and eighteen hundred miles, and this same Overland Mail Company undertook to perform that service and began stocking that part of the line from perform that service and began stocking that part of the line from the Missouri River to Salt Lake City. When in the summer of 1861 they refused to go any farther, and were about to break down and throw up their contract, Holladay came forward as their bondsman; assumed their obligations either as a sub-contractor or lessee for so much of the line extended from the Missouri River to Salt Lake City; and from that time, as this committee has found upon its investigation, until 1866 he was to all intents and purposes the mail carrier of the overland mail from the Missouri River to Salt Lake City. This virtually broke the line at that point, and the rest of the service was performed from Salt Lake City to Placerville by the Overland Mail Company. The entire contract price for the service from the Missouri River to Placerville was \$1,000,000 per year, and of this sum Benjamin Holladay received for his part of the service \$450,000 per annum. The Overland Company and Holladay made a bargain or contract with the Vanderbilt line to transport a part of the throw up their contract, Holladay came forward as their bondsman; or contract with the Vanderbilt line to transport a part of the mail that was less valuable and more weighty (embracing principally the newspapers transportation) by the Vanderbilt route, and for that these two companies paid the Vanderbilt company the sum of \$150,000 these two companies paid the Vanderbilt company the sum of \$150,000 a year; one-half of which was paid by Holladay, and the other half by the Overland Company; so that Holladay's compensation for the service which he performed, so far as the Government was concerned, was but \$375,000 a year. The impression has been made that he was drawing this \$1,000,000 a year for this service.

Now, as to the line established by Holladay, its eastern portion had three branches. His stages started from Atchison, from opposite Nebraska City, and from Omaha, and converged to Fort Kearney, a distance out on the plains of some two hundred miles and there formed

tance out on the plains of some two hundred miles, and there formed a trunk line extending from Fort Kearney to Salt Lake City, established in the first place upon what was called the emigrant trail, the Fremont line through the South Pass. This line involved the establishment of eighty stations with four-horse coaches, two to each station, forty stations with six-horse coaches, two to each station, making in all one hundred and twenty stations with an aggregate number of fourteen hundred head of horses and two hundred and forty stages. For the transportation of the necessary supplies he had to have and

did employ and own fifty-six mule-wagons with six mules to each did employ and own fifty-six mule-wagons with six mules to each team, fourteen with four, and sixty wagons drawn by oxen. These one hundred and twenty stations had to be established. This mail was not carried, as we all know, through any settled country. When he left the Missouri River he went out almost upon a trackless plain, and therefore he had to establish stations from point to point sufficient not merely to accommodate the stock that he might find it necessary to use but also to accommodate the men, and if there was any travel to accommodate that too.

Not a great while after this line had been established Indian hostil-

Not a great while after this line had been established Indian hostilities broke out on the plains. The civil war that was raging in the United States had its reflective force and effect undoubtedly upon these wanderers of the plains, and Indian hostilities very soon broke out there, and as early as 1862, on this South Pass route, he met with a great deal of interruption and many of his stations were broken up.
Mr. Holladay came to Washington and had an interview with the
President. That interview is succinctly stated in his sworn testimony submitted to the committee that made this report. He stated frankly the difficulties and dangers that surrounded this service, and he said to the President that he must be protected and his losses made good, or he would be compelled to abandon the line. This was in 1862; and he was sent back there to perform the service with the assurance that he was sent back there to perform the service with the assurance that he should be thus protected. He returned, and for the purpose of making that protection easier he transferred nearly three hundred miles of his line, west of Julesburgh and crossing the Rocky Range, to what is called the Middle Pass, the Bridger Pass through by Sherman's route, or the Sherman Pass—very nearly the line of the present Union Pacific Railroad. This transfer he made without any direct military authority or order, for the purpose of securing a safer and better route. The President gave orders for military protection, and as far as it was possible for the military to afford it they did so; but after endeavoring for a time to maintain this line he was subsequently, by military order, directed to change it again.

Mr. CAMERON, of Wisconsin. If the Senator from Indiana will allow me for one moment, I wish to suggest that the first change of route was recognized by the Post-Office Department.

Mr. McDONALD. Undoubtedly; but it was not made by any military order.

tary order.

Mr. CAMERON, of Wisconsin. It was not.

Mr. McDONALD. But it was made after his conference with the President and after his assurance of protection and reimbursement.

Mr. CAMERON, of Wisconsin. If it will not interrupt the Senator,

nection with what he is now saying.

Mr. McDONALD. I shall be very glad to have it read.

The PRESIDING OFFICER. If there be no objection, the communication will be read at the desk.

The Chief Clerk read as follows:

Copy of an official order issued by Postmaster-General M. Blair, on the 7th day of July, 1862, as the same is of record on his official journal. Route No. 10733, Missouri; Saint Joseph to Placerville—Overland Mail Com-

pany.

Ordered, Permit change of route so as to leave present road and keep along the South Platte and Cherokee trail via Bridger's Pass, and intersect present route at Fort Bridger, shortening the distance one hundred miles, provided the offices on the present route omitted by the change be supplied with the mails once a

Mr. WILLIAMS. The Senator from Indiana will allow me a moment to call attention to the official letter of General James Craig, in which he says that he has received a telegram informing him "that the Postmaster-General has ordered the Overland Mail Company to abandon the North Platte and Sweetwater portion and remove their stages and stock to a route south of this, running through Bridger's Pass." There is an official letter which shows that the change to the northern route was made not only under the authority but by the order of the Postmaster-General, as well as the Cut-off route by the order of Colonel Chivington.

Mr. McDONALD. It was undoubtedly by the permission of the Post-Office Department, but not directed by any military order. As to the second change, however, we have no difficulty on that subject, as the following order of the colonel commanding will show:

HEADQUARTERS DISTRICT OF COLORADO,

Denver, December 2, 1864.

SIR: I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am, sir, with respect, your obedient servant,

J. M. CHIVINGTON, Colonel, Commanding District.

BENJAMIN HOLLADAY, Esq., Proprietor Overland Stage Line.

And in obedience to this order of December 2 1864 the second change was made, taking in Denver and reaching Salt Lake City by what is here called the Cut-off route. In the performance of this service Benjamin Holladay had stolen or taken from him by the Indians at least one hundred and ninety head of mules, at least three hundred and sixty-four horses, and of other stock at least ninety head, and had destroyed twenty-six stations which he had built and supplied. He had furnished the stations and the supplies.

These were the losses that he incurred in the performance of that

These were the losses that he incurred in the performance of that service, which the committee in its careful aggregation has calcu-

lated at the sum it has put in the bill reported back to us, and the question now comes before the Senate whether that report shall be

sustained.

It is insisted in the first place that this contractor, who did not become voluntarily a contractor in this case, assumed all the risks of that line when he undertook to perform the service and that the compensation which he was to receive from the Government, and which he did receive, (not what has been suggested, a million of dollars a year, but \$375,000, which was the actual compensation received by him.) was the full equivalent of the service that he performed and of the undertaking into which he entered. Inasmuch as the losses sustained by him in the destruction of his property and in the capture of his stock form the largest item of his claim of damages, the whole opposition rests upon this objection. I admit that it is the general rule that when persons enter upon a contract to perform a particular service they stipulate for whatever may be the ordinary risks of that service; and in a contract for carrying the mail, for instance, in a settled country, where there are plenty of means at hand, where there are no unusual difficulties to encounter, this rule ought to be strictly applied; but I insist that in a case of this kind it is not a proper rule, it is not equitable or right to apply it; and I insist that if ever in extraordinary cases it was proper to apply it, it is not right if ever in extraordinary cases it was proper to apply it, it is not right to apply it in this. There were circumstances then surrounding this enterprise that it is somewhat difficult for us to look at now as they

appeared and presented themselves then.

The only communication that we then had with the Pacific coast and the new States erected there and the people of our blood and belonging to our nation who were there settled, was mainly by this overland mail. The only other mode of communication was tedious, overland mail. The only other mode of communication was tedious, long delayed, and uncertain. The Vanderbilt line, carrying its passengers and its mails by the Isthmus, by sea, until it reached that point on this side, and by sea on the other, of necessity consumed a large portion of time in passing from point to point; but here was an overland mail established, a mail-route fixed by act of Congress, by which it was proposed to carry across that plain uninhabited for fourteen hundred miles and over a daily mail to those people out there and bring back from them daily their communications to us. At any time an enterprise of that kind would have been somewhat extraordinary. At any time it would have encountered great diffi-At any time an enterprise of that kind would have been somewhat extraordinary. At any time it would have encountered great difficulties, because we all know that over that plain were roaming then and have been since bands of Indians sometimes friendly, sometimes hostile, always to be watched, never to be trusted; and that even in profound peace, when we would have had no other interests in those far-off settlements than those of kinship or commercial intercourse and commercial correspondence, a line like this would have had in the performance of such a require as this from 1051. and commercial correspondence, a line like this would have had its difficulties. But the performance of such a service as this from 1861 to 1866 through the civil war is anomalous in our history. It was the only thread that extended from the eastern to the western part of our country; it was the only means by which we could communicate with them or they with us. And so important was it found to make this communication more certain than stage lines could make it, more rapid than the swift foot of the horse, that even at that time the subject of constructing a railroad communication between the Missouri River and the Pacific coast, was a subject of all absorbing interest. subject of constructing a railroad communication between the Missouri River and the Pacific slope, between the Western and Middle States and the Pacific coast, was a subject of all-absorbing interest to every one who took any interest in the country or its welfare. And while Benjamin Holladay was performing this service, while he was making these changes, while his property was thus being seized and destroyed, while the Government had to send out, according to this testimony, five troopers with each stage to guard it on its way, while these things were going on Congress in 1862 and in 1864 passed those acts which provided for the construction of railroad communication between the Pacific and the Middle and Atlantic States, and it gave to those who undertook that enterprise a domain for its construction. A strip ten miles in width of the public lands for every mile of road constructed was given absolutely, and the bonds of the Government were given in loan to the companies for nearly sixty millions of dollars. These were the outlays with which the country was endeavoring to supplement the line of the Overland Company, of which, so far as the eastern end of that line was concerned, Benjamin Holladay was the company.

Now, I ask, Mr. President, if it is fair, or right, or just to apply to a service of this kind the narrow rule that has been suggested? Did he understand when he went out from the White House after his consultation with Abraham Lincoln, who was honor and truth itself,

consultation with Abraham Lincoln, who was honor and truth itself, that he was sent there under the ordinary and cold provisions of a contract that made him responsible for all its losses? Did Mr. Lincoln, when he gave orders to the military authorities to give him protection, and said to him that if he met losses beyond that Congress would undoubtedly reimburse him, suppose this was an ordinary contract for the carrying of mails in settled countries, where there can be no great danger that cannot be foreseen? Did these men, when they undertook this middle line in 1860, foresee that the civil war would break out in the spring of 1861 and involve this whole country, and with its disturbing elements set on fire on these prairies the roving bands that were there and stir them up to plunder? Did they see that, and engage for this sum to jeopardize life and property and all to carry these mails daily? If that was so; if that can be fairly said in reference to this branch of the case, then Mr. Holladay must pocket his losses so far as Indian depredations are concerned.

Mr. President, so far as the property of Benjamin Holladay taken and used by the Government is concerned, there can be no question raised anywhere; but it is said that the losses he sustained by the removal are akin to the other; that is, that having stocked one line, established his stations, planted his corrals, placed his provisions there, all his forage and his supplies, when it cost twelve cents a pound to the Government to haul supplies out to the plains—that when he had done that and was then ordered by a military officer to remove those stations to a line far south and to abandon what he had done there and reconstruct and re-establish a new line he is to have pathing for that, for that was embraced, too, within the terms have nothing for that, for that was embraced, too, within the terms of the contract. No, Mr. President, the Senate did not so understand this question when they adopted the resolution I have cited directing the committee to ascertain what is equitably due to him on account

the committee to ascertain what is equitably due to him on account of this claim that he has preferred.

But it is said that this claim is made out upon exparte testimony; that exparte affidavits are the foundation and support of it. Now, Mr. President, I do not think that is so. I have endeavored to examine with some care the testimony that this committee with great labor has taken, and to my mind it is not necessary to consider the exparte affidavits that were properly filed for the purpose of bringing this claim forward in any other light than as bills of particulars submitted; that the sworn testimony taken upon examination and cross-serving sufficiently, and substantially establishes the cross-examination sufficiently and substantially establishes the amount that the committee have returned, simply using the affidavits and the accounts that are attached thereto as so many bills of

particulars presented.

Let me call the attention of the Senate to some testimony on this subject that is not ex parte, and first I will read from the evidence of General Robert B. Mitchell, the general commanding that district:

General Robert B. Mitchell, the general commanding that district:

Question. State what injury was done to the property of the Overland Mail.

Answer. I think most all the property was destroyed and taken from one point east of Kearney and Fort Kearney clear through to Green River, with the exceptions of these forts, where the forces protected the stage property. We at times protected the line pretty well, and at other times they would make a sweep on us, and divide up for a thousand miles on that line, and lay waste to everything. I really had not force enough to whip the combined forces of Indians. They never whipped us, but their policy was not to stand a fight, but get pre perty, stages, mules, provisions, and everything, and run off. There was scarcely a ranch except at Fort Cottonwood—well, there was no ranch from Cottonwood to this Frement Orchard left along the road—everything, the citizens and everything were wiped out, the stage company's property and all. At Julesburgh I had occasion to examine the Indian affairs there personally; that was the supply post for the entire line for grain and provisions, and there were fine stables and houses there, and that was a good eating-place—it was called an eating-station. I was afterward through there and found it all destroyed; that I know also from official reports. I was not there at the time of the fight, but I was there two days afterward, and saw evidences of the fight. I had fifteen men killed there, and another company three or four. There were only two companies there, and they would all have been killed, but that they had two howfizers and good arms. There were from fifteen hundred to two thousand five hundred Indians; there were about eighty men to a company.

There is the testimony of the commanding officer. He says the

There is the testimony of the commanding officer. He says the principal depot at Julesburgh was destroyed, entirely destroyed, destroyed while being defended by two companies of United States troops. It was assailed by some fifteen hundred Indians. It was a rich prize. He says he had not troops enough to defeat the Indians, but they never defeated him. It was not their purpose to engage in any general battle; their purpose was plunder, and the richest plunder they could lay their hands on was the property of this Overland

der they could lay their hands on was the property of this Overland Mail Company.

In reference to the character of these Indian hostilities and their depredations, the testimony of Colonel Otis is to the same effect. But it is said that there are overcharges here; that horses are put down at \$200 apiece, mules at \$200 apiece, and corn at large prices. Mr. President, the testimony of the Government officers who were out there on the plains would warrant a much higher rate being affixed to any of this property. They testified that the Government was paying at that time for hauling supplies from the Missouri River out upon those plains to supply the different stations as high as sixteen cents a pound for corn, and that the hay the Government obtained through its quartermasters and commissaries was worth from \$50 to \$100 a ton. Now, my friend from New Jersey says they ought to \$100 a ton. Now, my friend from New Jersey says they ought to have cut this hay upon the plains. Very evidently he has not gone

have cut this hay upon the plains. Very evidently he has not gone over those plains.

Mr. McPHERSON. They did cut it.

Mr. McDONALD. Ah! Not upon this line, not upon this route.

There were such places here and there. If the Senator had crossed the plains he would have known something more about them. There were places here and there where hay could be cut; but for hundreds of miles the rankest vegetation that grows upon these plains is the buffalo grass that he would have to grub out of the ground with his fingers. with his finger

Mr. McPHERSON. Will the Senator permit me to ask him a ques-

Mr. McDONALD. Yes.
Mr. McPHERSON. How is it, then, that at the different stations along the line, at stations where we have knowledge that grass does grow and at those where he avers grass does not grow, the same price is charged for hay in the bill of particulars—the same at every station

Mr. McDONALD. I am not informed, nor does this testimony inform me at what stations grass did grow. I should judge from what I know from passing once upon what was the center line of this overland mail, that there were very few places where crops of hay

are harvested. But I will simply read the testimony of a Government officer who was out there at the time, Colonel Charles G. Otis. He was there in the latter part of this service. He had served in the Army in the East before that, but he was stationed at Denver during the year 1865. He says:

My regiment was distributed over the line from station to station. Our head quarters at that time were at Camp Collins—

This was the safety line—the third line taken up after the establishment of the central route to California, the "cut-off" as it is called here, through Denver, where it had been placed by the direction of the commanding officer who had preceded Colonel Otis:

Our headquarters at that time were at Camp Collins, and then we had men stationed at different stations. Some men at Virginia Dale, Bitter Creek, Big and Little Laramie, Cooper Creek, Halleck, Platte Crossing, at Sage Creek, at Pine Grove, and at the crossing of the Platte, Bridger Pass, and Salphur Springs. And the regiment was stationed along those; we sent five mounted men with the stage each

So much for the safety of the line. Now, then, as for the cost of articles of a similar character which the Government had to obtain and which it had just as much means of obtaining as Mr. Holladay had:

Question. Have you any means of knowing the value or cost of construction in that country?

This is as to the stations.

Answer. Yes, sir. I have some means. We built some storehouses and things of that kind at Fort Collins while I was there, and I am professionally acquainted with the knowledge of building, because I have served at that trade myself when I was young. I am a mechanic.

Q. Can you state the cost of building any station at any point—in Colorado, for

of that kind at Fort Collins
with the knowledge of building, because I have served at time track.

I was young. I am a mechanic.

Q. Can you state the cost of building any station at any point—in Colorado, for instance?

A. I could only do it as a matter of judgment, not of knowledge; but I would say it was very expensive from my knowledge of the cost of things, because I know that during the winter of 1865, from my knowledge of the cost of wood forage, we found everything was very high; and I know it seemed like burning money to burn wood there, because it had to be hauled eighty or ninety miles.

Q. What was a cord of wood worth?

A. From \$90 to \$100.

Q. Do you remember the price of lumber?

A. The prices at those stations sometimes run up as high as \$200 a thousand.

Q. Do you remember how low it ever reached?

A. I think \$80 or \$90.

Q. Had you any means of knowing the value of corn and oats?

A. At our station there was a contract. The contract price for hauling grain was fourteen cents a pound. Wallace was one of the contractors. I knew he bought a large consignment of corn there—several hundred thousand pounds—and it was fourteen cents a pound for hauling, to my recollection.

Q. What would that make the corn cost at your station?

A. I do not recollect what the corn was worth. It was worth twenty-five cents a pound. It varied according to the trouble of getting it there.

Q. How was the price of oats?

A. We used very few; but it was about the same as corn.

Q. Do you know the price of labor; or did you at that time?

A. We had a carpenter at our station we paid \$100 a month.

Then, in reference to the value of the stations themselves, he fixes

the amount at something like two thousand dollars a station, as the cost of establishing one. Some of these stations were more costly than others, because it became necessary, as a matter of course, to have certain stations that would have better accommodations and be a source of supply to others. In reference to the price of stock, this same officer testifies that the Government was remounting its cavalry by purchasing at Atchison and along the Missouri border horses much inferior to those used in the overland mail at \$175 apiece, horses that yet had to be taken out on the plains to the farthest end of this line, over 1,100 miles.

Now, the committee in their finding in this case have not given Mr. Holladay just \$200 apiece for all his stock; the average is something below that, as anybody will ascertain who will take the trouble to make the calculation; but if they had given him \$200, it would have been inside, and long inside, of the testimony offered on that subject, not on the affidavits but the testimony of witnesses examined and

not on the affidavits but the testimony of witnesses examined and cross-examined, and witnesses disinterested, too.

But it is said that Mr. Holladay must have paid himself for all this by the transportation of passengers, that it was a passenger line. Well, Mr. President, the Senator from Colorado [Mr. Teller] who has spoken in favor of this claim has given you some idea of what kind of a passenger line it was. He said to you that he had traveled by it on some occasions when compelled to do so, because it was the best there was, and where it was indispensable that he should go he sometimes availed himself of this mode, but that he did so with his rifle upon his knee. He sat in the stage-coach with his rifle upon his knee. If it took five troopers to guard each one of these coaches as it left the station and went from station to station, I should think a passenger would want at least two rifles and one or two other perpassenger would want at least two rifles and one or two other persons to help him use them, who would venture upon such a journey as that.

To undertake to pay this man now for the actual losses he sustained in keeping up and maintaining this line at a time when it was indisin keeping up and maintaining this line at a time when it was indispensable that it should be done, when perhaps the very integrity of the Government depended upon the daily communication that passed over this line in holding one section of the country to the other—I say to undertake now to pay him out of what passage-money he might have received from passengers who traveled under such special circumstances as these would be a mockery of justice; and in place of instructing this committee to ascertain what was equitably due to him, the Senate ought to have instructed the committee to ascertain how much he ought to refund on account of the passen-

gers who traveled with their rifles upon their knees in a stage-coach guarded by five mounted soldiers of the United States; and this did not furnish protection, as the testimony abundantly shows. The evidence of General Mitchell, not cx parte evidence, beyond any possible doubt shows that this could not always protect the line, because even their chief depot of supply, guarded by two companies of United States troops furnished with artillery, was burned and destroyed, and the troops driven out, the stock and property taken and carried off—that which could be carried off—and confiscated and used by the Indians, for that was their very purpose. They were not endeavoring to do anything else. They did not care about fighting the United States particularly; their object was depredation, spoliation, and seizure of whatever could be carried away or driven away. This testimony, outside of any cx parte affidavits, shows that their losses could not have been less than what this committee have reported.

I desire simply, in conclusion, to say, Mr. President, that no claim which has come before the Senate since I have been a member has been more carefully examined, nor do I believe any has been more thoroughly sustained; and this report of the committee comes to us almost with the solemnity of a verdict of a jury fully supported by the evidence they have taken at great labor. Therefore I shall not vote for the amendment offered by the Senator from New York to send this case to the Court of Claims, but I shall vote to give this man what I believe he is entitled to, the amount which has been returned here in this solemn manner, and on this full investigation, by the committee to whom it was referred for that purpose.

Mr. WILLIAMS. Mr. President, it was not my purpose when this case was called up to say anything on the subject: but I could not

Mr. WILLIAMS. Mr. President, it was not my purpose when this case was called up to say anything on the subject; but I could not keep my seat without saying something in this behalf after hearing honorable Senators, as I did the other day, denounce as fraudulent an honest and just claim of a meritorious man who risked his life and

honorable Senators, as I did the other day, denounce as fraudulent an honest and just claim of a meritorious man who risked his life and his fortune in the service of his country during the most perilous period of its whole existence. This undertaking of Mr. Holladay was a great enterprise, probably greater than ever before was undertaken and accomplished by a single individual in any country; an enterprise requiring the employment of a vast amount of capital and credit, of great courage, large experience in business, great energy. Sir, it required a great man to accomplish it. All these requirements were brought into play and employed, as the committee tell you, as all of the witnesses tell you, with a fidelity and a patriotism and an energy almost unexampled. Sir, instead of being denounced as Mr. Holladay has been, he should receive the thanks of his country.

Mr. President, it is curious to observe that in all that relates to foreign countries, that in all that concerns the interests of certain favored and powerful classes, our Government proudly asserts the national honor and the faith of the nation is maintained with the utmost scrupulousness; but when the rights of a private citizen are to be considered, I say almost with a blush that our Government is mean beyond all example. It looks with a jealous eye and a suspicious eye upon every claim and every claimant ready to presume that one is a fraud and the other a cheat. Every obstacle is thrown in the way of a fair and full investigation of his rights; and at last if justice is tardily done him it will be found, in nine cases out of ten, that it has been delayed so long that the poor man, wearied and worn with waiting and watching, finds at last that he has expended more money than his claim amounts to; and broken-hearted he falls into a panper's grave. The calendars of our legislation are as full of these cases as the dockets of the English courts of chancery. We are doing every day in Congress such injustice to our own fellow-citizens.

Why, sir, the se

Why, sir, the services rendered by this man, if they had been rendered to any other government than our own, would have been rewarded by decorations of honor, and perhaps by knighthood itself. What did he do? He carried our civilization across the trackless desert to the remotest confines of the continent; he blazed a way for the great railroads that now span it and literally bind the country with bands of iron. This claim is of such exceptional merit in itself that it should be treated and considered with generosity and liberality instead of with narrowness and jealousy. What is it, sir? In 1861 Mr. Holladay was the surety of a company that had undertaken to carry the mail across the continent. That company was unable to accomplish its contract, and was about to fail and fall through, when he, to save himself from loss in consequence of his being on the official bond of that company, and by reason of other liabilities in large amounts, reaching altogether to seven or eight hundred thousand dollars, was compelled to buy it out and assume its contract. He assumed it from the Missouri River to Salt Lake City, a distance of over twelve hundred miles. He Why, sir, the services rendered by this man, if they had been rendered River to Salt Lake City, a distance of over twelve hundred miles. set himself to work at once to reorganize the whole affair. Instead of the rickety old spring-wagons he bought one hundred and ten splendid Concord coaches, costing him \$1,200 apiece, and put them on the line. He purchased and put there nearly eighteen hundred mules and horses for drawing the stages and hauling supplies, besides four hundred oxen. He employed five hundred men; he built one hundred and twenty stations, costing upon an average certainly not less than two thousand dollars apiece, and, with all the other improvements and paraphernalia belonging to an enterprise of such magnitude as this, requiring in the whole an expenditure of more than two million dollars. When he undertook this contract, in the fall of 1860, we were in profound peace with all the Indian tribes along that vast route of twelve hundred and fifty miles. The whole Army of the United States was posted out there, and kept the Indians quiet by its pres-

But soon that Army was withdrawn to other fields of operaence. But soon that Army was withdrawn to other fields of opera-tions, leaving but small garrisons in the posts, wholly inadequate for the purpose of giving protection to emigrant trains and the stage-coach line across this continent. These troops being taken away, at once the Indians, for a space of five hundred miles, seven or eight warlike tribes that had been repressed and kept in peace by the pres-ence of the Army, put on their paint and went upon the war-path. They swooped down upon the country and swept away Mr. Holla-day's stage line for a distance of five hundred miles. Holladay went at once and took his chief superintendent to Wash-

day's stage line for a distance of five hundred miles.

Holladay went at once and took his chief superintendent to Washington City, called upon the President and Postmaster-General, and represented to them that it was perfectly impossible for him to carry the mails unless he had military protection; that he would be compelled to abandon the line. The President said to him that that must not be done; that the mails must be carried through at all hazards; that the confederate cruisers were upon the high seas, and that the mails could not be intrusted, nor the bullion so much needed by the Government to transportation upon the needs and that this mail mails could not be intrusted, nor the bullion so much needed by the Government, to transportation upon the ocean, and that this mail must go, cost what it might, and he assured Mr. Holladay that he would give him all the protection in his power, and said to him, "Keep accurate account of all your losses, and when we get through this trouble Congress will do you justice and indemnify you for the losses you sustain in this service to your country." This is proven. If it were not positively proven as it is, it would sufficiently appear by the very facts and circumstances of the case. Who but a fool would undertake such an enterprise in any such territory? What government would demand it but a tyrant? The President gave him this assurance and directed him to go back and re-stock his line, upon which he had lost upward of three hundred horses. He purchased those horses; he went back; but when he got there the general in which he had lost upward of three hundred horses. He purchased those horses; he went back; but when he got there the general in command found it absolutely impossible to protect the line, the war had become so general, and he believed it best, and so communicated with the postal department at Washington, and an order came from the Postmaster-General directing that their route should be changed from the North Platte route for a distance of five hundred miles to a line three hundred miles south of this.

These are the facts, and for all these losses—
Mr. MCPHERSON. May I interrupt the Senator one moment to ask a question for information?
Mr. WILLIAMS. Certainly.

Mr. MCPHERSON. In what part of the report or any of the papers accompanying this case does it appear that Mr. Lincoln, the then President of the United States, promised to Mr. Holladay the protection stated by the honorable Senator from Kentucky?

Mr. WILLIAMS. It appears in George K. Otis's deposition; it appears in Ben. Holladay's deposition; and it appears from the facts themselves, because, as I stated, nobody but a madman would undertake it on any other basis.

take it on any other basis

Mr. VOORHEES. Will the Senator allow me a moment? It appears more strongly perhaps in the testimony of General James Craig than in anybody else's, to the effect that he was out there in 1862 with a command acting under the direct and specific orders of the Secretary of War—that is what General Craig swears to—to take care of the overland mail-route.

Mr. WILLIAMS. And General Craig swears that he informed the Department at Washington that it would be impossible to carry that mail any longer by that route except with the consent of the Indians

These claims of Holladay are large, it is true. How could they be

themselves.

These claims of Holladay are large, it is true. How could they be otherwise than large? They grew out of a vast transaction in perilous times. But because they are large, is that a reason that they do not appeal to the justice of the Government? They are large, and therefore so much the greater reason that they should have been paid long, long ago. If they are large delay in their payment is so much the greater injustice to Mr. Holladay and their denial is so much the greater wrong.

These claims of Mr. Holladay for spoliations upon the line may be divided naturally into four heads: First, his claim for compensation and damages in consequence of his forced removal from the route on the North Platte line to the Bridger Pass line for a distance of five hundred miles, involving the loss of twenty-six stations, which could not have cost him less than an average of two thousand dollars a station, and the loss of supplies upon that line which could not have cost him less than twenty-five thousand dollars. The second head of losses is for the removal of his line from the Platte route to the Cut-off route by order of Colonel Chivington, involving the removal of fourteen stations, with all the grain and appliances, stock, materials, &c., belonging necessarily to those stations, for a distance of from forty to sixty miles. The third head of his losses is for provisions and forage consumed by the Federal soldiers necessarily during these troublesome times at stations along the route. The fourth class of claims is for spoliations by the Indians in stealing and running off his horses, in destroying his grain, his hay, and his other property, and burning his stations.

Now Mr. Holladay comes before Congress asking the indemnity which his Government had solemnly promised him and which it failed to give him for these losses. There can be no doubt as to the number of stations that he lost by the first order communicated by the Post-Office Department through General Craig to him. It is sworn to in

the affidavits; it is sworn to in the depositions; it is positively proven

the amdavits; it is sworn to in the depositions; it is positively proven and clearly stated by General Craig, who did know. The value of the grain lost, &c., is also proved.

Now, as to the second removal to the distance of one hundred and forty miles, under the order of Colonel Chivington, George K. Otis, who was superintendent, swore that he was present and superintended and directed the entire removal, and that he knows the loss

amounted to \$50,000.

Then as to the third class, which is the amount of provisions, hay, corn, and wood consumed by Federal soldiers along that line, this is positively established, every item of it, and the witnesses all state, and every business man of sense knows, that a lot of soldiers patrolling up and down a line of twelve hundred miles in length in gangs of from five to ten, for from two to three years, with no supply trains accompanying them, with no depot near from which to draw their supplies, necessarily fed upon Mr. Holladay, fed themselves and fed their horses upon his grain and his provisions; and the amount of \$30,000 charged for this does not cover, in my judgment, one-half the loss. Look at it yourselves.

loss. Look at it yourselves.

Now, when we come to the loss of horses, can any man doubt that the number of horses charged was lost? Senators fall into the error of saying that these horses are all charged at the same price. It is a mistake. Horses are charged at from \$50 to \$225; the average price amounts to \$98. Will any man say that is too much? In addition to the proof of the witnesses, let us take our own proofs, go to our own recollection of prices. In the time of the great war the demand for mules by the Quartermaster's Department and for horses for cavalry was so great that never in the history of this country were mules and horses so high as they were during the very period of which we are speaking. I know of my own personal knowledge that they could not be bought then for that money, and I know that I am a pretty good judge of these things, let me tell you. I do know that at this day you cannot duplicate that stock for the same money and put them upon that line. On a gold basis, you cannot do it this day. day you cannot duplicate that stock for the same money and put them upon that line. On a gold basis, you cannot do it this day. I know that many of these mules were bought by Mr. Holladay in the city of Louisville at as high as \$250 apiece. I never saw, and none of you ever saw a cavalry horse during the war obtained for less than \$175 to \$250. The best sort of horses were required for these stages; the best kind of mules were demanded for the freight wagons. A light, common mule could not pull through the deep sand; an inferior horse could not carry these splendid Concord coaches with their passengers and their mail, at the rate of six miles an hour. Bould trip, saw the fact: and he says another thing.

passengers and their mail, at the rate of six miles an hour. Bowles, in his transcontinental trip, saw the fact; and he says another thing, too, that this was the finest stage line upon the American continent; it was an honor to the whole country; to the Government that conceived it and to the man who operated it.

It is all bosh to talk about these horses being high. They are low, sir. As for the price of grain, is not the price of grain and hay positively proved by the testimony of six officers of the Army, by the testimony of eight witnesses, the very men of all others in Mr. Holladay's employment best qualified to know and testify in regard to the facts about which they are talking? The Senator from Vermont says that it is unfortunate for Mr. Holladay that all his witnesses are his own men. Why, in the name of God, who else could he get? There were no neighbors around there when the Indians depredated upon own men. Why, in the name of God, who else could be get? There were no neighbors around there when the Indians depredated upon his property to call in and swear, nobody but these very men or the Indians themselves who took the property. It was the only proof possible under the circumstances. The officers were there for the purpose of protecting his route, and they and the division agents, the pose of protecting his route, and they and the division agents, the paymasters, the superintendents, the purchasers of grain, the men whose business it was to supply the route, knew the value of the things taken. The general average was the thing that these men could always testify to, because they did know how much forage was necessarily kept at the station, and they knew how much was fed every day, and if two hundred and fifty sacks of corn had been at a station two weeks they knew exactly how much was left when the station was burned. They could not tell when twenty Indians swooped down exactly what price to put on every horse out of thirty that was down exactly what price to put on every horse out of thirty that was seized and carried off, because there was no time to take an inventory when the Indians were firing upon a small squadron of soldiers. How, seized and carried off, because there was no time to take an inventory when the Indians were firing upon a small squadron of soldiers. How, then, could they take an inventory and set down the value of each particular horse? But they knew what the general average value of the horses was, and they have testified to that. It is the general average we are trying to get. There were no white people from the Missouri River to Salt Lake City, except in Denver; there were no justices of the peace; there were no courts. There is a very singular fact about all this testimony, and it is this, if you will notice it, that every one of these depositions was taken exactly at or about the time the depredations were committed, beginning in the spring of 1802 and running up to the termination of the contract. How do you think that happened? Mr. Holladay tells me exactly how it happened. When Mr. Lincoln told him he was going to be indemnified for his losses, Holladay said, "In the name of God how shall I perpetuate my proof about them?" "Why," said the President, "when a loss occurs just take your superintendent, he can draw up an estimate and an affidavit, and you can bring in your stages some Federal judge from the Territories or some notary public and swear these people," and Holladay did exactly as the President advised him, and there never was a set of affidavits more clear than these; and the fact that they were taken at the very time the damage occurred rebuts the insinuation of the Senator from Pennsylvania that this claim has grewn since it made its appearance first. It is not the fact. It has never grown. The testimony was prepared on the spot, and all that was then in is now in, and no more, except the depositions taken by

was then in is now in, and no more, except the depositions taken by the committee itself.

Gentlemen talk about the price of corn and the price of oats being \$10 or \$11 a bushel. I paid that for them myself. That would make about \$26 a bushel; but we know that it is not the cost of production that is the standard of the value of grain six or seven hundred miles from the fields where it is produced; it is the cost of transportation, and we have the means of ascertaining that, and I tell you, Senators, if you will examine the books of the Quartermaster-General you will find that in the years 1857, 1858, and 1859 the Government of the United States paid for transporting supplies to the forces in the Territory of Utah twenty-one and twenty-two cents a round for flour. pound for flour

There is nothing extravagant in all that. I do not want to fatigue the Senate by going over this testimony, but I will just read a few extracts from the testimony of one of the most intelligent witnesses who has been examined in the case. I happen to personally know that individual, and he is an intimate friend of both the Senators that individual, and he is an intimate friend of both the Senators from Missouri, and I hesitate not to say that there is no man in the country who stands higher for integrity and probity than George H. Carlyle, of Missouri. What does Mr. Carlyle say? He says that he furnished stations with grain from the Missouri River, six hundred and fifty miles west; that he was perfectly familiar with all of Holladay's business in connection with the line from 1862 to 1866; that he laday's business in connection with the line from 1862 to 1866; that he was in Holladay's employment all that time; that the stations were ten to twelve miles apart, built of cedar logs or frame, worth \$2,000 each; that logs had to be hauled one hundred miles and lumber four hundred from Denver City; that there was a dwelling as well as a barn and stable at the stations; that every one hundred miles there was a warehouse capable of holding from five to ten thousand bushels of grain for distribution among the smaller stables; that he delivered the grain and measured the hay; that grain was worth \$10 a bushel at Julesburgh; that he tried to buy it for General Connor, of the Army, at that price, but could not; that he loaded a train of six wagons at Nebraska City with sixty-five sacks each, but had to feed his teams going and coming, so that he could only leave at the end of his route ten sacks out of sixty-five to each wagon.

There you see, Senators, how it is that corn gets to be worth \$10 a bushel. He also testifies that the stations were all burned from Fort Kearney to Julesburgh inclusive; that there were about fifty tons of

Kearney to Julesburgh inclusive; that there were about fifty tons of hay at each station worth \$50 a ton, which had been hauled from seventy-five to one hundred miles; that grain destroyed over the three hundred miles would average near two hundred and fifty sacks

three hundred miles would average near two hundred and fifty sacks to the station and about forty tons of hay, leaving out Julesburgh, which was a depot; that the troubles on the eastern end of the route began in 1864 and continued till 1866; that the troubles commenced on the west end of the route in 1862; that it cost twenty cents a pound to get corn from Kearney to Julesburgh, and that he paid that price; that he went over the line in 1862 with the paymaster and saw expenses paid, and that they were over three hundred thousand dollars a quarter exclusive of grain account.

Mr. Holladay got but the \$450,000 a year for carrying the mail, and his quarterly expenses were over four hundred thousand dollars. It was not the carrying of the mail that Mr. Holladay expected to be so much profitable to him, for that would not have paid his forage account, but it was the passengers and it was the bullion from the mines of California which was needed by the Government at Washington from which Mr. Holladay expected to draw his profits, and his profits would have been large if the Government had furnished him the protection that they promised and could not give. He asks nothing for the failure of that in the way of consequential damages, but he does ask and has a right to demand of Congress that he shall nothing for the failure of that in the way of consequential damages, but he does ask and has a right to demand of Congress that he shall be paid for the property he actually lost. Mr. Carlyle says further that he made contracts to supply stations at twenty cents a pound; that he paid five to six hundred dollars a pair for wagon mules; that they were not as good as stage mules. They were heavier mules, larger mules, and not so stylish and fine, because it required a better mule to trot his stage than it did to work at the wheel of a draught wagon. Mr. Carlyle further states that oxen cost \$200 a yoke; that he knew of twenty-nine oxen being taken by the soldiers for beef; that he has read all the affidavits and knows most of the affiants, and that they are men'd good character, and that he is satisfied that

that he has read all the affidavits and knows most of the affiants, and that they are men of good character, and that he is satisfied that their statements are true and that the value of the property is not overestimated; that he knows that there were one hundred cords of wood, worth \$50 a cord at Julesburgh, burned by the United States soldiers; that the grain, provisions, and fuel used by the soldiers could not have been less than thirty thousand dollars.

Besides the testimony of Mr. Carlyle, there are the depositions of Mr. Street, General Hooker, General Craig, General Mitchell, the officers of the Army who were there for the protection of this contractor, and his employés who knew everything in connection with his business. They knew the price of animals when they were called upon to buy a single horse or mule for a particular route where it was needed; they could not help but know it. They bought the supplies; they paid for them, and they were bound to know all about them. And unless you believe that every witness who has here testified has perjured himself, you must believe in the justice of the account reported by

the committee. I do hope that the amendment offered by the Senator from New York will be voted down, and that a vote will be taken at once upon the report of the committee of this Senate.

It would be the greatest injustice now to turn Mr. Holladay over to the mercy of the Court of Claims, where he might hang for years, and then, if the matter was taken to the Supreme Court, the poor old man would be in his grave before he ever got a dollar on this claim. We have no right to send him there. The Senate referred his case to this committee, and by a resolution acknowledged that the Government was bound to pay Mr. Holladay, and ordered that committee to ascertain how much in equity and good conscience was due him. That was the question for their investigation, and they have reported it just like a commissioner in chancery would report, or just like a jury would find the facts in an issue, and we have nothing to do but as judges in the case to enter judgment in favor of Mr. Holladay for the amount reported; and when we have done that, we have only done an act of justice to a most meritorious and patriotic private citizen, who has done more to develop the West than any other man now living in it. I do not believe there can be found in this broad country another man possessing the means, the practical knowledge, the courage, and the energy to have accomplished the great work which Ben. Holladay did, and we should deal liberally and promptly and generously with him. It is not compatible with the character of this great Government to higgle over proper remuneration to the men who served it efficiently in times of peril and danger.

I will not trouble the Senate longer.

Mr. BAYARD. Mr. President, the Committee on Claims, after a good deal of deliberation, have reported a bill to pay out of the Treasury of the United States \$526,739 to Benjamin Holladay "in full payment and satisfaction of all claims of said Holladay against the United States on account of his contract with the Post-Office Department to carry the United

the order of the military authority of the United States, and upon the request of the President, during the existence of Indian hostili-ties on the line of said mail-route; and in full satisfaction for the property taken and used by United States troops for the benefit of

property taken and used by United States troops for the benefit of the United States."

This is in substance the full amount of Mr. Holladay's claim. If this money be due to him, whether it be on an implied obligation or whether it be under the seal of the United States Treasury, his claim has equal force upon my vote. I do not hold that the credit and honor of the United States ought to be exemplified only by the bonds issued from its Treasury; but I hold that good faith and honor require the full payment of every just debt by the Government, and certainly to the citizen who has performed meritorious service, no matter how that debt may be authenticated. But upon what grounds are we, the guardians here of the public Treasury, to take money out and apply it to the private uses of a citizen? Let us take the grounds as stated by the petitioner himself. He alleges that as a contractor with the Post-Office Department—

His service was interfered with impeded, and obstructed by large and numerous

His service was interfered with, impeded, and obstructed by large and numerous bands of Indians, who murdered his agents, servants, and employes; who captured and carried away his horses and mules; who burned his store-houses, station-houses, barns, stables, large quantities of forage, provisions, wagons, harness, clothing, and other property which had been provided for properly conducting the business which your memorialist had contracted with the said Post-Office Department to conduct, and which he was compelled to replace at enormous expense and with tedious delay and damage in order to enable him to perform the service which he had contracted to perform.

The second ground is that he was compelled, in consequence of Indian depredations, by military orders, to abandon a large number of his buildings and stations and also a great quantity of his supplies. Now let us examine that ground first.

The contracts of Mr. Holladay were in the usual form made by the

Post-Office Department. They contemplated a vast, important, and very difficult service. He was paid large sums, not undue, in view of the work to be performed; but all of the difficulties and dangers and all the expenses and troubles were contemplated by both parties to

all the expenses and trombles were contemplated by both parties to the contract at the time the contract was made.

Now, sir, will any one rising in the Senate state that any contract under which these alleged losses occurred contained a provision of indemnification to this party for the depredations which he alleges destroyed his property? Does any one say so? Can any contract be produced which between man and man would make the contracting party with Mr. Holladay liable for these losses by Indian depredations? Does the letter of the contract say so? Does any paper here brought from the Post-Office Department suggest such an idea that the United States became the unqualified insurers of this contracting party against losses by Indian depredations? Why, sir, the answer must be emphatic and conclusive. There is no such pretension; no word or line can be found in any contract, in any articles of covenant

must be emphatic and conclusive. There is no such pretension; no word or line can be found in any contract, in any articles of covenant between Mr. Holladay and the Post-Office Department that bound the United States to pay him one farthing for such losses.

When, then, and how shall the obligation of the Government arise? It must be conceded that it cannot be found in the phraseology of the contract. No interpretation, however ingenious or favorable, can create such an obligation upon the face of that instrument of the Government to pay for one farthing of these losses. Then, how does it come? Is it from the force of war? There was war, a terrible

war, flagrant in this country at that time. The Indian tribes unquestionably had an evil opportunity for damage which they would have been afraid to take, which they might have been restrained from executing, but for the fact that the hands of the Government were filled with other and mightier contests. Now, is there any rule of law by which the weakness of the Government to protect the private property of its citizens on sea or on shore creates an obligation to pay that citizen for a loss which arose from the inability of the Government to protect him? It is sufficient to state the proposition to let it answer itself. If this party had been engaged at great expense in transporting the mails of the United States, under some large and beneficial payment to him, between the United States and any foreign country, and a war had broken out, as it did, which swept American commerce from the sea and which disabled the arm of the Government to give the protection they would have wished to give, can it be pretended that the very weakness of the Government would cause it to incur such unmeasured obligations, and that it should be bound for a loss to person or to property of its citizens growing, not out of the infidelity of the Government to its obligations, but out of its simple incapacity to perform them. war, flagrant in this country at that time. The Indian tribes un-

out of the infidelity of the Government to its obligations, but out of its simple incapacity to perform them.

Why, sir, such a proposition would be laughed out of any court if any lawyer should venture to suggest the responsibility of the Government to its citizens under such circumstances. If to-day we should be engaged in foreign war and if to-day our enormous, extended, and unprotected seaboard called for the presence of the entire Army of the United States stripping for the time being the western country of its present armed protection against Indian depredations, and the railways which by the great bounty of the Government have been created for public use across the Territories of the United States were to be exposed to Indian depredations, and their locomotives, their trains, their property, their stations were destroyed by some sudden were to be exposed to Indian depredations, and their locomotives, their trains, their property, their stations were destroyed by some sudden unexpected irruption of an Indian force, will it be pretended that because the mail cars were destroyed, the mail service suspended and the caariage of those mails subjected to immense losses entirely outside of matters connected with mails in their transportation, this Government would be bound to replace all the trains of cars, all the disturbed track, all the lost locomotives, all the losses of profit which their mail agent contemplated in the contract he made with them, and in view of which disturbances his compensation had been adand in view of which circumstances his compensation had been adjusted according to his own voluntary act? Why, Mr. President, this case cannot be distinguished from that. There must be something else. I would beg the Senate to pause before they commit this Government to the attitude of an absolute insurer against every vie major, against every foreign foe, against every result of war in dealing with specific contracts with their carriers of the United States mails.

This claim as to its bulk is founded upon such an idea, and that idea I do most earnestly repudiate. Better give the sum ten times over, but do not base it upon any such principle as this. Three hundred and sixty-nine thousand dollars of this \$526,000 is expressly based upon the idea that the United States are answerable under their

based upon the idea that the United States are answerable under their contracts with Holladay for Indian depredations upon his property used in connection with the transportation of the United States mails. I say in connection with the United States mails, because the great bulk of this property was only incidentally connected with the transportation of the mails. The statement of Mr. Isaac E. Eaton is to be found at pages 10 and 11 of the testimony.

Before I pass from that point, for I do not desire to detain the Senate long upon this subject, I will refer to the so-called precedents found at page 5 of the committee's report, which were read by the honorable Senator from Wiscousin [Mr. Cameron] the other day to show that instances had occurred which had become in his view precedents for payment to mail contractors for depredations by Indians. There were cases. There were that class of exceptions that prove the There were cases. There were that class of exceptions that prove the rule, because they were distinctly stated to be exceptions. The Senate will observe that at page 5, after reciting certain small cases immaterial in amount, the committee say:

Numerous other precedents might be quoted to show that Congress has frequently recognized the existence of an obligation on the part of the Government, under exceptional and hard cases, to indemnify Government contractors for losses sustained by reason of Indian depredations.

But while they report a bill not to grant an amount ascertained by Congress, but to send the party to the Court of Claims where there shall be opportunity of cross-examination and rebuttal of testimony, they say:

With, however-

And this is the case of Mr. Holladay. I read from the report adopted by this committee and made in the Senate in 1877:

With, however, the distinct statement that nothing herein stated shall be regarded as a rule or precedent fixing the liability of the Government to mail contractors in any case wherein the peculiar circumstances of this case as herein presented are absent.

I translate that at once to mean that this particular case under protest is to be accepted, but never as a precedent. Mr. President, that kind of legislation will never do. There are duties to the people of the United States as well as to the individual claimant. There are broad rules and principles of governmental liability which we should be most careful that we do not stretch beyond the claims of right and justice. Therefore, by the very language used by the honorable Senators who adopted that report, there was the careful exclusion, the protest that this case should not be considered a precedent

for adopting the principle that the Government of the United States

for adopting the principle that the Government of the United States is liable to a mail contractor for depredations by Indians in an Indian country, all of which were contemplated at the time the price was fixed at which he agreed to carry those mails.

Now comes the question, was there anything in the action of the United States military authorities; was there anything in the engagement of the President of the United States, (Mr. Lincoln,) the Commander-in-chief of the Army and Navy of the United States; was there anything in his action which created an obligation that we are bound now to appropriate this money in discharge of? In the nature bound now to appropriate this money in discharge of? In the nature of things, Mr. Lincoln could as well have guaranteed the final success of the war as he could have guaranteed complete protection to this party from the incidents contemplated by his contract at the time he entered into it. It is perfectly plain that Mr. Lincoln realized the importance of the route to the Government; that he saw the importance to the country of maintaining that communication with the Pacific States; and what did he do? Mr. Holladay's own deposition and the deposition of his agent, Mr. Otis, both show that the President of the United States took exceptional interest in this case, and gave exceptional orders for the necessity protection of this party and gave exceptional orders for the peculiar protection of this party and the mail-route which he was operating. He did not leave him to chance. The order of Colonel Chivington is thoroughly explanatory of that. Read it:

Headquarters District of Colorado,

Denver, December 2, 1864.

Sin: I am directed to furnish your line complete protection against hostile Indians.

It was an exceptional action on the part of the President of the United States to protect this party to a degree far beyond the usual amount extended to a mail contractor. If the President felt, as he did feel, and as we can well understand his feelings, that this mailroute was of exceptional importance to be maintained, my answer is that he took exceptional methods and pains to protect it:

I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As thow runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am, sir, with respect, your obedient servant,

J. M. CHIVINGTON, Colonel, Commanding District.

The affidavit of Mr. Holladay of what passed between Mr. Lincoln and himself is equally strong on that point. He states that the President said to him-I read from page 62-

"These are perilous times, Mr. Holladay, all over our country; my anxiety is great. We have no soldiers to spare, but I will do all in my power." "That," I said, "Mr. President, will not pay me for my losses." His reply was, "You will be reimbursed for all losses and damages; like all patriotic men, you must trust to the honor of our Government," he holding me by the hand while saying this.

That is Mr. Holladay's statement. Mr. Otis testifies to an interview with Mr. Lincoln, as follows:

view with Mr. Lincoln, as follows:

I said, "Mr. Lincoln, unless we have troops to protect us we cannot restock the line; our men will not go out, and if you haven't any troops that you can furnish us, if you will give me permission to raise five hundred or one thousand men, it can be done in twenty-four hours." Lincoln said he could not do that; "but," says he, "this thing must be protected, and it shall be protected, and I will give you a letter to one of my generals," (putting the emphasis upon the word general) and said, "all these generals are not mine; but I will give you a letter to one whom I consider to be one of my generals, and I think will do what I want, and that is General Curtis, at Fort Leavenworth." He then sat down, and with his own hand wrote a letter introducing me, as the general superintendent of the Overland Stage Line, to General Curtis, saying that he had had a full conversation with me, and that he must, at all hazards, take steps to furnish the line with troops, and see that it was thoroughly and fully protected, as it was of the most vital importance to the welfare of the country. I took his letter and presented it to General Curtis. General Curtis did everything that was in his power to protect us, and the line was restocked, and we continued to run it.

Now, what is the result of these facts? It was always in the power.

Now, what is the result of these facts? It was always in the power of this party, in the face of war, to have retired from his contract and given it up; but he saw fit, with the promise of protection as far as was in the power of the authorities to grant it—and no more of course could be asked or expected—to continue to risk this great amount of property, which was incidentally only connected with the transportation of the mails, men by hundreds, horses and mules by thousands, employed in the transportation of passengers, in the transportation of silver and gold bullion from the mines of that region to the Eastern States. The President of the United States promised all in his power. Did that amount to a guarantee against loss? How is this language to be construed? I hold that there was an exceptional advantage, an extra protection not called for by law, not demanded by the contract or the spirit of the contract, which was afforded in this particular case, to this particular individual.

Therefore, when the question is presented of allowing this money to be paid to this claimant on the ground that he lost it because of Indian depredations occurring not only in a time of Indian hostility but in the time of general war, none the less extensive because it was a civil war, it well behooves the Senate to look well to the fact whether they will commit this Government to any such obligation. As I have said before, this debate has begun, and I venture to say that it will end, and no one will rise to read a line of the contract or covenant which would bind the United States for any such claim as is now sought to be enforced against it.

Further, it is a guarantee against losses both directly and indirectly, the result of public war, for which no case of allowance is known to Now, what is the result of these facts? It was always in the power

me as a precedent. I remember very well when the case of Dr. Best, of Kentucky, was here discussed in the Senate. It passed the Senate and the House, but it was vetoed by the President, General Grant. That was a case involving the liability of the Government to the citizen for the destruction of his property, although that destruction was for public benefit. In that case, I remember, a house was razed to the ground and the furniture destroyed, lest it might be used by the enemy as a point of advantage in attacking a United States force. That case went so far that it was met by a veto that never yet has been overridden. But what was that case compared to this? There was the case of a man true and loyal to the Government of the United States whose property was destroyed lest it might be used to injure the United States. So far that case went, and that was up to the very verge of the doctrine of the liability of the Government for losses occurring in time of war. But this case is away beyond that. Inside of this case, inside of the doctrine laid down by which it is sought to make this allowance, there are raids upon the Treasury to be numbered by tens of millions of dollars. Therefore it is that I beg the Senate to pause upon the threshold and rather give this money, if we bered by tens of millions of dollars. Therefore it is that I beg the Senate to pause upon the threshold and rather give this money, if we are to be generous at other people's expense,—but not upon such a ground as the committee have recommended you to pay it. You are opening the door to a class of claims; you are opening the door to the admission of a principle which is absolutely fatal, and which I am satisfied is utterly unjust. I say this with a strong and sincere regret, where an active, energetic citizen, engaged in a laudable undertaking, should have met misfortune by the occurrence of war; but in that he is not alone. We sat here a year ago debating another class of losses, those of the merchant-marine destroyed by confederate cruisers, and other losses, indirect, far beyond the loss of the ships themselves—the paralyzation of commerce, the ruin of business upon which that commerce depended for its support; and yet no one dreamed, that commerce depended for its support; and yet no one dreamed, however sad might be the result to the individual, that the Government of the United States would be held liable.

*But, Mr. President, upon what manner of testimony is it even sug-

gested that this great sum of money should be paid out of the Treasury? Suppose there was loss; suppose there was a distinct obligation to pay it; what manner of testimony is it reasonable to ask should be taken before we suffer money to pass out of the Treasury? should be taken before we suffer money to pass out of the Treasury? Ought not the testimony to be of a character that at least would put money in the Treasury when the case was on the other leg. Have we a right to deal with public moneys more carelessly than we would deal with money of a private citizen? After all, what fills the Treasury? It is the labor of this country. Every dollar that flows into it represents the labor of some individual from morn till eve. I do not believe in generosity at public expense. I do believe in justice, and I believe in equity in dealing with those who in good faith have performed their duty by the Government.

Let me examine for one moment the character of the testimony

performed their duty by the Government.

Let me examine for one moment the character of the testimony relied upon here. I read now from the appendix to the report of the committee. One instance will be sufficient, I think. Let us take, on page 18, the affidavit of S. O. Jerome. First comes his affidavit, and following the affidavit in smaller type is arranged a statement of the "loss and damage done as per affidavit of S. O. Jerome." I will not fatigue the Senate by reading Mr. Jerome's affidavit, but I will merely say he does not give a single estimated item in his affidavit from beginning to end. He says:

Much damage was done in various ways to the property of the line that Leveld.

Much damage was done in various ways to the property of the line that I could not pretend at this time to detail and estimate.

When the second raid was made on the stage line, and in the year 1865, I was not employed on it, and cannot state anything about it.

Yet we find a specific statement, as if it had been sworn to, attested by the oath of Mr. Jerome:

LOSS AND DAMAGE DONE AS PER AFFIDAVIT OF S. O. JEROME.

Lone Tree Station: August 7, 1864. 9 horses, \$200 each. 5 horses killed while escaping from Indians	
Liberty Farm: 2 sets double harness, \$110 each	220
Summit Station: 200 sacks corn, 22,400 pounds, 12 cents	2, 608

I will ask any gentleman interested in maintaining the proof in this case to find in the affidavit of Mr. Jerome one single figure which has here been added, by whom I know not, as the carefully detailed statement in dollars and cents of the amount of loss. There is not one.

Mr. CAMERON, of Wisconsin. Mr. President—

The PRESIDING OFFICER. Will the Senator from Delaware yield to the Senator from Wisconsin?

Mr. BAYARD. Certainly.

Mr. CAMERON, of Wisconsin. Quite a number of witnesses testified in regard to the value of horses; also in regard to the value of harness; also in regard to the value of thaness; also in regard to the value of the value of corn. Mr. Jerome testifies that these horses were lost or killed; that two sets of double harness were lost or destroyed, and that a certain quantity of corn was destroyed. The value is based upon the testimony of other witnesses. There is great uniformity in the testimony of witnesses in regard to the value of property.

Mr. WILLIAMS. If the Senator will excuse me just a moment I will make another suggestion right there.

Mr. BAYARD. Very well.

Mr. WILLIAMS. Mr. Spotswood states in his deposition that he himself made out the estimates appended to these affidavits, and that

they are correct. This man swears to the loss of stock. Mr. Spots-

they are correct. This man swears to the loss of stock. Mr. Spotswood was the general superintendent and paymaster and paid the money, and he knew the value.

Mr. BAYARD. I submit for the inspection and consideration of the Senate the fact that when we are passing upon the allowance of a great sum of money it is our business to know that it is due before we order its payment. I merely repeat what I have said, that the tabulated statements, giving amounts and values, appended to every one of these affidavits, are not the sworn statements of the witnesses who made the affidavits, but they are prepared by somebody else, added to the body of the affidavit itself, and then not from the facts but from a general assessment of these values in the abstract or concrete, as the case may be, the general statement as to what corn generally was worth, as to what horses generally were worth, as to what mules generally were worth, having obtained a general assessment of what this property generically was worth, that it applied it without the authority of the deponent to his deposition and stated as part of that deposition. I need not say that such testimony falls far below even the standard of an ex parte affidavit.

But there is a gross conflict of testimony outside of that. I do not speak harshly of these witnesses. The fact that they were the employes of Mr. Holladay through that country is a fact that may affect somewhat the weight of their testimony from their natural bias; but I do not hold that it discredits them in point of truth. It would be difficult to find anybody else to make these affidavits through a country like that, and they were the parties having probably the best general knowledge of the facts. The only question is whether a man who goes into court to claim money either against an individual or a government can expect to have it paid upon such matters as ex parte affidavits. What cannot be proved by an ex parte affidavit in the absence of a cross-examination, it is very hard for the human mind to imagine.

Question. Were you at Julesburgh before its destruction by Indians?
Answer. Yes, sir.
Q. Describe what buildings were there.
A. I should judge there were from eight to a dozen buildings of various kinds.
There was a blacksmith's shop there, belonging to the Overland Stage Company.
We had some horses shod down there. There was a home station, a store-house, probably; a good sized barn and store or ranch. I think probably a dozen buildings altogether.
Q. Of what material were these buildings constructed? Were they frame or log?

A. I think one or two were of frame; probably three of them were frame and the balance were of logs.

Q. What, in your opinion, would be a fair valuation for those buildings that were burned?

A. All the buildings at Julesburgh—I should think \$10,000 would put up all the buildings that were there in 1863.

Thirty-five thousand dollars is the bill; \$10,000 is this man's estimate of the cost of putting them all up.

mate of the cost of putting them all up.

Q. When was Julesburgh destroyed; do you know?

A. No, sir; I do not.

Q. According to your general information, how long after you were there was it destroyed?

A. I was there in November, 1863. My recollection is that it was destroyed about eighteen months after that.

Q. You do not know, as a matter of fact, whether the buildings had been increased prior to the time you were there until they were destroyed or not?

A. No, sir; I do not.

Q. Were you ever at Little Laramie station?

A. Yes, sir.

Q. Describe that station and the buildings that were there.

A. It would compare with the others—it was of pine logs, I should think, probably worth \$600. It was not far from timber. Not a very costly building.

On a prior portion of that page he describes the stations:

O. Describe the stations on the lower route-

That is the route abandoned by order of Colonel Chivington-

That is the ronte abandoned by order of Colonel Chivington—

Describe the stations on the lower route; state generally what they were built of; about the size, and what, in your opinion, the value was there at that time.

A. The station at Pass Creek, I should judge, was twenty feet square, and of pine logs covered with dirt. I staid there one night. The station near Halleck was partly of boards and partly of logs. The station at Medicine Bow was probably about the size of Pass Creek station; I should say from twenty to twenty-five feet in dimensions on the ground and eight to ten or twelve feet in height; of logs, and covered, as a rule, with dirt.

Q. Can you state what the cost of them would be at that time?

A. I should say from \$300 to \$600.

Q. Did you ever build one there yourself, or have any particular knowledge of the building of any?

A. We built a stable at Camp Collins, and built nearly all the quarters at Fort Halleck; chopped the logs, and hauled them down from the timber, and put them up; we hauled what timber there was in them from Laramie Peak.

The Senate will judge, he being actually engaged with his own

hands in putting up these buildings, describing their rude composition, their utter cheapness, whether he had any interest, for he had been in the employ of the Government. He had no feeling that I can find expressed in the deposition of animosity to the party claimant. He certainly was cross-examined by the honorable Senator who conducted the investigation so as to produce all sides of his mind upon this subject. If that man is correct we find one most conspicuous case of gross injustice and inaccuracy—\$35,000 for a lot of buildings that could be erected for \$10,000. Let Senators take this estimate throughout reported by the committee and find a block-house or a station or a barn put at any such price as \$300 or \$600 at the outside. So far as my examination of these figures is concerned they are estimated at \$2,500 for the station at Liberty Farm, \$6,000 for horses, barns, mated at \$2,500 for the station at Liberty Farm, \$6,000 for horses, barns, &c., destroyed at Spring Hill, at Antelope station-house, barn and corral, \$5,000. I have been unable to find throughout the whole of this matter any such insignificant charge as \$300 or \$600 for one of this matter any such insignificant charge as \$300 or \$6000 for one of those stations, but they are all put at the magnificent figures of from \$2,500 to \$5,000 or \$6,000. I merely mention this as an illustration of the utter looseness of this calculation, of its utter unreliability.

Mr. McPHERSON. Has the Senator observed the case at Jules-

Mr. BAYARD. I have just noted that at Julesburgh and said that while claim is made for \$35,000 for the twelve buildings, the express proof is given by a man acquainted with them that he would restore the whole for \$10,000. I do not stand here to settle the question of

Mr. BAYARD. I have just noted that at Julesburgh and said that while claim is made for \$35,000 for the twelve buildings, the express proof is given by a man acquainted with them that he would restore the whole for \$10,000. I do not stand here to settle the question of accuracy of these estimates. I know this body is the worst in the world almost to ascertain such facts. I only refer to it to show the inefficiency of a legislative body like this in attempting to deal with such facts upon ex parte testimony.

Mr. President, if there be a claim that we can recognize in this case upon the grounds of law and equity, I am anxious to do it. If Mr. Holladay did give, as he stated, thirty thousand dollars' worth of his supplies for the use of the United States Army, I wish to see him paid in full for that; but I cannot agree upon any ground that has yet been suggested by the committee or in the course of the debate that in law or equity we can permit the Government to become insurers for any such business as was carried on by him. Because he held a postal contract we did not pledge the Government to be such insurer. So far as this claim consists in a remuneration to a citizen for private property "taken for public use," in the language of the Constitution, I propose that he shall be justly compensated. I will give every opportunity even after this great lapse of time, for which I do not hold him wholly irresponsible. If the Government got his property and used it for its troops let the Government pay him fully for that property. He has lain out of that money a long time, and interest may not be allowed to him upon an unliquidated claim. I will vote for such an amendment as shall submit that question and that question alone to the Court of Claims, where he may be compensated for such portion of his private property as was taken for public use, but I cannot with my view of what is lawful and just, consent that the Government shall before a court or in the Senate be held liable as an insurer under a contract which belongs

thought no right to the the court down and declare that certain things should be received as evidence which they knew the law forbade them to receive as such. That was my vote then; it will be so now. There is a statute of limitation. Raise the bar and give him to-day the chance to make good his claim against the Treasury for such portion of his property as the people of the United States have had the use of but for which they have not paid him. So far will I go, but no further in this allowance.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

eration of executive business.

Mr. McPHERSON. I have some remarks to make upon the bill now pending, but I yield to the Senator from Vermont.

Mr. EDMUNDS. I think the public interest requires an execu-

Mr. DAVIS, of West Virginia. All the Senator from New Jersey wishes is to have the floor for to-morrow.

Mr. EDMUNDS. Very good.

Mr. DAVIS, of West Virginia. It will be so considered.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at four o'clock and fourteen minutes p. m.) the Senate adjourned. fourteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, January 10, 1881.

The House met at twelve o'clock m. The Journal of Saturday last was read and approved.

PERSONAL EXPLANATION.

Mr. GILLETTE. I rise to a parliamentary inquiry. There is a matter to which I would like to call the attention of the Chair. On Saturday last I took occasion to reply to some remarks by the gentleman from Michigan, [Mr. Newberry;] but before replying I went to the reporter and obtained an exact copy of his remarks as taken down, which I would like to have read.

The SPEAKER. Will the gentleman be kind enough to state what is the parliamentary inquiry?

Mr. GILLETTE. As soon as the remarks are read, I will explain. The SPEAKER. The gentleman desires, then, to make a correction of the Congressional Record?

Mr. GILLETTE. I do.

Mr. GILLETTE. I do. The Clerk read as follows:

I say what the bank of which I am a director authorized me to say; because I went to them to say how I should vote on that question.

Mr. GILLETTE. This statement of the gentleman's, upon which

Mr. GILLETTE. This statement of the gentleman's, upon which my remarks were predicated, was stricken from the Record by him; and my inquiry is simply whether, after a member has submitted remarks which have been replied to in this House, he can knock from under the reply its foundation, by striking from the Record the very remarks to which attention was called?

Mr. NEWBERRY. Mr. Speaker, I hold in my hand the transcript of the reporter's notes, which is entirely different from what the gentleman has had read. I do not know where the gentleman obtained his copy. It differs from the report sent to me before I had made any correction in it. If the gentleman has any such report as he has had read it is not the official report of the reporters. Besides the first part of his alleged quotation takes part of a sentence that relates to something before, and has no connection with or reference to the last part of his quotation, and utterly perverts what I really did say.

I hold in my hand and will send up to be read exactly what the reporter took down. There was considerable confusion, two or three asking questions at the same time. It is in the writing of the reporter.

I ask the Clerk to read the writing of the reporter.

The Clerk read as follows:

The Clerk read as follows:

Wait a moment. This is a practical question. I say what the bank of which am a director authorized me to say. I went to them to say how I should vote on

Mr. GILLETTE. The very words which I have just had read, and which the gentleman struck out from the RECORD.

Mr. NEWBERRY. Wait a moment.

The Clerk (continuing) read as follows:

I said: "You, as bankers in the central city of Michigan, tell me what is your opinion I ought to do." And they said: "Vote for a refunding bill at 3 per cent." That is what they told me, without any condition as to taxation.

That is what they told me, without any condition as to taxation.

Mr. NEWBERRY. Now, Mr. Speaker, I wish to say that in this case I did what it behooves every member of this House to do in a question of such importance as the one before this House. I inquired of my constituents, acquainted and experienced in the matter in hand, as to the best thing to do. I am free to say that when desiring information on a public question, I ask men who are acquainted with the subject. If it is a question of navigation, I ask seamen what in their opinion I ought to do in reference to the pending question. If it is a question of agriculture, I ask farmers what it is best to do in regard to that subject-matter. If it is a question of finance, I go to men experienced in finance, and I ask what is best to be done. And I did it in this case. The remarks that the gentleman from Iowa has printed in the Record are not the remarks he made before this House; which statement I submit with all due deference to him. He made no allustatement I submit with all due deference to him. He made no allusion to me in such way I could take it that he meant me. I have only learned since that he did. He there states that a member of this House acknowledges he is under instructions from the national banks as to how to vote. And I read exactly what he did say to show I could not have had the most remote idea that he referred to me:

One gentleman after another has stated what would be satisfactory to the banks, and one gentleman has stated to the committee—

Stated to the committee!

that he is under instructions from a national bank.

Now, I say he is not warranted in making any such statement as that from any remarks I made; that is, if he referred to me. He says one gentleman stated to the committee "that he is under instructions from a national bank." As I had said nothing of the kind, I had no reason to believe he referred to me, and I did not notice that remark at the time. If he had said that which he has since added in the report in the RECORD, I would have done so:

Lest I do the gentleman from Michigan [Mr. NEWBERRY] injustice, I quote his language as taken by the reporter.

Now, that statement by the gentleman from Iowa now printed in the RECORD was not made in this committee at all. The gentleman has done precisely what I did—corrected his remarks. I have merely corrected my remarks, and made them exactly what I intended to say what is the fair interpretation of the report, and what I think I did say in substance; which was, that in their opinion it was better for the country that the 3 per cent. bill should pass rather than by its failure the credit of the country should run risk of injury.

Mr. GILLETTE rose. Mr. GILLETTE rose.

The SPEAKER. The Chair thinks it is a difficult matter, and always has been, to draw the line where a gentleman should and should not have the opportunity of correcting his remarks. The practice has been to permit such corrections, if he did not destroy the subthe ruling and the allowance, and there is hardly a day when members of the House speak that they do not, in the same way as the gentleman from Michigan, change or modify the language used by them

in debate.

Mr. GILLETTE. One word. I submit that the gentleman did change the substance and the meaning of his remarks most emphatically. And I further state that the remarks which he sent to the desk as being the report of the reporter included precisely the words I quoted, and which were given to me by the reporter verbatim.

Mr. NEWBERRY. The word "because" is not in there as it was given by him, which alters the whole sense of the quotation.

Mr. GILLETTE. It does not alter the sense at all. Not only that, but every member of this House, unless it may be the gentleman himself, and of course I take his word for it, understood my reference to

but every member of this House, unless it may be the gentleman himself, and of course I take his word for it, understood my reference to him. The reporters for the press understood it, and mentioned it in the papers yesterday morning. If he did not understand it, then it was simply because he was not paying attention. I only added the report from the reporter's notes, which I had before me when I spoke and designed to read, but did not have time. I added his exact words, so that the slightest injustice might not be done him.

The SPEAKER. Gentlemen constantly in the House, instead of having their remarks appear in the next day's Congressional Record, reserve them for revision. It is done constantly, and the Chair does not think any harm comes from it.

CALL OF STATES.

The SPEAKER. The Chair, as required by the rules, will now call the States and Territories in alphabetical order for bills and joint the States and Territories in apphabetical order for bills and joint resolutions for printing and reference; and under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and on this call resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committee, which latter resolutions shall be reported to the House within one week,

MAILS TO FOREIGN PORTS.

Mr. SHELLEY. I submit the following resolution for reference: Resolved. That the Committee on Appropriations be instructed to add the following to the appropriation bill for the Post-Office Department: For the transportation of mails to foreign ports, \$1,500,000, to be paid at a rate not exceeding \$30 per mile per annum for transportation one way in such line of steamers equal in construction, accommodation, safety, and speed of those of any line on the ocean in that trade as the Postmaster-General may in his discretion, after public competition, contract with, for terms not exceeding ten years.

The SPEAKER. That resolution is not in order under this call.

RE-ENACTMENT OF STATUTE.

Mr. HERNDON introduced a bill (H. R. No. 6731) to re-enact section 4596 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

WARRIOR AND TENNESSEE RIVER RAILROAD.

Mr. CLEMENTS introduced a bill (H. R. No. 6732) to grant certain public lands in Alabama in aid of the Warrior and Tennessee Rivers Railroad; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SAMUEL D. GOODRICH.

•Mr. BERRY introduced a bill (H. R. No. 6733) granting a pension to Samuel D. Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA E. WILSON.

Mr. BERRY also introduced a bill (H. R. No. 6734) granting a pension to Julia E. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AND FOG-SIGNAL, POINT SAINT GEORGE, CALIFORNIA.

Mr. BERRY also introduced a bill (H. R. No. 6735) appropriating money for the construction of a light-house and fog-signal at or near Point Saint George, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be

APPEALS IN PATENT CASES.

Mr. DAVIS, of California, introduced a bill (H. R. No. 6736) to facilitate appeals from the decision of the Commissioner of Patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DRAWBACKS-MANUFACTURED (IMPORTED) MATERIAL.

Mr. DAVIS, of California, also introduced a bill (H. R. No. 6737) to amend section 3019 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SALE OF DESERT LANDS.

Mr. PACHECO introduced a bill (H. R. No. 6738) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CORNELIUS HUNTINGTON

Mr. PACHECO also introduced a bill (H. R. No. 6739) for the relief of Commissary-Sergeant Cornelius Huntington, of the United States Army; which was read a first and second time, referred to the Com-mittee on Military Affairs, and ordered to be printed.

EDWARD S. FARROW.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 6740) for the relief of Edward S. Farrow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be

DUTIES ON COTTON MACHINERY.

Mr. SPEER introduced a bill (H. R. No. 6741) to exempt from import duties all machinery used in the manufacture of cotton thread and cotton goods; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

Mr. FELTON introduced a bill (H. R. No. 6742) for the relief of L. P. Gudger, of Georgia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY FLEISCHMAN.

Mr. STEVENSON introduced a bill (H. R. No. 6743) granting a pension to Mary Fleischman, widow of August Fleischman, late a private of Company F, Fifteenth Regiment of New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LOWE.

Mr. STEVENSON also introduced a bill (H. R. No. 6744) granting a pension to Thomas Lowe, late a private of Company B, Fifty-eighth Regiment of Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSULAR VERIFICATION OF INVOICES.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 6745) to amend section 2851 of the Revised Statutes in relation to fee allowed consuls and commercial agents for verification of invoice; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REFUND OF CERTAIN DUTIES.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 6746) to refund certain duties paid upon military uniforms imported by and for use of Company G, Sixth Regiment of Infantry, Illinois National Guard; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 6747) to amend section 5 of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PAY OF LETTER-CARRIERS.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 6748) to amend section 4 of an act entitled "An act to fix the pay of letter-carriers," approved February 21, 1879; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC GROUNDS, CHICAGO.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 6749) to confirm to the city of Chicago the title to certain public grounds; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EXPORTATION OF IMITATION BUTTER AND CHEESE.

Mr. SHERWIN introduced a bill (H. R. No. 6750) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANCIS M. PAGE.

Mr. FORSYTHE introduced a bill (H. R. No. 6751) granting a pension to Francis M. Page, late a private of Company B, Fifty-fourth Regiment of Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FLEMING MACE.

Mr. NEW introduced a bill (H. R. No. 6752) restoring to the pension-roll the name of Fleming Mace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE B. HARLAN.

Mr. NEW also introduced a bill (H. R. No. 6753) granting relief to Theodore B. Harlan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ASA HART.

Mr. NEW also introduced a bill (H. R. No. 6754) restoring to the pension-roll Asa Hart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALLACE FOSTER.

Mr. NEW also introduced a bill (H. R. No. 6755) granting relief to Wallace Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. DAY.

Mr. HOSTETLER introduced a bill (H. R. No. 6756) granting a pension to William L. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF SUBSIDIARY SILVER COIN.

Mr. HOSTETLER also introduced a bill (H. R. No. 6757) authorizing and directing the Secretary of the Treasury to transport subsidiary silver coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CHARLES F. ROBERTS.

Mr. BAKER introduced a bill (H. R. No. 6758) to relieve Charles F. Roberts, late a private in Company F, Thirtieth Regiment Indiana Volunteer Infantry, from the charge of desertion, and to furnish him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILVER CERTIFICATES.

Mr. PRICE introduced a bill (H. R. No. 6759) declaring silver certificates to possess the same legal-tender quality as the coin for which said certificates were issued; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DUTY ON FLAXSEED.

Mr. CARPENTER introduced a bill (H. R. No. 6760) to increase the duty on flaxseed or linseed and the manufactured products thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. W. NORRIS.

Mr. CARPENTER also introduced a bill (H. R. No. 6761) for the relief of W. W. Norris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed. HENRY H. BRAMAN.

Mr. CARPENTER also introduced a bill (H. R. No. 6762) granting a pension to Henry H. Braman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION. Mr. CARPENTER also introduced a joint resolution (H. R. No. 360) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOB VAUGHAN.

Mr. HASKELL introduced a bill (H. R. No. 6763) granting a pension to Job Vaughan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. SOWARD.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 6764) for the relief of Thomas H. Soward; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

CIVIL SERVICE REFORM.

Mr. WILLIS. I introduce, by request, a bill prepared by the New

York association for the reform of the civil service.

The bill (H. R. No. 6765) to prevent extortion from persons in the public service and bribery and coercion by such persons was read a

first and second time, referred to the Committee on Civil Service Reform, and ordered to be printed.

JOHN FINZER AND BROTHERS.

Mr. WILLIS also introduced a bill (H. R. No. 6766) for the relief of John Finzer and brothers, of Louisville, Kentucky; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CLARA L. PREUSS.

Mr. WILLIS also introduced a bill (H. R. No. 6767) granting a pension to Clara L. Preuss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

SHIP CHANNEL AT NEW ORLEANS.

Mr. ELLIS introduced a joint resolution (H. R. No. 361) authorizing a survey of a route for a ship-channel and harbor on the Mississippi River at New Orleans, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be

WASHINGTON CITY POST-OFFICE.

Mr. STONE introduced a bill (H. R. No. 6768) to authorize and direct the Postmaster-General to select and purchase a site for a city post-office in the city of Washington, District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES H. RICHARDSON.

Mr. URNER introduced a bill (H. R. No. 6769) granting an increased pension to Charles H. Richardson, late adjutant Ninth Regiment Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. URNER also introduced a bill (H. R. No. 6770) granting a pension to Jesse Hyder, Company B, Seventh Regiment Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GIBBONS.

Mr. HENKLE introduced a bill (H. R. No. 6771) for the relief of James Gibbons; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. MORSE introduced a bill (H. R. No. 6772) to regulate the promotion and retirement of certain officers in the naval service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDMUND W. WHITNEY.

Mr. FRYE introduced a bill (H. R. No. 6773) granting a pension to Edmund W. Whitney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

SETTLERS ON THE PUBLIC LANDS.

Mr. WASHBURN introduced a bill (H. R. No. 6774) to amend an act for the relief of settlers on public lands, approved May 14, 1880; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

POSTAL MONEY-ORDER SYSTEM.

Mr. MONEY introduced a bill (H. R. No. 6775) to modify the postal money-order system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BONNET CARRÉ CREVASSE.

Mr. HOOKER introduced a bill (H. R. No. 6776) to protect the Gulf coast of Mississippi and Louisiana from the fresh-water inundations of the Mississippi River through the Bonnet Carré Crevasse; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. HATCH introduced a bill (H. R. No. 6777) authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ERNEST KUBISH.

Mr. BUCKNER introduced a bill (H. R. No. 6778) for the relief of Ernest Kubish, postmaster at Warrenton, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLONIZATION OF COLORED POPULATION OF THE UNITED STATES.

Mr. BUCKNER also submitted the following; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be requested to open negotiations with the Republic of Mexico or either of the Central American States for the purchase and cession to the United States of territory for the voluntary colonization of the colored population of the United States.

JEAN LOUIS RELLIET.

Mr. CLARDY introduced a bill (H. R. No. 6779) for the relief of Jean Louis Relliet; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES SUPREME COURT REPORTS, ETC.

Mr. SAWYER introduced a bill (H. R. No. 6780) to provide for the purchase of the statutes of the United States and the reports of the decisions of the Supreme Court of the United States, for the use of the circuit and district courts of the United States at Kansas City, Missouri; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WESTERN JUDICIAL DISTRICT OF MISSOURI.

Mr. WADDILL introduced a bill (H. R. No. 6781) to amend an act entitled "An act to divide the western district of Missouri into two divisions, and to prescribe the times and places for holding courts therein, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW KENNER.

Mr. FORD introduced a bill (H. R. No. 6782) granting a pension to Andrew Kenner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL HENNESSEY.

Mr. FORD also introduced a bill (H. R. No. 6783) granting a pension to Michael Hennessey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD R. YEARGIN.

Mr. FORD also introduced a bill (H. R. No. 6784) granting a pension to Richard R. Yeargin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

Mr. FORD also introduced a bill (H. R. No. 6785) granting a pension to T. J. Reid; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER EVANS.

Mr. FORD also introduced a bill (H. R. No. 6786) granting a pension to Alexander Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

PETER KUMPF.

Mr. WELLS introduced a bill (H. R. No. 6787) for the relief of Peter Kumpf; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EFFICIENCY OF THE NAVY

Mr. BRIGGS introduced a bill (H. R. No. 6788) to promote the efficiency of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AUSTIN JAYNE AND JOHN K. MATHEWS.

Mr. WILBER introduced a bill (H. R. No. 6789) for the relief of Austin Jayne and John K. Mathews; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed. DISEASES OF DOMESTIC ANIMALS.

Mr. COVERT introduced a joint resolution (H. R. No. 362) to authorize the printing of 100,000 copies of special report of the Commissioner of Agriculture relative to diseases of swine and infectious and contagious diseases incident to other domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

"PORT CHARGES OF THE WORLD."

Mr. BLISS introduced a bill (H. R. No. 6790) making an appropriation for the purchase of "Hunter's Port Charges of the World" for the use of the United States consuls; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PAY OF WORKMEN, ETC., IN DISTRICT OF COLUMBIA.

Mr. BLISS also introduced a bill (H. R. No. 6791) to amend the fifth paragraph of the act of June 20, 1878, making appropriations for sundry civil expenses of the Government; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ENDELIA S. HARMON.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 6792) granting a pension to Endelia S. Harmon, daughter of Major Alpheus Harmer, a soldier in the wars of the revolution and 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILHELMINE E. NEIMANN.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 6793) for the relief of Wilhelmine E. Neimann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENERAL W. W. AVERELL.

Mr. McCOOK introduced a bill (H. R. No. 6794) authorizing the retirement of Brevet Major-General William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT OF INDIAN COUNTRY.

Mr. SCALES introduced a bill (H. R. No. 6795) to amend chapter 4, title 28, United States Revised Statutes, entitled "Government of Indian country;" which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CUSTOM-HOUSE, CINCINNATI, OHIO.

Mr. YOUNG, of Ohio, introduced a bill (H. R. No. 6796) to appropriate money to continue the erection of the custom-house at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COLONEL WILLIAM H. FRENCH.

Mr. YOUNG, of Ohio, also introduced a bill (H. R. No. 6797) to retire Colonel William H. French, brevet major-general United States Army, with the rank and pay of brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP M. SIGLER.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 6798) granting a pension to Philip M. Sigler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HELEN RAYMOND.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6799) granting arrears of pension to Mrs. Helen Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. RINGGOLD.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6800) granting a pension to Mary C. Ringgold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER F. E. BLANCH.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6801) granting a pension to Christopher F. E. Blanch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL MARION.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6802) granting a pension to Michael Marion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARION BROWN.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6803) granting a pension to Marion Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. RHODES.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 6804) granting a pension to George W. Rhodes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TREATISE ON LOGIC BY JAMES MADISON.

Mr. MONROE introduced a bill (H. R. No. 6805) providing for the purchase and printing of a manuscript treatise on logic by James Madison; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

MISCELLANEOUS REPORTS, GEOLOGICAL SURVEY.

Mr. MONROE also introduced a joint resolution (H. R. No. 363) ordering the printing of 5,000 copies of the miscellaneous reports of the Geological Survey; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WHITEHEAD TORPEDO.

Mr. HILL submitted the following resolution; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed:

Resolved. That the Secretary of the Navy be, and hereby is, directed to communicate to this House any proposals which may have been made to the Navy Department for the sale to the United States of the "Whitehead torpedo," together with all reports which may have been made by officers of the United States Navy with regard to said torpedo; also to inform the House what governments have purchased said arm; also what sums of money have been appropriated for experiments with torpedoes under the direction of the Navy Department since said proposals were first received by said Department; also whether the Navy Department has come into possession of the secret of the construction of said torpedo; and, if so, by what means.

C. W. JAMES.

Mr. NEAL introduced a bill (H.R. No. 6806) for the relief of C. W. James, of Logan, Hocking County, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPERIOR COURT OF THE UNITED STATES.

Mr. GEDDES introduced a bill (H. R. No. 6807) to relieve the Supreme Court and to establish the superior court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. COFFROTH introduced a bill (H.R. No. 6808) to equalize pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL JORDAN.

Mr. COFFROTH also introduced a bill (H. R. No. 6809) for the relief of Daniel Jordan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOLLIE B. WALDO.

Mr. COFFROTH also introduced a bill (H. R. No. 6810) granting a pension to Mollie B. Waldo, widow of Roswell Waldo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET CORLE.

Mr. COFFROTH also introduced a bill (H. R. No. 6811) granting a pension to Margaret Corle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL K. M'CORMICK.

Mr. COFFROTH also introduced a bill (H. R. No. 6812) granting an increase of pension to Samuel K. McCormick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. J. RAUGH.

Mr. COFFROTH also introduced a bill (H. R. No. 6813) granting an increase of pension to J. J. Raugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL A. SANDERSON.

Mr. FISHER, by request, introduced a bill (H. R. No. 6814) for the relief of Samuel A. Sanderson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM BAUM.

Mr. FISHER also introduced a bill (H. R. No. 6815) granting a pension to Hiram Baum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. GALLOP.

Mr. HARMER introduced a bill (H. R. No. 6816) to remove the charge of desertion against William H. Gallop from the records in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

POST-OFFICE BUILDING AT PHILADELPHIA.

Mr. O'NEILL submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Secretary of the Treasury be requested to inform the House at an early day of the amount of money necessary to be appropriated for the completion at once of so much of the new post-office building at Philadelphia now under construction as would accommodate, without unnecessary delay, the post-office at that city, which is now so inadequate for the business of the citizens and so inconvenient for the work of the officials of the Government employed therein.

Mr. O'NEILL. It is not in order to have that resolution for information adopted at this time.

The SPEAKER. It is not. But under the rules the committee must report it back within a week.

NATIONAL GAS-LIGHT COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. BELTZHOOVER introduced a bill (H. R. No. 6817) to incorporate the National Gas Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

M. LETITIA WATSON.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 6818) granting a pension to M. Letitia Watson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HULL.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 6819) to remove the charge of desertion from the military record of William Hull; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN J. DE WOLF.

Mr. ALDRICH, of Rhode Island, also introduced a bill (H. R. No. 6820) for the relief of John J. De Wolf; which was read a first and second time, referred to the Committee on Claims, and ordered to be

LOIS FREER.

Mr. O'CONNOR introduced a bill (H.R. No. 6821) granting a pension to Lois Freer, widow of Edward Freer; which was read a first and

second time, referred to the Committee on Pensions, and ordered to be printed.

MARY ANN MICHEL.

Mr. O'CONNOR also introduced a bill (H. R. No. 6822) granting a pension to Mary Ann Michel; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. ELIZA CLIFFORD LEGARÉ

Mr. O'CONNOR also introduced a bill (H. R. No. 6823) granting a pension to Mrs. Eliza Clifford Legaré; which was read a first and second time, referred to the Committee on Pensions, and ordered to be

CHARLES EICHLITZ.

Mr. UPSON introduced a bill (H. R. No. 6824) for the relief of Charles Eichlitz; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TIMOTHY C. CHASE.

Mr. HUMPHREY introduced a bill (H. R. No. 6825) for the relief of Timothy C. Chase, of Durand, Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLINY JEWETT.

Mr. BOUCK introduced a bill (H. R. No. 6826) for the relief of Pliny Jewett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT REVISED STATUTES.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 6827) to amend section 5438 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. DEUSTER introduced a bill (H. R. No. 6828) to authorize the publication of a descriptive catalogue of Government publications from 1789 to date; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. DEUSTER also introduced a bill (H. R. No. 6829) to regulate commerce among the several States, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TERRITORIAL OFFICERS.

Mr. CAMPBELL introduced a bill (H. R. No. 6830) relative to territorial officers in the several Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PUBLIC LAND-DAKOTA.

Mr. BENNETT introduced a bill (H. R. No. 6831) granting to the Territory of Dakota one section of land in lieu of fractional section 16, in township 104 north, of range 71 west, in said Territory, and opening said fractional section 16 to public sale, entry, and settlement; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL JUDICIAL DISTRICT-UTAH.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 6832) to create an additional judicial district in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BRENTS introduced a bill (H. R. No. 6833) to amend section 1860 of the Revised Statutes so as not to exclude retired Army officers from holding civil office in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

PETER HUFF.

Mr. BRENTS also introduced a bill (H. R. No. 6834) granting an increase of pension to Peter Huff, a soldier of the Seminole and Mexican wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen who were not in their seats when their States were called for the introduction of bills, &c.

W. W. STREETER.

Mr. MITCHELL introduced a bill (H. R. No. 6835) for the relief of W. W. Streeter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPLEVYING OF FINES, ETC.

Mr. FORT introduced a bill (H. R. No. 6836) to provide for the replevying of fines, penalties, and costs in criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 824, REVISED STATUTES.

Mr. FORT also introduced a bill (H. R. No. 6837) to amend section

824 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VIOLATION OF INTERNAL REVENUE LAW.

Mr. FORT also introduced a bill (H. R. No. 6838) concerning punishments for violation of the internal revenue law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALEXANDER JONES.

Mr. SPARKS (by request) introduced a bill (H. R. No. 6839) for the relief of Alexander Jones, of Walnut Hill, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS YAKELY.

Mr. COBB introduced a bill (H. R. No. 6840) granting a pension to Mathias Yakely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS UNDER DESERT-LAND ACT.

Mr. PAGE introduced a bill (H. R. No. 6841) for the relief of settlers under the desert-land act; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be

REPORTS OF SMITHSONIAN INSTITUTION.

Mr. O'CONNOR introduced a joint resolution (H. R. No. 364) providing for the printing of the reports of the Smithsonian Institution, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

COLONEL B. H. GRIERSON.

Mr. SPRINGER introduced a bill (H. R. No. 6842) to correct and complete the record of Colonel B. H. Grierson, United States Army, aid-de-camp on the staff of General B. M. Prentiss, United States Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIJA E. SMEDLEY.

Mr. MONROE. I introduce, by request of the friends of a soldier, a bill for the relief of Elija E. Smedley, of Weymouth, Ohio.

The bill (H. R. No. 6843) was read a first and second time, referred

to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CHRISTIANA W. MURRAY.

Mr. HATCH introduced a bill (H. R. No. 6844) granting a pension to Mrs. Christiana W. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABATEMENT OF SMOKE NUISANCE.

Mr. BUTTERWORTH, by unanimous consent, presented the following resolution of the Cincinnati Board of Trade; which was read, and referred to the Committee on Naval Affairs:

Resolved by the Cincinnati Board of Trade and Transportation, That Congress be requested to have a skilled and scientific test and report made by proper officers of the Navy Department of the various devices suggested for the abatement of the smoke nuisance in burning soft coal, and of their relative economy and efficiency; and that our Senators and Representatives in Congress be requested to urge the carrying out of the objects of this resolution.

PERSONAL EXPLANATION.

Mr. O'REILLY. I rise to a question of privilege. I wish to call attention to an article from a Washington correspondent that appears in the New York Sun of the 7th day of January. It says:

Three Congressmen from New York have been absent almost the entire time since the session began.

I am named as one of the three. The fact is, sir, that I have not been absent from my seat in this House one day since this session began except on Monday, the 6th day of December. I would not care to refer to this at present, but I have been honored on former occa-sions with similar notices, and I thought it was about time I took notice of it.

CONSULAR AND DIPLOMATIC BILL.

On motion of Mr. SINGLETON, of Mississippi, by unanimous consent, the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, with amendments by the Senate, was taken from the Speaker's table, referred to the Committee on Appropriations, and, with the amendments, ordered to be printed.

HOUR OF MEETING.

Mr. CHALMERS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That from and after Wednesday, the 12th of January next, this House meet at 11 o'clock a. m.

INDIAN SERVICE.

Mr. DUNN. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That the Secretary of the Interior be, and he is hereby, requested to furnish to the House of Representatives copies of all papers which have been filed in his office during the last eighteen months relating to complaints against any Indian agent, inspector, clerk, or other officer in the Indian service, and to inform this House what, if any, steps have been taken to prosecute the same.

Mr. BROWNE. That should be referred to the Committee on Indian Affairs.

Mr. BLOUNT. Is this reported from a committee?
Mr. DUNN. It is not.
Mr. HASKELL. I would suggest that the resolution had better be referred

Mr. HASKELL. I would suggest that the resolution had better be referred.

The SPEAKER. The gentleman from Arkansas [Mr. Dunn] asks consent to submit the resolution at this time for consideration. If it should be referred to the Committee on Indian Affairs, under the rules it will have to be reported back to the House within a week.

Mr. DUNN. Why refer it? It only asks the Secretary of the Interior to inform the House what papers of the character referred to are in his office. The answer of the Secretary of the Interior may very properly be referred to the Committee on Indian Affairs.

Mr. BLOUNT. The committee may have this information already.

Mr. HASKELL. I make the suggestion of reference because some months since the chairman of the Committee on Indian Affairs submitted, and by the committee was instructed to report to the House, a similar request, which the House adopted. My recollection is that the same information is being sought for by the Indian committee, if it has not already been obtained.

Mr. DUNN. If that be true—

Mr. HASKELL. I am not positive; that is my recollection.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] makes what is in the nature of an objection to the consideration of the resolution at this time. The gentleman from Arkansas [Mr. DUNN] can have the resolution referred to the Committee on Indian Affairs, and, under the rule, it would come back in a week.

Mr. DUNN Lide not understand that the gentleman from Kansas

Affairs, and, under the rule, it would come back in a week.

Mr. DUNN. I do not understand that the gentleman from Kansas [Mr. Haskell] has positively objected.

The SPEAKER. The Chair takes cognizance of a qualified objection. When a gentleman rises in his place and suggests that a resolution should be referred to a committee, the Chair considers that as equivalent to an objection to the present consideration of the resolution.

Mr. DUNN. If what the gentleman states has transpired, this

resolution can do no harm.

The SPEAKER. That is not for the Chair to decide.

Mr. HASKELL. I will make my objection absolute.

The SPEAKER. The resolution can be referred to the Committee on Indian Affairs.

Mr. DUNN. Very well; let it go there.

The resolution was accordingly referred to the Committee on In-

dian Affairs.

EVENING SESSION FOR DISTRICT OF COLUMBIA BUSINESS.

Mr. HUNTON, by unanimous consent, submitted the following: which was read, considered, and adopted:

Ordered. That on the third and fourth Thursdays of January and February, at five o'clock p. m. or at such other hour as the House may on that day indicate, a recess shall be taken until seven and one-half o'clock for the purpose of considering such matters as may be brought before the House by the Committee on the District of Columbia.

LANDS FOR UNIVERSITY PURPOSES.

Mr. BENNETT. I ask unanimous consent that House bill No. 1327, to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes, returned from the Senate with amendments, be taken from the Speaker's table. My object is to ask that the amendments of the Senate be non-concurred in and a committee of conference requested thereon.

There was no objection, and the bill was accordingly taken from the

There was no objection, and the bill was accordingly taken from the

Speaker's table.

Mr. BENNETT. I now move that the amendments of the Senate be non-concurred in, and that a committee of conference be requested. There was no objection, and it was so ordered.

RIVER AND HARBOR SURVEYS.

Mr. NICHOLS. I ask unanimous consent to submit for consideration at this time a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved. That the Public Printer be requested to print forthwith for the use of the Committee on Commerce the reports of the engineers charged with the surveys of rivers and harbors, made to the Chief of Engineers, for the year 1880, provided to be made by the river and harbor bill passed at the second session of the Forty-sixth Congress.

The SPEAKER. The Chair understands that to be in the nature of instructions to the Public Printer to give preference to the printing of the reports indicated in the resolution.

There was no objection, and the resolution was adopted.

YORKTOWN CELEBRATION.

Mr. GOODE. I am instructed by the Select Committee on the Yorktown Celebration, which is authorized to report at any time, to Yorktown Celebration, which is authorized to report at any time, to report back with amendments the joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis and the British forces at Yorktown, Virginia.

The joint resolution was as follows:

Whereas provision has been made for the erection of a suitable monument at Yorktown, in Virginia, to commemorate the final victory achieved at that place

on the 19th day of October, 1781, by George Washington and the Continental Army, with the assistance of their French allies under Count Rochambeau, over Lord Cornwallis and the British forces; and

Whereas it has been also determined by the Congress and the people of the United States that the centennial anniversary of the surrender of Cornwallis at Yorktown shall be celebrated in a manner befitting the historical significance of that event and the present greatness of the nation; and

Whereas it is eminently proper that the Government and people of the United States should continue to make grateful recognition of the illustrious services rendered by the noble Lafayette and his generous countrymen on that memorable occasion: Therefore,

Resolved, &c., That the President be, and is hereby, authorized and requested to extend to the Government and people of France a cordial invitation to unite with the Government and people of the United States on the 19th day of October, 1881, in a fit and appropriate observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown.

The first amendment reported from the committee was to strike out.

The first amendment reported from the committee was to strike out the preamble.

The amendment was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The title was amended so as to read as follows:

A joint resolution authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia.

ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I ask consent—
The SPEAKER. The Chair thinks that the committees should be now called for reports. The Chair will recognize gentlemen who desire to ask unanimous consent after the committees shall have been

INDIAN APPROPRIATION BILL.

Mr. WELLS, from the Committee on Appropriations, reported back without amendment the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes; which was referred to the Committee of the Whole on the state of the Union. Mr. BLOUNT and Mr. WHITTHORNE reserved all points of order

upon the bill.

BURLINGTON, CEDAR RAPIDS AND NORTHERN RAILWAY.

Mr. STONE, from the Committee on the Post-Office and Post-Roads, reported back without amendment the bill (H. R. No. 3442) to provide for the payment of the amount due the Burlington, Cedar Rapids and Northern Railway Company for transportation of United States mails; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CLAIMS IN QUARTERMASTER-GENERAL'S DEPARTMENT

Mr. BRAGG, from the Committee on War Claims, reported back the letter from the Secretary of War transmitting the report of the Quartermaster-General in relation to claims arising under act of July 4, 1864, and moved that the Committee on War Claims be discharged from further consideration of the same and that it be referred to the Committee on Appropriations.

The motion was agreed to.

SALARIES, ETC., OF UNITED STATES COURT OFFICERS.

Mr. HARRIS, of Virginia. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of a resolution which I send to the desk, and that it be now put on its passage. There is a unanimous report by the Committee on the Judiciary recommending a substitute for the resolution, and it is necessary that the matter should be acted on now.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives, That a committee of five Representatives be appointed to investigate the present system of salaries, fees, and emoluments allowed to the officers of the several courts of the United States, to ascertain whether any, and, if any, what, abuses now exist, or have existed, or may take place thereunder, and to report by bill or otherwise. That said committee shall have power to employ a clerk and the services of a stenographer, send for persons and papers, to administer oaths, examine witnesses, and to report at any time. The expenses of said committee shall be paid upon vouchers approved by the chairman.

The SPEAKER. Is there objection to the consideration of this

Mr. SPRINGER. What committee does the resolution come from?
Mr. KEIFER. I object.

PROFESSORS OF MATHEMATICS IN THE NAVY.

Mr. BREWER. I ask unanimous consent to have taken from the Speaker's table for concurrence in an amendment of the Senate the bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy.

The amendment of the Senate was read, as follows:

After the word "boards," in line 6, strike out to the end of the bill as follows:

"And no person shall be a professor of mathematics in the Navy who is more than thirty-five years of age, unless he shall have been continuously engaged in scientific duty under the Navy Department, or in the duty of instruction at the Naval Academy from and about obtaining the age of thirty years until the date of his appointment."

Mr. BREWER. By direction of the Committee on Naval Affairs I ask concurrence by the House in this amendment.

There being no objection, the bill was taken from the Speaker's table, and the amendment of the Senate concurred in.

Mr. BREWER moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILSON obtained the floor.
Mr. HARRIS, of Virginia. The gentleman from Ohio, [Mr. KEIFER,] who objected a while ago to the resolution which I desired to bring up, did so under a misapprehension, and wishes now to with-

draw his objection.

Mr. KEIFER. I withdraw the objection.

The SPEAKER. The Chair has recognized the gentleman from West Virginia, [Mr. WILSON.] He will entertain the motion of the gentleman from Virginia again in due time.

JAMES M. MASON.

Mr. WILSON. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 6105) for the relief of James M. Mason, and that the same be now taken up for consideration. It simply gives the supreme court of West Virginia the right to settle a claim.

Mr. SPRINGER. Let the bill be read.

The SPEAKER. The bill will be read, the right of objection being

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, &c., That whereas in the case of the United States vs. James M. Mason, in the district court of the United States for the district of West Virginia, on the 29th day of May, 1878, a preliminary injunction was issued restraining the respondent from doing certain things therein described, the claims of said James M. Mason for damages sustained by reason of said preliminary injunction are hereby referred for examination and adjudication to the said district court of the United States for the district of West Virginia. Said Mason may, at any time within six months from the final passage of this act, file in said court a petition in the nature of a motion in said case, which thereafter may be amended, at the discretion of the court, in the same way that other pleadings in said court are amendable; which petition shall set forth all the material facts upon which the said party relies in support of his claim; and the court shall thereupon order such notice to be given to the United States or to its representatives as it shall deem proper.

Such further proceedings shall be had in regard to the trial or hearing of said cause, liability for damage, measurement of damages, and otherwise, as in the case of similar causes between individuals, and shall be determined upon such legal or equitable principles as may be applicable thereto.

If it shall be determined that anything is due to the said Mason, the said court shall render judgment therefor against the United States for the amount so found to be due to him, and certify the same to the Secretary of the Treasury of the United States for payment; and the Secretary of the Treasury is hereby anthorized and directed to pay the same, and the sum necessary for such payment is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. WILSON. This bill as proposed to be amended makes no appro-

Mr. WILSON. This bill as proposed to be amended makes no appropriation. Mr. FIELD.

Mr. FIELD. Let it go to a committee.

The SPEAKER. The gentleman from Massachusetts [Mr. FIELD] objects unless the bill be referred to a committee.

Mr. BOWMAN. It has been considered by a committee.

Mr. WILSON. It has been unanimously reported by the Committee on Claims, and makes no appropriation.

Mr. FIELD. I withdraw my objection.

Mr. WILSON. I ask that the proposed amendment be read.

The Clerk read as follows:

Strike out at the end of the bill the following:

"If it shall be determined that anything is due to the said Mason, the said court shall render judgment therefor against the United States for the amount so found to be due to him, and certify the same to the Secretary of the Treasury of the United States for payment; and the Secretary of the Treasury is hereby authorized and directed to pay the same, and the sum necessary for such payment is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

Mr. ROBINSON. I would like to know whether the committee proposes to strike this out, or whether it is the motion of the gentleman from West Virginia, [Mr. WILSON.]

Mr. WILSON. It is my motion to strike out.

Mr. ROBINSON. The House ought to understand this matter.

Mr. WILSON. The facts are simply these: A case is pending before

Mr. ROBINSON. I think we should proceed carefully in a matter of this sort. I desire to have an explanation. It seems that the gentleman from West Virginia proposes something which the committee

did not recommend.

Mr. BURROWS. I think I will object. This matter is too important to be disposed of in this way.

Mr. BOWMAN. Allow me a moment's explanation.

Mr. BURROWS. I think it best to let these matters take the reg-

ular course.

MONUMENT AT WYANDOT MISSION, OHIO.

Mr. FINLEY. I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the joint resolution (H. R. No. 214) relative to a monument at the Wyandot Mission, Upper Sandusky, Ohio, and that the House now proceed to

consider the same.

Mr. BREWER. If this is for the erection of a monument, I object.

Mr. BOUCK. I call for the regular order.

ORDER OF BUSINESS.

Mr. WELLS. I move that the House resolve itself into the Com-

mittee of the Whole on the state of the Union for the purpose of tak-

ing up the Indian appropriation bill.

Mr. WARNER. I think the Committee on Appropriations should give us at least one day's notice before taking up a bill of this kind. It seems that we are passing bills and then considering them afterward. I received this morning a report relative to the Army bill which was passed last week. Nobody has seen this Indian appropriation bill in print; and we certainly are entitled to one day's notice before taking it up.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

INDIAN APPROPRIATION BILL.

Mr. WELLS. I move the House resolve itself into the Committee of the Whole House for the purpose of taking up and considering at this time the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes. And pending that motion I move that all general debate be closed in one minute.

The SPEAKER. That cannot be done, as the bill has not yet been considered in committee.

Mr. WELLS. I move that the House resolve itself into com-I move the House resolve itself into the Committee

considered in committee.

Mr. WELLS. I move, then, that the House resolve itself into committee for the consideration of that bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. TOWNSHEND, of Illinois, in the chair.

The CHAIRMAN. The House is in Committee of the Whole, and the business first in order for consideration is the Indian appropriation bill

Mr. WELLS. I move that the first reading of the bill for infor-

mation be dispensed with.

The motion was agreed to.
The CHAIRMAN. The bill will be read by sections for amendment.
The Clerk read as follows:

For additional payment of the said interpreters, to be distributed in the discretion of the Secretary of the Interior, \$4,000; in all, \$26,500.

Mr. HOOKER. I move to strike those words out. Preceding paragraphs in the bill already make appropriation for the payment of these same Indian interpreters. This proposes to make an additional appropriation, to be disbursed in the discretion of the Secretary of the Interior, for the pay of these same interpreters. I think this the Interior, for the pay of these same interpreters. I think this method of making appropriations is a vicious one, and ought never to be indulged in if the committee having the matter in charge, as this committee has, have already in preceding sections made specific appropriation for the purpose indicated. These very Indian interpreters have already been provided for by previous sections of the bill, their salaries fixed, their pay ascertained, and therefore I can see no good reason for providing additional salaries to be disbursed under the discretion of the Secretary of the Interior. It is for that reason, sir, I move to strike out that portion of the bill which proposes to give additional payment to these interpreters, to be distributed in the dis-

cretion of the Secretary of the Interior. It is for that reason, sir, I move to strike out that portion of the bill which proposes to give additional payment to these interpreters, to be distributed in the discretion of the Secretary of the Interior, \$4,000.

Mr. WELLS. I trust the amendment of the gentleman from Mississippi will not prevail. The amount of \$4,000 is appropriated for the purpose of allowing the Indian Bureau to employ additional Indian interpreters when there is necessity for so doing. If no such necessity shall arise, of course this money will not be used. Last year we appropriated precisely the same amount.

Mr. HOOKER. I rise to a point of order. It is impossible to hear what the gentleman is saying.

Mr. WELLS. I desire to state in this connection that the Department of the Interior asked for \$500 for each one of these interpreters, and an additional appropriation of \$6,000 for the purpose of employing special interpreters. The committee refused to grant more than \$300, which was the sum appropriated last year, and in this paragraph we have recommended an appropriation of \$4,000 instead of \$6,000 for additional interpreters. It is precisely the sum appropriated in the bill last year. From information derived from the Department by the Committee on Appropriations, I deem it to be important this appropriation should be provided for. There are many instances in making treaties and in conventions between the commissioners and the Indians when it becomes necessary to employ additional interpreters, and interpreters of a different class from those regularly employed in the different tribes. I hope, therefore, the appropriation of \$4,000 will not be stricken out.

Mr. HOOKER. Mr. Chairman, notwithstanding what has fallen

the different tribes. I hope, therefore, the appropriation of \$4,000 will not be stricken out.

Mr. HOOKER. Mr. Chairman, notwithstanding what has fallen from the gentleman who has the bill in charge, I do not see any good reason why the pay of these interpreters for the respective Indian tribes should not be fixed and ascertained. I am not to be understood as alluding to the impropriety of trusting the Secretary of the Interior with this power, but I am speaking generally of all persons who may be in charge, that, in reference to the disbursements of money, the salary should be fixed, and not various sums appropriated for the same purpose. I do not believe in giving the heads of Departments any discretion except what may be absolutely necessary in the execution of the duties properly pertaining to them. There is no reason why the salaries of the interpreters of the respective tribes

should not be fixed and ascertained by law, and paid according to the

provisions of law

provisions of law.

It is bad policy, Mr. Chairman, whether you look to the Department of the Interior or the Navy Department or the War Department, or any other department of the Government, to make appropriations of a general character. We have wisely, in this regard, followed the practice of the country from which we borrow most of our laws, parliamentary and otherwise, because we will find if we look to the action of the British Parliament in making the appropriations for the heads of its great departments that it leaves little or nothing to their discretion when it is possible to make appropriations specific in their character. Such are the appropriations made for the navy of Great Britain. Such is the character of the appropriations made for the army. They are so that they cannot use the money appropriated for the support of the army in India for the support of the army at home.

priated for the support of the army in India for the support of the army at home.

I say, therefore, this bill should be made to conform to the true rule on the subject of making appropriations specific. They will have no difficulty, I presume, in getting interpreters at the compensation which has already been fixed in the bill, without unnecessarily investing the Secretary of the Interior, be the incumbent whom he may, with the power to spend additional amounts. I can see no reason for it. In keeping with this view, I shall move to strike out other appropriations in the bill of a like character which I think to be in bad policy, and not only inexpedient in themselves and unnecessary, but opposed to a just and economical administration of our Indian affairs and tending rather to an extravagant expenditure of the public money.

And, sir, while we are considering these appropriations for the Indians, it should not be forgotten that the money we are appropriating in nine cases out of ten is the money of the Indians, due to them from the Government, and therefore we should be cautious in making any expenditure of that money other than that required by treaty, and for this reason in addition I insist upon striking out the words which I consider unnecessary to the purpose of the bill.

Mr. VALENTINE. I hope, Mr. Chairman, that the amendment of the gentleman from Mississippi will not prevail. I believe that the proposed amount, \$4,000, is a very small one for the good that will result from it. It is necessary that a discretion should be lodged with the Secretary of the Interior in this matter. It is found that many times it is necessary to move these interpreters from one agency to another, and the additional expense here provided for is thereby incurred. The amount proposed is a very small one for the purpose mentioned, and any one familiar with the necessities of that service cannot claim that it is excessive. I hope, therefore, the amendment will not prevail, but that the amount recommended by the Committee on Appr on Appropriations will be allowed to remain. I know, personally, that this is an important matter.

The amendment was not agreed to.

Mr. WELLS. I ask unanimous consent that the committee rise for the purpose of limiting debate.

The CHAIRMAN. The Chair would suggest to the gentleman from Missouri that that would not be in order at this time.

Mr. WELLS. Then I withdraw the motion.

The Clerk read as follows:

For necessary traveling expenses of five Indian inspectors, \$6,000.

For buildings at agencies, and repairs of the same, \$20,000.

Mr. HOOKER. I move to strike out lines 193 and 194, which provide "for necessary traveling expenses of five Indian inspectors, \$6,000."

There is a prior section in this bill which provides that \$3,000 shall

There is a prior section in this bill which provides that \$3,000 shall be paid to each of five Indian inspectors, making an aggregate of \$15,000. This paragraph which I propose to strike out provides for their traveling expenses the additional sum of \$6,000.

I move, Mr. Chairman, to strike out this latter clause for the very reason which the committee, by its judgment, have chosen to retain in the bill the clause which I previously moved to strike out. This undertakes to fix a specific amount which it is assumed will be necessary for the traveling expenses of these five inspectors. As a matter of course the duties which may be required to be performed under the direction and control of the Secretary of the Interior must determine what is the necessary amount of travel done and the expense incident thereto. If you are going to give the Secretary of the Interior, having this bureau in charge, discretion in this matter it seems to me we might as well leave the entire amount blank and not attempt to specify any amount whatever, leaving to him entirely the question of discretion as to the amount. If the opinion of the committee upon the preceding amendment which I proposed is to prevail, question of discretion as to the amount. If the opinion of the committee upon the preceding amendment which I proposed is to prevail, I would like to ask the question, how do you fix the amount at \$6,000? How do you ascertain what will be the necessary sum for the Department to expend for such purpose? Already a large salary has been provided for these inspectors in the preceding two lines of the bill, and what object under the law further than this do you attempt or propose to accomplish by this additional sum?

Mr. VALENTINE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VALENTINE. I insist that it is too late to raise this question. We have already passed that section or paragraph to which the gentleman from Mississippi proposes his amendment.

Mr. HOOKER. The gentleman is mistaken; we have not yet passed it.

Mr. VALENTINE. The Clerk had commenced reading line 197, providing for contingencies in the Indian service.

Mr. HÖÖKER. The gentleman is undoubtedly mistaken.

Mr. VALENTINE. I leave the decision to the Chair.

The CHAIRMAN. The Chair will have to rule that the paragraph to which the gentleman from Mississippi refers had been already passed over; but if the gentleman from Mississippi states that he rose in time to offer the amendment, the Chair is compelled to recognize it.

Mr. HOOKER. I rose immediately after the reading, as I understood it.

Mr. VALENTINE. The Clerk had read the succeeding paragraph

before the gentleman offered his amendment.

Mr. HOOKER. I have not heard the Clerk read beyond that, and I could not therefore offer my amendment prior to the time that I did

'The CHAIRMAN. Under the circumstances the Chair will rule that the amendment is in time.

The CHAIRMAN. Under the circumstances the Chair will rule that the amendment is in time.

Mr. HOOKER. I say, therefore, Mr. Chairman, I consider this an unnecessary appropriation for this purpose. As I have stated, you have already provided in this bill for the payment of five inspectors at a salary each of \$3,000 per annum. Now, what functions do these inspectors perform? They go, I presume, periodically, under instructions from the Secretary of the Interior, their authority and orders being to visit the various Indian agencies. You are then paying, according to this proposed bill, two sets of agents. You pay one agent at the various Indian agencies a fixed sum or salary, ascertained by law, whose duty it is to advise the head of the Department as to everything connected with that agency. Yet in addition to this you have another set of agents called inspectors, whose duty it is to visit the agencies from time to time and see how they are being conducted. You propose, therefore, to pay out a sum of \$6,000 in addition for their traveling expenses. In point of fact that may not be required, for the reason that these inspectors or additional agents may not be required to visit more than one or two agencies. It may be that no inspection will be required, or that they will not find it necessary to visit any agency at all, or they may be located in that immediate region of country. They may be required by their other duties to stay there. They are the agents coming between the head of the Department and the local agencies. That function ought to be performed by the agent already required by law to make his reports to the Secretary of the Interior.

[Here the hammer fell.] ports to the Secretary of the Interior.
[Here the hammer fell.]
The amendment was not agreed to.
Mr. REAGAN. I offer an amendment after line 196, to insert the

For the purchase of 1,280 acres of land for the Alabama, Coshatte, and Muscogee Indians, in the State of Texas, adjoining the 1,280 acres of land given to them by said State, situated in Polk County, Texas, \$5,000, or so much thereof as shall be necessary to make said purchase; and for pay of an agent for said Indians for the year ending June 30, 1882, \$500, to be expended under the direction of the Secretary of the Interior.

Mr. BAKER. I reserve the point of order upon that amendment. The CHAIRMAN. Does the gentleman from Indiana desire to make a point of order against it at this time?

Mr. BAKER. I reserve the point of order. It is not in the direction of economy. If it is a proper amendment it ought to have been brought in by the Committee on Indian Affairs.

The CHAIRMAN. Does the Chair understand the gentleman as

insisting upon his point of order at this time?

Mr. REAGAN. I hope the gentleman will not insist upon it for a moment

Mr. BAKER. Then I will reserve the point of order.
Mr. REAGAN. I recognize the fact that the amendment is subject to the point of order if gentlemen see proper to make it. Its object is to increase the amount of land belonging to the Alabama, Coshatte, and Muscogee Indians in Polk County, Texas. Owing to their fidelity to the people of Texas during their struggle for the independence of the applying the Government gave to these Indians twelve bundred and republic, the Government gave to these Indians twelve hundred and eighty acres of land. There are nearly three hundred of them altogether. They have lived there for more than forty years upon that land. The Government has never been called on to aid them, although the State government has occasionally contributed to their aid, and for some years has kept an agent at Government expense to protect their interests.

their interests.

These Indians find the land they have is not enough to meet their necessities. It is understood land immediately contiguous to theirs may be bought to the extent they want. They want double the quantity, that is, another twelve hundred and eighty acres; and it is understood that quantity of land can be bought for three or four dollars an acre. They do not ask the Government for rations to support them; but to give them the land on which they can make a living. Their desire is in the future as in the past to earn their own living. And I can say for them I doubt whether there is any people in this broad land more honest, law-abiding, and faithful to their duties than those Indians. One of them is a son of an Indian who received a medal Indians. One of them is a son of an Indian who received a medal from General Jackson by a vote of Congress, and is a man of respectability, proud of the honor of wearing his father's medal, won in the service of the United States.

They want also, if the Government will give them the means of

increasing their lands, to have an agent to look after their interests. So far as the citizens around them are concerned, I know from personal inquiry they consider them good people and useful in the vicinity on account of their work; they can be employed in aiding to clean the cotton crops and in picking the cotton, as well as in cultivating their own small farms. They are industrious and law-abiding, and have always been faithful to the white people. I am sure, if their history, action, and character were known to the House, gentlemen would not withhold from them the means to obtain a small addition to their land to enable them to make a living for themselves.

It is proposed that they shall have an agent at \$500 a year. I do not know if more is necessary. I have mentioned that amount in the amendment somewhat at random. But it is thought a faithful man to look after their interests would be useful in protecting their rights in case of collision with outside people. I know the proposition is subject to the point of order, but I am sure if gentlemen had all the facts before them they would be disinclined to make the point of order on the amendment.

The CHAIRMAN. Does the gentleman from Indiana insist on the increasing their lands, to have an agent to look after their interests.

The CHAIRMAN. Does the gentleman from Indiana insist on the

Mr. BAKER. I must insist on the point of order. The Clerk read the following paragraph:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and for pay of employés, and for pay of two special agents, at \$2,000 per annum each, \$32,500.

Mr. HOOKER. I move to strike out the clause just read. will endeavor to explain why it is that I think this appropriation ought not to be made. It will be perceived that the committee have ought not to be made. It will be perceived that the committee have made appropriation for so many agents at the various Indian agencies. They have made appropriation for five inspectors. They have appropriated \$15,000 for the pay of these five inspectors, and in addition to that the sum of \$6,000 for their necessary traveling expenses. Now it is proposed by the bill reported by the Committee on Appropriations, in addition to these specific appropriations which have been made, to make another expenditure of \$32,500. And this, sir, is one of the many items in this bill which if members will turn to the concluding pages of it they will see swell this appropriation paging of it they will see swell this appropriation pagin legiting. made, to make another expenditure of \$52,000. And this, sir, is one of the many items in this bill which if members will turn to the concluding pages of it they will see swell this appropriation, not in legitimate payment of what the Government owes in the shape of interest under its solemn treaty stipulations with the Indians, or what it owes for the purchase of supplies, of clothing, of agricultural implements, &c., but that it is an appropriation of the funds of the Indians and the Government for the pay of a multiplicity of officers wholly unnecessary to the proper administration of the Indian Bureau. Therefore, sir, when we come to the grand total of this bill we find it is \$4,531,866.80.

I say after the Committee on Appropriations have made specific appropriations of the character I have indicated for the proper agents at the Indian agencies, and have then provided for five inspectors at the large pay of \$3,000 a year each with \$6,000 for their traveling expenses, I cannot see why it is now that an additional appropriation of \$32,000 shall be made for contingencies of the Indian service.

What are these contingencies? Where arising? Where occurring? The Indian service has been appropriated for so long that it seems to me the committee having this bill in charge ought to understand distinctly what will be the legitimate expenses of the conduct of the Indian service, which ought to have been so classified that each particular item of expense should have been indicated and the necessity

ticular item of expense should have been indicated and the necessity for it shown. I am aware that sometimes deputations and delega-tions may come from Indian tribes here not provided for by law and where necessarily a contingency arises. But that is not such a contingency as is here provided for:

For contingencies of the Indian service, including traveling and incidental exenses of Indian agencies and of their offices—

You have already provided for that-

and for pay of employés and for pay of two special agents at \$2,000 per annum

Where is the necessity for these special agents? agents at the Indian agencies, and you have already provided for inspectors of those various agencies, and now it is proposed to provide two additional Indian agents. The difficulty in the management of Indian affairs is precisely the difficulty which arises in all cases where the attempt is made to govern too much. The effect is to multiply offices which are unnecessary, and which of course lead to additional expenses in the payment of salaries. [Here the hammer fell.] Why these two special agents? I see no necessity for them.

Mr. WELLS. This appropriation of \$32,500 is the same as was made last year, and is the usual appropriation made annually for some years

Mr. BLOUNT. Under authority of law.
Mr. WELLS. And is made under the authority of law. There is a provision in the Revised Statutes authorizing this appropriation. These two Government agents are provided so that in case of the death or removal of any agent there will be some one to look after the interest of the Government as well as of the Indians.

So far as itemizing all these different expenditures is concerned, it would be impossible to do that in any appropriation bill. I have here in my hand a list of the items, covering several printed pages, the amounts of which run as low as five dollars, some even as low as five and ten cents. It would be impossible to itemize them in an appropriation bill.

I will say further that the estimate of the Department was for \$35,000; but the Committee on Appropriations reported \$32,500, the

\$30,000; but the Committee on Appropriations reported \$32,500, the same as was appropriated last year for the purpose.

Mr. HOOKER. I would like to ask the gentleman from Missouri [Mr. Wells] having this bill in charge, whether he means to say that there is a law or statute authorizing this appropriation; or does he refer simply to an item of an appropriation bill passed at the last session of Congress or at some previous session? Does the gentleman and extend any incoming? understand my inquiry?

Mr. WELLS. I ask the Clerk to read certain sections of the Revised Statutes which I have marked.

The Clerk read as follows:

Sec. 2076. The several compensations prescribed by this title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

Sec. 2077. Where persons are required, in the performance of their duties, under this title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

Mr. HOOKER. I desire to show that those sections do not apply to this case at all.

The CHAIRMAN. Debate is exhausted upon the pending amendment.

Mr. HOOKER. How is that?

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] moved an amendment and spoke five minutes in favor of it; and the gentleman from Missouri [Mr. Wells] has spoken in opposition.

Mr. HOOKER. I move to strike out the last word for the purpose

of saying that the sections of the Revised Statutes referred to by the gentleman from Missouri do not justify this appropriation at all. On the contrary, if we are to judge, as we ought to do properly and legally, as a court would construe those sections, they absolutely inhibit such an appropriation as this. What is this appropriation for?

For contingencies of the Indian service, including traveling and incidental exenses of Indian agents and of their offices, and for pay of employés—

Now, I thought the pay of employés was fixed and ascertained by law, not left to the discretion of the Secretary of the Interior or anybody else-

and for pay of two special agents, at \$2,000 per annum each, \$32,500.

It is that item which, in my mind, constitutes the chief objection to this appropriation, the item for the creation of two special agents. They are unnecessary in the management of Indian affairs. The gentleman from Missouri tells us that section 2076 of the Revised Statutes, under the title of "Officers of Indian affairs; their duties and compensation," justifies this appropriation. What is that section?

The several compensations prescribed by this title shall be in full of all emoluments or allowances whatsoever.

That shows that the object of the statute was to prevent any additional compensation to the amounts prescribed in previous sections, unless for certain reasons.

But where necessary, a reasonable allowance or provision may be made for fices and office contingencies.

There is not one word there about special agents, not one word about the creation of another office, but limiting the powers of the offices already in existence and the office contingencies that might arise under them. The gentleman also had read section 2077, which is as follows:

Where persons are required, in the performance of their duties, under this title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

Now, I hold that so far from authorizing the creation of a new Now, I hold that so far from authorizing the creation of a new office with an additional salary, the very sections referred to by the gentleman in charge of this bill [Mr. Wells] absolutely inhibit such new offices. The legislation found in the Revised Statutes was intended to limit the Committee on Appropriations to what had already been indicated as the proper sum to be expended therefor. So far from the statute referred to justifying the giving to the Secretary of the Interior the power to create two additional offices with a salary not fived by law and which cannot be found anywhere in the statute. not fixed by law, and which cannot be found anywhere in the statute-books, it inhibits the creation of those offices, and if they are created under this bill it will be in violation of the statute which the gen-tleman himself has cited. [Here the hammer fell.] I withdraw my formal amendment.

The question was taken upon the motion of Mr. Hooker to strike out from lines 197 to 201, both exclusive, and upon a division there were—ayes 30, noes 63.

Mr. HOOKER. I make the point of order that no quorum has

voted. Tellers were ordered; and Mr. Wells and Mr. Hooker were appointed.

The committee again divided; and the tellers reported that there

were—ayes 39, noes 89.

Mr. HOOKER. I will withdraw the point of order that no quorum has voted, if a vote is allowed in the House on my amendment.

Mr. WELLS. I cannot agree to that.

The CHAIRMAN. The tellers will continue the count.

The tellers resumed and concluded the count, and reported that there were-ayes 44, noes 104.

So the amendment was not agreed to.

The Clerk read as follows:

Sacs and Foxes of the Missouri:
For interest on \$157,400, at 5 per cent., under the direction of the President, per cond article of treaty of October 21, 1837, \$7,870.
For support of a school, per fifth article of treaty of March 6, 1861, \$200; in all, 1070

Mr. PRICE. With the consent of the gentleman having charge of this, bill, [Mr. Wells,] I move the amendment which I send to the

The Clerk read as follows:

Add to the clause just read the following:

"And the money hereby appropriated, and all money heretofore appropriated to said Indians, being the Sacs and Foxes at the Iowa agency, and which has not been drawn by them, shall be paid to them when they shall sign a pay-roll by the head of each family, the correctness of which pay-roll shall be certified by the agent in charge of said Indians."

Mr. WELLS. There is no objection to that amendment. The amendment was agreed to.

The Clerk read as follows:

Winnebagoes:
For interest on \$604,909.17, at 5 per cent. per annum, per fourth article of treaty of November 1, 1837, and joint resolution of July 17, 1862, and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians, \$40,245.45.

Mr. HOOKER. I move to amend by striking out in the paragraph just read the words "and the Secretary of the Interior is hereby dijust read the words "and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians" and to insert "and said money due on said fund held in trust for said Winnebago tribe of Indians shall be paid to the governing chief of said tribe."

Mr. Chairman, I am induced to make this motion because of the Mr. Chairman, I am induced to make this motion because of the fact that when the Indian commission was sent to the Indian Territory for the purpose of looking into the condition of the Indians we had occasion to visit the Winnebagoes residing at their agency in the State of Nebraska. It will be remembered by those who are familiar with the transactions of the Government of the United States with this tribe of Indians that there was originally due to them as a trust fund held by the Government \$1,000,000, upon which, under treaty stipulations with these Indians, the Government paid them annually 5 per cent. interest. Some time after the execution of this treaty and the creation of this fund and its deposit with the Government an act was passed by Congress authorizing the construction of certain the creation of this fund and its deposit with the Government an act was passed by Congress authorizing the construction of certain buildings in the Winnebago agency, many of which buildings, when we visited that Territory, we found to be wholly unoccupied. Yet, contrary to what I believe to be justice to the Indians and good policy on the part of the Government, the money belonging to these Indians, held in trust for them by the Government of the United States, was, by the terms of the act of Congress, expended for the construction of these edifices which are comparatively useless for the advancement of the comfort of the Indians. This expenditure left \$800,000, upon which the Government is now paying \$40,000 a year interest to these Indians. When we visited them the chiefs having the management of their affairs told us that the money due by the Government of the United States is annually expended in the purchase of expensive agricultural machinery, such as we saw lying in the open fields, eaten up by decay and rust. They said, "Not one dollar have we seen of the money which the Government annually appropriates for our benefit, not out of its Treasury, but from our trust fund."

efit, not out of its Treasury, but from our trust fund."

Now, I undertake to assert that every single dollar of the \$40,000 Now, I undertake to assert that every single dollar of the \$40,000 annually due these people, numbering not more than fourteen hundred, is appropriated for purposes in regard to which they are not consulted. Yet in point of civilization, in point of knowledge of their property rights and business interests, they are probably as advanced as any other tribe of Indians with whom the Government has dealings. This is the policy which has prevailed for years, taking the money of these Indians and appropriating it not as they desire, not as their interests require, but as the Secretary of the Interior and the Indian agents may choose to determine. These Indians reported that for years they had not received a dollar per capita of the \$40,000 which the Government annually spends ostensibly for their benefit; money which the Government owes them, and which this bill properly appropriates, but which it improperly directs shall be expended under money which the Government owes them, and which this bill properly appropriates, but which it improperly directs shall be expended under the direction of the Secretary of the Interior. Where can you find a community embracing fourteen hundred souls and having an income of \$40,000 a year, payable on bonds held in trust by the Government, who would be willing that any officer should say, "I will undertake to determine how every dollar of your fund shall be appropriated?" This is an unwise investment of discretion in the hands of the Secretary of the Interior; it is an unjust appropriation of the income of these people, without reference to their wishes and without consulting the five or six chiefs who are the governing power of that nation. We are taking the whole of the \$40,000 to which these Indians are entitled, and allowing it all to be expended according to the discretion of an officer of the Government who does not reside in their midst and is not acquainted with their peculiar wants.

midst and is not acquainted with their peculiar wants.
[Here the hammer fell.]
Mr. WELLS. Mr. Chairman, I doubt the propriety of this proposed change in what has been the uniform policy of the Government

with reference to these Indians. I think this matter ought to be left as it has been heretofore. I have not had time to read the lengthy report in relation to this tribe of Indians; but the bill proposes to carry out the recommendation of the Department, which I feel to be more thoroughly advised on this subject than myself or other members of this House. Consequently, I very much doubt the propriety of changing the language of the bill as reported by the committee. The amendment of Mr. Hooker was not agreed to.

The Clerk read as follows, under the head of "Winnebagoes:"

For interest on \$78,340.41, at 5 per cent. per annum, to be expended, under the direction of the Secretary of the Interior, for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, \$5,917.02; in all, \$44,102.47.

Mr. HOOKER. I move to amend by striking out in the clause just read the words "improvement of their allotments of land." I make this motion for the same reason that prompted me to make the motion with regard to the preceding paragraph. So long as I may have a seat on this floor I shall deem it my duty to oppose all appropria-tions for these Indians in such terms as those of this paragraph and

a seat on this floor I shall deem it my duty to oppose all appropriations for these Indians in such terms as those of this paragraph and the preceding one. The Committee of the Whole is passing upon these measures sub silentio merely upon the recommendation of the Committee on Appropriations, and I believe without understanding what it is doing. I do not believe, sir, that the members of this Committee of the Whole are giving that attention to the interest of these Indians in making these appropriations now being passed which the importance of the subject, in my judgment, imperatively demands. So prone have we been to follow in the track of the omipotent Committee on Appropriations that, like the blind horse of the tread-mill, we are going all day and yet making no progress except in the way of spending the money of these Indians.

I am opposed to this section of the bill because it proposes to give the discretion to the Secretary of the Interior embraced in the words which I have proposed to strike out, "improvement of their allotments of land." That is in keeping with the policy which the Secretary has long held to and constantly urged upon Congress. He urges upon you at this Congress to pass a general bill, providing all lands of Indians now held in common shall hereafter be held in severalty. Is this Congress prepared to carry out, under the recommendation of the Secretary of the Interior, such a policy in all its intents and purposes? He has not dared to apply it to the five semi-civilized tribes in the Indian Territory, who are as capable of understanding their interest as the Secretary of the Interior or anybody else; but he has undertaken to apply it to the savage tribes. This clause in this bill is in keeping with the policy the Secretary of the Interior has inaugurated, and which he intends to carry out if he can get the sanction of Congress.

In my judgment, whenever you coerce the Indians to take their

of Congress.

In my judgment, whenever you coerce the Indians to take their lands in severalty, to make an allotment of their lands to them, giving the Government the power to sell the remainder and put the proceeds, in the shape of bonds, into the Treasury of the United States, you will only be paving the way to do for all of the savage tribes precisely what you have done in regard to the Winnebagoes; namely, to have the proposition presented to you again by the Committee on Appropriations to take every dollar of their income and spend it without consulting the beneficiaries; to take the income of their own money—the interest which you owe them on their own money—and expend it according to the theories and fancies and ideas of the incumbent of the Interior Department and the Indian employés who act in subordination to his authority. subordination to his authority.

subordination to his authority.

The very fact, sir, that there has not been an effort to apply this principle to the five semi-civilized tribes, to the Indian who is capable of understanding his rights and capable of maintaining them, and who is prepared to defend them with an intelligence like that, sir, which the Choctaws, the Cherokees, the Creeks, and the Seminoles exhibit before your Indian Commissioner, delivering speeches which would do credit to any nationality on earth, not only with reference to the beauty of style in which they are couched, but the statesmanlike ideas which characterize them in speaking of their own interests and their own affairs—I say, sir, that the very fact there is no attempt made to apply the same principle to these semi-civilized Indians shows that to the more intelligent, the more highly educated, the more civilized, the more advanced of the Indian tribes you would not attempt to inaugurate a policy which it is proposed in the discretion of the Secretary of the Interior to enforce upon the savage tribes of Indians. of Indians

of Indians.

In other words, sir, if this policy prevails and the allotments are made in severalty, and the tribal relations, which is the great bond of union holding these Indians together, is once destroyed, you will then see between the two waves of civilization rolling from the Atlantic and the Pacific the Indian at last hemmed in, with no longer any frontier to drive him to, with no longer any ground where he can take refuge; but you will see him in the midst of the tidal waves of civilization from either ocean bound hand and foot, his property sold, and the proceeds in the shape of bonds put into the Treasury of the and the proceeds in the shape of bonds put into the Treasury of the Government, and the income from them, which should go to him, taken by fraud, force, or violence.

[Here the hammer fell.]

Mr. FROST. Mr. Chairman, while I agree with the preliminary remarks which have just been made by the gentleman from Mississippi, I cannot agree with those immediately preceding the close of

his eloquent speech. He has delivered an attack all along the line against what he terms the policy inaugurated by the present Secretary of the Interior. I think if he will look back to the messages of our Presidents in the past and the reports of their Secretaries of the Interior he will find that the whole of our Indian system, that the policy of all successive Administrations, has looked forward to the time when the Indian shall have his property allotted to him in severalty. That was the theory upon which these five civilized tribes were established upon the present Indian Territory, that the time might come, by locating them together and applying the instruments of civilization to their welfare and advancement, when they would be prepared to assume the responsibilities of property owners—a responsibility, Mr. Chairman, which the history of civilization teaches to be absolutely necessary to the constitution of civilization and to the elevation of the human race.

The gentleman from Mississippi foresees most unfortunate results as

the elevation of the human race.

The gentleman from Mississippi foresees most unfortunate results as likely to follow from this allotment in severalty. He tells us that the Indian, the wild, untutored savage, will be swindled out of his property by designing white men, and that, after having obtained the pecuniary proceeds of this property in our possession, we will begin to squander them through our legislative bodies. I am at a loss, sir, to see how by giving a man the absolute title to his property, title in fee simple, we facilitate his parting with it. What, on the contrary, has become of the property of the Indians which has been held by them in common?

them in common? them in common?

Let me point to the history of the Poncas. Let me call the attention of this committee and of the country to the history of Chief Joseph, who was carried away by force of arms from the country which he had inherited from his fathers, carried away from the fair mountain air of Idaho into the malarial atmosphere of the Indian Territory, where within two months of their arrival one-fourth of Territory, where within two months of their arrival one-fourth of their number perished from the ague. Let me call the attention of this committee to an article published by Chief Joseph in the North American Review about six months ago, where he demands the same rights which are accorded to every other American citizen, and where he demands that he shall not be subjected to the arbitrary control of the Secretary of the Interior. He demands that he shall not be relegated to a slavery far worse, Mr. Chairman, than any to which the African race has ever been subjected on this continent; for at least the slaveholder of the past protected the life of his slave if only the slaveholder of the past protected the life of his slave, if only from interested motives, but it seems that the interest of the United States Government points rather to the total destruction and extermination of the savage; at least that would be the inference if we are to adopt the statement which has been so ably advocated by the

gentleman from Mississippi.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Mississippi.

The amendment was not agreed to.

Mr. HOOKER. I move to strike out the last word of the pending paragraph. I desire to say a few words in reply to the eloquent remarks of the gentleman from Missouri [Mr. Frost] who has just taken his seat. I wish to call the attention of the committee to the fact, Mr. Chairman, that the illustration given as to the result of the policy that the Government proposes to pursue in regard to these Indians is strikingly illustrated in the case of the Nez Percé Indians, to which the gentleman has referred, and to that I desire briefly to call attention. Now, sir, it was my good fortune to have been able to go into the Territory inhabited by these Indians, and there to look into their condition, on which occasion we visited the camp of Chief Joseph, the chief of the Nez Percé Indians, whose wonderful retreat before the Army of the United States is only equaled by the famous retreat of that other distinguished general in former times. I heard him speak to his people and to the commission. I saw the condition of his people, the condition to which they had been brought by the Government; and the illustration which has been adduced by my friend from Missoari is a striking illustration of how terrible is the result of the policy the Government has adopted toward these tribes. As to the Nez Percés on the one side of the line and the Modocs on the other, with their celebrated leaders at their head, we saw their people dying fact, Mr. Chairman, that the illustration given as to the result of the with their celebrated leaders at their head, we saw their people dying at their feet and perishing, helpless and uncared for, in the unwholesome air of the Indian Territory, under the fostering care of the Gov-

ernment.

What put them there? They were put there, Mr. Chairman, by the same baleful power and policy of the Government of the United States which took them unwisely from the northern latitudes where they had been born and reared, a locality which was endeared to them by associations, and conveyed them into that malarial region of the Indian Territory to live or die there, whichever they could.

It was the same policy which now proposes to coerce the principle of the allotment of land in severalty, and require them to divide their property whether they want to do it or not. My friend asks the question, Would the Indian be any less able to take care of his property, or would the power to protect it decrease, if it was allotted in severalty? I say yes, because it is proposed to limit the power of alienation only for twenty-five years, and after that time the power to alienate and dispose of his property exists and there is no protection alienate and dispose of his property exists and there is no protection in the hands of the Government that can be applied to the care of the Indian. What, sir, would become of them under such circum-stances? In less than twenty-five years more the history of the Indian would have to be rewritten; but it would have to be written in such

terms and in such language as, in my judgment, would reflect no credit upon the policy of this great nation.

The very illustration to which attention has been called of the Nez Percés and Modocs shows that the Government has removed these Indians from the only country where they could have lived, where the air to them was genial; lands which were endeared to them by familiar associations, and removed them into a region where they have ever since been dying like sheep in the shambles. If this policy is carried out, such as is indicated in this measure, it will only consign them to the Indian Territory, where they would be located with the consent of the Indian tribes upon lands which are there; and even now the question is being raised whether these lands belong to the now the question is being raised whether these lands belong to the Government of the United States or not, and if so, if they are not, like the other public lands, subject to homestead location, occupancy, and purchase, whereby even this slender reservation (according to the construction which is to be placed upon that question) is threat-

the construction which is to be placed upon that question) is threatened to be taken away from them.

I say that the policy of allowing the Secretary of the Interior to transfer the fund, thus discriminating according to his discretion for the improvement of allotments, is a dangerous power with which to invest him whose theory is that that is the best method of taking care of the Indians. The Indians themselves, Mr. Chairman, are the best judges of their own interests, and we are bound by the solemn terms of our treaties with them. They not only hold the absolute patent of the Government, but hold their lands in common, and desire to hold them in common—determined to hold them in common—but yet you propose to force them to consent that they shall hold them in severalty and submit to allotment whether they desire it or but yet you propose to force them to consent that they shall hold them in severalty and submit to allotment whether they desire it or not. Such a proposition, sir, in any civilized community, would shock the legal sense of the world. It is certainly not in accordance with the emphatic and figurative language of the great President Jackson, that these lands should be theirs "while water flows and grass grows;" theirs to hold now and in all future time. It is not in accordance with the terms suggested by the great iron-hearted Jackson to say that you will now give, through the Committee on Appropriations, power to Congress to overturn the treaties which have been made with them and place them upon a footing which is neither inst in with them and place them upon a footing which is neither just in principle nor wise in practice.

I withdraw the amendment.

The Clerk read the following paragraph:

Collecting and subsisting Apaches and other Indians of Arizona and New Mexico: For this amount, to subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona, \$310,000.

Mr. HOOKER. I would like to ask the gentleman having this bill in charge on what data this recommendation is made to expend \$310,000 for collecting and subsisting the Apaches and other Indians of Arizona and New Mexico? and also—

To subsist and properly care for the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in New Mexico or Arizona.

How and upon what data and on whose recommendation do you

How and upon what data and on whose recommendation do you fix the sum of \$310,000 as necessary for that purpose?

Mr. WELLS. The committee were governed by the estimate of the Department and also by past appropriations. Last year we appropriated \$320,000 for Indians in Arizona and New Mexico. After conference with the Department we reduced that sum \$10,000, making it \$310,000 instead of \$320,000, on the ground that these Indians were partly supported by agricultural pursuits.

Mr. HOOKER. I wish to inquire of the gentleman from Missouri who has the appropriation and expenditure of this \$310,000?

Mr. WELLS. The Department: the Indian Bureau.

Mr. WELLS. The Department; the Indian Bureau.

Mr. HOOKER. The gentleman says the Secretary of the Interior and the Indian Bureau. That is what I want to know.

Mr. WELLS. If the gentleman will read the estimates he will find there the very language that is used in the bill.

Mr. HOOKER. That is what I suppose. This is copied from the estimates, and I wanted the Committee of the Whole to understand

Mr. WELLS. This appropriation is very important. Those Indians have been on the war-path for a long time, and this sum is necessary to sustain them for the ensuing year.

The Clerk read the following paragraph:

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, \$315,000.

Mr. HOOKER. I wish to inquire of the gentleman having the bill in charge how many of these Indians have been collected on the reservations?

Mr. WELLS. Twenty-five thousand.

Mr. Wells. Twenty-nve thousand.
Mr. HOOKER. On all of the reservations?
Mr. WELLS. These Indians we are appropriating for here are wild Indians. They have been gathered on these reservations from different parts of the country, and have given a great deal of trouble. The amount appropriated last year was \$305,000. We were assured this year that that amount was not sufficient, and the Department asked an appropriation of \$350,000. The committee recommend \$315,000. It is an annual anymoviration made from year to year.

000. It is an annual appropriation made from year to year.

Mr. SCALES. I would like to ask the gentleman whether this is not the same clause which appeared in the last appropriation bill with the use of these Indians.

an increase of \$10,000, and whether that increase is not on account of a deficiency

Mr. WELLS. More Indians have been brought into the reservations. The Clerk read the following paragraph:

For support and civilization of Joseph's band of Nez Percé Indians in the Indian Territory, \$15,000.

Mr. FROST. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1006 insert

"Provided, That said Joseph's band shall be transferred to such Indian reserva-tion north of the parallell of latitude forty-five degrees north as the Secretary of the Interior may select, and that the expense of said transfer shall be paid out of the sum appropriated for contingencies of the Indian service."

Mr. FROST. I do not desire to make any remarks upon this subject, but would ask the consent of the House to have read a stenographic report of a speech made by Chief Joseph before a Senate committee

Mr. WELLS. I reserve the point of order. The CHAIRMAN. Does the gentleman from Missouri make the point of order ? Mr. WELLS. Mr. FROST.

Mr. WELLS. I do not make it now; I reserve it.
Mr. FROST. I desire to state, before the remarks of Chief Joseph shall be read, that every single member of the committee, all the Senators and Representatives on it, promised when they came back to Washington they would not remain quiet in their seats until the crime that had been perpetrated on Joseph and his band should be righted. I hope that this House will take this opportunity to right

that wrong.

I believe the amendment is in order. We may discuss that hereafter. But I do hope the House will take this opportunity to right a wrong which has been rung in our ears ever since it was committed. There is not a single newspaper in this country that has not at some time told the story of this outrage. I hope that this House will not remain deaf to the appeal that comes to us from every side.

The Clerk read as follows:

time told the story of this outrage. I hope that this House will not remain deaf to the appeal that comes to us from every side.

The Clerk read as follows:

When we quitfighting I surrendered to Howard and Miles. I wished for peace. My people wheled for peace. At that surrender we came to an understanding with those two generals. It was a true understanding. We supposed we were to be sent back to our own country, but we were brought down here. In consequence of having been brought down here we are all going to ruin and death.

Why do the authorities at Washington still hesitate to carry out their agreements! I shall never forget that surrender and the understanding we had at that time. There is one sentiment I wish to express to you: Our country is very dear to us. We never committed murder. We never did anything to justify you in taking our lands away from us. We never raised. We never committed any deprodavaway from us and we had been driven from them. I now see what has become of that rash act and the way we were treated in our own country. I can say that all of my people who were lost were lost in a good cause, defending their homes. Our lands were lost in that trouble, and I think I ought to be permitted to select a home without being compelled to go into a country that the people do not see fit to go to and be compelled to live in. We ought not to be forced into a country, I ace nothing here. It is not a rich country. It is not a rich country will not permit us to live. Besides, this is a poor country. I ace nothing here. It is not a rich country. It is not a healthy or good country at all. In a force of the country will not permit us to live. Besides, this is a poor country. I are nothing here. It is not a rich country. It is not a healthy or good country at all. In a force of the country were to a supplied to the country with the country will not permit us to live. Besides, this is a poor country. It all not not all they cannot. Wherever you see grass growing abundantly there you find rich people. Here

Mr. WELLS. I say to my colleague [Mr. Frost] that improvements have been made on this reservation and buildings erected for

Mr. MAGINNIS. This will certainly add to the expenses of the Government. If this amendment is adopted it will require three or four times the amount appropriated for contingencies to effect the

removal of these Indians to some more northern location.

We all know about the Nez Percé war, how it broke out in Idaho, and the murder of citizens living there; how these Indians traversed Montana on their way to the British possessions, leaving behind them a trail of blood and murder and rapine. We all know they were on the point of entering the British dominions when they were surrounded and captured by General Miles. I deny that there was any arrangementor agreement that they should be sent back to their own country, where they could not live, because the relatives and friends of those they murdered would be sure to destroy them. They surrendered un-conditionally, and were settled in the Indian Territory, and ought to

Mr. FROST. I think the gentleman from Montana [Mr. Magin-Nis] has certainly fallen into some error in his statement of the causes of that war. However, I do not want to enter into that discussion now, although I am prepared to do so. What the Chair is now called

upon to decide is the point of order.

The CHAIRMAN. The Chair is of the opinion that the amendment is in order. It does not propose to change existing law, and it is germane to the bill. It is questionable whether the appropriation would have to be increased or not to carry out the provisions of this amendment. As it does not change existing law, and is germane to the bill, the Chair is of opinion that the amendment is in order.

Mr. HASKELL. The amendment having been ruled in order, I de-

Mr. HASKELL. The amendment having been ruled in order, I desire to address the committee upon it.

The gentleman from Montana, [Mr. Maginnis,] as I believe, has stated truthfully in the rough outline he has given of the outbreak of the old Nez Percé war. Be that as it may, they have been removed to the Indian Territory, have lived there for some years, and have now become thoroughly acclimated. They are on as good a piece of land as there is in the world, and just as well located as it

To remove these Indians would be worse than folly, would be disadvantageous to the Indians, even if there was a favorable northern location to which they could be removed. As the gentleman from Montana has intimated, there is no place near their old reservation

where they could stay twenty-four hours in safety.

It was in consideration of that fact, after due deliberation over the subject and consultation with all the authorities, that this location was made. The same thing may be said with regard to the Poncas. Whatever wrong may have been committed in the original removal of the Poncas, it is agreed now on all hands that having been removed to a good reservation, favorably situated, it is best for them

I hope that no provision will be incorporated into this bill contemplating the removal of a single Indian of this band from where he is

Mr. HOOKER. I think the amendment of my friend from Missouri [Mr. Frost] is a very proper one to be made to this bill, and I was very glad to hear the Chair announce that the amendment, being ger-

very glad to hear the Chair announce that the amendment, being germane and not changing existing law, was in order.

We come now to consider the merits of the proposition. It is conceded by those gentlemen who have addressed the committee that these Indians were put where they now are without their consent. If Chief Joseph's statement, which has been read from the Clerk's desk, is to be taken as true, at the time of the surrender there was a distinct understanding that he could not be forced into the Indian Territory. How far the Indian Department carried out the terms and stipulations of the surrender, which we were extremely anxious to obtain, I do not now undertake to say. However the war may have originated, whichever party may have been in fault, it was conducted by Chief Joseph with his remnant of a band as gallantly as any war that history records. that history records.

The gentleman from Kansas [Mr. HASKELL] says that these Indians have been removed to a salubrious region of country. I visited their encampment in 1878, when there was not a residence there, not even a log cabin, but every Indian man and woman were living in tepees and tents in a malarial region of country where hundreds of their

comrades were dying about them.

Comrades were dying about them.

I think the enlightened and intelligent chairman of the Committee on Indian Affairs, who has always shown so much sense of justice in whatever he has done, though it has been my misfortune at times to differ with him as to questions of policy, is now satisfied, as are a majority of the committee, that it is impolitic to take an Indian from a northern region where he has been raised and locate him in the Indian Tomation Tomatics. dian Territory.

The gentleman from Kansas says that these Indians have been acclimated. So they have been, with a loss of 50 per cent. of their number. They have been acclimated as all are acclimated who go to a malarial region of country, one-half of them dying. That is the way the Nez Percés and the Modocs both have been acclimated. It was a correct removal by the Government, the Government forcing these Indians to go there without their consent. Even in the thing

ing these Indians to go there without their consent. Even if nothing had ever been said on the subject, it is bad policy to take these Indians to that country, unless we hold to the theory which is held by some, that the best Indians in the land are the dead Indians; unless we want to subject them not only to the bullets of our soldiers but

also to the baleful influences of a malarial region in which they cannot possibly live. That is exactly what the Government has done to the Modocs and Nez Percés.

But it is said that it is now too late to remedy the wrong; that many of these Indians are already dead; that the tribe has been deci-mated by the diseases of the climate in which they have been forced mated by the diseases of the climate in which they have been forced to live. I say it is not too late to do them justice. The remnant of these Indians now living there are pining to return to their native homes. It is true that you may imprison them with a cordon of bayonets around them, and may keep them in that malarial country until disease and death have swept the last of them from the land; but with the temper and disposition of the Indians their present abode is to them a prison. You might as well say to them at once, "We will incarcerate you for life in that region of country." I think the amendment of my friend from Missouri is not only germang to the hill but ment of my friend from Missouri is not only germane to the bill, but is a proper and just proposition, and ought to be adopted.

Mr. BAKER. Mr. Chairman, I shall not detain the Committee of the Whole by referring to the war in which Chief Joseph was en-

gaged or to the circumstances attending it. It is sufficient to say that those Indians were captured after a bloody and long-continued struggle, and it was determined by the Government after the fullest consideration to place them on a fertile reservation in the Indian Territory. ation to place them on a fertile reservation in the Indian Territory. It is well known that this small band of Indians, three hundred and seventy in number, could not safely be returned to the section of country in which they originally lived; such a policy would be provocative of another Indian ontbreak.

The only argument in favor of this proposition is the statement that these Indians are suffering in health and dying in excessive numbers. I hold in my hand a report on this question made in 1879, and later reports will show a still better condition of affairs. But this report shows that the location is not an unwholesome one, and that the Indians are as healthy as can be expected. It further shows that these Indians, coming from the extreme northern country, were almost all of them subject to pulmonary diseases, and that the loss of life from the alleged malaria in the Indian country is less than from pulmonary diseases in the country from which they came. So that these Indians in point of health are in better condition than in the region from which they were brought.

Mr. HOOKER. Particularly those who are dead!
Mr. BAKER. Mr. Chairman, I wish to say further that the Government has already expended many thousands of dollars—
Mr. FROST. How many?
Mr. BAKER. I am not able to state the exact amount, but I think

Mr. BAKER. I am not able to state the exact amount, but I think it is more than \$50,000. That amount, as I understand, has been expended in building homes for these Indians, in making improvements for their benefit, in furnishing them with wagons and agricultural implements. These Indians are now becoming acclimated, and are as healthy as they could be if they were returned to the country from which they came. All this investment which the Government has made for their comfort would be wasted in the event of their return; and besides we would be subjected to the peril of being involved in new Indian troubles and wars. I think, Mr. Chairman, it would be one of the most unwise things that could be done to return this slender band of three hundred and seventy Indians to that country that they deluged with blood, that they ravished with the hand of vio-lence, and where as we all know they would be likely to be decimated by the rifle of the frontiersmen more rapidly than by the malaria of the Indian country.

Mr. MAGINNIS. They are nearly all under indictment in Idaho

for murder

Mr. FROST. We can send them to Montana; they need not go to Idaho. Mr. MAGINNIS. Well, Mr. Chairman, they went through Mon-

The CHAIRMAN. The Chair will state to the gentleman from Montana [Mr. MAGINNIS] that debate on this question is exhausted.

Montana [Mr. Maginnis] that debate on this question is exhausted. The pro forma amendment was withdrawn.

Mr. Maginnis. I renew the amendment. These Indians went through Montana; and they left a bloody trail through the Territory of a people who never injured them. Year after year they traveled through that country on their way to the buffalo fields; year after year they went back; and year after year they were kindly and hospitably treated by our people. No man among them was ever killed; no woman among them was ever injured. Nothing was dealt to them except kindly hospitality. But a war broke out—a war with another people alien to us and far away. They went through our Territory and they ravaged it. They killed unoffending men and innocent women, people who had never undertaken to do them an injury. After men, people who had never undertaken to do them an injury. After a dreadful and bloody fight (and I honor the skill and bravery with which Chief Joseph conducted that campaign) they were honorably captured and became prisoners of war unconditionally, subject to anything the Government might do with them. The Government did the very best thing it could possibly do with them.

Mr. FROST. Did General Miles ever make that statement? Did he ever deny Chief Joseph's statement?

Mr. MAGINNIS. According to the terms of surrender as publish.

Mr. MAGINNIS. According to the terms of surrender, as publicly stated at the time, it was an unconditional surrender.

Mr. FROST. I beg pardon of the gentleman. The gentleman from Kansas [Mr. Haskell] remarked just now, I believe, that Chief Joseph never made any such statement.

Mr. HASKELL. I remarked that it was just as impossible for Chief Joseph to stand up and make the speech read from that desk as it would be for him to fly heavenward.

Mr. FROST. Will the gentleman from Montana permit me just a

The CHAIRMAN. Does the gentleman from Montana yield?

Mr. MAGINNIS. No, sir. Mr. Chairman, in taking the position that we do on this question, it is not because we of the West think "there is no good Indian except the dead Indian." We are seeking the benefit of the Indian. It is not the people of the West who make Indian wars. We do not profit by them. These wars are owing to the fault and folly of your Government policy. The ignorant interference of eastern philanthropists in Indian affairs is too often the cause of these wars: and one of the greatest crimes of our Indian reliev of these wars; and one of the greatest crimes of our Indian policy is that we continually bring about a clashing of interests between the white people and the red people of the frontier. I deny the statement so often reiterated here, that the western people are cruel toward the Indians. Western men—the men who climb those mountains and the Indians. Western men—the men who climb those mountains and cross those plains—are men of nerve and courage and energy; and such men, wherever you find them, are men of tenderness and humanity and justice. Western men, so uniformly kind to their dogs and horses, certainly would not be unkind to any man, black, white, or red, who wore the semblance of their crucified God. I say, with due regard to the Indians and whites, with an intelligent desire to avoid conflicts between them, that sometimes we endeavor to present views on this floor which, if they did prevail, would be better not only for the whites but the Indians; and I say, sir, that the most cruel thing you could do to these Indians, the most unjust, would be to remove them to that Territory where they have personal antagonisms; where there are many who regard them as the murderers of their relatives and friends and neighbors; and where, as I have already stated, they would be tried and convicted of murder on the indictments pending against them.

[Here the hammer fell.]

against them.

[Here the hammer fell.]

Mr. FROST. I rise to a personal explanation. It is the first time I ever have done so, and I hope it will be the last. The gentleman from Kansas [Mr. HASKELL] made a statement that the speech which was read was not Chief Joseph's speech. When I offered that speech to be read I told the House it was Chief Joseph's speech. Therein would seem to lie some question of veracity. While I do not wish that any misconception may arise out of what I have said, and certainly that no injustice shall be done to the gentleman from Kansas, I must insist upon setting myself right in this matter. Now, sir, a Senate committee, accompanied by several members of the House, among others General Clark, of Missouri, who is now present, visited Chief Joseph's camp, and, in response to a question put to Chief Joseph by Senator GROVER, of Oregon, Chief Joseph, standing under one of the very few trees which cast a shadow upon that country, made a speech in the Indian language, which was translated upon the spot by an interpreter and taken down by the stenographer who accompanied that committee. General Clark will remember distinctly the powerful effect that speech made upon us at the time, for really it was considcommittee. General CLARK will remember distinctly the powerful effect that speech made upon us at the time, for really it was considered as an extremely able speech. I was present myself when the speech was made, and I subsequently had conversations with Chief Joseph, through an interpreter, which convinced me of his capacity to make a far abler speech even. I therefore assert that to be Chief Joseph's speech, although I do not understand the Nez Percé language. Mr. HASKELL. I desire to relieve the gentleman from Missouri from any misapprehension that I called in question the truth of his statement. I have not a particle of doubt the occurrences he has narrated are absolutely true; but I happen to be entirely familiar with Indian speeches made by Indian interpreters, and I happen to be familiar with the current rumor that it is said upon good author

be familiar with the current rumor that it is said upon good authority to come from this same interpreter, who claims a great deal of credit for the handsome Indian speech he made. [Laughter.] There have been twenty different delegations from the Indian Territory to Washington, and to my personal knowledge interpreters have been brought with them who are capable of writing good Indian speeches. It was as common as any other rumor on the frontier twenty-five years ago to have these men sit down and compare notes as to their ability to make Indian speeches. You can ask any man reared on the border any question concerning this idea and he will tell you that is a common occurrence. I have no more idea that Chief Joseph to-day knows anything about that speech in English, although he may have been where my friend said he was and purported to have made the speech.
Mr. Frost's amendment was rejected.
The Clerk read as follows:

General incidental expenses of the Indian service:
Incidental expenses of Indian service in Arizona: For general incidental expenses of the Indian service, including traveling expenses of agents and transportation of supplies, support and civilization of Indians at the Colorado River, Pima and Maricopa, and Moquis Pueblo agencies, \$20,000, and pay of employés at same agencies, \$16,000; in all, \$36,000.

Mr. HOOKER. I move to strike out the paragraph just read, and I make that motion for the purpose of calling the attention of the committee to the fact that the twelve paragraphs, making thirteen including the one I propose to strike out, are all appropriations for incidental expenses connected with Indian affairs. I do not know that I shall be able to impress the committee with the view I take of this question, but it is in keeping with the amendments which I

offered to this bill when it was under consideration at the last session of Congress, and which I believe were properly founded in principle. We are following in the same groove we were in then, and the reasons for taking the steps we took then are precisely the same which are given for taking the steps now, namely, that we have a precedent in previous appropriation bills.

The incidental expenses in these thirteen paragraphs for the particular localities, without specifying the number of employes or the number of agents employed, or any limit or restraint upon the Secretary of the Interior or the Commissioner of Indian Affairs, are in the first paragraph, \$36,000; in the second, \$32,000; in the third, \$4,000; in the fifth, \$10,000; in the sixth, \$4,000; in the seventh, \$5,000; in the eighth, \$13,000; in the ninth, \$18,000; in the tenth, \$24,000; in the eleventh, \$11,000; in the twelfth, \$20,000; and in the last \$2,000; making an aggregate of appropriations for incidental expenses of \$178,000.

Now, sir, there is no limit to the discretion of the Secretary of the Interior as to how this may be applied. He may take the whole of the \$178,000 and apply it to the first items specified here, or to anything he chooses. He may distribute it where and in what manner he pleases. The discretion in him is unlimited and absolute; and it is that sort of an appropriation in reference to Indian affairs or in is that sort of an appropriation in reference to Indian affairs or in reference to money in any particular that ought to be restricted and narrowed down to specific items or specific amounts and paid to officers who are authorized to receive it in pursuance of law. If we are to go on thus from year to year these items which now embrace \$178,000 will increase without limit. The two items which I have already called attention to in a preceding part of this discussion, amounting to six hundred odd thousand dollars, are appropriated and placed absolutely within the discretion of the Secretary of the Interior without specifying the pay of the officer himself or the mode and manner in which the expenditure is to be made. If you can go on in this way, tacking on appropriations according to the estimates or otherwise, you may swell the total amount of the bill to millions in addition to what is reported by the committee. There is no limit to addition to what is reported by the committee. There is no limit to what you may succeed in doing in that way. I feel it my duty, Mr. Chairman, to call the attention of the committee to the indefinite character of the appropriations here proposed to be made, and ask that appropriate amendments be inserted to cover that feature, at least so that we may have a more specific appropriation in every case when we are required to take money out of the Treasury for any pur-

The CHAIRMAN. The question is on striking out the paragraph.

The amendment was not agreed to.
Mr. WELLS. I move that the committee now rise.
Mr. HARRIS, of Virginia. Let us get through with the bill tonight if possible.
Mr. WELLS. I withdraw the motion if it is not desired that the

committee now rise.

Mr. HOOKER. I renew the motion.

The committee divided; and there were—ayes 17, noes 71.

So the motion was not agreed to. The Clerk read as follows:

That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed.

Mr. HISCOCK. I move to strike out the lines just read from 113 to and including 116, and insert what I send to the Clerk's desk. The Clerk read as follows:

For the expenses of the commission of citizens serving without compensation, appointed by the Pre-ident under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

of April 10, 1869, \$10,000.

Mr. WELLS. If the gentleman from New York will consider his amendment as pending, I will move that the committee now rise.

Mr. HOOKER. I make the point of order upon that amendment. The CHAIRMAN. The question is on the motion of the gentleman from Missouri, that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. TOWNSHEND, of Illineis, reported that the Committee of the Whole on the state of the Union having had under consideration the bill of the House (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year filling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and other purposes, had come to no resolution thereon.

LEAVE TO PRINT.

Mr. BLAND, by unanimous consent, obtained leave to have printed in the RECORD remarks on the funding bill. [See Appendix.]

ORDER OF BUSINESS.

Mr. COFFROTH. I move that the House do now adjourn. The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petition of J. S. Trembley, of Ohio, for the repeal of the law requiring the stamping of proprietary medicines—to the Committee on Ways and Means.

Also, the petition of H. G. O. Cary and other druggists and pharmacists of Zanesville, Ohio, of similar import—to the same committee.

Also, the petitions of C. B. Sauley, of Fultonham, and of F. C. Miller & Son, of New Philadelphia, Ohio, of similar import—to the same

ler & Son, of New Philadelphia, Ohio, of similar import—to the same committee.

By Mr. BALLOU: The petition of F. Humphreys, M. D., and Seth Arnold, M. D., and others, of similar import—to the same committee.

By Mr. BOWMAN: The petition of E. R. Mudge, Sawyer & Co., and other merchants of Boston, Massachusetts, for the early enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BUCKNER: The petition of P. F. Sonergan, to be refunded taxes illegally assessed and collected from him—to the Committee on Claims.

Claims.

Also, a bill to establish a post-route from Duncan's Bridge to Clarence, Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMP: The petition of shippers and persons interested in shipping to and from the harbor of Great Sodus Bay, for an appropriation for the improvement of Great Sodus Harbor—to the Committee of Committee mittee on Commerce.

Also, the petition of owners and captains of vessels navigating Lake Ontario, of similar import—to the same committee.

Also, the petition of Thomas Mullaly and others, of New York, for

the passage of Senate bill No. 496-to the Committee on Invalid Pen-

Also, the petition of G. W. Durant and others, citizens of the District of Columbia, that the sale of intoxicating liquor in the District of Columbia be prevented—to the Committee on the Alcoholic Liquor Traffic.

Also, the petition of citizens of Clyde, New York, for the passage of the malt-tax bill—to the Committee on Ways and Means.

By Mr. CARPENTER: The petition of W. W. Norris, for compensation for services rendered the United States during the war of the

rebellion—to the Committee on Military Affairs.

Also, the petition of the citizens of Plymouth County, Iowa, for the passage of bill granting Henry H. Beeman a pension—to the Committee on Invalid Pensions.

By Mr. CASWELL: The petition of H.G. Klinefelter and 12 others,

citizens of Wisconsin, for legislation to prevent the spread of contagious diseases among cattle—to the Committee on Agriculture.

Also, the petition of E. J. Brooks and 33 others, for the passage of

a law making the Commissioner of Agriculture a member of the Cabinet-to the same committee.

Also, the petition of Samuel Chadwick and 34 others, citizens of Wisconsin, for legislation on the subject of interstate commerce—to

Also, the petition of E. A. Sanders and 36 others, citizens of Wisconsin, for legislation protecting innocent purchasers of patented articles—to the Committee on Patents.

By Mr. CLARDY: The petition of 95 masters and pilots employed in navigating the Mississippi River, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the Committee on Commerce.

Also, the petition of the members of the Merchants' Exchange of Also, the petition of the members of the Merchants Exchange of Saint Louis, Missouri, for an increase of appropriations for building snag-boats and dredge-boats for operation in the Mississippi and Missouri Rivers—to the same committee.

By Mr. COVERT: The petition of G. W. Newins, of Northport, New York, for a repeal of the tax on proprietary medicines—to the Committee on Ways and Means.

Also, the petition of Henry F. Wells and 198 others citizens of Safe.

Committee on Ways and Means.

Also, the petition of Henry E. Wells and 198 others, citizens of Suffolk County, New York, for the improvement of the harbor of Greenport, Long Island—to the Committee on Commerce.

By Mr. CRAPO: The petition of Frank S. Cash, of Yarmouth, Massachusetts, and others, that soldiers discharged on account of disease receive the same bounty as those discharged on account of wounds—

to the Committee on Military Affairs.

Also, the petition of Charles G. Davis and 47 others, of New Bedford, Massachusetts, against the reissue of the John A. Cummings patent for improvement in artificial gums and palates—to the Committee on Patents

By Mr. DIBRELL: A bill establishing a post-route from Ten-Mile Stand, via Jackson's Ferry, to Rockwood, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. FISHER: The petition of Hiram Baum, for a pension—to the Committee on Invalid Pensions.

By Mr. FORNEY: The petition of C. W. Scott, George W. Eggleston, dentist, and others, against the extension of John A. Cummings's patent for improvement in artificial gums and palates-to the Committee on Patents.

By Mr. FORSYTHE: The petition of citizens of Chrisman, Illinois, for the removal of the tax on bank deposits and bank-checks—to the

Committee on Ways and Means.

By Mr. GOODE: The petition of George T. Rogers, for compensa tion for clerical services rendered the Committee on Yorktown Celebration—to the Committee on Accounts.

By Mr. GUNTER: The petition of 900 citizens of Arkansas, that certain medicinal springs discovered in said State be held forever by the Government as a reserve or public park—to the Committee on the Public Lands.

By Mr. JOHN HAMMOND: The petitions of Simon Laport and others, of Saranac; of Elliott Brown and others, of Wellsborough; of

Hiram Winch and others, of Wilmington; of Erastus Baily and others, of Pearleyville; of Alvin G. Lockwood and others, of Jay; of William Hazeltine, David A. Welch, James Ransom, James Williams, and others, of Movers; of Lewis Beech and others, of Plattsburgh; of Peter Rock and others, of Ellenburgh; of William Fanning and others, of Mariah; of O. H. Spaulding and others, of Lewis; and of John P. Nash and others, of Dannemora, New York, for a law to allow men who were discharged for disease the bounty promised at enlistment—to the Committee on Military Affairs.

Committee on Military Affairs.

By Mr. BENJAMIN W. HARRIS: The petition of David W. Lewis and 35 other officers and soldiers of Massachusetts, for the passage of

Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. HASKELL: The petition of S. O. Himoe & Co. and H. B.
Ray, of Lawrence, Kansas, for abatement of tax on druggists' goods—to the Committee on Ways and Means.

By Mr. HATCH: Papers relating to the pension claim of Catharine W. Murray—to the Committee on Invalid Pensions.

By Mr. HENKLE: The petition of James Gibbons, of Baltimore, Maryland, for permission to sell certain lots in Washington, District of Columbia, belonging to Saint Patrick's church-to the Committee

on the District of Columbia.

By Mr. HORR: The petition of L. C. Whiting and 20 others, citizens of East Saginaw, Michigan, against the renewal of Cummings's patent for improved artificial gums and palates—to the Committee on

By Mr. HUMPHREY: The petition of C. D. Parker and others, for an income tax—to the Committee on Ways and Means.

Also, the petition of C. D. Parker and others, of Wisconsin, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of A. J. Matterson and others, of Wisconsin, for the passage of a law to govern interstate commerce—to the Commiton Commerce

Also, the petition of D. D. Webster and others, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture

By Mr. HUNTON: The petition of W. W. Corcoran and others, for compensation for damages sustained by action of the board of public works of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUTCHINS: The petition of soldiers of the late war, for the passage of Senate bill No. 496-to the Committee on Invalid Pen-

By Mr. JAMES: A bill for the improvement of the Grass River, in

By Mr. State of New York—to the Committee on Commerce.

By Mr. KEIFER: The petition of John P. Brown and 36 others, citizens of Miami County, Ohio, for the passage of the Reagan interstate-commerce bill—to the same committee.

By Mr. LORING: The petition of Alexander Smart and other soldiers, of Merrimac, Massachusetts, for the passage of the pension district bill—to the Committee on Invalid Pensions.

By Mr. McKINLEY: The petition of Mrs. Ellen Sloan, for the removal of the charge of desertion from Thomas Sloan—to the Committee on Military Affairs.

By Mr. McMAHON: The petition of Simon Schweigert, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Francis Lennon, for a pension—to the same

By Mr. MILES: The petition of 196 citizens of Stamford, Connecticut, for the improvement of Stamford Harbor-to the Committee on Commerce

By Mr. MORSE: The petition of citizens of Massachusetts, for the deepening of the channel of Kennebec River, Maine-to the same Committee.

Also, the petition of Captain George A. Kensel, Fifth Regiment United States Artillery, against the passage of Senate bills Nos. 1068 and 83, for the relief of W. A. Winder and D. R. Ransom—to the Com-

mittee on Military Affairs.

By Mr. MURCH: The petition of J. E. Marshall and 18 others, soldiers and sailors of the late war, for the passage of Senate bill No. 496, as amended, providing for the appointment of a commission in each congressional district to examine pension claims—to the Committee

on Invalid Pensions.

By Mr. NEAL: The petition of C. W. James, for compensation for stores furnished the United States Army during the late war—to the Committee on War Claims.

Also, the petition of Frank A. Guthrie, in reference to the cultiva-tion of black walnut and other timber—to the Committee on the Public Lands.

By Mr. O'CONNOR: Memorial of F. Humphrey, M. D., H. Baer, M. D., and others, of Charleston, South Carolina, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and

By Mr. PRICE: The petition of 62 citizens of Iowa, for the continuance of the present law in reference to the manufacture of vinegarto the same committee.

Also, the petition of L. Rodgers and Joe J. Lee, for an increase of compensation as route agents—to the Committee on the Post-Office

and Post-Roads.

By Mr. RAY: The petition of James B. Smith and 37 others, of Sunapee, New Hampshire, praying that soldiers discharged for disease

receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. DAVID P. RICHARDSON: The petition of citizens of New York, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions

By Mr. ROSS: The petition of masters and owners of vessels enaged in the coasting trade of the United States, against compulsory

pilotage—to the Committee on Commerce.

Also, the petition of William H. Gill, of New Jersey, for the passage of a bill authorizing his reappointment as military storekeeper in the Quartermaster's Department of the Army—to the Committee on Mili-

By Mr. SAPP: The petition of J. P. Fall and 118 others, citizens of Mills County, Iowa, for legislation to prevent the spread of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. SAWYER: The petition of citizens of the eighth congressional district of Missouri, for the passage of a law imposing a tax on incomes—to the Committee on Ways and Means.

Also, the petition of citizens of the eighth congressional district of Missouri, for the amendment of the patent laws so that innocent pur-chasers will be protected—to the Committee on Patents.

Also, the petition of citizens of the eighth congressional district of

Also, the petition of citizens of the eighth congressional district of Missouri, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of citizens of the eighth congressional district of Missouri, for the passage of a judicious interstate-commerce bill—to the Committee on Commerce.

By Mr. WILLIAM E. SMITH: A bill to improve the navigation of Flint River, in the State of Georgia—to the same committee. By Mr. STEPHENS: Memorial of citizens of Augusta, Georgia, in

behalf of an appropriation for the improvement of the Savannah River, between the cities of Savannah and Augusta, Georgia-to the same

Also, memorial of Charles H. Marshall and several hundred others, of the city of New York and other places in the United States, includ-ing scientists and several professors of several colleges and universities, praying that Congress pass an act reported by the Committee on Coinage, Weights, and Measures, and now pending in the House, for the establishment of the metric system—to the Committee on Coinage, Weights, and Measures.

Also, a bill to appropriate the sum of \$40,000 for the improvement of the navigation of the Savannah River above Augusta—to the Committee on Commerce.

Also, a bill to appropriate the sum of \$86,000 for the improvement of the navigation of Savannah River below Augusta, Georgia—to

By Mr. P. B. THOMPSON: The petitions of citizens of Stanford and Boyle Counties, Kentucky, against the renewal of Cumming's patent on improved artificial gums and palates—to the Committee on Patents.

Also, the petition of Milton Bunch, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. WILLIAM G. THOMPSON: The petition of Alexander

Duffas and 72 others, citizens of Malcom, Iowa, and vicinity, for the passage of an act preventing the spread of pleuro-pneumonia—to the Committee on Agriculture.

Also, the petition of A. Brecht & Son and 36 others, for the amendment of the bill (H. R. No. 6460) regulating the manufacture of vinegar by the alcoholic vaporizing process—to the Committee on Ways and Means

Means.

By Mr. VALENTINE: The petition of H. Meerholz and 12 others, soldiers stationed at Camp Sheridan, Nebraska; and of H. Mitchell and 17 others, of Palmyra, Nebraska, who served in the Union Army during the rebellion, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of James W. Eaton and 58 others, stock raisers of Nebraska, and of J. W. Eaton and others, of Nebraska, for the passage of the bill introduced by Mr. Keiffer, concerning pleuro-pneumonia—to the Committee on Agriculture.

Also, the petition of John Devine and 22 others, citizens of Boone County, Nebraska, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. WASHBURN: The petition of Elisha Mills, of Houston,

mittee on Military Affairs.

By Mr. WASHBURN: The petition of Elisha Mills, of Houston, Minnesota, and 21 others, of similar import—to the same committee. By Mr. WILBUR: The petition of E. D. Farmer and 54 others, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions. By Mr. WILLIS: The petition of Dr. John R. Hulett, of La Grange, Kentucky, against the reissue of the John A. Cummings patent on artificial gums and palates—to the Committee on Patents.

Also, papers relating to the pensions claim of Clara L. Preuss—to the Committee on Invalid Pensions.

Also papers relating to the bill for the relief of John Favor &

Also, papers relating to the bill for the relief of John Finzer & Brothers, of Louisville, Kentucky—to the Committee on Ways and Means.

By Mr. WALTER A. WOOD: The petition of citizens of New York, for the repeal of the stamp tax on proprietary medicines—to the same committee.

By Mr. CASEY YOUNG: The petition of S. Mansfield & Company and others, of Memphis, Tennessee, of similar import—to the same committee.

Also, the petition of Theodore D. Woolsey and others, representing the industries connected with the book and printing trade, for the passage of a bill extending the privilege of copyright in the United States to foreign authors, composers, and designers—to the Committee on the Library.

IN SENATE.

TUESDAY, January 11, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the The VICE-PRESIDENT laid before the senate a letter from the Secretary of the Interior, transmitting, in compliance with the requirements of the act of July 15, 1870, a full and complete inventory of all property belonging to the United States in buildings, rooms, offices, and grounds occupied by the Interior Department and under its charge; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of War, transmitting a communication from the communing officer of the

transmitting a communication from the commanding officer of the district of New Mexico, recommending that the right of way through the Fort Bliss reservation, Texas, be granted to the Atchison, Topeka and Santa Fé and Southern New Mexico Railroad Companies, and through the Fort Wingate reserve, New Mexico, to the Atlantic and Pacific Railroad Company; which was referred to the Committee on Pacifical Company. Railroads.

PETITIONS AND MEMORIALS.

Mr. FERRY presented the petition of the Lake Superior Ship-Canal Railway and Iron Company and other land owners in Michigan, praying that their rights in and title to their lands be ratified and confirmed; which was referred to the Committee on Public Lands.

confirmed; which was referred to the Committee on Public Lands.

Mr. KERNAN presented the petition of the board of trustees of
Saint Vincent's Orphan Asylum of Washington, District of Columbia,
praying that they be relieved from the payment of the assessment
for special improvements; which was referred to the Committee on
the District of Columbia.

Mr. WALLACE presented the petition of John Smith and others,
of Clearfield, Pennsylvania, praying for the passage of a law for the
equalization of bounties; which was referred to the Committee on
Militery Affairs

Military Affairs.

He also presented the petition of A. C. Jansen and others, of Stroudsburgh, Pennsylvania, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army, reported it without amendent, and submitted a report thereon; which

ported it without amendent, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE, from the Committee on the Revision of the Laws, to whom was referred the bill (S. No. 113) to correct an error in section 1589 of the Revised Statutes, in reference to the pay of retired officers of the Navy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1647) authorizing and empowering the clerks of the district and circuit courts, respectively, to do certain acts therein mentioned, reported it without amendment.

He also, from the Committee on Finance, to whom was referred the

He also, from the Committee on Finance, to whom was referred the bill (H. R. No. 2968) for the relief of James D. Grant, reported it without amendment.

without amendment.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (H. R. No. 6545) to amend section 3524 of the Revised Statutes so as to authorize a charge for melting or refining bullion when at or above standard, reported it without amendment.

Mr. KERNAN, from the Committee on Finance, to whom was referred the bill (S. No. 1905) changing the name of the First National Bank of West Meriden, in the county of New Haven and State of Connecticut, reported it without amendment.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes, reported it with an amendment.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1486) to reorganize and discipline the militia of the United States, submitted an adverse report thereon; which was ordered to be printed, and the bill was post-poned indefinitely. poned indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 735) for the relief of Dr. John Blankenship, reported it without amendment, and submitted a report thereon; which was or-

without amendment, and submitted a report thereon, which was stideded to be printed.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 5541) to establish a municipal code for the District of Columbia, reported it with amendments.

BILLS INTRODUCED.

Mr. KERNAN asked and, by unanimous consent, obtained leave to

introduce a bill (S. No. 2010) for the relief of Saint Vincent's Orphan Asylum in the city of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2011) to reduce the price of even-numbered sections of public lands within the limits of any railroad, military, or wagon-road grant to pre-emption settlers thereon to \$1.25 per acre; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2012) granting a pension to Gottlob Schaubel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2013) for the relief of Peter Targarona; which was read twice by its title, and referred to the Committee on Claims.

MARYLAND AND DELAWARE SHIP-CANAL.

Mr. GROOME. I ask leave to present an amendment to the bill (S. No. 248) to aid in the construction of the Maryland and Delaware Ship-Canal, and to secure to all vessels of the United States service, for all time, the right of navigation through said canal free of tolls and charges. I move that the bill with the amendment embodied in it be reprinted and referred to the Committee on Transportation Routes to the Seaboard.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. WALLACE, it was

Ordered. That Mrs. Eliza J. McConnell have leave to withdraw her papers from the files of the Senate.

REPORT ON FISH AND FISHERIES.

Mr. BECK submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 copies each of the first and second volumes of the Reports of the United States Fish Commission be printed, of which 700 shall be for the use of the Senate, 1,800 for the use of the House, and 500 for the use of the Commission of Fish and Fisheries.

Mr. BECK. I present a memorandum of Professor Baird, explanatory of the resolution, which I desire to file and have referred to the

The VICE-PRESIDENT. It will be so referred.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry;
A bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pur-

A bill (S. No. 814) for the relief of the legal representatives of Henry M. Sbreve, decased; and

A bill (S. No. 1353) for the relief of the N. & G. Taylor Company.

VAGRANCY IN THE DISTRCT.

The VICE-PRESIDENT. The business of the morning hour is concluded, and the Senate proceeds to the consideration of the Calendar

of General Orders under the standing order of the day.

The bill (S. No. 1477) for the punishment of tramps in the District of Columbia was announced as first in order upon the Calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New York, [Mr. KERNAN,] which will be

The CHIEF CLERK. In section 1, line 5, after the word "support," it is proposed to strike out "who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms."

The question being put, there were on a division-ayes 17, noes 12;

no quorum voting.

Mr. KERNAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. If these words are not stricken out, you cannot punish a vicious person unless he goes habitually about and asks or receives alms.

Mr. ANTHONY. I do not understand the Senator from New York. Does he say that unless this clause is stricken out a hardened criminal cannot be punished?

Mr. KERNAN. If we do not strike out the words the clause will

read this way:

That all vicious, willfully idle, or disorderly persons in the District of Columbia, without any fixed, regular, or lawful means of support, who habitually go from door to door, or place to place, or occupy public places for the purpose of begging or receiving alms.

I propose to strike out "who habitually go from door to door, or place to place, or occupy public places for the purpose of receiving alms," so that all vicious persons, all willfully idle or disorderly persons, will be punished, with pickpockets and others, without confining it to those of such classes who habitually go about asking or ing it to those of such classes who have receiving alms.

Mr. VANCE. If the Senator from New York will permit me, what becomes of the word "or" in line 5?

The VICE-PRESIDENT. That is already stricken out.

Mr. VANCE. Was that stricken out on motion of the Senator from New York?

The VICE-PRESIDENT. On motion of the Senator from Massachusetts [Mr. HOAR.]

chusetts, [Mr. Hoar.]
Mr. KERNAN. The Senator from Massachusetts moved to strike that out, and he also moved to strike out "idle" and insert "willfully idle" after "vicious," in line 3.
Mr. VANCE. The Senator from New York, I believe, voted for the motion of the Senator from Massachusetts to strike that out.

Mr. KERNAN. I do not remember whether I did or not.

Mr. VANCE. And now the Senator proposes to remedy the defect after concurring with the Senator from Massachusetts—

Mr. KERNAN. I did not concur with the Senator from Massachusetts, but I said that that would not obviate my amendment and I

should insist on having a vote upon it.

Mr. ANTHONY. I understand that the amendment strikes out the power to arrest a juvenile beggar, which I think is the most important part of the bill. I appeal to every Senator to bear me out when I say it is impossible to walk from the Capitol to the Treasury with-

I say it is impossible to walk from the Capitol to the Treasury without being solicited on an average at least ten times by little boys and girls who are growing up in vice and wickedness, and it is to prevent that rather than to punish hardened criminals that I think is the great merit of the bill.

Mr. BAYARD. Let me ask the honorable Senator does he consider that a proper punishment for these youthful vagrants will be to bind them over to \$300 security or send them to jail for one year? Is not the proper cure for such class of offenders to be found in a well-regulated system of police? Is its possible that there is not a discretion to-day reposed in the policemen of this city to curb all of this youthful vagrancy which the honorable Senator objects to in common with us all? The supervisory power and the necessary discretion which ought to be reposed in committing magistrates and in a well-regulated police would reach the whole class of offenses contemplated by the section now under consideration. I submit to the Senator that it is going very far and instituting a very harsh measure to compel a child of tender years to find bail in \$300 or go for one year to a prison-house.

child of tender years to find bail in \$300 or go for one year to a prisonhouse.

The whole control of this matter can be safely left to a sober, upright, sensible police corps. They can control it all; they can cure all of these minor delinquencies against society which do not rise to the grade of crime, which may perhaps develop into crime unless checked, but the crime is really the crime of want and poverty, if crime it be. It may be the nursery of crime; it may be the seed from which crime is developed; but I do submit that it ought not to be punished in the way that the bill contemplates, and for that reason I shall vote to strike out not only this clause, but I should be very glad to vote against the whole provision.

Mr. ANTHONY. If any discretion is given the police, it has neverbeen exercised, and I supposed that the bill proposed to transfer that discretion from the police to a magistrate. It is not to be supposed that a magistrate will hold a little beggar child for \$300 bail.

Mr. BAYARD. The law will compel him.

Mr. ANTHONY. He can discharge him under his own recognizance.

Mr. BAYARD. If we pass this act, such will be the result.

Mr. HOAR. Is the Senator from Delaware aware that the bill has been amended making it discretionary entirely with the magistrate? An amendment has been already adopted which gives the magistrate the discretion; so that if he is right that there is a discretion now in the police, the point is whether it is best to lodge that discretion in Mr. Bumble or in some magistrate.

Mr. KIRKWOOD. I shall vote to strike out these words. When they shall have been striken out, if they shall so be, the section will stand thus:

That all vicious, willfully idle, or disorderly persons in the District of Colum-

stand thus:

That all vicious, willfully idle, or disorderly persons in the District of Columbia without any fixed, regular, or lawful means of support— $\,$

shall be liable to punishment. If the words are left in, children who shall be hable to punishment. If the words are left in, children who are engaged in begging, who may not be vicious, willfully idle, or disorderly will be liable to be punished; and I do not feel like doing that. Making merely the asking of alms a crime, it seems to me is rather severe. If persons engaged in asking alms are either vicious or willfully idle or disorderly they are punishable when these words shall have been stricken out, and I think it judicious to leave the bill in that way. bill in that way.

Mr. ANTHONY. That would leave the evil of juvenile vagrancy

entirely untouched.

Mr. KIRKWOOD. Not unless vagrancy merely consists in begging. Mr. KIRKWOOD. Not unless vagrancy merely consists in begging. If the juvenile beggar be a vicious person, a willfully idle person, or a disorderly person, he or she is still liable to punishment with these words stricken out. It is only those who beg who are neither vicious, willfully idle, nor disorderly who are covered by the words proposed to be stricken out. A person asking alms who is neither vicious nor willfully idle nor disorderly is liable to punishment as the bill now stands if he or she merely asks alms.

Mr. ANTHONY. The punishment of these little vagrants would be merely to take them up and take care of them.

Mr. WHYTE. Before the vote is taken upon striking out, I would suggest to the Senator from New York that we may probably amend this part of the bill to be satisfactory to him, if we consent to put in

suggest to the Senator from New York that we may probably amend this part of the bill to be satisfactory to him, if we consent to put in after "support" the words "or professional mendicants who habitually go from door to door," so as to reach a class of people who live by begging and not by work.

Mr. KERNAN. Let us take the vote on the pending amendment

Mr. WHYTE. Very well. The question being taken by yeas and nays, resulted—yeas 22, nays

,		AS-22.	
Allison, Bayard, Rrown, Call, Carpenter, Coke,	Conkling, Davis of Illinois, Eaton, Farley, Johnston, Jonas,	Jones of Florida, Kernan, Kirkwood, Morgan, Pugh, Saulsbury,	Slater, Vest, Walker, Wallace.
	NA	YS-29.	
Anthony, Beck, Blair, Booth, Burnside, Cameron of Pa., Cameron of Wis., Davis of W. Va.,	Dawes, Ferry, Garland, Groome, Hampton, Harris, Hoar, Ingalls,	Kellogg, Logan, McMillan, Morrill, Platt, Ransom, Rollins, Saunders,	Vance, Voorhees, Whyte, Williams, Windom.
	ABS	ENT-25.	
Bailey. Baldwin, Blaine, Bruce, Butler, Cockrell, Edmunds.	Grover, Hamlin, Hereford, Hill of Colorado, Hill of Georgia, Jones of Nevada, Lamar.	McDonald, McPherson, Maxey, Paddock, Pendleton, Plumb, Randolph.	Sharon, Teller, Thurman, Withers.

So the amendment was rejected.

So the amendment was rejected.

Mr. WHYTE. I suggest to the Senator from North Carolina the insertion of the words "not insane" after "disorderly persons" in line 3 of section 1; so as to read "that all vicious, willfully idle, or disorderly persons, not insane."

Mr. VANCE. I believe it has been always held that insanity is a defense for any crime, and I have no objection to the amendment.

The VICE-PRESIDENT. Does the Senator from Maryland pro-

pose that amendment?

Mr. WHYTE. Yes, sir. The Senator from North Carolina has no objection to it, I understand.

objection to it, I understand.

Mr. CARPENTER. I have two objections to that amendment. In the first place, I never read a criminal statute which declared that any man being of sound mind, or being of disposable memory, who shall steal a horse shall be guilty of larceny. The fact that a man is insane is a defense recognized everywhere and need not be recognized in any statute. My second objection is that if the amendment were made this bill would be utterly useless, for I am certain that no tramp not insane would ever come into this District. [Laughter.]

Mr. WHYTE. The Senator from Wisconsin always amuses whenever he instructs. But the words "not insane" refer to "disorderly persons" only, "disorderly persons not insane." A man might be punished who was insane for being disorderly under the bill, if we did not provide that he should not be.

Mr. CARPENTER. Does the Senator mean to provide substan-

not provide that he should not be.

Mr. CARPENTER. Does the Senator mean to provide substantially that insane persons who may be disorderly shall not be restrained by the police or by any other force in the city?

Mr. WHYTE. No, I do not mean they shall not be restrained by the police, but they shall not be punished by the court. All that my amendment provides for is that they shall not be punished by the court. It is in all the tramp statutes nearly that I have seen, and it is a measure of precaution which legislators have used. In the very last one, of 1850, I find the very words, "every person, not insane," who does so and so shall be punished.

Mr. VOORHEES. Do I understand the Senator from Maryland, with his weight, ability, and reputation as a lawyer, to ask the Senate to legislate affirmatively that an iusane person shall not be punished? I suppose there is not a civilized community on the face of the globe where insanity is not taken cognizance of by the court as

ished? I suppose there is not a civilized community on the face of the globe where insanity is not taken cognizance of by the court as an absolute defense for any conduct of which a person may be guilty. I for one shall not with my views stultify myself by voting for such an amendment. I have myself pleaded the defense of insanity in this District in behalf of persons charged with crime; and in a statute to say that insanity is a defense for alleged crime to be taken cognizance of, I should regard as a piece of surplusage, to use no

Mr. WHYTE. I admire the Senator from Indiana as a criminal

lawyer, and understand his great success heretofore in defending men who have been charged with crime, and upon the ground of in-sanity. I remember a memorable case in my own State in which he was very successful. But this is not a criminal statute; it is not a statute punishing crime. It is a statute describing who shall be treated as vagrants and who shall be confined and kept off the public streets. That is all it is, and all that my amendment provides is that an insane person shall not be treated as a vagrant and shall not be

an insane person shall not be required to give security.

Mr. VOORHEES. Allow me to say to the Senator from Maryland that we already have our laws on the subject of how insane people in the District are to be treated. We have a very elaborate and a very benevolent code on that subject. We have a Government hospital for the insane, so that if a person comes here from any part of the United States or any place else and is found to be insane, a manner of finding that fact is pointed out in laws already existing, and such person is provided for and taken care of now, absolutely. Therefore, I do not think there is any necessity of interposing any further protection for that class of persons to keep them from being treated as vagrants or tramps. The laws already take care of the insane who may be found in this District. I must say that to my mind the bill that is proposed here is not in the nature of a criminal statute, and while there is not much in this question except the harmony of a law I cannot for my part vote, and seem thereby to proclaim that it is necessary so to say, that an insane person shall not be punished.

Mr. CARPENTER. Mr. President, I understand the Senator from Maryland, who has charge of this bill, to declare that it is not intended to punish crime—

Mr. WHYTE. I have not charge of it. The Senator from North Carolina [Mr. Vance] has charge of it.

Mr. CARPENTER. The Senator from Maryland who sympathizes with it, then. This bill certainly provides that for the things mentioned in the bill persons may be sentenced by the court to confinement at hard labor. Now, I understand that slavery is enforced labor for some other cause than crime of which the party has been duly convicted, and I understand, to put the proposition in a positive form, that any man who is enforced to labor by law, except as punishment for crime of which he has been duly convicted, is enslaved. After all the eloquence that has been poured forth and the blood that has sanctioned it to get rid of slavery in this country, I should required to give security.

Mr. VOORHEES. Allow me to say to the Senator from Maryland

and to secure themselves immunity from being asked by a poor boy on the street for a penny for sweeping the stones we pass over, should vote to establish slavery by the positive provisions of an act of Congress. I submit to the Senator in all candor if that be not the very essence and definition of slavery. He says this is not a bill to punish crime; it is not a criminal bill. It does provide that persons may be arrested and tried and imprisoned at hard labor. That is slavery, unless it be for crime of which the party has been convicted.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Maryland [Mr. WHYTE] in line 3 of section 1, after the word "person" to insert "not insane."

Mr. CARPENTER. I ask for the yeas and nays on that.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 21; as follows:

	YE	AS-25.	
Bayard, Beck, Booth, Burnside, Cameron of Wis., Coke, Davis of W. Va.,	Dawes, Groome, Hampton, Harris, Ingalls, Johnston, Jonas,	Lamar, Morgan, Morrill, Pendleton, Pugh, Rollins, Saulsbury,	Vance, Vest, Walker, Whyte.
	NA	YS-21.	
Allison, Blair, Cameron of Pa., Carpenter, Conkling, Davis of Illinois,	Farley, Ferry, Garland, Hoar, Jones of Florida, Kellogg,	Kirkwood, Logan, McMillan, Platt, Saunders, Slater,	Voorhees, Williams, Windom.
	ABSI	ENT-30.	
Anthony, Bailey, Baldwin, Blaine, Brown, Bruce, Butler, Call	Cockrell, Eaton, Edmunds, Grover, Hamlin, Hereford, Hill of Colorado, Hill of Georgia	Jones of Nevada, Kernan, McDonald, McPherson, Maxey, Paddock, Plumb, Pandolph	Ransom, Sharon, Teller, Thurman, Wallace, Withers.

So the amendment was agreed to.

Mr. MORGAN I offer the amendment which I send to the Chair.

The Chief Clerk read the amendment, which was to strike out all of the bill after the enacting clause and insert:

That the commissioners of the District of Columbia are authorized and empowered to adopt all ordinances, consistent with the laws and Constitution of the United States, that may be necessary to repress vagrancy and mendicancy, and to punish offenses against public decency in the District of Columbia: Provided, That in no case shall the fine or amercement to be imposed under such ordinances exceed \$100, nor shall imprisonment when imposed by such ordinances exceed a period of three calendar months.

SEC. 2. That the police court of the District of Columbia shall have jurisdiction to try all offenses made punishable by such ordinances, and to enforce the same.

Mr. MORGAN. Mr. President, I think the country will not be satisfied, after the discussions of a few mornings past, with spending the time of the Senate in the enactment of mere ordinances for the local government of Washington. My purpose in moving this amendment is to draw the attention of the Senate to the subject of the necessity of creating for the city of Washington its own code of ordinances. The difficulty under which this community is now laboring, and as will be seen from the remarks of the Senator from North Carolina [Mr. VANCE] yesterday is a serious difficulty, has originated from the fact that we have removed the people too far from the governing power. Congress, while it is the proper body for legislation concern-ing the greater affairs of the District of Columbia, is neither an appropriate nor is it an efficient body for the purpose of governing in these minor police regulations which are essential to the government of every large city, and particularly a city which has a population so thoroughly cosmopolitan as this has.

It has been suggested by the honorable Senator from North Carolina that my amendment is not constitutional. The ground of his objection of unconstitutionality I have not heard; but if this amendment is unconstitutional then the Congress of the United States since the year 1802 has been sedulously engaged from time to time in passing unconstitutional laws on this subject. In the year 1802 the Congress of the United States chartered the city of Washington and conferred the power of selecting one of the houses provided for its local government upon the people who were authorized by ballot to elect certain aldermen. The appointment of a mayor was confided to the President of the United States. The requirements of the electors of local officers were that they should be white male persons of the age local officers were that they should be white male persons of the age of twenty-one years. That charter gave to the corporate authorities of the city of Washington the power to provide ordinances of every kind and character necessary for the police regulations of the city. The matter stood in that way, with some amendments of the law, but no abandonment of the principle of the right of local government by the city of Washington, until the year 1871, when the Congress of the United States erected a territorial government in the District of Columbia and authorized the people of Washington to elect a delegate to Congress and a legislature and provided for the aptrict of Columbia and authorized the people of Washington to elect a delegate to Congress and a legislature, and provided for the ap-pointment of a governor by the President and gave the legislature the power of legislation, subject to revision by Congress, which of course reserved to Congress the power to repeal or modify their ordi-nances. Of course the power to modify is included in the power to repeal. Under section 50 of that act, it was provided:

All acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing shall be construed to deprive Congress of the power of legislation over the District in as ample manner as if this chapter had not been enacted.

And section 91 provides that:

All laws and ordinances of the cities of Washington and Georgetown, respectively, and of the levy court of the District of Columbia, not inconsistent with this chapter, and except as modified or repealed by Congress or the legislative assembly of the District since the 1st day of June, 1871, or until so modified or repealed, remain in full force. nain in full force

Thereby, in 1871, giving a direct congressional sanction to all the laws and ordinances that had obtained in this District before that It seems to me that if there had been any serious ground of constitutional objection against the devolution of this sort of legislative power upon the corporate authorities of the city of Washington, somebody would have found it out before the year 1881. I shall pass by that portion of the argument, therefore, without further answer.

Congress has as broad a power over this subject here as any State

has in reference to the government of the particular municipal locality which is its seat of government by a delegation of legislative municipal power to certain corporate bodies. The cases are entirely parallel, and I can see no objection that would obtain in the one case

that would not obtain in the other.

Now, this measure does not go so far as I should like it to go. I should like to see a local government organized for the city of Washington and for the District of Columbia; and I think it is not only due to our own respect for the genius of our institutions that we should so organize a government here, but it is due to the proper exercise of the powers of government. My own experience here, my observation of Washington, has taught me that more crimes of a heinous nature, and particularly robbing females of their dearest treasure, have been committed in the city of Washington since I have been a Senator than have been committed in any State of the American Union. There is a reason for this. The reason is that the people of this District have no part or participation whatever in their government, either a legis-lative participation or an administrative participation, and the Congress of the United States is so far removed from them in sympathy and in interest, being made up of members who come from all sec-tions of this great country, that it is not to be expected that they should have the same reverence and respect for the law that they

should have the same reverence and respect for the law that they would have if it was enacted and enforced by a body of men somewhat responsive to them in sympathy and feeling.

I believe in the doctrine of local government; I believe in the doctrine of representative government; and I believe that it is the duty of Congress so far as it can delegate its powers to do so into the hands of those people who happen to occupy the District of Columbia. It makes no difference to me what sort of people they are so that they are citizens of the United States, so that they are people entitled to participate in the affairs of the Government and to hold their representatives to a proper degree of responsibility.

I hope that the Senators, at least from the South, will not deny to the neonle of Washington some participation in government. It is

the people of Washington some participation in government.

true that we have three commissioners appointed by the President; it is true that one of them is an officer of the Army, and that may be a constitutional reason why you cannot confer upon him legislative power; but if that be a constitutional objection it would be equally an objection that we cannot confer upon him administrative or executive power, because the point in the case would simply be that while he holds office as a military officer he cannot exercise ivil functions. That would be the whole sum and substance of the

But, sir, in 1871 a territorial government was enacted here, and it was enacted by the republican party of this country when it had a two-thirds majority in both branches of the Federal Congress and had the President; and in 1874 that same party, with nearly the same majority, and with the Presidency in its power, repealed that law and deprived the citizens of Washington of all participation in their own government, and substituted in place of their local government the government of Congress bearing directly on them through the executive agency of three commissioners, one of whom was selected from the Army

was selected from the Army.

The people of the United States are bestirring themselves, and would like to know why it is that this power of government given to the people of Washington in 1871 was taken away from them in 1874. There can be but one answer to that proposition, Mr. President, and the republican party are responsible for that answer. After the emancipation of the negroes of the South many of them came to this place as a city of refuge. They came here to get under the wing of the Government and under the shadow of the Capitol. Freed from all constraint, emboldened to become violators of the law, they went to work in this community and they wrought such deeds of terrible crime that the republican party in the Senate and in the House of Representatives was compelled to take away from them all participation in government. No man can state the reason truthfully, founded upon the history of events in this country since 1871, which will account for this sudden and remarkable change of policy on the part of the republican party in this country, except the one simple fact that the negroes from the South flocked into Washington City and participated in the government of its people.

Now, sir, it has been the subject of continual reproach to us from

the Southern States that we have not been extending to the colored the Southern States that we have not been extending to the colored population all the rights, privileges, and immunities of citizenship in the United States. We have sat here year after year and listened to these reproaches falling from the lips of men who themselves had been compelled to take away what they had conferred on the colored people for no other reason in the world than that they were found to be incapable of proper participation in the affairs of government. Their protestation of philanthropy, their profession of generosity to the negro race, their displaying themselves with proud and Pharisaical pretense before the world as the champions of the right of the negro in this country to vote and to participate in holding office, has all been answered in the District of Columbia, and answered to the utter overthrow of every argument they have made heretofore to the utter overthrow of every argument they have made heretofore and every assertion which they have made in support of their own conduct or in condemnation of ours.

This subject reaches very much deeper, Mr. President, than the mere surface view which I am at this moment taking of it. thing in this question of the return to the people in the District of Columbia of the rights of local government which reaches down to the bottom of our institutions and proves one of two propositions, either that we committed an error in permitting the negro to participate in civil government as a voter and law-maker and office-holder in the United States, or that we are doing extremely wrong in the District of Columbia in withholding from him all participation in government

The republican party is solid on this, Mr. President. Ay, it is solid! Complaint is made of the South that it is solid for the democracy; but here stands an example upon the statute-books of the country which proves that the republican party that has had absolute power in the country to rule and regulate these matters which are of the most immense concern to the people of Washington, are solid, solid in the denial of the right of the negro to participate in the government of this District. This subject has come up in various forms. The South is being continually twitted and abused and maligned in reference to her supposed policy, an imputed policy, which has been fastened upon her and which she has been compelled to execute to the best of her ability, and yet by the gentlemen who have thus maligned her no sort of a remedy has been sug-gested in behalf of those people in whose favor they continue these loud and peculiar protestations of love and affection.

In his annual message to Congress at this session the President of the United States urges upon the Senate and House of Representatives that, in the exercise of what is clearly their exclusive right, to judge of the election and qualification of their membership, they judge of the election and qualification of their membership, they "will see to it that every case of violation of the letter or spirit of the fifteenth amendment is thoroughly investigated, and that no benefit from such violation shall accrue to any person or party." The spirit of the fifteenth amendment allows the negroes to vote in the District of Columbia; the letter of it may not. Who would think of excluding a negro from the right of suffrage in a Territory because States and only States happened to be mentioned in the fifteenth amendment? This is a new subject, however, for a President to take charge of-the membership of the two Houses. That amendment reads thus:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

It is too plain for argument that no mere "person" and no "party" can violate this amendment otherwise than by aiding a State to enact or enforce laws that violate it. The amendment is a prohibition upon any action of a State or of the United States amounting to a denial or abridgment of the right of a citizen to vote on account of race, color, or previous condition of servitude; and that is precisely what the Congress of the United States has done in this matter. The United States have denied to the white people of the District of Co-

United States have denied to the white people of the District of Columbia the right to vote, merely because in voting they were compelled to mingle their suffrages with a set of men whom the republican party now hold are not lit to control government in this District. The fifteenth amendment only applies when the laws of a State or of the United States abridge or deny the right to vote. It does not apply to the conduct of an individual. The advice the President essays to give in reference to their membership to the two Houses of Congress is about as appropriate as it would be for the Houses to advise him that he should not permit race or color to exclude men from his Cabinet or from the bench. He advises us to exclude Senators from seats in this Chamber, not because any State in choosing ators from seats in this Chamber, not because any State in choosing them has in its laws made unconstitutional discriminations against the right of any person to vote on account of race, color, or previous the right of any person to vote on account of race, color, or previous condition of servitude, but because he has jumped to the conclusion that some person or some political party has not dealt fairly with them in receiving or counting their votes. And this, he argues, is a violation of the fifteenth amendment. The logic of these deductions is far beyond the comprehension of ordinary men; and his advice is gratuitous and wanting in respect to a co-ordinate department of the Government. This advice is based on the following statement in the

Continued opposition to the full and free enjoyment of the rights of citizenship conferred upon the colored people by the recent amendments to the Constitution still prevails in several of the late slaveholding States. It has, perhaps, not been manifested in the recent election to any large extent in acts of violence or intimidation. It has, however, by fraudulent practices in connection with the ballots, with the regulations as to the places and manner of voting, and with counting, returning, and canvassing the votes cast, been successful in defeating the exercise of the right preservative of all rights, the right of suffrage, which the Constitution expressly confers upon our enfranchised citizens.

This statement arraigns the southern people as the only violators of the Constitution. In order to gain some support for his unjust accusation the President says that the Constitution expressly confers upon our enfranchised citizens the right of suffrage. That he should not better understand the Constitution of the United States would be a calamity if he had any power to execute the fourteenth and fif-teenth amendments without the aid of Congress and the judiciary.

The charges thus laid at the door of the people of many States are so vague and indefinite and so destitute of specifications as to fully

justify the answer that they have no real foundation in fact.

We are quite accustomed to such denunciations, but their injustice

we are quite accustomed to such definitions, but their injustice is so flagrant that we have ceased to regard them.

The President is not an impartial judge of elections in the Southern States. He has an interest in making it appear that it is the right and duty of Congress to set them aside at its will and change their result according to its pleasure. Considering that enough of the Northern States voted against him in 1876 to make it necessary that he should seem the absorber states to be he should secure the electoral votes of three Southern States to elevate him to the Presidency, and that the votes of two of those States were counted for him when they were cast against him, his administration would have made a better appearance in history if he had omitted any reference to frauds in "counting, returning, and canvassing votes."

If what he alleges against the South be true, he should not forget that in his own case the great precedent was set by destroying the votes of white men and of negroes in Louisiana and Florida through a false and fraudulent count. He should remember the encouragement given to such conduct by the rewards which he has given in offices and employments, supported at public expense, to every man and woman, high or low, who had any participation in that scandalous

The grave charges which I have extracted from the message bear upon many millions of people. The President states these charges as matters of fact, and as being within his knowledge. He does no consort. as hatters or lact, and as being within his knowledge. He does not state these as his opinions or conjectures. He leaves us no opportunity of denial, but condemns us on the spot. He adduces no evidence and refers to no witnesses. He is the witness, and his naked statement is the testimony of our guilt. We do not care to do more in our defense than to refer to the fact, that is apparent from his statement, that his mind is possessed of a vague and unjust suspicion which his recentment toward a political verty has adjided into which his resentment toward a political party has solidified into a

which his resentment toward a political party has solidined into a conviction of our guilt.

It is the alleged denial of the right of suffrage to negroes in the South that excites the President to this hot temper against us. What must posterity think of the sincerity of these professions when he has sent in his fourth annual message to Congress without having said a word about the refusal of his party to give the right of suffrage to white men or to negroes in the District of Columbia? They all had the

right to vote in their local government, but that right has been taken away in the Federal Capital for no other reason or purpose than to get rid of the votes of the negro race. And the District of Columbia, with more population and wealth than some of the States, is governed by commissioners appointed by the President. This has been the work of the republican party.

The real purpose of this arraignment of the South for a violation " of the fifteenth amendment is not stated in the message, but it is scarcely well concealed. It is to place the sectional division of the country that was disclosed in the recent election upon a false ground. The President attempts to justify this sectional division on the ground of the alleged "resistance to and nullification of the results of the war" by the people of the South, and the indignation of the people of the North toward us because of frauds in the conduct of elections in the Southern States. Neither of these propositions is borne out in the bistory of the country. There is not a State in the South that has not in every form emphasized its adhesion to the three constitutional amendments which embody all that the Government of the United States has claimed to be "the results of the war." They have even humiliated themselves in order to make their meaning plain. The proofs of record, in Congress and elsewhere, also establish the fact that elections in the Northern States have been more controlled by violence and intimidation and more corrupted by fraud than they have ever been in the South. The real leaders of the republican party have not been so wanting in discretion as to stake the result of a presidential election upon a comparison of the conduct of the North with that of the South in reference to intimidation and fraud in elections.

We have a Federal judiciary in the South composed entirely of re-publicans, and we have a national criminal code that is as broad and severe as the most rabid partisan could require for the punishment

of political offenses

Why is not the President satisfied with such laws and such agents to put them into execution? The judges are not reluctant, the informers are paid more for their attendance at court than they can earn in other pursuits, and perjury is liberally paid for by the day's work. There is no appeal to the Supreme Court from the judgments of the inferior courts when comprised of a single judge, so that it seldom happens that there can be a judicial exposure of the tyrannies from which innocent men suffer.

This should be enough of power and of unsparing cruelty in its exercise to satisfy any government in dealing with a free people. But the President becomes madly heroic in his threats to urge unsparing public prosecutions. He says "it will be the duty of the Execurive, with sufficient appropriations for the purpose, to prosecute unsparingly all who have been engaged in depriving citizens of the rights gnaranteed to them by the Constitution." An unsparing prosecution is not the most lawful or Christian method of dealing with even the worst criminals. "Justice tempered with mercy" is a more becoming spirit than partisan zeal inflamed with hate.

The President demands that "sufficient appropriations" shall be taxed out of the people to enable the Executive, not the officers of

the judicial department, to prosecute the people unsparingly.

If we turn to the history of these prosecutions we find that they have been directed almost exclusively against those who have voted with the democratic party. In this respect the prosecutions have been unsparing, unmerciful, and unjust. But all these denunciations and threats are only intended to hide from the eyes of the people the real ground upon which a sectional division of parties has been urged and nearly accomplished. The President has deceived no one but himself.

To get at the truth of the situation we must give to the election in November a much more important effect than he attributes to it. That was intended to be a business operation in Government and not

a mere mawkish expression of sentiment.

I will therefore deal with the matter in the light in which the real leaders of the republican party meant that the people should deal with it when they prescribed the issues on which they aligned the people in the recent presidential election, and then carried the election upon those issues.

The organ of the republican party in Washington already speaks of the "new nation" as an accomplished fact. This is not an im-The organ of the republican party in Washington already speaks of the "new nation" as an accomplished fact. This is not an imprudent declaration, if we are to give credit to the avowed purposes of the leaders of that party. The "new nation" and the old Republic are distinct and altogether different. The old Republic is dead if the "new nation" is in fact established and is ready to be inaugurated. The condition of our Government and the principles upon which it is to be conducted are accountly influenced by neurlar elections that

is to be conducted are so greatly influenced by popular elections that we forecast its future course almost exclusively by reference to the iswe forecast 18 into course almost exclusively by relevance to the issues upon which the great political parties claim the suffrages of the people. Considered with reference to this fact, we are to expect that for four years from the 4th of March next the Federal Government will be sectional and not national in its policy. This apprehension may not be realized; but if not it will only be because the President-elect will refuse to follow the course to which he was pledged by the stalwart leaders of the republican party during the recent presidential campaign. I sincerely hope he may be able to disappoint their avowed purposes.

The question now forces itself practically upon the attention of the American people whether it is in keeping with the genius of our Federal Government that the country should be divided into sectional political parties by geographical lines of demarcation, and whether the future of the Government is safe when the exercise of its supreme powers is demanded by one section for the purpose of exerting an absolute and exclusive control over the other section, thereby denying to the subject section its right of participation in the Government further than to formally uphold its power and submit to its

The situation described in this question is the real situation that was established by the vote for President on the 2d day of last November, so far as the success of a political party can establish any such thing; and it will be carried into practical effect after the 4th of March next, unless the President-elect shall reverse the action of

This dangerous situation is without precedent in our history. It is true that we have had sectional political divisions, and that they have been followed by such calamities as have seldom been experienced by a civilized people; but never before have the American people been divided merely by lines of latitude, when there were no ques-tions or controversies between them that antagonized one section against another in reference to their material interests. And this sectional division is not intended to continue only for a day or a sectional division is not intended to continue only for a day or a year. Its lines are laid with a view to the permanent control of the southern section by the northern section of the Union. The shores of the sea are not laid with more of permanence or distinctness than it is proposed to establish these sectional lines of division between the States, on the demand of the leaders of the republican party.

The purposes that have caused them to demand of the people that they should align themselves solidly on the northern side of this sec-

tional line of division are not merely temporary, or adopted in order to carry an election by a trick of strategy. They are the sedate purposes of men who have made up their minds that this Government shall hereafter be conducted alone by the power of a sectional combination of dominant States, the other States being held as the subor-

dinate and vassal section.

In making this statement I am not indulging a sentiment of bitterness or resentment toward political opponents. I am only stating conclusions that I would gladly avoid if the known facts would justify

Neither am I overstating the result which must follow the recent triumph of the republican party if the people of the United States support and assist its leaders to the final accomplishment of their

designs.

Two facts, the existence of which no man can justly deny, are quite sufficient, without more, to establish the truth as I have stated it.

The first is, that the leaders of the republican party in the recent presidential election distinctly and earnestly demanded of that party, and of the people of the North of all parties, that they should vote so as to secure the powers of the Federal Government in the control of the Northern States, and thereby to overwhelm and extinguish the power of the Southern States, except so far as they shall be hereafter exercised in subordination to the will of the more powerful section.

The other fact is, that there was not then and there is not now any actual antagonism of interest, either moral, social, religious, or industrial, between the States or the people of the two sections.

trial, between the States or the people of the two sections.

No question of a sectional character exists between the States, or between the people of the North and South, except only that question raised by the leaders of the republican party, whether the North shall hereafter rule over the South as a subject and vassal section.

I insist that no man can point out or define the sectional question,

I insist that no man can point out or define the sectional question, or controversy, or issue between the people, upon which this demand for a sectional political division is founded. And yet the fact stands forth that a great sectional party has carried a presidential election mainly, if not solely, on the ground that its candidates are pledged to the doctrine that the States and people of the North must rule the States and people of the South; that the Government cannot be safe in the hands of a majority composed chiefly of the people of the South, although the people of a minority of the Northern States may unite with them in its control; that it can only be safe and worthy of the confidence of the American people when it is in the control of a majority composed of the people of the North, or in which they are the stronger element. stronger element.

stronger element.

That is the distinct proposition upon which the election was claimed and won by the republican party of the North. The men in that party who do its thinking, as they imagine, and who certainly manage its tactics and determine its strategy, and whose power seems to be absolute in its counsels, have fixed upon this as the great leading proposition that was settled in November last. I do not know that any republican will care to deny that such conclusions are the direct logical results of that election. Certainly it cannot be denied that the strongest men, and most influential journals of that party, demanded, with the most intense earnestness, that the northern people should unite as one man to secure the control of the Government

in the hands of the people of the North.

who, in that party, is greater in his political influence than General Grant? It is true that he went down at Chicago beneath the battle-ax of the "white-plumed Henry of Navarre," (the appropriate sobriquet of the Senator from Maine,) but it was soon found that the battle with the democracy, when it was set, could only be won by bringing General Grant, wounded and bleeding, on the field. He saved the republican party from rout, and did it in his own way.

He who had been twice the President of the whole people—the Presi-

He who had been twice the President of the whole people—the President of the United States—came forward and urged the election of a man as his successor, who should be the representative of a section, in the office of President, and who, that he might wield the power of the whole people and keep half of them in subjection, should be the President of the nation of the United States.

The demand for a sectional party to control "the nation" was sharply emphasized by the ex-President, and, with much more of graphic force than elegance, was stated by him in the form of a question, "Whether the dog should wag the tail, or the tail should wag the dog?" Nothing could be more intense than this pithy metaphor. It was to the point, and that saves it from all criticism in respect of the grace with which an ex-President of the United States might use so severe an illustration to give significance and clearness to his state-

the grace with which an ex-President of the United States might use so severe an illustration to give significance and clearness to his statement of a great question. It was not a jest. It may not have been designed to insult or to wound.

Alabama, Arkansas, Florida, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, had cast their votes for him as President; some in one and others in both elections. He could not have been ungrateful to them. Justice to his high character requires us to believe that he meant no offensive disparagement of fifteen sovereign States whose people number more than twenty. of fifteen sovereign States, whose people number more than twenty millions, in thus alluding to them. His standard is higher than that. He desired to enforce his opinion of the necessity of a sectional vote by the people of the North, and he used an illustration that could leave no doubt as to his meaning, and that would fasten his argument upon the meanest understandings, and excite the jealousy and malevolence of the masses at the North against a people who had fought them in the war between the States.

His success was fully commensurate with his undertaking. His flattered hearers felt that his whole soul was in the subject when he affectionately alluded to them as the dog which should rightfully wag this tail. The important fact that was so happily prominent in his mind was, that the Southern States should hereafter be wagged, and should have no volition as to when or how they should be dealt with as the caudal appendage of the nation.

Other great orators and statesmen had formulated this demand for a sectional party to control "the nation," but none of them presented it in a way so clear and so natural as did the ex-President of the

it in a way so clear and so natural as did the ex-President or the United States.

What was the ground upon which this unjust and unconstitutional demand was made? What facts existed to justify this demand for a total revolution of the methods of government and of the spirit of American liberty, the spirit of equality between the States and of justice between all the citizens of the United States? There was no ground for this movement; there were no facts to sustain it.

It was charged as a crime against the Southern States which justified a sectional movement against them that the majority of the people in those States preferred the success of the national democratic party over the national republican party, that we indulged freedom of opinion and followed our convictions of duty.

This attitude of the majority in the States that were formerly classed as Southern States because they were slave-holding States

classed as Southern States because they were slave-holding States was characterized by somebody under the name of "the Solid South;" and this phrase was made the pretext for attributing to the people of the South a united and concerted antagonism toward the people of the North. No pretext more unjust was ever adopted to cover so base a misrepresentation.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The hour of half past one having arrived, the Senate resumes the consideration

of its unfinished business.

Mr. EDMUNDS. I hope the Senator from Alabama will be allowed

Mr. DAVIS, of West Virginia. I suppose there will be no objection

to the Senator from Alabama being allowed to proceed.

The PRESIDING OFFICER. Is there objection?

Mr. CAMERON, of Wisconsin. Will that displace the regular

Mr. EDMUNDS. Oh, no.

The PRESIDING OFFICER. Is there objection to the Senator from Alabama proceeding, the unfinished business not to be displaced? The Chair hears none.

Mr. MORGAN. Mr. President, where was the "solid South" in 1876, when the republican party counted in their candidate for President with the assistance of the votes of three of the Southern States? ident with the assistance of the votes of three of the Southern States? Can they now afford to say that the South was solid in 1876? If it was solid then they purloined the votes that elected their President. In 1878 the resentment of the people was inflamed at the overthrow of their sovereign will in the election of a President, and they were unified to a greater degree than formerly, but still they were far from being solid. In many of the Southern States men were elected to Congress and to the State offices in 1878 who were republicans, and greenbackers and independent democrats, who stood in opposition to the regular nominees of the national democratic party. Up to and including that election the people of the South were not solid. In 1880 it was charged against the South that it would be solid in voting for General Hancock. That was a wise and true prophecy. It was a prophecy that at any time since 1868 might have been justly predicated on the gratitude of the people of the South toward a Federal general to whom was given a sword by the republican party with which to smite us, but covering us with the panoply of the

Constitution, he used that sword to secure to us protection of life

and liberty.

We had a right of free choice between two northern men, and we preferred him who had proven himself to be the truest friend and the most faithful defender of the constitutional rights and liberties of the people. In that respect the South was solid, and so it will ever

be while it has the right of choice between opposing parties.

We lift our hearts with gratitude to God that the North was saved from being solid against one who has deserved so well of his country Against him the republican party used every argument and device and remonstrance that shrewd invention could suggest, and the patronage of this great Government, and the personal influence and endeavors of every available man connected with the Government, whether in the Cabinet or in the petty offices of the Departments; and the reason assigned for this serried array against him was that if elected to the office he would be President of the United States, and not of the nation; the President of the whole people, and not the President of a section of the American Union.

The republican party insisted that the people of the North owed to

themselves the duty of voting against a man who had acquitted himself with distinguished ability and fidelity in the most important and difficult duties that were ever assigned to an American citizen, for no other reason than that he had also the esteem and confidence of men who dwell in the South-men who now have the audacity, after having been defeated in great battles by General Hancock, to prefer his views of the Constitution over those of the leaders of the republican party. His being a northern man by birth and education was no excuse or palliation, but rather an aggravation of the crime of having, by his noble career, engaged the confidence and respect of southern men.

The South has not been immodest in asking places of high trust and great power for her sons. The right to choose her representatives in the House and Senate is seriously questioned, unless their personal or political history discloses some bar-sinister of treachery to the peo-ple of the South, or holds out the promise of their entire self-abasement for the advantage of the northern rulers of the nation.

Indeed, since the close of the war, and the desperate attempt of the republican party to impeach Andrew Johnson because he held to democratic views of the Constitution, neither party at the South has ever claimed so much of recognition even as the nomination of a southern man for the great political solitude called the Vice-Presidency. The democrats of the South have not claimed such recognition at the hands of their brethren in the North, because they have been afraid that such a demand would lend the color of verity to the falsehood that has ever been ready to leap to the tongues of their tra-ducers—that they ask to participate officially in the Federal administration only to betray and destroy the Government and to aggrandize the South.

The democracy of the South, having full confidence in the democracy of the North, that they would never pervert the cardinal doctrines of republican liberty found in the Constitution and the powers trines of republican liberty found in the Constitution and the powers given to the President to the abuse of the liberties of the people or the rights of the States, have been freely and cheerfully willing to trust the powers of the executive department of the Federal Government in their keeping and control. They have gone still further, and have, in honest good faith, bestowed the highest marks of their confidence on Horace Greeley, who was then the leading republican in this country, because they esteemed him as an honest man, who had not permitted the most intense heat of political or actual war fare to burn the better sympathies from his breast or destroy his capacity of dealing justly with those who were once his enemies. They have more recently voted with zeal and pride for the one man who, above all others, was antagonized with them in desperate warfare at the supreme moment when the southern confederacy was lost in the struggle of arms at Gettysburgh. struggle of arms at Gettysburgh.

His defeat in the recent election is lamented by them, as his defeat would have been lamented by the people of the North had he failed to secure victory to their arms on the hills of Pennsylvania. If this is a crime it certainly is not a crime of rebellion. We have been betrayed into it by our respect for General Hancock's eminent virtues. If our confidence in his virtues is dishonoring to him, the fault is ours, and his is the misfortune.

But why have not the republicans of the South demanded some proof of recognition from their northern brethern in their nominations for the Presidency or the Vice-Presidency? What have they done to for-feit the respect of their northern associates? It has not been for the want of men to fill the offices with as much credit as some whom want of men to fill the offices with as much credit as some whom they have elevated to the highest places. What has kept such men as these in the rear rank of the republican party? It is only because the republican leaders of the North have never been willing to trust any man in the South, even the best exponents of their principles, with executive power or patronage. They have never been content with any less degree of power than that which they have claimed to be their right in the election of Mr. Garfield; and that is the power of absolute dominion over all the people of the South, democrats and republicans alike.

The northern republican leaders have been willing that chosen men among the southern republicans should be deputized by them to rule the other people of the South, provided they would exercise their vice-royalty with due subordination to their own imperial will. This has been the extent of the power accorded to the republicans of

the South by their masters of the North. When their proconsuls have ruled us under these conditions, they have been well sustained by the power of the purse and the sword, and also by the petty tyrannies of debauched judges. But the northern republican leaders have never been willing to divide with their southern deputies the supreme powers of government. They are only recognized as fit instruments to rule the people of the South in accordance with the policies that may best promote the interests of the republicans of the North, and to strengthen their political power; and they are severely taught the duty of unquestioning obedience to their requirements as

North, and to strengthen their political power; and they are severely taught the duty of unquestioning obedience to their requirements as the price of their license to rule over the other people of the South. It is the South, and not the "solid South," that the republican leaders of the North have put under the ban of their unrelenting hostility. If the South were solidly republican; if the positions of the great parties of the country were reversed, so that the strength of the republican party was in the South, instead of the North, its ranks would be deserted by northern republicans rather than they would submit to southern control in that party. If a sea channel as would submit to southern control in that party. If a sea channel as wide as the channel of Saint George lay between the North and the South the resemblance would be more distinct, but not more true than it was between the sections of this Union when the South was governed by non-resident rulers in both local and national authority.

The Southern States are designed to be the Ireland of the American

Union. If they are solidly democratic that is a sufficient pretext for every form of hostility to their peace and welfare. If they were solidly republican, no matter how great their power might be in republican counsels, they would be required to hold and exercise it as tenants at will to their northern rulers. The course of the sectional control of the South by non-resident rulers exceeded in bitterness the curse which has strewn the fields of Ireland, once green and fruitful, with the bodies of her famishing children. Absenteeism in political government will be the bane of the South, as it has been the ruin of the people in Ireland. It will eat up the substance of the land, while

it will consign a free people to worse than Irish subjection.

It will be well for the country if the national democratic party and the republican party, as a national party, enter into honorable competition in supplying to the whole people the benefits of good government. But this cannot be when either party is conducted with a view to placing one part of the country under the rule of another part.

Sectional domination is the fixed policy of the leaders of the republican party in the North, and that is hostile to the Constitution and dangerous to the liberties of the people.

Is there any just cause or reasonable excuse for this condition of political parties?

The cry of the "solid South" has been raised to silence the inquiries of those who ask a reason for the demand of a sectional party by the republicans of the North. What is the "solid South?" What States comprise the unholy league—this bête noir that so dreadfully alarms the fears of the leaders of the republican party?

It is asserted that those States that entered into the southern confederacy comprise the "solid South;" and that the old spirit of the rebellion still holds them in union and accord. I need not travel over wide field of argument to refute this assertion.

I have already adverted to some facts that could not have existed if the southern people had not been animated with a perfect sense of honor and good faith in their political course since the war. I repeat that, if the aims and sentiments that led us to secession and war in 1861 are in any sense the same that actuate us now in our affiliation with the national democratic party, we must be stricken with blindness or insanity to suppose that we could accomplish such ends by the election to the Presidency of Horatio Seymour, Horace Greeley, or Samuel J. Tilden, or Winfield S. Hancock. If our solidity as democratic States is due to the secret nurture of feelings of hatred toward the North or of revenge for past grievances, we could not have given even the faintest expression to such sentiments by the selection of such men as the exponents of our thoughts or as the weak and facile instruas the exponents of our thoughts or as the weak and facile instru-ments of our policy. We are not blind followers of blind guides, and have never stultified ourselves by such weak conceptions as are im-puted to the people of the South. If our purpose in supporting the democratic party is to enable us as southern people to control the Government, why have we not brought forward some southern man to represent us in this movement? Why should we be willing only to represent us in this movement? Why should we be willing only to trust northern men? Who is ready to impute to the northern men for whom the South has voted in all the democratic conventions since 1865 that they received our suffrages upon the understanding that they would betray the North into the power of the southern people?

the South we have many eminent men, who in former years have added renown to American statesmanship, whom we would have been proud to have honored with our support, men of all the leading parties of the country, old-line whigs and old-line democrats, Union men and secessionists, soldiers in the Federal Army and in the confederate and secessionists, soldiers in the rederal Army and in the confederate army, but we have not thought that they would be acceptable to the people of the North because they live in the South, and we have not pressed their names upon the consideration of the democratic party. It may be said that we were afraid to make such claims. That is true. Having at heart the success of a party which alone has been willing to interpose its power and influence to restore to the people the blessings of a pure constitutional government, we have been afraid to mar its prospects of success. We have been afraid to give the least excuse to such as might be willing to abandon the cause of the Republic to darkness and ruin, and may be ready to hail with eager servility the purple tints of the rising sun of the empire. Our hopes of restoration to the enjoyment of constitutional liberty

have been too dear to us to allow us to put them in peril by an effort to secure to ourselves the honors, or powers, or riches that might appear to be within our reach, however tempting the allurement.

If we are solid in the South in our adhesion to the principles, tra-

ditions, and forms of constitutional government, we certainly have not exhibited a grasping or selfish lust of power or a sordid affection

But I press the argument, as one that none of our assailants can either answer or avoid, that "the solid South" is not confined to the States that adopted ordinances of secession from the Union. Missouri, States that adopted ordinances of secession from the Union. Missouri, Kentucky, Delaware, and Maryland, and West Virginia—the child of the civil war, born in the very travail of the great struggle between the States, and nurtured in its cradle by the Federal Army—were not seceding States. They adhered to the Union and took up arms under its flag and fought for it when every blow they struck for the Federal Government fell upon a kinsman's heart. Here the argument that the solidarity of the South is the result of the old secession feeling thoroughly breaks down. There is nothing of it left. The people of the States I have named fought against their kindred, father against son and brother against brother.

When States like New Jersey and California and Nevada are classed as Southern States because they are democratic States, the charge that the democratic party is a southern sectional party is too absurd to demand the least consideration. The States that seceded were

absurd to demand the least consideration. The States that seceded were

not entirely sectional even during the war, and have never been sec-tional since the war.

The following list of troops that were supplied to the Federal armies The following list of troops that were supplied to the Federal armies by the Southern States during the late civil war tells a story that wholly refutes the idea that the people of the South were solid as a sectional political party, even when their States were invaded and overrun by the armies of the North. In the list I include all the States, that it may be seen how many men were furnished by the States that were said to compose "the solid South" in the political parlance of the recent presidential election:

Statement of number of men called for by the President of the United States, &c.

	10	reduced o years'			
States and Territories.	Quota.	Men fur- nished.	Paid com- mutation.	Total.	Aggregate ruto a three standard.
Maine New Hampshire Vermont Massachusetts Rhode Island Connecticut New York New Jersey Pennsylvania Delaware Maryland West Virginia District of Columbia Ohio Indiana Illinois Michigan Wisconsin Minnesota Iowa Missouri Kentucky Kansas Tennessee Arkansas North Carolina California Nevada Oregon Washington Territory Nebraska Territory	35, 897 32, 074 139, 095 18, 898 44, 707 507, 148 92, 820 385, 369 13, 357 70, 965 34, 463 37, 965 34, 463 244, 496 95, 007 109, 000 26, 326 79, 521 122, 496 100, 762 12, 931 1, 560 1, 560	70, 107 33, 937 33, 288 146, 730 23, 236 448, 850 76, 814 337, 936 12, 284 46, 638 32, 068 32, 068 32, 068 313, 180 196, 363 3259, 092 87, 364 91, 327 24, 020 76, 242 109, 111 75, 760 20, 149 31, 092 8, 289 3, 156 15, 725 1, 080 1, 810 964 3, 157 4, 903 3, 157 4, 903 6, 561 2, 576 1, 290 5, 224	2,007 692 1,974 5,318 403 1,515 18,197 4,196 28,171 1,386 6,479 784 55 2,008 5,097 1,032 67 3,285 2	72, 114 34, 629 35, 262 35, 262 152, 048 23, 699 467, 047 81, 010 866, 107 13, 670 13, 670 13, 670 13, 670 13, 670 13, 670 13, 670 14, 689 197, 147 89, 372 96, 424 25, 052 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 109, 111 79, 025 76, 309 77, 120 78, 120 7	56, 776 30, 849 99, 068 124, 104 17, 866 50, 623 399, 270 57, 908 265, 517 10, 329 41, 275 27, 714 11, 506 124, 133, 576 214, 133 80, 111 79, 260 19, 693 86, 530 70, 832 18, 706 26, 394 7, 836 15, 725 15, 725 15, 725 16, 726 16, 737 173 186 18, 736 18, 7
Texas		1, 965 3, 530 93, 441		1, 965 3, 530 93, 441	1, 632 3, 530 91, 789
Total	2, 763, 670	2, 772, 408	86, 724	2, 859, 132	2, 320, 272

^{*} Colored troops organized at various stations in the States in rebellion, embracing all not specifically credited to States, and which cannot be so assigned.

After the southern white men in the Federal armies had fought their own kindred until the cause of the Union was triumphant, there must have been some very powerful incentive to bring them into perfect reconciliation with those they had helped to conquer. And yet, such is the fact. The men of these regiments who yet survive are as much responsible for the fact that the South is solidly demowhat has thus united in one political organization the men who for more than four years fought each other from battle-field to battle-field, and from door to door? What has healed their strifes, revived their affections, and knit them together in the closest brotherhood?

In the answers to these questions will be found the vindication of the people of the South, if vindication is needed, for having presumed to exercise the right of choosing between the republican and demo-cratic parties as the guardians of their property, their liberties, and

The history of the recent events which have drawn the southern people into political affiliation with the national democratic party since the war, is a long and bitter chapter in the book of American annals. I can only allude briefly to some of the most prominent facts. There is, however, a necessary preface to this history, of which I must make some mention.

As is well remarked by a brilliant southern authoress, "the democratic party had its origin in the events that led to the war of the Revolution in 1776, while the republican party originated in those that led to the civil war of 1861."

Contemporaneously with the adoption of the Federal Constitution the democratic party—then called the republican party, (in contradistinction to those who demanded a strong central government)—had planted, broad and deep, the foundations of its creed and policy in a demand for the adoption of the first ten amendments to the Continuous contradiction.

In a demand for the adoption of the first ten amendments to the Constitution. They were submitted to the States within two years from the ratification of the original Constitution.

The historian and statesman will not omit to pause at this point in our history and weigh the important fact that a body of organic law, which was considered by its authors as being sufficient to secure, for all coming time, the essential rights of the States and the liberties of the people, should have been amended within so short a time by the addition of ten articles, each of which contained vital principles of government. These principles were not new to the people. by the addition of ten articles, each of which contained vital principles of government. These principles were not new to the people of the colonies, or to their fathers in England, but they were not placed in the Constitution. They were left to rest upon inference, or common right and common consent. This was not enough to satisfy the people. They felt that the struggles of the revolution were endured by the people, and for the people, to secure a government of the people; and so they resolved to have the fact established and stated in the body of their Constitution. A check upon usurpation was put in the Constitution; a barrier was erected then and there that the democracy have protected from that day to this against all assailants.

These ten articles were a bill of personal rights and liberties for the people, to secure them to every individual man, woman, and child, and a bill of the rights and powers for the protection of the States—the local governments of the people—against encroachment from the Federal Government.

from the Federal Government.

I will enumerate the rights secured to the people—their personal rights—established in this decalogue of the democratic party, because it has been the invasion of these rights by the republican party, since 1868, that has driven the helpless people of the South to take shelter under the principles of the national democratic party.

These ten amendments secure to the people the freedom of religion; the freedom of speech and of the press; immunity in time of peace against the intrusion of soldiers into their houses; the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures; their protection against prosecution by malicious and unknown persons; their security against being held to answer for a capital or otherwise infamous crime before a grand jury has made due inquiry into the grounds of the accufore a grand jury has made due inquiry into the grounds of the accusation; the right of the accused to a speedy and public trial before an impartial jury of the State or district, previously ascertained by law, wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; the right of the accused to have compulsory process to secure the attendance of witnesses, to be confronted with the witnesses against them, and to have the assistance of counsel for their defense; the right of jury trials in civil cases at common law; protection against the exaction of excessive bail and against the infliction of cruel and unusual punishments. How a neonle could have been considered a free people without the

How a people could have been considered a free people without the security of these personal guarantees of their lives, liberties, and property, against executive, legislative, and judicial invasion, is be-

yond my power of comprehension.

And yet, even in the dawn of our independence, and in full view of the then recent struggles of the British people to wrest these guarantees of liberty from the Crown, it cost the people of the infant States a severe effort to secure them in their written Constitution. It was in that effort that the democratic party had its birth. Its whole history glows with earnest, powerful, and successful endeavor to vindicate and maintain these liberties.

Its warfare has been unremitting against class legislation and mo-nopolies. It has stood by the equal rights of the people and the

Adjutant-General's Office, Washington, November 9, 1880.

rights reserved to the States, and its mission will only end when there are no free States to protect and when there are no further demands of exclusive privileges by the strong and the rich through which the poor and the weak can be despoiled. Now, let us observe the application of these democratic doctrines to the condition of the people of the South, and but little question will be made why they

When the civil war ended, in 1865, the States were all members of the American Union, and were all necessarily equal in their rights. I do not care now to enter upon a full discussion of this proposition. One fact alone is sufficient to establish beyond all rational dispute that this proposition was then considered true. The thirteenth amendment of the Constitution was submitted by Congress to the Legislatures of each and every State for ratification or rejection. The States

tures of each and every State for ratification or rejection. The States all voted upon the amendment as it was submitted, and the Legislatures of more than three-fourths of them ratified it.

If this was not a conclusive declaration by Congress, and by each State that voted, of the equality of every State in the Union and of the legal validity of their State governments, then nothing has since been done or admitted that is conclusive of their present status. If this was not conclusive, nothing will hereafter prevent Congress at its will from expelling any State from the Union, from destroying its government, and disbanding the occupants of its offices; nothing can prevent Congress from remanding Alabama to a condition of government as crude and unrepublican in form and substance as that under which Alaska is now ruled from the deck of a man-of-war. We have always supposed that an amendment of the Constitution which destroyed property in the South to the value of \$3,000,000,000

which destroyed property in the South to the value of \$3,000,000,000

which destroyed property in the South to the value of \$3,000,000,000 and was formally submitted to our State Legislatures to say whether or not we would ratify it, was something more than a mere deception, something less cruel than the mock royalty with which despots sometimes clothe their victims when they are led forth to execution. It was but shortly after this solemn recognition of our autonomy as States that Congress declared that we had no legal State governments, and placed in the creed of the republican party a doctrine which it has never repudiated, to which its leaders still cling, and which they will enforce whenever the party necessity exists, that Congress may at any time anul the powers of any State government, and remand it to a territorial condition of dependency on the Federal Covernment. Government.

It is not my purpose now to discuss these measures. I only desire to consider their effect upon the southern people, as furnishing some of the substantial reasons why they preferred the democratic party, which always opposed them, to the republican party that enacted

It would be very uncandid to say that we have ever approved those laws. We could not be expected to approve them. We were at peace, and were disarmed and prostrate, when these measures were enacted, and they declared war against us; not in form, perhaps, but in every substantial sense.

Under the reconstruction policy military law displaced civil rule, and armies were marched into the States to supply the only authorized force and power of government. The will of the generals commanding military districts, in which States were grouped in twos and threes, was the sole and supreme law. By military orders the entire official incumbency of the civil governments in these subject States was removed from office and their places were filled by military appointees. A clean sweep was made in all the departments, and governors, Legislatures, and judges were made to walk the plank.

The new appointees exercised only a perfunctory jurisdiction, in which they did the bidding of the Army. When they dared to disobey orders, though they sat in the highest courts of judicature, they were torn from the bench by subalterns, and were imprisoned for assuming to decide questions of law according to their consciences and oaths of office but contrary to opinions at Army headquarters.

suming to decide questions of law according to their consciences and oaths of office but contrary to opinions at Army headquarters.

Innocent people were condemned by brutal judges, and were denied the right of appeal. Their property was confiscated under the forms of law, but without its authority; and a tax was imposed by judges upon pardons granted by the President before they could be made available for the release of persons charged with political crimes. The right of trial by an impartial jury for alleged crimes was denied. By ex post facto laws many thousands of free and lawful citizens were denied the right to vote or to hold office; and such as were alleged under the surveillance of partisan were allowed to vote were placed under the surveillance of partisan hirelings, supported by the presence of the Army to overawe and coerce them. State constitutions were abrogated by military orders, and new constitutions were provided for them by act of Congress. Private property was seized unlawfully, and without warrant from any court, and was sold; and the miserable remnant which Treasury agents did not purloin was turned into the United States Treasury. Operous and unconstitutional tayes were levied on action at the same Onerous and unconstitutional taxes were levied on cotton at the rate of \$15 per bale. If it was manufactured and exported, the manuof \$15 per bale. If it was manufactured and exported, the manufacturer, not the grower, received from the Treasury the full amount of the tax as a drawback, and two cents per pound of the manufactured article as a bonus. Houses were robbed by the officials of the Government and invaded by the soldiery. Contracts were made only by the bought permission and rescinded by the arbitrary and corrupt judgments of the Freedman's Bureau, and the judgments of the State courts were reversed or suspended by military orders. All this and much more was done against the people of these States,

while no hand was raised in resistance, nor was a word uttered, except a plea for forbearance.

This is only a meager outline of the situation in which the people of the reconstructed States were placed as soon as the republican party had begun to work its will upon them. That party rode down the vetoes of the President interposed to save us; and, sword in hand, they went directly upon the defenseless people, and ruled them with the power and violence of actual war.

After the republican party had forced these State governments into shape to suit their purposes as more agencies to even to the relieve

shape to suit their purposes, as mere agencies to execute the policy of a purely sectional rule over them; when they had filled the State offices with the worst men that could be mustered from the refuse elements of northern communities, they then committed the people of the South to their guardianship, and held us to the responsibilities of free government while we were loaded with chains and paralyzed

of free government while we were loaded with chains and paralyzed with the frauds of our rulers.

If the people voted them down, they still held to place and power; and the Army and the Navy were employed to sustain them in the open usurpation of the government of the States.

Legislatures were created or disbanded by military officers to meet the purposes of the republican party, even after the States had been provided with governments to suit that party, and were represented in both Houses of Congress. Drunken Federal judges issued writs of prohibition at midnight against the meeting of legislative assemblies; and their orders, while confessedly void, were sustained by the power of the Army and Navy of the United States. Fraud, bribery, and the sale of votes, offices, and patronage were openly practiced, while honesty was spurned and derided in the legislative councils of the States. In proof of the destructive effects of these methods of government, I bring the following facts touching the burdens of debt that were laid upon them and the terrible taxation inflicted upon them to feed and curich the men who were set over them in authority.

laid upon them and the terrible taxation inflicted upon them to feed and enrich the men who were set over them in authority.

In the State of Arkansas the people were recently agitated with bitter dissensions. The question was whether they would consent to bear burdens imposed upon them by the most atrocious frauds rather than incur the censures of those who would be only too eager to stigmatize them as repudiators of honest debts for being unwilling to take such a yoke upon their necks. They have wisely and courageously voted that it is better to silence the tongue of calumny by yielding to the demands of fraud and injustice than to suffer the represent of the the demands of fraud and injustice, than to suffer the reproach of the least hesitancy in meeting the engagements of those who wrongfully represented the State.

On the 18th of January, 1875, when the people of Arkansas were at last permitted to speak for the State through its Legislature, they adopted the following joint resolution:

Senate joint resolution No. 8.

last permitted to speak for the State through its Legislature, they adopted the following joint resolution:

Senate joint resolution No. 8.

Whereas in the year 1863 the government of Arkansas was taken from the hands of its people and placed under the control of alien adventurers; and
Whereas the present Legislature is the first that has been chosen by the people of the State since that time which has been allowed to assemble; and
Whereas the present General Assembly finds the treasury of the State empty, the bonds of the State dishonored in the markets of the world, and future revenues anticipated by the issue of treasurer's certificates of indebtedness and other tems of a floating debt amounting in the aggregate to about two millions of dollars; and
Whereas it is the wish of the people to re-establish the credit of the State, and to pay as far as possible all of its just debts, and to this end it is thought proper to show to the world the manner in which the means of the State have been squandered and its credit bankrupted:
Therefore, the General Assembly invites the attention of the public to these facts: When the government of the State was taken away from its people, in 1888, the total of the bonded debt of the State was taken away from its people, in 1888, the total of the bonded debt of the State on all accounts was \$3,232,401.50; its floating debt was nothing; there was in the treasury in lawful money of the United States the sum of \$112,337.33. From July 3, 1888, to October 1, 1874, there was paid into the treasury, on all accounts, the sum of \$6,674,511.05, or about one million one hundred thousand dollars per annum. There was paid out during that period, on account of interest and the sinking fund, the sum of \$6,674,511.05, or about one million one hundred thousand dollars per annum. There was paid out during that period, on account of interest and the sinking fund, the sum of \$6,674,511.05, or about one million one hundred thousand dollars per annum.

There was paid out during that sum of the folla

No further comment is needed to prove that the people of Arkansas had no other hope of relief than such as the democratic party could afford them against the despoilers of that great State. When we contrast with the facts and figures stated in the joint resolutions just read the expenditures of the State government of Arkansas for the years 1874 to 1880, inclusive, the comparison will show that the restoration of democratic rule in that State has been the only means that could save the people from ruin, or could give to their just creditors any hope of the payment of their debts. The average ordinary current expense of the State government for each of the six years of carpet-bag rule was \$1,026,551.07, while under democratic rule since 1874 to 1880, inclusive, the average annual expenditures for the same purposes have been only \$251,803.59.

In Tennessee, at the close of the war, the State debt was \$32,562,-323.58. In 1870, when Tennessee was restored to democratic rule, the State debt was \$41,000,000. The State expenses for the years 1867-78-79, under democratic rule, they averaged \$500,000 per annum.

annum.

The debt of North Carolina at the close of the war was, in round numbers, \$11,000,000. In September, 1870, when the State was restored to democratic rule, the debt had increased to \$29,900,000. This does not include about \$9,000,000 of bonds that were declared unconstitutional. The whole increase of obligations against the State under

stitutional. The whole increase of obligations against the State under the republican régime was \$26,000,000.

The republican Legislature of 1868-69 cost, in mileage and per diem, \$48,668.55 more than the two democratic Legislatures of 1870-71 and 1872-73 together.

The aggregate cost of the republican convention of 1868 and the Legislature of 1868-69-70, in mileage and per diem, was \$517,621.75.

The five democratic Legislatures, from 1870 to 1880, inclusive, embracing ten years, together with the convention of 1875, cost, in mileage and per diem, \$671,129.63, which is only \$153,507.88 more than the one republican convention and Legislature. The republican Legislature cost, in mileage and per diem, as stated, \$430,958.60. The average cost of the five democratic Legislatures, in mileage and per diem, was \$128,928.41, or \$302,030.19 less than the one republican Legislature.

diem, was \$128,928.41, or \$302,030.19 less than the one republican Legislature.

The expenses of the fiscal year 1871, which was the first year after the democrats got control of the Legislature, were \$564,929.26 less than the year immediately preceding.

Four years of republican rule (1869, 1870, 1871, and 1872) cost \$3,073,252.28. Four years of democratic rule (1877, 1878, 1879, and

1880) cost, including amounts expended in permanent improvements, \$2,146,712.03. From this amount deduct \$324,374.50, the amount expended in the permanent improvement under democratic rule, and it leaves \$1,822,337.53. The difference, then, in cost of the government for four years under republican rule is \$1,250,914.75 in favor of dem-

ocratic rule and democratic economy.

At the close of the war Texas had no public debt. At the close of republican misrule in that State it had an ascertained debt of \$3,614,568, and other large items of floating debt are still coming to light.

At the close of the war Mississippi owed \$812,251.82 to the Chickasaw school fund, a trust fund on which the State is liable for the

When the democrats were placed in charge of the State government in 1876 the State debt was \$3,341,162.89. The gross expenditures of the State government for each year since 1869 are as follows:

1870	\$1,061,249 90
1871	1,729,046 34
1872	1,596,828 64
1873	1, 450, 632 80
1874	1, 319, 281 60
1875	1, 430, 192 82
1876	020,100 00
1877	
1878	
1879	553, 326 81

In this State the cost of republican government was annually nearly double the cost under democratic government. Florida owed a debt of \$370,617 at the close of the war, and in 1877, when the State went into the control of the democratic party, the bonded debt was increased by the sum of \$919,796.65. This debt represents money borrowed to carry on the State government, and in addition to this the receipts into the treasury from taxation from 1868 to 1876, inclusive, were \$3,032,359.83. The annual average expenses of the State government during democratic rule were less by \$160.840 than they were were \$3,032,535.33. The aimtal average expenses of the State government during democratic rule were less by \$160,840 than they were under republican rule. These burdens, which were fully doubled in debts of municipal governments in the counties, were borne by property assessed at \$30,817,875.

The bonded debt of Louisiana prior to January 1, 1861, was \$3,848,000.

The bonded debt issued since the war and up to 1871, was \$18,583,000. The expenditures of the State government from 1868 to and including the first quarter of 1879, are shown by the following table:

Recapitulation

					20002						
Year.	Executive.	Legislative.	Judiciary.	Charity.	Levees.	Destruction of State notes.	Board registra- tion.	Miscellaneous.	Interest.	Printing.	Total.
1868	121, 798 20 171, 957 30 156, 009 67 155, 034 30 168, 988 69 138, 465 00 66, 975 06	\$549, 609 79 433, 524 18 699, 797 28 644, 681 85 273, 938 40 409, 438 56 387, 775 67 287, 007 04 217, 745 78 289, 603 77 202, 059 89 47, 312 50	\$196, 162 78 267, 519 59 261, 100 00 339, 888 44 289, 972 66 308, 814 56 276, 207 58 222, 825 58 249, 010 53 274, 910 53 272, 759 11 137, 716 17	\$260, 155 47 2, 000 00 355, 500 00 395, 300 00 223, 750 00 226, 250 00 187, 500 00 14, 500 00 144, 500 00 141, 550 08 51, 255 27	\$1, 745, 181 10 127, 472 55 1, 865, 987 48 896, 209 71 447, 497 92 549, 200 00 434, 200 00 569, 800 00 335, 283 36 400, 538 76 428, 070 69 108, 933 67	555, 275 00 5, 555 00 1, 660 00 1, 390 00 985 00 26, 980 00	170 00	967, 210 87 928, 741 21 433, 947 27 568, 357 35	\$234, 775 88 423, 018 41 1, 187, 259 47 1, 546, 425 67 1, 494, 698 88 966, 509 10 644, 160 83 109, 351 48 1, 015, 345 00 827, 375 50 654, 762 96 202, 380 35	\$125, 342 34 429, 345 48 314, 165 86 251, 866 91 154, 752 00 154, 716 30 156, 310 90 70, 067 37 130, 721 95 23, 185 11 54, 979 30 1, 613 50	\$4, 476, 990 38 4, 217, 595 98 7, 050, 636 59 7, 578, 147 58 4, 371, 428 96 3, 696, 912 92 3, 683, 101 23 3, 185, 707 34 3, 098, 332 89 2, 450, 534 25 2, 405, 331 32 769, 025 68
	1, 310, 402 70	4, 441, 874 71	3, 096, 887 34	2, 091, 118 58	7, 948, 375 24	941, 845 00	213, 417 96	14, 501, 683 03	9, 956, 063 53	1, 867, 067 05	46, 368, 735 14

* First quarter.

The amount of money received by the State on \$12,141,240 of the bonds issued since the war was \$6,893,307.31. In this single item the State lost about twice the amount of the entire State debt existing when the war commenced, and to this extravagant use of the credit of the State is to be added an increase of expenses of the State government under nine years of republican rule of more than \$2,000,000 annually over its expenses under democratic rule. The total debt of the State of Alabama in November, 1865, was \$3,893,770.13. This included arrearages of interest due on bonds. Alabama had gold shipped to England through the blockade, and had kept the interest on her debt due there paid up, during the entire period of the war.

In 1874, when the democrats came into power, the direct debt of the State had increased to \$11,677,470, and the indorsement obligations amounted to \$18,386,098. In addition-to this \$5,103,000 of obligations held by railways had been surrendered in lieu of an issue of direct bonds for \$1,192,000—showing a total increase of apparent debts and obligations of \$31,272,797.13 in about nine years. This charge was laid upon a people who in 1860 owned taxable property to the value of \$725,000,000, which was reduced in 1874 to barely \$160,000,000.

The comparative cost of conducting the State government under State lost about twice the amount of the entire State debt existing

The comparative cost of conducting the State government under republican and democratic administrations will be readily seen from

the following tables taken from auditors' reports showing the annual receipts and disbursements from 1866-'67 to 1879-'80:

1866–'67: Receipts, including cash, September 30, 1866 Disbursements	\$970, 609 820, 033	
Balance in treasury September 30, 1867	150, 575	92
1867-'68: Receipts, including cash, September 30, 1867 Disbursements	1, 720, 158 1, 504, 371	
Balance in treasury September 30, 1868		07
1868-'69: Receipts, including cash September 30, 1868 Disbursements	1, 522, 098 1, 394, 960	
Balance in treasury September 30, 1869	127, 138	15
1869-'70: Receipts, including cash, September 30, 1869. Disbursements	1, 410, 724 1, 366, 398	67 85
Balance in treasury September 30, 1870	44, 325	82

1870-"71: Receipts, including cash, September 30, 1870 Disbursements	\$1, 422, 494 6 1, 640, 116 9
Deficit (outstanding warrants) September 30, 1871	217, 622 3
1871-'72: Receipts	1, 196, 046 0: 1, 175, 932 1
Deficit (outstanding warrants) September 30, 1872	197, 507 8
1872-'73: , Receipts	2, 081, 649 3 2, 237, 822 0
Deficit September 30, 1873, (outstanding warrants)	353, 680 4
1873-'74: Receipts. Disbursements, (including deficit).	1, 870, 757 2 1, 530, 907 4
Balance in treasury September 30, 1874	339, 849 8
1874-'75: Receipts, including cash, September 30, 1874 Disbursements	1, 068, 220 0
Balance in treasury September 30, 1875	6, 871 0
1875- ¹ 76: Receipts, including cash, September 30, 1875	935, 040 3 880, 073 0
Balance in treasury September 30, 1876	54, 967 3
1876-'77: Receipts, including cash, September 30, 1876. Disbursements.	836, 767 9 682, 812 4
Balance in treasury September 30, 1877	153, 955 4
1877-'78: Receipts, including cash, September 30, 1877. Disbursements	872, 183 8 648, 097 2
Balance in treasury September 30, 1878	224, 086 6
1878-'79: Receipts, including cash, September 30, 1878. Disbursements	911, 116 3 683, 003 6
Balance in treasury September 30, 1879	228, 052 6
1879-'80: Receipts, including cash, September 30, 1879	909, 227 5 594, 297 6
Balance in treasury September 30, 1886	314, 929 8

The republican administrations had absorbed \$7,783,700 of borrowed money, and had paid no interest on the real public debt, leaving still a deficit in the treasury on the account of almost every year. The average annual taxation was, under republican rule, \$1,512,522, when no interest was paid on the public debt, while the average annual taxation under democratic administration has been \$922,092. And this paid all State expenses and the interest on the public debt, and left a balance in the treasury of \$314,922.84, with no unpaid warrants outstanding, to be applied to necessary public improvements. This excess in annual taxation of \$590,730, and the added sum of money borrowed by the republicans on the credit of the State and the increase of debt from accumulations of interest not paid by them, made the annual cost of government more than two and one-half times as great as the cost of democratic government.

I have not succeeded in getting from South Carolina and Georgia The republican administrations had absorbed \$7,783,700 of borrowed

I have not succeeded in getting from South Carolina and Georgia the statistics that the governors of other Southern States have kindly furnished me. I have a compilation of the debt of Georgia and of South Carolina which, though unofficial, is believed to be substantially

In 1865 the direct debt of Georgia was \$5,706,500. In 1872 this debt had been increased to \$8,618,750. In 1865 Georgia owed no indorsement debt, but in 1872 obligations had been created against it amount-

ing to more than thirty million dollars.

South Carolina was marked for destruction, and the process of devastation excited less of sympathy in the hearts of the destroyers than

vastation excited less of sympathy in the hearts of the destroyers than the fires of Smithfield or the racks and screws of the Inquisition.

The vultures found "enough of good stealing" to gorge them with their prey, but the witnessing world only trusted them to destroy what wealth had been accumulated, and would risk nothing upon their capacity to bind the future earnings of the people. They were confessedly too depraved to be entitled to credit on any reasonable terms, and so they could not find a market for their pledges of "the faith and credit of the State." Their bonds and mortgages attempted to be foisted upon the property of the people of South Carolina were so tainted with the crimes of the pretended legislators that those whose resentments upheld the saturnalia of robbery and fraud which rioted in the State held their noses when the bonds were offered them for sale. They were too well assured of a reactionary feeling among the people of the United States to be found in possession of any of these badges of fraud and crime when reason and justice should be restored to their rightful sway. The bonds did not largely sell, and the result was that the republican rulers of South Carolina had to

content themselves with an addition of almost nine millions to the bonded debt of the State.

bonded debt of the State.

They were compelled to rely upon the "beak and claw" of the tax-collector to rob money out of the people, but they took care that the least possible portion of it should be diverted from the pockets of the legislators and executive officers and expended for public purposes. They intercepted the school funds and directed them into capital stock for establishing drinking-saloons and brothels; and the bread of charity provided for the poor was spatched from their hands to be of charity provided for the poor was snatched from their hands to be converted into jewels and furbelows to deck the persons of the most depraved people. Figures give no analysis of crimes like these. They are useless to furnish the statistics of a sea of corruption, where there was nothing honest to be compared with what was all

The increase of county and other municipal indebtedness was almost if not quite equal to the increase of the State debts throughout the South. Taking them together they added more than three hundred million dollars to the burdens of a people whose tax-paying capacity had shrunk to one-fourth of what it was in 1860. This enormous weight of debt was followed by nothing of actual value to the country, which was made almost a desert by the leeching of mer-

cenary politicians.

This was the condition of the Southern States when they and the other States (classed with them in our political nomenclature as Southother States (classed with them in our political nomenclature as Southern States) that felt aggrieved at these wrongs and endangered by such usurpations fastened their hopes of a restored country upon the possibility of again placing it under the security of a restored Constitution. This was and is their true bond of union—the real tie that unites them—and the responsibility for their solidity rests with the party that has forced this duty upon the friends of constitutional liberty. As well may we expect the Christian when "walking in the valley of the shadow of death" to throw away the staff that supports him and discard the sacred book that comforts him, to shut his eyes to the hope of deliverance and to reject the sympathies of the friend who stays lovingly by his side, as to expect the people of the South, in their extremity, to abandon the shelter of the Constitution and to renounce and reject all affiliation with those faithful and true men renounce and reject all affiliation with those faithful and true men who have not "passed by on the other side," but have poured oil and wine into their wounds.

Every consideration that could influence honest men to adhere to lifelong convictions bears upon our course in this matter, and compels us to place our reliance for safety upon the Constitution of the country, and to trust the men who revere and obey it rather than rely upon the promises or adulations of those who confess that they have ruled the promises or adulations of those who confess that they have ruled the country by a law higher than the Constitution and outside of and beyond the powers conferred upon them by its provisions. We do not know when the republican party will again resort to these violent departures from constitutional government. We only look forward with apprehension to that hour. We will keep our course in this business, and will trust to the power of truth and justice to commend our conduct to the God of nations.

If to be thus united and solid is a crime, how shall it be expiated? Shall this be done by our becoming united and "solid" with the republican party? Or shall some of us go over and some remain where we are? These questions put to shame the men who decry us for being solid as democrats, when their demand for our disintegration would, if complied with, only make us solid as republicans, or else, dividing us, would leave us at the mercy of a party united on a race issue. It

us, would leave us at the mercy of a party united on a race issue. It is only because we are democrats that they complain of us, and not because we are of one mind, or, as they say, solid. In what way shall we disintegrate, and whither shall our dust be scattered? To whom and to what extent shall we commit our destiny when we have abdicated the right of free will and free judgment in the control of our own affairs, and have extinguished the lights of reason and experience that have hitherto been our guides? How is the South to become less solid than it is for the principles of the democratic party? Who shall be the first to abandon the ground that his conscience requires him to hold?

quires him to hold?

The following of that man would be small indeed who would openly confess the motives that would lead him to abuse his conscience in order to improve his condition or to avoid a manly struggle for the rights of his people. The people will continue to think and act for themselves; and the strongest man in all the South could not induce one thousand men to follow him into the republican party for the purpose of proving that the South will ever be tolerant of the abuse of the Constitution for the sake of ease, or prosperity, or the emoluments of office, or to gratify the lust of power.

To a man of true principles, who has a firm confidence in the justice of his course of conduct, defeat is only a disappointment; a postponement of his hopes. It is not destruction, and it never breeds despair.

It sometimes happens that a present defeat is of more value than

It sometimes happens that a present defeat is of more value than a victory. A victory won too soon often leads to a final and irretrievable loss; while defeat is a blessing to a cause that needs must triumph in the end when it ripens us for the hour of final success. In at least one important matter in the recent election the people of the United States have truly "plucked the flower of safety from the nettle, danger." We can now better afford to wait the return of the people to democratic constructions of the Constitution and methods of covernment since the people have again and finally. I have not of government since the people have again, and finally, I hope, pronounced in favor of the sanctity of their traditional policy, that two presidential terms shall be the limit of any man's ambition for the supreme executive power.

I anticipate no result from the administration of the President-elect which could be compared in its evil effects upon the country with that which would certainly have befallen us had not the strength and

that which would certainly have befallen us had not the strength and energy of the democratic party compelled the republican party at Chicago to stand by this time-honored barrier to imperialism.

It is easy to discern that the President-elect will have no ordinary task if he undertakes to preside with impartiality in the high office to which he is called. It will be a terrible rebuff to the men who claim to have elected him on their demand for a sectional President to rule the South as a subject country, if he should find that he is compelled by his convictions of duty to deny to them the privilege of succeeding him in power over a pathway again to be strewn with the wreck of States dismantled and a people destroyed.

Whether the President-elect will follow the example of the people in their efforts to unify the country in feeling and interests, or will yield to ambitious politicians in their demand that the country shall be sectionalized so as to secure to them the power of the stronger sec-

be sectionalized so as to secure to them the power of the stronger section, is a question of the future.

The people, and especially the commercial men of the North and the South, know each other better now than at any time in the past. the South, know each other better now than at any time in the past. Their business relations are more intimate and satisfactory than they have ever been. There are few merchants or manufacturers at the North who have not their traveling agents in the South. Through these agents they are constantly acquiring definite information about everything and everybody in the South. Their trade with us continues to increase. This one fact demonstrates the false-hood of the assertions that newspapers and politicians have dinned into the ears of the world, that the southern people have resorted to crime and force to supply the want of numbers in their efforts to govern the States of the South. Such prosperity as has doubled our productions in ten years and gained the confidence of commercial circles everywhere is not the result of crime or misgovernment, but of honest industry, wise and economical government, and assiduous

circles everywhere is not the result of crime or misgovernment, but of honest industry, wise and economical government, and assiduous attention to the material improvement of the country.

Democratic government in the South has enabled us to accomplish these results, and has thus commended itself to our confidence. I will not attempt longer to occupy the attention of the Senate in the examination of the causes that have led the people of the Southern States to prefer democratic to republican rule in their local affairs and in the Government of the United States. Whatever may be thought of the wisdom of our course, it has not been dictated by a spirit of hatred or resentment toward the northern people. We claim, and we believe justly, that in all our history the southern people in time of peace have never attempted an act of aggression upon the people of the North or any interference with their local upon the people of the North or any interference with their local affairs.

On many occasions, when opportunity of displaying resentment was afforded by the outbreak of masses of dangerous men in the North and by social disturbances that constantly threatened the peace of northern communities, almost every man in the South has been found in sympathy with the conservative part of those people and ready to lend assistance to the support of law and order.

When the country was in a state of intense anxiety four years ago over the succession to the Presidency, to the quiet and conservative course of the South it was chiefly owing that we passed through the dangerous strait without the shedding of blood. No Southern State has ever refused its full support to the Government, in men and money, in any war with a foreign power; and the courage and fidelity of its soldiery is a part of the glory of our history.

I allude to these matters only to justify the statement that neither in its policy nor in the sentiments of the people is the South arrayed against the Government or against the people of the North. It is

in its policy nor in the sentiments of the people is the South arrayed against the Government or against the people of the North. It is solid "for the Constitution and the Union and the enforcement of the laws." The men who in former years assembled under the banners that bore this motto are to-day among the truest, most intrepid, and influential of the millions who are now united as democrats. I honor them for their fidelity to their principles.

There is another respect in which we are solid in the South. We are of one mind and heart in the indulgence of the deepest sense of cratitude to the democrats of the North for their confidence and symmetric descriptions.

are of one mind and neart in the indulgence of the deepest sense or gratitude to the democrats of the North for their confidence and sympathy when we were weak and oppressed. We know that this sensibility to the suffering of our people has involved many of them in the loss of great opportunities to serve the country in eminent places, and has caused them even suffering and disparagement. We would more than deserve all that we have had to suffer if we could now turn coldly away from them and censure their motives by asking them to dishout their coverage and disparad their coverage. them to disband their organization as a dishonored thing, and to distribute themselves among other political parties, new or old, in search of more favorable opportunities to regain power or position. I can never cease to remember with gratitude, affection, and pride the labors and sacrifices of the democrats of the Senate from the Northern States in behalf of the people of the South since the close of the civil way. They can paye be forgetten. The remember to see the civil way. of the civil war. They can never be forgotten. The remotest posterity will fully understand the motives of their labors, their self-denial in our service, and the great ability with which they defended a helpless people against organized injustice and oppression. Let those who will now "bend the pregnant hinges of the knee" to the

arrogant demands of centralized power "that thrift may follow fawning;" let those who fear to espouse the right for its own sake invite the hastening steps of imperial power in its march against the heart of the Republic. They can never claim to share in the honorable renown of those men who in leaving the Senate will leave to the country a glorious record of duty well performed, of faithful allegiance to right and justice, and of courage equal to the highest demands of constitutional liberty and to the defense of the poorest and humblest man in all our wide borders.

Mr. President, we ought to unite now in forcing upon the attention of this country the doctrine of the right of local self-government in favor of the negroes in the District of Columbia. While that doctrine was never put in the Constitution of the United States with my personal assent, it has received the sanction of my oath as a Senator, and I am bound to uphold it even against the republican party. Let the republicans come forward now and show this country that they are what they pretend to be, men who are devoted to the idea of the equality of citizenship among all classes in this country without respect to race, color, or previous condition of servitude.

The PRESIDING OFFICER. The Chair will now lay before the Senate the unfinished business of yesterday.

PRINTING OF SURVEYS.

Mr. BROWN. Before that is done, I desire, without interfering with the regular order, to ask leave, by unanimous consent, to introduce a resolution instructing the Public Printer to furnish the Senate copies of certain printed surveys that are necessary for the use of

The PRESIDING OFFICER. The resolution will be read, in the

absence of objection.

Mr. BROWN. I ask for the consideration of it, and I think there will be no debate about it.

The resolution was read, as follows:

Resolved, That the Public Printer be, and he is hereby, directed to furnish to the Senate, at the earliest practicable moment, copies of the surveys furnished by the Chief of Engineers of the Altamaha, the Ocmulgee, the Oconee, the Canoochee, and the Savannah Rivers, between Savannah and Augusta, and also the survey of Romney Marsh, near Doboy, and the mouth of Jekyl Creek, as the printed copies of such surveys are necessary for the use of the Senate.

The PRESIDING OFFICER. Is there objection to the present con-

sideration of the resolution?

Mr. COCKRELL. I must object to it unless there is an addition Mr. COCKRELL. I must object to it unless there is an addition made to it which will include all other surveys made. It is not right that the Public Printer should take up the whole time in printing these special reports when surveys have been made in Missouri and elsewhere that ought to be furnished to the Senate.

Mr. COCKRELL. I know they are not in. I move as an amend-

Mr. BROWN. The others may be in.

Mr. COCKRELL. I know they are not in. I move as an amendment to add "and all other reports of surveys."

Mr. WHYTE. I should like to suggest to the Senator from Georgia that the resolution had better go to the Committee on Printing. There may be some reason why this work should not precede other important work now in the hands of the Public Printer.

Mr. BROWN. I beg the Senator not to urge the reference, for the reason that if we do not get these reports of surveys so that we can lay them before the Committee on Commerce before it makes up its bill on rivers and harbors, it will refuse to consider ampropriations. bill on rivers and harbors, it will refuse to consider appropriations for any rivers and harbors where this estimate has not been made by the Engineer Department. I have been twice to the Chief of Engineers, and he informs me that these reports have long since been delivered over, and are in the hands of the Public Printer. I suppose they are simply lying by while some other printing is being done. They are very important, and if the resolution is referred to the Committee on Printing the matter may be delayed and we not get the reports in

Mr. WHYTE. I will say to the Senator from Georgia that there will be no delay. The Committee on Printing has its work entirely up. The resolution can be reported to-morrow if there is good reason

why the matter should be urged.

Mr. BROWN. With that understanding I have no objection.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

BEN. HOLLADAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 231) for the relief of Ben. Holladay, the pending question being on the amendment proposed by Mr. Kernan, to strike out all after the enacting clause and insert a substitute.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. McPherson] is entitled to the floor.

Mr. McPherson. Mr. President, when I took the floor last evening I intended to discuss somewhat at length the relation which the testimony here presented bears to this case, but as I read the very able and exhaustive sneech of the Senator from Delaware [Mr. Bayard.]

and exhaustive speech of the Senator from Delaware, [Mr. BAYARD,] which I had not the pleasure of listening to yesterday, it has rendered that course by me entirely unnecessary. Therefore I shall de-

contractor that he should receive not only the support of the Government but reimbursement for his losses. I was referred to the testimony of the petitioner; I was referred also, I think by the honorable Senator from Indiana, [Mr. VOORHEES,] not now in his seat, to the testimony of General Craig. Upon examining that testimony I find it nowhere stated in the testimony of General Craig that Mr. Lincoln had agreed to recompense Mr. Holladay for losses sustained by reason of Indian depredations or otherwise. I do find, however, in a letter which purports to have been addressed by General Craig to his superior officer. General J. G. Blunt, the following words: his superior officer, General J. G. Blunt, the following words:

I am in receipt to day of a dispatch informing me that the Postmaster-General has ordered the Overland Mail Company to abandon the North Platte and Sweetwater portion and remove their stages and stock to the route south of this, running through Bridger's Pass.

I have no doubt General Craig refers to the letter of the Postmaster-General which the honorable Senator from Wisconsin [Mr. Cameron] who makes this report introduced yesterday as testimony. This appears to bear date of the 7th day of July, 1862, and only three days preceding the letter to which General Craig refers. Inasmuch as the letter, or order, as it is called, of the Postmaster-General has been submitted to the Senate as testimony in this case, I will take the privilege of reading it:

Overland Mail Company. Ordered:

What is the order?

Permit change of route-

Not "order." The contractor is not ordered to change; he is allowed to "permit change of route"-

so as to leave present road and keep along the South Platte and Cherokee Trail via Bridger's Pass, and intersect present route at Fort Bridger, shortening the distance one hundred miles, provided the offices on the present route omitted by the change be supplied with the mails once a week.

Here is not an order of the Postmaster-General to remove the petitioner from the old route to the new one, but he is permitted to make

tioner from the old route to the new one, but he is permitted to make the change.

Mr. CAMERON, of Wisconsin. Will the Senator allow me a moment? It is not claimed by any one that the change of route made in 1862 was made pursuant to any military order. It is claimed, however, that the Indian disturbances on the north route were so great that the route could not be maintained, and consequently it became necessary for that reason to change it. The north route was exposed to Indian incursions at any time; the south route was farther removed from those hostile Indians; and for that reason it was thought advisable to make the change. It is only claimed that the Post-Office Department authorized or at least consented to the change upon the conditions stated in the order just read by the Senator from New Jersey.

Mr. McPHERSON. I fully agree with the honorable Senator in that view of the case, that the Post-Office Department permitted and that the military authorities advised the change for the reason stated, but it appears here—and I ask the attention of the Senate especially to this point—that by the change of route it shortened the distance one hundred miles over the route then employed by the petitioner in the transportation of the mails. I wish to call attention to another very important phase of this question, that while the order advised or permitted a change of route it did not relieve Mr. Holladay from the performance of his contract, a portion of his contract at least, upon the old route, because it required him to transport the mails over the old route or to the intermediate offices at least once a week. With respect to the testimony of General Craig I will go further. He says in the same communication to General Blunt:

My instructions require me to protect the Overland Mail alone, the telegraph line and emigration not being mentioned.

Showing that an extraordinary amount of protection was given to the petitioner, Mr. Holladay, in the transportation of the mails which was denied to the telegraph company and to the different trains passing over that route. What further does he say?

I am satisfied that the mail company and the Government would both be benefited by the change of route at a proper time, and so wrote the Postmaster-General some weeks since.

I am also cited by I think the honorable Senator from Kentucky to the testimony of George K. Otis. On examination of the testimony of Mr. Otis it appears—I will read his own language:

I was not present at the interview-

Speaking of the interview between President Lincoln and Mr. Holladay

but Mr. Holladay returned and informed me he had a very pleasant interview with President Lincoln, and that President Lincoln said that on no account must the road be stopped; that at all hazards the mail must be carried, and that he would be fully protected by the Government, and that he would be indemnified for his

He was not present at the interview, but Mr. Holladay informed him on his return; therefore it is the testimony still of Mr. Holladay. But we go further in that testimony. We find upon one occasion he did come to Washington as the agent of Mr. Holladay, and we will read his own language on this interview:

I saw President Lincoln, and told him what I wanted and what we must have. President Lincoln listened to what I had to say, and said: "Mr. Otis, we are in a

great strait with the country to-day; at this time we have very few, if any, troops to spare. But I want you to understand, as the agent of Mr. Holladay, that this line must, under no consideration, be stopped."

What did Mr. Lincoln do? He gave him a letter to General Curtis and he instructed General Curtis to take steps to furnish the line with troops, to see that it was thoroughly and fully protected, as it was of the most vital importance to the welfare of the country. He

I took his letter and presented it to General Curtis. General Curtis did everything that was in his power to protect us, and the line was restocked, and we continued to run it.

In other words, after the measure of protection which Mr. Lincoln had authorized General Curtis to afford, they continued to run the line, the measure of protection being afforded. I understand that there is nothing on the part of the promise of Mr. Lincoln to either Mr. Holladay or his agent, so far as it appears from any testimony other than the testimony of Mr. Holladay himself, that any promise of indemnification was given, but simply a promise of protection, and

of indemnification was given, but simply a promise of protection, and the protection was afforded.

Mr. President, this case, as I understand it, is a very plain one. Mr. Holladay agreed to transport the mails. There is no provision of his contract exonerating him from carrying the mails, nor is he entitled to any claim upon the Government by reason of any act of the country's enemy. If he found it impossible to transport the mails by reason of Indian hostilities, he had the right to appeal to the equity of the Government, and the Government would have released him from the obligation of a contract which he could not perform by reason of the enemy. Mr. Holladay did appeal to the Government, saying that there were depredations upon his mail-route by Indians, and the military power of the Government advised him to change his route. He did change his route and did receive the protection which the Government had the country of the Government advised him to change his route. did change his route and did receive the protection which the Gov-

ernment promised.

Now Mr. Holladay comes to the Senate and demands in addition to Now Mr. Holladay comes to the Senate and demands in addition to the sum of \$359,739 as compensation for depredations by Indians the additional sum of \$50,000, which he claims to be an amount of money expended by him in removing his stations from the old to the new route—from an old route where without conditions he had agreed to transport the United States mails to a new route over which the Government promised him protection. It was clearly to the advantage of Mr. Holladay to make this change. To continue upon the whole route would have subjected his buildings and his stock to certain capture. To go upon the new route would be to afford him such protection as the Government could give him. Considering the vast capture. To go upon the new rouse would be to allore him steen protection as the Government could give him. Considering the vast amount of money which he had voluntarily and, as I claim, in the performance of his contract, needlessly exposed to the perils of capture, considering as I say this vast amount of property consisting of stores that were intended to be sold to the ranchmen and to the trains stores that were intended to be sold to the ranchmen and to the trains passing over the line, in addition to vast appliances needed for hotel accommodations for the travelers over the plains, in addition to the seventeen hundred and fifty horses and mules and one hundred and ten coaches, used mainly for the same purpose, it seems to me to have refused that protection would have been madness. The Government by that issued to Mr. Holladay a policy of insurance, and the only premium on insurance that Mr. Holladay was to pay was the simple cost of transferring his stations from one route to the other. The protection was given him. Now, after he has received not only the cost of transferring his stations from one route to the other. The protection was given him. Now, after he has received not only the protection for the stock needed for carrying the mail but the protection for all the property, amounting, as I have somewhere heard it stated, to nearly two million dollars, Mr. Holladay comes back here and demands that the Government should pay him back the premium, and that, too, a sum to be fixed by Mr. Holladay's own employés and without permitting the Government to have a single word to say about it, without permitting the Government to bring competent testimony to prove the nature of the claim.

I remember, in 1878, when the bill was under discussion by the Senate, the honorable Senator from Kansas, [Mr. Plumb,] who is not now in his seat, on that occasion thus characterized this bill. With the permission of the Senate and without sending it to the Secre-

the permission of the Senate and without sending it to the Secretary's desk to have it read, as I only wish to read detached portions of the speech, I will read it from my own place. First:

of the speech, I will read it from my own place. First:

But coming back to this question of the destruction of property on this overland route, there was not during the entire war a single troop from Kansas on the route until I took my own regiment out there in the spring of 1805, and as long as this matter has been mentioned I may say further that while on the route, and while under direction to see that that mail was carried at all hazards, I did carry it on nearly three hundred miles of the route of Mr. Holladay for nearly two months, during which time he had not a teamster or a mule of his own on that part of the line—carried it with Government mules and Government horses, with Government private soldiers as drivers. Now, I submit that if this man is to be paid, the Government is entitled at least to a recoupment for the full amount of that service so rendered. It was a part of it which I did not care to say anything about. More than all that, it was a part of the nuwritten history, and it was a part of the history in the mouths of all men along that route, that every time a coach was taken there were at least a dozen mules counted against the Government that had not been taken at all, and that was the talk among Mr. Holladay's employés themselves. I say from the knowledge I have that I believe two-thirds of this claim is just as base a fraud as was ever attempted to be imposed on the American Congress.

Still further:

Still further:

It is nowhere stated in this report, nor is it stated by a single member of the committee on this floor, that Mr. Holladay did not receive ample pay in the \$365,000 per annum which he was to receive under his contract. It is true that the argument of this committee all the way through is upon the assumption that as the Government was bound to have that mail carried it was bound to respond in damages to Mr. Holladay for all he lost while carrying the mail. But the obligation to carry the mail was all on the part of the Government until that contract was let out, and

then it became the obligation of Mr. Holladay, and in assuring Mr. Holladay that he should have protection in carrying the mail Mr. Lincoln and his Postmaster-General or any other authority of the Government only did what; tid did nearly every day during that time with reference to the men who were pushing out upon the border and with reference to the men who were carrying freight across the plains. They did it in regard to all of them. There was not a man who had a train to take from Leavenworth or Omaha to Salt Lake City that did not importune the military commanders for help and did not receive assurances that he should have protection. They all stood upon precisely the same footing; and by the same token if Mr. Holladay is to be paid, those men whose trains were plundered, whose mules and cattle were run off by the same Indians, ought to have their pay also, because they were under the promise of protection of the Government. The Government did assume and did try to protect Mr. Holladay. It did protect him in a larger measure than it protected anybody else engaged in business on the plains during those years. It intended to do it. It did it for its own purposes. It wanted the mails to go through, notwithstanding it cost more by the effort to do it than would have been required if it had not had it to do; but it did it, and the fact that it assumed to do it, the fact that it cost thousands and hundreds of thousands of dollars in order to do it, instead of constituting a claim on the part of Mr. Holladay against the Government, ought to be the other way. The Government spent money, spent lives, in protecting that route, just as it spent money in protecting other private property; and yet no one is to be indemnified but he, a mail contractor, having a contract large enough, intended to be large enough to cover all the contingencies of that service, and it is large enough to cover them. He is the only man who comes in here and seeks to be repaid for his losses!

I say that even under the theory which the commit

Again:

Again:

The houses that Mr. Holladay built upon that line of road, every house, and every stable, and every corral were just as much his property for other purposes as for the purposes connected with the mail-route. The houses there were just as valuable for other purposes as the house of the ranchman was. In addition to the houses having been used, as the most of them were, for purposes connected with carrying the mails, they were used for other purposes connected with the overland travel. They were partially hotels for passengers who traveled in the stages; they were engaged in the overland trade generally. A large proportion of this property was in no sense used by Mr. Holladay for the purposes incident to or connected with the carrying of the mails.

Mr. President, the testimony of the honorable Senator from Kansas was easily attainable. It is nowhere stated in the report that the committee had availed itself of the opportunity always present of securing his testimony. And yet the Senate deliberately took up this bill at a time when that honorable Senator is absent from his seat, a bill at a time when that honorable Senator is absent from his seat, a Senator whose high character and whose professed knowledge of all the facts governing this case would make his statements of great value to the Senate in informing the gentlemen of the Senate respecting the rightfulness of his claim. I say at such a time the Senate has decided to consider this bill, and, if possible, reach a final determination and decision upon it. This seems to me to be a departure from the usual custom of the Senate. It certainly is not attended with the same degree of caution which has characterized the legislation of this body since the democratic party became the dominant party here. It was owing largely to this class of legislation, doubtful in its character, that the democratic party was given a majority in this Chamacter, that the acter, that the democratic party was given a majority in this Chamber. Our republican friends, if distinguished for anything, have been for their generous use of the Government money and Government credit, and they have wondered strangely at the audacity of the peo-

ple in attempting to criticize their proceeding.

Mr. President, this petitioner, we are told, has been for fourteen long years knocking at the doors of Congress for relief. During ten years of that long and weary period—certainly long and weary years for Mr. Holladay, if report be true—the republican party was in control of both Holladay, if report be true—the republican party was in control of both branches of the Federal Congress; and during that whole time, when the testimony was easily attainable, when the facts upon which this claim is based were known to all men, a claim so equitable, we are told to-day, that even testimony is not needed at this late day to prove its justice, why was it so long delayed? I cannot account for it except upon the idea that as the country then understood this case and others of like character it required the exercise of a little more courage than was prudent for any political party to indulge in. Certainly, considering the justice of this case, it was a very cowardly act, and for one I feel disposed to vote for a postponement of the day of deliverance of this gentleman to such time as our republican friends may have full credit for doing him justice.

Mr. CONKLING. Does the Senator mean the 5th of March?

Mr. MCPHERSON. I will say to the honorable Senator that if all we hear and read be true the day is not far distant—he will not have

we hear and read be true the day is not far distant-he will not have

long to wait.

Now, Mr. President, let me say in all seriousness to my friends on this side of the Chamber, that in the hour fixed by rumor when the scepter is to depart from us, let us not signalize it by a departure from the caution which has characterized all our conduct since we have been in control and enabled us to give direction to the legislation of this body; for certainly it can be said with respect to the Senate, and especially so—and to its credit be it said—with respect to the House at the other end of the Capitol, that the legislation has been of a character favoring economy and retrenchment, and opposed to jobbery in every form.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, [Mr. KERNAN.]
Mr. EDMUNDS. Let it be read.

The PRESIDING OFFICER. The amendment will be read by the

Secretary.

The Chief Clerk read the amendment of Mr. KERNAN, which was to strike out all after the enacting clause of the bill and insert:

That Ben. Holladay be, and he hereby is, authorized and empowered to institute and prosecute an action in the Court of Claims against the United States for the recovery of any amount for which the United States are justly liable to him on account of any seizure or destruction by hostile Indians of property owned and used by him in performing his contract with the United States to transport the mails on what was known as the Overland Mail Route, between the Missouri River and Salt Lake City, between the year 1860 and the 13th of November, 1866; also on account of any loss of property and expenses incurred in changing his route in carrying the mail, in compliance with the orders of the United States commanding officer, and also for any property owned by said Holladay and taken and used by United States troops; and the said Court of Claims is hereby authorized to hear and determine said suit upon the merits and render judgment therein in accordance with the rights of the parties.

SEC. 2. That either party shall have the right to prosecute an appeal from the judgment of the Court of Claims is to the Supreme Court of the United States at any time within sixty days after the rendition thereof.

SEC. 3. That if the said Holladay shall not commence said action in the Court of Claims within six months from the passage of this act, and prosecute the same to effect, then the said claims hereinbefore mentioned shall be forever barred.

Mr. EDMUNDS. Mr. President, I think that I am in favor of this

Mr. EDMUNDS. Mr. President, I think that I am in favor of this amendment in substance. Probably if the Senate were inclined to send this matter to the Court of Claims, some little change ought to be made in some of its phraseology, and possibly we ought to provide for the use of any affidavits and other ex parte testimony that may have been taken in support of this claim before Congress or in the Executive Departments where the affiants are now dead or beyond reach, taken for what weight they are entitled to, the matter has been running so long. It is now almost twenty years since the matter began, the event of carrying the mail, and it is fifteen years since it terminated; and if this claimant has been justly and earnestly enit terminated; and if this claimant has been justly and earnestly endeavoring to have his claim disposed of by Congress, upon the theory, right or wrong in point of law—and I say nothing as to whether it is right or wrong—that the Court of Claims had not adequate jurisdiction to give him the redress to which he thought himself entitled, that may be sufficient excuse for his coming here at all, and for his not having sued the United States in the Court of Claims for a breach of any contract express or implied that the law authorized him to proceed about. In such a case I should be willing ordinarily, and stating it with reserve and with qualifications, to allow ex parte affidavits to be considered by the court if the affiant was, when the matter came to a judical investigation, beyond reach, so as not to deprive a sincere claimant of any means of supporting his pretensions, on account of the accident of death or emigration or whatever it might be, count of the accident of death or emigration or whatever it might be,

count of the accident of death or emigration or whatever it might be, while he had been sincerely seeking redress in a tribunal that he believed to be the only one that had adequate jurisdiction to consider the grievance that he thought he ought to be compensated for.

The question then is, subject to what I have said, whether this matter ought to be sent to the Court of Claims at all, or whether the Senate ought on the recommendation of the Committee on Claims to pay out of the Treasury of the United States more than half a million of dollars upon such evidence and upon such conclusions and facts as the committee have reported to us. If the case is so clear in respect of principle, of history, and of the quantum of redress to which this claimant thinks himself entitled, that there is left no reasonable doubt in the minds of any considerable number of Senators as to the propriety of requiring the tax-payers to pay this half a million of propriety of requiring the tax-payers to pay this half a million of dollars, then we ought to pass this bill. If there is such a reasonable doubt arising from the imperfections of ex parte testimony, the difficulties as to a complete and sifting development of the circumstances under which these events occurred, and in respect of the valuations and estimates put upon property consumed and destroyed and so on, as to leave us in a certain degree of maze as to the quantum of justice, if any be due, that ought to be administered, then certainly in some way doing impartial justice to this claimant and to those against whom he makes the claim, the people of the United States, we ought to provide for some sort of an investigation where both sides can be heard; where witnesses can be examined and cross-examined; and where documents and reports of officials on every side during transactions, of the Interior Department as connected with the Indians and of the War Department as connected with hostilities and of the Post-Office Department as connected with changes of routes and changes of stations, can be fully and fairly heard and scrutinized and considered.

I am sure, Mr. President, that the most ardent advocate and be-liever in the totality of this claim would scarcely controvert what I have so far said. Now, I confess I have a great sympathy with Mr. Holladay; he is one of those brave and energetic men who do so much toward extending and protecting civilization on the border; but there are two things that have struck me in the report of this committee, though perhaps I should state more correctly that it is the want of two things that has struck me. In the first place, the Committee on Claims has not, so far as I can discover, furnished us with the original contracts under which this service was performed, so that every Senator could see whether or not the quantum of compensation that was to be allowed for this service had been largely enhanced in order to cover the risk of these very Indian depredations

of which we hear so much. Certainly it is within the competence of a citizen of the United States to engage to carry the mail anywhere and to take all risks of fire and sea and flood and robbery and hostiland to take all risks of fire and sea and flood and robbery and hostility if the United States are willing to pay him a sum which in his judgment will enable him to run the risk with a fair prospect of meeting with an adequate reward. Nobody can doubt that, And yet, so far as I have been able to discover in the papers that have been printed and submitted to us, we do not have presented the written arrangements under which, controlling the service, this claim is made. I am sorry for it. I would not have anybody suppose that I mean to intimate that these are withheld either by the committee or the claimant because they might be supposed to be adverse to his claim. I rather attribute it to the committee, having taken it for granted that here was the fact, supposed that it was of no consegranted that here was the fact, supposed that it was of no consequence to consider under what special circumstances and contracts and arrangements this service was performed. That is all I mean to say in respect to the absence of this contract. But feeling a certain interest to know what sort of a contract it was, I succeeded in persuading the Post-Office Department to furnish me with a copy of the original of this contract, which the Department, it appears, has taken great pains to certify in the most formal manner.

The first curious thing that strikes one about this contract is that

it does not appear to have the slightest relation to the route or service which grew up under it; but that is according to our methods of legislation and administration. This is a contract—and the Post-Office Department informs me that it is the contract under which this service was performed—a contract for carrying the mails from Saint Louis, or somewhere, by way of Little Rock and El Paso, to the Pacific coast. There it began in 1857 or 1858. It contained these provisions, because it does go down and connect itself with this

Mr. COCKRELL. Will the Senator from Vermont permit that to

be printed in full?
Mr. EDMUNDS.

Mr. EDMUNDS. I will permit anybody to do anything.
Mr. COCKRELL. Let it go into the Record. I think it ought to go into the Record. A resolution was passed some time ago asking the Postmaster-General to furnish to the Senate copies of all contracts in which Mr. Holladay was interested, and I have on my desk the report that he made. I do not think that contract was included in it at all.

the report that he made. I do not think that contract was included in it at all.

Mr. EDMUNDS. Probably not.

Mr. COCKRELL. I supposed that it was under some one of these contracts that this service was performed.

Mr. EDMUNDS. Probably this contract was not included in the report referred to; and that is another of the curious things about this business, because this contract and its modification which appears on the back of it, transferring this service from the southern route by Santa Fé and El Paso to the central route by Salt Lake and Denver, does not appear to be connected with Mr. Holladay at all, and he is neither principal nor surety in it, and the so-called Overland Mail Company, instead of appearing to be a corporation by that land Mail Company, instead of appearing to be a corporation by that name, appears by this contract to be a body of individuals who enter name, appears by this contract to be a body of individuals who enter into this contract, and sign one as president and others as members, and so on, but Mr. Holladay's name nowhere appears, and when you come to its modification, as it is called, by which this southern service is moved up to the central route, as it is called, by Salt Lake this claimant's name nowhere appears. And if I am correctly informed in my personal struggles at and in the Post-Office Department, Mr. Holladay's name as a contractor with the Government, either as principal. laday's name as a contractor with the Government, either as principal

laday's name as a contractor with the Government, either as principal or surety in respect of this service, nowhere appears.

It was stated, I think by the Senator from Kentucky [Mr. WILLIAMS] yesterday, that Mr. Holladay was a surety for the performance of this obligation by somebody to carry the mail by Salt Lake from Saint Jo to Placerville, in California, and that the company getting into distress this surety was obliged to take it up. The Post-Office people tell me that they do not know anything about that; that all they have got is the papers, and all the papers they have shown me nowhere contain Mr. Holladay's name; and as I say, I have been struggling now for about forty-eight hours to find out what there was there, by letter, by telegram, and by personal visitation and so on, so as to explore this transaction, and try to pick up the threads that the committee did not seem to think important, but that I thought were for my own information. That is where the matter bethought were for my own information. That is where the matter begins and ends; and yet there is no doubt that in some way this gentleman has under these contracts done a certain service. If he has tleman has under these contracts done a certain service. If he has done it directly with the United States, then it is very strange that the Post-Office Department cannot tell any of us under what written authority or stipulation it has been done. I do not say that he has not, because I have found by experience that it is not always possible for a simple and humble Senator to get all the ins and outs of the Post-Office Department on short notice; not that they would wish to conceal anything, but the thing is so emplicated that we are breach rost-Omce Department on short notice; not that they would wish to conceal anything, but the thing is so complicated that no one branch or department that you happen to strike happens to be in possession of the whole arrangement; and so I begind not be suppose that I am reflecting on the Post-Office Department. But here we are. All that they say they are able to give me is this contract for a southern transportation from Little Rock, going from Memphis and Saint Louis both, by El Paso to the Pacific coast, and a modification which moves this service up to a route from Saint Jo, to begin with, and afterward Atchison, by way of Salt Lake, to Placerville, in California.

Now we come to find out under what provisions of law the service was performed. On the 3d of March, 1857, in the Post-Office appropriation bill it was provided in the tenth, eleventh, twelfth, and thirteenth sections, as follows:

SEC. 10. And be it further enacted, That the Postmaster-General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from such point on the Mississippi River as the contractors may select, to San Francisco, in the State of California, for six years, at a cost not exceeding three hundred thousand dollars per annum for semi-monthly, four hundred and fifty thousand dollars for weekly, or six hundred thousand dollars for semi-weekly service; to be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster-General.

SEC. 11. And be it further enacted. That the contract shall require the service to be performed with good four-horse coaches—

That is important with reference to the remark of my eloquent friend from Kentucky yesterday as to how this gentleman went to Concord, in the State of New Hampshire, or some other great wagon place and, discarding the ancient carts and mules and donkeys and things that used to carry the mails, got these very fine vehicles:

SEC. 11. And be it further enacted, That the contract shall require the service to be performed with good four-horse coaches or spring wagons, suitable for the conveyance of passengers as well as the safety and security of the mails.

Now comes section 12, which may be quite material if the Senate is to consider this matter itself and not send it to the Court of Claims to consider how rich this contract was and how great inducements were held out to the undertakers by way of compensation to guard against the risks and perils of Indian depredations:

SEC. 12. And be it further enacted. That the contractors shall have the right of pre-emption to three hundred and twenty acres of any land not then disposed of or reserved, at each point necessary for a station, not to be nearer than ten miles from each other; and provided that no mineral land shall be thus pre-empted.

That provided that the contractors should be entitled to pre-empted and take up three hundred and twenty acres at every ten miles over this 1,500 to 1,800, miles as I suppose it was, but 1,500 is near enough for the general consideration I am advancing. That would be 3,200 acres for every one hundred miles at points at which necessarily emigration would center itself; that is at each station, and where emigration gathered around the station by settlement of other people there would be a village, and land would become valuable, it would be a village plot.

be a village plot.

Then the thirteenth section of this act provided as to the length of time required for the trip, twenty-five days, and required security, &c. Under that statute this first contract of 1857 was made by these overland-mail people, as they are called, for the southern route. Following that and coming down to this particular service, we find this in the act of 1861. The fifteenth section of the act of February 27, 1861, makes this provision:

That the Postmaster-General is hereby authorized and directed to advertise for proposals for the daily transportation of the entire mail, overland, between Saint Joseph, Missouri, or some other point on the Missouri River, connected by railroad with the East, which may be selected by the contractor, and Placerville, California, over the central route, the bids to be received till the first Monday of April, 1861, and the service to commence July 1, 1861, or as soon thereafter as possible, and to terminate July 1, 1865. And the Postmaster-General is hereby directed to award the contract to the lowest responsible bidder furnishing ample guarantees of his ability and disposition to perform his contract: Provided, That the amount of his bid shall not expeed \$800,000 per year: Provided, That the contractor shall supply Denver City and Great Salt Lake City at least semi-weekly without extra charge: And provided further. That the letter and newspaper mail shall be carried through in twenty days, and the pamphlet, magazine, periodical, and public document mail in thirty-five days. But the Postmaster-General may authorize the carrying of said pamphlet, magazine, periodical, and public document portion of the mail by steamship route, at least semi-monthly to San Francisco, if desired by the contractor, and if said service is performed at the contractor's expense.

That is material for Senators to remember in connection with what

That is material for Senators to remember in connection with what That is material for senators to remember in connection with what was said, I think by my friend from Kentucky yesterday, as to the enormous amount of this transportation in point of weight, and therefore that it required an enormous expenditure of force and money to carry this mail in those troublous times; whereas it appears, money to carry this mail in those troublous times; whereas it appears, from my examination at the Post-Office Department, from their records that during all or the greater portion of this time this heavy mail was carried by way of the steamship route to Panama and to San Francisco, and was paid for out of this contract, which from \$500,000 went up to a million at the same session, as you will see presently. So that apparently it was only the latter mail in substance that was carried, and about one hundred and sixty thousand dollars every year was paid to the steamship people out of this million for carrying the heavy part of the mail the other way.

Then this provision goes on:

And provided further, That the contractor shall not be required, in addition to the letter mail, to carry more of the newspaper mail by the twenty-day schedule than will make the average weight of the whole mail one thousand pounds per

That is equal to about six or seven passengers-

and the remainder, if any, of the newspaper mail shall be carried on the thirty-five-day schedule above provided for.

That was the act of 1861. At the same session it was found convenient by somebody to modify that still further. Then we find this provision in the ninth section of the act of March 2, 1861:

That in lieu of the daily service on the central route, provided by the act entitled "An act for the establishment of post-routes," approved February 77, 1:61—

Four days before the one I have just been readingthe Postmaster-General is hereby directed to discontinue the mail service on route number 12578And that is the route in this contract which the Post-Office Department has furnished me—

from Saint Louis and Memphis to San Francisco, California, and to modify the contract on said route, subject to the same terms and conditions—

Among which was this pre-emption provision, and another one which Senators will see when they read it, which authorized the Postmaster-General to change the route for sundry reasons that it might be necessary, and under which, as appears in the records at the Post-Office Department that I saw myself this morning, the route was changed and swung to a place one hundred miles shorter on the application of the contractors. Whether it was the same above that it makes the contractors. Whether it was the same change that is spoken of here in order to get rid of Indian depredations, I am not sufficiently familiar with the geography of the affair to know; but it was swung to a route that goes by the Cherokee trail, Bridger's Pass, &c., which was represented to be one hundred miles shorter than the one that the original contract required. The act proceeds:

the original contract required. The act proceeds:

Hereby directed to discontinue the mail service on route No. 12578 from Saint Louis and Memphis to San Francisco, California, and to modify the contract on said route, subject to the same terms and conditions only as hereinafter provided, said discontinuance to take effect on or before July 1, 1861. The contractors on said route shall be required to transport the entire letter mail six times a week on the central route, said letter mail to be carried through in twenty days' time, eight months in the year, and in twenty-three days the remaining four months of the year, from some point on the Missouri River connected with the East, to Placerville, California, and also to deliver the entire mails tri-weekly to Denver City and Great Sait Lake City. Said contractors shall also be required to carry the residue of all mail matter in a period not exceeding thirty-five days—

Here comes the heavy part of it, about which observation has been

made—
with the privilege of sending the latter semi-monthly from New York to San Francisco in twenty-five days by sea, and the public documents in thirty-five days.

That is to say, it was supposed by this statute, and very rightly, no doubt, that the proceedings of the Senate and House of Representatives were of far less consequence to the public of the Pacific coast than the ordinary pamphlets and weekly newspapers and advertisements, and so forth, that private citizens put forth. That was a discrimination against ourselves to the extent of ten days, which no doubt was well warranted in those times; it would not do now at all doubt was well warranted in those times; it would not do now at all, of course. [Laughter.]

They shall also be required during the continuance of their contract, or until the completion of the overland telegraph, to run a pony express semi-weekly at a schedule time of ten days eight months, and twelve days four months, carrying for the Government, free of charge, five pounds of mail matter, with the liberty of charging the public for transportation of letters by said express not exceeding \$1 per half ounce.

That was part of the privilege of these contractors—that they might carry private mail-matter on their own hook and charge a dollar per half ounce for the rapidity with which they did it.

For the above service said contractors shall receive the sum of \$1,000,000 per annum, the contract for such service to be thus modified before the 25th day of March next, and expire July 1, 1864.

Mr. COCKRELL. What was the date of that act?
Mr. EDMUNDS. The 2d of March, 1861. Now I find on the Post-Office books—I do not know that it is here because I have not had time to examine this contract very fully and read it through as it only came to me a short time ago—a copy of the modification of this contract made on the 12th of March, 1861, only ten days after the passage of the act, by which the original contractors, by their president, as he is called, Mr. Dinsmore, and by Mr. Alvord the superintendent, agreed to a modification of the contract in accordance with this act of the 2d of March, 1861; the result of which was that the transportation by the southern route was abandoned and the transportation this act of the 2d of March, 1861; the result of which was that the transportation by the southern route was abandoned and the transportation by this route was adopted; the compensation was increased from \$600,000 a year to \$1,000,000 a year, with the right of the contractors to run their pony express and carry private mail matter at a dollar per half ounce, and with all the privileges of pre-emption, &c., of the public lands that the original contract by the southern route gave, and with the provision that appears in this original contract that:

If obstacles, such as the want of water, or feed, or physical obstructions, should be found between the points herein designated, so that time cannot be made, and a better line can be found between those points, the Postmaster-General may vary the route to such better line.

Then there is another provision in this original contract, (which

Then there is another provision in this original contract, (which was also modified as I say, in the way of getting \$400,000 more compensation and another route and so on,) that the contractors undertake to guard the mail against injury, loss, destruction, and "for carrying it in a place or manner that exposes it to depredation, loss, or injury by being wet," lost or destroyed, &c.

So, then, according to the apparent reading of this original contract, the price paid, with the privilege of pre-emption, &c., was supposed to be measured somewhat in accordance with the difficulty and the risk of that species of transcontinental transportation through uninhabited and unsettled countries where the elements and the Indians usually prevailed. Then when we come to the change of this route, preserving these beneficial provisions for both sides of changes route, preserving these beneficial provisions for both sides of changes and modifications of route for greater safety, there appears to be retained, the advantage of the pre-emption every ten miles of three hundred and twenty acres of land, two quarter sections as they are called in the land laws, and an increase of the compensation from \$600,000 to \$1,000,000 a year, and with the privilege of carrying private mail matter in their rapid pony express contrary to the ordinary

statutes and policy of the United States, at the rate of a dollar perhalf ounce. There they stood.

Mr. THURMAN. May I interrupt my friend from Vermont to ask him, is the term "private mail-matter" in the statute?

Mr. EDMUNDS. Yes, the statute provides that they may carry it. Mr. THURMAN. What is meant by "private mail-matter?"

Mr. EDMUNDS. Private letters, &c., which the ordinary statutes do not allow a mail-carrier to carry over a mail-route.

Mr. THURMAN. Were these contractors allowed to carry it themselves, to set up a post-office of their own and receive it?

Mr. EDMUNDS. Precisely, to the extent of this fast pony express. They might carry anything that anybody chose to send. They must only carry five pounds for the United States (that is the limit) on the pony express, but they could carry any quantity they liked of private mail-matter, exactly the same thing that is within five pounds in their lock-pouch, for private citizens, and they might charge a dollar per half ounce for it. per half ounce for it.

Mr. THURMAN. And those letters never go through the post-office

at all?

Mr. EDMUNDS. They never go through the post-office at all. These were the benefits and advantages: a million dollars a year, the right of pre-emption to three hundred and twenty acres at every ten miles, the right to send all the heavy mail matter, the printed matter, and the still worse than printed matter, such speeches as I am making at this present moment, and so on, by way of the Isthmus in thirty-five days at the ordinary transportation steamboat rates.

Mr. CONKLING. They did not come within the five-pounds limit?

Mr. EDMUNDS. No, it was not that small bottle of the elixir that my friend is so familiar with that enabled the man who possessed it to obtain at one glance all the hidden treasures of the universe, while his less intelligent companions were allowed to carry off the camel-

his less intelligent companions were allowed to carry off the camelloads of congressional documents. I believe that is the Arabian story; is it not?

his less intelligent companions were allowed to carry off the camelloads of congressional documents. I believe that is the Arabian story; is it not?

Here this man began; that is, the committee tell us he did. As I say, the utmost diligence that I am able to exert does not disclose to me in any record of Post-Office Department that they have shown me, that my good friend, Mr. Holladay, was en rapport with the Post-Office Department at all. He only appears there as the signer of receipts. Of course that is a very good attitude to appear in; but there it is. Mr. President, in the light of what the Senator from Delaware [Mr. Bayard] said yesterday as to the public obligation of the United States to defend everybody who has a contract with it against all the misfortunes in this world, it does appear to me that it is worthy of some consideration to inquire whether anything can be found in this contract and its modification, under which the Post-Office Department say this claim is made, that will justify us in deciding now and here that we have undertaken any duty of securing this transportation against a public enemy. That is the question.

I think we are rather apt to confound two quite distinct things in considering a matter of this kind, in respect of the nature of the Government of the United States. If the Government of the United States makes a bargain with me to furnish it a hundred bushles of oats to be delivered at Richmond, Virginia, I take it that the true rule of law and justice is that I stand in respect of the obligation of delivering those oats at Richmond, Virginia, precisely as if I had before in reference to my attitude to the Government of the United States. The Government of the United States (waiving all questions of State sovereignty and distinctions of qualification that we need not go into now) is bound to protect me as a citizen of the United States in the enjoyment of all my constitutional rights, and one of them is to make a bargain with you to deliver oats at Richmond. If the British or a Senate, and so on) to defend me; but I never heard in such a case that it was the duty of the Government to be an insurer; and if the British really destroyed my oats that the people of the United States were bound to tax themselves to pay for it. They were bound to do all they could, reasonably and fairly, to protect my rights, and no more. Therefore, every civilized government has always held to the rule that no private citizen had any legal or just claim against his government for injuries that a common enemy had inflicted upon him, if his government had exerted all the force of which it was reasonably capable to perform its duty toward him. In other words, the obligation of protection by a government is not one of absolute quality, but it is one of fidelity. If we were to hold otherwise, all the cotton that grows in that magnificent South which we have heard so magnificently described to-day, and all the humbler substance of hay that the grangers in New England and in all the North grow, and all the industry of every iron mine and manufactory and every other species of industry in this whole country, would be exhausted for twenty years to compensate the injury committed to citizens of the twenty years to compensate the injury committed to citizens of the United States by the late unpleasant circumstances that occurred between ourselves. Nobody holds, I think, on either side of this Chamber, that the duty of the Government of the United States has failed in the slightest degree because it has not compensated every

Union man in the South for what he suffered in consequence of a war Union man in the South for what he suffered in consequence of a war that his government could not prevent; or if the case had been reversed and the confederacy had triumphed, no man would have thought, I think, of any obligation on the part of the successful confederate government to compensate its loyal citizens for injuries that they had suffered as a consequence of war. That is not it. The duty of a government is a duty to exercise faithful diligence in protection;

Now, what did this Government do, and what did happen? Here was a contract that was carried from \$600,000 a year to a million, with pre-emptions and special privileges, and express provisions for changing routes from dangerous ones to safe ones, and the change here made had the effect of diminishing, if you believe the records of the Post-Office Department, the length of this route by a hundred miles at the request of the contractor and going another way, under which it is said that these losses occurred. With every disposition to do the fullest justice to this gentleman, I am not prepared to decide that he is entitled to half a million of money or the half of half

to do the fullest justice to this gentleman, I am not prepared to decide that he is entitled to half a million of money or the half of half a million of money. I wish to be further informed; I wish to have somebody scrutinize for me, by cross-examination and careful elaboration of the facts, the precise circumstances under which these events occurred and the precise degree to which this loss went.

Another thing has struck me as being unfortunte in the report of the committee, and that is when you come to the quantity of this claim, to the value of the horses, the value of grain, the value of buildings, (the property, it is said, of this gentleman, although there is no evidence of that fact before the Senate, it does not appear in these contracts; but I make no point about that; I presume in some way he has come to be the rightful proprietor of this claim,) you find produced by him only the affidavits of sundry persons, when I cannot doubt, although I know nothing about it, that an enterprise as great as this was carried on with some system, and that Mr. Holladay, or the Overland Mail Company, or somebody, kept books, as even the farmers in Vermont and Georgia and Oregon I have no doubt do, of their transactions; and therefore that it was within the power of Mr. Holladay or this company to present to the committee the books of their daily and annual transactions. They would show exactly how much the horses cost, as they were great purchasers in the market and how much they were worth really to them, and exactly how much they lost by the were worth really to them, and exactly how much they lost by the destruction, if it were proved, of a hundred horses. I am told that there is not any such evidence; I asked my friend from Wisconsin yesterday; it had not been produced. When you come to the grain, the oats, and the corn, at \$5 or \$10 a bushel, whatever it is, (and I am not saying that it is too much; I do not know; that is the thing that troubles me,) I must assume it was within the power of Mr. Holladay or the people whom he represents to show from the books of their trans-actions what that corn cost them at Saint Louis, at Atchison, at Saint Jo, wherever they bought it, and by what methods and at what cost it was put down at Julesburgh, for instance, which is said to be one of the places that were destroyed. In respect of the cost of buildings, one set of which the Senator from Delaware referred to yesterday, as stated by some witness as capable of being reconstructed for \$10,000 that is itemized at \$35,000, I cannot doubt that the books of Mr. Holladay, or the books of the Overland Transportation Company, or the books of somebody who was carrying on this business, would tell us substantially exactly what those buildings cost and what they were

us substantially exactly what those buildings cost and what they were worth.

I do not speak for anybody else, and I do not speak adversely to this claim; I only say, how can I now undertake to decide affirmatively against the defendant in this cause, to use a legal expression, the tax-payers of the United States, upon a case so imperfect as it appears to me this is? At the same time it may be to its fullest extent, for aught I know, perfectly just. What better, then, can I do, what better can we all do, than to send this case to some tribunal, if there has been no inexcusable delay about the statute of limitations, (and it seems to be taken for granted there has not, so that that need not stand in the way,) where there can be a careful and sifting investigation of this whole affair, where the books of these contractors may be produced and where the quantum of their loss—whether the United States is responsible for it or not, which is another question—can be substantially ascertained. We can, of course, go through such an investigation as to what was the actual cost of the horses, of the grain, of the property, the harness, the buildings, that they say have been destroyed, and we can find out as well as a court can find out how many have been destroyed and under what circumstances.

One other remark I want to make, and that is about the military order, which makes one sentence in the report of the committee, which appears to be a moving cause for a large part of this proposed payment, as if Mr. Holladay or the people whom he represents was coerced by some military authority into a change of the line to his great damage. The only official document apparently that we have got in this whole report is that order of the officer, as it is called. I think if Senators will look at that so-called order, they will find that it is not a coercive order at all, but it merely presents to this contractor, who has a right to go by one way rather than another through the Indian country, the fact that if he wants to be best prot

equally bound to protect a private carrier of produce or merchandise or a traveler over these routes, and finding that one particular way of going through the mountains was more dangerous than another, the military authorities inform all concerned that they had better change to a better place. That was in perfect accordance with the provisions of the contract, that if that was found to be the case the change should be made; and in respect of one of these changes (whether this or not I am not sufficiently informed to say) the change resulted beneficially to the contractors in reducing the distance that they were obliged to travel by one hundred miles.

Mr. HOAR. Before the Senator from Vermont leaves that point, will he permit me to inquire of him whether in speaking of the right reserved to change the route he bases that right on anything except the paragraph in the contract itself, which he has read?

Mr. EDMUNDS. The right of the United States to change the route with the consent of the contractor, of course, would only exist by force of the arrangement between the two parties. When you come to the different right of the United States as a political body in protecting its citizens, to say to these contractors exactly as it

in protecting its citizens, to say to these contractors exactly as it might have said to them, if they had been private expressmen, "There is danger from Indians here, and you had better get over to the other side of this mountain and save a hundred miles in distance,"

that is another question.

Mr. WILLIAMS. Will the Senator indulge me just a moment?

Mr. EDMUNDS. Certainly.

Mr. WILLIAMS. For fear that I may forget it, I will state now that the Senator, in his allusion to my remarks yesterday in reference to Mr. Holladay being surety, said he could find nothing of that in this transcript from the postal department. The fact is that the Overland Mail Company sublet a portion of their line to Russell, Majors & Waddell, on the southern route; and when it was moved by act of Congress to what is called the middle route that firm was to take the part from Kansas City to Salt Lake City under the new arrangement for a daily mail with mail-coaches. Mr. Holladay was the surety of Russell, Majors & Waddell to the Overland Mail Company, and not to the Government. Hence it is that his name does not appear on the abstract from which the Senator has read.

Mr. EDMUNDS. So it may be; I dare say that is right.

Mr. WILLIAMS. I assure the Senator that is the fact.

Mr. EDMUNDS. I do not wish to have anybody suppose that I believed Mr. Holladay was a pure intruder here in making this claim, and that he was never west of the Mississippi River; I do not wish anybody to suppose that; but I say that it does not appear according that the Senator, in his allusion to my remarks yesterday in reference

anybody to suppose that; but I say that it does not appear according to the statement of the Post-Office people. I do not wish anybody to be bound by that, because I do not believe in legislating on the private representations of Senators except so far as you choose; but I have merely done the best I could in the absence of an exploration I have merely done the best I could in the absence of an exploration by the committee of this business, to inform myself; that is all; and I am giving the reasons why I think we ought not to pass this bill in a lump, but ought to have a careful and fair investigation where both sides and all sides can be heard. Yet in this same original contract, which is the foundation of this whole thing, there is the provision that the contractors shall be responsible for everybody who stands help without the contractors of the contra stands below them, by some phrase or another.

That is, as it seems to me, about the present state of this case; and

That is, as it seems to me, about the present state of this case; and I must say for one that it is not at all satisfactory to me in respect of deciding as a judge against the tax-payers of the United States that this gentleman is entitled to this half a million and more of money. At the same time I am unwilling to decide on the merits that he is not entitled to something. Therefore I should vote for the amendment proposed by the Senator from New York [Mr. KERNAN] with such modifications as would seem to make it effective and just

Mr. COCKRELL. Will the Senator permit to be copied the contract to which he has referred?

Mr. EDMUNDS. Certainly.

Mr. COCKRELL. I hope that will be done, so that it can be seen

in the RECORD.

The contract is as follows:

No. 12578. [\$600,000 per annum.

No. 12578.]

[\$600,000 per annum. This article of agreement, made the sixteenth day of Sept., in the year 1857; between the U. S., (acting in that behalf by their Postmaster-General,) and John Butterfield, of Utica, N. Y.; William B. Dinsmore, of New York City; William G. Fargo, of Buffalo, N. Y.; James V. P. Gardiner, of Utica, Marcus L. Kinyon, of Rome, N. Y.; Alexander Holland, of New York City; and Hamilton Spencer, of Bloomington, Ills.; and Danford N. Barney, of the city of New York; Johnston Livingston, of Livingston, N. Y.; David Moulton, of Floyd, N. Y.; and Elijah P. J. Williams, of Buffalo, N. Y.,

Witnesseth, That, whereas, John Butterfield, William B. Dinsmore, William G. Fargo, James V. P. Gardiner, Marcus L. Kinyon, Alexander Holland, and Hamilton Spencer, have been accepted, according to law, as contractors for transporting the entire letter mail, agreeably to the provisions of the eleventh, twelfth, and thirteenth sections of an act of Congress approved 3d March, 1857, (making appropriations for the services of the Post-Office Department for the fiscal year ending 30th June, 1858,) from the Mississippi River to San Francisco, California, as follows, viz:

lows, viz:
From St. Louis, Missouri, and from Memphis, Tennessee, converging at Little Rock, Arkansas, and thence, via Preston, Texas, or as near as may be found advisable, to the best point of crossing the Rio Grande above El Paso, and not far from Fort Fillmore; thence along the new road being opened and constructed under the direction of the Secretary of the Interior to or near Fort Yuma, Cal.; thence through the best passes, and along the best valleys for safe and expeditions staging, to San Francisco, California, and back, twice a week, in good four-horse post-coaches or spring wagons, suitable for the conveyance of passengers, as well as the safety and security of the mails, at six hundred thousand dollars a year for and during the term of six years, commencing the sixteenth day of September, in the year one

thomsand eight immired and fifty-eight, and ending the afficent day of September in he year one thomsand eight immfred and sixty four; Now, therefore, the said rolun Batterfield, William B. Dinemore, William G. Fargo, James V. F. Gardner, Marcus T. Kinyon, Alexander Holland, and Hamilton Spencer, contractors, and Danford N. Barney, Johnston Livington, David Moulton, and Elijah P. Williams, C. and on the Michael of the Contractors will discharge any carrier of said mail whenever required to do so by the Postmaster General; also, that they will not transmit the person to whom the said contractors will contractors will contractors will contractors will contract of the Contractors will contractors will contractors of the Contractors will contractors will contractors will contractors will contractors will contractors will contractor of the Contractor of the Contractors will contractor of the Co

Signed, sealed, and delivered by the Postmaster-General in the presence of—
WM. H. DUNDAS,
REVERDY JOHNSON.
And by the other parties hereto in the presence of—
REVERDY JOHNSON.
ISAAC V. FOWLER.

JOHN BUTTERFIELD.
W. B. DINSMORE.
WM. G. FARGO.
J. V. P. GARDNER.
M. L. KINYON.
ALEX. HOLLAND.
H. SPENCER.
D. N. BARNEY.
JOHNSTON LIVINGSTON.
DAVID MOULTON.
ELIJAH P. WILLIAMS. SEAL. SEAL SEAL SEAL SEAL SKAL SEAL.

I hereby certify that I am well acquainted with Danford N. Barney, Johnston Livingston, David Moulton, and Elijah P. Williams, and the condition of their property, and that, after full investigation and inquiry, I am well satisfied that they are good and sufficient sureties for the amount in the foregoing contract.

ISAAC V. FOWLER,

Postmaster at New York, N. Y.

ISAAC V. FOWLER,
Postmaster at New York, N. Y.

Ordered, that whenever the contractors and their securities shall file in the PostOffice Department a request, in writing, that they desire to make the junction of
the two branches of said road at Preston instead of Little Rock, that the Department will permit the same to be done by some route not further west than Springfield, in Missouri; thence, by Fayetterville, Van Buren, and Fort Smith, in the State
of Arkansas, to the said junction, at or near the town of Preston, in Texas; but
said new line shall be adopted on the express condition that the said contractors
shall not claim or demand from the Department, or from Congress, any increased
compensation for, or on account of, such change in the route from St. Louis, or of
the point of junction of the two routes from Little Rock to Preston; and, on the
further express condition, that whilst the amount of lands to which the contractors
may be entitled under the act of Congress may be estimated, on either of said
branches, from Preston to St. Louis or Memphis, at their option, yet the said contractors shall take one-half of that amount on each of said branches, so that neither
shall have an advantage, in the way of stations and settlement, over the other; and,
in case said contractors, in selecting and locating their lands, shall disregard this
condition, or give other undue advantage to one of said branches over the other; the
Department reserves the power of discontinuing said new route from St. Louis to
Preston, and to hold said contractors and their securities to the original route and
terms expressed and set forth in the body of this contract.

AARON V. BROWN,

Postmaster-General.

11th September, 1857.

March 12, 1861.—Route No. 12578, California, Saint Louis, and Memphis to San Francisco semi-weekly, four-horse coaches. Overland Mail Company, E. S. Alvord, Superintendent.—\$625,000.

Ordered: Pursuant to act of Congress, approved 2d of March, 1861, and the acceptance of the terms thereof by the Overland Mail Company. Modify the present contract with that company for route No. 12578, executed 16th of September, 1857, to take effect 16th of September, 1858, so as to discontinue service on the present route and to provide for the transportation of the entire letter-mail six times a week on the central route; said letter-mail to be carried through in twenty days' time, eight months of the year, and in twenty-three days the remaining four months of the year, from Saint Joseph, Missouri, (or Atchison, in Kansas,) to Placerville, in California, and also for the delivery of the entire mail, three times a week each way, to Denver City and Great Salt Lake City; and in case the mails do not amount to six hundred pounds per trip, then other mail matter to make up that weight per trip to be conveyed; but in any event the entire Denver City and Salt Lake City mails, and the entire letter-mail for California, to be conveyed. The contractors also to be required to convey the residue of all mail matter in a period not exceeding thirty-five days. And to be required also, during the continuance of their contract, or until the completion of the overland telegraph, to run a pony express semi-weekly at a schedule time of ten days eight months of the year, and twolve days four months of the year, and to convey for the Government free of charge fire pounds of mail matter, with ilberty of charging the public for transportation of letters by said express not exceeding \$\frac{1}{2}\$ per half ounce. The compensation for the whole service to be \$\frac{1}{2}\$, 1864. The number of the route to be changed to 10773 and the service to be recorded in the route register for Missouri.

Note at bottom of this order:

In behalf of the Overland Mail

W. B. DINSMORE, President, E. S. ALVORD, Supt. O. M. Co.

Mr. VOORHEES. Mr. President—
Mr. HOAR. I wish to occupy one moment merely in calling the attention of the Senate to the exact provision of this contract in re-

gard to a question—

Mr. VOORHEES. I believe I was recognized, but I yield.

Mr. HOAR. I beg the Senator's pardon.

Mr. VOORHEES. I yield to the Senator from Massachusetts.

Mr. HOAR. I understood the Chair to recognize me; he looked

The PRESIDING OFFICER, (Mr. Allison in the chair.) The Chair having recognized the Senator from Indiana, he is entitled to the floor

Mr. HOAR. I think I shall occupy literally but sixty seconds, if

the Senator will yield to me.
Mr. VOORHEES. I yield. I hope the Senator from Massachusetts

Mr. VOORHEES. I yield. I hope the Senator from Massachusetts will take all the time he desires.

Mr. HOAR. The Senator from Vermont made a point, reading the contract, it is true, which at the beginning impressed me with great force, which was that the contract itself reserved to the Government the right to change this route; and, if he did not argue he suggested that the compensation fixed in the contract, the contract price, was based upon the liability to the exercise of that right. Now let me read, and I wish Senators would do me the favor to listen carefully, while I read, what the contract says on that subject, which I understand from the Senator from Vermont is all the reservation of such right; he does not base it on any general statute affecting of such right; he does not base it on any general statute affecting all such contracts:

It is hereby further stipulated and agreed that if obstacles, such as the want of water or feed, or physical obstructions, should be found between the points herein designated, so that time cannot be made, and a better line can be found between those points, the Postmaster-General may vary the route to such better line.

In other words, if obstacles of a particular class such as would suggest themselves to a party making a contract like this in time of peace, like the want of water or feed, or physical obstruction, that is if an unexpected gorge or mountain range interfering with the passage of these wagons should be discovered, there may be a change. Does the Senator from Vermont seriously claim that that stipulation in the contract embraces a case of a damage of the line occasioned by the breaking out of a war and the impossibility of the passage along this line of the drivers and others servants of the contractor in

charge of his mail wagons? Is that an obstacle such as the want of water or feed found on the line, in consequence of which there may be a transfer of the route to a better line? This man puts his claim, as I understand it, on the ground that there broke out a war such as would be an excuse for the performance of any contract, such as would be even an excuse for the performance by a common carrier of that strictest of obligations known to the law, his obligation to the party to carry safely what is intrusted to him; that there being such an excuse he called upon the President of the United States and the President said, "the interest of this country requires the communication between the Atlantic and the Pacific to be kept up at all cost and at all hazards, and if you will proceed to do that along the line where it is most convenient for the United States to furnish you millitary protection, this line having become impossible, you shall be compensated." It is on that assurance made to him by the President of the United States that the obligation, in honor and in law, of the Government of the United States to make this compensation depends; and it is not such an obstacle as three or four years before the war broke out, like want of feed or want of water, that this contract refers to.

Mr. EDMUNDS. Mr. President—

Mr. EDMUNDS. Mr. President—
The PRESIDING OFFICER, (Mr. Ingalls in the chair.) The Senator from Indiana is entitled to the floor. Does he yield to the Senator from Vermont?

Mr. VOORHEES. I yield to the Senator from Vermont.
Mr. EDMUNDS. I wish to say that the Senator from Massachusetts does not quite do me justice about the clauses of the contract to which I called attention. He does not think it worth his while to refer to the clause in it about depredations upon the mail, but does refer to the one as to physical obstructions, and he thinks that an Indian barrier is not a physical but I suppose only a moral or spiritual obstruction.

itual obstruction.

Mr. HOAR. Mr. President—

Mr. EDMUNDS. If the Senator will pardon me, I will give him an opportunity to reply.

Mr. HOAR. When stating what I think, perhaps the Senator would like to know what I think.

Mr. EDMUNDS. I am only stating what I think my friend thinks, and that may be quite a different thing. I suppose my friend from Massachusetts thinks that the true construction of this phraseology in the contract relates to obstructions interposed by the hand of nature as distinguished from the hand of man. Is not that right?

Mr. HOAR. Does the Senator desire me to answer him now?

Mr. EDMUNDS. Yes.

Mr. HOAR. My point is not as the Senator from Vermont is stating

Mr. HOAR. My point is not as the Senator from Vermont is stating it, that an Indian war is not an obstacle. My point is that the contract speaks of obstructions occurring of a particular character, of which certain ones are specified in the contract, such as want of feed or water, or physical obstructions, but that an Indian war is not an obstacle such as want of water, which is referred to.

Mr. EDMUNDS. If my friend from Massachusetts is right, if the original southern route had been adhered to and a band of Indians not amounting to an Indian war but of depredators (as another part of the contract speaks of; and that is all there was of it anywhere probably) had interposed and by physical force prevented the carrying of this mail on one of the trips, the contractor would not only nave been deprived of his pay for carrying that mail on the trip, but would have been liable to be fined three times the proportionate amount that trip would have entitled him to, on the ground that he had not been obstructed in any of the ways that the contract provided for, and that it was not a good excuse. Now, I do not believe in that. Although literally and at first sight I think the Senator from Massachusetts would be quite right in saying that it covered and inin that. Although literally and at first sight I think the Senator from Massachusetts would be quite right in saying that it covered and included the obstructions of mere accidents of nature, yet I think that when you take it altogether, looking at the objects that were to be attained by it, these provisions about modifying and changing the route were intended to apply to every case in which it was found impracticable to carry the mail by one way, and then the Postmaster-General might name another so as to get it through. That is what the contract was after; it was to get the mail through. So I think physical obstruction there must be construed to mean any physical obstacle that prevented the accomplishment of the great design of keeping open this communication.

Mr. THURMAN. An Indian with his rifle would be a physical obstruction.

Mr. EDMUNDS. I think an Indian with a rifle, or tomahawk, or scalping-knife, is a physical obstruction, not only within the letter but much more within the spirit of this arrangement, which should but much more within the spirit of this arrangement, which should provide for finding the best means of uniting us between the two coasts of the United States. That is what it seems to me. But then I should not put it, as the Senator has quoted to me, solely on the letter or the spirit of this contract; I should put it also upon the broader ground, as I endeavored to state, that when the Government of the United States makes a contract with a person for a service it occupies exactly the attitude in respect of obligation that any private citizens would who made the same contract, and that it does not imply the obligation to exert the political power of the United States to enable the party to perform his contract in any greater degree or to any greater extent than the United States is bound to exert its political power to enable other citizens to perform their contracts between themselves. That is my proposition, and I am ready to stand by it.

Therefore I say that this change of route, (if it be the same one, and that I do not know at this moment,) which appears in the Post-Office record books to have been one made in the interest and for the benefit of the contractor, and to have diminished one hundred miles of desert and mountain and of danger, is not one that furnishes him prima facie with a right to claim and to be indemnified, and that this prima facie with a right to claim and to be indemnified, and that this military order of a colonel, which is the only document which the committee apparently has favored us with upon that subject, is not to be construed as the committee construe it and as the Senators supporting the bill construe it, as a coercive expulsion of this man or his people from one route to another, but as only furnishing him the means of doing his duty on a shorter line and with less risk; that he was not pushed out of that route at the point of the bayonet and into the other one, but he was only told in the curt language of military people, "We can protect you on this route and we cannot protect you on the other, and so go to this one." That did not oblige him to go; but if it be the same change, which, as I say, I do not know, it was merely the form of carrying out what the Post-Office Department had thought it wise to do for the benefit of the contractor, for the safety of the mail, and for the mutual advantage of everybody by shortening the route by a hundred miles. But I do not know, as I said before, that this change that appears in the Post-Office record shortening the route a hundred miles is the same one that was made on this occasion. that was made on this occasion.

There is another curious thing that appears in these books, and that is that this change from Julesburgh, which is one of the places referred to where very extensive buildings were burned down, appears to have been made on the Post-Office books to a place called Clearwater, and then I do not know how many months afterward, but in 1864, the minute in the Post-Office books is that it was changed back to Julesburgh, whether at the request of the contractor or what not I do not know, and whether the buildings when he got back to Jules-burgh were found to be just as they were before we do not know. All these things, as I said before, lead me to think that this case is in no condition for a final decision upon its merits by this body either

I wish to say one word more, and then I shall thank the Senator

from Indiana for his kindness.

My friend from Massachusetts seems to put his most impressive argument upon some requisition or request or order of the President argument upon some requisition or request or order of the President of the United States, when this route was interrupted by Indian hostilities or depredations, to Mr. Holladay or somebody to go on with it for the public interest. Where is the evidence of that? The President of the United States usually acts, and he ought always to act when public interests are concerned, in some authentic way, in writing, so that we can know what the President of the United States (who by the Constitution is the mere administrator of the law and not an unlimited monarch or emperor who can bind the United States to what he pleases) has undertaken to do, whether within or without his powers. I remember on a certain occasion not long ago we were told that an important step relating to a person once connected with his powers. I remember on a certain occasion not long ago we were told that an important step relating to a person once connected with the military establishment of the United States ought to be taken upon evidence that the President of the United States had said so and so orally about the verdict of a court-martial, and that others and so orally about the verdict of a court-martial, and that others said that entirely the opposite course ought to be taken because the President of the United States had said to somebody else at or about the same time quite a different thing. I wish to be excused, for one, from undertaking to do justice and to carry on government on that kind of testimony. I shall be rather reluctant to have my opinions or my actions influenced by a single hair by any oral evidence of the declarations of a President of the United States, not in writing, not communicated to the heads of any of his Departments, but only appearing in the oral testimony of no matter how high, or honorable, or respectable a person. I might from this hesitation do injustice in this case; but if you were to take a hundred cases I am quite sure that it would be doing justice in ninety-nine if I declined to be influenced in the slightest degree by that kind of means of ascertaining what has been the public act of the Chief Magistrate of the United States.

Mr. VOORHEES. Mr. President—
Mr. THURMAN. Will the Senator from Indiana allow me to offer an amendment to the amendment of the Senator from New York?
The PRESIDING OFFICER. Does the Senator from Indiana yield

for that purpose?

Mr. VOORHEES. Yes, sir.
Mr. THURMAN. In line 9 of the first section of the substitute offered by the Senator from New York [Mr. Kernan] I move to strike out the word "his" and insert "the," and in line 14 to strike out the word "his" and insert "the." The reason for that is that as it now stands this is an acknowledgment by Congress that there was a contract existing between Mr. Holladay and the United States.

Mr. VERNAN I recent the medification

Mr. KERNAN. I accept the modification.

The PRESIDING OFFICER. The Senator from New York consents that his amendment be modified as suggested by the Senator from Ohio. The amendment will be so modified.

Mr. THURMAN. Then I move to add the following proviso to sec-

tion 1 of the substitute:

Provided, That nothing herein shall be construed as an admission that stid Holladay, either as an original party or by subrogation or assignment, had any interest in or title to any such contract, or that he has any valid or just claim, legal or equitable, against the United States.

The object of this proviso is that the court shall decide whether

The object of this proviso is that the court shall decide whether he had any such contract or not, if it go to the court.

Mr. KERNAN. I have no objection to that.

The PRESIDING OFFICER. The Senator from New York consents to the modification, and the amendment will be so modified.

Mr. VOORHEES. Mr. President, it was not my purpose to say more than a few words on the matter before the Senate; nor do I intend to make a speech now. I shall only occupy the attention of the Senate for a very few minutes and on the point precisely involved. The question pending is on the motion of the Senator from New York to send this case to the Court of Claims for adjudication. I was going to remark that I would be willing to forbear saying a New York to send this case to the Court of Claims for adjudication. I was going to remark that I would be willing to forbear saying a word if we could have a vote at once on that proposition. Before we vote, however, in justification of the course I have pursued, I desire to refresh the Senate's recollection in regard to the last time this case was before this body.

It is now nearly three years since the Committee on Claims, a very

respectable body of men, nine in number, reported a bill here to send Mr. Holladay to the Court of Claims for a decision on his alleged rights. The matter was fully discussed here, and I heard the following argument on this subject, which fell with weight and strength from the distinguished Senator from Ohio, [Mr. Thurman,] the able leader of this side of the Chamber. I believed he was correct then, I believe now he was correct then. I followed his lead at that time, and I see no reason to change my course in that respect. the debate of March 11, 1878. The Senator from Ohio then said this:

The Gebate of March 11, 1876. The Schator from Onio then said this:

The Government, then, has not abrogated its contract with Mr. Holladay, but
the millitary officers of the Government have directed him to carry the mail upon
a different route, and for good and sufficient reasons, patriotic no doubt on his
part, and well advised on the part of the Government; though whether that ought
to have been done by military order instead of by a change of the contract with the
Post-Office Department, a mere civilian might think was worthy of some observation. But at all events the Government did that thing. The military power told
him "change your route and we will furnish you with protection upon that changed
route." He did change his route. It is alleged that he did receive the protection;
it is alleged that he incurred more cost by it, and that he sustained losses. If this
be the case, this is simply an appeal to the equity of Congress."

So I regarded it then: so I regard it now.

So I regarded it then; so I regard it now.

What has any court to do with such a question as that !-

Queried the able Senator from Ohio, and nobody answered him.

Continued he-

Continued he—
for Congress, looking at the whole subject and dealing in a spirit of equity, to
determine whether or not this gentleman should be indemnified, who has patriotically, I will say, agreed to change that route, agreed to carry the mail where before
he was not bound to carry it, who has incurred losses by so doing, who has not received the protection as it is said he ought to have received—whether the Government in honor and equity and good faith toward him ought not to reimburse his
losses. It is a question for Congress, not a question for a court. So it seems to me;
and a fortiori is it so if the Senator from Kansas is right, if there is no evidence in
the wide world on this subject but these ex parts affidavits taken long ago. If the
proposition is to recall those men who will not answer the call any more than "spirits
from the vasty deep" would answer the Glendower's call—if that is the case, what
is the use of sending this to the Court of Claims † Why not let the Committee on
Claims decide what is right and report it to us and let us act!

That was language which fall with convincing prover on my ears.

That was language which fell with convincing power on my ears over two years ago, and every Senator now on this side of the Cham-[Mr. Pugh] and the Senator from Georgia on my right, [Mr. Brown.]
Mr. THURMAN. What page does the Senator read from?
Mr. VOORHEES. Page 1641 of the Congressional Record, Forty-

fifth Congress, second session. I read this, I need not say, not only with respect but with reverence for the ability and leadership of the great Senator from Ohio, whose loss to this body none will deplore more sincerely than I shall, and no one will regard it as a national calamity more than I will—I desire to show that the Senato is not in a condition, without a square nullification, to say now that this case shall go to the Court of Claims at this time, and I repeat every Senator within the sound of my voice on this side except the two I have already designated was here and listened to the Senator from Ohio at that time; not one of them replied to him and every one voted upon his suggestion.

Again, on page 1643, the able and distinguished Senator from Ohio,

continuing in the debate, said:

If the Senate will give me its attention for ten minutes—I do not think I shall occupy more—I flatter myself that I can show that this is no claim to go before a court.

That being true-

Continued he further down in the debate-

this is simply an appeal to the justice of the Government. From what I have heard I believe there is much merit in this claim. I mean from what I have heard this afternoon, for that is all I know about it. I think from what I have heard this afternoon there is much merit in this claim, and that the Government does owe something to Mr. Holladay by way of indemnity for his losses. But I say it is an appeal to the equity of the Government, to its sense of justice, to its sense of honor, and that is a question for Congress and not for a court to decide.

Mr. CONKLING. Who said that ?
Mr. VOORHEES. The able and distinguished Senator from Ohio. I need not assure him and the Senate that I read it not to involve him in the slightest inconsistency—for I do not understand him to be an advocate now of the Court of Claims for the adjudication of this claim—but I read it to show that his powerful argument committed the Senate at that time to a line of conduct which it would stultify us all to retract at this time. But, further upon this point, the Senator from Ohio continued:

In answer to what was said by the Senator from Iowa, [Mr. Kirkwood,] that the Committee on Claims would have to act upon affidavits, that Senator ought to know that whenever that committee asks the Senato to give it power to send for persons and papers in any case of importance, that power is readily granted. I therefore concur with the Senator from Kansas [Mr. Ingalls] in saying that the right way to deal with this subject is to take these affidavits, and if counter-proof is necessary, let the committee ask for power to send for persons and papers, or let depositions be taken under the general law of the land to be read before a committee of Congress; let that be done, and let the committee decide. Believing most firmly that this is no case for a court, I move that the bill be recommitted.

After which, Mr. Mitchell, then a Senator in this body from the State of Oregon, made a formal motion in accordance with the suggestion of the distinguished Senator from Ohio, and on that motion the action of the Senate was unanimous, that the claim be recommitted to the Committee on Claims with instructions to report what was due here for our action. The Senator from Ohio I thought was right then; I think that he was unanswerable at that time and for the reasons given by him. I followed his lead then, so did the entire Senate, and we said to Mr. Holladay and we said to the people of this country that we would settle this question ourselves. I presume if the Committee on Claims had, in their wisdom and sense of justice, reported here that there was not a dollar due to Mr. Holladay, nobody would have insisted on revising their finding by sending the case to the Court of Claims. It is because that committee happened to find that there was a considerable sum of money due to Mr. Holladay that there seems to be a reluctance to act according to what we ourselves thought.

This afternoon, with a heavy cold pressing on my chest, I do not intend to speak more than a few moments. I declare with the Senator from Ohio that this is not a case for a court; and I say to the Senator from New York, with all respect and kindness, that I do not see how he can well offer this amendment after allowing the action of the Senate to take place that did occur in 1878. If three years ago of the Senate to take place that did occur in 1878. If three years ago we had allowed this case to go to the Court of Claims, by this time Mr. Holladay would have had it adjudicated and had a decision whether anything was due; but we told him we would take it in hand and decide it ourselves. We hold it for two years, almost three years, and then I venture to say, because the finding is in his favor, we shrink from following the line we marked out. I shall not do it; I shall not be deterred from following my sense of justice, my overwhelming conviction of what ought to be done by any fear of voting for a claim. Nearly three years ago the Senate voted, under the lead of the able and distinguished Senator from Ohio, that this was not a case for the Court of Claims. We voted so unanimously, and instructed this committee of nine gentlemen of our own body to take the case and report to us what was right. They have done it. Gentlemen rise here and say they are not satisfied with the finding; that they are not satisfied with the manner of proof that was taken.

There is something, Mr President, due to a committee of this body.

There is something, Mr President, due to a committee of this body. Senators are not usually here in their callow youth; they are here men of age, they are here men of character. Senators do not arrive here without ripe mental discipline. The most of them are lawyers, and those who are not are trained men of business. Am I to be told here that the nine men on this committee, as distinguished as any men sitting here, have been overreached and scandalized and imposed upon by fraudulent and fictitious testimony? Is that the kind of a committee you have? We thought nearly three years ago that of a committee you have? We thought nearly three years ago that this committee was of a different composition; we thought it could be trusted; and we told it to take this case and bring forward a report and let us see what it was. They have done their duty, I have

port and let us see what it was. They have done their duty, I have no doubt conscientiously and ably.

It is said that there are ex parte affidavits in this case. So there are; and there are twelve or fifteen witnesses who were examined orally face to face with the committee. It is not entirely resting upon ex parte testimony. If I understand what is meant by ex parte affidavits, it is affidavits taken away from the committee and filed before them. Many men were examined and cross-examined, as the report of the evidence shows, by the committee, composed of acute, conscientious men, learned in the law, and as able to cross-examine witnesses as any practitioner in the land. Is it right, then, to say that the conclusion arrived at by this careful committee is upon papers thrown inside the committee doors without examination? I apprehend not. apprehend not.

apprehend not.

Further than that I have examined this testimony with care. Many of these men I know and know well. I could appeal to the Senators from Missouri as to who Mr. Carlyle, of Missouri, was—one of the most important witnesses in this case. I know Bela M. Hughes well. I would believe his word without oath as quick as I would any Senator's on this floor. There is not a higher type of man in this country. He makes out this case. Who is General James Craig, of Saint Jo., formerly a member of the House from Missouri? I know him well. Who is General Robert B. Mitchell? I know him well. Others that I could name have testified. But I do not intend, nor did I mark out for myself, a discussion of the facts in this case. I certainly think there is something due to a committee who, under the instructions of there is something due to a committee who, under the instructions of this body, have done their work and reported it here.

A word more upon another point, and I will not detain the Senate further. Much has been said here as to the question whether the Government was bound to give protection, and whether it had guaranteed to give protection. I was struck with the reply the Senator

from Vermont made to some Senator on this side—I think the Senator from New Jersey—when inquiry was made as to what was the proof that the Government guaranteed protection. The Senator from Vermont, rising partially from his seat, said "the oath of the claimant; was that not enough?" as though that was all. Well, the claimant does swear it, and I do not know anything in the career of Mr.

ant does swear it, and I do not know anything in the career of Mr. Holladay that would justify me in saying I should not believe him under oath. I do not know of any Senator who knows anything in his career that would justify him in saying that. I am not saying that a claim ought to be allowed upon the claimant's own oath; but I have not known Mr. Holladay personally more than a year, though I have known of him ever since I was a boy, and I do not understand that he bears a reputation which would justify a person in supposing that his oath was not good on any point.

But passing that, there is another witness who stands unimpeached, Mr. Otis, who was long Mr. Holladay's superintendent; and he swears positively to the arrangement with the President. And I undertake to say to the Senate that if there was not one word of direct proof from any source, still it is proven that the Government guaranteed protection. Why? Because there are eight military officers here—I have their names; eight of them, commencing with Major-General Robert B. Mitchell, Brigadier-General James Craig, Colonel George K. Otis, and so on, down to captains and lieutenants—who swear that Robert B. Mitchell, Brigadier-General James Craig, Colonel George K. Otis, and so on, down to captains and lieutenants—who swear that they were on that line from early in 1862, when the first depredations were committed, until the close of the service in 1865, and, as General Craig swears, as General Mitchell swears, under the express and positive instructions of the Secretary of War to protect the great overland mail-route. Do you suppose the Government was doing what it had not agreed to do? Why, Mr. Holladay could not have kept a pair of mules, a wagon, or a ranche, from the early part of 1862, twenty-four hours at a time without the military. The Government thought it was important, to keep the overland mail-route open, to give it this protection; it agreed to do it, and the best proof of it is that it endeavored to do it all the time.

The Senator from Vermont, trying to escape from the effect of Colonel Chivington's order, forgot to read further than about the middle of it, and I call his attention now to the much more positive charac-

of it, and I call his attention now to the much more positive character of that order than he gave it. Colonel Chivington says:

HEADQUARTERS DISTRICT OF COLORADO, Denver, December 2, 1864. Sir: I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one.

That is as far as the Senator from Vermont went in extracting the meaning of this order. The next sentence, however, reads:

You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am, sir, with respect, your obedient servant,

J. M. CHIVINGTON, Colonel, Commanding District.

If that is not a positive order to remove his stock to another route, I cannot understand the English language. I understood the Senator from Vermont-

Mr. EDMUNDS rose

Mr. EDMUNDS rose.

Mr. VOORHEES. If I misunderstood the Senator, of course I will yield for correction. I do not want to yield, however, because I do not want to take up much time. The Senator from Vermont has already occupied an hour and a half, and I do not expect to occupy one-fourth of that. I understood the Senator from Vermont to say that this was not a positive order, but something like an assertion to Mr. Holladay "I cannot protect you properly on the line where you are, but I can some place else." The concluding sentence "You will therefore remove your stock to the Cut-off route" is a peremptory order, and there is testimony in the printed book which I have in my hand showing that when that order was served on Mr. Holladay he fought and resisted and protested against the execution of it, but was fought and resisted and protested against the execution of it, but was

compelled to submit.

Mr. EDMUNDS. Where is that in the printed evidence?

Mr. VOORHEES. I could find it, but I will not stop to find it

Mr. EDMUNDS. I should like to see it very much.
Mr. VOORHEES. I will show it to you.
Mr. EDMUNDS. I do not mean to doubt it; only I have not been able to get a copy of the report, all the copies being exhausted. should like to see it.

should like to see it.

Mr. VOORHEES. I say, therefore, Mr. President, that the guarantee of the Government cannot be more plainly proven than is the guarantee of protection by the oath of parties unimpeached to the fact, men who were there performing that duty. General Craig swears it positively and strongly. Does the Senator from Vermont want General Craig's testimony on that point? It can be found on page 53. I state broadly and squarely that there is nothing more explicitly stated in human testimony than these military officers state that they were under the instructions of the Government to protect the overland mail-route from 1862 on, and there are eight of them

whose testimony is taken here.

Now, Mr. President, as to the character of the losses, I said I would not discuss them nor do I intend to do so. Every one of these military officers has sworn to the character of the losses; every one has sworn to ranches burned, horses stolen and chased away, coaches

overturned and burned, and dead men and dead women along that route. I have examined this testimony from end to end. It presents a sad story of devastation, desolation, plunder, spoliation, and murder. The Government did the best it could. There is no doubt about that. It was unable to protect him fully; but that he was acting under the guarantee of protection there is no more doubt than that I

am standing here.

I regret that this claim is so large as it is, because I regret that so much loss and plunder and destruction occurred, but that does not release me from my sense of obligation to do justice to an individual. The true theory of government, Mr. President, is that equal and exact justice to individuals constitutes the best government in the world;

and if Senators are satisfied that this man was guaranteed protection which he did not get and suffered losses, he ought to be paid.

I desire to detain the Senate no further. I did not intend to talk this much; but the matter pressed upon me in so plain and forcible a way that I could not say less in justification of the vote I intend to

Mr. THURMAN. Mr. President, I do not wish to detain the Senate fifteen minutes, perhaps not ten. The Senator from Indiana does me entirely too much honor. It is true that I expressed the views I entertained on the bill which was then before the Senate in March, 1878, which was a bill referring Mr. Holladay's case to the Court of Claims, and I said then, knowing nothing whatsoever of the case except what I had heard from the debate in the Senate, never having read the testimony, never having read the report of the committee, knowing nothing whatever of the case except the statements of those who supported the bill and who were in favor of the claim, that upon their statements Mr. Holladay had no legal claim upon the United States that a court of law could take cognizance of, and that he had no equitable claim that a court of equity could take cognizance of; that if he had any equity at all it was not that kind of equity which is adjudicated upon in courts and recognized by courts, that well-defined equity which it has been said is as well defined as the law which governs the relief that is afforded by the chancellor; and therefore I said that, taking their own statements, to pass that bill and send it to the Court of Claims for them to adjudicate upon legal and equitable grounds, when Mr. Holladay, on their own statement, had no legal rights of which that court could take cognizance, had no equitable rights of which a chancellor could take cognizance, was to do nothing at all. I said that if he had any claim—and from what was urged I was inclined to believe that he had, but how far I did not know, to what amount I did not know—it was upon that broader equity which sometimes governs the action of Congress. Again and again, in view of the hardship of a case where a chancellor would have no jurisdiction at all, where a chancellor could find no equity upon which a court ported the bill and who were in favor of the claim, that upon their tion at all, where a chancellor could find no equity upon which a court of equity ever acted in the world, Congress sometimes in its discre-tion, and because the case is hard and the party is meritorious, does

afford relief. Every session furnishes illustrations of this.

So it is here. Take for instance the position just announced by the Senator from Indiana. He puts Mr. Holladay's claim upon the grounds that the Government was under a guarantee to protect him. Why, Mr. President, I have seen no evidence of any such guarantee. Colonel Chivington's order only shows that he was directed by the Government to have troops on that line for the protection of the mail. For whose interest? For the interest of the Government. It was the interest of the Government that that mail should be carried. were in the midst of a war. Communication between the Government and the Pacific States was of very great importance. If the contract had said in so many words expressly that the contractor shall take all the risks of Indian depredations or destruction, nevershall take all the risks of Indian depredations or destruction, nevertheless the Government would have sent its troops there to protect that overland route in order that the mail might be carried to the Pacific coast because the interests of the Government required it. There is no guarantee, therefore; the Government has come under no such guarantee; and hence Mr. Holladay has no legal claim on the ground that the Government has not kept its guarantee; he has no equitable claim of any such character, none whatever; but yet it may be that under the peculiar circumstances of the case, if he has sustained losses in doing that which it was so much the interest of the Government should be done, it may be that administering that broader equity which is administered in this Hall sometimes in hard cases, we should afford him some relief. should afford him some relief.

That is the purport of all that I said before, and I have not a word to take back. On the contrary, I must say now that, although I moved some amendments which were accepted by the Senator from New York to his proposed substitute, amendments that I think are absolutely necessary in case that substitute should be adopted, I have not said that I shall vote for the substitute; nor do I believe that that substitute will answer the purpose, unless it is still further amended, for it is liable to the same objection as the previous bill, which proposed to send this case to the Court of Claims, was liable to, and posed to send this case to the Court of Chains, was hable to, and therefore, in my judgment, it should be further amended if the Court of Claims is to have jurisdiction of this case. Why so? Because if the substitute be adopted and the Court of Claims shall discharge its duty, as it is to be presumed it will, the very first question it must ask itself is, does this man present a legal claim against the Government? and the answer must be no. Does he present an equitable claim such as a court of equity can take cognizance of? and the answer must be no. What, then, does he present? Does he present simply that broad, general equity which rests wholly within the discretion of Congress, and is not an equity that can be adjudicated by a court at all, and therefore it must dismiss his bill if it does its duty, in my humble judgment. But I do not deny that we may make the Court of Claims a mere set of auditors; you may frame a bill which shall compel the Court of Claims to do what an auditor in chancery does, to do what your Committee on Claims does. You may do it, and if you frame your bill so as to send merely such a question to it, then that court can have jurisdiction, and can exercise it, and can act upon

Mr. President, it was not my purpose to say a word about this bill, and I should not have risen at all but for my friend reading my speech made two years ago; and though no man is allowed to be a judge in his own case, still after having heard it read in the emphatic manner it was by my eloquent friend from Indiana I am half persuaded to think it was a pretty good speech, and I am inclined to stick to it as being good sound doctrine. Nevertheless, I do not say that the substitute of the Senator from New York might not be so amended as to make it a proper bill and give the Court of Claims full amended as to make it a proper bill and give the Court of Claims full authority to decide the case. For my own part, however, I would be very glad if we could dispose of this thing. Having listened to a great deal of the argument that has been made, and having read I believe nearly every speech that has been made and that has been published, yet I cannot possibly bring my mind to the conclusion at which the Committee on Claims has arrived as to the amount of compensation. If the United States have taken any of Holladay's property that they ought to pay him for it is a proposition that needs no argument, for nobody will deny it; but that they ought to pay him for breaking up all his passenger business, for the losses of mules and horses engaged in carrying passengers and these high prices for them, and for the stations destroyed, and especially when the transfer to the other route transferred him to a route not as dangerous as that on which he was bound by the contract to carry the mail—if he had any contract at all—that these things entitle him to the prodigious sum of \$526,000 I cannot bring my mind to believe. Before I can vote any such compensation to him there will have to be a wonderful state of evidence. amended as to make it a proper bill and give the Court of Claims full derful state of evidence

Mr. EDMUNDS. Mr. President—
Mr. VOORHEES. Will the Senator from Vermont allow me to re-

spond to an inquiry he made of me while I was on my feet?

Mr. EDMUNDS. I yield for that purpose.

Mr. VOORHEES. If the Senator from Vermont will turn to page 58 of the evidence he will find the testimony of George K. Otis, from which I will read:

Q. Have you any knowledge of the order from Colonel Chivington to remove the stage-line from the Platte route to the Cut-off route?

A. I have. I was with Mr. Holladay at the time the order was given. At the time the order was given, quite a spirited conversation was had between Colonel Chivingten and Mr. Holladay, Mr. Holladay protesting against the removal of his line; that he was entitled to protection on that line; that the expense of the removal would be enormous at that season. It was in the fall or early in the winter. Colonel Chivington, however, insisted and compelled Mr. Holladay to make the removal, threatening that if the removal was not made he would not undertake to protect the route; and as the route could not be run without protection, Mr. Holladay was compelled to make the removal.

Does not that make out the case as I stated it?
Mr. EDMUNDS. I should rather think not, with all respect to my honorable friend.

Mr. VOORHEES. My statement was that Mr. Holladay resisted the order and protested against it, and if that does not prove my statement I do not understand the English language.

Mr. EDMUNDS. I again say, Mr. President, that I should rather think not. If I correctly understand my learned and distinguished friend, his point was that Mr. Holladay was coerced like some of the people were in old times in the habeas corpus cases, coerced into takpeople were in old times in the habeas corpus cases, coerced into taking his line from one place to another. We have got the order of Colonel Chivington which he has read. We have also got the oral testimony of a person named Otis on the subject of what took place when the order was made, in which he does state that Mr. Holladay protested against the removal of his line and protested that he was entitled to protection on that line, not under the contract as is alleged, but "entitled," that is, generally, in his character as a citizen of the United States, and so he was in a certain sense. That is, he was entitled to all that the United States could do for him, and he would have been entitled, as I said before, to precisely the same thing had he been carrying on a contract for that transportation between my friend from Maine, whom I happen to see before me and use for the purpose of the illustration, and himself. What then?

Colonel Chivington, however, insisted and compelled Mr. Holladay to make the

How ?-

threatening that if the removal was not made he would not undertake to protect

Now if you take it all together, as a fair-minded man does, what does that amount to? It amounts even in the language of this witness, in connection with this written order, simply to the fact that Colonel Chivington being directed by his Government to protect the transportation of these mails as far as possible told Mr. Holladay, in charge of that transportation, "I cannot defend you on this route, and if you insist upon staying here I shall have to give it up, because

there is another route that you can run over as well that I have got to protect also, and I cannot protect two; now you can stay at your own risk or you can go where I can give you protection." That is all it amounts to and it is exactly what the order is.

I am directed to furnish your line complete protection against hostile Indians, which I can only do by its removal from the Platte to the Cut-off route. As it now runs, I am compelled to protect two lines instead of one. You will therefore remove your stock to the Cut-off route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I confess that I am astonished that any Senator should undertake

I confess that I am astonished that any Senator should undertake to defend this claim, or any part of it, on the ground that Mr. Holladay was the victim of military coercion. I am quite unable to see how it is possible to bear such a construction as that.

Mr. CAMERON, of Wisconsin. I wish to say to the Senator from Vermont that it is conceded that the route could not be run without military protection. Colonel Chivington, who was in command of that military department, said to Mr. Holladay, "Unless you remove your route I will not give you protection." That is the substance. Now, I submit that that is in very positive terms requiring him to remove his route. "You cannot run at all unless you have protection; unless you do remove it I will not give you protection."

Mr. EDMUNDS. Exactly. "I cannot give you protection because I have two routes to protect."

Mr. CAMERON, of Wisconsin. Now, is it quite fair for the Senator to say that it was entirely optional with Mr. Holladay to remain on this route or go on that route?

Mr. EDMUNDS. I think it is entirely fair to say that it was optional. He says, "I have tried to go on this route; I am entitled to protection by the United States." The officer of the United States in charge of the protection of all these routes says, "I cannot proin charge of the protection of all these routes say, "I cannot protect you on that route, because I have not got forces enough; now, therefore, remove your business to this other line." Suppose Mr. Holladay had said, "I will not do it," what then? Does anybody suppose that the military was going to attack him and carry him off by force? No; he could stay and run his risk of the Indians. Very likely he could not have done it, but if he chose to take the alternative of trying, he did so at his own risk.

But here is a curious thing, Mr. President, a very curious thing. This order—and this alleged affidavit I suppose must refer to the same date—is dated the 2d of December, 1864. Now when you turn back to some of this other testimony, as that of Mr. Eaton, on the subject of what is supposed apparently by the committee and the promoters of this claim to be the same removal, we find that the tremendous damage, loss, &c., that is estimated at \$2,000 apiece for twenty-six stations, &c., was a matter that occurred, if you believe the witnesses, in the year 1862, two years before.

Mr. CAMERON, of Wisconsin. There was a removal in 1862, and that is the removal to which Mr. Eaton referred in his testimony. There was another removal in 1864, which was made under the order of Colonel Chivington. The committee did not confound one removal with the other at all.

with the other at all.

with the other at all.

Mr. EDMUNDS. Well, the testimony has been read—
Mr. HOAR. Mr. President—
Mr. EDMUNDS. I believe I am making this speech just now. The testimony which has been pressed upon us, I believe, of estimates of value, &c., has been read. As I said, I could not get one of these pamphlets of information, but I have borrowed one which is marked as if it had been commented on by somebody; and certainly if the committee report it it must be supposed to have something to do with this case, and here it is, that in 1862 the route was abandoned and was removed "to what is known now as the Bridger's Pass and Buttes Creek route," and in another place I believe it is described as "the Cherokee trail," and that the damage and expense of the abandonment of twenty-six stations, "which this affiant supposes were worth \$2,000 each, and also a large amount of forage and other articles of \$2,000 each, and also a large amount of forage and other articles of value, necessary in running a stage line, the amount of which this affiant can form no true estimate," &c. Then it goes on:

In addition to the losses sustained, specifically stated heretofore in this affidavit, this affint would state that the compensation received from the Post Office Department of itself was not sufficient to sustain the cost of such a line of transportation, &c.

What does the committee give us these estimates and this informa-What does the committee give us these estimates and this information for, unless they apply to something that we are called upon to decide? Now, then, they take the witnesses of 1862 apparently—and I hope the gentlemen of the committee will not suppose that I am criticising them—who testify to a removal at that time and great loss and damage accompanying it. Then in order to find a motive and a basis for a claim on account of that removal, they go forward for two years and upward to December, 1864, and then find a military order for a removal, the damage in respect to which occurred two years before. That of course would hardly stand. There must be something else about it, and so the Senator from Wisconsin—I will give him the fair benefit of his explanation—says there were two removals. else about it, and so the Senator from Wisconsin—I will give him the fair benefit of his explanation—says there were two removals. Well, if there were two removals, are we called upon to pay for both or only one, and if only one which one? I suppose from this report that we are called upon to lump the whole thing, the injury for 1862 and 1864. Am I right about it?

Mr. CAMERON of Wisconsin. The committee recommend the pay-

Mr. CAMERON, of Wisconsin. The committee recommend the payment of both, but they are not lumped; they are distinct.

Mr. EDMUNDS. It is a mere question of arithmetic to lump them together; but we are called upon to pay for two.

Mr. CAMERON, of Wisconsin. We are.
Mr. EDMUNDS. The order of Chivington therefore has nothing
whatever to do with the proceedings of 1862, because this all took

Mr. CAMERON, of Wisconsin. Nothing whatever.
Mr. EDMUNDS. We all agree to that.
Mr. CAMERON, of Wisconsin. The committee never claimed that. Mr. EDMUNDS. I hope my friend from Wisconsin does not suppose I am desirous of having any controversy with the committee. I am only trying to get such little information as may justify me in voting one way or the other about this bill, and what I say is therefore more to lead to explanations than to make a contest with anybody.

When we come to 1862 I find for my own information—and I do not ask anybody to act upon information that I get—an entry in the records of the Post-Office Department which is very much like this:

July 7, 1862-

Referring to this same route business-

Permit change of route so as to leave present road and keep along the South Platte and Cherokee Trail via Bridger's Pass, and intersect present route at Fort Bridger, shortening the distance one hundred miles.

An entry very like that, and as far as I now remember it is literally that, appears in the records of the Post-Office Department, referring, as they tell me, to this arrangement and affair, under date of 7th July, 1862, which appears to be a permission on the part of the Post-master-General to whoever was responsible for carrying on that operation to change the Sweet Water route to the Bridger's Pass route, and to make it whet convertely in referred to it has difficult of March 1981. and to make it what apparently is referred to in this affidavit of Mr. Eaton respecting the damages of 1862, because he was referring to the danger from Indians and so on.

But after having a number of the employés of said line killed and wounded by said Indians, and having over one hundred and eighty head of nules stolen and run off by said Indians, the property of said line—

And I suppose the United States is bound to guard against thieves as well as force-

was compelled to abandon over five hundred miles of said road, and remove the line to what is known now as the Bridger's Pass and Buttes Creek route.

That is the statement of this witness, and as I think I said before, in the statement of some other witness, it appears here that the Cherokee Trail comes in as part of it. Now, if there is an identity between the route this witness speaks of as the one to which they were obliged to go and the one referred to in this entry in the records of the Post-Office Department, (and which undoubtedly correspondence and other memoranda there, if we could only get at them, would explain and identify and clear memorands there is the control of the control of the post-Office Department, (and which undoubtedly correspondence and other memoranda there, if we could only get at them, would explain and identify and clear memorande them.) ence and other memoranda there, if we could only get at them, would explain and identify and clear up,) what do we get? If this entry at the time in the records of the Post-Office Department of the 7th July, 1862, is true, it appears by presumption that the application was for permission and is the language of the entry a permit was granted to the contractors to leave the contract route and keep along the South Platte, and Cherokee Trail and Bridger's Pass to Fort Bridger which appears to be as I say—perhaps I am mistaken—the same route that this witness speaks of as in respect to which the removal had been so extremely detrimental to these people and which moval had been so extremely detrimental to these people, and which the committee think ought to be paid for, while the ground on which the application was granted or the effect of it, whatever construction you put on it was to make the route one hundred miles shorter than the other which the contract required.

the other which the contract required.

All that may be capable of some explanation, for, as I said before, I am not making a contest with anybody, but I am trying to say what I feel, that this case is in no condition now for the Senate to determine it finally one way or the other.

Mr. CONKLING. Mr. President, I did mean to say a word about this case; but my friend from Illinois [Mr. Davis] is so much fatigued at the prospect of my saying anything that I will yield to the Senator from Missouri [Mr. COCKELL] to make a motion to adjourn, which he says he wants to make.

says he wants to make.

Mr. COCKRELL. Preliminary to that I ask that this resolution be passed simply calling for information; it will not delay the proceed-

Resolved. That the Postmaster-General be directed and required to furnish to the Senate as quickly as possible copies of all contracts, orders, changes, correspondence, proceedings, and actions concerning the carrying of mails across the continent between the 1st days of January, 1857 and 1867, on what was commonly called the "overland route," including copies of all entries on the books of the Department touching the service, the changes, payments, increase of payments, &c., and the full amounts paid to any and all persons on account of such contracts, services, changes, increases, extra compensations, &c.

changes, increases, extra compensations, &c.

Mr. CONKLING. As that is strictly within the motion which I yielded to the Senator from Missouri to make, I have a right to ask him a question about it. I yielded to the Senator to make a motion to adjourn; and this being evidently a part of that motion, [laughter,] I wish to inquire whether this resolution is to be made the foundation of further delay in the Holladay case.

Mr. COCKRELL. Not at all; under no circumstances.

Mr. COCKRELL. Not at all; under no circumstances.

Mr. COCKRELL. Not at all; I simply desire this information.

Mr. COCKRELL. Now I will tell the Senator why I ask the question. It was a curious measure to me of senatorial ingenuity. I suppesed that what a democratic platform four or five years ago called "the resources of statesmanship" had been exhausted in devices and inventions to postpone this case. I have thought that Fabius

vices and inventions to postpone this case. I have thought that Fabius !

might have learnt something, although he was the author of a great policy of delay, could he have witnessed, as I have done in the two Houses, all the expedients and contrivances and suggestions, ranging from mere personal convenience up to constitutional principles too large to be measured, which have been employed to postpone to some other time doing an honest thing, whatever that might be, in the case of a man who has been kept dangling for years, shuffled off first upon one theory and then upon another in respect of what I believe to be an honest claim. And I wanted to know whether my friend from Missouri, fresh from new fields of conquest, as I am glad to know he is, fertile as I know he is, had been able now, at this late hour of this late day, to get up a new contraption, if I may use that word without offense, by which still further to a more convenient season somewhere in the vast forever, Benjamin Holladay was to be postponed. But if he really wants this information, or even if he thinks he does, and if he has said that he will not make it the occasion of postponing or altering what would otherwise be the action of the Senate on this bill, then I will not interpose to objection which every member of the Senate has a right to interpose to the consideration of this resolution. from mere personal convenience up to constitutional principles too lution.

Mr. COCKRELL. The resolution was not offered for delay. The Senator from New York has never heard this bill discussed in the Senate or House in democratic Congresses, and democratic platforms have never touched upon it directly or indirectly.

Mr. CONKLING. Has this been omitted from the democratic plat-

form?

Mr. COCKRELL. He may have heard it discussed when the House and Senate were republican, and may have learned that the republican party then refused to pass it either through the Senate or House;

can party then refused to pass it either through the Senate or House; but not since the Senate or House has been democratic.

Mr. CONKLING. Will my honorable friend allow me to make a contribution to history there?

Mr. COCKRELL. I am always glad to hear contributions by the Senator from New York.

Mr. CONKLING. I am not surprised to hear that Holladay's case has not been referred to in democratic platforms, because it has been the persistent practice of that party to omit almost anything that had merit in it.

Mr. COCKRELL. I presume the republican platforms included all that had merit.

that had merit.

Mr. CONKLING. Oh, no.

Mr. COKRELL. Why was not this put in that platform?

Mr. CONKLING. We could not include all the merits of the republican party. All we could do was to sample.

Mr. COCKRELL. This resolution is not presented for delay. I delayed this claim but once, and that was during the last days of the last session. I did it, and I advised the friends of the bill that I was doing it, and I did not intend it should pass then, because it could not be fairly considered. It can be fairly considered now. I desire to throw no obstruction in the way of the passage of this bill; but I do desire the information this resolution calls for, and I have been trying to get it ever since the bill was before the Senate a year ago.

Mr. CONKLING. Take your order.

The PRESIDING OFFICER. Is there objection to the resolution?

Mr. ANTHONY. I make a verbal criticism on the resolution. I think it had better be in the usual form "that the Postmaster-General be directed." It reads "directed and required," which would seem to imply that there might be some objection on his part which required a special mandate from us.

Mr. COCKRELL. I have no objection to the modification sug-

gested.

The PRESIDING OFFICER. The resolution will be so modified.

The resolution, as modified, was agreed to.

Mr. COCKRELL. Now I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and two minutes

p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 11, 1881.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D.

The Journal of yesterday was read and approved.

ALLEGED ABUSE OF FRANKING PRIVILEGE.

Mr. BLACKBURN. Mr. Speaker, there was a resolution offered by the gentleman from Mississippi [Mr. Money] some time ago calling upon the Postmaster-General for a report—

The SPEAKER. The resolution to which the gentleman from Kentucky refers was offered by the gentleman from Indiana, [Mr. Calkins,] but reported to the House by the chairman of the Committee on the Post-Office and Post-Roads, [Mr. Money.]

Mr. BLACKBURN. The resolution which was reported from the Committee on the Post-Office and Post-Roads calls for information from the Postmaster-General as to alleged abuses in the franking

from the Postmaster-General as to alleged abuses in the franking

privilege in the transmission of matter through the mails over the frank of members of the Senate and House of Representatives, and as I understand that there is a very voluminous reply now on the desk of the Speaker from the Postmaster-General in reference to the subject, I ask the adoption of the following resolution which I send to the Clerk's desk, and that the communication of the Postmaster-General be sent to this select committee.

The Clerk read as follows:

Whereas charges have been made that the laws of the United States have been

The Clerk read as follows:

Whereas charges have been made that the laws of the United States have been violated by the sending through the mails under the frank of members of the House of Representatives and of the Senate of matter not authorized to be sent without the payment of postage:

Resolved, That a select committee of five be appointed by the Speaker of this House to examine into said charges and all other abuses that may be brought to their attention connected with the transmission of letters, documents, or other matter through the mails of the United States; that such committee shall have power to sit during the sessions of the House, to send for persons, papers, and records, to administer oaths, and to report to this House by bill or otherwise its findings and conclusions at any time. The expense of said investigation shall be paid out of the contingent fund of the House.

Mr. BLACKBURN', Leinvalue decided.

Mr. BLACKBURN.' I simply desire, Mr. Speaker, to move the adoption of that resolution, coupled with the request that I shall not be assigned to duty on that special committee.

Mr. BROWNE. In the absence of my colleague, [Mr. Calkins,] to whom this subject-matter more properly belongs, I insisted when the communication of the Postmaster-General was being presented to the House that it should be read or that it should be printed in the RECORD. Since that time I have been advised that the report reflects upon the conduct of certain members of the House and mem-

bers of the Senate. The investigation has been ex parte. Affidavits, as I am advised, are included in the report. No opportunity was given for the cross-examination of the witnesses, and it strikes me that it would be unjust that this matter should be made of record until the fullest opportunity has been given to the accused for the inspection of the papers and the cross-examination of the witnesses.

I am therefore, so far as I am personally concerned, entirely willing that this whole subject should be referred to a special committee,

ing that this whole subject should be referred to a special committee, that there may be the fullest and amplest investigation before it shall be made of public record. I am willing, therefore, that it may go to a special committee, and that the report be printed for the use of the committee, with the hope that the investigation will be at once begun, and that the committee's report will be made at an early day.

Mr. HUMPHREY. I move to amend the resolution so that the subject shall go to the Committee on the Post-Office and Post-Roads. I think that is the proper committee it should go to.

Mr. BROWNE. There are objections I need not state to its going to the Post-Office Committee. The investigation may possibly implicate some gentlemen who belong to that committee.

Mr. HUMPHREY. That does not make any difference.

Mr. BROWNE. I think it does make some difference.

Mr. HUMPHREY. Not at all. It gives them the entire advantage, and I am willing they should have all the advantage, of every doubt.

doubt.

Mr. COX. I desire to say one word. The gentleman from Indiana [Mr. Browne] has stated that no names have been published in connection with this charge of evasion of the post-office laws by members of Congress. I have seen in the newspapers the name of Senator Wallace and my own as being guilty of having cheated the post-office revenue. Publications were made before the election to that effect. I made inquiry, traced the matter out with the aid of the postmaster at New York, and received a thorough exoneration, so far as his investigation could go, as to myself. I have authorized no one to sign any such documents connected with the campaign. This committee will so ascertain.

ascertain.

After the publication in the New York Times of the exonerating letter of Mr. Postmaster James, it seems to come with an ill grace from this Post-Office Department, this clerk to the President, who must have this Post-Office Department, this clerk to the President, who must have been advised to send in here to this House the names of members as guilty of something against the Post-Office Department and its laws and revenues. I want to say in advance of any investigation that there are perhaps two sides to this investigation; and if other members of Congress, or if Senators, are no more involved in it than I am, then there must be some device, trick, or scheme to make some capital against members of one party. I hope the resolution will pass.

The question being taken on the resolution, it was agreed to.

Mr. BLACKBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

laid on the table.

The latter motion was agreed to.

There being no objection, the letter of the Postmaster-General was referred to the select committee.

Mr. WARNER. I call for the regular order.

The SPEAKER. The regular order is the call of committees for

reports.

Mr. HUMPHREY. I desire to ask the Chair what became of the amendment I offered, and which I insisted upon.

The SPEAKER. The Chair did not hear the gentleman from Wis-

consin insist; but the Chair never takes advantage of a gentleman, and will open the question again, notwithstanding the reconsideration.

Mr. HUMPHREY. I am not particular about it.

The SPEAKER. The Chair submitted the motion in as loud a voice as he could employ.

Mr. HUMPHREY. The reason why I wished to insist on my amendment was because I thought we could get a report sooner from the Committee on the Post-Office and Post-Roads than from a special committee.

The SPEAKER. The Chair heard, even at this distance, the con-The SPEARER. The Chair heard, even at this distance, the conversation between the gentleman from Indiana [Mr. Browne] and the gentleman from Wisconsin, [Mr. HUMPHREY.] in which the gentleman from Indiana said there was an impropriety in the Post-Office Committee considering the subject; and the Chair supposed the gentleman from Wisconsin had acceded to the suggestion of the gentleman from Indiana. He certainly did not press his amendment.

Mr. HUMPHREY. I do not insist on the amendment.

SECTIONS 2504 AND 2970 OF REVISED STATUTES

Mr. McCOOK. I ask the gentleman from Ohio [Mr. WARNER] to withdraw the call for the regular order, that I may introduce a bill for reference.

Mr. WARNER. I withdraw the call for the regular order for that

Mr. McCOOK, by unanimous consent, introduced (by request) a bill (H. R. No. 6845) to amend sections 2504 and 2970 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY S. W. HARRIS.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 6846) granting a pension to Mary S. W. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNCLAIMED DIVIDENDS OF NATIONAL BANKS.

Mr. PRICE introduced a bill (H. R. No. 6847) to provide for the distribution of unclaimed dividends among the creditors of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

Mr. COFFROTH. I ask unanimous consent to offer the resolution which I send to the desk.

Mr. WARNER. I call for the regular order.

Mr. COFFROTH. I ask the gentleman to hear the resolution read. It is to assign time for the consideration of business of the Committee on Invalid Pensions.

Mr. WARNER. I must insist on the regular order.

Mr. WARNER. I must insist on the regular order.
The SPEAKER. The regular order is demanded, which is the call of committees for reports.

Mr. FINLEY. I move to dispense with the call of committees for

to-day.

The SPEAKER. That will require a two-thirds vote.

The motion of Mr. FINLEY was agreed to upon a division-ayes 102, noes not counted; two-thirds voting in favor thereof.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills,

Mr. ALDRICH, of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry;

A bill (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits, and to promote their civilization;

A bill (S. No. 549) for the relief of Samuel I. Gustin;

A bill (S. No. 814) for the relief of the legal representative of Henry M. Shreve, deceased; and

A bill (S. No. 1353) for the relief of N. & G. Taylor Company.

INDIAN APPROPRIATION BILL.

I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole,
Mr. Townshend, of Illinois, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole
for the purpose of further considering the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes. The Clerk will report the pending paragraph.

The Clerk read as follows:

That all laws and parts of laws creating or authorizing the commission of tencitizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed.

The CHAIRMAN. The pending question is upon the motion of the gentleman from New York, [Mr. HISCOCK,] to strike out the paragraph just read and to insert in lieu thereof what the Clerk will now read.

The Clerk read as follows:

For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

Mr. POEHLER. I rise to a point of order on that amendment.
The CHAIRMAN. The gentleman will state it.
Mr. POEHLER. It increases expenditures beyond the amount

proposed by the bill. I do not think it necessary to make any argu-

ment on that point of order.

Mr. HISCOCK. The fact that the amendment increases the amount which the bill provides for does not render it liable to any point of

Mr. BLOUNT. That there may be no misunderstanding on the part of the Chair, I desire to state that I suppose the point of order is that the amendment changes existing law and increases expenditure. The fact is that the appropriation proposed by the amendment is in exact accordance with the law authorizing this commission. The clause in the bill, which is not yet law, is intended to repeal the law authorizing this commission. The object of my friend from New York, [Mr. Hiscock,] as I understand it, is to strike out that provision of the bill and to insert in lieu thereof a provision making an appropriation to execute existing law. I state that in fairness to the Chair, before he makes his ruling upon the point of order.

The CHAIRMAN. Can the gentleman from Minnesota [Mr. POEH-LER] point to any law which this amendment if adopted will change?

Mr. POEHLER. I supposed the law was changed last year.

Mr. BLOUNT. It was not.

The CHAIRMAN. The Chair is of opinion that the point of order is not well taken, for the reason that the proposed amendment will not change any existing law, but is to execute a law already in existence.

Mr. POEHLER. Then I hope the amendment will not prevail, for

The CHAIRMAN. The gentleman from Minnesota [Mr. POEHLER] will suspend until the gentleman from New York, [Mr. HISCOCK,] who is entitled to the floor, has submitted such remarks as he may

who is entitled to the hoor, has submitted such remarks as he may desire upon the pending amendment.

Mr. POEHLER. I beg pardon; I did not know the gentleman from New York [Mr. HISCOCK] desired to be heard.

Mr. HISCOCK. The provisions of law which the pending bill as reported to this House by the Committee on Appropriations proposes. to repeal are very important provisions. It proposes the abolition of this commission of ten which was created by an act of Congress. Their powers are of a supervisory nature, and will be found in sec-tions 2041 and 2042 of the Revised Statutes, which are as follows:

tions 2041 and 2042 of the Revised Statutes, which are as follows:

SEC, 2041. The board of commissioners mentioned in section 2039 shall supervise
all expenditures of money appropriated for the benefit of Indians within the limits
of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult
the commission in making purchases of such goods.

SEC. 2042. Any member of the board of Indian commissioners is empowered to
investigate all contracts, expenditures, and accounts in connection with the Indian
service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive
committee of said board shall not be a prerequisite of payment.

It will be observed that this board is simply supervisory; simply a watch, or, if you please so to term it, a police over the goods that are to be furnished and over the accounts of the Indian Bureau. I am not aware that any complaint has ever been made against these commissioners. This proposition to repeal the law does not come from a committee which has investigated the necessity of the continuance of this commission. I know of no allegation being made before any committee or anywhere else against the efficiency of these commissioners, or against the good work which they have performed.

This board has survived the annual raids which have been made

upon every branch of the Government in the interest of economy, the

upon every branch of the Government in the interest of economy, the cutting down of salaries and the wiping out of clerkships, until now, not in the interest of any such raids as that, without coming from a committee reporting any reasons for its non-continuance, it is proposed to repeal the law which created this commission, and thus to abolish these commissioners. I for one see no good reason for that.

As will be remembered by every member of this House, this commission has performed at least one important service, that is the development of the affairs which existed under the Commissioner of Indian Affairs, Mr. Hayt. Whatever there was to be divulged there, whatever was found out there, whatever light was thrown upon the manner in which the affairs of that bureau were conducted by him, is due entirely to this commission. is due entirely to this commission.

As I have already said, no reason is given, as I understand it, by the chairman of the sub-committee having this bill in charge why this board should be wiped out of existence. On the contrary, the Secretary of the Interior is decided in his expression of opinion that it shall be continued. I will supplement my remarks upon this question by asking to have read a letter which I have received from the

Secretary of the Interior.
The Clerk read as follows:

Department of the Interior,

Washington, D. C., January 11, 1881.

Dear Sir: In answer to your inquiry I beg leave to say that the Board of Indian Commissioners has proved of great usefulness in the management of Indian Affairs. They have been rendering very great service in superintending, together with the Commissioner of Indian Affairs, the annual lettings of contracts for supplying the Indians with provisions and annuities, in the examination of annuity goods as to their quality, in the examination of accounts, and in making inspections of agencies and inquiries into the different branches of the Indian service. In all these things I have found the board very useful, and believe that the sum that has been appropriated for many years to defray its expenses has been money expended to the great advantage of the service. I should be glad to have the board kept in existence and the appropriation for defraying its expenses renewed.

Very truly, yours,

Mr. POEHLER. Mr. Chairman, notwithstanding all that has been said by the gentleman who has just spoken, [Mr. Hiscock,] I can see no more use for this commission in the Interior Department than for a like commission in every other Department in this Government. If the Interior Department is not competent, without the aid of a commission of this kind, to let contracts, to examine goods, and to see whether supplies furnished for the Indians are proper in quality and cheap enough in price, then we had better turn that Department over to this commission. I do not see why we need the supervision of this commission at the different agencies, for we have already five regular inspectors.

Mr. POEHLER. Mr. Chairman, notwithstanding all that has been

regular inspectors.

It is possible that the Secretary of the Interior may not object to continuing this commission; probably he may advise it, as he would perhaps dislike to say that he did not wish the services of these gentlemen. But I have looked over this matter very carefully, and I have seen no benefits to the service arising from this commission, whose members know no more about the needs of the Department

I think the expenditure is useless.

It has been said that disclosures heretofore made in regard to the administration of a former Commissioner of Indian Affairs were due

administration of a former Commissioner of Indian Affairs were due principally to this commission. Now, I have been informed—whether correctly or not I am unable to say—that the man who was clerk to this commission is now in the same business for which that Commissioner of Indian Affairs was discharged.

Mr. WELLS. Mr. Chairman, I move pro forma to amend the amendment by striking out the last word. It will be remembered that the law creating this commission was passed some ten or eleven years ago. Since that time Congress has provided, as stated by the gentleman from Minnesota, [Mr. POEHLER,] five inspectors, who in part, if not entirely, take the place of this commission. They not only examine the accounts, but they visit from time to time the agencies of the different Indian tribes. Last year we inserted in our Indian appropriation bill this clause: tion bill this clause:

No part of the money appropriated by this act shall be paid or in any way used for the payment of the salaries or expenses of the Indian commission provided for by section 2029 of the Revised Statutes of the United States.

As we had thus provided last year by law that no money appropriated for the Indian service should be used for this commission, the Committee on Appropriations instructed me to report this bill with a provision repealing the law creating the commission. Besides, Mr. Chairman, upon an examination of this appropriation bill at a point a few clauses beyond the paragraph we are now considering, it will be found that we provide for inspectors of goods purchased in New York under bids, and that these inspectors, under the direction of the Indian Department, have control and management of this matter. Hence I can see very little use of this commission at the present time aside from securing to its clerk a salary of \$3,000; to its assistant clerk a salary of \$1,200; besides an expenditure of \$1,500 a year for

To be sure the members of this commission receive no salary; but we are appropriating this money to pay their expenses—expenses for what? For the purpose of visiting different agencies? No, sir; because we have inspectors for that purpose. We are paying the expenses of this commission for visiting Washington and looking over accounts which are already examined and audited by a paid officer of this Government. In my association with the officers of the Indian Bureau I have found they appropriate that the party of the second the secon this Government. In my association with the officers of the Indian Bureau I have found them very correct, just, and honorable men. I have confidence in that department. I have seen and examined in person some of their accounts, and I do not feel that we need to have a watch-dog over them any more than over any other department of this Government. I feel that the appropriation for this purpose is a useless expenditure of money, and is embarrassing to a bureau which is now running satisfactorily.

useless expenditure of money, and is embarrassing to a bureau which is now running satisfactorily.

Mr. HOOKER. Mr. Chairman, I was very glad when this bill was reported from the Committee on Appropriations that, after the war which has been made upon this most extraordinary appropriation, the committee had at last consented in their wisdom to omit the annual appropriation of \$10,000 for the payment of the peace commissioners as they are called. I presume the Committee of the Whole understands that this commission was created under the act of 1869, as I have had occasion to say heretofore, for a specific purpose, namely, to co-operate with the General of the Army and other persons designated for the purpose of meeting what was then supposed to be the imminent danger of an Indian outbreak. I have heretofore taken the nent danger of an Indian outbreak. I have heretofore taken the position, as I do now, that as soon as the objects of the act of 1869 were accomplished this commission was functus officio and no longer had any legal existence. But, strange to say, the Committee on Appropriations, running in the groove which had been established, continued these appropriations from year to year, for during a series of years from 1869 to the present time \$10,000 has been appropriated annually—not for the payment of commissioners for they reason. years from 1869 to the present time \$10,000 has been appropriated annually—not for the payment of commissioners, for they, we were told, were philanthropic gentlemen who had great love for the Indians, and were animated by no desire for compensation, gentlemen who would have rejected scornfully any offer of pay. I hope that the gentleman from New York who has offered this amendment does not speak by authority for any member of that commission, for when in former Congresses it has been my fortune to oppose this appropriation and to characterize it as it justly deserved I have always been told that this was a commission of philanthropic gentlemen who not only were giving their services to the Indians and to the country

Hon. Frank Hiscock, House of Representatives.

without compensation, but would scorn to take compensation; that the \$10,000 annually appropriated since 1869 (and I call the attention of the gentleman from New York who offered the amendment to this of the gentleman from New York who offered the amendment to this fact) was simply to defray their expenses; that these gentlemen did not want any compensation, but were doing this work purely from philanthropical motives. The Committee on Appropriations, I say, for eleven years has appropriated \$10,000 a year to defray their expenses, not to compensate them at all; and yet the gentleman from New York offers his amendment, you will see, for the expenses of a commission of citizens serving without compensation. Ah! serving without appropriation—when and where? Have they not had \$10,000 every year to pay their traveling expenses? They professed, and under the very terms of the act of 1869 they were, to serve without compensation. It was never alleged that they were to be compensated in any way whatever.

in any way whatever.

I say, sir, we have driven the Appropriations Committee—immovable and unrepentant in their sins and in their crimes—we have driven

I say, sir, we have driven the Appropriations Committee—immovable and unrepentant in their sins and in their crimes—we have driven that Appropriations Committee to omit from the Indian appropriation bill this year this appropriation of \$10,000 to compensate this peace commission for traveling expenses.

But now the gentleman from New York comes up and asks on an amendment in his own handwriting, and in his own words, when the law by its terms declares these gentlemen were to serve without compensation—the gentleman from New York asks that \$10,000 shall be paid to them. I commend the Appropriations Committee, and it is not often my good fortune to have the opportunity of commending that committee; but I do commend the policy and the economy and the justice and the good sense of the Appropriations Committee in omitting this provision from the present Indian appropriation bill. They are hard to convince, they are stubborn in their notions, but we have driven them at last to this point; and I hope they will maintain the bill and that my friend from Missouri who has it in charge will rise and support, in opposition to the gentleman from New York, will rise and support, in opposition to the gentleman from New York, the just measure of the committee and say that these gentlemen who have always professed they were serving without compensation shall not now come in and ask that they shall be compensated.

The CHAIRMAN. The gentleman's time has expired.

Mr. HAWLEY. I hope the gentleman will withdraw this amendment.

ment.

I desire to take the floor and yield my time to the

gentleman from Mississippi.
The CHAIRMAN. The Chair hears no objection.
Mr. HOOKER. I thank the gentleman from Texas for his cour-

tesy.

I regret, Mr. Chairman, not having the act of 1869 here, but it will be remembered as quoted in the debates during the last Congress that be remembered as quoted in the debates during the last Congress that that commission was created for a specific purpose. It was to be composed of ten citizens who were to serve under the terms of the act itself without compensation. For ten or eleven long years \$10,000 have been reported each year by the Committee on Appropriations for their expenses. This year when I looked over the Indian bill I was gratified to find, driven I suppose to conviction, the Committee on Appropriations have omitted the appropriation.

Mr. SCALES. I have the law here, and will read it if my friend desires it.

desires it

Mr. HOOKER. I will be obliged to my friend if he will read it to the House.

Mr. SCALES. The provision in the fourth section is as follows:

And for the purpose of enabling the President to execute the powers conferred by this act he is hereby authorized, at his discretion, to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this act or any part thereof that the President may designate; and to pay the necessary expenses of transportation, subsistence, and clerk hire of said commissioners while actually engaged in said service there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary.

Mr. HOOKER. It will be observed by the terms of the act which has been read by my friend from North Carolina these commissioners were to serve without compensation, and that they were to serve unwere to serve without compensation, and that they were to serve under the terms of that act for the specific purpose for which the law was passed. And in making my argument against the appropriation of the committee last year, in which they appropriated, running in the same groove with their predecessors, \$10,000 for the expenses of this commission, I endeavored to convince the committee then as I do now that was an unwise expenditure of the public money.

And, Mr. Chairman, allow me to say that with regard to Indian affairs, as with regard to the ordinary affairs of the Government, we have too much government—we have too much government—we have too much government—we have

affairs, as with regard to the ordinary affairs of the Government, we have too much government—we have too many officers, too many men who are paid for performing services. We have the bill of this committee, and when you read it through you will find it quadruples the compensation of these employés. It makes an appropriation of six hundred and odd thousand dollars in two clauses of the bill without a particle of specification how it shall be applied. I demonstrated to the committee yesterday that under the incidental expenditure for Indian effairs you expended \$178,000 without any specific provision. Indian affairs you expended \$178,000 without any specific provision of how the funds should be disbursed.

And will you allow me to say further, Mr. Chairman, (and I hope the committee will hear what I have to say,) that there is no Department of the Government, neither the Army nor the Navy nor any

other Department, which has such extraordinary powers conferred upon it as the Interior Department has in regard to this Indian Bureau † It has been this lavish appropriation of money, these indefinite and uncertain sums voted to it, which have given rise to the fact that one Commissioner of Indian Affairs has been hurled from his position by the Secretary of the Interior because he was speculating in the funds which were confided to him for Indian propers. which were confided to him for Indian purposes.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. HAWLEY. Mr. Chairman, I suppose it is within the recollection of us all—for it was notorious—that for many years there were constant scandals concerning the purchases made for the Indians. It was a matter of general comment throughout the country and in the newspapers. It was alleged that rotten blankets were furnished to them, diseased pork was bought, and everything supplied to them in the way of clothing and provisions was below the standard required. I have for several years past heard but very little of that kind of complaint. There has been a general improvement in the administration of the whole of the Indian affairs, especially in this department. I credit some of this to the general excellence of the officials connected with the department, but I am bound to give a very considerable measure of credit for the improvement in this matter of supplies to the creation of this board. ter of supplies to the creation of this board.

I am willing to trust the judgment of the gentlemen engaged in administering the Indian affairs, who say that this board has been

and is of great use and service.

I do not quite comprehend the allusions of the gentleman from Mississippi to the compensation of the commission. By the original statute creating the Indian commission they were to serve without pay. They have done so. It is not even pretended that they have ever been paid or sought to be paid for the service, and nobody now desires to pay them.

They are gentlemen of high character and standing. They are of different pursuits in life, familiar with the different specialties connected with this department. They pay close attention to the various purchases for the Indians; and it is, as I have said, beyond question that the supplies for the Indians under this supervision are far better

that the supplies for the Indians under this supervision are far better than at any previous time.

If I were to designate a system for myself I should say that I know of no reason why all the provisions for the Indians might not be purchased under the control and management of the officers who purchase so well fer the Army. And the same may be said of the clothing. The standard is uniformly good. The clothing and provisions for the Army are excellently well chosen. There is no complaint as to their quality. The rations are good, and both rations and clothing are cheap, purchased at the lowest rates that they can be had in the market. Why, therefore, there cannot be added to the duties of these officers who purchase the clothing and provisions for the Army the duties of purchasing for the Indians I have never quite understood. But as the law has not been changed in that respect, I wish to main-But as the law has not been changed in that respect, I wish to maintain the law that is now in force providing for this commission.

Mr. HOOKER. Will the gentleman from Connecticut permit me

Mr. HOOKER. Will the gentleman from Connecticut permit the to ask him a question?

Mr. HAWLEY. Oh, yes.

Mr. HOOKER. I wish to ask the gentleman if he will favor an amendment which I intend to offer to transfer the whole matter to

the War Department?

Mr. HAWLEY. I cannot say until I have read it. I am in general in favor of turning more of the work over to the Army. I believe, as I have said, that these purchases can be made equally as well, perhaps better, by the purchasing officers of the Army. But as this has not been done, as the law now stands I firmly believe, from personal inquiry and from the knowledge which I have of some of these gentlement, that the constant of the standard of the second tlemen, that they are of great service to the country in the management of this affair. They do a great service. They give a large part of their time and services to the Government without compensation. They undoubtedly save the Government large sums of money by making economical purchases, and the Secretary desires to continue the

Of course they cannot work without expending some money. They cannot travel and supervise these supplies without incurring some expense upon railroads and at hotels. That is all the Government is called upon to pay. It ought to be paid, for they do a great public service, and I believe it is desirable to have the commission continued.

I hope it will be done.

I hope it will be done.

Mr. SCALES. Mr. Chairman, I trust that this amendment will not prevail. The House has been already informed that this act was passed in 1869. This board was then appointed for the purposes specified in that act. Afterward it grew up and became attached to each appropriation bill as a fungus growth. It should not have been there, and its history shows the importance of the committee putting no way levislation and appropriation bill until it has been well connew legislation on an appropriation bill until it has been well con-

sidered and gives unquestioned promise of good results.

In 1869, at the time that this act was passed, there was a cry, and a just cry, throughout the country of fraud in the administration of the Indian affairs. This was an effort and an abortive effort made for the purpose of correcting that state of things. The effect of it was, in-stead of benefiting the administration of Indian affairs, to damage it in my view most materially by dividing up the responsibility which should have rested alone upon the head of the Department.

They called to the assistance of the Secretary of the Interior a board of commissioners, consisting of ten men, whose duty it was to

aid him in making contracts and disbursing money. These men were without responsibility. They received no salary. They had no specific duties to perform. They were selected from fifty millions of people and invited here as an act of courtesy and compliment to overlook this bureau. They wanted no salary, but accepted an appropriation of \$25,000 as expenses. This money was spent by them in coming to Washington, and in traversing the whole Indian country in Pullman pelaces are sufficient to the property of the service of the ser palace cars, with as many employes around them as were suitable to the dignity of their position. This was essential to their work, and this part of it was not usually neglected.

And yet, sir, after ten years of service, and the expenditure of near two hundred thousand dollars, the gentleman from New York who proposes this amendment is able from the whole history of the past to cite but one single instance in which he says they have benefited the service. And what was that? It was the discovery, he says, which these Indian commissioners made as to the improprieties in the conduct of the late Commissioner of Indian Affairs. Let me say to conduct of the late Commissioner of Indian Affairs. Let me say to that gentleman what I said here a year ago on the same subject, that while we did have the assistance of these gentlemen—and it would have been strange if they had failed to give it to us—when the matter was talked of in Washington as well as at the agency, information was conveyed to me as chairman of the Committee on Indian Affairs. It was sent to the head of the Department, and I believe would have been prosecuted and fully investigated if there had been no such commission. I will not detract from their credit, but do say that they are not entitled to exclusive credit. Then, sir, the only thing that the gentleman from New York has urged in justification of so great an expenditure falls to the ground.

But that is not all, Mr. Chairman. Let us see what is the state of things we have. My opinion is, and I think every intelligent man will concur with me, that we have here an illustration of the old

will concur with me, that we have here an illustration of the old adage, a homely but a true one, that too many cooks spoil the broth. You have your Secretary of the Interior; you have your Commissioner of Indian Affairs, whose whole time is devoted to that service; you have five inspectors who are paid, and whose whole time is also you have not inspectors who are paid, and whose whole time is also to be devoted to the Indian; you have in addition seventy-eight agents, and you have superadded to these two special agents appointed by the Secretary of the Interior. And all of these are paid by the Government to look after the Indians and see to it that there are no frauds and corruptions in this service.

The object of this board is to prevent fraud. And they not only created it, but they said, "We cannot rely upon the agents we appoint, and therefore we will delegate the appointment of agents to the religious denominations." And it is a fact to-day, a fact in violation of the spirit of the Constitution, that the agents of the Indian Bureau are appointed, not by the President directly, but by religious denominations who control the agencies and exclude all others. They have their own employee from the denominations with the control to the agencies and exclude all others. have their own employes from the denominations, and the result of the whole thing is to build up sects, if anything, among the Indians, and the Government is the paymaster for this work, which should be done by the churches.

Now, I say the experience of the past has shown that this organiza-

Now, I say the experience of the past has shown that this organiza-tion is useless, that the money spent upon it is money spent without justification and without any adequate return to the Government. There is one thing, however, I do not understand. These commis-sioners are generally gentlemen of high intelligence and virtue; and it is strange to me, it is passing strange, that gentlemen of so much wealth and so much business of their own should seek so persist-ently and continuously this position. At the last session, sir, we

ently and continuously this position. At the last session, sir, we lopped it off.

Mr. HISCOCK. Will the gentleman from North Carolina allow me to inquire of him if he means to say that these gentlemen have persistently sought for this position? I certainly desire to say for myself there is not a member of that commission that I know personally. Not one of them ever spoke to me, and I do not believe there is a member of this House to whom any member of that commission has ever spoken on this subject.

Mr. SCALES. I hope this does not come out of my time.

Mr. SCALES. I hope this does not come out of my time.

Mr. Chairman, I would not do any of these gentlemen injustice; I do not mean to do that. I mean, however, to draw inferences from the facts before this House connected with the history of this transaction. When the last appropriation bill was before this House we struck out every dollar of appropriation for this purpose. We struck out the clause itself. The bill went to the Senate, and the Senate put it back. On a committee of conference the clause was put in put it back. On a committee of conference the clause was put in but without any appropriation. How is it, then, these gentlemen are in office to-day receiving the same appropriation? This House expressed its disapprobation. The House and Senate cut out the appropriation after a full and fair conference through its committees and the bill became the law. The next thing after this defeat was to put it on the sundry civil bill.

[Here the hammer fell.]

Mr. SINGLETON, of Mississippi. As an humble member of the Committee on Appropriations, which my distinguished colleague from Mississippi [Mr. HOOKER] so warmly commended for its notions of economy, I think it due to that committee I should say one word in response to what has fallen from my colleague.

I know not the purpose, except as I can guess it from the current events of that day, why this commission was raised. I suppose our friends on the other side of the House, who then had control of Con-

gress, created the commission for a wise purpose, as it was admitted on the floor of this House, and it was a well-known fact, that there was a great deal of scandal in regard to the management of our Indian affairs, especially in the purchase of the goods that were supplied to the Indians, both as regards the quality and the quantity. I presume the object was to create a supervising board that should see no injustice was done to these Indians. And it seems to have had the great of according what was then completed of the great found. effect of correcting what was then complained of, the gross frauds in the supplies to the Indians.

As to the gentlemen who composed this board, I know not a single one of them. I apprehend they are gentlemen of the highest character. I have never known and have never heard that they desire to hold this position. They hold their places without compensation, and it would hardly be expected that these gentlemen who are volunteering their services in so good a cause as this should have been willing, in traveling from point to point and making these purchases, to pay their own expenses and to pay the expenses of the employés necessary in this work. But, Mr. Chairman, I believe the time has come when perhaps we can dispense with them. The complaints to which I have referred are now not so frequent as they were in the

past.

My friend from Mississippi [Mr. HOOKER] made the statement upon this floor that from year to year the Committee on Appropriations have incorporated into this bill the sum of \$10,000 for the purpose of paying this commission. Now, if my friend will turn back to the Indian appropriation bill of last year, he will find that although we did report in favor of paying the expenses of the commission, yet we proposed to reduce the amount to \$7,000. Upon his motion that sum was stricken out, and no provision whatever was made in the bill for defraying the expenses of this commission. The bill as it passed this House and went to the Seneta did not contain any provision for this House and went to the Senate did not contain any provision for

that purpose.

When the Senate came to consider the bill it amended it by inserting a clause making an appropriation for that purpose. The question became a matter for the committees of conference, and in the conference between the two Houses, although the Senate conferees for some time insisted upon retaining the amount necessary to pay the expenses of this commission, they finally gave way and the was passed without that provision.

bill was passed without that provision.

Afterward, when the sundry civil appropriation bill came to be passed, it went to the Senate without any provision in it for paying the expenses of this commission. The Senate amended it by putting in \$10,000 for that purpose. The House disagreed to the amendment and the bill went to a committee of conference. The conferees on the part of the House finally agreed to retain the \$10,000 for the payment of the expenses of these commissioners. That is the way in which the appropriation got into our legislation of the last session. The gentleman will see by that statement that the Committee on Appropriations is not so entirely responsible as he has declared.

The gentleman himself submitted the motion at the last session of Congress to strike out the clause making this appropriation. The Committee on Appropriations now adopts the idea, following the lead of the House at the last session. Yet the gentleman is very un-

lead of the House at the last session. Yet the gentleman is very unhappy at what we have done, and makes a long speech to prove that we ought to have done exactly what he wants done. That is the whole history of the matter. The provision is now left out of the bill, and we propose to repeal the law authorizing the appointment of this commission.

this commission.
[Here the hammer fell.]
Mr. CANNON, of Illinois. I desire to oppose the amendment.
Mr. CHITTENDEN. I desire to advocate the amendment.
Mr. CANNON, of Illinois. I give way to the gentleman from New

Mr. CANNON, of Hindels.

York, [Mr. CHITTENDEN.]

Mr. CHITTENDEN. It is impossible for me in five minutes to give to the committee all the information that I desire to give them; I could not do it in half an hour.

In the last year of President Buchanan's administration I made a late attempt to break down what had been a gross scandal and

resolute attempt to break down what had been a gross scandal and monopoly in New York in furnishing the annual supply of Indian goods connected with my branch of trade. I sent my junior partner to Washington and told him to bid for the contract at the risk of a loss of \$25,000, for the purpose of getting inside of the rottenness of the old system, whereby one firm had succeeded in furnishing for nearly twenty-five years supplies for the northwestern and other tribes of

The Secretary of the Interior, Mr. Jacob Thompson, of Mississippi, was compelled to award me the contract because I underbid in bulk the old firm. What was the result? In the first place, I paid \$5,000 to lawyers to see to it that I got the contract I was fairly entitled to. This was a waste of money, for Mr. Thompson manifested on my first interview with him a fixed and honorable purpose to do right.

What was the next result? After Secretary Thompson awarded the contract to me, the Indian Commissioner (now dead) told the old New York firm that he "would fix Mr. CHITTENDEN before he got through this business;" and he did fix me. By delaying the schedules he made me pay for one thing four freights from England on one hundred and twenty bales of blankets, and I spent \$30,000, directly and indirectly, in carrying out that contract, in my fight with the Indian Commissioner. I might go into details and speak from recollection of papers that are now in the Interior Department,

if they have not been destroyed, which give a history of the whole

In the end, I determined to appeal to a republican President on his election, and to have the thing sifted to the bottom. But the war his election, and to have the thing sifted to the bottom. But the war came on, and I felt that my personal interest was a matter of no moment at that time, and I made no attempt to expose the wrong.

[Here the hammer fell.]

Mr. HUMPHREY. I will take the floor and yield my time to the gentleman from New York.

Mr. CHITTENDEN. I thank the gentleman. Now, twenty years after, the case comes up again—

Mr. HOOKER. Will the gentleman permit me to interrupt him for a question?

for a question?
Mr. CHITTENDEN. Certainly.
Mr. HOOKER. I did not distinctly understand what the gentle-

Mr. HOOKER. I did not distinctly understand what the gentleman said in reference to Secretary Thompson.

Mr. CHITTENDEN. I said that Mr. Thompson was Secretary of the Interior and compelled to award me the contract against all the lobby, because I was the lowest bidder.

Mr. HOOKER. What contract?

Mr. CHITTENDEN. To supply goods for certain Indians in 1861.

Mr. HOOKER. That was a valuable contract?

Mr. CHITTENDEN. The total amount of the contract was about the knowledged and ten thousand dellars, and the goods to fill the con-

one hundred and ten thousand dollars, and the goods to fill the con-

one hundred and ten thousand dollars, and the goods to fill the contract cost me §140,000, one way and another.

Mr. HOOKER. You did not make anything by that operation.

Mr. CHITTENDEN. No, sir, no money; but I made some experience of Indian contracts under the old system of business, which is a warning to gentlemen who propose to abolish the commission now existing. In respect to the blankets before alluded to, I discovered that the Indians had been systematically cheated, and that goods worth less than half the contract price had, year after year, been substituted for the goods paid for by Government.

worth less than half the contract price had, year after year, been substituted for the goods paid for by Government.

Now, Mr. Chairman, this is an extremely interesting and difficult question to deal with. After the long series of outrages committed upon the Indians in the purchase of their supplies, a commission of angels could hardly succeed in immediately righting the wrongs connected with this matter. But I say from my knowledge of the work of the commission and the men composing it, that if there are any men in this country who are honestly devoted to their public duties, if there are any who can be trusted for the honest performance of those duties, the men who have for the last few years superintended as members of that commission the furnishing of Indian supplies are such men. While they may not have succeeded in securing entire economy in every respect, and doing full justice to the Indians, it is capable of demonstration that they have in every direction made good progress. To the democracy of this House, who have had sway here for six years, and who have claimed that all rottenness and all wrong doing belonged to the republican party, I say do not abolish this comdoing belonged to the republican party, I say do not abolish this com-mission. Of all the mistakes of legislation that the democratic party have made in six years, this would, in my judgment, be one of the most notable.

most notable.

Mr. Chairman, I only came into the House after my colleague [Mr. Hiscock] had offered his amendment, and only accidently learned the question before the committee. Yesterday, unfortunately, I paid no attention to the progress of this bill, being very much employed otherwise. But I should, from my experience, as soon expect to see this committee vote to abolish the Sergeant-at-Arms of the House of Representatives as to abolish this commission, under which we have. Representatives as to abolish this commission, under which we have,

most manifestly, corrected many evils.

Mr. CANNON, of Illinois. Mr. Chairman, last year I voted to withhold the appropriation for this commission, and I see no reason for voting differently to-day. Before the creation of this commission the Secretary of the Interior was responsible for the proper administration

voting differently to-day. Before the creation of this commission the Secretary of the Interior was responsible for the proper administration of this bureau; he had the power to make contracts without any supervision of this kind. But this commission, so far as purchases are concerned under the act creating it, exercises joint authority with the Secretary of the Interior. Gentlemen say that the Commissioner of Indian Affairs and this commission would have to co-operate before a wrong thing could be accomplished. So it might be said they will have to co-operate before a right thing can be done.

Now, this is not the only department of the Government that makes purchases, that opens bids. The goods purchased for the Indians constitute but a very small portion of the supplies furnished to the Government. If a commission of this kind is a good thing in the Interior Department, it strikes me it would be a good thing in every other Department. Here you have a commission responsible to nobody. The members of the commission it is said are very clever men. I cannot dispute that statement; I have no desire to dispute it. I do not know these men. I am speaking of the system. If you have had good administration under this system, it is because you have happened to obtain good men, and not because the system itself is not likely to prove a vicious one, as everybody must see, in the future. I apprehend that the Secretary of the Interior, so long as he is charged with the enforcement of the law, ought to have complete power to choose his agents, and should be held responsible. It ought to be out of his power and out of the power of any other officer charged with the performance of public duty to divide responsibility. The moment you divide the responsibility for official action, that moment you lay a trap which sooner or later will promote fraud. If

the Secretary desires the assistance or advice of philanthropic individuals willing to act without compensation, let him have the power to choose them from time to time, but let somebody be solely respon-

Again, Mr. Chairman, I am suspicious of adopting permanently a policy giving the power and control of expenditures to men who repolicy giving the power and control of expenditures to men who receive no compensation, and who are supposed to act upon pure philanthropic grounds. My observation teaches me, both in private and public affairs, that the service performed without adequate compensation is not a good or safe service. I grant that many men do philanthropic acts. But, after all, it is not safe to invest men or organizations who act without pay with the power of making contracts and incurring expenditures in connection with the Government. Men doing duty of this kind ought to be responsible to somebody. Men doing duty of this kind ought to be responsible to somebody. When you vest power of this sort in the hands of men who are expected to act from pure philanthropy and without compensation, it is generally not a great while before some designing individual assumes the robes of philanthropy that under their cover he may commit fraud. If this commission has done good heretofore I am glad of it; but the policy is wrong; and I want now to abolish this commission before, under the ordinary operation of the laws governing matters of this kind, it brings abuses into the service. Or, if you cannot trust the Secretary of the Interior, then take the power from him altogether in the premises, and vest it in a commission, providing it with the proper machinery for successful operation, fixing its responsibility, and giving its members adequate compensation for their services.

Mr. BLOUNT. Mr. Chairman, a great deal of the abuse to which this commission has been subjected is, I think, founded on a misunderstanding of facts. I regret that on this occasion I am differing with the majority of the Committee on Appropriations, but I think I am doing so upon sufficient reason. What are the duties of this commission? So far as the expenditure of money is concerned, the commission has not absolute control. The Commissioner of Indian Affairs required to consult with the commission; nothing more. Section

2042 of the Revised Statutes expressly provides:

But the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

The members of the commission are simply allowed to examine the The members of the commission are simply allowed to examine the accounts to see that they are correct; to examine goods purchased or to be purchased so as to prevent any fraud upon the Government. They are allowed to visit the different agencies for the purpose of observing the conduct of the Government officials. This is all. What harm has come to the Government from this thing? Gentlemen say that they have done no good, that the commission has been useless. How is this opinion obtained? Where is the information which this is leased?

upon which this is based?

upon which this is based?

Mr. SCALES. I will refer the gentleman to their reports.

Mr. BLOUNT. The gentleman has had his time. I say we have it upon the high authority of the Secretary of the Interior—

Mr. SCALES. The gentleman will let me answer him.

Mr. BLOUNT. I object to interruption. I say we have it on the high authority of the Secretary of the Interior, that in the examination of accounts, in the expenditure of public money, in visitations of agencies, this commission has rendered most essential service.

Mr. SCALES. The gentleman has asked me a question and refuses to yield to let me answer him.

Mr. BLOUNT. I object to interruption.

Mr. SCALES. Then do not ask me any question if you refuse to yield to an answer.

wield to an answer.

Mr. BLOUNT. I did not ask the gentleman any question.

Mr. SCALES. But the gentleman did.

Mr. BLOUNT. Then I withdraw it.

Mr. SCALES. Do not ask questions if you do not wish to have

them answered. I propose to answer the gentleman's question.

Mr. BLOUNT. I did not ask him any.

Mr. SCALES. The record will show whether he did or not. He asked me upon what information the statement we made was based. Mr. BLOUNT. I have the floor, and if so I will proceed with my marks

Mr. SCALES. I understood the gentleman to ask me a question, and I desired to answer it, but he does not want it answered. He should not ask questions unless he wants an answer. [Laughter.]

Mr. BLOUNT. The gentleman seems to feel that he is the only one in this House who understands this subject.

Mr. SCALES. I always except the gentleman from Georgia; al-Mr. BLOUNT. That is something new in the way of liberality on

the part of the gentleman.

Now, Mr. Chairman, in the matter of purchase of goods in New York, this commission has rendered essential service to the Government. Many of them are merchants and experts in the purchase of Indian goods and supplies. They have rendered material service to the Commissioner of Indian Affairs, who consults with them in reference to these matters.

And, sir, what is the allegation? My friend from Illinois says that they may have co-operated in doing the right thing. That is so, and this Department has no other check upon it in behalf of the Government but the scrutiny of this peace commission.

In the matter of co-operation, it is an easy thing to co-operate to

do right, but in any co-operation to do wrong you have this body of men in the way. With this commission examining the accounts any co-operation to do wrong cannot easily be accomplished.

But, sir, there is no co-operation in it. That is a misunderstanding. The commission has rendered good services in the purchase of Indian goods and supplies; so the Secretary of the Interior has reported to us. In visiting Indian agencies and in the examination of Indian accounts they have done much good; and what has been the result? Before this commission was created you had abuses in the Indian Department charges of cooperation between agents and offiported to us. In visiting Indian agencies and in the examination of Indian accounts they have done much good; and what has been the result? Before this commission was created you had abuses in the Indian Department, charges of co-operation between agents and officers of the Goverament; you had false pay-rolls; you had false vouchers for supplies. After this commission was created, composed of men of high character and great intelligence, with their eyes upon the Indian agents, the Government finds itself to-day without any such abuses. I take it that this commission has had a great deal to do in the accomplishment of such a beneficial result.

[Here the hammer fell.]

Mr. SINGLETON, of Mississippi. Mr. Chairman, it is very seldom I differ from my friend from Georgia, who is also a member of the Committee on Appropriations. Generally we both have been considered as strict economists—perhaps carrying the thing a little too far sometimes—but I am compelled to-day to take issue with him.

I think, sir, it will be apparent to this House that we ought to dispense with this board when I read the figures which go to make up the expenses of the commission for the year 1879. If I can get the attention of the committee I will read them; but before doing so I will state that the appropriation commenced in 1869 with \$15,000.

Mr. BAKER. Twenty-five thousand dollars.

Mr. SINGLETON, of Mississippi. Yes, I believe it was \$25,000. But since 1873 it has been only \$15,000. Last year we reported a bill appropriating but \$7,000, but that was stricken out, as I said in my remarks a few minutes ago.

I will read now the way in which your money has been expended by this commission: Salaries of employés: Secretary Stickney, \$3,000; messenger, \$490; porter, part of the time, \$780; making \$9,560. Rent for Stickney, \$482; \$10,040. Traveling expenses and per diem, \$4,811; making an aggregate of \$14,851; leaving only of the appropriation \$149 unexpended. Now, sir, it does seem to me that this secretary at \$3,000 and assistant secretary sti

Mr. SINGLETON, of Mississippi. Yes; and to that extent a member of the board has been paid. The assistant secretary has \$2,000; a clerk, \$2,400; copyist, \$900; porter, \$780, &c. Now, it looks to me as if there was a good deal of paraphernalia about this whole concern which ought to be dispensed with.

Mr. HOOKER. Will my colleague allow me to make a suggestion?
Mr. SINGLETON, of Mississippi. Yes, sir.
Mr. HOOKER. The amount of money paid from 1869 to 1881 for
the use of this commission amounts to about one hundred and twenty thousand dollars

Mr. SINGLETON, of Mississippi. I do not know the amount my-

Mr. HOOKER. Well, I state it to be that, and I am satisfied no-

Mr. SINGLETON, of Mississippi. But, Mr. Chairman, [here the hammer fell.] I wish, Mr. Chairman, simply to make a brief statement and to call attention to the law, or a provision embodied in the statute of last year in reference to this matter. In the act which passed both Houses at the last Congress the following words are incorporated:

And no part of the money appropriated by this act shall be paid or in any way used for the payment of the salaries or expenses of the Indian commission provided for by section 2039 of the Revised Statutes of the United States.

It will be seen from this language that no part of the money was to go for this expenditure. I have, of course, Mr. Chairman, no reflection to make upon these gentlemen.

[Here the hammer fell.]
Mr. HASKELL. Mr. Chairman, I rise to favor the amendment and the retention of this Indian commission.

I am not unaware that the work of the commission is not entirely without cost to the Government, but I believe, and I have personal knowledge of the fact, that if the work of that commission in the past ten years, instead of costing the Government \$100,000, had cost us \$1,000,000, it would have been money wisely expended. The work of the commission is not limited to the mere inspection of contracts or of purchases, although in that department of their duty they have performed faithful and valuable services, and the abuses that existed at the time the commission was appointed have nearly all heep done away with or are no longer complained of. But there is existed at the time the commission was appointed have nearly all been done away with, or are no longer complained of. But there is another branch of their services which the Secretary of the Interior only alludes to in his letter that, in my judgment, is more important than the purchase of supplies. It is a well-known fact that in the last ten or fifteen years the policy of the Government in reference to the Indians has taken a material stride of advancement. It has been determined to allot the Indians their lands upon reservations, protect them from their warlike neighbors, place them upon the reservations as soon as possible, and teach them the ways of peace—teach them

the white man's method of living and earning a livelihood, whereby the Indian may eventually take his place among the citizens of this

Now, there must be left in the administration of Indian affairs a large discretionary power in the disbursement of moneys that shall be employed for the education of the Indians. Agricultural tools must be provided, individual allotments of lands must be improved, and the future care, guardianship, and instruction of the Indians left to the head of that department. In all this work this commission has been costing the Government nothing for their personal services, although they have rendered in the administration of Indian affairs material aid. It is by their advice that the Secretary of the Interior for four years past has pushed his plan for severalty selection, the only plan, permit me to say here, that, in my judgment, will result in the entire protection of the life and of the property of the Indians. In all this preliminary work of investigation into the needs of the Indian, into his wants and necessities in all the civilizing processes, both in point of education, in the schooling and education of his chil-Indian, into his wants and necessities in all the civilizing processes, both in point of education, in the schooling and education of his children, as well as in his education upon his allotment in agricultural pursuits—I say in all this work these ten men have rendered valuable assistance by their advice and suggestions to the Government. Now, Mr. Chairman, if this board cost a large sum of money, and was in that way a burden upon the Government, I presume that I would vote for the abolishment of it, if something could be devised which would perform the work as economically as they are doing it, upon the principle laid down by old Ben. Franklin that possibly the Government was paying too much money for its whistle.

But it costs the Government nothing, absolutely nothing whatever, for the services of these men. Ten gentlemen, men of character and education; men of high and broad-hearted philanthropy of this country; pure men, without personal or pecuniary motives to actuate

country; pure men, without personal or pecuniary motives to actuate them, have from time to time visited the Indian reservations, examined them, looked into the contracts made for supplies and purchases examined the quality of supplies furnished under the contracts, and made suggestions to the Indian Department, the result of which is that to-day the Indian service is on the broad highway, and far forward on the road of advancement, to a greater degree than it has ever before been in the history of this Government.

(Here the hammer fell.)

Mr. POEHLER. Mr. Chairman, there has been so much said upon this question, more than I supposed would have been said or could have been said upon it, that as I was the first one to raise the ques-

The gentleman from New York appeals to this side of the House as if it was a political question. I had no idea that it was or could possibly be considered a political question. I do not know one of these gentlemen on the commission. I do not know whether they are democrats or republicans. I have no doubt they are, and I believe them to be, very nice, well-meaning gentlemen. Agreat deal has been said, too, of their efficiency and how much good

they have done to the Indian and to the Government. They probably have. But my experience, and all that I have had in that line, convinces me of a different idea.

I had occasion when I first came here to Washington to make some inquiries about the letting of some cattle contract. The advertisements that invited the proposals for bids stated that no bids would be received for Texas cattle. When I went to the office and looked to see to whom the contract was awarded, I found that it was awarded to see to whom the contract was awarded, I found that it was awarded for a number of cattle to be bought in Texas or for Texas cattle. I said, "How does that come? That is contrary to your advertisement." "Well," says the chief clerk, "it is for northern Texas cattle." Now, Mr. Chairman, I do not know much difference between northern and southern Texas cattle. I inquired on whose recommendation the contracts were let and he informed me on the recommendation of these commissioners. So I came to the conclusion recommendation of these commissioners. So I came to the conclusion that in that direction they were not well posted. What good they may have done in other directions I will give them all the credit for. But this is nothing more than the Department should do itself, and I

But this is nothing more than the Department should do itself, and I do not believe that this commission is any longer necessary.

Mr. SCALES. When I was last on the floor I was stating for the information of the House that last year we struck out this appropriation entirely. The House repealed the law. The Senate would only agree to strike out the appropriation, but continued the commission. That was the condition of the last Indian bill as passed. Afterward the Senate put it on the sundry civil appropriation bill. It was a surprise to this House and to the country. I never knew until to-day, though I was present and watched the appropriation bills, that the Government was paying a dollar toward this commission.

How was that done? The Senate and the House had agreed in a committee of conference that the appropriation should be stricken out. It was stricken out; and the bill in that form passed the House and the Senate, was approved by the President, and became the law of the land. And yet, after that, in some way, the appropriation was placed in the sundry civil bill, and passed with it; and I doubt whether twenty men in this House ever heard of it before. How did it come there? I am justified in saying through the efforts of these commissioners themselves, or those acting under them, who were deeply interested in their continuance.

Gentlemen say they are men of influence and character. I admit terested in their continuance.

Gentlemen say they are men of influence and character. I admit

it all, and in my opinion these commissioners have been continued for years more on account of their personal influence and high standing than from any good that has been done to the service.

The gentleman from Georgia [Mr. BLOUNT] who is now so zealous for this amendment, last year was equally zealous against it. Has he assigned any good reason for a change? Has he given us any new light? He voted to strike it down. The record is before me, and I know that it was in a great degree owing to his influence in the House that we were enabled to defeat it, but to-day his great influence is on the other side. I do not mean to say he has been improperly influenced. I do not mean to make any such insinuation. I do not believe enced. I do not mean to make any such institution. I do not believe it; but it shows that the gentleman's convictions are short-lived or were hastily formed, and since he has changed he ought at least to give the House a reason, that they may have the benefit of his later information.

I think the time has come when we should have the whole Indian Department made as simple as possible. You have the Secretary of the Interior. Let him superintend the whole. Let him have the asthe Interior. Let him superintend the whole. Let him have the assistance of the Commissioner of Indian Affairs, and let him have his inspectors and agents if he will, and hold them to a strict and undivided responsibility. I hope the House will not go back on its action of last session. It was taken after due deliberation and discussion, and no sufficient reason has been given to change it.

Mr. BLOUNT. The gentleman from North Carolina [Mr. SCALES]

has stated what occurred in reference to this commission. I will state the history of the matter as I understand it, especially as I had very much to do with it. As is well known, in the Indian appropriation bill of last year there is this provision:

No part of the money appropriated by this act shall be paid or in any way used for the payment of the salaries or expenses of the Indian commissioners provided for by section 2039 of the Revised Statutes of the United States.

That was agreed to in the committee of conference on the differences between the two bodies, and it was put in the bill; not repealing the legislation authorizing the commission, but simply omitting

the salaries.

Afterward, when the sundry civil bill went from this House to the Senate, they put on a provision appropriating money to pay this commission. The House non-concurred in the amendment. A committee of conference was had. We were near the end of the session, with a difference of many hundreds of thousands of dollars between the two Houses—between seven and eight hundred thousand dollars. There were many matters about which we divided and on which concessions had to be made. The conferees on the part of the House did not feel that they had the absolute right to dictate to the conferees on the part of the Senate. The House conceded many things and the Senate conceded many things, and as a matter of concession the House conceded the provision for the small sum of \$10,000 for the Indian commission.

When the committee of conference made its report to this House, June 15, the attention of the House was especially called to Senate amendment No. 106, appropriating \$10,000 for the expenses of the Indian commission. The attention of the House was specially called to it, so that the House had the means of knowing exactly what had been agreed upon. The report of the committee was made in exact conformity with the new rules, stating in terms and specifically to this House that that particular appropriation had been agreed to in a spirit of compromise on the part of the House conferees.

Now my friend says that I was one of his warmest supporters in the matter of this commission. About that I do not remember; it is not a matter of very great concern to me. Matters in relation to the Indian warment against the interest and then I have no

Indians were not specially in my charge. I acted then, I have no doubt, as I supposed was right, for that is my general rule here; and I so act to-day. I feel it to be of more importance to do what I think is right than to be consistent. I believe that this commission ought to be continued, and if I have been recorded one hundred and ninetynine times the other way, I shall stand by my convictions now.

Mr. SCALES. Will the gentleman allow me—

Mr. BLOUNT. I have not the time.

Mr. BLOUNT. I have not the time.
Mr. SCALES. Only a moment.
Mr. BLOUNT. My friend ought to know that after having referred to me he should allow me to proceed for five minutes without an interruption. Now, in this matter of visitation of agencies, a single instance which occurred during the last year will illustrate the value of this commission. At that time you had all your machinery, the Secretary of the Interior, the Commissioner of Indian Affairs, and your special agents. Yet under the action of this commission, and of a single member of the commission, a resolution was adopted and an investigation was had. I do not care who knew anything about it, investigation was had. I do not care who knew anything about it, or what anybody had thought or said about it, whether newspapers or anybody else. But under the action of this commission an investigation took place, which to my mind showed a corrupt connivance on the part of the Commissioner of Indian Affairs with a corrupt Indian action and that investigation and the corrupt Indian action and Indian action and Indian Affairs with a corrupt Indian Affairs with a corrupt Indian Affairs Indian Indian Affairs Indian Indian India dian agent, and that investigation resulted in the removal from office of that Commissioner of Indian Affairs. That investigation prevented a great wrong and saved to the Government an amount which no

man can estimate.

[Here the hammer fell.]
Mr. HISCOCK. It has been asserted in the course of this discussion that there was some peculiar circumstances at the time the law creating this commission was originally passed which we do not un-

derstand, and that, those circumstances no longer existing, the law

should be repealed.

should be repealed.

Now, I agree with the gentleman from Kansas [Mr. HASKELL] upon this question, that this commission was created for no particular occasion; it was created because it was the intention of the Government to change its policy as far as it could toward these Indians; as far as it could to introduce among them civilizing methods; as far as it could to teach them the practices and habits of the white man. There is no one upon this floor who will charge or who has insinnated that great progress has not been made in that direction. The Indians, greatly under the advice and supervision of this commission, have greatly under the advice and supervision of this commission, have made great progress

made great progress.

There is no doubt that many Indian wars have been occasioned by precisely the same condition of things which has been so well illustrated by the gentleman from New York, my colleague, [Mr. Chittenbull.] One of the objects of this commission was to prevent the abuses to which he has referred. This commission has now been in existence for twelve years. My friend from Illinois, my colleague on the committee, [Mr. Cannon,] says this commission has done its work well during those twelve years. But he would now wipe it out of existence because perchance in the future it may fail to do its duty. I believe that ten philanthropic men, religious men if you please, may be found in the United States who will do their duty under this law. They have already saved to the Government millions of dollars in preventing fraudulent contracts that might otherwise have been forced upon the Government. With that record in their favor, why should we now depose them and take from them the power with which they are now invested?

The Secretary of the Interior recommends their continuance, in despite of the matter which has been referred to by the gentleman from Mississippi, [Mr. HOOKER.] I know nothing of the circumstances connected with the matter to which he has referred. I can imagine that there may have been upon that board some eminent

stances connected with the matter to which he has referred. I can imagine that there may have been upon that board some eminent man, thoroughly versed in this matter, a poor man who perhaps could not give all his time to this business, and the commission gave to him a compensation as secretary of the commission. Technically that may have been a violation of the law.

But is there any charge made here that the commission did not act in good faith, and that the services they rendered were not valuable to the Government? Every officer of the Government who has spoken upon this question has spoken in favor of the continuance of this commission. The testimony of the Commissioner of Indian Affairs is before you, in which he says that the commission has done good work and its members are valuable auxiliaries of the Government. I have had read here a letter from the Secretary of the Intement. I have had read here a letter from the Secretary of the Inte-

rior urging the continuance of this commission.

Now, shall we, upon these vague, indefinite charges in which gentlemen have indulged, strike down this commission, without any reason, without any figures or facts being given in favor of so doing? For

one, I protest against it.

Mr. WELLS. I trust we will now have a vote.

The question was upon striking out the following paragraph: That all laws and parts of laws creating out the following paragraph: citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed.

And inserting in lieu thereof the following:

For the expenses of the commission of citizens serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

The question was taken; and upon a division there were-ayes 70, noes 61

Mr. WELLS. I call for tellers.

Tellers were ordered; and Mr. Wells and Mr. Hiscock were ap-

The committee again divided; and the tellers reported that there were—ayes 87, noes 78.

So the amendment was adopted.

Mr. WELLS. I give notice that in the House I will call for the yeas and nays on this amendment.

The Clerk read as follows:

SEC. 2. Payment of interest on certain abstracted and non-paying State steeks, belonging to the various Indian tribes, and held in trust by the Secretary of the Interior, for the fiscal year ending June 30, 1882, namely.

Mr. WELLS. I move a verbal amendment, to strike out in line 5 the

ord "fiscal," and to substitute in line 6 the word "one" for "two."

The amendment was agreed to. The Clerk read as follows:

Sec. 5. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employés at any agency may be used by the Secretary of the Interior for the pay of other employés at such agency, but no deficiency shall be thereby created, and, when necessary, specified employés may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

Mr. HOOKER, (before the reading of the section was concluded.) Mr. Chairman, I rose to address the Chair before the Clerk began the reading of this section. I want to offer an amendment, and I would

like to consult the Committee on Appropriations or the gentleman in charge of the bill as to whether the amendment ought to come in at this point or another.

The CHAIRMAN. What is the purpose of the gentleman from Mis-

sissippi?

Mr. HOOKER. My purpose is to ask a parliamentary question of the Chair, and to submit to the Committee on Appropriations to determine whether the amendment I have in view ought to come in here or not. If the amendment be deferred till the reading of the bill is concluded, I do not know whether the objection will be made

Mr. WELLS. Will the gentleman state his amendment?
Mr. HOOKER. I will send it to the desk to be read.
Mr. BLOUNT. If it provides for the transfer of the Indian Bureau,

I suggest that by agreement—
Mr. HOOKER. Let the Clerk read the amendment.

The Clerk read as follows:

Be it enacted, That from and after-

Mr. WELLS. I make the point of order that the Clerk had only read this section in part; and I insist that the reading of the section must be finished before any amendment can be offered.

The CHAIRMAN. It was stated by the gentleman from Mississippi when he rose to offer the amendment that he addressed the Chair before the Clerk began reading this section.

Mr. HOOKER. If the gentleman from Missouri, who has charge

Mr. WELLS. Let the gentleman offer the amendment after we get through with this section.

Mr. HOOKER. You will not make a point of order?
Mr. WELLS. I have not seen the provision.
Mr. HOOKER, I want to offer this amendment at such point as will suit the Committee on Appropriations.
The CHAIRMAN. The gentleman must decide to which section he

will offer the amendment.

Mr. HOOKER. I propose, Mr. Chairman, to make a parliamentary inquiry of the Chair as to the part of the bill to which this amendment may be properly offered, and I wish to submit the question sub rosa to the Committee on Appropriations to ascertain whether it will meet their approval or not. [Laughter.] Do I understand that the Committee on Appropriations, or the gentleman having this bill in charge, will not make any objection to my offering this amendment after the reading of the hill is compulated? reading of the bill is concluded !

Mr. WELLS. I do not agree to any such understanding.
Mr. HOOKER. Very well. I notify the gentleman, as well as the
committee and the chairman, that I shall offer the amendment at the end of the sixth section.

The Clerk resumed and concluded the reading of section 5.

The Clerk also read as follows:

SEC. 6. That all bids for supplies of wheat, corn, flour, feed, oats, beef, bacon, pork, and other provisions for the Indians, and all bids for transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley.

Mr. HISCOCK. I make the point of order upon this section that it changes existing law and does not decrease expenditures. It is new legislation. I will read what is the provision of law at the present time:

legislation. I will read what is the provision of law at the present time:

Sec. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

Sec. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

It is hardly necessary in this connection for me to read Rule XXI, with which we are all so familiar. It will be conceded that at the present time there is no legislation limiting the Secretary of the Interior as to the points at which he is to open bids and the manner in which he is to make advertisement. This is new legislation upon that subject; and new legislation, as a matter of course, changes existing laws.

isting law.

I will say further, in reference to this point, that this same question arose when the Indian appropriation bill was before the House at its last session. This point was then elaborately discussed by different members and the chairman of the Committee of the Whole then held that a point of order substantially the same as the one I now make was well taken, and ruled out the proposition.

Mr. HASKELL. Mr. Chairman, this same point of order, I will admit, has been made substantially as stated by the gentleman from New York, [Mr. HISCOCK,] but the point of order when originally made and the point as made to-day cannot, in my judgment, be sustained by the rule under any fair principle of interpretation. Rule XXI provides not that new legislation is necessarily out of order. The words "new legislation, but it does provide:

Nor shall any provision in any such bill or amendment thereto changing existing

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

That necessarily presupposes that there is a statute to be changed. It necessarily presupposes that in so far as the proposed provision may

act it works a repeal of a certain portion of an existing statute. The only ground upon which the gentleman from New York can sustain the point of order is by the assertion that there being no law on the subject in existence, the new provision changes the condition of things. Well, I admit that the Secretary of the Interior will, if this provision be adopted, find himself directed by a different statute from

provision be adopted, find himself directed by a different statute from the one now controlling him; but not a single line or letter of any statute as it now stands will be repealed or affected.

While this point of order has often been made, and I think upon one occasion sustaized, I insist that it is far-fetched and cannot be sustained under a wise and just interpretation of the rule. I insist that a provision proposed as an amendment or as part of a bill cannot be ruled out unless it changes an existing statute so as to make it

read differently.

read differently.

Why, sir, I can find in every appropriation bill new legislation which passes without question—legislation designed to fill a gap not previously filled by law. This is the continual and never-varying purpose of the ordinary provisions in every appropriation bill from beginning to end—to supply a gap in the existing law. There being no law on the subject for the spending of \$10 for a certain purpose after the 1st day of July next, it is proposed in the bill to make a new law providing for such an expenditure. You are doing that in every line of your appropriation bills constantly. When any question is raised as to an amendment or as to any portion of an appropriation bill, you apply the rule that there being no statute in existence tion is raised as to an amendment or as to any portion of an appropriation bill, you apply the rule that there being no statute in existence no law is changed. Why, sir, take the very first provision in this bill appropriating \$1,000 for the payment of a certain agent at the Warm Springs agency. Why is that put there? Because after July next, when this Congress shall be out of session, there will be no warrant for any officer of the Government paying to that agent a single dollar unless we now provide such a law. Is not that new legislation? Is that any retrenchment of expenditures? Is that in any way inhibited by Rule XXI? Every provision of your appropriation bill is of this character.

And now, then, further than that, Mr. Chairman, admitting the force of the argument made by the centlemen who have raised the point

And now, then, further than that, Mr. Chairman, admitting the force of the argument made by the gentlemen who have raised the point of order, I submit that this comes within the purview of the rule and is permitted by it under that other provision which allows the amendment to be considered in order being germane to the bill and tending to retrench expenditure. It has been said by numerous chairmen that must appear on the face of the amendment, that there must be a reasonable warrant appearing on the face of the subjectmatter under consideration that would lead the average intelligent member to know and believe that retrenchment of expenditure would matter under consideration that would lead the average intelligent member to know and believe that retrenchment of expenditure would follow the provision. And I have it here. It provides that all bids for supplies of wheat, corn, flour, feed, oats, beef, bacon, pork, and other provisions for the Indians, and all bids for the transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley. Under the present habit of the Interior Department those bids are opened in New York City. Right out and away from the very center of the beef and pork and grain producing region of the country, the present administration insists on opening region of the country, the present administration insists on opening its bids and making its awards of contracts in the city of New York.

It is a matter of official record, Mr. Chairman, that at the post of

Leavenworth, in the State of Kansas, an Army ration comprising all the food that a soldier uses can be furnished for a less number of cents than at any other point in the whole of the United States. I urge, then, that this amendment does retrench expenditure, that it is a matter of official record that in that valley there can be laid down these contracts provided for in this clause cheaper than in any other part of the United States. I insist it is clear on the face of this provision that if bids are opened there in the midst of that grain-producing section of the country, and contracts are awarded, those contracts will be let at a lower price than in the city of New York.

Mr. PAGE. I should like to ask the gentleman a question. Does he think if the provision be not adopted it would prevent Mississippi Valley bidders from competing for the contracts in the city of New York, They can be competitors for these contracts in the city of New York just as well as if the bids were to be opened and the contracts. Leavenworth, in the State of Kansas, an Army ration comprising all

York 7 They can be competitors for these contracts in the city of New York just as well as if the bids were to be opened and the contracts let as indicated in this clause.

tracts let as indicated in this clause.

Mr. HASKELL. I understand that very well. It is also competent under the Post-Office Department for any man to enter a bid for a contract on any little post-route anywhere in the United States.

Mr. PAGE. Certainly.

Mr. HASKELL. I am also aware that the babit of opening bids in the city of Washington and at no other point brings to this city professional bidders, who invariably secure the contracts; that the far-off bidder does not always receive notice, and that the men here on the ground, thoroughly posted in the machinery, do secure them, and, therefore, that practice does militate against the smaller bidders elsewhere. I wish to say to the gentleman from California that the and, therefore, that practice does militate against the smaller bidders elsewhere. I wish to say to the gentleman from California that the same is true concerning these bids for Indian supplies, that a few professional contractors with the United States Government have been in the habit for years to come to New York City, not engaged in the business either of the production or the sale of grain, or feed, or bacon, but professional contractors, put in their bids and secure the contracts. From every page on the Indian Commissioner's report I can produce item after item of cost of articles specified in this provision for which from 40 to 50 per cent. too much money has been paid. It is for he

purpose of opening up this whole matter to a wider range of competition and to allow smaller bidders to come in that this provision has been submitted to the committee.

The CHAIRMAN. The discussion must be confined to the point of order, and must not extend to the merits of the proposition.

order, and must not extend to the merits of the proposition.

Mr. PAGE. The gentleman from Kansas has been discussing the merits of the amendment. I do not propose to do that on the point of order. I think, Mr. Chairman, that section 6 is clearly subject to the point of order as suggested by the gentleman from New York. It certainly changes section 2083 of the Revised Statutes by providing a different place for the opening of bids for Indian supplies. Now, if the Chair should decide this to be in order, then it will also be in order for my colleague from California and myself to offer an amendment that all the bids for Indian supplies for the Pacific coast shall be opened in San Francisco. And we could thus extend this matter to any length. to any length.

I do not see any reason, Mr. Chairman, why this provision should be incorporated into this bill, and without arguing the merits of the proposition I simply desire to submit to the Chair that it does clearly

change existing law and should not be permitted in this bill.

Mr. PRICE. I want to say a word in regard to this point of order.

The first thing I wish to say is this: that any ruling of any chairman on this question heretofore ought not to have much bearing now; because the rules we are operating under are not the rules which were in force when previous decisions were rendered.

Mr. HISCOCK. The gentleman is entirely mistaken. It was under

this same rule precisely as it is now rulings heretofore have been

Mr. PRICE. A year ago?
Mr. HISCOCK. Yes, sir.
Mr. PRICE. Then I will come to the other point, as that is but a very small part of what I rose to say. I call the attention of the Chair and of the gentleman from New York to this fact and I quote

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill—

That this is germane is not disputed-

shall retrench expenditures, &c.

Now, if there is anybody in this House who does not believe that Now, if there is anybody in this House who does not believe that this retrenches expenditures, then it will be proper for them to say that the point of order is well taken. But when my friend from California talks about opening these proposals and bids upon the Pacific coast he will have to take charge of the other horn of the dilemma and provide that the Indians shall be moved out or transferred to the Pacific coast, or else his argument will have no weight more than can be derived from the present condition of things. They will have to get their supplies even then from the Mississippi Valley, as they do now.

But another point. The rule goes on to say :

Provided. That it shall be in order further to amend such bill upon the report of e committee having jurisdiction of the subject-matter of such amendment, &c.

Now, sir, this committee reports this legislation in the bill. The other point the gentleman from New York makes the point of order upon comes here from the committee. The point of order that was decided before upon this question, about a year ago, was not based upon matter which came from the committee. The very point that upon matter which came from the committee. The very point that you make to-day on this bill, the very thing you wish to rule out, comes from the committee, and that is not a point which arose before when the decision was made; so that in ruling upon this point of order to-day upon this question as now presented, you rule upon a point that is based upon entirely different circumstances from that to which reference is here made. The amendment comes here from the which reference is here made. The amendment comes here from the committee, and the rule specially provides in terms that, coming from the committee, it shall be in order. This refers, of course, to the committee having charge of the bill; but I will read the language of the rule, which is explicit. It declares:

That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter.

That is, this committee, this Appropriations Committee, having charge of this matter of money appropriated for the Indians and all questions arising therein, and that committee reports this very item questions arising therein, and that committee reports this very item in the bill. What other committee could report it? Under the rules, this is the only committee which has jurisdiction of the subject-matter. I think, therefore, the point of order is clearly not well taken. I contend that this section of the bill, if it be an amendment to the law as the gentleman from New York claims, comes from the committee under Rule XXI, which provides in terms as I have read, that coming from a committee having jurisdiction of the subject-matter, and is therefore in order. and is therefore in order.

Mr. PAGE. After points of order have been reserved upon a bill reported from a committee to the House, will the gentleman from Iowa contend that the committee reporting it, simply from the fact of having reported the bill and having it under control, can report amendments thereto which are in conflict with existing law?

Mr. PRICE. I have merely read the rule. The gentleman can draw his own conclusions. The rule expressly declares that it shall be in order, provided that it comes from the committee having charge of the subject-matter; also, that it shall be in order further to amend the bill.

Mr. KEIFER. Amend it how?

Mr. PRICE. It may be amended in divers ways. If it reduces expenditures, then the point of order is not well taken. I do not believe anybody will claim but that it does retrench expenditures. The gentleman from Kansas has sufficiently illustrated that point.

Mr. HISCOCK. One word more upon the question of this point of order, and more especially in reply to the suggestion which has been made by the gentleman from Kansas. To me, I am sure, it is a very novel idea that when you add to a statute a provision which restricts novel idea that when you add to a statute a provision which restricts the power of a Department—limits its power, narrows it—and points out for it certain steps which it shall take, that that does not change existing law, and is not subject to this point of order. This is a question which may arise many times in the proceedings in this House or in Committee of the Whole. I say that this point of order in principle has been decided at least a dozen times by chairmen of the various Committees of the Whole of this House, and it has been held on every occasion that when you extended the operation of a statute—
The CHAIRMAN. Will the gentleman from New York yield a moment to allow the Chair a question?

moment to allow the Chair a question?

Mr. HISCOCK. Certainly.

The CHAIRMAN. Will the gentleman allow the Chair to inquire whether it has ever been decided that where an amendment or provision simply enacting new legislation which does not change existing law and does not reach the question of retrenchment or increase of expenditures either, has such been held to be obnoxious to the rule?

Mr. HISCOCK. There a distinct recollection.

Mr. HISCOCK. I have a distinct recollection—

The CHAIRMAN. Let the Chair state his question more clearly. Where a provision makes new legislation, but does not change existing law, has there been a holding that it is obnoxious to the point of

ing law, has there been a holding that it is obnoxious to the point of order under the rule?

Mr. HISCOCK. My recollection is clear upon that point that it has been distinctly passed upon, and by no less a distinguished gentleman than Mr. Carlisle, of Kentucky, holding that whenever you pass an affirmative provision it of necessity changes existing law. That follows as a matter of course. It adds to the law as existing. But in this case, as suggested by the gentleman from Ohio, if a statute which points out to the Secretary of the Interior the course he is to pursue, which for him is an affirmative guide, and this statute places further restriction upon it, it adds to the statute which they propose to amend. But, as I have said, I think the doctrine has been held to the limits which I have stated, that where there is an affirmative statute, and where the whole matter is left within the discreative statute, and where the whole matter is left within the discretion of the officer, the making of a new provision is a change of exist-

ing law.

Mr. HASKELL. Will the gentleman from New York yield for a

question?

question?

Mr. HISCOCK. Yes, sir.

Mr. HASKELL. If that argument is to hold good literally and fairly—I admit that there has been a decision of that sort made by one chairman of the Committee of the Whole—but if that is to be held to rigidly, that in the absence of any legislation a new affirmative proposition changes existing law, I want to ask the gentleman from New York if there is a single item of appropriation in the bill under consideration that is not new legislation, and in the same way obnoving to the rule?

obnoxious to the rule?

Mr. HISCOCK. The rule itself provides for appropriations to carry

into effect existing laws.

Mr. HASKELL. I admit that; but as carrying out the idea I was

Mr. HASKELL. I admit that; but as carrying out the idea I was enunciating.

Mr. HISCOCK. And, Mr. Chairman, the object of the enactment of this rule was to limit the Appropriations Committee to providing the means of carrying out the statutes as spread upon the books. But any legislation is new legislation, and this Appropriations Committee had before it but one work; that work was to provide the money with which the Government could give effect to statutes which were already on our statute-book. If new laws were to be enacted they were to emanate from the proper committees.

Now, Mr. Chairman, in the discussion of this question gentlemen have wandered away, as I believe, from the point of order and to some extent have discussed this question upon the merits. Such has not been my intention, and I shall not therefore continue this discussion on the point of order any further than it seems to be necessary to meet the suggestions which have been made.

I remember that when this question was up a letter came here from the Secretary of the Interior, and he said that in the interest of economy it was necessary that a large number of the bids should be opened in the city of New York, because in the main the supplies furnished to the Indians had to be purchased in the city of New York, and he said hidden wishes a reliable to the large that the city of New York, and he said bidders might as well send their bids there as elsewhere; and he said if you made it incumbent upon him to open the bids elsewhere than in New York, you made it necessary for him to organize a new clerical force to be sent to a different point for that purpose, and the result of legislation of this kind would be to provide two clerical forces, one to be sent to the city of New York and another to be sent to Saint Louis, if you please, another to be sent to Chicago if that place were selected; and if the amendment which my friend from California [Mr. Pack] suggested should be adouted another from California [Mr. Page] suggested should be adopted, another corps of clerks must be sent to San Francisco for the purpose of opening these bids. The Secretary also stated that in his judgment it was a matter of no consequence to the bidders where the bids were

opened, but it was of consequence to the Government they should be opened at some point, and that point should be the one where the greater number of supplies were received, and for that reason he had

selected New York.

Now, I have referred to this because it bears upon the suggestion which has been made by the gentleman from Iowa, [Mr. PRICE.] A letter which is in the hands of one of my colleagues of the committee can be read for the information of the House on that question. It is there stated there would of necessity be an increase of expenditure if this provision is adopted; and it bears out the suggestion made by the Secretary on this question that the present system is no hardship on the bidder, for it is a fact which can be established that the bidders in the main for this kind of merchandise are from the West—Saint Louis, Chicago, &c.

Mr. BLOUNT and Mr. HOOKER rose.

Mr. BLOUNT and Mr. HOOKER rose.

Mr. HOOKER. I give way to the Appropriations Committee.

Mr. HISCOCK. I suggest the gentleman from Mississippi should
unite with me in beating the Appropriations Committee.

Mr. HOOKER. I beg the gentleman's pardon. I go with the committee whenever I think it is right.

Mr. BLOUNT. I desire to say that section 6, which is now under
consideration by the committee, is not the committee's proposition at
all. The sickness of the gentleman who has in charge the funding
bill had much to do with this bill heing hastened in the House. all. The sickness of the genteman who has in charge the landing bill had much to do with this bill being hastened in the House; and I violate no secret of the committee when I say that when this provision was reached it was unanimously agreed by the committee we would allow the bill to go into the House simply that it might be printed, availing ourselves of the interval between the time the bill to the House and its consideration in order that we might get went into the House and its consideration, in order that we might get information on this subject. I do not care to contradict the record. I am willing that the record should stand. But it is just to each individual member of the committee that this statement should be made. This state of things grew out of the necessities by which they were then surrounded. Therefore this substantially is not a proposition of the committee. It was allowed to come in because it was the unanimous judgment of the committee that a point of order would dispose of it, and therefore the committee would lose nothing.

Mr. HOOKER. In other words, that the point of order would be

decided against the committee?

Mr. BLOUNT. I cannot answer my friend from Mississippi just

Mr. HOOKER. Then I will make another speech.
Mr. BLOUNT. The proposition in section 6 is as follows:

That all bids for supplies of wheat, corn, flour, feed, cats, beef, bacon, pork, and other provisions for the Indians, and all bids for transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley.

It distinctly requires that at one of two points in the Mississippi Valley or in the Missouri River Valley the bids shall be opened for the various articles of merchandise designed for the Indian service.

Mr. KEIFER. Will the gentleman allow me to ask him a single question? I want to know what is the boundary of the Mississippi Valley in the estimation of the Committee on Appropriations. I want to know whether it takes in Ohio?

Mr. BLOUNT. Ohio takes in everything else.

Mr. WELLS. It takes in the whole country outside of New York.

Mr. KEIFER. I asked my question in perfect good faith, for I was afraid the Committee on Appropriations had not defined that matter.

Mr. BLOUNT. As I have already said, the proposition confines the opening of these bids to one of two points, one in the Mississippi Valley and one in the Missouri Valley. The question now raised by my friend from New York [Mr. HISCOCK] is that this provision proposes a change of existing law.

Mr. HOOKER. I rise to a point of order.

The CHAIRMAN. The Chair can entertain but one point of order

Mr. HOOKER. I want to confine the gentleman from Georgia [Mr. BLOUNT] to the point of order, and not to the merits of the question; because when the question comes to be considered on its merits I will

have something to offer.

Mr. BLOUNT. My friend from Mississippi [Mr. Hooker] talks with so much license in debate that I did not think he would attempt

with so much license in debate that I did not think he would attempt to prevent my speaking upon this matter.

Mr. HOOKER. I always speak in order.

The CHAIRMAN. The Chair will hear the gentleman upon the point of order, first, whether this provision will change existing law; and, second, whether if it so changes existing law it comes within the provisions of the rule of the House.

Mr. BLOUNT. I should have come to that already but for the interruptions of my friend from Mississippi. I was stating first the proposition in the bill, explaining that it confines the Secretary of the Interior to one of two particular points in connection with the opening of the bids. My friend from New York [Mr. HISCOCK] has raised the question that that changes existing law. Now what law does it change? does it change?

My friend from Kansas [Mr. HASKELL] assumes that there is no law upon the subject, and therefore there is no existing law to be changed. If he were correct in that assumption, then it might be that the point of order made by my friend from New York [Mr. Hiscock] would fail. But the proposition urged by the gentleman from New York is

correctly urged, that in all matters in relation to Indian supplies section 2083 of the Revised Statutes provides that it shall be done in accordance with regulations established by the Secretary of the Interior. That section gives to those regulations all the force of law. By virtue of that section his regulations are the law of the case, as regards the opening of bids, and to those regulations all must bow as

Mr. HASKELL rose.
Mr. BLOUNT. Not now. That section 2083, giving the Secretary of the Interior power to make these regulations, will be so changed by this provision of the bill now under consideration that he may not make regulations as to where these bids shall be opened, or if he does make them they must designate one of two places. It seems to me, therefore, most clear that this provision does change existing law.

Now, as to the question of expenditures, there is nothing in the proposition itself to show that there will be a reduction. If the Chair desires to go outside of this provision to ascertain in regard to that matter, then I trust we shall have an opportunity to present the facts as to whether it does or does not increase expenditures. After the intimation from the Chair, I certainly shall not go beyond the strict limits of this question of order.

Mr. HASKELL. Will the gentleman now allow me to ask him a

Mr. BLOUNT. Certainly.

Mr. HASKELL. I ask the gentleman from Georgia [Mr. BLOUNT]
to read one line in the section to which he has referred which provides that the Secretary of the Interior shall open anywhere the bits. for contracts, or one line which says that this matter of opening the bids shall be at his discretion, or a line that contains one word about where the bids shall be opened. If the gentleman will read closely he will find general provisions regulating the action of the Secretary of the Interior, but not a line as to the place of opening of the bids or making the awards; not a line.

Mr. BLOUNT. In answer to the gentleman I will read the section:

All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be

Mr. HASKELL. We do not propose to change the law in regard

to proposals.

Mr. BLOUNT. My friend will allow me to answer his question before he interrupts me.

And all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint.

And then general power is given to the Secretary of the Interior to make regulations in regard to Indian affairs as well as in regard to other matters. That power has never been questioned. Under this section the Secretary of the Interior has the right to make these regulations, and he has uniformly made them—made them by virtue this law and nothing else.

Mr. FINLEY. Before the gentleman sits down will be permit me to ask him a question f
Mr. BLOUNT. Certainly.
Mr. FINLEY. I wish to ask the gentleman if he holds that because the law gives to the Secretary of the Interior the right to make regulations have been been separated by the secretary of the Interior the right to make regulations. lations, when he has made such regulations do they become such a law that we cannot repeal them or make different regulations on an appropriation bill?

Mr. BLOUNT. The question is now upon the point of order. We can change any existing law, following the mode prescribed in the rules of this House. This is a different thing.

Mr. ROBINSON. Upon this question of order the Chair seems to

inger upon one point, and this may be valuable perhaps as a precedent.

Mr. SIMON TON. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. ROBINSON. I wanted to say but a few words.

Mr. SIMONTON. I will detain you but a moment.

Mr. SIMONTON. Mr. ROBINSON.

Mr. ROBINSON. I will yield for a question.
Mr. ROBINSON. I will yield for a question.
Mr. ROBINSON. I want to ask the gentleman from Massachusetts
[Mr. ROBINSON] this question: whether under existing law these
bids may not now be opened in New York; and if the provision under
consideration shall be incorporated into this bill and become law, can
the Secretary of the Interior then have these bids opened in New
York:

York; and if not, what is the reason?

Mr. ROBINSON. Mr. Chairman, as I was about to say, it seems to me that the decision made on this point at this time may be taken as a precedent. Yet we are not without precedents, if I recollect the cases as they have come before the House. It is said that no such case as this has arisen; but it seems to me that many times such cases have arisen. Suppose that in the Indian appropriation bill it were proposed to authorize the appointment of an assistant commissioner proposed to authorize the appointment of an assistant commissioner of Indian Affairs. That is a new provision; it does not in terms change existing law, but it creates a new office. Over and over again such an amendment has been excluded because in principle and in spirit it would change existing law. As I understand, the purpose of this rule, odious as it may be, (I am not discussing that,) is to prevent legislation upon appropriation bills, unless that legislation shall extends a yanditures. retrench expenditures.

Now, the provision in question is in the line of the illustration I

have used, is new legislation, and therefore a change of existing law; because, as my friend from Tennessee [Mr. Simonton] implies in his interrogatory, the Secretary of the Interior may now require bids to be opened in the city of New York, or Boston, or Mobile; but if this provision be enacted his discretion in this matter is taken away. Therefore the law as to him is changed; he must confine his action in this respect to a certain portion of the territory of the United States, the

Mississippi Valley.

My friend from Iowa [Mr. PRICE] argues that this amendment retrenches expenditures. How does it retrench expenditures? There is nothing now to prevent contractors coming from the Mississippi Valley to submit their bids in Washington and have them opened in the city of New York. Suppose that you receive the bids in the Mississippi Valley; does that necessarily transfer all the contractors to the Mississippi Valley; does it prevent any man living away from the Mississippi Valley from making a bid? If not, then your provision does not necessarily retrench expenditures. In fact I can see that when you go outside of a great metropolis you may be perhaps going in the you go outside of a great metropolis you may be perhaps going in the

you go outside of a great metropolis you may be perhaps going in the direction of waste.

The provision of the rule is not that the amendment shall tend to reduce expenditures, but that it shall on its face retrench expenditures. There is no safety if the Chair rules otherwise.

Mr. HOOKER. I have listened to the argument of my classical friend from Georgia [Mr. BLOUNT] with a great deal of pleasure; and I have heard what the gentleman from Mississippi has had to say in reply. These gentlemen, I venture to suggest, are quarreling about trifles; yet I know that in controversies of this kind trifles are sometimes the flowers with which the combatants wreathe their brows.

The CHAIRMAN. So much time has already been consumed upon this discussion that the Chair is unwilling to hear any comments on the merits of the amendment.

the merits of the amendment.

Mr. HOOKER. I restrict myself to the limitation which the Chair lays down, for I recognize the propriety of his ruling. Upon point of order I want to read the concluding section of this bill:

That all bids for supplies of wheat, corn, flour, feed, oats, beef, bacon, pork, and other provisions for the Indians, and all bids for transportation of such supplies, shall be first opened and the contracts awarded thereon at some suitable place in the Mississippi Valley or in the Missouri River Valley.

The point of order, as I understand, is that this provision changes existing law. What is the existing law? I undertake to say that there is no law upon the subject. The truth is that these bids ought to be opened in all the markets overt to our country. These supplies ought to be purchased in whatever market may be the cheapest. I concede the commercial greatness of the city of New York; but the supplies to be furnished under this bill are not luxurious articles belonging to the highly civilized life of a great metronolis. Then belonging to the highly civilized life of a great metropolis. They are simple in their character and are a part of the products of our great western valleys. And when you come to the question of supplies you must remember that the great river which flows through those valleys drains twenty-four States and six Territories, embracing seven-tenths of the population of the United States. While you may have in the great metropolis of New York a money center arbitrary in its power, vast in its influence, yet, whatever may be your commerce, magnificent as it is, your ships, which once carried on a great carrying trade, (though now, under the policy which has prevailed in this Government, we have sunk to a fifth-rate power,) would be in this Government, we have sunk to a fifth-rate power,) would be eaten by the barnacles of the sea and your magnificent docks, lining the Atlantic coast from New York to Galveston, would be without a ship but for the great agricultural interests of the Mississippi Valley, for it is there that you must look for the bread and meat that constitute the support of humanity. Commerce, it is sometimes said, is king; but, sir, commerce would be a monarch without a single subject to pay obedience to him unless agriculture brought to the seaboard the fruits of the earth sown and reaped in due season, giving commerce some subject with which to deal. commerce some subject with which to deal.

Therefore, when you are making these contracts for supplies, why should you not give the great grain-growing region of the world a chance at least to bid for them against New York with all her

commerce?

[Here the hammer fell.]
Mr. PRICE. I have no argument to make on this point of order,
but I want to answer my friend from Massachusetts [Mr. Robinson] by asking him another question.

The CHAIRMAN. The Chair trusts that the gentleman from Iowa

will not engage in a controversy with the gentleman from Massachusetts upon anything except strictly the point of order.

Mr. PRICE. I will confine myself to the point of order. The gen Mr. PRICE. I will confine myself to the point of order. The gentleman from Massachusetts controverts the proposition that this provision will reduce expenditures. I contend that it will do so; and the only argument I am going to make is to ask the gentleman this question: If he wanted to buy a supply of corn, oats, beef, or pork, would be rather buy such supplies in the Mississippi Valley or in the city of New York, if they were to be used in the Mississippi Valley?

Mr. ROBINSON. Let me answer that question by saying to the gentleman that although I might make the contract to purchase in the city of New York, yet I might have the contract.

Mr. PRICE. Yes; where it is grown.

Mr. ROBINSON. Therefore I can contract in the city of New York for some product of the gentleman's own State, to be delivered in

that State. I could as well contract for it in the State of California.

Mr. FINLEY. I do not propose to consume the time of the committee at any great length on this point of order. As I understand it, the point made on this sixth section of the bill, and as it is crystallized in the remarks of the gentleman from Massachusetts, is that under existing law the Secretary has a discretion in directing where the bids may be opened, that the law places it in his sound discretion. The point now made, as it is well stated by the gentleman from Massachusetts, is that by directing the bids to be opened in the Missis-Massachusetts, is that by directing the bids to be opened in the Mississippi Valley puts it beyond the discretion of the Secretary of the Interior. I understand that to be the gentleman's point, that we put it beyond the discretion of the Secretary of the Interior by directing the bids to be opened at a certain place, and that, consequently, it would thereby be obnoxious to the rule, which says, "nor shall any provision in any such bill or amendment changing existing law be in order except such as, being germane," &c.

The Chair will observe that the language used is "change existing law." The gentleman claims by his reasoning that the change of a

law." The gentleman claims by his reasoning that the change of a rule or regulation of the Department or taking away from the Secretary of the Interior discretion is a change of existing law. I do not believe that is a fair construction of this rule, for the rule says

"change of existing law."

Now, what is existing law? It is a statute upon your statute-books passed by both Houses and approved by the President of the United States. A rule of the Department may be changed by the Department itself, but a change of existing law requires the concurrence of the two Houses of Congress and the approval of the President. We simply provide in this sixth section that the Secretary of the Interior shall cause these bids to be opened at certain places. was well stated by the gentleman from Kansas, it changes no word or line of any law upon our statute-books. Nowhere do we read on our statute-books in reference to bids for contracts where the Secretary of the Interior shall cause them to be opened. In New York, Louisiana, Mississippi, Kansas, or anywhere in the United States, under existing law, he may cause the bids to be opened.

Now, does an amendment to an appropriation bill directing he shall open them at certain places change existing law, or does it simply take away from him a discretion? and is the taking away of a discretion from the Secretary a change of existing law within the purview of this rule? I think not, sir. The committee simply adds to the law, but does not change it.

law, but does not change it.

Mr. RYAN, of Kansas, rose.

The CHAIRMAN. Any further discussion of the point of order is entirely fruitless, as the Chair has reached a conclusion which he desires to announce to the Committee of the Whole.

Mr. HISCOCK. Before this is done, I desire in connection with my remarks to print some letters to which I have referred.

The CHAIRMAN. The Chair bears no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, April 16, 1880.

OFFICE OF INDIAN AFFAIRS,

Washington, April 16, 1830.

Sir: In reply to your verbal inquiry, I have to state that at the last annual letting of supplies for the Indian service twenty-two bids for flour were received. Contracts were awarded to P. H. Kelly, Saint Paul; L. Zeckendorf, Arizona; Z. Staab, New York and New Mexico; J. Huning, Arizona; Levi Wilson, Kansas; C. E. Conrad. Montana; A. A. Newman, Kansas; W. W. Sheafe, Dakota; W. A. Parshall, representing Lord & Williams, Arizona; L. Mayer, Colorado; N. W. Wolls, Nebraska; F. J. Kiesel, Idaho; T. C. Power, Chicago and Montana.

For beef, there were thirty-three bids. Contracts were awarded to R. D. Hunter, Saint Louis; L. Zeckendorf, Arizona; T. D. Burns, New Mexico; Blossom & Clay, Indian Territory; J. N. High, Ohio and Idaho; F. J. Kiesel, Idaho; P. H. Kelly, Saint Paul; E. S. Newman, Saint Louis; Z. Staab, Santa Fé; W. A. Parshall, New York, for Arizona; M. C. Murdock, Missouri; L. Spiegelberg, New Mexico; W. P. Noble, Wyoming; T. C. Power, Chicago and Montana; N. P. Ciark, Saint Paul.

For corn, barley, and beans there were twenty-four bidders. Contracts were awarded to P. H. Kelly, Saint Paul; D. Wing, Chicago; Z. Staab, New Mexico; L. Spiegelberg, New Mexico; Levi Wilson, Kansas; A. C. Davis, Iowa; L. Huning, New Mexico; J. Austrian, Saint Paul; L. Zeckendorf, New York and Arizona; W. A. Parshall, for Arizona parties; R. C. Haywood, Kansas; W. G. Rates, Iowa, For bacon there were twelve bidders, of which A. Fowler, of New York and Kansas, and W. R. Merriam, of Saint Paul, were the successful bidders.

Very respectfully, your obedient servant,

R. E. TROWBRIDGE,

Hon. James H. Blount,

R. E. TROWBRIDGE,

Hon. JAMES H. BLOUNT,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 16, 1880.

Sin: In compliance with your request of this date for a statement of facts relative to the letting of contracts for goods, supplies, &c., for the Indian service, and of the practicability of letting those for subsistence stores at some point in the West, I have the honor to make the following reply:

It is the custom each year, as soon after the appropriation for this bureau for the ensuing fiscal year has become a law, to prepare advertisements for publication in the most prominent newspapers of the country, inviting proposals for furnishing the articles needed for the use of the Indian Department, as required by section 3709 of the Revised Statutes. All sections of the country are duly advised in this way of the time, place, and requirements of the Department, advertisements being published in Arizona, New Mexico, Montana, Colorado, Idaho, Wyoming, Kansas, Indian Territory, Dakota, Iowa, Minnesota, and the principal cities of the East and West.

cers of the Department charged with the duty of attending to such business and a corps of clerks to perform the necessary clerical work, as well as delay the letting of contracts for many articles which under any circumstances have to be bought in the East.

The experiment of awarding contracts in the West was tried by this office in 1876, when proposals were opened at Saint Louis for subsistence supplies and transportation for the fiscal year 1877. The records of the office show that no more advantageous terms were secured by the Department in this case over previous or subsequent years, while much time was lost and great additional expense incurred. I am therefore of the opinion that such a course should not be adopted, and trust that the motion offered in the House yesterday looking to that end may not prevail.

Very respectfully,

R. E. TROWBRIDGE.

R. E. TROWBRIDGE.

Hon. J. H. BLOUNT, House of Representatives.

Bacon: Eight bidders; all in Minnesota, Illinois, New Mexico, Montana, Nebraska, and Wyoming.

Barley: Four bidders; living in Arizona and New Mexico.

Beans: Twelve bidders; four in New York, the others in Minnesota, New Mexico, Arizona, and Iowa.

Beef: Thirty-three bidders; one in Washington and one in New York, the others in Minnesota, Arizona, Missouri, New Mexico, Colorado, Iowa, Indian Territory, Montana, Utah, Wyoming, Kansas, and Dakota.

Corn: Sixteen bidders; in Montana, Minnesota, Kansas, New Mexico, Missouri, Dakota and Iowa.

Corn: Sixteen bidders; in Montana, Minnesota, Kansas, New Mexico, Missouri, Dakota, and Iowa.

Coffee: Ten bidders; four in New York City, the others in Minnesota, Wyoming, Arizona, Nebraska, and Kansas.

Feed: Eight bidders; in Minnesota, Iowa, Montana, and Kansas.

Flour: Twenty-seven bidders; all in Arizona, New Mexico, Kansas. Colorado, Minnesota, Dakota, Utah, Nebraska, Missouri, Montana, Wyoming, and Iowa.

Hard bread: Four bidders; in Colorado, Nebraska, and New York.

Mess-pork: Five bidders; one in Iowa, four in Minnesota.

Oats: Six bidders; in Minnesota, Nebraska, Montana, Iowa, and Dakota.

Wheat: Ten bidders; in Arizona, Dakota, Minnesota, Kansas, New Mexico, and Montana.

Transportation: Eleven bidders; all in Arizona, New Mexico, Nebraska, Kansas, Dakota, Montana, Wisconsin, Iowa, and Minnesota.

The CHAIRMAN. The question as to whether this was introduced in the bill on the part of the majority of the Committee on Appropriations or not is not material to the point at issue. The rule forbids the insertion of an obnoxious provision, whether it comes from the committee or only a single member of the House.

There are three conditions in the clause of the rule under consideration which should be noticed: one, that the amendment or provision should be germane; second, that it should retrench expenditures, and, third, change existing law. This section unquestionably is germane to the subject-matter of the bill. The Chair is of the opinion, however, that it does not retrench expenditures or affect them either however, that it does not retrench expenditures or affect them either way. The bids may be received and opened as cheaply in New York as in Saint Louis or any other city in the Union. It therefore becomes very material to determine whether it changes existing law. The statute which has been presented by the gentleman from New York leaves it entirely within the discretion of the Secretary of the Interior to designate where the proposals, &c., shall be opened. There is no limitation upon his discretion in this regard. If, however, this section should be adopted, the power and discretion of the Secretary of the Interior would be limited to points in the Mississippi and Missouri Valleys. The Chair is therefore of opinion that the enactment of this provision would change the existing law. If, however, the section did not change existing law in any particular, but simply made new legislation, no matter whether it retrenched expenditure or not, being germane to the bill, the Chair would hold it to be in order. The language of the rule is explicit, that the provision must change existing law. The Chair, however, is of the opinion it does change existing law, for the reason mentioned, that it places additional limitations upon the present legal authority of the Secretary of the Interior, and therefore holds the point of order to be well taken, and rules the section out.

Mr. HOOKER. I desire to offer an amendment to the pending bill. however, that it does not retrench expenditures or affect them either

Mr. HOOKER. I desire to offer an amendment to the pending bill. The Clerk read as follows:

Amend section 6 by striking out the words "shall be first opened and the contracts awarded" and insert in lieu thereof the words "shall be simultaneously opened in all the newspapers in the eastern country and all newspapers in the Mississippi Valley."

Mr. HISCOCK. I make the same point of order upon that amendment, and the additional one that there is no sixth section to be amended.

Mr. HOOKER. Why not?
Mr. HISCOCK. Because it has been ruled out.
Mr. HOOKER. Upon the point of order, then, I desire to say a

The CHAIRMAN. The Chair suggests that, the section having been stricken out, this amendment, or proposed amendment, cannot, in the nature of things, be in order to that section. Does the gentleman desire to offer this as an additional section or as an amend-

Mr. HOOKER. As an amendment to the sixth section.

Mr. HOOKER. As an amendment to the sixth section.
Mr. HISCOCK. But that section has already been ruled out.
Mr. HOOKER. Then I move it as an additional section.
Mr. HISCOCK. Then, if the gentleman suggests that it be offered and as an additional section, I make the same point of order upon it.
The CHAIRMAN. In so far as the right to offer an additional section to the bill is concerned, the Chair holds that it is in order to do so at this time. But as to whether the subject-matter of this amend-

ment itself is in order, the Chair will not determine until it has again been read.

Mr. HISCOCK. Let it be read again, then, for a ruling.

The amendment was again read.

The CHAIRMAN. The Chair holds that the amendment is obnoxious to the point of order made by the gentleman from New York.

The section having been stricken out, there is nothing left of it to amend.

Mr. HOOKER. Then I offer an additional section to the bill, which I hope the gentleman from New York will not make a point of

order upon.
The Clerk read as follows:

SEC. 6. That from and after the 1st day of July, 1881, the management of Indian affairs be, and the same is hereby, transferred to the War Department.

Mr. WELLS. I make a point of order upon that.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WELLS. The point of order that I make is, that it is a proposition to transfer the control of the Indian service to the Army, and to that extent that it is not germane to an appropriation bill. This is simply a bill which proposes to make appropriations for the subsistence of the Indians, and for other purposes in connection therewith; while that section, as suggested by the gentleman from Mississippi, attempts to transfer the whole matter to the control of the Army, another branch of the Government.

Mr. HOOKER. In response to the point of order raised by the gentleman from Missouri, I desire to say that my friend from Missouri [Mr. Frost] will present the question at my request, and I may have occasion to ask the attention of the committee to some supplementary

remarks upon the same point after he has concluded.

Mr. FROST. Mr. Chairman, this question which is now presented happens to be no new one. It has been, I believe, repeatedly passed upon by chairmen of the various Committees of the Whole in this House when the question has been brought up here. The most recent adjudication thereon which has been brought to my attention was on June 6, 1876, when the gentleman from Illinois, [Mr. Springer,] I believe, occupied the chair.

After consulting the various precedents on this question, he recited a lengthy opinion, which covers about two columns of the CONGRESSIONAL RECORD, closing with the following language:

That the section under consideration is new legislation, changing existing law, is admitted; but the rule, as amended at this session, expressly provides that such new legislation may be in order in a general appropriation bill, provided it be germane to the subject-matter of the bill and shall retrench expenditures. The section under consideration, in the opinion of the Chair, meets both these requirements, and is therefore in order.

Now, Mr. Chairman, the rule as it obtained then is, I believe, precisely similar to the rule under which we are acting at present. The question comes up under two points: first, as to the germaneness of the proposition, and, secondly, as to the question whether it does or does not retrench expenditures.

As to the question of germaneness, it seems to me to be one that no one can dispute. The subject-matter is undoubtedly the same. As

one can dispute. The subject-matter is undoubtedly the same. As to the question of retrenching expenditures, if we look solely at that one proposition in the adoption of this amendment, we will find that it will result in the dismissal of the present force of Indian agents, with a curtailment of all of the salaries and perquisites which are now allowed to these officers, which alone will work a large reduction of expenditures, because it will not be necessary to offer any additional salaries to the officers of the United States who may be substituted in their places. Resting, therefore, the question upon the precedents already established and upon the reasons adduced therefor, which are too lengthy to quote in full, I trust the Chair will rule that the amendment is both germane as relating to the subject-matter and as tending to reduce expenditures, and therefore in order under both points. both points.

Mr. HASKELL. Mr. Chairman, the point of order raised by the gen-

Mr. HASKELL. Mr. Chairman, the point of order raised by the gentleman from Missouri upon my left has been overruled at preceding sessions of this Congress; and when that point of order is decided by the Chair, I simply ask now to be recognized to make another point of order which I know will lie against this amendment.

The CHAIRMAN. The question presented by the point of order is not a new one. It has been passed upon twice: in June, 1876, by the then chairman of the Committee of the Whole, [Mr. Springer,] and again on April 18, 1880, by the then chairman, [Mr. WHITHORNE.] In both instances the Indian appropriation bill was under consideration and similar amendments were offered. For this reason the Chair does not deem it necessary to make a statement of the points involved. does not deem it necessary to make a statement of the points involved, but will follow the precedents established by the rulings referred to and hold that the point of order is not well taken. The Chair will cause the opinion of Mr. Springer to be printed in the Record with his ruling

The following is the opinion of Mr. SPRINGER, referred to by the

The CHARMAN. At the sitting of the committee for the consideration of this bill on Saturday last a point of order was raised by the honorable gentleman from Iowa [Mr. McCrary] on section 2 of the original bill, which section transfers the management and control of Indian affairs from the Interior to the War Department. The point of order was stated by the gentleman raising it to be this: that the section proposes new legislation, and that it does not appear on the face of the record that it will retrench expenditures. The decision of the Chair upon this question of order was reserved until the committee should again resume the consideration of the bill. The Chair will now submit his decision.

Since the amendment to Rule 120 of this House, which was adopted January 17 of this session, there has been considerable discussion as to its interpretation, and several rulings have been made upon it. In view of the exhaustive arguments which have been made upon the rule as amended, and the important ruling thereon by the honorable Speaker of the House on the 28th of April, the Chair could hardly err in the decision of the point of order now raised. The rule has been so often quoted that it is scarcely necessary to again read it, as it is doubtless familiar to every member. But as this question is in many respects similar to that decided by the Speaker on the 28th of April, the Chair has given the subject most serious consideration, and therefore asks the indulgence of the committee in again reading the rule:

the Speaker on the 28th of April, the Chair has given the subject most serious consideration, and therefore asks the indulgence of the committee in again reading the rule:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures."

This rule has for its object the exclusion from appropriation bills of subjects of general legislation. No provision reported in such bill or amendment thereto which changes existing law is in order, except it be germane to the subject-matter of the bill and retrenches expenditures.

Whether a particular provision be germane to the subject-matter or not is a question which will generally admit of little doubt, and in this case it seems to be admitted that the section under consideration does not contravene the rule; for this bill relates exclusively to Indian affairs, and the section under consideration, taken in connection with the other provisions thereof, completely disposed of the whole subject. The section is in harmony with the other provisions of the bill, and, considered as a whole, a system of Indian control and management is provided, taken in connection with existing laws and treaties, which is complete in itself, effective in its operation, and not dependent upon other or further legislation. The section is therefore undoabtedly germane to the subject matter of the bill.

But how shall the Chair determine whether a particular provision of a bill or a proposed amendment thereto does retrench expenditures? Two rules for the determination of this question have been suggested: First. That the Chair may hear arguments, consider estimates, compare official reports, and from all the

Does this section, then, upon which the question of order has been raised, by its own force and the other provisions of this bill, retrench expenditures? The section is as follows, and it has evidently been drawn with great care by the committee.

"SEC. 2. That the office of the Commissioner of Indian Affairs is hereby abolished, and the salary heretofore paid to such officers respectively shall cease of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employes of the Indian Bureau are hereby abolished; and the salary heretofore paid to such officers respectively shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employes of the Army under the direction of the Secretary of War; and they shall receive no additional pay by reason of the performance of the duties aforenamed thus transferred to them other than the pay they may receive as officers and employes of the Army; and the Secretary of War shall assign them their duties in connection with the supervision, control, and management of Indian affairs under such regulations as the Presidentmay prescribe: Provided, That the execution of all laws and parts of laws applicable to the management and control of Indian affairs and of matters arising out of Indian relations is hereby transferred to and shall exercise the same authority in the control of all Indian affairs heretofore had by the Secretary of the Interior; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

If this section were in the words of section 4 of the legislative, executive, and indicial appropriation bill, which section the Speaker ruled out of that bill, the Chair world have but one course to pursue, and his decision would be simply a realimation of that of the Speaker. But there is a material difference in the sections. The objectionable section of the legislative, executive,

the necessity of any further legislation whatever. It is true that some regulations are to be prescribed by the President and others by the Secretary of War; but the prescribing of such regulations is not legislation, but mere matter of detail, the regulation of which is conferred in similar cases upon all the heads of Departments. But the section goes further and ab solutely abolishes a large number of offices and discontinues the salaries thereof; and it provides that the officers, soldiers, and employés of the Army shall perform the duties of the persons heretofore filling such offices without additional compensation.

Here, then, is manifestly and, by the very terms of the provision itself, in the light of existing law, a large reduction of expenditures. The Chair will take official cognizance of the fact that the law as it exists appropriates for the current year, for the salaries and expenses of the officers and agents, whose offices and positions are abolished by this section, over two hundred thousand dollars; and that this bill appropriates in the aggregate about fourteen million dollars less than was appropriated for the same purposes for the current year. Considering the vast number of offices abolished by the section under consideration, it is evident that this transfer of the management of Indian Affairs from the Interior to the War Department contributes largely to the general reduction of expenditures by the bill. At least the Chair may safely infer from this fact that the other provisions of the bill have not increased expenditures in consequence of the large reduction thereof by the second section of the bill.

But it has been argued with much plausibility that the Chair cannot foresee what increased appropriations may be necessary in the future in order to support and pay the Army, on account of the increased duties imposed upon its officers, soldiers, and employés by this section. And that, in consequence of war or other unforseen emergency, or of the alleged impossibility of the present mili

Mr. WELLS. I move that the committee do now rise. Mr. HASKELL. Before that motion is submitted I desire to be recognized, as I have already asked the Chair to be recognized, to submit this point, that under section 4 of the twenty-first rule it is not in order to consider as an amendment to a pending bill subject-matter which embraces the substance of bills already pending before the committees or the House. The proposition submitted here to be incorporated in this bill is precisely the subject-matter and the sub-

stance of at least two bills which are now pending before the committees of this House.

Mr. FINLEY. One word. I desire to make the point on the gen-tleman, that when a point of order is made on a bill and the Chair has decided it, that involves all points of order. Several MEMBERS. "No." "No."

Mr. FINLEY. Oh, yes. It is then res adjudicata.
Mr. HASKELL. I call the attention of the Chair to the fact that I asked recognition to make a point of order before the other point of order was decided.

The CHAIRMAN. The Clerk will read the titles of the bills sent up by the gentleman from Kansas, [Mr. HASKELL.]
The Clerk read as follows:

A bill (H. R. No. 2484) to transfer the office of Indian Affairs from the Interior to the War Department.
A bill (H. R. No. 3439) to transfer the office of Indian Affairs from the Interior to the War Department.

Mr. HISCOCK. I desire to inquire when the decision was made on the strength of which the Chair holds this amendment is not in

The CHAIRMAN. The gentleman from Missouri [Mr. Frost] has the decision before him and will answer the question.

Mr. FROST. The decision appears in the Congressional Record

of June 6, 1876.

Mr. HISCOCK. It was a decision made in 1876 under an entirely different rule. But, as I understand, this proposition was made as an amendment offered to the same bill of last session, and the chairman, under the rule as it stands to-day, ruled the other way and ruled the

mr. HASKELL. I desire to state, if I am permitted—
Mr. HISCOCK. If the gentleman will allow me a moment I wish to add just this: the question was reserved by the chairman of the Committee of the Whole for consideration during the evening. The committee rose during the pendency of the question and the decision

was announced the next morning.

Mr. HASKELL. I desire to state that the point of order that the amendment was not germane was overruled; that the point of order that it did not retrench expenditures was overruled; and the amendment was ruled in order. The gentleman from Tennessee [Mr. WHITTHORNE] was in the chair. I made those two points myself, first, that the amendment was not germane; second, that it did not retrench expenditures; and the Chair overruled both. But on one of the bills now in the hands of the chairman of the committee he ruled under section 4 of Rule XXI that the amendment did embrace the substance of a bill before the House; and he therefore ruled it out of order. That is the exact history of it. I know it for I raised the point of

order against the amendment myself.

Mr. FROST. Now, Mr. Chairman, I desire to have the contents of those two bills read that the committee may know whether the amendment is obnoxious to the rule or not.

Mr. ACKLEN. The question raised by the gentleman from Kansas, [Mr. Haskell,] if I understand his point of order correctly, has reference to the provision in clause 4 of rule XXI, which reads:

No bill or resolution shall at any time be amended by annexing thereto or in-corporating therewith the substance of any other bill or resolution pending before the House.

In my opinion, the question raised at this time turns upon the point whether the words "pending before the House" are to be construed as referring to bills before committees of this House. And I do not think that under that construction the point of order taken by the gentleman will be sustained.

Mr. FROST. I desire to have the bills read.

The CHAIRMAN. The Clerk will read the bills.

Mr. FROST. What I desire to know is the present condition of

those bills.

The CHAIRMAN. The Chair suggests that it is useless for the The CHARMAN. The Char suggests that it is useless for the Clerk to read the bills unless the House desires to have them read for information. The Chair has examined them with a view to ruling on the point of order which has been made.

Mr. FROST. I desire to have read the statement embracing the titles, the dates of introduction, &c.

The Clerk read as follows:

Forty-sixth Congress, second session: H. R. No. 2484. In the House of Representatives, December 3, 1879, read twice, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. Finley, by unanimous consent, introduced the following bill: A bill to transfer the office of Indian Affairs from the Interior to the War Department.

Forty-sixth Congress, second session: H. R. No. 3439, (report No. 1333) In the House of Representatives, January 12, 1880, read twice, referred to the Committee on Indian Affairs, and ordered to be printed; Mr. Wellbogn, by unanimous consent, introduced the following bill: A bill to transfer the office of Indian Affairs from the Interior to the War Department.

The CHAIRMAN. As to the point made by the gentleman from New York, [Mr. Hiscock,] the Chair would say that the rules which now govern the House have not been altered as regards the particular clause of section 3 of Rule XXI upon which the Chair has based his ruling. The new rule in that respect is identical with the rule which was in existence at the time the decision was rendered by the chairman of the Committee of the Whole [Mr. Springer] in June, 1876. The only difference between the third section of that rule now and then is the addition of a provise which does not affect the clause of then is the addition of a proviso which does not affect the clause of that section which governs the question just ruled upon. Now, upon the point made by the gentleman from Kansas, [Mr. HASKELL,] the Chair will read the fourth section of Rule XXI, which is as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The rule is so plain and easily understood that no ground is left for controversy. If the amendment offered is substantially the same as a pending bill, it is clearly obnoxious to the point of order. The Chair has made an examination of the amendment offered by the gentlehas made an examination of the amendment offered by the gentle-man from Mississippi, which has just been handed him, and in fact finds it to be a bill heretofore introduced and now pending. The amendment which I have examined is an exact printed copy of the bill that was introduced by the gentleman from Ohio, [Mr. FINLEY,] and which has ever since been pending before the House, or rather before its Committee on Indian Affairs. That bill is introduced now as an amendment to this appropriation bill. Now, under the fourth section of Eule XXI. section of Rule XXI-

Mr. HOOKER. Will the Chair allow me to say a single word?
The CHAIRMAN. The Chair will hear the gentleman.
Mr. HOOKER. I desire to say to the Chair and to the committee that I have not even seen the bill which proposes to make a transfer of the Indian Office from the Interior to the War Department. But I submit that if the amendment is not in tolidem verbis the same as a bill pending in the House then it is not obnoxious to the rule the Chair has cited, for the reason that the time, the opportunity, the oc-

casion is entirely different. You might as well say that if twenty years hence I proposed to legislate by way of amendment some former rule of the House or some former law of the country would interdict it. I hope the Chair will not commit itself to the strange, singular, unjust, and improper position that because there is a bill pending before the House on the same subject-matter, pending at a different time and under different circumstances, therefore the hands of the legislators of the country are tied and they cannot act upon this amendment. Allow me to say, with great deference to the opinion of the Chair, that if that is the case then there is no occasion when you can amend a single law. Even those gentlemen around me, who are smiling at the statement I have made, would themselves often feel cramped if they felt there was not a possibility of reforming the laws, because there has been some legislation in opposition to that attempt.

I say that if I did propose to change existing law in any measure I would be obnoxious to the ruling of the Chair. I have not proposed that. The terms of my amendment are in fature; they do not relate to the past. Therefore—will the Chair listen to me while I say so? The CHAIRMAN. The Chair is listening to the gentleman.

Mr. HOOKER. My amendment being in reference to future operations cannot be controlled by any past legislation in reference to former times or former circumstances. If I had offered an amend-

ment to change existing law in regard to the past I might be obnoxious to the objection which has been raised. But my amendment proposes that on and after a certain day in 1881 the conduct of Indian affairs shall be transferred from the Interior to the War Department. That is a proposition, allow me to say, (and I hope the Chair will hear me and at once concede that I am right about it, because there is no question about it, there is no gentleman on either side of the House who will say otherwise,) my proposition is to transfer the Indian Bureau, and is not coupled with any other action of any other

Mr. FROST. Allow me, Mr. Chairman—
The CHAIRMAN. The Chair does not think it possible for any gentleman to present arguments which will lead him to change the

conclusion he has reached.

Mr. FROST. I propose to raise an entirely new point.

The CHAIRMAN. The Chair will dispose of this first. In answer to the gentleman from Mississippi [Mr. HOOKER] the Chair will say that he understands the amendment offered to be a copy of the identity. tical bill now pending before the House. It is not only substantially the same as that bill, but is identically the same. It is not necessary for the Chair to compare the two bills further for the reason that the one offered as an amendment is in hee verba the one pending before the House

Mr. FINLEY. Allow me to suggest that the Chair is certainly in error.

"Regular order!" Many MEMBERS.

Mr. FINLEY. Oh, no.

The CHAIRMAN. The Chair is willing to be corrected if in error.

The Chair asked the Clerk for the amendment, and this bill was handed to him as such.

Mr. FINLEY. It is altogether a different bill from mine as to the time when the transfer shall be made.

The CHAIRMAN. The Chair is still of the opinion that the amendment is not in order. The bills, for I find there are two bills on the ame subject, are in substance the same as the amendment offered by same subject, are in substance the same as the amendment offered by the gentleman from Mississippi [Mr. Hooker] as an additional section to the bill. If there is any difference between the substance of this amendment and of the bills now pending before the House, the Chair would be glad to have it pointed out; he cannot see any substantial difference. The substance and object of the amendment offered and the two pending bills to which the attention of the Chair is called are manifestly the same. They clearly have but one object, and that is the transfer of the control of the Indian Department from the Interior Department to the War Department.

the Interior Department to the War Department.

Mr. FROST. If the Chair will permit me I will ask this question:
Is the transfer to take place under the bill formerly introduced at the same time as under the amendment of the gentleman from Mis-

Mr. RYAN, of Kansas. The transfer is the matter of substance.

Mr. HASKELL. The subject-matter of the amendment is in substance that of the pending bill, simply and solely because the amendment proposes to remove the Indian Bureau from the Interior to the War Department, and the bill proposes to do the same thing. The substance of the one is in the other in that fact alone, without reference to time or details of execution.

Mr. FROST. I insist that the question of time necessarily pertains to the substance of a bill. Let us suppose (but we need not suppose it, for it is the fact) that there has been introduced into this House some ten or fifteen different amendments in relation to the issue of

Mr. VALENTINE. I rise to a point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. Frost] has
the floor on a point of order.

Mr. VALENTINE. I understood that that point of order had been decided.

Mr. FROST. I say that we have now pending in this House in the form of amendments to the funding bill sundry propositions which are identical in substance, if the definition of "substance" given by the gentleman from Kansas [Mr. HASKELL] be the correct one. Those propositions, however, vary essentially in regard to time. Now, is a 10-30 bond the same in substance as a 10-20 bond? Is a law to go into effect to-morrow the same in substance as one to go into effect one year or ten years hence? Time is of substance, and necessarily pertains to the substance; the time when and the place where necessarily pertain to the subject-matter.

The CHAIRMAN. In order to save discussion the Chair will state to the gentleman from Missouri [Mr. Frost] that the bill introduced by the gentleman from Texas, [Mr. Wellborn,] which is one of the two bills to which the attention of the Chair is called as now pending before the House, fixes the same date for the transfer as the amend-

ment of the gentleman from Mississippi.

Mr. FROST. I understood the Chair to say the contrary.

The CHAIRMAN. One bill, that of the gentleman from Ohio, [Mr. FINLEY,] fixes a different date; the bill introduced by the gentleman from Texas [Mr. Wellborn] fixes the same date as that of the amend-

Mr. FROST. If that be so, then the ruling of the Chair is correct. I have another amendment, which I think will obviate all questions of order. I propose as an additional section to the bill that which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 6. That the appropriations made by this bill shall be expended by the General of the Army instead of by the Secretary of the Interior.

Mr. KEIFER. I raise the same point of order on that amendment. Mr. HASKELL. A dozen points of order lie against that amendment.

The CHAIRMAN. Does any gentleman wish to be heard on the point of order

Mr. HASKELL. I will simply raise the point of order that the proposed amendment is obnoxious to all the rules of the House, and let it rest there.

Mr. FROST. I do not desire to argue this question, but I maintain that this is not in substance the same amendment, for it proposes no transfer of the department, but simply substitutes one officer of the Government for another. That it changes existing law I am free to confess, but at the same time it retrenches expenditures and is germane to the bill.

Mr. HISCOCK. How do you know that it retrenches expenditures?
Mr. FROST. For the same reason that the proposition just ruled out on a point of order would retrench expenditures.
Mr. HUMPHREY. There is too much "germanity" about it; that

Mr. HUMPHREY. There is too much "germanity" about it; that is the trouble. [Laughter.]

The CHAIRMAN. The Chair is of opinion that the point of order is well taken, for the reason that the amendment does not retrench expenditures, and it does very clearly change existing law. The mere substitution of one officer for another officer, the change from the Secretary of the Interior to the General of the Army, does not reduce expenditures. This amendment, unlike the one offered by the gentleman from Mississippi, [Mr. HOOKER,] does not dispense with any of the officers of the Indian service, and therefore does not retrench expenditures. Other reasons can be assigned for ruling out the amendment, but the one mentioned is sufficient.

the amendment, but the one mentioned is sufficient.

Mr. RYAN, of Kansas. I move to amend by adding the following

as a new section:

All advertisements for contracts involving the expenditure of any money herein appropriated shall be made at least sixty days before any such contract shall be awarded.

Mr. HISCOCK. I make the same point of order upon this amendment.

ment.

Mr. RYAN, of Kansas. I hope the gentleman will not insist on his point of order, because the direct tendency of the amendment is to retrench expenditures by securing reasonable competition for the furnishing of supplies, which is now absolutely prevented by the policy that the Government pursues, giving not four weeks' notice by advertisement, and even that notice encumbered by conditions which render it almost impracticable for bids to be put in by parties in the section of country where the supplies are produced.

Mr. HISCOCK. I withdraw the point of order.

The amendment was adopted.

The amendment was adopted.

Mr. HOOKER. I move to amend by adding to the bill the fol-

Be it further enacted, That from and after the 1st day of July, 1881, the management and supervision of Indian affairs be, and the same is hereby, transferred to the War Department.

Mr. WELLS. I make the same point of order that has been made

Mr. HOOKER rose.
The CHAIRMAN. The Chair is ready to decide the question with-

out the necessity of argument.

Mr. HOOKER. If I knew what the decision of the Chair would be, perhaps I would not say a word. [Laughter.] The Chair is aware of the fact that this question has arisen before; and I do not know that I can make it clearer than it is made in prior adjudica-

The CHAIRMAN. The Chair is ready to decide the question.

Mr. HOOKER. The Chair is not going to decide without hearing
me, I presume. I want to call the attention of the Chair to the decision which has been made on this question.

The CHAIRMAN. The Chair has already considered the decision
to which the gentleman refers, and is very clearly of opinion that the
amendment is not in order. The mere change of dates in the propo-

sition does not alter the status of the question.

Mr. HOOKER. I desire simply to have read an adjudication of a former chairman of the Committee of the Whole on this question so that it may be printed in the Record. I do not know whether the present chairman is familiar with that decision; I presume he is; but, however that may be, I would like to have it read in connection with the motion I have made. This is the only decision that has been read upon this average.

been made upon this question.

The CHAIRMAN. The request of the gentleman from Mississippi can only be granted by unanimous consent, that question having passed from the consideration of the committee. [Cries of "Regular

Mr. HOOKER. In other words, the present chairman consents to

be wrong.

Mr. WELLS. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Townshend, of Illinois, reported that the Committee

of the Whole on the state of the Union had had under consideration the whole on the state of the Union had had under consideration the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, and had directed him to report the same with sundry amendments.

Mr. WELLS. I move the previous question on the bill and amend-

The previous question was seconded, and the main question ordered. The first amendment reported from the Committee of the Whole was read, as follows:

At the end of line 641 add the following:
"And the money hereby appropriated, and all money heretofore appropriated to said Indians, being the Sacs and Foxes at the Iowa agency, and which has not been drawn by them, shall be paid to them when they shall sign a pay-roll by the head of each family, the correctness of which pay-roll shall be certified by the agent in charge of said Indians."

Mr. HOOKER. I move to lay this amendment on the table.
The SPEAKER. That would carry the bill with it.
Mr. HOOKER. I do not care about that. I move to lay the amendment on the table. What the consequences will be the Chair can

The SPEAKER. The Chair will submit the motion.

The motion of Mr. HOOKER was not agreed to. The amendment was then concurred in.

ABUSE OF THE FRANKING PRIVILEGE.

The SPEAKER. The Chair announces the appointment as the special committee authorized by resolution adopted this morning in reference to abuse of the franking privilege: Mr. Converse of Ohio, Mr. House of Tennessee, Mr. Philips of Missouri, Mr. Browne of Indiana, and Mr. Robinson of Massachusetts.

INDIAN APPROPRIATION BILL.

The next amendment was read, as follows:

On page 46, strike out lines 1113 to 1116, inclusive, as follows:

"That all laws and parts of laws creating or authorizing the commission of ten citizens provided for in the act of April 10, 1869, be, and the same are hereby, re-

ealed."
And in lieu thereof insert the following:
"For the expenses of the commission of citizens serving without compensation
ppointed by the President under the provisions of the fourth section of the act of
.pril 10, 1869, \$10,000."

Acklen, Aldrich, N. W. Aldrich, William Bailey, Baker, Ballou,

Barber, Bayne, Beltzhoover, Blake, Blount,

Bount, Bowman, Boyd, Brewer, Briggs, Brigham,

Browne, Buckner, Burrows, Butterworth,

Carpenter, Chittenden,

Mr. WELLS. I demand the yeas and nays on that amendment. The yeas and nays were ordered.
Mr. GILLETTE. I move the House adjourn.
The House refused to adjourn.
The question was taken; and it was decided in the negative—yeas 107, nays 118, not voting 67; as follows:

inson. sell, W. A. n, Thomas n, John W. p, yer, lenberger, win, tk, A. Herr te, lor, Ezra B. mas, mpson, W. G. msend, Amos sr, egraff, J. T. egraff, J. T. egraff, J. thomas Aernam, rhis, t, d, shburn, wer, liams, C. G.
ver len rwin th, ie, lor, mass mps egr Ae rhis tt,

Chittenden, Claffin, Colerick, Conger, Cowgill, Crapo,	Hawk, Hawley, Hayes, Heilman, Henderson, Horr.	Pound, Prescott, Price, Reed, Rice, Richardson, D. P.	Washburn, Weaver, Williams, O. G. Willits, Yocum.
The discoun		78—118.	
Aiken, Anderson, Bachman, Berry, Bieknell, Blackburn, Bland, Bouck, Bragg, Cabeill Caldwell, Cannon, Carlisle, Clardy, Clardy, Clark, John B. Clements, Clymer, Coffroth, Converse, Cook, Covert, Cravens,	Davidson, Davis, Joseph J. Davis, Lowndes H. Denster, Dibrell, Dunn, Errett, Evins, Finley, Forney, Forsythe, Fort, Goddes, Gobes, Gobes, Gunter, Harris, John T. Hatch, Henry, Herbert, Herndon,	Hooker, Hostetler, House, Hull, Hunton, Hard, Johnsten, Jones, Kenna, Kitchin, Klotz, Knott, Ladd, Le Fevre, Lowe, Martin, Benj. F. Martin, Edward L. McLane, McMahon, McMillin, Mills, Money,	Muldrow, Muller, Murch, New, Niew, Nicholls, O'Connor, O'Reilly, Persons, Phelps, Philips, Philips, Philips, Poshler, Reagan, Richardson, J. S. Richmond, Robertson, Ross, Rothwell, Samford, Scales, Shelley, Simonton,
Culberson,	Hill,	Morrison,	Singleton, J. W.

Singleton, O. R. Smith, Hezekiah B. Smith, William E. Sparks, Speer, Springer, Steele,	Stevenson, Taylor, Robert L. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas	Upson, Valentine, Vance, Waddill, Warner, Wells, Whiteaker,	Williams, Thomas Willis, Wilson, Wise, Wright.
	NOT VO	OTING-67.	
Armfield, Atherton, Atkins, Barlow, Beale, Belford, Bingham, Bliss, Bright, Calkins, Camp, Caswell, Chalmers, Clark, Alvah A. Cobb, Cox, Crowley,	Dickey, Dwight, Dwight, Einstein, Elam, Ellam, Ellis, Ewing, Hazelton, Henkle, Hiscock, Honk, Hobbell, Hutchins, James, Jorgensen, Joyce, Kelley, Killinger,	Kimmel, King, King, King, King, McKenzie, Miller, Morse, Morton, Myers, O'Brien, O'Neill, Orth, Pacheco, Ray, Robeson, Russell, Daniel L.	Scoville, Slemons, Starin, Starin, Stephens, Talbott, Thompson, P. B. Urner, Van Voorhis, Wellborn, White, Whitthorne, Wiber, Wood, Fernando Wood, Walter A., Young, Casey Young, Thomas L.

Mr. WHITTHORNE. I withdraw my vote, being paired with Mr. Morse, of Massachusetts. He would vote "ay," and I would vote "no."

Mr. SAMFORD. Mr. SLEMONS'S name is recorded as voting "no."
He is paired with Mr. MILLER.
Mr. CALKINS. Is General Manning recorded?
The SPEAKER. He is not. The notice of his pair is filed with the

Clerk.

Mr. TALBOTT. I withdraw my vote, as I am paired with Mr. UR-

NER.
The following pairs were read from the Clerk's desk:
Mr. Miller with Mr. Slemons, for this day and to-morrow, Mr.
Slemons reserving the right to vote to make a quorum.
Mr. James with Mr. O'Brien, on this vote.
Mr. Chalmers with Mr. Van Voorhis.
Mr. Robeson with Mr. McKenzie, for ten days.
Mr. Belford with Mr. Wellborn.
Mr. Sapp with Mr. Clardy, on political questions.
Mr. Myers with Mr. Jorgensen.
Mr. Hubbell with Mr. Wells, on political questions.
Mr. Calkins with Mr. Manning.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Armfield with Mr. Einstein.
Mr. Hiscock with Mr. Cobb.
Mr. Starin with Mr. Hutchins.

Mr. Starin with Mr. Hutchins. Mr. Bingham with Mr. Ellis. Mr. DWIGHT with Mr. EWING.

Mr. TALBOTT with Mr. URNER.
Mr. SAPP. The pair between myself and Mr. CLARDY ceased on his arrival. He has been here two days. I met him, and the pair is

Mr. PAGE. Mr. HAZELTON, of Wisconsin, is detained at his room

by illness.

Mr. WAIT. Mr. JOYCE is detained at home by sickness and is unable to be in the House.

Mr. TOWNSHEND, of Illinois. Mr. EWING is also detained by

Mr. ANDERSON. I move to reconsider the vote by which the

Mr. ANDERSON. I move to reconsider the vote by which the amendment was rejected.

Mr. SPRINGER. I move that motion be laid upon the table.

Mr. ANDERSON. I move the House do now adjourn.

The House divided; and there were—ayes 82, noes 97.

Mr. ANDERSON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and decided in the negative—yeas 74, nays 141, not voting 77; as follows:

	1.6	12.5-14.	
Aldrich, N. W. Aldrich, William Anderson, Baker, Ballou, Barber, Bayne, Boyd, Brower, Briggs, Brigham, Browne, Butterworth, Carpenter, Chittenden, Culberson, Davis, Horace, De La Matyr, Deering,	Dick, Felton, Ferdon, Ferdon, Fleld, Fisher, Ford, Frye, Gillette, Godshalk, Hall, Harris, Benj. W. Haskell, Hawk, Hawley, Hellman, Henderson, Humphrey, Johnston, Jones,	Keifer, Lindsey, Lowe, Marsh, Martin, Joseph J. Mason, McCook, McGowan, Mitchell, Monroe, Newberry, Norcross, Osmer, Page, Pound, Price, Ray, Reed, Rice,	Richardson, D. P. Robinson, Russell, William A Sapp, Sherwin, Smith, A. Herr Stone, Townsend, Amos Tyler, Updegraff, Thomas Voorhis, Wait, Ward, Weaver, Williams, C. G. Willits, Yocum.

	NA	XS-141.	
Aiken, Bachman, Bailey, Beltzhoover, Berry, Bicknell, Blackburn, Blake, Blount, Bouck, Bragg, Burrows, Cabell, Calkins, Caldwell, Calkins, Cannon, Carlisle, Clardy, Clark, John B. Clardy, Clark, John B. Clements, Clymer, Coffoth, Cooger, Covert, Covert, Covert, Covert, Crapo, Cravens, Davidson	Dunn, Dunnell, Errett, Errett, Evins, Finley, Forney, Forsythe, Fort, Frost, Geddes, Gibson, Goode, Gonter, Hammond, N. J. Harris, John T. Hatch, Henry, Herbert, Herndon, Hill, Hooker, Horr, Hostetler, House, Hull, Hunton, Hurd, Kemna, Ketcham,	Martin, Edward L. McKinley, McLane, McMallin, Miles, Mills, Money, Morse, Muldrow, Muller, Murch, New, Nicholls, O'Connor, O'Reilly, Overton, Persons, Phelps, Phister, Poehler, Reagan, Richardson, J. S. Richmond, Robertson, Ross, Rothwell, Ryan, Thomas Ryon, John W.	Singleton, Jas. W. Singleton, O. R. Smith, Hezekiah B. Smith, William R. Sparks, Speer, Springer, Stevenson, Talbott, Taylor, Ezra B. Taylor, Ezra B. Taylor, Robert L. Thomas, Thompson, P. B. Thompson, Wm. G. Tillman, Townshend, R. W. Tucker, Turner, Oscar Turner, Thomas Updegraff, J. T. Upson, Valentine, Vance, Waddill, Warner, Washburn, Wells, Whiteaker, Whitthorne, Williams, Thomas
Cravens,		Ryon, John W.	Williams Thomas
Davidson,	Kitchin,	Samford,	Willis,
Davis, George R.	Klotz,	Sawyer,	Wilson,
Davis, Joseph J.	Knott,	Scales,	Wright.
Davis, Lowndes H.	Ladd,	Shallenberger,	
Deuster,	Le Fevre,	Shelley,	
Dibrell,	Loring,	Simonton,	

	NOT V	OTING-77.	
Acklen, Armfield, Armfield, Atherton, Atkins, Barlow, Beale, Belford, Bingham, Bland, Bliss, Bowman, Bright, Buckner, Camp, Caswell, Chalmers, Clark, Alvah A. Cobb, Cokr, Cox,	Crowley, Daggett, Dickey, Dwight, Einstein, Elam, Ellis, Ewing, Hammond, John Hayes, Hazelton, Henkle, Hiscock, Houk, Hubbell, Hutchins, James, Jorgensen, Joyce, Kelley,	Killinger, Kimmel, King, Lapham, Lounsbery, Manning, Martin, Benj. F. McCoid, McKenzie, Miller, Mortison, Morton, Myers, Neal, O'Brien, O'Neill, Orth, Pacheco, Proscott, Robeson,	Russell, Daniel L. Scoville, Slemons, Starin, Steele, Stephens, Urner, Van Aernam, Van Voorhis, Weilborn, White, Wilber, Wise, Wood, Fernando Wood, Walter A. Young, Casey Young, Thomas L.

So the House refused to adjourn.

The following additional pairs were announced:

Mr. Browne with Mr. Hunton, for the balance of this legislative

Mr. Baker with Mr. Atkins, who is detained at home by sickness, for the balance of this day.

for the balance of this day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Illinois to lay on the table the motion to reconsider.

Mr. ANDERSON. I withdraw the motion to reconsider.

The SPEAKER. The amendment having been rejected, the question now recurs on the next amendment reported from the Committee of the Whole which the Clark will report. of the Whole, which the Clerk will report.

The Clerk read as follows:

In line 47, page 5, strike out the word "fiscal," and in line 6 strike out the word two" and insert "one."

Mr. WELLS. These are mere verbal amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the next amendment proposed by the Committee of the Whole.

The Clerk read as follows:

Insert as the sixth section the following:

Mr. HOOKER. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. The Clerk will read the proposed amendment. The Clerk read as follows:

SEC. 6. All advertisements for contracts involving the expenditure of any money herein appropriated shall be made at least sixty days before any such contract is awarded.

Mr. TOWNSHEND, of Illinois. There was no separate vote demanded upon that amendment.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WELLS. I demand the previous question on the passage of

The previous question was seconded and the main question or-

The SPEAKER. The Clerk will call the roll on the passage of the bill.

The question was taken; and there were-yeas 187, nays 12, not voting 93; as follows:

YEAS-187. S-187.
Loring,
Marsh,
Martin, Edward L.
Martin, Joseph J.
Mason,
McCook,
McKinley,
McLane,
McMahon,
McMillin,
Mills,
Mills,
Mitchell,
Money, Aldrich, N. W. Aldrich, William Sawyer, Scales, Shallenberger, Errett, Evins, Felton, Field, Finley, Fisher, Anderson, Bachman, Bailey, Ballou, Shallenberger,
Shelley,
Sherwin,
Simonton,
Singleton, J. W.
Singleton, O. R.
Smith, A. Herr
Smith, Hezekiah B.
Smith, William E.
Sparks,
Sneer. Barber, Beltzhoover. Ford, Forney, Forsythe, Fort, Frost, Berry, Bicknell, Blackburn, Blake, Blount, Bouck, Boyd, Bragg, Briggs, Burrows Speer,
Springer.
Springer.
Stevenson,
Stone,
Talbott,
Taylor, Ezra B.
Taylor Robert L.
Thomas,
Thompson, P. B.
Thompson, W. G.
Tillman,
Townsend, Amos
Townshend, R. W. Frye. Geddes. Speer. Money, Monroe, Morse, Muldrow, Muller, Gibson, Gillette, Goode, Gunter. New, Newberry, Nicholls, Norcross, O'Connor, O'Reilly, Butterworth, Cabell, Caldwell, Calkins, Hall,
Hammond, John
Hammond, N. J.
Harmer,
Harris, Benj. W.
Harris, John T.
Haskell,
Hawley,
Henderson,
Henkle,
Henry Hall. Cannon Carlisle O'Reilly, Osmer, Overton, Page, Persons, Phelps, Philips, Phister, Poehler, Pound, Ray, Reagan, Reed, Townsend, Amos Townshend, R. W. Tucker, Turner, Thomas Updegraff, J. T. Updegraff, Thomas Carpenter, Claffin, Clardy, Clark, John B. Clark, Joi Clymer, Coffroth, Colerick, Conger, Converse, Henry, Herbert, Hill, Hiscock, Horr, Hostetler, Upson, Valentine, Vance, Voorhis, Waddill, Wait, Cook. Cook,
Covert,
Cowgill,
Grapo,
Cravens,
Davidson,
Davis, George R.
Davis, Horace
Davis, Lowndes H.
De La Matyr,
Denster Wart,
Warner,
Washburn,
Wells,
Whiteaker,
Whitthorne,
Williams, C. G.
Williams, Thomas Hostetler, House, Hull, Humphrey, Johnston, Keifer, Reed, Rice, Richardson, J. S. Richardson, Robertson, Robinson, Kenna, Ketcham Roomson, Ross, Rothwell, Russell, W. A. Ryan, Thomas Ryon, John W. Ketcham, Klotz, Knott, Ladd, Le Fevre, Lindsey, Willis, Willits, Wilson, Deuster, Dibrell, Yoeum. NAYS-12. Hooker, Hurd, Jones, Kitchin, Turner, Oscar Ward. Culberson, Davis, Joseph J. Herndon, Bayne, Clements, NOT VOTING-93 Russell, Daniel L.

Crowley, Daggett, Deering, Dickey, Dwight, Einstein, Elam, Ellis, Ewing, Kimmel, King, Lapham, Lounsbery, Acklen, Armfield, Atherton, Atkins, Samford, Scoville, Slemons, Lowe, Manning, Martin, Benj. F. McCoid, McGowan, McKenzie, Sterin, Steele, Stephens, Tyler, Urner, Van Aernam, Van Voorhis, Baker, Barlow, Beale, Belford, Bingham, Ferdon, Godshalk, Hawk, Hayes, Hazelton, Heilman, Bland. McKenzie Miller, Morrison, Morton, Murch, Myers, Neal, O'Brien, O'Neill, Orth, Pacheco, Prescott Bland, Bliss, Bowman, Brewer Brigham, Bright, Weaver, Wellborn, White, Wilber, Bright, Browne, Buckner, Camp, Caswell, Chalmers, Chittenden, Wise, Wise, Wood, Fernando Wood, Walter A. Wright, Young, Casey Young, Thomas L. Houk, Hubbell. Hunton, Hutchins, James, Jorgensen, Joyce, Kelley, Killinger, Prescott, Price, Richardson, D. P. Robeson, Clark, Alvah A. Cobb, Cox,

So the bill was passed. The following additional pairs were announced:

Mr. Samford with Mr. Tyler.
Mr. Urner with Mr. Atkins, for the balance of this day.
Mr. Wright with Mr. Chittenden, for this day.
The result of the vote was then announced as above recorded.

Mr. WELLS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NATIONAL CONGRESS OF ELECTRICIANS.

The SPEAKER. The Chair desires to lay before the House a communication from the President.

The Clerk read as follows: To the House of Representatives:

To the House of Representatives:

I submit herewith, for the information of the House of Representatives, copies of correspondence with the Department of State, relating to an invitation extended by the French Republic to this Government to send one or more delegates to represent it at an international congress of electricians, to be held at Paris on the 15th day of September, 1881. It appears from the same correspondence that an international exhibition of electricity is to be held at the Palace of the Champs Elysées, in Paris, from August 15, 1881, to the 15th of November following; and it is therefore suggested by the French authorities that it might be well to invest the delegates selected to take part in the international congress with the additional character of commissioners to the international exhibition of electricity.

In view of the important scientific, industrial, and commercial interests designed to be promoted by the proposed international congress of electricians and exhibition of electricity, I submit the subject to your favorable consideration, and rec-

ommend that a suitable appropriation be made to enable this Government to accept the foregoing invitation by appointing one or more delegates to attend the congress in question. R. B. HAVES.

EXECUTIVE MANSION, January 10, 1881.

List of accompanying papers: No. 1. Mr. Outrey to Mr. Evarts, December 23, 1880, with an inclosure—transla-

No. 2. Mr. Noyes to Mr. Evarts, December 10, 1880, dispatch No. 15, with its inclosures—copies.

The SPEAKER. The communication will be printed and referred to the Committee on Foreign Affairs.

EMPLOYÉS OF STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letthe from the Secretary of State, transmitting, in accordance with law, the names of all clerks and other employes of that Department and the amount of salary paid to each of them; which was referred to the Committee on Expenditures in the Department of State, and ordered to be printed.

EXPENSES OF INDEPENDENT TREASURY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, recommending an increase in the appropriation for contingent expenses of the independent treasury and for printing and engraving; which was referred to the Committee on Appropriations.

TRADE-MARKS.

The SPEAKER also, by unanimous consent, laid before the House a resolution of the Chamber of Commerce of the State of New York, in reference to trade-marks; which was referred to the Committee on Patents.

GENEVA AWARD.

The SPEAKER also, by unanimous consent, laid before the House a resolution from the Chamber of Commerce of the State of New York, in reference to the distribution of the Geneva award; which was referred to the Committee on the Judiciary.

RAILROAD THROUGH FORT BLISS RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to railroads constructed through Fort Bliss military reservation; which was referred to the Committee on Military Affairs.

LLOYD'S HARBOR, LONG ISLAND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the survey of the channel between Lloyd's Harbor and Cold Spring Bay, Long Island, New York; which was referred to the Committee on Commerce, and ordered to be printed.

TAX ON BANK DEPOSITS AND CAPITAL.

The SPEAKER also, by unanimous consent, laid before the House a resolution from the Merchants' Exchange of Indianapolis, Indiana, in favor of the abolishment of the special tax levied on the capital and deposits of banks and bankers, and recommending the repeal of the law levying a tax on bank checks; which was referred to the Committee on Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Ewing indefinitely, on account of sickness.

INTERSTATE COMMERCE.

Mr. UPSON. Mr. Speaker, I ask consent to print in the Record a proposed amendment to the interstate-commerce bill introduced by Mr. Henderson, and also some remarks upon the subject.

There being no objection, it was ordered accordingly. [See Appen-

REFUNDING THE NATIONAL DEBT.

Mr. BREWER. Mr. Speaker, I ask consent to print in the RECORD of to-morrow morning a proposition I desire to offer as an amendment to the funding bill.

There being no objection, it was ordered accordingly. The proposed amendment is as follows:

Strike out all of section 1 after the word "debt," in line 14, and insert the fol-

Strike out all of section 1 after the word deut, in the 13, and hashed lowing:

"That the Secretary of the Treasury be, and he is hereby, authorized to issue Treasury notes to the amount of \$300,000,000, in denominations of not less than \$10, bearing interest at a rate not exceeding 3.65 per cent. per annum, redeemble at any time at the pleasure of the Government after the 1st day of July, 1882, and payable ten years from date of issue; and also to issue bonds to the amount of \$337,000,000, bearing interest at a rate not exceeding 3½ per cent. per annum, redeemable at the pleasure of the Government at any time after the 1st day of July, 1885, and be made payable fifteen years from the date of issue, which said bonds and notes shall be sold at not less than their par value; and the proceeds from such sales shall be applied to the payment of the bonds of the United States which become payable or redeemable during the year 1881."

WITHDRAWAL OF PAPERS.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WILLIAM A. RUSSELL obtained leave to withdraw from the files of the House papers in the pension case of Oliver L. Wheeler; also, Mr. Boyd, in the case of Joseph F. Wilson, and Mr. Brewer, in the case of Hiram Smith.

Mr. SIMONTON. Mr. Speaker, in those cases I presume it is understood that there are no adverse reports.

The SPEAKER. That is under the rule. Certified copies of the

papers must be left.

Mr. McMILLIN. I move that the House do now adjourn. The motion was agreed to; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and others papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of certain citizens of Washington, District of Columbia, that certain taxes now standing against the Saint Vincent's Orphan Asylum be remitted—to the Committee on the District of Columbia.

By Mr. AIKEN: The petition of the Board of Trade of Columbia, South Carolina, for an appropriation to improve Broad River—to the Committee on Commerce.

By Mr. BAYNE: A communication from Hon. J. H. Hopkins, relating to the improvement of Youghiogheny River—to the same com-

By Mr. BLISS: The petition of W. H. Rogers, John H. Bogert, and others, of Canarsie, New York, for the passage of Senate bill No. 496, as amended, relating to pensions—to the Committee on Invalid Pen-

By Mr. CLYMER: The petition of 49 citizens of Berks County,

Pennsylvania, of similar import—to the same committee.

By Mr. COLERICK: Papers relating to claim of John B. Whiteto the Committee on Claims.

by Mr. COOK: The petition of citizens of Montgomery County, Georgia, for a post-route from Lumber City to Clark's Bluff, via Sylvan Home, Georgia—to the Committee on the Post-Office and Post-Roads. By Mr. COVERT: The petition of John R. Mather and 453 others, citizens of Suffolk County, New York, for the improvement of Port Jefferson Harbor, Long Island—to the Committee on Commerce. By Mr. COX: The petition of J. T. Llewellen and 379 others, citizens of Missouri, that a bounty be paid farmers for raising hogs, calves, &c., and that a tax be levied for that purpose on certain manufactures—to the Committee on Ways and Means.

ufactures—to the Committee on Ways and Means.

By Mr. DAVIDSON: The petition of Paul Boyden and 18 others, citizens of Warrington, Florida, for the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, the petition of J. B. Carrin and 100 others, citizens of Florida, for the establishment of a post-route from Stephensville to Old Town, Florida—to the Committee on the Post-Office and Post-Roads.

By Mr. GUNTHER: The petition of George H. Mitchell, for relief—

to the Committee on Military Affairs.

By Mr. HULL: The petition of citizens of Florida, for an income tax—to the Committee on Ways and Means.

Also, the petition of citizens of Florida, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of citizens of Florida, for legislation on the subject of interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Florida, for the amendment of the

Also, the petition of citizens of Florida, for the amendment of the patent laws—to the Committee on Patents.

By Mr. KENNA: The petition of Henry Barton, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. NORCROSS: The petition of Nathan A. Freeland and 40 others, of Fitchburgh, Massachusetts, that soldiers discharged on account of disease receive the same bounty as those discharged for wounds—to the Committee on Military Affairs.

By Mr. OSMER: The petition of Emry Davis and 16 others, for the

By Mr. OSMER: The petition of Emry Davis and 16 others, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

Also, the petition of A. P. Nichols and 26 others, of Pennsylvania, of similar import—to the same committee.

By Mr. JOHN W. RYON: Two petitions of citizens of Schuylkill

County, Pennsylvania, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. STARIN: The petition of David F. Ritchie and others, of Saratoga Springs, New York, of similar import—to the same commit-

By Mr. RICHARD W. TOWNSHEND: The petition of A. H. Mc-Lure, Robert Graham, and others, citizens of Franklin County, Illi-nois, for an income tax—to the Committee on Ways and Means.

By Mr. TYLER: The petition of Ebenezer Morrill and 22 others, of West Barnet; of John H. Maxfield and 56 others, of Fairfax; of Ruel Sawins and 39 others, of East Charlestown; of Alvin N. Farr and 12 others, of Burlington; of Silas Parker and 8 others, of Groton, and of George A. Spencer and 20 others, citizens of West Charlestown, Vermont, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

on Military Affairs.

By Mr. THOMAS UPDEGRAFF: The petition of C. A. Dean and 92 others, citizens of Clayton County, Iowa, of similar import—to the

same committee.

By Mr. VANCE: The petition of Earl A. Russell and others, for a post-route from Lynch to Lemon's Gap, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. CASEY YOUNG: The petition of citizens of Shelby County, Tennessee, for the passage of an income tax law—to the Committee to inquire into the Causes of the present Depression of Labor.

IN SENATE.

Wednesday, January 12, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting an estimate of appropriation for the survey and subdivision of Indian reservations, to become immediately available; which was referred to the Committee on Appro-

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 21st ultimo, copies of all papers in his office relative to the settlement of the accounts of Dexter E. Clapp, late agent of the Crow Indians, Montana Territory; which, on motion of Mr. INGALLS, was referred to the Committee on Indian Affairs, and ordered to be printed.

YORKTOWN CENTENNIAL CELEBRATION.

The VICE-PRESIDENT. The Chair lays before the Senate a joint resolution of the House of Representatives for reference.

The joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invitation to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia, was read twice by its title.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. ANTHONY. Is there any appropriation in the joint resolution?

The VICE-PRESIDENT. There is not, the Chair is informed by the Secretary.

Mr. ANTHONY. I hope the committee will report it back with an appropriation. It seems to be very inhospitable to invite people to

appropriation. It seems to be very innospitable to invite people to our house and give them nothing to eat.

Mr. DAWES. Should not the joint resolution go to the special committee appointed in reference to the Yorktown celebration?

The VICE-PRESIDENT. The Chair supposed not. He will, however, accept any suggestion from Senators.

Mr. DAWES. I have no choice myself, but it originated with that

committee

The VICE-PRESIDENT. It is an invitation to a foreign government.

Mr. DAWES. I am aware of that, but there is a special joint committee of the two Houses to take that matter in charge. That committee produced the joint resolution, and it was reported in the other branch, I believe, by that committee. I know it originated with

Mr. WHYTE. That is correct. It ought to go to the Joint Select Committee on the Yorktown Centennial Celebration. The VICE-PRESIDENT. The Chair accepts that suggestion, and

it will be so referred.

PETITIONS AND MEMORIALS.

Mr. WILLIAMS presented the petition of William Brown and others, Mr. WILLIAMS presented the petition of William Brown and others, of Nicholasville, Kentucky; the petition of William Goodloe and others, of Danville, Kentucky; the petition of C. C. Cram and others, of Williamstown, Kentucky; the petition of O. S. Deming and others, of Mount Olivet, Kentucky; the petition of James C. Cantrill and others, of Georgetown, Kentucky; and the petition of P. S. Ford and others, of Paris, Kentucky, praying for a division of the United States judicial district of Kentucky by the creation of a new district; which were referred to the Committee on the Judiciary.

Mr. EDMUNDS presented the petition of William Heine, late colonel One hundred and third New York Volunteers and brevet brigadier-general, praying for the passage of a bill granting him an in-

onei One hundred and third New York Volunteers and brevet brigadier-general, praying for the passage of a bill granting him an increase of pension; which was referred to the Committee on Pensions.

Mr. DAVIS, of West Virginia, presented the petition of John Johnson and others, citizens of West Virginia, praying for the passage of
the bill now before Congress making the Commissioner of Agriculture a member of the President's Cabinet; which was referred to the
Committee on Agriculture.

He also presented the petition of Levi Baker and others, citizens of West Virginia, praying for congressional legislation upon the subject of interstate commerce; which was referred to the Committee on Transportation Routes to the Seaboard.

Transportation Routes to the Seaboard.

He also presented the petition of E. J. Taylor and others, citizens of West Virginia, praying for the passage of a bill levying an income tax; which was referred to the Committee on Finance.

Mr. KERNAN presented the petition of Henry Purcell, of New York, praying for payment of services as second lieutenant in the Army from May 30 to November 25, 1864; which was referred to the Committee on Military Affairs.

He also presented the petition of Eugene C. Johnson, of Albany, New York, praying compensation for services in the Army during the late war; which was referred to the Committee on Military Affairs.

Mr. PLATT presented the petition of the Union Manufacturing Company, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of citizens of Agusta, Georgia,

praying for an appropriation for the improvement of the Savannah River between the cities of Savannah and Augusta; which was referred to the Committee on Commerce.

ferred to the Committee on Commerce.

Mr. DAWES. I present the memorial of George A. Kensel, captain of the Fifth Regiment of Artillery, protesting against the passage of two Senate bills by which he will be deprived of his original rank in the Army, of which he ought not to be deprived except by some sentence of a court-martial. I wish to say that the signature to the memorial is in print, but I have received it in a note, which makes me know that it is genuine. I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAMPTON presented a petition of George Rivers Walter and others, members of the Charleston bar, of Charleston, South Carolina, praying for the passage of the bill (S. No. 817) to authorize the erection of a statue in honor of Chief Justice John Marshall, formerly of the Supreme Court of the United States; which was referred to the

the Supreme Court of the United States; which was referred to the

Committee on the Library.

Mr. JOHNSTON presented the petition of Mrs. C. Fahnestock, of Washington, District of Columbia, praying for the passage of the bill (S. No. 730) for the relief of Mrs. S. A. Wright, with an amendment;

which was referred to the Committee on Patents

Mr. HOAR presented the petition of George B. Johnson and 9 others, citizens of West Boylston, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the

sage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. LOGAN presented resolutions of the Illinois State Dairymen's Association, and resolutions of the Elgin, Illinois, Board of Trade, favoring the enactment of legislation to prevent the adulteration of all articles of human food, drinks, and drugs; which were referred to the Committee on Finance.

The VICE-PRESIDENT presented resolutions of the New York Produce Exchange, and also resolutions of the Maritime Association of the port of New York, in favor of the passage of the bill now before Congress granting an American register to the steamship Dessoug; which were referred to the Committee on Commerce.

GENEVA AWARD.

Mr. HOAR. I ask leave at this time, which is as convenient as any time, to put a question to the honorable Senator from Vermont, [Mr. Mr. HOAR. I ask leave at this time, which is as convenient as any time, to put a question to the honorable Senator from Vermont, [Mr. EDMUNDS,] if he will permit me to do so, in the presence of the Senate. At the last session the bill providing for the distribution of certain moneys received from the Geneva award was indefinitely postponed, and a motion to reconsider was laid on the table by a very small majority. It was understood that many Senators who voted against that bill were prepared to support a bill affording relief to a portion of the persons who were provided for there, and a bill providing such relief to a limited extent has been introduced by the honorable Senator from Vermont at the present session. I desire to ask him to state for the public information so far as he deems proper, if he deems it proper to make any statement at all, whether that bill of his will be likely to be reported in season for action at the present session of Congress? I will state for his information that it is not a mere question of idle curiosity, of course, but it is a matter which interests a very large number of persons, not merely as to the substance of the bill but the time at which it would be reported.

Mr. EDMUNDS. Certainly the Senator from Massachusetts need not make any excuse for putting such a question on the idea that anybody would suppose it was actuated by idle curiosity; but I am not the chairman of the Committee on the Judiciary and therefore have not any very powerful influence in the arrangement of its proceedings. The chairman is not present, but I think I am justified in saying for the committee that it is devoting its attention at present and has been very recently to the consideration of that subject. I have no authority to speak for the committee, and therefore I cannot say at what time it is likely that the subject will be reported upon, but I will express my individual belief that the committee will endeavor

at what time it is likely that the subject will be reported upon, but I will express my individual belief that the committee will endeavor with diligence to bring the matter to the attention of the Senate so that the Senate can determine what ought to be done about it; but that is only my belief. That is all I can say, sir.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1350) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL. Senate bill No. 1980, for the relief of Alice J. Bennit, was referred to the Committee on Claims on January 6, 1881. It is a bill greating a position and therefore that committee now reports

is a bill granting a pension, and therefore that committee now reports it back to the Senate, and I move that it be discharged from the further consideration of the bill, and that it be referred to the Commit-

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval
Affairs, to whom was referred the bill (S. No. 908) for the relief of
Granville T. Pierce, submitted an adverse report thereon; which was

ordered to be printed.

Mr. PLATT. I ask that the bill go upon the Calendar. Mr. Pierce is a citizen of Connecticut, and as I know something about the case,

I wish that the bill may go on the Calendar until at least I may have time to examine the report.

The VICE-PRESIDENT. The bill will be placed on the Calendar,

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1050) for the relief of Thomas G. Corbin, reported it without amendment, and submitted a report theron; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of certain citizens of Portsmouth, New Hampshire, and vicinity, expressing their approval of the bill (H. R. No. 3743) for the relief of navy-yard employés who shall become disabled while performing their duty, asked to be discharged from its consideration; which was agreed to.

agreed to

was agreed to.

Mr.GROOME, from the Committee on Claims, to whom was referred the petition of Sylvester W. Trucks, praying to be reimbursed for losses sustained by him during the war and inflicted by the confederate government, reported it back, with the recommendation that the prayer of the petitioner be denied and the claim be disallowed.

The report was agreed to, and ordered to be printed.

Mr. GROOME, from the same committee, to whom was referred the petition of Sarah K. T. Baker, of Kentucky, praying for compensation for rent of certain premises and wood used by United States officers, reported it back, with the recommendation that the prayer of the petitioner be denied and the claim be disallowed.

The report was agreed to, and ordered to be printed.

The report was agreed to, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. MORGAN. I am instructed by the Committee on Rules, to whom was referred the resolution submitted by the Senator from Vermont, [Mr. Edmunds,] on March 9, 1880, proposing amendments to Rules 13 and 24 of the Senate, to report it back, with amendments, and recommend its adoption, as amended.

The resolution, as amended, was read, as follows:

Resolved, That Rule 13 be, and the same is hereby, amended so as to read as fol-

Resolved, That Rule 13 be, and the same is hereby, amended so as to read as follows:

"Immediately after the privileged morning business is completed, and not later than one o'clock, the unfinished business of the preceding day and the Calendar of Special Orders, if any, for that day, shall be taken up and disposed of; and after that, or if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

"1. A motion to proceed to the consideration of an appropriation bill.

"2. A motion to proceed to the consideration of any other bill on the Calendar; but this motion shall not be considered to unless two-thirds of the Senators present vote in favor thereof.

"3. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject in its existing place on the Calendar for action at the next call of the Calendar, after the pending call shall have been gone through with.

"4. A motion to place such subject at the foot of the Calendar.

"Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order."

Resolved further, That the twenty-fourth rule be amended by adding thereto the following words:

"After the introduced on any prior day, and the same shall be proceeded with in the same manner as is provided in the rule for the Calendar of General Orders."

Resolved further, That all rules or orders setting apart particular days for particular classes of business be, and they hereby are, abolished.

Mr. MORGAN. I move that the resolution be pr

Mr. MORGAN. I move that the resolution be printed in bill form and placed upon the Calendar.

The motion was agreed to.

M'DONALD'S COMPILATION.

Mr. MORGAN. I am instructed by the Committee on Rules to report the following resolution, which I shall ask the Senate to adopt:

Resolved. That the Committee on Rules be instructed to examine a compilation of the decisions of the Senate on questions of order prepared by the former Chief Clerk, W. J. McDonald, and report upon the propriety of having the same printed for the use of the Senate.

The resolution was considered, by unanimous consent, and agreed to.

RESTORATION OF NAVAL OFFICERS.

Mr. FARLEY. I am instructed by the Committee on Naval Affairs, to whom was recommitted the bill (S. No. 1210) for the relief of certain officers of the Navy, to report it favorably. The bill once passed the Senate, and a motion to reconsider was entered by the Senator from Illinois, [Mr. Logan.] The bill was reconsidered, and recommitted to the Committee on Naval Affairs. The committee, after an examination of the bill, adopt the report which was made last spring, and I present it to the Senate and ask that the report be read, together with the bill as amended.

The bill was read by its title.

Mr. FARLEY. I ask the unanimous consent of the Senate to suspend the consideration of other business and to take up the bill at

Mr. FARLEY. I ask the unanimous consent of the Senate to suspend the consideration of other business and to take up the bill at this time and pass it. We have passed it once before.

Mr. EDMUNDS. I do not think it ought to be taken up out of its place, at least without seeing it in print as reported.

Mr. FARLEY. The Senator from Vermont will permit me a moment. The bill was very thoroughly examined heretofore, and it has been passed twice by the Committee on Naval Affairs. It is an

important bill to those who are interested in it, and certainly no great

important bill to those who are interested in it, and certainly no great injury would result from the consideration of it at this time.

Mr. EDMUNDS: The Senate can consider it to-morrow after we see it in print as reported. It is unfair, it seems to me, to a great many other bills concerning private and public interests that have been reported and have been long ready for action to do this sort of thing. I do not mean to be ungracious in asking that the bill go over, for I dare say it is all right, although I know nothing about it; but in the interest of something like fair play to all those people whose cases are now on the Calendar, I think we ought to go on regularly.

The VICE-PRESIDENT. The bill will be placed on the Calendar. Mr. ANTHONY. I hope the Senator from Vermont will not insist on his objection. It is in the interest of fair play that the bill should be considered now. It passed the Senate at the last session, and has been hung up many months on a motion to reconsider. It was recommitted to the Committee on Naval Affairs, who have discovered no additional evidence and no reason to change their opinion, and they have reported it back again. I think it will take but a moment

no additional evidence and no reason to change their opinion, and they have reported it back again. I think it will take but a moment to pass the bill, as it has already passed the Senate once. I hope the Senator from Vermont will withdraw his objection.

The VICE PRESIDENT. The bill goes over.

Mr. MCPHERSON. I wish to make an inquiry with respect to the bill which has just been before the Senate. What is the custom of the Senate when a bill has been recommitted and is reported again favorably? Does it take its place at the foot of the Calendar? Will this bill lose its place on the Calendar?

The VICE-PRESIDENT. It takes a place on the Calendar as of the date of the report.

date of the report.

Mr. McPHERSON. That is what I wished to know, if the bill would not lose its place on the Calendar.

BILLS INTRODUCED.

Mr. VANCE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2014) to authorize the Washington and Chesapeake Railroad Company to extend a railroad into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia

Mr. WALLACE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2015) granting a pension to Mary A. Casterweller; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2016) restoring to the pension-roll the name of William A. West; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2017) granting a pension to Catharine Lose; which was read twice by its title, and referred to the Committee on

Pensions.

Mr. KERNAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2018) for the relief of Henry Purcell; which was read twice by its title, and referred to the Committee on Military Affairs.

He also as ed and, by unanimous consent, obtained leave to introduce a bill (S. No. 2019) for the relief of Eugene C. Johnson; which was read twice by its title, and referred to the Committee on Military Affairs.

tary Affairs.

Mr. RANSOM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2020) authorizing the Court of Claims to grant a rehearing in the case of Sophia B. Moon, No. 3446; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 141) authorizing the President to place Thomas L. Crittenden upon the retired list with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 6719) making appropriations for the sup-port of the Army for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropria-tions, and ordered to be printed.

REUBEN S. JONES.

Mr. HARRIS. Some time since the bill (S. No. 455) for the relief of Reuben S. Jones was adversely reported from the Committee on Claims, and at my suggestion placed upon the Calendar. The report was made in the absence of certain important papers. I now wish to present certain vouchers from the Treasury Department for reference to the Committee on Claims, and I move that the bill be recommitted to the Committee on Claims with these papers; the motion was agreed to was agreed to.

JAMES D. GRANT.

Mr. MAXEY. As I have to leave the city to-night, I ask the favor of the Senate to consider the bill (H. R. No. 2968) for the relief of James D. Grant, which was reported unanimously from the Committee on Finance by the Senator from Pennsylvania, [Mr. WALLACE,] and is recommended by the Commissioner of Internal Revenue.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill.

sideration of the bill ?

Mr. EDMUNDS. Is there a report?
Mr. MAXEY. The bill was reported by the Senator from Pennsyl-

Mr. WALLACE. There is no report. We adopted the report of

Mr. WALLACE. There is no report. We adopted the report of the committee in the House, practically.

Mr. EDMUNDS. Very well; no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It releases James D. Grant, a distiller, proceeded to consider the bill. It releases James D. Grant, a distiller, of Robertson County, Texas, from the payment of \$1,493.46, which remain unremitted of two assessments made against him for deficiencies in the production of distilled spirits occurring in the months of September, October, and December, 1876, and January and February, 1877, at his distillery, No. 1 of the first district of Texas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPARTMENTAL REORGANIZATION.

Mr. DAVIS, of West Virginia, submitted the following resolutions; which were ordered to lie on the table and be printed:

which were ordered to lie on the table and be printed:

Resolved. That the Committee on Finance be requested to inquire whether the interests of the public service would not be promoted by such a change or modification of the organization of the Treasury Department as would secure a division of duties and responsibilities whereby the collection, receipt, and safe-keeping of all Government revenues and the accounts therefor should be in entirely different hands from the disbursements of the Government and the accounts therefor.

Resolved, That said committee be further requested to consider the expediency and propriety of transferring from the Treasury Department to the War or Navy Department the Steamboat Inspection Service, the Life-Saving Service, the Light-House Board, the Coast and Geodetic Survey, and the Marine Hospital Service; and also the expediency and propriety of putting under the charge of the Department of State matters connected with the foreign and domestic commerce of the United States.

Resolved, That said committee have leave to report by bill or otherwise.

FRANKING PRIVILEGE.

Mr. LOGAN. I desire to call up the joint resolution that I introduced day before yesterday in regard to the extension of the franking

The Chief Clerk read the joint resolution, as follows:

A joint resolution (S. R. No. 140) in regard to the extension of the franking privilege.

*Resolved, &c., That the franking privilege is hereby extended to all official business sent through the mails by Senators, Representatives, and Delegates in Congress; in all other respects to be under the restrictions and limitations of existing law.

Mr. LOGAN. I ask that the joint resolution be considered now. I do not see why there should be any objection to it. I do not desire to detain the Senate by any remarks upon it, unless other Senators wish to debate it.

to detain the Senate by any remarks upon it, unless other Senators wish to debate it.

The VICE-PRESIDENT. Is there objection to the consideration of the joint resolution at this time? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I have no objection to the joint resolution being taken up, but it occurs to me the Senator had better let it go to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN. Why?

Mr. DAVIS, of West Virginia. It occurs to me that it is a question that that committee ought to consider. There may be further privileges which ought to be given. I do not know whether the joint resolution embraces all the privileges that ought to be granted or not. I am with the Senator in what he now asks, but it is highly probable that the joint resolution ought to be considered by the committee and a report made on it. I understand that the committee has already, in a different shape, considered the question of extending the franking privilege. I hope he will let the joint resolution go to that committee, unless there is some objection that I know not of.

Mr. LOGAN. A matter of this kind certainly every Senator in the Chamber is just as familiar with as the Committee on Post-Offices and Post-Roads. This is a mere resolution authorizing Senators and Representatives and Delegates to frank official letters sent to their constituents by them. That is what it embraces. How can the committee give any more information on it than there is in the resolution? There is no Senator here who does not understand whether he thinks that he ought to pay the postage on official communications to his constituents or not. If he thinks he ought of congress he will

he thinks that he ought to pay the postage on official communications to his constituents or not. If he thinks he ought, of course he will vote against the resolution; and if he does not, he will vote for it.

vote against the resolution; and if he does not, he will vote for it. That is all there is of it.

Mr. DAVIS, of West Virginia. The Senator will recollect that I made no objection as far as the resolution went, but the question is whether there are not other things that ought to be embraced in it, and it is hardly worth while to pass two or more resolutions to cover one subject. It occurs to me that the committee ought to look into it and let us have the benefit of their examination. That appears to me to be the better course.

Mr. LOGAN. It have no objection to referring to any committee.

Mr. LOGAN. I have no objection to referring to any committee of the Senate a matter as to which there may be any controversy. I do not know how other Senators are situated, I cannot speak for I do not know how other Senators are situated, I cannot speak for them; but I know that so far as I am concerned there are numerous communications forwarded to me by the Department to be sent through the mails to my constituents, and not only my own constituents, but persons in other States, in reference to soldiers' claims and pensions and things of that kind. Of course I pay the postage on them, because that is the law, but at the same time I think it ought to be the law that any Senator or Member should send matter of that kind without paying the postage. I have never heard a Sen

ator or Representative say otherwise. If there are other matters that ought to be attached to the joint resolution, let the Senator from West Virginia move them as an amendment. I do not know what his suggestions may be, but I should like very much to hear them by way of amendment, if he has any to make.

I do not think it is necessary always to refer to a committee every little matter that comes up with which every Senator is perfectly conversant. It may stay there and remain without being reported back. I should like to see a vote on the joint resolution in the Senate just as it is, or as the Senate may amend it if there is any amendment desired. For that reason I wish it to be acted upon by the Senate now.

For that reason I wish it to be acted upon by the Senate now.

Mr. DAVIS, of West Virginia. I have no amendment to offer; I do not know that I would have one to offer even if I were to consider the resolution; but it occurs to me that it ought to go to the Committee on Post-Offices and Post-Roads. Of course it was intro-duced and read to the Senate and has been printed, but it has been referred to no committee, and I would prefer that it should go to one. There may be other questions that that committee would consider in connection with it. I appeal to the Senator to allow the reference to be made; but if he prefers not, I reckon we had just as well take a test vote on it, and therefore I move that the joint resolution

ence to be made; but if he prefers not, I reckon we had just as well take a test vote on it, and therefore I move that the joint resolution be referred to the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia that the joint resolution be referred to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN. I move, as an amendment to that motion, that the committee be instructed to report back immediately.

Mr. DAVIS, of West Virginia. I have no objection.

Mr. LOGAN. Very well.

The VICE-PRESIDENT. The motion is, that the joint resolution be referred to the Committee on Post-Offices and Post-Roads, with instructions to report it back forthwith.

Mr. DAVIS, of West Virginia. Not forthwith; at an early date, I will say. The Senator does not mean that they shall report it to-day, I reckon, but at an early day after their next meeting.

Mr. LOGAN. Very well; say that they shall report it back Thursday; that is the day of their meeting.

Mr. DAVIS, of West Virginia. If they have a meeting then, or say "at their first meeting."

Mr. WHYTE. I would suggest that a few moments ago the Senator from Texas, [Mr. Maxey,] chairman of the Committee on Post-Offices and Post-Roads, notified the Senate that he was just about leaving the city, and would be gone some time.

Mr. EDMUNDS. There is an acting chairman.

Mr. DAVIS, of West Virginia. I will say to my friend that the committee will meet, I take it.

Mr. SAULSBURY. I hope that in the absence of the chairman of that committee there will be no instruction upon the committee to consider the joint resolution at its next meeting. I have no doubt the committee will give consideration to it at as early a day as it is pos-

consider the joint resolution at its next meeting. I have no doubt the committee will give consideration to it at as early a day as it is posthe committee will give consideration to it at as early a day as it is possible with reference to other business before the committee; but there is before the committee quite a number of nominations, and they will have to be considered. Therefore, if we are to act under instructions to consider this matter, it might postpone other matters which the committee feel bound to act upon at their next meeting. I hope, therefore, we shall not have instructions to act at the next meeting, but at as early a time as the convenience of the committee will allow.

Mr. LOGAN. Mr. President, I should like to ask the Senator this question: Is it the rule, or is it reasonable either, that the Senate shall wait upon the committee because the chairman is absent? The com-

wait upon the committee because the chairman is absent? The committee can certainly act without one member.

Mr. SAULSBURY. I am not putting it on that ground, if the Senator from Illinois will allow me. I am putting it on the ground that there are other very important matters now pending before that committee which ought to be considered, as important as the resolution introduced by the Senator from Illinois. An instruction to take this up at the next meeting and consider it might interfere with other business which ought to be considered at that meeting. Now I have no objection to instructions to that committee provided Now I have no objection to instructions to that committee provided those instructions are that the matter shall be considered as early as

practicable, but a definite instruction to consider at the next meeting might interfere and possibly would interfere with other matters equally as important as that contained in the resolution.

Mr. LOGAN. I have no doubt there are many other matters before that committee of great importance; but at the same time I shall insist on the instruction. I know great delays sometimes occur in committee; and on account of the Senator from Delaware being on that committee, and knowing his energy and his faithfulness on committees, I am sure that it would not interfere at least with that important committee if they should be instructed to report this little resotant committee if they should be instructed to report this little resolution back the next time they meet. Therefore, I shall insist that they do report it back after their next meeting, if it is referred to

that committee at all.

Mr. SAULSBURY. If these instructions are to be given I hope the resolution will not be referred to the Committee on Post-Offices and Post-Roads. I happen to know that there are other matters which at the next meeting of the committee will engage the attention of the committee during perhaps its entire session, matters fully as impor-tant as that embraced in the resolution offered by the Senator from Illinois.

Now, I am sure that committee will use due diligence in the consideration of the resolution of the Senator from Illinois; but I would not like to see that committee fettered by positive instructions to lay aside all other business before the committee to take up and consider the resolution introduced by the Senator from Illinois. I have no objection to instructions to the committee to report upon the matter

objection to instructions to the committee to report upon the matter at as early a day as practicable; but a definite instruction, which must necessarily supersede all other business at the next meeting, I am opposed to, and I hope it will not be adopted.

Mr. CONKLING. Mr. President, personally I am not eager for an extra session of Congress after the 4th of March or on the 4th of March; and this is one of my reasons for remarking that the fashionable and favored mode apparently in the Senate just now of disposing of anything which comes along is to postpone it to a more convenient season.

I have no objection to a reference of this resolution to the Committee on Post-Offices and Post-Roads; but if it is to be referred I agree with the Senator from Illinois that it should be with a direction of with the Senator from Illinois that it should be with a direction of the Senate that it shall come back presently, a direction which, after listening to the Senator from Delaware, I still cannot doubt is proper; and I say that for this reason: the whole question is whether we want the legislation of Congress to so continue that every clerk in a post-office, every clerk in a Department from the head clerk of that Department down, may send through the mails matters of public business, while at the same time the members of this body and of the House of Representatives shall be compelled to defray each from his own poster the great volume of postage which is horne upon comown pocket the great volume of postage which is borne upon communications coming from the soldiers, the sailors, the widows, the beneficiaries under the pension acts and other persons who send letters not touching our business but touching their business. That is

the whole question.

Now, if it is thought that the time has come when a great deal of Now, it it is thought that the time has come when a great deal of declamation about the franking privilege has done its work sufficiently in the country, has won sufficient acclaim for those who have deemed that a wise political and electioneering cry; if the time has come when this sort of rhodomontade has gone far enough and in the judgment of the Senate we had better do a wise practical thing, there is not one committee of this body which needs fifteen minutes to report a bill the form of which stands over and over again in the statutes, under which bill Senators and Representatives will be permitted to do what all other officers of the Government are now permitted to do, namely, send through the mails such matters as come to them officially without themselves personally paying the postage. No committee needs any time to do this. I must think we could here, No committee needs any time to do this. I must think we could here, in the morning hour, in a very few moments, frame such a bill; that any one Senator of all those I see around me could put this resolution if it needs alteration (which I do not suppose it does) in such form as to be exactly right. Certainly the committee can do it in a very few minutes. Therefore I hope that in one form or the other we shall have action on this very old, stereotyped, and perfectly understood point, simple and distinct as it is; and I hope also—I do not venture to give advice to any member of the Senate except myself—that I shall be able to a vote upon these questions as not to defer and defer shall be able to so vote upon these questions as not to defer and defer

shall be able to so vote upon these questions as not to defer and defer and postpone and postpone until at the end of this session, without consideration and in heat, a great body of legislation will be perfected as it is called, or else will pass over making a demand of an extra session in the spring in order that work may be done which is found belated when the gavel falls on the 4th of March.

I should be glad myself to vote upon this resolution now; but if any Senator thinks it ought to undergo the action of a committee so be it. I hope the Senator from Illinois will adhere to his idea of having it go, if at all, to the committee with the understanding, which had better be in the form of an instruction, that it be reported back at once; and even if the Senator from Delaware—he will pardon my suggestion—should find it necessary to convene his committee at an extra meeting for half an hour after the adjournment of to-day, or for half an hour at some other time, I really think that the exigency of the present brief session would be enough to warrant even as much trouble as that being imposed upon the committee.

gency of the present brief session would be enough to warrant even as much trouble as that being imposed upon the committee.

Mr. SAULSBURY. The mere drafting of a bill to cover the case would occupy some time; and after drafting such a bill the committee perhaps might be divided just as the Senate has always been divided upon the propriety of the measure before it; and that was the reason why I anticipated that there might be difficulty in arriving at a conclusion.

ing at a conclusion.

Mr. CONKLING. Will the Senator pardon me for interrupting him

a moment?

Mr. SAULSBURY. Certainly.

Mr. CONKLING. Assuming that to be so, this is a point on which the judgment of Senators is fixed already; and that need not delay the measure at all. The committee can come in and report the resolution adversely if the majority is opposed to it, report it favorably if the majority is in favor of it, and those who dissent can have their rights; but it is not a measure, I submit to the Senator, which requires investigation, examination, time, in the sense in which a measure connected with complicated facts going before a committee may require such time and such investigation.

Mr. SAULSBURY. I shall not press the objection to the instructions any further. I have made known the fact that the business before that committee is of such a character that I do not think it

ought to be hampered by instructions which may possibly compel the committee to lay aside other matters which ought to be at-

Mr. WHYTE. Mr. President, I shall vote against the reference to the committee. I think every Senator is competent at the present time to vote upon so simple a proposition as is contained in this joint resolution. It is in a form which is perfectly acceptable if the sentiment is acceptable to the Senate, and we are just as well prepared now to vote upon it as we shall be when the committee report in favor of it or against it.

Mr. SAUNDERS. I do not see any necessity for referring this resolution. If it provided for individual correspondence or private correspondence or anything of that kind, it might be necessary to alter

continuous. It is provided for individual correspondence or private correspondence or anything of that kind, it might be necessary to alter it; but as I understand it, there is only one question in this resolution, and that is whether we shall allow Senators and Representatives to send their official letters free, or at the expense of the Government rather than of the individual himself. I apprehend that there is not a single Senator here who has not already made up his mind on this question. He is ready to say "yea" or "nay" to this, and it may just as well be said now as any other time. I shall vote against any reference on that account.

against any reference on that account.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia, that this joint resolution be referred to the Committee on Post-Offices and Post-Roads, with instructions to report back the same upon the first call of committees after the first

meeting of the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of West Virginia. I understood the Senator from Illinois made a motion to amend the reference and then to accept the reference without any instruction about it.

Mr. LOGAN. No, I said if it went to the committee I wanted it to sentitly that instruction.

Mr. LOGAN. No, I sad if it went to the committee I wanted it to go with that instruction.

Mr. DAVIS, of West Virginia. I understood the Senator to consent that the resolution should be referred. Am I right or wrong?

Mr. LOGAN. No, I am opposed to its being referred at all, but if it is referred I want it referred with instructions.

The VICE-PRESIDENT. The question is—

Mr. KERNAN. Is the question on the reference or on the instructions.

The VICE-PRESIDENT. On both. The motion is that the pending joint resolution be referred to the Committee on Post-Offices and Post-Roads, with instructions to report the same upon the first call for reports from standing and select committees after the first meeting of the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of West Virginia. I think the Chair is right in presenting the question, but I misunderstood the Senator from Illinois, certainly, if, as he now says, he opposed the reference with instructions. I shall object to any instructions unless the reference is consented to by the Senator. That was my understanding. I move that it be referred to the Committee on Post-Offices and Post-Roads without instructions, unless the Senator accepts the reference with in-

out instructions, unless the Senator accepts the reference with instructions. I do not want delay.

Mr. LOGAN. Let the vote be taken on the other proposition first.
Mr. DAVIS, of West Virginia. If the majority wishes it, let it go.
Mr. LOGAN. Has the Senator from West Virginia changed his

Mr. DAVIS, of West Virginia. My motion was that the resolution

be referred.
Mr. LOGAN.

be referred.

Mr. LOGAN. Very well. I move to amend that motion that it be referred with instructions to report on Thursday next.

Mr. DAVIS, of West Virginia. Then we vote on the instructions first, and afterward on the reference.

The VICE-PRESIDENT. The pending question will be on the amendment of the Senator from Illinois, to instruct the Committee on Post-Offices and Post-Roads to report on Thursday next.

The amendment was rejected.

The VICE-PRESIDENT. The question recurs on the motion to refer without instructions.

The question being put, there were on a division—ayes 12, noes 27.

Mr. KERNAN called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. Mr. President, I move to amend the motion by adding "with instructions to report the same back to the Senate on or before Thursday next."

Mr. ANTHONY. That is to-morrow.

Mr. EDMUNDS. I do not care if it is.

The VICE-PRESIDENT. The question is on the amendment of

the Senator from Vermont.

Mr. FERRY. I desire to call the attention of the Senator from Vermont to the fact that the committee meet on Thursday, and it may not be convenient, in view of the other business before them, to con-

sider this at that specific meeting.

Mr. EDMUNDS. I understand that to-morrow is Thursday, and I understand that the committee has other business. If it cannot do all its business then, it can meet the next day. But I have suffered and my constituents have suffered so long from the present absurd and ridiculous state of the law that I am in favor of having this committee get the phraseology right so that there shall be no misunderstanding as to what "official" means if you please, get it clear so that we shall all understand it alike, and report it immediately. That is the array research why I wate for a reference at all. I do not think is the only reason why I vote for a reference at all. I do not think that this resolution goes far enough.

Mr. CONKLING. Nor I either.
Mr. EDMUNDS. I think that the idea in a republic like ours that the representatives of the people are to be taxed for communicating with them about any matter of public concern, whether you call it official business or political business, is wrong. I believe the more you can encourage the people by carrying their letters and communications to members of Congress from and upon all possible subjects, the more good you do to republican government and the dissemination of intelligence upon which it rests. Therefore I have always cations to members of Congress from and upon all possible subjects, the more good you do to republican government and the dissemination of intelligence upon which it rests. Therefore I have always voted against the abolition of the franking privilege, so called, and always voted in favor of its restoration, and I mean to do it again. We all understand how this notion of abolishing it got up. A few great city papers started it because they thought they would increase their circulation by cutting off as far as possible communication between Members and Senators at the capital and distant parts of the country; and it is a strange thing, as the Senator from New York has said, that year after year by our own laws we have declared that the only public servants not fit to be trusted in communicating with the people about public affairs are Senators and Representatives. A head of Department, any of the Department clerks, everybody in the executive service of the country is thought worthy to be trusted to communicate concerning public affairs with everybody else through the advantage of the mails, it costing the United States nothing to carry the free communications except on a very few routes. It is true that the postage that you would force Senators and Members and citizens to pay, and which otherwise they would not pay, is so much loss to the accumulated taxation of the people. That is true; but I think that every cent that you lose in allowing a citizen to send to any Senator a letter on any subject of public concern—and we all know that ninety-nine hundredths of these letters are about subjects of public concern—is ten thousand times counterbalanced by the advantage that there is to a country constituted like ours in this absoof public concern—is ten thousand times counterbalanced by the advantage that there is to a country constituted like ours in this absolutely free intercommunication. Therefore I am not afraid of the opinions of my constituents or anybody else on such a subject. The opinions of my constituents or anybody else on such a subject. The present course of procedure is very unjust to Senators and Members. Every chairman of a committee in respect of the absolute performance of his duties is taxed day by day. When I had the honor to be chairman of the Committee on the Judiciary, I found that I was taxed to the extent of several dollars a week, and I have no doubt my friend from Ohio [Mr. Thurman] is now to a large sum in paying postage in respect to matters that we had no more individual concern in than a resident of France but that the public had concern in.

Now, if we have such a low opinion of our own trustworthiness that we cannot be allowed to make use of public agencies to do public busi-

we cannot be allowed to make use of public agencies to do public business and to write to our constituents about matters of public concern and have them write to us, on the theory that we are going to abuse it—which was the sole pretext for the removal of this so-called privilege—then I think we ought to be ashamed of ourselves, and I for one am ashamed of myself for leaving the matter stand as it does.

I am in favor of this reference and for an immediate report, in order

I am in favor of this reference and for an immediate report, in order that the committee may consider whether they shall not extend this right—I would not call it a privilege; rather a right and a duty—to all the correspondents of Senators and members of Congress; or if they think it unfit to do that, to be careful to define the word "official" in some way, so that we can honorably and honestly understand it all alike as to what is covered by what is called "official business" of Senators. I do not know precisely what that would mean.

Mr. EATON. Mr. President, I have no doubt about the propriety of this resolution. I have been paying postage, as my friend from Vermont says he has been. I have done it to-day and every other day, as well as I can remember, for a long time past; but after the remarks which have been made here, is there any necessity to instruct the committee? In my judgment the committee will report as speedily as possible.

the committee? In my judgment the committee will report as speedily as possible.

Mr. CONKLING. Then what harm will the instructions do?

Mr. EATON. What is the use of them? If we have been paying it for years and years we can pay it for one day longer.

Mr. LOGAN. The Senator from Michigan, who is on this committee, has suggested that other business would probably prevent them from considering this resolution at their first meeting. If that is the case, I should like the Senate to tell them that they want its consideration. If it is going to pass the two Houses of Congress at this session, it ought to be considered and reported soon, and after the suggestions made by different members of the committee it is proper to instruct the committee, so that they can take this up and act upon to instruct the committee, so that they can take this up and act upon

to instruct the committee, so that they can take this up and act upon it promptly, if it is to be referred at all.

Mr. FERRY. In the absence of the chairman of the Committee on Post-Offices and Post-Roads, being a member of that committee, I feel it to be my duty to say that it seems rather unprecedented that a resolution should be referred to a committee that meets on the next day with an instruction requiring that committee to consider the subject and report at once. I have shown my favor to the resolution by my vote here in reference to it, but I shall vote against compelling the committee of which I am a member, or any other committee, to report upon a resolution instanter. There may be, and there probably are, other matters before the committee, which meets to-morrow in regular meeting, which will require the attention of the committee, so that it will be impossible to give proper attention to this sub-

The Senator from Vermont has suggested that the committee can

meet on Friday. Many of the members of that committee are on other committees that are obliged to meet on Friday, and therefore it would be rather unjust to require the committee to report immediately upon a subject that is just committed to it. Therefore I hope that the Senate will not concur in the amendment proposed by the Senator from Vermont; at the same time I state that I do not do this for the proposed of the senator of the senator in the same time I state that I do not do this for the purpose of opposing the resolution, but simply to do justice to the com-

purpose of opposing the resolution, but simply to do justice to the committee.

Mr. EATON. The Senator, who is a member of the committee, has expressed my opinion so much better than I was expressing it myself that I do not care to go any further into this discussion. I am in favor of extending this resolution, of making it larger than it is now, and I am not in favor of instructing the committee to report forthwith. Let them report, in view of the present indications of the opinion of the Senate, as speedily as possible, and I have no doubt they will.

with. Let them report, in view of the present indicators of the opinion of the Senate, as speedily as possible, and I have no doubt they will.

Mr. THURMAN. Mr. President, I have a little delicacy in speaking on this subject. My political life is so nearly at an end that it might be supposed I was interfering with those who are to remain here. But I cannot forbear making a remark.

The franking privilege was taken away because it was so flagrantly abused. If there had never been any abuse of that privilege, it never would have been taken away. It was really misnamed a privilege; that is, in the sense of being a privilege of the members of Congress. It was the privilege of the people far more than of any member of Congress. It enabled the people to receive what they otherwise would not have received, in the form of documents and other information of the workings and doings of the Government. It was the people's privilege, and not the privilege of the members of Congress. But it was flagrantly abused, and when I say that I speak with some knowledge on the subject; and do not let anybody suppose that I am going to make a confession, for I am not conscious that I ever did abuse it myself; but it was so flagrantly abused that there was a demand, and I believe both political parties had a sort of struggle with each other who could go the farthest in advocating the repeal of that privilege. of that privilege.
Mr. CONKLING.
Mr. THURMAN.

Will the Senator permit me to ask him a question?

Certainly.
From the same or other sources of information Mr. CONKLING. to which he has referred, has the Senator any reason to suppose that, in its present condition, the franking privilege is abused?

Mr. THURMAN. I do not know that it is; I have not the least idea that it is; at least I have no reason to say it is.

Mr. CONKLING. The Senator has been in the country all the

time for the last year or so, I suppose?

Mr. THURMAN. I have; but I have not heard everything. I saw in a newspaper to-day that there had been some debate in another place in which it was suggested that there had been abuse of the privilege. I know nothing about it except what I see in the Recondition and the Senator perhaps knows about that—but this I do know: Some years ago (I will not say what year it was, but it was the year of a presidential election) I was passing, in the recess of Congress, through one of the corridors of this Capitol, and seeing three or four hundred needle at work sending off all earts of matter. I called through one of the corridors of this Capitol, and seeing three or four hundred people at work, sending off all sorts of matter, I asked a friend of mine, the chairman of the committee under whom these men were working, "Won't you give me one of those bundles that you have put up there and let me see what kind of food you are sending off to the people?" "Why, certainly," said he, and he told one of them "Give Mr. Thurman one of those bundles." He gave it to me and I have it yet, and I could show that it contained not one single line of frankable matter; and furthermore, that in the case of one man whose frank appeared upon it it was written in four different handwritings, showing that four different clerks had been writing that man's name, and that man, as I know, was not less than five hundred miles from this Capitol at that time.

Mr. President, it was that kind of abuse of the franking privilege

Mr. President, it was that kind of abuse of the franking privilege which brought it into such disrepute, until at last very unsavory stories were told, false no doubt, but many of them credited by the people, because there was so much that was done which was wrong that they were ready to believe anything. It was a sort of standing joke that members of Congress franked their shirts home to their washerwomen in order to get them washed cheaper than they could in Washington. Of course it was nothing but a coarse and unfounded joke, but such things were said to show how the franking privilege was abused.

was abused.

Mr. President, as I said before, the franking privilege, carefully protected from abuse, is for the benefit of the people. There can be no sort of question about that; but to carefully draft a law that shall sort of question about that; but to carefully draft a law that shall protect it from abuse is not a work to be done between now and tomorrow. It is a work that will tax the powers of any man who tries it, and I say to my friend who presses this resolution, and to those who advocate it, that you will only make the thing more unpopular if you pass this resolution saying that we may frank anything upon any official business without any limitation or determination of what is official business, each one deciding for himself, for it must be that. The most that can be done will be to require that the man who franks it shall write "official business" on the envelope. If you do that, without any protection or guard whatever against abuse, you will only create trouble, and you will only create discontent.

And therefore, Mr. President, I say that if the franking privilege is to be revived—and we have been reviving it piecemeal by piecemeal—if you want to have a law that shall be perfect, one that shall not create discontent, one that shall not make the law unpopular, you must frame that law so as to put an end to the abuses that existed in the past. I believe it is possible to do so; but it will require great care and no little time and no little study on the part of the committee that can achieve that task. I hope, therefore, that this resolution will go to the Committee on Post-Offices and Post-Roads, and I hope it will go to it without any instructions whatsoever. I hope that it will go to and be considered by the committee, which is an able committee, and if they can frame such a law as will admit of the existence of the franking privilege and at the same time prevent its abuse, they will have rendered a great service, not only to Congress, but to the country.

abuse, they will have rendered a great service, not only to Congress, but to the country.

Mr. LOGAN. Mr. President, I do not wish to discuss this proposition further, but the remarks of the Senator from Ohio called my attention to one thing that I happen to know something about. The law giving the franking privilege was not repealed merely because of the abuses. What abuses there were of the franking privilege, I do not know. I only know that I never abused it, so far as I was concerned; I can only speak for myself. But at the time the law was repealed, it was done at the dictation of a few newspapers of the country and of a Postmaster-General, who sent out instructions to every try and of a Postmaster-General, who sent out instructions to every postmaster in the United States to have a petition signed and sent to Congress to repeal the law, and the postmasters were instructed to get names to these petitions. That was the way it came to be stricken from the statute-book, and it was not for the reason assigned by the

Senator from Ohio.

I say that, sir, in justice to the members of Congress who have been subject to so much remark about the abuse of the franking privilege, and much of that abuse grows out of remarks of Senators and Members of another House in reference to the jokes which have been made and much of that abuse grows out of remarks of Senators and Members of another House in reference to the jokes which have been made about the use of the franking privilege. By repeating they give a kind of tacit assent to such things; and whenever a proposition is made to give to the people this right, which belongs to them, to have their communications free, we always find some gentlemen who love the right so much that they throw every possible obstacle in the way of a proposition of this kind. I know some two or three times I have heard many persons say, "Yes, we are for this; it is right; it ought to be done;" but when you undertake to do it there is an objection to it. I will not say that this objection is always made that it may meet the ear of some persons who are gathering together small things in order to make great things out of them, that they may be a little more popular with a certain class. I will not say that; but I will only say so far as I am concerned myself that I introduced this resolution because I believed it to be right. I introduced it because, as I said before, this postage is a tax upon the members of Congress in communicating with the people of this country on their own business and not on the business of the Senators or Members. In fact, persons write to you about their claims, they want you to send them a bill that has been introduced before Congress and which has been printed, and you send it to them. It is a printed communication to Congress and you send it to them. It is a printed communication to Congress that they want to get, and you send it. They want to know what has become of a certain claim they have in the Treasury Depart-

ment.

Mr. EATON. You can send a bill free.

Mr. LOGAN. I know that a bill can be sent free. It is printed as a public document. But people write to you about matters in the Treasury Department; you ask the Department, and the Department sends the communication to you, instead of sending it to your constituent. You open it and find that it is a communication in answer to the letter of your constituent, and you then have to send it to him and to pay the postage on it. That occurs every day to nearly every Member and Senator. I find myself reported in the RECORD as having stated the other day that it cost me \$10 a month sometimes for such postage. I did not mean to say that, and I wish to correct it now. I meant to say that it cost me for one week \$10 sometimes, and that it cost me from two to four dollars a week every week I am in Congress. I referred to a memorandum made by my clerk after I Congress. I referred to a memorandum made by my clerk after I went home, after I saw what was in the RECORD as stated by me, and the memorandum shows that fact. I asked him to keep a memorandum to show what my postage amounted to in a month, and, by weeks, it amounted to from \$3 up to \$10 per week. Now, for the benefit of the people, of course, we are bound to pay this, and I am willing to pay it if I am required to do so; but I object to paying it if I can help it, because it is not for my benefit, but for the benefit of my constituents and in fact the constituents of my constituents. of my constituents, and, in fact, the constituents of nearly every Senator here, for the soldiers write to me from every State in this Union, and I always answer their letters and send them to the Pension Department, or wherever they ask, for information, and obtain the information called for. I always do it, and that was what induced made to effort this proposition.

me to offer this proposition.

The Senator from Ohio says it ought to be a law well guarded.

How well guarded? This merely speaks of official letters sent from the Department through a Senator or Member. How can you guard it better than that? It only applies to official communications sent from the Departments through the Senators and Representatives to their constituents.

their constituents.

Mr. THURMAN. May I interrupt the Senator there?
Mr. LOGAN. Certainly.
Mr. THURMAN. Has the Senator never heard of the speech of a distinguished member of the Government made to his constituents, a

distinguished member of the Government made to his constituents, a political speech?

Mr. LOGAN. I have heard of many of that kind.

Mr. THURMAN. Of one that was sent, as it was stated in the newspapers, by thousands and hundreds of thousands under the official frank of a Department.

Mr. LOGAN. What has that got to do with official communications from the Departments?

Mr. THURMAN. I should say that was an abuse of the privilence.

Mr. CONKLING. That was under the law as it stands now.
Mr. THURMAN. If it happened at all. I do not aver that it did
happen; I only stated what the newspapers said.
Mr. CONKLING. Whatever did happen happened under the laws

Mr. CONKLING. Whatever did happen happened under the laws as they are now.

Mr. THURMAN. Which shows that they ought to be amended. Mr. CONKLING. That may be.

Mr. LOGAN. I do not know what the Senator from Ohio refers to. I may have heard what he indicates, but I do not now remember anything about it. I know it is a fact that members of Congress have sent their speeches out to their constituents. They can do that under the law as it exists now, provided the speech has been published in the RECORD. It is then an extract from the RECORD. That they can do now; but that has nothing to do with official communications from the Departments, the cost of postage on which I am speaking of. As the law stands to-day a Senator or member of Congress may send free a public document; may send free anything that is printed in the RECORD; and every clerk in the Departments of the United States Government here at Washington can send free of postage any communication from that Department to your constituents, but you are deprived of the right of doing the same thing. In other words, if you want to avoid the postage you get some clerk of a Department to communicate with your constituents, he acting as their representative instead of yourself. That is the only way you can avoid it. If members of Congress delight in things of that kind, I have no objection; they can do it. As far as I am concerned, I do not agree to that mode of proceeding. I think that my constituents have as much privilege to require me to communicate with them as they have to communicate with a clerk in one of these Departments; and if they do communicate with a clerk in one of these Departments; and if they do communicate with me my message to them, or the official docucommunicate with a clerk in one of these Departments; and if they do communicate with me my message to them, or the official document I send to them, has as much right to go free as an official document under the frank of a clerk in a Department.

Now, sir, I am opposed to the reference of this resolution to a committee; but if it is referred, I am in favor of their being instructed to report it back at once. The Senator from Michigan says that they cannot investigate so important a matter as this to-morrow. If they cannot investigate so important a matter as this to-morrow. If they cannot to-morrow, when can they? I should like the Senator to give us some information on that point. They cannot do it to-morrow, he says, and they cannot have a special meeting the next day, because the members have to attend other committees then. If they cannot do that, when can they examine it? Can they do it at the next meeting? Will there not be important matters before the next meeting?

Mr. FERRY. We meet every week on Thursday; that is the regular meeting-day; and this being referred, the reference of the resolution would seem to intimate that the subject is regarded of some importance. We would meet then on the next Thursday, as the members of the committee have to meet other committees on other days. I am not occupied upon other committees on Friday, but some of the

members are, and I am on other days.

Mr. LOGAN. The Senator says it is a matter of much importance.

I would ask him what the matter of importance is? It is an important matter; but what is the importance of a thorough examination of this resolution? What is there in it that requires great consideration great intellect. ation, great intellect, and great learning in order to report it back?

Mr. FERRY. If the Senator wants a direct reply to that, I have only the judgment of other Senators who have expressed themselves on that point, that it would require a good deal of attention to examine the subject if it is referred to a committee, and therefore as a member of the committee it would be improper for me to express a judg-

ber of the committee it would be improper for me to express a judgment on it until I had given attention to it.

Mr. CONKLING. What is the Senator's judgment about it? How long would it take to look over this thing to see whether he is in favor of the restoration of the franking privilege?

Mr. FERRY. I think I have expressed my favor to the resolution. I should be prepared at almost any time to act upon it. I do not know how much it may involve because I did not listen particularly to that, but I am in favor of the general features and in favor of its reference to the committee. I cannot say in advance how I may act on the whole onestion, but so far as it appears now I favor the propon the whole question, but so far as it appears now I favor the proposition.

Mr. LOGAN. As far as how much is involved is concerned, it might be well to say a word right here, inasmuch as the Senator from Vermont mentioned it. This joint resolution does not involve one cent, for the reason that the stamp is paid for by the Treasury Department

and charged over to the Post-Office Department. The carrying of the mails is not affected directly or indirectly, for the contractor takes the contract at the same rate whether there is a postage-stamp on your letter or whether your name is on it. So it involves nothing. It only involves the proposition whether you are in favor of franking official communications to your constituents or pay the postage on them. That is all there is in it. So far as the word "official" is concerned, it is applicable to com-

So far as the word "official" is concerned, it is applicable to communications from a Department going through a Senator or a member to his constituents. I do not think there need be much trouble on that subject. I know what I mean by it—it is ingrafted in the resolution. I mean such communications as would be sent from a Department to a constituent of ours on the subject of his business, which would be an official answer to his request or to his suggestion. No matter by whom written, it is an official answer to that which he presents to a Department for examination, and that is all that it does mean and that is all the extent and scope and broadth of the does mean, and that is all the extent and scope and breadth of the resolution.

Mr. GARLAND. Mr. President—
Mr. WITHERS. I wish to present a motion that the present and all prior orders be set aside for the purpose of proceeding to the consideration of the Army appropriation bill.

The VICE-PRESIDENT. Does the Senator from Arkansas yield

The VICE-PRESIDENT. Does the Senator from that purpose?

Mr. GARLAND. Yes, sir.

Mr. LOGAN. Has the morning hour expired?

The VICE-PRESIDENT. This is not under the morning-hour rule.

Mr. CONKLING. May I make a suggestion to the Senator from Virginia? In the absence of one or two Senators who are interested in the unfinished business, on which I believe I have the floor, I ask the Senator if he has any objection to letting the unfinished business lie aside informally to go on with the Army appropriation bill?

Mr. WITHERS. That was my purpose, not to interfere with the regular business. I merely want to get the unfinished business informally laid aside.

Mr. CONKLING. There is no need for a motion for that; it will

The VICE-PRESIDENT. Shall the pending order of business be set aside for the purpose indicated by the Senator from Virginia? Is the Senate ready for the question?

the Senate ready for the question?

Mr. CONKLING. When the unfinished business is taken up, I have the floor I believe. If I have, no Senator can deprive me of the floor to make a motion. Now, I do not insist upon my right; but I ask that the unfinished business be laid aside informally, not by a vote of the Senate but by consent. Then when I choose to call it up to make any remarks I may wish, that will be my right.

Mr. WITHERS. On inquiry from the Chair I ascertained that the discussion just closed was proceeding not under the Anthony rule nor under the morning hour, but by unanimous consent of the Senate, and consequently I did not suppose I was interfering with the unfinished business by the motion I made.

Mr. CONKLING. Not at all; the Senator is quite right and quite in order, not trenching on my rights at all, but I do not wish a vote of the Senate to postpone the unfinished business because that puts it beyond my control. I yield the floor, but I should like to have

of the Senate to postpone the unfinished business because that puts it beyond my control. I yield the floor, but I should like to have the unfinished business lie aside informally to the end that I may call it up if I choose to say anything upon it.

Mr. DAVIS, of West Virginia. I wish to say to the Senator from New York that there are two appropriation bills ready for action.

Mr. CONKLING. I shall not antagonize any of them.

The VICE-PRESIDENT. The Chair hears no objection to the suggestion of the Senator from New York and the Senator from Virginia.

The unfinished business is informally laid aside and the Senator pro-

gestion of the Senator from New 10rk and the Senate pro-The unfinished business is informally laid aside and the Senate proceeds to the consideration of the Army appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence

A bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes; and A joint resolution (H. R. No. 35) authorizing the name of the schooner Isle of Pines to be changed to George S. Sleight.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes. The VICE-PRESIDENT. The bill will be read by paragraphs for

amendment.

amendment.

Mr. WITHERS. I ask that unanimous consent may be given to dispense with the pro forma reading of the bill in order that it may be read by paragraphs.

The VICE-PRESIDENT. The Chair has directed that it be read

for amendment.

Mr. WITHERS. Then, before the bill is read, I wish to make a general statement in connection with the bill itself, in explanation

of its provisions, which will probably save some subsequent inter-The amount of estimates for the next fiscal year is.. \$29,053,747 51
The amount of the House bill, exclusive of reappro-

26, 315, 800 00 564, 714 25

26, 880, 514 25 Making a total of.... The amendments reported by the Senate Committee on Appropriations strike out the paragraph making reappropriations to the extent of \$564,714.25, and increase the bill as follows:

250,000 100,000

Making a net reduction from the House bill of \$192,714. The amount of the bill as reported is \$26,687,600.

The amount of last year's appropriation was \$26,425,800. This bill therefore exceeds, as reported, the bill for 1881 by \$262,000. It is less than the estimates by \$2,365,947. The items of increase and reduction under the present bill as reported to the Senate, as compared with the act for 1881, are as follows:

Items.	Increase.	Reduction.
Expenses of recruiting Miscellaneous expenses, pay Regular supplies Quartermaster's Department	\$22,000	\$4,000 100,000
Transportation of the Army Land-grant railroads (new) Clothing Testing-machine	114, 000 125, 000 100, 000 5, 000	
Total increase Reduction	366, 000 104, 000	104, 000
Net increase	262, 000	

Now, Mr. President, as the reading progresses, I will briefly take occasion to explain the amendments which have been submitted by the Committee on Appropriations for the consideration of the Senate.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The amendments reported by the Committee on Appropriations will be acted upon as they are reached in order in the reading of the bill; and after the amendments reported by the committee are considered, amendments generally will then be received. The Secretary will read the bill.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in line 10, to increase the appropriation "for expenses of recruiting and transportation of recruits from rendezvous to depot" from \$75,000 to \$97,000.

Mr. WITHERS. I would explain with regard to that increase of the House bill that the estimate submitted by the Department was \$99,088; the Secretary of War and the Paymaster-General were both be-\$99,088; the Secretary or War and the Faymaster-General were both before the Senate Committee on Appropriations, and urged that it would be exceedingly injurious to reduce the amount of the appropriation asked for in the estimates, because those estimates were based upon the actual knowledge of the Department of the expiration of the terms of enlistment in the Army and the usual percentage of casualties which occur in the Army, and that a less amount than that estimated for would seriously cripple the service and prevent its being kept up to the standard of \$5,000 men, upon which this bill is framed. The committee thought the reasons were sufficient to instify them in The committee thought the reasons were sufficient to justify them in reporting the increase asked for to within a fraction of the estimate. The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was in the appropriations for the Pay Department, in line 48, after the word "pay," to insert:

And the actual time of service in the Army or Navy, or both, shall be allowed all officers in computing their pay and length of service.

Mr. WITHERS. The explanation of that is that, in computing Mr. WITHERS. The explanation of that is that, in computing what is called longevity pay in the Army, length of service is considered. There are some officers in the Army, three or four only I understand, who, prior to entering the Army, served honorably and efficiently in the Navy, but their time of service there is not computed in estimating their pay in the Army. There is a want of reciprocity in this matter, because previous service in the Army is counted in the case of a naval officer by the Navy Department. The matter was brought to the attention of the Secretary of War by the Paymaster-General, and he said there was no objection to this provision and that it was manifestly right.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was, after the word "officers," in line 52, to insert:

For the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1882, in excess of the numbers for each class provided for in this act.

Mr. WITHERS. That is a mere transposition from the House bill. It was there incorporated under the head of "miscellaneous expenses," and the Pay Department suggested that it had better come in its proper place here. It is a mere transposition.

The amendment was agreed to.

The reading of the bill was resumed.

The reading of the bill was resumed.

The next amendment was, in line 59, after the word "discharge," to strike out "one retired ordnance-sergeant" and insert "two retired ordnance-sergeants."

Mr. WITHERS. That is done in order to make the bill correspond

with the estimates and with the actual condition of the service. There are two retired ordnance-sergeants, and the two are estimated for; but by a typographical or clerical error one only was provided for in the House bill.

The amendment was agreed to.
The Secretary resumed and continued the reading of the bill.
The next amendment was, in line 75, before the word "commutation," to insert "and for."

Mr. WITHERS. That is a mere verbal amendment to make clear The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was, after the word "quarters," in line 77, to

And for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1882, in excess of the numbers for each class provided for in this act.

Mr. WITHERS. The striking out of that is rendered necessary by the adoption of the transposed clause to which I called attention just now.

The amendment was agreed to.
The Secretary continued the reading of the bill.
The next amendment was, after the word "cents," in line 83, to

Provided, That the allowance for commutation of quarters to the Lieutenant-General of the Army shall be \$100 per month.

Mr. WITHERS. That is rendered necessary by the following state of facts: two years ago the commutation was reduced by act of Congress to \$10 per month, the number of rooms to which each officer is entitled being fixed by Army regulations. Subsequently that allowance was increased to \$12 a month for the whole amount of commutation of quarters that should be paid, without mentioning the Lieutenant-General. In the first instance, when the commutation of quarters was reduced the Lieutenant-General's commutation of quarters was not estimated on the basis adopted but a round sum was allowed him for commutation of quarters, \$70 a month. Subsequently the ordinary commutation of quarters was increased from \$10 to \$12, and nothing was said as to the quarters of the Lieutenant-General of the Army; and under the operation, therefore, of the present law the Lieutenant-General of the Army receives less commutation of the Army receives less commutation. the law the Lieutenant-General of the Army receives less commutation for quarters than a major-general does, who is of inferior rank. The object of this amendment is simply to increase the commutation of quarters of the Lieutenant-General of the Army, to make it \$100 per month instead of \$70, as it is under the present law.

The amendment was agreed to.

The amendment was agreed to.

The Secretary resumed, and continued the reading of the bill.

The next amendment was, in the appropriations for the Quartermaster's Department, in line 123, after the word "fuel," to insert "and lights;" so as to read "of fuel and lights for officers, enlisted men, guards, hospitals, storehouses, and offices."

Mr. WITHERS. Under the existing regulations lights are issued by the Commissary Department. A law has been passed directing the establishment of schools in the Army for the instruction of the men; and the lights furnished by the Commissary Department, conthe establishment of schools in the Army for the instruction of the men; and the lights furnished by the Commissary Department, consisting entirely of candles, are found to be so defective that a number of schools are of but very little value at night in consequence of the want of light, the commissaries being unable to issue oil or other more efficient light. The Commissary Department object to it because they say that the transportation of kerosene with food and other supplies would damage the food, and consequently they are unwilling to do it. The object of this amendment is simply to authorize the Ouartermaster's Department to furnish lights, instead of the ize the Quartermaster's Department to furnish lights, instead of the Commissary Department, to make these schools more effective.
The amendment was agreed to.
The Secretary resumed and continued the reading of the bill.

The next amendment was, in line 136, to increase the total amount of the appropriation for the regular supplies of the Quartermaster's Department from \$3,250,000 to \$3,500,000.

Mr. WITHERS. I wish to state that the amendment is rendered

necessary in consequence of the action of the committee in striking out the reappropriation which is in a subsequent portion of the bill, in order to supply the wants under this head. By reason of our refusal to reappropriate \$326,000 for this branch of the service, it is necessary to increase this item of appropriation by this amount.

The amendment was agreed to.

The Secretary continued the reading of the bill.

The next amendment was, after the word "dollars," in line 137, to

Provided, That there shall be no discrimination in the issue of forage against officers serving east of the Mississippi River, provided they are required by law to be mounted, and actually keep and own their animals.

Mr. WITHERS. That amendment was urged upon the committee, and adopted by them, in consequence of what was believed to be a very unjust and injurious discrimination against officers serving east of the Mississippi River, those west of the Mississippi being entitled to draw forage in kind for their animals, those east of the Mississippi being denied that right—the only instance in the history of civilized governments where there is such a discrimination against a portion of the officers of the army. It is to remedy this inequality and injustice that the committee agreed to incorporate this provision into the bill.

Mr. CONKLING. There was a good reason for the discrimination

once; but the reason has passed away; it has ceased to exist.

Mr. LOGAN. I desire to understand the Senator from Virginia.

Mr. LOGAN. I desire to understand the Senator from Virginia. Does he say the law now existing does not allow officers serving east of the Mississippi to draw forage?

Mr. WITHERS. Yes, sir; there is no doubt about it whatever. Officers serving even in the field east of the Mississippi River cannot draw forage in kind. We have examined the law carefully; we had it before the whole committee, and the statement was made from the War Department. That is undoubtedly the law now.

Mr. LOGAN. Is the meaning of this amendment, can it be so construed as to give forage in kind for horses not in use?

Mr. WITHERS. No, sir; because it is so guarded as to render that impossible.

Mr. LOGAN. That has been done where horses were not used at all, yet forage was drawn and sold; and that was almost universal at

Mr. WITHERS. The Senator is perfectly correct in that statement, and it was that abuse which led to the enactment of the stringent legislation. This is guarded so as to render it impossible that an officer can draw forage for horses to which he is not entitled and which he does not own and use.

Mr. LOGAN. I am glad it is so.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill.

The next amendment was, after the word "dollars," in line 202, to

Provided, That such payment shall be accepted as in full of all demands for said

Mr. WITHERS. On the part of the committee I propose some amendments to the amendment as offered by the committee, and, in order to simplify the matter, I move that the paragraph which has just been read be amended to read as follows:

To pay land-grant railroads on which the United States is entitled to transportation of troops and supplies free from toll or other charge 50 per cent. of what the Quartermaster's Department finds lawfully and justly due and payable to them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for said services.

The necessity for this amendment, as stated to the committee, was this: the appropriation was made in the House upon information that the amount to be paid to railroads of the class specified had been fixed by judicial determination as the law required; but subsequent to the passage of the bill in the House it has been ascertained that the matter has not been definitely determined and that an appeal has been taken both by the Government and by the parties to the judicial decision of the Court of Claims. But as arrears are accumulating to a large extent and the railroads are very much in want of the cial decision of the Court of Claims. But as arrears are accumulating to a large extent and the railroads are very much in want of the money, and as this arrangement seems to have been approved by the Quartermaster's Department as well as by the managers of railroads that had land grants, we concluded to let the appropriation stand, guarded by the provision I have just read.

The PRESIDING OFFICER. The amendment suggested by the Senator from Virginia will be reported and acted upon in connection with the amendment reported by the committee.

The Secretary. After the word "railroad," in line 200, it is proposed to insert "on which the United States is entitled to transportation of troops and supplies free from toll or any other charge."

Mr. WITHERS. The whole had better be read together and the vote taken on all, because the amendments depend one upon another, and all are really one amendment.

Mr. DAWES. I should like to hear it read as it is proposed to be voted on.

The Secretary read as follows:

To pay land-grant railroads on which the United States is entitled to transportation of troops and supplies free from toll or other charge 50 per cent. of what the Quartermaster's Department finds lawfully and justly due and payable to them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for said services.

full of all demands for said services.

Mr. DAWES. Why should it be accepted in full if the cases are still pending in the court and how much they shall receive ultimately is yet to be determined? Why is it desired to cut them off? This cuts off, I suppose, both the Government and the railroads from any adjustment in the courts of the proper proportion, does it not?

Mr. WITHERS. The inquiry of the Senator is a very pertinent one. This amendment which has now been suggested was framed in the Department of Justice as embodying in their view the best settlement of the question. Although these claims have not received final judicial determination, yet it is understood that many of the claimants are perfectly willing to accept, as is the Government to allow, 50 per cent. as the basis of adjustment. This is not compulsory, for any railroad company which is unwilling to accept this and sory, for any railroad company which is unwilling to accept this and

give the receipt in full need not receive any of it and can prosecute its claim.

Mr. DAWES. Will the Senator state whether 50 per cent. was

Mr. DAWES. Will the Senator state whether 50 per cent. was what was allowed in the Court of Claims? Mr. WITHERS. That was the sum allowed in the Court of Claims. The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill.

The next amendment of the Committee on Appropriations was, in line 217, to increase the appropriation "for purchase and manufacture of clothing and camp and garrison equipage, and for preserving and repacking the stock of clothing and camp and garrison equipage and materials on hand at the Philadelphia, Jeffersonville, and other depots of the Quartermaster's Department," from \$1,000,000 to \$1,100,000.

Mr. WITHERS. That is rendered necessary by the fact that the committee have stricken out, and the Senate so far in Committee of the Whole has indorsed their action in striking out, the reappropriation provided for in the very next clause, and that would leave, under the present prices of clothing and the supplies of flannel and other specified articles required to be furnished the Army, a deficiency. Therefore the committee agreed to increase the appropriation for these clothing supplies to the extent of \$100,000, being a small fraction, \$8,000 perhaps, less than the estimate of the Department.

The amendment was agreed to.

Mr. BLAIR. I wish to call attention to an amendment acted on instruction.

Mr. BLAIR. I wish to call attention to an amendment acted on

The PRESIDING OFFICER. It is not in order to amend anything

already acted on unless there be a motion to reconsider.

Mr. BLAIR. I should like to call the attention of the Senate to the amendment in lines 203 and 204. I do not know that I understand the matter; but I suppose that by the contemplated adjustment between the Government and the railroads 50 per cent. of the amount due for transportation is to be paid to the railroads in money and 50 per cent. of the amount justly due is to be made a part of the sinking found. It is to as 8

fund. Is it not so?

Mr. WITHERS. No, sir. There is a certain class of railroads which received aid from the Government, land-grant railroads, over which the Government was entitled to transportation on certain conwhich the Government was entitled to transportation on certain conditions; a certain proportion of the cost of transportation was to be paid to them, and payment was prohibited until the amount they were entitled to receive should receive judicial determination, and under that law their cases were hung up in the courts for some years. Finally, a few years ago, an appropriation of \$300,000 was made, upon the basis of an adjustment of 66 per cent., to the railroads. Services which have been rendered since that time have all to be subjected to the same judicial determination before the railroads can receive anything. Suit, consequently, has been brought by the companies in the Court of Claims. The Court of Claims fixed upon 50 per cent. as the amount which ought properly to be paid them. Inasmuch as an appeal has been taken from the decision of the Court of Claims to the Supreme Court of the United States, two or three years must necessarily elapse before the case can have a hearing in the Supreme Court. In this state of affairs some of the railroad companies are Court. In this state of affairs some of the railroad companies are willing to take the amount agreed upon by the Court of Claims, and the Government is willing to allow it, provided the railroads will accept it in full of their demands. Those railroads which are not willing to do that will of course await the ultimate decision of the willing to do that will of course await the ultimate decision of the Supreme Court. In the opinion of the committee it will probably be better for Congress to make an annual appropriation to meet something like the amount due these railroads, rather than wait several years and then have the accumulated earnings of the roads paid them.

Mr. BLAIR. Take, now, the original language of the bill; it speaks of a certain amount, whatever amount the Quartermaster's Department finds justly due them. Does the Government controvert the amount due after it has once been found to be justly so due by the Quartermaster's Department?

amount due after it has once been found to be justly so due by the Quartermaster's Department?

Mr. WITHERS. I did not catch the question.

Mr. BLAIR. The phraseology which it is proposed to amend speaks of the amount which "the Quartermaster's Department finds justly due" for transportation, not an amount in controversy between the Government and the railroads, and it proposes to pay 50 per cent. of the amount found justly to be due the railroads, provided they will give a receipt for the whole and thus waive all claim for the remaining 50 per cent. thus found to be justly due them. It see, to me there is some confusion of the language which is employed, which it is proposed to amend. If the proposition was to pay 50 cent. of the amount claimed by the railroads provided they wot give a receipt for the whole amount, I could understand it. But th bill proposes to pay 50 per cent. of the amount justly due them, previded they will give a receipt for all of it and discharge the Gove

ment.

Mr. WITHERS. The amount justly due them is the sum as Mr. WITHERS. The amount justly due them is the sum as tained by the Court of Claims, because there was an agreement tween the roads and the General Government when they receiv governmental aid that they should transport Government supplies, &c. There are two different classes of grants; but the general idea was that they should transport at such rates below the regular rates to other persons as might be fixed by judicial determination. That was the law of Congress. Mr. BLAIR. I understand that; but this is the language of the bill: "To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, \$125,-000." Then the committee propose an amendment, adding this condition, "provided that such payment"—50 per cent. of what the Quartermaster's Department finds to be justly due them—"shall be accepted as in full of all demands for said services." I do not under-

Mr. ALLISON. The language employed there, "justly due," does seem a little incongruous. I suggest to the Senator from Virginia that instead of using the words "justly due" he use this language, "50 per cent. of the amount earned."

Mr. WITHERS. The amendment which has just been adopted, I think, will meet the views of gentlemen. I would ask that the Secretary report the amendment which has been adopted.

The PRESIDING OFFICER. The Secretary will report the sec-

The PRESIDING OFFICER. The Secretary will report the section as amended.

Mr. BLAIR. I wish, in reference to the suggestion of the Senator from Iowa, to ask him what distinction there can be between "the amount justly due" and "the amount earned?" Why not substitute for the phrase "justly due" the "amount claimed by them?" Is not that precisely what is in controversy?

Mr. ALLISON. That will not do for the reason that that is not what is in controversy. These land-grant railroads agree that in view of their land grants the Government is entitled to a different rate of transportation because of its right to their road-bed; but they claim that they are not bound, under the language of the statutes making the grants, to furnish rolling-stock and locomotives, &c., and men to conduct this transportation. They say, therefore, that a reasonable sum should be allowed for the use of this rolling-stock and for the expenses of transportation, but—

Mr. BLAIR. And that constitutes the controversy.

Mr. ALLISON. Allow me to complete my sentence. But they are willing that a deduction should be made for the road-bed. The Secretary of War many years ago fixed 66% per cent. as the proper proportion that should be paid to these railroads, allowing 33% per cent. for the road-bed. The railroads thought that was a just solution of the question, but the Court of Claims have decided that 50 per cent. instead of 66% was the proper proportion, and therefore the railroads are practically claiming 66% per cent., and the Government is proposing to pay them 50 per cent.

Mr. HOAR. The Senator from Iowa—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. ALLISON. Certainly.

Mr. HOAR. If the Senator will pardon me, I call his attention to

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. ALLISON. Certainly.

Mr. HOAR. If the Senator will pardon me, I call his attention to the fact that he is not answering the point; that he is stating why one side or the other may properly claim or both sides may agree that less than the ordinary cost of transportation to other customers shall be charged the Government. Whether the sum which is justly due these railroads be 50 per cent. of the ordinary price or 66 per cent. or 30 per cent., it is a sum justly due them. That is what is due the roads. The bill uses the phraseology that the Quartermaster's Department having ascertained what is justly due the roads, which is 66 per cent. or 50 per cent. of an ordinary price, they shall take 50 per cent. of that. It is not 50 per cent. of an ordinary compensation; it is 50 per cent. of this claim of the United States that they are to take; so that if the Court of Claims and the Quartermaster's Department should say they are entitled, by reason of the Government right to the use of the road-bed graded, to only 50 per cent. of what would otherwise be charged the Government, then, under the bill, they have got to take 25 per cent. of that. That is the difficulty.

Mr. ALLISON. I quite agree with the Senator, that the proper phraseology has not been used in the bill; but I was endeavoring when interrupted to criticise the suggested phraseology of the Senator from New Hampshire, which is 50 per cent.

Mr. BLAIR. I suggested nophraseology. I suggested somewhat in criticism of the Senator's that he substitute for the word "earned" the words "the amount claimed."

Mr. ALLISON. So I understood the Senator, but I understood him also to say the allowance should be 50 per cent. of the amount claimed. That will not do, because the railways only claim 66§ per cent. of the whole compensation, and the object of the bill really is to give them 50 per cent. of the Senator from Iowa and the Senator

Mr. DAWES. I suggest to the Senator from Iowa and the Senator from Virginia, as a change of phraseolgy to meet what everybody agrees ought to be, to strike out "justly due them" and insert "to be a just compensation." Then it would read:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds to be a just compensation for transportation.

Mr. BURNSIDE. I suggest to the Senator from Massachusetts that he add "under their regular tariff."

Mr. DAWES. I do not know whether it is the regular tariff or whether they have a special tariff for Government freight. I propose that whatever the Quartermaster's Department finds to be a just compensation for this service, the Government shall withhold 50 per cent. of it and pay over 50 per cent. to the other party. The Quartermaster's Department will be governed by that, of course, if that

is the rule. Does the Senator from Virginia get the idea of this amendment?

amendment?

Mr. WITHERS. I will state, in this connection, that a portion of the phraseology now employed was furnished to the sub-committee by the Department of Justice, because we desired to meet the points which are provided for, in our judgment, by the bill. As the phraseology was a matter of great importance, we requested that the Department of Justice should furnish us the language which would accomplish the purposes desired to be attained, and that was furnished. nished.

The Quartermaster-General was before us.

Mr. EATON. The Quartermaster-General was before us.
Mr. WITHERS. The Quartermaster-General was before us, as was also the representative of the Department of Justice.
Mr. DAWES. I think the Senator is much more critical and accurate in the use of language than that is, and he will see at once that that phraseology is open to question.
Mr. WITHERS. It is not to my mind; no doubt it is my fault; but not being a lawyer I was unwilling to trust myself in framing the legislation which would attain the object sought to be secured, and applied to what I believed to be the best authorities on the subject. That part of the bill was submitted to them. There were one or two verbal changes made at the suggestion of a Senator in whose judicial and legal attainments I have the utmost confidence. Therefore I am unwilling, unless very good cause can be shown, to depart from it.

from it.

Mr. BURNSIDE. I move to strike out the word "justly" before "due," and to insert after the word "transportation" the words "under their regular tariff."

The PRESIDING OFFICER. The Chair will state to the Senator from Rhode Island that sundry amendments to this clause have been agreed to, and unless a motion is made to reconsider those votes the agreed to, are always will not be in order at this time.

agreed to, and unless a motion is made to reconsider those votes the amendment, of course, will not be in order at this time.

Mr. DAWES. This is not an amendment to an amendment; it is an amendment to the text.

The PRESIDING OFFICER. The Chair understands that perfectly, but the amendments to the clause have been agreed to and it has been passed over. If there is a motion made to reconsider the vote by which the amendments were agreed to, the amendment of the Senator from Rhode Island will be in order.

Mr. DAWES. Does the Chair rule that no part of this text can be

Mr. DAWES. Does the Chair rule that no part of this text can be amended in the Committee of the Whole except it be amended while the Senate is considering the Appropriations Committee's amend-

ments?

The PRESIDING OFFICER. The Chair stated the rule of pro-The Senate is considering the amendments offered by the committee, and when they are through with any other amendments that may be proposed can be considered. This course is pursued as a mere matter of convenience.

Mr. DAWES. Does that apply to amendments in Committee of the Whole as well as in the Senate?

The PRESIDING OFFICER. Certainly.
Mr. HOAR. I rise to a question of order.
The PRESIDING OFFICER. The Senator from Massachusetts will

the PRESIDING OFFICER. The Senator from Massachusetts wind state his point of order.

Mr. HOAR. My point of order is that when the Senator from New Hampshire [Mr. Blair] addressed the Chair, the Chair informed him that he could only proceed upon a motion to reconsider, and thereupon stated from the Chair that a motion to reconsider was pending.

The PRESIDING OFFICER. The Chair did not state that a motion to reconsider was pending before the Senator.

The PRESIDING OFFICER. The Chair did not state that a motion to reconsider was pending before the Senate.

Mr. HOAR. I so understood the Chair. I make the motion to reconsider now, with the leave of the Senator from Rhode Island.

Mr. DAWES. If the Senator from Rhode Island will permit me—
The PRESIDING OFFICER. The junior Senator from Massachusetts [Mr. HOAR] has moved to reconsider the amendments adopted to this clause from line 200 to line 205. That motion is now pending, and the Senator from Rhode Island has the floor. Does he yield to the Senator from Massachusetts [Mr. DAWES.]

Mr. BURNSIDE. I yield to the Senator from Massachusetts, [Mr. DAWES.]

Mr. BURNSIDE. I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The question now is, Will the Senate, as in Committee of the Whole, reconsider its action in adopting the

as in Committee of the whole, reconsider its action in adopting the amendments reported by the committee?

Mr. ALLISON. It is not necessary to reconsider. The amendment suggested is an amendment to the text; it was not considered by the committee. This paragraph is amendable after the committee's amendments are considered.

Mr. WITHERS. After we get through with the committee's amend-

ments.

Mr. HOAR. It is only a matter of form. The Senate has got the whole thing before it, and has heard it probably quite as much as any Senator desires, and can deal with it now. If we reconsider, my colleague's amendment or that of the Senator from Rhode Island can be added to the amendment proposed by the committee and the whole matter disposed of. Otherwise we have got to depart from this subject, go to the end of the bill, and then come back and have the whole matter discussed over again. It is a mere question of convenience,

The PRESIDING OFFICER. If there be no objection the amendments to this clause will be regarded as reconsidered. The Senator from Rhode Island now proposes an amendment.

Mr. BURNSIDE. In line 201 I move to strike out the word "justly" before "due," and after the word "transportation," in line 202, to insert "under their regular tariff."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island, [Mr. BURNSIDE.]

Mr. BLAIR. If I understand this at all, it is a very simple matter. Really it is only a question whether we choose to enact into law

a requirement that a man shall accept 50 per cent. of what we admit to be due him in full discharge of the whole. That is all the question that is involved; and if that is a correct statement of it, the trouble will all be remedied by simply striking out the words "50 per cent. of," leaving the rest of the clause as it now stands:

To pay land-grant railroads what the Quartermaster's Department finds justly due them for transportation, \$125,000.

Then the provision can follow with reference to its being accepted in full of all demands for services. I suggest to the Senator from Rhode Island that instead of the amendment which he has moved he agree simply to strike out the words "50 per cent. of" in the first line

agree simply to strike out the words "50 per cent. of" in the first line of the paragraph.

Mr. BURNSIDE. I beg to say that that would place the whole thing in the hands of the Quartermaster's Department as to percentage. The matter of percentage has been decided by the Court of Claims. They have decided that 50 per cent. is the amount that should be allowed to the railroads for transportation.

Mr. McMILLAN. Fifty per cent. of what?

Mr. BURNSIDE. Fifty per cent. of the amount that would be due them under their regular tariff for transportation. In the consideration of this question before the Military Committee we always regarded that as the proper percentage of the regular tariff of the roads. For

of this question before the Military Committee we always regarded that as the proper percentage of the regular tariff of the roads. For instance, if they would charge \$15 for transporting a soldier or any other person a certain distance, they are to be allowed \$7.50 for the transportation of the soldier; that is, if the regular rate would call for a payment of \$15 in the transportation of that soldier or of anybody else, then they are to be allowed \$7.50 under the decision of the Court of Claims.

Mr. BLAIR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Rhode Island vield \$7.50.

yield?

Mr. BURNSIDE. Yes, sir. Mr. BLAIR. I do not wish to take the floor from the Senator, but I wish to suggest that the whole matter seems to be strangely confused with what is being done in the Court of Claims in regard to a controversy between certain railroads and the Government. It seems controversy between certain railroads and the Government. It seems to me that there is no occasion for taking into consideration anything but the language here employed. Whatever is in controversy between the Government and these railroads is not likely to be found by the Quartermaster's Department to be actually due to the railroads. They are not to pass upon the question where there is any matter involved in controversy, or if they do their finding would be likely to conclude the Government. At all events it would conclude the Government in connection with the phraseology of the bill here. The real design, I suppose, is that the Government may adjust with the railroads and pay them in full whatever is really due to them, whatever they mutually agree to be due, without reference to a controversy in the Court of Claims at all.

Mr. BURNSIDE. Will the Senator from New Hampshire allow me to state—

Mr. BLAIR. In a moment.
Mr. BURNSIDE. Just at this point.
Mr. BLAIR. Just at this very point one word more.
The PRESIDING OFFICER. The Senator from New Hampshire

Mr. BLAIR. The Senator speaks of what is due under the ordinary tariff for conveying a passenger. That is not what is due from the Government for the conveyance of a soldier, because there is a special agreement with reference to the conveyance of the soldier; and the Quartermaster's Department will undoubtedly find to be justly due for the conveyance of the soldier or for governmental transportation whatever that tariff dictates, whatever is due by the terms of the whatever that tariff dictates, whatever is due by the terms of the tariff. This evidently concedes a claim on the part of the railroad companies that a sum is due to them by the Quartermaster's Department. That being so, I see no reason why that account should be receipted for in full upon the payment of one-half of it. It seems to me that the matter is very clear, and that it is designed to have reference to nothing whatever but accounts which are not in controversy between the Department and the railroad companies. If we strike out the words "50 per cent. of" and drop the amendment in toto, the whole will be explicit and there will be up room for any sort of conwhole will be explicit and there will be no room for any sort of con-

troversy whatever.

Mr. BURNSIDE. The Senator from New Hampshire seems to lose sight of the fact that there has been a controversy between the War Department and the railroad companies for six or eight years, and they have been bickering with each other in trying to arrive at some

onclusion.

Mr. BLAIR. Has the Department found any sum justly due? I should like to ask the question if the Quartermaster's Department finds any sum to be justly due?

Mr. BURNSIDE. The Quartermaster's Department had no right to find any other sum than what would be due to the companies under their results of the companies under their results of the companies under their regular tariff.

Mr. BLAIR. Do they admit that to be justly due?
Mr. BURNSIDE. They say distinctly that a distinct sum is due to

the railroad companies.

Mr. BLAIR. Then the bill as amended provides that one-half of the amount which the Quartermaster's Department finds to be justly due being paid, the railroad companies shall receipt for the whole. Why not provide that upon the payment of the whole amount which the

Quartermaster's Department finds to be justly due they shall give their receipt for it and receive that amount?

Mr. BURNSIDE. They need not take the 50 per cent. unless they want to do so; they are not compelled to take it. The Court of Claims has decided that the Secretary of War shall open an account, which I think was fixed at 66 per cent., or 60 per cent. at one time.

Mr. BLAIR. It will not be any use for me to endeavor to make

Mr. BLAIR. It will not be any use for me to endeavor to make myself understood, and I shall not make any further effort.

Mr. BURNSIDE. I can understand the Senator from New Hampshire perfectly. I am willing to say that the railroad companies can take this 50 per cent. in full if they desire, and if they do not wish to do so they need not take it. I hold that 50 per cent. of the regular tariff is a just and fair sum to which they are entitled.

Mr. BLAIR. Does the Senator mean to say that he understands that 50 per cent. of the amount justly due is all that is justly due?

Mr. BURNSIDE. Yes, I do.

Mr. BURNSIDE. No; I have moved to strike out the word "justly" so as to provide that they shall be paid one-half of what is due them under regular transportation rates. Under the law these roads have to transport troops free of charge. The Senator from New Hampshire understands, I take it, what is meant. It is that the Government of the United States can have the use of the railroad track to transport its troops, but in transporting its troops it must furnish its moport its troops, but in transporting its troops it must furnish its motive power. The question presented is simply a decision as to how much the use of their cars and their motive power is worth. As the court seems to have settled upon 50 per cent, as the proper amount due to the railroad companies for the use of their cars and their motive power is worth. due to the railroad companies for the use of their cars and their motive power, it is simply a construction of law, and the Quartermaster's Department have nothing to do with it. The bill appropriates a certain amount of money for the payment of the claims due to the railroad companies, and says if you will take the 50 per cent. in full you can have it, and if not you cannot have it.

Mr. HOAR. Mr. President—

Mr. HARRIS. I desire to ask the Senator from Rhode Island a

The PRESIDING OFFICER. Will the Senator from Rhode Island

wield to the Senator from Tennessee?

Mr. BURNSIDE. Yes, sir.

Mr. HOAR. I thought I was recognized.

The PRESIDING OFFICER. The Senator from Rhode Island was yielding, and the Chair recognized the Senator from Tennessee to ask

Mr. HARRIS. I simply desire to ask how the Quartermaster-General will ascertain what is justly due a railroad company. The first step the Quartermaster-General must take, as it seems to me, is to ascertain what the contract between the Government and the rail-road company is. If the contract is that the railroad company is to receive 50 per cent. of what is usually charged for transportation, then the Quartermaster-General would determine what 50 per cent. of the the Quartermaster-General would determine what 50 per cent. of the amount of transportation amounted to, and that would be the sum justly due. I think the suggestion of the Senator from New Hampshire is clearly proper and necessary, because the bill, as it now stands, asserts that you shall pay only 50 per cent. of what is found justly due. The Quartermaster-General cannot find a larger amount as due than will be due under the contract between the Government and the railroad company, and if that contract is to receive only a proportion of the ordinary charges the Quartermaster-General would proportion of the ordinary charges the Quartermaster-General would calculate and ascertain the amount by and from that proportion. I think the amendment suggested by the Senator from New Hampshire is absolutely necessary. Otherwise under the bill you can pay but one-half of what is ascertained to be actually due to the parties.

Mr. BURNSIDE. I will state to the Senator from Tennessee that I have moved to amend the bill by striking out the word "justly" before "due." I will state another fact which he seems to have lost in the first and the Senator from New Hampshire has lest sight of the

sight of, and the Senator from New Hampshire has lost sight of the same thing, that the amounts found to be due these companies under their regular tariff are not on record in the Quartermaster's Department. Every time a regiment or brigade of soldiers has been transported, accounts have been rendered, and the Quartermaster's Department has those accounts. He knows distinctly what they are under the regular tariff of the road. Under the law giving grants of land to these railway companies that have to transport transport under the regular tariff of the road. Under the law giving grants of land to these railway companies, they have to transport troops free of charge. It has been decided that that simply means that they shall furnish their road-bed and track, but that they are not bound to use their rolling-stock and motive-power. Therefore an allowance must be made to these companies to pay them for the use of their motive power and general rolling-stock. It has been settled, not finally settled, but it has been generally agreed by the courts and by the committees of Congress, that 50 per cent. is the proper amount. The Appropriations Committee has very properly said that a certain amount of money, so many thousand dollars, is appropriated for the purpose of paying these claims, or rather 50 per cent. of them, which accounts are all in the Quartermaster's Department under charge of the Quartermaster-General himself, in case they accept it in full. In case they do not they need not. I think that statement goes to the

wery bottom of the subject.

Mr. BECK. Mr. President—

Mr. BURNSIDE. Allow me just one moment more. I propose to strike out the word "justly" before "due," and after the word "transportation" to insert "under their regular tariff," so that the clause will read :

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds due them for transportation under their regular tariff, \$125,000.

Then comes the provise that the road accept this payment in full. If they do not accept it in full then their claims will not be paid out

of this appropriation.

Mr. HOAR. Mr. President, we seem—
Mr. WITHERS. Mr. President—
The PRESIDING OFFICER. The Senator from Massachusetts has the floor

Mr. WITHERS. Before the Senator from Massachusetts proceeds

will he allow me—

The PRESIDING OFFICER. Will the Senator from Massachu-

setts yield? Mr. HOAR.

Mr. BECK. Mr. President—
The PRESIDING OFFICER. The Senator from Massachusetts has the floor. Does he yield to the Senator from Kentucky?
Mr. BECK. I desire to suggest to the Senator before he proceeds, that perhaps he would like to have a communication to the Comptroller read, and the reply of the Comptroller, which explains much of what has been spoken of. I do not want to say a word except to selve the Clerk to read these papers.

of what has been spoken of. I do not want to say a word except to ask the Clerk to read these papers.

Mr. HOAR. I will yield to the Senator from Kentucky, and then to my good-natured friend from Virginia.

Mr. WITHERS. The Senator from Kentucky has proposed to do exactly what the Senator from Virginia has been anxious to have done for the last fifteen minutes.

Mr. BECK. Let the Clerk read the communications I send to the desk. They illustrate much of what has been the action of the committee and show why we have noted.

mittee and show why we have acted.

The Secretary read as follows:

To the Comptroller:

The Secretary read as follows:

To the Comptroller:

In the matter of the payment of \$300,000, appropriated by the sundry civil act of March 3, 1879, to certain land-grant railroad companies, referred by the Quartermaster-General, through the Secretary of War, April 12, 1879.

In the year 1850, and at various times since almost down to the present time, the Congress has granted portions of the public lands to certain railroad corporations, and to several of the States for the use of railroad corporations, chartered or to be chartered by said States, to aid in the construction of their roads.

These grants were made on certain conditions as to Government transportation. The conditions vary in some cases, but in the cases of more than forty of said roads they are the same, or nearly so, and are substantially "that said railroad shall be and remain a public highway for the use of the Government of the United States, free from all toll or other charge upon the transportation of any property or troops of the United States."

This condition was held by the legislative and executive departments to require said companies to do the transportation of the Government without charge; and this understanding was concurred in by said railroad companies generally. But some of the companies resisted, and in the cases of the Lake Superior and Mississippi Railroad Company vz. United States, the Supreme Court decided at October term, 376, (93 U. S., 442) that said provision "secured to the Government the free use of the road, but does not ertille the Government to have troops or property transported by the company free of charge for transporting the same;" that the companies are entitled to compensation for all transportation performed, subject to a fair deduction for the use of the road.

Congress has passed three acts prohibiting payment to land-grant railroads, viz. Act of June 16, 1874, (18 States, 74), act of June 22, 1874, (18 States, 3) act of March 3, 1876, (18 States, 40 and 18 property or troops of the United States, or e

upon the same condition as that in the two cases before the Supreme Court, the Congress extended the provision and appropriation so as to embrace all railroad companies that were in the same predicament, or at least in the same category; leaving to the accounting officers to determine to which companies the Supreme Court's decision is applicable. This will clearly appear from the proceedings, especially in the Senate, relating to the provision in question.

On careful examination of the original acts of Congress in the light of the decision of the Supreme Court referred to, I find that the following list embraces all the companies that will be entitled to receive payment out of the appropriation of \$300,000 in the act of March 3, 1879, in case payment has been withheld from them under the three acts referred to therein. This list corresponds with the list furnished by the Quartermaster-General, transmitted to Congress by letter of the Secretary of War, February 24, 1879, namely:

1. Alabama and Chattanooga. (11 Stats., 17)

2. Atchison, Topeka and Santa Fé. (12 Stats., 17)

3. Atlantic, Gulf and West India Transit, (Florida.) (11 Stats., 9.)

5. Chicago, Milwankee and Saint Paul, (Iowa and Minnesota Division.) Milwankee and Saint Paul, (Iowa and Minnesota Division.) (Milwankee and Saint Paul, (Iowa and Madison and Portage Division, (Milwankee and Saint Paul, La Crosse and Madison and Portage Division, (Milwankee and Saint Paul, La Crosse Division.) (11 Stats., 20.)

8. Chicago, Milwankee and Saint Paul, La Crosse and Madison and Portage Division, (Milwankee and Saint Paul, La Crosse Division.) (11 Stats., 20.)

9. Chicago and Northwestern, (Minnesota Division.) (11 Stats., 9.)

10. Chicago and Northwestern, (Winnesota Division.) (11 Stats., 9.)

11. Chicago and Northwestern, (Winnesota Division.) (11 Stats., 9.)

12. Chicago, Rock Island and Pacific. (11 Stats., 9.)

13. Flint and Pere Marquette. (11 Stats., 21.)

14. Grand Rapids and Indiana. (11 Stats., 21.)

15. Hannibal and Saint Joseph. (10 Stats., 8; 12 S

23. Missouri Pacific, (Pacific Railroad of Missouri, Atlantae and Facilic.)
Stats., 2.)
24. Mobile and Girard. (11 Stats., 17.)
25. Mobile and Montgomery. (11 Stats., 15.)
26. Mobile and Ohio. (9 Stats., 446.)
27. Morgan's Louisiana and Texas. (11 Stats., 18.)
28. North Wisconsin.
29. Pensacola, (Alabama and Florida, Pensacola and Louisiana.) (11 Stats., 15.)
30. Selma, Rome and Dalton. (11 Stats., 17.)
31. Saint Louis and San Francisco, (Atlantic and Pacific, Southwest Branch Pacific of Missouri.) (10 Stats., 8.)
32. Saint Paul and Duluth, (Lake Superior and Mississippl.) (13 Stats., 64.)
33. Saint Paul and Pacific (11 Stats., 195; 13 Stats., 526.)
34. Saint Paul and Pacific (Saint Vincent Extension.) (11 Stats., 195; 13 Stats., 526.)

35. Saint Paul and Sioux City and Sioux City and Saint Paul. (11 Stats., 195.) 36. Texas and Pacific (Southern Division) from Shreveport to Texas line. (16

36. Texas and Pacific (Southern Division) from Shreveport to Texas line. (16 Stats., 573.)
37. Vicksburgh and Meridian. (11 Stats., 30.)
38. Vicksburgh, Shreveport and Texas. (11 Stats., 18.)
39. West Wisconsin. (11 Stats., 20.)
40. Western Railroad of Minnesota. (Branch of Saint Paul and Pacific.) (11 Stats., 195.)
41. Wisconsin Central. (13 Stats., 66.)
These, as I understand, are all the companies that can be entitled to the relief afforded by the provisions referred to in the act of March 3, 1879, and of course only such of these as payment has been withheld from under the acts of 1874 and 1875. If any other company shall be found to be entitled it may be added hereafter. The case of the Northern Pacific Railroad Company will be considered separately.
I understand from you that it has been already determined that the sum appropriated is not to be distributed pro rata among the several companies entitled, but that the amount payable is to be paid in full to each company in the order of the filing of the claims. I suppose the filing either with the Quartermaster-General, the Third Auditor, or the Court of Claims should be considered as proper filing under the rule.

the Third Auditor, or the Court of Claims should be considered as proper filing under the rule.

The act provides that the payment shall not exceed 50 per cent. of the full amount allowed by the Quartermaster-General.

As the finding of the Quartermaster-General is always subject to be admitted by the accounting efficers, the payment should be 50 per cent. of the amount allowed by the Quartermaster-General, as admitted by the accounting officers.

The foregoing general statements will perhaps sufficiently answer the inquiries of the Quartermaster-General, but I recommend that the following more distinct answers be made to his several questions, namely:

1. The provision quoted is applicable to all land-grant railroads (not subsidized) having accounts suspended; that is, having compensation withheld under the acts of 1874 and 1875.

of 1874 and 1875.

2. The appropriation is applicable not only to the cases actually decided by the Supreme Court, but to the cases of all roads in the same category; that is, whose charters contain the same condition as to Government transportation, and are therefore embraced in the decision.

3. The provision is applicable, or would be applicable, to claims in which, under the rulings and decisions of the Supreme Court, the Court of Claims has given judgment in favor of the railroad, though I do not know that there is yet such a case.

4. I do not understand that the last clause of the provision is intended to describe the roads or limit the number or character of the roads that are entitled to the relief afforded by the provisions, but merely to prohibit payment to any of said roads of more than 50 per cent. of the amount due until after said roads shall have gone to the Court of Claims and recovered judgment for some amount above the 50 per cent. paid.

A. THOMAS, Chief of Division.

MAY 15, 1879.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE, May 19, 1879.

Respectfully returned to the Secretary of War through the honorable Secretary of the Treasury.

1. I know at present of no sufficient ground for excluding from the operation of the within-recited provision of the act of March 3, 1879, any accounts for military transportation upon which action has been suspended under the acts of June 16 and 22, 1874, and March 3, 1875.

2. I think that payment out of this appropriation is not confined to the particular cases or claims that have been litigated in the Supreme Court.

3. I think this appropriation is applicable to claims in which, under the rulings and decisions of the Supreme Court, the Court of Claims has given judgment in favor of the railroads, subject, however, to a question whether other claimants of this appropriation may not be entitled to insist that such judgments shall be satisfied out of some other appropriation; and as to whether such right exists in favor of other claimants I do not feel at liberty to express an opinion until the respective cases shall come before this office for decision.

4. I think the same question may arise in regard to payment of claims mentioned in the fourth interrogatory, and that unless excluded on that ground the \$300,000 is applicable to their payment.

Attention is invited to the inclosed opinion of Mr. Alfred Thomas, of this office.

Mr. HOAR. Mr. President—

W. W. UPTON, Comptroller.

Mr. HOAR. Mr. President—
Mr. ALLISON. Will the Senator—
Mr. HOAR. I think I shall not yield to anybody else.
Mr. ALLISON. I was about to ask the Senator to yield to me so that I may suggest an amendment.
The PRESIDING OFFICER. The Senator from Massachusetts has

Mr. HOAR. I will take but a moment to point out that this whole Mr. HOAR. I will take but a moment to point out that this whole discussion is a discussion over a phrase to accomplish a result to which every Senator is agreed. It is clear that the phraseology proposed by the committee will not do, because this 50 per cent. once allowed is all that is "justly due." It will not do, therefore, to say that when 50 per cent. of what the Quartermaster's Department allow, to use the phraseology of the original act, is ascertained, they shall still only have 25 per cent. of that, the result of this 50 per cent. Fifty per cent. would be the allowance, and they could only have 50 per cent. of that, the result being that they would get only half of what is justly due and only a quarter of what the Quartermaster's Department finds to be the whole price of transportation. The objection to the amendment of the Senator from Rhode Island

master's Department finds to be the whole price of transportation. The objection to the amendment of the Senator from Rhode Island is that he requires the Quartermaster's Department to take the railroad's regular tariff absolutely and in all cases. In the first place, the railroads may not have a regular tariff which is applicable to soldiers; and, in the next place, if we embody this phraseology in our legislation the railroads may put up their regular tariff 100 per cent.; and if the Quartermaster's Department is bound absolutely by that, they would get the whole price.

they would get the whole price.

I make a suggestion which I think my colleague, who has moved an amendment, will agree to, to substitute the precise language of the original act. I ask the attention of the honorable Senator from Virginia to it. I suggest to insert after the words "Quartermaster's Department" the word "allow;" so that it will read "to pay land-grant railroads 50 per cent. of what the Quartermaster's Department allows for transportation." That is exactly what the original act

Says.

Mr. ALLISON. Will the Senator allow me to make a suggestion

on that very point?

Mr. HOAR. Certainly.

Mr. ALLISON. I propose to insert, if the Senator will just look at the printed bill, so as to make it read "to pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation."

Mr. HOAR. That is a great deal better than mine, and I agree

Mr. WITHERS. Will the Senator allow me to suggest that under that phraseology the roads would not receive anything because of the existence of a law which forbids it until the amount of their claim upon the Government shall have been judicially determined.

claim upon the Government shall have been judicially determined.

It has not been judicially determined.

Mr. HOAR. This would repeal the old law.

Mr. WITHERS. There is now litigation before the Supreme Court.

Mr. HOAR. This pro tanto repeals the other law, and when it goes into effect will take the place, pro tanto, of the other law.

Mr. WITHERS. Would it repeal the other law?

Mr. HOAR. Certainly, to that extent.

Mr. ALLISON. If the Senator from Virginia will pardon me, I will venture to move an amendment, to strike out in line 200 all after.

will venture to move an amendment, to strike out in line 200 all after the word "of" down to and including the word "then," in line 201, and insert in lieu thereof "the account audited and approved by the Quartermaster-General."

Mr. CONKLING. And pay 50 per cent. of that?
Mr. ALLISON. Yes, sir. Then it would read:
To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation, \$125,000: Provided, That such payment &c.

Mr. BURNSIDE. On what basis is the Quartermaster-General to audit the account? He may take it upon himself to say that they shall have only 50 per cent. I think this is a very unjust proposition. Mr. ALLISON. These accounts are all audited in the Quartermas-

Mr. ALLISON. These accounts are all audited in the Quartermaster-General's Office, say for two cents per mile—

Mr. BURNSIDE. I beg pardon, they are not audited in the Quartermaster-General's Office at all; they are arranged by the quartermasters on the lines of transportation. Vouchers are given to the railroad companies for the transportation of troops at given rates, and the figures are sent to the Quartermaster's Department, and the Quartermaster-General has nothing to do with them. There is no basis upon which a court can decide except the regular rates of the railroad. If the court says they shall have 50 per cent., it means 50 per cent. of what? Fifty per cent. of what the Quartermaster-General

eral here in Washington shall say is due them? No; it means 50 per cent. of the regular rates of the company. There is no other basis to go on; and you cannot make any other basis.

Mr. ALLISON. If the Senator from Rhode Island will allow me, I will put against his statement the opinion of the Court of Claims with reference to the method of adjusting these accounts. In suggesting this amendment I must do myself the justice to say that I simply copied the language of the Court of Claims. I took that language of the Court of Claims. simply copied the language of the Court of Claims. I took that language from the decision of the Court of Claims upon this very question. I thought I had it before me, but I have not. I will say to the Senator from Rhode Island that these accounts are regularly audited in the Quartermaster-General's Office and then sent, of course, to the other accounting officers. If troops are transported they are transported according to a regulation of the Quartermaster-General's Office, at, say, two cents per mile. If freights are transported they are transported usually upon special contracts made upon public lettings, there being perhaps three or four or half a dozen of these land-grant roads who can transport this freight. Then these accounts are returned to the Quartermaster-General and he makes up his accounts, crediting these railways as if they were not land-grant roads. My amendment proposes to pay them 50 per cent. of that sum, whatever it is.

Mr. WITHERS. The Senator from Massachusetts has very correctly stated that the whole of this discussion is a matter of criticism of phraseology. We all desire to attain exactly the same end that is, to pay these parties 50 per cent. of what their usual rates of transportation are in consideration of what we have done for them

in the granting of lands.

Mr. BURNSIDE. That is exactly what I say. The Senator from Virginia has taken my position exactly. We want to pay them 50 per cent. of their usual rates. Perhaps that is a better term than

Mr. WITHERS. I wish to call the attention of the Senator from Rhode Island, however, to the fact that under existing law nothing can be paid these roads until their claims against the Government

shall have received judicial determination.

Mr. BURNSIDE. That is true. Therefore I think this matter is not very material, because if a road does not feel itself amply paid under the law it will not accept the sum tendered.

Mr. WITHERS. The whole object of the committee was to liqui-

date claims against the Government for money due the railroads by appropriating an amount each year something like the amount to which the companies are entitled, in order to distribute it and prevent accumulation, and to make that distribution in such a way as to prevent the Government being made liable to an amount greater than 50 per cent., which is the sum ascertained by the Court of Claims to be equitable and right. That was the object of the committee, and every Senator who has spoken on the subject seems to concur in that view. As to the particular phraseology used by the committee, it was in part copied from the existing law on the subject and in part furnished by the Department.

Mr. CONKLING. It seems to be considered the duty of every Senator to make a suggestion about this matter, and I wish to conform to what is evidently the sense of propriety of the Senate. I will make my suggestion by inquiring of the Senator from Virginia whether I am right in understanding the purpose to be to pay to these companies one-half of what they earn for transportation. Is not that it? date claims against the Government for money due the railroads by

not that it?

not that it?

Mr. WITHERS. Yes, sir.

Mr. CONKLING. Is there any other object?

Mr. WITHERS. None, except, if the Senator from New York will permit me, to require that that shall be accepted in full of their claim; not to pay that on account, but as in full for their claim.

Mr. CONKLING. Let me restate it and see if I can embrace that.

The purpose is to pay certain railway companies one-half the amount earned by them for transportation and to pay it in full. Is that it?

Mr. WITHERS. That is it, sir.

Mr. CONKLING. And all this discussion proceeds over the ques-

tion how to attain that object?

Mr. WITHERS. The Senator has correctly stated it, according to

my understanding.

Mr. CONKLING. If I had not heard other Senators so much more earned and lawyers so much more astute differ with each other about this, I should have supposed it was very simple to express that purpose. If the object is to state that you propose to pay to certain companies in full of their demands for transportation one-half the amount of that transportation, I should have supposed that almost any Senator might invent language which would express that idea; but admonished as I am by the diverse beliefs of others I would not be guilty of the temerity of suggesting, except orally, how it could be expressed. I think, however, if the Senator from Virginia with his customary enterprise and alertness will keep on long enough, and if he can enlist the attention and aid of enough other members of the body, eventually he will be able to put into the bill that he proposes to pay these companies in full for their demand one-half of what they

Mr. WITHERS. I was in hopes we should have had a luminous suggestion from the Senator from New York that would accomplish nat purpose without further discussion.

Mr. CONKLING. I have stated two or three times, taking some

pains to repeat it here, not venturing to move an amendment, words which, it would seem to me, with the imperfect knowledge that I have of such things, must express clearly that idea and no other. If I want to pay the Senator from Virginia one-half of a certain account between him and me and to pay it in full for that account, I should suppose if I said so that that would be an expression of that idea.

Mr. EATON. As a member of the committee and as a member of the sub-committee, I desire to say to my friend from New York that it was not the idea of the committee to pay one-half of what was due to these companies. I do not think myself upon examination of this language, and therefore I am criticising my own actions, that it conveys the idea that the clause ought to convey. The idea of the committee, based upon the findings of various courts, is that the Governmittee, based upon the findings of various courts, is that the Government will pay one-half of what would be a proper amount by other patrons of the road, according to an agreement heretofore entered into. The great difficulty about ascertaining that amount is that on into. The great difficulty about ascertaining that amount is that on some of the roads 50 per cent., as we are informed, of what my friend from Rhode Island ealls their regular tariff is ample, it is right and just. On other roads we are informed by the Department that there should be more than 50 per cent. paid. In other words if they charge the Senator from New York and myself one hundred cents for a certain traffic they should charge the Government sixty-six cents instead of fifty cents. Most of these roads have agreed and are anxious to adjust this whole question by the payment of 50 per cent. of what is called a fair price for the amount of service that they perform for other parties. form for other parties

Mr. JONES, of Florida. Will the Senator from Connecticut permit me to ask him a question?

Mr. EATON. Certainly.

Mr. JONES, of Florida. Does this relate to past transactions or to current transactions?

Mr. EATON. It relates to past transactions.
Mr. WITHERS. Altogether.
Mr. EATON. I so understand it.

Mr. EATON. I so understand it.
Mr. JONES, of Florida. If I remember aright this question has
been before the Supreme Court.
Mr. DAVIS, of West Virginia. Now?
Mr. JONES, of Florida. I think they have already decided.
Mr. EATON. It will not be decided in three years.
Mr. JONES, of Florida. The Supreme Court passed on one case,
and has said what proportion of the full rate shall be paid by the
Government to the respective railroad companies who received lands
in aid of the construction of their roads. As I understand it, they
have passed upon that in one case.

in aid of the construction of their roads. As I understand it, they have passed upon that in one case.

Mr. EATON. I was about to observe that one of the great difficulties is to ascertain what the Government ought to pay; in other words, what is in fact 50 per cent. of their fair charge. The railroads have refused to say what their charges were and therefore the necessity, whatever the wording may be, of this language, that if they accept this act it shall be in full payment.

Mr. BLAIR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. EATON. Certainly.

Mr. EATON. Certainly.
Mr. BLAIR. I should like to ask the Senator a question or two. I understand now that the railroad companies claim from the Government the same or substantially the same rates for fare and transportation that they claim from outside parties.

Mr. EATON. No.
Mr. BLAIR. Then what is the claim of the railroad companies against the Government?
Mr. EATON. I will state the claim so as to make it perfectly plain to my friend from New Hampshire. The desire is not to exceed under any circumstances 66 per cent., and from that down to 50 per cent. The legal authority of the United States said that on certain roads

The legal authority of the United States said that on certain roads it should not be over 40 per cent.

Mr. BLAIR. Precisely. Now let me ask this question—
Mr. EATON. Let me finish my answer. They claim one-half.
Mr. BLAIR. Of what?

Mr. EATON. One-half of what their regular rates ought to be; but they will not show the regular rates they charge my friend from New Hampshire over the same route. Therefore the difficulty in the New Hampshire over the same route. Therefore the difficulty in the Quartermaster's Department in arriving at a proper sum, and therefore the necessity of sending this to a court in order to ascertain what 50 per cent. of the 100 per cent. they charge ordinary traffickers is. I think that the amendment which was suggested by the Senator from New Hampshire may cover this whole question—it is not impossible—but I want him to understand, as I do, (I may be wrong, I think not,) that it is 50 per cent. of what might be called a legitimate traffic by other parties over the same line of road.

Mr. BLAIR. But the bill proposes to deal only with the sums found justly due by the Government.

Mr. EATON. I understand that, and therefore I said in the start that as a member of the committee and the sub-committee I had perhaps overlooked what the true meaning of the language of the bill is. I am not satisfied, in other words, with the bill just as it stands now.

Mr. BLAIR. Would striking from the bill the words "50 per cent. of" express the real meaning of the committee?

Mr. EATON. If you go on and add to that what the Quartermas-

ter's Department finds justly due, because we want to pay all that is justly due.

Mr. BLAIR. Please read it with a little closer attention and see if

it would not then express precisely that idea:

To pay land-grant railroads what the Quartermaster's Department finds justly due them for transportation: Provided. That such payment shall be accepted as in full of all demands for said services.

Mr. EATON. I observed that possibly the amendment of the Senator from New Hampshire might cover the ground. I have not ac-

Mr. EATON. I observed that possibly the amendment of the Senator from New Hampshire might cover the ground. I have not accepted it.

Mr. CONKLING. I submit to the Senator from Connecticut—
Mr. WITHERS. Will the Senator yield to me one moment in connection with that point? The difficulty is that the Quartermaster-General might, and I am of opinion would, find that a greater sum was justly due some roads than others.

Mr. BLAIR. That might be. I do not see how that interferes, however, with the suggestion I make. Each road is to be dealt with separately, individually, and I suppose the committee wants to pay to each road the amount which the Quartermaster-General finds due to the road in full and take a receipt accordingly; not to pay 50 per cent. of what the Quartermaster-General finds to be due and insist upon a receipt in full for that.

Mr. CONKLING. Mr. President—
The PRESIDING OFFICER. Before the Senator from New York proceeds he will permit the Chair to state to the Senate the motions that are pending, so that it will understand exactly what is under discussion. In line 200, after the word "railroads," the Committee on Appropriations proposed to insert "on which the United States is entitled to transportation of troops and supplies free from toll or other charge." And then, after the word "finds" to insert "lawfully and;" which would make it read, "lawfully and justly due;" and after the word "due" to insert the words "and payable to;" so that if the amendments of the committee be agreed to the lines would read thus:

The read agent to the lines which the United States is entitled to transport.

To pay land-grant railroads on which the United States is entitled to transportation of troops and supplies free from toll or other charge 50 per cent. of what the Quartermaster's Department finds lawfully and justly due and payable to them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for said services.

The Senator from Rhode Island [Mr. Burnside] has moved, in line 201, to strike out the word "justly" before "due," and after the word "transportation," in line 202, to insert the words "under their regular tariff;" so that if his amendment be agreed to the clause would

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds due them for transportation under their regular tariff.

Mr. EDMUNDS. Is that the pending question?

The PRESIDING OFFICER. The Chair will state what is further pending. The Senator from Iowa [Mr. ALLISON] proposes to strike out all after the word "of," in line 200, down to and including the word "them," in the words "what the Quartermaster's Department finds justly due them" and to insert in lieu thereof "the amount audited and approved by the Quartermaster-General;" so that if his amendment were to prevail the clause would read:

To per land great railreads 50 per cent of the amount audited and approved by

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation.

The Chair is in doubt as to whether the Senator from Iowa has any The Chair is in doubt as to whether the Senator from Iowa has any right to propose an amendment to an amendment, as his amendment includes the portion proposed to be amended by the Senator from Rhode Island. If there is no point of order raised, the Chair will state that the amendment of the Senator from Iowa is the pending question before the Senate, which is to strike out the words "what the Quartermaster's Department finds justly due them" and to insert in lieu thereof "the amount audited and approved by the Quartermaster-General." On this question the Senator from New York [Mr. CONKUNG] is entitled to the floor. CONKLING] is entitled to the floor.

Mr. EATON. If my friend from New York will permit me, I want to make a suggestion and see if it will not cover the entire ground. I suggest that the clause be made to read:

To pay land-grant railroads whatever sum the Quartermaster's Department finds justly due them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for such services.

Mr. BLAIR. Mr. President, I wish to ask the Senator from Connecticut

The PRESIDING OFFICER. Does the Senator from Connecticut hold the floor by permission of the Senator from New York?

Mr. EATON. I do.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire to ask him a question?

Mr. EATON. I do.
Mr. BLAIR. I should like to ask the Senator from Connecticut to state to the Senate wherein his suggested modification differs from mine? I suggested striking out the words "50 per cent." He proposes to add to the word "what" the word "ever," making the compound word "whatever," and then the phraseology is precisely the same as I suggested.

Mr. EATON. I stand on the compound word.

Mr. BLAIR. I will agree to the compound word.

Mr. BURNSIDE. Will the Senator from New York allow me just

The PRESIDING OFFICER. Will the Senator from New York yield to the Senator from Rhode Island?

Mr. CONKLING. Certainly.
Mr. BURNSIDE. I think the amendment of the Senator from lowa covers the point as fully as it very well can be covered, because these roads will not accept this money unless they are satisfied with the provision; and I withdraw my amendment.

Mr. EDMUNDS. Will the Senator from New York allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from New York

what he thinks about this affair.

The PRESIDING OFFICER. Does the Senator from New York who has the floor be allowed to occupy it and state to us what he thinks about this affair.

The PRESIDING OFFICER. Does the Chair understand the Senator from Rhode Island to withdraw his amendment?

Mr. BIDNSIDE I withdraw it

Mr. BURNSIDE. I withdraw it.

The PRESIDING OFFICER. If there is no objection the amendment of the Senator from Rhode Island is withdrawn. The pending question is on the amendment of the Senator from Iowa, [Mr. Alli-

Mr. CONKLING. I beg the Chair to forbear a moment, because if anything else is withdrawn I shall withdraw myself.

I wanted to say to the Senator from Connecticut, but it was so long ago that the motive for doing it is rather faded, that I think long ago that the motive for doing it is rather faded, that I think he falls into an error in his mode of treating this point. He mixes together, as I understand him, two things which it seems to me are plainly separate. As the Senator from Virginia approved my saying some time ago, the purpose of the committee is to allow to these persons one-half their earnings. The Senator from Connecticut says no, because he puts into the statement another thing which I think I can convince him, if he will hear me, has nothing to do with this proposition at all. The first object is to allow and pay to these parties one, half that sum which would be paid them but for their special proposition at all. The first object is to allow and pay to these parties one-half that sum which would be paid them but for their special relations to the Government. Is not that it?

Mr. EATON. Yes. Mr. CONKLING. Mr. EATON. Yes.
Mr. CONKLING. The Senator from Connecticut says "yes."
Plainly this is the proposition. If it were not the Government, if it
were somebody else, if there were no special and exceptional relations, the whole amount, whatever it might be, of those earnings of
course must be paid. Owing to peculiar relations between the Government and these parties, only half of that whole is to be paid.

That is the position is it not?

ernment and these parties, only half of that whole is to be paid. That is the position, is it not?

That is the position, is it not?

That would be very easy of execution and easy of settlement but for another thing which has nothing to do with the proposition itself except that it relates to the mode of ascertaining that total, and therefore that one-half of the total. If you can ascertain what the 50 per cent. is there is no difficulty about it. That is what you want to reach. The difficulty is in reaching it.

The Senator from Connecticut says that the freight tariff, the toll-sheet of one railroad may be extravagant; that of another railroad may be very economical and fair affording only a very small profit.

sheet of one railroad may be extravagant; that of another railroad may be very economical and fair, affording only a very small profit, moving freight per mile per ton at the minimum of cost which will yield profit. He said, or rather he implied, that in such a case as that he would accept it and pay 50 per cent. of that, but when he comes to a railroad that has its freight-sheet so graduated that it makes a large profit above the cost he would not pay on half of that. All that the Senator says in that regard relates to the method of ascertaining this 50 per cent., and does not touch at all the other proposition, namely, to pay 50 per cent. of the value or the earnings, whatever they are. ings, whatever they are.

One would suppose that naturally the way would be to allow the 50 per cent., whatever it might come to, and then in the same section 50 per cent., whatever it might come to, and then in the same section or in another specify the mode in which this value shall be ascertained. If you cannot trust the Quartermaster-General to do it, if you want a court to do it, if you want some other referee, or umpire, or arbitrator, or expert, or process to ascertain, so be it; but all the time what you propose to do is to say although everybody else will have to pay the full price, whatever it is, the actual value, owing to the special relations of the Government the Government pays only half price. That is all there is of it. You propose to pay half price.

Now the Senator asks, how shall we ascertain half price? In other words, how shall we ascertain what would be the fair whole. The point is that you propose to pay 50 per cent. of the actual thing if you can find out what it is. We are all agreed upon that, are we not? The Senator from Connecticut does not respond and very likely I am now misstating his position again, although I understood him once or twice to assent to it.

once or twice to assent to it.

I suggest that having fixed, as the Senator from Iowa proposes to fix, and every Senator who has made a suggestion, as I understand it, proposes to fix, the fact that 50 per cent. of the freight earned is it, proposes to inx, the fact that 50 per cent. of the freight earned is to be offered to these companies,—whether they are to accept it or not I do not know, nor does it concern this matter—having done that the Senate should address itself to the mode of ascertaining that 50 per cent. For one I should be inclined to suppose that if a railroad under the acts of Congress, under its charter, under such competition as takes place under the jurisdiction of the Legislature of the State through which it runs, fixes a certain freight tariff and other people

pay according to that tariff, first it might be very fair for the Government to assume that tariff, more especially as there would be a pretty strong presumption that it was a fair basis on which to settle. Again, if an exceptional case should arise where the tariff is thought to be extravagant, one would suppose that the Quartermaster-General, the official of the Government whose business it is to manage transportation, who is presumed to have more knowledge of its value transportation, who is presumed to have more knowledge of its value than any other officer of the Government, and who is the Government's and not the railroad's agent, in the interest of the Government, acting on behalf of the Government, might be trusted to say whether the current rate was a fair one and 50 per cent. of that was to be allowed, or whether it was suspicious and there ought to be particular investigation of that case to see whether they were charging too much per linear foot of space, if the contract calls for that,

ing too much per linear foot of space, if the contract calls for that, or per ton per mile moved, if the contract calls for that.

Therefore, in short, I do not see why the Senator from Iowa is not right in substance in saying that if you pay 50 per cent. of that total amount, one-half of that price which the Quartermaster-General ascertains, audits, and certifies, you have the thing about as near safe on the part of the Government as you can well get it. That is the idea of the Senator from Iowa and I do not see why his idea is not correct. The Senator from New Hampshire proposes to get at the same thing in a different way. I am not sure that he does not get at it.

Mr. BLAIR. I do not get at that idea at all, because the committee annex to the language the Senator from New York proposes to use a proviso that the party receiving one-half of what is found by the Quartermaster's Department to be justly due shall give a receipt in discharge of the whole. Now strike out that language and it is

all right.

Mr. CONKLING. My honorable friend will observe that I have not said one word about that. It has no connection whatever with that to which I have spoken; it is a separate and independent proviso at the end of this section, which has nothing at all to do with that part of the section to which I have been speaking. My remarks have been addressed merely to showing what the committee sought to accomplish and how it could be accomplished in measuring the amount to be offered to these companies. This separate and independent provise, which requires of the companies an accord and satpendent proviso, which requires of the companies an accord and satpendent proviso, which requires of the companies an accord and satisfaction, which requires every company that accepts this 50 per cent. to take it as an extinguishment and satisfaction of its demand, is a thing entirely separate from the one in reference to which we have been discussing. How the right or wrong of that may be I do not know, for I have not turned my attention to it. The Senator from Rhode Island answered that suggestion in the remark he made. He said that if the companies thought they ought not to take this, they would not, and I agree with him about that, and, for one, although they may be land-grant railroads and although I know how fashionable and, presumably, how profitable it is to orate and harangue about land-grant railroads, I hope they will have the pluck themselves, or find somebody to advise them who has both the courage and integrity to induce them to resist and rsfuse to take this 50 per cent. if, in rity to induce them to resist and refuse to take this 50 per cent. if, in rity to induce them to resist and refuse to take this 50 per cent. if, in fact and in law, they ought to refuse it. If in honesty they have a larger demand, I have no hesitation for one in saying that I hope they will not be bullied into accepting anything which is not just and fair, although they have not a party but a sovereign to agree with and to deal with, although they have on the other side a government, which may do as it pleases, instead of an honest party amenable to law. I believe myself that one of the crying evils of these times is a tendency which comes to be, that the Government of the United States, because it can, because it is strong in a tyrannous freedom, marches rough-shod over contracts and obligations, over those things which plain folks call good faith. And I want the Senator from Massachusetts to understand that I am neither arguing in favor of nor sympathizing with the idea that the Rob Roy doctrine favor of nor sympathizing with the idea that the Rob Roy doctrine

favor of nor sympathizing with the idea that the Rob Roy doctrine is to be applied by the Government to a railroad or to anybody else, that because the Government has the power to snatch and the power to keep, it is therefore decent not to yield to individuals and citizens, corporations or whoever they may be, whatever justly belongs to them according to the principle on which honest debts are paid and just obligations are performed. But I have said nothing about that; I was dealing merely with the other part of the section.

Mr. EDMUNDS. Mr. President, I do not think there is any good ground to suppose that the United States has any power under existing laws to do an injustice to a corporation any more than to a private individual in respect of contracts, for the law authorizes everybody who has a contract claim against the United States to sue it if he cannot settle his claim upon terms that are satisfactory to him. That was exactly the case with the railroad companies that are referred to in this bill. Some of them did sue the United States to get what they claimed was contract compensation for United States to get what they claimed was contract compensation for United States transportation. The defense of the United States was that by the acts which granted them lands in aid of building their roads, it was provided that the transportation of the United States over those provided that the transportation of the United States over those roads should go free of toll. The Supreme Court in the two cases that came up decided upon the language of those two grants—and of course upon no others, because no others were before them—that the railway company was right and the United States authorities were wrong in claiming that they were entitled to compel the company to furnish cars and locomotives and service for this transportation free

of charge under the language of the grants. They held that the meaning of those two grants which were then under consideration was that the companies were bound to furnish the United States the free right to carry over a track provided by the company the property of the United States of the description named and, therefore, that if the company furnished not only the track, but the cars and locomotives and service, it was entitled to whatever the proportion was between the whole expense of the enterprise referable to cars, to locomotives, and to service, as compared with the road itself. That was the substance of the decision. Therefore it is decided, right or wrong, and it is of no consequence now which view was right; it is settled and we are bound to follow the decision, as I agree, for the time being at any rate. Hence these companies are all lawfully entime being at any rate. Hence these companies are all lawfully entitled to a certain amount of pay for this species of transportation, and according to the principle of the decision, they are entitled to exactly the proportion that the service bears to the cost of the road

Mr. JONES, of Florida. Will the Senator from Vermont permit me to ask him a question?
Mr. EDMUNDS. With pleasure.
Mr. JONES, of Florida. May I ask if the condition of which the Senator speaks was incorporated into all the land grants that were made to the several railroad companies?

made to the several railroad companies?

Mr. EDMUNDS. Perhaps not in every one of them. That was the matter I was about to speak of next. In this great number of grants the phraseology of the statutes varies. Sometimes one phrase is used; sometimes another. In a great many of them I believe the phrase is identical, and all the cases in which the phrase is in substance or literally identical with the two cases decided, of course, you have a rule for; as to the others you have not a rule. So it appears to me, with great deference to the opinions of other Senators, that the simple thing that the Senate needs to do is to provide a sufficient sum of money to discharge whatever lawful obligation the United sum of money to discharge whatever lawful obligation the United States are under to these companies and leave to the administrative authorities to apply this money to each road according to what its rights under this decison are.

Mr. CONKLING. Without saying how that shall be ascertained in

the bill?

Mr. EDMUNDS. Without saying in the bill how it shall be ascer-

Mr. HOAR. I desire to ask the Senator from Vermont whether these railroads have not an ample, so far as it is ample, remedy in the Court of Claims? I understand that this provision of the bill is one which comes here at the desire of the railroads themselves. The which comes here at the desire of the railroads themselves. The question at issue between them and the Government is a question applicable to each road, what proportion of the cost of carrying troops and supplies for the Government should be allowed, and what the Government should get free in consequence of its right to have the road-bed used for that purpose gratis. Most of the roads say "we will agree to take 50 per cent. and settle the controversy in that way." Any road that refuses has its remedy in the Court of Claims, or may settle with the Government in any other way.

Mr. EDMUNDS. I do not know whether any cases are now pending or not. Certainly they may if there is ground of dissatisfaction, seek a remedy by action in the Court of Claims. I think every Senator will see on reflection that if 50 per cent. is the just sum to one road, it does not necessarily follow that it is the just sum to another, even under the very same language in the grant, because then the

road, it does not necessarily follow that it is the just sum to another, even under the very same language in the grant, because then the question of the cost of the road, the cost of the rolling-stock and the service are immediately brought into comparison, and in respect of one road the proportion might be altogether different from what it would be in another case. It might happen that 50 per cent. would be too much in one case, it would be too little in another, and we have not the means of determining whether it is right or wrong in any case; but we do know from this decision that in respect of certain of these railroads they have been decided by the last tribunal in this country. but we do know from this decision that in respect of certain of these railroads, they have been decided by the last tribunal in this country for settling private rights to be entitled to a compensation for this service that bears a just proportion, (without its being fixed, except fixed at that particular moment,) to the expense of keeping up the road-bed and the track, and so on. Very well; now in such a case what better can we do than to provide the necessary money and leave it to the administrative authorities to adjust with each company upon the principles laid down by the Supreme Court and the analogies that can be drawn from that decision what each company is entitled to have. That is what it seems to me is the true thing.

Mr. ALLISON. May I interrupt the Senator to make a suggestion?

Mr. EDMUNDS. Certainly.

Mr. ALLISON. The difficulty in the way of the suggestion of the Senator from Vermont on this bill is that there is a statute standing in the way of these officers which prohibits them from paying anything to any of these land-grant roads until a decision of the courts shall have been had. We did not feel that we could repeal that statute; in fact, we did not know whether it ought to be repealed or not, because there may be still other questions that ought to be adjudicated in the Court of Claims. A mere appropriation will not do, because under an appropriation, with this statute staring these officers in the face, they cannot pay anything, because the statute says they shall not.

in the face, they cannot pay anything, because the statute says they shall not

Mr. EDMUNDS. I am not able to agree with my distinguished friend from Iowa on that proposition. The existing statute declares

that the officers of the Government shall not pay anything to these land-grant railroads. Here comes a later statute which authorizes the administrative Department of this Government to pay to the

the administrative Department of this Government to pay to the extent of the money that we appropriate to these very same railroads. Mr. ALLISON. Which would operate as a repeal of the other? Mr. EDMUNDS. It-operates, so far as this money goes, as a protanto repeal beyond all question, just like the former act we passed which said that while they are prohibited from paying these companies in general out of the current revenues of the Government appropriated for the Army we will set aside a special sum which the administration of the Government may pay to the railroad companies that are lawfully entitled to payment. Our prohibition against payment is not a decision that they are not lawfully entitled to it. We merely stop the supplies; that is all. Now to the extent of this \$125,000 we open the supplies, and just so far the administrative authorities are entitled to pay out the money, in my judgment, beyond thorities are entitled to pay out the money, in my judgment, beyond all question.

Mr. ALLISON. I agree with the Senator about that; but the \$125,000 does not settle up these claims.

Mr. EDMUNDS. Certainly not.
Mr. ALLISON. And therefore this provision was inserted so as to cover a certain class who are willing to take 50 per cent. A certain other class of these railways are not willing to take 50 per cent. Therefore we did not want to bind them to take that. They can go

Therefore we did not want to bind them to take that. They can go into the courts.

Mr. EDMUNDS. I do not wish to bind any of these companies to take 50 per cent. as full satisfaction, because they have the right to fight it out and means are provided of fighting it out, and each case is left on its own merits. If you leave out the proviso entirely and simply appropriate the money to this extent, it leaves it then to be adjusted on business principles under the law between the Government and the company who is willing to take what the Executive Department is willing to give as applied to that particular road to this extent. I do not see any difficulty about it.

But now there is another difficulty that I think ought to be corrected, and that I believe to be of considerable importance in principle. As this bill reads, it is to pay "land-grant railroads," without any limitation. The Union Pacific Railroad is a land-grant railroad, and so are all those that had subsidies in bonds. I think I do not know one that had subsidies in bonds which did not also have a subsidy in lands. I do not wish to break in upon the system that has been adopted about the money-subsidized roads by providing any new means of payment of their funds than such as we have already carefully provided for. Consequently it appears to me there ought to be an amendment of this description such as I think the committee propose to offer.

Mr. MULTHERS. There is an amendment to the printed bill.

pose to offer.

Mr. WITHERS. There is an amendment not in the printed bill.

Mr. EDMUNDS. I thought I had seen it in the hands of the Sena-

tor in charge of the bill.

Mr. WITHERS. My amendment was adopted by the Senate this morning, but it is not in the bill as printed.

Mr. EDMUNDS. I was told it had been reconsidered; but no matter. That provision ought to be made so as to limit the application of this clause to those companies that have land grants and not

money grants.

Mr. WITHERS. It was designed to limit and specify the roads.

Mr. BURNSIDE. I should like to ask the Senator from Vermont

Mr. BURNSIDE. I should like to ask the Senator from Vermont if he would not give the Quartermaster-General, under his suggestion, the judicial power to decide?

Mr. EDMUNDS. By no means. I give him the ordinary business administrative power that private persons dealing with the same companies would have, that is, to say, "Now I think the settlement in respect of your road under the provision in the grant entitles you to 60 per cent.," and my friend from Rhode Island, being president of the company says, "I think it is entitled to 60 per cent." The Quartermaster-General says "I am not able to agree with you." "Very well," the president of the road says; "pay me something on account; let us be paid as far as the Quartermaster-General is willing to pay; and let the court decide on a trial whether the 60 per cent. or 50 per cent. in that given case is the true proportion as between the to pay; and let the court decide on a trial whether the 60 per cent. or 80 per cent. in that given case is the true proportion as between the car-service and the track." It does not give him any judicial power at all. It only gives him the power in a business way to deal with the party with whom he is doing business, and if they finally differ they must then resort to the courts.

Mr. BURNSIDE. That is what they have been doing now for a great purpose of years.

great number of years.

Mr. EDMUNDS. The supposed hardship to the railroads was in the fact that Congress prohibited the expenditure of any money for

this purpose.

Mr. BURNSIDE. And the original hardship was that the Government failed to pay them anything; in other words, that there was a difference between the railroads and the authorities.

Mr. EDMUNDS. That is true enough, but the Quartermaster-General, in my judgment, was quite right, because there was strong ground to maintain that where an act of Congress had said that there should be free transportation without toll or charge, it was intended fairly to include the actual carriage by cars and locomotives and mediated. It was a fair point for the Quartermaster-General to make. He did make it. The courts in the particular case referred to decided that he was mistaken. Then the question is settled; there is no further

ground of difference so far. If there are other grants in different language that points still more clearly to the idea that the benefits obtained by the grant are to be compensated for by an actual carriage of troops and supplies free of cost, let the question of the meaning of such grants be judicially determined. I am exactly in favor of the justice the Senator from New York speaks of.

Mr. BURNSIDE. Then I understand the Senator from Vermont to mean that the Quartermaster-General ought to exercise this authority, having the decision of the Court in view, to decide what percentage shall be allowed.

Mr. EDMUNDS. It is a business question. He must; he is the only person who can decide it for the time being.

Mr. BURNSIDE. I would not be averse to that. The company under that decision need not accept it.

under that decision need not accept it.

Mr. EDMUNDS. Certainly not.
Mr. BURNSIDE. I do not know that I object to that.
Mr. HOAR. I desire to express my dissent from the opinion of the
Senator from Vermont and the Senator from Rhode Island. It seems to me that here is a very important matter, involving very serious questions of law and very serious questions of comparison of values, to wit: how much all this great class of railroads, who are beneficiaries of the Government, shall be compelled to allow to the Government by reason of its right, so far as the use of their road-bed is concerned, to free transportation; how much they shall have of the actual cost of transportation performed by them by reason of their contribution of rolling-stock and service.

It seems to me that the policy of the law has been to require that matter to be settled by judicial decision, where the United States might be heard through its law officers and with the right of appeal upon all questions of law existing to the Supreme Court. The suggestion of the Senator from Vermont would refer that entire matter to a single officer of the Government to say what is the law on this

question—
Mr. BURNSIDE. It is entirely optional with the company as to whether they will accept the decision of the Quartermaster-Gen-

Mr. HOAR. The Senator from Rhode Island misunderstands me. I am not speaking of this proposition of the Senator from Vermont as objectionable because it does not secure the rights of the railroads. objectionable because it does not secure the rights of the railroads. They are not compelled to accept it, undoubtedly. It is objectionable because it does not secure the rights of the United States. I am not satisfied to leave this important right of the United States to rest solely in the judgment of this officer, however excellent an officer he may be. In other words, at present we do not propose to pay out this money unless Congress and the railroads agree, as the amendment of the committee proposes, or unless the courts have settled the very grave legal questions and questions of fact which are required for the adjustment of these accounts. The Senator from Vermont, as I understand him. of these accounts. The Senator from Vermont, as I understand him, is willing, so far as the right of the United States is concerned, to transfer that entire power to the Quartermaster-General.

Mr. EDMUNDS. To the extent of this \$125,000.

Mr. HOAR. Exactly. Suppose this \$125,000 may be enough in regard to all the roads who are willing to accept it to pay every dollar they claim; in other words, suppose here are seven railroads in all, six of them do not agree with the Quartermaster-General, and he chooses to pay the whole \$125,000 to the seventh. He may do it if their claim

is up to that amount.

Mr. BURNSIDE. I should like to ask the Senator from Massachusetts a question. In view of the decision of the Supreme Court, where would he find a more intelligent judge as to the relative claims of the different parties than the Quartermaster-General? The decision is that the railroads are not bound to furnish rolling-stock and motive power, but the Government of the United States has the right to use the road-bed, and the Court of Claims has decided that in one case 50 per cent. is the proper amount. In view of these two decisions, where will he find a more intelligent judge than the Quartermaster-

General?

Mr. HOAR. I understand that the present law refers that question still, where it comes up, to the Court of Claims, and I propose to leave it there, with the exception that where the railroads are willing to take 50 per cent. as a proper percentage and Congress gives its assent to that, they may have it. I think that is the true policy.

Mr. BECK. Mr. President, the Committee on Appropriations on considering this clause—

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, \$125,000—

Decided to add this proviso:

Provided, That such payment shall be accepted as in full of all demands for said services.

For what reason was this action recommended? While the numerous land grants for railroads varied somewhat in their language, the general provision was, "that said railroad shall be and remain a pub-lic highway for the use of the Government of the United States free from all toll or other charge upon the transportation of any property or troops in the United States." The Executive Department and the Congress of the United States construed that to mean that wherever Congress had given land grants to railroads the company should transport the troops and supplies of the United States over the road free of charge. Two different appropriation bills passed in 1874 con-

tained a proviso prohibiting payment for such service, and on the 3d of March, 1875, a general law was passed in these words:

That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road for such transportation.

We claimed the right to transport everything free, but we gave the right to the companies in that act to sue in the Court of Claims with right to the companies in that act to see in the Court of Claims with an appeal to the Supreme Court, to see whether that was the proper construction or not. Under that right two companies, the Lake Superior and Mississippi Railroad Company, and the Atchison, Topeka and Santa Fé Railroad Company, brought suit in the Court of Claims, and the decision was that the language of the original act of Congress did not deprive the companies of the right to compensation for the use of their railway coaches, their locomotives, and the service they rendered while the United States did have the right to go free over the railway itself: and they assertained that the right of the over the railway itself; and they ascertained that the right of the United States was about one-half and the right of the railway com-panies was about one-half, and an elaborate calculation was made to show that that was the fact.

The case between the Acthison, Topeka and Santa Fé Company and the Government went to the Court of Claims, and in 1879, at the September term, it was adjusted on the basis of 50 per cent.; that is, that the Government's right to use the road amounted to one-half for the road-bed, and the company's right to charge the Government for the use of their cars, locomotives, and labor amounted to the other half. The language of the decision is in these words:

Taking this proportion, we have a result of \$83,200.88 as the sum to be paid to the claimants, or 51.3 per cent. as the allowance for the use of the road, and 48.7 as the percentage due the claimants.

In view of these different results, obtained from independent calculations, all approximating to an equal division of the gross earnings between the road and service, we can have no doubt that when Congress in 1879 authorized the payment of 50 per cent. of the approved bills of the land-grant roads, it intended to give its assent to the principle that 50 per cent. of the gross earnings is on the whole a just remuneration for the services and the profits which we have included in this computation.

And they close, after still further elaborating the case, with this statement:

The claimants' damages on this branch of their case are therefore limited to 50 per cent. of the bills for the land-grant service audited and approved by the Quartermaster-General; that is, to 50 per cent. of \$170,843.55. This amounts to \$55,421.76. Of this sum the claimants have already received \$79,748.44, leaving due \$5,673.32. Adding this amount to the \$5,656.09 already found due for transportation over the non-land-grant branches of the claimant's road, we have \$11,329.41 as the amount of the judgment in the claimants' favor.

Judgment will be entered accordingly.

This provision of the bill is carrying out that idea. The Quarter-master-General shall have the right to make any contracts he pleases with land-grant railroads, and when he does make the contracts, the United States having a right to have all its supplies and munitions of war and soldiers carried on the road itself free, and the companies having a right to charge for the use of their locomotives, cars, and labor 50 per cart is the true preportion in the cases already settled. labor, 50 per cent. is the true proportion in the cases already settled, and we make provision on that basis to allow him to pay 50 per cent., that being in accordance with the decision of the Supreme Court in the case that has been there, and according to the decision of the Court of Claims in the late case just reported; and if the companies see fit to receive that, it shall be a finality of the claim. If they do not submit to receive it, and see fit to go to the Court of Claims or the Supreme Court under the right given them in the statute, and can get more, they have the right to do it; but as the law now stands it prohibits expressly any payment at all, and if this clause is stricken

out they get nothing.

We did not desire to say that the railroads should not have anything, because the action of the Court of Claims and the Supreme thing, because the action of the Court of Claims and the Supreme Court would seem to indicate very clearly that all these roads would have a right to compensation for the use of their locomotives, their cars, and their services, although the road-bed is free to the Government; and so far as it has been decided 50 per cent. is the amount agreed upon, not of their regular carrying rates but of the rates agreed upon between the Quartermaster and the roads. Whatever they agreed upon to be the true amount, it means one-half of that when the service was performed on a road free to the United States and the other half performed in cars and labor owned by the company and the other half performed in cars and labor owned by the company, and the other half performed in cars and labor owned by the company, and 50 per cent. is the proportion due to the company for its services and 50 per cent. is the amount the United States has a right to. We therefore made the provision of \$125,000 to settle the claims as far as the railroads are willing to settle on those terms, and if they are not willing to so settle, then they can go to the Court of Claims, as the Atchison, Topeka and Santa Fé and the Lake Superior roads did and get what they can. If, however, acquiescing in the decision of the Supreme Court and the Court of Claims in the cases already there and the reasoning and full and elaborate discussion they have had and the reasoning and full and elaborate discussion they have had they submit to take that, it ends the matter and there is no further

controversy as far as they are concerned.

That is the way I understand the provision. That is the object of it, the law being now absolutely prohibitory of paying a dollar except as modified by the decision of the court in one or two cases which we are willing to acquiesce in as being the rule in all such

cases as the Quartermaster-General may see fit to pass upon as the

proper amount

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. Allison] to strike out in lines 200 and 201 "what the Quartermaster's Department finds justly due them" and insert "the amount audited and approved by the Quartermaster General."

Mr. BECK. I suppose the mover of that does not design that it shall include the words added this morning by way of amendment, describing and defining more clerly the roads affected by this clause.

Mr. ALLISON. Not in the slightest degree. This is to follow the language already inserted, as I understand.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

The question being put, it was declared that the negative appeared

Mr. ALLISON. That is so necessary an amendment that I trust there will be no objection to it. I shall ask for a division on it.

Mr. BLAIR. Does the Senator propose to leave off the proviso?

Mr. ALLISON. That is another question; it has nothing to do with this amendment of mine.

The question being put, there were on a division-ayes 15, noes 19;

The question being put, there were on a division—ayes 15, noes 19; no quorum voting.

Mr. ALLISON. I ask for the yeas and nays, and now desire to say a word. I supposed this amendment was perfectly understood by the Senate, but it does not seem to be.

Mr. DAVIS, of West Virginia. May I ask my colleague on the committee why his amendment and the language of the committee are not the same thing?

Mr. DAVIS, of West Virginia. May I ask my colleague on the committee why his amendment and the language of the committee are not the same thing?

Mr. ALLISON. I will endeavor to state as briefly as I can. We have here as this proposition stands—and I discuss it now entirely outside of the proviso, for that has nothing to do with this question—a declaration that we will pay these land-grant railroads 50 per cent. of the sum justly due them; in other words, by legislation we propose to put ourselves in the attitude of paying only half what we agree that the Government owes these railroads. If there is anything more absurd than that to put into a statute I am unable to describe it. We say that we will pay half the sum that the Quartermaster's Department finds justly due to these railroads. Now, instead of that, I propose that we shall pay them just what the Court of Claims has decided they are entitled to receive, namely, 50 per cent. of the amount which the Quartermaster-General in the ordinary processes of his office audits for the benefit of these railways, not deciding what is due or what is not due, but simply deciding that where the Quartermaster-General audits a sum we will pay 50 per cent. of that. These very questions are still in litigation in the Supreme Court of the United States; the very case of the Atchison, Topeka and Santa Fé Railway, as I understand, is pending on appeal in the Supreme Court, and the Supreme Court may decide that the Court of Claims was in error when it said that 50 per cent. was the just and fair sum, either by saying that 50 per cent. is too little or too much. It seems to me that we are perfectly safe in paying to such railways as are willing to abide by the decision of the Court of Claims this 50 per cent., and that is all there is here.

But I do think it is a legislative absurdity to say in a statute that there is here.

But I do think it is a legislative absurdity to say in a statute that we will pay only one-half what our own officers say is due to a railroad, and that is the reason why I propose to change the phraseology; and I am amazed that members of the Committee on Appropriations adhere to the language of the bill after their attention has been called as I said when criticised by the Senator from New Hampshire, that my attention had not been called to that phraseology, and if it had been called to it I never would have consented by my vote to agree

to such an absurdity.

Mr. WITHERS. I did not design saying anything further, but the language of the Senator who has just taken his seat requires that the language of the Senator who has just taken his seat requires that I shall say something in justification of the position I occupy and others who think with me. I do not place the construction on the language which is placed by the Senator from Iowa, and I think his amendment is tantamount to the bill as it at present stands. It follows a previous law on the subject in regard to the administration of which we have had experience, and although a seeming anomaly exists in requiring us to pay 50 per cent. of what is justly due, the difficulty arises on the construction of that language as to what is "justly due." My construction would be what is justly due them under their regular rates of transportation, or under their contract with the Quartermaster-General, as the case may be. That is what is justly due them, and under the decision of the Court of Claims 50 per cent. of that is required to be paid. According to my understandis justly due them, and under the decision of the Court of Claims 50 per cent. of that is required to be paid. According to my understanding of the phraseology used by the Senator from Iowa in his amendment, it is precisely what the bill provides for now.

Mr. EDMUNDS. Mr. President, how would it do to make the same provision that was made in the act of 1879 leaving out the world "arrears" perhaps? That provision which appears to have worked satisfactorily, was:

For the payment of arrears of Army transportation due such land-grant rail-roads as have not received aid in Government bonds as compensation was withheld from, under the acts of June 16 and 22, 1874, and March 3, 1875, to be adjusted by the proper accounting officers in accordance with the decision of the Supreme Court in cases Jecided under the said acts, to be paid as other Army transporta-

tion, but in no event shall more than 50 per cent. of the full amount allowed by the Quartermaster-General be paid until the decision of the Court of Claims be had in each case, \$300,000, or so much thereof as may be necessary.

Perhaps that would solve all this doubt and difficulty. I do not see why it would not. The trouble about laying down any horizontal rule of 50 per cent. is, as I said before, the fact that in respect of many of these roads the provisions as to the rights of the United States are different to what they are in regard to others. In the case decided, I believe the language was that the United States should have the right to transport free of charge and toll its property. That, the court held, was merely a right of the United States, furnishing its own locomotives and cars, to run over the road; but in other cases the grants have been, I think—although I do not remember the precise language—that the company is bound to transport the troops and other material of the United States free of tolls. In that case, I think it would trouble a court considerably to hold that the company was only bound to furnish the road and that the United States was bound only bound to furnish the road and that the United States was bound to furnish the cars. So it seems to my mind to be impossible to settle by any legislative rule a case that shall apply lawfully and justly to each one of these varying provisions. I have a list here before me of what these provisions are, but I will not take the time of the Senata to read it, because it is very long.

If the legislation of 1879 was found to be satisfactory in practice,

If the legislation of 1879 was found to be satisfactory in practice, to provide now the necessary money to fulfill our obligations as far as they have been settled and ascertained either by direct decision or fair analogy, and only to put up a payment of 50 per cent. in respect of these cases that are not yet settled satisfactorily, it appears to me would be safe to everybody. I should be entirely willing to leave it, as I stated before, to a simple appropriation of this small sum of money to allow the Quartermaster-General to discharge any lawful obligation that we are under, and I am willing to trust him between now and the next year to the extent of \$125,000, not to pay out the money of the United States unlawfully because it is exactly the way we are obliged to trust him and every other administrative officer in disposing of the millions we appropriate. I merely suggest this amendment in order that the Senate may find some way out.

DISTRICT ADVERTISING.

Mr. WHYTE. Mr. President, I ask the indulgence of the Senate to allow me to make a report from a committee of conference, which will take but a moment.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent to make at this time a report from a committee of conference. Is there objection? The Chair hears none. It will be

The Chief Clerk read the report, as follows:

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Honses on the amendment of the Senate to the bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia having met, after a full and free conference have agreed to recommend, and do recommend, to their respective Honses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill, and agree to the same, amended to read as follows:

"That all advertising required by existing laws to be done in the District of Columbia by any of the Departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties, and to one daily and one weekly neutral newspaper: Provided. That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 3828 of the Revised Statutes.

"Sec. 2. All laws or parts of laws inconsistent herewith are hereby repealed."

And the Senate agree to the same.

WM. PINKNEY WHYTE,

WM. PINKNEY WHYTE,
M. W. RANSOM.
H. B. ANTHONY,
Managers on the part of the Senate.
O. R. SINGLETON,
B. WILSON.
P. C. HAYES,
Managers on the part of the House Managers on the part of the House.

Mr. EDMUNDS. I should like to hear that bill read and the Sen-

Mr. WHYTE. This is the Senate amendment agreed to, merely striking out two or three lines.

Mr. EDMUNDS. I should like to hear the bill read and the Senate

The PRESIDING OFFICER. The bill will be read and the amendment, showing what action has been taken by the conferees.

The Secretary read House bill No. 2658, as it passed the House of Representatives, as follows:

Be it enacted, dc., That all advertising required by existing laws to be done in the Dis rict of Columbia by any of the Departments of the Government shall be given to the three daily newspapers having the largest regular circulation, to be ascertained by the sworn statements of the publishers thereof: Provided, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected.

Sec. 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Mr. EDMUNDS. Now, what was the Senate amendment? The Chief Clerk read the Senate amendment, which was, to strike out all after the enacting clause and insert:

That all advertising required by existing laws to be done in the District of Columbia by any of the Departments of the Government shall be given to one daily newspaper of each of the two principal political parties and one neutral newspaper, and, in the discretion of the head of the respective Departments, to the two weekly newspapers having the largest regular circulation, to be ascertained by the sworm statements of the publishers thereof: Provided, That the rates of compensation for

such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section 3828 of the Revised Statutes.

Sgc. 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Mr. EDMUNDS. I should like to have that thing go over until tomorrow. I confess I do not like the idea of providing in statutes about political parties. If in this town, or any other town where we need advertising, a democratic paper has the widest circulation among business men and people who are concerned in such advertisements as the Government makes, it ought to have the advertising, and if it happens to be a republican or a greenback or any other kind of a paper religious or secular, that has the widest circulation, I do not care what the opinions are that it expresses about political affairs. And I want to vote every time that I have a chance in these respects against any legislation that talks about different political parties. There are some exceptions, it is true; I do not think this is one of them; and I much prefer the original House bill, although that provides for more newspapers probably than are necessary, than this undertaking to distribute out the value of advertising to newspapers of different political parties because they happen to be such. I do not believe in it.

The PRESIDING OFFICER. The question required to be put is, Will the Senate now proceed to the consideration of this report. The Senator from Vermont asks that it be laid over until to-morrow

Mr. WHYTE. It can be laid over temporarily. There is no objection

Mr. EDMUNDS. Let it be printed that we may see just what it

The PRESIDING OFFICER. The report will lie on the table and be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, was read twice by its title, and

The joint resolution (H. R. No. 35) authorizing the name of the schooner Isle of Pines to be changed to George S. Sleight, was read twice by its title, and referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

Mr. SAUNDERS. The Army appropriation bill is now in order again before the Senate, is it not?

The PRESIDING OFFICER. The Army appropriation bill is before the Senate, and the question is on the amendment of the Senator from Iowa, [Mr. ALLISON.]

Mr. SAUNDERS. I voted for the amendment as offered by the Senator from Iowa, and shall do so again if it comes to a vote by yeas and nays; but I find that it does not suit all the other parties who have been trying to amend the bill and I have prepared an amendhave been trying to amend the bill, and I have prepared an amendment which I think may cover the case and remove the objections of all. It will not be in order now to present it, but I should like to have it read to see whether it may not be accepted.

The PRESIDING OFFICER. The Senator from Nebraska will propose in due time an amendment, which will now be read.

The Chief Clerk read as follows:

To pay land-grant railroads 50 per cent. of whatever amount shall be audited and approved in the Quartermaster's Department for transportation of troops and munitions of war, \$125,000: Provided, That the amounts allowed shall not be higher than the rates charged to other parties: And provided further, That said sum of 50 per cent. shall be accepted as in full of all demands for said services.

Mr. SAUNDERS. If that would be acceptable to all, it covers, I think, the objections that have been raised by different Senators. think, the objections that have been raised by different Senators. I understand that this 50 per cent. grows out of the fact that, in the first place, the Government has the right to transport its own troops and munitions of war over the roads free of charge, provided it furnishes its own power and its own rolling-stock. That is one consideration. Another is that the business is done generally in a very large way; it is what we might term a business in the wholesale way, according to the common expression. For instance, to illustrate, a cording to the common expression. For instance, to illustrate, a single passenger is charged on the Union Pacific route about seventy dollars from Omaha to Ogden. If you were to order one hundred troops to be sent, which would not be a very unusual thing probably in an active time, it would cost \$7,000. The company agrees to receive, or would receive under this, \$3,500 for that service, making more money probably than they would off so many individuals not going in a body. That is another consideration in this matter. It having, as I understood, been settled pretty fully, in one case at any rate, by the Court of Claims in favor of 50 per cent. we are ready to yote for that.

stood, been settled pretty fully, in one case at any rate, by the Court of Claims in favor of 50 per cent., we are ready to vote for that.

What I want is to cover the point raised by the Senator from Iowa that each account should be audited first and approved by the auditing officer of the Quartermaster's Department, and next to cover the objections of others that it shall not be at a higher rate than is charged to individuals for the same kind of service. My amendment covers both the objections, and it would seem to cover this whole case. Just strike out the lines as they stand and insert what I have suggested. If the Senator from Iowa insists on his amendment I shall vote for it, as I have said, and then I may offer mine afterward.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

of the Senator from Iowa.

Mr. BECK. One word. The Senator from Iowa-a thing very unusual with him-seems to have exhibited some temper at the rest of the committee for not agreeing to the suggestion made by him. I differ with him because I think both the clause as reported and his amendment are the same thing. The idea I have is that the proper construction of the language as now amended is that where the United States, either by contract or otherwise, uses a land-grant rail-United States, either by contract or otherwise, uses a land-grant railway, when the Quartermaster-General comes to adjust with that company he allows one-half, one-half being for the right of the Government to the road-bed and the other half for the cars, locomotives, &c., of the company. The United States get one-half and the company get one-half. We do not propose to pay them one-half of the one-half. There is no idea of that sort. The court having said that we are entitled to run the road ourselves free, and that is one-half the value of transportation; and the railroad company having the right to one-half the transportation because they own the cars and right to one half the transportation because they own the cars and locomotives and furnish the labor, the whole amount due the railroad company is half the cost of transportation.

Mr. ALLISON. I desire to ask the Senator from Kentucky—I am

in a better humor now

Mr. BECK. I am glad to hear it.
Mr. ALLISON. I should like to ask the Senator from Kentucky if he thinks it is a wise thing to put phraseology into a statute which on its face shows that we are only intending to pay one-half of what

Mr. BECK. I do not so understand it. I understand that this language means that we only pay one-half of what is due to the railroad companies, because we own the other half ourselves. One-half belongs to us and the other half belongs to the company, and therefore, the earnings of the road being from the use of the road-bed, which is ours, and the cars, which are theirs, and each being entitled to one-half, they are only entitled to one-half of the original cost and we pay them that much.

Mr. BLAIR. I wish to ask the Senator a question, to be sure that I understand him. I should like to know what he understands the Quartermaster's Department transportation. Does he expect the Quartermaster's Department to say that the Government owes to the railroads justly the sum for transportation that a private individual would owe to Mr. BECK. I do not so understand it. I understand that this

Department to say that the Government owes to the railroad justly the sum for transportation that a private individual would owe to the railroad for the same service? Or does he expect that the Quarter-master's Department will say that the Government has rendered certain favors to these railroads, land-grants and other things, it may be bonds and subsidies of various descriptions, so that the railroads maintain different relations to the Government from what they maintain to private individuals, and there is instly due from the Government. tain to private individuals, and there is justly due from the Government to the railroads for any service only one-half or 50 per cent. of what a private individual would owe the railroad for the same service? If the Quartermaster-General finds exactly the sum in dollars that should be paid by the Government to the railroad company for the transportation, under these circumstances, in view of the peculiar condition of the laws and the relation of the Government and railroads to each other, how is the Quartermaster-General to say that the Government owes precisely the sum that I would for the same service? He will never make such a decision as that; but he tells the Government as between the Government and the railroad what the Government as between the Government and the rainoad what the Government owes, which is, we will suppose, 50 per cent.; the railroad claims 66 per cent., some say, of what the private individual would owe for the same service. He says we should give 50 per cent. of what a private individual would have to give. He having found that sum to be justly due, does not the Government owe that amount? And the Government owing that sum, what sense is there in this provision that the Government may pay just 50 per cent. of it, 50 per cent. of what is found to be justly due by the Quartermaster and extort a receipt for the whole? If the idea of the committee is not

that, why not strike out this language?

Mr. BECK. My understanding, to begin with, is that if the companies are not satisfied with the Quartermaster's statement they are not bound to take it, and therefore they can go to the courts. There

is no hardship there.

Mr. CONKLING. Will the Senator from Kentucky let me interpose a moment now? Is there no hardship there, to begin with, if this provision is to be put in the bill, namely that if they do take the money they give up the right to go to the courts or anywhere else?

Mr. BECK. I think not. The Senator from New York was not in his seat awhile ago when the report was read showing that the courts

have said, so far as they have passed on it, that 50 per cent. ought to be paid to the railroads because the United States had a right, under the charter, to the use of the road-bed, and that had been agreed upon in cases already decided.

Mr. CONKLING. Fifty per cent. of what, does the Senator under-

stand ?

Mr. BECK. Suppose you send troops on the railroad from Omaha to Ogden without any contract at all. The railroad company would to Ogden without any contract at all. The railroad company would charge the Senator from New York or myself a certain sum for our transportation that distance. They come before the Quartermaster-General, and he says whether that is a fair charge or not.

Mr. CONKLING. Does the Senator understand that the Court of Claims has said that they are entitled to one-half of what other passengers would to pay?

Mr. BECK. They have not decided whether that was the fact or

not, but they have decided that they are entitled to one-half of what-

ever is just and reasonable.

Mr. CONKLING. Now, I do not understand that they have decided any such thing. That is one of the fallacies of this whole debate. I understand they have decided as far as they have said anything on that point, that one-half the current rates, one-half of what the public pays, as the Senator said a moment ago one-half of what he and I and other persons would pay, they are entitled to. That is what the court-has said, as I understand. And another Senator says that he is not content with that but wants to have a provision by which the court can go into that and see if they did not charge everybody too much and if they charged everybody too much scale that down as far as it ought to go and then take one-half of

Mr. BECK. I do not propose anything of that sort, but I suppose that every account of this kind that comes against the Government has to be looked into in the Quartermaster's Department, and if an unjust charge is made he ought not to approve it. If it is a just and proper charge he ought to allow it, and that account, when so adjusted, as all other accounts against the Government, has to be audited by the proper officers, and the amount is to be divided as to landgrant railroads equally between the United States and the com-

Mr. WITHERS. The committee had information that accounts now pending for settlement in the Quartermaster's Department are suspended because the Quartermaster-General is in possession of information that certain roads have charged more to the United States Government than they charged to other parties.

Mr. BECK. We supposed the proper accounting officers of the Treasury would have the right to look into railroad as well as private claims, and that it was only after such a claim had met the approval of the accounting officers that it could be paid; and hence we agree to the provision here incorporated. That is the way I understand it, and I think the committee so understand it. and I think the committee so understand it.

Mr. EDMUNDS. I move that the Senate proceed to the consider-

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. Will my colleague allow me to offer an amendment to the pending bill †

Mr. EDMUNDS. Certainly.

Mr. MORRILL. I offer an amendment to the pending bill to have it referred to the Committee on Appropriations.

The PRESIDING OFFICER. That course will be pursued.

Mr. CONKLING. I move that the Senate do now adjourn.

Mr. WITHERS. That is not a debatable motion; but I should like to dispose of the bill to-day.

Mr. EDMUNDS. You cannot dispose of it to-night, and this matter will be settled by morning so as to be satisfactory.

The motion was agreed to; and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, January 12, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Domer, D. D., of Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS

Mr. BELFORD. I call for the regular order.
The SPEAKER. The regular order is the call of committees for

reports.

Mr. BUCKNER. I move that the call of committees this morning

The SPEAKER. That can be done by a two-thirds vote.

The question being taken on Mr. Buckner's motion, there were

The question being taken on Mr. Buckker's motor, and ayes 69, noes 20.

Mr. WEAVER. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Iowa, Mr. WEAVER, and the gentleman from Missouri, Mr. Buckner.

The House again divided; and the tellers reported ayes—123, noes 24. So (two-thirds having voted in the affirmative) the call of committees was dispensed with.

MAJOR JACOB E. BURBANK.

On motion of Mr. BROWNE, by unanimous consent, the bill (S. No. 313) for the relief of Major Jacob E. Burbank was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

CHANGE OF NAME OF SCHOONER.

Mr. LOUNSBERY. I ask that by unanimous consent the Committee of the Whole House be discharged from the further consideration of the joint resolution (H. R. No. 35) authorizing the name of the schooner Isle of Pines to be changed to George S. Sleight.

There being no objection, the Committee of the Whole was discharged from the further consideration of the joint resolution, and it

was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

FUNDING BILL.

Mr. BELFORD. I demand the regular order.
Mr. FERNANDO WOOD. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the funding bill; and pendng that motion I move that all debate on the pending amendment be limited to thirty minutes.

Mr. BURROWS. What is the pending amendment?

The SPEAKER. It will be read.

The Clerk read as follows:

The Clerk rend as 1010Ws:

Strike out all of section 1 included between the word "hereby" in the fifteenth line to and including the word "issue" in the twenty-fourth line and insert the following:

Authorized to issue bonds not to exceed \$450,600,000, redeemable at the pleasure of the United States after ten years, and payable thirty years from date of issue; also notes in the amount of \$250,000,000, and redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue, which notes it shall be lawful and national banks shall be permitted to hold as part of their legal reserve, and the interest on said bonds shall be 3 per cent., and the interest on said notes shall be 3½ per cent.

Mr. FERNANDO WOOD. There is no such amendment as that pending in Committee of the Whole.

The SPEAKER. That is an amendment proposed by the gentleman from Michigan, [Mr. Newberry.]

Mr. FERNANDO WOOD. It was submitted to be read; and I think the gentleman from Michigan himself was not aware he was offering it as an amendment

think the gentleman from Michigan himself was not aware he was offering it as an amendment.

Mr. NEWBERRY. I believe the chairman of the Committee on Ways and Means is right. The amendment was submitted to be read and will be offered when the proper time comes.

The SPEAKER. Then there is no disagreement about it. The question of what is the pending amendment can be determined in the Committee of the Whole on the state of the Union. The Chair has no power to regulate the matter in the House. It will be determined by the chairman of the Committee of the Whole on the state of the Union, subject, of course, to the will of the committee.

The question being taken on the motion to limit debate on the pending amendment to thirty minutes, there were—ayes 112, noes 7.

Mr. WEAVER. A quorum has not voted.

The SPEAKER. The Chair will order tellers; and appoints the gentleman from Iowa, Mr. WEAVER, and the gentleman from Tennessee, Mr. Dibrell.

The House again divided; and the tellers reported—ayes 149, noes 4. So the motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was then agreed to.

The motion that the House resolve itself into Committee of the Whole on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. Covert in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt; and under the order of the House debate on the pending amendment is limited to thirty minutes. The pending amendment is that offered by the gentleman from New York, [Mr. Fernando Wood,] which the Clerk will report.

Mr. FERNANDO WOOD. One word, Mr. Chairman, before the other gentlemen who desire to address the committee proceed. I desire to say for myself, not being authorized to say it by the committee of which I am chairman, that I see nothing inconsistent with the establishment of a 3 per cent. rate of interest on the bond and on the certificate and the shortening of the option as indicated in the bill. I will go further than that—speaking for myself—and say I believe that with a repeal of the tax on deposits in the banks, and the establishment of a rate of 3 per cent., the question of option is absolutely immaterial; because the bonds and certificates, although bearing a minimum rate of interest at 3 per cent., will be of that character that they will not be likely to rise to any great premium; and whenever the Government is in possession of a surplus for its sinking fund or for the retiracy of any portion of the public debt, the bonds and certificates will be within its reach at par or a nominal premium in advance. Therefore I believe, and I am strengthened in the belief from what has come to my knowledge since the last discussion, that we can safely establish a 3 per cent. rate with every confidence in the speedy negotiation of every bond and certificate thus issued within the required time.

The CHAIRMAN. The Clerk will now report the pending amendment.

The CHAIRMAN. The Clerk will now report the pending amend-

The Clerk read as follows:

In lines 17 and 22 strike out "three and one-half" and insert "three;" so that

In lines 17 and \$22 strike out "three and one had it will read:
"The Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$500,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after twenty years, and payable forty years from the date of issue, and also notes in the amount of \$200,000,000, bearing interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after two years, and payable in ten years from the date of issue."

Mr. STEVENSON rose.

The CHAIRMAN. The Chair requests the committee to come to order. The importance of the subject under discussion is such that

it is very desirable complete order should be preserved and that there should be silence on the part of gentlemen not addressing the Chair.

Mr. STEVENSON. Mr. Chairman, it would be difficult to conceive

Mr. STEVENSON. Mr. Chairman, it would be difficult to conceive of legislation of more vital interest to the people of these United States, of legislation more far-reaching in its consequences, and which more nearly affects the present and the coming generations of this country than that proposed by the pending bill. The question which confronts us is, what shall be the policy of this Government with reference to its debt? Shall it be our policy as rapidly as possible to extinguish or indefinitely to postpone the payment of our bonded debt? Shall we by solemn act of Congress declare it to be the settled, the deliberate purpose of this Government to maintain a permanent national debt? Disguise it as we may, this is the principal question we are now to meet. The refunding of our maturing bonds for a period of thirty or fifty years means no thing more nor less than the creation of a permanent national debt in this country.

The practical question, then, I repeat, which confronts us upon the very threshold of this discussion is, shall we out of our abundant resources, out of our surplus revenues, start now upon the sure pathway of paying the debt, establishing this as our undeviating policy; or shall we indefinitely postpone its payment? More than that, sir, shall we virtually declare in favor of the non-payment of these bonds, and that this generation and the generations to follow shall be taxed for the maintenance of a national debt? Let us not be misled by the delusive statement that the question is simply whether we shall borrow money at 3 or 3½ per cent. interest and with it discharge Government obligations bearing a higher rate of interest. As has been said by the gentleman from Pennsylvania, [Mr. Kelley,] this view precludes from consideration all of the pregnant questions involved. As that gentleman has well shown, the question is not whether we shall refund a permanent national debt, such as exists in Great Britain, France, Germany, Austria, Italy, and Spain, but whether we shall now create such a debt.

This brings us to the discussion of the necessity of the proposed

This brings us to the discussion of the necessity of the proposed legislation. Bonds of the Government to the amount of \$671,917,600 are redeemable on the 1st day of July of the present year. Four hundred and seventy million dollars of this amount bears interest at the rate of 5 per cent. per annum, and the residue at 6 per cent. This vast sum is not, as has been so frequently asserted, due upon the 1st of July next, but only redeemable at the option of the Government. It is a mistaken idea that the Government is bound to meet this debt at that time. The bonds can be redeemed or not at the discretion of the Government. The best interest of the Government, then, is the sole question for the consideration of Congress in dealing with this question.

The gentleman from Pennsylvania [Mr. Kelley] presents the issue clearly when he says:

Can we pay the 6 per cent. and the 5 per cent. bonds shortly to mature without borrowing! In reply to it, let me say here that a constant payment of \$60,000,000 a year for ten years will pay them; that for fifteen years we have paid an average of within three millions of \$60,000,000; that in the year just closed we paid nearly seventy-four million dollars, and that in the first half of the present facal year, as appears by the last debt statement of the Secretary, we have paid \$42,990,559 of the debt, showing an ability to pay more than eighty-five million dollars in the current fiscal year.

Now, sir, with these figures compiled from official sources before six, what is to be the policy of the Government? Shall we apply the \$90,000,000 of our surplus revenues annually to the extinction of our debt or by a long-term bond, running thirty, forty, or fifty years, mortgage the property and labor of the American people, as is proposed upon this floor? For one, even to secure a lower rate of interest, I will not consent to this. I will never consent that this Government shall surrender the option to pay \$700,000,000 of its debt for the long period proposed, thus creating, as I have said, virtually a permanent mortgage upon the property and labor of our people and harassing them with heavy burdens of taxation to meet the interest accruing upon this vast debt.

Do gentlemen realize the danger of placing this debt beyond our control? By act of a former Congress the payment of more than seven hundred million dollars of our bonds has been prolonged until the year 1907. These bonds hearing 4 per cent, interest, are to-day at a

Do gentlemen realize the danger of placing this debt beyond our control? By act of a former Congress the payment of more than seven hundred million dollars of our bonds has been prolonged until the year 1907. These bonds, bearing 4 per cent. interest, are to-day at a premium of a fraction over 13 per cent. Is this not a startling fact? The bonds of the Government at a premium of 13½ per cent., but the Government itself, by its own act, unable to call them in, to redeem them, for the period of twenty-seven years. And all this under the cry of a long bond and a low rate of interest.

With the gentleman from Texas [Mr. Mills] I believe that by

With the gentleman from Texas [Mr. Mills] I believe that by strict economy, by the honest application of our surplus revenues to the extinguishment of that portion of our debt which the pending bill seeks to cast upon posterity, it can be wholly discharged long before another decade shall have passed. This resolves itself into a question of figures. What, then, are our resources? The Secretary of the Treasury states officially that the surplus revenues for the present fiscal year will be \$90,000,000. I think, sir, that it would not be difficult to show that this is a low estimate. The receipts from all sources for the first half of the present fiscal year amount to the enormous sum of \$182,000,000, making for the fiscal year ending June 30, 1881, a total revenue of \$364,000,000. Conceding our expenditure and interest for the same period to be \$260,000,000, as estimated by the Secretary of the Treasury, we will have a surplus of \$104,000,000. As we increase in population and in wealth, as our resources are de-

veloped, of necessity the sources from which we draw this immense revenue will be enlarged. As the gentleman last mentioned has shown, we have added twelve million souls to our population within the past ten years. Five hundred thousand annually by immigration alone is a low estimate. The greater the number of consumers the larger the annual revenues to the Government.

The practical question, then, is—and we are dealing with a purely practical question—what shall be done with the immense revenues now accumulating and hereafter so rapidly to accumulate in our Federal Treasury? Shall they be hoarded or possibly squandered by injudicious appropriations and subsidies, or shall they be applied to the extinguishment of our bonded debt? I can hardly conceive, sir, of but one answer to this question. But the pending bill proposes refunding the maturing bonds to prevent the possibility of their redemption within the life-time of the present generation. For my own part, I can never consent that with a surplus revenue of \$100,000,000 annually the hands of this Government shall be so tied as to prevent the extinguishment of our debt.

There is another practical phase to this question to which I wish for a moment to call attention. Let this bill pass, and postpone the payment of this debt for forty years; when that period shall have elapsed, what guarantee have we that the next generation will be in better condition to commence its payment than we are to-day? True, our resources will be greater, but who can forecast the future? Who can tell what exigencies as yet undreamed of will have east new obligations and liabilities upon the Government? When that period shall have elapsed, after we shall, time and again, have paid this debt in installments of interest, the debt will still remain undischarged and the next generation following in our footsteps will refund the debt, possibly for a still longer time, and at a higher rate of interest. Thus would the debt become a permanent charge. It is, sir, to guard against such a possibility that I urge upon this House the necessity of declaring now that it shall be the fixed policy of this Government to pay, not to perpetuate our bonded debt.

In the discussion of this bill let us not be deceived by the specious

In the discussion of this bill let us not be deceived by the specious cry that its passage will reduce taxation. Unquestionably its passage will be made the pretext for the abrogation of certain taxes; but what taxes? Only the taxes upon hank-checks, bank deposits, and bank circulation, the taxes paid by capital. The earnest advocates of this measure propose no reduction of taxation upon the articles of prime necessity, such as are indispensable to rich and poor alike, such as bring comfort and joy to the cottage and hovel as well as to the palace. And yet, sir, it can easily be shown, as it has a thousand times been shown, that by the reduction of the tariff upon the articles by which the poor are fed and clothed the revenues of the Government will be greatly augmented. It would be difficult to state this more forcibly than has been done by the gentleman from Texas [Mr. MILLS] when he said:

When he said:

But the question is, do you propose to relieve those who are best entitled to your sympathy? Let us see if we understand each other. How much do you propose to reduce the tax on sugar, that is taxed from 62 to 73 per cent.? On rice, that is taxed 100 per cent.? On salt, that is taxed from 40 to 65 per cent.? On cotton goods, that are taxed from 61 to 71 per cent.? On window-glass, that is taxed from 90 to 116 per cent.? On iron, that is taxed from 70 to 90 per cent.? How much do you propose to reduce the taxes on spices, that are all the way from 181 to 461 per cent.? How much on wool and woolen goods, so essential to the comfort of fifty millions of people in winter? They are taxed from 60 to 90 per cent. How much on blankets and wool hats, that are taxed from 60 to 90 per cent. How much on blankets and wool hats, that are taxed from 60 to 90 per cent. How much of such comforts because they are not within their reach? These taxes are shamefully oppressive. They are so exorbitant that they defraud the Government and rob the people.

Mr. Chairman, no gentleman on this floor more earnestly than myself desires the reduction of taxation. But let us move in the right direction. Let us commence where the burdens rest most heavily. Remove the tariff taxes from the articles so indispensable to human life and comfort. Let capital bear its just proportion of the burdens of government.

I am persuaded, sir, that the pending measure bodes no good to the country. In the interest of wealth it proposes a permanent national debt, which all experience has demonstrated to be a national curse. It is legislation in the same line and looking to the same end with that which established and fosters national-banks; which exempts Government bonds from taxation; which demonetized silver and seeks the destruction of the greenback currency. It may be that this bill will pass and a permanent national debt, with all its attendant evils and corrupting influences, be fastened upon this country. It may be that its advocates, as have the authors of the other measures to which I have referred, will receive popular commendation. But I trust, sir, that before it is too late the American people may awaken to the dangers which lie in their pathway; dangers which threaten even the existence of our free institutions.

Mr. WEAVER. I think that it is idle to talk about the difficulty of placing the bonds contemplated by this bill at 3 per cent. In my judgment the holders of the bonds, if they can do no better, would gladly accept a long-time bond without interest, with the privilege of banking upon them, rather than forfeit the control which they now exercise over the business and commercial interests of this country.

exercise over the business and commercial interests of this country.
We have already paid the holders of the Government bonds of this country an amount of interest greater than the present bonded debt of this nation, and still they are not satisfied. We have paid them in interest alone one hundred millions more than it cost to pay,

clothe, and feed our Army during the late war. This money power, in its insatiate hunger, reminds me of a tiger with his teeth deeply and firmly imbedded in the throat of his victim. Let the industrial classes arouse themselves and shake the monster loose. I warn the holders of these bonds against further aggressions in this direction. The people are not in a mood to be further trifled with.

Now, sir, if I cannot get what I believe to be the best thing for the tax-payers, namely, the speedy payment of the bonds in the manner contemplated in the substitue of my colleague, [Mr. GILLETTE,] then I shall do all in my power to perfect the bill so as to secure to the people the lowest possible interest and the shortest possible time. If that is not acceptable to the holders of these securities, then let the bonds remain as they are, subject to payment at any time, and the people will send a Congress here that will provide for their payment.

I prefer the whole matter shall be left open if this House has not the courage to protect the labor interests of the country. The people

are watching the progress of this bill with more vigilance and interest than they have given to any other measure pending before Con-

I enter my protest, then, against refunding these securities into obligations that will take from the people the right to pay at any time. Two hundred millions are payable, as I have before stated to the House, in greenbacks. We shall never part with that right with my

Mr. McMILLIN addressed the committee. [See Appendix.]
Mr. DUNNELL. When the bill now pending before the Committee
of the Whole was reported from the Committee on Ways and Means,
the rate of interest was fixed at 3½ per cent. When the bill again
came up for consideration in the Committee on Ways and Means during the present session, it was evident to the entire committee that
bonds could be negotiated at 3 per cent. I do not understood the ing the present session, it was evident to the entire committee that bonds could be negotiated at 3 per cent. I do not understand that any information has come to the committee since its action on the rate of interest that would justify any change in the judgment of the committee. I am informed by the chairman of the committee [Mr. Fernando Wood] that there is in his possession, as chairman of the committee, no evidence at all that the bonds may not be negotiated at 3 ner cent, the rate fixed when he committee and he tiated at 3 per cent., the rate fixed upon by our committee and embodied in the amendment now pending before the Committee of the Whole. It is my belief that there can be no difficulty in negotiating these bonds. There is in this country a very rapid and large increase

these bonds. There is in this country a very rapid and large increase in the amount of trust funds seeking such investments as these bonds and these Treasury notes will furnish.

The gentleman who just sat down [Mr. McMillin] says that he is opposed to a long-time bond. The fact is, Mr. Chairman, no one upon this floor is advocating a long bond. The time fixed in the bill itself is not open to that objection. I shall vote for a reduction of the twenty years to ten years. I believe it is better for us to issue a 3 per cent. bond running for ten and twenty years, or ten and forty years, than to raise the rate of interest to 3½ per cent. I am very clearly of the opinion that the investors of a very large amount of money in the nature of trust funds will be relieved when we take up these 5 and 6 per cent. bonds, and that there will be no possible up these 5 and 6 per cent. bonds, and that there will be no possible difficulty in securing a ready sale for these 3 per cent. bonds. With a 3 per cent. bond the question of time is less important, for such a bond would not go above par, and therefore the Government would be able at any time to buy them in without being compelled to pay a

premium.

premium.

[Here the hammer fell.]

Mr. OSCAR TURNER. Mr. Chairman, as the time for debate is limited, I shall barely have time to allude to the questions upon which I should have liked to have enlarged. If the object of this bill was to reduce taxation, I should support it; but it is not. It seems to me merely an attempt to perpetuate a debt that we have the means to pay in a short time, as has been fully demonstrated on this floor by different and the properties of the prope gentlemen; and in my humble judgment its object is to furnish bonds as a basis for national banks, and to continue the worst system of financiering that exists in any civilized country; a banking system based upon bonds bearing interest that comes semi-annually out of the pockets of the people, to be added to the profits of these bankers on the notes of their banks. Over one hundred millions of dollars that go notes of their banks. Over one hundred millions of dollars that go to pay the interest, in fact the whole interest on the public debt, is collected out of the two articles produced in a large degree by my district and State—tobacco and whisky—as is shown by the report of the Commissioner of Internal Revenue. I want to put a stop to this taxation by paying off these bonds and stopping the interest. I do not want to see the debt perpetuated under the pretext that we can get the money at a lower interest by refunding the debt, which in the end will result in our paying a much larger amount by continuing the debt for even over ten years. It was demonstrated by the gentleman from Missouri [Mr. Buckner] last session, when this bill was under consideration, and by the gentleman from Texas, [Mr. Mills,] the other day, that the immense revenue that is collected by the Government yearly affords a balance or a surplus of one hundred millions of dollars per year, and it is still increasing every year, and will ions of dollars per year, and it is still increasing every year, and will soon be over one hundred and twenty millions.

Now, Mr. Chairman, let all the surplus money in the Treasury and the surplus revenue every year be applied to the payment of these bonds, and let us now impose an income-tax upon the bondholders and wealthy capitalists of the country that have been bearing none of the burdens of the Government, and let the taxes be made equal

and uniform, and let the large additional amount that would be thus raised by just taxation be added to our annual surplus and applied to the payment of these bonds. Let us in the mean time practice close economy in the administration of the Government, and these bonds will be paid off in four or five years. Why put it out of our power to pay off these bonds for twenty years, or forty, as is proposed by this bill? Sir, it is only to keep up the national banks. Let them go; they can take care of themselves. We now have over two thought sand of them. They control nearly four hundred millions of dollars. By their expansion and contraction they can control the price of labor and of everything. They wield to-day a dangerous power in the Let them go. Let us have greenbacks or Treasury notes in place of their issues, and add that to the gold and yearly increasing silver, that ought to be coined to the full capacity of our mints, and we will have a healthy currency, and not tax the people to keep up the national banks, based upon bonds which they and their friends on this floor desire to perpetuate.

I would vote to day to authorize the Secretary of the Treasury to pay these bonds off in Treasury notes, greenbacks bearing no inter-est—they are as good as gold, and if the bondholders refuse to take them let him buy silver bullion and coin it in dollars and halves of 412½ grains to the dollar and pay off these bonds with it, if they want coin according to the stipulations of the bonds, procured by fraud and outrage upon the taxpayers of the country; when the original bonds were payable in greenbacks that were largely under par when the act of Congress was passed by a republican Congress making them payable in coin, thereby adding over six hundred millions to the national debt. Mr. Chairman, some gentlemen look at me with surprise. Have they forgotten their votes? Mr. MILLS, from Texas, offered an amendment to the Warner silver bill at the last extra session as follows, (see Congressional Record, first session Forty-sixth Congress,

volume 38, page 1411:)

volume 38, page 1411:)

Strike out section 3 from the fourth to the fifteenth line, inclusive, and insert:
SEC. 3320. That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all sliver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of legal-tender Treasury notes. And all holders of any of the silver coins of the Unite! States may present the same in any sum not less than \$20 and receive therefor legal-tender Trea ury notes at par for the same. That all silver coins of the United States shall be receivable in payment of all Government dues and shall be a legal tender in payment of all debts, public or private, for any sum whatever. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt, before using any of the gold or Treasury notes of the Government, for such purposes.

He advocated it, and so did I. Who voted for it? Let the record speak. They were true representatives of the wishes of the people.

Mr. Mills. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 155, not voting 90; as

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Aiken, Atkins, Blackburn, Cabell, Chalmers, Clardy, Cobb, Coffroth, Cuberson, De La Matyr, Dunn, Elam, Felton, Ford, Forney,	Gillette, Harris, John T. Hatch, Hooker, House, Hunton, Jones, Kenna, Lowe, Manning, Martin, Benj. F. McKenzie, McMillin, Mills, Money,	Muldrow, Murch, Myers, New, O'Connor, Persons, Reagan, Russell. Daniel L. Samford, Scales, Singleton, J. W. Singleton, O. R. Slemons, Smith, Hezekiah B. Sparks,	Stevenson, Taylor, Tarner, Oscar Turner, Oscar Turner, Thomas Vance, Waddill, Weaver, Wellborn, Whittborne, Williams, Thomas Wise, Wright, Young, Casey.

During the roll-call the following announcements were made:

Mr. Finley. I am paired with Mr. Calkins, of Indiana. If hetwere present, I would vote "no."

Mr. Shelley. I am paired with Mr. Ketcham, of New York. If he were present, I would vote "ay."

Mr. Herndon. I am paired with Mr. Crapo.

Mr. Ewing. I am paired with Mr. Garfield for to-day.

Mr. Coffroth. My colleague, Mr. Bachman, is paired with Mr. Starin, and my colleague, Mr. Klotz, with Mr. Barea, of Indiana.

Mr. Armfield. My colleague, Mr. Kitchin, is paired with Mr. Robinson, of Massachusettis.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New

York.

Mr. LOUNSBERY. I am paired with Mr. STEPHENS, who has left the House on ac-

Mr. LOUNSBERY. I am paired with Mr. Stephens, who has left and alouse on account of indisposition.

Mr. BLOUNT My colleague, Mr. Hammond, is paired with Mr. Van Voorhis, of New York, and my colleague, Mr. Speer, with Mr. Russell, of Massachusetts. If present, my colleagues would vote "no."

Mr. Dibrell. I am paired with Mr. McCook, of New York. If he were present, I should vote "ay."

Mr. Harris, of Virginia. My colleague, Mr. Richmond, is paired with Mr. Prescort, of New York, and my other colleague, Mr. Johnston, with Mr. Brigham.

Mr. Aiken, I have been requested to announce that Mr. Hull, of Florida, who is absent by leave of the House, is paired with Mr. Richardson, of New York.

Mr. Cobb. My colleague, Mr. Colerick, is paired with Mr. Ballou, of Rhode Island.

Mr. Cohn. My College,
Island.
Mr. Robinson. I am paired with Mr. Kitchin. of North Carolina. If he were
present, I should vote "no." My colleague, Mr. Russell, is paired with Mr. Speer.
If present, Mr. Russell, would vote "no."
Mr. NEWBERRY. I have been requested to announce that Mr. Prescorr, of New

Tork, is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "no."

Mr. EINSTEIN. My colleague, Mr. MILLER, is paired with Mr. ACKLEN, of Lou-

Mr. Townsend, of Ohio. My colleague, Mr. Keiper, is paired with Mr. Smox-

TON, of Tennessee.

Mr. Sapr. I am paired with Mr. Davidson, of Florida, who is detained from the House on account of sickness in his family. If he were here, I should vote

the House on account of suckness in his family
"mo."

Mr. Blake. My colleague, Mr. Brigham, of New Jersey, is paired with Mr.
Johnston, of Virginia.

Mr. Brake. My colleague, Mr. Bingham, is paired with Mr. Frost. If Mr.
Bingham were present, he would vote "no."

Mr. Dick. Mr. Killinger is paired with Mr. Wells, of Missouri.

Mr. Updegraff, of Ohio. Mr. Butterworth is paired with Mr. Hill.

Mr. Clafin. My colleague, Mr. Craffo, is paired with Mr. Herndon. If present, Mr. Craffo would vote "no."

The vote was then announced as above recorded.

Mr. White. I move that the House do now adjourn.

And there were ninety not voting at all, and many others said it was right but voted against it because they said it might endanger the original bill. If it was right then, if gentlemen could vote for it then, why cannot they do it now? I understand the same proposition will be substantially offered as an amendment to this bill. It certainly is more appropriate now. I voted for it then, and I am ready and I shall vote for it again when it is offered, and I shall not consider that I am invaring the credit of the Government by nearly a bond and I shall vote for it again when it is offered, and I shall not consider that I am impairing the credit of the Government by paying a bond in silver coin of 412½ grains to the dollar that is on its face payable in coin, as the gentleman from Maryland said the other day. Why, sir, 412½ grains of silver is the standard dollar and has been ever since 1792, and it is the standard stipulated in the contract. Gentlemen forget the history of the country in their tenderness for the bondholders. Why should they be the pets of this Congress? What meritorious acts have they performed that they should be exempted from taxation and paid in gold, to the exclusion of other creditors? They bought the Government bonds at from forty to sixty cents on the dollar; they went up to par; then they appealed to Congress to make them payable in coin. It was done. Then they had silver demonetized, and now their friends on this floor say they ought to be paid in gold. Thank God, sir, silver has been remonetized. It is again the lawful currency of the country and is good enough to pay bondholders as well as the farmers and laborers of the country.

Mr. Chairman, if this bill passes what is to become of the hundred

Mr. Chairman, if this bill passes what is to become of the hundred million a year of surplus revenue that is collected? Is it to be hoarded up in the Treasury and taken out of the circulation of the country? Is it to be an idle fund to encourage wild and reckless appropriations Is it to be an idle fund to encourage wild and reckless appropriations of the public money—as it certainly will do if it remains there? Or is it to be be used in buying up those very bonds after they are refunded? If so, we will have to buy them at 10 or 12 per cent. premium—experience proves it—and the bondholders will make millions while the tax-ridden people lose it. We will have the control of these bonds in July, and in the name of the people whom we are here to represent do not let us give up that control by refunding them. Do not let us put ourselves in the power of these insatiable bondholders who have had so many favors from Congress at the expense of the tax-rayers of the country. Sir the greatest statesmen we have ever tax-payers of the country. Sir, the greatest statesmen we have ever had, Washington, Jefferson, Madison, Adams, and others whom I might name, have all regarded the continuance of a public debt as a great evil.

a great evil.

Sir, I regard the perpetuation of this debt, or anything that looks toward it, like a hereditary evil that descends to curse the rising generation. We have the ability to pay these bonds in four or five years by the course I have alluded to. We have \$671,917,600 of bonds that are redeemable between this and 1st of July—\$202,266,550 bear interest at rate of 6 per cent., and \$469,651,050 bear interest at 5 per interest at rate of 6 per cent., and \$469,051,050 bear interest at 5 per cent. The excess of our revenue over the ordinary expenses and the yearly interest on the public debt is over one hundred millions. The Secretary of the Treasury tells us in his report that the surplus for this year will be \$90,000,000. He is under the figures. The first six months of the fiscal year show \$182,000,000. The next six months, according to the estimates, will be \$185,000,000. That will make \$367,000,000, instead of \$350,000,000—making the surplus this year \$107,000,000, the ordinary expenses and interest being \$260,000,000. The surplus is increasing every year. The yearly increase of our population is over a million. The emigration to this country is over three hundred thousand annually. This large increase of population increases the consumption of everything upon which the taxes are imposed, and this swells the annual revenue. Let us add to this surplus by a tax on the incomes of the bondholders and millionaires who have been exempted for years past. Let them come forward and pay their proportion of the expenses of the Government.

This is the opportune time for imposing this income tax. If we do

their proportion of the expenses of the Government.

This is the opportune time for imposing this income tax. If we do not do it now it will never be done by this Congress and certainly not by the next. For it is impossible to get the Ways and Means Committee to report such a bill, just and right as it is. Experience shows it. During the last extra session Mr. DIBRELL, of Tennessee, moved to suspend the rules and pass such a bill. The yeas and nays were called and it received an overwhelming majority, but not two-thirds, and so it failed. I voted for it. It was said that that expressed will of the House would be regarded as an instruction from this House to the Ways and Means Committee to report such a bill. That session expired. The long session or second session of the Forty-sixth Congress passed, and we are one-third through this session, and yet no such bill

has been reported by them, and under the defective rules of this House we cannot get such a bill before the House no matter how many are offered, because they are all referred to that committee and they have failed to report one; hence I say I am warranted in saying that unless we now pass such a measure, as an amendment to this bill, no income tax will be imposed at all.

tax will be imposed at all.

Let us do it now, and add this fund to the surplus revenue, and, sir, in five years we can pay off these bonds—may be in less time—and then we can reduce our onerous system of taxation. There is no man more in favor of reduction of taxation, sir, than I am. I will go as far as any man on this floor; but, Mr. Chairman, you know and I know that as long as the pretext exists the taxes will be kept up; and therefore I want these bonds paid off and not refunded. I shall vote for every amendment reducing the rate of interest and shortening the time of payment, and then I shall vote against the bill ening the time of payment, and then I shall vote against the bill itself unless the substitute or amendments are adopted, which will prevent a refunding of these bonds. I am utterly opposed to the refunding and consequent perpetuation of the debt, and hope it may

be defeated.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I rise to advocate again with confirmed judgment a 3 per cent. bond; and if the House should agree to that rate I hope to see this bill amended in such a way as to give to the Government the option after one or two years. I hold in my hand, and will take occasion to publish in the Record, a communication from Mr. Elliott, of the Treasury Department, exhibiting the interest realized to investors on $4\frac{1}{2}$ and 4 per cent. bonds as compared with the 3 per cent. bonds:

TREASURY DEPARTMENT,

January 12, 1831.

Sin: The "flat" premium, or premium including the interest accrued since the last quarterly payment of interest, on the 4½ per cent. bonds and on the 4 per cent. bonds at the present market quotation, being respectively 12½ and 13, the "net" premium, or premium not including accrued interest, is respectively 1247 and 12.29, and the corresponding rate of interest realized to investors is respectively 3.12 and 3.27 per cent. per annum.

Respectfully,

P. S. The substance of the above has already been sent by telegraph. Hon. Samuel J. Randall., Speaker House of Representatives.

This statement shows that taking the market value of the bonds into consideration, there is a difference of only a fraction in the probable interest to be realized on a 3 per cent. bond and that now realized on 4½ and 4 per cent. bonds at their present market premium, and it also goes to establish the fact that even in an open money market a 3 per cent. bond can be negotiated at par. I wish to show how such 3 per cent. loans can be placed.

The amount of indebtedness falling due in 1881 is about six hundred and sixtuation sillion dellar.

and sixty-nine million dollars. How would I pay this indebtedness and float these bonds? Secretary Sherman proposes to reduce by a cash payment of \$50,000,000 the indebtedness as stated to that extent.

I beg to refer to the following authentic statement given to me by the Comptroller of the Currency:

The amount of United States bonds held by the Treasurer to secure the circulation of national banks at the close of business on the 10th day of January, 1881, are as follows:

6	per cent	\$50, 185, 750	00
6	per cent. Pacific Railroad	4, 019, 000	00
5	per cent, 10-40	445, 700	CO
5	per cent. F. 81s	158, 432, 850	00
	per cent. F. 91s	36, 695 450	00
4	per cent	109, 875, 800	00
	Total	359, 654, 530	00

From this statement it appears that there are held by the banks From this statement it appears that there are held by the banks as security for their circulation, and which they must substitute in some way when we redeem the 6 per cent. and 5 per cent. bonds of 1881, 6 per cent. bonds to the amount of \$50,185,750; and of 5 per cent. bonds to the amount of \$158,878,550. There is held by the Government as security for deposits of public money in the national banks \$15,000,000, or thereabout. There are held by the banks on investment additional bonds to the amount of about twenty-eight millions of dollars. I estimate that about one-half of these bonds are 5 and 6 per cent. bonds. The savings-banks in only fourteen States hold national bonds to the amount of \$187,413,220; trust companies, \$19,109,650, and State banks, \$7,142,532, making \$213,665,402 of panies, \$19,109,650, and State banks, \$7,142,532, making \$213,665,402 of bonds held by corporate bodies of this character. The above figures are taken from the report of the Comptroller of the Currency. I suppose that about one-half of this amount to be in 5 and 6 per cent. bonds; to wit, about one hundred and six million dollars. Such bonds would have to be supplied by the bonds in great part as issued under this bill, and thus a market for near four hundred million dollars of 3 per cent. bonds would be found, and there would be left

but \$270,000,000, or a little over, of indebtedness to be provided for.
Under the fifth section of the committee's bill, hereafter the Gov-Under the fifth section of the committee's bill, hereafter the Government would receive 3 per cent. bonds as security in every instance where security may be in future required. In case we had no other purchaser for this balance of \$270,000,000, I would then await the incoming revenues. According to Secretary Sherman's figures the amount required for the sinking fund and the probable surplus is \$90,000,000 per annum. Three years will provide for this sum, and in that time we could liquidate them by payment of this \$270,000,000 for three years, as shown by Secretary Sherman's estimates. Let us view it, however, in another light. According to the statement of my colleague, [Mr. Kelley,]\$108,000,000 was actually paid during the last calendar year. According to my estimate of the probable receipts and expenditures for three years to come we shall have at the end of thirty months \$297,500,000, which would more than pay off this \$270,000,000. Probable receipts each year for three years to come, \$350,000,000; probable expenditures each year for three years, \$175,000,000; to which there should be added, if this loan is negotiated, \$60,000,000 each year for interest on the public debt, aggregating each year of out-go \$235,000,000; showing a surplus each year of \$115,000,000, or thereabout, to go to the sinking fund and liquidation of the debt, amounting in thirty months to the sum I have heretofore given, \$297,500,000. This view is based upon supposition that no outside purchasers could be found, beyond corporations named. In the light three years, as shown by Secretary Sherman's estimates. Let us view it,

\$297,500,000. This view is based upon supposition that no outside purchasers could be found, beyond corporations named. In the light of these figures what excuse is there for this House to hesitate in fixing 3 per cent. as the rate of interest on these bonds?

Mr. BUCKNER. Does the gentleman in his calculation assume that the banks, without any legal compulsion, will take these bonds in exchange for those they now hold?

Mr. RANDALL, (the Speaker.) I propose to follow the authorization of these bonds by suitable legislation to that end. I would say to the banks that hereafter whenever bonds are required to be deposited for their circulation or for the security of public moneys, those bonds shall be three percents. At the same time I would provide that whenever the three percents are called in, the banks shall have the privilege of substituting any other bonds of the Government. But I would make the banks the medium of placing \$400,000,000 of these bonds at 3 per cent., for by such legislation as I have suggested no injustice could be done to them, as the relative value of the four-and-a-half percents, four percents, and the proposed three percents would a-half percents, four percents, and the proposed three percents would soon reach a common level. [Here the hammer fell.] I believe, Mr. Chairman, that the golden opportunity is now presented to this Gov-ernment to place the loan of the United States at as favorable a rate ernment to place the loan of the United States at as favorable a rate of interest as the most favorably situated countries of Europe. I believe that this opportunity, if now thrown away, may never return during this century; and as a representative of the people I feel that I would be guilty of criminality if I failed to take advantage of the opportunity now presented to place the bonds of our Government alongside those of England, Holland, France, and Germany. And that would be an event, sir, which would mark an epoch in the progress of American finance and make it parallel in success the great ability by which France revived her credit after the French-German war.

war.

The CHAIRMAN. The gentleman's time has expired.
Mr. HOUSE. Will the gentleman let me ask him a question.
Mr. RANDALL, (the Speaker.) I hope I will be permitted to answer the question which the gentleman has asked me.
The CHAIRMAN. Under the prior order of the House all discussion of the pending amendment is exhausted.
Mr. RANDALL, (the Speaker.) But the gentleman from Tennessee asks me how I will compel the banks. I would authorize the Secretary of the Treasury to use the gold in the Treasury so as to call in, say, \$50,000,000 at a time.

Several Members. Regular order!

Several MEMBERS. Regular order!
The CHAIRMAN. The time has expired to which debate on the pending amendment was limited, and gentlemen will resume their

Mr. HARRIS, of Virginia. I move to amend by making it two and

Mr. HARRIS, of Virginia. I move to amend by making is two and a half.

Mr. FRYE. The gentleman from Pennsylvania, who took the floor to close debate in favor of a 3 per cent. bond, and without objection from any who are opposed, occupied a great deal more than the time allowed by the rule. Now it seems to me some gentleman who favors a higher rate of interest than three should be permitted to reply to a certain extent, at any rate, to the gentleman from Pennsylvania.

Mr. RANDALL, (the Speaker.) I have no objection to that.

Mr. HARRIS, of Virginia. Under my motion to amend, the gentleman can reply and make the speech he desires to make.

The CHAIRMAN. In reply to the suggestion of the gentleman from Maine the Chair desires to state that in his opinion the Committee of the Whole cannot extend the time for the discussion as the neading

mittee of the Whole cannot extend the time for the discussion as the House by order has limited the time for discussion on the pending

Mr. FRYE. I suppose unanimous consent can do it. But I do not know whether that can be obtained.

Mr. HARRIS, of Virginia. What is the question before the com-

mittee?
The CHAIRMAN. It is the amendment offered by the gentleman from New York, [Mr. FERNANDO WOOD.]
Mr. HARRIS, of Virginia. I move to amend the amendment, and that is debatable without regard to the action of the House.
The CHAIRMAN. The Chair feels inclined to hold this committee has not the power of itself to extend the time for discussion.
Mr. RANDALL, (the Speaker.) I move the committee rise. My object is to extend the time for debate. I have myself, and perhaps it is a little selfish, something more to say on this subject, and, if the other side desire to be heard, I think they ought to have that right.
Mr. WARNER. I desire to be heard in opposition.
Mr. HARRIS, of Virginia. Is that necessary as the amendment is

only in the first degree? It is liable to be amended, and when an amendment to the amendment is moved it is debatable under the rules without regard to the order of the House.

The CHAIRMAN. The Chair adheres to the opinion that this committee has not the power to extend the time for discussion.

Mr. HARRIS, of Virginia. I call for the reading of the rule.

Mr. RANDALL, (the Speaker.) I move the committee rise, and my object is to extend the time for this debate.

Mr. FERNANDO WOOD. I think in view of the remarks of the

Mr. FERNANDO WOOD. I think in view of the remarks of the gentleman from Maine it appears only pertinent and just time should be accorded to him and any other on that side of the question to reply to the remarks of the gentleman from Pennsylvania, of course within the same time taken by that gentleman. I hope it will be done by unanimous consent, because if the committee rises and we go into the House again, it will be almost impossible to pass a vote by which we can put any proper limit to the discussion now renewed and running. I hope, therefore, we shall not rise, but settle the matter amicably among ourselves.

I hope, therefore, we shall not rise, but settle the matter amicably among ourselves.

Mr. RANDALL, (the Speaker.) I exercised nothing but a parliamentary right, and an equitable right, to close the debate in favor of the amendment. It belonged to those in favor to close.

Mr. SPRINGER. I rise to a parliamentary inquiry. I desire to know how many amendments were pending before the committee when the House resolved itself into Committee of the Whole House.

The CHAIRMAN. When the House went into Committee of the Whole for the consideration of this measure there were pending the amendment of the gentleman from New York and the substitute offered by the gentleman from Kansas, and further the formal amendferred by the gentleman from Kansas, and further the formal amend-ment which the Chair understands to have been offered by the gen-

tleman from Maryland.

Mr. SPRINGER. Then another amendment is in order to the pend-

ing amendment.

The CHAIRMAN. The Chair will state to the gentleman from Illinois he is of the opinion that an amendment would be in order to the pending amendment of the gentleman from New York, but it would

pending amendment of the gentleman from New York, but it would not be debatable under the order of the House.

Mr. HARRIS, of Virginia. I desire to have read the rule which shows the amendment is clearly debatable.

Mr. SPRINGER. Let the order of the House which was passed before we went into committee, and which provides for closing the debate on the pending amendment, be read.

Mr. HARRIS, of Virginia. Read also clause 6 of Rule XXIII.

The CHAIRMAN. The Clerk will read the order of the House.

The Clerk read as follows:

The Clerk read as follows:

Mr. Fernando Wood moved that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the funding bill; pending which, Mr. Wood further moved that all debate on the pending amendment be limited to thirty minutes; which resolution was agreed to.

to thirty minutes; which resolution was agreed to.

Mr. HARRIS, of Virginia. I desire to read this rule.
Mr. CALKINS. I rise to a parliamentary inquiry.
Mr. HARRIS, of Virginia. I wish to read this rule, and I desire also to make a point of order under it.
The CHAIRMAN. The gentleman from Indiana has risen to a parliamentary inquiry; he will please state it.
Mr. CALKINS. I desire to know whether the amendment of the gentleman from Virginia is in order at this time.
The CHAIRMAN. The Chair does not understand that the gentleman from Virginia has yet presented his amendment.
Mr. HARRIS, of Virginia. I desire to offer an amendment to the amendment of the gentleman from New York to make the rate 2½ per cent. I confess it is a formal amendment, but under the rules of the House I have the right to make it, and I wish to read the rule bearing upon the question.

House I have the right to make it, and I wish to read the rule bearing upon the question.

The CHAIRMAN. The Chair desires to suggest to the gentleman from Virginia that there is no difference in sentiment between the gentleman from Virginia and the Chair. The Chair recognizes the right of the gentleman to offer the amendment to the amendment already pending.

Mr. HARRIS, of Virginia. But the Chair has stated that I have no right to debate the amendment when it is offered.

The CHAIRMAN. The Chair still adheres to that opinion.

Mr. HARRIS, of Virginia. I call the attention of the Chair, then, to this rule in support of what I have said. I read clause 6 of Rule XXIII. It is as follows:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon seed section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

[Great laughter.]
The CHAIRMAN. That seems to sustain the Chair.
Mr. HARRIS, of Virginia. Yes; you are right; I sustain the decision of the Chair myself. [Laughter.]
Mr. FERNANDO WOOD. Mr. Chairman, I now ask unanimous consent that the request of the gentleman from Maine [Mr. FRYE] be complied with and that he be allowed five minutes' time to reply, if he so desires, to the remarks of the gentleman from Pennsylvania, [Mr. RANDALL.] Mr. BLOUNT. I object.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that there is already pending a motion made by the gentleman from Pennsylvania, that the committee now rise for the purpose of extending the time for debate. [Cries of "Question!"] The committee divided; and there were—ayes 125, noes 16.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had reached no conclusion thereon.

Mr. FERNANDO WOOD. Mr. Speaker, I now move that the House resolve itself in Committee of the Whole on the state of the Union, for the purpose of considering the funding bill; pending which motion I move that all debate upon the pending amendment

shall cease in thirty minutes.

The SPEAKER. The House has heretofore limited debate upon the pending amendments on motion of the gentleman from New York to thirty minutes. The Chair would suggest that the gentleman can reach his purpose in a parliamentary way by moving to reconsider the vote by which debate has heretofore been limited, and thus trav erse the preceding action of the House and reach an extension of the

Mr. MURCH. I desire to amend the motion of the gentleman from

The SPEAKER. That question is not yet before the House. The question of reconsideration will first be determined.

Mr. FERNANDO WOOD. Then I move to reconsider the vote by

which the House limited debate upon the pending amendments to thirty minutes.

The motion to reconsider was agreed to.

The SPEAKER. The question now recurs on agreeing to the original proposition of the gentleman from New York, which he now pro-

Mr. FERNANDO WOOD. I move to amend by extending the time for thirty minutes longer, making the limit one hour upon the pend-

ing amendments.

Mr. MURCH. I move to amend by making the time two hours. The amendment to the amendment was not agreed. [Cries of

The amendment to the amendment was not agreed. [Cries of "Make it an hour."]

Mr. MURCH. I move, then, to amend by making it one hour.

The amendment to the amendment was agreed to.

The amendment, as amended, was then agreed to.

Mr. BUCKNER. I now move to reconsider the vote by which the time for debate has been limited upon the pending amendment; and also move to lay that motion upon the table.

The latter motion was agreed to.

Mr. FERNANDO WOOD. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the refunding bill. The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. COVERT in the chair.)

Mr. BUCKNER. Mr. Chairman, from the indications which I have seen in this House it is to my mind very evident that it is not the intention or the wish of the majority of the House to issue what is termed a long bond. In other words it is, so far as I can see, the purpose of the House in refunding this debt not to put it in such form

pose of the House in refunding this debt not to put it in such form as will place it beyond the power of the Government to pay it in ten years or at any shorter period that we may be able to do so.

There is no question at all, judging of the resources of this Government according to the reports of the Secretary of the Treasury, and the probabilities of large increases of revenue growing out of the fact of our increase of population and wealth, that in ten years we can pay every dollar of this debt; and that will be in time to begin the payment of the four-and-a-half percents due in 1891. And I believe it is the purpose of this House so far as it can be done to set upon that is the purpose of this House, so far as it can be done, to act upon that idea to make the bonds redeemable at such periods as that we shall have complete power to pay the debt without any increase of premium or without going into the market to make purchases. If left at our option to pay it within ten years we can pay it; and we ought

to pay it.

Therefore the only question of difference between the members of this House can be as to the rate of interest of the renewal bonds. this House can be as to the rate of interest of the renewal bonds. Why, sir, my friend from Pennsylvania, the Speaker of the House, admits, and so does my friend from New York [Mr. Fernando Wood] impliedly admit, that you cannot float a 3 per cent. bond with short option unless with other legislation; and that is legislation in the interest of the banks. You must reduce taxation, they say. You must take taxation off the circulation as well as off the capital and the deposits. In other words, Mr. Chairman, this measure is a eat in the meal-tub. There is a Trojan horse behind it, the object of which is to make a represent forever the national banks of this country. eat in the meal-tub. There is a Trojan horse behind it, the object of which is to make permanent forever the national banks of this country, founded as they are upon the indebtedness of the Government. That is the object of this bill or the object of a 3 per cent. rate.

You cannot float your bond at par at a 3 per cent. rate. You must ask additional legislation; and you must have such legislation as my friend from New York [Mr. Chittenden] asks; that is, you must take the taxes off the deposits and the circulation.

Now, I respectfully suggest to these gentlemen they had better do

that first, before they take the risk of putting on the market bonds bearing as low an interest as 3 per cent. If we get our bonds floated at a 3 per cent. rate it is lower than any nation on the face of the earth has been able to get. It is lower than England has to-day. It is lower than any government on the face of the earth has. And I would hardly believe it if one were to arise from the dead and tell me you could float six hundred and fifty millions of debt of this Government on short hood at 3 rear year that are represented as in the face of the careful for the form the dead and tell me you could float six hundred and fifty millions of debt of this Government on short hood at 3 rear year that have a contract the face of the first floated. ernment, on short bond, at 3 per cent. at par under existing legisla-tion. Yet that is the measure we are asked to act upon. Hence I am in favor of the amendment which will be proposed by my friend from Maryland, [Mr. McLane,] that the rate shall be not exceeding 3½ per

cent.

Some will say you will never be able to get it at less than 3½ per cent. You will get it at 3 per cent. provided there is 3 per cent. money in this country to any extent. If there is \$300,000,000 of 3 per cent. money that is lying in such quantity in the banks and insurance companies, or elsewhere, as that the owners of it prefer 3 per cent. to nothing better, you will get it, but not otherwise.

A Member. The Secretary of the Treasury says you can get it.

Mr. BUCKNER. The Secretary says you can get some of it, and I doubt not you can; but I do not believe any man on this floor believes you can get money enough for the entire debt at 3 per cent. on a short bond. The gentleman from Pennsylvania admits that in order to get it at 3 per cent. you must have a change of law in reference to bank

it at 3 per cent. you must have a change of law in reference to bank

Mr. FRYE. This is not, it strikes me, a question whether or not the United States has the power to dragoon national banks into taking 3 per cent. bonds. I admit that the United States, through this Congress, has complete power over the national banks. I admit this Congress, has complete power over the national banks. I admit the dragooning process can be applied if the Congress of the United

States desires to do it.

Why attack the national banks? I say, sir, that there never was a country in the world which had a national banking system so prolific of good and of safety to the people as the one we now enjoy.

And I say to gentlemen who attack that system that they will never find a people in the United States hereafter who will consent to a State banking system where the bills shall not be protected beyond a peradventure by the deposit of bonds to secure circulation. That, sir, is the beauty of the system of national banks in this country to-day. And when the gentleman from Pennsylvania [the Speaker] proposes to find a customer for three percents only in this, that the United States has the power and ought to use the power to

break down this banking system, he is making an appeal not to the good sense and justice of this House but to prejudice and passion.

Again, sir, I say the gentleman may compel, perhaps, these savingsbanks and trust companies to take the three percents, but if he does who pays the penalty of the low rate of interest? The bondholder? no; the people who have got their hard-earned gains on deposit in the trust companies and the savings-banks. It is no heavy hand laid

the trust companies and the savings-banks. It is no heavy hand laid on the rich, but a blow directly at the face of the poor.

Again, the gentleman from Pennsylvania intimated that you might withdraw gold and pay bonds. Sir, resumption is dependent upon the gold in the United States Treasury.

Mr. RANDALL, (the Speaker.) Why, the Secretary of the Treasury has a law authorizing him to obtain all the gold he wants at 5 per cent. to make absolutely secure resumption.

Mr. FRYE. That is, gold outside the Treasury?

Mr. RANDALL, (the Speaker.) I said the gold in the Treasury to a limited extent, perhaps 33 per cent. above the amount required to protect the greenback circulation, might be used to take up these bonds—to start the negotiation.

protect the greenback circulation, might be used to take up these bonds—to start the negotiation.

Mr. FRYE. That amounts only to this, that the Secretary of the Treasury is authorized under the law to sell 5 per cent. bonds and save resumption. We want no such remedy as that.

Mr. RANDALL, (the Speaker.) I do not believe there would be any need for such a remedy.

any need for such a remedy.

Mr. FRYE. The gentleman declares in his speech that he wishes to see this country stand in credit side by side with England and France and other European Governments. I say to the gentleman from Pennsylvania that he cannot name a country on the face of this earth which for eighteen hundred years' birth has ever been able to float a 3 per cent. bond at par.

Mr. RANDALL, (the Speaker.) Will the gentleman—

Mr. FRYE. No interruption now, please. I say that the British consols, having a perpetual time to run, and thus being a great deal better than your 3 per cent. bonds at five, ten, or twenty years, have stood during the last ten years, from 1869 to 1878 inclusive, at 93.48. Deducting dividends and accrued interest the average has been 92.73, realizing interest on the investment at the rate of 3.23½. In 1798, when they were first placed, they were placed at 49½. The best point ever reached by England in placing her three percents was 7.3 discount.

Godn.
[Here the hammer fell.]
Mr. RANDALL, (the Speaker.) I will take the floor and yield time
to the gentleman from Maine, [Mr. FRYE.]
Mr. FERNANDO WOOD. Does not the gentleman from Maine know
that British 3 per cent. consols have sold on the Bourse of London within
thirty days at 102?
Mr. BANDALL (the Speaker.) And does not the gentleman know

Mr. RANDALL. (the Speaker.) And does not the gentleman know the fact that England proposed, and but for the Irish troubles would

now be able, to enter upon a scheme of replacing her 3 per cent. loan

with a loan at 24 per cent.?

Mr. MILLS. A perpetual loan, however.

Mr. FRYE. I thank the gentleman from Pennsylvania for his courtesy. It is urged here in favor of the 3 per cent. loan that the British consols once in fifty years have gone to 2 per cent. above par—the British consol with accrued interest. There never has been sold by the government itself, in order to place it, a British consol at a better rate of discount than 7.3 per cent., and no other country in the world has ever placed a 3 per cent. bond on as favorable terms as that. The gentleman from Pennsylvania [Mr. Kelley] and other gentlemen have quoted our 4 per cent. bonds in the English market at 116, and have declared that that was an evidence that we could place a 3 per cent. bond at par. At the time that quotation was made those bonds only bore a premium of 124 per cent.

Mr. KELLEY. The gentleman is mistaken; I made no such asser-

Mr. FRYE. I am mistaken, then, but I understood that gentleman and others to give not only the quotations of the bonds in the English market but the English quotations. Now let me say to the House lish market but the English quotations. Now let me say to the House that the English quotations and the American quotations are made on an entirely different principle. The English par of the pound sterling is \$5, while the American par of the pound sterling is only \$4.86.6. To-day by reason of the rate of exchange the American par of the pound sterling is only \$4.82\frac{1}{2}.

Now, if the gentleman will only make his calculation, calling 500 the English par of the pound sterling and 482\frac{1}{2} the American par of the pound sterling, the problem will be this: As 500 is to 482\frac{1}{2} so is 116 to the answer. That will show that the English quotation was equal to an American quotation, at sight, of about 111.

Now, I say (and I thank the committee for listening to me so long as they have and extending my time) that this is no partisan question. The attempt to place a 3 per cent. bond before the country and a

they have and extending my time) that this is no partisan question. The attempt to place a 3 per cent. bond before the country and a failure to do so will be a disaster which every honest man loving his country ought to seek to avoid. I believe in my soul that if you attempt to place a 3 per cent. bond at par you will fail. I equally believe that if you fix the rate at 3½ per cent. you will succeed. I therefore shall vote for the proposition of the gentleman from Maryland, [Mr. McLang.] to fund six hundred millions at 3½ per cent., redeemable after of e year. [Applause.]

Mr. RANDALL, (the Speaker.) I would like to ask the gentleman a question before he takes his seat.

Mr. FRYE. Certainly.

Mr. RANDALL, (the Speaker.) What justification has the gentleman for fixing the rate of interest at 3½ per cent. when the premium upon the four and four-and-a-half bonds are now equivalent to a bond at par of 312 and 327 respectively?

at par of 312 and 327 respectively?

Mr. FRYE. Does not the gentleman from Pennsylvania [Mr. RANDALL] know that the very day the Committee on Ways and Means by a unanimous vote determined to fix 3 per cent. as the rate of interest upon the outcoming bonds the four percents went up, with a fictitious

leap, 2 per cent.?

Mr. RANDALL, (the Speaker.) They did not go up with a fictitions leap. They merely approached a common level, so that the proposed three percents, if they were issued, would approach a common level with the other bonds; just as water always reaches a common level.

Mr. McLANE. Is not the thirty minutes' time allowed for de-

Mr. BURROWS. One hour.
Mr. McLANE. Is not the one hour which by order of the House was given for debate to be under the five-minute rule?
The CHAIRMAN. It undoubtedly is.
Mr. McLANE. Then I ask the Chair to be good enough to enforce

The CHAIRMAN. The Chair has strictly enforced that rule. Mr. McLANE. The time of the gentleman from Maine, [Mr. FRYE,]

which has just expired, was allowed to run for ten minutes.

The CHAIRMAN. The Chair will state to the gentleman from Maryland that at the expiration of the five minutes accorded to the

Maryland that at the expiration of the five minutes accorded to the gentleman from Maine the gentleman from Pennsylvania [Mr. Randall] sought and obtained recognition from the Chair, and thereupon yielded his five minutes to the gentleman from Maine. The gentleman from New York [Mr. EINSTEIN] is now recognized.

Mr. EINSTEIN. Mr. Chairman, I am greatly surprised at the temper in which this House approaches a bill of such magnitude and importance to the country as is this measure for refunding the bonds of the Government. In view of the knowledge which gentlemen possess as to the present condition of the money market, and particularly so as regards its hearing and relation to and mon the credit of possess as to the present condition of the money market, and particularly so as regards its bearing and relation to and upon the credit of the United States, I cannot see how they can for one moment contend that it is possible for us at the present time to float so large a loan as from three hundred million to six hundred million dollars at so low a rate of interest as 3 per cent. per annum. The very fact that our 4 per cent. bonds are now selling in the market at about 112 ought to be proof conclusive on this point.

Mr. FERNANDO WOOD. I beg to remind my colleague that the 4 per cent. bonds are selling at 113½, and at the present premium yield the investor an income of only about 3½ per cent.

Mr. EINSTEIN. My colleague is correct as to the price, but as it fluctuates I assumed it to be about 12 per cent. premium. However, at

131 per cent. premium, these bonds would yield to the investor about .03375 per cent. per annum. These bonds have been and are now largely in the hands of people who hold them for investment. We propose to offer another loan of vast amount, considerably dearer and consequently less desirable than this one. What do you suppose investors who must have Government securities will do; will they buy the 4 per cent load which for the sense amount of more will yield them. who must have Government securities will do; will they buy the 4 per cent. bond which for the same amount of money will yield them thirty-seven hundredths of 1 per cent. more return than the proposed new loan, or will they invest in the new loan at 3 per cent. from purely patriotic motives? I think not.

It is necessary, Mr. Chairman, that a very large amount of bonds should be refunded. Will not this great sum of the new loan tend to keep down its price as well as that of the other Government loans? Bankers and investors know our position and understand over necessition and understand over necessition and understand over necessitions.

Bankers and investors know our position and understand our necessities. They will know that we are compelled to place this 3 per cent. loan, and it will be absolutely impossible for us to sell at par bonds bringing a lesser return than our four percents, are now yield-

on that basis.

Our position is plainly this: We have now, in round numbers, about six hundred and eighty-three million dollars of indebtedness to be refunded. If this should all be refunded at as high a rate as 4 per cent. per annum, our saving of interest would be about nine million dollars annually. If we refund at the rate of 3½ per cent. per annum, it would be about twelve million four hundred thousand dollars. And of our ability to fund at this last rate I have no doubt, and unhesitatingly assert that it is my indepent that we cannot sell our bonds at par when they yield any lower rate of interest than 3½ per cent. per annum. And I do not believe that we are warranted in taking the risk of a failure when this bill becomes a law. Gentlemen should understand what our position would be in case we should undertake to refund at 3 per cent. and not succeed. The loss to the Government in its future monetary operations would be incalculable, and the responsibility of it would rest upon this Congress

Gentlemen talk about the relative credit of the United States and England and then ring the changes on British consols; but my friend from Maine [Mr. FRYE] has just exposed how fallacious are the statements made relative to those securities. Because once in the last twenty-five years British consols have sold at par, it is claimed on this floor that we can sell our three percents at the same price. It is said that the credit of the United States is as good, if not better, than that of Great Britain. I admit it, and I further believe that the credit of our Great Britain. I admit it, and I further believe that the credit of our Government rests and will forever rest on a firmer and a stronger basis than that of any other land, but for that very reason we should be careful not to injure it or affect it in any way. Gentlemen well know that one of the great causes of the high price of British consols is the immense amount of money invested in them for estates and trust funds, and which can by law be invested in no other security. Even though consols yielded but 1 per cent. per annum interest in return, yet these investments would still have to be made.

Another and equally powerful reason for their high price is on account of the plethora of capital in Great Britain, something our new and yest country is not yet troubled with. And further, let me in this

and vast country is not yet troubled with. And further, let me in this connection speak of our position as contrasted with that of a few years ago. We have just emerged from the most disastrons and proyears ago. We have just emerged from the most disastrons and protracted panic the country has ever witnessed—industries prostrated, labor paralyzed, the wheels of commerce blocked, and destitution and misery staring at us from many sides. That was the picture but a little while ago. Mark the contrast. Prosperity's busy hum is heard throughwhile ago. Mark the contrast. Prosperity's busy hum is heard throughout the land, and everywhere we find new evidences of success and development; the country is alive again; gigantic enterprises promising great returns are now being undertaken and money for them is obtained from the public; new railroads greatly needed in many sections; the great project of opening up our sister republic, Mexico, to commerce and 'American capital—these and many other enterprises offer themselves for the investment of large amounts of money, and these to a certain extent must work an influence on the refunding of our loan; small it may be but prepentible. our loan; small it may be, but perceptible.

our loan; small it may be, but perceptible.

Mr. Chairman, I believe that there is but one way in which thisloan can be refunded at 3 per cent., and that is by the abolition of the national bank tax on circulation; and from what I can judge of the feeling of members, I do not believe they would vote for its repeal; but if that is not done, and the refunding bill passes with the 3 per cent. interest clause, I believe the effect will be to compel many of the national banks to retire their circulation, as I cannot see how the little profit they can make will justify them in continuing to keep it out. The consequence will be a contraction of currency, perhaps a very severe one, and you will not only find your refunding operation seriously endangered, but possibly many greater evils may follow. I ask gentlemen to pause and consider, before they cast their vote, whether it will not be more to their country's interest that they should not risk even the remotest chance of possible failure in this refunding bill. But they can have the alternative, and if three percents are worth par, three-and-one-half percents will command a

banker, warned the committee against adhering to a $4\frac{1}{2}$ per cent. bond, saying that a 4 per cent. bond could be placed upon the market at par. The Secretary of the Treasury at that time thought differently, and a great many bankers of the country agreed with him. But the Committee on Ways and Means adhered to the idea of a 4 per cent. bond, and \$738,000,000 of such bonds were placed upon the market at par, and are now ruling at $113\frac{1}{4}$ in the markets of the United States States

States.

Last winter the Secretary of the Treasury said that we could not successfully place upon the market any bond at a lower rate of interest than 4 per cent., but the Committee on Ways and Means insisted upon 3½ per cent. Now the Secretary comes in and says that a 3 per cent. loan of \$400,000,000 of Treasury notes running from one to ten years can be put upon the market at par. The credit of the United States in the course of one year has risen to such an extent that gentlemen who last year said that 4 per cent. was the lowest rate at which a bond could be floated agree now that a 3½ per cent. bond can be put upon the market. But a 3½ per cent. bond would command a premium; and why should we put such a bond upon the market at a premium when we can place a bond at a less rate of interest at par?

Mr. MORRISON. Would not any Government bond be at a premium after being placed on the market?

Mr. TUCKER. That may be. In February of last year, when we were discussing this question, 4 per cent. bonds were at 105, which showed we could then have floated a 3.72 bond at par. At one hundred and nine and a fraction you can float a 3½ per cent. at par.

dred and nine and a fraction you can float a 3½ per cent. at par. At one hundred and eighteen and a fraction you can float a 3 per cent.

Mr. MORRISON. At the same time?
Mr. TUCKER. At the same time. You see, four percents are rising in the market, so that the money market will bear a less and less rate of interest every day. My word for it, Mr. Chairman, if we pass a 3 per cent. bond by this Congress, the four percents will go up to a point which will make the three percents at par, worth as much to

the investor as the four percents.

Mr. FRYE. I ask whether time has not something to do with the four percents?

Mr. TUCKER. Yes, sir; but when you make your calculation of the premium on the four percents and the time they have to run, you will see the investor is really only getting to-day 3½ per cent.

Mr. REED. But he has his money invested, which he cannot have

with an option bond.

Mr. TUCKER. What kind of option bond?
Mr. REED. One-year option bond.
Mr. TUCKER. Four per cent.?
Mr. REED. Three per cent.

Mr. REED. Three per cent.
Mr. TUCKER. I am not talking about that.
Mr. REED. That is my point.
Mr. TUCKER. Is my time out, Mr. Chairman
The CHAIRMAN. The gentleman has two minutes remaining.
Mr. TUCKER. I do not believe the time of option, as has been stated this morning, is of great importance. I believe a 3 per cent. bond, for reasons already stated by others in this debate, will never be at any large premium, and therefore there will be, if you place a three percent on the market at ten or fifteen years, a virtual option be at any large premium, and therefore there will be, if you place a three percent on the market at ten or fifteen years, a virtual option in the Government always to buy in that bond at par. The consequence would be, if we can only secure our objective point of negotiating a 3 per cent. bond, we will save \$3,000,000 of interest on this \$600,000,000 now to be refunded.

The CHAIRMAN. The gentleman's time has expired.

Mr. TUCKER. There are one or two other points I should like to add to my remarks, if there be no objection.

The CHAIRMAN. The Chair hears no objection.

Mr. TUCKER. The extraordinary rise in the credit of the United States is due to many causes, to which it is needless to refer. The scrupulous maintenance of the public faith has brought the rate of interest on our bonds down to the standard of European nations. Hazard to the lender breeds usury for the borrower, and good credit

Hazard to the lender breeds usury for the borrower, and good credit is the parent of low rates of interest. When, therefore, the perfect safety of our bonds is assured, why should any nation of the Old World borrow at a less rate than this young and growing nation of the New World?

The rate of interest for public securities in England and on the Continent of Europe is not over 3 per cent. The money of the Old World will be lent to us at the same rate if our security is as good, and with our good faith assured, and our population doubling in every quarter of a century, and our wealth in a greater ratio, how can any American doubt our capacity to float at par a bond at the common rate of interest among European nations, the rate of 3 per cent. we

When I first came here we had never negotiated a bond for less when I hist came here we had hever negotiated a bond for less than $4\frac{1}{2}$ per cent. Now the premium on our fours indicates we can to-day float a bond at par at 3.25 per cent. The movement in our committee a month ago to change the rate in our reported bill from $3\frac{1}{2}$ to 3 per cent. sent our fours up to a higher premium which showed the investor was willing to take a less and decreasing rate of interest for his money. Pass this bill, and the premium on the fours will rise to an equilibrium with the new three percents at par.

Look at the splendid effect of the passage of this bill for three percents.

In 1875-'76 the annual interest charge on the Treasury was nearly one hundred million dollars.

If this bill passes as we propose, the account will stand thus:

Total principal interest-bearing debt	.1,618,000,000	00
Four percents due in 1907, say Four-and-a-half percents due in 1891 Three percents, say	. 250,000,000	00

Annual interest on fours..... 29,520,000 00 11,250,000 00 Annual interest on four-and-a-halfs..... Annual interest on threes..... 18,900,000 00

59,670,000 00

Then the annual interest charge will have been reduced nearly forty million dollars in five years.

This will give us the following results as to revenue and expendi-

 Revenue from customs (estimated)
 \$195,000,000 00

 Revenue from internal taxes (estimated)
 130,000,000 00

 Revenue from other sources (estimated)
 25,000,000 00

 350,000,000 00

Total (estimated) revenue...... Expenditures: Ordinary expenses..... \$175,000,000 00 Interest on debt 60,000,000 00

235, 000, 000 00

115,000,000 00 debt, annually. 65,000,000 00

And we will have a surplus of.....

Now, what will we do with it? Some gentlemen say utilize it all for the rapid extinction of the principal of the debt, and save posterity and our grandchildren from its burdens. I cannot agree to this as a matter of justice or policy. If the debt was contracted for a permanent good, the heir to whom the good descends should take it with the burdens incurred for its acquisition. This is just, according to the common law and to common sense.

As a question of policy, why should the tax-payer now pay the taxmoney which to him costs 5 or 6 per cent., or even more, instead of
borrowing through his Government at 3 per cent.? Is it economy to
him to force him to contribute at 6 per cent. money to pay his share
of the public debt, charged with only 3 per cent.?

Besides, in 1591, when the four-and-a-halfs fall due, we will have
65,000,000 of people and a fourth more wealth. In 1907, when the
fours fall due, we will have 100,000,000 of people and triple our present wealth. The burden of our debt per capita to-day is about \$34.
In 1907 the same debt would only be \$17 per capita, and the ratable
burden of the debt on wealth would become less. Is it policy, then,
to extract from the young nation, in the morning of its prosperity,
all of this debt? Is it not better to pay it gradually, according to
the sinking-fund plan, which will discharge all the proposed bonds
before 1890, all of the four-and-a-halfs before 1895, and all of the
fours before they mature, even with the reduction of taxation which
I suggest?

But I am in favor of the gradual as against the rapid process of ayment of the debt, because I wish to lift from enterprise and labor the burden of taxation now crippling the one and oppressing the other.

The present revenue from taxation is \$325,000,000. Estimating our total population at 50,000,000, the rate of Federal taxation per capita is \$6.50, or, counting five persons to a family, is \$33 per family.

After supplying the sinking fund and paying the annual interest we will have a surplus, as I have shown, of \$50,000,000. Shall this be continued as a tax, or shall the burden be lifted?

we will have a surplus, as I have shown, of \$50,000,000. Shall this be continued as a tax, or shall the burden be lifted?

I do not hesitate to say that this condition of things calls loudly for lessening taxation, and by readjustment of our revenue system of customs and internal taxes to decrease burdens, whereby, with the full maintenance of our public faith and meeting all the requirements of our constitutional duties, we may increase individual and the general prosperity by taking off the trammels on trade and the industries of the country and permitting the consumption of the necessaries of life by all classes, to be cheapened by a decrease of the taxes which now so largely enhance their cost to the consumer, and especially to the laboring and poorer classes of the people.

Mr. FINLEY. Mr. Chairman, I propose to vote against the whole business of refunding, and in doing so I think I voice the sentiment of a majority of the people I have the honor to represent. If we refund the debt now we will, in my judgment, perpetuate it forever. I favor paying the national debt, not refunding it. We have the resources with which to pay, then why mortgage the labor of the country for twenty, thirty, or forty years in the payment of a grinding interest, when the same money might as well go toward discharging the principal. The debt we propose to refund is, say, in round numbers \$683,000,000. Because we can borrow money at low rates of interest, it is proposed to postpone the day of final payment twenty, thirty, or forty years, in the mean time paying twenty-one to twenty-

four million dollars annually in the way of interest, thus perpetuating the principal, so that in the end we will have to meet the problem that faces us to day, "What are we to do with this national incubus? Pay it, or continue to pay interest on it?"

A prudent man, finding himself in debt, will not continue to pay interest on a principal that he has the means of discharging, but will interest on a principal that he has the means of discharging, but will

at once apply his surplus means in the payment of his principal debt in order to stop the payment of interest. The Government should do the same. We have in the past fifteen years already paid interest amounting to \$657,537,195, a sum equal to nearly the principal which

amounting to \$657,537,195, a sum equal to nearly the principal which we now propose to refund. Suppose that had been applied in the payment of the principal, we would now be nearly out of debt.

Suppose we refund the debt for, say, twenty years—I believe that is the minimum time proposed—what amount of interest will we pay? At 3 per cent., the lowest rate proposed, it will amount to \$420,000,000, more than half of the present principal. At 3½ per cent. it will amount to \$590,000,000, about 85 per cent. of the principal, which, added to the interest already paid, will at the lowest rate aggregate a total of \$1,027,537,195, and at the highest rate amount to \$1.247,537,195 interest paid, yet we have the principal remaining and \$1,247,537,195 interest paid, yet we have the principal remaining and are no nearer the end than when we first began.

Now, why not pay off the debt and close up the books? that we must make provision for the six percents and five percents falling due, and gentlemen appear to see no way open except to take up our old notes and give new ones. That proposition is not "a new way of paying old debts," but it is the old, old way of bankrupting the debtor by the renewal of his notes and the payment of interest. The oftener we renew the more interest we will have paid, and consequently to that amount the less able to pay off the principal. Will we be in better condition to pay off the principal ten, twenty, or forty years hence than we are to-day? Can we expect our surplus revenues to be larger then now? Will the principal look smaller to us then the sit does now? then than it does now?

The amount actually due to-day is much less than the surplus revenue now lying idle in the Treasury. Take that money and pay that off. The six percents and five percents are not payable now but redeemable at the pleasure of the Government after the 1st of July.

The surplus revenue is said to be more than ninety million dollars The surplus revenue is said to be more than ninety million dollars per annum. Let us apply it in discharge of the principal—in the redemption of the 6 per cent. bonds. In short, let the bonds stand as they are and apply the surplus revenue in redeeming them. As was said by my colleague, [Mr. Hurd.] a 3½ per cent. twenty-year bond would cost the Government more than the 5 per cent. bonds if not redeemed within the next ten years. With a surplus revenue of \$90,000,000 a year in eight years, or ten at farthest, we will have paid the whole of the principal.

If in the future a change should come over the presperity of this

the whole of the principal.

If in the future a change should come over the prosperity of this country; if our boundless resources should fail; if the balance of trade should be against us, and not in our favor; if the surplus revenues of the Treasury should dry up and the credit of this great Government be in danger of being weakened, it will be time enough then to talk about renewing our obligations or asking an extension of time. But now, at a time when the wealth of Europe is being poured into this country, when our coffers are filled to overflowing, our material prosperity the wonder and admiration of the world, to talk about renewing our obligations and continuing the payment of interest when we can as well discharge the principal is, in my judgment, anything than good management. than good management.

It is suggested that if times get hard and the Government becomes

It is suggested that if times get hard and the Government becomes hard pressed for money, interest will become higher, bankers will refuse to loan their money, and a panic will ensue.

Well, Mr. Chairman, it is time enough to cross a bridge when we reach it. I suppose this Government will be found equal to any emergency that may arise hereafter. I recollect on an occasion once before when the Government was hard pressed for means, under the auspices of the great and good republican party, it issued its non-interest-bearing promissory notes, and by law compelled the people to take them as money in payment of all their debts, and a republican Supreme Court, organized it was said for that purpose, decided the act constitutional. It is said now, however, that the republican Supreme Court is now prepared, should occasion require it, to decide that the former constitutional decision of a former constitutional Supreme Court was unconstitutional. How that is I do not pretend to say, but certainly we need give ourselves no concern, but that a way will be found to protect the credit of the Government at all times and on all occasions. times and on all occasions

Mr. ALDRICH, of Rhode Island. Mr. Chairman, the gentleman from Pennsylvania, the honorable Speaker of this House, has expressed an anxiety that the credit of this country should be shown to be equal to that of several European nations which he has mentioned, among them England, France, and Holland. Now, for the purpose of calling his attention and that of the House to the exact state of the credit of his attention and that of the House to the exact state of the credit of these nations, I desire to submit a few figures showing the price at which the various 3 per cent. loans issued have been sold and the prices at which they are now held. The highest price ever obtained by the government for British consols, conceded on all hands to be the highest form of governmental credit, was 82½. The principal part of the French 3 per cent. loan was sold by that government at 60½, equivalent to a 5 per cent. loan at par. They afterward sold at 69½, and some at 66½. Belgium sold three percents at 75½; Denmark sold

three percents at 75; Russia sold three percents at 68; Portugal sold three percents at 32½.

The gentleman has on several occasions made allusion to the credit

of Holland. Now, Dutch 2½ consols, to which he has alluded, sell in the open market at 65 when British consols sell at par.

The French 5 per cent. loan (rentes) of \$1,400,000,000 sold at a price equivalent to 6 per cent. at par. I also desire to call the attention of the committee to the price of British consols from 1789 down to the the committee to the price of British consols from 1789 down to the present day. In two instances only in all that period have they been at par—in 1846-'47, and again in 1852-'53. In 1853 the then chancellor of the exchequer, Mr. Gladstone, proposed to float a 2½ per cent. consol. In this he failed; but the temporary effect of the proposition was to bring the price of 3 per cent. consols to par. In May, 1853, British consols sold at 101. In October of the same year, less than six months afterward, with the bank rate at 5 per cent., consols declined to 90. The average price of British consols for fifty years, from 1789 to 1839, was only 67; for twenty-five years, ending in 1873, the average price was about 92.

Mr. RANDALL, (the Speaker.) Why, British consols have been at par within three months.

par within three months

Mr. ALDRICH, of Rhode Island. I am not now talking about the

present price of consols.

Mr. RANDALL, (the Speaker.) British consols have been at par within three months, although there has been a balance of trade against England of \$900,000,000, and the United States, with a balance of \$167,000,000 in its favor, certainly should be able to float its loan at a less rate of interest.

Mr. ALDRICH, of Rhode Island. I am aware the consols have recently been sold at par, but we have had an exceptionally low rate of interest both in this country and in Europe. We cannot hope that this, and other favorable circumstances to which I have no time to allude, will continue. Any considerable change in the money market, or any disturbing cause, would bring about a reduction in price; and in this connection I will read an extract from the London Economist of November 6, 1880, the highest English financial authority, upon the probable course of the market:

Yet we venture to doubt whether the present price (of consols) will be maintained long. It is really abnormally high. It has been produced partly by circumstances which may be called almost accidental. The moment trade really revives the money employed in this manner will be wanted elsewhere, and will move accordingly.

This shows what the best opinion of England is on the subject of the continuance of present market rates of securities, and this opinion is concurred in, I believe, by a large majority of the best financiers

in this country.

Mr. DE LA MATYR. Mr. Chairman, I am decidedly in favor of a 3 per cent. bond, and optional after a short term, if any at all. From the facts that have been clearly stated by gentlemen familiar with these matters on this floor, it is evident that such a bond can be floated at par. But suppose it could not be floated at par, let us see for a moment what great disasters would come if the debt remain as

it is, to be paid out of the surplus revenues of the Government.

If this bill becomes law, it will cost the people to pay a debt of \$637,350,600 the enormous sum, in principal and interest, of \$1,019,-

The Comptroller of the Currency, in his annual report for 1880,

Were the entire tax upon banks and bankers of the country, including the two-cent-check tax, (which is not likely,) as well as the tax upon matches and patent medicines removed, the amount of revenue received by the Government from the tax on spirits, beer, and tobacco and from customs duties would alone be sufficient to meet the expenses and reduce the public debt at the rate of at least seventy million dollars annually.

If the nation retains the option to pay the debt, even with the present rate of interest, by paying \$70,000,000 a year, it will be paid in less than nine years. On the plan of the bill, the simple interest will be \$382,410,360. On the plan of paying at the rate of \$70,000,000 per year, even with interest unchanged, it will amount to only \$164,473,489, saving \$217,936,871.

The Secretary of the Treasury, in his annual report for 1880, page, estimates that the surplus revenue to be applied to the payment of the public debt over the amount required to meet all other de-mands for the year 1881 will be \$00,000,000. A similar estimate on pages 8 and 7, for the year 1882, places the surplus revenue to be applied to payment of the public debt at \$90,085.717.

If the surplus revenue should continue to be \$90,000,000, the debt

\$756,928,912, principal and interest. That would be a saving over the scheme of the bill of \$262,832,048.

Again, on pages 4 and 5 of the report of the Secretary of the Treas-

ury, he informs us that:

Compared with the previous fiscal year, the receipts for 1880 have increased \$62,620,438.23, giving a net increase from all sources for the year of \$59,699,426.52.

By this statement we see that the net increase of surplus revenue in one year has been \$59,699,426.52. Those interested in the passage of this bill assure us that we have entered upon a career of unparalleled prosperity; that our financial system is nearly perfect, and that only some providential calamity can check this marvelous prosperity. I think on their views of the situation we can safely depend upon average surplus revenue of \$100,000,000 a year for the next six years. With the interest remaining at present rates, that will enable us to pay the debt within five and a-half years. The total amount we should

have to pay would be \$747,105,270, principal and interest. This would be a saving of \$272,655,690 over the plan which the bill proposes.

But, Mr. Chairman, I declare with utmost emphasis that there is still a far better plan. By using \$150,000,000 of the idle cash in the Treasury we can reduce the debt to \$487,350,600. Then, by substituting Treasury notes for national-bank currency, the amount could be reduced to \$133,516,493.

If any of the holders of the bonds demand coin, silver could be pur chased sufficient to meet the requirements of those foolish enough to prefer the silver dollar of 412½ grains to Treasury notes. The remainder could be paid out of the surplus revenues within two years, draining out of our overtaxed people less than seven millions of dollars of interest. By this last plan the power to regulate the volume of our currency will be taken from the national banking association and restored to the Government, "where," in the language of Thomas Jefferson, "it belongs."

The President-elect, Mr. Garfield, declared in his place on this floor that "the power to regulate the volume of the currency made its possessor absolute dictator of the financial and business affairs of the That power is now in the hands of the national banking association. How it is used is intimated by the Treasurer of the United States in his report, pages 19, 20, 21, and 22. He says:

sountry." That power is now in the hands of the national banking association. How it is used is intimated by the Treasurer of the United States in his report, pages 19, 20, 21, and 22. He says:

Attention is invited to the practical bearing on the question of bank note redemption of the construction heretofore placed by the Department on the various provisions of law authorizing the reduction and increase of the circulation of national hanks. The fourth section of the act approved June 20, 1874, 168 Statutes, 124), anthorizes any national bank desiring to withdraw its circulating notes to take up the bonds deposited for the security of such notes, upon the deposit of lawfall money with the Treasurer of the United States, and provides that an equal amount of the outstanding notes of the bank shall be redeemed at the Treasury of the United States. The banks have availed themselves of the privilege accorded by this provision to a very large extent, more than eighty-five million dollars of circulation having been surrendered in the manner prescribed, and nearly seventy-one million dollars having been redeemed at this office. The notes are received at the Treasury mixed with other bank-notes, and if they come from assistant treasurers, or in packages marked "unit," the express charges on them are defrayed out of the 5 per cent. redemption fund. They necessarily pass through the various stages of counting and assorting before they can be separated from the other notes, so that almost the entire expense of the redemption of the whole \$1,000,000 has been borne by the other national banks, there being no means of charging the "reducing" banks with the expenses of redeeming their notes until their deposits of legal-tendr notes are exhausted.

This provision was adopted in the expectation that it would act as a regulator of the volume of the bank circulation. It was expected that when the circulation became redundant the surplus would be retired, and that when a demand for more direction was made solely to enable the bank

the other banks, and issuing others, also at its own expense, whenever called upon by them.

An example will better illustrate these operations. In January and February, 1875, a certain bank reduced its circulation from \$308,490 to \$45,000 by deposits of legal-tender notes. Between September 26, 1876, and May 26, 1877, and before that deposit was exhausted it increased its circulation to \$45,000. Between August 14 and September 10, 1877, it again reduced its circulation to \$45,000. On September 19, 1877, nine days after completing the deposits for this reduction, it again began to take out additional circulation, although \$402,550 of prior deposits remained in the Treasury, and by the \$26th of that month its circulation had again been increased to \$450,000. July 22, 1878, it, for the third time, reduced its circulation to \$45,000, and in Angust and September, 1879, again increased it to \$450,000, at which it now remains, the balance of its former legal-tender deposit then in the Treasury being \$112,615. From January 13, 1875, to the date of this report. \$772,275 of its notes have been redeemed, of which only \$40,700 were redeemed at the expense of the bank, although during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expenses of redeeming its notes were \$24.74 in 1875, and \$1.39 in 1878. At one time there were in actual circulation \$852,500 of its notes, although the highest amount ever bo no on its books was \$450,000.

Other banks have reduced and forthwith increased their circulation to its former amount with the avowed object of relieving themselves from the trouble and expense of redeeming their notes through the 5 per cent. redemption fund. For example, a bank deposited \$15,000 in legal-tender notes for the reduction of its circulation on April 3, 1878, and on April 5, 1878, two days afterward, without having touched the bonds deposited as sec

In like manner, on July 11, 1879, it deposited \$9,000 for the same purpose, and on the very same day, without disturbing its bonds, it took out \$9,000 of additional circulation.

It is plain that such transactions as these are not within the spirit of the act of June 20, 1874. That act authorizes the deposit of legal-tender notes by any national bank "desiring to withdraw its circulation in whole or in part." A wish to surrender circulation with the reserved intention of taking out more at once, or as soon as a fall in the price of bonds shall make the transaction profitable, is not, it is submitted, such a desire to withdraw circulation as the law contemplates. The reduction of circulation therein authorized is a bran fide reduction, based on a well-settled intentio of the bank to curtall its note issues. It could neither have been intended nor expected that the law would become the means of enabling banks to operate in the securities of the Government deposited to secure the redemption of their notes or to throw upon the United States or the other banks of the country the expense of redeeming their notes while maintaining and enjoying the full circulation to which the law entitles them.

Such a construction utterly perverts the original intention of the act. Instead of the volume of the circulation being regulated by the business needs of the country, it is governed by the price of United States bonds. The price of bonds may be such as to induce banks to surrender their circulation at the very time when there is a legitimate demand for more circulation. The profit to be derived from taking up and selling their bonds may be greater than that derivable from their circulation. Within the last year a large reduction of bank circulation has taken place in the face of an active demand for more, simply because a good profit could be made by withdrawing and selling the four percents deposited as security for circulation. Nearly twenty-five million dollars in 4 per cent bonds were thus withdrawing up and selling the f

This quotation reveals what every man conversant with human na

This quotation reveals what every man conversant with human nature knows will be the inevitable result of committing such a vital public interest to an irresponsible private corporation.

The leading editorial of the New York Times of the 10th instant, complains as bitterly of the management of the "absolute dictatorship of the financial and business affairs of the country" by national bankers as the Treasurer. These complaints come, not from greenbackers, but from the most ardent supporters of the national-banking scheme of issuing the currency. It has been affirmed in this debate by the friends of the national banks that if an attempt is made to force upon the bankers a 3 per cent. bond they would retire their notes rather than submit, and by contracting the currency bring disaster upon the business interests of the country.

We are not in favor of substituting the old, corrupt State-banking system, as the gentleman from Maine [Mr. Frye] has just intimated, for the national system. We are in favor of the people, through their Government, issuing all currency needed and regulating its volume.

Government, issuing all currency needed and regulating its volume. By doing so they can fund this interest-bearing debt in non-interest-bearing notes to be used as currency instead of the national-bank notes, based on interest-bearing bonds, and at the same time take from private and irresponsible corporations the power to wreck the business interests of the country by changing the volume of currency, as the Treasurer and the New York Times affirm they have done, and as their supporters on this floor threaten they will do, if we dare attempt to require them to accept 3 per cent. on the bonds which form the basis of their notes. How long will an intelligent and liberty-loving people endure the absolute dictatorship of their finances and

loving people endure the absolute dictatorship of their finances and business by this association?

Mr. HASKELL. Mr. Chairman, I rise to oppose this 3 per cent. bond. I take it that two important errors have crept into the calculation of the gentlemen who favor such a loan. The first is the fact that they quote a 4 per cent. bond at its long time, and fail to say anything about the limit of time which is applied to it, and becomes

an important element in fixing its value.

The second error is that they quote the current price of the 4 per cent. bonds as they are now held in the market as indicating for how much the Government could place a new loan based upon the precise rate per cent. that these 4 per cent. bonds command in the market. Both of these positions are in my judgment erroneous. It is one thing to quote a bond held by the bondholders, by the moneyed men of the country, by the bankers and capitalists in the market, and one in which they are vitally interested; but it is quite another

thing for the Government to put a new loan on the market at a rate of interest at which it is problematical, to say the least, it can be floated at all, and authorized by statutes not well understood, making a new and to an extent an unknown security.

a new and to an extent an unknown security.

Again, it has been hinted here by several gentlemen, and ably replied to by the gentleman from Maine, [Mr. Frye,] that we have a market for about four hundred millions of bonds of this character. The gentleman from Pennsylvania [Mr. RANDALL] in his able argument undertook to say that Congress had power over the national

Admitting the declaration of the gentleman from Pennsylvania that if Congress so ordered they could make a great many of the banks take these bonds and hold them as security for their issues, I deny that western banks are of that number. I deny the whole proposition that they could be floated at the rate per cent. specified, and an attempt to compel the banks to take them would drive them out of attempt to compel the banks to take them would drive them out of charter. One great question, then, at issue, great to western men at least, is this: Whether or not Congress will drive out of existence every national bank in the West. Does any western man, be he democrat, greenbacker, or republican, dare to stand upon this floor and in his own judgment say that any western bank at all events can continue business on the basis of a 3 per cent. bond?

Mr. TOWNSHEND, of Illinois. The gentleman from Michigan [Mr. NEWBERRY] said they could.

Mr. FERNANDO WOOD. I can show to the gentleman from Kansas letters from presidents of national banks in a half dozen western cities, which are now lying upon my desk, wherein they say that

ern cities, which are now lying upon my desk, wherein they say that they would gladly accept such a bond.

Mr. HASKELL. That statement has been made here over and over

Mr. HASKELL. That statement has been made here over and over again, and I do not question it; I believe it to be true. But it has been repeated always coupled with a provision that the bond shall be a long bond, or one running for a considerable length of time, which I object to; and also coupled with the repeal of the national-bank tax, which cannot be done in the present temper of the House. Both of these conditions are important elements that enter into the value of the bond to the banks. It may be entirely possible for a bank in Paris, in London, or New York to do business upon a 3 per cent. bond, but I doubt it; for the world never saw a 3 per cent. bond at par. The British consols sold at a premium were sold with accruing interest, and they never reached over ninety-nine and a fraction at the best rate upon which they have ever been sold.

Mr. HARRIS, of Virginia. Mr. Chairman, I do not rise to a point of order or to read a rule; but if I should I will read it fairly, though it be against me. [Laughter.]

During the present year about six hundred and seventy million of the bonds of the Government become payable at the option of the Government. This amount is more than one-third of the whole in-

the bonds of the Government become payable at the option of the Government. This amount is more than one-third of the whole interest-bearing indebtedness of the United States. The question presents itself, What is best to be done under all the circumstances—best for the Government and best for the people? The bill under consideration proposes to refund this sum at a low rate of interest, the principal not payable until the expiration of twenty years. If the Government were wholly unable to meet its obligations and pay that large sum within a reasonable time, it would certainly be a wise stroke of governmental policy to adont the bill of the committee and stroke of governmental policy to adopt the bill of the committee and thus save to the Government 3 per cent. interest, equal to about twenty million dollars per annum. But if the Government is able to pay the debt, it must be admitted that it would be equally as unwise to create a new bond at long date at any rate of interest, how-

ever low.

Then let us look to the facts as they exist and stare us in the face.

The Secretary of the Treasury reports that the surplus in the Treasury for the next fiscal year will be \$90,000,000. During the last six months from the 1st of July to the 1st of January, there was a surplus of \$43,000,000, which was wisely applied to the payment of the public debt.

Then we have a surplus of one hundred and forty millions for redemption of the local tenders. Fifty millions of this might well be snared. tion of the legal-tenders. Fifty millions of this might well be spared tion of the legal-tenders. Fifty millions of this might well be spared toward the extinguishment of our national obligations. These figures show, and they are not imaginary figures, that the whole debt falling due this year can be paid in a less period than seven years. Assuming these facts to be true, and they cannot be controverted, the question then arises, as I said before, What is best for the Government, and what is best for the people? My answer is, Pay off the debt as rapidly as possible. Why? If we authorize the funding of this large sum in bonds not payable for twenty years, even at 3 per cent., that would amount to a much larger sum than the present rate of interest to be extinguished within the period I have named.

It requires no great amount of financial ability to ascertain that 3 per cent. for twenty years on \$670,000,000 gets a larger sum than the present rate of interest would on the same sum for seven years, espe-

per cent. for twenty years on \$670,000,000 gets a larger sum than the present rate of interest would on the same sum for seven years, especially as that sum, if not funded, will be reduced at the rate of eighty or ninety millions a year, thus pro tanto reducing the interest each year. Hence it is manifestly to the interest of the Government to pay. But it is suggested our revenues may not be so large hereafter. "Sufficient unto the day is the evil thereof." However, if that should occur, there is no danger that any creditor would want his money, and if he did the Government would still have the option of paying or not. Then, as now proposed, pass a funding bill and give the creditor than Then, as now proposed, pass a funding bill and give the creditor the option of his money or a long bond at low interest. Again, I may add, an additional reason why it is to the interest of the Government

to pay, and not refund, is the fact that the Government will have no other debts to which to apply this large surplus of ninety millions a year. Governments, like individuals, when they have a larger income than can be applied to legitimate objects, fall into extravagance, profligacy, and corruption, and thus this excess tends to demoralization in the very fountain and source of our political liberty. I think I have sufficiently shown it is to the interest of the Government to pay, and not fund at long dates. Let us see for a moment how the other propo-

If the holders of these bonds cannot find other similar securities in which to invest their money as they are paid, they must make some other disposition of it. Except the bonds falling due this year, there are no Government bonds other than the four and four-and-a half percents which are now in the hands of private owners. These bear interest at such rates that capitalists cannot afford to pay the price which they command. Therefore they must seek other channels of which they command. Therefore they must seek other channels of investment. The money will then go to the country to be used in mines, furnaces, factories, in farms, and in fact in all the great rural interests. It will thus operate directly on the people and for the people; will open mines now slumbering for the want of capital; will give employment and high wages to thousands of hands now idle. Yes, Mr. Chairman, diffuse \$670,000,000 in seven years among the people, and we will witness a state of prosperity never before known or felt by our country. This can be done without the expansion of our currency or doing any man injustice. But issue new bonds at long dates, and you will find money seeking them as an investment, and thus becoming dead capital, of no service to any human being save the bondholder as he clips his coupons and collects his gold interest. I have no prejudice against the capitalist, if by his superior save the conditioner as he clips his coupons and contects his gold interest. I have no prejudice against the capitalist, if by his superior skill, perhaps economy, he has amassed a fortune. I appreciate his ability and respect his rights; but at the same time I shall never consent to legislate for him, in his interest and for his interest, against the people.

the people.

It is said by some, give the long-date bond, force a larger surplus in the Treasury, and this will lead to a reduction in the tariff and internal-revenue tax. As to the tariff, it has not been materially changed for sixteen years, and I have no idea it will be for years to come. As to the internal revenue, I think it likely it would lead to a reduction, but not on the articles of tobacco and other subjects in which my State is interested. When I came here, in 1871, we found the tax on tobacco thirty-two cents per pound; ardent spirits \$1 per gallon. After repeated and severe struggles we reduced the tax on the former to sixteen cents per pound and on the latter to ninety cents per gallon.

gallon.

I know these two articles are the last from which the internal revenue will be taken, or on which it will be lessened, unless it becomes manifest that a lower rate of tax will produce a greater revenue, as experience has shown to be the case.

For these reasons I shall vote against any long-date bonds.

Mr. O'CONNOR. Mr. Chairman, I desire to say a word in adocacy of the report of the Committee on Ways and Means in reference to the question of interest. I regard this question, the rate of interest.

question of interest. I regard this question—the rate of interest—as the most important and vital element which enters into this whole bill. My conviction is unalterable that the Government of the United States can negotiate this loan at 3 per cent. and float it at par as it States can negotiate this loan at 3 per cent. and float it at par as it negotiated the previous loan at 4 per cent. which now commands so large a premium. I am in favor of making the rate of interest 3 per cent. as much for the purpose of saving the revenues of the Government as for the sake of administering relief to the industrial, the enterprising, and the debtor classes of this country. It has been well ascertained that as the Government reduces the rate of interest it has to pay upon its obligations so the rate of interest becomes reduced measurably on all other obligations taken as investments by the lenders of money. It is time that the Government of the United States lenders of money. It is time that the Government of the United States should dictate to the lenders of capital, and not that the lenders of capital should dictate to the Government.

I cherish the most profound confidence that if this bill is passed

with the rate of interest fixed at 3 per cent., in less than thirty days after advertisement by the Secretary of the Treasury syndicates will be formed in New York or elsewhere to take up the entire loan, or the people themselves will subscribe and take it. At this moment Wall street and the operators on Change are watching our deliberations and are anxious to know the fate of the measure. For the last thirty days they have been rigging the stock and money market, seeking to make money tight, and running the rate of interest beyond 6 per cent. on call, to create the impression that money was hard to borrow and lenders stiff, and I believe for no other object than to influence the representatives of the people in Congress and force them to legis-

late a higher rate of interest than 3 per cent.

Why, Mr. Chairman, how can any man doubt the feasibility of our floating a 3 per cent. Government loan, when one citizen of the Republic holds to-day and owns one-thirtieth of the entire capitalized debt of the nation? Even in my own State, impoverished as South Carolina has been, there are those who are anxious to invest a part of their capital in Government securities, regarding them as the summum bonum, the choice of all investments; and there is hardly a pru-dent man in America who accumulates wealth and is adding to his capital who is not desirous of placing some portion of it at least in that highest, safest, and cheapest security the world now affords—a United States bond.

Mr. WARNER. I concede that the figures given by the distinguished gentleman from Pennsylvania, so far as they apply to the bonds held by the national banks and other banks, show quite con-clusively that we could float a 3 per cent. bond to the extent of say one-half or something more than one-half of the amount it is proposed to issue, or say from \$325,000,000 to \$350,000,000. The banks would doubtless be compelled to substitute a 3 per cent. bond for the bonds they now hold; at least to a large extent. But they might surrender circulation, and probably would to some extent, but to what extent would depend on demand for currency and the rate of interest they can command. But the proposition to limit the rate of interest on the bonds to 3 per cent is, it would seem, coupled with a purpose to take the tax off of deposits or circulation as compensation. Now, I do not propose to discuss here the question as to whether bank taxes should be reduced or not. That is a matter that should stand upon its own bottom. But if we grant that compensation to the banks, remember that no such compensation is given to the public; no such inducement is held out to the people.

Again, Mr. Chairman, I place a very different value, a very much higher value, upon the right of redemption than does the distinguished chairman of the Committee on Ways and Means, or my friend from Virginia, [Mr. Tucker.] The rate of interest alone, it should be understood, does not determine premium, not a bit more than the rental of a vacant lot flanking this Capitol determines the value of that lot. If that lot is in a position where somebody must have it, or where the Government must have it somer or later, the price that will have to be paid for it will be governed by other considerations than the actual rental of the lot. Suppose there were no other Government bonds outstanding but the seven hundred and thirty-eight millions of four percents, and that the Government had not the right, as it has not, to pay them for twenty-seven years; then if it was understood that they would be allowed to run the twenty-seven years, their value would be what they would bring as an investment, and the rate of interest in that case would alone determine their selling price in the market. But, on the other hand, suppose the Government was compelled to buy \$60,000,000 or \$100,000,000 a year of such bonds as a sinking fund, or under any other law, what then would be their price? A different law, or another law, would operate then—the law of supply and demand. There would be a certain, a compulsory demand on the one hand and an absolute limitation on the other.

Under such conditions, I say, there is no telling where the price would go or what the premium would be. Now that is just the conwould go or what the premium would be. Now that is just the condition we are likely at no distant day to have; and if we go on paying our debt, as I hope we shall, till all the bonds are paid off but the four percents, and then we go to buying them in, you will, as I predict, see the premium go to 25 per cent. or more. If I mistake not, under just such circumstances, this Government did at one time pay as high as a hundred and thirty for its bonds, or 30 per cent. premium.

Mr. RANDALL, (the Speaker.) If they go to 25 per cent. will not the three percents. be at par?

Mr. WARNER. Hence I place the right of redemption above any other consideration. Controllability is first, and the rate of interest.

other consideration. Controllability is first and the rate of interest other consideration. Controllability is first and the rate of interest second with me. I would announce to the country and the world our determination to pay off our debt. Next to a large standing army a perpetual debt is the worst thing a country can be saddled with. It would be to-day equal to an advantage of 30 per cent. in the race of the world to stand beside the nations of Europe free from debt, while they remain saddled as they are with the double burden of armies and debt. But if, reserving the option to pay at any time, a 3 per cent. bond can be sold at par, as so many gentlemen here think it can be, I shall not contend against that. But there, except as to the exchange of bonds with the banks, I have still my doubts.

Mr. McLANE. I suppose the committee understand very well we are all after the lowest possible rate of interest; and it would be a

are all after the lowest possible rate of interest; and it would be a very great delusion for any man to suppose that in advocating a 3 per cent. bond he has any advantage over the Secretary of the Treasury for the Secretary of the Treasury has fully committed himself to an opinion in favor of a 3 per cent. bond, and furthermore to an opinion that he thinks he can place these bonds if the time thereof is properly adjusted. Under such circumstances he believes he can place them in this country at 3 per cent. But the Secretary of the Treasury, like a far-seeing financier, has asked himself the question as to what he will do and where he will stand if he has not placed this 3 per cent, bond; and he understands very well that if he fails in propertiating a 3 per cent bond that the fails in negotiating a 3 per cent. bond, then this country will stand liable for the interest on a 5 and a 6 per cent. bond, which the Government for the interest on a 5 and a 6 per cent. bond, which the Government will have the option to pay or not. And he understands very well that he will have a surplus of one hundred millions a year, and no legal and compulsory obligation to lay aside more than half of it—so that Congress will have fifty millions or more surplus money to expend. It will be entirely optional with the Government whether it will take any of this surplus beyond the sinking fund for the redemption of the 5 and 6 per cent. bonds. That is the real financial volcano over which we stand; and the democracy of this country and the democratic side of this House ought not to make any mistake on that question. If you pass a law to-day limiting—absolutely limiting—the Secretary of the Treasury to a 3 per cent. bond, and if he fails in that negotiation, you stand liable for the payment of interest on a 5 and 6 per cent. bond, besides which you have a surplus revenue of over fifty million dollars above your sinking fund, which is to go

in a wasteful and extravagant expenditure of the public revenue, which they, the democracy, will have no power to reduce.

[Here the hammer fell.]

Mr. WRIGHT rose.

Mr. GILLETTE. The gentleman from Pennsylvania [Mr. WRIGHT] yields to me for a question. I desire to ask the gentleman from Maryland, [Mr. McLane.] the gentleman from Maine, [Mr. FRYE.] and other gentlemen who have occupied the floor in a discussion as to whether we shall pay 3 or 3½ per cent. interest and who all claim that they desire the lowest possible rate of interest, I desire to ask them what excuse this Government has for issuing a 3½ or even a 3 per cent. bond or Treasury note when it is known to all that our noninterest-bearing Treasury notes now command a premium in coin not

only in this country but all over the world?

Mr. McLANE. That, in my opinion, is an absolute delusion.

Mr. TOWNSHEND, of Illinois. Allow me to ask the gentleman from Maryland this question: If the Secretary of the Treasury is unable to float a 3 per cent. bond, can we not amend it in the next

Mr. McLANE. The gentleman from Illinois [Mr. TOWNSHEND]

knows very well—

Mr. WRIGHT. Whose time is this coming out of?

The CHAIRMAN. The time of the gentleman from Pennsylvania.

Mr. WRIGHT. Then I do not propose to yield any more of it.

The CHAIRMAN. The gentleman from Pennsylvania has the floor

and will proceed.

Mr. WRIGHT. I have but few words with which to trouble this House. As I regard this question, it is not one of 2 per cent. or 3 per cent., or 3½ or 4 per cent.; that is not the principal question which we are to determine. The question is, whether you will pay the debt when you have the money to pay it with. That is the question. We are informed that with the money now in the Treasury, and

the money that will come into the Treasury during the next five years, all the bonds can be paid which become redeemable in 1831. It seems to me, therefore, that the proposed legislation on this subject is altogether premature.

There is not a bondholder who will not be willing to wait for the rate of interest he is now receiving until the Government shall pay his bond. It is a poor policy for the Government to exchange new bonds for old bonds, because they can do so at a lower rate of interest, when by so doing they will eventually draw more money from

the Treasury.

If we have not now the means on hand to pay these bonds we have it within our power to obtain the means. A tax upon incomes, which the House will not agree to touch, is good for a hundred million a year. Why? Because it affects the money interests of the country. Substituting Treasury notes for bank-notes the House will not resort to; you have not the courage to do it, because you are afraid of the power of the banks. You fear the banks and the men of capital, and vill not tax incomes nor put Treasury notes in place of the banking circulation of the country. I say it is not the question of percentage, but a question of payment. Pay your debt like men. You have the money to do it and you can do it. Assert your courage. This is all that is necessary. Shall banks and capital rule, or will you allow that is necessary. Shall banks and capital rule, or will you allow the people to have a voice? A tax on income, substitution of Treasury notes for bank-notes, and paying out the money you have on hand in the Treasury as surplus revenue, and you have more than enough to pay the maturing bonds of 1881. And why, in the name of Heaven, will you not do it? Simply because banks and capital say that it shall not be done. You obey the decree.

[Here the hammer fell.]

Mr. WARD. I desire to have read, as a part of my remarks, certain amendments which I propose to move when section 5 of this bill shall have been reached.

The Clerk read as follows:

That all acts and parts of acts imposing taxation upon the capital and deposits of savings-banks, national banks, State banks, and private bankers are hereby repealed.

peased.

That all acts and parts of acts imposing faxation upon the circulating notes of national banks issued upon the bonds authorized by this act are hereby repealed.

That all acts and parts of acts imposing tax or stamp duties on checks are hereby

Mr. WARD. I propose to move the amendments which have just been read, because I think the first two are simply matters of justice. The amendment proposing the repeal of the stamp duty on checks needs no comment or argument. If it is proper to move it on this bill, it is certainly a measure that will commend itself to the business in-

terest of the country.

I am in favor of dealing with national banks on strictly just and equitable principles. If I would reduce the earning power of the bank, if I would force it to take some security bearing a lower rate

of interest, then I would be willing to relieve it proportionately from

of interest, then I would be willing to relieve it proportionately from some of the burdens that now rest upon it.

I agree with the gentleman from Maine [Mr. FRYE] that our national banking system is the best banking system that the world has ever known. In contrast to all former systems that have existed in this country it needs no eulogy. We have now a banking system that makes its notes par from one end of the country to the other, because those notes are based, in the first instance, upon the security of the Government; and, in addition to that, a very large security

in the shape of the individual liability of the stockholders of the

In the hour of the country's financial need these banks came to its relief, and they have faithfully fulfilled every obligation imposed upon them. They have become interwoven with the business interests in every section, and now number 2,495, and are to be found in every State of the Union except Mississippi, and in every Territory except Arizona.

The arguments of the opponents of the national banking system assume that the banks are mammoth corporations, dealing in immense amounts, realizing enormous profits, and their stock owned by wealthy capitalists. In the discussion of a question like this, I assume every member of the House is anxious to proceed on reliable information to correct conclusions.

A carefully-prepared calculation shows the profit on bank circula-lation, based on a bond at 6 per cent. interest, is \$1.23 per cent.; on a 7 per cent. bond, \$1.085 per cent., and on a 3 per cent., .94 per cent. The last report of the Comptroller of the Currency gives the fol-

lowing statement of profits for the year 1880:

Geographical divisions.	Dividends to capital.	Dividends to capital and surplus.	Earnings to capital and surplus.
New England States	Per cent. 6, 8 8, 4 7, 8 9, 5	Per cent. 5.5 6.5 6.7 7.6	Per cent. 6.4 8.6 7.6 9.3
United States	8.0	6.4	7.9

It may be that in large cities, where large business interests are conregated and the demands for money are constant and great, bank profits may be large; but it must be remembered that the majority of the national banks are in the country, removed from these influences that give continual employment and large and rapid gains for capital, and this hostile legislation has direct injurious effect upon the country banks

country banks.

Another fact found in the same report will show that it is the small tradesman that is most dependent upon the banks for accommodation.

The number of pieces of paper discounted was 808,269, and the average of each discount, \$1,082.59. If the average time of these bills was sixty days, and the banks held continually the same amount, the number of discounts made during the year would be nearly five millions, (4,849,614,) the total discounts more than five thousand millions, (5,250,000,000,) which would be equal to a discount of \$700 annually for each voter, or \$500 for each family in the country. The number of notes and bills of \$100 each, or less, at the date named was 251,345, or nearly one-third of the whole; the number of bills of less than \$500 each was 547,385, or considerably more than two-thirds of the whole; while the number of bills of less than \$1,000 each was 642,765, which was more than three-fourths of the whole number.

I appeal to the intelligence of this House, that it would be unjust and unwise to the intenigence or this House, that it would be unjust and unwise to legislate so as to cripple this great instrumentality of business convenience and prosperity, or to drive them out of existence. It may be argued that such will not be the effect; but let me remind gentlemen that the national banking system is not increasing commensurately with the growth of the country, and I believe the fear of hostile congressional legislation and burdensome taxation has already begun its work.

The Computables states in his report.

The Comptroller states in his report :

The increase in the issue of circulating notes during the present year has been but \$6,783,864, of which more than one-half was issued to banks recently organized. The profit upon circulation does not exceed 1½ per cent. per annum, and many banks have reduced their bonds, thus retiring a part of their circulation, in order to avail themselves of the existing high rates of premium, which premium is now equal to the profits upon circulation for six years. While the present small profit upon circulation continues, but little elasticity in the currency can be expected.

Now, Mr. Chairman, let us see whether the millionaires or the poorer classes are to be most affected by diminishing the earning capacity of national banks. The finance report of 1876—the last on the subject—gives these curious figures as to the distribution of national-bank stock in round figures. There were—

Holders less than ten shares	100,000
Holders between ten and twenty shares	39,000
Holders between twenty and thirty shares	18,000
Holders between thirty and forty shares	
Holders between forty and fifty shares	9,000
Holders between fifty and one hundred shares	15,000
Holders between one hundred and five hundred shares	10,000
Holders over five hundred shares	767

It is the small holders, who have taken this stock as an investment, and depend upon its dividends for maintenance, that will feel most keenly the operations of the bill before us. I repeat, with the banks forced to take a less interest-bearing bond, it is but just that they should be afforded equitable relief from the 1 per cent. tax on circulation and the one-half per cent. on capital and deposits; or that, to some extent, at least, these rates should be modified.

Mr. Chairman, the question of refunding the present maturing

Government indebtedness must command careful attention. The bonds which mature are:

 May 1, 1881, five percents
 \$469, 651, 050

 July 1, 1881, six percents
 294, 285, 550

Total to be provided for.....

Of this tremendous amount of bonds it is estimated that \$470,000,000 are held by individuals and the balance by the banks. The proposi-tion to reduce the interest one-third on this heavy amount of capital is one which involves the well-being of every monetary interest in

The condition of the revenues of the country indicate a capacity to pay a large amount of this indebtedness during the next few years.

The following comparative statement of receipts from customs, internal revenue, and miscellaneous sources, during the years 1879 and 1880, has been prepared at the Treasury Department:

 For six months ending June 30, 1879
 \$137, 368, 329
 11

 For six months ending June 30, 1880
 177, 341, 009
 41

 For six months ending December 31, 1879
 156, 185, 601
 57

 For six months ending December 31, 1880
 182, 155, 730
 62

Showing an estimated annual surplus revenue of from \$75,000,000 to \$90,000,000. With this debt to pay, prudence and good financiering would dictate that we should not "tie our hands" by long-time bonds; but rather that we should reserve to ourselves the right to pay

ing would dictate that we should reserve to ourselves the right to pay the principal, even if we should pay a higher rate of interest for a few years to come. The proper rate of interest can be best ascertained by reference to the experience of other nations.

English conols, which are considered the best investment attainable by many persons, bear 3 per cent. interest. They have never been above par since 1852 until during the past six weeks. On November 4 and 5 and from November 19 to December 1 inclusive, consols sold above 100. On November 26 they reached the highest price, 100½, but the accrued interest was nearly 1½ per cent. This loan was first made by the British Government in 1822, when the five percents were funded into four percents; in 1830 the rate of interest was reduced to 3½ per cent.; in 1844 to 3½ per cent., and in 1854 to 3 per cent. The only time since 1822 when the consols brought par was in June and December, 1852, and in March, 1853, and during November and December this year, as mentioned above. The United States four percents sold as high a 113½ on December 9, at which time there was accrued three-quarters of 1 per cent. interest, so that the actual price was less than 113. The bonds therefore returned 3.54 per cent. yearly on its cost that day. At 118.42 the four percents would yield 3 per cent. is a serious one.

My independ yearly would be in four of such a rate of interest. I thisle serious one.

My judgment would be in favor of such a rate of interest, I think now 3½ per cent., as would insure the success of the loan at once in the financial markets of the world, with such an option as would secure to the Government full power to use its surplus revenues in pay-

ment.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) In this discussion I have made no attack upon the national-banking system, as has been alleged by the gentleman from Maine, [Mr. Frye;] nor have I thrown out any warning to the democracy of this House. I have as an American Representative advocated the 3 per cent. bond, knowing that to the honor of our people a 3 per cent. bond can be negotiated.

In answer to the appeal to the democracy, or rather the warning of the gentleman from Maryland, [Mr. McLane,] I want to ask, is it democracy to force this Government to borrow money at 3½ per cent. when, according to figures which I have here, the present loans of 4½ and 4 per cent. realize to their investors but 3.12 and 3.27 per cent. I ask to have read the telegram I send to the Clerk's desk, as a complete refutation of the warning of the gentleman from Maryland. plete refutation of the warning of the gentleman from Maryland.

The Clerk read as follows:

TREASURY DEPARTMENT, Washington, D. C., January 12, 1881.

Hon. Samuel J. Randall, Speaker:

The rate of interest realized to investors on a 4½ per cent. bond at a "flat" premium of 12½, and on a 4 per cent. bond at a "flat" premium of 12½, and on a 4 per cent. bond at a "flat" premium of 13, present quotations is 3.12, the per cent. for the former, and 3.27, the per cent. for the latter.

E. B. ELLIOTT.

Mr. FORT. Let me remind my friend that the democratic party never borrowed a dollar at less than 6 per cent.

Mr. RANDALL, (the Speaker.) I have one word to say on that point. When the democratic party came into power in this House it was charged that they meant to repudiate the public debt. Thank God, there is not a syllable of truth in that allegation or expectation.

Mr. FORT. The democratic party are not able to borrow money including the discount at less than 10 or 11 per cent.

Mr. RANDALL, (the Speaker.) I will tell the gentleman the difference. When we came into power in this House money was perhaps at 7.30 per cent—

Mr. FORT. By reason of the policy of the republican party we have been enabled to borrow money at less than 6 per cent.

Mr. RANDALL, (the Speaker.) Never mind; I am not talking about

parties. When we came into power and entered upon this refunding, we found money was borrowed at 7.30, that rate being based perhaps on the supposition that only one party meant to pay the public debt. But we have demonstrated that the democratic party mean to pay

the public debt as honestly as any other party. What is the consequence? You can to-day borrow at 3 per cent. upon the credit of a nation, instead of upon the credit of a particular party that may be

administering the Government.

Mr. FORT (addressing Mr. RANDALL) made an inaudible remark.

Mr. RANDALL, (the Speaker.) No, sir; I want to keep them right

Mr. RANDALL, (the Speaker.) No, sir; I want to keep them right on the same path.

The CHAIRMAN. Under the prior order of the House, discussion upon the pending amendment is ended. [Criesof "Regular order!"]

Mr. REED. After the fight is over the democratic party always comes in and brags about what has been done.

Mr. RANDALL, (the Speaker.) The gentleman never foundme—
The CHAIRMAN. This discussion is out of order.

Mr. FERNANDO WOOD. Mr. Chairman, the time allotted by the House for the discussion of the pending amendment having expired, I now call for the reading of the amendment, that the committee may

I now call for the reading of the amendment, that the committee may

proceed to vote upon it.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that his time under the five-minute rule has expired.

Pennsylvania that his time under the five-minute rule has expired.

Mr. RANDALL, (the Speaker.) I want this dispatch from the
Treasury Department read again, to show that 3.12 per cent. and 3.27
per cent. are the rates which the 4½ per cent. and 4 per cent. bonds
yield at the present premium.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for the reading of a paper.

Mr. CALKINS. I object, unless the debate is extended.

Mr. RANDALL, (the Speaker.) You ought not to object. This is
a short telegram from your own Department.

Mr. CALKINS. I do not care whether it is short or long. Unless
we can have further debate, I object.

The CHAIRMAN. The time allowed for debate having expired, a
vote will now be taken on the amendment offered by the gentleman

The CHAIRMAN. The time allowed for debate having expired, a vote will now be taken on the amendment offered by the gentleman from New York [Mr. FERNANDO WOOD] on behalf of the Committee

on Ways and Means.

Mr. NEWBERRY. I ask for a division of the question on this amendment, so that a separate vote shall first be taken on that part which proposes to substitute 3 for 3½ per cent. as the rate of interest on the bonds; and another vote can then be taken on the second division, which proposes to fix 3 per cent. instead of 3½ as the rate of interest upon the Treasury notes. I think that under clause 6 of Rule XVI, which I ask the Clerk to read, I am entitled to demand this division of the question.

The CHAIRMAN. The Clerk will report the rule on the subject.

The Clerk read as follows:

On the demand of any member before the question is put, the question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

Mr. TOWNSHEND, of Illinois. Let the amendment be read. The Clerk read as follows:

In line 17, strike out the words "three and one-half" and insert "three." In line 22, strike out the words "three and one-half" and insert "three."

Mr. FERNANDO WOOD. Although the amendment offered by myself under the instruction of the Committee on Ways and Means applies, as its language indicates, both to the bonds and to the certificates, I shall make no objection to the proposition of my friend from Michigan, [Mr. Newberry,] provided the order of the House limiting debate and bringing the committee to a vote shall be regarded as applicable to the latter branch of the amendment as well as the

as applicable to the latter branch of the amendment as well as the former. I understand the gentleman from Michigan to desire a vote upon the amendment applicable to the bonds—

Mr. NEWBERRY. Precisely.

Mr. FERNANDO WOOD. And then the gentleman proposes to have a subsequent vote upon the provision applicable to the certificates. I see no possible objection to that course, and shall make no opposition to the course, and shall make no opposition to the course. tion to it

The CHAIRMAN. The Chair is of opinion that the gentleman from Michigan has a right under the rules to make the demand which he does. The Clerk will report the first branch of the amendment, on which a vote will be taken.

The Clerk read as follows:

In line 17, strike out the words "three and one-half" and insert "three."

The question being taken, there were—ayes 132, noes 92. Mr. KEIFER called for tellers.

Tellers were not ordered.

So the first division of the amendment was agreed to.
The CHAIRMAN. The question recurs on the second branch of
the amendment, which the Clerk will read.
The Clerk read as follows:

In line 22, strike out "three and one-half" and insert "three" per cent.; so that

it will read:

"And also notes in the amount of \$200,000,000, bearing interest at the rate of 2 per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue."

Mr. ANDERSON. Is it in order to offer an amendment to that?

The CHAIRMAN. It is not now in order.

The amendment was agreed to.

Mr. McLANE. I withdraw my formal amendment.

Mr. FERNANDO WOOD. There are now no other amendments offered to the first section, because, so far as the discussion and votes have applied to the first section, the Committee on Ways and Means

have no other amendment to offer to that amendment. I therefore suggest that the committee proceed to the consideration of the two remaining questions pertinent to the section: the length of time the bonds and certificates may have to run, and the relative proportion of the bonds to the certificates. Those are the only two remaining important portions of the bill, and as they are all embodied in the first section, I propose to confine the discussion to that section until they have been determined.

have been determined.

The CHAIRMAN. The Chair desires to suggest to the gentleman from New York that he is advised the gentleman from Alabama rises to offer an amendment in the nature of an amendment to the text of the bill, and, if that be so, the amendment of the gentleman from

Alabama is in order.

Mr. WEAVER. I also wish to offer an amendment to the text of

the bill.

Mr. FERNANDO WOOD. But no amendment can be in order that will interfere with the rate of interest, that having already been determined, and consequently no amendment can be in order to that section which interferes with the question of time and the question

The CHAIRMAN. The Chair will direct the amendment of the gentleman from Alabama to be read.

Mr. ANDERSON. I rise to a parliamentary inquiry before that is

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. I wish to know when a substitute is in order?

The CHAIRMAN. The Chair will suggest a substitute would be in order after the text of the section has been perfected.

Mr. RANDALL, (the Speaker.) I think the whole of the first section is subject to amendment, except so far as the rate of interest is

Mr. TOWNSHEND, of Illinois. That is so.
Mr. ANDERSON. The substitute changes that rate of interest.
Mr. RANDALL, (the Speaker.) The House has voted on the rate

Mr. BUCKNER. We can offer an amendment to the whole section in the nature of a substitute, and let them amend the section to suit themselves

Mr. SAMFORD. My amendment is in the nature of a proviso to

Mr. TOWNSHEND, of Illinois. The section has not yet been passed

upon.
The CHAIRMAN. In view of the statement of the gentleman from Alabama, the Chair will hold his amendment is not in order at this time. The purpose of the committee is to perfect the text of the

section.

Mr. TOWNSHEND, of Illinois. What is the proposition to be voted on? Let it be read by the Clerk.

The CHAIRMAN. There is no proposition before the House.

Mr. SAMFORD. I rise to a parliamentary inquiry, and it is this: my amendment goes to the whole section. It is a proviso to the whole section, and it seems to me the amendment goes to the perfection of the text of the section. That I understand to be in order.

The CHAIRMAN. If that he so, the gentleman's amendment is in

The CHAIRMAN. If that be so, the gentleman's amendment is in

order.

Mr. CALKINS. It is impossible to hear the ruling of the Chair, and I therefore rise to ask whether the Chair has ruled that any further amendment with reference to the rate of interest is in order to this section.

The CHAIRMAN. The Chair has made no such ruling.
Mr. CALKINS. I so understood the Chair.
Mr. RANDALL, (the Speaker.) The Chair does not rule until the

Mr. RANDALL, (the Speaker.) The Chair does not rule until the issue arises.

Mr. FERNANDO WOOD. There can be no possible question that the committee has concluded on the question of interest.

Mr. CALKINS. But suppose an amendment were offered which affected the rate of interest or the length of time?

Mr. FERNANDO WOOD. Length of time would be in order, and the House only can change the action of the committee on the question of interest. The committee has already determined it.

Mr. CALKINS. The committee is only concluded where that comes as a substantive proposition, but another proposition coupled with the rate of interest is in order.

Mr. ANDERSON. I rise to a question of order. The gentleman from New York offered an amendment striking out 3½ per cent., and fixing the rate at 3 per cent. There were several amendments at one time or another offered to that. While they were pending I offered a substitute putting the rate of interest, not to exceed 3½ per cent., at the discretion of the Secretary of the Treasury. There was then a pro forma amendment offered by the gentleman from New Jersey, which was subsequently withdrawn. The vote was taken upon the amendment of the gentlemen from New York as an amendment to the text of the bill so as to perfect it, on motion of the committee. Now, my inquiry is, whether the question before the committee is on the substitute to the amendment voted upon fixing the rate at 3 per cent.?

The CHAIRMAN. The Chair will repeat to the gentleman from

The CHAIRMAN. The Chair will repeat to the gentleman from Kansas what he intimated a few minutes ago, that the substitute of the gentleman from Kansas would be now properly before the committee and in order, provided the amendment sought to be introduced

by the gentleman from Alabama is not a proper amendment to be re-ceived at this time. And the Chair has requested the Clerk to report the amendment of the gentleman from Alabama, to the end that the

Chair might be informed as to its character.

Mr. ANDERSON. Then I understand that if the amendment of the gentleman from Alabama is voted down it does not waive or prevent

a vote upon my substitute?

The CHAIRMAN. Of course not.

Mr. RANDALL, (the Speaker.) That depends upon what the substitute is.

Mr. TOWNSHEND, of Illinois. The gentleman from Alabama simply desiring to correct the text of the bill, it will not be in order until the section is disposed of to offer his amendment, as I understand?

The CHAIRMAN. The Chair desires to state to the gentleman from Illinois that the Chair is not informed or instructed as to the amend-

ment proposed by the gentleman from Alabama.

Mr. TOWNSHEND, of Illinois. But the gentleman himself says it is for the purpose of correcting the text.

Mr. SAMFORD. I beg the gentleman's pardon. I said it was for the purpose of perfecting the text, not for correcting it.

Mr. TOWNSHEND, of Illinois. I misunderstood the gentleman,

then.

then.

Mr. RYAN, of Kansas. The text of the bill has been corrected or perfected already fixing the rate at 3 per cent. Now, the question of 3½ per cent. has been voted upon by the committee. I understand my colleague's substitute provides for a rate of 3½ per cent.; is it competent for the committee to vote upon that proposition?

Mr. RANDALL, (the Speaker.) "Sufficient unto the day."

Mr. ANDERSON. Ah, but, Mr. Speaker, we want to know when that day is

that day is.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Alabama.

The Clerk read as follows:

Add to section 1 of the bill the following:
"Provided, further, That before any of the bonds or notes authorized by this act are issued it shall be the duty of the Secretary of the Treasury to pay on the bonds accruing during the year 1881 all the silver dollars of 4122 grains and all the gold over and above fifty millions of dollars now held in the Treasury for redemption

Mr. SAMFORD. Mr. Chairman, I offer this amendment because I think it ought to be adopted, and that I may have an opportunity to challenge the statement, made by the distinguished gentleman from Maryland [Mr. McLane], during the progress of this debate. That I may make no mistake, I quote his language:

Although the Government has the power to pay this debt either in gold or silver—and I have no doubt it has that power—yet when it had in the Treasury all the gold necessary to pay the debt, if it should take silver at a depreciation of 8 or 10 or 12 per cent. and pay the debt, I should consider it a fraud on the creditor. I think any individual or government that did such a thing as that would lose its credit in the world.

If this were the individual opinion only, of the gentleman from Maryland, it would still demand serious consideration, emanating from so distinguished a source. But when it is the deliberate, and determined position, taken by the representatives of a billion and a half of bonds, it should be met and settled forever.

These bonds bear on their face the agreement, the promise, the contract of the Government to pay them in coin, and the law of their issuance says, of the standard weight at that time. Is the contract to pay them in gold? No. In silver? No. In greenbacks? No. The contract says coin. What is coin of the standard weight of that year? It is a gold dollar of $25^{**}_{**}0^{**}_{**}$ grains, and a silver dollar of 412^{**}_{**} grains. The contract is legally and equitably met by the payment of either gold or silver. If the contract is performed according to its express stipulations, by what authority or right can any man dare to charge fraud on the Government? Whoever heard, since Abraham honestly paid Ephron, the Hittite, four hundred shekels of silver for the cave of Macpelah, down to this day, that a debtor was guilty of fraud, in paying his debt in silver when his contract so allowed? The honorable gentleman admits, that it is lawful to pay either in gold or silver. paying his debt in silver when his contract so allowed? The honorable gentleman admits, that it is lawful to pay either in gold or silver, but, he says, if the Government has gold it is a fraud to take that gold, and buy silver, with which to pay, if silver is at a discount. What is honest in an individual, is honest in a government. Suppose the gentleman owed his neighbor a thousand dollars, payable in coin. what is nonest in an individual, is nonest in a government. Suppose the gentleman owed his neighbor a thousand dollars, payable in coin. When due, his creditor demands payment. He has a thousand gold dollars on hand, but no silver; yet he can turn to a friend standing by, and with nine hundred gold dollars, he can buy a thousand silver dollars, and save a hundred. Would he do it? If not, why not? If there is any sense or logic in his paying the gold, with all deference to the gentleman, a plain man cannot see it.

It is a principle of commercial economy, as old as civilization, as just as Divine judgment, and as moral as the Decalogue, that the debtor has the right to pay, in the cheapest commodity, according to the contract. It is a right always exercised, and never questioned between individuals. If I give my note payable six months hence in grain, and could find a creditor to take it on those terms, and six months hence wheat is worth a dollar per bushel, and corn one-half that amount, do I perpetrate a fraud in paying in corn?

No, sir, the illogical and groundless claim that we cannot pay these bonds in silver, is an audacious and avaricious demand by the bond-holder, whose injustice I shall forever denounce. I concede that honorable gentlemen on this floor disinterestedly, and honestly, differ with

me, because they say so. There exists in this House a powerful sentiment, so wedded to the aggrandizement of the bond-holding interest, that every effort in behalf of the tax-paying people, is met with

derision or censure.

derision or censure.

If silver to-day were of more value than gold, the bondholder would demand silver. These bonds are not payable in greenbacks, and yet they are readily taken in payment for bonds because they are as good as gold. The bondholder clamored for these coin bonds. He got them. He then had silver, which was as valuable as gold, demonetized. He now tries to get above, outside of, and beyond his contract by demanding a special kind of coin. It needs no special financial wisdom to understand this matter. It is simply a question of right, which every honest man can understand at a glance; and for one I shall not be terrorized by the sentiment which pervades this House in the interest of the bondholder, to surrender the right of the tax-payer, to pay this claim, in silver or gold, as may be most to his interest.

pay this claim, in silver or gold, as may be most to his interest.

The amendment I have offered asserts the right, and makes it the duty, of the Secretary to pay silver dollars as long as he has them.

Again, the measure before the House is to provide payment for over

Again, the measure before the House is to provide payment for over six hundred millions of bonds accruing during the present year. They bear 5 and 6 per cent. It is conceded on all hands that the Government can borrow money sufficient to pay them at 3 or 3½ per cent. It is a plain business proposition. By borrowing money at 3 per cent. and paying off a 6 per cent. bond one-half the interest is saved. By such a transaction, in this case, the Government can save many million dollars interest annually. A wise man, of course, will do this; but no wise man will borrow money at any per cent. if he has the money on hand to pay without borrowing.

but no wise man will borrow money at any per cent. if he has the money on hand to pay without borrowing.

There are in the Treasury \$150,000,000 held for resumption purposes. If my amendment should prevail one hundred million dollars at least of this vast sum would not only be made useful in paying that amount of bonds—an annual saving of interest, at 6 per cent., of \$6,000,000—but it would be sent forth, into the arteries of commerce and enterprise upon a mission of great usefulness.

Ah, but they say this would hazard resumption. This is not so. It is simply a very of moneyed men to reduce the values of commerce.

this is miply a cry of moneyed men, to reduce the volume of currency that much, in order that money may be of more value. Resumption has come to us, in times of peace, and prosperity, to stay while peace remains. How can it affect resumption? The man who takes a tenremains. How can it affect resumption? The man who takes a tendollar greenback bill for ten dollars' worth of property does so, not because there are four dollars in specie in the Treasury, to redeem it, but because he has confidence in the ability of the Government to pay. He knows that the fifty million restless, active, working people of this country, with their empire of fertile valleys and mountains of minerals and coal, are able to pay ten times the amount of greenbacks in circulation. If the Government takes \$100,000,000 of specie, now lying and rusting in idleness, and pays that amount of its indebtedness bearing interest, how can that depreciate its obligations? As an economic truth, it becomes more able to pay. If \$50,000,000 are kept in the vaults of the Treasury, it is nonsense to say, that it will be insufficient for resumption, when it is supplemented by a daily stream of a half million of coin from customs duties, and a statute on the books, authorizing the Secretary to issue 5 per cent. bonds if necesbooks, authorizing the Secretary to issue 5 per cent. bonds if necessary, to get coin to redeem greenbacks. He could sell \$100,000,000 of such bonds any day at par.

Sir, it is a pretense to say this sum should lie idle while we are pay-Sir, it is a pretense to say this sum should lie idle while we are paying percents to borrow more money. This money was raised by the sale of 4 per cent. bonds. It is held there to make money scarce, in the interest of annuitants and those who have fixed incomes, in order that their money may have a larger purchasing capacity. They pay no taxes, and hence they care not how heavy the burden may be on those who do. And yet we sit here, professing to represent the masses, who pay all the taxes, and are subdued by the audacity, or sophistries, of the moneyed few. Such a payment as this will save, at 3 per cent., \$3,000,000 a year, which in ten years will be \$30,000,000.

It has been argued in the course of this debate, the longer the bond the cheaper the rate of interest will be. That is the argument of a perpetual debt. If we had other bonds falling due in the next ten years at a higher rate than 3 or 3½ per cent., I would favor extending the

at a higher rate than 3 or 3½ per cent., I would favor extending the lower rate bond, and paying the higher rate, but no others fall due until 1891; and it has been demonstrated that all those maturing this year can be paid off before then. For that reason I shall vote for the propcan be paid off before then. For that reason I shall vote for the proposition which matures them within ten years, instead of a longer time, and I believe they can be paid in six years. But gentlemen say a short 3 per cent. bond cannot be placed at par. A United States bond or note is exempt from taxation. Federal, State, county, municipal, and special taxes will aggregate nearly, if not quite, 3 per cent. Therefore 3 per cent. on these bonds is equal to 6 per cent. interest. In the money centers to-day, money goes begging at 6 per cent. for three, six, and twelve months. Within the past ten days a private banker, in a small interior city of Alabama, told me he had just refused, a few days before, two offers to lend him \$10,000 at 6 per cent. per annum.

annum.

The absolute security, therefore, of a Government bond will readily command all the surplus of the country. I therefore vote for a rate not exceeding 3 per cent. If the bankers and syndicates are not willing to take these bonds payable in from one to ten years, let them be issued in denominations from \$10 to \$100, bearing 3 per cent., and men of limited means, all over the country, will take them, and, if necessary, they can use them as currency, to relieve their neces-

sities, in the mean time getting a small interest on them. Put this feature in this measure as an alternative, in the event the Secretary is embarrassed in their negotiation by the syndicates, and you need have no fears of a failure. If the moneyed men of this country, see that five hundred million little bonds start out into the channels of trade, and agriculture, to perform the functions of currency, they will

trade, and agriculture, to perform the functions of currency, they will not stand on ceremony to stop them.

Sir, I do not wonder that national bankers favor a perpetuation of the public debt, and therefore favor a long-time bond, even at a low rate of interest, because the payment of the debt sounds the death-knell of the banks. When the bonds are paid their foundations are gone. But it is incomprehensible to my mind how the representatives of farmers, merchants, mechanics, and laboring men can hesitate a moment on this vital question. I can also understand why manufacturing monopolies lock shields with the bankers in these financial strungles for as navment of interest ceases, the necessity for high facturing monopolies lock shields with the bankers in these financial struggles, for as payment of interest ceases, the necessity for high tariffs passes away. The one takes the profit of toil in the shape of interest, the other plunders honest industry from behind the ramparts of high-tariff laws, and on the sweat of labor both revel in luxury, and dress in purple and fine linen, every day. "In its last analysis money is the blood of the poor." These two mighty powers own this Congress, own the Executive, own the judiciary, own all the departments of this Government. I see no escape for the people from slavery and serfdom for a generation to come. God only knows the fate which is in store for them. Between these upper and nether millstones they will be ground to powder. To these two classes the people pay annually a thousand million dollars; and you might as well attempt to jostle the earth in its orbit, as to loosen the grip they people pay annually a thousand million dollars; and you might as well attempt to jostle the earth in its orbit, as to loosen the grip they have on the industry of this land. Understand me, I recognize the inviolability of the public debt, but I recognize, too, the right of the people to pay according to contract. No man can give an honest reason why the amendment I have proposed should not pass, and yet I fear it will not. In advocating it, I have done my duty as I see it. Some gentlemen say fund the debt in fifty-year bonds, at a small interest, and let posterity help pay it. Aside from the wrong, of mortgaging the bright red blood of our children, for all time, to glut and fatten the diseased maw, of a corrupt and arrogant aristocraey, this would bring us no relief. If such a course would take off any of the 89 per cent. tax on blankets and wool hats; any of the 90 per cent, tax on the plows, the axes, the trace-chains, and the hoes which

cent. tax on the plows, the axes, the trace-chains, and the hoes which the poor man uses to make bread—if any of these and such like taxes might be lessened, by extending the bonds, then I would consider it. But it will not do it, and if the taxes collected are not put on this debt they will be squandered in jobs, in subsidies, or in some way. There is no intention to lighten up on taxation. And there never will be, until the people arise in their might, and sweep from power. faithless officials who promise them one thing on the stump, and do another as soon as they get into power.

I know such language is distasteful to this House, and I regret to use it; but it is the truth, and I take whatever derision and censure it may bring. I know there are many gentlemen here who feel as I it may bring. I know there are many gentlemen here who feel as I do, but they are as powerless to bring relief. While we sit in the easy chairs and enjoy the imperial splendor, and royal luxury of this national Capitol, with troops of servants at high salaries, to anticipate every wish, we ought, in the name of honesty, justice, and a common humanity, to remember that our brethren and friends, who sent us here, are toiling in the sun and rain, and in many instances going to bed hungry, to pay for all this magnificence. They depend on us to stand between them and these great wrongs. Are we doing it? Let every man put the question to himself. I say no. The national bankers and moneyed monopolists control this Government, and will continue to do, so unless the people arise, and demand of existing parties regard for right, and if they fail to give it, then move forward in a solid people's party, demanding equal and exact justice, for all classes, for rich and poor alike. When they do I am ready to fight under that banner for right, for truth, and justice.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I rise to a parliamentary inquiry. There is some confusion with regard to the right to offer amendments to this section. I ask now for a decision of the

mentary inquiry. There is some confusion with regard to the right to offer amendments to this section. I ask now for a decision of the Chair on the point whether it will be in order after the disposition of the amendment proposed by the gentleman from Alabama to move to strike out "twenty years" and insert "five."

The CHAIRMAN. The Chair has no doubt of the right of any member of the committee to offer an amendment of that character.

Mr. TOWNSHEND, of Illinois. That is what I wanted to know.

Mr. BLAND. Mr. Chairman, as a further reply to the gentleman from Maryland, [Mr. MCLANE,] I would state that the question as to whether those bonds were payable in silver dollars was a question discussed and determined when this silver law was passed. There never was a bond sold in this country at 4 per cent, interest, until after the was a bond sold in this country at 4 per cent. interest, until after the remonetization of silver, although it was urged at that time that to restore the standard silver dollar to the currency of this country would be a violation of public faith and would absolutely prevent the refunding of the public debt at a low rate of interest. Yet the effect of that legislation was to so improve the public credit that for the first time in the history of this Government we were able to refund at 4 per cent

Mr. Chairman, I have an amendment here to an amendment I have already offered to this bill, to which I desire to ask the attention of the committee for the purpose of showing those who oppose that

amendment what currency the bonds should be paid in. There are some gentlemen here who are favorable to silver yet object to the amendment I introduced because they say it is a discrimination to declare that the bondholder shall receive the coin silver dollar at the Treasury. The amendment I propose is to enable the Secretary of the Treasury to coin an amount of silver bullion into standard silver dollars to pay the bonds as they mature. That unquestionably is lawful and is unquestionably the only mode that can meet the payment on these bonds that call for coin. For if any circumstances should come upon us that would cause a failure of the refunding operations for the want of proper coin in the Treasury, if our importa-

erations for the want of proper coin in the Treasury, if our importations should become greater than our exports, or any other causes should operate to cause our paper money to sink below coin, then the bondholder would demand his coin and we would not have the coin to pay it unless some provision of this kind is made.

This amendment proposes to make provision for the payment of these bonds, according to law, in coin. If that is objected to by gentlemen because it discriminates in saying this debt shall be payable in coin, then let us say the coin shall be produced at the mint and paid for these bonds, or an equal amount of other revenues shall be paid. Amend it in that way, if you please. I care nothing for that.

The idea is to compel the Secretary of the Treasury to execute the law of the land in coining four millions of silver per month, to meet the demand for paying these bonds in coin; and if other revenues

the demand for paying these bonds in coin; and if other revenues can be paid instead of the silver dollars there can be no objection to that. But let us proceed to provide for the coin to meet this demand, which is a coin demand. This is the only mode we have to provide the coin to meet it.

I declare here from my place in this House that this debt can be paid for a sum at least \$30,000,000 less than the face of the bonds, by executing the law of Congress in the mode already provided for. [Here the hammer fell.] I ask unanimous consent to have printed, as part of my remarks, the amendment I have referred to.

There was no objection.

The amendment is as follows:

That of the coin now in the Treasury the sum of \$100,000,000 be, and the same hereby is, appropriated for the purpose of paying the interest-bearing debt of the United States payable in the years 1830 and 1831: And it is further provided, That the sum of \$100,000,000 of revenue not otherwise appropriated be, and the same hereby is, appropriated for the purposes aforesaid: And it is further provided, That the Secretary of the Treasury shall cause to be coined the maximum amount of silver bullion into standard silver dollars in the manner now provided by law; and shall pay out such dollars, or an equal number of the same in other revenues, monthly in the redemption of said debt.

The CHAIRMAN. The vote will now be taken on the amendment of the gentleman from Alabama, [Mr. Samford.]

The question being taken, the Chair stated that the "noes" seemed

to have it.

Several members called for a division.

Mr. ANDERSON. I rise again to inquire whether the vote does not now come on my substitute?

Mr. REAGAN. The gentleman cannot make that inquiry while the committee is dividing.

The CHAIRMAN. The inquiry of the gentleman is not now in

The committee again divided; and there were-ayes 82, noes 25. So (further count not being called for) the amendment was

Mr. McMILLIN. I desire now to offer the amendment to which I called attention a short time ago. I ask the Clerk to read it. The Clerk read as follows:

Add to section 1 the following:
"And provided further, That the bonds issued under this act shall be subject to taxation as any other property."

[Cries of "Vote!" "Vote!"] Mr. FERNANDO WOOD. I desire to give notice I shall demand a separate vote in the House on the amendment which the Chair has just pronounced carried.

Mr. GILLETTE. Too late.

The CHAIRMAN. That is the right of the gentleman from New

Mr. FERNANDO WOOD. I repeat that, the amendment having been carried by one-third less than a quorum of the House, it is my prerogative, and I shall demand in the House a yea-and-nay vote on that amendment

The CHAIRMAN. The Chair has stated to the gentleman that that is his right.

Mr. FERNANDO WOOD. I give notice in advance that it is my

intention to do so.

Mr. GILLETTE. I ask that the pending amendment be reported.

The amendment offered by Mr. McMillin was again read.

The question being taken on Mr. McMillin's amendment; there

were ayes 44.

[When the negative vote was called for there were cries of "Down!" Down!"]

Mr. RANDALL, (the Speaker.) That is filibustering. The truth is the people get the taxation in the lower rate of interest.

The negative vote having been counted, there were noes 49.

Mr. KEIFER. A quorom has not voted, and I call for tellers.

The CHAIRMAN. The Chair appoints as tellers the gentleman

from Kentucky, Mr. CARLISLE, and the gentleman from Tennessee,

Mr. McMillin.

The committee again divided; and the tellers reported—ayes 57, noes 99.

noes 99.

So the amendment was not agreed to.

The CHAIRMAN. The question now recurs on the substitute submitted by the gentleman from Kansas, [Mr. Anderson,] which the Clerk will now report.

Mr. RANDALL, (the Speaker.) I move to amend in the sixteenth line by striking out "\$500,000,000" and inserting "\$650,000,000." The effect of that will be to make this loan a 3 per cent. bond loan, and not a Treasury-note loan at all. That will have to be followed by an amendment to strike out the words an amendment to strike out the words-

And payable forty years And then the words-

and also notes in the amount of \$200,000,000, bearing interest at the rate of $3\frac{1}{2}$ per cent. per annum, redeemable at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe.

The effect of such amendment, as I said when I offered it first, is to make this substitution of indebtedness by name a bond loan exclu-

Mr. TOWNSHEND, of Illinois. On what time?

Mr. RANDALL, (the Speaker.) The time I will have to offer to amend next, and I will reach it by another amendment hereafter. The issue involved in the amendment I have offered is to make this entire loan, to be negotiated by name, a bond-loan, as it were, and to strike out that portion of the committee's bill which relates to Treas-

ury notes.

Mr. HAYES. Let me ask, will this make it impossible for us to pay any of our debt within the next ten years?

Mr. RANDALL, (the Speaker.) I have not reached that point. That will be a further amendment when the time is reached. This is merely to say that all this indebtedness shall consist, by designation, bonds, and shall be redeemable after one year or two years, as the House may hereafter decide.

Mr. HAYES. The whole amount?

Mr. RANDALL, (the Speaker.) The whole amount, of course, re-

Mr. RANDALL, (the Speaker.) The whole amount, of course, redeemable after one year or two years, as the House may determine. But the present amendment is a selection in name between bonds and Treasury notes, and makes the entire amount consist, by designation, bonds, and not Treasury notes.

Mr. CALKINS. At what rate of interest?

Mr. RANDALL, (the Speaker.) That the House has already fixed. Mr. BUCKNER. What, then, would be the difference between a bond and a Treasury note?

Mr. RANDALL, (the Speaker.) There is really no distinction at all. Mr. TOWNSHEND, of Illinois. I offer an amendment to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] to strike out the words "twenty years," in line 19, and insert the words "one year," so that the bonds shall be payable at any time from one year to forty years, at the option of the Government.

The CHAIRMAN. The question will first be upon the amendment offered by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL, (the Speaker.) I would like the gentleman to wait until my amendment has been acted upon; it will not preclude his amendment at all.

Mr. TOWNSHEND, of Illinois. I will withdraw my amendment.

amendment at all.

Mr. TOWNSHEND, of Illinois. I will withdraw my amendment

for the present.

Mr. WARNER. Let the section be read as it will stand if amended as proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, &c., That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$650,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after —— years from the date of issue. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt: And provided, That before any bonds or notes authorized by this act are issued it shall be the duty of the Secretary of the Treasury to pay on the bonds accruing during the year 1881 all the silver dollars of 412½ grains and all the gold over and above fifty millions of dollars now held in the Treasury for redemption purposes.

Mr. RANDALLI, (the Speaker.) The effect of that amendment is

Mr. RANDALL, (the Speaker.) The effect of that amendment is merely to change the designation of the indebtedness.

Mr. CALKINS. Is there now pending an amendment to the amend-

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] proposed an amendment, but withdrew it.

Mr. CALKINS. Then I move to amend the amendment in the man-

ner indicated by the proposition which I send to the Clerk's desk.

The Clerk reads as follows:

Which bonds shall bear interest at the rate of 34 per cent. per annum, payable semi-annually at such places as the Secretary of the Treasury may designate.

Mr. CARLISLE. I make a point of order against that amendment. The CHAIRMAN. The gentleman will state it.
Mr. CARLISLE. As I understand the situation, the gentleman from Pennsylvania [Mr. RANDALL] has moved an amendment, which is equivalent to striking out the words "and notes" where they occur in the bill after the word "bonds." That is an amendment to the text of the bill. text of the bill.

The gentleman from Indiana [Mr. Calkins] now moves an amendment, which, in substance, is not an amendment to that offered by the gentleman from Pennsylvania, but is an amendment to that oliered by the gentleman from Pennsylvania, but is an amendment to a different part of the text. It is not, therefore, an amendment to the amendment, but an attempt on the part of the gentleman from Indiana to amend another portion of the text while there is pending one amendment to the text. It is therefore out of order on that ground, without saying anything whatever upon the question of the right of the gentle-

ing anything whatever upon the question of the right of the gentleman to move an amendment changing the rate of interest which has been established by a vote of the committee.

Mr. CALKINS. I would like to have the gentleman designate the rule under which he makes his point of order. I do not know that I get the full scope of the point he has made.

Mr. CARLISLE. I suppose every gentleman here understands the rule of parliamentary law that when an amendment is pending it is in order to move an amendment to that amendment; but it is not in order to move another amendment to the text, except by way of substitute for it. stitute for it

Mr. CALKINS. But the pending amendment includes the rate of

interest

Mr. CARLISLE. The amendment the gentleman from Pennsyl-Mr. CARLISLE. The amendment the gentleman from Pennsylvania [Mr. RANDALL] offers has no reference whatever to the rate of interest, but simply proposes to strike out the words "and notes" where they occur after the word "bonds." Therefore, as I have already said, it is a proposition to amend a part of the text; and while that proposition is pending the gentleman from Indiana [Mr. CALK-INS] proposes to amend another portion of the text.

Mr. CALKINS. I now understand the gentleman.

Mr. CARLISLE. The proposition of the gentleman from Indiana might, perhaps, be in order hereafter if offered after the pending amendment shall have been disposed of. Perhaps the only question then to be made against it would be that it is an attempt to change the rate of interest which the committee has already established by its vote.

Mr. CALKINS. I think I now apprehend the position the gentleman takes, which is, in substance, that the amendment offered by the gentleman from Pennsylvania [Mr. RANDALL] simply changes the language of the original text.

Mr. CARLISLE. In another portion than where you propose to

change it.

Mr. CALKINS. Yes; and for that reason he says my amendment is not in order.

Mr. RANDALL, (the Speaker.) Not as an amendment to my amendment

Mr. CALKINS. I take it that if the amendment of the gentleman from Pennsylvania is voted upon the bill it will be in the language in which he has offered it. Although it does not in effect change on which he has oftered it. Although it does not in effect change some portions of the pending section, yet the amendment must be considered as a whole, though it changes nothing in effect except the word "bonds" and the words "and notes." It is to be voted upon as a whole, and I think my amendment is germane and applicable both to the subject-matter of the section and to the amendment itself. As bearing upon the point of order, I ask the Clerk to read Enla XIX

Rule XIX.

The Clerk read as follows:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Mr. CALKINS. I desire further to call attention to the fact that the amendment offered by the gentleman from Pennsylvania does more than the gentleman from Kentucky has suggested. It will be observed that it first strikes out "500" and inserts "600," and then strikes out all after "years" down to the word "prescribe" in line 28; so that it not only changes the words which the gentleman from Kentucky has suggested but changes the whole section as well. As suggested to me by the gentleman from Massachusetts, [Mr. CLAFLIN,] it increases the amount of the bonds or notes \$150,000,000. But the point I urge is, that if this amendment goes in it goes in as an entirety, and therefore any part of it is amendable under the rule which has been read.

Mr. HASKELL. I wish to say a word on this question—merely to protest against such a construction of an amendment to an amendment as would be necessary if this point of order be decided well Mr. CALKINS. I desire further to call attention to the fact that

protest against such a construction of an amendment to an amendment as would be necessary if this point of order be decided well taken. Such a restriction upon members of the House in matters of amendment would only add to the already tedious work of perfecting legislation on this floor. It might be possible that the text sought to be amended by the first amendment, if amended by the second amendment, would be favorably received by a large number of mem-

bers, whereas the original amendment of the text might be faulty in the extreme. If the Chair should hold that a second amendment cannot touch the original text of the bill, it would deprive us of a

forcible and effective manner of perfecting the preceding amendment. Such a decision would, in many cases, cut off from the second amendment nearly all its force and effect. I insist that, under the amendment nearly all its force and effect. I insist that, under the law as laid down in Cushing's large work on parliamentary practice, (and there is no rule of this House in contravention of that work, which is accepted as authority in most of our Legislatures,) two distinct amendments differing radically from each other may be pending at the same time. An amendment to an amendment may be totally foreign to the amendment, but it is held to be in order; and the two propositions must be voted upon. If the Chair holds that the point of order taken by the gentleman from Kentucky is good, then farewell to any possible advantage to be derived from the effort to amend an amendment. I trust that such will not be the ruling of the Chair. Suppose I move to amend the original text of the bill. Some other member desires to amend a few words just following or just preceding in the text. If this point of order is good, that would be out of order; and to reach the object we might be compelled to vote down the first amendment; whereas if the second and first amendments were considered together they would form an harmonious whole to which everybody would agree.

which everybody would agree.

which everybody would agree.

I do not care very much about this pending proposition; but I do desire to put myself upon record as protesting against a construction of parliamentary law not founded on our rules, and which is in direct conflict with the best authority in the world on parliamentary law—Cushing's Law and Practice of Parliamentary Assemblies.

Mr. CARLISLE. I have no disposition to prolong discussion on a mere point of order; but it seems to me that this question is a perfectly plain one. It is simply whether, while an amendment is pending to one part of the text and undisposed of, a member can offer an amendment to another part of the text and by this means displace the former amendment and secure a vote first upon his. If that can be done, it is, I confess, something which I have never known to be done heretofore. The only way in which a vote upon this amendment can be secured before the vote is taken upon the amendment of the gentleman from Pennsylvania is to propose it as an amendment to that amendment; and it must be in fact and in substance an amendment to that amendment, not an amendment to some other part of the text of the bill. If this be not so, then while one amendment is pending I may rise and offer another amendment to a different part of the bill, and so the proceeding may go on until every member on the floor—

Mr. REED. Oh, no; that would be an amendment in the third degree.

Mr. REED. Oh, no; that would be an amendment in the third

degree.

Mr. CARLISLE. This is not an amendment to an amendment. If it were, then the rule prohibiting an amendment beyond the second degree would apply; but instead of being an amendment to the amendment, it is a proposed amendment to the text; and the gentleman moving it seeks by putting it in this form to displace the amendment offered by the gentleman from Pennsylvania so as to succeed in having a vote first upon this subsequent proposition. Now, I submit that according to the most familiar rules of parliamentary law that cannot be done.

law that cannot be done.

Mr. CALKINS. Will the gentleman allow me to ask him a ques-

tion ?

Mr. CARLISLE. Certainly.
Mr. CALKINS. Suppose the amendment of the gentleman from
Pennsylvania had contained "4 per cent." instead of "3 per cent.," as it does; would it have been in order to have offered my amendment

it does; would it have been in order to have onered my amendment to change the rate to 3½ per cent.?

Mr. CARLISLE. I think that if the gentleman from Pennsylvania had moved to amend that part of the bill which relates to the rate of interest by proposing a different rate, and the gentleman from Indiana had then moved to amend the amendment by inserting another rate than that proposed in the amendment, the proposition would have been in order. But that is not the case here at all. The gentleman's amendment, as shown upon its face, proposes to amend the text of the bill; it does not propose to change anything which the

tleman's amendment, as shown upon its face, proposes to amend the text of the bill; it does not propose to change anything which the gentleman from Pennsylvania moves to insert in the bill.

Mr. HASKELL. May I ask the gentleman a question?

Mr. CARLISLE. Certainly.

Mr. HASKELL. Does not the gentleman recollect in the practice of this House frequent cases when a motion has been made directing a certain disposition to be made of a bill, and when in the form of contracting the proposed to reverse. an amendment to an amendment it has been proposed to reverse

directly that proposition?

Mr. CARLISLE. Of course.

Mr. HASKELL. And that is provided for expressly in all the larger works on parliamentary law.

Mr CARLISLE. Of course that is perfectly legitimate because

Mr CARLISLE. Or course that is perfectly legitimate because that is really an amendment to the amendment.

Mr. HASKELL. No. It goes to the original subject-matter.

Mr. REED. I should like to make a suggestion. The gentleman from Kentucky is misleading himself by talking about an amendment to the text as if that were something different from an amendment to the section. The effect of striking out "five hundred" and inserting "six hundred" is to make a different section, and it may be that members of the House would be willing to vote for the substi-

tution of six hundred for five hundred provided the rate of interest was changed from 3 per cent. to $3\frac{1}{2}$. Therefore the proposition of the gentleman from Pennsylvania is not a proposition merely to amend the text, but it is a proposition to submit a different section, and that different section can be amended because thereby it might be made more acceptable to the House. This very fact is illustrated by the Clerk being called upon to read the section as it would be when amended. Any other view of it would be so narrow as to deprive this House of the limited right it has of an amendment to an amendment.

The proposition of the gentleman from Kentucky that gentlemen could go on and amend this part of the text and that part of the text until there were fifteen or twenty amendments before the House is amply answered by the provision of the rules which forbids going beyond an amendment to the amendment. The proposition of the gentleman from Kentucky is therefore a reductio ad absurdum.

Mr. FERNANDO WOOD. I assume an amendment not in order in any one regard is not in order in any regard. If there is a portion of any proposition or amendment which within itself is not in order as an amendment, then the whole of the amendment without reference.

any proposition or amendment which within itself is not in order as an amendment, then the whole of the amendment without reference to the relation of the remaining parts, is also out of order.

Now, I make this point on the amendment offered by the geutleman from Indiana that it is physically and in every other sense impossible that that amendment can be ruled in order because it proposes absolutely to reverse the action of this House. It proposes to change the deliberate action of a very large majority of the committee upon a question which has been under consideration for two days and which has been finally submitted for determination and determined. Now, if under the pretext of an amendment, if under the guise of a substitute the decision of the House can be reversed at the instance of any gentleman who obtains the floor to offer an amendment, then all our decisions and all our rules upon questions of practical legislation fall decisions and all our rules upon questions of practical legislation fall to the ground. Consequently the amendment of the gentleman from Indiana proposes to change the rate of interest which this committee deliberately after discussion positively determined, and if he can reopen that question in that way, if he can send us out again into the open sea of speculation as to the rate of interest, we may go on until the 4th of March next offering amendments so as to defeat the will of the majority of this committee which has been so significantly expressed. Therefore I hold this amendment being out of order in that

or the majority of this committees which has been eliminated by pressed. Therefore I hold this amendment being out of order in that one isolated regard fails in all respects.

Mr. CALKINS. One word. That whole question is answered by the fact that if this amendment is adopted as proposed by the gentleman from Pennsylvania there will be an entirely new section to the bill. Much of the section as now printed has been eliminated by the amendment of the gentleman from Pennsylvania.

The other proposition has been completely answered by the gentleman from Maine. The House may be willing to take \$500,000,000 at 3 per cent., and at the same time be willing to change the \$600,000,000 at 3 per cent. That is what this amendment proposes to do. The question is simply in a nutshell.

The CHAIRMAN. The Chair has no desire to construe with undue strictness the rules applicable to this question. The situation, as the Chair understands it, is this. The gentleman from Pennsylvania offers an amendment to the bill as reported by the Committee on Ways and Means. That amendment treated specifically certain definite things embraced in it. The gentleman from Indiana offered Ways and Means. That amendment treated specifically certain definite things embraced in it. The gentleman from Indiana offered something in the nature of an amendment to the amendment. The Chair understands the suggestion coming from that gentleman is that his amendment goes beyond the subject specifically treated of in the amendment of the gentleman from Pennsylvania. The Chair feels strongly disposed to hold, and does hold, that when the amendment offered as an amendment to an amendment goes beyond the matter sought to be amended, the dividing line between an amendment and a substitute has been reached and crossed and that while the matter a substitute has been reached and crossed, and that while the matter a substitute has been reached and crossed, and that while the matter of the amendment of the gentleman from Indiana may be in order at the proper time, and would be in order as a substitute, yet the Chair is constrained to hold, and does hold, that as an amendment to the amendment of the gentleman from Pennsylvania it is not in order. He therefore rules the point of order to be well taken.

The question is on the amendment of the gentleman from Pennsylvania.

Mr. FERNANDO WOOD. I would like that to be reported again. The amendment was again read.

Mr. REAGAN. I rise for the purpose of asking the gentleman from Pennsylvania if a portion of that amendment which has been read

Pennsylvania if a portion of that amendment which has been read relating to certain classes of bonds does not cover laws which provide for the syndicate and other objectionable features to which he alluded in his remarks a few days ago upon this question.

Mr. RANDALL, (the Speaker.) The Clerk will be kind enough to read the further proviso which covers that point. It is my intention, I will state to the gentleman from Texas, to offer, when I reach a point where it can be offered, an additional proviso which covers the point to which he now refers.

Mr. WARNER. I would like to ask the gentleman from Pennsylvania a question. The law of 1870 provides that bonds of \$50 may be issued—

be issued

Mr. RANDALL, (the Speaker.) That comes in in the next section.
Mr. WARNER. Very well; I only wanted to call attention to it.
Mr. FERNANDO WOOD. I desire to ask the gentleman from Penn-

sylvania whether that portion of what the Clerk has read relating to the payment of silver dollars is a portion of his amendment?

Mr. RANDALL, (the Speaker.) It is not.

Mr. FERNANDO WOOD. Then I desire to know why the Clerk

reads it.

Mr. RANDALL, (the Speaker.) It was simply read for the information of the committee in connection with my amendment, to show

how it would stand if my amendment was adopted. The House put it in, and it is not again to be voted on with my amendment.

Mr. FERNANDO WOOD. Then why require it to be reread if it is not to be acted upon. I want the gentleman from Pennsylvania to offer his amendment as an isolated proposition so that we can under-

Mr. RANDALL, (the Speaker.) It is being read simply to show how the section will read if my amendment is adopted. The Chair will notice that the gentleman from Texas has asked a question which makes it necessary that there shall be read a further proviso which I desire to offer when I have the opportunity.

The CHAIRMAN. The Clerk will read what the gentleman from

Pennsylvania suggests

The Clerk read as follows:

And provided further. That the interest of the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after notice that the same have been designated by the Secretary of the Treasury for redemption.

Mr. KEIFER. Is that pending now?
The CHAIRMAN. It is not.
Mr. CLAFLIN. I wish to ask the gentleman from Pennsylvania if he does not intend to have the bonds redeemable at any fixed time? Mr. RANDALL, (the Speaker.) That is another question, and will be hereafter provided for.

Mr. CLAFLIN. It does not appear to be provided for in the amend-

ment in any shape.

Mr. RANDALL, (the Speaker.) I do not want it to have relation

Mr. RANDALL, (the Speaker.) I do not want it to have relation to this amendment.

Mr. CLAFLIN. Then you strike out all that provides when the bonds shall be made payable.

Mr. RANDALL, (the Speaker.) I left that blank for future settlement by the committee.

Mr. CLAFLIN. But you strike out the date.

Mr. RANDALL, (the Speaker.) That will be amended afterward.

Mr. CLAFLIN. It is then your intention to fix some date?

Mr. RANDALL, (the Speaker.) It is. That will be offered when I

Mr. RANDALL, (the Speaker.) It is. That will be offered when I get an opportunity, first disposing of my present amendment.

Mr. FRYE. Mr. Chairman, I desire to ask the gentleman from Pennsylvania a question touching this last amendment proposed by him.

In the original law providing for the sixes was there any provision touching the length of notice required before interest should cease?

Mr. RANDALL, (the Speaker.) There was as to the fives, but not

as to the six percents.

Mr. WARNER. That was three months.

Mr. FRYE. That is what I want to get at, and I want to call the attention of the committee to it, that there may be no violation of

attention of the committee to it, that there may be no violation of the law in this respect.

Mr. CARLISLE. If the gentleman from Maine will look at the statute he will find it provided that when the bonds issued under that statute are to be redeemed, at the expiration of ten or fifteen years, as the case may be, the interest shall cease at the expiration of three months after they have been called by the Secretary of the Treasury. Now, the 5 per cent. bonds which it is proposed to refund under this act were a part of the bonds issued under that act of July 14, 1870, to which I refer, and therefore that provision applies to them. But the outstanding sixes were not issued under the act of 1870, and therefore that provision does not apply to them at all, and we and therefore that provision does not apply to them at all, and we now have control over them so far as to provide when the interest shall ceas

Mr. WARNER. That will be found in section 3 of the act of July

14, 1870.

Mr. RANDALL, (the Speaker.) It will be remembered by the committee that I had occasion to make some remarks a short time ago in this connection upon the question of the payment by the Government this connection upon the question of the payment by the Government of double interest. I regard that as a very objectionable feature in the act of 1870, and one that should be guarded against in this bill. I see no reason in the world why the Government should pay double interest to the extent as has been conceded was paid upon this bond funding during 1879, to wit, on \$740,000,000 of 4 per cent. bonds the double interest reached \$7,400,000. That ought not to have been paid to the extent it was, because the four percents were taken by capitalists almost without any effort on the part of the Treasury, and, in fact, so readily that the Department did not avail itself even of the three months' notice in all instances. I think it would have been practicable for the Department to have disposed of them as readily, and allowed but fifteen days' interest, and without injury to the negotiation, instead of the three months. Now, this amendment, as far as I can provide, is intended to prevent this; to provide the lowest rate of interest, and at the same time prevent the double-interest arrangement.

arrangement.

Mr. WARNER. I would like to ask the gentleman from Pennsylvania another question, and it is an important one. The act of 1870 specifies that the bonds therein provided for—and the provisions of that act are extended to this bill—shall be redeemable in the coin of the present standard value. But the point to which I call attention

specially is this: section 3511 of the Revised Statutes, passed after that date, provides that—

The gold coins of the United States shall be a one-dollar piece which at the standard weight of 25.8 grains shall be the unit of value, &c.

The gold coins of the United States shall be a one-dollar piece which at the standard weight of 25.8 grains shall be the unit of value, &c.

Now, my question is, does that act in any way change or affect the provisions of the act of 1870 to which I have referred?

Mr. RANDALL, (the Speaker.) I would not like to express, without careful examination, an opinion upon the effect of two acts supposed to conflict; but if they be conflicting, then I advise the gentleman himself to so amend this first section as to make it plain.

Mr. WARNER. I am in doubt upon that question. My judgment, however, is that section 3511 does not change the act of July 14, 1870.

Mr. RANDALL, (the Speaker.) Let it be made plain. But I would not undertake, without reading the acts, to express an opinion.

Mr. WARNER. I would like the gentleman from Kentucky [Mr. CARLISLE] to give an opinion upon that point.

Mr. CARLISLE. Of course I can only give an opinion, which may not be worth any more than that of the gentleman from Ohio himself. But it occurs to me there is nothing whatever in section 3511 of the Revised Statutes to change the method of the payment of these bonds. By the express provision of the act of July 14, 1870, they are made payable in coin of the then present standard value. Now the fact that Congress thought proper thereafter to make the gold dollar the unit of value, the dollar of account, cannot of course have the effect to change the rights of the Government in reference to the bonds issued under the act of 1870.

Mr. WARNER. In any lawful standard coin.

Mr. CARLISLE. In any lawful standard coin.

issued under the act of 1870.

Mr. WARNER. In any lawful standard coin.

Mr. CARLISLE. In any lawful coin, and of the standard value, as it existed July 14, 1870.

Mr. WARNER. The question is whether it would be required to pay them according to the gold standard; that is, to increase its value to what may be the value of gold as the unit. There is no question as to the right to pay in coin; but the question is as to the obligation to pay in that coin raised in value to the gold unit.

Mr. CARLISLE. The first section of this bill expressly provides that the bonds issued under it shall be subject to all the provisions contained in the act of July 14, 1870; and therefore they will stand legally upon precisely the same footing as if they were in fact issued under the act of July 14, 1870. This bill, if it becomes a law, will override, or rather reach beyond and behind, the section 3511 of the Revised Statutes, which can have no effect whatever upon these bonds in any way whatever.

override, or rather reach beyond and behind, the section 3511 of the Revised Statutes, which can have no effect whatever upon these bonds in any way whatever.

Mr. WARNER. I think that is right.

The CHAIRMAN. Debate upon the pending amendment is exhausted. The vote will be now taken upon the amendment of the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. FERNANDO WOOD. Unless the gentleman from Pennsylvania desires to address the committee, I would suggest we should have till to-morrow to read, consider, and digest the proposed amendment; and I shall move that the committee rise.

Mr. RANDALL, (the Speaker.) I have no objection to that.

Mr. ANDERSON. I desire to make a parliamentary inquiry as to a point of order before the committee rises. I think there, has been a misunderstanding as to part of the proceedings on this bill. The Chair very well knows I would be the last man to raise any question affecting in any way the ruling of the Chair; but I desire to make this inquiry now, that the Chair may look over the RECORD, and consider the point before the House shall again go into Committee of the Whole.

The gentleman from New York, as will be seen by reference to the fifth page of the RECORD of January 9, made a motion to strike out, in the seventeenth and eighteenth and twenty-second lines of the first section, the word "one-half." That was the gentleman's motion—a motion to strike out. There was subsequently a motion made pro forma by the gentleman from New York by inserting "two and one-half" instead of "three." The gentleman from Ohio [Mr. KEILEY] to strike out and insert "4 per cent." There were now two amendments pending. If the Chair will refer to page 7 of the RECORD of January 9 he will observe that at the conclusion of the speech of the gentleman from Pennsylvania [Mr. KEILEY] it is stated that the hammer fell, and then the following proceedings occurred:

Mr. Bayre. I desire to offer a mendment to the amendment.

The CHAIRMAN. The Chair will state that there is pending one amendment to the amendm

Not an amendment to the text of the bill, but a substitute for the pending amendment. I continue to read from the RECORD:

Mr. Bayre. I would like the privilege of offering a substitute.

The Chairman. The gentleman from Kansas [Mr. Anderson] has been recognized.

Mr. Anderson. I move as a substitute to insert at the appropriate place in the section the words "at a rate not to exceed 3½ per cent., at the discretion of the Secretary of the Treasury."

After that the gentleman from Maryland [Mr. McLane] offered an amendment to my substitute, inserting 3 instead of 3½ per cent.

Now, there was the state of the question. There were then pending

As will be seen upon page 8, Mr. McLane desired to offer an amendment, and the following statement was made by the Chair:

The amendment of the gentleman from New York has been amended by the amendment moved by the gentleman from Ohio, and to that a substitute has been offered by the gentleman from Chair.

It will be seen on page 9 that the vote was taken on Mr. Keifer's

I read from the RECORD:

Mr. KEIFER. I think the first question would be on the amendment to the substitute which is pending.

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman from Ohio will be first voted upon, but the Chair will ask the Clerk to read the original amendment of the gentleman from New York, and also the amendment proposed by the gentleman from Ohio.

Now that was done under Rule XIX, and was correctly done. That rule is as follows:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected.

Accordingly the Chair ruled that the vote was to be taken on the amendment of the gentleman from Ohio, [Mr. KEIFER.] That was

When that was done the amendment of the gentleman from New When that was done the amendment of the gentleman from New York was again open to amendment and many were offered, some proforma and some of substance. This morning the vote was taken upon the amendment of the gentleman from New York. I think where the misunderstanding has arisen was in this: my amendment being spoken of as a substitute, the Chair naturally understood that it was a substitute for the section. It was not; it was a substitute for the amendment of the gentleman from New York. The Chair will remember that once or twice I have inquired when the vote would come upon my substitute.

will remember that once or twice I have inquired when the vote would come upon my substitute.

I do not wish a decision upon the question now. I would like the Chair to look at the record in the case. I claim this: that at some point, and in my judgment immediately following the vote upon the amendment of the gentleman from Ohio, [Mr. Kiefer,] the vote should have been taken upon my substitute, which was "at a rate not exceeding 3½ per cent. per annum at the discretion of the Secretary of the Treasury."

If I am right about that, and if through a misunderstanding both on my part and on the part of the Chair, whom I most thoroughly revere, honor, love, and respect in every way [laughter]—we are on the same committee and respect each other; it is the best committee of the House—if there has been any lapse of my rights in this case, I am perfectly certain that both the Chair and the Committee of the Whole will be willing that the error be corrected, and that a vote be taken to-morrow morning upon my substitute for the that a vote be taken to-morrow morning upon my substitute for the amendment of the gentleman from New York.

Mr. FERNANDO WOOD. I now move that the committee rise.

The motion was agreed to.

The accommittee accordingly rose: and the Speaker having resumed.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COVERT reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

Mr. YOUNG, of Tennessee, asked and obtained consent to have printed in the Record, as a portion of the debates of this House, some remarks prepared by him upon the funding bill pending in Committee of the Whole. [See Appendix.]

Mr. BELFORD. I move that the House now adjourn.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 5047) relating to the appointment of professors

of mathematics in the Navy.

JOHN R. WALLACE.

Mr. WEAVER, by unanimous consent, introduced a bill (H. R. No. 6848) granting a pension to John R. Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DE LA MATYR. I ask consent to submit for reference to a committee the resolution which I send to the Clerk's desk.

The Clerk began the reading of the resolution, but before conclud-

ing,
Mr. BELFORD called for the regular order.
The SPEAKER. The demand for the regular order will cut off

Mr. DE LA MATYR. This resolution should go to a committee.
Mr. BELFORD. I insist upon my demand for the regular order.
The SPEAKER. The regular order is the motion that the House

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials and petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATKINS: The petition of R. K. Baird, for the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. BRENTS: The petition of citizens of Chehalis Valley, Wash-

ington Territory, for an appropriation for the improvement of Chehalis River—to the Committee on Commerce.

By Mr. COX: Memorial and correspondence of the State Department as to the erection of a statue of Christopher Columbus at Santo

Domingo—to the crection of a statue of Caristopher Columbus at Santo Domingo—to the Committee on Foreign Affairs.

By Mr. HORACE DAVIS: The petition of 258 officers and seamen at the port of San Francisco, California, for the passage of the bill to increase the efficiency of the Marine Hospital Service—to the Committee Commi mittee on Commerce.

Also, the petition of Goodall, Perkins & Co., agents of the Pacific Mail Steamship Company, the United States shipping commissioner, and ship-owners of the port of San Francisco, California, of similar -to the same committee

import—to the same committee.

By Mr. FIELD: The petition of Thorndyke Leonard and 110 others, citizens of Massachusetts, against refunding the bonds of the United States—to the Committee on Ways and Means.

Also, the petition of John L. Willy and 70 others, for the payment of the debt of the United States out of the surplus moneys in the Treasury and by the issue of Treasury notes—to the same committee.

By Mr. JOHN HAMMOND: The petitions of James Taylor and 31 others, citizens of Glen Falls, and of Peter Auben and 21 others, of Clintonville, New York, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. HENDERSÖN: The petitions of T. J. Robinson and 11 others, of Cornelius Lynde and 69 others, of Henry Ellerhorn and 40 others, and of P. L. Mitchell and 28 others, citizens of Rock Island, Illinois, for the removal of the tax on banks and for the repeal of the stamp tax on bank checks and drafts—to the Committee on Ways stamp tax on bank checks and drafts—to the Committee on Ways and Means.

By Mr. KEIFER: The petition of W. G. Alexander and 1,325 others, citizens of Toledo and Lucas County, Ohio, against the passage of the bill (H. R. No. 5579) introduced by Mr. Hurd, to provide for the sur-vey and sale of certain public lands in the State of Ohio—to the Com-mittee on the Public Lands.

By Mr. KETCHAM: The petition of Captain W. G. Ferris and 22 others, citizens of New York, for the appointment of a commission to facilitate the settlement of pension claims—to the Committee on Invalid Pensions

By Mr. O'NEILL: The petition of Bergner and Engel Brewing Com-pany, of Philadelphia, for the passage of an equitable license law for the District of Columbia—to the Committee on the District of Co-

By Mr. POEHLER: The petition of Joseph Wirth, for increase of

pension—to the Committee on Invalid Pensions.

By Mr. RAY: The petition of J. B. Gould and 14 others, citizens of New Hampshire and soldiers in the late war, for the passage of Senate bill No. 496 as amended, to facilitate the settlement of pension claims-to the same committee.

By Mr. RICE: The petitions of Joseph Walker, of Roylston, and of Luther C. Nye and 13 others, of Blandford, Massachusetts, that sol-diers discharged on account of disease receive the same bounty as those discharged on account of wounds-to the Committee on Mili-

By Mr. J. S. RICHARDSON: The petition of citizens of Chester-field County, South Carolina, to have an examination and survey made of the bar to Winyah Bay, with a view to its improvement—

to the Committee on Commerce.

By Mr. ROBINSON: The petition of Aaron Bagg, jr., and 52 others, for the improvement of Connecticut River between Hartford, Connecticut, and Holyoke, Massachusetts-to the same committee.

Also, the petition of L. G. Powers, mayor, and 1,616 others, of Springfield, Massachusetts, of similar import—to the same committee.

By Mr. VANCE: The petition of R. K. Deaver and others, for a post-route from Stockville to Marshall, via Punch Bowl and Red Oak Mountain, North Carolina—to the Committee on the Post-Office and Post-Roads

By Mr. WEAVER: The petition of C. F. Brookins and 31 others, of Huron County, Ohio, against refunding any portion of the public debt and for its payment in lawful money—to the Committee on Ways and Means.

Also, the petition of Isaac G. Miller and others, of Pennsylvania, against the passage of the sixty-surgeon bill, and for the passage of the Geddes bill, relating to the settlement of pension claims—to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, January 13, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs recommending an appropriation for rebuilding the Tallahassee Mission school building in the Creek Nation, Indian Territory, destroyed by fire; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Postmaster-General, recommending that the appointment of substitute letter-carriers now

recommending that the appointment of substitute letter-carriers now

in service be legalized, and that the Postmaster-General be authorized to appoint additional ones as the exigencies of the service may require; which was referred to the Committee on Post-Offices and Post-Roads.

He also laid before the Senate a letter from the Secretary of War, transmitting, in compliance with section 1665 of the Revised Statutes, a statement of the expenditures at the National Armory, Springfield, Massachusetts, and of the arms, components of arms, and appendages fabricated, altered, and repaired thereat during the fiscal year ended June 30, 1880; which was referred to the Committee on Appropriations.

He also laid before the Senate a letter from the Secretary of War, transmitting, in response to Senate a fetter from the Secretary of War, transmitting, in response to Senate resolution of June 15, 1880, reports from the heads of the several bureaus of the War Department relative to the necessary changes of the laws regulating the management of their several bureaus; which was ordered to lie on the table and

PETITIONS AND MEMORIALS.

Mr. BOOTH. I present three memorials, numerously signed by citizens of California, all in the same language, in favor of "such change in the laws of the United States as will counteract the effect of the in the laws of the United States as will counteract the effect of the decision in Atherton vs. Fowler, and open to pre-emption and homestead lands that are merely held by inclosure, without claim, under United States laws." The memorialists protest against the passage of the bill (H. R. No. 4805) to provide for the survey and disposal of the public lands of the United States. I move the reference of the memorials to the Committee on Public Lands.

The motion was acreed to

memorials to the Committee on Public Lands.

The motion was agreed to.

Mr. DAWES presented the petition of Edward W. Kinsley, Post 113, Grand Army of the Republic, of Boston, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. KERNAN presented the petition of Lieutenant-Colonel Pinkney Lugenbeel, First Infantry, calling attention to the condition of the buildings used as guard-house and executive buildings, on David's Island, New York Harbor, and praying that there be provision made for erecting at least temporarily suitable buildings; which was referred to the Committee on Appropriations.

Mr. WALLACE presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the passage of a national bankrupt law; which were referred to the Committee on the Judiciary.

Judiciary.

Mr. RANDOLPH presented the petition of James Moses and others, of Trenton, New Jersey, praying for such legislation as will increase the pensions of soldiers who have lost a limb; which was referred to the Committee on Pensions.

He also presented the petition of A. C. Gile and others, of Cape May City, New Jersey, soldiers and sailors of the late war, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the

table.

Mr. PENDLETON presented papers of Charles Frederick Secor, metallurgist, of New York City, to accompany the memorial of the Board of Trade of Cincinnati, relative to the smoke nuisance caused by the burning of soft coal; which were referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (8. No. 1736) for the relief of Perry P. Wilson, postmaster at Putnam, Connecticut, reported it without amendment, and submitted a report thereon; which was ordered to

be printed.

Mr. EATON, from the Committee on Foreign Relations, to whom were referred the bill (S. No. 4) in relation to the Japanese indemnity fund; the bill (S. No. 42) in relation to the Japanese indemnity fund; the bill (S. No. 1002) in relation to the Japanese indemnity fund, and resolutions of the Chamber of Commerce of the State of New York in resolutions of the Chamber of Commerce of the State of New York in reference to the Japanese indemnity fund, reported a recommendation for their indefinite postponement; which was agreed to; and he submitted a report thereon, accompanied by the following bills:

A bill (S. No. 2021) in relation to the Japanese indemnity fund; distribution of part thereof to the officers and sailors of the ship Wyoming et al.; and

A bill (S. No. 2022) in relation to the Japanese indemnity fund.

The bills were severally read twice by their titles, and the report ordered to be printed

The bills were severally read twice by their titles, and the report ordered to be printed.

Mr. EATON. I wish to give notice now that I will ask the Senate to proceed to the consideration of these bills relative to the Japanese indemnity fund on Thursday morning next.

Mr. PUGH, from the Committee on Claims, to whom was referred the bill (H. R. No. 4002) for the relief of the estate of J. M. Micou, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. VEST. I am directed by the Committee on Mines and Mining, to whom was referred the bill (H. R. No. 6025) to establish an assay office in the city of Saint Louis, Missouri, to reportit favorably without amendment, and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read at length and ob-

jections called for.

The bill was read.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MORRILL. I desire to know from what committee the bill is

Mr. MORRILL. I desire to know from what committee the bill is reported.

The VICE-PRESIDENT. The Committee on Mines and Mining.

Mr. MORRILL. There are, or there have been heretofore, as many as four or five bills for assay offices referred to the Committee on Finance. I rather think that they all ought to be considered by one committee and that this bill should go to the Committee on Finance or the bills referred to that committee ought to be referred to some other committee. I suggest to the Senator who has this bill in charge whether it would not be well to have it referred to the Committee on Finance, which has heretofore had the whole subject under its on Finance, which has heretofore had the whole subject under its consideration.

The VICE-PRESIDENT. Does the Chair understand the Senator from Vermont to object to the present consideration of the bill?

Mr. MORRILL. Of course I do.

The VICE-PRESIDENT. Objection is made, and the bill goes on the Calendar.

DAM AT LAKE WINNIBAGOSHISH.

Mr. McMILLAN. The Committee on Commerce, to whom was referred the bill (S. No. 2008) amending the act entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved June 14, 1880, have had the same under consideration and have instructed me to report it back with an amendment and to ask for its present consideration.

Mr. COCKRELL. Let it be read for information.

The VICE-PRESIDENT. It will be read for information.

The Chief Clerk read the bill, as follows:

The Chief Clerk read the bill, as follows:

Whereas the act of Congress of the United States entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved June 14, 1880, contains the following appropriation, that is to say: "For the reservoirs at the headwaters of the Mississippi River, to be used in the construction of a dam at Lake Winnibagoshish, \$75,000: Provided, That all injuries occasioned to individuals by overflow of their lands be ascertained and determined by agreement or in accordance with the laws of Minnesota, and shall not exceed in the aggregate \$5,000: "and Whereas some lands of the United States embraced in an Indian reservation may be affected by the flowage from the construction of said dam: Therefore, Bett enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain what, if any, injury is occasioned to the rights of the Indians occupying said reservation by the construction of said dam, or the cutting or removing of trees or other material from said reservation for the construction of said dam, and to determine the amount of damages therefor; and the sum of \$5,000 of the sum heretofore appropriated for the construction of said dam is hereby made applicable to the payment of the same when so ascertained and determined; and the appropriation heretofore made for the construction of said dam at Lake Winnibagoshish shall be applied to the construction of said dam immediately after the passage of this act.

Mr. McMILLAN. There is no new appropriation at all. The bill

Mr. McMILLAN. There is no new appropriation at all. The bill merely makes an application of the money heretofore appropriated.
Mr. COCKRELL. What is the amendment of the committee?
Mr. McMILLAN. To strike out the words in the preamble "of the United States," after the word "lands."
By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question now is on the amendment reported from the Committee on Commerce to the preamble, which

The CHIEF CLERK. In line 1 of the second clause of the preamble, after the word "lands," it is proposed to strike out "of the United States;" so as to read:

Whereas some lands embraced in an Indian reservation may be affected by the wage from the construction of said dam.

The amendment was agreed to.
The preamble, as amended, was agreed to.

BILLS INTRODUCED.

Mr. DAVIS, of Illinois, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2023) to amend section 4 of an act entitled "An act to fix the pay of letter-carriers," approved February 21, 1879; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of West Virginia, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2024) to authorize the taking of certain parcels of real estate for the public use, known as square No. 459, where the present city post-office is situated; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WITHERS asked and, by unanimous consent, obtained leave

mittee on Public Buildings and Grounds.

Mr. WITHERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2025) to authorize the United States Commercial Company of Virginia to do business in foreign countries; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. McPHERSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2026) to affirm to the State of Michigan certain lands heretofore granted to said State to aid in

the construction of a railroad, and for other purposes; which was read twice by its title, and referred to the Committee on Public

Lands.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2027) for the relief of Cummings, Doyle & Co. and Doyle & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2028) for the relief of the estate of Henry C. Shaphard; which was read twice by its title, and referred to the Committee on Claims.

C. N. FELTON.

Mr. BOOTH. Yesterday, while I was unavoidably absent from the Senate, the bill (S. No. 1350) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, was indefinitely postponed on an adverse report. I move that the vote by which the bill was indefinitely postponed be reconsidered, in order that the bill may go on the Calendar.

The motion to reconsider was agreed to.
The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

FRANKING PRIVILEGE.

Mr. LOGAN. I desire to call up the joint resolution which was before the Senate yesterday.

The VICE-PRESIDENT. No further morning business being offered in the morning hour, the morning business is closed. The Senator from Illinois asks the Senate to consider at this time the joint resolution considered on yesterday. The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 140) in regard to the extension of the franking privilege.

ation of the joint resolution (S. R. No. 140) in regard to the extension of the franking privilege.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the motion to refer to the Committee on Post-Offices and Post-Roads by adding "with instructions to report the same back to the Senate on or before Thursday next."

Mr. WALLACE. While this matter is under consideration, as the subject of the abuse of the franking privilege has been referred to on the floor, I desire to say that a statement contained in the RECORD of vesterday as to a misuse or abuse of the franking privilege by

of yesterday as to a misuse or abuse of the franking privilege by myself is without foundation. I have at no time used or authorized the use of my name upon any matter that was not frankable. I shall content myself to make this statement in my place as a refutation of

content myself to make this statement in my place as a refutation of any charge of this character made against me.

Mr. LOGAN. I certainly made none.

Mr. WALLACE. Certainly not.

Mr. LOGAN. I do not wish to discuss the proposition further. I am ready to take a vote on the motion to refer. I should prefer that the main question be decided this morning either one way or the other. I think the restrictions in the joint resolution are sufficient, confining the privilege to official matter from the Departments. I do not think it can be misunderstood at all.

Mr. GARLAND. Mr. President, I had the floor yesterday on the joint resolution at the expiration of the morning hour, and I desire to submit some reflections upon it, which I will do now.

So far as the principle of the resolution is concerned, as I under-

to submit some reflections upon it, which I will do now.

So far as the principle of the resolution is concerned, as I understand it, I indorse it; for, in brief, I think that Senators and Representatives ought to be entitled to the franking privilege upon all official business sent through the mails by them. But this subject is like most other subjects, the more it is considered the larger it grows. I once heard a soldier say as to the beef they got in the Army, that the more they chewed it the thicker it got; so the more we masticate this subject the larger it seems to get.

The joint resolution proposes to make an addition to a regulation that already exists. It would necessarily form a portion, either by an addition or an amendment of some character, of the postal laws that now exist in the United States. I am in favor of the Committee on Post-Offices and Post-Roads taking the joint resolution and incor-

on Post-Offices and Post-Roads taking the joint resolution and incorporating its theory in the present existing laws and modifying it further, and in their own good time reporting it back to the Senate. In the first place the existing law provides that—

Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December following the expiration of their respective terms of office.

There is one provision in reference to congressional documents. Then there is a provision relating to the Agricultural Department, as to how Senators and Representatives may transmit seeds, &c., through the mails. Then we have the Congressional Record and extracts from that, which go free:

The CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or Delegete, to be written by himself, be carried in the mail free of postage under such regulations as the Postmaster-General may prescribe.

Postmaster-General. Now, we have gone further, and provided that letters, &c., on Government business may go free:

It shall be lawful to transmit through the mail, free of postage, any letters packages, or other matters relating exclusively to the business of the Government of the United States: Provided, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted.

What I have read embraces the features in reference to free postage. The difficulty in the proposition of the Senator from Illinois, it occurs to me, is that it is too loose, it is too liable to misconstrucit occurs to me, is that it is too loose, it is too liable to misconstruction; in other words, it is not sufficiently guarded in its language to make it safe. We have heard from several Senators who have been in the Senate longer than I have of abuses under these sections that I have just read as to letters, &c., on Government business. In order to make it, in common phrase, the more binding, the protection is to require an indorsement of the words "official business" upon the matter, and there it ends with the signature of the person or persons sending it or a stamp showing that. If all the abuses existed in reference to this feature that were indicated yesterday by the Senator from Ohio [Mr. Thurman] and the Senator from Vermont, [Mr. Edmunds,] what may we not expect under the utmost scrutiny in the way of abuses under this phraseology indicated by the Senator from Illinois. Illinois

Mr. LOGAN. The Senator will allow me. He certainly misunder-stood the Senator from Ohio, who is not present. I did not under-stand him to refer to the law as it now exists, but to the old franking

stand nim to refer to the law as it now exists, but to the old franking privilege which was allowed to members of Congress. It was the abuse of that which was referred to yesterday.

Mr. GARLAND. The Senator may be correct. I understood the Senator from Ohio as referring to abuse under existing law.

Mr. LOGAN. No; it was in reference to the abuse of the franking privilege by members of Congress before the law was repealed, when they were permitted to frank all character of documents, no matter what.

what.

Mr. GARLAND. Very well; I suppose the Senator from Illinois is correct, but it has been stated, and we know as a matter of fact, that abuses under the guard and protection of allowing letters on Government business to go free have been committed and are being committed, I do not say intentionally, but we all know that we receive speeches not relating to any particular matter of legislation before Congress under one of these Government franks under this section of the postal laws. I do not know myself that the language used by the Senator from Illinois can be more explicit. It says "all official business"

Mr. BLAIR. Does the Senator from Arkansas mean to be understood that we receive under franks speeches not made in Congress?

Mr. GARLAND. Yes, speeches, and documents, and pampilets of

Mr. BLAIR. Under the frank of members of Congress?

Mr. GARLAND. No, but under this section 249 from governmental officers. There is no one to determine whether the matter is "official business" or not, or what kind of official business it is. In the section which I have just read allowing the indorsement of the superscription "official business" upon official envelopes signed by the head of a Department, or a clerk in the office sending them, no one head of a Department, or a clerk in the office sending them, no one is provided to determine whether they are on "official business." This joint resolution in regard to Representatives or Senators uses the same words "official business." It is possible that neither the Senator from Illinois nor any other Senator could go into enacting a law so as to define specifically what is meant by "official business" and what particular letters would come under that characterization. To protect against that in the matter of the Record it is provided that that shall be sent under regulations prescribed by the Postmaster-General: but here this is left without any protection. It is not ter-General; but here this is left without any protection. It is not worth while for a Senator to say that we all know what "official business" is, because we know in the practice of the law that words very simple in every-day use and common acceptation, when they are to be interpreted in law sometimes mean very different things, and are sometimes construed to be very different from their plain mean-

are sometimes construed to be very that the seen that it was once ing.

I recollect in the course of my reading to have seen that it was once a very grave question before one of the courts of England whether a turkey came within the designation of a bird, and after a long argument and long examination it was solemnly decided that a turkey came within the classification of the word "bird." It is possible some one might doubt as to whether, if I was writing to my constituents about a peck of oats, that could be deemed "official business." I might feel inclined, for the purpose of self-protection, to say it was official business, but the Senator from Missouri or the Senator from Tennessee might not think so.

Tennessee might not think so.

Now, let this measure be framed with some kind of guard around it as good if not better than that in the sections I have already read, and I do not think there will be much difficulty about its passage. I think we had better make this measure a part and parcel of the general laws, consistent and harmonious throughout; and with that view let us refer it to the Committee on Post-Offices and Post-Roads, The CONGRESSIONAL RECORD, or any part thereof, or speeches or reports therein mutained, shall, under the frank of a member of Congress, or Delegete, to be writing the most of the consider it in connection with the existing laws; let us not hasten them consider it in connection with the existing laws; let us not hasten them; let us not tell them they shall have only a certain ostmaster-General may prescribe.

That by the laws is put under regulations to be prescribed by the investigation, comparing this with the existing law, report this as an amendment to the existing law.

Mr. CONKLING. Will the Senator allow me to make an inquiry?

will the Senator allow he to make an induly! I came into the Senate, having been detained in committee, when he was concluding a statement about the sort of matter that goes now free in the mails. Am I right in supposing that he stated that speeches which are not a part of the Congressional Record, not made in Con-

gress, go free through the mail?

Mr. GARLAND. I read section 249 of the collection of postal laws and regulations as to letters on Government business. That section

I will read again:

It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: Provided. That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, &c.

I say I have received under these superscriptions pamphlets of different kinds that it did not occur to me referred to any particular of-ficial business or any legislation in Congress or pending before either

Mr. CONKLING. But speeches?
Mr. GARLAND. Speeches.
Mr. CONKLING. Speeches not made in Congress?
Mr. GARLAND. Speeches not made in Congress, a speech made, for instance, before the Bankers' Association in New York.
Mr. ALLISON. Franked?
Mr. GARLAND. Under the superscription that I read from section

Mr. CONKLING. Coming from the Post-Office Department?

Mr. GARLAND. I do not know where it came from; I do not recollect as to that; but it was under that superscription "official business," not sent by any Senator or any member of Congress, but under this particular superscription.

Mr. CONKLING. The Senator means that those speeches were sent

by the executive department, I understand.

Mr. GARLAND. They came through the regular course of mail, as I understand.

Mr. CONKLING. If I shall not interrupt the Senator, I would like

Mr. CONKLING. If I shall not interrupt the Senator, I would like to make a remark upon this.

Mr. GARLAND. I shall be through in a few minutes.

Now, Mr. President, I say this subject should be taken and considered in connection with the postal system. It ought to be considered as a part of a great system, and the present system should be overhauled while we are considering this. Let the resolution go to the Committee on Post-Offices and Post-Roads, not under the spur of the Senate or any whip of the Senate, but let them take it up in their own time and consider it carefully and bring in such a bill as will cover the case and as will reach these matters throughout.

We have seen in the newspapers complaints as to the use of this

We have seen in the newspapers complaints as to the use of this franking privilege already. I am making no accusation myself. The committee should take this matter and make one general law amending the present law and incorporating this in it if they see proper and think right to do so, but without instructions from the Senate, and bring it here as one coherent whole, one system, and ask the Senate to dispose of it.

These are my views. I am in favor of the theory of the resolution; I am for what the Senator from Illinois wants; but I think it had better go to the committee without any instructions and let them con-

sider the whole subject.

Mr. CONKLING. Mr. President, if I understand the Senator from Arkansas aright, he says that he himself has received through the mail communications covered by the official frank of the executive officers of the Government, which communications contained no public or official business, but speeches made by somebody—I did not hear by whom—and not made in either House of Congress. Do I understand and report the Senator aright?

stand and report the Senator aright?

Mr. GARLAND. The Senator from New York quotes me with literal correctness, with this exception: that so far as I could see they pertained to no official business and no matter of legislation pending

in either House of Congress.

Mr. CONKLING. Were they speeches made except in the two
Houses of Congress? Houses of Congress

Mr. GARLAND. They were not speeches made in either House of

Mr. CONKLING. But they were speeches?

Mr. GARLAND. They were speeches.

Mr. CONKLING. Well, Mr. President, the honorable Senator from Arkansas abstains unnecessarily, and defers too much when he says of such a document that, as far as he could discover, it did not relate to official business. The law as it stands is too plain and palpable to confuse any mind upon such a question. The law, suggested I think chiefly by the honorable Senator from Ohio, not now in his seat, the senior Senator, covers in no event any speech made save only a speech delivered in one or the other of the two Houses of Congress and going into the Congressional Record; and therefore, speaking from recollection—I have not the act before me—I am quite sure that the words will be found "part of the Congressional Record," from which it has been inferred or held in practice that if a reprint takes place in any pamphlet form, a portion of the Congressional Record is printed, then that pamphlet speech may go without at the

same time sending all the other leaves and pages of the RECORD in which that speech originally appeared; but all the time manifestly, conclusively, too clearly for any lawyer or layman to doubt, the one single speech which lawfully may be sent through the mails under the frank of a Senator or Representative is a speech delivered in the Senate or in the House and printed in the CONGRESSIONAL RECORD. Inasmuch as the Executive Departments are not seminaries for oratory or societies for debate and will not be in any form until the bill of my honorable friend the junior Senator from Ohio, [Mr. PENDLETON,] shall become a law; inasmuch as they are Executive Departments, there is no provision in any law under which any head of a ments, there is no provision in any law under which any head of a Department, except in plain, flat, unmistakable violation of the statutes, can send through the mail such mail matter as the Senator from Arkansas says he has received under the executive frank.

Mr. President, if a stinging commentary, if a sharp and thorough criticism upon the absurdity of the law as it now stands were needed or possible, the Senator from Arkansas has pronounced that commentary. Here are provisions under which any and every clerk in the Post-Office Department and in every other Department; every postmaster, every deputy postmaster, every postmistress, every deputy postmistress, every deputy postmistress, every deputy postmistress, every man, woman, and child, as far as I know, engaged in conducting the public business, may determine each by himself or herself at the time that it is "official business" place upon mail matter self at the time that it is "official business" place upon mail matter a frank which exempts it from postage and carries it free through the mail wherever the mail goes on land or sea, or inland on water or on horse, wagon, or stage-coach. How is this done? Not by the signmanual of the person, not as the honorable Senator from Illinois is compelled to frank, what he is not privileged to frank, but compelled to frank in the course of his duty, by putting his name broadly upon it and the title of his office, so that everybody may know exactly the individual from whom that frank comes, but by placing upon it a printed stamp as good in the hands of one man as in the hands of another, a stamp which like money has no color, and leaves no track and no trace. and no trace.

The honorable Senator from Arkansas receives some communication

The honorable Senator from Arkansas receives some communication or dissertation addressed to a bankers' association. It has the official stamp upon it. Who sends it? The honorable Senator from Arkansas says he does not know. Of course he does not. Anybody, trespasser, outsider, insider, whoever can possess himself of these stamps and affix them either in a Department of the Government inside the building or anywhere in Washington or anywhere in all the realm, by affixing the stamp gives the same validity to it as if the head of a Department lawfully affixed it to lawfully free matter.

I believe the Senator from Vermont [Mr. Edmunds] said yesterday that the men who make the laws are picked out as the only public servants unsafe to be trusted with franking official matter; and they whose business is, not even to interpret the laws but only to execute them, and that not only in the highest but in the most paltry function, they en masse, not some of them, but all of them without exception, are denoted by the law as safe and proper trustees and custodians of this franking power. And then, as if to cap the climax of absurdity, they are to do it, not by making a mark, not by putting an initial, not by signing a name, not by leaving a track or trace by which they can be known, but by an anonymous printed stamp, which one man's hands as well as another's can affix to a document. Thus you have it said that a Senator or Representative is not fit, although he signs it said that a Senator or Representative is not fit, although he signs his name, to exert this power, and that any and every other officer of the Government is fit without any sort of responsibility connected with the act or any mode of identifying him, and thus, as might not unnaturally be supposed, although I should like to know, if I could without prying into it unduly, from which Department such a speech as the Senator refers to came, and who was the author of that speech, it turns out that speeches oratorical, political, didactic discourses made by we know not whom, whether as electioneering documents for a party or electioneering documents for an individual, are sent out, not I infer in an exceptional case to the Senator from Arkansas, but sent out generally. It is possible that the Senator from Arkansas, ardent and well known as he is as a supporter of the present Administration. ministration, may have been selected from pure favoritism and a little compliment and decoration sent to him, a speech with an official frank, perhaps intended to make the Senator from Arkansas feel good, to let him understand that he was on a footing with "the most favored nations," that compliments and attentions were paid to him such as are withheld not only from the rest of his fellow-citizens but even from his brother Senators. But making all allowance for the distinction of the Senator, making deduction for his intimate relations with those who wield this franking privilege, I take it that the result of his statement is that generally and at large this particular mail matter to which he has referred was transmitted through the mail.

Mr. President, I submit that if a condition of things could exist which would show plainly and clearly the peremptory and urgent duty of changing this condition of the statute, here it is. If any Senator will affirm by a bill that the franking privilege should be cut off altogether, that there shall be a special account of postage in every Department, that each shall pay its postage and have it charged to ministration, may have been selected from pure favoritism and a little

off altogether, that there shall be a special account of postage in every Department, that each shall pay its postage and have it charged to that fund, so be it. I will not say I will vote for it, but I say it will be respectable comparatively; but to leave the law to stand as it does now, to leave the Senator from Illinois to be mulcted because he happens to come from a large and populous State and because he happens to have been a distinguished military officer which leads pensioners

naturally to resort to him over the country—to leave him to be mulcted at the rate of \$10 a week to pay out of his own pocket, not his own but official postage, while every head of a Department is furnished with official stamps under which editions of speeches may be sent out and all manner of other matter, is I humbly submit an absurdity so gross and an injustice so indecent that it rightfully appeals to the self-respect of every Senator and of every Representative, and it also appeals to the regard that they have for the interest of the cripples, the mourners, the orphans, the pensioners of this country who I think have quite as much right to receive hear of ways events. the orphans, the pensioners of this country who I think have quite as much right to receive, being exempted from the three or twelve cents it would cost to pay the postage on them, their pension papers as any Cabinet minister has when he is moved to utter his voice to his countrymen to command the means out of the public purse to send out an edition to fall like a snow storm from the mail over the whole country.

Mr. GARLAND. Mr. President, when I made the statement a few moments ago in reference to receiving documents of this character from the Departments, I had no idea of exciting the jealousy of the Senator from New York to such an extent as he has manifested here from any idea of my intimacy with the Administration.

Senator from New York to such an extent as he has manifested here from any idea of my intimacy with the Administration.

Mr. CONKLING. I wish the Senator to understand that I did feel it very keenly that the Senator from Arkansas should be thus preferred over the rest of us and especially over me.

Mr. GARLAND. I was satisfied that the Senator was rather jealous in that regard. But, Mr. President, aside from all this, let us now come to the real question. I stated that I had received one or two, I will now say from recollection several, documents from the Department's here under the frank specified in section 249 of the compile. come to the real question. I stated that I had received one or two, I will now say from recollection several, documents from the Departments here under the frank specified in section 249 of the compilation of the postal laws, which in my judgment did not refer to official business in any sense of the term, and were not connected with official business. I was not making a charge against the Departments; I was not making a charge against any person; but I cited it as an illustration of the indefiniteness of the term "official." That is all. The Department might have considered these things in the light of official business while they did not strike me as such. One pamphlet I recollect distinctly in reference to some addresses delivered before a bankers' association in New York. They were not official documents according to my interpretation, and yet the persons who sent them may have thought so. That makes a difference of opinion, and I was anxious that the resolution of the Senator from Illinois should guard against abuses under the expression "official" contained in it. That was all; nothing more, nothing less than that. I say now, that with this broad expression in this resolution we shall be subjected to the same things that have transpired on the part of persons who send matter under section 249, which I read. The Senator from New York was not present at the beginning of my remarks. I alluded to that exemption so far as speeches printed in the Congressional. Record were concerned, and Senators will see that that was put under regulations to be prescribed by the Postmaster-General, while the Department frank is simply a stamp upon the communication. RECORD were concerned, and Senators will see that that was put under regulations to be prescribed by the Postmaster-General, while the Department frank is simply a stamp upon the communication, and nothing else is to be used. So it leaves a wide margin. This resolution says "official business" generally, and leaves it to no one to determine. Thus we have three parts of the one system. I say let the Committee on Post-Offices and Post-Roads take the entire subject and bring in a harmonious and consistent bill relative to the whole system, including this.

Mr. INGALLS. Mr. President, the Senator from Arkansas is not alone in the experience he has had in regard to the reception of what he believes and what I believe to be unfrankable matter through the mails under executive envelopes. During the past three months I have received two communications from the Treasury Department and one communication from the Interior Department, which con-

have received two communications from the Treasury Department and one communication from the Interior Department, which consisted of speeches delivered by officers of those Departments, forwarded in envelopes that were furnished merely for official business, directed in the handwriting of clerks that were employed by the Government and paid by the Government, the envelopes themselves I believe being furnished without cost to the parties using them. As the Senator from Arkansas has said, that is one illustration of the unspeakable absurdity of the present system.

Having been identified for the past eight years with the Committee on Pensions and for two Congresses its chairman, I can speak with lively interest and feeling upon this subject, for I venture to say that during the past four years for every letter of a friendly or social or family description that I have sent or received, I have received and sent at least fifty that I never should have sent or received if I had not been a member of this body and connected with the Committee on Pensions.

Another singular absurdity about the business is apparent in this, that having received communications from pensioners in every State in the Union, which I have forwarded to the Department for answer, the reply would be received in an official envelope, coming without postage through the mail, unpaid for by the officer using it, and when I opened it and took out the communication and forwarded it to the

person for whom it was intended, I was obliged to pay three, six, or nine cents, as the weight of the communication might be.

Now, sir, it appears to me, as has often been said in this debate, that there can be no question whatever about the propriety of the resolution offered by the Senator from Illinois. We have proceeded with this matter, tinkering from time to time as if we were afraid of it, and all for fear of some great overshed wing rubble conjuing. it, and all for fear of some great overshadowing public opinion. I have said in similar debates heretofore on this floor, and I repeat it,

that franking never was a privilege. It is wrongly called a privilege. that tranking never was a privilege. It is wrongly called a privilege. It is a burden; for it does impose upon those who enjoy it far greater burdens than they receive benefits from it. But we are now authorized to send pumpkin seeds and seed-wheat and grain and cuttings and vines and public documents and speeches and everything printed in the RECORD through the mail; and the only question is whether we shall be authorized to send what is more important than any of these and than all these—communications that we receive and send by virtue of the single fact that we are members of this body and

transacting public business.

Franking never was abolished in obedience to any public demand. It was abolished in obedience to the dictates of a machine politician who happened to be at the head of one of the Departments and who who happened to be at the head of one of the Departments and who sent out thousands upon thousands of printed petitions to every officer who was under his control, directing and requesting that they should be signed and sent back for the purpose of creating the impression that there was some tremendous public opposition to franking. And that cry was taken up and re-echoed by a few members of the metropolitan press; and yielding a weak and pusillanimous response to that, Congress finally passed the act abolishing franking.

Mr. SAULSBURY. Will the Senator from Kansas allow me to ask whether there was not a pledge or declaration in a platform made in the city of Philadelphia that the franking privilege ought to be abolished?

Mr. INGALLS. I dare say there was. I am not here for the pur-

Mr. INGALLS. I dare say there was. I am not here for the purpose of discussing political platforms; I care nothing about them. I am discussing a great question of public interest that affects us alike as democrats and republicans, and affects every citizen of the Republic.

Now, I believe that franking in its entirety ought to be restored. Now, I believe that franking in its entirety ought to be restored. I am willing to take whatever of responsibility or odium there may be in its restoration, and the Senator from Vermont [Mr. EDMUNDS] has prepared an amendment, he having been unavoidably called away from the Chamber, which expresses my views and which he asked me, if he did not return in season, to offer. If the resolution submitted by the Senator from Illinois is in a condition where it is subject to amendment, I move to amend by striking out all after the enacting clause and inserting

The VICE-PRESIDENT. It is not now in that condition.

Mr. INGALLS. Then I will read what at the proper parliamentary period I shall propose to offer:

ary period I shall propose to offer:

That each member of the Senate, each member of the House of Representatives, and each Delegate from a Territory of the United States, the Secretary of the Senate, and the Clerk of the House of Representatives may send and receive through the mail free of postage any letter, newspaper, or packet not exceeding two ounces in weight; and all postage charged upon any letters, petitions, and memorials received during any session of Congress by any such Senator, Member, or Delegate touching his official or legislative duties by reason of any excess of weight above two ounces of the matter so received shall be paid out of the contingent fund of the House of which the person receiving the same may be a member. Matter sent by any Senator, Member, or Delegate under the authority of this resolution shall be identified by the autograph of such Senator, Member, or Delegate, as the case may be.

I would state that the two first clauses of this proposed amendment are an exact adaptation of the law as it stood before the abolition of franking; and it has been thought advisable, to avoid what has been unquestionably one of the evils of franking, that the package or letter sent shall be identified by the autograph of the person sending it. The Senator from Ohio yesterday adverted to the great abuses that had heretofore existed. My impression is that those abuses existed, not in consequence of the use or abuse of the franking privilege by any person entitled to it; but that in consequence of the use of autographic stamps and dies and by the delegation of the authority to

graphic stamps and dies and by the delegation of the authority to amanuenses and clerks matter was sent through the mails that ought not to have been so forwarded free of postage. The autograph signature is required in order to guard against that difficulty, and not because I believe or ever did believe that the stories about the members of Congress sending their washing home to their laundresses, or franking portable saw-mills or cook-stoves through the mail, were ever true to any considerable extent, but for the purpose of guarding this privilege so that it shell be the personal preportation and fran

this privilege so that it shall be the personal prerogative and franchise of the person entitled to it by the law.

Mr. LOGAN. I desire just to say one word in reply to the Senator from Arkansas, who read from the law which authorized the frankfrom Arkansas, who read from the law which authorized the franking of documents by the heads of Departments, heads of bureaus, &c. The word "official" is used in that law just as it is in this resolution, and I use the word "official" in this resolution so as to put Senators and members of Congress upon an equality with the clerks in the Departments. That is the object of the resolution, and I suppose no Senator would be afraid to put himself upon an equality of that kind as far as the rights enjoyed by them are concerned. This resolution uses the word "official" just as it is in that law, and gives the privilege to workers of Congress: that is all. If there has been an abuse uses the word "official" just as it is in that law, and gives the privilege to members of Congress; that is all. If there has been an abuse of that law as it exists now, as stated by the Senator from Arkansas, it only shows that there are individuals who will abuse any kind of a law, and you cannot help it, perhaps. There is a punishment prescribed for violations of that law; but as long as the penal provisions of the law are not enforced it is like any other law to a certain extent; it may be abused. Nearly all laws are to some extent liable to abuse; but I thought at the time this resolution was drafted that it at least gave the same privilege to members of Congress and it at least gave the same privilege to members of Congress and Delegates that is enjoyed now under law by clerks; and certainly

more necessity for it exists applicable to them than to clerks in Departments, to whom it extends practically instead of being confined to heads of Departments.

So far as envelopes with the words "official business" on them are concerned, I went myself to two of the Departments and insisted that those envelopes should be sent with the packages where they were intended for constituents of Senators and members, so that they might enclose them in these envelopes and send them free as from the Departments. One of the Departments did consent to that, and for a

enclose them in these envelopes and send them free as from the Departments. One of the Departments did consent to that, and for a very short time it was done, but all at once it dropped off and it now stands just as it did before. That was done at my solicitation. I was induced to offer this resolution because they discontinued it. That only applied to one of the Departments. The other Departments refused to do it; I will not say because they desired that this privilege should only be extended to them; I will not say because they were afraid to trust members of Congress; but I will say that a member of Congress can be trusted just as well as the head of a Department, and members are just as honorable, just as honest, and the people of this country do trust them and the people will trust them just as soon as they will the head of a Department.

Now, sir, I desire that this resolution shall be passed. Of course, if the Senate desire that the law shall be perfected, they will refer the measure; but I have no idea that will be done because this attempt has been made several times, and we always find the Senate ready to do this thing but it always gets into the hands of a committee for the purpose of perfecting the law and that is the last that is heard of it. That has been its fate for several sessions of Congress, and in my judgment will be its fate again; not that the committee would not report it, but that they cannot agree on a law. This right, as I claim it as belonging to the people, has been defeated in this way every time it has been proposed in Congress; and that is the reason why I suggested that the word "official" be inserted in the law as applicable to Senators, Representatives, and Delegates the same as to heads of Departments, so that they may all be put on an equality. The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. DAVIS, of West Virginia. I believe the first question is on the instructions.

instructions.

The VICE-PRESIDENT. It is.

Mr. DAVIS, of West Virginia. I think this discussion has shown plainly that the resolution ought to go to the committee. I think the Departments ought to have an opportunity to be heard if they wish to say anything, and I hope that the Senate will send the resolution to the committee without instructions. I think the committee is competent to decide without being instructed by the Senate, and it is a very unusual thing for the Senate to instruct a committee.

Mr. HOAR. The question is whether the Senate is competent to decide without the instruction of the committee, I think.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Vermont to the motion to refer to add:

With instructions to report the same back to the Senate on or before Thursday.

With instructions to report the same back to the Senate on or before Thursday

The amendment was rejected.
Mr. INGALLS. Is my amendment now in order?
The VICE-PRESIDENT. It is not. The joint resolution is not before the Senate for any question now except reference. The question is on the motion to refer the joint resolution to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I desire to know if it is not in order to move now instructions such as the Senator from Kansas read as an amendment?

The VICE-PRESIDENT. The motion to commit the joint resolution with instructions to the committee to report in a particular form

is in order Mr. INGALLS. The Chair is right. The motion to commit is in order and takes precedence of a motion to amend. I did not think of that when I asked the question.

The VICE-PRESIDENT. It is in order to move to commit with

instructions

Mr. INGALLS. I do not want the resolution committed. I want

action upon this amendment to the joint resolution.

The VICE-PRESIDENT. The question is on the motion to refer this joint resolution to the Committee on Post-Offices and Post-Roads,

upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll,
Mr. PLUMB, (when his name was called.) On this question I am
paired with the Senator from South Carolina, [Mr. BUTLER.] If he

were present, I should vote "nay."

Mr. WALLACE, (when his name was called.) This subject having taken a political view, as I am paired with my colleague [Mr. CAMERON, of Pennsylvania] on all political questions, I decline to vote. I would vote "yea" if he were present.

The roll-call having been concluded, the result was announced—yeas 27, nays 23; as follows:

	YE	YEAS-27.	
Beck, Call.	Ferry, Garland,	Kernan, McPherson,	Vance, Vest.
Cockrell,	Groome,	Morgan,	Voorhees
Coke, Davis of W. Va.,	Hampton, Harris,	Pendleton, Randolph,	Walker, Windom,
Eaton,	Johnston,	Ransom,	Withers.

	NA	XS-23,	
Allison, Anthony, Blair, Brown, Burnside, Carpenter,	Conkling, Davis of Illinois, Dawes, Edmunds, Hoar, Ingalls,	Jonas, Kellogg, Lamar, Logan, Morrill, Platt,	Pugh, Rollins, Saunders, Slater, Williams.
	ABS	ENT-26.	
Bailey, Baldwin, Bayard, Blaine, Booth, Bruce, Butler,	Cameron of Pa., Cameron of Wis., Grover, Hamlin, Hereford, Hill of Colorado, Hill of Georgia,	Jones of Nevada, Kirkwood, McDonald, McMillan, Maxey, Paddock, Plumb,	Sharon, Teller, Thurman, Wallace, Whyte.

So the motion was agreed to; and the joint resolution was referred to the Committee on Post-Offices and Post-Roads.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President of the United States had on the 7th instant approved and signed the act (S. No. 54) to enable the Secretary of War to purchase land to enlarge and protect the San Antonio arsenal; and on the 12th instant the act (S. No. 549) for the relief of Samuel I. Gustin.

ORDER OF BUSINESS.

The VICE-PRESIDENT. The Senate proceeds to the consideration of its unfinished business, being the bill (S. No. 231) for the relief

of Ben. Holladay. Mr. WITHERS. Mr. WITHERS. When the Senate adjourned they were consider-ing an amendment perfecting a paragraph in the Army appropriation from line 200 to 204.

Mr. VOORHEES. The Holladay bill was called up.
Mr. WITHERS. I beg pardon, I thought the Army bill was up.
Mr. VOORHEES. I am willing that the regular order shall be laid
aside for the consideration of the Army bill.

Mr. WITHERS. I submit that motion.

Mr. INGALLS. I wish the Chair would announce that the unfinished business is informally laid aside for the consideration of the

Mr. WITHERS. That is the motion I submit.

The PRESIDING OFFICER, (Mr. Cockrell in the chair,) The Chair presumed the announcement made yesterday, as a matter of course, would hold, that the regular order was informally laid aside for the consideration of the Army appropriation bill.

Mr. INGALLS. But that announcement should be renewed at the commencement of every legislative day.

The PRESIDING OFFICER. The announcement is then repeated that the bill for the relief of Ben. Holladay is laid aside for the con-

Mr. VOORHEES. Informally?

The PRESIDING OFFICER. Informally, without prejudice. It will be the unfinished business when the Army appropriation bill is

disposed of.

Mr. FARLEY. I ask the Senate to postpone all prior orders in order to take up the bill (S. No. 1210) for the relief of certain officers of the Navy. It will not take five minutes.

Mr. WITHERS. I must decline to give way.

Mr. FARLEY. It is the bill I endeavored to get up this morning. It is a very important bill and has been considered thoroughly by the Committee on Naval Affairs.

Mr. WITHERS. I hope the Senator will not insist on that. I shall have to resist, on behalf of the Appropriations Committee, the effort to lay aside appropriation bills for any other business.

Mr. ANTHONY. I think the bill proposed by the Senator from California will create no discussion.

Mr. ANTHONY. I think the bill proposed by the Senator from California will create no discussion.

Mr. EDMUNDS. I call for the regular order.

Mr. ANTHONY. The bill proposed by the Senator from California will create no discussion at all; it has passed the Senate once.

Mr. WITHERS. That nobody can foresee.

Mr. ANTHONY. It will be in the power of the Senator from Virginia to call for the results order at any time.

ginia to call for the regular order at any time.

Mr. EDMUNDS. Let us have the regular order.

The PRESIDING OFFICER. The regular order is before the Senate. The Chair understands that the Senator from California is about to make a motion to lay it aside. He has not formally submitted his motion.

Mr. FARLEY. I only make that motion for the purpose of consid-Mr. FARLEI. I only make that motion for the purpose of considering this bill which will require no discussion. It has been thoroughly examined by the Committee on Naval Affairs and has once passed the Senate during this Congress. It has been twice examined by the committee and been reported unanimously. It is Senate bill No. 1210 in reference to carrying out the recommendation of the Secretary of the Navy in regard to three or four gentlemen whose cases have been acted on by a board of naval officers. I make the motion

Mr. WITHERS. I am impelled to resist the motion, for the reason that there are probably one hundred bills on the Calendar similarly situated, and I must insist that the Senate shall proceed with the Army appropriation bill.

Mr. ANTHONY. That bill need not be laid aside by a formal vote.

I et it be laid aside informally; and if the other bill creates any discussion the Senator from Virginia can call for the regular order.

Mr. WITHERS. There is already one bill laid aside.

Mr. ANTHONY. We can lay two bills aside.

Mr. WITHERS. I do not suppose that the bill of the Senator from California will be prejudiced by waiting until we get through with the Army appropriation bill. Consequently I must ask the Senate to continue its consideration. continue its consideration.

The PRESIDING OFFICER. The Senator from California moves

that the Senate lay aside the pending order.

Mr. EDMUNDS. You must postpone. There is no motion to lay

The PRESIDING OFFICER. The Senator from California moves to postpone the pending order for the purpose of proceeding to the consideration of the bill that he has named.

consideration of the bill that he has named.

Mr. CONKLING. It is not the habit of the Senator from California to trouble the Senate with many requests. I do not know what the bill is that the Senator from California wants to take up; but I venture to suggest that if it be a bill in which he feels some personal interest, he might be allowed by consent on both sides to take it up, and as the Senator from Rhode Island says, subject all the time to a call for the regular order. If he is to be driven to his motion to postpone the present and all prior orders, that brings up a collision between these bills. Here is the Holladay bill pending as the unfinished business. I think it ought to be disposed of as against anything but an appropriation bill. I cannot for one consent that it be displaced by a motion.

Mr. FARLEY. This is a bill in which I have no special interest, but it is one the Committee on Naval Affairs has passed upon. It has passed this body at one time, been reconsidered, referred, and reported

Mr. CONKLING. And the Senator wants it taken up now?
Mr. FARLEY. We are anxious to have it taken up. I made the effort to get it up yesterday morning. It will not take five minutes to pass it, in my opinion.
Mr. CONKLING. Let me ask the Senator from Virginia, who is very properly diligent about his appropriation bill, is there any objection to letting it lie aside informally for a few minutes? Let the Senator from California try his bill, and if it turns out that it shall take time, at any moment the Senator from Virginia may demand the regular order.

regular order.

Mr. WITHERS. No one knows better than the Senator from New York that there are probably one hundred bills on the Calendar in regard to which the same request could be made, and if I yield to

this I cannot conscientiously refuse to yield to others.

Mr. CONKLING. I agree with the Senator in that respect. I have a bill myself which I want exceedingly to find a time to take up, a short time, although I have no interest in it except a wish that the people concerned may get a hearing; but this motion is now made. That makes it an exceptional case, and the Senator may say he will allow the regular order to lie aside temporarily for this one bill and no other, and then there is no danger of my teasing him or another Senator teasing him with a like request.

Mr. WITHERS. I decline to yield. The Senate will take such

order as it deems proper.

Mr. CONKLING. Then I hope that the Senator from California will not press his motion now, which will lead to a jangle, a call of will not press his motion how, which will lead to a jangle, a call of the yeas and nays, and a frittering of more time than it will take to pass the appropriation bill.

Mr. FARLEY. As a matter of course I had no desire to retard legislation in reference to the appropriation bills, and I withdraw

my motion.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other purposes; the pending question being on the amendment of Mr. ALLISON, to strike out, in lines 200 and 201, the words "what the Quartermaster's Department finds justly due them," and insert "the amount audited and approved by the Quartermaster-General," so as to make the clause read: clause read

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation, \$125,000: Provided, That such amount shall be accepted as in full of all demands for said services.

amount shall be accepted as in full of all demands for said services.

Mr. WITHERS. I have diligently labored to secure such phraseology of the paragraph which was so much debated yesterday, with
such outside assistance as I could receive from the Departments and
lawyers and judges, that at last, on the part of the committee, I am
authorized to offer the following substitute for the paragraph:

To pay land-grant railroads on which the United States is entitled to transportation of troops and supplies free of charge, for transportation for the Quartermaster's Department, \$125,000: Provided, That such railroads be paid only 50 per cent.
of their schedule rates, and that said 50 per cent. if accepted by any railroad
shall be in full of all its demands for said services. And the accounting officers
of the Treasury are hereby authorized to settle with said railroads in accordance
with the provisions of this act.

The PRESIDING OFFICER. The Senator from Virginia in behalf

The PRESIDING OFFICER. The Senator from Virginia in behalf of the Committee on Appropriations offers a substitute for that portion of the bill between line 200 and line 204, inclusive.

Mr. EDMUNDS. Then the question is on the amendment of the Senator from Iowa, unless he withdraws it?

The PRESIDING OFFICER. That is true, but the Senator from Virginia offers this, and it will be read to the Senate for informa-

Mr. EDMUNDS. Oh, yes, it may be read for information.
The Chief Clerk read the amendment proposed by Mr. WITHERS.
Mr. EDMUNDS. Now let the amendment of the Senator from

Iowa that we are to vote upon be reported.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Iowa to the text, and it will be first

Mr. WITHERS. I suppose the Senator from Iowa will withdraw his amendment in view of this.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment proposed by the Senator from Iowa, and he cannot withdraw except by unanimous consent. That amendment will

The Secretary. In lines 200 and 201 it is proposed to strike out "what the Quartermaster's Department finds justly due them" and insert "the amount audited and approved by the Quartermaster-General."

Mr. McPHERSON. Mr. McPHERSON. I wish to make an inquiry of the Senator from Iowa with respect to the full intent of his amendment. Does it not empower the Quartermaster-General to fix the sum without any restriction? Does it not leave it entirely with the Quartermaster-General to fix the amount due, without any limit whatever except

the 50 per cent.?

Mr. ALLISON. The Quartermaster-General audits the accounts of Mr. ALLISON. The Quartermaster-General audits the accounts of these railways for transportation, whether that transportation be at the regular schedule rates or whether it be under a special contract made in advance by the Quartermaster-General either privately or upon public letting. He audits that sum, and when so audited 50 per cent. is to be paid. The Court of Claims have decided that these land-grant railroads are only entitled to 50 per cent. on the amount of service rendered by them, on account of the provisions in the statutes which said they should transport free of toll or other charge.

Mr. McPHERSON. I still am in doubt as to the effect of the amendment of the Senator from Iowa. I find that the complaint is made by the honorable Senator from New York that the Supreme Court has not decided what is claimed by the amendment of the Senator from Iowa.

the honorable Senator from New York that the Supreme Court has not decided what is claimed by the amendment of the Senator from Iowa. He says he understands they have decided "as far as they have said anything" that "one-half the current rate" is the proper allowance. That Senator knows very well that "the current rate" is the public rate of a railway company, and it is charged that there is a great deal of difference between that and the actual rate charged in many deal of difference between that and the actual rate charged in many cases. The advertised current rate of a railway for transportation is one thing; the rate charged to the public by reason of special agreements is another. I think I speak truthfully when I say that mine-tenths of the freight transported over railways is carried under special contracts for special rates. So under that rule of proceeding the Government would be required to pay certainly almost the full rate (without deducting the 50 per cent.) that is now charged to the public. Is not that true? If this allowance is to be made upon the basis of the current price supposed to be charged by railway companies, the companies will practically make no reduction whatever by the 50 per cent. deduction.

Mr. ALLISON. The Senator from New Jersey I think misapprehends what is the rule of the Quartermaster-General's Department. The rule of the Quartermaster-General accepted by the railways is that when troops are moved by rail they are moved at the rate of two cents per mile, and that is considered a fair and equitable rate for the movement of troops. When supplies are to be transported by railway, the transportation is let at public lettings in most cases, and different railways bid for the service, land-grant railways and other

railway, the transportation is let at public lettings in most cases, and different railways bid for the service, land-grant railways and other railways, and the Quartermaster-General is in the habit of settling with these contractors for the whole service. When their accounts come here they are audited. If they are land-grant railways they get 50 per cent. of the sum charged, if they are willing to take that. It is a regular proceeding which has been going on for years, and about which there is no difficulty whatever.

Mr. McPHERSON. The difficulty with me arises from the fact that I cannot understand that the courts have decided anything except that the charge shall be made upon the basis of the railways' current rates. It is so stated by the Senator from New York. The current rate on many railroads in the western country is four cents a mile per passenger; they have the right in their charter to charge four cents

passenger; they have the right in their charter to charge four cents per mile for passenger fare. The honorable Senator from Iowa says that the Department have decided that two cents a mile is a fair and equitable charge. Under the amendment proposed by the honorable Senator from lowa, I take it, if I understand the purport, the Quartermaster-General is to base his estimate upon the current rate, which may be four cents per mile, and upon that basis he is to make a deduction of 50 per cent.

It is impossible, I suppose, to arrive at a fair and correct estimate in the Quartermaster's Department of the amount which should be allowed to railway companies by reason of the transportation of passengers and freight. The compensation for passenger travel is largely controlled by competition; but there are occasionally roads upon which there is not competition and they are permitted to charge any price that their charter gives the right to charge. Now, suppose they charge four cents a mile, which would ordinarily be considered ex-

orbitant. If I understand the amendment offered by the Senator from Iowa, they would get from the Government 50 per cent. on their schedule rate, which would be four cents a mile, whereas as I understand the amendment reported by the Senator from Virginia that gives the Government the right of demanding what would be an equitable rate and from that to deduct 50 per cent. because of the contract between the Government and the railway companies when they

received land grants.
Mr. CARPENTER.
Mr. McPHERSON. received land grants.

Mr. CARPENTER. What is the meaning of "current rate?"

Mr. McPHERSON. The advertised rate. The honorable Senator
knows very well, or, if he does not, I can inform him by reason of a
somewhat large experience in the matter, that the "current rate" is
the advertised rate for freight transportation.

Mr. CARPENTER. This does not say "current advertised rate."
I suppose "current rate" is the rate commonly charged, not that it is

the advertised rate or the rate that the company is authorized to

charge.

Mr. McPHERSON. The "current rate," in railroad parlance, is always understood to be the advertised rate. They advertise that they will receive and transport freight over a certain line of railroad between given points at so much for a certain distance. A current rate and an advertised rate, as I understand it, are one and the same thing; but if the honorable Senator had a large amount of freight to transport between given points and if he would make it appear to the railroad company that he wished to transport an amount far in excess of what was generally transported, no doubt they would give him a rate far less than their current advertised rate, and still it might be a very fair remuperative rate to the railroad company. If it is the a very fair remunerative rate to the railroad company. If it is the intention of the amendment to give the railway companies a full right to charge a sum equivalent to their schedule rates, it would make a vast difference to the Government in the amount paid for this trans-

Mr. BROWN. Mr. President, I noticed this debate yesterday while it was going on. If I understand this matter, the point is this: each of the railroads in question was constructed partly by aid furnished by the Government of the United States, and the Government provided that the company should transport its freights over the railroad free of charge on account of the aid it gave to the road in its construction. The question then went to the Supreme Court as to what was the meaning of the right to transport supplies and troops without toll or charge, and the court held, as I understand, that that only authorized the Government of the United States to transport its freight over the road-bed, furnishing its own labor and the material of transportation, and that 50 per cent. would be about the fair allowance for the United States to pay to the company for furnishing

the means of transportation.

Now, if I understand the amendment of the Senator from Iowa, Now, if I inderstand the amendment of the Senator from lows, it is that this 50 per cent. is to be paid upon the account as audited in the Quartermaster-General's Department. My friend from New Jersey says that the rate there fixed is the current rate. Having had some experience in railroading, I understand something about that question, and it seems to me that there is no difficulty in the way of the amendment of the Senator from Iowa upon that point. The published rate, the current rate, is that charged to everybody. Frequently lower rates are allowed for particular transportation; sometimes lower rates are allowed for particular transportation; sometimes the rate is reduced for the purpose of attracting particular traffic. All that is wrong as a general rule unless there is a general reduction. If there was no agreement for a reduction, the current rate would be charged and the Government would settle by paying 50 per cent. on that current rate. It is common where large quantities of Government supplies are transported between competitive points to let out the service to bidders, or for the Quartermaster to call on the different companies competing to say at what rates they will carry these freights. The different companies bid. Now, suppose the current rate to be two cents per ton per mile for freight and four cents per head per mile for passengers. The Quartermaster examines the bids, and if he gets the service for less the Government has certainly lost nothing. It only pays 50 per cent. on the reduced rate it gets by reason of the competition of the roads. If the Quartermaster makes no special contract he would pay 50 per cent. of the current rate. reason of the competition of the roads. If the Quartermaster makes no special contract he would pay 50 per cent. of the current rate. The Quartermaster is not bound, I suppose, to call for bids in such cases, but he usually does for the benefit of the Government where there are competing roads between different points, and he gets the benefit of reduced rates by calling for this competition, and then under this provision the Government pays but one-half of that.

Mr. McPHERSON. I wish to ask the Senator from Georgia a question that the contraction of the current pays and the contraction of the contraction of the current pays and the contraction of the current pays and the contraction of the current pays and the current pays and the current pays and the current pays are contracted to the current pays and the current pays and the current pays are contracted to the current pays and the current pays are current pays are current pays are current pays are current pays and the current pays are cu

Mr. McPHERSON. I wish to ask the Senator from Georgia a question, or rather to make a suggestion. Suppose there are no competing roads, and the road over which it is necessary to transport both the troops and freight of the Government is a land-grant road without any competition whatever, in that case, as I understand his argument, that railroad is permitted to plunder the Government to any extent that they might advertise their schedule rates.

Mr. BROWN. No. There are very few routes in the United States where there are not competing railroads. There is no competitive road from the Missouri River to the Pacific, but there is scarcely any other route you can mention where there are not two routes or competing lines; but suppose you take the case of a company that has no competitor, then if it does not charge above its chartered rates it has the power and right to charge those rates allowed by its charter, and then it is no plundering of the Government to say it shall get 50 per cent.

of those rates. In this case the Government is bound to pay but half rates. The Government pays only 50 per cent. of what the citizen pays. Of course where there is no competing line the Government pays. Of course where there is no competing line the Government will not get much rebate from the regular charges; the company will likely charge as much as it finds it can charge under its charter. It is only required that the Government should have the same benefit of reduction in that case. I do not see the injustice the Senator from New Jersey thinks exists. I favor the amendment offered by the Senator from Iowa, and think no difficulty will grow out of it.

Mr. McPHERSON. As I read the bill reported from the committee it is:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, \$125,000.

For what the Quartermaster's Department finds justly due them. Provided, That such payment shall be accepted as in full of all demands for said

The amendment of the honorable Senator from Iowa authorizes and directs the Quartermaster-General to estimate upon the schedule rates adopted by the railway companies.

Mr. ALLISON. I beg the Senator's pardon. I do not so understand

the amendment

Mr. McPHERSON. I should like to have the amendment reported. really have not read it carefully.

Mr. EDMUNDS. There is not a word about schedule rates in the

amendment.

Mr. ALLISON. Not a word.

The PRESIDING OFFICER. The amendment of the Senator from

Iowa will be read for information.

The Secretary. After the word "of," in line 200, it is proposed to strike out the words "what the Quartermaster's Department finds justly due them" and to insert "the amount audited and approved by the Quartermaster-General;" so that the clause will read:

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation, \$125,000.

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation, \$125,000.

Mr. McPHERSON. That certainly is not the amendment which was shown me when I stepped to the Secretary's desk.

Mr. WITHERS. It is the substitute offered by the committee that contains the provision in regard to schedule rates.

Mr. McPHERSON. I was misled. Still at the same time I wish to go on and make another statement in connection with this matter, and that is with respect to the schedule rates. The honorable Senator from Georgia, who has had a good deal of experience in railroad matters, speaks of the schedule or advertised rates of the railroads. I think I can say without successful contradiction that where one ton of freight is conveyed over almost any line of railroad in this country at the rate advertised and known as the schedule rate there are one hundred tons of freight conveyed over the road at rates far less than the advertised schedule rates. Ninety-nine per cent. of the freight transported over the majority of railroads in this country is carried not at the schedule or advertised rate but at a less rate.

Mr. BROWN. I must be permitted here to state that that is not our practice in railroading in the South. As to the Western Atlantic Railroad (I know the management of that, having been president of it for ten years) I can say to the Senator that of all the freight that passes over it there is not one ton in a thousand which is carried below the schedule rate or at anything else but the schedule rate. I desire to state to the Senator that we have but one rate for the publication.

low the schedule rate or at anything else but the schedule rate. I desire to state to the Senator that we have but one rate for the public and but one rate for everybody. Many of our roads in the South do not adhere to it probably, but the great mass of them have but one rate. The road I mentioned does not allow freight to be carried at a

lower rate at all unless it is a case where it is very necessary that an exception should be made. We charge everybody alike one rate.

Mr. INGALLS. One of these land-grant railroads, the Atchison, Topeka and Santa Fé, has brought suit in the Court of Claims for the recovery of what it claims to be due for transportation of troops the recovery of what it claims to be due for transportation of troops and munitions of war under contract with the Quartermaster-General. A decision has been rendered by the Court of Claims, as I understand, holding that the act of March 3, 1879, is a legislative construction and determination of the amount that is to be paid them under those contracts, to wit, 50 per cent. The railroad company have appealed to the Supreme Court, and the United States have taken a cross-appeal, so that the case is pending upon an appeal of both parties as to the fact whether or not the law of 1879 was a legislative construction of the contract made between the Government and these construction of the contract made between the Government and these parties

I mention that as an illustration for the purpose of showing the necessity of special scrutiny of the language of the act we propose to pass to-day, because if in the language of the bill as reported from the Committee on Appropriations we say that there shall be paid to these railroad companies 50 per cent. of the amount allowed by the Quartermaster-General, and that this shall be accepted as in full payment of the entire claim they have on the Government, we are applying a rule that would not be applied in any case of contract or of litigation between two private parties.

I suppose that what the Senate desires to do is to pay these railroad corporations the amount that is justly due them, not 50 per cent. of it. If they are entitled to 50 per cent. of their schedule rates or of their regular charges, that is the amount justly due them, and there is no reason for dividing that into pieces and giving them half of that. Therefore, there can be no question that the language of I mention that as an illustration for the purpose of showing the

the bill as reported by the committee is essentially defective and faulty. I suppose we have all agreed upon that. The question is which of the various amendments submitted is the better one to express the true intention of the Senate. It appears to me that the language of the amendment offered by the Senator from Iowa is betlanguage of the amendment offered by the Senator from lowa is better, always provided that the amendment reported by the committee can be rejected, which declares in terms that the amount received by the companies shall be in full of any amount they may be entitled to receive, debarring them from the right which they had under the law of 1879 of going to the Court of Claims. I should be in favor of the amendment offered by the Senator from Iowa if that objection could be received. could be removed.

The amendment offered by the Senator from Virginia is defective The amendment offered by the Senator from Virginia is detective in two particulars. In the first place it proposes to pay 50 per cent. of the amount earned under the schedule rates of the corporation. That is unjust to the Government, because in the West, where these land-grant railroads are operated, we all know very well what "schedule rates" means. It is a very elastic term; it is an adjustable term. It is intended to cover the whole system of rebates and drawbacks in favor of individuals for the warese of enforcing a larger rate against the intended to cover the whole system of rebates and drawbacks in favor of individuals for the purpose of enforcing a larger rate against the Government. Therefore I should be opposed to the insertion of the term "schedule rate;" and I should be opposed still further, as an act of injustice to the corporations, to the language of the amendment offered by the Senator from Virginia to the effect that this amount shall be accepted in full of the claim of the railroad corporations against the Government. They have a right to receive whatever the Government sees fit to pay, but because they do receive that they ought not to be precluded from a right to go into court and ascertain whether that was in full or not.

Until there can be some further amendment suggested, that I frankly confess I am unable to frame myself, I should be disposed to think that the language employed by the Senator from Iowa is better calculated to save the rights both of the Government and of the corporations than any other that has been suggested.

Mr. DAWES. I have understood in this discussion all through that it was not designed at all to interfere with the claim of any railroad

it was not designed at all to interfere with the claim of any railroad company that was not willing, voluntarily, to accept the 50 per cent. in full. If it is liable to the construction suggested by the Senator from Kansas, I should be opposed to forcing any railroad company now in court in pursuance of law to take 50 per cent. or nothing.

Mr. INGALLS. The Senator will allow me one moment right there. Where is the justice, when the courts have said that they are entitled to the 50 per cent., of withholding that? There is no question that they are entitled to the 50 per cent. Why should we withhold

Mr. DAWES. I am ascertaining what is the full scope and meaning of this clause. I agree with the Senator from Kansas in this matter; but up to this moment the discussion has proceeded upon the ground that this was an appropriation to meet such as voluntarily, without compromising the rights of others, preferred to accept the 50 per cent. in full. I should like to have it made clear on that point. Mr. INGALLS. As a further contribution to the literature of this

subject, I have before me the Book of Estimates sent down from the Secretary of the Tressury for the service of the fiscal year ending June 30, 1882, in which I find the following:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, and for which \$300,000, for previous services, was appropriated by act of March 3, 1879, \$125,000.

That is accompanied by a foot-note (this is a polyglot edition) which reads as follows:

NOTE.—This estimate is submitted for the reason that the Government is now running into debt to these railroads, which, in the mean time, have been and are faithfully performing important service for the War Department in the transportation of troops and supplies.

The committee adopted the language of the Book of Estimates; and the note that is furnished by the Secretary of the Treasury shows that it is unjust in its terms and that there is no reason for the lim-

and the note that is furnished by the Secretary of the Treasury shows that it is unjust in its terms and that there is no reason for the limitation that is proposed to be put by the Government upon the right of these parties to sue if they do not see fit to accept the 50 per cent.

Mr. PLUMB. In 1874 in an appropriation bill it was provided that these land-grant railroads should have no pay until further action by Congress, but that they might bring suit in the Court of Claims to determine as to whether they had a right to receive anything at all for transporting Government supplies. The company named by my colleague and one other company did bring suit, and the Court of Claims, and subsequently the Supreme Court also, decided that the railroad company was entitled to payment, substantially as stated by the Senator from Georgia, for all except for the use of the track, which was laid upon the land grant made by Congress. The question as to what amount the railroad company should be entitled to receive for the use of its cars, its employés, and the oil, coal, and other necessaries for the operation of its locomotives and trains, was a matter that was not decided then; but the court did decide that an adjustment which had been made by the Quartermaster-General, in which he had allowed to the railroad companies 66% per cent., (not necessarily the amount they charged, but the amount which he had determined to be the proper amount in gross to be received by the railroad companies,) was proper to be allowed in that case, because the contract had substantially been entered into before that time by the Quartermaster-General. An appropriation was subsequently made

to pay the judgment that was rendered in that case. After that time the Government went on getting in debt to these railroad companies and making no appropriation whatever for payment to them until this indebtedness amounted to about a million dollars.

this indebtedness amounted to about a million dollars.

Last year, I think on my motion, a paragraph was inserted in the Army appropriation bill which provided for paying the railroad companies 50 per cent. of the amount that had been adjusted by the Quartermaster-General as due them in gross. That payment was not intended to be in full of any service rendered by them, but was to be a payment on account, other payments, if any, to be made whenever a payment on account, other payments, if any, to be made whenever the question as to what they were entitled to receive should have been decided by the courts, proceedings then as now being pending

the question as to what they were entitled to receive should have been decided by the courts, proceedings then as now being pending for that purpose.

After the passage of the Army bill last year, attention having been called to the fact that no provision was made for the payment of current transportation, the Secretary of War decided that it was proper that he should recommend to the Secretary of the Treasury to submit an estimate for this transportation, and in order that it might avoid legislation previously had and might be entirely safe so far as the Government was concerned, he decided to recommend substantially what appears in this bill, to wit, the appropriation of \$125,000 to be paid to the railroad companies in the proportion of 50 per cent. of the amount which had been determined to be due them in gross. As my colleague has said, the question as to what they are ultimately entitled to receive is still pending; but I submit that the entire question is not pending. What might be proper for one railroad company might be entirely improper for another. The proper proportion between the use of the track and the use of the rolling-stock, employés, &c., of a railroad to a company doing a very large business might be one sum, and to a company doing a very small business it might be another sum. It is not at all, as I conceive, a legislative question, nor can it be made one, because we cannot establish a rule here which will be applicable to all these companies, unless it is upon some sliding scale, to do justice to all equally.

Another thing which it might be proper for Congress to take into consideration in the settlement of this question is the amount of land which has been received by the companies. For instance, some companies received their full grant, while other companies received only

which has been received by the companies. For instance, some companies received their full grant, while other companies received only a small percentage of their grant. That is one of those things which might well be taken into consideration by Congress in determining the amount which any company may be entitled to receive, or which it

ought in equity to receive.

The purpose of the amendment of the Senator from Iowa, as I understand it, is simply that such adjustment as the Quartermaster-General has heretofore made of the amount due these railroad companies may be the adjustment upon which this payment is to be made. The Quartermaster-General does not necessarily take schedule rates. He deals with these, no doubt, (in fact I have it from him that he does,) the same as he deals with other railroad companies. If a certain amount the same as he deals with other railroad companies. If a certain amount of goods has to be transported the question is where does the interest of the Government require it to be transported and at what price. The railroad company which he selects to do that business transports the goods, and he adjusts the account according to a scale which he believes to be fair to the Government and the railroad company. He issues to them certificates showing that he has made such adjustment, and, according to that transaction, there is so much due to the railroad company. When it comes to issuing certificates to land-grant companies, of course he is forbidden to pay them; and the question now is whether, when an adjustment of that kind shall have been made, Congress will make payment, or whether it intends by the phraseology in the original bill to require some new adjustment.

I understand that the amendment of the Senator from Iowa is

I understand that the amendment of the Senator from Iowa is intended to take the adjustment which the Quartermaster-General has heretofore made as the basis for the payment of 50 per cent. There is no reason why the Quartermaster-General should not as well There is no reason why the Quartermaster-General should not as well adjust the payments to land-grant companies as to any other railway companies. We appropriate here a million or more every year for the transportation of the Army, its baggage, supplies, &c. We leave to the Quartermaster-General the entire question as to the line of route to be used in the transportation, as to the prices to be paid, and it is only when we come to deal with these land-grant railroad companies that it seems that we seek to have a different rule applied from what is applied generally as to all the railroads of the country having occasion to do Government business. I therefore think the amendment of the Senator from Iowa should be adopted.

But this paragraph in the bill ought to be rid of its ambiguity in

amendment of the Senator from Iowa should be adopted.

But this paragraph in the bill ought to be rid of its ambiguity in another respect. The appropriation is intended, as I understand it, to pay for current transportation—that is, transportation for the fiscal year commencing the 1st day of July next. The Government owes to these railway companies at least a million dollars. Supposing the proper adjustment of that to be the payment of 50 per cent., it would leave a half million dollars' balance due them. This clause would seem to imply that the \$125,000 appropriated is to be in satisfaction of all sums due them, and that when they take this 50 per cent. they are required to receipt for everything that the Government owes them. The companies ought to be relieved from that exaction.

Mr. CARPENTER. The proviso says it shall be "accepted as in full of all demands for said services."

Mr. PLUMB. It is true, as the Senator from Wisconsin calls my

Mr. PLUMB. It is true, as the Senator from Wisconsin calls my attention to the phraseology, it requires them to receipt "in full of all demands for said services." Two years ago, when the appropriation of \$300,000 was made to pay them, I thought the intention was amply manifest; but it seems the court has decided that that was a legislative declaration that 50 per cent. ought to be the proportion of what they were entitled to receive. I want to avoid anything of that kind in future, and I think, therefore, that at the proper time the question ought to be made perfectly plain.

Mr. CARPENTER. I understand that the proviso in lines 203 and 204 is one of the amendments reported by the Appropriation Committee of the Senate. Is it not?

The PRESIDING OFFICER. The amendment of the Senator from

The PRESIDING OFFICER. The amendment of the Senator from

Iowa is the pending amendment.

Mr. CARPENTER. But I inquire about the text of the bill on page 9. As I understand from the print, lines 203 and 204 form an amendment recommended by the Committee on Appropriations of

the Senate.

The PRESIDING OFFICER. That is an amendment recommended by the Committee on Appropriations, and not yet acted upon.

Mr. CARPENTER. That is what I understand.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is to the text in lines 200 and 201.

Mr. CARPENTER. I ask the Secretary to read from line 200 to line 204, inclusive, the language of the original text as the Committee on Appropriations propose to amend it. on Appropriations propose to amend it.

The Secretary read as follows:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for said services.

Mr. CARPENTER. I take it that no Senator stopping to reflect a coment on the effect of this provision will vote for it. Not merely moment on the effect of this provision will vote for it. Not merely leaving ourselves open to criticism and historical review and all that, but putting ourselves in the statutes of the land as providing for paying half of what is justly due, is a thing I take it that no Senator will do.

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation, \$125,000: Provided, That such payment shall be accepted as in full of all demands for said services.

shall be accepted as in full of all demands for said services.

That is to say, what is ascertained by the Quartermaster's Department to be justly due shall not be paid; only one-half of it shall be paid; and then parties receiving that shall receipt for that half as in full for the entire services. Of course nobody will vote for that. I do not believe any Senator, if he comes to see the exact bearing of the language, which is that the amount justly due is to be ascertained and then one-half of that is to be paid, and the company is compelled, in order to get one-half of what is justly due, to discharge the whole—

Mr. HOAR. I should like to ask the Senator from Wisconsin if he has read the RECORD published this morning?

Mr. CARPENTER. I have not.

Mr. HOAR. I will take the liberty of informing the Senator that the Senate debated that matter three hours yesterday. The committee who reported that provision agreed that the language did not mean what it ought and abandoned it. Not one of about thirty Senators who spoke on the subject favored the language as it stands.

Mr. CARPENTER. I was confined to my room yesterday by sickness, and not being in the Senate at all was not aware of what debate had taken place.

had taken place.

Mr. HOAR. I thought that the honorable Senator, whose words never fall to the ground, and who never discusses anything that the Senate is not glad to hear discussed, might like to be informed that the committee kave abandoned it and substituted a new phrase.

Mr. CARPENTER. I am very much obliged to the Senator, for I certainly should not have made such a remark had I been aware of

what took place; but I was confined to my room yesterday by sick-

Mr. WITHERS. On this side of the Chamber we are unable to hear

what the Senator is criticising.

Mr. CARPENTER. The Senator from Massachusetts informs me that in the debate which took place in the Senate yesterday the comthat in the debate which took place in the Senate yesterday the committee which made this recommendation of amendment substantially abandoned the language employed here as improper; that it was agreed on all hands that some change must be made in it, and therefore that the remark made by me that no Senator would vote to have the amount justly due to anybody ascertained and then to pay one-half of it, requiring that he should discharge the whole, was an unjust criticism and not deserved, as the debate of yesterday established. Thereupon I apologized to the Senate.

Mr. WITHERS. I wish to say this much, as the committee of which I have the honor to be a member reported the bill—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. CARPENTER. Certainly.

Mr. WITHERS. I wish to say that upon a division nineteen Senators voted against the substitution of the language offered by the Senator from Iowa and fifteen for it, when a call was made for the

Senator from Iowa and fifteen for it, when a call was made for the yeas and nays, pending which call the Senate adjourned. I hope the Senator will bear with me one moment while I state that in the opinion of the members of the Appropriations Committee (some of them at least, certainly of myself) the language is not fairly susceptible to the criticism which the Senator himself makes, or which was made

against it yesterday, because we conceive that the phrase "justly due" is designed to refer to the earnings of the railroad companies. They are entitled to certain amounts for the transportation of tonnage over are entitled to certain amounts for the transportation of tonnage over their roads, but owing to the peculiar relations existing between certain companies and the Government in consequence of the aid furnished in the construction of their roads, we provide that 50 per cent. only of what they have justly earned and which is justly due them under their regular rates shall be paid them, because of the peculiar relations in which they stand to the Government.

Mr. CARPENTER. Now the Senator changes the phraseology of the bill in his statement, and that change is a very material one.

Mr. WITHERS. I endeavored to quote the language of the bill, which provides for the payment of what is justly due, and I mentioned the other phrase in explanation of what might be considered justly due.

justly due.

justly due.

Mr. CARPENTER. The Senator used both phrases, what they have justly earned and what is justly due them. Those are very different things. What is justly earned may be one sum; half of it may have been paid and therefore only half of it is justly due; but the bill provides for ascertaining what is justly due, which of course brings into consideration all previous transactions between the companies and the Government. The granting of lands upon conditions, their contract not to charge for the transportation and all that are proper elements entering into an ascertainment of what is justly due. After all those things have been done, and it is ascertained that they are all those things have been done, and it is ascertained that they are entitled to only 50 per cent. of what they would be entitled to receive if they had done the same service for an individual, in consequence of the provisions of the land grant or any other transactions between them and the Government that ascertains the amount justly due, then the bill takes it up and says that of that amount justly due 50 per cent. only shall be paid, but that they shall receipt and discharge for the whole amount.

the whole amount.

There can be, it seems to me, no doubt whatever that that is the provision of the bill as it stands. If the language had been as the Senator quoted it once, the sum they had justly earned, it would make all the difference in the world, because it is claimed here that by virtue of the transactions between the companies and the Government, the granting of lands, &c., they had stipulated to receive only 50 per cent. of what they justly earned for that purpose. You ascertain what they have justly earned first, then you take up their contract and deduct half of it; and then you provide that one-half of that sum which is justly due, after making the proper deduction for the land-grant provisions and all that, shall be paid, but they shall be required to discharge from the whole.

Mr. McPHERSON. May I ask the Senator from Wisconsin a question?

tion?

The PRESIDING OFFICER. Will the Senator from Wisconsin yield?

Mr. CARPENTER. Certainly; I yield to everbody, Mr. President. Mr. McPHERSON. I should like to inquire whether if a railway company should charge A seventy cents a hundred for delivering freight between two given points, say for the delivery of one ton of freight, seventy cents being the advertised schedule rate of the road which it charges to individuals, and if it should contract with B to deliver one hundred tons of freight between the same given points at thirty cents per hundred, how much, in the Senator's estimation, would be justly due the railway company as the sum upon which the

would be justly due the railway company as the sum upon which the Quartermaster General could base his estimate?

Mr. CARPENTER. That is putting to me a conundrum that I do not want to decide in advance for the benefit of the the Quartermaster-General. The Quartermaster-General is supposed to be able to decide the questions that the law sends to him for decision. It is a complicated question of railroad management that I do not quite see complicated question of railroad management that I do not quite see through from merely listening to the debate here in the confusion of the Chamber. But I do know this, I think, if I know anything, and I think I do know a few things, that taking into account the land grant and the provisions of the act, and all the transactions between the Government and the company prior to doing the service, after thus ascertaining the amount justly due to that company, it is repudiation for this Government to say "we will pay you half of it, but you shall discharge the whole."

Mr. McPHERSON. Again, if you please, as I understand the amendment of the Senator from Iowa, it proposes to leave with the Quartermaster-General the decision of the question as to how much is justly due. That is the whole point of the controversy so far as I am concerned.

justly due. That is the whole point of the controversy so far as I am concerned.

Mr. CARPENTER. That, it seems to me, leaves the difficulty exactly where it is. I suppose the text leaves it to the Quartermaster-General. It says, "to pay to land-grant railroads, 50 per cent. of what the Quartermaster's Department finds justly due them." The text leaves it there. The amendment does not change the bill in that respect at all, and still leaves it to be ascertained, as I understand the amendment, by the Quartermaster's Department what is justly due. I conceive, and it must be conceded by everybody, that in ascertaining that sum all these other questions are to be taken into account.

Mr. EATON. If my friend will permit me, I think perhaps the words "justly due" are unfortunate words to be used in this connection, but I will state what has been the custom of the Department. There is a railroad, we will suppose, of which my friend from Wisconsin is president. The company have become entitled justly accord-

ing to their ordinary charges for freight to \$100,000. Under the arrangement made between Congress and these roads, the Department say, that having ascertained that to be a fair rate of charge for A, B, C, or D, they will allow 50 per cent. as a fair and just amount to be paid to this road, 66 per cent. to another road, 40 per cent. to another road, so that really the Department in finding what they call "justly due" do not mean the full force of the language. They mean what the just amount would be for hauling so many car-loads of freight for A, B, and C, and then pay 50 per cent. of that. The Court of Claims has said again and again in adjudicating the matter that it should be in one instance 50 per cent. and in another 66 per cent., not 66 per cent. of what they have justly earned, but 66 per cent. of what would be a just claim against other parties than the Government; and that in consideration of the grants of the Government to these roads the amount should be reduced to 50 per cent., or 40 per cent., or 66 per cent. That is the meaning of the term "justly due," as I understand.

understand.

Mr. CARPENTER. That may be all very well, but there is one rule that ought always to be adhered to, which is, that in making laws you ought to say what you mean. No uninstructed man like myself would ever have spelled any such thing out of this language.

Mr. EATON. I should not, only I heard it explained by the Quarters Caracal.

termaster-General.

Mr. CARPENTER. A construction which confuses the Senator from Connecticut as badly as it does me, and which can only be clarified by the Quartermaster-General, is not a provision of law that I will vote for. I shall not vote for any bill that I cannot understand myself or that the Senator from Connecticut cannot understand. If neither of us can understand it, we are as bad off as they were said to be in the State of Iowa when they passed a measure for codifying the law and bringing it down to the understanding of common men. the law and bringing it down to the understanding of common men. The governor appointed a lawyer and a layman, and when called upon to explain why he did it he said the law required that the code should bring the matter down to the comprehension of common men; that he expected the lawyer to do the work, and if the other fellow could comprehend it the statute was satisfied. Now, I shall never vote for a law unless I think, when expounded by the Senator from Connecticut as a lawyer, I can understand it as a layman. From this language in the bill I never should spell out any such thing. It is perfectly evident that that provision has got to be substantially remodeled. I am not proposing to remodel it myself, so that I shall not criticise it any further until I find out how it is to be done.

Mr. BROWN. If the Senator from Wisconsin will pardon me, does the amendment offered by the Senator from Iowa contain the word "justly?" I thought it avoided the words "justly due."

Mr. CARPENTER. I have not that amendment before me. What is the precise language?

is the precise language?

The SECRETARY. It is proposed to make the clause read:

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General, \$125,000.

Mr. CARPENTER. To answer the Senator, I think that leaves the difficulty precisely where it was. We are not going to charge the Quartermaster-General with ascertaining the amount upon anything except the basis of justice. The amount ascertained and approved by him is of course to be the amount they are justly entitled to receive, and then we are to pay half of it; so that although the phraseology is changed in the amendment of the Senator from Iowa I do not see that the principle is changed at all. Under the text here he is to ascertain what is justly due and then pay of what is due half of it; and to ascertain what is justly due you have got to go through the previous history of land-grant legislation; but when you have ascertained what is justly due, taking those things into account, we are to pay half of it. Under the amendment of the Senator from Iowa, when the Quartermaster-General has done his full duty in the matter, which requires him of course to go into the contracts between the Government and the companies to ascertain what he does approve of, then we are to pay half of that.

then we are to pay half of that.

Mr. INGALLS. The Senator omits the fact that there has been judicial interpretation of the rights of the companies under the land-

Mr. CARPENTER. That I understand not to be true except in the

case of one or two roads.

Mr. INGALLS. At least it is the judicial interpretation which has been given and which the Quartermaster-General takes as the basis of his decision.

of his decision.

Mr. CARPENTER. Of course in either instance, whether the Quartermaster-General proceeds under the text of the bill or under the amendment of the Senator from Iowa, if anything has been settled by decisions that are conclusive upon him he takes it into account just as much in auditing and approving what there is due as in ascertaining the amount that they are justly entitled to receive. Except in phraseology, what is the difference in the meaning?

Mr. INGALLS. The difference, as I understand, is that the court has already decided, in a case brought by one of the companies against the Government, that the measure of compensation is 50 per cent. of the amount that would be charged to other consignees than the Government.

Mr. CARPENTER. Then will not the Quartermaster-General audit under that rule !

Mr. INGALLS. I suppose he will.
Mr. CARPENTER. Whether he audits under the amendment of the Senator from Iowa or the text of the bill, equally in one case as in the other, what is the substantial difference between the amendment and the text?

Mr. BROWN. If the Senator will allow me, I will point out what I understand to be the difference.

The PRESIDING OFFICER. Will the Senator from Wisconsin

The PRESIDING OFFICER. Will the Senator from Wisconsin yield?

Mr. CARPENTER. I am through.

Mr. BROWN. The language as reported by the committee, as I understand it, is that the Quartermaster-General shall ascertain what is justly due, and pay the company 50 per cent. upon it. It does not seem to be a fair way of meeting a payment to say that we will audit the account and see what is justly due, and then pay half of that sum; nor is there under the decision of the Supreme Court due the company more than 50 per cent. The whole amount of the transportation is not justly due. The railroad company charges either its usual schedule price or it charges a contract price for carrying freights. If it be the schedule price, then, as I understand it, the court has decided in such a case that there is justly due the company 50 per cent. upon the schedule price; if there be a contract price, then 50 per cent. of that contract price is due.

Where are these accounts to be audited? In the Quartermaster's Department. The report as made by the committee is that the accounts are to be audited and the companies paid 50 per per cent. upon what is justly due them. That is not proper language, I think, in this case. My friend from Iowa then proposes to amend it and say that they shall be paid 50 per cent. upon what is audited and approved by the Quartermaster-General. That is correct. An account comes up from the railroad company to the Quartermaster's Department to be audited. The Quartermaster-General takes it up and audits the account for the whole amount. If it be under the schedule rates, he then audits the whole amount under the schedule as published; if it be under a special contract, the whole amount as per contract. Then he takes 50 per cent. upon that and audits and allows

rates, he then audits the whole amount under the schedule as published; if it be under a special contract, the whole amount as per contract. Then he takes 50 per cent. upon that and audits and allows it, and that pays what is justly due. In this case the Government having aided in the building of the roads, and it having been held by the court that when one of these companies transports freight for the Government the company is entitled to 50 per cent. for the cost of transportation, it comes back to the point that 50 per cent. is what is legally and justly due the railway company. Then the way to get it is for the Quartermaster-General to audit it and report upon it, and when he reports and allows that amount as a whole then to pay and when he reports and allows that amount as a whole then to pay 50 per cent. of that. In that case the railroad company is settled with upon just principles.

Mr. CARPENTER. That would be so, provided the bill read in

To pay the land-grant railroad companies 50 per cent. of what the Quartermas-ter-General finds would have been a just charge against any private individual.

Amending the clause in that way would do what the Senator wants to have done

Mr. BROWN. No, if the Senator will allow me, that would not be

Mr. BROWN. No, if the Senator will allow me, that would not be right.

Mr. CARPENTER. It would be right.

Mr. BROWN. It would not, because frequently railroad companies make contracts for the transportation of large numbers of troops at lower rates than they would make to an individual, and there the question is, "at what rate did you agree to carry?" The company agreed to carry at a cent a ton per mile, say, for freight, and three cents a mile for passengers. Whatever they agreed thon is the price, and then 50 per cent, upon that is the amount to be paid.

Mr. CARPENTER. That is only using other language for this idea: the Quartermaster-General would have to ascertain, in the first place, what would be a proper charge against an individual. That would take into account all the contracts between individuals and the company and all provisions of law applicable to the subject.

Mr. BROWN. The Quartermaster-General, I respectfully submit, would have only to take into account and audit what would have been the amount to be paid under its bid, if the road got full price. If it bid so much per mile per head for troops, and the road takes them at that rate, then 50 per cent. of the amount justly due paid to the company.

Mr. CARPENTER. It is not 50 per cent. of the amount justly due

them at that rate, then 50 per cent. of that sum is the amount to be paid to the company.

Mr. CARPENTER. It is not 50 per cent. of the amount justly due them; it is the whole amount justly due them.

Mr. BROWN. Fifty per cent. on the cost of carriage, or the amount the railroad company charges for carriage, is all that is justly due under the contract, according to the decision of the court.

Mr. CARPENTER. Therefore 50 per cent. of what would be justly due to the other man is what is justly due to that company.

Mr. BROWN. Yes.

Mr. BROWN. Yes.

Mr. CARPENTER. And the clause provides that we shall pay them only half of that.

Mr. BROWN. Only half of 50 per cent.? I think the Senator is

mistaken.

Mr. CARPENTER. Look at the clause and see.

Mr. BROWN. It provides for paying them 50 per cent. upon the

Mr. CARPENTER. Justly due.

Mr. BROWN. Of the whole transportation.
Mr. CARPENTER. But the amount justly due is one-half of what

would be justly due another man.

Mr. BROWN. Yes, the amount justly due the company is one-half of the charge that the railroad company would have made to anybody

of the charge that the railroad company would have made to any body else for the transportation.

Mr. CARPENTER. Exactly, and you pay them one-half of that.

Mr. BROWN. Then you pay them one-half of that.

Mr. CARPENTER. That is a quarter of what is justly due?

Mr. BROWN. That is a quarter of what is justly due.

Mr. EDMUNDS. I move to amend the amendment of the Senator from Iowa, if that is in order—I believe it is—

The PRESIDING OFFICER. It is in order.

Mr. EDMUNDS. So as to make the clause read this way, and I was the column of the senator of it.

expect to get a unanimous vote in favor of it:

For the payment for Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts, but in no case shall more than 50 per cent. of the full amount of the service be paid until a final judicial decision shall be had in respect of each case in dispute.

Mr. BROWN. I think that covers the case.

The PRESIDING OFFICER. The Senator from Vermont offers an amendment to the amendment of the Senator from Iowa. The amendment of the Senator from Iowa will be reported first.

The SECRETARY. After the word "of," in line 200, it is proposed to strike out the words "what the Quartermaster's Department finds justly due them" and to insert "the amount audited and approved by the Quartermaster-General;" so as to read:

To pay land-grant railroads 50 per cent. of the amount audited and approved by the Quartermaster-General for transportation, \$125,000.

The PRESIDING OFFICER. The amendment of the Senator from

Vermont to the amendment will be reported.

Mr. EDMUNDS. It is in lieu of what is offered by the Senator from Iowa. That is the only way I can move it. Then, if agreed to, we can strike out the rest.

can strike out the rest.

The Chief Clerk read the amendment proposed by Mr. EDMUNDS.
The PRESIDING OFFICER. Is the Senate ready for the question
on the amendment of the Senator from Vermont [Mr. EDMUNDS] to
the amendment of the Senator from Iowa, [Mr. ALLISON †]
The amendment to the amendment was agreed to.
Mr. WITHERS. As a point of order, the yeas and nays having
been ordered upon the amendment offered by the Senator from Iowa,
I wish to inquire whether it was competent, pending the call for the

I wish to inquire whether it was competent, pending the call for the yeas and nays, under the order that they be taken, to offer an amend-

ment to the proposition?

Mr. EDMUNDS. There is no doubt about that.

The PRESIDING OFFICER. The Chair will decide that the amendment is in order, notwithstanding the yeas and nays may have been ordered.

Mr. CONKLING. On what have the yeas and nays been ordered? The PRESIDING OFFICER. On the amendment of the Senator from Iowa

Mr. CONKLING. The question now is on the amendment as amended?

amended?
The PRESIDING OFFICER. Certainly.
Mr. WITHERS. I want to ask whether the call for the yeas and nays is applicable now to the amendment as amended?
Mr. EDMUNDS. It is.
Mr. CARPENTER. Certainly.
Mr. WITHERS. There is another point upon which I wish to inquire simply—I am not contesting the point; but when I offered a substitute by way of amendment for the pending amendment it was ruled out of order. This is practically a substitute precisely to the same extent—

same extent——
The PRESIDING OFFICER. Will the Senator from Virginia withhold until the Chair explains that his substitute was not ruled out of order, but precedence was given to the amendment of the Senator from Iowa to the text? His substitute will be in order when the amendments have all been acted on.

Mr. WITHERS. The substitute was offered as an amendment, and

Mr. WITHERS. The substitute was offered as an amendment, and it was to perfect the text precisely for the same purpose and object as the amendment which has just been voted on. So far as the effect of it is concerned it perfected the text.

The PRESIDING OFFICER. The substitute offered by the Senator from Virginia was offered in lieu of the entire portion of the bill between lines 200 and 204, inclusive, and was not an amendment to any portion of it.

to any portion of it.

Mr. WITHERS. And so has the amendment just voted on.

Mr. EDMUNDS. By no means. The difference between the amendment of the Senator from Virginia and my motion is that he moved a substitute for the whole paragraph. I moved an amendment to the amendment of the Senator from Iowa, to strike out the words that

amendment of the Senator from lowa, to strike out the words that he proposed and insert others.

Mr. WITHERS. Is there any portion of the paragraph which is left if the amendment be adopted which has just been voted on?

Mr. EDMUNDS. There is, and if it be finally agreed to that portion will have to be stricken out, because it makes a repetition of words.

Mr. CARPENTER. The amendment of the Senator from Iowa being in order, it was certainly in order to move to amend his amend-

ment. That is what the Senator from Vermont did. The Senator from Vermont has had his amendment to the amendment of the Senator from Iowa adopted, and the pending question is, shall the amend-

ator from lowa adopted, and the pending question is, shall the amendment offered by the Senator from Iowa as amended be adopted †

Mr. WITHERS. I understand that.

Mr. CARPENTER. If it be adopted, then any other amendment will be made that is necessary to harmonize it to the bill.

Mr. WITHERS. I understand the effect of it.

The PRESIDING OFFICER. As the Chair understands, the Senator from Virginia did not offer his substitute as an amendment to the amendment of the Senator from Iowa. The Chair, then, necessarily had to act mon the amendments perfecting the fact hefore the the amendment of the Senator from Iowa. The Chair, then, necessarily had to act upon the amendments perfecting the text before the substitute could be considered. While the amendment of the Senator from Iowa was pending, the Senator from Vermont offered an amendment to that amendment, and not a substitute for the whole. The Chair cannot say whether that amendment covers the whole question or not. That is for the Senate to determine. The Senate has adopted that amendment to the amendment of the Senator from Iowa, and the question now pending before the Senate is, will the Senate agree to the amendment of the Senator from Iowa as amended by the amendment offered by the Senator from Vermont and adopted by the amendment offered by the Senator from Vermont and adopted by the Senate?

Mr. WITHERS. The Chair is perfectly correct, no doubt.

Mr. WITHERS. The Chair is perfectly correct, no doubt.
The PRESIDING OFFICER. If that amendment is agreed to, the question as to whether the whole clause means anything or not will be for the Senate to determine.

be for the Senate to determine.

Mr. ALLISON. In that view, I ask that the amendment suggested by the Senator from Vermont be now read, and then that the text be read in connection with it.

The PRESIDING OFFICER. The amendment of the Senator from Iowa will now be read as amended.

The Chief Clerk read as follows:

To pay land-grant railroads 50 per cent. for the payment for Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts; but in no case shall more than, 50 per cent. of the full amount of the service be paid until a final judicial decision shall be had in respect of each case in dispute, for transportation, \$125,000.

Mr. EDMUNDS. If the amendment as amended is agreed to, then we should want to strike out the words "to pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation," and then it will read all straight.

Mr. WITHERS. I ask the Secretary to read the substitute which I offered in behalf of the committee for the paragraph, because, to my mind, it is preferable to the other, both in phraseology and substance.

Mr. EDMUNDS. Very well.
The PRESIDING OFFICER. The substitute offered by the Senator from Virginia will be reported. The Chief Clerk read as follows:

To pay land-grant railroads on which the United States is entitled to transportation of troops and supplies free of charge, for transportation for the Quartermaster's Department, \$125,000: Provided, That said railroads be puid only 50 per cent. of their schedule rates, and that said 50 per cent., if accepted by any railroad, shall be in full of all its demands for said services. And the accounting officers of the Treasury are hereby authorized to settle the accounts of said railroads in accordance with the provisions of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa as amended, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 23, nays 18; as follows:

YEAS-23. Cameron of Wis., Carpenter, Conkling, Dawes, Edmunds, Allison, Anthony, Blair, Booth, Brown, Burnside, Platt, Rollins, Saunders, Slater, Windom. Hill of Colorado, Hoar, Ingalls, Logan, McMillan, Morrill, Harris, NAYS-18. McPherson, Morgan, Pugh, Saulsbury, Voorhees, Walker, Williams, Withers. Groome, Hampton, Jonas, Kernan, Coke, Davis of W. Va., Eaton, Garland, ABSENT-35. Davis of Illinois,

Jones of Nevada, Kellogg, Kirkwood, McDonald, Maxey, Paddock, Pendleton, Plumb, Randolph, Bailey, Baldwin, Bayard, Blaine, Davis of Himos, Ferry, Farley, Grover, Hamlin, Hereford, Hill of Georgia, Johnston, Jones of Florida, Sharon, Teller, Thurman, Vance, Bruce, Butler, Call, Camero Vest, Wallace, Whyte. Cameron of Pa., Cockrell,

So the amendment, as amended, was agreed to.
Mr. EDMUNDS. Now to make the reading right I move to strike out all in print in the paragraph that precedes the words "one hundred and twenty-five thousand dollars."
Mr. WITHERS. What is the amendment?
Mr. EDMUNDS. It is to strike out the two lines from the original text of print, so as to make it read straight, all there is in the para-

graph before the words "one hundred and twenty-five thousand dol-lars."

The PRESIDING OFFICER. The words to be stricken out by the Senator from Vermont will be reported.

The Secretary read as follows:

To pay land-grant railroads 50 per cent. of what the Quartermaster's Department finds justly due them for transportation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. The question now is on the proviso proposed by the committee. I hope that will be disagreed to, as what the Senate has agreed to settles the whole question.

The PRESIDING OFFICER. The amendment of the Committee on Appropriations will be reported.

The SECRETARY. The committee propose to insert the following proviso after the word "dollars," in line 202:

Provided That such payment shall be accounted as in full of all demands for said.

Provided, That such payment shall be accepted as in full of all demands for said

The PRESIDING OFFICER. Is the Senate ready for action on the amendment proposed by the Committee on Appropriations 7 [Putting the question.] The Chair is uncertain. Those favoring the amendment will please rise and stand till counted.

Mr. WITHERS. I ask the Chair to state the question again.

The PRESIDING OFFICER. The amendment of the committee will be reported for information.

The provise was again read.

The proviso was again read.

Mr. EDMUNDS. I ask that the provision already inserted be read in that connection, so that I think Senators will see that there is no need of the proviso

Mr. DAVIS, of West Virginia. I rose for the same purpose. I ask that the amendment adopted be read, so that we can see what it is.

The PRESIDING OFFICER. The amendment as agreed to will be reported.

The Secretary read as follows:

For the payment for Armytransportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts; but in no case shall more than 50 per cent. of the full amount of the service be paid until a a final judicial decision shall be had in respect of each case in dispute, \$125,000.

Mr. EDMUNDS. Now let the Secretary read what the committee propose to add to that.

The SECRETARY. The committee propose to add after the word "dollars," in line 202, the following proviso:

Provided, That such payment shall be accepted as in full of all demands for said

Mr. EDMUNDS. You do not want that under existing circum-

Mr. DAVIS, of West Virginia. The question I rose to ask was whether there is a limit to the parties receiving the pay, whether it will be considered in full, whether or not they can continue their case in court and come to the Department again for additional payment? Mr. EDMUNDS. The very provision that the Senate has agreed to here and that everybody agreed to in the act of 1879, in the very same words, provided that in respect of those cases that were in dispute

words, provided that in respect of those cases that were in dispute and under judicial consideration, 50 per cent. might be paid, not more than that; leaving it until a final decision for the payment of any balance that the courts might hold was due, and if they found a still further balance due, then the act of 1879 allowed it to be paid out of the \$300,000. Now we say, in substance, carrying the same scheme—or a majority of the Senate have said—we will allow these payments to go on in the same way; but this proviso, if now adopted, would declare that, although we allowed them to have a lawsuit with us on a matter of contract, as we are bound in justice to do I think, yet if they take anything on account pending the lawsuit they shall take it in full. I do not think that is just.

Mr. DAVIS, of West Virginia. As I understand it, the option with those entitled to the 50 per cent. is to take it or not. There may be railroad companies that are willing to take it and close the account on that; but as I understand the amendment of the Senator from Vermont it will not close their accounts, it will continue them, and if the decision should be in favor of the claimants, although they have taken their 50 per cent., they can still go on and take whatever may be awarded.

Mr. EDMUNDS. My friend from West Virginia is mistaken. If

ing suits pending come forward and take this 50 per cent.; and yet when the suit is decided, if they are awarded more, they will take it under the Senator's view; but if it is less, what will be the result? They will have what the Government has paid them and the Government will not get it back probably. If they take the 50 per cent., I think the account had better be squared as far as they are concerned. Mr. HOAR. I voted for the amendment of the Senator from Vermont, but I am afraid that I did not understand its meaning as he does, and if I now understand his statement of its meaning, I shall certainly for one vote to reconsider the motion adopting it. As I understand it, there is a question between the United States and cer-

certainly for one vote to reconsider the motion adopting it. As I understand it, there is a question between the United States and certain railroad companies growing out of the fact that the United States granted them the land over which the railroads are built, and certain grants of land outside of their right of way in aid of the construction of their roads, and stipulated in return that it should have free transportation over the road for its troops and other matters to be transported. When the roads were completed and in operation, the United States demanded such free transportation, and thereupon the railroads replied. "You were entitled to the free use of our roadthe railroads replied, "You were entitled to the free use of our road-bed, but you were not entitled to the free use of our cars and loco-motives and railroad servants and other means and appliances;" and the court sustained that view of the railroads, and said the United States was to have free only such portion of the ordinary price of transportation as should amount to giving it free the use of the road, but was not entitled to have free the use of the cars and the services of various kinds. Now the railroads and the United States want to of various kinds. Now the railroads and the United States want to settle that question, and some of the railroads say that you ought to pay 75 per cent. of what would be to any other party than to the United States, or to the United States if it had not this right, a fair price for transportation. Others say, "You ought to pay us 66 per cent.;" and others say, "We are willing to settle with you and take 50 per cent., not 50 per cent. of our claim but 50 per cent. of what would be our claim if we were not obliged to furnish anything free to the Government." Now the Senator from Vermont offers an amendment, which the Senate has adopted, in which he says the roads are to receive 50 per cent. of the price of the service, and thereupon they may still go on and make their claim for as much more as they can may still go on and make their claim for as much more as they can get

That is what it is.

Mr. HOAR. If that is what it means, I did not understand its meaning when I voted for it; for certainly if the railroad and the Government both are willing to settle this matter, and say that 50 per cent. of the whole price is a fair allowance for the right of the United States to have the road free, why should we not let them, and why should the Senator from Vermont propose to pay these roads on account the sum which they have manifested a willingness to take in full without any constraint, the courts being open to them all the time, and still have them go on and get as much as they can?

If the Senator from Vermont means to take away the power of

authorizing a settlement with these roads on this 50 per cent. basis, then I hope somebody will move to reconsider the vote adopting his amendment and that the Senate will reject it.

Mr. EDMUNDS. Mr. President, I agree to every word that my friend from Massachusetts has stated; and if he will do me the honor to take

what the Senate has adopted and read it himself, I am sure he will agree with me that what he has said does not come in conflict with what this amendment is.

I will begin again as we seem to misunderstand each other all

around about this—

Mr. HOAR. Will the Senator before he proceeds permit me to say that I understood when I voted for the amendment that it allowed this power of settlement; but I understand the last statement made

this power of settlement; but I understand the last statement made by the Senator from Vermont, in reply to the Senator from Virginia or the Senator from West Virginia, would put another interpretation on his own amendment. It was that which left me in doubt.

Mr. EDMUNDS. Then my friend from Massachusetts misunderstood my meaning. If I know my language, what I said or meant to say was that in a case where they could not settle and where there was still a contest we would not allow beyond 50 per cent. to be paid until that contest was finally determined; and that I understand to be in entire conformity with what the Senator from Massachusetts desires.

Mr. HOAR. Then how do they get anything on account to use the

Vermont it will not close their accounts, it will continue them, and if the decision should be in favor of the claimants, although they have taken their 50 per cent., they can still go on and take whatever may be awarded.

Mr. EDMUNDS. My friend from West Virginia is mistaken. If there is any company that is willing to settle for 50 per cent. and call it a settlement, the Government has a perfect right to make that settlement with it, and then it is a settlement, and that ends the law-suit and the claims; but here comes this proviso of the committee, which declares that, whether the companies are willing or not, if they take one-half it may be of what they are entitled to, they shall take it in full.

Mr. DAVIS, of West Virginia. It is at their option whether they take or not. As I understand the amendment, it appears to me it will be a still further protection to the Government, and my desire is if a party volunteers to take the 50 per cent. as I understand there are parties willing to do and not insist on their suit, but willing to settle their accounts with the Government by taking the 50 per cent.

Am. HOAR. Then how do they get anything on account, to use the language which the Senator himself used just now, and by which I may have been misled? If they get that 50 per cent. under his amendment as a full settlement of this controversy, that is not a payment on account, that it was not just to pay these men 50 per cent. on account, and that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, that it was not just to pay these men 50 per cent. on account, was the full set

decided by the Supreme Court of the United States and on their remand by the Court of Claims. These cases are out of dispute. Other cases have been disposed of administratively that clearly fall within the same principle, the language of the granting acts being the same, (as it is not in all cases,) and the comparative expense of keeping up the road and keeping up its motive power being analogous; the parties have composed their disputes on that basis. So, then, in a majority of the instances now there is no dispute at all. There are some remaining, in which there is still a dispute, in which the companies insist upon it that the sum settled by the courts is not enough, and some in which the department insist that the sum settled by the courts, as applied to their case, is too much. Now what do we want to do? It seems to me that we all want to do just what we did in 1879, and that is provide the money for paying for these services according to the prinprovide the money for paying for these services according to the principles of the decisions of the last tribunal of the land, and where these decisions do not apply, or where the parties are in a dispute as to the quantum that is to be paid, to leave them just as private persons are left, one making a tender of what he thinks is due and the other taking it and suing for the balance, if he want to, or if they are satisfied to settle, they have a right to do so, and let the creditor take it in full rather than go through a suit. Now I will read the language:

For the payment for Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds, to be adjusted by the proper accounting officers in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts; but in no case shall more than 50 per cent. of the full amount of the service be paid until a final decision shall be had in respect of each case in dispute. case in dispute.

Those that are left uncomposed either by judicial decision or by the business and analogous administration of the Department and the railroads are left in such condition that the Department can pay up to 50 per cent. of the full amount of the service to the parties entitled to receive it.

Mr. SAULSBURY. I would like to ask the Senator from Vermont in that connection, what propriety there is in our making an appropriation until there is some determination, unless it be in settlement of the claims? Why should we make any appropriation at all for those cases which are not to be settled by the appropriation?

Mr. EDMUNDS. For this simple reason, that I think applies every-

Mr. EDMUNDS. For this simple reason, that I think applies everywhere between man and man: in all the cases that this appropriation refers to at all, it is admitted by the United States, and it is plain on the face of the statutes, that we owe something; and it is a mere question of how much we owe; that is to say, what is the proportion that the service bears to the track and to the road. We owe them something. We say we owe them 40 per cent. on what the total service would be. They say we owe them 60 per cent. Now, we are ready to pay our 40 and they are entitled to have it. We admit they are entitled to have that. They say they are entitled to 20 per cent. more, and we say they are not. Now why should we refuse to pay what we owe because they refuse to take that in full settlement?

Mr. SAULSBURY. I should like to ask the Senator further, whether the natural effect of such an appropriation will not be to continue litigation that would expire if the appropriation was made as a settlement?

tlement?

As I understand the case there is a general pro vision of law which forbids the settlement of any of the claims of the railroads of the class described until the amounts due them should have been adjudicated by the courts. Such adjudication has been had by the Court of Claims, and 50 per cent. in two or three cases which came before them was fixed upon as the amount due under the arrangement made with the Government; but that is not a final adjudication of the claim. It was the impression of the House at the time this bill passed the House that the conditions of the law had been complied with and the amount of compensation to which these roads were justly entitled had been ascertained by judicial determination; but it seems that the decision of the Court of Claims is not final, because it has been appealed from both by the Government and by the roads. Now I ask the attention of the Senator from Vermont, to whom I am particularly addressing myself in this portion of my remarks. Under the provisions of the general law these roads can have nothing because their cases have not received a final adjudication, the Government having appealed to the Supreme Court from the decision of the Court of Claims on the ground that 50 per cent. was too great an allowance, and the railroads having appealed on the ground that it was not a sufficient allowance. That is the status of the claims at present before the judicial tribunal which has yet to determine them.

The appropriation which is provided in this bill is designed to some extent to relieve the railroads from the delay of three or four years which must necessarily be incurred before they can receive a hearing which must necessarily be incurred before they can receive a hearing in the Supreme Court, and also to protect the Government. One point is secured by making a provision that these roads shall not receive more than 50 per cent., which is the amount ascertained by the Court of Claims, and the other to protect the Government is found in the proviso which it is proposed shall now be stricken out, that this sum shall be received only by those roads who are willing to accept it as in full of all their demands against the Government, not to pay 50 per cent. to all roads that have claims against the Government on account merely and still leave them their right to prosecute to a final judgment in the Supreme Court the very claims upon which we have paid 50 per cent. That proviso in my opinion is

necessary as an act of protection and justice to the Government. It necessary as an act of protection and justice to the Government. It is optional with the roads to accept the 50 per cent. or not. Without the provise, however, it is as certain almost as any future event can be that any road which has any claim against the Government for transportation will take the 50 per cent. and continue to prosecute its claim legally in order to take the chances of receiving a judicial determination that it shall have more.

Mr. CARPENTER. Let me state to my friend what is the objective of the control of

tion to it. Why should we, because we are a Government and can oppress our contractor or creditor by compelling him in a way that we never allow one citizen to compel another, take that advantage? A company say, "we are entitled to \$50,000." We concede that they are entitled to \$25,000. There is \$25,000 in dispute between us, and are entitled to \$25,000. There is \$25,000 in dispute between us, and only \$25,000. Now we can by withholding that \$25,000 ruin that company. Is it right for us, because we have got the power, is it right for us because we are a Government and the other party is not, to say "we will pay you what we deem you are entitled to, but we will not do that unless you renounce what you think is due you." In other words, is the Government justified in using that tremendous power against any citizen? power against any citizen?

Mr. WITHERS. If it be not justified, it certainly has acted most

mr. WITHERS. It to be not justified, it certainly has acted most unjustly in hundreds and thousands of cases.

Mr. CARPENTER. Of course it has.

Mr. WITHERS. Every claim pending before the Government stands precisely on the same basis. Is it right for the Government to require every claimant to prove every jot and tittle of his claim before he can receive anything when the refusal to pay the money may be ruinous to that man?

Mr. CARPENTER. No; of course it is not.
Mr. WITHERS. That is precisely the same thing in principle.
Mr. CARPENTER. Precisely; yes, sir.
Mr. WITHERS. Every individual does the same thing. These railroads have nothing to do but to determine for themselves whether it is more to their interest to receive 50 per cent, and give a receipt in full, or to continue the prosecution of their claims before the Supreme Court. There is no compulsion about it. They have entire option to exercise their own discretion. It does seem to me that if we open wide the gates, break down the barriers erected by the satutory provisions

the gates, break down the barriers erected by the satutory provisions prohibiting payment until the amount due shall be ascertained by judicial determination, and say "you can come in and get 50 per cent.," it ought to be coupled with the proviso that that payment shall be in full of all demands against the Government.

Mr. McPherson. May I ask the Senator from Vermont a question with respect to the amendment, which I fail to understand? I tried very hard to vote for it, but I found in the phraseology of the amendment something that did not exactly please me. He orders in his amendment the proper officer of the Government to audit and allow an amount legally due. Now, will the honorable Senator tell me how you are going to determine an amount legally due? As to some of the roads, I understand the amount has been determined by the decision of the courts; as to other roads, there has been no dethe decision of the courts; as to other roads, there has been no decision touching their case. When the accounting officer of the Government undertakes to ascertain what is legallly due, where will he go for information and instruction except to the charters themselves of the corporations that the Government employed to do this work? We will suppose that the charter of the corporation empowered it to We will suppose that the charter of the corporation empowered it to charge a given sum which was double the amount, four times the amount, that a competing road would have charged if there had been a competing road. In what way, then, under that provision, is the Government to receive its 50 per cent., or any amount whatever? You speak of the amount legally due. How are you to determine what is leavely due? what is legally due?

what is legally due?

Then in addition to that, while I am on my feet, I wish to go a little further. It is left, as the Senator from Virginia says, after that an open question still for the courts to decide whether after the 50 per cent. has been deducted from the amount, which may be an extravagant sum but which their charters would permit them to charge, they can then go into the courts and get an additional sum.

Mr. EDMUNDS. Mr. President, I think I can explain to the satisfaction of my friend from New Jersey on both those points. The language of the amendment adopted by the Senate is "to pay the amount lawfully due." I do not criticise the use of the word "legally," they usually amount to the same thing. How is that to be ascertained? That is the pertinent inquiry. I reply it is to be ascertained exactly as if we were to appropriate, as we shall in a few days if we have not already, a sum of money to pay for clearing the snow off the sidewalks about the avenues to the Capitol. The proper officer of the United States has employed day laborers; to some he has agreed to give so much; to others he has said, "Go to work, I will give you give so much; to others he has said, "Go to work, I will give you what it is worth," or "as much as you can earn." How do you ascertain it? Just as you do between man and man everywhere. You ascertain it by a mutual agreement. If you mutually agree what the service is lawfully worth; how much the man is lawfully entitled to, you pay it. If you cannot agree, then this act as applied to these roads provides in that case that this money shall not be paid out beyond a certain percentage of the total amount of the service. So the provision for paying what is lawfully due as it is stated there, to my mind is precisely like—hundreds of others I was going to say—a great many other items in this bill and in every other bill where we provide money for the administrative departments of the Government

to fulfill the obligations of the Government. How are they to be ascertained? Sometimes they are fixed by law, as a salary; sometimes they are fixed by agreement beforehand by contract; sometimes they are fixed according to the value of the service, as very often they are in carrying mails where contracts run out, the contract does not bind any longer, yet the railroad has lawfully earned the money; it is a mere quantum meruit how much it is. We leave it to the administrative department of the Government that can settle much better than we can, how much in each case is a just and lawful sum.

In the next place my friend says the charter of the company may provide for altogether an excessive rate. I respectfully reply that the acts of Congress making these land grants are not affected at all by anything that is in the charter as to the rates; but the land grants as to some of the roads are that the road shall be a free, public highway where the United States shall have a right to transport its troops and supplies. Under those acts the courts have held, and rightfully I think that they do not include the furnishing of core accessive courts have held, and rightfully I think, that they do not include the furnishing of cars and locomotives, but the United States have the right to furnish their own cars and locomotives and run them over the road. But they have not done it; they have made use of the cars and locomotives of the railroad

it; they have made use of the cars and locomotives of the railroad companies themselves just as they would if there had not been any such provision in the land grants at all. Then we owe them something in those cases; how much is a mere question of fact to be determined on comparing the proportion that the United States is entitled to the benefit of in the right to go over the road.

There are other roads as to which the phraseology is that the road shall transport the troops and supplies. In those cases the Quartermaster-General rightly refused to pay anything, because in those cases it is obvious from the language that the whole burden is on the company. And so the language varies in these fifty or sixty acts, one way in one and another in another. The Supreme Court has laid down certain principles. For two years under a provision in substance exactly like the one I have offered, that Congress passed, I think without a division, the thing has gone on peaceably and amithink without a division, the thing has gone on peaceably and amicably. We only want to provide a little money, and I have used the exact language adequate to that.

Mr. McPHERSON. With respect to the idea that the Government

could under any circumstances in practice undertake with their own rolling-stock to transport their freight and passengers over the numerous railroads over which it becomes necessary for them to transport them to different parts of the country, I think the honorable Senator will see that it is very evident they cannot do it.

Mr. EDMUNDS. Of course not. I hope the Senator did not sup-

pose I thought so.

Mr. McPHERSON. Therefore it remains then strictly between the two contracting parties, the Government on one side having goods or troops to transport, and the railroad upon the other doing the transportation business. I still submit that the amendment of the honorable Senator does not reach the point, because inasmuch as there is a given sum fixed by law which is to be deducted from the gross

Mr. EDMUNDS. There is no such thing fixed by law, if the Sen-

ator will pardon me. Mr. McPHERSON. It will be fixed if this becomes a law.

Mr. EDMUNDS. By no means; it does not fix any sum to be de-

Mr. EDMUNDS. By no means; it does not fix any sum to be deducted. It is an upward limitation given in cases still open and in controversy between the United States and these people that they shall not go beyond a certain quantum. That is all.

Mr. McPHERSON. Well, in any event they are not to be paid the amount which they expected to charge for doing this work. If there is any law or any rule of practice that would compel a railway company to undertake the transportation of goods or troops for the Government on any terms less than they themselves think it is worth to do the service, I should like to have the Senator assert it. The railroad companies are permitted to make their own charge whether it road companies are permitted to make their own charge whether it be exorbitant or otherwise; and upon that we propose to pay them

Now, I say that while we are paying 50 per cent. for the transportation of the goods of the Government believing that we are getting something in repayment on account of the original grant to the company, we are in reality paying as much as the public pay for the same service. If the Senator would permit me to change one word in his amendment, I would like it better, striking out the word "lawfully" and substituting "justly," so as to direct the proper officer to audit and allow the sum "justly due," instead of "lawfully due."

Mr. EDMUNDS. I have not power to accept that now, because the Senate has agreed to my amendment. If it had been proposed before, I should have been willing to accept it, because any sensible court would hold that the two words amounted to exactly the same thing.

I preferred the word "lawfully" because I thought it would limit a little more strictly any possible discretion of the Quartermaster-General; but any sensible court, I think, would hold that the two words amount to the same thing.

Mr. McPHERSON. I shall be in order in moving to amend it when it comes into the Senate.

it comes into the Senate.
Mr. EDMUNDS. Certainly.

Mr. BECK. The question is so narrowed down that I suppose all Senators will understand it when I state it. As the law now stands these railroads cannot collect anything, and if this provision is stricken out of the bill altogether, no money can be paid to them, because the

law of March 3, 1875, absolutely prohibits it. So, then, all the provisions we are now making is in the interest of the railroad companies, at least to the extent of enabling them to get that much money which by law they are now prohibited from collecting. We make this provision because the Supreme Court of the United States, differing from the legislative and executive construction, in two cases heard before them have said that the companies were entitled to one-half, or 50 per cent. of what they would otherwise have had but for the right of the United States to have the use of the road free. Now, we propose per cent. of what they would otherwise have had but for the right of the United States to have the use of the road free. Now, we propose to say to all the other roads, "as that is the decision of the courts we will not require you all to litigate; it has been well considered; we will place you in the hands of the Quartermaster-General, to pay you 50 per cent., provided you are willing to accept it, give us a receipt in full, and stop litigation." That is what the committee proposed.

The proposition of the Senator from Vermont is that we shall pay them 50 per cent. now, and after they have once received they may go to any lawyer who will take the case on speck and try to get more. Having got the 50 per cent. in their pockets, suits will be brought in every case under an agreement to give a lawyer one-half of what he

every case under an agreement to give a lawyer one-half of what he can get over and above that. It does not stop litigation; it encourages it after you have paid as much as the Supreme Court in the two cases already decided has held that the roads were entitled to. None need take this 50 per cent. unless they are satisfied with it, but the committee desire that. Whenever these parties do take our money, they shall take it because they regard it as an equitable and full settlement. If they do not, then let them sue for all they claim. All that the courts say they are entitled to is only 50 per cent., and why should we pay that and then allow ourselves to be sued again if the company wishes? What private man would do that in his dealings with his neighbor? It is just inviting suits, for they will necessarily follow from everybody who thinks he has a chance to get something more. Let them sue for the whole if they are not content with the amount we see fit to give them.

Besides, after we have 'paid them the 50 per cent., if the courts should determine that they were entitled to but 40, they could plead that we had paid this much already, and the United States would never get it back. They would get all they could in excess of the 50 per cent., and the Government would lose all that was paid in excess

never get it back. They would get all they could in excess of the 50 per cent., and the Government would lose all that was paid in excess of the judgment, if it was for less than the 50 per cent. It is to avoid litigation, to keep the Government from being entangled in suits with its citizens, or corporations, or anybody else, that we now say in this bill that the Supreme Court having decided two important cases, after full consideration, we are willing to pay what the decisions of the court said was right, and end the matter; but if we are not going to end it we had better do nothing, and let them sue for all, instead of suing for the balance after they have got this much money. Strike the whole section out, and let them sue for it all, standing on the law; and if they are not content with what we give, let them have nothing. If they are not content with what we give, let them have nothing. If they are content, let them say so by a full receipt. That is the way every private man would do.

So far from being grasping and severe, we are absolutely acting almost in violation of a direct and positive law of Congress in advancing this money, because the courts have shown, under their construction, that there is an equity in it to that extent and no more, and on that basis we are willing to settle.

Mr. BURNSIDE. Mr. President, I think that if the Senate in considering this subject had followed the decisions of the court the question would have been settled long before this. It could have been settled yesterday in a very short time. In the first place the Supreme Court decided that the Government had no right to use the motive power or rolling-stock of the road, and therefore the Government had to pay for the use of that in the transportation of troops. The Court of Claims have decided that 50 per cent. is a fair allowance, and in making up that decision they took as the starting point the schedule rates of the railroads. They came to two or three different conclusions by different processes; one of them amounted to

If we in the Senate had adopted that rule and said these accounts shall be made up on the basis of 50 per cent. of the schedule rate, which was the only rate the court had under consideration in making which was the only rate the court had under consideration in making its decision, we should have come to a decision long ago; and if we had said that in case the railroads give a receipt in full we will pay them 50 per cent. of the schedule rates at the time they performed the service, that would have been the rule for the Quartermaster-General in all future time to observe in making up these accounts. For instance, if they charged two and one-half cents a mile on the Happileal and Saint Ioseph Bailroad and a they are troops were For instance, if they charged two and one-half cents a mile on the Hannibal and Saint Joseph Railroad, and a thousand troops were transported on that road, the accounts must be made up at the rate of two and one-half cents per mile for the transportation of a thousand troops, and the Government of the United States would pay one and one-fourth cents a mile. By that process you would follow distinctly the decision of the Court of Claims.

As I said before, the decision of the Supreme Court is that the Government of the United States has no right to the use of the rolling-stock, and, secondly, that as a rule 50 per cent. of the schedule rates is the proper amount to be paid for the transportation of troops; that

is, you pay for each soldier just exactly one-half what an individual would have to pay himself if he was traveling over the road. That was the substance of the amendment I offered yesterday; and that is the only fair way to consider this thing, in my opinion; and if this bill should be amended in that way the Quartermaster-General would have in all future time a fixed rule to go by and we should never here experience were cheef the construction.

have in an inture time a fixed rule to go by and we should never hear anything more about it in Congress.

Mr. CARPENTER. Why, Mr. President, let me ask the Senator from Rhode Island if it would not be the easiest thing in the world for the railroad companies next year to double or treble their schedule?

Mr. BURNSIDE. But the Quartermaster knows that the railroad companies have a fixed rate.

Mr. CARPENTER. Suppose they change that fixed rate? is my question.

Mr. BURNSIDE. I mean the schedule rate.
Mr. CARPENTER. Suppose they double the schedule rate?
Mr. BURNSIDE. Then it is not the regular schedule rate. No quartermaster would submit to a thing of that kind and no land-

quartermaster would submit to a thing of that kind and no land-grant railroad would dare to do a thing of that kind, being in the hands of Congress.

Mr. CARPENTER. Though the rate is fixed by the company itself? Mr. BURNSIDE. For instance, take the Illinois Central in trans-portation from Cairo to Chicago; does the Senator from Wisconsin think for one moment the Illinois Central would dare to put even 10 per cent. upon their rate? Everybody knows what he has to pay traveling from Cairo to Chicago, a certain fixed sum, say ten and a half dollars passage money.

half dollars passage-money.

Mr. CARPENTER. I have learned from the debate this afternoon that the railroads do not observe the schedule at all, but that freight

is all carried by contract.

Mr. BURNSIDE. I ask the Senator from Wisconsin whether the Court of Claims had not in consideration, when they were making up the percentage that the United States ought to pay for the transportation of troops, the rates upon which the railroads can do business under competition when they are cutting each other's rates, or whether

mader competition when they are cutting each other's rates, or whether they considered their ordinary regular traffic rates?

Mr. CARPENTER. My difficulty about it is that there is nothing regular that is not fixed by law. Your schedule rate is one thing this year, it is another thing next year, and if you say you are to establish a rule that shall govern the quartermasters for all time to come to get at just half what they ought to pay, then I say you have got to fix a schedule.

MR. BURNSIDE.

Mr. BURNSIDE. Let me put my statement in a little different form. If the Senator from Wisconsin were to pass over the Illinois Central Railroad next week he would pay a given sum; he would pay what they advertise to sell tickets at. If a regiment of soldiers goes over the road at the same time no quartermaster would pay more than the Senator, and no railroad would dare to increase the rates for soldiers Senator, and no railroad would dare to increase the rates for soldiers going over it. In the first place, the quartermaster would not pay it.

Mr. CARPENTER. If you determine that he shall pay one-half the schedule rates, I do not see how he can help it.

Mr. BURNSIDE. The Quartermaster-General would not allow the account; he would not audit the account.

Mr. CARPENTER. But the law is to make him allow it. I take it the Quartermaster-General will do what we command him to do;

and I understand the Senator's idea is—

Mr. BURNSIDE. We allow him to pay 50 per cent. if they give a receipt in full. I think the only solution of the thing is to make the schedule rate the rate on which the money shall be paid—the sched-

receipt in full. I think the only solution of the thing is to make the schedule rate the rate on which the money shall be paid—the schedule rate at the time the service was done.

Mr. BROWN. Mr. President, I insist that the amendment, as offered by the Senator from Vermont and already passed, is exactly right. According to the usual system of railroading and railroad settlements, it is neither equitable nor just to fix the standard of 50 per cent. as the cost of transportation of troops, passengers, or freight over all these lines. To illustrate: Suppose there are two roads between two given points, each one one hundred miles in length. Each of these roads has to have a president, a superintendent, a treasurer, an auditor, a master machinist, a master car-builder, a road-master, and all the machinery that is usual to a railroad. In addition to that, I may say, as a Northern Senator said to me awhile ago, "We must not forget the attorney." They have to have a large amount of fixed expense that they must incur whether they do much or little transportation. The president's salary runs, and the salaries of all these other officers run, whether the company does much or little. You lay down your road with cross-ties. The decay commences at once, and in a given number of years they are rotten. That process of disintegration or of rotting goes on the same whether you carry over the road one train or fifty trains a day.

Now, in the case I have supposed, I will say that road number one carries one train each way per day and has no other custom but that. Road number two carries fifty trains each way per day. In the one case all this fixed expense is divided and charged to the amount that is made by the running of one train each way per day. In the other case this fixed expense is divided between fifty trains each way per day.

is made by the running of one train each way per day. In the other case this fixed expense is divided between fifty trains each way per day. One can very well afford to do it, and the other cannot afford to do it. The one can make money in carrying probably at two cents per passenger and two cents per ton per mile; the other cannot possibly live at that charge unless it can get more business.

Again, take two roads situated as I have just supposed and say that

the business of one of them is equally good each way over the line, that it gets as much freight at the east end to send west as it does at the west end to send east, so that each train going over the road is loaded each way, and the other road is hauling freight that goes only one way. The first road can carry a great deal cheaper per ton per mile, because it carries a loaded train each way. The second road cannot carry as cheaply, because it carries a loaded train one way and carries back its empty cars the other way. Therefore it is impossible for them to carry at the same rates, and it is not reasonable to require them to do so. You can scarcely find any two roads in the country to-day on which it costs exactly the same rate to transport a given amount of tonnage or a given number of passengers over the road. All railroad men know that.

In the case before us, here are certain companies that the United the business of one of them is equally good each way over the line,

In the case before us, here are certain companies that the United

In the case before us, here are certain companies that the United States have given land grants to aid in the building of their roads. The United States have required these companies to permit the Government to transport free anything it wants to carry over the roads. The courts have come in when dispute has arisen and said that that does not mean that the companies shall be compelled to furnish engines and cars and conductors and engineers and train-hands and brakemen and firemen and coaches and everything that is necessary in running a train; but that it only means that the company shall permit the United States to run its trains over the road free. And in the case that went before the court, it seems from the statement we have heard here—for I have not examined the case—that the court heald that 50 per cent, on the amount of the ordinary charges would held that 50 per cent. on the amount of the ordinary charges would be a fair compensation in that case and that therefore the company ought to have 50 per cent. That may be exactly right with that road; that road may do a business of ten trains a day each way. Now take another road that carries but two trains a day each way and it cannot live at 50 per cent. in that business. Whenever you held that 50 per cent. on the amount of the ordinary charges would and it cannot live at 50 per cent. in that business. Whenever you lay down a particular standard or a particular rule that governs all the roads without regard to the nature of their business or the amount of business done by each, you necessarily do injustice; and the only safe rule is in each case of a road that has received the benefits of the Government and made its contract that all the facts as to the nature of its business and the amount of its business should as to the nature of its business and the amount of its business should be taken into account and be considered by some proper tribunal in adjudicating what is a just compensation for the carriage, and a fair and honorable court will in one case give more to one road than it will to another because one is so situated that it cannot carry as cheaply as another does.

The only question here is whether we should in each case say the settlement may reach as high as 50 per cent. There may be some of the roads that do a very heavy business that could carry for an amount so small that they ought not to have 50 per cent. There may be others that ought to have 75 per cent. Therefore it is hard to lay down any rule about it. You will have to leave it to the courts to adjudicate rule about it. You will have to leave it to the courts to adjudicate it and determine what is right in each case; and as the companies cannot go on from year to year and carry without some compensation while a long litigation is going on, it is fair to make an arrangement as the amendment proposes by which the Quartermaster-General may pay to each company what is a fair compensation, not exceeding 50 per cent.; and then if the particular condition of the road or the nature of its business be such that it cannot do the service at 50 per cent, lat it we to court and let that question be determined, and if nature of its business be such that it cannot do the service at 50 per cent., let it go to court, and let that question be determined, and if there be more due it let it be paid to it after the case is decided. I think that is the only way you can settle it on a basis that is fair and equitable to all the companies concerned. If you lay down one single rule to apply to all of 50 per cent., you will pay some more than you ought to pay them, and you will not pay others by 25 or 50 per cent.

as much as you ought to pay them.

I believe you may discuss it ten days here and you will not get a better rule than that which is laid down in the amendment adopted

which was offered by the Senator from Vermont.

Mr. DAVIS, of West Virginia. I should like to say one word on account of the position of the Senator from Georgia in connection with railroads. The Senator gives a list of officers belonging to each road. I believe he has some knowledge on the subject. If so he will recollect that in many instances on small roads a half dozen of the offices are held by one man, and not half a dozen men, and then he will recollect another thing, that many of the small railroads pay perhaps \$100 to an employé for the same service that a large company pays \$1,000 for; so his comparison is not fair any more than it would be to compare the expenses of running a State Legislature with those of running this Congress. There are certain officers that they do not pay anything library many and a state of the same are certain officers. thing like as much as we do.

Now, it is true that one road may be able to haul much cheaper than another; but it depends more on the number of trains run and the circumstances of the road than it depends upon whether it is a small or a large road. If but one train a day is run it takes but one set of men to run it; if ten trains are run it takes ten sets of men to run them. It is true the investment of the road is the same in one case as in the other; but as to the general expenses the Senator is mis-

taken in his proposition as a rule.

Now, I believe the committee's amendment is a proper one. It says that if the Quartermaster-General settles one of these accounts and the party running the road chooses to come in and take 50 per cent. it may do so and give a receipt in full. That is the option. In other words, if the claimant thinks proper to say "No, I will go on and liti-

gate," he can do so. The position of the Senator from Georgia and of the Senator from Vermont, as I understand, is when a man comes in and takes 50 per cent., he may then use that money to litigate against the Government for more. The committee say, "No, if you take it you must take it in full; but it is at your option whether you will take it or not." While I agree that the Senate has already said that the amendment of the Senator from Vermont is a proper one, the committee say that this provise ought to be added; that is, if the party comes in and takes 50 per cent. in settlement, he shall not go on and try to get 20 or 30 per cent. more from the Government and take, perhaps, the money furnished by the Government for the purpose of following up his suit, or commencing a new one if one is not already commenced.
Mr. McMILLAN.

Mr. McMILLAN. The amendment of the Senator from Vermont contains a provision directly in contradiction to this amendment of the committee. The Senate have already adopted the amendment of the Senator from Vermont, and this is in conflict with it, and of

Mr. DAVIS, of West Virginia. But notwithstanding that, there is a proviso, and that proviso says "If you receive the 50 per cent. that is a settlement." As it now stands the road may receive 50 per cent. Perhaps the road has now a suit in the Supreme Court against the Perhaps the road has now a shit in the Supreme Court against the Government, and it can receive 50 per cent. and continue this suit, and the 50 per cent. may go toward defraying the expenses of that suit. It is giving a decided advantage to those who are in litigation with the Government. As the Senator from Kentucky has well said, you had better strike this provision out entirely, for then nothing can be paid. This whole provision is in favor of those claiming from the Government, and the committee so understood, and they said, "If there are claimants who are willing to take 50 per cent. and set

"If there are claimants who are willing to take 50 per cent. and settle with the Government and stop litigation, let them take it, but not take it and still go on with their suits against the Government."

Mr. BROWN. My friend from West Virginia has referred to my comparison between small and large railroads. He says where there is but little business done by a road the offices I mentioned are very frequently several of them consolidated into one. Sometimes that is true. He says, furthermore, that the officers get smaller salaries on small roads than they do on large roads. That is sometimes true, but still it is not true that there is any comparison in the rates at which the road running but one train a day and one that carries ten trains a day can do transportation business. Suppose, for instance, the capital stock of a railroad company be \$2,000,000—

Mr. DAVIS, of West Virginia. My friend will understand that I admitted that the investment was another thing; but as to the expenditure there would not be so much difference.

Mr. BROWN. I want to look into this principle a little now. Suppose the capital stock invested be \$2,000,000. At 5 per cent. that would be \$100,000 a year of interest whether the road makes \$100,000.

would be \$100,000 a year of interest whether the road makes \$100,000 a year from freight or passengers, or \$5,000,000 a year. That interest runs alike no matter whether the road does a large or a small business. There is \$100,000 a year in the case supposed that is expended in interest on capital invested. Then there are cross-ties laid down. Everything of wood rots in eight or ten years. That wood-work is going to be destroyed, and it must be replaced. That rotting process goes on exactly the same, no matter whether you are running one goes on exactly the same, no matter whether you are running one train or fifty trains a day, or whether you are making \$1,000 or \$100,000 a day on the road. Then, so far as all the official salaries are concerned, they are a small part of the expense, but it is necessary that a large amount of money shall be paid out to the officers every year. That has to be paid out of small earnings or large ones. It is a very large per cent. if the income of the road is very small, as in the case of one that runs only a single train a day each way. It is a mere nothing if the income of the road is very large and it has fifty trains a day. fifty trains a day

The fixed expense has to go on very nearly the same, no matter what may be the income of the investment, the interest fund at that time. may be the income of the investment, the interest fund at that time. Therefore, as I have stated before, it is not a just rule to lay down that 50 per cent. shall be the rule applied to all roads. It may be more than some of them ought to have. My friend says wait, then, and do not settle at all if they do not take that. Then you only foster the large company that does the large business, and crush the little company. Why? Because the great company that does a very large business can well afford to take the 50 per cent. It is all they earn; all they are entitled to. They will settle with you at once. The road that does very little business cannot carry the transportation for 50 per cent., and it will not settle with you. It cannot do it without that does very little business cannot carry the transportation for 50 per cent., and it will not settle with you. It cannot do it without losing money. Then, if you compel it to settle, it does not get what it is entitled to. Therefore, the large road, the monopoly, the one that does the most business, the one that can afford to make a settlement at your rate, will do it, and the small road will be crushed and put into bankruptey because you will not pay what it is entitled to. That is the necessary effect of the rule. The Pennsylvania Central can very well afford to carry at 40 per cent. of the expense of carrying; but take a little road in Virginia, if there be one there that has but one train a day—what of that case? If you offer the Pennsylvania Central the 50 per cent. to settle you will have no trouble, while the little road in the State of my friend from Virginia would go into bankruptcy if you did not pay it more.

Another idea in that connection: the rich companies can very well afford to go on and fight; they are able to fight; they can fight you

afford to go on and fight; they are able to fight; they can fight you

as long as they please and never go into bankruptcy. They have plenty of means. The poor company that has to have its earnings every year and every month in the year in order to succeed must go into bankruptcy or it must take an unjust thing that does not com-

pensate it because it is not ready for the fight.

Mr. BLAIR. Mr. President, would it be in order to move an amendment at this time? If so I desire to move to strike out the entire clause, including the proviso, and insert instead thereof these words:

To pay land-grant railroads whatever sum the Quartermaster's Department finds justly due, the same to be not over 50 per cent. of the reasonable price for the same service if performed for a private individual or corporation by the same road: Provided, Such payment shall be accepted in full of all demands for said services, \$125,000; but no payments shall be made in any disputed case until the dispute is settled.

Mr. BURNSIDE. I should like to ask the Senator from New Hamp-shire who is to determine the "reasonable price?" The Quartermaster-General?

Mr. BLATR. I will explain what I mean by the amendment.
Mr. DAVIS, of West Virginia. I ask the Senator to allow the Secretary to read the amendment from the desk, and then we shall all

understand what it is.

Mr. BLAIR. Certainly.

The PRESIDING OFFICER. The Senator from New Hampshire The CHIEF CLERK. It is proposed to strike out the whole clause,

including the proviso, and insert:

To pay land-grant railroads whatever sum the Quartermaster's Department finds justly due, the same to be not over 50 per cent. of the reasonable price for the same service if performed for a private individual or corporation by the same road: Provided, Such payment shall be accepted in full of all demands for said services, \$125,000; but no payment shall be made in any disputed case until the dispute is serviced.

Mr. BLAIR. Mr. President—
Mr. WITHERS. I ask how that can be in order if a similar propsition which I submitted——

The PRESIDING OFFICER. If the Senator from Virginia will permit the Chair to announce, he will announce that this is not in order until the substitute offered by the Senator from Virginia has

Mr. WITHERS. The Senator from Virginia will certainly permit the Chair to decide.

The PRESIDING OFFICER. Then that is the decision of tho Chair. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. I am in some doubt—
Mr. CARPENTER. The speech is in order.
Mr. BLAIR. The speech is not in readiness, but I can explain what mean to be understood by the amendment.
The PRESIDING OFFICER. The Senator from New Hampshire

entitled to the floor.

Mr. BLAIR. It seems to be admitted, I believe, in all parts of the Chamber, that in no case whatever is the Government entitled, after what it has done for these roads, to less than 50 per cent. of what is

what it has done for these roads, to the standard of the seasonable price—

Mr. PLUMB. The Senator is mistaken about that. I think if he will reverse that proposition and say it is conceded that the Government is not entitled to more than 50 per cent., it would be perhaps

Mr. BLAIR. That would be reversing the proposition. If I had been allowed to complete my sentence, it would have been the same in the end, that the Government is entitled to a deduction of no more than 50 per cent. It is entitled to a deduction of no more than 50 per cent. of what would be the ordinary reasonable price for the same service if performed for a private individual; and whatever dispute there is, arising under the rules of the Government itself, settled by there is, arising under the rules of the Government itself, settled by the decisions of the courts to which allusion is made, must be with reference to the other 50 per cent. If the Quartermaster-General in making his adjustment allows one of these roads 50 per cent. of what would be a reasonable price if the charge were made against a private individual, and the road accepts it, everybody wants to settle such a case and take the receipt of the corporation in full and end it; but in some cases this will not be likely to be deemed just by the road, and a dispute will arise in regard to what proportion of the remaining 50 per cent. should be deducted. In such a case, of course no payment whatever would be made or ought to be made, because any payment toward the amount in dispute or any payment upon account would, as the Senator from Kentucky said, give the corporation great advantage in its dispute with the Government.

ration great advantage in its dispute with the Government.

Now, the purpose of my amendment is to allow the Quartermaster-General and the railroad company to decide in each individual case first what is a reasonable price. It may be the schedule price for the service if rendered to a private individual; but if that schedule price is too much as suggested in many cases. is too much, as suggested in many cases by the Senator from New Jersey, it would not be a reasonable price, but it would be the duty of the Quartermaster's Department to ascertain that it was not a reasonable price. The Quartermaster's Department, notwithstanding the schedule which might make a prima facte case of a reasonable price for services rendered to a private individual, would be under obligations to search further, to look deeper, and see that the schedule price was a reasonable price, and then pay one-half of it, whatever it might be. That would seem to obviate the objection of the Senator from New Jersey Senator from New Jersey.

The provision further that no payment whatever shall be made until all questions in dispute between the railroad companies and until all questions in dispute between the railroad companies and the Government are settled, would seem to meet the objection of the Senator from Kentucky. I suppose it to be the purpose of the committee where there is no dispute to pay in full and end the matter, and my amendment provides that in such case, and only on condition that this is done, shall that receipt in full be given.

Mr. BECK. I wish to interrupt the Senator from New Hampshire to ask a question right here, if I have his permission.

Mr. BLAIR. Certainly.

Mr. BECK. I do not know that I quite understand the amendment in this regard. The Government wants supplies taken to the

ment in this regard. The Government wants supplies taken to the Black Hills. That is about equidistant between the Northern Pacific ment in this regard. The Government wants supplies taken to the Black Hills. That is about equidistant between the Northern Pacific and the Central Pacific Railroads. One offers to carry the supplies for \$100,000, and that is the schedule price of both roads; but the other, in order to get that transportation, it being large, offers to take it for \$75,000, and the Quartermaster accepts the proposition. In that case would he not have the right to settle by paying one-half the contract price, though below the schedule price?

Mr. BLAIR. I take it the corporation would be estopped from claiming anything more than it had itself asked in the terms of the original contract. It could not claim that a reasonable price should be beyond what it had agreed to take.

Mr. BECK. Wherever the quartermaster had made a contract with a railroad company, even though it might be far below the schedule price, that would govern though it was below the schedule price under the Senator's amendment.

Mr. BLAIR. I so understand; certainly.

Mr. CARPENTER. Mr. President, as this is a matter of some importance and everybody's ideas seem to be a little loose and the bill cannot be finished to-day, I move that the Senate proceed to the consideration of executive business.

Mr. WITHERS. I wish the Senator would withhold that motion for a moment that I may give a notice. I give notice that I shall ask a separate vote in the Senate on the amendments to the paragraph under consideration which have been adopted in Committee of the Whole

under consideration which have been adopted in Committee of the Whole.

Mr. BLAIR. I suppose all these amendments will be printed, will

they not?

Mr. CARPENTER. They ought all to be printed.
Mr. McPHERSON. I wish to give notice that I shall offer an amendment to the amendment already adopted by the Senate proposed by the Senator from Vermont.

Mr. CARPENTER. Now, Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Rhode Island

moves that the Senate do now adjourn.

Mr. WITHERS. I hope we shall dispose of this bill before we

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, that the Senate do now adjourn.

The question being put, there were on a division—ayes 9, noes 21.

The PRESIDING OFFICER. The Senate refuses to adjourn.

Several SENATORS. There is no quorum voting.

Mr. BOOTH. I move that the Senate proceed to the consideration of executive business.

Mr. ANTHONY. That motion is not in order. There is not a

Mr. ANTHONY. That motion is not in order. There is not a

quorum.

Mr. EATON. I call for the yeas and mays on the original motion to adjourn, which will show whether there is a quorum.

The yeas and nays were ordered and taken.

Mr. LOGAN. I desire to say that my colleague [Mr. Davis, of Illinois] left the Senate this evening on account of illness.

Mr. FERRY. I desire to give the same reason for the absence of my colleague, [Mr. Baldwin.]

The result was announced—yeas 12, nays 35; as follows:

	Y.E.	AS-12.	
Anthony, Burnside, Cameron of Wis.,	Carpenter, Coke, Conkling,	Dawes, Edmunds, Hill of Colorado,	McMillan, Morrill, Windom.
	NA	YS-35.	
Allison, Beck, Blair, Booth, Brown Call, Cockrell, Davis of W. Va., Eaton,	Farley, Ferry, Garland, Groome, Hampton, Harris, Hill of Georgia, Hoar, Ingalls,	Jonas, Kernan, Lamar, Logan, McPherson, Morgan, Platt. Plumb, Pugh,	Randolph, Sunders, Slater, Vest, Voorhees, Walker, Wallace, Withers.
3	ABS	ENT-29.	
Bailey, Baldwin, Bayard, Blaine, Bruce, Butler, Cameron of Pa., Davis of Illinois,	Grover, Hamlin, Hereford, Johnston, Jones of Florida, Jones of Novada, Kellogg, Kirkwood,	McDonald, Maxey, Paddock, Pendleton, Rausom, Rollins, Saulsbury, Sharon,	Teller, Thurman, Vance, Whyte, Williams.

So the Senate refused to adjourn. Mr. BOOTH. Now I renew my motion.

Mr. CARPENTER. What became of my motion to go into execu-

tive session?
The PRESIDING OFFICER. The Senator from California renews. the motion that the Senate proceed to the consideration of executive

The motion was not agreed to.

The PRESIDING OFFICER. The question before the Senate now is on the proviso reported by the Committee on Appropriations, which

The CHIEF CLERK. After the word "dollars," in line 202, it is proposed to insert:

Provided, That such payment shall be accepted as in full of all demands for said

Mr. CARPENTER. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. CARPENTER. I do not wish to detain the Senate or annoy Mr. CARPENTER. I do not wish to detain the Senate or annoy anybody who wants to go home and get his dinner; but this is too important a question to allow it to go through without men's going on record who sustain the proposition. By the amendment, if we sustain it after what we have already done, we declare that this Government, in dealing with its creditor, unless the creditor will come to what it names and dictates as a sum for settlement, will refuse to keep its contract with him as it understands it itself, and compel him to go through the tedious process of two, four, or six years' litigation before he can receive what we admit to be his due. I say that is oppression. Gentlemen say it is the rule with individuals. Very well, one individual may be as mean as he pleases with another, but no government has a right to resort to such a rôle of meanness against its own citizens.

Again, a distinction arises from the amounts generally involved.

Again, a distinction arises from the amounts generally involved. In a litigation between individuals it can rest and neither be crushed; but in the majority of cases of these large contracts with the Government made by railroad companies, made by contractors for constructing public buildings and so on, the amounts due are large, and unless the man can get what is his due and get it promptly under the contract he must be ruined. Now if he says, "I claim that I am entitled to \$75,000" and the Government says, "we admit we owe you \$50,000, but if you insist upon enforcing your right to have a court decide whether you are right or whether we are, we will hold you by the throat for six years, we will ruin you, we will not pay you what we admit to be your due unless you take it and give up what you claim to be your rights beyond that," is unjust, it is wicked, and it is dishonest, and for the Government to clothe and shelter itself under it is a disgrace to the land. Again, a distinction arises from the amounts generally involved.

est, and for the Government to clothe and shelter itself under it is a disgrace to the land.

Mr. DAVIS, of West Virginia. The Senator proposes to pay 50 per cent. to those litigants or those who are claiming from the Government, and still let the litigation continue. The committee propose, as I understand them, to let it be optional with the party, but if he chooses to take the 50 per cent. it shall close the transaction. That is the whole of it.

is the whole of it.

is the whole of it.

Mr. CARPENTER. That is precisely the option it is said Louis
Napoleon gave when he ordered an election for emperor. Every
Frenchman could vote as he pleased, but the Frenchman that did not
vote for him would be shot! A company having a claim which we
concede it is entitled to of \$25,000 may have its option to take that and
give up \$25,000 more which it says it can establish by the judgment give up \$25,000 more which it says it can establish by the judgment of our courts. It asks us, "Let me go into your own courts, the courts of the United States to prove my claim to \$25,000 more." "No," says Congress, "you shall not do it, you shall come to our terms; you have the option, be ruined and seek your rights or take what we dictate; half we say, and have no hearing on the balance." I say that is cruel; it is simply crushing and destroying more than half the parties it would apply to, and I repeat what I said before, it is a disgrace to this ration.

Mr. WALLACE. Mr. President, these are the creatures of the Government; they are the land-grant railroads, and those alone. They may be creditors of the Government, but I imagine that the people of this country want them to be treated in the spirit of the laws as they exist—to hold them to the laws as they are. They do not propose to allow them to take from the Government that which is not theirs. They propose to give them their rights, but they propose to hold them with a tight hand. They have already got enough. They propose to deal justly by them. The Committee on Appropriations has done that; it seeks no wrong. We propose to treat these people fairly, and administer the law as it is, and I think this amendment is in that line.

Mr. CARPENTER. Mr. President, that is a speech for a barbar

in that line.

Mr. CARPENTER. Mr. President, that is a speech for a barbecue. I cannot conceive of anything that would take a town meeting as that speech would. We have been scolding about Pacific railroads, we have been scolding about subsidies, and now we propose to jump into them, hold them strictly, without any regard to the great question of whether it is honest or dishonest to do it. The Senator says we propose to deal justly with them, but we propose to say what justice is for them, and we propose that unless they will accept our definition of justice they shall have nothing at all; they shall be ruined and crushed in the attempt to enforce their views. I know of but one precedent for that. I have heard of a quarrel between two deaone precedent for that. I have heard of a quarrel between two deacons in a church, which grew very warm. Finally a revival of religion came along and roused them both up a little. One deacon got out his sleigh and drove over to the other's house very early in the

morning. He said, "Deacon, I have come here to see you; I am feeling very badly; four or five years ago we got into a little difficulty about cattle breaking over division fences; we, either of us, could have survived the damage that was done without ever feeling it, but we went to law; we have been wrangling for five years; the lawyers have got our farms covered all over with mortgages; and that is not the worst of it, a quarrel and litigation between two deacons in the same church hinders the cause of our Saviour, and I have come over for I can't." [Laughter.]

Mr. DAVIS, of West Virginia. That is what the Senator wants the Government to do, to back out.

The PRESIDING OFFICER. The yeas and nays have been ordered

on the amendment.

The question being taken by yeas and nays, resulted-yeas 25,

	XE	A5-25.	
Beck, Booth, Call, Cockrell, Coke, Davis of W. Va., Eaton,	Farley, Garland, Hampton, Harris, Jonas, Kernan, Lamar,	McPherson, Morgan, Pugh, Randolph, Sanlsbury, Slater, Vest,	Voorhees, Wallace, Walker, Withers.
	NA.	YS-22.	
Allison, Anthony, Blair, Brown, Burnside, Cameron of Wis.,	Carpenter, Conkling, Edmunds, Ferry, Groome, Hill of Colorado,	Hill of Georgia, Ingalls, Kellogg, McMillan, Morrill, Platt,	Plumb, Rollins, Saunders, Windom.
	ABS	ENT—29.	
Bailey, Baldwin, Bayard, Blaine, Bruce, Butler, Cameron of Pa., Davis of Illinois,	Dawes, Grover, Hamlin, Hereford, Hoar, Johnston, Jones of Florida, Jones of Nevada,	Kirkwood, Logan, McDonald, Maxey, Paddock, Pendleton, Ransom, Sharon,	Teller, Thurman, Vance, Whyte, Williams.

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from Virginia, [Mr. WITHERS,] which will be

The CHIEF CLERK. In lieu of the paragraph contained in lines 200 and 204 it is proposed to insert:

To pay land grant railroads on which the United States is entitled to transportation of troops and supplies free of charge for transportation for the Quartermaster-General's Department, \$125,000: Provided, That the said railroads be paid only 50 per cent. of their schedule rates, and that said 50 per cent. if accepted by any railroad, shall be in full of all its demands for said services. And the accounting officers of the Treasury are hereby authorized to settle the accounts of the said railroads in accordance with the provisions of this act.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Does that strike out the amendment already made on motion of the Senator from Vermont?

Mr. EDMUNDS. It does.

Mr. HOAR. That was the perfection of the text, for which this is a substitute.

The PRESIDING OFFICER. This does strike that out. The question is on the substitute offered by the Senator from Virginia, which has just been read.

Mr. BURNSIDE. I should like to have the amendment reported

again.
The PRESIDING OFFICER. The substitute will be reported again. The Chief Clerk again read the amendment offered by Mr. WITHERS. Mr. BLAIR. Before the vote is taken upon that amendment I call

for the reading of the amendment which I offered and which will come up subsequently if this shall be rejected.

The PRESIDING OFFICER. The Senator from New Hampshire has submitted an amendment which will be reported for information and which if the substitute offered by the Senator from Virginia is voted down will then be in order.

The CHIEF CLERK. It is to strike out the entire clause, including the proviso, and insert:

To pay land grant railroads whatever sum the Quartermaster's Department finds justly due, the same to be not over 50 per cent. of a reasonable price for the same service if performed for a private individual or corporation by the same road: Provided, Such payment shall be accepted in full of all demand for said services, \$125,000; but no payment shall be made in any disputed case until the dispute is settled.

Mr. WITHERS. So far as I can do so as the organ of the committee which authorized me to report the pending substitute, I desire to say that I am perfectly willing it shall be voted down. I would withdraw it if I could.

withdraw it if I could.

Mr. BLAIR. Will the Senator be willing that I shall move this amendment as an amendment to his amendment?

Mr. WITHERS. No, sir.

Mr. BURNSIDE. I would favor the motion of the Senator from Virginia if it were so amended as to include the proper roads. It now includes all roads over which the United States is entitled to transportation. If it included the roads that come under the decision of the courts I should be inclined to favor his plan of payment. I

think the payments ought to be made by the schedule rates; but his amendment includes all land-grant roads, no matter whether they come under the decision of the Supreme Court or not.

come under the decision of the Supreme Court or not.

Mr. MORRILL. Mr. President, this question is now so mixed that I think we ought to have until to-morrow morning to disentangle it. There is a considerable amount of executive business to be attended to; and we shall not lose any time if we spend half an hour in executive session. I therefore move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I hope we shall finish this bill now.

Mr. CARPENTER. It cannot be done.

Mr. MORRILL. We cannot do it to-night.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 35; as follows:

16, nays 35; as 1	follows:		
	YE	AS-16.	TRAL LAW
Burnside, Cameron of Wis., Carpenter, Cockrell,	Edmunds, Ferry, Hill of Colorado, Kellogg,	Kirkwood, Logan, McMillan, Morrill,	Platt, Plumb, Rollins, Saunders.
	NA	YS-35.	
Allison, Beck, Blair, Booth, Brown, Call, Coke, Conkling, Davis of W. Va.,	Dawes, Eaton, Farley, Garland, Groome, Hampton, Harris, Hill of Georgia,	Ingalls, Jonas, Kernan, Lamar, McPherson, Morgan, Pendleton, Pugh, Randolph,	Saulsbury, Slater, Vest, Voorhees, Walker, Wallace, Windom, Withers.
The state of the s	ABS	SENT-25.	The state of
Anthony, Bailey, Baldwin, Bayard, Blaine, Bruce, Butler,	Cameron of Pa., Davis of Illinois, Grover, Hamlin, Hereford, Johnston, Jones of Florida,	Jones of Nevada, McDonald, Maxey, Paddock, Ransom, Sharon, Teller,	Thurman, Vance, Whyte, Williams.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the substitute

of the Senator from Virginia.

Mr. WITHERS. I hope that substitute will be laid on the table.
I make that motion.

Mr. EDMUNDS. What will be the effect of that?

The PRESIDING OFFICER. The Chair decides that this being an appropriation bill, the motion only carries the substitute itself, and does not affect the bill.

Mr. WITHERS. It comes under the rule of laying amendments to appropriation bills on the table.

Mr. EDMUNDS. This is an amendment to an amendment. I do

not suppose it is strictly in order anyway, but I do not care about that. It is not quite so clear to my mind that that saving clause as to appropriation bills will save it. I wish the Chair would just look at the rule and see what it does say.

The PRESIDING OFFICER. The last clause of Rule XXIX is:

And any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. ALLISON. That covers this case. Mr. EDMUNDS. I do not think it does, because there is no word in what is proposed to be stricken out that the Senate has not already voted in.

Mr. ALLISON. But the Senator from Virginia proposes to insert,

Mr. Allison. But the senator from virginia proposes to insert, and that makes an amendment.

Mr. EDMUNDS. All right. I do not care.

The PRESIDING OFFICER. The Chair decides that the motion of the gentleman from Virginia is in order and that it will not carry with it anything except the substitute offered by himself. Is the Senate ready for the question on the motion to lay on the table?

The motion was agreed to.

Mr. BROWN. Now, Mr. President, with the utmost kindness to my friend from New Hampshire, I move to lay his amendment on the table.

Mr. BLAIR. Is that motion in order?
The PRESIDING OFFICER. The motion is in order if the amendment is offered.

Mr. BROWN. If it has not been offered yet of course I am too soon with my motion.

Mr. BLAIR. Now, Mr. President, I move the adoption of the amendment, which has been read in the hearing of the Senate, to strike out the whole clause, including the proviso, and insert that

which the Clerk will please read once more.

Mr. CARPENTER. Is that in order? That strikes out precisely what the Senate has put in.

The PRESIDING OFFICER. And something additional, as the

Chair understands,

Mr. CARPENTER. Not a word, as I understand it. The proviso there, the Chair will bear in mind, has just been voted in. It was not a motion to strike it out, but it has been voted in, agreed to, and now that portion which the Senator moves to strike out does not contain a word that the Senate has not voted in.

Mr. BLAIR. The Senator is mistaken. What I propose to strike out is all that has reference to the land-grant railroads as the bill

Mr. CARPENTER. That has all been put in by vote of the Senate.
Mr. BLAIR. It has been put in by the House of Representatives,

Mr. CARPENTER. Yes, it has been put in by the Senate.
Mr. BLAIR. Not in that form.
Mr. EDMUNDS. Nothing, I think, stands in this paragraph now that the Senate has not already voted into the bill. Therefore the motion of the Senator from New Hampshire is to strike out what the Senate has voted into the bill and nothing else, as far as I remember it. If there is any part of the original print left, then I think his motion is in order; otherwise it is not.
Mr. EATON. There is something else in the amendment offered by the Senator from New Hampshire.

Mr. EATON. There is something else in the amendment offered by the Senator from New Hampshire.

Mr. CARPENTER. Oh, yes, but there is nothing he moves to strike out that the Senate has not already voted in.

Mr. EATON. I think not. Taking the amendment of the Senator from New Hampshire as a whole, it is to strike out a certain other whole, and therefore, in my judgment, in order.

The PRESIDING OFFICER. The Chair has decided that the motion of the Senator from New Hampshire is in order, because there are still in this section certain words which were in the critical bill: are still in this section certain words which were in the original bill; and now it will be reported to the Senate, and if the Chair is mistaken in that, the motion is not in order. It will be reported.

The CHIEF CLERK. The proposed amendment is to strike out the part included from lines 200 to 204, inclusive, and insert in lieu therof:

To pay land-grant railroads whatever sum the Quartermaster's Department finds justly due, the same to be not over 50 per cent. of a reasonable price for the same service if performed for a private individual, or corporation by the same road: Provided, Such payment shall be accepted in full of all demands for said services, \$125.000; but no payment shall be made in any disputed case until the dispute is settled.

Mr. BROWN. Now, Mr. President, I move to lay that on the table. Mr. CARPENTER. I want to know about the point of order, be-

Mr. CARPENTER. I want to know about the point of order, because that is pretty important.

The PRESIDING OFFICER. The Chair has decided that there are words left, which were in the original text, untouched, and therefore the proposed substitute is in order.

Mr. CARPENTER. From that decision I appeal.

The PRESIDING OFFICER. The Senator from Wisconsin appeals The question is, Shall the decision of the Chair stand as the judgment of the Senator?

of the Senate ?

Mr. DAVIS, of West Virginia. I understand the Senator from Georgia to move to lay the whole thing on the table; which I under-stand to be in order, and as this is an appropriation bill, that does not

The PRESIDING OFFICER. The Chair decided that it was in

order.

Mr. BROWN. My motion was to lay it on the table. The PRESIDING OFFICER. Unless it is in order there is nothing to lay on the table. The question must first be decided whether the

motion is in order or not.

Mr. DAVIS, of West Virginia. I beg the Chair's pardon. I did not understand that there was an appeal from the decision of the Chair. The PRESIDING OFFICER. The Senator from Wisconsin has appealed from the decision of the Chair; and the question is, Shall the decision of the Chair be sustained?

the decision of the Chair be sustained?

Mr. HOAR. I understand that it is verified by an examination of the Clerk's record that the words "one hundred and twenty-five thousand dollars," which were in the original bill, have never been affected by any motion. The amendment of the Senator from Vermont [Mr. EDMUNDS] substitutes other words before and after them, but leaves the words "one hundred and twenty-five thousand dollars." That is the way the Clerk has got it recorded.

Mr. CARPENTER. That ends the question, if it is so. I withdraw the apneal.

the appeal.

The PRESIDING OFFICER. There is no question of that. The

words "one hundred and twenty-five thousand dollars" remain.

Mr. CARPENTER. I understood that they had been stricken out, although they were also contained in the amendment which was

Mr. BROWN. Now I renew my motion to lay the amendment on the table.

Mr. BLAIR. I ask for the yeas and nays on that motion.
The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 17; as follows:

	1.1	22XX	
Allison, Beck, Booth, Brown, Burnside, Call, Cockrell, Coke,	Davis of W. Va., Farley, Garland, Groome, Hampton, Harris, Hill of Georgia, Jonas,	Kernan, Lamar, Morgan, Pendleton, Pugh, Randolph, Saulsbury, Slater,	Vest, Voorhees, Walker, Wallace, Windom, Withers.
	NA	YS-17.	
Blair, Carpenter, Conkling, Dawes, Eaton.	Ferry, Hoar, Ingalls, Kellogg, Logan.	McMillan, McPherson, Morrill, Platt, Plumb.	Rollins, Saunders.

	ABSI		
Anthony, Bailey, Baldwin, Bayard, Blaine, Bruce, Butler, Cameron of Pa.,	Cameron of Wis., Dayis of Illinois, Edmunds, Grover, Hamlin, Hereford, Hill of Colorado, Johnston,	Jones of Florida, Jones of Nevada, Kirkwood, McDonald, Maxey, Paddock, Ransom, Sharon,	Teller, Thurman, Vance, Whyte, Williams.

so the amendment was laid on the table.

Mr. BURNSIDE. Now, before the subject drops, I would be glad to have the Senator in charge of the bill state whether he has a letter from the Auditor showing the method by which these accounts are made up; and if so, will he be kind enough to have it read at the

Mr. WITHERS. I will state, in reply to the Senator from Rhode Island, that I have such a letter, responding to certain interrogatories; but as the question has been disposed of, I will not take up

time with it now

time with it now.

Mr. BURNSIDE. I stated yesterday in debate that the schedule prices were the proper prices by which the accounts ought to be made up, and that the Quartermaster-General was not the proper accounting officer. This letter bears me out in both these statements, and I simply desired to have my position verified in that respect.

Mr. WITHERS. Will it not meet the purpose of the Senator to ask for the information when we come into the Senate and reach that

part of the bill?

part of the bill?

Mr. BURNSIDE. I do not care about making any point about the matter. I simply wanted to show that I was right yesterday when I said the schedule rates were the proper rates upon which these settlements ought to be made up, and that the Quartermaster-General was not the proper auditing officer; that the Auditor was the auditing officer. I directed my remarks particularly to the Senator from Iowa [Mr. Allison] at the moment. The Senator from Iowa is an old Senator; he has made a very creditable record, and he ought to be satisfied with it. When a young innocent like myself gets up to make a point, it is not very comfortable to be sat down upon in the way he is in the habit of sitting on me, and I just wanted a little bit of a chance to make a reasonable record. I am very modest; but when I am right I would like the Senator from Iowa to know it.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from line 219 to line 226, in the following words:

And the unexpended balances under the several heads of appropriations for the

And the unexpended balances under the several heads of appropriations for the Quartermaster's Department for the fiscal years ending June 30, 1879, and June 30, 1880, are hereby reappropriated and made available for the use of said Department for like purposes, for the fiscal year ending June 30, 1882, to those for which they were originally appropriated.

Mr. WITHERS. The committee were of opinion that it was more judicious not to appropriate unexpended balances without specific judicious not to appropriate unexpended balances without specific information as to the amount of those balances, but rather to adhere to the principle adopted for several years past of refusing to vote unexpended balances and making specific appropriations. The amount, consequently, of several of the items in this bill has been increased beyond the sums fixed by the House bill in order to appropriate directly the amount rendered necessary.

The amendment was agreed to.

The Secretary resumed the reading of the bill, and read to the end of line 230.

Mr. SAUNDERS. As we are now closing up that part relating to the Quartermaster's Department, I wish to offer an amendment. The PRESIDING OFFICER. The Chair announced in the beginning of the consideration of this bill that the amendments of Committee on Appropriations would first be acted upon. It is the better mode of procedure. As soon as the bill is read through the Senator from Nebraska will be recognized to offer any amendment

Mr. WITHERS. There are amendments of the committee yet.
Mr. VOORHEES. I desire to offer an amendment at the proper

time. Mr. WITHERS. It will be in order when we get through the com-

mittee's amendments.

The PRESIDING OFFICER. Senators' amendments will be in order as soon as the amendments of the committee shall have been disposed of.

Mr. SAUNDERS. With that understanding, I will let it pass.

The Secretary resumed and continued the reading of the bill. The
next amendment of the Committee on Appropriations was in the appropriations for the Ordnance Department, in line 284, after the provision appropriating \$300,000 for the manufacture of arms at national armories, to insert:

Provided. That not more than \$50,000 of this amount may be expended by the Secretary of War in the manufacture or purchase of magazine guns, to be selected by a board of officers to be appointed by the Secretary of War.

Mr. WITHERS. It will probably be necessary to give a word of explanation there. The Chief of the Ordinance Department was before the committee and asked for an appropriation of \$100,000 in order to purchase or manufacture magazine guns for introduction in practical use in the field. The committee were of opinion that on the testimony before them of the efficacy of the small number of those guns which had been furnished and had been used that it was an experiment which it would probably be well to make, and they therefore authorized the Secretary of War in his discretion to take \$50,000 of the appropriation for the manufacture of arms at the national armories, in order that it might be used in the manufacture or pur-

chase of magazine guns to be approved by a board selected by the Secretary of War.

Mr. DAWES. I do not object to the appropriation of \$50,000 for this purpose, but it should not be taken out of the \$300,000 approprithis purpose, but it should not be taken out of the \$300,000 appropriated for the armories. The estimates are \$500,000 for the armories, and the need of the guns that are manufactured at those armories is very great at this time. The Ordnance Department need a much larger sum than \$300,000. These \$50,000 should be in addition to that, rather than taken out of that. It seems to me that diminishing the amount for the armories to \$250,000 would cause a disbandment of the whole work in the armories at the end of six or eight months, \$500,000 being what is necessary to keep the armories at work and keep the skilled workmen from being discharged and scattered. The reduction of \$250,000 would cause at the end of six months an entire disbandment of the armories. If the committee would consent to strike out the word "of" there and say "in addition to," then the armories would be cut down from \$500,000 to \$300,000, and not to \$250,000.

\$250,000.

Mr. WITHERS. The Senator is simply mistaken in the capacity of the works as at present organized. They are organized upon a basis of an expenditure of \$300,000 only, instead of \$500,000. In addition to that, if the argument in favor of the magazine guns be sustained by the result of actual experience in the field, it is very evident that the old gun will be entirely superseded, and it is consequently useless to continue the manufacture of large numbers to be accumulated there and subsequently discarded as unfit for use. In order that the experiment may be fully made, we authorize, but do not require, the Secretary of War in his discretion to use \$50,000 of the amount appropriated for the manufacture of small-arms to the manufacture or purchase of this particular class of arms, to be tested by actual use in the field and to be selected by a board of officers. Mr. DAWES. Am I mistaken in saying that the estimates are for

Mr. WITHERS. The estimates are very much larger than that, if my recollection is right, and have been for years, running up to \$500,000 or \$1,000,000.

Mr. DAWES. According to my recollection, the estimates are \$500,000. The Senator says the work has been organized on the basis of \$300,000. It has not been organized on that basis. It has been forced on to that basis the last year by cutting down the appropriation of \$500,000 to \$300,000, and the consequence has been that workmen have been discharged down to the number that can be kept for the \$300,000. Now it is proposed to curtail that \$300,000 in the face of the Ordnance Department still further, which will cause what I have stated to be the result—the further disbandment of the work in the armories. Still it is true that if the magazine gun is adopted there will be less need of guns manufactured at the armories; but the supply on hand at the armories at this moment is very small indeed, and the demand for them is quite pressing, especially for distribution among the States for the militia, and long before any magazine guns can be distributed the whole supply at the armories will be exhausted. be exhausted.

Mr. WITHERS. I will state that \$300,000 is the maximum appro-Mr. WITHERS. I will state that \$300,000 is the maximum appropriation, according to my recollection, that has been made for this particular service for several years past. Three hundred thousand dollars is the basis on which the proceedings of manufacture are going on at the armories, as I am informed by the Chief of Ordnance. We propose, therefore, to authorize the Secretary of War to divert, in his discretion, \$50,000 of that amount. Of course, if the Secretary of War believes that it would be injurious to do so, there will be no change at all in the appropriation as it has been for the last few years.

Mr. DAWES. If the Secretary of War does not approve of the magazine gun, of course this \$50,000 will not be expended at all; but if he does the armories lose that much. It may be proper that the magazine gun should be adopted; I do not oppose that; no one desires to prevent the introduction of the magazine gun into the service; but at the same time, and while that is before a board, it is not proper to out down the manufacture at the armories, and cut off the supply to the militia of the States and to the regular Army. I move, therefore, to strike out the word "of" in the amendment and insert the words "in addition to."

The PRESIDING OFFICER (Mr. HOAR in the chair). The Same

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The Senator from Massachusetts moves to amend the amendment of the Com-

mittee on Appropriations.

Mr. BECK. Can the Senator from Massachusetts advise us what is the cost of a Springfield rifle?

Mr. DAWES. I have not that amount in my hands. I know that it is much less than the cost of manufacture in private armories.

Mr. BECK. I think it is about ten dollars a gun, is it not?

Mr. CARPENTER. I think fifteen to seventeen dollars.

Mr. DAWES. I do not know the exact amount. It has been demonstrated that the manufacture of guns in the armories can be carried on at a much less expense than in private manufactories, owing to a variety of reasons

Mr. BECK. My recollection is that the impression the committee

got in some way was that there was a very large number of guns we had now that might be useless if there was a probability of a magazine gun being adopted. In that event \$250,000 would make enough guns at \$10 each to last till we got the magazine gun. It would not seem well to go into a very large manufacture until you determine whether the magazine gun will be an improvement.

Mr. LOGAN. I would like to ask the Senator does this mean a

magazine musket?

Mr. BECK. No, sir; a rifle. We had the gun before us, and the Chief of Ordnance seemed to be very much impressed with it. It is in the committee-room now.

Mr. LOGAN. Does the Senator understand how the magazine is to be made? In the breech of the gun?

Mr. BECK. In the breech of the gun. We had it here. It looks like a double-barreled gun.

Mr. WITHERS. Will the Senator from Kentucky allow me a word? There are several magazine guns which are competing for introduction into the Army, one of which only was presented to the consideration of the committee, and the committee declined to recommend any specific gun, but proposed to leave it to the discretion of a board of officers and the Secretary of War to select from the various magabe most likely to be effective.

Mr. LOGAN. I did not know whether it was left to a board or not; but a certain kind of magazine guns I do not think can be made to

but a certain kind of magazine guns I do not think can be made to work well in time of war.

Mr. WITHERS. That is true.

Mr. LOGAN. If the magazine goes in the breech, I would not have them; they are not worth five cents.

Mr. DAWES. There is a great effort to secure such an arm as a magazine gun, and there is no doubt in my mind but that ultimately it will be secured; but as yet no member of the Ordnance Corps, no officer, is prepared to recommend any particular magazine gun. That is a matter in the future; but if you take \$50,000 out of these \$300,000 you reduce the armories to a basis that they cannot carry on their work for the year. That is my objection.

Mr. LOGAN. I desire to say only a word in explanation of what I meant by my inquiry. Of course, I do not propose to make any opposition to the appropriation if it is thought proper; but so far as a magazine gun is concerned, if it is intended that it shall be a gun to fire continuously by turning the cartridge into the gun, I would much prefer a gun without a magazine for warfare. If you will put a magazine gun into the hands of a soldier carrying say ten charges, and give gun into the hands of a soldier carrying say ten charges, and give another one a gun that loads, and let him throw out and put the charge in, the magazine gun will fire off more ammunition without charge in, the magazine gun will fire off more ammunition without doing any execution than you can pay for. That is always the effect of magazine guns. If the charge is to be held in the stock of the gun I would not have it; there is danger, if you put the gun down on the ground, of an explosion; and if it is by a fine wire, as some of them are, for the purpose of putting the charge up and throwing it into the gun and shooting just as rapidly as a man can cock it, I would not have that for war. It may be very good for use in killing deer, but in war I would not have it for the reason I stated, that the waste of ammunition is far beyond anything you can imagine. When you give men who are excited fifteen shots to fire away as fast as they can cock the gun, they will exhaust all in a few minutes and be out of ammunition. I expect that is the experience of any man in the Army who ever saw the working of this kind of a gun. That is the reason I made the remark.

the Army who ever saw the working of this kind of a gun. That is the reason I made the remark.

I know some gentlemen are very fond of examining different patterns of guns and having examinations and so on. The best gun that ever was made up for war is a rifle-gun, where the soldier puts the cartridge in and fires the gun without having anything to throw the cartridge in so that he can fire rapidly. It is the best gun, does the most execution; it is the cheapest gun; it is the best arm ever invented for war. I will say no more than that. I would not give a dollar for the experiment of a megazine gun for war.

dollar for the experiment of a magazine gun for war.

Mr. BECK. The board of officers seem very anxious to try it, and the committee were willing they should make the experiment.

The PRESIDING OFFICER. The question is on the amendment of

the Senator from Massachusetts [Mr. Dawes] to the amendment of the Committee on Appropriations.

Mr. DAWES. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 10, nays 32; as follows:

	YE	AS-10,	
Carpenter, Dawes, Edmunds,	Hill of Colorado, Hoar, Kellogg,	Logan, McMillan,	Morrill, Platt.
	NA	YS-32,	
Allison, Beck, Blair, Booth, Brown, Call, Cockrell, Coke,	Davis of W. Va., Eaton, Farley, Ferry, Garland, Hampton, Harris, Ingalls,	Jonas, Kernan, Lamar, Pendleton, Plumb, Pugh, Randolph, Saulsbury, ENT—34.	Saunders, Slater, Vest, Voorhees, Walker, Wallace, Windom, Withers.
	ABS	ENI-34.	
Anthony, Bailey, Baldwin,	Bayard, Blaine, Bruce,	Burnside, Butter, Cameron of Pa.,	Cameron of Wis Conkling, Davis of Illinoi

Jones of Florida, Jones of Nevada, Kirkwood, McDonald, McPherson, Thurman, Vance, Whyte. Williams. Groome, Grover, Hamlin, Morgan, Paddock, Ransom, Rollins, Hill of Georgia, Johnston, Maxey, Teller,

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations.

Mr. DAWES. I ask for the yeas and nays on the amendment of

The yeas and nays were ordered and taken.

Mr. CARPENTER, (after having voted in the negative.) I voted, not recollecting for the moment that I was paired with the Senator from Indiana [Mr. McDonald] on all questions where, if he were present, he would vote differently from me. I think very likely he would differ with me on this question, though I have no instructional that it is the form of the present to with different to the contract of th tions about it. I therefore ask unanimous consent to withdraw my

The PRESIDING OFFICER. The Senator's vote will be with-

drawn.

The result was announced-yeas 25, nays 14; as follows:

Allison, Beck, Booth, Brown, Burnside, Call, Cockrell,	Coke, Davis of W. Va., Eaton, Garland, Hampton, Ingalls, Jonas,	Kernan, Lamar, Pugh, Randolph, Slater, Vest, Voorhees,	Walker, Wallace, Windom, Withers.
	NA	YS-14.	
Blair, Dawes, Edmunds, Farley,	Ferry, Hoar, Logan, McMillan,	Morrill, Platt, Plumb, Ransom,	Rollins, Saunders.
	ABS	ENT-37.	
Anthony, Bailey, Baldwin, Bayard, Blaine, Bruce, Butler, Cameron of Pa., Cameron of Wis.,	Conkling, Davis of Illinois, Groome, Grover, Hamlin, Harris, Hereford, Hill of Colorado, Hill of Georgia, Johnston,	Jones of Florida, Jones of Nevada, Kellogg, Kirkwood, McDonald, McPherson, Maxey, Morgan, Paddock, Pendleton,	Saulsbury, Sharon, Teller, Thurman, Vance, Whyte, Williams.

So the amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment was, after the word "continued," in line 293, to insert "during the next fiscal year;" and in line 294, before the word "report," to strike out "an annual;" so as to make the clause read:

United States testing-machine:
For caring for, preserving, using, and operating the United States testing-machine at the Watertown arsenal, \$10,000: Provided. That the tests of iron and steel, and other materials, for industrial purposes shall be continued during the next fiscal year, and report thereof shall be made to Congress.

The amendment was agreed to.
The reading of the bill was concluded.
Mr. SAUNDERS. I now propose the amendment that I sent to the
Secretary's desk awhile ago to come in after line 230.
The PRESIDING OFFICER. The words proposed to be inserted

The CHIEF CLERK. At the end of line 230 it is proposed to add:

For the erection of a building suitable for offices for headquarters of the Department of the Platte in Omaha, State of Nebraska, \$30,000: Provided, That said sum shall not be expended until suitable grounds, to be approved by the commanding officer of said department, shall be furnished on which to erect said building, free of charge to the United States: And provided, That the Legislature of the State of Nebraska shall first relinquish to the United States all jurisdiction over

Mr. WITHERS. I would suggest to the Senator whether it would not be proper for him to reserve this amendment for the sundry civil bill, where such expenses are usually provided for, instead of cumber-

artment of the Platte in Omaha, State of Nebraska \$30,000. Provided, That state and provided, That state and provided in the United States all furnished on which to erect said building, and to the United States all furnished on which to erect said building. The of charge to the United States: And provided, That the Legislature of the tate of Nebraska shall first relinquish to the United States all furnished on which to the United States all furnished on the United States all furnished on which to the United States all furnished on bill, where such expenses are usually provided for, instead of cumbering this bill with it now?

Mr. SAUNDERS. There would be no objection to that on my part if it were not for the fact that our Legislature is now in session in Nebraska, having about twenty-two business days to serve; and inasmuch as it will require legislative action to get the title perfected and our Legislature will not meet again for two years it is important that it shall be put on this bill. That is the reason I urge it now.

I will state that the papers in this case ought to have been here in time to have reached the committee; but owing to the fact that the Department wanted an estimate made by the commanding officer at Omaha, the papers had to be sent there and returned here, and they did not get back in time to go before the committee before the bill was reported to the House. We have the indorsement not only of the commander of the Division of the Platte, but we have also the indorsement of General Sheridan, the indorsement of the Quartermaster-General, and the indorsement of the Secretary of War, all asking for this, and stating also that it is done because it is the most economical way to dispose of the question, to erect buildings suitable for headquarters.

urges to postponing its consideration till the sundry civil bill can be very easily obviated. The Legislature can pass the act and authorize the governor to carry it out before the appropriation is made by Congress for that specific purpose, in view of its being made, the sundry civil bill being the bill on which it should be made. I do not want to antagonize the merits of the proposition; it was not considered by the committee; but I am disposed to think, from personal investigation I have made, that there is some merit in it. I think there will be no difficulty whatever in getting it into the sundry civil bill.

Mr. SAUNDERS. I understand this to be one of the privileged questions that come here under every circumstance of this kind; because the measure is recommended by a Department, it is therefore in order. If any one wishes to have the recommendations read, they can be. The Department want immediate action on it, because they are now, you might say, without a place for business. They cannot rent a place suitable for the purpose. If they could, they would have rented one.

Mr. EDMUNDS. I think the papers from the Department had bet-

Mr. EDMUNDS. I think the papers from the Department had better be read. I should like to vote for this if it is necessary; if it is not I should not; but I think there ought to be added to it a provision that this shall be a payment in full, that there shall not be any-

on that this shall be a payment in full, that there shall not be anything further about it.

Mr. SAUNDERS. I will send the papers to the desk to be read.

Mr. WITHERS. Do I understand the Senator from Vermont to move an amendment that it shall be in full?

Mr. EDMUNDS. Not yet; I may before morning. [Laughter.]

The PRESIDING OFFICER. The Chair understands the Senator from Nebraska has not concluded his remarks. He has sent documents to the Senators to be read.

ments to the Secretary to be read.

Mr. EDMUNDS. I want to hear them.

The Chief Clerk read as follows:

Headquarters Department of the Platte,
Fort Omaha, Nebraska, December 31, 1830.

A careful examination of the within subject has led to the most positive conviction, on my part, that the ultimate expense caused to the Government by locating the headquarters Department of the Platte in the city of Omaha will be greatly less than by continuing them at this place.

The convenience for the better discharge of Government business by their establishment in the city of Omaha is so apparent as scarcely to need other remark than merely calling attention to it.

If the Government should build a headquarter building on some elegible and suitable site, as contemplated within, it is not an unreasonable expectation that such building, when no longer required for Government purposes, could be sold for a considerable advance over the cost of its construction.

I believe that whatever improvements are made at this place (Fort Omaha) will, if ever abandoned by the Government as being no longer required, be of little value.

if ever abandoned by the Government as being no longer required, but value.

The buildings originally constructed here, and now occupied by officers and men, notwithstanding the repairs which have been put upon them, have been, during the recent cold weather, almost uninhabitable. They were built, by contract, in so slovenly and careless a manner that they cannot be repaired so as to make them suitable for occupation.

As a matter of common humanity, it is unjust to require officers and men to live in such structures in so rigorous a climate. If the headquarters remain here, therefore, a much larger number of reasonably comfortable buildings will necessarily have to be erected at this place for the accommodation of headquarters officers.

If these headquarters are removed to town, the expenditures here will be proportionably much smaller.

There are ample means already available to erect new buildings sufficient for the accommodation of such a garrison as is contemplated for Fort Omaha.

GEORGE CROOK,

Brigadier-General, Commanding.

Mr. SAUNDERS. Here is a letter from the Quartermaster-General since that was written.

The Chief Clerk read as follows:

WAR DEPARTMENT QUARTERMASTER-GENERAL'S OFFICE, Washington, D. C., January 10, 1881.

of headquarters, in which, if properly built, the valuable records of the Department of the Platte can be placed in fire-proof rooms in safety from destruction.

I return the papers from the Omaha Board of Trade which were left at this office this morning.

I am, very respectfully, your obedient servant,

M. C. MEIGS,

Hon. A. Saunders, Washington, D. C.

M. C. MEIGS,

United States Senate, Washington, D. C.

Mr. SAUNDERS. I have a letter from the Secretary of War on the same subject which I desire to have read also.

Mr. BURNSIDE. Will the Senator from Nebraska yield for a mo-

Mr. EDMUNDS. Let us hear the letter read.
Mr. SAUNDERS. I shall soon be through. That is the last paper I shall ask to have read.

Mr. EATON. Is there any estimate here? Mr. EDMUNDS. Let us hear the letter. The Chief Clerk read as follows:

The Chief Cierk read as follows:

WAR DEPARTMENT,

Washington City, January 13, 1881.

Sir: I have the honor to forward to the Senate Committee on Appropriations for their consideration a letter of the Quartermaster-General, setting forth his views in regard to the erection of a suitable building in the city of Omaha for the offices of the headquarters of the department of the Platte, and for the safety of the valuable records of that department. These views of the Quartermaster-General are in accordance with those of the department commander, General Crook, and of the Lieutenant-General of the Army, and have heretofore been recommended to Congress.

gress.

I approve the recommendation of the Quartermaster-General, and have the hon to ask that a suitable appropriation be made.

Very respectfully,

ALEX. RAMSEY,

ALEX. RAMSEY, Secretary of War.

Hon. Henry G. Davis, Chairman Committee on Appropriations, United States Senate.

Mr. SAUNDERS. I will state that I took it upon myself to say that the ground would be given free of charge to the Government, knowing that our people would be liberal enough to do so, so that the money may all be expended in the buildings and offices.

Mr. EDMUNDS. Will \$30,000 complete the buildings?

Mr. SAUNDERS. I think so. General Sheridan says that with that

amount he can build them.

Mr. EDMUNDS. I should doubt that very much.
Mr. BURNSIDE. Mr. President—
The PRESIDING OFFICER. The Senator from Nebraska still has the floor

Mr. BURNSIDE. I thought the Senator from Nebraska had fin-

The PRESIDING OFFICER. Does the Senator from Nebraska

Mr. SAUNDERS. Certainly, I will give way if the Senate is ready to vote. I do not think any other Senator wishes to say anything.
Mr. BURNSIDE. If the Senator from Nebraska yields for a motion

to adjourn

Mr. SAUNDERS. I ask for a vote on the question. It is a subject that I have explained. I could not get it before the committee. The papers only reached me day before yesterday, and I immediately submitted an amendment intended to be proposed to this bill, and I have followed it up, so that it is here, I think, as strongly indorsed as anything probably that is in the bill. I have no doubt that it is as strongly indorsed as anything that we have acted upon to-day.

Mr. BECK. I do not know that I can, but if I can I desire to make a point of order against the amendment.

The PRESIDING OFFICER. The Senator from Kentucky will state his point of order.

his point of order.

Mr. BECK. It is that this is not estimated for by any Department,

Mr. BECK. It is that this is not estimated for by any Department, not recommended by any standing committee, and has never been before the Committee on Appropriations.

The PRESIDING OFFICER. It is the impression of the Chair that the point of order comes too late.

Mr. BECK. I have been waiting to hear what the case was.

The PRESIDING OFFICER. The Senator from Nebraska moved the amendment, and without objection proceeded to discuss it. Having explained it slightly, the Senator from Virginia rose and suggested to the Senator from Nebraska that it would be better to be offered to another bill adding to his suggestion that he had examined gested to the Senator from Nebraska that it would be better to be offered to another bill, adding to his suggestion that he had examined this matter, and for himself, without speaking for any other person, considered there was some merit in it. The Senator from Nebraska then proceeded to discuss the matter, and during his discussion the Senator from Vermont asked to have any communication from the War Department which he had in his possession read. It was not read with the view of determining the point of order in the beginning, but the debate had proceeded, and proceeded upon the merits, without any objection being taken. The Chair will submit the question whether the point of order now is valid to the Senate, if the Senator from Kentucky desires.

tion whether the point of order now is valid to the Senate, it the Senator from Kentucky desires.

Mr. BECK. I will only state in this connection that when the Senator from Virginia made the suggestion that the amendment belonged to the sundry service bill and not to this bill, expressions were made all around me that perhaps the Senator from Nebraska had estimates that would bring it within the rule, and I waited to see whether there were such estimates as would bring it within the rule. The moment the reading of the papers was concluded and I thought

the amendment did not come within the rule, admitting that I do not know much about rules, I made the point of order.

The PRESIDING OFFICER. The Chair is under the impression,

subject of course to having the matter determined by the Senate if any Senator desires, that the discussion proceeded upon the merits of the amendment so far that the point of order is not now valid.

Mr. BURNSIDE. I move that the Senate adjourn.

Mr. WITHERS. Where is the rule of order, I ask in that connec-

tion? The PRESIDING OFFICER. The Senator from Rhode Island

moves that the Senate adjourn.

Mr. WITHERS. I ask the Senator from Rhode Island to withdraw the motion for a moment in order that I may make an inquiry.

Mr. BURNSIDE. If I can get the floor as soon as the Senator is through, I will yield.

The PRESIDING OFFICER. The Senator from Rhode Island with-

draws the motion to adjourn.

Mr. WITHERS. I wish to ask the Chair under what rule of the Senate it is that he decides that it is too late to make the point of order, the custom of the Senate here having been, according to my

order, the custom of the Senate here having been, according to my recollection, that a point of order against an amendment to an appropriation bill may be raised at any time during its consideration? I know such has been the practice.

Mr. DAVIS, of West Virginia. Always.

The PRESIDING OFFCER. The Chair has not decided the question. The Chair stated his impression, and said that he would submit the question to the Senate if any Senator desired. If the Senator from Virginia desires, the Chair will submit the question to the Senate, Is the objection that the amendment is out of order now valid? Mr. WITHERS. I prefer to have the ruling of the Chair first.

The PRESIDING OFFICER. The Chair will rule, if the Senator prefers.

Mr. WITHERS. Very well.

The PRESIDING OFFICER. The Chair rules that a point of order that an amendment is not in order cannot be taken after discussion has proceeded upon the merits of the amendment.

Mr. BURNSIDE. Now I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 13, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Domer, D. D., of Washington, D. C.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BELFORD. I call for the regular order.
The SPEAKER. The regular order is the call of committees for reports.

IOWA CONTESTED ELECTIONS.

Mr. COLERICK, by unanimous consent, submitted the views of a majority of the Committee on Elections in the matter of John J. Wilson, claiming a seat from the ninth congressional district of the State of Iowa, and in the matter of J. C. Holmes, claiming a seat from the eighth congressional district of the State of Iowa; which were laid on the table, and ordered to be printed.

The resolutions submitted by the minority were read, as follows:

Resolved, That neither J. C. Holmes nor William F. Sapp was lawfully elected to the Forty-sixth Congress from the eighth congressional district of Iowa, nor is either of them entitled to a seat in said Congress.

Resolved, That neither John J. Wilson nor Cyrns C. Carpenter was lawfully elected to the Forty-sixth Congress from the ninth congressional district of Iowa, nor is either of them entitled to a seat in said Congress.

PAY OF ASSISTANT COMMITTEE CLERK.

Mr. COLERICK, from the same committee, reported the following resolution, adopted by the Committee on Elections; which was referred to the Committee on Accounts:

Resolved. That this committee recommend to the House of Representatives the ayment of the sum of \$60 to H. Head for ten days' services as assistant clerk of the ommittee on Elections, rendered during the first ten days of the present session.

REFERENCE OF PRESIDENT'S MESSAGE.

Mr. FERNANDO WOOD. By direction of the Committee on Ways and Means, I report resolutions for the distribution of the different parts of the President's message to the appropriate committees. I move that these resolutions be referred to the Committee of the Whole House on the state of the Union, to be called up hereafter. I give notice that I will call them up as soon as the funding bill shall have been disposed of.

The Clerk read the resolutions, as follows:

Resolved. That so much of the President's message and the accompanying documents as relates to the revenues, public debt and refunding the same, sinking fund, and the legal tender and coinage of silver dollars be referred to the Committee on Ways and Means.

That so much as refers to the erection of fire-proof buildings in Japan for use of

the American legation, to the appropriations for the new War Department building and other public buildings in progress of erection, and for the Army Medical Museum and Library, to the Geological Survey and geographical and exploring enterprises, to the prosecution of all who have been engaged in depriving citizens of the rights guaranteed to them by the Constitution, be referred to the Committee on Appropriations.

That so much as relates to violence, intimidation, fraudulent practices, &c., in the exercise of the rights of suffrage, to polygamy in the Territories and the reorganization of the Territory of Utah, to the Chinese and Japanese indemnity fund, to the establishment of civil government in Alaska, to the business of the Federal courts and increased facilities for dispatch of business before the United States courts, to the violation of the letter or spirit of the afficient amendment to the Constitution of the Committee on the Judiciary.

That so much as relates to the rights of our fishermen and indemnity for injuries be referred to the Committee on Educates to the vights of our fishermen and indemnity for injuries be referred to the Committee on Codnage, Weights, and Measures.

That so much as relates to the organization of the Army, its military posts and buildings, education in the Army, Bureau of Military Justice, national defenses, fortifications and other military matters, to the appointment of a captain-general of the Army, be referred to the Committee on Military Affairs.

That so much as relates to the Ormalitee on Military Affairs.

That so much as relates to the improvement of the civil service be referred to the Committee on Civil Service Reform.

That so much as relates to the improvement of the civil service be referred to the Committee on Civil Service Reform.

That so much as relates to the improvement of the civil service be referred to the Committee on Civil Service Reform.

That so much as relates to the improvement of the civil service or referred to the Committee on the Post-Offic

Mr. BLAND. I wish to inquire of the gentleman from New York [Mr. FERNANDO WOOD] why he proposes in one of these resolutions that the Committee on Ways and Means shall usurp the authority of the Committee on Coinage, Weights, and Measures?

The SPEAKER. Debate is not in order.

Mr. FERNANDO WOOD. The proper time for the gentleman's inquiry, when I shall be happy to answer it, will be when these resolutions are taken up for consideration in Committee of the Whole.

Mr. WARNER. I give notice that I shall move an amendment to that resolution.

Mr. FERNANDO WOOD. The present proposition is simply to refer these resolutions to the Committee of the Whole.

The resolutions were referred to the Committee of the Whole House

on the state of the Union.

AMERICAN AGRICULTURAL SOCIETY.

Mr. STEELE, from the Committee on Agriculture, reported back adversely the petition for the incorporation of the American Agricultural Society; which was laid on the table, and the accompanying report ordered to be printed.

GENERAL E. O. C. ORD.

Mr. JOHNSTON, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 6724) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army; which was referred to the Committee of the Whole on the Private Caledar, and the accompanying report ordered to be printed.

WEBSTER C. WEBB.

Mr. DIBRELL, from the Committee on Military Affairs, reported, as a substitute for House bill No. 4073, a bill (H. R. No. 6849) for the relief of Webster C. Webb; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW C. MEADOWS.

Mr. DIBRELL also, from the same committee, reported back adversely the petition of Andrew C. Meadows, claiming to be restored to the military rolls on the ground that he had been erroneously marked as a deserter; which was laid on the table, and the accompanying report ordered to be printed.

SAMUEL M. FREEMAN.

Mr. SMITH, of Georgia, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 4029) to remove the charge of desertion from the military record of Samuel M. Freeman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE B. HANSELL.

Mr. BROWNE, from the Committee on Military Affairs, reported back the petition of George B. Hansell, asking pay for transportation from Sitka to Washington, District of Columbia, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

MIDSHIPMEN AND CADET ENGINEERS.

Mr. GOODE, from the Committee on Naval Affairs, to whom was referred the memorial of Midshipmen J. H. Fillmore and others, reported a bill (H. R. No. 6850) to regulate the promotion of midshipmen and cadet engineers and establish the grade of sub-assistant engineer in the Navy; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARENTON CANAL, LOUISIANA.

Mr. SHELLEY, from the Committee on Railways and Canals, reported back, with amendment, the bill (H. R. No. 1920) making an appropriation for the completion of the Charenton Canal in the parish of Saint Mary, State of Louisiana.

Mr. ACKLEN. I move that this bill be referred to the Committee on Commerce for incorporation in the river and harbor bill, and that

The SPEAKER. Without objection, the bill will be printed and referred to the Committee on Commerce.

Mr. ACKLEN. With instructions—

The SPEAKER. That is not within the scope of the rule.

There being no objection, the bill was referred to the Committee on Commerce, and ordered to be printed.

FEES ON PATENTS AND CAVEATS.

Mr. VANCE, from the Committee on Patents, reported a bill (H. R. No. 6851) to reduce the fees on patents and caveats; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ABIGAIL S. TILTON.

On motion of Mr. COFFROTH, from the Committee on Invalid Pensions, that committee was discharged from the further consider-ation of the bill (S. No. 205) granting an increase of pension to Abi-gail S. Tilton; and the same was referred to the Committee on Pen-

MOLLIE B. WALDO.

Mr. COFFROTH, from the same committee, also reported back favorably the bill (H. R. No. 6810) granting a pension to Mollie B. Waldo; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NICHOLAS KOLP.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. No. 6210) granting a pension to Nicholas Kolp; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JACOB BARNHART.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back favorably the bill (H. R. No. 3052) for the relief of Jacob Barnhart; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be

REFUNDING BILL.

Mr. FERNANDO WOOD. The call of committees having been

Mr. FERNANDO WOOD. The call of committees having been gone through with, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the refunding bill.

Mr. HUNTON. I ask the gentleman from New York to yield to me for a moment for the purpose of asking unanimous consent.

Mr. FERNANDO WOOD. I would gladly yield to my friend from Virginia, but there are twenty or thirty other gentlemen who desire to make the same request, and it is evident if I yield to all it will consume a great deal of valuable time.

Mr. HUNTON. I withdraw my request.

Mr. FERNANDO WOOD. My desire is to get through with the refunding bill at the earliest possible moment. I insist on the question being put on my motion to go into committee.

being put on my motion to go into committee.

The motion was agreed to; and the House accordingly resolved itself into the Committe of the Whole House on the state of the Union,

Mr. COVERT in the chair. The CHAIRMAN. The Committee of the Whole resumes the consideration of the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

Mr. FERNANDO WOOD. I hope the Chair will state the precise

ondition of the question.

The CHAIRMAN. Just prior to the rising of the committee yesterday the gentleman from Kansas [Mr. Anderson] submitted a parliamentary inquiry as to the status of the substitute offered by him at an early stage in the consideration of this bill. The Chair desires to state to the gentleman from Kansas that since the adjourn-

ment of the House yesterday he has examined the question raised by the gentleman, and finds no reason to depart from the determination previously reached in reference to the question submitted. The status of the matter at the time of the submission of the substitute was this: the original bill of the committee was pending. To that bill the gentleman from New York having it in charge submitted an amendment in the first section. That amendment was further amended

amendment in the first section. That amendment was further amended by a proposition coming from the gentleman from Ohio. It was at that juncture the gentleman from Kansas submitted his substitute. Rule XIX provides that to an original proposition two amendments shall be in order, and after the submission of those two amendments a substitute shall then be in order. The Chair holds from the phraseology of the rule that the word "substitute" in the rule refers not to an amendment, but to a substitute for the entire proposition. The rule goes on to state, further, that on the disposition of the original question and the amendments, a substitute shall then be in order, and that the substitute may be once amended. The Chair, after a review of the question and a quite close examination, adheres to the opinion expressed at a prior stage of the discussion, and holds the substitute of the gentleman from Kansas to be not now in order, and that the pending proposition is the amendment of the gentleman and that the pending proposition is the amendment of the gentleman from Pennsylvania, on which discussion has been exhausted.

Mr. TOWNSHEND, of Illinois. I desire to amend the proposition of the gentleman from Pennsylvania.

The CHAIRMAN. The Chair understands the gentleman from Kan-

as to rise to a parliamentary inquiry.

Mr. ANDERSON. I rise merely for the purpose of saying I submit of course to the decision of the Chair, and wish now only to give notice that when the section has been completed I shall then seek the floor for the purpose of offering a substitute to the section to accomplish the object I have in view.

Mr. TOWNSLIPED of Ulicair.

Mr. TOWNSHEND, of Illinois. I move to amend the proposition of the gentleman from Pennsylvania by striking out "600" and inserting "400," so it will read, if my amendment should be adopted, to embrace an issue of \$400,000,000 of bonds instead of \$600,000,000, and I would follow that up by moving to strike out \$200,000,000 from the original bill and providing for the issue of \$200,000,000 of Treas-

ury notes instead.

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that the amendment of the gentleman from Pennsylvania provides for the issuance of \$650,000,000.

Mr. TOWNSHEND, of Illinois. Then I move to strike out "650" and insert "400."

Mr. FERNANDO WOOD. I hope the gentleman from Illinois will yield for a moment, as I would like the gentleman from Pennsylvania to explain his amendment.

Mr. TOWNSHEND, of Illinois. I am willing that the gentleman may have an opportunity of explaining it.

Mr. FERNANDO WOOD. I suggest, then, to the gentleman from Illinois that inasmuch as the gentleman from Pennsylvania made no remarks whatever upon his amendment on yesterday, or explained its provisions in any way, and as it appears to be a novel proposition to make these two issues of bonds, that I understand being the amendment and the only amendment offered of that character, I would like to hear the gentleman from Pennsylvania upon the ques-

Mr. TOWNSHEND, of Illinois. I am willing to yield the floor on condition that I may take it as soon as the gentleman from Pennsylvania has concluded.

Mr. RANDALL, (the Speaker.) Mr. Chairman, I have never been able to clearly understand the reason for the distinction between bonds by name, as representing the indebtedness of the Government, and the Treasury notes by name representing also the indebtedness of the Government, provided, of course, that they were alike in other respects as to the rate of interest and their time of redemption. My respects as to the rate of interest and their time of recemption. My proposition was offered with a view to simplifying the bill, to make them entirely of one description and call the issue bonds, and not call them bonds and Treasury notes.

Mr. WARNER. One difference the gentleman from Pennsylvania

will observe, is that bonds have coupons attached and Treasury cer-

Mr. RANDALL, (the Speaker.) Then I would favor the choice being given to the holder of the indebtedness to say whether he would have registered or coupon bonds. And, in addition, if you place them

as Treasury notes without coupons or perhaps registration, they might possibly in that case enter into the circulating medium of the country.

Mr. WARNER. Not if limited to \$50 as a minimum.

Mr. FERNANDO WOOD. The difference between the Treasury notes and the bonds goes to the extent that heretofore Treasury notes have been used by the Government for temporary purposes, always running but a very short period, and so far as I am aware in o instance have they borne coupons or been placed in the attitude to enable them to be registered. The law applying to the registration of United States bonds is applicable solely to bonds and not to Treasury

notes.

Now, the importance of the inquiry which I have addressed to the gentleman from Pennsylvania is this: if the time or option for the redemption of these Treasury notes is a very short period, why then they will bear no coupons, and this large volume of six hundred and odd millions of dollars, no portion of which is registered, will go into

the market. Therefore if there be any reason in the mind of the gentleman from Pennsylvania which has not yet been explained for offering this amendment I would like very much to hear it, in order

offering this amendment I would like very much to hear it, in order that we may know the necessity for making a change from the historical practice of the Government in that regard.

Mr. RANDALL, (the Speaker.) I do not understand the gentleman from New York as objecting to the latter portion of the amendment, but only to the point which he now suggests. I have no objection to a modification of the amendment. I will therefore modify my amendment so that it shall relate only to the first part and allow the Treasury notes to remain as at present in the hill

Treasury notes to remain as at present in the bill.

Mr. WARNER. The gentleman from Pennsylvania proposes to amend by saying bonds or Treasury notes.

Mr. RANDALL, (the Speaker.) I propose to modify the amend-

ment in that way

ment in that way.

Mr. SINGLETON, of Mississippi. Mr. Chairman, I trust the gentlemen who propose to discuss this bill will take position in the Hall further back, in order that the committee may be able to hear them. The CHAIRMAN. The Chair cannot dictate to members what position they shall take in addressing the committee, but the Chair can insist that no business shall be transacted until a reasonable degree of quiet and order is restored and preserved in the committee.

Mr. HAYES. Before the gentleman from Illinois proceeds, I would like to have the amendment as modified by the gentleman from Penn-

like to have the amendment as modified by the gentleman from Pennsylvania read, so that we may know what we are talking about.

The CHAIRMAN. The Clerk will report the amendment as mod-

ified by the gentleman from Pennsylvania.

The Clerk read as follows:

It is proposed in line 15 to amend by inserting the words "or certificates," and in line 16 to strike out \$500,000,000 and insert \$650,000,000, and also notes in the amount of \$200,000,000, bearing interest at the rate of 3½ per cent. per annum, redeemable at the pleasure of the United States, after two years, and payable in ten years from the date of issue; but not more than \$40,000,000 of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall proceed the secretary of the Treasury shall proce

The CHAIRMAN. The Clerk will now report the amendment sug-

gested by the gentleman from Illinois.

Mr. MILLS. Whose amendment is that which has just been read?

The CHAIRMAN. That is the amendment proposed by the gentleman from Pennsylvania.

Mr. WARNER. I suggest to the gentleman from Pennsylvania a mere verbal amendment. The next line reads "bonds or notes." I suggest that in place of "notes" the word "certificates" be inserted. Mr. MILLS. Do I understand the gentleman from Pennsylvania to provide that not more than \$40,000,000 shall be paid annually?

Mr. RANDALL, (the Speaker.) That is not a part of my amendment.

Mr. MILLS. I so understood from the reading.
Mr. RANDALL, (the Speaker.) I did not modify it in that way.
Mr. MILLS. From the reading of the Clerk I judge that to be a
part of his amendment.

Mr. RANDALL, (the Speaker.) The Clerk has not read the amendment as I modified it.

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Illinois to the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

It is proposed to strike out "\$650,000,000" and insert "\$400,000,000," and in lines 20 and 21 to strike out "\$200,000,000" and insert "\$300,000,000."

Mr. MILLS. Are these amendments offered to the original bill or to the substitute?

The CHAIRMAN. To the original bill, as the Chair understands.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, on yesterday several
gentlemen across the Chamber indulged in apprehensions that if this gentlemen across the Chamber indulged in apprehensions that if this funding bill was adopted in its present condition, providing for 3 per cent. bonds, that the national banks would go out of existence and surrender their circulation. I desire to controvert that proposition. There is no probability that the national banks will surrender their circulation even if we were to reduce the interest to 2 per cent. Why should they surrender their circulation? If the entire amount of bonds deposited by the national banks to-day were only drawing 3 per cent. they would be reaping a harvest of profit upon their circulation amounting to over seven million dollars annually. Why should they surrender what is producing them such a large income merely upon the bonds deposited as a basis of security to the Treasury for its guarantee of the redemption of their notes?

The only tax these bonds pay on their circulation is 1 per cent. Now, as their circulation is about three hundred and twenty millions and their bonds to secure this circulation is about three hundred and sixty millions, their statement in this regard would be thus:

sixty millions, their statement in this regard would be thus:

Interest at 3 per cent. on their bonds \$10,800,000 Deduct 1 per cent. tax on circulation..... 3, 200, 000

Profit from the Treasury

But in truth they hold over one hundred and forty-five millions of four and four-and-a-half percents. This large rate of interest being added to their profits would increase same to nearly nine millions. Again, sir, the national banks to-day hold advantage which is greater than the difference between 3 and 3½ per cent. They hold a monopoly upon the circulating medium of this country. It was remarked by the President-elect, I believe, during the last session of Congress that the power which held control over the circulation of the country was a dictator in its finances. He has aptly described the power of our national banking system. It is a dictator in the finances of this coun-

But, sir, national banks are drawing much larger profits from their circulation than the interest on the bonds deposited.

Mr. HEILMAN. Will the gentleman yield to me for a question?

Mr. TOWNSHEND, of Illinois. My time is limited to five minutes, therefore I do not wish to yield. I hope my friend will not interrupt

Mr. HEILMAN. I do not want to interrupt the gentleman; I merely

Mr. HEILMAN. Ido not want to interrupt the gentleman; I merely want to ask him a question.

Mr. TOWNSHEND, of Illinois. I have not time in a five-minute speech, but perhaps I will yield to the gentleman further on.

Mr. Chairman, national banks are not limited in their profits on circulation solely to the amount of interest drawn on their bonds. They are using the national-bank notes for the purpose of loaning to the public, and make a large profit upon it. In addition to the interest on their bonds they are receiving from the business public from 6 to 8 per cent., and in many instances much higher rates by loaning the circulating medium that the Treasury furnishes to them free of any cost. Does any sensible person suppose that national banks will surrender this opportunity for profit and the power over the circulation of the country? tion of the country?

What is the true status of the question of circulation to-day? what is the true status of the question of circulation to-day? The amount of Treasury notes is limited. It can neither be expanded or contracted. But the national banks have unlimited power to increase or contract the circulating medium of the country, and they possess an exclusive monopoly in this respect. They have to-day about three hundred and twenty millions of circulation. There is nothing in the law that will prevent them from inflating it to five hundred millions or more or to contract it down to \$50,000,000 or

Now, Mr. Chairman, my object in offering this amendment is to calm the fears of the friends of the national banks on this floor with regard to the contraction of the currency. If a 3 per cent. bond should drive national banks out of existence and their circulation should drive national banks out of existence and their circulation should be taken up this amendment would prevent a contraction of the currency because the three hundred millions of Treasury notes provided for in this amendment would be a good substitute and supply the place of the bank issues, and thereby contraction would be avoided.

[Here the hammer fell.]
Mr. REAGAN was recognized, and yielded his time to Mr. Townshend, of Illinois.

Mr. TOWNSHEND, of Illinois. I thank the gentleman from Texas. I wish, Mr. Chairman, to call attention further to the fact that national banks are doing a business of over twenty-one hundred million dollars upon a capital of \$359,000,000. Add together all the resources of national banks as they have been stated to us in the report of the Comptroller of the Currency, embracing their bonds on deposit, the circulation used by them, and the deposits made with them, you will find that their resources exceed two billions one hundred willion.

dred million.

Here is an immense resource for profit. It is the largest resource for profit of any business in existence. They are, in reality, doing a business upon a 10 per cent. investment, for 90 per cent. of the amount invested is issued to them in notes which are a free loan from the invested is issued to them in notes which are a free loan from the Treasury. The indorsement of the Treasury and their semi-official character has given them such power, prestige, and adignity exceeding that of private or State banks that they are thereby enabled to secure a much larger share of profits and business. I wish it understood that I am not an advocate of State banks of issue. I never want to see the old wild-cat system revived in this country. But while I am opposed to State banks of issue I am likewise an opponent of national banks of issue. I want no banks of issue, either Federal or State. What is the national-bank note? It is nothing more nor less than a Treasury note. It is a note issued by the Treasury through the bank and loaned to them without interest in order to enable them to make profit therefrom. If we must have a paper circulation, I insist that the Government should supply it, as was advocated by Jefferson and Calhoun, a Treasury note receivable for dues to the Government.

Government.

Five minutes is too short a time in which to make a speech on this subject, but I must call attention to the fact that the advocates of national banks constantly throw into our teeth the assertion that the

national banks constantly throw into our teeth the assertion that the banks are paying enormous taxation on account of their circulation, and for that reason are a blessing to the people.

Take this report of the Comptroller of the Currency, and what does it show upon this point? That from 1864, the year of their creation, down to this year the national banks have only paid \$45,000,000 in taxation upon their circulation. How much have they drawn from the Treasury on this account in the shape of interest? They have drawn from the Treasury during their existence over two hundred and fifty million dollars. So, then, it will be seen, sir, the national banks have been profited over two hundred million dollars upon their circulation. If you will add together, Mr.-Chairman, all the taxes that they have paid to the Federal Government, including the taxes

upon their capital stock, the taxes upon their deposits, the taxes upon their circulation, it will not exceed \$100,000,000, whereas they have drawn from the Treasury over two hundred and fifty million dollars.

dollars.

Briefly, then, my object in offering this amendment is to put it into the power of the Secretary of the Treasury to substitute for national-bank circulation a currency equally as good as it, being the same Treasury note provided in the bill, to the extent of \$300,000,000, to be issued directly from the Treasury and not through the banks. If, then, national banks scorn our 3 per cent. bonds and seek to contract the volume of the currency by retiring their circulation they will be foiled by the people in their use of these Treasury certificates, for it will be in their power to make use of these Treasury notes as a circulating medium.

will be folied by the people in their use of these Treasury certificates, for it will be in their power to make use of these Treasury notes as a circulating medium.

Before I sit down, let me say further that I read in the Baltimore Sun this morning an account of an interview with one who is styled "a prominent republican member of the Committee on Ways and Means," who, when speaking of the proposition of the gentleman from Pennsylvania [Mr. Randall] to compel the national banks in the future to take these 3 per cent, bonds when they call for a continuance of or for new issue of circulation, denounced it as the proposition of a pirate. Sir, if there be any piracy connected with the national-banking system in any way, I would have you and the country understand that it has been practiced by many of the national banks, and not by those who advocate measures of reform in that system which are of advantage to the people.

It is claimed that the bank bill is a good currency. Why is it so? Because it has the indorsement or guarantee of the Treasury of the United States. As I said, when debating this question during the last session, if the Treasury would indorse the note of a pauper it would circulate alongside of the bank note and be as good.

The CHAIRMAN. Debate on the pending amendment has been exhausted.

exhausted.

Mr. MILLS.

Mr. MILLS. I move to strike out the last word. The CHAIRMAN. The Chair recognizes the gentleman from Indi-

The CHAIRMAN. The Chair recognizes the gentleman from Indiana, [Mr. MYERS.]

Mr. MYERS. Mr. Chairman, in listening to the debate on this question I have been struck with profound surprise at the readiness with which some gentlemen here have accommodated themselves to the influences which seem to surround them, and the facility with which they forget the utterances made before their constituents under circumstances of a wholly dissimilar if not antagonistic character. In the speech of the gentleman from Ohio [Mr. Hurd] on Saturday we were startled by the bold declaration—

I do not believe that prosperity in business in any country can long continue unless there is resumption of specie payments. And I confidently say, from all the information I have been able to gather on this subject, that the specie payment now claimed in this country is delusion and a snare. It is based not upon specie honestly coined, but upon false and fraudulent silver dollars, which are untruthfully coined every day from the mint.

I ask if these silver dollars are not coined in exact conformity with a law passed by a vote of two-thirds of each House of Congress, under the provision of the Constitution which says "Congress shall have power to coin money and regulate the value thereof?" And I am therefore at a loss to discover how it can be considered either fraudulently or dishonestly coined, as the gentleman so savagely declares. But he further says:

It is based upon legal-tender paper currency, which has the power of discharging debts.

Mr. Chairman, there can be no specie payment unless nothing but specie can pay debts. When you have a paper currency usurping all the functions of money, discharging all debts, you have no "specie payments." These startling and terrible declarations were hailed with applause and delight by the advocates of an exclusively gold standard on the other side of this House, and it may appear a little cruel to disturb their hilarity now by asking their attention for a moment to the same high authority, in a speech made by him at Fremont, Ohio, September 6, 1878, to the power and eloquence of which it is said he is indebted for his seat on this floor. I read from a copy which I now hold in my hand, as follows: which I now hold in my hand, as follows:

It was one of the risks of the bondholder that the coin might depreciate in value. If a man agrees to pay a debt in so many bushels of wheat, the contract is kept,by paying the wheat, whether it be worth one dollar or ten cents a bushel, so the bonds could be discharged in coin dollars, whether they were worth one hundred cents

Immediately after the assembling of Congress a law was passed remonetizing silver, which now stands upon the statute-book, notwithstanding the veto of the President. The silver dollar can now pay the bonded debt, and the contract is again as it was made by the statute in the first instance. But much still remains to be done upon this point. There are restrictions upon the coinage of silver which should be removed. The demand should be for unrestricted coinage of silver as of gold. Let that be one of the watchwords of the canvass. Let the people refuse to be satisfied until there is perfect freedom of coinage of silver and the relations of bondholders to the Government are fixed, as was manifestly intended when the bonds were issued and the money was received.

I am sorry, Mr. Chairman, that these extracts do not afford the gentlemen on the other side of this Hall the same pleasure they derived from the speech on Saturday; but I assure them they are all from the same luminous and consistent author, and I am quite sure if they will give close attention they will be greatly edified before I am

through. It is good reading, and I commend it to their careful consideration. From the same speech I again quote:

The Supreme Court of the United States has decided that the Congress has power to make its notes a legal tender in payment of all debts. It is the highest judicial tribunal in the land. From its decision there is no appeal. The whole country has acquiesced in it, and is bound to accept it. I know that some say that the decision is only that Congress can issue legal-tenders during war. I do not so understand it. There is no such limitation expressed in the decision itself, and, indeed, such a one would be an absurdity, for it would lead to the proposition that a constitution which is a delegation of power for all periods means one thing in time of war and another thing in time of peace. I therefore accept the decision of that court as settling the constitutionality of greenbacks and the power of Congress to issue them whenever in its judgment the public interests or emergency may require.

It has been charged I voted against the repeal of the resumption act. Nothing can be further from the truth; I introduced a bill in Congress for its repeal at the only time when the measure came directly before the House for its action; I advocated its repeal in the cancus of the House, in private conversation, upon the stump, and in democratic State conventions, and I expect to do everything in my power in that direction until the measure is wiped from the statute-book.

The democratic platform on the currency question is antipodal to the republican on the currency question. It proposes the full remonetization of silver with unlimited right of coinage, the repeal of the resumption act, and the substitution of the greenback for national-bank notes. It opposes contraction of the currency, forced resumption, the further issuing of bonds for the redemption of greenbacks, and the increase of the public debt by legislation. It looks to the highest interest of the whole people, and not to that of the bondholders alone. It opposes a disturbance of the volumes of the currency, and maintains that it shall be kept equal to the demands of trade. * * * Read, my friends, the Ohio platform, which points out the evils and proposes the remedy, a platform which I heartily indorse, and whose principles I shall carry so far as I can into the administration of public affairs, if I should be elected to Congress in this canvass.

What new lights, may I ask, have flooded this gentleman's intellectual cavern that he now discovers that this silver coinage, so ardently and ably advocated then, has now become a false and fraudulent issue, and the greenbacks, declared to be a legal-tender by the Supreme Court, which the gentleman accepted as full settlement of the question, now declared by him as usurping the functions of money? I know not, nor has he troubled himself to inform us from whence he derived his new inspiration. His conversion seems to have been each derived his new inspiration. His conversion seems to have been as sudden and almost as miraculous as that of Paul of Tarsus, though, unlike Paul, without repentance for his sins. That some magical indunke Faul, without repentance for his sins. That some magical influence has taken possession of his mind seems clear; but whether the magician came from the direction of classic Mentor or the genial atmosphere of a national-bank parlor we are left to conjecture; but, whatever source, he seems to have so metamorphosed his victim that

whatever source, he seems to have so metamorphosed his victim that we are lost in doubt as to his identity, requiring the utmost stretch of credulity to recognize the brilliant orator of Fremont in the conspicuous and whimsical member from the region of the great lakes.

Mr. Chairman, with my present light on the pending bill I shall cast no vote that will in any way take from the people their sovereign right to pay the bonds that are now coming within the option of the Government whenever in their judgment the business interests of the country will permit.

Mr. HUMPHREY. I move to strike out the last word. I desire to ask the gentleman from Illinois, [Mr. TOWNSHEND,] who states that the national banking system is the greatest monopoly that ever exist on this county, if there is any law, either State or national, that is more free in its action upon all classes of people, that is less a monopoly, than the law in regard to the national banking system? monopoly, than the law in regard to the national banking system? Any five or ten men, who have a sufficient amount of money to enable them to get together the sum of \$50,000, can engage in the banking business. If it should be desirable the national banking currency in that way can be swelled to one or two thousand million of dollars, if a sufficient amount of capital is brought forward for that purpose. There is no corporation in existence to day that is governed by laws so free and so much in the interest of the people as is the national

Another thing. The gentleman tells us that he is not in favor of wild-cat money of a State banking system. He also tells us that he is not in favor of a national banking system. He does not say that he is in favor of greenbacks as the currency upon which we should depend to transact the business of the country. We may infer that he is either a greenbacker or else in the situation of the individual in a story which I will relate.

story which I will relate.

A man went into a grocery store and ordered a pound of crackers. Having eaten one of them he saw some cider there, and asked the groceryman if he could trade the crackers for the cider. The groceryman said he could do it. The man gave up the crackers and took a quart of cider and drank it, and then started out. "Look here," said the grocer, "you have not paid me for that cider." "Yes I have," said the man. "How?" "Why, I gave you the crackers for the cider." "I guess that is so," said the grocer, "but you have not paid me for the crackers." The man replied, "I did not eat the crackers; you have them." "Well," said the grocer, "I suppose that is so; but look here, young man, I don't want any more of your custom." [Laughter.] It seems to me that when people take a position in opposition to national banks upon the ground which the gentleman takes, if they will take into account the fact that any set of men can take \$50,000 in greenbacks and go into the business of private banking, paying I per cent. on their deposits, and a like number of men can invest the same amount of money in bonds and go into national banking, paying

same amount of money in bonds and go into national banking, paying the local taxes, the tax of 1 per cent. on deposits, and 1 per cent. on

circulation, they will see that at the end of the year those who have invested their greenbacks in private banking, at the rate of interest allowed by the law of the State, will have made more money than those who engaged in national banking with the like amount.

We are told that if these 3 per cent. bonds are made the basis of the national banks, the bankers of this country will continue to issue the national banking currency. I believe they will not do so for the

the national banks, the bankers of this country will continue to issue the national-banking currency. I believe they will not do so, for the taxes they will have to pay will more than counterbalance the amount they would get from these bonds, and they can escape those taxes by withdrawing their circulation and going into the private banking

[Here the hammer fell.]
Mr. MILLS. I move to fill up the blank in the substitute offered by the gentleman from Pennsylvania [Mr. RANDALL] with "one year" as the period for the beginning of the option, and "ten years" as the time for the maturing of the bonds. That portion of the provision will then read:

vision will then read:

These bonds shall be redeemable at the pleasure of the Government at any time after one year and payable in ten years.

Mr. WARNER. That is right.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. How many amendments can be pending at the same time?

The CHAIRMAN. The Chair understands the proposition of the gentleman from Texas [Mr. MILLS] to be in the nature of a proposition simply to perfect a pending amendment.

Mr. MILLS. To fill a blank.

The CHAIRMAN. Simply to fill a blank in the amendment. The Chair feels disposed to entertain that proposition as bein; in perfection of a pending amendment.

Chair feels disposed to entertain that proposition as bein; in perfection of a pending amendment.

Mr. MILLS. Mr. Chairman, I wish to state briefly my reasons for moving to fill this blank with "one year." It is contemplated, I believe, by the mover of this proposition, the gentleman from Pennsylvania [Mr. Randall] whom I do not now see present, to fill the blank with "one year." We shall have no revenues to apply to the payment of the debt until one year. We shall then have \$100,000,000 or more of surplus revenue lying in the Treasury, which under the present form of the amendment, we cannot apply to the payment of the debt until the expiration of two years. In other words, \$100,000,000 of indebtedness will continue to bear interest at 3 per cent., making \$3,000,000 for one year after we shall have the money in the Treasury to extinguish that amount of debt. I am satisfied that the gentleman from Pennsylvania will have no objection to my amendment; indeed I am told that yesterday he said he would consent to this insertion of one told that yesterday he said he would consent to this insertion of one

Now, in reference to fixing the ultimate time of payment at ten years, I wish to say a word. I desire that the time fixed for the extinguishment of this \$600,000,000 of indebtedness shall arrive before the maturity of the \$250,000,000 of bonds falling due in 1891, so that when 1891 arrives there shall be no occasion for refunding those bonds. Unless there is a period fixed within which this \$600,000,000 must absolutely be paid, the payment may be deferred; the Government may not call the bonds, or it may call a portion only, iustead of the whole, so that when 1891 arrives the whole of these refunded 3 per cent. bonds will not have been extinguished, and then we shall be met by demand for the refunding of the \$250,000,000 of 4½ per cent. bonds. I want in this refunding bill to-day to commit the Government to the absolute extinguishment of this \$600,000,000 before 1891, so that when those 4½ per cent. bonds, to the amount of \$250,000,000, mature in 1891, the hands of the Government shall be untied and we shall be prepared to begin to extinguish them.

untied and we shall be prepared to begin to extinguish them.

Mr. YOUNG, of Tennessee, addressed the committee. [See Appen-

Mr. HURD. Mr. Chairman, I had not intended to take any further part in this debate, and should have said nothing more upon the questions presented in this discussion had it not been for the remarks of the gentleman from Indiana [Mr. Myers] on this floor a few moments ago. He has seen fit to call attention to a speech which I delivered at Fremont, Ohio, in the campaign of 1878, in which he discovers, as he thinks, inconsistencies between the views there enunciated and those uttered by me the other day on the floor of this House. I am sorry the gentleman did not have opportunity to read the whole of the speech to the House, for if the House had listened to it and the gentleman had read it to the end it would have been seen that every word which I uttered here in the speech last week is perfectly consistent with the positions I took in that canvass.

I am glad of the opportunity of undeceiving many people who have thought that I have in my campaign in Northwestern Ohio pursued one course on the money question, and on the floor of this House another. The position I took in that speech and which I maintain now is that the demonetization of silver worked a great injustice to

now is that the demonetization of silver worked a great injustice to now is that the demonetization of silver worked a great injustice to the Government by changing the terms of the contract, and by disabling the Government from paying the bonds in silver. I therefore urged the remonetization of silver, and said in the very extract which was read by the gentleman that silver should be remonetized so that it should be money as gold; that there should be unrestricted coinage of silver; that silver and gold should stand upon precisely the same basis, and that there should be an honest dollar in silver as there is an honest dollar in gold. an honest dollar in gold.

And that is the doctrine I maintained here all through the discussion of the Warner bill. I voted to put four hundred and sixty grains, I think it was, into the silver dollar. I advocated the remonetization of silver, but I advocated an honest remonetization, which should put into the silver dollar enough silver to make it one hundred cents in interioric probaintrinsic value.

And I repeat what I said the other day, that the specie resumption of this country based on silver dollars falsely coined is a delusion and a snare. A man takes eighty-eight cents to the Treasury of the United States, and the business of the Government is to weigh it and to honestly certify its value; but yet, under the laws of the United States for the coinage of silver, the Government is required to declare that to be one hundred cents which is only eighty-eight cents

Mr. WARNER rose

Mr. HURD. I cannot yield.

Mr. WARNER. I expected it.
Mr. HURD. I say when such dishonest certification of silver is practiced by the Government of the United States, any prosperity based upon it is delusive, and any resumption resting upon it will fail.

[Here the hammer fell.]

Mr. PRICE. Mr. Chairman, I suppose from what I have heard of the discussion on this floor on both sides of the Chamber that it is honestly the intention of the House to pass some kind of refunding bill. Supposing that to be the case, I am safe, I presume, in believing it to be also the intention of the House to pass a refunding bill which when passed will amount to something on the part of the Government

Now, sir, two elements enter into any bond which is to be available and they are the time for which they are to run and the rate of inter-

est which they are to bear. It appears to be the opinion of a good many gentlemen here, earnestly entertained, and I presume honestly expressed, that you must get the shortest time and the lowest rate of interest. And it has been asserted with a great deal of assurance that a 3 per cent. bond with one year's option on the part of the Government can be floated. I am not repeating anything original when I say the lamp of experience is the best light by which to guide our footsteps in the future, nor am I saying anything particularly new when I say that, with one or two exceptions, never in the history of the financial world has a 2 percent head they footsted at the saying anything particularly new when I say that, with one or two exceptions, never in the history of the financial world has a 2 percent head they footsted at the saying anything particularly new when I say that the say that the saying anything particularly new when I s

I say that, with one of two exceptions, never in the instory of the manicial world has a 3 per cent. bond been floated at par.

I sought to get the floor immediately after the conclusion of the remarks of the gentleman from Texas, [Mr. Mills,] but failed to do so, as I wished particularly to refer to the point that time is an element in the matter. That such is the case you need not take my opinion or that of any other man. It is indeed not a matter of opinion, not a matter of surmise, not a matter of conjecture, because we have the evidence of the fact to-day in reference to our own bonds. We have a 4 per cent. bond selling at 113, because it has twenty-seven years torun. We have a $4\frac{1}{2}$ per cent. bond, which has only ten years to run, at $112\frac{1}{2}$. These facts are worth a million of speeches such as can run, at 112½. These facts are worth a million of speeches such as can be made on this floor or anywhere else. It is not a theory, but it is a fact. It is occurring while we are engaged here in this Chamber in a discussion affecting the welfare of the people; it is occurring today in the money centers of the world that a bond with a less rate of interest, but with a longer time to run, is worth more than a bond

interest, but with a longer time to run, is worth more than a bond with a greater rate of interest and a shorter time to run.

According to any arithmetic any gentleman can apply to a bond bearing 4½ per cent., selling at 112, would give for a 3 per cent. bond, with the same time—not of one year's option, but of the same time—seventy-five cents on the dollar. A bond of 4 per cent. selling at 113 would give you 84% per cent. With the same rate exactly, with the same people to buy it, with the same government to issue it, and the same market upon which to put your bond for sale, this result would follow.

Now, you propose not only to do that, but to give the Government one year's option. I would be willing to assent to that if you could sell the bond. But I do not want this Government to put a bond upon the market that cannot be sold at all, or, if sold, must be sold below par. You do not want this Government, which is now standing upon the very pinnacle of financial power and ability among the nations of the world, to put bonds upon the market that will not sell, thereby destroying that credit which cannot now be questioned.

thereby destroying that credit which cannot now be questioned.

[Here the hammer fell.]

Mr. SPEER. Mr. Chairman, I do not profess to be like my distinguished friend from Ohio—one of the accredited apostles of finance; but, sir, with all the lights which I have been enabled to glean from the discussion on this subject, I cannot sympathize with those gentlemen who, after having determined to fund the debt, contend that this generation shall bear all the burden of paying it. Now, sir, if we judge of the future of our industrial development by its past, it is quite clear that twenty years hence the people of this country will be much better able to pay this large debt than they will be ten years hence or two years hence. I have generally, sir, been opposed to any idea of refunding the debt; but if it is determined to borrow this money, it seems to me a question that will not admit of discussion that we ought to borrow it on the best possible terms; and when we come to consider to borrow it on the best possible terms; and when we come to consider that question we are also called upon to consider not only our ability to pay, but the character of the debtor as well. What is the character of the debtor?

Mr. Chairman, we stand to-day in the attitude like that of the farmer who, vigorous, strong, young, buys on long time and at a low rate of interest a valuable tract of land, by the proper cultivation of

which, and before the debt becomes due, he knows he will be enabled not only to pay the amount originally agreed upon to be paid, but to extend his farm by buying another.

As a people we are precisely in a similar condition. Twenty years hence it will be far easier for our people to pay the debt than it will be to pay it ten years hence. Gentlemen have spent a great deal of eloquence illustrating the question of extending the time of payment of these bonds, and about the impropriety of saddling posterity with them. I may ask, in the language of the distinguished Irish member, Sir Boyle Roche, "What has posterity ever done for us?" We have done a great deal for posterity, and posterity will be in a much better condition and far more able to pay the bonds than we are.

Mr. Chairman, it is impossible for the imagination to conceive the progress which will be made in our magnificent country within the progress which will be made in our magnificent country within the next twenty years. I speak particularly of that portion of our common country which I have the honor in part to represent. The South now may be typified as the man who is just recovering from bankruptcy, who is paying his debts and beginning to see a solvent and satisfactory future opening before him. The people of our section of the country are in a better condition than they have been for years. They are more nearly out of debt than they have ever been since the close of the war. They have more ready money. Our products are great and constantly increasing in value, and produce to our people the ready money needed for carrying on their business operations. But twenty years from now, if we may judge of the future by the present and by the past, and if we improve as we have in the past few years, we will be much better able to bear our share of the burdens of paying the national debt.

few years, we will be much better able to bear our share of the burdens of paying the national debt.

Gentlemen talk about the surplus revenues in the Treasury. Sir, let us utilize the surplus revenues by reducing the taxation which now bears heavily upon all classes. The greater the amount that the farmer and the citizen in every department of business can use, the greater will be the development of our resources, and greater results accomplished than can be accomplished by hoarding it in the national Treasury, or by expending it with the bondholder.

Mr. Chairman, the fact that this surplus revenue is in the Treasury is evidence, as I have always contended, that the Government, without injury to the public service, can reduce the volume of taxation. Surplus revenue—that is, revenue more than enough. How is it possible for gentlemen to maintain here that this heavy load of taxation shall remain superimposed on a struggling people, when there is more than enough of revenues in the Treasury? Is not the citizen far more capable than is the statesman, however great his capacity, of making those millions of surplus revenue profitable to the country? The aggregate wealth of the country is builded up and increased by the efforts of the individual citizen; but when you take his capital away from him, in the form of taxation, you deprive him of the implements of his trade and the means of his prosperity.

efforts of the individual citizen; but when you take his capital away from him, in the form of taxation, you deprive him of the implements of his trade and the means of his prosperity.

Then, since you will refund the debt, is it not far better that the people of this generation should relegate to those who come after us the discharge of those obligations which the policy of the Government and the course of events has imposed upon us? By this course the taxes can be at once reduced. The surplus millions left in the hands of the people; the expenses of collecting these surplus millions can be saved to the Treasury, and twenty years hence the debt can be discharged by a thrifty and prosperous people, whose wealth of material resource will not feel the burden of payment. Sir, does not the experience of the past twenty years bear me out in this argument? How incalculably more prosperous is the country at large to-day than it was twenty years ago? And, sir, in all likelihood the next generation will not be compelled, as we have been, to bear the distressing and fearful presence of civil war. How much is the American to be congratulated when it is remembered that the existence of the wonderful and rapidly increasing wealth of this county is, in spite of the fact that within the past twenty years the fiery tide of revolution has swept over our country, ingulfing in its horrid sweep millions of property, thus subtracted from our resources, and thousands of valuable lives which would otherwise have been spent in the development of individual and national wealth.

Mr. Chairman I have alluded briefly to the fact that the Southern individual and national wealth.

individual and national wealth.

Mr. Chairman, I have alluded briefly to the fact that the Southern States of the Union will by this policy be enabled to recuperate and to acquire that prosperity which will add our natural and proper share to the strength of the country. The soundest principles of economic science, the ablest exponents of economic thought, are now speaking in no uncertain sound in behalf of that section. Such splendid journals as the New York Herald and the Chicago Times, wonderful vehicles of information to the people, are advertising the matchless and almost untouched domain which the Southern States contribute to our national territory. If Horace Greeley lived to-day, he would say "Go South" to the energy, the youth, and the industry of the Northern States; and, sir, as a representative of that people, elected by them to express their sentiments, I say to the young men of the North come South and aid us in developing the possibilities of our country.

of our country.

Again, sir, is it not true that these short bonds deprive the advocates of revenue reform of their best arguments? If the bonds are to be paid two years hence, the money must be raised, and it will be raised in the way of revenue taxation.

It seems to me, Mr. Chairman, that the advocates of free trade,

by swallowing this fallacy of a short bond, are walking into the toils of the protectionists. If the revenues of this Government are to be expended in paying off these rapidly-maturing bonds, revenue reduction will be impossible, and to revise the tariff likewise impossible. For my part, it is in the revision of the tariff that I base a sure hope for the rapid improvement in the condition of the Southern States. Sir if you will exempt machinery for the manufacture of cotton Sir, if you will exempt machinery for the manufacture of cotton thread and goods from those import duties which the tariff imposes, you will do a great deal more for the South than can be accomplished by the triumph of any financial scheme, however propitious that scheme may be. It is in the manufacture of cotton goods that the best investment for southern capital is found. By nature every conbest investment for southern capital is found. By nature every condition is afforded to make this great industry profitable. Our snowy southern staple, of which we have the monopoly, will flourish and produce at the very door of the factory. Plentifully supplied with water-power, the motive power of our factories is furnished by nature. When the streams of your northern rivers are frozen from bank to bank, and the wheels of the factories are clogged with iee, under the influences of our genial climate the work of the southern cotton-mill goes on unimpeded; and, sir, by some subtle law of nature, the cotton is spun and woven with more facility in that climate which is its habitat. So in freight, in transportation, in labor, in climate, in everything, the southern manufacturer has the advantage of all others. These are no conjectures; they are facts. They are proven by the price of factory stocks in the Southern States; and yet we are prevented from embarking our capital in the manufacture of cotton prevented from embarking our capital in the manufacture of cotton by that protective tariff which fastens on cotton machinery a prohibtiory duty and compels the manufacturer of cotton goods to pay twice the price it is worth for the machinery he purchases. Sir, the protective tariff intends, it is pretended, to encourage American industry. Is not a cotton factory at the South an American industry? It is, and the industry of all others that is best suited to flourish in that country; Is not a cotton factory at the South an American industry 7 It is, and the industry of all others that is best suited to flourish in that country; and yet, sir, when we seek to purchase the tools of our industry we find that we are handicapped by the tariff. He is no true economist who will refuse to encourage the cotton industry of the South. In 1860 the South produced with slave labor 3,826,086 bales of cotton. In 1870, with free labor, ten years later, the South produced 4,170,388 bales, and ten years later, in 1879-'80, the crop was 5,625,000 bales. And, sir, when I tell you that the old, worn-out lands, under the present systems of cultivation, produce as well as or better than when they were originally cleared; when I tell you that not a tithe of our fertile lands fitted for the cultivation of cotton have yet been cultivated, it is easy to see the immense source of national strength which is to be found in that staple, which is practically restricted to the climate and the territory of the Southern States.

Mr. Chairman, there are few cargoes which are freighted from the ports of our country which possess the merchantable value of a shipload of compressed cotton bales. A ship-load of wheat, or of bacon, or of iron is not worth so much. But, sir, if you would have forever the balance of trade in favor of our country help us to manufacture in the South the cotton crop that is gathered in the South. Sir, in that way employment will be given to our citizens; the wages that are paid to the artisans of Manchester and of the cotton-manufacturing world will go to the working people of our own country. The profits of the manufacture of catton will enhance the individual and

are paid to the artisans of manufacter and of the cotton-maintacturing world will go to the working people of our own country. The profits of the manufacture of cotton will enhance the individual and national wealth of America, and, sir, when you foot up the exports and strike the balance you will find that a ship-load of manufactured cotton goods is worth far more than a ship-load of compressed

Now, Mr. Chairman, when I see that these short bonds may possibly prevent any revision of the tariff, when I recognize the fact that in order to meet their maturity, the revenues of the Government must be kept as at present, nay, even increased; when I declare that one great object of my service here is, if possible, to remove this obstacle from the advancement in diversified industries of the people of so from the advancement in diversified industries of the people of so large a section of our country, I feel fully justified in declaring that it is far preferable to have a refunding act which would permit the revenue to be reduced, the tariff revised, and to remit to the prosperity of the future the easy duty of discharging these obligations.

Mr. CARLISLE. Mr. Chairman, I did not intend to take any part in the discussion upon this amendment, but after the remarks made by the gentleman from Tennessee [Mr. Young] who spoke a few minutes ago, I think that some one of the gentlemen referred to by him ought to make some response.

him ought to make some response

One of the questions involved in this discussion is whether or not there shall be any refunding bill whatever passed; and the gentleman from Tennessee announced to the committee that he is opposed to refunding in any form, and intimates that those of us who are in favor of reducing the interest rate on the public debt have become or are becoming the champions of the national banking interests.

The difference between myself and the distinguished gentleman from Tennessee upon that subject is, simply, that he is in favor of leaving outstanding in the hands of the national banks the bonds of the Government bearing 5 and 6 per cent. interest, so that they may continue to draw interest out of the public Treasury annually at that rate, while I am in favor of compelling them to receive bonds bearing a rate of interest at 3 per cent., and requiring money at that rate only to be taken out of the Treasury for them. That is the whole difference between us, so far as the national-bank interest is concerned. concerned.

Now, as to the economy of funding or not funding, the gentleman from Tennessee alluded to a calculation submitted to this committee a few days since by the distinguished gentleman from Pennsylvania, [Mr. Kelley.] In it he undertook to show to the committee and the country what it would cost to pay the outstanding 5 and 6 per cent. bonds at the rate of \$60,000,000 per annum without refunding. I take the gentleman's figures as he gives them himself, from which it appears that in order to extinguish \$637,000,000 in 5 and 6 per cent. bonds by annual payments of \$60,000,000, it would require from the public Treasury the sum of \$826,750,000; and I hold in my hand a calculation which I am willing to submit to any gentleman upon this floor or to any actuary in the country, by which it is shown that if these bonds shall be refunded at the rate of 3 per cent. and paid in precisely the same way at the rate of \$60,000,000 per annum, that debt will be extinguished in exactly the same time, at a cost to the people of this country of \$748,210,000, or \$78,540,000 less than it would cost to extinguish it according to the plans of the gentleman from

cost to extinguish it according to the plans of the gentleman from Pennsylvania and the plan of the gentleman from Tennessee.

The question, therefore, is simply this: whether we are willing to save to the people of this country by this process of refunding this seventy-eight and one-half millions of dollars in a period of a little over ten years, or whether we will give it to the national banks as interest upon their bonds, as the gentleman from Tennessee contends we should. Even if these 3 per cent. bonds should rise in the marwe should. Even if these 3 per cent, bonds should rise in the market so as to command a premium of 3 per cent, a contingency which I apprehend no gentleman on this floor anticipates, still the whole premium upon the whole amount of them would be but \$19,110,000, which, deducted from the \$78,540,000, will leave still a saving to the Treasury and to the people of \$59,430,000. Now, I submit, upon these figures, which I think no gentleman will challenge, whether I am or the gentleman from Tennessee is the special advocate of the interest of the national banking associations.

[Here the hammer fell.]

[Here the hammer fell.]
Mr. REED. Will the gentleman from Kentucky permit me to suggest that upon an option bond the Government cannot possibly be

called to pay 3 per cent. premium?

Mr. CARLISLE. Even if we were to issue a bond having twenty years to run before it is redeemable, in my judgment it would not

command a premium.

Mr. REED. Then the gentleman is addressing himself to a propo-

sition not before the House.

Mr. FERNANDO WOOD. I rise to a question of order. I desire to know whether this discussion is pertinent to any amendment now

The CHAIRMAN. The Chair will state the discussion is proceeding by general consent. The debate upon the pending amendment was exhausted some time ago, as was announced by the Chair.

Mr. FERNANDO WOOD. I desire to inquire whether the discussion is upon the amendment the committee will vote upon first?

The CHAIRMAN. The discussion is upon the amendment offered by the gentleman from Illinois [Mr. Townshend] to the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] upon which debate closed under the rule some time since. Subsequent discussion

has been proceeding by general consent.

Mr. FERNANDO WOOD. Then I understand the Chair to say, after the expiration of this discussion, whether by order of the House or by general consent, we will be called upon to vote on the amendment of the gentleman from Illinois to the amendment offered by the

ment of the gentleman from Thinois to the amendment offered by the gentleman from Pennsylvania?

The CHAIRMAN. That is the status of the matter.

Mr. HASKELL. While agreeing with the remarks of the gentleman from Kentucky [Mr. Carlisle] who has just taken his seat, I, in common with others on this floor, have repeatedly urged that the process of funding that he has advocated must of necessity fail, and that the national banks cannot be compelled to take our bonds.

In addition to the arguments that have been presented, let me call the attention of this committee to the fact that when this bill shall the attention of this committee to the fact that when this bill shall become a law you seem to compel the national banks to self the bonds they now hold and invest in three percents; you make a series of bonds at short time, with an option after one year, and, from the day that the national bank has made the transfer of its present bonds to the three percents, you commence picking them away by lot in order to take them up and pay them. You subject for ten years the national banks to perhaps a monthly raid upon these 3 per cent. bonds they hold in order to take them from them and pay them off.

Now, I submit that a national banker cannot, even if the interest was higher, submit or subject himself to the necessity of going once a month, it may be, upon the market to replace the bonds that he holds for his circulation. To-day the 4 per cent. bonds are drawing 3.20 interest. It is urged that this 3½ per cent. interest, the lowest rate ever reached in the United States, can still be retrograded down to 3 per cent.; and that, too, in the face of the fact, as I was informed yesterday by a gentleman on this floor, that in order to sell the 4 per

to 3 per cent.; and that, too, in the face of the fact, as 1 was informed yesterday by a gentleman on this floor, that in order to sell the 4 per cents. a single bank in Boston expended \$26,000 to popularize the loan, to acquaint the people with all the peculiarities of the security that they offered. Now, then, with that advertised loan, with that well-understood law, 4 per cent. bond known world-wide, interest is 3; or 3.30; and it is urged here that the 3 per cent. bond, with a 1-10 option, subjecting the banks to continual sale or purchase of other bonds, is to be a wise and successful loan placed on the market.

Mr. Chairman, I am no defender or advocate of national banks. But we have now \$346,000,000 of national-bank note circulation. I insist that those notes shall not be withdrawn unless something is substituted in their place. I insist that if national banks are to be perpetuated they must be perpetuated so that they can be kept up in the cities, and in the country as well. Now, under the provisions of a law like this no man can say that a country bank could stand upon its feet a single day after its passage.

[Here the hammer fell.]
Mr. REED. I believe that the more sensible thing for this House to do, if it were possible, would be to pass a thirty-year 3 per cent. bond and take the tax off the banks, and thereby surely accomplish the object that we desire. But I realize the fact that men have prejudices as well as reason. It seems to me that a long-time bond is not possible in the present disposition of this House. Therefore the only possible in the present disposition of this House. Therefore the only thing which we can do (for in statesmanship we have to do what we can and not always what we would) is to provide an option bond bearing interest at $3\frac{1}{2}$ per cent. I believe it is utterly impossible to float a 3 per cent. option bond. I believe that the arguments and facts and figures presented by the Speaker of this House and by other gentlemen are as fallacious as any that have ever been presented. Never in the history of the world has a 3 per cent. option bond been negotiated. Every 3 per cent. bond that has been described has been a perpetual bond, and its perpetuity has been one element of its

The reason why men are willing to take a small amount of interest upon their investments is because, in the first place, the investment is perfectly secure; and, in the second place, it is permanent. When a man invests at a low rate of interest, what he wants is to feel that his investment can rest quietly where he puts it and his mind will not be disturbed by the necessity of looking for other investments.

I say that if you put \$650,000,000 of 3 per cent. option bonds on the market they cannot possibly be negotiated at par. The fact that our 4 per cent, bonds, permanent for twenty-seven years, are selling at a

market they cannot possibly be negotiated at par. The fact that our 4 per cent. bonds, permanent for twenty-seven years, are selling at a rate that brings a return of but 3½ per cent. is proof positive of the statement that I make. When you come to add to the bonds we now have issued the immense volume of \$650,000,000 of 3 per cent. option bonds, you will find that you have undertaken an impossibility to float them at par. You will produce this effect: you will throw us back upon the proposition made by our greenback friends, which is to keep the 6 and 5 per cent. bonds still afloat and pay them off from the national revenue, which, as the gentleman from Kentucky [Mr. Carlisle] has plainly shown, will cost us \$78,000,000 more than to issue a long 3 per cent. bond for their redemption. If we provide for a 3½ per cent. option bond we can negotiate them and pay them off as circumstances may justify.

as circumstances may justify.

I desire to say one other thing. I am sorry that the Speaker of this House has endeavored to make this matter a party question. I think that on great occasions and for a good purpose it is wise for think that on great occasions and for a good purpose it is wise for him to come down from the chair and help to direct us on the floor of the House, and the occasion now is certainly great. What has been the purpose? When the Speaker of this House declared that the democratic party had always been in favor of paying the national debt I will not charge him with believing that except for the moment, because he and his party have gone down in three pitched battles under our charging horse-hoofs on that very question, as he well

Now, what was his object? It was to sound the party tocsin, to Now, what was his object? It was to sound the party tocsin, to bring up his party zealously to the support of a 3 per cent. option bond. I say to you that the only effect of such legislation will be to keep afloat our heavy-interest-paying bonds until such time as we can make other provisions for their payment.

Now, I want to see the responsibility fixed where it belongs. I appeal to gentlemen on the other side of the House not to allow them-

appeal to gentlemen on the other side of the House not to allow themselves to be led into any partisan action upon a question that ought to have no partisanship in it. Let them take a broad view of the question and save the country the difference of interest which has been pointed out by the gentleman from Kentucky, [Mr. Carlisle;] and do so by providing the only bond which can be floated at par.

The idea of attacking national banks and banking institutions upder these circumstaces is like a many undertaking the circumstaces.

under these circumstances is like a man undertaking to go into a shop and abuse the shop-keeper in the hope that he can obtain the

shop and abuse the shop-keeper in the nope that he can obtain the articles he desires to buy at a cheaper price.

[Here the hammer fell.]

Mr. DUNNELL. Instead of using my own language in replying to the gentleman from Maine [Mr. FRYE] and other gentlemen who have spoken while this question has been under discussion, simply expressing their own individual opinions that we could not float at par a 3 more cant, hand I desire to have read as a part of my remarks an per cent. bond, I desire to have read as a part of my remarks an English view of American credit based upon the resources of our great

The Clerk read as follows:

[From the London Colliery Guardian, December 10, 1880.]

A piece of intelligence of very considerable moment to the ironmasters and traders of this country and elsewhere reached London on Wednesday, namely, that the Committee on Ways and Means of the House of Representatives of the United States had decided on the previous day that the rate of interest attached to the bonds which will be issued next spring by the Washington Treasury, in substitution of the great mass of 6 per cent. and 5 per cent. United States bonds falling due next year, should be 3 per cent. per annum, and no more. The Secretary of the Treasury, Mr. Sherman, and his excellency President Hayes, had laid their heads

together, and, after much reflection, had come to the conclusion that 33 per cent. per annum was the lowest rate at which the United States could expect to raise bonds for seven hundred million or eight hundred million dollars. But when the matter came before Congress bolder counsels prevailed, and it was at once held that if Great Britain could keep her 3 per cent. consols at par there was no real or valid reason why the United States should not be able to issue 3 per cent. bonds at par also. We are disposed to think that the Committee on Ways and Keans was, after all, justified in forming the conclusion at which it has arrived. Coursilies that the credit of the United States is strong enough to justify an attempt to issue 3 per cent. bonds carries with it a moral force which will probably be found to have some influence on the question.

The issue of 3 per cent. bonds by the United States would, indeed, mark an epoch in the history of that great Republic. Speaking at the Central Farmers' Club on Monday evening, Mr. C. S. Read, who visited the United States in a semi-official capacity in 1579, declared, in a patronizing kind of way, that at no distant date within the United States may fairly claim to rank already among the greatest nations of the world; in fact, the question will soon be not whether the United States form one of the greatest nations of the world, in fact, the question will soon be not whether the United States form one of the greatest nations of the world, which we have the prevent of the world, which we have a subject to the prevent of the world, the South closed in April, 1855, the United States were paying as high an interest as 7½ per cent, per annum upon some of their states were paying as high an interest as 7½ per cent, per annum upon some of their consistible facts, hatevalled the provided of the provided provided the provided provided the provided provided provided the provided provided

kets.

One fact of extreme importance must be borne in mind by English ironmasters, namely, that the productive resources of American rolling mills have been very greatly extended during the last two years. We learn from Philadelphia that the proprietors of Pennsylvania rolling mills are just now endeavoring to secure orders as freely as possible, and to make the prices at which these orders are given out a somewhat secondary consideration. We commend this point to the serious consideration of all concerned in the production of rails on this side of the Atlantic.

Mr. RANDALL, (the Speaker.) Mr. Chairman, it is rather amusing to me to listen to the gentleman from Maine, [Mr. REED;] and I will try to bear his lecture with all the composure that my nervous systry to bear his lecture with all the composure that my nervous system is capable of. But I would remind the gentleman that I did not come down from my place for the purpose of taking part in the debate. The rules of the House require that when the House is in Committee of the Whole I should be on the floor; and being a member of the Committee of the Whole, I thought that in my representative character I was entitled to speak and to vote. But I really think that this lecture would have come more appropriately from some other gentleman than the gentleman from Maine; for during my long service with him in this House I have never seen him go very far beyond gentleman than the gentleman from Maine; for during my long service with him in this House I have never seen him go very far beyond the lines of the narrowest partisanship; nor have I ever known him to rise to such an exalted position of statesmanship that when he looked behind he was not within the reach of his party. [Laughter.] I therefore recommend to the gentleman that when he undertakes to lecture other members on partisanship he should first east the beam out of his own eye before he undertakes to trouble the mote in his paichbors even.

meighbor's eye.

Mr. REED. Mr. Chairman, I am sorry that the gentleman from Pennsylvania [Mr. RANDALL] should regard my observations in the light of a personal lecture. I beg to assure him that they had a

wider significance than any allusion to his personality. The object of what I said was to call the attention of this House to the partisanship which has been adopted with regard to a matter that had not the remotest element of party in it until it was dragged in, and principally by the gentleman from Pennsylvania, so that his allusion to my partisan feeling has no bearing upon the subject. I am glad to say that wherever I have taken ground there my party has been with me; and I believe that the wisdom of a good party like the republican party is better than all the "non-partisanship" that ever fooled a House or deceived a people. [Laughter and applause.] I say to him—or, rather, I say to this House, because I wish to avoid the appearance of a lecture to a gentleman so much my senior, and the appearance of a lecture to a gentleman so much my senior, and who stands so much higher than myself in ability and official posi-tion—I desire to say to members of this House that I believe they

who stands so much higher than myself in ability and official position—I desire to say to members of this House that I believe they are allowing themselves to be deceived into a course of conduct which leads them whither they do not wish to go.

Every man who knows anything about the funding of the 4 per cent. bonds knows that they were funded under an entirely different state of circumstances from the present. Every man knows that then the market for money was low. Every man knows, as the gentleman from New York [Mr. EINSTEIN] so well said yesterday, that to-day the market for money is high; that enterprises are to-day springing up all over this land; and some people know that some million dollars' worth of those four percents are still in the hands of the original proprietors who are desirous of increasing the price by the passage of such a bill as this, which will be the sole effect of it; and it will not be the first time in the history of this country that the men who have declaimed the most forcibly against bankers and wealthy men have been really, without knowing it, their strongest adjuncts and assistants. [Here the hammer fell.] Is my time out?

The CHAIRMAN. The five minutes of the gentleman have expired.

Mr. REED. Well, I never knew so short a five minutes. [Laughter.]

Mr. FERNANDO WOOD. For the purpose of limiting debate I move that the committee rise.

The question being taken, there were—ayes 104, noes 5.

The question being taken, there were—ayes 104, noes 5.
Mr. MURCH. No quorum has voted.
The CHAIRMAN. A quorum is not necessary to adopt a motion that the Committee of the Whole rise.

The motion of Mr. FERNANDO WOOD was agreed to.

The motion of Mr. FERNANDO WOOD was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

Mr. FERNANDO WOOD. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the funding bill, and pending that proposition I move that all debate upon the pending amendment and amendments thereto be limited to fifteen minutes.

amendments thereto be limited to fifteen minutes.

Mr. TOWNSHEND, of Illinois. I move to amend so as to allow thirty minutes, which I think a very short time.

The SPEAKER. The gentleman from New York moves that all debate on the pending amendment—

Mr. FERNANDO WOOD. And amendments thereto.

The SPEAKER. That debate on all pending amendments (that will cover it) be limited to fifteen minutes. The gentleman from Illinois [Mr. Townshend] moves to amend by striking out "fifteen" and inserting "thirty."

and inserting "thirty."

The amendment of Mr. Townshend, of Illinois, was not agreed to.

The motion of Mr. Fernando Wood to limit debate was agreed to. The question recurring on the motion that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of the fund-

ing bill.

The CHAIRMAN. By order of the House all discussion upon the pending amendments is limited to fifteen minutes.

Mr. FERNANDO WOOD. Mr. Chairman, the House on yesterday determined that the rate of interest on these bonds and certificates should be 3 per cent. The next important question—one equally important with the rate of interest, because it affects the question of the negotiability of these obligations—is the time that these bonds and certificates shall run. I have listened to this discussion on that point and regret to find very intelligent and honorable gentlemen running into what I conceive to be a radical error in still further limiting the exceedingly small period of time of the option in which the Government may retire this new issue. They start out with the declaration that we must keep within our power this \$600,000,000 so as to pay it off out of the large surplus revenue. I take the position that, on a question of issuing a grave and great obligation of the Government, to predicate our ability to meet it at maturity on moneys and revenues not yet received is a very dangerous undertaking.

and revenues not yet received is a very dangerous undertaking.

Gentlemen refer to the existing large surplus revenue received by
the Government. They also refer to the indications of the great prosperity of the country and attempt to show this large surplus revenue
is likely to continue in the future. I take issue with them. I believe
they are entirely in error, not only with reference to the real surplus
revenue now received by the Government, but also in reference to

the probability of that very large surplus revenue continuing for any long period of time. Why, sir, within a very recent period what have we seen? From 1872 down to 1879 the revenues of the Government fell off not only in receipts from customs duties, but from inter-

ment fell off not only in receipts from customs duties, but from internal taxation, to a very serious and important extent.

It is well worth while, Mr. Chairman, to know exactly what the reduction was in our revenue during the period I have mentioned. According to official data, in 1872 the receipts from customs duties were \$216,000,000, but every year from then down to 1879 there has been a marked and steady reduction. The same may be said with reference to the revenue received by the Government from internal terration. We find the questoms reasonue alone the receipts being taxation. We find the customs revenue alone, the receipts being \$216,370,000 in 1872, in 1878 fell to \$130,170,000, making a difference between the revenue of the Government from customs duties in 1872 and 1878 of \$86,199,000.

But in addition to that, Mr. Chairman, I have the language of the present Secretary of the Treasury in a statement which he made to the Committee on Ways and Means last January, and which I will ask the Clerk to read, as it shows the impolicy of issuing obligations of the Government upon assumed income derived from revenue.

The Clerk read as follows:

The Clerk read as follows:

Mr. Mills. What objection is there to funding the whole of the five percents in exchequer bills bearing 4 per cent. interest?

Secretary Sherman. Suppose that they should mature at a time when we could not pay them. Suppose that they should mature at a time when we could not pay them. Suppose that they had matured in 1873, 1874, 1875, when we had no surplus revenue, we would have had to borrow money to pay them. I should not like to have floating paper to an amount larger than we could certainly meet. I think it would be very unwise for the Government to issue short-time floating paper. I have seen since I have been in public life many sudden changes in the money market. Mr. Keller must recollect that in 1857, when he and I were in Congress together, we were buying bonds (as we are doing now) at a large premium, and that in six months from that time, when we came back to Congress, we had to issue Treasury notes to carry on the operations of the Government.

The CHAIRMAN. The gentleman's time has evapored.

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. I desire to say that I was not in Congress in 1857, and that I hope the Secretary of the Treasury was not as much mistaken in his other facts as he was in that. I came here in 1860.

Mr. PHISTER. I take the floor and yield my five minutes to the gentleman from New York.

Mr. FERNANDO WOOD. I thank the gentleman from Kentucky

for his courtesy. for his courtesy.

It is very apparent, Mr. Chairman, that for us to farm out supposed revenues to be received in the future, that for us now to issue new obligations of the Government predicated for their payment entirely on what moneys may come into the Treasury, is not the policy which a great Government like ours should adopt. But admitting this surplus may continue to come into the Treasury; admitting, for the sake of the argument, Mr. Chairman, that it is possible the present large surplus of revenue will be continued for years to come; what then? Are gentlemen, and especially gentlemen on this side of the House, willing to tie their hands in advance? Are they willing to be responsible by their votes for the continuance of the enormous burden imposed by taxation upon the industries of the country? Will they put themselves in the attitude that there is to be an end to the efforts of those gentlemen who seek for just revenue reform? Are all efforts to cease for the reduction of the enormous protection now afforded by our tariff laws to something like equality and justice? Are gentiemen willing to say in advance we will not hereafter reduce the present taxation; that we cannot spare the revenue which it brings in; that we cannot do anything which will lessen to the extent of \$1 in; that we cannot do anything which will lessen to the extent of \$1\$ the present large surplus of revenue, because, in our infatuated desire to present ourselves to posterity as having liquidated the public debt at this time we are willing to continue the burdens upon the people in the way of onerous taxation; that instead of reducing the burden of taxation now resting upon the people we will keep up the present large surplus revenue? For one, sir, I shall never consent to any such attitude, and therefore it was that in the bill I propose \$40,000,000 should be set aside to be taken out of the revenues for the purpose should be set aside to be taken but of the revenues for the purpose of meeting the notes and certificates to be issued with ten years to run. I proposed to take this amount of \$650,000,000 and put two-thirds of it in bonds. I am willing to consent to a reduction of the time indicated by the bill just as low as is consistent with a successful sale of the bonds themselves. But I conceive, Mr. Chairman, it is possible to so surround the 3 per cent. bonds by arbitrary restrictions as to make it exceedingly difficult to negotiate them at all.

tions as to make it exceedingly difficult to negotiate them at all.

[Here the hammer fell.]

Mr. BRIGHAM. Mr. Chairman, with all our pending bills on the subject of refunding or raising money for the payment of this large maturing indebtedness of nearly seven hundred millions of dollars, with all our substitutes for bills, and amendments to both bills and substitutes, our proceedings have the appearance of a patch-work quilt, of which perhaps the central and most attractive figure is the "left-handed" bill introduced by the gentleman from Iowa.

We are now in the position of the old gentleman who advertised for a coachman, and when the applicants presented themselves, he asked the first man how near he could drive him to the edge of a precipice without harm. The Jehn replied that he could take him with perfect safety within an inch of it. The next one said that he would not venture within a rod; but the last man said, "Faith, I will keep your honor as far from the edge as possible." "You are the very man I want," said the old gentleman; "you*are the man I can rely upon, and I take you."

Now, Mr. Chairman, in reference to this important matter which is pending, the country wants no half-way measures, no hair-breadth escape from a financial disaster. If this debt is to be refunded, and if these securities are to be taken by the people of this country, a bill must be passed which will meet all the requirements of the case. If measures adopted here fail, it will not simply be a failure to fund the debt, but it will be a disaster inflicted upon the financial credit the debt, but it will be a disaster inflicted upon the financial credit of this country which will reach far into the future. In order to make the investments desirable to the people, the securities authorized by this bill must be made desirable not only in point of time but in the rate of interest as well. There are gentlemen here who will vote for a low rate of interest, if a long time is given, but if the bends are short in time, then they will not be satisfied with a lower rate than 3½ per cent. If the interests of this great country were the same in all sections it might be an easy matter to pass a bill containing provisions which would be acceptable to all parts of the country; but, as the gentleman from Colorado has well said, we have a gold interest in one part of the country, an iron interest in the interior, a copper interest on the lakes, and a great silver interest in the West, all involving immense amounts of capital. All of these interests are different and each one of them must expect to make concessions to different and each one of them must expect to make concessions to

It is my view that the interest on these bonds ought to be higher than 3 per cent. Three-and-a-half per cent., in my opinion, would make it possible to float the debt—would give the loan a probable success in the markets of the country. But this great Government ought not to go into the market to chaffer with the people as to the rate of interest it shall pay on its indebtedness. It ought not to go out and say, "We wish to get this loan taken at 3 per cent.," and hearing the people answer, "No; that is too low," then say, "We will give 3\frac{1}{2} per cent.," and again receive the response, "That is too low; we cannot take it at that; we will not take a cent of it unless you fix the rate at 3\frac{1}{2} per cent."

I am reminded of a family council held in reference to the purchase of a dog. The proposition was first made to pay fifty cents for him, and if he could not be bought for fifty cents to pay a dollar; if the dollar was not enough, then twelve shillings should be offered

if the dollar was not enough, then twelve shillings should be offered for him. The "small boy" of the family was deputed to make the purchase, and went to interview the owner, and remarked to him that he was authorized to buy the dog for fifty cents if he could, and if he could not buy him for fifty cents he was to offer a dollar, and if if he could not buy him for fifty cents he was to offer a dollar, and if that was not enough he was authorized to pay twelve shillings. The negotiation was brief and entirely successful. The dog was bought, but not for fifty cents. This bill should be so framed as to fix a fair rate of interest without discretion to the Secretary of the Treasury that he may be free from the combinations of capitalists as to rate, and thus inducements be given the people to become purchasers of the securities contemplated by this bill. To accomplish this the rate must be liberal enough to induce the people of this country to take the loan. If this is not done it may follow that the loan will go abroad, and our own people will be unable to take it and receive the interest which the Government is required to pay.

The amount ought to be so liberal that the depositors in the savings-banks in this country, the people of small means, whose savings are placed in those institutions, may receive a fair interest on their deposits. The Government then would pay out the money to its own people. In fact, the Government is the people, and the debt is theirs, and they ought to have the first opportunity of taking the securities which represent it. In short, the provisions of this bill,

securities which represent it. In short, the provisions of this bill, both as to time and interest, ought to insure the placing of these securities at home, and that a market need not be sought abroad.

The CHAIRMAN. By order of the House debate is exhausted upon

the pending amendments. The vote will first be taken upon the amendment proposed by the gentleman from Illinois, which the Clerk

will report.

The Clerk read as follows:

It is proposed in line 16 to strike out "\$650,000,000" and insert "\$400,000,000," and also in line 20 to strike out "\$200,000,000" and insert "\$300,000,000."

Mr. FERNANDO WOOD. Mr. Chairman, so far as I am concerned I take no issue with the amendment

Mr. TOWNSHEND, of Illinois. Will you accept the amendment? Mr. FERNANDO WOOD. I have no objection to it myself. Mr. WARNER. The gentleman has no right to accept the amend-

The committee divided; and there were-ayes 98, noes 4.

So the amendment was agreed to.

Mr. RANDALL, (the Speaker.) Let the amendment now be read as amended.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized to issue bonds in the amount not exceeding \$400,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after — years from the date of issue, and also notes in the amount of \$300,000,000 bearing interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after two years and payable in ten years from the date of issue.

The CHAIRMAN. The Chair understands the gentleman from

Pennsylvania to have accepted the amendment.

Mr. RANDALL, (the Speaker.) The committee have adopted that amendment, and the question recurs on filling the blank.

The CHAIRMAN. The Chair was about to say to the gentleman from Pennsylvania that it was the understanding on the part of the

Chair that the gentleman from Pennsylvania had accepted the suggestion of the gentleman from Texas as to filling the blank.

Mr. CARLISLE. The committee has not yet disposed of the ques-

tion on the amendment on which it has just voted. It has still to

vote on the amendment as amended.

The CHAIRMAN. The Chair understands that. But the Chair desired to understand fully the position of the amendment of the gentleman from Pennsylvania. As presented it had some blank spaces which the gentleman from Texas suggested should be filled in a cer-

Mr. CARLISLE. But we have not yet reached the point of filling the blanks. The gentleman from Pennsylvania offered an amendment, and the gentleman from Illinois offered an amendment to that amendment. The amendment to the amendment has been adopted, but not the amendment as amended.

Mr. FERNANDO WOOD. The House is now voting on filling the blanks. We must have that question brought directly before the committee.

Mr. MILLS. The gentleman from Pennsylvania [Mr. RANDALL] accepted my amendment as a part of his own.

The CHAIRMAN. The gentleman from New York [Mr. FERNANDO

accepted my amendment as a part of his own.

The CHAIRMAN. The gentleman from New York [Mr. Fernando Wood] is on the floor.

Mr. FERNANDO WOOD. I say in my judgment the attitude of this question is this: we are now brought to vote upon the amendment of the gentleman from Pennsylvania. That amendment has been amended upon the motion of the gentleman from Illinois, [Mr. Townshend,] the committee having sustained the gentleman from Illinois in what he proposed; but the amendment as presented by the gentleman from Pennsylvania left a blank, and before proceeding to the vote upon that amendment the committee must fill that blank, which leaves an open question as to the time these bonds may have to run. Now, I understand the gentleman from Pennsylvania to take the position that he has accepted an amendment offered by the gentleman from Texas, [Mr. Mills.] I do not know what the Chair intends to do, but I assume that this being the most important question perhaps relating to the whole bill, the committee must have an opportunity to vote upon it. Therefore I think the next amendment properly before the committee is to fill that blank.

Mr. RANDALL, (the Speaker.) If I have the power under the rules I desire to accept the amendment of the gentleman from Texas [Mr. MILLS] as a modification of my amendment.

Mr. FERNANDO WOOD. The gentleman from Pennsylvania undoubtedly has the power to accept the amendment of the gentleman from Texas as a modification of his own; but that does not cut off the right of the committee to vote upon that question.

Mr. MILLS. The amendment of the gentleman from Pennsylvania was nending. Before there was a vote taken on the amendment of

Mr. MILLS. The amendment of the gentleman from Pennsylvania was pending. Before there was a vote taken on the amendment of the gentleman from Illinois to the amendment I offered an amendment that filled the blank in the substitute of the gentleman from Pennsylvania. While it is still in his control he accepts that amendment as a part of his own; and I submit the committee has nothing further to do than to vote on the whole substitute as amended. Mr. CLAFLIN. It will be recollected that on yesterday the gen-

tleman from Pennsylvania stated he left a blank purposely to be filled

tleman from Pennsylvania stated he left a blank purposely to be filled by the committee after the rate had been fixed.

Mr. RANDALL, (the Speaker.) I do not take any different position now. The committee can call for a division.

Mr. CLAFLIN. Very well; let that be understood. The first thing to be done is to fill the blank. I ask what was the motion the gentleman from Texas made as to filling the blank?

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas, [Mr. MILLS.]

The Clerk read as follows:

The Clerk read as follows:

In line 19, strike out the words "after twenty years and payable forty years" and insert "after one year and payable ten years."

Mr. MILLS. Redeemable in one year and payable in ten.

Mr. CLAFLIN. I move to amend by inserting the word "five" instead of "one," as applicable to the bonds.

The CHAIRMAN. The Chair would suggest to the gentleman from Massachusetts that it seems to him the order of procedure should be first determined; the question being whether the gentleman from Pennsylvania [Mr. RANDALL] has the right to accept the amendment suggested by the gentleman from Texas [Mr. MILLS] without a vote being had thereon in the committee?

Mr. HAWLEY. I would suggest that the gentleman from Pennsylvania has accepted the amendment of the gentleman from Texas as part of his own; and now the amendment of the gentleman from Pennsylvania stands without any blanks, and it is quite competent for the committee to strike out the figures which are in his amendment as modified and put in others.

ment as modified and put in others.

Mr. RANDALL, (the Speaker.) The Chair has stated, as I understood, that that was the mode of procedure. But I would like to ask the gentleman from Massachusetts [Mr. CLAFLIN] a question. His amendment would make the time, as I understand, 5-10.

Mr. CLAFLIN. Five-ten or 5-20, I do not care which.

Mr. RANDALL, (the Speaker.) He proposes 5-10 for the bonds and to leave 1-10 for the certificates.

Mr. CLAFLIN. I do. The first question is on the word "five."

My motion is to strike out the word "one," as accepted by the gentleman from Pennsylvania, and insert the word "five."

Mr. WARNER. I understand the time to refer both to the bonds and the certificates. It would be necessary to make a division there. This covers both bonds and certificates. The gentleman from Massachusetts, I suggest, should make a distinction.

Mr. CLAFLIN. My amendment simply applies to the bonds.

Mr. WARNER. I would like to have the amendment of the gentleman from Massachusetts read

tleman from Massachusetts read.

The Clerk read as follows:

Strike out in the pending amendment the words "one year" and insert "five years i" making it read "after five years and payable ten years from the date of issue."

Mr. WARNER. That applies to both bonds and certificates. MESSAGE FROM THE SENATE.

The committee informally rose, and the chair was taken by Mr. NEWBERRY, as Speaker pro tempore.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. No. 2008) to amend the act entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved June 14, 1880.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 2968) for the relief of James D. Grant.

FUNDING BILL.

The Committee of the Whole resumed its session.

Mr. CLAFLIN. My original proposition was to make these bonds five-twenties; but that seems to be objected to by some. I consider it immaterial whether they are 5-10 or 5-20 bonds. If any gentleman wishes to try the sense of the committee upon making the bonds five-twenties he can move the amendment. I would like to have the vote first taken upon the proposition to make them 5-20 bonds. first taken upon the proposition to make them 5-20 bonds

Mr. MILLS. Does the gentleman from Massachusetts [Mr. Claf-LIN] move to make the bonds 5-20?

Mr. CLAFLIN. I do.

Mr. WARNER. I call for the reading of the amendment as it now stands, with the amendment of the gentleman from Massachusetts [Mr. CLAFLIN] incorporated into it. I do not understand that the amendment offered by the gentleman from Illinois Mr. Townshend contains any element of time either for the certificates or for the

Mr. TOWNSHEND, of Illinois. The amendment of the gentleman

from Pennsylvania [Mr. RANDALL] contains it.
Mr. WARNER. The amendment of the gentleman from Massachusetts [Mr. Clafin] applies, therefore, both to the bonds and to the certificates.

The amendment proposed by Mr. RANDALL was read, as follows:

The Secretary of the Treasury is hereby authorized to issue bonds or certificates in the amount of not exceeding \$650,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the Government after—years from the date of issue. The bonds and certificates shall be in all respects of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, &c.

Mr. TOWNSHEND, of Illinois. Now let the amendment be read as amended by the adoption of my amendment.

The Clerk read as follows:

Mr. CARLISLE. I desire to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the fact that in one part of that amendment the \$200,000,000 are called "certificates," and in another part they are called "notes." They should be called one or the

other.

Mr. WARNER. They should be called certificates.

Mr. RANDALL, (the Speaker.) The modification can be made by

Mr. CLAFLIN. I have no objection to that. There being no objection, the word "notes" was changed to "certificates.

Mr. FRYE. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] whether his amendment does not provide that not more than \$40,000,000 of these certificates shall be paid in one year?

Mr. RANDALL, (the Speaker.) I did not have that in my amend-

ment.

Mr. FRYE. It was so read. Mr. RANDALL, (the Speaker.) That was not part of my amend-

Mr. FRYE. It was so read, and the sinking-fund law will require more than that.

Mr. RANDALL, (the Speaker.) I understand that. I asked the Clerk on a former occasion not to read that part of it.

Mr. TOWNSHEND, of Illinois. I had no desire to amend any por-Mr. TOWNSHEND, of Illinois. I had no desire to amend any portion of the amendment offered by the gentleman from Pennsylvania, [Mr. RANDALL,] except in regard to the amount of the certificates and the amount of the bonds. I am willing that the forty-million clause shall be left out. It is not embraced in my amendment at all. Mr. RANDALL, (the Speaker.) I never did have the forty-million clause as a part of my amendment.

Mr. CLAFLIN. I have no objection to omitting that.

There was no objection, and the forty-million clause was omitted. Mr. RYON, of Pennsylvania. I desire to offer an amendment in regard to the time to which these bonds may run.

The CHAIRMAN. No further amendment is now in order; there are two amendments already pending.

are two amendments already pending.

Mr. TOWNSHEND, of Illinois. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. The gentleman from Texas [Mr. MILLS] offered an amendment to fill the blank with "one year." The gentleman from Massachusetts [Mr. CLAFLIN] moved to make it five years instead of one, and the gentleman from Texas accepted that amendment

The CHAIRMAN. Does the gentleman from Texas [Mr. Mills] accept the amendment of the gentleman from Massachusetts, [Mr.

CLAFLIN ??

Mr. MILLS. Making them 5-10 bonds? I do.
Mr. RYON, of Pennsylvania. Then I desire to offer an amendment.
The CHAIRMAN. Further amendment is still in order.
Mr. RYON, of Pennsylvania. I think the time when these bonds are to mature should correspond to the time when the 4½ bonds are payable. I therefore move to strike out the word "ten" and insert the word "twenty," so that it will read "redeemable at the pleasure of the United States after five years, and payable twenty years from the date of issue." the date of issue."

The amendment was not agreed to, upon a division-ayes 74, noes

Mr. WARNER. I move to amend the amount of bonds to be issued by striking out "\$400,000,000" and inserting "\$350,000,000." The amendment of the gentleman from Illinois, [Mr. Townshend,] which has been adopted, provides for the issue of \$700,000,000 of bonds and certificates. That certainly is fifty millions more than is needed; there is not seven hundred millions of fives and sixes to be taken up.

Mr. TOWNSHEND, of Illinois. My amendment does not limit the amount of bonds more than did the original bill. It simply adopted the figures of the original bill.

the figures of the original bill.

Mr. WARNER. When the bill was originally reported there were seven hundred millions of bonds to be taken up. I think there will be no objection to reducing the amount to six hundred and fifty

millions of bonds and certificates.

Mr. CARLISLE. If the gentleman from Ohio [Mr. WARNER] will look at the bill I think he will find that it provides that the bonds shall not exceed four hundred millions and the certificates shall not

exceed three hundred millions. And there is an express provision in the section that the public debt shall not be increased.

Mr. WARNER. I understand that; but we have already adopted an amendment deferring the option upon the bonds for five years. It was in view of that amendment that I desired to limit that part of

the debt that is to be postponed for five years.

Mr. MILLS. I move to strike out "five years" and insert "four years" as the time of the option.

The CHAIRMAN. The amendment is not in order at this time.

Mr. SINGLETON, of Illinois. Is a substitute for the amendment of the gentleman from Pennsylvania and the pending amendment to that amendment in order?

that amendment in order?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that a substitute for the section would be in order, but that no further amendment will be in order until the disposition of the amendment offered by the gentleman from Ohio, [Mr. WARNER.]

Mr. SINGLETON, of Illinois. I understand the Chair to say that a substitute for the amendment of the gentleman from Pennsylvania and the pending amendment to that amendment is not in order at this time, but that a substitute for the section would be in order.

The CHAIRMAN. A substitute for the section will be in order.

The CHAIRMAN. A substitute for the section will be in order when the section is finally perfected. The vote will now be taken on the amendment of the gentleman from Ohio, [Mr. WARNER.]

The amendment of Mr. WARNER was not agreed to; there being—

ayes 38, noes 57.

Mr. MILLS. I wish to inquire what is the earliest option proposed by the amendment for the payment of the notes and certificates?

The CHAIRMAN. The Clerk will report that part of the amend-

The Clerk read as follows:

And also certificates in the amount of \$300,000,000, bearing interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after two years, and payable in ten years from the date of issue.

Mr. MILLS. The phrase "two years" ought to be "one year."
Mr. TOWNSHEND, of Illinois. That was the original motion of
the gentleman from Texas.

The CHAIRMAN. If there be no objection, that modification will be made.

There was no objection.

Mr. GILLETTE. I desire to submit an amendment.

Mr. MILLS. Before we leave this question of the time I want to suggest to the gentleman from Massachusetts that the option ought to be at four years instead of five, because at the rate at which our revenues are now accruing we shall be able to extinguish these certificates a year before the maturity of these bonds.

Mr. CLAFLIN. In answer to the gentleman I will say that we cannot possibly pay more than \$300,000,000 in four years. Five years is short enough, and that is the common time.

The CHAIRMAN. Discussion is scarcely in order at this time.

The amendment submitted by the gentleman from Iowa [Mr. GIL-LETTE] will be read.
The Clerk read as follows:

Strike out all after the word "issue," in line 15, down to the word "notes," in 20. Also, strike out the word "two," in line 20, and insert "seven."

Mr. GILLETTE. The effect of my amendment is simply to issue the whole amount in Treasury notes rather than a part in bonds and a part in certificates.

The amendment of Mr. GILLETTE was not agreed to.

The amendment of Mr. GILLETTE was not agreed to.

Mr. FERNANDO WOOD. I desire to submit to the Chair an inquiry. As I understand the attitude of the question, we are now amending the amendment offered by the gentleman from Pennsylvania, which is substantially a substitute for the whole of the first section. Now, after the committee has exhausted itself in these amendments, will the Chair submit to the committee for its action

amendments to the original section?

The CHAIRMAN. The committee received first an amendment presented by the gentleman from Pennsylvania to the proposition reported by the Ways and Means Committee. To that amendment an amendment was first offered by the gentleman from Illinois, [Mr. Townshend,] which was adopted. Secondly, the gentleman from Texas [Mr. Mills] submitted an amendment in the form of a suggestion to the gentleman from Pennsylvania, which was accepted by that gentleman. Thirdly, an amendment was presented by the gentleman from Massachusetts, [Mr. CLAFLIN,] which was also accepted by the gentleman from Pennsylvania. The committee at this time is called upon to vote upon the amendment of the gentleman from Pennsylvania. sylvania thus modified by these amendments or suggestions.

Several Members. "Let the amendment be read."

The CHAIRMAN. The Clerk will read the amendment of the gen-

tleman from Pennsylvania as it now stands.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized to issue bonds and certificates in the amount of not exceeding \$400,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after five years, and payable ten years after the date of issue; and also certificates in the amount of \$300,000,000, bearing interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after one year, and payable in ten years from the date of issue.

Mr. RANDALL, (the Speaker.) The Clerk has read the amendment incorrectly. It should read "bonds"—not bonds and certificates—"in the amount of not exceeding \$400,000,000." The words "and certificates" in that part of the amendment should come out. The subsequent part of the amendment relates to certificates.

The CHAIRMAN. If there be no objection, the modification sug-

gested by the gentleman from Pennsylvania will be made. The Chair

hears no objection.

Mr. TOWNSHEND, of Illinois. The whole amendment of the gentleman from Pennsylvania was not read, I believe.

The CHAIRMAN. Yes, sir; the whole amendment was read.

The amendment of Mr. RANDALL was agreed to; there being—ayes

Mr. WARNER. I rise to a parliamentary inquiry. I wish to ask how and when the amendment offered by the gentleman from Massachusetts, [Mr. Clafin,] to make the time of redemption of these bonds five years, was adopted by the committee.

The CHAIRMAN. The Chair will state to the gentleman from Ohio that to the then pending amendment the gentleman from Massachusetts of the state of

Only that to the then pending amendment the gentleman from Massachusetts offered an amendment, which was accepted and adopted by the gentleman whose proposition was sought to be amended. Thus the amendment of the gentleman from Massachusetts became merged in the amendment of the gentleman from Pennsylvania as a part of it, and as such was submitted to the committee.

Mr. WARNER. That is the question I wish to raise. When an amendment is pending, and the House has already voted upon a part of it, can a member rise and offer an amendment, and the gentleman proposing the original amendment accept this amendment without

of it, can a member rise and offer an amendment, and the gentleman proposing the original amendment accept this amendment without its being adopted by a vote of the committee?

The CHAIRMAN. The Chair will state to the gentleman from Ohio that precisely a similar condition of things occurred in this Chamber, in this committee, within the space of the last half hour, in the presence and in the hearing of the gentleman from Ohio and other members of the committee, and no objection was taken to it.

Mr. WARNER. I had already given notice, Mr. Chairman, in this case that I should object.

The CHAIRMAN. But for the purpose of determining this mat-

Mr. WARNER. I gave notice that I did object.

The CHAIRMAN. For the purpose of bringing this matter to determination the Chair will make a formal ruling, and he does so now make it, that the amendment of the gentleman from Massachusetts was properly received, that it was open to amendment, and that as

such it was merged with the original amendment after having been

duly submitted.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The Clerk in reading the amendment of the gentleman from Pennsylvania omitted to read the last clause or proviso of the section; and I desire to inquire of the Chair whether that last clause or proviso of the section stands unaffected by the amendment which has been adopted?

The CHAIRMAN. The Chair has no doubt whatever on that point. Mr. SPRINGER. Is it in order to have the section as amended

The CHAIRMAN. If there be no objection, the Clerk will report the section as amended and adopted by the Committee of the Whole.

Mr. SPRINGER. I hope that will be done, so we may understand exactly where we are.

There was no objection; and the Clerk read the section as amended,

as follows:

That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 25, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$400,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after five years and payable ten years from the date of issue, and also certificates in the amount of \$300,000,000, bearing interest at the rate of 3 per cent. per annum, redeemable at the pleasure of the United States after one year and payable in ten years from the date of issue. The bonds and certificates shall be in all other respects of like character and subject to the same provisions as the bonds authorized by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt: Provided further, That before any of the bonds or notes authorized by this act are issued, it shall be the duty of the Secretary of the Treasury to pay on the bonds accruing during the year 1881 all the silver dollars at 412½ grains and all the gold over and above \$50,000,000 now held in the Treasury for redemption purposes.

The CHAIRMAN. The Chair desires to ask the gentleman from

The CHAIRMAN. The Chair desires to ask the gentleman from New York, chairman of the Committee on Ways and Means, whether he has any further amendment to offer to the section as it now stands? Mr. FERNANDO WOOD. I have not any further amendment to

offer on behalf of that committee.

Mr. RANDALL, (the Speaker.) I have a futher amendment to offer.
Mr. FERNANDO WOOD. As I understand it the section now stands as perfected by the amendment of the gentleman from Pennsylvania.
Mr. RANDALL, (the Speaker.) I move to amend by adding the fol-

And provided further, That interest on the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after notice that the same has been designated by the Secretary of the Treasury for redemption.

If I am correctly informed and remember accurately, the Secretary of the Treasury somewhere in one of his reports to Congress recom-

mends this very proposition.

Mr. KELLEY. He urgently recommended it in his annual report at the opening of the last session of Congress, and again before the Committee on Ways and Means in personal conference.

The amendment was adopted.

Mr. KELLEY. Let me make a brief statement. I desire to say to the gentlemen who have expressed themselves kindly to the substitute of which I gave notice that, inasmuch as the committee has adopted substantially the provisions of that substitute, I do not proe further to press it, as all I have sought to secure is already in the bill.

Mr. WEAVER. I move to add the following amendment:

Provided further. That no portion of the public debt now payable in lawful money shall be funded under authority of this act into obligations payable exclusively in coin.

Now, Mr. Chairman, one word on that amendment. Two hundred millions of dollars of bonds sought to be refunded were issued under acts of July and August, 1861, and are not expressly payable in coin. If the bill passes as it now stands all the bonds and notes issued under the authority of this law will be made expressly payable in coin. For one, I am not willing to part with the right to pay \$200,000,000 of the public debt in any kind of lawful money the Treasury may have on hand. I think this House and the committee should insist

have on hand. I think this House and the committee should insist upon retaining that right on the part of the Government.

If the Government has that right, why part with it? Gentlemen who claim that they are in favor of paying the bonds in lawful money have now an opportunity to show that they are in earnest. Here are \$200,000,000 of bonds which are unquestionably payable in greenbacks. No wisdom can foresee what the movement of our coin will be in the future. It is the most untrustworthy money in the world. Its habit is to leave the channels of commerce just when it is most needed. The greenback can always be relied upon. Give it full legal-tender functions and it will always be the equivalent of the best coin in the world.

coin in the world.

There is nothing in the act of 1869, March 18, that precludes us from paying in lawful money, for that act expressly declares bonds shall be paid in coin or its equivalent. Now, any lawful money hereafter held by the Treasury, which is equivalent to coin, can be lawfully used in paying these obligations. I trust my soft-money democratic friends will now rally to the support of this amendment. The

funding bill of 1870 was a great wrong. It was an unmitigated swindle. Here, however, are \$200,000,000 of bonds which survived that catastrophe, and are still payable in greenbacks. Let us so pay them, and thus ingraft one single feature onto this bill that is in

them, and thus ingraft one single feature onto this bill that is in favor of the people.

Mr. FORT. Mr. Chairman, a word or two upon this amendment. It does seem to me that there can be no occasion whatever for the adoption of this proposed amendment. The day has passed when there is really any distinction between coin and lawful money.

Mr. WEAVER. It may arise again.

Mr. WEAVER. It may arise again.

Mr. FORT. Resumption has come, and resumption, being an accomplished fact, must be sustained at all hazards. That being the case, I do not see why there should be longer any desire to issue a bond which is to be paid in the lawful money of the United States, or payable in any special kind of money—

Mr. WEAVER. But suppose the coin leaves the country?

Mr. FORT. Coin may leave the country, it is true, but we must so provide as to keep it. We must provide by our laws governing commerce and trade and so husband the revenues of the country that coin will not leave us, and so that we shall have at all times a sufficient amount of good money in our Treasury not only to protect the paper circulation of the Government, but to pay off every debt in coin if demanded. I am glad, Mr. Chairman, that the time has come when money in this country is all good, when every dollar of the United States is equal to every other dollar.

Mr. FERNANDO WOOD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. FERNANDO WOOD. I wish to ask whether the gentleman is in order in discussing an amendment at this time.

The CHAIRMAN. The gentleman from Iowa offered an amendment and debated it for the space of five minutes. The discussion upon

The CHAIRMAN. The gentleman from Iowa offered an amendment and debated it for the space of five minutes. The discussion upon amendments now offered is limited to ten minutes, to be equally divided.

Mr. FERNANDO WOOD. Does the Chair hold that the order of

the House does not apply to new amendments?

The CHAIRMAN. The Chair holds that every new amendment is subject to discussion; five minutes for the amendment and five minutes in opposition to it. The gentleman from Illinois has the floor and will continue.

Mr. FORT. I have said, Mr. Chairman, about all I desire to say upon this question. I hope there will be no special mention of the kind of money to be paid, and when the bonds fall due they must be

Mr. STEVENSON. Let the amendment be again reported.

The amendment was again read.
The CHAIRMAN. The question is on agreeing to the amendment

The committee divided; and there were—ayes 33, noes 119. Mr. WEAVER demanded tellers.

Tellers were ordered; and Mr. WEAVER and Mr. LOUNSBERY were

Mr. SINGLETON, of Illinois. Mr. Chairman, I rise to a parliament-

ary inquiry.

The CHAIRMAN. The gentleman from Illinois will take note that the committee is now dividing.

Mr. SINGLETON, of Illinois. I wish to say that the committee evidently does not understand the purport of that amendment. It simply changes the obligation of the bond.

The CHAIRMAN. The gentleman from Illinois is not in order.

The committee divided; and the tellers reported—ayes 53, noes 65.

Mr. WEAVER. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the tellers will continue their count, and members who have not voted are requested to vote to make a quorum.

The tellers continued the count, and reported that there were ayes

66, noes 96,

So the amendment was not agreed to.

Mr. CHITTENDEN. I ask leave to offer the following amend-

ment.
The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

Add to the section the following:

"And all acts and parts of acts imposing a tax upon the capital and deposits of savings-banks, national banks, State banks, and private bankers are hereby repealed; and the tax upon the circulating notes of the national banks issued upon the bonds authorized by this act shall not exceed one-half of 1 per cent. per annum.

Mr. MILLS. Mr. Chairman, I reserve the point of order upon that. I make the point of order now, that it is not germane to the proposition, and further that it is embraced in a bill now pending before

The CHAIRMAN. Does the Chair understand the gentleman to

make his point of order now?

Mr. MILLS. I make the point of order now upon both points.

The CHAIRMAN. The Chair will hear the gentleman in support

of the point of order.

Mr. MILLS. I do not know that I have anything special to add further than that we are now providing a measure for borrowing money. The proposition now before the House is one for the purpose of borrowing money under the constitutional authority conferred

upon Congress to pay debts. The gentleman from New York comes in and proposes as an amendment to the measure the alteration of the present system of taxation, and, instead of raising money even by present system of taxation, and, instead of raising money even by the processes of taxation, he proposes to give away money. The object of this amendment is quite the reverse of the object sought to be accomplished by the bill under consideration. And I give the gentleman notice now that, if he insists on having his amendment entertained by the House, he opens the door for the revision of the whole system of taxation of the United States. If he insists upon pressing the amendment, I tell the gentleman that we can predicate upon that basis legislation which will open the door for the revision of the entire internal-revenue laws and tariff laws of this country, and I shall offer amendments to that covering all those points, including the income tax. It is manifestly not germane to the question ing the income tax. It is manifestly not germane to the question under consideration, which is, as I have stated, a means of borrowing

money to meet a present emergency.

Mr. CHITTENDEN. With the menace of the gentleman from Texas, I will not argue the point of order. I will submit it to the Chair without argument, after occupying two or three moments in regard

without argument, after occupying two or three moments in regard to the general question.

Mr. FERNANDO WOOD. Will my colleague listen to a suggestion?

Mr. CHITTENDEN. Yes, sir.

Mr. FERNANDO WOOD. I desire to suggest to my colleague that to the fifth section of this bill I think his amendment would be held germane; but I doubt very much whether it is germane to the objects of this section. of this section.

Mr. CHITTENDEN. I have but a very few words which I desire to say. I would like to say them now, so that when the amendment becomes germane it may be voted on without anything further from

me.
Mr. TOWNSHEND, of Illinois. I must object to the gentleman frem New York speaking on the merits of his amendment. I desire to answer the gentleman, and I shall not consent to his getting in a speech if he is to follow it by withdrawing his amendment, so as to preclude others from answering him. If the committee is willing to hear the gentleman, I desire to have an opportunity to answer him. The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from New York [Mr. CHITTENDEN] that the Chair cannot dictate to gentlemen what shall be embraced in the remarks they make in reference to the proposi-

be embraced in the remarks they make in reference to the propositions pending before the committee. The Chair presumes that gentlemen will address themselves to the subject under consideration.

Mr. WARNER. Which is the point of order made by the gentle-

man from Texas.

Mr. TOWNSHEND, of Illinois. If the gentleman from New York

man from Texas.

Mr. TOWNSHEND, of Illinois. If the gentleman from New York is proceeding to discuss the point of order, I have no objection; but if he proposes to speak on the merits, I object.

The CHAIRMAN. The Chair is bound to presume that the gentleman from New York will address himself to the subject under consideration. He is entitled to the floor and will resume his remarks.

Mr. CHITTENDEN. As I understand it, I mean to stick to the question. I have considerately and earnestly advocated a 3 per cent. rate for this bill, but I have persistently and with equal earnestness insisted that without such relief to the banks as the Secretary of the Treasury has proposed and as this amendment provides, when the bill is finally passed it will be with a 3½ per cent. rate.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My point of order is this, that the point of order made by the gentleman from Texas [Mr. MILLS] is still pending and undisposed of. The gentleman from New York is proceeding to discuss the merits of his amendment, and it is not in order to do so. If it is in order for the gentleman from New York on a point of order to discuss the merits of his amendment, this debate would run on without limit; because I desire to introduce a proposition as a substitute for his, and I desire to have the same opportunity as he has of speaking on this question. My point is that the gentleman shall be limited in his remarks to the point of order now pending.

The CHAIRMAN. The point of order is made by the gentleman

gentleman shall be limited if his remarks to the pending.

The CHAIRMAN. The point of order is made by the gentleman from Illinois that the gentleman from New York is not addressing himself to the subject now before the Chair; that being the question of the admissibility of this amendment, the point having been made that it is not germane to the section. The Chair would state that the point of order made by the gentleman from Illinois [Mr. Towns-HEND] is well taken; and the Chair would suggest to the gentleman from New York that his remarks be confined strictly to the subject under consideration—the question as to whether his amendment is or under consideration—the question as to whether his amendment is or is not germane to the bill under consideration. Mr. CHITTENDEN here resumed his seat.

Mr. CHITTENDEN here resumed his seat.
Mr. GILLETTE rose.
The CHAIRMAN. Does the gentleman from Iowa [Mr. GILLETTE]
desire to discuss the question now pending?
Mr. GILLETTE. I understood the gentleman from New York
[Mr. CHITTENDEN] had yielded the floor.
The CHAIRMAN. A question is pending whether the amendment
of the gentleman from New York is germane to the bill.
Mr. CHITTENDEN. I would like to make one more remark by
unanimous consent. This question now before the House is of very
great importance to every man on this floor as a representative of the

American people, and I have a few words to say touching the facts of the case to show how unintelligently this discussion has gone on.

Mr. TOWNSHEND, of Illinois. I object.

Mr. CHITTENDEN. If it is in order to choke me off and to forbid my having three minutes, I submit.

Mr. SINGLETON, of Illinois. I ask unanimous consent that the gentleman from New York [Mr. CHITTENDEN] be allowed to proceed.

Mr. TOWNSHEND, of Illinois. I object, unless there can be debate allowed on both sides. I am willing the gentleman shall discuss the merits of the amendment if other gentlemen have an opportunity to merits of the amendment if other gentlemen have an opportunity to answer him.

answer him.

The CHAIRMAN. Does the gentleman from Illinois [Mr. Towns-HEND] withdraw his point of order?

Mr. TOWNSHEND, of Illinois. As I have said, I am willing that the gentleman shall proceed if other gentlemen—

The CHAIRMAN. Does the gentleman withdraw his point of or-

der ?

Mr. TOWNSHEND, of Illinois. I do not, Mr. Chairman.

The CHAIRMAN. The question is as to the admissibility of the amendment offered by the gentleman from New York, [Mr. CHITTENDEN.] The Chair feels no embarrassment in passing on this question, for the simple reason that the line of demarkation in cases of this kind seems very clearly and very broadly drawn by very numerous precedents, many decisions having been rendered on this question.

The rule has prevailed in legislative bodies for over half a century that no motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment. The first section of the bill has been reported to the committee so often, the committee have been called upon to vote with reference to amendments to that section so often, that the committee are fully advised as to the character and substance of the first section of the bill, and it is unnecessary for the Chair to refer again to the substance and subject-matter of that section. Now, the amendment proposed by the gentleman from New York goes far beyond the scope of the sub-ject-matter embraced in the first section of the bill. It clearly falls within the exception of the rule, as that exception has been settled by a long line of precedents. The Chair therefore feels no hesitation in ruling that the point of order made by the gentleman from Texas [Mr. Mills] is well taken, and that the amendment is not in

order.

Mr. WARNER. I offer as an addition to the section that which I send to the Clerk's desk.

The Clerk read as follows:

Provided further, That the Secretary of the Treasury may, in his discretion, make the interest on the certificates hereby authorized payable annually, and make the interest on such certificates 3½ per cent. per annum: Provided, That no certificates of less denomination than \$50 shall be issued.

Mr. BLAND. I raise the point of order on that amendment, that the subject to which it relates has already been passed upon by the committee.

Mr. WARNER. It is an amendment to the section under consid-

Mr. BLAND. It reopens everything which has been determined by the committee.

Mr. WARNER. Oh, no; it does not reopen anything.
Mr. MILLS. It changes the rate of interest fixed by the committee. Mr. WARNER. Only as relates to the certificates; not as to the

Mr. MILLS. The committee has passed upon that question al-

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] offers an amendment, upon which a point of order is raised by the gentleman from Missouri [Mr. Bland] and the gentleman from Texas, [Mr. Mills.] The Chair will hear the gentleman from Ohio [Mr. WARNER] upon the point of order.

Mr. WARNER. The rate of interest has been fixed in regard to the whole issue, bonds and certificates. I propose to divide the question and make one rate of interest for the certificates and another for the bonds in the discretion of the Secretary. I propose also to limit

and make one rate of interest for the certificates and another for the bonds in the discretion of the Secretary. I propose, also, to limit the denomination of the certificates to \$50. Under the act of 1879, authorizing the issuing of certificates, they may be of denominations as low as \$10. My amendment certainly is in order, and germane to the section under consideration.

Mr. TOWNSHEND, of Illinois. Why do you want to change the denominations

Mr. WARNER. I will give my reason after the point of order has

been disposed of.

Mr. BLAND. I ask the Clerk to read the rule relating to the question of going back upon a matter that has been acted upon by the

The Clerk read as follows:

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can, by amendments, before the question is put for inserting it. If it be received, it cannot be amended afterward in the same stage, because the House has, on a vote, agreed to it in that form. But an amendment which has been inserted may be added to.

committee; the committee has recorded its verdict upon that subject. If at this time the amendment which has been presented should be entertained it would be in the direction of going over the same ground or undoing what the committee has already done. The Chair therefore holds that the point of order made by the gentleman from Missouri [Mr. Bland] is well taken, and the amendment is not in

Mr. ANDERSON. I desire to offer an amendment.

Mr. WARNER. Then I move to limit the denomination of the certificates to \$50

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. Anderson] to offer an amendment.

Mr. WARNER. I desire to make a parliamentary inquiry of the

Chair.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER. I desire to inquire whether it would be in order to offer an amendment to this section to limit the denomination of

the certificates to be issued to \$50.

The CHAIRMAN. The Chair understands that that is the same subject-matter that has been considered and passed upon by the Com-

mittee of the Whole.

Mr. WARNER. The committee has not voted upon that particular

question.

The CHAIRMAN. In any event the Chair would state to the gentleman from Ohio that the gentleman from Kansas is recognized to present an amendment, which he has been pressing for some time. After the gentleman from Kansas has stated his proposition, and it has been disposed of, the Chair will recognize the gentleman from Ohio, [Mr. WARNER.]

Mr. ANDERSON. I offer the amendment which I send to the Clerk's death

The Clerk read as follows:

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized to issue, as hereinafter provided, currency notes of the United States, which shall not bear interest, and which shall be payable to bearer on demand in the legal-tender notes issued under authority of section 3 of the act entitled "An act to provide ways and means for the support of the Government," approved March 3, 1863, and of acts amendatory thereof.

From and after June 30, 1881, it shall be unlawful for the Comptroller of the Currency to authorize any association for carrying on the business of banking under title 62 of the Revised Statutes to commence the business of banking under said title; and it shall be unlawful for him, or for any other officer of the United States, from and after June 30, 1881, to issue circulating notes to any association which shall at that date be duly authorized to transact the business of banking under said title 62, except for the purpose of replacing mutilated, worn-out, or destroyed circulating notes, as provided in section 5184 of the Revised Statutes.

The Secretary of the Treasury shall ascertain the number, denominations, and aggregate amount of all circulating notes issued to banking associations under title 62 outstanding June 30, 1881; and when, from any cause, any of said circulating notes at that date outstanding shall be redeemed by the Treasurer, as provided in section 5234 Revised Statutes, he shall thereupon, and not otherwise, be authorized to issue the currency notes herein provided, of the same denominations and to the same amount as that of the circulating notes as redeemed by him; and he shall thereafter pay out said currency notes in discharge of any services rendered to or for supplies purchased by the United States after June 30, 1881.

The aggregate amount of currency notes issued to banking associations, and of currency notes issued by the Treasurer, shall at no time be greater than the total amount of circulating notes outstanding June 30, 1881, as ascertained by the Tre

Said currency notes shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt and in redemption of the national currency.

Mr. CARLISLE. I desire to reserve all points of order upon that amendment. It is a long one, and I am not certain that I apprehend exactly its full purport.

Mr. BLAND. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I understand this is a substitute for the section.

Mr. ANDERSON. Not at all.

The CHAIRMAN. This is presented as an amendment by way of addition to the section.

addition to the section.

Mr. ANDERSON. Mr. Chairman, in support of this amendment, I wish to say that two years ago the republicans of my State expressed their desire that the national-bank currency should be withdrawn and legal-tender notes substituted therefor. The declaration of their platform on this subject was as follows:

That experience has shown the greenback currency (the creation of the republican party and under whose fostering care it has been brought to a par with cointo be admirably adapted to the wants of trade; and to the end that there may be but one class of paper currency, we favor the withdrawal of the national-bank notes, substituting therefor greenback currency, issued directly by the Government, as the sole paper currency of the country. And we demand that it be issued in sufficient volume to fully meet the wants of business without depreciating its value, and that it shall be received in payment of all debts and dues, public and private, except as otherwise specified by contract; that we are in favor of an honest greenback, that shall always be worth its face in coin, and that it be issued in the largest volume that can be kept affoat at par with coin, to which end we favor a law of Congress by which the volume of greenback currency in circulation shall always obey the natural law of supply and demand,

This amendment. I have submitted seeks to provide a currency of

question is put for inserting it. If it be received, it cannot be amended afterward in the same stage, because the House has, on a vote, agreed to it in that form. But an amendment which has been inserted may be added to.

Mr. WARNER. "The amendment may be added to."

The CHAIRMAN. The Chair feels disposed to hold, and does hold, that the subject-matter embraced in the amendment proposed by the gentleman from Ohio [Mr. WARNER] has been acted upon by the

for twenty years from the date of their organization, vested rights under their charters; and, secondly, because our present Treasury note was declared a legal-tender as a war measure, and if the United States in time of peace should undertake to make Treasury notes a legal-tender the Supreme Court of the United States would declare the issuance of such notes unconstitutional. Now, instead of issuing legal-tender notes, I propose to issue currency-notes which shall not be a legal-tender. While you cannot, in my judgment, abolish at the present time the national banks, because of their vested rights, you can place the Government in such a position that upon the expiration of the bank charters at the end of twenty years the Government can retire the national-bank notes and substitute for them non-interest bear-tire that the latter of the ing notes of the United States, which will not be a legal-tender and will therefore be held constitutional. Could you substitute to-day these non-interest-bearing Treasury notes for the national-bank circulation you would thereby be enabled to retire \$343,000,000 of indebtedness which would not need to be funded.

which would not need to be funded.

Allow me to refer a moment to the number of these banks and the amount of their circulation. In 1870 there were 1,651 national banks, and their current circulation was about three hundred million dollars. The charters of those banks will expire in 1890. In 1891 you will have coming in bonds to the amount of \$250,000,000. If you can then substitute these currency notes, if you can then put in circulation this non-interest bearing currency, you will save to that extent the payment of interest. Three years later, in 1894, the charters of the banks organized in 1874 will expire, there being 2,004 of such banks, having a circulation of about three hundred and fifty million dollars. At that time you will have coming in \$100,000,000 of your Pacific Railroad bonds; and having no reputation as a prophet I am quite willing to risk the prediction that the United States will have quite willing to risk the prediction that the United States will have

to pay those bonds.
[Here the hammer fell.]
Mr. RYAN, of Kansas, obtained the floor and yielded his time to

Mr. ANDERSON. You have to-day 2,090 banks, with a circulation of something more than three hundred and forty-three million dollars. Your bonds of 1907 will mature twenty-seven years hence, when you will have to meet \$738,000,000 of indebtedness. I claim that the adoption of this amendment, while it will preserve all the rights vested under the law, in the banks—not, perhaps, gentlemen, because you care anything about them, but simply because you care something, as I do, about keeping the faith of the Government—will result in these advantages:

1. That the untaxed capital now locked up in bonds of the banks

1. That the untaxed capital now locked up in bonds of the banks will bear its share of the public burden.

2. As currency notes would be in the hands of the people, they in-

stead of the bondholders would save this tax.

3. The Government, and therefore the people, would save interest on \$343,000,000 which must otherwise be paid; and
4. The execution of this measure will bring the nation \$343,000,000 in amount nearer, and in time six years nearer, to that triumphant day when this people will be free from that greatest of all burdens, a national debt, and to that other and yet more triumphant day when a national bond will be regarded as a rare relic of history, and when 100,000,000 of Americans will know no bonds save those of liberty, right and God.

right, and God.

Mr. FERNANDO WOOD. It is very evident, Mr. Chairman, from this discussion that the subject of this amendment is not relevant to the bill under consideration. I wish to raise a point of order upon the amendment before making the motion which I desire to submit,

that the committee rise.

Mr. RANDALL, (the Speaker.) Let us pass on this section first.
Mr. FERNANDO WOOD. My point of order is that this amendment is not germane to the objects of the section or of the bill, that it presents irrelevant matter.

Mr. ANDERSON. I wish to be heard on this point of order. I desire

to call attention to the fact that this amendment provides for the issuance of currency notes, which would enable the Treasury to meet a part of this debt proposed to be funded, and that just as rapidly as any actional bank may go out of existence this non-interest bearing currency with which you meet your indebtedness would be substi-tuted for the national-bank notes. I submit, therefore, that the amendment is in order

Mr. FERNANDO WOOD. I submit that neither the discussion of the national banks nor the discussion of the currency of the country has any relation to the letter, spirit, or object of this bill. This is simply a bill to fund a portion of the public indebtedness, and the presentation of anything outside of that, under the guise of an amendment, may lead to a never-ending discussion, to the exclusion of the consideration of the bill itself. I therefore make the point of order

Mr. ANDERSON. I wish to suggest in regard to that point that this bill is for the issuance of bonds and notes, and that the amendment is also for the issuance of notes, and that it is germane, and exactly germane, quite as much as any amendment which has been

proposed.

Mr. WEAVER. One other word. It is germane for another reason,
Mr. Chairman, that one of the objects of the bill is to provide new
bonds as a basis for national banking, and by express provision in the
bill these are to be made the only bonds hereafter to be deposited

with the Treasury as security for national-banknotes. It is certainly germane for that reason, in addition to the one mentioned by the gentleman from Kansas.

Mr. FERNANDO WOOD. The point of order I make is that the amendment moved by the gentleman from Kansas is identical with a bill now pending before the House, and under our rules for that reason it cannot be received.

Mr. ANDERSON. I ask for the production of that bill. I never

heard the substance of this as having been included in any bill now

pending.

Mr. FERNANDO WOOD. Is not the gentleman aware there is a bill pending before the House almost in totidem verbis?

Mr. ANDERSON. I never heard of it.

Mr. FERNANDO WOOD. Then I can inform the gentleman there

is such a bill.

Mr. ANDERSON. I should like to have that bill produced.

Mr. FERNANDO WOOD. I move the committee rise.

Mr. CHALMERS. I hope the committee will rise, so we may have an opportunity to read the amendment of the gentleman from Kansas. I should like to read and understand it before being called upon

to vote upon it.

Mr. DIBRELL. I hope the gentleman from New York will withdraw his motion to rise, in order that I may have read for information an amendment which I propose to offer.

Mr. FERNANDO WOOD. I yield for that purpose.

The amendment was read, as follows:

And in order to meet the interest upon the bonds and certificates or notes herein provided for, and to pay the same as they mature, an income tax is hereby assessed upon the net income of each person, company, firm, bank, banking association, insurance company, insurance agency, railroad company, or any other company or association in the United States, as follows, to wit: Upon the net income of \$3,500 and under \$5,000, 3 per cent.; and upon all such incomes of \$5,000 and over a tax of 4 per cent. is hereby assessed, to be levied and collected annually under such rules and regulations as may be prescribed by the Secretary of the Treasury. And the money arising from this income tax shall be set apart and used exclusively in the payment of the bonds, certificates or notes, and interest herein provided for.

Mr. FERNANDO WOOD. I now renew my motion that the com-

The motion was agreed to; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

PUBLIC ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. SINGLETON, of Mississippi. I present the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the mendment of the Senate to the bill (H. R. No. 2658) to regulate the award and compensation for public advertising in the District of Columbia, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill and agree to the same amended to read as follows:

"That all advertising required by existing laws to be done in the District of Columbia by all the Departments of the Government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper: Provided, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspaper selected, nor shall any advertisement be paid for unless in accordance with section 3233 of the Revised Statutes.

"SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed."

And the Senate agree to the same.

OTHO R. SINGLETON.

OTHO R. SINGLETON,
BENJAMIN WILSON,
PHILIP C. HAYES,
Managers on the part of the House.
WM. PINKNEY WHYTE,
MATT W. RANSOM,
H. B. ANTHONY,
Managers on the part of the Senate.

The report was adopted.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE M. ADAMS.

Mr. FIELD, from the Committee on Elections, submitted a report on the petition of George M. Adams, which was ordered to be printed, and referred to the Committee on Appropriations.

MICHAEL MEENAN, DECEASED.

Mr. MARTIN, of Delaware. I move, Mr. Speaker, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2331) granting pensions to the widow and minor children of Michael Meenan, deceased, and that the same be now considered and

passed.

There was no objection; and the Committee of the Whole House on the Private Calendar was discharged from the further considera-

tion of the bill.

The bill, which was read, directs the Secretary of the Interior to place upon the pension-roll, at the rate of \$3 per month, the name of Emma Meenan, widow of Michael Meenan, deceased, late a corporal in Company E, Second Regiment Delaware Volunteers, also the names

of Mary Meenan, William Meenan, George Meenan, and Edward Meenan, minor children of the said Michael Meenan, deceased, at the rate of \$2 each per month; the said pensions to be payable to the parties hereinbefore named, respectively, from and after May 15, 1876, the day of the death of the aforesaid Corporal Meenan.

The second section provides that the aforesaid pensions be continued and paid subject to the limitations and regulations as to widow hood and minority provided by existing laws in relation to the pensions of United States soldiers.

The bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which
the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I move that the House do now adjourn. The SPEAKER. Before the motion to adjourn is submitted the Chair desires consent to lay before the House certain executive communications.

Mr. FERNANDO WOOD. I yield for that purpose.

CONTINGENT AND OTHER EXPENSES, STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting detailed statements showing the manner in which the contingent fund of the Department for the year ending June 30, 1880, has been expended; also the manner in which the contingent fund for foreign missions has been expended and an analytical statement of all moneys disbursed by the disbursing clerk of that Department; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

PUBLIC SURVEYS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report of Major Benyaurd on surveys in Illinois, Mississippi, and Missouri; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEYS OF CERTAIN RIVERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report of Colonel Macomb on surveys of rivers and creeks in Delaware, Pennsylvania, and New Jersey; which was referred to the Committee on Commerce, and ordered to be printed.

BALTIMORE HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of Colonel Craighill, on Baltimore Harbor; which was referred to the Commit-tee on Commerce, and ordered to be printed.

NATIONAL ARMORY, SPRINGFIELD.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the expenditures of the National Armory at Springfield; which was referred to the Committee on Expenditures in the War Department.

SURVEYS MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report on the surveys of the Mississippi River in Illinois and Missouri; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. Ray, from the 15th to the 22d instant, inclusive, on account

of important business; and
To Mr. Talbott, for one day.
Mr. FERNANDO WOOD. I renew the motion that the House do now adjourn.

EVENING SESSION FOR PENSION BILLS.

Mr. COFFROTH. I hope the gentleman will withhold the motion to enable me to offer a resolution asking for an evening session for the consideration of pension bills.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

Mr. COFFROTH. I submit the following resolution:

Resolved. That on Tuesday, the 18th, and Wednesday, the 19th of January, at five o'clock p. m., or at such other hour as the House may determine on the days indicated, a recess shall be taken until seven and one-half o'clock for the purpose of considering House bill No. 3257, granting pensions to certain soldiers and sailors of the Mexican and other wars therein named.

Mr. CALKINS. As I understand it, that resolution refers to pensions of soldiers and sailors who served in the Mexican and other

The SPEAKER. The Chair supposed that the gentleman from Pennsylvania desired to provide an evening session for reports from the Committee on Invalid Pensions.

Mr. CALKINS. I shall object to anything else.

[Cries of "Regular order!"]

BEAUFORT C. LEE.

Mr. HENDERSON. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 6475) for the relief of Beaufort C. Lee, and ask that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will

ask for objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Beaufort C. Lee, out of any money in the Treasury not otherwise appropriated, the sum of \$75, in full for his services as a laborer in Doorkeeper's department from October 15, 1877, to December 31, 1877.

The SPEAKER. This is a colored boy whose claim has been favorably reported from the Committee on Claims.

Mr. COFFROTH. I shall object.

ORDER OF BUSINESS.

Mr. MORSE. I ask the gentleman to allow me to offer a bill sim-

Mr. MOKSE. I ask the gentleman to allow me to oner a bill simply for reference.

Mr. COFFROTH. I shall object to everything but the regular order, as the resolution I offered has been objected to.

[Cries of "Regular order!"]

The SPEAKER. The regular order being demanded, the question is on the motion of the gentleman from New York, that the House do now adjourn. now adjourn.

The motion was agreed to; and accordingly (at four o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BARBER: Memorial of P. Reifschneider, preferring charges against certain officials at Fort Berthold Indian agency, Dakota Territory—to the Committee on Indain Affairs.

By Mr. BAYNE: Resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, favoring the passage of a bankrupt law-to the

burgh, Pennsylvania, favoring the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of F. H. Eggers and others, of Allegheny City, Pennsylvania, for the repeal of the stamp-tax on proprietary medicines—to the Committee on Ways and Means.

Also, the petition of Captain George A. Kensel, against the passage of the bills for the relief of William A. Winder and Dunbar R. Ransom—to the Committee on Military Affairs.

By Mr. BINGHAM: The petition of letter-carriers of Philadelphia, Pennsylvania, for the repeal of the proviso in section 4 of the act of February 21, 1879, fixing the pay of letter-carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUCK: The petition of citizens of Calumet County, Wis-

By Mr. BOUCK: The petition of citizens of Calumet County, Wisconsin, that a pension be granted Pliny Jewett—to the Committee on Invalid Pensions.

By Mr. BRAGG: Papers relating to the bill authorizing the retirement of Major-General William W. Averell, United States Artillery, with the rank and pay of a brigadier general—to the Committee on

Military Affairs.

By Mr. COFFROTH: The petition of Murphy Timothy Green and other soldiers, of New York and Pennsylvania, for the passage of the bill (H. R. No. 4023) increasing certain pensions—to the Committee

on Invalid Pensions.

By Mr. DAGGETT: The petition of ex-Union soldiers in Nevada, for the passage of Senate bill No. 496—to the same committee.

By Mr. GEORGE R. DAVIS: The petition of W. G. Brown and 12 others, of Franklin County, Illinois, that a pension be granted James

M. Akin—to the same committee.

By Mr. FORSYTHE: The petition of citizens of Kansas, Illinois, for the removal of the tax on bank deposits and bank checks—to the

by Mr. FORST Int.: The petition of citizens of Kansas, limios, for the removal of the tax on bank deposits and bank checks—to the Committee on Ways and Means.

By Mr. KLOTZ: The petition of citizens and soldiers of Stroudsburgh, Pennsylvania, for the passage of Senate bill No. 496 as amended, for facilitating the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. LINDSEY: The petitions of Henry G. White and others, of Wiley Moore and others, of H. K. Chadwick and others, and of D. C. Shepherd and others, that the channel of the Kennebec River may be so deepened at the Upper and Lower Sands as to admit vessels drawing eighteen feet of water—to the Committee on Commerce.

By Mr. LORING: The petition of William H. Morgan and other soldiers, of Beverly, Massachusetts, for the passage of Senate bill No. 496 as amended, to facilitate the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. MITCHELL: The petition of late Union soldiers of Mansfield, Pennsylvania, of similar import—to the same committee.

By Mr. MONROE: The petitions of Dr. James H. Peterson and of Rev. Willard Burr and others, of Oberlin, Ohio, against the extension of the patent for the improvement of artificial gums and palates—to the Committee on Patents.

the Committee on Patents.

By Mr. SIMONTON: The petitions of W. R. Hayes and of Grigsby Brothers, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. EZRA B. TAYLOR: The petition of citizens of Ohio, for

the improvement of the harbor at Fairport-to the Committee on

By Mr. P. B. THOMPSON: Papers relating to the war claims of J. Huffman and of J. N. Hill—to the Committee on War Claims.

Also, the petition of George W. Pickett and Hannah J. Pettyjohn, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of J. S. Fish, to be refunded cer-in taxes—to the Committee on Claims.

tain taxes—to the Committee on Claims.

By Mr. TUCKER: Papers relating to the war claim of Dr. William S. Morriss—to the Committee on War Claims.

IN SENATE.

FRIDAY, January 14, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The VICE-PRESIDENT. The Chair will delay a few moments
before the Journal is read, until a quorum shall appear.
After the lapse of five minutes,
Mr. INGALLS. Mr. President, is a quorum present?
The VICE-PRESIDENT. The Chair thinks not.
Mr. INGALLS. The rules prescribe what action shall be taken in

Mr. INGALLS. The rules prescribe what action shall be taken in

the absence of a quorum.

Mr. DAVIS, of West Virginia. Let there be a call of the Senate.

The VICE-PRESIDENT. The Secretary will call the roll of Sen-

The Secretary called the roll; and 25 Senators responded to their names

After some further delay, other Senators having entered the Cham-

ber,
The VICE-PRESIDENT. A quorum is now present, and the Secretary will read the Journal of the proceedings of yesterday.
The Journal of yesterday's proceedings was read and approved.

REPORT ON FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in compliance with law, his report for the year 1880; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the petition of John M. Forbes and 12 others, praying for the passage of a law making suitable provision for our retired and retiring Presidents. At the proper time I shall present, by request, a bill which accompanies the petition. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. DAWES presented the petition of William H. Morgan and 30 others, citizens of Beverly, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. KERNAN presented the petition of A. V. V. Dodge, of Albany, New York, administrator of the estate of Hezekiah Dodge, deceased, praying for the extension of a patent for an improvement in printing-presses; which was referred to the Committee on Patents.

ing-presses; which was referred to the Committee on Patents.

Mr. PENDLETON presented the memorial of F. Miller & Co., manufacturers of vinegar, and several others, citizens of Cincinnati, Ohio, remonstrating against the passage of a bill to regulate the manufacture of vinegar by the alcoholic vaporizing process; which was referred to the Committee on Finance.

Mr. TELLER presented the petition of W. E. Wheeler and 40 others, citizens of Golden, Colorado, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 946) for the examination and adjudication of pension claims; which was

ordered to lie on the table.

Mr. BRUCE presented the petition of certain citizens of Chickasaw County, Mississippi, in regard to the division of the northern judicial district into an eastern and western division and for the loca-

judicial district into an eastern and western division and for the location of the United States court for the eastern division at Starkville, Mississippi; which was referred to the Committee on the Judiciary.

Mr. KIRKWOOD. I present the memorial of W. E. Dodge, Howard Crosby, John Hall, S. M. Moore, William C. Gray, S. R. Riggs, and T. M. Sinclair, a committee of the general assembly of the Presbyterian Church of the United States, appointed at its meeting in May last in the city of Madison, Wisconsin, to represent to Congress their most earnest desires on the question of Indian rights and Indian civilization, in which they state their sincere belief that the best way to ization, in which they state their sincere belief that the best way to elevate the Indian is to give him a home with a perfect title in fee-simple, to protect him by the laws of the land and make him amena-ble to the same; and to give him the advantages of a good educa-tion, and grant him full religious liberty. I move the reference of the memorial to the Committee on Indian Affairs.

The motion was agreed to.

Mr. JOHNSTON. I present a memorial of the bench and bar of the city of Richmond, Virginia, and the attorney-general of the State and many leading lawyers all over Virginia, in favor of the passage of a law for the erection of a statue in the city of Washington of

Chief-Justice Marshall. I understand that a bill for that purpose is before the Committee on the Library. I move the memorial be referred to that committee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. VOORHEES. I am instructed by the Joint Committee on ad-Mr. VOORHEES. I am instructed by the Joint Committee on additional accommodations for the Library of Congress to report back the bill (S. No. 1988) authorizing the construction of a building for the accommodation of the Congressional Library, with an accompanying report from the same committee, which I ask may be printed for the use of the Senate.

The VICE-PRESIDENT. All reports are printed under the rule.

Mr. EDMUNDS. Does that contain the report of the persons employed to consider the question of the extension of the Capitol?

Mr. VOORHEES. Yes sir

Mr. VOORHEES. Yes, sir.
Mr. MORRILL. I desire to present the views of the minority and have them printed with the report submitted by the Senator from Indiana.

The VICE-PRESIDENT. The views of the minority will be re-

The VICE-PRESIDENT. The views of the minority will be received and ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the petition of William Hazelit, praying for back pay and a pension, submitted a report thereon, accompanied by a bill (S. No. 2030) granting a pension to William Hazelit.

The bill was read twice by its title, and the report was ordered to be rejected.

Mr. CALL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1107) granting a pension to Mrs. Elizabeth Upright, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. JOHNSTON. A number of bills have been referred to the Committee on Agriculture on the subject of pleuro-pneumonia. They embrace such a large subject, and the bills are so various in their provisions and so many difficulties surround them, that the committee who have had the subject under consideration have concluded that who have had the subject under consideration have concluded that the better plan would be to report the bills back to the Senate without recommendation and let them go upon the Calendar. Then the whole subject will be before the Senate to be called up at any time that any Senator interested may choose to do so. I therefore report without recommendation the bill (S. No. 1637) to provide for the suppression of infectious and contagious diseases of domesticated animals; and the bill (S. No. 1893) for the suppression and prevention of pleuro-pneumonia in neat cattle. I ask that they be placed on the Calendar. Calendar

The VICE-PRESIDENT. The bills will be placed on the Calendar

without recommendation.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 1813) for the relief of Mrs. Jane H. Kennedy, submitted an adverse report thereon; which was ordered to be printed,

submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ALLISON. The Committee on Private Land Claims have instructed me to report back the bill (S. No. 791) for the relief of F. G. Schwatka, sr., and ask its reference to the Committee on Claims. This is a claim arising out of a settlement made by Mr. Schwatka under the donation act of 1850, and is a claim for money. It has been twice considered by the Committee on Claims and it ought to go to that Committee again. I therefore move that the Committee on Private Land Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

The motion was agreed to.

The motion was agreed to.

Mr. ANTHONY. The Committee on Printing, to whom was referred the letter from the Secretary of War transmitting a copy of a letter from the clerk in charge of the War Department library inviting attention to the act of June 20, 1878, which provides that, with the exception of record books, "hereafter no binding shall be done for any Department of the Government except in plain sheep or cloth," and recommending that the law be amended so as to except the library of the War Department from the provision of the act referred to, have instructed me to report it back to the Senate and ask to be discharged from its further consideration. The Senate has already passed a bill in conformity with the wishes of the Secretary.

The report was agreed to.

The report was agreed to. Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1569) granting a pension to William H. Walker, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

YORKTOWN CENTENNIAL CELEBRATION.

Mr. JOHNSTON. I am instructed by the Joint Select Committee on the Yorktown Centennial Celebration, to whom was referred the joint resolution (H. R. No. 337) authorizing and requesting the President to extend to the Government and people of France an invita-tion to join the Government and people of the United States in the observance of the centennial anniversary of the surrender of Lord Cornwallis at Yorktown, Virginia, to report it favorably and recom-

mend its passage.
Mr. ANTHONY. Mr. Anthony. When the joint resolution was referred I called the attention of the Senate to the fact that it made no appropriation. It is an invitation that cannot be refused, an invitation from one government to another; and certainly there should be some appropriation to defray the expenses of the reception of those who are invited here. I hope that the chairman of the Committee on the Yorktown Centennial Celebration will introduce a bill making an

appropriation.

Mr. JOHNSTON. I agree with the Senator from Rhode Island that there should be some appropriation made. The French Government ought to be invited, and I think there ought to be an appropriation ought to be invited, and I think there ought to be an appropriation to defray the expenses of entertaining its representatives. Whether an appropriation ought to be put in the joint resolution itself or introduced as a separate measure, I do not know. Let the joint resolution be placed on the Calendar, to be taken up in a day or two, and in the mean time I will consult with the committee as to the proper mode of bringing the matter before the Senate.

Mr. ANTHONY. I am unable to hear the Senator, but I understand him to say that when the joint resolution comes up for consideration he will move an amendment making an appropriation.

Mr. JOHNSTON. No; I said I would have the joint resolution put on the Calendar and give notice that I should call it up in a few days, and in the mean time we can determine what is the better form to propose an appropriation, whether on this or on a separate bill.

to propose an appropriation, whether on this or on a separate form to propose an appropriation, whether on this or on a separate bill.

Mr. ANTHONY. There certainly should be an appropriation.

Mr. JOHNSTON. I ask, therefore, that the joint resolution be put en the Calendar, and give notice to the Senate that on next Wednesday I will ask the Senate to consider the resolution.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

the Calendar.

PRINTING OF SURVEYS.

Mr. WHYTE. I am instructed by the Committee on Printing to report back a resolution directing the Public Printer to furnish printed copies of the surveys of certain rivers favorably with an amendment; but before sending it to the desk I desire to say that there was a misapprehension on the part of the Senator from Georgia [Mr. Brown] who introduced the resolution as to the period of time during which the surveys had been in the hands of the Public Printer. I find that one of them was not delivered to him until the 10th of January and the other on the 8th of January. The printing of one is about comthe other on the 8th of January. The printing of one is about completed and of the other will be completed in the course of a few days. I do not know whether it is necessary to pass any resolution instructing him to return the surveys, but if it is necessary it is well to add other surveys besides those indicated in the resolution of the Senator

The VICE-PRESIDENT. The resolution will be read, and also

the amendment of the committee.

The Chief Clerk read the resolution, as follows:

Resolved, That the Public Printer be, and he is hereby, directed to furnish to the Senate, at the earliest practicable moment, copies of the surveys furnished by the Chief of Engineers of the Altamaha, the Ocmulgee, the Oconee, the Canoochee, and the Savannah Rivers, between Savannah and Augusta, and also the survey of Romney Marsh, near Doboy, and the mouth of Jekyl Creek, as the printed copies of such surveys are necessary for the use of the Senate.

The amendment reported from the Committee on Printing was, in line 5, between the word "Canoochee" and the words "and the," to insert "and all other surveys for the improvement of rivers and har-

bors now in his hands."

Mr. COCKRELL. Is there any necessity, in view of the remarks made by the Senator from Maryland, for passing such a resolution of instruction when the Public Printer is hastening the reports as rapidly as practicable? I shall certainly object to any resolution which has the effect of directing the Public Printer to send in reports of the surveys in one State in preference to those in another. Let the resolution be printed and placed on the Calendar. I object to its present consideration.

The VICE-PRESIDENT. Objection being made the resolution goes

COAST SURVEY REPORTS.

Mr. WHYTE. I am also directed by the Committee on Printing to report back the resolution to print 3,000 extra copies of the Report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, with a recommendation that it pass; and I ask for its immediate consideration.

The resolution was considered, by unanimous consent, and agreed

to, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 3,000 extra copies of the Report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, for distribution by the said Superintendent.

BILLS INTRODUCED.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2029) to provide for the retired and retiring Presidents of the United States; which was read twice by its title.

Mr. HOAR. I desire to say, as I present the bill by request, that I understand that the provisions of no bill which shall pass can be applicable to the present incumbent of the presidential office; that there is no person in existence except the one living ex-President of the United States to whom such a provision shall be applicable, and that I should myself in voting for such a provision, which I shall do with all my heart, be very largely influenced by what should seem to me most likely from all the information I can get to be most agreeable to the taste of the illustrious person who will be first and chiefly

affected by the provision. I move the reference of the bill to the Committee on Military Affairs.

The motion was agreed to.

Mr. BURNSIDE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2031) granting a pension to Mrs. Mary S.

W. Harris; which was read twice by its title, and, with the accom-

panying papers, referred to the Committee on Pensions.

Mr. GROOME (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2032) granting a pension to John C. McConnell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2033) to appropriate money to light the Savannah River, between the mouth of said river and the city of Savannah; which was read twice by its title.

The VICE-PRESIDENT. The bill will be referred to the Commit-

tee on Commerce.

Mr. BROWN. I prefer that it should go to the Committee on Appropriations, as I understand that matters concerning light-houses are usually referred to that committee.

The VICE-PRESIDENT. It will be so referred.

Mr. HAMPTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2034) for the relief of Willis N. Arnold; which was read twice by its title, and referred to the Committee on

Mr. PLUMB (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2035) for an appropriation to deepen the channel over the bar of the harbor of Galveston, Texas; which was read twice by its title, and referred to the Committee on Commerce

Mr. TELLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2036) for the relief of C. Theodor Burchardt; which was read twice by its title, and referred to the Committee on Patents.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2037) authorizing the construction of a bridge over the Snake River, midway between Grange City and Texas Ferry, in Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 142) relative to the erection of a monument at the Wyandot Mission, Upper Sandusky, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

SENATE TELEPHONE.

Mr. BECK submitted the following resolution; which was read:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be, and it is hereby, directed to cause a telephone to be placed at some convenient point, for the use of the Senate, in connection with the general telephone system of the city of Washington, and that the expense thereof be paid out of the contingent fund of the Senate.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the resolution, and it was read the second time.

The resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and

AMENDMENT OF THE RULES.

Mr. INGALLS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the forty-third standing rule of the Senate be amended by striking out in line 13 the words "relating to adjournment" and inserting the words "to adjourn."

UNVEILING OF FARRAGUT STATUE.

Mr. VOORHEES submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Be it resolved by the Senate, (the House of Representatives concurring.) That the Committees on Naval Affairs of the two Houses of Congress be, and they are hereby, instructed to co-operate with the Secretary of the Navy and with each other in making all necessary and proper arrangements for unveiling the statue of the late Admiral Farragut, now finished and erected in Farragut Square.

DISTRICT ADVERTISING.

Mr. WHYTE. I desire to call up the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. No. 2658) to regulate the award of, and compensation for, public advertising in the District of Columbia.

The VICE-PRESIDENT. Will the Senate consider the report at this time? The Chair hears no objection, and it is before the Senate.

Mr. WHYTE. The Senator from Vermont [Mr. EDMUNDS] made some remarks when it was up before, and I desire to call his attention to the report now.

tion to the report now.

Mr. EDMUNDS. I do not suppose that any observations that I could make would convince the Senate at this present moment of the impropriety of passing this proposed legislation, of dealing out the Government advertising in this town in equal shares to two or three different political newspapers. I stated the other day that I did not believe in the theory of such a course; and I will add now that I think the advertising in this town might be made in some one paper, have it the one of the largest circulation, and that would be all-sufficient for the purposes of the Government and would save two-thirds of the

expense. We all know with the railroads and the telegraphs and the general dissemination of intelligence about the business of the Government, that all the people who do bid for furnishing Government supplies of various kinds for the Army, and the Navy, and for printing, and so on, are perfectly acquainted with the fact when bids are to be called for, what sort of property is needed; so that the amount of advertising required is entirely different and less, as it seems to me, than what it used to be years ago when these means of information were so much less complete.

My only objection, aside from the dislike I have to the principle of speaking in the laws about political parties in any case, is that providing for three newspapers is I think a greatly unnecessary expense. That is all I wish to say. I do not expect to stop it; only I

wish to put in my protest.

The VICE-PRESIDENT. The question is on concurring in the conference report.

The report was concurred in.

ORDER OF BUSINESS.

Mr. BURNSIDE. I ask the Senate to take up the bill (S. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army

Mr. FARLEY. If the morning business is concluded, I wish to

make a motion now to take—
The VICE-PRESIDENT. The Senator from Rhode Island has been recognized.

Mr. INGALLS. I ask for the regular order.

The VICE-PRESIDENT. The Senator from Kansas demands the regular order, which is the consideration of the Calendar of General

Mr. BURNSIDE. I move that the pending and all prior orders be

postponed for the purpose of considering the bill I have indicated.

The VICE-PRESIDENT. The question is on the motion of the
Senator from Rhode Island that the pending order, being the consideration of the Calendar of General Orders under the Anthony rule,

be postponed for the purpose stated by him.

The question being put, there were on a division—ayes 22, noes 7.

The VICE-PRESIDENT. Is a further count insisted upon? No

quorum has voted. Mr. INGALLS. The Senate has deliberately adopted upon the motion of the Senator from Rhode Island [Mr. ANTHONY] a resolution for the better conduct of the public business, to the effect that the time between the expiration of morning business and the hour of half past one shall be devoted to the consideration of cases on the Calendar. If the rule is to be abandoned and the time of the Senate is to be disposed of in the consideration of such bills as the alacrity

or ingenuity of any Senator can bring before it, of course I have no objections; but as long as that rule stands I feel disposed to insist upon its observance.

I have no objection to the bill proposed by the Senator from Rhode Island, [Mr. BURNSIDE;] but I appeal to him whether it is just to lay aside this order at this stage of the session, when the Calendar is burdened with matters of great importance to every Senator on the floor. We have here the accumulated labor of all the committees of this body we have here the accumulated about of an the committees of this body and they are all entitled to consideration. It is unjust, it is unfair to every member of the body and unfair to every committee of the body, after we have adopted this rule, to depart from it in the manner proposed by the Senator from Rhode Island, [Mr. Burnside.]

I hope the Senator will withdraw his motion. We can pass his bill after the morning hour has expired; I suppose there will be no objection to it; but if we depart from the rule in his case we must in every

ton to it; but if we depart from the rule in his case we must in every case in fairness to all who may have measures they desire to promote.

Mr. BURNSIDE. I do not think I have ever before made a motion or any kind of an effort to dispense with working under the Anthony rule; and if I had thought there would have been the slightest objection to the passage of this bill, or, in other words, if I had not thought it would have been but the work of a minute, I should not have made the motion. At the suggestion of the Senator from Kansag I will withdraw my motion. I certainly do not desire to interfere sas I will withdraw my motion. I certainly do not desire to interfere with the work of the morning hour, but I do hope that at the proper time when I shall ask the Senate to consider the bill it will be taken up and considered. It is a very important bill, and I do not think it will take any time to pass it.

VAGRANCY IN THE DISTRICT.

The VICE-PRESIDENT. The Secretary will call the Calendar at the point reached when it was last under consideration.

The bill (S. No. 1477) for the punishment of tramps in the District of Columbia was announced as being first in order upon the Calendar, and the consideration of the bill was resumed as in Committee of the Whole.

The VICE-PRESIDENT. The question is upon the amendment by way of substitute proposed by the Senator from Alabama, [Mr. Morgan,] which will be reported.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the commissioners of the District of Columbia are authorized and empowered to adopt all ordinances, consistent with the laws and Constitution of the United States, that may be necessary to repress vagrancy and mendicancy, and to punish offenses against public decency, in the District of Columbia. Provided, That in no case shall the fine or amercement to be imposed under such ordinances

exceed \$100, nor shall imprisonment when imposed by such ordinances exceed a period of three calendar mouths.

SEC. 2. That the police court of the District of Columbia shall have jurisdiction to try all offenses made punishable by such ordinances, and to enforce the same.

Mr. MORGAN. The bill has been so nearly matured by the Senate that, believing that nothing further will be accomplished by conferring this special power upon the commissioners, I ask leave to withdraw my substitute.

The VICE-PRESIDENT. The Senator from Alabama withdraws his amendment, as he has the power to do, the yeas and nays not

having been ordered upon it.

Mr. WHYTE. I move to strike out section 5 of the bill.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Maryland, to strike out the fifth section of the bill, which will be reported.

The Chief Clerk read as follows:

SEC. 5. That any act of beggary or vagrancy by any person not a resident of the District of Columbia shall be evidence that the person committing the same is a vagrant within the meaning of this act.

The amendment was agreed to.

Mr. TELLER. I should like to inquire, as I was not in the Senate when the bill was last under discussion, whether any amendment has been offered to section 6. If not, I desire to offer an amendment

The VICE-PRESIDENT. None has been offered.

Mr.TELLER. Then I call the attention of the committee especially

to section 6. It seems to me that section as it now stands would authorize the court, convicting a minor under seventeen years of age authorize the court, convicting a minor under seventeen years of age of any of these offenses, to send him to the reformatory institution, whether a bond is given or not. I suppose it is the idea of the committee that a minor convicted should go there provided a bond was refused or neglected to be given. If that is not the idea, then the section is objectionable. Therefore I move to insert after the word "act," in line 2 of section 6, the words "and neglect or refuse to give the security required by the second section of this act." That will enable the court to send minors to the reformatory institution whenever they shall fail to give the security. If they give the security ever they shall fail to give the security. If they give the security

they ought not to be sent there.

Mr. WHYTE. I did not hear distinctly what the Senator from Colorado stated. I presume the latter clause of the sixth section accom-

plishes his purpose.

Mr. TELLER. I have looked over the latter clause, and it leaves it somewhat questionable. The amendment that I offer makes it certain. I do not suppose the committee intended to say that any boy under seventeen years of age convicted of an offense of the character indicated herein, although his parents or others might be willing to give the security, should be sent to the reformatory institution. To make it certain and clear as to what it does mean, I want the amendment made that I have suggested. I think probably that that was the intention of the committee.

Mr. WHYTE. The Senator will see that there are three distinct clauses all in the alternative, and it is intended to apply to the different classes of cases. There are some orphans who have no parents and some who have no friends. It is intended to apply to all those cases. There are some whose parents the moment they give authority will obtain their discharge. If they do not, of course, they come in under the other two clauses and provisoes of this measure.

Mr. TELLER. There can be no objection to my amendment unless the committee intend that the court convicting a boy of a slight trespass in the night-time may have the power, without allowing him to give the bail, to send him to a reformatory school. If that is the intention of the committee, I want the whole section stricken out. If that is not the intention of the committee, my amendment makes certain that which is to-day uncertain. It cannot do any harm.

The VICE-PRESIDENT. The question is on the amendment of the

Senator from Colorado.

The amendment was rejected.
The VICE-PRESIDENT. Will the Senate, as in Committee of the Whole, agree with the amendment reported by the Committee on the District of Columbia, as amended?

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

The title was amended so as to read: "A bill for the punishment of vagrancy in the District of Columbia."

G. W. CANDEE.

The next bill on the Calendar was the bill (S. No. 904) for the relief of Major G. W. Candee; which was considered as in Committee of the Whole. It provides for the payment to Major G. W. Candee, paymaster United States Army, of \$2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1867, without fault or negligence on his part, and was restored by him out of private fault.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8 to strike out "seven" and insert "nine;" so as to read "eighteen hundred and sixty-nine."

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. HAMP-TON April 13, 1880:

The Committee on Military Affairs, to whom was referred the bill (S. No. 994) for the relief Major G. W. Candee, paymaster, United States Army, have duly considered the same and accompanying papers, and recommend that it pass.

The facts upon which this recommendation is based are so fully set forth in the reports of Major Candee and the Paymaster-General that your committee ask to make them a part of their report.

War Department,

Washington City, January 8, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, for the Committee on Military Affairs, copies of reports of Major G.W. Candee, paymaster, United States Army, and Brigadier-General Benjamin Alvord, Paymaster-General, United States Army, dated, respectively, December 29, 1879, and January 3, 1880, containing information called for under date of December 9, 1879, by Hon. Benjamin Le Fevers, sub-committee of the Committee on Military Affairs, in relation to the inclosed bill, House of Representatives No. 3050, for the relief of Major G. W. Candee.

ALEX. RAMSEY, Secretary of

The SPEAKER of the House of Representatives.

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 9, 1879.

SIR: The accompanying bill (H. R. No. 3050) for the relief of Major G. W. Candee, paymaster, United States Army, is before the committee, and referred to me for examination and report.

I respectfully request the following information, namely:
First. The military history of the officer.
Second. Was there a want of reasonable care and diligence exercised by the paymaster, Major Candee, while on disbursing duty at Fort Arbuckle, Indian Territory, at the time \$2,650 was stolen from his safe?

Third. Is much consideration due Major Candee for his promptness in repairing the loss of the amount of money stolen?

Fourth. If no fault is attached to Major Candee, and his reputation is that of a faithful, industrious, and honorable paymaster, would the Department hold it to be an act of justice if the relief asked for in bill H. R. No. 3049 was granted?

I am, sir, very respectfully, your obedient servant,

Sub-committee.

Hon. ALEXANDER RAMSEY, Secretary of War, Washington, D. C.

[Second indorsement.]

WASHINGTON, D. C., December 29, 1879.

Respectfully returned to the Paymaster-General, inviting attention to the following report:

November 15, 1869, I received orders from my immediate superior officer, Colonel
N. W. Brown, Assistant Paymaster-General, United States Army, which orders commanded me to leave my station, Fort Smith, Arkansas, and proceed on a disbursing tour in a prescribed district and pay the troops stationed therein. For the purpose I took with me \$83,000 in paper currency of the United States in packages running from \$100 to \$5,000. At the Creek Agency, Indian Territory, two companies of the Tenth Cavalry were stationed. In paying the said command I used \$4,350 from a five-thousand-dollar package, which amount paid was marked off the strap that secured the bills. The broken package freturned to the safe and placed it with the unbroken packages forming the top layer. I locked the safe and placed it with the unbroken packages forming the top layer. I locked the safe and placed it with the unbroken packages forming the top layer. I locked the safe and placed it with the unbroken packages forming the top layer. I locked the safe and placed it with the unbroken packages forming the top layer. I locked the safe and placed to me by Captain Joseph B. Rife, Sixth Infantry, to share his quarters during my temporary residence at the post. After luncheon arringements were made to begin the payment of the troops. I unlocked and took from my safe several packages of money, locking my safe afterward. My clerk assisted in the removing of the straps and placing the bills on the pay-lable. When I ceased disbursing for the day I returned to the safe the small amount of money left on the table. As I locked and took the key from the safe the small amount of money left on the table. As I locked and took the key from the safe the small amount of money left on the table. As I locked and took the key from the safe the small amount of money left on the table. As I locked and took the key from the safe worken packages of bills paid out. We retired to my sl

[Third indersement.]

PAYMASTER-GENERAL'S OFFICE, January 3, 1880.

Respectfully returned to the honorable Secretary of War.

As to the military history of Major George W. Candee, paymaster, he was first appointed an additional paymaster February 23, 1864, and was mustered out January 15, 1866. He was afterward appointed a paymaster in the Army, January

17, 1867, under the eighteenth section of act of 28th July, 1866, which required the vacancies to be selected from those who had served as additional paymasters. His being selected for reappointment exhibits his standing during the war; and his entire course since has been confirmatory of the high character he has always held for probity, vigilance, and intelligent discharge of his duties. Thus I doubt not the affidavits presented by himself and his clerk, Lewis Candee, his brother, deserve to be treated with entire respect. His averment as to his care, caution, and diligence on the occasion referred to should have great weight. His brother, Lewis Candee, several years clerk to him, stands very high in character.

No report of this transaction was made to this office. Major Candee, no doubt, refrained from making such report and applied at once to his father for the money to replace the amount under the supposition that the loss must be promptly made up in order to maintain his record.

It hink that consideration is due this officer for his prompt restitution. The claim he has for legislation in this case is not absolute, but in proportion to his long and faithful service to the Government.

In private life, a rich bank often makes good to a painstaking, faithful teller an amount unluckily paid or lost, when there is unmistakable evidence of high character and fidelity, though the act of the bank must be one not at all founded on legal claims, but prompted by the bounty of the corporation in the spirit of generosity and good policy toward an unfortunate employé.

BENJ. ALVORD,
Paymaster-General United States Army.

I, Charles H. Smith, clerk of the Committee on Military Affairs of the House of Representatives of the United States of America, do hereby certify that the above and foregoing is a true and correct copy of an instrument of writing now on file in the committee room of the Military Committee aforesaid.

Witness my hand, this 21st day of February, A. D. 1880.

CHARLES H. SMITH,

Clerk Military Committee, House of Representatives.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BERNARD REILLY, JR.

The next bill on the Calendar was the bill (S. No. 147) to authorize the President to restore Bernard Reilly, jr., to his former rank in the Army

Mr. INGALLS. There seems to be an adverse report in that case,

The PRESIDING OFFICER, (Mr. EATON in the chair.) The bill will be passed over.

ELIAS C. BOUDINOT.

The next bill on the Calendar was the bill (S. No. 120) to permit Elias C. Boudinot, of the Cherokee Nation, to sue in the Court of Claims.

The PRESIDING OFFICER. This bill will be passed over in the

absence of the Senator from Indiana, [Mr. VOORHEES.]

Mr. COCKRELL. The Senator from Indiana was here a moment ago. The bill may be read, and he will return to the Senate pres-

Mr. INGALLS. The bill was reported by the Senator from Arkansas,

[Mr. Garland.]
The PRESIDING OFFICER. The Chair is informed that another

The PRESIDING OFFICER. The Chair is informed that another bill has passed, and this probably will not be taken up.

Mr. COCKRELL. The Senator from Indiana is present.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

Mr. VOORHEES. That may be indefinitely postponed, as there is

a House bill covering the same subject.

The PRESIDING OFFICER. If there be no objection the bill will be indefinitely postponed. It is so ordered.

THE BARK MARY TERESA.

THE BARK MARY TERESA.

The next bill on the Calendar was the bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. TELLER. That is reported adversely.

Mr. WHYTE. I hope that bill may be considered and disposed of. There is a minority report as well as a majority report. The bill has been before Congress for a great many years. There have been seven or eight favorable reports in the House of Representatives, and I believe in all the time it has been pending this is the first adverse report made in regard to the case. It is made upon a question of law port made in regard to the case. It is made upon a question of law which is in a nutshell. The facts are admitted on both sides, and

which is in a nutshell. The facts are admitted on both sides, and therefore it will not take the Senate long to dispose of it. I hope nobody will object to our taking it up and disposing of it.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$20,000 for indemnity and compensation to Juliet Leef, widow, and the heirs of Henry Leef, deceased, to be paid to them or to their legal representative, in full for losses and damages sustained by Henry Leef in his life-time in consequence of the illegal seizure of the bark Mary Teresa by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. INGALLS. I ask for the reading of the report.

The Chief Clerk read the following report, submitted by Mr. HOAR-April 14, 1880:

April 14, 1880:

The Committee on Claims, to whom was referred the memorial of Juliet Leef, and also the bill (H. R. No. 2262) providing for the relief prayed for in said memorial, have considered the same, and report:

The facts of the case we believe to be, in substance, as stated by the minority of the committee. Upon the facts the question arises whether it is the duty of the United States to compensate citizens for injuries to their property or business-

caused by the improper exercise of his powers by a consul of the United States. We do not think it is the duty of the Government to make such compensation, whether the consul acted conscientiously and erred in a doubtful case, or whether his actions were arbitrary and wanton. We can see no reason why, if this claim be allowed, the Government ought not to compensate persons for illegal arrests, wrongful judgments of courts, wrongful acts of military or naval officers in war, and all cases where public anthority has been abused. We do not think such a precedent ought to be established. Government acts through human and imperfect agents. The liability to suffer from their error is one of the unavoidable ills of life. We recommend that the prayer of the petition be disallowed, and the bill indefinitely postponed.

Mr. INGALLS. Are not the views of the minority on file?

The PRESIDING OFFICER. They are, and will be read.

The Chief Clerk read the views of the minority, submitted by Mr. PRYOR April 14, 1880; but before the reading was concluded,

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The morning hour having expired, the Senate will resume the consideration of its unfinished business.

BEN. HOLLADAY.

BEN. HOLLADAY.

Mr. COCKRELL. I understand there is a communication from one of the Departments which ought to be laid before the Senate in order

that it be printed.

The PRESIDING OFFICER. The Chair will lay before the Senate a communication which is on the table. It will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Post-Office Department,
Washington, D. C., January 13, 1831.

Sir: In response to Senate resolution certified to me by you on the 11th instant. I have the honor herewith to transmit to you, first, certified copy of contract with Overland Mail Company, statement of route as originally contracted for, the acceptance by the company to change of service was effected, and of all orders of record changing the service thereafter, or the pay of contractors. The sums paid for service under said contract and the several orders given can be obtained from the Auditor of the Treasury for the Post-Office Department. It will be observed that contract for this service, by its terms, ended with June 30, 1864. There being no successor for the service prepared to take it July 1, 1864, the company continued the service as far as Placerville until September 30, 1864. The order of October 1, 1864, anthorized payment for the same. The routes upon which more than any others the overland mails were carried from October 1, 1864, to June 30, 1867, were routes No. 14260, Saint Joseph to Salt Lake City, and No. 14626, Salt Lake City to Folsom City.

Second. For contract and pay for service upon route 14260 you are respectfully referred to Executive Document No. 211, a copy of which is herewith handed you.

Third. Certified copy of contract with Overland Mail Company for the service over route 14626, and all orders of record pertaining to the service, are transmitted to you.

Respectfully.

to you. Respectfully,

JAMES N. TYNER, Acting Postmaster-General.

Hon. JOHN C. BURCH, Secretary of Senate, Senate Chamber, Washington, D. C.

Mr. COCKRELL. I move that that communication be printed, not including the executive document referred to, which has already been printed

printed.

Mr. CONKLING. I should like to inquire, is this the same contract once presented and once already printed?

Mr. COCKRELL. No; the Department sends that with the others, and I ask that that be not printed with the others.

Mr. CONKLING. But my friend I am sure does not take in the whole of my question. Does this include the contract presented here the other day which I believe was printed in the RECORD?

Mr. COCKRELL. I do not know whether it does or not.

Mr. CONKLING. I suggest to the Senator that he had better look. It is hardly worth while to print this thing the second time in twentyfour hours.

Mr. COCKRELL. The advantage of having it printed here will be that all the proceedings had on it will be printed immediately

be that all the proceedings had on it will be printed immediately after it and come in regular order.

Mr. CONKLING. I confess I am appalled that an economist so conspicuous as the honorable Senator from Missouri, the watch-dog of the Treasury, the guardian of frugality, the special crusader in behalf of saving money, should propose to send down to the Printing Office that voluminous document and have it printed again for nothing, squandering from the public purse if indeed it has once been printed in the official RECORD of the Senate within twenty-four or thirty-six hours. When such a Senator becomes so profuse of the public money, for one I stand aghast.

The PRESIDING OFFICER. The Senator from Missouri suggests that all that part of the document not already printed shall be printed.

Mr. CONKLING. Not having been printed already either as a document or in the RECORD?

ument or in the RECORD ?

The PRESIDING OFFICER. The Chair so understands the suggestion of the Senator from Missouri.

Mr. WILLIAMS. That excludes everything.

Mr. CONKLING. So I supposed.

Mr. WILLIAMS. Here I have the printed letter of the Postmaster-

Mr. WILLIAMS. Here I have the printed letter of the Postmaster-General, which has those very contracts alluded to there.

Mr. CONKLING. I suggest to my friend from Missouri in all earnestness now that he let his motion lie for a moment until he can look at these papers. If this matter has all been printed, he surely does not want it all printed over again.

Mr. COCKRELL. I know the document which the Senator from Kentucky has does not contain all that is in this document. That is the document I referred to; but I will let the motion lie on the table for the present

for the present.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Senate will resume the consideration of the unfinished business, being the Army appropriation

Mr. INGALLS. No, Mr. President, the unfinished business is the Holladay bill. I ask that the unfinished business may be reported and then informally laid aside for the consideration of the Army

The PRESIDING OFFICER. The Chair understands that the Holladay bill was informally laid aside.

Mr. INGALLS. That was yesterday.
Mr. CONKLING. It remains the unfinished business every morning, and I ask that it be so announced.

The PRESIDING OFFICER. The Chair so understands.

Mr. CONKLING. Let it be presented as the unfinished business

and then let it lie aside.

Mr. VOORHEES. Somebody else might understand it otherwise; but if I understand the custom of the Senate it is that when we reach the regular order of business it is announced to the Senate and then

it may be laid sside.

Mr. CONKLING. That is right.

The PRESIDING OFFICER. The Chair understands that the Mol-

laday bill is before the Senate.

Mr. INGALLS. Let it be reported.

The Secretary read the title of the bill (S. No. 231) for the relief of

Ben. Holladay.

Mr. WITHERS. Now I move that that be laid aside.

Mr. CONKLING. You do not want a motion. You just want to lay

The PRESIDING OFFICER. The Senator from Virginia asks that the Holladay bill be informally laid aside that the Army appropriation bill may be taken up. Is there objection? The Chair hears no objection.

SENATOR FROM LOUISIANA.

SENATOR FROM LOUISIANA.

Mr. SAULSBURY. I desire to give notice now that on Monday next I shall ask the Senate to take up and consider and act upon the resolutions reported by the Committee on Privileges and Elections in reference to the seat of the sitting member from Louisiana. I gave notice some time in December that I should call it up; but at the suggestion of the Senator from Vermont, [Mr. EDMUNDS,] after consultation with members of the committee, I consented to let it go over until after the holidays. Other matter has engaged the attention of the Senate, and I feel that I have sufficiently deferred this matter, especially as I have been instructed by the committee to call it up and urge its consideration upon the Senate. I have postponed it as long as I can consistent with my duty to the committee. I therefore shall ask the Senate on Monday to take it up for consideration.

Mr. CONKLING. Mr. President, I suppose that such a notice as that, which any Senator has a right properly to give, binds nobody except himself. For abundant caution, however, I wish to file my caveat. On Monday or whenever the Holladay bill shall be reached, I will insist, with as many other Senators as will join me, that that

careat. On Monday or whenever the Hohaday bill shall be reached, I will insist, with as many other Senators as will join me, that that bill shall be prosecuted to a determination. I shall do so in the economy of time to the end that it shall not be postponed and at the end of that postponement the Senate listen all over again to a debate,

which has been repeated already as many as four or six different times since I have been a member of the Senate.

Mr. SAULSBURY. I did not suppose the notice I gave would bind the Senator from New York or any other Senator to any course of action. I did not give the notice with that view, but I simply gave notice that I should endeavor to bring the matter to the consideration of the Senate on Monday next.

tion of the Senate on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 2331) granting pensions to the widow and minor children of Michael Meenan, deceased; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2658) to regulate the award of, and compensation for, public advertising in the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 5047) relating to the appointment of professors of mathematics in the Navy, and it was thereupon signed by the Vice-President.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole resumed the consideration of the bill (H. R. No. 6719) making appropriations for the support of the Army for the fiscal year ending June 30, 1882, and for other

The PRESIDING OFFICER, (Mr. ROLLINS.) The question is on the amendment of the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. WITHERS. Before proceeding to the consideration of the amendment offered by the Senator from Nebraska, I wish to ask the attention of the Senate to the ruling of the Chair just prior to the adjournment leaf events which are also the consideration to the senator of the senator of the consideration of the senator of the adjournment last evening, which, according to my recollection, is

contrary to the usage of this body; and as a member of the Committee on Appropriations I think it my duty to have an expression of the Senate in order to ascertain whether the ruling of the Chair yesterday evening—which I admit is in exact accordance with parliamentary law, but which is not in accordance with the usage of the Senate—shall hereafter be observed as the rule of conducting business in this body, because if a point of order cannot be made upon an amendment to an appropriation bill after the official communication connected with it shall have been read to the Senate, or at any time during its consideration it would become pecsary for the Commitmed Committee of the Commitmed Co tion connected with it shall have been read to the Senate, or at any time during its consideration, it would become necessary for the Committee on Appropriations to raise the point of order on all amendments, whether it was applicable or not, without knowing whether the point of order could be sustained, so that they may not lose the benefit of the point of order by permitting anything to be considered in the Senate in reference to the subject under consideration.

Mr. INGALLS. In order that we may all understand the question, will not the Senator state precisely the point that was determined, as I, for one, did not hear it?

Mr. WITHERS. An amendment was offered to the Army appropria-

will not the Senator state precisely the point that was determined, as I, for one, did not hear it?

Mr. WITHERS. An amendment was offered to the Army appropriation bill by the Senator from Nebraska, [Mr. Saunders,] proposing an appropriation of \$30,000 for the construction of buildings at Omaha. That amendment never having been included in the regular Book of Estimates, nor submitted to the Appropriations Committee, a letter from the War Department was read by the Senator proposing it. It was impossible for the Committee on Appropriations, from the fact that it had never been submitted to them, to know whether the point of order was applicable to it under our rules or not; and they consequently made no objection to the reading of sundry papers from the of order was applicable to it under our rules or not; and they consequently made no objection to the reading of sundry papers from the commandant of the military department and from the Secretary of War indorsing the proposed amendment; but when that was done, finding that there was no estimate for it by any head of Department, the point of order was made by a member of the committee that it was obnoxious to that rule of order. The Chair, however, ruled that the point of order was made too late; that the reading of these papers constituted a consideration of the merits of the amendment, and that consequently it was too late to rule it out moon a point of order. As consequently it was too late to rule it out upon a point of order. As the contrary custom has prevailed in this body, according to my recollection, since I have been a member of it in the consideration of amendments to general appropriation bills, I wish to know whether the ruling of the Chair yesterday evening upon that point meets the

approval of the Chair yesterday evening upon that point incers the approval of the Senate.

Mr. INGALLS. May I ask the Senator whether that ruling was made by the President of the Senate?

Mr. WITHERS. It was made by the Senator from Massachusetts, [Mr. Hoar,] who I am glad to see has come into the Chamber now, whose knowledge of parliamentary law we all admit, and the correctness of whose ruling in this particular case in accordance with the ness of whose ruling in this particular case in accordance with the ordinary usages of parliamentary law no one would question. The point simply is that the custom of the Senate has been to the contrary. I only wish an expression of the sense of the Senate upon that point made, because if that be the ruling of the Chair and it be the sense of the Senate, hereafter it will necessitate that whenever an amendment is offered in the Senate to the provisions of a general appropriation bill, the Committee on Appropriations will at once make the point of order without waiting to see whether it will really be applicable or not.

Mr. CONKLING. May I ask the Senator a question, as I happened not to be in at the moment the incident he refers to took place? Shall I understand the Senator to say that the Committee on Appropriations on hearing the papers read and first knowing what they were, submitted their point of order, and that the ruling was that the point

came too late?

Mr. WITHERS. Yes, sir; that is my understanding of the case.
Mr. THURMAN. I wish to ask my friend, the Senator from Virginia, how he proposes to get the question before the Senate? I hope he may get it before the Senate, for, with great respect for the Senator who made the ruling, I am under a very strong impression,

Mr. HOAR. Perhaps the Senator from Ohio would permit the Senator who made the ruling to state it himself before passing an opinion

on it.

Mr. THURMAN. Undoubtedly so; but I read it in the RECORD this morning, and I want to know how it can be gotten at now.

Mr. WITHERS. In view of the fact that immediately upon that ruling there was an adjournment, though no appeal was entered, I suppose an appeal would still lie this morning, necessarily.

Mr. THURMAN. You propose, then, to appeal?

Mr. WITHERS. I did not desire to appeal from the decision of the Chair if it were possible to reach an expression of the views of the Senate in any other way, and I supposed a request of a Senator calling attention to the fact might perhaps induce the Senate to take such measure as might give expression to their views.

Mr. THURMAN. That might produce discussion and bring no vote. If it is not too late to appeal, I suggest to the Senator that he appeal from the ruling.

from the ruling.

Mr. WITHERS. I would not go further until the Senator who occupied the chair has made his statement.

necessary to repeat them. There must be the recommendation of a standing committee or the estimate of the head of a Department, and so on; but when a matter is received without objection and discussed on the merits, that is an assent of the whole Senate to the fact that it is in order; and after the discussion has proceeded upon the merits without any objection it is too late then to say that originally the proposition to the Senate of that amendment as the pending question was out of order. That is a rule of law that nobody questions, I understand. I never heard it questioned.

The custom of the Senate, however, is to permit the matter to go on far enough to be explained to see whether it comes within one of the accepted classes or not, and then the point of order to be taken. The convenience of the Senate undoubtedly requires that that should be very liberally permitted. But in the present case no such thing happened. The Senator from Nebraska moved his amendment and proceeded to discuss it himself on the merits. Then the Senator from Virginia said: "I desire to suggest to the Senator from Nebraska that it would be more convenient to have this moved on the sundry civil it would be more convenient to have this moved on the sundry civil bill. I do not wish to express any opinion against it. On the contrary, I have examined it, and am inclined to think there is merit in it." The Senator from Nebraska then, resuming his discussion of the merits, said that he had several letters, one from General Sheridan, one from the general in command in Nebraska, I think General Crook, one from General Meigs, the Quartermaster-General, and one from the Secretary of War. The Senator from Vermont [Mr. EDMUNDS] thereupon said: "I should like to hear those letters read;" and they were read in the order in which I have named, the letter from the Secretary of War being read last. All that appears in the RECORD of this morning. That was not read with the view of establishing the Senator's right to offer this amendment in order. It was read as a contribution to the merits, and read after the other letters from the subtribution to the merits, and read after the other letters from the subrodinate officers in the military service had been read. After that all had happened, then the Senator from Kentucky [Mr. Beck] rose, the Senator from Virginia not then making any point of order, and said he did not know whether he was justified in making the point of order at that stage or not, but if he was he would like to do it; to which the Chair replied: "The Chair is under the impression that the point of order comes too late;" but the Chair further said he would submit the question to the Senate whether the point of order was now valid. the question to the Senate whether the point of order was now valid. Thereupon the Senator from Kentucky or the Senator from Virginia said they did not care about having the matter submitted to the Senate, but they would like the ruling of the Chair. The Chair thereupon ruled, and having ruled, the Senator from Nebraska yielded the floor, and the Senator from Rhode Island [Mr. BURNSIDE] moved an adjournment. That is the history of the transaction.

Now, I submit that within the most liberal possible interpretation of the custom of the Senate, which waits and hears a matter sufficiently explained to know whether it comes within the objection of the rule or the exception to the rule or not, this point of order comes too late.

too late.

Mr. WITHERS. I wish to call the attention of the Senator from Massachusetts to the fact that when the Senator from Kentucky made his point of order he did not make it qualified by the expression "at this stage," but it was in the following words:

I do not know that I can, but if I can I desire to make a point of order against to amendment.

Mr. HOAR. I so stated.
Mr. WITHERS. And the Senator from Kentucky subsequently stated—I read from his remarks:

When the Senator from Virginia made the suggestion that the amendment belonged to the sundry service bill and not to this bill, expressions were made all around me that perhaps the Senator from Nebraska had estimates that would bring it within the rule, and I waited to see whether there were such estimates as would bring it within the rule. The moment the reading of the papers was concluded and I thought the amendment did not come within the rule, admitting that I do not know much about rules, I made the point of order.

Those are the circumstances under which the point of order was made; and I wish to state in addition the fact that although it may had, the custom of the Senate still is to permit the point of order to

had, the custom of the Senate still is to permit the point of order to be made at any time during the consideration of an amendment.

Mr. BECK. Mr. President, when the amendment offered by the Senator from Nebraska was read, immediately after the reading, as the RECORD shows, before a word had been delivered by the Senator from Nebraska, the Senator from Virginia in charge of the bill suggested that it be postponed until the sundry civil bill was up. The Senator from Nebraska rose, as I think the RECORD shows, for the purpose of showing that there would be great danger in delay, because the Levislature of the State was in session and the grant of purpose of showing that there would be great danger in delay, because the Legislature of the State was in session and the grant of jurisdiction over the site could not be had unless the matter was taken up now. After some preliminary talk in that regard a suggestion was made to allow the papers to be read. We could not tell at that time whether the point of order would lie or not. They were read, and until they were read I had no means of knowing what papers the Senator from Nebaska had. He sent them up one at a time; and when the last one was read from the Secretary of War it turned out to be a letter dated the day previous, January 13, addressed to Mr. WITHERS. I would not go further until the Senator who occupied the chair has made his statement.

Mr. HOAR. Mr. President, I understand the rule of the Senate to be that no amendment proposing an appropriation is in order unless it comes from two or three sources, which are familiar, and it is not officially communicated either to the Senator or to the committee,

never having been seen by the committee so that by possibility it could have been looked into, I rose at once to make the point of order on the ground stated-

That this is not estimated for by any Department, not recommended by any standing committee, and has never been before the Committee on Appropriations.

The object we have in view is to have the ruling finally estabished, so that the committee may know what to do hereafter. If we cannot proceed to this point of hearing the papers read with a view to removing the preliminary objection, I do not think we can do anything but object to every amendment in the dark, and let the point of order stand until we see what may come. That would be a very unpleasant thing to do.

The reason I am urgent about this matter is this, if I may be allowed to say so: The sundry civil bill will be before us in a short time, and this seems to be a legitimate subject for that bill. It does not belong here, and it ought not to be a part of this bill. We will consider it, very likely pass upon it at once, when all the other matters of the same class are before us, and if we can postpone it tilt then, it will be a very short time, and the Senator from Nebraska will have a full and fair hearing.

Mr. SAUNDERS. If the Senator will allow me, I will state that a few years ago the appropriation for the improvement of Fort Omaha was put into the regular Army bill. It has not always been in the sundry civil bill.

in the sundry civil bill.

Mr. BECK. I know there is something peculiar about it.

Mr. HOAR. Mr. President, I have no pride of opinion in this matter.

Mr. BECK. Nor I.
Mr. HOAR. I certainly agree with the Senator from Kentucky that the administration of the rule which permits Senators to hear and understand what a matter is before they are required to make their point of order should be the most liberal possible; but here is a column of the RECORD of discussion about the merits of the measure, which was had even before the calling for the papers in the Senator's possession. For instance, the Senator from Vermont [Mr. EDator's poss MUNDS] said:

I think the papers from the Department had better be read.

That is, these papers of General Crook and General Meigs, as well as the Secretary of War.

I should like to vote for this if it is necessary; if it is not I should not; but I think there ought to be added to it a provision that this shall be a payment in full, that there shall not be anything further about it.

To which the Senator from Nebraska [Mr. SAUNDERS] then said:

I will send the papers to the desk to be read.

That was the first call for these papers, and the call for the papers was made with the view of seeing whether the Senator from Vermont would or would not move an amendment on the merits. Then the Senator from Virginia [Mr. Withers] said:

Do I understand the Senator from Vermont to move an amendment that it shall be in full?

To which the Senator from Vermont replied:

Not yet; I may before morning.

Mr. THURMAN. Mr. President, the amendment offered by the Senator from Nebraska was in order when offered or it was not. If it was in order then, no question about the time of its presentation. order then, no question about the time of its presentation could arise; no question whether it was too late. The ruling of the Chair therefore must have gone upon the theory that the amendment was not in order at the time it was offered, and if objected to then the objection would have been sustained; but that debate having

occurred upon the merits, the objection, when made, was too late.

Mr. President, there are a few rules in our Manual which cannot be suspended or set aside by unanimous consent. They are very few indeed. All other rules may be suspended or waived for the time being by unanimous consent; and doubtless this is a rule the point made under which might have been waived by unanimous consent; at least I think so, though I do not recall that there is anything in

that rule which provides for it.

that rule which provides for it.

Then the question is simply this, Was there a waiver of that rule by unanimous consent? If the Senator then presiding had said, "The Chair waives the rule," as he might have said if he had been requested so to do, the suggestion having been made that the amendment was out of order, and the Senate having unanimously agreed to waive the rule, there would be no question. The only question is, Were the proceedings that took place in the Senate a tacit waiver of that rule which made this amendment out of order? I do not say that there might not be a treit waiver of a point of order, that there might which made this amendment out of order? I do not say that there might not be a tacit waiver of a point of order; that there might not be a tacit suspension of the rule by a long debate; but it seems to me it ought to be a very plain and strong case that would make the Senate agree that this rule is suspended tacitly. It is a rule of great importance; it is a rule whose importance has been such that it has been strenuously insisted on. It is absolutely necessary for the protection of the Government that this rule shall be enforced, and it seems to me that it requires a very strong case to make out a tacit waiver of the rule, to take away from any Senator his right to object that such an amendment is not in order.

Now, with the greatest respect in the world for the Senator who occupied the chair when the ruling was made, and giving to what he said all the force that I can possibly give to it, it does seem to me that his ruling is contrary to the usage of the Senate, and that it

ought not to be sustained. I do not think, even if there were no ought not to be sustained. I do not think, even if there were no doubt or dispute as to the facts as stated by him, it ought to have been held that the rule had been tacitly waived. But in view of what I cannot help noticing, that again and again and again after papers have been read this objection has been interposed, and I have never before known a ruling that it came too late because there had been some discussion, I do think we should be setting a dangerous precedent if the ruling of the Chair were sustained; and if it is in order to appeal from that ruling, as I suppose it is-I do not know why it is not, that having been the subject under consideration when the Senate adjourned yesterday—I hope an appeal will be taken. I was not here at the time, and what I say upon this subject I say with great diffidence, because although I read in the RECORD what was said, yet that is not quite equal to having been here and having heard it

I felt bound to make these remarks, because I do think that the ruling was contrary to the usage of the Senate.

Mr. CONKLING. Mr. President, is there any question before the

Senate? The PRESIDING OFFICER. The question before the Senate is on the motion of the Senator from Nebraska to amend the bill. The

question is on that amendment. Mr. CONKLING. Now I inquire whether the Senator from Virginia appeals from the ruling of the Chair?

Mr. WITHERS. The Senator from Virginia may have to appeal, but I proposed to ask the unanimous consent of the Senate that the presiding officer be requested to submit the question to the Senate. If that unanimous consent cannot be had, I propose then to appeal from the decision of the Chair. I do not desire to appeal if I can

meach the sense of the Senate in any other way.

Mr. CONKLING. I have no doubt that an appeal, if the Senator wants to take it, is entirely in season, the Senate not only having adjourned pending this ruling, but immediately, instantaneously upon the ruling, a motion to adjourn having been made before and withdrawn for a moment as a matter of courtesy, as the RECORD shows, by the Senator from Rhode Island in order to enable the Senator from by the Senator from Rhode Island in order to enable the Senator from Virginia to inquire how the matter was disposed of, the presiding officer then ruled, and immediately the Senator from Rhode Island said "I renew my motion to adjourn," and the Senate did adjourn. Therefore, of course, now, if ever, the appeal is in order. If the Senator takes that appeal, I want to say a word upon it; if he does not I do not see that there is anything before the Senate.

Mr. WITHERS. Then I will enter an appeal in order to bring the matter before the Senate. I preferred, however, to reach it the other way.

Mr. CONKLING. Mr. President, it has been said that after an amendment has been received-and a discussion of its merits has proceeded, it is too late to submit a point of order; and the Senator from Ohio grounds his observations upon the idea that a tacit waiver of the rule has taken place. It would not have occurred to me that that is exactly the principle on which in parliamentary bodies a point of order comes too late; but very likely the Senator from Ohio is right in so stating. In the House of Representatives, as I am quite sure the Senator from Kentucky who has had so much experience there will confirm me in saying the laches of a member in not advancing a point contribution of order is not held to proceed upon the idea that, if he does not, the whole House waives a rule. It proceeds simply upon the idea that there is a point of time when it is in order for him to do that thing, and at some other time it is not in order for him to do it; and I should suppose that the presiding officer of this body proceeded in his ruling rather upon that idea than the one suggested by the Senator from Ohio, or he must have held that the Senate by unanimous consent

Now, speaking with diffidence about this appeal, because I was not present at the moment and because I do not match my opinion against that of more experienced parliamentarians, I must think that the point of order submitted by the Senator from Virginia was in time, clearly in time, and for reasons some of which have been assigned, but one of which has not been assigned, which is this: Before these papers were read which were treated by the Chair as in the nature of debate upon the merits, obviously from the Record, the point of order was suggested. It was not technically suggested, but it was virtually suggested, as the Record shows. The Senator from Virginia having charge of the bill said:

I do not want to antagonize the merits of the proposition; it was not considered by the committee

Immediately the Senator advancing the amendment responded, and here is in part his response:

Because the measure is recommended by a Department, it is therefore in order.

What was the idea in the mind of the mover of this amendment? The Senator from Virginia had apprised him that he did not wish to disparage the amendment upon its merits; but he was encountering it, contesting it in some form, objecting to it. The impression made naturally upon the mind of the Senator from Nebraska was that he was opposing it, not because it was destitute of merit, but because it was out of place or out of time, and therefore he refers to the fact that he has a recommendation from the Department and insists that that makes it in order. Thereupon the Senator from Vermont says:

I think the papers from the Department had better be read.

And the papers from the Department were read and read, as the And the papers from the Department were read and read, as the Senator from Kentucky says with great force, as the first and, as it turns out from their date, the only opportunity that the committee in charge of the bill had of knowing the force and effect of these papers and from whom they came; and thereupon the Senator from Kentucky, the papers having been read and nothing having followed that except a remark from the Senator from Nebraska—

I took it upon myself to say that the ground would be given free of charge to the Government, knowing that our people would be liberal enough to do so.

Then the Senator from Vermont inquired something about the cost, and the Senator from Kentucky interposed saying:

I do not know that I can, but if I can I desire to make a point of order against the amendment.

I do not understand the Senator from Kentucky to have said that he did not know anything about the time, but after hearing read the recommendation from the Department he said:

I do not know that I can, but if I can I desire to make a point of order against the amendment.

On that state of facts, it is said, on the simple ground of delay and laches, as I understand, the Senator from Kentucky had not been diligent enough in submitting that point. My impression is that that could be hardly sustained in strictness of parliamentary practice, and certainly not, as I am bound to corroborate the recollection of the Senator from Ohio, in view of the circumstance that again and again

Senator from Ohio, in view of the circumstance that again and again and again the contrary practice has prevailed so uniformly that I never until now heard it suggested that a point of order must be so promptly and instantaneously submitted in the Senate.

I wish to add after reading a letter which the Senator behind me was kind enough to show me, that I do not see at this time how the Senator from Kentucky could successfully submit the point of order against this amendment. I do not understand that the rule requires that there must be not only the recommendation of the head of a Department, but that that recommendation must be dated so early as to have preceded the action of the committee. That has never been suggested. I think. Here is, if I understand it aright, the recommendation. suggested, I think. Here is, if I understand it aright, the recommendation of the head of a Department. What is the criticism upon it? Why that, although it is addressed to the chairman of the Committee on Appropriations and be ample in itself, it came here after the committee had passed upon the bill. I do not think any rule makes that criterion.

No estimate whatever accompanies it.

Mr. CONKLING. My honorable friend from Connecticut apprises me that no estimate accompanies it. If he has a rule before him which requires that—which I do not remember—that would be very important; but I submit to that honorable Senator that the rule says nothing about estimates, but says that an amendment shall not be in order, unless, taking one of the alternatives, it is recommended by the head of a Department. He does not answer me when he says that there is no estimate for it.

Mr. INGALLS. That is not the language of the rule.
Mr. CONKLING. What is the language of the rule?
Mr. INGALLS. The language of the rule is:

Or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. DAVIS, of West Virginia. Not a recommendation; it requires an estimate

Mr. CONKLING. All the Senators set me right in that regard. I was speaking in the absence of the rule. My recollection of it was that one of the things required to qualify an amendment was that it should be recommended by a Department. Now I have in my hand

27. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

ask the Senator from Nebraska if there is an estimate?

Mr. SAUNDERS. There is a statement that \$30,000 will be sufficient. That was the same language which was used a year ago in regard to the warehouses, &c., at Fort Omaha, the work being done

without contract.

Mr. CONKLING. I am afraid as the Senator from Connecticut inti-Mr. CONKLING. I am afraid as the Senator from Connecticut intimated in his remark to me, the force of which I did not see at the time in the absence of the rule, that the Senate is committed by invariable practice to hold that the words "estimates of the Departments" refer to those estimates made beforehand and submitted and carried into a book, which is denominated The Estimates, and very likely if supplementing them a formal estimate should take place that would satisfy the rule; but if there be nothing except that book in which this is absent and then some statement of an officer that in his opinion it would cost so much, I can hardly see how my friend can depend upon that ground to bring himself within the rule.

Mr. HOAR. Mr. President, this question has certainly no very great practical importance because it turns upon what happened in a particular case which will not happen in the very same way again,

but it has been discussed at some length, and it may be worth while to call the attention of the Senate to what is the actual point.

I do not understand that the correctness of the ruling depends on

maintaining the proposition suggested by the Senator from Ohio that there has been unanimous consent of the Senate to waive a rule; nor do I understand that it depends upon the correctness of the proposition suggested by the Senator from New York that there has been tion suggested by the Senator from New York that there has been laches in somebody in not affirming or asserting his right at the time; but it is a simple question of fact. The rule is that "no amendment shall be received" of a certain character; "no amendment shall be received" proposing an increase or proposing new items of appropriation unless on certain conditions. If nobody objects, the amendment is received and stated from the Chair. When it has been received and discussion has proceeded upon the merits the objection is no longer in order, because it is an objection relating to the past. You might as well assert a parliamentary objection to a bill that was taken up and passed yesterday as to make a parliamentary objection to an amendment being received after it has been received and discussed, whether it has or has not been acted upon. The only question, therefore, is whether this amendment has in fact been received tion, therefore, is whether this amendment has in fact been received by the Senate. As has already been said, it was received, stated from the Chair, no objection made, and a discussion upon the merits had at some length; and although the Senator from Nebraska said in the debate that it was in order because he had got this recommendation, yet still the recommendation was not read to the Senate as bearing upon any question of order; it was not read to the Senate, and it was the last of the series read. After the letter of General Crook, the letter of General Meigs, and several other letters being read, finally that of the Secretary of War was read.

The PRESIDING OFFICER. Does the Senator from Virginia take an appeal from the decision of the Chair, or does he desire to submit

The PRESIDING OFFICER. Does the Senator from Virginia take an appeal from the decision of the Chair, or does he desire to submit the question again to the Senate?

Mr. WITHERS. I ask unanimous consent of the Senate that the question of the decision of the Chair last night be submitted to the Senate, in order to determine whether it is necessary that an objection to an amendment to an appropriation bill shall be entered as soon as the proposition is reported to the Senate, or whether the same may be done at any time during its consideration. If unanimous consent shall not be given, I shall take an appeal.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to ask unanimous consent to have submitted to the Senate the question whether the motion of the Senator from Nebreskato amend the bill is in order. Is there objection? The Chair hears none, and the question will be submitted to the Senate.

Mr. DAVIS, of West Virginia. One word. This may appear to some Senators, as not a question of great importance; but to the Committee on Appropriations, it is one of considerable importance. The question now, which the Senate is about to decide, is whether the Committee on Appropriations, or any member of it having charge of an appropriation bill, as soon as an amendment is offered is to jump up and say, "I object." That is the question. It is known to all of us, I believe, that heretofore the Senate has always decided a question of order whenever raised, it mattered not when.

Mr. FERRY. I understand that the Chair has submitted the question to the Senate.

Mr. FERRY. I understand that the Chair has submitted the question to the Senate.

The PRESIDING OFFICER. It has.

Mr. FERRY. I desire to state my understanding of the question as governing my vote. I am always disposed to sustain the Chair in his rulings; but when such a question has been submitted to the Senate for the action of the Senate, it becomes my duty to act upon that. I think the point now before the Senate turns simply upon the word "received"

Mr. HOAR. Will the Senator permit the question to be stated by

Mr. HOAR. Will the Senator permit the question to be stated by the Chair

the Chair.

Mr. FERRY. The Senator from Massachusetts asks that the question be stated by the Chair.

The PRESIDING OFFICER. The Chair will state the question to the Senate. On Thursday, the last legislative day, the Senator from Nebraska moved to amend the Army bill. This amendment, if any Senator desires, will be reported for information. The Chair now by unanimous consent of the Senate submits the question to the Senate. Is the amendment of the Senate from Nebraska in order?

unanimous consent of the Senate submits the question to the Senate. Is the amendment of the Senate from Nebraska in order?

Mr. FERRY. I supposed at the time that the Chair had stated to the Senate the question of the correctness of the previous ruling of the Chair, which of course involved the whole point. Whenever that question comes up, which involves the right of a Senator to make this point of order at any time, I shall want to express myself on that subject, for my judgment is that at any time before the Senate acts on an amendment any Senator has the right to object to it under the rule; but as the question now is not the question of the ruling of the Chair, but simply the relevancy of the amendment, I am in favor of the amendment, and I believe it to be applicable to the bill.

Mr. DAVIS, of West Virginia. That is another question.

Mr. FERRY. That is entirely another question, and on that I would vote in favor of the amendment proposed by the Senator from Nebraska. As the matter of the rule is up, I desire to state that the mere fact that a member presents an amendment, and assumes the floor at once and discusses it, it cannot debar any other Senator from the right of objecting to it on a question of order; nor is it required

the right of objecting to it on a question of order; nor is it required by the rule that any Senator should rise at once to claim his right to

object. The reception of any measure in the sense of the rule is not its reception by the Chair, and cannot be anything but its reception by the body, and until the body receives it by acting on an amendment to it, or by referring it, or by taking some other course with it, it is not received under the rule.

Mr. GARLAND. I ask the Secretary to read Rule 40.
The PRESIDING OFFICER. The rule called for will be read.
Mr. DAVIS, of West Virginia. I hope the Senate will pay attention to the point of this rule, particularly the Senator from Massa-

The Secretary read as follows:

A question of order may be raised at any state of the business, except when the Senate is dividing and, when raised, shall be decided by the presiding officer, without debate, subject to an appeal to the Senate; or he may submit any question of order for the decision of the Senate.

Mr. HOAR. What does the Senator understand by that? The Senator did me the honor to call my attention to that rule; does he

undertand that it has anything to do with this matter?

Mr. DAVIS, of West Virginia. I understand that rule says that at any time a question of order may be raised, which may be withint two or three days.

or three days.

Mr. HOAR. I bow with silent wonder.

The PRESIDING OFFICER. The question before the Senate is whether the amendment of the Senator from Nebraska is in order. Those who are of the opinion that the motion to amend is in order will say "ay;" those of contrary opinion, "no," [putting the question.] The noes have it.

Mr. CONKLING. May I interfere in this matter now so far as to

make a suggestion to the Senator from Virginia? The Senator from Nebraska says that an amendment relating to this same subject-mat-Nebraska says that an amendment relating to this same subject-matter has heretofore been upon the Army appropriation bill. If the committee, having had an interval to look at this is satisfied, or shall be on looking at it, of the merits of the proposition, having now enforced the law of the Senate, why not consider the amendment on its merits? Why not waive the rule—that will do no harm—and let the Senator from Nebraska have his hearing upon this bill?

Mr. WITHERS. As the representative of the committee I would have no objection were it not for the fact that it paves the way for similar amendments, which it is impossible that the committee can evamine

examine.

Mr. CONKLING. Not at all, if the Senator will pardon me.
Mr. WITHERS. If the Senator will pardon me, I will state that
already one or two have been suggested to me of a similar character
which it is desired to attach to the bill if this one is accepted, and a

which it is desired to attach to the bill if this one is accepted, and a number of others have been suggested.

Mr. CONKLING. Now, if the Senator will indulge me a moment, undoubtedly it is my right to crowd his committee with a thousand amendments on every bill. That the Senator cannot avoid. If the committee does not consider this amendment in respect to this bill, it will be obliged to consider it just the same in respect of another. If I have an amendment relating to anything cognate to this bill and I can get the committee to believe that that is a meritorious amendment, I have that advantage; but all the time the committee is compelled to decide upon the merits of these amendments first or last, and it does not multiply them to consider them at one time rather than another. Here comes a Senator who says that heretofore this very bill has been designated by Congress as the proper bill to which such an amendment is to be attached. He says his Legislature is in session, and he gives exceptional reasons why it is a matter of interest to him to have this done and a matter of hardship to him and to the interest which he represents to have it deferred. Now, I submit to him to have this done and a matter of hardship to him and to the interest which he represents to have it deferred. Now, I submit with great respect to the Committee on Appropriations—and I believe that is a very reasonable committee, I know that my friend the First Lord of the Treasury is a very reasonable man—I submit to that committee that it would be a gracious thing and would violate no rule if they would take the trouble to look into this amendment and if it really is meritorious not to stick in the bark by saying they would rather it should be offered on some other bill.

Mr. WITHERS. I would suggest that that is the very difficulty in

Mr. WITHERS. I would suggest that that is the very difficulty in connection with the matter. It is impossible that the Appropriations Committee can consider the merits of a proposition that comes upon them during the consideration of their regular appropriation bills in the Senate. For example, in this particular instance, locking into it we find \$115,000 has been already appropriated for the construction. we find \$115,000 has been already appropriated for the construction of storehouses and quarters, &c., either at the city of Omaha or at Fort Omaha. Now, the proposition of this amendment is that the headquarters shall be removed from Fort Omaha, where they are at present fixed, for the purpose of erecting buildings in the city of Omaha. The reasons that have been given for it undoubtedly strike me with some favor; but still it is a matter that requires some examination, and it is impossible that the committee can now give the matter that detailed examination and investigation which its impor-tance deserves and the interests of the Government demand unless it shall be submitted to them so as to give them opportunity to ex-

amine it.

Mr. CONKLING. Evidently it is the wish of the Committee on Appropriations that I shall make one or the other of two motions: either that I shall move to postpone this bill until they have an opportunity to look into the amendment, which I see that the Senator from West Virginia is anxious I should do, or, as the Senator from

Virginia seems more particularly to wish, that I should move to en-Virginia seems more particularly to wish, that I should move to enlarge this committee or to enlarge its capacity for considering questions of this kind. Owing to my diffidence, I decline to make either of those motions, and leave to the committee to take their responsibility, and especially I leave it to the Senator from Kentucky, who I observe now has risen, with his usual energy, to I hope properly dispose of this matter.

Mr. BECK. I only rose to say that the committee, in dividing up their work, have thrown upon me, I believe, the responsibility of looking into the sundry civil bill; and all this class of cases properly come before me. Some Quartermaster's Department matters the committee think ought to be considered on that bill; this is one of them. We shall have that bill very soon; and if we were to allow this particular item to be acted upon on this bill in advance of all the others, we might, perhaps, be doing some other equally meritorious cases injustice. We want to act upon them all at once. Let us pass the Army bill clear of all complication with these matters, and when the sundry civil bill comes in the Senator from Nebraska shall

have a full and fair hearing and very prompt action.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in. Mr. MORRILL. I move to amend the bill by inserting after line 85:

Provided further, That the officer in charge as governor of the United States military prison at Fort Leavenworth, Kansas, shall receive pay in accordance with the brevet rank of such officer.

Mr. President, in justification of the motion which I make I desire to read a communication from the Secretary of War and the Quartermaster-General and the commandant of the post. I will say that this is the only military prison that there is this side of the Rocky Mountains. I believe there is a small one at Alcatraz, in California. Here all of the military prisoners that we have on this-side are confined and kept at labor. I understand that the officer in charge of this prison, that has recently been officially visited by the Secretary of War, is one of the most competent men for such service there is perhaps in the country. He has made it virtually into a manufacturing establishment, where fifteen thousand pairs of shoes are manufactured annually, and a great many other things. I am told that he factured annually, and a great many other things. I am told that he is peculiarly fitted and qualified for the discharge of his duties there, and that his services have been eminent for many years past in whatever position he has been placed. He is holding the brevet rank of ever position he has been placed. The is holding the prevet rank of colonel and yet receives only the pay of a captain. This amendment would increase his pay, I suppose, from \$1,800 to \$3,500, a sum for which I assume that we could not obtain in civil life anything like the ability he has shown there. I will read from the Adjutant-Gen-

The valuable services of Colonel Blunt certainly entitle him to increased com-ensation, and I cheerfully recommend that his request be granted.

R. C. DRUM.
Adjutant-General and Commissioner of Prison.

And further.

WASHINGTON, D. C., January 12, 1881.

WASHINGTON, D. C., January 12, 1881.

Colonel Blunt's administration of affairs at the military prison cannot be too highly eulogized. The money value of his services cannot be overestimated. Under his management the labor of the prisoners has been utilized and directed into avenues for the benefit of the service; and it is mainly owing to his aptitude and ability that the prison stands to-day one of the most successful institutions in the country. His responsibility is very great and his duties ardnous, and entitle him fully to the consideration he solicits.

THOMAS F. BARR. Judge-Advocate United States Army, Commissioner of Prison.

Approved. JANUARY 12, 1881. ALEX. RAMSEY, Secretary of War,

I leave it for the committee, and I trust they will do what is right and what they will believe to be right themselves.

Mr. WITHERS. Mr. President, having raised the point of order against the amendment offered by the Senator from Nebraska, I feel compelled to make the same objection to the amendment just sug-

gested. I raise the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not in order. It increases the appropriation.

Mr. SAUNDERS. I now would like to ask unanimous consent to allow the amendment that I proposed yesterday to be received and

Mr. WITHERS. The Senator cannot expect to get unanimous con-

Mr. SAUNDERS. I then move in the Senate the amendment which I proposed yesterday and ask that it be added to the bill.

Mr. WITHERS. I make the point of order that the amendment is

not in order.

Mr. SAUNDERS. I will state while I am on the floor—
The PRESIDING OFFICER. The Senator from Nebraska will allow

the Chair to have the amendment read.

The Chief Clerk read the amendment proposed by Mr. SAUNDERS,

For the erection of a building suitable for offices for headquarters of the Department of the Platte, in Omaha, State of Nebraska, \$30,000: Provided, That said sum shall not be expended until suitable grounds, to be approved by the commanding officer of said department, shall be furnished on which to erect said building, free of charge to the United States: And provided, That the Legislature of the State of Nebraska shall first relinquish to the United States all jurisdiction over said property.

The PRESIDING OFFICER. The Senate has just declared the

amendment out of order.

Mr. CARPENTER. The Senator from Nebraska is certainly in

order in asking the Senate for unanimous consent.

The PRESIDING OFFICER. The Chair did not so understand the Senator from Nebraska.

Mr. WITHERS. That application has been denied, and he now asks that the amendment be adopted.

Mr. EDMUNDS. This is in the Senate. He has a right to propose it again and take the ruling of the Senate.

The PRESIDING OFFICER. Does the Senator from Nebraska ask

unanimous consent of the Senate to offer this amendment?

Mr. SAUNDERS. I asked unanimous consent, but I found I could not get unanimous consent, and therefore I proposed it as an amendment to the bill. In answer to what was said awhile ago by the

Senator from Kentucky, I wish to remark—

Mr. WITHERS. I wish to call attention to the fact that I object to the reception of the amendment on the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

The amendment is not in order.

Mr. VOORHEES. Mr. President, I am not about to wrestle with any rule of this body. I have an amendment before me affecting the people of Indiana and several other States, transmitted to me by the War Office. There has been great delay in the settlement of large claims for property taken by the Federal Army in loyal States. The States interested in the settlement of these claims are Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, Tennessee, Missouri, and Maryland. Some of them are claims known as the Morgan raid claims. In all they amount to some \$12,000,000. There is an utter and total inadequacy of clerical force to settle these claims within the life-time perhaps of the youngest of the claimants. I have here prepared an amendment to correct that kind of an outrage upon public justice. If it was in order now, I should desire now to offer it. As the case stands, I give notice that I will offer the provision as an amendment to the legislative, executive, and judicial appropriation bill, and I ask to have it referred to the Committee on Appropriations to be considered when that bill comes before them. I do so upon the suggestion of my friend from Virginia who has the present bill in charge, who is a member of the Committee on Appropriations, and I bespeak his good offices for this amendment when it comes before the committee. Let the amendment be read.

The PRESIDING OFFICER. The paper will be read. mittee. Let the amendment be read.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

To provide for a more speedy completion of the investigation of the claims under the act of the 4th of July, 1864, for property taken by the Army in loyal States during the war of the rebellion, \$150,000; of which sum \$50,000 to be immediately available for use during the remainder of the current fiscal year, and also the additional sum of \$1,500, to be immediately available, for contingent expenses of the Quartermaster-General's Office for 1881, the same to be used in fitting up additional rooms, purchase of furniture, and for furnishing stationery necessary for the increased clerical force.

The PRESIDING OFFICER. This proposed amendment will be

referred to the Committee on Appropriations.

Mr. VOORHEES. This is recommended by the Secretary of War and by the Quartermaster-General, and in connection with the provision I have offered, I ask that certain papers which I present be

The PRESIDING OFFICER. The reference will be made.

Mr. BURNSIDE. I now ask the Senate to consider the amendment which I submitted to the bill and had referred to the committee

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be read.

The CHIEF CLERK. In line 127, after the word "dollars," it is proposed to insert:

Provided, That fuel shall be issued to officers of the Army in accordance with the Army regulations in force in 1856.

Mr. BURNSIDE. That amendment was offered when the bill was in committee and referred to the Committee on Appropriations, and by them rejected. As the law stands now all officers of the Army have to purchase their fuel at a given rate, \$16 a cord, and in some places officers pay as high as \$30 a cord. This simply goes back to the old method of issuing fuel, issuing to any officer stationed in the South a limited amount of fuel, and to an officer stationed in the North a greater amount, graduated by a system established after long practice and which always seemed to me a very equitable one. I hope the Senate will decide to go back to the old method of issuing fuel. I have never seen any reason for a change.

Senate will decide to go back to the old method of issuing fuel. I have never seen any reason for a change.

Mr. WITHERS. I raise the point of order that the amendment is not in order, inasmuch as it changes the existing law and is not recommended by the head of a Department, so far as the committee know. If it has merit, as I am not disposed to doubt that it has, inasmuch as it has received the approval of the Military Committee, they can report a bill providing for exactly what they desire. It has no business on this bill.

The PRESIDING OFFICIER. It is the opinion of the Chair that

The PRESIDING OFFICER. It is the opinion of the Chair that the point is well taken. The amendment is not in order.

The amendments were ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. VOORHEES. The regular order, Mr. President. Mr. DAVIS, of West Virginia. I will state to the Senator from Indiana that another regular appropriation bill, the Military Academy bill, is ready for action. I do not know whether the Senator wishes to oppose its consideration or not.

Mr. VOORHEES. No; I do not. I say frankly I do not want to antagonize any of the appropriation bills. I want to get along as fast as we can. But while I have no desire to do that I hope the Appropriations Committee do not want to antagonize the other meas-

which is the unfinished business.

Mr. DAVIS, of West Virginia. The Senator understands that no-member of the Appropriations Committee has ever objected to making his bill the regular order. There is no objection upon the part of that committee; but I wish it to be understood that there are two bills before the Senate from the Committee on Appropriations. One is a regular appropriation bill and the other a bill appropriating \$2,500 to pay the expenses of the international sanitary commission now in ssion. Those are the only bills that the Committee on Appropri-

ations have ready.

Mr. VOORHEES. What is the regular appropriation bill?

Mr. DAVIS, of West Virginia. The Military Academy appropriation bill, of which the Senator from Minnesota [Mr. WINDOM] has charge.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, which is the bill (S. No. 231) for the

Mr. WINDOM. I ask the Senate now to proceed to the considera-tion of the Military Academy appropriation bill, which I think will

take but a very few moments.

Mr. CARPENTER. Laying the other bill informally aside?

Mr. WINDOM. Laying the other bill aside informally.

The PRESIDING OFFICER. The Senator from Minnesota asks that the bill for the relief of Ben. Holladay be informally laid aside for the consideration of the Military Academy appropriation bill. Is there objection

Mr. EDMUNDS. What is the regular order?
The PRESIDING OFFICER. The bill for the relief of Ben. Holiaday.
Mr. EDMUNDS. How did that get up?
Mr. VOORHEES. By a vote of the Senate several days ago, and it

Mr. VOORHEES. By a vote of the Senate several days ago, and it has been up all the time since.

Mr. EDMUNDS. No, it has not.

Mr. CONKLING. Let us ascertain how that is.

Mr. EDMUNDS. That is what I am trying to do.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Vermont that the bill for the relief of Ben. Holladay was informally laid aside this morning to take up the Army appropriation bill as the unfinished business.

Mr. EDMUNDS. Then I submit with the greatest possible pleasure; but I wish to add that I merely want to stand by the rules, that if a bill is laid aside to-day, and is not taken up to-day, it is not the regular order to-morrow. I do not say this in hostility to Mr. Holladay's bill, because if the Chair had decided it was not before the Senate I should have voted to take it up. I only want things straight

day's bill, because if the Chair had decided it was not before the Senate I should have voted to take it up. I only want things straight on the Journal; that is all.

Mr. VOORHEES. That has been done in every instance.

The PRESIDING OFFICER. The bill is informally laid aside, and the Senator from Minnesota asks consent to proceed to the consideration of the Military Academy bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes.

for other purposes.

The PRESIDING OFFICER. The bill will be read.

Mr. WINDOM. Before the Secretary proceeds to read the bill, I wish to make a very brief statement.

The total of the bill is \$322,135.37. The bill is less than the estimates by \$72,307.16, and exceeds the appropriations for the fiscal year ending June 30, 1881, by \$5,901.09. The Committee on Appropriations have recommended but one amendment to the bill, and that

priations have recommended but one amendment to the bill, and that not a very important one. I ask that the amendment may be considered when it is reached in the reading of the bill.

Mr. DAVIS, of West Virginia. I suggest to my colleague on the committee, if it is not a very important amendment, would it not be well to let the bill pass as it came from the House?

Mr. WINDOM. When we come to consider the amendment I shall not urge it if there is any objection to it.

The PRESIDING OFFICER. The Secretary will read the bill, and the amendment of the committee will be acted on when reached.

The Secretary proceeded to read the bill. The amendment reported from the Committee on Appropriations was, in line 79, after the word "dollars," to insert "one theodolite, \$300;" and in line 30 to change the total of the appropriations for contingencies of the "department of instruction in mathematics" from "\$150" to "\$450." The amendment was agreed to.

The amendment was agreed to.

The Secretary resumed and concluded the reading of the bill. The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and that the bill

be read a third time.

The bill was read the third time, and passed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. BURNSIDE. I move that when the Senate adjourns to-day it

be to meet on Monday next.

Mr. DAVIS, of West Virginia. I hope not.

The PRESIDING OFFICER. The question is on the motion of the

Senator from Rhode Island.

Mr. DAVIS, of West Virginia. I have a word to say. I think that we ought to sit each legislative day. There is abundance of business to be done, and we see the rush here among Senators in trying to have their bills considered. I doubt very much the propriety of adjourn-

ing over.

Mr. SAULSBURY. I desire to add to what the Senator from West Virginia has said, that this is a short session; there is a good deal of business to transact; we are here in the public service; and I think we much to devote to-morrow to public business. There is no necessary we ought to devote to-morrow to public business. There is no necessity for an adjournment over until Monday, and I hope the Senate will refuse to adopt the motion.

Mr. BURNSIDE. I think to-morrow can be better spent by Senators in looking over matters that demand attention for the purpose

of facilitating the public business.

The question being put, there were on a division—ayes 17, noes 19; no quorum voting.

Mr. EATON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to

Allison,

Carpenter,

Mr. WILLIAMS, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. Davis.] If he were

am patred with the Senator from Hillions, [Mr. Davis.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. WINDOM. The Senator from Michigan [Mr. FERRY] is paired with the Senator from New Jersey, [Mr. Randolph.]

The result was announced—yeas 23, nays 23; as follows:

YEAS-23

Ingalls,

Rollins.

Anthony, Bayard, Booth, Burnside, Cameron of Pa.,	Conkling, Dawes, Edmunds, Hill of Colorado, Hoar,	Kellogg, Logan, McMillan, Morrill, Platt,	Saunders, Teller, Whyte, Windom.
	NA	YS-23.	
Beck, Brown, Call, Cockrell, Coke, Davis of W. Va.,	Eaton, Farley, Garland, Groome, Hampton, Harris,	Hill of Georgia, Jonas, Kirkwood, McPherson, Morgan, Pendleton,	Plumb, Pugh, Saulsbury, Slater, Withers.
	ABS	ENT-30.	
Bailey, Baldwin, Blaine, Blair, Bruce, Butler,	Ferry, Grover, Hamlin, Hereford, Johnston, Jones of Florida,	Lamar, McDonald, Maxey, Paddock, Randolph, Ransom,	Vance, Vest, Voorhees, Walker, Wallace, Williams.

Cameron of Wis., Davis of Illinois, So the motion was not agreed to.

Jones of Nevada, Kernan,

INTERNATIONAL SANITARY CONFERENCE.

Sharon, Thurman,

Mr. DAVIS, of West Virginia. I ask that the Senate now proceed to the consideration of House joint resolution No. 358, which is reported from the Committee on Appropriations, but is not a regular

appropriation bill.

The PRESIDING OFFICER. The Senator will allow the Chair to state the business before the Senate. The Senate will resume the consideration of the unfinished business, which is the bill (S. No. 231) for the relief of Ben. Holladay

Mr. DAVIS, of West Virginia. I ask that that bill be informally

The PRESIDING OFFICER. The Senator from West Virginia asks that the bill be informally laid aside so that the Senate may take up for consideration the joint resolution indicated by him.

np for consideration the joint resolution indicated by him. Is there objection? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 358) appropriating \$2,500 to meet the expenses of the international sanitary conference invited to meet in Washington on the 1st of January, 1881.

Mr. DAVIS, of West Virginia. There is a letter here from the Secretary of State, which in justice to the committee ought to be read. The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, December 27, 1880.

Washington, December 27, 1880.

Sin: In reply to your letter of the 21st instant, touching the joint resolution approved by the House of Representatives and now before the Senate, appropriating \$2,500 to meet the expenses of the international sanitary conference, I have the honor to inform you that the amount estimated for by this Department was \$10,000, or so much thereof as might be found necessary. The expenses which the Department will be required to meet under the joint resolution of May 14, 1880, will consist (besides ocean telegraphy incident to obtaining the responses of foreign governments) mainly of the employment of skilled stenographers and clerks capable of reporting speeches and propositions made in French or Spanish, and of the daily composition and printing of the protocols of the session. It is, of course, impossible to say in advance just how much these items will amount to. If the conference remains in session only a few days, it is possible that the sum appropriated by the resolution of the House of Representatives may be sufficient

to defray expenses. But if the sessions are at all protracted, and especially if the discussions should take an extended range, the necessary cost of the most economical management of the conference might amount to the sum originally suggested by this Department.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. HENRY G. DAVIS, Chairman of the Committee on Appropriations, Senate

Mr. CARPENTER. Mr. President, I find myself once more compelled to sit at the feet of the democratic doctors on a constitutional question. I want to know from them what authority is conferred by the Constitution of the United States upon Congress to vote any money out of the Treasury for any such purpose. I want to know, in the second place, whether Congress can appropriate any public money for a cause over which and as to which it has no jurisdiction. I want to know, in the third place, who will vote for an appropriation of money touching a subject not committed to the Federal Gov-ernment by the Constitution of the United States. I would be very glad indeed if any Senator on any side of this Chamber would fur-nish me the information in reply to those three questions, or either

one of them.

The PRESIDING OFFICER. The joint resolution is in Committee of the Whole and open to amendment. If there be no amendment it will be reported to the Senate.

Mr. HARRIS rose.
Mr. CARPENTER. Was the Senator going to give me the information i

Mr. HARRIS. It was my purpose to say that I had no hope of being able to give to the Senator from Wisconsin such information as will be satisfactory to him, having heard the views of the Senator upon previous occasions as well as upon this in respect to this ques-

If there be a constitutional warrant, as I have believed and still believe there is, for this appropriation and kindred appropriations that have been made, it will be found to rest upon the power to regulate commerce with foreign nations and among the several States.

Mr. CARPENTER. That would be touching the communication of

Mr. HARRIS. It is touching commerce; and if the Senator will take the trouble to investigate the legislation of Congress upon the subject of commerce, (which he has doubtless done very many times, and is very much more familiar with it than I am,) he will find

times, and is very much more familiar with it than I am.) he will find that there are innumerable instances in which Congress has legislated regulating commerce in the interest of health and comfort as well as in other respects, regulations as to what passenger vessels shall carry and what they shall not carry, all of which regulations are in the interest of human health and the safety of human life.

But the power to regulate commerce the Senator and I cannot possibly differ about. I do not think it probable we can differ very widely as to the extent of the meaning of the term commerce, and what is embraced in it. Intercourse, travel, and whatever is connected with the travel of persons as well as the transmission of goods is commerce and falls within the scope of the general power that Congress has to regulate it.

gress has to regulate it.

gress has to regulate it.

Upon a former occasion where a similar question arose in respect to the creation of the Board of Health and clothing it with certain powers the same question arose. Of course I do not pretend that Congress ever had the authority to appropriate money to any such purpose unless the things to be done, the powers to be exercised, are proper and legitimate regulations of commerce and falling within that clause of the Constitution, but I think that Congress has the power in the regulation of commerce to so regulate it as to strip it of elements dangerous to human health as well as those which are injurious to the neguniary interests of trade or revenue.

rious to the pecuniary interests of trade or revenue.

I think that if this appropriation, tending to furnish Congress with information, is such as will enable it to determine wisely and well how information, is such as will enable it to determine wisely and well how commerce should be regulated in respect to considerations of the safety of life as well as the safety of property if such information is necessary and this is a proper method of obtaining it, then the call of this international conference was proper and the appropriation for the necessary expenses should unquestionably be paid. At all events such is the line of reasoning that satisfies my own mind to vote for this appropriation, and for these reasons, however unsatisfactory they may be to the Senator from Wisconsin, I shall vote for the appropriation.

Mr. CARPENTER. Mr. President, nothing is more ungracious and nothing more unpleasant than to be constantly compelled to interpose objections to things which everybody will agree are desirable to have done. Take the subject of agriculture. Everybody says it would be a good thing to improve it, and to improve the conveniences for carrying it on. So with education; so with public health; so with a thousand things, which in the frame-work of our Constitution has been left to the States and not conferred upon the General Government. If the proposition were to be submitted to amend the Constitution so as to commit the regulation of education to the General Government, I would vote for it. If the proposition were to be submitted to permit the United States to provide for the public health of the Union I might vote for that; but when I came into this Chamber I was compelled under the rules of this body to go to the desk and swear to support the Constitution of the United States, by which I understood the new understand row; that I took on each that it

I understood then, and understand now, that I took an oath that in

any act or thing done by me as a Senator I would observe and obey the Constitution; I would exercise my best judgment and reason and

in all things act in conformity with the Constitution

Upon this question I can see no more power in Congress to enter upon the regulation of the health of the Union or to invite conventions with foreign nations to consult with and advise us any more than I can see the power to do anything in the world that you can demonstrate is desirable to have done by somebody.

I believe sincerely that the prosperity of this country depends upon an honest and faithful observance of the constitutional distribution

an nonest and faithful observance of the constitutional distribution of sovereign powers between the great Republic and the States; and although \$2,500 for this purpose is a mere bagatelle, yet the vote of Congress appropriating any money for such a purpose does strike a blow at the Constitution.

Mr. DAVIS, of West Virginia. How about the "general welfare" clause? Does not the Senator think this is just in that direction? Mr. CARPENTER. I refer the Senator to the commentaries of Judge Story and to all writers upon that clause. If the general welfare clause gives Congress power to do what it thinks the general welfare requires, what was the object of enumerating what Congress may do? Upon that construction ours is an unlimited Government. Judge Story, federalist as he was, says that that construction would carry the Government beyond all restraint, because if Congress has but to say that the public welfare requires a certain thing to be done

carry the Government beyond all restraint, because if Congress has but to say that the public welfare requires a certain thing to be done then it has the power to do it—

Mr. HOAR. The Senator does not say that Judge Story was a federalist, that is, in any technical political sense?

Mr. CARPENTER. I do not mean that; but I mean that he was a federalist in his construction of the Constitution. That is to say, he was for construing the Constitution so as to give it some power. So am I. He was for construing it so as to give full play to all the powers which the convention framing it and the people adopting it intended and attempted to confer upon the General Government, and there he stopped. Discussing this question, and the very clause to which the Senator from West Virginia refers, he says that if that construction be given to that clause, then the Government is an unlimited one; that it was utterly unnecessary to proceed and enumerate the powers which might be exercised by the General Government.

Mr. EATON. I do not think Judge Story went quite so far as to deny the Government all necessary powers.

deny the Government all necessary powers.

Mr. CARPENTER. Nobody has ever charged him with that.

Mr. SAULSBURY. I desire to ask the Senator from Wisconsin if the phrase "general welfare" was not incorporated from the Articles of Confederation, where it evidently meant general interest in contradistinction to the local interests of the several colonies, and whether it has not the same import in the Constitution that it had in the Articles of Confederation ?

Mr. CARPENTER. Turn to the preamble of the Constitution:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Nothing can be plainer, it seems to me, than that this is the true construction of that clause. For the purpose of securing the ends recited here, the public welfare among others, this Constitution is

adopted.

Now we proceed to see what is the Constitution adopted? The Constitution creates Congress. It then gives Congress power to do all the things which they who framed this instrument believed were essential to promote the common welfare, and so of all the other ends intended to be secured and reached by this preamble in the Constitution. It was a mere statement of the reasons which induced our fathers to create this Government, of the reasons which induced them to give these certain enumerated powers to the General Government; but was not intended to so provide the means by which these ends were to be secured. That was done by the Constitution. So Congress is authorized to raise money to secure the common welfare in the way the Constitution has adopted to secure the general welfare. And in no other way.

in no other way.

Whoever construes this clause so as to say that whatever will conduce to the general welfare Congress shall have the power to do that, must do it as to all other subjects, as to everything that will contribute to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. I ask what can be conceived of within the scope of governmental powers that will not contribute, if wisely conducted, to one or the other of these ends? In other words, if you hold the preamble of the Constitution as In other words, if you hold the preamble of the Constitution as conferring power, this Government is as absolute as the Government of Great Britain. We have not a republic limited by the Constitution, its powers specified and their exercise regulated, but we have a Government that can do everything which it deems necessary to promote justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, &c.; and what greater power has Great Britain?

That is the argument not of myself, but of Judge Story npon this subject, and of all the men I have ever read who are regarded as authority upon the Constitution in discussing the effect of that clause.

This whole subject of the regulation of health may be important, but to say that it is a part of the regulation of commerce seems to me to be fanciful; it seems to be furnishing a pretext for doing what we have made up our mind to do and really have no power to do.

The thing under consideration is providing for the public health,

The thing under consideration is providing for the public health, but he says this may be done because it is a mere incident to commerce. If you were regulating commerce in the proper sense of the word by regulating the construction of ships, and the conveniences they should have, and all that, you would undoubtedly be authorized to take into consideration the effect of the construction upon the health of your sailors and passengers. That would be a part, a detail, an incident to the regulation of commerce in the proper sense; but we are not regulating commerce; we are not providing for the building of ships; we are not contemplating any such thing. We are contemplating the single subject of human life and of health, important, I concede. As I have said, perhaps I might vote for an amendment to the Constitution which would confer the power, but I deny most respectfully that it is conferred. I deny that any man who is supporting the Constitution can vote for an appropriation in aid of supporting the Constitution can vote for an appropriation in aid of any subject no matter how important and generally useful that is not committed to the jurisdiction of the General Government.

Mr. President, I shall ask for the yeas and nays upon the passage

Mr. President, I shall ask for the yeas and nays upon the passage of this joint resolution.

Mr. GARLAND. Mr. President, the objections urged by the Senator from Wisconsin have been urged before, and a great many more. Some two years ago, when a similar question was up, everything that is said by him to-day and much more was said. He was not here at the time, I believe, to participate in that argument. The question was argued by a number of Senators on both sides for and against the general proposition, and every case was referred to and commented upon from Gibbons vs. Ogden, in 9 Wheaton, down to the celebrated cattle case in 5 Wallace, on the subject of commerce between the States. The general power to take care of the health of the country was put upon three different clauses of the Constitution, one of which the Senator from Wisconsin has not referred to: first. the country was put upon three different clauses of the Constitution, one of which the Senator from Wisconsin has not referred to: first, the commercial clause, which was referred to by the Senator from Tennessee; second, the general-welfare clause; but clause No. 2 of section 10 of article 1 was also referred to and commented upon to some extent by myself, and I was supported in that by Judge Story, the authority that has been referred to by the Senator from Wisconsin. That clause is as follows:

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

Judge Story said in the second volume of his Commentaries on the Judge Story said in the second volume of his Commentaries on the Constitution that there was ample authority for the exercise of this power. It is now late in the day to urge an objection of that character. We have had sanitary regulations or a quarantine law, so to speak, ever since 1790 upon the statute-book of the country. In 1879 that statute was considerably enlarged by the Congress of the United States by an act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States." That act was passed April 29, 1879. The following year that statute was considerably enlarged by a general health bill, which was reported from the special committee by the Senator from Tennessee, and which received the sanction of the two Houses of Congress with some amendments. On the 14th of May last, Congress passed the following joint resolution:

That the President of the United States is hereby authorized to call an international sanitary conference to meet at Washington, District of Columbia, to which the several powers having jurisdiction of ports likely to be infected with yellow fever or choiera shall be invited to send delegates, properly authorized, for the purpose of securing an international system of notification as to the actual sanitary condition of ports and places under the jurisdiction of such powers and of vessels sailing therefrom.

As I understand, in pursuance of that joint resolution this conference was invited, and in pursuance of that invitation the conference

has met, it may be; I do not know how that is.

Mr. HARRIS. It is now in session here.

Mr. GARLAND. It is now in session in the city of Washington.

Now the question comes up, Shall we simply discharge an obligation upon us to meet the exigencies of this conference, which we have solemnly invited by three laws, and the constitutionality of every one emnly invited by three laws, and the constitutionality of every one of which was discussed, if I may be permitted to use such an expression, ad nauseam? The question now is, Shall we defray the expenses of that sanitary conference that we have invited to meet here? I do not see that at this day there is any argument left in respect to that matter. As to the constitutional power to pass the original proposition, probably we never shall agree upon that, for if we should we would have to dispense in a great measure with that valuable property of the United States called the profession of the law, and the gentlemen belonging to it.

property of the United States called the profession of the law, and the gentlemen belonging to it.

The Senator from Wisconsin and other gentlemen doubt as to this power. I have no doubt of it, and tried to make myself understood in vindicating the power. The power has been exercised by two different laws within so many years. The conference has been invited under a joint resolution, and the question is, Shall we pay its expenses? This joint resolution provides for that, and nothing more.

Mr. CARPENTER. That is not the question I put. The question

I put was whether the Constitution authorizes us to do it?

Mr. GARLAND. I think it does.

Mr. CARPENTER. Then I do not see that the other is the ques-Mr. CARPENTER. Then I do not see that the other is the question. I agree with the Senator that if we ask a man to work for us, if we can pay him we ought to do it; but the question with me was, Where do we get the authority to do this? We are not giving our own money to pay these men. That would be very proper, and I should be very willing to contribute half of all I have got, (and I should not be out more than the price of a cigar at that,) but the question is whether I have got any right to vote the money of the people of New York for such a purpose.

The joint resolution was reported to the Senate without amenda-

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is upon the passage of the joint resolution.

Mr. CARPENTER. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERRY (when Mr. BALDWIN's name was called.) I desire to state on behalf of my colleague [Mr. BALDWIN] that he is unable to attend the session of the Senate to-day on account of sickness.

The roll-call having been concluded, the result was announced—yeas 30, nays 11; as follows:

2				
	YE	AS-30.		
Allison, Anthony, Beck, Booth, Burnside, Call, Coke, Davis of W. Va.,	Dawes, Ferry, Garland, Groome, Hampton, Harris, Hoar, Johnston,	Jonas, McMillan, Morgan, Morrill, Platt, Pugh, Randolph, Rollins,	Slater, Voorhees, Wallace, Whyte, Williams, Windom.	
	NA	YS-11.		
Brown, Carpenter, Cockrell,	Farley, Ingalls, McPherson,	Pendleton, Plumb, Saulsbury,	Saunders, Teller.	
	ABS	ENT-35.		
Bailey, Baldwin, Bayard, Blaine, Blaire, Bruce, Butler, Cameron of Pa., Cameron of Wis.,	Conkling, Davis of Illinois, Eaton, Edmunds, Grover, Hamlin, Hereford, Hill of Colorado, Hill of Georgia,	Jones of Florida, Jones of Nevada, Kellogg, Kernan, Kirkwood, Lamar, Logan, McDonald, Maxey,	Paddock, Ransom, Sharon, Thurman, Vance, Vest, Walker, Withers.	

So the joint resolution was passed.

ADJOURNMENT TO MONDAY.

Mr. VOORHEES and others. Regular order. Mr. WHYTE. I move that when the Senate adjourns to-day, it be

to meet on Monday next.

Mr. INGALLS. Let the regular order be reported.

The CHIEF CLERK. The bill (S. No. 231) for the relief of Ben. Hol-

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland, that when the Senate adjourns to-day, it be

to meet on Monday next.

The question being put, there were on a division—ayes 17, noes 22.

Mr. BURNSIDE. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 24; as follows:

	YE	AS-25.	
Allison, Anthony, Blair, Bruce, Burnside, Cameron of Pa., Carpenter,	Dawes, Edmunds, Ferry, Hill of Colorado, Hoar, Ingalls, Kellogg,	Kirkwood, Logan, McMillan, Morrill, Platt, Plumb, Rollins,	Saunders, Teller, Whyte, Windom,
	NA	YS-24.	
Beck, Brown, Call, Cockrell, Coke, Eaton,	Farley, Garland, Groome, Hampton, Harris, Hill of Georgia,	Johnston, Jonas, McPherson, Morgan, Pugh, Randolph,	Saulsbury, Slater, Thurman, Vest, Voorhees, Williams.
	ABS	ENT-27.	
Bailey, Baldwin, Bayard, Blaine, Booth, Butler, Cameron of Wis.,	Conkling. Davis of Illinois, Davis of W. Va., Grover, Hamlin, Hereford, Jones of Florida,	Jones of Nevada, Kernan, Lamar, McDonald, Maxey, Paddock, Pendleton,	Ransom, Sharon, Vance, Walker, Wallace, Withers,

So the motion was agreed to.

FREEDMAN'S BANK BUILDING.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, being the bill (S. No. 231) for the relief of Ben. Holladay.

Mr. BRUCE. I ask unanimous consent of the Senate to proceed to

the consideration of Senate bill No. 1581, which was reported a long time ago. I hope the Senate will allow it to be passed.

Mr. VOORHEES. Regular order.

The PRESIDING OFFICER. Objection is made to the request of

the Senator from Mississippi.

Mr. VOORHEES. I will say this: if the regular order is inserted in its place I shall be willing that the Senator from Mississippi shall take up any bill he wants.

The PRESIDING OFFICER. The Ben. Holladay bill is before the

Senate.

Mr. VOORHEES. What does the Senator from Mississippi ask?

The PRESIDING OFFICER. He asks unanimous consent to take up a bill.

Mr. BRUCE. Not to displace the regular order.
Mr. VOORHEES. The Senator from Mississippi knows that I would yield to him quite as soon as I would to any Senator in this body to take up any measure that he is interested in; but I fear to yield to that measure because it will lead to discussion. I say to him that I will assist him to get it up just as soon as the regular order is dis-

Mr. MORRILL. I hardly think it will lead to much discussion. It has been favorably reported upon by the Finance Committee heretofore and the Senator from Mississippi represents a special committee that has been considering the whole subject involved for over a year. I think it is an important bill. I do not believe there is much difference of opinion among Senators as to the proper course that ought to be pursued, that we really ought to take that building and let the amount be paid out to the depositors of the old Freedman's Bank.

Mr. BRUCE. I think if the regular order is laid aside informally, it will not require more than five minutes to pass this bill. I think the Senator from Indiana is mistaken as to its being much debated.

Mr. VOORHEES. I will consent, then, that the regular order be

Mr. VOORHEES. I will consent, satisfied aside informally.

Mr. BRUCE. That was my proposition.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent of the Senate to informally lay aside the unfinished business, which is the bill for the relief of Ben. Holladay, and take up the bill which he has indicated. Is there objection? The take up the bill which he has indicated. Is there objection?

take up the bill which he has indicated. Is there objection? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1581) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

Mr. BRUCE. I will state that we are now paying under a lease \$17,000 a year for the Department of Justice, occupying the upper portion of the building. We are paying also for the Court of Claims, occupying the lower floor, \$3,600. Thus we are paying \$20,600 a year for the rent of the building. It would be better, I think, for the Government to purchase the building at the sum proposed in the bill, not exceeding \$250,000. We ask in the bill that you shall pay not more than \$250,000, but as much less as may be agreed upon between the Government and the representatives of this trust. I think it the Government and the representatives of this trust. I think it would be a saving of money to the Government to make the pur-

Mr. DAVIS, of West Virginia. I desire to know how much land is embraced; whether the purchase is to embrace all from the building up to the square and back to the alley? I have not myself knowledge

on that subject

Mr. MORRILL. I will say as a member of a committee that has Mr. MORRILL. I will say as a member of a committee that has investigated this, that it does include all the land clear up to the corner, and very valuable land it is, with all the buildings thereon.

Mr. DAVIS, of West Virginia. And back to the alley that runs in the rear? Does it go to that alley?

Mr. MORRILL. I cannot say as to the rear boundary, but I suppose the alley is the boundary. I know it extends from the back building clear up to the corner and around.

Mr. DAVIS, of West Virginia. Does the Senator know how many feet of land the lot contains?

feet of land the lot contains?

Mr. MORRILL. I do not now recollect.
Mr. BRUCE. I will say to the Senator from West Virginia that
there are 186 feet 10 inches on Pennsylvania avenue, 136 feet on Fifteen-and-a-half street, fronting La Fayette square, and of the whole

teen-and-a-half street, fronting La Fayette square, and of the whole front 62 feet 6 inches on Pennsylvania avenue are occupied by the bank building. All the property from that point up to the corner fronting La Fayette square belongs to the institution.

Mr. DAVIS, of West Virginia. Belongs to the Freedman's Bank?

Mr. BRUCE. To the Freedman's Bank. I will say further that the original cost of the whole ground was \$80,000, the appraisement papers, &c., \$2,060; aggregating \$82,060. The cost of the bank building was \$176,255.66. The total cost of the building and the ground which it occupies was \$207,585.66. I am speaking now of the building and the ground which it occupies. We propose that the Government shall not only purchase the building and the ground upon which it is located, but all the ground and property from that point up to the square.

square.

Mr. TELLER. This statement is only as to the big stone building?

Mr. BRUCE. The stone building. Mr. DAVIS, of West Virginia. Does the Senator know whether it is encumbered in any way

Mr. BRUCE. It is not. Mr. DAVIS, of West Virginia. In no form? Mr. BRUCE. There is no incumbrance.

Mr. DAVIS, of West Virginia. Is there any question about the

Mr. BRUCE. There is no question about the title. I will say to the Senator that there is a question about the rent. The Government leased the upper part of the building for \$17,000 per year, and paid that rent till June 30, 1874. After that time Congress refused to appropriate the \$17,000, and only appropriated \$14,000 from July 1, 1874, to June 30, 1878; and since July 1, 1878, only \$10,000 per annum. The case is to-day before the Court of Claims. The Government having leased the building for \$17,000 and used it four years, and paid that amount, and after that time Congress having refused to make the full appropriation, and only appropriated \$14,000, and afterward but \$10,000, the commissioners have gone before the Court of Claims, and the case is there pending. There is no cloud on the of Claims, and the case is there pending. There is no cloud on the

Mr. DAVIS, of West Virginia. Does the bill provide that the Government shall have a clean and clear title, or what is the provision of

the bill in that particular?

Mr. BRUCE. Let the bill be reported. It will show.
The bill was read.

Mr. DAVIS, of West Virginia. I notice that there are no dimensions given in the bill. It speaks of whatever the Freedman's Bank own. I think the bill should be careful about that. The Freedman's Bank may own only a small part or may own the entire square. The bill as I heard it read makes no mention of the number of feet to be acquired either on Pensylvania avenue or on Fifteen-and-a-half street, so that we may get a very small lot or a very large one under the bill. The Senator from Mississippi has stated that it includes the entire part of the square from the Freedman's Bank building, as we entire part of the square from the Freedman's Bank building, as we call it, to Fifteen-and-a-half street and back to the alley. That being the case, I have no objection to the purchase. I believe that it is valuable property and needed by the Government, and I think perhaps there ought to be something done in the way of aiding the institution by the Government. I do not say it ought to be so, but perhaps it should be so. I make no objection, but I want to be sure that we get what we expect.

I make these remarks now so that it will be understood that this

I make these remarks now so that it will be understood that this bill means that the entire half square from the building known as the Freedman's Bank on to the next street, which is Fifteen-and-a-half street, and back to the alley, is to obtained by this purchase.

Mr. INGALLS. Mr. President, I think the suggestion of the Senator from West Virginia is entitled to great consideration. Here is a very valuable piece of property for which we are to pay a large sum of money. No private purchaser would buy without a description of the land, and I move to amend the bill by inserting in the proper place a description of the land by metes and bounds. I presume the Senator from Mississippi can furnish the necessary description.

Mr. GARLAND. The suggestion of the Senator from West Virginia was before the committee at the time of the drawing of the bill, and they considered this point very carefully. It was deemed best though.

was before the committee at the time of the drawing of the bill, and they considered this point very carefully. It was deemed best though, as the law is in reference to the conveyance of property to the Government, that the Attorney-General is required to examine and approve the title, to report the bill in its present form. The Attorney-General examines and sees that the property intended to be purchased is conveyed. We thought that better than to incorporate in the bill by metes and bounds a description of the property. On examination I found there were a good many precedents in that line, a good deal of property had been sold in that way, and the conveyance approved by the Attorney-General. The Attorney-General under the general law looks into the whole matter. But if the Senator from West Virginia and others think it better to put a description in the bill. I have no and others think it better to put a description in the bill, I have no objection.

Mr. INGALLS. I never knew until this debate occurred that the Mr. INGALLS. I never knew until this debate occurred that the Freedman's Bank property, with which I am as familiar as I am with my own, ever covered anything except the ground on which that building stands. I never understood that the wooden building to the west and the two-story brick building on the corner were a portion of the Freedman's Bank property. Of course, unless there is some specification in the bill by which the party who is required to examine the title can ascertain what it is that we intend to purchase, in my judgment it will be fatally defective. It would be so in the title papers of a private purchaser.

title papers of a private purchaser.

Mr. DAWES. I understood the bill to say all the property owned

by the Freedman's Bank there.

Mr. INGALLS. Where?

Mr. DAWES. In that particular locality.

Mr. GARLAND. That is the general description which runs through all such authority given; but of course when the deeds are made, when the muniments of title pass, a minute description is incorporated specifically. If there is any necessity for being more specific in the bill in this than in other cases, I am perfectly willing to have a complete description inserted.

Mr. DAWES. The Committee on Public Buildings and Grounds

heretofore have examined this matter. There is no doubt but that the Freedman's Bank owns from the easterly point clear to the corner and then up Fifteenth-and-a-half street to the next brick building there. It is well defined. Perhaps the phraseology in the bill "all the property owned by the Freedman's Bank" would be sufficient to govern the conveyancer, and when the conveyancer made the deed he would probably be more specific, but that would be sufficient to control him, I should think.

Mr. INGALLS. Will the Senator from Mississippi state what is the length of these lots on Pennsylvania avenue?

Mr. BRUCE. The total number of square feet of ground is 23,121; the number of feet occupied by the building, 8,825. This will be found also in the report made by the committee who recently investigated the Freedman's Bank. I have not a full description before me.

Mr. INGALLS. The point is, the length of the lots on Pennsylva-

Mr. BRUCE. One hundred and eighty-sixty feet ten inches on

Pennsylvania avenue.

Mr. INGALLS. I move to insert these words after the word "company," in line 9: "being 186 feet and 10 inches on Pennsylvania ave-

Mr. BRUCE. By 136 feet on Fifteenth-and-a-half street.
Mr. INGALLS. "By 136 feet on Fifteenth-and-a-half street."
The PRESIDING OFFICER. The Senator from Kansas moves to amend the bill by inserting after the word "company," in line 9, the words "being 186 feet and 10 inches on Pennsylvania avenue by 136 feet on Fifteenth-and-a-half street."

Mr. THURMAN Senators all know the processity of being per

Mr. THURMAN. Senators all know the necessity of being perfectly accurate. Certainly the papers belonging to this company will show precisely what the amount of the lots is. I am in favor of the bill; but I suggest that the bill had better be recommitted or There is no difficulty about passing the bill; I think everybody is in favor of the bill; but I suggest that it had better lie over until Monday to let the title be looked at and an exact description obtained; otherwise the bill may defeat itself. If you put in the wrong description here the Attorney-General cannot pass the title. Get the description here the Attorney-General cannot pass the title. Get the description perfectly accurate, and in the morning hour on Monday the bill can be passed without trouble. I suggest, therefore, to the Senator from Mississippi to let it go by until Monday, and in the mean time he can get the information and then the proper amendment can be

Mr. BRUCE. I accept the suggestion made by the Senator from Ohio with the understanding that the bill comes up on Monday in

the morning hour.

The PRESIDING OFFICER. The Senator from Mississippi asks that the bill be laid aside with the understanding that it be taken up-

during the morning hour on Monday.

Mr. THURMAN. There will be no objection to it.

The PRESIDING OFFICER. The Chair hears no objection. The bill for the relief of Ben. Holladay is the regular order.

Mr. THURMAN. I move that the Senate proceed to the consider-

ation of executive business

The motion was agreed to.

BEN. HOLLADAY.

Mr. COCKRELL. Before the doors are closed, I ask that an order be made for printing the communication received to-day from the Post-Office Department.

The PRESIDING OFFICER. That order will be made in the ab-

sence of objection.

Mr. COCKRELL. Now, in that connection, I submit the following resolution:

Resolved. That the Secretary of the Treasury be required to cause to be furnished to the Senate as quickly as possible detailed statements of any and all sums of money paid between January 1, 1861, and this date, by the United States or any of its officers, including dates of such payments, to John Butterfield, William B. Dinsmore, and associates, to the Overland Mail Company, its officers or agents, and to Ben. Holladay, and to any persons for them, under contracts No. 12578, dated about September 16, 1257, and No. 14626, dated about August 19, 1864, and any and all changes, modifications, &c., of same made by the Post-Office Department or any other authority, or in pursuance of the act of Congress approved March 2, 1861, for services, losses, expenses, &c., in carrying the mails.

Mr. VOORHEES. I am the most liberal man in this body, I expect, and the most forbearing and the most patient. There has been so much of this on the part of my good friend from Missouri that I think the line must be drawn somewhere, and I believe I will do it

think the line must be drawn somewhere, and I believe I will do it here. I object.

Mr. COCKRELL. I simply desire to state that there has not been so much of it, but there has been an inability on the part of the Senate to get the information. There stands upon the record a letter from the Postmaster-General in answer to a resolution calling for information, stating that we could get this information that I am asking for by going to the Treasury Department; and it was not given by the Post-Office Department when the Sixth Auditor's Office is right there within ten feet of him.

right there within ten feet of him.

Mr. VOORHEES. We have often heard of scurrying to and fro.

At different times this matter has been here about nine years. During this Congress, two years ago, this bill was introduced, and a year ago it was reported, and, now that inevitable action is pending, peo-

ple begin to get in a hurry, scurrying around to find something. They have had ample time to find it before.

The PRESIDING OFFICER. The Senator from Indiana objects,

and the resolution goes over.

Mr. COCKRELL. Let it go on the Calendar and be printed. I shall call it up on Monday.

Mr. VOORHEES. What is to go on the Calendar?

Mr. COCKRELL. That resolution.

Mr. VOORHEES. Where did it come from that it is to go on the

Calendar?

Mr. COCKRELL. Let it lie on the table and be printed. olution is offered and objected to, the objection does not kill it; it only defers action on it.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the

galleries.

Mr. VOORHEES subsequently withdrew his objection, and the res--olution of Mr. Cockrell was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After thirty-four minutes spent in executive session the doors were reopened, and (at four o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 14, 1881.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of Washington, District of Columbia. The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. PRICE. I ask unanimous consent to take from the Speaker's table-

Mr. BELFORD. I call for the regular order. Mr. HUNTON. Will the gentleman yield to me for a moment that I

Mr. HUNTON. Will the gentleman yield to me for a moment that I may offer a resolution?

Mr. BELFORD. I insist on the regular order.

The SPEAKER. The regular order, this being Friday, is the call of committees for reports of a private nature.

Mr. O'CONNOR. I move to dispense with the call of committees for reports. All the committees were called the other day.

The SPEAKER. It requires a two-thirds vote to dispense with the call of committees. The object of the gentleman from South Carolina no doubt is to reach the Private Calendar.

The question being taken on Mr. O'CONNOR's motion, the Speaker stated that in the opinion of the Chair two-thirds had voted in the affirmative.

affirmative

affirmative.

Mr. COFFROTH. I call for a division.

The House divided; and there were—ayes 89, noes 15.

Mr. COFFROTH. A quorum has not voted.

The SPEAKER. The Chair will order tellers; and appoints the gentleman from South Carolina, Mr. O'CONNOR, and the gentleman from Pennsylvania, Mr. COFFROTH.

The House again divided; and the tellers reported ayes 82.

Before the count of the negative vote was completed,

Mr. COFFROTH withdrew the call for further count.

Mr. COFFROTH withdrew the call for further count So (two-thirds having voted in the affirmative) the call of committees was dispensed with.

AMENDMENTS TO THE FUNDING BILL.

Mr. ANDERSON. I ask unanimous consent to have printed in the RECORD a modification of the amendment to the funding bill which I offered in the Committee of the Whole yesterday; and I give notice that I will offer it as modified when we again get into Committee of the Whole and resume the consideration of the funding bill.

There was no objection.

The addition to the proposed amendment is as follows:

The Secretary of the Treasury shall, as currency notes are issued by him, set apart an equal amount of the coin then in the Treasury, and not otherwise appropriated, for the redemption of the bonds redeemable during or subsequent to the year 1881. And the amount of the bonds so redeemed by him prior to the sale of the last of the bonds and certificates authorized in this section shall be deducted from the aggregate amount of such bonds and certificates herein authorized, nor shall be issue an aggregate amount of said bonds and certificates greater than the sum remaining after such deduction. So much of said coin so set apart as is not used in the redemption of bonds shall be applied by the Treasurer to the sinking fund.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent to have printed in the RECORD an amendment I desire to offer to the funding bill. It is an amendment to the amendment of the gentleman from New York, [Mr. CHITTENDEN.]

There was no objection.

The proposed amendment is as follows:

That on and after July 1, 1881, no duty shall be levied, assessed, and collected on merchandise imported into the United States in excess of 50 per cent. advalorem on any article embraced in section 2504 of the Revised Statutes, and not subject to

tax under the internal-revenue laws, except perfumery of which alcohol forms a component part, rum essence or oil, and bay-rum essence or oil, fusel-oil, or amylic alcohol, opinm and all preparations of opium, and playing cards.

EDWIN R. FARMER.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. No. 6852) granting a pension to Edwin R. Farmer, late captain Twenty-eighth Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BOUCK and others called for the regular order.

PRIVATE CALENDAR.

Mr. O'CONNOR. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. McLane in the chair.

The CHAIRMAN. The Clerk will report the first bill on the Cal-

ASA WEEKS.

The first business on the Private Calendar was the bill (H. R. No. 3784) to compensate Asa Weeks for his labor and expenses in perfecting torpedoes, torpedo machinery, and the art of torpedo warfare for the sole and exclusive benefit of the United States, and for other purposes, reported from the Committee on Naval Affairs by Mr. HARRIS,

of Massachusetts.

Mr. FINLEY. In the absence of the gentleman from Massachusetts,

[Mr. Harris,] I ask that that bill be passed over for the present. I am opposing it.

There being no objection, the bill was passed over for the present.

JOSEPH CLYMER.

The next business on the Private Calendar was the bill (H. R. No. 2705) for the relief of Joseph Clymer, introduced by Mr. Wellborn, and reported from the Committee on Claims by Mr. Bright.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$18,325 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay Joseph Clymer, of Texas, the amount due him from the United States on a contract for transportation of Army stores made between said Clymer and the United States, on the 18th day of April, 1851.

Mr. HAYES. Let the report be read.

The Clerk proceeded to read the report. Before the reading was concluded

Mr. HAYES said: I do not see the necessity of reading the details of all those accounts. I move that the further reading be dispensed

The CHAIRMAN. If there be no objection, the further reading of the report will be dispensed with.

Mr. LOWE. I object. I want to hear it all read.

The Clerk resumed and completed the reading of the report; which

is as follows:

The Clerk resumed and completed the reading of the report; which is as follows:

This claim was reported favorably by the Committee of Claims in the Forty-fourth and Forty-fifth Congresses, which reports are as follows, and recommended as the report of this committee:

"Mr. Bright, from the Committee of Claims, submitted the following report (to accompany bill H. R. —;)

"The Committee of Claims baving had under consideration the claim of Joseph Clymer, formerly a citizen of Missouri, now of the State of Texas, bill H. R. —, beg leave to report:

"That on the 18th day of April, 1851, Joseph Clymer entered into contract with Lieutenant-Colonel Thomas Swords, quartermaster in the Army of the United States, and acting for the United States of Texas, Dona Ana, Don Fernando de Taos, in the Territory of New Mexico, according to the instructions he might receive from the assistant quartermaster at Fort Leavenworth.

"That the wagons to be used for such transportation should be good and strong, have two new substantial duck covers; no wagon to be loaded with more than 5,000 pounds; and each to be drawn by six yoke of good, strong work-cattle, or five pairs of good, strong mules.

"That he was to employ at least one man in addition to the teamsters for very five wagons in each train, each man to be armed and equipped and provided with ammunition.

"That he was to be paid at Fort Leavenworth at the following rates: \$12.84 per hundred pounds for all freight delivered at El Paso. Texas; \$12.50 for all freight delivered at Dona Ana, New Mexico; and \$8.83 for all freight delivered at Fernando de Taos, New Mexico; and season of the two years.

"That on the 7th January, 1851, Lieutenant-Colonel Swords published in a Saint Louis paper that bidders would be requ

contract, nor is itmaterial to know, as they are not claiming anything, they having been paid \$500 by Clymer to cancel their contract.

"On the 22d March, 1852, Major Ogden, assistant quartermaster, sent notice to Mr. Clymer, which notice was not received by him until, perhaps, a month thereafter, that he had received a telegraphic dispatch from the Quartermaster-General that no transportation would be required that year, and in fact none was required that year under said contract.

"It has been conceded on all hands that such default on the part of the Government was a palpable violation of the contract, and the said Clymer was prepared, ready, and willing to perform his part of the contract.

"It appears from the history of this case that the said Clymer has been persistent and indefatigable in the prosecution of his claim for indemnity against great losses flowing from the breach of the contract.

"The Third Auditor of the Treasury, Mr. Robert J. Atkinson, investigated this case, and on the 27th December, 1854, he made an elaborate report, giving it as his opinion that the published proposals inviting bids for transportation of Army stores and fixing the minimum quantity to transportation, though not carried into the contract, nevertheless should be considered a part of the contract; and while he conceded the right of the claimant to relief, he held that he had no jurisdiction to grant it.

"Congress referred the case to the Court of Cleims for the contraction of the contract.

stores and fixing the minimum quantity to transportation, though not carried into the contract, nevertheless should be considered a part of the contract; and while he conceded the right of the claimant to relief, he held that he had no jurisdiction to grant it.

"Congress referred the case to the Court of Claims for the construction of the contract and the investigation of the facts, and the court held that the published proposals for bids for transportation ought not to be regarded as a part of the written contract, which omitted to mention the minimum amounts stated in the proposals for bids, and, while affirming the breach of the contract on the part of the United States, the court declined to ascertain and award damages for the want of jurisdiction, and referred the case back to Congress for relief.

"It further appears that on the 22d February, 1835, the House Military Committee made a favorable report, which failed of passage for want of time.

"That on the 4th June, 1858, the Senate Committee on Claims made a favorable report, accompanied by a bill, which bill passed the Senate, but did not reach the House in time for action.

"That on the 23d June, 1861, the Senate committee again reported favorably, and the bill passed the Senate. It.was made a special order in the House on the second day before the adjournment, but was not reached.

"That the House Committee of Claims have made several other favorable reports of a recent date, but the same were not acted on by the House; and several reports with favorable recommendations have been prepared by sub-committees of the House Committee of Claims, but the same were not acted on by the committee.

"It is most remarkable that a claim with so many recognitions of its justice should have been so long delayed of payment.

"The only material question left open is what amount of damages should be paid to Mr. Clymer. The till provides for the payment of \$18,325.

"There are two rules for estimating damages for a breach of the contract. One, following the analogy of

AND AND THE STREET OF THE STRE		
"EXPENDITURES.		
30 wagons, at \$180 each	\$5, 400	00
2 wagons for provisions, at \$180 each		00
64 new wagon-sheets, at \$10 each	640	00
3 barrels rosin, at \$5 each	15	00
3 barrels, 750 pounds, tallow, at 10 cents per pound	75	00
15 tar-buckets, at \$1.50 each 3 jack-screws, at \$3 each	22	50
3 jack-screws, at \$3 each	9	00
8 mess-boxes, at \$3 each	24	00
8 sets cooking-utensils, at \$15 each	120	00
8 new tents, at \$10 each	80	00
8 water-kegs, at \$2 each	16	00
1 set wagon-maker's tools	35	00
192 yoke of oxen, at \$55 per yoke	10,560	00
192 ox-vokes at \$3 each		00
192 log-chains, at \$3.50 each	672	00
3 mules, at \$75 each	225	00
2 horses, at \$85 each	170	00
5 suddles and bridles		00
12,960 pounds flour, at \$3 per cwt. 9,000 pounds bacon, at 10 cents per pound.	388	
9,000 pounds bacon, at 10 cents per pound	900	
10 bushels beans, at \$3 per bushel		00
200 pounds rice, at 10 cents per pound	20	00
10 gallons vinegar, at 50 cents per gallon	5	
3 sacks, 480 pounds, coffee, at 14 cents per pound		20
3 barrels, 750 pounds, sugar, at 10 cents per pound		00
32 teamsters, six months each, at \$20 per month	3, 840	
4 extra teamsters, at same. 1 conductor, six months, \$80 per month	480	
1 conductor, six months, \$80 per month	480	00
1 assistant conductor, at \$50 per month	300	00
38 new rifles, at \$20 each	760	00
38 cartridge-boxes, at \$1.50 each	57	00
5 kers nowder at \$6.50 per ker	32	50
500 pounds lead, at 10 cents per pound. Contingent expenses, for ox-whips, traveling expenses, &c., in buying	50	00
Contingent expenses, for ox whips, traveling expenses, &c., in buying		
up outfit	- 500	00
Amount paid Messrs. Keller and Russell for compromise on the con-		
tract for transportation to Taos	500	00
Feeding 384 head and herding and penning seven months, at 5		
cents per head, for 210 nights		
30 head, died		
30 head, died		
000 00	5, 949	00
	0,020	UU

"The following is a statement of the proceeds of the sales of the property made after the breach of the contract by the Government:
10 wagons, cost \$200 for repairs after two years' exposure, sold for \$500

	to wagons, cost \$200 for repairs after two years exposure, sold for \$500		
ı	less the \$200 for repairs	\$400 0	a
ı	6 wagons, without repairs	320 0	0
ı	2 wagons, without repairs	100 0	0
ı	3 wagons, without repairs	120 0	0
ı	The remainder were worthless	200	2
ı	The remainder were worthless. 192 log-chains	180 0	n
ı	100 ox-yokes	75.0	
1	100 02-30868	10 0	v
١	92 ox-yokes, no sale 2 mules, \$40 each	80 0	
ı	2 mules, \$40 each	80 0	U
۱	1 mule strayed and not found.		
ı	1 horse	55 0	10
1	1 horse died.		
ı	5 saddles, no sale.		
ı	202 oxen, sold in Saint Louis	5, 200 0	0
ı	150 area cold in the country	1,724 0	10
۱	12.980 pounds flour, all spoiled.		
ı	12,980 pounds flour, all spoiled. 900 pounds bacon sold for. 10 bushels beans, no sale.	250 0	00
ı	10 bushels beans, no sale.	10000	85
ı	200 pounds rice, no sale.		
١	10 cellone vinagen no cello		
1	10 gallons vinegar, no sale. 3 sacks coffee sold for	22 0	'n
١	3 barrels sugar	31 0	
١	32 teamsters, compromised at two-thirds their time	1,920 0	
ı	32 teamsters, compromised at two-thirds their time		
ı	2 extra hands, compromised at two-thirds their time	180 0	
	1 conductor, compromised at two-thirds his time	180 0	
	1 assistant conductor, compromised at two-thirds his time	100 0	
	38 rifles sold for. 38 cartridge-boxes, no sale. 5 kegs powder sold for.	250 0	Ю
	38 cartridge-boxes, no sale.		
	5 kegs powder sold for	20 0	00
	1 500 nounds lead	15 0	90
	3 barrels tallow sold for	27 0	10
	15 tanhackets no sale		
	3 jack-screws, no sale.		
	8 mess-boxes, no sale.		
	8 sets cooking-utensils sold for	30 0	00
	8 tent-cloths—3 sold for.	9 0	
	8 water-kegs sold for	8 0	
	1 set wagon-maker's tools	15 0	
	64 wagon-sheets, only 25 sold, for.		
	64 wagon-sheets, only 25 sold, for	13 (N
		11 200 /	20
	A 2d owner and then to topp	11, 380 0	70
	Add wear and tear in 1865	2, 121 7	to.
		10 507 1	70
	Then the account would stand—	13, 307	·U
	Then the account would stand— Expenses of outfit	899 FOR 4	-
	Expenses of outat	\$33, 507	10
	Proceeds of sales, &c	13, 507 7	10
		00 000	_
	# 1 - 3fo (1) harmon alabas and sto par the second	20,000 0	
	the A of Man Colombia is a second of a second of the second like a second second	Anna de des ma	

20,000 00 "As Mr. Clymer, however, claims only \$18,325, the committee are content to recommend the payment of that amount, which the proof abundantly shows to be due to him, and they report back the bill to the House with a recommendation that it do pass."

Mr. HAYES. It seems to me that bill ought not to be passed.

33,507 76

Mr. HAYES. It seems to me that bill ought not to be passed. If this claim has been running for twenty-five years, I think if there was any justice in it it would have been settled long ago. I wish to ask the Chair whether, under our new rules, there is an objection day, and if this be objection day?

The CHAIRMAN. Under the present rules there is no objection day. Mr. HAYES. Then I hope the majority on this floor will vote against a bill of this kind.

Mr. REAGAN. I will suggest to the gentleman from Illinois that if he had listened to the reading of the report—

Mr. HAYES. I listened to it very attentively.

Mr. REAGAN. He would have observed the committee state that the claimant has continuously pressed his claim, and has had it reported from time to time. And now I submit if there is no objection to the claim, when the report of the committee shows it has been pursued steadily and constantly with repeated action of Congress, it is not the fault of the claimant that, by the delays of legislation, he has not been able to get, at an earlier period, final action on the bill.

Mr. HAYES. The very fact that the claim has been pressed continuously for twenty-five years and has not received favorable action

innously for twenty-five years and has not received favorable action is prima facie evidence that the case is not a fair and just one. It is the strongest argument why we should reject the bill.

Mr. WELLBORN. I desire to state, in addition to what has already

been stated by my colleague from Texas, and in answer to the remarks of the gentleman from Illinois, that this bill has twice passed the Senate and failed in the House for want of time. The report of the Senate and failed in the House for want of time. The report of the Committee on Claims just read shows that it has been five times favorably recommended with absolute unanimity by the committees of the House, but, like many other private claims, has failed for want of time. Every report that has been made on this claim in the Senate time. Every report that has been made on this claim in the Senate and in the House has been favorable and without any dissenting opinion. I repeat, it has twice passed the Senate and failed in the House only for want of time. I read from the report:

It further appears that on the 22d of February, 1855, the House Military Committee made a favorable report, which failed of passage for want of time.

That on the 4th of June, 1855, the Senate Committee on Claims made a favorable report, accompanied by a bill, which bill passed the Senate, but did not reach the House in time for action.

That on the 23d June, 1861, the Senate committee again reported favorably, and the bill passed the Senate. It was made a special order in the House on the second day before the adjournment, but was not reached.

And there has never been in either branch of Congress any unfavorable properties.

And there has never been in either branch of Congress any unfavorable action on this claim.

The bill was laid aside to be reported favorably to the House.

MRS. MARTHA BRIDGES.

The next business on the Private Calendar was the bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia, reported from the Committee on War Claims by Mr. Bragg.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$72.06 be appropriated, out of any money in the Treasury not otherwise appropriated, to pay Mrs. Martha Bridges, widow of Balaam A. Bridges, deceased, of Bartow County, for work done by him on the Western and Atlantic Railroad, in the State of Georgia, during the months of August, September, and October, in the year 1864, while said railroad was in the hands of the United States military authorities.

The report was read, as follows:

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (II. R. No. 399) for the relief of Balaam A. Bridges, submit the following report:

It appears from the records of the Quartermaster-General, as per letter herewith attached, that there is due the claimant \$72.06 for services as a laborer on the military railroad, Military Division of the Mississippi, in August and September, 1864, and payment thereof is recommended by the passage of a bill by Congress for his relief.

Since this claim has been pending in Congress the claimant, Balaam A. Bridges, has deceased, leaving a widow, Mrs. Martha Bridges, in impoverished circumstances. The amount being so small, your committee report in favor of paying the same to Mrs. Martha Bridges, widow of Balaam A. Bridges, without her incurring the expenses of administration, and report herewith a substitute for bill (H. R. No. 399) to that effect, and recommend its passage.

WAR DEPARTMENT QUARTERMASTER-GENERAL'S OFFICE, Washington, D. C., March 15, 1878.

Washington, D. C., March 15, 1878.

SIR: I have the honor to forward herewith a communication from Hon. W. H. Felton, House of Representatives, dated March 11, 1878, asking status of claim of B. A. Bridges for work done on Western and Atlantic Railroad, and to report that no such claim can be found of record in this office.

I inclose, however, printed copy of bill (H. R. No. 969, Forty-fifth Congress, first session) introduced by Mr. Fellow, and referred to the Committee of Claims, for the relief of Balaam A. Bridges, of Bartow County, Georgia, appropriating \$117 to pay said Bridges for work done by him on the Western and Atlantic Railroad during August, September, and October, 1864, while said road was in the hands of the United States military authorities.

It is found on investigation of the records of this office that Captain F. T. Starkweather, assistant quartermaster at Chattanooga, Tennessee, in charge of United States military railroads, Military Division of the Mississippi, reports the services of B. Bridges as trackman, under Thomas L. Frost, foreman, from August 1 to 31, 1864, twenty-five days, at \$1.25 per day, \$37.50; and B. A. Bridges, in the same capacity, from September 1 to 30, 1864, nineteen and three-quarter days, at \$1.75 per day, \$3.55; and there is no record in this office that payment has been made for such services.

Captain Starkweather also reports B. A. Bridges as trackman, beautiful the such services.

day, \$34.56; and there is no record in this office that payment has been made resuch services.

Captain Starkweather also reports B. A. Bridges as trackman, from October 1 to 6, 1864, six days, at \$1.75 per day, \$10.50, but the records show that Bridges was paid this amount (\$10.50) for these services by Captain W. R. Hopkins, assistant quarkermaster, Chattanooga, Tennessee, in April, 1865.

It therefore seems, from the records of this office, that the sum of \$72.66 may be still due to Mr. Bridges for work done by him on military railroads in Angust and September, 1864, and I would have so reported to the accounting officers of the Treasury if he had filed a claim therefor in this office.

But as the case is now before Congress, and as there is no money in the Treasury from which payment of such a claim could be made, I recommend that the Committee of Claims, House of Representatives, be advised to act favorably on the bill, after amendment in accordance with the facts above set forth, and that Mr. FELTON be informed of this action.

Very respectfully, your obedient servant,

M. C. MEIGS,

Ouartermaster-General, Brevet Major-General U. S. A.

M. C. MEIGS,

Quartermaster-General, Brevet Major-General U. S. A.

There being no chiest. There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM E. GERE.

The next business on the Private Calendar was the bill (H. R. No. 4436) for the relief of William E. Gere, reported from the Committee on War Claims by Mr. ATHERTON.

The bill was read, as follows:

Be it enacted, &c., That the claim of William E. Gere be, and the same is hereby, reopened, and the same is ordered to be sent back to the Treasury Department for re-examination and adjustment in case it shall now appear that he is entitled to the payment of the same or any part thereof.

The report was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. No. 857) entitled "A bill for the relief of William E. Gere, of Madison County, Illinois."

The Committee on War Claims, to whom was referred the bill (H. 14. No. 851) entitled "A bill for the relief of William E. Gere, of Madison County, Illinois," beg leave to report:

That on the 10th day of May, 1872, William E. Gere filed in the office of the Third Auditor of the Treasury Department a claim for \$4,007.14, for ice alleged to have been furnished to the United States for the use of the Army in September, 1862, at Helena, Arkansas.

The claimant had a barge of ice at that point at that date, and was negotiating with Lieutenant Garvens, of the Twelfth Missouri Volunteers, for the sale thereof, and pending the negotiation the same was taken possession of by Captain Winslow, quartermaster of the post, who claimed to have had it measured, and ordered it paid for at \$20 per ton, including the barge. The measurement reported was 225 tons. The claimant protested against the measurement, claiming 2929 tons instead of 225; but, being pressed for money and in debt for the cargo, he received a voucher for 225 tons, at \$20 per ton, and received thereon \$4,500 for the same. He did not receipt in full for all the ice, but receipted for 225 tons of ice in full.

He claimed that he should have \$27 per ton for 2292 tons instead of 225 tons at \$20, making still due him \$4,007.14; and after pressing his claim upon the officers who took his ice, and upon General Curtis, who refused to act, shortly thereafter Winslow, the quartermaster who ordered the ice seized, caused a new voncher for fifty tons of ice, at \$20 per ton, to be executed and delivered to the claimant to settle the claim, and he indorsed on the voncher that it being plainly proved that Gere had lost \$900 on the purchase and sale of the ice, he had ordered the voucher to be made. He does not say that there was in fact any more ice actually delivered than he caused to be paid for, and there is not with the papers any proof as to whether there was in fact more ice than was paid for, nor any evidence of the market price of the ice.

In 1875, or about that time

mended that the amount shown by the additional voucher, to wit, \$1,000, be paid to the claimant in full settlement of his claim. He states in this report that his former rejection of the claim was solely on the ground that having receipted in full for the 225 tons of ice and the barge he could have no further claim, following the decision of the Supreme Court in case of Clyde. Your committee do not think that a receipt in full, under the circumstances existing at the time of this seizure, and payment, necessarily precludes the further consideration of the claim. The property was taken from him by superior force, and he acted largely under duress, and he had no adequate remedy by a suit at law. Neither 60 the committee believe that on the proof, as it now stands, should any further sum be paid the claimant. The receipt is prima facie evidence of the payment in full of the entire claim, and the onus probandi rests upon the claimant to show with reasonable certainty what additional sum he is entitled to. Having receipted in full, the second voucher is prima facie at least, without consideration, because executed when nothing was furnished and after the claim was receipted in full.

In view of all the facts, while the committee are constrained to report adversely to the passage of the bill, they recommend that the cause be reopened and sent back to the Treasury Department for further examination, and for adjustment in case the claimant can show the additional fifty tons of ice, or any other amount, was taken for the use of the Government; and this report is accompanied with a bill for that purpose.

There being no objection, the bill was laid aside to be reported

There being no objection, the bill was laid aside to be reported favorably to the House.

PIERRE JOSEPH MAES.

The next business on the Private Calendar was the bill (H. R. No. 4437) for the relief of the heirs of Pierre Joseph Maes, reported from the Committee on Private Land Claims by Mr. GUNTER.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That certificates of location in such denominations as the confirmees or their legal representatives may elect in conformity with the legal subdivisions of the public surveys, shall be issued by the Commissioner of the General Land Office as indemnity for lands heretofore or hereby taken by the United States from the private land claim of Pierre Joseph Mais, known and designated as confirmed per confirmation-certificate No. 1630, "A," dated December 13, A. D. 1811, issued by Garrard, Wailes, and Fitz, commissioners for the western district, Orleans Territory, now State of Louisiana, under the provisions of the act of March 3, 1807, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana."

SEC. 2. That said certificates of location shall issue to the heirs, assigns, or legal representatives of Pierre Joseph Mais for one thousand three hundred and fifty-four acres and four hundredths of an acre of land; and said certificates of location may be located upon any public lands of the United States (not mineral) subject to sale at ordinary private entry and not exceeding \$1.25 per acre, and shall be, and hereby are, declared assignable by deed or instrument in writing, according to the form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owner, including the right to locate such certificates of location in his own name, and to receive a patent therefor, based upon a certificate of entry issued by the register of the proper district land office.

SEC. 3. That such scrip shall be attested by the seal of the General Land Office, and shall be received from actual settlers in payment of pre-emption claims, or in commutation of homestead claims only, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

The report was read, as follows:

The report was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1916) for the relief of the heirs and legal representatives of Pierre Joseph Mais, have fully considered the same, and make the following report:

The bill in question proposes to authorize and direct the Commissioner of the General Land Office to issue certificates of location to the heirs and legal representatives of Pierre Joseph Mais for 1,354.04 acres of land claimed by them under a French grant dated July 14, 1757, and appropriated by the Government of the United States on the — day of October, 1824, contrary to their legal and equitable rights. The patent from the French authorities being in the actual possession of claimants, they presented it to the board of land commissioners for the western district of Louisiana, regularly appointed and acting under the act of Congress approved on the 2d day of March, 1805, entitled "An act for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and Louisiana," and was confirmed by them for 1,334.04 acres December 11, 1811, by virtue of authority vested in them by the fourth section of the act of Congress passed on the 3d day of March, 1807, entitled "An act respecting claims in the Territory of Orleans and Louisiana."

The certificate of confirmation is in words and figures following:

"Western district, Orleans Territory, deputy register's No. 112, Natchitoches, (A.)

The certificate of confirmation is in words and figures following:

"Western district, Orleans Territory, deputy register's No. 112, Natchitoches, (A,)
No. 1650.

"The commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and Territory aforesaid, do certify that Pierre Joseph Mais, of the county of Natchitoches, is confirmed in his claim to a tract of land containing 1,600 superficial arpens, equal to 1,354.04 American acres, being for forty arpens front by the depth of forty. The grant not being produced is found of record, bounded at the date of the patent on all sides by vacant land, situate in the county of Natchitoches, on the west side of Bayou Quisaschie, and held by virtue of a patent, under the authority of the French Government, to Gucheran St. Denis, bearing date the 14th day of July, in the year 1757, and being signed by Kerlenac and Robert Wurna, acting as governor and the other intendant, having such forms and marks, natural and artificial, as shall be represented in a plat thereof to be returned by the principal deputy surveyor of the said district.

"Given under our hands, at Opelousas Church, this the 13th day of December, in the year 1811, and in the thirty-sixth year of the independence of the United States.

"WILLIAM GARPAND

"WILLIAM GARRARD,
"LEVEN WAILES,
"GIDEON FRITZ,
"Commissioner

"Attest:
"L. POSEY,
"Clerk of the Board."

After the confirmation of the claim in question by the board of commissioners as aforesaid, the lands embraced in the original patent to Mais and in the certificate of confirmation above recited were disposed of by the Government of the United States to other parties without consideration or satisfaction, either in whole or in part, to claimants.

The committee, after a full investigation of all the facts bearing upon the case, are unanimous in the opinion that the original grant from the French authorities to Pierre Joseph Mais was a legal and valid grant; that a confirmation of the same was obtained in 1811 from the board of commissioners established by act of Congress for that purpose; that the United States appropriated the lands embraced in the patent and certificate contrary to the rights of claimants, and that they have not received any consideration therefor.

We therefore report back the accompanying bill as a substitute for raid bill No. 1916, and recommend its passage.

The CHAIRMAN. The question is upon ordering this bill to be laid acide to be reported favorably to the House.

Mr. WARNER. Before the vote is taken upon that question, I would like to inquire of the gentleman in charge of this bill what is the amount of land involved?

Mr. GUNTER. I will state that in round numbers it is about thirteen hundred acres, a few acres over.

Mr. WARNER. No money involved?

Mr. GUNTER. No money consideration at all. These parties were entitled to land under a French grant, and the land to which they were entitled was appropriated by the Government. Their claim was reported upon favorably in due form by a commission appointed to investigate the matter, which report was made to the Commissioner of the Land Office and afterward submitted to the Secretary of the Interior for confirmation.

Interior for confirmation.

Mr. WARNER. Has the Government used any portion of this land?

Mr. GUNTER. The Government has utilized or appropriated all

Mr. WARNER. For what purpose?
Mr. GUNTER. The Government sold it to settlers, not being aware that the claim under the French grant was a valid one, or that there was such a claim.

What was the date of the action of the commis-Mr. WILLITS.

sioners ?

Mr. GUNTER. The commission reported upon the claim in 1811.

Mr. GUNTER. The commission reported upon the claim in 1811.
Mr. WILLITS. What was the size of the grant?
Mr. GUNTER. In round numbers thirteen hundred acres.
Mr. WILLITS. Had it been surveyed?
Mr. GUNTER. It has been surveyed, and the commission appointed under an act of Congress passed in 1805 reported that the grant was valid and recommended its confirmation.
Mr. WILLITS. When was it surveyed?
Mr. GUNTER. It was surveyed about the time of the report of the commissioners.

commissioners.
Mr. WILLITS. Before
Mr. GUNTER. Before.

Before or after?

Mr. WILLITS. Under what authority?

Under the act of Congress passed in 1805. Mr. GUNTER.

Mr. WILLITS. Do not these surveys always come after the action of the commissioners? When they agree that the title is in the claimant, and in order to fix the locality, there must be a regular survey? Mr. GUNTER. That is always done beforehand, unless there is a

controversy.
Mr. WILLITS. Done by whom?

Mr. GUNTER. By the surveyor-general.
Mr. WILLITS. Then, if the surveyor-general surveyed this grant, why is it that there is not a record of it in the Land Office?
Mr. GUNTER. I suppose there is.
Mr. WILLITS. Then how can it be claimed that the Government

deeded it away to other parties in ignorance of the existence of other claimants?

Mr. GUNTER. I do not know as to that.
Mr. WILLITS. Has it ever been before Congress before?
Mr. GUNTER. Not that I know of.
Mr. WILLITS. Then why—
Mr. GUNTER. It has been here for a considerable length of time

Mr. GUNTER. It has been here for a considerable length of time and not acted upon.

Mr. WILLITS. Why has it lain dormant?

Mr. GUNTER. It is like many other claims of this character. It has been investigated by committees and reported to the House for action, but no final action being had upon it, it must again come before Congress. Another reason why there has been a delay is this, the original grantees died and this land continued in possession of their heirs until after the transfer by the Government to other parties

ties.

Mr. WARNER. Is this land now in possession of actual settlers?

Mr. GUNTER. It is, having been placed there by the Government.

Mr. WARNER. Then if this bill shall pass, will it not give rise to claims against the Government on the part of these settlers?

Mr. GUNTER. By no means. The object of this bill is to give the heirs of the original grantees land certificates, in place of the land which belonged to the grantees, but which was utilized by the Government; that is all there is of it.

Mr. PAGE. I would like to ask the gentleman one question.

Mr. GUNTER. Very well.

Mr. PAGE. Where was this grant located?

Mr. GUNTER. It was located in Louisiana.

Mr. PAGE. Does this bill provide for the issue of scrip to these

Mr. PAGE. Does this bill provide for the issue of scrip to these

Mr. GUNTER. It does.

Mr. PAGE. To be located anywhere? Mr. GUNTER. To be located on land which is subject to entry at a dollar and a quarter per acre; not otherwise.

Mr. RYAN, of Kansas. How many acres does the gentleman think

this bill covers

Mr. GUNTER. A few acres over thirteen hundred. It is evidently a correct claim, and recommended by the Land Office and the Interior

Mr. PAGE. One word more. On general principles I am not in favor of issuing scrip to any party in lieu of lands occupied or dis-

posed of by the Government, except that to which no title has been acquired under homestead and pre-emption laws. I am opposed to this bill as a precedent, but as it appears to cover but a small amount I will make no objection to it. If it was for any large amount of land, I should certainly object to any bill providing for the issue of scrip to be located wherever the parties may select.

Mr. GUNTER. There is no question with the Commissioner or with the Secretary of the Interior as to the validity of the original grant from the French Government, under which these parties claim. They recommend that this bill shall be passed giving scrip in lieu of land that really belonged to these parties under the grant, but which was utilized by the Government.

Mr. WILLITS. I should like to ask the gentleman from Arkansas one further question. The reason I asked about this screep was this: the grant, as generally made, fronts on some bayon or river, is located definitely. But I see that in this case the report of the commissioner says:

missioner says:

The grant not being produced, is found of record, bounded at the date of the patent on all sides by vacant land, situate in the county of Nachitoches, on the west side of Bayou Quisaschie, and held by virtue of a patent.

Now, this grant does not seem to have been located at all; it had vacant lands all around it. I submit that these parties have no claim unless the grant was definitely located by a survey. The question I wish to ask is, whether the committee has such a survey before them?

Mr. GUNTER. I will state that the report from which the gentleman reads shows very clearly that the commissioner knew the grant was located. He states that it is surrounded on all sides by public lands. That is a clear indication that it had been legally and properly located; that the commissioner appointed for the purpose of passing upon the validity of the title had so reported to him.

Mr. WILLITS. The report here says that the surrounding lands were vacant lands.

were vacant lands.

Mr. GUNTER. That is true enough. The commissioner speaks of that very fact as showing that there are no conflicting claims as to the boundary of this identical land; that there is no question about it.

Mr. PAGE. Did I understand the gentleman to say that the scrip is limited to lands of the Government for sale at \$1.25 an acre?

Mr. GUNTER. We have reported no bill of this character without authorizing the location of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands only as are subject to report of the scrip upon such lands on the scrip upon such lan

authorizing the location of the scrip upon such lands only as are subject to private entry at \$1.25 per acre.

Mr. WILLITS. On further reading of this report it appears that this land had to be surveyed in order to be located; for the confirmation certificate closes in these words:

Having such forms and marks, natural and artificial, as shall be represented in a plat thereof to be returned by the principal deputy surveyor of the said district.

Mr. GUNTER. Yes, sir; that was done, and the plat was before the committee.

the committee.

Mr. WILLITS. That does not appear in the report.

Mr. GUNTER. Yes, sir; and I will state that the committee was unanimous in reporting this bill.

Mr. WILLITS. I do not dispute that. The gentleman says that the committee had before them a plat of the deputy surveyor.

Mr. GUNTER. Yes, sir; that is a prerequisite to a recommendation by our committee of the confirmation of title in a case of this kind.

The CHAIRMAN. If there he no objection the bill will be leid said. The CHAIRMAN. If there be no objection the bill will be laid aside to be reported favorably to the House.

There being no objection, it was ordered accordingly.

TITLE TO AN ISLAND.

The next business on the Private Calendar was the bill (H. R. No. 936) relinquishing the right of the United States to an island therein named, reported by Mr. Norcross, from the Committee on Claims.

Mr. NORCROSS. I ask that this bill be passed over for the present.

There being no objection, the bill was passed over.

WILLIAM REDUS.

The next business on the Private Calendar was the bill (H. R. No. 4438) for the relief of William Redus, reported from the Committee on Indian Affairs by Mr. Poehler.
The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to pay to William Redus the sum of \$3,600, out of any money belonging to the nation of Osage Indians not otherwise appropriated, in payment in full for one hundred and forty-four beeves taken from him by said Indians on the 28th day of June, 1872: Provided, That said sum shall be taken in full satisfaction of all claims on said Indians on account of the beeves so taken.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred a petition of William Redus, asking for relief, respectfully report:

That they have had the same under consideration and recommend the passage of the bill herewith submitted; and your committee beg to submit in support of such recommendation the following statement:

William Redus, who is the claimant, testifies that on the 28th day of June, 1872, he was the owner and in possession of a certain drove of cattle, numbering six hundred and eighty-six head, and was driving the said cattle from the State of Texas to the State of Kansas, over what is commonly known as the Texas cattle-trail through the Indian Territory, and about forty miles south of the south line of Kansas a party of Osage Indians, to the number of one hundred or more, all armed, without any parley, and without halting, dashed into his herd and cut out one hundred and forty-four of the best beeves in the drove, killing about fifty head in sight of the herd, and driving the remainder of the one hundred and forty-four the best beeves in the drove, killing about fifty head in sight of the herd, and driving the remainder of the one hundred and forty-four them, he found that he was short one hundred after the stampede and counting them, he found that he was short one hundred and forty-four pitchem, he found that he was short one hundred and forty-four head, all of which must have been killed or driven off by the Indians. He further states that he had but seven men with the herd; that they offered no

resistance to the Indians, for from their great number and hostile appearance he thought it would be useless.

Westley Roberts testifies that he knows William Redus, and saw his herd of cattle; that the cattle in said herd were large and were from four to seven years old; that they were the best beeves he had seen on the trail that season; that he was the owner of a drove of cattle, and was driving them at the same time over the same trail in the Indian Territory; that when about forty miles south of the south line of Kansas, on the 28th day of June, 1872, the same day that Redus lost his cattle, a band of Osage Indians, about one hundred and twenty in number, well armed, who seemed bent on mischief, came to my herd of beeves and demanded one hundred head. I refused to comply with their demand, but finally, in order to save shedding blood, I offered them ten head, and as soon as they found I would not let them have any more without a fight, they left and went in the direction of William Redus's drove, which was about one mile distant.

I. B. Harris, of Bexar County, Texas, certifies to having purchased of William Redus four hundred and thirty-seven head of cattle, at \$22.50 per head, being all the cattle that Redus had at Wichita at that time. The certificate is acknowledged before the clerk of the court of Bexar County, with the seal attached.

W. O. Woodley testifies on the 9th day of July, 1872, that he was in the employ and had charge of the herd of cattle belonging to William Redus; that he came with said herd from the State of Texas; that on the 28th day of June, 1872, a party of Indians, calling themselves Osage Indians, came up and, without asking any questions, dashed into the herd, yelling and shouting, and cut out one hundred and forty-four of the best beeves, and caused the herd to stampede; that said Indians shot from forty to fifty of said beeves within a short distance of the herd, and drove off the blance; that he followed said Indians to recover some of the cattle that might be left by them, bu

seven or eight men with the drove at the time the Indians drove off the cattle, and no resistance was offered.

George F. Hindes testifies that he is a drover, and was present near the herd of William Redus on the 28th day of June, 1872. This witness corroborates the testimony of William Redus, Westley Roberts, and W. O. Woodley as to time and place where the cattle were taken, but could not state the number taken.

The following is a copy of a letter from the Commissioner of Indian Affairs to the Secretary of the Interior on the same matter:

"To the honorable the Secretary of the Interior:

"To the honorable the Secretary of the Interior:

"SIR: I have the honor to present herewith a claim of William Redus for \$5,100, on account of a depredation alleged to have been committed in 1872 by Osages.

"From the statement of Mr. Redus, it appears that his business is that of a drover and that on the 28th day of June, 1872, he was taking a herd of six hundred and eighty-six beef-cattle over what is called the Texas cattle-trail through the Indian Territory, to Kansas, and that when about forty miles south of the south line of that State a party of Osage Indians, to the number of one hundred bromore, well armed, dashed into the herd and captured one hundred and forty-four of his best beeves after stampeding the herd. He claims that the herd of cattle was well worth, on an average, \$35 per head; and that when the best are selected out, as in this case, it greatly injures the sale of the herd, as does also the stampeding of the herd. He therefore claims that he was damaged in all to the amount of \$5,100.

"The evidence in regard to the attack made by the Indians upon the herd is deemed sufficient to fully establish the fact of the depredation. Two persons who were eye-witnesses of the transaction confirm the statement of claimant on this point.

deemed sufficient to tany teaches a confirm the statement of claimant on this point.

"The evidence in relation to the damages sustained, apart from the loss of the cattle, is not so satisfactory. Several persons who claim to be drovers join in a statement to the effect that a selection of a few of the best beeves from a herd injures the sale of a herd from 20 to 25 per cent; but this statement cannot be received as evidence, as it is not verified by the oaths of the parties making it, as is required by the rules of the Department.

"The agent reports that the Indians in council admit that they took twenty-nine head of cattle, and are quite 'positive that claimant has largely exaggerated his loss in numbers and value per head."

"The number of cattle lost is believed, from the testimony, to be correctly stated by him, but in the judgment of this office he has overestimated their value, and has not shown by any reliable evidence that he was damaged otherwise than by the loss of the one hundred and forty-four cattle. As claimant admits to the agent that the balance of the herd averaged him about twenty-five dollars per head, I respectfully recommend that he be allowed that amount per head for the one hundred and forty-four lost, making an aggregate of \$3,600.

"Very respectfully, your obedient servant,"

"EDW'D B. SMITH, "Commissioner."

"EDW'D B. SMITH, "Commissioner."

Mr. HAYES. I would like to know whether this bill proposes to take this money out of any annuities that may be due the Osage Indians?

Mr. UPSON. Yes, sir; it comes out of the money belonging to them. Mr. HAYES. Let the bill be again read.

The Clerk again read the bill.

Mr. WILLITS. I would like to ask the gentleman from Texas [Mr.

Urson] a question: Is the Interior Department under the law in the habit of paying this class of claims?

Mr. UPSON. I believe not; but I can say that in this case the Indians admit the taking of the cattle; the Commissioner so reports; and the bill provides for payment out of money belonging to the Indians.

Mr. WILLITS. I understand the Indians admit that they did take

twenty-nine cattle.
Mr. UPSON. Yes, sir; they admit taking twenty-nine; but the Commissioner says that the evidence abundantly establishes the fact vides that payment shall come out of moneys belonging to these Indians.

Mr. WILLITS. Another question: I would like to know whether this Government or Congress has been in the habit of paying this

class of claims?

Mr. UPSON. I cannot say that it has; but this bill has been heretofore reported upon favorably in this House, and it is a just claim
and should be paid.

Mr. WILLITS. Was it acted upon?

Mr. UPSON. No, sir.

Mr. WILLITS. Was it not rejected during the Forty-fifth Con-

Mr. UPSON. Not to my knowledge. I do not think it was.

Mr. WILLITS. I would like to know whether there are not piled up in the Departments to-day claims of this character to the amount of \$4,000,000?

Mr. UPSON. As to the amount of Indian claims I cannot say. In this case the Government is not asked to pay the money. Mr. UPSON.

Mr. WILLITS. I understand that.
Mr. UPSON. It comes out of the money belonging to the Indians.
They admit that they did take twenty-nine of the cattle; and the Indian Commissioner who has investigated the case reports that according to the evidence one hundred and forty-four were taken. I grant that if the Government were asked to pay this money the claim would come under the same head with a large number of Indian claims that remain unsettled.

Mr. WILLITS. But I wish to know whether there are not claims of this kind to the amount of \$4,000,000 which the claimants are ask-

ing to have paid in this same way?

Mr. UPSON. I am not aware as to that.

Mr. WILLITS. Is there not a large amount of such claims?

Mr. SCALES. I will state to the gentleman that he is correct.

There are such claims to the amount of about four million dollars.

Mr. WILLITS. Now I wish the property that the Constitution of the Constitution of

Mr. WILLITS. Now, I wish to know whether the Committee on Indian Affairs are ready to-day to inaugurate a system which will ultimately result in the payment of millions of dollars of claims of this character out of the Indian funds. Let us know what we are

Mr. POEHLER. Mr. Chairman, as one of the committee which had this matter in charge, I wish to say to the gentleman from Michigan that I have not considered the amount which may be claimed by different individuals against the Government or the Indians. We investigated in that committee the question of right and justice in this case. There was no question on the part of the Department or any agent of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the department of the Indians but that these Indians did commit the Indians but that these Indians did commit the Indians but that these Indians did commit the Indians but th redations for which damages are claimed and allowed in the pending bill. The only point at issue was in reference to the value of the cattle, and that value is fixed in this proposition at the very lowest rate claimed by any one in the different Departments. I believe it is just and right that the Indians should pay as far as possible for departments.

redations which they commit.

Nor, sir, do I think we should reject any bill on the ground merely that there are other bills which may come forward making claim for damages in like cases. This is just and right, and ought to be allowed; and therefore I hope that the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. RYAN, of Kansas. Mr. Chairman, I believe this bill to be just;

I believe it ought to pass, but I do not understand the policy of this Committee on Indian Affairs, which selects out from a mass of claims amounting to over four million dollars this, and this alone, for allowance and payment by the Government. There are now piled up in the room of the Committee on Indian Affairs claims reported from the Department as being in all respects just and proper amounting Mr. SAPP. Will the gentleman allow me to ask him a question?
Mr. RYAN, of Kansas. Certainly.

Mr. RYAN, of Ransas. Certainly.

Mr. SAPP. Even assuming that to be so, does the gentleman urge that as any argument against the payment of this claim, which is admitted on all hands to be a just and proper one?

Mr. RYAN, of Kansas. No; it is not so urged. This claim should be paid. I hope the policy of paying this class of claims will be inaugurated. I trust the Committee on Indian Affairs will bring these claims forward, and that every single dollar justly due will be paid, and paid out of the funds allowed the Indians annually. When Indians commit these depredations they should be compelled to pay for dians commit these depredations they should be compelled to pay for them out of their annuities.

them out of their annuities.

Mr. SAPP. I wish to ask another question, and it is this, whether, under the law as it now stands, the parties who have suffered loss have any other remedy except by appeal to Congress?

Mr. RYAN, of Kansas. None whatever, sir.

Mr. SAPP. The Department has no authority under the law to deduct from the annuities the amounts necessary to satisfy these claims for degree when the following support of degree along the resulting out of the resulting out of degree along the resulting out of the resulting out

duct from the annuities the amounts necessary to satisfy these claims for damages arising out of depredations committed by the Indians.

Mr. RYAN, of Kansas. The Department has no authority to pay a dollar, and these claims can only be paid by the action of Congress.

Mr. HUMPHREY. I wish to say one word. In the first place, Mr. Chairman, I desire to ask whether this Congress is ready to make the Government of the United States become in law an insurer for every man who shall enter into any enterprise or hazard in this country? It seems to me by passing such a proposition as the one now pending the question will resolve itself at last into precisely one of that character. These claims may be just, but why should Congress, after making treaties with the Indians, take the power into its own hands and pay whatever it shall see fit out of the annuities provided for by Indian treaties for depredations committed by some individual mem-Indian treaties for depredations committed by some individual member of an Indian tribe? Is it not in reality a punishment of the whole mass of Indians for the bad conduct or wrong-doing of a few members of it? And I wish to know whether that point added to the other that these men who are engaged in enterprises which are hazardous in their character should not be allowed to come to Congress for indemnity when their undertaking ceases to be profitable, is not afficient to induse us to wiset the reading bill sufficient to induce us to reject the pending bill.

Mr. RYAN, of Kansas. In my judgment, Mr. Chairman, it is incumbent upon the tribes to be responsible for the acts of depredations

committed by individual members of those tribes.

Mr. SCALES. I desire to state for the benefit of the House, Mr. Chairman, the condition of these claims for Indian depredations. There are now on file in the room of the Committee on Indian Affairs and elsewhere claims of this nature to the amount of \$4,000,000 and upward.

'Mr. POEHLER. Do I understand you to say that that amount of claims is filed with the Committee on Indian Affairs?

Mr. SCALES. I say there are in the Committee on Indian Affairs and elsewhere claims amounting to \$4,000,000. That is the report we get from the Secretary of the Interior.

Mr. POEHLER. In the committee and elsewhere?
Mr. SCALES. Yes, sir.
Mr. POEHLER. If the gentleman only included the claims before the Committee on Indian Affairs I wished to correct his statement, for I do not know of claims amounting to more than \$500,000 before

that committee.

Mr. SCALES. I will inform the gentleman that a few days ago when it was understood that one of these bills passed the House an additional number was sent down to the committee-room.

Now, sir, it has been the policy of this Government for years to pay these claims when they come well sustained by evidence. That was a policy inaugurated many years ago. The Government undertook by its treaties to indemnify white settlers for damages committed by by its treaties to indemnify white settlers for damages committed by the Indians, and to indemnify the Indians for damages committed upon them by white men. It is on this principle the committee has been acting in reference to these cases. I do not know how we can get around them when well sustained by evidence. But I wish to call the attention of the House to the fact that these claims rarely come before us sustained by such evidence as would justify, in my opinion, their indorsement by the committee. How, as a matter of fact, are these claims supported? By ex parte evidence exclusively, without any cross-examination whatever. We hear, as a consequence, only one side. On the evidence presented and with no other we are bound to say they are just. I have uniformly voted against any claim sustained exclusively by ex parte evidence, and that is the condition, as I have said, of nearly every one of these claims before the House. That is the condition of this claim. It may be just but the evidence is not satisfactory. It is purely ex parte, and any claim could be made out by such evidence. This is a case where one party has been heard and the other parties have not been heard at all. I want this matter fully investigated. On the other hand, I am bound to say it stands on about as good a footing as any other claim of like character presented to us, and if it is the policy of the Government to pay them on such evidence, then there is no good reason why it should them on such evidence, then there is no good reason why it should not be paid as well as any other.

Mr. HAYES. I want to ask the gentleman from North Carolina a

question.

Mr. SCALES. Very well.

Mr. HAYES. I wish to ask whether it has been the policy of this Government to hold itself responsible for losses sustained by depredations of the Indians committed in that way?

Mr. SCALES. Yes, sir; I think so.

Mr. HAYES. That has been the policy?

Mr. SCALES. Yes, sir; that has been the policy. I desire to say, however, in addition that I do think that policy ought to be changed as far as we can consistently with our treaty obligations. I do not believe the Government ought to be an insurer for any white many that reads against the Lagrangian. as far as we can consistently with our treaty obligations. I do not believe the Government ought to be an insurer for any white man that goes across the Indian Territory. I do not believe in the Government becoming the insurer of Indians against losses sustained by them from white men. If you continue that policy you will always have the committee-rooms filled to overflowing with such claims and we called upon to appropriate millions, session after session, and that, too, upon evidence that would in many cases not be received in a court of justice, and all of it ex parte. I do hope, Mr. Chairman, that some steps will be taken so far as it can here be taken to suspend the payment for this large class of claims, and that this Government will say that from this time forward it will pay no such claims or damages to Indians or white people, but let them stand before the law like every other citizen of the United States. Let them run risks who will, but let them when they do sustain the loss themselves and not call upon the Government after they have failed in their efforts. In this case they have made a venture into that Territory for the sake of gain, and having done so and run the risk the subsequent loss ought to be their own. All the Government can agree to do is that in a case where the Indians have a fund it will see that the damage done by such a depredation is restored out of the fund to the party injured. But in many cases the Indians have no fund on hand, exdone by such a depredation is restored out of the fund to the party injured. But in many cases the Indians have no fund on hand, excepting those which the Government has furnished for their necessary support, and if you take away from the Indians this fund the Government must supply it for their support, and therefore it comes out of the Government in the end.

Mr. HAYES. I understand the gentleman to say that these claims amount to \$4,000,000.

Mr. SCALES. Yes, sir; over four millions.

Mr. HAYES. And if this claim is passed, it will simply establish a precedent?

liquidation of the damages claimed. Now, in the present case this happens to be a rich nation. This tribe, the Osages, is well able to pay the damages, and the Commissioner of Indian Affairs recommends the payment. In this particular case, therefore, of the Osages, which has a large fund to their credit, the payment could be made without detriment to the Government or to the Indians. But there are many claims against Indians, for instance, against the Kiowas and Comanches, who have no fund, and if you take from their annuities the amount necessary to pay the damages, then you deprive them of what is necessary for their support and the Government must provide it in some other way.

what is necessary for their support and the Government must provide it in some other way.

Mr. UPSON. Mr. Chairman, I desire to call the attention of the gentleman from North Carolina to the fact, when he states that this claim is based entirely upon ex parte testimony, that there is a letter from the Indian Commissioner corroborating claimant's testimony.

Mr. SCALES. I will state, Mr. Chairman, that, while there is a letter from the Commissioner of Indian Affairs indorsing it, his recommendation is founded exactly on the same sort of testimony, which

ommendation is founded exactly on the same sort of testimony, which

ommendation is founded exactly on the same sort of testimony, which is solely ex parte.

Mr. UPSON. That I do not know, but at all events there is a letter from the Commissioner, from this officer of the Indian department, recommending the payment of this claim. It seems to me that the question is not whether this Government shall establish the policy of guaranteeing the claims of private individuals for all depredations committed by Indians, but the proper question now before us is, is this claim legitimate, just, and proper? In other words, instead of its being the establishment of a policy to pay all claims indiscriminately, the question now presented to this committee is, will this House of Representatives or the American Congress establish the principle and policy of declaring that an American citizen can be principle and policy of declaring that an American citizen can be robbed and plundered of his property by Indians who are fed, supported, and sustained by this Government and have no redress? Is the policy to be adopted that Indians can wantonly seize the property the policy to be adopted that Indians can wantonly seize the property of private individuals quietly and peacefully passing through the Indian country, and because they are simply the wards of the nation the owners of such property shall have no remedy when they come before Congress and ask for relief? Is it intended to be declared as the policy of this Government that these Indians, out of the money given by the generosity of the American Government, shall not respond and pay for the damage which they have wantonly, outrageously, and treacherously caused, or for property which they have stolen from an American editizen? American citizen?

It matters not, Mr. Chairman, whether the claims presented for this class of damages amount to \$4,000,000 or \$10,000,000, so far as concerns our action as to the bill under consideration. Our inquiry should be, is this claim just in itself, is it a proper claim to be presented to

Congress for payment?

Has this American citizen been wronged and outraged? Has his property been unlawfully taken by the Indians? Was it worth the amount set forth in the bill? And should it not be taken from the amount set forth in the bill? And should it not be taken from the moneys belonging to the Indians? It seems to me it would be very unwise and unjust for this Government, toward its citizens, to lay down or sanction any such policy as has been indicated by gentlemen here to-day, in opposing this bill, and I trust and hope for the credit of our country that it will not be done.

Mr. POEHLER. In answer to the inquiry made by the gentleman from Kansas [Mr. RYAN] why this was selected out of the great mass of bills of a similar character pending before the Committee on Indian Affairs, I wish to say that this was not selected from any mass of bills, but was one of the first presented, and was the first acted upon. It was not selected from any others or taken special charge of. In answer to the gentleman from North Carolina, [Mr. SCALES,] I say this: if a white man to-day commits depredations or inflicts damages on another white man he can be prosecuted in the courts and

say this: it a white man to-day commits depredations or inflicts damages on another white man he can be prosecuted in the courts and the damage collected. This is the only court to which this man can come to collect his damages against those Indians. I know of no other, and I think the damages have been so clearly established that there should be no question about them.

Mr. SCALES. Will the gentleman from Minnesota allow me a question?

Mr. POEHLER. Yes, sir.
Mr. SCALES. Does not my friend think that justice would be much more completely done if we had a court established for the purpose of ascertaining what these claims are, and hearing the evidence

pose of ascertaining what these claims are, and hearing the evidence on both sides?

Mr. RYAN, of Kansas. You will never get such a court.

Mr. POEHLER. I agree entirely as to that with the gentleman from North Carolina. I am sorry we have not such a court, and I would vote for a bill to-morrow the object of which was to establish it. The gentleman from Illinois [Mr. HAYES] asks are we going to pass this bill to establish a precedent? That precedent, sir, has been established many years ago, and many bills have passed Congress of a similar character, and I have no doubt the gentleman himself has voted for them.

voted for them.

Mr. SPRINGER. This bill illustrates more than any others per-Mr. SCALES. Yes, sir; over four millions.
Mr. HAYES. And if this claim is passed, it will simply establish a precedent?
Mr. SCALES. Yes; for that character of claims. If the Government is owing any annuity to the Indians, it may pay the annuity in great injustice—perhaps that is not the expression to use, I will rather say a denial of justice—that persons having so large claims of this kind should have no place at which they may prosecute them except in Congress where private legislation has accumulated to such extent as to make it impossible to get a claim through during the two years to which the prosecution of such claims is limited.

And of all courts for the trial of claims this Congress—if it may

be called a court for that purpose, and I presume it may be, for it is exercising quasi judicial power—is the worst for the Government and for the claimant. For the Government is liable to be muleted upon ex parle testimony, where the witnesses are not cross-examined, and no evidence is brought forward to traverse the statements made by the claimant. For the individual it is also the worst, because the claimant is thrown into the midst of a great mass of business, and is compelled to dance attendance in the lobbies of Congress for two compened to dance attendance in the lobbles of Congress for two years, and may then probably be sent home without having had his claim reached. It seems to me this state of things is almost an im-peachment of the intelligence of the American Congress, that would permit it from year to year to be continued in a civilized country, a country which has in its Constitution a clause which says that jus-

tice shall not be denied to its citizens.

I have introduced into this House, and it is now pending before the Judiciary Committee, an amendment to the Constitution prohib-

iting special legislation, as follows:

Resolved. That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE -

SECTION 1. The legislative power of the United States is limited to the enactment of laws general in their application and effect to all sections and persons within the jurisdiction of this Constitution. All laws, private or special enactments, hereby prohibited, shall be null and void.

SEC. 2. All claims against the United States shall be adjudicated and determined by such tribunal or tribunals as Congress may establish for that purpose.

While I would be glad to see this constitutional amendment reported by the Judiciary Committee and adopted by Congress, I am at the same time of the opinion that a general law could be passed providing that this class of claims could be prosecuted in the United States circuit courts of the nearest States to the Territories of the United States; and that it would be better for those persons who are interested in such legislation to unite in favor of a general law which would open the doors of the courts of Kansas, and Texas, and Colorado, and Nebraska to the adjudication of cases of this kind, where the claimant can get a speedy hearing and a judgment which will have the force of law to enable him to go to the Department and stop so much of the claims of the Indians as are embraced in his judgment and have that amount paid to him.

stop so much of the claims of the Indians as are embraced in his judgment and have that amount paid to him.

I hope, therefore, gentlemen interested in this subject will press during this session the passage of a bill of that kind in order that the persons entitled to the payment of the \$4,000,000 may have a place where they can be heard and have their rights properly adjudicated. So far as this case is concerned, I think the evidence shows it is a

good one. The evidence is of course ex parte.

Mr. RYAN, of Kansas. Is that not so in all claims

Mr. SPRINGER. It is the case in reference to all claims before this body. It is the best we can have. I always feel some hesitation in voting for a claim supported by such testimony, but it is the best we can have under the circumstances. And it seems to me that when such a claimant as this comes to this Congress asking to be heard, as we have furnished no other tribunal in which he can be heard, he

ought to have justice when he comes to this one however late it may be or whatever may be the difficulty.

Mr. MAGINNIS. I will call the attention of the committee briefly to the manner in which these Indian depredation claims come to be a subject for congressional action. We are told that Indian depreda-tion claims have no business here, and that the Government is not rightly obligated to pay any of them—a proposition which the people of the West and their representatives contest. We are told that if men place themselves in positions of risk, they must take the consequences; that, as in cases of damage from riot or from war, the Government is not responsible, having exercised due diligence and done its duty. We are told that if people are robbed or murdered by white men the State does not make pecuniary recompense to the sufferers or their heirs, and we are asked why should it do so because the depredation is committed by an Indian. I will endeavor to explain the difference, and to show that depredation claims stand on an entirely different ground. The Government sets up in the Territories these independent principalities known as reservations. They are occupied by people recognized in a sense as independent nationalities, under the control and protection of the General Government. The laws of the commonwealths in which they are situated do not cover them. The process of the civil courts cannot invade them. They are cities of refuge, and the Government declares to all surrounding people that they shall not disturb its wards, and assumes the position of guardian and arbiter between them and all others. You say that people who trade or settle in such countries should take the risk of their ventures. So they should under the laws. But if a white man burns your house or steals your horse you can follow him anywhere with the law. You can arrest him, punish, and perhaps recover your property. But when these Indians make a raid off their reservations, the depredation is committed by an Indian. I will endeavor to ex-

invade a settlement, and take your horses and cattle and drive them, under your very eyes, to their reservation, what can you do with the law? Suppose they murder and destroy and then retreat to their own dominions, and your marshals and sheriffs follow them in hot own dominions, and your marshals and sheriffs follow them in hot pursuit to the very boundaries of their reservation, what remedy have you? Your law no longer follows the Indian. The process of your court falls dead as soon as your pursuit reaches the line of his reservation, which the Government orders you not to cross, and safe in his city of refuge the depredator laughs at you and is safe from your law officers, and can exhibit your stolen property before your outraged face and you have no right to reclaim it and no remedy for your wrong except through the General Government.

The Government in pressurance of its extited realizer even that we have the control of the con

The Government, in pursuance of its settled policy, says that you shall not cross that line, nor shall your courts or their officers or your local laws. It says these people are the wards of the Government, and if you have any cause of complaint you must come to the Government of the United States, and it will arbitrate your differences

and settle the measure of your damages.

Having no other recourse, and being forbidden to resort to any, the settler therefore comes to the Government of the United States to right his wrong and to obtain justice for the acts which have been committed by those whom the Government excludes from the operations of the local law, and for whom, as its own wards, it assumes

tions of the local law, and for whom, as its own wards, it assumes the responsibility.

Grounded on these principles of justice, and for these reasons, a law was rightfully framed and passed, and for many, very many years stood on your statute-books, providing that in all cases of depredation committed by Indians, such depredations being duly proven, the Interior Department should award damages to the person trespassed against, and the amounts so awarded should be deducted from the amounts are not as a superson to the Indiana service and the Indiana service and the Indiana service and the Indiana service and Indiana se annuities paid by the Government to the Indians committing such

depredations.

depredations.

In 1871-72 there was a great revolution attempted in the Indian policy of this country, and a new policy was established, which has sometimes been denominated the peace policy. We were told at that time by certain eastern philanthropists that the time had come when we could dispense with the armies of the United States so far as the Indians were concerned and could govern these wild people by moral leading and the effects of missionaries selected by the charges and lectures and the efforts of missionaries selected by the churches of the country and appointed agents by the President. How wild was such a proposition as that—to attempt to govern savages by means that would not hold together the frame-work of civilized society! Take the city of New York or this city or any other city on the continent that has had the advantages of 4,000 years of civilization and 1,800 years of Christianity. Could you properly govern such a city and protect property and life if you were to dispense with the police and rely entirely upon the churches for that purpose? If such a proposition as that is an extravagant one when applied to a civilized people, how utterly absurd is it when applied to the savage people who are without training in civilization, without teaching in religion, and who have been taught from their earliest infancy that their highest ambition, their chief glory lay in the direction of becoming robbers, spoilers, and conquerors of every tribe and people but their own.

During the time that that wave of pseudo-philanthropy was washing out the common-sense ideas of this Congress and of the country, there was an unjust and unwise restriction placed upon the ancient statute. This new enactment provided that thereafter no Indian city of New York or this city or any other city on the continent that has

there was an unjust and unwise restriction placed upon the ancient statute. This new enactment provided that thereafter no Indian depredation claim should be paid, although audited and adjudicated by the Indian Department, without an appropriation therefor made by the Congress of the United States. That provision, unjust and unwise as it was, virtually put a stop to the process of the adjustment of these claims which had been going on under the law ever since our Indian policy was inaugurated. The claims which have ever since been piling up in the Interior Department were then sent here to Congress, and the remedy which the people had before that time was taken away from them by the Government, and Congress, by non-action, has been saying that it would not pay these claims out of the Treasury, although it had repealed the law under which Indian depredations were paid out of their annuities.

redations were paid out of their annuities.

Now, observe the position in which that policy leaves the settler. See what a provocative it is to conflicts between the settlers and the Indians. Time and again I have known depredation claims presented which have gone to the Secretary of the Interior, been sent back to the Indian tribes, the Indians summoned to consider the matter, the proceedings being all against the settler, and finally an adjudication has been made and sent to the Interior Department, by which it was approved, and then it was sent here to Congress to be added to the hundreds of claims already here and unacted upon.

hundreds of claims already here and unacted upon.

A man has a herd of cattle or of horses, and the Indians come in and kill them or steal them. That man has no remedy, by law or otherwise. What, then, must he do, if you deny him a remedy in court or Congress? He is compelled to fall back on the right which every man has to defend his property. The result of that may be to bring on a war with the Indians, involving the Government in a tremendous expense. Sir, the time has come when this Congress should look at these facts and deal justly by these people. If men are denied redress, they will take means to redress themselves; this will bring on conflicts and destroy the peace which you are bound to preserve, and which you are spending so many millions to preserve, and it will involve you in expense far beyond that which is necessary to pay

such claims as you justly owe the people who have been despoiled

by your wards. Mr. HASKELL.

by your wards.

Mr. HASKELL. I would like to say a word or two in reference to this special claim. I agree, of course, largely with the remarks made by gentlemen who have spoken in favor of the payment of these claims. But I would like to have this particular claim understood, since it is the business immediately before this committee.

The Osage Indians were under treaty obligations with the Government to keep open through their territory a track along which Texas cattle could be driven to market; that is their agreement with the Government. In a general law of Congress, passed about the beginning of this century, and incorporated into every Indian treaty made since that time, there is a provision that white men, not trespassing upon Indian property or intruding upon Indian rights, shall be paid by the Indians themselves for any damages inflicted upon them by the Indians. the Indians.

This is a case in point. This man was not a trespasser, he was pro-

This is a case in point. This man was not a trespasser, he was protected by the treaty, was driving his cattle through the Indian country, when he was set upon by these Indians and robbed. They admit the robbery, and in pursuance of law a claim comes up to Congress for the payment, not out of the United States Treasury but out of the annuities of this tribe, for the damages inflicted by them.

The annuities of the Indians are sufficient for the payment of these claims. They have a million or two of dollars in their fund. They are able to pay this loss, which the law says they shall pay. That is all there is of the claim. The Osage Indians, having by their own treaty, which is the law of the land, agreed to pay claims of this kind, the justice of the claim being admitted, the Committee on Indian Affairs could of course do nothing else than decide that this claim ought to be paid. That is what this bill provides for.

Mr. GUNTER. It is intimated by the chairman of the Indian Committee [Mr. SCALES] that this claim and others of a similar character are founded upon the custom of Congress. I beg leave to differ with him in that regard. This claim is not founded upon custom or upon the past rulings or action of Congress, but it is founded upon treaty stipulations made between the particular tribe mentioned in the bill and the Government of the United States.

Mr. SCALES. I wish to correct my friend. I did not make any such statement as he mentions.

Mr. GUNTER. I thought the gentleman did. It was made by others.

Mr. SCALES. I spoke of the policy of the Government under

Mr. SCALES. I spoke of the policy of the Government under

treaty.

Mr. GUNTER. Well, sir, it is not a policy. The payment of these claims is not founded upon policy or custom, but upon express treaty stipulation between the Government and the various Indian tribes. In every Indian treaty with which I am familiar, it is expressly stipulated upon the part of the Government of the United States that if any white man shall trespass or depredate upon the property of Indians, the Government shall, under certain circumstances mentioned, be responsible for reimbursement. It is stipulated on the part of the Indians that if any Indian shall depredate on the property of white men, under certain circumstances, the tribe shall be responsible to the extent of the depredation

extent of the depredation.

Mr. HAYES. Right there I would like to ask the gentleman a question. Suppose that in case of depredations by Indians the Government does not owe the Indians any money, is the Government responsible?

Mr. GUNTER. No, sir; not at all. There is no obligation on the part of the Government to pay any depredation claim otherwise than to take it, under certain circumstances, out of the funds belonging to the tribe whose members have committed the depredation. That is all this bill propose

Now, one word in reply to remarks made by the chairman of the Indian Committee, [Mr. SCALES.] He states that the proof in regard to most of these claims is ex parte. That I will admit; but he must concede that the proof in this particular case, and in most of the others presented to us for consideration, is taken in strict compliance with the treaty stipulations between the Communication that United with the treaty stipulations between the Government of the United States and the tribe.

States and the tribe.

Now, there being in existence a law (for the treaty is a law) making it the duty of the Indians, or rather of the Government out of the Indian funds, to pay these depredation claims, the manner of taking proof having been prescribed by the law, and this depredation having been committed as shown by the proof taken in the case, how can Congress, if it acts in accordance with the treaty, decline to pay the claim? Either the treaty stipulations recognizing claims of this kind and providing the manner of taking proof must be abrogated, or else Congress is bound in accordance with the provisions of the treaty to pay these depredation claims. It is not a mere question of policy whether they shall be paid; the question is whether the Congress of the United States will enforce positive treaty stipulations made between the Government of the United States and the Indians. For one, so long as I am a member of Congress and a member of the Committee on Indian Affairs, I will do what I can to enforce strictly every treaty stipulation made between the Government and the Indians; and I believe it is the duty of every other member of Congress to do the same.

The particular case now under consideration is a depredation claim. The depredation has been committed in violation of the treaty. The

proof taken in accordance with the treaty shows clearly that the Indians did commit the depredation. For one I shall vote to pay the claim. [Cries of "Vote!" "Vote!"]

The question being taken, the bill was laid aside to be reported favor-

ably to the House.

HENRY WARREN.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Frivate Calendar was the bill (H. R. No. 1047) for the relief of Henry Warren, reported by Mr. HASKELL from the Committee on Indian Affairs.

Mr. HASKELL. Before the clerk occupies time in reading this bill, I wish to say that according to my recollection a Senate bill providing for the payment of this claim has already been passed by the House and the claim paid. Therefore I suggest that this House bill, while properly on the Calendar, had better be stricken from the Calendar, as the legislation proposed in the bill has been accomplished. The CHAIRMAN. The Chair understands the fact to be as the gentleman states.

The CHAIRMAN. The Chair understands the fact to be as the gentleman states.

Mr. HASKELL. If I am correct, the bill should be passed over; but I would like the gentleman from Texas [Mr. Wellborn] to assume the responsibility of such a motion.

Mr. WELLBORN. The statement made by the gentleman from Kansas is correct. This bill should be stricken from the Calendar.

The CHAIRMAN. The Chair suggests that the bill should be reported to the House with a recommendation that the Committee of the Whole be discharged from its further consideration, and that it

the Whole be discharged from its further consideration, and that it be laid on the table.

Mr. HASKELL. I make that motion.

The CHAIRMAN. If there be no objection, that order will be

There was no objection.

NEW YORK INDIAN LANDS IN KANSAS.

The next business on the Private Calendar was the bill (H. R. No. 356) to provide for the sale of certain New York Indian lands in

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That those persons being heads of families or single personsover twenty-one years of age, who have made settlement and improvement upon,
and are bone fide claimants and occupants of, either in person or by tenant, the
lands in Kansas which were allotted to certain New York Indians and for which
certificates of allotment, dated the 14th day of September, 1860, for three hundred
and twenty acres of land each, were issued to thirty-two of said Indians, shall be,
and hereby are, authorized and permitted to enter and purchase at the proper land
office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to
the Government surveys, at not less than the appraised value of the said tracts,
as heretofore ascertained by the Secretary of the Interior, in accordance with the
provisions of the act of February 19, 1873, entitled "An act to provide for the sale
of certain New York Indian lands in Kansas," payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from
date of entry, and the balance in two years from date of entry, with interest on
said amounts respectively from date of entry at 6 per cent. Per annum; and the
moneys-arising from such sales shall be paid into the Treasury of the United States,
in trust for, and to be paid to, said Indians respectively to whom said certificates
were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within three years from the passage of this act;
and in case such proof is not made within the time specified, then the provesions of
this act, shall become a part of the public moneys of the United States.

Sec. 2. That any lands not entered by such settlers, at the expiration of one year
from the passage of this act, shall be offered, at public sale, in the usual manner,
at not less than the appraised value, not

The CHAIRMAN. The bill has been reported with the following amendments which the Clerk will read.

The Clerk read as follows:

amendments which the Clerk will read.

The Clerk read as follows:

In lines 16, 17, 18, 19, and 20 of the first section strike out "the appraised value of the said tracts, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas;' and, in lien thereof, insert "83 per acre;" and in lien 30 of the same section strike out "three" and insert "five;" so it will read:

"Be it enacted, &c., That those persons, being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, anthorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than \$3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts respectively from date of entry at 6 per cent, per annum: and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for, and to be paid to, said Indians respectively to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the provisions of this act, shall become a part of the pub

tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts."

The report of the committee was read, as follows:

The report of the committee was read, as follows:

The Committee on Indian Affairs, having had under consideration bill II. R. No. 356, submit the following report, together with a letter from the Commissioner of Indian Affairs, bearing date of March 29, 1878, giving the history of the case as presented in this bill.

Your committee, however, beg leave to differ with the honorable Commissioner of Indian Affairs as to the justice of his conclusion, when he says that—

"It is safe to assume that the several tracts were in 1873 worth the full amount at which they were appraised, and that in view of the rapid development of the country and the present price of uncultivated lands in that vicinity there has at least been no depreciation of their value."

Your committee are of the opinion that there has been a marked depreciation in the value of western lands since 1873; that the appraised value of the lands under which they are made to average \$5.02\frac{1}{2}\$ per acre is much above the price at which unimproved lands in Kansas can now be purchased for, and that the price named in the bill. \$3 per acre, is a fair and just valuation.

Your committee agree with the statement of the honorable Commissioner of Indian Affairs that "it is very desirable that adequate legislation be had insuring the sale of these lands and the final settlement of all questions in connection therewith," and therefore recommended the passage of the bill advised by the honorable Commissioner of Indian Affairs, changed only as to the price per acre that the occupants shall be obliged to pay.

Your committee further state that in their judgment the price that should be considered adequate for these lands should be that price the lands were worth when abandoned by the Indians nearly twenty years ago; that the act of Congress of 1873 provided for the patenting to the Indians then living upon the lands the selections they had made under treaty, and that those who were at that time living on the lands also signified their willingness to purchase at

Mr. SCALES. There is a minority report which I ask to be read.
Mr. HASKELL. Will the honorable gentleman instead of reading
the entire letter, which is very long, merely state to the committee
that the difference of opinion between the minority and the majority
is upon the price per acre to be paid for the land?
Mr. SCALES. That is so.
Mr. HASKELL. The letter is so long it will take thirty minutes
to read it, and that being the only point of difference, the question
could be submitted to the committee intelligently without reading
the entire letter the Scentary of the Interior having agreed to every

the entire letter, the Secretary of the Interior having agreed to every provision except the price per acre.

Mr. SCALES. I will answer the gentleman after the report has

been read.

Mr. HASKELL. The report of the committee has been read, but the minority report is only about four lines in length, and then there is incorporated in it a long letter. Mr. SCALES. Read that part of the report.

The Clerk read as follows:

The minority recommend the passage of the original bill without amendment, except, in the thirtieth line, to insert "five "for "three" years; and to sustain them in these conclusions they herewith present the letters of the Secretary of the Interior and Commissioner of Indian Affairs, which they have adopted as their report, and which they ask, with the accompanying papers, shall be printed.

Mr. SCALES. I will now hear what the gentleman has to say Mr. SCALES. I will now hear what the gentleman has to say.
Mr. HASKELL. Mr. Chairman, having reported the bill I have
said in the report accompanying it substantially all that I can say
now on the subject. Originally there was laid off for New York Indians in Kansas an immense reservation, lying, in the terms of the
original grant, just west of the State line of Missouri. These Indians,
however, refused to go upon the reservation with the exception of
thirty-two heads of families. These thirty-two heads of families did
move out there, but finding the other Indians would not follow, and
the grant of their reservation being on the condition of their going
out and living there, the whole reservation was receded to the Government with the exception of these thirty-two selections. Subsequently an act of Congress was passed almost precisely like this, providing for the sale of the land, and some of the thirty-two selections
were bought by settlers and patented. The remaining portion, the were bought by settlers and patented. The remaining portion, the sale of which is provided for under this bill, the settlers have refused to purchase, because, in the first place, of the unfair appraisement of the land and the unjust discrimination exercised under that appraisement; and, in the second place, the high price at which it was appraised taking the lands as they ran. Only the lower-priced selections were sold under the provisions of the act, leaving the higher-priced ones to be provided for at this time. The bill is precisely as the Secretary of the Interior would have it, save that he wishes to retain the appraised valuation; but the committee desire to substitute in place of the appraisment, which in some instances was as high as \$10 an acre, the price of \$3 an acre as the maximum and uniform

price.

I will say further that over twenty years ago all but a few Indians abandoned these several selections and returned to the State of New York or went to the Indian Territory. Strictly construed, all the Indians who abandoned these allotments forfeited their right under treaty stipulation. There was no good way to determine the matter in the courts. It was alleged by the friends of the Indians that the

settlers upon the lands had crowded them out and induced them to return to New York almost by force. Waiving all legal quibbles as to title, the settlers agreed to pay the Indians two dollars and a half an acre in cash and secure their patents from the Government. That is the price fixed by Congress in the several acts for the sale of the diminished reserve of the Indians in our State. Portions of the Delawares, Shawnees, and several other reserves were sold at a uniform rate of two dollars and a half an acre. That is the double minimum, as it is called, of railroad selections; that is, that two dollars and a half is the price fixed for alternate sections which the Government reserves in railroad grants. That was considered a fair valuation for those lands twenty years ago, which was the time when these Indians left them and settlers were authorized to go upon them, and the price of \$3 per acre, therefore, is fifty cents per acre more than such lands uniformly sold for in the entire State during the last fifteen years. Up to the present time it is entirely possible for men to buy or secure such lands in my State costing nothing but the occupation and purchase of railroad lands at the double minimum.

Now, the difficulty and danger of legislating in a matter of this sort becomes apparent when I inform the committee that settlers have been upon these lands for the last twenty years; that they have built good farm-houses and have made themselves comfortable homes, as comfortable as any in my State. To sell the land to any but the present occupants, therefore, at this time, would be to sell them out of twenty years of labor as well as the value of their improvements. And some arrangement must be reached so as to effect a compromise between the settlers and the Indians by which a mutual agreement can be arrived at for the benefit of both parties.

Mr. PRESCOTT. I would like to ask the gentleman from Kansas if the settlers had any right to go upon these allotments in the first interest.

instance?

Mr. HASKELL. They had no technical right; but the way in which that came about was that they had a right to go upon the original reserve, and these selections were not known from the common lands or the prairie, and they settled upon them. In some instances an Indian would appear and claim his rights. But in most instances there was no improvement upon the land whatever and no mode of describing them and distinguishing them from the adjoining lands. Every Indian that staid on his land, every one that settled there and had his own homestead where he built his cabin, got his patent and sold at his own price, if he sold at all, the bill does not affect such. It was only those who had made no settlement upon

not affect such. It was only those who had made no settlement upon the land and had no claim to occupancy who were affected.

Now, it is claimed by the friends of the Indians, and the Interior Department takes that view, that these settlers came in and crowded the Indians out. Be that as it may, that was twenty years ago, and the indians out. Be that as it may, that was twenty years ago, and the white men are now in peaceable possession of the land which they have improved and made valuable, and the Government ought to give them the opportunity to purchase in preference to others; although in point of fact originally they had no right to them.

Mr. PRESCOTT. Could they not have ascertained by application at the Department?

Mr. HASKELL. Year they could have found that the label.

Mr. HASKELL. Yes; they could have found that the lands had been set apart for the Indians, and they could have found in many cases claims that the allotments were fraudulent and that the Indian

cases claims that the allotments were fraudulent and that the Indian in whose name the claim was made had never existed, or had never occupied the land or taken possession of it in any way.

I do not deny, for I desire to state to the committee fairly all the points in the case; I do not mean to deny, because I admit I do not know, that originally there might not have been unfairness and difficulties between the Indians and the whites in this matter. I am willing to assume that there was; but to-day, and for twenty years, they have been in peaceable occupation, in that State, of these lands, of which there are about twenty-five pieces. And it is now incumbent upon Congress to take some action in reference to them for the protection of the settlers. These lands embrace about nine thousand acres, some twenty-eight or thirty selections of three hundred and twenty acres each. twenty acres each.

Now, my predecessor in Congress, Mr. Stephen A. Cobb, of Wyandotte, was employed by the New York Indians as their attorney to try to fix up an agreement between the Indians and the settlers. He went down there and had a council of the Indians called, a meeting of the settlers, and then came to Congress, some two years ago, with a proposition or a joint agreement between the Indians and the settlers which sition or a joint agreement between the Indians and the settlers which placed the lands at a valuation of \$2.50 an acre. This amount was satisfactory to both parties. But the Interior Department clung to the old appraisement. Now, we cannot sell the land at the old appraisement. It has been tried under two successive acts of Congress, and failed. The settlers cannot buy them at that price, and if the Government intend by the provisions of this bill to sell them out, why you simply sell them. simply rob them.

Now, having that agreement between the Indians and the settlers that they are willing to take \$2.50 an acre, it was deemed by the committee that to fix a uniform price at \$3 would make no great sacrifice of the Indian interests and secure a satisfactory sale of the lands, the average price of the appraisement being only about five dollars. But the inequalities of the appraisement were such that it was deemed by the committee that \$3 would be a fair and satisfactory average.

The amount of the appraisement was fixed by a commission sent out by the Secretary of the Interior, and every western man knows how

much reliance is to be placed upon such estimates. In nine cases out of ten they are crude specimens of attempts at fixing land values.

The only question now between the honorable chairman of the committee, who dissents from the committee report, and myself, with the majority of the committee, is with reference to the price of the lands, and the question before the committee is in reference to striking out the amount proposed by the committee and inserting the appraisement of the Department of the Interior; which I hope will not be done. I am satisfied that these lands cannot be sold at all if that amendment

Mr. SCALES. Mr. Chairman, I ask the attention of the committee for a few moments while I make a brief statement as to the difference between the gentleman from Kansas and myself of the minority of the committee on this question. This is a question in which the Indians are solely interested, and I think this House has now an opportunity of making a record for or against them. They must say whether they intend that the Indians shall have justice done to them or are to be sacrificed to the interest of settlers. It is a part of the history of the Indians that they have been driven from one State to another and from one Territory to another until they have left the Atlantic shores, have crossed the Mississippi and are approaching every year nearer and nearer to the Pacific Ocean. The Indian has come in contact with the settler and the Indian has given place and sought out other homes, to be driven out again when the lands were again wanted by the whites wanted by the whites.

It is true, sir, that the best lands have been taken away from them. It is true, sir, that the game upon which they relied heretofore to support them has become so scarce that they can rely no longer upon it for a support. It is true that the land upon which they are forced to settle in many instances are barren and undesirable, not suitable to agriculture, and much of it not suitable for pasture; and when they are thus forced to leave and sell their lands I think this Government, whatever else it may do, ought to see to it that the solemn treaties of the Government in regard to the proceeds of their lands ought to be

observed.

Now the treaty with these New York Indians was that they should have the proceeds of their lands—what proceeds? Whatever their lands would bring—put in the market, sold at public auction. The bill provided for that. The gentleman from Kansas is not satisfied with that and insists that the land should be sold at \$3 per acre; \$2 per acre less than they have been appraised at by fair men sent out by the Government for that purpose. Now, Mr. Chairman, these settlers have been on these identical lands for nearly twenty years; they have cultivated and used them for all that time in violation of the law and the rights of the Indian.

the rights of the Indian.

These Indians, who the Secretary of the Interior and the Committee on Indian Affairs say have been driven by the hostility of the whites from these lands, have never had one dollar of rent or one dollar of interest for the whole twenty years. The settler has had the land, has enjoyed it, and enjoyed it too without paying one cent to the Indian for its use and to the Government in way of taxes. They entered upon it wrongfully, they held it unjustly for twenty years, and now seek to perfect their titles at their own price, and ask the Government to become a party to such wrong, to such injustice. In the mean time the Government has been very tender of the rights and wishes of these settlers. They have been indulged for years; they have been allowed for the last seven years, in preference to all others, to enter these lands at the appraised value. The Government, in tender consideration of the interests of these settlers, and in order that they might suffer no injustice and at the same time enable them to These Indians, who the Secretary of the Interior and the Committhey might suffer no injustice and at the same time enable them to obtain the lands and get a fee-simple, sent out a commission of good and impartial men to appraise the lands in 1873. The commission did appraise them at \$5 per acre, and they were offered to settlers at their appraise them at \$5 per acre, and they were onered to settlers at their appraised value. They refused to take them. They have been offered again and again from that time to the present, and the settlers still refused, insisting that they, and not the commission, should estimate the value. The naked lands were valued without the improvements, and they will not abide by it. The last Indian has been driven from that portion of Kansas by the settler, the law of the Government put at defiance, and the lands are still held and wickedly used by them; these settlers still say to the Government (it he seem is a proper to the description of the settlers of the Government of the settlers are the settlers of the Government of the settlers of the settlers of the Government of the settlers of the settlers of the Government of the settlers of the se inance, and the lands are still held and wickedly used by them; these settlers still say to the Government "the commission you sent out did not understand their business; I will not regard their valuation; I will give you \$3 per acre and no more, and in the mean time I shall hold it." Shall we submit to it? This is opposed by the Secretary of the Interior, opposed by the Commissioner of Indian Affairs, and opposed by the minority of the Indian Committee.

My friend from Kansas says that the lands have fallen in value since 1873. Will they not bring \$5. Then here is a provision to which I call the attention of gentlemen:

which I call the attention of gentlemen:

That any lands not entered by such settlers at the expiration of one year from a passage of this act shall be offered at public sale.

Mr. HASKELL. Yes; but the honorable gentleman from North Carolina will remember it is pretty hard to offer at public sale to the public a man's farm he has lived on for twenty years—there being on some of those farms fine houses and valuable improvements-because he cannot raise the money to pay an exorbitant and unjust price. You turn the man off and offer the home he has lived in for twenty years to the public unless he enters the land at the value of the land now.

Mr. SCALES. Then he pleads, Mr. Chairman, his own wrong as

an excuse for not putting up these lands at public auction, that they may bring what they are worth. As I said before, every indulgence has been extended to these settlers for years. They have enjoyed the lands almost for generations. That of itself would pay for every improvement upon them. This was the reason the lands were approximately in the second sec praised as if without improvements, that exact justice might be done; but force seized and held them, and the same spirit prompts them to withhold a fair price. If this were a question between white men it would be settled without hesitation. But unfortunately it is a question between Indians and white men; Indians to the number of thirty-two and a great and rising State. We, the minority of the committee, ask that they shall take the lands at what gentlemen in every way competent who went there for that purpose said they were worth without improvements. We ask them to take the lands at what the Secretary of the Interior, who has knowledge of the facts, says they are worth. We ask them to take the lands at what your Commissioner of Indian Affairs, who has examined the whole question and speaks with confidence on the subject, says they are worth; and if they are not satisfied to take them at that, we then ask that they be put up to the highest bidder and give all a chance at them. The settler shall have the refusal at a fair valuation, and if he will

The settler shall have the refusal at a lair valuation, and if he will not accept, then all may come in.

I care not how small the number, I care not how insignificant the amount of the land, the question is as to the precedent, whether this House shall do justice to these Indians.

Mr. RYAN, of Kansas. Will the gentleman yield to me a moment?

Mr. SCALES. Yes, sir.

Mr. RYAN, of Kansas. I want to state to the gentleman from

North Carolina that if it were a controversy between white men in North Carolina that if it were a controversy between white men in my State, if one white man had gone on a farm and put good buildings upon it and made it valuable by reason of improvements, holding by some color of right, before he could be ejected from those premises the other party would be required to pay him for all his improvements. Now, if I understand the theory of the gentleman from North Carolina, his policy would subject all these improvements to be sold away from the settler.

Mr. SCALES. These settlers have never had even color of title, they were mere squatters; they knew they had no title, and that these lands belonged to the Indians and were not subject to entry. The Government has under a treaty guaranteed to these Indians their

The Government has under a treaty guaranteed to these Indians their lands, or the proceeds, and if they now give it to the settlers at a less price than the commission has said it is worth the Government should

make up the difference.

Mr. HASKELL. If they staid on them.

Mr. SCALES. Yes, and thirty-two did stay on them until they were driven off. That is what the Secretary of the Interior and the Commissioner of Indian Affairs tell us. They say they were absolutely driven by these settlers from this land. They could not hold it, and, if they could not hold it, I ask if it is not the high and solemn duty of this Government to see that they get every dollar it is worth. The Government is bound to this by every consideration of justice and

Mr. HASKELL. Six or eight of them did stay there and got titles to land; so that they were not all driven off.

Mr. SCALES. I only take the statement of the Secretary of the Interior and the Commissioner of Indian Affairs. If we are going to guarantee to these Indians what these lands are worth, how can we do it except by having them appraised? And if they cannot be sold at the appraised value, then have them put up for sale in open market. That will be no injustice to the settlers, because if they will not take them at the appraised value, and they have the refusal, then it is some evidence that they will sell in open market for less than the appraised value, and the settler still has a chance.

Mr. PRESCOTT. I understand from what has been said by the gentleman from Kansas [Mr. HASKELL] and the gentleman from North Carolina [Mr. SCALES] that these lands, at the time the settlers went upon them, were worth at least \$2.50 per acre. If so, then, calculating the interest at the rate of 6 per cent, they would be worth at the present time \$5.50 per acre. I understand those gentlemen to state that during that time the Indians received no benefit

from these lands-Mr. SCALES. None at all.

Mr. PRESCOTT. Either in the way of interest or as an invest-ment, or for the use of the property. I understand also the fact to be that the Government has received no taxes from these lands durg the last twenty years.

Mr. SCALES. The Government has received no taxes for that

time.

Mr. PRESCOTT. Then the settlers have had the benefit of these

Mr. SCALES. Without taxes and without rent, and all that is asked of them now is to take the land at its appraised value, leaving the

improvements, if any, out.

Mr. PRESCOTT. They have had not only the benefit of the interest on the investment and the use of the property, but of all the taxes that would have accrued for the whole twenty years.

Mr. SCALES. Yes, sir.

Mr. HASKELL. The whole question, however, is one of title.

Mr. SCALES. I see that the members of the committee are impatient, and I do not wish to detain them. I think, however, it is

proper that the statement of the Secretary of the Interior and the statement of the Commissioner of Indian Affairs should be read; it may take fifteen or twenty minutes to read them, but I want the House to understand the facts as presented by them. If after hearing those statements read members shall think the price of the land ought

The Clerk began the reading of the letters, but before concluding, Mr. O'NEILL said: I ask consent that the further reading of these letters be dispensed with, and that we may proceed to vote on the

Mr. SCALES. I hope the House will hear what the Secretary of the Interior and the Commissioner of Indian Affairs have to say on this question before they vote on it. Mr. HASKELL. The Committee on Indian Affairs has agreed to

an amendment

Mr. SCALES. There is a great deal in those letters which mem-

bers ought to hear.

Mr. HASKELL. Will not the gentleman himself admit that the letter itself advocates the passage of this bill, with the exception of

the price per acre?

Mr. SCALES. Then let the letters be read as bearing on the price. I insist that they be read.

The Clerk resumed and concluded the reading, as follows:

Department of the Interior, Office of the Secretary, Washington, D. C., April 8, 1878.

Washington, D. C., April 8, 1378.

Sir: I have the honor to transmit herewith, for the information of the Committee on Public Lands, a copy of a report, dated the 3d instant, from the Commissioner of Indian Affairs upon the subject of proposed legislation to certain Indian lands in the State of Kansas, as indicated in the bill (H. R. No. 1177) to provide for the sale of certain New York Indian lands in Kansas.

This report is made on a reference by the above-named committee of the bill in question to the Commissioner for his consideration and opinion on the 6th February last.

On the 18th of January last Hon. D. C. Haskell, of the House of Representatives, presented a corrected copy of bill H. R. No. 1177 to this Department for its consideration, and I transmit herewith a copy of the letter of reply, dated the 6th instant.

instant.

The objections of the Commissioner to the legislation proposed, and his views in relation to the matters presented in the bill, have the full concurrence of the Department, and the papers are respectfully presented for the consideration of the committee.

C. SCHURZ, Secretary.

Hon. B. S. FULLER,
Acting Chairman Committee on Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR, Washington, D. C., April 6, 1878.

DEPARTMENT OF THE INTERIOR.

Washington, D. C., April 6, 1878.

Sign: I have the honor to acknowledge the receipt of your letter of the sit January last, transmitting, for the consideration of the Department, bill H. R. No. 1177, entitled "A bill for the sale of certain New York Indian lands in Kanasa."

The first section of the bill in question emacts that "those persons being heads of families or single post of the bill in question emacts that "those persons being heads of families or single post of the bill in question emacts that "those persons being heads of families or single post of the bill in question emacts that "those persons being heads of families or single post of the bill in question emacts that "those persons being heads of families or single person or by toenat, the lands in Kanasa which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1890, Indians, shall be, and bereby are, anthorized and permitted to enter and procedure, one hundred and sixty acres, according to the Government surveys, on a patents shall issue therefor as in other cases."

By art those of the treaty of January 15, 1838, with the New York Indians, then residing in the State of New York, or in Wisconsin, or classwhere in the United States, who have no permanent homes, a tract of land situated directly west of the State of Missouri, cottaining 1,894,000 acres; being three hundred and twenty acres for each soul of add Indians, as their numbers are at present computed. Said lands were to be patented in fee-simple to the tribes or bands by patent from the President of the United States, in conformity with the provisions of the third section of the not of May 98, 1839. (4 Stat, 411.)

The United States, in conformity with the provisions of the third section of the not of May 98, 1839. (4 Stat, 411.)

The United States further agreed to set aside the sum of \$400,000 as a fund to provide for the removal of the New York Indians to the lands mentioned; which agreement

allottees were to be found upon the lands. The files of the Indian Office show abundant proof that they did not voluntarily relinquish their occupation.

Be this question as it may, the act of February 19, 1873, fully recognized the right of the Indians or of their heirs to the proceeds of the lands; and applications are now before the Department, which, when perfected, will call by legal representation for nearly all of the proceeds of the allotments of lands in question.

By the act of February 19, 1873, provision was made for the benefit of certain settlers upon and occupants of certain Indian lands in Kansas, permitting such settlers upon and occupants of certain Indian lands in Kansas, permitting such settlers to enter and purchase at the proper land office said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, on paying therefor in lawful money of the United States the appraised value of said lands respectively, to be ascertained by three disinterested and competent appraisers, to be appointed by the Secretary of the Interior, who shall examine in person each tract and report under oath its value, exclusive of all improvements; and patents shall issue therefor as in other cases, but no sale shall be made under this act for less than \$3.75 per acre.

All entries under this act were required to be made within two years from the promulgation of the necessary regulations for the sale of the lands. This act was amended by the act of June 23, 1874 (18 Stat., 273,) extending the time in which payments for said lands were to have been made.

Some of the parties, settlers upon these lands, have paid in full, and upon all of the lands valuable improvements have been made.

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Some of the parti

sequently outsted from the possession of such lands by the encroachments of the settlers.

In this view of the case, and in view of the fact that treaty stipulations and legal enactments have secured to such of these allottees or their heirs as may now be living, the benefits of the proceeds of these allottees or their heirs as may now be living, the benefits of the proceeds of these lands and applications are now on file before the Indian Office for nearly all the proceeds of the claims covered by the thirty-two allottnents. I am not prepared to entertain the proposition contained in the bill presented, or to recommend to Congress, after consideration of the liberality already extended by the Government to these settlers, any action looking toward a reduction of the sum which seems so justly due to the Indians.

The true test of the value of the lands in question would be their price in open market at a cash sale, and it is believed that if they were so offered the question of payment would be speedily settled.

I am, however, disinclined to advocate any measure which would seem to bear harshly upon the settlers, and have therefore concluded to recommend further time for payment with the distinct understanding, on the part of those in possession of the lands, that payment on the terms fixed must be promptly made, to avoid forfeiture.

Very respectfully,

C. SCHURZ, Secretary.

C. SCHURZ, Secretary.

Hon. D. C. HASKELL, House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS, Washington, March 29, 1878.

Department of the Interior,
Office of Indian Affails,
Washington, March 29, 1878.

Sir: I am in receipt, by reference from the House Committee on Public Lands,
of bill H. R. 1177, providing for the sale of certain New York Indian lands in Kansas, and requesting the views of this office on the same.

I am also in receipt, by your reference for report, of a letter from Hon. D. C.
Haskell, dated January 18, 1878, inclosing a copy of the same bill, and requesting
the views of this office thereon.

In connection therewith I have the honor to report that, by the second article of
the treaty of January 15, 1833, with the New York Indians, (78tat., 559,) the United
States agreed to set aside for the New York Indians, (78tat., 559,) the United
States agreed to set aside for the New York Indians, then residing in Wisconsin
and New York, a certain tract of land west of Missouri, containing three hundred
and twenty acres for each of said Indians, to be held in fee-simple, by patent from
the President, in conformity with the provisions of the thrid article of the act of
May 28, 1830, 44 Stat., 411.) the proviso to which declares that "such lands shall
revert to the United States if the Indians become extinct or abandon the same."
The treaty vested the Indians with full power and authority to divide said lands,
in severality, among the different tribes and bands, and to sell and convey the
same among each other, under such regulations as they might adopt. Indians not
accepting and agreeing to remove within five years, or such other time as the Fresident may from time to time appoint, to "forfeit all interest" in "the lands so set
apart to the United States."

Under these provisions thirtywo New York Indians removed to and remained
in the Territory now ombraced in the State of Kansas prior to June 18, 1860, at
which time the honored States."

Under these provisions thirtywo New York Indians removed to and remained
in the Territory now ombraced in the State of Kansas prior to June 18, 1860, at
which time the honored States

In pursuance of these instructions, as it appears from a letter of the honorable Commissioner of the General Land Office, dated July 3, 1877, the following sales have been made:

First. N. ½ section 26, 23 S., 25 E., allotted to Joseph Johndroe, there has been sold, at \$5 per acre, cash, to Benjamin Brown, the NE. ½ of said section; consideration, \$800.

Second. From N. ½ section 27, 23 S., 25 E., allotted to Margaret Johndroe, there has been sold, at \$5 per acre, cash, to Nathaniel Oates, the S. ½, NE. ½; consideration. \$400.

tion, \$400.

Third. From the S. ½ of said section 27, allotted to Michael Gray, there has been sold, at \$4.50 per acre, cash, to Nathaniel Oates, the N. ½ of SE. ½; consideration,

sold, at \$4.50 per acre, cash, to Nathaniel Oaces, the N. ½ of Scrimpsher, there has been sold at \$4.75 per acre, cash, to S. McEwing, the N. ½ of SW. ½; consideration, \$390.

Fifth. From N. ½ section 27, 23 S., 25 E., allotted to Margaret Johndroe, there has been sold, at \$5 per acre, cash, to William M. Beckford, the N. ½ NE. ½, and at \$4.50 per acre, to the same party, the N. ½ SW. ½ of said section; consideration, \$760.

\$760. Sixth. From the same allotment, there has been sold, at \$4.50 per acre, and paid in full, in two installments, with \$10.77 interest, to John Barrett the S. ½ NW. ½; consideration, including interest, \$370.77.

Seventh. From the W. fractional ½ section 2, 24 S., 25 E., allotted to Joseph Fox, there has been sold, at \$5 per acre, and paid in full, in two installments, with \$23.80 interest, to Joanna Glendenning the NW. fractional ½, containing 156.76 acres; consideration, with interest, \$822.60.

Eighth. And from the E. fractional ½ section 6, 24 S., 25 E., allotted to Mary Predome, there have been sold, at \$6 per acre, to Levi T. Call, the W. ½ of SE. ½ of said section, amounting to \$480, one-half of which was paid at date of purchase, September 29, 1875, and the balance with interest is still due and unpaid.

There has therefore, out of an aggregate of 10, 215.63 acres, valued at \$45,91.25, or an average of \$5.02½ per acre, which aggregate amount would, according to the terms of the act of February 19, 1873, if not claimed by the allottees or their heirs, inure to the United States at the end of five years, which have expired.

tees or their heirs, indice to the expired.

The bill under consideration proposes to reduce the aggregate value of the unsold lands over one-half, or to \$23,339.68, and if the lands are not sold at the diminished rate of \$2.50 per acre within one year that patents shall issue in the names of the original allottees for the balance unsold.

With these provisions of the bill I am not inclined to concur for the following reasons:

reasons:

Under the treaty of 1838 the New York Indians were entitled to 1.824,000 acres of land in Kansas and a removal fund of \$400,000, which the United States never provided. Notwithstanding the failure of the United States in this regard, portions of the Indians removed to Kansas subsequent to the treaty, with a view of making that country their permanent home, but on account of their rapid depletion in number from sickness a majority afterward returned to New York.

By decision of April 19, 1858, the honorable Secretary of the Interior held that those of the New York Indians who had not removed had thereby forfeited their title to the reserve, and that the same should be opened to settlement, but in the execution of said decision, and prior to the proclamation of December, 1860, opening the lands to settlement, the allotments under consideration were made to the thirty-two Indians who were then in Kansas, and certificates were issued to them therefor.

thirty-two Indians who were then in Kansas, and certificates were issued to them therefor.

It follows, therefore, that an equitable interest in fee in the lands vested in these Indians by virtue of the grant contained in the treaty at the date of their removal and long prior to the settlement of Kansas, although the evidence of title did not issue until 1860.

They accordingly assumed the condition of legal ownership by purchase over the lands subsequently allotted to them at an early day, and are entitled to the benefits of any appreciation of value arising from the settlement and improvement of the country.

This doctrine is, I am aware, in opposition to a somewhat prevalent opinion as to the right of the Indians. It has been urged in similar cases that as the Indians have not improved their lands they are not entitled to the advance in value incident to the sottlement of the country. The purchase of wild lands and holding of the same to await the improvement of the country has been one of the most popular and safe as well as the most remunerative methods of investment known, and I can see no grounds upon which Indians taking an equitable title in feeshould be deprived of the benefits never denied to white purchasers of public lands bought and held for speculative purposes only.

Informal claims have been filed in this office by the original allottees, or their heirs, covering nearly all the proceeds arising from the sale of these lands when sold.

There is no evidence on file in this office, aside from the letters of Mr. Haskell.

Informal claims have been filed in this office by the original allottees, or their heirs, covering nearly all the proceeds arising from the sale of these lands when sold.

There is no evidence on file in this office, aside from the letters of Mr. HASKELL, showing that it is the desire of these Indians that the lands should be sold at a reduced price.

The lands are in Bourbon County, one of the richest and most fertile counties in the State. They are within a few miles of Fort Scott, and near the line of the Missouri, Kansas and Texas Railroad—the Missouri River, Fort Scott and Gulf Railroad running nearly through the center of the body of lands, which lie in close proximity to the corner of townships 23 and 24 in ranges 24 and 25 east. The records of the General Land Office show that there is scarcely a vacant forty-acre tract of land in or near the townships named. With these facts in view, it is safe to assume that the several tracts were, in 1873, worth the full amount at which they were appraised, and that, in view of the rapid development of the country, and the present price of meultivated lands in that vicinity, there has, at least, been no depreciation of their value.

The settlers have been in possession of these lands for years, to the exclusion of the Indians, and have had every advantage and opportunity to pay for the lands from the products of the same.

The title of the Indians is, under treaty stipulations, similar to those with the Shawnee, Miami, and other Indians in Kansas, whose lands have been held by the Supreme Court of the United States (5 Wall., 737) to be excluded from the jurisdiction of the State, and not subject to taxation, and it is fairly presumable that the settlers have availed themselves of the benefit arising under this decision.

For these and other reasons which might be urged, I cannot recommend the passage of the bill in its present form. It is, however, very desirable that deequate legislation be had insuring the sale of these lands and the final settlement of all questi

moneys arising from such sales shall be paid into the Treasury of the United States in trust for and to be paid to said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within three years from the passage of this act; and in case such proof is not made within the time specified, then the provesions of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

"SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale, in the usual manner, at not less than the appraised value, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold together with such tracts as have heretofore been or may hereafter be entered, and wherein default has been made in the payment of any portion of the purchase-money or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts."

I inclose herewith a schedule showing the names of the thirty-two allottees named in this report, the description of the lands allotted to each, with the names of the settlers claiming the lands placed opposite the tract claimed by them.

The bill referred by the House committee, together with the letter of Mr. Has-KELL, with inclosure, is herewith respectfully returned.

I have the honor to be, very respectfully, your obedient servant,

E. A. HAYT,

Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Mr. HASKELL. Just one word. This letter of the Secretary of the Interior was written in response to a bill originally submitted by myself. That bill I threw aside, and accepted the one in the letter with everything in it except the price of the land. I want that to be understood, so that the allusion of the Secretary to the terms of a bill not now before the House may be comprehended.

Mr. SCALES. The Secretary of the Interior and the Commissioner of Indian Affairs recommended the passage of a bill which was referred to the Committee on Indian Affairs. That committee has reported the bill back recommending an amendment to it, and I hope the amendment will be voted down. I desire again to call the attention of this Committee of the Whole to what the Commissioner of tion of this Committee of the Whole to what the Commissioner of Indian Affairs says in reference to these lands:

The lands are in Bourbon County, one of the richest and most fertile counties in the State. They are within a few miles of Fort Scott, and near the line of the Missouri, Kansas and Texas Railroad—the Missouri River, Fort Scott, and Gulf Railroad running nearly through the center of the body of the lands, which lie in close proximity to the corner of townships 23 and 24 in ranges 24 and 25 east. The records of the General Land Office show that there is scarcely a vacant forty-acre tract of land in or near the townships named. With these facts in view, it is safe to assume that the several tracts were, in 1873, worth the full amount at which they were appraised, and that, in view of the rapid development of the country, and the present price of uncultivated lands in that vicinity, there has, at least, been no depreciation in their value.

These are the reasons given by the Commissioner why the land should bring their appraised value. That is all I ask in justice to the Indians. The amendment to the bill is to reduce the price below the appraised value nearly one-half, and this amendment is opposed by the Department and a minority of the committee as unjust and criminally wrong to the Indians. Let them have it at what good men say it is worth; no more and no less

Mr. BLAND. I do not desire this bill to pass without entering my protest against what appears to have been the policy of the Government heretofore and what may continue to be its policy in the future. In the first place, the lands of the Western States and Territories have been granted in large quantities to railroad corporations. In the second place, the effort has been made to remove all the Indians from the older States and locate them in the Western States and Territories, thus hampering the entering of leads in that part of the ritories, thus hampering the entering of lands in that part of the

What are the facts in this case? Here is land which was granted to these Indians. It is proposed now to tax these settlers to the extent of the price for which the lands might have been sold years ago, and

of the price for which the lands might have been sold years ago, and interest on that price, and also for the improvements made by the settlers themselves on those lands.

Now, what benefit would these lands have been to the Indians had they remained upon them until this day? They probably would have made no improvements upon the lands; they would have paid no taxes upon them; they would have realized not a cent of benefit from them, and would have been in no better condition than they are now

The idea of this whole bill, and of the Secretary of the Interior, seems to be to compel these settlers, who have made improvements on these lands and made them valuable, to pay the Indians something for the enhanced value which has been created by the improvements of the settlers and not of the Indians.

ments of the settlers and not of the Indians.

It is an injustice to the settler to compel him to pay the enhanced value of lands which have been made valuable by the enterprise of the white people who have gone West and established homes where the lands, if the Indians had been left to occupy them, would not to-day be worth fifty cents an acre. I say that the policy of the Government granting away the public lands to the Indians and thus hampering their settlement is not in the interest of the people of this nation. I protest against it. These lands, if the Indians had been permitted to occupy them till now, would have been worthless. Now you propose to sell the lands and give the Indians the proceeds thereof, as enhanced by the labor of the white settler.

Mr. SCALES. Will the gentleman allow me to ask him one question? Are not these Indian lands?

Mr. BLAND. I care nothing as to that. I understand that they

Mr. BLAND. I care nothing as to that. I understand that they are now open for settlement.

Mr. SCALES. Were they not Indian lands?

Mr. BLAND. I will grant that they were Indian lands.
Mr. SCALES. And did not the Government guarantee to the Indians the proceeds of these lands?
Mr. BLAND. But the Government is trying to derive proceeds from lands that do not justly belong to the Indians.
Mr. SCALES. Had the settler any right to be on these lands?
Mr. BLAND. If not, put him off.
Mr. SCALES. He wants to stay on, and complains because we will not allow him to do so.

not allow him to do so.

Mr. BLAND. Where is the justice of compelling the settler to pay the enhanced value of the land when it has been made valuable by the settler himself or by the white people generally, not by the Indian?

The amendment reported by the committee was read, as follows: In lines 15 to 20 of section 1, strike out "the appraised value of the said tracts, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas," and insert "\$5 per acre."

In line 4, of section 2, strike out "the appraised value," and insert "\$3 per acre."

The question being taken on agreeing to the amendment, there

were—ayes 9, noes 30.

Mr. HASKELL. I think the Committee of the Whole did not understand what they were voting on. I will ask for tellers.

Mr. SCALES. I think the question was misunderstood.

Tellers were ordered; and Mr. HASKELL and Mr. SCALES were ap-

pointed.

The committee divided; and the tellers reported—ayes 46, noes 36. So the amendment was adopted.

Mr. SCALES. I give notice that in the House I shall ask a vote

by yeas and nays on this question.

The bill, as amended, was laid aside, to be reported favorably to

the House.

CARLILE BOYD.

The next business on the Private Calendar was the bill (H. R. No. 3477) for the relief of Carlile Boyd, reported by Mr. Le Fevre from the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That Carille Boyd, lately captain of the Seventeenth United States Infantry, and brevet lieutenant-colonel of the United States Army, having been wholly retired from the Army on the 22d day of March, 1579, and having been disabled by wounds received in battle while in the military service of the United States, be, and he is hereby, restored to the rank in the Army which he held at the time of said retirement, with instructions to the Secretary of War to place him on the retired list of the Army with the rank of captain, and without regard to the limit as to numbers heretofore fixed by law for said retired list, and that he shall receive the pay of a retired officer of his rank and length of service from and after the 22d day of March, 1880.

The report was read, as follows:

receive the pay of a retired officer of his rank and length of service from and after the 22d day of March, 1880.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3477) for the relief of Captain Carlile Boyd, having carefully considered the same, respectfully submit the following report:

Carlile Boyd entered the military service of the United States as second lieutenant, Fifth Regiment New York Volunteer Infantry, May 9, 1861; was promoted to be major of that regiment January 1, 1863, and was mustered out at expiration of term of service May 14, 1863; was appointed major Veteran Reserve Corps September 17, 1863, and lieutenant-colonel Veteran Reserve Corps September 29, 1863, and honorably mustered out June 30, 1866; was appointed captain Forty-fourth United States Infantry July 28, 1865, and brevetted major and lieutenant-colonel United States Army March 2, 1867, for gallant and meritorious conduct at the battles of Gaines's Mill and Groveton, Virginia; he was transferred to the Seventh United States Infantry May 27, 1869, in which regiment he served until wholly retired March 28, 1879. Captain Boyd was ordered before a retiring board in February, 1879, at which time he had been absent from his regiment sick for about four years. The Board reported that he was incapacitated for active service on account of anxemia and lung disease, which report, with the proceedings, were forwarded to the War Department, and subsequently returned with instructions to the board to investigate a charge of intemperance made against Captain Boyd by an inspecting officer in Dakots Territory in May, 1877, at which time Captain Boyd an inspecting officer in Dakots Territory in May, 1877, at which time Captain Boyd was wind the proceedings before the committee and had been at his home sick and under medical treatment for the disease of his throat and lungs for more than two years. The board reconvened in March, 1879, and again examined Captain Boyd's case, especially with

ment, and recommend its passage.

A bill for the relief of Carlile Boyd.

Be it enacted, &c., That Carlile Boyd, lately captain of the Seventeenth Regiment United States Infantry, and brevet lieutenant-colonel of the United States Army, having been wholly retired from the Army on the 22d day of March, 1879, and having been disabled by wounds received in battle while in the military service of the United States, be, and he is hereby, restored to the rank in the Army which he held at the time of said retirement, with instructions to the Secretary of War to

place him on the retired list of the Army with said rank and without regard to the limit as to numbers heretofore fixed by law for said retired list, and that he shall receive the pay of a retired officer of his rank and length of service from and after the 22d day of March, 1880.

Mr. McCOOK. Mr. Chairman, I hope and believe that there will be no opposition to this bill; but I wish to suggest a verbal amend-ment. The bill provides that the Secretary of War shall place Capment. The bill provides that the Secretary of War shall place Captain Boyd on the retired list. I think that the bill should name the President of the United States instead of the Secretary of War.

Mr. McMILLIN, I would like to ask the gentleman from New York a question. Does not this bill virtually enlarge the retired list,

or may it not do so?

Mr. McCOOK. I am unable to answer that question with absolute accuracy. My impression is that the retired list is not altogether full—that there are some vacancies.

Mr. McMILLIN. Why, then, does the bill provide that this officer shall be placed upon the retired list without regard to the number authorized by law to be retired?

Mr. McCOOK. I suppose the object is to cover that exact point, so that in the event of there being already four hundred (which I think is the legal limit) on the retired list, this gentleman may still be retired.

Mr. McMILLIN. Then the bill may increase the retired list beyond the present legal limit, which, I think, ought not to be done.

Mr. McCOOK. At any rate I think the verbal amendment I have

Mr. McCOOK. At any rate I think the verbal amendment I have suggested should be made.

Mr. LE FEVRE. Thave no objection to the amendment suggested by the gentleman from New York, [Mr. McCook.]

Mr. McCOOK. The chairman of the Committee on Military Affairs [Mr. SPARKS] will suggest a suitable form for the amendment.

Mr. SPARKS. I move to amend the bill by striking out, in lines 10 and 11, the words "with instructions to the Secretary of War" and inserting "that the President of the United States be authorized."

The amendment was agreed to. The bill, as amended, was laid aside to be reported favorably to the

DAVID W. STOCKSTILL.

The next business on the Private Calendar was the bill (H. R. No. 554) for the relief of David W. Stockstill.

The bill was read, as follows:

The bill was read, as follows:

Whereas on the 27th day of September, 1864, one Henry I. Stockstill, of Shelby County, Ohio, was drafted into the service of the United States; and Whereas on the 19th day of December, 1864, one David W. Stockstill, a brother of said Henry I. Stockstill, of the same county and State, procured a substitute named Frank Schooly to serve in place of said Henry I. Stockstill, to whom he paid the sum of \$700; and

Whereas said substitute, Frank Schooly, was mustered into the service of the United States and honorably served the Government until discharged; and Whereas the said Henry I. Stockstill was not discharged by reason of having furnished said substitute, but was required to serve out the time for which he was drafted: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be anthorized and directed to pay to David W. Stockstill, of Sidney, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$700.

The report was read, as follows:

The report was read, as follows:

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 554) for the relief of David W. Stockstill, of Sidney, Ohio, have had the same under consideration, and beg leave to submit the following report:

That on the 27th day of September, 1864, Henry I. Stockstill, of Shelby County, Ohio, was drafted into the service of the United States and assigned to duty in Company D. Fifty-first Regiment Ohio Volunteers. On the 19th day of December, 1864, David W. Stockstill, brother of said Henry I. Stockstill, of the same county and State, paid \$700 for Frank Schooly, as a substitute, who was also mustered into service in Company E, Thirty-ninth Ohio Volunteer Infantry, and who served during the war. The fact that this substitute was procured was reported to Colonel Wood, commanding said regiment, who refused to discharge said Henry I. Stockstill—the orders of General Thomas forbidding any such release. Both soldiers served during the war, and David W. Stockstill asks that the \$700 paid for the substitute be refunded to him. This seems but reasonable and just, and your committee would make a favorable report in the case. The committee would add that the Military Committee, Forty-third Congress, investigated this case, made a favorable report, and recommended the passage of a bill affording the relief asked, which was reported back to the House, referred to the Committee of the Whole House on the Private Calendar, but was not reached for want of time. Your committee therefore recommend the passage of the accompanying bill.

Mr. HAYES. This seems to be a very peculiar bill. I would like

Mr. HAYES. This seems to be a very peculiar bill. I would like to ask the gentleman from Ohio [Mr. LE FEVRE] who has charge of

to ask the gentleman from Ohio [Mr. Le Fevre] who has charge of it whether the report in this case is unanimous.

Mr. Le Fevre. I will say to the gentleman that this is a unanimous report. I will say further that the bill passed this House two or three times without any opposition. It also passed the Senate in the last Congress, and it only failed by a few seconds to receive the signature of the President. It passed this House times; it passed the Senate at the last Congress, and only failed to become a law because of lack of time in which to receive the signature of the President. Mr. Stockstill served to the close of the war and his sub-President. Mr. Stockstill served to the close of the war and his substitute also served to the close of the war. I move that the bill be laid aside to be reported to the House with the recommendation that

Mr. BAYNE. Mr. Chairman, the Committee on War Claims had under consideration a number of bills for the relief of persons simi-larly situated to the claimant in this case, and that committee unanimously reported against the consideration of that class of claimants under the impression that if the door were opened for such claimants Congress would be flooded with them, and the result would be to create a drain upon the Treasury which could not be justified in view of the facts. There are a great many persons who employed substitutes in the late war and who served themselves. There are others who paid commutation money and subsequently concluded to enter the service themselves. In view of all the facts, I believe it would be a dangerous and bad precedent to pass a bill of this character and so open the door for the great number of similar cases which will be presented. Therefore, without knowing anything about the particular merits of this case, I shall be obliged to vote against this bill although the claimant may be meritorious. I do not know he is, but I know there are many others equally meritorious whose claims would be entitled to consideration if this is suffered to pass.

Mr. LE FEVRE. If the gentleman from Pennsylvania understood

be entitled to consideration if this is suffered to pass.

Mr. LE FEVRE. If the gentleman from Pennsylvania understood this bill, I am sure he would not make any objection to it. Mr. Stockstill was drafted into the service, and gave notice to the provost-marshal that in a day or two he would procure a substitute. He had a large family, and it was not convenient for him to go into the service. This was before the battle of Franklin, and when General Thomas is a standard and when General Thomas was in need of soldiers, and when he dispatched orders to all recruiting officers to forward all recruits on hand at once. Mr. Stockstill was forwarded and assigned to a regiment before the battle of Frankwas forwarded and assigned to a regiment before the battle of Franklin. His substitute was procured and reported to the provost-marshal at Urbana a day or two after Mr. Stockstill was sent to the front. He also was assigned to a regiment, and served to the close of the war. He not only served the remainder of his term, but furnished a substitute also. He had a large family, and could ill afford to leave himself; but he not only served to the close of the war himself, but furnished a substitute, for whom he paid \$700, who also served to the close of the war. I think if the gentleman from Pennsylvania would look at the facts in the case he would withdraw his objection. I do not believe there is a similar case in the whole history of the war.

Mr. DIBRELLL. The gentleman from Ohio has stated the facts in this case correctly. It was referred to me as a sub-committee in the Forty-fifth Congress and I investigated it thoroughly. Mr. Stockstill hired a substitute to whom he paid \$700, and both he and the substi-

hired a substitute to whom he paid \$700, and both he and the substitute served to the close of the war. I think it is as just and clear a claim against the Government of the United States as any ever presented to Congress. I hope it will be laid aside to be reported to

the House with the recommendation that it do pass.

Mr. LE FEVRE. I make that motion.

The motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES E. MONTELL.

The next business on the Private Calendar was the bill (H. R. No. 2844) for the relief of James E. Montell.

The bill, which was read, anthorizes and directs the Secretary of the Treasury to pay to James E. Montell, of Baltimore, Maryland, the sum of \$12,000, or so much thereof as the said James E. Montell shall prove to the satisfaction of the Commissioner of Internal Revenue that he has expended in the purchase of revenue-stamps used by him to ne has expended in the purchase of revenue-stamps used by him to stamp and repack manufactured snuff, upon which a tax had been previously paid or declared paid, or tax free, under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868; said payment to be made out of any money in the United States Treasury not otherwise appropriated.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. No. 2844) for the relief of James E. Montell, of Baltimore, Maryland, respectfully report

2844) for the relief of James E. Montell, of Baltimore, Maryland, respectfully report as follows:

This is a bill for the relief of J. E. Montell, of Baltimore, Maryland, and is based upon the following facts:

Prior to 1861 the firm of Forsyth & Cole, of Baltimore, Maryland, manufactured a lot of snuff, about thirty thousand pounds of which was removed from their factory, prior to that year, to the warehouse of C. D. De Ford & Co., of Baltimore. That on the 16th of June, 1862, said snuff was removed from the warehouse of C. D. De Ford & Co. to the warehouse of J. E. Montell & Bro. for account of Forsyth & Cole, and on the 14th day of July, 1863, Montell & Bro. became the owners of said snuff by purchase from John M. Walker, (one of the trustees of Forsyth & Cole.) after the first tax law went into operation, and a tax-paid price was paid therefor.

Cole, after the first tax law went into operation, and a tax-paid price was paid therefor.

It also appears by a letter from the Commissioner of Internal Revenue to William H. Parnell, United States assessor, Baltimore, dated September 12, 1866, that this snuff was entitled to be sold free of tax.

It also appears that in 1865 the internal-revenue inspectors inspected said snuff and marked it the same as the tax-paid article was marked.

The snuff was not in such sized packages as was prescribed by the act of July 20, 1868, (Revised Statutes, section 3362,) hence the necessity of repacking as well as stamping.

The evidence seems conclusive from the papers (a schedule of which is annexed hereto) that the snuff remained in the possession of Montell & Bro. continuously until August, 1870, when a portion of it, ten barrels, was shipped to George Fite, of Philadelphia, by consent of the Commissioner of Internal Revenue, where it was repacked and stamped as required by the act of July 20, 1868, entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," which imposed a tax of thirty-two cents per pound upon this particular article; and the balance of said snuff was on the 29th and 30th of September, 1874, delivered to G. W. Gail & Ax, of Baltimore, and by them repacked and stamped.

Inasmuch as the first internal-revenue law exempted from taxation snuff and all other articles manufactured prior to its passage, it can hardly be contended that the act of July 20, 1868, was intended to include articles that were at the time of its passage tax paid or tax free, and which had been manufactured prior to the enactment of the first revenue law. It will, however, be seen that the effect of the act of July 20, 1868, has been to impose a double tax upon the petitioner, and that relief should be granted as prayed in his petition.

The late Commissioner of Internal Revenue (Hon. J. W. Douglass) in a letter addressed to Hon. Fernando of the internal-revenue law.

The bill leaves the amount of deduction on free snuff to be ascertained by the Commissioner of Internal Revenue, which will of course be based upon such proof as the Commissioner shall require.

1. Affidavit of J. E. Montell, the petitioner, showing that the snuff was manufactured by Messrs. Forsyth & Cole, of Baltimore, and removed to the warehouse of C. D. De Ford & Co. prior to 1861, and afterward removed to petitioner's warehouse prior to September 1, 1862, where it was stored until 1874, except that portion shipped to George Fite, at Philadelphia, in August, 1870.

2. The affidavit of M. T. Forsyth, of the late firm of Forsyth & Cole, that they manufactured the snuff in question, and that it was removed as above stated.

3. The affidavits of William Y. De Ford that the snuff in question was placed in the warehouse of C. D. De Ford & Co. prior to June, 1861, and transferred to Montell's warehouse of Une 16, 1862.

4. Affidavit of John H. Bishop that said snuff remained in said Montell's warehouse (where he was porter all the time) until that part that was slipped to Fite in 1870, and the remainder that was delivered to G. W. Gail & Ax in 1874. This affiant made two affidavits, one dated April 4, 1872, and the second dated October 21, 1874.

in 1870, and the remainder that was delivered to G. W. Gail & Ax in 1874. This affiant made two affidavits, one dated April 4, 1872, and the second dated October 21, 1874.

5. Letter from E. A. Rollins, Commissioner Internal Revenue, dated September 12, 1865, to William H. Purnell, United States assessor, in which he says: "J. E. Montell, esq., and others, in the city of Baltimore, have on hand what they claim to be Scotch snuff prepared for use. Said snuff they allege was manufactured and removed from the place of manufacture prior to the passage of any internal revenue law. The facts being as alleged, this snuff, in its present condition, can be sold free of tax."

6. Letter from J. E. Montell to Commissioner Internal Revenue, July 26, 1870, informing him that the snuff is not fin such sized packages as the law of July 29, 1868, permits, and asking that he may be permitted to place the same in some respectable house to be repacked or mixed so as to conform to the law.

7. Certificate of R. M. Proud, collector internal revenue, Baltimore, dated November 30, 1874, that under authority from Commissioner Internal Revenue, of July 22, 1870, the petitioner shipped to George Fite, of Philadelphi, ten barrels of snuff to be repacked and stamped under provisions of act of July 29, 1888.

8. Letter from J. E. Montell to Commissioner Internal Revenue, September 3, 1874, asking permission to have the balance of snuff on hand repacked and stamped according to act of July 29, 1868.

9. Letter from Commissioner Internal Revenue to petitioner, dated September 5, 1874, granting permission to consign the balance of the snuff to G. W. Gail & Ax.

10. Certificate of W. A. Noel, deputy collector, dated December 2, 1874, that the lot of snuff referred to was delivered under his supervision to Messrs. G. W. Gail & Ax on the 29th and 30th September, 1874, showing the cost of stamps placed on the snuff when repacked to be 89,038.72.

12. Affidavit of M. Omelon, October 21, 1874, Government inspector, inspected a lot of snuff in the w

13. Second affidavit of J. H. Disnop, October 21, 18. Affidavit of M. T. Forsyth, late of the firm of Forsyth & Cole, October 21, 1874, identifying the snuff.

15. Affidavit of J. E. Montell, October 21, 1874, as to purchase and possession of the snuff, and that the tax-paid price was paid therefor.

16. Letter from Hon. J. W. Douglass, Commissioner of Internal Revenue, dated February 3, 1874 to Hon. Fernando Wood, saying that he had no objection to the passage of the bill, as it "gives relief, as I understand, in a case of great personal hardship under the operation of the internal-revenue law."

Mr. KELLEY. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to; and the bill was accordingly laid aside.

MARTIN L. BUNDY.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Private Calendar was the bill (H. R. No. 3273) for the relief of Martin L. Bundy.

The bill, which was read, provides that in the settlement of the accounts of Martin L. Bundy, late a paymaster in the United States Army, the proper accounting officers shall allow the sum of \$719.47, being for the forage of two horses, to which he was entitled, and which was not drawn by him, from the 17th day of July, 1862, to the 15th day of April, 1866. The CHAIRMAN. T

The bill is reported with an amendment, which

the Clerk will read.

The Clerk read, as follows:

After the word "horses" insert the words "to which he was entitled and which

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3273) for the relief of Martin L. Bundy, having considered the same, beg leave to

3273) for the relief of Martin L. Bundy, having considered the same, beg leave to report:

Major Bundy was appointed additional paymaster, United States Army, on the 31st day of August, 1861, and served as such until the 15th day of April, 1866, when he was honorably discharged and mustered out of the service. During the term of Major Bundy's service he disbursed millions of money, and after his discharge he settled his accounts with the Treasury Department, and on the 22d day of May, 1872, received from the office of the Second Auditor a certificate of non-indebtedness in these words:

"TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, "May 22, 1872.

"This is to certify the accounts of Major M. L. Bundy, late additional paymaster, United States Army, having been finally adjusted in this office and confirmed by the Second Comptroller, show no indebtedness on his part to the United States.

"E. B. FRENCH, Auditor."

About seven years after this, say some time in 1879, upon a readjustment of his accounts by the Second Anditor, it was found that he had received a duplicate credit for the sum of \$528.72, and that sum was due from him to the United States. By the act of July 17, 1862, officers of Major Bundy's rank were entitled to forage for two horses from that date until the time of his muster-out of the service, a period of forty-four months and twenty-nine days. The value of this forage, accord-

ing to the regulations, is \$719.47. This forage was never drawn, nor was it ever commuted or paid.

Under the circumstances of this case your committee think it but just that in adjusting Major Bundy's account he should be credited with the value of the forage which was due him under the law and which he did not receive.

Your committee recommend the following amendment:

"After the word 'horses' insert the words 'to which he was entitled and which was."

was

And when so amended the committee recommend the passage of the bill

The amendment was agreed to; and the bill, as amended, on motion of Mr. Browne, was laid aside to be reported to the House with the recommendation that it do pass.

MARK WALKER.

The next business on the Private Calendar was the bill (H. R. No. 249) for the relief of Mark Walker.

249) for the relief of Mark Walker.

The bill, which was read, provides that the provisions of law regulating appointments in the Army shall be suspended for the purpose of this act, and only so far as they affect Mark Walker, late first lieutenant Nineteenth United States Infantry, and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Mark Walker, late first lieutenant Nineteenth United States point said Mark Walker, late first fleutenant Nineteenth United States
Infantry, to the same grade and rank of first lieutenant held by him on
May 13, 1878, and that the said Walker shall thereupon be placed upon
the retired list of the Army, provided the same shall be recommended
by the retiring-board; provided that the acceptance of the provisions
of this act shall be a waiver of all rights, present and prospective,
under the pension laws of the United States.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 249) to restore Mark Walker, late first lieutenant Nineteenth United States Infantry, to his former rank in the Army, and on account of disabilities incurred in the line of duty to place him on the retired list, having considered the same, submit the following report:

It appears from the evidence before the committee that Lieutenant Walker was arraigned before, and tried by, a general court-martial. The order promulgating the proceedings, findings, and sentence is as follows:

arraigned before, and tried by, a general court-martial. The order promulgating the proceedings, findings, and sentence is as follows:

"[General Court-Martial Orders No. 24.]

"Headquarters of the Army,

"Adjutant-General's Office,

"Washington, April 29, 1878.

"I. Before a general court-martial which convened at Fort Lyon, Colorado, March 4, 1878, pursuant to Special Orders No. 6, dated Jannary 10; No. 36, dated February 23; No. 37, dated February 25, and No. 41, dated March 1, 1878, Headquarters Department of the Missouri, Fort Leavenworth, Kansas, and of which Colonel G. Pennypacker, Sixteenth Infantry, is president, was arraigned and tried—

"First-Lieutenant Mark Walker, Nineteenth Infantry."

"Specification: 'In that First Lieutenant Mark Walker, Nineteenth Infantry, being on duty in command of his company at undress-parade at retreat at Fort Lyon, Colorado, on or about December 24, 1877, was found drunk."

"To which charge and specification the accused, First Lieutenant Mark Walker, Nineteenth Infantry, pleaded 'Guilly."

"Finding.—The court, having maturely considered the evidence adduced, finds the accused, First Lieutenant Mark Walker, Nineteenth Infantry, of the specification, 'Guilty.'

"Sentence.—And the court does therefore sentence him, First Lieutenant Mark Walker, Nineteenth Infantry, 'To be dismissed the service of the United States.'

"II. The record of the proceedings of the general court-martial in the foregoing case of First Lieutenant Mark Walker, Nineteenth Infantry, beaung case of First Lieutenant Mark Walker, Nineteenth Infantry, having been forwarded to the Secretary of War, and by him submitted to the President of the United States for his action, the following are his orders thereon, namely:

"Executive Mansion, April 23, 1878.

"The foregoing proceedings, findings, and sentence of the General court-martial in the case of First Lieutenant Mark Walker, Nineteenth Infantry, confirmed.

"The foregoing proceedings, findings, and sentence of the general court-martial in the case of First Lieutenant Mark Walker, Nineteenth Infantry, are confirmed.

"R. B. HAYES."

"III. By direction of the Secretary of War, the sentence in the case of First Lieutenant Mark Walker, Nineteenth Infantry, will take effect May 13, 1878, from which date he will cease to be an officer of the Army.

"By command of General Sherman:

"E. D. TOWNSEND, "Adjutant-General."

The President, in General Orders No. 104, under date of November 15, 1877, addressed to the officers of the Army, through the general commanding, announced: "That he is much concerned to find before him for action the proceedings of court-martial in several cases where officers have been tried for violation of the thirty-eighth article of war.

"It must therefore be understood that any elemency which may have been heretofore extended by mitigation or commutation of sentence cannot hereafter be relled upon as a basis of hope for a like favorable action.

"After this solemn warning a rigorous execution of the sentences imposed in due
course by courts-martial may be expected."

The first case brought to the attention of the President after the issuance of his
order that previous services would not obtain was that of Captain Walker.

The following is the Judge-Advocate-General's indorsement in submitting the
case to the President:

"WAR DEPARTMENT,
"BUREAU OF MILITARY JUSTICE,
"March 15, 1878.

" To the Secretary of War:

"The accompanying case of Lieutenant Mark Walker, Nineteenth United States Infantry, is respectfully submitted for the President's action.

"In view of the conviviality so frequent at the season when the accused committed the offense for which he has been brought to trial and of the informal character of the duty upon which he was engaged, his misconduct, it is submitted, was much more venial than under ordinary circumstances it would be right or expedient to hold it. The case appears to be one in which considerable chemency may well be exercised, the more clearly so when the accused's ill-health, apparently the result of wounds and severe service, and his honorable record are taken into consideration.

"W. M. DUNN, "Judge-Advocate-General."

It is manifest that the President was inflexible. He would not obviate the force of General Order No. 104 by concurrence in the views of the Judge-Advocate-General, but affirmed the sentence and asserted the purpose of the order.

There are filed with your committee eight certificates of disability from surgeons in the United States Army, which is sufficient evidence of medical character to show that Captain Walker was a great sufferer from chronic rheumatism and valvular disease of the heart for five years next preceding the date of his ceasing to be an officer.

The following certificates describe his physical condition:

"FORT LARNED, KANS., June 1, 1878.

"FOST LARKED, KANS., June 1, 1878.

"This is to certify that in the latter months of 1874, and in the month of January, 1875, while stationed at Camp Supply, Indian Territory, I was called to attend First Lieutenant Mark Walker, Nineteenth Infantry, brevet captain United. States Army, and found him the subject of frequent attacks of subacute rheumatism, which, at intervals, rendered him entirely unable for the prompt performance of his military duties. He had also quite extensive chronic organic disease of the heart, and it was a matter of surprise to me that he could do as much as he did. I thought him at this time forever disabled for anything like active service.

"A Cting Assistant Surgeon U. S. A, Fort Dodge, Kans."

" AUGUST 15, 1878.

"I have known Captain Mark Walker since 1875. He has been a sufferer from valvular disease of the heart and rheumatism, affecting his shoulders, ankle-joints, and fingers. By reason of this he has several times been totally disabled. Captain Walker, during the time I served with him in camp and changing stations, has always shown a desire to attend to his company duties, and sometimes insisted upon doing duty when told it would be best for him to remain quiet.

"Captain Walker is entitled to great consideration for former service, as it has undoubtedly been the cause of his present bad health.

"T. A. DAVIS,
"Acting Assistant Surgeon, United States Army."

"Washington, of the States Army.

"Washington, D. C., June 6, 1878.

"First Lieutenant Mark Walker, Nineteenth Infantry, brevet captain United States Army, having applied to me for a certificate, I hereby certify that on the 29th of February, 1876, Captain Walker received from this office the following certificate, namely:

"I certify that First Lieutenant Mark Walker, Nineteenth United States Infantry, is suffering from valvular disease of the heart and from frequent recurring attacks of rheumatism of both ankles, on account of which he was granted leave of absence from his post, Sweetwater, Texas, September 20, 1875, and that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than six months.

"I further certify that he is now suffering from valvular disease of the heart, and is lame and disabled by reason of chronic rheumatism affecting ankle and shoulder joints and fingers.

"He was certainly not physically fit for duty while serving with his company since February 20, 1876, when I first saw him. * * His excellent war record as a soldier under arms accords with his persevering endeavor to continue on duty when he might have been on sick-leave entitles him to the most favorable opinions and conclusions.

"BASIL NORRIS"
"Surgeon, United States Army."

"Washington, D. C., February 17, 1879.

"In the summer of 1877, I think in the month of July, I prescribed for Lieutenant Mark Walker, Nineteenth Infantry, who was at that time suffering with chronic rheumatism and organic disease of the heart. I offered to give him a certificate on which to base an application for six months' leave of absence. This dedelined, stating that he preferred to do duty with his company and proceed with it to Fort Lyon, Colorado. I had prior to this (I think in 1875) treated him for acute rheumatism.

"Lieutenant Walker has had organic disease of the heart for years. One peculiarity of his disease is the constant temptation to resort to stimulants to overcome the great depression of mind, which is one of the symptoms of the disease.

"In my opinion, it would be very difficult for any one suffering as Lieutenant Walker has suffered to my certain knowledge for some years to abstain from the use of some stimulant.

"W. S. TREMAINE,

"W. S. TREMAINE,
"Captain and Assistant Surgeon, U. S. A."

"FORT LYON, COLORADO, December 20, 1877.

"Fort Lyon, Colorado, December 20, 1877.

"First Lieutenant Mark Walker, Nineteenth Infantry, having requested me tofurnish him a certificate on which to base an application to be put on the retired list, I certify that said officer served at the same time with me from December, 1874, until May, 1875, and again at this post from July, 1877, to date, and has been frequently under medical treatment. He is suffering with valvular disease of the heart, and is subject to frequent attacks of acute rheumatism, and in consequence is, in my opinion, wholly unfit for active duty. From the history of the case, I am of the opinion those diseases were contracted in the service.

"Assistant Surgeon, United States Army."

The certificates of the medical officers establish the fact that Captain Walker.

The certificates of the medical officers establish the fact that Captain Walker contracted his ailments in line of duty; that he could have availed himself of an interminable sick-leave, but his preference was to perform duty; that previous to the offense committed he was an applicant for retirement, which is further shown in the following letter:

"Headquarters of the Army,
"Adjutant-General's Office,
"Washington, January 23, 1878.

"Washington, January 23, 1878.

"Sir: Referring to letter of the 9th instant from General James W. Latta, adjutant-general of Pennsylvania, (left by you with the Secretary of War the 18th instant,) requesting early action on the application of First Lieutenant Mark Walker, Nineteenth Infantry, for orders to appear before a retiring board, I am directed by the Secretary of War to inform you that it is not practicable, at this time, to take action looking to the retirement of Lieutenant Walker, for the reason that thirty-five officers who have been found incapacitated for active service by retiring boards are now waiting vacancies on the retired list.

"I have the honor to be, sir, very respectfully, your obedient servant.

"E. D. TOWNSEND,

"Adjutant-General."

"Hon. Charles O'Nell,
"House of Representatives, Washington, D. C."

The objections to Walker being placed on the retired list are officially set forth. If a vacancy had existed at the time he would have been so placed, which would seem eminently proper.

The report of the Adjutant-General, forwarded through the Secretary of War,

shows that the said Walker entered the service as a corporal of Company G, Fifteenth Indiana Volunteer Infantry, June 14, 1861, was subsequently appointed sergeant and first sergeant, and promoted second lieutenant January 1, 1863, and first lieutenant March 1, 1863.

Service.—With regiment in the field until wounded in the battle of Stone River, December 31, 1862, absent on account of wounds to March 1, 1863; with regiment in the field and with company at headquarters of the Army of the Cumberland till June 25, 1864, when honorably mustered out.

Re-entered the service March 20, 1865, as a captain in the One hundred and twenty-fourth Pennsylvania Volunteers Infantry, with which he served in the Shenandoh Valley and at Washington, District of Columbia, until January 22, 1866, when mustered out.

He was brevetted major of volunteers 13th March, 1865, for gallant and meritorious services during the war.

His Regular Army record shows that he was appointed second lieutenant Nineteenth Infantry 23d February, 1866; expointed first lieutenant Nineteenth Infantry 23d February, 1866, is appointed first lieutenant Nineteenth Infantry 23d February, 1866, the properties of t

Charge.

The following is an appeal from the president of the court-martial that tried Walker:

Walker:

"Headquarters Sixteenth Infantry,
"Fort Riley, Kansas, March 9, 1879.

"General: Mark Walker, late first lieutenant Nineteenth Infantry, having applied to me as president of the court-martial that tried him for a letter to assist him in getting on the retired list of the Army, I have the honor to recommend that if possible he may be so placed. I considered at the time of his trial that his was a very hard case; that he was undoubtedly afflicted very much from exposure incident to the service. Yet as he plead guilty, there was nothing for the court to do but the action taken by them. The circumstances surrounding the case, the time which the admitted offense was committed, the physical condition of the accused all tend to induce me to make this recommendation as an act of justice to Mr. Walker.

"Very respectfully, your obedient servant,
"G. PENNYPACKER,

"Colonel Sixteenth Infantry, Brevet Major-General, U. S. A.

"ADJUTANT-GENERAL UNITED STATES ARMY.
Washington, D. C."

"ADJUTANT-GENERAL UNITED STATES ARMY.

Washington, D. C."

General Pennypacker calls attention that the duty being performed was unamed duty, imposing but little actual responsibility upon the officer.

The facts are that what he had drunk was taken when he was suffering from the inception of rheumatism. Technically, he was guilty of the offense charged, but your committee think his condition should have been considered an unhappy accident rather than the result of intentional wrong-doing or of a criminal yielding to temptation. Can it be believed that a single casual lapse of conduct is within the intent of the article of war under which Walker's case is ruled, and thus confound offenses, without regard to the degree of criminality, in one common, severe, and absolute punishment?

It appears that up to the time of his offense, covering sixteen years of service, he was never under arrest or charge. His record was not only without blemish, but homorable to himself and the service. He was the recipient of testimonials from his commanding officers for his meritorious conduct and high soldierly bearing and efficiency as an officer.

Captain Walker is conscious of the permanency of his affliction. He is wholly incapacitated and disqualified from any service or business; two-thirds of the time he is perfectly helpless. Your committee consider Walker's case an extreme case.

December 29, 1879, certificate No. 163917 for a pension was issued in favor of Mark Walker, at the rate of \$24 per month, which amount was allowed in consequence of his disability being total.

The Secretary of War, under date of February 10, 1879, recommended the passage of Senate bill No. 1791 for the relief of Mark Walker. The bill passed the Senate, and was reported upon favorably before the House of Representatives on the last day of the Forty-fifth Congress, but failed for want of time. We recommend the passage of the bill.

Pending the reading of the above report, the following proceedings

Mr. LE FEVRE. Mr. Chairman, I ask unanimous consent of the committee to substitute the Senate bill which is identical with the House bill for the pending bill.

Mr. BOUCK. I object.

Mr. LE FEVRE. I merely asked consent in order to dispense with the further reading of the report, as it is a lengthy one.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Mills having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Burch,

its Secretary, was received announcing that the Senate had agreed to the report of the conference committee on the disagreeing votes of the two Houses on the bill of the House No. 2658 to regulate the award and compensation for public advertising in the District of Columbia; Also, that the Senate had passed with amendment the bill of the House No. 6614 making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes; Also, that the Senate had passed a bill (S. No. 904) for the relief of Major G. W. Candee; and A bill (S. No. 1477) for the punishment of vagrancy in the District of Columbia.

of Columbia.

The message further announced that the Senate had concurred in the House joint resolution No. 358 appropriating \$2,500 to meet the expense of the international sanitary conference invited to meet in

expense of the international sanitary conference invited to meet in Washington the 1st of January, 1881;

Also, that the Senate had passed a concurrent resolution for the printing of 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, for distribution by the said superintendent; and

A concurrent resolution providing that the Committee on Naval Affairs of the two Houses of Congress be instructed to co-operate with the Secretary of the Navy and with each other in making all necessary and proper arrangements for myselling the statue of the necessary and proper arrangements for unveiling the statue of the late Admiral Farragut, now finished and erected in Farragut Square; In which several bills and concurrent resolutions the concurrence

of the House was requested.

MARK WALKER.

The committee resumed its session.

MARK WALKER.

The committee resumed its session.

Mr. DIBRELL. Mr. Chairman, the bill and report which have just been read are not the unanimous report of the Committee on Military Affairs; and I hope that the bill will not pass. This soldier was arrested for drunkenness, tried by a court-martial, and with the consent of the President of the United States was dismissed the service. He is now drawing a pension at the rate of \$24 a month. There are not less than ten thousand pensioners in the United States drawing pensions at the rate of \$8 a month who are far better entitled to go on the retired list than this soldier. I hope, therefore, that the bill will not pass. I move to strike out the enacting clause.

Mr. O'NELL. Mr. Chairman, I hope the bill will pass. I believe it to be a very just and proper bill. This was a very meritorious officer of the Army whose sole afflictions were brought upon him by his adherence to the service when, as the medical reports show, he was physically incapacitated, and to the performance of his duties under all circumstances. He was stricken down with rheumatic disease, from which he became a great sufferer, and was obliged to use the stimulants prescribed for him by the Army surgeons. If the committee had listened attentively to the reading of the report in this case, it would have seen that the president of the court-martial that tried him spoke in this way in connection with his case. But before reading that I will say that the surgeon of the Army who had him under his charge when he was sick gave reasons why he had acted in the way that he did—

Mr. DIBRELL. The doctor certainly did not tell him to get drunk. Mr. O'NEILL. No, sir; he did not, and he did not get drunk. He was never charged with being intoxicated only on that one occasion, which was admitted, and he was man enough to acknowledge that fault; but he was at that time a sick man, and he had been a severe sufferer for years.

He would not accept a leave of absence save on one occasion, when

sufferer for years.

He would not accept a leave of absence save on one occasion, when Dr. Basil Norris, one of the most distinguished surgeons of the Army, and who is well known in Washington, said, that properly he should not have attempted to be on duty for at least two years of the time that he was there, or a period long prior to the court-martial, and the date when Dr. Norris wrote this letter. Dr. Norris writes as follows:

WASHINGTON, D. C., June 6, 1878.

First Lieutenant Mark Walker, Nineteenth Infantry, brevet captain United States Army, having applied to me for a certificate, I hereby certify that on the 29th of February, 1876, Captain Walker received from this office the following cer-

29th of February, 1876, Captain Walker received from this office the following certificate, namely:

"I certifythat First Lieutenant Mark Walker, Nineteenth United States Infantry, is suffering from valvular disease of the heart and from frequent recurring attacks of rheumatism of both ankles, on account of which he was granted leave of absence from his post, Sweetwater, Texas, September 20, 1875, and that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than six months."

I further certify that he is now suffering from valvular disease of the heart, and is lame and disabled by reason of chronic rheumatism affecting ankle and shoulder joints and fingers.

He was certainly not physically fit for duty while serving with his company since February 20, 1876, when I first saw him. * * His excellent war record as a soldier under arms accords with his persevering endeavor to continue on duty when he might have been on sick-leave, and entitles him to the most favorable opinions and conclusions.

BASIL NORIS,

BASIL NORRIS, Surgeon, United States Army.

I will also read in this connection a letter of Dr. Tremaine, and one from Dr. Clary, as showing the physical condition of this officer. These surgeons write as follows:

WASHINGTON, D. C., February 17, 1879.

In the summer of 1877, I think in the month of July, I prescribed for Lieutenant Mark Walker, Nineteenth Infantry, who was at that time suffering with chronic rheumatism and organic disease of the heart. I offered to give him a certificate on which to base an application for six months' leave of absence. This hedelined, stating that he preferred to do duty with his company and proceed with it to Fort

Lyon, Colorado. I had prior to this (I think in 1875) treated him for acute rheumatism.

matism.

Lieutenant Walker has had organic disease of the heart for years. One peculiarity of his disease is the constant temptation to resort to stimulants to overcome the great depression of mind, which is one of the symptoms of the disease.

In my opinion, it would be very difficult for any one suffering as Lieutenant Walker has suffered to my certain knowledge for some years to abstain from the use of some stimulant.

W. S. TREMAINE, Captain and Assistant Surgeon U. S. A.

FORT LYON, COLORADO, December 20, 1877.

December 20, 1877.

First Lieutenant Mark Walker, Nineteenth Infantry, having requested me to furnish him a certificate on which to base an application to be put on the retired list, I certify that said officer served at the same time with me from December, 1874, until May, 1875, and again at this post from July, 1877, to date, and has been frequently under medical treatment. He is suffering with valvular disease of the heart, and is subject to frequent attacks of acute rheumatism, and in consequence is, in my opinion, wholly unfit for active duty. From the history of the case, I am of the opinion those diseases were contracted in the service.

PETER J. A. CLARY.

This medical testimony as to Lieutenant Walker's condition is most.

Assistant Surgeon U. S. A.

This medical testimony as to Lieutenant Walker's condition is most conclusive, and I want to make an urgent appeal in favor of this man and in justice to him. He served faithfully and well during the war. The facts are substantially these: a certain order had been issued by the President that one of the articles of war should be strictly carried out in all cases; that any man charged with drunkenness and proved to be a drunkard should be brought before a court-martial. This was certainly not the case with this man. But it was the first case brought to the attention of the President, and the case was subsequently submitted to General Dunn, Judge-Advocate-General. He sequently submitted to General Dunn, Judge-Advocate-General. He

reported back to the President, and a part of his report I will read.

This occurrence it will be remembered took place about the holidays. It was on an undress parade when Captain Walker in going from his command to his quarters fell or staggered. He was reported by some officer as being in a fully intoxicated condition. The whole case came before the court-martial and, as I said before, he plead guilty. Upon reference to General Dunn, he reported as follows:

In view of the conviviality as frequent at the access when the accessed considered.

In view of the conviviality so frequent at the season when the accused committed the offense for which he has been brought to trial, and of the informal character of the duty upon which he was engaged, his misconduct, it is submitted, was much more venial than under ordinary circumstances it would be right or expedient to hold it. The case appears to be one in which considerable elemency may well be exercised, the more clearly so, when the accused's ill-health, apparently the result of wounds and severe service, and his honorable record are taken into consideration.

So, Mr. Chairman, if gentlemen will look through the report made by the House committee, by General Le Fevre, who has had charge of the bill, they will find all the surgeons who ever examined the condition of this man physically have testified to these facts: that whatever might have happened to him as to the effect of stimulants which had been prescribed and which he had used for several years, to enable him to perform his duties as a good soldier, was brought about by these stimulants thus prescribed, and that he was not in the habit of stimulating by the abuse of intoxicating liquors.

Those are the facts of the case as they appear from the report. The

Those are the facts of the case as they appear from the report. The gentleman from Tennessee [Mr. Dibrell] says this man has been drawing a pension. That is true. But the bill provides he shall not hereafter draw any pension; that he shall not draw a pension of \$24 a month or any pension.

Mr. BRIGGS. Will the gentleman yield to me for a question?

Mr. O'NEILL. Yes, sir.

Mr. BRIGGS. I see by this report that this officer's pension certificate was dated in December, 1879. Can the gentleman tell me if he drew any arrears of pension; and if so, how much?

Mr. O'NEILL. I cannot say. I am rather inclined to think he did not. I do not know positively.

Mr. O'NEILL. I cannot say. I am rather inclined to think he did not. I do not know positively.

Mr. SPARKS. Of course he did. The law gave it to him.

Mr. O'NEILL. I might as well say of course he did not. I might say I presume not, because it is not so stated in this report.

A MEMBER. It is not a unanimous report.

Mr. O'NEILL. The report is made by a majority of the Committee on Military Affairs. A unanimous report is not required in any case. on Military Affairs. A unanimous report is not required in any case. A majority of the committee, I presume, is as able to judge of the merits of a case as the minority. The committee comes before us with a frank and free statement of this man's case from beginning to end. Everything is put down; nothing is concealed. It shows nothing but manly conduct in the career of this soldier while serving in the Army and on the field of battle, his being severely wounded several the Army, his health entirely broken down; and yet that man seeking to perform his duty and performing it well, as is testified through this report. He simply fell because by the use of stimulants prescribed by the surgical officers of the Army he was at last overcome, and but once, and that at Christmas time only.

Mr. DIBRELL. Does it show that was the only time he ever was

Mr. DIBRELL. Does it show that was the only time he ever was

drunk?

drunk?
Mr. O'NEILL. It does.
Mr. DIBRELL. No proof shows that.
Mr. O'NEILL. This report does not show he was ever drunk or charged with drunkenness or the use of intoxicating liquors except at that time. As the report of the court-martial says, and as those who reviewed it say, technically he had to be convicted—everybody on the court was favorable to elemency, but technically he had to be

convicted. Why? Because, like a man, he confessed that on that occasion he did fall or stagger, or was under the influence of drink.

Mr. SPARKS. The gentleman from Pennsylvania [Mr. O'NEILL] is

correct in his statement that this case did have the sanction of the majority of the Committee on Military Affairs, while a minority of that committee oppose it. The facts are these: the man was arraigned and tried by a court-martial; the charge, specification, and finding being as follows:

Charge—"Drunkenness on duty, in violation of the thirty-eighth article of war."
Specification: "In that First Lieutenant Mark Walker, Nineteenth Infantry, being on duty in command of his company at undress parade at retreat at Fort Lyon, Colorado, on or about December 24, 1877, was found drunk."
To which charge and specification the accused, First Lieutenant Mark Walker, Nineteenth Infantry, pleaded "Guilty."
Finding.—The court, having maturely considered the evidence adduced, finds the accused, First Lieutenant Mark Walker, Nineteenth Infantry, as follows:
Of the specification, "Guilty."
Of the charge, "Guilty."

Of the charge, "Guilty."

There is his own confession of guilt.
Mr. O'NEILL. I stated that; that is not concealed at all.
Mr. SPARKS. Precisely so.
Mr. WILSON. It was only once.
Mr. SPARKS. Here is a court-martial regularly organized, the charge and specification are made against the accused, and he admits the correctness of the charge and specification. The court finds the facts and sentences him to be dismissed from the service.

Now, Mr. Chairman, it is proposed by this bill to restore this man to the Army with the view of putting him on the retired list as a first lieutenant of infantry, with three-quarters pay as such. Sir, if Congress attempts to restore all the men who have been dismissed from the service having been tried by a regularly organized, impar-

Congress attempts to restore all the men who have been dismissed from the service having been tried by a regularly organized, impartial court-martial and found guilty of the offenses with which they were charged, and place them on the retired list, this list will be limitless in extent. In my judgment it is not right to do it.

I have nothing to say about the character of this soldier. Prior to this, he had perhaps been a good soldier. But the man violated the articles of war clearly and most grievously, was tried fairly, convicted, sentenced, conviction and sentence approved, and dismissed the service. Now, for such wounds as he got in the Army, or for such disa sentenced, conviction and sentence approved, and dismissed the service. Now, for such wounds as he got in the Army, or for such disability as accrued to him while in the service, he has been pensioned and has been drawing the very considerable pension of \$24 a month. He is drawing that pension to-day. But he wants to get a better pension, more pay from the Treasury by being restored to the Army, and retired on about one hundred dollars per month. That ought not to be done, in my judgment.

The gentleman from New Hampshire inquires whether or not this man has got arrears of pension. I apprehend he has got it, for the

ann has got arrears of pension. I apprehend he has got it, for the reason that the law gives it to him. But, at all events, if he has not got it he can apply to-morrow and get it. The arrears of pension act gives arrears to all pensioners from the date of their disability or discharge and he is entitled to the full benefit of that act.

Mr. O'NEILL. He cannot apply now for arrears of pension, because the limitation has expired.

Mr. SPARES The law gives it to him and of converte he has it as

cause the limitation has expired.

Mr. SPARKS. The law gives it to him, and of course he has it, as I said; or if he has not he can get it, for the law gives it to him. Now, why should we take this man, who is fairly out of the service, who was tried fairly, who was fairly convicted upon his own admission of the correctness of the charge; why should we put him back into the service and enable him to get upon the retired list, where he would receive a pension of four times as much as he is now receiving?

I can see no propriety or instine in it and most expressly protect. I can see no propriety or justice in it, and most earnestly protest against it.

As a member of the Committee on Military Affairs, I opposed the bill in committee, and I oppose it now as a member of this House, without any feeling at all against the soldier. I believe that is all I have to say on the subject. I see no reason why this conviction should be set aside and this man restored to the Army and put upon the retired list. If he has incurred disabilities in the service, he is drawing his pension therefor. Now, as before remarked, if you take every man who has been regularly dismissed from the service upon conviction by a court-martial and restore him to the service again

conviction by a court-martial and restore him to the service again and place him on the retired list, you will have endless applications to be placed upon that list, and it becomes limitless in extent and an enormous draught upon the Treasury.

Mr. O'CONNOR. I move that the committee now rise.

Mr. O'NEILL. Before that motion is put, I desire to say a word. The CHAIRMAN. Does the gentleman from South Carolina [Mr. O'CONNOR] withdraw his motion?

Mr. O'CONNOR. I will, for a moment.

Mr. O'NEILL. I desire to read a few lines, and ask the attention of the gentleman from Illinois [Mr. SPARKS] to what I shall read. Here is a letter written by General Pennypacker, colonel of the Sixteenth Infantry, who was president of the court-martial. The letter is in these words: is in these words:

Headquarters Sixteenth Infantry,
Fort Riley, Kansas, March 9, 1879.

General: Mark Welker, late first lieutenant Nineteenth Infantry, having applied to me as president of the court-martial that tried him for a letter to assist him in getting on the retired list of the Army, I have the honor to recommend that if possible he may be so placed. I considered at the time of his trial that his was a very hard case; that he was undoubtedly afflicted very much from exposure incident to the service. Yet, as he plead guilty, there was nothing for the court to do but the action taken by them. The circumstances surrounding the case, the

time which the admitted offense was committed, the physical condition of the accused all tend to induce me to make this recommendation as an act of justice to Mr. Walker.

Colonel Sixteenth Infantry, Brevet Major-General, U. S. A.

ADJUTANT-GENERAL UNITED STATES ARMY,

Washington, D. C.

That is a letter from the

That is a letter from the president of the court-martial that convicted this man. The Secretary of War recommended to the last Congress that this or a similar bill be passed. Why? Because Mark Walker applied to be placed on the retired list and would have been so placed had it not been for the report of Adjutant-General Townsend that there were thirty-five applications ahead of his. The Secretary of War, who indorsed the bill which was introduced into and passed by the Senate of the Forty-fifth Congress, of course acquiesced in the report of Adjutant-General Townsend. It was only because there were thirty-five applications ahead of his that Mr. Walker was then prevented from being put on the retired list.

then prevented from being put on the retired list.

Mr. O'CONNOR. I now renew my motion that the committee rise.

Mr. SPARKS. As the gentleman from Pennsylvania [Mr. O'NEILL]

has referred to me, I would like to say a word.

Mr. O'CONNOR. I will withdraw for the gentleman from Illinois [Mr. SPARKS,] but not for any further debate on this bill at this time.
Mr. SPARKS. It is a very common thing for soldiers to obtain
such letters from members of the courts that have tried them, or from their commanding officers. A great many such cases have come before the Committee on Military Affairs. These men make strong appeals to the sympathies of these officials; we all understand that. There is hardly a case in which a letter of similar import to the one just read cannot be obtained.

But gentlemen must bear in mind that this case goes beyond the mere finding of a court-martial. There was a conviction by the court-martial upon the admission of the party himself who was charged with drunkenness. That charge is considered a very serious one, or ought to be so considered; certainly so by temperance men such as my friend from Iowa, [Mr. PRICE.] The finding of the court-martial was appoved by the President, and the officer was dismissed

the service.

There are a great many of these cases. As I have already said, where will this matter end if, because of a letter obtained from the commanding officer or member of the court-martial through sympathy and kindness toward a man with whom he has served perhaps for many years, we are to place men back into the Army with a view of enabling them to obtain exorbitant pensions by being placed upon

enabling them to obtain exorbitant pensions by being placed upon the retired list?

Mr. O'NEILL. This man was not charged with habitual drunkenness, but with being drunk on one occasion, or with staggering and being supposed to be drunk.

Mr. SPARKS. The gentleman says this man was charged with "being drunk on one occasion." I do not know how many times he was drunk. He was tried for being drunk only once. I believe it is usual to try a man for one offense at a time. I do not know whether he was also drunk the day before and the day after the time mentioned or not, nor is it material to this issue. He admitted the charge of being drunk on that occasion, and the court-martial convicted him. The finding of the court-martial was approved by the President and the man was dismissed the service. Now the question is dent and the man was dismissed the service. Now the question is will we put him on the retired list and give him a pension of 75 per cent. of the full pay of first lieutenant when he is now drawing but \$24 a month? I hope we will do no such unreasonable thing.

Mr. O'CONNOR. I now renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McLane reported that the Committee of the Whole had had under consideration the Private Calendar and had directed him to report to the House sundry bills, some with and some without amendments.

NEW YORK INDIAN LANDS IN KANSAS.

The SPEAKER. The bills reported from the Committee of the

Whole with amendments will first be considered.

The House proceeded to the consideration of the bill (H. R. No. 356) to provide for the sale of certain New York Indian lands in Kan-

The amendment reported from the Committee of the Whole was read, as follows:

In lines 15 to 20 of section 1 strike out "the appraised value of the said tracts, as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas;' and insert "\$3 per acre."

In line 4 of section 2 strike out "the appraised value" and insert "\$3 per acre."

The question being taken on agreeing to the amendment, there

were—ayes 39, noes 35.

Mr. SCALES. No quorum has voted. I call for tellers. I hope the House will make a record one way or the other upon this case.

Tellers were ordered; and Mr. Scales and Mr. Haskell were ap-

pointed. The committee divided; and the tellers reported ayes 53, noes 52.

Mr. SCALES. No quorum.

The SPEAKER. The tellers will resume their places.

The tellers having continued the count, reported ayes 58, noes 67.

Mr. HASKELL. No quorum. [Laughter.] Mr. WRIGHT. I move that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers, were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. WILLIAM ALDRICH: The petition of Ichabod Maxfield and 35 others, citizens of Chicago, Illinois, that soldiers discharged on account of disease receive the same bounty as those discharged for

account of disease receive the same bounty as those discharged for wounds—to the Committee on Military Affairs.

By Mr. ANDERSON: The petition of Joseph Koles and others, citizens of Kansas, for legislation to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. BEALE: Memorial of the mayor, council, and citizens of Fredericksburgh, Virginia, for the erection of a building for postal, customs, and revenue purposes at that place—to the Committee on Public Buildings and Grounds.

By Mr. BLACKBURN: The petition of citizens of Henry County.

By Mr. BLACKBURN: The petition of citizens of Henry County, Kentucky, against the extension of the Cumming's patent for improvement in artificial gums and palates—to the Committee on Pat-

By Mr. BREWER: The petition of S. S. Dewey and 15 others, citizens of the sixth congressional district of Michigan, for legislation to protect innocent purchasers of patented articles-to the same com-

Also, the petition of the same parties, for an income-tax law-to the

Committee on Ways and Means.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

culture.

Also, the petition of the same parties, for the passage of an interstate-commerce bill—to the Committee on Commerce.

By Mr. CLYMER: The petition of 18 citizens of Berks County, Pennsylvania, for the passage of Senate bill No. 495, relating to pension claims—to the Committee on Invalid Pensions.

By Mr. COVERT: The petition of J. Brown Young and 20 others, citizens of Suffolk County, New York, for the improvement of the harbor of Greensport, Long Island—to the Committee on Commerce. By Mr. COLERICK: Papers relating to the claim of Lewis Deems—to the Committee on Claims.

By Mr. CULBERSON: The petition of E. M. Posey and others, of Red River County, Texas, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of the same parties, for an income-tax law—to the Committee on Ways and Means.

the Committee on Ways and Means.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agricult-

Also, the petition of the same parties, for the passage of an interstate-commerce bill—to the Committee on Commerce.

By Mr. DE LA MATYR: The petition of Evadna R. Templeton, for

pension-to the Committee on Invalid Pensions.

By Mr. ERRETT: Resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of a uniform bankrupt law-to the

Committee on the Judiciary.

By Mr. FELTON: The petition of citizens of Georgia, for a postroute from Spring Place to Talking Rock, Georgia—to the Committee

on the Post-Office and Post-Roads.

By Mr. HAWK: The petition of William Diestelmeier and others, of Freeport, Illinois, for a reduction of the tax on cigars to \$5 per thousand—to the Committee on Ways and Means.

By Mr. HUMPHREY: The petitions of T. Gifford and others, and of Byron Brown and others, of Wisconsin, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for an income-tax law-to

the Committee on Ways and Means.

Also, the petition of the same parties, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. KELLEY: The petition of John P. Maloney, for compensation for services rendered as messenger to the official reporters of

debates—to the Committee on Accounts.

By Mr. LINDSEY: The petition of George E. Weeks and others, that the channel of Kennebec River may be deepened at Upper and Lower Sands, so as to admit vessels drawing eighteen feet of waterto the Committee on Commerce.

By Mr. LORING: The petition of Charles J. Brockway, of Newburyport, Massachusetts, for compensation for losses sustained by French spoliations previous to 1801—to the Committee on Claims.

By Mr. McLANE: The petition of William D. E. Ford, attorney for Orville Horwitz, trustee of C. D. Ford & Co., to be refunded certain taxes improperly collected from them—to the Committee on Ways and Means.

By Mr. McCOOK: The petition of Charles D. M.

By Mr. McCOOK: The petition of Charles E. Morse and 17 others, discharged soldiers, for legislation to facilitate the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. THOMAS RYAN: The petition of citizens of Kansas, for an appropriation to improve Arkansas River—to the Committee on

By Mr. SAWYER: The petition of D. Edwards and others, for the removal of the tax on proprietary medicines—to the Committee on Ways and Means.

Ways and Means.

By Mr. OSCRAR TURNER: Papers relating to the war claim of John M. Higgins—to the Committee on War Claims.

By Mr. THOMAS UPDEGRAFF: The petition of H. P. Jay and 36 others, citizens of Forsythe County, Iowa, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. WARD: The petition of merchants, manufacturers, and business men of Delaware County, Pennsylvania, for increase of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: A bill to establish a post-route from Minor Hill to Fall River, Tennessee—to the Committee on the Post-Office and Post-Roads.

and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 15, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Domer, D. D., of Washington, District of Columbia.

The Journal of yesterday was read and approved.

LEAVE TO PRINT.

Mr. ACKLEN, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 3115) for the regulation of interstate freights and passengers, and to relieve the same from the restrictions of local quarantines. [See Appendix.]

ORDER OF BUSINESS.

Mr. UPSON. I ask unanimous consent to introduce a bill.
Mr. BELFORD. I call for the regular order.
The SPEAKER. The regular order is the call of committees for

reports.

CAUSES IN COURT OF CLAIMS.

Mr. RYON, of Pennsylvania, from the Committee on the Judiciary, reported back adversely the bill (H. R. No. 3468) to restore certain causes to the docket of the Court of Claims, and to provide for the hearing thereof; which was laid on the table, and the accompanying report ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. NEW, from the Committee on the Judiciary, reported back the bill (H. R. No. 4496) to amend section 4693 of the Revised Statutes, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on

The motion was agreed to.

COLLECTION DISTRICT OF CALIFORNIA.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported back, with amendments, the bill (S. No. 1271) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection district of California; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

FRANCIS H. ELLISON AND OTHERS.

Mr. BREWER, from the Committee on Naval Affairs, reported, as a substitute for House bill No. 5449, a bill (H. R. No. 6853) for the relief of Francis H. Ellison and others; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOAB SPENCER AND JAMES R. MEAD.

Mr. HASKELL, from the Committee on Indian Affairs, reported a bill (H. R. No. 6854) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DODD, BROWN & CO.

Mr. DEERING, from the Committee on Indian Affairs, reported, as a substitute for House bill No. 4133, a bill (H. R. No. 6855) for the relief of Dodd, Brown & Co., of Saint Louis, Missouri; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK D. YATES AND OTHERS.

Mr. DEERING also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 6385) for the relief of Frank D. Yates and others; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARIA M'CARTHY.

Mr. SCOVILLE, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1325, a bill (H. R. No. 6856) granting a pension to Maria McCarthy; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA BOGLE.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 3078) granting a pension to Lydia Bogle; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CONRAD BLATTNER.

Mr. HATCH, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1677, a bill (H. R. No. 6857) granting an increase of pension to Conrad Blattner; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAUL C. BEDFORD.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 4079, a bill (H. R. No. 6858) granting a pension to Paul C. Bedford; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. SCHUYLER SUTTON.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 5709) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH BAUER.

Mr. UPDEGRAFF, of Ohio, from the same committee, also reported back favorably, the bill (H. R. No. 2593) granting a pension to Elizabeth Bauer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAR OF 1812,

Mr. DIBRELL, from the Committee on Pensions, reported a bill (H. R. No. 6859) for the relief of certain persons who served in the first and second regiments, second brigade, tenth division, Massachusetts militia in the war of 1812; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMER JACKSON.

Mr. O'CONNOR, from the Committee on Claims, reported back favorably the bill (H. R. No. 434) for the relief of certain owners of the steamer Jackson; and the accompanying report was ordered to be printed, and the bill recommitted.

W. W. WELSH.

Mr. SAWYER, from the Committee on Claims, reported back favorably the bill (H. R. No. 4316) for the relief of W. W. Welsh; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT TRAVILLA.

Mr. UPDEGRAFF, of Iowa, from the Committee on Claims, reported back favorably the bill (H. R. No. 5940) for the relief of Robert Travilla; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be

WILLIAM H. DAVIS.

Mr. BRAGG, from the Committee on War Claims, reported, as a substitute for Senate bill No. 1208, a bill (H. R. No. 6860) for the relief of William H. Davis, of Oakland, California; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PETER KUMPF.

On motion of Mr. BRAGG, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 6789) for the relief of Peter Kumpf; and the same was referred to the Committee on Military Affairs.

W. T. DOVE.

On motion of Mr. SMITH, of Pennsylvania, the Committee on Accounts was discharged from the further consideration of the petition of W. T. Dove, praying allowance of balance due him, and the same was referred to the Committee on Claims.

CONGRESSIONAL LIBRARY BUILDING.

Mr. GEDDES. Mr. Speaker, the Committee on the Library, to whom was referred the question of providing additional accommodation for the Library of Congress, have instructed me to report the bill which I hold in my hand for the construction of a building for the accommodation of the Congressional Library, which, with the accom-

panying report, I ask to have printed and referred to the Committee of the Whole House on the state of the Union; and as it is a matter of pressing importance, I desire to ask, by general consent, to have fixed a time for its consideration.

The SPEAKER. That cannot be done at this time, but it is in order for the gentleman to submit his report.

Mr. GEDDES, from the Committee on the Library, reported a bill (H. R. No. 6861) authorizing the construction of a building for the accommodation of the Congressional Library; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 2968) for the relief of James D. Grant; when the Speaker signed the same.

BOARD OF HEALTH REPORT.

The SPEAKER. The call of committees has been gone through

Mr. WILSON. I rise, Mr. Speaker, to submit a privileged report from the Committee on Printing, which I ask the Clerk to read. It provides for the printing of the report of the Board of Health, in accordance with the annual custom of this House.

The Clerk read as follows:

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That 2,500 extra copies of the report of the health officer of the District of Columbia be printed for the use of the said health officer.

The Committee on Printing, to whom was referred the resolution to print 2,500 additional copies of the report of the health officer, having considered the same, respectfully report it back to the House with the following amendment:

In line 5 of the resolution strike out the words "for the use of the said health officer" and insert the following: "300 copies thereof for the use of the House of Representatives, 100 copies for the use of the Senate, and 2,100 copies for the use of the said health officer;" and with the said amendment your committee recommend the resolution do pass.

The cost of publication will be about \$1,000.

Mr. WILSON. This is the usual resolution reported for this pur-

Mr. WILSON. This is the usual resolution reported for this pur-

The resolution was agreed to.

Mr. WILSON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN WESTERN DISTRICT OF TEXAS.

Mr. UPSON. I ask unanimous consent to introduce and have put upon its passage at this time the bill which I send to the desk for the purpose of fixing the time of holding the term of the United States district and circuit courts in the western district of Texas. This is very important, as the court is to be held in March. Several Members demanded the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order being demanded, the Chair has no option but to comply with the demand.

Mr. KELLEY. I ask the gentleman from New York to yield to me for the purpose of offering a bill to be referred to the Committee on Ways and Means.

Ways and Means.

The SPEAKER. The regular order being demanded, the Chair is unable to recognize the gentleman from Pennsylvania to make the request at this time.

Mr. FERNANDO WOOD. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further proceeding with the consideration of the refunding bill; and, pending that motion, I move that all debate on the first section and amendments be limited to ten minutes.

Mr. ANDERSON. Mr. Speaker, I move to amend that motion by making the time for debate two hours. There is now before the House an amendment which has not been discussed at all. It is upon a subject onite different from that heretofore presented, and it is not fair

ject quite different from that heretofore presented, and it is not fair to force the House to vote upon it without time for consideration and discussion

The SPEAKER. The question is upon the amendment of the gentleman from Kansas.

The amendment was not agreed to.

Mr. TOWNSHEND, of Illinois. I move to amend the original motion by striking out "ten minutes" and inserting "one hour." It is very important that some of the amendments which will be presented shall have fair opportunity for discussion.

On a division there were ayes 27, noes not counted.

So the amendment was not agreed to.

Mr. WARNER. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. WARNER. I wish to ask if the motion of the gentleman from
New York is adopted will it shut off any other amendment to that

The SPEAKER. It will cut off debate upon such amendments.

Mr. TOWNSHEND, of Illinois. Not on new amendments, as I understand it, but on pending amendments.

The SPEAKER. Under the rule it will cut off debate upon all

amendments.

Mr. WARNER. Will it prevent the offering of amendments?

The SPEAKER. Under the rule amendments may be offered, but without debate

Mr. TOWNSHEND, of Illinois. But, as I understand it, debate

Mr. TOWNSHEND, of Illinois. But, as I understand it, debate will be permitted on new amendments.

The SPEAKER. It will not. The rule expressly declares that such amendments shall be voted upon without debate.

Mr. ANDERSON. Will this prevent the offering of a substitute to the whole section, and shut off debate upon it?

The SPEAKER. It will not prevent the offering of a substitute, but it will shut off debate.

Mr. TOWNSHEND, of Illinois. It will not shut off debate upon the

substitute?

The SPEAKER. It will shut off all debate.

Mr. MILLS. It cuts off debate on all substitutes or amendments.

Mr. TOWNSHEND, of Illinois. Then I hope the amendment will not be adopted. I know of several important amendments which should not be passed on without debate.

The SPEAKER. The question recurs on the motion of the gentleman from New York, that all debate upon the section and amendments be alread in tax minutes.

ments be closed in ten minutes.

The motion was agreed to.

Mr. FERNANDO WOOD moved to reconsider the vote by which
the motion to limit debate to ten minutes was agreed to; and also
moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs upon the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The SPEAKER. The House has resolved to go into Committee of the Whole on the state of the Union, pending which the Chair desires consent to present the following executive communications.

There was no objection.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER laid before the House the annual report of the board of managers of the National Home for disabled volunteer soldiers; which was referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER. The Chair is in receipt of a letter from the board asking that there may be five hundred additional copies of the report printed beyond the usual number. That resolution will have to go to the Committee on Printing.

SURVEYS POTOMAC RIVER, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of surveys on tributaries of the Potomac River; which was referred to the Committee on Commerce, and ordered to be printed.

CENSUS OF ALASKA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the preliminary report upon the population, industry, and resources of Alaska; which was referred to the Committee on the Census, and ordered to be printed.

SURVEY AND SUBDIVISION, INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimates of an appropriation for the survey and subdivision of the Indian reservation; which was referred to the Committee on Appropriations.

SCHOOL BUILDING-CREEK INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting estimates of an appropriation of \$5,000 to assist the Creek Indians in rebuilding the Tallahassee mission school building; which was referred to the Committee on Appropriations.

SUBSTITUTE LETTER-CARRIERS.

The SPEAKER also laid before the House a letter from the acting Postmaster-General, relative to substitute letter-carriers; which was referred to the Committee on the Post-Office and Post-Roads.

CLAIM OF W. P. WOOD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury relative to the claim of W. P. Wood; which was referred to the Committee on Claims.

STEAMSHIP DESSOUG.

The SPEAKER also laid before the House a resolution of the board of managers of the New York Produce Exchange in favor of granting an American registry to the steamship Dessoug; and also a resolution of the Maritime Association of the port of New York, for the same purpose; which were referred to the Committee on Commerce. CITIZENS' GASLIGHT COMPANY, WASHINGTON, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a petition of the Citizens' Gaslight Company of Washington, in support of the bill to authorize it to lay down gas mains and pipes in Washington; which was referred to the Committee on the District of Columbia.

UNIFORM SYSTEM OF BANKRUPTCY.

The SPEAKER also laid before the House a resolution of the New York Produce Exchange, in favor of the passage of the bill to establish a uniform system of bankruptcy; which was referred to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Valentine indefinitely, on account of sickness.

REFUNDING THE NATIONAL DEBT.

The SPEAKER. The House having determined to go into Committee of the Whole on the state of the Union for the purpose of further

considering the refunding bill, the gentleman from New York, Mr. COVERT, will please take the chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COVERT in the chair.

The CHAIRMAN. The House is in Committee of the Whole to resume the consideration of the funding bill; and by order of the House all debate on the pending section and the amendments thereto is limited to ten minutes. ited to ten minutes.

Mr. DIBRELL. I desire to call up my amendment submitted before the adjournment on Thursday.

The CHAIRMAN. The Chair will state there is already an amendment pending, the amendment submitted by the gentleman from Kansas, [Mr. Anderson] on which a point of order was made by the

gentleman from New York, [Mr. FERNANDO WOOD.]
Mr. ANDERSON. I ask for the reading of my amendment as modified by two changes which I have made in it; one by explaining more fully in the last paragraph the purpose of the amendment, and the other by making these currency notes payable in the lawful money of the United States instead of in the legal-tender currency.

The Clerk read as follows:

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized to issue, as hereinafter provided, currency notes of the United States, which shall not bear interest, and which shall be payable to bearer on demand in the lawful money of the United States.

From and after June 30, 1881, it shall be unlawful for the Comptroller of the Currency to authorize any association for carrying on the business of banking under title 62 of the Revised Statutes to commence the business of banking under said title; and it shall be unlawful for him, or for any other officer of the United States from and after June 30, 1881, to issue circulating notes to any association which shall at that date be duly authorized to transact the business of banking under said title 62, except for the purpose of replacing mutilated, worn-out, or destroyed circulating notes, as provided in section 5184 of the Revised Statutes.

The Secretary of the Treasury shall ascertain the number, denominations, and aggregate amount of all circulating notes issued to banking associations under title 62 outstanding June 30, 1881; and when, from any cause, any of said circulating notes as that date outstanding shall be redeemed by the Treasurer, as provided in section 5224 Revised Statutes, he shall thereupon, and not otherwise, be authorized to issue the currency notes herein provided, of the same denominations and to the same amount as that of the circulating notes as redeemed by him; and he shall thereafter pay out said currency notes in discharge of any services rendered to or for supplies purchased by the United States after June 30, 1881.

The aggregate amount of outstanding circulating notes issued to banking associations, and of currency notes issued by the Treasurer, shall at no time be greater than the total amount of circulating neces outstanding June 30, 1881, as ascertained by the Treasurer; nor shall it at any time be more than \$1,000,000 less than said amount.

by the Treasurer; nor shall it at any time be more than \$\text{e}_1\$ (corrected by the Corrected by the Corr

Mr. ANDERSON. I do not desire to discuss this fully, nor is there

Mr. PRICE. Let me ask what the gentleman hopes to accomplish by that, by retiring a national-bank note and issuing a currency

Mr. ANDERSON. I expect to accomplish just this: that by issuing the currency note, when the charters of the national banks shall have expired or as the national-bank notes shall have been with-

have expired or as the national-bank notes shall have been withdrawn from circulation, by issuing a currency note you give to the country a United States note, to be used as money instead of the national-bank note. That is the whole of it.

Mr. PRICE. What do you gain by that?

Mr. ANDERSON. You gain just this, that the United States of America will be the only power having anything whatever to do with or having any control of the money of the country. That is what is capital.

Mr. PRICE. The United States is the power that now issues these

Mr. PRICE. The United States is the power that now issues these notes and redeems them.

Mr. WEAVER. But the national banks have the profits.

Mr. PRICE. The Government has the profits now.

Mr. ANDERSON. The control which the Government has to-day over the currency is simply this: that if a national bank chooses to put up additional bonds it by so doing gains additional circulation. So that it is the bank and not the Government which practically issues the note or controls the volume of circulation.

Mr. PRICE. I understand that, and that the gentleman's object is to restrict the amount to the amount already out. But you only

is to restrict the amount to the amount already out. But you only

take up one note that the Government issues and put out another that the Government issues, and the profit on the destruction of the currency is the profit of the Government now and will be then.

Mr. ANDERSON. I beg pardon, and hope I may be permitted to say what I arose to say; and I do not think the gentleman from Iowa would particularly object to this amendment if he were not wedded

to the national banks.

The exact question raised by this amendment is whether this national-bank system is to continue indefinitely; whether you are to permit these charters to stand through all the years to come, or whether you will now meet that question by saying that when the present charters expire then these charters shall not be renewed;

present charters expire then these charters shall not be renewed; and whether, by a slow method, a method which will not disturb the finances of the country, as the currency of the national banks is withdrawn, the United States shall issue a national currency.

I am as much opposed to any issue of paper money by State banks or by private corporations or by "wild-cat" factories as any gentleman on this floor; and if it were a question between them on the one side and a national-bank note on the other side, I would stand by the national-bank currency till the kingdom come. But that is not it. The real question is between the United States of America issuing the paper money of this country and corporations issuing it. That the paper money of this country and corporations issuing it. That is the question, and that is all the question.

The method I propose facilitates the refunding of the national debt.

The method I propose facilitates the refunding of the national debt. It would enable you, before twenty years, to save the payment of interest on \$33,000,000 now in bonds, while that amount is floated through the country in the shape of national-bank paper. It would then be floated through the country and held by the people in the shape of currency notes of the United States of America, and the United States would save the interest. That is the whole of it.

Mr. FRYE. As debate has been limited to ten minutes on all amendments now pending or that may be offered to section 1, I desire to explain to the committee as hiefly as I can a proposition which I

to explain to the committee as briefly as I can a proposition which I to explain to the committee as briefly as I can a proposition which I propose to offer as a substitute for the section. The proposition which I intended to have made was that the Secretary of the Treasury should keep the \$104,000,000 of fours authorized by law in his hands to use in case of emergency. But as many object to the long-time bond entirely, I have concluded to leave that out; and therefore I propose to amend on the second page of the bill in the fifteenth line, by putting in the words "or Treasury notes of denominations not less than \$10." In the sixteenth line I modify so that it will read "in the amount of not exceeding \$620,000,000," as covering both certificates and bonds. In the seventeenth line I amend so as to make the interest 34 per cent, per annum; and in the nineteenth line I make the bonds est 3½ per cent. per annum; and in the nineteenth line I make the bonds redeemable after one year. I propose to strike out the twentieth, twenty-first, twenth-second, and twenty-third lines and part of the twenty-first, twenth-second, and twenty-third lines and part of the twenty-fourth line. In the twenty-fourth line I provide that not more than \$75,000,000 shall be redeemed in any one year. In the twenty-fifth line, before the word "notes," I insert the words "bonds or;" so that it will read that "not more than \$75,000,000 of said bonds or notes shall be redeemed in any one fiscal year," &c. The sentence beginning in the twenty-eighth line I modify so as to read "the bonds and notes shall be in all respects, except as herein otherwise provided, of like character," &c.; and at the close of the section I insert an amendment, "but the Secretary may at his discretion make the interest on the notes herein anthorized payable annually." so as to make est on the notes herein authorized payable annually;" so as to make annual payments of interest on these notes of low denominations.

My proposition amounts simply to this: it authorizes the Secretary of the Treasury to issue bonds or Treasury notes of a denomination as low as \$10, and bearing annual interest, to the amount of \$620,000,000. It authorizes him to redeem those bonds and notes after one year, only he shall not redeem more than \$75,000,000 in any one year, that being ample to go considerably beyond the requirements of the sinking fund. That will provide for all of the debt, now redeemable or to become redeemable shortly, in ten years, in all human probability. It will also meet the objection made by gentlemen to a long-time bond, which I do not regard as a sound objection, but it will meet it. It will be a short bond. I think no man will contend that a short bond to the amount of \$620,000,000 bearing 3 per cent. interest can by any

to the amount of \$620,000,000 bearing 3 per cent. interest can by any possibility be floated at par.

When you gentlemen insist on a short bond you must yield something on the question of interest. I fix the interest at 3½ per cent. I believe, and I think the Secretary of the Treasury believes, that \$620,000,000 of these short-time 3½ per cent. bonds redeemable after one year can be floated at par. This seems to me to be the true way and the only way out, if we reduce the interest to the extent we do.

Mr. HOUSE. What does the gentleman mean by a short-time bond?

Mr. FRYE. Redeemable after one year.
Mr. WARNER. How will the interest be paid on the notes ?
Mr. FRYE. Annually.
Mr. WARNER. The notes to be sent into the Treasury, interest ollected, and then the notes returned?

Mr. FRYE. Subject to such regulations as the Secretary of the Treasury may prescribe.

Mr. HOUSE. You say the bond is redeemable after one year. When is it payable?

Mr. FRYE. I have fixed no time for the ultimate payment of the

bond. I provide that not more than \$75,000,000 shall be redeemed in any one year. If the revenues of the Government do not admit of

the redemption of that amount in any particular year it will simply extend the time one or two years further for the final redemption of all the bonds and certificates. I do not think it safe to tie the Secretary up to the absolute payment of this \$620,000,000 in ten years. As I have said, I propose to offer this substitute at the proper time.

Mr. RANDALL, (the Speaker.) The gentleman, then, is discussing an amendment which is not before the committee.

Mr. FRYE. I admit that; but I have finished what I have to say. The CHAIRMAN. The vote will now be taken on the amendment submitted by the gentleman from Kanssa [Mr. ANDERSON] as modi-

submitted by the gentleman from Kansas [Mr. Anderson] as modified by him this morning.

Mr. BUCKNER. Has the Chair ruled that the amendment of the gentleman from Kansas is in order?

Mr. TOWNSHEND, of Illinois. No point of order has been made

Mr. BUCKNER. I understand that there was. Mr. FERNANDO WOOD. The amendment offered to-day by the gentleman from Kansas is not the one upon which I made the point

gentleman from Kanses is a considered of order.

The CHAIRMAN. No point of order was made upon the amendment this morning when offered as modified.

Mf. ANDERSON. I express my thanks to the gentleman from Kentucky [Mr. Carlisle] and the gentleman from New York [Mr. Fernando Wood] for not pressing a point of order against my amend-

The question was taken upon the amendment of Mr. Anderson; and upon a division there were—ayes 43, noes 108; but the Chair in-advertently announced the vote to be—ayes 36, noes 108. Mr. GILLETTE. I make the point of order that no quorum has

voted.

Mr. HAYES. Will the Chair again state the vote? The CHAIRMAN. The vote is 43 in the affirmative and 108 in the negative.

Mr. KEIFER. That is a quorum.
Mr. TOWNSHEND, of Illinois. I call for tellers.
Tellers were not ordered, there being but 7 in the affirmative; not

one-fifth of a quorum.

So the amendment of Mr. Anderson was not agreed to.

Mr. DIBRELL. I now offer the amendment which I send to the Clerk's desk as an addition to the section.

The Clerk read as follows:

And in order to meet the interest upon the bonds and certificates or notes herein provided for, and to pay the same as they mature, an income tax is hereby assessed upon the net income of each person, company, firm, bank, banking association, insurance company, insurance agency, railroad company, or any other company or association in the United States, as follows, to wit: Upon the net income of \$3,500 and under \$5,000 and over a tax of 4 per cent. is hereby assessed, to be levied and collected annually under such rules and regulations as may be prescribed by the Secretary of the Treasury. And the money arising from this income tax shall be set apart and used exclusively in the payment of the bonds, certificates, or notes, and interest herein provided for.

Mr. DIBRELL. Is that amendment debatable?

The CHAIRMAN. By order of the House no further debate is in order upon this section and amendments thereto.

Mr. FRYE. I make a point of order on that amendment.

Mr. FERNANDO WOOD. I make a point of order upon it.

Mr. DIBRELL. I would like to hear what is the point of order.

Mr. FERNANDO WOOD. My point of order (I do not know what point of order the gentleman from Maine [Mr. FRYE] will make) is that the proposition to re-establish the income tax is not germane to this bill.

Mr. DIBRELL. In answer to this point of order I desire to say that this amendment is germane to the bill.

Mr. FERNANDO WOOD. There are before the Committee of Ways and Means bills providing for the re-establishment of the income tax; and this fact, under one of our rules, would, I submit, prevent the offering of this amendment.

Mr. FRYE. The chairman of the Committee on Ways and Means

[Mr. FERNANDO WOOD] has stated both the points which I intended

Mr. DIBRELL. If a bill embracing the substance of this amendment is pending before the Committee on Ways and Means, it is not before the House. But there is no pending bill providing an income tax as applied to the purposes of the bill now under consideration. This amendment proposes to create, by an income tax, a fund which shall be exclusively set apart for the payment of these bonds, and for no other purpose. Every other income-tax bill which has been introduced into this House provides for a general income tax to be applied to general purposes by the Secretary of the Treasury. The fund to be raised by an income tax under the terms of this amendment will not be applicable to any other purposes than those embraced in this

be raised by an income tax under the terms of this amendment will not be applicable to any other purposes than those embraced in this bill. Therefore the amendment is not subject to the point of order.

Mr. WHITTHORNE. Two points have been made by the gentleman from Maine [Mr. FRYE] and the gentleman from New York [Mr. FERNANDO WOOD] against this amendment. The first is that it is not germane. Let us look at that for a moment. The main purpose embraced in this bill is to provide for the redemption of a portion of the public debt by the sale of 3 per cent. or 3½ per cent. bonds. Now, in order to make these bonds available we must take into consideration the time that the bonds may run, the rate of interest which they are to bear, and also the sources from which the terest which they are to bear, and also the sources from which the

money for the payment of the interest and ultimately the principal is to be derived. The latter consideration, I submit, is entirely germane; nothing can be more germane. The sources from which the funds to pay these bonds are to be raised enters into and forms a part of the character of the bonds, giving them, so to speak, their value in the market. I submit, therefore, that the point as to the germane-ness of the amendment is not well taken.

Now, as to the second ground urged in support of the point of rder. It is said that there is pending before the Ways and Means Committee, or, if you please, before the House, a proposition for an

income tax.

Mr. FERNANDO WOOD. The gentleman must be aware that the Committee on Ways and Means could not have any bill before it ex-

continuous of ways and Means count not have any our before it except upon a reference by the House.

Mr. WHITTHORNE. I will concede that the proposition referred to by the gentleman from New York is before the House.

But what is that proposition? I respectfully deny, as a matter of

fact, that a proposition like that submitted by my colleague—a specific proposition, having in view a specific purpose and a specific time—is now before the House. I say that there never has been, is not now, and could not be such a proposition pending in the House as that which my colleague now presents having specific reference to this bill. I submit that the chairman of the Committee of the Whole,

that which my colleague now presents having specific reference to this bill. I submit that the chairman of the Committee of the Whole, when he looks at this question clearly and logically, must hold that neither of these points is well taken.

Mr. FRYE. The gentleman from Tennessee [Mr. WHITTHORNE] says that the point of order is not well taken because in this bill we are providing for refunding the debt, for fixing a rate of interest, for the payment of money; and that therefore any proposition providing means to do this thing is germane.

Mr. WHITTHORNE. My friend from Maine will allow me to say that the object of the main proposition before the House is to provide for the payment of 5 and 6 per cent. bonds by the issuance of a 3 or 3½ per cent. bond. Now, while we are thus providing for the extinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the stringuishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the weakinguishment of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of 5 and 6 per cent. bonds, my colleague [Mr. Dispersion of the cent.] proposes to accomplish. Now, if that position is sound, then upon any bill introduced into this House, on any day, to do anything which costs money, it is entirely germane to offer an amendment to provide taxation, without the intervention of the Committee on Ways and Means. Such a ruling would sim building at an expense of \$600,000; the gentleman from Tennessee jumps up and offers an amendment providing that there be an additional tax of one cent per gallon imposed on whisky to meet the expense of this public building. Is that germane? Certainly not; and

The CHAIRMAN. The Chair understands the admission to be made that a bill having reference to the subject matter embraced in the amendment offered by the gentleman from Tennessee is now pend-

amendment offered by the gentleman from Tennessee is now pending before the Committee on Ways and Means.

Mr. DIBRELL. No, sir. I do not admit that. I claim that no bill having the same substance with this is now pending in the committee or before the House. There may be pending bills providing generally for an income tax, but there is none providing a tax of this kind for the specific purpose contemplated by this amendment.

The CHAIRMAN. The Chair has no hesitation in determining this point of order upon the first suggestion offered in opposition to it by the gentleman from New York and the gentleman from Maine. The amendment as submitted is search, gentleman from Maine. The

the gentleman from New York and the gentleman from Maine. The amendment as submitted is scarcely germane to the subject now under consideration. The bill reported by the Committee on Ways and Means has a specific purpose in view—the meeting of a part of the national obligations falling due at a certain time. The Committee on Ways and Means comes into the House with a bill drafted for the purpose of reaching specifically that objective point. Now, while it may be very readily admitted that the committee, in reporting a bill, can embrace in it different subjects yet after the bill comes ing a bill, can embrace in it different subjects, yet after the bill comes ing a bill, can embrace in it different subjects, yet after the bill comes before the House the Chair holds that no proposition embracing a subject foreign to the subject-matter already included in the bill as presented by the committee can be received under the guise of an amendment or a substitute. Therefore, upon the first proposition urged in support of the point of order, and without passing upon the second ground, the Chair holds that the point of order is well taken, and rules the amendment out of order.

and rules the amendment out of order.

Mr. DIBRELL. With all due respect for the Chair, I desire to appeal from this decision; and I believe that a majority of the Committee of the Whole will sustain me.

Mr. ROBINSON. The Chair will allow me to suggest that it is well, perhaps, to save the second point raised here, that bills embracing substantially the same matter are now before the House. Our present rules do not require in a case of this kind that the pending bill shall be in terms identical with the proposed amendment; but simply that it shall be the same in substance.

it shall be the same in substance.

Now, I submit to the Chair for his consideration, and perhaps for an extended opinion on this matter, that a bill that lays an income tax, or provides for the general laying of an income tax, is of the

same substance as this amendment, which proposes an income tax, and simply uses that tax for a specific purpose. The substance of laying the income taxis in both acts the same, and even if there should be a variation in the rate, that would not change the substance or the application of the money.

Mr. DIBRELL. If there is such a bill I ask for its reading, so we

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts the admission was not made by the gentleman from Tennessee that bills of this kind were pending in the Ways and Means Committee. Had that admission been made, the Chair would have Committee. Had that admission been made, the Chair would have had no hesitation in passing on the question, and in the way indicated by the gentleman from Massachusetts.

Mr. ROBINSON. If the Chair will bear with me, I will add that it can readily be proved such a bill in substance is pending, and we will produce it in a moment.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The committee divided.

Mr. DIRRELL, I withdraw the appeal from the decision of the

Mr. DIBRELL. I withdraw the appeal from the decision of the

Mr. BLAND. After consultation with the gentleman from Alabama, [Mr. Samford,] an amendment seems necessary to give proper construction to his amendment, and I therefore offer the following:

Provided. That nothing herein shall be construed to require the payment of gold or silver coin, held for the redemption of certificates issued thereon, nor to reduce the amount of coin held for resumption purposes below \$50,000,000, or to require the payment of coin that may be necessary to redeem the public debt on which interest has ceased.

That is intended to cure an objection some raise to the amendment

of the gentleman from Alabama.

The CHAIRMAN. Under the order of the House, discussion is not

in order.

The committee divided; and there were-ayes 40, noes 97.

Mr. BLAND. No quorum has voted.

The CHAIRMAN. The Chair will order tellers, and appoints Mr.
LOUNSBERY, in place of his colleague Mr. FERNANDO WOOD, and Mr.

Mr. CHALMERS. I ask unanimous consent that the gentleman from Missouri may have two minutes in which to explain the object of his amendment.

Objection was made.

The committee again divided; and the tellers reported-ayes 57, noes 98.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose, and a message was received from the Senate, by Mr. Burch, its Secretary, announcing the passage of the bill (H. R. No. 6719) making appropriations for the support of the Army for the year ending June 30, 1882, and for other purposes, with amendments in which concurrence was requested.

REFUNDING BILL.

The committee resumed its session.

Mr. WARNER. I now offer an amendment to which I think there will be no objection.

The Clerk read as follows:

But the Secretary may in his discretion make the interest on certificates payable every four months, and the particular notes to be redeemed from time to time shall be determined by lot under such rules as the Secretary of the Treasury shall pre-

Mr. FERNANDO WOOD. Heretofore in this section we have used the word "certificates" instead of the word "notes," and I hope the

gentleman will modify his amendment in that regard.

Mr. WARNER. Very well, then. I will use the word "certificates" instead of the word "notes." Interest payable in four months would be just 1 per cent., and would save a great deal of labor and calcula-

The committee divided; and there were ayes 19, noes 43. So the amendment was rejected.

Mr. GILLETTE. I move the following amendment:

In line 14 after "debt" insert "and in lieu of the bonds authorized to be issued by the act of January 14, 1875, entitled 'An act to provide for the resumption of specie payments.'

The amendment was rejected.

Mr. ANDERSON. As further amendment of the text seems to be exhausted, I now call up the substitute which I had the honor to offer some time ago.

Mr. PHILIPS. Yes, I have an amendment to offer before the sub-

stitute is called up.

The Clerk read as follows:

Amend by adding after the words "certificates to the amount of \$300,000,000" the following: "In denominations of ten, twenty, and fifty dollars either registered or coupon."

The amendment was agreed to.

Mr. PRICE. I offer the following amendment:

At the end of line 35 in section 1 add the following proviso:

Provided also, That section 3418 of the Revised Statutes be, and the same is hereby, repealed.

Mr. RANDALL, (the Speaker.) We had better have that section of Kansas.

the Revised Statutes read so we may know exactly what it is that is

the Revised Statutes read so we may know exactly what it is that is proposed to be repealed.

Mr. PRICE. It repeals the two-cent stamp on bank-checks.

Mr. WEAVER. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WEAVER. It is not germane or relevant to the object of the bill. We cannot go into the question of taxation. That point has already been decided by the Chair.

Mr. RANDALL, (the Speaker.) Let the section be read that it is proposed to repeal.

The Clerk read as follows: SEC. 3418. There shall be levied, collected, and paid for and in respect of every bank-check, draft, or order for the payment of money, drawn upon any bank, banker, or trust company, at sight or on demand, by any person who makes, signs, or issues the same, or for whose use or benefit the same is made, signed, or issued, two cents.

Mr. TOWNSHEND, of Illinois. I make the additional point of

Mr. WEAVER. I was going to add that it is also the substance of a bill pending already before the House. You cannot put a tax on to pay this debt, and I hold that you cannot take one off for the same

Mr. TOWNSHEND, of Illinois. That is the point I was going to make.

The CHAIRMAN. The Chair will hear the gentleman from Iowa

on the point of order.

Mr. PRICE. I think there is no bill pending before the House of the character to which the gentleman now refers.

Mr. TOWNSHEND, of Illinois. Such a bill is pending and offered

Mr. TOWNSHEND, of Illinois. Such a bill is pending and offered by the gentleman himself.

Mr. PRICE. I am aware that it is pending; but if the Chair will hold that it is still pending—

Mr. TOWNSHEND, of Illinois. The bill is still pending before the House. The motion of the gentleman from Iowa was to suspend the rules and pass the bill, but it is still pending for all that.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken. The Chair therefore sustains the point of order.

Mr. SINGLETON, of Illinois. Mr. Chairman, I desire to offer an amendment.

amendment.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled. That the Secretary of the Treasury, for the purpose of discharging any existing indebtedness of the United States that may become payable during the year 1881, be, and he is hereby, authorized and directed to use any money in the Treasury to the amount of \$185,000,000, and also all the bonds issued under the acts of July 14, 1870, and January 18, 1871, remaining unsold, and for other and further means, issue, not exceeding \$400,000,000 of Treasury notes bearing a rate of interest not exceeding 2 per cent. per annum, said notes to be issued in denominations of \$5, \$10, \$20, \$50, \$100, \$500, and \$1,000 in equal proportions, and said notes are hereby made receivable for all dues to the United States except customs, and be a tender in payment of all debts and obligations of the United States except its bonded indebtedness and the interest thereon; and when said notes are received into the Treasury they shall not be reissned. All laws and parts of laws in conflict with this section are hereby repealed.

The amendment was not agreed to.
Mr. SINGLETON, of Illinois. Mr. Chairman, I desire to submit a
few remarks in support of the amendment which I have offered.
The CHAIRMAN. The amendment has already been disposed of.
Mr. SINGLETON, of Illinois. I supposed I had the right to be

Mr. SINGLETON, of Illinois. I supposed I had the right to be heard upon the amendment.

The CHAIRMAN. By the preceding order of the House discussion upon all amendments has been exhausted.

Mr. SINGLETON, of Illinois. I ask unanimous consent to explain the operation of the amendment. I have not occupied any time in the discussion of this matter, and desire simply to say a few words in explanation of the provisions of the amendment I now offer.

The CHAIRMAN. The Chair is inclined to the opinion that the amendment of the gentleman from Illnois having been voted down

amendment of the gentleman from Illnois having been voted down by the committee it would not now be in order to entertain his request.

Mr. SINGLETON, of Illinois. I suppose that I am entitled to be heard if unanimous consent can be obtained, and I ask that concessions.

Mr. BURROWS. That could not now be done, in pursuance of the preceding order of the House.

The CHAIRMAN. The Chair is of opinion that the request of the gentleman could not now be granted.

Mr. RYAN, of Kansas. Mr. Chairman, I desire to offer a substitute for the first section.

Mr. RYAN, of Kansas. Mr. Chairman, I desire to offer a substitute for the first section.

The CHAIRMAN. The Chair would state to the gentleman from Kansas that there is already pending a substitute for the section presented by his colleague from Kansas, and in any event the Chair would feel inclined to hold that substitutes are not in order at this time, the idea being to perfect the first section of the bill by amendments.

Mr. RYAN, of Kansas. Then I will withhold the proposed substitute for a moment

Mr. ANDERSON. Now, Mr. Chairman, there being no other amendments to be offered to this section, I offer as a substitute to the first section what I send to the Clerk's desk.

The CHAIRMAN. If there is no other amendment to be offered, the Chair will cause to be read the substitute of the gentleman from

Mr. SINGLETON, of Illinois. I do not understand that a vote has

been taken upon the amendment offered.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the question was put and the committee rejected his

Mr. SINGLETON, of Illinois. I was occupying my place upon the floor and asking to be heard upon the amendment. I did not hear

the Chair put the question.

The CHAIRMAN. The amendment was passed upon by the committee and the gentleman from Illinois will take notice that no debate was allowed or could be allowed upon it.

The vote will now be taken upon the substitute of the gentleman from Kansas, which the Clerk will report.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum, which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$400,000,000 which shall bear interest at a rate not exceeding 3½ per cent. per annum redeemable, at the pleasure of the United States, after two years and payable ten years from the date of issue, and also notes in the amount of \$300,000,000 bearing interest at a rate (not exceeding 3½) of 3 per cent. per annum, redeemable, at the pleasure of the United States, after one year, and payable in ten years from the date of issue; and the particular bonds and notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe. The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt: And provided further, That the interest upon the 6 per cent. bond hereby authorized to be refunded shall cease at the expiration of thirty days after notice that the same have been designated by the Secretary of the Treasury for redemption.

Mr.

Mr. FERNANDO WOOD. I make the point of order upon that.

The CHAIRMAN. The gentleman will state it.

Mr. FERNANDO WOOD. This is a proposition which changes the rate of interest already established by the committee from 3 to 3½ per cent. I make the point of order that it is not in order in the case of a substitute to seek to change what the committee have de-

cided upon and determined.

Mr. ANDERSON. Mr. Chairman, in reply to the gentleman from New York, I wish to say that the substitute does not change the rate in one sense. The bill provides now that the rate shall be 3 per cent. This provides that it shall not exceed 3½ per cent. If the Secretary finds that he can dispose of the bonds at 3 or 2½ per cent, he will have

the right to do so.

Mr. FERNANDO WOOD. The committee have decided that the Mr. FERNANDO WOOD. The committee have decided that the rate shall not exceed 3 per cent. The gentleman proposes to raise that to 3½ per cent. The committee have fixed 3 per cent. as the limit. Now this proposes to increase that rate, leaving it optional with the Secretary of the Treasury. I make the point of order that the amendment is clearly not in order.

Mr. ANDERSON. I would further suggest that the gentleman from New York is perhaps misapprehending this a little bit, inasmuch as the substitute leaves out some other matters on which the committee have already voted and includes others.

mittee have already voted, and includes others.

Mr. FERNANDO WOOD. I base the point of order on the fact alone I have stated and make no reference to the rest of the amendment; and I submit that that fact vitiates the whole amendment.

ment; and I submit that that fact vitiates the whole amendment.

Mr. ANDERSON. It seems to me it would be a very strange rule
if, after a committee has fixed one detail in a section, it should be
precluded from afterward voting on a substitute which, while it
changed the particular detail, at the same time included many other
things. If so, then I think the rules ought to be relegated to that
region from which I believe they originally came, and which I firmly
believe to be a particularly hot region. [Laughter.]

The CHAIRMAN. The Chair is clearly of opinion that had the
proposition coming from the gentleman from Kansas whether in the

proposition coming from the gentleman from Kansas, whether in the proposition coming from the gentleman from Kansas, whether in the guise of an amendment or of a substitute, been in the direction precisely of what had been done by the committee, seeking to undo what had been done by directly opposite terms, then the point of order would have been well taken. But as the Chair understands the substitute of the gentleman from Kansas it goes further than that, and seeks to couple with the change recited by the gentleman from New York a further direction, leaving the matter somewhat in the discretion of the Secretary of the Treasury. The Chair is disposed to hold, therefore, and does hold, that the point of order is not well taken. The Chair overrules the point of order.

Mr. ROBINSON. Will the Chair have the substitute read again? The substitute was again read.

Mr. ROBINSON. Will the Chair have the substitute read again. The substitute was again read.
Mr. McLANE. I rise to a parliamentary inquiry.
The CHAIRMAN. The Chair will hear it.
Mr. McLANE. I desire to know of the gentleman from Kansas whether or not that substitute does not stand already offered as a substitute for the bill. I make this inquiry because I do not desire to lose my own relation to it.
I think the Chair stated, and the record will confirm him, that the gentleman from Kansas [Mr. Anderson] offered his substitute as a

substitute for the bill. It is not in order, therefore, to consider it until the original bill is perfected. I have an amendment, of which I gave notice, as a substitute for the first section. I do not know, not having heard the whole of the reading of the amendment by the Clerk, that I have caught in what respect the amendment of the gentleman from Kansas differs from the amendment I propose to offer as a substitute for the first section. And I am very sure, if I acquiesce in the committee voting now on that substitute offered by the gentleman from Kansas, I may deprive myself of the right to have a vote on my own substitute. The RECORD will show the gen-tleman from Kansas offered a substitute for the whole bill, and that

is not in order until the original bill is perfected.

The CHAIRMAN. The Chair will state to the gentleman from Maryland that the Chair instructed by the gentleman from Kansas, and as the Chair understands it the committee were likewise instructed, that the gentleman's amendment of the committee were likewise instructed. structed, that the gentleman's amendment was in the nature of a

substitute to the first section.

Mr. ANDERSON. That is correct.
Mr. McLANE. I think the Record will show that the substitute of the gentleman from Kansas is pending as a substitute for the whole

bill.

Mr. ANDERSON. If permitted I will make a statement which will explain the matter a little.

Mr. McLANE. I do not raise any question between the gentleman from Kansas and myself; but it was my understanding that his amendment was a substitute for the entire bill.

Mr. FRYE. I desire to ask the gentleman from Maryland a question. I was informed yesterday that the gentleman would decline to offer the substitute which he had hitherto proposed to offer. I desire to ask him now if it is his intention to offer his substitute.

Mr. RANDALL, (the Speaker.) That is in the nature of debate.

The CHAIRMAN. The Chair will state the only source of information the Chair has or the committee can have as to the nature or effect of an amendment or a substitute, is the express statement of

effect of an amendment or a substitute, is the express statement of the gentleman who presents it; and the Chair repeats that the gen-tleman from Kansas offered his substitute as a substitute for the first section of the bill; that as such it was received, and that as such it

section of the bill; that as such it was received, and that as such it is now pending before the committee.

Mr. ANDERSON. I desire to modify the amendment in one particular, that is by making the language as to the interest on the certificates precisely what it is with respect to the interest on the bonds, a rate not exceeding 3½ per cent.

The CHAIRMAN. The substitute will be modified accordingly. The question is on the adoption of the substitute offered by the gentleman from Kausas as now modified.

The question being taken, there were ayes 53, noes 95.

So Mr. ANDERSON'S substitute was not agreed to.

Mr. MCLANE. I offer as a substitute for the first section what the

Mr. McLANE. I offer as a substitute for the first section what the Clerk will read. The Clerk read as follows:

Clerk will read.

The Clerk read as follows:

That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds or Treasury certificates of denominations of not less than \$10\$, in amount not exceeding \$637,000,000, which shall bear interest at the rate of not exceeding 3½ per cent. per annum, redeemable, at the pleasure of the United States, after one year, and payable in ten years; but not more than \$100,000 000 of said bonds or certificates shall be redeemed in any one fiscal year, and the particular bonds or certificates to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe. The bonds and certificates shall be, in all respects, except as herein otherwise provided, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, but the Secretary may, at his discretion, make the interest on the certificates herein authorized payable annually: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt.

The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or certificates herein authorized for any of the bonds of the United States outstanding and uncalled bearing

Mr. FERNANDO WOOD. I feel bound by a sense of duty to make the same point of order against the substitute offered by my friend from Maryland that I made against the substitute offered by the gentleman from Kansas. I hold it is not competent for this committee in this manner, under the guise of a substitute for a section of the bill when we have determined positively the rate of interest, to entertain a proposition which will change the rate of interest already established by the committee.

Mr. McLANE. No man in this House, I think, will question my right to offer an amendment striking out 3 per cent. if I put two

other words along with that in my amendment.

Mr. FERNANDO WOOD. Upon what ground does the gentleman

claim that?

Mr.McLANE. Upon the universal practice of parliamentary bodies. If you have fixed a rate of 3 per cent. in the bill you can move to strike out 3 per cent., provided you put in one or two other words. That would be in accordance with the constant practice of this Con-

That would be in accordance with the constant practice of this Congress and of every other parliamentary body.

Mr. FERNANDO WOOD. On the last day this subject was under consideration I understand the Chair ruled out of order the proposition offered by the gentleman from Indiana, [Mr. Calkins,] on the ground that he proposed to change the rate of interest already established by the committee. I cannot conceive it possible that a proposition which was out of order the day before yesterday can now be, under any pretext, ruled to be in order. Nothing would ever be settled, if this committee can go on reversing its decisions whenever any one man may obtain the floor and weary and worry the committee to one man may obtain the floor and weary and worry the committee to change a decision arrived at after long and able argument and finally determined by a majority vote. I cannot conceive it possible that under any rule of this House, or any parliamentary law in this or any other country, such a thing is possible. We never can determine anything if we can reverse our decisions in this way.

Mr. McLANE. I desire to make an inquiry of the gentleman from

New York.

Mr. FERNANDO WOOD. I will yield for an inquiry.

Mr. McLANE. I want to know of the gentleman from New York if he questions the parliamentary right of any member of this House to move to strike out the words "3 per cent," provided he joins with

that a substantive proposition including other words of the bill?

Mr. FERNANDO WOOD. I will answer the gentleman. I cannot conceive that any addition or subtraction from the settlement of the rate of interest by the Committee of the Whole can justify a change in that settlement in any respect whatever. So long as the rate of interest is in question, just so long we cannot disturb what has been established by the Committee of the Whole.

Mr. McLANE. I ask that Rule XIX be read.

The CHAIRMAN. The Clerk will read Rule XIX.

The Clerk read as follows:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Mr. CALKINS. This point of order was substantially decided upon an amendment which I had the honor to offer a day or two ago to the amendment which I had the holor to other a day of two age to the amendment then pending and offered by the gentleman from Pennsylvania, [Mr. RANDALL.] I thought at the time the decision of the Chair was wrong, and I still think so. Since that time I have taken occasion to examine somewhat at length the parliamentary practice in such cases, and I find that the universal line of decisions is that an amendment may be made in regard to a subject which in substance has been decided by the House, although the change pro-posed by the amendment be an immaterial one. The substitution of a few additional words, which do not materially change the proposi-tion already adopted, is clearly in order. Any amendment, although

an immaterial one, is in order— [After a pause,]
The CHAIRMAN. The gentleman will continue.
Mr. CALKINS. The Chair evidently has some authority which he s consulting that is better than mine, and I will yield to him.

[Laughter.]
Mr. FRYE. It seems to me perfectly clear that the amendment of the gentleman from Maryland [Mr. McLane] is in order. I remember when the Committee on Ways and Means first made their proposition to the House it was that it should be permitted by unanimous consent to perfect the text of the bill by means of certain amendments which they had to offer, and that consent was given. Now to hold, after the Committee on Ways and Means have had unanimous consent to perfect the text of this section, that no substitute can be offered which perfect the text of this section, that no substitute can be offered which is in conflict with the text so perfected, is simply an absurdity.

Then, again, there is a conflict between the time and the rate of in-

terest. The rate came first; the rate depends largely upon the time. Now to hold that after the rate has been fixed, and when in the very discussion of that rate it was said that the question of time would

come up afterward, when the question of time has come up that we cannot by a substitute change the rate of interest fixed by the committee, seems to me to be equally an absurdity.

Mr. FERNANDO WOOD. I think the gentleman from Maine [Mr. FRYE] has not stated the case with his usual fairness and candor. He would have it appear that the change demanded by the Commit-He would have it appear that the change demanded by the Committee on Ways and Means in the bill from $3\frac{1}{2}$ to 3 per cent., when indorsed and ingrafted upon the bill by the Committee of the Whole, after discussion and long debate, and by a majority of forty members of this House, amounts to nothing; that all we had obtained by that result was that the Committee on Ways and Means had been allowed to technically change the text of the bill.

Now my bold, broad, positive position is this, that in regard to a material question, one that is vital to the interests of this country, vital to the integrity of honest legislation, it is impossible, without

perpetrating what I conceive to be a legislative wrong and a violation of all parliamentary law, to change a very material issue in the bill, which indeed is the main question at issue between the two sides of

I repeat, therefore, that the attempt of the gentleman from Maine to make it appear that the action of the Committee of the Whole on that question has been simply to allow the Committee of the Whole on that question has been simply to allow the Committee on Ways and Means to technically change the phraseology of the text, and is not in fact a solemn verdict of this committee, as far as this committee can present it to the House, is not warranted. I hold that under no pretext, and in no case whatever, can that action of the Committee of the Whole be reversed in this way. When the bill is reported to the House, then under the rules any member, if he obtains the oppor-tunity, has the right to offer a substitute to the bill or any section of But in Committee of the Whole we cannot reverse the decision

which we have made.

The CHAIRMAN. The Chair was called upon a day or two since to pass upon a proposition somewhat similar to the one now submitted. The procedure was had upon a proposition coming from the gentleman from Ohio [Mr. Keifer] to amend a proposition then pending before the committee. For the reasons expressed by the Chair upon the occasion referred to for sustaining the point of order at that time the

Chair now sustains the point of order made by the gentleman from New York against the proposed substitute.

Mr. McLANE and Mr. KEIFER addressed the Chair.

Mr. WARNER. I offer the following amendment to the substitute of the gentleman from Maryland, [Mr. McLANE,] which I understand the gentleman from Maryland, account. the gentleman from Maryland to accept.

the gentleman from Maryland to accept.

Mr. KEIFER. I desire—

Mr. McLANE. I very reluctantly—

Mr. KEIFER. I am undoubtedly entitled to recognition for the purpose of appealing from the decision of the Chair.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] is certainly entitled to recognition for that purpose.

Mr. KEIFER. Refers the question is any unon the appeal. I desire

Mr. KEIFER. Before the question is put upon the appeal, I desire to state briefly my reasons for taking an appeal.

Mr. TOWNSHEND, of Illinois. I object to debate.

The CHAIRMAN. This matter is not now a subject for discussion.

This matter was discussed, submitted to the Chair, and the Chair has ruled upon it

Mr. KEIFER. I certainly have the right to state the grounds of

my appeal.

The CHAIRMAN. The gentleman has no right to debate an appeal.

Mr. KEIFER. Why is it not debatable?

The CHAIRMAN. The Chair thinks it is not a proper subject for

discussion.

Mr. KEIFER. Under what rule?

The CHAIRMAN. The merits of this proposition were discussed while the question of order was pending, and the discussion was ended by the decision of the Chair. The Chair holds that the only course now open to gentlemen who may dissent from that decision is

to take an appeal from it.

Mr. KEIFER. Undoubtedly; and I claim the right to state the grounds of the appeal.

Mr. HUMPHREY. Certainly the gentleman has the right to state

Mr. HUMPHREY. Certainly the gentleman has the right to state the reasons for his appeal.

Mr. TOWNSHEND, of Illinois. I make the point of order that an appeal from the decision of the Chair is not debatable.

Mr. McLane. Did not the Chair recognize me?

The CHAIRMAN. The Chair will state to the gentleman from Maryland [Mr. McLane] that the gentleman from Illinois [Mr. Townshend] has risen to a question of order, the question being as to whether there is a right on the part of the gentleman from Ohio [Mr. Keifer] to further discuss this proposition. The Chair holds that the point made by the gentleman from Illinois is well taken.

Mr. McLane. I did not yield to the gentleman from Ohio or to the gentleman from Illinois. I was about to make a motien—

The CHAIRMAN. The Chair did give recognition to the gentleman from Maryland; but subsequently the gentleman from Ohio [Mr. Keifer] stated that he had risen for the purpose of taking an appeal from the ruling of the Chair.

Mr. McLane. That is exactly what I wanted to do. Now, Mr. Chairman—

Chairman

The CHAIRMAN. The Chair states the proposition before the committee to be this: Shall the ruling of the Chair stand as the judgment of the committee?

Mr. McLane. I rise to appeal from the decision of the Chair. The CHAIRMAN. Upon what point? One appeal is already pending

Mr. KEIFER. Now, Mr. Chairman, I insist that under the rules I

am entitled to be heard. The CHAIRMAN. The gentleman from Ohio is not in order. He

The CHAIRMAN. The gentleman from Ohio is not in order. He has not been recognized by the Chair.

Mr. KEIFER. I rise, then, to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KEIFER. My point of order is that under the rules of the House, unless the committee is dividing, I am entitled to be heard on an appeal from a point of order decided by the Chair.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. CANNON, of Illinois. The Chair had recognized the getleman

Mr. CANNON, of Illinois. The Chair had recognized the getleman from Maryland. After that recognition he recognized the gentleman from Ohio to take an appeal. The gentleman from Maryland stated that he was recognized and proceeded to take an appeal. Now, I ask whether it is not true that the gentleman from Maryland is in order and the gentleman from Ohio out of order as to that point?

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. CANNON] that his statement is correct. The Chair did give recognition to the gentleman from Maryland, the Chair not being at that time advised of the purpose for which the gentleman from Ohio sought recognition. The Chair desires to state, however, to the gentleman from Illinois and to the committee that the gentleman from Ohio having stated that he had risen in his place and sought recognition for the purpose of taking an appeal from the ruling of the Chair, the Chair did not think it would be delicate on his part to deny recognition to the gentleman from Ohio for the purpose indicated; and the Chair trusts that the gentleman from Ohio and the gentleman from Indiana will not insist upon the gentleman from Maryland being recognized until after this question is settled.

Mr. KEIFER. Allow me to relieve this matter by saying that if the gentleman from Maryland was recognized for the purpose of taking an appeal, I withdraw my claim for recognition.

Mr. McLANE, I wish to make a parliamentary inquiry before making my motion.

making my motion.

The CHAIRMAN. The gentleman will state his parliamentary

inquiry.
Mr. McLANE. inquiry.

Mr. McLane. I want to put myself right. I supposed I had a right to debate the question of order. I did not understand that I was under any obligation to inform the Chair or the Committee of the Whole for what purpose I rose. I took it for granted that I had the right to state to the Chair why I appealed. I supposed the decision of the Chair was debatable.

Mr. ROBINSON. Will the gentleman from Maryland allow the Chair to have read the fourth clause of Rule I, which I think will throw a good deal of light upon this matter?

The CHAIRMAN. If the gentleman from Maryland will yield for a moment, the Chair will direct the Clerk to read the clause of the rule as indicated by the gentleman from Massachusetts, [Mr. ROBINSON.]

SON.

The Clerk read as follows from Rule I, under the head "Duties of

the Speaker:

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and sub-pennas of, or issued by order of the House, and decide all questions of order sub-ject to an appeal by any member, on which appeal no member shall speak more than ence, unless by permission of the House.

Mr. ROBINSON. I suggest that this rule gives the right to a mem-

ber to speak once on an appeal.

Mr. TOWNSHEND, of Illinois. I ask the reading of the third clause of Rule XVII.

The Clerk read as follows:

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Mr. KEIFER. That has no application here. Mr. ROBINSON. That only applies when the previous question is

operating.

The CHAIRMAN. The Chair feels disposed, and indeed is of necessity obliged, in conformity with the fourth clause of Rule I, to which the attention of the Chair has been directed by the gentleman from Massachusetts, [Mr. Robinson,] to hear the gentleman from Maryland upon the pending appeal.

Mr. CALKINS. Will the gentleman from Maryland yield to allow the reading of a short clause from the Manual, page 161?

The Clerk read as follows:

After A is inserted, however, it may be moved to strike out a portion of the original paragraph, comprehending A, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.

Mr. McLANE. Mr. Chairman, I think if the Chair had had an opportunity to hear a word of explanation from me as to the character and nature of that substitute he would not have ruled it out of order. It has no analogy at all to the ruling on the proposition heretofore offered which the Chair ruled to be out of order. Were the mere question of 3 per cent. the only question involved, I would not take issue with the Chair that it would be incompetent for me to move 3½ per cent.; and the Chair would have observed, if I had had the opportunity to make the explanation, that that substitute contains not only propositions materially different from those which the committee have adopted, but it excludes altogether the amendment of the gentleman from Alabama which is embodied in the first section of the bill. And I submit to this committee that never in this House portunity to hear a word of explanation from me as to the character of the bill. And I submit to this committee that never in this House that it been ruled out of order to strike out a proposition adopted by the House if accompanying the amendment are other substantial propositions. And that is why I said it was the universal law of the House.

And I would here remark to the Chair, that I have proceeded with deliberation. I chose my line of action, and was waiting with patient respect the action of this committee on the first section. I made no effort whatever to find fault with the decision of the committee as to the rate per cent., or any of its conclusions; and, knowing my substitute contained other propositions totally different from those

in the original first section, and totally different from those which had been embodied into the first section by the vote of this committee, I knew the proper and only time when I was privileged to offer my amendment was, when the committee had disposed finally of the first section. I submit to the committee that it is a totally different proposition in its character and in its terms from the first section

proposition in its character and in its terms from the first section of the bill; and that 3½ per cent, is but an incident in the section. Neither side of this House, no individual of this House, is committed against the proposition now offered in this substitute.

Here is a substitute which proposes, Mr. Chairman, that the whole issue shall be bonds or certificates, at the discretion of the Secretary of the Treasury, and that the rate of interest shall not exceed 3½ per cent. The first section of the bill limits the Secretary to a fixed amount in bonds and a fixed amount in certificates and a fixed rate of interest. He has no discretion in the first section whatever, but of interest. He has no discretion in the first section whatever, but to negotiate so many hundred million of bonds and so many hundred

million of certificates.

Then, Mr. Chairman, the committee will observe the option is different in the substitute from what it is in the original section. In ferent in the substitute from what it is in the original section. In the original section it is five and ten years for bonds and for certificates one and ten. And the committee will take note, too, that whatever may have been the opinions of gentlemen as to the rate per cent. in the bill, they do not necessarily apply to the rate per cent. in the substitute. I can very well understand, Mr. Chairman, if you are in favor of a twenty or forty years' bond, as was the original first section of this bill, you might very well vote to make the rate 3 per cent. But every intelligent gentleman in this committee will see a great distinction between the rate per cent. applying to a twenty and forty year bond and the rate which ought to apply to a one and ten year bond. Therefore this proposition is not only substantially different from that which the committee has voted on, but it contains within itself the intrinsic reason why the rate per cent. in the substitute should be different from the rate per cent. in the first sections stitute should be different from the rate per cent. in the first section of the bill.

Now, one word more, Mr. Chairman, in this connection. If the committee deprives itself of the opportunity to give full expression of its own opinion as to the relation of the rate and the time, it will of its own opinion as to the relation of the rate and the time, it will be doing itself a great injustice. If this committee fails when the opportunity is offered to it to take an intelligent distinction between a long bond and a short bond, it will have no right to take exception to another Chamber associated with us in legislation when it sends us back a higher rate per cent. if it concedes to us our short bond. That is a point which addresses itself to my conscience and my intelligence more strongly than any other consideration which I could arge upon the committee. I think this committee desires to take a short bond. I think the overwhelming sentiment of this committee. short bond. I think the overwhelming sentiment of this committee on both sides of the House is in favor of a short bond, and therefore I think the committee being in favor of a short bond, or, at all events

Mr. RANDALL, (the Speaker.) I rise to a point of order, that the gentleman from Maryland has no right to discuss the merits of the proposition whether there shall be short or long bonds, or what shall

be the rate per cent.

Mr. McLANE. The honorable gentleman from Pennsylvania, the Speaker of this House, knows as well as I do—and it is a small concession for me to make to him that he knows better than any other man on this floor—that I am perfectly in order. [Laughter on the combined state of the House 1]

man on this floor—that I am perfectly in order. [Laughter on the republican side of the House.]

Mr. RANDALL, (the Speaker.) I withdraw my objection.

The CHAIRMAN. The gentleman from Maryland will address himself to the subject-matter under consideration.

Mr. McLANE. I am appealing to the committee to appreciate the distinction between the substitute and the first section, and I will not say a word that does not address itself to that point. I wish to have this committee understand that the substitute is essentially different from the first section of the bill as it has been perfected, and my observations are to establish that difference. And if it is essentially difference. my observations are to establish that difference. And if it is essentially different, then it is in order. That is my point, and I do not think this committee shows proper self-respect when it tramples upon parliamentary law under the circumstances, because all that substitute seeks to do is to give an opportunity to those who are in favor of a short bond to vote on the rate per cent. which is proper for that bond, and I do not want any member of this committee to feel he has

been deprived of that opportunity.

Now, Mr. Chairman, the committee will observe that up to this time it has not had that opportunity. This committee proceeded in a most extraordinary manner. It fixed the rate of interest before it fixed the time, and therefore this committee has never had the opportunity to you that a 2 person to be supported by the rate of the committee of t to vote that a 3 per cent. rate was proper for a long bond and $3\frac{1}{2}$ per cent. for a short bond. My purpose in offering this substitute is to give the House the opportunity that I believe they ought to have. I suppose we may be obliged to take a long bond, but the honorable gentleman from New York may not be gratified in that respect. He may find that Chamber which it is not in order to refer to directly, may find that Chamber which it is not in order to refer to directly, but which assists us in legislation and which has equal rights with us in framing legislation, may prefer a long bond, and send the bill back to the House with a long term provided for the bond and a rate of 3 per cent. They may send us back a twenty or forty-year bond and 3 per cent. rate, as he would probably prefer, but I would rather have a 3½ rate and a short bond, and I do not wish to be excluded from an

opportunity to associate the rate and time intelligently by awaiting the action of the Senate.

Mr. LOUNSBERY. Will the gentleman from Maryland permit me to ask him a question?

Mr. McLANE. I will.

Mr. LOUNSBERY. Mr. Chairman, I would like to ask the gentleman from Maryland if, in case the substitute be now adopted by the committee, having been ruled to be in order by the Chair, it would then be in order that a new substitute might be offered which would only change the length of the bond and make no other provision in reference to it?

Mr. REAGAN. If the gentleman from Maryland will permit me to

Mr. LOUNSBERY. I am assuming, Mr. Chairman, the substitute to be adopted simply changes the length of the bond and nothing else.

Mr. REAGAN. In reply to the question submitted by the gentleman from New York, if the gentleman from Maryland will permit me, I have always understood the rule to be that in a case like that now before the committee the very words substituted cannot be stricken out by a new substitute, but if coupled with others that enlarge the scope of the proposition, or if coupled with others that diminish its scope, in which case it is admissible, and if adopted in that form, or in its present form, it would still be in order to offer further amendments reducing the rate of interest.

Mr. RANDALL, (the Speaker.) If the gentleman from Maryland will permit me a moment, I wish to say that there is great anxiety on the part of the friends of a refunding bill to make prompt disposition of it. It is desirable that we shall at this session of Congress legislate upon this subject and avoid complaint. The friends of the funding bill in its present shape desire to dispose of it in committee

legislate upon this subject and avoid complaint. The friends of the funding bill in its present shape desire to dispose of it in committee to-day, if it be possible, but cannot do it if the committee is to be flooded with points of order and amendments. If the friends and opponents of the bill in its present form could come to an understanding and agree that a vote be taken upon the two amendments suggested as substitutes, I think we could dispose of the bill, or certainly the first section of it, to-day. I would suggest, therefore, that the point of order be withdrawn. Let us then have a vote on the proposition of the gentleman from Maryland and, if need be, on that of the gentleman from Maine, testing the sense of the committee upon these two amendments or propositions, and then go on quietly and intelligently to perfect the bill.

The committee has already expressed its opinion as between the rates of 3 and 3½ per cent., and I have no doubt they will adhere to their judgment in that respect. I ask now that the gentleman from New York withdraw the point of order.

Mr. FERNANDO WOOD. I desire, Mr. Chairman.

Mr. KEIFER. I wish to say a word, Mr. Chairman, upon this point of order.

of order.

The CHAIRMAN. The gentleman from New York has been recog-

nized by the Chair.

Mr. KEIFER. I wish to discuss a point of order.

Mr. BUCKNER. I submit that the gentleman from Maryland has the floor.

Mr. FERNANDO WOOD. The gentleman from Maryland yields to

Mr. McLANE. Certainly. Mr. FERNANDO WOOD. Mr. Chairman, I was entirely sincere in Mr. FERNANDO WOOD. Mr. Chairman, I was entirely sincere in making the point of order against this attempt to change the rate of interest. I understand the gentleman from Maryland to substantially admit that if his proposition had been an isolated provision it would not be in order; but to avoid the point of order made against it he introduces other propositions, relating to the length of the bond and other material considerations, so as to get in his motion to issue a 3½ per cent. I make this declaration, that no parliamentarian in this House can contradict, that when the amendment is not in order in one regard although it may embrace twenty different propositions. in one regard, although it may embrace twenty different propositions,

in one regard, although it may embrace twenty different propositions, it is not in order in any regard. The whole amendment absolutely falls, however meritorious it may be, provided that there is one proposition within it which cannot be entertained under a point of order. But I sympathize with the gentleman from Pennsylvania. I want this bill to be completed. I want it passed. I want it passed according to the will of the majority of this House whether I concur or not. I am free to say now that I do not concur in some of the propositions in this section as it stands. But I am willing to consent to withdraw the point of order and let the vote be taken upon the substitute of the gentleman from Maryland and also the proposition of the gentleman from Maine, with the understanding that if the substitute shall not be adopted we go on with the other provisions of the bill, leaving not be adopted we go on with the other provisions of the bill, leaving

not be adopted we go on with the other provisions of the bill, leaving this first section as it now stands.

Mr. WARNER. With the understanding that if the substitute is adopted it may be open to amendment.

Mr. CARLISLE. As I understand it the gentleman from New York means that if the substitutes are voted down we then pass to the other sections of the bill.

Mr. FERNANDO WOOD. That was my idea.

The CHAIRMAN. The Chair understands, then, the gentleman from New York to withdraw the point of order.

New York to withdraw the point of order.

Mr. FERNANDO WOOD. I withdraw the point of order.

The CHAIRMAN. The question is on the substitute presented by the gentleman from Maryland, which the Clerk will again report.

The proposed substitute was again read.

Mr. WARNER. I send to the desk an amendment which I propose to offer as a proviso to the substitute.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Provided, That in the purchase or payment of any of the bonds or certificates of the United States the Secretary of the Treasury is hereby authorized to pay out the standard coin from time to time in the Treasury in excess of the current coin obligations of the Government and 25 per cent. of outsanding legal-tender

Mr. WARNER. I ask a moment to explain the reasons for offering

this proviso.

The CHAIRMAN. Debate is not in order at this time.

Mr. WARNER. I desire to say a word of explanation. [Cries of "Vote!" "Vote!"] Let me say just this: that if the amendment is not accepted by the gentleman from Maryland, I will withdraw it for the present in order to offer it as a separate proposition.

Mr. McLANE. Let a vote be taken on the amendment.
Mr. WARNER. Then I withdraw the amendment for the present
and will offer it as a substantive proposition.
The CHAIRMAN. The question is on the adoption of the substi-

Mr. SAMFORD. I desire to offer an amendment to the substitute.

The CHAIRMAN. The committee is now dividing.

Mr. PRICE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it, although the question is now being submitted to the vote of the committee.

Mr. PRICE. I want to know whether if a proposition is offered in the shape of a substitute for one section and it nevertheless covers the entire bill, whether we are not to be allowed to offer amend-

The CHAIRMAN. The substitute is open to amendment.

Mr. BLAND. I rise to a question of order. I submit we have a right to offer amendments to the pending propositions.

Mr. SAMFORD. I offer as an amendment to the substitute what I send to the desk

The CHAIRMAN. The Chair will hold the amendment as having been made in time

The Clerk read Mr. Samford's proposed amendment, as follows:

Add to the substitute the following:

"Provided, That before any bonds are issued under this act, the Secretary of the Treasury shall pay on the said bonds accruing during the year 1881 all the standard silver dollars, and also all the gold coin and surplus revenues now held in the Treasury over and above \$50,000,000, held for resumption of specie payments: Provided. This section shall not be construed to require the payment of revenues needed for the ordinary current expenses of the Government, nor for the payment of revenues needed to meet and pay liabilities already accrued: And provided further. That nothing herein contained shall require the payment of the coin for which coin certificates have been issued."

The question being taken on the amendment to the substitute there

were—ayes 37, noes 97.
So (further count not being called for) the amendment was not

agreed to.

Mr. PRICE. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. PRICE. If the pending substitute is adopted can I offer an amendment to it afterward?

The CHAIRMAN. Amendments to the substitute are now in order. Mr. PRICE. But after it is adopted, if it should be adopted, can

offer amendments? The CHAIRMAN. If the substitute should be adopted amendments to it could come in by way of addition. The question is on the substitute of the gentleman from Maryland, [Mr. McLane.]

Mr. FRYE. Let us have the vote taken by tellers.

Tellers were ordered; and Mr. LOUNSBERY and Mr. McLane were

The committee divided; and the tellers reported—ayes 97, noes 108.

So the substitute was not agreed to.

Mr. FRYE. Mr. Chairman, the substitute offered by the gentleman from Maryland covered the whole of the substitute which I propose to offer with some additions. My own judgment is that my amendment or substitute was fully tested in this last vote and beaten, and therefore I do not offer it.

The Clerk was the second continued the bill, as follows:

The Clerk read the second section of the bill, as follows:

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or notes herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or notes issued; but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

Mr. EERNANDO WOOD. A desire the provisions of the second.

Mr. FERNANDO WOOD. I desire to make a technical change which is necessary in order that this section may conform to the first section. I therefore move to amend by striking out the word "notes," in lines 3 and 10, and substituting the word "certificates." The section will thus be made to conform to the designation in the first section.

The amendment was agreed to.
The Clerk read the next section, as follows:

SEC. 3. Authority to issue bonds and notes to the amount necessary to carry out the provisions of this act is hereby granted.

Mr. CARLISLE. As it is my purpose when we come to the fourth section to move a substitute for it, I propose to amend the third section by adding to it as it now stands in the bill what I send to the Clerk's desk.

Mr. BUCKNER. Will the gentleman yield to me a moment?

Mr. CARLISLE. Yes, sir.

Mr. BUCKNER. Is this section necessary? Is not the Secretary authorized now f

Mr. CARLISLE. I am proposing an addition to the section which I ask the Clerk to read.

The Clerk read as follows:

Add to the section the following:

"And the Secretary of the Treasury is hereby authorized and directed to make suitable rules and regulations to carry this act into effect: Provided, That the expense of disposing of the bonds and certificates authorized to be issued shall not exceed one-quarter of 1 per cent.

Mr. RANDALL, (the Speaker.) I ask the gentleman from Kentucky if that is to include every expense; advertising, preparing, issu-

ing, and disposing?

Mr. CARLISLE. That is the intention.

Mr. RANDALL, (the Speaker.) Because the act of 1870 employs the words I have used.

Mr. CLAFLIN. I desire to move an amendment to make it one-

Mr. CLAFLIN. I desire to move an amendment to make it one-half of 1 per cent.

Mr. CARLISLE. Move it now.

Mr. TOWNSHEND, of Illinois. Do you accept that?

Mr. CARLISLE. No, sir.

Mr. CLAFLIN. I move to amend the amendment by striking out one-quarter and inserting one-half. The Secretary of the Treasury expressly says that with a one-quarter per cent. rate nothing would be left to pay any commission to the banks.

Mr. TOWNSHEND, of Illinois. We need nothing to pay commissions to the banks.

sions to the banks.

Mr. RANDALL, (the Speaker.) If the gentleman from Kentucky had used the words "advertising," "preparing," and "issuing," and had left out the word "disposing," there would have been no authority for paying a commission, which, I think, in amount paid heretofore has been an abuse

Mr. CLAFLIN. You cannot expect men to do business without

Mr. TOWNSHEND, of Illinois. Let the people deal directly with

the Treasury.

Mr. CLAFLIN. Of course when they do they get nothing from

Mr. CLAFLIN. Of course when they do they get nothing from the Treasury.

Mr. FERNANDO WOOD. The cost of preparing these bonds is in excess of one-quarter per cent. The law now allows one-half per cent. to cover the cost of advertising, printing, issuing, and disposing of the bonds; four different processes before the bonds are finally negotiated. Now, it is for this committee to determine whether it is not just and right that, having established a rate of interest so low as 3 per cent., the Government itself shall not bear the expense, whatever that may be, of preparing, issuing, and advertising. I will suggest, therefore, to my friend from Kentucky that we fix a percentage of allowance down to the disposing of the bonds so that the mechanical preparation and the advertising may be covered by the expense allowed by tion and the advertising may be covered by the expense allowed by the gentleman. The gentleman, as I understand, leaves open the question of allowing commission to a syndicate taking these bonds. Now, the theory of this bill is that it is a peoples' loan and that the

Now, the theory of this bill is that it is a peoples' loan and that the bonds and notes go to the people.

We propose to avoid the intervention of any go-between in the transactions of the people with the Government in this regard. I agree with the gentleman from Kentucky [Mr. CARLISLE] thus far, that I would allow nothing for commissions to sell the bonds, but I would deliver the bonds at the cost of the Government.

Mr. CARLISLE. I would like to ask the chairman of the Committee on Ways and Means whether, in his opinion, one-quarter of 1 per cent. is not sufficient for that purpose? It is equivalent to at least a million and a half of dollars on the amount of bonds authorized to be issued by this act.

a million and a hair of dollars on the amount of bolds admonted to be issued by this act.

Mr. FERNANDO WOOD. The gentleman is aware that there is a letter of the Secretary of the Treasury, in which he shows that the allowance of one-half of 1 per cent. would leave a small amount to be returned to the Government. I doubt whether one-quarter of 1 per cent. will bear all the expenses of handing these bonds over to the parties obtaining them. I think if the gentleman would make it three-eighths or one-half of 1 per cent. it would be sufficient.

The CHAIRMAN. Debate upon the pending amendment has expired.

pired.

Mr. WEAVER. I move to strike out the last word. In my judg ment it is impossible to properly expend one and three-quarter milions of dollars (that would be the amount of one-quarter of 1 per cent. on \$700,000,000) in preparing these bonds for the market. With the gentleman from Pennsylvania, [Mr. Randall,] the Speaker of this House, I think this has been a great abuse. The giving of one-half of 1 per cent. would make the amount to be expended in preparing these bonds for the warket and placing them at least three millions. these bonds for the market and placing them at least three million five hundred thousand dollars. I object to that. I think that one-eighth of I per cent. is amply sufficient, and, if in order, I move to make it one-eighth.

Mr. FRYE. Gentlemen will remember that under the law author-

izing the issue of the 4 per cent. bonds, one-half of 1 per cent. was allowed for the expenses of so doing. If gentlemen will go to the Secretary of the Treasury they will find out that all of the early operations of placing the loans (and there is the difficult spot) cost fully the one-half of 1 per cent.; and the Secretary of the Treasury saved his million of dollars after the whole thing had got into a current and was appearable going almost by itself.

his million of dollars after the whole thing had got into a current and was apparently going almost by itself.

They will find another thing if they will go to the Secretary of the Treasury, and that is that in the opinion of a gentleman who ought to know more about placing United States bonds than any gentleman in this House, to say the least, it is an utter impossibility to place these 3 per cent. or 3½ per cent. bonds at one-quarter of 1 per cent., at any rate in the early operations which must be undertaken.

Mr. CARLISLE. Will the gentleman yield to me for a question ?

Mr. FRYE. I will.

Mr. CARLISLE. The gentleman is of course aware of the fact that one-quarter of 1 per cent. is the amount provided for in the original bill as reported by the Committee on Ways and Means?

Mr. FRYE. I am.

Mr. FRYE. I am. Mr. CARLISLE. And the gentleman knows that while the bill was under consideration in the Committee on Ways and Means the Secretary of the Treasury came before that committee and had a long interview upon the questions embraced in the bill. Now, I ask the gentleman if he remembers that the Secretary of the Treasury made no objection to the bill on account of the amount allowed for the disposing of the bonds?

Mr. FRYE. I do not remember. But I know that the bill you are now proposing to send to the Senate is a 3 per cent. bond bill.

Mr. CARLISLE. Certainly.

Mr. FRYE. It is a marvelous thing in itself for a people like this to undertake to do, to float a 3 per cent. bond. And when you undertake to do that marvelous thing you at the same time undertake to do another marvelous thing, to reduce the expense of placing the bonds to one-quarter of 1 per cent., a lower rate than any country in the world, including your own, ever undertook, even with the four

percents or five percents.

It seems to me that there is a determined purpose on the other side of the House, and on the part of the gentleman from Iowa [Mr. Weaver] as well, to break down all possibility of any funding oper-

weaver, as well, to break down all possionity of any finding operations, and to pass a bill through this House with such amendments as have been placed upon it to-day as will prevent any successful action on the part of the Secretary of the Treasury.

Mr. WEAVER. You hit me there.

Mr. FRYE. I thought so.

Mr. COX. I do not believe that any such motive or intention exists on this side of the House as the one which my friend from Maine

Mr. FRYE. The gentleman from Iowa [Mr. WEAVER] says I hit

him right. Mr. WEAVER. You did.

Mr. COX. It does not apply to this side of the House. The motion is made to increase the pay to the syndicate to one-half of 1 per cent. The bill proposes to give one-quarter of 1 per cent., which will amount to more than one and a half million of dollars.

I want this bill so limited, its expressions so guarded, that it will not be subject to the interpretation of the act of 1870 relating to the

not be subject to the interpretation of the act of 1870 relating to the four, four-and-a-half, and five percents. That act authorized no more than one-half of 1 per cent. to be paid.

I introduced into this House a resolution of inquiry, and the Committee on Ways and Means called upon the Secretary of the Treasury, Mr. Boutwell, for an explanation. That explanation is on record. It will show that the syndicate at that time, under the provisions of a law giving one-half of 1 per cent., got from 3 to 3½ and 4 per cent. out of their operations in placing the loan.

Now, I want no intervention between the people and the Treasury, no syndicates. The Treasury is delegated with power for this special purpose to place these bonds in the hands of the people. Gentlemen who wish to allow one-half of 1 per cent. mean to give percentages

who wish to allow one-half of 1 per cent. mean to give percentages to syndicates. I am opposed to that; this side of the House is opposed

to syndicates. I am opposed to that; this side of the House is opposed to it; and we welcome any reproaches that the gentleman from Maine may hurl at us on the ground that the restriction we propose will tend to defeat the present funding of the debt about to become due.

Mr. HASKELL. I desire to make one suggestion to the gentleman from New York [Mr. Cox] and the gentleman from Pennsylvania, [Mr. RANDALL.] If the Treasury Department is deprived of the power to employ any person or any bank to make a distribution of these bonds through the country, and thereby placing them near the people, where they can see what the bonds are, where they can ask questions and have them answered, the mere matter of delay in placing this new loan, the old bonds running at 5 and 6 per cent., will more than

and have them answered, the mere matter of delay in placing this new loan, the old bonds running at 5 and 6 per cent., will more than make up the difference between \(\frac{1}{2} \) and \(\frac{1}{2} \) per cent. on the whole sum. Now, the proposition is, if this allowance is kept down to one-fourth of 1 per cent., to compel everybody who wants a 3 per cent. bond to apply to the Secretary of the Treasury or a sub-treasurer. You say these bonds are for the people, but you provide no machinery by which the people can get them. This country is several thousand miles wide. These bonds ought to be widely distributed; the newspapers ought to advertise the terms of the loan; the banks ought to be employed to negotiate the loan, to make the necessary explanations to investors, to do the work of placing the loan.

Now, does the gentleman from New York say that it would be wise Now, does the gentleman from New York say that it would be wise to make this allowance so small that no money would be at the disposition of the Secretary of the Treasury for the expenses of placing the bonds, so that a delay of a year or eighteen months might be forced upon the Secretary of the Treasury before he could place the loan, granting that in the end it could be successfully placed?

Gentlemen can see that 5 and 6 per cent. interest on the present outstanding bonds would amount to a great deal larger sum than this additional one fourth of 1 per cent.

standing bonds would amount to a great deal larger sum than this additional one-fourth of 1 per cent.

This side of the House, I take it, is not any more in favor of syndicates than is the gentleman from New York; but this side of the House when it proposes to issue a bond and make a loan, proposes to do it in earnest. It does not propose to fool the people of the United States and thrust out a miserable pretense of a funding bill, under which, as every business man, every banker, every intelligent legislator knows, the bonds cannot be negotiated. This side of the House, if I am any judge of its sentiments, intends that this funding bill shall be a successful measure. If the bonds are to be placed at 3 per cent., more work will be required to float the loan successfully than was required in the case of the 4 per cent. bonds; and, as I stated here the other day, one bank in the city of Boston (and that was not the great center for placing the four percents) expended \$26,000 in here the other day, one bank in the city of Boston (and that was not the great center for placing the four percents) expended \$26,000 in advertising four percents which it had for sale. Who is to pay expenses of this kind in connection with placing these new bonds? Will any bank take the bonds, advertise them, talk to their customers about them, urge them upon the people, and do all this for love of the Government, at the same time paying their own expenses?

Mr. CARLISLE. May I ask the gentleman a question?

Mr. HASKELL. Yes, sir.

Mr. CARLISLE. Did not these banks have the benefit of holding in their vaults and using many million dollars of money of the General Government which had been received for these bonds?

Mr. HASKELL. I understand that there was a benefit of that sort accruing to the banks, and I understand that it is not provided for

accruing to the banks, and I understand that there was a beneat of that sort accruing to the banks, and I understand that it is not provided for in this bill. I understand also that a 4 per cent. bond would enable bankers to bull the market and make a margin on the rise, which can hardly be done with a 3 per cent. bond. Can any bank expect to reap a great harvest on the advance of the three percents? Think of the

a great harvest on the advance of the three percents? Think of the matter for a moment. You are proposing to call in bonds bearing a high rate of interest and to put upon the market a bond at a lower rate than the world ever saw floated before, yet, under pretense of striking at a syndicate or a banker, you deliberately say on this floor that you will not give the Secretary of the Treasury power to move a wheel in placing the bonds.

[Here the hammer fell.]

Mr. WARNER. Mr. Chairman, while I am in favor of a short bond at 3½ per cent., because I believe that is as low a rate as a short bond will stand, and have so voted, I am decidedly opposed to any attempt to make up the difference in interest by a commission to a syndicate or anybody else. Such a measure will not have the effect claimed for it; it will not make up the difference; will not make the bonds them or anybody else. Such a measure will not have the effect claimed for it; it will not make up the difference; will not make the bonds themselves any better. For one, therefore, I am opposed to the proposition to allow one-half of 1 per cent. instead of one-quarter. The latter rate, as has been already stated, will provide over a million and a half of dollars. That is quite sufficient to cover the cost of engraving, printing, advertising, and all other necessary expenses, and any attempt to make up the difference of interest in this way would be a needless expenditure and a failure, and ought not to be attempted. Make a bond that the public will take, and one-quarter per cent is enough to cover legitimate expenses councied with it.

Make a bond that the public will take, and one-quarter per cent. is enough to cover legitimate expenses connected with it.

Mr. RANDALL, (the Speaker.) Mr. Chairman, if one-half per cent. was essential to enable the Government to dispose of these bonds, I would be quite willing that we should allow that rate. But, if I remember correctly, the usual brokerage paid by citizens buying Government bonds is only one-eighth; and in large transactions it is generally made the subject of special agreement at a sixteenth.

Mr. HUTCHINS. It is one-thirty-second of 1 per cent. as to Government bonds.

Mr. RANDALL, (the Speaker.) My friend from New York, [Mr. HUTCHINS,] who is better versed in these matters than I am, states that the brokerage is a thirty-second on Government bonds. I am very much obliged to him for the correction. At one-quarter per cent, there would be about one million six hundred and twenty-five thousand dollars for the expenses of preparing, advertising, and disposing of \$650,000,000 of bonds. I think that would be adequate; and I submit that those who desire to restrict this allowance to a quarter per cent. ought not to be charged with any purpose to prevent the placing of the loan. We conscientiously think that this allowance will be

Mr. DWIGHT. If one-half per cent, be appropriated and only one-

would pay them one-sixteenth or one-thirty-second of 1 per cent. Even supposing we were to pay them one-eighth we would still have money enough to cover the expense of printing.

Mr. DWIGHT. Why not give the Secretary of the Treasury the same amount as he has always had, and allow him a discretion in the

Mr. RANDALL, (the Speaker.) Because I do not believe the amount he has had is necessary; nor do I believe that he thinks so himself. In my judgment there has been too much liberality in the payment of

commission for negotiation of bonds.

Mr. UPDEGRAFF, of Ohio. I should like to ask the honorable gentleman from Pennsylvania whether the Secretary of the Treasury did

tleman from Pennsylvania whether the Secretary of the Treasury did not save over one million dollars in placing the 4 per cent. and 4½ per cent. bonds inside of the discretion allowed him by the law?

Mr. RANDALL, (the Speaker.) I would not say he did not, but I do say that the Secretary of the Treasury paid 1 per cent. on \$740,000,000 in double interest outside of the one-half per cent. permitted by act of 1870, for preparing, advertising, and disposing of the bonds authorized by that act, which he ought not to have done to that extent.

Mr. UPDEGRAFF, of Qhio. But the gentleman will not deny that what the Secretary of the Treasury did was in exact accordance with the law.

the law.

Mr. CLAFLIN. The Secretary of the Treasury cannot any more do that under the terms of this bill. He has himself stated that a quarter per cent. would not pay for the cost of printing, transportation, and other things connected with the negotiation of the bonds, that that amount would not leave enough to pay such necessary expenses. There is another point. Three hundred millions of certificates are to be issued under \$50, and that, of course, will increase the expense of placing the loan. You cannot expect to have business done for nothing. It is useless. What would one-quarter per cent. on a ten years' loan amount to? Not to enough to run any risk.

Mr. RANDALL, (the Speaker.) If the gentleman has \$100,000 to invest, and goes to a broker and says, "I want to buy one hundred thousand dollars' worth of four percents," does not the broker charge him brokerage?

him brokerage

Mr. CLAFLIN. No; brokers never charge buyers, but those they sell for. A broker never charges a man he sells to. The man who buys does not like to pay commissions. It is bad enough for the seller to pay.

Mr. RANDALL, (the Speaker.) That is the broker who sells, but

the broker who buys for you when you give him the order, does he not charge you a brokerage for buying?

Mr. CLAFLIN. Not ordinarily.

Mr. RANDALL, (the Speaker.) You will find that the seller and

buyer both pay commissions.

Mr. CLAFLIN. The man who buys a note does not pay the broker.

Mr. RANDALL, (the Speaker.) They pay both ways in purchasing

Mr. RANDALL, (the Speaker.) They pay both ways in purchasing stocks, I think.

Mr. CLAFLIN. Any man who sells a note always pays the broker in private business, but every gentleman here knows that it is always the man who sells a note who pays, and not the man who buys.

Mr. RANDALL, (the Speaker.) I doubt whether there is an instance to the contrary of what I have stated in the annals of the New York Stock Freehance.

York Stock Exchange.

Mr. CANNON, of Illinos. Mr. Chairman, there are in round numbers \$700,000,000 of bonds of the United States bearing 5 and 6 per cent. interest per annum which we have an option to pay by the 30th of June next. The object of this refunding bill is to enable the United States to borrow the money at 3 per cent. interest to pay them. If the bill is enacted into law and the three percents are placed at par it will only be in fact an exchange of the low-interest bonds for the high-interest bonds. This would be a good thing for the Govern-ment, but it would not be a good thing for the holders of existing bonds. To hear gentlemen talk one would suppose the holders of the five and six percents will walk up to the Treasury and for the good five and six percents will walk up to the Treasury and for the good of the country make the exchange, without reference to their own interest. Now, how are you going to compel them to make the exchange? There is but one way, and that is to make it to the interest of individuals to make a market for the three percents by paying a small commission for such services, and then when the ball is fairly started it will roll around with less effort, and the Secretary of the Treasury can probably decrease the commission, as he has heretofore done in refunding. The amendment of the gentleman from Kentucky [Mr. Carlisle] fixes the expenses of preparing, advertising, and disposing of the new bonds at one-fourth of I per cent. a sum, in my disposing of the new bonds at one-fourth of 1 per cent., a sum, in my judgment, too small; I would at least give the Secretary of the Treasury authority to pay one-half of 1 per cent., for the delay in funding these bonds for five weeks only, after our option accrues, would cost us in extra interest upon existing bonds more than the

Mr. DWIGHT. If one-half per cent, be appropriated and only one-quarter per cent. required, will there be any loss to the Government?

Mr. RANDALL, (the Speaker.) I have seen cases where such a discretion has been given and abused. The result is that those who have business with the Treasury Department always demand the maximum rate where such discretion is given.

Mr. DWIGHT. Do you not believe that it would take more than 3 per cent.?

Mr. RANDALL, (the Speaker.) No; I do not think so. I think we ought to make the negotiation through private bankers and the national banks, of which there are more than two thousand; and I

bination have a stake of \$12,000,000 per annum in promoting the sale of the proposed bonds. The gentlemen are scared from the wrong of the proposed bonds. The gentlemen are scared from the wrong direction. I trust gentlemen will not strain at a gnat and swallow a camel.

Mr. HILL. The whole contest, Mr. Chairman, in this committee at this time is whether this debt shall be funded at 3 or 3½ per cent. interest. Now, it is contended on the other side of the House that a 3 per cent. bond cannot be floated in the market; that it is a lower rate of interest than any government in the world has been able to secure. In reply to that I say that the credit of this Government is better than that of any other government in the world. But this is no new argument on this floor. When the former funding bill was under discussion here and it was proposed to fund the bonds at 4 per cent. it was claimed that a 4 per cent. bond could not be floated. But to-day, sir, they are 18 per cent. premium-18 per cent. above par.

How do gentlemen know a 3 per cent. bond cannot be floated? I undertake to say there is not a farm in the State of Kansas or in the State of Ohio or anywhere else in the western country which pays 3 per cent. on its real value after the taxes are paid. In a number of western villages and towns the local rate of taxation is from $2\frac{1}{2}$ to $3\frac{1}{2}$ per cent., and in some as high as $4\frac{1}{2}$ per cent. So that the 3 per cent. bonds would bring more revenue to the holder without taxation than

bonds would bring more revenue to the holder without taxation than real estate at 7½ per cent.

It has been stated by the gentleman from New York in his speech on the funding bill in the last session of Congress that the Secretary of the Treasury sold \$50,000,000 of 4½ per cent. bonds at par, while 4 per cent. bonds at the same time were selling at a premium. Now, how is it that these syndicates which have the contracts for these purchases can come to the Secretary of the Treasury and badger him so as to require him to sell a bond which bears a lower rate of interest at a higher price than he receives for a bond which bears a higher rate of interest?

Mr. Chairman, we want no banks or syndicates to sell honds for the

Mr. Chairman, we want no banks or syndicates to sell bonds for the Government. Let the Secretary of the Treasury sell them as he did the 4 per cent. bonds, at a premium.

Here the hammer fell.]
The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Massachusetts, which the Clerk will report.

The Clerk read as follows:

Strike out "one quarter of 1 per cent." and insert "one-half of 1 per cent."

The amendment was not agreed to.

Mr. LOUNSBERY. I offer an amendment which I think the gentleman from Kentucky will accept.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York. The Clerk read as follows:

After the word "expense," in the amendment, insert the words "preparing, issuing, advertising," &c., so that, if amended as proposed, it will read: "Provided, That the expense of preparing, issuing, advertising, and disposing of the bends and certificates authorized by this act," &c.

Mr. LOUNSBERY. This amendment will make the amendment of the gentleman from Kentucky conform to the language of the statute of 1870, and I think he is willing to accept it.

Mr. CARLISLE. I have no objection to the amendment myself.

The amendment was agreed to.

The amendment, as amended, was then agreed to. The Clerk read as follows:

The Clerk read as follows:

SEC. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit, is hereby amended so as to continue and limit the amount of certificates to be issued to \$50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at three and one-half of 1 per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of \$50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds, the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of \$50,000,000, until the aggregate amount of the bonds authorized by this act and of the said certificates. It shall be unlawful for any person or persons to form combinations by which to procure said certificates of deposit authorized under this act, for purposes of sale to others, or for acting as agents of others, and any person so offending shall be liable, on conviction, to be fined \$1,000 or imprisoned not to exceed one year. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of the certificates and bonds authorized to be issued shall not exceed one-quarter of 1 per cent.: Provided, That said certificates shall not be sold or converted at less than par.

Mr. CARLISLE. I move to strike out the section which has just

Mr. CARLISLE. I move to strike out the section which has just been read and insert the following.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from Kentucky.

Mr. FERNANDO WOOD. I will state, Mr. Chairman, that the first section of this bill, as amended by the committee, increasing the volume of certificates does away very much with the necessity for the provisions of this fourth section. The object of the fourth section is to continue in force the act of 1879 which made provision for the ten-dollar certificates, which certificates it is now proposed to authorize to be concertificates, which certificates it is now proposed to authorize to be converted into bonds drawing the same rate of interest as the bonds now bear. But there are many reasons why this section would be in conflict with what has already been suggested, and therefore I will consent to the substitute presented by the gentleman from Kentucky.

The CHAIRMAN. The proposed substitute will be reported. The Clerk read as follows:

Strike out section 4, and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use not exceeding \$50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act; and he may at any time apply the surplus money in the Treasury, not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: Provided, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled."

Mr. FERNANDO WOOD I move to amend the substitute and I

Mr. FERNANDO WOOD. I move to amend the substitute, and I think the gentleman will accept the amendment, by adding at the

end of the section the following words:

Provided, That such certificates shall not be sold or converted at less than par. Provided, That such certificates shall not be sold or converted at less than par.

Mr. CARLISLE. Mr. Chairman, the first section already provides that the certificates authorized to be issued in that section shall not be sold or exchanged at less than par. The clause the gentleman from New York has read applies to the ten-dollar refunding certificates, which I proposes to strike out entirely. The amendment offered by me has two purposes in view. In the first place it provides, as the committee will observe from its reading, that the Secretary of the Treasury is authorized—not directed or compelled, but authorized—to use not exceeding \$50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds authorized to be refunded under the provisions of this act. The purpose of that provision is this: it may be that national banks holding the 5 and 6 per cent. bonds which it is the purpose of Congress to refund will be unwilling to take the 3 per cent. bonds authorized in exchange for them or to purchase the 3 per cent. bonds. In such a case as that the Secretary of the Treasury, armed with the power which the first clause of that amendment confers upon him, may immediately call or designate for redemption any amount of these 5 or 6 per cent. bonds not exceeding \$50,000,000, and take them up by the use of that amount of the standard gold and silver coin on hand in the Treasury. This will give him a start in the process of redeeming and refunding under this bill.

This committee has already by a vote of less than a quorum adopted an amendment proposed by the gentleman from Alabama which makes it imperative upon the Secretary of the Treasury to take from the coin belonging to the Government all except \$50,000,000 and apply it to the payment or redemption of these bonds. The effect of that provision is to take away from the Treasury every dollar held for the purposes of resumption and over two million dollars of the coin now held thus to redeem outstanding gold and silver Mr. CARLISLE. Mr. Chairman, the first section already provides

held thus to redeem outstanding gold and silver certificates; and I feel quite sure that when that amendment comes before the House it feel quite sure that when that amendment comes before the House it will not be agreed to. Now, I propose that the committee shall adopt this provision upon that subject, which, of course, can never seriously encroach upon the resumption fund, because it will still leave about 25 per cent., or a sum nearly equal to 25 per cent., of the outstanding legal-tender notes, even if the coin in the Treasury should not increase over and above what it is now.

Mr. CLAFLIN. Ibeg to inform the committee that taking \$50,000,000 from \$132,000,000 there will not be left any 25 per cent. or 20 per cent. The amount of money in the Treasury belonging to the United States.

The amount of money in the Treasury belonging to the United States on the 12th of this month was less than one hundred and forty million dollars. If you take out \$25,000,000 of fractional currency, which is of no use in redemption-

Mr. CARLISLE. I hope this will not come out of my time.

The CHAIRMAN. The gentleman from Kentucky [Mr. CARLISLE]

has the floor Mr. CARLISLE. The Secretary of the Treasury in his official report, at the beginning of the present session of Congress, stated that the total amount of coin in the Treasury at the close of business on the 1st day of November last was \$218,710,154, of which \$141,597,013.61 constituted a reserve for the redemption of United States notes

[Here the hammer fell.]
Mr. BUTTERWORTH was recognized and yielded his time to Mr. CARLISLE

Mr. CARLISLE. That, of course, does not embrace the coin in the

Mr. CARLISLE. That, of course, does not embrace the coin in the Treasury, for the redemption of outstanding gold and silver certificates, which amounts to \$52,000,000.

Mr. SPRINGER. If the gentleman will yield to me I will read the Treasury statement of the present month.

Mr. CARLISLE. I would willingly yield to the gentleman, but there is still another clause of my amendment which I desire to explain before I take my seat, and there will not be time to do so, I fear. As I stated, this was the amount of coin in the Treasury, \$141,000,000 ever and above all that is required to redeem the out-\$141,000,000 over and above all that is required to redeem the out standing gold and silver certificates, and other coin obligations, and this amendment proposes simply to authorize the Secretary of the Treasury to use at his discretion any sum, not exceeding \$50,000,000, of that money to start the process of resumption and redemption under this act.

The second clause of the amendment, in my judgment, considering the present state of the law, is absolutely necessary in order to enable the Secretary of the Treasury to take advantage of the surplus money in the Treasury in the payment of the public debt. We are now, I believe, according to the last report of the Secretary of the Treasury, only about fifty million dollars behind the requirements of the sinking fund. Just as soon as the Secretary has paid off a suf-

ficient amount of the public debt to meet all the requirements of the sinking fund, then he will have reached a point where there is no law in force authorizing him to take another dollar out of the Treasury and apply it to the payment or redemption of any part of the public debt. The Constitution declares that no money shall be drawn from the Treasury except in pursuance of an appropriation made by law, and there is now no appropriation except for the interest and sinking

It is estimated that in the fiscal year 1882 there will be a surplus of over ninety million dollars; forty-three million dollars of that amount will belong to the sinking fund under the sinking fund act, leaving nearly fifty million dollars surplus over and above all the requirements of the public service and the requirements of the sinking fund. In the present state of the law the Secretary of the Treasury cannot touch one dollar of that money to pay any debt which may be due from the Government, and therefore the last clause of the amendment provides that he may at any time—at his discretion, of course, having in view the interests of the Government—apply any part of the surplus money in the Treasury to the payment or redemp-tion of outstanding United States bonds; and it seems to me, I repeat, an absolutely necessary provision, considering the fact that a very large surplus will probably accumulate each year for several years to come.

Come.

[Here the hammer fell.]

Mr. WARNER. I desire to suggest to the gentleman from Kentucky that his amendment, as I understand from hearing it read, does not cover purchases or payments outside of the sinking fund beyond the bonds now to be redeemed. The Secretary of the Treasury is now behind with the sinking fund, I believe, about fifty millions of dollars. Beyond this he cannot go without authority of law to do so. The amendment of the gentleman from Kentucky authorizes him to use part of the coin in the Treasury beyond the requirements of the sinking fund in the redemption of 6 per cent. and 5 per cent. bonds. But it does not extend to him authority to pay the bonds and certificates provided for in this act out of any coin in the Treasury beyond the sinking fund, which for the year 1882 will be only about forty-three million dollars.

three million dollars.

Mr. CARLISLE. Will the gentleman please look at the second clause of the amendment as it is now in the hands of the Clerk?

Mr. WARNER. Let it be read again, then; I thought I had listened

to it carefully.

Mr. CARLISLE. Let the Clerk read the second clause of the

amendment.

The Clerk read as follows:

And he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: Provided, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

Mr. WARNER. I take that to refer to the bonds of 1881 only.
Mr. CARLISLE. It refers to any bonds.
Mr. WARNER. Add "certificates," and that will cover it.
Mr. CARLISLE. I ask the Clerk to insert the words "and certificates," because that has been added since I prepared the amend-

Mr. WARNER. There were on the 6th of this month \$129,000,000 in coin in the Treasury over and above all current liabilities of the Government, of which about twenty-four million dollars was in sub-Government, or which about twenty-four million dollars was in subsidiary silver coin. This assumes that the money in the Treasury other than coin will offset liabilities to an equal amount and leave the coin as surplus; and the Secretary, of course, may pay current liabilities with any lawful money. The \$50,000,000 authorized by the proposed amendment to be paid in excess of the sinking fund would leave about eighty million dollars of coin altogether on hand, an ample fund for all redemption purposes as might easily be shown if in order in this delete. debate.

Mr. McMILLIN. Will the gentleman permit me in this connection Mr. McMILLIN. Will the gentleman permit me in this connection to state the amount presented for redemption last year? It was \$706,658 and to redeem that much annually we hold in the Treasury \$141,000,000 of coin. I insist we should pay out all of this coin that is not absolutely necessary for resumption purposes.

Mr. WARNER. I agree that it is not necessary to hold \$25,000,000 if you keep the volume of paper down to present limits; but this is too large a question to elucidate in five minutes.

Mr. TOWNSHEND, of Illinois. I desire to make an inquiry of the gentleman from Kentucky, [Mr. Carlisle.] If his amendment is adopted, will it interfere with the right of the Secretary to refund the ten-dollar certificates into the 3 per cent. bonds we authorize to be

ten-dollar certificates into the 3 per cent. bonds we authorize to be

Mr. CARLISLE. It will, because if my amendment is adopted the fourth section of the bill as reported by the Committee on Ways and Means, which provides for funding these ten-dollar certificates, will be stricken out.

Mr. TOWNSHEND, of Illinois. But in the first section of the bill it is provided that these bonds and notes shall be of like character and subject to the same provisions as the bonds under the act of July 14, 1579, which allows the certificates to be funded in 6 per cent. bonds.

Mr. CARLISLE. The gentleman is mistaken about the provisions of the first section of this bill.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. TOWNSHEND, of Illinois. I merely wish the committee to understand this matter.

Many Members. Vote! Vote!

Mr. TOWNSHEND, of Illinois. Then I move to strike out the last word; and you will get a vote, gentlemen, when I am through speaking. The first section of the bill has this clause in it:

The bonds and notes shall be, in all other respects, of like character and subject to the same provisions as the bonds anthorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto.

That act provided that when certificates were presented in amounts of \$50 and their multiples the Secretary of the Treasury could fund them in United States bonds.

Mr. CARLISLE. The gentleman is very much mistaken in regard

Mr. CARLISLE. The gentleman is very much instance in regard to the act.

Mr. TOWNSHEND, of Illinois. Excuse me; I read the wrong part of the section. Then I understand that if this amendment of the gentleman from Kentucky is adopted it does away with the power of the Secretary of the Treasury to fund these ten-dollar certificates into 3 per cent. bonds?

Mr. CARLISLE. It does, entirely.

Mr. CARLISLE. It does, entirely.
Mr. FERNANDO WOOD. Let me remind the gentleman from Illinois [Mr. Townshend] that the act authorizing the ten-dollar certificates still remains in force; there is nothing in this bill to repeal it. It is not yet fully executed, and the Secretary of the Treasury will still have the power, independent of this bill, to issue the ten-dollar certificates which may be convertible into \$50 bonds.
Mr. TOWNSHEND, of Illinois. The gentleman from Kentucky [Mr. Carlisle] and the gentleman from New York [Mr. Fernando Wood] do not seem to agree in regard to the effect of this amend-

WOOD] do not seem to agree in regard to the effect of this amend-

ment.

I regard this method of funding the ten-dollar certificates into 3 per cent. bonds as one of the best means of funding those bonds. I believe that provision will popularize the loan and put it within the reach of persons with \$10 and upward to obtain interest on their investments. In other words, it will popularize the certificates, and if the bankers and large moneyed men refuse to take these 3 per cent. bonds the people will have the opportunity to come to the relief of the Government. I have no doubt that millions of dollars' worth of bonds will be taken up in that way by the people which otherwise would not be funded. would not be funded.

The question was then taken upon the amendment of Mr. CARLISLE,

and it was agreed to.

The Clerk resumed the reading of the bill and read the following:

Sec. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national bank circulation.

Mr. FERNANDO WOOD. I desire to correct the phraseology of this section. This bill when first reported and printed provided for fixing the time that this section should go into effect as the 1st of July, 1880. I propose now to amend the section so as to make it read "1881." I propose, also, to amend the section by striking out "3½" and inserting "3" as the percentage of these bonds, and also to insert after the word "bonds" the word "thereafter;" so that it will

From and after the 1st day of July, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds thereafter receivable as security for national bank circulation.

That will make the section apply to banking security after the 1st of July, 1881, so that those banks then newly organized, or being organized, desiring to change the character of the bonds deposited by them as security for their circulation, will be compelled after that date to take the 3 per cent. bonds provided for in this bill.

date to take the 3 per cent. bonds provided for in this bill.

Mr. HUTCHINS. I move to strike out section 5. For one, I do not believe that this loan can be funded at 3 per cent. I have heard other opinions expressed, but I must say that I do not think there is any one on the floor of this House who has listened to the debate who would be willing to invest in the proposed bonds at 3 per cent. There is no patriotism about this matter. Men will make the best use of their money that they can. If we could fund this loan at 3 per cent, and at the same time we provide in the bill that only these 3 per cent, bonds shall be received as security for national-bank currency, we may find ourselves in this position: that within the coming six months there may be a contraction of the currency to the extent of nearly two hunmay be a contraction of the currency to the extent of nearly two hundred millions of dollars.

Strike out this section and no harm will be done. Try your 3 per cent. loan, and if you do not succeed your 5 and 6 per cent. bonds will still remain. They are not yet due, and you can pay the additional interest for a short time, and it will amount to but little.

Now, if you undertake to fund the 5 and 6 per cent. bonds becoming due in 1881 in 3 per cent. bonds, and assume that you can do it by compelling the banks to deposit them as security for their circulation, you will put yourself in the power of the bankers and the moneyed men of this country, who may bring about a financial revolution. lution.

Such a loan as is here proposed has never been floated. I do not believe it can be. I do not believe that you can find any considerable number of men in our money centers who will say that they believe it can be negotiated. We propose to try an experiment, and we do not propose to leave to the Secretary of the Treasury any dis-

cretion to pay 3½ per cent. We propose that the loan shall be placed at 3 per cent, and at the same time call in 5 and 6 per cent, bonds that are now the security for about \$200,000,000 of bank circulation, and take the risk of the banks replacing those bonds with the bonds and certificates authorized by this act. I am of the opinion that we

ought not to take any such risk.

Mr. FERNANDO WOOD. Mr. Chairman, my colleague [Mr. HUTCH-INS] and myself, although both representing a banking, financial, and commercial community, differ very much upon this question. In the first place, I for one, as a member of this House, will never concede the light of the control the right of any moneyed corporation or any combination of capitalists to dictate to the Government of the United States what it shall or shall not do upon the subject of its own credit and its own money. or shall not do upon the subject of its own credit and its own money. I do not believe it is absolutely necessary to take into consideration whether the banks will or will not take these bonds. We are not to be alarmed by threats; we are not to be intimidated by innuendo. No depression of the money market of this country will be made or can be made in consequence of the passage of this bill. On the contrary this measure will strengthen the public credit, and when you strengthen the public credit you strengthen the private credit of the

The banks can make more money (because they have the use of more active capital) by predicating their circulation upon 3 per cent. bonds than by using for this purpose bonds which sell at 113 or 115 in the market. By keeping on deposit as security for their circulation 4 per cent. bonds the banks lock up not only the difference between 90 per cent. of the amount of the bonds and their par value, but also the premium on those bonds, amounting to-day in New York to 134. It is not their interest to keep this amount of capital useless and un-

profitable.

I say that we must do that which is right in itself, and the banks will do that which is profitable to them. A profit of hundreds of millions of dollars has fallen into the hands of a few men in consequence of the shameful policy of this Government in humbly beseeching the syndicates and the banks, the capitalists of Europe and New York, to be so kind as to take our 4 and 4½ per cent. bonds. [Applause.] The time has now arrived when "Uncle Sam" is "stalwart," in the language of my friend. This nation stands to-day upon her imperial power. Her resources in the earth and above the earth, in the manly industry and energy of her people, are as ten to one compared with those of any other nation in the world. I for one, in the expiring hours of a public life of forty years, will never consent that this great country shall hawk its credit through the money markets of the world. [Applause.]

Mr. CARLISLE. I move to amend the amendment proposed by the gentleman from New York (which is to strike out the fifth section) by inserting what I send to the Clerk.

The CHAIRMAN. The Chair is somewhat in doubt as to whether the proposed amendment is in order at this time. To the bill as presented by the Committee on Ways and Means, the gentleman from New York [Mr. FERNANDO WOOD] suggested an amendment; to that the other gentleman from New York [Mr. HUTCHINS] suggested another amendment.

Mr. CARLISLE. As the amendment proposed by the chairman of say that we must do that which is right in itself, and the banks

other amendment. Mr. CARLISLE.

other amendment.

Mr. CARLISLE. As the amendment proposed by the chairman of the Committee on Ways and Means was merely formal, I supposed that it had been adopted without opposition.

The CHAIRMAN. There had been no formal action by the Committee of the Whole in the way of adoption.

Mr. CARLISLE. The amendment was merely formal, to make the

section correspond to what had already been done by the Committee of the Whole

The CHAIRMAN. But there was no action by the Committee of the Whole in the way of adopting the amendment.

Mr. HUTCHINS. If it be in order, I withdraw my amendment

Mr. HUTCHINS. If it be in order, I withdraw my amendment for the present, in order that the amendment of the gentleman from Kentucky [Mr. CARLISLE] may be read.

Mr. CARLISLE. I move to amend by striking out the fifth section and inserting what I send to the Clerk's desk.

Mr. HATCH. I rise to a point of order. I submit that there was an amendment pending to this section prior to the introduction of the amendment of the gentleman from Kentucky or the amendment of the gentleman from New York.

The CHAIRMAN. But to relieve the Committee of the Whole from embarrassment, the gentleman from New York [Mr. HUTCHINS] withdraws temporarily his amendment.

Mr. HATCH. I refer to the amendment offered by myself several days ago.

days ago.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the amendments presented upon the occasion referred to were presented merely for the information of the House, to the end that they might be published in the RECORD so that members might be advised of the amendments to be offered. They are not now formally before the House. The Clerk will report the amendment submitted by the gentleman from Kentucky. [Mr. Carlisle.] mitted by the gentleman from Kentucky, [Mr. Carlisle.]
The Clerk read as follows:

Strike out section 5 and insert in lieu thereof the following:

"From and after the 1st day of May, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bond receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Sec-

retary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: Provided, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: And provided further, That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national bank-currency, and for other purposes,' be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.''

Mr. HATCH. Loffer the amendment which I send to the desk.

Mr. HATCH. I offer the amendment which I send to the desk.

The CHAIRMAN. The Chair will state to the gentleman from Missouri that his amendment at this time is not, in the judgment of the Chair, in order, as two amendments are already pending; and under the rules not more than two can be pending at the same time. The Chair will recognize the gentleman from Missouri at a subse-

The Chair will recognize the gentleman from Missouri at a subsequent stage of the proceedings.

Mr. RYON, of Pennsylvania. I have an amendment which I suppose is not in order at this time; but I wish to give notice that if this amendment of the gentleman from Kentucky should not prevail, I propose to amend the fifth section of the present bill by striking out in the third line the words "the only," and in the fourth line the word "bond," so that the bonds authorized to be issued by this act shall be receivable as security for national-bank notes, but that it shall not be obligatory upon persons desiring to go into the banking-business under the national banking act to deposit this particular class of bonds as security for circulation. My amendment will simply make it lawful for the Treasury Department to receive these bonds as such security.

Mr. WEAVER. I move the committee rise.

Mr. FERNANDO WOOD. I thought we could conclude the consideration of this matter. [Cries of "No!" "No!" from the republican side.]

Mr. WARNER. I think we should have an explanation of this

amendment.

mendment. It is a long one.

Mr. FERNANDO WOOD. I had hoped we should conclude this bill to-day in committee and report it back to the House, but as there are so many amendments to be offered I will yield to the motion that the

Mr. DUNNELL. I move the bill as it has been amended be printed

in the RECORD in the morning.

The CHAIRMAN. The Chair doubts whether the committee has power to do that. The gentleman had better withhold it till we get into the House.

The motion was agreed to; and the Speaker having resumed the chair, Mr. COVERT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

Mr. DUNNELL. I move by unanimous consent the refunding bill

as it has been amended, together with the pending amendment of Mr. Carlisle, be printed in the Record.

There was no objection; and the bill as amended in the Committee of the Whole House on the state of the Union is as follows:

A bill to facilitate the refunding of the national debt.

A bill to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of depositin aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$400,000,000, which shall bear interest at the rate of 3 per cent, per annum, redeemable, at the pleasure of the United States, after five years and payable ten years from the date of issue, and also certificates in the amount of \$300,000,000 in denominations of \$10, \$20, and \$50, either registered or coupon, bearing interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after one year, and payable in ten years from the date of issue. The bonds and certificates and notes shall be, in all other respects, of like obaracter and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, That nothing in this act shall be so construed as to authorize an increase of the public debt: Provided further, That before any of the bonds or certificates anthorized by this act are issued it shall be the duty of the Secretary of the Treasury to pay on the bonds accruing during the year 1881 all the silver dollars of 412½ grains, and all the gold over and above \$50,000,000 now held in the Treasury for

notice that the same have been designated by the Secretary of the Treasury for redemption.

SEC. 2. The Secretary of the Treasury is hereby authorized, in the process of refunding the national debt, to exchange, at not less than par, any of the bonds or certificates herein authorized for any of the bonds of the United States outstanding and uncalled bearing a higher rate of interest than 4½ per cent. per annum; and on the bonds so redeemed the Secretary of the Treasury may allow to the holders the difference between the interest on such bonds from the date of exchange to the time of their maturity, and the interest for a like period on the bonds or certificates issued; but none of the provisions of this act shall apply to the redemption or exchange of any of the bonds issued to the Pacific railway companies; and the bonds so received and exchanged in pursuance of the provisions of this act shall be canceled and destroyed.

SEC. 3. Authority to issue bonds and certificates to the amount necessary to carry out the provisions of this act is hereby granted, and the Secretary of the Treasury is hereby authorized and directed to make suitable rules and regulations to carry this act into effect: Provided, That the expenses of preparing, issuing, advertising,

and disposing of the bonds and certificates authorized to be issued shall not exceed one-quarter of 1 per cent.

SEC. 4. That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use not exceeding \$50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States, authorized to be refunded by the provisions of this act; and he may at any time apply the surplus mency in the Treasury, not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds or certificates: Provided, That the bonds and certificates so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

SEC. 5. From and after the 1st day of July, 1880, the 3½ per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation.

SEC. 6. That this act shall be known as "The funding act of 1880;" and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. Carlisle's pending substitute for section 5 is as follows:

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From and after the 1st day of May, 1881, the 3 per cent, bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: Provided, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: And provided further, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the no motion of Mr. COFFROTH, (at four o'clock and seven

And then, on motion of Mr. COFFROTH, (at four o'clock and seven minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BARBER: The petition of 139 owners, masters, and seamen of vessels plying on the Great Lakes, for the passage of the bill (H. R. No. 5531) to increase the efficiency of the Marine Hospital Service—to the Committee on Commerce.

By Mr. BOUCK: The petition of citizens of Wisconsin for the

By Mr. BOUCK: The petition of citizens of Wisconsin, for the passage of a law regulating interstate commerce—to the same com-

Also, the petition of citizens of Wisconsin, for the passage of a law

by Mr. BREWER: The petition of Levi Bradshaw, R. G. Van Densen, and 15 others, citizens of Elsie, Michigan, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for a law taxing incomes—to the Committee on Ways and Means.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agri-

Also, the petition of the same parties, for legislation to protect purchasers of patented articles against fraudulent vendors—to the Committee on Patents.

By Mr. BURROWS: The petition of citizens of Michigan, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Michigan, for a law regulating in-

terstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Michigan, for the passage of an in-

come-tax law-to the Committee on Ways and Means.

Also, the petition of citizens of Michigan, for legislation to protect innocent purchasers and users of patented articles—to the Commit-

tee on Patents.

By Mr. CALKINS: The petition of citizens of Indiana, for the repeal of the tax on proprietary medicines—to the Committee on Ways

and Means.

Also, resolutions of the Indianapolis Merchants' Exchange, favoring the abolition of the tax on bank deposits, bankers, and bank checks—to the same committee.

checks—to the same committee.

By Mr. CARPENTER: The petition of 20 citizens of Ida County, Iowa, for the passage of the Keifer bill to prevent the spread of pleuro-pneumonia among cattle—to the Committee on Agriculture.

By Mr. DUNNELL: The petition of W. D. Stewart and 20 others, citizens of Minnesota, of similar import—to the same committee.

By Mr. HERNDON: The petition of citizens of Clarke County, Alabama, for the establishment of a post-route from Walnut Bluff, Wilcox County, to Clay Hill, Clarke County, via Bethel, Pine Hill, Dnnn's Mill, Kimbrough's Store, and R. D. M. Hawkin's—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOOK: The petition of E. A. Kent and others, of New York, that an American register be granted the steamer Dessoug—to the Committee on Commerce.

By Mr. McKENZIE: The petition of citizens of Uniontown, Kentucky, for the repeal of laws imposing a tax on the capital and deposits

tucky, for the repeal of laws imposing a tax on the capital and deposits of banks and bankers—to the Committee on Ways and Means.

By Mr. McKINLEY: The petition of Nathan Warner, of East Pal-

estine, Ohio, and others, against the passage of the Withers pension bill and for the passage of the Geddes pension bill—to the Committee on Invalid Pensions.

By Mr. MORSE: The petitions of the manufacturing and jobbing clothiers, and of the wholesale leather dealers of Boston, Massachusetts, for the enactment of a national bankrupt law—to the Committee on the Indiana. tee on the Judiciary

tee on the Judiciary.

By Mr. NEWBERRY: The petition of Merchants and Manufacturers' Union, of Detroit, Michigan, against the passage of Hurd's bill, designed to interfere with the transportation of merchandise by rail through Canada—to the Committee on Commerce.

By Mr. J. S. RICHARDSON: The petition of citizens of Lexington County, South Carolina, for an appropriation for the improvement of the Santee River, South Carolina—to the same committee.

Also the petition of citizens of Lexington County, South Carolina, for the examination and survey of Winyah Bay, South Carolina, with a view to deepen it—to the same committee.

By Mr. SPARKS: The petition of soldiers of Flora, Clay County.

By Mr. SPARKS: The petition of soldiers of Flora, Clay County, Illinois, for the passage of the Geddes pension bill—to the Committee on Invalid Pensions.

By Mr. SPRINGER: The petition of citizens of Chicago, Illinois, in reference to the duty on fish—to the Committee on Ways and Means. By Mr. STEPHENS: The petition of B. H. Wright, for the regu-

lation of the national finances-to the Committee on Banking and

By Mr. P. B. THOMPSON: The petition of citizens of Richmond, Kentucky, against the extension of the Cumming patent—to the Committee on Patents.

By Mr. J. T. UPDEGRAFF: The petition of N. D. Dawson and 102 others, citizens of Jefferson County, Ohio, for legislation to regulate interstate commerce—to the Committee on Commerce.

By Mr. URNER: The petition of Charles A. Small, for a pension—to the Committee on Invalid Pensions.

By Mr. VANCE: Memorial of James Oliver, relating to the United States mail routes of the ocean—to the Committee on Naval Affairs.

CHANGE OF REFERENCE.

Change of reference of the petition of William T. Dove, for an allowance of balance due him for work done for the House of Representatives, was made from the Committee on Accounts to the Committee on Claims.

IN SENATE.

MONDAY, January 17, 1881.

WILLIAM SHARON, a Senator from the State of Nevada, appeared in

his seat to-day.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and ap-

HOUSE BILL REFERRED.

The bill (H. R. No. 2331) granting pensions to the widow and miner children of Michael Meenan, deceased, was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. GROOME presented the petition of Isaac D. Davis and others, of Elkton, Maryland, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which

was ordered to lie on the table.

Mr. CAMERON, of Wisconsin, presented the petition of Anton Miller and others, of Butternut Creek, Wisconsin, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.
Mr. GARLAND presented resolutions of the Chamber of Commerce

Mr. GARLAND presented resolutions of the Chamber of Commerce of Helena, Arkansas, in favor of the continuation of the National Board of Health; which were referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases.

Mr. THURMAN. I present certain resolutions of Tod Post, No. 29, Grand Army of the Republic, of Youngstown, Ohio, and accompanying these resolutions are petitions numerously signed by citizens of Ohio who were Union soldiers in the late civil war, on the subject of the pension laws. I ask the reference of these papers to the Com-

the pension laws. I ask the reference of these papers to the Committee on Pensions.

The VICE-PRESIDENT. Do they not relate to the bill already reported

Mr. THURMAN. They cover much more ground than the bill.

The VICE-PRESIDENT. The resolutions and petitions will be referred to the Committee on Pensions.

Mr. BUTLER presented the petition of J. M. McKie and 130 others, citizens of South Carolina, and the petition of D. A. Williams and 30 others, citizens of South Carolina, praying for an appropriation for the improvement of Broad River, in that State; which were referred to the Committee on Commerce. the Committee on Commerce.

Mr. HOAR presented the petition of Isaac Fenno & Co. and 18

other firms, of Boston, Massachusetts, manufacturers of and jobbers in clothing, praying for the enactment of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. VEST presented the memorial of the Greely-Burnham Grocer Company and 81 other merchants, of Saint Louis, Missouri, remon-strating against the repeal of the law authorizing the manufacture of vinegar by the alcoholic vaporizing process; which was referred to the Committee on Manufactures

He also presented resolutions of the Merchants' Exchange of Saint Louis, Missouri, in favor of the enactment of a national bankrupt law; which were referred to the Committee on the Judiciary.

Mr. WINDOM presented the memorial of J. E. Atkinson and others, citizens of Minnesota, remonstrating against the extension of the patent of D. M. Cook for sugar evaporators; which was referred to the Committee on Patents.

Mr. BURNSTDE presented the retition of William V.

Mr. BURNSIDE presented the petition of William Herbert, late second lieutenant Sixty-ninth Regiment New York Volunteers, praying for the passage of a bill granting him pay for services rendered as a soldier during the late war; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented the petition of Joseph Kinsey and C. W. Cole, of Cincinnati, Ohio, praying for the passage of a law levying a specific duty on imported lava gas-tips and slate pencils; which was referred to the Committee on Finance.

Mr. BAYARD presented resolutions of the National Board of Trade in favor of the passage of a law preventing the adulteration of food and drugs; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (8. No. 1892) granting a pension to John Patterson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, reported it with amend-

Mr. McDONALD, from the Committee on the Judiciary, to whom Mr. McDONALD, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2384) amendatory of and supplementary to "An act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana," approved June 18, 1878 reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1859) relating to terms of court in the district of Colorado, proved it with an amendment.

reported it with an amendment.

Mr. LAMAR, from the Committee on the Judiciary, to whom was referred the petition of William W. Handlin, of New Orleans, Louisiana, praying the passage of a law allowing him compensation for services as judge of the third district court of New Orleans, to which he was appointed by the governor of that State, reported adversely thereon, and the committee were discharged from the further consideration

on, and the committee were discharged from of the petition.

Mr. DAVIS, of Illinois. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 1991) for the relief of James Gibbons, of Baltimore, in the State of Maryland, to report it adversely. The Senator from Maryland [Mr. Whyte] wishes to have the bill placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. GARLAND, on the part of the congressional Board of Visitors

with the adverse report of the committee.

Mr. GARLAND, on the part of the congressional Board of Visitors to West Point Military Academy, submitted a report signed by himself and Hon. John F. Philips, a report signed by Hon. George F. Edmunds, and a report signed by Hon. William McKinley and Hon. William H. Felton, accompanied by a bill (S. No. 2039) amending existing laws in relation to the Military Academy at West Point.

The bill was read twice by its title, and, on motion of Mr. Garland, referred to the Committee on Military Affairs, and the reports were ordered to be printed.

ordered to the Committee on Military Affairs, and the reports were ordered to be printed.

Mr. PENDLETON, from the Select Committee to make provision for taking the Tenth Census, to whom was referred the letter of the Secretary of the Interior, recommending an additional appropriation of \$500,000 for the completion of the tenth census, submitted a report thereon, accompanied by a bill (S. No. 2038) for completing, compiling, and publishing the returns of the tenth census, and for other

The bill was read twice by its title, and the report was ordered to

Mr. EDMUNDS. The Committee on Private Land Claims, to which was referred the bill (H. R. No. 3132) to confirm the title to certain lands in the State of Ohio, beg leave to submit a report favorable to the passage of the bill with certain amendments.

The report was ordered to be printed.

Mr. EDMUNDS. If I were not opposed to acting upon measures the moment they are reported, I should ask the Senate to act on this bill as it is a mere matter of form; but I do not ask it, because I do not believe in the practice.

BILLS INTRODUCED.

Mr. KIRKWOOD (by request) asked and, by unanimous consent,

obtained leave to introduce a bill (S. No. 2040) for the relief of Daniel Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SAUNDERS asked and, by unanimeus consent, obtained leave to introduce a bill (S. No. 2041) to authorize the construction of a bridge across the Missouri River at or near Omaha, in the State of Nebraska, and to establish the same as a post-road; which was read

which was read twice by its title, and referred to the Committee on Railroads.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2042) for the relief of the volunteers who served with the United States troops in the war with the Nez Percés, served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2043) for the relief of Sabin Trowbridge; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2044) to establish ocean mail service, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2045) to place the county of Dade in the southern judicial district of the United States for the State of Florida; which was read twice by its title, and referred to the Committee on the Judiciary

Mr. THURMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2046) granting a pension to Thomas Worthington; which was read twice by its title, and referred to the Com-

mittee on Pensions.

Mr. WHYTE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2047) granting a pension to Elizabeth J. Ellis; which was read twice by its title, and referred to the Committee on

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2048) relating to territorial officers in the several Territories; which was read twice by its title, and referred to the Committee on Territories.

Mr. KERNAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 143) authorizing the inspection and issue of an American register to the Egyptian steamship Dessoug; which was read twice by its title, and referred to the Committee on

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That there be printed 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1880; of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing; and 500 copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon.

FREEDMAN'S BANK BUILDING.

Mr. BRUCE. I ask unanimous consent to take up Senate bill No.

Mr. BRUCE. I ask unanimous consent to take up Senate bill No. 1581, which was under consideration on Friday last.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1581) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, the property known as the Freedman's Bank and the real estate and parcels of ground adjacent thereto belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia; the pending question being on the amendment proposed by Mr. INGALLS to insert after the word "Company," in line 9, the words "being 186 feet and 10 inches on Pennsylvania avenue by 136 feet on Fifteenth-and-a-half street."

The VICE-PRESIDENT. These are descriptive words to which the Chair hears no objection, and the amendment is agreed to.

Mr. BRUCE. 1 offer the following amendment on line 9—

Mr. MORRILL. Itake it, if the Senator from Mississippi will allow me, that what he desires is to substitute the amendment he proposes for the one pending.

for the one pending.

Mr. INGALLS. I think perhaps, as the Senator from Mississippi has a more accurate description, that the amendment I offered had better be by unanimous consent withdrawn and that offered by the Senator from Mississippi substituted.

The VICE-PRESIDENT. The Chair hears no objection, and the amendment of the Senator from Kansas is withdrawn.

Mr. BRUCE. In line 9, after the word "Company," I move to insert:

Known and described in the original deed of conveyance to the said Freedman's Savings and Trust Company as the west half of lot numbered 3, all of lots numbered 4, 5, 6, and 7, and the south half of lot numbered 8, in square numbered 221, as laid out and recorded on the original plat or plan of the city of Washington, in the District of Columbia.

The VICE PRESIDENT. Is there objection to the amendment?
Mr. DAVIS, of West Virginia. I have no objection; but still that amendment does not give the frontage on either of the streets. I

think the amendment of the Senator from Kansas would do very well. While the amendment or the Senator from Kansas would do very well. While the amendment now offered names the lots, perhaps no one here unless it is the Senator from Mississippi is able to tell what lots they are, how much they front, or whether the corner on Fifteenth-and-a-half street and Pennsylvania avenue is included. That is the only objection I have to it. If there is no objection, the language giving the number of feet on the two streets in the amendment which the Senator from Kansas first offered can also be inserted.

Mr. BRUCE. I desire the Secretary to read the letter I send to the desk, which I have received from one of the commissioners.

Mr. BRUCE. I desire the Secretary to read the letter I send to the desk, which I have received from one of the commissioners. I think it is an answer to the question of the Senator from West

Virginia.

Virginia.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE FREEDMAN'S SAVINGS AND TRUST COMPANY, Washington, D. C., January 15, 1881.

SIR: In compliance with your verbal request to be furnished with an accurate description of the property of the Freedman's Savings and Trust Company, referred to in Senate bill No. 1581, we have the honor to inform you that said property consists of the west half of lot numbered 3, all of lots numbered 4, 5, 6, 7, and the south half of lot numbered 8, in square numbered 221, as laid out and recorded on the original plat or plan of the city of Washington, in the District of Columbia, and is so described in the original deed of conveyance to the said Freedman's Savings and Trust Company. It has a frontage of 186 feet 10 inches on Pennsylvania avenue and of 136 feet on Fifteenth-and-a-half street, opposite Lafayette Square, and contains an aggregate of 23,1213 square feet of ground.

On Fifteen-and-a-half street the property extends back from Pennsylvania avenue to the building now occupied by the Commissary Department. The bank building proper occupies but 62 feet 6 inches of the Pennsylvania avenue front.

We have the honor to be, very respectfully, your obedient servant,

R. H. T. LEIPOLD,

Of the Commission.

Hon. B. K. Bruce, United States Senate.

United States Senate.

Mr. THURMAN. The description in the amendment proposed by the Senator from Mississippi is a perfectly accurate and all-sufficient description. I think we might run a risk perhaps by undertaking to give the number of feet. For instance, I notice that the letter gives the number of feet, so many on Pennsylvania avenue, and so many on Fifteen-and-a-half street, but I have a very strong impression that the depth where the bank building is is greater than it is on Fifteen-and-a-half street. At all events, the description in the amendment offered by the Senator from Mississippi is absolutely perfect, because the number of feet front on Pennsylvania avenue and on Fifteen-and-a-half street and the number of superficial feet in the whole and-a-half street and the number of superficial feet in the whol-body of land are ascertainable in a moment by looking at the plat of the city, and that is certain which can be rendered certain. I think, therefore, we had better take that amendment, and not attempt to specify the number of feet, for we might possibly fall into

Mr. DAWES. There is one other difficulty. If you insert in the bill so many feet on Pennsylvania avenue, the street on which the bank fronts technically and accurately is not Pennsylvania avenue; it is G street. Pennsylvania avenue, on the city plan, goes through the Treasury Department and comes out beyond the War Department, but the street fronting the Executive Mansion, between Fifteenth and Seventeenth streets, goes by the name, in common parlance, of "Pennsylvania avenue," because Pennsylvania avenue goes around

I think what the Senator from Ohio says should be followed. The Committee on Public Buildings and Grounds had such a bill in the last Congress, and they took particular pains not to fix it so many feet, for it is not safe to compel the proper officer to take a deed of so many feet or not take any at all. He may be found unable in the end to take a deed at all, because there may be a variance of a foot or

Mr. DAVIS, of West Virginia. I notice in the letter that was read that the total number of square feet is given, and I think that would obviate the objection that I made.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi, [Mr. BRUCE.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

OWNERS OF BARK MARY TERESA.

The VICE-PRESIDENT. The Secretary will call the Calendar,

commencing at the point reached at the last call.

The bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was announced as being the first in order upon the Calendar.

Mr. DAVIS, of Illinois. That was reported adversely.
The VICE-PRESIDENT. The bill was reported adversely from the Committee on Claims.

Mr. DAVIS, of Illinois. It goes over under the rule.
Mr. GROOME. I will say to the Senator from Illinois that the bill
was taken up on Friday last, and the reading of the report was nearly
finished, as I understand, and no objection was then made, or rather
the objection made was withdrawn.
Mr. DAVIS, of Illinois. I simply say that under the rule we were

only considering bills to which there is no objection, and those reported adversely of course are objected to. Mr. HOAR. What is the bill?

Mr. DAVIS, of Illinois. The bill the Senator from Massachusetts-

Mr. DAVIS, or linkois. The bill the Schaeof Total Adversely.
Mr. HOAR. I think that the bill had better not be taken up.
The VICE-PRESIDENT. The bill is objected to.
Mr. HOAR. The minority report has been only about one-third read through. I had no idea when I called for its reading the other read through. I had no idea when I called for its reading the other day that it was so long. It would take all the rest of the morning hour to read the report, and we should make no progress.

Mr. WITHERS. There is no objection to the bill going over under the Anthony rule, because it is manifest it would be objected to, but I object to its being indefinitely postponed.

Mr. DAVIS, of Illinois. I did not mean that.

The VICE-PRESIDENT. The bill remains on the Calendar.

GENERAL E. O. C. ORD.

Mr. BURNSIDE. I beg to ask the Senate by unanimous consent to take up Senate bill No. 1922, for the relief of General Ord. It will require no time at all. The bill was passed over the other day with the understanding that at a convenient season the Senate would take it up and consider it. I am quite sure it will lead to no discussion. I hope the Senate by unanimous consent will take up the bill.

Mr. GROOME. I do not think I yielded the floor. I wish to retain the floor into the many consents.

tain the floor just to make one suggestion.

The VICE-PRESIDENT. The Chair supposed the Senator from Maryland rose to make a suggestion to the Senator from Illinois. He had not recognized him.

Mr. BURNSIDE. I beg the Senator's pardon. I thought I had

the floor.

The VICE-PRESIDENT. The Senator from Rhode Island has the floor and asks the Senate to consider out of its order at this time the

By unanimous consent, the Senate, 28 in Committee of the Whole, proceeded to consider the bill (8. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army. It authorizes the President to place him on the retired list of major-generals according to his brevet rank, with the pay and emoluments of a major-general of the United States Army on the retired list. retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was adopted.

YORKTOWN MONUMENT COMMISSION.

Mr. BUTLER. I ask the Senate to proceed to the consideration of the joint resolution (S. R. No. 137) to create a commission for the per-formance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial

celebration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appoints John W. Johnston, of Virginia; E. H. Rollins, of New Hampshire; Henry L. Dawes, of Massachusetts; H. B. Anthony, of Rhode Island; W. W. Eaton, of Connecticut; W. A. Wallace, of Pennsylvania; Francis Kernan, of New York; T. F. Randolph, of New Jersey; Thomas F. Bayard, of New York; T. F. Randolph, of New Jersey; Thomas F. Bayard, of North Carolina; M. C. Butler, of South Carolina; Benjamin H. Hill, of Georgia; John Goode, of Virginia; Joshua G. Hall, of New Hampshire; George B. Loring, of Massachusetts; Nelson W. Aldrich, of Rhode Island; Joseph R. Hawley, of Connecticut; Samuel. B. Dick, of Pennsylvania; Lewis A. Brigham, of New Jersey; Nicholas Muller, of New York; Edward L. Martin, of Delaware; J. Fred. C. Talbott, of Maryland; Joseph J. Davis, of North Carolina; John S. Richardson, of South Carolina, and Henry Persons, of Georgia, a commission with full power and authority to discharge all the duties and perform all the functions which were devolved upon them as a joint committee of thirteen Senators and thirteen Representatives under the actof Congress approved June 7, 1880, entitled "An act to carry into effect the resolution of Congress adopted entitled "An act to carry into effect the resolution of Congress adopted on the 29th of October, 1781, in regard to a monumental column at Yorktown, Virginia, and for other purposes."

The joint resolution was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and

DOCUMENTS FOR SOLDIERS' HOMES.

Mr. INGALLS. The regular order.
The VICE-PRESIDENT. The Secretary will proceed with the call of the Calendar.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1573) to amend section 4837 of the Revised Statutes.

The bill was reported from the Committee on Printing with an amendment, to strike out all after the enacting clause and to insert:

That section 4837 of the Revised Statutes of the United States be, and the same is hereby, repealed and re-enacted to read as follows: "The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine; Milwaukee, in Wisconsin; Hampton, in Virginia; and the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, each, one copy of each of the following documents: The Journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the Presi-

dent, with accompanying documents; the daily CONGRESSIONAL RECORD, and all other documents or books which may be printed and bound by order of either House of Congress; and the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

The VICE-PRESIDENT. The Committee on Printing report to amend the title so as to read, "A bill to repeal and re-enact section 4837 of the Revised Statutes."

Mr. HOAR. I move to amend the title by substituting the following: "A bill to provide for the furnishing certain public documents to Soldiers' Homes." I think the practice of passing bills by merely referring in the title to certain sections of the Revised Statutes is a vicious one

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts to amend the title as he has stated.

The motion was agreed to.

SHAWNEE INDIAN FUNDS.

The VICE-PRESIDENT. The Secretary will continue the call of the Calendar.

the Calendar.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1631) authorizing the Treasurer of the United States to convert into cash certain bonds held in trust for the Shawnee Indians. It directs the Treasurer of the United States to convert into cash bonds amounting to \$4,835.65, "United States funded loan of 1881," held in trust for the benefit of the Shawnee Indians, the proceeds thereof to be placed to their credit on the books of the Treasury Department, which, with the accrued interest thereon now standing to their credit on the books of the Treasury, is to be paid to them per capita, through the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior.

The VICE-PRESIDENT. The bill is reported from the Committee on Indian Affairs.

on Indian Affairs.

on Indian Affairs.

Mr. COCKRELL. Is there any written report?

Mr. INGALLS. There is no written report. These bonds are in the Treasury subject to redemption. There are eighty of the Shawnee Indians located in the Indian Territory at the Quapaw agency. They are all engaged in agriculture, and are semi-civilized. The bill has the approbation of the Commissioner of Indian Affairs and the Secretary of the Interior, and it is upon their recommendation and the information before them that the committee reported favorably for the distribution of this fund. It will amount to about fifty dollars the distribution of this fund. It will amount to about fifty dollars apiece, and will, as the committee believe, be appropriated for the benefit of the Indians in that way.

The bill was reported to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

The next bill on the Calendar was the bill (S. No. 626) for the relief The next bill on the Calendar was the bill (S. No. 626) for the relief of the Albemarle and Chesapeake Canal Company; which was considered as in Committee of the Whole. It directs the Secretary of the Navy to investigate the claim of the Albemarle and Chesapeake Canal Company for tolls on vessels transporting naval supplies, and to award such sum as he may find equitably due, not to exceed \$3,742.20; the award being in full payment of all claims of the company conjunct the Covernment.

pany against the Government.

Mr. COCKRELL. Is there a report there?

Mr. DAVIS, of Illinois. Let the report be read, if there is one.

The Chief Clerk read the following report, submitted by Mr. Mc-PHERSON April 14, 1880:

The Committee on Naval Affairs, to whom was referred the bill (S. No. 626) for the relief of the Albemarle and Chesapeake Canal Company, report the same for the favorable consideration of the Senate. The committee have adopted the report made by the Committee on Naval Affairs, February 6, 1878, as expressive of its views. The same is hereby submitted:

"[Senate report 74, Forty fifth Congress, second session.]

"[Senate report 74, Forty-fifth Congress, second session.]

"The Committee on Naval Affairs, to whom were referred the memorial and bill presented by the Albemarle and Chesapeake Canal Company, have had the same under consideration, and submit the following report:

"This subject was duly considered by the Committee on Naval Affairs of the Senate at the first session of the Forty-fourth Congress, and a bill was favorably reported to and passed by the Senate but failed to pass the House of Representatives. The reasons which governed that committee seem equally cognent now, and this committee adopts the reasoning of the former report, as follows:

"The Albemarle and Chesapeake Canal Company, as disclosed by the papers, was in process of construction when the war broke out. Much of its capital stock and all of its bonds were held by a Mr. Cartwright and other northern capitalists. When the Government forces obtained possession of that country between Elizabeth River and Albemarle Sound, after many propositions for the United States to advance money to open the canal and keep it in order, all of which failed, the bondholders put it in condition for use, and it was largely used by the War Department, and tolls duly paid by agreement. In October, 1852, a specific contract was made, by which the United States was to allow the present rates on tonnage of vessels and boats in full, less 10 per cent, for all troops, &c.

"The canal company was paid on the Government vessels up to March, 1863. The use of the canal by vessels in the service of the Navy Department (Inpon which the present claim is founded) was not considered by the War Department The canal company now claim as due from the Navy Department, and sounded was not considered by the War Department The canal company now claim as due from the Navy Department, and nacount of the actod for the canal by vessels in the service of the Navy Department (The canal company now claim as due from the Navy Department, for tolls, from Jannary 10, 1864, to July 27, 1866, the sum

Commissary-General of Subsistence to examine similar claims, but which have conferred no such power on the Navy Department. While the passage of the act before cited did not, in the opinion of the committee, preclude the Navy Department from passing upon this claim and having it paid, (its correctness being easily verified by the records of that Department,) yet, for the purpose of relieving the case of all difficulty, the committee report the accompanying bill and recommend its passage."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE.

The next business on the Calendar was the joint resolution (S.R. No. 97) providing for a commission to consider and report what legislation is needed for the better regulation of commerce among the

Mr. ROLLINS. The Senator from Minnesota [Mr. McMillan] who reported that joint resolution is not in his seat. Perhaps it had better be passed over without prejudice.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice and without losing its place on the Calendar.

RELIGIOUS SOCIETIES IN THE DISTRICT.

The next bill on the Calendar was the bill (S. No. 676) to amend class 2 of the general incorporation laws of the District of Columbia; which was considered as in Committee of the Whole. It amends sections 533, 534, 536, 537, 541, and 542 of the Revised Statutes of the United States relating to the District of Columbia, by inserting, after the words "society or congregation," wherever they occur, the words "or duly constituted authority of the church or religious organization of which such society or congregation forms a part," and in section 537 by striking out, in the fifth line, after the word "trustees," the words "whose term of service shall have expired," and inserting instead thereof the words "so elected."

Mr. COCKRELL. Is there any report with the bill?

instead thereof the words "so elected."

Mr. COCKRELL. Is there any report with the bill?

The VICE-PRESIDENT. There is none.

Mr. COCKRELL. I should like to hear some explanation of it.

The VICE-PRESIDENT. The bill was reported by the Senator from Kansas, [Mr. INGALLS.]

Mr. INGALLS. This bill is rendered necessary in the judgment of the committee in consequence of the peculiar forms of church government that are used by sundry ecclesiastical denominations in this city. The general terms employed in the statute did not include the case of one or two church organizations in consequence of their peculiar form of government, and the amendment is rendered necessary to include those. The bill was originally offered by the Senator from Delaware, [Mr. SAULSBURY,] who probably is more familiar with the subject than I am, and if any further explanation is necessary I presume he can afford it.

Mr. SAULSBURY. The statement of the Senator from Kansas is

sume he can afford it.

Mr. SAULSBURY. The statement of the Senator from Kansas is correct. The provision of law at present does not apply to certain denominations, especially to the Methodist Church. The law as it now stands provides that the congregation shall elect trustees. The trustees are not elected by the congregation in the Methodist Church, but by the official board of the church; consequently they cannot act under the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE NATIONAL BANK OF LOUISIANA.

The next bill on the Calendar was the bill (S. No. 633) for the relief of the State National Bank of Louisiana.

Mr. INGALLS. There is an adverse report in that case.
The VICE-PRESIDENT. The bill will be passed over under objec-

SALES OF LEAF-TOBACCO.

The next bill on the Calendar was the bill (S. No. 1592) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-to-bacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-to-bacco of their own production to other persons than manufacturers of to-bacco without

special tax.

Mr. INGALLS. There is an adverse report in that case.

The VICE-PRESIDENT. The bill will be passed over.

LANDS IN PLATTE COUNTY, MISSOURI.

The next bill on the Calendar was the bill (S. No. 308) to confirm title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil; which was considered as in Committee of the Whole.

The Committee on Public Lands propose to amend the bill, in line 5, after the word "to," by striking out "Kinsey B. Cecil;" so as to

And that patents are hereby authorized to be issued for said described lands to be assignee of said George Smith and Joseph Meyer.

The amendment was agreed to.

Mr. THURMAN. I know nothing of this bill, never heard of it be-fore; but it does not contain the usual clause that I think such bills ought to contain, a proviso that nothing herein contained shall prejudice the rights, legal or equitable, of any third person.

Mr. PLUMB. It will be entirely satisfactory to the committee to

have such an amendment made.

Mr. THURMAN. I move that as a proviso to the bill-

Provided, That nothing in this bill shall affect the rights, legal or equitable, of any third person.

Mr. COCKRELL. There is no right of any third person, but there is no objection to the amendment; it is entirely useless.

Mr. THURMAN. It can certainly do no harm.

The PRESIDING OFFICER, (Mr. WITHERS in the chair.) The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Public Lands proposed to amend the preamble by striking out the word "ninth," where it occurs, and inserting "fifth."

The amendment was agreed to.

The title was amended so as to read:

A bill to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to the assignee of George Smith and Joseph Meyer.

MARGARET B. FRANKS.

The next bill on the Calendar was the bill (S. No. 1203) for the relief of Margaret B. Franks, sole heir-at-law of Thomas L. Franks, of Green Bay, Wisconsin, deceased.

Mr. INGALLS. Let that go over, there being an adverse report.

The PRESIDING OFFICER. Objection being made, the bill will

TOBACCO PURCHASES FOR THE NAVY.

The next bill on the Calendar was the bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy; which was considered as in Committee of the Whole. It proposes to direct the Secretary of the Navy to cause all purchases of tobacco for the use of the Navy to be made in the city of Washington, as follows: for the use of the Navy to be made in the city of Washington, as follows: In the month of February or March of each year the Secretary of the Navy is to cause proposals for bids for supplying the Navy with tobacco during the next year to be advertised thirty days in one daily newspaper in each of the cities of New York, Baltimore, Richmond, Lynchburgh, Petersburgh, Danville, Saint Louis, Louisville, Nashville, Hartford, Connecticut, Detroit, Cairo, Illinois, Rochester, New York, and Chicago; the tobacco to be manufactured during the months of June, July, August, and September; the bids to be accompanied by samples of the tobacco which each bidder may propose to furnish. The lowest bid for furnishing tobacco equal to the United States Navy standard now in use shall be accepted.

The bill was reported from the Committee on Naval Affairs with

the United States Navy standard now in use shall be accepted.

The bill was reported from the Committee on Naval Affairs with amendments. The first amendment was, in line 10, after "New York," to insert "Harrisburgh, Pennsylvania."

The amendment was agreed to.

Mr. COCKRELL. Is there any report with the bill?

The PRESIDING OFFICER. There is no written report.

Mr. VANCE. The only object of the amendments is to distribute the advertising more equally throughout the tobacco-growing regions.

The next amendment reported from the Committee on Naval Affairs was, in line 11, after the word "Richmond," to strike out "Lynchburgh, Petersburgh, Danville," and insert "Raleigh, North Carolina."

The amendment was agreed to.

The amendment was agreed to.

The next amendment was, in line 13, after the word "Illinois," to strike out "Rochester, New York."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH G. AYRES.

The next bill on the Calendar was the bill (S. No. 867) for the relief of Joseph G. Ayres, a surgeon in the United States Navy.

Mr. DAVIS, of Illinois. That is reported adversely.

The PRESIDING OFFICER. The bill will be passed over.

Mr. FERRY. I suggest that the Ayres bill be indefinitely postponed to get it off the Calendar.

The PRESIDING OFFICER. The Senator from Michigan moves the indefinite postponement of Senate bill No. 867.

The motion was agreed to.

The motion was agreed to.

NORTHERN PACIFIC RAILROAD.

The bill (S. No. 82) extending the time for the completion of the Northern Pacific Railroad was announced as being the next in order on the Calendar.

Mr. BUTLER. Let that go over.
The PRESIDING OFFICER. The bill will be passed over.

WORKS OF ART FOR THE CAPITOL.

The next bill on the Calendar was the bill (S. No. 1659) to provide for the purchase and preservation of works of art for the Capitol.

Mr. DAVIS, of Illinois. The Senator from Indiana [Mr. VOORHEES] who reported that bill is not here. Let it be passed over without

prejudice.
The PRESIDING OFFICER. The bill will be passed over without

prejudice, in the absence of the Senator who reported it, unless there be objection.

Mr. VOORHEES subsequently said: I ask that Senate bill No. 1659

be indefinitely postponed. The matter contained in it is embraced in an appropriation bill passed at the last Congress.

The PRESIDING OFFICER. The Senator from Indiana moves that Senate bill No. 1659, which was passed over informally, be indefinitely postponed.

The motion was agreed to.

ANDREW T. M'REYNOLDS.

The next bill on the Calendar was the bill (S. No. 1006) for the relief of Andrew T. McReynolds.

The PRESIDING OFFICER. The bill is reported adversely.

Mr. COCKRELL. Let it be indefinitely postponed, because of the recommendation of the committee.

The PRESIDING OFFICER. The Senator from Missouri moves

that the bill be indefinitely postponed.

The motion was agreed to.

TEXAS AND PACIFIC RAILWAY.

The next bill on the Calendar was the bill (S. No. 1283) to extend

the time for the completion of the Texas and Pacific Railway.

Mr. DAVIS, of Illinois. The Senator from North Carolina who reported that bill [Mr. RANSOM] is not here. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

FORTS READING AND CROOK MILITARY RESERVATIONS.

The bill (S. No. 1487) to restore the lands included in the Fort Read-

FORTS READING AND CROOK MILITARY RESERVATIONS.

The bill (S. No. 1487) to restore the lands included in the Fort Reading military reservation, in the State of California, to the public domain, and for other purposes, was announced as being the next in order on the Calendar, and the Senate proceeded to its consideration as in Committee of the Whole.

Mr. COCKRELL. Is there any printed report?

The PRESIDING OFFICER. There is none.

Mr. PLUMB. I can state the case, and perhaps the Senator from Missouri will recall the circumstances. There is a reservation known as the Fort Reading military reservation in California. No record of it was ever made. In the absence of records the lands were supposed to be public lands, and as such subject to entry, and parties went on and entered portions of the lands. Prior to the issuing of patents for all the lands entered, the Land Office discovering that it was a military reservation, that it had been so designated in some way, though there was no recerd of how it was designated, suspended the issuance of further patents, and directed the cancellation of the remaining patents. The land is not now nor has it ever been used for military purposes at all. This bill is simply to remove the cloud from the title to it and permit the persons who have made entries to have those entries perfected, and persons who have had patents issued to them to retain the same. There is somewhere in the papers a letter from the Commissioner of the General Land Office which states, very succinctly but satisfactorily, all the facts in the case.

Mr. BOOTH. I have an amendment to offer. The lands in the Fort Crook military reservation are in precisely the same position. I have a letter from the War Department recommending the passage of the bill to include the land also in the Fort Crook reservation. My amendment is, in line 4, after the word "reservation," to insert "and in the Fort Crook military reservation;" so as to make the clause read:

That the lands included in the Fort Reading military reservati

read:

That the lands included in the Fort Reading military reservation and in the Fort Crook military reservation, in the State of California, are hereby restored to the public domain.

Mr. DAVIS, of Illinois. Now I should like to hear the letter of the Secretary on that subject read. The Chief Clerk read as follows:

WAR DEPARTMENT,

Washington City, December 17, 1880.

SIR: I have the honor to inclose copy of my letter of 30th April last to Hon. W.

A. J. Sparks, chairman of the Committee on Military Affairs, House of Representatives, recommending the passage of House bill No. 5280, "to restore the lands-included in Fort Reading and Fort Crook military reservations, in the State of California, to the public domain, and for other purposes." I also inclose copy of the Adjutant-General's report of April 21, 1880, which was transmitted with said letter.

I still adhere to my recommendation of the 30th of April, that the bill be passed. Very respectfully, your obedient servant,

ALEX. RAMSEY, Secretary of War.

Hon. NEWTON BOOTH, United States Senate.

The amendment was agreed to.
Mr. BOOTH. Now I move in line 2 of section 2, after the word "reservation," to insert "and Fort Crook military reservation;" so as to read:

SEC. 2. That 2ll patents heretofore issued to any lands within the Fort Reading military reservation and Fort Crook military reservation are hereby confirmed.

The amendment was agreed to.
Mr. BOOTH. In line 2 of section 3 I move to make the word "reservation" read "reservations," in the plural.
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in

ments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to restore the lands included in the Fort Reading and Fort Crook military reservations, in the State of California, to the public domain, and for other pur-

JAMES M. BACON.

The next bill on the Calendar was the bill (S. No. 758) for the relief of James M. Bacon; which was considered as in Committee of the Whole. It directs the proper accounting officers of the Treasury to credit James M. Bacon, late lieutenant of the First Regiment Dakota Cavalry Volunteers, in the settlement of his accounts with the United States, \$5,950, disbursed by him as acting assistant quartermaster on account of the expenses incurred by the northwest Indian expedition, in the months of July, August, September, October, and November, 1864, and for the disbursement of which proper vouchers were taken, but which were lost or destroyed through no fault or neglect of the

Mr. EDMUNDS. Is there a report?
Mr. COCKRELL. Let the report be read.
The Chief Clerk read the following report, submitted by Mr. Plumb April 27, 1880:

Mr. EDMUNDS. Is there a report by

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. Plumb

April 27, 1880:

The Committee on Military Affairs, to whom was referred the bill (8. No. 758)

for the relief of James M. Bacon, have had the same under consideration, and submit the following report:

That in the month of June, 1804, Brevet Major-General Alfred Sally, in command
of the first district of the military Department of the Northwest, organized an expedition against the bostile Sioux Indians in the Upper Missouri River country. About
the time said command started on its march, James M. Bacon, late first helenant
First Regiment Dakots Volunteer Cavalry, was by General Sully assigned to duty as
a start and the start of the said copped the said of the said of

Mr. EDMUNDS. This bill decides this whole case and directs the accounting officers of the Treasury to allow this sum. I think, according to the course that is usually pursued, the safer proceeding will be to authorize the accounting officers, if in their opinion justice requires it, to make this allowance; and therefore I move in line 4 to strike out the words "and directed" after "anthorized" and to insert "if in their opinion justice requires it;" and then to make the rest of the hill harmonic is in the course of the hill harmonic in the course of the co the bill harmonize, in line 8 to strike out the word "having" and insert "it is alleged has," and in line 13 after the word "which" insert "it is alleged," so as to put the recital in the form of an allega-

The PRESIDING OFFICER. The Chair will suggest that there is an amendment reported by the committee which should be considered first

Mr. EDMUNDS. Certainly, sir.
The PRESIDING OFFICER. The Committee on Military Affairs recommend an amendment which will be read.

The CHIEF CLERK. The amendment proposed by the committee is in line 7 to strike out "nine hundred and fifty" and insert "seven hundred;" so as to read: "\$5,700."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amend-

The PRESIDING OFFICER. The question now is on the amendments of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. PLUMB. I do not know but that the amendments of the Senator from Vermont will leave the bill in a satisfactory shape. The bill was reported in its present condition because the proof before the committee was of the most satisfactory kind; in fact, of the very highest kind. I presume the same proof of course will satisfy the officers of the Treasury Department, and perhaps as a matter of precaution it would be as well to guard it in that way.

The amendments were agreed to.

The bill was reported to the Senata as amended and the amend-

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a concurrent resolution for the printing of 2,500 copies of the report of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

by the Vice-President:

A bill (H. R. No. 2963) for the relief of James D. Grant;

A bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia; and

A joint resolution (H. R. No. 358) appropriating \$2,500 to meet the

expenses of the international sanitary conference invited to meet in Washington on the 1st of January, 1881.

BEN. HOLLADAY.

The PRESIDING OFFICER, (Mr. WITHERS in the chair.) The morning hour having expired, the Senate resumes the consideration of its unfinished business, which is the bill (S. No. 231) for the relief

of Ben. Holladay.
Mr. SAULSBURY. Mr. President, I move to lay aside the pending and all prior orders, in order to take up the resolutions reported from the Committee on Privileges and Elections, in reference to the right

o a seat of the sitting member from Louisiana.

The PRESIDING OFFICER. The Senator from Delaware moves

that the pending and all prior orders be set aside for the purpose of taking up the resolutions he has indicated.

Mr. EDMUNDS. There is not any such motion in the rules, Mr. President, as to lay aside a thing, and I make the point of order that

the motion is not in order.

The PRESIDING OFFICER. The point of order is sustained.

Mr. SAULSBURY. I move, then, to postpone the present and all

The PRESIDING OFFICER. The Senator from Delaware moves

prior orders.

The PRESIDING OFFICER. The Senator from Delaware moves to postpone the present and all prior orders.

Mr. VOORHEES. What is the purpose?

The PRESIDING OFFICER. For the purpose of taking up the resolutions reported from the Committee on Privileges and Elections.

Mr. CAMERON, of Wisconsin. I hope that motion will not prevail. The bill for the relief of Ben. Holladay has been under consideration in the Senate for some time, and I think the Senate is about ready to dispose of it. I have no doubt that it can be disposed of within an hour or two. If it is postponed now, the probability is that it cannot be taken up again during this present session, and when the bill comes up hereafter this whole matter will have to be gone over again.

Mr. SAULSBURY. I do not desire to antagonize the business in charge of any other Senator; but I am instructed by the committee of which I am chairman to ask the Senate to take up and dispose of the resolutions to which I have referred. I have waited in deference to the views of other parties who wished to forward certain legislation. There is no question, in the opinion of the committee, more important than that to which I desire to invite the attention of the Senate. While I do not wish to antagonize Mr. Holladay's case or Mr. Anybody else's case, I cannot, in view of the duty which I owe to the committee of which I am chairman, consent to longer postpone calling the attention of the Senate to this important matter.

Mr. THURMAN. I rise merely to inquire whether this is a motion to postfore a day certain or to vesterous indefinitals.

Mr. THURMAN. I rise merely to inquire whether this is a motion to postpone to a day certain, or to postpone indefinitely. A motion to postpone does not amount to anything, but it must be a motion to postpone to some time or to postpone indefinitely.

The PRESIDING OFFICER. The motion was simply made to.

Mr. THURMAN. That means a motion to postpone until to-morrow, in parliamentary language, I suppose.

The PRESIDING OFFICER. That is the usual construction.

Mr. THURMAN. This, then, is a motion to postpone until to-

morrow?

Mr. HILL, of Georgia. I would suggest to the Senator from Delaware that if the Holladay bill which has been under consideration for several days is likely to be disposed of in anything like the time suggested by the Senator from Wisconsin, or even during the day, it would hardly be advisable to antagonize it. It might be well to let it go on, and if it can be disposed of to-day, it will be out of the way. Mr. HOAR. I desire to make known to the Senator from Georgia and to the Senator from Delaware a fact of which I have just been informed, and that is, that on applying at the document-room for the report and evidence in the Kellogg case it turns out that there is no copy of the report and evidence there, so that Senators cannot have the evidence if they desire to refer to it to-day; and even the copy of the report, which is usually bound and placed in the Library, has gone to the binder's. So the Senate will be obliged if it take up this case to postpone it again because the evidence which Senators would

gone to the binder's. So the Senate will be obliged if it take up this case to postpone it again because the evidence which Senators would desire to consult is not within reach. I suppose an order for the reprinting of that report would bring it in to-morrow morning.

Mr. SAULSBURY. Mr. President, I would yield to the suggestion of the Senator from Georgia most cheerfully if I had any idea that the Holladay case could be disposed of to-day; but I hear gentlemen around me say that there is no telling when we shall get to the close of the question. I understand it will take at least a week to get it disposed of. I cannot, therefore, with that information, yield to the suggestion of the Senator from Georgia. It appears very certain that we shall not get through the Holladay case to-day, and the probability is we shall not reach the conclusion of it before the end of the week, if at all. I therefore, acting under the instruction of the Committee on Privileges and Elections, must ask the Senate to take up and consider the resolutions reported from that committee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware.

Senator from Delaware.

Mr. ANTHONY. I ask for a division of the motion. The motion, I understand, is to lay aside the Holladay case and take up the resolutions indicated.

Mr. CAMERON, of Wisconsin. No; for the purpose of taking up

the resolutions.

The PRESIDING OFFICER. It is simply a motion to postpone, to be followed by a motion to take up.

Mr. INGALLS. Do I understand the Chair to rule that the motion

The PRESIDING OFFICER. Is the motion before the Senate.

Mr. INGALLS. And if that motion carries, the unfinished business will come up again to-morrow? I understand the Chair to rule upon the suggestion of the Senator from Ohio that the parliamentary effect of the motion to postpone was to postpone until the following day.

I do not so understand.

The PRESIDING OFFICER. That is the usual parliamentary construction of a motion of that character, the Chair decided.

Mr. INGALLS. I should doubt its correctness. My understanding is that where a bill is postponed it comes up again whenever it is called up by a vote of the Senate.

The PRESIDING OFFICER. At all times it is in the power of the

Senate to take up anything.

Mr. CAMERON, of Wisconsin. I understand that would be the effect of the motion. If the motion made by the Senator from Deleffect of the motion. If the motion made by the Senator from Delaware prevails, to-morrow any Senator, if there be a regular order at that time, can move to postpone the present and all prior orders, and indicate his purpose to take up this Holladay bill; but it cannot be taken up without an affirmative vote of the Senate. So I think the impression of the Chair is not quite correct; that the effect of it would merely be to postpone the consideration of the Holladay bill until to-morrow. That is the effect of it so far as that is concerned; but it would not come up at that time without an affirmative vote of but it would not come up at that time without an affirmative vote of

the Senate to take it up.

Mr. INGALLS. Under the forty-third rule a motion to postpone cannot be made. The motion must be either "to postpone to a day certain" or "to postpone indefinitely." The rules do not recognize a simple motion to postpone. I will read the forty-third rule, which defines the motions that can be made when a question is pending:

When a question is pending no motion shall be received but-

To adjourn, To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day To adjourn to a day certain, or that when the Senate ad certain.

To take a recess,
To proceed to the consideration of executive business,
To lay on the table,
To postpone indefinitely,
To postpone to a day certain,
To commit,
To amend.

To amend ;

which several motions shall have precedence in the order in which they stand ar-

Therefore, the motion submitted by the Senator from Delaware is not one that can be entertained by the Chair under the rule. The Senator must, if he desires to get rid of the unfinished business of the Senate, move either to postpone it till a day certain to be named an his motion, or to postpone it indefinitely.

Mr. SAULSBURY. The usual form, I understand, has always been to move to postpone without naming a day to which the subject is postponed, to postpone the pending and prior orders with a view of taking up a particular motion without any reference to the day to which it is postponed. Such, according to my observation, has been the invariable practice of the Senate. I think, therefore, that the motion I have made is perfectly in order.

Mr. EDMUNDS. Mr. President, will the Chair be kind enough to state precisely the motion that the Senator from Delaware makes, and which the Chair entertains?

The PRESIDING OFFICER. The Chair understood the Senator from Delaware to make the following motion, and so announced: to

postpone the consideration of the pending and all prior orders, the purpose being to subsequently move to take up the resolutions reported from the Committee on Privileges and Elections.

Mr. EDMUNDS. Then, Mr. President, I make the point of order that that is in violation of the forty-third rule of the Senate, which declares that when a question is pending no motion shall be received but those stated by the Senator from Kansas, and therefore a motion

to postpone, stopping there, is not in order.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is well taken; but he would say also that the motion made by the Senator from Delaware is one which is repeatedly made, and in that form, and the Chair constantly rules that it is in order because

there is abundant precedent to sustain it.

Mr. CAMERON, of Wisconsin. Then I understand there is no motion before the Senate, and I ask that the unfinished business be pro-

Mr. EDMUNDS. I understand the Chair to sustain the point of

The PRESIDING OFFICER. Yes, under the rule he feels compelled

to sustain the point of order.

Mr. INGALLS. Regular order, Mr. President.

The PRESIDING OFFICER. The regular order—

Mr. SAULSBURY. Am I to understand the Chair to decide that the motion I made is not in order?

The PRESIDING OFFICER. In the form in which it was presented.

Mr. SAULSBURY. Then I move to lay the pending order on the table, with a view of taking up the resolutions I have intimated. That will not affect the bill, but it can be called up at any subsequent

The PRESIDING OFFICER. The motion of the Senator from Delaware is that the bill before the Senate be laid on the table.

Mr. SAULSBURY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I should like to make an inquiry simply as to what will be the effect of this motion. What will become of the bill? Can

will be the effect of this motion. What will become of the bill? Can it be taken up at any time?

The PRESIDING OFFICER. Should the motion prevail the bill will go on the table, subject to be taken up by a vote.

Mr. INGALLS. Like any other bill on the Calendar.

Mr. EDMUNDS. No; it does not stand like a bill on the Calendar. It is taken off the Calendar and put on the table.

Mr. WALLACE. I understand the effect of this motion is simply to lay on the table the Holladay bill, from which position a majority vote of the Senate can call it at any time.

The PRESIDING OFFICER. That is correct.

Mr. INGALLS. Does the bill resume a place on the Calendar?

The PRESIDING OFFICER. Not on the Calendar, but on the table.

The PRESIDING OFFICER. Not on the Calendar, but on the table.

Mr. HOAR. Mr. President, does the Chair hold that the Holladay bill can be called up at any time? Does it not stand, if it be laid on the table, like any other matter, requiring an express vote of the Senate to displace by it any pending order.

The PRESIDING OFFICER. That is exactly what the Chair has announced that the effect of an affirmative vote on the motion pending would be, to lay the Holladay bill on the table subject to be taken up by a vote of the Senate at any time upon motion.

Mr. HOAR. At any time when a motion to take it up is in order? The PRESIDING OFFICER. That is it.

The Secretary proceeded to call the roll on the motion of Mr. SAULSBURY, that the bill lie on the table.

Mr. DAVIS, of West Virginia, (when his name was called.) Upon this question, and all political questions for to-day, I am paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here, I should vote "ay."

Mr. PLUMB, (when his name was called.) I am paired on political questions with the Senator from Florida, [Mr. JONES.] If he were present, I should vote "no."

ical questions with the Senator from Florida, [Mr. JONES.] If he were present, I should vote "no."

The calling of the roll was concluded.

Mr. ANTHONY. I desire to state that the Senator from Maine [Mr. HAMLIN] and the Senator from New Jersey [Mr. McPherson] are both absent and paired on this question.

Mr. COKE. I am paired with the Senator from Nevada, [Mr. Jones.] If he were present, I should vote "yea."

Mr. McDONALD. I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] I should vote "yea" if he were present.

The result was announced-yeas 20, nays 34; as follows:

		-20.

	**		
Beck, Brown, Call, Cockrell, Eaton,	Farley, Garland, Harris, Hill of Georgia, Johnston,	Jonas, Kernan, Pugh, Saulsbury, Slater,	Vance, Vest, Walker, Wallace Withers

		****	cm .
Anthony,	Davis of Illinois,	Kirkwood,	Sharon,
Bayard,	Dawes,	Lamar,	Teller.
Blaine.	Edmunds,	Logan.	Thurman
Booth.	Ferry,	McMillan,	Voorhees
Bruce,	Groome,	Morrill,	Whyte,
Burnside,	Hill of Colorado,	Pendleton,	Williams
Butler,	Hoar,	Platt,	Windom.
Cameron of Wis.,	Ingalls,	Rollins,	
Conkling	Kellogg	Sannders.	

Conkling,	Kellogg,	Saunders,	
	ABS	ENT-22.	
Allison, Bailey, Baldwin, Blair, Cameron of Pa., Carpenter,	Coke, Davis of W. Va., Grover, Hamlin, Hampton, Hareford,	Jones of Florida, Jones of Nevada, McDonald, McPherson, Maxey, Morgan,	Paddock Plumb, Randolpl Rausom.

So the motion was not agreed to.

Mr. HARRIS. I believe the Senator from New York [Mr. Conkling] is entitled to the floor on the pending question. If so, I desire to obtain his permission to ask unanimous consent of the Senate to make House bill No. 5541 the special order for next Friday. I reported it from the Committee on the District of Columbia, it being a bill to establish a municipal code for the District of Columbia, If the Senate will consent to give Friday and Saturday to its consideration, I am satisfied that the bill can be considered within that time, unless it leads to very much more debate than I think it probably

Mr. HOAR. It is impossible to hear the Senator from Tennessee in this part of the Hall.

Mr. HARRIS. I ask unanimous consent of the Senate to make House bill No. 5541 to establish a municipal code for the District of

House bill No. 5541 to establish a municipal code for the District of Columbia the special order for next Friday. It is important to the people of the District that the bill should be passed in some form. It is a bill of three hundred and forty or three hundred and fifty pages; and if the Senate will consent to give Friday and Saturday, I am satisfied the bill may be passed in those two days.

Mr. CONKLING. Mr. President, I have no wish to object to any request made by the Senator from Tennessee; but I suggest to the Senator that it is not wise for him, for the bill, or for the Senate, to make just now a special stipulation about whatshall become of Friday next. If we dispose of the pending bill now the regular order, it will give the Senator the right of way against everything I can think of except appropriation bills; very likely he would not care to anticipate appropriation bills, if he could; whereas if a special order is made now, on Friday next it is just possible—I know it is not true with the Senator—that those who are opposed to the final consideration of the Holladay bill might fight, as a great general once did, for sundown or the arrival of somebody else; it is possible that the Holladay bill might be contested in order that it should go over and encounter this special order of the Senate.

or the arrival of somebody else; it is possible that the Holladay bill might be contested in order that it should go over and encounter this special order of the Senate.

Mr. HARRIS. The Senator will allow me to say that in making my request I had assumed that the Holladay bill would have been disposed of before that time.

Mr. CONKLING. I hope the Senator is right.

Mr. HARRIS. And I had consulted with the chairman of the Committee on Appropriations, of course having no intent of antagonizing an appropriation bill; but I will withdraw my request, and give notice that I will on Friday next ask the Senate to proceed to the consideration of the bill that I have mentioned.

The PRESIDING OFFICER. The bill (S. No. 231) for the relief of Ben. Holladay is before the Senate as in Committee of the Whole, the question pending being on the amendment of the Senator from New York, [Mr. KERNAN,] on which the Senator from New York [Mr. CONKLING] is entitled to the floor.

Mr. RANSOM. The Senator from New York will yield me the floor for an explanation. I was out of the Senate Chamber when a vote was taken just now on the motion to lay the Holladay bill, as it is called, upon the table and to take up the Kellogg case. If I had been in the Senate I should have voted for that motion.

Mr. CONKLING. Mr. President, I did wish and I do wish to assign, in part at least, my reasons for a strong conviction that it is the duty of the Senate to act promptly and finally in this case. Believing as I do that Mr. Holladay has not only a just and meritorious, but a long and not creditably neglected claim against the Government, I believe it would be unworthy the Senate now to turn him away to the Court of Claims where long ago he sought to go and where the Senate, by a unanimous vote, one in which nobody dissented, said he Court of Claims where long ago he sought to go and where the Senate, by a unanimous vote, one in which nobody dissented, said he ought not to go, but should remain here and be tried by the action of a committee which has now been taken under the direction of the

is of the utmost importance, not only important to this bill and to this claimant, but to all bills which are to be acted upon if we are to avoid an extra session; and therefore by me shall be taken not one moment of the Senate's time. I think this bill should pass. I wish to vote upon it, and I shall hold that my vote, rather than anything I can say, is the expression of any duty which rests upon me.

Mr. BECK. Mr. President, I desire to say a word in regard to this claim before the matter is finally passed upon, either now or at some other time, and perhaps this is the best opportunity I will have to give my views.

give my views.

other time, and perhaps this is the best opportunity I will have to give my views.

I am one of those who have believed from the beginning that this bill ought to be referred to the Court of Claims. I believe that there it will have a full and fair and prompt hearing where both the Government and the claimant can be fairly represented; I do not understand that this Congress is committed in any form to act upon it in consequence of any action that may have been taken heretofore by a former Congress. I think the reverse is substantially the fact.

Mr. President, this claim is made because of alleged injuries done from the years 1861 to 1866 while the mail was being carried partly as a sub-contractor or surety for sub-contractor by Mr. Holladay and part of the time as a direct contractor. I have not had an opportunity to look through the document sent here this morning from the Post-Office Department. There may be something there that I have not seen, but up to this time I have been unable to find, and the chairman of the Committee on Claims has assured me that he has been unable to find anything indicating that Holladay ever filed any claim before the Post-Office Department during all the years he performed these services indicating that he ever contemplated holding the Government or the Post-Office Department liable for anything.

I believe it is usual whenever contractors have claims against the Government growing out of any transactions with any branch of it to file their claims before the Department with which they have the contracts, setting forth wherein they were damaged, how they were damaged, and the extent of their damage. So far from doing this up to this time, although Mr. Holladay himself renewed the contract in 1864 for a portion of the route, perhaps all of it on which he had carried the mail during the previous three years, I have yet failed to see any claims asserted by him against the Government before the Post-Office or any other Department for any injury suffered or any wrong done to him. Such yet been advised.

yet been advised.

The claim was first presented to Congress in 1866, so it is said by the friends of the claimant; and it was referred to the Committee on Indian Affairs in the Thirty-ninth Congress. I assume that every claim or demand Mr. Holladay had was laid before that Congress. Then all the facts were fresh; all the affidavits that were ever taken, so far as I am able to find up to the time when the case was re-referred to the committee of the Forty-fifth Congress in 1878, were before the Thirty-ninth Congress. His petition setting forth all his grievances, as I said, was referred to the House Committee on Indian Affairs of the Thirty-ninth Congress. That was a thoroughly republican Congress in both branches, and every part and feature of the claim then presented was rejected by it, except those portions relating to injuries by the removal of the route and damages done by the United States troops by taking the supplies they were charged with having taken and used. This action was had: Mr. Windom, of Minnesota, then I believe chairman of the Committee on Indian Affairs of the House of Representatives, reported back a resolution providing: House of Representatives, reported back a resolution providing

That so much of the claim of Benjamin Holladay as relates to damages for change of route by military orders and property taken by the military authorities and appropriated to the use of the Government, be referred to the Court of Claims for adjustment.

That, as I understand, constitutes about one hundred thousand dollars of the \$526,739 which the Committee on Claims now report that they are willing to give him and say that Congress ought to allow him without referring it to the Court of Claims or anywhere else. As I understand, the Thirty-ninth Congress rejected at least \$426,739 of the claim, if I am right in saying that \$100,000 was the whole amount claimed for injuries done by the United States troops and for the removal or change of routes. That Congress then considered it while it was all fresh; when every fact could easily be had, and when, I suppose, all the men who knew anything about it could be produced. Having had, as I repeat and as the record shows, all the affidavits that ever were before the committee of this House, when they reported in March, 1878—for they were all taken prior to 1866—upon which to act, in that Congress, when the question was first brought up, and when there was a full opportunity for a hearing, and when full consideration was had, every branch of the claim was rejected except those items relating to the changes of route and the damage done by the United States troops in taking supplies. Many distinguished members of the present Senate were members of that House then. I have the Congressional Directory for the Thirty-ninth Congress, in which it appears who were at that time in the House: Hon. JAMES G. BLAINE, of Maine: Hon. Roscoe CONKLING, of New York: Hon. Henry L. As I have said, I did wish and I do wish to give some of the reasons resulting in a strong conviction and a strong feeling that this has become an instance of marked injustice; and yet I do not intend to say one other word in respect of this claim, because I feel that time

| Dawes, of Massachusetts; Hon. Thomas W. Ferry, of Michigan, and Hon. Justin S. Morrill, of Vermont.

Mr. CONKLING. The Senator is reading over particular names.

What are they to prove, may I ask?

Mr. BECK. They are to prove that these men in the Thirty-ninth
Congress rejected this claim.

Mr. CONKLING. Never.

Mr. BECK. On the report of the Senator from Minnesota [Mr. Win-

DOM] in the House when he was a member of that body, when, with the claim of Mr. Holladay before him and all the affidavits that were before this committee in 1878 before him, the House refused even to consider any part of it except-

That so much of the claim of Benjamin Holladay as relates to damages for change of route by military orders and property taken by the military authorities and appropriated to the use of the Government be referred to the Court of Claims.

All else was left out, all else was rejected.

Mr. CONKLING. Will it be disagreeable to the Senator if I inter-

Mr. CONKLING. Will it be disagreeable to the Senator if I interrupt him for one moment?

Mr. BECK. Not at all.

Mr. CONKLING. Then, Mr. President, I beg to say this: I have not the record before me and perhaps I shall not be technically correct; but I mean to assert broadly for myself—other Senators may speak for themselves—that from the beginning my judgment was that Mr. Holladay and so much at least of his claim, and not propthat Mr. Holladay and so much at least of his claim, and not properly any more, as would give the Court of Claims jurisdiction of the subject, should go to that court. So I voted not only in the House; but the honorable Senator need not go there or so far back, so I voted in the Senate; so I argued in the Senate, and I argued in vain because the honorable Senator from Ohio [Mr. THURMAN] whom the honorable Senator from Indiana [Mr. VOORHEES] characterized then as now the leader of that side of the Chamber, rose saying "I flatter myself"—I well remember his term—"I flatter myself that if the Senator will listen to me for ten minutes I can demonstrate that this case meyer should go to the Court of Claims." and thereupon the Senator never should go to the Court of Claims," and thereupon the Senator from Ohio with his accustomed cogency and terseness proceeded to do what he was pleased to call demonstrating that the Court of Claims could with propriety have nothing to do with this claim; and thereupon by his suggestion a Senator who then sat before me offered an order of the Senate, which in a court of chancery would have been a direc-tion to a master to take an account. He offered a resolution which after hearing the Senator from Ohio was adopted, nobody dissenting, that this committee armed with those sweeping powers so liable to abuse, unfettered by the rules of evidence, should spread a drag-net all over this transaction, should command the attendance not only of persons and witnesses but should bring in all papers, and should report back to the Senate how much Benjamin Holladay was entitled to receive. The committee went out and performed its duty. It sent for persons and papers. In the language of Junius it roamed unchecked through the cobwebs of the law. It heard hearsay and everything that it chose to exonerate the Government; but it comes in with a report that, after all that, and despite all that, the members of this committee find upon their oaths that this man is entitled to so much

money.

Now, trespassing upon the time of the Senator from Kentucky, for a moment, I respectfully submit to him that it is neither just nor fair, and if I could use the word without offense I would say honest for the same body of men which has selected its own tribunal to take this account and report it, to turn around and say, because it once would have been fair to turn this man over to a court, because somebody once nave been fair to that this man over to a court, because someoody once voted years ago that that was a good thing, notwithstanding this body has decided unanimously that a court ought not to touch it, that this committee and this alone should touch it and bring it here, we will now say we made a mistake in all these years; it ought to have gone to a court, and now when death has carried off these witnesses, when mold and time have covered this testimony, after all these actions of ours we will eat our words and shuffle this man off now as years are we might unnerly have committed him to a indicial or goas in ago we might properly have committed him to a judicial or quasi-judicial tribunal. I submit—and to no Senator with more confidence than to the brave and just Senator from Kentucky—that it would not be acting man-fashion to do that to Benjamin Holladay or to any other be acting man-fashion to do that to Benjamin Holladay or to any other claimant, be he meritorious or not. If you owe him nothing, say so; if you owe him something say how much. If you owe him all that the committee has reported, say that. But after all these years, all these multiplied proceedings, all the hardship and delay to which this man has been subjected, tied hand and foot as he was a year ago and seeing his property swept away for the want of the money which he was entitled to, which is covered by this bill, when the honorable Senator from Missouri was constrained by his sense of justice, against his feeling, to get up here and say for the benefit of the bankers who were creditors to Mr. Holladay that he had no doubt himself that he was entitled to a sum and a large sum of money, and he himself that were creditors to Mr. Holladay that he had no doubt himself that he was entitled to a sum and a large sum of money, and he himself proposed a day, already passed, when the Senate should say that he was entitled to that large sum, whatever it might be—after all this I submit to the Senator from Kentucky, who has courage and integrity enough to do what he deems his duty under all circumstances, that although this be a large claim, it is his duty and it is mine to front it and to say whatever shall be our honest judgment as to the amount of it and let this claimant at last go.

Mr. BECK. Mr. President, neither the Senator from New York nor any other Senator on this floor will go further to do justice to Mr. Holladay than I will. I trust I have the ceurage to carry out my convictions. No word shall escape me to reflect upon him or upon the manner

in which he is prosecuting this claim. I believe it is better for Mr. Holladay, better for the Government, better for us all, that a judicial tribunal should settle this complicated question. I will refer presently to all that has been said by the Senator from New York about the action of the last Congress of the United States, but I will go back first to what was done in the Thirty-ninth Congress where I was back first to what was done in the Thirty-ninth Congress where I was when interrupted, only by saying now that the assumptions as to the action in the Forty-fifth Congress, two years ago, by the friends of this measure are not sustained by the record. When that bill was up the Senator from Wisconsin, [Mr. Cameron,] and the then Senator from Oregon, Mr. Mitchell, and the others supporting it proposed that the case go to the Court of Claims. They insisted that it should be decided there upon affidavits then ten years old, without cross-examination, without the right of the Government to inquire who those men were and whether they had told the truth a rot. Others of ne men were and whether they had told the truth er not. Others of us who were willing that it should go to the Court of Claims desired that it should go as all other claims go to the Court of Claims, upon legitimate evidence, and that the evidence should be heard fully and fairly on both sides.

By a vote of 27 to 23 those who so believed voted on a call of the yeas and nays to so amend the bill, the friends of Mr. Holladay's claim opposing the amendment of the Senator from Michigan, Mr. Chrisopposing the amendment of the Schator from Michigan, Mr. Christiancy, when he desired that the case should go upon full evidence and be fairly heard. I have the RECORD before me. It was when Mr. Mitchell and others could not get the case to the Court of Claims upon terms different from those on which all other cases are sent to that court, when the affidavits and the orders that they had taken ex parte ten years before could not be used as evidence against the ex parte ten years before could not be used as evidence against the Government, that, taking advantage of a suggestion made by the Senator from Ohio that there was no case to go before the Court of Claims, the Senator from Oregon, Mr. Mitchell, on his own motion desired and proposed to take it back to his own committee, and the Senate tacitly consented to send it back. That is what is now called unanimous consent to send it to that committee to fix the amount we shall pay, and of the claim that we are bound to carry out. Whatever they saw fit to propose to pay, it was the defeated party, those who could not succeed in being allowed to use the affidavits, who when they were fairly beaten on a yea-and-nay vote of the Senate by men who wanted this claim to go like all other claims to the Court of Claims, desired to get it into their own hands once more, and they did get it back; this was in March, 1878. When they reported it back in get it back; this was in March, 1878. When they reported it back in June, 1878, if it was so meritorious and so just why did they not press it to a hearing then? What did they do during all that Congress? I have the RECORD before me.

Mr. Mitchell came into the Senate on the 20th of January, 1879, just before the close of the last Congress, and submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of Senate bill No. 1398 and accompanying report No. 513 be printed for the use of the two Houses of Congress, the number heretofore printed being exhausted.

513 be printed for the use of the two Houses of Congress, the number heretofore printed being exhausted.

He never asked for a vote, he never asked for a hearing, he never said that Mr. Hollsday or his friends were even anxious for a hearing. Why did they not insist upon it then? That was a republican Congress up to March, 1879, and that side of the House now seems to be solid, or almost solid, in their efforts to push this claim through. Why did they not do it then? They say we have instructed our committee. The Forty-fifth Congress, a republican Congress, instructed its committee, if you please, but that committee did not even venture to present this or any other bill for hearing. They allowed that Congress to die, and no instructions given to the republican committees of the last Congress have any binding effect, unless they are right, upon the democratic members of this Congress. We are responsible now; they were responsible then. They did not venture then to ask to put that bill upon its passage, or call for a vote, or face the people in the late election upon that proposition, and now they claim that the democratic committee that was organized after the 4th of March, 1879, to which no instructions had been given or could be given by that vote in March, 1878, nor have any been asked for or given since, and the democratic members of the Senate are bound to do whatever Mr. Mitchell, Mr. CAMERON, and the republican leaders who controlled that committee advised them to do, and yet dared not submit to the Senate and ask their own party friends to do. That is all there is in what the Senator from New York has just said to me.

But I am anticipating. It is a good place, however, to let these two just said to me.

But I am anticipating. It is a good place, however, to let these two statements of his and mine go in the RECORD together. When I was interrupted I was showing that there were in the lower House of the Thirty-ninth Congress many distinguished members of the present Senate, Hon. WILLIAM B. ALLISON, Hon. JAMES G. BLAINE, Hon. ROSCOE ate, Hon. WILLIAM B. ALLISON, Hon. JAMES G. BLAINE, Hon. ROSCOE CONKLING, Hon. HENRY L. DAWES, Hon. THOMAS W. FERRY, Hon. JUSTIN S. MORRILL, Hon. EDWARD H. ROLLINS, Hon. DANIEL W. VOORHEES, and Hon. WILLIAM WINDOM. That is what the Congressional Directory shows; and in that Congress no man of all the now warm advocates of this bill pressed it, or complained of the action taken. Then was the time when justice should have been done if injustice was being done. Then was the time for the friends of this claim to have risen in their places and maintained that it was unjust to strike out all but the two clauses, in which there was less than one hundred thousand dollars involved, and show that it was wrong to reject \$426,000, which they now say is due to this claimant, and rail against us because we will not pay it, ten years afterward or

twelve years afterward.

The resolution passed by the House in the Thirty-ninth Congress went to a republican Senate, and the chairman of the Committee on Claims, to whom it was referred and by whom it was again considered, Hon. Mr. Clark, of New Hampshire, was unwilling even to go as far as the House went, and he reported that there had been referred

That so much of the claim of Benjamin Holladay as relates to a change of routes by military orders, and property taken by the military authorities and appropriated to use by the Government, be referred to the Court of Claims for adjustment.

That is the House resolution. He said:

The Committee on Claims came to the conclusion to recommend to strike out that part of the claim which was for damages for change of ronte, but to let the other part of the claim for property alleged to be taken by military orders go to the Court of Claims and no more, and we think that is a better tribunal than the Committee on Claims and this House.

It will be observed that the Senate would not even go as far as the House. It struck out what is now claimed to amount to \$60,000 or \$70,000 out of the \$100,000 that would have been involved in the case if the House resolution had passed, and it fell because it was, by the action of the Senate, cut down to such a small sum that Mr. Holladay and his friends did not even care to go to the Court of Claims

day and his friends did not even care to go to the Court of Claims with it.

That is the reason why I bring up the action of the Thirty-ninth Congress, and I have been amazed at gentlemen here now, nine or ten of them, influential members on the other side of this body, then leading members of the House of Representatives, after their silence while the claim was before them when all the facts were fresh, becoming so zealous now, because it must be assumed that Mr. Holladay then presented every claim that he presents now. If he did not, he ought to; there could be no excuse for withholding it from that Congress and bringing it before subsequent Congresses. The presumption is that he presented all he regarded as just, and all his claim except about \$100,000 was rejected by these very gentlemen themselves in a thoroughly republican Congress, and that amount was to go to the Court of Claims.

What then happened? After that rejection Mr. Holladay withdrew his papers from the files of Congress. In 1866 the action spoken of was taken. The original petition, as the Senator from Pennsylvania [Mr. WALLACE] said, and the papers were taken from the files, and are all gone. In the Fortieth Congress the case is not heard of; in the Forty-first Congress it is not heard of. Is that diligence? Is that pressing the claim, as the friends of this claim insist has been done all the time? From 1866 to 1872 Mr. Holladay does not appear before either House of Congress. Beaten for all but a right to appear in court and try to prove a small proportion, in the Thirty-ninth Congress, files a petition in the Forty-second. There is no report in that Congress from any committee; no new affidavits were taken; no additional evidence furnished. The Forty-second Congress passed; the Forty-third passed; still not a single affidavit added to what was filed in 1866; and it was only when it reached the Forty-fifth Congress, in 1878, that a committee, the republican committee of this body, brought it to light for the first time; and after all these y in 1878, that a committee, the republican committee of this body, brought it to light for the first time; and after all these years of negligence, of want of preparation, of absolute abandonment of the claim so far as any further proof was concerned, because the record in my hand at least fails to show that a single further witness was called or a single new affidavit was ever taken until after the action of this body in the Forty-fifth Congress, after March, 1878, it is absurd to say that we have trifled with Mr. Holladay. That is not the way claims are presented when men have faith in their justice.

Mr. VOORHEES. Will the Senator from Kentucky allow me? If he read my name for the purpose of involving me in any inconsistency, I desire to state that my connection with the Thirty-ninth Congress was very peculiar. I had an actual service, I think, of about five weeks during that winter, during which time I was trying my best to keep the dominant party from expelling me because of my devotion to the Constitution and the laws of the country, under the guise of a contested election. I went out at the end of the struggle, and I never saw or heard at all of the Holladay claim while I was a member of the Thirty-ninth Congress. I had other matters engaging my attention, and I was only there a little while.

Mr. BECK. I read the Senator's name because the record showed the fact. I suppose that Congress met in December, 1865. On the 24th of January, 1866, this matter came before Congress for the first time. So says the Senator from Pennsylvania, [Mr. WALLACE.]

Mr. VOORHEES. That was about the time I terminated my connection with that body by the vote of my friends on the other side.

Mr. BECK. I did not feel at liberty to leave out, in reading the official record, the name of the Senator, though aware of the fact to which he refers; I read the names of the gentlemen who appear in the Congressional Directory. I am not seeking to convict anybody of in-

which he refers; I read the names of the gentlemen who appear in the Congressional Directory. I am not seeking to convict anybody of inconsistency. I am seeking merely to show why I desire an investigation of this case before the judicial tribunals of the country. That is all I am trying to do. I impugn no man's motives, no man's integrity or consistency; the fact is clear that the Thirty-ninth Congress in 1866 rejected and refused to allow the courts to consider four-liths of this claim, no matter who were members of it. fifths of this claim, no matter who were members of it.

Just here I may as well say that I differ entirely, absolutely, from the able and usually careful Senator from Arkansas [Mr. GARLAND] in regard to the urgent pressure that had been put upon Congress from year to year by Mr. Holladay, and as to the unanimous action of three committees of this body. That is his statement as shown by the Record, three times nine, he says, twenty-seven Senators all united, unanimous reports from twenty-seven men, or nine times three had, he maintained that it was wrong for us now, indeed that it was an insult to those men, not to indorse what twenty-seven of them have done. There never has been, to begin with, as I understand it, reports except in but two Congresses, so that there were but eighteen men that ever considered it. There were two reports, it is true, in the last Congress, but it was the same committee twice reporting, not eighteen, that ever considered it. There were two reports, it is true, in the last Congress, but it was the same committee twice reporting, not eighteen, but nine making two reports. I have the names of those gentlemen of the committee of the Forty-fifth Congress who made this report in 1878. They were Mr. McMillan, of Minnesota; Mr. Mitchell, of Oregon; Mr. Cameron, of Wisconsin; Mr. Teller, of Colorado; Mr. Hoar, of Massachusetts. They constituted the republican majority of the committee, and they made the report and had the power to pass it. The minority was composed of Francis M. Cockrell, of Missouri; Frank Hereford, of West Virginia; Isham G. Harris, of Tennessee, and John T. Morgan, of Alabama. While I have no right to know how any one of those democrats will vote, I shall be very much disappointed if any democratic member of that committee in the last Congress votes for this claim, unless it be the Senator from West Virginia. He is not here. I doubt whether he would vote for it. So much for the unanimity of these committees.

Mr. GARLAND. As the Senator from Kentucky seems to know so much about those gentlemen, will he let me ask him if they filed any

much about those gentlemen, will he let me ask him if they filed any

minority report in either Congress?

Mr. BECK. I think before this debate is through they will file minority reports that the Senator will hear; their vote will be a mi-

nority report.

Mr. GARLAND. Have they filed any up to this date † That is the

question.

Mr. BECK. Has any democrat on this floor in this Congress or the Mr. BECK. Has any democrat on this floor in this Congress or the other who was a member of that committee spoken for this bill or asserted they were unanimous for it? But they will rise in their places and say they were not, or I am very much mistaken.

Mr. GARLAND. The question I put has not been answered. Have they filed a minority report yet in the case?

Mr. BECK. They have as yet filed no written report that I ever saw; but when the Senator from Arkansas avowed that three committees were unanimous, twenty-seven men—I will read his language, so there will be no mistake about it—

Mr. GARLAND. That is what I said.

Mr. GARLAND. That is what I said.

Mr. BECK. I say there were but eighteen. Is not that the fact? Silence gives consent to that. Has any democrat yet on either committee said one word in favor of the claim? Is this Congress bound mittee said one word in favor of the claim? Is this Congress bound by the action of the last Congress in its instructions to its committees? The argument was forcibly made by the Senator from Arkansas, [Mr. Garland,] the Senator from Indiana, [Mr. Voorhees,] and by the Senator from New York, [Mr. Conkling,] this morning, that we are honorably bound; that I, as a man with the courage of my convictions, as I hope I have, ought to be bound to carry out what they have done because we have so referred it. Am I, as a member of a democratic Senate, bound now to vote for a report made by a republican committee of another Congress to a republican Congress. republican committee of another Congress to a republican Congress when they themselves did not dare to present that report for action

when they themselves did not dare to present that report for action even before a republican Congress?

Mr. KERNAN. How is the present committee made up?

Mr. BECK. The present committee is made up as follows: Mr. Cockrell, of Missouri, is chairman. I do not think he is unanimous for the bill. Mr. Harris, of Tennessee, who sits before me, is a member. If he is unanimous he will have to declare it yet. Mr. Groome, of Maryland, and Mr. Pugh, of Alabama, are members of the committee. As I say, with the exception of Mr. Hereforn, who is not here, the others being here, they will speak for themselves. The facts will show before the vote is taken that there never has been but one democratic member, and I will not speak of him because his not here—Mr. Hereforn, from West Virginia—who has given any not here—Mr. Hereford, from West Virginia—who has given anything like assent to this report, and I do not know that he even has.

Mr. GARLAND. Will the Senator from Kentucky allow me to in-

terrupt him?

Mr. BECK. Yes, sir.
Mr. GARLAND. If the Senator means all that his argument imports let me say that if democratic members of the committee were not in favor of the report, it never could have been made, because

not in favor of the report, it never could have been made, because they have a majority of the committee.

Mr. BECK. What I desire to say is this: the republican members of the committee at the last Congress could make the report without any assent from any democrat. The republican members of this committee could make it now, composed of Mr. McMillan, Mr. Cameron, Mr. Teller, and Mr. Hoar, with the aid of one democrat sustaining them, and I have an idea that perhaps Mr. Hereford did enable them to make it. I do not know the history of the action of the committee, but the present committee only required one democrat to enable them to make the report now; the last committee did not need one.

I am combating the very broad statements heretofore made which

would necessarily, from the high character and ability of the Senator from Arkansas, have their effect upon the Senate, first, that Mr. Holladay had prosecuted his claim with great vigilance, and had been kept waiting here longer than the siege of Troy lasted, longer than the American Revolution; that we had the reports of three committees—twenty-seven men—unanimously; that we had referred the case back to the committee, and we are in honor bound to stand by their report. I combat each one of these statements. As I said, there their report. I combat each one of these statements. As I said, there were but eighteen. The last Senate was republican, and the republican members after they reported it did not dare to bring it up. Not one of the four democrats ever rose in his place or elsewhere to ask for it, and I believe they voted against it. I assert that the last republican Congress could give no order to this Congress, and could not place it under any obligation. On the contrary, the fact that they did not bring it up has to my mind a wonderfully suspicious look, coupled with their action in the Thirty-ninth Congress, when they had an overwhelming majority in both Houses and would not indorse it, and did reject four-fifths of it absolutely.

If the claim has been delayed it has been by Mr. Holladay himself. If the claim has been postponed and injustice done, it is the act of republican gentlemen who are now so anxious to make this Congress responsible for it. I am proud of one thing. While we have not

responsible for it. I am proud of one thing. While we have not been allowed to retain power in both Houses after the 4th of March, we have had that power for six years in the lower House and for nearly two years in the Senate, and the record of the democratic party, while it may have been stingy, while it may have been mean, if you like, has been extremely free from all extravagances; it has been very careful in seeing that every claim was fairly investigated before money was taken out of the Treasury of the United States. There never was as little taken out before under any administration for the money was taken out of the Treasury of the United States. There never was as little taken out before under any administration for the last twenty years as we have the credit of showing is the case under our management of public affairs. Whether this claim is right or wrong, I will not throw a straw in Mr. Holladay's way to get the last dollar the courts will give him; but I am not prepared to vote for the payment of the claim in the face of the facts, first, the rejection by the Thirty-ninth Congress; ten years without even taking additional affidavits; then a report made in the Forty-fifth Congress asking that it shall go to the Court of Claims upon ex parts affidavits, and when the men who desired it to go fairly to the Court of Claims voted that it should go upon fair terms, to get clear of that, the Senator from it should go upon fair terms, to get clear of that, the Senator from Oregon moved to have it placed back into his own hands with authority to make a report; and when he did make it, it was only to move that an extra number of copies be printed, and did not even dare to that an extra number of copies be printed, and did not even dare to present it to Congress, because he had said in the report made in March, 1878, that the committee could not, from the evidence, feel justified in saying that any amount was due. That was only a few months before his second report appeared. I do not, in the face of all these facts, feel that I am doing justice to the country to vote a gross sum under circumstances like these, especially when I am pressed to do it by a body of men who, while they were responsible before the country for the passage of claims, never dared to do it, or even to ask that it should be considered.

What did the committee state when Mr. Mitchell or Mr. Cameron, of Wisconsin, made the report in March, 1878? They say:

That said depredations were continued during the greater portion of the time that said Holladay was so engaged in transporting said mails on said route, and the effect of which was to prevent travel over said line, and to render it a task of constant peril to the men engaged in running said coaches and in transporting said mails; that the evidence as to the amount and value of the property so taken and appropriated, being in the form of ex parte affidavits, is, to a great extent, unsatisfactory; and your committee, although satisfied that a large amount of valuable property belonging to memorialist was so taken, do not feel justified in attempting to determine with any degree of accuracy the amount or value thereof.

So said the Senator from Wisconsin, the Senator from Minnesota, and his associates on that committee two years ago, and it was only when they did not want the case to go to the Court of Claims upon fair terms, as we were willing that it should go, that they got it back into their own hands. They then endeavored to figure up the amount they were willing to allow, and when they had so figured it up they did not venture to ask Congress to pass upon it, but waited until the power passed out of their hands; and then, under a committee without instructions and without any obligations and without any act binding upon us as a Congress, they come now and insist we are acting in bad faith because we do not give what that republican committee did not dare to ask a republican Congress to give. I do not propose, if I can help it, to be deciding questions that they dared not decide. They go on further to say:

But your committee are not willing that the value and amount of property takes. So said the Senator from Wisconsin, the Senator from Minnesota,

But your committee are not willing that the value and amount of property taken or the loss suffered by the memorialist should be determined on ex parte affidavits alone; but believing that it is a case wherein the rights of the Government can only be properly protected by an exercise of the privilege of cross-examination and by a thorough investigation in a court of competent jurisdiction wherein the Government shall be represented by counsel, and wherein not only the right of cross-examining the claimant's witnesses but also to call witnesses of its own shall exist, your committee decline to grant the prayer of memorialist and refuse to recommend a direct appropriation.

refused to give, they cry "injustice;" demand us to act at once, and want us to carry out the acts of a committee that that committee itself said was improper, and what it did not venture after it made its calculation to ask its own party to do. That is this case.

There were facts presented in this case when it was up before

which ought to have alarmed the country, and the utmost that gen-tlemen could properly ask was that the court should be opened to hear the case, that all limitations and all bars against its consideration should be removed. When the distinguished Senator from Kansas, [Mr. Plumb,] whom I now see in his place, then said—I have the Record before me, and I suppose he will say it again—that during a portion of the time for which this claim is set up he, in command of his regiment of Kansas troops, carried those mails in wagons owned by the United States, drawn by horses and mules owned by the United States, driven by private soldiers of the United States, and for two months Mr. Holladay performed no service whatever, although he drew from \$50,000 to \$60,000 for the services performed under the direction of the Senator from Kansas with the wagons, mules, and the soldiers of the United States, and there is no pretense that any credit is given for it as against any damages now claimed; when the Senator from Kansas rose in his place and said that he knew many of those stations for which exorbitant sums were now charged, and for the destruction of which we are expected to give the last dollar claimed, were used not in connection with the military service, but as hotels, warehouses, depots, places where travel and traffic should be removed. When the distinguished Senator from Kansas, [Mr. dollar claimed, were used not in connection with the military service, but as hotels, warehouses, depots, places where travel and traffic disconnected altogether with the United States was carried on, and which in his opinion did not cost anything like as much as is asserted, it staggered me then and it amazes me now. Why the committee, if it intended to do justice to the United States, being under the lead of the Senator from Minnesota, the Senator from Wisconsin, the Senator from Colorado, and the Senator from Massachusetts, did not call upon the distinguished Senator from Kansas after he had stated on this floor that to his own personal knowledge these things were true, and he himself had hear as actor in regard to many things were true, and he himself had been an actor in regard to many of them, in order to give the Government the benefit of a statement like that, their neglect to do so passes my comprehension. If nothing else, their failure shows the importance of sending it to the courts, where the Senator from Kansas can be summoned by the Government, where the then Postmaster-General, whom I see now on this floor, (Hon. Montgomery Blair,) can be summoned by the Government, and where all the men who knew anything about it on either side can

appear.

It is absurd to talk about death and about witnesses being gone! The claimant's own petition shows that he had four hundred and fifty stage-drivers. Ten per cent. of them are not dead. Ninety per cent. The claimant's own petition shows that he had four hundred and fifty stage-drivers. Ten per cent. of them are not dead. Ninety per cent., I suppose, of his men are alive yet. All that was done was done publicly; it was not done in a corner. Indian depredations are not committed in the dark; or if they are, what existed before and what existed afterward can be seen in daylight. The value of every station can be ascertained—what it was used for, what it cost can be proved by numbers of men yet alive. The books of the company can be produced, the facts can be ascertained. There never was a case where there was less liability to injury to the claimant by the loss of testimony than in this case. The books of the Post-Office Department are still in existence. Out of four hundred and fifty men who were drivers, four hundred are doubtless alive. The men who built the stations, the men who traveled over the route, all can testify yet before any court what was paid for these things, and what their value was. Take Julesburgh, for example; \$35,000 is claimed for its destruction. Does any gentleman believe that stations worth \$35,000 were necessary to be built, or were built in a wild country, for the United States mails? They may have been necessary to establish a great overland route for passengers, and establish depots to sell goods to traders and to ranchmen, and independent transactions, for which I assume that nobody will pretend the United States is liable, but that buildings worth \$35,000 at Julesburgh were necessary for the United States mails, would have to be proved before a court before I would vote to pay it.

So \$142,000 of this claim is made up of corn at from eleven and

vote to pay it.

So \$142,000 of this claim is made up of corn at from eleven and a-half to twelve and a-half dollars per bushel. Nine-tenths of that corn perhaps was carried to the places where it was needed to feed horses and mules used not for mail carrying, but for the carrying of passengers disconnected with the Government of the United States altogether, and if it was so used the Government of the United States altogether, and if it was so used the Government of the United States. is not obliged to pay for that on any pretense or theory. These facts ought to appear before a court; and they can be made to appear. So with the great Concord coaches that are said to have cost twelve hundred dollars each; were they all as good as new when taken. The contract gave the contractors the right to use spring wagons in carbe properly protected by an exercise of the privilege of cross-examination and by a thorough investigation in a court of competent jurisdiction wherein the Government shall be represented by counsel, and wherein not only the right of cross-examining the claimant's witnesses but also to call witnesses of its own shall exist, your committee declineto grant the prayer of memorialist and refuse to recommend a direct appropriation.

They made in that report the speech that I am making now. That is precisely what I insist ought to be done. They all said it then, and as long as they were responsible for the legislation they stuck to it; but now when it would be a glorious thing to go before the country and charge the democrats with sticking their arms up to their elbows into the Treasury to take away money that for ten years they had

and that if this claim was allowed and the principle recognized that the United States was a guarantor for all damages done by Indians to anybody in the service, then these claims would all come up against us and be as legitimate as this. This is the language used

There are, I understand, on file now in the office of the Commissioner of Indian Affairs from \$35,000,000 to \$40,000,000 of claims on account of depredations by the

I think that is a misprint. It must mean \$3,500,000 and \$4,000,000. That may not be, however-

That may not be, however—

in fact, embracing depredations committed by probably every single Indian tribe within the limits of the United States and embracing every possible character of depredations that naturally result from the efforts of people to push their settlements out on to the frontier and from the endeavor to do business between one frontier settlement and another and between the Atlantic and Pacific coasts.

If Congress is to pay Mr. Holladay it would, it seems to me, establish the principle of paying all these other claims. I do not say they ought not to be paid, but I say that the equity, the justice of the claims of which I have spoken as being on file in the office of the Commissioner of Indian Affairs is equal to that of Mr. Holladay's claim. More than that, those claims are in behalf of a class of persons who have not the means to be here either in person or by attorney in order to bring their claims to the attention of Congress. The probability will be, therefore, if this bill shall pass, that we shall have simply given to Mr. Holladay what in effect amounts to a gratuity, because we will not give the same relief to other people who have sustained losses which entitle them to just as much relief as that to which he is entitled.

When the bill came up the next day and the word "affidavits" was sought to be striken out by the Senator from Michigan, Mr. Christiancy, the Senator from Colorado, Mr. Chaffee, rose in his place and said he hoped the amendment would not prevail.

While I know nothing about this individual claim-

He says-

I do know that there are a great many citizens of the State of Colorado who have similar claims, and they have been advised by the heads of the Departments to perfect their testimony, and they perfected their testimony by obtaining afflicavits. If they had not perfected their testimony in regard to their losses and spoliations of their property, the witnesses and testimony would have been scattered.

He stated that all these claimants were waiting to see the recognition of this class of claims, that they are all as just as this claim and all will be pressed before Congress as being equally meritorious when we establish the precedent here.

I turn to Executive Document No. 65, second session Forty-third Congress, 1874-75, which is a communication from the Secretary of the Interior giving a list of the claims filed for depredations committed by Indians called for by House resolution of April 30, 1874. Senators can examine it. There is a list covering forty or fifty pages.

Mr. COCKRELL. It is not all.
Mr. BECK. This lot runs up as far as I have looked over them to \$4,700,000, all awaiting action here; and the chairman of the Committee on Claims advises me now from his place that this is not all, that there are more than those. How many more there are I do not know; but this is to be the entering-wedge by congressional action to all that class of claims of which there are so many filed and shown in that executive document besides the others referred to by the Senator from Missouri.

I do not care to read any more. I rose more for the purpose of explaining why I should vote to send the claim to the Court of Claims than to present arguments directly on the question. I have no doubt the chairman of the Committee on Claims will be heard. I have no doubt the Senator from Kansas will be heard; but I confess that when the committee failed to summon him after he had used language such as I have referred to in the open Senate it shook my faith in the report they had made. The Senator from Kansas said among other

I object to it further because of the contents of these affidavits themselves. I have read them. They set the value of houses on that route at \$2,000, mere shanties that never were worth one quarter of it, and yet we propose here to send those to the Court of Claims—

He was even opposed to going that far; I am willing to send them there and see what they are worth-

under the sanction of this Congress as testimony to the full extent to which any declaration may be testimony, and provide no adequate means really of contradicting them.

He said further, and this is what I referred to before:

He said further, and this is what I referred to before:

I took my own regiment out there in the spring of 1865, and as long as this matter has been mentioned I may say further that while on the route, and while under direction to see that that mail was carried at all hazards, I did carry it on nearly three hundred miles of the route of Mr. Holladay for nearly two months during which time he had not a teamster or a mule of his own on that part of the line-carried it with Government mules and Government horses, with Government private soldiers as drivers. Now, I submit that if this man is to be paid, the Government is entitled at least to a recoupment for the full amount of that service so rendered. It was a part of it which I did not care to say anything about. More than all that, it was a part of the unwritten history, and it was a part of the history in the mouths of all men along that route, that every time a coach was taken there were at least a dozen mules counted against the Government that had not been taken at all, and that was the talk among Mr. Holladay's employés themselves. I say from the knowledge I have that I believe two-thirds of this claim is just as base a fraud as was ever attempted to be imposed on the American Congress.

That was the language of a Senator on this floor in the hearing of that committee, and yet the committee did not deign to call him after he had stated these facts. He said again:

When I spoke of the time during which Mr. Holladay had no mules, had no employés on the line of the route, it was only for the purpose of bringing out to some

extent the history of that time, and showing exactly what the condition of things was. During that time Mr. Holladay received fifty or sixty thousand dollars, or a large sum of money at all events, for services rendered on that route when he rendered none whatever.

dered none whatever.

Mr. COCKRELL. When was that?

Mr. BECK. That was on the 11th day of March, 1878, on this floor, being page 1634, part 2 of volume 7, second session of the Forty-fifth Congress. With all due respect to the individual Senators who made this report, I cannot have so much respect for a report made under those circumstances, a report leaving out all that testimony which was so well known to them. I will not obey when they come here and demand that I shall vote that all that money is due which the Senator from Kansas says he knows is not; that horses shall be declared to be worth three or four times what a Senator on this floor says they were worth; with no claim made against the Department for the injuries done; with the wages or prices paid for carrying the mail increased from \$600,000 to \$1,000,000 so as to cover all these contingencies, Indian depredations and all, as they in all probability were.

As the Senator from Vermont [Mr. EDMUNDS] showed the other day, pony expresses were run on private account at \$5 for every half-onnce carried over five pounds, with a heavy mail sent round by the Isthmus of Panama at a cost of one hundred and sixty thousand and odd dollars a year, and eight hundred thousand and odd dollars paid for the carriage of letters and light mail matter over the plains. When all these contingencies were perhaps guarded against; when the new contract was made in 1864 with full knowledge of all these facts, and no claim for damages was made to the Department that I have ever heard, and when these things are now brought before us, I say that it is just to Mr. Holladay, it is just to the Government, it is just to us all, that we should send the claim to the court where the Thirty-ninth Congress spoke of sending it, where the committee themselves in the Forty-fifth Congress said it ought to go.

The remarkable fact remains, that all the additional testimony in the form of depositions as they call them that appear in this record were taken in the Forty-fifth Congress before a republican committee with a republican majority. The present committee of this body odd dollars a year, and eight hundred thousand and odd dollars paid

were taken in the Forty-fith Congress before a republican committee with a republican majority. The present committee of this body so far as the record shows have never taken an affidavit, nor examined a witness, nor done a single act except to report back this bill; and how do they report it back? You will observe that the Senator from Colorado [Mr. Teller] introduced it so as to cover the case they had proved. He introduced it to read as follows:

That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$326,739, to be paid by the Secretary of the Treasury to Ben. Holladay, in full payment and satisfaction of all claims of said Holladay against the United States—

For what?

or spoliations by hostile Indians on his property while carrying the United States nails, during the existence of Indian hostilities on the line of said mail-route.

Mr. TELLER. I should like to say to the Senator that I introduced the bill exactly as the committee determined the bill should be introduced at the former session of Congress. I had no special interest in it, nor have I now.

Mr. BECK. I have no doubt they had taken proof to work up to this condition. The language of the bill introduced, as I was reading

it, is as follows:

For spoliations by hostile Indians on his property while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route; for property taken and used by the United States troops for the benefit of the United States; and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer.

That was what they endeavored to prove in the last Congress. is why the Senator from Colorado was instructed to prepare the bill to meet the case that they had proved, but did not venture to present. But when this committee came to present it they struck out all the language in the bill "for spoliations by hostile Indians on his property while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-routes," &c., and inserted—

On account of his contracts with the Post-Office Department to carry the United States mails, and in full payment and satisfaction for all losses sustained by him by reason of his having carried the mail on a route different from the one specified in the contract under the order of the military authority of the United States, and upon the request of the President, during the existence of Indian hostilities on the line of said mail-route; and in full satisfaction for the property taken and used by United States troops for the benefit of the United States.

Mr. TELLER. Mr. President—
The PRESIDING OFFICER, (Mr. FERRY in the chair.) Does the Senator from Kentucky yield to the Senator from Colorado?
Mr. BECK. I was going to finish what I have to say, but I will listen now just as well as afterward.
Mr. TELLER. I was going to say in reply to the Senator, if he permits me, that that change was made on the second examination of the case in the present Congress, and made at the suggestion of a democratic member of the committee.
Mr. BECK. Observe that the change is made so as to make it appear that we are not paying him for any Indian depredations com-

pear that we are not paying him for any Indian depredations committed, but on account of his contract with the Post-Office Department, on account of his carrying the mail by a different route from that specified, and on account of property taken and used by the United States troops. The amount claimed for the change of route and the amount claimed for property taken by the United States troops does not reach over one hundred thousand dollars; but call it one hundred and twenty thousand dollars, or call it one hundred and fifty thousand dollars, and it does not amount to one-fourth of the \$526,000. The balance is made up of Indian spoliations. Yet they strike all that out, and what is the balance for? On account of his contract with the Post-Office Department for carrying the United States mails. He has received every dollar due on his contract. If he has not, all he has to do is to go to the Post-Office Department and get it. There is nothing due for that. They have stricken out the amount for Indian depredations. They did not want all these claims to appear to set a precedent for the payment of similar claims; they did not want all the untold millions that may yet come from Minnesota and elsewhere through the Sioux war to be paid by the United States under the precedent of Mr. Holladay's case. They struck it all out; but they report the original amount which by the first bill was to be given, \$526,739, and although they give him nothing for Indian depredations or Indian spoliations, but expressly ignoring it on the face of the bill, they give him \$526,739 for change of route and for property taken by the United States troops, when they do not pretend that the damages by the change of route or the property taken by the United States troops amounts to one-fourth of the \$526,000, and when they do not pretend that he has not received every dollar to which he is entitled under his contracts with the Government, and had it increased from \$600,000 to \$1,000,000, with three hundred and twenty acres of land for village sites given every ten miles, thirty-two hundred every one hundred miles over twelve hundred or fifteen hundred

he is entitled under his contracts with the Government, and had it increased from \$600,000 to \$1,000,000, with three hundred and twenty acres of land for village sites given every ten miles, thirty-two hundred every one hundred miles over twelve hundred or fifteen hundred miles of route, pony expresses, modifications to allow all the heavy weights to go by sea, no complaint made at the Department, and every dollar paid; and yet, while they did not venture to assert that we ought to pay for Indian depredations, because it would open too wide a door, they still furnish all the money, and yet disguise the fact, though they want to pay it. The account exhibited with the report shows that \$400,000 out of \$526,000 is alone for Indian depredations, which they have stricken out of the bill, and yet propose to pay for and complain because we will not do it.

That is one reason why I say that I have but little respect for the report that is presented; and I will say that it comes with a bad grace from gentlemen on the other side of this Chamber who have had control of the legislation of this body so long to be taunting us with meanness when we are willing to allow this case in all its bearings to go before the court and give Mr. Holladay a full and fair hearing, far wider and broader than they were willing to give him in the Thirty-ninth Congress, when we are willing to give him opportanties that hundreds of the best citizens in the country are standing here and pleading day by day that we shall give them. This report comes from men who when the case of my old friend Warren Mitchell was up, reported against it not long ago—a most meritorious case of an old man who owned the money that is now lying in the Treasury, who was as loyal as any man in the land, who had a permit from the rebel authorities to go south and collect his debts and when he had got property in payment of his demands and had it in his hands, it was taken away from him under circumstances lying in the Treasury, who was as loyal as any man in the land, who had a permit from the rebel authorities to go south and collect his debts and when he had got property in payment of his demands and had it in his hands, it was taken away from him under circumstances that the Supreme Court of the United States said that if it had been the property of Mr. Jefferson Davis or of any other confederate general or of any other high officer they would not have a right to recover it. All the confederates did recover and get what belonged to them under exactly similar circumstances, and yet all these just and liberal gentlemen turned that poor old man out of the Senate, when it was admitted that the money was his, that the cotton sold was his, the decision of the court was in his favor on the merits, and all that was necessary to entitle him absolutely to recover it was that he should have been in the confederate army, a citizen of the South.

Mr. CAMERON, of Wisconsin. If the decision of the court was in favor of him, why did he not get the money?

Mr. BECK. The decision of the court was that every confederate could get it under exactly similar circumstances, and they all did, yet when he came for relief, asking for his own money, the Senator from Wisconsin and his confreres on that committee turned him out of doors and he is here now almost a pauper on the streets.

Mr. CAMERON, of Wisconsin. Yet the decision of the court was against the Senator's old loyal friend.

Mr. BECK. I will tell the Senator of another case. When 1,200 acres of land were taken for Camp Nelson—the Senator from Rhode Island [Mr. Burnside] has testified as to that—from a poor old woman seventy-four years of age, bed-ridden, and it used by the Government for five years as a military camp, the grandest in the West, six hundred

seventy-four years of age, bed-ridden, and it used by the Government for five years as a military camp, the grandest in the West, six hundred acres of her timber having been cut down and used; when the military officers reported that she ought to be paid and that her heirs are tary officers reported that she ought to be paid and that her heirs are entitled to it, they have been year after year and day after day begging for what every Department of the Government said was their due, the whole place being made a desolation; that same committee, now so clamorous for the payment of this sum of money under these circumstances, have kept that poor family waiting and have their case now hung up before them and will not report for them a dollar. I have no sort of confidence in reports made by committees that will insist upon a claim like this and force it through without a hearing, and still withhold claims like these and many others I might name and give them no attention at all.

I am willing that every case should go to the Court of Claims. I think this is the worst body upon earth to try cases. I think there is less of justice, more done by personal solicitation, personal urgency,

favoritism, and constant ding-dong than is achieved by the real merits of any case. Therefore whenever the proposition is made to me I will vote to send a claim to the courts where lawyers on both sides can be heard, where the judges cannot be approached by any sort of solicitation either because of great suffering, poverty, bankruptcy, or anything else. The testimony has been volunteered here that Mr. Holladay is poor and a bankrupt. That is not in this record. I do not know whether he is or not. If so, I am sorry for it and I hope that he will get speedy relief, that he will get a judgment for every dollar to which he is entitled; but I want the claim to go through the regular channels, through the established courts of the country, and not have it decided upon a report made up as imperfectly as this obviously is.

ously is.

Mr. TELLER. Mr. President, I do not exactly see how the honorable Senator from Kentucky makes this a political question. Certainly so far as we have gone there is no indication that the Senate will divide upon it according to the political standing of its members. Both of the Senators from Vermont are not charged with being democrats, and they have both made speeches against this bill. I believe they have both given it some very hard knocks and have spoken in pretty severe terms of this bill and of this claim.

Before I proceed to say a few things that I wish to say about the

Before I proceed to say a few things that I wish to say about the bill, I desire to remark that when the bill was before the Senate some bill, I desire to remark that when the bill was before the Senate some days since I took exceptions to the words of the Senator from Vermont, [Mr. Morrill.] I used the language from hearing him. I looked afterward at the Record, and I think I was not justified in my inference. I think the Senator's words were not intended to convey the idea that I supposed, and I regret that I should have been led in haste to say anything that might seem unkind or unfair. I desire that whatever I may have said that it was not proper to have said shall be considered as unsaid, for I know very well that I ought to have reflected that the Senator from Vermont could not have impugned the motives of any member of the committee or of any member of the Senate.

I recognize the right of every Senator upon a question of this kind.

ber of the Senate.

I recognize the right of every Senator upon a question of this kind to follow his own judgment. I propose to do that so far as I am concerned, and I have never been one who is prepared to change my views to please the public whim, either. The newspaper criticisms that have been brought out on this bill have no terrors for me if the bill is honest and fair. I believe that it is, and I am prepared to support it whether it is a prepared to support it is a prepared to s bill is honest and fair. I believe that it is, and I am prepared to support it, whether it is an unpopular bill, or whether it is not. I think I shall hardly, while I stand here in the Senate, govern my vote upon questions of this kind by what may be the popular impression as to them; neither shall I direct my vote in accordance with what may seem to be the interests of the political party to which I am attached. If this were a republican Senate I should be prepared to vote for this bill, as I was when it was passed in a republican Senate. I am willing to take the responsibility of this question. I have investigated it; I have looked into it; I have knowledge of and concerning it that induces me to vote for the bill. If anybody else thinks differently I concede to him the right to vote differently, and I demand the same right for myself.

right for myself.
Suppose when Mr. Holladay came here (and the proof is unques-Suppose when Mr. Holladay came here (and the proof is unquestioned, I think, that he came here) he had said to the President of the United States, "I decline further to carry this mail," nobody pretends that he had not the authority so to do. His contract was at an end, not by any act of his but by an act of warfare. He could have said to the General Government, "I shall no longer carry this mail." Is there a Senator familiar with that mail-route who does not know that he could have exacted from the Government at a time know that he could have exacted from the Government at a time when nobody would have bid on it, at a time when there was no opportunity for anybody else to have come in and been a competitor, and the Government would have been compelled to pay in excess of his contract more money every year that he carried this mail than is now proposed to pay for the losses he suffered in five years? If it had cost \$1,000,000 or \$2,000,000 or \$3,000,000 or \$5,000,000 a year the Government must have carried this mail. We had scattered all along the line of this mail-route more or less army supplies and soldiers. We had a fort half-way across the continent garrisoned with men. We had troops at Salt Lake, as everybody remembers; we had troops at Denver; we had troops at Fort Lyon and other places whose communication was through and over this line. The Government would have kept this mail running if this man had demanded three or five million dollars to carry it.

have kept this mail running it this man had demanded three or live million dollars to carry it.

It seems to me that the Government gets out of this transaction very lightly. We have had this case before the Senate ever since I have been here. I came here prepared to vote for this bill, from my knowledge of the case before my arrival. I see it stated in the public press that this claimant has wined and dined the Senate until we are oblivious to the fact that this is a fraud. Mr. President, I never put my feet beneath his table; I never crossed his threshold; I have ne social relations with him except to meet him occasionally. I never no social relations with him except to meet him occasionally. I never knew him until after I knew that this claim was a just one, and one for which he ought to be paid. It stands upon special grounds, upon the promise of the President of the United States that if he would continue to carry the mail he should be paid for the losses he suffered.

I know that some of the statements made with reference to the loss of stock are correct. I said the other day that I had traveled over the route, and that I know it. The Senator from Kentucky read from the remarks which the Senator from Kansas [Mr. Plumb] made two

years ago on this matter, in which he said that for three hundred miles of this route Mr. Holladay had neither men, horses, nor coaches. True, I have no doubt of it. What became of them? Where had the horses and the mules that stocked three hundred miles of the stage line gone? They had gone into the hands of the Indians, and when-ever the Government retook the stock the evidence will show, and it is a notorious fact that the Government never turned them over to Mr. Holladay. When they took stock from the Indians, it became Government stock. Much of this stock subsequently passed into the

Mr. Helladay. When they took stock from the Indians, it became Government stock. Much of this stock subsequently passed into the hands of the Government undoubtedly.

It is said that it will be a precedent. Mr. President, the Senator from Kentucky has spoken of three or four millions claimed for Indian depredations. I can correct the Senator. I can tell him how many millions are here. I can tell him that the claims presented and filed amount to nearly seven million dollars for depredations committed by the Indians. It is said that if we allow this case all these claims will come up and must be paid. If we want a precedent we can find it. You can find a precedent from the State of Colorado, where a man who had no connection with the Government at all, a man simply a stock-raiser, had lost a number of horses, and the Government, by a bill passed through both Houses, paid for them. Every other such claim stands as strongly as that claim; but that claim happened to strike the committee just right, and the committee reported it, when they felt that the Government should do justice to the frontier people. In time, when they saw there were a great number of such cases, they became economical, like the Senator from Kentucky, and it became a question not what was just to these people, not what we ought to do, but what we can afford to do; and they said, "we cannot afford to pay;" and they have declined ever since to pay such claims. I can show a great many precedents where we have paid for spoliations of this character, and the party had no special relation to the Government. I said the other day that until within a very few years we always paid for such depredations. Then we took it out of the Indian annutites, if they had any; and if they did not have any, we took it out of the general treasury; but within the last twenty-five or thirty years we have adopted another rule in dealing gener-

the Indian annuities, if they had any; and if they did not have any, we took it out of the general treasury; but within the last twenty-five or thirty years we have adopted another rule in dealing generally with these claims, but not as to all of them.

Mr. President, this case, as I said before, has been before the Senate again and again, and while it is now complained that there has not been proper diligence, I have heard since this case has been up that there has been too much diligence, too much pressure on the Senate. The Senator who has this bill in charge has repeatedly tried to bring it before the Senate within the last two years and the Senator. Senate. The Senator who has this bill in charge has repeatedly tried to bring it before the Senate within the last two years and the Senator who had it in charge before repeatedly tried to bring it to the attention of the Senate. Within the four years I have been a member of the Senate it has been here, the friends of the bill have always been ready to take it up. It ought to have been taken up and disposed of long ago. If it is a fair claim, it should be met; if it is a fair claim it should be paid, but I do not think there is any politics in it. I do not think it makes any difference whether the majority of the Senate and the majority of the other branch are democratic or republican, if the debt is due either by the general rules governing transactions of this character or because the President of the United States and the Postmaster-General said to this man, "Now do not do that which the law authorizes you to do, throw up your contract and States and the Postmaster-General said to this man, "Now do not do that which the law authorizes you to do, throw up your contract and make us pay you more or quit; do not do that; carry this mail, and whenever you meet with losses come to Congress and you shall be paid." Why, Mr. President, nobody will pretend that the mail could have been stopped. Would the Government for a moment have thought of leaving the great number of people on the line of that route without mail communication? In a time of war would the Government have left its troops at a great distance from the base of supplies without communication, or would the Government have taken them away? Certainly not. The mail must of necessity be carried, and it was carried in war just as cheaply as it was carried in peace, because the Government said "whatever extra it costs you in the increased price of it and whatever losses you suffer by acts of war because the Government said "whatever extra it costs you in the increased price of it and whatever losses you suffer by acts of war we will make good;" and I say that it behooves us to make good the promises that were made to this man by the President and the Postmaster-General who had the authority to make such a contract.

Mr. President, I have said all I propose to say on this bill. I have no more interest in it than anybody else. I believe I have a great deal more knowledge of it than a great many others who will vote more this greation.

upon this question.

Mr. PLUMB. Mr. President, I do not care to discuss the question whether this money is due to this claimant or due to the original contractors. I have heretofore stated that there is no just claim, in my opinion, against the Government in this case. I have not been able to arrive at the same conclusion with the Committee on Claims, late I desire to treat that committee with all the respect to which it able to arrive at the same conclusion with the Committee on Claims, but I desire to treat that committee with all the respect to which it is entitled, and I am somewhat embarrassed in differing from them about this testimony, because such eminent lawyers as the Senator from Arkansas [Mr. GARLAND] and others have expressed the opinion that by the testimony the case is completely made out. The little experience I have had in the trying of causes, and the weighing of evidence, leads me, I must say with a great deal of deference, to an entirely different conclusion. entirely different conclusion.

I want to say, however, in regard to the committee and one portion of its report, that I do not think it treated one branch of the case quite fairly when it adopted substantially the language of Mr. Holla-

day's memorial with reference to what had occurred in a previous Congress. The memorialist states—I quote now from the printed re-

As a reason for his delay in urging his claim of damages for his losses occasioned as aforesaid, says that his claims were presented to Congress in A. D. 1866, and that on the 24th day of January of that year his petition for redress was referred to the Committee on Indian Affairs of the House of Representatives, and that subsequently, by a disagreement of the two Houses of Congress as to the proper relief to be granted, the measures of relief failed by the adjournment of Congress.

That hardly covers the facts of the case. The fact is that at that time, when this mail-route and all that pertains to it and all the serv-

time, when this mail-route and all that pertains to it and all the services rendered on it were well known to everybody who was posted at all in the history of the country, and when all these losses could have been made to appear, the two Houses of Congress did differ somewhat, and yet they did agree upon the material part of the bill, and did agree to it adversely to Mr. Holladay.

I do not care to go over the facts, because the Senator from Kentucky, [Mr. Beck,] with the books before him, has gone over them thoroughly; but it is important to know that all that damage which was supposed to have been promised to be paid to Mr. Holladay by Mr. Lincoln was a damage which both Houses of Congress agreed he should not receive compensation for at all. They only differed as to whether he should have pay for the damages which he incurred by a change of route, said to have been under the order of Colonel Chivington, and added to that the price of certain stores which he said ington, and added to that the price of certain stores which he said

This case is thought to be taken out of the class known as Indian depredation cases, by the allegation that Mr. Lincoln, then President of the United States, promised Mr. Holladay that if he would carry depredation cases, by the allegation that Mr. Lincoln, then President of the United States, promised Mr. Holladay that if he would carry the mail on this route according to his contract, Congress would appropriate money to pay him all the damages he incurred thereby. Mr. Lincoln lived till the spring of 1865, the 14th day of April of that year. Nine-tenths of all the damage that Mr. Holladay asserts occurred on that line and which he here sets up a claim for occurred before that time. The matter was, according to the testimony of Mr. Holladay, discussed in Cabinet meeting. The members of the Cabinet, every one of them, I think, was alive at the time Mr. Holladay first presented his claim to Congress; the Postmaster-General, who made the contract and who was the right hand of the President for the purpose of carrying on the business of the Post-Office Department, was then alive and is still and is living in this city. If Mr. Lincoln made a promise of that kind, if Mr. Lincoln made a promise which he understood as Mr. Holladay claims that he understood it, that was a fact much more easily proved in 1866 than it is in 1881. If Mr. Lincoln had made that promise and Mr. Holladay depending upon it, had gone on to carry this mail, and in carrying the mail had incurred this damage, he should not have permitted the two Houses of Congress, I submit, to entirely and totally ignore four-fifths of all his claim without ever even setting up in either of the Houses of Congress or before either of the committees the fact that he depended on the promise of Mr. Lincoln for his reimbursement. I am not here to say that the statement was made without foundation. I am simon the promise of Mr. Lincoln for his reimbursement.

on the promise of Mr. Lincoln for his reimbursement. I am not here to say that the statement was made without foundation. I am simply submitting it to the tests which we apply to testimony offered in courts of justice, and as this involves, as I said, four-fifths of all the claim it ought to be submitted to some, at least, of those tests.

Mr. Holladay presented the claim in 1866. A good deal has been said about the fact that he has been waiting a long time. It was six years after 1866 before he himself ever presented it again to Congress. It was before Congress from then on intermittently, and has come before Congress from then until the present time intermittently. In 1878 it received some consideration at the hands of the Claims Committee of this body. I found among the papers in the case, when I came to examine them, a letter from the Quartermaster-General's Office, on the subject, which I will ask to have read as a contribution to the current history of this case.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 15, 1875.

SIR: I am in receipt of your letter of February 5, 1875, requesting information relative to the claims of Benjamin Holladay for losses alleged to have been sustained by him when he was a contractor for the transportation of the United States mails from the Missouri River to Salt Lake City, on what was known as the "Overland Mail Route."

Your letter states, "the losses are said to have occurred through Indian depredations upon his property, change of routes made by military order to insure the better defense of the line, and appropriation of sundry supplies for the troops by the military authorities without compensation therefor."

Also, that "in December, 1884, Colonel J. M. Chivington, commanding district of Colorado, required Mr. Holladay to run on his line from the Platte to the 'Cut-off' route that he might be better enabled to protect it against the Indians, and the troops mentioned are understood to be the soldiers placed on the line to defend it."

You ask whether any application was ever made to this office by Mr. Holladay for compensation for the alleged appropriation of supplies for the troops by the military authorities.

In reply you are informed that no such application has been made.

You also ask for any information bearing upon the case which this office may be able to impart.

In compliance therewith, I invite attention to the accommanying conies of papers.

You also ask for any information bearing upon the case which this office may be able to impart.

In compliance therewith, I invite attention to the accompanying copies of papers, the originals of which are on file in this office, showing that in 1866 a series of accounts, one hundred and ninety-three in number, of the "Overland Stage Company," "Overland Mail and Express Company," and "Overland Mail Company," Benjamin Holladay, president, for military transportation from the spring of 1864, to October, 1865, amounting in the aggregate to \$28,345.63, were settled through this office.

These accounts were settled as rendered, at the full tariff rates of the company. It was proposed by the Quartermaster-General at the time, however, to reduce.

the rates charged by the company for military transportation, upon the following general principles and for the following reasons:

"First. That all services as well as supplies can be more cheaply furnished on a large scale than to individuals, and therefore should be furnished cheaper to Government, the heaviest customer of all.

"Second. That Government should not submit for the services it requires to the excessive rates which a monopoly exacts from individuals, but pay only a reasonable and just equivalent, such as, were there fair competition, would alone be demanded.

excessive rates which a monopoly exacts from individuals, but pay only a reasonable and just equivalent, such as, were there fair competition, would alone be demanded.

"These principles have been recognized and followed in the settlement of transportation accounts throughout the war.

"Upon ferries, bridges, and turnpikes a reduction is made of 50 per cent. upon the charges to the public.
"The rate paid railroad companies, two cents per mile, is equal to a reduction of between 50 and 33 per cent. upon their charges to the public.
"Usual stage transportation averages not above eight cents per mile. This road charges about thirty cents per mile. That there is a great difference between this and eastern stage routes is recognized."

It was therefore considered by the Quartermaster-General that this company should be allowed its own tariff rates, with a reduction upon the general grounds above stated of 33} per cent., making a rate of about twenty cents per mile, which was believed to be, taking also into consideration the facilities afforded this company by Government, a sufficient compensation for the services rendered.

As to the facilities afforded to this company by the Government, through the United States military authorities, I invite attention to the accompanying copy of report of the Quartermaster-General dated September 30, 1857, with its inclosures, showing that the United States has furnished to Mr. Holladay for his stage line at various times, the services of enlisted men and other employés of the Government, in building, removing, and repairing stations, herding stock, taking care of teams, and cooking rations—has furnished teams to transport their forage, and has furnished forage for their teams and horses to draw their coaches, quarters, and rations for their men—it does not appear that any charge has ever been made, or any consideration received from Mr. Holladay for these services and supplies furnished.

Full copies of the arguments used and memorials presented by the Overland Mail and Express

consideration received from Mr. Holladay for these services and supplies furnished.

Full copies of the arguments used and memorials presented by the Overland Mail and Express Company, in opposition to the proposed reduction of their rates, are herewith, in which there is no denial of the facts presented that the United States military forces located at the time at points on the route of travel were diverted from their accustomed and legitimate sphere of duties to assist the company, both in the nature of services rendered and materials furnished, in a manner not required of them by law or regulations, and which operated to the detriment of the United States service and to the advantage of the stage company, for which no remuneration was asked of or received from the company.

Nor does there appear in these memorials and arguments a counter-statement to the effect that any services or supplies were furnished by the company to the United States for which full remuneration was not asked and received by the company, although it appears by your letter that such statements are now made to Congress in Mr. Holladay's claim for relief.

The reduction of rates proposed by the Quartermaster-General was not approved by the Secretary of War, and full rates were paid to the company in accordance with the following decision of the Secretary of War ad interim that there should have been a stipulation arranged by the proper officers of the Quartermaster's Department with the proprietors of the stage line at the commencement of the transportation service to be performed, fixing the rates of such transportation. In default of this and in view of all the facts, it is concluded that justice requires the allowance of 33½ per cent. hitherto withheld. The Quartermaster-General will accordingly pay that amount."

As to any orders of the military authorities to change the route of travel, &c., you are respectfully informed that copies of such orders if issued can probably be furnished from the records of the Adjutant-General's Office.

J. D. BINGHAM, Acting Quertermaster-General, Brevet Brigadier-General, United States Army.

Hon. JOHN SCOTT, Chairman Senate Committee on Claims, Washington, D. C.

Mr. PLUMB. It does not appear that Mr. Holladay or any one for Mr. PLUMB. It does not appear that Mr. Holladay or any one for him cared to press the claim at that time in view of all the declarations then made from the Quartermaster-General's Office in regard to the state of the account between the Government and Mr. Holladay in regard to that service. I speak of these things because I think there is something in this lapse of time that is significant; and instead of its being properly said here that the Government has been tardy with Mr. Holladay, Mr. Holladay himself has been tardy in presenting his claim for reasons, of course, which are satisfactory to him, but which are far from satisfactory to me, especially when I am asked now to believe that Mr. Lincoln promised Mr. Holladay indemnity to the amount of half a million dollars, and Mr. Holladay did not discover that, or at least he did not make profert of it to Congress in any authentic way until about twelve or fifteen years after

did not discover that, or at least he did not make profert of it to Congress in any authentic way until about twelve or fifteen years after the promise was made.

I have not anything to do with the political aspect of this case. I do not care to consider it as a democrat or as a republican. It does not make any difference to me whether a republican Senate or a democratic Senate may be charged with the responsibility of passing this bill. I am simply here to consider it as an individual acting under a sense of obligation to the Government of the United States, and I shall follow the conclusion at which I arrive, no matter whether the shall follow the conclusion at which I arrive, no matter whether the persons with whom I associate in following that conclusion are republicans or whether they are democrats. I shall regret, of course, that a number of my republican friends do not see it as I do; but that is neither here nor there.

neither here nor there.

In considering this claim I have been struck by the character of the proof. I find here the affidavit of Mr. R. L. Pease, a gentleman who is undoubtedly a pure and upright man. Mr. Pease says, referring to certain losses, that the losses were "reported" to him. He does not undertake to say of his own knowledge that the Indians did take this stock. The men who kept the stations where the stock was taken from, the employes of the Government, as well as the stagemen, who were present at that line, (because they were taken from the neighborhood of the military posts,) are not heard themselves to say anything at all about these losses.

Mr. CAMERON, of Wisconsin. Will the Senator from Kansas allow me to call his attention to the fact that Mr. Pease at that time was the superintendent, or at least the person in charge, of this overland mail, and the losses were reported to him officially, just as the losses that occur on a railroad are reported to the superintendent of that railroad ?

Mr. WILLIAMS. I would suggest in addition that there is proof of the purchase of the stock to replace that which was taken.

Mr. PLUMB. There does not appear to be any evidence showing what was the practice on Mr. Holladay's line in that regard. The stock had to be replaced; but if any lawyer will tell me that the testimony of Mr. Pease establishes beyond controversy that that stock was lost, then I shall be willing to withdraw my convictions. He says:

From the 31st day of December, A. D. 1861, to the 21st day of March, A. D. 1862, I was one of the trustees in charge of all the property belonging and appertaining to the stage line carrying the mails from Atchison, Kansas, to Salt Lake City, commonly called now the Overland Stage Line.

Between the 31st day of December, 1861, and the 21st day of March, 1862, the lasses to said stage line were reported to me as such trustee, by the officers and employés thereof—

No officer or employé is named, no report is furnished to accompany the affidavit-

and the number of mules and horses taken from said stage line by hostile Indi-ans, amounted to one hundred and seventy-three, and that this number of animals employed in said line were so taken by said Indians there certainly can be no doubt.

An opinion expressed by a very good man, and one which he undoubtedly believed; but the point I make is, where was the man who kept the station, where was the person in the immediate charge of the stock said to have been lost? To say that some good man testifies such losses were reported to him is not sufficient. Then some one conveniently, and not Mr. Pease as I will show you by his letter, puts an appendix to Mr. Pease's testimony to this effect:

LOSS AND DAMAGE DONE AS PER AFFIDAVIT OF R. L. PEASE.

Mr. Pease, conveniently, although he is used for some purposes, is not a witness for the purpose of stating the value of that stock; he makes no statement of the value of the stock; and yet some one, annomakes no statement of the value of the stock; and yet some one, annotating his testimony, puts at the bottom of it the statement that one hundred and seventy-three horses were stolen or lost, worth \$200 apiece, and in the summer of 1863, thirty-four head of mules near Fort Halleck, worth \$200 each, \$6,800, Mr. Pease making no statement whatever in regard to the value of this stock. If Mr. Pease was good enough as an official to state on information and belief testimony which is to be taken to cover and establish the fact that that stock was left he suggest to have been early like and the stock it has stock to be stocked to the stock.

was lost, he ought to have been equally good to have established the fact that it had some value and what that value was.

Then there is Mr. Lemuel Flowers, who says he was division superintendent, and that during the time he was division superintendent, and that during the time he was division superintendent certain stock was taken off that portion of the line of which he was superintendent; but Mr. Lemuel Flowers does not state that one single bit of that stock was taken under his observations he does not bit of that stock was taken under his observation; he does not say that he saw a single bit of it taken or a single particle of the damage that he saw a single bit of it taken or a single particle of the damage done on that division; and yet there were hundreds and thousands of men traveling that line all the time; there were ranchmen every ten or fifteen miles; there were Mr. Holladay's employés; there were passengers in the coaches; there were soldiers at the stations which the military had along that line, and these facts, if they were facts, could have been attested, either one of them, by the separate affidative of twelve or fifteen or perhaps fifty.

vits of twelve or fifteen or perhaps fifty men.

There is something due to the consideration that when a man has There is something due to the consideration that when a man has it in his power to bring testimony to the front and does not do it, some little suspicion is to be cast on what he does bring, provided it all makes in his own favor. I do not care to go over this, because what I have already stated is about a sample of the whole. There is hardly an affidavit that is more specific until we get down to the Julesburgh affair; and when we come to consider the damage that was done at Julesburgh, the affidavit of the party who specifies what the losses were, says one item of loss was "about six thousand bushels of corn." Any one reading that affidavit must say that would have been stretching the thing to have said that it was more than six thousand bushels of corn; and yet whoever performed the annotating service to that affidavit in the addition to it, as in the other case, conveniently adds a thousand bushels of corn and makes it 7,000 bushels, and that goes into the total to make up the verdict of this committee. As corn, according to the testimony of these men, was worth only \$13.66 a bushel, here was a small item of \$13,666 that, by a slip of the too willing penman of this affair, creptinto the verdict.

And I notice another thing, that this corn is all worth a large sum of money, and that while witnesses called apparently on behalf of the Government testify that the cost of transportation was much less in bulk, the testimony of the witnesses of Mr. Holladay is taken in all instances, and there is an attempt to discredit the men who testified against them. Here is Mr. Foote, who was put on the stand by the claimant. Mr. Feote testifies not only in recard to the price

tified against them. Here is Mr. Foote, who was put on the stand by the claimant. Mr. Foote testifies not only in regard to the price of corn but in regard to the value of the stations said to have been destroyed, and he says the retail price of corn was ten cents a pound, and yet the Indians did not burn up any corn of Mr. Holladay that is charged for at less than twenty cents a pound, I believe. So all the way through, the affidavits of persons not submitted to cross-examina-

way through, the affidavits of persons not submitted to cross-examination, to the number of twelve or fifteen, have been taken against the oath of living witnesses, who were present before the committee to say that an entirely different state of facts existed throughout.

Mr. President, I am sustained in the statement I made, without any particular desire on my part to testify in the case, that in the summer of 1865 the Government paid for transporting corn from the Missouri River to Fort Halleck, one hundred and eighty miles beyond Julesburgh, where this great loss occurred, ten cents a pound. Corn during that period was never over a dollar a bushel on the Missouri River. Mr. Foote certifies that he bought it during some portion of that time as low as fifteen cents on the frontier of Kansas. Corn at a dollar a bushel would be nearly two cents a pound, and adding ten cents a pound for transporting it would make twelve cents a pound at Fort Halleck, and as a large amount of the corn that was destroyed was not transported so far, that might well have been taken into consideration in making up the sum total of Mr. Holladay's damage. damage.

When it comes to considering the losses of Mr. Holladay which occurred by reason of the removal of the route, it is assumed that the removal was an unwarrantable one, that the contractor was compelled to move the line from Julesburgh by way of Fort Laramie to the South Pass and the Cache la Poudre and Bridger's Pass upon the order of the Government. The Senator from Vermont [Mr. Edmunds] the other day made profert here of the letter of the Postmaster-General, in which he said, "Mr. Holladay is permitted" to do it. Any man who is familiar with the geography of that country will see that Mr. Holladay had good reason for desiring to make the removal, because he not only saved one hundred miles of travel but he saved as much, more in fact, because between Julesburgh and the mouth of the Cache la Poudre he was going in the direction of Denver west, where he was already required to carry the mail, thereby saving one hundred miles.

wer west, where he was already required to carry the mail, thereby saving one hundred miles.

Mr. CAMERON, of Wisconsin. No one has stated or claimed that the removal made in 1862 was made by order of the Government. The Senator from New Jersey [Mr. McPherson] referred to it the other day in some remarks which he submitted to the Senate, and I at that time stated distinctly that it was not claimed by Mr. Holladay nor has the committee found that that removal was made in con-

day nor has the committee found that that removal was made in consequence of the order of the Government, but that it was made in consequence of Indian hostilities, which rendered it absolutely necessary that the line should be moved from the north line on which they were then running to the line farther south, which was farther removed from hostile Indians.

Mr. MORRILL. But I believe the Senator also admitted that claims for both removals were allowed by the committee.

Mr. PLUMB. Whatever the facts may be, I cannot understand on what basis the Government is to pay Mr. Holladay for the loss of stations unless in some cases where he was compelled by the act of the Government to abandon them. But Mr. Holladay puts in a claim for \$2,000 apiece for twenty-six stations. I saw nearly all these stations in 1865, but I do not mean to say anything about that. The statement of Mr. Eaton, who does not even claim that he ever saw them, is the only testimony, I think, upon the subject of the value of the stations, except the testimony of Mr. Foote, and Mr. Eaton says:

That in the abandonment of said old route he abandoned twenty-six stations, which this officer temporary was a reconstructed and the same of the same of the construction.

That in the abandonment of said old route he abandoned twenty-six stations, which this affiant supposes were worth the sum of \$2,000 each.

That in the abandonment of said old route he abandoned twenty-six stations, which this affiant supposes were worth the sum of \$2,000 each.

Mr. Foote, who lived in this country, as he testifies, says he examined the stations left on each side of Laramie, which was the old route, and he thinks they are probably worth from \$600 to \$500 apiece, and yet the committee have taken the statement of Mr. Eaton, who says he supposes they were worth \$2,000 apiece, against the positive testimony of Mr. Foote as to what the value was. More than that, Mr. Foote put up two stations on Mr. Holladay's line, and he says to you that he made a contract price for those two stations for \$750 apiece. They were stations twenty-five by fifty feet, in which passengers along that line were fed. They were the hotel stations, and undoubtedly of much more than average value. In fact, except as to the eating stations, the stations along that line were decidedly inferior; many of them I have no doubt could have been replaced at any time for \$100 apiece. They were simply single rooms, six or seven feet high, without a floor, floored with the sacks in which the corn was hauled, with an aperture cut in which sometimes glass was put, without any door, only a plank put over, with no roof except such as could be made by a pole and weeds; and yet they are said to have been worth \$2,000 apiece, and the Government of the United States is to pay a man \$2,000 apiece, and the Government of the United States is to pay a man \$2,000 apiece for that kind of houses, abandoned as they were by his own suggestion, for his own benefit, and for his own profit.

Then there is a singularity about the value of horses upon this line; they were all worth the convenient sum of \$2000 a piece. I have two

Then there is a singularity about the value of horses upon this line; Then there is a singularity about the value of horses upon this line; they were all worth the convenient sum of \$200 a piece. I have two letters from Mr. Pease, both of which are important as fixing the value of the stock of the line and fixing the price that Mr. Holladay paid for the entire property when he bought it. He bought it some time after some of these damages occurred. He was not the owner of it in 1861 when the first of these damages occurred. He bought it on the 21st of March, 1862, and he paid for the entire line, stations, horses, mules, stages, harness, supplies of all kinds and descriptions whatsoever, the sum of \$100,000, less than one-fifth what this committee allows him for what was destroyed. This was the price he paid at

public vendue, he having a mortgage on the line to the amount of \$220,000. I do not say that is conclusive as to the value, but I say it ought to come within forty rods of it, as the saying is. It is not credible that on a property which he bought at public vendue at \$100,000 in the spring of 1862, he lost \$526,000 upon during the time he carried the mail, and then had enough left to carry on his business.

There is another significant fact about it. Mr. Holladay had this sub-contract under the Overland Mail Company who took the original contract at \$500,000 a year, the contract expiring by limitation at \$365,000 a year; and the contract was let during the time when the Indian depredations on that line were as severe as they ever had been. Mr. Pease explains how that may be, because Mr. Holladay at the time of the losses which he did incur—he did incur losses—was making a large profit. I will send to the Clerk's desk and have read a couple of letters written by Mr. Pease.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

ATCHISON, KANSAS, March 31, 1878.

Dear Sir: Yours of the 28th at hand, in which you make a few inquiries as to Holladay's stage line that used to start overland from this place.

First. He acquired his title to the property of the line on March 21, 1862.

Second. The average value of the horses used on the line at that time I should say \$125 to \$140 each. As to the value of the mules there were two kinds in use—one, the small Mexican mule, worth say \$75 to \$190 each, and the ordinary sized mule worth \$125 to \$150. The value of the stations varied greatly—some were not very expensive, while others cost considerable money to build.

I could not, on the stations as a class, fix anything like a value. Harness, I think, was worth \$60 to \$75 for a "four-horse set."

Third. I ran the line as trustee from December 31, 1861, to March 21, 1862, a period of eighty-one days, during which time the receipts and expenses were in amount as follows:

Amount received for mail pay. Amount received for passengers and freights	\$95,984 26,656	
Total receipts were	122,641 87,051	

Yours, truly,

R. L. PEASE.

Hon. P. B. Plumb, United States Senate, Washington, D. C.

Atchison, Kansas, April 13, 1878.

Dear Sir: Yours of the 4th at hand. A corporation known as the "Central Overland California and Pike's Peak Express Company" owned the property previous to Holladay's purchase.

The property of the line was bid off by Mr. Holladay's agent at the sale on March 21, 1862, for \$100,000, which amount was credited on the above company's notes due to him; the total amount of said notes due Holladay was about two hundred and twenty thousand dollars, to secure which the trust deed was made, and under it the property was sold.

Holladay's purchase covered all the stations then built and property of the line. The mail contract was held and controlled by a company or corporation known as the "Overland Mail Company," from Missouri River to California, at \$1,000 000, and they contracted with the above named Central Overland California and Pike's Peak Express Company to carry that portion of the route from Missouri River to Sale Lake City for \$500,000 per year. The stock, stations, &c., purchased by Mr. Holladay were used in transporting the mails over that part of the route. By reference to the books at the Post-Office Department you can tell in whose name the "Overland contract" was made. It took effect July 1, 1861, I think.

Respectfully, yours,

R. L. PEASE.

Hon. P. B. Plumb, United States Senate, Washington, D. C.

R. L. PEASE.

United States Senate, Washington, D. C.

Mr. PLUMB. I do not propose to inquire how much money Mr. Holladay made on this line. Of course that would not affect the liability of the Government, but the fact is that he made a very large fortune to a certain extent, and the further fact is apparent from the reading of the letter of the Quartermaster-General that during about eighteen months of this time the Government paid him for transporting passengers on the line the sum of nearly ninety thousand dollars, paying him at the rate of thirty cents a mile. The papers that accompanied that communication I have in some way mislaid, but I think they are among the original papers in the case. The reference to the circumstances in the letter of the Quartermaster-General undoubtedly relates to the fact that Mr. Holladay had had more or less trouble along his line, that he had lost some stations, and so on, as was unquestionably the fact, and in view of all the circumstances the Quartermaster-General was pleased not to enforce a rule that he had observed with all other carriers in the settlement of their accounts, and did not therefore deduct the usual perceutage which the Government had been in the habit of deducting from railroads, from stage companies, from ferry companies, and so on.

the nable of deducting from railroads, from stage companies, from ferry companies, and so on.

It is a pretty large sum of money to pay to a line, especially a line which was vexed and harassed as this was; but it is further shown in the testimony that Mr. Holladay had the use of enlisted men who were in service along this line of road to help him rebuild his stations, to do the service which otherwise he would have had to employ civilians to do, that he had access to the mess of the men, their provisions and on the Holladay hears and his witnesses well know. visions, and so on. Mr. Holladay knew, and his witnesses well knew for him, that if the Government had taken from him supplies, sugar, coffee, hard-bread, and other provisions he had in use along his line, the Government was ready to pay him, and that all he had to do was to make proof of that claim before the Quartermaster-General and get it. That that fact was considered by the Committee on Claims in 1875 is evidenced by the response of the Quartermaster-General to the letter of Mr. Scott, chairman of the Committee on Claims, Mr. Scott having inquired whether Mr. Holladay had made such claim on the Quartermaster's Department or not. There was his easy and ample remedy for all that. He could have gone and said, "You have got so much of my hard-bread, so much of my coffee, so many of my tin-cups, and so many of these other things that go into the living of the soldier," and the Quartermaster-General would have paid him every dollar instead of his awaiting the action of Congress for fourteen years for that which he could have had in an easy, a simple, and a well-known way.

Mules and horses were lost along the line; stations were destroyed; men were killed; stage-coaches were damaged undoubtedly, but there is a great deal of that which was known simply because it was reported. The mules were turned out on the grass, the buffalo-grass of

men were killed; stage-coaches were damaged undoubtedly, but there is a great deal of that which was known simply because it was reported. The mules were turned out on the grass, the buffalo-grass of that region; there was next to no corn, in fact no corn during the summer-time anywhere north of the Platte along that line; the mules were turned out, Indians occasionally got in, and a lone station-keeper, who went out onto the neighboring hills to look for the mules and did not see them, was swift to account for the absence of the mules that he lacked the courage to go out and look for across the prairie by reporting to the next stage that came up that the reason he did not have the mules there for a relay was the fact that the Indians had run them off. It is part of the history of that line. There were many instances of the return of mules of that sort to the line and of their employment at other portions of the line, and Mr. Murdock, in his testimony, speaks of the fact that some mules, which were supposed to have been run off by the Indians—and I am not sure but he says they were run off—were captured and brought back; that it was so in a great many cases I have no doubt, and I may say in a great many cases I know just as well as many of these witnesses know what they testify to here. The mules had simply got a little further away than usual, and in the course of two or three days they came back, when the Indians had not been around, and instead of being a case of larceny or of war it was simply a case of straying away; the mules turned up and went into the service again, but in the mean time the convenient affidavit or official report had intervened.

I have no ill-will toward Mr. Holladay. I am perfectly willing to say that whatever he was entitled to he ought to have had, two dollars for one. An effort has been made to enlist western people because Mr. Holladay was a western man and showed western enterprise.

lars for one. An effort has been made to enlist western people because Mr. Holladay was a western man and showed western enterprise. I had occasion to say when this bill was before the Senate heretofore, by way of comparison, that I thought the men who went out into that by way of comparison, that I thought the men who went out into that section of country, invited there, upon the surveyed lands of the Government, freighted across the plains between the frontier settlements of Kansas and the lines of Colorado and Montana, went there under the promise of the Government just as sacred, and it ought to have been just as powerful and just as effective as any promise Mr. Holladay went under when he carried the mail of the United States; but they did not get any pay from the public Treasury. If there is to be a discrimination made, it ought to be made in favor of the settler by the Government of the United States. When the trains were crossing the plains as they got to Fort Kearney, the order was that they a discrimination made, it ought to be made in favor of the settler by the Government of the United States. When the trains were crossing the plains, as they got to Fort Kearney, the order was that they should collect together in bodies of one hundred men, keeping the wagons together, and selecting an officer who would control them, and if they did not do this the Army said it would compel them to do it by military authority. Every man who freighted and every man who emigrated across the plains during those days was put under the control of military authority from the time he reached Fort Kearney until he passed the region where the Indians depredated. Those men are entitled to consideration; they are entitled to be dealt with on the same rule of justice. They were the men who built up the mining communities of Colorado, the constituents of my friend from Colorado, [Mr. Teiler.] They were the men who have made that mountain country what it is to-day, the chief mineral-producing region of the world. They are the men who endured the hardships without pay, and who gave to that country more in the way of enterprise and contributed more to its munificence than all the men of Mr. Holladay's stamp. There were enough men like Russell, Majors, and Waddell; like Walker; like Holladay; a class of men energetic and enterprising; but no one of them ever went beyond his lariat except he did it because he was a Government contractor. They got pay for every mile they went, and they did not go over untried trails either. The emigrants had been there before them; Frémont had been there, and all the men who followed in his trail.

As something has been said about the merits of Mr. Holladay, I desired simply to mention the merits of another class of men who have a sired simply to mention the merits of another class of men who have bested simply to mention the merits of another class of men who have bested simply to mention the merits of another class of men who have be and all the men who have have

As something has been said about the merits of Mr. Holladay, I desired simply to mention the merits of another class of men who have presented no claim here, who are seeking nothing at the hands of Congress. If this bill is to pass, why not provide for them also? Pass this bill, and you remove from the doors of the Senate the only unofficial and untitled man in the United States above all who, when the doors are opened, are to be found there, and the House of Representatives, on the other side of this building, will have the benefit which we are to be deprived of. As I said, I have no ill-will to anybody. I am just as much of a western man as any one on this floor; I rejoice and glorify in all the things that made that country, relieved it from the burden of the desert, made it what it is, as much as any one. I am willing to give the meed of praise, I am willing to give all due honor to every one who has contributed to the grand result; but

when I am asked to vote for a claim like this I want proof as to the character of the damage done, as to the amount of the damage done, and I want that put in such a shape that there will be some justification for my vote to stand upon.

Mr. WHYTE. I move that the Senate now proceed to the consider-

ation of executive business.

The question being put, there were on a division—ayes 13, noes 19.
Mr. INGALLS called for the yeas and nays.
Mr. WHYTE. I withdraw the motion.
The PRESIDING OFFICER, (Mr. FERRY in the chair.) The motion is withdrawn.

Mr. CAMERON, of Wisconsin. As I am a member of the Committee on Claims, and was a member of that committee at the time this bill was reported back to the Senate, I deem it proper to say a few words in defense of the report of the committee.

Mr. HOAR. Mr. President, I understand it will be quite as agreeable to the Senator from Wisconsin to proceed at another time as now, and if the Senator from Maryland still desires to make his motion some persons who voted against it before will not vote against

it now.

Mr. WHYTE. If the Senator will yield to me for the purpose of making that motion, I renew it.

Mr. CAMERON, of Wisconsin. I yield.

Mr. WHYTE. I renew the motion that the Senate now proceed to

the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 17, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Do-Mer, D. D., of Washington, District of Columbia. The Journal of Saturday was read and approved.

CALL OF STATES

The SPEAKER. The Chair, as required by the rules, will now call the States and Territories in alphabetical order for bills and joint resolutions for printing and reference; and under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and on this call resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committee, which latter resolutions shall be reported to the House within one week.

FIRE-ARMS AND AMMUNITION BY MAIL.

Mr. DUNN introduced a bill (H. R. No. 6862) to prohibit the sending or receiving of fire-arms and ammunition by mail; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRISCILLA TUCKER.

Mr. GUNTER introduced a bill (H. R. No. 6863) for the relief of Priscilla Tucker, widow of William G. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOG-SIGNAL, NEWARK ISLAND, CONNECTICUT.

Mr. MILES introduced a bill (H. R. No. 6864) making appropriation for the erection of a fog-signal on Norwalk Island, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRANSFER TICKETS, DISTRICT OF COLUMBIA.

Mr. MARTIN, of Delaware, introduced a bill (H. R. No. 6865) to provide for and regulate transfer tickets between street railways in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RETIRED OFFICERS-NAVY.

Mr. MARTIN, of Delaware, (by request,) also introduced a bill (H. R. No. 6866) to correct an error in section 1588 of the Revised Statutes, in reference to pay of retired officers of the Navy; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

BEACON-LIGHT, SANTA ROSA SOUND, FLORIDA.

Mr. DAVIDSON introduced a bill (H. R. No. 6867) making an appropriation for the erection of a beacon-light at the entrance of Santa Rosa Sound into Choctawhatchie Bay, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. NICHOLLS introduced a bill (H. R. No. 6868) to appropriate the sum of \$40,000 to light the Savannah River between the mouth of said river and the city of Savannah; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JAMES BUCHANAN.

Mr. STEVENSON introduced a bill (H. R. No. 6869) for the relief of James Buchanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE SECOND-CLASS MAIL MATTER.

Mr. SPRINGER introduced a bill (H. R. No. 6870) to amend section 3906 of the Revised Statutes, in reference to prepayment of postage on second-class mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EXPORTATION OF DISEASED CATTLE.

Mr. FORT introduced a bill (H. R. No. 6871) to prohibit the exportation of diseased cattle and other domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed. HAMILTON ROBB.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 6872) granting a pension to Hamilton Robb, late chaplain of the Forty-sixth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EZEKIEL J. CHILDERS.

Mr. CANNON, of Illinois, (by request,) also introduced a bill (H. R. No. 6673) for the relief of Ezekiel J. Childers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM M. WILSON.

Mr. CANNON, of Illinois, (by request,) also introduced a bill (H. R. No. 6874) for the relief of William M. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. M'NUTT, M. D.

Mr. CANNON, of Illinois, (by request,) also introduced a bill (H. R. No. 6875) for the relief of James H. McNutt, doctor of medicine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. WHITE.

Mr. COLERICK introduced a bill (H. R. No. 6876) for the relief of James B. White, of Fort Wayne, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM MAXHEIMER.

Mr. COLERICK also introduced a bill (H. R. No. 6877) granting a pension to William Maxheimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS DEEMS.

Mr. COLERICK also introduced a bill (H. R. No. 6878) for the relief of Lewis Deems; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

N. C. RIDENOUR.

Mr. SAPP introduced a bill (H. R. No. 6879) for the relief of N. C. Ridenour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. CARPENTER introduced a bill (H. R. No. 6880) to provide for the erection of certain public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EZRA A. HOSKINS.

Mr. CARPENTER (for Mr. TAYLOR, of Ohio) also introduced a bill (H. R. No. 6881) for the relief of Ezra A. Hoskins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ICE-HARBOR AT DUBUQUE, IOWA.

Mr. UPDEGRAFF, of Iowa, submitted the following resolution; which was read, and referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and hereby is, requested to communicate to this House all information and papers in the possession of his Department relating to a proposed ice-harbor at Dubuque, Iowa.

JAMES MOLESWORTH.

Mr. GILLETTE introduced a bill (H. R. No. 6882) granting arrears of pension to James Molesworth, late a member of the First Battery, Iowa State Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS W. BARNETT.

Mr. HASKELL introduced a bill (H. R. No. 6883) granting an increase of pension to Nicholas W. Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

s. s. THORP.

Mr. HASKELL also introduced a bill (H. R. No. 6884) for the relief of S. S. Thorp; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH RUSSELL.

Mr. KNOTT introduced a bill (H. R. No. 6885) for the relief of Joseph Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIVIL SERVICE OF THE UNITED STATES.

Mr. WILLIS (by request) introduced a bill (H. R. No. 6886) to regulate and improve the civil service of the United States; which was read a first and second time, referred to the Committee on Civil Service Reform, and ordered to be printed.

SUB-TREASURY AT LOUISVILLE, KENTUCKY.

Mr. WILLIS also introduced a bill (H. R. No. 6887) establishing a sub-treasury at Louisville, Kentucky; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM A. WILSON.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 6888) for the relief of William A. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be

JOSEPH R. SHANNON.

Mr. ELLIS introduced a bill (H. R. No. 6889) for the relief of Joseph R. Shannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEWERAGE OF WASHINGTON, DISTRICT OF COLUMBIA.

Mr. ELLIS (by request) also introduced a bill (H. R. No. 6890) to improve the sewerage of the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HIRAM A. COOPER.

Mr. LADD introduced a bill (H. R. No. 6891) for the relief of Hiram A. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES O. M'KENNEY.

Mr. LADD also introduced a bill (H. R. No. 6892) for the relief of Charles O. McKenney, of Maine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. M'CONNELL.

Mr. HENKLE introduced a bill (H. R. No. 6893) granting a pension to John C. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. TALBOTT (by request) introduced a bill (H. R. No. 6894) for the relief of Thomas J. Hitch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. SMALL.

Mr. URNER introduced a bill (H. R. No. 6895) granting a pension to Charles A. Small, late first lieutenant Company A. Pawnee Scouts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE CORPS.

Mr. MORSE introduced a bill (H. R. No. 6896) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC IMPROVEMENTS IN DISTRICT OF COLUMBIA.

Mr. MORSE (by request) also introduced a bill (H. R. No. 6897) to provide for the payment of damages sustained by reason of public improvements or repairs within the District of Columbia and conferring on the Court of Claims jurisdiction to ascertain and adjust the same; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANDREW M'GOWAN.

Mr. FIELD introduced a bill (H. R. No. 6898) to remove the charge of desertion from Andrew McGowan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HALIFAX FISHERY COMMISSION.

Mr. NEWBERRY introduced a joint resolution (H. R. No. 365) providing for a joint commission by the United States and Great Britain to investigate the alleged false and fraudulent proofs and statistics used before the Halifax fisheries commission; and a joint resolution (H. R. No. 366) providing for a joint committee of the Senate and House of Representatives to investigate the alleged false and fraudulent proofs and statistics used before the Halifax fisheries commission; which were severally read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MORGAN THOMPSON.

Mr. HUBBELL introduced a bill (H. R. No. 6899) for the relief of Morgan Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STAMPS ON CIGARS.

Mr. HUBBELL (by request) also introduced a bill (H. R. No. 6900) to amend section 3406 of the Revised Statutes relating to stamps on cigars; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY S. BAILEY.

Mr. DUNNELL introduced a bill (H. R. No. 6901) granting a pension to Henry S. Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA PAUL AND ANNA KABERLA.

Mr. DUNNELL also introduced a bill (H. R. No. 6902) granting a pension to Johanna Paul and Anna Kaberla; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAINAGE OF JACKSON LAKE, MICHIGAN.

Mr. DUNNELL also introduced a bill (H. R. No. 6903) authorizing the draining of Jackson Lake, in the county of Faribault, State of Minnesota, and granting the bed of the lake to the persons draining the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS AT DULUTH, MINNESOTA.

Mr. WASHBURN introduced a bill (H. R. No. 6904) appropriating money for the purchase of a site and the erection of a suitable building for a custom-house, post-office, land office, signal station, and other Government offices in the city of Duluth, State of Minnesota; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. MONEY introduced a bill (H. R. No. 6905) to authorize the preparation of a catalogue of Government publications from 1870 to date; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

GEORGE W. M'CLELLAND.

Mr. HATCH introduced a bill (H. R. No. 6906) to remove the charge of desertion and for the relief of George W. McClelland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EMILINE HOWREN.

Mr. HATCH also introduced a bill (H. R. No. 6907) granting a pension to Emiline Howren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

MADISON BRYANT.

Mr. FORD introduced a bill (H. R. No. 6908) for the relief of Madison Bryant; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT TELEGRAPH LINES.

Mr. FORD. I also send to the desk a resolution. The Clerk read as follows:

Resolution expressive of the sense of this House with regard to the construction of telegraph lines by the Government.

The SPEAKER. In the opinion of the Chair, this resolution is not in order under the present call.

Mr. FORD. The resolution refers to a very important matter, and I would like to have it read.

The SPEAKER. The resolution will be read, as thereby the Chair will see whether it is in order under this call.

The Clerk read as follows:

Resolved, That it is the sense of this House that every interest of this country demands the immediate construction of telegraph lines by the Government, and that the Committee on the Post-Office and Post-Roads be, and is hereby, requested to mature and report a bill at the earliest moment practicable providing for the construction of such telegraph lines as may be deemed necessary to relieve the commercial and all other classes of our people from possible danger of a restrictive monopoly in an agency used for the dissemination of intelligence and the transmission of correspondence.

The SPEAKER. The Chair thinks this resolution is not in order at the present time; but he will recognize the gentleman later in the

JOHN INMAN.

Mr. PHILIPS introduced a bill (H. R. No. 6909) granting a pension to John Inman, of Moniteau County, Missouri, late a private of Company B, Twelfth Regiment United States Infantry, war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT SMITH.

Mr. PHILIPS also introduced a bill (H. R. No. 6910) for the relief of Robert Smith, Company F, One hundred and sixteenth Regiment Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

AMENDMENT OF REVISED STATUTES.

Mr. FROST introduced a bill (H. R. No. 6911) amendatory of section 649 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS R. CROSS.

Mr. FROST also introduced a bill (H. R. No. 6912) granting a pension to Thomas R. Cross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION OF NATIONAL-BANK SHARES.

Mr. LOUNSBERY introduced a bill (H. R. No. 6913) to legalize the collection of taxes on account of shares of stock in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STEAMSHIP KENT.

Mr. BLISS introduced a bill (H. R. No. 6914) authorizing the inspection of the boiler of the steamship Kent; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES LEWIS.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 6915) to increase the pension of Charles Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LAPOLT.

Mr. FERDON introduced a bill (H. R. No. 6916) for the relief of John Lapolt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. THEODOR BURCHARDT.

Mr. CAMP introduced a bill (H. R. No. 6917) for the relief of C. Theodor Burchardt; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

GEORGE W. WILSON.

Mr. MASON introduced a bill (H. R. No. 6918) granting an increase of pension to George W. Wilson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SCHOONER EAGLE.

Mr. MARTIN, of North Carolina, introduced a bill (H. R. No. 6919) to change the name of the schooner Eagle to Roberta; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. NEAL introduced a bill (H. R. No. 6920) to modify section 6of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

IMPROVEMENT OF POTOMAC RIVER.

Mr. CONVERSE introduced a bill (H. R. No. 6921) to provide for reclaiming the swamp and overflowed lands between the channel of the Potomac River and Washington, and for deepening the channel of said river; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HENRIETTA KING.

Mr. McKINLEY introduced a bill (H. R. No. 6922) granting a pension to Henrietta King, the widow of Christopher King, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. S. SAYRE.

Mr. DICKEY introduced a bill (H. R. No. 6923) granting a pension to Captain H. S. Sayre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER B. ICENBARGER.

Mr. KEIFER introduced a bill (H. R. No. 6924) granting a pension to Alexander B. Icenbarger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTAGIOUS DISEASES AMONG DOMESTIC ANIMALS.

Mr. KEIFER also introduced a bill (H. R. No. 6925) to create a commission of inquiry and for the prevention of contagious diseases among domestic animals; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

WILLIAM KING.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 6926) for the relief of William King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

BRIDGE OVER SNAKE RIVER.

Mr. WHITEAKER introduced a bill (H. R. No. 6927) authorizing the construction of a bridge over the Snake River midway between Grange City and Taxsas Ferry, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN T. RUGGLES.

Mr. BELTZHOOVER introduced a bill (H. R. No. 6928) to relieve

John T. Ruggles, late a private in Companies I and B, Twenty-second Regiment Pennsylania Volunteer Cavalry, from the charge of descrion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REGULATION OF COMMERCE BY RAILROAD.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 6929) to regulate commerce by railroad among the several States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 6930) granting a pension to David L. McDermott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF DISCRIMINATING DUTIES.

Mr. KELLEY introduced a bill H. R. No. 6931) repealing discriminating duties imposed on merchandise the growth or produce of the countries east of the Cape of Good Hope when imported from places west of the Cape of Good Hope; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed

PHILIP JACOBS.

Mr. KLOTZ introduced a bill (H. R. No. 6932) granting a pension to Philip Jacobs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WOODSIDE.

Mr. RYON, of Pennsylvania, introduced a bill (H. R. No. 6933) for the relief of Isaac Woodside, father of W. J. Woodside, a private of Company E, Eighteenth Regiment Pennsylvania Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM DEAL.

Mr. RYON, of Pennsylvania, also introduced a bill (H. R. No. 6934) for the relief of Abraham Deal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. F. KUENTZLER.

Mr. RYON, of Pennsylvania, also introduced a bill (H. R. No. 6935) for the relief of C. F. Kuentzler, of Pottsville, Pennsylvania; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WAR OF 1812.

Mr. DICK introduced a bill (H. R. No. 6936) to amend the act of March 8, 1878, granting pensions to widows and orphans of soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

VALENTINE DULL.

Mr. COFFROTH introduced a bill (H. R. No. 6937) granting a pension to Valentine Dull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JACOB BURKET.

Mr. COFFROTH also introduced a bill (H. R. No. 6938) granting an increase of pension to Jacob Burket, Company D of the Fifty-fifth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RICKARDS, JR.

Mr. OSMER introduced a bill (H. R. No. 6939) for the relief of William Rickards, jr., late colonel of the Twenty-ninth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. BAYNE introduced a joint resolution (H. R. No. 367) authorizing the printing, from the stereotype plates in possession of the Public Printer, additional copies of the Medical and Surgical History of the War of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES

Mr. O'CONNOR introduced a bill (H. R. No. 6940) for the relief of all persons having claims against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS, UNITED STATES.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 6941) to provide for the erection of certain public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

western district of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT, TEXAS.

Mr. CULBERSON introduced a bill (H. R. No. 6943) to amend an act entitled "An act to create the northern district of Texas, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADAM HELMS.

Mr. WILSON introduced a bill (H. R. No. 6944) granting a pension to Adam Helms, late a private of Battery B, First West Virginia Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PRESTON.

Mr. DEUSTER introduced a bill (H. R. No. 6945) for the relief of James Preston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR J. CARRIER.

Mr. BENNETT introduced a bill (H. R. No. 6946) for the relief of Arthur J. Carrier; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS ON RAILROAD LANDS IN TERRITORIES.

Mr. BRENTS introduced a bill (H. R. No. 6947) amending an act entitled "An act for the relief of settlers on lands within railroad limits," approved March 3, 1875; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize, for the introduction of bills and joint resolutions, gentlemen who were not in their seats when their States were called.

JAMES M. JONES.

Mr. THOMAS introduced a bill (H. R. No. 6948) granting a pension to James M. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON RAMIE, JUTE, AND FLAX MACHINERY.

Mr. DAVIS, of California, introduced a bill (H. R. No. 6949) providing for the admission of machinery for the manufacture of ramie, jute, or flax free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be

SPECIAL ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. PRICE introduced a bill (H. R. No. 6950) to extend time of payment of special assessments, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM P. HILLS.

Mr. PRICE also introducted a bill (H. R. No. 6951) for the relief of William P. Hills, of Wheatland, Iowa, on account of goods destroyed by the confederates in the year 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. DARLING.

Mr. REED introduced a bill (H. R. No. 6952) for the relief of John A. Darling; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT REVISED STATUTES.

Mr. ELLIS (by request) introduced a bill (H. R. No. 6953) to amend section 3406 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. MARY T. M'CAWLEY.

Mr. ELLIS (by request) also introduced a bill (H. R. No. 6954) for the relief of Mrs. Mary T. McCawley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WASHINGTON AND CHESAPEAKE RAILROAD COMPANY.

Mr. HUNTON (by request) introduced a bill (H. R. No. 6955) authorizing the Washington and Chesapeake Railroad Company to extend its railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SIGNAL STATION, BLACK MOUNTAIN, NORTH CAROLINA.

Mr. VANCE introduced a bill (H. R. No. 6956) to provide for a signal station on the Black Mountain, in North Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WINTED STATES COURTS, WESTERN DISTRICT OF TEXAS.

Mr. UPSON introduced a bill (H. R. No. 6942) to fix the times of holding the district and circuit courts of the United States for the district and circuit courts of the United States for the

TRIAL OF INCOMPETENT ARMY OFFICERS.

Mr. SPARKS, by uranimous consent, introduced a bill (H. R. No. 6957) to organize a board of Army officers for the trial of incompetent officers, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolu-tion and bill of the following titles; when the Speaker signed the

Joint resolution (H. R. No. 358) appropriating \$2,500 to meet the expenses of the international sanitary conference invited to meet in Washington on the 1st of January, 1881; and
A bill (H. R. No. 2658) to regulate the award of and compensation for public advertising in the District of Columbia.

TENTH CENSUS.

The SPEAKER. The Chair presents a communication from the Secretary of the Interior, which the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,

Washington, January 7, 1881.

Sir: I have the honor to transmit herewith a copy of a report of the Superintendent of the Census, giving complete returns of the population of each State and Territory on the 1st day of June, 1880.

Very respectfully,

The SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE, Washington, D. C., January 17, 1881.

SIR: I have the honor to report that on Saturday the 15th instant the last returns of population were received at this office, completing the tenth census of the United States.

Carefully revised computations give the following as the population of each State and Territory on the 1st of June, 1880:

STATE TOTALS.	41
Alabama	1, 262, 794
Arkansas	802, 564
California	864, 686
Colorado	194, 649
Connecticut	622, 683
Delaware	146, 654
Florida	267, 351
Georgia	1, 539, 043
Illinois	3, 078, 769
Indiana	1, 978, 362
Iowa	1, 624, 620
Kansas	995, 966
Kentucky	1, 648, 708
Louisiana	940, 103
Maine	648, 945
Maryland	934, 632
Massachusetts	1, 783, 012
Michigan	1, 636, 331
Minnesota	780, 806
Mississippi	1, 131, 592
Missouri	2, 168, 804
Nebraska	452, 433
Nevada	62, 265
New Hampshire	346, 984
New Jersey	1, 130, 983
New York	5, 083, 810
North Carolina	1, 400, 047
Ohio	3, 198, 239
Oregon	174, 767
Pennsylvania	4, 282, 786
Rhode Island	276, 528
South Carolina	995, 622
Tennessee	1, 542, 463
Texas	1, 592, 574
Vermont	332, 286
Virginia	1, 512, 806
West Virginia	618, 443
Wisconsin	1, 315, 480
Total of States	49 369 595
The District of Columbia	177, 638
THE TERRITORIES.	211,000
Arizona 40, 441	
Dakota	
Idaho	
Montano	
New Mexico	
Utah	
Washington	
traning	

Grand total of the United States 50, 152, 866 Very respectfully, your obedient servant,
FRANCIS A. WALKER,

Total of Territories.....

Wyoming...... 20, 788

Superintendent of Census.

Hon. C. Schurz, Secretary of the Interior.

The SPEAKER. The communication will be referred to the Joint Select Committee on the Census.

Mr. COX. Would it be in order for me to make a motion as to the

printing?

The SPEAKER. By consent it would.

Mr. COX. I ask consent to make a motion as to the printing of the document just read and the printing of certain other tabular statements which have been furnished as to the apportionment of Repre-

ments which have been furnished as to the apportionment of Representatives under the tenth census.

The SPEAKER. Is there objection? The Chair hears none. How does the gentleman desire to have them printed? In the RECORD? Mr. COX. Yes, sir. I desire to make a brief statement. Mr. STONE. For how long?

Mr. COX. Only a very few minutes.

Mr. ROBINSON. The tables spoken of, I suppose, are from the

Department?
The SPEAKER. The tables that have been read are from the De-

partment

Mr. COX. I move to print the communication from the Secretary

Mr. COX. I move to print the communication from the Secretary of the Interior in the RECORD, together with two tables sent to the Committee on the Census this morning from General Walker, superintendent. These tables were finished on yesterday after much careful labor with the aid of a dozen clerks and their accomplished chief. I received them early this morning, and am directed by my committee to ask their printing in the RECORD and in pamphlet form. This ought to be done, as they bear upon the most important and interesting duty of Congress—apportionment. So much inquiry has been made by members on this topic that, before a report on the subject by the committee or action by the House, it would be well, in fact indispensable, to publish these official facts and calculations. The official return of the whole population of the United States is 50,152,866. Deducting Territories and District of Columbia, (783,271,) leaves the Representative population of the United States at 49,369,595. Table "A" shows this Representative population for the several States. It also shows the number of Representatives to be assigned to each State on an even division; that is, not counting any fraction, or residuum, or remainder. Besides, it shows, with the ratios and the fractions resulting, the final number of members for each State, running from the present number of members, 293, to 307, both inclusive. This calculation is made on this plan: the final number of members from 293 to 307 is used as a divisor in obtaining the ratio of representation to the whole Representative nonlation. 307, both inclusive. This calculation is made on this plan: the final number of members from 293 to 307 is used as a divisor in obtaining the ratio of representation to the whole Representative population. This ratio is applied successively to the population of each State. This process will yield in the aggregate a number less than the number of Representatives originally taken. The difference (according to the best and most equitable recent practice) should be made up by assigning to the States having the largest fractions additional Representatives. Whenever a sufficient number of additional Representatives has been assigned—on account of fractions to make up the total number taken—such assignment should cease. There is no place for moieties or arbitrary numbers, as will appear when the matter comes up for discussion. The first table, "A," is based on this method.

The second table, "B," is more compendious. It shows in its first column the present number under the apportionment of 1870 as dis-

column the present number under the apportionment of 1870 as distributed among the several States; and in the second column the final number for each State on the census of 1880, on the basis of 293; and in the other columns that number with all the changes from 293 up

to and including 307.

to and including 307.

From these columns gentlemen may see the loss or gain over the number of the present House under the apportionment of 1870 and the census of 1880, running from 293 to 307.

It appears that on the census of 1880 by the increase from 293 to 294, Massachusetts gains 1; by the increase to 295, Louisiana gains 1; by the increase to 296, Pennsylvania gains 1; by the increase to 297, Maryland gains 1; by the increase to 299, New York gains 1; by the increase to 299, Alabama gains 1; and when the total number of Representatives is increased to 300, one of the most striking features of the table appears. It is a curious eccentricity of mathematics—a paradox, the explication of which upon pure arithmetical logic, may be found in one of the communications which accompanies the tables. The paradox is that Alabama loses, at 300, the Representative she be found in one of the communications which accompanies the tables. The paradox is that Alabama loses, at 300, the Representative she gained at 299, and Texas and Illinois gain 1 each. At 301, Alabama regains the Representative so lost; by the increase to 302, Florida gains 1; by the increase to 303, Ohio gains 1; by the increase to 304, North Carolina gains 1; by the increase to 305, Tennessee gains 1; by the increase to 306, Pennsylvania gains 1; by the increase to 307, New York gains another, making two gains over 293, under the census of 1880, but still New York even then loses 1 from her present number assigned her under the apportionment of 1870.

of 1880, but still New York even then loses I from her present number assigned her under the apportionment of 1870.

Compared with the present number, under the census of 1870, each member can make his own calculation as to gains and losses. There are losses. There always will be during a lapse of ten years. The largest House we ever had before 1863 was under the census of 1830. Massachusetts then had 20 members; now she has 11. New York then had 40 members; now she will not hold her present number, 33, unless the number of members is 307. Virginia at one time had 23; now she has 9. New Hampshire once had 6; now she has 3. The losses are comparative, and every apportionment has witnessed such reductions. Vermont and New Hampshire may gain in population, but not relatively. They must lose in this apportionment, unless we make the number of members inordinately large. But all this is to be judged on a scrutiny of the tables. How high we must run the number of members so that no State will lose, members can compute for themselves from the data to be printed.

from the data to be printed.

The SPEAKER. The Chair understands the gentleman from New York asks leave to introduce a bill in reference to the apportion-

Mr. COX. Yes, sir. This is not a bill from the committee; I desire to introduce it that it may be sent to the committee.

sire to introduce it that it may be sent to the committee.

The SPEAKER. The Chair understands the bill to be introduced by the gentleman from New York in his individual capacity as a member. Does he desire to have it read?

Mr. COX. No, sir.

Mr. STEVENSON. I ask that it be printed in the Record.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 6958) making an apportionment of Representatives in Congress among the several States under the tenth census; which was read a first and second time, referred to the Joint Select Committee on the Census, and ordered to be printed.

Mr. COX. I ask that it may also be printed in the Record.

There was no objection.

The bill is as follows:

The bill is as follows:

An act making an apportionment of Representatives in Congress among the several States under the tenth census.

An act making an apportanement of Representatives in Congress among the several States under the tenth census.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, After the 3d of March, 1883, the House of Representatives shall be composed of three hundred and one members, to be apportioned among the several States, as follows:

Alabama, 8; Arkansas, 5; California, 5; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 1; Georgia, 9; Illinois, 19; Indiana, 12; Iowa, 10; Kansas, 6; Kentucky, 10; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 11; Michigan, 10; Minnesota, 5; Mississippi, 7; Missouri, 13; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 31; North Carolina, 8; Ohio, 19; Oregon, 1; Pennsylvania, 26; Rhode Island, 2; South Carolina, 8; Tennessee, 9; Texas, 10; Vermont, 2; Virginia, 9; West Virginia, 4; Wisconsin, 8.

SEC. 2. Whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be added to the unmber.

SEC. 3. In each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

Mr. COX. I ask that the communication from the Department of the Interior and the further tables to which I have referred be printed

in the RECORD, and that 2,000 copies in pamphlet form be printed for

in the RECORD, and that 2,000 copies in pamphlet form be printed for the use of the House.

The SPEAKER. The resolution for printing 2,000 copies must, under the rules, go to the Committee on Printing.

Mr. COX. Can the order not be made by ananimous consent?

The SPEAKER. The law requires that the resolution shall go to the Committee on Printing. There will be little delay occasioned, as the committee can report at any time.

Mr. COX. I ask that the communication and all these tables be printed in the RECORD.

printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolution for printing 2,000 copies in pamphlet form was referred, under the law, to the Committee on Printing.

The communication from the Interior Department is printed above.

The further tables referred to by Mr. Cox are as follows:

The further tables referred to by Mr. Cox are as follows:

Department of the Interior, Census Office, Washington, D. C., January 17, 1881.

Sir: I have the honor, in compliance with your request, to send you with this a table which exhibits the apportionment of Representatives among the several States, according to their respective populations as ascertained at the tenth census of the United States, upon certain successive assumptions as to the total number of Representatives.

The numbers taken for the purpose range from 293 to 307, both inclusive. It appears that by the increase from 293 to 294, Massachusetts gains 1; by the increase to 295, Louisiana gains 1; by the increase to 296, Pennsylvania gains 1; by the increase to 297, Maryland gains 1; by the increase to 298, Mayland gains 1; by the increase to 298, Alabama gains 1. When the total number of Representatives is increased to 300, one of the most striking features of the table appears, Alabama loses the Representative she gained at 299, and Texas and Illinois gain 1 each. At 301, Alabama regains the Representative so lost; by the increase to 302, Florida gains 1; by the increase to 303, Ohio gains 1; by the increase to 304, Florida gains 1; by the increase to 305, Tennessee gains 1; by the increase to 306 Pennsylvania gains 1.

I have not carried the computation further, as this was the limit indicated in your request for the preparation of this table. The table exhibits in full the arithmetical process by which the number in each case is reached. The smaller table accompanying (marked Table B) exhibits simply the number of Representatives to be assigned to each State according to the total number taken.

Respectfully, your obedient servant,

FRANCIS A. WALKER,

Superistendent of Census.

FRANCIS A. WALKER, Superintendent of Census. Hon. S. S. Cox, Chairman Committee on Census, United States House Representatives.

1						TAB	LE A.								- 10 mg	
THE PARTY OF THE P			293			294			295	- Nos		296			297	9 13
		Ratio, 1: 168,497.			Ra	atio 1: 167,92	4.	Ra	atio, 1: 167,3	54.	Ra	atio, 1 : 166,7	89.	Ratio, 1 : 166,228.		
States.	Population.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Repreresor	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	49, 369, 595	271	3, 706, 908	293	273	3, 526, 343	294	273	3, 681, 953	295	274	3, 669, 409	296	274	3, 823, 123	297
Alabama Arkansas California Colorado Connecticut Delaware Florida Georgia Illinois Indiana Ilowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Nebraska New Hampshire New Jersey New York North Carolina Oregon Pennsylvania Rhode Island South Carolina Tennessee Texas Vermont Virginia West Virginia	1, 262, 794 802, 564 864, 686 194, 649 622, 683 146, 653 146, 657, 351 1, 539, 948 3, 078, 769 1, 978, 362 995, 966 1, 648, 948 940, 103 648, 945 934, 632 1, 783, 012 1, 636, 331 7, 780, 806 1, 131, 592 2, 168, 804 452, 433 62, 265 346, 984 1, 130, 983 5, 083, 810 1, 400, 047 3, 198, 239 174, 767 4, 282, 786 276, 528 995, 622 1, 542, 463 1, 592, 574 832, 286 1, 512, 806 618, 443 1, 315, 480	7 4 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	83, 315 128, 576 22, 201 26, 159 117, 192 28, 545 22, 575 45, 823 124, 895 108, 147 153, 481 132, 235 134, 891 146, 640 115, 826 9, 990 120, 001 28, 900 120, 001 165, 293 6, 270 70, 361 108, 031 153, 137 25, 990 76, 101 163, 789 164, 895 126, 001	7 5 5 5 5 1 1 4 1 1 1 9 9 18 110 16 6 10 10 15 5 4 4 5 5 7 7 13 3 3 1 1 2 2 7 7 300 8 19 1 1 2 5 2 6 6 9 9 9 9 9 4 8 8	7 4 5 1 1 9 18 11 9 5 9 5 3 10 9 4 6 6 19 2 6 6 19 19 19 19 19 19 19 19 19 19 19 19 19	87, 326 130, 868 25, 666 26, 725 118, 911 146, 654 99, 427 27, 732 26, 137 131, 198 113, 304 156, 346 137, 392 100, 483 145, 173 95, 012 103, 772 125, 015 109, 110 124, 048 153, 716 116, 585 62, 265 11, 136 62, 265 11, 136 68, 843 84, 696 108, 604 156, 605 7, 683 6, 843 84, 686 108, 604 156, 602 114, 671 140, 012	7 5 5 5 5 1 1 4 4 1 1 1 9 9 8 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7 4 4 1 1 9 18 11 9 5 9 5 3 10 9 4 6 6 12 2 12 15 15 15 15 15 15 15 15 15 15 15 15 15	91, 316 133, 148 27, 916 27, 295 120, 621 146, 654 99, 997 32, 862 66, 397 137, 468 118, 434 159, 196 142, 522 103, 333 146, 883 17, 862 109, 472 130, 145 111, 390 127, 468 160, 556 117, 725 62, 265 126, 859 63, 190 61, 215 7, 413 98, 936 109, 174 158, 852 36, 277 86, 388 164, 932 6, 620 116, 381 144, 002	7 5 5 5 5 1 4 4 1 1 1 9 9 18 132 100 6 6 6 4 4 5 5 7 7 13 3 3 1 1 2 2 7 300 8 10 1 1 2 5 2 6 6 9 9 9 9 9 4 4 8	7 4 5 1 1 9 18 11 1 9 5 5 9 5 1 3 1 8 1 1 9 1 8 1 9 1 9 1 9 1 9 1 9 1 9 1	95, 271 135, 408 30, 741 27, 860 122, 316 146, 654 140, 562 37, 947 76, 567 143, 683 123, 519 162, 021 147, 607 106, 158 148, 578 140, 687 115, 122 135, 230 113, 650 130, 854 118, 855 62, 265 130, 249 80, 140 65, 735 62, 248 7, 978 113, 041 11, 677 41, 362 91, 473 116, 677 111, 765	7 5 5 5 5 1 1 4 4 1 1 1 9 9 8 18 12 2 12 11 10 10 6 6 4 4 5 5 7 7 30 0 8 8 19 1 1 2 6 6 9 9 9 9 9 9 4 8 8	7 44 55 1 3 19 18 111 9 55 3 3 5 10 9 4 4 6 6 13 2 2 6 6 30 8 8 19 1 2 5 5 9 9 9 1 9 9 3 3 7	99, 198 137, 652 33, 546 28, 421 123, 999 146, 654 101, 123 42, 986 66, 665 149, 568 164, 826 108, 963 150, 261 103, 492 120, 732 140, 979 115, 894 134, 224 7, 840 119, 977 76, 265 14, 528 133, 615 96, 970 70, 223 39, 907 8, 539 127, 086 110, 300 164, 482 46, 411 96, 522 166, 058 16, 754 119, 759 151, 884	

TABLE A-Continued.

		298	11	DAY.	299		300 301							302			
		Ra	tio, 1: 165,67	70.	Ra	tio, 1 : 165,1	16.	Ra	tio, 1: 164,56	5.	Ra	tio, 1 : 164,01	18.	Ra	tio, 1 : 163,4	75.	
States.	Population.	No. of Representatives on even division.	Fraction resulting,	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Repre-	
Jaited States	49, 369, 595	277	3, 479, 005	298	277	3, 632, 463	299	280	3, 291, 395	300	281	3, 280, 537	301	283	3, 106, 170		
labama rkansas alifornia olorado onnecticut elaware lorida eerogia llinois ndiana owa ansas centucky ouisiana faine flaryland flassachusetts fichigan flinnesota flinsissippi flissouri ebraska evada ew Hampshire few Jersey few York orth Carolina hin canolina emnessee exas ermont irginia Vest Virginia	267, 351 1, 539, 048 3, 078, 769 1, 978, 362 1, 624, 620 995, 966 1, 648, 708 940, 103 648, 945 934, 632 1, 783, 012 1, 636, 331 780, 806 1, 131, 592 2, 168, 804 45, 2433 62, 265 346, 984 1, 130, 983 5, 083, 810 1, 400, 047 3, 198, 239 174, 767 4, 282, 786 276, 528	7 4 5 5 1 1 3 3 1 8 1 1 1 1 9 9 5 5 3 3 5 5 1 0 9 9 4 6 6 6 3 3 0 8 8 9 9 1 1 6 6 9 9 9 9 3 3 7	103, 104 139, 884 36, 336 28, 979 125, 673 146, 654 101, 681 48, 018 48, 018 48, 018 157, 678 151, 935 106, 282 126, 312 145, 301 118, 126 137, 572 15, 094 121, 093 113, 710 74, 687 50, 509 9, 097 141, 036 110, 858 1, 602 51, 433 101, 544 21, 776 221, 733 101, 544 21, 776	7 5 5 5 1 1 1 1 9 9 18 8 112 10 6 6 4 4 6 6 11 10 10 5 5 7 7 31 1 8 8 9 9 1 2 6 6 9 9 9 9 2 2 9 9 4 4 8	7 4 4 5 1 3 1 9 18 111 9 6 6 9 9 4 4 6 6 13 2 2 6 6 6 13 2 2 6 6 6 9 9 9 2 9 9 3 7	106, 982 142, 100 39, 106 29, 533 127, 335 53, 004 106, 681 162, 686 138, 576 162, 664 114, 523 153, 597 109, 052 131, 852 150, 287 120, 342 140, 296 122, 2051 140, 287 130, 330 79, 119 61, 035 9, 651 154, 886 111, 412 4, 926 4, 96 56, 419 106, 530 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 2, 054 26, 762 26, 762 27, 068	8 5 5 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7 4 5 5 1 1 3 1 9 18 112 9 6 6 10 5 3 3 5 5 10 9 4 6 6 6 13 2 2 6 6 30 8 19 1 1 2 6 6 9 9 9 2 9 3 3 7	110, 839 144, 304 41, 861 30, 084 128, 988 146, 654 102, 786 57, 963 116, 599 3, 582 143, 535 8, 576 3, 058 117, 278 155, 250 111, 807 137, 362 29, 459 122, 546 144, 202 29, 459 123, 305 146, 860 83, 527 71, 504 10, 202 4, 096 111, 963 8, 232 61, 378 111, 489 3, 156 31, 721 124, 781	7 5 5 1 1 1 1 1 1 9 19 19 19 12 10 10 6 6 4 6 6 11 10 5 5 7 7 13 3 1 1 2 2 6 6 9 9 10 2 2 9 9 4 4 8	7 4 5 1 1 3 1 9 1 8 1 1 9 6 6 1 0 1 5 3 3 5 5 1 0 9 4 6 6 1 3 2 2 6 3 0 8 1 9 1 1 5 6 6 1 6 6 9 9 9 2 2 9 3 3 8	114, 668 146, 492 44, 596 30, 631 130, 629 146, 654 103, 333 62, 886 126, 445 10, 146 11, 858 120, 013 156, 891 114, 542 142, 832 140, 169 124, 734 147, 484 146, 875 163, 270 87, 903 81, 897 10, 749 18, 318 112, 510 11, 510 116, 412 4, 250 36, 644 126, 838 3, 336	8 5 5 5 1 1 1 1 1 9 19 19 19 19 10 10 6 6 4 4 6 6 11 1 10 5 7 7 31 8 8 19 1 2 6 6 9 9 10 2 9 9 4 4 8	7 4 5 5 1 1 3 9 18 122 9 6 6 10 10 14 6 6 6 13 2 2 6 6 31 8 9 9 9 2 9 9 9 3 3 8	118, 469 148, 664 47, 311 31, 174 132, 258 146, 654 103, 876 67, 773 136, 219 16, 662 153, 345 151, 116 13, 958 122, 728 158, 520 117, 257 148, 262 125, 483 160, 742 43, 629 125, 483 150, 133 150, 133 150, 134 150, 133 150, 134 150, 133 150, 134 150, 135 14, 732 14, 732 14, 732 14, 733 14, 733 14, 733 14, 731 128, 0118		
States.	Population.	Do	303	00	Po	304 305 306 Ratio, 1: 162,400. Ratio, 1: 161,868. Ratio, 1: 161,339.				20	Pa	307	19				
nited States	49, 369, 595	283	3, 258, 707	303	284	3, 247, 995	304	287	2, 913, 479	305	289	2, 742, 624	306	289	2, 894, £38		
2023	1, 262, 794	O STA	122, 242	8		125, 994	8	7	129, 718	8	7	133, 421	8	7	137, 103	-	
labama rkansas alifornia olorado onnecticut elaware lorida eorgia llinois diana wa ansas entucky outsiana laine aryland assachusetts ichigan innesota iississippi iissouri ebraska ewada ew Hampshire ew Jersey ew York orth Carolina hio regon ennsylvania hode Island outh Carolina ennessee exas ermont irginia /est Virginia	802, 564 884, 686 194, 649 682, 683 146, 654 297, 351 1, 539, 048 3, 078, 769 1, 978, 362 1, 624, 620 995, 966 1, 648, 708 940, 103 648, 942 1, 633, 632 1, 783, 012 1, 636, 331 780, 806 1, 131, 592 2, 168, 804 452, 433 62, 243 3, 68, 944 1, 130, 983 5, 083, 810 1, 400, 047 3, 198, 239	7 4 5 5 1 3 3 1 9 8 8 1 1 2 9 6 6 6 10 0 5 5 3 3 5 5 6 6 9 9 9 2 9 9 3 8 8	150, 890 50, 006 31, 713 133, 875 146, 654 104, 415 72, 624 145, 921 23, 130 158, 136 18, 350 19, 348 125, 423 160, 137 119, 952 153, 652 6, 971 119, 952 153, 367 6, 971 119, 121 153, 367 164, 561 62, 265 11, 121 153, 367 11, 831 46, 450 113, 592 18, 006 6, 414 46, 382 129, 635 11, 992	55 51 1 4 1 2 9 9 19 12 10 6 6 4 4 6 6 6 11 11 10 5 7 7 7 7 7 7 7 1 2 2 2 2 2 2 2 2 2 2 2 2	7 455 13 18 18 19 10 6 10 5 5 3 5 10 10 4 6 6 31 8 19 19 10 6 6 10 10 10 10 10 10 10 10 10 10 10 10 10	152, 964 52, 686 32, 249 135, 483 146, 684 104, 951 77, 448 155, 569 29, 562 21, 566 24, 708 128, 103 161, 745 122, 632 159, 012 131, 206 157, 192 57, 603 62, 24, 84 156, 583 62, 24, 184 156, 583 62, 184 156, 583 128, 103 121, 367 60, 386 114, 128 21, 222 80, 863 130, 974 7, 486 51, 206 131, 243 16, 280	55 51 14 12 9 19 12 10 10 66 61 11 10 10 10 11 20 7 7 7 13 13 13 14 15 15 16 17 18 19 19 19 19 19 19 19 19 19 19	4 51 1 3 19 19 19 19 10 6 6 10 5 4 4 6 13 2 6 6 13 2 6 19 19 19 19 19 19 19 19 19 19 19 19 19	155, 092 55, 346 32, 781 137, 079 146, 654 105, 483 82, 236 5, 940 24, 758 30, 028 130, 763 1, 473 125, 292 2, 464 177, 651 133, 334 160, 384 160, 384 150, 775 62, 265 23, 248 150, 775 65, 902 105, 103 122, 747 12, 899 74, 218 81, 651 135, 762 8, 550 55, 994 132, 839 20, 536	55 51 4 1 2 9 9 19 12 10 6 6 4 6 6 10 10 5 7 7 7 7 7 3 1 2 9 9 9 9 1 9 1 9 1 9 1 9 1 9 1 9 1 9	1 9 19 19 19 10 6 10 15 4 5 11 11 10 4 7 7 13 8 19 11 6 6 9 9 9 9 3 3 8	157, 208 57, 991 33, 310 138, 666 146, 654 106, 012 86, 997 13, 328 42, 294 11, 230 27, 932 35, 318 133, 408 3, 589 127, 937 129, 755 62, 2419 171, 397 129, 755 62, 265 24, 306 1, 610	55 5 1 4 4 1 1 2 9 9 19 10 6 6 4 6 6 10 6 6 4 6 6 11 1 10 0 7 7 7 3 3 1 1 2 7 7 2 2 6 6 10 10 2 9 9 4 8	1 9 19 110 6 10 10 15 4 4 5 11 11 12 12 12 12 12 12 12 12 12 12 12	159, 312 60, 621 33, 836 140, 244 146, 654 106, 538 91, 731 23, 322 48, 606 16, 490 31, 088 40, 578 136, 038 5, 693 130, 567 14, 069 28, 201 137, 554 5, 292 5, 295 5, 292 98, 607 113, 543 120, 648 115, 715 30, 744 101, 648 105, 748 106, 65, 489 136, 004 28, 976		

TABLE B.

States.	Present number.	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307
Alabama Arkansas California Colorado Connectieut Delaware Florida Georgia Illinois Indiana Jowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Nebraska Nevada Nevada New Hampshire New Jersey New Horch North Carolina Onio Oregon Pennsylvania Rhode Island Sonth Carolina Tennessee Texas Verment Virginia West Virginia Wisconsin	4 4 1 4 1 2 9 19 13 9 3 10 6 5	75 55 55 14 4 11 1 9 18 8 19 10 6 6 10 0 5 5 7 7 13 3 1 1 2 7 7 30 0 8 8 19 9 1 1 25 5 6 6 9 9 9 9 4 8 8	75 55 55 14 4 11 1 9 188 192 100 6 5 5 7 7 133 3 1 1 2 2 7 7 300 8 8 199 1 1 255 2 2 6 6 9 9 9 9 4 4 8 8	75 5 5 1 4 1 1 9 9 18 8 19 10 6 6 4 4 5 5 11 10 5 5 7 7 13 3 1 2 2 7 7 30 8 8 19 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	75551411991881991919191919191919191919191919	75 55 1 4 1 1 1 9 18 12 10 6 6 10 6 4 4 6 6 11 10 5 5 7 7 30 8 8 19 9 1 26 6 9 9 9 9 4 4 8	75 55 51 4 1 1 1 98 188 192 106 6 4 4 6 6 6 11 10 5 5 7 7 31 1 2 2 7 7 31 1 2 2 6 6 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	8 5 5 5 5 1 4 4 1 1 1 9 18 8 19 10 6 6 6 10 10 5 5 7 7 7 13 3 3 1 1 2 6 6 9 9 9 2 2 9 9 4 4 8 8	75 55 14 11 19 19 19 19 19 10 6 6 10 6 4 4 6 6 11 10 5 5 7 7 31 1 26 6 9 10 29 9 4 4 8 8	8 5 5 5 1 4 1 1 1 9 1 9 1 1 1 1 1 0 6 6 1 0 1 1 1 1 1 0 5 7 7 7 3 1 1 2 2 7 7 3 1 1 2 6 6 9 9 1 0 2 9 9 4 4 8 8	8 5 5 5 1 4 1 2 2 9 9 19 19 10 6 6 10 6 5 7 7 31 2 2 7 7 31 2 2 6 6 9 9 10 2 9 9 4 4 8	8 5 5 5 5 1 4 4 1 2 2 9 19 112 110 6 6 6 10 5 5 7 7 7 31 3 3 1 2 2 6 6 9 9 10 2 2 9 9 4 4 8 8	8 5 5 5 1 4 4 1 2 9 9 19 19 10 6 6 4 4 6 6 10 10 5 5 7 7 13 3 3 1 2 2 7 7 31 1 26 6 9 9 10 2 2 9 9 4 4 8 8	8 5 5 5 1 4 1 2 2 9 9 19 19 10 6 6 10 6 6 11 10 5 7 7 31 1 2 2 7 7 31 1 2 6 6 10 10 2 2 9 9 4 8 8	8 5 5 5 1 1 4 1 2 2 9 9 4 4 8 8 5 5 5 5 5 5 1 1 4 1 2 2 9 9 1 1 2 2 7 7 2 2 6 6 1 1 0 1 2 2 9 9 4 8 8	11 11 11 11 11 11 11 11 11 11 11 11 11

FRANCIS A. WALKER, Superintendent of Census.

THE ALABAMA PARADOX.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,

Washington, D. C., January 17, 1881.

DEAR SIR: I have your card requesting me to explain more in detail the peculiar feature of the apportionment tables submitted to you this morning, by which it appears that Alabama gains 1 Representative on the basis of 299 members, increasing from 7 to 8 members at that point, but loses 1 at 300, falling back at that point to 7 members. In reply I would say that this result is to be explained as follows:

creasing from 7 to 8 members at that point, but loses 1 at 300, falling back at that point to 7 members. In reply I would say that this result is to be explained as follows:

In increasing the number of Representatives, as shown in the table sent you, the number of inhabitants required to a representative is diminished at each such increase of members by between five and six hundred. Now, in dividing by the number so reduced the population of a State having a comparatively small population the influence upon its unrepresented fraction is very much less, necessarily, than in the case of a State having a large population. Thus, for example, if we assumed for convenience that the number of inhabitants would receive 30 Representatives were 160,000, a State having 4,801,000 inhabitants would receive 30 Representatives with an unrepresented fraction of 1,000; while a State having a population of 161,000 inhabitants would receive 1 Representative, with an equal unrepresented fraction.

If, however, the number of inhabitants to a Representative were reduced to 159,000, the fraction of the first State would rise to 31,000, while that of the second State would be only increased to 2,000. In other words, the effect upon the unrepresented fraction would be thirty times as great in the former as in the latter case.

Now, in the instances especially referred to, it happens that, with 299 Representatives, three States have fractions very closely approaching each other, namely: Alabama with 106,982. Illinois with 106,681, and Texas with 106,530. The number of inhabitants to a Representative sinks to 164,565, the net reduction being 551. This, which I may call a gain for the present purpose, to the States concerned, has to be multiplied in the case of Alabama only by 7, (the number of Representatives sassigned that State on an even division,) while in the case of Texas it is multiplied by 9, and in the case of Illinois by no less than 18.

The result is that, when we come to take 300 as the number of Representatives, the unrepr

 $106,982 + 7 \times 551 = 110,839$ $106,530 + 9 \times 551 = 111,489$ $106,681 + 18 \times 551 = 116,599$

Alabama's fraction becomes 110,839, while that of Illinois becomes 116,599, and that of Texas 111,489.

Consequently in the assignment of additional Representatives upon fractions, according to the total number of 300, Illinois and Texas receive an additional Representative each, while Alabama loses that which she gained at 299. At 301, however, she regains what was thus lost, her fraction rising to 114,668, while is sufficient to entitle her to the Representative whose addition to the previous number makes the House consist of 301, instead of 300 members.

Trusting that this explanation will answer your purposes, I remain,
Truly, yours,

FRANCIS A. WALKER.

FRANCIS A. WALKER, Superintendent of Census.

Hon. S. S. Cox, House of Representatives.

ANTON SCHUMACHER AND OTHERS.

R. No. 6959) for the relief of Anton Schumacher and ninety-eight other persons; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN W. HESS.

Mr. RYAN, of Kansas, also, by unanimous consent, introduced a bill (H. R. No. 6960) granting a pension to John W. Hess, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY J. FARDY.

Mr. KIMMEL, by unanimous consent, introduced a bill (H. R. No. 6961) for the relief of Emily J. Fardy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

A. BARRETT.

Mr. DE LA MATYR, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Ac-

Resolved, That A. Barrett, late a member of the Capitol Police force, be paid out of the contingent fund the sum of \$100 for services on said force from June 2, 1879 to July 4, 1879.

CONSTRUCTION OF TELEGRAPH LINES BY GOVERNMENT.

Mr. FORD, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That it is the opinion of this House that every interest of the country demands the immediate construction of telegraph lines by the Government, and that the Committee on the Post-Office and Post-Roads be, and is hereby, requested to mature and report a bill at the earliest moment practicable providing for the construction of such telegraph lines as may be deemed necessary to relieve the commercial and all other classes of our people from possible danger of a restrictive monopoly in an agency used for the dissemination of intelligence and the transmission of correspondence.

ARMY APPROPRIATION BILL.

Mr. CLYMER. I ask unanimous consent that House bill (H. R. No. 6719) making appropriations for the support of the Army for the year ending June 30, 1882, and for other purposes, returned from the Senate with amendments, be taken from the Speaker's table, referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed

There was no objection, and it was so ordered.

PUBLIC INDEBTEDNESS OF FOREIGN GOVERNMENTS.

Mr. FRYE. I ask unanimous consent to submit a resolution asking ANTON SCHUMACHER AND OTHERS.

Mr. RYAN, of Kansas, by unanimous consent, introduced a bill (H. the intervention of a committee of this House. It is very valuable information, which the Secretary of the Treasury has on hand, and I would like to have the House obtain it as soon as possible.

The resolution was read, as follows:

Resolved. That the Secretary of the Treasury be requested to communicate to this House any official information in his possession relating to the character and amounts of the public indebtedness of foreign governments, the rates of interest, market value, time of payment, and discount or premium realized upon the original negotiation of the respective bonds and securities of such governments.

There was no objection, and the resolution was adopted.

ADDITIONAL CLERK,

Mr. BLACKBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved. That the Clerk be, and he is hereby, authorized to employ for the remainder of the session one additional clerk, who shall be paid out of the contingent fund of the House the compensation paid to committee clerks.

NATIONAL MAIL AND TRANSPORTATION COMPANY.

Mr. PHILIPS (by request) introduced a bill (H. R. No. 6962) for the relief of the National Mail and Transportation Company; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOUMA LAND GRANT IN LOUISIANA.

Mr. ACKLEN, by unanimous consent, submitted the following; which was read, and referred to the Committee on Private Land Claims.

Resolved. That the Secretary of the Interior be, and he is hereby, directed to furnish this House with all the papers and documents referring to the Houma land grant in Louisiana.

GOVERNMENT TELEGRAPH.

Mr. SPRINGER. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be instructed to inquire into the expediency of establishing by law a telegraphic postal system under the United States Government; and also as to the cost of reproducing facilities for transmitting telegraphic messages equal to those now possessed by existing corporations, and as to the expense of operating the same, with power to send for persons and papers, and to report at any time by bill or otherwise.

Mr. STONE. I call for the regular order.

The SPEAKER. The call for the regular order is equivalent to an objection to this resolution.

Mr. SPRINGER. Well, let it be referred to the Committee on the Post-Office and Post-Roads.

Mr. STONE. I have no objection to that.

The resolution was accordingly referred to the Committee on the Post-Office and Post-Roads.

READJUSTING SALARIES OF POSTMASTERS.

The SPEAKER. The regular order, which is called for by the gentleman from Michigan, [Mr. STONE,] is the unfinished business coming over from the third Monday of last month, being a motion under the direction of the Committee on the Post-Office and Post-Roads to suspend the rules. The Clerk will read from the Journal.

The Clerk read as follows:

DECEMBER 20, 1880.

Mr. Stone, under instructions from the Committee on the Post-Office and Post-Roads, moved that the rules be suspended so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 3981) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866, and pass the same.

The question being put, namely, Will the House second the said motion? when no quorum voted thereon.

Mr. STONE demanded tellers.
Pending which,
On motion of Mr. White, (at four o'clock and twenty minutes p. m.,) the House adjourned.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] and the gentleman from Michigan [Mr. STONE] will resume their places as tellers. The question is on seconding the motion to suspend the

The SPEAKER. The Chair would suggest that a fair and equitable plan would be to allow a portion of the time for the motion, then the time in opposition to be occupied, with the privilege for the affirmative side to close the argument, say for five minutes.

Mr. STONE. That is very satisfactory to us.

The SPEAKER. The gentleman from Michigan [Mr. STONE] will open the argument.

The SPEAKER. The gentleman from Michigan [Mr. STONE] will open the argument.

Mr. BLOUNT. Controlling the first ten minutes?

Mr. STONE. Or such portion as I may choose.

The SPEAKER. And the opposition to take fifteen minutes.

Mr. STONE. The Committee on the Post-Office and Post-Roads has had this bill under consideration, and has made a unanimous report in favor of its passage. The gentleman from Kansas [Mr. Haskell] introduced into this House a joint resolution providing for the standing of these postmasters in the Court of Claims. The Committee on the Post-Office and Post-Roads, after looking into the matter, has reported unanimously the bill now pending as a substitute for that joint resolution.

has reported unanimously the bill now pending as a substitute for that joint resolution.

This question, Mr. Speaker, is not a new one. On two occasions the Senate has passed upon this matter. At the close of the last Congress an amendment was moved and placed on the deficiency appropriation bill in the Senate of the United States without any opposition whatever. It was, however, struck out of the bill in conference.

In the present Congress the Senate has again considered and passed a bill very similar to this one, Senate bill No. 903. It is the same as this with one execution; it extends only to providing for the read-

this with one exception; it extends only to providing for the readjustment of those salaries where the postmasters have made formal application for readjustment.

The Committee on the Post-Office and Post-Roads of the House has The Committee on the Post-Office and Post-Roads of the House has thought it proper and right, if we are to readjust those salaries at all, that all postmasters who have complied with the law of 1866 shall have the benefit of this readjustment. Under the law of 1866 amending the law of 1864, all those postmasters whose quarterly returns showed that they were entitled to an increase of their salaries were entitled to have their salaries readjusted, the act of 1866 making it the duty of the Postmaster-General thereupon to readjust them. The law of 1864, of which the law of 1866 is an amendment, provided in its second section as follows:

And be it further enacted, That the Postmaster-General shall review once in two years, and, in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section—

That is, the section fixing the salaries of postmasters anew, and changing the old law of 1854—

the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the Auditor for the Post-Office Department.

This law remained in force two years. It worked great hardship to many postmasters, especially in new sections of the country, where, in cases of postmasters of the fifth class, the only provision was that their salary should not exceed \$100. Many of them were started in at \$2 a year, and worked upon this salary. It became so apparent that the law was unjust that in 1866 Congress again interfered and passed the following provision as an amendment:

That section 2 of the act entitled "An act to establish salaries for postmasters, and for other purposes." approved July 1, 1864, be amended by adding the following: Provided, That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854, fixing compensation—

That was the old law-

then the Postmaster-General shall review and readjust under the provisions of

Now, Mr. Speaker, I contend, and the committee of the House has insisted, that this law is mandatory in its language; that it imposed a duty upon the Postmaster-General to readjust these salaries whenever the quarterly returns showed that the postmasters were entitled to such readjustment. No formal application was required to be made, but as the sworn returns came in from time to time it was the as tellers. The question is on seconding the motion to suspend the rules.

The House divided; and the tellers reported that there were—ayes 149, noes 24.

So the motion was seconded.

The question was upon suspending the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of the following bill, and to pass the same:

Be it enacted, de., That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act of June 12, 1866, who made direct official application or sworn returns of receipts and business for readjusted under the terms of section 8 of the act of June 12, 1866, who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854; such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to do to this dreet; for in a letter dated February 10, 1879, addressed to Hon. D. C. Giddings, then a member of committee on the Post-Office and Post-Roads, the First Assistant Postmaster-General states distinctly that the act of June 12, 1866, and to salaries have not herefore been readjusted under the teams of such readjustment. The issue the unquestionable duty of the Postmaster-General in the tot me the unquestionable duty of the Postmaster-General in the unquestionable duty of the Postmaster-General in the tot me unquestionable duty of the Postmaster-General in the unquestionable duty of t

Application having been made, and refused by the Department, a suit was brought in the Court of Claims, which awarded a judgment to a certain postmaster in the State of Kausas. The Government, however, appealed the case to the Supreme Court of the United States, which disposed of it by saying that until the salaries were readjusted there was nothing due the postmaster; that the readjustment was an executive act to be përformed by the Postmaster-General, and therefore these parties could have no standing in any court until this executive act had been performed. The case was turned out of court upon that proposition, the court suggesting that the claimant perhaps had a remedy by mandamus. A mandamus proceeding was then instituted in the district court of this city; but that court held that the Postmaster-General who refused to readjust having gone out of office and a new Postmaster-General having taken his place, a mandamus would not lie upon the successor for the refusal of his predecessor. There the matter ended so far as the courts were concerned; and then these parties came to Congress.

I will simply say in conclusion that this measure has had the favor-

I will simply say in conclusion that this measure has had the favor-

I will simply say in conclusion that this measure has had the favorable consideration of the Senate in two instances and has been sustained by a unanimous report of the Committees on the Post-Office and Post-Roads in both branches of Congress.

Mr. PAGF. I would like to ask the gentleman one question before he takes his seat. How much money will have to be appropriated out of the Treasury to meet the demands covered by this bill?

Mr. STONE. I am glad the gentleman has asked me this question. In the report which I had the honor to make to this House I stated, from the best information I had been able to obtain, that it had been estimated that these claims might amount to the sum of \$500.000. from the best information I had been able to obtain, that It had been estimated that these claims might amount to the sum of \$500,000. Since the question was up a letter has been written to the Postmaster-General requesting his judgment upon this matter. That letter was referred by him to the Sixth Auditor, who states that he has not at hand the information as to the amount that would become payable under the bill, but from the best information in his possession he presumes (and states it as his opinion) that at least \$500,000 (the amount

sumes (and states it as his opinion) that at least \$500,000 (the amount stated in my report) will be required.

Mr. TOWNSEND, of Ohio. I would like to put one question to the gentleman. Is it or is it not true that a large number of these claims are held and manipulated here by special claim agents who would be largely benefited by this legislation?

Mr. STONE. Upon that point I have simply this to say: this matter was brought to my attention by the introduction of the joint resolution of the gentleman from Kansas. I understand that there is at least one attention by the area were when here some interest. lution of the gentleman from Kansas. I understand that there is at least one attorney—perhaps there are more—who has some interest in these claims. The particular attorney I have in my mind is the one who prosecuted the case through the Court of Claims and then unsuccessfully in the Supreme Court. Having thus become interested in the question he has since pursued it. I do not understand that there have been any sales or assignments of these claims. I do understand that this attorney has obtained powers of attorney from some of these postmasters providing for the payment of a certain percentage to him in case of the collection of their claims. Of this I know nothing except by hearsay. No gentleman has ever appeared before our committee or had anything to do with the maturing of this bill or report.

or report.

How many minutes remain to the affirmative?

The SPEAKER. Four minutes.

Mr. BLOUNT. Now, Mr. Speaker, the gentleman from Michigan who has just taken his seat, in response to an inquiry as to what amount of money would be taken out of the Treasury under the operation of this bill, stated that the Sixth Auditor of the Treasury, when the same inquiry was made to him, answered that he had not the data upon which to make a full and accurate estimate, but from what data he had he concluded it would appropriate at least \$500,000. How much more it will take out of the Treasury he does not know, but that it will take at least \$500,000 he is quite sure.

I find in the report of the Committee on Post-Offices and Post-Roads of the Senate the following:

of the Senate the following:

It appears from a communication addressed to this committee by the Postmaster-General that in two States of the Union, namely, Iowa and Kansas, the persons who claim arrears of compensation under the acts referred to number seven hundred and forty-six, and the sum total of their claims is \$55,324. If only one-half the number of claimants shall appear from each of the other States, and only half this sum be claimed by them, the total number will be 7,192, and the sum \$525,578.

Suppose the number of claimants should be equal from the other States, suppose they should claim, instead of one-half the whole sum or double the sum, it is easy for us to understand then by the pending proposition we are asked to appropriate \$2,000,000 from the public Treasury, and that, too, under a suspension of the rules. In reference treasury, and that, too, under a suspension of the rules. In reference to your various appropriation bills, you have seen fit, under the rules adopted for our proceedings, to require that they shall go to the Committee of the Whole House on the state of the Union for examination, although a large number of the items contained in them are absolutely fixed by law. You are asked to pass this large appropriation under a suspension of the rules, when the gentleman from Michigan himself cannot tell you, and the Committee on the Post-Office and Post-Roads cannot tell you, nor can the officers of the Committee laws.

like other claims presented for consideration to this body. It should have gone to the Committee on Claims. It should not have had the high prominence it now holds under the motion from the Committee

on the Post-Office and Post-Roads, to suspend the rules and pass it.
What is the proposition contained in this report from the Committee on the Post-Office and Post-Roads? The act of 1854 compensated postmasters on the basis of the receipts of their respective offices. I have not time to read these acts in detail, and must content myself with merely stating their purpose. The act of 1864 provided for a different basis, and instead of compensating them by commissions upon actual receipts substituted a new system by which the receipts for two years preceding an adjustment of salaries were to be regarded as the basis; but in reference to special cases that act of 1864 contained this further provision:

And be it further enacted. That the Postmaster-General shall review once in two years, and, in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office.

This was amended by the act of 1866. You will bear in mind the language is that "he shall review once in two years," and then it goes on, "and in special cases, upon satisfactory representation, as much oftener as he may deem expedient." Now, in the first place, it is uncertain as to the character of the representations. That is a matter for the Postmaster-General to determine whether the representations are sufficient or not.

entations are sufficient or not. Mr. HASKELL rose.

Mr. HASKELL rose.

Mr. BLOUNT. No; I must object to any interruption. The Postmaster-General, it is provided, shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, readjust on the basis of the preceding section the salary assigned by him to any office.

Mr. STONE. The law of 1864—

Mr. BLOUNT. It is understood I have the time and I do not yield for interpretice.

for interruption.

The SPEAKER. No one interrupts the gentleman but gentlemen who make remarks sitting in their chairs.

Mr. BLOUNT. And that interrupts me. According to section 8 of the act of 1866 the following amendment was made to the act of

SEC. 8. And be it further enacted. That the act entitled "An act to establish salaries for postmasters and for other purposes," approved July 1, 1864, be amended by adding the following: "Provided, That when the quarterly returns of any postmaster of third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on a basis of commissions under the act of 1854, fixing the compensation, then the Postmaster-General shall review and readjust under the provisions of said section."

That is the whole of this question. The gentleman has failed to read, in this connection, the whole of the section which is proposed to be amended. This is only a part of the section. Under that section the discretionary power, to which I have already referred, was vested in the Postmaster-General. Under the operation of that section, and under the administration of the Post-Office Department, it tion, and under the administration of the Post-Office Department, it was complained that in one town or village or community readjustment was granted, while in another, and perhaps through prejudice or some improper motive, readjustment was refused; and that accordingly the discretion vested in the Postmaster-General in practice was being abused, and this provision, therefore, was rendered necessary to provide a remedy. Then the Postmaster-General was not to address himself to his discretion, but it was provided that when the quarterly returns of any postmaster should show that the salary allowed was 10 per cent. less than it would be on the basis of commissions under the act of 1854, then he should review and readjust under the provision of said section.

commissions under the act of 1854, then he should review and readjust under the provision of said section.

So far as I know, Mr. Speaker, there has been no difficulty in this matter. These readjustments have taken place from time to time. The report of the Committee on the Post-Office and Post-Roads of this House embraces a letter from Mr. Tyner, First Assistant Post-master-General. He tells you these salaries were readjusted long ago. He does not know whether applicants for readjustments made their applications under the act of 1864 or 1866. It does not appear, however, there has been any complaint on the part of persons who

their applications under the act of 1864 or 1866. It does not appear, however, there has been any complaint on the part of persons who saw fit to avail themselves of this section.

Now, sir, I desire the House to bear in mind when these things occurred. It was under the act of 1864—sixteen years ago. In 1872 the whole basis was changed. These readjustments waited under that act for all these years. This matter has been agitated from time to time. It has grown old. The Post-Office Department has discouraged it all the while. An attorney now appears connected with the case. With how many post-offices he is connected I do not know, but I am informed that with a large number of them he has a contract to the effect that if he can secure the passage of this bill he gets for himself one-fourth of the proceeds. That is, if we pay \$2,000,000 he gets one-half million of dollars for his own services in he gets for himself one-fourth of the proceeds. That is, if we pay \$2,000,000 he gets one-half million of dollars for his own services in although a large number of the items contained in them are absolutely fixed by law. You are asked to pass this large appropriation under a suspension of the rules, when the gentleman from Michigan himself cannot tell you, and the Committee on the Post-Office and Post-Roads cannot tell you, nor can the officers of the Government tell you, exactly what amount of money is involved if the proposition should become a law.

Again, sir, this is a substitute for a joint resolution, providing for readjustment of the claims of postmasters, and it should be treated

demand; claims that have no vitality whatever until they are brought to light by people hanging around the Capitol and seeking to get some hold upon the Treasury. This character of claims has been gathered up from all parts of the country by these claim agents and placed before us with a request that we shall authorize this raid

and placed before us with a request that we shall authorize this raid upon the Treasury to the extent of perhaps two or two and a half million of dollars, for no one can tell the full extent of it.

These claims, as I have said, Mr. Speaker, for the last sixteen years have lain dormant. This House after all these years is now called upon to suspend the rules and pass a bill for their payment without opportunity of discussion or debate, only a simple allowance of fifteen minutes to state the points of the case for the Government.

The gentleman says that the Senate bill is similar in all respects to this one. It is by no means similar. The Senate bill confines the provisions of this act to places where application for readjustment has been made. This bill goes far beyond that. It takes a far wider scope. It takes in every possible case under that old construction; and, Mr. Speaker, let it be borne in mind that this issue, out of which these claims arise, grows out of a difference of construction between these claims arise, grows out of a difference of construction between the Committee on the Post-Office and Post-Roads of this House and the then Postmaster-General. That difference of opinion was in reference to the construction of a statute.

You are now asked to suspend the rules and give a construction dif-ferent from that which has already been given by that Department, and thereby take \$2,600,000, perhaps more, out of the Treasury. I say it is wrong, and I hope the bill will not be permitted to pass this

[Here the hammer fell.]
Mr. PAGE. Mr. Speaker, how much time is there remaining?
The SPEAKER. The opponents of the bill have three minutes'

Mr. PAGE. It seems to me, Mr. Speaker, that it will be dangerous for this House, with only thirty minutes allowed for discussion and without opportunity of amendment, to pass an important measure

without opportunity of amendment, to pass an important measure like this, to involve this Government in an expenditure of perhaps a million of dollars or more.

I am satisfied that nearly all of the claims contemplated by this bill are now in the hands of claim agents. While, perhaps, at the time the parties may have had some right to demand from the Post-Office Department moneys which they did not receive, yet I believe that the passage of this bill will not benefit a single postmaster throughout the whole country, because not one dollar in ten provided here, or appropriated to pay for the purposes of this bill, will get to the men who really performed the service. Therefore I hope the House will reflect before allowing, under thirty minutes' discussion, the passage of such an important measure as this, and one involving the Government in a vast expenditure of public money.

Now, Mr. Speaker, the gentleman from Georgia has well said that

Government in a vast expenditure of public money.

Now, Mr. Speaker, the gentleman from Georgia has well said that this bill should have gone to the Committee on Claims; that it should there have been first considered, and then brought into this House by that committee as private claims of all kinds are brought in; that it should have had the consideration given to private bills or claims, and presented with all opportunities afforded to the members of this House for amendment and debate. I went through the tellers myself and seconded the demand for the previous question, but I did it for the purpose of giving the gentleman from Michigan an opportunity to explain to this House the bill that he proposed to pass to-day under a suspension of the rules. It seems to me, Mr. Speaker, that we ought to be a little careful at this time before we put our hands into the Treasury of the United States and extract therefrom a million of dollars, perhaps, or certainly not less than half a million of dollars, as

to be a little careful at this time before we put our hands into the Treasury of the United States and extract therefrom a million of dollars, perhaps, or certainly not less than half a million of dollars, as admitted by the gentleman who reports the bill, to pay these claims and give certain attorneys now in the city of Washington an opportunity of handling this money. I hope, sir, the bill will not pass.

Mr. HASKELL. Mr. Speaker, the honorable gentleman from Georgia says the question involved this day in this bill is a matter of construction of law on the part of the then Acting Postmaster-General. It has been stated that the lower regions are paved with good intentions. If that be true, the penitentiaries of the country have been paved with just such constructions of law as this Postmaster-General has put upon the clear meaning of a statute of the United States, which he has not only willfully violated but refused absolutely to execute. I trust, Mr. Speaker, that this bill, which provides that the small salaries found to be due under the laws of the United States from 1866 to 1872 to these parties, shall be executed in accordance with their spirit and intent, and that the money actually found due to these parties shall be paid to them. It is not a construction of law at all. The bill remands the construction to the Postmaster-General and his Department. It takes not a dollar from the Treasury until that plain language of the law is complied with by the Department, which has refused up to this date to comply with it.

Mr. Speaker, it is claimed here that this comes from claim agents. I tell you I received, long before this was brought to Congress, letters and petitions from my constituents asking me to aid them in securing an act of Congress for their relief; and some of them had employed paid attorneys years ago to prosecute their claims, but were refused justice. And it is not until every legal redress has been exhausted that they come here now and in this bill ask you, not for any appropriation of money,

I have in my own district a man who was compelled to stay in his office at seventeen or eighteen dollars a year salary until the town grew and the business of the office demanded an expenditure of over one thousand dollars a year to run it. His salary was never fully readjusted. He received only a small portion of the money that was due to him under the law, only a small portion of what it cost to run his office, saying nothing of his expenses.

These claims are claims arising under the action of Congress. This bill merely says that the Department shall apply that law and pay whatever may be found due. I care not though it be ten million dollars, it is just and right, and I stand here to advocate that the law of the land shall be obeyed.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Michigan [Mr. Stone] to suspend the rules, discharge the Committee of the Whole from the further consideration of the bill, and pass it.

Mr. BLOUNT and Mr. MORRISON called for the yeas and nays. The yeas and nays were ordered, fifty members voting therefor.
The question was taken; and there were—yeas 159, nays 81, not voting 52; as follows:

	YE	A5-159.	
Acklen, Aldrick, N. W. Aldrich, William	Ferdon, Field, Fisher,	Lindsey, Loring, Lowe,	Sapp, Sawyer, Shallenberger,
Anderson,	Ford,	Manning,	Shelley,
Bachman,	Forney,	Marsh, .	Sherwin,
Ballou,	Forsythe,	Martin, Joseph J.	Singleton, J. W.
Barber,	Fort,	Mason,	Singleton, O. R.
Bayne,	Frye,	McGowan,	Slemons,
Belford.	Gillette,	McKinley,	Smith, Hezekiah B.
Bicknell,	Godshalk,	Miller,	Smith, William E.
Blake,	Goode,	Mitchell,	Speer,
Boyd,	Gunter,	Money,	Steele,
Brigham,	Hammond, John	Monroe,	Stone,
Buckner,	Harris, Benj. W.	Morton,	Taylor, Ezra B.
Burrows,	Harris, John T.	Myers,	Taylor, Robert L.
Butterworth,	Haskell,	New,	Thomas,
Caldwell,	Hatch,	Newberry,	Thompson, W. G.
Calkins,	Hawk,	Norcross,	Tillman,
Camp,	Hawley,	O'Connor,	Tucker,
Carpenter,	Hayes,	O'Neill,	Tyler,
Caswell,	Hazelton,	Orth,	Updegraff, J. T.
Claffin,	Heilman,	Overton,	Updegraff, Thomas
Coffroth,	Herbert,	Pacheco,	Upson,
Conger,	Herndon,	Persons,	Urner,
Cook,	Hiscock,	Phelps,	Valentine,
Cowgill,	Hooker,	Phister,	Van Aernam,
Crapo,	Horr,	Poehler,	Vance,
Cravens,	Hubbell,	Pound,	Van Voorhis,
Crowley,	Hull,	Prescott,	Voorhis,
Culberson,	Humphrey,	Price,	Waddill,
Daggett,	Hurd,	Reed,	Wait,
Davis, George R.	Johnston,	Rice,	Ward,
Davis, Joseph J.	Jones,	Richardson, D. P.	Weaver,
Deering.	Keifer,	Richardson, J. S.	Whitthorne,
De La Matyr,	Kelley,	Robinson,	Williams, C. G.
Dick,	Ketcham,	Rothwell,	Williams, Thomas
Dunnell,	Kitchin,	Russell, Daniel L.	Willits,
Einstein,	Knott,	Russell, W.A.	Wright,
Evins,	Ladd,	Ryan, Thomas	Yocum.
Felton	Lanham.	Ryon, John W.	

	NAY	S-81.	
Aiken, Armfield, Atherton, Beale, Beltzhoover, Blackburn, Bland, Bliss, Blount, Bouck, Bragg, Brewer, Briggs, Carlisle, Chalmers, Clardy, Clark, John B. Clymer, Colerick, Converse,	Cox, Davidson, Davis, Horace Davis, Lowndes H. Dibrell, Dickey, Dunn, Dwight, Errett, Geddes, Hall, Hammond, N. J. Henderson, Henkle, Henry, Hill, Hostetler, House, Hunton, Hutchins,	Killinger, Kimmel, Klotz, Le Fevre, Lounsbery, Martin, Benj, F. Martin, Edward L. McLane, McMahon, McMillin, Miles, Mills, Morrison, Muldrow, Muller, Nioholls, O'Reilly, Page, Philips, Reagan, Eighmend	Robertson, Scales, Scoville, Scoville, Simonton, Smith, A. Herr Sparks, Stevenson, Talbott, Thompson, P. B. Townshend, R. W Turner, Oscar Turner, Thomas Warner, Wellborn, Wellborn, Wills, Willson, Wise.

	NOT	VOTING-52.	
Atkins, Bailey, Baker, Barlow, Berry, Bingham, Bowman, Bright, Browne, Cabell, Cannon, Chitteuden, Clark, Alvah A.	Clements, Cobb, Deuster, Elam, Ellis, Ewing, Finley, Frost, Gibson, Harmer, Houk, James, Jorgensen,	Joyce, King, McCoid, McCook, McKenzie, Morse, Murch, Neal, O'Brien, Osmer, Ray, Ray, Robeson, Ross,	Samford, Springer, Starin, Stophens, Townsend, Amos Washburn, White, Whiteaker, Wilber, Wood, Fernando Wood, Walter A. Young, Casey, Young, Thomas L.

During the roll-call, Mr. WILBER said: I was a postmaster at the time covered by this bill, and do not wish to vote. I do not vote.

After the second roll-call,
Mr. YOUNG, of Tennessee, said: I vote on this question "ay." I

had paired with my colleague, Mr. Houk. He would vote the same

way.

Mr. WARNER. I question the vote of the gentleman from Tennessee. It comes too late after the second roll-call.

The SPEAKER. The Chair is informed that the gentleman from

The SPEAKER. The Chair is informed that the gentleman from Tennessee [Mr. Young] did not vote on either call.

Mr. YOUNG, of Tennessee. I did not hear the pair announced.

The SPEAKER. The pairs have not yet been announced. The Clerk informs the Chair that the gentleman from Tennessee is paired. But the point is that he did not vote on either roll-call, and his vote cannot now he received. not now be received.

The following pairs were announced:
Mr. Robeson with Mr. McKenzie.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. Bright with Mr. Osmer.
Mr. Samford with Mr. Miller; Mr. Samford reserving the right

to vote to make a quorum.

Mr. Townsend, of Ohio, with Mr. Ross, of New Jersey, for this

day.

Mr. Baker with Mr. Atkins, on all political questions, for this day.

Mr. Browne with Mr. Cobb, on this vote.

Mr. Cannon, of Illinois, with Mr. Washburn, on House bill No.

3981. Mr. Washburne would vote for and Mr. Cannon against the

bill.

Mr. RAY with Mr. LADD, from Saturday, January 15, to Saturday, January 22, both days inclusive, on all political questions; each reserving the right to vote to make a quorum.

Mr. HARMER with Mr. ELLIS, until the 18th.

Mr. OSMER, (who had voted "ay.") I am paired with Mr. BRIGHT, of Tennessee, and I withdraw my vote.

Mr. TYLER. My colleague from Vermont [Mr. Joyce] is confined at home by sickness. If present, he would vote "ay."

The SPEAKER. The Chair, for the purpose of protecting the vote, which is close, against mistakes, desires to vote. He votes in the negative. The ayes are 159, and the noes 82. Two-thirds have not voted in the affirmative, and the rules are not suspended.

DES MOINES RIVER LANDS.

DES MOINES RIVER LANDS.

The next committee having the right to move a The SPEAKER.

The SPEAKER. The next committee having the right to move a suspension of the rules to-day is the Committee on Public Lands.

Mr. CONVERSE. I am directed by the Committee on Public Lands to move to suspend the rules so as to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 1067, to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, and to pass the same, with the amendment reported from the Committee on Public Lands.

Lands.

Mr. VAN VOORHIS. I call for a second to the motion to suspend the rules, and ask that the bill and the report be read.

The bill was read, as follows:

The bill was read, as follows:

A bill to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Be it enacted, &c.. That it was the true intent and meaning of the act of Congress approved March 3, 1871, entitled "An act confirming the title to certain lands," to ratify and confirm the adjustment and settlement of 1866 therein referred to, and the title to the lands claimed, allowed, set apart and received thereby and thereunder, as a full, complete, and final adjustment and satisfaction of all right and claim of the State of Iowa, and its grantees, under the joint resolution of Congress, March 2, 1861, entitled "Joint resolution to quiet title to lands in the State of Iowa," and the act of Congress approved July 12, 1862, entitled "An act confirming a land claim in the State of Iowa, and for other purposes;" and that the said act of 1871 was not intended to be, and shall not be construed to be, a grant of additional lands to said State, or its grantees; and that all lands for which indemnity lands were selected and received, except such as were sold by the United States prior to the said joint resolution of 1861, are, and are hereby declared to be, public lands of the United States: Provided, That the title of all bona fide settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid: And provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said lands, not exceeding one hundred and sixty acres, are hereby confirmed to them, their heirs or assigns, and upon due proof thereof, and payment of the usual fees and price, shall be carried to patent.

Sec. 2. That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this

The amendment reported from the Committee on the Public Lands was to add to the second section of the bill the following:

Provided, That no part of this act shall apply to or in any manner affect lands certified by the United States to the State of Iowa for the use and benefit of the Keokuk, Fort Des Moines and Minnesota Railroad Company, its successors or assigns.

Mr. CONVERSE. Cannot the reading of the reports be dispensed with? They are very lengthy, and several matters are discussed in them which are not of very vital importance. It will take at least an hour or an hour and a half to read the reports, and as fifteen minutes on each side is allowed for discussion, I think the merits of the bill can

be presented in that time.

Mr. VAN VOORHIS. It will take four hours to fully present the

merits of this bill. It is one of the most villainous bills ever pre-

sented to this House.

The SPEAKER. Debate is not now in order.

Mr. WEAVER. I will reply to the gentleman from New York [Mr.

Mr. WEAVER. I will reply to the gentleman from New York [Mr. VAN VOORHIS] in due time.

The SPEAKER. The gentleman from Ohio [Mr. CONVERSE] and the gentleman from New York [Mr. VAN VOORHIS] will take their places as tellers on seconding the motion to suspend the rules.

Mr. FRYE. We have a right, I think, to have the report read.

The SPEAKER. The rule does not expressly state that the report shall be read, but the Chair thinks that in a controverted case the report should be read.

Mr. FRYE. I think the report should be read.

Mr. WEAVER. Would it be proper for me to reply at this time to the remark of the gentleman from New York, [Mr. VAN VOORHIS?]

The SPEAKER. The remark of the gentleman from New York was out of order. out of order.

Mr. WEAVER. I will take occasion to reply at the proper time.

The SPEAKER. The report will now be read.

The Clerk began the reading of the report of the majority of the Committee on the Public Lands, but before concluding,

Mr. WRIGHT said: I move to dispense with the further reading of this report. It will take an hour longer to conclude it, and no one seems to be listening.

seems to be listening.

The SPEAKER pro tempore, (Mr. GOODE.) The gentleman from Pennsylvania [Mr. WRIGHT] moves to dispense with the further reading of this report. Is there objection?

Mr. VAN VOORHIS. I object.

Mr. TOWNSHEND, of Illinois. Cannot a majority of the House dispense with its further reading?

The SPEAKER pro tempore. It has been held heretofore by the Chair that any member has the right to call for the reading of a report made by a committee to accompany a bill upon which the House is called to act. The Clerk will resume the reading of the report.

The Clerk resumed, but before concluding,

Mr. REAGAN said: I make a point of order on the reading of that report, that it is in the nature of debate, and therefore not admissible at this time.

The SPEAKER pro tempore. The reading of the report is nearly completed; there are not more than a dozen lines to be read.

Mr. REAGAN. I make the point of order in relation to this report and to another, for there is another coming.

The SPEAKER pro tempore. There is but one report of a committee in a cas

The Clerk concluded the reading of the report, which is as follows: The Committee on the Public Lands, to whom was referred House bill No. 1867, beg leave to submit the following report:
The following is a copy of the bill:

The Committee on the Public Lands, to whom was referred House bill No. 1867, beg leave to submit the following report:

The following is a copy of the bill:

"[H. R. 1867, Forty-sixth Congress, second session.]

"A bill to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it was the true intent and meaning of the act of Congress approved March 3, 1871, entitled 'An act confirming the title to certain lands,' to ratify and confirm the adjustment and settlement of 1866 therein referred to, and the title to the lands claimed, allowed, setapart, and received thereby and thereunder, as a full, complete, and final adjustment and satisfaction of all right and claim of the State of Iowa, and its grantees, under the joint resolution of Congress, March 2, 1801, entitled 'Joint resolution to quiet title to lands in the State of Iowa, and the act of Congress approved July 12, 1862, entitled 'An act confirming a land claim in the State of Jowa, and for other purposes; 'and that the said act of 1871 was not intended to be, and shall not be construed to be, a grant of additional lands to said State, or its grantees; and that all lands for which indemnity lands were selected and received, except such as were sold by the United States prior to the said joint resolution of 1861, are, and are hereby declared to be, public lands of the United States: Provided, That the title of all bona fide settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid: And provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said lands, not exceeding one hundred and s

lars.

The idea of improving the navigation of the Des Moines River had its origin more than thirty-seven years ago in the fertile brain of that impracticable theorist, Captain Fremont, of the Topographical Engineers, and he, more than any other man, is responsible for the squandering of so much treasure in an attempt to carry into practice his wild and speculative theories of civil engineering on that river. (Executive Document No. 32, third session Twenty-seventh Congress.)

The numerous acts of Congress and of the Legislature of Lows on this subject, the numerous and contradictory decisions and rulings of the different Secretaries the General Land Office, and of the Attorney-General, and the ingenious and apparently conflicting opinious of the Federal courts and of the State courts in one form or another on this prolific subject, form a curious history of many pages, instructive alike to the legislator, the lawyer, and the political economist.

The material facts which connect themselves with this measure and justify its provisions are the following:

In Angust, 1946, Congress assended an act entitled "An act granting certain lands for the contract of the Bessel and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is granted to said Territory, one equal moticity in alternate sections, of public lands, (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five Territory, one equal moticity in alternate sections, of public lands, (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

"Sec. 2. And be it further enacted, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State formed out of the same, except as said improvement shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of \$50,000, and then the said almost an entity to the residue of a said lands sufficient to replace the amount expended, and the fact of expenditures shall be certified as aforesaid.

"Sec. 3. And be it further enacted, That tail can be discussed, and the fact of expenditures shall be certified as aforesaid."

"Sec. 3. And be it further enacted, That as all Des Moines River shall be and forever remain a public highway for the use of the Government of

"Sir: In answer to your inquiry, I have the honor to state that the amount of unsold land within five miles on each side of the Des Moines River, from its mouth to the Raccoon Fork, proposed to be granted to the Territory of Iowa by House bill No. 106, is estimated at 261,000 acres. There have been sold in the Territory of Iowa, to the 1st of January, 1846, 1,739,050 acres, and the amount of the purchase money received by the United States to the same date is \$2,164,102.

"Very respectfully, your obedient servant,"

"JAMES SHIELDS."

"JAMES SHIELDS,

"Hon. A. C. Donge, "House of Representatives."

"House of Representatives."

The claim of the author of that measure, while it was pending, and it was so represented by the Commissioner of the General Land Office, was that the grant only extended to Raccoon Fork, and embraced about 261,000 acres. The State of Iowa has already received on account of the Des Moines River improvement 556,686.74 acres above Raccoon Fork, and about 300,000 acres below, besides 56,000 under the resolution of 1861. She has received from the United States 297,000 acres as indomnity for these very lands in controversy, and now these lands themselves are claimed, notwithstanding the large indemnity, by persons claiming title from the State of Iowa.

In addition to the foregoing facts the act of August 8, 1846, in a little over two months after its passage, received construction by the Commissioner of the General Land Office, and the State of Iowa, by her acts, also construed the act limiting the grant to the Raccoon Fork.

On the 17th day of October, 1846, Mr. James A. Piper, Acting Commissioner of the General Land Office, addressed the following letter to the register and receiver of the land office at Iowa City, relating to this grant:

"GENERAL LAND OFFICE, October 17, 1846.

"GENTLEMEN: By the first section of the act of Congress approved 5th of Angust,

"GENERAL LAND OFFICE, October 17, 1830.

"GENERAL LAND OFFICE, October 17, 1830.

1846, entitled 'An act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory,' it is enacted 'that there be, and hereby is, granted to the Territory of Iowa, for the purpose of alding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, (so called,) in said Territory, one equal moiety, in alternate sections of the public lands, (remaining unsold and not otherwise disposed of, encumbered, or appropriated,) in a strip five miles in width on each side of said river, to be selected within said Territory by an agent or agents

to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States."

"This grant, you perceive, affects the land five miles in width on each side of the Des Moines, from the southern boundary of your district to the Raccoon Fork of the Des Moines, as shown by the inclosed diagram. No action can be had by you in this matter, however, till you are advised by the governor whether he will select the sections with the odd or those with the even numbered. As soon as you are so advised you will please reserve from sale or entry of any kind all the unsold and unappropriated lands in the sections selected by him till further orders from this office.

"Very respectfully, your obedient servent."

Very respectfully, your obedient servant,

"JAMES A. PIPER, "Acting Commission

"REGISTER AND RECORDER, "Iowa Oity, Iowa."

"Register and Recorder,
"Iowa City, Iowa."

A list and diagram of the vacant lands in sections lying below Raccoon Fork were transmitted to the governor, with a request to him to determine whether he would take the lands in the oven sections or in the odd sections, stating that when selected the list of the sections would be immediately prepared and submitted to the Secretary of the Treasury for his approval, and when so approved would be certified.

The governor appointed Jesse Williams and Josiah H. Bonney to make the selections, who reported December 17, 1846, that they had selected the odd sections designated on the map furnished by the General Land Office.

This was a full compliance with the first section of the act, and defined and located the grant of lands lying below Raccoon Fork. The selection was made by an agent of the Territory. The simple right remained to the State of accepting the grant or not; which was done by the legislative act of January 9, 1847. By the joint act of the land officers of the United States, and the agent of the Territory, the selection, according to the terms of the grant, was made, and the act became an executed act from the date of the approval of the list by the Secretary of the Treasury.

On the 1st day of April, 1849, there was filed in the office of the secretary of state of Iowa "a condensed list showing the tracts vacant and undisposed of in the odd sections within five miles of the Des Moines River, from its mouth to the Raccoon Forks, (so called,) selected by the commissioner appointed by the governor of Iowa Territory, under the provisions of the act of Congress approved on the 8th day of August, 1846, entitled 'An act granting certain lands in the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory, within the limits of the I swa City district. This list is dated March 12, 1849, is authenticated by the signature of Richard M. Young, Commissioner, and does not contain the lands in controversy, but does include al

But through influences which cannot now be certainly known another construction was discovered, and Richard M. Young, the Commissioner of the General Land Office, wrote to the board of public works of Lows, on the 23d of February, 1848, interpreting the grant as extending to the northern boundary of the State. The President of the United States, however, on the 19th day of June, 1848, proclaimed the lands for sale above the fork of the river, and 25,000 acres were sold and pre-empted thereunder, against which the board of public works protested in a letter to the Commissioner, dated September 18, 1848. This was followed by a remonstrance from the Senators and Representatives of Lowa then in Washington, including A. C. Dodge, the author of the bill, and others who had asked the passage of the bill on the representation that the grant did not extend above Raccoon Fork, and who had acquiesced in that decision for two years, dated January 8, 1849, addressed to Hon. Robert J. Walker, Secretary of the Treasury, against the construction of the act which limited the grant to the lands lying below the Raccoon Fork.

struction of the act which limited the grant to the lands lying below the Raccoon Fork.

The Secretary, in a reply dated March 2, 1849, agreed with them and asserted that the grant extended on both sides of the river, from its mouth to its source. In pursuance of this letter Mr. Young, the Commissioner of the General Land Office, on the 1st of June following, directed the register and receiver at Lowa City to withhold from sale the lands north of the Fork. It may be remarked here that the jurisdiction of said officers only covered a part of said lands extending only up to the eighty-third township.

The Secretary of the Treasury (Walker) went out of office without this opinion having received execution. Attorney-General Johnson, in his opinion of July 19, 1850, concurred in Walker's opinion; but an adverse opinion had been given by Mr. Ewing, the first Secretary of the Interior, on the 6th of April previous, as follows:

"DEPARTMENT OF THE INTERIOR, "Washington, April 6, 1850.

"Washington, April 6, 1850.

"Sir: Having considered the question submitted to me connected with the claim of the State of Iowa to select under the act of August 8, 1846, lands for the improvement of the Des Moines River, I am clearly of the opinion that you cannot recognize the grant as extending above the Raccoon Fork without the aid of an explanatory act of Congress. It is clear to my mind, from the language of the act of August, 8, 1846, itself, that it was not the intent of the act to extend it farther. My construction is confirmed by the report of the committee and the accompanying papers. If in any report to Congress you have recognized the grant as extending to the source of the river, it will be proper to correct it, that Congress, if they see fit, may extend the grant. The opinion expressed by the late Secretary of the Treasury on the subject is entitled to great respect, but I cannot concur in it, and the law not having been carried into effect by him, his opinion, merely expressed, is open for reversion.

"The lists of selections and other papers submitted with your letter of the 13th ultimo are herewith returned.

"As Congress is now in session, and may take action on the subject, it will be proper, in my opinion, to postpone any immediate steps for bringing into market the lands embraced in the State's selections.

"I am, sir, very respectfully, your obedient servant, "T. EWING, Secretary."

"The COMMISSIONER of the General Land Office."

Alex. H. Stuart was Mr. Ewing's successor in the Department of the Interior,

and, on application, Attorney-General Crittenden, under date of June 30, 1851, gave his opinion to the Secretary of the Interior as follows:

"The set of Congress of August's, 1846, granting to the Territory of Iowa, for the purpose of alding to improve the navigation of a Mones River from its mouth to the Raccoon Fork, one dynamic and the state of the public lands in a strip, through of the Secretary of the Treasury, did not include the land along the secretary of the Secretary of the Treasury, did not include the land along the secretary of the Secretary of the Treasury, did not include the land along the secretary of the Treasury, did not include the land along the secretary of the Treasury, did not include the land along the secretary of the Treasury, did not include the land along the selections made under it in the event of a disagreement as to the proper construction of the act.

"Nor was the opinion of Attorney-General of July 19, 1850, more than advisory. No law makes it binding upon the Secretary of the Interior.

"I am clearly of opinion that the proper construction of the law as respects the grant was given by the letter of the Commissioner of the General Land Office of October 17, 1846, before mentioned, and that the attempt to extend the law so as to include the lands above the Raccoon Fork to the headwaters of the Des Moines River is not warranted by the statute. Notwithstanding the decision of the Secretary of the Interior (Mr. Ewing) of April 6, 1850, the Congress have made no explanatory act in favor of Iowa; so far as I am informed, made any complaint to the Congress challenge of Iowa, so far as I am informed, made any complaint to the Congress the United States for relief against the manner in work, volume 5, page 390-395.

On the Sth of July, 1851, Mr. Shaart, Secretary Ewing, and again on the States for relief against the manner in work, and the supersistent of the construction of the grant of August 8, 1846, was more a judicial question the heavy of the proper construction of the grant of

but without changing his opinion, and in his order expressly saying it was unchanged, he ordered selections to be allowed above the Fork up to the north boundary of the State.

"On question of duty of the present Secretary, (McClelland,) it is held—"The true construction of the act and its intention were to grant lands from the mouth of the river to Raccoon Fork, and no further."

The following is the opinion of Judge J. S. Black on the subject, (Lester's Land Laws, No. 3 page 504:)

"The grant is certainly obscure in its phraseology. A person whose faculties are sharpened by an interest in the claim can see it extending to the headwaters of the Des Moines plainly enough; while an advocate of the other side might perceive with equal clearness the construction which stops at the Raccoon Fork. Nay, more, it has actually divided the judgment of the ablest men and the soundest lawyers in the service of the Government. Mr. Walker and Mr. Johnson could not have been in favor of the larger interpretation unless there had been cogent and good reasons for it. On the other hand, Mr. Ewing, Mr. Crittenden, and Mr. Cushing would not have set their faces against it if opposite considerations of great weight had not been presented to them. And surely, if it had been a tolerably plain case either way, Mr. Stuart and Mr. McClelland would not have kept it poised in their scales for seven years without determining where the preponderance was; much less would either of them have offered to settle it by compromise.

"In truth, this law has been treated for a dozen years as no plainly written law could be treated.

"But for my own part, I have not the least doubt about it. My reason may seem paradoxical, but the very obscurity of the grant, in my judgment, makes it clear. It is out of these doubts that certainty grows. In every doubtful case we know very well what we ought to do as soon as we ascertain which party is entitled to the benefit of the doubt. We shall see who is entitled to it here. It is well settled that all public gr

thought of.

"Acts which were supposed to have but little in them when they passed will expand into very large dimensions afterward. An ingenious construction will make that mischievous which was intended to be harmless.

"The remedy for these evils, and they are evils to the public morals as well as to the Treasury, is to let all men know that they can get nothing from the United States except what Congress has chosen to give them in words so plain that their sense cannot be mistaken. I do not know any reason for suspecting the slightest bad faith in this case, but it comes within a general rule which must be maintained in order to prevent a general mischief.

"It should, however, be remembered that the grant was construed at the Land Office, immediately after its passage, to extend no further than the Fork, and this was acquiesced in by the State authorities for upward of two years. The idea that it went to the source of the river was certainly an afterthought.

"I do not say that this estops them now, or that their mistake, if it had been a mistake, should prevent them from getting all that was given. But when this law

was on its passage it would have been easy to say that half the land on each side of the river up to its source should belong to the Territory. Not being said, we cannot presume that it was intended. A word or two would have put the meaning beyond the reach of a doubt; but the ambiguity was left in the bill, and leaving it there was the fault of its framers and its friends. They, and not the United States, must suffer the consequences.
"Yours, very respectfully,

joint presume that it was intended. A word or two would have put the meaning beyond the reach of a doubt; but the ambigity was left in the bill, and leaving it there was the fault of its tramers and its friends. They, and not the United Statos, most was the fault of its tramers and its friends. They, and not the United Statos, and the statos of the statos of the statos. The statos of the statos of the statos of the statos of the statos. The statos of the stato

which he reines comes within the power under which the agent acts. (***, act lace, 678.)

"The jurisdiction is a special one, and he may not transcend it; and if he do, his act is void." (The Grey Jacket, 5 Wall., 369.)

A sale of public land in violation of a treaty or statute is a nullity. (Ladiga vs. Roland, 2 Howard, 590.)

As a matter of fact, after June 1, 1854, no certificate by the governor was sent to the President of the United States until April 23, 1858, more than one month after

the State had quitolaimed to the Des Moines Navigation Company its interest in lands already. This certificate, being it violation of the statute of 1866, is void.

On the 286 of March, 1858, when the State anthorized a settlement of the claims of the Des Moines Navigation Company, when the State and thorized as estitlement of the claims of the Des Moines Navigation Company, when the State and the read when the State of Lowa greed to exhibit by Navigation Company, estimated the property of the State of Lowa greed to exhibit the state of John 200 per state of the State of Lowa greed to exhibit the state of Lowa greed to go on whith their contract and abandoned the work. The disagreement between the State and the Navigation Company growing out of the contract and the abandonment of the work was settled by a resolution of the Lowa Legislature of the bandonment of the work was settled by a resolution of the Lowa Legislature of the Avarigation of Company growing out of the contract and the abandonment of the work was settled by a resolution of the Lowa Legislature of the Navigation of the Lowa Legislature of the Navigation of the Lowa Legislature of the Navigation of the Lowa green of t

and recognized right which ought not to be destroyed without a hearing upon the part of the party interested. (Litchfield vs. Receiver, 9 Wall., 578.)

In the year 1862 Congress enacted the following, which was approved on the 12th of July:

In the year 1862 Congress enacted the following, which was approved on the 12th of July:

"That the grant of lands to the then Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within five miles of said river, between the Raccoon Fork and the northern boundary of said State; such lands are to be held and applied in accordance with the provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa, appreved March 22, 1858. And if any of said lands shall have been sold or otherwise disposed of by the United States before the passage of this act, excepting those released by the United States before the passage of this act, excepting those released by the United States to the grantees of the State of Iowa, under joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: Provided, That if the State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof by virtue of the provisions of this act, shall inure to and be held as a trust fund for the benefit of the person or persons, respectively, whose titles shall have failed as aforesaid."

This act is to be construed by the same rule of strict construction. It refers to three classes of lands not granted—

1. Lands released to the State under the resolution of 1861.

2. Lands sold or otherwise disposed of by the United States before the passage of this act.

3. Lands sold and conveyed by the State, the title to which has proved invalid.

This act is to be constructed by the same rule of strict construction. It refers to three classes of lands not granted—

1. Lands released to the State under the resolution of 1861.
2. Lands sold and conveyed by the State, the title to which has proved invalid. The lands granted are:
3. Lands unsold or not otherwise disposed of, which in the settlement were called "lands in place," not before certified.
2. Indemnity lands for the lands where the title of the State had failed.
Up to that time the lands improperly certified were reserved from public sale. The first sale advertised was the proclamation of June 19, 1848, which only included the lands up to 83 N. and 26 W. This was revoked by Commissioner Young, in a letter of instructions to the register and receiver at Jowa City, under date of June 1, 1849. They were directed to withhold from sale all odd-numbered sections within the miles of the river and above the Raccoon Fork.

From that time until 1856 the lands within the supposed grant were withheld. It was then claimed for the railroads entitled to lands whose routes crossed this reservation, and was reserved from sale.

In 1860, after it was decided that the grant did not extend above the Raccoon Forks, it was reserved from public sale for the benefit of actual settlers, grantees of the State. Their titles were confirmed by the joint resolution of 1861.

As the Navigation Company claimed that those lands passed into it under the same resolution, and the railway companies claimed under the act of 1855, the land remained "reserved from sale." The lands claimed were not, in the sense of the law, "public lands" mentioned in the act of 1855.

"The words' public lands' are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws. That they were so employed in this instance is evident from the fact that to them alone could the order withdrawing lands from pre-emption, private entry, and sale, apply. (Newhall vs. Sanger, 2 Otto, 782.)"

Under the act of 1853,

lands unsurveyed which on survey proved to be school sections, the State's patent to another party was void, and the remedy of the State was to locate indemnity

lands unsurveyed which on survey proved to be school sections, the State's patent to another party was void, and the remedy of the State was to locate indemnity lands.

In this case the State admitted that their title had failed to 25,487.87 acres located or settled upon while the grant was conceded not to extend above the Raccoon Fork. (See deed of 18th May, 1858, to the Navigation Company.)

"And it is understood that among the lands excepted and not granted by the State to said company are 25,482.87 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government, but claimed by the State of Iowa."

This bill asks that the remainder, for which the State obtained indemnity, shall be declared public lands; that the land officers may be empowered to receive proofs of pre-emption or homestead claims, and the settlers may have the full benefit of the act of March 3, 1853.

It is claimed by the opponents of the bill that all the questions that can arise between the settlers and the Des Moines Navigation Company have been passed upon, and with some little asperity it is publicly stated, and in the public prints, that the bill proposes to reverse decisions of the Supreme Court, The case of Wolcott vs. The Des Moines Company to Wolcott. In deciding the case the court said expressly, on page 684:

"The land in question is one of the sections thus selected and proved by the Secretary of the Treasury, and duly certified by the governor of the State to the President according to the second section of the act, and was sold and conveyed among other parcels of land by the State to the defendants."

Whether this statement was true or not, it was made by the parties to the case, and on such a statement of facts it was held that the land and have been the state on the state and was not sold in accordance with the terms of the section of the act of 1846, the decision, it is believed, would have been the reverse. But the point upon which Wolcott particularly relied was that the land had been grant

Navigation Company and a grantee of the railroad company. It was sufficient for the decision in that case to hold, as was held in the Wolcott case, that the railroad company took no title under the act of 1856. In this case the settlers were not notified to intervene, but only the railroad companies claiming title under the act of 1856. (Page 151.)

The case of Riley vs. Wells was decided upon the ground that the land at the time the pre-emption was sought to be made was not liable to pre-emption; and the court followed the Wolcott case in deciding this.

The answer of Hannah Riley (page 10, case of Riley vs. Wells) avers that she entered upon the land in the year 1854, and that she had held and had possession of the land by virtue of her right as pre-emptor and her patent more than ten years prior to the commencement of suit; that is, to the 1st day of February, 1859. She was beaten in the court below and the decree confirmed in the Supreme Court.

The Homestead Company vs. The Valley Railroad Company (17 Wall., 162, 163) was a contest between the grantee of the railway companies and the Valley Railroad, the Homestead Company claiming under the land grant of 1856, the Valley Railroad Company claiming under the act of July 12, 1864, the adjustment by the State May 21, 1866, and confirmed by the State on the 3ist of March, 1871.

Again, it is held that the railroad companies took no title under the act of 1856. The court say:

"It is admitted in the record that the State has conveyed to the Des Moines Val."

Congress on the 3d of March, 1871.

Again, it is held that the railroad companies took no title under the act of 1856. The court say:

"It is admitted in the record that the State has conveyed to the Des Moines Valley Railroad Company, one of the defendants to this suit, for good and valuable considerations performed by the company, all the land received by the State under the act in question July 12, 1852, except those only which had been conveyed by the State under the act in August 8, 1846, and the legislation pursuant thereto."

It was held that the railroad companies had no right to the indemnity lands provided for under the act of July 12, 1862, as they never had any title which proved invalid. It is also held that the certificate of the Secretary of the Interior, under the act of July, 1862, was not sufficient to pass a valid title to the State, but that further legislation was necessary. That the State of Iowa, having made an adjustment and ratified it, the act not only ratified the adjustment, but granted all the lands passing under the act of July 12, 1862, to the Valley Road, and that Congress, with full knowledge that the Legislature had parted with the land to the Valley Road, chose to confirm the title to the State and its grantees. That Congress had full power to grant the lands in place and the indemnity lands to be selected by the State to the Valley Railroad Company.

The settlers upon the 297,000 acres, conceded by the State to belong to the United States, or its grantees, were not parties to this suit. The case of Crilley vs. Burrows was decided at the same time adversely to Crilley, on the ground, as stated by Judge Davis, that it was "in no essential respect different from the preceding case."

The effect of the adjustment of 1866, so far as it relates to the rights of the Des

rows was decided at the same time adversely to Crilley, on the ground, as stated by Judge Davis, that it was "in no essential respect different from the preceding case."

The effect of the adjustment of 1866, so far as it relates to the rights of the Des Moines Navigation Company, or the rights of the settlers upon the public lands, has not been brought directly before the Supreme Court of the United States.

That act was approved March 3, 1871, and roads as follows:

"That the title to the land certified to the State of Iowa by the Commissioner of the General Land Office under an act of Congress entitled 'An act confirming a land claim in the State of Iowa, and for other purposes,' approved July 12, 1862, in accordance with the adjustment made by the authorized agent of the State of Iowa and the Commissioner of the General Land Office on the 21st day of May, A. D. 1866, and which adjustment was ratified and confirmed by act of the General Assembly of the State of Iowa, approved March 31, 1868, be, and the same is hereby, ratified and confirmed to the State of Iowa and its grantees, in accordance with said adjustment and said act of the General Assembly of the State of Iowa, approved March 31, 1868, be, and the same is hereby, ratified and confirmed to the State of Iowa and its grantees, in accordance with said adjustment and said act of the General Assembly of the State of Iowa; *Provided*, That nothing in this act shall be so construed as to affect adversely any existing legal rights, or the rights of any party claiming title, or the right to acquire title to any part of said lands under the provisions of the so-called homestead or pre-emption laws of the United States, or claiming any part thereof as swamp lands."

It will be observed that the rights of settlers are protected in this act.

The settlement and adjustment of the grant of July 12, 1862, was conclusive upon the State of Iowa and its grantees, and no lands passed to the State except those certified under this adjustment. It must be construed in co

Midity of the title of the Des Moines and the Market of facts may be snown. Include new suits by other parties where a different state of facts may be snown. Including the Market of law is:

"In all cases, therefore, when it is sought to apply the estoppel of a judgment rendered upon one cause of action to matters arising in a suit upon a different cause of action, the inquiry must always be as to the point or question actually litigated and determined in the original action, not what might have been thus litigated and determined. Only upon such matters is the judgment conclusive in another action." (Cromwell vs. County of Sac, 4 Otto, 353.)

It was stated in the argument before the committee that the persons who claim to be bona fide purchasers of the Navigation Company bought bonds of the Navigation Company which were secured by mortgage on these lands, and that they exchanged these bonds for the lands.

The mortgage was executed August 27, 1855, to Daniel B. St. John to secure the payment of bonds to be issued thereafter. The purchasers of the bonds had full notice that the certificate of Secretary Stuart was null and void under the acts of 1846 and August 3, 1854, and that they were not entitled to receive these lands.

The Navigation Company had no legal title that could be the subject of mortgage.

gage.
The contract was not a sale. (Des Moines Nav. Co. vs. County of Polk, 10 Iowa,

The contract was not a sale. (Des Moines Nav. Co. vs. Could.)

The title of the grantees of the Navigation Company is not strengthened by the fact that the lands were mortgaged to secure the bonds they bought. (See Leavenworth, &c., R. R. Co. vs. U. S., 2 Otto, 753.)

When an act granting railroad lands "made the construction of portions of the road a condition-precedent to a conveyance of any other parcel by the State," held: "No conveyance in disregard of this condition could pass any title to the company." (Farnsworth et al. vs. Minn. & Pac. R. R. Co., 2 Otto, 65; Cedar Rapids & Missouri R. R. Co. vs. County of Sac, 45 lows, 244-247; Miller vs. Corbin, 46 lows, 152.)

If the bill is passed, it will become the duty of the Attorney-General of the United States to bring suits in the name of the United States to test the title of persons claiming under the State.

If the courts decide the Navigation Company has no title under the joint resolution of 1861, or the act of 1862, the Government can confertitle on the settlers even where the former patents have been canceled. Where they have not been canceled, or where the parties hold pre-emption or homestead certificates, the settlers can intervene and have the void title of the Navigation Company set aside as a cloud upon their title.

Settlers are being driven from their homes on the very lands for which the Government gave the indemnity, and the beautiful valley of the Des Moines for many years has been cursed with insecurity of land-titles more damaging than locusts or perpetual mildew. Something must be done to restore prosperity, peace, and contentment, and it is believed this measure furnishes the only remedy. Heretofore measures intended for the relief of this worthy class have been turned against them, working evil continually. If the Navigation Company, (which has, it is believed, already received much more than it ever expended on the improvement,) or its privies, without fraud, have vested rights, Congress has no power to disturb them. If otherwise, and the settlers or the Government have the superior equity, as your committee believe they have, this measure will restore prosperity and happiness to the unhappy settlers, and in any event it will be a settlement of this vexed question and bring peace; and your committee, with great unanimity, recommend the passage of the bill.

Mr. PRESCOTT. I now demand the reading of the report of the

Mr. PRESCOTT. I now demand the reading of the report of the minority of the Committee on Public Lands upon this bill.

The SPEAKER pro tempore. Is there objection to reading the re-

port of the minority?

Mr. REAGAN and others objected.
Mr. BROWNE, (at 3 o'clock and 55 minutes p. m.) I move that the
House now adjourn, so that we may have an opportunity to become

familiar with these reports.

The question was taken upon the motion to adjourn; and upon a division there were—ayes 28, noes 59.

Before the result of the vote was announced,

Mr. VAN VOORHIS called for tellers.
Tellers were ordered; and Mr. VAN VOORHIS and Mr. CONVERSE

ere appointed.

The House again divided; and the tellers reported that there were

ayes 47, noes 81.
Before the result of this vote was announced,
Mr. VAN VOORHIS called for the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

So the motion to adjourn was not agreed to.

Mr. PRESCOTT. I make the point that no quorum has voted, and

onsequently no business can proceed.

Mr. TOWNSHEND, of Illinois. A quorum is not necessary on a

motion to adjourn.

Mr. PRESCOTT. I am aware of that; but on proceeding to other business a quorum is necessary.

The SPEAKER pro tempore. That question will be settled when it arises. The question recurs on seconding the motion to suspend the

Mr. PRESCOTT. I call for the reading of the minority report.
The SPEAKER pro tempore. Is there objection to the reading of the

wiews of the minority?

Mr. REAGAN. I object. It is in the nature of debate.

Mr. SHALLENBERGER. I rise to a point of order. My point is that the objection to the reading of the minority report comes too late. The reading of these reports has been declared in order by the

Mr. KEIFER. Ido not so understand the matter. The Speaker did state that he thought it fair that both documents should be read; but I do not think the Speaker decided that upon a motion to suspend

The SPEAKER pro tempore. The Speaker of the House decided that the reading of the report of the committee might be demanded by any member; and it has been so held by the present occupant of the chair in the absence of the Speaker. But the Chair is of opinion that if objection is made to the reading of the minority report, or rather the views of the minority, the reading cannot be had unless the House shall so order. Strictly speaking, there is no such thing as a minority report; it is simply the expression of the views of the minority.

Mr. VAN VOORHIS. I appeal from the decision of the Chair; and on that I want to be heard.

Mr. REAGAN. The question is not debatable.

The SPEAKER pro tempore. The gentleman from New York appeals

The SPEAKER pro tempore. The gentleman from New York appeals from the decision of the Chair. Those in favor—

Mr. VAN VOORHIS. I wish to be heard.

The SPEAKER pro tempore. The question is not debatable.

Mr. TOWNSHEND, of Illinois. I move to lay the appeal on the table.

The question being taken on the motion of Mr. Townshend, of

The question being taken on the motion of Mr. Townshend, of Illinois, there were—ayes 114, noes 5.

Mr. VAN VOORHIS. I make the point that no quorum has voted. The SPEAKER pro tempore. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. CONVERSE. I suppose that debate will be demanded under the rules; and I yield seven minutes of my time to the gentleman from Iowa, [Mr. Carpenter.]

The SPEAKER pro tempore. The point is raised that no quorum has voted. The Chair appoints as tellers the gentleman from New York, Mr. Van Voorhis, and the gentleman from Ohio, Mr. Converse. The question is upon the motion to lay on the table the appeal from the decision of the Chair.

The House divided; and the tellers reported—ayes 152, noes none. So the appeal was laid on the table.

Mr. VAN VOORHIS. I move that the House now adjourn. Mr. KEIFER. I make the point that the motion to adjourn is not now in order.

The SPEAKER pro tempore. The Chair so holds, Mr. CONVERSE. I call for the question on seconding the motion to suspend the rules.

The SPEAKER pro tempore. The question is on seconding the mo-tion for a suspension of the rules.

Mr. VAN VOORHIS. Does the Chair hold that a motion to adjourn

is not in order

The SPEAKER pro tempore. That is the ruling of the Chair. The gentleman from Ohio, Mr. CONVERSE, and the gentleman from New York, Mr. VAN VOORHIS, will take their places as tellers.

Mr. PRESCOTT. I at this point move that the minority report be

mr. PRESCOTT. I at this point move that the minority report be read.

The SPEAKER pro tempore. Is there objection?

Mr. PRESCOTT. I claim.—

Mr. WEAVER. I object to the reading.

Mr. PRESCOTT. I claim, Mr. Speaker, that where this House permits a minority report to be made, to be brought into the House, it becomes a report of the House, and, as such, we are entitled to have it read. I appeal to the sound judgment and fair reason of every member of the House to permit the minority report to be read at this time. at this time.

The SPEAKER pro tempore. The proposition is not in order. The Chair has ruled upon the question, and the House has sustained the

decision of the Chair.
Mr. VAN VOORHIS. I understand the Speaker to have ruled the other way

other way.

Mr. PRESCOTT. I before demanded the reading of this report as a right. I now make a motion for the reading.

A MEMBER. It is not in order.

The SPEAKER pro tempore. The proposition to have the minority report read is not in order, because it has been objected to, and the question has been decided by the House. Those in favor of seconding the motion to suspend the rules will now pass between the tellers.

The House divided; and the tellers reported—ayes 147, noes 4. So the motion to suspend the rules was seconded.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Ohio [Mr. Converse] to open the debate upon the motion to suspend the rules.

to suspend the rules.

Mr. CONVERSE. I yield seven minutes to the gentleman from Iowa [Mr. CARPENTER] in whose district the lands here in question

Mr. CARPENTER. Mr. Speaker, it seems to me there can be no valid objection to the passage of this bill. It is simply in its nature and in its essence a proposition to settle land titles which for thirtyfour years have been in dispute in the State of Iowa. The difficulty arises entirely from an erroneous construction originally put upon a land grant made for the purpose of aiding the improvement of the Des Moines River.

Des Moines River.

The point involved is simply this: the law provided in its first section that one equal moiety of the lands on either side of the Des Moines River in a strip five miles in width shall be given and granted for the purpose of aiding in the improvement of that river from its mouth to Racoon Fork. Now, the Racoon Fork is midway between the mouth of the river and the north line of the State. This law was so inartistically drawn, there was such ambiguity in that first section, that in the first ten years of its existence upon the statute-book out of five Commissioners of the General Land Office three decided the grant of lands was co-extensive with the improvement which it proposed to aid, and the other two decided that the grant extended to the north line of the State. And three Secretaries of the Interior and one Secretary of the Treasury, Mr. Walker, who was Secretary of the Treasury at the time the grant was made—the Land Office being then a bureau of the Treasury Department—out of these four Secretaries who had to do with these lands two of them decided the grant was co-extensive with the improvement, that is, that it extended to Raccoon Fork, and the remaining two that the grant extended to the north co-extensive with the improvement, that is, that it extended to Raccoon Fork, and the remaining two that the grant extended to the north line of the State. And furthermore, out of three Attorneys-General who gave opinions on this question, two of them, Attorney-General Black and Attorney-General Crittenden, gave the opinion that the grant extended to the Raccoon Fork, and one of them, Attorney-General Cushing, decided the grant extended to the north line of the State. I have given you these facts to show how this confusion in respect to the question arose, and to show you, furthermore, how inartistically

the question arose, and to show you, furthermore, how inartistically and with what ambiguity the first section of the law was drawn.

Finally, sir, in 1860, the Supreme Court of the United States decided the grant was limited to Raccoon Fork. From that time, and before even some of these settlers had gone on these lands, every body believed the question was settled, and that the lands above Raccoon Fork, between that and the northern line of the State, were Governmentlands; and accordingly settlers went upon them, made their locations, established their improvements, built their houses, lived there, and are living there to-day, many of them having expended many thousands of dollars in improvements, believing they had good title

Two years after this decision was made Congress extended the grant to the northern line of the State, and under a subsequent decision of the Supreme Court it was held in a suit between two corporations, one

a land grant railroad company, that they could not acquire title to these lands, as they were a reservation. It was held that the Dubuque and Pacific Railroad Company, which had brought suit, holding it had received title to these lands, had no title to them whatever, be-

cause it was a reservation.

The SPEAKER pro tempore. The gentleman's time has expired.

[Cries of "Go on."]

Mr. SAPP. I have three minutes, and I will yield my time to my

Mr. PRESCOTT. We do not object, if it be the understanding that the other side shall also receive additional time.

Mr. SAPP. I yield to my colleague my three minutes.

Mr. CARPENTER. One word more I should add, and that is this,

that in these suits which have come before the Supreme Court of the united States the questions in dispute have been between different corporations—between the Navigation Company, so called, which came into possession of these lands in the way you have heard in the different reports which have been read, and cross-railroad companies running east and west across the State. All the questions which have come before the court have been between these corporations under grants-from the United States Government of lands. This bill simply come before the court have been between these corporations under grants-from the United States Government of lands. This bill simply provides that these settlers shall be placed in the court of the United States, and moreover because the United States Government through its authorized agents, through the Secretary of the Interior, Mr. Browning, through its Commissioner of the General Land Office, and through the local land office in the Des Moines Valley, invited these settlers to go upon these lands, and gave them certificates of preemption and homestead—it provides further, I say, because the Government of the United States did really invite these settlers to go upon these lands, that the Government itself shall go into court alongside of them; that it shall go into court by its Attorney-General with them, and assert this title which it sold to these men, and for which, as is shown by the report I hold in my hand, many of them—from three to four hundred of them—not only hold certificates of entry, but patents from the United States Government.

If I had time, Mr. Speaker, I should like to go into detail in reference to this matter, and if there be no objection I should like to have read the petition of the Legislature of the State of Iowa, passed almost unanimously by the senate and house of representatives of that State, and which has been sent here with the broad seal of the State, asking the passage of this very bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CARPENTER. I ask if there be no objection the petition be printed.

printed.

The petition is as follows:

The petition is as follows:

Whereas by an act of Congress of August 8, 1845, a grant of land was made to the then Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River, from its mouth to the Raccoon Fork; and

Whereas on the 9th day of June, 1854, the State of Iowa contracted with a corporation known as the Des Moines Navigation and Rallroad Company to complete the work then begun by the State as provided by said grant, and to be done for the lands granted thereby, without liability of the State; and

Whereas the State, in 1858, for the purpose of a settlement with said corporation, made a deed to the said company of what title the State then had to certain lands therein described north of the Raccoon Fork; and

Whereas by a decision of the Supreme Court of the United States at the December term, 1859, between the Dubuque and Sloux City Rallroad Company and Edwin C. Litchheld, it was decided that said grant did not extend above the Raccoon Fork, and that the certificates issued by the Land Department to the State for said lands were void, and that the said company had no title whatever to the lands claimed by them above said Raccoon Fork; and

Whereas by the joint resolution of Congress of March 2, 1801, all the remaining interest in said lands above said Raccoon Fork so erroneously certified was released to the bona fide holders of the patents of the State, and by the act of Congress of July 12, 1862, said grant of 1846 was extended so as to include the odd-numbered sections lying within five miles of said river between the Raccoon Fork and the north line of the State of Iowa; and

Whereas numerous settlers entered upon the said lands lying north of the Raccoon Fork at various times, some of them as early as 1854, believing them to be Government lands open to settlement under the pre-emption and homestead laws of the United States, and have made valuable improvements thereon with a view to titimate perfection of their title, many of whom have long held possession from the Unit

and of the United States relating to the title to said lands, improvement thereon, &c.; and

Whereas, on account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already arisen and is likely to arise unless some satisfactory and just action be taken by the State and General Government relating to this subject; and

Whereas the settlers aforesaid are wholly without remedy under the effect of said rulings of the various Departments and officers of the General Government and courts, and they only desire that the United States should take proper action to protect them, and it has become a matter of vital importance to all the settlers on these lands, whether holding under the United States laws as pre-emptors, or under the company, as well as to all other people residing along the Des Moines Valley from the Raccoon Fork to the north line of 92 on the east side and the north line

of 88 on the west side of the river, to which point said lands were certified, that these long-continued and vexing controversies connected with the legislation referred to be fully and finally settled; and

Whereas the settlers upon said lands believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly and properly represented in court and only desire that this may be done: Therefore,

Be it resolved by the house of representatives of the State of Iowa, (the senate concurring.) That our Senators in Congress be instructed and our Representatives requested to favor the immediate passage of a bill which shall in some manner provide for the Attorney-General of the United States to immediately commence proceedings or cause such proceedings or cause such proceedings to be instituted by suit, either in law or in equity, or both, as may be necessary, and appear in the name of the United States as to remove all clouds from the title to said lands, in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may, at his or their expense, units with the United States in the prosecution of such suits to the end that the title, or titles, of any person or persons, claiming said lands, may be forever settled.

Approved February 16, 1880.

Mr. CONVERSE. I yield now fifteen minutes to the other side and

Mr. CONVERSE. I yield now fifteen minutes to the other side and

Mr. CONVERSE. I yield now lifteen minutes to the other side and request that gentlemen will divide it among themselves.

Mr. PRESCOTT. Mr. Speaker, had this House permitted what we believed it would, the reading of the minority report which has become a report of this House, it would have lessened our labors on this question materially and enabled us to present to the House a statement of the case, at once lucid and, as we believe, most convincing. But, it not being permitted, we are compelled to make a short statement of the facts in addition to those which have been already made by the honorable gentleman from Lowa, and of the facts as they are by the honorable gentleman from Iowa, and of the facts as they appear in evidence; because this matter has been often before the Congress of the United States, at least before four different Congresses, has it been considered in one form or another.

gress of the United States, at least before four different Congresses, has it been considered in one form or another.

The facts appear, as the gentleman from Iowa suggests, that a bill was passed in 1846 giving certain lands to the State of Iowa for the purpose of certain improvements of the Des Moines River. That act provided that there be, and hereby is, granted to said Territory of Iowa for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, so called, in said Territory, one equal moiety, in alternate sections of public land, remaining unsold, in a strip five miles wide on each side of the river, to be selected, &c.

While this was a Territory (and upon the argument in Congress upon which this act was passed) it was claimed that the lands were to be conveyed up to the Raccoon Fork, which, as the gentleman from Iowa has said, is about midway of the State. Subsequently, after the organization of the Territory into a State, the State claimed and demanded by reason of this act of Congress that it was entitled to some six hundred thousand acres more lying between the Raccoon Fork and the head of the river. This, as the gentleman stated, was disputed in one way or another and continued as a matter of uncertainty until 1851, when the United States ceded to the State of Iowa two hundred and seventy odd thousand acres of the land lying above Raccoon Fork, and these were ceded to the State upon the basis of improvements that had been made upon the said Des Moines River. These improvements, to the amount of \$332,000, had been made by the Des Moines Navigation Company; and, in a settlement between the State and this company, the State by an act of its Legislature provided that the governor and other proper officers should deed these lands which they had so received or make such provisions as should be necessary to convey them to the Des Moines Navigation Company to pay them for the improvements already made upon the river, amounting, as I have alrea

amounting, as I have already said, to some three hundred and thirty-two thousand dollars.

They were compelled to advance certain moneys and to do other things which appear in the reports. The State went on and executed this deed. The governor signed a deed conveying the lands referred to, and in order that there might be no question in reference to the matter, the lands were designated by metes and bounds, so that their location is absolutely clear; and to avoid any uncertainty they also executed a general deed covering some 155,000 acres of these lands above Raccoon Fork. These, as I say, were received by the Des Moines Navigation Company in payment of improvements made by them, and were sold by the said company, and to-day these parties holding under said purchase are the parties who are opposing the passage of this bill.

This was in 1858. The record in the Forty-third Command.

This was in 1858. The record in the Forty-third Congress shows that not one of these men who now come to claim that this bill should be passed squatted upon or claimed to take possession of the land until 1862, from that up to 1868. Consequently, before any one of them entered upon the lands there was recorded in the State of Iowa them entered upon the lands there was recorded in the State of Iowa a perfect deed from the governor and State officers of that State to the Des Moines Navigation Company. Afterward, in 1859, the Supreme Court of the United States, in a case which came before them, held that the original act of 1846 only conveyed lands up to the Raccoon Fork. That being so, in 1861 they came to Congress and succeeded in securing the passage of a joint resolution which has once been read, but I do not know whether the House understood it. That joint resolution provided that all the title which the United States shall retain in the tracts of land along the Des Moines River and above shall retain in the tracts of land along the Des Moines River and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior—that all title which they have is hereby granted and vested in this State of Iowa.

That is the substance of the joint resolution. Following that, in

1861 Congress passed an act by which they provided that the State of Iowa should have all the lands on the Des Moines River to its

of Iowa should have all the lands on the Des Moines River to its boundary line, some five hundred and odd thousand acres.

Mr. WILSON. I would like to ask the gentleman a question, whether the lands conveyed to the said Des Moines Navigation Company did not revert to the State because of the failure of the company to make the improvements you have spoken of?

Mr. PRESCOTT. That question arose soon afterward in the United States Supreme Court, where a party who had become a purchaser came before the court. It was held that, although the State had no title at the time they deeded by virtue of the act in 1846, yet by the subsequent legislation of 1860 and the act of 1861 the title vested in the State for the benefit of all such parties, and therefore that there was a perfect title vested in the Des Moines Navigation Company.

Company.

Mr. VAN VOORHIS. Mr. Speaker, this bill affects the title to over three hundred thousand acres of land in the State of Iowa, worth probably upward of three millions of dollars. It seeks, by the fiat of Congress, to wrest these lands from their owners, and bestow them on citizens of Iowa. It is an act of spoliation—an act of the worst kind of agrarianism. The owners of the lands, whom this bill attempts to rob, are the grantees of the State of Iowa. They bought these lands of the State of Iowa in 1858, and paid full value to that State for them. They have paid taxes on them to the State of Iowa for twenty

of the State of Iowa in 1858, and paid full value to that State for them. They have paid taxes on them to the State of Iowa for twenty years. Many of these owners are non-residents of Iowa, and the taxes have been laid upon them with a heavy hand.

Only in April last, Mr. Litchfield, of New York, who owns a few acres of these lands, paid \$10,352.12 taxes assessed upon them to the State of Iowa. This occurred since this bill was reported to this House. This sum was not paid until the supreme court of the State of Iowa had rendered a judgment against him for the amount and that judgment had been affirmed in the United States Supreme Court. The lands upon which Litchfield was compelled to pay this large sum as taxes this bill takes away from him, if it has any force whatever. The persons to whom this bill seeks to transfer the lands in question never bought them, never paid for them, never paid taxes on them, and have no title or color of title, legal or equitable, to them. They are mere squatters. They went onto these lands as trespassers, after the State of Iowa had conveyed them away. They have made no valuable improvements, but they have in many instances stripped the land of its valuable timber.

It has been asserted that there are more than twelve hundred of these squatters or settlers. This is one of the many inventions made to deceive the members of this House. The number of these settlers has been the subject of official investigation, and the number was, to be exact, three hundred and forty-four. During the Forty-third Congress a commission was appointed by the President which investigated the question, and this commission reported that the whole number of settlers is three hundred and forty-four. (See Senate Report, Forty-third Congress, second session, No. 609, page 2; Ex. Doc. No. 25, Forty-third Congress, second session, No. 609, page 2; Ex. Doc. No. 25, Forty-third Congress.)

Mr. John Browne, agent of the grantees of the Navigation Company, in a letter addressed to Hon. Addison Oliver, of the House

The total claimants of all kinds are only three hundred and forty-five, and of these upward of two hundred and seventy have bought their claims from the Navigation Company or its grantees, so there are only about seventy-five of these claimants who are asking Congress to disturb and put again into litigation titles to the homes of upward of six thousand citizens of lowa. And these seventy-five old claimants, put under the ordinary form of examination followed in proving of pre-emption claims, would be reduced to six or ten persons. This number may be increased by other persons who are now going into possession of these lands making claims under the encouragement of this proposed legislation, and who some day will urge their demands upon the attention of Congress.

This statement of Mr. Browne is without doubt correct.

Senator Pratt, in a report from the Committee on the Public Lands of the Senate in the Forty-third Congress, states that the number of settlers, or beneficiaries as they are termed in his report, is three hundred and forty-four.

There were, according to Mr. Browne's statement, only seventy-five settlers who did not buy their lands of the Navigation Company and pay the Government price therefor. The seventy-five might have done likewise, but would not. Of these seventy-five only six or ten have, even in form, filed any pre-emption claim, and these were in the face of a positive order prohibiting them, issued by the then Secretary of the Interior. The twelve hundred are men in buckram. They have shrunk to nine or ten. Without doubt there are plenty of men in the State of Lowa who would take the property of anybody. They have shrunk to nine or ten. Without doubt there are plenty of men in the State of Iowa who would take the property of anybody, if Congress would only give it to them and order the Attorney-General to protect them in the courts at the expense of the Government. These men are ravenous now to grab these lands and pay the Government \$1.25 per acre for them. That chance this bill proposes to give them. The words of Mr. Browne, spoken fourteen years ago, are prophetic. phetic.

The bill reads as follows:

A bill to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Be it enacted, &c., That it was the true intent and meaning of the act of Congress approved March 3, 1871, entitled "An act confirming the title to certain lands," to ratify and confirm the adjustment and settlement of 1866 therein referred to, and the title to the lands claimed, allowed, set apart, and received thereby and thereunder, as a full, complete, and final adjustment and satisfaction of all right and claim of the State of Iowa, and its grantees, under the joint resolution of Congress,

March 2, 1861, entitled "Joint resolution to quiet title to lands in the State of Iowa," and the act of Congress approved July 12, 1862, entitled "An act confirming a land-claim in the State of Iowa, and for other purposes;" and that the said act of 1871 was not intended to be, and shall not be construed to be, a grant of additional lands to said State, or its grantees; and that all lands for which indemnity lands were selected and received, except such as were sold by the United States prior to the said joint resolution of 1861, are, and are hereby declared to be, public lands of the United States; Provided, That the title of all bone fide settlers under color of title from the State of Iowa and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid: And provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said lands, not exceeding one hundred and sixty acres, are hereby confirmed to them, their heirs or assigns, and upon due proof thereof, and payment of the usual fees and price, shall be carried to patent.

Sec. 2. That it is hereby made the duty of the Attorney-General, within ninety days after the passage of this act, to institute or cause to be instituted such suit or suits, either in law or equity, or both, as may be necessary and proper to assert and protect the title of the United States to said lands and remove all clouds from its title thereto; and until such suits shall be determined and Congress shall so provide, no part of said lands shall be open for settlement or sale except as here-inbefore provided. And in any suits so instituted any person or persons in possession of or claiming title to any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits.

This bill ought not to pass, for reasons of law and of fact which

are conclusive.

1. The bill seeks to construe the act of Congress approved March 3, 1871, entitled "An act confirming the title to certain lands," as an act destroying the title to the lands in question instead of confirming it. That act may undoubtedly be repealed, but it is the province of the court to construe it. There is nothing doubtful or ambiguous in that act; and the effect of this bill is not to construe it, but to destroy its force.

By that act the title to all the lands referred to in it "is ratified and confirmed to the State of Iowa and its grantees."

The lands now in question are not referred to or included in that act. The lands thus referred to are those and only those comprised in the Harvey settlement of 1866. The Supreme Court so held in Wolsey and the State of Iowa vs. Chapman, decided in April, 1880. The court say in that case:

The court say in that case:

4. As to the adjustment of 1866.

We are clearly of the opinion that this adjustment settled no rights as between any other parties than the State and the United States. The conflicting claimants were not parties to that settlement. The agent of the State was instructed not to relinquish the claim of the State under the school-land grant, and he did not do so. The United States simply applied themselves to the adjustment of quantities under all the grants, and whenever they did speak were careful to say that nothing which was done should be construed as affecting adversely any existing rights. The result was to leave the whole question to the ultimate determination of the courts.

But if the Supreme Court was mistaken and this act of 1871 does include the lands in question, the act by its express terms confirms the title of the grantees of the State of Iowa. This bill therefore, under the false pretense of construing the act of 1871, repeals and

rescinds that act.

This bill purports upon its face to be an act to quiet the title of certain settlers on the Des Moines River lands. In truth and in fact, the settlers referred to never had any title to the lands in question; and the effect of the bill is to take away from non-residents of the and the effect of the bill is to take away from non-residents of the State of Iowa, by act of Congress, lands which they have long owned and to which they have a perfect title, and transfer those lands to persons who never owned them, never paid for them, and never had any title to them or lien upon them. That is to say, it quiets title by taking it away from the true owners, who reside in New York and elsewhere outside of the State of Iowa, and conferring it, by act of Congress, upon residents of the State of Iowa.

The bill directs the Attorney-General to bring, or cause to be instituted uppnymbered lawnits in law or centity to "protect the title

stituted, unnumbered lawsuits, in law or equity, to "protect the title of the United States" in lands to which the United States has no title and claims none, and to "remove all clouds from its title thereto."

There cannot be said to be any cloud upon the title of the United States in a case where the United States does not claim to have any

States in a case where the United States does not claim to have any title, and has none in fact.

The bill also provides that in any suit so instituted, any person or persons in possession of or claiming title to any of such lands, may unite with the United States in the prosecution of such suits.

Whatever suit should be brought to recover possession of these lands from the grantees of Iowa would be in the nature of ejectment. A separate suit would have to be brought against each individual. Nothing is better settled than that an action will not lie to recover the possession of land against two or more persons who hold in severalty. The Attorney-General, therefore, would have to commence about six thousand actions, against as many grantees of the State. Mr. Browne thousand actions, against as many grantees of the State. Mr. Browne states that there are that number of them.

There should therefore be coupled with this act an appropriation

to pay at least fifty assistant attorneys-general, for without at least that number this business cannot be done with promptness and with

dispatch.

This clause of the bill is very objectionable, because (1) there is no good reason why the United States should be made to bear the burden of litigations for the benefit of individuals; (2) there is no obstacle in the way of any private person conducting his own litigation in his own name; and (3) the questions of law involved in the title to these lands have been before the Supreme Court of the United States

in twelve different actions, and in each case the decision has been adverse to the claims of the promoters of this bill. The Supreme Court

adverse to the claims of the promoters of this bill. The Supreme Court has passed upon every phase of the questions involved, and it cannot be expected that a decision of the thirteenth cause, in that high court, would be any different from that of the twelve preceding cases.

It is one of the false pretenses upon which this measure is supported that the bill only gives somebody a day in court and a chance to try a legal question. If these squatters have any right they also have a remedy. Where there is a right there is also a remedy. No man needs an act of Congress to enable him to assert his rights in the courts. The courts are open to all to establish existing rights. But this bill first creates the right and then provides a mode of enforcing it at the cost of the United States.

The questions, therefore, which the promoters of this bill seek toraise and to have the court pass upon are all res adjudicata, and it is time litigation concerning these Des Moines lands was ended.

time litigation concerning these Des Moines lands was ended.

It is necessary, however, to make a statement of the facts as they exist in relation to these Des Moines lands. Those facts I proceed to

On the 8th August, 1846, Congress passed the following act:

[Original grant, ninth United States, page 77.]

[Original grant, ninth United States, page 77.]

An act granting certain lands to the Territory of Iowa, to aid in the improvement of the navigation of the Des Moines River in said Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, granted to said Territory of Iowa, for the purpose of aiding said Territory to improve the navigation of the Des Moines River from its mouth to the Raccoon Fork, (so called.) in said Territory, one equal moiety, in alternate sections, of the public land (remaining unsold, and not otherwise disposed of, encumbered, or appropriated) in a strip five miles in width on each side of said river, to be selected within said Territory by an agentor agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

SEC. 2. And be it further enacted, That the lands hereby granted shall not be conveyed or disposed of by said Territory, nor by any State to be formed out of the same, except as said improvement shall progress; that is, the said Territory or State may sell so much of said lands as shall produce the sum of \$30,000, and then the sales shall cease until the governor of said Territory or State shall certify the fact to the President of the United States that one-half of said sum has been expended upon said improvements, when the said Territory or State may sell and convey a quantity of the residue of said lands sufficient to replace the amount expended; and thus the sale shall progress as the proceeds thereof shall be expended, and the fact of such expenditure shall be certified as aforesaid.

SEC. 3. And be it further enacted. That the said river Des Moines shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States, or persons in their service passing through or along the same: Provided always, That it shall

This grant was accepted by the State of Iowa by legislative act

January 9, 1847.
Under this act of Congress the President of the United States withdrew from sale all the lands now in controversy, so that no pre-emption or homestead rights could be made to them or to any of them.

Under this act the officers of the United States certified lands to

the State of Iowa until the amount of lands so certified above the Raccoon Fork was 300,000 acres or more.

The State of Iowa operated the Des Moines River improvement through a board of public works from 1847 to 1854; it sold about three hundred and eighteen thousand acres of the grant and expended

the money in this improvement. In 1854 the Legislature of Iowa incorporated the Des Moines Navigation and Railroad Company, and contracted with that company to finish or complete the improvement, then estimated to cost \$1,300,000, and agreed to convey to it all the remaining lands which had theretofore been certified to the State and all that might thereafter be so certified.

This company entered upon the work and continued until May, 1858. It expended upon the improvement the sum of \$332,634.01. This amount is certified by the governor of the State. The certificate is in the words and figures following:

EXECUTIVE CHAMBER, IOWA, Des Moines, April 28, 1858.

His Excellency James Buchanan, President of the United States:

President of the United States:

I, Ralph P. Lowe, governor of the State of Iowa, as required by act of Congress approved August 8, 1846, "granting certain lands of the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River in said Territory," do hereby certify that there has been expended from time to time, prior to the date hereof, on the improvement of said river, as the work has progressed and the money has been required, under certain contracts made by the State of Iowa with the Des Moines Navigation and Railroad Company, the sum of \$332,644.04, and in consideration of said expenditures on said improvement, and in pursuance of the provisions of the act of Congress approved as aforesaid, there will be conveyed to said Des Moines Navigation and Railroad Company 266,107.23 acres of the land belonging to said grant, and which have been certified and approved to the State of Iowa under said act, for the prosecution of the improvement of said River Des Moines. In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed, together with my signature.

[L. S.]

By the governor:

ELLIAH SELLS,

ecretary of State.

There can be no question that Governor Lowe, by this certificate, addressed to the President of the United States, asserted \$332,644.04 to be the amount expended by the company. If there could be any question, Judge Nelson has settled it in his opinion in the case of Wolcott, (5 Wallace, 681.) The court construed that certificate in that case to assert that the company had expended \$332,634.01 on this work. There is no evidence to the contrary.

The following facts are quoted from the opinion of the Supreme Court in the case of Wolsey and the State of Iowa against Chapman, decided in the Supreme Court of the United States as of the October term, 1879—the opinion written by Chief-Justice Waite—and may be deemed judicially established:

On the 17th of October, 1846, the Commissioner of the General Land Office re-

The following facts are quoted from the opinion of the Supreme Court in the case of Wolsey and the State of I lowa against Chapman, decided in the Supreme Court of the United States as of the October term, 1879—the opinion written by Chief-Justice Waite—and may be deemed judicially established:

On the 17th of October, 1884, the Commissioner of the General Land Office requested the governor of the Territory to appoint an agent to select the land under Missouri line to the Raccoon. Fork of the Des Moisea Silver. On the 17th of December, a few days before the admission of the State, the territorial authorities designated the odd numbered sections as the lands selected under the grant. The proved January 2, 1847. On the 24th of February following the State created "a loan" of the Work of the State of the County of January 2, 1847. On the 24th of February following the State created "a loan" of the Work of the County of January 2, 1847. On the 24th of February following the State created "a loan" of the General Land Office, in an official communication to the secretary of the board, gave it as the opinion of his effice that the grant extended throughout the will be compared to the state of the County of the State of the County of th

the opinion of the Secretary of the Treasury, March 2, 1849, and the Secretary of the Interior, October 29, 1851. On the 30th of December, 1853, the Secretary of the Interior approved to the State, "under the act of August 8, 1846, without prejudice to the rights, if any there be, of other parties," a list of the 12,813.51 acres erroneously approved 20th February, 1851, as lands selected under the act of 1841, "previous to the adjustment of the grant and before it was known that they belonged to the State under the Des Moines River grant."

Until the 17th of December, 1853, the State itself, through its board of public works, carried on the work of improving the river, paying the expense from the proceeds of the sales of the lands included in the river grant. A land office had also been established for the sale of these lands. On that day the State entered into a contract with one Henry O'Reilly to complete the work. This contract O'Reilly transferred, with the consent of the State, to the Des Moines Navigation and Railroad Company, a New York corporation, and on the 9th of June, 1854, in consequence of this transfer, a new contract was entered into between the State and the corporation, for the purpose of simplifying and more fully explaining the original contracts and agreements. By the new contract the State agreed to convey to the company "all of the lands donated to the State of Iowa for the improvement of the Des Moines River by act of Congress of August 8, 1846, which the said party of the second part [the State] had not sold up to the 23d day of December, 1853."

This was the date at which it was supposed the sale of the lands could be stopped at the State land office after the contract with O'Reilly.

On the 15th of May, 1856, Congress passed an act (11 Stat., 9) granting to the State of Iowa, to aid in the construction of certain railroads, every alternate section of land designated by odd numbers for six sections in width on each side of each of the several roads. The granting clause of the act conta

the several roads. The granting clause of the act contained, however, the following provise:

"And provided further, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the routes of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States."

Its 1856 the Commissioner of the General Land Office decided not to certify any.

routes of said railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States."

In 1856 the Commissioner of the General Land Office decided not to certify any more lands to the State under the river grant, and thereupon the Navigation Company suspended work on the improvement. This led to a settlement between the State and the company, under the authority of a joint resolution of the General Assembly for that purpose, passed March 22, 1858, by which the State agreed to convey to the Navigation Company all the lands contained in the river grant which had been approved and certified to the State by the General Government, "excepting all lands sold or conveyed, or agreed to be sold or conveyed, by the State of Iowa by its officers and agents, prior to the 23d day of December, 1833, under said grant."

Afterward, May 3, 1858, the governor of the State executed to the company a deed conveying the lands now in controversy, with others, by a specific description of sections, townships, and ranges; and on the 18th of the same month he executed another deed, which purported on its face to have been made pursuant to the joint resolution of the General Assembly authorizing the settlement with the company, and described the lands in the exact language of general description used in the resolution.

Chapman, the plaintiff below, has all the little to the lands involved in this suit which passed in this way to the Navigation Company.

At the December term, 1859, of this court, and during the month of April, 1860, in the case of the Dubuque and Pacific Railroad Company vs. Litchfield, 23 How., 65, it was decided that the river grant as originally made did not extend above the Raecoon Fork, and thereupon, on the 18th of May, 1850, the Commissioner of the General Land Offices as notice to be promulgated, as follows:

"Notice is hereby given that the lands along the Des Moines River, in Iowa, and within the claimed limits of the Des Moin

"Joint resolution to quit title to lands in the State of Iowa

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Forks thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior as part of the grant by act of Congress, approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be and the same is hereby relinquished to the State of Iowa."

gress, approved Angust 8, 1846, and which is now head by one face purchasers under the State of Iowa, be and the same is hereby relinquished to the State of Iowa."

And on the 12th of July, 1862, (12 Stat., 543.) the following act was passed:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant of lands to the Territory of Iowa, for the improvement of the Des Moines River, made by the act of August 8, 1846, is hereby extended so as to include the alternate sections (designated by odd numbers) lying within five miles of said river, between the Raccoon Forks and the northern boundary of said State; such lands are to be held and applied in accordance with provisions of the original grant, except that the consent of Congress is hereby given to the application of a portion thereof to aid in the construction of the Keckuk, Fort Des Moines and Minnesota Railroad, in accordance with the provisions of the act of the General Assembly of the State of Iowa approved March 22, 1835; and if any of said lands shall have been sold or otherwise disposed of by the United States to the grantees of the State of Iowa, under the joint resolution of March 2, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof: Provided, That if the said State shall have sold and conveyed any portion of the lands lying within the limits of this grant, the title of which has proved invalid, any lands which shall be certified to said State in lieu thereof, by virtue of the provisions of this act, shall inure to and be held as a trust fund for the benefit of the person or persons, respectively, whose titles shall have failed as aforesaid."

After the passage of the joint resolution of March 2, 1861, the Commissioner of the General Land Office called on the governor and land commissioner of the State, on the 20th of November, 1862, furnished the list required, and, among others, included the

which had been certified to the State above what it was entitled to receive under the act of September 4, 1841, and the lands falling due under the joint resolution of March 2, 1861, and the act of July 12, 1862. This act contained the following sec-

tion:

"Sec. 2. Said commissioner shall proceed to Washington City, and present said claims to the Department of the Interior, and urge the same to settlement as early and as speedily as may be consistent with the interests of the State, and is hereby authorized to adjust the said excess of the five-hundred-thousand-ace grant by permitting the United States to retain, out of the indemnity land falling to the State under said act of Congress of July 12, 1852, an amount equivalent to such excess: Provided, That nothing herein contained shall be construed to be a relinquishment of the claim of the State under the said five-hundred-thousand-acre grant to the 12,813.55 acres selected as a part of such grant and subsequently rejected from a supposed conflict with the act of Congress approved Angust, 1846, known as the Des Moines River grant; and the said commissioner is hereby instructed to secure a restoration of said selections as a part of the five-hundred-thousand-acre grant, and a confirmation of the title of the State thereto, as a part of such grant."

grant."

Under this authority an adjustment was had with the United States, by which it appeared that the State was entitled to 558,004.96 acres, under the river grant, and that under the five-hundred-thousand-acre grant it had received certificates for 22,660.95 acres more than it was entitled to, if the 12,813.51 acres, also certified under the river grant, was not included, and 35,473.54 if it was. The excess was charged to the account of the river grant, and a balance struck accordingly. The Navigation and Railroad Company was not a party to this settlement. The adjustment was ratified by an act of the General Assembly of the State passed March 31, 1868.

At the December term, 1866, of this court, it was decided, in the case of Wolcott vs. Des Moines Company, (5 Wallace, 681,) that the lands included in the river grant above the Fork, as finally settled by Congress, did not pass to the State for the benefit of the railroad companies under the act of 1856, because, at the time of the passage of that act, the lands were reserved for the purpose of aiding in the improvement of the Des Moines River, and therefore fell within the provise limiting the grant to lands not so reserved.

At the December term, 1869, of this court, it was decided, in the case of Riley vs. Wells, No. 337 on the docket of the term, but not reported, that the lands above the Raccoon Fork were so far "reserved by the action of the officers of the United States as not to be subject to pre-emption in 1855, under the tenth section of the act of 1841."

At the December term, 1899, of this court, it was decided, in the case of Riley ex. Wells, No. 370 on the docked of the term, but not reported, that the lands above the Raccoon Fork were so far "reserved by the action of the officers of the United States as not to be subject to pre-emption in 1855, under the tenth section of the act of 1841.

34 March, 1671. Congress passed an act (16 Statutes, 583) ratifying and confirming to the State of Lowa and its grantees the title to the lands, in accordance with the adjustment made in 1866; but expressly provided "that nothing in this act contained shall be so construed as to affect adversely any existing legal rights, or the rights of any party claiming title, or the rights of any party party of said lands under the provisions of the so-called homestead or pre-emption laws of the United States, or claiming any part thereof as swamp lands.

At the December term, 1872, of this court, after fall consideration, the cases of Williams 22, Balacines Company and Riley 28. Wells were distinctly affirmed in Yead Company (17 Wall, 183) it was said to be "no longer an open question that neither the State of Lowa nor the railroad companies, for whose benefit the grant of 1856 was made, took any title by that act to the lands claimed to belong to the Des Moines River grant of 1846, and that the joint resolution of 2d of March, 1861, and act of July 13, 1862, transferred the title from the United States and vested it in the State of Lowa for the use of its grantees under the river grant.

To reverse that decree this appeal was taken. The following propositions were relied upon in the argument for the approach of the decreal Assembly was passed March 12, 1674, authorizing this to be done. The following propositions were relied upon in the argument for the applicants in the exception in section 6 of the next of 1841, a decree this appeal was taken. The following propositions were relied upon in the argument for the applicants and that the Wolsey was such above 346 per propose of the ri

of particular words is never necessary except in cases of doubt. Sections 8 and 10 are parts of the same act. By one, a grant of public lands to certain States for certain purposes was provided for, and by the other pre-emption rights were given to individual citizens. Both had reference to public lands, and gave the respective beneficiaries the power of making their own selections. There seems to be no good reason why the selections of the pre-emptioner should be restricted within narrower limits than those of the State, and we cannot believe it was the intention of Congress to give a State the power to take lands under section 8, which had actually been reserved by the United States for any purpose whatever. It is true in that section only reservation by a law of Congress or the proclamation of the President are specially spoken of, but it must have been the intention to include in this all lawfulreservations. In the tenth section a reservation by treaty is specially mentioned, but we can hardly believe it would be seriously contended that under the eighth section a State could select lands reserved by a treaty because the word treaty was omitted in that section.

The truth is, there can be no reservation of public lands from sale except by reason of some treaty, law, or authorized act of the executive department of the Government; and the acts of the President. In Wilcox ts. Jackson, 13 Pet., 498, the question was directly presented whether a reservation from sale by an order from the War Department was a reservation "by order of the President," and the court held it was. The language of the statute then under consideration was (page 511) "or which is reserved from sale by act of Congress or by order of the President in presuming that it was done by the approbation and direction of the President," and in the opinion of the court it is said, (page 513:) "Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbat

der our former decisions, no title passed to the State by the approval of the selection of the lands in dispute under the act of 1841. Being lawfully reserved from sale at the time of the selection, they were not included in the grant which that act provided for.

2. As to the right of Chapman to question Wolsey's title.

Of this we entertain no doubt. If the State had no title when the patent issued to Wolsey, he took nothing by the grant. No question of estoppel by warranty arises, neither does the after-acquired title inure to the benefit of Wolsey, because when the United States made the grant in 1861 it was for the benefit of the selection of the selection of the selection of 1861 as from the end of 1862. The relinquishment when the United States made the grant in 1861 it was for the benefit of the selection of the joint resolution is of all the title which the United States restained in the tracts of land above the Raccoon Fork "which have been certified to said State improperly by the Department of the Interior as part of the grant by the act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Lowa," and by the act of 1862 the lands are in terms to be held and applied in accordance with the provisions of the original grant. The legislation, being in pari-materia, is to be construed together, and manifests most unmistakably an intention on the part of Congress to put the State and bona fide purchasers from the State just where they would be if the original act had itself granted all that was finally given for the river improvement. The original grant contemplated sales by the State in execution of the trust created, and the bone fide purchasers referred to must have been purchasers at such sales. This being so, the grant when finally made inured to the benefit of Chapman rather than Wolsey. Neither took title from the State at first, and as the final grant from the United States was in legal effect to Chapman or his grantors, be has he is part to the late

I give the entire opinion in this case, because the case is an important one, not only so far as it settles the facts in relation to the Des Moines lands, but also because it reaffirms the title of the non-residents of Iowa, whose title is sought to be affected by this bill

Notwithstanding this abstract of the facts of the case, it is necessary that some of the leading documentary evidence should be presented in extenso.

In 1858 it was deemed best by the State to stop the work and settle with the Navigation Company. To carry that purpose into effect the Legislature of Iowa passed the following joint resolution:

Joint resolution of the Legislature of Iowa, approved March 22, 1858, authorizing an abandonment of the contract with the Navigation Company, and a settlement with said company.

Jedin resolution of the Legislature of Lowa, approved March 22, 1883, authorizing an abandonment of the contract with the Navigation Company, and a settlement with said company.

Whereas the Des Moines Navigation and Railroad Company have heretofore claimed, and do now claim, to have entered into certain contracts with the State of Iowa, by its officers and agents, concerning the improvement of the Des Moines River, in the State of Iowa, by its officers and agents, concerning the improvement of the Des Moines River, in the State of Iowa and said company, and its heing conceived to be to the interest of all parties concerned to have said matters, and all matters and things between said company and the State of Iowa, settled and adjusted: Now, therefore.

Be it resolved by the General Assembly of the State of Iowa, That for the purpose of such settlement, and for that purpose only, the following propositions are made by that State to said company: That the said company shall execute to the State of such settlement, and for that purpose only, the following propositions are made by that State to said company: That the said company shall execute to the State of Lowa shall be seen to the State of Iowa and the lands connected with the Des Moines River improvement, excepting such as are hereby by the State secured to the said company; and also surrender to said State the of Iowa shall, by its proper officer, certify and convey to the said company all lands or in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all vits officers and agents, prior to the Stat day of December, 1833, under said grant, and said company, or its assignees, shall have right to all of said lands as herein granted to them as fully as the State of Iowa who have been sold by the General Government, what of said company; and the State of Iowa.

And it is further agreed that said company release and converse of said company; and the State of Iowa.

An

This resolution was carefully reported upon by a committee of the Iowa Legislature, of which committee Hon. C. C. CARPENTER, since governor of the State of Iowa, and now a member of the House of Representatives from Iowa, was a member.

Representatives from Iowa, was a member.

The Des Moines Navigation and Railroad Company ratified and accepted the proposition embodied in this joint resolution within the time and in the manner therein specified. The company paid to the State the sum of \$20,000 in cash, and released and conveyed to the State the dredge-boat and materials in said resolution mentioned, which were of the cash value of more than one hundred thousand dollars, and in all respects, on its part, fully complied with all the terms of settlement in said joint resolution provided.

By another act of the General Assembly of Iowa of 22d March, 1858, a grant was made to the Keokuk, Des Moines and Minnesota Railroad Company of the remaining lands claimed by the State lying above the forks and not granted to the Navigation Company.

This resolution of the Iowa Legislature was deliberately passed. It is a resolution which the Legislature of Iowa was competent to pass. Acting under the authority of that resolution the governor of the State executed to the Des Moines Navigation and Railroad Company, on the 18th day of May, 1858, a deed conveying all of the lands

pany, on the 18th day of May, 1858, a deed conveying all of the lands remaining which had been certified to the State of Iowa by the United States, including about two hundred and seventy-one thousand acres of land above the Raccoon Fork. That deed is in the words and figures following:

This indenture, made this 18th day of May, 1858, by and between the State of

Iowa, party of the first part, and the Des Moines Navigation and Railroad Company, parties of the second part, witnesseth:

That the said party of the first part, for and in consideration of one dollar, paid by the parties of the second part, and in pursuance of a joint resolution of the General Assembly of the State of Iowa approved the 22d day of March, 1858, does hereby sell, grant, bargain, and convey to the Des Moines Navigation and Railroad Company the following described lands, to wit: All lands granted by an act of Congress approved Angust 8, 1846, to the Territory of Iowa to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government, saving and excepting all lands sold or conveyed, or agreed to be sold or conveyed, by the State of Iowa, by its officers and agents, prior to the 23d day of December, 1853, under said grant, and said company, or its assigns, shall have right to all of said lands so herein granted to them as fully as the, State of Iowa could have under or by virtue of said grant, or in any manner whatever, with full power to settle all errors, false locations, omissions, or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said company; and the State to hold all the balance of said lands, and all rights, powers, and privileges, under and by virtue of said grant, entirely released from any claim by or through said company. And it is understood that among the lands excepted and not granted by the State to said company, are 25,488.87 acres lying immediately above Raccoon Fork, supposed to have been sold by the General Government, but claimed by the State of Iowa.

To have and to hold the above-described lands, and each and every parcel thereof, with all the rights, privileges, immunities, and appurtenances of whatever nature thereunto belonging or appertaining, unto the Des Moines Navigation and Railroad Company, their successors and assigns,

By the governor:

ELIJAH SELLS, Secretary of State. By JNO. M. DAVIS, Deputy.

ELIJAH SELLS. Secretary of State. By Jno. M. Davis, Deputy.

In that same year, 1858, the Des Moines Navigation and Railroad Company conveyed a large portion of those lands to persons residing out of the State of Iowa and in other States, who paid for them their full value at that time. Among these purchasers were General John H. Martindale, of Rochester, New York, who bought one thousand acres, and has held them and paid taxes on them to the State of Iowa for more than twenty years; the late Roswell S. Burrows, of Albion, New York, purchased several thousand acres of land, of which his estate now owns fifteen thousand acres; John Stryker, of Rome, New York, and a large number of other persons, some of whose names are given below, were purchasers of those lands, namely: Peter Carroll, of Canada; Mr. Dibble, of Detroit; Mr. Kibbee, Mr. Speed, of Detroit; Mr. Tregent, of Detroit; Witteman, of Detroit; Sanger, of Detroit; Stuart, of Detroit; Plumb, of Albany; Kenrich, of Albany; Pumpelly, of Albany; Washington Hunt, of Lockport; George W. Rogers, of Lockport; Van Valkenburg, of Lockport; Ten Eyck, of Cazenovia; E. C. Litchfield, of Cazenovia, New York; Wendell, of same place; William M. Burr, of same place; M. B. Anderson, of Rochester; Davenport, of Bath; Tracy, of Buffalo; Taft, of same place; Armstrong and Huntington and Boardman & Walsh, of Rome, New York; Andrew Dexter, George F. Parsons, W. C. Johnson, George R. Thomas, of Utica. There are altogether three to four hundred of these purchasers.

The foregoing deed is a general deed given by the State of Iowa to the Des Moines River Navigation and Railroad Company; but there were several other deeds of the same form conveying the lands in the different counties, which contained specific descriptions of the lands, all dated in the month of May and a few days prior to the general deed.

The general deed was made so as to convey any lands which might

lands, all dated in the month of May and a few days prior to the general deed.

The general deed was made so as to convey any lands which might have been omitted in the descriptions in the other deeds.

The grantees of the Des Moines River Navigation Company went into possession of the lands purchased, and have held undisturbed possession ever since by themselves and their grantees. There are over six thousand families now on those lands who obtained their title from the State of lows through the Des Moines Navigation and Railroad Company and its grantees and whose title this bill over-Railroad Company and its grantees, and whose title this bill over-

In 1859, as stated by Chief-Justice Waite, the Supreme Court of the United States, in the Litchfield case, decided that the grant to the State of Iowa of August 8, 1846, did not extend above the Raccoon

This decision was very unexpected to the people of the State of Iowa and disastrous to the title of the grantees of the State. The representatives of the State of Iowa in the Senate and the House of Representatives besought Congress to grant to the State of Iowa the lands so conveyed by the State, in order that the conveyance of the State of the 371,000 acres above the Raccoon Fork might be made valid and effective, and the greatest of the State of the state. valid and effective, and the grantees of the State obtain the title which the State intended to give when it executed the said deeds.

Accordingly, on the 2d day of March, 1861, (12 Stat., 251,) Congress passed a joint resolution in these words:

Joint resolution to quit title to lands in the State of Iowa

Resolved, &c., That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by bona fide purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

This resolution was passed at the earnest solicitation of the governor of Iowa, and of every Senator and Representative in Congress from that State. This resolution has been held by the United States Supreme Court in repeated cases to be an original grant of the lands now in controversy for the benefit of the grantees of Iowa, precisely the same as if there never had been any previous attempt to grant these lands.

these lands.

That the grant of this joint resolution inured to the benefit of the grantees of the State does not admit of question. This has been expressly decided by the Supreme Court. The contract between the State and the company provided that the lands "were secured to the company." The deeds undertook to "sell, grant, bargain, and convey" these lands, and that the company and their successors and assigns should hold them forever in fee-simple.

This, though not in form a warranty deed, was such as the State executed in all such cases, or as to all these grants, and had the effect of passing not only the title which the State then had, but all that it might acquire. It is said that this cannot be so, since this was not a deed of warranty. I answer that, however this might be by the common law, all doubt is removed under the Iowa statute, and especially, as in this instance, where a deed is made by a sovereign State.

cially, as in this instance, where a deed is made by a sovereign State.

The code of that State (1851) in force when these deeds were made

provided:

§ 1901. Every conveyance of real estate passes all the interest of the grantor therein, unless a contrary intent can be inferred from the terms used. § 1902. When a deed purports to convey a greater interest than the grantor was at the time possessed of, any after-acquired interest of such grantor, to the extent of that which the deed purports to convey, inures to the benefit of the grantee.

These sections were re-enacted in the code of June of 1860, and

were in force in 1861-'62.

were in force in 1861–62.

It will be seen that the statute refers to and includes all deeds, not warranty deeds alone, but "when a deed purports," &c., and as a consequence when the act of 1861 was passed it had the effect, ex proprio vigore, of making good, and passed to the company, its successors, and assigns all the title which the State took thereby or had before that time, and which it had conveyed by the deeds aforesaid.

That in this I am right, see Van Orman vs. McGregor, (23 Iowa, 300;) also, Wolcott vs. Des Moines N. & R. R. Co., (5 Wallace, 681,) where Nelson, J., speaking for the court, says:

For, although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet, having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to these conveyances to the plaintiff. This is in accordance with the laws of Iowa.

Before referring to the cases in the Supreme Court, it is proper to state that of the 371,000 acres certified to the State above Raccoon Fork the State had conveyed and sold to individuals 57,919 acres before it made its conveyances to the Navigation Company, and these individuals, after the decision of 1859, were in the same situation as to their title as were the grantees of the Des Moines Navigation and Railroad Company. The joint resolution of 1861 operated to confirm their title, and such title has never been questioned since.

These settlers squatted upon some of these lands, and got no title

except a squatter's title. They paid nothing for the lands; they have paid no taxes; they have paid nothing for the use of the lands they have occupied, and in many instances they have stripped the land of its valuable timber. They have no right upon which they can get any standing in a court of law or equity; and their pretensions that the joint resolution of 1861 and the deeds of the State of Iowa constitute any cloud upon any title which they possess is without foundation.

But several litigations have from time to time been prosecuted involving such title, and in each instance such litigations have been

volving such title, and in each instance such litigations have been determined adversely to the squatters or settlers.

None of the settlers, so far as known, got upon these lands prior to 1861, except Riley, who took possession of his lot in 1855, but did not offer any proofs till 1862.

As far back as 1867 the supreme court of the State of Iowa, in the case of Stryker vs. Polk County, decided that the Des Moines Navigation Company was a bona fide purchaser from the State of the lands in question. (22 Iowa Rep., 134.)

It appears that Stryker was a purchaser from the Des Moines Navigation Company, and held title under the State's deed of 3d May, 1858. He sought to enjoin the county from enforcing the taxes of 1859 and subsequent years against his lands.

The decision of the court appears to have been entered at the April term, 1867, and the injunction was refused on the ground that the lands were taxable for 1859. The court say:

That Congress in 1861 made not a new grant, but, for the purpose of giving effect

lands were taxable for 1859. The court say:

That Congress in 1861 made not a new grant, but, for the purpose of giving effect to and carrying out the construction placed upon the original act, relinquished to the State, for the use of bona fide purchasers, all the interest which the United States still retained. * * * Plaintiff held under a deed from the State; the State claimed under the original grant, the lists being duly certified; he was abona fide purchaser, and the title still retained by the United States was relinquished to the State for his use. The subsequent action on the part of the State and Federal authorities was necessary, that the proper officers might know the specific tracts held by bona fide purchasers. The United States had already, in the manner contemplated by the act of 1846, parted with the title. The State, upon the faith of the title thus acquired, had sold and conveyed, and the joint resolution was intended, as a matter of justice and right, to secure and quiet bona fide purchasers in their titles, unsettled as they were by the decision of the Supreme Court.

This reference is to the case of Litchfield vs. Dubuque and Pacific Railroad Company, (23 Howard, 66.)

Thus the highest court in the State of Iowa, in two well-considered cases, has decided that the Des Moines Navigation and Railroad Company and its grantees were bona fide purchasers and holders of these

pany and its grantees were bona fide purchasers and holders of these

These two propositions are established judicially in the cases of Wolcott vs. The Des Moines Navigation and Railroad Company and The Des Moines Navigation and Railroad Company vs. Burr, (5 Wallace's Reports, 681,) decided by the United States Supreme Court at the December term, 1866. Wolcott sued the company for a breach of covenant. He had purchased the east one-half of section 17, township 88 north, range 27 west, from said company, and taken its deed. In his complaint he alleged that his title had failed. The court held that his title was good. The land is above the Raccoon Fork, and in a section listed to the State "improperly" in 1851 or 1852. The court, in its decision, has stated the law and the facts. I quote the following:

Although the State possessed no title to the lot in dispute at the time of the conveyance to the Des Moines Navigation and Railroad Company, yet, having an after-acquired title by the act of Congress, it would inure to the benefit of the grantees, and so in respect to these conveyances to the plaintiff. This is in accordance with the laws of Iowa.

At pages 688 and 689 the court said:

At pages 688 and 689 the court said:

It has been argued that these lands had not been reserved by competent authority, and hence that the reservation was nugatory. As we have seen, they were reserved from sale for the special purpose of aiding in the improvement of the Des Moines River—first, by the Secretary of the Treasury, when the Land Department was under his supervision and control, and again by the Secretary of the Interior, after the establishment of this Department, to which the duties were assigned, and afterward continued by this Department, under instructions from the President and Cabinet. Besides, if this power was not competent, which we think it was ever since the establishment of the Land Department, and which has been exercised down to the present time, the grant of 8th of August, 1846, carried along with it by necessary implication not only the power but the duty of the Land Office to reserve from sale the lands embraced in the grant. Otherwise its object might be utterly defeated. Hence, immediately upon a grant being made by Congress for any of these public purposes to a State, notice is given by the Commissioner of the Land Office to the registers and receivers to stop all sales, either public or by private entry. Such notice was given the same day the grant was made, in 1836, for the benefit of these railroads. That there was a dispute existing as to the extent of this grant of 1846 in no way affects this question. The serious conflict of opinion among the public aathorities on the subject made it the duty of the land officers to withhold the sales and reserve them to the United States till it was ultimately disposed of.

It should be stated also in connection with this provise, that the improvements

withhold the sales and reserve them to the United States till it was ultimately disposed of.

It should be stated, also, in connection with this proviso, that the improvements of this river were in progress at the time of the passage of the act of 1856, and had been for years, but was suspended soon after on account of the refnsal of the Land Department to certify any more sections under the act of 1846; and, as appears from the certificate of the governor of Iowa, the sum of \$332,034.04 had already been expended by these defendants under their contract.

This decision was announced in the spring of 1867.

The unreported case of Riley vs. Welles was determined at the December term, 1869, of the same court. Riley claimed under the pre-emption laws the northwest quarter of section 33, township 89 north, range 28 west, and, on proof of settlement, obtained an entry and patent, dated October 15, 1863, from the United States. Welles held title under the Des Moines Navigation and Railroad Company, and filed his bill to set aside the patent to Riley. The following is the whole of this opinion:

Supreme Court of the United States, December term, 1869.

Supreme Co...
HANNAH RILEY, APPELLANT, 156, WELLES, No. 397.

Appeal from the circuit court of the United States for the district of Iowa

Mr. Justice Nelson delivered the opinion of the court: This is an appeal from the circuit court of the United States for the district of

Mr. Justice Nelson delivered the opinion of the court:
This is an appeal from the circuit court of the United States for the district of Iowa.
This case is not distinguishable from that of Wolcott vs. The Des Moines Company, (5 Wall., 681.) Welles, the plaintiff below, derives his title by deeds from the company, the same as Wolcott in the former case. The suit in that case was brought to recover back the consideration money from the Des Moines Company, the grantors, or the ground of failure of title. The court held that Wolcott received a good title to the lot in question under his deed.

In that case it was insisted that the title was not in the Des Moines Company, but in the Dubuque and Pacific Railroad Company.

In the present case the defendant claims title under, and in pursuance of, the pre-emption act of September 4, 1841.

Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

It will appear from the case of Wolcott vs. The Des Moines Company, that the tract of land of which the lot in question was a part had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant-by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law and void, as was also the issuing of the patent.

The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion in the case of Wolcott vs. The Des Moines Company

The next case is that of George Crilley, and is as follows; I give the opinion entire:

Supreme Court of the United States, December term, 1782. GEORGE CRILLEY, APPELLANT, vs. Roswell S. Burrows.

Appeal from the circuit court of the United States for the district of Iowa.

Mr. Justice Davis delivered the opinion of the court:
This case is controlled by the recent decisions of this court relating to the Dea
Mines River land litigation, and especially by the decision in Riley vs. Welles.
That case is in no essential respect different from this, and we need not, therefore,
repeat the argument by which the judgment there was supported.

In both cases the entries were made and patents issued after plaintiff's title accrued under the joint resolution of 1861, and in both cases the settlements were

made in 1855.

It is argued that Crilley can defend his possession under the statute of limitations of lowa, but this is not so, because the statute does not begin to run so long as the title is in the State or the United States, and his proof of pre-emption was never offered until after the United States parted with its title to the State. It is true that he had prior to this applied to enter the land with gold and to file a declaratory statement, but he took nothing by these applications, because they were denied by the land officers.

Equally ineffectual to sustain his defense is the act of Congress of 3d of March, 1853, (10 Statutes, page 244,) to extend pre-emption rights to certain lands therein named.

It is plain that the proviso to the section which he relies on for his protection relates to grants by foreign governments of lands within territory subsequently acquired by the United States, and has, therefore, no application to this case. But if it were otherwise, the right of pro-emption did not attach until after the lands were released from reservation. We have already decided that the Des Moines River lands were reserved from sale; and this reservation continued until Congress, by the joint resolution of 1861, released to the State for the use of its grantees the legal title still in the General Government, without any saving clause in behalf of settlers or those who might claim under the pre-emption laws of the United States. This may have been a "casus omissus" on the part of Congress, but this court has no power to supply the omission. We are unable to see in this case any principle which has not been already passed upon by this court in some one of the suits relating to this protracted litigation.

The decree of the circuit court is affirmed.

The next two cases are Williams vs. Baker and C. R. and M. R. R. Co. vs. Martindale and others, (17 Wallace, 144.) These were suits in chancery, and Miller, J., for the court, goes over the whole ground, examines most fully and ably this long-contested title, and, among other things, says:

other things, says:

This decision, (Litchfield vs. D. and R. R. Co., 23 Howard, 66, decided in 1860.) in which the Supreme Court held that the grant did not extend above the Raccoon Fork, was accepted as a final settlement of the long-contested question of the extent of the grant.

But it left the State of Iowa, which had made engagements on the faith of the lands certified to her, in an embarrassed condition, and it destroyed the title of the Navigation Company to lands of the value of hundreds of thousands of dollars, which it had received from the State for money, labor, and material actually expended and furnished. What was also to be regretted was, that many persons, purchasers for value from the State or the Navigation Company, found their supposed title an invalid one.

This decision was made and published in 1860, and to remedy the grave evils above mentioned, Congress, on the 2d March, 1861, passed a joint resolution in the following words:

[Here follows a copy of the joint resolution.]

To show still further the intention of Congress to make good to the State, as far as possible, all that was claimed by her under the original grant, Congress passed an act, approved July 12, 1862, by which the grant was, in express terms, extended to the northern boundary of the State, and as some of the land had been sold by lands of the Government in any other part of the State.

This legislative history of the title of the State.

This legislative history of the title of the State of Iowa, and of those to whom she had conveyed the lands certified to her by the Secretary of the Interior as part of the grant of 1846, including among her grantees the Des Moines Navigation and Railroad Company, needs no gloss or criticism to show that the title of the State and her grantees is perfect, unless impaired or defeated by some other and extrinsic matter which would have that effect.

Such matter is supposed to be found in the act of 1856, already referred to, granting lands to the State of Iowa to aid in building railroads.

And he then proceeds to show that the title of the State and her grantees, including the River Company and its grantees, is perfect and complete, notwithstanding the other matters thus suggested. He reviews and reaffirms the Wolcott case, saying that it was then de-

That by the joint resolution of 1861 the title erroneously certified to the State, under the act of 1846, was validated and made good. * . * * And we therefore reaffirm * * * that by the joint resolution of 1861 and the act of July 12, 1862, the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant, (August 8, 1846,) and for such other purposes as had become proper under that grant.

Then there is the case of the Iowa Homestead Company vs. Des Moines Navigation and Railroad Company and others, (17 Wallace, page 153.)

Davis, J., after reaffirming the Wolcott and other cases above cited,

It is therefore no longer an open question that * * * the joint resolution of March 2, 1861, and the act of July 12, 1862, transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant

The case of Litchfield vs. The County of Webster, in the State of Iowa, and Jonathan Hutchison, treasurer of said county, and the case of the County of Webster, in the Sate of Iowa, and Jonathan Hutchison, treasurer of said county, vs. Litchfield, were argued together at the October term of the Supreme Court of the United States for 1879. The decision in those cases was made since the majority report on this bill was filed. It is a very important case, and I present it in fall. it in full:

Supreme Court of the United States. Nos. 1002 and 1003. October term, 1879.

EDWIN C. LITCHFIELD, APPELLANT. THE COUNTY OF WEBSTER, IN THE STATE of Iowa, and Jonathan Hutchison, treasurer of said county.

and
THE COUNTY OF WEBSTER, IN THE STATE of Iowa, and Jonathan Hutchison, treasurer of said county, appellants,

No. 1003.

EDWIN C. LITCHFIELD. Appeals from the circuit court of the United States for the district of Iowa.

Mr. Chief-Justice Waite delivered the opinion of the court.

The primary question to be decided in this case is as to the time when the lands

which passed to the bons fide purchasers from the State of Iowa under the joint resolution of Congress approved March 2, 1861, (12 Stats., 251.) became taxable by 160, 1861, 1862, 1863, 1864, 1863, and 1866.

The facts affecting the title are fully stated in the case of Wolsey vs. Chapman, decided at the present term, where we held, following the principles settled in Litch-field vs. D. & F. R. Co., (23 How., 66.) Wolcott vs. Des Moines Co., (5 Wall., 681.) Riley vs. Wells, not reported;) Williams vs. Baker, (17 Wall., 144) and Homestead Co. vs. Valley R. R., (16., 133.) that the United States continued to own the lands until the adoption of the joint resolution. Nothing was included in the original river grant of 1846, except the lands below the Raccoon Fork. While on account of the action of the executive department of the General Government those above the Fork were reserved from sale and did not pass to the State when selected as school lands under the act of 1841, or as railroad lands by the grant of 1856, and were not open to pre-emption entry, they were not actually donated by the United States to the State or to the purchasers from the State until the joint resolution was adopted. The grant made by that resolution was just as much an original grant as it would have been if the act of 1866 had never been passed. The reservation from sale by the executive department neither transferred any title to nor created any interest in the State. It simply kept the ownership in the United States. While the subsequent gift was undoubtedly made because of what had happened before, the United States continued to be the owners of the lands, both in law and in equity, until this last step was taken. Such being the case, the lands were not taxable before March March 1875. The Well of the Well of

"SEC. 759. On the 1st day of February, the unpaid taxes, of whatever description, for the preceding year shall become delinquent, and shall draw interest, as hereinafter provided."

"SEC. 760. The treasurer shall continue to receive taxes after they have become delinquent, until collected by distress and sale; but if they are not paid before the lat of March, he shall collect as a penalty for non-payment, from each taxpayer so delinquent, I per cent. of the amount of his tax additional, and if not paid before the lat day of April, he shall collect another I per cent. additional, and so for each full month which shall expire before the tax shall have been paid. The treasurer shall, in all cases, make out and deliver to the taxpayer a receipt for taxes paid, stating the time of payment, the description of the land, the amount of each kind of tax, the interest on each, and costs, if any, giving a separate receipt for each year; and shall make the proper entries of such payments in the books of his office, and such receipt shall be in full for his taxes that year."

By section 761 the clerk of the county board of supervisors is required to keep full and complete accounts with the county treasurer, and, among other things, to charge him with "interest on delinquent taxes," and "on the 1st day of each month ascertain the amount of delinquent taxes," and "on the 1st day of each month ascertain the amount of delinquent taxes," and "on the 1st day of each ment ascertain the amount of delinquent taxes," and "on the 1st day of each ment ascertain the amount of delinquent and unpaid taxes of all classes on said day, and charge said treasurer in said account with 1 per cent, on the amount thereof to be collected by him, as provided in section 52 (section 760) of this act." (Laws of Iowa, Rev. 1860, pages 118, 119.) On the 1st day of October in each year the treasurer is required to offer a public sale all the lands on which the taxes for the previous year had not been paid. Of this salentice was to be given by advertissemen

not be advertised for sale. Before that time, on the 14th of June, 1800, the auditor of the State wrote the auditors of the several counties in which the disputed lands were situated as follows:

"We conclude, in view of the so-called river lands, and the further question as to their being liable to tax, that it would be well not to offer them for sale for the taxes until these matters are determined or adjusted in some manner. There are two questions in regard to them: Firstly, has the State any title to them under the river grant! which is reported has been decided in the negative, but of which we have no official information; second, whether they are taxable prior to 1859 as the property of the river company or their grantes. The last question Ithought had been decided by our courts, but learn from Attorney-General Rice that there is some decided by our courts, but learn from Attorney-General Rice that there is some decided by our courts, but learn from Attorney-General Rice that there is some decided by our particulars in excess of what the law allowed. No person was designated on the tax-book as owner. Any one could pay the taxes and get a receipt. If one of the contesting claimants paid the taxes, supposing the lands were his, he could not, if he finally failed to maintain his title, recover from the real owner what he thus advanced. We so held in Homestead Company 2s. Valley Railroad, (17 Wall., 183.)

It thus appears that while Litchfield, or his grantor, was in reality the owner of the lands from 1862 to 1866, and bound to pay the taxes for those years as assessed, the State from which the taxing power came, disputed his title and set up an adventigation of the contest of the state of the contest of the decidence of the contest of the parties in interest that the lands would be put on the annual tax-books and charged with the taxes the owner should pay, if the title had passed out of the United States or the State, in law or in equity, but that to avoid "unnecessary trouble or expense," on legal steps

by the fault of him to whom it is to be paid, interest during the delay is not recoverable.

Here the delay was caused by the improper interference of the State and the United States with the title. Litchfield himself has been guilty of no fraud or willful default. The State has voluntarily abstained from enforcing the collection because of doubts about its right to do so, and Litchfield has had the use of his money while the dispute remained unsettled. As soon as the title was adjusted he offered to pay what was actually due, with ordinary interest, and this was refused. Under these circumstances we think the court below was right in enjoining the collection of all penalty or interest in excess of 6 per cent. per annum. In Stryker 28. Polk County (32 Jowa, 137) there is a strong intimation that in a case like this such relief might be granted. None of the objections which were found to granting the injunction asked for in that case exist here, and it is clearly made to appear that the action of the State affected the title of this plaintiff prejudicially. Such a case was made by the bill and established by the evidence. It may fairly be inferred, from what is said in Litchfield vs. Hamilton County, (40 Iowa, 70,) that in such a case the courts of the State would afford the remedy.

Although taxes in Iowa are levied and collected by the counties, all is done under the authority of the State, and the counties are charged with whatever is done by the State affecting the rights of the taxpayer. No complaint is made by Litchfield of the amount found due from him by the court below, if the decree is in other respects right, as we find it to be.

Decree affirmed, each party to pay the costs of his own appeal.

I have now given every opinion of the Supreme Court of the United

I have now given every opinion of the Supreme Court of the United States affecting the lands in question. Every point raised by the advocates of this bill has been disposed of by the court in these several decisions. They form a bulwark which is impregnable. The questions settled by these cases are the following:

1. That the grant made by the resolution of 1861 was an original grant of the land in question.

2. That this grant inured to the benefit of the grantees of the State

3. That such grantees are bona fide purchasers and bona fide holders of the lands in question.

4. That these lands were taxable as the lands of such grantees after

4. That these lands were taxable as the lands of stell grantees after the year 1861.

5. That after the resolution of 1861 went into effect, the United States had no longer any interest in these lands, legal or equitable.

6. That the Harvey settlement does not affect the right of the grantees of the State of Iowa in any manner; and that settlement of 1866 does not affect the case now before Congress.

This bill is in direct conflict with these cases, and if it becomes a law it reconstrily everthrows the Supreme Court and its judgments.

law it necessarily overthrows the Supreme Court and its judgments.

I have no doubt that such a law would be void, as in conflict with the organic law.

Suppose that this bill should become a law, and the Attorney-General should sit down to draw his complaint. It being a bill to quiet title or to remove a cloud upon the title of the United States, it would be a complaint in equity. The learned gentlemen who advocate the passage of this bill have neglected to state what sort of a complaint

passage of this bill have neglected to state what sort of a complaint the Attorney-General could make. It must be assumed that the facts would all be set out in the bill. Let us see what he could allege.

He would begin, of course, by alleging the act of Congress of 1846. He would state that the United States administrative officers, although entertaining doubts, decided that the grant contained in this act extended clear through the State; that for eight years the State of Iowa, by means of her board of public works, carried on the improvement of the river; that in 1854 the Iowa Legislature organized a corporation called the Des Moines Navigation and Railroad Company, and made a contract with that company to complete the improvement of the river, and received the remainder of the lands; that the United States certified, from time to time, under this grant. that the United States certified, from time to time, under this grant, lands to the State of Iowa, until in 1858 it so certified a large amount of lands below the Raccoon Fork, and more than three hundred thousand acres above the Fork; that in that year it appeared to be for the interest of the State of Iowa to stop this improvement and use the remainder of the grant in the construction of railroads; that by virtue of a resolution of the Legislature, the State settled with the Navigation Company and deeded to it about two hundred and seventy-one gation Company and deeded to it about two hundred and seventy-one thousand acres of the lands of this grant above Raccoon Fork; that this conveyance was made in good faith and for a full consideration. The State of Iowa then believed and the Navigation Company believed that the State had the complete and indefeasible title to the lands thus conveyed; that in truth and in fact the said grant did not extend above the Raccoon Fork, and the State had no title; that the Navigation Company immediately on getting its deeds from that the Navigation Company, immediately on getting its deeds from the State, conveyed the lands to divers persons, mostly non-residents of Iowa, who had advanced the money for them beforehand and taken the company's obligation for a conveyance when the company should obtain the title; that for the purpose of giving to the State of Iowa the title to the lands she had so conveyed, Congress in July, 1861, granted those lands to the State for the benefit of her said grantees. This grant was by joint resolution; but it might be here stated in the bill by way of emphasis that the Supreme Court of the United States, in twelve cases, had decided that this joint resolution was a grant; that it inured to the benefit of the grantees of the State, and that such grantees are bona fide holders of the lands in controversy.

such grantees are bona fide holders of the lands in controversy.

And here the allegations of fact might stop, because every fact material to the case is stated. Any additional statement of facts would only raise immaterial issues. Upon these facts what relief could the Attorney-General ask the chancellor to grant?

The object of the bill is to restore the title of the lands to the United States. No fraud is alleged. There is no principle of equity upon which the Attorney-General could expect to sustain his action for a moment, and should he bring a suit, as this bill directs him to do, it would result in humiliating defeat. Why put these grantees of the State of Iowa into this worse than useless litigation?

The litigation proposed by this bill would last at least ten years, and probably fifteen. While it lasts renters will not pay the rent, and the purchasers will pay neither principal nor interest. It is equivalent to taking a man's land away from him to compel him to fight ten years for it in the courts.

The claims, or pretended claims, of these so-called settlers are not new in the Halls of Congress. For many years they have been before Congress in various shapes. They appear to be supported by powerful influences outside of this House. There are said to be "millions in it."

ions in it."

I have been furnished with a printed form of a contract made by each claimant with a mythical party called "Settlers' Union," by which these poor settlers agree to pay \$1 per acre to the "Settlers' Union," for some purpose, presumably to compensate the promoters of this bill outside of Congress. That form is in the following words and figures:

FORT DODGE, IQWA. -

Sixty days after the resumption of the so-called river lands, by act of Congress, as Government land, by which acts, as a bona fide settler, I may perfect my title under Government to the following lands, to wit:

The _____ of section No. ____, township No. ____ north, of range No. ____ west, fifth P. M. Iowa.

under Government to the following lands, to wit:

The — of section No. —, township No. — north, of range No. — west, fifth P. M., Iowa.

I promise to pay to treasurer of "Settlers' Union," or bearer, the sum of — dollars, being at the rate of \$1 per acre on said tract so confirmed by Congress in me by means of resumption of the so-called Des Moines Navigation and Kaliroad lands. Said sum so owing by me shall be and become and remain a mortgage lien on said piece or parcel of land claimed by me until said note is paid. Also, said note is and shall be a special lien on any compensation or indemnity that may be granted by Congress and accepted by "Settlers' Union" or myself in lieu of said land, and be paid as soon as such compensation or indemnity is set apart for such purpose by such act, and retained out of such moneys by the "Settlers' Union" for payment of this note.

But in case the Settlers' Union fails to secure the title as above, or compensation, or indemnity, then this note is null and void.

STATE OF IOWA, Ss: On this — day of —, 187-, before me, a — in and for said county, personally appeared —, to me well known to be the identical person whose name is signed to the foregoing instrument and acknowledged same to be his voluntary act and deed.

Witness my hand and seal the day and date herein written.

I suppose the promoters of this bill entertain a deep and cordial sympathy for the weak, poor, and defenseless settlers. They are willing, however, to squeeze out of them \$300,000 for fees and expenses to the lawyers who practice their profession before the bar of Congress. There is somebody besides the settlers interested in the passage of this bill, at least to the extent of \$300,000.

Mr. PRESCOTT. In answer to a question which has been suggested I desire to read from the opinion in the Supreme Court of the United States in the case of Wolsey vs. Chapman. It says:

It has been settled in this court that the title of the Des Moines company is good as against the State and railroad companies under the railroad grant of 1856, and as against pre-emptors after 1855, under the act of 1841. We are not asked to disturb these rulings, and should not be inclined to do so if we were.

It was held if there was any title which had been conveyed by the acts of 1859 and 1860 it was a title which went to the State. If the State had not transferred it to the Des Moines Navigation Company, then it remains still in the State and under this decision of the Supreme Court of the United States it had vested absolutely in the Des Moines Navigation Company, they being the trustees for whose benefit it was passed. And in conclusion the court says:

The right of the governor to convey the lands in question to the Des Moines company under the joint resolution of March 23, 1858, authorized a conveyance upon settlement with the company.

It conveyed all the title the State had. [Here the hammer fell.] I desire to call attention to the peculiar wording of this bill, if the House will give me two minutes.

Mr. WILBER. Let the gentleman have that time. We want information on this question.

The SPEAKER pro tempore. The time allowed for debate in opposition to the bill has expired.

Mr. VAN VOORHIS. I ask that a paper be read showing how much money there is in this bill. [Cries of "Object!" and "Not in order!"]

Mr. VAN VOORHIS. I ask that a paper be read showing how much money there is in this bill. [Cries of "Object!" and "Not in order!"]

The SPEAKER pro tempore. The gentleman from Ohio [Mr. Converse] is entitled to five minutes.

Mr. CONVERSE. I propose to occupy but two or three minutes and not the whole five, because the House is impatient and desires to vote. What is the question involved in this bill? Here are a thousand families, a thousand land-holders, citizens of the United States, who desire the privilege of going into a court of the United States and having their claims to their own homes tested there.

Mr. PRESCOTT. Will the gentleman permit me?

Mr. CONVERSE. No, sir; I do not yield. They ask that the Attorney-General of the United States shall go in also, and that the parties who represent the Des Moines Navigation Company and who claim the lands in opposition to the settlers shall have the privilege also of going into court. If the Navigation Company have such a case as they claim, they should not object to going into court and having all disputes settled there.

These settlers, some of whom have lived twenty-five or thirty years on this land, who have built up the country, who have improved their farms, put up buildings on them, planted orchards, made fences, built school-houses and churches, and reared their families to manhood and womanhood, ask merely that they may be permitted to go into court to test their title to the land where their children were born and reared, and which they always thought and believed to be their own homes. This bill does not confer a single right on the settlers or on anybody else. It will leave the law in relation to the lands just where it is, but it gives the settlers a standing in court and commands the Attorney-General of the United States, and when the questions of difference are determined in that way the settlers say they will submit. If the decision is against them they will quietly move off the land and allow the Navigation Company to take it notwithstanding th

Mr. CONVERSE. Yes, sir.
Mr. LAPHAM. Why have they not a standing in court now? Why
do they need this act?
Mr. CONVERSE. It would take too long to explain it. But the
gentleman knows a mere squatter on land till he gets a title or patent
from the Government cannot go into court and defend his claim to

The bill gives the settler a right to go into court, the settler who has been invited to go on the Government lands and pre-empt and establish homesteads under the laws of the United States, the settler

who has reared his family there, who has built up the country—
Mr. LAPHAM. Then it is for the benefit of mere squatters.
Mr. CONVERSE. Yes; mere squatters for twenty-five or thirty years; squatters who have built up that beautiful Des Moines Val-

ley and made it a garden.

I do not desire to detain the House, but I will say that if there ever was a meritorious case presented to this House, such a case is presented by these thousand settlers with their families, now comprising

in all five or six thousand people, who are about to be ousted from their homes

their homes.

Gentlemen refer to the fact that there has been some litigation on this subject. This adroit corporation has managed to go into court both as plaintiff and as defendant. They have tried both sides of the case in the interest of this corporation and their privies, but never in a single instance has the squatter or settler, pre-emptor or homesteader been allowed to go into court and have his claim tested with a full and fair statement of the facts as they really exist. The Government has never had a chance to go into court. These 213,000 acres which this company claims have been twice paid for by the United States. After the Government gave the land to the State of Iowa, that State came back to Congress and said that the settlers, pre-emptors, and homesteaders were on the land in controversy, and other lands were wanted in place of them. The Government gave to the State 227,000 acres of land in lieu of this very tract of 213,000 acres of land, se that the settlers might have the land upon which they had settled; and now, having got pay for the land, the Navigation Cempany comes back here and wants the land too.

[Here the hammer fell.]

[Cries of "Vote!" Vote!"]

Mr. VAN VOORHIS. I ask permission to print the remainder of my remarks.

Mr. VAN VOORHIS. I ask permission to print the remainder of my remarks.

Mr. REAGAN objected, but subsequently withdrew his objection. No objection being made, leave was granted accordingly.

The question was taken upon suspending the rules and passing the bill; and upon a viva voce vote the Speaker pro tempore amounced that two-thirds had voted in the affirmative.

Mr. VAN VOORHIS. I call for the yeas and nays.

The yeas and nays were not ordered.

So (two-thirds voting in the affirmative) the rules were suspended.

So (two-thirds voting in the affirmative) the rules were suspended and the bill was passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the following title:

A bill (H. R. No. 4477) to regulate the mode of purchasing tobaces for the United States Navy.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 308) to confirm the title to certain lands in Platte County, Missouri, and to authorize patents to be issued therefor to the assignee of George Smith and Joseph Meyer;

A bill (S. No. 626) for the relief of the Albemarle and Chesapealse Canal Company;

A bill (S. No. 626) for the relief of the Albemarle and Chesapealee Canal Company;
A bill (S. No. 676) to amend clause 2 of the general incorporation laws of the District of Columbia;
A bill (S. No. 758) for the relief of James M. Bacon;
A bill (S. No. 1487) to restore the lands included in the Fort Reading and Fort Crook military reservations, in the State of California, to the public domain, and for other purposes;
A bill (S. No. 1573) to provide for the furnishing of certain public documents to soldiers' homes;
A bill (S. No. 1581) authorizing and directing the purchase by the Secretary of the Treasury for the public use of the property known as the Freedman's Bank and the real estate and parcels of ground adjacent thereto belonging to the Freedman's Savings and Trust Company, located on Pennsylvania avenue, between Fifteenth and Fifteen-and-a-half streets, Washington, District of Columbia;
A bill (S. No. 1631) authorizing the Treasurer of the United States to convert into cash certain bonds in trust for the Shawnee Indians; and

A bill (S. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The next committee having the right to-day to move to suspend the rules— Mr. SPRINGER. I move that the House now adjourn.

PENSIONS FOR EMPLOYÉS IN LIFE-SAVING SERVICE.

Pending the motion to adjourn,
The SPEAKER pro tempore, by unanimous consent, laid before the
House a letter from the Secretary of the Treasury, recommending the
extension of the pension laws to the employés of the life-saving service; which was referred to the Committee on Invalid Pensions.

MILWAUKEE BAY AND SOUTH BAY.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting reports of the survey of Milwaukee Bay and South Bay; which was referred to the Committee on Com-

CAPITOL BUILDING IN NEW MEXICO.

The SPEAKER pro tempore also laid before the House a letter frem the Secretary of the Interior, recommending an appropriation to complete the capitol building in the Territory of New Mexico; which was referred to the Committee on Appropriations.

COLONEL GRIERSON.

The SPEAKER pro tempore also laid before the House a letter from

the Secretary of War, relative to the military services of Colonel Grierson; which was referred to the Committee on Military Affairs.

PUBLIC BUILDING AT BALTIMORE, MARYLAND.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Treasury, relative to the public building at Baltimore, Maryland; which was referred to the Committee on Appropriations.

EMPLOYÉS IN THE NAVY DEPARTMENT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Navy, transmitting a list of the employés in the Navy Department during the year 1880; which was referred to the Committee on Expenditures in the Navy Department.

FUNDING BILL.

Mr. BLAND asked and obtained unanimous consent to have printed

in the RECORD as a portion of the debates some remarks prepared by him upon the funding bill. [See Appendix.]

Mr. CHALMERS asked and obtained leave to have printed in the RECORD the following proposed amendment to the funding bill now pending in the Committee of the Whole:

pending in the Committee of the Whole:

Sec. 6. That from and after the passage of this act, all notes of national banks which may be received by the Treasury Department, or by any officer thereof, shall be retained and forwarded to the Secretary of the Treasury at Washington, who shall retain the same, and shall not pay them out again for any purpose whatever; but shall assort them, and whenever the notes of any one bank shall be received to the amount of \$1,000, it shall be the duty of the Secretary of the Treasury to immediately notify the officers of such bank and require them to come forward and witness, if they see fit, the destruction of said notes, and thereupon the bonds of the United States pledged for the redemption of said notes, to an amount equal, after computing the interest thereon, to the said national-bank notes so held, and the notes so held shall be immediately canceled and destroyed by the Secretary, in accordance with the provision of existing laws.

It shall be the duty of the Secretary of the Treasury, whenever the notes of any national bank to the amount of \$1,000 or more shall be canceled and destroyed under the provisions of this act, to cause to be printed and made ready for use an amount of Treasury notes, under the form provided in the law of 1862 and subsequent acts anthorizing the issue of Treasury notes, exactly equal to the amount of national-bank notes so canceled and destroyed; which said Treasury notes shall be issued and paid out, to all persons willing to receive the same, for any and all demands against the Government of the United States, as fast as may be by law authorized and permitted, and when so issued they shall not be held and esteemed a legal tender.

That the Secretary of the Treasury is hereby authorize! and directed to purchase.

tender.

That the Secretary of the Treasury is hereby authorize I and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412 grains of standard silver can be purchased for one dollar of Treasury notes. All such purchases shall be paid for with this new issue of Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than \$20 and receive therefor Treasury notes at par for the same. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt.

WITHDRAWAL OF PAPERS.

Unanimous consent was asked and obtained for the withdrawal of papers from the files of the House as follows:

By Mr. WARD: The papers accompanying the bill (H. R. No. 214) for the relief of Michael Connolly; no adverse report;

By Mr. TYLER: The petition and accompanying papers in the case of Lieutenant Frank A. Page; no adverse report; and

By Mr. DE LA MATYR: The papers in the case of Clements Williamson, referred to the Committee on Invalid Pensions; no adverse report

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, To Mr. James, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. COFFROTH. I call for the regular order.
The SPEAKER pro tempore. The regular order is the motion of the gentleman from Illinois, [Mr. SPRINGER,] that the House now adjourn.
The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of George E. Smith and others, for an amendment to the Constitution of the United States, granting suffrage to women—to the Committee on the Judiciary.

By Mr. BENNETT: The petition of 274 citizens of Grand Forks County, Dakota Territory, that said Territory be divided on the forty-sixth degree of north latitude; that the south half be admitted as a State, and the north half organized into a Territory to be known as North Dakota—to the Committee on the Territories.

By Mr. BRAGG: The petition of citizens of Port Washington, Wisconsin, for protection to American fishermen in the Western Lakes—to

consin, for protection to American fishermen in the Western Lakes-to

consin, for protection to American isnermen in the Western Lakes—to the Committee on Commerce.

By Mr. BURROWS: The petition of citizens of Michigan, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Michigan, for a law regulating interstate commerce—to the Committee on Commerce.

Also, the petition of citizens of Michigan for the presence of an interstate commerce.

Also, the petition of citizens of Michigan, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of citizens of Michigan, for legislation to protect innocent purchasers and users of patented articles—to the Committee

By Mr. CALKINS: The petition of Pine Lake Grange, for the pas-

sage of an interstate-commerce bill—to the Committee on Commerce. By Mr. CLAFLIN: The petition of George Semms, of the District of Columbia, for arrears of pension—to the Committee on Invalid

By Mr. COX: The petition of C.M. Carter, for the relief of the soldiers and their heirs of the war of 1812-'14—to the Committee on Pensions.

By Mr. DAVIDSON: A bill making an appropriation for the improvement of Apalachicola Bay, Florida-to the Committee on Com-

Also, a bill making an appropriation for the improvement of Tampa

Also, a bill making an appropriation for the improvement of Tampa Bay, Florida—to the same committee.

Also, a bill making an appropriation for the improvement of the harbor of Cedar Keys, Florida—to the same committee.

Also, a bill making an appropriation for the improvement of Pensacola Bay, Florida—to the same committee.

By Mr. HORACE DAVIS: Resolutions of the California State Grange, showing the needs of the agricultural interests of the Pacific coast—to the Committee on Agriculture.

By Mr. DICKEY: The petition of H. S. Sayre, for a pension—to the Committee on Invalid Pensions.

By Mr. DUNNELL: The petition of Ezekiel Ross and 20 others.

By Mr. DUNNELL: The petition of Ezekiel Ross and 20 others, citizens of Minnesota, that authority be given for draining Jackson Lake, Minnesota—to the Committee on the Public Lands.

By Mr. GILLETTE: The petition of Robert Leitch and others, citizens of Washington, District of Columbia, for relief from unjust assessments upon property on Sixth street southeast—to the Committee on the District of Columbia.

By Mr. JOHN HAMMOND: The petition of G. W. Smith and others, for the passage of the Geddes pension bill—to the Committee on Invalid Pensions.

Also, the petition of John Stratton and others, that soldiers discharged on account of disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. N. J. HAMMOND: The petition of citizens of Georgia, for a post-route from Jonesborough to Milner's Store, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWW: The petition of Weshington Thomas and others.

By Mr. HAWK: The petition of Washington Thomas and others, manufacturers of cigars, at Lena, Illinois, for a feduction of the tax on cigars to \$5 per thousand—to the Committee on Ways and Means.

By Mr. HOOKER: The petition of citizens of Mississippi, for an appropriation for the survey of Big Black River—to the Committee

on Commerce.

Also, the petition of William Oliver and others, citizens of the manufacturing town of Wesson, Mississippi, for the passage of a general bankrupt law—to the Committee on the Judiciary.

By Mr. HUMPHREY: The petition of W. Tredway and others, of Wisconsin, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents. By Mr. LADD: The petition of Daniel R. Gerrish and 35 others, citizens of Morison, Maine, that soldiers discharged on account of disease receive the same bounty as those discharged for wounds—to the Committee on Military Affairs.

Committee on Military Affairs.

By Mr. EDWARD L. MARTIN: The petition of Franklin Temple, that he be paid the difference between the pay of a laborer and messenger—to the Committee on Accounts.

By Mr. MASON: The petition of George W. Wilson, for increase of pension—to the Committee on Invalid Pensions.

Also, the petition of Russell P. Hall and 69 others, citizens of Fulton, New York, that soldiers discharged on account of disease receive the same bounty as those discharged for wounds—to the Committee on Military Affaire.

Military Affairs.

By Mr. McKINLEY: The petition of B. S. Windle, J. D. Dew, A. C. King, A. M. Ward and others, of Columbiana County, Ohio, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for a law taxing incomes—
to the Committee on Ways and Means.
Also, the petition of the same parties, that the Commissioner of
Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for legislation to protect purchasers of patented articles against fraudulent vendors—to the Committee on Patents.

By Mr. McLANE: The petition of B. Maurice, for relief, on account of an indorsement made by Rear Admiral John L. Worden upon the back of an official document, in the files of the Navy Department, assailing the moral character of petitioner—to the Committee on Naval Affairs.

Also, the petition of E. J. Carl, of Baltimore, Maryland, for a modification of the duty on vinegar—to the Committee on Ways and Means.

By Mr. MILLER: The petition of citizens of Jefferson County, New York, for a duty on fresh fish imported from Canada—to the Committee on Ways and Means.

Also, the petition of Hon. G. A. Bagley and others, against the reissue of the Cumming patent—to the Committee on Patents.

By Mr. MORSE: The petition of manufacturers of furniture and kindred trades of Boston, Massachusetts, for the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. MORTON: The petition of citizens of New York, for the passage of Senate bill No. 496 as amended, providing for the appointment of a commission to settle pension claims—to the Committee on Invalid Pensions. Invalid Pensions

By Mr. NICHOLLS: Memorial of the Board of Trade of Brunswick

Georgia, asking for an appropriation to improve the harbor of said city—to the Committee on Commerce.

By Mr. O'CONNOR: Resolutions of the Chamber of Commerce of Charleston, South Carolina, favoring the passage of a uniform and equitable bankrupt law, operative in all the States—to the Commit-

tee on the Judiciary.

By Mr. POUND: The petition of William B. Whiting, of Milwaukee, Wisconsin, for an amendment to the Constitution declaring the presidential incumbent, his Cabinet, and certain others controlling governmental patronage ineligible for the next succeeding presidential term—to the same committee.

Also, the petition of Adam Schnur and 17 others, ex-soldiers of Wisconsin, for the passage of Senate bill No. 496, providing for a commission to adjust pension claims—to the Committee on Invalid Pen-

By Mr. SAPP: The petition of N. C. Ridenour, for increase of pen-

By Mr. SAPY: The petition of N. C. Ridenour, for increase of pension—to the same committee.

By Mr. STONE: The petition of C. A. Clark and 16 others, citizens of Morgan County, Michigan, for the passage of the bill providing for a court of pensions—to the same committee.

By Mr. VAN VOORHIS: The petition of Z. Roberts and 13 others, citizens of East Shelby, New York, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

mittee on Agriculture.

Also, the petition of 32 citizens of Holly, New York, for the amendment of the bounty laws—to the Committee on Military Affairs.

By Mr. WASHBURN: Memorial of the Chamber of Commerce of Duluth, Minnesota, for the erection of a suitable building for the accommodation of the custom-house, post-office, signal-office, and other Government offices in that city—to the Committee on Public Buildings and Grounds.

By Mr. WHITEAKER: Memorial of the Chamber of Commerce of Astoria, Oregon, asking the restoration to the public domain certain unearned lands withdrawn in favor of the Oregon Central Railroad Company—to the Committee on the Public Lands.

By Mr. CHARLES G. WILLIAMS: The petition of C. D. Gray and others, of Rock County, Wisconsin, for a reduction of the tax on cigars—to the Committee on Ways and Means.

Also, the petitions of citizens of Menekaune, of Oostburgh, Wisconsin, that a duty be imposed upon fresh fish—to the same committee. By Mr. WILLIS: The petition of Charles L. Clark, for an honorable discharge from the Army—to the Committee on Military Affairs.

Also, papers relating to the war claim of J. F. Hawley—to the Committee on War Claims.

Also, papers relating to the bill for the relief of H. H. Beach—to the

Also, papers relating to the bill for the relief of H. H. Beach—to the Committee on Invalid Pensions.

Also, the petition of 500 citizens of Louisville, Owensborough, Shelbyville, Paducah, and other points in Kentucky, against the reissue of the Cumming patent for improvement in artificial gums and pal-

ates—to the Committee on Patents.

By Mr. WISE: The petition of 38 soldiers of the late war, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

IN SENATE.

TUESDAY, January 18, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved. REPORT OF DISTRICT HEALTH OFFICER.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That 2,500 extra copies of the report of the health officer of the District of Columbia be printed, 300 copies thereof for the use of the House of Representatives, 100 copies for the use of the Senate, and 2,100 copies for the use of said health officer.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter of the Secretary of the Interior, transmitting, in compliance with a resolution of the 5th instant, the report of the Superintendent of the Census touching the alleged frauds in the enumeration of the inhabitants of South Carolina under the law providing for the taking of the tenth census; which, on motion of Mr. BUTLER, was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of the Interior, transmitting, in answer to a resolution of the 8th instant, the report of the Superintendent of the Census giving complete returns of the population of each State and Territory on the 1st day of June, 1880; which, on motion of Mr. PENDLETON, was referred to the Select Committee to make provision for taking the Tenth Census, and ordered to be printed.

CHINESE IMMIGRATION IN NEVADA.

The VICE-PRESIDENT laid before the Senate a letter from the governor of the State of Nevada; which was read, and ordered to lie on the table, as follows:

governor of the State of Nevada; which was read, and ordered to lie on the table, as follows:

State of Nevada, Executive Department,
Carson City, Nevada, December 23, 1880.

Sir: The Legislature of this State, desiring to afford the people of the State an opportunity of expressing their wishes upon the subject of Chinese immigration, passed an act, approved February 11, 1879, entitled "An act to ascertain and express the will of the people of the State of Nevada upon the subject of Chinese immigration."

The act provided for the submission to the electors of the State, at the next general election, the question of the continuance or prohibition of Chinese immigration. It provided that electors in favor of such immigration should so declare by placing on their ballots the words "For Chinese immigration," and that electors opposed to such immigration should express their will by placing upon their ballots the words "Against Chinese immigration."

Public attention was directed to the subject by an executive proclamation, issued thirty days before the election, and at said election, held on the 2d day of November, 1880, the question was duly submitted to the electors.

The total vote cast at said election was 18,397, a very full vote. The canvass of the vote shows that there were:

For Chinese immigration, 183; against Chinese immigration, 17,259; not voting on the question submitted to the people, and an abstract of the vote thereon, and transmit copies, properly certified, to the President and Vice-President of the United States, to each Cabinet minister, Senator, and Member of the House of Representatives, and to the governor of each State and Territory.

Wherefore, in pursuance of the law, and for your information as to the sentiment of the people of Nevada concerning the continuance of Chinese immigration, I have the honor to transmit you this statement.

Very respectfully,

JOHN H. KINKEAD,

Governor of Nevada.

JOHN H. KINKEAD, Governor of Nevada. JASPER BABCOCK,

To his excellency THE VICE-PRESIDENT, U. S. A., Washington, D. C.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the New York Produce Exchange, favoring the early passage of an act to establish a uniform system of bankruptcy throughout the United States; which was referred to the Committee on the Judiciary.

Mr. BALDWIN presented a petition of Stephen R. Kirby, James H. Reid, J. P. Donaldson, and others, citizens of Michigan, praying an amendment to section 4458 of the Revised Statutes of the United

an amendment to section 4458 of the Revised Statutes of the United States, for the regulation of steam-vessels; which was referred to the Committee on Commerce.

He also presented a petition of Frederick Miller and others, citizens of Michigan, praying that their rights may be preserved in any action taken by Congress relative to the grant of lands made for the construction of the Ontonagon and Brule River Railroad; which was referred to the Committee on Public Lands.

He also presented a petition of Alonzo Shafer and others, citizens of Michigan, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table. to lie on the table.

to lie on the table.

He also presented the petition of David I. Mackay, Orson Woodin, and others, second-class letter-carriers in the post-office at Detroit, Michigan, praying for an increase of salary; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a concurrent resolution of the Legislature of Michigan, in favor of an extension of the time limited by the act of Congress of June 3, 1856, for the construction of a railroad from the village of Ontonagon, in that State, to the Wisconsin State line for the period of six years from the 1st day of January, 1881, and a continuance of the grant of lands made by that act to the State of Michigan for the purpose of constructing the railroad; which was referred

tinuance of the grant of lands made by that act to the State of Michigan for the purpose of constructing the railroad; which was referred to the Committee on Public Lands.

Mr. CAMERON, of Wisconsin, presented a memorial of Jacob Dickey, Moses Harrington, and others, who were soldiers in the late civil war, remonstrating against the passage of the bill generally denominated the sixty-surgeon bill and in favor of the bill introduced in the House of Representatives by Hon. WILLIAM GEDDES, of Ohio, for the creation of a court of pensions; which was referred to the Committee on Pensions

Ohio, for the creation of a court of pensions; which was referred to the Committee on Pensions.

Mr. FERRY presented a concurrent resolution of the Legislature of Michigan, favoring an extension of the time limited by the act of Congress of June 3, 1856, for the construction of the railroad from Ontonagon, in that State, to the Wisconsin State line; which was referred to the Committee on Public Lands.

Mr. DAWES presented the petition of Butler, Dunn & Co. and a large number of wholesale leather dealers of Boston, Massachusetts, whose business extends all over the United States, praying for the early enactment of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented the petition of Henry L. Davison, of the

city of Washington, praying that certain taxes illegally collected of him be refunded; which was referred to the Committee on the District of Columbia.

trict of Columbia.

Mr. WINDOM presented the petition of the Chamber of Commerce of the city of Duluth, Minnesota, praying for an appropriation for the erection of a public building in that city for the use of the United States custom-house, post-office, &c.; which was referred to the Committee on Public Buildings and Grounds.

Mr. SAULSBURY presented the petition of J. P. Comegys and 103 others, citizens of Kent County, Delaware, praying for an appropriation for the improvement of the Saint John's River, in that State; which was referred to the Committee on Commerce.

which was referred to the Committee on Commerce.

which was referred to the Committee on Commerce.

Mr. BROWN. I beg leave to present the petition of a large number of citizens of the city of Darien, county of McIntosh, in the State of Georgia, in which they state the fact that over seventy million feet of lumber have been exported from the port of Darien during the past season, and praying an appropriation for the improvement of the north branch of the Olatamaha River. I move its reference to the Committee on Commerce.

The metion was agreed to

to the Committee on Commerce.

The motion was agreed to.

Mr. JONAS presented a petition of certain citizens of Saint Landry Parish, residing along the line of the forfeited grant to aid in the construction partly of the New Orleans, Opelousas and Great Western Railroad, and partly of the New Orleans, Vicksburgh and Baton Rouge Railroad, asking for a legislative declaration of the forfeiture of said grants during the pending session of Congress, and to confirm all entries made therein or within the limits of said grants to the railroads named, to extend the provisions of the act of Congress of June 16, 1880, to the State of Louisiana, and to also extend the act of March 3, 1879, to the State of Louisiana; which was referred to the Committee on Railroads. the Committee on Railroads.

REPORTS OF COMMITTEES.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1933) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps, reported it with amendments, and submitted a report thereon; which was ordered to be printed.

REPORT ON FISH AND FISHERIES.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution to print 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1880, have instructed me to report back the same with a recommendation that it pass, and to ask for its present consideration.

The resolution was considered by unanimous consent, and agreed

to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1889; of which 2,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,500 copies for the use of the Commissioner of Fish and Fisheries; the illustrations to be made by the Public Printer, under the direction of the Joint Committee on Public Printing; and 500 copies for sale by the Public Printer, under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent, thereon.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. ANTHONY. There is a report of the Committee on Printing that was objected to by the Senator from Vermont, [Mr. EDMUNDS,] who withdraws his objection very kindly.

Mr. EDMUNDS. I do not withdraw my dislike to the report; I merely withdraw my objection to its consideration.

Mr. ANTHONY. I ask that House joint resolution No. 340 be taken my and acted men.

up and acted upon.

The joint resolution (H. R. No. 340) in reference to the distribution

of the CONGRESSIONAL RECORD was read, as follows:

Resolved, &c., That the Public Printer be authorized to furnish the Chief-Justice and each of the justices of the Supreme Court of the United States, and the clerk and marshal of the court, with a current copy of the daily Congressional Record, and at the end of each session a bound copy of the proceedings of Congress for such session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported from the Committee on Printing

with amendments.

The first amendment was, in line 4, before the word "justices," to insert "associate;" so as to read:

And each of the associate justices of the Supreme Court of the United States.

The amendment was agreed to.
The next amendment was to add to the bill:

And the Public Printer shall also furnish to the Official Reporter of the Senate five bound copies of the CONGRESSIONAL RECORD for each session.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the resolution

to be read a third time.

The joint resolution was read the third time.

The VICE-PRESIDENT. The question is, Shall the joint resolu-

tion pass !

Mr. EDMUNDS. I vote "no." The joint resolution was passed.

BILLS INTRODUCED.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2049) to amend an act granting a pension to Elizabeth D. Stone, approved May 14, 1878; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2050) for the relief of George Milsom, Henry Spindelow, and George V. Watson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. SALINDERS asked and by unanimous consent obtained leave

Committee on Patents.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2051) to appropriate \$30,000 for the purpose of erecting a building suitable for offices for headquarters of the Department of the Platte, in Omaha City, Nebraska; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2052) for the relief of Alfred E. Jaques; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Post-Offices and Post-Roads.

Mr. WHYTE asked and by unanimous consent, obtained leave to

Mr. WHYTE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2053) for the relief of William R. Wilmer; which was read twice by its title, and referred to the Committee on Finance.

INTEROCEANIC TRANSIT COMPANY.

Mr. VEST. I ask that the bill (S. No. 1060) to incorporate the Interoceanic Transit Company, and for other purposes, be taken from the Calendar and referred to the Committee on Foreign Relations.

Mr. EDMUNDS. Is that a bill about the Nicaragua or Panama

canali

Mr. VEST. It is the railway project of Captain Eads.
Mr. EDMUNDS. I believe the other bill introduced by the Senator
from California [Mr. BOOTH] was referred to the Committee on Commerce. Of course it is of no consequence, so far as the Senate is concerned, which committee considers this subject; but it seems to me that one committee or the other ought to have the whole subject before them and we should not divide it. The Senator from California

can express his views about it.

Mr. VEST. I ask the reference to the Committee on Foreign Re-Mr. VEST. I ask the reference to the Committee on Foreign Relations for the simple reason that if it goes to the Committee on Commerce there cannot be any report at the present session. We know very well that the river and harbor bill will go before that committee together with other important business. There are but about six weeks of the working session left. This bill, I think from its nature, ought to go to the Committee on Foreign Relations. It is relative to a passage across the territory of Mexico and it involves the gravest questions of international law. I think that the bill referred to, introduced by the Senator from Minnesota, went to the Committee on Commerce. Commerc

Mr. EDMUNDS. It was the Senator from California.

Mr. EDMUNDS. It was the Senator from California.
Mr. VEST. My impression was that the Senator from Minnesota
[Mr. McMillan] introduced a bill.
Mr. EDMUNDS. I was referring to the one introduced by the Senator from California, [Mr. BOOTH.]
The VICE-PRESIDENT. The Chair hears no objection, and the bill is referred to the Committee on Foreign Relations.

GENEVA AWARD FUND.

Mr. EDMUNDS. If there is no further business for the morning hour

Mr. HOAR. There is.

Mr. EDMUNDS. My friend says there is. Then I wish to give notice that as soon as the order of resolutions is gone through with, if I can get the floor I shall ask the Senate to take up the bill to provide can get the floor I shall ask the Senate to take up the bill to provide for ascertaining and settling private land claims in certain States and Territories, which has been before the Senate, is almost finished, and which it is extremely desirable for public and private interests in the new Territories through which the Southern Pacific Railway is going, should be disposed of in one way or another.

Mr. HOAR. I proposed to move to take up at this time a resolution introduced by me at the last session instructing the Committee on the Judiciary to report forthwith a bill providing compensation from the moneys received under the Geneva award for all persons whose ships were destroyed by confederate cruisers, &c.

The VICE-PRESIDENT. In the morning hour the Senator from Massachusetts calls up a resolution for consideration which will be reported.

Mr. HOAR. I stated that I had proposed to call that up at this time, but I see the chairman of the Committee on the Judiciary [Mr. Thurman] is not in his seat. I give notice that at an early day—to-morrow morning if there shall be no reason on account of the absence of any morning if there shall be no reason on account of the absence of any Senator who is specially charged with the subject—I shall endeavor to call up that resolution. I desire to say, however, in giving the notice, that I understand no considerable number of Senators and no considerable number of persons at former sessions in the other House has expressed an opinion against compensating from the Geneva award moneys persons whose ships and property were actually destroyed by any confederate craisers, but there is a very near approach to unanimity of opinion, as I believe, upon that subject. If that be true, it seems unreasonable that action to that extent should be deferred by reason of differences of opinion in the Judiciary Committee

or on the floor of the Senate in regard to what should be done with regard to other classes of sufferers with the moneys received by the same award. I shall therefore urge that resolution at a very early

SETTLEMENT OF PRIVATE LAND CLAIMS.

The VICE-PRESIDENT. Will the Senate consider the Calendar of Resolutions for the remainder of the morning hour? If not, the

business of the morning hour is closed.

Mr. EDMUNDS. According to the notice that I gave about five minutes ago, I move that the Senate proceed to the consideration of Senate bill No. 818.

Senate bill No. 818.

The VICE-PRESIDENT. The Senator from Vermont moves that the further consideration of the standing order be postponed, indicating his purpose to move the consideration of a certain bill. The question is on that motion.

The motion to postpone was agreed to.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate consider at this time the bill he has named.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories.

Territories

Territories.

The VICE-PRESIDENT. The bill will be read.

Mr. EDMUNDS. The bill has been read and gone through with as in Committee of the Whole as it respects, I think, the committee's amendments, and I believe the pending question is on an amendment offered by the Senator from New York, [Mr. CONKLING.]

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from New York [Mr. CONKLING] to the amendment proposed by the Senator from Colorado, [Mr. Teller.]

The amendment and the amendment to the amendment will be reported. ported.

The CHIEF CLERK. In section 12, after line 15, it is proposed by the Senator from Colorado [Mr. Teller] to strike out all down to and including the word "act" in line 23, as follows:

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this set

The VICE-PRESIDENT. To which amendment the Senator from New York [Mr. CONKLING] moves an amendment, which will be re-

ported.

The CHIEF CLERK. In line 18 of the part proposed to be stricken out it is moved to strike out the words "effected the donation or sale of" and to insert in lieu "be such as has been held by the courts and in the practice of the Government to carry;" so as to read:

Unless the grant claimed be such as has been held by the courts and in the practice of the Government to carry such mines or minerals to the grantee.

The VICE-PRESIDENT. On the amendment to the amendment proposed by the Senator from New York on the 12th day of May last,

the yeas and nays were ordered.

Mr. CONKLING. Mr. President, this bill and the reason for the amendment are naturally somewhat out of my mind. To that occasion I would be glad to ask the attention of the Senator from Vermont. amendment are laterally somewhat one of my limit. To that occasion I would be glad to ask the attention of the Senator from Vermont. I remember the occasion of offering this amendment, which was that a number of persons (and I am not able now prudently to attempt to state with any exactness the fact) called my attention to an allegation of theirs that they had purchased or succeeded to rights, which rights would be cut off or impaired without some such provision as this. That, as I think the Senator having the bill in charge will remember, was the substance of a statement made at the time. My purpose was, it is now, unless I am corrected by somebody who is able to say that the occasion has passed away, to save the rights, if there be rights, of those who in good faith paid their money, changed their residence, cast in their lot, upon the belief that they were entitled to what they bought, namely, the same improvements of all kinds that the courts and the authorities proceeding there had pronounced, if they had pronounced, that they were entitled to in that state of the case.

Some other Senator, and I am not sure who, at this same time had, I remember, in his hands, as I had in mine, letters and statements from those who were involved, stating their case; and had I known that this bill was to be brought up this morning, which I did not, I would have been prepared with the material I had in my hand when the amendment was moved. At this moment I cannot advisedly say much more about it than I have done.

My EDMUNDS

much more about it than I have done.

Mr. EDMUNDS. The object of the committee in putting in this third limitation and the general effect of the proposed act, was to give to the grantee whose claim should be confirmed precisely what his original grant entitled him to, and no more. That was the object of the committee, for that would carry out the treaty between the United States and Mexico, and the treaty between the United States and France in respect of that part of the country covered by this bill that was derived from Snain to France and from France under the that was derived from Spain to France and from France under the Louisiana purchase. So the committee provided that these confirmations should not carry the precious metals unless the grant claimed effected the donation or sale of those metals; that is, unless that was the legal effect of the grant. If it was the legal effect of the grant, then it should carry it; if it was not, it should not; and it

was stated in that way in order to preserve precisely the real and equitable as well as legal rights of every grantee who claimed a confirmation.

firmation.

In some part of the territory covered by this bill as in some part of Arizona, which I believe was anciently a part of the independent State of Sonora under the Mexican constitution, the legislature of that state, if I may call it such, it was alleged had made some grants in absolute fee which did carry under their laws the right to the precious metals that lay within the ground. In the case of Spanish grants proper, and in the case of the national Mexican grants, unless there was a special provision to the contrary the committee understood the law to be clear that the precious metals were not conveyed. What is the practical result, aside from the law and equity of giving the grantees precisely what they got by the grant and nothing more? This bill is limited to eleven square leagues, which makes a very large territory, almost half a million acres, 446,000 acres. A great many of these grants are for these enormous quantities of land, indeed vastly more than I have stated; but the Mexican and the Spanish settlement laws and ordinances, as we thought, always in-

Spanish settlement laws and ordinances, as we thought, always intended to confine grants of the character that now exist to that limitation. Going up to that, there are enormous areas of territory unfit for cultivation, of no value for cultivation, and only valuable for the

It appeared to us, aside from doing the equity and justice of giving whatever the party was lawfully entitled to under his grant, that the practical injustice to the mining interests of the United States and its citizens in those vast arid regions that are good for nothing else, of allowing some old grant to be confirmed which had been lying dormant for a century or half a century, and putting into the hands of the owner of the soil the domination over all the mines in this yest area would be very great. We thought it would be better

else, of allowing some old grant to be confirmed which had been lying dormant for a century or half a century, and putting into the hands of the owner of the soil the domination over all the mines in this vast area would be very great. We thought it would be better, as in the Territories, formerly, of Colorado and Nevada, now States, to allow the mining laws of the United States to operate, and the rights of miners subject to the proprietary interest in fee to have free scope; in other words, to leave the minerals exactly where the grant left them, that is, the property of the public, to be arranged and regulated for in some public way. That was our motive.

As to the amendment of the Senator from New York, I very much fear that to make a reference here to the decision of the courts and the practice of the Departments will lead to great confusion, and I am afraid to considerable injustice for the reason that the courts in those Territories have sometimes in particular cases decided one way and sometimes another, as courts are in the habit of doing everywhere, and the practice of the Departments, I fear it will be found, has not been uniform. So you can find a decision and a practice which from year under one Commissioner has been one thing, and under another Commissioner in another year another thing, just as it has been, I am sorry to say, about all the public and private land claims in the United States. I should hope, therefore, that my friend from New York would be content with the provision in this bill that whatever the grant carries the party shall be entitled to, and whatever it does not carry shall be left just where the law under which he took his grant would leave it, in the United States.

Mr. CONKLING. Mr. President, I can see no answer to the statement of the Senator from Vermont except this, and that, I submit to him and to the Senator from Vermont except this, and that, I submit to him and to the Senator from Vermont just of the Department, if they have not conflicted, have varied from time to t of instances of that sort. The honorable Senator from Vermont places a fence or an erection upon property which belongs to me; he has no paper title at all; he pretends none; he maintains his structure there for twenty years; and my right is gone. Why † Because of what is called adverse possession, or, adopting the phraseology of the civil law, he has prescribed for that right. So he travels across my land; he has an easement, a servitude, a convenience to himself, and after a certain time I can no longer go into court and say: "You have no title to this land; you are a trespasser here." He may by mere prescription ripen his right to anything in the world except a nuisance; I believe no man can prescribe for that, but anything else he may acquire by mere lapse of time.

with the ruling of the Land Office and the Interior Department and entrenched behind decisions of the courts, have taken rights. I submit to the Senator from Vermont that these rights ought not to be passed upon necessarily now, as they would be if they originated yesterday or to-day; that the equities, one of which is that action on the part of the Government which induced these grantees to buy and remove there, ought to be respected.

If the bill as it is produces that effect, (which I remember now better than I did when saying a word about this a moment ago,) which

If the bill as it is produces that effect, (which I remember now better than I did when saying a word about this a moment ago,) which it was very strongly my impression at the time and of other Senators it did not; if it does shield vested rights—vested rights which may not be technically perfect, but which nevertheless are substantial enough to be respected—so be it. I thought then it did not, and so I moved this amendment. It seems to me still that if there be objection to this particular mode of putting it, if there be objection to appealing to the rulings of the Department and to the decisions of the courts, to which latter it seems to me there ought to be no objection, then let us put it in some other way. The Senator from of the courts, to which latter it seems to me there ought to be no objection, then let us put it in some other way. The Senator from Vermont says and says truly that the decisions of the courts conflict everywhere; certainly they do more or less, but still I think it could hardly be said even in the case of territorial courts, even in the case of the courts of a State which State had made the least advance in jurisprudence, that you pay no heed or little heed to the decisions of its courts under which rights have accrued, because you could turn to some other court, the Supreme Court of the United States or some other judicial tribunal, and say "in that tribunal we should have vastly more confidence than in this."

So I am disposed to insist that either this amendment or something better to be suggested should be interposed here as a ground on

better to be suggested should be interposed here as a ground on which these grantees can stand in respect of their vested rights, if they have any, even though a court taking up the question now as an original question would say in strict law these men were mistaken; they did not buy what they paid for; they did not take what they supposed they took; minerals did not pass by this grant; they took nothing but a fee to the soil, and the minerals buried in that soil did not pass under the grant.

not pass under the grant.

Mr. EDMUNDS. I only wish to say one word in reply to the Senator from New York; and that is that unless the reference to courts means, as I suppose it does, as it is stated a court in any district in any Territory; one court holding one thing in one district and another judge another thing in his,—unless it means that, the bill is right as it is, because it will be for the court to determine in the case of any disbecause it will be for the court to determine in the case of any dispute under the bill as it stands whether the grant carried the minerals or whether it did not. Congress does not undertake to decide anything about it by this bill except simply to say we will fulfill to the last letter our treaty obligation and wherever the grant that is to be confirmed did produce the result of entitling the grantee to work the mines and minerals within the granted lands, there he shall have them; wherever by his grant he got no title to the precious metals, there he shall not have them, but they shall belong to all the people of the United States as they did to the Governments of Spain and Mexico and to be disposed of as the United States, for the benefit of its people may think it fit to do.

That is the effect of the bill as it stands. The bill if it is amended as proposed by the Senator from New York will be quite a different thing. It will be a different thing to itself in one Territory from another, in one judicial district of a Territory from another just as the local judge may happen to have hitherto, with or without proper advice and knowledge, decided. It appears to me that is a very unsafe rule. If the Senator from New York would be content with this addition to the words of the committee for one—not speaking for the committee for I have no right to speak for them—I should have no objection; that is, adding after the word "grantee" the words "or he has become otherwise lawfully entitled thereto," so as to read:

No allowance or confirmation of any claim shall confer any right or title to any read allowed the proper and the state of the same and confer any right or title to any read allowed the grant claimed effected the pute under the bill as it stands whether the grant carried the minerals

No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless he has become otherwise lawfully entitled thereto.

If by any subsequent proceeding he has got a right, I am willing he should have it. I am willing to leave him to his lawful rights. That is all I think that the committee wish to do. They do not wish to go beyond that. Then if in any way at the time the case comes on to be disposed of the grantee has got a lawful title to the mines and minerals, he shall have them. I am willing to go that far. I am willing to give every claimant whatever his legal rights are.

Mr. TELLER. I should like to have the amendment of the Senator from New York reported.

The Chief Clerk read the amendment of Mr. CONKLING.

Mr. TELLER. I think when this bill was before the Senata here.

Mr. TELLER. I think when this bill was before the Senate heretofore I made a motion to strike out the whole of what is called the third clause here

third clause here.

The VICE-PRESIDENT. That motion is pending; but the Senator from New York moves to perfect the clause before the motion to strike out is put. The question is on the amendment of the Senator from New York, upon which the yeas and nays have been ordered.

Mr. CONKLING. Although all Senators agreeing with me are not quite satisfied with the suggestion, I am disposed to accept the modification suggested by the Senator from Vermont. These people had better get a finger than get nothing; and although I do not regard these words as going very far, I think they are suggestive to the

courts that they ought not to try this case upon the dots of the i's or the crosses of the t's, but that they ought to have some regard to the history of the case. I therefore modify my amendment, if I have a

history of the case. I therefore modify my amendment, if I have a right to do so.

The VICE-PRESIDENT. That can be done.

Mr. CONKLING. The Senator from New Hampshire [Mr. Blair] makes a suggestion to me to which I hope the Senator from Vermont will have no objection. He uses the words "lawfully entitled." Is there any objection to saying "or otherwise entitled in law or in equity?"

Mr. EDMUNDS. No, sir, because, stating it in that way, it means legal equity, and to that I have no objection.

Mr. CONKLING. I think it does mean that. Then I ask the Senator to allow the amendment to read "otherwise entitled in law or in certific". in equity.

Mr. EDMUNDS. It will read then after the word "grantee," in line 19, "or unless such grantee has become otherwise entitled thereto

in law or in equity."

Mr. CONKLING. That will do. I modify my amendment in that way if I have leave to do so.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the amendment of the Senator from New York is modified.

Mr. CONKLING. Now I suggest that we need not have the yeas and nays, there being no opposition to my amendment in this form.

The VICE-PRESIDENT. The Chair hears no objection to the amendment as modified. It is agreed to. The question recurs on the motion of the Senator from Colorado, [Mr. Teller,] to strike out the clause

Mr. EDMUNDS. Is that insisted on ?

Mr. TELLER. I mean to insist on my amendment, because it does not appear to me that the change of phraseology materially affects the legal effect of this provision. If the grantee has any title at all to the minerals he has it by virtue of his grant from the Mexican Government, which, whatever we may say about it, we could not legally interfere with. I do not suppose that he did have any legal title to the minerals. I do not pretend that under the Mexican Government he had any such title.

Mr. EDMUNDS. Unless the grant did say so; some grants did

say so.

Mr. TELLER. I speak now of the grants that were silent on that subject. Of course if the grant said that the grantee took the mineral, under the treaty made with the Mexican Government, we are

eral, under the treaty made with the Mexican Government, we are not at liberty to disregard that provision, and his rights are the same as if the General Government had said so by patent.

I was going to say that under the Mexican Government the grantee could not hold the minerals. In the first place, before the Mexican Government the Spanish King provided for the methods of working the minerals on lands owned by individuals, and the king reserved to himself a royalty in mines worked on the public unappropriated domain as well as those worked upon private property. That was the policy of all crowned governments, I believe. That was the rule in reference to the precious metals in England and in other countries; and it was put upon the ground that the precious metals were of so high a character that they belonged naturally to royalty.

There never has been any such principle recognized in the United States. I stated before when this bill was under discussion, and I repeat it now, that in every instance where the Supreme Court has touched upon this subject or the courts of the States where land has passed from the Government to individuals the Government has recog-

passed from the Government to individuals the Government has recognized an absolute fee in the individual which carried everything in the soil. When the Government gives its patent, it parts with every-thing, no matter whether the patent is made for agricultural land or whether it is made for mineral land; the Government parts absolutely with everything under the earth and above it, and the highest title it is possible for the Government to confer upon its citizens is a patent of the United States.

patent of the United States.

When we bought of the Spanish and French crowns a portion of the country, we adopted the plan of parting with the absolute title and everything connected with it. In Missouri a great number of claims were made by subjects of the then Spanish Government and they were recognized by the United States Government as carrying with them all the title to everything beneath the soil. There has never been any legislation in this country that recognized the right of the Government to reserve to itself the minerals in the land that was owned by individuals; and commencing immediately with the of the Government to reserve to itself the minerals in the land that was owned by individuals; and commencing immediately with the Louisiana purchase a great number of acts have been passed at different times with reference to the confirmation of titles, and not a single one has ever provided that the Government of the United States reserved to itself anything at all, and why? Because we had no such theory in our Government as that the silver and the gold were avaluable that they belonged to sovereighty. There was nothing so valuable that they belonged to sovereignty. There was nothing of the kind, and it is foreign to our Government and to the character of a republican government that the government should reserve to itself either the minerals or the right to charge a royalty for the working of those minerals after it has parted with the title to the land.

When we acquired California we acquired a vast region of country including that where this land lies, a portion of Colorado and other sections that are to be affected by this bill, with a great number of

these inchoate titles. By many acts we have recognized the right of claimants to everything in the soil.

I do not pretend to say because the act that confirms one piece of ground recognizes the right to the mineral it is absolutely necessary that the Government should do it in another case, or that the Government is bound to do it; therefore I do not think the words incorporated ment is bound to do it; therefore I do not think the words incorporated into this third clause now by the unanimous consent of the Senate change the meaning at all, because parties have not acquired it by any other method if they did not have it before, and the Government can keep faith with the Mexican Government not violating any provision of this treaty and reserve to itself the right to this mineral. But early in the history of California as a member of our Union, such claims were litigated and the courts of California held that the title to the mineral passed to the individual owning the land; Judge Field held it in several cases; they held so because it was inconsistent with our theory of government and because there was no method by which the Government retaining the right to the mineral could work it without detriment to the owner of the land. Under the Spanish Crown, out detriment to the owner of the land. Under the Spanish Crown, and under the Mexican Government that succeeded, which contained the same laws practically, the government provided that a man might denounce a mine or any private property, and the government then provided how he should proceed to do it, and that compensation should be made to the party. Here it is proposed to reserve the right of the Government and to throw open all these grants to prospectors, and every man in the United States who sees fit can invade every other man's possession in that section who has this kind of a title and can appropriate it absolutely. Here is a man with a vineyard other man's possession in that section who has this kind of a title and can appropriate it absolutely. Here is a man with a vineyard or an orchard or a garden; the land is mineral land; all the land is mineral in almost the entire region of country where these grants are; and the prospectors will swarm over the gardens and swarm over the vineyards and through the orchards, and render the land absolutely worthless to the owner. What inducements have parties to go on and make settlements and cultivate their lands when if somebody who supposes there is mineral in there should find a very little mineral or a great deal (it is immaterial which) he can go on and dis unthe fields and tear down the fences and destroy the improvements because the Government has reserved to itself the right to the mineral and the right to work the soil for the purpose of extracting it?

This third clause then withholds and reserves to the Government

what the Mexican Government did not do and what the Spanish Government did not do before that time. It is not a proposition simply to give these parties what the Spanish Government gave them; the proposition is to reserve to the Government of the United States a greater right and a greater authority and a greater power over this land than the old Spanish and Mexican Governments reserved. The Government is by this asserting a right in the land that no Spanish crown or Mexican Government ever did assert.

What practical benefit will it be? I want to read a few lines from the decision rendered in 1861, by Judge Field:

What practical benefit will it be? I want to read a few lines from the decision rendered in 1861, by Judge Field:

The premises in controversy in the present case being private property, it follows that there is no pretense for the justification of the defense of a license from either the General or State government. If the mineral belong to either government, there must be, as held in Stoakes vs. Barrett, more specific legislation than any yet resorted to before the invasion of private property can be permitted in search of it or for its extraction. What that specific legislation should be in such cose it is unnecessary to determine. It is but reasonable to say that it should embody provisions for the protection of the rights of the landed proprietor, and furnish ample indemnity against the damage arising from the injury to his possessions.

The doctrine of an unlimited general license, put forth in many instances and advocated by the defense, is pregnant with the most pernicious consequences. If upheld it must lead to the spoliation of landed estates under the pretense of mining, without possibility of protection or redress on the part of the owner. There is gold in limited quantities scattered through large and valuable districts, where the land is held in private proprietorship, and under this pretended license the whole might be invaded, and for all useful purposes destroyed, no matter how little remunerative the product of the mining. The entry might be made at all seasons, whether the land was under cultivation or not, and without reference to its condition, whether covered with orchards, vineyards, gardens, or otherwise. Under such a state of things the proprietor would never be secure in his possessions, and without security there would be little development, for the incentive to improvement would be wanting. What value would there be to a title in one man, with a right of invasion in the whole world? And what property would the owner possess in mineral land, the same being, in fact, to him poor and va

This was a decision made by Mr. Justice Field in 1861. Now, I desire to call attention to another decision rendered by the same learned justice. The case from the decision in which I have just read ultimately came to the Supreme Court of the United States, and Judge Field's opinion was there sustained.

Such being the case-

The court say-

the question arises as to what passed by the patents to Fernandez and to Fremont, and to this question there can be but one answer: all the interest of the United States, whatever it may have been, in everything connected with the soil, in everything forming any portion of its bed or fixed to its surface, in everything which is embraced within the signification of the term land; and that term, says Blackstone, "includes not only the face of the earth, but everything under it or over it. And therefore," he continues. "if a man grants all his lands, he grants thereby all his mines of metal, and other fossils, his woods, his waters, and his houses, as well

as his fields and meadows." (Book II, 19.) Such is the view universally entertained by the legal profession as to the effect of a patent from the General Government. The United States occupy, with reference to their real property within the limits of the State, only the position of a private proprietor, with the exception of exemption from State taxation, and their patent of such property is subject to the same general rules of construction which apply to conveyances of individuals. From the operation of conveyances of this nature, that is, of individuals, the minerals of gold and silver are not reserved unless by express terms. They pass with the transfer of the soil in which they are contained. And the same is true of the operation of the patent—the instrument of transfer of the governmental proprietor, the United States; no interest in the minerals remains in them without a similar reservation. Nor is there anything in the language of the Supreme Court, in the opinion rendered in the Fremont case, which gives countenance to any other view.

lar reservation. Nor is there anything in the language of the Supreme Court, in the opinion rendered in the Fremont case, which gives countenance to any other view.

The Attorney-General of the United States objected to the confirmation of the claim of Fremont upon the ground that the grant to Alvarado contained mines of gold and silver. His argument was to this effect: that as the mines did not pass to the grantee by the Mexican law the claim should not be confirmed, as Fremont would obtain as a consequence of such confirmation a patent which would pass the minerals, to which, by the original grant, he was not entitled. But to this the court replied, that under the mining laws of Spain the discovery of a mine of gold and silver did not destroy the title of the individual to the land granted, and that the only question before the court was the validity of the title; and whether there were any mines in the land, and, if there were any, what were the rights of sovereignty in them, were questions which must be decided in another form of proceeding, and were not submitted to the jurisdiction of the commissioners or the court by the act of 1851; in other words, the court said, in substance, that its consideration was confined to the title presented, and the effect of its decree and the patent following it upon the ownership of the minerals was a matter with which it had nothing to do.

The construction given by the United States to their patents ever since the organization of the Government has uniformly been to the same effect. In several of the States, particularly those carved out of territories ceded by Virginia, North Carolina, and Georgia, and out of the territory acquired by the treaty with France in 1803, and by the treaty with Spain in 1819, the title to a large portion of the lands is held under patents from the United States. Some of these patents were issued upon a sale of lands, some of them upon a confirmation of a previously existing grants of the former governments. They were issued to extensive trac

I have read so much of this opinion of Judge Field, because upon the former discussion of this case I made the statement that it had been the uniform practice of the courts in this country to so hold, and that was questioned by the honorable Senator from Vermont.

Mr. President, the present exception, the third clause here, is:

No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed effected the donation or sale of such mines and minerals to the grantee; but all such mines and minerals shall remain the property of the United States.

At no time, under no government, has there ever been a claim that all minerals were retained by the Crown. The reservation applied only to gold and silver. This word "minerals" here employed includes all sorts of mineral substances; it includes coal mines; it includes marble mines; it includes undoubtedly deposits of lime and various other substances that come under the head of "mineral." No such claim was ever made by the Spanish Government; there was no pretense that they owned iron mines, coal mines, and mines of that character. So under any view of the case the provision goes further

no pretense that they owned iron mines, coal mines, and mines of that character. So under any view of the case the provision goes further than we are justified in going.

I do not believe that the reservation of this mineral by the Government is of any practical benefit to the Government unless it is so used as to be utterly destructive of the rights of individuals. If the Government sees fit to reserve as it does here all this mineral, with the right to work it and to work it in accordance with the statutes governing mining property, that is, to give to the discoverer of a vein certain rights on the surface on each side of the vein, the entire ground may be taken, and I repeat that never was done by the Spanish Government. All that the Spanish Government, all that the Mexican Government that succeeded it ever did claim was the right to denounce a mine, and by an adjudication determine what should be the damage that the owner of the soil should be paid. I have mislaid a brief that I prepared for the purpose of considering this case, but an examination of Rockwell on Mines, of Halleck's Mining Institutes, and of other works that are used in the mining regions, will show that I am not mistaken on this subject. The former government did not claim any right of that character. It claimed the right to a royalty on a mine, allowing it to be worked, and that was independent of the length of time a person might have held his property. A thousand years his title might have been traced, and yet the Government could step in there and allow some other man to take it and work it if there were precious metals in it; but if they did so the hunter for the precious metals must pay the damage the owners of the land-sustained. There is nothing of that kind here, and the grants which will be ratified or confirmed under this bill will, if they have gold and silver and coal and iron, as they have, be actually worthless to the owners, and the confirmation is of no consequence. and iron, as they have, be actually worthless to the owners, and the

Confirmation is of no consequence.

Now, Mr. President, the great trouble they have had in New Mexico, one great reason why New Mexico, with its vast extent of territory, has so small a population, is the uncertainty of its titles, and those titles will be rendered still more uncertain by the passage of

such a bill as this. Who will occupy a little fertile valley with his garden and with his field if he is liable any day, without a dollar's compensation, to have some man step in there and say, "This is mining ground, and I propose to set up here my sluices and to sluice out your ground?"

The VICE-PRESIDENT. The time has expired for the consideration of the bill unless it be extended by unanimous consent.

Mr. EDMUNDS. I hope my friend from Colorade will be allowed to complete his remarks.

Mr. EDMUNDS. I nope my friend from Colorade will be allowed to complete his remarks.

Mr. TELLER. I should a good deal rather complete them to-morrow, when I can put my hand on the brief I prepared, which I have not now, because I did not expect the bill to come up to-day. This is a bill of some importance.

The VICE-PRESIDENT. Does the Senator from Vermont move that the bill be considered further?

Mr. EDMUNDS. I ask it because it is a duty. The bill affects so

many interests.

The VICE-PRESIDENT. Is there objection?

Mr. INGALLS and others. I ask for the regular order.

Mr. EDMUNDS. Then I give notice that to-morrow morning after the call of the resolutions, if I can get the floor, I shall ask the Senate to take up this bill again, and my duty will be done.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 15th instant, approved and signed the following acts:

An act (S. No. 105) for the relief of John Gault, jr., late a major of the Twenty-eighth Regiment of Kentucky Volunteer Infantry;

and

An act (S. No. 1353) for the relief N. & G. Taylor Company.

The message also announced that the President had, on this day, approved and signed the act (S. No. 323) for the relief of the Winnebago Indians in Wisconsin, and to aid them to obtain subsistence by agricultural pursuits and to promote their civilization.

MARY HOPPERTON.

Mr. HOAR. I ask unanimous consent that the action of the Senate denying the prayer of the petition of Mary Hopperton be reconsidered and that the case be sent back to the Committee on Pensions.

The VICE-PRESIDENT. The Chair hears no objection, and an order will be entered to that effect.

MESSAGE FROM THE HOUSE.

A message from the House.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had disagreed to the first amendment of the Senate to the bill (H. R. No. 6613) making appropriation for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, and agreed to the remaining amendments.

The message also announced that the House had passed a bill (H. R. No. 1067) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; in which it requested the concurrence of the Senate.

BEN. HOLLADAY.

The Senate resumed the consideration of the bill (S. No. 231) for the relief of Ben. Holladay, the pending question being on the amendment proposed by Mr. KERNAN to strike out all after the enacting clause and insert a substitute.

Mr. CAMERON, of Wisconsin. Mr. President, I took the floor

Mr. Cameron, or Wisconsin. Mr. President, I took the floor yesterday afternoon for the purpose of submitting some remarks in support of this pending bill. Before proceeding, however, with what I designed to say in support of the bill, I desire to call attention to some of the statements made by the senior Senator from Kentucky [Mr. Beck] yesterday in the remarks that he favored the Senate with against the passage of the bill. I desire to refer to a statement that appears on page 674 of the Record. The Senator said:

When that bill was up the Senator from Wisconsin, [Mr. Cameron,] and the then Senator from Oregon, Mr. Mitchell, and the others supporting it proposed that the case go to the Court of Claims. They insisted that it should be decided there upon affidavits then ten years old, without cross-examination, without the right of the Government to inquire who those men were and whether they had told the

I heard the Senator make that statement at the time it was made, and my recollection then was that the statement could not be sustained by the fact. In order to know precisely what the Committee on Claims did propose on the occasion referred to, I have sent for the bill that was reported from that committee, and I now hold it in my hand. It appears from the printed bill reported November 26, 1877, now before me, that its language was this:

now before me, that its language was this:

That the claim of Benjamin Holladay, now before Congress, for spoliations by hostile Indians, on his property, while carrying the United States mails, during the existence of Indian hostilities on the line of said mail-route; for property taken and used by United States troops for the benefit of the United States, and for losses of property and expenses incurred in changing his mail-route, in compliance with the orders of the United States commanding officer, be, and the same is hereby, referred to the Court of Claims for adjustment, upon the affidavits and orders now before Congress, and such additional testimony as either party may present, to ascertain the amount of losses of property and expenses sustained by him as aforesaid, and render judgment thereon.

SEC. 2. That the said court shall have the power, in its discretion, to cause the production for cross-examination of any witness whose affidavit is now before Congress.

not propose, as was stated by the Senator from Kentucky, "that it should be decided there upon affidavits then ten years old, without cross-examination, without the right of the Government to inquire who those men were and whether they had told the truth or not." The committee were of the opinion that it was simple justice to the claimant to allow these affidavits, whether they were ten years old or more than ten years old, to go to the Court of Claims for what they were worth, not that the claim should be decided upon these affidavits. If that bill had become a law the Court of Claims under its general that bill had become a law the Court of Claims, under its general powers, would have called every man who made an affidavit, and whose affidavit was presented to the court, if he were still alive or accessible to the process of the court, before the court, and he could have been examined and cross-examined touching all the matters referred to in the affidavits.

The same Senator criticised the committee with some severity for not having called the junior Senator from Kansas [Mr. Plumb] before the committee as a witness in this case. Now I will state that the committee had reason to believe that it would not be agreeable to that Senator to be called before the committee. That reason, if there were no other, would have decided the committee not to have called him; but the committee then believed and still believe that called him; but the committee then believed and still believe that the Senate will give precisely as much weight to the statement of that Senator made upon this floor, if such statement be upon his personal knowledge, as it would if he had gone before the committee and testified as a witness. I submit, then, sir, that the committee ought not to be criticised for not having called that Senator before it as a witness. The statement that he made two years ago has been read during this discussion. He made a statement yesterday. That statement is before the Senate, and I, for one, will give just as much credit to those statements made by the Senator in his place on the floor of the Senate as I would if he had appeared in the committeeroom and testified as a witness before the committee there.

The Senator from Kentucky states on page 678 of the Record

The Senator from Kentucky states on page 678 of the Record that he has no respect for the report of this committee. As a member of the committee, I feel badly about that, and I have no doubt the other members of the committee sympathize with me in this. But all we can do is to go on and do our duty as we understand it. I will state, however, that since this statement was made by the Sentander of the committee of the committee of the committee sympathic with me in this. I will state, however, that since this statement was made by the Senator yesterday I have thought over and referred to the records of the Committee on Claims. I have had the honor—if it be an honor—and after the criticisms made upon the committee I have some doubt whether it be or not—I say I have had the honor of being a member of that committee since the spring of 1875. During the first two years of my service upon the committee the then distinguished Senator from Iowa [Mr. WRIGHT] was chairman of the committee; during the next two years my friend from Minnesota [Mr. MCMILLAN] was chairman of the committee; during the last two years the senior Senator from Missouri [Mr. COCKRELL] has been chairman of the committee. During that period from five to six hundred reports have been made by that committee to the Senate, and so far as I can now remember the Senate has never disagreed with the committee upon a single report. It would seem that although the committee

now remember the Senate has never disagreed with the committee upon a single report. It would seem that although the committee has not the respect of the distinguished Senator from Kentucky, it has the confidence of this body.

The Senator from Kentucky referred to two cases which have been before that committee, and he animadverted upon the action of the committee in regard to those cases. The first was the case of his friend, as he denominated him, Warren Mitchell. That case was this: Warren Mitchell was a resident of Louisville, Kentucky. Prior to 1861 he was engaged in business in that city as a merchant; his firm traded extensively with merchants in the States that seceded. Some time early in 1861 he obtained permission from the Federal military authorities then in command of the Department of Kentucky to go into the Confederate States for the purpose of collecting debts then authorities then in command of the Department of Kentucky to go into the Confederate States for the purpose of collecting debts then owing to his firm. Under that permit he went into the Southern States, and about the first thing we hear of him after he got there was that he became pecuniarily interested in a contract at Clarksville, Tennessee, for the purpose of supplying the confederate government with meat. The Senator from Kentucky stated that his friend, Warren Mitchell, was a loval man. When this testimony appeared before the Committee on Claims that committee had some slight doubt in regard to his loyalty. He remained within the Confederate States from some time early in 1861 until the fall of Savannah, in 1864. It appeared from the testimony before the committee that he traveled all over the southwestern Confederate States: that ill that was reported from that committee, and I now hold it in my and. It appears from the printed bill reported November 26, 1877, low before me, that its language was this:

That the claim of Benjamin Holladay, now before Congress, for spoliations by lostile Indians, on his property, while carrying the United States mails, during the united States mails, during he existence of Indian hostilities on the line of said mail-route; for property taken and used by United States the United States and the same is hereby refrect to the Court of Claims for adjustment, upon the affidavits and orders now effore Congress, and such additional testimony as either party may present, to secrtain the route of the Supreme Court of the United States, and the same is hereby rescentian the amount of losses of property and expenses sustained by him as aforeald, and render judgment thereon.

Sec. 2. That the said court shall have the power, in its discretion, to cause the roduction for cross-examination of any witness whose affidavit is now before Congress.

That is what the Committee on Claims then proposed. They did that he traveled all over the southwestern Confederate States; that

that he was a citizen of an adhering State—a citizen of Kentucky—and he traded with the enemy, which, under the laws of war as recognized by the whole world, he had no right to do.

The other case that the Senator from Kentucky complained of—Mr. BECK. Will the Senator allow me just one word there?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. BECK. The only reason why Mr. Mitchell came before Congress was because, while the money in the Treasury was his, the cotton that produced the money was his, and, as the Senator from Wisconsin has said, every confederate from Mr. Davis down could have recovered it under exactly similar circumstances, he had no status in court, when all the equities were in his favor. The committee, of which the Senator from Wisconsin is a distinguished member, would not allow him to get his own money, admitted to be his, under circumstances which tor from Wisconsin is a distinguished member, would not allow him to get his own money, admitted to be his, under circumstances which made it apparent to the mind of I think every man who was at all inclined to be liberal that he ought to have had it. The only objection was that he was a citizen of Kentucky and had become very poor. I will answer all this after a while; and no matter what the Senator from Wisconsin may say about any remarks I have made, in the course of his argument, I will not interrupt him any further but will reply when I hold the floor myself.

Mr. CAMERON, of Wisconsin. I disagree with the Senator from Kentucky that the money belonged to Mitchell. If the money belonged to Mitchell, the Court of Claims would have said so; if it belonged to Mitchell, the Supreme Court of the United States would have said so. Warren Mitchell, as I have stated and as the Senator has stated, was

Mitchell, the Supreme Court of the United States would have said so. Warren Mitchell, as I have stated and as the Senator has stated, was a resident of Kentucky. He traded with the enemy.

Mr. BECK. Mr. President, one other word I wish to say.

Mr. CAMERON, of Wisconsin. I yield.

Mr. BECK. He went there to collect debts by permission from the Federal authorities at Louisville. He was there inside the lines; he was without money; he had to work for a living or starve, and he did work for a living in the only things that could then be done—matters connected with supplying pork to the confederate army. It was a question of starvation or labor with him, and he chose to labor rather than to starve.

Mr. CAMERON of Wisconsin. It did not appear before the com-

Mr. CAMERON, of Wisconsin. It did not appear before the committee whether Warren Mitchell was in danger of starving while within the confederacy or not. I presume, however, that the Senator from Kentucky has some knowledge in regard to it that the committee was not furnished with; but the fact is that he became peenniarily interested in a contract to supply the confederate army with meat; that he remained in the confederacy four years or thereabout—I think a little over four years—and during all that time was allowed by the confederate government to trade with the citizens of the con-

federacy.

The Senator from Kentucky also criticised the committee for the The Senator from Kentucky also criticised the committee for the action taken by the committee in regard to the Camp Nelson claim. That claim was simply this: the military authorities of the United States took possession of certain lands and other property in Kentucky for the purpose of making a military camp. Actual war existed in Kentucky at that time. Under the laws of war, as recognized not only by this country but by all the countries of the civilized world, the Federal Government had a legal right to take possession of any property in Kentucky that was deemed necessary by the military authorities to successfully carry on the military operations of the Government, and the Government was under no legal obligation to pay a cent for it—not under any more legal obligation to pay for the rent of the Camp Nelson property than it would be for the damage done by the Army to a field of wheat in marching from one point to another. to another.

But perhaps it would have been sufficient for me to say that the Senate sustained the Committee on Claims in its report upon each of

But perhaps it would have been sufficient for me to say that the Senate sustained the Committee on Claims in its report upon each of these cases, so that when the Senator from Kentucky criticises the Committee on Claims for the action the committee took in regard to these claims, he simply criticises the Senate, because the Senate sustained the committee in its report.

In examining this case, Mr. President, I do not care to go back of the Forty-fifth Congress for the purpose of tracing the history of this claim. The petition of Mr. Holladay was introduced in the Forty-fifth Congress, and by order of the Senate was referred to the Committee on Claims. That committee considered the petition, as it was its duty to do. The affidavits which are printed as a part of the testimony were then before the committee. No other evidence was before the committee at that time. These affidavits were carefully examined by the committee, and after such examination the committee came to the conclusion that the best thing to do under all the circumstances of the case was to report a bill to the Senate referring the claim to the Court of Claims for adjudication. When that bill was considered in the Senate, the Senate did not concur with the committee so far as the recommendation of the committee in reference to referring it to the Court of Claims was concerned, but the claim was recommitted to the committee—not recommitted without instructions, but with instructions. What were the instructions? The resolution under which the claim was recommitted has been referred to once or twice, but I beg the indulgence of the Senate while I refer to it again. This is the resolution under which the bill and the claim were recommitted to the committee: and the claim were recommitted to the committee:

Resolved. That the bill (S. No. 346) referring the claim of Benjamin Holladay to the Court of Claims be recommitted to the Committee on Claims, with instructions

to report to the Senate-what amount, if any, is equitably due the claimant on account of his claim; and the said committee shall have power to send for persons and papers and to take testimony.

This was not a duty that the committee sought, but it was imposed upon the committee by the Senate, and the committee, as it was its duty to do, proceeded to examine the case. The claim made by the claimant consisted of four distinct and separate items. The first to claimant consisted of four distinct and separate items. The first to which I will call attention is for damages consequent upon the change of the mail-route from what was called the Sweetwater route to the southern or Cherokee Trail route, made in 1862. It has been stated that the claimant ought not to be paid anything for the damages sustained by him in consequence of this change of route because it was not made pursuant to the order of any military authorities or of any authority of the United States. When Mr. Holladay became the proprietor of the Overland Mail he found the mail running through upon this northern route. When the route was established profound peace existed on the plains, the Indians were quiet, had been quiet and peaceable for a long time; but in the latter part of 1861 or in 1862 they became hostile.

Now, I will inquire first what were the reasons for the change of

Now, I will inquire first what were the reasons for the change of route made in 1862? The reasons will appear from a reference to the testimony given before the committee upon that subject. General James Craig, now a distinguished citizen of the State of Missouri, was called by the Committee on Claims before it as a witness under

James Craig, now a distinguished citizen of the State of Missouri, was called by the Committee on Claims before it as a witness under the authority given by the resolution recommitting the claim to that committee. He testified in regard to this change of route. His testimony will be found on pages 54 and 55 of the printed volume:

Question. When did you go on that line?

Answer. In the spring of 1862; probably April.

Q. Go on and state what condition of affairs you found on the line; how many troops you had; what you did, and what was done by the Indians. Give the narrative in your own way.

A. Before I arrived on the line the Indians had broken up a section of the mailroute between Green River and Fort Laramie, and before arriving at Laramie I commenced to give orders for the protection of the stations—that portion of the line where the Indians had worked—and to restore the stations and the service on the route. After getting to Fort Laramie, where I made my headquarters for the time, I employed the troops generally in protecting the line between Fort Laramie and the South Pass. The Indians generally seemed to be aware of the United States being engaged in a civil war, and with the advice of and incited by bad white men among them they were disposed to make war upon the whites, that is, the Cheyennes, Arapahoes, Shoshones or Snake Indians, and all of the bands of the Sioux tribe, with perhaps the exception of the band of Little Thunder. I repeatedly asked for re-enforcements, and at one time Colonel C. C. Washurne was ordered to report to me, but on account of the necessities for troops South the order was countermanded, and I was left with six companies of Ohio troops, commanded by Colonel Collins, and two small companies of the Fourth United States Cavalry, in command of Colonel Alexander, and one company soon afterward sent to me from Kansas. I afterward procured authority from the War Department and asked for troops to Utah, and about one hundred men were sent to me, commanded by Captain Locke Smith. I fo

Q. With your knowledge of the country, was it possible or not for the company to have carried mails on that Sweetwater route with the number of troops you had !

A. It would only be possible with the consent of the Indians.

Mr. Holladay himself testified in regard to the necessity for the removal of the route made in 1862. His testimony may be found on pages 61 and 62 of this printed volume. Mr. Holladay says in his testimony:

In an interview with the Postmaster-General, before leaving-

that is before leaving Washington-

that is before leaving Washington—
I explained, from my thorough knowledge of the country northwest of Fort Laranie, along the stage-road from Horseshoe Creek up the Sweetwater, through South Pass, to Green River and Ham's Fork, a mail never could be carried with any certainty, for the reason it was through a mountainous country, with fine grass and water, and full of game, a great hunting-region for several tribes of Indians, all refusing to sell or treat with the Government; but little open country, Indians could drop on a station or coach without a moment's warning. After several interviews, I explained my knowledge of the country south of this, having passed through it in August, 1850. There was no road except an Indian lodge-pole trail for two hundred and fifty miles, no grass, and bad water; but it was an open country, and I believed there would be less Indian troubles.

Mr. Eaton, who I believe is a very distinguished citizen of the State of Kansas, also testified in regard to the necessity for this removal. His testimony will be found on page 10. He states, in substance, that it was impossible for the Overland Mail Company to carry the mail on that route on account of the Indian hostilities, that the mail company in making the change of route abandoned five hundred miles of road and twenty-six stations

road and twenty-six stations.

It is true that this change was not made by virtue of any military order; but it became necessary in consequence of actual war existing in that country. Some Senators treat this matter as though it were a matter of indifference to the Government whether the mail was carried or not. The Government at that time did not so regard it. It appears from the testimony of the witnesses who appeared be-fore the committee that the mail could not be carried on the northern or Sweetwater route on account of Indian hostilities. In the opinion of the Government, and in the opinion of the proprietor and of those who were engaged with him in running the overland mail, it became absolutely necessary to remove it; it became necessary in consequence of the existence of actual war in that country. The committee were of the opinion that the existence of war was quite as good a reason for the removal of the route as would have been an order by the military authorities in command in that region. If, however, the Senate disagree with the committee in regard to this, then it will not be necessary to inquire what damages, if any, Mr. Holladay sustained in consequence of this removal. If, however, the Senate concurs with the committee in the opinion that under the Senate concurs with the committee in the opinion that under the state of facts then existing it was a necessity that the route should be removed, the question arises whether or not the proprietor, Mr. Holladay, ought to sustain all the loss and damage consequent upon that removal or whether it ought to be sustained by the Government.

that removal or whether it ought to be sustained by the Government. The committee were of the opinion that the Government ought to sustain that loss and not the proprietor of the overland mail-route.

Without reading the testimony of the witnesses on this point, I state generally that the proprietor of the Overland mail route was compelled in consequence of this removal to abandon about five hundred miles of his road, to abandon or remove twenty-six or thirty stations, and to remove his stations and all his property upon the line

Now, how much were these stations worth? One witness who was called upon the part of the Government, Mr. Murdock, stated that in his opinion they were worth \$600 or \$800 each. Five or six other witnesses stated that in their opinion they were worth from \$2,000 witnesses stated that in their opinion they were worth from \$2,000 to \$3,000 each. That is the testimony in regard to the value of the stations. The committee did as any court, as any jury would have done under similar circumstances; they were compelled to report in accordance with the preponderance of evidence. Five or six witnesses, who were not impeached, who appeared to be respectable, testified that in their opinion the stations were worth \$2,000 or \$3,000 each, and one witness testified that in his opinion they were worth from \$600 to \$800 apiece. The committee were compelled to be governed by the opinion of the five or six witnesses, who appeared to have as much information, in fact, I may say that they appeared to have more information in regard to the value of these stations, the cost of erecting them, and so forth, than did the witness who testified that in his opinion they were worth only \$600 or \$800. The committee found that these stations were worth \$2,000 apiece. The testimony would, in my opinion, have justified the committee in finding that they were worth at least \$2,500 apiece; but the committee took the smaller sum, and found that they were worth only \$2,000 apiece.

Twenty-six stations at \$2,000 apiece would be \$52,000.

A number of witnesses were examined in regard to the other losses

A number of witnesses were examined in regard to the other losses consequent upon this removal. Some of them put them as high as \$35,000, some put them as low as \$20,000, and some put them at \$25,000. The committee adopted the medium sum and found that the other damages consequent upon the removal were \$25,000. The committee, as I have stated, were of the opinion that it was absolutely necessary that the removal should have taken place; otherwise the mail could not have been carried. The committee were also of the opinion that this necessity having arisen in consequence of actual war existing in that territory the proprietor of the Overland Stage Company ought not to be compelled to bear the loss, but that

I have referred to the testimony of various witnesses in regard to the amount of the loss. Fifty-two thousand dollars and \$25,000 make \$77,000, which is the amount that the committee found was the direct loss resulting from this removal.

The next ground for which Mr. Holladay claimed damages was the removal made in 1864. Some Senators have confounded the two removals. The removal made in 1864 was made pursuant to the order removals. The removal made in 1864 was made pursuant to the order of Colonel Chivington. That order has been referred to several times and I will not detain the Senate by reading it. It was, however, a positive order, directing Mr. Holladay to remove his line. The Senator from Vermont [Mr. EDMUNDS] the other day said in substance that the order was not peremptory, that Mr. Holladay might have removed or he might have taken his chances of running it on the northern route, where it then was. He seemed to lose sight of the fact that it was of the utmost consequence to the Government that the mail should be carried through with regularity and with celerity. After Colonel Chivington had given this positive order, I am of the opinion that the proprietor of the Overland Stage Company was convinced that if he did not comply with it the military authorities would have removed it themselves.

Now, what damage resulted to Mr. Holladay from this removal

Now, what damage resulted to Mr. Holladay from this removal under the order of Colonel Chivington? Upon that point I desire to refer to the testimony of George K. Otis. George K. Otis was the general superintendent of the line at that time. He now occupies, or did occupy recently, and I think he still occupies it, a very important position in connection with the postal service in the city of New York. York. He is a man of intelligence, and apparently a man of high integrity. The evidence I will refer to is on page 58 of the printed volume of testimony.

Q. As the whole matter That is, the whole of this removal-

Q. As the whole matter was under your charge, what would be your estimate or approximation of the cost of removing the buildings, forage, corrals, &c., from the Platte route to the Cut-off route?

A. I gave full instructions to the division agents in regard to the removal, and made a computation at the time and estimated the cost, knowing the number of teams required, and the distance to make, and a fair estimate of the destruction and loss of grain and hay in the removal; and, as you will see, my estimate is already appended to the affidavits of Reynolds and Thomas, amounting to \$50,000, and I am well satisfied that it cost us fully that or more.

and I am well satisfied that it cost us fally that or more.

Mr. Holladay, on page 62, states that \$50,000 would not pay him for the loss that he sustained directly in consequence of the Chivington removal. The committee was of the opinion that this removal having been made under a positive order issued by the military authorities of the Government, it ought to be at the expense of making the removal and not the proprietor of the Overland Stage Company. The committee found upon the testimony that the direct cost and loss consequent upon that removal was \$50,000. Having first found that the Government, in the opinion of the committee, ought to pay this sum, they recommended that Mr. Holladay be paid this sum, \$50,000 to compensate him for the loss and damage occasioned by that removal.

The next ground upon which Mr. Holladay claimed damages was for property taken by the military authorities. Mr. Otis testifies in regard to the property taken. He, as I have stated, was the general superintendent and had the general management and control of the

superintendent and had the general management and control of the whole line. He testifies in regard to the property taken by the military authorities on page 58.

Mr. CONKLING. While the honorable Senator is referring to some fact there, I wish to remind him that it has been intimated once or twice in this debate that Mr. Holladay was the gainer by this change of route, that it was in some way a better and shorter route; that he are the reset there of his own early and for his corn advertigation.

or route, that it was in some way a better and shorter route; that he rather went there of his own accord and for his own advantage.

Mr. CAMERON, of Wisconsin. That was the removal made in 1862.

It, I believe, was perhaps fifty or seventy-five miles shorter. The Senator from Colorado will know.

Mr. TELLER. No; it was longer.

Mr. CONKLING. It was longer; and that was what I wanted the Senator from Wisconsin to correct. I wish to call his attention to a map which, if I send it around to him and he will look at, will undeceive him and any other Senator who has fallen into such an error as that. When this change of route took place, instead of going where he had been ordered to go along here, [indicating,] north of Denver and then running up that notch and down with whatever mail went to Denver, he was compelled to carry the entire mail around here [indicating] to Denver on that angle, and then from Denver back there and all the way around on this new route, and in place of its being a shorter route, it was a longer route and a much more expen-

Mr. PLUMB.

Mr. PLUMB. Mr. President—
The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Do the Senator from New York and the Senator from Wisconsin yield to the Senator from Kansas

Senator from Kansas?

Mr. PLUMB. I did not say that the Cut-off route, of which the Senator from Wisconsin is now speaking, was shorter than the other. When I spoke of the saving of distance to Mr. Holladay, by the change of route, I referred to the first change from Laramie to the South Pass route, and not to the route which is the subject of the map and the remarks of the Senator from New York.

Mr. CONKLING. Owing to the misfortune of being demanded by other people when the Senator from Kansas was speaking yesterday, I did not hear any observation whatever of his touching these routes and therefore I did not refer, as I could not have referred, to anything that he said; but I did hear other Senators, and markedly one, assert with great vigor not only that the order under which Holladay was driven from one place to the other was a most mild and persuasive suggestion as to its legal effect, leaving him at liberty to go or not suggestion as to its legal effect, leaving him at liberty to go or not very much as he pleased, but that in short he rather chose and picked out this route to which he changed and found it a very advantageous thing, shorter and generally preferable, and that now he came here and asked something or other for that, whereas the map shows, and the truth is, that, being coerced to go from one place to the other, he was driven all the way around an elbow, in addition to other things, to Denver to trundle the whole of his mail around there and bring it

to Denver to trundle the whole of his mail around there and bring it back. Instead of its being a shorter route, it was a longer route, one of more hardship, more expense, and more disadvantage to him.

Mr. PLUMB. Mr. President, I withdraw whatever might be construed as inferentially reflecting on the Senator from New York as having referred to my remarks. I will now apply my remarks to the Senator from Colorado. He noticed yesterday that I had made an error, that I was referring to the change of route to the Cache la Poudre, whereas I was referring to the other change entirely. I said nothing whatever about the change from what was called the Cut-off route; I was referring simply to the change that was made in 1862. I said nothing about the change under the order of Colonel Chivington, whatever the effect of that order might have been.

I said nothing about the change under the order of Colonel Chivington, whatever the effect of that order might have been.

Mr. CAMERON, of Wisconsin. The Senator from Colorado has the map before him and is familiar with that country, and can state whether the route consequent on the change of 1862 was shorter than the one occupied prior to the change, and whether the route occupied after the Chivington order was shorter or longer than the route ran by Holladay prior to that order.

Mr. TELLER. The early emigrants over this country had two roads; one was a trifle shorter than the other, but destitute of grass and destitute of timber, and much more dangerous to travel. The

stage company took the northern route when they first laid their line after an examination of both lines, because it was the preferable route. It went through a grass country, with better water and better timber, and in every way it was a region better calculated to run a stage line over; and so, while Mr. Holladay may have in a small degree shortened the length of his line, yet he largely increased the expense of the operation of it. I speak now of the change made in 1862. The change under the Chivington order not only took him out of a better region of grass and feed and a better country to run through but length. of grass and feed, and a better country took him out of a better region of grass and feed, and a better country to run through, but lengthened his line and compelled him, as stated, to carry all his mail and express matter by the way of Denver and then convey it back again. It took him around two sides of or very nearly an equal triangle, where he had been before, across one side, and thus it lengthened the line. Independent of the question of putting on new stations and all that, it did, as did the removal of 1862, add much to the expense of running the line thereafter.

running the line thereafter.

Mr. CAMERON, of Wisconsin. Mr. President, it has been said during this debate that Mr. Holladay's name does not appear in the contract under which this route was run. That is true. Mr. Holladay was not the original contractor with the Government, and I understand that the Post-Office Department retains the name of the origistand that the Post-Office Department retains the name of the original contractor; that if you were to go there to-day and inquire whether Mr. A's name appeared as a contractor with the Post-Office Department, you knowing that he had actually carried the mail for years, you might find that his name did not appear at all; you might find that the contract was taken originally by Mr. B, and that Mr. A was running it as a sub-contractor. Just so with Mr. Holladay. He was not the original contractor; he was a sub-contractor; but the fact that Ben. Holladay carried the overland mail from 1861 to 1866 is just as much a matter of public history as it is that Abraham Lincoln was President of the United States from 1861 until his death in 1865.

The Senator from New Jersey, [Mr. McPherson,] some days ago, in the remarks that he submitted against this bill, insisted pretty stoutly that it was not at all necessary for Mr. Holladay to have one hundred and ten coaches, to have two thousand horses and mules, or to have about five hundred men in order to carry this overland mail. The Senator suggested that he might have carried it on horseback, or in a wheelbarrow, or in some other way, and not in these great and expensive coaches. That argument was answered when the original contract under which the mail was carried by Mr. Holladay was introexpensive coaches. That argument was answered when the original contract under which the mail was carried by Mr. Holladay was introduced in evidence here. It appears by that contract that the contractors agreed to carry it in four-horse coaches or in four-horse spring-wagons. The object of the Government, doubtless, was not only that the mail should be carried, but that facilities should be furnished to the people residing in those remote regions to communicate with the Mississippi and Atlantic States. It does not at all appear that Mr. Holladay employed an excess of men, an excess of horses, or an excess of coaches. It is not at all likely that he would employ more men, more horses, more coaches than were absolutely necessary. They all caused him expense which he as a prudent business man would have liked very much to avoid.

Mr. McPHERSON. Will the Senator yield to me a moment?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. McPHERSON. I notice in the reports of the debate on this bill papers purporting to be copies of the contracts, and if I have read these contracts aright they certainly did not require of Mr. Holladay the running of four-horse coaches. They directed him to carry the mail in any way he pleased; if carried in coaches, it should be under the seat of the driver and protected. My attention was not called especially to the manuscript copy of the contract; but I suppose the Senator refers to the one brought in here by the Senator from Vermont.

Mr. CAMERON, of Wisconsin. That is the one I refer to.

Mr. CAMERON, of Wisconsin. That is the one I refer to.
Mr. McPHERSON. Now, if the Senator will yield to me a moment
longer, I still insist that the memorial presented by Mr. Holladay states that during a portion of the time he was transporting this mail he carried fifty tons of mail matter during a period of three months. Now, I do not know that the Government are really committed under any particular law that exists for the purpose of carrying the mail to make an official contract for carrying passengers, nor did I suppose that contract looked to that. If, then, he only had to transport fifty tons of mail matter in the period of three months, I submit that he would not require fifteen hundred or two thousand horses and one hundred and ten coaches to perform that service. I only take the petition of Mr. Holladay himself, in which he states that he transported fifty tons of mail matter during the period of

three months.

Mr. CAMERON, of Wisconsin. Mr. President, the contract required that he should have passenger coaches. If he had refused to carry passengers, if, under his contract he could have refused to carry passengers. sengers, perhaps he might have got along with a fewer number of horses and a fewer number of men and a fewer number of coaches; but, as I have already stated, one object of the Government, one great object of the Government was to promote trade and commerce between the East and the West. Those great mining regions in the Rocky Mountains were then just being developed, and it was of the highest importance that communication, easy and rapid, should be kept up not only between the Pacific coast and the far East, but between these parts of the Pacific coast and the far East, but between these parts of the Pacific coast and the far East, but between these parts of the Pacific coast and the far East, but between the pacific coast and the tween these new mining regions and the East.

The next ground upon which Mr. Holladay claims to be compensated is for spoliations upon his property by hostile Indians. It is claimed by some Senators that under no circumstances ought the Government to make compensation to any one for spoliations upon his property by hostile Indians. Perhaps it is sufficient in reply to that to say that the Government repeatedly has made compensation to those who suffered loss of property by the spoliations of hostile Indians. But the committee did not put this case entirely upon that dians. But the committee did not put this case entirely upon that ground. The committee regarded it as an exceptional case and to be treated in an exceptional manner. Mr. Holladay came into the ownership of this great overland mail route early in 1861. Soon afterward the Indians began to attack and destroy his property, to kill his employes, to break up his line. The committee were of the opinion that some force ought to be given to the interview had by Mr. Holladay and Mr. Otis, his general agent, with Mr. Lincoln, the President of the United States. The committee did not find and do not claim that Mr. Lincoln pretended to enter into any contract with Mr. Holladay agreeing that he should be compensated for any damages in consequence of Indian spoliations. Mr. Lincoln knew perfectly well that he had no right to enter into any such contract. What he did say was that it was of the utmost importance that the line should be consequence of Indian spoliations. Mr. Lincoln knew perfectly well that he had no right to enter into any such contract. What he did say was that it was of the utmost importance that the line should be maintained. When Mr. Holladay told him that he could not maintain it unless he had military protection from the Government, Mr. Lincoln assured him that he would give him all the military protection possible, and that in his opinion—that is all there was of it—if he suffered damages in consequence of Indian spoliations, Congress in the plenitude of its power would compensate him for those losses. That is all there was of it.

What is the evidence that such promises, if I may call them promises, were ever made by Mr. Lincoln to Mr. Holladay? Mr. Holladay swears that after his line was broken up in 1862 he visited Washington and had an interview with Mr. Lincoln, and he details the conversation that he had with the President at that time, in which the versation that he had with the President at that time, in which the President assured him that he would give him all the protection possible, and if he sustained loss, in his opinion Congress would compensate him for that loss. Mr. Holladay was accompanied at that time by Mr. George K. Otis, the general superintendent of the line. Mr. Otis, however, did not go into the room where this interview was alleged to have taken place between Mr. Holladay and the President; but Mr. Otis swears that Mr. Holladay immediately on coming out of the room stated to him the conversation that he had with the President. Subsequently in 1864 after the line had again been broken dent. Subsequently, in 1864, after the line had again been broken up and great damages committed upon the property of Mr. Holladay, Mr. Holladay himself at that time being in San Francisco, Mr. Otis, Mr. Holladay himself at that time being in San Francisco, Mr. Otis, the general superintendent of the line, came to Washington and had an interview with President Lincoln, in which President Lincoln again states that it is of the utmost importance that the line should be maintained; that he will give all the protection he can, and that if the property of Mr. Holladay is destroyed by Indian spoliations Congress, in the exercise of its powers, will compensate him for that

I am of the opinion that the conversation with Mr. Lincoln is very satisfactorily proven, first, by the testimony of Mr. Holladay, then by the testimony of Mr. Otis relating to the conversation between the President and Mr. Holladay, which was detailed to Mr. Otis by Mr. Holladay immediately on coming out of the President's office, and again by the testimony of Mr. Otis in regard to an interview had with the President in 1864, in which he stated substantially the same

thing.

Mr. Holladay states in his testimony—I will not stop to read it—
that he said to the President, "I cannot run this line unless I have
protection; I will abandon it." He undoubtedly had a legal right to
abandon it. War had broken out and the superior force of the Inmediant to prevent him from running it, unless he had dians was sufficient to prevent him from running it, unless he had military protection from the Government. I say he had a legal right to abandon it. The President did not want it abandoned; the country did not want it abandoned. As was stated by the Senator from Colorado yesterday, the country at that time would have been willing to pay perhaps ten times the compensation that Mr. Holladay received for the service rather than that the line should have been abandoned. They would not have submitted to its being abandoned at

all, no matter what the cost might be.

The committee, as I have stated, are of the opinion that this is an exceptional case. It is not an ordinary claim for Indian spoliations. Mr. Holladay was engaged in a great enterprise in which the Government was largely interested, and not only the Government but thousands and tens of thousands of the inhabitants of this country were largely interested in it. He, the committee find, was assured that he would have protection, and he had the opinion of the President that if the protection were not sufficient to preserve his property from hostile Indians he would be compensated by Congress. Mr. Holladay states in his testimony that had he not received these assurances from the President he would have abandoned his contract, he would have ceased to attempt to run the overland mail. Mr. Otis was asked whether in his opinion Mr. Holladay would have restocked the line were it not that he had these assurances from the President. He answered that, regarding Mr. Holladay as a shrewd business man, he was of the opinion that he would not have restocked the line that he was of the opinion that he would not have restocked the line, that he would have abandoned it, and not have attempted to run it. Under the peculiar circumstances of the case the committee were

of the opinion that Mr. Holladay ought to be paid for the losses that he sustained in consequence of these Indian depredations. If the Senate agree with the committee upon this point, then the next step is to inquire what damage Mr. Holladay did sustain in consequence of these Indian depredations. As that opens a wide field, I shall not have time to do more than merely giance at it.

It appears from the testimony how many stations were destroyed by the Indians. As to the value of these stations, if the testimony shows how many stations were destroyed and the evidence shows satisfactorily what the value of these stations was, it requires merely an arithmetical calculation to ascertain how much damage Mr. Hol-

an arithmetical calculation to ascertain how much damage Mr. Holladay sustained in consequence of the destruction of the stations. Quite a number of witnesses have testified in regard to the value of the stations. How many stations were there? It appears from the testimony of Mr. Carlyle, on page 36, who was employed by Mr. Holladay in a responsible capacity, that the stations on the road were from ten to twelve miles apart along the entire route. All the way, then, from the Missouri River to Salt Lake City, some fifteen hundred miles, I believe, these stations were erected at a distance of from ten to twelve miles apart. Then there would be from one hundred and twenty to one hundred and fifty stations. Mr. Eaton testifies, on page 11—perhaps I ought not to say testifies, because that may grate upon the ear of some Senators, but it appears in the affidavit of Mr. Eaton, on page 11, that in his opinion the stations were worth \$2,000 apiece.

Mr. CONKLING. Does the Senator happen to remember how far an arithmetical calculation to ascertain how much damage Mr. Hol-

Mr. CONKLING. Does the Senator happen to remember how far the timber that built them was hauled, and how much it cost?

Mr. CAMERON, of Wisconsin. I will refer to that directly. Mr. Carlyle, on page 36, describes the stations, as follows:

Carlyle, on page 36, describes the stations, as follows:

The stations were either hewn cedar or they were frame, except one or two which were of adobe material.

Q. How much did they cost, generally speaking?

A. It would be difficult to say what they cost, but I would say they were worth at least \$2,000 each.

Q. Why were they worth that?

A. On account of the high price of lumber; lumber had to be freighted from Denver City down there; the logs had to be hewn there one hundred miles away; they had to go on the bluffs and hew them, and the lumber had to be hauled from Denver City.

Q. How far was that?

A. Well, from Fort Kearney to Denver City was four hundred miles. Ganarally every other station, had a fear of the station had a fear of the station had a fear of the station.

ver City.

Q. How far was that?

A. Well, from Fort Kearney to Denver City was four hundred miles. Generally every other station had a frame house, called a home station; there was a dwelling as well as a stable, and a corral around the hay and barn, which made them expensive. At Cottonwood we also had a warehouse; about every one hundred miles we had a warehouse capable of holding four or five thousand bushels of grain; this was convenient to scatter along the road, the grain, when it was needed. Cottonwood station is half-way between Kearney and Julesburgh. We had a warehouse there capable of holding 5,000 bushels of grain. At Julesburgh we had a large warehouse, a blacksmith-shop, repair shop, telegraph office, boarding-house, and a very large corral around them.

Mr. Spotswood, who has already been referred to during this dis-cussion, testifies regarding the value of the stations on pages 43 and 44. He was a division superintendent. He was asked:

Was there any station destroyed on your division, and how was the station constructed, and what was their order?

And his answer was:

There was one station burned on my division and that was Little Laramie; that was built of hewn logs; it was daubed and pointed out. This was a swing station, and there was a stable twenty-five feet front and forty-five feet deep. It would hold twenty-five head of horses, with a well in it, and one room fitted up eight by ten, and a cooking-stove, with furniture, &c. The station and corral there destroyed was worth \$3,500. I think that is a fair valuation.

stroyed was worth \$3,500. I think that is a fair valuation.

Mr. Hooker testifies, on page 49, in regard to the value of the stations. Mr. Holladay himself testifies on page 63, Mr. Otis on page 83, and General Hughes on pages 87 and 88. The value of the stations is placed by all these witnesses somewhere from \$2,000 to \$4,000, except the Julesburgh station, to which I shall refer directly. Mr. Murdock testifies in regard to the value of the stations. His testimony is on page 68. He says that the stations that were not eating-houses would probably be worth from \$300 to \$500. I think he does not testify in regard to the value of stations which were eating-houses.

The committee have been criticised by some Senators because they did not adopt the estimate of Mr. Murdock, and because they did adopt substantially the testimony in regard to the value of the stations given by eight or ten other witnesses. If those Senators were on a jury, and this testimony had been submitted to them, I am of the opinion that there is not one among them who would find the value of the stations in accordance with the testimony of Murdock; they must find the value of the stations in accordance with the testimony with the testimony of Murdock;

value of the stations in accordance with the testimony of Murdock; they must find the value of the stations in accordance with the testimony of the other witnesses. I submit, then, that the committee did not err in finding the value of the stations.

Considerable has been said in regard to the value of horses and mules. The Senator from Vermont [Mr. Morrill] seems to be dissatisfied because the committee did not inquire particularly what the black horse was worth, and what the gray horse was worth, and what the red horse was worth. We were not able to do that. All that the committee deemed it essential that they should do was to essential what they should do was to ascertain generally what was the value of such horses as were used ascertain generally what was the value of such horses as were used by the Overland Stage Company in that country, at that time. They did not think it was their duty to go into it any further than that. The following witnesses testified in regard to the value of horses and mules: Mr. Street, on page 53; General Mitchell, on page 60; Mr. Otis, on page 83; Mr. Hughes, on page 87; Mr. Hooker, on page 48; Mr. Murdock, on page 69. Other witnesses, perhaps, testified also in regard to the value of horses, but nearly all the witnesses placed the value of the horses in general terms at from \$200 to \$250.

Mr. KIRKWOOD. Will the Senator allow me to interrupt him for moment?

a moment?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. KIRKWOOD. I noticed in reading the debate upon this subject a few days ago that the name of a witness resident in Iowa was alluded to especially.

Mr. CAMERON, of Wisconsin. Mr. Hooker.

Mr. KIRKWOOD. Colonel Hooker. I am glad of the opportunity of saying in regard to him that there is no man in the United States within my knowledge better calculated than he to speak intelligently upon this question. He was for many years in the State where I live, before we had railroads, very extensively engaged as a member of the Western Stage Company, and I do not think there is a man in the United States better calculated than he is to speak intelligently upon this subject. I take pleasure in saying further that there is not a man of my acquaintance whose character ought to give more weight to his of my acquaintance whose character ought to give more weight to his testimony than Colonel Hooker's character gives to his.

Mr. CAMERON, of Wisconsin. I will refer the Senator from Iowa to the testimony of Colonel Hooker, on page 48:

Q. Do you know anything about the character of the steck of the overland road after Mr. Holladay commenced running it?
A. Very well; I know all about it.
Q. What was the character of the stock used?
A. Mostly mules, west of Fort Kearney.
Q. In your judgment, what was a fair price for such animals as were used on that road?
A. The average cost of those mules would be about two hundred dollars.
Q. How about the horses?
A. The horses cost about the same; that would be the average cost of them.

I will refer also to the testimony of Colonel Charles G. Otis in regard to the value of horses and mules, found on page 83:

Q. Please state the character of stock used.

A. The stock on the route was the finest stock I ever saw on a stage line. They drove four horses on the eastern end of the line to a coach, and on the western end they drove mules—that is, in the mountains—especially on the eastern end there were five horses. The stage would start each day with four horses. They started every morning and came through in time.

Q. What were such horses worth in that country?

A. I should think that the stock they had then would cost at least \$200 apiece.

All the witnesses, except Mr. Murdock and the witness whose testimony was introduced in the shape of a letter here yesterday by the Senator from Kansas, [Mr. Plumb,] placed the value of the horses as high as \$200, some higher. I am of the opinion, then, that the committee did not err in finding that the value of the horses and mules was \$200.

was \$200.

Next, in regard to the value of hay, grain, and fuel. Several Senators have expressed surprise that the committee should find the value of hay, grain, and fuel as high as they did find it in their report. Any Senator who will take the trouble to read the testimony I think will come to the conclusion that the committee did in regard to the value of hay, grain, and fuel. Mr. Carlyle was examined in regard to the value of hay and grain. His testimony upon that point is found on page 36. is found on page 36:

Q. Now, you may go on and state about the cost of grain and hay—the average cost of the grain and hay that was used on the route.

A. I have frequently measured the hay for the line, and all the grain that was delivered was delivered by me, or I saw to the delivery. We delivered two hundred and fifty sacks, which averaged two bushels and a peck to the sack. We delivered that to each station.

Then on page 37:

Q. What was the average price at the time this grain was destroyed to replace

A. It could not have been replaced at all, because money would not do it; but I estimate at twenty cents a pound for corn, because I could get that price. The hay we were in the habit of putting up, one hundred tons at each station, and that year, on account of Indian troubles, we did not get more than about fifty tons at each station. I measured the hay, and I think it would average about fifty tons at each station.

station. I measured the hay, and I think it would average about nity tons at each station.
Q. Where did you get your hay?
A. We had to get it wherever we could, and if it was not in the neighborhood we had to haul it with teams.
Q. How far did you have to haul it?
A. Sometimes seventy-five to one hundred miles.
Q. What was hay worth?
A. Upon the average, at least \$50 a ton. It cost that much a ton during the Indian trouble.

The testimony of Mr. Spotswood in regard to the value of hay, grain, and fuel is on page 43:

Q. What was the price of grain at that time?

A. I know that the usual price was twenty cents a pound at Benver, and I have paid as high as twenty-five cents a pound for the stage line on my division at Big Thompson.

Q. How far was that from Denver?

A. It was fifty-two miles west from Denver.

General Mitchell testifies on page 60:

Q. How about the prices of forage, &c.?

A. They were very high. I remember paying \$80 a ton for hay at Fort Kearney.

We had a contract out on the hay ground, but the hay was burned, and there was but one man in the country that had hay. I protested against giving him his price, which was very high, but he would not take less and I had to take it; and I was informed that he got \$20—the Government afterward paid him.

This was not hay purchased by Mr. Holladay, but purchased by General Mitchell for the United States. He testifies that he paid \$80 a ton for it. I found in a newspaper the other day an article headed "High Priced Hay in Colorado," from the Virginia (Nevada) Enterprise, December 16, 1880, which is as follows:

Hay is now selling in San Juan County, Colorado, for \$300 per ton. That is pretty well up, but is still far behind what was seen on the Comstock in early

days. All old-timers will remember when hay sold at twenty-five cents per pound. Green grass was then retailed at ten cents per pound. In the summer of 1860 an old Frenchman made a snug little raise at packing grass up from Flowery District on an old horse. This grass grew in bunches about a rod apart, was about the thickness of a riding-whip, and from six to eight feet long. Having no scales, the old man used to count his hay out, giving from three to five stalks for a pound. When this kind of hay was criticised by customers, the good old man, who did his mowing with a hatchet, was wont to say: "Ah, sare, I agree wis you! Zee hay is a leetle coarse, but he is ver succulent. Besides, I give zee good weight. I nevaire cut one hay in two—nevaire, sare, nevaire!"

Senators need not be very much surprised that hay was worth \$50 a ton on the overland route during the Indian troubles when in December last, in San Juan County, in Colorado, it was worth \$300 a ton.

Various witnesses testify in regard to the price of fuel. Fuel had to be hauled two and three hundred miles; it was very difficult to get it at all; and I am of the opinion that the price of fuel, hay, and grain, as found by the committee, is fully justified by the testimony.

Several Senators have referred to the estimates or statements at-

saveral senators have ferred to the estimates of statements are tached to the various affidavits and wondered who placed them there. Those statements were made and placed there by George K. Otis, the general superintendent of the line. He testifies to that on page 58. I will refer to it. After speaking of the cost of the Chivington removal, Mr. Otis goes on and states:

And I might say here that most of the estimates and prices of grain, forage, horses, and stations, that is the cost, were made by myself and appended to these affidavits. I did it fairly and honestly, and I do not think that in any one instance I have overestimated any item contained in any one of the estimates.

Those statements or estimates were put there by Mr. Otis. those statements of estimates were put there by Mr. Out. He states that he made them fairly and honestly, and that in his opinion he did not overestimate a single item. I think the testimony fully justified the committee in finding the amount of damages that they did find consequent upon the destruction by the Indians of states.

they did find consequent upon the destruction by the Indians of stations, fuel, grain, &c.

The Senator from Delaware [Mr. BAYARD] a few days ago criticised the committee because the committee found that the damage sustained by Mr. Holladay in consequence of the destruction of Julesburgh was \$35,000. He said that one witness, Mr. Murdock, testified that in his opinion all the buildings at Julesburgh could be erected for \$10,000. It is true Mr. Murdock did so testify, but at least six other witnesses testified that those buildings would have cost from \$35,000 to \$45,000, and the committee were compelled to believe the five or six witnesses and not the one witness.

so,000 to \$45,000, and the committee were compensed to believe the five or six witnesses and not the one witness.

Mr. KIRKWOOD. Did Mr. Murdock give it as his opinion that the buildings could have been erected when they were erected for \$10,000, or that it could be done now for that sum?

Mr. CAMERON, of Wisconsin. That they could have been erected

when they were erected for that sum.

When this bill was up a year or two ago, and also yesterday, the Senator from Kansas [Mr. Plumb] stated that the mails were carried at a certain time, and for a certain length of time, by the military. There is testimony upon that point. There is the testimony of Mr. Spotswood, on pages 44 and 47. Mr. Spotswood was asked:

Did the Government furnish you any assistance in carrying them?

That is, the mails.

- A. Sometimes, and sometimes not; sometimes five or six soldiers, and sometimes they would furnish the road with a guard, and sometimes I would furnish the guard myself.

 Q. Did the Government furnish you with any stock at any time?

 A. They did on two occasions.

 Q. How much?

 A. Twelve head of mules, when making a trip between Virginia Dale and North Platte, and six head of mules at another time between North Platte and Sulphur Springs.

- Q. Are you positive that the Government did not carry the mail for you, or did they furnish mules or soldiers, except as a loan?

 A. They never by themselves carried the mail. They merely assisted as a guard, and no mail was carried over my division unless I accompanied it, and no vehicle of the Government went except Holladay's coaches. On one occasion I borrowed an ambulance from an officer at Fort Halleck.

General Hughes, now of Denver, who was the general attorney for Mr. Holladay at that time, testifies, on page 88:

If the Government of the United States, or any of its military officers or soldiers, ever did carry any mails for Holladay, at any time, he [Hughes] never did hear of such a thing, and is confident, from his position as the attorney of the line, from March, 1863, to November, 1866, that no such thing ever did occur.

Mr. Holladay himself, on page 63, was examined on this point, and this was his testimony:

this was his testimony:

Q. During the year 1865, or at any other time, did the troops, with their own men, horses, and wagons transport the mails, as far as you know?

A. No, sir; at all times, and most particularly during the Indian war, I was daily advised by my agents on the road of all depredations, murders, &c., both by telegraph and letters. The military on various occasions rendered the line assistance in the way of loaning mules, corn, men to drive when mine had been killed, stations burned, and stock stolen. We always returned the forage and paid the soldiers for their work. At times, also, soldiers, with the consent of their officers, assisted in cutting and hauling hay, rebuilding stations, &c.; but they were paid for all work.

Here are three witnesses, Mr. Spotswood, Mr. Hughes, and Mr. Holladay, who testify that the Government did not carry the mails.

One Senator stated that these stations were used for the purposes of trade by Mr. Holladay and his employés. Various witnesses testified that they were not used for any such purpose; that they were used only for purposes legitimately and necessarily belonging to the running of the line.

Mr. President, I do not care to protract this discussion, so far as I am

concerned, much lenger. The committee find that a removal took place in 1862; that that removal was rendered necessary by a state of war existing at that time; that the mail could not have been carried on the old route. This removal having been rendered necessary by a state of actual war, the committee were of the opinion that the Government and not Mr. Holladay ought to bear the loss of such removal. They find that the loss, according to the testimony, was \$77,000. The committee also find that in 1864 another removal was ward by the direct and residue will be a state of the committee also find that in 1864 another removal was \$77,000. The committee also find that in 1864 another removal was made by the direct and positive military order issued by Colonel Chivington, who then commanded in that department; that the damage and loss occasioned to the proprietor by this removal was \$50,000. The committee also find that Mr. Holladay's property, food, hay, hardware, &c., was taken by the military authorities to the amount of \$30,000, and that he ought to be compensated for that. They also find that he suffered very large losses in consequence of Indian spoliations. The committee have figured out the amount of those spoliations. tions. The committee have figured out the amount of those spolia-tions. This figuring appears as an appendix to the report, and they are of the opinion that the testimony fully justified them in finding that he did sustain damages to that amount in consequence of such spoliations, and under the peculiar circumstances of the case the committee are of the opinion that the Government ought to pay him for

Mr. PLUMB. Mr. President, I shall detain the Senate but a moment. My attention has been called to a line of the testimony of Mr.

Mr. PLUMB. Mr. President, I shall detain the Senate but a moment. My attention has been called to a line of the testimony of Mr. Spotswood, and it is evidently an error, whether of the printer, or of the person who reported the testimony, or of the witness himself. Mr. Spotswood says that "no mail was carried over my division unless I accompanied it." I speak of that as a sample. When a mail was carried daily it would have been a physical impossibility for Mr. Spotswood to have accompanied every mail-coach that went over the line each way. I think, therefore, that the entire statement he has made was in some way garbled by the person who reported him.

As to the statement I made yesterday concerning the carrying of mails by Government forces, that is one of those things which, if there were any necessity for proof, could be proved by seven or eight hundred men whom I know. Mr. Holladay or Mr. Spotswood might be absent and not know what was going on in the portion of the line from which stock had been removed for prudential reasons. The officer in charge of the line was under instructions to furnish the facilities for carrying the mail, and to see, if possible, that the mail went through at all hazards. The mail was carried in Mr. Holladay's coaches usually, but from points where he had no stock, for the reasons I have named, to points beyond where he had stock. At times there was a distance of two or three hundred miles, and I think sometimes even farther, where the mail was carried by Government teams, Government mules, and Government horses, driven, in many cases, and I suppose in all suppose in all suppose in all suppose in all suppose in successive decomposed the successive properties.

there was a distance of two or three hundred miles, and I think sometimes even farther, where the mail was carried by Government teams, Government mules, and Government horses, driven, in many cases, and I suppose in all such cases, by Government soldiers.

I am informed by the Post-Office Department also that Mr. Holladay never was fined; that is to say, he got all his pay no matter whether the mail was carried or not. During a large portion of the time of which I speak the mail was not carried every day, because it could not be done. I know Mr. Spotswood, I knew him at that time, I know where he lives, and there were many times when Mr. Spotswood was not on any considerable portion of the line lying between the station where he lived and the North Platte, a distance of a couple of hundred miles, perhaps; it was not safe for him to be there, and perhaps it was not necessary that he should be there. Mr. Holladay, as I said, got his pay, however, whether the mail went once a week, once a day, or not at all.

Mr. CAMERON, of Wisconsin. If he got his pay, the Post-Office Department must have been of opinion that he had performed the service according to the terms of the contract.

Mr. CONKLING. Or else they must have done a downright dishonest thing; there is no alternative.

Mr. PLUMB. I am not going to impute motives to the Post-Office Department; I have no occasion to do so. No one I suppose in favor of this bill and familiar with the facts will deny that a large portion of the time the mail was not carried at all. If Senators want a witness on that point I would call the Senator from Colorado, [Mr. Teller,] who certainly is in favor of this bill. My own construction of the action of the Post-Office Department is, and I think it will some time be shown more satisfactorily than it is now, that all the Departments of the Government were disposed to treat Holladay with great courtesy and great liberality.

ments of the Government were disposed to treat Holladay with great courtesy and great liberality.

Mr. CAMERON, of Wisconsin. Why?

Mr. PLUMB. The Senator from Wisconsin wants a motive. As

this is not a criminal prosecution the motive is not necessary. I am

this is not a criminal prosecution the motive is not necessary. I am not bound to find the motive. They did pay Mr. Holladay for services he did not render, that is that he did not technically render, and they did not treat him as they do other mail contractors, some other mail contractors at all events.

While on that subject I will say what I might have said yesterday, that whereas Mr. Holladay was permitted to change his line of route from the Laramie to the Bridger's Pass route on condition that he carried the mail once a week from Julesburgh to Fort Laramie, it was carried in the summer of 1865 by the military in an ambulance driven by soldiers. All the way through, in the allowance of his accounts by the Quartermaster's Department, Mr. Holladay was treated as a man who was entitled to consideration by reason of his having

made this effort to carry the mail. He was compensated in that way to a very large degree, and, as I think, the Department supposed it to be full compensation. It was a very large amount, and I believe the payment he received did so compensate him. I think it can be shown that a large portion of the allowance by the Quartermaster's Department was of a character that would not have been allowed under ordinary circumstances at all.

I do not care to go into this matter any more fully than has already been done. My own conviction upon it is quite strong. I regret that I am not able to construe this testimony as the Senator from Wisconsin does and as many others do. I desire to call attention to one thing in the testimony of Mr. Holladay. I will read what he said in his testimony on page 63:

O. Did you consider the Government bound to you to repay and reimburse you?

A. I did. Having been assured by the President that it was necessary that these mails should be continued, and that I could safely rely upon the honor of the Government to reimburse me for losses, I relied implicitly on those promises and assurances. Had it not been for those assurances of protection and reimbursement, I would have been compelled to suspend, and the overland mail would not have been continued, in my opinion.

I do not know anything about what took place between Mr. Holladay and the President except what he stated. What we are interested in is in knowing what each party understood to be the effect and intent of that conversation. I refer now to the memorial of Mr. Holladay presented in 1872, which is a copy of the original memorial he filed. That stated his case for relief as he understood it. He did not ask for permission to go to the Court of Claims; and it will be noticed that in stating his case he nowhere refers to any promise on the part of the President as constituting any reason for the allowance. the part of the President as constituting any reason for the allowance of his claim; he does not mention the President in any way at all. It seems to me a little singular, if he was relying during all this period solely and wholly upon the promise of the President of the United States that he should be reimbursed, that when he comes to Congress for the purpose of reimbursement and presents his petition he does not make any mention of that promise at all. If that promise had had the effect that Mr. Holladay seems to give it, it seems to me he would have presented himself during some period of time when Mr. Lincoln was alive, and when he could have recommended to Congress and stated precisely what was the agreement, what was the understanding, and what was the obligation of the Government, and had reimbursement for so much of the losses as at that time at least should have been sustained

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. Kernan] as modified. Mr. EDMUNDS. Let it be reported as modified. The PRESIDING OFFICER. The amendment as modified will be

The CHIEF CLERK. 'It is proposed to strike out all after the enacting clause of the bill and to insert:

That Ben. Holladay be, and he hereby is, authorized and empowered to institute and prosecute an action in the Court of Claims against the United States for the recovery of any amount for which the United States are justly liable to him on account of any seizure or destruction by hostile Indians of property owned and used by him in performing the contract with the United States to transport the mails on what was known as the Overland Mail Route, between the Missouri River and Salt Lake City, between the year 1860 and the 13th of November, 1866; also on account of any loss of property and expenses incurred in changing the route in carrying the mail, in compliance with the orders of the United States commanding officer, and also for any property owned by said Holladay and taken and used by United States troops; and the said Court of Claims is hereby authorized to hear and determine said suit upon the merits and render judgment therein in accordance with the rights of the parties: Provided. That nothing herein shall be construed as an admission that said Holladay, either as an original party or by subrogation or assignment, had any interest in or title to any such contract, or that he has any valid or just claim, legal or equitable, against the United States.

SEC. 2. That either party shall have the right to prosecute an appeal from the judgment of the Court of Claims to the Supreme Court of the United States at any time within sixty days after the rendition thereof.

SEC. 3. That if the said Holladay shall not commence said action in the Court of Claims within six months from the passage of this act, and prosecute the same to effect, then the said claims hereinbefore mentioned shall be forever barred.

Mr. KERNAN. I ask for the yeas and nays on the amendment.

Mr. KERNAN. I ask for the yeas and nays on the amendment. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KIRKWOOD, (when the name of Mr. Davis, of West Virginia, was called.) Neither my colleague [Mr. Allison] nor the Senator from West Virginia [Mr. Davis] is present. I believe they are paired on this question. In the absence of both Senators I think it right to state that fact.

Mr. GARLAND, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. Maxey.] If he were present, he would vote "yea" and I should vote "nay."

Mr. McPHERSON, (when his name was called.) I am paired with the Senator from Maine, [Mr. Hamlin.] If he were here, I should note "rece".

vote "yea."

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] I should vote "yea" if he were here.

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. VOORHEES.] If he were here, he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. On this question my colleague [Mr. HAMPTON] is

paired with the Senator from New Hampshire, [Mr. Rollins.] If my colleague were present, he would vote "yea."

Mr. SAULSBURY. My colleague [Mr. BAYARD] is paired with the Senator from Wisconsin, [Mr. Carpenter.] If my colleague were here, he would vote "yea."

Mr. DAVIS, of West Virginia. I believe it has been announced that I am paired with the Senator from Iowa, [Mr. Allison.] I wish to say, however, that if he were here, I should vote "yea."

The result was announced—yeas 23, nays 24; as follows:

	1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	YE	AS-23.			
The second secon	Baldwin, Beck, Brown, Butler, Call, Coke,	Davis of Illinois, Edmunds, Farley, Harris, Johnston, Jonas,	Kernan, Morrill, Pendleton, Plumb, Pugh, Randolph,	Ransom, Saulsbury, Vest, Whyte, Withers.		
	A STREET, SAN	NA	YS-24.			
	Anthony, Blaine, Blair, Booth, Burnside, Cameron of Wis.,	Conkling, Dawes, Ferry, Hill of Colorado, Hill of Georgia, Hoar,	Ingalls, Kellogg, Kirkwood, Lamar, Logan, McDonald,	Platt, Saunders, Teller, Vance, Williams, Windom.		
	ABSENT-29.					
	Allison, Bailey, Bayard, Bruce, Cameron of Pa., Carpenter, Cockrell, Davis of W. Va.,	Eaton, Garland, Groome, Grover, Hamlin, Hampton, Hereford, Jones of Florida,	Jones of Nevada, McMillan, McPherson, Maxey, Morgan, Paddook, Rollins, Sharon,	Slater, Thurman, Voorhees, Walker, Wallace.		

So the amendment was rejected.

Mr. THURMAN. I move to strike out from lines 5 and 6 of the bill the words "five hundred and twenty-six thousand seven hundred and thirty-nine" before the word "dollars." I do not move to insert anything, but merely to strike those words out.

Mr. CONKLING. How will the bill read then?

The PRESIDING OFFICER. The Secretary will report the amend-

The CHIEF CLERK. It is proposed to strike out in line 5 of the bill, after the word "of," the words "five hundred and twenty-six thousand seven hundred and thirty-nine," so as to read:

seven hundred and thirty-nine," so as to read:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of — dollars, to be paid by the Secretary of the Treasury to Ben. Holladay, in full payment and satisfaction of all claims of said Holladay against the United States on account of his contract with the Post-Office Department to carry the United States mails, and in full payment and satisfaction for all losses sustained by him by reason of his having carried the mail on a route different from the one specified in the contract under the order of the military authority of the United States, and upon the request of the President, during the existence of Indian hostilities on the line of said mail-route; and in full satisfaction for the property taken and used by United States troops for the benefit of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, [Mr. THURMAN.]

Mr. THURMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

call the roll.

Mr. DAVIS, of West Virginia, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. ALLISON.] I do not know how he would vote, but I refrain from voting.

Mr. GARLAND, (when his name was called.) As I before announced, I am paired with the Senator from Texas, [Mr. MAXEY.]

Mr. BUTLER, (when Mr. HAMPTON'S name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from New Hampshire [Mr. ROLLINS] on this question. If my colleague were present he would vote "yea."

Mr. McPHERSON, (when his name was called.) I am paired with the Senator from Maine, [Mr. Hamlin.] If he were here I should

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here I

Senator from Pennsylvania, [Mr. CAMERON.] If he were here I should vote "yea."

Mr. SLATER, (when his name was called.) I am paired with the Senator from Indiana, [Mr. Voorhees.] If he were here, he would vote "nay," and I should vote "yea."

The roll-call was concluded.

Mr. SAULSBURY. My colleague [Mr. BAYARD] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] My colleague would vote yea," if he were present.

The vote was announced—yeas 28, nays 22; as follows:

	YE				
Baldwin, Beck, Brown, Butler Call, Cockrell, Coke,	Davis of Illinois, Edmunds, Farley, Harris, Hill of Georgia, Johnston, Jonas.	Kernan, Lamar, Morrill, Pendleton, Plumb, Pugh, Randolph,	Ransom, Saulsbury, Thurman, Vance, Vest, Whyte, Withers.		
	NAYS-22.				
Anthony, Blaine, Blair, Booth, Burnside, Cameron of Wis.	Conkling, Dawes, Ferry, Hill of Colorado, Hoar, Ingalia	Kellogg, Kirkwood, Logan, McDonald, McMillan, Platt.	Saunders, Teller, Williams, Windom.		

ABSENT-26.

Allison, Bailey, Bayard, Bruce, Cameron of Pa., Eaton, Garland, Groome, Grover, Hamlin, Jones of Florida, Jones of Nevada, McPherson, Maxey. Morgan, Paddock, Sharon. Slater, Voorhees, Walker, Wallace. Carpenter, Davis of W. Va., Hampton, Hereford. Rollins.

So the amendment was agreed to.
Mr. COCKRELL. Mr. President, this question has been very fully discussed. I had intended submitting some views as one of the representatives of the minority of the Committee on Claims. No written minority report was made; but the motion of the Senator from Ohio has to a considerable extent relieved me of the responsibility of submitting the views I had intended to present in regard to the amount of the claim.

mitting the views I had intended to present in regard to the amount of the claim.

I have been making every effort possible to get at the data in this case, to obtain all the information which has been suggested and developed by the various speeches that have been made. I introduced one resolution calling for information from the Post-Office Department. That information was given. It is now contained in Executive Document No. 21. That discloses the fact that the Department did not furnish us a part of the material facts called for in the resolution, and they were the facts in regard to the amounts paid for this service. That necessitated the introduction and passage of another resolution, which was passed on Friday evening last, before the Senate adjourned, calling upon the Treasury Department for a detailed statement of all amounts paid under these contracts from 1860 up to 1868. I supposed that those facts would be before the Senate before to-day. They were not laid before the Senate this morning, and I presume they have not been received since, though it was very important that we should have the data which could be furnished by that Department. Having ascertained that the Quartermaster-General's Department had something to do with it, I addressed a letter to the Quartermaster-General yesterday, and I have received from him the following letter, which I ask to have read and printed in the Record for information.

The Chief Clerk read as follows:

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 17, 1881.

SIR: I have the honor to acknowledge the receipt of your communication of this date, received at 2.45 p. m. stating that you are advised that "certain sums of money were paid by this Department to Benjamin Holladay for transporting soldiers and supplies, or officers and soldiers alone, on what was commonly called the 'Overland Mail Line,' during the late war or subsequent thereto; or if not paid to him, at least paid to the persons in charge of that line; "and requesting to be advised "to-day, if possible, the amounts paid, the names of the person or persons to whom paid, the dates of such payments, and on what account;" and to inform you in reply that the records of this office show that on February 27, 1866, a series of accounts, one hundred and seventy-six in number, in favor of the "Overland Stage Company," was referred by this office to Colonel S. Van Vliet, Chief Quartermaster, New York City, for payment, amounting originally to \$31,432.44, and, as allowed, to \$53,936.02, 335 per cent, having been deducted from the charges made after clerical correction in this office.

City, for payment, amounts 232 per cent. having been deducted from the charges made are:

332 per cent. having been deducted from the charges made are:

332 per cent. having been deducted from the charges made are:

332 per cent. having been likewise deducted from the charges made after clerical correction in this office.

333 per cent. having been likewise deducted from the charges made after clerical correction in this office.

334 per cent. having been likewise deducted from the charges made after clerical correction in this office.

335 per cent. having been likewise deducted from the charges made after clerical correction in this office.

336 per cent. having been likewise deducted from the charges made after clerical correction in this office.

337 per cent. having been likewise deducted from the charges made after clerical stage contains a subject of the country of the co

,435.67.

On July 31, 1867, an account of the "Holladay Overland Mail and Express Comany" was referred by this office to the Third Auditor of the Treasury, amountg, as rendered, to \$2,685.62, and as allowed, after deduction of 33\frac{1}{2} per cent., to

181,744.58.

On August 27, 1867, an account in favor of the "Overland Mail Company" was referred to the Third Auditor of the Treasury, amounting as rendered, to \$2,847.07, and as allowed, after deduction of 33½ per cent., to \$1,479.08.

On October 1, 1867, the Secretary of War directed payment of the 33½ per cent. deducted from these accounts; this was done by settlement of accounting officer's No. 5294, dated October 22, 1867, (copy herewith.)

On September 16, 1873, twenty-five accounts in favor of the "Overland Stage Company" for transportation of United States troops, &c., during 1863, 1864, and 1865, amounting, as rendered, to \$3,826.38, and as corrected to \$4,120,10, were referred by this office to the Third Auditor of the Treasury, and paid on settlement of accounting officer's No. 4730, dated September 29, 1873, at \$4,120.10.

The above, it is hoped, will furnish the data you seek; it is all that can be collected in the limited time you give.

Very respectfully, your obedient servant,

M. C. MEIGS,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, United States Army.

Hon. F. M. COCKRELL, United States Senate, Washington, D. C.

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE,
October 22, 1867.

October 22, 1867.

I certify that there is due from the United States to the following parties: Holladay Overland Mail and Express Company, for transportation by stage of Government troops and baggage from February to May, 1866, amounting to \$2,616.87.

Overland Mail Company:
For transportation by stage of Government troops and baggage from 1864 to 1866, amounting to \$2,218.62.

Overland Stage Company:
For 534 per cent. deducted from accounts of this company for transportation of Government troops and baggage, referred to General 8. Van Vliet for payment February 27, and April 9 and 27, 1866; amounting to \$33,490.88.

The above claims are allowed on the papers herewith and the reports of the Quartermaster-General, dated July 31, August 22, and October 7, 1867.

Appropriation, Army transportation, payable as follows:
Twenty-six hundred and sixteen dollars and eighty-seven cents to George K.
Otis, Secretary Holladay Overland Mail and Express Company, 35 William Street,
New York City; §2,218.62 to Theodore F. Wood, assistant treasurer Overland
Mail Company, 84 Broadway, New York City; §33,480.88 to Ben. Holladay, president Overland Stage Company, 35 William Street, New York City; as appears from
the statement and vouchers herewith transmitted for the decision of the Second
Comptroller of the Treasury thereon.

JOHN WILSON, Auditor.

Hon. John M. Brodhead, Second Comptroller of the Treasury.

SECOND COMPTROLLER'S OFFICE.

I admit and certify the above balance this 25th day of October, 1867.

J. M. BRODHEAD.

A true conv:

HENRY C. HODGES,

Deputy Quartermaster-General, United States Army.

QUARTERMASTER-GENERAL'S Office, January 17, 1881.

Mr. COCKRELL. This is a part of the information, but I desired the additional information which would be given by a report from the Auditor of the Treasury for the Post-Office Department. That we have not, and I do not find it anywhere among the papers in this

I desire to get at the exact amount that may be due the claimant, and pay it without reference to any outside matters, and I now move to insert in the place where "five hundred and twenty-six thousand seven hundred and thirty-nine" have been stricken out the words "one hundred thousand."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri, in line 5, after the word "of," to insert "one hundred thousand."

Mr. GARLAND. Mr. President when I.—

Mr. GARLAND. Mr. President, when I—— Mr. THURMAN. Will my friend from Arkansas allow me to make a motion ?

a motion?

Mr. GARLAND. I am going to move to amend that.

Mr. THURMAN. It is not necessary to amend. In view of the parliamentary law and in view of Rule 32, any number of motions can be simultaneously made or can be pending at the same time to fill a blank in amount. I wish to move that the amount be filled with "fifty thousand." The Senator can move his amendment.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be noted.

Mr. GARLAND. Mr. President, when I addressed the Senate some days ago on this subject I stated that I had ciphered this matter out in three different ways or stated the amount in three different modes.

days ago on this subject I stated that I had ciphered this matter out in three different ways or stated the amount in three different modes. One would bring Mr. Holladay's claim up to near \$600,000; another would bring it very well up to the finding of the committee; and another would bring it, leaving out the fractions and taking even numbers, to \$365,000. I have gone over these figures again, and, taking the lowest possible allowance sustained by the proof, I am satisfied he is entitled to \$365,000. I move to amend by inserting "three hundred and sixty-five thousand" in the blank as to the number of dollars to be paid.

The PRESIDING OFFICER. The Secretary will note the amendment of the Senator from Arkansas, and will now report all three of the amendments proposed.

the amendments proposed.

The CHIEF CLERK. It is proposed to insert "one hundred thousand," "fifty thousand," and "three hundred and sixty-five thousand," respectivel

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas, that being the largest amount

of the amendments proposed.

Mr. EATON. The members of the Senate who have examined the question with a great deal of care arrive at different sums. I would propose the sum of \$266,900 on the calculation of a Senator who has examined the case, and I have no doubt that the Senator who went into the calculation will be able to make the Senate understand his reasons for this peculiar sum.

Mr. THURMAN. On the question of the three hundred and odd thousand dollars, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Arkansas.

Mr. THURMAN. That is what I wish the yeas and nays on.

The yeas and nays were ordered.

Mr. CONKLING. Is this the three-hundred-thousand-dollar amend-

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas is to fill the blank so as to make the sum

allowed \$365,000.

The Secretary proceeded to call the roll.

Mr. KERNAN, (when Mr. BAYARD's name was called.) The Senator from Delaware [Mr. BAYARD] is paired with the Senator from

Wisconsin, [Mr. Carpenter.] If he were here, the Senator from Delaware would vote "nay."

Mr. DAVIS, of West Virginia, (when his name was called.) On this question I am paired with the Senator from Iowa, [Mr. ALLISON.] I take it that he would vote "yea." I should vote "nay."

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Texas, [Mr. Maxev.]

Saunders.

Anthony.

Saunders

Mr. MORGAN, (when his name was called.) My pair with the Senator from Pennsylvania [Mr. Cameron] has been transferred to the Senator from Pennsylvania, [Mr. WALLACE,] and I vote "nay."

Mr. SLATER, (when his name was called.) I am paired with the Senator from Indiana, [Mr. Voorhees.] If he were here, he would vote "yea," and I should vote "nay."

The roll-call was concluded.

Mr. MCPHERSON. I am paired with the Senator frem Maine, [Mr. Hamlin.]

Mr. McDONALD, (who had voted in the affirmative.) I withdraw my vote, as the gentleman with whom I am paired is not in the Chamber.

The result was announced-yeas 19, nays 30; as follows:

	1 EAS-19.
Conkling, Dawes,	Ingalls Kellog

Booth, Burnside, Cameron of Wis.,	Ferry, Hill of Colorado, Hoar,	Kirkwood, Logan, Platt,	Williams, Windom.
	N/	XXS-30.	
Baldwin, Peck, Brown, Butler, Call, Coekrell.	Eaton, Edmunds, Farley, Harris, Hill of Georgia, Johnston,	Lamar, McMillan, Morgan, Morrill, Pendleton, Plamb,	Ransom, Thurman, Vance, Vest, Whyte, Withers.

Coke, Pugh,

Davis of Illinois,	Actual,	restratorbu-			
	ABSENT-27.				
Allison, Bailey, Bayard, Blaine, Bruce, Cameron of Pa., Carpenter,	Davis of W. Va., Garland, Groome, Grover, Hamlin, Hampton, Hereford,	Jones of Florida, Jones of Nevada, McDonald, McPherson, Maxey, Paddock, Rollins,	Saulsbury Sharon, Slater, Voorhees, Walker, Wallace.		

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Connecticut, [Mr. EATON,] to insert "two hundred and sixty-six thousand nine hundred."

Mr. THURMAN. On that I ask the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the rell.

call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Texas, [Mr. Maxey.]

Mr. McDONALD, (when his name was called.) I am paired with the Senator from Maine, [Mr. Hamlin.] I should vote "nay" if he were present

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. Voorhees.] I should vote "nay" if he were present.

The result was announced—yeas 22, nays 26; as follows:

YEAS-22.

Anthony,	Conkling,	Ingalls,	Teller,
Blair,	Eaton,	Kellogg,	Vance,
Booth.	Groome.	Kirkwood,	Williams.
Bruce,	Hill of Georgia,	Logan,	Windom.
Burnside,	Hill of Colorado,	Platt,	
Cameron of Wis.,	Hoar,	Saunders,	
	NA	VC 96	

Beck.	Edmunds,	McMillan,	Ransom,
Brown,	Farley,	Morgan,	Thurman,
Butler.	Harris,	Morrill,	Vest,
Call.	Johnston.	Pendleton,	Whyte,
Coekrell.	Jonas.	Plumb,	Withers.
Coke.	Kernan,	Pugh,	
Davie of Illinois	Tamor	Randolph	

ARSENT_98

Allison, Bailey,	Davis of W. Va., Dawes,	Hereford, Jones of Florida,	Rollins, Saulsbur	
Baldwin,	Ferry,	Jones of Nevada,	Sharon,	
Bayard,	Garland,	McDonald,	Slater,	
Blaine,	Grover,	McPherson,	Voorhees	
Cameron of Pa.,	Hamlin,	Maxey,	Walker,	
			TIT-II	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Missouri, [Mr. COCKRELL,] to insert "one hundred thousand."

Mr. CAMERON, of Wisconsin. I move to insert "two hundred

The PRESIDING OFFICER. The Senator from Wisconsin moves to insert "two hundred thousand." The question is on the adoption of the amendment proposed by the Senator from Wisconsin.

Mr. McPHERSON called for the yeas and nays; and they were or-

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with
the Senator from Texas, [Mr. Maxey.]

Mr. McPHERSON, (when his name was called.) I am paired with
the Senator from Maine, [Mr. Hamlin.] If he were present, I should

vote "nay."

The roll-call was concluded.

Mr. DAVIS, of West Virginia. I announce once more that I am paired with the Senator from Iowa, [Mr. Allison.] I make this statement now, and shall refrain from mentioning it again.

The result was announced—yeas 26, nays 28, as follows:

Conkling.

VEAS_96 Hoar,

Blaine, Blair, Booth, Bruce, Burnside, Cameron of Wis.,	Dawes, Eaton, Ferry, Groome, Hill of Georgia, Hill of Colorado,	Ingalls, Kellogg, Kirkwood, Logan, McDonald, Platt,	Teller, Vance, Williams, Windom.
	NA	YS-28.	
Baldwin, Beck, Brown, Butler, Call, Cockrell, Coke,	Davis of Illinois, Edmunds, Farley, Harris, Johnston, Jonas, Kernan,	Lamar, McMillan, Morgan, Morrill, Pendleton, Plumb, Pugh,	Randolph, Ransom, Saulsbury, Thurman, Vest, Whyte, Withers.

ARSENT_99

Allison,	Garland,	Jones of Nevada,	Slater,
Bailey,	Grover.	McPherson.	Voorhees,
Bayard,	Hamlin,	Maxey,	Walker,
Cameron of Pa.,	Hampton,	Paddock,	Wallace.
Carpenter,	Hereford.	Rollins.	
Davig of W Va	Jones of Florida	Sharon	

So the amendment was rejected. The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Missouri, [Mr. Cockrell,] to in-

ment proposed by the Schaeof Arona Arisestat, [Last Schaeof]
sert "one hundred thousand."
Mr. TELLER. I move to insert "one hundred and fifty thousand."
The PRESIDING OFFICER. Then the question is on the amendment proposed by the Schaeof from Colorado, [Mr. TELLER.]

The amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Missouri, [Mr. Cockrell,] to insert "one hundred thousand."

Mr. CAMERON, of Wisconsin, and others called for the yeas and

mr. CAMERON, or wisconsin, and others called for the years and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Texas, [Mr. Maxey.]

Mr. McPHERSON, (when his name was called.) I am paired with the Senator from Maine, [Mr. Hamlin.] I should vote "nay" if he

were present.

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

If he were present, I should vote "yea."

The roll-call was concluded and the result announced—yeas 32,

navs 19: as follows:

Carpenter, Davis of W. Va.,

Control of the Contro	YE	AS-32.	
Anthony, Blaine, Booth, Bruce, Burnside, Call, Cameron of Wis., Coekrell,	Conkling, Dawes, Ferry, Groome, Hill of Colorado, Hill of Georgia, Hoar, Ingalls,	Jonas, Kellogg, Kirkwood, Logan, McMillan, Pendleton, Platt, Randolph,	Ransom, Saunders, Teller, Vance, Vest, Whyte, Williams, Windom.
the last formation	NA	YS-19.	
Baldwin, Beck, Brown, Butler, Coke,	Davis of Illinois, Edmunds, Farley, Harris, Johnston,	Kernan, Lamar, Morgan, Morrill, Plumb,	Pugh, Saulsbury, Thurman, Withers.
The last team	ABS	ENT-25.	
Allison, Bailey, Bayard, Blair, Cameron of Pa., Carpenter	Eaton, Garland, Grover, Hamlin, Hampton, Hereford	Jones of Nevada, McDonald, McPherson, Maxey, Paddock, Rollins.	Slater, Voorhees, Walker, Wallace.

Hampton, Hereford, Jones of Florida, So the amendment was agreed to.
The PRESIDING OFFICER. Are there further amendments in the Senate?

Mr. THURMAN. Are we in Senate or in committee?

The PRESIDING OFFICER. The bill was reported to the Senate some months ago at a former session.

Mr. EDMUNDS. Mr. President, I move to strike out all after the

enacting clause and insert the following:

enacting clause and insert the following:

That Ben. Holladay be, and he hereby is, authorized and empowered to institute and prosecute an action in the Court of Claims against the United States for the recovery of any amount for which the United States are justly liable to him on account of any seizure or destruction by hostile Indians of property owned and used by him in performing the contract with the United States to transport the mails on what was known as the Overland mail route, between the Missouri River and Salt Lake City, between the year 1860 and the 13th of November, 1865; also on account of any loss of property and expenses incurred in changing the route in carrying the mail, in compliance with the orders of the United States commanding officer, and also for any property owned by said Holladay and taken and used by United States troops; and the said Court of Claims is hereby authorized to bear and determine said suit upon the merits and render judgment therein in accordance with the rights of the parties: Provided, That nothing herein shall be construed as an

admission that said Holladay, either as an original party, or by subrogation or assignment, had any interest in, or title to, any such contract, or that he has any valid or just claim, legal or equitable, against the United States; and the affidavits, which may have been heretofore taken relating to said matter, of persons who are dead or beyond the jurisdiction of the United States, may be used in evidence in said causes, and be given such weight as under the circumstances the court may think them entitled to.

Mr. CAMERON, of Wisconsin. Will the Senator from Vermont include with the affidavits the testimony that was taken by the Com-

Mr. EDMUNDS. If that testimony was taken in the form of an affidavit so that it is in writing, it falls under that provision.

Mr. CAMERON, of Wisconsin. Do you understand it does fall

under it?

Mr. EDMUNDS. If it was taken in the form of an affidavit it certainly does. Any affidavit taken in relation to this matter of persons who are either beyond the jurisdiction of the United States territorially or are dead and gone may be used before the court and given such weight as the court think it entitled to.

Mr. CAMERON, of Wisconsin. These were not taken in the form

of affidavits.

Mr. HOAR. I should like to understand whether the Senator from

Mr. HOAR. I should like to understand whether the Senator from Vermont conceives that that has any other meaning when he speaks of "justly due" than the words "legally due;" that is, whether this amendment means to confine Mr. Holladay to a lawful claim, which may be enforced at law as between private parties, or whether he means by legislation to confer upon the Court of Claims the power of determining what the United States in its administration of justice, dealing with citizens, might properly confer upon them?

Mr. EDMUNDS. Well, Mr. President, if the question were res nova, I should say that a phrase in the law which said that a court is to try and to give judgment for what may be justly due meant what in point of law or legal equity between private parties the person would be entitled to, and that it would not give the court the political power of making gifts of generosity or charity to anybody. But I believe under similar provisions of law in cases that have occurred, the Court of Claims has held, and I think the Supreme Court on appeal, that such words authorized the court to proceed without regard to the strict rules of law or contract but to do absolute natural equity according to the circumstances of the case, that equity being guided according to the circumstances of the case, that equity being guided in the same way that it would be if a private person had stood in the same relation that the United States did and had caused the same things to be done that the United States are supposed to have. That is as clear a definition as I can give of my opinion about this language.

Mr. HOAR. Does the Senator from Vermont think it sound policy

Mr. HOAR. Does the Senator from Vermont think it sound policy or within our constitutional power to confer on any other tribunal the legislative power of administering between the United States and parties' rights which that tribunal itself for the first time creates? It seems to me that the objection to the amendment of the Senator from Vermont, as he explains it, is very much greater than any objection could be to paying a claim of the most unfounded description by set of Congress.

act of Congres

act of Congress.

There are many cases where private citizens would feel bound to make a gift or grants to persons in their employ or persons with whom they had contracted who had no right whatever growing out of the contract, either at law or in equity, as administered in courts of equity. That is a legislative power, an exercise of generosity from the consideration of the Government, like the provision of an employer for a person who falls sick in his service or a person who, having made a hard bargain and lost money by it, from which the other party has gained, a private citizen dealing justly and liberally with his neighbor would make a gift; but it seems to me utterly objectionable to confer such power on the Court of Claims both in point of public policy and in point of constitutional power.

confer such power on the Court of Claims both in point of public policy and in point of constitutional power.

Mr. EDMUNDS. So should I think most decidedly, and I am sorry that I did not state with sufficient clearness—it was my own fault no doubt—my proposition, not to mislead my friend from Massachusetts in his commentary upon it. I thought I said—I certainly meant to say—that while I believed according to precedent that the Court of Claims would not feel itself under that language bound by the strict miles of law or the strict rules of legal equity either, yet it would not feel itself authorized to make gifts, grants, or do charities, but to do justice under the circumstances of the transactions that had happened between the United States and this claimant. That was what I intended to state; and if I did not state it clearly before, I wish to state it now as clearly as I can. I am not very hungry even for that, because tended to state; and if I did not state it clearly before, I wish to state it now as clearly as I can. I am not very hungry even for that, because the more I hear this case discussed, I have greater and greater doubts as to the propriety of taking any steps at all after this lapse of time and after what has taken place.

At the same time the bill, after the amendment that has been adopted, is inconsistent in itself. We are acting on the report of a committee who say that they think more than half a million dollars is due, not

who say that they think more than half a million dollars is due, not as a charity or a donation, but as a right to this man, and the friends of this man have voted to say that instead of giving him that they will give him \$100,000. That either means that that is to end this affair or that it is merely on account and that we are to have another bill for another \$100,000 or as much as can be got at the next session of Congress. We have had experience of that class of cases. I do not wish to do that. I wish to make an end of this matter once for

all; and inasmuch as I had heard it stated by Senators for whose opinions I have very great respect that they thought the Court of Claims was the true place to send this matter, but that the death and going away of witnesses and so forth might embarrass this claimant, I was willing to go to the extent of providing that in case of death or absence beyond the reach of the process of the United States the affidavits already taken in support of this claim and in the time of it as it was said should be given in any evidence and be given such weight as the court thought under the circumstances they were entitled to

weight as the court thought under the circumstances they were entitled to.

Mr. THURMAN. Mr. President, I have already expressed my opinion in regard to the propriety of sending this case to the Court of Claims, and I do not wish to trouble the Senate with a repetition of what I have said twice. I will only say that I adhere to the opinion I have expressed, that this is not a case for the Court of Claims, and I hope that it will not be sent to that court. Although the bill in the shape in which it now stands is much less objectionable than it was a criginally reported as it seems to me, yet I cannot you for it. the shape in which it now stands is much less objectionable than it was as originally reported as it seems to me, yet I cannot vote for it still, for I think the amount now in the bill is too large, but I would prefer to see the bill pass, indeed I would prefer to vote for the bill rather than to send it to the Court of Claims. I hope, therefore, that the amendment offered by the Senstor from Vermont will not be adopted, and that we shall proceed to get a vote on this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senstor from Vermont, [Mr. EDMUNDS.]

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

call the roll.

call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Texas, [Mr. Maxey.]

Mr. McPHERSON, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. Hamlin.] If he were here I should vote "yea."

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. Hampton.] If he were present I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 18, nays 32; as follows:

YEAS-18.			
Anthony, Baldwin, Beck, Brown, Burnside,	Butler, Coke, Davis of Illinois, Edmunds, Farley,	Groome, Harris, Johnston, Kernan, McMillan,	Plumb, Ransom, Withers.
1219	NA	XS-32.	
Blaine, Blair, Booth, Bruce, Call, Cameron of Wis., Conkling, Eaton,	Ferry, Hill of Colorado, Hill of Georgia, Ingalls, Jonas, Kellogg, Kirkwood, Lamar,	Logan, McDonald, Morgan, Morrill, Pendleton, Platt, Pugh, Saulsbury,	Saunders, Teller, Thurman, Vance, Vest, Whyte, Williams, Windom.
	ABS	ENT-26.	
Allison, Bailey, Bayard, Cameron of Pa., Carpenter, Cockrell,	Dawes, Garland, Grover, Hamlin, Hampton, Hereford,	Jones of Florida, Jones of Nevada, McPherson, Maxey, Paddock, Randolph,	Sharon, Slater, Voorhees, Walker, Wallace.

So the amendment was rejected. The PRESIDING OFFICER. If there be no further amendments proposed the question is, Shall the bill be engrossed for a third reading?

The bill was ordered to be engrossed for a third reading, and was

read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. BUTLER, Mr. MORRILL, and others called for the yeas and

The yeas and nays were ordered.

Mr. CONKLING. Am I right in supposing that the bill is now as the committee reported it except that \$100,000 is substituted as the

The PRESIDING OFFICER. That is the form in which the bill stands.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Texas, [Mr. Maxey.]

Mr. McPHERSON, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. Hamlin.] If he were

Mr. SLATER, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. Voorhees.] If he were here, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. BUTLER. My colleague [Mr. HAMPTON] is paired with the Senator from New Hampshire, [Mr. ROLLINS.] If my colleague were present, he would vote "nay."

Mr. KERNAN. The Senator from Delaware [Mr. BAYARD] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] If the Senator from Delaware were here, he would vote "nay."

The result was announced—yeas 33, nays 19; as follows:

	S	

Anthony, Blaine, Blaic. Booth, Bruce, Burnside, Call, Cameron of Wis.,	Dawes, Eaton, Ferry, Groome, Hill of Colorado, Hill of Georgia, Hoar, Ingalls,	Kellogg, Kirkwood, Logan, McDonald, McMillan, Pendleton, Platt, Ransom,	Teller, Vance, Vest, Whyte, Williams, Windom.
Conkling,	Jonas,	Saunders,	

NAYS-19.

Baldwin, Beck.	Davis of Illinois, Edmunds,	Kernan, Lamar.	Pugh, Saulsbury,
Brown.	Farley,	Morgan,	Thurman,
Butler,	Harris,	Morrill,	Withers.
Coke.	Johnston.	Plumb.	

ABSENT-24

Allison,	Davis of W. Va.,	Jones of Florida,	Rollins,
Bailey,	Garland,	Jones of Nevada,	Sharon,
Bayard.	Grover,	McPherson,	Slater,
Cameron of Pa.,	Hamlin,	Maxey,	Voorhees,
Carpenter,	Hampton,	Paddock.	Walker.
Cockrell,	Hereford,	Randolph,	Wallace.

So the bill was passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 1067) to quiet title of settlers on the Des Meines River lands, in the State of Iowa, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the first amendment of the Senate to the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes.

Mr. EATON. I move that the Senate insist on its amendment that

the House has non-concurred in, and ask for a conference on the dis-

The motion was agreed to.
By unanimous consent, it was

Ordered. That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER appointed, Mr. EATON, Mr. DAVIS of West Virginia, and Mr. WINDOM the conferees.

LANDS IN SEVERALTY TO INDIANS.

Mr. COKE. I move that the Senate now take up and consider Senate bill No. 1773, being a bill to provide for the allotment of lands in severalty to Indians on the various reservations. I will remark that severalty to Indians on the various reservations. I will remark that this is a bill of great importance, though a short bill, and the principle embraced in it was considered at the last session of Congress in the discussion of the Ute bill. I am very much pressed by the Secretary of the Interior to have the bill acted on.

Mr. TELLER. We have not the slightest idea in this part of the Chamber what bill is proposed to be brought up.

The PRESIDING OFFICER. The title of the bill referred to by the Senator from Texas will be read.

The Chief Clerk read the title of the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and

ervations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas moves that

The PRESIDING OFFICER. The Senator from Texas moves that the pending and all prior orders be postponed in order that he may move to take up the bill just reported.

Mr. TELLER. What are the prior orders.

Mr. EDMUNDS. There are none.

The PRESIDING OFFICER. The Calendar of General Orders, the Chair supposes. The question is on the motion of the Senator from

Texas.

Mr. KIRKWOOD. I do not like to antagonize the motion of the Senator from Texas, yet there are two bills reported back from the Committee on Agriculture a few days ago that I feel great interest in, Senate bills Nos. 1893 and 1667, both being for the prevention of the spread of contagious cattle diseases. I think it is more important to the Senate to have those bills taken up than the bill moved

by the Senator from Texas, and unless there be some very urgent necessity for the bill named by him I feel inclined to ask the Senate to vote down his motion and take up one of these bills.

Mr. COKE. I will state—

Mr. BURNSIDE. I appeal to the Senator from Texas that his motion will lead to a contest, and this is quite a late hour. I hope the Senator will give way for a motion to adjourn; I think we shall save

Mr. COKE. I only desire to make a remark in reference to this bill. It is a bill to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes. I have been specially instructed by the Committee on Indian Affairs at the earliest possible moment to bring up and get this bill considered. I have received several requests from the Secretary

of the Interior to urge the passage of the bill, and the committee of which I am chairman has been waited upon by a delegation of distinguished gentlemen from different portions of the country to urge the passage of the bill. The bill is a short one. Every principle involved in it was discussed fully at the last session of Congress. I think it can be disposed of in a very short time; and until it is disposed of the Interior Department is seriously obstructed in the administration of the affairs of several of the tribes of Indians. I therefore hope that it will be the pleasure of the Senate to take the bill up and consider it. If the bill can be taken up I shall then be willing to yield for an adjournment.

Mr. TELLER. This bill which is proposed to be taken up to-night will cause some considerable discussion, and I do not believe we are prepared to take it up now.

prepared to take it up now.

The question of lands in severalty was discussed somewhat during the last session in connection with the Ute bill. The members of the commission who were appointed to go out and settle the Indians under that bill and distribute the lands, I understand are prepared to report that these Ute Indians declined to sign the treaty until the commission had assured them that they would come back here to Congress and make an effort to abrogate that portion of the treaty. I have that from one member of the commission, that that was an insurmountable obstacle in the treaty and it would not have been signed. surmountable obstacle in the treaty and it would not have been signed

surmountable obstacle in the treaty and it would not have been signed but for a stipulation and agreement on their part that they would have that abrogated at this session.

This is a question of the very highest importance in connection with the Indian problem. The attempt to force upon these wild Indians land in severalty and make it obligatory upon them to take it will require the army. It cannot be done without it. I speak of what I know when I say that, and Senators should understand this is a very important question in connection with the Indians. Now I want to walt until that commission report, which I understand they will be ready to do in a day or two.

Mr. COKE. Allow me to say that the bill I am trying to get up does not seek to enforce anything on the Indians, and proposes to do nothing except with their free consent.

except with their free consent.

Mr. TELLER. I understand the bill. This land in severalty is supposed to be the panacea for all the ills that afflict the Indians.

The PRESIDING OFFICER. As the present occupant of the chair

The PRESIDING OFFICER. As the present occupant of the chair understands the rules, it is not in order to discuss the merits of a proposition on a motion to take it up.

Mr. TELLER. I will not discuss the merits, but I will move that the Senate do now adjourn.

The PRESIDING OFFICER. It is moved by the Senator from Colorado that the Senate do now adjourn.

Mr. COKE. I had the floor, and my motion was pending, I submit.

Mr. TELLER. I suppose my motion is in order if the Senator's

Mr. TELLER. I suppose my motion is in order if the Senator's

motion was pending.

The PRESIDING OFFICER. The Chair had recognized the Senator from Colorado as entitled to the floor. He certainly had a right to make his motion.

The motion was agreed to; and (at four o'clock and forty minutes

p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 18, 1881.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of Washington, District of Columbia.

The Journal of yesterday was read and approved.

FLORIDA ELECTION CONTEST.

Mr. FERNANDO WOOD. I call for the regular order.

Mr. FERNANDO WOOD. I can not the regular order.

Mr. KEIFER. I rise to make a privileged report—a unanimous report from the Committee on Elections on the contested-election case from the second congressional district of Florida. I ask that the report be printed and laid on the table, and give notice that at an early day I will call up the subject for the consideration of the House. I ask that the resolutions appended to the report be read.

The Clerk read as follows:

The Clerk read as follows:

1. Resolved, That Noble A. Hull is not entitled to retain his seat as a member of the Forty-sixth Congress of the United States as a Representative of the second congressional district of the State of Florida.

2. Resolved, That Horatio Bisbee, jr., is entitled to a seat as a member of the Forty-sixth Congress as a Representative of the second congressional district of the State of Florida.

The SPEAKER. The report will be ordered to be printed and will be laid on the table, to be called up hereafter.

EVENING SESSION FOR SENATE BILLS.

The SPEAKER. The gentleman from New York [Mr. Fernando Wood] has called for the regular order.

Mr. CARLISLE. The gentleman from New York yields to allow me to ask unanimous consent to introduce a resolution providing for an evening session to-morrow to consider only Senate bills on the Private Calendar.

The Clerk read the resolution, as follows:

Resolved. That the House will take a recess to-morrow at four and a half o'clock p. m., to meet again at eight o'clock for the consideration of Senate bills on the Private Calendar in their order on the Calendar, and for the transaction of no other

The SPEAKER. Is there objection?

Mr. REAGAN. Yes, sir; I must object to anything that interrupts the regular business of the House.

The SPEAKER. The resolution is for an evening session to-morrow. It does not interfere with the business of the day session.

row. It does not interfere with the business of the day session.

Mr. REAGAN. I withdraw my objection.

Mr. COFFROTH. I object.

The SPEAKER. The Chair suggests to the gentleman from Pennsylvania [Mr. COFFROTH] that by the adoption of the resolution the consideration of bills on the Calendar, especially pension bills, in which the gentleman and his committee are interested, will be pro-

Mr. CALKINS. This resolution applies only to to-morrow night? The SPEAKER. Yes, sir.
Mr. CARLISLE. It relates to to-morrow night only, and to Sen-

ate bills on the Private Calendar.

The SPEAKER. Does the gentleman from Pennsylvania object?

Mr. COFFROTH. I object.

ORDER OF BUSINESS.

The SPEAKER, as the regular order, proceeded to call the committees for reports. When several committees had been called, Mr. ACKLEN moved that the call of committees be dispensed

with.

The SPEAKER. The motion comes too late; the call has commenced.

REGISTRATION OF TRADE-MARKS.

Mr. HAMMOND, of Georgia. The Committee on the Judiciary have directed me to report back a resolution of inquiry with a recommendation that it be adopted.

The SPEAKER. It cannot be acted on during this call. The Chair will allow it to be reported now; and action can be taken on it under the rules immediately after the call of committees for reported has been concluded. The resolution will be read now. ports has been concluded. The resolution will be read now.

The Clerk read as follows:

Resolved. That the Secretary of the Interior be, and is hereby, requested to inform this House under and by what authority the registration of trade-marks is permitted, and fees for such registration are charged and collected, since the Supreme Court of the United States, at its October term, 1879, in the case of Emil Steffins et al. vs. The United States, decided that the enactments of Congress authorizing such registration and collection of fees are void, because unconstitutional.

Mr. CALKINS. Is that resolution recommended by the Committee on the Judiciary for adoption?

The SPEAKER. It is; but it cannot be acted on now. As soon as all of the committees shall have been called, the Chair will recognize the gentleman from Georgia to call up the resolution for action. The call of committees cannot be interrupted.

Mr. DIBRELL, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5320) for the relief of Simon B. Ellis; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HENRY ISENBERG.

Mr. DIBRELL also, from the same committee, reported back, with amendment, the bill (H. R. No. 6652) for the relief of Henry Isenberg; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

COMPENSATION OF PAYMASTERS' CLERKS.

Mr. DIBRELL also, from the same committee, reported back adversely the bill (H. R. No. 5178) regulating the compensation of paymasters' clerks in the United States Army; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM M'ELROY.

Mr. DIBRELL also, from the same committee, reported back adversely the bill (H. R. No. 3173) for the relief of William McElroy, late first lieutenant United States Infantry; which was laid on the table, and the accompanying report ordered to be printed.

BREVET MAJOR-GENERAL WILLIAM W. AVERELL.

Mr. BRAGG, from the Committee on Military Affairs, reported back favorably the bill (H. R. No. 6794) authorizing the retirement of Brevet Major-General William W. Averell, United States Army, with the rank and pay of a brigadier-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ULYSSES S. GRANT.

Mr. SPARKS. I am directed by the Committee on Military Affairs Mr. SPARKS. I am directed by the Committee on Military Affairs to report back House bill No. 6519, to place Ulysses S. Grant, late General of the Army, and ex-President of the United States, upon the retired list of the Army, with an adverse report. The minority of the committee have views which they desire to present, and I am authorized to state the Committee on Military Affairs consent, I think unanimously, that they may have that opportunity.

The SPEAKER. The bill and reports will be laid upon the table

and the report ordered to be printed.

Mr. McCOOK. I understand the Committee on Military Affairs did not authorize the chairman or anybody else to lay that bill upon the

table, and therefore, sir—

The SPEAKER. That is the practice, but if any member asks it shall go upon the Calendar, it will go there accompanied by the

adverse report. Mr. McCOOK.

Mr. McCOOK. I ask it shall go upon the Calendar.
Mr. TOWNSHEND, of Illinois. What Calendar?
Mr. SPARKS. That is the report, that the bill shall not pass.
Mr. McCOOK. I ask the bill go to the Calendam.
Mr. SPARKS. Precisely, and it goes there with the recommenda-

tion that it shall not pass.

Mr. TOWNSHEND, of Illinois. What Calendar?

Mr. McCOOK. The Speaker said the bill would lie upon the table.

The SPEAKER. The Chair did not notice the title of the bill at all, and the practice has been, unless some gentleman objected, where a committee made an adverse report the bill was laid upon the table and the report ordered to be printed. Any member of the House has the right to demand the bill shall go to the Calendar, but it goes there with the adverse recommendation.

there with the adverse recommendation.

Mr. McCOOK. Certainly, and in the exercise of that right—
The SPEAKER. The House controls its legislation notwithstanding the judgment or opinion of any committee.

Mr. McCOOK. And simply in the exercise of that right I have asked that the bill shall go upon the Calendar. And now, sir, I present the views of the minority and ask they also be printed.

Mr. SPARKS. The report is precisely in keeping with that statement—not that it be laid upon the table, but that it go upon the Calendar with the recommendation that it do not pass. I gave notice that the minority of the committee, by consent of the Committee on Military Affairs, had views to present—

Mr. McCOOK. The chairman of the committee does not understand that I am reflecting on him, I hope. I am merely in the exer-

stand that I am reflecting on him, I hope. I am merely in the exercise of my right as a member asking that the bill shall go upon the Calendar.

Calendar.

Mr. SPARKS. There is no disagreement between the gentleman and myself. I am merely correcting the statement of the Chair.

The SPEAKER. The Chair did what he always does when an adverse report is submitted from any committee, and when no member intervenes to prevent the bill going on the table. Of course the action of the committee is not conclusive of the House at all. An adverse report does not preclude the bill going on the Calendar and being reached in its regular order.

Mr. McCOOK. I wish in explanation to state, Mr. Speaker, that the views of the minority are signed by two of the minority members of the Committee on Military Affairs. The other two gentlemen have not seen it, but I assume they will sign it; however, I know nothing of that fact.

nothing of that fact.

The SPEAKER. The views of the minority presented by the gentleman from New York will be received and ordered to be printed

with the majority report.

Mr. TOWNSHEND, of Illinois. On what Calendar does it go?

The SPEAKER. The Private Calendar.

Mr. TOWNSEND, of Ohio. I want the majority and minority

mr. 10 wisher, of Onto. I want the majority and the other reports read.

Mr. SPARKS. The majority report is a formal report, and the other is a long one. They will be printed in a short time.

Mr. TOWNSEND, of Ohio. I ask they now be read.

Mr. DIBRELL. I object.

The SPEAKER. The Chair supposes the gentleman desires to have them printed in the RECORD, but the reading of them will not necessity to be them into the RECORD.

Mr. TOWNSHEND, of Illinois. I object.

Mr. TOWNSHEND, of Illinois. I object.

Mr. SPARKS. I suggest to the gentleman that these reports will be printed in a day or two, and that is all I wish to say on the subject. The SPEAKER. The gentleman from Ohio demands the reading of these reports. The language of Rule XXIV is "there shall be a morning hour for reports from committees, which shall be appropriately referred and printed," and the language of Rule XXXI is "when the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House." The practice under the new rules has never been where bills are presented for printing to read the reports. The Chair, however, thinks if the gentleman desires the printing of these reports in the RECORD, there will be no objection.

Mr. TOWNSHEND, of Illinois. Yes, I object. Let these take the usual course with all similar reports.

Mr. TOWNSEND, of Ohio. I will accept that. Let it be printed in the RECORD.

in the RECORD.

The SPEAKER. The Chair cannot entertain that motion at this time, but will recognize the gentleman from Ohio later in the day to make the motion. The gentleman from Illinois objects at present.

Mr. TOWNSEND, of Ohio. Does any one object to the printing of

the report in the RECORD?

Mr. TOWNSHEND, of Illinois. I insist that these reports shall take their usual course with other reports of this House.

Mr. McCOOK. Mr. Speaker, I have refrained from making any comment upon the request of the gentleman from Ohio for the reason that this is my report, but I would like to understand if the Chair rules that the report cannot at this time be read.

The SPEAKER. The practical effect or force of the construction under the new rules of the two rules which the Chair has caused to be read would not, in the indement of the Chair, give a warrant for

be read would not, in the judgment of the Chair, give a warrant for the reading at this time, because these rules provide that the report shall be printed, while no provision is made for their reading. The Chair is of opinion, however, that it ought to be in the scope of the rule that certain papers should be read, and the Chair would not like to make an absolute decision covering this point which would cut off the reading if demanded, until he has had a further opportunity to review the rules in all their bearing upon the question

Mr. McCOOK. If the gentleman from Illinois will withdraw his opposition to the printing of the reports in the RECORD, I am sure the gentleman from Ohio will not insist on the reading at this time.

Mr. TOWNSHEND, of Illinois. I know of no rule or practice of

this House which authorizes this morning hour to be consumed in the reading of such papers. I insist, therefore, upon the objection. I desire that the report in this case may take the usual course of all reports in this House.

Mr. McCOOK. But we are endeavoring to find out what is the

usual course

Mr. TOWNSHEND, of Illinois. It is to have the reports printed and referred in the usual manner to one of the Calendars.

Mr. TOWNSEND, of Ohio. If the gentleman from Illinois will withdraw his objection to having the majority and minority reports printed in the RECORD, I will not insist upon the reading now or at

any other time.
Mr. TOWNSHEND, of Illinois. I must object to the printing iu

the RECORD.

The SPEAKER. The Chair will examine the rule carefully during The SPEAKER. The Chair will examine the rule carefully during the day, and give the gentleman from Ohio an opportunity of being heard on the point if he so desires. The difficulty would seem to be that gentlemen coming in with reports from committees may if they so desire submit lengthy reports that would take up the entire hour.

Mr. TOWNSEND, of Ohio. Do I understand the gentleman from Illinois to insist upon his objection?

Mr. TOWNSHEND, of Illinois. I do insist upon it.

Mr. TOWNSEND, of Ohio. I was under the impression that the gentleman had withdrawn the objection to printing in the RECORD. The SPEAKER. The Chair did not so understand; but on the con-

trary understands the gentleman as insisting on the objection and demand that they shall take their usual course.

Mr. TOWNSHEND, of Illinois. I do insist on the objection and demand the regular order.

Mr. TOWNSEND, of Ohio. Then I reserve the right to make the

request at a later period.

The SPEAKER. The Chair will recognize the gentleman hereafter, when he has had an opportunity of examining the rules and seeing

when he has had an opportunity of examining the rules and seeing their bearing upon this question.

Mr. FRYE. I hope in the interest of the new rules the Speaker will not rule, although I would like to have the reports read, that in the morning hour such reports may be read on demand of any one member of this House.

The SPEAKER. The Chair has so ruled, but prefers not to rule absolutely until he has had an opportunity of reading the rules and

examining the question more carefully.

Mr. FRYE. It might spoil the morning hour every day if this

ruling is sustained.

Mr. SPARKS. I do not see much in this whole matter. The majority report is a mere formal report, adverse; the minority report is a favorable report, in connection with which there is some little ver-biage. I think the whole matter should take the regular course, like all other questions that come before the House from committees. There is very little in it, and I do not see why gentlemen insist upon its going into the RECORD.

The SPEAKER. The Chair will recognize the gentleman from Ohio later in the day, if he so desires.

NAVAL MONUMENT, ANNAPOLIS.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back, with an amendment, the bill of the House No. 1851, to provide for the erection of a monument at the naval cemetery, Annapolis, Maryland, in commemoration of the officers and others who perished in the wreck of the United States steamer Huron; which was referred to the Committee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Whole House on the state of the Union, and the accommittee of the Union of the Original Research of the panying report ordered to be printed.

SAMUEL CHASE BARNEY.

TALBOTT also, from the same committee, reported back, as a Mr. TALBOTT also, from the same committee, reported back, as a substitute for the bill of the House No. 4266, a bill (H. R. No. 6963) for the relief of Samuel Chase Barney; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH WILLIAMS VERY.

On motion of Mr. TALBOTT, by unanimous consent, the Com-

mittee on Naval Affairs was discharged from the further consideration of the petition of Sarah Williams Very; and the same was referred to the Committee on Pensions.

SIOUX INDIAN DEPREDATIONS.

Mr. POEHLER, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 3695) to restore to certain scouts and soldiers of the United States Army in the Sioux Nation of Indians the moneys and annuities belonging to them confiscated and forfeited to the United States, under an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians, approved February 16, 1863; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

METALLIC CARTRIDGES, UNITED STATES ARMY.

Mr. CASWELL, from the Committee on Patents, reported a bill (H. R. No. 6964) to authorize the Secretary of War to contract for the legal right to make and use the metallic cartridges adopted for the Army service; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSION BILLS.

Mr. COFFROTH, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4653) for the relief of John Sharpe, of Pennsylvania; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. COFFROTH also, from the same committee, reported a bill (H. R. No. 6965) granting a pension to Margaret D. Marchaud; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ordered to be printed.

Mr. COFFROTH also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 5015) granting a pension to Emma A. Ramsey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. UPDEGRAFF, of Ohio, from the Committee on Invalid Pensions, reported back, with amendments, the bill (H. R. No. 5237) granting a pension to Minnie Hamman; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

mittee of the Whole of the Fried Calendar, and the accompanying report ordered to be printed.

Mr. UPDEGRAFF, of Ohio, also, from the same committee, reported back the bill (H. R. No. 5228) granting arrears of pension to Elizabeth Winters; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

Mr. HOSTETLER, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 2352) granting an increase of pension to Henry Binnamon; which was referred to the Committee of the Whole on the Private Calen-

dar, and the accompanying report ordered to be printed.

Mr. MASON, from the Committee on Invalid Pensions, reported a bill (H. R. No. 6966) to restore to the pension-roll the name of Frederick A. Garlick; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the

accompanying report, ordered to be printed.

Mr. MASON also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 4991) granting a pension to Bennett J. Denson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report

ordered to be printed.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported a bill (H. R. No. 6967) granting a pension to Adam Petry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered

bil the Fivate Calcular, and, with the accompanying report, ordered to be printed.

Mr. WHITEAKER, from the Committee on Pensions, reported a bill (H. R. No. 6968) granting a pension to John T. Harrington, late a soldier in the war of 1812; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

and, with the accompanying report, ordered to be printed.

Mr. WHITEAKER also, from the same committee, reported back, with favorable recommendations, bills of the following titles, and the same were severally referred to the Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. No. 537) to grant a pension to Anson Smith;

A bill (S. No. 1411) granting a pension to James Morgan;

A bill (S. No. 913) granting a pension to Thomas P. Johnson;

A bill (S. No. 576) for the relief of Phæbe Meech;

A bill (S. No. 1729) granting a pension to William Stockwell; and A bill (S. No. 1546) granting a pension to P. B. Berry, sr.

Mr. WHITEAKER. I am instructed also by the Committee on Pensions to report back, with a favorable recommendation, the bill (S. No. 205) granting an increase of pension to Abigail S. Tilton, and

(S. No. 205) granting an increase of pension to Abigail S. Tilton, and

to ask for its present consideration.

The SPEAKER. The Senate bills which have just been reported by the gentleman from Oregon are accompanied by reports of the

Senate committee. Have the House committee adopted the views

of the Senate committee?

Mr. WHITEAKER. They have. With reference to the Senate bill
No. 205, as this is an extreme case, I wish to ask its present consider-

ation by the House.

The SPEAKER. That cannot be done under this call.

Mr. WHITEAKER. Then I will withdraw the report for the present. I will take my chance of getting it in at some future time.

JOHN D. YOUNG.

Mr. HORR. I am instructed by the Committee on Claims to make a report in reference to the claim of Hon. John D. Young, of Kentucky, and ask that the same be referred to the Committee on Appropriations, with a view to an appropriation being inserted in the sundry civil bill.

The report was ordered to be printed; and, with the accompanying petition, was referred to the Committee on Appropriations.

A. L. H. CRENSHAW.

Mr. ROTHWELL, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. No. 1710) for the relief of A. L. H. Crenshaw; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

UNITED STATES VS. JOHN S. DICKERSON.

Mr. SPRINGER. The Committee on Expenditures in the Department of Justice have instructed me to make a report on the memorial ment of Justice have instructed me to make a report on the memorial of Fred. Wallroth, of New York City, praying an investigation in the matter of the income-tax case, the United States against John S. Dickerson. I ask that the report be printed, and that the resolution be referred to the Committee of the Whole on the state of the Union. Mr. KEIFER. What is asked to be done?

Mr. SPRINGER. Nothing but to print the report and refer the resolution and report to the Committee of the Whole on the state of the Union. This is the unanimous report of the committee.

There was no objection and it was so ordered.

There was no objection, and it was so ordered.

ARREARS OF PAY AND BOUNTY.

Mr. CASWELL. I desire to report at this time, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, a

resolution, and ask for its immediate passage.

The SPEAKER. The gentleman has the right to report from that committee at any time.

Mr. CASWELL. Yes, sir.

The SPEAKER. The Chair cannot interrupt this call by the consideration of the resolution at this time.

Mr. CASWELL. I think no one would object to the consideration

Arr. CASWELL. I think no one would object to the consideration

of the resolution.

The SPEAKER. The Chair will recognize the gentleman after the call of committees is through under his right to report at any time.

REGISTRATION OF TRADE-MARKS.

The SPEAKER. The gentleman from Georgia [Mr. Hammond] is now recognized to call up the resolution of inquiry from the Secretary of the Interior.

Mr. ATKINS. Will it give rise to much debate?

Mr. HAMMOND, of Georgia. It will not. I send to the desk the resolution which the Committee on the Judiciary have directed me to report back with a favorable recommendation.

The Clerk read as follows:

Resolved. That the Secretary of the Interior be, and he is hereby, requested to inform this House under and by what authority the registration of trade-marks is permitted and fees for such registration are charged and collected, since the Supreme Court of the United States, at its October term, 1879, in the case of Emil Steffins et al. vs. The United States, decided that the enactments of Congress authorizing such registration and collection of fees are void, because unconstitutional

Mr. KEIFER. I think the form of that resolution had better be changed; that it should be modified so as simply to make the inquiry, without giving any reason therefor. As it now reads it conveys a sort of reflection on the Secretary of the Interior, which I think should

not be put in our resolution.

Mr. HAMMOND, of Georgia. That is immaterial to me. It is simply giving the reason why we make the inquiry.

Mr. KEIFER. The reason had better not go into the resolution, for it would seem to indicate that the Secretary of the Interior has been and is doing seventhing wayner. been and is doing something wrong.

Mr. HAMMOND, of Georgia. Will the gentleman move some

amendment?

Mr. KEIFER. I make the suggestion to the gentleman who wants the information to strike out all that part of the resolution which refers to the decision of the Supreme Court.

Mr. HAMMOND, of Georgia. I have no objection, so that we get

the information.

Mr. KEIFER. My motion would be to strike out all that relates to the case decided by the Supreme Court, and simply to call for information on the subject of registration of trade-marks.

Mr. HAMMOND, of Georgia. I have no objection to that, and I presume the committee will have none.

The SPEAKER. The gentleman cannot accept the amendment, but the Chair will submit it to the House.

The question was taken upon the amendment proposed by Mr. Keifer; and it was agreed to.

The resolution, as amended, was then adopted.

Mr. HAMMOND, of Georgia, moved to reconsider the vote by which the resolution, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF PAY AND BOUNTY.

Mr. CASWELL, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, authorized to report at any time, submitted the following:

Resolved. That the Committee on Appropriations be directed to add to the appropriation bill for the payment of bounties now due and payable to soldiers serving in the war of the rebellion the following:

For the payment of arrears of pay and bounty to volunteer soldiers who served in the war of the rebellion, or their heirs, and to discharged soldiers of the United States Army, which may be allowed and certified after the 20th of December, 1880, \$300,000.

The question was upon the adoption of the resolution.

Mr. CASWELL. I can make no better explanation of this resolution than is contained in the letters which I send to the Clerk's desk to be read.

Mr. FERNANDO WOOD. Is this resolution of higher privilege than a motion to go into Committee of the Whole on the state of the

The SPEAKER. The Chair understands that this resolution will take but a moment, and the committee has the right to report at any

Mr. FERNANDO WOOD. "Any time" is very indefinite.
The SPEAKER. That is what the Chair thinks, and therefore he exercises a discretion in the matter of entertaining such reports.
Mr. FERNANDO WOOD. The rule provides that a motion to go

into Committee of the Whole on the state of the Union shall be enter-

The SPEAKER. This will take but a few moments.

Mr. FERNANDO WOOD. I propose now to go into Committee of the Whole for the further consideration of the funding bill.

Mr. ATKINS. I ask the gentleman to yield to me to make a report

from the Committee on Appropriations.

Mr. CASWELL. This resolution will take but a moment.

The SPEAKER. It relates to pension matters, and the Chair thinks

it had better be considered now.

Mr. FERNANDO WOOD. If it can be passed without debate or discussion, I will yield for that purpose, and also to the gentleman from Tennessee [Mr. ATKINS] to make a report from the Committee on Appropriations.

The letters referred to by Mr. CASWELL are as follows:

The letters referred to by Mr. Caswell are as follows:

Teeasury Department, Second Auditor's Office,
Washington, D. C., December 20, 1880.

Sir: The necessity and justice of making an appropriation in advance for the payment of arrears of pay and bounty to volunteer soldiers who served in the war of the rebellion, their widows and legal heirs, and to discharged soldiers of the United States Army, have been brought to the attention of Congress on several occasions, as will be seen by reference to the following Senate executive documents: No. 76, Forty-fifth Congress, second session; No. 17, Forty-sixth Congress, first session; and No. 136, Forty-sixth Congress, third session.

In April last the House of Representatives adopted a resolution calling upon the Secretary of the Treasury to state the cause of delay in paying bounty and back pay due soldiers or other persons entitled thereto, and to report why he permitted these claims to remain unpaid from six to twelve months without asking Congress for an appropriation.

I have this day transmitted to you an estimate for the payment of claims allowed by the accounting officers under section 4, act June 14, 1878, but that estimate embraces only such claims as have been certified up to the 18th instant. There is no provision for the payment of the numerous claims already filed and awaiting their turn for settlement, nor for those that are being daily presented for adjustment. Unless a special appropriation be made it is not very probable that claims certified after this date will be paid before June or July, 1882.

In view of all the facts in the case, I deem it my duty to urgently recommend that Congress be asked to appropriate a sum sufficient to meet all claims for arrears of pay and bounty that may be certified by the accounting officers up to the close of the next fiscal year, namely, June 30, 1882.

I estimate that \$300,000 will be required under the following heads of appropriation:

Pay of two and three year volunteers

Pay of two and three year volunteers \$85,000
Bounty to volunteers, and their widows and legal heirs 200,000
Pay, &c., of the Army 15,000

Very respectfully,

O. FERRISS, Auditor.

Hon. SECRETARY OF WAR.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, January 11, 1881.

Six: I am in receipt of your letter of the 10th instant relative to the delay accruing each year in the payment of bounty claims which may be allowed subsequent to the annual report submitted by the Secretary to Congress at the beginning of

cach session, &c.

In answer I inclose herewith a copy of a letter addressed by me to the honorable Secretary of War of the 20th ultimo, which I believe will fully meet the requirements of your committee. I will say, in addition, that for the last four of five years the attention of Congress has been regularly invited to the importance of providing for the payment of pay and bounty claims as soon as settled, which can

be done by simply appropriating one year in advance. The attention of the committee is invited to the fact that the appropriation for payment of one of the bounties, namely, the additional bounty provided by the act of July 28, 1866, is a continuous one. It therefore very frequently occurs that claims involving arrearages of pay, original bounty, and the additional bounty are settled at the same time and under one application. One of these bounties can be immediately paid; while the other and the arrearages of pay has to await the pleasure of Congress. This causes confusion and delays in the entries and completion of the records of this office, and, consequently, an extra amount of labor. It is needless for me to say that complaints in behalf of poor soldiers and the heirs of those deceased are continually reaching me from all quarters, for nearly every member of Congress can well attest the fact from the inquiries and complaints of his constituents.

The system of payment of all pay and bounty claims in this office should be a uniform one.

uniform one. Very respectfully,

O. FERRISS, Auditor.

Hou. L. B. Caswell,
Chairman Sub-Committee on the Payment of Bounties and Pensions, House
of Representatives, Washington, D. C., (through the honorable Secretary of the
Treasury.)

Mr. CASWELL. In addition to the statement contained in the let Mr. CASWELL. In addition to the statement contained in the letters, I will say that a bounty audited at this time cannot be paid under a year and a half, until an appropriation is made by the next Congress to meet it. For that reason this resolution is reported. There is no reason why an appropriation should not be made to pay these bounties as they are audited.

The resolution reported by Mr. CASWELL was adopted.

NAVAL APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

Mr. HARMER. I reserve all points of order upon the bill just reported from the Committee on Appropriations.

The SPEAKER. Points of order will be reserved.

Mr. ATKINS. I desire to give notice that I shall ask the House to consider this bill to-morrow, if I can obtain consent for that purpose.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL

Mr. SINGLETON, of Mississppi, from the Committee on Appropriations, reported back the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the

for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, with the Senate amendments thereto, with the recommendation that Senate amendment numbered 1 be not concurred in, and that Senate amendments numbered 2, 3, 4, 5, 6, 7, 8 and 9 be concurred in.

The SPEAKER. If there be no objection the Chair will submit the question of concurring in gross in the Senate amendments, which the Committee on Appropriations recommend be concurred in.

Mr. SIMONTON. Cannot the gentleman from Mississippi [Mr. SINGLETON] be allowed to state the effect of these amendments?

The SPEAKER. Certainly; if it is desired.

Mr. SINGLETON, of Mississippi. It will not take many minutes for me to explain these amendments, which are generally of an unimportant character. The Committee on Appropriations recommend concurrence in all but one of the Senate amendments. Two of the amendments propose to raise consuls from a lower to a higher grade,

concurrence in all but one of the Senate amendments. Two of the amendments propose to raise consuls from a lower to a higher grade, giving them \$500 each in addition to their present pay.

Upon examination it will be found that the business at Ceylon, and at Belfast, Ireland, has greatly increased within the last few years. In consequence of the additional labors imposed upon our officers at those points, it was deemed but right that they should have this increased compensation which the Senate has inserted by way of amendments. ment. We therefore recommend concurrence.

The salary of one of these officers, now \$1,000, is raised to \$1,500; the salary of the other is raised from \$2,000 to \$2,500.

The other amendments are for the most part merely verbal. There is one of them which proposes to appropriate \$1,000 for postage upon the Congressional Record, which by resolution of this House has been ordered to be sent every morning to each of our representatives abroad. The Public Printer has not been able to comply with that resolution because he had no funds at his command with which to

pay postage. This has been provided for by the amendment of the Senate, in which we recommend concurrence.

One other amendment (and I believe it is the only one) is this: In the bill as passed by the House we raised the rank of our repre-In the bill as passed by the House we raised the rank of our representative to the new government in Roumania from diplomatic agent to charge d'affaires. We did this at the instance of Prince Charles, who governs that country, he preferring that our representative should be accredited directly to himself, instead of to the officer corresponding with Secretary of State in our country. There is no change in the salary, simply a change in the title of the office.

Mr. DUNNELL. What is the amendment in which the committee

recommend non-concurrence?

Mr. SINGLETON, of Mississippi. It is the one last named. The Senate—without thinking about the matter, I suppose—changed the title of our representative to Roumania from that of chargé d'affaires to diplomatic agent. That representative was confirmed by the Senate as chargé d'affaires and consul-general, and his commission was so made out. We recommend non-concurrence with a view to having the Senate recede; and we have assurances that it will do so.

These amendments altogether only add \$2,000 to the bill as it passed

the House.

The SPEAKER. If there be no objection the recommendations of the Committee on Appropriations will be agreed to, and the amend-ments concurred in or non-concurred in respectively as recommended. There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. HUNTON. I ask the gentleman from New York to yield to me for the introduction of a bill.

Mr. FERNANDO WOOD. I yield to the gentleman for that purpose merely, but this is the last time I can yield.

Mr. HUNTON. I send to the desk a bill which I desire to have referred to the Committee on Commerce.

The title of the bill was read, as follows:

A bill to improve the Washington and Georgetown Harbor.

Mr. ACKLEN. What reference is proposed for this bill?
The SPEAKER. The Committee on Commerce.
Mr. ACKLEN. I think that the bill ought to go to the Committee on the District of Columbia.
Mr. HUNTON. I trust that the gentleman from Louisiana will not make a point of that sort. This matter has been before the Committee on Commerce this morning, and for the convenience of the committee

I want to have this bill introduced, referred, and printed.

Mr. ACKLEN. The best settlement of the question as to the reference of the bill would be to have it read so as to see whether it in any way involves a matter belonging properly to the Committee on Commerce

The SPEAKER. The Chair presumes the gentleman from New York will not yield to allow the bill to be read.

Mr. FERNANDO WOOD. I cannot yield if there is any question

The SPEAKER. The bill, The SPEAKER. The bill is not before the House. The gentleman from Louisiana has demanded the reading of the bill and the gentleman from New York declines to yield for that purpose.

ARMY CLOTHING ON THE PACIFIC COAST.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the scarcity of Army clothing on the Pacific coast; which was referred to the Committee on Appropriations.

SURVEY OF CALCASIEU RIVER, LOUISIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the survey of the Calcasieu River, Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEYS OF MATAWAN CREEK, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of surveys of Matawan Creek, New Jersey; Shark River, New Jersey; Perth and South Amboy to main ship-channel of Great Kills, Raritan Bay, and of Ticonderoga River, New York; which was referred to the Committee on Commerce, and ordered to be printed.

FUNDING BILL.

Mr. FERNANDO WOOD. I now move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the funding bill; and pending that motion I move that all debate upon the pending section and substitutes and amendments thereto shall cease in twenty minutes.

ments thereto shall cease in twenty minutes.

Mr. PRICE. Does that cover amendments yet to be offered?

The SPEAKER. It would.

Mr. PRICE. Then the motion ought not to be adopted.

Mr. CLAFLIN. I move to make the time one hour.

Mr. FERNANDO WOOD. The chairman of the Committee on Appropriations [Mr. ATKINS] has already given notice to this House that he will to-morrow morning call up the naval appropriation bill, so that if this bill should not be disposed of to-day it may go over indefinitely. Now, I intend to ask the House to conclude the consideration of this bill to-day, and, in order to accomplish that result, it seems to me necessary to curtail discussion as much as possible. I am willing to extend the debate to half an hour on the pending section and amendment, and it does seem to me that will give ample time for amendment, and it does seem to me that will give ample time for whatever debate is necessary.

Mr. CLAFLIN. This is a most important section. It changes the

whole character of several laws; it is really subject to a point of order, but the point was not taken in time. It is now before the Committee of the Whole House on the state of the Union for consideration,

and it cannot probably be considered in the short time of half an hour.
Mr. FERNANDO WOOD. How much time does the gentleman

from Massachusetts ask?
Mr. CLAFLIN. An hour.
Mr. FERNANDO WOOD. Very well; I will modify my proposi-

Mr. FERNANDO WOOD. Very well; I will modify my proposition to one hour. I will make that concession to the gentleman.

Mr. CLAFLIN. I also ask that five minutes be allowed for, and five minutes egainst each amendment that may be hereafter offered.

Mr. FERNANDO WOOD. Excluding all technical amendments.

Mr. PRICE. Yes; including only bona fide amendments.

The SPEAKER. The Chair did not clearly comprehend the modification which the gentleman from Massachusetts proposes.

Mr. CLAFLIN. That we shall have a debate of five minutes for, and five minutes against each amendment.

and five minutes against each amendment.

The SPEAKER. Up to one hour?

Mr. CLAFLIN. No, sir; but in addition to the hour provided for by the modified motion of the gentleman from New York.

Mr. BLAND. Five minutes for and five minutes against each

amendment in addition to the hour.

Mr. FERNANDO WOOD. I am willing the hour shall be taken, and that within that time on each amendment gentlemen may speak as long as they may wish, provided only there shall be no debate on mere technical or formal amendments usually moved for the purpose of getting in another speech. I wish, sir, to confine the House to the work and to proceed with the consideration of this bill, and nothing

Mr. CLAFLIN. I quite agree with the gentleman, and I wish to confine the House to the work, but I want to have an opportunity for myself and friends to explain our amendments when offered to the

House.

House.

The SPEAKER. The Chair will first submit the proposition of the gentleman from Massachusetts, as the original proposition of the gentleman from New York, as modified, provides for one hour's debate on the pending section and all amendments thereto. The gentleman from Massachusetts proposes to amend that motion so there shall also be, in addition to the one hour's debate on the pending section and the amendments now pending thereto, five minutes' debate allowed in favor of each amendment hereafter offered and five minutes against it. against it.

Mr. PRICE. Confining the debate to bona fide amendments. Mr. KEIFER. Substantive amendments; and I understand the

gentleman to agree to that. Mr. FERNANDO WOOD. Mr. FERNANDO WOOD. No; I agree to the hour, but I cannot consent to any continuation of the debate beyond that hour.

Mr. KEIFER. We misunderstood you, then, on this side.

The SPEAKER. The question is on the amendment of the gentleman from Massachusetts as stated by the Chair.

Mr. CALKINS. That applies simply to the section now under discretion.

The SPEAKER. It will apply in this wise: that there shall be one hour's debate on the pending section and the pending amendments thereto, and there shall be allowed five minutes' debate in favor of, and five minutes' debate against any substantive amendment which may in the future be offered to the section.

Mr. CARLISLE. Under which no mere formal amendment can claim any right to debate.

The SPEAKER. It will cut off pro forma amendments because the object of pro forma amendments is to reach debate.

Mr. FERNANDO WOOD. As this is the last section of the bill I accept the modification of the gentleman from Massachusetts, trusting to the committee not to allow anything but substantive amendments and partipant debate. ments and pertinent debate.

Mr. WEAVER. Does the arrangement in regard to pro forma amendments require unanimous consent?

The SPEAKER. The chairman of the Committee of the Whole

The SPEAKER. The chairman of the Committee of the Whole House on the state of the Union will have to regulate that. The Chair would not like to answer how far the chairman of the committee will allow pro forma amendments. Under the resolution offered by the gentleman from New York, with the modification of the gentleman from Massachusetts which has been accepted, the Chair would think the instruction of the House was that debate should not be allowed on any forma amendments.

allowed on pro forma amendments.

Mr. PRESCOTT. If I understand the proposition as it now stands before the House, it amounts to cutting off all debate after the pending amendment; that is, if the pending amendments do not occupy an hour, then all the future amendments beyond that will be considered for the printer at time. ered for ten minutes at a time. Consequently it cuts off all debate beyond five minutes on either side on all amendments except those

pending.

The SPEAKER. It does on all amendments which may be offered in the future to this section.

Mr. PRESCOTT. Whether or not the hour is occupied?

The SPEAKER. The Chair thinks the hour's debate is ordered on

the pending amendment.

Mr. PRESCOTT. And those presented in the hour?

The SPEAKER. And then ceases. But if any substantive amendment should be offered to this section not now before the committee, then there would be five minutes' debate for and five minutes against, under this agreement.

Mr. PRESCOTT. Suppose I present an amendment immediately, does that come within the hour's debate?

The SPEAKER. An amendment, immediately, would not be in order, for the reason that there are sufficient amendments to cover what are allowed by the rule; but when they are disposed of the gentleman can then have the opportunity of offering his amendments.

Mr. PRESCOTT. Amendments, then, are not now in order?

The SPEAKER. The Chair thinks not; but would not say absolutely without an examination. This would be a proper question for the chairman of the Committee of the Whole to determine.

Mr. PRESCOTT. As printed now in the RECORD it would appear that amendments are in order, there being printed only one amend-ment which is offered as a substitute for the bill, the substitute being, of course, amendable

The SPEAKER. The gentleman had better allow the debate to run on the amendments that are now pending for the hour. Then

run on the amendments that are now pending for the hour. Then if he desires to offer another amendment he can claim his right to debate it under the second branch of the agreement.

Mr. PRESCOTT. I have an amendment which I desire to propose either to the section or to the substitute, which ever may be proper. The SPEAKER. The Chair would not like to say absolutely whether an amendment would be immediately in order or not, because if he did, he would trench upon the right which belongs properly to the chairman of the Committee of the Whole on the state of the Union. But there will be no difficulty upon that point when the question really comes before the committee.

Mr. BLAND. Would this cut off debate on a substitute for the whole bill?

whole bill?

The SPEAKER. The Chair thinks not; but as before stated the Chair does not decide that, for the reason that it belongs properly to the chairman of the Committee of the Whole on the state of the

The Chair will now repeat the proposition so that there may be no mistake in reference to the point as proposed. The gentleman from New York having accepted the amendment offered makes his motion in this form: that pending the motion to go into Committee of the Whole on the state of the Union he moves that all debate on the pending paragraphs thereto be closed in one hour.

Mr. KEIFER. On the pending section and amendments thereto;

Mr. KEIFER. On the pending section and amendments thereto; not the paragraph.

The SPEAKER. Yes; the pending section and amendments thereto be closed in one hour, and that there be allowed in addition five minutes to advocate and five minutes against any amendment which may be offered to this section hereafter. But that these shall be amendments of a substantive nature and not mere pro forma amendments.

The proposition being submitted to the House, it was agreed to.

DEFICIENCIES FOR 1881.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting estimates of defi-ciencies for the year 1881 and for prior years; which was referred to the Committee on Appropriations.

REFUNDING THE NATIONAL DEBT.

The SPEAKER. The resolution of the gentleman from New York having been agreed to, the question now recurs on the motion to go into Committee of the Whole on the state of the Union for the purpose of further considering the funding bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. COVERT in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill known as the funding bill. Under the order of the House all discussion upon the pending section and amendments thereto is limited to one hour. As to other amendments, which are of a substantive nature, to the bill, debate is limited to five minutes; five minutes to be utilized by

the friends and five minutes by the opponents of the measure.

The pending question is on the amendment offered by the gentleman from Kentucky, which the Clerk will now report.

The Clerk read as follows:

The Clerk read as follows:

Strike out section 5 and insert in lieu thereof the following:

"From and after the 1st day of May, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bond receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: *Provided**, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: *And provided further**, That section 4 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes, be, and the same are hereby, re-enacted."

Mr. FERNANDO WOOD Mr. Chairman I am very desirous if

Mr. FERNANDO WOOD. Mr. Chairman, I am very desirous, if possible, to remove an erroneous impression which, in my judgment, exists in the minds of many very intelligent and honorable members of this House with reference to the probability of the negotiation of the 3 per cent. bonds at par. If I had entertained any doubt on the subject myself before this time, I hold in my hand an authority, that is recognized and conceded to be an authority throughout all parts of the United States, which would set at rest any such impression. I repeat, if I had entertained any doubt upon the subject, this article

we have, Mr. Chairman, for many years, had published in the city of New York a high financial and banking authority known as the Commercial and Financial Chronicle of New York. This paper is kept by all bankers and capitalists and moneyed institutions of all characters, who refer to it constantly as settling doubtful questions upon any financial subjects. I desire, therefore, to ask the Clerk to read the article which I have marked from its last Saturday's issue, which is the most recent publication of that journal.

The Clerk read as follows:

The Griefa Read has made rapid progress at Washington. It looked at one time as if the House was about to resolve itself into a party of obstructionists, but later wiser counsels have predominated and 3 per cent. and a five to ten year option are the conditions the bonds are to bear if the views of the House provail. We should have liked to see a little longer date for maturity named, or some discretion in the interest rate given the Treasury Department. And yet there is a very good prospect for the successful negotiation of the loan in its present shape. We dislike much the provision which attempts to force banks to use the bonds as a basis for circulation. That section is a kind of a signal of distress, and a silly one at that. If Congress does not want banks to issue currency it has the power, and we hope the dignity, to say so directly; if it does want them to issue it, we but utter an evident truth when we say that banks will do so only in case it is made profitable to them. So far as Wall street is concerned, the disposition is to look favorably on the bill and to discount its passage and the successful negotiation of the bonds.

Mr. FERNANDO WOOD. Mr. Chairman, in addition to that I hold in my hand a copy of the London Economist, which is the greatauthority in England on financial matters. It is a paper that has been continuously printed for probably one hundred years, and is regarded as an able authority upon all questions of finance. Without detaining the House to read a lengthy article I will simply quote an extract from it showing that the Indian Government has just succeeded in negotiating a new loan at 3½ per cent., while the old 4 per cent. loan yields as an investment only 3½ per cent. interest. The article to which I refer is as follows: article to which I refer is as follows:

The action of the Indian Government in issuing the new loan for £3,500,000 at 3\frac{1}{4} per cent, shows a praiseworthy promptitude in making use of the existing position of the money market for the advantage of India. It will assist in removing the traditional feeling which, based probably on the company's 10 per cent, stock, has so long associated India in people's minds with borrowing at high rates of interest. The present price of India 4 per cent, stock, which, assuming conversion when it is redeemable at the end of eight years, now yields the investor only 3\frac{1}{4} per cent.

Now, as regards another point, it has been declared on this floor and repeated, especially by my honorable friend from Maine, [Mr. FRYE,] whom I do not see in his seat, that at no time have the British consols reached par. I hold the London Economist as authority for stating that they not only have reached par and three-eighths besides, but in the month of November they reached 2 per cent. premium, showing conclusively that the reliance which some gentlemen have placed on intelligence they have received in reference to a question with which they acknowledge they are not practically acquainted is not well founded, and that the facts, the absolute sales, negotiations and investments prove that the United States bond when free from taxation will readily be sold at par, and in my judgment it will com-

mand a small premium within a very few months.

Mr. ROBINSON. I ask, if the extract from the Financial Chronicle be authority on one point it is not also authority on the other, that the proposition contained in the amendment of the gentleman from Kentucky, designed to compel the banks to take these 3 per cent. bonds, is as the paragraph states, a signal of distress, and a silly one

Mr. FERNANDO WOOD. It is for the gentleman to form his own

opinion as to that.

Mr. RANDALL, (the Speaker.) The real reason why the United States can negotiate this bond at 3 per cent., and cheaper than any other nation, is because the United States to-day is substantially and financially stronger before the world than any of the other civilized

financially stronger before the world than any of the other civilized nations that borrow money.

Mr. ROBINSON. If the United States stands so strong financially and this loan is a popular loan, so that we do not want the intervention of the banks, but the people are ready to take it, why is this amendment brought in here that compels the banks, that draws the cord tightly around them and says you shall take those bonds?

Mr. RANDALL, (the Speaker.) I want this to be a popular loan just as was the case when France appealed to her citizens. France in her moment of distress appealed to the body of her people, threw aside the Rothschilds, the syndicates, and appealed to the great body of the people, and succeeded to an extent that many of the advertisements for loans were covered forty times over by the bids of the people. And to-day the indebtedness of the French Government is held in small sums among the masses of the people. The bonds belong to the mechanic, to the landholder, to people of every class; and the consequence is that the whole body of the people are interested in maintaining the credit of the Government of France as the whole body of the people's representatives in this House should be engaged in upholding instead of decrying the credit of the American Government.

Mr. WEAVER. If we had as good a financial system as France has our mechanics would hold our bonds too.

Mr. PRICE, Mr. CLAFLIN, and Mr. MILLS rose.

The CHAIRMAN. No member will be recognized until gentlemen

who are standing resume their seats and order is restored.

Mr. MILLS. I desire to make a parliamentary inquiry. I wish to inquire if the whole hour allotted for debate on this question can be taken up in a discussion of what we have already done?

The CHAIRMAN. The Chair cannot dictate to gentlemen the phraseology they shall employ in presenting their views to the committee.

Mr. MILLS. But the House has dictated that one hour shall be devoted to debate on the question now pending before the commit-tee, while the question of the rate of interest and the time the bonds

shall run has already been decided irrevocably so far as the Commit-

tee of the Whole is concerned.

The CHAIRMAN. It is competent for gentlemen to rise to a ques-

The CHAIRMAN. It is competent for gentlemen to rise to a question of order, if gentlemen who are addressing the committee are not speaking on the subject under consideration.

Mr. WHITTHORNE. I desire, if it is in order, to make a motion to strike out the first proviso of the pending amendment of the gentleman from Kentucky, [Mr. Carlisle.] That proviso, if I understand it, compels the national banks who have bonds on deposit, that was the A or 5 or 6 per cent bands much their falling due on upper may be 4, or 5, or 6 per cent. bonds, upon their falling due, or upon notice being given, to withdraw them and substitute other interest-bearing notes or bonds. If the banks are willing to let their bonds remain after notice and draw no interest, I do not see why we should compel the people to pay interest. If the bankers are content, in other words, to receive no interest upon their bonds, what good policy is it upon the part of the people to pay them interest? I do not see it, and I think, therefore, this provision ought to be withdrawn.

Allow me to add, Mr. Chairman, that this being withdrawn, I regard the amendment of the gentleman from Kentucky [Mr. CARLISLE]

as almost essential to the pending proposition; and in myjudgment, in his proposition to repeal the sections of the Revised Statutes referred to, he does no injustice to the bankers at all, because it is simply a privilege that they now have and which the Government with-draws from them.

Mr. CARLISLE. Which they did not have for ten years.

Mr. CARLISLE. Which they did not have for ten years.
Mr. WHITTHORNE. But I submit to my friend from Kentucky
that he will give strength to his proposition by withdrawing the pro-

that he will give strength to his proposition by withdrawing the proviso I have referred to.

Mr. CARLISLE. The law as it now stands, and as it has always existed since the establishment of the national banking systems, requires these associations to deposit as security for their circulation bonds of the United States bearing interest, but it contains no provision which prohibits a bond from remaining on deposit as security for bank circulation after it has ceased to bear interest. The gentleman from Tennessee [Mr. Whittinoxe] moves to strike out from the proposed substitute the provise which prohibits the bond from the proposed substitute the proviso which prohibits the bond from remaining on deposit as security for the circulation of the bank or for public deposits after it has ceased to bear interest; and he urges in support of his proposition that if the bank sees proper to allow its bonds to remain with the Treasurer after the interest on them has

Now I submit to the gentleman that this case may arise, (if these banking associations shall determine to enter into combination to prevent refunding under this act,) and probably will arise, that the people will be paying interest on these 3 per cent. bonds, notwithstanding the banks may have on deposit as security for their circulation bonds upon which interest has ceased under the law.

Suppose, for instance, that the Secretary of the Treasury should Suppose, for Instance, that the Secretary of the Treasury should sell \$100,000,000 of 3 per cent. bonds and receive the money for them. Those bonds will begin to bear interest from the moment he sells them, and the money he receives for them will go into the Treasury and remain there in the hands of the Secretary for the purpose of reand remain there in the hands of the Secretary for the purpose of re-deeming the 5 and 6 per cent. bonds which have been deposited by the national banks as security for their circulation. Suppose such banks shall refuse to withdraw their fives and sixes, notwithstanding interest has ceased to run upon them. We would then have a state of affairs in which the Secretary of the Treasury has put on the mar-ket interest-bearing bonds to the amount of \$100,000,000, and has hoarded in the Treasury and withdrawn from circulation \$100,000,000 to pay these fives and sixes, which he cannot pay because the banks refuse to surrender them.

refuse to surrender them.

Mr. WHITTHORNE. My friend from Kentucky [Mr. Carlisle] seems to suppose that the Secretary of the Treasury will sell bonds when there is no necessity to sell them for redemption purposes.

when there is no necessity to sell them for redemption purposes.

Mr. CARLISLE. Not at all. This bill says he shall sell them and realize money with which to redeem the 5 and 6 per cent. bonds; and the holders of the 5 and 6 per cent. bonds, notwithstanding the Secretary of the Treasury has sold 3 per cent. bonds, and has in the Treasury the money to take up the other bonds, may refuse to surrender them, and the Secretary would then be compelled to hoard that money in the Treasury until such time as it shall suit the pleasure of these institutions to take the money from him in redemption of the bonds they have deposited to secure their circulation. The of the bonds they have deposited to secure their circulation. The effect will be to withdraw from circulation \$100,000,000 and contract the currency to that extent, which, in my judgment, would be a great

the currency to that extent, which, in my judgment, would be a great disaster to the country.

It is to meet that probable case that this provision is inserted in the proposed substitute, so that we may accomplish, if it be practicable to accomplish it at all, this process of refunding without injuring the business of the country and without contracting the currency. That is the sole object of the provision.

Mr. WHITTHORNE. One word in reply to the gentleman from Kentucky, [Mr. Carlisle,] and it is this: that under the operation of this law the city banks will take advantage of the country banks and compal them to submit to their terms. Under your existing laws.

and compel them to submit to their terms. Under your existing laws, I submit that there are bonds on deposit as security for circulation which are not drawing interest.

Mr. CARLISLE. That is so.

Mr. WHITTHORNE. And why? Because the country banks do not want to pay the existing premium on bonds to be deposited as

security for their circulation. The operation of the pending amendment, as it now stands, will be to put the country banks at the mercy

of the city banks.

Mr. CARLISLE. The country banks can purchase the 3 per cent. bonds without paying any premium thereon, and substitute them for the bonds now bearing no interest whatever, which they have on deposit as security for their circulation. To that extent it would be a benefit instead of a disadvantage to the country banks. They would receive 3 per cent. Interest on their bonds deposited, whereas now they receive nothing in the cases supposed by the gentleman.

Mr. ROBINSON. I would like to ask the gentleman from Kentreky IMr. CARLISLE I a question.

Mr. ROBINSON. I would like to ask the gentleman from Kentucky [Mr. CARLISLE] a question.
Mr. CARLISLE. Certainly.
Mr. ROBINSON. The amendment of the gentleman, as printed in the RECORD, gives the Comptroller of the Currency the powers described and set forth in section 5224 of the Revised Statutes. I understand that the gentleman would have it read "section 5234." Is that so? that so ?

Mr. CARLISLE. That is correct.
Mr. ROBINSON. The committee should observe that the distinction is this: in the one case, under section 5224, the Comptroller of the Currency in case of default on the part of any bank has the right to sell in the public market the bonds deposited by the bank, and after satisfying all demands pay over the balance to the bank. But under section 5234 the Comptroller of the Currency has the right to put the bank in the hands of a receiver, close up its entire business, and close up the bank. I understand the gentleman from Kentucky intends institute.

Mr. CARLISLE. I intend that the refusal on the part of the banks either to withdraw their circulation or reduce their circulation and thereby take up these bonds on which interest shall have ceased to run, or to substitute other bonds for non-interest-bearing bonds, after the time stated in the amendment, shall have precisely the same effect as the refusal of a bank to redeem its circulating notes has—precisely

Mr. ROBINSON. And put it in the hands of the receiver.
The CHAIRMAN. The time of the gentleman has expired.
Mr. CARLISLE. I would like to say further—

Mr. TUCKER obtained the floor and said: I yield my five minutes

Mr. TUCKER obtained the floor and said: I yield my five minutes to my friend from Kentucky, [Mr. CARLISLE.]
Mr. CARLISLE. I simply desire to say, in further response to the statement made by the gentleman from Massachusetts, that there is no reason whatever why any national banking association in this country should ever incur the penalty prescribed by the proviso in this amendment. By the first section of this bill the interest upon the 5 per cent. bonds, which it is now proposed to refund, will not cease until the expiration of three full months after they have been designated for redemytion by the Secretary of the Tresury; and cease until the expiration of three full months after they have been designated for redemption by the Secretary of the Treasury; and under the proviso which was added upon motion of the gentleman from Pennsylvania [Mr. Randall, the Speaker of the House] the interest upon the 6 per cent. outstanding bonds which it is now proposed to refund will not cease until the expiration of thirty days after they have been called for redemption by the Secretary of the Treasury. Therefore every banking association of the country which has bonds on deposit with the Secretary of the Treasury as security for its circulation, or for the safe-keeping and prompt payment of the public moneys, will have in the one case four full months to surrender its circulation and take out its bonds or to substitute other bonds; and in the other case the banks will have two full months in which to do the same thing. Now, if there be a banking association in this country which does not avail itself of this ample opportunity to preserve its existence and transact its business under the law, it certainly must be because it really desires to go into liquidation; and never until that occurs can this proceeding be taken against it.

[Here the hammer fell.]
Mr. CLAFLIN. Mr. Chairman, there are many things in this amendment besides those referred to by the gentleman from Tennessee which ment besides those referred to by the gentleman from remiesses which require explanation before it can meet my approbation. In the first place, as I read the amendment, the three percents are to be substituted for all the bonds now in the hands of the banks, whether they be four percents, four-and-one-half percents, five percents, or six per-

Mr. RANDALL, (the Speaker.) Oh, no!
Mr. WARNER. That is not the effect of the amendment.
Mr. CLAFLIN. The language is perfectly clear. If it is not intended to have the effect I have pointed out, it ought to be amended. It says that the only bonds deposited by the banks after the 1st of May next shall be these three percents. If the gentleman does not mean that, he should correct the language of the amendment. I will read it for the information of the House:

From and after the 1st day of May, 1881, the 3 per cent, bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks.

It does not say banks starting thereafter, but provides that these shall be the only bonds receivable.

Mr. CARLISLE. After that date.

Mr. CLAFLIN. It does not say that.

Mr. CARLISLE. Oh, yes, it does. The language is, "from and after the 1st day of May."

Mr. CLAFLIN. But in the Treasury Department this will probably be construed to mean bonds on hand. That Department is bound

Mr. CLAFLIN. But in the Treasury Department this will probably be construed to mean bonds on hand. That Department is bound to construe provisions of this kind in the closest possible manner, and there should be nothing doubtful in the language. It is the duty of the friends of this amendment to make it clear.

Mr. FERNANDO WOOD. The gentleman will pardon me a moment. In the amendment which I reported from the Committee on Ways and Means I inserted the word "thereafter" after the word "receivable" so as to remove any possible doubt.

Mr. CLAFLIN. But that is not in this amendment.

Mr. CLAFLIN. If that is the meaning, the amendment should say so. Then, again, by the amendment repealing those sections you take from the large banks any chance to have an adequate amount of circulation. A bank starting with \$3,000,000 of capital can have only \$500,000 circulation. You compel the bank to take \$1,000,000 of these bonds before it can start, and you make the tax on \$500,000 of circulation \$17,500, or \$\frac{1}{2}\$ per cent., which is paid into the Treasury. I think it is not generally understood that under this amendment no bank can have more than \$500,000 of circulation.

Mr. CARLISLE. Do I understand the gentleman from Massachusetts to say that no banking association under the law as it now stands can have a circulation exceeding \$500,000 ?

setts to say that no banking association under the law as is now stands can have a circulation exceeding \$500,000?

Mr. CLAFLIN. No new bank. Does the gentleman wish by this amendment to require that no bank shall be established unless restricted to this amount of circulation, thus establishing an inequality between the different banks? There is no question that this provision takes away all power from the Secretary of the Treasury to establish new banks except with that limited amount of circulation. In consequence of such a restriction the banking capital of this country has increased and 50 000 000 in two large very. While the second try has increased only \$8,000,000 in twelve years. While the population has increased 13,000,000 the banking capital of the country has increased only \$8,000,000—not a dollar to a person.

Mr. RANDALL, (the Speaker.) The limitation as to circulation does not grow out of this amendment, but out of the existing law—the law of \$124 if the property of the second country in the law of \$124 if the property of the second country is a second country to the second country to the law of \$124 if the property of the second country to the second country to

Mr. RANDALI, (the Speaker.) The land of the existing law—the law of 1874, if I remember rightly.

Mr. CLAFLIN. But by this you revive those laws.

Mr. RANDALI, (the Speaker.) Not in that particular.

Mr. WEAVER. The limitation on the amount of circulation grows out of the resumption act of 1875.

Mr. CLAFLIN. Then, again, the gentleman wishes to take from the Treasury fifty millions of dollars or more held for the purposes of resumption, when, as every gentleman knows, the Treasury to-day has for the protection of the legal tender notes only 33 per cent., or even less, including money of every kind belonging to the United States—gold, silver, and notes.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, I for one have not the least confidence in the editorials which are presented here and read that have been prepared and published since this discussion commenced. I do not mean to insinuate they have been inspired here, but I do mean to say they could be and likely have been manufactured to meet the

say they could be and likely have been inspired here, but I do mean to say they could be and likely have been manufactured to meet the emergencies of this case and uses to which they are here put.

The gentleman from Pennsylvania [Mr. Randall, the Speaker] says he wishes to have this a popular loan, and he has taken frequent occasion to disclaim any intention on his part to attack the national banks. And I reply the bill under consideration as now amended is against a popular loan, and compels a forced loan of the national banks or their discontinuance as the alternative, as has been declared by some gentlemen, who have taken part in this debate, to be their

As has been well said by the gentleman from Massachusetts [Mr. CLAFLIN] there has been no increase in the capital of national banks during the last five years. On the other hand, since 1875 the volume of capital thus invested has decreased over seventy million dollars. That class of investment to-day is not so profitable as to invite capital. With the prosperous times which we have had, there has been no corresponding increase of capital investment in national-bank stock.

And we confront the other fact, that the rate of interest to-day is higher than it has been at any time since 1874. The Comptroller

states in his last report:

The average rate of interest in New York City for each of the fiscal years from 1874 to 1880, as ascertained from data derived from the Journal of Commerce and The Commercial and Financial Chronicle, was as follows:

1874, call loans, 3.8 per cent.; commercial paper, 6.4 per cent. 1875, call loans, 3.0 per cent.; commercial paper, 5.6 per cent. 1876, call loans, 3.3 per cent.; commercial paper, 5.2 per cent. 1877, call loans, 3.0 per cent.; commercial paper, 5.2 per cent. 1878, call loans, 4.4 per cent.; commercial paper, 5.1 per cent. 1879, call loans, 4.4 per cent.; commercial paper, 5.1 per cent. 1889, call loans, 4.4 per cent.; commercial paper, 5.1 per cent.

And when we speak of call loans it is of a class of loans made upon Government securities or those equally as good. The average rate of interest at all our commercial centers upon unquestionable securities has been above the rate of 4 per cent. And yet substantially a call loan it is claimed by the other side can be placed at the rate of 3 per cent. As I have remarked, it has been disclaimed by the gentleman from Pennsylvania [the Speaker] that there was any intention of striking at the national-bank system; and there are paraded here statements of the immense amount of profit national banks can make upon these bonds as deposits for their capital and circulation because they escape taxation, when it is a fact that every dollar that goes into a Government bond and thence into bank capital is taxed to its full actual value. In every State in the Union the most stringent laws have been passed, until it is notorious that Government bonds owned by national banks pay a much larger rate of taxation than is paid by any other species of personal property. The logic of the situation and of the proposed legislation is, the national banks must to the extent of two hundred millions take a 3 per cent. 5-10 loan, though they cannot afford it though money commands a higher rate

to the extent of two hundred millions take a 3 per cent. 3-10 loan, though they cannot afford it, though money commands a higher rate of interest, or withdraw from business.

I repeat, the scheme of the bill is not to place a popular loan, as it is claimed by the gentleman from Pennsylvania, but to force a loan from the banks; or if that is not the object and purpose, it is to force from existence the national-bank system. If any further evidence were needed on that point it can be found in the amendment of the gentleneeded on that point it can be found in the amendment of the gentleman from Kentucky, [Mr. Carlisle.] By it sections 5159 and 5160 of the Revised Statutes are to be re-enacted, so that the bank cannot take its bonds out of deposit until it brings in its circulation, which is almost an utter impossibility, scattered as it is over the entire country. Section 4 of the act of June 20, 1874, afforded relief. It contained the reasonable provision that whenever a national bank wished to withdraw its circulation it could deposit lawful money with the Treasurer of the United States to its amount and withdraw its bonds. This afforded full security to bill-holders. Under the provision of the gentleman from Kentucky, once the bonds are deposited the banks must go into liquidation and go out of existence as the only way of getting them from the Treasury.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL, (the Speaker.) Let me say to the gentleman from

Mr. RANDALL, (the Speaker.) Let me say to the gentleman from New York the surplus of the banks now amounts to \$120,000,000, and they have been making dividends right along. Therefore I do not think it can justly be claimed they have suffered any hardship. By the act of 1863 the Government takes gold from individuals and issues certificates and pays no interest upon them; and by the act of 1878 it takes individual silver, issues certificates for it, and pays no interest. Yet the banks receive interest on every transaction with the Government. The bare recital of these facts shows at once the difference between banks and individuals, and the advantages which

are given to the banks over individuals, and the advantages which are given to the banks over individuals.

Mr. HISCOCK. I wish to say a word in answer to the gentleman, and I hope I shall be allowed to do so.

The CHAIRMAN. The Chair feels constrained to say that the time of the gentleman from New York has expired.

Mr. HISCOCK. I hope the gentleman from Pennsylvania will give me the time out of his own.

The CHAIRMAN. The Chair has recognized the gentleman from

Ohio.

Mr. RANDALL, (the Speaker.) I will give the gentleman my time when I can get the floor.

Mr. HISCOCK. Yield it now.

Mr. RANDALL, (the Speaker.) I have not got the floor, and only get it by a sort of rush. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired, and the Chair must of necessity enforce the rule.

Mr. WARNER. Mr. Chairman, there can be no question whatever, it seems to me, about the right of the Government to prescribe what bonds shall be deposited as security for circulation and what the interest on those bonds shall be; whether it shall be 5 per cent., 3 per cent., or 2 per cent., or whether they shall bear any interest at all. Nor is there anything whatever in the nature of forced loan connected with this question. The Government simply prescribes what bonds after the passage of this act shall be deposited as security for circulation. If the banks do not choose to deposit the bonds and continue their circulation, they have the right to withdraw it; and that

circulation. If the banks do not choose to deposit the bonds and continue their circulation, they have the right to withdraw it; and that is all there is to it. There is no forced loan about it.

Now, will the banks withdraw or surrender their circulation rather than accept and deposit as security for notes a 3 per cent. bond? I stated the other day that whether they would or not depended upon the rate of interest at which they could loan their capital. I had not then made or seen any figures or calculations in reference to the subject. But it is a question of profit alone; not a forced loan, but simply a question of a rithmetic. I have here some figures to which I ply a question of arithmetic. I have here some figures to which I wish to call the attention of gentlemen who are opposing this bill on the ground that the national banks may reduce or withdraw entirely their circulation. It will be seen by a little inspection that they will not withdraw their circulation unless they can loan their capital at more than 13 per cent.; and why? Simply because it is not their interest to do so. Take, for instance, a bank with a capital of \$1,000,000. It is entitled under the law to a circulation of \$800,000; to secure this it must deposit bonds to the amount of \$900,000.

it must deposit bonds to the amount of \$900,000.

Now, as to the results: \$900,000 at 3 per cent. yields \$27,000, which is the interest the bank receives on its bonds. On this amount the bank gets \$800,000 of circulation, less \$40,000 of reserve which it must deposit as a redemption fund in the Treasury, leaving \$670,000, which, if it loans at 5 per cent., will amount to \$38,000 more. Or if loaned at 7 per cent. it amounts to \$52,200, and at 10 per cent. to \$76,000. Take the 1 per cent. tax off and you have a profit to the banks with interest at 5 per cent. of \$57,000, at 7 per cent. of \$71,200, and at 10 per cent. of \$95,000. Suppose, now, instead of depositing bonds and taking circulation the bank loans the capital, it would have to invest in

bonds to secure circulation at the same rates as given above; what would be the result? It would lose \$12,000 if loaned at 5 per cent., \$8,200 if loaned at 7 per cent., or \$5,000 if loaned at 10 per cent. Or rather it would make so much less. If the banks could loan the capital invested in bonds deposited for circulation at about 13½ per cent. it would be their interest to so loan it rather than deposit it for circulation and loan the circulation; but short of that rate of interest it would be more profitable to take the circulation and loan that, as the

would be more profitable to take the circulation and loan that, as the plain figures show. The question, therefore, which bankers will consider will be simply one of arithmetical calculation—a question of profit and loss, and nothing else.

I will put the figures I have given in tabular form for more convenient inspection. I have assumed the bonds to rate at par. If they had to be bought at a premium it will change to the extent of interest on the premium the result; but should the bonds fall below par the result would not be changed as long as the bank held the bonds. The following presents the figures in tabular form:

Circulation : Capital stock Circulation allowed by law. Three per cent. bonds required			\$1,000,000 800,000 900,000
Results: \$900, 000, at 3 per cent	\$27, 0 0 0 -	e27, 000 =	\$27,000
760, 000 loaned, at 5 per ct	38,000; at 7%,	52, 200; at 10	%, 76,000
Less 1 per cent. tax	65, 000 8, 000	79, 200 8, 900	103, 000 8, 000
Profit	57, 000	71, 200	95, 000
at 5 percent	45,000; at 7 %,	63,000; at 10	%, 90,000
	12.000	8.200	5 000

When the lending rate rises to about 13½ per cent. there will be no gain in taking circulation; and no doubt it would be refused somewhat short of that rate, as there must be some inducement to take the circulation; but with the rate of interest less than from 10 to 12

the circulation; but with the rate of interest less than from 10 to 12 per cent. the circulation would be preferred.

Mr. UPDEGRAFF, of Ohio. I would like to ask my colleague if he is in favor of destroying the national banks?

Mr. WARNER. That question is not involved here at all. They will continue in existence as long as they find it profitable, and I have shown that it will be more profitable to them to take a 3 per cent. bond and get their circulation on it and loan that than to loan direct the capital they invest in bonds. I do not hesitate, however, to say that I am opposed to intrusting the issue or regulation of currency to banks at all. Nor have I changed my opinion as to the practicability of extending this loan much beyond the banks requiring these bonds for their circulation.

Mr. HORR. Mr. Chairman, if we were endeavoring to pass a bill

Mr. HORR. Mr. Chairman, if we were endeavoring to pass a bill here for the purpose of preventing the funding of the national debt, I can think of only one or two alterations which could be made to make it perfect, and one is the amendment offered by the gentleman from Kentucky, which, I say to him in all candor, strikes down, if adopted, every country national bank in the United States and drives them into liquidation. At least I think that will be the inevitable result of his amendment. The country banks cannot possibly live and do business profitably with a circulation based on 3 per cent. and do business profitably with a circulation based on 3 per cent-bonds, especially if you remove nene of their burdens of taxation. You gentlemen upon the democratic side of this House have a method of opposing and finding fault with everything that is existing to-day. I have made a little list of the things I have listened to and heard you oppose on this floor. You are opposed to national banks. You are opposed to private banks. You are down on the railroads. You are down on all corporations. You are no friend of the bondholders. You are opposed to the tariff. You want to repeal the tax on whisky, and you would like to take the revenue tax off of tobacco. You are opposed to the tariff. You want to repeal the tax on whisky, and you would like to take the revenue tax off of tobacco. You are opposed to the improvement of our harbors. You are opposed to the defense of our cities and harbors. You want to reduce the Army. You want to cripple the Navy. You are opposed to home defenses. You are opposed to all laws and subsidies which would lead to shipbuilding, and which would benefit our shipping on the high seas. You are dissatisfied with the management of the Indian affairs; unhappy over our postal system; you find fault with our Supreme Court; abuse our public officials generally, and you are opposed to a fair election and an honest count. [Laughter on the republican side.]

Now, what institutions are you in favor of? I have tried to look up and see, but have found nothing that you really seem to unani-

mously favor except forgery, fraud, and free whisky. [Great laughter on the republican side.] I may be mistaken, but it is certainly an unfortunate habit you have all fallen into of placing yourselves in opposition to everything in existence which contributes to the real

welfare of the country.

The combined action of men of means and the institutions built up by organized labor are the distinguishing marks of our modern civilization. The prosperity of the country depends largely upon the success of all such undertakings.

Now, my young friend from Iowa [Mr. GILLETTE] says that the

reason why he joins in these complaints is because there is a wail continually coming up from the people all over this land, a wail of opposition to banks, bondholders, and corporations. He says the people are opposed to all interest, opposed to those institutions which develop the industries and resources of our great country. Now, my friend will excuse me if I say to him that I think he is mistaken. The wail in Iowa is not on that account. The wailing party in that State went from 48,000 down to 32,000 in the last election. [Laughter on the republican side.] Right after the Maine election my friend will not claim that there was any wail among the democrats in Iowa, for all over our country they were the happiest fellows in the whole land. [Laughter.]
Some of us who knew that that election in Maine was a simple green-

Some of us who knew that that election in Maine was a simple green-back victory, wondered at their making so much fuss about it. But they became so anxious for something to shout about, got into such a queer habit, that every time a greenback pullet laid an egg during the entire campaign, they did all the cackling. [Laughter.]

In addition to this complaint of the people, we hear another thing. They tell us the reason we should oppose this funding business is be-

cause the interest in a hundred years or a thousand years figures up cause the interest in a hundred years or a thousand years figures up fearfully. So it does. Aggregates are appalling things to shape one's conduct by. Every man who eats ordinarily takes up in eating twenty-three whole days in a year. In an ordinary lifetime that would consume four and a half years. Think of a man's eating four and a half years! [Great laughter.]
[Here the hammer fell.]

Mr. REED was recognized and yielded his time to Mr. Horr.

Mr. HORR. Still I always sit down and take my lunch three times a day notwithstanding the appalling nature of that aggregate. And again, every man who lives out the period allotted to many men sleeps twenty-three years. If you should let that thought take possession of you, you would never take another nap. Interest accumu-

sleeps twenty-three years. If you should let that thought take possession of you, you would never take another nap. Interest accumulates; still the manly way for this nation to do is to pay its interest promptly until it can discharge the principal.

I say that this country believes in some of the present institutions. We submitted some of these questions to the people last November. The bank question, the currency question, the tariff, resumption, were all in direct issue in that campaign. The people rendered their verdict. There was not then, nor has there since been, any such complaint from the people as these men would have us believe. After verdict. There was not then, nor has there since been, any such complaint from the people as these men would have us believe. After Maine came Indiana. Then there was undoubtedly a wail on the part of our democratic friends, but it was not on account of the public debt. Whether the bonds should bear 3, 4, 5, or 6 per cent. did not enter into their grief. It was because they saw "the handwriting on the wall." The 184,000 republicans in Iowa did not wail. The gentleman will hardly claim that. After November the situation became still more serious to the democrats; but it was not the funding of the public debt that so bothered them then. What worried them after November was a peculiar disease that seemed to have ing of the public debt that so bothered them then. What worried them after November was a peculiar disease that seemed to have taken possession of some of their leading men just before the election, a sort of color-blindness, so that they did not know the handwriting of their own neighbors, long-time comrades. [Laughter.] I know how to sympathize with them. I have always been troubled with that color-blindness myself. I could never tell certain shades of blue from green, especially after dark; and God knows it was dark enough for the democracy after Indiana to excuse some blindness. [Great laughter.]

what I desire to say, Mr. Chairman, is this: we submitted these financial questions to the American people. By an overwhelming majority they decided that our banking system is a good one; that the currency of the country is satisfactory. They decided that these institutions which you would break down are beneficial; that the tariff is best for the people; that it is a good thing to build up our home industries.

home industries.

Then why should we have these continued attempts to break down these national banks? Why, sir, there is no class of institutions in the United States to-day freer from political meddling than the national banks of this country. Their directors and members are usually among our best and most enterprising citizens. I never in my life among our best and most enterprising citizens. I never in my life knew a national bank, as such, to give a dollar for any political purpose. [Laughter on democratic side.] As a rule they keep entirely aloof from all politics. There are some democrats who are national bankers, perhaps not so many as there are republicans, but that grows out of the fact that the large majority of the business men of the country are republicans. The banks are not to blame for this. I say there are no institutions in the whole land farther removed from political corruption or even from meddling in politics than are the national banks of this country, and I do not own a dollar in one of them.

Then why all this prejudice and continued legislation against them? It is plain that we ought to pass a bill here whereby we can fund our maturing bonds at a lower rate of interest. I would give the Secretary of the Treasury a little discretion in the matter, so that if the loan cannot be placed at 3 per cent. he shall be permitted to place it at 3\frac{1}{2}. Let us go at this work like business men, if we would accomplish anything. The suspicion is strong that most of you do not desire to fund the debt at all. I believe we ought to fund it, and that we can do it with a long-time bond at 3 per cent. Such a bond might be sold. But the moment you add short time to a low rate of

interest you destroy the possibility of selling these bonds, notwith-standing the article which my friend from New York [Mr. Fernando Wood] has just had read.

MESSAGE FROM THE PRESIDENT.

Here the committee informally rose and the Speaker took the chair.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

signed bills of the following titles:
An act (H. R. No. 460) granting a right of way to the county of Warren, in the State of Mississippi, and the Memphis and Vicksburgh Railroad Company through the United States cemetery tract of land near Vicksburgh, Mississippi.
An act (H. R. No. 4006) authorizing the Blue Hill National Bank of Dorchester, Massachusetts, to change its location and name.
An act (H. R. No. 6256) for the relief of certain settlers on restored railroad lands.

FUNDING BILL.

The Committee of the Whole resumed its session.

Mr. WEAVER. Mr. Chairman, I do not rise to reply to the remarks of the gentleman from Michigan, [Mr. Horn.] They do not merit the slighest notice. It is the most unsatisfactory thing in the world the slighest notice. It is the most unsatisfactory thing in the world to strike at nothing. I wish, however, to submit a few remarks upon the amendment of the gentleman from Kentucky, [Mr. Carlisle,] and particularly on that feature of his amendment which repeals the fourth section of the act of June 20, 1874. In my judgment it is both wise and just to repeal this section. Under the law as it now stands a national bank may retire its circulation in whole or in part by depositing lawful money with the Secretary of the Treasury and withdrawing a proportionate amount of bonds. It then becomes the duty of the Government to redeem the outstanding circulation to the extent required by the deposit of lawful money, and the expense of said redemption is borne entirely by the Government. If they are to be allowed to retire their circulation and take up their bonds, let it be done at their own expense. Do not compel the people to pay a tax

be allowed to retire their circulation and take up their bonds, let it be done at their own expense. Do not compel the people to pay a tax for the privilege of being robbed.

How has that law operated? By reference to page 19 of the last annual report of the Treasurer of the United States, it will be found that its operation has been very deleterious to the business interests of the country; that the banks, in the language of the Treasurer of the United States, have not conducted their business with a view to the welfare of the country, but solely with a view to their own profit; that they have retired and expanded their circulation whenever they have seen prepare without regard to the business interests of the

have seen proper, without regard to the business interests of the country, and that they are controlled entirely by the price of Government bonds; that the most shameful practices have grown up under this extraordinary and iniquitous section.

Illustrations are given in that report. One where a bank having a circulation of \$450,000, within the brief period of three years, at three separate times, reduced its circulation to \$45,000, and as often extended it to \$450,000, without any regard to the business interests of the country, but simply for the purpose of securing the premium on the country, but simply for the purpose of securing the premium on its bonds deposited as security for its circulation. Through the operation of that law, that bank at one time had in actual circulation \$852,550, when it was authorized under the law to have but \$450,000,

and its books showed only \$450,000.

other banks have been repeatedly guilty of the same thing. Thus the currency of the country is made the mere plaything of these national banks, the mere instrument to serve the purposes of private speculation; to be retired or expanded whenever it suits their purpose, without regard to the demands of commerce. Now, we demand that this dangerous and constantly abused power shall be taken away from the banks, and that the circulating medium shall not be so easily withdrawn, but shall be kept where it belongs, afloat among the people. Sir, it is safe to say that whenever a dollar is placed in circulation it should never again be permanently withdrawn. This very practice of contracting and canceling our circulating medium has caused more bankruptcy, crime, misery, and heartache than all other legislation put together from the foundation of the Government down to the present time. It is the worst kind of class legislation. It is the power put together from the foundation of the Government down to the present time. It is the worst kind of class legislation. It is the power conferred by law upon a few capitalists to rob and plunder the balance of mankind. Thank God, the discussion of this bill has laid bare the fact that the national banking system is but a temporary expedient. That its longest possible lease of life is the life-time of our national debt. The debt and the banks will perish together, and perish quickly.

The people will not be long about settling this question. This pub-

lic debt, this cancer upon the body-politic must be torn out even to its roots. The honorable Speaker of this House alluded to the financial condition of the French people, and said that the debt of that country was held by the great mass of her people. So it is, and so will our laborers and mechanics be able to do the same thing when we shall have adopted, like France, a sensible financial policy when we have \$50 per capita in circulation, our laboring population will be tranquil and prosperous, and all classes of men who now shirk the

just burdens of society will forever disappear.
[Here the hammer fell.]
Mr. CARLISLE. I am very reluctant, Mr. Chairman, to appear to

be consuming more than my share of the time allotted to this debate, and yet I desire to say a very few words in response to one or two of the points made by the gentleman from New York, [Mr. HISCOCK.] That gentleman asserted that there was a less amount of nationalbank notes in circulation now than there was five years ago.

bank notes in circulation now than there was five years ago.

Mr. HISCOCK. I beg the gentleman's pardon. I asserted that
there was a less amount of capital invested in national banking now
than there was five years ago.

Mr. CARLISLE. Then I misunderstood the gentleman, and I was
prepared to show by statistics from the Treasury Department that
the banking circulation is very considerably larger now than it was

five years ago.

The gentleman also asserted that if the amendment proposed by

The gentleman also asserted that if the amendment proposed by me shall be incorporated into the bill, then, when a bank has once placed its bonds on deposit as security for its circulation or for public deposits, there will be no way in which it can withdraw that circulation except by closing up its business and going into liquidation.

Mr. HISCOCK. I desire to interrupt the gentleman right there. I said there was practically no other way. Under the provisions of the law which he proposes to revive, the only way is by a surrender of its circulation, which is practically impossible.

Mr. CARLISLE. If this amendment shall be adopted, or that part of it to which the gentleman from New York [Mr. HISCOCK] refers, then these national banking associations, with reference to their right to retire their circulation and withdraw their bonds, will stand precisely where they stood from June 30, 1864, until June 20, 1874, a period of ten years, and I presume no gentleman here will undertake to assert that during that period the business of these institutions was not reasonably profitable.

Mr. HISCOCK. Will the gentleman allow me to make another suggestion to him?

Mr. HISCOCK. Whithe gentleman abow he to make another auggestion to him?

Mr. CARLISLE. Certainly.

Mr. HISCOCK. What created, what brought into force the law which the gentleman proposes to repeal was that national banking, compared with other business, had ceased to be profitable. That law was intended to enable them to withdraw from the business of national banking, and from that time to this the amount of capital invested in national banking has steadily decreased until within the last two or three years.

last two or three years.

Mr. CARLISLE. One of the reasons, and I presume the principal reason, for the passage of the fourth section of the act of June 20, 1874, was that at that time there was supposed to be outstanding a redundancy of paper currency. On the 1st day of July, 1874, there was outstanding in United States Treasury notes, national-bank notes, and all other forms of paper money, \$781,490,916; whereas on the 1st day of July, 1880, there was outstanding of such currency only \$735,522,956, or more than forty-five million dollars less than there was in 1874, although the volume of business transacted in the country was these to maching larger in 1880 than in 1874.

at least one-third larger in 1880 than in 1874.

It was thought that this redundancy of circulation could not be reduced with sufficient rapidity under the slow process required at that time by the law, which was for the national banks to redeem their own circulating notes and present them to the Treasury Department for the withdrawal of their bonds deposited as security for such circulation. Consequently the act of June, 1874, was passed, which authorizes these national banking associations to deposit currency with the Treasurer of the United States, and thus throw upon the United States the labor and expense of redeeming their outstanding

The effect of that has been, as shown by the report of the Treasurer of the United States, sent to this Congress at the beginning of its present session, that many of these national banks have speculated in the bonds of the United States deposited in the Treasury Department for security of their circulation. They have carried on in that Department two and three and four and sometimes five different accounts at the same time on the books of the Government; in some of which they were reducing their circulation and withdrawing their bonds, and in others of which they were increasing their circulations. culation and depositing bonds as security for the new notes issued. In such cases the United States Government was all the time, at the expense of the people, printing new notes and delivering them to the banks.

The CHAIRMAN. By the order of the House discussion upon the pending section and amendments is exhausted. The question is upon the adoption of the amendment of the gentleman from Kentucky,

[Mr. CARLISLE.]

Mr. WHITTHORNE. Is not my amendment striking out the first

The CHAIRMAN. It was the understanding of the Chair that the amendment was simply suggested by the gentleman from Tennessee for the information of the House, and was intended for subsequent action, in the event of the failure of the pending amendment. The action, in the event of the failure of the pending amendment. The status of this matter, as the Chair understands, is this: the gentleman from New York, [Mr. Fernando Wood,] chairman of the Committee on Ways and Means, presented a verbal formal amendment to the bill as reported by his committee; to that amendment the gentleman from Kentucky [Mr. Carlisle] presented for the consideration of the committee the amendment which has been under discussion. The Chair holds, therefore, that, there being two amendments pending at this time, no further amendment is now in order. The

question is upon the adoption of the amendment of the gentleman from Kentucky.

The question being taken, there were—ayes 100, noes 97.
Mr. KEIFER called for tellers.

Tellers were ordered; and Mr. CARLISLE and Mr. DUNNELL were appointed.

The committee divided; and the tellers reported—ayes 128, noes 101. So the amendment of Mr. Carlisle was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York as amended.

Mr. WHITTHORNE. Is the amendment indicated by myself now

in order ?

The CHAIRMAN. It is.
Mr. WHITTHORNE. Then I move to strike out the first proviso.
The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee.

The Clerk read as follows:

Strike out the following:
"Provided, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States."

Mr. WHITTHORNE. Mr. Chairman, the effect of this proviso, if not struck out, will be in my judgment to compel some of the banks of the country to go into liquidation or into the hands of a receiver. Mr. PRICE. That is the intention.

Mr. WARNER. It cannot have that effect for five years.

Mr. WHITTHORNE. I cannot see, Mr. Chairman, why we should object to any of these institutions continuing as banking institutions without receiving interest upon their bonds. In other words, I do not see why we should compel the people to pay interest on bonds to the amount of the circulation of any bank, if the bank is willing to retain as security for its circulation bonds bearing no interest. In my opinion, if this provision be retained, the city banks, which have

In my opinion, if this provision be retained, the city banks, which have In my opinion, if this provision be retained, the city banks, which have under the banking laws a portion of the reserves of the country banks to operate upon, may combine so as to take advantage of the want of financial wisdom of the country bankers; in other words, may compel them to pay the price of bonds as dictated by the city bankers. Believing that this provision will accomplish no good and that its tendency is hurtful to the people, I think it ought to be stricken out.

Mr. FERNANDO WOOD. May I ask the gentleman a question?

Mr. WHITTHORNE. Certainly.

Mr. FERNANDO WOOD, The gentleman takes exception to the provision that hereafter the national banks shall not hold as security for their circulation any overdue bonds on which interest has ceased. Now, it has been asserted that the banks cannot afford to maintain a circulation upon a deposit of bonds bearing only 3 per cent. If the

a circulation upon a deposit of bonds bearing only 3 per cent. If the banks can afford to have a circulation upon bonds bearing no interest, why can they not afford to take at par a 3 per cent. bond giving them that much interest?

Mr. WHITTHORNE. Why not leave this matter, for a short time at least, to be regulated by what may be the interest of the banks?

Mr. BUCKNER. Mr. Chairman, I rise to oppose the amendment. I cannot conceive that the rate of interest on these bonds will cause I cannot conceive that the rate of interest on these bonds will cause any bank of the United States to go into liquidation. So far as the question of interest is concerned, I do not doubt that with 3 per cent. bonds the banks will find it to their interest to go on in business. But there is a reason which has not been adverted to why many of the banks, as I conceive, will see that their going out of existence is only a question of time, a very short time; and this may prevail upon them to cease operations at once rather than take bonds that may be called in within the next five, six, or seven years. The real trouble is that the foundation of our national banking system depends upon the indebtedness of the Government; and just as the business prosis that the foundation of our national banking system depends upon the indebtedness of the Government; and just as the business prosperity of the country enables us to pay off this indebtedness, to that extent the banks become insecure, and the superstructure must give way. It will be a question with many of the banks whether they will wait to go out of business, when they must necessarily do so within a very limited time. There are now \$199,000,000 of 6 per cent. bonds outstanding; and I think it can be said with absolute certainty that not many of the banks will buy 4 and 4½ per cent. bonds at the rate which must now be paid in order to obtain security for their circulation. But this bill will give them an option they would not otherwise have; it will enable them to purchase 3 per cent. bonds as a basis for their circulation. What will be their condition if we make no change in the present law? The banks will be compelled within five years—those who have the 6 per cent. bonds within less than a year—to give up their circulation necessarily; and that will create a far greater contraction in the currency than can be caused by this proposed legislation. I say the difficulty with gentlemen on the other a far greater contraction in the currency than can be caused by this proposed legislation. I say the difficulty with gentlemen on the other side is that the banks are founded upon the indebtedness of the country, and therefore just as that indebtedness is paid off—and this House has determined it shall be paid off as fast as we are able to pay it and within ten years—many of these banks will begin to set their houses in order for the purpose of going into liquidation. And that is the trouble and there is the difficulty with gentlemen on the other side. The whole difficulty comes from this payment of the public debt. If they want to continue these banks, this bill will place no obstacle in their way. And it is perfectly right in another view that the Government should use these bonds as long as they can be made the instruments to aid the Government for the purpose of carrying out its policy of paying off the public indebtedness. The great object of the establishment of national banks was not to give us uniform circulation, but as any one will find who will read the reports of the former distinguished Secretary of the Treasury, Chase, the main object was to find a market for the bonds of the Government of the United States and for the purpose of maintaining the great its result. United States and for the purpose of maintaining its credit. That, sir, was the great purpose; and when gentlemen who are the friends of the banks oppose this bill upon the ground they are now opposing it, they are making far more enemies than friends for the real and original object of the national banks, which was to aid in sustaining the

eredit of the Government.

Mr. KEIFER. I wish to ask the gentleman from Missouri what he would have the banks do? I refer to the banks which would be compelled to take these 3 per cent. bonds which we now propose to issue. What would he propose they should do after the Government paid

those bonds off ?

Mr. BUCKNER. This provides they can buy 4 per cent. and 4½

per cent. bonds.

Mr. KEIFER. Oh, no! they are prohibited from doing that. Mr. KEIFER. This bill already provides for it.
Mr. BUCKNER. This bill already provides for it.
Mr. BUCKNER. No; the bill expressly provides for it.
Mr. CARLISLE. But it provides that just as soon as the Secretary of the Treasury has designated for redemption any of these 3 per cent. bonds, not even waiting until he has paid them, but as soon as he has designated them for redemption, then the national banks may substitute other bonds in lieu of them.

[Here the harmon fall]

The question recurred on Mr. Whitthorne's amendment.
The committee divided; and there were—ayes 54, noes 76.
So the amendment was rejected.

So the amendment was rejected.

Mr. HAWLEY. I move to strike out the closing provise of the amendment of the gentleman from Kentucky, [Mr. CARLISLE.] It provides for repealing section 4 of the act of June 20, 1874. I desire to strike that out for this reason: Section 5159, Revised Statutes, provides for the deposit of bonds to secure circulation to an amount not less than \$30,000, and not less than one-third of the capital stock paid in. Section 5160 provides that the amount of such pledged bonds shall be increased as the capital is increased and shall never fall below one-third of such capital, and further provides for the withdrawal of said bonds upon the return of the circulating notes of the issuing bank. That is the old law which the amendment proposes to restore. of said bonds upon the return of the circulating notes of the issuing bank. That is the old law which the amendment proposes to restore. Now, sir, that was found to work bally for the obvious and well-known reason that when a bank puts out its notes the bills scatter like the swallows, and you scarcely ever see them again in any great quantity. They melt into the general mass of circulation. They are all good, all secured at Washington by the deposit of bonds, but I say the banks never get them again. So it was, under that law, exceedingly difficult for a bank to retire its circulation and regain its bonds.

Mr. PRICE.

Mr. PRICE. Some never have come in yet.
Mr. HAWLEY. Wherefore, by section 4 of the act of June 20, 1874, it was provided, that if a bank would bring greenbacks, the Government's own notes, to an equivalent amount, that is, to an amount equal to the value of its notes out, then it might have its bonds back immediately. That is common sense, just, fair, and secure for everybody. The banks could then wind up business promptly if they desired to do so.

If they desired to do so.

That is what the gentleman from Kentucky desires to repeal, and he would go backward nearly seven years against an exhaustive discussion, running through two sessions of Congress, and against the uniform experience of the whole banking interest of the country, and revive a provision which has been shown to be utterly impracticable. The motive for that is beyond my comprehension altogether. It is a part of a series of measures that is going to make it impossible for men to engage in the business of national banking. When a man fires a gun down a crowded street and kills somebody, the law does not excuse him on his saying he did not mean to kill anybody, but he is held to intend that which is the natural result of his action; and I am instified in saying that all the elements there are of hosand I am justified in saying that all the elements there are of hostility to a sound national banking system, the best ever known in the world, are arrayed in favor of this bill and these successive, mischievous provisions. The result of their success would be the destruction of the circulating functions of these banks, and then would follow the most depressions. struction of the circulating functions of these banks, and then would follow the most dangerous condition of a national currency ever known, a condition involving ultimate inflation, speculation, bankruptcy, and probable repudiation; that is to say, there would follow issue of paper money by the flat of Congress, its volume to be dependent upon the whims and passions of a majority and not upon natural laws. And, although I have much respect for this body in general, I can have no confidence in its wise exercise of the power of issuing illimitable quantities of irredeemable paper.

The CHAIRMAN. The gentleman's time has expired.

Mr. HAWLEY. I am exceedingly sorry I cannot make the argument I have ready. It would take me five minutes longer.

Mr. FINLEY. Mr. Chairman, some gentleman on the other side of the House a few days ago took occasion to eulogize the republican

management of the finances of the country; and I simply wish to say a few words in that connection. I wish to call attention to the fact, that of a certain issue of Treasury notes authorized to be issued by law, in the process of redemption the Secretary of the Treasury used nearly one million of dollars more of the funds for that purpose than was ever legally issued. In other words, of the one year 5 per cent. Treasury notes issued under the act of March 3, 1863, the report of the Secretary shows that there were \$44,520,000 issued. His subsequent report shows that there were redeemed \$45,473,320, or an

report of the Secretary shows that there were \$44,520,000 issued. His subsequent report shows that there were redeemed \$45,473,320, or an excess of redemption over the issue of nearly one million of dollars. I want to give the gentleman that eulogizes the management of the Treasury full opportunity to look into this matter or to explain it in any way, for which reason I will cite him to the page and figures and let him take his time to dispute it.

On page 75 of the finance report, Executive Document, volume 7, the Secretary of the Treasury reports that of the one-year 5 per cent. notes there were issued, all told, \$44,520,000 of the one-year 5 per cent. interest-bearing Treasury notes. In Executive Document, volume 3, of 1865, the Secretary of the Treasury reports the amount of that issue that was redeemed. I give you the page. It will be found on page 48 of that document, volume 3, for 1865, Executive Document. That for the redemption of the one-year 5 per cent. Treasury notes under that act of March 3, 1863, \$38,473,320 were used, which would leave remaining about six million dollars. Again, in 1866, (Executive Document, volume 3, page 38,) he reports the balance of that issue redeemed as \$7,000,000. Now, add together the first amount of the redemption, that is to say, \$38,473,320 that were redeemed as against an issue of \$44,520,000, being an excess of redemption over issue of \$953,320. But some gentlemen may say, inasmuch as these were interest-bearing notes, that the difference was caused by the fact that the interest was included. My answer is that the gentleman who makes the assertion will find that in addition to stating that this amount was issued for redemption purposes, he will find on page 37 of Executive Document 3, for 1865, the interest is included. Now I want the gentleman to explain, or I would like the Secretary of the Treasury to explain, if his books tell the truth and if his report nearly a million of dollars in excess of the amount issued. demption of the Treasury notes mentioned in his report nearly a million of dollars in excess of the amount issued.

The CHAIRMAN. Debate upon the pending amendment is ex-

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. RANDALL, (the Speaker.) The gentleman from Kentucky ought to have an opportunity to reply to the remarks of the gentleman from Connecticut.

Mr. HAWLEY. I should be glad to have the committee rise in order that we might go into the House and extend the time for debate. I have suffered myself from the order of the House limiting it.

Mr. PRICE. The debate has been confined to a few gentlemen.

Mr. RANDALL, (the Speaker.) My object was to enable the gentleman from Kentucky to explain his amendment, the scope of which the gentleman from Connecticut has misapprehended.

The CHAIRMAN. The Chair desires to state in response to the remarks of the gentleman from Iowa, that it has been the desire of the Chair to recognize gentlemen on both sides of the Chamber alternately without any effort at partiality.

Mr. PRICE. It certainly was not my intention to reflect upon the chairman, who I know has an onerous duty to perform and is placed in an exceedingly embarrassing position. But, as the Chair will find in our rules, it is specially provided that no gentleman shall speak twice to the same question until other gentlemen desiring to do so have been heard. been heard.

The CHAIRMAN. The Chair is aware of the rule to which the gentleman from Iowa refers, and had any gentleman risen in his place and directed the attention of the Chair to this rule the Chair would have applied it; but the point of order not having been made, the Chair did not feel called upon to take cognizance of the fact himself and insist upon the enforcement of the rule.

The question is on the amendment submitted by the gentleman fram Connecticut.

The committee divided; and there were-ayes 77, noes 102.

Mr. HATCH. Mr. Chairman—

Mr. HASKELL. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HASKELL. My point of order is that I have been recognized

by the Chair.

The CHAIRMAN. The Chair overrules the point of order. [Laugh-

ter.]
Mr. HATCH. I desire to submit the amendment which I send to the desk

The CHAIRMAN. The amendment will be reported. The Clerk read as follows:

Amend by adding at the close of section 5 the following:

"And any bank duly chartered or incorporated and doing business under the laws of any State shall, on transfer and delivery to the Treasurer of the United States of registered 3 per cent. bonds authorized by the first section of this act, be entitled to receive from the Comptroller of the Currency circulating notes in the same manner, proportion, and amount as is authorized and prescribed by law for

national-bank associations, which circulating notes shall be subject to the same regulations and taxation as is or may be prescribed by law for the issue and taxation of circulating notes furnished to national-bank associations, and any law or part thereof in conflict with this provision is hereby repealed."

Mr. FERNANDO WOOD. I desire to ask the mover of the amend-Mr. FERNANDO WOOD. I desire to ask the mover of the amendment, which has just been read whether in giving this privilege to the State banks all the provisions of taxation applicable to national banks would apply; or whether it is designed to give the State banks certain privileges not possessed by national banks?

Mr. MILLS. I make the point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr MILLS. That it is not germane.

Mr. TOWNSHEND, of Illinois. And I make the further point of order that it is substantially the same as a bill now pending before

The CHAIRMAN. Does the gentleman from Missouri [Mr. HATCH] desire to address the Chair on the point of order?

Mr. HATCH. I prefer to speak to the merits of the amendment.

Mr. RANDALL, (the Speaker.) The gentleman can do that by

The CHAIRMAN. The pending question is the question of order raised by the gentleman from Texas; and to that question the gentleman should direct his remarks.

tleman should direct his remarks.

Mr. MILLS. I withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri is recognized to speak on the merits of the amendment.

Mr. HATCH. I am advised by the report of the Comptroller of the Currency that on the 31st day of May, 1880, we had 4,456 State banks, savings-banks, trust companies, and private bankers in the United States, with an aggregate capital of \$194,136,825 and a deposit account of \$1,319,094,576.

The surpose of this amendment is to aid in placing a short-time.

count of \$1,319,094,576.

The purpose of this amendment is to aid in placing a short-time, low-interest bond issued by the Government at par. Since the commencement of this discussion we have heard from every side of the House complaints that a 3 per cent, bond based upon the period of five to ten years could not be placed by the Government of the United States at par in the present financial condition of the country. Ah, gentlemen, if you will break the monopoly given to the national banks alone, and allow the private bankers and the State banks of this country the same privilege of placing their reserve funds in the 3 per cent. bonds of the country, provided for by this act, thus popularizing this great loan, you will find it will not be as gentlemen characterize it, a "forced loan" by the Government, but it will become a popular loan, taken by the people, and glad of the chance to take it.

why should not the State banks, why should not a bank doing business under a State law have the same privilege of buying the bonds of the United States, depositing them with the Comptroller and receiving the same percentage of the same currency accorded to the national banks upon the same terms, the same taxation, and the same regulations as govern the national banks? It is not proposed by this amendment to make State banks national banks, or to bring them within the general provisions of the laws governing national banks. But so far as the control of this currency is concerned they will come under the same laws, the same rules, and the same regulations, and pay the same taxation that the national banks do.

Mr. FERNANDO WOOD. They can do it now.

Mr. WEAVER. What is there to prevent a private bank or a State bank from organizing now as a national bank under the existing law?

Mr. WEAVER. What is there to prevent a private bank or a State bank from organizing now as a national bank under the existing law? Mr. HATCH. As previously distinctly stated, I do not propose by this amendment to compel State or private banks to organize under the national-bank act or to come within its general provisions to secure this privilege. Let the privilege go with the buying of the bond and depositing it with the Comptroller of the Currency. The security would be the same, the rules and regulations governing it would be the same.

The only difference would be that in

The only difference would be that instead of this large surplus held by the State banks, in your State and mine, wherever that surplus exists the banks could deposit it with the Comptroller of the Currency in these 3 per cent. bonds and bring back 90 per cent. of that amount of money to circulate among the people where the banks exist, to aid in the commercial transactions of the country. And not only that, but it would break down the power of any limited number of banks, national or otherwise, to control the price of these bonds in the

banks, national or otherwise, to control the price of these bonds in the market.

Now, Mr. Chairman, as an original proposition I am not in favor of this bank currency. I am not in favor of the national-bank currency. I prefer the substitution of the legal-tender notes—of the Treasury notes—to the entire system of national-bank currency. But I know that such substitution cannot be made during the expiring days of this Congress. And recognizing that fact, I would do the next best thing that can be done in the interest of the people: I would give to every organized representative of money in this country the authority and the power and the right to buy this bonded debt, deposit it, and receive this circulation. To what extent they would avail themselves of this privilege I am not prepared to say, but I would extend it to them. Break the monopoly, destroy the exclusive prerogative of national banks to control so large a proportion of the circulating medium of the country, and to the extent that tion of the circulating medium of the country, and to the extent that State banks should avail themselves of the privilege the demand for

the bonds would be increased, the circulating medium enlarged, and

the danger of a sudden contraction of the currency avoided.

The result of the adoption of this amendment would be to give to The result of the adoption of this amendment would be to give to the country a banking system organized and doing business under State laws, and in all matters except paper circulation subject to State control, while the Federal Government, as it now does, would control the issue and secure the certain redemption of all the paper money of the country.

money of the country.

[Here the hammer fell.]

Mr. CARLISLE. I rise to oppose the amendment offered by the gentleman from Missouri, [Mr. HATCH,] and I propose to do so by showing that the amendment just adopted by the Committee of the Whole ought to stand without further amendment of any sort.

In the first place, I desire to say in response to the gentleman that under existing law a private bank or a State bank can at any moment organize under the national banking act and avail itself of all the privileges conferred upon a national banking association. It will become thereby exempt from the 10 per cent. tax on its circulation and enjoy all the privileges and immunities enjoyed by the national banks.

leges conferred upon a national banking association. It will become thereby exempt from the 10 per cent. tax on its circulation and, enjoy all the privileges and immunities enjoyed by the national banks.

And now, sir, a word in reply to the gentleman from Connecticut, [Mr. Hawley.] After the best examination I could give to the subject, my opinion is that it was not the intention of Congress by the passage of the fourth section of the act of June 20, 1874, to repeal sections 5159 and 5160 of the Revised Statutes. But last April the Attorney-General of the United States, upon a question submitted to him by the Treasurer, decided that the provisions of that fourth section were inconsistent with the provision of the two sections of the Revised Statutes I have named, and that therefore they were constructively repealed. And what, sir, has been the effect of that decision? By sections 5159 and 5160 every national banking association is required to keep on deposit with the Treasurer of the United States bonds equal in amount to one-third of its capital paid in, and in no case less than \$30,000. And if they desire to reduce their circulation and withdraw their bonds they must themselves take up that circulation and produce it at the Treasury Department for cancellation and for the withdrawal of their bonds. But under the construction which has been placed upon these laws by the Attorney-General, a national banking association with \$5,000,000 of capital need not place on deposit with the Treasurer more than \$50,000 in bonds.

Mr. HAWLEY. Oh, no.

Mr. CARLISLE. I assert that by the provisions of the fourth section of the act of June 20, 1874, (and I refer the gentleman to that act,) the only limitation upon the reduction of the amount of bonds on deposit as security for circulation is that it shall not be reduced below \$50,000, whereas under the act of 1864, as embodied in the Revised Statutes, the national banks were required to keep on deposit in the Treasury, as a security against the impairment of their capital, an

duce the amount of their circulating notes to the extent of \$200,000,000, and by that means to contract the currency to that extent. Now, if my amendment shall stand as adopted by the committee, the reduction of the currency must be slow and gradual; whereas if the law is left to stand as it is now these national banks may take currency into the Treasury Department, deposit it there, and demand that the United States shall redeem their notes for them at its expense, and this enormous contraction of the currency may take place immediately and to the great detriment of the public interest.

Mr. PRICE. I know the gentleman from Kentucky [Mr. Carlisle] means to be right. He has made that statement twice, and he is in error about it.

error about it.

Mr. CARLISLE. To what extent?

Mr. PRICE. In regard to that point—

The CHAIRMAN. Debate upon the pending amendment has been exhausted

Mr. PRICE. Cannot I ask the gentleman a question?
Mr. CARLISLE. Let him ask it.
Mr. PRICE. With reference to this one point.
The CHAIRMAN. Only by consent.
Mr. PRICE. I hope I will have that consent.

There was no objection.

Mr. PRICE. The redemptions made by the Government for the national banks are not made at the expense of the Government.

Mr. CARLISLE. It certainly is, except that the Government does not pay the notes with its own money. The Government furnishes all the clerical labor and pays all the other incidental expenses of the

redemption.

Mr. PRICE. Allow me to say right there that every gentleman who knows anything about the internal workings of national banks will indorse what I say when I make the statement that bills or currency are sent in by the national banks to pay for the expense of that redemption.

Mr. CARLISLE. The largest bill for expense sent to any national bank is \$6.28, I believe.

Mr. PRICE. Excuse me; I have myself seen a bill sent to one bank

Mr. CARLISLE. Here is the report of the Treasurer-

Mr. PRICE. Very well; I say I saw that bill myself.

The CHAIRMAN. Debate is exhausted upon the pending amendment. The question is upon the amendment proposed by the gentleman from Missouri, [Mr. HATCH.]

The question was taken; and upon a division there were—ayes 22,

No further count being called for, the amendment of Mr. HATCH

was not agreed to.

Mr. WARD. I offer the amendment which I send to the Clerk's desk as an addition to section 5.

The Clerk read as follows:

And provided further, That all acts and parts of acts imposing taxation upon the capital and deposits of savings-banks, national banks, State banks, and private bankers are hereby repealed; and that all acts and parts of acts imposing taxation upon the circulating notes of national banks issued upon the bonds authorized by this act are hereby repealed; and that all acts and parts of acts imposing tax or stamp duties on checks are hereby repealed.

Mr. TOWNSHEND, of Illinois. I make a point of order against

that amendment.
The CHAIRMAN.

Mr. TOWNSHEND, of Illinois. I make a point of order against that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My first point of order is that the proposed amendment is not germane to the bill. Then I make a further point of order, that two bills of substantially the same character as the amendment now proposed are pending in this House and undisposed of. I have copies of those bills in my hand, and will send them to the Chair that he may compare them with the proposed amendment. One is a bill introduced by the gentleman from New York, [Mr. Morton,] and the other a bill introduced by the gentleman from Iowa, [Mr. PRICE.]

I will further remark that the Chair has already ruled upon a similar amendment to this when offered to the first section of this bill, and ruled it out of order.

Mr. WARD. Mr. Chairman, there has been no ruling by the Chair since the bill has been under discussion that establishes any precedent for sustaining the point of order now made.

The portion of the bill upon which the Chair was called to rule heretofore was the first section, which relates to the distribution of these bonds throughout the country at large and in every class of investment.

investment.

investment.

The section now under consideration is especially directed to the management of these bonds in connection with national banks, and to no other class of purchasers whatever. It is in effect the national bank section of the act. The amendment which I propose is in the direction of controlling the dealings of the Government with the national banks in connection with their taking of these bonds.

My amendment proposes that in case the national banks do take these bonds at this lower rate of interest, and under the limitations contained in the section as amended on motion of my friend from Kentucky, [Mr. Carlisle,] then measurable relief shall be afforded them in the respect of the taking off of certain taxes now levied on their deposits and circulation.

their deposits and circulation.

It is not only strictly germane to the bill and the section, it is not only closely allied to it, but my amendment is "bone of its bone and flesh of its flesh." It is therefore not open to the first point of order made by the gentleman from Illinois, [Mr. TOWNSHEND,] that it is not germane to this portion of the bill. Nor is it open to the second point of order made by the gentleman. If it is, it must be under section 4 of Rule XXI, which provides:

No bill or resolution shall at any time be amended by annexing thereto or in-corporating therewith the substance of any other bill or resolution pending before the House.

corporating therewith the substance of any other bill or resolution pending before the House.

What other bill or resolution is now pending before this House of the same substance as the amendment which I have proposed to this bill? It cannot be found. The two bills referred to as now pending before this House, and as having any relation whatever to this subject, are substantive propositions, proposing distinct enactments of their own. This amendment provides simply for the removal of certain taxations upon the fulfillment of certain conditions by the national banks. The bills now before the House provide for that relief from taxation without any conditions whatever. The bill of my friend from Iowa [Mr. PRICE] in regard to the abolition of check-stamps, which is one of the petty annoying vestiges of the burdens of the war, provides a general and unconditional repeal of all laws imposing check-stamp tax. My amendment does not propose any such thing as that.

My amendment proposes that when a certain event shall happen, to wit, when these bonds authorized by this act shall be taken by national banks and deposited by them as security for their circulation, then this check-stamp duty shall be released, and not before. I submit, therefore, that the amendment which I have offered is obnoxious to neither of the points of order made against it by my friend from Illinois, [Mr. Townshend.]

Mr. Chairman, in my judgment, the business people are in much greater danger of injury from this hostile legislation than the banks, for its effect will be this: where money is in demand, banks, having full use for it, will withdraw their notes, sell the bonds, and use the money for discounts. This will curtail circulation, make a greater demand for money, and raise the rate of interest on the business community.

Mr. TOWNSHEND. of Illinois, rose.

munity.

Mr. TOWNSHEND, of Illinois, rose.

The CHAIRMAN. The Chair would submit to the gentleman from

Illinois that he is prepared to rule upon the point of order, unless the gentleman specially desires to be heard upon it.

Mr. TOWNSHEND, of Illinois. I want to make one remark in support of the first point of order which I raised.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. TOWNSHEND, of Illinois. The subject-matter of the amendment offered by the gentleman from Pennsylvania [Mr. WARD] is taxation mon banks

ment offered by the gentleman from Pennsylvania [Mr. WARD] is taxation upon banks.

Mr. FERNANDO WOOD. I desire to suggest that the question before the committee is the point of order.

Mr. TOWNSHEND, of Illinois. I am speaking upon that alone.

The CHAIRMAN. The gentleman from Illinois is addressing himself to the point of order.

Mr. TOWNSHEND, of Illinois. The subject-matter of the amendment offered by the gentleman from Pennsylvania is in relation to taxes upon banks. The subject-matter of the bill under consideration, of the fifth section as well as the whole bill, is the issuance of bonds and certificates for funding purposes, an entirely different subject from taxation on banks. I maintain that the amendment is not germane to the bill. The object of the amendment and the object of the bill are entirely distinct and not substantially related to each other.

Now, one word further in reply to the gentleman from Pennsylva-nia, [Mr. Ward.] I make the statement that Federal taxation upon national banks does not exceed in all 2 per cent., while there is a tax upon food and upon raiment and even upon knowledge and religion

mr. HAWLEY. Order!

Mr. TOWNSHEND, of Illinois. If we are to commence the work of reduction of taxes, I insist we shall begin at the other end of the

Mr. HAWLEY. I call the gentleman to order.
Mr. TOWNSHEND, of Illinois. There are men and women starving and freezing to death this winter in sight of this Capitol. Let us first remove the heavy burdens on the necessaries of life—
Mr. HAWLEY. The gentleman is certainly not in order.
The CHAIRMAN. Debate upon the merits of the amendment is not in order.

not in order

Mr. WARD. There is no country in the world so good to its poor as

America.

Mr. TOWNSHEND, of Illinois. If amendments reducing taxation are held to be in order, I give notice that I shall offer an amendment which I introduced the other day, as follows:

That on and after July 1, 1881, no duty shall be levied, assessed, and collected on merchandise imported into the United States in excess of 60 per cent ad valorem on any article embraced in section 2504 of the Revised Statutes, and not subject to tax under the internal-revenue laws, except perfumery of which alcohol forms a component part, rum essence or oil, and bay-rum essence or oil, fusel-oil, or amylic alcohol, opium and all preparations of opium, and playing cards.

Now, sin it is extimated by the Secretary of the Tracey we that the

Now, sir, it is estimated by the Secretary of the Treasury that the

Now, sir, it is estimated by the Secretary of the Treasury that the surplus revenues will, for the current year, amount to ninety millions, while others have estimated them at over one hundred millions. This indicates that we have reached a point where the reduction of taxation may safely begin. If so, we certainly should commence the work with the most onerous burdens. If my amendment is adopted, it will apparently lessen the revenue about seventy-four millions, but still leave a surplus of nearly fifteen and a-half millions annually. In truth, however, its adoption would not result in a reduction of the revenue, because this amendment would stimulate importations, and thereby make up the full amount of the reduction. The present tariff on many articles is not only protective but it is prohibitive, and from such no revenue is collected. This amendment would raise the embargo on such articles. bargo on such articles.

It will, however, if adopted, reduce the cost of necessaries in a much larger sum than seventy-four millions annually, and its effect would greatly diminish the ill-gotten gains of monopolists without injury to our legitimate manufacturing interest. It would bring a happy relief to the poor and result in benefit to the people throughout the whole country, whereas if the amendment of the gentleman from Pennsylvania is adopted the Government will lose irrevocably over seven millions of its revenue annually, and only bankers and banks will profit mainly by the reduction. I believe with Jeremy Bentham that "the greatest happiness of the greatest number is the foundation of morals and legislation." If this House holds to the same doctrine some such reform as I am advocating ought to be accomplished. Tell me from whom has the Treasury collected its ninety millions of surplus, and from what source has come the hoarded millions which are overflowing the coffers of the tariff monopolists? Need I answer that these vast sums have been wrung from the people by our iniquitous tariff system. Hunger and cold have been potent allies of the tax-gatherer to secure the enormous tribute to monopoly. The lean wolf does not look in at the door of the impoverished more remorse-essly than does the tariff extortionist and the tax-gatherer. And It will, however, if adopted, reduce the cost of necessaries in a much

wolf does not look in at the door of the impoverished more remorse-essly than does the tariff extortionist and the tax-gatherer. And the one brings misery there as well as the other. The laboring man has seen his earnings slip rapidly away from him when wintry blasts have forced him to purchase a woolen coat and pay 90 per cent. of its cost in taxes. The poor widow, when she robes herself in a calico gown, taxed 71 per cent., pays more than "a mite" to the grim allied tax-gatherers, and it may be there is not enough left of her little store to buy high-taxed shoes for her barefooted children. The sur-plus in the Treasury and the bounty to the monopolists come from

such as these, and those who buy sugar, taxed 62 per cent.; rice, taxed 100 per cent.; salt, taxed over 60 per cent.; the Bible and school-books, taxed 25 per cent., and all who pay enormous taxes upon nearly everything that goes into the mouth or upon the back. This tribute-money comes from exactions upon food, raiment, intelligence, and religion.

A legend has come down to us from the days of King Edward I, which it will not be inappropriate for me to relate. A large tax, known as danegelt, had been collected by order of the king, which had been conveyed to the palace, and the king was called to see it. At the sight of it he started back, exclaiming that he beheld a demon dancing upon it and rejoicing. Thereupon he commanded that the gold should be restored to those from whom it had been extorted, and released his subjects from that grievous hurden. released his subjects from that grievous burden.

Sir, when I contemplate the oppressive taxes collected through our tariff from the comforts and necessaries of life, I see a dancing demon rejoicing over the unhallowed tribute. I would to God that a spirit as good as that of King Edward's could soften the hard hearts of those on this floor who refuse to relieve the suffering poor from such grievous burdens.

There are some who assail the tax on bankers as iniquitous, and yet they denounce as demagogues those who make appeals for the relief of the people by a reduction of the taxes on the necessaries of life.

I give notice that when the reduction of taxation shall commence, I will resist every effort to begin with the burden so lightly born by oppulent bankers, and will demand that we begin with exactions which impoverish the masses. Almost every day somebody is asking when impovered the masses. Almost every day somebody is asking us to reduce taxation on banks. I will join gentlemen in that work when they join me in measures like the one I advocate to-day.

If banks cannot prosper under 1 or 2 per cent. Federal taxation, how can you expect labor to prosper with 41 per cent. taxation on

The CHAIRMAN. The Chair has had occasion before to pass upon question somewhat similar in character to the one now presented. While the amendment proposed by the gentleman from Pennsylvania may perhaps be indirectly of kin to and indirectly associated and connected with the subject-matter of the bill under consideration, yet the Chair is disposed to hold that it is not so directly germane to the question under consideration as under the rules and under decisions made upon those rules would fairly entitle it to be admitted at this time. The Chair therefore sustains the point of order made by the gentleman from Illinois.

Mr. HAWLEY. I move to strike out the last two provisos of the amendment of the gentleman from Kentucky, [Mr. Carlisle,] that being different from my previous amendment. I am a little puzzled to know

Mr. CARLISLE: I make a point of order against that amendment.
Mr. HAWLEY. I think that striking out two provisos is a very

Mr. HAWLEY. I think that striking out two provisos is a very different thing from striking out only one.

Mr. CARLISLE. I will state my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CARLISLE. The gentleman from Tennessee [Mr. Whittenene] moved to strike out the first proviso, and the committee rejected that amendment. The gentleman from Connecticut [Mr. Hawley] then moved to strike out the second proviso, and that was voted down. Now the gentleman seeks to avoid the point of order by moving to strike out the two provisos together.

Mr. HAWLEY. A motion which, if successful, will produce a very different effect upon the bill.

different effect upon the bill.

Mr. CARLISLE. Precisely the same effect.

The CHAIRMAN. The Chair will hear the gentleman from Connecticut strictly upon the point of order raised by the gentleman from Kentucky

Mr. HAWLEY. I wish to say just a word. Some gentleman on the other side moved to strike out the first proviso, which would have left in the second proviso. I moved to strike out the second proviso, which would have left in the first proviso. In either case the bill would have been very different from what I propose to make it by this amendment.

Mr. CARLISLE. But the committee refused to strike out either proviso.

Mr. HAWLEY. I know that the Committee of the Whole has refused to strike out either separately; but it has not refused to strike out both.

The CHAIRMAN. The Chair sustains the point of order raised by

the gentleman from Kentucky.

Mr. FERNANDO WOOD. I shall be compelled very speedily, if we are to be kept here all night with these amendments, to move that the committee rise for the purpose of limiting debate to one minute upon the balance of the bill.

Mr. CHALMERS. If it be in order I desire to offer an amendment as an additional section.

The CHAIRMAN. Amendments are still in order to the fifth sec-

tion.

Mr. BLAND. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:
"The Secretary of the Treasury shall, for resumption purposes, maintain a reserve of coin in the Treasury equal to 25 per cent, of all legal-tender notes outstand-

ing, and a further sum of coin sufficient to redeem all certificates issued thereon in pursuance of law. The residue of all standard gold and silver coin now in the Treasury, or hereafter to accrue thereto, shall be paid out monthly in the redemption of the public debt on which interest has ceased, and upon the interest-bearing debt of the United States payable in the years 1839 and 1831. It is further provided that he shall pay out, in the manner and for the purposes aforesaid, all other surplus revenues not otherwise appropriated, and the amount of moneys thus paid shall be credited to the sinking fund: Be it further provided. That in order to aid the Secretary of the Treasury to procure the coin herein required, he shall cause to be coined monthly the maximum amount of silver bullion into standard silver dollars in the manner now anthorized by law.

"SEC. 2. That the Secretary of the Treasury shall determine by lot, under such rules and regulations as he may prescribe, the particular bonds to be redeemed from time to time in pursuance of this act: Provided, That the bonds bearing the highest rate of interest shall be first paid.

"SEC. 3. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States, be, and the same are hereby, repealed."

The CHAIRMAN. The announcement was made that the fifth section of the bill was under consideration for amendments to the text; but from the reading of this amendment the Chair understands the gentleman from Missouri [Mr. BLAND] offers it as a substitute for the whole bill.

As an amendment in the nature of a substitute. The CHAIRMAN. If it be offered as an amendment in the nature of a substitute.

The Chair will recognize the gentleman hereafter.

Mr. CHAIMERS. I move an amendment as an additional section.

Mr. CHALMERS. I move an amendment as an additional section.
Mr. PRICE. I want to move an amendment to this section.
The CHAIRMAN. The Chair will state to the gentleman from Mississippi [Mr. CHAIMERS] that his amendment is scarcely in order at this time, the text of the fifth section not having yet been perfected.
Mr. PRICE. I move to amend by adding at the end of the fifth section the following:

Provided, That any national bank depositing the bonds provided for by this bill with the Secretary of the Treasury as security for its circulating notes shall be exempt from all tax on capital, deposits, and circulation by the Government.

Mr. MILLS. I make a point of order on that amendment. The CHAIRMAN. The gentleman will state his point of order.
Mr. MILLS. My point is that the amendment is not germane to the
bill under consideration.

The CHAIRMAN. The Chair will hear the gentleman from Iowa upon the question whether the amendment is germane.

Mr. PRICE. I had hoped that my good-natured friend from Texas [Mr. Mills] would allow this proposition to come in without raising any point of order. This bill provides that hereafter no circulating notes shall be issued to any national bank unless upon deposit of these 3 per cent. bonds. Now I propose to add to that section a provision that when the banks have complied with this requirement and deposited the bonds specified by the law, another thing shall follow. This amendment says nothing about stamps on bank-checks or anything of that kind. It is simply proposed as a continuation of the thing of that kind. It is simply proposed as a continuation of the fifth section, of which, if adopted, it will be a part, and certainly it is entirely legitimate as being germane to the question under consideration. It is simply a continuation of the provisions of this fifth section—nothing more or less, and if the Chair will rule the amendment in order, I will then undertake to give, to the satisfaction I hope even of my friend from Texas, a good reason why the amendment should be adopted.

Mr. MILLS. This is the third proposition that has been presented

to exempt from taxation the capital, deposits, circulation or checks of national banks. The Chair has twice ruled that this subject is not akin to the subject embraced in the bill before the House; and I am astonished that gentlemen still persist in bringing such a question

astonished that gentlemen still persist in bringing such a question before the House.

Mr. PRICE. Let me correct the gentleman from Texas. He does not mean to be wrong in this matter. My amendment in reference to which the previous ruling of the Chair was made had reference entirely to bank checks. This amendment says nothing at all upon that subject. I agree that that would not be in order as an amendment to this provision; but the amendment I now offer is entirely distinct. Mr. MILLS. Mr. Chairman, we are trying to borrow money—

Mr. PRICE. And I want to help the Government to do so.

Mr. MILLS. We are making provision for putting bonds upon the market to obtain money to meet an emergency. Now, the gentleman comes in and claims that a proposition to reduce taxation, and to that extent put it out of the power of the Government to get money,

that extent put it out of the power of the Government to get money, is germane to a bill to borrow money.

Mr. PRICE. My amendment is intended to facilitate the borrow-

Mr. PRICE. My amendment is intended to facilitate the borrowing of money by the Government.

Mr. MILLS. The Chair has repeatedly decided during the discussion of this bill that any measure looking to taxation, either imposing or restricting taxation, is not germanne to the bill.

My friend from Taynesses of the advention of the control of the contro

My friend from Tennessee offered a proposition the other day to impose an income tax for the purpose of meeting the payment of these bonds, but the Chair decided the amendment was not in order as it was not germane to the subject under consideration. Twice before propositions have been offered as amendments to the pending bill for the purpose of reducing taxation on the circulation and deposit of national banks and on checks, and those propositions have been ruled out of order. It has been decided over and over again that the whole question of taxation is foreign to the one we are now considering in the pending bill.

Beside that, Mr. Chairman, there are bills pending in the House to-day and upon the Calendar which provide for the very same objects embraced in this amendment. Therefore, sir, on both points the amendment must be ruled out of order.

Mr. PRICE. In reference to the bills pending before this House containing, as the gentleman says, exactly this provision, I know nothing, and I would have to have the bill presented showing that fact before I could be convinced. Certainly the Chair must have some such bill presented before he can rule the point of order to be well sustained.

I contend the object of my amendment simply is to help sell these bonds. When you issue bonds you must have the market for them. I propose my amendment to the fifth section to facilitate the object in view, to wit, to supply a market for these bonds.

The CHAIRMAN. The Chair has had occasion twice substantially to decide the point at issue, and for reasons previously given for the action then taken the Chair sustains the point of order and rules the amendment out

Mr. FERNANDO WOOD. Now, Mr. Chairman, for the purpose of limiting debate, I move the committee rise; and I give notice that when we get into the House I shall move to close all debate on the pending section in one minute.

Mr. PRESCOTT. I hope the gentleman will withhold that motion

until I have had an opportunity to offer my amendment.

Mr. WEAVER. Is it the design of the gentleman to limit the debate on substitutes hereafter to be offered to one minute?

Mr. FERNANDO WOOD. It is.

Mr. WEAVER. Then I am opposed to it, and hope the House will vote it down

Mr. CALKINS. I desire to offer an amendment.

The CHAIRMAN. The question is on the motion of the gentleman

from New York.

Mr. RANDALL, (the Speaker.) Before the committee rises I desire to ask the privilege of the House to print some remarks. I do not wish to detain the House by submitting them at this time. They are in relation to the amendment I offered the other day against the payment of double interest. It has been urged here and elsewhere the effect was to cost a million of money to the Treasury of the United States. A recital of the laws of 1861 and 1863 will show that instead of that being the fact it will, on the contrary, save \$2,000,000 to the Government

Government.

The CHAIRMAN. The Chair hears no objection.

Mr. RANDALL, (the Speaker.) By the third section of the refunding act of July 14, 1870, it was provided that when the bonds which were to be issued under that act—that is, the five percents, the four-and-a-half percents, and the four-percents—should become redeemable at the pleasure of the Government, the particular bonds to be redeemed should cease to bear interest at the expiration of three months from the date of the notice or call of the Secretary of the Treasury. Under this provision, which constitutes a part of the conmonths from the date of the notice or call of the Secretary of the Treasury. Under this provision, which constitutes a part of the contract, Congress has no power to stop interest upon the outstanding 5 per cent. bonds within a less time than three months after the Secretary has designated them for redemption, and consequently no attempt was made in my amendment; but the 6 per cent. bonds which it is proposed to refund under this bill stand upon a different footing. The acts of 1861 and 1863 under which these sixes were issued contain no provision as to the time when interest shall cease upon these bonds after they become redeemable. The fourth section of the act of July 14, 1870, provides that the 6 per cent. bonds, to the amount of two hundred millions, then outstanding should continue to bear interest for three months after they were designated for redemption. This is the law under which the enormous amounts of double interest was paid in the late refunding operations, and is the law now in force. If the two hundred millions of the 6 per cent. bonds had been refunded under that act, as they might have been, and as one hundred and four millions may still be unless this bill is passed, three months' double interest would have been, or at least might have been, paid on that amount. My amendment to the first section of this bill absolutely prohibits the payment of interest on these sixes for a longer time than thirty days after they are called, instead of three months, as allowed by the act of 1870. This will save to the Government two million dollars interest on these bonds alone.

By unanimous consent, leave was granted to print in the RECORD remarks on the refunding bill to Mr. Townshend of Illinois, Mr. Aken, Mr. Price, Mr. Updegraff of Ohio, Mr. Wright, Mr. Townsend of Ohio, Mr. Lapham, and Mr. Anderson. [See Appendix.]

Mr. FINLEY. I move Mr. Chairman, by unanimous consent that all gentlemen of the House who desire the privilege of printing remarks on the pending question may have that opportunity.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly. the law under which the enormous amounts of double interest was

Mr. FERNANDO WOOD. I now insist on the motion that the committee rise, so we may cut off debate on the pending proposition.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had come to no resolution thereon.

Mr. FERNANDO WOOD. Inow move the House resolve itself into

Committee of the Whole House for the purpose of further considering the refunding bill; and pending that motion I move that all debate on the pending section and on the substitute therefor, and on the sixth section and all amendments thereto, shall be closed in one minute. This is not intended to exclude any gentleman who may desire to offer an amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced the passage of a resolution for the printing of 10,000 additional copies of the Report of the Commissioner of Fish and Fisheries for the year 1880, in which concurrence was requested.

It further announced the passage of joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record, with

amendments; in which concurrence was requested.

It further announced the passage of joint resolution (S. R. No. 137) to create a commission for the performance of certain duties under the act of Congress providing for the erection of a monument at Yorktown and the proposed centennial celebration.

FUNDING BILL

Mr. WEAVER. Pending the motion of the gentleman from New York, I move that the House do now adjourn.

The House divided; and there were—ayes 20, noes not counted.

Mr. WEAVER demanded tellers.

Tellers were not ordered.

Tellers were not ordered.
So the House refused to adjourn.
Mr. FERNANDO WOOD. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the funding bill; and pending that motion I move that all debate upon the pending section and substitute thereto and the concluding section, which merely fixes the title, shall case in one minute.

tute thereto and the concluding section, which merely fixes the title, shall cease in one minute.

Mr. WEAVER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WEAVER. My point is that it is out of order for the gentleman to attempt to limit debate or to conclude us upon the final section of the bill, which has never yet been under consideration.

Mr. FERNANDO WOOD. Then in order to meet the objection of the gentleman from Iowa I will withdraw that portion of the motion.

Mr. CHALMERS. I desire to state that I have also given notice that I will offer an additional section.

The SPEAKER. The gentleman will not be precluded from offering an additional section.

ing an additional section.

Mr. WEAVER. I move to amend the amendment of the gentleman from New York by making the time for debate two hours.

Mr. BLAND. I desire to ask the gentleman from New York, in view of the fact that I desire to offer an amendment in the nature of a substitute for the whole bill, if this motion will cut off debate

upon it.
Mr. FERNANDO WOOD. I do not understand the motion which I have made as cutting off the right to offer amendments, but to limit

Mr. BLAND. I only wanted five minutes to explain it.
Mr. FERNANDO WOOD. My motion is that debate be limited to one minute

Mr. WEAVER. I will modify my motion, Mr. Speaker; in place of two hours to limit debate to thirty minutes.

The amendment was not agreed to.

The motion of Mr. Fernando Wood was then agreed to.

The SPEAKER. The question now recurs on the proposition of the gentleman from New York, that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. GILLETTE. Pending that I move that the House do now additions.

Journ.

The motion was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from New York, that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. Cover in the chair.)

The CHAIRMAN. The House resolves itself in Committee of the Whole on the state of the Union to further consider the funding bill. Under the order of the House all debate upon the pending section and amendments thereto and upon all amendments or substitutes to be offered as amendments is limited to one minute.

Mr. KEIFER. I wish to make an inquiry. There seems to be

Mr. KEIFER. I wish to make an inquiry. There seems to be some misunderstanding whether general leave was given to gentlemen to print remarks upon this bill.

The CHAIRMAN. The House by its action has given general consent to all members who desire to print remarks in connection with this subject

Mr. PRESCOTT. I desire to offer the following as a substitute for section 5.

Mr. CALKINS. Before that is presented I have an amendment to the section which I wish to offer. I suppose it is in order first to perfect the text of the section.

The CHAIRMAN. That will be first in order.

Mr. CALKINS. Then I move to amend the section by inserting

after the word "banks," in the fourth'line, as printed in the RECORD, what I send to the desk

The Clerk read as follows:

After the word "banks" insert the following:
"Until the amount taken and deposited for the purpose aforesaid shall be equal to
the amount thereby authorized."

So that if amended as proposed it will read:

From and after the 1st day of May, 1881, the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and proper payment of the public money deposited with such banks until the amount taken and deposited for the purpose aforesaid shall be equal to the amount thereby authorized.

Mr. CALKINS. The only purpose, Mr. Chairman, of this amendment is to allow the expansion of the currency beyond the amount authorized by the bill. As it now is, when the 3 per cent. bonds are exhausted, there can be no further expansion of the national-bank currency; and I think if the attention of the gentleman from Kentucky had been called to this fact he would have incorporated the amendment or accepted it as a part of the amendment he proposed.

Mr. RANDALL, (the Speaker.) The gentleman from Indiana is mistaken. This is provided for already in the amendment of the

gentleman from Kentucky.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

The committee divided; and there were-ayes 61, noes 94.

So the amendment was not agreed to.

Mr. PRESCOTT. I now offer as a substitute for the section the following:

From and after the 1st day of May, 1831, the 3 per cent. registered bonds and certificates authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation authorized by law to be issued thereafter, and all national-bank associations making deposit of the 3 per cent. bonds provided for by the first section of this act shall in the proportion such depositshall bear to their whole deposit of bonds required by law to be made be relieved from and not required to pay the duty "upon the average amount of its notes in circulation" and the duty "upon the average amount of its deposits" provided for by section 5214 of the Revised Statutes of the United States.

Mr. MILLS. I make the point of order upon that that it provides for new taxation.

Mr. WARNER. The same character of amendment has been de-

cided already out of order on one or two occasions.

The CHAIRMAN. The Chair will state to the gentleman from New The CHAİRMAN. The Chair will state to the gentleman from New York and to the committee after the substitute has been read that the question ought properly, in the opinion of the Chair, first to be taken on the amendment of the gentleman from Kentucky amending the amendment of the gentleman from New York, after which a vote will be in order upon the substitute. The question is therefore first upon the adoption of the amendment of the gentleman from New York as amended by the amendment of the gentleman from New York as amended by the amendment of the gentleman from Kentucky, which said amendment has been adopted by the committee.

Mr. FERNANDO WOOD. If I understand the attitude of this question, the gentleman from Kentucky offered his substitute for the fifth section of the bill, to which I moved some technical changes, after which it was accepted as a substitute for the fifth section.

Then the proposition I make in regard to the fifth section could not apply therefor, and the remaining question will be to test the sense

Then the proposition I make in regard to the fifth section could not apply therefor, and the remaining question will be to test the sense of the House upon the adoption of the fifth section.

The CHAIRMAN. The Chair desires to state that there has been no formal adjustment of the matter. The gentleman introduced a formal amendment to the text of the bill, to which an amendment was offered by the gentleman's colleague, [Mr. HUTCHINS.] Subsequently an amendment was offered by the gentleman from Kentucky, whereupon the gentleman from New York [Mr. HUTCHINS] withdrew his amendment. A vote was taken upon the amendment of the gentleman from Kentucky, and that amendment was adopted.

Mr. FERNANDO WOOD. It is a substitute for the whole section. The CHAIRMAN. If, therefore, the Chair hears no objection, it will be declared that the amendment proposed by the gentleman from Ken-

be declared that the amendment proposed by the gentleman from Kentucky and adopted by the committee stands as the fifth section of

the bill.

Mr. HASKELL. I object to the adoption of that unless I can be heard upon an amendment to extend the time provided in the first proviso

The CHAIRMAN. The Chair holds further discussion on that out

Mr. HASKELL. Is it not in order to move to amend the fifth section ?

The CHAIRMAN. Amendments are still in order.
Mr. HASKELL. The Chair, I understand, rules that I am in order.
I move to strike out the word "thirty," in the first proviso, and insert "ninety." I have tried for almost an hour to get the floor and point out to the committee one trouble that I think the gentleman from

out to the committee one trouble that I think the gentleman from Kentucky has overlooked.

Mr. CHALMERS. Debate is not in order.

The CHAIRMAN. The Chair will state that while under the order of the Hoase it is entirely competent for any member to suggest amendments, debate on those amendments is out of order.

Mr. HASKELL. If the House would indulge me for just one moment, I am of opinion the committee will agree to the amendment

suggested.
Objection was made.

Mr. MILLS. What has become of the pending point of order? The CHAIRMAN. The point of order is still pending. The Chair will hear the gentleman from New York [Mr. PRESCOTT] on the point

Mr. PRESCOTT. Mr. Chairman, I regret that the point of order should have been interposed to this substitute, but I submit that by and under the United States Statutes, 2095, banks have been or-

by and under the United States Statutes, 2095, banks have been organized and are now in operation having \$193,008,100 of the fives and sixes provided for by this bill. There are now outstanding some \$988,000,000 of the four percents and four-and-a-half percents. These banks are authorized by section 5159, United States Statutes, to deposit for organization and currency "any" United States registered bonds, and they have been organized on the basis of that provision. I claim that thereby those banks heretofore organized have a vested right to replace their \$193,000,000 maturing fives and sixes with these fours and four-and-a-halfs; and that is also the basis of the plighted honor of this Government in their organization. I believe we have now reached a point where we should pause and consider whether it is best to now attempt to change a national-bank system we have been years in perfecting, and which should not be changed except upon maturer consideration of its effect than can be had here in the Committee of the Whole.

Again, there has been much doubt expressed here as to whether we can float a 3 per cent. loan. This substitute will replace the section

Again, there has been much doubt expressed here as to whether we can float a 3 per cent. loan. This substitute will replace the section as originally intended, excluding all the attempts to change our national-bank system, and offer an inducement for all national banks, by reason of thereby being relieved from the tax now provided by law upon circulation and the average of deposits, to buy the bonds and certificates provided for by this act.

Mr. FERNANDO WQOD. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FERNANDO WOOD. My colleague is not allowed when speaking to a point of order to discuss the merits of his amendment.

The CHAIRMAN. The Chair will state to the gentleman from New York [Mr. Prescott] that the discussion must be confined strictly to

York [Mr. PRESCOTT] that the discussion must be confined strictly to

the point of order. Mr. PRESCOTT. Mr. Chairman, I was endeavoring to elucidate to the Chair that this substitute is germane to the intent and object of this bill, and if not interrupted should, I trust, before this have succeeded. With the desire to make this funding bill a success, I offer succeeded. With the desire to make this funding offi a success, I offer this substitute for the present fifth section as now amended, and believe with the fifth section in this form we provide for all the vested rights and interests of the banks and for the certain floating of the bonds and certificates provided for. I therefore submit it is not the

bonds and certificates provided for. I therefore submit it is not the subject of a point of order.

The CHAIRMAN. Does the gentleman from Texas [Mr. MILLS] desire to be heard on the point of order?

Mr. MILLS. I do not, except to say that the Chair has repeatedly ruled that anything pertaining to taxation is not germane to this bill. The CHAIRMAN. This question has been practically determined in the rulings heretofore given by the Chair; and for the reasons already stated the Chair sustains the point of order. The Clerk will read the pert section read the next section.

The Clerk read section 6 of the bill, as follows:

SEC. 6. That this act shall be known as "the funding act of 1880;" and all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. CHALMERS. I desire to offer as an additional section what I send to the desk.

The Clerk read as follows:

The Clerk read as follows:

SEC. — That from and after the passage of this act, all notes of national banks which may be received by the Treasury Department, or by any officer thereof, shall be retained and forwarded to the Secretary of the Treasury at Washington, who shall retain the same, and shall not pay them out again for any purpose whatever; but shall assort them, and whenever the notes of any one bank shall be received to the amount of \$1,000, it shall be the duty of the Secretary of the Treasury at to immediately notify the officers of such bank and require them to come forward and witness, if they see fit, the destruction of said notes, and thereupon the bonds of the United States pledged for the redemption of said notes, to an amount equal, after computing the interest thereon, to the said national bank notes so held, and the notes so held shall be immediately canceled and destroyed by the Secretary, in accordance with the provision of existing laws.

It shall be the duty of the Secretary of the Treasury, whenever the notes of any national bank to the amount of \$1,000 or more shall be canceled and destroyed under the provisions of this act, to cause to be printed and made ready for use an amount of Treasury notes, under the form provided in the law of 1862 and subsequent acts authorizing the issue of Treasury notes, exactly equal to the amount of national-bank notes so canceled and destroyed; which said Treasury notes shall be issued and paid out, to all persons willing to receive the same, for any and all demands against the Government of the United States, as fast as may be by law authorized and permitted, and when so issued they shall not be held and directed to pur-

and permitted, and when so issued they shall not be held and esteemed a legal tender.

That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of Treasury notes. All such purchases shall be paid for with this new issue of Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than \$20 and receive therefor Treasury notes at par for the same. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins, and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt.

Mr. CHALMERS rose

Mr. CHALMERS rose

The CHAIRMAN. The question is on the adoption of the amend-

Mr. CHALMERS. I have a right to be heard in support of the amendment.

The CHAIRMAN. Under the order of the House, discussion is not

in order.

Mr. CHALMERS. The Chair, I think, is mistaken. The order limiting debate was only as to the section then pending.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. FERNANDO WOOD. I raise the point of order on this amendment. I hold it is not in order, in consequence of its being a repeal or modification of our entire currency system, both as regards the legal-tender and as regards the national-bank circulation.

While it substantially cancels the national-bank circulation and substitutes legal-tender potes it fails to make any provision repeal-

While it substantially cancels the national-bank circulation and substitutes legal-tender notes, it fails to make any provision repealing either the resumption act, the national-bank act, or other acts which must be substantially repealed by the adoption of the section. I hold further that the amendment is not germane to the object, spirit, letter, or meaning of the bill. This is simply a bill to enable the Government to borrow money to meet a maturing obligation. That is all there is of it. You may offer amendments; you may make speeches; you may utter soubjetry, and after all you must settle down That is all there is of it. You may offer amendments; you may make speeches; you may utter sophistry, and after all you must settle down substantially to the naked fact that this is a bill to provide means for paying off an obligation now maturing. Any attempt to introduce under the guise of an amendment a substitute which substantially changes the whole currency system of the country, especially when unaccompanied by the repealing clauses which would be required under legislative rules, I hold cannot be in order.

Mr. CHALMERS rose.

The CHAIRMAN. The Chair will state to the gentleman from Mississippi [Mr. CHALMERS] that the Chair feels disposed to hold that the amendment presented is germane. It seeks to provide a way (going into detail somewhat, it is true) by which this indebtedness may be met. The Chair rules that the amendment is in order, and will hear the gentleman from Mississippi upon the merits of the amendment.

amendment

amendment.

Mr. CHALMERS. Mr. Chairman, this proposition does not in any way repeal any of the legislation in regard to the currency of the country. It is, in fact, a return to the old-fashioned legislation of our country, when Treasury notes which were not a legal tender were issued. The great objection to the issuance of Treasury notes, as made to-day by the gentleman from Connecticut, [Mr. Hawley,] is that if they be made a legal tender Congress may issue them in unlimited amount. Mr. Calhoun years ago said that a Treasury note of the character provided in this amendment would always protect itself; for if every individual has the option of taking it or not taking it, the Government cannot put out more of such notes than the country needs. In other words, the demands of trade will limit the amount of such circulation. of such circulation.

Now, it is proposed to retire the national-bank notes gradually—not suddenly. It is proposed that as fast as the Government shall receive \$1,000 of the notes of any particular bank that bank shall be notified, and this amount of its currency, together with the bonds upon which that currency has previously floated, shall be canceled, and to supply the place of this currency as a circulating medium the Secretary of the Treasury is to prepare these non-legal-tender Treasury notes, of the Treasury is to prepare these non-legal-tender Treasury notes, which are to be paid out in the purchase of silver bullion or to any person who may desire to receive them. It is not made obligatory upon any one to receive such paper. It will stand precisely as the silver certificates now stand. The fact that these silver certificates are purchased with gold is the best evidence that these notes will furnish a currency that will be acceptable to the country. As I have said before, there cannot be an overissne; there cannot be any such thing as too great an inflation of the currency, because no man is

thing as too great an inflation of the currency, because no man is compelled to receive these notes unless he so chooses.

[Here the hammer fell.]

Mr. MORRISON. Mr. Chairman, it is useless to continue this discussion, but before the vote is taken I want to say I shall vote for the bill while I neither expect nor desire it to become a law. It is in my opinion wholly impracticable as a funding measure. By refunding the bonds payable this year at the higher rate of 3½ per cent. we may save more than fifty millions of dollars of interest. Hence the necessity for some law on the subject and I vote for the bill expects.

may save more than fifty millions of dollars of interest. Hence the necessity for some law on the subject, and I vote for the bill expecting it to be bettered at the other end of the Capitol.

I think of no public burden attended with greater danger to the people, and but one they should not prefer to a permanent public debt. That one is the burden of discredit which rests on any people repudiating their financial obligations having the ability to keep them.

Those who are giving shape to this measure provide by its terms for the lowest rate of interest and the shortest time. Gentlemen are mistaken if they believe they can secure both. In their anxiety to pass a 3 per cent. bill through the House of Representatives they have conceded conditions which make 3 per cent. impossible if the conditions and time of payment are retained. Again, those who want a short-bond, by which to retain the right to apply revenues as they come into the Treasury in payment of such bond, will find that in fixing the low rate of 3 per cent. interest they have given away such right of payment without purchasing it in the market as we have right of payment without purchasing it in the market as we have

been doing at great cost.

In 1879 we sold 4 per cent. bonds at par. In 1880 we bought them back at 9 per cent. premium. In 1880 we paid in premiums \$2,795,320 for the privilege of paying on the public debt the surplus money in

the Treasury. In view of these facts it is wise to retain in this funding scheme the right to pay on our debt any money in the Treasury for that purpose. This is a right for which we must pay something in interest. Three per cent. is below the rate at which this right of payment can be retained. Those who may seek investments in United States bonds can buy 4 per cent. bonds at the market price and real-States bonds can buy 4 per cent. bonds at the market price and realize more than 3 per cent. interest. How important an element is time as affecting the rate of interest which a bond must bear may be seen in the relative value of our 4 and 4½ per cent. bonds. These two bonds are of equal value in the market because the 4 per cent. bond is payable in twenty-six years and the 4½ bond in ten—the sixteen years in time being equivalent in value to one-half of 1 per cent. higher rate of interest. Tested by this rule, if the five-year 3 per cent. bond proposed by this bill can be negotiated at par, then the twenty-year bond proposed by the bill as it came from the Committee of Ways and Means would be negotiable at par at the low gate of about 2½ per cent., a rate at which no one believes it possible to sell any bond. Nor do I believe that funding in 3 per cent. certificates as proposed by this bill will be much more successful. A hundred millions may be sold for such temporary purposes as call loans, but it will not be any such "popular loan" or "French loan" as we have heard described in this discussion.

The people in whose behalf so much is said here from day to day have no money to lend at 3 per cent, interest. The savings deposits of our people are but for temporary purposes. They might be reached of our people are but for temporary purposes. They might be reached and utilized by the Government directly through a system of postal savings, but that is not this scheme. In the absence of such a scheme savings, but that is not this scheme. In the absence of such a scheme these savings will only be made available for the purposes of this bill by those having enough of financial power and ability to utilize and capitalize these savings, a service for which they will be paid. This House may choose if it will whether it will pay for this service in a reasonable rate of interest on a short bond, or in an arbitrary

while insisting upon the practicability of a 3 per cent. loan without regard to time, we are told that the Government is about to assert its "imperial power." In view of the financial practices of the Government I venture the suggestion that the power to borrow money on its own, not to say on reasonable terms, is yet one of its undeveloped "imperial powers." In the discussion of this measure we are advised of the necessity of establishing a credit for the Government as though it was to be in the future its chief business to borrow money. If this bill is made a practical funding scheme it will provide for the last borrowing and funding to be done in connection with the existing public debt. Make it such a measure and the public credit will take care of itself. Again, we are informed that we can borrow money at the rate of 3 per cent. with the option of paying it when we will, because our credit is so well established and because our resources are asserted to be ten to one as compared with any other country. Do gentlemen forget that if our resources are ten to one our opportunities for profitable investments may be twenty to one as compared with any other country?

If I may venture the suggestion, one great hinderance to our credit is to be found in the mutable character of our statesmanship, especially of our financial statesmanship. It will be remembered that the President-elect resisted the retention as part of the currency any portion of the United States or legal-tender notes, characterized them as a forced loan, and insisted that they be redeemed and destroyed. He assisted in demonetizing silver and opposed even its limited restoraernment I venture the suggestion that the power to borrow money on

He assisted in demonetizing silver and opposed even its limited restora-He assisted in demonetizing silver and opposed even its limited restora-tion as part of the money of the country; and yet we find him in his letter of acceptance commending the use of "our store" of silver, ap-proving the retention of the legal-tender notes as part of the currency, describing it "national as the flag," and committing himself against changes in this monetary system as a doubtful financial experiment. That portion of his constituents who were most efficient in securing his election will, in my judgment, be greatly surprised if he omits to recommend some such changes in his first official communication to Congress

Congress.

If I am not mistaken votes have been given and declarations made by those who have given shape to this bill pending its consideration which will not much add to our ability to borrow money at the lowest rate of interest. It had come to be very generally believed that the occurrences of the last few years and the blighting and curing November frosts had brought my own political friends back to their traditional and earlier financial faith. Now, it is not quite certain whether, after short crops or business reverses, many of them would not again be "tenting on the old camp-ground" with the gentleman from Iowa, [Mr. Weaver.]

Mr. Chairman, while insisting that this bill must be materially and

Mr. Chairman, while insisting that this bill must be materially and substantially changed if we would successfully fund at the lowest attainable rate of interest \$637,000,000 payable this year, it may be that I am in error. The success of such a measure depends upon so many conditions that it cannot always be determined in advance exactly upon what terms as to time of payment and rate of interest so many millions of dollars may be borrowed or refunded. After ten years of experience in the large financial operations incident to the cost of war previous to 1870, a funding scheme was enacted in that year by which the public debt was to be funded in 5, 4½, and 4 per cent. bonds. The scheme was abandoned or changed in 1871 by increasing the amount to be funded at 4 per cent. Mr. Chairman, while insisting that this bill must be materially and

In 1876, when the 5 per cent. bonds had been taken, and the law of 1870-71 was to be executed by funding \$300,000,000 of 4½ per cent. fifteen-year bonds or \$700,000,000 of 4 per cent. thirty-year bonds, the then Secretary of the Treasury (Bristow) insisted it could not be done, and asked Congress for such further modification of the law of done, and asked Congress for such further modification of the law of 1870-71 as would authorize him to sell \$500,000,000 of bonds payable in thirty years at 4½ per cent. The present Secretary of the Treasury, (Sherman,) then chairman of the Finance Committee in the Senate, supported the views of Secretary Bristow, and secured the passage of a bill in the Senate giving him the authority asked for. Among those supporting the views of Secretary Bristow and advocating the passage of the bill to fund \$500,000,000 in 4½ per cent. thirty-year bonds were the President-elect, the now Director of the Mint, and the present chairman of the Ways and Means Committee. The and the present chairman of the Ways and Means Committee. The and the present chairman of the Ways and Means Committee. The recommendation of Secretary Bristow, thus supported by Secretary Sherman and others of much experience in the consideration of financial questions, was rejected because of what proved to be the more judicious action of the gentleman from Virginia, [Mr. Tucker,] the gentleman from Pennsylvania, [Mr. Kelley,] Mr. Hancock, of Texas, Mr. Thomas, of Maryland, and now Senator Hill, of Georgia, with such assistance as I was able to give them, all of these gentlemen being at the time members of the Ways and Means Committee. The Treasury Department was thus compelled to execute the law of 1870-71: by funding the 4 per cent. rather than a 44 per cent. thirty-vear bond: by funding the 4 per cent. rather than a 4½ per cent. thirty-year bond; and from then until now the republican party has continued to vaunt and boast of its alleged superior financial achievement.

Less than two years ago we authorized the ten-dollar-certificate fund-

ing scheme. Its authors claimed for it the same merit now claimed for the certificates authorized by this bill—that it furnished a convenient investment for the small savings of the people, and placed the Government loan in reach of the people rather than the capitalists. I did not so regard it but advised against it. The power of the organization of the House was invoked then, as it is now, in support of the bill, and it became a law. The ten-dollar certificates so authorized went into the hands of dealers in money and public securities, the Secretary reported at a loss to the Government of \$2,000,000.

the Secretary reported at a loss to the Government of \$2,000,000.

Added to what seems to me the other unwise provisions of the bill under consideration is the provision compelling payment in ten years. The 4½ per cent. bonds will be payable at the option of the Government in ten years. Under this bill the Government must apply its surplus revenue in payment of the lower rate of interest bond authorized by it, leaving unpaid the bond bearing the higher rate of 4½ per cent. As it is this bill may favorably affect the holders and add to the market value of outstanding 4 and 4½ per cent. United States bonds, but to secure the saving of interest by refunding a considerable portion of the public debt at a lower rate the bill must be substantially amended.

Mr. HUTCHINS. Mr. Chairman, I hope we may perfect this bill at this end of the Capitol, so as not to necessitate any amendment at the other end, and that we shall take time to do it. I rise to say a word in relation to the pending amendment. It seems to me that the gentleman who has proposed it does not mean what the amendment says. I ask the attention of the committee to one provision of this amendment. It provides that all notes of national banks received

amendment. It provides that all notes of national banks received at the Treasury shall be retained by the Secretary of the Treasury; and such notes, whenever they reach the amount of \$1,000, shall, in the presence of the owner of the notes, be destroyed. What more ? It further provides:

And thereupon the bonds of the United States pledged for the redemption of said notes, to an amount equal, after computing the interest thereon, to the said national-bank notes so held, and the notes so held shall be immediately canceled and destroyed.

Mr. PRICE. Certainly. The object is to get rid of the whole thing at once; to burn up both the bonds and the notes!

Mr. CHALMERS. We owe the banks, and they owe us; one debt

cancels the other.

[Here the hammer fell.]
Mr. WEAVER. I move to amend the amendment of the gentle-Mr. WEAVER. I move to amend the amendment of the gentleman from Mississippi by striking out in the last line the word "not" and the words "be esteemed and held," so as to read, "shall be a legal tender." The section as offered by the gentleman from Mississippi provides for the issue of Treasury notes, and expressly says that they "shall not be esteemed and held a legal tender." My amendment provides that they shall be a legal tender.

Mr. ROBINSON. I would inquire whether the gentleman wants to change the language declaring that only those persons who want to take these notes will be obliged to take them.

Mr. WEAVER. I will cross that stream when I get to it.

Mr. ROBINSON. I do not myself think it necessary to make the change. I submit that the scheme will be entirely consistent through-

change. I submit that the scheme will be entirely consistent throughout—making the notes a legal tender for every man who wants to take them.

The question being taken on the amendment of Mr. WEAVER, it was

The question being taken on the amendment of the greed to.

Mr. TOWNSEND, of Ohio. I move to amend the amendment of the gentleman from Mississippi, by striking out in the first paragraph the clause beginning with the words, "and thereupon the bonds of the United States," &c., and ending with the words, "in accordance with the provisions of existing laws."

Mr. Chairman, the purpose of this amendment is to prevent bank-

ers who return their notes from having their bonds destroyed at the same time the notes are destroyed. However much opposition may be made to the banks, I think all will concede it to be only fair that when they return the circulation for which they have deposited bonds they should at least have their bonds returned to them. This substitute contemplates their destruction at the same time with the

Mr. CHALMERS. If the gentleman will allow me, it does not provide that when they return their circulation then both the bonds and circulation shall be destroyed, but when the Government by due course of trade acquires these bonds by payment for them, they are then to

Mr. TOWNSEND, of Ohio. It says these bonds are then to be destroyed, and to prevent any such injustice I have moved the amendment to the amendment.

Mr. Chairman, I have listened to the discussion of this subject with considerable interest for two weeks. Numerous amendments have been offered and most of them rejected, but the few adopted have, in my judgment, only served to make the bill more objectionable than it was when first reported to this House by the Committee on Ways and Means. It is now in such a shape that I am embarrassed to know whether to vote for or against it, and should I vote for it it will be with the hope that the Senate will so amend and improve its provis-

with the hope that the Senate will so amend and improve its provisions as to make it more acceptable to me.

I can see nothing, Mr. Chairman, that is mysterious or intricate about this subject of refunding the bonds, and the application of plain business principles, I have no doubt, will solve what seems to be a difficult problem. The facts, as I understand them, are simply these:

The Government of the United States owes a large bonded debt, \$671,207,050 of which is payable in May and June, 1831, and bearing interest at the rates of 6 and 5 per cent.; \$250,000,000 more are due in September, 1891, with interest at the rate of 4½ per cent.; and \$738,420,400 are due in July, 1907, bearing interest at the rate of 4 per cent.

Now, the \$671,207,050 in bonds, which are payable at the option of the Government in May and June next, bear a high rate of interest, and the Government has not the money to pay them. That being the case, what is the plain common-sense way of meeting this question? Manifestly to pay these bonds and replace them with others bearing a less rate of interest; and this can only be done by selling the new bonds to those who have money to loan, and who are willing to accept a much lower rate of interest. Congress should therefore authorize the issue of new bonds at a lower rate of interest, but not arbithe purposes of the bill under consideration. In the present temper of this House I believe there is great danger that such restrictions and conditions will be imposed that the bonds will not be a desirable investment, and will fail to find purchasers, and that the credit of the Government will receive a shock such as it has not known for many years, and such as will seriously affect its financial operations in the future. trarily fixed at so low a rate and under such restrictions as to defeat

Much has been said during this discussion about paying off the whole debt, and elaborate statements are introduced to show how whole debt, and elaborate statements are introduced to show how much would be saved to the Government in case this was accomplished. Now, this as a mere sentiment is good, sounds well, and looks well enough in the RECORD; but I have yet to learn how to pay a debt without the money. Micawber, it will be remembered, paid his creditors all off by simply giving them his due-bill, and was so well satisfied with this financial operation that he said it was the happiest moment of his life. But in our day that kind of payment is not regarded as satisfactory in financial circles.

I am not one of those who think a national debt a national bless-

I am not one of those who think a national debt a national blessing. We have a large national debt, and honestly owe it; but I do not believe it to be the part of wisdom or sound judgment to pay it all off in a few years. I think that for the interests of all it will be all off in a few years. I think that for the interests of all it will be best to pursue such a policy as will keep the credit of the nation up to the highest standard, and gradually reduce the debt every month and every year, floating the unpaid portion forward at the lowest rate of interest possible at which the bonds can be negotiated. The present generation has had heavy burdens imposed upon it; but as the country is largely increasing in population, and correspondingly increasing in wealth, resources, and the ability to pay, I see no reason why those who live after us and enjoy the rich inheritance should not liquidate a portion of this debt, made necessary in preserving the integrity of the Union and transmitting it unimpaired to future generations, especially as the rapidly augmenting revenues of the

generations, especially as the rapidly augmenting revenues of the country will enable them to do so without serious inconvenience.

The \$346,000,000 of legal-tenders is a debt always due and payable on demand. Now, make \$300,000,000 in this bill payable at the option of the Government after one year and due in ten years, and \$400,000,000 payable at the option of the Government in ten years and due in thirty years, all bearing 3½ per cent. interest, and you have, including the legal-tenders, \$646,000,000 payable in ten years, \$400,000,000 payable in ten and due in thirty years, and at the option after ten \$250,000,000, bearing 4½ per cent. interest, payable in 1891, and \$738,420,400 at 4 per cent. interest, payable in 1907.

It will be seen from this brief summary that the national debt will

thus be funded at a low rate of interest, running through a period of about thirty years, maturing quite as fast as the Government will be able to pay it without unnecessarily oppressing the people, and will

be in such shape as will afford good, fair investments for a certain class of capital. It will invite the investments of the laboring and middle classes throughout the country in small sums, as well as the middle classes throughout the country in small sums, as well as the larger blocks of capital held by savings-banks, trustee funds, and a variety of others, which I think would absorb the entire amount. I believe that the national banks would take some of these bonds, and this would exert a favorable influence on their sale. But it must not this would exert a favorable influence on their sale. But it must not be forgotten in this connection that the question of time has also much to do with the sale of these bonds and in making them a desirable investment for a certain class of capital. Should it be found that the revenues of the country would be more than enough to pay these matured bonds, there is nothing to prevent the Government from buying them in open market with the surplus. There is no probability that the 3 or 3½ per cent. bonds will ever be much, if any, above par

bility that the 3 or 3½ per cent. bonds will ever be much, if any, above par.

Mr. Chairman, I am not disposed to go into the discussion of national banks. They are capable of taking care of themselves, and when the laws are too stringent they will close up and put their capital into something more profitable. I propose no legislation especially for their benefit; but as I regard the present banking system as the only one we have ever had that is really safe and satisfactory, and as banks are necessary to the commercial business of the country, it is not wise for this Congress to pass such laws as will force them out of existence, or make it necessary or for their interests that they should return their circulation, thus causing contraction, which would disturb the business of the country and result in great disaster. I may vote for this bill, and if I do it will be with the expectation that in the Senate, where I hope wiser counsels will prevail, it will be so amended as to meet the reasonable demands of the country and be put in a shape more in accord with well-settled financial principles. principles.

The amendment of Mr. Townsend, of Ohio, to the amendment was

The amendment of Mr. Townsend, of Ohio, to the amendment was rejected.

The question recurred on the amendment of Mr. Chalmers.

Mr. OSCAR TURNER. I move to strike out the words "and when so paid they shall not be held and deemed a legal tender." I shall support the amendment of the gentleman from Mississippi, but it appears to me that those words ought to be stricken out. After providing for the issuance of a large amount of Treasury notes, the amendment says they shall not be a legal tender. Why put that in it? Why not leave the question to the decision of the courts of the country, and let them stand on the footing of any other Treasury notes?

country, and let them stand on the footing of any other Treasury notes?

Now, I am in favor of his general proposition. It is not a new one. It will be remembered when the Warner silver bill was under discussion during the first session of the Forty-sixth Congress, a similar amendment was offered by the gentleman from Texas, [Mr. Mills,] authorizing the Secretary of the Treasury to buy all the silver bullion he could and coin it into silver dollars of 412½ grains with which to pay off the bonded debt of the United States that was payable in coin. It was discussed, and sixty-odd democrats in this House voted for it, I among the number. If it was right then, it is right now; indeed it is much more appropriate now than it was then, for then it was an amendment to a coinage act. Now it is a proposition to raise money to pay off the present indebtedness of the country, instead of issuing bonds bearing interest, to come out of the pockets of the tax-payers of the country. Regarding it in that light, I shall vote for it, and hope it may be adopted. I shall not go back on my vote on the Mills amendment, for I am satisfied it was right; but I do not want the clause in it that the Treasury notes issued shall not be a legal tender, and I hope it may be stricken out, and let the Treasury notes provided for in the amendment rest upon the footing of other Treasury notes now in circulation, and abide the decision of the courts of the country. I voted for the amendment of the gentleman from Iowa, and as it has been defeated, I now offer this amendment. I am in favor of raising money in any just way to pay off these bonds, instead of issuing new bonds bearing interest, and which will lead, I fear, to a waste of our large annual surplus and a continuation of this debt, if not a perpetuation of it. It is true we have greatly improved upon the bill as it came from the committee and as it stood when I opposed it the other day in my remarks.

The proposition was then, as reported by the Committee on Ways

came from the committee and as it stood when I opposed it the other day in my remarks.

The proposition was then, as reported by the Committee on Ways and Means, who reported the bill, that the debt should be refunded in bonds redeemable after twenty years and payable in forty, bearing 3½ per cent.interest. We have now succeeded by amendments already adopted in defeating the provisions of the original bill offered, and now the bill stands authorizing the issuing of four hundred millions of bonds, redeemable in five years and payable in ten years, and three hundred million of certificates, redeemable after twelve months, both bearing 3 per cent. interest. This is a very different proposition and a much better one—more in the interest of the people and less in the interest of the national banks and capitalist. But, sir, I think it would be greatly improved by the proposition to buy silver bullion and coin it, and pay off the bonds as far as it will go; and it would have been a still greater improvement if the amendment had been adopted taxing all incomes over \$5,000 and adding that fund to the annual surplus revenue to pay off these bonds; and if it had been adopted, instead of being ruled out of order, there would, in my judgment, have been not even a pretext of a necessity for even issuing the short bonds and certificates now proposed, for the annual surplus

revenue, increased by the income tax, which would be at least fifty million annually, according to the estimates, would have paid off these bonds in five years or less; and with the proposition last embraced in the amendment of the gentleman from Mississippi [Mr. Chalmers] would pay it off in still less time, and put the payment beyond all question, and be a saving of millions to the people.

I hope the amendment of the gentleman from Mississippi, with my amendment, will be adopted, though I fear from what I have seen here to-day that it will not be adopted. Still, I shall vote for it, because I am satisfied it is the true policy of the Government and for the interest of the tax-payers of the country.

The amendment to the amendment was rejected.

The question recurred on the amendment of Mr. CHALMERS.

The question recurred on the amendment of Mr. CHALMERS. The committee divided, and there were ayes 22, noes not counted. So the amendment was rejected.

The Clerk read as follows:

SEC. 6. This act shall be known as the funding act of 1880, and all acts and arts of acts inconsistent with this act are hereby repealed.

Mr. FERNANDO WOOD. I move to strike out "1880" and insert

The amendment was agreed to.

Mr. BLAND. I move as a substitute that which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"The Secretary of the Treasury shall, for resumption purposes, maintain a reserve of coin in the Treasury squal to 25 per cent. of all legal-tender notes outstanding, and a further sum of coin sufficient to redeem all certificates issued thereon in pursuance of law. The residue of all standard gold and silver coin now in the Treasury, or that may hereafter accrue thereto, shall be paid out monthly in the redemption of the public debt on which interest has ceased, and upon the interest-bearing debt of the United States payable in the years 1850 and 1851. It is further provided that he shall pay out, in the manner and for the purposes aforesaid, all other surplus revenues not otherwise appropriated, and the amount of moneys shall cause to be coined monthly the maximum amount of silver bullion into standard silver dollars in the manner now authorized by law.

"Sec. 2. That the Secretary of the Treasury shall determine by lot, under such rules and regulations as he may prescribe, the particular bonds to be redeemed from time to time in pursuance of this act: Provided, That the bonds bearing the highest rate of interest shall be first paid.

"Sec. 3. That all laws and parts of laws, so far as the same may authorize the issuing of bonds for the purpose of refunding or redeeming the interest-bearing debt of the United States, be, and the same are hereby, repealed."

Mr. BLAND. Mr. Chairman, the bill before the House as a funding

debt of the United States, be, and the same are hereby, repealed."

Mr. BLAND. Mr. Chairman, the bill before the House as a funding bill is one I shall vote for if I vote for any bill, but this amendment in the nature of a substitute proposes to pay this debt by the coinage of silver to the maximum amount required by law by appropriating all the coin except such as may be necessary for resumption purposes and all the surplus revenues to the payment of this debt. The debt will thus be reduced every month and every year. If the Secretary of the Treasury is to be believed, as well as gentlemen on this floor, we have from \$70,000,000 to \$100,000,000 of surplus revenues every year to be applied to the payment of this debt, and under this he will be compelled to coin the maximum amount of silver dollars, which at the present price of silver bullion will be \$54,000,000 a year.

resent price of silver bullion will be \$54,000,000 a year.

We provide a coin fund first for the payment of this debt, which is a coin debt. This debt, as proposed under the terms of that amendment, can be paid in five years at a less rate of interest than is proposed in the funding bill now before the House. Mr. Chairman, the ment, can be paid in five years at a less rate or interest than is proposed in the funding bill now before the House. Mr. Chairman, the people demand the payment of this debt while they are able to pay it. The revenues now coming into the Treasury are sufficient to pay the debt in five or six years, and should be applied to that end. Refund the debt now, and reduce the rate of interest, and then it will come on us hereafter as heavy, if not heavier. The revenues of the Government will be wasted in extravagant appropriations, and at the end of ten years we will still have a heavy debt without any revenues equivalent to its payment. This funding bill, as all bills of like nature, tends to perpetuate the national debt, which is a calamity. It is a calamity alike to the debtor and creditor, and the bondholder and the tax-payer. Every class and every branch of business is involved until, in the end, it goes on to a period when repudiation and disaster are reached, and possibly even revolution, with all its grave consequences, is inflicted on the country. I hope, sir, that we will provide now, when we have the means to pay the debt and avoid disaster, which is sure to follow delay.

The CHAIRMAN. The question is on the adoption of the substitute proposed by the gentleman from Missouri.

The committee divided; and there were—ayes 30, noes 42.

Mr. BLAND. No quorum has voted.

The committee divided; and there were—ayes 30, noes 42.

Mr. BLAND. No quorum has voted.

Mr. OSCAR TURNER. I wish to ask if it be in order, Mr. Chairman, to move that the committee rise? I understand that there are five or six substitutes to be offered to this bill.

The CHAIRMAN. The Chair is of opinion that it would not be in order to entertain that motion at this time. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. CARLISLE and Mr. BLAND were appointed tellers.

The committee again divided; and the tellers reported—ayes 43, noes 106

noes 106.

So the substitute was not agreed to.

Mr. FERNANDO WOOD. I now move that the committee rise.

Mr. GILLETTE. Mr. Chairman, I have a substitute for the whole bill which I desire to submit.

The CHAIRMAN. The substitute will be read. The Clerk read as foliows:

The CHAIRMAN. The substitute will be read.

The Clerk read as foliows:

Be it enacted, &c., That all bonds of the United States which shall become redeemable in the year 1881, or prior thereto, shall not be refunded or exchanged for other bonds of the United States, but shall be paid as hereinafter provided.

SEC. 2. That it shall be the duty of the Secretary of the Treasury, to set apart all surplus coin and paper money which may be in the Treasury, from time to time, as a sum for the payment of the said maturing bonds, and for the purchase of silver bullion for minting purposes. The said Secretary of the Treasury shall cause to be coined at the mints of the United States standard silver coins to the full extent of the capacity of the mints; and he is hereby authorized to purchase the silver bullion for said purpose as provided in the act approved February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

SEC. 3. That it shall be the duty of the Secretary of the Treasury to prepare Treasury notes to the amount of \$340,000,000, with such additional amount as may be necessary to equal but not exceed the amount of national-bank notes in the United States as shown by the books of the Treasury on May 1, 1881. These notes shall be in denominatious of one, two, five, ten, twenty, fifty, and one hundred dollars, as most adapted to the convenience of business, and shall be receivable for all dues, and debts, and taxes of every kind due, or that shall become due, to the United States, and shall be receivable for all dues and debts of all kind due from, or that shall become due from, the United States, where not otherwise expressly stipulated by contract. These notes shall be paid for an equal amount of United States bonds, unless coin is demanded, in which case at least one-half the coin paid shall be silver coin; and to the extent of the demand for coin in excess of the supply in the Treasury, these notes shall be paid for an equal amount of

shall return to the respective balls of issue at the necessary funds for the payment by him.

SEC. 5. That as a further means for raising the necessary funds for the payment of all outstanding Government bonds, it is hereby enacted that from and after May 1, 1881, there shall be imposed upon all net incomes exceeding \$1,500 per annum of each and every citizen of the United States, taxes as follows, to wit: a tax of 3 per cent. upon all excess over \$1,500; an additional tax of 2 per cent. upon all excess over \$3,000; these taxes to be collected under the provisions of "An act to provide internal revenue to support the Government, and to pay interest on the public debt," approved July 1, 1862, as modified and in fore after the act of March 2, 1867, so far as they may be applicable, with such provisions and penalties as therein prescribed.

scribed.

SEC. 6. That in case there should not be sufficient accumulations in the Treasury to fully meet all of the said bonds of the United States, only so many of them shall be called in as can be paid under the provisions of this act; but as fast as possible the Secretary of the Treasury shall call in, redeem, and cancel them.

Mr. FERNANDO WOOD. I make the point of order upon that

Mr. FRYE. Let us vote it down. We can do that in a little while.

A point of order may be discussed for an hour.

The CHAIRMAN. The gentleman from New York will state his

point of order.

Mr. FERNANDO WOOD. My point of order is that in the first place it is identical or substantially similar with bills which are now pending before this House, and consequently cannot be in order in the committee; secondly, it proposes to impose taxation, which has been ruled a half dozen times during the consideration of this bill to be out of order. Upon these two points I object to entertaining the proposed substitute.

The CHAIRMAN. Does the gentleman from Iowa desire to discuss

the point of order?

the point of order?

Mr. GILLETTE. I wish, Mr. Chairman, to question the proposition or statement that there is a similar bill pending before this House. I know of no such bill. I deny the statement that there is a bill pending before the House similar to this one. [Cries of "Vote!" "Vote!"] If there is I would like to have the gentleman produce it. There are now about seven thousand bills pending before the House, and probably they cover to a certain extent almost every subject in the universe; but that there is any bill upon which the point of order raised by the gentleman from New York can be made, I positively deny.

deny.

Again, with reference to the last point of order made, that this substitute is not germane to the original bill, that it imposes taxation, I would like to say that the object of the original bill is to provide ways and means for meeting certain maturing Government bonds. That is precisely the object sought to be attained by this substitute, and consequently it could not be more germane to the bill. [Cries of "Vote!" "Vote!"] Does the gentleman wish this House to understand that they have no right to make a proposition here, or that any member of this House or any number of members have no right to make a proposition that is not absolutely similar and parallel to the one brought in by his committee? If the gentleman makes that assertion and the Chair sustains him, then I say that the majority of this House had better go home and let the Ways and Means Committee make laws. If we are to have no opportunity to open our mouths to suggest propositions to the House, except by the sovereign grace of the Committee on Ways and Means, then we are of very little service here, [cries of "Vote!" "Vote!"] and had as well go home.

The CHAIRMAN. The Chair will state that he does not understand the proposition of the gentleman from Iowa as denying that a bill in substance similar to this one—

Mr. GILLETTE. I do most emphatically deny it.

Mr. GILLETTE. I do most emphatically deny it.
The CHAIRMAN. In any event the Chair will hold that one of
the sections of the proposed substitute, the Chair does not distinctly
recall which—
Mr. GILLETTE. Section 5.

The CHAIRMAN. Which in substance prevents the carrying on of business by the national banks, is clearly not germane to the subject under consideration. The Chair understands the rule to be that when one section of a proposed bill or substitute is not germane to the original proposition it takes with it the entire substitute, and in that event it cannot be entertained on a point of order even if the remainder of it be strictly germane. For that reason the Chair sustains the point of order of the gentleman from New York.

Mr. GILLETTE. I am willing, if necessary, to withdraw the section to which the Chair objects. But I submit the point is not well taken for this reason.

taken, for this reason—
The CHAIRMAN. The Chair will state to the gentleman from Iowa that the Chair has ruled upon the point of order raised against the substitute.

Mr. GILLETTE. With all respect, I make an appeal to the committee for my rights as against the decision of the Chair.

The CHAIRMAN. That is the gentleman's right, to make an ap-

peal.

peal.

Mr. MITCHELL. I move to lay that appeal on the table.

The CHAIRMAN. The motion to lay on the table cannot be entertained in the committee. The question is: Shall the decision of the Chair stand as the judgment of the committee?

Mr. GILLETTE. I wish to say a word on that. In reference to the objection that my bill interferes with the business of national banks, if you will avaning the bill you will find that is a mistake for the if you will examine the bill you will find that is a mistake, for the simple reason that all it does in the world is to take from them the

simple reason that all it does in the world is to take from them the right to issue national-bank notes and give it to the National Treasury. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Iowa is speaking in his own right, and is entitled to be heard.

Mr. GILLETTE. My substitute, therefore, does not interfere with the business of any national bank. It can carry on its business as any State bank does. We have more State banks than national banks to-day, and they have no right to issue their debts as money; therefore the ruling of the Chair that, because this interferes with the business of national banks, it is out of order, falls to the ground. business of national banks, it is out of order, falls to the ground. The Chair will excuse me for expressing my surprise at such a ruling. I never heard of such a point of order before. There is hardly a bill passed of importance that does not affect some business.

As regards the next objection, that the bill proposes a tax, if that point of order is sustained, I will withdraw that section from my bill, but I will add my protest against an arbitrary ruling which deprives the individual members of the House not fortunate enough to have been placed upon the sovereign Committee on Ways and Means of a right to even suggest practical legislation of importance. This House has voted by a large majority in favor of an income tax; but they not only have been unable to get a bill of that kind from the Ways and Means Committee, but when such a measure is modestly proposed as an amendment to a bill to which it is absolutely germane it is ruled

out in the interest of the rich.

The CHAIRMAN. The gentleman cannot do that.

Mr. OSCAR TURNER rose.
The CHAIRMAN. For what purpose does the gentleman from

Kentucky rise?

Mr. OSCAR TURNER. I desire to make a parliamentary inquiry.
The CHAIRMAN. The gentleman will state it.
Mr. OSCAR TURNER. I understand that under the rules of the House when an amendment is offered the gentleman offering it has the right to modify it before a vote is taken; and I understand the gentleman from Iowa desires to modify his substitute by withdraw-

The CHAIRMAN. The gentleman from Kentucky is undoubtedly correct in laying down the rule as he has done. But the question is whether a modification of an amendment can be made after a point of order has been raised and decided. The question now to be submitted to the committee is, Shall the ruling of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 143, noes 8. So the ruling of the Chair was sustained.

Mr. GILLETTE. I offer as a substitute for the bill what I send to

the desk.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted, &c., That all bonds of the United States which shall become redeemable in the year 1881, or prior thereto, shall not be refunded or exchanged for other bonds of the United States, but shall be paid as hereinafter provided.

Sec. 2. That it shall be the duty of the Secretary of the Treasury to set apartall surplus coin and paper money which may be in the Treasury, from time to time, as a sum for the payment of the said maturing bonds, and for the purchase of silver bullion for minting purposes. The said Secretary of the Treasury shall cause to be coined at the mints of the United States standard silver coins to the full extent of the capacity of the mints; and he is hereby authorized to purchase the silver bullion for said purpose as provided in the act approved February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character."

Sec. 3. That it shall be the duty of the Secretary of the Treasury to prepare Treasury notes to the amount of \$340,000,000, with such additional amount as may be necessary to equal but not exceed the amount of national-bank notes in the United States as shown by the books of the Treasury on May 1, 1881. These notes shall be in denominations of one, two, five, ten, twenty, fifty, and one hundred dollars, as most adapted to the convenience of business, and shall be receivable for all dues and debts of every kind due from, or that shall become due from, the United States, where not otherwise provided by law, and shall be a legal tender for all debts where not otherwise

expressly stipulated by contract. These notes shall be paid for an equal amount of United States bonds, unless coin is demanded, in which case at least one-half the coin paid shall be silver coin; and to the extent of the demand for coin in excess of the supply in the Treasury, these notes shall be used in the purchase of silver bullion for coinage to meet that demand.

SEC. 4. That on and after May 1, 1881, the Treasurer of the United States shall neither have prepared nor issue any national-bank notes to any bank, nor shall he pay out any that shall be received, nor shall any national bank issue or pay out any national-bank notes on any pretext, but the Treasurer of the United States shall return to the respective banks of issue for redemption all such notes received by him.

by him.

SEC. 5. That in case there should not be sufficient accumulations in the Treasury to fully meet all of the said bonds of the United States, only so many of them shall be called in as can be paid under the provisions of this act; but as fast as possible the Secretary of the Treasury shall call in, redeem, and cancel them.

Mr. WILBER. I move that the committee now rise. The CHAIRMAN. The gentleman from Iowa [Mr. GILLETTE] has been recognized.

Mr. GILLETTE. I yield for the motion that the committee rise.
Mr. FERNANDO WOOD. I shall consent when the committee rises to report the bill to the House, and not before.
The question being taken on Mr. WILBER'S motion, there were—

Mr. FERNANDO WOOD. I shall consent when the committee rises to report the bill to the House, and not before.

The question being taken on Mr. Wilber's motion, there were—ayes 15, noes 142.

So the committee refused to rise.

Mr. UPDEGRAFF, of Ohio. I desire to offer an amendment.

The CHAIRMAN. An amendment is now pending, on which the gentleman from Iowa [Mr. Gillette] is entitled to the floor.

Mr. GILLETTE. The object of my substitute for the funding bill before the House is to pay these bonds, not to renew them, not to reissue them. I do not provide in that substitute for increasing the circulating medium of this country one dollar. I simply take from the Treasury all surplus coin and Treasury notes, and I further take from the national banks the money which is printed by the Treasury, sustained by the credit of the people, and loaned to them for 1 per cent. tax, and give to the people what is really their own currency in order to enable them to pay this debt.

Mr. Chairman, under the provisions of my substitute, even as amended, these bonds would be paid within two short years, while under the provisions of the bill before the House it would take from five to ten years to pay them. My substitute would do no injustice to any man or to any company; none whatever. But it would do justice to the people of the United States.

This substitute has been before the House almost as long as the bill of the Ways and Means Committee. I have not seen in any speech but one a criticism upon it. The gentleman from Missouri [Mr. Phillps] obtained a few days ago by unanimous consent the privilege of printing some remarks in the Record. He used that privilege, Mr. Chairman, not to make any arguments against my substitute, but to abuse me and call in question my motives and reflect upon the party of which I have the honor to be a member. That gentleman may perhaps be excused for being somewhat nervous about the growth of my party in his State. But I submit that when a member obtains the unanimous consent of the House to print to say the least.

Not only that, but he even reflects upon his own successor, upon members elected to the next Congress, who are not here to defend themselves. This he does under the unanimous consent of the House

themselves. This he does under the unanimous consent of the House that he might print certain remarks in the RECORD.

He says that my substitute is not according to the Weaver resolutions, for which he voted. I wish to deny that statement in toto. My bill is in absolute accord with those resolutions. Those resolutions, which were voted for by I believe seventy democrats on that side of the House, demand that these bonds shall not be refunded beyond the power of the people to call them in and pay them at any time, but shall be paid as rapidly as possible; and also that the mints should be operated to their fullest capacity, to provide the means of payment. My substitute is to carry out the Weaver resolutions, for which the gentleman voted.

payment. My substitute is to carry out the Weaver resolutions, for which the gentleman voted.

Thank God, the Wood refunding bill is not the same bill as originally introduced, which was to fund these bonds for fifty years at 3½ per cent. It has been so changed that its own father would not know it. When this House decided that the interest upon these bonds should be 3 per cent. it was telegraphed and published all over the land as the first defeat of the national banks. But when we voted that the time should be 5-10 rather than 20-40, a wail of distress was sent out by every bank organ in the land, and more than two thousand bank presidents, who until now had found no difficulty in running Congress and refunding the national debt into long bonds, saw in that vote the early doom of their pet system of spoils.

The Chicago Tribune put up in great head-lines:

SHORT TIME!

SECOND DEFEAT OF THE NATIONAL-BANK MEN IN THE HOUSE. THE BONDS TO BE REDEEMABLE IN FIVE YEARS.

How does it happen that a partial victory has been scored over the national banks? It is because there is a third party in the land and in this House that has cried day and night for the people against this robber system, and men dare not vote as they did. It is the "dead" party that saved the people from perpetual bondage. Yes, toilers,

there is hope! The gentleman from Connecticut [Mr. Hawley] and many others still ridicule the idea that the people are competent to control the currency question, and propose still that we shall have dictators over us; but they all begin to see that the day is not distant when the principles of the greenback party will triumph and Congress shall legislate for the people.

I cannot vote for the bill even though pleased with the improvements in it. It still falls far short of justice to the people, who have already paid more to bondholders for interest since the war than it cost to pay, feed, and clothe our armies during the late war. The bonds can and should be paid at once, as my bill provides. This Congress will not pass it; but the people will soon elect a Congress that will.

The first national-greenback governor ever elected in the United

Will.

The first national-greenback governor ever elected in the United States has just qualified in Maine, and as Maine has gone so will go the whole Union. Let the people take courage and press on!

[Cries of "Vote!" "Vote!"]

Mr. PHLLIPS rose.

Mr. HUMPHREY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HUMPHREY. I think that the gentleman from Missouri [Mr. PHLLIPS] should be recognized as we are no longer able to recognize.

Mr. HUMPHREY. I think that the gentleman from Missouri [Mr. PHILIPS] should be recognized, as we are no longer able to recognize Mr. Wood's bill. [Laughter.]

The CHAIRMAN. The gentleman from Missouri [Mr. PHILIPS] is recognized by the Chair.

Mr. PHILIPS. It has taken the gentleman from Iowa [Mr. GILLETTE] a long time to make up his mind to reply to some remarks which I submitted nearly two weeks ago. The late hour at which his reply comes should be gratifying to me in that it is evident that what I said "went home."

I am not aware that anything I submitted in those remarks was

what I said "went home."

I am not aware that anything I submitted in those remarks was unparliamentary, or that I violated the privilege accorded to me by the House. I submit to the candid judgment of this House, and of those who have done me the honor to read my speech, that my strictures on the gentleman's bill were germane to the question under consideration and a legitimate criticism of the nonsense embraced in the gentleman's substitute. [Laughter.] It is true that after entering on the delivery of the speech alluded to I took permission to print the remainder of my remarks owing to the lateness of the hour, and in the act I simply showed a judgment and a discretion which it would be well for the gentleman himself to exercise, in not boring this House when it does not want to hear him. [Laughter.]

When the gentleman asserts that I took advantage of the liberty accorded me to reflect upon my successor, I simply desire to say to

When the gentleman asserts that I took advantage of the liberty accorded me to reflect upon my successor, I simply desire to say to him that his assertion is entirely gratuitous. I stated in respect to the gentleman's bill what I here affirm, that while there is much in it which I might approve, while I might agree with him in his raid against national banks I cannot agree to his manner of taking them off, for he proposes, as it appears to me, to crucify them between two thieves, flat money and repudiation, which he advocates. [Applause and great laughter.]

When the gentleman intimates that I feel sore because I was beaten by a greenbacker, he assumes to himself and his party a credit that is not due to them. I was not beaten by a greenbacker. I was beaten by a republican in disguise and by republican votes, [laughter;] by a gentleman who lent himself as a subtle agent and supple instrument in the hands of the republican party to accomplish that which he could not do in a fair and open combat as a republican. He performed in the State of Missouri the same office that the gentleman and some of his associates are performing here, as adjuncts and allies and some of his associates are performing here, as adjuncts and allies of the republican party. Easy of virtue, they are pliant tools. [Laughter and applause.]

The question was taken upon the substitute moved by Mr. GIL-LETTE, and it was not agreed to upon a division—ayes 9, noes 160. Mr. UPDEGRAFF, of Ohio. I have an amendment to the title

which I desire to have read. The Clerk read as follows:

A bill to defeat refunding, increase the amount of interest on the public debt, contract the currency, injure the public credit, and to depress the business and industries of the country.

ontract the currency, injure the public credit, and to depress the business and industries of the country.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, I have offered this amendment to the title of this bill believing that it will furnish one in exact accordance with the facts. Every day it becomes more and more impossible to believe that this bill is, in good faith, intended to be a practical measure of financial legislation. This question is simply a business problem. The Government has falling due on the 1st of May next \$469,651,050 in bonds bearing 5 per cent. interest, and \$204,285,550 bearing 6 per cent. interest. What are the best terms on which the Government can refund it? This bill as now amended authorizes \$400,000,000 of five-year bonds and \$300,000,000 of one-year certificates, fixing the rate of interest absolutely at 3 per cent. for both. Have we any reasonable grounds for belief that it can be done? It is true that the wise financial legislation of recent years has placed the credit of the Government higher than it ever stood. It is true that we are now obtaining money at one-half what it has mostly cost our Government. But is it wise now to injure or cripple this growth of our public credit? No government on earth is to-day able to fund its debt at the rate fixed by this bill. The British consols, which have been so often alluded to, are in reality a perpetual loan, and yet with accrued interest deducted have only touched par once in twenty-

seven years. Besides, the law of England compels the investment of vast amounts of trust funds in these securities. In 1853 British consols were forced to their highest point when the chancellor of the exchequer proposed to float a 2½ per cent. consol. The holders of our 5 and 6 per cent. bonds know well that the same effect will follow the passage of this bill, and hence comes much of the so-called testimony that a 3 per cent long is non practicable.

passage of this bill, and hence comes much of the so-called testimony that a 3 per cent. loan is now practicable.

The gentleman from Pennsylvania [Mr. RANDALL] to-day alluded to the rapid sale of the French loan. That loan for \$1,400,000,000 at 5 per cent. sold below par, costing really 6 per cent., and the French 3 per cent. loan averaged 61\frac{1}{2}, equaling 5 per cent. interest.

The rapid sale of our four percents has been frequently alluded to

in this debate. At that time business was stagnant both in this country and in Europe. Now on every hand capital is finding more profitable investment in new enterprises. Within the last year \$150,000,000 have gone into new railroads and larger sums into man-

\$150,000,000 have gone into new railroads and larger sums into manufacturing and business enterprises, yielding remunerative profits.

Now, if this bill passes fixing the rate at 3 per cent., and giving no discretion to the Secretary of the Treasury, and refunding shall fail, as I believe it will, the blunder will be a costly one to the country. I believe the whole loan could be made at 3½ per cent., which would save \$13,000,000 interest alone, besides fortifying the public credit. It is certainly unwise to hazard the failure of this great measure by fixing a rate at which no public loan was ever made.

Some gentlemen have affected great dread of "syndicates" and "money power." Do they forget that in endangering the success of refunding they are doing just what the "money power," which now holds \$673,936,600 of our 5 and 6 per cent. bonds, desires them to do? With the assistance of Congress, that "money power" may be able to defeat refunding at 3 per cent., and it will thereby gain \$15,000,000 interest in a single year. For one I will not vote to give it the opportunity.

It seems to be supposed that the national banks can be forced to take the new 3 per cent. bonds. Like individuals they will invest capital in whatever is remunerative. Now, while the lowest rate of interest of bonds held for security of their circulation is 4 per cent., the national banks have out \$70,000,000 less than they might have under the law. Already three hundred and fourteen of them have gone into the law. Already three hundred and fourteen of them have gone into voluntary liquidation, and eighty-six have been placed in the hands of receivers. The national banks now hold \$211,000,000 of five and six percents on deposit for circulation, and if suddenly forced to choose between a taxed circulation based on 3 per cent. bonds and no circulation, it would doubtless result in a contraction of the currency of millions of dollars within the next year, injurious alike to the business, the industries, and the public credit of the country.

I trust the bill in its present form will not pass, but such a measure as may insure refunding at a low rate of interest in bonds and certifications.

as may insure refunding at a low rate of interest in bonds and certifias may insure refunding at a low rate of interest in bonds and certificates of small amounts which may come into the hands of the people, and to the payment of which the Government, by a wise economy, may be able to apply each year in the future, as it has so successfully done in the past, a large amount of its surplus revenue.

The question was taken upon the proposed amendment by a viva voce vote, and the Chair announced that the amendment appeared to be rejected.

be rejected.

Mr. UPDEGRAFF, of Ohio, called for a division.

Mr. CONVERSE. I make the point of order that the amendment is not in order. Mr. WILBER.

Mr. WILBER. That is too late; the committee is now dividing. The CHAIRMAN. The Chair is constrained to hold that the point of order comes too late.

The committee divided; and there were—ayes 59, noes 111.
So the amendment of Mr. UPDEGRAFF, of Ohio, was not agreed to.
Mr. FERNANDO WOOD. I now move that the committee rise
and report the bill to the House with the amendments made by the Committee of the Whole.

The motion was agreed to.
The committee accordingly rose; and the Speaker having resumed the chair, Mr. Coverr reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 4592) to facilitate the refunding of the national debt, and had instructed him to report the same to the House with sundry amendments.

Mr. FERNANDO WOOD. I now call the previous question on the

bill and pending amendments.

Mr. CARLISLE. I desire to call the attention of the gentleman from New York [Mr. FERNANDO WOOD] and of the House to the fact that in the bill as printed in the RECORD the words "and notes" still appear in one place. Those words should be stricken out so as to make the bill conform to the action of the Committee of the Whole.

Mr. FERNANDO WOOD. That can be done by unanimous consent.

Mr. GILLETTE. I object.
Mr. CARLISLE. Then I ask the gentleman to withdraw his call for the previous question that I may submit the amendment which I

Mr. FERNANDO WOOD. I will do so.
Mr. CARLISLE. I now move that the words "and notes" where
they occur in the bill just reported from the Committee of the Whole

The SPEAKER. That amendment will be regarded as pending.

Mr. FERNANDO WOOD. I now move the previous question upon the bill and pending amendments.

The previous question was seconded and the main question ordered.
Mr. FERNANDO WOOD moved to reconsider the vote just taken;
and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUTTERWORTH. I ask that an order of the House be made that the bill as amended by the Committee of the Whole be printed in the RECORD for the use of members, and also printed in bill form.

There was no objection, and it was so ordered. The bill, as amended, is as follows:

A bill to facilitate the refunding of the national debt.

The bill, as amended, is as follows:

A bill to facilitate the refunding of the national debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Comprese assembled. That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 41 per cent. per annum which may hereafter become redeemable: Provided, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1873, entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds in the amount of not exceeding \$400,000,000, which shall bear interest at the rate of 3 per cent. per annum, redeemable, at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after five years and payable ten years from the date of issue. And also certificates in the amount of \$300,000,000 in demoninations of \$10, \$20, and \$50, either registered or coupon, bearing interest at the rate of 3 per cent. per annum, redeemable, at the pleasure of the United States, after one year, and payable in ten years from the date of issue. The bonds and certificates shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: Provided, further, That before any of the bonds or certificates authorized by this act are issued it shall be the duty of the Secretary of the Treasury to pay on the bonds accruing during the year 1821 all the silver dollars of 4123 grains, and all the gold over and above \$50,000,000 now held in the Treasury for redemption.

Sec. 2. The

purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

SEC. 5. From and after the 1st day of May, 1881, the 3 per cent bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: Provided, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law within thirty days after interest has ceased thereon the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: And provided further, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national bank currency, and for other purposes," be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.

SEC. 6. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

PUBLIC LANDS.

PUBLIC LANDS.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying documents, was, on motion of Mr. Converse, referred to the Committee on the Public Lands, and ordered to be printed:

To the Senate and House of Representatives :

I have the honor to submit herewith the report of the public lands commission, embracing the history and a codification of the public land laws; and I desire earnestly to invite the attention of Congress to this important subject.

R. B. HAYES,

EXECUTIVE MANSION, January 18, 1881.

DISTRICT OF COLUMBIA 3.65 BONDS.

Mr. ALDRICH, of Rhode Island, by unanimous consent, introduced a bill (H. R. No. 6970) to provide for a deficiency in the appropriation for interest on the 3.65 loan of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTTERWORTH. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By the SPEAKER: The petition of Andrew Arnold, for a pension—to the Committee on Pensions.

By Mr. ATHERTON: The petition of Nathan Plank, Hiram Denison, S. K. Rumsey, George Gordon, and others, citizens of Perry County, Ohio, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for an income-tax law—to

Also, the petition of the same parties, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of the same parties, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of D. Hefling, M. D., of Gilmore, Ohio, for the repeal of the stamp-tax on proprietary medicines—to the Committee on Ways and Means. Ways and Means

Ways and Means.

By Mr. BELTZHOOVER: The petition of Adam Reisinger, for additional compensation as messenger in the Clerk's office, House of Representatives—to the Committee on Accounts.

By Mr. BOWMAN: The petition of Thomas Wigglesworth and others, of Boston, Massachusetts, that the duty on freestone in rough blocks and rabble may be removed or reduced—to the Committee on

blocks and rubble may be removed or reduced—to the Committee on Ways and Means.

By Mr. BREWER: The petition of the Legislature of Michigan, for the extension of the time limited for the construction of a railroad from Ontonagon, Michigan, to the Wisconsin State line—to the Committee on the Public Lands.

By Mr. COLERICK: Papers relating to the pension claim of William Maxheimer—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of George Otis—to the same committee.

Also, papers relating to the pension claim of George Otis—to the same committee.

By Mr. COX: The petition of Solomon McIntyre, to make U. S. Grant Captain-General—to the Committee on Military Affairs.

By Mr. CRAPO: The petition of R. S. Douglass and others, for the repeal of existing taxes on capital of banks and bankers—to the Committee on Ways and Means.

By Mr. FORD: The petition of W. J. Templeton and others, citizens of Iowa, against the refunding of maturing United States bonds—to the same committee. the same committee.

By Mr. GILLETTE: The petition of F. A. Gibbs and others, for

Also, the petition of the same parties, for the regulation of interstate commerce—to the Committee on Commerce.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agricult-

By Mr. HERNDON: Memorial of Frederick G. Bromberg, receiver, and R. Moore, creditor, on behalf of the Deposit Savings Association of Mobile and its creditors—to the Committee on Claims.

By Mr. HURD: The petition of Daniel Dougherty, for compensation for certain services rendered the United States—to the same

committee.

By Mr. LAPHAM: Memorial of the Board of Trade of Brunswick, Georgia, asking for an appropriation for the improvement of the har-bor at that place—to the Committee on Commerce.

bor at that place—to the Committee on Commerce.

Also, the petition of Emil F. Carl, for a reduction of the duty on vinegar—to the Committee on Ways and Means.

By Mr. McGOWAN: Resolutions of the Legislature of Michigan, asking that Congress extend the time limited by act of June 3, 1856, for the construction of a railroad from Ontonagon, Michigan, to the Wisconsin State line—to the Committee on the Public Lands.

By Mr. MONROE: The petition of 42 citizens of Ohio, that a duty be imposed upon fresh-water fish imported from Canada—to the same committee.

committee.

By Mr. NEWBERRY: Resolutions of the Legislature of Michigan, asking for the extension of the time for the construction of a railroad from Ontonagon, Michigan, to the Wisconsin State line—to the Committee on the Public Lands.

By Mr. O'NEILL: The petition of citizens of Philadelphia, for an increase of soldiers' pensions for loss of limb—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of T. Harrison and others, of Guilford, Connecticut, for the passage of Senate bill No. 496, relating to the settlement of pension claims—to the same committee.

By Mr. PRICE: The petitions of citizens of Muscatine and of Da-

venport, Iowa, for the passage of a bankrupt law-to the Committee

on the Judiciary.

Also, the petition of 45 citizens of Iowa, for legislation to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. REED: The petition of Emily W. Taylor, for extension of a patent for packing green sweet-corn—to the Committee on Patents.

By Mr. A. HERR SMITH: The petition of Emil E. Carl, for a reduction of the duty on vinegar—to the Committee on Ways and

Means.

By Mr. SPRINGER: Memorial of Henry Green and others, citizens of Beardstown, Illinois, asking the reduction of the tax on cigars to \$5 per thousand—to the same committee.

By Mr. STEPHENS: Memorial of the Board of Trade of the city

of Brunswick, Georgia, asking an appropriation for the improvement of the harbor of that city—to the Committee on Commerce.

By Mr. WARD: The petition of citizens of Chester County, Pennsylvania, men and women, against encroachments of white settlers upon the Indian Territory and all Indian reservations—to the Committee on Indian Affairs.

IN SENATE.

WEDNESDAY, January 19, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting the report of the public lands commission, embracing the history and a codification of the public-land laws; which was ordered to lie on the table and be printed. He also laid before the Senate a letter from the Secretary of the Interior, transmitting a communication from the disbursing clerk of that Department in relation to the increased labors and responsibilities which have devolved upon him by reason of his disbursement of the moneys appropriated for the expenses of the tenth census; which was referred to the Select Committee to make provision for taking the Tenth Census.

was referred to the Select Committee to make provision for taking the Tenth Census.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in reply to a resolution of the 14th instant, statements showing amounts paid for overland mail service from September 16, 1858, to September 30, 1868; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary

of War, transmitting copies of papers received from the Quartermas-ter-General of the Army in regard to the scarcity of army blankets and overcoats on the Pacific coast; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of A. Allen and 40 others, citizens of the Cape Fear region of North Carolina, praying for the passage of the House bill to make the Cape Fear a free river; which was referred to the Committee on Commerce.

Mr. PLATT presented the petition of Lynde Harrison and others, of Guilford, Connecticut, soldiers in the late war, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) prayiding for the examination and adjunction of pensions

of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. DAWES presented the petition of Thomas Riley and others, of Danvers, Massachusetts, and the petition of William H. Coan and others, of Lawrence, Massachusetts, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were ordered to lie on the table.

Mr. ROLLINS presented the petition of John Sawyer, treasurer of the Sawyer Woolen Mills, New Hampshire, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

the Judiciary.

He also presented the petition of John P. Hodgman and others, of Amberst, New Hampshire, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) pro-viding for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. RANDOLPH presented the petition of Andrew Reynolds Arnold, of Newark, New Jersey, praying for the extension of his patent for automatically manufacturing twist-drills; which was referred to the

Committee on Patents.

Mr. BUTLER presented the petition of the Chamber of Commerce of Charleston, South Carolina, praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

Mr. SLATER presented the memorial of the Legislature of Oregon,

Mr. SLATER presented the memorial of the Legislature of Oregon, asking that the lands given under an act granting to the Oregon Central Railroad Company certain lands to aid in the construction of a railroad and telegraph line from Portland to Astoria, with a branch from a suitable point of junction near Forest Grove to McMinnville in the State of Oregon, which grant was approved May 4, 1870, and which lands were withdrawn in favor of the company, but which have not been earned, be restored to the public domain and thrown open to settlement under the homestead, pre-emption, and general land laws of the United States; which was referred to the Committee on Railroads.

Mr. CAMERON of Wisconsin presented the petition of Solomon

Mr. CAMERON, of Wisconsin, presented the petition of Solomon Davids, George T. Bennett, and others, of the Stockbridge and Munsee tribe of Indians, praying for the passage of Senate bill No. 1163, for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was referred to the Committee on Indian

Mr. HOAR presented resolutions of the Nathaniel Lyon Post, No. 61, Grand Army of the Republic, of Webster, Massachusetts, in favor of the amendment reported by the Committee on Pensions to the bill

(S. No. 496) providing for the examination and adjudication of pension claims, and also the accompanying petition of Francis Greenwood and others, citizens of Webster, Massachusetts, praying for the same thing; which were ordered to lie on the table.

He also presented the petition of N. F. Tenney, Son & Co. and 16 other firms of Boston, Massachusetts, dealers in boots and shoes, praying for the passage of a national bankrupt law; which was referred

ing for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of J. M. Forbes and 60 others, citizens of Massachusetts, praying for the passage of a bill making provision for the support of our retired and retiring Presidents; which was referred to the Committee on Military Affairs.

Mr. PLUMB presented the petition of A. W. Davis and 26 others, citizens of Independence, Kansas, soldiers in the late war, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented the petition of Joseph White and 34 others, ex-Union soldiers, praying that their arrears of pension may be increased; which was referred to the Committee on Pensions.

RICHARD FATHERLY.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the petition of Richard Fatherly, of Arkansas, praying to be relieved from his political disabilities, have had the same under consideration, and have authorized me to report a bill in accordance with the prayer of the petition; and I am directed to ask for the pres-

ent consideration of the bill.

The bill (S. No. 2054) to remove the political disabilities of Richard Fatherly, of Arkansas, was read the first time by its title.

The bill was read the second time at length, as follows:

Be it enacted, &c., That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States on Richard Fatherly, of Arkansas, be, and the same are hereby, removed.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I should like to hear the bill read. I apologize

Mr. EDMUNDS. I should like to hear the bill read. I apologize for not having heard it before.

The Chief Clerk read the bill.

Mr. EDMUNDS. What committee reported the bill?

The VICE-PRESIDENT. The Committee on the Judiciary.

Mr. GARLAND. I was instructed by the Committee on the Judiciary to make a report upon the petition of Richard Fatherly. There is a letter from the Department showing that he is not indebted to the Government

Mr. EDMUNDS. That took place after I went out of the commit-

Mr. GARLAND. The Senator from Vermont was absent. It is the unanimous report of the committee.

Mr. EDMUNDS. I should like to hear the petition read.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives:

On the 22d of April, 1861, I resigned my position as military storekeeper of ord-nance in the United States Army, which resignation was accepted on the 6th May,

I am not indebted to the United States on any account whatever, and I now ask for a release from whatever disabilities may attach to the above record, in accordance with the amendment to the Constitution of the United States providing for ance with the ametric such cases. I have the honor to be, very respectfully,

RICHARD FATHERLY.

Mr. EDMUNDS. Is there a report as to his accounts?

Mr. GARLAND. There is a report from the Department that his accounts are all right, and that he is not indebted a cent.

Mr. HOAR. Let the petition be read again.

The petition was again read.

Mr. HOAR. That is no application for release from disabilities incurred for the reasons enumerated in the Constitution.

Mr. INGALLS. There was a resignation.
Mr. HOAR. He does not say what he resigned for, or whether he committed any act of hostility against the Government, or gave aid or comfort to its enemies.

Mr. GARLAND. The fact is, so far as the petitioner is concerned, he does not believe he is laboring under any disability, but he was prohibited from voting for some reason or other, and he asks to be relieved from any disabilities if they exist. He was a military storekeeper at the time of the beginning of the rebellion, and the stores and supplies were seized in his hands. He sent in his resignation, and he has settled his accounts with the Government. He asks now that

he has settled his accounts with the Government. He asks now that if there be any disabilities upon him they be removed.

Mr. HOAR. If it is the policy of Congress, as I understand it is, that persons shall be relieved from their disabilities only upon their own request, I submit that here is no request whatever to be relieved from any disability. The petitioner says, not "I desire to be relieved from any disability which I may have incurred by any act of hostility to the Government or aid and comfort to its enemies," but "I resigned once a certain office;" not admitting at all that it was for the purpose of taking part in the rebellion, or had anything to do with the rebellion. He says, "I desire that whatever disabilities I incurred by resigning an office simply"—not any other disability—"may be relieved."

The petitioner ought either to set forth what disability he has incurred, or that he has incurred some, or else he ought to say, "having in my judgment incurred none, but it being claimed that I have in-The my judgment incurred none, but to being claimed that I have incurred disability, I ask for an act of Congress relieving it if it exists."

But there is nothing of that kind. He does not petition for the bill which is reported. He distinctly confines his petition to semething else. For one I shall object to passing an act of Congress on such a

Mr. EDMUNDS. I was so unfortunate as not to hear well the petition when it was read even at my request, and I thought it was in the usual form until the Senator from Massachusetts called attention

to it; as he says, it is simply that-

On the 22d of April, 1861, I resigned my position as military storekeeper of ord-nance in the United States Army, which resignation was accepted on the 6th of May, 1861.

I am not indebted to the United States on any account whatever, and I now ask for a release from whatever disabilities may attach to the above record, in accord-ance with the amendment to the Constitution of the United States providing for

If you take this petitioner at his word, it is a sheer scandal on Congress, if not intended as a joke, to ask Congress to pass an act to relieve him from disabilities attached "to the above record." General lieve him from disabilities attached "to the above record." General Sherman, General Grant, and a thousand men whom I could name if I chose to take the time, have done in principle precisely that thing. They have been connected with the military service; they have resigned, their accounts have been honorably settled, and they owe the United States nothing. On that statement this man comes. Whether it is intended as a slight to the ideas that have prevailed in Congress as to the propriety of any one who gets this relief saying what he has done, and asking to be relieved from its consequences, or not, I do not know. On this petition, certainly the bill ought not to pass unless we wish to make ourselves ridiculous, and I am sure we do not. I move that the bill be recommitted to the committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont, to recommit the bill to the Committee on the Judiciary.

Senator from Vermont, to recommit the bill to the Committee on the Judiciary.

Mr. GARLAND. The Senator from Vermont ought to know, if he knows anything, that the bill is not brought here for the purpose of a joke upon Congress, or for the purpose of scandalizing Congress. He should know very well that I would not undertake anything of that sort. If he has not found out that up to this time, I will inform him of it now.

Mr. EDMUNDS. I hope my friend from Arkansas did not suppose that he was in my mind when I referred to the character of the peti-

Mr. GARLAND. It is very difficult to tell what was in the Sena-

Mr. GARLAND. It is very difficult to tell what was in the Senator's mind really.

Mr. EDMUNDS. I did not suppose that he was the father of it.

Mr. GARLAND. I want the Senate to vote on this proposition. It is as respectful a petition as has ever been presented since I have been on the Committee on the Judiciary, and a number of them have passed the scrutiny of that committee, and a number of them have been reported back here by myself.

The petitioner states simply the facts in the case. He does not state that he killed any Union soldier, because he did not, I presume; he does not state that he ever robbed the Government, because, I suppose, he never did; he does not state any other offense, because in the mind of the petitioner he has never committed any against the the mind of the petitioner he has never committed any against the Government; but that he was a storekeeper and he resigned. The stores were seized in his hands at the arsenal at Little Rock. He was stores were seized in his hands at the arsenal at Little Rock. He was prohibited from voting there for some cause; he never knew why, under the delectable board that was put upon the country by the hell-broth of reconstruction, and now the man comes and asks in his seventieth year for relief against this supposed political disability, whatever it may be. If the petition is not respectful, I defy the Senator from Vermont to draw one that is respectful, as he seems to be the censor over this body. the censor over this body.

Mr. INGALLS. May I ask the Senator whether as an actual fact

this gentleman subsequently to his resignation engaged in the rebell-

Mr. GARLAND. He never did as a matter of fact. The man could not state that he did what he had not done. He said he was a store-keeper and resigned. He has been disfranchised for some cause or other, he knows not what, and he asks to be restored to his political rights. If you send the petition back to him, what can he do with it, for he has done nothing? That is the very point. Not twelve months ago, upon almost exactly a petition of that sort from North Carolina—the name I have forgotten, probably the Senator from North Carolina can tell me—a bill was passed to relieve a man when he stated simply that he kad gone out of office, but if he did anything as against the United States he was not aware of it. I believe he was a master in chancery before the war, and they so applied that to chancery before the war.

him that he was distranchised simply because he was a master in chancery before the war.

It is not worth while to quibble about this matter. This is as good a petition as Mr. Fatherly can make. It is in his own writing; it is not intended as a scandal or joke upon this body, and I sak the Senate to come to a vote upon the bill.

Mr. EDMUNDS. Mr. President, in the first place, if I have said anything to offend the sensibilities of the distinguished Senator from Arkansas, whom I respect very highly, I wish to apologize, and to

add that I did not know it when I said it. I did not suppose, and I do not now suppose, that the Senator from Arkansas is responsible

add that I did not know it when I said it. I did not suppose, and I do not now suppose, that the Senator from Arkansas is responsible either for the origin or the form of the petition, and I supposed that its peculiarities had escaped his attention as they did mine when it was first read. I think that will square accounts between my friend from Arkansas and myself as to any personal feeling about this business. Now, I will come to the case itself, which is the only matter that the Senate has probably a great interest in.

The Constitution of the United States provides that any person who has been engaged in making war upon the United States, or giving aid and comfort to its enemies, shall not be entitled to hold office under the United States afterward, provided that he had been an officer of the United States before; I do not go into the qualifications and exceptions, because it takes time; that states it in round terms. Congress has adopted the practice, and I think wisely, of requiring in a case of legislation, that the person who is to have an act passed for the removal of his disabilities by a two-thirds vote must fall within the scope of the constitutional prohibition. Otherwise it would be nonsense to pass laws, and the Committee on the Judiciary have not infrequently reported adversely to petitions for the removal of disabilities, because upon an inquiry into the facts we were satisfied that the disabilities did not exist. Here is a gentleman, as I dare say he is from what the Senator from Arkansas states, who says that the only thing that he had a military office under the United States had a military office under the United States after the United States are the United States and the supplementary of the the had a military office under the United States are the United States are the supplementary of the tenth and the supplementary is the the had a military office under the United States are the supplementary and the supplementary and the supplementary that the supplementary to the supplementary that t that the only thing that he has done upon which he asks congressional intervention is that he held a military office under the United States and resigned it under such circumstances that the military states and resigned it under such circumstances that the military authorities of the United States accepted his resignation, and he settled his accounts, and went his ways in peace. Now he says, "I wish whatever disability may arise out of that circumstance removed by an act of Congress." If that is not trifling with the Constitution and with the dignity of Congress in its effect, then I am quite incapable of understanding what law could be passed that was perfectly useless and nugatory and nonsense that would make a stronger case than that. That is just all there is to it.

I had supposed when I moved the recommitment that this person had been engaged in adding in the rehellion, and that by accident or

had been engaged in aiding in the rebellion, and that by accident or from some cause it had not been stated, and that it could be sup-plied; but now my friend from Arkansas, if he will allow me to call him so, says that the fact is the man never did engage in the rebellhim so, says that the fact is the man never did engage in the rebellion. Therefore we are left, upon the fact as well as the petition, to the simple circumstance that he held an office under the United States, resigned it, his resignation was accepted, his accounts were settled, and Congress is to be called upon to pass a bill as if he had incurred the condemnation against holding office under the four-teenth amendment. I withdraw the motion to recommit, and will ask for the yeas and nays on the passage of the bill, and we shall see what the Senate will do with it.

The VICE-PRESIDENT. The question is, Shall the bill be engrossed for a third reading? Does the Senator from Vermont wish the yeas and nays on that question?

Mr. EDMUNDS. We may just as well have the yeas and nays on the third reading.

the third reading.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. ROLLINS. On this question I am paired with the Senator
from South Carolina, [Mr. HAMPTON.] If he were present, I should

Mr. PLUMB. On this question I am paired with the Senator from

Mr. TELLER, (after having voted in the negative.) I think I am paired on this question, and I withdraw my vote. I incline to think that I am paired with the Senator from West Virginia, [Mr. Here-

The result was announced—yeas 31, nays 16; as follows:

	YE	AS-31.	
Beck, Brown, Butler, Call, Cockrell, Coke, Davis of W. Va., Eaton,	Farley, Garland, Groome, Harris, Ingalls, Johnston, Jonas, Kernan,	Lamar, McPherson, Morgan, Pendleton, Pugh, Randolph, Ransom, Saulsbury,	Slater, Vance, Vest, Walker, Whyte, Williams, Withers.
	NA	YS-16.	
Anthony, Baldwin, Biair, Bruce,	Burnside, Cameron of Wis., Dawes, Edmunds,	Ferry, Hoar, Kirkwood, McMillan,	Morrill, Platt, Saunders, Windom.
	ABS	ENT-29.	
Allison, Bailey, Bayard, Blaine, Booth, Cameron of Pa., Carpenter, Conkling,	Davis of Illinois, Grover, Hamlin, Hampton, Hereford, Hill of Colorado, Hill of Georgia, Jones of Florida,	Jones of Nevada, Kellogg, Logan, McDonald, Maxey, Paddock, Plumb, Rollins,	Sharon, Teller, Thurman, Voorhees, Wallace.

So the bill was ordered to be engrossed for a third reading; and it

was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the

The yeas and nays were ordered, and the Secretary proceeded to call the roll

call the roll.

Mr. BUTLER, (when Mr. HAMPTON's name was called.) On this question my colleague [Mr. HAMPTON] is paired with the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. FERRY, (after having voted in the negative.) It occurs to me that I am paired with the Senator from Texas, [Mr. Maxey,] this being a political question. I do not know how he would vote, and I

being a political question. I do not know how he would vote, and I withdraw my vote.

Mr. HARRIS. I desire to say that upon this question my colleague [Mr. BAILEY] is paired with the Senator from Nebraska, [Mr. Paddock.] If my colleague were present, he would vote "yea."

Mr. TELLER. On this question I am paired with the Senator from West Virginia, [Mr. HEREFORD.]

The result was appropried, were 20 pages 16; as follows:

YEAS-30.

The result was announced—yeas 30, nays 16; as follows:

A CONTRACTOR OF THE PARTY OF TH	A. A.A.	LLLU-UU1	
Beck, Brown, Butler, Call, Cockrell, Coke, Davis of W. Va., Farley,	Garland, Groome, Harris, Ingalls, Johnston, Jonas, Kernan, Lamar,	McDonald, Morgan, Pendleton, Pugh, Randolph, Ransom, Saulsbury, Slater,	Vance, Vest, Walker, Whyte, Williams, Withers.
	NA	YS-16.	
Anthony, Baldwin, Blair, Bruce,	Burnside, Cameron of Wis., Dawes, Edmunds,	Hill of Colorado, Hoar, Kirkwood, McMillan,	Morrill, Platt, Samders, Windom.
	ABSI	ENT-30.	
Allison, Bailey, Bayard, Blaine, Booth, Cameron of Pa. Carpenter, Conkling,	Davis of Illinois, Eaton, Ferry, Gover, Hamlin, Hampton, Hereford, Hill of Georgia,	Jones of Florida, Jones of Nevada, Kellogg, Logan, McPherson, Maxey, Paddock, Plumb,	Rollins, Sharon, Teller, Thurman, Voorhees, Wallace.

The VICE-PRESIDENT. Two-thirds not having voted in the affirmative, the bill is rejected.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Claims, to whom was referred the bill (S. No. 1817) for the relief of William G. Ford, administrator of John G. Robinson, deceased, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1976) to provide for the sale of the lands belonging to the Prairie band of Pottawatomie Indians in the State of Vances, and for other currences reported it with amendments.

Kansas, and for other purposes, reported it with amendments. He also, from the same committee, to whom was referred the bill (S. No. 1558) to provide for the sale of the lands of the Miami Indians

(S. No. 1558) to provide for the sale of the lands of the Miami Indians in Kansas, reported it without amendment.

Mr. GROOME. The Committee on Claims, to whom was referred the bill (S. No. 1303) making an appropriation for the compensation of collectors of customs acting as superintendents of light-houses, &c., for the fiscal years ended June 30, 1875, 1876, 1877, and 1978, have examined the bill and find that it is a bill not for the payment of a claim as they understand it, but providing for a deficiency. They therefore instruct me to ask that the committee be discharged from the further consideration of the bill and that it be referred to the the further consideration of the bill and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. GROOME, from the Committee on Claims, to whom was referred

the bill (S. No. 1871) for the relief of J. A. Henry and others, reported it without amendment, and submitted a report thereon; which was

it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 4596) authorizing the survey of parts of certain townships in Crawford County, Wisconsin, and making an appropriation therefor, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. ANTHONY. The Committee on Naval Affairs, to whom was referred the joint resolution (S. R. No. 135) authorizing the compilation of the report and narrative of the cruise of the United States steamer Ticonderoga, have directed me to report it back with an amendment and recommend its passage. I ask for the present consideration of that resolution.

sideration of that resolution.

Mr. EDMUNDS. I think it must take its fair order and go on the Calendar, there are so many cases of pressing importance that have been reported for weeks.

The VICE-PRESIDENT. The joint resolution will be placed upon

the Calendar.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1795) for the relief of G. M. Woodruff, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Claims, to whom was recommitted the bill (S. No. 1325) for the relief of Joseph C. Irwin, reported it with an amendment.

it with an amendment.

Mr. EDMUNDS, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 1571) for the relief of the heirs of Juan Read, of California, submitted an adverse report; which was ordered to be printed, and the bill was indefinitely postponed.

BILLS INTRODUCED.

Mr. WITHERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2055) to authorize the Secretary of War to grant the use of certain lands at Fortress Monroe, Virginia, for hotel purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAINE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2056) for the relief of John A. Darling; which was read twice by its title, and referred to the Committee on Military Affairs.

Affairs.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2057) for the relief of Arthur J. Carrier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

referred to the Committee on Indian Affairs.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2058) explanatory of section 1924 of the Revised Statutes of the United States, passed at the first session of the Forty-third Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HILL, of Colorado, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2059) for the relief of Frank D. Yates and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked and by unanimous consent, obtained leave to in

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2060) for the relief of I. A. Ellerman; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. LAMAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2061) to create the western district of the State of Louisiana, provide for the appointment of judge, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 769) to enable the State of Colorado to take lands in lieu of sections 16 and 36 found to be mineral lands; which was ordered to lie on the table and be printed.

Mr. KIRKWOOD submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. No. 1908) to prevent the introduction and dissemination of epizootics or communicable diseases of domestic animals in the United States; which was ordered to lie on the table and be printed.

TRANSPORTATION ROUTES TO THE SEABOARD.

Mr. PLUMB submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 5,000 copies of volume 1 of the report of the Senate Committee on Transportation, made to the first session of the Forty-third Congress.

DISEASES OF DOMESTIC ANIMALS.

Mr. WILLIAMS. Some days since I introduced a bill, which was laid on the table subject to my call, so that I might submit some remarks on it. I desire to have that bill now taken up that I may

remarks on it. I desire to have that bill now taken up that I may submit my remarks.

The VICE-PRESIDENT. The Senator from Kentucky asks leave to call up the bill (S. No. 1908) to prevent the introduction and dissemination of epizootics or communicable diseases of domestic animals in the United States. Is there objection? The Chair hears none. The bill is before the Senate.

Mr. WILLIAMS. Mr. President, about the time I took my seat in this body, a retiring Senator said to me that he did not look back with much pleasure over his six years' service here; that the time of Congress had been chiefly consumed in President, making and next.

with much pleasure over his six years' service here; that the time of Congress had been chiefly consumed in President-making and party wrangling; and that he could not recall a single measure passed in the interest of the producing classes during all that time.

The presidential election is now over, and there is a lull in party strife and a hopeful indication that all parties are disposed to devote the remainder of the session to a business-like consideration of the wants of the people. This disposition, manifest in both Houses of Congress, encourages me to hope that the bill called up will meet the prompt and thoughtful consideration its importance demands. The purpose of the bill is to eradicate from our domestic herds and flocks all malignant and infectious diseases now known to exist, and to protect them in the future against such plagues, whether they are to tect them in the future against such plagues, whether they are to

come from foreign countries or are to spread from State to State.

I ask, for the information of the Senate, that the bill itself be read,

accompanying my remarks, as it is very short.

The Chief Clerk read as follows:

Beitenacted, &c., That it shall be unlawful to import or introduce into the United States from foreign countries, or into one State, Territory, or district from another, any animal affected with a communicable, infectious, or contagious disease, or any animal conveying in its system the poison of splenic or Texas cattle fover, except in accordance with the provisions of this act and all rules and regulations adopted by the National Board of Health, or any State or Territory or the District of Columbia, made in pursuance of this act; nor shall any person, company, or corporation offer for sale or sell any domestic animal affected with an infectious or con-

tagions disease, such as the lung plague or contagions pleuro pneumonia of cattle, the splenic or Texas cattle fever, foot and mouth disease, hog-cholera, trichinesis, farcy and glanders, &c., in violation of the provisions of this act.

SRC. 2. That the National Board of Health, or in the interval of its sessions its executive committee, shall report to the President of the United States whenever any place in the United States is considered by it to be dangerously infected with communicable diseases of domestic animals; and that upon the official publication by the President of such report its removal or transportation therefrom of our transportation space into enother State shall be unlawful, unless such removal by the National Board of Health and approved by the President.

SRC. 3. That any person, company, or corporation having control over such live animals who shall violate the provisions of sections I and 2 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$100 nor more than 35,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SRC. 4. That it shall be the duty of the several United States district attorneys by presecret and the same shall be heard before any district or circuit court of the United States district amough the heard before any district or circuit court of the United States.

SRC. 5. That the National Board of Health shall, and is hereby authorized to, investigate, record, and report on the diseases of animals prevailing in the United States, or in countries from which the United States may import domestic animals for breeding or other purposes, and also draught such rules and a same shall deem of the such as the such

ury, who shall report the same to Congress.

Mr. WILLIAMS. Mr. President, it will be seen that this bill prohibits, under heavy penalties, the introduction or exportation of infected or diseased animals from foreign countries, or from State to State. It authorizes an absolute embargo against the exportation of animals from States known to be infected to States free from disease, except under precautionary regulations, to be prescribed by the National Board of Health. It enlarges the powers of that board so as to embrace the whole subject of animal as well as human sanitation, and authorizes it to make all proper rules and regulations to carry out the purposes of the bill. It provides the board with a competent veterinary staff to aid in investigation.

It gives jurisdiction to the Federal courts, and makes it the duty of United States district attorneys to prosecute for violations of the law. The bill further provides that the States and Territories may adopt the regulations prescribed by the national board, and that said board shall act in concert with commissioners appointed by local authority; and whenever it becomes necessary to slaughter diseased or infected animals, the owners are to be reimbursed out of the national Treasury.

Treasury.

Now, these are the general provisions of the bill, which I have endeavored to make as comprehensive as possible, leaving all matters of detail to the enlightened and competent board to which the sub-

of detail to the enlightened and competent board to which the subject is referred, believing that no amount of zeal and energy can successfully deal with this difficult and complicated problem without the aid of the highest scientific skill. I have therefore thought it best to intrust it to the highest scientific tribunal of the country.

I am not, however, wedded to this bill, but am ready to adopt any other plan that may appear to the Senate to be better adapted to the accomplishment of the desired end. Of one thing I am certain, that exotic and indigenous animal diseases highly contagious or communicable in character do exist in certain sections of our country, which, unless promptly arrested, must continue to spread until our herds are ravaged annually to the extent of hundreds of millions of dollars.

We have one indigenous disease called splenic or Texas fever, which is known to have destroyed countless thousands of valuable cattle. Science has already demonstrated the nature of this distemper and science has already demonstrated the nature of this distemper and shown how it may be rendered harmless by restricting trade in Texas cattle to certain seasons of the year. Sheep diseases have been found to be easy of control. In swine contagion investigation has not yet pointed out the way of any certain riddance of hog cholera or that still more frightful disease, trichinosis. These are probably indigenous to the country, and science will in time discover effectual means for their eradication.

But we have now among our cattle in certain sections a dreadful exotic disease, highly contagious, insidious in its advances, slow in its incubation, ranging from ten to a hundred and twelve days, and capable of infection even from convalescent animals; and everywhere found to be practically incurable. It is really a pestilence that walketh in darkness. Veterinary surgeons here and in Europe despair of curing it and recommend isolation and slaughter as the only mode of

As yet this disease is confined to the Atlantic seaboard; but while unrestricted cattle traffic is allowed between infected and uninfected States the cattle interest of the whole country is menaced by a terri-

This disease has been known to exist in some of the Eastern States for more than thirty years. Some of them have taken measures to stamp it out, and have effectually done so; others have been less successful, being assailed by constant and new invasions.

Pleuro-pneumonia or lung plague and rinderpest, the two great destroyers of modern herds, are believed to have had their origin in Central Asia, whence have come nearly all the contagions which have scourged our own race.

They are said to have been brought with the herds of those barbarian hordes who overran all Europe upon the decline of the Roman power, and to have become fixed and chronic in all those vast unfenced grazing grounds in Eastern Europe, where it is impossible to isolate and crush it, because there the herds roam at large and spread

the infection on every side.

This must be the case with us if the lung plague once gets a firm foothold upon the great cattle ranges of the West. And this is inevitable, as I will presently show, unless repressive measures are promptly

adopted by Congress.

England, from her insular position and the firm closure of her ports against foreign live stock, was comparatively free from the plagues which desolated the herds of continental Europe until the free-trade which desolated the herds of continental Europe until the free-trade measures of Cobden and Gladstone opened her ports to the cattle of the world. Seventy years of exemption had lulled the apprehensions of British stock raisers. They had forgotten the pestilential invasions of the reigns of George II and George III. European wars had kept up the plagues on the continent, where large herds followed great armies for their supply, and Eugland was only saved by her restrictive measures. restrictive measures.

When Sir Robert Peel and his associates in 1841 opened the ports of England to foreign cattle, all the disastrous experiences of the eighteenth century seem to have been forgotten, and England soon became the seat of mouth and foot disease and of lung plague. In 1843 the lung plague reached the lowlands of Scotland, and in 1844 it was brought by some Dutch cows into the port of Cork, and in

it was brought by some Dutch cows into the port of Cork, and in two years spread over the whole of Ireland.

An interesting fact may be gleaned from Dutch experience. Prior to the opening of British ports to this trade, Dutch cattle were sent for sale to the center of Europe, principally to the Rhine provinces. So long as Holland exported only her own cattle and imported none, she was free from disease, but the opening of the English market turned the current of the cattle trade through the Netherlands and propagated the disease, which in the Old World has always traveled from east to west and along the most direct lines of active compartial intercourse. mercial intercourse.

In our own country as early as 1843 a Brooklyn dairy was infected by a cow imported from Holland, which continues to be the seat of this disease upon the continent of Europe.

this disease upon the continent of Europe.

For many years after the establishment of the free-trade policy of England the farmers of the United Kingdom, and more especially the town purveyors of milk, continued to lose their animals, and, as is usual in such cases, both professional and unprofessional men sought for domestic causes and erroneously contended that the malady was indigenous and had no connection with traffic in foreign cattle.

This delusion continued until 1862, when Professor John Gamgee, who is now in Washington devoting so much attention to yellow fever and its prevention, was employed by the privy council to inquire into and report on the diseases of animals in connection with the supply of meat and milk.

of meat and milk.

His luminous and exhaustive report clearly establishes the fact that the disease is purely exotic, and that the meat supply had not been increased or cheapened by the importation of foreign cattle, for the disease they brought with them had infected and killed more native

cattle than they added to the beef supply.

The wholesale destruction of animals by the rinderpest, introduced from Russia in 1865, compelled the British-Government to enact stringent laws for the protection of native cattle. As late as 1878 a most comprehensive act was passed by Parliament, which bears heavily upon our meat trade and was the consequence of the shipment of some infected cattle to Liverpool from our eastern cities. The restric-

tion requires all animals imported to be kept in separate pounds upon the wharfs where landed and slaughtered in public abattoirs within fourteen days after landing. Our beef is greatly deteriorated by this necessity of slaughter so soon after arrival, and its distribution is limited to the immediately surrounding markets, for there is no ice in England to preserve it in shipment to the interior; so that it is often

England to preserve it in shipment to the interior; so that it is often sold in glutted markets at a ruinous sacrifice.

Now some have erroneously supposed that these restrictions were imposed in the interest of English cattle raisers. It is a wise and salutary measure, adopted by the English to protect their native herds against new infection from abroad while they are stamping it out at home. As proof that this act was passed in no illiberal spirit toward our cattle trade, the act itself, which I hold in my hand, provides that when the sanitary condition of animals in any country is such as to give reasonable security that their introduction will not bring contagion such animals may be introduced without being subjected to margatine and slanghter. quarantine and slaughter.

quarantine and slaughter.

The English butchers, graziers, and consumers are as anxious to get our live cattle as we are to sell them.

I have a most sensible letter from Mr. T. C. Anderson, one of the most intelligent Short-horn breeders in America, who says that within the last year we have shipped to England 150,000 high-grade fat steers, worth \$100 each, and that these beeves would have brought \$40 more per head than they did if they could have been taken to the green pastures of the interior and allowed to recover from the bruises and fever incident to the long youage by rail and by see

and fever incident to the long voyage by rail and by sea.

It is not only our prime beeves that British butchers and graziers want; they also want an unlimited number of our best-shaped immature short-horned steers to finish for the shambles upon their own rich

pastures.

I noticed not long since that a meeting of Scottish graziers had petitioned the privy council for a relaxation of the restrictions on the importation of American cattle.

When this trade in half-matured cattle is successfully established there can be no limit to the number we shall export. But I have

digressed somewhat and will return.

Since the Brooklyn importation of the Dutch cow we have suffered continuously, and, heedless of the mortality in the dairies of our eastern cities, we have permitted a purely foreign and contagious distemper to spread almost unchecked. Some of the eastern States have taken measures to arrest it. It appeared in Massachusetts as early as 1860, and by a heroic practice worthy of national imitation that State stamped it out by the only practical mode of treatment, isolation and slaughter, and was pronounced free from disease as far back as 1867. Some other States have partially eradicated the disease by similar modes of treatment.

The cattle trade of our country has hitherto been almost exclusively

from west to east, which prevented plague extension toward the great cattle-raising centers of the West.

No case of lung plague has yet occurred west of the Alleghany Mountains. But history repeats itself. In the British Isles a constant transmission of contagion has attended the collection of calves from the town cow-sheds and their shipment to the pastures of Ireland and Scotland. Infected immediately after birth in pestilential cow-sheds, these animals carried disease wherever they went. A similar trade has recently sprung up in our country. It is stated upon good authority that within the last year forty thousand calves have been shipped from the Eastern States to the cattle-yards of Chicago, and thence distributed among the farmers of Illinois and adjoining States; a goodly number of them is said to have gone to Nebraska; and it is only a question of time when we shall have an outbreak of the lung plague among the great herds of our western prairies, to the total destruction of one of the largest industries now in course of active and preserves growth. the town cow-sheds and their shipment to the pastures of Ireland and

destruction of one of the largest industries now in course of active and prosperous growth.

If we can eradicate this pestilence from our midst, and give clean bills of health to the stock we send abroad, our meat exports to Europe will in a short time exceed the exports of cotton. We can spare all the cattle that the growing crowds of Western Europe demand, and within a single decade we shall be shipping a million instead of a hundred and of the thousand appeals. The stock-rejects of the West are within a single decade we shall be shipping a million instead of a hundred and fifty thousand annually. The stock-raisers of the West are fully aroused on this subject, and the Eastern States are doubtless desirous of clearing their farms and dairies of disease, if they can be shown how to do so and are adequately aided. In invoking the national authority I am but expressing the wishes of a great power behind me—the entire agricultural and stock-raising interests of the

I have proposed to refer this subject to the National Board of Health as the most competent tribunal to protect our stock-raisers against quackery and imposture. A proposal has been made to refer this entire subject to a commission of three, including one veterinary surgeon, to look after the whole continent and its foreign trade. Such a commis-

sion will be powerless for any practical good.

If we lack an adequate force of veterinarians in this country we do not lack plague investigators who can guide, assist, and direct the few able members of the veterinary profession among us. We have already in full operation a medical council composed of the most eminent men, and that council will know, as we cannot here know, how to frame rules and regulations to unearth the mysteries of fatal

yellow fever, and that board can and will see that we farmers are

The investigation of epidemics and epizootics is one and the same thing, for animal and human pathology are almost identical.

Our numerous States and Territories demand far more medical

assistance than can be given by one ubiquitous veterinarian. In accordance with my proposal, several experts may be under the co-or-dinating intelligence of some such man as Professor James Law, of

dinating intelligence of some such man as Professor James Law, of Cornell University, and by order of the President the temporary assistance of the medical staff of the Army and Navy may be secured.

No crude sanitary measures discussed in the Halls of Congress can prove sufficiently comprehensive and specific; they must be matured by experts in medical and veterinary science; and therefore I propose the appointment of a veterinary supervisor, who shall be a member of the National Board of Health, with power to select a competent

I expect these gentlemen to proceed deliberately to the consideration of the two most urgent questions: First, clearing this District and the eastern States of the lung plague in cattle; and, secondly, regulating the cattle-drovers' course and trade from Texas, so as to protect Kansas, Missouri, and other States from the virulent poisoning of their pastures and the wholesale destruction of their native cattle.

We Kentucky breeders cannot expect a free outlet for our Short-horn bulls to improve the native herds of the West if these are assailed by malignant pestilence or by poisons insidiously introduced by apparently healthy animals. Under this act the States and Territories will find it immediately to their interest to adopt preventive measures against cattle plagues. The appropriation asked is small compared to the magnitude of the object.

The stamping out of pleuro-pneumonia may cost many millions of dollars in compensating owners of infected herds which it may become necessary to slaughter for the public good; but whatever sums may be necessary should be promptly and freely given, and they will, in the end, prove to be economical and profitable expenditures. I ask no more now than will enable the scientific men, whom we have so

no more now than will enable the scientific men, whom we have so wisely trusted in the past, to do their best until experience teaches us how we may wisely attempt more.

In framing this general law, my expectation was that, under just and proper limitations, the following points might be attended to: First, the segregation and isolation of infected stock included under the general head of quarantine, which the national board, after consultation with veterinarians, stock raisers and dealers, may find adesultation with veterinarians, stock raisers and dealers, may find adequate and expedient. Second, the prompt extinction of infectious or communicable diseases by radical measures, including the slaughter of entire herds when found necessary. Third, that the Secretary of the Treasury shall overlook the estimates and outlays of the board, so as to avoid extravagant demands or violent recriminations against our sanitary council. Fourth, that competent inspectors may watch animals in transit, and determine before shipment and after crossing the ocean, whether American "live stock is a source of danger to our customers in Europe" and what measures may be adopted to prevent customers in Europe," and what measures may be adopted to prevent acts of cruelty and sources of contamination. Fifth, and most important, I desire, in the interests of the whole country, that the esteem and respect in which the National Board of Health is held in Europe may sustain our position by a fair and considerate interchange of information, as also by constant assurance that the utmost is being done on our side to deal liberally and honestly in our attempts to prevent the dissemination of cattle plagues.

The western farmer cannot afford to have a suspicion arise as to the

health of the animals he is selling, and demands that the value of his property shall not be destroyed by the evil practices or lack of prudent measures on the part of States or transportation companies beyond his home. Deficiencies of this kind are now robbing him of thirty or forty dollars on every bullock he fattens for the European

market, and losing millions annually to the enterprising men west of the Alleghany Mountains.

The history of this disease proves clearly its foreign origin. There has never been an outbreak either here or in England that may not be traced to infection brought from the continent of Europe. The buffaloes of the plains are as liable to it as domestic cattle, and yet they have roamed across this oldest of continents for countless ages they have roamed across this oldest of continents for countless ages free from contagion. It was brought from Holland to Cork in 1839, and in two years spread through the whole of Ireland. By the opening of British ports to foreign cattle in 1840, by the free-trade act, England was deluged by an influx of infected cattle from France, Belgium, and Holland. From that time she has been continually ravaged by diseases, except in the highlands of Scotland, which breed their own black cattle and never admit foreign stock. The annual loss of Great Britain by death alone from pleuro-pneumonia has exceeded ten millions of dollars. Holland sent this plague to the Cape of Good Hope in 1854 in the body of a bull, and to Massachusetts in 1859 in four cows. It was carried to Brooklyn in 1843 in a Dutch cow, imported in an English ship. From Brooklyn it was allowed to spread through Long Island and into New York and New Jersey. Subsequent importations into New Jersey brought additional infection, which has gradually extended over that State and into Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, where it still prevails, menacing the herds of the whole country. The disease, however, is still confined within manageable limits. Experience has shown that extermination is possible in coun-

tries where the cattle are grazed upon inclosed pastures, but wholly

tries where the cattle are grazed upon inclosed pastures, but wholly ineradicable where they roam upon common pastures.

The Dutch bull imported into Cape Town died in about three and a half months after leaving Holland; but he lived long enough to plant the disease firmly in that remote colony. The Cape of Good Hope is a prairie country 2,500 miles broad without navigable rivers or railroads, having ox-teams as the only means of transportation. These ox-teams carried the infection into the remote interior and fixed it permanently among the countless herds which constitute the chief wealth of the colonists.

The rapid spread of the disease in Australia furnishes another proof of the impossibility of its arrest in countries where the cattle run at large. The single Short-horn cow imported in 1858 upon arrival was large. The single Short-horn cow imported in 1858 upon arrival was turned upon a paddock near Melbourne, and was soon discovered to be sick with pleuro-pneumonia and removed to a stable, where she died, and it was hoped without leaving infection behind her. It, however, began to spread upon the commons, when it was discovered that a dishonest teamster had been in the habit of turning his oxen at night into this paddock. These oxen soon sickened and died, but scattered the disease far and wide until it covered the whole of this island continent to the utter destruction of many of the largest herds in Australia, compelling the ranchmen to substitute sheep in the place of cattle.

No outbreak has as yet occurred among our western herds. But suppose we allow this plague to cross the Alleghanies and spread over the valley of the Ohio among the Short-horn and Hereford herds of Kentucky, Ohio, Indiana, Illinois, and Missouri, how long will it be before the thousands of young blooded bulls these States annually send to the far west will have spread the pestilence among all the herds upon the plains?

Unless the Government adopts, promptly, vigorous measures of repression, this impending calamity must break with overwhelming force upon our great cattle ranches of the West, just as it has done at the Cape of Good Hope and in Australia, and upon the steppes of Russia for a thousand years. The loss will fall first and heaviest upon the cattle breeders, but all must feel it who consume beef, milk, butter, or leather.

Within the space of forty was Great Pritain with its side.

butter, or leather.

Within the space of forty years Great Britain, with six millions of cattle, has lost by death alone from this plague, more than five hundred millions of dollars. In the same ratio we, with our forty-five millions of cattle, will lose nearly four billions of money if this contagion is allowed to prevail and spread as it has done in England. Pleuro-pneumonia is the most insidious of all cattle plagues. Its poison is of the most subtle and persistent vitality. It usually kills from 40 to 70 per cent., and often every individual of the herd attacked; it is worse in summer than in winter, and more destructive in warm than in cold climates, but dreadful everywhere. Such animals as appear to have recovered are so enfeebled as to be worthless. mals as appear to have recovered are so enfeebled as to be worthless for work, breeding, or beef.

The other great animal plagues, such as mouth and foot disease, rinderpest, and Texas fever show themselves in four or five days, des-

olate a herd, but leave the survivors healthy and no poisonous taint behind them. Not so with pleuro-pneumonia; its poison lurks in the system in spite of rain and frost, and is often most fatal when least expected.

As I have before remarked, our western herds have enjoyed immunity from disease from the direction of the current of the cattle trade, which has been constantly from the west to east, but the new trade which has been constantly from the west to east, but the new trade in calves from east to west threatens to precipitate pestilence upon our western herds unless repressed by the strong arm of the national authority. This traffic should be stopped at once, or placed under such restrictions as would render it harmless.

Another threatening source of danger is the importation of Short-

Another threatening source of danger is the importation of Shorthorn, Hereford, Holstein, and Alderney cows from Europe. The respectability of these aristocratic breeds has procured for them easy
passports into our country. It is true that great pains have been
taken to protect these valuable races of cattle against exposure to
infection, but we know that some of the largest and most valuable
herds of England have been utterly destroyed by this plague. The
great herds of Mr. Booth and other English breeders fell victims to
this fatal malady.

This disease is now in almost every country in England, and even if

This disease is now in almost every county in England, and even if we are sure that selected animals are perfectly healthy when purchased, we cannot be certain that they may not be poisoned in their chased, we cannot be certain that they may not be poisoned in their transit to this country in stables, cars, or steamships in which diseased cattle have been transported. This trade had better be suspended altogether until we can have satisfactory assurance that it can be conducted with absolute security. We have already as fine and as highly-bred cattle as there are to be found in England, and a great many more of them, and the value of a few more Booths and Bates is as nothing compared to the security of our own herds. My advice to American breeders is to go slow in regard to importing until they can feel perfectly sure that they may not be introducing pestilence as well as cattle.

The number of live stock in our country is estimated at 45,000,000.

The number of live stock in our country is estimated at 45,000,000 of cattle, 18,000,000 of mules and horses, 50,000,000 of sheep, and 60,000,000 of swine, worth in the aggregate \$3,000,000,000, far exceed-

ing in value any other industry.

We have the most active and unrestricted stock trade between the States and with foreign countries, without any sanitary system to protect this vast interest against the ravages of contagious diseases, indigenous or exotic. The States in their separate capacities are wholly unequal to this great task. They may make ample provision for stamping out disease within their own borders but are exposed to constant new invasions from adjacent territory, as has been the case three times with the State of Connecticut. No, sir, this is a national work, and the power of the national authority only can grapple with this great emergency. If ever there was a national question before Congress this is certainly one in which all our people are interested.

Interested.

Ample powers are given to the board over its work, and to avoid even the appearance of interfering with State rights, it is provided that the States may adopt the regulations of the board, appoint commissioners of their own to act in concert with it, and with its concurrence, kill sick and infected animals and receive pay for the owners out of the National Treasury. It would be impolitic and unjust to allow the loss of cattle, slaughtered for the public good, to fall on the owners, and equally so to require the States to pay for them.

It will be found necessary to compensate the owners in order to induce them to report disease among their cattle; otherwise they will hide them in out-of-the-way places or run them off and sell them to innocent purchasers, and thus establish new centers of infection. The percentage of loss to be paid is left to regulation. If it is too large the owners of unsalable cattle might be tempted to introduce the disease in order to get the Government allowance; if it is too small they will be sure to hide their infected cattle from the inspectors. A liberal compensation will be more efficacious in discovering ors. A liberal compensation will be more efficacious in discovering disease than the severest penalties. I am sure that the States and people will gladly and promptly accept the propositions of this bill, people will gladly and promptly accept the propositions of this bill, and with their full and hearty concurrence it is absolutely certain that this plague can be speedily eradicated. There are many other regulations left to the board, such as the disinfection of cars, cattle-yards, boats, and ships, and the protection of healthy animals in transit from contact with infected ones. The whole subject of animal sanitation is intrusted to the National Board of Health, assisted by competent veterinary experts, practical business men, and such Government officials as the President may temporarily assign to that data. We have two principal objects in view, one to eradicate discated in duty. We have two principal objects in view, one to eradicate disease from our midst, and the other to foster our growing meat-trade with Europe. Our National Council of Health is composed of men of the highest character and scientific attainments, whose opinions will have the weight of authority at home and abroad, and when they state in their bulletins that our cattle may be introduced into England without danger of infection, all restrictions will be removed, and the ports of Great Britain thrown open to this trade, and we shall then ship to that country in unlimited numbers our prime and half-matured beeves.

If we can once free our own country of pleuro-pneumonia, splenic fever, hog-cholera, and trichinosis, our exports of meat supplies will at no distant day exceed all our other exports combined.

The demand for meats does not fluctuate with the harvests like the demand for grain; it rests upon a more fixed and constant basis. A bushel of wheat will make fifteen pounds of pork, so that when there is abundant harvest and no foreign demand it may be profitably converted into meat.

No measure has ever been before Congress of more vital importance to our farmers and stock-raisers than this. All our national pros-perity is based upon agricultural success, and the arrest of fatal dis-eases among domestic animals is next in importance to the suppression of epidemics among men, just as the national wealth is second only to the national health.

to the national health.

The injuries inflicted by vicious systems of finance, currency, or taxation may easily be remedied by wise legislation, but failure to protect in time these vast interests may result in irreparable injury, and will be held by the people as a criminal neglect of a plain duty.

Mr. T. C. Eastman, the enterprising trader and originator of the dead-meat trade between this country and Europe, writes to a friend of mine, under yesterday's date, that the steamship companies are all making extensive preparations to carry live cattle next summer. He says: "I think the freight on live cattle will be very low next season, which will shut out the dressed beef during all the summer. season, which will shut out the dressed beef during all the summer and fall months."

In view of this statement is it not most urgent that we should provide, by stringent sanitary precautions, for the utmost freedom in handling American cattle in the British Islands?

This is no local demand, and the cattle raisers of the West may fairly demand and command the most anxious solicitude for their in-

terests on the part of Congress

Our present prosperity springs from the success of the farmers. Nine-tenths of our enormous exports are the products of their toil. They have asked but little and have received next to nothing. They are the men who fill our armies in time of war and support the Government in time of peace. Their industry, patriotism, and virtue are the bed-rock of the Republic. They are generally patient and ask only to be let alone, but when thoroughly aroused they are irresistible, and will not down until their demands are met.

Mr. President, I ask that the bill be referred to the Select Committee to investigate and report the best means of preventing the intro-duction and spread of Epidemic Diseases.

The motion was agreed to.

Mr. KIRKWOOD. Does the motion of the Senator from Kentucky carry with it the substitute offered by myself this morning to one of the bills named and that was ordered to be printed?

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The substitute offered by the Senator from Iowa, the Chair is informed, lies on the table. If the Senator desires, the substitute can be referred, with the original bill, to the committee.

Mr. KIRKWOOD. I should be glad to have it referred to that committee if there is a reasonable prospect of an early report from it. The session is drawing so near to a close that unless speedy action is had, no action at all can be had. I move that the substitute offered by myself this morning go, with the original bill, to the Committee on Epidemic Diseases. on Epidemic Disease

The PRESIDING OFFICER. The Chair hears no objection to the

Senator's suggestion.

Mr. JOHNSTON. I desire to say a word or two in reference to the remark of the Senator from Iowa. The Committee on Agriculture has had a great many bills in regard to this very subject before it. Of course the Senate knows very well how important this subject is. It involves constitutional questions and legal questions, and also questions of detail and fact. The Committee on Agriculture was questions of detail and fact. The Committee on Agriculture was questions of detail and fact. unable to come to any conclusion, and it was suggested to me, in view of the difficulties surrounding the subject, that it would be well enough perhaps to have a select committee to consider this particular class of bills. The select committee enght to be allowed particular class of bills. The select committee eight to be allowed during this session to consider simply the diseases of domestic animals. I am, for one, very well content that that shall be done if it is the pleasure of the Senate, and in making up that committee, those Senators who understand the subject and whose States are interested mainly in the cattle trade should be put upon it. Let it be a select committee of five, to consider this particular subject; and in the expectation that that might be agreeable to the Senate, I prepared a resolution for that purpose, which I will ask now, inasmuch as the subject is up, to have read and considered if there is no objection.

The PRESIDING OFFICER. Is there objection to the considera-

tion of the resolution?

Several SENATORS. Let it be read for information.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That a committee of five Senators be appointed by the President, to which shall be referred the bills now on the Calendar on the subject of pleuro-pneumonia and other contagious and infectious diseases of cattle and other domestic animals, and leave is given to the committee to report by bill or otherwise.

Mr. JOHNSTON. The resolution ought to be amended so as to read, "bills now on the Calendar or hereafter introduced." I hope it

will meet the pleasure of the Senate to adopt the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? It will be modified as suggested by

Mr. JOHNSTON. It will cost nothing; no clerk is asked for, and the committee can sit in the room of the Committee on Agriculture, and not incur expense. Then we shall be enabled, perhaps, to secure action on this subject.

action on this subject.

Mr. EDMUNDS. I do not object; I think it a very good resolution; only I suggest to the Senator frem Virginia not to put in that there shall be referred all future bills, because that seems to tie up the Senate rather unusually strong. Undoubtedly all future bills would be referred to that committee; I think if we leave it a resolution referring all pending bills, then if a new bill is introduced it will naturally go to that committee.

Mr. JOHNSTON. There were some bills introduced to-day that ought to be embraced in the resolution, the bill of the Senator from Kentucky [Mr. WILLIAMS] and the bill of the Senator from Iowa, [Mr. Kirkwood.]

[Mr. Kirkwood.] Mr. EDMUNDS.

Mr. EDMUNDS. I make no objection to that; but as to future bills, I think it would be rather unusual to provide in advance that they

should be referred to a particular committee.

Mr. WILLIAMS. Of course my desire is merely to have a complete and effective bill reported at as early a day as possible; and so far as I am concerned, I am indifferent what committee shall consider the subject. I selected the Committee on Epidemic Diseases because they have had under consideration for a year and a half the cognate questions as pertaining to the human family; and as the pathology of animals and human beings is almost identical, I thought that committee was the best one to which to refer it, because their attention has been called for many months, indeed for a year and a half, to the consideration of questions of this character.

Mr. JOHNSTON. I would state to the Senator from Kentucky that if he wants the subject considered the best way to accomplish it is to adopt the resolution. subject. I selected the Committee on Epidemic Diseases because they

adopt the resolution.

Mr. WILLIAMS. Very well; but I wish some member of that committee to be put on this select committee.

The resolution was agreed to.

Mr. KIRKWOOD. Now I want the substitute offered by myself
this morning to go to this special committee.

Messrs. Johnston, Williams, Rollins, Kirkwood, and Coke were
appointed the special committee.

The PRESIDING OFFICER. By unanimous consent the order

referring the bill of the Senator from Kentucky and the substitute offered by the Senator from Iowa to the Committee on Epidemic Diseases will be reconsidered, and those bills will be referred to the select committee just announced.

EXPENSES OF TENTH CENSUS.

Mr. CONKLING submitted the following resolutions:

Resolved, That the Secretary of the Interior be directed to inform the Senate respecting the execution of the law for taking the tenth and subsequent censuses, in the following particulars:

First. The number of clerks appointed under section 3, specifying the number of males and females respectively, and the number under each rate of compensa-

cond. The number of supervisors appointed under section 4, with the rates of

Second. The number of supervisors appears their compensation.

Third. The number of enumerators under sections 5, 10, 11, respectively, and the average allowance of compensation by States and Territories.

Fourth. In what States were clerks allowed to supervisors under section 6; the number and compensation of such clerks, and whether any compensation was made to supervisors or is claimed by them beyond the actual outlay for clerical assist-

Fifth. What number of "special agents" have been employed (under section 8) to enumerate the Indians, and what other appointments have been made in that connection; with the compensation promised or allowed, and whether compensation has been allowed to persons otherwise in the service of the United States, in this or any other employment.

Sixth. What number of persons are at present employed under section 17, not including the clerical force of the Census Office.

Seventh. What number of "experts and special agents" are employed under section 18, and what their average rate of compensation, and whether the number will be hereafter increased or diminished.

Eighth. What number of messengers and laborers are employed.

Ninth. What buildings are rented by or for the use of the Census Office, and the rental respectively.

Tenth. What have been the expenses of stationery, blanks, and printing to January 1, 1881.

mary 1, 1881.

Eleventh. The entire number of persons at present drawing pay from the Census Office for services of every grade in connection with the office at Washington, with the aggregate monthly outlay for such services.

Mr. PENDLETON. I ask that that resolution be printed and lie over under the rules.

The PRESIDING OFFICER. That order will be made.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. COKE. Mr. President—
Mr. EDMUNDS. I wish to appeal to the Senator from Texas to allow the private land claims bill which is of large public importance to the Territories near the State of Texas and which is almost concluded, to be taken up before he proceeds with his Indian affair,

concluded, to be taken up before he proceeds with his Indian affair, which I admit is a matter of importance also.

Mr. COKE. If the bill I seek to get up shall be taken up and read, I will then yield informally.

Mr. EDMUNDS. I do not know but that somebody would object to that; but as the Senator is entitled to the floor, I cannot help it. However, as his constituents are, perhaps, largely interested in the land bill to which I refer, I make the appeal to him, as it is so near finished, to allow it to be disposed of.

Mr. COKE. I yield to the Senator from Vermont in the expectation that as soon as his bill is concluded the one I have in charge will be taken up.

be taken up.

Mr. EDMUNDS. Then I move that the Senate proceed to the consideration of bill No. 818 that was under consideration yesterday

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. SIS) to provide for ascertaining and settling private land claims in certain States and Territories, the pending question being on the amendment proposed by Mr. Teller, in section 12, to strike out the following words:

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act.

Mr. TELLER. When the morning hour expired yesterday, I was endeavoring to show to the Senate that this bill was unfair in some of its provisions; that it was creating a new principle with reference to the rights of the Government over mines never recognized in this country before. I find on looking at the Record that the Sen-ator who has this bill in charge stated yesterday:

ator who has this bill in charge stated yesterday:

The object of the committee in putting in this third limitation and the general effect of the proposed act, was to give to the grantee whose claim should be confirmed precisely what his original grant entitled him to, and no more. That was the object of the committee, for that would carry out the treaty between the United States and France in respect of that part of the country covered by this bill that was derived from Spain to France and from France under the Louisiana purchase. So the committee provided that these confirmations should not carry the precious metals unless the grant claimed effected the donation or sale of those metals; that is, unless that was the legal effect of the grant. If it was the legal effect of the grant, then it should carry it; if it was not, it should not; and it was stated in that way in order to preserve precisely the real and equitable as well as legal rights of every grantee who claimed a confirmation.

In some part of the territory covered by this bill as in some part of Arizona, which I believe was anciently a part of the independent state of Sonora under the Mexican constitution, the legislature of that State, if I may call it such, it was alleged had made some grants in absolute fee which did carry under their laws the right to the precious metals that lay within the ground.

If that is the object of this committee, and I have no doubt it is,

If that is the object of this committee, and I have no doubt it is, then the bill goes too far, because, as I stated yesterday, they not only reserve to the Government of the United States all the gold and

all the silver and all the quicksilver, but they reserve also all the lead, all the iron, all the coal, all the marble, and all the other mineral substances that are technically known as minerals. Technically they reserve everything that can be mined or quarried from the soil. The bill goes far beyond anything that was ever known in the history of the Spanish rule over these leads.

of the Spanish rule over these lands.

I desire to call the attention of the Senate, and especially of the honorable Senator who reported this bill, if that is the purpose of the committee, to the fact that if we are to rely upon the usual meaning of the words he has gone much beyond what the Spanish Government claimed or the Mexican Government claimed as its successor. Bainbridge on the Law of Mines and Minerals says:

A mineral has been defined, in the narrow sense of the word, to be a fossil, or what is dug out of the earth, and which is of a predominantly metalliferous character. The term may, however, in the most enlarged sense, be described as comprising all the substances which now form, or which once formed, part of the solid body of the earth, both external and internal, and which are now destitute of, and incapable of supporting, animal or vegetable life. In this view it will embrace as well the bare granite of the high mountain as the deepest hidden diamonds and metallic ores. metallic ores

I find that this author, who is regarded as a reputable one, cites several cases where the courts have passed upon the question and decided what the term "mineral" meant. Freestone has been held in the English courts to fall within the term "mineral," and I find on page 4 of the same work the following:

page 4 of the same work the following:

Besides coal, iron, lead, tin, and copper, (and besides also gold and silver, of which hereafter.) the following substances have been successively held to be minerals, namely: Stratum of stone, Earl of Rosse vs. Wainman; stone in quarry, Micklethwait vs. Winter; freestone, Bell vs. Wilson; slate, Cleveland (Duchess) vs. Meyrick; China clay, Hext vs. Gill; coprolites. Attorney-General vs. Tomline. But these particular instances do not exhaust the list of minerals, as has already appeared from the dictum of James, L. J., in the case of Hext vs. Gill, and as also appears from the case of Midland Railway Company vs. Checkley, where it was held that the reservation of mines and minerals within and under the land included everything below the surface a wailable for agricultural purposes which could be made useful for any purpose, and included the right of quarrying as well as underground mining.

Under this reservation, then, it is proposed, as I said before, to reserve not simply what the Government of Mexico reserved when it parted with its title to the land, but to reserve that which no gov-ernment on the face of the earth ever did reserve when it parted with its title to land. No government, I will venture to say, has ever asserted the right at any time to mine for copper and to mine for coal and to mine for stone and marble of different kinds in its land. The right to the gold and the silver was a personal kingly prerogative. It had nothing to do with the nation. The King of Spain owned them had nothing to do with the nation. The King of Spain owned them as absolutely as as he owned the diamonds in his crown; he owned them exactly in the same way, to be used for his benefit while he lived, and to be transmitted to his successor when he died, for the same purpose and for that only.

same purpose and for that only.

In these lands are large copper mines that have been opened at great expense by some of these people. These copper mines were never at any time the property of the Spanish Crown, nor were they ever at any time the property of the Mexican Government that succeeded to these titles; and yet the Senator from Vermont says that the proposition of the bill is to give to these people just exactly what the Government of Mexico gave them, and no more. If that were so there might be some reason for not quarreling with the finding of the committee, but if that were true this bill introduces an entirely new system, a system of proprietorship in the precious metals foreign. new system, a system of proprietorship in the precious metals foreign to the nature and character of our Government, as I stated yesterday. Now, I want to call the attention of the Senate to what the royal

metals are, because I believe that with the exception of quicksilver, under the Spanish Government, the rule has been universally the same. The English law reserved to the Crown the right to the gold and the silver, and the right to lead mines, provided they were more valuable for the gold and silver in them than for the lead, and not otherwise. Tin mines did not belong to the Crown, copper mines did not belong to the Crown, coal mines did not belong to the Crown; neither did they under the Spanish Government.

Bainbridge says again, on page 117:

Bainbridge says again, on page 117:

Firstly, in respect of the so-called royal mines, (being mines of gold and silver, and no other mines,) these mines are the exclusive property of the Crown, as well legally as beneficially, in the same manner and to the same extent, at least in England, as were the like mines in Roman law; that is to say, free from any right or rights of the subject therein. But, secondly, in respect of all othermines, (being mines of the so-called baser metals, or, speaking more correctly, baser substances,) these mines (which must at one time have been the property of the Crown in posse, if not in esse) have been conceded (with the exceptions hereinafter mentioned) to the subject, to be held by him in full legal and beneficial owership, in the same manner and to the same extent that the surface of the lands has been conceded to him. And so nearly universal has that concession been that (subject to the exceptions hereinafter mentioned) the ownership of the surface is the best prima facie title to the ownership also of the mines.

When this rule first prevailed in the Spanish countries is not at all important to the discussion of this question. It was before the discovery of America. When the Spanish colonists went into that region of country occupied by them on the American continent, they carried with them this rule of law; but in 1783, while Mexico was a part of the Spanish dominions, it was declared by the king as follows:

SEC. 1. The mines are property of my royal Crown, as well by their nature and origin, as by their reunion, declared by the fourth law of the thirteenth litle of the sixth book of the new compilation (of Laws and Statutes.)

SEC. 2. Without separating them from my royal patrimony, I grant them tomy subjects in property and possession, in such manner that they may sell, exchange, (pass by will, either in the way of inheritance or legacy,) or in any other

manner, dispose of all their property in them, upon the terms on which they themselves possess it, and to other persons legally capable of acquiring it.

SEC. 3. Be it understood that this grant is made upon two conditions: First, that they (my subjects) shall pay to my royal treasury the proportion of metal reserved thereto; and, secondly, that they shall carry on their operations in the mines subject to the provisions of these ordinances, on failure of which, at any time, the mines of persons so making default shall be considered as forfeited, and may be granted to any person who shall denounce them accordingly.—Rockwell's Spanish and Mexican Law, volume 1, page 49.

Whote was the law of Capin in 1722. There was the in in Section 1920.

That was the law of Spain in 1783. There was a time in Spain when the precious metals were not held by the Crown, but in the when the precious metals were not held by the Crown, but in the fourteenth century the Crown declared by a proclamation or ordinance of this character that all the precious metals in the kingdom belonged to him, but provided also for making compensation to the owners of the lands where they had held them theretofore. It was provided in that same ordinance, or in one of the ordinances passed at the same time, that any person might work any mine in the public domain, and also in the private domain, provided that he made proper compensation to the parties having the surface right; and that has been the law of Spain ever since, and of Mexico since the settlement of the country. It was provided how the mines might be taken. I find in Rockwell on Mines, section 14, an ordinance in these words:

Any one may discover and denounce a vein, not only on common land but also on the property of any individual, provided he pays for the extent of surface above the same and the damage which immediately ensues therefrom, according to the valuation of surveyors on both sides, and arbitration in case of disagreement; the same is to be understood with segard to denouncing convenient places for erecting establishments, and also waters for moving the machines employed for the reduction of ores, commonly called reducing establishments, thactendas, provided in each case that no more of the water be used than is necessary for such purposes.

I say that was the law in Mexico; so that when the Government of the United States reserves to itself the right to occupy this ground and have it mined by any person without any provision for compensation, it does not give to the people who own these grants that which they got from the Mexican Government. I say with all respect to this committee, that in very many cases that would be an absolute confiscation of the ground. They might just as well assert that the Government of the United States is the absolute owner, not of the minerals only but of the surface.

I find everywhere through the mining laws of Spain and Mexico.

I find everywhere through the mining laws of Spain and Mexico that wherever the question is one of mining on private property, there is always a reservation, that the owners of the land are to be paid for is always a reservation, that the owners of the land are to be paid for the damage they sustain. I do not believe a single case can be found where the Spanish Crown, with all its disregard for the rights of its subject, ever attempted to mine upon any man's property without making him just compensation. At one time the provision was that when others worked such a mine they should pay to the owner of the land one-tenth of the produce and to the Crown one-tenth, in addition to the damage which they must next year for the occurrent of the tion to the damages which they must pay for the occupation of the surface. Subsequently the Crown thought that was not enough and assumed the whole, and one-fifth was from that time paid to the

In a work entitled "Leading Cases on Mines, Minerals, and Mining Water Rights," I find the following taken from Halleck's Collection, and Gamboa's Commentaries, speaking of the Spanish and Mexican

In order that the owner of one interest may exercise his rights of ownership witkout interfering with the rights of ownership of the other interest in the same land, the Spanish law contains numerous provisions for regulating the exercise of these respective rights of property. Thus, there is the reserved right of entering upon land, granted for agricultural or domestic purposes, to search and dig for minerals, and if any are found, and a concession of them made, a reserved right to use a certain portion of the surface for the purpose of extracting and working the ores. But, in making such search for minerals in the ground of another, the searcher is bound to avoid doing any injury to the vines, crops, fruit trees, &c., of the surface owner; or, if injury be unavoidable, to repair it; and again, if, for the working of mines discovered and granted, a certain portion of the surface is to be taken by the mine-owner or mine-worker, or damages result from such working, an indemnity must be paid to the surface-owner, the amount of this indemnity being assessed in the manner prescribed by ordinance. In other words, all grants of land for agricultural, pastoral, or domestic purposes are subject to the reserved right of the government to the mines in such land, and to such portions of the surface appurtenant as may, in the discretion of the government, be necessary to their possession and working; and all grants of mines, however made, carry with them only so much of the surface of the land as, under the regulations of the government, is made an appurtenance thereto. But the mine-owner is bound to indemnify the land-owner for the damage which the latter sustains by the loss of so much of the surface as the law makes appurtenant to the property which is granted in the mine.

That was the law in Mexico. I have heard it said by those who are perhaps qualified to know—and it may go for what it is worth—that there is not a single instance in the history of Mexico of the condemnation of private lands in this way. Whether there is, or whether there is not, I believe that no private land could be taken for mining

purposes in Mexico unless compensation was thus made.

When California was settled the Government of the United States When California was settled the Government of the United States made no attempt to interfere with workers of the precious metals. They passed no law authorizing it, they passed no law prohibiting it, and the people of California as near as they could adopted the Mexican laws. They became a part and a parcel of the laws of that land. When Colorado was settled much later we did virtually the same thing, not adopting them en masse, but adopting the principle, dividing up the territory, and giving to each man so much, recognizing the priority of occupation. Yet if under a ranch, or a farm, or a building lot in a mining district there were minerals, we recognized when the miner went on to work that he was under obligation

to compensate the occupier of the land who was there before him, before he was allowed to work. Mining laws were inaugurated there by the people themselves; before there was a territorial government, by the people themselves; before there was a territorial government, before there was any legal authority, they met and exercising their rights as citizens of the United States organized themselves into a sort of government in what they called miners' districts, establishing courts and providing for the due government of the people. They provided among the very first things for the recognition of this right, and that if anybody wanted to work a mine in the soil he must condemn it, he must go before an officer and pay the damage that the occupier suffered, or give bonds that he would do so within a reasonable time. When the Legislature of Colorado met for the first time it provided that it provided that-

No person shall have the right to mine under any building or other improvement, unless he shall first secure the parties owning the same against all damages, except by priority of right.

I say that has prevailed in every mining country everywhere, and it is now for the first time proposed that the rights of a man occupying the surface (whether he occupy it by first possession or whether he occupy it by a grant of the Government is immaterial) shall be subordinate to the right of the searcher of the precious metals, and not only of the precious metals but of all other minerals of every kind and observator. and character.

I called the attention of the Senate yesterday to some cases that were decided in California by Judge Field, and I presented Judge were decided in California by Judge Field, and I presented Judge Field's opinion upon these questions because he was an early settler in California, because he was not only learned in the law but he was learned in the customs and learned in the usages of that country, and he passed upon this question in early times. In the first place, immediately after California became a State the courts of that State assumed that the title to the minerals had passed to the State. They said the State was the sovereign and had succeeded to the rights of the Spanish Crown, or the Mexican Government more properly speaking. For some considerable time, it was held by the courts that the For some considerable time it was held by the courts that the State had the minerals, and not the United States. Subsequently, when Judge Field went onto the bench, in a case that he decided, that doctrine was overruled, and after that the right was recognized to exist in the Government of the United States. I want to read a little more of Judge Field's opinion. The court said:

In the great case of The Queen vs. The Earl of Northumberland, (I Plowden, 318,) which was argued before the barons of the exchequer and all the justices of England, it was held by their unanimous judgment, "that by the law all mines of gold and silver within the realm, whether they be in the lands of the queen or of subjects, belong to the queen by prerogative, with liberty to dig and carry away the ores thereof, and with other such incidents thereto as are necessary to be used for the getting of the ore; "and also, "that a mine royal, either of base metal containing gold or silver, or of pure gold and silver only, may, by the grant of the king, be severed from the Crown, but may be severed from it by any and precise words." This case was decided in 1563, during the reign of Queen Elizabeth, and continues unto this day an authoritative exposition of the doctrine of the common law. It is conclusive to the point that the right to the mines was not regarded by that law as an incident of sovereignty, but was regarded as a personal prerogative of the king, which could be alienated at his pleasure.

What I specially want to call the attention of the Senate to is that I doubt whether it can be said with propriety that the United States hold this right in any manner as it was held by the Spanish Crown or by the Mexican Government afterward:

or by the Mexican Government afterward:

No reasons in support of the prerogative are stated in the resolution of the judges, and those advanced in argument by the queen's counsel would be without force at the present time. Onslow, the queen's solicitor, says Plowden, "alleged three reasons why the king shall have mines and ores of gold and silver within the realm in whatsoever land they are found. The first was in respect to the excellency of the thing, for of all things which the soil within this realm produces or yields, gold and silver is the most excellent, and of all persons in the realm the king is, in the eye of the law, most excellent. And the common law, which is founded upon reason, appropriates everything to the person whom it best suits, as common and trivial things to the common people, things of more worth to persons in a higher and superior class, and things most excellent to those persons who excel all other; and because gold and silver are the most excellent things which the soil contains, the law has appointed them (as in reason it ought) to the person who is most excellent, and that is the king. * * * The second reason was, in respect of the necessity of the thing. For the king is the head of the weal-public, and the subjects are his members; and the office of the king, to which the law has appointed him, is to preserve his subjects; and their preservation consisted in two things, namely, in an army to defend them against hostilities, and in good laws."

I submit that none of these reasons exists in this country why the

I submit that none of these reasons exists in this country why the Government should take these mines and hold them. The court goes

An army cannot be had and maintained without treasure, for which reason some authors, in their books, call treasure the sinews of war; and, therefore, inasmuch as God has created mines within this realm, as a natural provision of treasure for the defense of the realm, it is reasonable that he who has the government and care of the people, whom he cannot defend without treasure, should have the treasure wherewith to defend them. * * * The third reason was in respect of its convenience to the subjects in the way of mutual commerce and traffic. For the subjects of the realm must, of necessity, have intercourse or dealing with one another, for no individual is furnished with all necessary commodities, but one has need of the things which another has, and they cannot sell or buy together without coin. * * * And if the subject should have it, (the ore of gold or silver), the law would not permit him to coin it, nor put a print or value upon it, for it belongs to the king only to fix the value of coin and to ascertain the price of the quantity, and to put the print upon it, which being done the coin becomes current for so much as the king has limited. But if the subject have the ore of gold and silver which is found in his land, he could not convert it into coin, nor put any print or value on it.

I believe he could do that in this country if it happened to be gold; that is he could take it to the Government mint and pay the price of

getting it done. If it should happen to be silver I believe he would not be quite so fortunate:

not be quite so fortunate:

For if he makes coin it was high treason by the common law, before the statute of twenty-fifth Ed. 3, cap. 2, as it appears by twenty-third Ass., where a woman was burnt for forging or counterfeiting money; and it was high treason to the king, because he has the sole power to make money. So that body of the realm would receive no benefit or advantage if the subject should have the gold and silver found in mines in his land; but on the other hand, by appropriating it to the king, it tends to the universal benefit of all the subjects in making their king able to defend them with an army against all hostilities, and when he has put the print and value upon it, and has disbursed it among his subjects, they are thereby enabled to carry on matual commerce with one another, and to buy and sell as they have occasion, and to traffic at their pleasure. Therefore, for these reasons, namely, for the excellency of the thing, and for the necessity of it and the convenience that will accrue to the subjects, the common law, which is no other than pure and tried reason, has appropriated the ore of gold and silver to the king in whatever land it be found.

Further the count saws.

Further the court says:

It would be a waste of time to show that none of the reasons thus advanced in support of the right of the Crown to the mines can avail to sustain any claim of the state to them. The state takes no property by reason of "the excellency of the thing," and taxation furnishes all the requisite means for the expenses of government. The convenience of citizens in commercial transactions is undoubtedly promoted by a supply of coin, and the right of coinage appertains to sovereignty. But the exercise of this right does not require the ownership of the precious metals by the State or by the Federal Government, where this right is lodged under our system, as the experience of every day demonstrates.

The right of the Crown, whatever may be the reasons assigned for its maintenance, had in truth its origin in an arbitrary exercise of power by the king, which was at the time justified on the ground that the mines were required as a source of revenue.

It follows, from the views we have thus expressed, that the first position advanced by the defendants cannot be sustained; that the gold and silver which passed by the cession from Mexico were not held by the United States in trust for the future State; that the ownership of them is not an incident of any right of sovereignty; that the minerals were held by the United States in the same manner as they held any other public property—

The court is speaking of the public domain and not of private

which they acquired from Mexico, and that their ownership from them was not lost, or in any respect impaired by the admission of California as a State.

The second position of the defendants is, that if the minerals did not vest in the State by her admission into the Union, they remained the property of the United States, notwithstanding their patents to the Fernandez and to Frémont. This position is not based upon any language of the patents, for it is admitted that their terms of grant would operate, in case of a conveyance of an individual, to pass all the interest which the grantor could possess in the land.

I call the attention of the Senate to that, because when this bill was under discussion at a former session the honorable Senator from Vermont took exception to my statement that the patent always carried with it everything beneath the surface, and cited a case in 1 McAllister where it was stated that the Government had not dedicated the minerals in the public lands to the prospectors, which was a fact the converse of which nobody asserted. The court say that this position—

minerals in the public lands to the prospectors, which was a fact the converse of which nobody asserted. The court say that this position—

Is based upon the supposition that, as the act of March 3, 1851, provides for the recognition and confirmation of the rights acquired by the grants from Mexico, the patents were only intended as evidence on the part of the United States of such recognition and confirmation. By those grants, as we have seen, no interest in the minerals of gold and silver passed to the grantees, and if the patents amount only to an acknowledgment of the rights derived from the former government, that interest still remains in the United States. This view of the patents is not justified by any provisions of the act. The object of the act is "to ascertain and settle" private land claims in California. This object is declared in the first section. It is not merely to ascertain, but "to settle" the claims; that is, to establish them—to perfect them—by placing them, so far as the Government is concerned, beyond controversy. This ascertainment is intrusted by the act to a board of commissioners and to the courts. By proceedings before them the validity of the claims is determined; yet little benefit would result to the claimats from such determination if the act required or authorized nothing further. Many of the claims held in this State fall far short, even when confirmed, of being available titles; some are mere inchoate titles; some are equitable titles; and some are to specific quantities of land situated within boundaries embracing a much larger extent. The act, therefore, provides for proceedings to be taken after the claims have been subjected to the investigation of the board and the courts. The lands claimed are to be surveyed and segregated from the public domain by the officers of the Government, and patents are to issue to the claimants. The issuance of the patents does not depend upon the character of the claims—whether they be legal or merely equitable, or whether they be of specific

That decision was made in 1861, and that has been the law in this country recognized everywhere ever since. Every man who to-day owns a Mexican title that he did not receive himself from the Mexican Government since that decision was made has bought with the can Government since that decision was made has bought with the implied understanding that that was the law. I know, of course, that there is no estoppel against the Government. I know that while we may have recognized rights that the Government might have asserted in 1848, yet if the Government sees fit to-day it can assert those rights. I understand that fully; but I say equity, fair dealing, and justice to these people should prevent the Government from doing it unless the failure to so assert its rights would work a great injury to the people of the United States, or unless there should be a press-

ing necessity and a great advantage to be derived to the Government

In the Louisiana purchase from France, we took land containing mines, and mines of the very character now proposed to be reserved. There were mines in Missouri, there were mines in Arkansas, there were mines in Iowa, and there were mines in other sections of the country; yet we commenced immediately to confirm the titles to those lands either by special act or by a general act, and this is the first time that it ever was attempted to reserve to the Government first time that it ever was attempted to reserve to the Government this right to the precious metals. I say that more than a hundred claims have been confirmed, by special or general enactments, and yet there was no exception. Hundreds of claims were confirmed under a general act that applied to the State of California, and to the New Mexico and Arizona regions; hundreds of claims have been confirmed by the commissioners and by the courts, and yet no reservation has ever been made. After the great mass of such claims have been confirmed, after the people of the United States have day by day been led to suppose that when they bought the lands they by day been led to suppose that when they bought the lands they bought a fee-simple title, absolute, then comes the Committee on Private Land Claims and says that the General Government has been heretofore parting with that which belonged to it, and now the public good requires that it should interfere and provide that the precions metals and other metals not recognized as belonging to the Crown shall be reserved to the United States.

As I said before, it would be the absolute confiscation of a portion of this country. I can name grants to-day in New Mexico that are confirmed, and if this rule had been applied they would have been absolutely worthless. They were mineral grants; not made as mineral grants, but yet that was their only value. They have been worked by the owners, and they will always be worked by the owners. There is not any danger that a man who has a league of land or ten leagues of land will sit down and prevent a prospector from mining on it. He is anxious to have him go on and mine on it. In a majority of cases the prospector is anxious to mine upon ground where he can obtain a perfect and complete title to the land when he has made his

discover

In 1849, the honorable Secretary of the Interior, Hon. Thomas Ewing, submitted in his report some suggestions with reference to these mines, and inquired what was to be the policy of the Government; did the Government intend now to follow the rule that had been adopted by the Mexican Government, or did the Government intend to pursue some other policy? Speaking of the Mexican law

Any individual might enter upon the lands of another to search for ores of the precious metals; and, having discovered a mine, he might register and thus acquire the right to work it on paying to the owner the damage done to the surface, and to the Crown whose property it was a fifth or tenth, according to the quality of the mine. If the finder neglect to work, or worked it imperfectly, it might be denounced by any other person, whereby he would become entitled.

This right to the mines of precious metals, which by the laws of Spain remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory, and to have passed by her transfer to the United States. It is a right of the sovereign in the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether in those cases where lands duly granted contain gold this right shall be asserted or relinquished. If relinquished, it will require an express law to effect the object; and if retained, legislation will be necessary to provide a mode by which it shall be exercised.

commend that to the committee and submit that if this part of the bill is to be retained, then there should be in this bill some provision,

bill is to be retained, then there should be in this bill some provision, some protection for the land-owner, and I say that there is none.

Mr. President, I do not propose to detain the Senate any longer upon this question. I know that it is very difficult when you meet a committee composed of learned Senators who have given careful attention to a bill of this kind, and when it does not involve the payment of any money out of the public Treasury, to overcome their report. I know it comes to the Senate with weight back of it, and I know more than that, that the people who are to be affected by this legislation (because it does not affect anybody in Colorado) have no representative on this floor. They have nobody to stand here to protect them in their interests; and I know that under the bill the grossest injustice is about to be done, if it becomes a law, to the people who have justice is about to be done, if it becomes a law, to the people who have gone out into that country and have put in their money under the acquiescence of the Government that the law of the land was what I have stated, after almost fifty years, or forty years; it is thirty-odd years at all events, since the courts have begun to pass upon this question, or nearly that length of time.

I said before that there was not any estoppel upon the Government; and yet the Supreme Court declared in substance that there

had grown up in this country a common law of mines which the Supreme Court would recognize independent of any statute. They said that in 3 Wallace years and years ago, and that was with reference to the value of the mines. They said they recognized the fact that to the value of the mines. They said they recognized the fact that Congress had not passed any law authorizing the occupation of the mineral lands; but they said, "We are not insensible to the fact that the people have gone on and occupied these lands for many years with the acquiescence of the Government; and we will hold that such a right is a valid right of property that may be litigated in our courts." That was the common law of mines; and these men have gone on and bought this property under the common law, under the sanction of the Government, on the supposition that they would be allowed to maintain rights that we had recognized in all others when

we had confirmed their grants. For almost a hundred years we have been recognizing the right of every man who owned the soil to every-thing beneath it, no matter whether he took his title from a government that did or did not so recognize it; and now we are asked to throw around it the odious and objectionable features of the Spanish and the Mexican law without any of the redeeming, modifying or saving features of that law. We are asked to say that every prospector may invade every orchard and every vineyard and dig under every house and every building that has been built in those great Territories without any compensation, and such men may run right

over that country if they see fit. over that country if they see fit.

Mr. President, those people hold their lands by what they consider a just and right tenure, and I assure the Senator that if he expects that peace and prosperity will follow such a law as this he misunderstands the temper of the people who have lived upon these lands so many years. This bill ought to be entitled differently from what it is. Out of respect to the committee I will not say what I proposed to say; but I anticipate that if it does become a law it will be the means of creating bloodshed and riot and disorder in that section of country. You cannot take these rights from the people who the means of creating bloodshed and riot and disorder in that section of country. You cannot take these rights from the people who have been there so many years, and who believe under the sanction of the Government that the rights are theirs, without some contention and some trouble. And especially you cannot do it when you extend it to the copper mines, and when you extend it to the coal mines and to the marble beds, which neither the King of Spain nor the government of Mexico at any time thought they had any right or claimed any right to. When that is attempted there will be trouble in that section. If the Government desires to retain to itself that which the Spanish King or the Mexican Government did, then let it retain it under the same circumstances, protecting the occupier of retain it under the same circumstances, protecting the occupier of the land. Let it be said that if a mine is discovered under a man's the land. Let it be said that if a mine is discovered under a man's house, he shall be paid. Let it be said that if a man desires to work a mine in a vineyard or in an orchard or in a grain field, the owner of the land shall be paid. That is what the Mexican Government said, that is what the Spanish King said, and that is what the committee do not propose to say. Yet they tell us that they are here to give to these people just exactly what the Government of Mexico and the Spanish Crown granted to them.

What benefit is it to the Government to retain these metals? What will the Government go unt of them? Not the revealty that the King

What benefit is it to the Government to retain these metals? What will the Government get out of them? Not the royalty that the King of Spain got; not the royalty that the Mexican Government got. The people of the United States never would pay royalty. In 1862 it was proposed by the other House of Congress that the miners on the public lands should pay 5 per cent. of the outcome of their mines to the Government of the United States, but the measure was unpopular with the people and unpopular with the Legislature, and it never became a law. The Government reserves to itself a barren right. It reserves to itself simply the right to say to every lawless man: "Invade any other man's possession that you choose, and put it upon the ground that you are hunting for the precious metals or that you are hunting for coal, or copper, or iron, or marble, or anything else."

I submit, with all respect, that the bill will be an outrage upon the respect, that it will breed confusion and work hardship to the people; that it will breed confusion and work hardship to the people in whose interest it is professedly passed. Because I believe this, I have felt moved to speak; not that I have expected so much to influence this Senate, but—as the Senator from Vermont frequently says—to wash my hands of it and to be rid of any further responsibility in the matter. I believe what we want is to settle these land titles, and to settle them once for all, so that every man who goes there and takes a piece of land will know that he is converted it believed and takes a piece of land will know that he is owner of it absolutely and in fee. Any other title in this country is inconsistent with American ideas and with a republican government. It is inconsistent that the Government should hold the right to a mine while some man holds the surface; property in the Government with individuals is inconsistent with our form of government and can work no advantage to

sistent with our form of government and can work no advantage to the Government nor to any member of it.

Mr. EDMUNDS. Mr. President, I think I shall only ask the attention of the Senate for five minutes in replying to the very able and ingenious argument of my friend from Colorado.

In the first place, speaking of the question at large, I think I can say for the Committee on Private Land Claims that it has very good say for the Committee on Private Land Claims that it has very good reason to believe from its researches in the last three or four years, while this matter has been before it, beginning with the time when my respected friend from Ohio [Mr. Thurman] was its chairman, that the great body of the intelligent and reputable people of the Territories of New Mexico and Arizona (which is really the substance of this bill, although it takes in, in order to make it complete, a little part of Colorado, but as my friend says that State is not practically affected) are in favor of these very provisions in this bill. The lands in those Territories are peculiar. The grants are enormous in size. The number of forgeries and false claims, some of which have been already discovered, is prodigious in comparison to the ordinary cases of grants in other parts of the country, where the land is really valuable for agriculture and is not valuable for mines. That is the general state of the case.

is the general state of the case.

Therefore, I think we are justified, from our information, in saying that the provision to which my friend from Colorado objects is thought by the large body of intelligent and responsible citizens of those Territories to be a wholesome and desirable one as a matter of

policy. As a matter of right certainly these claimants can ask the United States to do no more than to give them what they got by the grants of the Government of Spain or of Mexico. My friend confesses that under those grants they did not get the precious metals; and he is mistaken in supposing that this bill covers anything else than the precious metals. It does not cover coal or iron by the language of the bill; I rather wish it did, and I do not know but that we right do it; but it does not do!!

we might do it; but it does not do it.

In that general state of the case, the policy of the United States, just as in reference to its mining and mineral lands that it owns itself

just as in reference to its mining and mineral lands that it owns itself and which appears in chapter 6 of the Revised Statutes, it is thought for the benefit of the people of those Territories, should be to adopt the same principle; and that is not to give away under color of these enormous grants to parties who have made combinations to control such a vast extent of territory these mines, but to hold them subject to the future disposition of the United States.

Now I come to the point that my friend makes, that this is an invasion of private rights, differing from the Mexican and the Spanish law. By no means. This bill, if it become a law, will not authorize me, or my friend from Colorado, or any other citizen of the United States, to set his foot upon any confirmed grant, whether under color or really for the purpose of hunting for the precious metals or working a mine. It simply says that these minerals which do not belong to the confirmee shall remain the property of the United States with the right of working the same; that is, the right of the United States to the confirmee shall remain the property of the United States with the right of working the same; that is, the right of the United States as a government to work them. In order to work them properly, of course, if there shall be occasion for it, the United States will proceed, not on a confirming-land bill, but on a mining-law bill to provide for such cases of working. It creates no right in anybody, not even in the Secretary of the Interior, without some further provision of Congress, to invade the possession of anybody who has had an accommand the secretary of the Interior, without some further provision of Congress, to invade the possession of anybody who has had an accommand the secretary of the Interior, without some further provision of Congress, to invade the possession of anybody who has had an

of Congress, to invade the possession of anybody who has had an agricultural grant.

The case from which my friend read yesterday, decided I believe by Judge Field, certainly by some judge who understood the law, is precisely in point on this subject. There it was held, that the right of a party to search for precious metals, &c., did not entitle him to go upon land in the ownership of anybody else, in his mere character as a citizen; he must be under the authority of law, under proper regulations. Therefore this bill does not set loose upon anybody's vineyard, are none anybody's crebard or anybody's resture, any citizen of the or upon anybody's orchard or anybody's pasture, any citizen of the United States whatever; but the question of regulating the working of these mines, for which chiefly vast quantities of these lands are only valuable, is a matter which belongs to a separate consideration and to a different committee.

The sole object and the sole effect of this bill is to provide for giving to the Spanish and the Mexican grantees precisely what they are entitled to in law and in equity by force of those grants, and to stop there. That is the whole scope of this bill. It is merely to give to these incomplete titles under the Mexican and the Spanish laws the confirmation which the grantees desire, and to separate them from the public lands of the United States.

Mr. BUTLER. If it will not disturb the Senator from Vermont, I

should like to make an inquiry of him. In what respect does the present bill under consideration change the law as it now stands in

present bill under consideration change the law as it now stands in reference to these grants?

Mr. EDMUNDS. It does not change the present law a particle; it is designed not to change it; but only to enable the people who have incomplete grants which under the treaties we are bound to recognize, equitable rights to a confirmation, if the territorial sovereignty had not passed, to perfect their titles to precisely what they had undertaken to get. Where they had undertaken to get a mine they get that; and there are cases of that kind. Where they had undertaken to get land for military service they get that; and in that case by the right as it now stands they are not entitled to precious metals. Where they got an agricultural grant for a little pueblo with varas setting off a few acres to each, and a common right of pasturage reserved to be given to still further settlers when it is claimed, they get that, leaving them to stand precisely where they were before, only confirming to them, so as to separate it as to boundaries from other public land and give them a good title, what they are entitled to get.

Ing to them, so as to separate it as to boundaries from other public land and give them a good title, what they are entitled to get.

Mr. TELLER. I should like to ask the Senator from Vermont a question, if he will yield.

Mr. EDMUNDS. With pleasure.

Mr. TELLER. I do not know that I understand exactly the force of the question asked by the Senator. I want to ask him if there has been any act of confirmation, either a general act or a private act, that has made a regulation of this kind?

Mr. EDMUNDS. I do not know whether there has a post; but ay

that has made a regulation of this kind?

Mr. EDMUNDS. I do not know whether there has or not; but excepting the instance of California, which stood upon special grounds and which probably was not much attended to at the time, for the reason I assume that everybody supposed that a confirmation there would not carry the precious metals, and it certainly would not, as everybody agrees, but for a full patent by the United States which may have been granted, a case of this kind has never arisen before, for, as I stated a few moments ago, these two Territories are peculiar in the circumstance that for the purposes of settlement, agricultural cultivation, and commerce, the nature of the climate is such as to put them upon entirely different grounds of policy from California and Colorado, and the other States.

Mr. TELLER. If it would not lead the Senator into a geograph-

ical discussion of this question, I should like to ask him why Arizona and New Mexico present features different from California and a portion of Colorado?

Mr. EDMUNDS. The reason I was trying to give, as it struck my mind, was that we have generally been taught respecting the meteorological geography, if I may use such a phrase, of those two Territories, that they are in general extremely arid, and in general are not largely susceptible of cultivation, and building up a large population with the pursuits which make the real substance and progress of a State, as most other parts of the country are; but that is a mere matter of policy.

Mr. TELLER. It is not different from California, or a portion of

Mr. TELLER. It is not different from California, or a portion of California at any rate.

Mr. EDMUNDS. I think it is very different from California, but I will not spend any time about that. The simple proposition in this bill is to give to these people precisely what both legally and equitably they are by their grants, if they have them, entitled to have, and bly they are by their grants, if they have them, entitled to have, and to separate their grants from the other lands which still belong to the United States, in order that the chief business of these Territories mining and grazing in these arid pastures, may be carried on without difficulty. That is the whole of it; and when it comes to the question of this reserved mining right, I repeat, as my friend read yesterday from a law book, which I should have said was quite unnecessary, that there was nothing in this bill which gives any citizen, or anybody else, a right to trespass upon whatever may be confirmed. That will be a subject, if the United States choose to provide for taking up a mine in any one of these confirmed claims, for the future regulation of Congress.

Mr. PLUMB. Mr. President, I have no purpose to enter into a discussion of the legal questions involved, but I desire to call the atten-

cussion of the legal questions involved, but I desire to call the attention of the Senate to some matters of fact in connection with these confirmations heretofore. There have been over sixty, I think, confirmations by Congress of grants in the Territory of New Mexico. No one of them contains any such exception as is provided for in this bill. All the grants that have been specially confirmed by Congress have conveyed to the grantee the entire estate, not only the surface of the lands, but all the mines and all the minerals. It does not seem that there would be any necessity now for creating a distinction. The grants were originally derived from the same source; they came The grants were originally derived from the same source; they came to us with the same obligation to respect them; we have confirmed many of them, as I have said, by special act, and have given to all those persons in whose names they were confirmed an absolute right to the estate. Now we propose to set up a different rule with those who have not been so diligent, who have not been thoughtful enough to come to Congress and ask to have their grants confirmed.

We have done a great deal more than that. I hold in my hand a

list of fourteen grants, each one of which exceeds in amount the ut-most limit provided by the law of Mexico. Eleven leagues is the maximum limit under the law of Mexico of a grant. Congress in conmaximum limit under the law of Mexico of a grant. Congress in confirming these grants confirmed them by boundaries which gave to the grantees a great deal more than eleven leagues. In one case, the Maxwell grant, they gave nearly one million acres of land. In the Craig grant, and in many others which might be named and which have been more or less prominently mentioned in the discussion of these questions heretofore, a large addition was made to the maximum number of acres to which grantees were entitled. It was done, perhaps, by reason of error on the part of the Government or on the part of Congress, but with undoubted design by the parties who secured the confirmation. We have therefore heretofore given many persons a great deal more than they were entitled to under the treaty sons a great deal more than they were entitled to under the treaty with Mexico, and we have given to them besides, as I said, the control of all minerals and mines within the limits of their respective grants. We now propose to make an exception.

I know a little something about that country to which this bill relates. There are great regions of that country that are mineral in one sense, and yet not mineral in the sense that the mineral could now be profitably worked. It is safe to say that there are millions of acres be profitably worked. It is safe to say that there are millions or acres of land in New Mexico which contain some mineral, perceptible mineral, but mineral which, by reason of the difficult methods of extracting it, by reason of the lack of water and other difficulties, cannot be worked profitably; but if this bill shall pass every man who owns one of these grants of land will be occupying it and owning it under a perpetual dread that some one ingenious enough to apply some more economical process will be able to take up the dirt on the land (which is now fit only for grazing) and work it successfully for mining pur-

oses, and so he may be deprived of his entire surface-right as well as the right to what there is below.

As the Senator from Colorado has said, the reservation on the part of the Government will be construed as giving to every one who seeks a mine the right to enter on any of these grants. Take the case of Oklahoma. The Attorney-General of the United States says that is not public land, and the record who seek to go in there say it is not public land. Oklahoma. The Attorney-General of the United States says that is not public land, and the people who seek to go in there say it is public land, and justify themselves in going there because it is public land notwithstanding permission never has been given by any law of the United States. Wherever there is a bit of public land within the limits of the United States every citizen of the United States feels that that is a piece of land he has a perfect privilege and right to go upon; and if the United States has a mining claim, placer or otherwise, within the limits of a grant of land a mile, or ten miles or twenty miles from the nearest point on its circumference there will

be hundreds and thousands and tens of thousands of miners or would-

be hundreds and thousands and tens of thousands of miners or wouldbe miners who will cross that intervening space at all hazards for
the purpose of working that mine.

What good does it do to reserve the right to the minerals to the
Government of the United States? The Government of the United
States is not going into mining; it does not want to sell for the paltry
pittance of \$5 an acre which it gets now for the mines it does sell.

That is no object to the Government of the United States. Is the
Government going into the mining business? The Government should
have no right to the use of a mine on one of these grants any more
than a private individual should have such a right over adjoining
land to that for which title has been confirmed. It cannot authorize
its condemnation in any way because the use of it for mining our its condemnation in any way because the use of it for mining purposes would not be a public use. We are simply providing, therefore, a means whereby the occupants and owners of these grants may be subject to the constant harassing trespasses which inevitably would ensue and that do ensue wherever minerals are to be found; and intended of content titles it had better the content to the content stead of quieting titles it had better a great deal be entitled a bill to make lawlessness, anarchy, and trouble, and disturbance all over that Territory.

I do not say that this third subdivision of the twelfth section, which is the subject of this debate, may not be a fair construction of the laws of Mexico, but I do say that it would be a great deal wiser to leave all these questions to the tribunal before which they are to come and let those courts decide in each individual case what the right of the owner is, rather than attempt to fix it by legislative interpre-

tation.

Having regard to the course of legislation heretofore, and in view of all these facts, it seems to me exceedingly unwise for the Government to make this assertion. More than that, it will be taken as an assertion in regard to grants heretofore confirmed and they will be made the subject of like trespasses. I therefore feel that, so far as that part of the bill is concerned, it should be stricken out. There should be no assertion by the Government of this right to any of the min-

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the motion of the Senator from Colorado [Mr. Teller] to strike out the third subdivision of section 12 as the

same has been amended.

Mr. THURMAN. Mr. President, I do not propose to debate this bill in detail; I only wish to say a word or two as to the necessity of passing a bill on this subject.

ing a bill on this subject.

I was, as the Senate knows, for years chairman of the Committee on Private Land Claims, and that committee during my chairmanship reported a bill which was substantially the same as this bill, except this mining section. This mining section was not in the bill that was reported by me by direction of the committee. In other respects it is very much the same. It is necessary to pass some measure of this kind, but let me say to the Senate that the right of persons to hold the property conceded to them by the Mexican Government is secured by the treaty of Guadalupe-Hidalgo and the treaty of the city of Mexico, and there would be no necessity for any legislation at all but for two reasons. One reason is that some legislation is necessary in order to segregate the concessions made by the Mexican Government, and even before that by the Spanish Government, from the public domain even before that by the Spanish Government, from the public domain even before that by the Spanish Government, from the public domain that surrounds them; and therefore a survey and a perfect ascertainment of the boundaries and extent of these grants becomes an absolute necessity; otherwise the Government of the United States cannot sell its public land. Congress has usually provided upon ascertainment of the boundaries for the granting of a patent, although again and again Congress has passed an act simply confirming the grant, as it was called, which the Supreme Court has held was equivalent to a patent; but really a patent was not processed to recessed the constant of the confirming the grant, as it was called, which the Supreme Court has held was equivalent to a patent; but really a patent was not processed. alent to a patent; but really a patent was not necessary nor an act of confirmation, except as settling the boundaries, for the right of the owner of the land to his land is absolutely secured by the treaties with Mexico.

But here are a great number of claims. Ithink there were referred, first and last, to the Committee on Private Land Claims eighty or ninety of these grants which had received the approbation of the surveyor-general of the Territory of New Mexico and of the surveyor-general of the Territory of Arizona, most of them in New Mexico. Upon examining them the committee did not find one that they could report a bill to confirm, and why? Some of them contained more land than the Mexican laws allowed to be conceded to a single individual; but the chief difficulty and that to which every single individual; but the chief difficulty, and that to which every one of them was obnoxious, was that there was no such definition of the boundaries as would enable us to say whether they contained too much land or not; or if they did not contain too much land, no such definition of the boundaries as would segregate the tract completely from the public domain. Therefore a bill of this kind is in my judg-

from the public domain. Therefore a bill of this kind is in my judgment absolutely necessary, and the only question about it is whether it is policy to put in this clause declaring that the minerals shall remain the property of the United States.

With respect to that I have only a word to say. The bill gives to the owners of the land all that the Mexican law gives. If the Territory had never been ceded to the United States and these persons had proceeded to perfect their concessions and obtain title from Mexico, they would not have obtained title to the minerals.

Mr. TELLER. I should like to ask the Senator if he does not think the word "minerals" will carry more than was reserved?

Mr. THURMAN. I mean the precious metals. Mr. TELLER. The bill provides:

No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee; but all such mines and minerals shall remain the property of the United States, &c.

Mr. THURMAN. I cannot answer without referring to the Mexican laws. I was familiar with them when I was chairman of that committee. I was speaking simply of gold, silver, and quicksilver; I was not speaking of coal or iron or copper. I said that under the old Spanish law, and under the Mexican law the precious metals, gold, silver, and quicksilver, remained the property of the State, unless the concession was expressly a mining concession, and then the limits of it were much less than for an agricultural concession. This happened, were much less than for an agricultural concession. This happened, however, when California was settled; when there was that great rush to California after the discovery of gold there, the miners took possession of everything, courts, mines, and everything else, and hence it got to be law recognized by the courts in California that the minerals passed to the owner of the concession belonged to him. That was certainly not the law of Mexico, and how the courts ever came

was certainly not the law of Mexico, and how the courts ever came to decide it I do not know, unless, indeed, the acts of Congress on that subject by some kind of side-wind gave color to that pretension.

Mr. McDONALD. The act of Congress of 1851 authorized commissioners in California to examine the claims and confirm them.

Mr. THURMAN. That is what I never understood, but somehow or other that came into the California practice and into the California decisions; and now it is objected by the New Mexicans and the Arizonians that we ought not to adopt a rule in regard to those Ter-Arizonians that we ought not to adopt a rule in regard to those Territories that we did not adopt in regard to California, and they say it is not just to them. That is a question for the Senate to decide. I do not know what may be the effect of this reservation. As I said before, it was not in the bill which was originally reported; but I for one am willing, if the committee insist on it after having carefully considered it, that the experiment may be tried. At all events, one thing is certain, that those who obtain a confirmation of their title

will get all that the laws of Mexico entitled them to get.

I ought to have said that there is another reason for passing the bill and for legislation on the subject, and that is that some of these concessions when the territory was granted to the United States were inchoate; the conditions had not been fully complied with; our courts have decided that notwithstanding the transfer of jurisdiction to the United States, persons holding concessions had a right to go on and perfect them as they would have had under the Mexican law. The Supreme Court has held, and the courts in California have univer-Supreme Court has held, and the courts in California have universally held, that these concessions might be perfected after the cession to the United States. This, therefore, is a necessary law. I hope that it may be passed either with or without this clause in regard to minerals, as the Senate in its wisdom may determine.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado [Mr. Teller] to strike out.

Mr. Teller. On that I call for the yeas and nays.

Mr. BLAIR. I should like to hear the clause read as it now is.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

out will be read.

The Chief Clerk read as follows:

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee; or unless such grantee has become otherwise entitled thereto in law or in equity; but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act.

Mr. President, I should like to ask of any one interested in the bill or in the proposed amendment what would be the effect upon the bill and upon the rights of parties, and, as a matter of justice, of allowing the section to remain as it is and adding at the close of it these words:

But the right to such property so reserved in the United States shall not exist in any land inclosed within the limits of the grant which shall be in open, visible occupation and actual improvement by the confirmee or his assignee for any purpose whatever at the time final decree of confirmation shall be made.

I have listened to the discussion with a great deal of interest and have been impressed with the views expressed by gentlemen on the opposing sides of the question at issue; and it does seem to me that the passing of the bill in the form in which it now stands may be attended with a great deal of hardship and of uncertainty. An amendment of the kind which I have suggested would certainly leave the land open to improvement during the pendency of legal proceedings, if title and rights should be obtained from the party to whom ultimately a decree of confirmation shall be made. There are many suggestions that occur to my mind which lead me to suppose that if this language which I suggest is carefully studied many objections to the bill as it now is will be obviated. I do not want to interfere in this matter, because I do not understand it very well. I can see, however, plainly that it is an extremely important bill, and it has much to do with the future development of these great mining Territories; and it is very desirable that the law to be enacted should be so far per-I have listened to the discussion with a great deal of interest and it is very desirable that the law to be enacted should be so far perfected as possible. Mr. EDMUNDS.

Mr. EDMUNDS. The effect of such an amendment as the Senator from New Hampshire suggests would be in ninety-five cases in one hundred exactly the same as striking out the whole subdivision;

that is to say, it would give to the confirmee the gold, silver, and quicksilver in the land, for all of the speculators and other people who have bought up so many of these old titles, good or bad, would be in possession and operating on the ground at the time of the final decree. That would be the effect of it.

Now that Len up I will add that the committee having assuined.

decree. That would be the effect of it.

Now that I am up, I will add that the committee having examined this subject so long and so carefully and having heard all interests, those of the people as well as those of the claimants under these grants, are satisfied, from the testimony and statements of a large number of persons all in one direction that the interest and welfare of the people of the two Territories chiefly affected by this bill depend largely upon retaining this third subdivision in the bill, and with the information the committee had I should be quite unwilling to yote for the bill with that stricken out.

to vote for the bill with that stricken out.

Mr. BLAIR. I should like to ask the Senator from Vermont if the effect of the bill as it now stands would not be to tie up these lands from the present date until a decision may be obtained in the courts from the present date until a decision may be obtained in the courts upon these grants, which may occupy two years, ten years, or possibly twenty years, for the titles can be litigated judicially all the way from the commencement to the final decree in the Supreme Court of the United States? The language which I suggest would only confirm the right as against the United States to work these minerals in a party holding under the confirmee, the man who should ultimately be decided to have the ownership of the land, or his assignee. The Senator from Vermont suggests that the result of it would be to confirm the right to minerals to speculators and others who are now interesting themselves in the mineral rights vested in this land. That may be so; but the question which I raise is whether the bill as it now stands is not an absolute blockade to all mineral improvement within the limits of these grants until such time as final decision may be obtained limits of these grants until such time as final decision may be obtained from the Supreme Court. It is not to be supposed that these immense and valuable rights are to be decided judicially until the lapse of long periods of time. And is the public good to be conserved by the prevention of these mineral developments even by speculators, for most mining men are speculators? I think a miner is naturally a speculator. The mining business is a speculation. A man has got to have much of the speculative element in him in order that he may indulge himself in that luxury at all, if it proves to be a luxury. And yet the mining interest itself, resulting from these efforts in the direction of speculation, is of vast importance to the country; and it would be a great calamity if the mines which are to be found in these grants in the Territories of New Mexico and Arizona and Wyoming (for I think Wyoming is also covered, and, perhaps, one or two other Territories, by the terms of the bill) are not to be worked, if mining operations are to be brought to a stand-still until the termination of this

protracted litigation in the courts of the country.

Mr. EDMUNDS. If my friend from New Hampshire were correct in his fears there would be some force in what he says; but this bill in his fears there would be some force in what he says; but this bill if it should become a law leaves the question of mines precisely where the law confessedly leaves it now. If the confirmee or the claimant in possession chooses to work the mine that is within his land, or hunt for it, he has the same right that anybody else has on the public lands which the general mining laws of the United States provide for. If it is not within the grant, then the ordinary mineral laws of the United States explice.

the United States apply.

Mr. BLAIR. The Senator will excuse me. I understand him to say that the force of the bill is to reserve the right of working the mine in the United States.

Mr. EDMUNDS. Yes.
Mr. BLAIR. I do not understand him to say that this right of working in the United States and so reserved in the United States working in the United States and so reserved in the United States is subordinated to the general mineral laws of the country, so that any one can take that right of working from the United States. I understood him to indicate that it was a right reserved to be exercised by the United States if by anybody, and that no man could take advantage of the ordinary mineral laws of the country to prospect upon these grants at all, because he says the right reserved is not liable to the objection which is suggested by the Senator from Colorado that every man may go upon these grants and prospect and disturb the onietude and possession of the occupant.

every man may go upon these grants and prospect and disturb the quietude and possession of the occupant.

Mr. EDMUNDS. My friend from New Hampshire, I think, with great respect, has confounded two different things. What I was speaking of before was the right of a stranger to invade the possession of the claimant, being entitled I will say to a confirmation of his agricultural grant, for the purpose of hunting for mineral. It does stop that until the United States make further provision, and it ought to do so in the very line of the argument that my friend from ought to do so in the very line of the argument that my friend from Colorado made, that you have no right without compensation and regulation to authorize anybody else to invade his rightful possession. When you come to himself, he has a right to authorize anybody or himself to proceed to prospect, of course, as any other possessor has. So that when you put the private right of possession together with the general mineral laws of the United States, you leave the thing exactly where it is now: within the limits of the claim the claimant exactly where it is now: within the limits of the claim the claimant has a right to prospect, and the general public has not a right to prospect, on the very ground that my friend from Colorado put it, that it would be an injustice to do it without compensation. When you get outside of this, then the general laws of the United States apply, and this bill does not.

Mr. BLAIR. I would like to ask the Senator upon what he bases

the right of the occupant any more than any one else to trespass upon this reserved right of the United States and get the mineral? Mr. EDMUNDS. I do not base it on the right to trespass. The

United States has still the mineral; but a man does not trespass on United States has still the mineral; but a man does not trespass on his own land in respect of going upon it. Then there being mines that belong to the United States, as all the mines do under the general land laws they being reserved in the land system always, he has the same right to work a mine that anybody else has upon public land. Nobody else would have a right to work it on his land, and the fact that it was on his land although it belongs to the United States and was subject to the mineral laws would not prevent his working it, and nobody else could get his possession. It leaves everybody where he stands.

Mr. BLAIR. Then, if I understand the Senator, if this bill becomes a law the confirmee has the right to work the land covered by the grant for minerals, he has the right to prospect, he has the right to work the land for that purpose.

Mr. EDMUNDS. That is what I think the law is. I think it meets the Senator's view entirely.

Mr. PLUMB. The term "speculator" that the Senator from Ver-

Mr. PLUMB. The term "speculator" that the Senator from vermont uses in connection with those who work mineral claims might be fairly illustrated by saying that speculators have had their claims confirmed. The people who chiefly own this land now are Mexicans, who were in possession of the land at the time of the treaty, and remain in possession. The people who were bright enough to buy the land for speculative purposes were also bright enough to come to Congress and get their titles confirmed. The people who own these lands to-day are chiefly a class of men who are not able to protect themselves; they are not speculators in the ordinary sense of the

Mr. EDMUNDS. My friend from Kansas, I think is mistaken in respect of the only people being interested now being the Mexicans, the ancient, original, agricultural people. There are now on the files of the Senate, as my friend from Ohio reminds me, that came to our knowledge while he was chairman of this committee, more than sixty claims for these enormous grants, by persons who call themselves the assignees and successors of the agricultural population; and my information is from the Land Office, and from the surveyor-general of New Mexico, whom I have had the pleasure of seeing to-day, that the New Mexico, whom I have had the pleasure of seeing to-day, that the number of similar claims asserted under ancient Mexican rights of people who are making pretty large claims, some of which have been already discovered by the surveyor-general to be forgeries, is very considerable.

While I am up, in order to guard the bill against any possibility of misconstruction, after the suggestion of my friend from Colorado, I move to amend the text before it is stricken out, by inserting after the word "mineral" in line 18 the words " of the same" so as to confine it to the minerals of the precious metals. My friend from Colorado was afraid it would cover coal and iron.

The PRESIDING OFFICER. The question is on the amendment

offered by the Senator from Vermont.

offered by the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Colorado, to strike out the clause as amended.

Mr. TELLER. I wish to say only a word in reply to the suggestion of the Senator from New Hampshire, as to the amendment he proposed. That amendment of course would do away with one objection, that is, that the prospector might invade a cultivated field and mine under a house. In that regard undoubtedly it would be a great improvement. great improvement.

Now, I want to say another word about this section. The honorable Senator from Vermont who reperts the bill says that it is not intended that the prospector shall go upon this ground at all; that we are to wait for some future legislation; that it is not the thing to put this legislation in this bill. Now, when shall we get the legislation? It may be fifty years, and if they are not to go on there all this land is withheld from occupation, for if the owner goes on and when the protection is the land he are given by the converted.

this land is withheld from occupation, for if the owner goes on and mines he gets no title to the land, he can give no title to any other miner who may see fit to go on, and as suggested by the Senator from New Hampshire, practically for a great number of years all this country is to be taken out of the mining region. None of it is to be mined. The trouble with the Senator from Vermont is that he sees the hardship of allowing men to roam over this ground prospecting it and working it as they choose without reference to surface rights; he thinks that ought not to be done, and yet his bill will allow that. If it does not allow that it takes it out of the mining land of the country for an uncertain period, perhaps forever, and the owner cannot have a title. He will not go on and sink a shaft, he will not do anything with it because he can make no title to it. The result will be that every prospector in that country will say "that is public land," practically, and immediately he will go on it, and all the evils I predicted will result. If it is desirable to the United States to reserve this there ought to be a provision with it such as the Spanish ordithis there ought to be a provision with it such as the Spanish ordinances contained. When they said "we reserve the right for any subject of ours to go upon that land" they added "he must make compensation to the owner." Why cannot our Government do that in this bill? Why can they not say "we reserve the right to work it ourselves or allow it to be worked, but proper compensation must be made to the owner," and then provide how that shall be determined?

I do not want to criticise the bill. I believe the bill ought to pass

aside from this feature. I am not objecting to the bill generally; but I know the bill ought not to pass with that third subdivision in. The honorable Senator says that all over that country they are crying for this bill. Why, Mr. President, I do know something about that region. I have had no letters in favor of the bill. I do not believe a newspaper in those Territories has indorsed this bill; I do not lieve a newspaper in those Territories has indorsed this bill; I do not believe a public meeting has indorsed it; I do not believe any considerable portion of the people have indorsed it. On the other hand, I have every reason to think, from the communications I have had and from the newspaper condemnations of it, that the people do not want it, that it will do either one of two things, and they know it. It will either open up all that country to be overrun, and create riot and confusion, or it will, as suggested by the Senator from New Hampshire, withdraw it practically from prospecting and working. That is not what they want. Every man who owns a concession of this kind wants every other man to go on it and work it because if he works. wants every other man to go on it and work it, because if he works it the owner will either sell him the mine, or he will get a percentage of the gold and silver extracted. If it lies there unmined, he gets nothing. This is either to open it to general prospecting by the people, independent of the right of the owner, or it is to tie it up for an

indeterminate period.

Mr. THURMAN. Mr. President, the old Spanish law reserved mines as the property of the Crown, but at the same time granted the right to work them, paying a royalty to the Crown. It was in these words:

SECTION 1. The mines are the property of my royal crown, as well by their nature and origin as by their re-union, declared by the fourth law of the thirteenth title of the sixth book of the new compilation, (of laws and statutes.)

SECTION 2. Without separating them from my royal patrimony, I grant them to my subjects in property and possession, in such manner that they may sell, exchange, (pass by will, either in the way of inheritance or legacy,) or in any other manner, dispose of all their property in them, upon the terms on which they themselves possess it, and to persons legally capable of acquiring it.

SECTION 3. Be it understood that this grant is made upon two conditions: first, that they (my subjects) shall pay to my royal treasury the proportion of metal reserved thereto:—

That was reserved by another ordinance. That was the royaltyand, secondly, that they shall carry on their operations in the mines subject to the provisions of these ordinances, on failure of which, at any time, the mines of persons so making default shall be considered as forfeited, and may be granted to any person who shall denounce them accordingly.

Then section 14 of the ordinance provided that not only the person to whom a concession of land is made, but that any other person, might denounce a mine. It was in these words:

Any one may discover and denounce a vein, not only on common land-

That is, on the land that belongs to the Crown-

but also on the property of any individual, provided he pays for the extent of surface above the same and the damage which immediately ensues therefrom, according to the valuation of surveyors on both sides, and arbitration in case of disagreement; the same is to be understood with regard to denouncing convenient places for erecting establishments, and also waters for moving the machines employed for the reduction of ores, commonly called reducing establishments, (haciendes.) provided in each case that no more of the water be used than is necessary for such purposes.

That was the Spanish law, and substantially the Mexican law. When this bill says the property in these mines and minerals is reserved to the United States, it says no more than the first clause of the decree of the King of Spain which I have just read, which says:

The mines are the property of my royal crown.

But at the same time that the king declared that the mines belonged to the Crown and were the property of the Crown, he provided by ordinance that they might be denounced, as the Spanish phrase was; as we would say, a claim might be filed to them by any discoverer who might by paying royalty to the Crown work them if they were on public land. If they were on the lands of an individual then he was obliged to come to an understanding with that individual or by arbitration to ascertain what he was to pay the individual for the surface that overlay the mine. Now, I imagine that the United States Government cannot very well carry out these ordinances. They were ordinances so far as the mines were concerned; that is after a decree ordinances so far as the mines were concerned; that is after a decree declaring that they were the property of the State, licenses to work the mines, were revocable at any moment by the supreme power, the king while the territory belonged to Spain, or the Mexican Republic while it belonged to Mexico. It is sufficient, therefore, for the present purpose to simply say that this bill reserves the property in the United States, and that the United States has the same right that the King of Spain or that the Republic of Mexico had to provide by legislation how persons may acquire the right to these mines. That is a matter for further consideration; that is a matter which will require a good deal of consideration when the time comes. It is sufficient for present purposes that the right of the United States to the mines is declared; purposes that the right of the United States to the mines is declared; and how these mines may be acquired by individuals either substantially in the way they were denounced by subjects of Spain, or citizens of the Mexican Government, or in some better way to be devised by the Congress of the United States, or under our general law, if that is sufficient, and is made applicable to them, are matters for after consideration. I think, considering that there may be a multitude of mines discovered in that territory, possibly it is not wise at this time without further consideration and further knowledge to religing the our rights to these mines and minerals, and I shall therefore linquish our rights to these mines and minerals, and I shall therefore vote to retain the section.

The PRESIDING OFFICER. On the motion to strike out the yeas

and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 12, nays

	X.I	LAD-12.	
Anthony, Burnside, Butler,	Coke, Conkling, Garland,	Plumb, Saunders, Teller,	Vance, Vest, Walker.
	N.	AYS-38.	
Baldwin, Blaine, Blair, Booth, Brown, Bruce, Call, Cameron of Wis., Davis of Illinois, Davis of W. Va.,	Eaton, Edmunds, Farley, Ferry, Groome, Harris, Ingalls, Joinston, Jonas, Kellogg,	Kernan, Kirkwood, Lamar, McDonald, McMillan, Morgan, Morrill, Pendleton, Platt, Pugh,	Randolph, Ransom, Rollins, Slater, Thurman, Whyte, Windom, Withers.
	ABS	SENT-26.	
Allison, Bailey, Bayard, Beck, Cameron of Pa.,	Dawes, Grover, Hamlin, Hampton, Hereford,	Hoar, Jones of Florida, Jones of Nevada, Logan, McPherson,	Saulsbury, Sharen, Voorhees, Wallace, Williams.

Logan, McPherson, Maxey, Paddock, Hill of Georgia, Hill of Colorado, Carpenter, Cockrell, So the motion of Mr. Teller was not agreed to.

Ma BLAIR. I wish to move to amend the clause which has just been retained, and to retain which I voted, by adding after the word "act," in the twenty-third line, the following:

But the right to such mineral property so reserved in the United States shall not exist in any land inclosed within the limits of the grant which shall be in open, visible occupation and actual improvement by the confirme, or his assignee, for any purpose whatever at the time final decree of confirmation shall be made.

So that the whole clause will read:

Third. No allowance or confirmation of any claim shall confer any right or title to any gold, silver, or quicksilver mines or minerals of the same, unless the grant claimed effected the donation or sale of such mines or minerals to the grantee, or unless such grantee has become otherwise entitled thereto in law or in equity, but all such mines and minerals shall remain the property of the United States, with the right of working the same, which fact shall be stated in any patents issued under this act; but the right to such mineral property so reserved in the United States shall not exist in any land inclosed within the limits of the grant which shall be in open, visible occupation and actual improvement by the confirmee, or his assignee, for any purpose whatever at the time final decree of confirmation shall be made.

It seems to be agreed, Mr. President, that this right reserved in the United States may be trespassed upon, or it may be practically exercised by the confirmee or the person in whose favor final decree shall be made. He may do that from the present time all the way through to the close of the litigation. He will have that right by virtue of his occupation, as declared by the Senator from Vermont. No one else will have any such opportunity of going upon the lands or of else will have any such opportunity of going upon the lands or of exercising any right as a prospector searching for minerals, developing these lands in the direction of their mines and their minerals whatever. If that is to be so, and it is not desirable for the Government to work these mines itself, then practically the absolute ownership and control of these minerals will be in the confirmee or his assignee until the close of the protracted litigation which finally shall vest a title in him beyond dispute. If that is to be so, this amendment simply says so, and will remove all questions of doubt; and in the end whoever has derived title from the confirmee, the man who shall be declared to be the real owner of the land under the grant will have precisely the same rights as the confirmee himself. So if the language of the act is made explicit, the development of the mines the language of the act is made explicit, the development of the mines and minerals in these extended grants can go on during the process of litigation; but unless language of this kind is inserted, and unless the force and effect of the bill as it now stands is changed, no man excepting the man who is the occupant and the confirmee, and is to be ultimately the owner by the decree of the court, can develop these lands. The result will be that unless the confirmee does develop them they will not be developed at all, the Government not undertaking it, and if he is to be permitted to develop the mines, why not say so explicitly in the bill itself?

It seems to me that the construction which the Senator from Vermont himself says he places on the bill is only carried out in express terms by the adoption of this amendment. If, on the other hand, as there appears to be some ground to think from the present language of the bill and the course of the debate, neither the confirmee, the real owner, nor any one else can touch these mineral lands without further legislation by the United States, that whole country is effectually blockaded, as I said before, in reference to the development of the minerals on these lands; and nobody knows how long litigation may last. To say that these mines shall not be developed or these grants last. To say that these mines shall not be developed or these grants worked until the termination of the lawsuits which may arise in reference to the construction of the grants themselves, is to exclude these Territories from a degree of prosperity to which they are justly entitled and to a participation in the benefits of which the country at large is entitled. I think that this language simply makes explicit what the Senator from Vermont says is the proper construction of the bill already, and in the interest of peace and the development of the Territories it ought to be adopted.

Mr. EDMUNDS. I will only take a single moment to say that the effect of this amendment, if adopted, will be to reverse the vote which the Senate has just taken and considerably more, and to make an affirmative grant of the gold, silver, and quicksilver in all these lands

to the party who can get a fence around them, a wire fence or a sheeppasture at the time of the final hearing. That is all I wish to say.

The PRESIDING OFFICER. The question is on the amendment
of the Senator from New Hampshire, [Mr. Blair.]

The amendment was rejected.

Mr. TELLER. I desire to add to the third subdivision just what
the Senator from Vermont says the law will be. I desire to do that
because I think unless there is something of this character put on
the bill it will be taken by everybody as a permission to swarm over the bill it will be taken by everybody as a permission to swarm over the ground. Therefore I offer the following, to come just after the third subdivision of the twelfth section, after the word "act," in the twenty-third line:

But nothing in this act shall authorize the working of any mines therein by any person except the confirmee or his assigns, until Congress shall provide for compensation to the owner of the land for any damage he may sustain by reason of the working thereof.

Mr. EDMUNDS. I have not the least objection to what my friend from Colorado says and what he means; but to put in a limitation as to exactly the kind of legislation that Congress may hereafter adopt, I think is unwise for his purpose and mine; and therefore if he will modify his amendment so as to provide merely that nothing shall authorize the working of the mines by anybody but the owner until Congress shall make provision by law concerning the same, I shall not take any time to object to it, because that is the law as it stands

Mr. TELLER. I will modify it in that way, because what I want is a declaration to these people to keep off this land.

Nothing in this act shall authorize the working of any mines therein by any person except the confirmee or his assigns, until Congress shall provide by law therefor. Mr. EDMUNDS. I have no objection to that. It is exactly what

the bill means now.

Mr. TELLER. It is as well to have it put in.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

of the Senator from Colorado.

The amendment was agreed to.

Mr. KERNAN. I wish to offer an amendment in the third line of the first section of the bill, which I think the chairman of the committee will accept. After the word "person," at the end of the third line, I move to insert "or corporation." Possibly the bill now may cover this; but a criticism may be made that it does not. I move, therefore, to insert after the word "person" the words "or corporation."

Mr. EDMUNDS. That is the legal effect of the bill now, but as the amendment leaves it just as it is, I make no objection because there may be some religious or other corporations as "pueblos" that the committee supposed were covered by the word "persons;" but if there is any doubt about it, I know of no objection to the amendment.

The amendment was agreed to.

Mr. ANTHONY. I should like to ask the Senator in charge of this bill whether in case any legal grants have been made by the Spanish or Mexican Governments exceeding the limitation this bill invalidates them ?

Mr. EDMUNDS. No, Mr. President, it does not invalidate them; but it does not allow the territorial courts to confirm them beyond eleven leagues; they will be obliged to come to Congress as they would if the bill did not act, to get, if they can make out a case, what they are entitled to.

Mr. ANTHONY. Then it gives them no remedy and takes from

them no remedy.

Mr. EDMUNDS. That is the way I understand it.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN SEVERALTY TO INDIANS.

Mr. COKE. I move that the pending and all previous orders be postponed, and that the Senate take up for consideration the bill to

postponed, and that the Senate take up for consideration the bill to provide for the allotment of lands in severalty—

Mr. WHYTE. There is no pending order now. You can move to take up the bill.

Mr. COKE. I move to take up the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas to take up the bill indicated by him.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in

The PRESIDING OFFICER. The bill is before the Senate as in

Committee of the Whole.

Mr. WHYTE. I ask the Senator from Texas to yield to me for a motion that the Senate go into executive session. That will leave the bill as unfinished business.

Mr. COKE. The bill being now under consideration, I yield the

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 19, 1881.

The House met at twelve o'clock m. Prayer by Rev. Samuel Domer, D. D., of Washington, District of Columbia.

The Journal of yesterday was read and approved.

COMMITTEE APPOINTMENTS. The SPEAKER announced the following appointments for commit-

tee service:

Mr. McKinley, (in place of Mr. Garfield, resigned,) as a member of the joint committee of two members of the Finance Committee of the Senate and three members of the Ways and Means Committee of the House to inquire into the alleged loss in the collection of internal

Mr. Ray, as a member of the Committee on Invalid Pensions, the Committee on Pensions, and the Committee on the Militia, to supply vacancies caused by the death of Mr. Farr.

PERSONAL EXPLANATION.

Mr. PRICE. I rise to a personal explanation.
The SPEAKER. The gentleman will state the question involved in his personal explanation.
Mr. PRICE. I shall not occupy more than fifteen minutes, probably not one-third of fifteen minutes.
The SPEAKER. The gentleman from Iowa asks fifteen minutes to

make a personal explanation. Is there objection? The Chair hears

Mr. PRICE. In the discussion of the so-called funding bill yester-day—I want the attention of the gentleman from Kentucky [Mr. Car-

LISLE] on this point—

Mr. FERNANDO WOOD. As is my practice invariably when any gentleman rises to a personal explanation, I must express the hope that the gentleman from Iowa will confine himself to that which is purely personal, and not bring in any outside questions connected with the discussion of the bill which has been before the House.

The SPEAKER. The Chair would like to ask the gentleman from Iowa whether the remarks he desires to make are a personal explana-

tion, or whether they are in furtherance of a controversy in relation

to the funding bill?

Mr. PRICE. Well, Mr. Speaker, an assertion was made yesterday by the gentleman from Kentucky which I controverted, or which I contradicted, if you like that word any better.

The SPEAKER. The gentleman did that yesterday?

Mr. PRICE. That was done yesterday. The gentleman from Kentucky

tucky

I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRICE. I believe I am entitled to fifteen minutes.

The SPEAKER. The Chair understands the gentleman from New
York [Mr. Fernando Wood] not to object to a personal explana-

Mr. FERNANDO WOOD. I object to any remarks of the gentle-man outside of what is purely personal.

Mr. PRICE. That came after the Chair said there was no objec-

The SPEAKER. At any rate any member could check the gentleman from Iowa at any time when he might fail to confine himself to remarks of a personal character.

Mr. STEELE. I thought I was recognized for a parliamentary in-

The SPEAKER. The Chair will hear it.

Mr. STEELE. I desire to know whether it requires unanimous consent before the gentleman from Iowa can proceed with his personal

explanation.
The SPEAKER. It does.
Mr. STEELE. Because if it does—
The SPEAKER. A statement touching the funding bill would, the

Chair thinks, be in the nature of debate on that bill.

Mr. PRICE. I am speaking about a controversy, a question of veracity between the gentleman from Kentucky and myself.

The SPEAKER. The gentleman will confine himself to the questions.

tion of veracity

Mr. CARLISLE. I did not understand that there was any question of veracity between the gentleman from Iowa and myself.

Mr. PRICE. If I contradict a gentleman, I think I am calling in

question the correctness of his statement—
Mr. CARLISLE. That may be.
Mr. PRICE. And if another gentleman contradicts me, I think he is calling in question the correctness of my statement. Somebody on yesterday, when this bill was under discussion, made a statement that was not true.

Mr. STEELE. Mr. Speaker, I wanted simply to say that if this required unanimous consent I should reserve to myself the right to ask unanimous consent of the House to give reasons in extenso why I intend either to vote for this bill or against it, just as I see proper.

[Laughter.]
Mr. REAGAN. If the gentleman from Iowa is going to re-debate any questions connected with the funding bill, I must object.
Mr. PRICE. More time is being taken by this discussion than I

would have occupied if I had not been interrupted. If the gentleman from New York had allowed me to go on, I should have been about through by this time.

The SPEAKER. The Chair will cause to be read Rule IX.

The Clerk read as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the intregrity of the proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. There is a distinction between a question of privilege and a personal explanation. The former a member has the right to bring to the attention of the House; but the latter is by unani-

Mr. PRICE. I thought I had consent to proceed.

The SPEAKER. The Chair was perfectly willing; but the gentleman from North Carolina [Mr. STEELE] stated, as the Chair understood, that if the opportunity had been presented he would have objected.

Mr. PRICE. I had entered on my discussion. I stated that on yesterday, in discussion, &c., and after that the gentleman interposed his objection.

The SPEAKER. The gentleman would have a right to interrupt the gentleman for the purpose of confining his remarks to the personal explanation.

Mr. PRICE. Certainly; and I had not got out of the line of per-

sonal explanation.

Mr. REED. Let the gentleman from Iowa go far enough to de-termine exactly the character of his statement.

The SPEAKER. The Chair has allowed the gentleman to be heard The SPEAKER. The Chair has allowed the gentleman to be heard far enough to indicate to the Chair the subject on which he wishes to address the House is a controversy which arose yesterday in the debate on the refunding bill. The Chair, however, has no objection to the gentleman being allowed to proceed with his statement.

Mr. REAGAN. Mr. Speaker, if it is to be a continuation of the debate had yesterday on the refunding bill, I must object.

Mr. PRICE. I have not said anything about the refunding bill or the merits of it. I said that, in the discussion which took place yesterday, a question of yearchy occurred between the gentleman from

the merits of it. I said that, in the discussion which took place yesterday, a question of veracity occurred between the gentleman from Kentucky and myself. Now, sir, I have labored industriously for the last ten days to get the floor for five minutes on this question, and now when finally I have succeeded in getting the floor by unanimous consent for the purpose of explaining a matter which occurred yesterday between the gentleman from Kentucky and myself, then that side of the House arrays itself in solid, Macedonian phalanx against me. [Laughter.] Are you afraid of anything I have got to say on that subject? [Renewed laughter.] I am not so dangerous that you need be afraid of me. You can keep at a respectful distance, anyway. [Laughter.]

way. [Laughter.]

Mr. REAGAN. I do not object to a personal explanation, but I do object to entering again into the debate of the refunding bill.

Mr. TOWNSHEND, of Illinois. The gentleman got leave to print

Mr. PRICE. I do not propose to print what I do not say on the

floor of the House.

Mr. BLAND. I demand the regular order of business.
Mr. PRICE. I have the floor, sir, by consent of the House, and I intend to keep it, if I can.
Mr. CARLISLE. If I have made any assertion which can be construed as questioning the gentleman's veracity, I withdraw it very cheerfully

Mr. PRICE. No; I do not allow the gentleman to withdraw it.
[Laughter.] It is too late for him to withdraw it. I want the record to show who is right in this matter.

Mr. CARLISLE. If the gentleman has made any assertion which can be construed as questioning my veracity, I forgive him for it.

[Laughter.

Mr. PRICE, In other words, if I have done anything that is wrong you are ready to be forgiven. [Laughter.]

Now, Mr. Speaker, a good deal more time has been consumed in objecting to my proceeding with my personal explanation than I would have consumed if I had been permitted to make it without interruption.

The SPEAKER. The gentleman will proceed with his remarks and confine himself to his personal explanation.

Mr. PRICE. I will try to do that, and I would have been through by this time if I had been permitted to proceed without interruption. Now, Mr. Speaker, on yesterday this language was used; and I must repeat the language which was used to show how the question arose. I repeat the language from the gentleman's own speech as published in the RECORD of this morning:

Whereas if the law is left to stand as it is now these national banks may take currency into the Treasury Department, deposit it there, and demand that the United States shall redeem their notes for them at its expense.

There I interrupted the gentleman and said, and I will quote the language I used:

I know the gentleman from Kentucky [Mr. CARLISLE] means to be right.

I have a very high opinion of his ability and of his integrity, and I thought he wanted to be right on this question.

He has made that statement twice, and he is in error about it-

The gentleman from Kentucky then asked, "To what extent?" I replied, "In regard to that point—" and there I was interrupted by the Chair, who stated that debate upon the pending amendment had been exhausted. I quote from the RECORD:

Mr. PRICE. Cannot I ask the gentleman a question? Mr. Carlislæ. Let him ask it. Mr. PRICE. With reference to this one point. The CHAIRMAN. Only by consent.

Of course I can do nothing here except by consent. I never had any rights here.

Mr. PRICE. I hope I will have that consent. There was no objection.

There was no objection, for a wonder, and then I proceeded, and I want gentlemen to attend to this, because it is a matter of a great deal of importance; for, if the gentleman from Kentucky was right, it goes very far toward sustaining the votes of certain gentlemen on the funding bill, and if he was wrong and I was right, it puts a different aspect on the whole affair.

Mr. PRICE. I hope I will have that consent.

There was no objection.

Mr. PRICE. The redemptions made by the Government for the national banks are of made at the expense of the Government.

Mr. Carlisle. It certainly is, except, &c.

Mr. CARLISLE. Read the whole of it.

Mr. PRICE. Certainly, I will read the whole of it, and it is as

Mr. Carlisle. It certainly is, except that the Government does not pay the notes with its own money. The Government furnishes all the clerical labor and pays all the other incidental expenses of the redemption.

To that I replied:

Allow me to say right there that every gentleman who knows anything about the internal workings of national banks will indorse what I say when I make the statement that bills or currency are sent—

It is not reported correctly. I did not use the word "currency"bills are sent in to the national banks to pay for the expense of that redemption.

Mr. Carlisle. The largest bill for expense sent to any national bank is \$6.28, I believe.

The gentleman from Kentucky had said before, although I did not mean to refer to that, that the Government paid all the expenses; and here he admits a national bank had paid \$6.28.

I said in reference to that statement-

Excuse me; I have myself seen a bill sent to one bank for over \$38. Mr. Carlisle. Here is the report of the Treasurer—Mr. Price. Very well; I say I saw that bill myself.

Then the Chair kindly allowed me to stop. [Laughter.] Now, Mr. Speaker, I would like to have this letter from the Comp-

troller of the Currency read, which bears upon this point, if the gentleman will allow me that liberty, and I will then be through in a very few moments.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE COMPTROLLER OF THE CURRENCY,
Washington, January 19, 1881.

Washington, January 19, 1881.

Sir: In reply to your verbal request, you are referred to section 3 of the act of Congress approved June 20, 1874, which provides that "each of said associations (national banks) shall reimburse to the Treasurer the charges for transportation, and the costs for assorting such notes, * * * and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer."

In compliance with this provision of law the national banks have been annually assessed in proportion to the circulation redeemed, and the banks in operation have not only paid the expense of redeeming their own notes, but also for the redemption of the notes of associations which are reducing their circulation, which have gone into voluntary liquidation, and which have become insolvent.

By reference to page 19 of the Treasurer's report for 1880 it will be found that the annual cost to the national banks has been at the rate, on an average, of \$37,69 for banks having a circulation of \$90,000, or \$188.45 annually for a bank having a capital of \$500,000, with the amount of circulation authorized by law.

The whole expenses for redemption during the fiscal year ended June 30, 1880, were \$143,728.39, all of which was paid by an assessment upon the national banks.

Very respectfully,

JOHN J. KNOX, Comptroller.

JOHN J. KNOX, Comptroller.

Hon. HIRAM PRICE, House of Representatives, Washington, D. C.

House of Representatives, Washington, D. C.

Mr. PRICE. Now, Mr. Speaker, it will be seen that I was entirely correct in my statement yesterday; and when I stated, as I did from recollection, and a recollection running through a period of some three or four months, that I had seen a bill presented to a national bank amounting to \$38, I say that I was within a few cents of the average that is paid by the national banks for this purpose, as shown by the letter of the Comptroller just read; and the Comptroller states in the letter which I have just had read that the entire expenses for redemption during the year 1880 were one hundred and forty-three thousand and some hundred dollars, all of which was paid by assessments upon the national banks. The section of the law which the Comptroller refers to will no doubt be very familiar to the gentleman from Kentucky when I read it; probably it is familiar to him now. That section provides—I read the latter part of section 3 of the act of June 20, 1874—as follows:

And when such redemptions have been so reimbursed, the circulating notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law: Provided, That each of said associations shall reimburse to the Treasury the charges for transportation, and the

costs for assorting such notes; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer, &c.

Mr. BLAND. I rise to a point of order.
Mr. CARLISLE. I hope the gentleman from Missouri will permit
the gentleman from Iowa to proceed until he has concluded.
Mr. BLAND. I make, Mr. Speaker, my point of order in the shape
of a parliamentary inquiry. I wish to ask if the bill is open for

The SPEAKER. The Chair thinks the gentleman from Iowa is going entirely beyond what he should ask of the House under the circumstances in discussing the bill in place of making a personal

circumstances in discussing the bill in place of making a personal explanation.

Mr. PRICE. Does not what I am saying bear directly on the question? Is not that the question absolutely in controversy between the gentleman from Kentucky and myself?

The SPEAKER. The gentleman from Iowa will take notice that the House has closed the debate on the bill.

Mr. PRICE. This is a personal explanation.

The SPEAKER. But the gentleman is getting in a speech on the funding bill under the guise of a personal explanation.

Mr. PRICE. The only difference is that I am getting in a speech in regular order, while other gentlemen get the floor by a rush to the front at all times.

front at all times.

The SPEAKER. What the gentleman refers to is in Committee of

the Whole.

Mr. PRICE. The only difference is that one man, it seems, has the right to take the floor and make a speech and another one has not.

right to take the floor and make a speech and another one has not. That is the substance of it.

Now, sir, if gentlemen are unwilling to hear the facts of this case, of course they can cut me off. If they object to a statement of this matter, it is in their power of course to prevent it. If this is to go to the country as a refunding bill, then I for one wish to say that I most sincerely protest against the statements which have been made in reference to it, and to which no opportunity has been given for reply. I have desired ever since it commenced and have attempted to get the floor for fifteen minutes to make statements that cannot be controverted, but I have been prevented and excluded continually; and I say now that I shall vote against it if I am entirely alone in doing so.

ing so.

Mr. CARLISLE. I hope as the House has given the gentleman from Iowa fifteen minutes, it will allow me just two minutes to respond.

Mr. PRICE. The House did not give me fifteen minutes, thank you.

[Laughter.]
The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears no objection. [Cries of "Go on!" "Go on!" from the republican side.]
Mr. CARLISLE. Mr. Speaker, the redemption of the circulating

Mr. CARLISLE. Mr. Speaker, the redemption of the circulating notes, to which the gentleman from Iowa refers, was had under the third section of the act of July 20, 1874, and was made with the 5 per cent. reserve which is provided for by that section. The redemption of the circulating notes, to which I was alluding, was under the fourth section of the act of 1874, out of money deposited by national banks from time to time for that express purpose. And while the national banks did pay the costs of redemption under the third section of the act referred to out of the 5 per cent. reserve fund, I repeat that my statement had reference to the fourth section of the act of 1874, under which the United States Treasury bears the expense of redeeming these notes, using, of course, for that redemption the money deposited for that purpose by the banks, the Government, however, paying for all clerical labor and other expenses.

Mr. PRICE. Of course by the banks. The banks had it to pay.

Mr. CARLISLE. But I will read the report of the Treasurer on this point, as it is only four or five lines. After having stated the process resorted to by the national banks under the fourth section of the

cess resorted to by the national banks under the fourth section of the act, and the cost of the clerical labor and other expenses connected with the subject of the redemption of these notes, he says:

From January 13, 1875, to the date of this report \$778,275 of its notes have been redeemed, of which only \$40,700 were redeemed at the expense of the bank, although during more than one-third of that period it had outstanding and was deriving the benefit from the full amount of circulation which its capital authorized. The only assessments which have been made on the bank for the expenses of redeeming its notes were \$24.74 in 1875 and \$4.39 in 1878.

All this was done under the clause of the law of 1874, which my amendment proposed to repeal; and my amendment did not have any relation to the section of the law about which the gentleman from Iowa has been talking this morning.

Mr. PRICE. Let me correct the gentleman just there. [Cries of "Regular order!"] I wish to answer the gentleman from Kentucky and place him and myself right on the record. If you dare not hear it, it is an evidence you are guilty. [Cries of "Regular order!"]

The SPEAKER. Is there consent to the gentleman from Iowa proceeding?

ceeding †
Mr. ATHERTON and others objected.
Mr. PRICE. I have here the statement of the Comptroller of the

The SPEAKER. The Chair will state to the gentleman from Iowa that he thinks this is not really a personal explanation, but is in the

nature of debate on the bill; and there is now objection to the gen-

tleman proceeding.

Mr. PRICE. Let me ask the Chair this question: the gentleman from Kentucky makes a statement here that is controverted by this letter from the Comptroller. Can I not read a passage from that let-

The SPEAKER. The gentleman from Iowa is not in order. The Chair has decided the gentleman has transcended his right.

Mr. PRICE. I differ from the Chair as to that.
Mr. THOMAS TURNER. I wish to know if the gentleman from Iowa is bound by the rules of this House and the decision of the Chair like other members.

The SPEAKER. The gentleman from Iowa stated he rose to a personal explanation. The Chair is compelled to say to the gentleman from Iowa that he does not think he has confined himself to a man from Iowa that he does not think he has confined himself to a personal explanation. On the contrary, he has gone into a discussion of some of the amendments to the funding bill and some of the debate which occurred yesterday. The Chair must ask that the gentleman from Iowa shall conform to the rules,

Mr. PRICE. Will the Chair allow one paragraph to be read?

The SPEAKER. The Chair has no objection if the House has

Mr. ATHERTON. I object.

Mr. PRICE. This clause of the Comptroller's letter, which I desire to read, would effectually settle the question between me and the

gentleman from Kentucky.

The gentleman from Kentucky refers to a bank which had only paid part of the expense incurred by it before it failed, but it must be remembered that when a bank fails to pay all the expense which properly belongs to it, the national banks which have not failed are assessed and must pay the balance, as the following paragraph of the Comptroller's letter fully demonstrates:

In compliance with this provision of law, the national banks have been annually assessed in proportion to the circulation redeemed; and the banks in operation have not only paid the expense of redeeming their own notes, but also for the redemption of the notes of associations which are reducing their circulation, which have gone into voluntary liquidation, and which have become insolvent.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, informed the House that the Senate had passed a bill (S. No. 231) for the relief

of Ben. Holladay.

The message further announced that the Senate insisted on its first amendment to the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, disagreed to by the House of Representatives, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. EATON, Mr. DAVIS of West Virginia, and Mr. WINDOM to be conferees on the part of the

FUNDING BILL.

Mr. FERNANDO WOOD. I call for the regular order.

The SPEAKER. If the main question had not been ordered the bill (H. R. No. 4592) to facilitate the refunding of the national debt would come up as unfinished business after the call of committees. But as the bill has the main question ordered on it the vote will now be taken on the bill and amendments. If there be separate votes asked gentlemen will be kind enough to indicate the amendments on

which they desire separate votes.

Mr. BURROWS. What has become of the morning hour?

The SPEAKER. The previous question is prevailing on the funding bill and brings it up immediately after the reading of the Journal.

Mr. BURROWS. I thought it would come up as unfinished business after the call of committees.

The SPEAKER. The unfinished business would come up after the call of committees, but this bill has the previous question prevailing

call of committees, but this bill has the previous question prevailing on it, which brings it up after the reading of the Journal.

Mr. GILLETTE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GILLETTE. It is with reference to the right of a member of this House to vote upon the refunding bill. Before I proceed I desire to have read the first section of the eighth rule of this House.

The Clerk read as follows:

Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

Mr. GILLETTE. I now desire to have read two or three lines on page 489 of the CONGRESSIONAL RECORD—words used by the gentleman from Michigan [Mr. Newberry] while discussing this bill, as afterward given by him and read to the House at his request.

The Clerk read as follows:

Mr. Newberry. I ask the Clerk to read the writing of the reporter.
The Clerk read as follows:
"Wait a moment. This is a practical question. I say what the bank of which I am a director authorized me to say. I went to them to say how I should vote on that question:"

Mr. GILLETTE. I desire to make the point of order that under the eighth rule of this House the gentleman from Michigan [Mr. NEWBERRY] has no right to vote upon this question. I do not raise this question or make this point of order from any ill-will to any gen-

tleman upon this floor, but simply as a duty I owe to my constituents

and to my country.

If there has been anything developed by this debate and by the reports of it in the papers of the country, it is the fact that this bill is so closely allied with the national-bank interests of this country that it might with propriety be called a national-bank act. Nearly all the discussion upon this floor has been with reference to the bearing of this bill upon those institutions; and many gentlemen have taken sides in favor of long bonds and opposed to long bonds, according to their feelings toward this one institution. We have been ing to their feelings toward this one institution. We have been treated to all sorts of warnings and threats during the debate as to what the national banks would or would not do, if we should pass the bill in this or that shape. One gentleman even warned us that if we passed one section or clause of the bill the national banks would contract the currency \$200,000,000, and produce a greater panic than this country has ever seen.

I know that a similar question has at least once before arisen in the

House with reference to the right of members holding stock in national banks to vote upon bills in relation to national banks or upon amendments to such bills; but here is a gentleman who comes be-fore this House and states that he is a director in one of these banks, and is under instructions from that bank how to vote. Practically he is interested in this question, solely because of his position as a national-bank director and stockholder, and not as a representative of the people of his district. In other words, he represents his individual interests and the interests of his bank, which are at war with

his duties as a Representative.

In a case somewhat similar to this, which was argued April 11, 1874, the present Speaker of this House evidently sympathized with the point of order then raised, which was very parallel to the one I now make, although I believe no case was ever presented before which make, although I believe no case was ever presented before which was so plain, where such facts were so openly admitted. We are today to receive your opinion, Mr. Speaker, upon a new rule and not upon the old one. I hope that the Speaker will not be governed by rulings given in the past, but by what he thinks will be for the best interests of the country under our new rule. I therefore appeal to the Chair for his decision upon my point of order.

Mr. NEWBERRY. I am very glad, Mr. Speaker, that the gentleman has raised this point of order, because it is far more sweeping than the gentleman has anyidea of. It goes far beyond the question he has raised, i. e., the construction of the rule as referring to me personally; that is the mere surface froth of the question, but probably it is as far as gentlemen who raise such frivolous questions

ably it is as far as gentlemen who raise such frivolous questions usually can go.

The question raised here is one that involves the right of every The question raised here is one that involves the right of every member of this House to vote; not only in respect to this question but in respect to almost every question that comes before the House for its decision. Let me illustrate: A bill is introduced here to put a duty on or take a duty off matches. Every gentleman upon this floor is probably interested in that question, and in the words of this rule has "a direct pecuniary interest" in such a bill. If that is so, then under the affirmative ruling which is asked he would be debarred

from voting on it.

If a bill is introduced here to levy a tax upon or take a tax off to-If a bill is introduced here to levy a tax upon or take a tax off to-bacco, every member who uses tobacco in any shape or form is de-barred from voting upon that bill under this point of order raised by the gentleman from Iowa, if it shall be held to be good. Every mem-ber of this body who drinks a glass of whisky or uses it in any way has "a direct pecuniary interest" in the question of a tax put upon or taken off whisky. Therefore any such person would be debarred from voting upon such a bill, if this point of order is held to be well taken.

I might go through the whole series of legislative measures that could be brought before this House, and in almost every one, of gen-eral application, each member of the House would be interested, not only as a member of the House, but as a citizen of the United States or of the State in which he resides.

The gentleman from Iowa is not satisfied with having made a few days ago a garbled extract from my speech. He misquoted me then, as he makes a misquotation and misrepresentation now. I said then, and I say now to him and to every member upon this floor, that when any question involving the rights of our constituents is presented here it behooves each one of us to go to our constituents and nsk them what in their opinion is the best thing for us to do. And I say to the gentleman from Iowa [Mr. GILLETTE] that if he would do that oftener we would have less political gymnastics and gimeracks from

oftener we would have less political gymnastics and gimcracks from those of his party in this House.

But beyond that, to come down to the more immediate gist of this question, I hold that in the case of any legislation brought before this House, which refers to a class of persons, which refers to all the citizens of the United States, or to any number of citizens as a class, although a member may have a pecuniary interest in the question under consideration, he has not only the right to vote upon such questions, but it is his bounden duty to vote upon them. In relation to every subject involving in its effects the people generally, such as the question of a tax or a tariff, affecting citizens of all the States, or the citizens of one State only, if you please, members have not only the right to vote, but it is their bounden duty to vote upon such questions. I speak not now of the right under the rules. In a moment I will have a few words to say about the rule itself. If a measure is brought

have a few words to say about the rule itself. If a measure is brought

forward here affecting a particular corporation, if you please, of which a member upon this floor says he is a stockholder or a director, probably under a strict construction of the rule, the legislation referring to that one corporation only, he might be held not to have the right to vote upon that question.

But the answer to this point of order goes far deeper than that even. Every member of this House holds his right to vote not by any rule of the House of Representatives, but from his constituents standing behind him, and this right to vote is given him by the Constitution of the United States. That is the basis of our right to vote here, and hold that no rule of this House can debar any member from his

Thord that no rule of this riouse can debar any member from his right to vote.

There lies the foundation of our right to vote, and it lies nowhere else. It rests, therefore, with a man's own conscience whether he shall vote upon a question involving even his own direct pecuniary interest; even if it be a bill for a pension to himself, or to any one of his friends, or to his constituents, or to all of the people of the

United States.

United States.

That I may not be mistaken, Mr. Speaker, I wish briefly to state exactly the positions I take. I hold that when the law under debate relates to any general interest which a member may have in common with other citizens, in any common pecuniary interest held under laws applicable to all alike, then under the rule he may vote—yea, not only may vote, but his duty requires him to vote; and whether he votes for or against his interest makes no difference.

I might have asked the gentleman from Iowa whether his point of order was that I was debarred from voting because I had a direct pecuniary interest. His point of order is that I am a director in a national bank. I assume that he meant to make the point as above suggested because that is the wording of the rule. I further hold if the legislation applies to a class, is general by its provisions as distinct from something single or individual, the member may vote. On the other hand, if the bill relates to one corporation in which the member has an interest as a stockholder, then he has such interest that his right to vote comes under the provisions of the rule. I say

member has an interest as a stockholder, then he has such interest that his right to vote comes under the provisions of the rule. I say "comes under the rule;" I do not say he cannot vote even then.

But, Mr. Speaker, the answer to this objection lies much deeper than I have indicated. I utterly deny the right of this House to deprive any member of his right to vote. That right is given by the Constitution. And, Mr. Speaker, a very notable case in connection with this question occurred in 1807, I think it was, when the distinguished Mr. Macon, of North Carolina, was the Speaker of this House. A constitutional amendment was then before the House and its adoption required a two-thirds you. The vote as taken without the Speaker's vote stood 83 to 42, lacking one vote of the necessary two-thirds majority. The rule at that time specifically provided that the Speaker should not vote except in case of a tie. Yet directly in opposition to that rule Speaker Macon announced not only his determination to vote, but his right to vote, notwithstanding the rule; and by his vote in the affirmative that amendment to the Constitution was adopted by the House for submission to the States, and stands to-day a part of the Constitution. It so stands upon that vote given in direct opposition to a rule of this House.

Now, Mr. Speaker, as this is a question of a good deal of moment, I will ask the Clerk to read from pages 3016, 3019, 3020, and 3021 of the Congressional Record for the first session of the Forty-third Congress, being proceedings of April 11, 1874.

Mr. FRYE. It appears to me that this is consuming time for nothing. The point cannot by any possibility be raised until some genadopted by the House for submission to the States, and stands to-day

Mr. FRIE. It appears to me that this is consuming time for notating. The point cannot by any possibility be raised until some gentleman supposed to be interested offers to vote; and then all that the Speaker will do, undoubtedly, will be to say that the gentleman's own conscience must control him.

The SPEAKER. And the Chair in doing so would only repeat language formerly used by him, that language having been addressed by him to the gentleman from Maine [Mr. FRYE] himself when the bill to extend the time for the completion of the Northern Pacific Railroad was before the House.

Mr. FRYE. I remember it perfectly well.
Mr. NEWBERRY. I have the floor, and I ask that the RECORD be

Mr. WEAVER. I desire to reply to the gentleman from Michigan, but I do not want to take much time.

The SPEAKER. The Chair would suggest to the gentleman from Michigan that he might have these proceedings of a former Congress printed in the RECORD. If they are intended to affect the judgment of the Chair, he is perfectly familiar with them.

Mr. NEWBERRY. I am entirely willing that the parts I have marked shall be printed in the RECORD instead of being read.

The SPEAKER. If there be no objection, that will be done.

There was no objection.

The proceedings referred to by Mr. NEWBERRY are as follows:

Mr. Randall. I recollect the decision of the Chair made in the last Congress in relation to bank stock, and members holding that stock. I also recollect a decision which was made subsequently by the Chair in relation to Pacific Railroad stock, and the right of the gentleman from Massachusetts [Mr. Hooper] to vote upon a question affecting that stock.

The Speaker, (Mr. Blanke.) The Chair made this distinction at the time, based upon a decision made by Mr. Speaker Winthrop in the house of representatives in the State of Massachusetts, in which decision the doctrine is somewhat fully set forth, and which the Chair does nothing more than cencur in. The point was made in the Legislature of Massachusetts, about 1833 or 1834, if the Chair remembers correctly, that a member who owned some manufacturing stock in that

State could not vote on a question of general law regulating manufactures in that State. The point of order was overruled upon the ground that that was a general interest permeating the whole people of the State, and was not a distinct and personal interest separate and distinct from the public weal. Now, in the case of a specific single corporation by name, coming in here and having legislation to affect its rights, and a member representing in his own person the interest of that corporation, the Chair presumes that that member would be regarded as very differently situated from one owning shares of national-bank stock, that stock being diffused throughout the whole country, interlaced with all the business of the country, and upon which the currency and business of the country are based. That is not a distinct, personal, peculiar, private interest separate and apart from public interest. The Chair thinks the distinction is perfectly obvious, and it is one upon which he will stand.

public interest. The Chair thinks the distinction is perfectly obvious, and it is one upon which he will stand.

Before the result of the vote was announced,
Mr. Speer said: Mr. Speaker, I hold in my hand the report of the Comptroller of the Currency, which shows that the gentleman from Vermont, [Mr. Poland,] who has voted in the negative, is the president of a national bank. I further shows that the gentleman from New Jersey, [Mr. Hamilton,] on this side of the House, who has also voted in the negative, is the president of a national bank. I hold in my hand the Congressional Directory, which shows that Mr. Phelps, of New Jersey, is the director of several national banks. These gentlemen have all voted in the negative. The bill or amendment on which they have voted provides in the eighth section that in lieu of the tax of 1 per cent, per annum now imposed by law on the outstanding circulation of national banks, a tax of 3 per cent, per annum, payable semi-annually in gold, shall be collected upon the circulation which has been issued to each national bank which has not been returned for cancellation. I raise the point of order that these gentleman, belonging to both political parties, Mr. Poland of Vermont, Mr. Hamilton of New Jersey, and Mr. Phelps of New Jersey, have not the right to vote, being personally interested; and upon that point I ask the ruling of the Chair.

Mr. Cox. I desire to make a statement to the House on this subject, and I wish to be frank and explicit about it. I suppose that the gentleman from Pennsylvania, when he had the rule read, did not know that I had bank stock, and meant nothing personally. But the matter has been before the House formely. The gentleman from Missouri some time since offered a resolution here asking for a list of bank stockholders and officers. I voted for it. I have uniformly, as a member of the Banking and Currency Committee, and as a member of this House, voted to tax the stock of banks, and always at the making for the lill of the notes. We have had several con

Mr. CREAMER. I rise to a question of order. The Chair has already ruled on this question.

The SPEAKER. The Chair has not really ruled on it. The Chair may have fore-shadowed his opinion, but he did not rule.

Mr. ALBRIGHT. I object to debate.

The SPEAKER. The point of order may be briefly discussed.

Mr. SPEER. I desire to state in justice to the gentlemen whose names I have taken the liberty to use that I have selected them not from any personal hostility, but as representatives of a class. I believe there are eighty or a hundred gentlemen in this House who are similarly situated. I have selected these gentlemen because there is authentic evidence here of their interest.

Mr. BUTLER, of Massachusetts. I desire to say a single word. It seems to me that this is a point which it is of a good deal of consequence should be decided once for all. Therefore I desire to make a single observation.

Mr. ALBRIGHT. I object to debate.

The SPEAKER. This is in order. The Chair has the right to hear discussion upon a point of order, and on one of this magnitude the Chair has no desire to abridge discussion.

Mr. BUTLER, of Massachusetts. The point of order raises a question which ought

The SPEAKER. This is in order. The Chair has the right to hear discussion upon a point of order, and on one of this magnitude the Chair has no desire to abridge discussion.

Mr. BUTLER, of Massachusetts. The point of order raises a question which ought to be decided, and decided finally by the House, if anybody doubts the ruling of the Chair. In the case of any one of these gentlemen who have been named it is not a reproach to him that he owns bank stock. The question is this, does this holding of bank stock come within the ruling of the House, and the vote on this particular bill raises the question sharply.

This amendment of the gentleman from Kentucky proposes to tax this individual property of the member 3 per cent. on the circulation of the bank, and raises the tax upon that distinct from any other property in the United States. This brings up the question whether there can be a class of property in the United States, which is not possessed by all the people of the United States, such that a member owning it can be said, within the rule, not to be interested more than the general public. Without indicating any opinion on that subject, I desire to call the attention of the House to the fact that it comes directly to that; and if the rule is not operative there, where is it to be operative? Is it only to be operative when there is only one member of the House, or two members of the House, or three members of the House interested in a particular question? Does the extent of the number interested operate to take the individual out of the rule?

Mr. E. R. Hoar. I would like to ask how this differs from the tax on gold watches and silver plate?

Mr. DAWES. Is this the line of distinction, that when a member of the House belongs to a class of the community that may be affected one way or the other by the legislation, he is permitted to vote; but if he be an individual, to whom, as an individual, the question of interest applies, aside from a class, then he will be within the rule? The holder of bank stock would

rule.

When a very distinguished predecessor in this chair, Mr. Macon, of North Carolina, occupied it, as is familiar to the House, a question arose upon the amendment to the Constitution changing the mode of counting the votes for the election of President and Vice-President. The rule at that time was peremptory that the Speaker should not vote except in the case of a tie. It has been since changed. The vote, if the Chair remembers correctly, as handed up to Mr. Macon, was 83 in favor of the amendment and 42 opposed to it. The amendment did not have the necessary two-thirds, and the rule absolutely forbade the Speaker to vote, and yet he did vote,

and the amendment became ingrafted in the Constitution of the United States upon that vote; and he voted upon the distinct declaration that the House had no right to adopt any rule abridging the right of a member to vote; that he voted upon his responsibility to his conscience and to his constituents; that, although that rule was positive and peremptory, it did not have any effect upon his right. He voted, and, if the Chair remembers correctly, it was aftempted to context afterward, by some judicial process, whether the amendment was legally adopted. Button. Now the context is the state of the context of the conte

ment.

Mr. Speer. I do not desire to argue with the Chair after he has decided the question. It would have been at least courteous to have heard me before he de-

ment.

Mr. Speer. I do not desire to argue with the Chair after he has decided the question. It would have been at least courteous to have heard me before he decided it.

Mr. MAINARD. Is it proposed to appeal from the decision of the Chair?

Mr. Speer. Certainly, it is.

Mr. Holman. I appeal from the decision of the Chair.

Mr. RANDALL. The Speaker has made a very interesting statement of what he termed a principle involved "back of the rule." How does the Chair reconcile what he has now stated with his decision in reference to the right of the gentleman from Massachusetts | Mr. Hooper| to vote upon the Pacific Railroad bill?

The Speaker. The Chair thinks that was a single corporation, holding a different relation from the general system of banking throughout the United States.

Mr. RANDALL. But that gentleman was here, and had his conscience and his duty to his constituents which he must consider.

The Speaker. The Chair is not put here to say what the rules should be, but to construe what they are.

Mr. RANDALL. The Chair stated that the member was responsible to his own conscience and the constituency which he represented.

The Speaker. The Chair did not say that; the Chair stated that Mr. Macon so stated, which is a higher authority than that of the present occupant of the chair.

Mr. RANDALL. I do not know that it is any better.

The Speaker. An appeal has been taken from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of this House?

Mr. PARSONS. I move to lay the appeal on the table.

Mr. Speer. And on that motion I call for the yeas and nays.

The yeas and nays were not ordered; there being only 13 in the affirmative.

The Speaker. The Chair desires that this vote shall be taken by tellers, so that it may go upon the record. The gentleman from Indiana, Mr. Holman, who appealed from the decision of the Chair, and the gentleman from Ohio, Mr. Parsons, who moved to lay that appeal on the table, will act as tellers.

The House divided; and the tellers repor

Mr. WEAVER. If I can have the attention of the House, I wish

Mr. WLAYER. I rean have the attention of the House, I wish to submit a few remarks.

Mr. WILBER. I object. I think this has gone on far enough.

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] rises to speak to the question of order which has been raised, and he has

stated he desires to speak but a few moments. The Chair thinks that the business of the House might possibly be facilitated by hear-

ing him.

Mr. WILBER. I withdraw the objection. Let him go on.

Mr. WEAVER. I hope the gentleman will not object, inasmuch

A MEMBER. The objection is withdrawn. Mr. WEAVER. All right. Possibly somebody may challenge the

gentleman's vote when he comes to vote.

Mr. Speaker, the language of Rule VIII is that every member shall vote "unless he has a direct personal or pecuniary interest in the event of such question." Now, I wish to call attention to section 5 of the bill as it stands before the House. The very first provision is to the effect that "the 3 per cent. bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation." The next provision in it is to the effect that no bonds upon which the interest has ceased shall be received as deposits to secure circulation, or shall remain on deposit for such purpose. And the last provision is that section 4 of the act of June 20, 1874, shall be repealed. Now, each of these provisions affects directly the pecuniary interest of every stockholder in a national

The point of order made by my colleague was not personal alone to the gentleman from Michigan—was not intended to apply to him alone, I suppose; but if it does, I extend it so as to make it apply to any and every member of the House who is a shareholder in a national bank. It may, and very likely will, deprive this House of a quorum—I do not know; but of course each gentleman will vote on his own conscience when his name is called.

First. By the law as it now stands national banks may use any and

all kinds of Government bonds to secure their circulation.

Second. They may deposit in pledge bonds upon which all interest

has ceased.

Third. These banks may, whenever and as often as they see proper retire and in turn increase their circulation, by depositing lawful money with the Secretary of the Treasury. Now, all three of these privileges are taken away by the provisions of this bill. How can it then be said that a stockholder in a national bank has not a pecuniary interest in the matters contained in this measure? If they have not

interest in the matters contained in this measure? If they have not, then it is impossible to imagine an instance where a member could have such an interest. The object of the rule is to preserve and protect the purity of legislation—to protect the people against the greed and avarice of rings and legislative jobs.

The gentleman's [Mr. Newberry] argument that this is similar to a proposition to repeal a stamp tax on matches, or proprietary medicines, or to a bill to levy a tax upon distilled spirits, is without force. If the gentleman was a manufacturer of matches, or had a large quantity of liquor in bonded warehouse upon which a tax was about to be imposed or released, then the circumstances would be very nearly parimposed or released, then the circumstances would be very nearly par-allel, for in this instance these gentlemen are engaged personally in the banking business, and it is a question of dollars and cents with them. They have a pecuniary interest, which is wholly different and distinct from the great body of the people of the United States. Nothing can be plainer than that. It is not necessary that this pecuniary interest should be peculiar to the member or members challenged. They may belong to a large class of persons some of whom are in Congress and some of them out of Congress. If it is a pecuniary interest it is sufficient under the rule to exclude them from the right to vote on this measure. If members of this House belong to class of men interested in procuring certain legislation not in

a class of men interested in procuring certain legislation not in harmony with the general interests of the country, then for a greater reason the rule should be enforced.

Now, one word in regard to the "garbled extract" as claimed by the gentleman from Michigan. There is nothing garbled in the extract read by my colleague. It is taken from the gentleman's own language when he was replying to the question of personal privilege raised by my colleague. Not one word is left out of it. The point of order is not made because the gentleman stated on the floor of this House he went to the officers of a bank of which he was a director and asked them how to vote; that is not the reason this challenge is made to-day, but because he states in his own language upon the floor of the House that he is a director of a bank, and that makes him pecuniarily interested in the passage of this bill.

And that is all. I extend the point of order so it shall apply to every gentleman on the floor of the House who owns stock in a national bank, and call in question the right of any member of the House to

bank, and call in question the right of any member of the House to vote on the passage of this bill if he is interested in national banks.

The SPEAKER. You will have necessarily to name them.

Mr. WEAVER. And we can do that on the roll-call if the point of

order made by my colleague [Mr. GILLETTE] is sustained.

Mr. HASKELL. I wish to detain the House but a single moment.

It may be true that indirectly stockholders and directly national banks would be involved by the passage of a certain bill of this character to the extent of a dollar on one side of the ledger or the other. If this ruling is to hold, then I take it that every greenback Congres man on this floor is involved to a greater degree, for then their entire business would be swept from under them, if it were not for exactly just such legislation and agitation as we have here in this bill. Their entire salaries of \$5,000 a year each are at stake in such agitation as this. I insist without it they would retire to their homes bankrupt in purse, bankrupt in reputation, and void of any office under the Government but for just such propositions being brought forward as the one now pending. Therefore they should be included in the point of order. [Laughter.]

Mr. GILLETTE. I should like to ask the gentleman from Kansas what would become of him and his colleagues if the "bloody shirt" were eliminated from politics?

Mr. BURROWS. I desire to have read a single passage from May's Parliamentary Practice, which seems to me to be decisive.

The Clerk read as follows:

The Clerk read as follows:

In 1796 a general resolution was proposed in the Lords "that no peers shall vote who are interested in a question;" but it was not adopted. It is presumed, however, that such a resolution was deemed unnecessary; and that it was held that the personal honor of a peer will prevent him from forwarding his own pecuniary interest by his votes in Parliament. By standing order No. 178 lords are "exempted from serving on the committee on any private bill wherein they shall have any interest."

In the Commons it is a distinct rule that no member who has a direct pecuniary interest in a question shall be allowed to vote upon it; but in order to operate as a disqualification, this interest must be immediate and personal, and not merely of a general or remote description.

On the 17th July, 1811, the rule was thus explained by Mr. Speaker Abbot: "This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned, and not in common with the rest of His Majesty's subjects, or on a matter of state policy." This opinion was given upon a motion for disallowing the votes of the bank directors upon the gold-coin bill, which was afterward negatived without a division.

No instance is to be found in the journals in which the vote of a member has been disallowed upon questions of public policy.

Mr. SPRINGER. Mr. Speaker, I cannot agree with the conclusions

Mr. SPRINGER. Mr. Speaker, I cannot agree with the conclusions of the gentleman from Iowa or the position which he has taken in reference to this point of order. It seems to me that the rule does reference to this point of order. It seems to me that the rule does not apply to the case which the gentleman has cited. The rule, in my judgment, ismanifestly different. It provides that a member shall have a direct, personal, or pecuniary interest in the event of such question before he can be excluded from the privilege of voting. The word "direct" was evidently put in to distinguish between a case in which a member was interested in common with other members and a case which was peculiar to himself.

There have been many decisions in England and this country upon

There have been many decisions in England and this country upon the subject, and all of them have drawn a clear distinction between the subject, and all of them have drawn a clear distinction between cases where the interest was in common with others or where it applied personally to the individual member; in other words, whether the bill under consideration was a general or a private law. If this House should undertake to approve an act for the benefit of the bank in which the gentleman from Michigan or any other gentleman had a direct personal and pecuniary interest, then such member would properly be excluded from voting. If a general law affecting all banks alike be under consideration, then he is not disqualified by reason of his interest in that bank. It seems to me that the question is settled in that respect by citing the fact that members vote upon questions of their own pay. There can be no doubt of the right of members in this House and the Senate to vote upon questions of raising or lowering their salaries. That is a matter of necessity; it is a question in which all are interested, and yet it is a question which must be settled by the votes of the members themselves.

There have been frequent decisions covering this point, notably

must be settled by the votes of the members themselves.

There have been frequent decisions covering this point, notably one by Speaker Winthrop in the house of representatives of Massachusetts in 1840, in the case of the Boston and Sandwich Glass Company, where certain stockholders of that corporation were members of the Legislature, and their right to vote upon a certain subject in which said company was interested was questioned. In an elaborate opinion upon the point raised in that case, Speaker Winthrop held that such stockholders could not be excluded from voting, which decision was sustained by the house on appeal.

I ask the Clerk to read in this connection section 1846 of Cushing's Law and Practice of Legislative Assemblies, which is a summary of

Law and Practice of Legislative Assemblies, which is a summary of cases upon this question, and which settles the right, in my judgment, of members to vote.

The Clerk read as follows:

The Clerk read as follows:

It seems from the foregoing and other cases, first, that when a question is pending the right or duty of a member to vote on that question may be brought forward by himself or any other member, and settled by the House before that question is taken; secondly, that if any question of this kind is made after a division has commenced, and before the decision of the House is announced, the Speaker is to decide it peremptorily as a question of order subject to the future revision of the House; third, that parties named in the bill either individually or collectively are excluded from voting thereon, whatever their interest may be; fourth, that members who are not named as parties must be shown to have a direct pecuniary interest in a bill in order to preclude them from voting upon it; fifth, if this interest is one which can be disclaimed it is sufficient to do so either before or after a division in order to justify voting on the question; and sixth, that the interest of a member which will exclude him from voting must be separate and distinct, and not merely enjoyed by him in common with his fellow-citizens.

The SPEAKER. The Chair is ready to decide this question, but

The SPEAKER. The Chair is ready to decide this question, but the gentleman from Mississippi has indicated a desire to be heard.

Mr. HOOKER. Mr. Speaker, I shall detain the House but a few minutes. I desire to say on this point of order that this rule, to which reference has been made here, which prescribes the duties of members, will be found to show that it is made the duty of a member to vote ou each particular question which is brought before the House for consideration, unless he shall be excused by a motion, before a division is taken upon the question, or "unless he has a direct fore a division is taken upon the question, or "unless he has a direct personal or pecuniary interest in the event of such question," and that pecuniary interest must be direct and positive. The same principle that applies to the admission or exclusion of the testimony of inter-

ested parties in courts of justice ought to apply in this case, and I take it for granted that such will be the construction which the Chair will place upon the rule. Every lawyer knows that in a court of justice the rule is held to exclude the testimony of a witness only in the event that his interest in the result of the case is direct and immediate. The same rule and the same principle of law ought certainly to early hope.

mediate. The same rule and the same principle of law ought certainly to apply here.

It might be contended, Mr. Speaker, that few questions can everarise in this House in which some members perhaps more than others, and in many cases in which all of them, are not directly interested in the result. Upon the proposition which was presented here last year to appropriate the sum of \$5,000 to investigate the insects that destroyed the cotton plant, it might be held, under the construction which has been claimed here to be placed upon this rule, that not a single member from the Southern States or from a State engaged in cotton planting could yet a upon that question, because he was interested in the ing could vote upon that question, because he was interested in the result of the increase of this product. And so with reference to every proposition which is intended to benefit the agricultural interests of the country. It might be said that no member should vote upon such the country. It might be said that no member should vote upon such a proposition, because in general every member on this floor is in some way or other interested in developing the agricultural resources of the country; and if this be shown to be true, as it can be in the majority of cases, all such members would be inhibited from voting on such bills. I presume, Mr. Speaker, that such a result as that would hardly be held to be within the scope of this rule. The interest which would exclude a member from voting must be a personal interest, such an interest as would exclude a party from testifying in a court of justice; in other words, an interest which is direct, personal, and immediate.

and immediate.

Mr. COX. Mr. Speaker, if the argument of the gentleman is correct this rule ought to be wiped out. It is an utter nullity. There can be no direct interest possible in the House of Representatives to

affect any man's vote.

affect any man's vote.

Now I admit, Mr. Speaker, the current of authority from the beginning of the Government down to the present time has been in favor of setting aside this rule and allowing members to vote. The case of Mr. Macon, referred to by Speaker Blaine in the Forty-third Congress, is in point. Other cases may be cited.

I recollect of one case which has not yet been referred to, which was decided by Mr. Speaker Blaine. A member from Pennsylvania was about to vote on a tariff bill affecting the Bessemer steel process.

was about to vote on a tariff bill alrecting the Bessemer steel process. I challenged his vote. He was an owner of one of the Bessemer steel works in this country. He had a patent connected with the process and was directly interested. And yet the Speaker then, following the line of precedents, allowed him to vote, but when he went home to Pennsylvania the people never allowed him to vote any more.

I contend now, as I contended then, that this rule must have some substantial practical meaning. What is it? It says that—

Every member shall vote on each question put, unless-

Unless what ?-

unless he has a direct personal or pecuniary interest in the event of such question.

If the member has a direct personal or pecuniary interest in the event of the question he shall be excluded from voting. And where can there be a more direct pecuniary interest than when the question can there be a more direct pecuniary interest than when the question is in regard to putting a tax on or taking a tax off the assets of a bank, the effect of which is clearly to affect the dividends to the stockholders? This rule was adopted to protect the people against the greed and the selfishness of members. It was intended as a popular guard against members who come here having their own special interests, your railroad men, your bank men, your Bessemer steel process men. It was intended to guard not against a man voting a pension to himself, but his voting directly against the popular interest and for his own interest; and I wish the decisions which have been made heretofore may be reversed in the interest of the people and of good legislation. good legislation.

Mr. REED. Though I am aware the Chair has undoubtedly made up his mind on this subject, yet I think time is not lost in getting from members of the House an expression of their ideas as to the meaning of this rule.

This rule is intended to be founded, like all other rules for governing a body of this kind, upon common sense and reason. Now, it is common sense and reason that a member who has a direct, pecuniary, or personal interest in the result of a bill should be excluded from voting on it; but not so where his interest is only the interest of a large class of his fellow-citizens; because although our Government is theoretically a representation of individuals it is also necessarily a representation of interests. Men are sent here because they repreint interests as well as individuals; and a man may be sent here sent interests as well as individuals; and a man may be sent here-like the Bessemer steel manufacturer, whom my friend from New York has talked about, because his constituents are deeply interested in the Bessemer steel process, and in the factories which are estab-lished for the purpose of making it; and the result of excluding from voting such a man and men of that kind would be to strike at the vote of every practical business man in either House of Congress. Men are selected and sent here for the reason very often that they are business men, men who know and understand the pecuniary wants

are business men, men who know and understand the pecuniary wants of their constituents, and because they are interested in like manner with their constituents. The ruling which is suggested by my friend from New York, and contended for by him, would practically exclude

the men who know best and who can best represent the interests of their constituents. Take, for instance, a town like Steubenville, in Ohio, or any town which is interested in manufactures of various kinds. What man can represent the interests of not only the manufacturers there, but of every workman who is busied in the mills of that town, better than the man who is himself interested in them? Men are selected to be sent to Congress with reference to considerations of that kind, and it is impossible for any law of Congress to be passed which does not affect the members of this House pecuniarily in connection with a whole mass of their fellow-citizens. it is the best safeguard we can have that men should act with reference to matters that they comprehend and understand. It appears to me, therefore, this matter has been decided not only upon correct principle but upon reason and sound sense as well.

Mr. GILLETTE rose.

Mr. BUCKNER. I rise to a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BUCKNER. I desire to know what is the question before the

House.
The SPEAKER. The Chair will state what is the question before the House. The gentleman from Iowa [Mr. GILLETTE] rises to a point of order, and questions the right of the gentleman from Michigan [Mr. Newberry] to vote in view of the fact that he has stated, as appears in the Congressional Record, that he was interested in a national bank. That is the substance of it.

Mr. BUCKNER. The gentleman from Michigan [Mr. Newberry] has not yet offered to vote.

The SPEAKER. The Chair thinks this point may as well be made now. It could not be brought up to interrupt the roll-call.

Mr. COX. I would ask the gentleman from Missouri when else can

we raise the question? It cannot be done while the roll-call is pro-

we raise the question? It cannot be done while the roll-call is proceeding. I was put down once when making such a point because it was too late to make it during the roll-call.

Mr. GILLETTE. Just one word. Nearly all who have spoken against my point of order have endeavored to reduce it to an absurdity by extending the rule indefinitely into thin air. You can make anything ridiculous by the same course. The rule is specific and refers to a pecuniary interest; and I say a man could not have a more direct pecuniary interest in a question pending before the House than the gentleman from Michigan has in this question.

Mr. SINGLETON, of Illinois. Will the gentleman yield for a question?

tion?

Mr. GILLETTE. Certainly.
Mr. SINGLETON, of Illinois. I would ask the gentleman whether it is not a personal privilege to be pleaded by the member himself as an excuse for not voting, that he has a pecuniary interest in the question, and he thereby excuses himself without any vote of the House? The House may excuse him, but the member may excuse himself by

pleading his pecuniary interest.

Mr. GILLETTE. He certainly can excuse himself, but the House can excuse him, too, and will if it enforces the eighth rule. We do not generally rely upon individual members to enforce the laws, but the House does so as a body. We have been listening here to authorities away back in the dim past. The decisions of the English House of Lords, an aristocratic body that holds its authority for life, and is not amenable to the people, have been cited as an authority upon this question. I want to call the attention of the Speaker to the fact that we live in a new country, in a new era; that we are living under a new Government, a Republic, and under new rules, and we do not want to go back to the dark ages to decide whether corporations can, want to go back to the dark ages to decide whether corporations can, by manipulating caucuses and conventions, get their officers, their tools, in here to legislate in their interests solely, and against the people. I venture to say that not 1 per cent. of the gentleman's constituents are represented by him when he votes upon this important measure, as instructed by his bank directors.

The SPEAKER. The Chair must be governed by the rules of the House, and by the interpretations which have been placed on those rules in the past by the House. The old rule, Rule 29, does not differ in substance from the paragraph of the present Rule VIII bearing ment this particular subject.

upon this particular subject.

This is not a new question. It was brought to the attention of the country in a remarkable manner in the Seventh Congress, when Mr. Macon, then Speaker of the House, claimed his right as a representative of a constituency to vote upon a pending question, notwith-standing there was a rule of the House to the contrary. The Chair will direct the Clerk to read the record in that case.

The Clerk read as follows:

On a very important question, taken December 9, 1803, on an amendment to the Constitution, so as to change the form of voting for President and Vice-President, which required a vote of two-thirds, there appeared 83 in the affirmative, and 42 in the negative; it wanted 1 vote in the affirmative to make the constitutional majority. The Speaker, (Macon,) notwithstanding a prohibition in the rule as it then existed, claimed and obtained his right to vote, and voted in the affirmative; and it was by that vote that the amendment to the Constitution was carried. The right of the Speaker, as a member of the House, to vote on all questions is secured by the Constitution. No act of the House can take it from him when he chooses to exercise it.

The SPEAKER. The Chair is not aware that the House of Representatives has ever deprived a Representative of the right to represent his constituency. A decision of the Chair to that extent would be an act, the Chair thinks, altogether beyond the range of his authority.

The Chair doubts whether the House itself should exercise or has the power to deprive a Representative of the people of his right to represent his constituency. The history of the country does not show any instance in which a Representative has been so deprived of that right.

There have been various decisions from time to time upon this point, notably the one to which the gentleman from New York [Mr. Cox] has alluded; the one where the right of Mr. Morrell, a Repre-COX] has alluded; the one where the right of Mr. Morrell, a Representative from Pennsylvania, to vote was questioned because he was interested in a patent for the manufacture of Bessemer steel, the question under consideration being the rate of tariff on such imported steel. Yet the House upon that occasion decided that the Representative had the right to vote, and he did vote.

Again, notably in another instance, where another member from Pennsylvania, Mr. Speer, raised the question against two members of this House as to their right to vote upon a subject relating to banks, they being officers of national banks. The Chair will direct to be read the decisions in that case made by the then Speaker, Mr. BLAINE. The Clerk read as follows:

The Clerk read as follows:

APRIL 11, 1874.

Mr. Speer made the point of order that certain members holding stock in national banks were not entitled to vote, being personally interested in the pending ques-

banks were not entraced to took, years per tion.

The SPZAKER overruled the point of order on the ground that where proposed legislation, as in the present instance, affected a class as distinct from individuals it had always been held that a member had a right to vote.

From this decision of the Chair Mr. Holman appealed.

Pending which.

On motion of Mr. Parsons, the appeal was laid on the table.

The SPEAKER. There was no yea-and-nay vote; but the Chair thinks he is correct in stating that it was because there was not enough who differed with the Chair in that opinion to order the yeas and nays. The Chair thinks there were but nine who differed with

The present occupant of the chair himself decided a collateral point bearing somewhat on this question. The Clerk will read from the RECORD

The Clerk read as follows:

MARCH 2, 1877.

Mr. Lamar. I move to suspend the rules so as to take from the Speaker's table the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad.

During the call of the roll the following occurred:

Mr. Frye. Lwould like to vote on this bill, but I am an unfortunate stockholder in this road, and do not feel at liberty to vote until the Chair has ruled upon my right to do so.

Mr. CLYMER. What will you take for your stock? [Laughter.]

Mr. LANE. I ask unanimous consent that the gentleman be allowed to vote.

The SPEAKER. Rule 29 reads:

"No member shall vote on any question in the event of which he is immediately or particularly interested."

Having read this rule, it is for the gentleman himself to determine whether he shall vote, not for the Chair.

Mr. FRYE. I decline to vote.

The SPEAKER. In view of these decisions and because of the reasons given in this debate, the Chair overrules the point of order. Mr. GILLETTE. Mr. Speaker

Many Members. Regular order!

The SPEAKER. The gentleman from Iowa [Mr. Gillette] has a right to be heard, as the Chair supposes he intends to appeal from his decision.

Mr. GILLETTE. With all respect for the decision of the Chair, inasmuch as I believe this is a question of great importance, and this decision under the new rule will probably be quoted for a great many decision under the new rule will probably be quoted for a great many years as a precedent, I will appeal from the decision of the Chair. Upon this appeal it is for the House to decide whether or not this rule shall be a dead letter or whether the representatives of rich corporations, acting in this House under instructions, shall be curbed and bridled by it. It has been said the criminal code was never designed for rich men. How rarely are they punished for their crimes, while poor men almost invariably suffer the extreme penalty of the

I desire to find out whether the rules of this House have any binding force when applied to the agents of wealthy corporations upon this floor. I know how strictly they are enforced against small minorities here; but when they strike at "game," we are told they are unconstitutional, null, and void.

This rule now under consideration was reported to this House and passed at its last session. The honorable Speaker, Hon. J. A. Garfield, President-elect; Hon. J. C. S. BLACKBURN, and Hon. W. P. FRYE composed the committee that reported it, and now the first time it is applied to the test to restrain an interested voter it is all at once discovered to be unconstitutional by the chairman of the committee that reported it, the honorable Speaker, who holds that it is a dead letter. This is the law; let us enforce it to the letter or repeal it at

The SPEAKER. The Chair desires to say that the paragraph of Rule VIII relating to this subject is in substance the same as Rule 29

of the old rules.

Mr. FERNANDO WOOD. I move to lay the appeal on the table.

The question being taken on the motion of Mr. FERNANDO WOOD, there were—ayes 185, noes 9.

Mr. O'NEILL. I think it would be well to have the yeas and nays on this question. [Cries of "Oh, no!"]

Mr. WEAVER. I call for the yeas and nays.

The SPEAKER. The yeas and nays are asked. As many as are in favor of taking this question by yeas and nays will rise and stand till counted. [After a pause.] Twenty gentlemen voting in the affirmative, the Chair thinks it would not be amiss to have this question that the by the counter of the

in taken by yeas and nays.

Mr. O'NEILL. That was my impression.

Mr. WEAVER. I ask the Chair to put the affirmative again. I think the yeas and nays will be ordered.

The question being again put, there were ayes 53; more than onefifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 221, nays 32, not voting 39; as follows:

VEAS-221. Acklen, Aiken, Aldrich, N. W. Aldrich, William Anderson, Atherton, Bachman, Bailey, Raker Kitchin, Klotz, Knott, Russell, W. A. Ryan, Thomas Ryon, John W. Deuster, Dibrell, Dick, Dickey, Dunnell, Dwight, Einstein, Elan, Knott,
Lapham,
Le Pevre,
Lindsey,
Loring,
Lounsbery,
Manning,
Mareth,
Martin, Benj. F.
Martin, Edward L.
Martin, Joseph J.
Mason,
McCold,
McCook,
McGowan,
McKinley,
McLane,
Milles, Ryon, John W.
Sapp,
Sapy,
Sawyer,
Scales,
Scoville,
Shallenberger,
Shellev,
Shelwin,
Singleton, J. W.
Singleton, O. R.
Slemons,
Swith A. Balley, Baker, Ballou, Barber, Beale, Belford, Ellis, Errett, Evins, Felton, Ferdon, Field, Fisher, Slemons, Smith, A. Herr Smith, Hezekiah B. Smith, William E. Beltzhoover, Bicknell, Bingham, Blackburn, Blake, Bland, Forney, Forsythe, Fort, Frost, Frye, Godshalk, Goode, Gunter, Hall, Stone,
Talbott,
Taylor, Ezra B.
Thomas,
Thompson, P. B.
Thompson, W. G.
Tillman,
Townsend, Amos
Tucker,
Tyler,
Tyl Bliss, Blount, Bowman, Boyd, Miles, Miller, Miller, Mills, Mitchell, Money, Monroe, Morse, Muldrow, Muller, New, Brewer. Hall Hammond, John Hammond, N. J. Harmer, Harris, Benj. W. Harris, John T. Haskell, Hawley, Hayes, Heilman, Henderson. Briggs, Brigham, Browne, Buckner, Neal,
New berry,
Nicholls,
Norcross,
O'Connor,
O'Neill,
O'Reilly,
Orth,
Overton,
Pacheco,
Page,
Persons,
Phelps,
Philips,
Phister,
Poehler, Butterworth, Cabell, Caldwell, Calkins, Burrows, Camp, Cannon, Carlisle, Henderson, Henkle, Henry, Herbert, Hiscock, Hooker, Van Aernam, Vance, Van Voorhis, Voorhis, Waddill, Wait, Ward, Ward, Washburn, Wellborn, Wellsorn, White, Whiteaker, Carnsie, Carpenter, Caswell, Chalmers, Chittenden, Claffin. Horr, Hostetler, Hubbell, Hull, Clardy, Clements, Clymer, Cobb, Hull, Humphrey, Hunton, Hurd, Hutchins, Johnston, Poehler. Cobb,
Conger,
Converse,
Cook,
Covert,
Cowgill,
Crapo,
Cravens,
Davidson,
Davis, George R.
Davis, Horace Prescott, Price, Reed, Rice, Williams, C. G. Williams, Thomas Rice, Richardson, D. P. Richardson, J. S. Robertson, Robinson, Ross, Rothwell, Russell, Daniel L. Jones, Keifer, Kelley, Kenna, Ketcham, Willis, Willits, Wood, Fernando Wood, Walter A. Kimmel, King,

NAYS-32. Finley, Ford, Geddes, Atkins, Bragg, Coffroth, Colerick, Murch, Reagan, Richmond, Turner, Oscar Turner, Thomas Weaver, Whitthorne, Samford, Sparks, Stevenson, Taylor, Robert L. Townshend, R. W. Gillette Cox, Cox, Culberson, Davis, Lowndes H. De La Matyr, Wilson, Wise, Wright, Lowe, McKenzie, McMillin, Yocum

NOT VOTING-39.

Davis, Joseph J.
Dunn,
Ewing,
Gibson,
Hawk,
Hazelton,
Herndon,
Hill,
Houk,
James. Armfield, Barlow, Bayne, Jorgensen, Joyce, Killinger, Pound, Ray, Robeson, Robeson, Simonton, Starin, Stephens, Warner, Young, Casey Young, Thomas L. Ladd, McMahon, Morrison, Morton, Myers, O'Brien, Berry, Bouck Bright, Clark, Alvah A. Clark, John B. Crowley, Daggett, James,

So the appeal from the decision of the Chair was laid on the table. Before the result of the vote was announced,
Mr. SIMONTON said: Mr. Speaker, my attention was momentarily diverted when my name was called. I would like to have my vote recorded.

The SPEAKER. The gentleman has not the right to have his vote recorded if he did not answer on one of the two roll-calls.

Mr. SIMONTON. I was on the floor during the roll-call, but my attention was diverted at the time my name was called.

Mr. SPRINGER. I am in the same situation.

Mr. PAGE and Mr. MORTON. Cannot members vote now by unanimous consent

The SPEAKER. The rule forbids the Chair to entertain such a

request.

The following pairs were announced from the Clerk's desk:
Mr. BRIGHT with Mr. OSMER.
Mr. RAY with Mr. LADD, on political questions.
Mr. YOUNG, of Tennessee, with Mr. HOUK.
Mr. MYERS with Mr. ORTH.
Mr. MARTIN of North Caroling, with Mr. ARMEIED on D.

Mr. MARTIN, of North Carolina, with Mr. ARMFIELD, on political questions until further notice.

questions until further notice.

Mr. Bayne with Mr. Ewing, after Wednesday.

Mr. James with Mr. O'Brien, until further notice.

Mr. Simonton with Mr. Morton.

Mr. McKenzie. I am paired with Mr. Robeson on political questions, but not regarding this as of that character, I have voted.

The vote was then announced as above recorded.

The SPEAKER. The amendments reported from the Committee of the Whole House on the state of the Union will be read, and gentlemen will indicate, as they are read for information, on what amend-

ments separate votes are desired.

The amendments were read.

Mr. DEUSTER. I desire to have a separate vote of the House on the proviso adopted on motion of the gentleman from Alabama, [Mr.

the provise adopted on motion of the gentleman from Alabama, [Mr. SAMFORD.]

Mr. HUTCHINS. And I wish to have a separate vote on the first amendment, making the rate of interest 3 instead of 3½ per cent. I would like to have a separate vote also upon the amendment making the bonds five and ten instead of twenty and forty years. I ask also for a separate vote on the last section but one, being the substitute proposed by the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CLAFLIN. I ask, Mr. Speaker, for a separate vote on all substantive amendments to the first section.

The SPEAKER. Notice has been given already that reaches almost

The SPEAKER. Notice has been given already that reaches almost

all of the amendments.

Mr. SAMFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMFORD. It is whether the amendments reported to a single section are divisible?

The SPEAKER. Amendments reported from the Committee of the Whole House on the state of the Union as single amendments are not

divisible.

Mr. FERNANDO WOOD. I suggest to the House that, although these amendments are put down separately and distinctly and numerically by the Clerk, yet where they relate to the same thing and a vote is taken upon the first one, that there need be no separate vote on subsequent amendments exactly the same in substance.

The SPEAKER. The amendments will be reported in their order, and on the first amendment the gentleman from New York [Mr. HUTCHINS] demands a separate vote.

Mr. SAMFORD. My question is, can you take a separate vote on the amendments to a section or must they all be voted on together?

The SPEAKER. No; each amendment is voted on separately, but a single amendment cannot be divided but must be voted on as it came from the committee.

came from the committee.

The first amendment is, to strike out "five" in the sixteenth line of the printed bill, and insert "four."

Mr. HUTCHINS. I find the amendment I have referred to is not the first amendment.

Mr. CARLISLE. I desire to withdraw an amendment proposed by me yesterday afternoon. The bill as printed in the Record the other day contained the words "and notes," which were ordered by the Committee of the Whole House on the state of the Union to be stricken out; but on examination of the bill itself as sent to the House by the Public Printer, I find it is correct, and my amendment therefore

the Public Printer, I find it is correct, and my amendment therefore is unnecessary.

The SPEAKER. That requires unanimous consent, but the Chair hears no objection, and it is ordered accordingly.

Mr. HUTCHINS. My demand for a separate vote was on striking out "3½" and substituting "3" per cent.

The SPEAKER. The question is on the first amendment of the Committee of the Whole House on the state of the Union striking out "five" and inserting "four;" so it will read "the Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding four hundred million dollars," &c.

The amendment was agreed to.

The amendment was agreed to.

The amendment was agreed to.

The SPEAKER. The next amendment is on striking out "3½" and in lieu thereof inserting "3;" so it will read "which shall bear interest at the rate of 3 per cent. per annum."

Mr. HUTCHINS. I demanded a separate vote on that amendment. Mr. KEIFER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and decided in the affirmative—yeas 149, nays 104, not voting 39; as follows:

	1.1	143.	
Acklen,	Beale,	Bliss,	Carlisle,
Aiken,	Beltzhoover,	Blount,	Chalmers,
Atherton,	Berry, Bicknell,	Bouck,	Clardy,
Atkins,		Bragg,	Clark, John B.
Bachman,	Blackburn,	Cabell,	Clements,
Barber,	Bland,	Caldwell,	Clymer,

Coffroth,	Hatch.	New,	Stevenson,
Colerick,	Henkle,	Nicholls,	Talbott,
Conger,	Herbert,	O'Connor,	Taylor, Robert L.
Converse,	Hill,	O'Reilly,	Thompson, P. B.
Cook,	Hooker,	Persons,	Tillman,
Covert,	Hostetler,	Phelps,	Townshend, R. W.
Cox,	House,	Philips,	Tucker,
Cravens.	Hull,	Phister.	Turner, Oscar
Culberson,	Hunton,	Poehler,	Turner, Thomas
Daggett,	Jones,	Reagan,	Updegraff, Thomas
Davidson,	Kelley,	Richardson, J. S.	Upson,
Davidson,	Kenna.	Richmond,	Van Aernam.
Davis, Joseph J.	Kimmel.	Robertson,	Vance,
Davis, Lowndes H.			Van Voorbis,
De La Matyr,	Kitchin,	Ross, Rothwell	Waddill,
Deuster,	Klotz,		Washburn,
Dibrell,	Knott,	Russell, Daniel L.	
Dickey,	Le Fevre,	Ryon, John W.	Weaver,
Dunn,	Lounsbery,	Samford,	Wellborn,
Dunnell,	Lowe,	Sawyer,	Wells,
Elam,	Manning,	Scales,	White,
Evins,	Marsh,	Scoville,	Whiteaker,
Felton,	Martin, Benj. F.	Shelley,	Whitthorne.
Finley,	Martin, Edward L.	Simonton,	Williams, Thomas
Ford,	McCoid,	Singleton, J. W.	Willis,
Forney,	McKenzie,	Singleton, O. R.	Wilson,
Forsythe,	McMahon,	Slemons,	Wise,
Frost,	McMillin,	Smith, Hezekiah B.	Wood, Fernando
Geddes,	Mills,	Smith, William E.	Wright,
Goode,	Money,	Sparks,	Yocum.
Gunter.	Muldrow,	Speer,	
Hammond, N. J.	Muller,	Springer,	
Harris, John T.	Murch,	Steele,	
The state of the s	NAV	S-104.	

Aldrich, Nelson W.	Deering,	Keifer.	Price,
Aldrich, William	Dick.	Ketcham,	Reed,
Anderson,	Dwight,	Killinger,	Rice.
Bailey,	Einstein,	Lapham,	Richardson, D. P.
Baker.	Errett.	Lindsey,	Robinson,
Ballou.	Ferdon.	Loring.	Russell, W. A.
Belford,	Field.	Mason.	Ryan, Thomas
Bingham,	Fisher.	McGowan.	Sapp,
Blake.	Fort.	McKinley,	Shallenberger,
Bowman,	Frye,	McLane.	Sherwin,
Boyd,	Godshalk,	Miles,	Smith, A. Herr
Brewer.	Hall,	Miller,	Stone,
Briggs,	Hammond, John	Mitchell,	Taylor, Ezra B.
Brigham,	Harmer,	Monroe,	Thompson, W. G.
Buckner,	Harris, Benj. W.	Morrison,	Townsend, Amos
Burrows,	Haskell,	Morse,	Tyler,
Butterworth,	Hawley,	Morton,	Updegraff, J. T.
Calkins,	Hayes,	Neal,	Urner,

Urner, Valentine, Hayes, Heilman Calkins,
Cannon,
Carpenter,
Caswell,
Claffin,
Cowgill,
Crapo,
Davis, George R.
Davis, Horace Newberry, Norcross, O'Neill, Henderson, Henry, Hiscock, Voorhis, Wait, Ward, Overton, Pacheco, Warner, Wilber, Willits, Wood, Walter A. Horr, Hubbell. Page, Pound, Prescott, Humphrey, Hutchins, NOT VOTING-39.

JUNASON,
Johnston,
Jorgensen,
Joyce,
King,
Ladd,
Martin, Joseph J.
McCook,
Myers,
O'Brien,
Orth, Armfield, Barlow, Bayne, Bright, Ellis, Ewing, Gibson, Gillette, Osmer, Ray, Robeson, Koseson, Starin, Stephens, Thomas, Williams, C. G. Young, Casey Young, Thomas L. Browne, Camp, Chittenden, Clark, Alvah A. Cobb, Crowley, Hawk, Hazelton, Herndon, Houk, Hurd,

So the amendment was agreed to. On motion of Mr. BLAND, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced from the Clerk's deak :

desk:

Mr. Bragg and Mr. James are paired upon all political questions, each reserving the right to vote at any time to preserve a quorum; and Mr. Bragg reserves the right to vote upon all questions arising out of or pertaining to House bill No. 3764 and Senate bill No. 1139.

Mr. Bayne and Mr. Ewing, for this day, on the funding bill; Mr. Bayne would vote "no;" Mr. Ewing would vote "ay."

Mr. Browne and Mr. Cobb, for this day.

Mr. Young, of Ohio, and Mr. Hurd are paired on the funding bill. If Mr. Young were present, he would vote "no" and Mr. Hurd

Mr. STARIN and Mr. HERNDON, for this day. Mr. FORT. My colleague, Mr. HAWK, is detained from the House by illness

Mr. WAIT. I wish to announce, Mr. Speaker, that Mr. JOYCE is detained by illness and is not able to come to the House.

Mr. FERNANDO WOOD moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to recon-

sider be laid on the table. The latter motion was agreed to. The Clerk read as follows:

In lines 18 and '19 strike out the words "twenty years" and insert "five years," and strike out the word "forty" and insert "ten," so that it will read if adopted "redeemable at the pleasure of the United States after five years, and payable ten years from the date of issue."

The SPEAKER. This amendment applies to the bonds, and runs to the time and option. Originally it was fixed in the bill at twenty years, and payable at forty, but the amendment reported by the

Committee of the Whole proposes to make the bonds redeemable after

five and payable in ten years from the date of issue.

Mr. WARNER. The second branch of the amendment, fixing ten years in place of forty, comes in as a separate amendment.

The SPEAKER. It comes from the Committee of the Whole as a

single amendment.

The amendment was agreed to. The Clerk read as follows:

In line 20 strike out the word "notes" and insert "certificates."

The amendment was agreed to.
The Clerk read the next amendment:

In line 20 strike out "two" and insert "three," so as to make it read if adopted "\$300,000,000."

The SPEAKER. That would make the amount of certificates, if adopted, three hundred millions in place of two hundred millions as originally fixed in the bill.

The amendment was agreed to.
The Clerk read the next amendment, as follows:

After the word "dollar," in line 21, insert the words "in denominations of ten, twenty, and fifty dollars either registered or coupon."

The amendment was agreed to.

The Clerk read as follows:

In line 23 strike out the words "and one-half," making it read "at the rate of 3 per cent, per annum."

The amendment was agreed to. The Clerk read as follows:

In line 25 strike out "two years" and insert "one year."

The SPEAKER. The original bill read "redeemable at the pleasure of the United States after two years and payable in ten years." This amendment makes it redeemable after one year and payable in

ten.
The amendment was agreed to.
The Clerk read as follows:

Strike out from lines 25 to 30, after the word "issue," the words "but not more than forty million dollars of said notes shall be redeemed in any one fiscal year, and the particular notes to be redeemed from time to time shall be determined by lot, under such rules as the Secretary of the Treasury shall prescribe."

The amendment was agreed to.

The Clerk read as follows: In lines 30 and 31 strike out the word "notes" and insert the word "certificates," so that it will read "the bonds and certificates shall be in all other respects," &c.

The amendment was agreed to. The Clerk read as follows:

At the end of section 1 add the following words:

"Provided further, That before any of the bonds or certificates authorized by this act are issued it shall be the duty of the Secretary of the Treasury to pay on the bonds accraing during the year 1881 all the silver dollars of 412½ grains, and all the gold over and above \$50,000,000, now held in the Treasury for redemption purposes."

Mr. FRYE. I call for the yeas and nays on that. The yeas and nays were ordered. Mr. DUNNELL. Let the amendment be again reported.

The amendment was again read.

The question was taken; and there were—yeas 111, nays 140, not voting 41; as follows:

voting 41, as 10.		AS-111.	
Aiken, Atkins, Beale, Beelford, Berry, Bicknell, Blackburn, Bland, Bouck, Bragg, Cabell, Caldwell, Chalmers, Clark, John B. Clark, John B. Clements, Coffroth, Colerick, Cook, Cox, Cox, Cox, Culberson, Davidson, Davidson, Davidson, Davis, Lowndes H. De La Matyx, Dibrell, Dickey, Dunn,	Elam, Ellis, Evins, Felton, Finley, Ford, Forney, Forsythe, Frost, Geddes, Gillette, Goode, Hammond, N. J. Harris, John T. Hatch, Henkle, Herbert, Hill, Hooker, Hostetler, House, Hull, Hunton, Jones, Kenna, Klotz, Knott.	AS—111. Le Fevre, Lowe, Manning, Martin, Benj. F. McKenzie, McMahon, McMahon, Mills, Money, Muldrow, Muldrow, Muldrow, Nicholls, Persons, Phelps, Philips, Philips, Philips, Phister, Reagan, Richardson, J. S. Richmond, Rothwell, Rassell, Daniel L. Samford, Sawyer, Scales, Singleton, J. W. Singleton, J. W. Singleton, J. W.	Slemons, Smith, Hezekiab B. Smith, William E. Sparks, Speer, Spers, Steele, Stevenson, Talbott, Taylor, Robert L. Thompson, P. B. Tillman, Townshend, R. W. Turner, Oscar Turner, Thomas Vance, Waddill, Weaver, Wellborn, Whiteaker, Whitthorne, Williams, Thomas Willis, Wilson, Wise, Wright, Yocum.
	37.4	VS 140	

unn,	Knott,	Singleton, O. R.	
	1	NAYS-140.	
cklen, Idrich, N. W. Idrich, William Idrich, William Inderson, therton, achman, ailey, aker, allou, arber, eltzhoover, lake, liss,	Blount, Bowman, Boyd, Brewer, Briggs, Brigham, Buckner, Burrows, Butterworth, Calkins, Cannon, Carlisle, Carpenter,	Caswell, Chittenden, Claffin, Clymer, Conger, Converse, Covert, Cowgill, Crapo, Cravens, Daggett, Davis, George R. Davis, Horace	Deering, Deuster, Dunnell, Dwight, Einstein, Ferdon, Field, Fort, Frye, Godshalk, Hall, Harmer, Harris, Benj. W.

	Lounsbery,	Pacheco,	Taylor, Ezra B.
lawley,	Marsh,	Poehler,	Thompson, W. G.
Tayes,	Martin, Edward L.		Townsend, Amos
Heilman,	Mason,	Prescott,	Tucker,
Henderson,	McCoid,	Price	Tyler,
Henry,	McCook,	Reed,	Updegraff, J. T. Updegraff, Thomas
Horr,	McGowan,	Rice,	Updegran, Inomas
Hubbell,	McKinley,	Richardson, D. P.	Upson, Urner,
Tumphrey,	McLane,	Robertson,	Valentine,
Turd,	Miles,	Robinson,	
Iutchins,	Miller,	Ross, Russell, W. A.	Van Aernam, Van Voorhis.
ohnston,	Mitchell,		Van Voorms, Voorhis,
Keifer,	Monroe,	Ryan, Thomas	Wait,
Kelley,	Morrison,	Ryon, John W.	Ward,
Ketcham,	Morse,	Sapp, Scoville,	Washburn.
Killinger,	Morton,		Wells,
Kimmel,	Neal,	Shallenberger, Shelley,	Wilber,
King,	Newberry,	Shemey,	Williams, C. G.
Kitchin,	Norcross,	Sherwin,	Willits,
Lapham,	O'Connor, O'Neill,	Simonton, Smith, A. Herr	Wood, Fernando
Lindsey, Loring,	Overton,	Stone,	Wood, Walter A.
Boring,		TING-41.	*
0.0000			-
Armfield,	Errett,	Jorgensen,	Robeson,
Barlow,	Ewing,	Joyce,	Starin,
Bayne,	Fisher,	Ladd,	Stephens,
Bingham,	Gibson,	Martin, Joseph J.	Thomas,
Bright,	Hammond, John	Myers,	Warner,
Browne,	Hawk,	O'Brien,	White,
Camp,	Hazelton,	O'Reilly,	Young, Casey
Clark, Alvah A.	Herndon,	Orth,	Young, Thomas L
Cobb,	Hiscock,	Osmer,	
Crowley,	Houk,	Page,	
Dick,	James,	Ray,	
The following	lment was not agr g additional pair v vith Mr. WARNER. endment was read	vas announced:	

Add to section 1 the following:
"Provided further, That interest upon the 6 per cent. bonds hereby authorized to be refunded shall cease at the expiration of thirty days after notice that the same have been designated by the Secretary of the Treasury for redemption."

The amendment was agreed to.

The next amendment was read, as follows:

In section 2, line 3, strike out the word "notes" and insert the word "certificates."

The amendment was agreed to.

The next amendment was read, as follows:

In section 2, line 11, strike out the word "notes" and insert the word "certifi-

The amendment was agreed to.

The next amendment was read, as follows:

In section 3, line 1, strike out the word "notes" and insert the word "certificates.

The amendment was agreed to.

The next amendment was read, as follows:

Add to section 3 the following:

"And the Secretary of the Treasury is hereby authorized and directed to make suitable rules and regulations to carry this act into effect: Provided, That the expense of preparing, issuing, advertising, and disposing of the bonds and certificates authorized to be issued shall not exceed one-quarter of 1 per cent."

Mr. FRYE. I ask that the amendment may be divided. Mr. CALKINS. It will be remembered that there are in fact two

distinct amendments in what has just been read.

The SPEAKER. It was all reported as one amendment.

Mr. WARNER. It was adopted by one vote in the Committee of the Whole.

The SPEAKER. The Chair does not himself recollect the fact, but The SPEAKER. The Chair does not himself recollect the fact, but he is advised that the gentleman from New York [Mr. LOUNSBERY] offered an amendment to the amendment of the gentleman from Kentucky [Mr. CARLISLE] which was accepted by that gentleman and became part of his amendment.

Mr. CARLISLE. That is the fact.

The SPEAKER. It comes, therefore, into the House from the committee as a single amendment.

mittee as a single amendment.

Mr. CARLISLE. It was inserted before my amendment was

Mr. FRYE. But even if it does come from the committee to the House as a single amendment, has not a member the right to ask the division of the amendment if it be divisible?

The SPEAKER. Not under the ruling of the Chair heretofore, and during this very session, that an amendment coming from the Committee of the Whole as a single amendment is not susceptible of division. That ruling is in accordance with what has been the practice

Mr. FRYE. Does the Chair state it as a fact that the Committee of the Whole reported this as one amendment?

The SPEAKER. The Chair does not state it of his own knowledge, but he is informed by the Clerk that the gentleman from New York [Mr. LOUNSBERY] offered an amendment to the amendment which was accepted by the gentleman from Kentucky and made part of the original amendment before it was voted on by the committee.

Mr. FRYE. Then I think this amendment is important enough to require the yeas and nays, and I call for them.

The yeas and nays were ordered.

The question was taken; and there were-yeas 151, nays 103, not voting 38; as follows:

	X.E.A.	5-151.	
Acklen, Aiken, Atherton, Atkins,	Davis, Lowndes H. De La Matyr, Denster, Dibrell,	Kitchin, Klotz, Knott,	Scoville, Shelley, Simonton, Singleton, J. W.
Bachman,	Dickey,	Le Fevre,	Singleton, O. R.
Baker, Barber.	Dunn, Elam.	Lounsbery,	Slemons,
Beale.	Ellis,	Lowe, Manning,	Smith, Hezekiah B. Smith, William E.
Beltzhoover,	Evins.	Martin, Benj. F.	Sparks,
Berry,	Felton.	Martin, Edward L.	Speer,
Bicknell,	Ferdon,	McKenzie,	Springer,
Blackburn,	Ford.	McMahon,	Steele,
Bland,	Forney,	McMillin,	Stevenson,
Bliss,	Forsythe,	Mills,	Talbott,
Blount,	Frost,	Money,	Taylor, Robert L.
Bouck,	Geddes,	Morrison,	Thomas,
Bragg,	Gillette,	Muldrow,	Thompson, P. B.
Buckner,	Goode,	Muller,	Tillman,
Cabell,	Gunter,	New,	Townshend, R. W.
Caldwell,	Hall,	Nicholls,	Tucker,
Carlisle,	Hammond, N. J.	O'Connor,	Turner, Oscar
Chalmers,	Harris, John T.	Pacheco,	Turner, Thomas
Clardy,	Haskell,	Persons,	Upson,
Clark, John B.	Hatch,	Phelps,	Vance,
Clements, Clymer,	Hayes, Henkle,	Philips, Phister,	Waddill, Warner,
Coffroth,	Henry,	Poehler,	Weaver,
Colerick,	Herbert.	Reagan,	Wellborn,
Converse,	Hill,	Richardson, J. S.	Whiteaker,
Cook,	Hooker.	Richmond.	Whitthorne.
Covert,	Hostetler.	Robertson,	Williams, Thomas
Cox,	House,	Ross,	Willis,
Cravens,	Hull.	Rothwell,	Wilson,
Culberson,	Hunton.	Ryan, Thomas	Wise,
Daggett,	Jones,	Ryon, John W.	Wood, Fernando
Davidson,	Kelley,	Samford,	Wright,
Davis, Horace	Kenna,	Sawyer,	Yocum.
Davis, Joseph J.	Kimmel,	Scales,	

per to a ono par o t	***************************************	Dominos,	
	NAT	78-103.	
Aldrich, N. W. Aldrich, William Anderson, Bailey, Ballou, Bingham, Blake, Bowman, Brewer, Briggs, Brigham, Burrows, Butterworth, Jalkins, Jamp, Jannon, Jarpenter, Jaswell, Dhittenden, Claffin, Conger, Jowgill,	Dunnell, Dwight, Einstein, Errett, Field, Fisher, Fort, Frye, Godshalk, Hammend, John Harmer, Harris, Benj. W. Hawley, Hazelton, Heilman, Henderson, Hiscock, Horr, Hubbell, Humphrey, Hutchins, Keifer.	Loring, Marsh, Mason, McCoid, McCook, McGowan McKinley McLane, Miles, Miller, Mitchell, Monroe, Morse, Newberry Norcross, O'Neill, Overton, Page, Pound, Prescott, Price, Reed.	Russell, W. A. Sapp, Shallenberger, Sherwin, Smith, A. Herr Stone, Taylor, Ezra B. Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Urner, Valentine, Van Aernam, Voorhis, Wait, Ward, Washburn, Wells, White, Wilber,
Crapo,	Ketcham,	Rice,	Williams, C. G.
Davis, George R. Deering, Dick,	Killinger, Lapham, Lindsey,	Richardson, D. P. Robinson, Russell, Daniel L.	Willits, Wood, Walter A.

Cobb, Johnston, O'Reilly,	Deering, Dick,	Lapham, Lindsey,	Robinson, Russell, Daniel L.	Wood, Walter A.
Barlow, Finley, Ladd, Ray, Bayne, Gibson, Martin, Joseph J. Robeson, Belford, Hawk, Morton, Starin, Boyd, Herudon, Murch, Stephens, Bright, Houk, Myers, Van Voorhis, Browne, Hurd, Neal, Young, Casey Clark, Alvah A. James, O'Brien, Young, Thomas Cobb, Johnston, O'Reilly,		NOT	VOTING-38.	
Crowley, Jorgensen, Orth,	Barlow, Bayne, Belford, Boyd, Bright, Browne, Clark, Alvah A.	Finley, Gibson, Hawk, Herndon, Houk, Hurd, James, Johnston,	Ladd, Martin, Joseph J. Morton, Murch, Myers, Neal, O'Brien,	Ray, Robeson, Starin, Stephens, Van Voorhis,

So the amendment was agreed to.

So the amendment was agreed to.
After the second roll-call,
Mr. FINLEY said: I wish to inquire how I am recorded.
The SPEAKER. The gentleman's vote is not recorded.
Mr. FINLEY. I vote "ay."
The SPEAKER. As the gentleman did not vote when his name was called his vote cannot be now received. His statement will go into the RECORD.

The result of the vote was then announced as above stated Mr. McCOOK. I desire to state that the gentleman from Wisconsin [Mr. WILLIAMS] and myself were called out of the House before the vote on the amendment to substitute the rate of 3 for 3½ per cent. was taken. We left word to have a messenger come after us when the vote was being taken. He failed to do so. I ask unanimous consent that my vote may now be recorded in the negative.

The SPEAKER. That cannot be done. The gentleman, however, will accomplish his object by stating how he would have voted.

Mr. McCOOK. I would have voted in the negative.
Mr. WILLIAMS, of Wisconsin. I desire to state that on that vote
I should also have voted "no."
Mr. GILLETTE. I desire to state under the same circumstances

that my vote would have been in the affirmative.

Mr. DICK. I wish to state that I was accidentally absent when
the vote was taken on the proviso to the first section in reference to

the payment of silver on the bonds. If I had been present, I would have voted "no."

COMMITTEES OF CONFERENCE.

The SPEAKER. The Chair announces as the members on the part of the House of the committee of conference asked by the Senate on the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, Mr. SINGLETON of Mississippi, Mr. WELLS, and Mr. MONROE.

The Chair also announces as managers on the part of the House of the conference on the bill (H. R. No. 1327) granting lands to Dakota, Montana, Arizona, Idaho, and Wyoming, for university purposes, Mr. CONVERSE, Mr. DUNN, and Mr. SAPP.

FUNDING BILL.

The House resumed the consideration of the funding bill reported from the Committee of the Whole with amendments.

The SPEAKER. The next amendment will now be read. The next amendment was to strike out section 4, as follows:

The next amendment was to strike out section 4, as follows:
SEC. 4. The act approved February 26, 1879, authorizing the issue of certificates of deposit, is hereby amended so as to continue and limit the amount of certificates to be issued to \$50,000,000 to be outstanding at any one time, and fixing the rate of interest to be allowed thereon at three and one-half of 1 per cent. per annum for one year, after which interest shall cease; and the said certificates shall be convertible, at the option of the holders, when presented in sums of \$50 or multiples thereof, into the coupon or registered bonds authorized by this act; and whenever any of the said certificates shall be converted into bonds the same shall be canceled and destroyed; but the Secretary of the Treasury may, in his discretion, issue new certificates in place of those so converted up to the limit of \$50,000,000, until the aggregate amount of the bonds authorized by this act and of the said certificates combined then outstanding shall equal the amount of bonds hereby authorized. It shall be unlawful for any person or persons to form combinations by which to procure said certificates of deposit authorized under this act for purposes of sale to others, or for acting as agents of others, and any person so offending shall be liable, on conviction, to be fined \$1,000 or imprisoned not to exceed one year. The Secretary of the Treasury is authorized and directed to make suitable regulations in compliance with this act, providing that the expense for the disposing of the certificates and bonds authorized to be issued shall not exceed one-quarter of 1 per cents: Provided, That said certificates shall not be sold or converted at less than par;

And to insert in lieu thereof the following:

That the Secretary of the Treasury is hereby authorized, if in his opinion it shall become necessary, to use not exceeding \$50,000,000 of the standard gold and silver coin in the Treasury in the redemption of the 5 and 6 per cent. bonds of the United States authorized to be refunded by the provisions of this act, and he may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds or certificates: Provided, That the bonds and certificates so purchased or redemed shall constitute no part of the sinking fund, but shall be canceled.

Mr. CLAFLIN. I call for the yeas and nays upon agreeing to that amendment.

Many Members. Ob, no! Mr. FRYE. It is left in the discretion of the Secretary of the Treasury

Mr. CLAFLIN. Very well; I will withdraw the call.

The amendment was agreed to.

The next amendment was to strike out section 5, as follows:

Sec. 5. From and after the 1st day of July, 1830, the $3\frac{1}{2}$ per cent, bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation;

And to insert in lieu thereof the following:

And to insert in lieu thereof the following:

From and after the 1st day of May, 1881, the 3 per cent, bonds authorized by the first section of this act shall be the only bonds receivable as security for national-bank circulation, or as security for the safe-keeping and prompt payment of the public money deposited with such banks; but when any such bonds deposited for the purposes aforesaid shall be designated for purchase or redemption by the Secretary of the Treasury, the banking association depositing the same shall have the right to substitute other issues of the bonds of the United States in lieu thereof: Provided, That no bond upon which interest has ceased shall be accepted or shall be continued on deposit as security for circulation or for the safe-keeping of the public money; and in case bonds so deposited shall not be withdrawn as provided by law, within thirty days after interest has ceased thereon, the banking association depositing the same shall be subject to the liabilities and proceedings on the part of the Comptroller provided for in section 5234 of the Revised Statutes of the United States: And provided further, That section 4 of the act of June 20, 1874, entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes," be, and the same is hereby, repealed, and sections 5159 and 5160 of the Revised Statutes of the United States be, and the same are hereby, re-enacted.

Mr. DUNNELLL. I call for the yeas and navs upon agreeing to that

Mr. DUNNELL. I call for the yeas and nays upon agreeing to that amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 119, not voting 36; as follows:

ALCOHOL: A CONTRACTOR		2210-1011	
Acklen, Aiken, Atherton, Atkins, Bachman, Beale, Berry, Bicknell, Biand, Blount, Bouck, Bragg, Buckner, Cabell,	Onldwell, Carlisle, Chalmers, Clardy, Clark, John B. Clements, Clymer, Colerick, Converse, Cook, Covert, Cox, Cravens, Culberson,	Davidson, Davis, Joseph J. Davis, Lowndes H. De La Matyr, Deusster, Dibrell, Dickey, Dunn, Ellam, Ellis, Evins, Felton, Finley, Ford,	Forney, Frost, Geddes, Gillette, Goode, Gunter, Harmond, N. J. Harris, John T. Hatch, Henkle, Henry, Herbert, Hill, Hooker,

ı	Hostetler,	McMillin,	Samford.	Tucker,
ı	House,	Mills,	Sawyer,	Turner, Oscar
1	Hull.	Money,	Scales.	Turner, Thomas
ı	Hunton,	Morrison.	Scoville.	Vance,
ı	Jones,	Muldrow.	Shelley,	Waddill.
ì	Kenna,	Muller,	Simonton,	Warner,
ı	Kimmel,	Murch,	Singleton, J. W.	Weaver,
i	King,	New.	Singleton, O. R.	Wellborn.
ı	Kitchin,	Nicholls.	Slemons,	Wells,
ı	Klotz.	O'Connor,	Smith, Hezekiah B.	Whiteeleen
ı	Knott.	Persons,	Smith, William E.	Whitthorne.
ı	Le Fevre.	Phelps,	Sparks.	Williams, Thomas
ı	Lounsbery,	Philips,	Speer.	Willis, Inomas
ı	Lowe,	Phiaps, Phister,		
ı	Manning,		Springer,	Wilson,
ı	Marsh,	Reagan,	Steele,	Wise,
ı		Richardson, J. S.	Stevenson,	Wood, Fernando
ı	Martin, Benj. F.	Richmond,	Talbott,	Wright,
١	Martin, Edward L.	Robertson,	Taylor, Robert L.	Yocum.
1	McKenzie,	Ross,	Thompson, P. B.	
ı	McLane,	Rothwell,	Tillman,	
ı	McMahon.	Russell, Daniel L.	Townshend R. W.	

NAYS-119.					
Aldrich, N. W. Aldrich, William Anderson, Bailey, Baker, Ballou, Barber, Beltzhoover, Bingham, Blake, Bowman, Boyd, Brewer, Briggs, Brigham, Burrows, Butterworth, Calkins, Canpe, Cannon, Carpenter, Caswell, Chittenden, Claffin, Coffroth, Conger, Cowgill, Crapo, Daggett,	Davis, Horace Deering, Dick, Dunnell, Dwight, Einstein, Errett, Ferdon, Field, Fisher, Fort, Godshalk, Hall, Hammond, John Harmer, Harris, Benj, W. Haskell, Hawley, Hayes, Hazelton, Heilman, Henderson, Hiscock, Horr, Hubbell, Humphrey, Hutchins, Keifer,	Ketcham, Killinger, Lapham, Lindsey, Loring, Mason, McCook, McCoowan, McKinley, Miles, Miller, Mitchell, Monroe, Morse, Morton, Neal, Newberry, Norcross, O'Neill, Overton, Pacheco, Page, Pound, Prescott, Price, Reed, Rice, Richardson, D. P.	Russell, W. A. Ryan, Thomas Ryon, John W. Sapp, Shallenberger, Sherwin, Smith, A. Herr Stone, Taylor, Ezra B. Thomas, Thompson, W. G. Townsend, Amos Tyler, Updegraff, J. T. Updegraff, Thomas Upson, Urner, Valentine, Van Aernam, Van Voorhis, Woorlis, Wait, Ward, Washburn, White, Wilber, Williams, C. G. Willits, Wood, Walter A.		
Davis, George R.	Kelley,	Robinson,			

TOM TOMPTE OF

	1101	L VOIIMG-30.	
Armfield, Barlow, Bayne, Belford, Blackburn, Bliss, Bright, Browne,	Cobb, Crowley, Ewing, Frye, Gibson, Hawk, Herndon, Houk,	James, Johnston, Jorgensen, Joyce, Ladd, Martin, Joseph J. Myers, O'Brien,	Orth, Osmer, Poehler, Ray, Robeson, Starin, Stephens, Young, Casey
Clark, Alvah A.	Hurd.	O'Reilly.	Young, Thomas L.

So the amendment was agreed to.
At the conclusion of the second roll-call,
Mr. FRYE said: I desire to withdraw my vote. I am paired on
this question with the gentleman from Kentucky, [Mr. BLACKBURN,]
who, had he been present, would have voted "ay," and I should have
voted "no."

Mr. ACKLEN. I move that the reading of the names be dispensed

Mr. FRYE. I think the names had better be read, and I object to dispensing with the reading.

The names of those voting were then read; and the result was an-

nonneed as above stated.

The last amendment reported from the Committee of the Whole was, in section 6, to strike out "1880" and to insert in lieu thereof "1881;" so that the section will read as follows:

SEC. 6. That this act shall be known as "The funding act of 1881;" and all acts and parts of acts inconsistent with this act are hereby repealed.

The amendment was agreed to.

Mr. FERNANDO WOOD. I move to reconsider the votes taken on
the several amendments to this bill; and also move that the motion to reconsider be laid on the table.

The later motion was agreed to.

The bill, as amended, was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. FERNANDO WOOD. I call the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

Mr. FERNANDO WOOD. I move to reconsider the vote ordering the main question; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question is now upon the passage of the bill, upon which the main question has been ordered.

Mr. FRYE. I call for the yeas and nays on that question.

The yeas and nays were ordered.

The question was taken; and there were-yeas 135, nays 125, not voting 32; as follows:

	YE	AS-135.	
Atherton, Atkins, Bachman, Barber, Beale, Beale, Berry, Bicknell, Blackburn, Bliss, Blount, Bouck, Bragg, Buckner, Cabell, Caldwell, Carlisle, Chalmers, Clardy, Clark, John B. Clements, Clymer, Converse, Cook, Covert, Cox, Cravens, Culberson, Davidson, Dav	Dickey, Dunn, Dunnell, Elam, Evins, Felton, Forney, Frost, Geddes, Goode, Gunter, Hammond, N.J. Harris, John T. Hatch, Henkle, Henry, Herbert, Hill, Hooker, Hoostetler, House, Hull, Hunton, Hurd, Hutchins, Johnston, Kelley, Kenna, Ketcham, Kimmel, King, Kitchin.	AS—135. Le Fevre, Lounsbery, Manning, Marsh, Martin, Eenj, F. Martin, Edward L. McKenzie, McLane, McMahon, McMillin, Miles, Mills, Money, Morrison, Muldrow, Muller, New, Nicholls, O'Connor, Persons, Philips, Persons, Philips, Poehler, Reagan, Richardson, J. S. Richmond, Ross, Rothwell, Russell, Daniel L. Samford, Sawyer, Scales.	Simonton, Singleton, J. W. Singleton, O. R. Silemons, Smith, A. Herr Smith, Hezekiah B. Sparks, Springer, Steele, Talbott, Taylor, Robert L. Thompson, P. B. Tillman, Townshend, R. W. Tucker, Turner, Thomas Updegraff, Thoma Upson, Vance, Waddill, Warner, Washburn, Wells, Whiteaker, Whiteaker, Whitehorne, Williams, Thomas Williams, Wilson, Wilson, Wise.
Davis, Lowndes H. Deuster, Dibrell,	Klotz, Knott,	Scales, Scoville, Shelley,	Wood, Fernando.
	NA	YS-125.	

Alken,	De La Matyr,	Killinger,	Russell, W. A.
Aldrich, N. W.	Deering,	Lapham,	Ryan, Thomas
Aldrich, William	Dick.	Lindsey,	Ryon, John W.
Anderson,	Dwight,	Loring,	Sapp,
Bailey,	Einstein,	Lowe,	Shallenberger,
Baker,	Ellis,	Mason,	Sherwin,
Ballon,	Errett,	McCoid,	
		McCook,	Speer,
Belford,	Ferdon,		Stevenson,
Beltzhoover,	Field,	McGowan,	Stone,
Bingham,	Fisher,	McKinley, jr.	Taylor, Ezra B.
Blake,	Ford,	Miller,	Thomas,
Bland,	Forsythe,	Mitchell,	Thompson, W. G.
Bowman,	Fort,	Monroe,	Townsend, Amos
Boyd,	Frye,	Morse,	Tyler.
Brewer.	Gillette.	Morton,	Updegraff, J. T.
Briggs,	Godshalk,	Murch,	Urner,
Brigham,	Hall,	Neal.	Valentine,
Burrows,	Hammond, John	Newberry,	Van Aernam,
Butterworth,	Harmer,	Norcross,	Voorhis,
Calkins,	Harris, Benj. W.	O'Neill,	Wait,
Camp,	Haskell,	Overton,	Ward,
	Hawley,	Pacheco,	Weaver,
Cannon,			
Carpenter,	Hayes,	Page,	Wilber,
Caswell,	Hazelton,	Phelps,	Williams, C. G.
Claffin,	Heilman,	Pound,	Willits,
Colerick,	Henderson,	Prescott,	Wood, Walter A.
Conger,	Hiscock,	Price,	Wright,
Cowgill,	Horr,	Reed,	Yocum,
Crapo,	Hubbell,	Rice,	Young, Thomas L.
Daggett,	Humphrey,	Richardson, D. P.	

		25.77
NOT	VOTING-	-32.

Robertson, Robinson.

	NOT	VOTING-32.	
Armfield,	Crowley,	Jorgensen,	Osmer,
Barlow,	Ewing,	Joyce,	Ray,
Bayne,	Finley,	Ladd,	Robeson,
Bright,	Gibson,	Martin, Joseph J.	Starin,
Browne,	Hawk,	Myers.	Stephens,
Chittenden,	Herndon,	O'Brien,	Turner, Oscar
Clark, Alvah A.	Houk,	O'Reilly,	Van Voorhis,
Cobb,	James,	Orth,	Young, Casey.

Davis, George R. Davis, Horace

So the bill was passed.

Mr. FERNANDO WOOD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CALKINS. I rise to a question of privilege. I desire to call up at this time the contested-election case of Boynton vs. Loring, upon which the report of the committee was made before the holiday

The SPEAKER. The Chair recognizes that as a question of privilege; but the gentleman will be kind enough to give way for a moment, as the gentleman from Illinois [Mr. Springer] desires to have taken from the Speaker's table, for concurrence in an amendment of the Senate, a joint resolution in reference to the distribution

of the CONGRESSIONAL RECORD.

Mr. SPRINGER. I ask unanimous consent to have taken from the Speaker's table the joint resolution (H. R. No. 340) in relation to the distribution of the CONGRESSIONAL RECORD. The object is simply to concur in an amendment of the Senate giving the judges of the

Supreme Court copies of the RECORD.

Mr. REAGAN. I object to the consideration of that bill.

Mr. WILSON. I rise to make a privileged report.

The SPEAKER. The Chair recognizes the gentleman from Indiana

[Mr. CALKINS] on a question of the highest privilege touching the

right of a member to his seat.

Mr. CALKINS. I will state to the House that by direction of the Committee on Elections I shall call for the previous question after

two hours and a half of debate.

Mr. STONE. I move that the House adjourn.

Mr. REAGAN. I understood we were to have an understanding for the limitation of debate upon the contested-election case. If not,

for the limitation of debate upon the contested-election case. If not, I must raise the question of consideration.

The SPEAKER. Inasmuch as the gentleman in whose favor the Committee on Elections has reported is already occupying his seat, the Chair would suggest to the gentleman from Indiana [Mr. Calkins] whether it is necessary to have this question come up as against the naval appropriation bill.

Mr. CALKINS. Mr. Speaker, if I could yield I would do so.

The SPEAKER. The Chair recognizes the right of the gentleman from Indiana to bring up the question.

Mr. CALKINS. If, upon consultation, gentlemen interested desire me to yield, I will do so willingly. I am now only acting under instructions.

structions

Mr. BLOUNT. As the chairman of the Committee on Appropriations, [Mr. Atkins,] who has charge of the naval appropriation bill, is not now in his seat, I desire to state that I know his purpose is to bring up that bill to-morrow morning; and in order that the bill may not be displaced, I move that the House adjourn.

The SPEAKER. That would not interfere with the precedence of the election case, which could not be displaced except by raising the question of consideration. But the Chair thinks the gentleman from Indiana will come to an understanding touching the naval appropriation bill

Mr. CALKINS. I yield for the motion to adjourn. In the morning the matter can be arranged.

The SPEAKER. Pending the motion to adjourn, the Chair, if there be no objection, will lay before the House several executive communications.

There was no objection.

JAMES B. JONES.

The SPEAKER laid before the House a letter from the Secretary of the Interior, relative to the Indian depredation claim of James B. Jones; which was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the Indian depredation claim of Hank Brown; which was referred to the Committee on Indian Affairs.

FRANKLIN COLLECTION OF MANUSCRIPTS, ETC.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a communication from Benjamin F. Stevens, offering for sale Henry Stevens's Franklin collection of manuscripts and books; which was referred to the Committee on the Library.

The question being taken on the motion of Mr. Stone, that the House adjourn, it was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. ATHERTON: The petition of John Coad, John P. Koontz, and 125 others, citizens of Ohio, for legislation to protect innocent, purchasers of patented articles—to the Committee on Patents.

Also, the petition of John Coad, Hon. James W. Owens, and 100 others, citizens of Licking County, Ohio, for the passage of an interstate-commerce bill—to the Committee on Commerce.

Also, the petition of A. B. Cofman and 140 others, citizens of Licking County, Ohio, of similar import—to the same committee.

By Mr. BALLOU: The petition of Emil E. Carl, for a reduction of the duty on vinegar—to the Committee on Ways and Means.

By Mr. BOWMAN: The petition of Michael Niland, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. BRAGG: The petition of citizens of Sheboygan, Wisconsin, that a duty be imposed upon fresh fish—to the Committee on Commerce.

By Mr. BRIGGS: The petition of J. B. Fay and 16 others, soldiers of Amherst and vicinity, New Hampshire, for the passage of Senate bill No. 496 as amended, providing for a commission for the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. CALKINS: The petition of Margaret Waldruff, for a pension—to the Committee on Pensions.

By Mr. CASWELL: The petition of F. W. C. Boelsing and Sothers.

By Mr. CASWELL: The petition of E.W. C. Boelsing and 8 others, citizens of Wisconsin, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. DAGGETT: The petition of citizens of Nevada, for legislation for the prevention of the spread of cattle diseases—to the Committee on A rejection.

mittee on Agriculture.

By Mr. GEORGE R. DAVIS: Resolutions of the Chicago Union Veteran Club, indorsing the Keifer bill, pensioning Union prisoners of the late war—to the Committee on Invalid Pensions.

By Mr. DEUSTER: The petition of vinegar manufacturers and others, against the repeal of the present vinegar law—to the Committee on Ways and Means.

By Mr. DUNNELL: The petition of G. D. Post and 300 others, citizens of Minnesota, for the repeal of the tax on banks—to the

same committee

By Mr. FELTON: Two petitions of citizens of Georgia, for post-routes from Hammond's Mills to Fouche's Mills, Floyd County, and from Ringgold to Crawfish Spring, Georgia—to the Committee on the

routes from Hammond's Mills to Fouche's Mills, Floyd County, and from Ringgold to Crawfish Spring, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: The petition of citizens of Ohio, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. HALL: The petition of Jonathan Sawyer, treasurer of Sawyer's Woolen Mills, for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. HARMER: The petition of manufacturers and merchants of Philadelphia, relative to increase of pensions to honorably discharged soldiers—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of George W. Girdon, J. Fawcett, T. W. Burns, Hon. R. H. McClellan, and 100 others, citizens of Jo Daviess County, Illinois, for an appropriation of \$1,000,000 for the improvement of the Mississippi River from Saint Paul to the mouth of the Illinois River—to the Committee on Commerce.

By Mr. HUBBELL: The petition of William H. Lewis, of Evart, Michigan, and 31 others, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

Also, the petition of D. D. Noble and 21 others, of Van Buren County, Michigan, that the grant of land to the Ontonagon and Brule River Railroad Company, for the purpose of building a railroad from Ontonagon to the State line, be extended—to the Committee on the Public Lands.

Ontonagon to the State line, be extended—to the Committee on the Public Lands.

By Mr. HUNTON: The petition of H. L. Davidson, that certain taxes paid by him on property in the District of Columbia be refunded—to the Committee on the District of Columbia.

By Mr. LAPHAM: Resolutions of the Merchants' Exchange of Saint Louis, Missouri, urging the granting of aid in the construction of the ship-railway authorized across the Isthmus of Tehuantepec under the Marian Covernment to Lucie R. Ende under the grant from the Mexican Government to James B. Eads-to the

By Mr. McKenzie: The petition of citizens of Henderson, Kentucky, against a reissue of John A. Cummings's letters-patent for improvement in artificial gums and palates—to the Committee on Patents.

By Mr. NICHOLLS: The petition of Walter A. Way, Dr. R. B. Harris, and others, citizens of Darien and of McIntosh County, Georgia, for an appropriation to improve the navigation of the Altamaha

for an appropriation to improve the navigation of the Altamaha River—to the Committee on Commerce.

By Mr. TUCKER: The petition of citizens of Washington, District of Columbia, that books, magazines, and other periodicals be placed on the free list—to the Committee on Ways and Means.

By Mr. WEAVER: The petition of J. D. Wallis and 83 others, of Montgomery County, Illinois, that Congress use the money now in the United States Treasury in payment of the public debt, and issue legal-tender Treasury notes for said purpose—to the Committee on Ways and Means Ways and Means.

IN SENATE.

THURSDAY, January 20, 1881.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. TELLER. In listening to the Journal, it seems to me there was an amendment offered by the Senator from Vermont [Mr. EDMUNDS] to the bill (S. No. 818) to provide for ascertaining and settling private land claims in certain States and Territories that is not noticed, and I do not find it in the RECORD. After the word "minerals," in the third subdivision of section 12, on page 11, the Senator from Vermont moved to insert the words "of quicksilver." I do not find that in the RECORD. find that in the RECORD.

The VICE-PRESIDENT. It is in the Journal, the Chair is in-

formed.

formed.

The CHIEF CLERK. The words inserted were "of the same," in line 18, after the word "mineral."

The VICE-PRESIDENT. The Chair calls the attention of the Senate to the fact that in the bill which passed yesterday there are one or two clerical errors, which will be corrected by the Secretary. In the amendment suggested by the Senator from Vermont occur the words "shall be provided." That will be changed so as to read "shall provide;" and in the printed part of the bill occur the words "surveyor-general," which will be changed to "surveyor-general."

Mr. TELLER. I suppose those corrections will be made, then, without any motion.

out any motion.

The VICE-PRESIDENT. Those changes will be made before the bill is engrossed.

The Journal was approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting a communication from Benjamin F. Stevens, dispatch agent of the United States at London, relative to the purchase for the Department of State of Henry Stevens's Franklin collection of manuscripts and books; which was referred to the Committee on the Library, and ordered to be printed.

SMITHSONIAN REPORT FOR 1880.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Smithsonian Institution, transmitting the annual report of the operations, expenditures, and condition of the institution for the year 1880; which was referred to the Committee on Printing.

Mr. WITHERS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senats, (the House of Representatives concurring.) That 15,500 copies of the report of the Smithsonian Institution for the year 1880 be printed; 2,500 copies of which shall be for the use of the Senate; 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the Legislature of Michigan, in favor of an appropriation of land by Congress to aid in the construction of a railway from Saint Mary's Falls to the Marquette and Mackinaw Railroad; which was referred to the Committee on Commerce.

Mr. SAULSBURY presented the petition of Ernest C. Wharton and others, of Delaware, praying for an appropriation for the improvement of the Jones River, in that State; which was referred to the

Committee on Commerce

Committee on Commerce.

Mr. VEST presented the petition of Joseph H. Rea and about 500 others, breeders, shippers, and buyers of live-stock, and representatives of other commercial interests of the country west of the Mississippi, praying for such legislation as will prevent the spread of pleuropneumonia and other contagious diseases among cattle; which was referred to the Select Committee on the subject of Pleuro-pneumonia and other contagious and infectious diseases of cattle and other do-

and other contagious and infectious diseases of cattle and other domestic animals.

Mr. KERNAN presented the memorial of Sylvester, Huntley, and Osborne, and several others, citizens of Des Moines, Iowa, remonstrating against the passage of the bill (H. R. No. 1067) to quiet titles to the Des Moines River lands in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. CONKLING presented the memorial of Henry Morrison and others, citizens of Utica, New York, soldiers in the late war, remonstrating against the passage of the pension bill recommended by the Commissioner of Pensions: which was referred to the Committee on

Commissioner of Pensions; which was referred to the Committee on Pensions.

He also presented the petition of the Robert Anderson Post, No. 58, Grand Army of the Republic, of New York City, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication pension claims; which was ordered to lie on the table.

He also presented the petition of Durant and Horner, and William Condess of the committee for Mr. Flightett Pensions Connect W.

A. Gordon, acting for Mary Elizabeth Parker Levey and Saunders W. Johnston, praying for the repeal of the joint resolution approved 30th March, 1867, directing the Secretary of the Interior to suspend the execution of a law passed by the Thirty-ninth Congress for the relief of the heirs of John E. Bouligny; which was referred to the Committee on the Judiciary

on the Judiciary.

He also presented two petitions signed by members of the bar of New York City, praying the salary of the United States judges in the State of New York be increased; which were referred to the Committee on the Judiciary.

Mr. DAWES presented the petition of Wemyss Brothers & Co., and other firms of Boston, Massachusetts, manufacturers of furniture, &c., praying for the passage of a national bankrupt law; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the joint resolution (S. R. No. 143) authorizing the inspection and issue of an American register to the Egyptian steamship Dessoug, reported it without amendment.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 1744) to grant the right of way for railroad purposes through certain lands of the United States in Richmond, New York, reported it without amendment.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Hamilton Shidy, of Milwaukee, Wisconsin, praying remuneration for his invention of a postal registry card receipt, and which he alleges is now in use by the Govern

wisconsil, praying reintification for his invention of a postar registry card receipt, and which he alleges is now in use by the Government, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

BILLS INTRODUCED.

Mr. McDONALD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2062) for the relief of William T. Pate & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2063) to establish a mail-route in the State of Nebraska; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (8. No. 2064) to reorganize and incorporate anew the Baltimore and Potomac Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia. District of Columbia.

District of Columbia.

Mr. COCKRELL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2065) for the relief of the National Mail and Transportation Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. WINDOM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2066) for the relief of the heirs of the late John T. W. Dean; which was read twice by its title, and referred to the Committee on Claims.

Mr. KELLOGG asked and, by unanimous consent, obtained leave

Mr. KELLOGG asked and, by uranimous consent, obtained leave to introduce a bill (S. No. 2067) granting a pension to Mrs. Mary T. McCawley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO A BILL

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 1859) relating to terms of court in the district of Colorado; which was ordered to lie on the table and be printed.

WITHDAWAL OF PAPERS.

On motion of Mr. INGALLS, it was

Ordered, That Isabella Cassidy have leave to withdraw from the files of the Senate the papers in support of her application for pension.

IMPORTATION OF PAUPERS, ETC.

Mr. KERNAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the President is hereby requested to:

Resolved. That the President is hereby requested to forthwith transmit to the Senate, if in his opinion it be not incompatible with the public interest, copies of any and all correspondence which since 1869 may have passed between the Secretary of State and any diplomatic or consular agent of the United States, either in Switzerland or in any other foreign country, in relation to the sending to the United States, by any foreign state, canton, or municipality, of criminals, paupers, or insane persons.

INAUGURAL DECORATIONS.

Mr. PENDLETON. I submit a concurrent resolution which I send to the desk, and I think after it shall be read there will be no objection to its immediate consideration. It is offered after consultation with the Department to which it refers.

The resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of War and the Secretary of the Navy are hereby authorized and empowered to loan to the committee on inaugural ceremonies the flags and bunting in the Government depots for use in decorating the city of Washington on the 4th of March next: Provided, That the said committee shall indemnify the Departments against any loss or damage resulting from the use of said flags and bunting.

Mr. EDMUNDS. Is that a simple Senate resolution? The VICE-PRESIDNT. It is a concurrent resolution. Mr. EDMUNDS. It ought to be a joint resolution, I suggest to

my friend.

Mr. PENDLETON. It is a joint resolution, I think.
Mr. EDMUNDS. Then it ought to be read three times.
Mr. PENDLETON. I thought it would cover the whole thing in

this form.

The VICE-PRESIDENT. It is in phrase a joint resolution.

Mr. EDMUNDS. Then it should be read three times. Of

there is no objection to it.

The resolution being put in the form of a joint resolution (S. R. No. 144) authorizing the loan of certain flags and bunting to the committee on inaugural ceremonies, was read three times, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 4592) to facilitate the refunding of the national debt, in which

R. No. 4592) to facilitate the refunding of the national debt, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. George L. Converse of Ohio, Mr. Poindexter Dunn of Arkansas, and Mr. William F. Sapp of Iowa, managers of the conference on the part of the House

House.

The message further announced that the House insisted on its disagreement to the first amendment of the Senate to the bill (H. R. No. 6613) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1882, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. O. R. SINGLETON of Mississippi, Mr. Erastus, Wells of Missouri, and Mr. James Monroe of Ohio, managers of the conference on the part of the House. part of the House.

EXPENSES OF TENTH CENSUS.

Mr. CONKLING. I wish to take up and ask the adoption of a resolution to which I think there will be no further objection. It was laid over yesterday under the rules, and is a resolution calling for certain information.

The resolution submitted by Mr. Conkling on the 19th instant was considered and agreed to, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate respecting the execution of the law for taking the tenth and subsequent censuses, in the following particulars:

First. The number of clerks appointed under section 3, specifying the number of males and females respectively, and the number under each rate of compensation.

Second. The number of supervisors appointed under section 4, with the rates of

Second. The number of supervisors appears their compensation.

Third. The number of enumerators under sections 5, 10, 11, respectively, and the average allowance of compensation by States and Territories.

Fourth. In what States were clerks allowed to supervisors under section 6; the number and compensation of such clerks, and whether any compensation was made to supervisors or is claimed by them beyond the actual outlay for clerical assistance.

to supervisors or is claimed by them beyond the actual outaly for clerical assistance.

Fifth. What number of "special agents" have been employed (under section 8) to enumerate the Indians, and what other appointments have been made in that connection; with the compensation promised or allowed, and whether compensation has been allowed to persons otherwise in the service of the United States, in this or any other employment.

Sixth. What number of persons are at present employed under section 17, not including the clerical force of the Census Office.

Seventh. What number of "experts and special agents" are employed under section 18, and what their average rate of compensation, and whether the number will be hereafter increased or diminished.

Eighth. What number of messengers and laborers are employed.

Ninth. What buildings are rented by or for the use of the Census Office, and the rental respectively.

Tenth. What have been the expenses of stationery, blanks, and printing to January 1, 1881.

Eleventh. The entire number of persons at present drawing pay from the Census Office for services of every grade in connection with the office at Washington, with the aggregate monthly outlay for such services.

COMMITTEE ON RIGHTS OF WOMEN CITIZENS.

Mr. McDonald. On the 16th of February last I submitted a resolution providing for the appointment of a committee of nine Senators, whose duty it shall be to receive, consider, and report upon all petitions, memorials, resolutions, and bills relating to the rights of women citizens of the United States, said committee to be called "Committee on the Rights of Women Citizens." It is on the Calendar, and I ask for its present consideration.

The VICE-PRESIDENT. The Senator from Indiana calls up for consideration a resolution on the Calendar, which will be reported. The Chief Clerk read the resolution, as follows:

Resolved, That a committee of nine Senators be appointed by the Senate, whose duty it shall be to receive, consider, and report upon all petitions, memorials, resolutions, and bills relating to the rights of women citizens of the United States, said committee to be called the Committee on the Rights of Women Citizens.

The VICE-PRESIDENT. The question is, Will the Senate agree

The VICE-PRESIDENT. The question is, will the Senate agree to the resolution?

Mr. MCDONALD. Mr. President, it seems to me that the time has arrived when the rights of the class of citizens named in the resolution should have some hearing in the National Legislature. We have standing committees upon almost every other subject, but none to which this class of citizens can resort. When their memorials come in they are sometimes sent to the Committee on the Judiciary, sometimes to the Committee on Privileges and Elections, and sometimes to other committees. The consequence is that they pass around from committee to committee and never receive any consideration. In the organization and growth of the Senate a number of standing committees have been from time to time created and continued from Congress to Congress, until many of them have but very little duty now to perform. It seems to me to be very appropriate to take up and consider this question now, and provide some place in the Capitol, some room of the Senate, some branch of the Government, where this class of applicants can have a full and a fair hearing, and have such measures as may be desired to secure to them such rights as may be accorded to them brought fairly and properly before the country. I hope there will be no opposition to the resolution, but that it will be adopted by unanimous consent.

Mr. CONKLING. Does the Senator from Indiana wish to raise a

Mr. CONKLING. Does the Senator from Indiana wish to raise a

Mr. CONKLING. Does the Senator from Indiana wish to raise a permanent committee on this subject to take its place and remain on the list of permanent committees?

Mr. McDONALD. That is precisely what I propose to do.

Mr. CONKLING. Mr. President, I was in hopes that the honorable Senator from Indiana, knowing how sincere and earnest he is in this regard, intended that an end should be made soon of this subject; that the prayer of these petitioners should be granted and the whole right established; but now it seems that he wishes to create a perpetual committee, so that it is to go on interminably, from which I infer that he intends that never shall these prayers be granted. I suggest to the Senator from Indiana that, if he be in earnest, if he wishes to crown with success this great and beneficent movement, be wishes to crown with success this great and beneficent movement, he should raise a special committee, which committee would understand that it was to achieve and conclude its purpose, and that presently; and not postpone indefinitely in the vast forever the realization of this hope.

I trust, therefore, that the Senator from Indiana will make this a special committee, and will let that special committee understand

that before the sun goes down on the last day of this session it is to take final, serious, intelligent action for which it is to be responsible, whether that action be one way or the other.

Mr. McDONALD. The Senator from New York misapprehends one purpose of this committee. I certainly have no desire that the rights of this class of our citizens should be deferred to that far-distant future to which he has made reference, nor would this committee so place them. If it be authorized by the Senate, it will be the duty of the committee to receive all petitions, memorials, resolutions, and bills relating to the rights of the women citizens, not merely presented now but those presented at any future time. It is simply to provide a place where one-half the people of the United States may have an organ in this body, a tribunal before which they can have their cases considered. I apprehend that these rights are never to be ended. I do not suppose that the time will ever come in the history of the human race when there will not be rights of women to be considered and passed upon, as long as the human family lasts upon this sidered and passed upon, as long as the human family lasts upon this

globe.

Therefore, to make this merely a special committee would not accomplish the purpose that I had in view. While it would of course give a committee that would receive and hear such petitions as are now presented and consider such bills as should now be brought forward, it would be better to have a committee from term to term, where these same plaints could be heard, the same petitions presented, the same bills considered, and where new rights, whatever they might be, can be discussed and acted upon. Therefore I cannot accept the suggestion of the Senator from New York to make this a special committee.

mittee.

Mr. DAVIS, of West Virginia. I think it a bad idea to raise an extra committee. I move that the resolution be referred to the Committee on Rules. I think it ought to go there. That is where the rules generally require all such resolutions to be referred.

The VICE-PRESIDENT. The question is on the motion of the Senator from West Virginia, that the resolution be referred to the Committee on Rules.

Mr. McDONALD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. Upon principle, during this entire Congress, I have opposed special committees, as my friend from Indiana knows.

Mr. McDONALD. This is not to be a special committee, but a stand-

ing committee.

Mr. DAVIS, of West Virginia. Then it is still worse to make a standing committee near the end of a Congress. The subject ought to be properly considered; it is one worthy of consideration. I hope the Senate will go slowly in increasing its committees. The adoption of the resolution would of course carry with it a committee. The adoption of the resolution would of course carry with it a committee-room, a clerk, &c., and it is a subject that ought to go to the Committee on Rules and be properly considered, and let it come back to the Senate in proper form. I hope the Senate will take that course.

The question being taken by yeas and nays, resulted—yeas 26, nays 23, as follows:

	YE	AS-26.	
Beck, Booth, Brown, Coke, Davis of W. Va., Eaton, Edmunds,	Farley, Garland, Groome, Harris, Hill of Georgia, Ingalls, Kernan,	Lamar, Morgan, Morrill, Pendleton, Platt, Pugh, Ransom,	Saulsbury, Slater, Vance, Vest, Withers.
	N.	AYS-23.	

Cameron of Wis., Conkling, Dawes, Ferry, Hoar, Johnston, Rollins, Saunders, Teller, Williams, Anthony, Blair, Burnside, Butler, Jonas, Kellogg, Logan, McDonald, McMillan, McPherson, Call, Cameron of Pa.,

ABSENT-27.

Jones of Florida, Jones of Nevada, Kirkwood, Maxey, Paddock, Cockrell, Davis of Illinois, Grover, Hamlin, Sharon, Thurman, Voorhees, Walker, Allison, Bailey, Baldwin, Bayard, Blaine, Hampton, Hereford, Hill of Colorado, Wallace Bruce, Carpenter, Whyte.

So the motion to refer was agreed to.

ELECTIONS OF SENATORS.

Mr. ROLLINS. I ask the Senate to take up the bill (S. No. 404) to amend section 14, chapter 1 of title 2 of the Revised Statutes, and if the bill is taken up I shall ask the indulgence of the Senate while I submit a very brief statement, not occupying more than ten minutes, in regard to the matter.

Mr. COCKRELL. I have no objection that the bill be taken up for the purpose of allowing the Senator to submit his remarks, but to its further consideration I shall object. Let the Calendar be called in

mr. COCKRELL. It is on the Calendar and can be reached in its

regular order.
The VICE-PRESIDENT. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, do., That chapter 1 of title 2 of the Revised Statutes of the United States be amended by inserting, in section 14, immediately after the word "chosen," the words "and organized," so that the said section shall read as follows:

"SEC. 14. The Legislature of each State which is chosen and organized next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress."

The VICE-PRESIDENT. Is there objection to the consideration

sate in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress."

The VICE-PRESIDENT. Is there objection to the consideration of the bill at this time?

Mr. COCKRELL. Istated that I would consent to allowing the Senator from New Hampshire to submit his remarks; but I cannot consent that the bill be taken up out of its order and considered when we shall probably reach it during the morning hour.

Mr. ROLLINS. Mr. President, by the new constitution of New Hampshire, the Legislature is elected biennially in November, and the Legislature so elected meets in June following. The first Legislature elected under the new constitution was chosen in November, 1878, and met in June, 1879, and their term of office expires in May, 1881. In November, 1880, a new Legislature was elected, whose term of office commences in June, 1881, and expires the last Wednesday of May, 1883. In November, 1882, a new Legislature will be elected; but their term of office will not commence until the first Wednesday of June, 1883. My term as Senator expires with the session of the Senate, March 3, 1883, and the question is whether the Legislature elected in November, 1880, which is to meet and organize in June next, 1881, or that which shall be elected in November, 1882, which does not meet and organize until June, 1883, three months after my term of office expires, has the power to elect my successor? If the first, then no vacancy will occur in the representation of the State in this body. If the last, then a vacancy will occur on the 4th of March, 1883, which cannot be filled by the Legislature until the June following. This question is not a new one. It arose in anticipation of the expiration of the term of my former colleague, Senator Wadleigh, in March, 1879, and the report (No. 485) of the Committee on Privileges and Elections, second session Forty-fifth Congress, of this body was to the effect that the power to elect lay in the Legislature elected in November, 1878, which

they were referred to the committee, who divided upon the question, the majority reporting against the right of the governor to appoint and the minority sustaining the right. After a somewhat long and protracted discussion the report of the minority was adopted by the Senate and Mr. Bell was admitted. That discussion, which was participated in by many of the prominent lawyers on both sides of this Chamber, tended to throw great doubt upon the soundness of the first report of the committee to which I have already referred. The same question will again come up at the commencement of the Forty-eighth Congress, and it is important for the interests of my State that some definite decision should be made upon the question. The statute of the United States, July 25, 1866, re-enacted Revised Statutes, section 814, provides that "the Legislature of each State which is chosen next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, shall on the second Tuesday after the meeting and organization thereof proceed to elect a Senator in Congress." As has been said the term for which I was elected expires March, 1883. According to the letter of the statute the Legislature chosen next preceding that time is the Legislature to be elected in November, 1882, but which by the constitution of the State does not succeed to the office and meet and organize until the first Wednesday of June, 1883, and cannot elect until the second Tuesday after that date, some three months after the expiration of the term. same question will again come up at the commencement of the Forty-

the second Tuesday after that date, some three months after the expiration of the term.

This is a question upon which men learned in the law have differed materially, some holding that under the Constitution of the United States the State is entitled to continuous representation, that though the person may change the office does not, and that any law which by its operation creates a vacancy in the representation is invalid. The discussion in the Bell case shows marked differences of opinion among leading Senators, and while the Senate substantially decided in favor of the right of the governor to appoint in that case there was little unanimity among the majority in the reasoning upon which that conclusion was founded, and the opposition to that conclusion was so able that it has left the question in an exceedingly doubtful state.

was so able that it has left the question in the desired in the state.

The question is one which arises at the end of every term of a Senator from New Hampshire, and it is, it seems to me, due to the Senate and to the State that the question should be definitely determined. The State should not be deprived of representation for three months at the commencement of every term, nor should there be a discussion of the right of the governor to appoint such as was with

discussion of the right of the governor to appoint such as was witnessed at the commencement of the present Congress.

Not being a lawyer, trained to give opinions upon doubtful constitutional questions, I do not undertake to discuss the question of the legal construction of the statute, but I do think that I am not asking too much when I urge upon the Senate a definite settlement of the section which severe the secti this question which appears now encompassed with doubts. It is not

desirable that the State should be but half represented, nor that

desirable that the State should be but half represented, nor that the governor should be called upon to exercise powers which may be denied in order to prevent that non-representation.

Mr. President, the Senate will see at a glance that if anything is to be done with reference to this matter, early action is absolutely necessary. If the bill which has been reported by the Committee on Privileges and Elections, I understand with perfect unanimity, shall pass, it will enable the State of New Hampshire to elect a Senator in Congress, and the question will be settled; but at this late hour, although the bill may pass the Senate, there is, perhaps, some doubt of its passage in the House, unless it be sent there promptly. At any rate, there is no probability of its passage there unless early action is taken here, and I ask the Senate, if they will not consider this bill to-day, to indicate some early day, perhaps to-morrow in the morning hour, when it may be taken up and disposed of.

Mr. SAULSBURY. Let us act now.

Mr. ROLLINS. I have called up the bill, but the Senator from Missouri says he will object to its consideration at the present time. I will inquire whether the Senator from Missouri persists in his objection to the consideration of this bill. It is unanimously reported from the Committee on Privileges and Elections, I believe.

Mr. COCKRELL. We have an order which has been established because more business can be done under that order than in any other way. Now we are at No. 566 in the order of business, and we shall soon reach the case of the Senator from New Hampshire and dispose of it. If there is any danger that it will not be reached I shall with-draw my objection but there is no danger.

soon reach the case of the Senator from New Hampshire and dispose of it. If there is any danger that it will not be reached I shall withdraw my objection, but there is no danger.

Mr. ROLLINS. The Senator from Misssouri can readily see that while there may be no danger of this bill not being reached in the Senate, there is great danger that it may not be reached in the House of Representatives in time to be there considered. That is the difficulty; and I appeal to the Senator from Missouri under the circumstances to withdraw his objection to the bill, and if it is not allowed to be considered to-day, let to-morrow during the morning hour be assigned

for it.

Mr. SAULSBURY. Mr. President, I should like to appeal to the Senator from Missouri to withdraw his objection to this bill. It is a matter that will not provoke any discussion, I apprehend. It is a matter of peculiar interest to the State of New Hampshire. I hope, therefore, the Senator from Missouri will withdraw his objection and will allow the bill to be considered and acted upon, so that it may go to the House of Representatives and be acted upon there; it will certainly not consume much time.

not consume much time.

Mr. COCKRELL. I will make this statement, that if we do not reach it to-day it can be taken up to-morrow so far as I am concerned. I will make no objection to considering it to-morrow. We shall then have an opportunity of examining the statement made by the Senator from New Hampshire. I intend to insist on proceeding with the consideration of cases on the Calendar in their order, in justice to all States and all parties. I do not know that I have any objection to this bill, and I do not know that I shall interpose any further objection after I shall have had an exportantly of reading the remarks made by

this bill, and I do not know that I shall interpose any further objection after I shall have had an opportunity of reading the remarks made by the honorable Senator from New Hampshire. We can read them tomorrow morning and then the bill can be called up.

Mr. ROLLINS. With the understanding that the bill shall come up during the morning hour to-morrow, I will let it go for the present. Several SENATORS. Regular order!

Mr. COCKRELL. This bill has been on the Calendar since last May, and there is no very great emergency about it at this moment. The VICE-PRESIDENT. The regular order is demanded. It is the consideration of the Calendar of General Orders under the regular order of the day.

the consideration of the Calendar of General Relations of the Calendar of the Calendar of General Relations. In the Latington of the Committee on Privileges and Elections. I should have been very glad to have had it called up at an earlier day and passed. The VICE-PRESIDENT. The Secretary will report the first bill on the Calendar at the point reached when it was last considered.

CURTIS E. PRICE.

The first bill on the Calendar was announced to be the bill (S. No. 943) to authorize Dr. Curtis E. Price, of the United States Army, to receive the pay allowed by law for discharging the duties of physician to the Hoopa Valley Indian reservation.

Mr. INGALLS. Is there a report in that case?

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Secretary informs the Chair that there is no report.

Mr. INGALLS. The bill appears to have been reported by my colleague, who is temporarily absent; and I suggest that it be passed over retaining its place on the Calendar until he returns to the Chamber.

The PRESIDING OFFICER. That will be the order, if there be no objection.

BENJAMIN C. BAMPTON.

The next bill on the Calendar was the bill (S. No. 542) for the relief of Benjamin C. Bampton; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs, with an amendment to strike out all after the enacting clause and insert:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the account of Benjamin C. Bampton, passed assistant engineer United States Navy, (retired,) to remove any checkages or sus-

pensions made against him on account of his pay; and that thereafter his pay shall be 50 per cent. only of the sea pay of the grade or rank held by him at the time of retirement; and for the purpose of paying him the amount of the checkages or suspensions so made against him, the sum of \$456.58 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. COCKRELL. Is there a report in that case? If there is, let

The Chief Clerk read the following report, submitted by Mr. CAM-ERON, of Pennsylvania, April 27, 1880:

ERON, of Fennsylvania, April 2., 1000:

The Committee on Naval Affairs to whom was referred the bill (S. No. 542) for the relief of Benjamin C. Bampton, have had the same under consideration, and beg leave to submit the following report:

A bill for the relief of Mr. Bampton received the favorable consideration of the House Committee on Naval Affairs at the last session of Congress, and was reported to the House on the last day of the session, but did not receive action by that body on account of the closing hours of the session. The report at that time was submitted by Hon. Feank Jones, which is hereby adopted and made part of this report. this report.

"[House Report No. 148, Forty-fifth Congress, third session.]

"[House Report No. 148, Forty-fifth Congress, third session.]

"Passed Assistant Engineer Bampton was retired September 6, 1873, on account of having failed to pass for promotion to the grade of chief engineer, although considered one of the most efficient practical engineers in the service, who had passed successfully through the different grades of assistant engineer, and had served ten years and eight months at sea and two years and seven months on shore duty in these capacities, always performing his duty faithfully and satisfactorily, his deportment being correct.

"The Secretary of the Navy writes of the case of Engineer Bampton, in a communication dated January 23, 1879, to the sub-committee to whom this bill was referred, as follows, viz:

"His only trouble was his failure to pass for promotion to the grade of chief engineer. As he was not retired for disability incurred in the line of duty, nor from exposure or sickness in the service, he does not come within the class of officers entitled, under section 1589 of the Revised Statutes, to 75 per cent. of their sea pay. But inasmuch as he was allowed 75 per cent, under an authorization of the Secretary of the Navy, and approved of by the accounting officers, and was paid at that rate for several years, it would seem but just to allow him the sum paid under such authority and approval, and not check against him, under any new decision or ruling, the difference between 50 and 75 per cent, as appears to have been done. The only recommendation that I can consistently make in the case is that the accounting officers be authorized to remove any checkages or suspensions against him, and permit him to retain the pay already received; and that he should be entitled to receive 50 per cent. only of his sea pay thereafter.

"After carefully considering the equities involved in the bill, the committee recommend the passage of the accompanying substitute for the bill herewith submitted, substantially adopting the recommendation of Secretary Thompson, which seems to be

"NAVY DEPARTMENT, "Washington, January 23, 1879.

"Washington, January 23, 1879.

"Sir: I have the honor to return herewith H. R. bill No. 5789, for the relief of Benjamin C. Bampton, passed assistant engineer in the Navy, on the retired list, which you referred to this Department for a report in the case.

"Passed Assistant Engineer Bampton was retired September 6, 1873, on account of having failed to pass for promotion to the grade of chief engineer. He had then seen ten years and eight months' sea service and two years and seven months' shore duty. He has been in the service about twenty-one years. So far as the records show, he always performed his duty faithfully and satisfactorily in the different grades of assistant engineer, and his conduct and deportment were correct. His only trouble was his failure to pass for promotion to the grade of chief engineer.

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"As he was not retired for disability incurred in the line of duty nor from exposure or sickness in the service, he does not come within the class of officers entitled, under section 1588 of the Revised Statutes, to 75 per cent. of their sea

"But inasmuch as he was allowed 75 per cent. under an authorization of the Secretary of the Navy and approval of the accounting officers, and was paid at that rate for several years, it would seem but just to allow him the sum paid under such authority and approval, and not check against him, under any new decision or ruling, the difference between 50 and 75 per cent, as appears to have been done. "The only recommendation that I can consistently make in the case is that the accounting officer be authorized to remove any checkages or suspensions against him, and permit him to retain the pay already received; and that he should be entitled to receive 50 per cent. only of his sea pay thereafter.

"The bill as amended would read: 'That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed, in settling the account of B. C. Bampton, to remove any checkages or suspensions made on account of his pay; and that his pay thereafter shall be 50 per cent, only of his sea pay."

"I am, sir, very respectfully,"

"R. W. THOMPSON,
"Secretary of the Navy.

"R. W. THOMPSON, "Secretary of the Navy.

"Hon. Frank Jones,
"Of Committee on Naval Affairs, House of Representatives.

From the foregoing it will be seen that this bill has received the sanction of the Secretary of the Navy, and your committee therefore beg leave to report the bill with an amendment, in the nature of a substitute, and recommend its passage as thus amended.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONALD M'NEILL FAIRFAX.

The next bill on the Calender was the bill (S. No. 1513) for the relief of Commodore Donald McNeill Fairfax, United States Navy.

The PRESIDING OFFICER. The Chair understands that the Senator who reported this bill [Mr. Whyte] desired that it should be passed over in his absence. That course will be taken, if there be no objection.

QUARTERMASTER'S SUPPLIES.

The next bill on the Calendar was the bill (S. No. 529) to provide for the care and protection of quartermaster supplies; which was considered as in Committee of the Whole. It empowers the Secretary of War to select from the enlisted men of the Army who shall have faithfully served therein eight years, five years of which in the grade of non-commissioned officer, as many quartermaster-sergeants as the

service may require, not to exceed one for each military post or place of deposit of quartermaster's supplies, whose duty it shall be to receive and preserve the quartermaster's supplies at the posts, under the direction of the proper officers of the Quartermaster's Department, and under such regulations as shall be prescribed by the Secretary of War. The quartermaster-sergeants thus authorized are to be subject to the Rules and Articles of War, and to receive for their services the same pay and allowances as ordnance-sergeants.

Mr. COCKRELL. Is there a report in that case?

Mr. BURNSIDE. There is a report, which can be read.

The Chief Clerk read the following report, submitted by Mr. BURN-

The Chief Clerk read the following report, submitted by Mr. BURN-SIDE April 27, 1880:

SIDE April 27, 1880:

The Committee on Military Affairs, to whom was referred the bill (S. No. 529) to provide for the better care and protection of quartermaster supplies, have had the same under consideration, and beg leave to submit the following report:

Your committee recommend the passage of this bill. This recommendation is based upon the following letters from the Secretary of War and the acting Quartermaster-General of the Army:

"WAR DEPARTMENT, WASHINGTON CITY,

"January 22, 1880."

"Sir: Returning herewith Senate bill 529, Forty-sixth Congress, second session, to provide for the better care and protection of quartermaster supplies,' referred by yon to this Department for an expression of views upon the subject of the bill, I beg to invite your attention to the report herewith from the acting Quartermaster-General, whose views upon the matter under consideration are concurred in by me. master-General, which is by me.
"Very respectfully, your obedient servant,

"ALEX. RAMSEY, "Secretary of War.

"Hon. A. E. BURNSIDE,
"Of Committee on Military Affairs, United States Senate."

"WAE DEPARTMENT,

"QUARTERMASTER-GENERAL'S OFFICE,

"Washington, D. C., January 21, 1880.

"Sir: I have the honor to return herewith the copy of Senate bill 529, Forty-sixth Congress, second session, 'to provide for the better care and protection of quartermaster supplies,' referred to this office for report on the 15th instant.

"The Quartermaster-General has recommended in all of his annual reports since 1873, that a law to this effect be enacted, and in his report for 1879 expressed himself as follows on the subject of this bill: 'Many officers of the line, finding themselves charged with heavy responsibility as acting assistant quartermasters, and having insufficient assistance at frontier posts, ask that the enlistment of post quartermaster-sergeants may be allowed by law. Such non-commissioned officers, selected for experience and fidelity shown in actual service, would be very useful. They would remain at posts in charge of the property when the garrison changed, and thus would preserve knowledge and responsibility, now often lost through the frequent change of officers.

"These views of the Quartermaster-General are concurred in by the Acting Quartermaster-General, who urgently recommends the passage of the within bill.

"Very respectfully, your obedient servant," STEWART VAN VLIET,

"Acting Quartermaster-General, U. S. Army."

"The honorable the Secretary of War."

"The honorable the SECRETARY OF WAR."

Mr. COCKRELL. I should like to ask the Senator from Rhode Island reporting the bill how many will be appointed under this

Mr. BURNSIDE. I think the number is rising forty; but the exact number has passed from my mind, as it is some time since I had the papers in my hand.

Mr. COCKRELL. I see in the report that the number that are being created under this bill of quartermaster-sergeants is not pre-

being created under this bill of quartermaster-sergeants is not prescribed. It authorizes the appointment of one quartermaster-sergeant at each of the military posts. There may be military posts where there is no occasion for the appointment of a quartermaster-sergeant.

Mr. BURNSIDE. I think the bill covers that point. It only authorizes the appointment of these sergeants where they are required, and it is limited by the number of military posts. The number never can be greater than the number of military posts and quartermaster depots; and the quartermaster depots are very few in number—only at large cities. I am satisfied that this policy will be a most economical one in the saving and proper care of quartermaster stores; and

at large cities. I am satisfied that this policy will be a most economical one in the saving and proper care of quartermaster stores; and in the course of a year the saving will be very much larger than the expense of creating an establishment of this kind.

Mr. COCKRELL. Will the Senator have any objection to limiting for the present the number to not exceed twenty?

Mr. BURNSIDE. I would say "not to exceed forty;" I do not want to put it at a larger number.

Mr. COCKRELL. We might try it for one year at twenty and see how it would work

how it would work.

Mr. BURNSIDE. Suppose we try it at thirty for one year?

Mr. COCKRELL. I think that twenty would be sufficient first to

try it with. We are getting along without them now.

Mr. BURNSIDE. We are getting along without them but at great loss to the Government.

Mr. COCKRELL. There are many posts where there will be no necessity for a quartermaster-sergeant, or an increase of the expense in that way, and twenty will be quite a large number to place in the Quartermaster's Department.

Mr. BURNSIDE. I shall make no objection to the amendment.

Mr. COCKRELL. I move to add "and shall not exceed in number

twenty."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DETAILS OF OFFICERS AS PROFESSORS.

The next business on the Calendar was the joint resolution (S. R. No. 70) to increase the number of officers of the Army allowed to be detailed as professors of military science at colleges and universities the consideration of which was resumed as in Committee of the

The PRESIDING OFFICER. This joint resolution has been here-tofore under consideration, and the pending question is on an amend-ment offered by the Senator from Vermont, [Mr. MORRILL,] which will be reported.

The CHIEF CLERK. The proposed amendment is to strike out the third section of the bill in the following words:

SEC. 3. All acts or parts of acts authorizing or permitting the detail of officers of the Army on the active list to act as president, superintendent, or professor of any college or university or other institution of learning, and all acts inconsistent with any of the provisions of this act, are hereby repealed.

Mr. THURMAN. I should be glad to have the joint resolution ead. It seems to be short.

The PRESIDING OFFICER. The joint resolution will be reported

The PRESIDING OFFICER.

The Chief Clerk read the joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to strike out the third section, upon which the yeas and nays were heretofore ordered. But, the morning hour having expired, the unfinished business will be laid before the Senate. Prior to that, however, the Chair will lay before the Senate a House bill for reference.

HOUSE BILL REFERRED.

The bill (H. R. No. 4592) to facilitate the refunding of the national debt was read twice by its title, and referred to the Committee on

GEOLOGICAL SURVEY.

Mr. DAVIS, of West Virginia. I wish to give notice that in the early part of next week, probably on Monday, or perhaps I had better say Tuesday, I shall ask the Senate to take up the joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriet in a sum of the act entitled. An act making approprations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," on which I propose to submit some remarks. I also understand that one or two other gentlemen wish to submit remarks upon it. I only give the notice.

UNIVERSITY LANDS TO TERRITORIES.

The Senate proceeded to consider the action of the House of Representatives disagreeing to its amendments to the bill (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. McDONALD, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Vice-President.

The VICE-PRESIDENT appointed Mr. McDonald, Mr. Hill of Colorado, and Mr. Walker as the conferees.

WAR IN SOUTH AMERICA.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting a letter from the Secretary of State, with the accompanying papers, in relation to the recent effort of the Government of the United States to bring about peace between Chili and Peru and Bolivia; which was referred to the Committee on Foreign Relations, and ordered to be printed.

LANDS IN SEVERALTY TO INDIANS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1773) to provide for the allotment of lands in sever-alty to Indians on the various reservations, and to extend the protec-tion of the laws of the States and Territories over the Indians, and

for other purposes.

Mr. COKE. Mr. President, the pending bill needs but little explanation. It confides to the discretion of the President of the United States, whenever a reservation of land upon which Indians are located shall be fit for agricultural purposes in his judgment, with the consent of two-thirds of the males of the tribe twenty-one years old consent or two-thirds of the males of the tribe twenty-one years of and upward, to have it surveyed or resurveyed, as the case may be, and allotted individually to the Indians for whose use it was set apart as a tribe—to the head of a family one-quarter of a section; to each single person of eighteen years of age one-eighth of a section; to each orphan child under eighteen years of age one-eighth of a section; to each other person under eighteen years now living or who may be born prior to the date of the order of the President directing the allottment of land emphased in our recoveration one sixteenth of may be born prior to the date of the order of the Fresident directing the allotment of land embraced in any reservation, one-sixteenth of a section. The excess of land in the reservation above what may be thus allotted to individuals, the bill provides shall be negotiated for by the Secretary of the Interior on such terms and conditions as may be just both to the Indians and to the Government, but that no money shall be paid until the negotiation or agreement shall have been rati-fied by Congress.

The bill further provides that when the Indians have consented

and the President has made the order and the lands have been allotted, the laws of descent and distribution and of alienation, where not conflicting with this act, of the States and Territories where the land may be situated, shall govern and control the land and the Indians. The bill provides that the lands shall not be alienated within twenty-

The bill provides that the lands shall not be alrelated within twelly five years from the date of the patent.

These are the principal provisions of the bill. It will be observed that the bill has no force, if it is enacted as a law, until the President of the United States in the exercise of the sound discretion vested in him shall believe it to be for the interest of the Indians that the land shall be divided and allotted to them individually. He must believe that the lands are fit for agricultural purposes, and that the Indians are in such a condition of civilization as to make it right and proper that they should have land in severalty, and that they will be able to live under the laws of the States or Territories where they are

I can see no possible objection to this bill. It is not, if it passes, to I can see no possible objection to this bill. It is not, if it passes, to be executed except in the exercise of the wise discretion of the President of the United States. If, in his judgment, the lands are such as are fit for agricultural and pastoral purposes, and the Indians have advanced to that state of civilization when they may be relied upon to pursue the occupations that will support them; when these things occur, and the Indians consent, then the law is that the land shall be expressed and allotted. surveyed and allotted.

The provisions of the bill are almost identical with those embraced in the bill so much discussed at the last session, and I believe are generally understood by the Senate, a bill that has been in force and executed or is being executed among the Ute Indians now, and as I am told by the Secretary of the Interior, satisfactory to the Indians and to the Government. The Senator from Colorado [Mr. Teller] I understood the other evening to say that he had been informed by some of the commissioners that quite a number of the Ute Indians would not have signed the agreement but for assurances that that portion of the

nave signed the agreement but for assurances that that portion of the agreement providing for lands in severalty would be abrogated.

Mr. TELLER. I would say that I did so state. I had it from two of the commissioners, my recollection is; one certainly, Mr. Meacham; and I think the report that is to come from the commission will show it to be a fact that the Ute Indians declined to sign that treaty with that clause in. I am told that by not only a member of the commission, but by a number of people connected with the commission. There cannot be any doubt about it, no matter what may be said here or elsewhere. I am prepared to make an issue on that.

Mr. COKE. I have not seen the commissioners, but in reply to what

is said by the Senator from Colorado, I send to the desk, and ask the Clerk to read, a letter from the Secretary of the Interior.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The

letter will be read.

letter will be read.

The Chief Clerk read as follows:

Department of the Interior,
Washington, January 19, 1881.

Deae Sir: In reply to your inquiry whether there has been any understanding or stipulation with the Utes before they signed the agreement made with them in Washington in 1880, that the clause referring to their settlement in severalty should be abandoned or superseded by another arrangement, or in any way modified, and that the Ute commission had reported or were going to report to me to that effect, I beg leave to say that the reports so far received from the Ute commission show that the agreement was signed without any condition or stipulation whatever.

When I saw the Congressional Record this morning and found therein a statement to the contrary, I sought an interview with Mr. Manypenny, the chairman of the Ute commission, to learn whether anything of the kind above mentioned had happened without being reported to me, and he assured me again that, while several Indians expressed dislike of the severalty clause, the agreement was signed, after full explanation and discussion of the subject with the Indians, without any condition or stipulation, and that all rumors to the contrary were unfounded. I have seen, in the mean time, the other members of the commission, who all corroborate the above.

Very respectfully,

C. SCHURZ, Secretary.

C. SCHURZ, Secretary.

Hon. RICHARD COKE,
Chairman of the Committee on Indian Affairs, United States Senate.

Mr. TELLER. I asked the Senator the other day to wait until this report came in. I took the occasion last season to go to the Indian agency for the express purpose of making myself familiar with some facts in this case. I went from the agency to Ouray, a distance of twenty-odd miles, in company with Mr. Meacham and the agent. Mr. Meacham in the presence of the agent made the statement that Mr. Meacham in the presence of the agent made the statement that I made to the Senate; and while they said to the Indians that they could not guarantee that this change would be made, yet they would try to have the change made. He said to me that he would recommend that the change be made. I have no idea Mr. Meacham will deny that; it is not possible that he can deny it. It was a matter of public and common rumor in that country that such was the fact, among those who were about the agency and knew about it. And I de not much dealy that when the do not much doubt that when the report comes in it will show what I have stated. If it does not, it will be another instance of the absurdity of making treaties with Indians. But I propose to say something of the bill, and I will not interrupt the Senator from Texas further.

Mr. COKE. I have but little more to say at this time, as I do not wish to anticipate objection to the bill. The bill has the sanction of the Interior Department and the Commissioner of Indian Affairs, and as far as I am informed—and I believe I am fully informed—of all the officials concerned in the administration of Indian affairs. It is not an experiment. Many years since Indians were allotted lands in severalty, and their progress in the arts of peace and in the pro-

cesses and methods of taking care of themselves by labor has been so marked and so satisfactory that the process of individualizing them has commended itself to all who are acquainted with them who are in official life now under this administration. It has the assent, I believe unanimously, of the Committee on Indian Affairs—such is my

lieve unanimously, of the Committee on Indian Affairs—such is my understanding—and I believe it is such a bill as should be passed.

Mr. VEST. Mr. President, I move to amend the bill in section 7 by striking out in line 2 the words "Indian Territory," and inserting "reservations of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws in the Indian Territory."

As might be inferred from what I said at the last session on the Indian question, with the leading idea of this bill I am in full accord. I am perfectly convinced, after much reflection upon this great subject, that the way to dispose of the Indian question in this Government is by giving the Indians land in severalty and citizenship of the United States. Whether they are citizens now or not is an open question. The present occupant of the chair, [Mr. Garland,] I believe the gentleman who offered this bill, and other distinguished lawyers are of the opinion that the fourteenth amendment makes all lawyers are of the opinion that the fourteenth amendment makes all Indians citizens of this country. I do not agree with that opinion; but, whether it be one way or the other, until the nomadic element is eliminated from the Indian system in the United States there can be no peace, no safety, and no stability. The idea of a home is the germ of civilization; and until that idea is implanted in the Indians, as in all other recess on this continent there can be no each. as in all other races on this continent, there can be no safety and no stability and no prospect of civilization for them by the Government.

Whatever is done on this question should be by a broad and general system. The difficulty with the Indian policy has been that we have made it up of shreds and patches; one Secretary of the Interior has one policy, another another, until finally the country when the Indian question is mentioned turns away, except a few sentimentalists, in simple disgust. What is done by one Congress is revoked or rescinded by another. If anything is to be done which shall solve the problem, it must be a broad and general systematic work in regard to all the Indians of the United States, excepting in so far as we are

to all the Indians of the United States, excepting in so far as we are trammeled by treaties. I concur in that.

It has been charged that I proposed to attack the treaties made with the five civilized tribes in the Indian Territory. I simply content myself with branding that as a willful misrepresentation. Never in any public act of my life have I sought to attack any treaty or the plighted faith of the people of the United States toward any tribe, and whatever I say here to-day must be with the distinct understanding that I propose to observe every treaty both in letter and in spirit

ng that I propose to observe every treaty both in letter and in spirit to the last extremity.

But this section 7 of the bill eliminates from its operation all the tribes of Indians in the Indian Territory, comprising an area of 41,098,398 acres of land, including not only the five civilized tribes but the thirty tribes or fragments of tribes that have been put there by the Government of the United States under treaty with those Indians.

Mr. President, I approach this question with a full understanding that a speck of war already rests upon our southwestern horizon, caused by the attempt of persons to enter the Indian Territory and settle upon what are known as "the ceded lands" west of the ninety-seventh meridian of longitude. I know that with the coming spring seventh meridian or longitude. I know that with the coming spring invasion or adventure or whatever it may be termed will be reopened and again undertaken. The Government of the United States must meet it; the Congress of the United States cannot ignore it. Senators here to-day may invoke the plighted faith of the nation; but if by armed force the Territory is invaded, upon them will rest the responsibility of the consequences, whatever they may be. I for one propose that we take up this question now and determine it in some form.

What are the facts in regard to these lands? They should be known what are the facts in regard to these lands? They should be known for public opinion and public information. During the late war between the United States and the Confederate States the five civilized tribes had unfortunately, like the people of the Western States, divided upon the issues involved in that unfortunate strife. Some took the side of the North, and some took the side of the South. The result side of the North, and some took the side of the South. The result was that on the downfall of the confederacy the Indian nations or tribes were by the Government of the United States forced to accept terms prescribed to them in new treaties. The old treaties were treated as abrogated by reason of a majority of the Indian nations having joined the confederacy in that struggle. One condition prescribed by the Government of the United States was that they should cede to the Government at a certain price a certain number of acres of land in what was known as the Indian country, to be used by the United States. in what was known as the Indian country, to be used by the United States for the settlement thereon of friendly Indians and freedmen. That was the language of the treaty. The Secretary of the Interior now holds that this limitation passes with those lands for all time to come; that, although the Indians of the civilized tribes have received the purchase-money for these lands; although they have ceded their title to the United States, yet that the title is a limited one; that it is affected by this condition, and that the lands must go into the hands of all purchasers with the condition that the lands are only to be used for the settlement of friendly Indians and freedmen, whether they come from the Southern States or from the Territory. With that concome from the Southern States or from the Territory. With that construction many distinguished lawyers entirely disagree. I do not propose to discuss to-day whether the Secretary of the Interior is right or wrong. I think there is grave question on that point; but I do

say that as to the lands given to the thirty Indian tribes or remnants of tribes that have been put there on lands bought by the Government from the five civilized tribes, there is no question that we can by legislation give them to the Indians in severalty if we see proper to

Why does this committee except from the operation of this bill thirty Indian tribes, almost one-half of the number of tribes now in the United States? Why is it that to-day this question is left open and these thirty tribes or remnants of tribes in the Indian Territory are not put under this system but are left under the old reservation system which has so long obtained? They should have their homes in severalty. If this bill applies to any Indians in the United States, it ought to apply to them. They are there within the shadow of civilization. On the north is the State of Kansas; on the east the five ization. On the north is the state of Kansas; on the east the live civilized tribes are standing monuments to the fact that the Indian can become the equal of his white brother in the arts of peace and civilization. Why should these Indians be left to hold their land in common, to remain nomads, as they have been for generations past?

common, to remain nomads, as they have been for generations past? If we propose to take up and solve this question, let us adopt the system. Let us say that as to these thirty tribes brought there as the Government said in order to profit by the example of the five civilized tribes. They are already more than half civilized. Why is it that after bringing them there we to-day in this bill declare that they shall not have homes, but shall be nomads and wanderers upon the reservation given them by the Government.

I propose to attack no treaties; I propose to cast no shadow upon the plighted faith of the Government. I do interpose the great principle which this bill seeks to establish, and I say as to these thirty Indian tribes brought there by the United States the tenure in severalty should be extended to them to the largest extent. That is why I want the amendment adopted.

Mr. TELLER. Mr. President, I do not desire to particularly discuss the amendment offered by the Senator from Missouri, but I want to say a word or two about the general policy of the bill. I do not propose to say very much about it. I know how useless it is to discuss the Indian question in the present condition of the public mind; I know what the impression is all over the country; I know what the public sentiment is; I know that any man who stands in the Senate and proposes to discuss this question in a practical, sensible, business way, having an eye to the interest of the Indian and the white man alike, will be charged, as the Senator from Missouri says he has been charged with an attempt to yielded faith of the Governand proposes to discuss this question in a practical, sensible, business way, having an eye to the interest of the Indian and the white man alike, will be charged, as the Senator from Missouri says he has been charged, with an attempt to violate the plighted faith of the Government; I know there is a sentiment that every man who comes from the extreme West, whether he occupies a seat upon this floor or whether he does not have that fortune, is in favor of despoiling the Indians and appropriating their lands and treating them harshly and unjustly. There is a sentimental feeling which has grown up in the country which if it was allowed to prevail in the legislation here would in a very few years utterly annihilate these so-called wards of the nation. I am willing to admit that very many outrages have been perpetrated on the Indians, and I know that they have been perpetrated by the very friends of the Indians; I know that acts have been passed through this body that were not in the interest of the Indians by those who believed that they were serving the Indians when they voted for the passage of such bills.

Since this bill came before the Senate I find laid upon my table, just brought in, a memorial. It is addressed "to the honorable the President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, and to the Senate and House of Representatives in Congress assembled;" and it purports to be the memorial of a "committee of the General Assembly of the Presbyterian Church in the United States, appointed at its meeting in May last in the city of Madigor, Wigensian, to represent to you their west extrest desires.

in the United States, appointed at its meeting in May last in the city of Madison, Wisconsin, to represent to you their most earnest desires on the questions of Indian rights and Indian civilization." I find that I find that after they have made some suggestions they sum everything up in the following language:

We therefore earnestly press the prayer of our memorial on your attention with the sincere belief that the best way to elevate the Indian is to—First. Give him a home with a perfect title in fee-simple; Second. Protect him by the laws of the land and make him amenable to the same; Third. Give him the advantage of a good education; and Fourth. Grant him full religious liberty.

The men who signed that memorial are undoubtedly acting in perfect good faith, and yet they lay down a rule to be applied to every tribe of Indians and every individual Indian alike. The civilized Indian, the semi-civilized Indian, the savage Indian, and the more than savage Indian are all to be treated alike. What I have complained of since I have been a member of the Senate is that the legislation. An Indian is regarded by the second lation all went in that direction. An Indian is regarded by the people of the country as an Indian, and all Indians are regarded alike. The Indians differ as much one from another as the civilized and enlightened nations of the earth differ from the uncivilized and unenlightened nations of the earth. Legislation that is proper and just for one class of Indians will fail to perform the great object that its friends

have, to civilize them, if applied to another.

At the last session of Congress the Senate passed a bill called the Ute bill. I presented my objections to that bill. I came from the ground and I knew whereof I spoke. I spoke in the interest of the white man and in the interest of the Indian, because I have never imbibed the

sentiment that has been prevalent in some sections, that there were no good Indians, and that nothing could be done with the Indian. I believe that with proper intelligent effort the Indian might be in time civilized and become an intelligent and valuable citizen. I say I spoke in the interest of the Indians. I spoke here for three days, at different times. I had the committee to contend with; I had the Secretary of the Interior to contend with; I had public sentiment to contend with, upon a subject on which I ought to have been informed. contend with, upon a subject on which I ought to have been informed. If I had had no character when I came to the Senate, I at least ought to have been entitled to be considered a credible witness upon the subject; yet when the vote was polled sixteen Senators only were found voting to sustain my view of the bill. We were told that there was not time to examine it; we were told that there was not time for discussion; we were told that we must make haste; that these people wanted to be settled upon their farms; that they were crying and begging for places upon which they could build permanent abodes and establish themselves in agriculture; they were to commence their spring crops. We passed the bill, and it went over to the House and it was passed there. The commission, with great flourish of trumpets, went to that country; and they have come back, and have not allotted an acre of the land; they are no nearer allotting the land to-day than they were when we were discussing that question in the Senate in April last. Why? They found insurmountable obstacles, and I will venture to say that when their report comes in it will sustain everything that I stated upon this floor as the friend of the Indians. They thing that I stated upon this floor as the friend of the Indians. They found that the place where it was proposed to put the Indians was unsuitable; they found that there was not sufficient land; they found that there was not grass, that there was not feed, and I believe they will unanimously agree (I think so from what I can understand from some members of the commission) that it was a mistake.

Mr. MORGAN. If the Senator will allow me, I will ask him at

Mr. MORGAN. If the Senator will allow me, I will ask him at what time he expects their report to be made?

Mr. TELLER. I understand that the report will be made to-day. I asked the other day that this bill might be postponed until the report should be made. I made an effort to find whether the report had been made this morning, and I was told that it would be made to-day. Of course I do not know what the report will show; I only know what it has been said in general that the report would show, but I do know that when the commissioners went to the Ute Indians the Indians did inst what I said from my long acquaint acquire with the Indians did just what I said, from my long acquaintance with them, they would do—they declined to sign the treaty, they declined to accept land in severalty, and why? I attempted to explain to the Senate last spring why they would not take land in severalty. It is not worth while for me to go over it again. The Indian's objection to land in severalty is inhomost.

not worth while for me to go over it again. The Indian's objection to land in severalty is inherent.

Since this bill has been called up, a few minutes since, there has been placed on my table a protest signed by seven Indians, representative Indians of the Cherokee, Creek, and Chootaw Indians, protesting against accepting lands in severalty. I find also another protest entitled "A summary of the census of the Cherokee Nation."

Mr. COKE. If the Senator will yield to me a moment, I will state to him that the Indians who protest are excluded expressly from the operation of the bill

operation of the bill.

operation of the bill.

Mr. TELLER. I understand that. I am not speaking of that. I am speaking of the inherent objection in the Indian mind against land in severalty. I say you cannot compel an Indian, though he may be semi-civilized, to take land in severalty; he will not do it until he has become more than semi-civilized. I said when I was until he has become more than semi-civilized. I said when I was discussing this question before that the Indians of New York, with all their advantages of coming in contact with people holding land in severalty, steadily adhered to the old Indian idea that the land in severalty, steadily adhered to the old Indian idea that the land belongs in common; that when one Indian took up his tent and left it another might put his down. I say to-day that you cannot make any Indian on this continent, I do not care where he is, while he remains anything like an Indian in sentiment and feeling, take land in severalty. The bill proposes to do it—when? The redeeming clause, perhaps, is that it is to be done when two-thirds of the Indians say they will take it. We have made treaties with these Indians; they consented to go upon reservations and they did go; and I should like consented to go upon reservations, and they did go; and I should like to know what right you have to say that two-thirds of them shall release the Government from the obligation that it owes to the other third. It ought to be done by the unanimous consent of these Indians,

third. It ought to be done by the unanimous consent of these Indians, if they are to take land in severalty at all.

This bill will never be of any practical effect. It will never be carried out. You never will get two-thirds of any of these Indian tribes to take land in this way. I suppose it is a waste of time for me to stand here, because, perhaps, if the bill is passed it will accomplish no great harm; it certainly will not do any good; but the friends of this movement, who have an idea that all that is necessary to be done is to give an Indian a piece of land and settle him down, ought to be convinced of their error. They ought to understand that if they educate the Indians and civilize them they cannot do it in that way and in that way dians and civilize them they cannot do it in that way and in that way alone; they must do something else; they must commence and make some other effort.

I want, so that it may go in the RECORD and be preserved in this debate to be examined hereafter, to have the protest read to which I referred.

The PRESIDING OFFICER. The Secretary will read the paper sent up by the Senator from Colorado.

The Secretary read as follows:

PROTEST OF THE REPRESENTATIVES OF THE INDIAN TERRITORY.

To the Congress of the United States:

As representatives of the leading nations of the Indian Territory we desire to call your attention to several measures pending before you, the purpose of which is to change the condition and compromise the safety of the Indian people. We refer to the bills for sectionizing and allotting in severalty the lands of the Indians. We have understood that such bills were not intended to apply to the Indian Territory, as there is no provision for white settlement in that country, and the treaties define that this allotment in severalty can only be done on the request of the Indian rations.

have understood that such bills were not intended to apply to the Indian Territory, as there is no provision for white settlement in that country, and the treaties define that this allotment in severalty can only be done on the request of the Indian nations.

We therefore appeal to you not to violate your pledges to us in treaties. Doing this for a single tribe in the Indian Territory, as would be the case in passing H. R. No. 6022 for allotting lands of Peorias, Weas, Miamis, Piankeshaws, and Kaskaskias, would lead to local disturbance and produce great mischief.

Our people have not asked for or authorized this, for the reason that they believe it could do no good and would only result in mischief in their present condition. Our own laws regulate a system of land tenure suited to our condition, and much safer than that which is proposed to be established for it.

Improvements can be and frequently are sold, but the land itself is not a chattel. Its occupancy and possession are indispensable to holding it, and its abandonment for two years makes it revert to the public domain. In this way every one of our citizens is sure of a home.

The change to individual title would throw the whole of our domain in a few years into the hands of a few persons. In your treaties with us you have agreed that this shall not be done without our consent; we have not asked for it, and we call on you not to violate your pledges with us.

There are other reasons, involving our prosperity and safety, why the limitations of sectionizing should not be throat over us. A large portion of our country, and at least two-thirds of the Indian Territory, are only suitable for grazing purposes. No man can afford to live by stock raising and herding who is restricted to one hundred and sixty or even three hundred and twenty acres, especially on lands away from water. The herds must be sufficiently large to justify the care of them. The pasture country of the United States is fast being reduced. It is necessary for your prosperity, as well as our

D. W. BUSHYHEAD,
Principal Chief.
P. N. BLACKSTONE,
GEORGE SANDERS,
Cherokee Delegation.
PLEASANT PORTER,
WARD COACHMAN,
D. M. HODGE,
Creek Delegation.
PETER P. PITCHLYNN,
Choctaw Delegate.

Mr. VEST. As I understand, that is a remonstrance or statement from the representatives of the civilized tribes. I desire to state what I omitted before, and with the permission of the Senator from Colorado I will state now, that I have petitions or statements from the Peorins, the Confederated Miami tribes in that Territory, and other tribes, the names of which I have forgotten, asking for legislation permitting them to hold their lands in severalty. The tribes of which I speak are outside of the five civilized tribes.

Ispeak are outside of the five civilized tribes.

Mr. TELLER. I have not the slightest doubt that I could go out in the Ute Nation and with a little finesse and a few presents get the whole Ute Nation to sign away for a mere bagatelle every acre of land they have got; I could get them to sign a petition to the Senate and to the other body, and to all the officials, asking that this legislation may take place. It is a mere question of a little influence on them. I will guarantee to get any kind of a treaty signed that this Government wants to make, by pursuing just the course that this Government has pursued, and that is to corrupt a few of the men who make the treaties. There are Senators upon this floor who know that so far as a treaty made with Indians expresses the will and the sentiment of the masses of the Indians it is a mere nullity, it amounts to nothing at all. Who supposes that the Ute Indians knew anything about the contents of that treaty when they signed it, except a few of the headmen? As I have said before, I am credibly informed that they objected to that feature in the bill most strenuously.

It was said at the last session, speaking extravagantly, that the

they objected to that feature in the bill most strennously.

It was said at the last session, speaking extravagantly, that the Indians were crying for lands in severalty. It was said that there was a delegation here from somewhere, I do not know where, saying that they wanted individual lands; saying that they wanted a patent; asking that we should give them a fee-simple. There is not a wild Indian living who knows what a fee-simple is. There are a good many white men who do not know what it is, and there are certainly very few Indians, civilized or uncivilized, who understand it. I said last spring that it was not the panacea for all the evils that afflict the Indians. I said then that in 1646 such a policy was attempted, and it has been attempted since. When you have once got an Indian to

take land in severalty, you have got him; I will admit it. He is a civilized Indian, however, before he takes your land, before he settles himself down. I speak now of the western wandering Indian, and I say before he settles down he is a civilized man.

Mr. BUTLER. Will the Senator allow me to interrupt him for a

moment with an inquiry?

Mr. TELLER. Certainly.

Mr. BUTLER. 1 should like to ask the Senator if there has not been some experience in this Government upon that subject? In other words, have not lands been divided in severalty, and have not the

Indians prospered under that system of land tenure? It seems to me that I have some information of that kind, but not very accurate.

Mr. TELLER. I will state that in the last thirty-six years we have made sixty-odd treaties with Indians, and all of them provided that they might take land in severalty, and in a majority of them that the Indians should take land in severalty, and in a majority or them that the Indians should take lands in severalty. There are now in the United States perhaps three or four places where the Indians to a limited extent have accepted land in severalty and are working their land. There are more instances, a good many more, where they have taken the land in severalty, attempted to live on it, and have subsequently abandoned it, and resumed their nomadic habits. Therefore it cannot be said with any truth that the land-in-severalty system tried for more than two hundred years has been successful, or that tried earnestly and effectually for the last thirty years it has been successful. Why? For the reason that I before stated. It is a part of the Indian's religion not to divide his land. When the Nez Percé Indians were complaining of their treatment at the hands of white men, and when complaining of their treatment at the hands of white men, and when they were justifying their course in commencing a war, said one of the chiefs, "They asked us to divide the land, to divide our mother upon whose bosom we had been born, upon whose lap we had been reared." To that Indian it was a crime equal to the homicide of his own mother. Do you suppose when the Indians have those religious ideas that you can violate their moral sentiments and compel them to live on land and own it in severalty? You may put them upon the land, you may set them down there, and they will hold it and occupy it perhaps for years, and it may be forever, but they will occupy it without the knowledge that it belongs to them, and the segregation of it and putting the title in them is, according to their religious ideas, a violation of the moral law.

Mr. BUTLER. According to the report of the Secretary of the In-

Mr. BUTLER. According to the report of the Secretary of the Interior quite a number of these Indians are producing corn, wheat, and cattle.

Mr. TELLER. Certainly.
Mr. BUTLER. I should like to ask the Senator how they produce cereals unless they have some idea of a title to land? It seems to me that if they have made so much progress as to produce the quantity of corn and wheat and oats and cattle that they are reported to

of corn and wheat and cats and cattle that they are reported to have produced, they certainly have reached a point where they can appreciate land in severalty. It strikes me so.

Mr. TELLER. I will answer the Senator, for it is a subject that I have examined. I do not profess to any greater knowledge than other Senators except upon a subject to which my attention has been specially called and that I have studied more than they. When John Smith landed not very many miles from this Capitol with his English colony, he found the Indians raising corn and tobacco. He did not find any such idea as that one Indian owned the land any more than another. They upliyed at their fields in common, this year they took another. They cultivated their fields in common; this year they took one piece of ground, the next year they took another. When the first white settlers went into Georgia they found large cultivated fields of corn and tobacco. When we sent an expedition through there about the time of the Revolutionary War, our troops took thousands of bushels of Indian corn. The first English settlers all over this coun-try, especially in the southern regions of the United States, depended largely upon the corn raised by the Indians, and yet there was no such hargely upon the corn raised by the Indians, and yet there was no such thing then known among the Indians as land in severalty; and so it has been ever since. I will answer the Senator more fully now by calling his attention to the document submitted by Mr. Bushyhead, Mr. Blackstone, and Mr. Sanders, of the Cherokee delegation. See what they say:

Our cattle, as you will see, number 67,400; hogs, 108,552, and horses, 13,643. During the war our great herds of cattle were stolen or destroyed, and we are but recovering from the effects of it. In a very few years our live stock will be fully up to the grazing capacity of those portions of our reserved lands not in cultivation. The occupations of all our people are given, and it will be seen that only sixteen are hunters and five fishermen, the farmers being 3,543 in a population of 5,169 males over eighteen. This year a single district (Ganadian) exported twelve hundred bales of cotton, the cotton crop having only been introduced the past few years.

These very men say they hold their land in common and not in These very men say they hold their land in common and not in severalty, and they close their petition with a prayer that we shall not compel them to hold their lands in severalty. The committee introduce a bill to divide up the lands of all the tribes except the civilized tribes. Why do they not propose to divide up their lands? They are powerful tribes; they have treaties, and they would make themselves heard. They have friends to come here and protest against it. But when they come to the weak and the wild tribes who have not anybody to represent them, they propose to divide up their lands, whether they will or not, and then they say that those who are opposed to doing so are in favor of a violation of the plighted faith of the Government.

Mr. COKE. The Senator asks why the committee did not include

the civilized tribes were known to the committee not to desire it, and the bill provides for only those Indians who desire to hold their lands in severalty. Besides, the civilized tribes are protected by specific treaties against any interference in any manner, shape, or form with their territory, which treaties, the committee think, ought to be respected.

Mr. TELLER. Does it not stand to reason that if these semi-civilized tribes and civilized tribes have not yet overcome the Indian repugnance to holding land in severalty, so as to be willing to have their lands divided, there will be some little difficulty in dividing up the land of other Indians? The Indians may be cultivators of the soil just as well and have the land in common; they have always been so. To-day there are no successful farmers among the Indians who amount to anything who do not so own their land. That is a fact which cannot be denied. I will say why I think they did not do it. Because they surrendered their convictions to the Secretary of the Interior, and he surrendered his, probaby, to a sentiment that had gone out that this was the great panacea for all the ills that afflict the Indians; just give them lands in severalty and the thing is done. The same that this was the great panacea for all the ills that afflict the Indians; just give them lands in severalty and the thing is done. The same way at the last session the committee—speaking with all respect of the committee—surrendered their judgment to the Secretary of the Interior upon the Ute question. They would listen to nothing, they would hear nothing; they outraged the Indians by the act when they supposed they were doing them a favor. They provided that the Indians should go to the La Plata River. I said in my place in the Senate, standing where I do now, that, to my almost certain knowledge, not having been there, but from evidence that to me was entirely satisfactory, it was no place to put them. I recollect I said that white men of the most energetic character would find it difficult to make a living upon that soil. During the last season I made a trip to that region. I did not propose that anybody should inquire whether I spoke from personal knowledge or hearsay on the question, and I went there with witnesses. They proposed to put a thousand Indians upon the La Plata River, at an elevation of more than eight thousand feet above the sea, more than two thousand feet higher than thousand feet above the sea, more than two thousand feet higher than thousand feet above the sea, more than two thousand feet higher than Mount Washington, and expected them to become cultivators of the soil, and to allot to them this arid and worthless land. Said one of the witnesses who went with me, "Every month of the year there is a frost." When we went over the place provided for a thousand Indians, we found about five hundred acres of land that might, by active, energetic European or American citizens, be made a home, possibly, and there were five hundred inches of water in the stream. Five hundred inches would not irrigate the five hundred acres, and, said the people who live in the neighborhood, "Every year or two the whole creek goes dry." the whole creek goes dry."

I know that not a single member of the commission who went out there will advise the putting of the Indians upon that ground, and yet, when I protested against it last year, it was said that I protested in the interest of white men and not in the interest of Indians. The committee ignored me, and the Senate, as they always do, or at least in a majority of cases, surrendered to the committee to an extent that I think has rendered legislation in this country in many cases a simple farce. I think when the public complain that legislation is given to committees to the extent that I have is no fair legislation, they have farce. I think when the public complain that legislation is given to committees to the extent that there is no fair legislation, they have a reasonable cause of complaint. I say, thus surrendering, the Senate following the lead of the committee, the committee following the lead of the Secretary of the Interior, we were preparing to outrage beyond all reason these wild men of the forest. It will not be done. Why? Because when the commissioners stood upon the arid and dry ground upon which the frost every month fell, and over which there could be water spread only semi-occasionally, they said, "This will not do; we must go back, and we must recommend the purchase of land in New Mexico," and that is what the report, I venture to say, will recommend when it comes to the Senate.

I do not feel very much interested in this bill. That is to say, if it

will recommend when it comes to the Senate.

I do not feel very much interested in this bill. That is to say, if it passes, if we have a President who has as much ability as certainly the President always will have, no matter of what political faith he may be, he will hardly allot this land to the Indians; but I wanted to say to the Senate, and through the Senate to the country, that the sentimentalists who suppose that they are solving the great problem of the civilization of the Indians are reckoning without their host when they think that a bill of this character will do it. I do not propose to find time on this floor to say what I think ought to be the course of the Government of the United States with these Indians. I said my say on that question once, and when some bill of sufficient character comes here I may say it again. I think the bill is simply nonsensical in character, accomplishing nothing, and that it may possibly be the means of doing much harm. I do not propose myself to vote for the bill; for if it passes it can do no good, and it may possibly do some harm.

vote for the bill; for if it passes it can do no good, and it may possibly do some harm.

Mr. COKE. Mr. President, I hope the amendment of the Senator from Missouri [Mr. Vest] will be voted down. The bill as presented by the committee excludes the Indian Territory from its operations. One reason among others for this exclusion is, the bill provides that after the amount of land is allotted to the individual Indian, the Sections of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Committee of the Interior shall contract for the reminded for the Interior shall be contract for the Interior shall be contract for the Interior shall be contracted for the Interior shall be contacted for the Interior shall be contracted retary of the Interior shall contract for the remainder for the Government, and invest the purchase-money for the Indians. If the United States Government acquires in the Indian Territory any more land it will be another bone of contention in that Territory in addition to that which the honorable Senator from Missouri says is about

producing a war there, because the white men are claiming the right to go upon it and occupy it as public land. Not desiring to complicate the Indian Territory any further than it is already complicated, we therefore excluded it entirely from the operation of the bill. Whatever remedy the Indians of the Indian Territory may desire on this subject can be given them by a separate bill. This is a general bill, applicable to all Indians except those in the Indian Territory. As I remarked to the Senator from Missouri this morning, when he told me of this amendment, if it were presented in a separate bill I would give it a consideration that I cannot give it when offered as an amendment to this measure. I could perhaps propose an amendan amendment to this measure. I could, perhaps, propose an amendment to it that would make it acceptable to me if offered as a separate bill, but I cannot consent, if I can avoid it, that it shall be engrafted upon this bill.

With reference to the remarks of the honorable Senator from Col-With reference to the remarks of the honorable Senator from Colorado, [Mr. Teller,] he seems to complain that in his ideas of Indian policy he is at war with the President, he is at war with the Secretary of the Interior, he is at war with the Commissioner of Indian Affairs, he is at war with the peace commissioners, he is at war with the Committee on Indian Affairs of the Senate, and although he did not say it, I will say that he is at war with his own colleague, the Senator from Colorado, [Mr. Hill,] upon the same questions. He says that he has been thwarted by all these personal and official agencies in the enforcement of his views upon the Indian question. He is like the juror who was thwarted by eleven contumacious jurors. That I regret. I would like for the honorable Senator from Colorado to agree with the Committee on Indian Affairs and with other gento agree with the Committee on Indian Affairs and with other gentlemen who are specially charged with the administration of Indian affairs. As he unfortunately does not agree with us, all that we have left to us is to do the best we can in the absence of the Senator from

concurrence in our counsels.

With reference to this bill, it confides a sound discretion in the President of the United States to order a survey of Indian reservations and an allotment of lands to individual Indians whenever the President believes that the lands are such that the Indians can make a living believes that the lands are such that the Indians can make a living upon them and the Indians desire to make the effort and to take the land in severalty. When these conditions concur, when the Indians desire the lands allotted and desire to work for their living on land of their own, and the lands are capable of yielding them a support, the President is authorized to have the land surveyed and allotted to them in severalty. That is all there is in the bill. The rest is simply an arrangement of detail, providing how much shall be given to each head of a family and how much shall be given to others not heads of families, providing for the issuance of patents, providing for surveys of the land, all, however, depending upon the two great precedent conditions, that the Indians are willing and that the President believes in his discretion that they ought to be given these lands in severalty and allowed to work for their own living. That is all there is of it.

The bill is asked for by the Secretary of the Interior, it is asked for by the Commissioner of Indian Affairs, it is asked for by the Senate Committee on Indian Affairs, it is asked for by the peace commissioners, and it is asked for by the public sentiment of the country

which understands the Indian question.

There was a memorial laid upon my table this morning from a number of gentlemen of great intelligence, who visited the committee in person to urge the passage of this bill, representative men of one of the leading Christian denominations. They urge, as the honorable Senator from Missouri has so eloquently done on more occasions than to-day, that these Indians be given homes; that they be placed upon their own resources; that the benefits of education be granted them, and that an honest effort he made to place their feet in the path that and that an honest effort be made to place their feet in the path that leads to American citizenship. This bill is a commencement in that direction.

As I remarked a few minutes ago, this bill is not an experiment. Allotments have been successfully made before. As a result of the experience of the Indian Department, it is urging a general law under which, as fast as it may be done, it can put all the Indians in the country on the same road to civilization and prosperity that is now enjoyed by some of the Indians who have received allotments in sev-

enjoyed by some of the Indians who have received anotherits in severalty heretofore.

While I am up, I will take occasion to say that, although I have differed with the Secretary of the Interior in his administration of the Indian Department in some respects, in my judgment that official has produced a most beneficent change in the affairs and in the condition of the Indians. A great change, and a beneficent one, has been made—a change the extent of which is developing daily; and if a liberal policy is pursued, such as may be pursued under the pending bill, will show in the future much greater benefits than have already occurred.

I hope, Mr. President, that the bill will pass. I hope that the amendment offered by the honorable Senator from Missouri will not be adopted, because it will complicate the bill; it will introduce questions into this discussion which I for one do not wish to discuss in the consideration of this measure.

Mr. TELLER. It is true, sir, that upon this legislation I have not agreed perhaps with the President. I do not know whether I have agreed with him or not. I have not agreed with the committee, or at least I did not last spring; I have not agreed with the Secretary of the Interior; and I did not agree with my colleague also. I found

after that disagreement I was very much in the condition that old Stephenson, of England, the great railway engineer, said the cow would be when it met the train. When he was first putting out the project of an engine for a railroad some one said, "Suppose a cow should get on the track and meet the train." He said it would be should get on the track and meet the train." He said it would be disastrous to the cow. It was disastrous to me, I admit, that I did not agree with them; that is, I lost the amendments that I offered here; but that does not discourage me very much. I do not govern myself upon questions of this kind by my success or want of success. I said that that was no fit place to put the Indians. The Secretary said it was a desirable place, the committee said it was desirable, my colleague said it was desirable; and yet I find upon the files of the Senate a bill introduced by my colleague to send these Indians to the Uintah reservation. If I disagreed with my colleague then, I am agreeing with him now and he is agreeing with me. He has got around to my position, and I have no doubt in due time the committee will get to my position and the Secretary will get to my position. All they need to do is to find out the facts, because I admit that they are trying to do what is right. I am not complaining that the commissioners or the Secretary or anybody else is trying to do an improper thing, but I say they are proceeding without a knowledge of the facts.

while I am up I want to say another thing about this bill. You propose to divide all this land and to give each Indian his quarter-section, or whatever he may have, and for twenty-five years he is not to sell it, mortgage it, or dispose of it in any shape, and at the end of that time he may sell it. It is safe to predict that when that shall have been done, in thirty years thereafter there will not be an Indian on the continent, or there will be very few at least, that will have any land. That has been the experience wherever we have given land to Indians and guarded it as well as we might and as well as we could; they have eventually got rid of the land and the land has been of no particular benefit to them. I know it will be said, "Why, in twenty-five years they will be allcivilized; these people will be churchgoing farmers, having schools and all the appliances of civilized life in twenty-five years." Mr. President, the other day I went into the Library and I took up the report of old Jedediah Morse, made in 1818 or 1822—I do not remember which—on Indian affairs when Indian affairs were under the control of the War Department. No man can read that report and not come to the conclusion that ten or fifteen read that report and not come to the conclusion that ten or fifteen years at the furthest would see a solution of all these difficulties, years at the furthest would see a solution of all these difficulties, because in that length of time the Indians were to be civilized. Mr. Morse told what progress they were making; he told about the prayer-meetings that the female Indians were holding, and he told about the religious zeal among the Indians all over the country and what strides they were making in civilization. That has been the cry every year since. You may go back fifteen years ago—and I have done it and examined them—and take the reports of the agents for these very Ute Indians, and you would suppose each year that the next year there would be very little use of an agent and the year after none at all. Every agent who goes out, who is sent out, is desirous of making good reports. He goes to the Indians, and he probably does his best, at least many of the agents do, to civilize them, and if he is a man who does not he is more sure to report to his superior, the Commissioner, that his Indians are making great progress and that in a little while they will all be civilized and enlightened Indians.

Now, divide up this land and you will in a few years deprive the Indians of a resting-place on the face of this continent; and no man who has studied this question intelligently, and who has the Indian interest at heart, can talk about dividing this land and giving them tracts in severalty till they shall have made such progress in civilization that they know the benefits and the advantages of land in severalty, and of a fee-simple absolute title; and the whole Presbyterian Church and all other churches all over this country cannot convince me, with an observation of twenty years, and, I believe, a heart that beats as warmly for the Indians as that of any other man living, that that is in the interest of the Indians. It is in the interest of speculators; it is in the interest of the Indians at all: and there is because in that length of time the Indians were to be civilized. Mr.

speculators; it is in the interest of the men who are clutching up this land, but not in the interest of the Indians at all; and there is the baneful feature of it that when you have allotted the Indians land on which they cannot make a living the Secretary of the Interior may then proceed to purchase their land, and Congress will, as a matter of course, ratify the purchase, and the Indians will become the owners in a few years in fee, and away goes their title, and, as I said before, they are wanderers over the face of this continent, withsaid before, they are wanderers over the face of this continent, without a place whereon to lay their heads. And yet every man who raises his voice against a bill of this kind is charged with not looking to the interest of the Indians, and I am met by the astonishing argument that because the Secretary of the Interior, and because the Committee on Indian Affairs, (for whose opinion I have due and proper respect,) and because public sentiment say that they should have land in severalty, I am running a muck against all the intelligence and all the virtue of the country, and therefore I must be

Mr. President, what I complain of in connection with this Indian business is that practical common sense is not applied to it. Sentiment does not do the Indians any good. It does not educate them and feed them for us to pass high-sounding resolutions and to put upon the statute-book enactments that declare they shall be protected in

Furthermore, it does not accomplish the great purposes of civilization to send a few wild Indians down to Hampton and a few up to Carlisle. The Indians cannot be educated by such methods. We must put the schools in the Indian community; we must bring the influences where a whole Indian tribe or a whole band will be affected and influences where a whole Indian tribe or a whole band will be affected and

ences where a whole Indian tribe or a whole band will be affected and influenced by them. It is folly to suppose that this will civilize them. If I stand alone in the Senate, I want to put upon the record my prophecy in this matter, that when thirty or forty years shall have passed and these Indians shall have parted with their title, they will curse the hand that was raised professedly in their defense to secure this kind of legislation, and if the people who are clamoring for it understood Indian character, and Indian laws, and Indian morals, and Indian religion, they would not be here clamoring for this at all.

Mr. SAUNDERS. Mr. President, I think that I can agree in part with the Senator from Colorado; that is, I believe that educating a few Indians, and sending them out of their country to receive an education, will probably not amount to a great deal in the way of educating the Indians; but if I understand the principle of this bill, it will change the order of things and give an opportunity to have schools

change the order of things and give an opportunity to have schools where they are not at present, and this is one of the considerations that have moved me to favor a bill of this kind.

that have moved me to favor a bill of this kind.

A little over two years ago a joint commission was appointed on the part of the Senate and the House to visit the tribes of Indians in the Indian Territory and other places, with a view to ascertaining whether it would not be proper to change the management of affairs, and turn the control of the Indians over to the War Department instead of the Interior or civil Department. After spending some time and visiting some thirty different tribes—visiting the Indian Territory, and visiting the Indians in Kansas, and the Indians in Nebraska, in Wyoming, and in California—the commission could not fully agree on a report, and therefore two reports were allowed to be made. The one to which I attached my name, and which met with my favor, took the position that the Indian business should not be turned over to the War Department, but that some course should be pursued that to the War Department, but that some course should be pursued that would look to making them citizens of the United States, to giving them proper rights, and requiring of them all that is required of the white people; in other words, to extend the laws over them, to punish them the same as white people are punished, and to protect them

the same as white people are protected.

In the report made by me as a member of that commission, after going on and giving a general history of all that we had seen and heard, and of what we had learned after examining in committee some fifty-eight Army officers, I think, as well as a large number of civilians, and talking with the chiefs and head men of the Indian tribes that were visited, this conclusion was reached:

The Indian should have his land-

That is the land on which he was living on the reservations-

The Indian should have his land allotted and the permanent title thereto given, with the precaution provided that he is not despoiled of his rights; and in addition to this, a law should be enacted which will virtually prevent the Indians from selling or disposing of their lands and houses to sharp and designing persons for not less than twenty-five years.

The very same principle laid down in that report is embodied in this bill, and as a matter of course having been a party to that report, I am favorable to a bill of this kind. I look upon it as being the first step in the direction of making citizens of the Indians, and requiring of them all that we require of other people, and granting no more to them than we do to others under similar circumstances.

I do not know exactly what the amendment is that has been offered,

and I am speaking now more generally to the bill. I should like to have the pending amendment read, if the Chair pleases.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment of Mr. Vest.

Mr. SAUNDERS. That amendment, if I understand it, means nothing more nor less than this: it protects the rights of the original Indians who settled in the Indian Territory, but those who have been sent there since will not come under that exception. If that should be the fact, I do not see that it ought to be adopted, because whatever is granted to one should be granted to the others, for the others have gone there under treaty stipulations and have settled upon lands that they call their own just as much as the original inhabitants there, the Creeks, Seminoles, and others.

Mr. TELLER. I should like to ask the Senator a question, whether

the Indians not included in the tribes named by the Senator from Missouri have any treaty stipulation that they shall not take land in

Mr. SAUNDERS. No, I think not. I do not think there is anything of the kind, because this dividing out the lands in severalty is a new subject, or rather a new feature of the subject of Indian affairs. Heretofore we have recognized the tribal relation. In all our treaties, I believe up to 1871, when the law was changed in relation to the making of treaties with Indians, they were recognized as tribes, and we treated with their headmen, their chiefs, and others that might be named on the part of the Indians to treat with the Government. At that time we did not look to what we are now doing. We ment. At that time we did not look to what we are now doing. We did not look forward to giving them lands and having them hold them in severalty as we hold them. We expected at that time that they would be held by them in common because that was their way of doing business, and we recognized that way because we treated with them as tribes. But now a new order of things is about to be established, as I understand. The people of this country are in favor largely, in my opinion, of giving the Indians the rights of citizenship, of making them citizens, and requiring of them all that is required of others. This bill is short, but it is comprehensive, because it introduces the subject in a direct form; and if this bill passes others will be passed probably that will finally settle this whole question.

I have happened to live the most of my life on the border, as we term it, and have been more or less acquainted with Indians. I know that they themselves have changed their minds on this subject.

that they themselves have changed their minds on this subject. When we visited Indians in my own State two years ago last fall, and when we put the question to them as to whether they thought it would be better to have the management of affairs turned over to the War Department, I was answered by one of the chiefs of the Winnebagoes, "No, sir; we do not want to have our affairs turned over to the War Department nor to any other Department; if we can get bages, "No, sir; we do not want to have our affairs turned over to the War Department nor to any other Department; if we can get our money that the Government owes us we will take care of ourselves." That was the substance of what he said and almost the exact language, "we will take care of ourselves." That tribe of Indians less than twenty years ago were at war with our country, and now they are cultivating the soil. They are selling wheat and corn and pork and cattle the same as the people around them. All they need really to-day is to give them their money, and I believe they would take care of themselves just as well as the same number of persons that surround them probably would. But if we do not give them the land in severalty they feel that there is something wrong on our part. They are a very jealous people, they are a very suspicious people to say the least, and they are suspicious that we do not mean to deal fairly by them, and why? As one of the Omahas in the same neighborhood said: "My neighbor, the white man, gets a deed to his property and we learn that nobody can take that from him; but when you give us paper you do not give us a deed, you give us a little paper saying that we have a right to stay here, but we have got no right but what can be taken from us by law; we ask of you that you give us the same title to our property that you give to the white man." Why not do it? We may say what we will about the Indians not being laborers, about their not being valuable citizens, about their being savage in their nature; but until we give them a trial, until we come forward and do our part and give them land and require of them than we are getting at this time.

I did not rise to make any lengthy remarks on this bill. I only

them the same as we require of others, we ought not to expect more of them than we are getting at this time.

I did not rise to make any lengthy remarks on this bill. I only wanted to say that I favor the principle of the bill, that I wish it to be known that I am in favor of dividing the lands up into severalty to these people, and in favor of the earliest possible breaking up of the tribal relation and making them citizens in every sense of the

the tribal relation and making them citizens in every sense of the word. This bill, as I believe, contains principles that will lead to that. If it does not contain all that it ought to, as far as it goes it is in that direction, and therefore I am in favor of the bill.

Mr. MORGAN. I think, Mr. President, that this bill ought not to be urged by the committee until the report referred to by the Senator from Colorado has come before the Senate. Last session, in very great haste, under a supposed exigency, we resorted to a policy which has been experimented upon from that time to this, and we are informed by the Senator from Colorado that that experiment has been a dead by the Senator from Colorado that that experiment has been a dead failure. That bill contained the principles of this bill in many particulars. It contained the broad principle which is asserted in this bill of the right of the Government of the United States to locate bill of the right of the Government of the United States to locate the Indians in severalty on lands to which they may be removed. There were various provisions in that bill of a very important and very interesting nature. It was stated at that time that that bill onght to pass, because war was imminent with the Utes; that if we did not pass the bill at the last session of Congress we should certainly be involved in a bloody war with the Utes, having just escaped from very severe encounters with them. It was stated also, as the Senator from Colorado has said, that it was necessary to remove the Utes speedily in order that they might have the benefit of swift operations during the present year in planting their groups on such operations during the present year in planting their crops on such locations as should be found for them in countries to which they had been assigned. That law was passed upon the further idea that the consent of the Indian was necessary to the legislation of Congress on

A protest of a very earnest nature was made against the principles involved in that bill at the time and against the policy of undertak-ing to deal with the majority of an Indian tribe for the purpose of the disposal of the rights of property secured under treaties to the entire tribe. The Senator from Colorado informs us, and that is all the information I have on the subject, that this enactment of ours has really gone by the board in virtue of the fact that the Ute Indians have not agreed to it according to the terms of the stipulations of

that particular act.

Mr. COKE. The Secretary of the Interior informs us that the agreement has been executed.

Mr. MORGAN. Then there is an issue of fact between the Secretary of the Interior and the Senator from Colorado on that question, a broad and distinct issue, as I understand; and I should like very much to know which is correct before we further venture upon the adoption of such an act, or anything like it, in regard to the whole Indian tribes of the United States. What we have done or what we have failed to accomplish in our efforts to legislate for the Ute Indians and to negotiate with them in reference to the effectual carrying out

of our legislation at the last session of Congress, ought to be considered as a safe precedent for our guide on this occasion; and I insist that the committee ought to give to the Senate the indulgence of hearing that report and knowing how far the Government has been able to effectuate an agreement with the Ute Indians before we are led to the adoption, as a universal matter, of the principles on which that bill was based.

We have been, since the foundation of this Government, yes, and before that time, during our colonial existence, engaged in an earnest, and I hope an honest and a patriotic effort for the purpose of devising some system by which we could bring the Indians within the reach of civilization. As the Senator from Colorado observed, we have entered into a great many treaties with Indians, in almost all of which we have given to them the option of taking lands in severalty; and yet, either because of the antagonism of that principle to a traditional policy of the Indian tribes, or because of the want of some activity or good faith on the part of our Government in carrying them into effect, we find that the question is to-day as fresh and as debatable as it ever was. We can scarcely point in all the history of this country to a single precedent where the policy which has so long obtained has had a satisfactory exposition in good and beneficial results to the Indians or to the people of the United States.

So, then, I am not very much wedded to the idea that even this committee, who I know have devoted great attention to this subject, have discovered a universal solvent for all Indian difficulties. On We have been, since the foundation of this Government, yes, and

have discovered a universal solvent for all Indian difficulties. On the contrary, I am profoundly impressed by the history of the past with reference to the Indian tribes, with the fact that whatever boast may be made of the success of our policy it has been mainly a dead failure with reference to our Indian affairs. I do not profess to be able to account for the reason of this failure, nor do I profess to be able to lay down a line or rule of policy applicable alike to all Indian tribes which would lead the Government of the United States Indian tribes which would lead the Government of the United States out of the difficulties which have been so embarrassing for so many years. It is enough for me to know that that which has been so long experimented upon and which has yielded so little of good fruit is not to be regarded now as a precedent perfectly well established upon which we can base action in the Senate reaching to every Indian tribe in the United States.

Let us look at the comprehensive nature of this bill. With the exception of the Indian tribes within what is called the Indian Territory this bill includes every Indian in the domain of the United

exception of the Indian tribes within what is called the Indian Perritory this bill includes every Indian in the domain of the United States. It reaches to the Indians in Alaska and the Indians in all the organized Territories and in all the States. It reaches to the Indians in New York and in North Carolina and in Arkansas, and where

dians in New York and in North Carolina and in Arkansas, and wherever else they may be found upon their little reservations, some of which have been reserved to them more than a century. It is universal in its sweep, and by reason of its universality it is bound to work mischief or else it is bound to result in a dead failure.

The Government of the United States includes people who speak five hundred different languages. The statement is not inaccurately or thoughtlessly made. Five hundred different dialects are spoken to-day by the people who occupy the United States. We have more than one hundred and fifty known and organized governments in the United States, each one of which deals with life, liberty, and property, for the judgment of an Indian tribe in reference to the life, liberty, or property of a member of that tribe is as effectual as the judgment of the Supreme Court of the United States in the disposal of my rights of life, liberty, or property. By the recognition of the ment of the Supreme Court of the United States in the disposal of my rights of life, liberty, or property. By the recognition of the Government of the United States we are, therefore, conducting government over more than fifty millions of people and under more than one hundred and fifty different systems of government, each one in itself effectual for the purpose of disposing of the rights which belong to individual men. Whoever shall rise in this country and succeed in applying one common principle and one universal rule of action to all this vast aggregation of governments, a principle which shall operate justly and beneficially with reference to them and their institutions, will be a greater man than even the greatest who have lived in this country during all the existence of this Government. The truth is that we shall not find any such universal solvent for the difficulties of government in this country; we shall not find ourselves in the next half or perhaps the next entire century able to administer justice and equity according to law, in the midst of all these various and numerous tribes, clans, and governments of people. We had better take this subject and come to it; ernments of all these various and numerous tribes, clans, and governments of people. We had better take this subject and come to it we had better meet the difficulties as they arise; we had better take up the condition of this Indian tribe, that Indian tribe, and the other Indian tribe where difficulties are being suggested and regulate our legislation in accordance with what we now recognize to be their rights—the right of government according to their own institutions and their own traditions. I would not to-day pass a law for the purpose of repealing every statute that was enacted by an Indian tribe of the United States, and undertake to put the laws of the United States in uniform operation in lieu of those statutes over the Indian states in uniform operation in field of those statutes over the finant tribes of this country. I do not know how government could be employed to do a more mischievous thing than to undertake to substitute in place of the traditional and simple and ancient form of government obtaining among these various tribes the proud and magnificent system which has been built up to accommodate itself to the most enterprising and enlightened nation of the world. This bill makes too broad a sweep; it encompasses too much, in its effort to

lay down to these people one universal law, which will be found in its operation to be a law of destruction instead of a law of benefaction.

There are some of the tribes in the United States located on agri-There are some of the tribes in the United States located on agricultural lands, strictly so called; others of them are located upon lands abounding in mineral wealth; others of them are located upon arid deserts, where they congregate in villages, in pueblos, and where they graze their flocks and their herds out upon the mesus and the other places productive of grain, and where, by means of this, they have sustained themselves and never asked the Government of the United States for one shilling. There are others upon the plains that have the opportunity of grazing large herds of cattle, and yet the water is so scarce there that the place is almost unfit for agricultural nurroses.

purposes. Now we undertake to run lines of survey under a system belonging alone to a strictly agricultural people, the people living east of the Mississippi River and upon the great plains that border on the west of that stream, lines of survey that belong to a strictly agricultural and highly civilized people. We undertake to run surveys by this system through the domain occupied by the Indians in reservations under treaties, and to say to them that they shall occupy according to the selections they make, or, if they do not make selections, according as the President may compel them to accept, square bodies of land from a forty-acre tract up to a quarter-section, and upon these square bodies of land, without reference to irrigation, without reference to mineral wealth or anything of the kind, they shall undertake to make a living hereafter.

without reference to mineral wealth or anything of the kind, they shall undertake to make a living hereafter.

Mr. COKE. Will the Senator allow me a word there?

Mr. MORGAN. Certainly.

Mr. COKE. The President must be satisfied that the lands are fit for agricultural purposes before he orders them to be surveyed.

Mr. MORGAN. I am not speaking about the question whether the President is satisfied that the lands are fit for agricultural purposes; but I am speaking about the character of the survey. The Spaniards, who were the first to occupy the great plain to the southwest of us, understood this question from experience, and they acted like sensible but I am speaking about the character of the survey. The Spaniards, who were the first to occupy the great plain to the southwest of us, understood this question from experience, and they acted like sensible men. When they came to lay off the land in that country, they laid it off into leagues and labores. The labore is agricultural land, and the league, the larger body, attached to these labores for the purposes of grazing. They understood that people, they knew what was necessary in order to enable a stock-grower to live and support his family on the productions of the earth while he enriched himself in grazing his herds on the plains. They never thought about laying off land in quarter-sections and-forty acre tracts without reference to their being upon streams or away from streams. They resorted to a system which was adapted to the country and which in that community among those people produced good results. We propose here to apply our land-survey system to all the Indian tribes within the United States without reference to where they are located. A boy can get forty acres of land if under eighteen years of age; a little more if he is older; a man a little more if he is the head of a family—a quarter-section, I believe, is all he can get. Well, Mr. President, we might take these Indians and scatter them along the banks of the streams in that country and let them occupy the lands, and they would occupy nearly the whole of them. If they took up simply the arable lands, they would occupy nearly the whole of them, and you would have the most effectual bar to civilization that was ever erected in this country. The Indians would have nothing to do but to settle down on the land and prevent the white man who was an agriculturist from going there, and they would hold the grazing plains besides.

The system will not work, Mr. President. The committee are undertaking too much. They are undertaking to apply a general and universal rule where they ought to march very slowly and take up tribe after tribe, section after

with reference to that.

Mr. BUTLER. Will my friend permit me to make a remark?

Mr. MORGAN. Certainly.

Mr. BUTLER. I should like to ask him if under this bill the President has not discretion to do exactly what he proposes, to proceed carefully and cautiously in the allotment of this land? It seems to me there is discretion left with the President to do that, and this law will not be put into operation at once by one sweeping motion of the

Mr. MORGAN. My difficulty is not as to the time when it shall go into operation, or as to the fact that the President is vested with disinto operation, or as to the fact that the President is vested with discretion; but my difficulty is that you apply a system of surveys which is totally inapplicable to that country. That subject has not been considered, and it is a subject of immense importance as connected with the disposal of the land. Whoever undertakes to apply your present system of surveys to those broad plains in the West and undertakes to plant a colony of Indians there with the expectation that under that system of surveys and with lands allotted under that system they can cultivate enough to support themselves, will sadly fail in his effort. The Indians understand this thing better than we do, wise as we suppose ourselves to be. Those Indians who occupy the western plains have always lived in common. They are like the people of the interior of Russia, living upon the great steppes, where there is some agricultural land and a great deal of grazing land. The communal institution there, as it is in all analogous regions, is almost communal institution there, as it is in all analogous regions, is almost indistinguishable from the system of the Indians. These people

understand from experience what is better for them than we understand with all our knowledge. We know what is better for ourselves. I would take the Indian's experience in reference to the support of his family out of the land or by herd grazing or by hunting before I would take the experience of any white man who does not understand the sphiest.

understand the subject.

It will be found that when you come to execute this law you will violate the settled policy of this country, and you will of necessity drive the Indian and ultimately overturn the whole system of government obtaining among the Indians. It will be a matter of necessity that you shall overturn it.

I wish to call the attention of the Senate to a few of our statutory

rovisions that indicate the settled policy of this Government on this subject for a great many years. The first is in regard to the incorporation of Indian tribes within any organized Territory. Section 1839 of the Revised Statutes provides:

Nothing in this title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

That shows that in the exclusion of the Indians within the limits of territorial governments we expressly reserved to them their right of tribal organization and tribal government, and that reservation has worked no injury, so far as I can discern, to the people of the United States thus far. After a while the question of making treaties with Indians became a very important matter, and we expressly enacted that-

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

be hereby invalidated or impaired.

That is section 2079. There we reserve again to the Indians their tribal rights and all other rights under treaties. We say that we shall not treat them as so much a foreign government as to make a treaty with them; the treaty-making power shall not have any application to the Indian tribes, and that is as far as we went toward the destruction of the tribal relations. As to all the rest of their rights, whether of property or of person, guaranteed under treaties, or guaranteed under the laws of the United States, they were not only reserved, but they were actually preserved by the declaration of the statute. The statute in regard to surveys has been for a great many years in existence in this Government. Section 2115 provides:

Whenever it becomes necessary to survey any Indian or other reservations, or

Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

eral Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

The Government has seen the inutility of extending the general system of land surveys to the Indian Territory, because, as I remarked before, they are not fitted and adapted to it; and here is a statute that has been on the books since April, 1864, and while we have gone on to make surveys in certain cases, they have not been made with reference to the location of Indian settlement or lands in severalty.

Now, Mr. President, I am not objecting to the policy of settling Indians upon lands in severalty. I wish, however, to maintain the right of the Indian to take his land in severalty, as the light of civilization dawns upon him and the experience of other men is read by him in his daily contact and association with them, so that he will become sufficiently informed of his own interests to seek land in severalty. So I would make it permissive that he should have land set apart to him in severalty. This bill does not propose to do that; this bill proposes, at the discretion of the President of the United States, that the Indians shall be compelled to take their lands in severalty, notwithstanding that we have guaranteed the right of a tribe to occupy the lands at large with a mere permission to take them in severalty.

Mr. COKE. Allow me to call attention to the last section of the

Mr. COKE. Allow me to call attention to the last section of the bill:

SEC. 9. That the provisions of this act shall not extend to any tribe of Indians until the consent of two-thirds of the male members twenty-one years of age shall be first had and obtained.

Mr. MORGAN. I have not neglected to notice that provision of the bill and I was just about to come to it. I was preparing by the remarks I have made to make the point a little clearer in opposition to that feature of the bill than I should otherwise perhaps have been enabled to do.

enabled to do.

When the enactment we are now considering becomes a law, it invests the President of the United States, as I repeat, with the power to compel the Indians to select their lands in severalty, and with the power also to the agents in certain cases who are there to select for minors who are not in condition to select for themselves; and after this law shall go into operation, then it is within the discretion of the President of the United States to compel every Indian in every tribe in the United States included within the purview of the bill, excepting those in the Indian Territory as the bill now stands, to take lands in severalty according to the Government surveys. Is that a violation of treaty obligation, or not? Undoubtedly there are Indians in the United States within our domain where this provision of law

would violate a treaty obligation, for there are some of the Indian tribes who hold their land in common under their treaties and while they have the option to take their lands in severalty you cannot comthey have the option to take their lands in severalty you cannot compel them to do it. So much respect has been paid to the communal idea, the tribal government of these Indians in our treaty relations with them and in our statutory enactments heretofore, that we have not seen proper to disturb anything of that kind; and I venture to say that plenty of instances can be found of treaties solemnly entered into between us and the Indian tribes which will be plainly violated if this law is put in force. Therefore, whether we have the power or not we should not do it in a broad and sweeping enactment of this kind but we should take up the particular case of a particular. of this kind, but we should take up the particular case of a particular tribe and adapt our legislation to them. If we do not pause in our movement, if we are not a little more circumspect in our treatment of the Indians, a little less heroic in our treatment of this subject, of the Indians, a little less heroic in our treatment of this subject, we shall have ample leisure to repent either that we have done ourselves gross injustice in the violation or abuse of our treaty obligation, or that we have compelled a poor people who have suffered enough to suffer more or else fight in defense of their rights. We shall have leisure to repent of this law after we have passed it. We shall have leisure to understand that this committee, able as it is, had not the power, as no living set of men to-day have the power, to grasp this great and magnificent problem and to solve it in the form of a bill of such dimensions as this.

The Senator from Texas says that the pinth section of this bill pro-

The Senator from Texas says that the ninth section of this bill provides that this law shall not be effectual until it has the consent of two-thirds of the male members twenty-one years of age of each of these tribes. Mr. President, there we do either to ourselves or to the Indians a very gross injustice. The Senator from Missouri said he did not concur with some Senators in this body in reference to their views of the effect of the fourteenth amendment upon the Indians, whether it conferred upon them the rights of citizenship or not. is not the very question that is presented here. It is a question dif-ferent from that which is now presented. The question we are deal-ing with is this, shall we, notwithstanding the declaration we have solemnly made and acted upon, that hereafter the tribal relations of the Indians would not justify us treating the tribe in any sense as a foreign people, maintain that tribal relation by statute so far that it shall become necessary that two-thirds of the male members of an Inshall become necessary that two-thirds of the male members of an Indian tribe shall give its assent to a law of Congress before it becomes a law. I do not know of any body of men in this country, in any State or any Territory, or elsewhere, who by our statutes have here-tofore been dignified with this peculiar power of interposing the voice of one-third of the members of a community for the purpose of giving effect to an act of Congress, or else for the purpose of preventing it from going into effect. One-third of an Indian tribe can veto an act of Congress! It requires the assent of two-thirds of the male members—shutting out the women from all participation in it, though they should be widows and the heads of families—the assent of two-thirds of the male members of every tribe of Indians, now numbering two hundred, I believe in the United States, before this act of Congress can have any effect with regard to them!

I set out with the declaration that I thought this act of Congress was based on false principles. Unquestionably it is. We should do

was based on false principles. Unquestionably it is. We should do one of two things: we should either exercise the ordinary treaty-making power, in which the Senate participates, in dealing with Indian tribes, or we should legislate with regard to them just as we do with regard to all the other people of the United States. There is no dian tribes, or we should legislate with regard to them just as we do with regard to all the other people of the United States. There is no middle ground that can be taken, unless we assert that the Indian tribes, owing to their peculiar circumstances, have the right to intercept the action of Congress and prevent its having validity after the President has signed the bill until it shall get the consent of two-thirds of the male members of the tribe. This is very extraordinary legislation, that we should leave standing on the statute-book a law which prohibits us from recognizing the tribal relation so as to treat with them, and yet that we should put into the body of this enactment a provision that the law itself shall not become effectual as a statute until the consent of two-thirds of the Indians of each tribe is obtained.

the United States, enacts a law for the disposal of a vast territory of rich land—it may be richer than any opened in the great Golconda of the West—yet the moment that is done, the moment the law is applicable, the President is appealed to by the border settlers who are camped upon the border for the purpose of going in, and he forces the location of the lands. The Indians are located in a large domain which is held in common; it may be the very best mining land in all the territory of the reservation, or it may be the best agricultural land. Here is a vast domain that is excluded from the right of private ownership because every man, woman, and child in the Indian nation has received its modicum of land, got its title to it, and the balance is common domain. How are you going to dispose of that? You have dissolved the tribal relation. Then the President, with the assent of Congress, can buy all the balance. At what price? And who are to be the beneficiaries? Where is the trust fund to go after it is realized by a sale of the land? it is realized by a sale of the land?

Mr. President, we understand from the history of the past that it is a mere sacrifice of a fund sacredly set apart for the Indians in perpetuity under the treaties. We are now by compulsion of law undertaking to force the Indians off their lands and to open them to settle-

There is another feature of it that strikes my attention with great orce. While this is supposed to be a good and necessary law in egard to the Indians, reaching up into the northern boundaries of regard to the Indians, reaching up into the northern boundaries of Alaska, where to-day we have no form of government except a ship with its guns bearing on the coast; while this law has this broad extent to the north, and will open up the whole country there to the access of the white man, when you come to the south, to the Indian Territory, it locks it up and seals it. The Indians in the Indian Territory, many of whom we have carried there by compulsion, like the Cheyennes and the Arapahoes and the Poncas and the Wyandottes, and many others, are not to be allowed to participate in this great beneficial measure for the relief of the Indians and for the restoration of them to the light of civilization. But there is a reason for that. I of them to the light of civilization. But there is a reason for that. I suppose they see that there is a band of white men hanging along the borders there that want to go in. How is it in Dakota, in Washington Territory, in Idaho, in Oregon, in all that northern country? Are not the white men pushing in there? This bill is intended to make a road for them so that no man can obstruct their entrance and immigration in that country; but when you come to the southern territory of the Indian Nation, this bill is intended to lock it up so that no man can enter in. There is a crying and a gross injustice against a certain section of this country. The honorable Senator from Texas may think that the interests of his State require that from Texas may think that the interests of his State require that white immigration should be shut out of the Indian Territory; I do not know what he may think about that; but if he does he makes a great mistake. I could not give my consent to the bill without the amendment of the honorable Senator from Missouri. This bill affects in its operations the white people as well as the Indians, and if there is any benefit or advantage to be derived from it in favor of the Indians, I can see no reason why the Indians in the Indian Territory should be excluded from it.

Of course I do not include in this remark the five civilized notions.

Of course I do not include in this remark the five civilized nations, because they hold our land patents to their lands. As I understand, the patent reads that their title shall continue while water runs and grass grows. That title is irrevocable until we shall gain that period in our infamous conduct with our Indians, if you will allow me to characterize it as it has been heretofore, where we shall rob them of this title that we have conveyed to them by parchment. I therefore do not include them in my remarks. They are excluded by the amend-ment of the honorable Senator from Missouri.

But, Mr. President, I cannot subscribe to a policy which excludes the benefit of this enactment from the Indian Territory entirely, for the purpose of continuing the exclusion of white people who are hanging around there it is supposed for the purpose of getting in.

Now, I believe this with regard to the Indian: his hunting ground in the large of the purpose of getting in the large of the large of the purpose of getting in the large of the la

which prohibits us from recognizing the tribal relation so as to treat with them, and yet that we should put into the body of this enactment a provision that the law itself shall not become effectual as a statute until the consent of two-thirds of the Indians of each tribe is obtained.

I confess, Mr. President, that I do not see the principle upon which such a law operates. I cannot understand the logic of the system. It does not address itself to my reason and judgment as a sound and judgicious principle of legislation on which the Senate of the United States is anthorized to act. On the contrary, I can see mischief in the principle of legislation thus advanced, and I can see a great deal more of mischief in the application of this doctrine to these Indians and to the white people. What do you do? You assemble these bucks in council, you go and make great speeches to them, and you allow them to get up and orate extensively. They talk about the Great Father, and the head of the bureau, and the Indian agents, and the man who sells the goods around there. They perhaps do not mentie in the principal men when they go into council have got a little extracash in their pockets, put there for the purpose of putting them in a good humor. They are recognized by this great Government as being a government, so that one-third of the men there can prevent the operation of the law at all.

But suppose you have the law going into effect by the consent of two-thirds of the tribe; you have got your enactment perfect; the law is in operation. What use are you going to make of it? The moment this Indian council, uniting its power with the Congress of Indians and pass them into tillers of the soil.

until such time as they become satisfied that it is to their interest to

There is one thing that I think I am justified in saying from my reading of history as well as from personal observation, that I have never known an Indian yet who was not willing to work—I do not mean to toil with his hands—but I have never known one yet who was so indolent in his nature as that he would not go out and participate in the activities of the chase, and take upon himself more labor and more hardship then always a superior the real for the selection of mining his likely. ties of the chase, and take upon himself more labor and more narusally than almost any man in the world, for the sake of gaining his livelihood. These people, when they are brought in contact with a true civilization and are taught agricultural pursuits, as I hope they very soon will be, will not be found to be an inefficient or a lazy people. They will proceed in the cultivation of the soil with such success as has been mentioned in the letter read here to-day, until they will

has been mentioned in the letter read here to-day, until they will after a while become entirely self-sustaining.

Now, take the twenty-seven pueblo tribes down in the Arizona desert. You may pass over that desert and find corn-fields, and when you are approaching you see the tassels of the corn, when in full tassel, not more than a foot above the ground. You will find the Indian has scooped out a basin of two or three feet, in which he has planted the seed for the purpose of continuous productions were approached. the seed for the purpose of getting moisture by capillary attraction, there being no rains in that country and no chance for irrigation; and there they raise a hard corn of excellent character, corn that will there they raise a hard corn of excellent character, corn that will keep better than any we have in our country, and not corn merely, but wheat, and an abundance of it; and there is not one of those published that has not a year's supply for every man, woman, and child laid up in advance. Those Indians have cost the people of the United laid up in advance. Those Indians have cost the people of the United States not one penny. They have lost a great deal by depredations of roving bands of cow-boys and other white men; they have been disturbed frequently, and yet they have gone on living in villages, as they do, and have hoarded up the treasures of agricultural production, so that a man cannot find a pueblo without a year's supply of food for everybody garnered in their store-houses.

What does all this mean? It means that they are a more industrious people than we are, because you may take the liveliest Yankee that ever left Connectiont and you cannot not him on those plains and

that ever left Connecticut and you cannot put him on those plains and cause him to make a living under those circumstances. Of course he would not stay there and undertake it. The Indians have been compelled to do it; they have done it, and they have proved by that fact that they are capable of sustaining themselves by their own labor, and that we have nothing to do but to give them ordinary encouragement in this direction. The compulsory process has gone on long enough; and above all things, Mr. President, I do not want to leave these Indian tribes exposed again to the hardship and the wrong that will be inflicted on them by selecting out what are called their councilors and their chiefs for the purpose of disposing absolutely of the rights of private individuals. That is not the theory of our laws; it is not in accordance with our treaties or laws. One man has no right in this country to dispose of the property of another. Let him have his rights under the treaty, but do not put in this bill any compulsory enactment; and above all things, if you pass this law, adopt the amendment of the honorable Senator from Missouri, and let the law

have its application to all the Indian tribes alike.

But I claim that the basis and principle of this bill is wrong. These are people of the United States. Whether they are citizens or not, they are people subject to our legislative action. We can repeal the they are people subject to our legislative action. We can repeal the treaties if we choose; but we cannot take away vested rights that have vested under those treaties without the violation of our own Constitution, because our Constitution when it prohibits us from divesting vested rights does not stop to inquire whether the man in whose favor a right is vested is an Indian, a negro, or a white man. The vested right must be protected. If you will not recognize the tribal relation sufficiently to treat with them, still you have the legislative power, and there is but one restriction upon it, and that is vested rights.

I claim that by this bill you put it in the power of two-thirds of an Indian tribe absolutely to break down and destroy the vested rights of the balance of the tribe, and that is a false principle of leg-islation. If you find yourselves able under the Constitution of the United States and the guardianship of your own conscience to take from the Indians their own property, march up like men and take it away; do not go to an Indian council and persuade two-thirds of the away; do not go to an Indian council and persuade two-thirds of the male Indians who may be there to barter away the rights of the balance of the tribe. That sort of bickering with Indian tribes is disgraceful to the country; and while the policy of the Secretary of the Interior has been lauded here to-day, I undertake to say that in reference to that particular, as well as many others, the dignity and honor of the United States have been absolutely sacrificed in these conventions with Indians to say whether or not our laws should go into effect in reference to certain tribes. Here it is proposed to take the minority of an Indian tribe and strip them of their rights, and, not daring to do it by open act of Congress, it is proposed to do it with daring to do it by open act of Congress, it is proposed to do it with the consent of two-thirds of the male Indians of the tribe. It is this feature of the proposed law that I specially object to. I cannot vote for a bill that has that principle in it. Legislate for your Indian

directly or do not legislate at all.

There are other provisions of this bill to which I object. Further on as the bill is being considered and passed on I shall state them.

Mr. HILL, of Colorado. Mr. President, I do not desire to discuss the general principles of this bill. It seems to me plain upon the face of it that it is a wise and just and beneficent measure, and I am

in favor of it because I believe it is such. I desire simply to reply to a few statements that have been made upon this floor in the discussion of this bill.

It has been stated here over and over again, it has been eloquently proclaimed time after time on this floor, that the Indians as a whole were opposed to the policy of settlement on their lands in severalty. It has been argued against this bill that for that reason it must be a failure; that the principle never can be successfully carried out. Mr. President, I have taken a great deal of pains to ascertain as far as in my power lies the truth in this matter. I have sought the best sources of information that I believed could be had to ascertain whether the opposition of the Indians to this policy exists to the extent that has been assigned. I have gone, in the first place, to the Commissioner of Indian Affairs. During the discussion of the Ute Indian bill at the last session I applied to the Commissioner of Indian Affairs, Mr. Trowbridge, for the best and fullest information he could give me upon the subject. I hold in my hand a letter written by him. I do not propose to read the letter, but merely to refer to a few of the statements contained therein. He says:

The Red Cloud and Spotted Tail Sioux, who were removed two years ago to their present locations, have been for a year past demanding a several allotment of their lands in accordance with the provisions of the treaty of 1868. Owing to the fact that the survey of their land has not been completed the Department has been able to comply with their request only to a limited degree; but the agents have been directed to make the allotments as fast as the surveys are completed. The agent at Pine Ridge (Red Cloud) agency reports that by the 1st of July next there will be at least seven hundred families located upon their selections and occupying comfortable houses, constructed mainly by their own labor, the Government furnishing the lumber for the roofs and floors and the doors and windows. The same is true of the Spotted Tail Indians at the Rosebud agency, the two tribes numbering in all about fifteen thousand souls.

The Umatilla Indians of Oregon, who were here a year ago, and were given the option, at their request, of settling in severalty on their present reservations or of removing elsewhere, have signified almost unanimously their desire to be located in severalty. Requests of a similar character come from nearly all of the coast Indians in Oregon and Washington Territory.

The Sisseton and Devil's Lake Sioux in Dakota are also making the same request, which is being complied with by the Department, and the Santee Sioux of Nebraska, who already have allotments, are clamoring for the issuance of patents for the same.

The Chipnewa Indians of Wisconsin are now in this city at their request and

who already have allotments, are clamoring for the issuance or patents for the same.

The Chippewa Indians of Wisconsin are now in this city, at their request, and aside from the question of the payment of arrears their principal demand has been to have patents issued to them for their lands in severalty as provided by the treaty. It is a fact known to this office that out of the 9,000 Indians residing on the Bad River and Lac Courte d'Oreilles reservations, to which these Chippewas belong, not over a dozen Indians are opposed to allotments in severalty. On the contrary, the Indians demand that such patents shall be issued to them in order that they may have as good a title as the whites before they commence to make improvements on their lands. The same call for patents to lands in severalty comes from the Chippewas on the White Earth reservation in Minnesota.

Numerous other tribes have made the same request of the Department, and it may truthfully be said that there are at this time but few tribes of Indians, outside of the five civilized tribes in the Indian Territory, who are not ready for this movement.

In going further into this subject I applied recently to the Com-

In going further into this subject I applied recently to the Commissioner of Indian Affairs to ascertain what information has been received at the office up to this time. In the annual report of this officer for the year 1880, I find this language:

The demand for title to lands in severalty by the reservation Indians is almost

I do not know whether that means anything or not; it is possible that the Commissioner of Indian Affairs is trying to deceive Congress and to put off upon the country a lie; but it certainly is strangely in conflict with the statements made by my colleague and others, that the Indians are almost unanimously opposed to it, and that they never can be brought to submit to it. The broad, unequivocal statement is made by the Commissioner that "the demand for title to lands in severalty by the reservation Indians is almost universal." He says, fur-

It is a measure correspondent with the progressive age in which we live, and is indorsed by all true friends of the Indian, as is evidenced by the numerous petitions to this effect presented to Congress from citizens of various States. Following the issue of patents comes disintegration of tribal relations, and if his land is secured for a wholesome period against alienation and is protected against the rapacity of speculators, the Indian acquires a sense of ownership, and, learning to appreciate the results and advantages of labor, insensibly prepares himself for the duties of a citizen. I therefore earnestly recommend the speedy passage of such legislation as may best effect the desired object.

I am also informed that there is hardly a tribe of Indians which has not up to this time been represented, directly or indirectly, by some persons seeking to secure this very result. I have a large number of the reports made by the several agents. I shall briefly allude to the leading points of a few of them. The agent of the Oneidas in Wisconsin states that—

Wisconsin states that—

The Oneidas are well advanced in agriculture, a large portion of their reservation being with propriety called the garden of Brown County. The main settlement, extending nearly the whole length of the reserve north and south, is one continuous line of large, beautiful farms, with many good, substantial dwellings, barns, granaries, and tool-houses. By their industry they harvest large and profitable crops and raise (considering the climate and latitude) a good proportion of horses, cattle, hogs, and some sheep. Not having a farmer on this reserve, it is impossible for me to give an accurate account of all their productions. Interest in agriculture is steadily and yearly increasing. Many new farms are being cleared and cultivated, while many of the old are enlarged and improved. Their continuous cry to the Government is for the allotment of their lands to each individual without being subjected to taxation, sale, or judgment of any court. This would be an incentive to further industry among them.

The agent of the Grand Ronde Indians of Oregon states that-

When first brought upon the agency contentions, mistrust, and jealousies existed among them, which for many years baffled the agents and superintendents to reconcile and conciliate, and so long as the tribal relations existed and were adhered to among them no permanent and harmonious advancement among them could be

secured, but by the allotment of land to them in severalty, and the extinction of all tribal relations among them some four or five years ago, and the removal of the different families to their individual tracts of land, the bitterness of feeling and jealousies among them have almost altogether disappeared, and they are now, as a rule, industriously engaged in agricultural pursuits, and under the circumstances are making very remarkable progress.

The great majority of the Indians of this agency are now earning their own support by farming and stock raising, the Department furnishing, in some instances, seed and agricultural implements.

The agent of the Peorias and Miamis state that-

The greater portion of their land is agricultural, and their reservation is equal in value to that of the Quapaws. The head men visited Washington last winter in the interest of their people, who are unanimously in favor of allotment of their lands. It is to be hoped that the Department will aid them in this matter, as a large majority are certainly advanced sufficiently for the change, and a delay will only retard and discourage them. only retard and discourage them.

Here is what is stated by the agent of the Cheyenne River Indians:

Here is what is stated by the agent of the Cheyenne River Indians:

There has been no particular change in the location of the principal Indian camps or villages during the past year. Seventy-five allotments were made to individual Indians, of which twenty-four are of one hundred and sixty acres of lande each, at Peoria Bottom, and fifty-one, of about ten acres each, at various locations on the reservation. A number of families have followed my advice and moved from the villages on the west side of the Missouri River, below the agency, to the more fertile valley of the Cheyenne River, where they are trying to establish separate and independent homes for themselves.

It is the policy of the present agent to impress upon the Indians the fact that their subsistence must soon be wholly the product of their own labor, and to disabuse their minds of the idea that the Government owes them a living so long as they may see fit to ask for it. The Cheyenne River Sioux Indians especially are sufficiently advanced to have their lands allotted to them in severality, granting them a title thereto inalienable for a number of years. This would be a new incentive to exertion, as they would then have some assurance that whatever improvements they made would be their individual gain.

There could be a volume of testimony of this kind presented. I have

There could be a volume of testimony of this kind presented. I have many other reports of agents and requests made by the Indians themselves with which I do not propose to detain the Senate. Those which I have now presented seem to be so clear and full that there can be

I have now presented seem to be so clear and full that there can be no question as to the desire on the part of a great many Indians at least, if not all, to acquire lands in this way.

I wish to say a word in regard to the Ute Indian bill which was passed at the last session. It has been represented here to-day that that measure has proved a failure, and that no good results are coming from it. I do not so understand it. I understand that everything connected with that measure so far has been carried out successfully to the point of allotting to the Indians their lands. That has not been done; and why? Because that bill did not get through Congress and was not approved by the President until just at the close of the session, near the end of the month of June. Under the provisions of that bill a commission must be appointed, and that comprovisions of that bill a commission must be appointed, and that comprovisions of that bill a commission must be appointed, and that commission must be prepared for the work. I think that the commission did not arrive in Colorado until September.

The bill then required that a full and complete census should be taken of these Indians. That was a work which required a great

deal of time. These Indians were then scattered over a large extent of country. That the commission went to work in earnest and worked industriously and laboriously for the purpose of securing an accurate census, I have no doubt, and that census was not completed until late in the fall. Before the Indians could be settled upon the lands which should be allotted to them, they were to be paid in money and that required a certain time. The money was sent out and it took time to disburse it. These several measures were not accomplished until it was too late in the season to have surveys made and the Indians

The opposition to that bill, which delayed its passage from March till June, was the cause and I believe the only cause of the failure to accomplish the removal of these Indians to their new homes.

accomplish the removal of these Indians to their new homes.

And now we are told that the measure itself is a failure, and as evidence of this it is stated that not an acre of land has been allotted.

Three-fourths of the Indians, as required by the law, have signed the agreement. It has gone into force and effect by the payment and acceptance of the money. I understand that all we lack now of the thorough accomplishment of the purposes of the bill is the removal of the Indians, and that there is no opposition to that to any great extent. I have consulted several members of the commission, and they inform me that with very few exceptions the Indians underthey inform me that with very few exceptions the Indians underthey inform me that with very few exceptions the Indians understand that they are to be removed, and they expect to go peaceably and settle upon the lands which will be allotted to them. Therefore, and settle upon the lands which will be allotted to them. Therefore, I think we can say that the Ute measure of the last Congress, instead of being a failure, is a great success; that it has accomplished or will accomplish all that it was intended to accomplish.

In regard to the bill introduced in the Senate at this session by me,

In regard to the bill introduced in the Senate at this session by me, providing for removing these Indians to the Uintah reservation, to which reference has been made by my colleague, I wish to say that I introduced that bill by request. I did not draw the bill, and I introduced it by request. I supposed at the time that it might be amended so as to make its provisions available for the purpose for which it was intended.

which it was intended.

I am doubtful myself whether there is a sufficient quantity of agricultural land at the place assigned on Grand River to be allotted to the Indians, as required by the bill, but if there is not sufficient land on the Grand River I believe the provisions of the bill are broad enough to allow the Indians to be settled in that vicinity. I think sufficient land will be found in Colorado and Utah to provide for carrying out the measure as proposed.

I never was in favor of confining the Indians to this location on the Grand River. I asked last session when the bill was before the Senate to have it amended and have the Indians settled upon the Uintah reservation, but I became satisfied at that time that such a measure could not be passed through Congress, and therefore I favored what I thought was the best measure we could get. Therefore I think the statement that my colleague makes that I have come over to his view

of the question cannot be sustained.

Mr. TELLER. I did not claim that my colleague was inconsistent.

It seemed to be generally understood that there was no place proper to put them; at least one of the most influential members of the com-

to put them; at least one of the most influential members of the commission told me it was very unfortunate that we attempted it. I did not make the point to charge my colleague with any inconsistency, but I simply thought he knew more about it to-day than he did last session. That is all. I should not have mentioned it if a Senator had not mentioned it. I did not mean to charge it offensively.

Mr. HILL, of Colorado. I did not think that my colleague charged it offensively, but I assert that my views have not changed on that subject at all; that I stand in exactly the same position that I did then, and I think the wisdom of the policy we adopted at that time has been fully sustained by the results of the measure. That is all I wish to say at present upon the subject. I wish to say at present upon the subject.

Mr. EDMUNDS. I move that the Senate proceed to the consider-

ation of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-five minutes spent in executive session the doors were reopened and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 20, 1881.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. CARLISLE. Mr. Speaker, according to yesterday's proceedings as printed in the RECORD of this morning, it appears that in striking out the amendment which was offered in Committee of the Whole by the gentleman from Alabama, [Mr. Samford,] the House also voted to strike out the first proviso in the first section of the funding bill, which reads as follows:

Provided, That nothing in this act shall be so construed as to authorize an in-ease of the public debt.

The SPEAKER. That clause is not stricken out.

Mr. CARLISLE. I desire to have that part of the Journal re-read, Mr. CARLISLE. I desire to have that part of the Journal re-read, as I was engaged when it was read just now, to see whether it is so recorded in the Journal; if so, it is an error.

The SPEAKER. That part of the bill was never proposed to be interfered with, from beginning to end, as the Chair recollects.

The Clerk was proceeding to read the Journal, when
The SPEAKER said: The clause referred to was never proposed to be interfered with in any part of the proceedings.

Mr. CARLISLE. If the error occurs in the Journal I move to correct the Journal in that respect.

rect the Journal in that respect.

The SPEAKER. The Chair is advised by the journal clerk that the Journal is correct in that respect.

The Journal was then approved.

EVENING SESSION FOR SENATE BILLS.

Mr. CALKINS. I rise to call up the contested-election case of Boyn-

Mr. CALKINS. I rise to call up the contested election case of Boynton vs. Loring; but I yield for a moment to the gentleman from Kentucky, [Mr. CARLISLE.]

Mr. CARLISLE. I understand, Mr. Speaker, that the gentleman from Pennsylvania, [Mr. COFFROTH,] who objected day before yesterday to the introduction of a resolution providing for an evening session for the consideration of Senate bills on the Private Calendar, is now willing to withdraw his objection provided the session be fixed for to-morrow evening. I ask that the resolution be read.

The Clerk read as follows: for to-morrow evening. I ask The Clerk read as follows:

Resolved. That the House will take a recess to-morrow at four and a half o'clock p. m., to meet again at eight o'clock for the consideration of Senate bills on the Private Calendar in their order on the Calendar, and for the transaction of no other

The SPEAKER. The Chair would suggest the word "Friday" to be placed in the resolution, so it will read "to-morrow, Friday."

Mr. KEIFER. I wish to know exactly what the resolution covers.

The SPEAKER. Senate bills upon the Private Calender.
Mr. KEIFER. That is, private bills alone?
The SPEAKER. Senate bills on the Private Calendar.
Mr. KEIFER. No other than pension bills?
The SPEAKER. No, no; Senate bills on the Private Calendar of

private nature. Mr. KEIFER. Unless I can have a more definite understanding I

Mr. CARLISLE. The resolution shows on its face that it is for the consideration of bills from the Senate on the Private Calendar and in the order in which they stand.

Mr. KEIFER. Pension bills alone?

Mr. CARLISLE. No; it is not confined to pension bills alone; but of course it will facilitate their consideration.

The SPEAKER. Pension bills are included, of course. They will take their turn with the other bills.

Mr. REAGAN. Does that provide for going on the Speaker's table? The SPEAKER. This only applies to the Private Calendar.

Mr. KEIFER. I withdraw my objection.

The SPEAKER. The Chair hears no further objection, and the resolution is agreed to

The SPEARER. The Chair hears no further objection, and the resolution is agreed to.

Mr. BUCKNER. Let the resolution be read again.

The SPEAKER. The resolution has been adopted. It provides for a session to-morrow evening for the consideration of bills from the Senate on the Private Calendar.

RECIPROCITY TREATY.

Mr. MORTON. I ask unanimous consent to present the memorial of Messrs. A. A. Lowe Bros., H. B. Claffin & Co., David Dows & Co., and 500 leading mercantile houses of New York, for early action on the resolution reported by the Committee on Foreign Affairs of the House of Representatives for the appointment of a commission to ascertain on what basis a mutually beneficial reciprocity treaty can be formed between the United States and Canada; which I move be referred to the Committee on Foreign Affairs and printed in the

Mr. BOWMAN. I have a similar petition of George C. Richardson & Co. and 1,029 other firms and business men of Boston, in favor of joint resolution for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces, which I move be referred to the Committee on Foreign Affairs and printed in the RECORD.

The SPEAKER. The Chair hears no objection, and the petition will be so referred and the body of the petition without the names

will be printed in the RECORD.

The body of the petition is as follows:

Petition in favor of the "joint resolution for the appointment of commissioners to ascertain and report a basis for a reciprocity treaty between the United States and the British provinces."

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

To the honorable the Senate and House of Representatives
of the United States in Congress assembled:
The undersigned respectfully represent as follows:
The National Board of Trade, as well as the principal local boards of trade in the United States, have for the past five years memorialized Congress and sent delegates to Washington in behalf of resolutions asking that Congress would authorize the appointment of a commission to ascertain and report to Uongress, and thus to the country, whether there could be any basis, and if so, what, on which a mutually satisfactory and advantageous reciprocal trade between the United States and the British provinces could be established.

The House Committee on Foreign Affairs reported April 28, 1880, a resolution to the above effect, which is now on the Calendar, awaiting action by the House.

Notwithstanding the urgent appeals thus made, no vote has during all these years of effort to secure it been reached upon the subject-matter of said resolution.

The business interests of the country, in asking simply that Congress will authorize a commission to investigate and report upon this great question, and in other words, in asking now only that information be obtained for them and the country, feel that the request is a reasonable one and is entitled to receive early consideration.

A mutual desire for closer trade relations on the part of the merchants and traders in the United States and Canada has existed ever since the peremptory abrogation by the United States of the treaty of 1854, as evidenced year after year by resolutions passed by the great commercial bodies of both countries, and it is no exaggeration to say, that in all probability the failure of Congress to give this business question due consideration has cost the people of this country \$5,500,000, without any corresponding advantages in return, for fishery privileges, which could have been acquired at any time previous thereto, without cost, through the negotiations of such a commission as has been asked for; an

COAST SURVEY REPORT.

On motion of Mr. HAYES, by unanimous consent, Senate concurrent resolution providing for the printing of 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, for distribution by the said superintendent, was taken from the Speaker's table and referred to the Committee on Printing.

APPORTIONMENT.

Mr. WILSON. I am directed by the Committee on Printing to report back a resolution with a substitute, and I ask that the original resolution be first read.

The Clerk read as follows:

Resolved. That the tables presented on the apportionment by the Superintendent of the Ceasus be published in the CONGRESSIONAL EXCORD, and further, that the communication just read from the Secretary of the Interior be also published in the RECORD, and all of said papers in pampfilet to the number of 2,000.

Mr. WILSON. The Committee on Printing recommend the adoption of the following substitute for that resolution:

Resolved. That there be printed in pamphlet form 5,000 copies of the tabular statements furnished and to be furnished by the Secretary of the Interior and the Superintendent of the Census, and the remarks of Hon. S. S. Cox and communications explanatory thereof, under the tenth census for apportionment purposes; 3,000 copies for the use of the House, 1,500 for the use of the Senate, and 500 for the use of the Department of the Interior.

Mr. DUNNELL. Is this a substitute for the previous resolution? Mr. WILSON. Yes; a substitute reported from the Committee on

Mr. WILSON. Yes; a substitute reported from the Committee on Printing.

The SPEAKER. It is a proposition to give the House all the information possible on the subject.

Mr. DUNNELL. It does not provide for printing in the RECORD?

Mr. WILSON. It has already been printed in part in the RECORD.

Mr. DUNNELL. Not the tables?

Mr. COX. No, not the tables, which are to be furnished hereafter, running the number of members to three hundred and twenty-five. They will be furnished and printed in this pamphlet. It is not necessary they should go into the RECORD. The speaker. It is a calculation running up the ratio and number of members to three hundred and twenty-five.

The substitute was agreed to, and the resolution, as amended, was

Mr. COX moved to reconsider the vote by which the resolution, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIGHTING THE SAVANNAH RIVER.

Mr. NICHOLLS, by unanimous consent, introduced a bill (H. R. No. 6971) to appropriate \$60,000 to light the Savannah River, in the State of Georgia, from the month of said river to the city of Savannah; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EDUCATIONAL FUND.

Mr. GOODE. I ask unanimous consent that the Senate bill No. 133, now on the Speaker's table, providing an educational fund, applying the proceeds of the sale of public lands for the purpose of education, be made the special order for Wednesday, the 2d of February, and from day to day until disposed of.

Mr. CALKINS. I must insist on the regular order.

Mr. REAGAN. I shall not object to the consideration of this if it does not interfere with the interstate-commerce bill.

The SPEAKER. The regular order being demanded, the request.

does not interfere with the interstate-commerce bill.

The SPEAKER. The regular order being demanded, the request of the gentleman from Virginia cannot now be considered.

Mr. GOODE. I hope the gentleman will not object to fixing a day for the consideration of this bill.

The SPEAKER. The demand for the regular order cuts off the opportunity for presenting the request of the gentleman from Virginia.

Mr. CALKINS. I do not object to fixing a day for the consideration of the bill to which the gentleman from Virginia refers, but object to its consideration at this time, which I understood to be the request. request.
The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.
The Clerk read as follows:

A bill (S. No. 133) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. REAGAN. I will not object to fixing a day for the consideration of that bill, as I have stated, if it does not interfere with the interstate-commerce bill.

Mr. BRAGG. I object to it without any condition.

ORDER OF BUSINESS

Mr. HUNTON. I ask leave to refer a bill at this time. Mr. CALKINS.

I must demand the regular order.
I hope the gentleman will yield to me simply to Mr. HUNTON.

have a bill referred.

Mr. CALKINS. I would yield with pleasure to the gentleman, but I have refused to yield to other gentlemen around me, and must insist upon the regular order.

At the request of parties in the contested-election case of Boynton vs. Loring, I am directed, if it is desirable on the part of the Appropriations Committee, to go on with the naval appropriation bill, and

yield for that purpose.

Mr. ATKINS. I move, then, to dispense with the morning hour to-

day.

Mr. REAGAN. Let it be understood that the waiver on the part of the gentleman from Indiana of his right to call up this contested-

election case does not preclude anybody else.

The SPEAKER. The gentleman has a right to exercise his privilege in calling up this question, which is one of the highest privilege,

at any time.

Mr. CALKINS. I give notice that I shall do so just as soon as the naval appropriation bill is out of the way.

Mr. ATKINS. I now renew my motion that the morning hour be

dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

CHATTANOOGA A PORT OF DELIVERY.

Mr. BEALE. I ask unanimous consent of the House to report back a substitute for House bill No. 6594, declaring the city of Chattanoga, in the State of Tennessee, a port of delivery, and ask that it be considered and put upon its passage. It is a unanimous report from the Committee on Commerce.

Mr. BELFORD. I object.

NAVAL APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported back

without amendment the bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee of the Whole

Mr. WHITTHORNE. I reserve all points of order on that bill.

Mr. ATKINS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose

mittee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill making appropriation for the naval service for the fiscal year ending June 30, 1882, and for other

purposes.

Mr. ATKINS. Mr. Chairman, I will only detain the House for a few moments in explanation of the material points in this bill wherein it differs from the law or the appropriation act as now upon the statute-books for the present fiscal year. The net increase in this bill over the appropriation act of last year is \$55,239.85. There are some items of increase, amounting to \$151,976.10, and there are also items of decrease in the bill amounting to \$96,736.25, leaving the net increase as I have stated before, a little over \$55,000. The increased items consist, first, of \$125,375 in the pay of the Navy. That is merely for the pay of the officers of the Navy. It results from the fact that there are different grades of officers to be paid for the ensuing fiscal year from those that are paid during the present fiscal year, and also because the question of longevity affects the result. This sum of \$125,375 is in excess of what was paid during the last year to the officers of the Navy, and it is a mere matter of arithmetical calculation in the Navy Department, taken from the Naval Register and furnished to the committee in tabulated form; and hence, in accordance with the law, the committee has no option except to appropriate the with the law, the committee has no option except to appropriate the money upon the figures given.

The next item of increase is for the Bureau of Navigation, which is only \$6,500. The next material item is for the Naval Observatory,

is only \$5,500. The next material item is for the Naval Observatory, and that is to provide for the necessary repairs to that institution, the sum of \$3,350. There are other small items of increase, but the next important item is for the expenses of the Marine Corps, which amounts to \$13,547; \$5,000 of which is embraced in an increase of the contingent fund for the Marine Corps, which is in consequence of furnishing the buildings and quarters at the Washington navy-yard erected during the last year for the benefit of the officers of that corps, these quarters having not yet been furnished.

The net items of decrease over the bill of last year amount to over ninety-six thousand dollars and arise in a failure to repeat the an-

The net items of decrease over the bill of last year amount to over ninety-six thousand dollars, and arise in a failure to repeat the appropriation of \$50,000 for torpedoes, in excess of the usual appropriation, which was contained in the act of last year. The next item of decrease is for the torpedo-boat Alarm, which appropriation was not repeated this year in this bill. We also appropriated last year the sum of \$23,000 for the surveys of the Amazon River, which amount is not included in the present bill. These are the principal points of difference in the bill of last year and the present year, and I call the attention of the House to them. I have nothing further, Mr. Chairman, to add to what I have said, and I yield the floor to any gentleman who desires to ask any questions in reference to this bill.

Mr. REAGAN. The statement made by the chairman of the Committee on Appropriations included an item of \$125,000 as increase in the pay of the Navy. I desire in connection with that point, if the investigations of the chairman of the committee will enable him to answer me, to ascertain how many ships we have afloat.

Mr. ATKINS. About forty-three I think are in commission. There are in the American Navy some ninety and odd vessels of all kinds

Mr. ATKINS. About forty-three I think are in commission. There are in the American Navy some ninety and odd vessels of all kinds that are afloat; but the number in commission is about forty-three.

Mr. REAGAN. I ask that question in order that in view of the number of vessels and the amount of increase of officers' pay I may call the attention of the House very briefly to the second paragraph in the bill. It will be seen that the pay of the Navy for the active list is as follows: list is as follows:

For one Admiral, one Vice-Admiral, twelve rear-admirals, eight chiefs of bureau, (commodores,) twenty-four commodores, forty-seven captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred and one masters, ninety-five ensigns, seventy-five midshipmen, fifteen medical directors, fourteen medical directors, fifty surgeons, seventy-three passed assistant surgeons, sixteen assistant surgeons, twelve pay directors, thirteen pay inspectors, fifty paymasters, thirty-one passed assistant paymasters, twenty assistant paymasters, &c.

There are thus nearly one hundred and twenty-six officers engaged in the pay service of these forty-three vessels in commission; and I understand the practice is to continue making these appointments. I suppose there is law for it; I have not investigated the subject.

The remainder of the section may attract more or less of attention;

but it seems to me attention ought to be called particularly to the fact of the enormous number of officers connected with this service, and the large pay list in comparison with the number of vessels in commission, and the usefulness and necessity of this large number of

No doubt in the reduction of the Navy at the close of the recent war some officers were retained, whose services might otherwise have been dispensed with, on account of their gallantry and able service. But though that may necessarily have increased the list of officers, it

cannot justify, it seems to me, going on and appointing others and making so large and apparently unnecessary a list of officers. I merely call attention to this so that there may be some satisfactory explanation of it.
Mr. WHITTHORNE rose.

Mr. WHITTHORNE rose.

Mr. REAGAN. I see my friend, the Chairman of the Committee on Naval Affairs, rising. Perhaps he can give us information that will show the necessity of this.

Mr. ATKINS. I ask my colleague [Mr. WHITTHORNE] to allow me one word. It is not the business, Mr. Chairman, of the Committee on Appropriations to say how many officers shall be appropriated for. The law fixes the number, and it is none of our business whether there be few or whether there be many, so far as the duties of the Committee on Appropriations are concerned. Many of these officers are on shore duty; many are on waiting orders; some are at naval stations; some are at one place and some at another. But, sir, it is simply a question for Congress to consider, and not for the Appropriations Committee to consider, and I have risen to make that single remark.

Mr. REAGAN. One word. I am, of course, aware that the Appropriations Committee is required to make the appropriations for the officers who are in the service by law. But I am not entirely satisfied that the Appropriations Committee, which is the organ of the House for the investigation of expenditures and for recommending expenditures, might not with great propriety look into questions like this, and advise the House with reference to other action than can be taken in this bill, as to whether it is necessary to make such appro-

Mr. ATKINS. I would like to ask the gentleman from Texas what he would do with these officers if the appropriations were not made?

Mr. REAGAN. I think the gentleman misunderstands me. I said the Committee on Appropriations, as the organ of the House in the the committee of appropriations, as the organ of the House in the ascertainment of what appropriations should be made, if it occurs to them there are supernumerary, useless, and unnecessary officers, could make that suggestion to the House, which would be serviceable to us in guiding our action in such legislation as would reduce the

Mr. ATKINS. Why, sir, the whole history of the Committee on Appropriations since the democratic party has come into power has been a living argument that there are too many employes in this

Government. Mr. BLOUNT. Government.

Mr. BLOUNT. Let me ask the chairman of the Committee on Appropriations if it is not true that bills were reported to this House cutting down the number of these employés and salaries?

Mr. ATKINS. Yes, sir; such bills were reported, but not passed.

Mr. REAGAN. I will ask the gentleman from Georgia if that applied to this class of officers, to those enumerated in this bill?

Mr. BLOUNT. Certainly it did.

Mr. WHITTHORNE. After the close of the civil war the number of officers allowed to this branch of the public service was fixed and

of officers allowed to this branch of the public service was fixed and determined by a law passed in 1870, and the number reported in this bill is the number now fixed by law. That being the case, Mr. Chairman, it is well enough for the House to understand, in justice to the Navy and in justice to the public service, what are the requirements of that service.

ments of that service.

The gentleman from Texas [Mr. Reagan] has called attention to, or rather has laid emphasis upon, the number of commanders in the United States Navy. Now, are there too many for that service? Let gentlemen recollect that it is impossible for any man or any officer to be constantly upon service. By the regulations of the Department, under the law, to certain classes of vessels a commander is assigned for duty. Certain duties upon shore are to be discharged by commander. manders. And there must come to all of us who are engaged either manders. And there must come to all of us who are engaged either in private or public duties a season of rest. Under the law, therefore, you find upon analyzing this thing a certain number of commanders upon sea duty, a certain number of commanders on shore duty, and a certain number of commanders upon leave. Take that and apply it, if you please, to the paymasters of the Navy; a certain number of them are performing sea duty, a certain number of them are performing shore duty, a certain number of them are settling accounts, and a certain number are on leave. You will find this in all branches of the public service. It is a necessity.

When the law-makers in 1870 came to reorganize this branch of the public service, they then determined what in their indement were the

when the law-makers in 1570 came to reorganize this branch of the public service, they then determined what in their judgment were the wants and the necessities of that service. As the result of my own examination I agree that there are too many officers in the United States Navy, and I admit that the number of such officers should be reduced. Allow me to suggest, however, that efforts have been made in this House, upon suggestions from the Committee on Naval Affairs, to accomplish such reduction and those efforts have never yet met

to accomplish such reduction and those efforts have never yet met with the concurrence of the House. The judgment of the House has seemed to me to be against that of the Committee on Naval Affairs on that subject. The action of the House at all events has been such that the number of officers has been allowed to remain.

To be sure, we have but forty-three vessels or about that number in commission; thirty-two or thirty-three of which are on cruising service. Now, is this to continue, and ought it to continue? I beg leave to say to the House and to the country, as I am about to close all my service in connection with the naval administration of this Government that I believe the incoming administration ought to rec-

ognize the fact that we have no navy, and ought to commence from the bottom and build it up. I say that the country needs and de-mands a Navy commensurate with its honor and its duty to our commercial interests. This should be done, and if done there will possi-bly then be not so much top-heaviness in the Navy.

I repeat again, that I admit when you come to consider the number of vessels in commission, and the number of seamen which go to make up our naval marine, and the number of officers in the Navy at the present time, that navy is somewhat top-heavy. But allow me again to state to my friend from Texas [Mr. Reagan] and to others that efforts have been made from time to time upon this floor to reduce the number of officers, and those efforts have failed to meet the judgment of the House.

I say, therefore, that the criticism upon my colleague from Tennessee, the chairman of the Committee on Appropriations, [Mr. ATKINS,] is not warranted. If any criticism at all is warranted, it passes entirely over his head and over the heads of the Committee on Naval

Affairs, and rests upon the majority of this House.

Mr. REAGAN. I would ask my friend from Tennessee, the chairman of the Committee on Naval Affairs, if his committee has ever submitted to the House a plan for the reduction of the number of

submitted to the House a plan for the reduction of the number of these officers?

Mr. WHITTHORNE. Not during this session.

Mr. REAGAN. At any time?

Mr. WHITTHORNE. In previous Congresses, yes.

Mr. REAGAN. The gentleman says that efforts have been made in previous Congresses on the part of the Committee on Naval Affairs to reduce the number of these high officers in the Navy. And he also says that the Committee on Appropriations are not liable to criticism in this matter. I did not aim to make any criticism upon the Committee on Appropriations, I knew that that committee had performed its duty in submitting appropriations for the different branches of the public service as appeared to them to be authorized by law.

I wish only to call the attention of the House to the enormous number of commanders in the Navy. According to this bill there is upon the active list of the Navy one admiral, one vice-admiral, twelve rear-admirals, eight chiefs of bureaus, (commodores,) twenty-four commodores, forty-seven captains, and ninety commanders. Of one hundred and sixty-one officers of the grade of commanders and higher ninety of the number are commanders.

Now, we have forty-three vessels afloat, some of them probably stationed at navy-yards; I am not able to give the number. That can be ascertained upon investigation. It does seem to me, however, that it is incumbent upon some one connected with this service to ask that the country be relieved from such an unnecessary expense as is indicated by this bill for these classes of officers.

Mr. ATKINS. The act of July 1870 fixes the number of officers.

ask that the country be relieved from such an unnecessary expense as is indicated by this bill for these classes of officers.

Mr. ATKINS. The act of July, 1870, fixes the number of officers, their grade and their rate of pay. That act has been upon the statute-book for eleven years. The gentleman from Texas [Mr. Reagan] is a jurist and an investigator of law. He ought to have known these facts himself. And if he has felt the necessity for this great reform for which he is now advocating (and I sympathize with him somewhat) he should himself have come forward with a proposition to reform the Navy.

what) he should himself have come forward with a proposition to reform the Navy.

Mr. REAGAN. All that I can say to that is that if I had been upon a committee charged with the duty of looking after such matters, or if it had been my duty to consider such matters, I certainly should have done so; but I was on another committee, which required all my time and attention in another direction.

Mr. ATKINS. And I do not happen to be on a committee where such service was required from me.

The CHAIRMAN. The Clerk will now proceed to read the bill.

Mr. ATKINS. I ask consent that the first and formal reading of the hill be dispensed with.

the bill be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will now proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk read as follows:

BUREAU OF STEAM ENGINEERING.

For repairs and preservation of machinery and boilers in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; and patent rights, purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, and instruments, \$800,000.

Mr. HISCOCK. I move to amend by striking out at the end of the paragraph just read "\$800,000" and inserting "\$1,000,000."

Mr. Chairman, the estimate submitted by the Secretary of the Navy for the Bureau of Steam Engineering was \$1,000,000. For no cause that I have been able to learn it has been stricken down to \$800,000. Last year the estimate submitted by the Department was \$800,000 and it was allowed. So great confidence was felt in the Secretary of the Navy that the Committee on Appropriations felt justified in allowing the full amount of the estimate which he submitted. This year he has asked to have the amount increased to \$1,000,000, and as I understood the Committee on Appropriations (and I suppose I am not now divulging any secret) have limited the amount to \$200,000 because they appropriated that amount last year. That is the forcible reason; the great reason why they have deemed it necessary to fix the appropriation at this amount. And this has been done notwithstanding the committee had before them a statement from that bureau

showing that of the \$800,000 appropriated for this bureau last year there remained on hand for the use of that bureau on the 13th of the present month \$12,077.79. We are of necessity confronted with a deficiency for this year; and I apprehend that the Committee on Appropriations will feel called upon in the deficiency bill which it will submit to the House to provide for the support and maintenance of this bureau for the balance of the current year.

Mr. Chairman, since this annual report was submitted another communication has been received from the Navy Department, which I send to the Clerk's desk, and ask to have read.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, December 17, 1880.

Washington, December 17, 1880.

Sir: I have the honor to request that Congress will make a special appropriation under steam machinery for Bureau of Steam Engineering of \$285,000, to be made immediately available, for purel-ase of materials for boilers for the United States steamers Benecia, Canandaigua, Dictator, Monongahela, New York, Ticonderoga, Wyoming, and Saugus, and of \$50,000 for materials for vessels on foreign stations. I would state that I believe that the exigencies of the service which were not so manifest at the date of my annual report as at present, are such as to demand that this work should be put in hand at once; but the limited amount remaining to the credit of the appropriations for this bureau will not permit of its being undertaken unless the above special appropriation is made.

Very respectfully,

R. W. THOMPSON.

R. W. THOMPSON, Secretary of the Navy.

Hon. J. D. C. Atkins, Chairman Committee on Appropriations, House of Representatives.

Mr. HISCOCK. Taking into consideration, then, this subsequent call which has been made by the Navy Department, there is some-thing over one million three hundred thousand dollars asked for, yet the committee has deemed it wise to propose an appropriation of only \$800,000, although I apprehend there is no gentleman on that committee who has investigated this question who doubts that the whole amount which has been asked will be expended, and can be

Confronting, then, the fact that we are unable to relieve our ships whose term of commission is about to expire; confronting the fact that these appropriations are urgently asked for by the Secretary of the Navy, and that no reason is submitted why his estimate should not be allowed, the committee has seen fit to strike down more than

not be allowed, the committee has seen fit to strike down more than \$300,000 of that estimate. In my motion, Mr. Chairman, I do not propose to give the whole amount which the Secretary of the Navy has asked for, but simply to increase this proposed appropriation of \$800,000 to \$1,000,000.

[Here the hammer fell,]

Mr. ATKINS. Mr. Chairman, the Committee on Appropriations did not fix this appropriation at \$800,000 simply because we made an appropriation of that amount for the same service a year ago. We did not act without reason. We had evidence before us that the appropriation of \$800,000 for the Bureau of Steam Engineering will keep that particular branch of the American Navy during the next fiscal year in as good repair as it is this fiscal year, or was during the last fiscal year, when the same amount was appropriated for that bureau. I think that is a pretty good reason why we should confine ourselves to the same amount this year that we appropriated last year.

Mr. Chairman, the Bureau of Steam Engineering is one that rather gauges the other bureaus in the Navy Department. If we are to increase the appropriation for the Bureau of Steam Engineering we ought to make a corresponding increase in all the other bureaus, be-

crease the appropriation for the Bureau of Steam Engineering we ought to make a corresponding increase in all the other bureaus, because, sir, it cannot be denied that in the Bureau of Steam Engineering the machinery can be preserved without detriment while not in use; it can be laid aside and kept in good order without being in use at all. The question, then, is simply whether we shall employ actively and put into commission every vessel that can be prepared for floating, or whether we shall confine our Navy to about the number of vessels that have been in commission for the last two or three vesses.

Now, I inquire of the House whether the needs of commerce demand that the Navy shall be increased. If the remarks made this morning by the gentleman from Tennessee, [Mr. Whitthorne,] the chairman of the Committee on Naval Affairs, is an evidence of the feeling of this House and of the country, that question might be answered in the affirmative. But that gentleman also indicated that if we are to do anything with the navy we ought to begin de novo, as it were; for I believe that gentleman announced this morning that

we had no navy; and I have heard distinguished naval officers make the same remark. Now, if we have no navy, I, for one, am utterly opposed to extravagant appropriations to patch up the old hulks that we have. I would prefer to see carried out the suggestion of the chairman of the Committee on Naval Affairs—a suggestion which has been made in other quarters—that if we are going to have a navy we shall make large appropriations and shall begin to build vessels of the most approved kinds, with the most approved armaments, and not take the old hulks that we have and endeavor to make good, new ships out of them.

ships out of them.

Now, sir, the appropriation which the gentleman asks is not absolutely needed to require a single additional vessel to be put in commission for the ensuing year over and above those now in commission. And if that be true, I ask this House whether it is willing to make an appropriation of a million of dollars in the direction of building up this old navy? In my judgment, sir, we had better take these old ships and sell them. We had better dispose of them and keep the Navy about where it is as well as we can—and these appropriations will keep it where it is—and then we can proceed in the right way to have a new navy and make appropriations sufficient for that purpose.

I repeat that we have now for the ensuing year a likely prospect for having the navy in good repair. Indeed, sir, we have the testimony of the Navy Department itself that we shall have the navy in a good repair for the ensuing year with this appropriation as we have had it for the present and for the last year. I notice that the appro-

had it for the present and for the last year. I notice that the appropriation for the Bureau of Steam Engineering in 1869 was as low as \$674,000, and in 1870, when we had more ships in commission than now, it was only \$674,000 again. It ran up for a few years, until in 1877 it amounted to \$942,000; in 1878 it was \$942,000 again. Last year it was \$800,000, and for the present year it is \$800,000.

This machinery, Mr. Chairman, will not deteriorate. It will not injure it to put it away. You can lay it aside and it can be kept in as good repair without being in use—as we have been informed by the officers of the Navy—as it would to have it in use. I trust the appropriation will be allowed to stand just as it is, because, to repeat the remarks I made at the outset, if this appropriation should be increased, as this bureau is somewhat of a gauge of all the others, it will then be necessary correspondingly to increase all these other bureaus.

Mr. HISCOCK. I wish to say a few words in reply to the gentleman from Tennessee.

The CHAIRMAN. Debate is exhausted on the pending amend-

Mr. HISCOCK. I move pro forma to strike out the last word. I do not understand what evidence the chairman of the Committee on Appropriations has that the sum indicated in this bill will support the Government in the same condition in which it is now for the

coming year.

Mr. ATKINS. If the gentleman desires to know, I will furnish him with that information.

Mr. HISCOCK. I am myself certainly ignorant of any such information as that, but, before the gentleman answers my question, I desire to call his attention to a statement which I hold in my hand:

Financial exhibit, Bureau of Steam Engineering, January 13, 1881.

Appropriation steam machinery 1880-'81 Expended to January 13, 1881:	•		\$800, 000	00
To pay for labor at navy-yards: Portsmouth, New Hampshire Boston, Massachusetts		00		
New York, New York	700			
League Island, Pennsylvania	26, 000	00		
Washington, District of Columbia	57, 500			
Norfolk, Virginia				
Pensacola, Florida Mare Island, California	7,000 82,000			
	344, 500			
To pay bills for expenditures on foreign stations				
To pay for materials, stores, &c	100, 400	94	498, 618	78
Balance on hand			301, 381	22
Liabilities to January 13, 1981 :				
To pay for materials, stores, &c., on approved requisitions,				
unfilled	\$6,088	77		. 20
To pay for materials, stores, &c., on contracts, orders, &c., unfilled	68, 557	54		
To pay for materials, stores, &c., on foreign expenditures	4, 683			
To pay for materials, stores, &c., on approved bills, unpaid. To pay for labor at navy-yards, as follows:	7, 073	96		
Portsmouth, 5 months, \$3,500 per month \$17,500 00				
Boston, 5 months, \$6,000 per month				
New London, 5 months, \$100 per month 500 00				
New York, 5 months, \$6,000 per month				
Washington, 5 months, \$7,000 per month 35,000 00				
Norfolk, 5 months, \$4,000 per month 20,000 00				
Pensacola, 5 months, \$1,000 per month 5,000 00				
Mare Island, 5 months, \$10,000 per month 50,000 00				
	203, 000	00	289, 403	43
Balance available for all purposes			11, 977	79

Note.—This balance will barely suffice to pay for expenditures abroad.

The statement comes from the Bureau of Steam Engineering, and it makes the exhibit that on the 13th day of this January the unexpended balance to the credit of that bureau was only \$12,000. A note at the bottom says this balance will barely suffice to pay for expenditures abroad. That is the statement I have upon this question, and that is the statement, I apprehend, which the gentleman himself has upon the question, that, so far as this bureau is concerned, it is at the point of being starved out of existence.

In the brief time I have for this discussion, Mr. Chairman, I cannot allude to the suggestion which the gentleman has made that the result for four years of this species of legislation in limiting the amount of appropriation, made under his inspiration, has compelled him, on the floor here, to acknowledge to-day that we have no Navy, that it is absolutely starved out of existence, and to advise that the

only course for the Government to pursue now is to sell the ships and commence the reconstruction of the Navy.

I say, sir, that the policy which has been heretofore adopted has compelled the expenditure of money on a certain number of ships, limiting it year by year, as it has been necessary to repair more ships and as larger repairs have become necessary, so that ships have gone out of the service, until now we are confronted by the fact that we have not sufficient vessels in repair to relieve those abroad when the

have not sufficient vessels in repair to relieve those abroad when the term of their commission expires.

Mr.WHITTHORNE. I oppose the amendment of the gentleman from New York, but not quite for the reasons given by my colleague from Tennessee. I call the attention of the gentleman from New York, as well as that of my colleague, to this fact: that during the last session this House passed a bill to create what was termed the permanent construction fund of the Navy, and that bill looked to getting rid of what I choose now to term the débris of our existing Navy and to commence the work of reconstruction. I do not depart from the rules of the House when I state that the chairman of the Naval Committee of the Senate has informed me that bill has been reported back from his committee and is now upon the Senate Calendar, and that he proposes to take early action upon it—in fact to have it taken up

he proposes to take early action upon the Senate Calendar, and that he proposes to take early action upon it—in fact to have it taken up and acted upon this week, if possible.

Now, if that bill is passed, of which I have words of decided encouragement, then there is no necessity, in my judgment, for the amendment proposed by the gentleman from New York. I am impressed with the conviction that there is no necessity for it.

I concur with my colleague from Tennessee when he says it is utterly useless to be expending money upon existing vessels in our Navy. It is a lamentable fact, Mr. Chairman, that we have no vessels in our Navy at the present time, with the possible exception of one or two, which are enabled to compete in speed with corresponding classes of vessels in the other navies of the world. Nor are we at all up with them in armor or armament.

them in armor or armament.

It seems to me, sir, that in this view of the case it is a useless expenditure of money to be appropriating for such a purpose, unless it is absolutely necessary that the work of repair should be continued on these existing vessels so that they may be continued in the service until others are supplied. We had better turn our backs on that and, facing the question, look to the future and the creation of a navy which shall correspond or equal in speed, armor, and armament the navies of the world. In doing this work we should be guilty of no excessive expenditures, nor is it required. Expenditures year by year should be made in the interest of meeting the progress in naval architecture, and we can go along in that way, keeping ourselves well up in naval construction, without any extravagances in our expenditure, and, in my judgment, create a navy of which our country may justly be proud.

and, in my judgment, create a navy of which our country may justly be proud.

Mr. HISCOCK. Mr. Chairman, I desire to make one suggestion in reply to the argument which has just been made. A navy is not created and cannot be created in a moment. It cannot be created in a year. It is a work which will take a long series of years to successfully accomplish. The country will be unwilling that the whole amount necessary to build up a navy, one which would do credit to the United States, shall be appropriated or an attempt made to complete the work in a single year. It is a work of time. Now, while we are building up a navy, if the next Congress shall enter upon that work, what are we to do with the naval service as at present existing? Do gentlemen mean to tell me that all our ships shall go out of commission? Do they mean to say that we shall not utilize what of commission? Do they mean to say that we shall not utilize what we have now; that we shall not repair the vessels now in service, but that the United States shall virtually abandon the seas? Are we to understand that to be the policy they would have us pursue? That is the logic of the statements and arguments which gentlemen

Now, this appropriation is asked for originally for the purpose of repairing machinery. The chairman of the Committee on Appropriations says that the machinery can be preserved from further deteations says that the machinery can be preserved from further deterioration. Does the gentleman mean to say that money cannot now be well spent upon that machinery? Does he mean to say that the vessels in which this machinery is used are to be condemned under the law to which he calls attention? I say, Mr. Chairman, that during the period it is necessary to build up a navy it is also necessary that the United States shall support and sustain the Navy and keep in repair its present vessels.

I am not one of those, sir, who feel fully committed to large expenditures for iron-clads and all that. A certain number of them

may be necessary, but for most uses many of the ships we now have will always be serviceable. The point I make is, that while we are building up a navy it is necessary to continue the expenditures for the repairs of our present ships which, by the starvation policy heretofore adopted, have been rendered almost absolutely worthless. We must keep in repair the vessels we already have; we must utilize

Now, one suggestion further. The chairman of the Committee on Appropriations has said that if we increase the appropriation for this purpose we must increase the other appropriations specified in this bill. These appropriations have all been subjected to the basis of \$1,000,000 for this bureau, and the chairman of the committee has approved the estimates up to this point. I do not understand that there is any necessity for an increase of appropriations in the other bureaus if this one is made.

The CHAIRMAN. Debate upon the pending amendment is ex-

Mr. ELLIS. I would like to hear the amendment again read. Mr. HISCOCK. I withdraw the formal amendment. The amendment was again read.

Mr. BLOUNT. Mr. Chairman, listening to my friend from New York, one would suppose that there had been absolutely nothing done in the matter of keeping the vessels of our Navy in repair during the past year. I beg to take issue with the gentleman upon that point. In reply to him, I beg leave to call the attention of the committee to the last statement contained in the report of the Secretary of the Navy, who says in reference to this Bureau of Steam Engineering:

A large amount of work has been done upon the machinery and boilers of twenty six vessels of all classes. New boilers for five vessels have been farnished, and several new screw-propellers.

With this sum appropriated last year he has been enabled, accord-

With this sum appropriated last year he has been enabled, according to his own statement, to do a vast amount of work; and yet my friend from New York complains that the Department is starving.

Again he tells you that we have not money enough to keep our vessels in our foreign squadrons in commission. Now, in response to that I will read another statement in the report of the Secretary. He says in reference to the Bureau of Construction and Repair:

Repairs have been made by the Bureau of Construction and Repair during the year upon forty-three vessels. Work of the same kind is now progressing at the different yards; which is fully set forth in the report of the chief of the bureau. Some of the work of this bureau has been done in foreign ports. Two of our ships in the Asiatic squadron having needed repairs, I deemed it expedient to send out one of our naval constructors, so that they could be made under his supervision in preference to the expensive method of bringing the vessels to the Mare Island navy-yard. One of them has been completed and the other is now in hand. The experiment has turned out admirably well in an economic point of view, the expense being greatly diminished.

So that according to the view of the Secretary my friend's propo-

So that according to the view of the Secretary my friend's proposition of bringing these vessels home for repairs is entirely erroneous.

sition of bringing these vessels home for repairs is entirely erroneous. Under this appropriation, which we have been making for several years, we have been able to make this display of work; and therefore, sir, there need be no apprehension in relation to the keeping of enough of our vessels in repair to do all the service required by all of the squadrons. I undertake to say there is no difficulty in having sufficient vessels for every single squadron in the whole of the Navy. My friend from New York says that a very large proportion of this money has already been expended. Well, sir, what of it? So far as that argument goes there might have been two or three times as much of this money expended. They may have spent in the first quarter the whole of it, or they may have distributed it through four quarters. It is a matter of discretion with them. We have had from year to year what my friend from New York calls small appropriaear to year what my friend from New York calls small appropriayear to year what my friend from New Tork cans small appropria-tions for the Bureau of Steam Engineering, yet in every report there are compliments to the constantly increasing betterment of the Amer-ican Navy. I trust, therefore, we shall not seek to increase this appropriation at this moment.

My friend, the chairman of the Committee on Naval Affairs, has very particularly called the attention of the House to the fact that if the object is to strengthen the Navy, to prepare it for a state of war, that purpose is not subserved by spending money on the repair of the vessels we have; but that the proper method is to inaugurate a new system with a different class of vessels. If this be true, our best policy in that line is to use the moneys which we have sparingly in the matter of repairing our vessels; confining it simply to such uses as we have for them in a state of peace.

Mr. ATKINS. In reply to the gentleman from New York, [Mr. HISCOCK,] I have but a single remark to make. I wish to state it was my distinct understanding from the Chief of the Bureau of Steam Engineering that the appropriation of \$800,000 would continue that bureau in all the efficiency that it has been for the last year and the present year. I desire my friend to hear me, and to understand distinctly what I say.

present year. I desire my friend to hear me, and to understand distinctly what I say.

Mr. HISCOCK. I did not catch the gentleman's remark.

Mr. ATKINS. The remark was this, that it was my understanding from the Chief of the Bureau of Steam Engineering himself that the appropriation of \$800,000 as provided in this bill will keep that hypers in all the efficiency it was in last received. bureau in all the efficiency it was in last year and that it is in this

Mr. HISCOCK. I hold the statement from the chief of the bureau which was submitted to the chairman of the committee, and a copy of it furnished to me, stating, as I have already remarked, that the whole amount now to the credit of that bureau is \$12,077.79.

Mr. ATKINS. Why, sir, that does not make any difference. That amount of \$12,000 is not all that was appropriated for this fiscal year. The chief of the bureau has gone on and made his improvements of machinery until he has exhausted the \$675,000 that was allotted of the \$800,000 for machinery. He might have done so in three months instead of eight months as far as that is concerned.

Now, Mr. Chairman, I want to make another remark. I did not argue, neither did I understand my colleague from Tennessee, the chairman of the Committee on Naval Affairs, to argue that the Navy as we have it to-day should be disbanded, or that it should be immediately sold out, or that it was entirely worthless, although the gentleman did say we have no Navy, and naval officers are in the habit of saying we have no Navy. That is a mere term they use. What we intended to say was simply this, that the Navy as it existed to-day did not justify large appropriations for the purpose of its reconstruction; but that if we intend to have a Navy in accordance with the progress of the age it would be necessary to begin de novo, it would be necessary to have different and improved armaments, improved models of vessels, and all that kind of thing to keep up with the progress of the age. That was the idea I intended to convey and which my colleague intended to convey.

My friend from Naw York has very ingeniously and admits in

of the age. That was the idea I intended to convey and which my colleague intended to convey.

My friend from New York has very ingeniously and adroitly impressed upon the House that unless his amendment is adopted the Navy will fall to pieces during the coming fiscal year, and he says that has been admitted by myself on this floor. Why, sir, I distinctly stated when I first rose that the appropriation of \$800,000 would keep this bureau in as good repair as it was last year, or as it has been for years. That was my distinct announcement, that is my judgment, and it was the assertion of Commodore Shock, the Chief of the Bureau of Engineering.

this bureau in as good repair as it was last year, or as it has been for years. That was my distinct announcement, that is my judgment, and it was the assertion of Commodore Shock, the Chief of the Bureau of Engineering.

It is not necessary, Mr. Chairman, that we utilize all the vessels or all the machinery we have to keep the Navy in as efficient a condition for the next fiscal year as it is now. Not at all. Why, sir, if we were to utilize all the vessels we have, all the hulks we have, all the bottoms, all the machinery, I undertake to say the sum of \$500,000, large as it may be in proportion to the whole amount of this bill, would be nothing; \$5,000,000, nay, \$10,000,000, would not utilize all these vessels, all this machinery. But, sir, what we do propose to appropriate will be in our judgment sufficient to keep the Navy for the next fiscal year as efficient as it is now. The question is whether this House intends to reconstruct the Navy now. There is no necessity for making this large appropriation to keep the Navy as efficient for the next fiscal year as it is this; none whatever.

I will also say to my colleague on the committee, the gentleman from New York, that he is slightly mistaken in one remark he made, and that is that we had recognized and approved all the estimates of all the other bureaus in this bill.

I beg the gentleman to recollect that we fail to appropriate nearly one hundred thousand dollars of the amount estimated for by the Bureau of Yards and Docks; and I am not quite sure there are not other bureaus whose estimates we fail to fully appropriate for. Now, if we increase the appropriation for this bureau, as the gentleman proposes to increase it, then, as it is the gauge of all the other bureaus of the Navy Department, I believe it will be necessary for us to increase the appropriations for the other bureaus of the Navy Department, I believe it will be necessary for us to increase the appropriations for the other bureaus of the present fiscal year, there remained to the eredit of this

I would state that I believe that the exigencies of the service, which were not so manifest at the date of my annual report as at present, are such as to demand that this work should be put in hand at once.

"This work" being the repair of the machinery of these vessels, as indicated in the letter which has been read from the Clerk's desk. The exigencies of the service demand that that machinery should be put in repair at once. He therefore asks that the appropriation made in this bill for that bureau be made available now, the appro-

priation for the bureau for the present fiscal year being practically exhausted. Now what those gentlemen have said, from which it might be inferred that all the necessary expenditure for the current fiscal year has now been made, has been anticipated, and that no further appropriation is necessary, falls to the ground in the face of this letter.

Mr. ATKINS. Will my colleague now allow me to ask him a ques-

tion?

Mr. HISCOCK. Certainly.
Mr. ATKINS. Has my colleague any idea how much material is now on hand that has been purchased by that bureau?

Mr. HISCOCK. I have not.

Mr. ATKINS. Exactly. Then this sum may have been expended for material and that material may be now on hand.

Mr. HISCOCK. I have here the itemized statement showing the

expenditure of the money, and it does not exhibit any great amount of material on hand.

of material on hand.

Mr. BLOUNT. Before the gentleman takes his seat, I desire to ask him whether the statement he reads from tends to convey the idea that there is only \$12,000 in the Treasury which this bureau can use?

Mr. HISCOCK. That is the statement.

Mr. BLOUNT. Wait a moment. Or whether it tends to convey the idea that contracts binding the Government have been made which will cover all except \$12,000 of the appropriation; which contracts are not yet fully executed?

Mr. HISCOCK. Well, I will give the gentleman the items:

To pay for material and stores on approved contracts which are now out, \$6,088.75.

All of the contracts for material that were out at the date of this statement are for the amount of \$6,088.77. All of the contracts which have been entered into by this bureau, and which are now outstanding, which contracts are taken into account in this statement, amount only to \$68,567.54. That is the amount of the outstanding contract.

And I will state further that that item is for liabilities to January 13, 1881. That is the amount which will be due upon these contracts

for the purchase of material at that date.

Mr. O'NEILL. I desire to say a few words. I would like to ask the chairman of the Committee on Appropriations, the gentleman having charge of this bill, [Mr. ATKINS,] whether that committee has ever considered the question of making an appropriation for constructing

considered the question of making an appropriation for constructing a dry-dock at the League Island navy-yard?

Mr. ATKINS. Well, I will answer the gentleman by saying that that is a question which is being considered by the subcommittee having charge of the sundry civil appropriation bill; it is not germane to this bill at all.

Mr. O'NEILL. Then I will go on and say a few words—

Mr. ATKINS. I hope not upon that subject.

Mr. O'NEILL. Upon the question of steam engineering, and I may perhaps include in my remarks a few words concerning the dry-dock.

perhaps include in my remarks a few words concerning the dry-dock at League Island navy-yard.
The CHAIRMAN. The Chair will inform the gentleman from Penn-

sylvania [Mr. O'NEILL] that debate upon the pending amendment

has been exhausted.

Mr. O'NEILL. Mr. Chairman, I move pro forma to amend by striking out the last word. I believe that within the last three or four years we have permitted the Navy of the United States to deteriorate very much because we have not made liberal appropriations for it, very much because we have not made liberal appropriations for it, and this remark applies both to the Steam Engineering Bureau and the Bureau of Construction and Repair, and the other departments of the Navy. We have not within the last few years made such appropriations as would give us the proper dry-docks so absolutely essential in building up a navy at the proper naval stations where vessels might be repaired or completed. In the Forty-fifth Congress we made a great effort to have an appropriation made to commence the building of a dry-dock at the League Island navy-yard. That appropriation was agreed to by the sub-committee of the Committee on Appropriations and the Senate Committee on Appropriations and the Senate Committee on Appropriations and the Senate Committee on Appropriations as a part of the priations and the Senate Committee on Appropriations as a part of the sundry civil bill, but if my recollection serves me right it was struck out in some way in the Appropriations Committee of the Senate in full meeting.

I would remark just here that League Island is eminently suited for the purposes of naval construction, provided Congress will appropriate money enough to improve and put it in proper condition. We have had appropriations of a few hundred thousand dollars in the have had appropriations of a few hundred thousand dollars in the aggregate through a great many years; but this year I do not find in the report of the Secretary of the Navy that anything is asked for or proposed to be done to construct at that naval station a dry-dock, or to make the yard itself what it was intended to be when Congress accepted from the city of Philadelphia the great gift of this League Island property, embracing nearly nine hundred acres of land situated, as all gentlemen know, upon the best river of the country, where shipbuilding can most effectually be carried on, where iron, wood, and all the necessary supplies can be had; where the mechanical labor,

of the Naval Committee why. Notwithstanding the terrible freezing weather we have had within the last four or five weeks the Delaware River is not ice-bound because the enterprise of citizens of Philadelphia through their city councils has built three ice-boats which are constantly breaking up the ice. There is no difficulty on account of the ice in any vessel getting up the Delaware River even in such a winter as this. I can assure the gentleman that there is no trouble in winter or in summer in reaching the League Island navy-yard. Does the gentleman like that answer? I think it is a complete answer. The gentleman never was favorable to the project of the League Island navy-yard: he never was favorable to commencing the building of a navy-yard; he never was favorable to commencing the building of a dry-dock at the League Island navy-yard; and I do not suppose he will be favorable to such a thing so long as he may remain in Con-

I want to say, Mr. Chairman, that if it is important that large appropriations should be made for the Bureau of Steam Engineering, (I approved the amendment offered by the gentlemen from New York to increase this appropriation,) it is just as important for the interest of the Navy that there should be located at the League Island navy-yard a dry-dock; and I know that my friend from Virginia [Mr. Goode] of the Naval Committee, who is now looking at me, feels that way himself, because he favored us in our endeavor to get an appropriation a year or two ago.

I venture to say this much in anticipation of what may or may not

priation a year or two ago.

I venture to say this much in anticipation of what may or may not be embraced in the sundry civil appropriation bill. Sir, after that great gift, which cost the city of Philadelphia nearly half a million of dollars, paid for the purchase of the island, a gift to the Government of the United States upon the understanding and pledge in the bill that a navy-yard should be constructed there, the House of Representatives and the Senate, when the bill for its acceptance was passed, believing that to be the most proper place in the country for the location of a great naval station, I, in anticipation of what may or may not be done hereafter, have desired to bring this question of drydock to the attention of this Committee of the Whole and through it to the attention of the Committee on Appropriations. to the attention of the Committee on Appropriations.

dock to the attention of this Committee of the Whole and through it to the attention of the Committee on Appropriations.

[Here the hammer fell.]

Mr. HAWLEY obtained the floor.

Mr. O'NEILL. I withdraw my pro forma amendment.

Mr. HAWLEY. I renew it. Of course, Mr. Chairman, when gentlemen say that "we have no navy," it is in a "Pickwickian sense." Naval officers who say that mean simply that we have not a navy worthy of the country. We have many very good vessels, vessels in good condition now, and many more that could rapidly be put in good condition. Nor are they obsolete. There are branches of the service that will always require some vessels of that class. But I believe, as stated by the gentleman from Tennessee, [Mr. Whittionne,] the chairman of the Committee on Naval Affairs, that it is high time for this country to deliberately devise a plan for large additions to the Navy, and for going to work in that direction with an appropriation of \$5,000,000 or some other large sum for a series of years. We should take hold of the business in serious earnest; and I have not the slightest doubt that the people of the country would justify us, for the condition of our Navy is a continual subject of mortification.

But because we need these large and important additions to the Navy, some gentlemen say, Do nothing now; live from hand to mouth; keep but a small portion of our vessels afloat. That is not good policy. If large appropriations are to be made and a general plan entered upon to build up a creditable navy, should we throw away the vessels we have? Should we throw away these engines we are talking about? Not at all; this work proposed by the Navy Department now, and by the gentleman from New York, would be a part of that work, and it is a part which requires no serious investigation.

ment now, and by the gentleman from New York, would be a part of that work, and it is a part which requires no serious investigation by a board of naval officers as to whether it ought to be done or not, as would be the case with a new class of great ships. It is one of the obvious things to be done so as to save a large class of vessels with their machinery that would be useful in any navy we should

devise.

Now I presume from what gentlemen have said many of them will be quite ready next winter to adopt a plan which will call for a considerable appropriation annually for putting our Navy into an efficient condition. I do not see why they should not be willing to vote \$200,000 this year when it is urged upon them by the Secretary of the Navy for putting in order machinery that would inevitably be a part of any enlarged and improved navy. It is a matter of simple economy in anticipation of work which this country is certainly going to do in the next five years.

Mr. BLOUNT. Now, Mr. Chairman, the gentleman from New York states there are but \$12,000 to the credit of this appropriation, and we are led to infer we have suddenly come to that point where we can do nothing more than what this poor, pitiful sum will enable us to do. In order to show this inference is incorrect, I have only to refer to the table of figures which the gentleman himself has presented

fer to the table of figures which the gentleman himself has presented all the necessary supplies can be had; where the mechanical labor, skilled or otherwise, required in navy-yards can be obtained. Yet the Congress of the United States having accepted this great gift—
Mr. WHITTHORNE. Will the gentleman allow a question?
Mr. O'NEILL. Yes, sir.
Mr. WHITTHORNE. Is it not ice-bound now?
Mr. O'NEILL. No, sir; it is not ice-bound this day, though sometimes it has been. No portion of the Delaware River from the breakwater to Philadelphia is now ice-bound; and I will tell the chairman in the first place, we have material, stores, &c., \$138,455.94. So, then, up to that time, January 13, 1881, they had actually expended for materials and stores, not

consumed but actually paid out of that fund for materials, a part of which we may presume they now have on hand, the sum of \$138,455.94. which we may presume they now have on hand, the sum of \$135,450.94. This would make the total amount of money actually paid out \$498,578.78, which would leave as a balance unexpended to pay for materials which they do not now have on hand the difference between \$498,578.78 and \$800,000, the amount of the appropriation for the year, which would be \$301,481.22.

Now, Mr. Chairman, from the table presented by my friend from New York this was the status of this Bureau of Steam Engineer-

ing of the Navy Department upon the 13th day of January, 1881, or only a few days since. But to continue with the table of the gentleman from New York. We next have liabilities to January 13, 1881. They have made contracts, they have a quantity of supplies on hand, and requisitions have been made and approved to pay for on hand, and requisitions have been made and approved to pay for materials, stores, &c., and approved requisitions unfilled, \$6,088.77; contracts and orders, &c., not yet filled but to be paid for, \$68,557.54; foreign expenditures, \$4,683.16; approved bills unpaid, \$7,073.96. Then we have for labor at various yards for the balance of the year \$203,000. This is not for labor which has been actually done, but for labor to be done. It is set down here as liabilities for labor, \$203,000. So, then, they have \$289,403.43 with which to pay for labor and materials and various other items. There is left \$12,077 after all. The officer, in a note, says this balance will barely suffice to pay for expenditures abroad. I submit, therefore, after an examination of my friend's table, his inference, as I understood it, is an entirely unfair one.

Now, sir, I can well understand that this bureau is not satisfied Now, sir, I can well understand that this bureau is not satisfied with the amount given to it. I venture to say that in fifteen years there never has been a single report made by the Chief of the Bureau of Steam Engineering which has been sanctioned by a single Secretary of the Navy having control of that bureau. They regard these questions just as Army officers do, simply as to what a high state of service requires. The Secretary of the Navy, as other Cabinet officers do in reference to their several Departments, when he sends in these estimates invariably cuts them down. I undertake to say, sir, that during the whole eight years of Mr. Robeson's service as Secretary of the Navy there was not a single year in which the estimates from during the whole eight years of Mr. Robeson's service as Secretary of the Navy there was not a single year in which the estimates from this Bureau of Steam Engineering were not cut down. The bureau is always eager to ask for these appropriations. I take it, therefore, this House will not accept the estimates of that bureau when it finds that even the officers presiding over the Department constantly refuse to agree to their urgent demands for larger appropriations.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, I rise only because the gentleman from Georgia has seen fit to criticise the statement I made, and be-

Mr. HISCOCK. Mr. Chairman, I rise only because the gentleman from Georgia has seen fit to criticise the statement I made, and because he seems to think it unfair. The statement says: "Expended to January 13, 1881, to pay for material, \$138,455.94." I say to the gentleman that there is no evidence which he has, there certainly was none before the Committee on Appropriations, that any considerable amount of that material was on hand. It had been expended at the date I have mentioned. It doubtless had been utilized in that

In reference to the item of \$6,088.77, that is the amount which is necessary to pay outstanding contracts, and it is not fair for us to assume that this bureau has on hand more than that amount of material in the face of the letter which I have had read from the Clerk's

He has also called attention to the item for "contracts and orders," the amount of which is due, or was due, upon those contracts on the 13th of January, being \$68,557.54. This is not the amount which has become due during the entire year; but if these contracts continued during the year since the date mentioned, namely, the 13th of January, we have no money to pay upon them. And the whole amount, I say again, which stands to the credit of the bureau, after deducting everything which has been paid, is only \$12,077.79. With no evidence and no report either before the Committee on Appropriations, and certainly none before this Committee of the Whole, that any considerable amount of material is yet on hand, I submit that that is the amount remaining as shown beyond controversy by the statement He has also called attention to the item for "contracts and orders," amount remaining as shown beyond controversy by the statement which I have submitted.

which I have submitted.

The gentleman says, also, that the estimates of that bureau have been cut down by Secretaries of the Navy, and by Appropriations Committees, I presume, also. But he seems to have forgotten that the chairman of the Appropriations Committee, as a commentary upon that process, has announced here upon the floor of the House that the United States practically has no navy, and gives his approval to the policy of selling or disposing of these vessels and applying the proceeds to building up a new Navy. This cutting-down process which the gentleman from Georgia has alluded to has compelled the frank admission on the part of the gentleman from Tennessee, the chairman of the Committee on Appropriations, that to-day the vessels of the Navy, the ships of the United States of all kinds, are hardly worth being repaired. being repaired.
[Here the hammer fell.]

Mr. ATKINS. I demand a vote upon the amendment. The committee divided; and there were—ayes 73, noes 87.

So the amendment was not agreed to. The Clerk read as follows:

MARINE CORPS.

For pay of officers on the active list, as follows: For one colonel commandant, one colonel, two lieutenant-colonels, one adjutant and inspector, one quartermaster,

one paymaster, four majors, two assistant quartermasters, one judge-advocate-general, United States Navy, nineteen captains, thirty first lieutenants, and fourteen second lieutenants, \$172,840.

Mr. HISCOCK. I move to strike out, in lines 454 and 455, the words "one hundred and seventy-two thousand eight hundred and forty dollars" and insert "\$196,320."

Mr. ATKINS. Mr. Chairman, I raise the point of order upon that

amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ATKINS. My point of order is that it does not reduce expenditures, but rather increases them; and that it is not in accordance with existing law. In the appropriation act of 1874 for the naval service of the Government I find the following:

For the pay of 1,500 privates, and no more, \$270,000.

For the pay of 1,500 privates, and no more, \$270,000.

Now, sir, I admit that the act providing for the organization of the Marine Corps originally made provision for 2,500 men, but afterward only 2,000 men were appropriated for; and I take the ground, and believe I am sustained by rulings of the Chair within the last three or four years, frequently, upon this point in appropriation bills, that this appropriation act limiting the number to 1,500 men in 1874 repealed, virtually and absolutely, that law allowing 2,500 men.

Mr. HISCOCK. Mr. Chairman, a word in reply to the argument of the gentleman from Tennessee upon this point of order. I do not understand him to claim that the provisions of the statute—

Mr. ATKINS. Before the gentleman from New York proceeds, I wish to state further that I make this point of order also upon the ground that there is a bill now before Congress to reorganize the Marine Corps; and I think that there is a rule of the House which prohibits, if the point of order is made, an amendment to be incorporated in any bill which is the same in substance or identical with a bill pending before Congress.

porated in any bill which is the same in substance or identical with a bill pending before Congress.

Mr. HISCOCK. Mr. Chairman, we have a general statute which provides for a marine corps; that it shall not exceed certain limits or that it shall consist of a certain number of men, &c. Now, my friend from Tennessee claims that if in one year an appropriation bill has been passed which limits the number of men, or limits the amount that shall be expended upon that service to the payment only of a given number of men, it is legislation, to the effect that if at a subsequent, period or a subsequent, year we propose to provide only of a given number of men, it is legislation, to the effect that if at a subsequent period or a subsequent year we propose to provide for the payment of a larger number of men, or of the number of men originally provided for in the statute, it is new legislation and repeals existing law. If that be true, sir, then it is utterly impossible for a bill to come in here and not be subject to that point of order which increases the amount which shall be expended in any Department of the Government. If we one year appropriated a certain sum of money for a specific purpose the words "no more" are of no consequence added to it. They repeal nothing and they enact nothing. They are mere surplusage, and I apprehend the gentleman from Tennessee hardly claims that the effect of these words upon that appropriation bill is to change or modify or vary the general statute which created the Marine Corps. It seems to me there is nothing whatever in the point of order.

reated the Marine Corps. It seems to me there is nothing whatever in the point of order.

The CHAIRMAN. The Chair will decide the question by sustaining the point of order. The present occupant of the chair has so ruled on previous occasions. It has been ruled otherwise by other occupants of the chair. The Chair has held, however, under the following rule that an appropriation bill fixing the number, as in this case of marines, would repeal the prior law pro tanto. The Clerk will read the third paragraph of Rule XXI.

The Clerk read as follows:

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisicition of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. HISCOCK. Now, I would like to have read again the words which have been read by the chairman of the Committee on Appro-

Mr. ATKINS. They are as follows:

For pay of 1,500 privates, and no more, \$270,000.

That is in the appropriation act of 1874.

Mr. HISCOCK. Now, do I understand—

Mr. ATKINS. I rise to a question of order.

The CHAIRMAN. The Chair will hear the gentleman from New

York for a moment.

Mr. HISCOCK. Do I understand the Chair to hold that the language of the appropriation act which has been read so far modifies the provision of the statute creating the Marine Corps as to limit the number of men who may be engaged in the service to the number stated in the appropriation bill?

The CHAIRMAN. The Chair has held so heretofore in analogous cases, and holds so now.

Mr. HISCOCK. That it is a permanent limitation?

The CHAIRMAN. So far as this rule was intended to apply to it.

The Chair thinks the discussion upon the rule will show that.

Mr. HISCOCK. I can only say I am very much surprised at the

Mr. HISCOCK. I can only say I am very mach supported by the Chair.

The CHAIRMAN. The Chair has stated there have been rulings both ways, but the ruling has always been one way by the present occupant of the chair. Does the gentleman from New York make an appeal from the decision of the Chair?

Mr. HISCOCK. No, sir.

Mr. ATKINS. I desire to say, to satisfy my friend from New York, I am aware the Chair has made this decision heretofore, and it has been uniformly the decision, with one or two exceptions. Besides, it been uniformly the decision, with one or two exceptions. is provided in clause 4 of Rule XXI as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Now, here is a bill pending before this House introduced by the gentleman from Massachusetts [Mr. Morse] "to establish and equalize the grades and regulating appointments and promotions in the Marine Corps."

The CHAIRMAN. Will the gentleman from Tennessee send that bill to the Chair? The gentleman from New York [Mr. HISCOCK] will proceed.

Mr. HISCOCK. I would like the Chair to state the object of that

Mr. HISCOCK. I would like the Chair to state the object of that bill which has been sent up.

Mr. BLOUNT. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. I understand the Chair has ruled this amendment out of order already on one ground.

The CHAIRMAN. The Chair has not examined the bill sent up. The Chair has already ruled the amendment out of order on one ground, and one ground is sufficient.

Mr. BLOUNT. That is the point I make.

The CHAIRMAN. That is correct. The Clerk will continue to read. The Clerk resumed the reading of the bill, and read the following paragraph under the heading "Marine Corps:"

For ten clerks and two messengers, \$16,035; payments to discharged soldiers for clothing undrawn, \$20,000; transportation of officers traveling under orders without troops, \$8,000; commutation of quarters for officers where there are no public buildings, \$10,000; in all, \$54,035.

Mr. HISCOCK. I think it is hardly necessary the bill should be

Mr. HISCOCK. I think it is hardly necessary the bill should be read further with reference to getting the information I desire.

I confess I am surprised that the gentleman from Tennessee [Mr. Atkins] should have deemed it necessary to furnish the Chair with what he believed to be a good reason for the ruling of the Chair after the decision of the Chair had been announced, and that a reason independent of the one upon which the Chair based his decision. Now I suggest again to the Chair as bearing on this question—

The CHAIRMAN. The Chair would state to the gentleman from New York that he has heretofore ruled on this point somewhat elaborately. The Chair will further state that in that former decision he referred to a decision of the Court of Claims which, if the Chair remembers rightly, held that an appropriation bill, though annual, was a law for all purposes. It will be found in the RECORD. Does the gentleman from New York [Mr. HISCOCK] rise to a point of order?

Mr. HISCOCK. I desire to make a further statement of fact.

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

of the Chair?

Mr. HISCOCK. Oh, no; I desire to make a statement of fact, if the Chair will allow me. I think I can satisfy the Chair that he made his decision under a misapprehension of the facts. I am not trying to quarrel with that decision or to reflect upon it.

I think if the Chair will again look at the language of the act submitted to the Chair, which the gentleman from Tennessee has read, it will be found that it applies not to the amount which was to be appropriated for the officers, but to the amount which was to be appropriated for the privates. And certainly there is nothing in that provision which puts any limitation upon the number of officers who may be employed in the service. If I am right, then I have not the least doubt in the world that the Chair will recognize the fact that he has made his decision under a misapprehension of the facts.

he has made his decision under a misapprehension of the facts.

Mr. ATKINS. Not at all. I beg to state to the gentleman from
New York that these estimates were revised on the basis of fifteen hundred men and that the number of officers were provided for accordingly. Consequently the language I read would apply to the

Mr. HISCOCK. Will the gentleman from Tennessee send to the Clerk's desk the provision to which those words of limitation are attached, and let it be read?

Mr. ATKINS. I have no objection; I have already read it half a dozen times. But I want to state now, in reply to the gentleman from New York, that the estimates were sent in first for 2,000 men, and for officers in accordance with that number. The majority of the sub-committee—for the gentleman from New York dissented from the views of the majority—were not willing to allow more than 1,500 privates. They asked, therefore, that the estimates should be revised in accordance with that number. That was done. If you had had 2,000 men you would have had, of course, to provide for the additional number of officers, and that limitation would apply to the officers as well as to the men.

The CHAIRMAN. The Clerk will read the clause of the act.

The Clerk read as follows:

For pay of 1,500 privates, and no more, \$270,000.

Mr. HISCOCK. Now, I suppose it is very clear that limitation of the number of men-

the number of men—
Mr. BLOUNT. I rise to a question of order.
The CHAIRMAN. The gentleman will state it.
Mr. BLOUNT. I do not understand there is anything before the committee. The gentleman from New York [Mr. HISCOCK] is now discussing a point of order which was made by the chairman of the Committee on Appropriations and which was ruled on by the Chair; and the Clerk had read on beyond that point. The gentleman's remedy was an appeal from the decision of the Chair, which he did not make. I insist that the Clerk shall proceed with the reading of the bill. bill.

Mr. ATKINS. I want to say that I do not desire to flee from the merits of this question at all. Here is the fourth section of Rule XXI. I read it a moment ago in the hearing of the House. It says plainly that-

No bill or resolution shall at any time be amended by annexing thereto or incor-porating therewith the substance of any other bill or resolution pending before the House.

It will be remembered that when I raised the point of order I gave It will be remembered that when I raised the point of order I gave two reasons for it; one was founded on that portion of the rule which has been read at the Clerk's desk; the other upon that portion of the rule which I have just read. In my opinion the amendment of the gentleman is out of order under either.

The gentleman now seeks to make a technical objection to the ruling of the Chair, simply upon the ground that the appropriation bill applies only to the privates and not to the officers; while his amendment applies to the officers. I realise that that

ment applies to the officers. I replied to that point a moment ago, that if we provide for 2,000 men, as he proposes to do, we would be obliged to have an additional number of officers. Consequently the spirit of the rule applies to his amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the

The Clerk resumed and concluded the reading of the bill.

Mr. ATKINS. I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Cox reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes, and had directed him to report the same back to the House without amendment, and to rec-

ommend that it be passed.

Mr. ATKINS. I call for the previous question upon the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed. The question was upon the passage of the bill.

Mr. MURCH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURCH. Can an appropriation bill be passed without the

veas and navs!

The SPEAKER. The Chair thinks not, under the rule. The Clerk will proceed to call the roll on the passage of the bill.

The question was taken; and there were—yeas 215, nays none, not voting 77; as follows:

voting ", as it			
	YE	AS-215.	
Aiken, Aldrich, William	Colerick, Converse,	Goode, Gunter,	Lounsbery, Manning,
Armfield,	Cook,	Hall,	Marsh,
Atherton,	Covert,	Hammond, N. J.	Martin, Edward L.
Atkins,	Cowgill,	Harmer.	Martin, Joseph J.
Bailey,	Cox,	Harris, Benj. W.	Mason,
Baker,	Crape,	Harris, John T.	McCoid,
Ballou,	Cravens,	Haskell,	McCook.
Barber,	Culberson,	Hatch,	McKenzie,
Beale,	Daggett,	Hawk,	McKinley,
Beltzhoover,	Davidson,	Hawley,	McMahon,
Bicknell,	Davis, George R.	Hayes,	McMillin,
Blackburn,	Davis, Horace	Hazelton,	Miller,
Blake,	Davis, Joseph J.	Heilman,	Mills,
Bland,	Davis, Lowndes H.	Henderson,	Mitchell,
Bliss,	De La Matyr,	Herbert,	Money,
Blount,	Deuster,	Hill,	Monroe,
Bouck,	Dibrell,	Hiscock,	Morrison,
Bowman,	Dickey,	Hostetler,	Morse,
Bragg,	Dunn,	House,	Morton,
Briggs,	Dunnell,	Hull,	Muller,
Brigham,	Dwight,	Humphrey,	Murch,
Buckner,	Einstein,	Hunton,	Neal,
Cabell,	Elam,	Hutchins,	New,
Caldwell,	Ellis,	Johnston,	Nicholls,
Calkins,	Errett,	Jorgensen,	Norcross,
Camp,	Evins,	Keifer,	O'Connor,
Carlisle,	Felton,	Kenna,	O'Neill,
Carpenter,	Ferdon,	Ketcham,	O'Reilly,
Caswell,	Field,	Killinger,	Orth,
Chalmers,	Forney,	King,	Osmer,
Clardy,	Forsythe,	Kitchin,	Overton,
Clark, John B.	Fort,	Klotz,	Pacheco,
Clements,	Frost,	Le Fevre,	Page,
Clymer,	Frye,	Lindsey,	Persons,
Cobb,	Gillette,	Loring,	Phelps,

Philips,	Ryon, John W.	Taylor, Robert L.	Van Voorhis,
Phister,	Samford,	Thomas,	Voorhis,
Poehler,	Sawyer,	Thompson, P. B.	Waddill,
Pound,	Scoville,	Thompson, W. G.	Ward,
Prescott,	Shelley,	Tillman,	Warner,
Price,	Sherwin,	Townsend, Amos	Washburn,
Reagan,	Simonton,	Townshend, R. W.	Weaver,
Reed,	Singleton, J. W.	Tucker,	Wellborn,
Rice,	Slemons,	Turner, Oscar	Wells,
Richardson, D. P.	Smith, A. Herr	Turner, Thomas	Whiteaker,
Richardson, J. S.	Smith, Hezekiah B.	Tyler, Updegraff, J. T.	Whitthorne, Wilber.
Richmond,	Smith, William E.		
Robertson,	Speer,	Updegraff, Thomas	Williams, C. G. Willis,
Robinson,	Springer,	Upson, Urner.	Willis, Wilson,
Ross, Rothwell.	Steele,	Valentine,	Wood, Walter A.
	Stevenson,	Van Aernam,	Wright.
Russell, Daniel L.	Stone,		wright.
Russell, W. A.	Taylor, Ezra B.	Vance,	

NAYS-0. NOT VOTING-77.

Acklen,	Conger,	James,	Sapp.
Aldrich, N. W.	Crowley,	Jones,	Scales.
Anderson,	Deering,	Joyce,	Shallenberger.
Bachman.	Dick.	Kelley,	Singleton, O. R.
Barlow,	Ewing,	Kimmel,	Sparks.
Bayne,	Finley,	Knott.	Starin.
Belford,	Fisher,	Ladd.	Stephens,
Berry,	Ford.	Lapham,	Talbott,
Bingham,	Geddes.	Lowe,	Wait,
Boyd,	Gibson,	Martin, Benj. F.	White.
Brewer,	Godshalk.	McGowan.	Williams, Thomas
Bright,	Hammond, John	McLane.	Willits,
Browne,	Henkle.	Miles.	Wise,
Burrows,	Henry,	Muldrow.	Wood, Fernando
Butterworth.	Herndon,	Myers,	Yocum,
Cannon,	Hooker.	Newberry,	Young, Casey
Chittenden.	Horr.	O'Brien,	Young, Thomas L.
Claffin,	Houk,	Ray,	Louis, Liouis II.
Clark, Alvah A.	Hubbell.	Robeson,	
Coffroth	Hurd	Ryan Thomas	

So the bill was passed.

The following pairs were announced from the Clerk's desk:
Mr. Fisher with Mr. Bright.
Mr. Berry with Mr. Shallenberger.
Mr. Myers with Mr. Orth.

Mr. Myers with Mr. Orth.
Mr. Young, of Tennessee, with Mr. Houk.
Mr. James with Mr. O'Brien.
Mr. Talbott with Mr. McCook.
Mr. McLane with Mr. Wait.
Mr. Bayne with Mr. Ewing.
Mr. Herndon with Mr. Starin.
Mr. Henkle with Mr. Ford.
Mr. Miles with Mr. Muldrow.
Mr. Anderson with Mr. Admirit D.

Mr. Anderson with Mr. Armfield.

Mr. Anderson with Mr. Armfield.
Mr. Williams, of Alabama, with Mr. Ryan, of Kansas.
Mr. Ray with Mr. Ladd.
Mr. Errett with Mr. Scales.
Mr. McCOOK. Although I am paired, I have voted on this question, not regarding it as a party question.
The SPEAKER. The Chair thinks the gentleman was entirely justified in voting.

tified in voting.

The result of the vote was announced as above stated.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Acting Postmaster-General, relative to post-routes; which was referred to the Committee on the Post-Office and Post-Roads.

DISBURSING CLERK OF INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to additional compensation for the disbursing clerk of the Interior Department for services as disbursing officer of the Census Bureau; which was referred to the Select Committee on the Tenth Census.

DORA WESTPHALEN.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the Indian-depredation claim of Dora Westphalen; which was referred to the Committee on Indian Affairs.

REPORT OF CHIEF SIGNAL OFFICER FOR 1880

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief Signal Officer requesting that 10,000 additional copies of his report for 1880 be printed; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MULLER for two days.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 1327) to grant lands to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes, agreed to the conference asked by the House on the disagreeing votes of the two

Houses, and had appointed as conferees on the part of the Senate Mr.

McDonald, Mr. Hill of Colorado, and Mr. Walker.

The message also announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 144) authorizing the loan of certain flags

and bunting to the committee on inaugural ceremonies;
A bill (S. No. 529) to provide for the better care and protection of quartermaster supplies;
A bill (S. No. 542) for the relief of Benjamin C. Bampton; and A bill (S. No. 548) to provide for ascertaining and settling private land claims in certain States and Territories.

POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN, from the Committee on Appropriations, reported a bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

Mr. SIMONTON. I reserve all points of order on that bill.

ELECTION CONTEST-BOYNTON VS. LORING.

Mr. CALKINS. I now call up the contested-election case of Boyn-

ton vs. Loring.

Mr. REAGAN. Is there an agreement as to the time that shall be

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. CALKINS]

Mr. CALKINS. I must decline to yield for the reason that there is barely time to discuss this case this evening.

Mr. REAGAN. I ask the gentleman from Indiana [Mr. CALKINS] whether he will not agree that by unanimous consent debate be closed in two hours

Mr. CALKINS. Under instructions of the Committee on Elections, I will call the previous question in two hours and a half.

Mr. HAYES. Is it understood that there is to be a vote on this

Mr. CALKINS. I now take the floor and yield to the gentleman from Massachusetts, [Mr. LORING.]

The SPEAKER. Before the gentleman from Massachusetts proceeds, the Clerk will read the resolution appended to the report of the committee.

The Clerk read as follows:

Resolved. That George B. Loring is entitled to retain his seat in the Forty-sixth Congress as a member from the sixth congressional district of the State of Massachusetts, and that E. Moody Boynton is not entitled thereto.

W. H. CALKINS.

ongress as a master, and that E. Moody Boynton is not emissed.

We concur in the result declared by the foregoing report.

SAM. L. SAWYER.

W. G. COLERICK.

W. M. SPRINGER.

E. C. PHISTER.

EMORY SPEER.

VAN H. MANNING.

R. F. ARMFIELD.

J. WARREN KEIFER.

F. E. BELTZHOOVER.

JOHN H. CALKINS.

I agree, except as to the opinion expressed on the registration law. The vote of the person who received aid from the town within two years, but who was not receiving aid at the time of the election, should be counted.

Mr. LORING. Mr. Speaker, I ask the indulgence of the House at this time, not for the purpose of defending myself, but for the purpose of defending the Commonwealth which I in part represent on this

I have noticed, sir, that Massachusetts is quite liable to be sharply criticised here and elsewhere. In this matter now before the House she is charged by the gentleman from Iowa, [Mr. Weaver,] the minority of the Committee on Elections, with resorting to an act of dishonesty, to a petty trick, in order to retain her representation in Congress and her electoral vote in spite of the deliberate disfranchisement of her citizens. I think, moreover, her civil policy and the record she has won by her relations to the Federal Government and to her sister States have been somewhat misunderstood on a former occasion. And notwithstanding the prompt and vigorous vindication she then received from abler and worthier sons than I am, I must beg the House to bear with me while I set forth what I conceive to be

her true record as an independent State and as a part of the American Republic, her character and the course she has pursued, to do which I must go beyond the simple question before the House.

The right to hold the seat I now occupy having been confirmed by an almost unanimous vote of the Committee on Elections, I am entirely satisfied to leave the final decision of the question to the House, before whom the arguments on both sides have been liberally spread, without debate so far as I am concerned; and were there no unusual circumstances attending these arguments, I should not now step out of the course commonly pursued by contestees in election cases, and ask to be heard. During the two years in which I have been bound and burdened by this contest, and in which a Congress of unparal leled interest and importance has nearly passed away, every effort has been made by recount and investigation, involving a single vote in this town and that in my district, and the application of critical rules to the form of the ballot, and by fancy sketches of personal oppression and wrong, to deprive me of my legally declared election. I think, and in this the committee seem almost unanimously to agree with me, that the questions of this description involved in the case have been satisfactorily settled by the testimony in my behalf and by the argument of my counsel.

SUFFRAGE.

The case, however, has been carried further than this, beyond the mere details of personal controversy and of casting and challenging and counting the ballot, into an unwarrantable attack on the Com-monwealth of Massachusetts, on her constitutional provisions relat-ing to suffrage, the principles on which her laws are founded and administered, the suffrage qualifications she has imposed upon her citizens. It is charged upon her not only that her citizens have been exposed to what is called "civilized bulldozing" but that they have been largely disfranchised by legal enactment and constitutional probeen largely disfranchised by legal enactment and constitutional provision. It is alleged in the minority report presented by the gentleman from Iowa, [Mr. Weaver,] in which is published an elaborate statement of the wholesale disfranchisement of citizens taken from the brief of the counsel of the contestant in this case, that of the 490,158 ratable polls in 1878, 113,657 are disfranchised on account of being aliens, illiterates, paupers, non-tax-payers, convicts, idiotic, and insane; and that inasmuch as only 256,332 actually voted, it follows that one-third of the voting population of the State was disfranchised.

"All those citizens of the United States," says the report, "i. e., those who cannot read and write, who have not paid their taxes, or are so unfortunate as at some time in their lives to have required aid from the public, are by the laws in force in Massachusetts deprived

"Leaving out the idiots, insane, aliens, and convicts, it appears de-monstrable that 134,256 citizens of the United States have their im-

monstratic that 134,250 citizens of the United States have their immunities and privileges abridged and are deprived of their right to vote in that State," adds the report in chorus with the brief.

We are reminded, moreover, that under article 14 of the amendments to the Constitution, and under section 6, chapter 11 of the acts of 1872, "the number of Representatives apportioned in this act to such State shall be reduced in the proportion which such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State," should such State "deny or abridge these rights," "after the passage of this act;" and it is charged upon Massachusetts that in violation of this act and the amendment on which it is founded, and for political purposes, by an act of 1874, two years after the passage of the act of Congress, she so disfranchised her citizens as to substantially diminish her delegation in Congress from eleven to eight Representatives, and her electoral vote from thirteen

In other words, the State took advantage of the apportionment according to the whole number of people granted by Congress in 1872, in order to get the representation, and then deliberately disfranchised, in the face of the law, quite two-fitths of her voters, so that a few—scarcely half—of her citizens might control it.

Now, the answer to all this is easy. The disqualification in Massachusetts on account of illiteracy was created by the article 20 of the amendments to the constitution, adopted in May, 1857, and enforced by statute in 1860, twelve years before the apportionment of 1872 was made. For twenty years this statute has been known and recognized of all men. Various attempts to repeal it have failed. The learned counsel for the contestant, Hon. B. F. Butler, whose steps the gentleman from Iowa, the minority of the committee, has endeavored to follow, knew this when on December 21, 1869, three years before the act of Congress of 1872 was passed, he declared in this House—

Brerybody in Massachusetts can vote, irrespective of color, who can read and write. The qualification is equal in its justice. It is well that Massachusetts requires her citizens should read and write before being permitted to vote. And there are hundreds and thousands in this country who would thank God on bended knees if it could be provided that the voters in the city of New York should be required to read and write. They would then believe republican government in form and fact more safe than now

Nor does this measure of disqualification, together with all those which are by the laws of Massachusetts added to it, produce the startling effect presented by the figures of the gentleman from Iowa [Mr. Weaver] or convict Massachusetts of bad faith in the matter of apportionment for Representatives in Congress and presidential electors. Taking his figures, namely, 134,256, and of that number, according to his tables, 86,258 are aliens and therefore not citizens. Now, add to this last the number of paupers, idiots, criminals, and insane, namely, 9,271, and we have 95,529 disqualified for the above reasons, leaving 38,727 to be otherwise accounted for. Of these 14,691 naturalized citizens and 3,437 natives, or only 18,128, are dissorblied for illitoreous. qualified for illiteracy.

It is upon these figures that the charge of wholesale disfranchise-ment is based, and the demand for the reduction of the representative and electoral vote of Massachusetts is made by the minority of the committee and by one of her former representatives in this House, one who accepted the apportionment as a candidate for Congress in 1874, and witnessed as a member-elect the counting of her thirteen electoral votes in the great contest of 1876-777.

There is no ground for this charge, no foundation for this demand.

Massachusetts in recognizing the propriety of qualified suffrage has done no more than has been done by all her sister States in this

The right of a State to disqualify is not demanded and recognized by her alone. With the exception of natural disqualifica-tions, such as minority, insanity, and idiocy, the obstacles interposed by law between the citizen and the ballot-box are easily surmounted; but still they exist and enter into the system of suffrage everywhere. In every State the citizen attains the right to vote not until he has reached his majority. Most of the States disqualify paupers and inmates of asylums; several provide in their constitutions that they shall not be disqualified or their residence lost. Many States require a residence of two years; some of one year, some of three months. Persons under guardianship are, in several States, deprived of the right to vote; in one, "persons excused from paying taxes at their own request;" in two, Indians not taxed.

The constitution of one of the youngest States provides that the Legislature "may at its discretion make the payment of a poll-tax a condition to the right of voting." Another of the youngest States, Texas, has provided that "in all elections to determine expenditures of money or assumption of debt only those shall be qualified to vote who pay taxes on property" in the city or town where the expenditure is to be made or an existing debt assumed. In Massachusetts the constitution has provided from the beginning that every male citizen

tution has provided from the beginning that every male citizen twenty-one years of age, except paupers and persons under guardianship, who shall have resided in the Commonwealth one year, and shall have paid any State or county tax within two years, may vote. In 1857 the reading and writing clause was added.

By one of her immediate neighbors, the State of Vermont, it is provided that a citizen who is twenty-one years of age, "and is of a quiet and peaceable behavior," may exercise the right of suffrage as his prerogative, and the political career of this well-ordered Commonwealth bears abundant testimony to the principle on which her suffrage is bears abundant testimony to the principle on which her suffrage is based. The Constitution of Connecticut requires the voter to be able to read any article of the Constitution or any section of a stat-

The variety of disqualification found in the State constitutions is The variety of disqualification found in the State constitutions is interesting and important. So far as residence is concerned some of the requirements are as follows, namely: Michigan, two and a half years; Kentucky, two years; Alabama, Delaware, Florida, Illinois, Maryland, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, Texas, West Virginia, Virginia, one year; Maine, three months; California, Colorado, Indiana, Iowa, Kansas, Mississippi, Nebraska, Nevada, six months. The payment of State, county, and capitation taxes is required in Delaware, Pennsylvania, Massachusetts. Tennessee, Virginia, and some other States. Education of the States. Massachusetts, Tennessee, Virginia, and some other States. Educational qualifications exist in Massachusetts and Connecticut, the Legislature of California being empowered by the constitution to impose this qualification after 1890. Now it will be noticed that all disqualifications arising from provisions like those to which I have referred partake in no sense of the nature of disfranchisement under the four-teenth amendment of the Constitution. None of them are insur-mountable. None of them are analogous to disqualification on account of race or color, which is insurmountable. And on this account they cannot be brought under any provision of the Constitution which reduces State representation or the electoral college for the reason of disfranchisement.

In the collected constitutions, therefore, of all her sister States may found in various forms and combinations the disqualifications which Massachusetts originally ingrafted on her own. In her more recent history, however, she has added one more, a disqualification which is easily accounted for when we consider her long and eventwhich is easily accounted for when we consider her long and eventful career in the work of founding popular government. To the
founders of her civil institutions suffrage was the highest privilege
which the State could bestow upon its most worthy citizens. In the
Plymouth colony this privilege was enjoyed only by those who were
connected with the church, a hard provision for these days I fear,
sir; and it was accordingly ordered "to the end the body of commons
may be preserved of honest and good men, that, for the time to come,
no man shall be admitted to the freedom of this body-politic but such
as are members of the churches of the same;" and so "it debarred
from the exercise of the elective franchise all, however honest, who
were nuwilling to conform to the standard of colonial orthodoxy." were unwilling to conform to the standard of colonial orthodoxy

In the colony of Massachusetts Bay the people, "bent on exercising their absolute power," were obliged to resist the influence of Cotton and Winthrop, who, with all their love of freedom, had not yet learned the true intent and meaning of popular government as we learned the true intent and meaning of popular government as we understand it. And as late as 1778, Theophilus Parsons, afterward the great chief-justice of the Commonwealth, in his famous essay, known as the Essex Result, upon the proposed constitution of Massachusetts, suggested a senate as a body representing the property of the State, and recommended that "each freeman who is possessed of a certain quantity of property may be an elector of senators"—a proposition which was rejected by the people, who were in advance of their leaders, as their fathers were in colonial days, and who already insisted that a legislative body should represent the people and not the property of the Commonwealth. property of the Commonwealth.

EDUCATION.

Call this what you will, it indicated a desire and determination to lay the foundations of the State upon the best elements of society. And it is not surprising that in later years, after a long trial of the free suffrage confirmed by the constitution, and at a time when illiteracy seemed to cast a shadow over the Commonwealth, a new qualification should have been added to those already in existence—a qualification which, under the light of schools and colleges on every hand, seemed to be by no means insurmountable. Whoever doubts the justice or wisdom or expediency of this measure cannot be unmindful that it is a crop easily grown on Puritan soil; for we cannot forget that it was the education of youth in "literature and sound doctrine"—intellectual, moral, and religious culture—which occupied the attention of those who founded the two immortal colonies which united to form the Commonwealth of Massachusetts. They had learned the importance of this at home from the experience of their own firesides, from the dialectic necessities which attended non-conformism, from the obligation which every dissenter laid upon himself to defend his faith, from the natural impulse o a mind freed from civil and ecclesiastical bonds and left to its own independent search for truth, from the declaration of the great reformer that "Governification should have been added to those already in existence-a

to defend his faith, from the natural impulse o a mind freed from civil and ecclesiastical bonds and left to its own independent search for truth, from the declaration of the great reformer that "Government, as the natural guardian of all the young, has the right to compel the people to support schools."

More than two hundred years ago the feeble towns of Massachusetts, actuated by this principle even while holding a precarious existence in a savage wilderness, made grants of land for educational purposes. Amidst the hardships and in the gloomy isolation of colonial life, the stern ascetic fathers knew and felt the first approach of sin. Satan came among them, not clad in all the allurements and charms of cultivated and fashionable society, but appealing at once to their grosser passions, which the severe and rigorous restraints of their laws and a somewhat hard and discouraging philosophy irritated to a spirit of defiance and rebellion. They believed in his personality, and in my own district they fought him accordingly. They knew how prone to barbarism is a life in the wilderness. They knew the value of that cheerful courage with which education and religion fill the heart amidst the refinements of civilized life. And while dark cloud hung over them, and the weight of stern endeavor pressed upon them, and the tempter assailed the secret and hidden recesses of their hearts, and there was no relief to the gray and somber coloring of upon them, and the tempter assailed the secret and hidden recesses of their hearts, and there was no relief to the gray and somber coloring of life, and there was no external beauty to cheer the soul, either of song, or picture, or church, or symbol, they frowned upon their gross and human weaknesses and turned to the school-house and the meeting-house for their support and inspiration. They believed in an educated commonwealth and in the power of an enlightened mind to dispel the gloom of the wilderness and to diffuse a yital heat through the coldest and darkest caverns of the human heart—the heat given to more ardent souls by music and poetry and eloquence and art and the luxurious sublimity of architecture, expressive of human aspirations and desires. and desires

The bestowal of gifts upon schools and colleges was the sacrifice which the Puritan made on the altar at which he worshiped. An which the Puritan made on the altar at which he worshiped. An educated man he respected; an ignorant man he despised; believing that it was "one chiefe project of ye ould deluder, Sathan, to keepe men from the knowledge of the Scriptures." And he even witnessed with composure the operation of the school-house in bringing men to the enjoyment of suffrage—that sacred right which he had reserved to the church alone. His school-house, moreover, brought men to a level. It revolutionized town after town, until the right to vote became as universal as the right to hold property. The right to eivil position became general, and the graduate of the district school passed on into the town meeting to take his part in that controversy and debate which developed the popular powers of the times into a capacity for the largest civil duty.

In many a Massachusetts town the problem of free government was worked out long before it became a national question. The equality

In many a Massachusetts town the problem of free government was worked out long before it became a national question. The equality of all boys in the school-house, the equality of all men in the town meeting—this original colonial condition created a necessity for larger and higher declarations. And so in one town they struck for suffrage in the beginning; in another they resolved that "all men are created equal, and have a right to life, liberty, and the pursuit of happiness," and recorded the resolve on their "town-book" more than three years before the declaration of our national independence. I am confident it was the school-house which did this, raising the popular mind up to a general standard, of which the great men of our past history are but individual representatives, developing a people of whom Washington as a warrior and Jefferson as a civilian were the leaders, and verifying in its noblest sense that saying of Lord Bacon, that "in the management of practical affairs the wisdom of the wisest man is less reliable than the deliberate and concurrent judgment of common minds."

It was in accordance with this idea that Massachusetts while yet in

It was in accordance with this idea that Massachusetts while yet in her infancy placed upon her statute-book an act to provide for the in-struction of youth and for the promotion of good education. In that act the popular estimate of the value of education is embodied. With relicity of speech unusual, with a regard for religion and human elevation worthy of all praise, with an intellectual fervor which illumines the statutes and which stands out in delightful contrast with the usual chilling expressions of the law, her Legislature passed an act in May, 1647, which established the system of common schools.

To the end that learning may not be buried in the graves of our forefathers, in church and Common wealth, the Lord assisting our endeavors, it is therefore ordered by this court and authority thereof, that every township in this jurisdiction, after the Lord hath increased them to fifty householders, shall then forthwith appoint one within their towns to teach all such children as shall resort to him to write and read.

It is the spirit of this act which has directed the educational system of Massachusetts from its passage until now. Starting forth as she did with this high resolve, her institutions of learning have increased in number and prosperity until she has become literally the nursery of education and educated men. In the advance-guard of civilization, as it travels westward, may be found her young men, graduates of her schools, prepared to plant the school-house within the fortifications and palisades of the frontier. Within her limits no branch of science, or thought, or speculation on education goes unexplored; and when from the schools of the Old World the energetic plored; and when from the schools of the Old World the energetic and enterprising scholar turns his eye toward this country as toward a new field for investigation, and looks for that spot where he may find a genial atmosphere it is often the Commonwealth of Massachusetts which presents the most alluring charms. I cannot forget the encouraging and flattering fact that Massachusetts presented the most attractive home for Agassiz when he determined to bring his scholarship and his science to America.

And how faithful has Massachusetts been in this great enterprise of popular education. In peace and in war she has never faltered. Notwithstanding the heavy drafts made upon her treasury during the civil war her expenditures for education steadily increased; and

the civil war her expenditures for education steadily increased; and when peace came, with its accumulated indebtedness, the schools received, if possible, still more earnest care.

In 1878 her population was about one million seven hundred thousand, and for this community there were provided 5,730 public schools with 310,181 pupils, taught by 8,508 different teachers. Included in the number of public schools are 216 high schools, having 595 teachers and 19,574 pupils. There were also in the Commonwealth 399 private and parochial schools, with 15,574 pupils, and 64 academies with 8,454 pupils, making the entire number of pupils in the public schools, private schools, and academies 334,175.

The amount raised by local taxation for the support of schools was \$4,191,510.77, the amount appropriated by the towns was \$60,833.58.

The whole amount expended for public schools, including wages of teachers, fuel, care of fires and school room, superintendence and printing, repairs and building, was \$5,166,987.92.

In addition to this her colleges have been liberally supported; and it has been estimated that her sons have bestowed more than a million dollars, in private subscription and bequest, upon the fortunate

ion dollars, in private subscription and bequest, upon the fortunate

recipients of their bounty.

I present these facts, Mr. Speaker, not for the purpose of glorifying any one State in this Union, nor for the purpose of drawing contrasts and comparisons between herself and her associates. The influence of the Puritan fathers has spread too far and wide to make such com-

of the Furitan fathers has spread too far and wide to make such comparisons possible.

In the business of education in our country there is no rivalry, but rather a universal desire to complete the original design of an educated republic and to lay the foundations of society and state everywhere on sound learning. If this ambition leads to errors, they are errors and mistakes which can easily be remedied and removed. To oppression and wrong it cannot lead. If it establishes a disqualification, it at the same time provides a cure. And if it is a natural impulse created by long and earnest devotion to the cause of education it is an imby long and earnest devotion to the cause of education, it is an impulse which can easily be forgiven even by those who would place the right of suffrage beyond the reach of qualification or restraint. The gentleman from Iowa, [Mr. Weaver,] the minority of the committee, calls upon this House to remedy the wrongs which are perpetrated in calls upon this House to remedy the wrongs which are perpetrated in that Commonwealth by an oppressive system of suffrage qualification. I doubt not the House now understands the full extent of the wrong, and appreciates the liberality and earnestness with which Massachusetts herself provides the remedy. "Wholesale disfranchisement of citizens in Massachusetts and other States calls for prompt action by Congress," says the other gentleman from Iowa, [Mr. GILLETTE,] in his appeal to this House to lay aside the funding bill and attend to pleuro-pneumonia and its apparently kindred disease, bulldozing. But Massachusetts points to her record and congratulates herself and the country that Congress is even now manifesting a disposition to endow and encourage popular education, and to follow the example of the Puritan fathers and the founders of all the new and rising States of the Union, by dedicating the public lands to the cause of education. As one of the Representatives of Massachusetts in this House, I would suggest to the gentlemen from Iowa that this is the lesson taught by Massachusetts in her honorable career of more than two hundred and fifty years.

THE PURITANS I have dwelt somewhat elaborately, Mr. Speaker, and perhaps somewhat tediously on the working of the Puritan element in Massachusetts, in the direction of popular education especially, because it is now generally considered to be one of the vital forces of our country. It is an element on which the historian never ceases to dwell. It has inspired some of the most brilliant paragraphs of the most powerful English essayists. It has inspired the poet with some of his loftiest thought, the artist with some of his noblest conceptions. It has arrested the attention of the most thoughtful and progressive statesmen of our own day, and has drawn forth the warmest tributes of gratitude and praise from the reformer and the philanthropist. The great libaeral leader of England, struggling with the difficult and trying problems of state and society which vex the mind of his own country to-day, and searching with eager eye for some firm and substantial

foundation of human government, has declared that "the Puritan element has given the American Republic its permanency and power." Without large possessions they established the system of citizen-pro-prietorship and of a division and conveyance of lands which has been prietorship and of a division and conveyance of lands which has been adopted and promised by political reformers everywhere. Not socially powerful, they destroyed all fixed classification, caste, and legitimacy, and built up society with equality as its corner-stone. Recognizing an ecclesiastical power in the State, they nevertheless insisted on the enjoyment of the highest civil opportunity by all men; and out of the stern necessities which rested upon them they learned the real value of labor as the source of man's true prosperity and happiness. Powerful as their influence was in the land from whence they came, it has been vastly more powerful in our own country where the strength

of labor as the source of man's true prosperity and happiness. Powerful as their influence was in the land from whence they came, it has been vastly more powerful in our own country where the strength of our Republic consists in the energy and strength and force of each of its component parts. The defiant earnestness of those men whose faith neither the storms of ocean nor the gloom of the wilderness could quench is the American characteristic still engaged in peopling and developing this continent from latitude to latitude and from sea to sea. [Applause.]

Now, sir, how could a State animated by this force fail to make itself felt in all the great crises which have attended the formation and growth of that free republic of which it forms a part? As a colony Massachusetts was always heard when the great occasion called for great utterance—and always responded to the high and honorable appeal of others. Torn and riven by internal contentions, tossed on a sea of ecclesiastical controversy, this colony of school-houses and meeting houses, presented always a solid front for popular right and privilege. The people of Plymouth and Massachusetts Bay were a valiant as well as a godly people. They carried "the sword of the Lord and of Gideon," as their comrades and brothers did at Marston Moot and Naseby, and they believed as much in the courage of Miles Standish as they did in the holiness of Elder Brewster. [Applause.] During the two centuries and a half of their existence on this continent they have been ready at any time to gird on the sword. In the early Indian wars they traversed the forests with the fatal persistency of the slow. have been ready at any time to gird on the sword. In the early Indian wars they traversed the forests with the fatal persistency of the slow-hound from the waters of the bay to the slopes of the Green Mountains, and from the blazing towns of Bristol and Essex to the eastern lakes upon whose bosoms fall the shadows of Agamenticus and Mount Washington. In the last great struggle of France to retain her foot-hold on this continent the soldiers of Massachusetts stormed the Heights hold on this continent the soldiers of Massachusetts stormed the Heights of Abraham with Wolfe, and cherished his memory for generations in their households; the merchants of Massachusetts supplied the outfit for the siege of Louisburgh, and left behind them as a proud memento for their sons the tokens of regard for their devotion bestowed upon them by the colonial legislature; and to-day the Senate of Massachusetts as it assembles in its chamber passes beneath the Puritan drum which beat the tattoo and the Puritan musket which blazed in the line when the power of the mother country was established along the waters of the Saint Lawrence and far on toward the frozen seas.

Is there an American in this House or out of it, whether a native or an adopted son, wheresoever his home may be within the limits

of the Republic, who is not proud to stand on the green at Lexington, in the early sunlight of that spring morning, or at the bridge at Concord, where

"the embattled farmers stood And fired the shot heard round the world,"

a Puritan soldiery, and a series of heroic events commenced which, ending at Yorktown, gave us a common country? The history of mankind is radiant with its record of great deeds and inspiring endeavor, but not one can outshine that wonderful picture of devotion and valor where a little band of Puritan rustics defied the military authority of Great Britain and fired that first gun whose echoes roused the colonies and brought New England and New York, New Jersey and Delaware, Pennsylvania and Virginia, Maryland and the Carolinas and Georgia, into a sacred association whose memories are still fondly cherished and whose bond is not yet broken.

WAR OF 1812.

That there should have been differences of opinion among a people That there should have been differences of opinion among a people so filled with an earnest purpose is not surprising. Their teachers and orators had stored their minds with the profoundest civil and religious problems drawn from the few somber and didactic volumes which filled their narrow libraries, and which were brought even into the early years of the Puritan's education. While they fought they discussed also; and from the time when Adams and Otis and Quincy and Warren inflamed their hearts with a love of freedom and moved them to respond to the words of Henry and Mason and Lee of Virginia, down to the hour when the constitutional powers were all adjusted, and the State and the Republic had entered upon their career, the intellectual activity of Massachusetts was felt throughout the land, and her schools and colleges were educating statesmen for career, the intellectual activity of Massachusetts was felt throughout the land, and her schools and colleges were educating statesmen for the councils and soldiers for the armies of the country even while her political differences were positive and sometimes bitter—so that she has often been misunderstood. So true is this that when the war of 1812 broke out it was for a time difficult to decide where the abttle raged most hotly, whether between the two political parties which divided Massachusetts in those days or between the hostile armies on the battle-field and between the contending navies on the high seas. The people were exasperated by the political proscription of the party in power. Their commerce was swept from the high

seas; their ports were closed by the embargo. But in the midst of their distress they never forgot that the impressment of American seamen by the commanders of British ships of war; their doctrine and system of blockade; their adoption of the orders in council which destroyed American commerce, together with a long and unsatisfied demand for remuneration on account of depredations committed by the subjects of Great Britain on the lawful commerce of the United States, were causes of war which a high-toned and spirited people should not overlook. It is true the condemnation of the war was bitter and unreasonable, but the support it received was warm and patriotic. Said John Adams from his dignified retirement, "I have thought it both just and necessary for five or six years." In the Legislature the house disapproved and the senate ably sustained the war measures, stating in an eloquent and powerful appeal to the people measures, stating in an eloquent and powerful appeal to the people-

When engaged with this same enemy our fathers obeyed the calls of their country, expressed through the authority of their edicts. In imitation of their example, let the laws everywhere be obeyed with the most prompt alacrity; let the constituted authorities be aided by the patriotic attempts of individuals; let the friends of the Government rally under committees of public safety in each town, district, and plantation; let a common center be formed by a committee in each county, that seasonable information may be given of the movements of the enemy; let our young men who compose the militia be ready to march at a moment's warning to any part of our shores in defense of our coast. * * And relying on the patriotism of the whole people, let us commit our cause to the God of battles, and implore his aid and success in the preservation of our dearest rights and privileges.

Notwithstanding the views of Governor Strong and the party which he represented, the records of the Commonwealth are filled with the deeds of popular devotion to the cause of the country and with hearty responses to the valor of her defenders on land and sea. The long coast-line extending from Eastport to Cape Cod was carefully guarded by State and national authorities alike, and the governor, who had declared that there was no intention on his part to resist the laws of the Federal Government, ordered a portion of the militia to march to Passamaquoddy for the defense of the ports and harbors of the eastern borders of the State; measures were taken for the defense of the State by large appropriations, and the General Government was called on for arms and ammunition to be used in the defense; the Senators and Representatives in Congress were instructed to use their influand Representatives in Congress were instructed to use their influence in the national legislature for an immediate augmentation of the naval force of the United States; and the Legislature was disposed also to view with favor the proposition previously made that the State should build a 74-gun ship to be presented to the United States. That there was a response to the anti-war resolutions passed at a meeting in New York attended by the most distinguished men of the State, among whom were John Jay, Rufus King, and Gouverneur Morris, I am well aware; but there was also a strong feeling of loyalty and devotion which found expression in the pulpit, in the halls of legislation, at the town-meetings, among all ranks and orders of men.

legislation, at the town-meetings, among all ranks and orders of men. Said the wise and thoughtful Dr. Channing, just then rising to his great distinction as the prophet of a new faith:

All wanton opposition to the constituted authorities; all censures of rulers originating in a factious, aspiring, or envious spirit; all unwillingness to submit to laws which are directed to the welfare of the community, should be rebuked and repressed by the power of public indignation.

repressed by the power of public indignation.

While one party charged the war to a base spirit of devotion to France, and the other party charged the opponents of the war with being under British influence, the people defended their coasts, manned the decks of our Navy, rejoiced with Hull in his victory, and took the gallant old frigate to their hearts forever: brought the ashes of Lawrence tenderly home, and buried them in the soil of my own county of Essex, and sacredly laid the remains of the two contending commanders who fell in the sea fight off the coast of the province of Maine, side by side in the cemetery of Portland. Clergymen who had denounced the war left their pulpits to lead their flocks to the contest with the invaders.

province of Maine, side by side in the cemetery of Portland. Clergymen who had denounced the war left their pulpits to lead their flocks to the contest with the invaders.

The State furnished more than five thousand soldiers, and more sailors, five regiments of infantry, being second only on the list, New York having furnished six, Pennsylvania with four, and Vermont with four standing next, all the other States furnishing from one to three. Of the officers of the army at the opening of the war, Massachusetts had one major-general of the two commanding, three brigadier-generals of the ix, one hospital surgeon of the six, one garrison surgeon of the two, and the colonel of engineers. Of the number of men she sent into the Navy it is impossible to speak, the hardy men of her maritime towns, from Eastport to Cape Cod, thronging the decks of the Navy wherever an emergency required, and when the war ended it was found that the bold, defiant, and patriotic town of Marblehead alone, in my own congressional district, had five hundred men confined in the dungeons of Dartmoor prison.

I refer to this record, sir, because the loyalty and bravery of the Commonwealth have been called in question; and as an illustration of the value of actual service over that of partisan utterances in the great conflicts of both peace and war. Of her more recent deeds on the battle-field it is unnecessary for me to speak. There are many on the floor of this House who have stood side by side with her sons, and many who have met them face to face in mortal combat; and they can bear witness whether the reputation of the fathers has been sustained or not.

Influence of Massaghuseris.

tained or not.

INFLUENCE OF MASSAGHUSETIS.

In conclusion, Mr. Speaker, I desire to call the attention of the

House to the manifest influence which this Commonwealth of free schools and protesting churches has exerted upon the States which have grown up around her since the days of her colonial condition—an influence which I trust no American citizen desires to repudiate or deny. The existence of Puritan modes of thought, Puritan habits, Puritan theories of government, the system of education, the constitutions and laws born of Puritan ambition and Puritan protests, in that great cluster of States occupying the northern and northwestern section of our Republic, indicates the fountain from which this great current of civilization sprang. Among the noble deeds which have contributed to the power and commanding presence of this Republic I know of none which is more admirable on account of its princely bestowal, or more striking on account of its influence, than the gift of the Northwest Territory to the United States by the Commonwealth of Virginia. And next to this comes the impressive fact that a son of Massachusetts dedicated this vast territory to the social and civil policy of his native State.

policy of his native State.

When Virginia gave the land and Massachusetts gave the law which, united, have fed and guided the intelligent and enterprising population of that great section, they performed an act second only to the work which they accomplished as they went hand in hand in the early days of the Revolution; and to that region thus bestowed and thus dedicated, the sons of Massachusetts have carried those institutions and habits and customs which neither time nor trial has destroyed in the spot from whence they sprang. There may be found the civil systems of the pilgrim fathers, the school-house, the town-meeting, the division and conveyance of land, the individual independence, the frugality and thrift, the manners and customs, the freedom of thought, the abiding faith, which were planted early in New England. And these characteristics still endure, in fact I sometimes think they have been strengthened by being transplanted, notwithstanding their asbeen strengthened by being transplanted, notwithstanding their association with many differing nationalities and the antagonistic influ-

sociation with many differing nationalities and the antagonistic influences which have beset them on every hand.

To the growth and power of one of these great States our attention has been recently called by some of the most stirring political events of our day. The State of Ohio has risen somewhat suddenly into conspicuous importance. As an organized civil community she is not surpassed in the world. As a fortunate political community she has hardly been equaled since the days when Virginia furnished four and Massachusetts two Presidents of the United States. The diligence and industry and intellectual ambition of her people have, in three quarters of a century, constructed an empire of industry and education whose wealth and influence can hardly be estimated. I may be mistaken, but it seems to me she is the New England of the West. be mistaken, but it seems to me she is the New England of the West. The tides of New England life which have flowed into her fertile valleys have been made apparent by the founders of her colleges, her teachers, her scientists, her merchants, her statesmen, who are the immediate sons of New England or trace their blood back to the old fountain through a few generations. This influence began early and

fountain through a few generations. This influence began early and has never ceased.

Nearly a hundred years ago Menasseh Cutler, who, as well as Nathan Dane, represented my own district in Congress, left his home in Hamilton, Massachusetts, to establish a colony in Ohio. In his covered wagon, on the canvas top of which was inscribed "Ohio, for Marietta, on the Muskingum," he carried the foundation of the great empire State of the West. He was a Massachusetts scholar, scientist, theologian, politician, statesman. In that wilderness he left the impression of his character and purposes, which has never been obliterated, and which has been strengthened and cherished by the innumerable host of young men who have left just such a home as he left behind him in the protesting and defiant and untiring old county of Essex, and have sought new homes and a new opportunity in the valleys of the West.

MASSACHUSETTS AND MAINE.

MASSACHUSETTS AND MAINE.

But not in the West alone has the influence of Massachusetts been felt. Among the most valuable of her colonial possessions was that vast territory extending to the northeast, clothed with the richest forests, intersected by the noblest rivers, with a sea-coast indented in every league with innumerable bays and harbors, with a strong and fertile soil and a climate capable of developing the strongest mental and physical qualities of man. It was settled by the sons and brothers of the people of Massachusetts Bay. The relations between Massachusetts and this eastern province were like the relations between members of the same family—bound by the same bond, divided by the same antagonisms. In the early heroic period the radiance of the great deeds performed in Massachusetts was shared by her children in the province of Maine. In her Legislature sat the statesmen and counselors of that eastern shore. The instinctive sagacity and sturdy sense and manly wit of the province gave additional power sturdy sense and manly wit of the province gave additional power in the halls of Congress to the commanding influence of the immediate representatives of the Bay State in both branches of the Federal Legislature. The brilliant sons of Massachusetts found a home beneath the ray of that eastern star which, as they boasted, would neath the ray of that eastern star which, as they boasted, would never set. From the shore of Plymouth the province of Maine drew one of her profoundest jurists, with the blood of the Puritan running in his veins, her first truly great Senator, whose proud record she rejoices to call her own and whose example is worthy of all imitation by \$hose who may follow in his illustrious footsteps. There were, indeed, strong differences of opinion and interest between Massa-

chusetts and the province; but in reply to earnest petitions for separation shortly after the Revolution, the Legislature passed many popular and necessary acts relating to the eastern country, and effectually quieted and lulled asleep the desire for independence.

It was, indeed, not without deep reluctance that the people of Massachusetts ultimately resigned their rich possession; and many of the people of Maine slowly assumed the responsibilities of an independent State. Not grudgingly, however, did Massachusetts do her share of the work. The legislative act of separation was promptly passed, and the farewell of the executive partook largely of the nature of sound advice and a warm benediction. Said Governor Brooks, of Massachusetts, in his message of January 13, 1820:

The time of separation is at hand. Conformably to the memorable act of January 13 and 15 and

Massachusetts, in his message of January 13, 1820:

The time of separation is at hand. Conformably to the memorable act of January 19, 1819, the 15th of March next will terminate forever the political unity of Massachusetts proper and the district of Maine. And that district, which is "bone of our bone and flesh of our flesh," will assume her rank as an independent State in the American confederacy. To review the transactions which have immediately preceded and effected the separation, and to recollect the spirit of amity and mutual accommodation that has distinguished every step of its progress, must be truly and lastingly satisfactory. It is at the same time highly gratifying to every friend of republican government to observe the unanimity and disposition to mutual concession with which a constitution founded on the broadest principles of human rights has been formed and adopted.

That the district of Maine was destined to independence has been long foreseen and acknowledged. But it has been delayed until her internal resources and her capacity for self-government being fully developed, public opinion, emanating from a competent and increasing population, decidedly invoke a fulfillment of her destination. Having yielded my assent to the act of separation, it remains for me to obey the impulse of duty as well as of personal feeling, and of acknowledging to the gentlemen of the district who have been particularly associated with me, either in civil or military departments of government, the able support which on all important occasions they have readily afforded, and to the citizens of the district generally the candor and liberality and respectful attention I have experienced in the discharge of my official duties.

And in the "able, intelligent message," as it was called at the time, of Governor King to the first Legislature of Maine under its constitution to all important to the other than the constitution of the district of the constitution of the district of the first Legislature of Maine under its consti

And in the "able, intelligent message," as it was called at the time, of Governor King to the first Legislature of Maine under its constitution, he alludes to "the equitable and just principles" and to "the correct and wise course of policy pursued by the executive and legislative departments" of Massachusetts proper in giving their assent to the formation of the State of Maine which, he adds, "have laid the foundation of a lasting harmony between the two States."

When the governor of Massachusetts proclaimed the separation, the distinguished son of Maine who had led on the work enrolled himself among the conditores imperiorum, and guided the new State in a path

among the conditores imperiorum, and guided the new State in a path of constitutional freedom and equality which developed free institutions within her own borders, in conformity with the policy of civil rights and religious freedom which he had ingrafted on the laws of the

rights and religious freedom which he had ingrafted on the laws of the State he left behind him.

William King learned his lesson in the Legislature of Massachusetts; he applied it as the chief magistrate of the new State of Maine. And true to the spirit of that province in which the statutes of Massachusetts were always subjected to the severe scrutiny of a freedom-loving people, in which the citizens were allowed to vote or to hold any office without qualification of property, and difference in religious opinions produced no difference in political rights, and in which religious toleration was the law, he framed a constitution which the Puritans recognized as the true intent and meaning of the principles which they proposed to incorporate into all human government, and he wrought into the fundamental law of the new and independent State the system of civil and religious freedom planted by the pilgrim fathers in the colony of Plymouth. The civil doctrines laid down in Massachusetts were liberally interpreted in Maine for the mutual benefit of these two Commonwealths, as they learned of each other amidst trials and antagonisms the best constitution for a free and independent people.

amidst trials and antagonisms the best constitution for a free and independent people.

It is no part of my purpose, Mr. Speaker, to discuss here the material condition of Massachusetts. Her financial integrity and honor, her industry and prosperity, the comfort and contentment of her people, the activity of her capital, the constant employment of her labor, are well known to all men. Her civil organization has been assailed, and I have endeavored to defend it. Her relation to the Federal Government, and to that family of States of which she is an illustrious member, has evidently been misunderstood. I have endeavored ous member, has evidently been misunderstood. I have endeavored to explain it. For her I have attempted to do no more than every man on this floor would do for the State he represents were she placed man on this floor would do for the State he represents were she placed in a false attitude before the country and the world. I rejoice now with the great brotherhood of American citizens in the supremacy of the Federal Constitution, the power of the flag, the commanding strength of our nationality, the massive structure of the Union. But I rejoice also in that sensitive regard for the honor and renown of each State which finds ever a prompt and fervid expression from those who represent her in the national councils.

I have no fear now, sir, of a State ambition which may result in assuming new powers; no fear of those dissensions and antagonisms which will force themselves into every strong and powerful system—none of dissolution and disruption. But disregard of the responsibilities of an educated Commonwealth, indifference to the duties which belong to a community forming a part of the American Republic, and

belong to a community forming a part of the American Republic, and to the lofty position which each State is bound to maintain in the confederacy—this indifference and disregard we cannot too carefully

avoid.

The triumph of popular government will not be complete if its duties are neglected and its privileges are forgotten and denied by

any member of this family of States. In speaking for Massachusetts, therefore, I have spoken for her sister States also, and for the honor of the Republic of which she forms a part.

I have recited a chapter in history which belongs now to the American people, and constitutes a portion of that wonderful story of popular progress in which every State in this Union has performed her part, progress in which every State in this Union has performed her part, from the trials and sufferings of colonial life to the last bold and defiant adventure which planted our institutions on the remotest western froutier. It is not now the brilliant record of the Puritan of Massachusetts, or the Huguenot of Carolina, or the Cavalier of Virginia, or the Quaker of Pennsylvania—but of the American whose services and achievements are no longer bounded by State lines, but belong to a proud and powerful people. And as I pass from my service in this House to duties elsewhere, I congratulate myself and my country that in political energy, in educational ambition, in material prosperity, the States of this Union have entered upon a career of activity and strength which gives promise of great power and an unequaled opportunity to those into whose hands the destinies of this nation may be intrusted in the years that are to come. And standing here, opportunity to those into whose hands the destinies of this nation may be intrusted in the years that are to come. And standing here, at the opening of the second century of our national existence, I thank God, as we all do, that I behold not a cluster of discordant States, prostrate and riven by a tumult of passion, but a Union of rival commonwealths engaged in an ambitious contest to attain the lofty eminence assigned to every civilized community which is warmed by religion and illumined by education and built on the imperishable foundations of human right and equality.

[Mr. Loring's hour having expired during the course of the above speech, Mr. Calkins took the floor and yielded time sufficient in which to conclude it.]

to conclude it.

Mr. CALKINS. I now yield to the gentleman from Iowa, [Mr.

Mr. FIELD. I ask by unanimous consent to print some remarks on the pending contested-election case.

There was no objection, and it was ordered accordingly. [See

Appendix.]

JUDICIARY COMMITTEE.

Mr. ROBINSON. I wish, on behalf of the Committee on the Judiciary, to ask leave for that committee to sit this evening during the session of the House.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

Mr. Hill, by unanimous consent, was granted leave of absence until Monday next.

MASSACHUSETTS CONTESTED-ELECTION CASE.

Mr. DE LA MATYR. I move the House take a recess until half past seven o'clock this evening.

The House divided; and there were—ayes 58, noes 85. So the motion

was disagreed to.

Mr. GILLETTE. I move the House do now adjourn.
Mr. CALKINS. As there is some misunderstanding here, I hope
the Chair will state whether or not an evening session has been

The SPEAKER pro tempore, (Mr. Cox in the chair.) A session has been ordered for this evening to consider business relating to the District of Columbia.

Mr. CALKINS. Then I ask that the question be again put to the

House on taking a recess.

The SPEAKER pro tempore. As it is apparent there was a misunder-standing in reference to the vote just taken, the Chair, by unanimous consent, will again put the question to the House on the motion of the gentleman from Indiana that the House take a recess until half past seven o'clock this evening.

Mr. CALKINS. The session this evening being for the considera-

tion of the District of Columbia business?

The SPEAKER pro tempore. Certainly, and for that purpose only.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House took a recess until seven o'clock and thirty minutes p. m.

EVENING SESSION.

At seven o'clock and thirty minutes p. m. the House resumed its session, Mr. Blackburn in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the order of the House for the session this evening.

The Clerk read as follows:

Ordered, That on the third and fourth Thursdays of January and February, at five o'clock p. m., or at such other hour as the House may on that day indicate, a recess shall be taken until seven and one-half o'clock for the purpose of considering such matters as may be brought before the House by the Committee on the District of Columbia.

GROUNDS SOUTH OF THE CAPITOL.

Mr. HUNTON. I am instructed by the Committee on the District of Columbia to report to the House a joint resolution (H. R. No. 369) making appropriation for filling up, draining, and putting in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, and to ask for its passage. I beg leave to say that it is the resolution that is annually adopted for the purpose of procuring employment for the poor of this District,

and with a view to the reclamation of valuable lands belonging to the Federal Government south of the Capitol.

The joint resolution was read a first and second time.

The joint resolution, which was read, appropriates the sum of \$20,000, out of any moneys in the Treasury not otherwise appropriated, for the purpose of continuing the filling up, draining, and placing in good sanitary condition the old canal and the grounds of the United States south of the Capitol along the line of said canal. The commissioners of the District of Columbia shall determine the plan commissioners of the District of Columbia shall determine the plan of such work, employ the labor to do the same by the day, week, or month, and see that it is properly conducted, and shall disburse the money and make report of the same to Congress.

Mr. DUNNELL. This seems to be the continuance of a work begun last year. I shall be glad to have the gentleman from Virginia state how much was done last year, and how much money was expended.

Mr. HUNTON. Twenty thousand dollars was expended last year. Mr. BOUCK. How much the year before?

Mr. HUNTON. Twenty thousand dollars last year and \$20,000 the year before. This is a continuing appropriation. It is considered a

year before. This is a continuing appropriation. It is considered a charity to the poor of this District, as well as a beneficial improvement of the grounds belonging to the Federal Government. There were thirty-six acres embraced in the bed of this old Tiber canal. were thirty-six acres embraced in the bed of this old Tiber canal. Twenty-six acres have been reclaimed and the bed of the canal filled up, leaving ten more acres still to be reclaimed. This appropriation of \$20,000 will fill up a little more than half of the ten acres remaining. The House has every year made this appropriation so as to enable the commissioners of the District to employ the unemployed poor laborers of the city of Washington. I trust there will be no objection to the passage of the resolution.

Mr. CLAFLIN. These lands belong to the Government of the United States?

United States?

Mr. HUNTON. Yes, sir; the lands belong to the Federal Govern-ment, and are really worth ten times as much as it costs to reclaim

Mr. STEVENSON. How many are to be employed?

Mr. HUNTON. As many as can be employed at a dollar a day, allowing ten days for each set of laborers, after which another set is employed. This is done for the purpose of preventing suffering among the poor of this District.

Mr. STEVENSON. Do you know how many have been employed

in the aggregate?

in the aggregate?

Mr. HUNTON. I do not. That will depend, of course, upon the rapidity with which the work shall be done.

Mr. SAMFORD. At what time will this work be finished?

Mr. HUNTON. In one more appropriation. The estimate of the commissioners is that it will take \$40,000 to finish the job. Twenty thousand dollars is asked to be appropriated now and \$20,000 the next season. The commissioners ask the whole appropriation should be made this year, but we think it is best to make the appropriation now for the usual amount of \$20,000, leaving the remaining \$20,000 to be provided for next year. to be provided for next year.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

Mr. HUNTON moved to reconsider the vote by which the joint res olution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUNTON. I now move that we proceed to the consideration of business on the Speaker's table pertaining to the District of Columbia, embracing Senate bills and House bills with Senate amendments. When we go to the Speaker's table we will endeavor to take up only such matters as will probably lead to no discussion until more members are in the House.

The motion was agreed to.

Mr. HUNTON. I ask now unanimous consent to let the Committee on the District of Columbia select such business as will not probably lead to discussion or dispute until additional members are present.

The SPEAKER pro tempore. That is within the province of the Committee on the District of Columbia, under the prior order of the

House fixing this evening's session.

Mr. O'NEILL. Will the gentleman from Virginia please be kind enough to state his proposition again?

Mr. HUNTON. I stated that I ask unanimous consent of the House to take up for the present bills upon the Speaker's table under the direction of the Committee on the District of Columbia which will lead to no discussion.

The SPEAKER pro tempore. The Chair will state again to the gentleman from Virginia that under the order of the House providing for this session it is within the province of the committee to select such

business as it chooses to bring before the House for consideration.

The order of the House fixing this session for to-night will be read.

The Clerk again read the order.

Mr. HUNTON. Then I may bring up such business as the Committee on the District of Columbia may select?

The SPEAKER pro tempore. Certainly.

INSPECTOR OF PLUMBING, DISTRICT OF COLUMBIA.

Mr. HUNTON. Then I move that the House proceed to the consid-

eration of the bill (H. R. No. 1894) authorizing an inspector of plumb-

ing for the District of Columbia.

Mr. COBB. I will ask the gentleman from Virginia whether the Committee on the District of Columbia have decided to bring that

before the House this evening?

Mr. HUNTON. I will state to the gentleman that I will not bring up for consideration anything to-night that the committee have not authorized me to bring up.

Mr. COBB. Do I understand that the committee have directed that

Mr. COBB. But understand that the contact of the consideration to high!

Mr. HUNTON. Yes, sir. I will repeat that I am simply the organ of the committee to present such business for consideration as they shall determine. If I mistake, of course the committee will correct

The SPEAKER pro tempore. The title of the bill to which the gentleman from Virginia refers will be reported.

The Clerk read as follows:

A bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes.

The SPEAKER pro tempore. The Clerk will now report the amend-

ments of the Senate.

The Clerk read as follows:

In line 2 strike out the words "on recommendation of the health officer," and in nes 3 and 4 strike out the words "under the direction of the health officer."

Mr. HUNTON. I am directed by the committee to move concur-

rence in the Senate amendments.

The amendments were concurred in.

Mr. HUNTON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNION RAILROAD DEPOT.

Mr. HUNTON. Mr. Speaker, I ask now to take up House bill No. 3047, the next bill on the Speaker's table, to authorize the commissioners of the District of Columbia to recommend a proper site for a union depot in the city of Washington, and for other purposes, with

union depot in the city of Washington, and for other purposes, with Senate amendments.

Mr. O'NEILL. Mr. Speaker, I object to the consideration of that bill until there is a quorum present in the House.

The SPEAKER pro tempore. The right of the gentleman to object the Chair does not think will hold good under the resolution of the House authorizing this evening's session.

Mr. O'NEILL. I can object until there is a quorum present.

Mr. HUNTON. I am instructed by the Committee on the District of Columbia to move an amendment to the Senate amendment to this bill. The Senate amendment fixes the time at the 1st of July, 1880

Mr. O'NEILL. I might as well state here, Mr. Speaker, to the gentleman that I do not feel like having this bill considered to-night. I do not want to make any captious objections. I am not in the habit of doing so. But I prefer to consider it when there is a quorum present in the House. I would prefer, therefore, to have the consideration of this bill postponed for the present at all events.

Mr. HUNTON. If the gentleman from Pennsylvania will allow me to explain for a moment, I feel satisfied that he will withdraw his objection.

to explain for a moment, I feel satisfied that he will withdraw his objection.

Mr. O'NEILL. I understand the provisions of the bill.

Mr. HUNTON. The only object of the bill is to enable the commissioners to recommend a site for this depot. It does not bind anybody or anything. The commissioners simply recommend a site to Congress, which recommendation is simply for the future action of the two Houses.

Mr. O'NEILL.

the two Houses.

Mr. O'NEILL. I understand very well, Mr. Speaker, the purpose of the bill; still, as I have already said, I do not wish to have it considered until there is a full House present. Many of my constituents are interested in this matter. I do not believe, if we are not in favor of the passage of this bill, in giving it any special opportunity, or allowing initiatory steps to be taken to accomplish the result which is contemplated by the bill. If the commissioners are given the authority to recommend a site for this depot, it is the beginning or the inception of a certain enterprise to which we object. If they are allowed to remove certain property in which some of my constituents are deeply interested, then I believe the best way to prevent that is to stop the bill at the threshold, and I must insist upon the objection unless there is a quorum present. It is a much more important bill than most of us imagine.

unless there is a quorum present. It is a much more important bill than most of us imagine.

Mr. HUNTON. If the gentleman from Penusylvania insists upon his objection that a quorum is not present, of course that will defeat the consideration of the resolution for the present.

Mr. O'NEILL. I do not wish the bill to be taken up at this time. The SPEAKER pro tempore. Does the Chair understand the gentleman from Virginia as withdrawing the bill for the present?

Mr. HUNTON. Yes, sir; I will have to do it if the gentleman from Pennsylvania insists. I would ask the gentleman, is he certain that there is no quorum present?

there is no quorum present?

Mr. O'NEILL. I am not certain, of course; but I am pretty well aware of the fact that there is not.

JURISDICTION OF JUSTICES OF THE PEACE IN THE DISTRICT. Mr. HUNTON. I ask the consideration of the next bill on the

Speaker's table, (S. No. 41,) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate proceedings before them.

The bill was taken from the Speaker's table, and read a first and cond time.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, dc., That justices of the peace of the District of Columbia shall have jurisdiction to hear, try, and determine all pleas and actions, including attachment and replevin not exceeding \$50, where the amount claimed to be due or the value of the property sought to be recovered shall not exceed \$30, except in cases were the title to real estate is concerned, actions for malicious prosecution, actions against justices of the peace or other officers for misconduct in office, and actions for slander, verbal or written.

SEC. 2. No appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of \$20.

SEC. 3. Whenever any constable shall neglect or refuse to pay over to the party entitled thereto any moneys collected or received by him on any process issued by a justice of the peace, the justice issuing such process may, upon complaint of such party, summon the said constable and the sureties upon his official bond to appear before him at a day and hour therein named, and not less than two days after service of such summons, to answer to the said complaint, and may render judgment against the said constable and his sureties for the amount so collected or received, if not exceeding \$200, with interest and costs, and execution may issue therefor without stay, except by appeal; and when the sum claimed exceeds \$20, either party shall be entitled to a trial by jury.

SEC. 4. Any justice of the peace may compel any constable to make due return of any process, signed by such justice and placed in his hands for service, by attachment, and for refusal to make such returns such constable shall be subject to the same fines and penaltics as a witness refusing to obey a summons.

SEC. 5. When the defendant domiciled in the District cannot be found so that personal service may be made upon him, service of process may be made by leaving a copy of such process at t

discretion to receive the same, and the omeer in his return share the hands of such service.

SEC. 6. In cases of appeal or on certiorari the justice shall retain all original papers, except those filed in evidence, and make and file with the appellate court copies of the papers so retained, certified by himself; and for preparing and transmitting the papers on appeal or certiorari, he shall be paid a fee of \$1, but the superior court may require the production of the original papers.

SEC. 7. The supreme court of the District is hereby authorized to make and establish such additional rules of practice, and prescribe forms of process and pleadings rendered necessary by this act, and to alter or amend the same, as they may from time to time deem advisable.

SEC. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing herein shall be construed to take away or limit the jurisdiction conferred upon justices of the peace by chapter 19 of the Revised Statutes of the United States relating to the District of Columbia.

Mr. SAMFORD. I am not familiar with this bill, which is a Senate ill. We had a bill somewhat similar referred to our committee. I have forgotten whether any report was ever made on it; but I am sure we never reported a bill where the right of appeal was infringed so that there should be no appeal where the amount in controversy was less than twenty dollars, or any bill which authorized the summoning of a party by simply leaving a summons at his residence. In the language of this bill, it shall be a legal summons where it is left at the defendant's residence:

In the hands of some person residing therein of sufficient discretion to receive

I am not familiar with any practice where a summons is of any value if it be not served on the party individually; and I would like some reason to be assigned before we allow a summons to be served at the residence of a party and left in the hands of a person of sufficient discretion to receive the same.

Mr. STEVENSON. It appears to me the second section should be stricken out of this bill. It provides:

No appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of \$20.

Now, take that in connection with what has been suggested by the Now, take that in connection with what has been suggested by the gentleman from Alabama [Mr. Samford] as to the mode in which service shall be made, and further in connection with the denial of any change of venue from one justice to another, and it occurs to me it might be productive of hardship in certain cases. I want to call the attention of the gentleman from Virginia, the chairman of the committee, to these points: the provision which prevents an appeal from the decision of a justice of the peace where the amount is less than \$20, and the further provision which prevents a change of venue from one justice of the peace to another.

the further provision which prevents a change of venue from one justice of the peace to another.

Mr. HUNTON. This Senate bill, or rather a House bill of similar provisions, has been before the committee. The main provisions of this bill have been before the Committee on the District of Columbia in the House bill. While we were considering that bill and before we reported it, the Senate passed the bill now under consideration, and the Committee on the District of Columbia took up the Senate

bill and considered it. I beg leave to say to the House that this bill has received the careful consideration of the Bar Association of the city of Washington. A representative of that association came before the committee and A representative of that association came before the committee and said they had no objection to the provisions of the bill with one exception. The section they objected to was one which turned out not to be in the bill as passed by the Senate. It was in the bill as reported by the Senate committee, and was stricken out in the Senate. It referred to the removal of causes from one justice to another. On finding that section was not in the bill, the representative of the Bar Association of Washington said they had no objection to make to the

bill, and that it was of the highest importance to the litigants of this District that a bill of similar provisions should pass.

Now, in regard to the two objections made by my friend from Illinois, [Mr. Stevenson.] One is that no appeal is allowed where the judgment is under \$20. I beg leave to state to the House that if the courts of this district are to be incumbered with appeals from decisions of justices of the peace for amounts below \$20 the time of the courts of this district will be taken up in considering appeals.

Mr. TOWNSHEND, of Illinois. Does this apply to misdemeanors?

Mr. HUNTON. It applies to civil actions.

Mr. STEVENSON. And appeal is only allowed in cases where the amount exceeds \$20.

mr. SILVENSON. And appear is only anowed in cases where the amount exceeds \$20.

Mr. HUNTON. Where the amount exceeds \$20 the right of appeal is given. In my State, where the courts are more widely distributed than here the right of appeal is given for amounts exceeding \$10. But the Bar Association of this city says that an appeal in cases over \$20 is

an appear in cases over \$20 is quite sufficient for the purposes of this District.

An objection is raised by my colleague on the committee in regard to the service of process. A similar provision exists in almost all States of this Union that processes may be served, first by a service of a copy of the process on the party himself if he be found at home, and if he be not found at home then it is to be delivered to his wife at his home; and if it cannot be delivered to his wife to some member of his family over sixteen years of age; and if none of them be present the law of my State authorizes the copy of process shall be affixed on the door of the dwelling-house, which will effect a perfect legal service on the party. The provision is that it shall be delivered to somebody competent to receive it; that is, competent to ascertain

from the officer serving the process the nature of it.

Mr. SAMFORD. I would like to ask the gentleman from Virginia
[Mr. Hunton] if he means to say that the practice prevails in the
various States that service of the process of legal tribunals may be

had simply by leaving the summons at the domicile of the defendant?

Mr. HUNTON. In the hands of some person.

Mr. SAMFORD. In the hands of some one else than the defend-

ant himself?

Mr. HUNTON. Yes, sir; and not only that, but in my State, if there be no one at home, service is performed by sticking the process on the front door of the dwelling.

Mr. SAMFORD. I know that that may be done in some cases, such as the protest of notes, &c.; but in my State such is not the

such as the protest of notes, &c.; but in my state such is not the case in regard to personal service.

Mr. HUNTON. It is so in Missouri and in Wisconsin and in other States, as gentlemen around me here say. Be that as it may, the parties most interested in the service of process in the District of Columbia agree that this mode of service is sufficient here.

Mr. BARBER. I would like to ask the gentleman from Virginia whether under this bill, where the judgment is less than twenty dollars, it can be reviewed by a writ of certiorari?

Mr. HUNTON. Oh of the service is sufficient for the process of the service is sufficient here.

Mr. HUNTON. Oh, no.

Mr. BARBER. I think that must be the practice.

Mr. COBB addressed the Chair.

Mr. SPRINGER. I think the gentleman from Virginia, [Mr. Hunton,] if he will give me his attention, and my colleague from Illinois [Mr. STEVENSON] are both in error in regard to this section, the section is regard to enough.

in regard to appeals.

Mr. COBB. I believe I have the floor.

Mr. BARBER. I thought I had it.

Mr. SPRINGER. I have the floor.

Mr. COBB. I think the Chair recognized me.

Mr. SPRINGER. The Chair has the floor, I believe.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPRINGER] is antitled to the floor.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPRINGER] is entitled to the floor.

Mr. COBB. I thought I had the floor.

Mr. SPRINGER. You see that you are mistaken.

Mr. STEVENSON. I think my colleague from Chicago [Mr. Barber] is entitled to the floor.

Mr. SPRINGER. It is very easy for gentlemen to be mistaken.

The Chair kas recognized me as entitled to the floor. If I can have the attention of gentlemen, I desire to state that I think the chairman of the Committee for the District of Columbia [Mr. Hunton] is mistaken in regard to the construction of section 2 of this bill, as I understand it. It says:

No appeal shell be allowed from the indepent of a justice of the peace in any

No appeal shall be allowed from the judgment of a justice of the peace in any common law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of \$20.

Now, if the demand of a person is for \$21, or for any amount over \$20, and he gets a judgment for only \$5, he may take an appeal not-withstanding this section, because it relates to the matter in demand, or the matter in set-off before the trial begins. As I understand, it has no reference whatever to the amount of the judgment which may be rendered by the justice of the peace.

Now, if the party suing before the justice of the peace desires to bring his case within the right of appeal, all he has to do is to make his demand for \$21, and no matter what the judgment may be he can take an appeal from that judgment. If I understand the section aright, I have no objection to it. The gentleman from Virginia [Mr. Hunton] seems to suppose that in order to secure the right of appeal under this section the judgment must exceed \$20.

Mr. HUNTON. The language of the bill is that "the matter in demand" shall exceed \$20.

Mr. SPRINGER. Yes, "the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of \$20." If it does not, I think there should be no right of appeal. Any person going before a justice of the peace and desiring to have his case an appealable one can make his demand \$21.

Mr. STEVENSON. The suit is brought against the one who usually taken the appeal

takes the appeal. Mr. SPRINGER. And he can plead a set-off to the amount of \$21, and then take his appeal. It is not necessary that he should prove his set off. It frequently happens that parties fail to prove both the set-off and the demand.

Mr. STEVENSON. I cannot say that I understand that way of

practicing law.

Mr. COBB. I think this section might be improved very much. I dislike both its language and its spirit. It is true that where the demand is over \$20, or the matter pleaded in set-off is over \$20, an appeal

may be taken under this section.

I take it the better provision would be that where a judgment has been rendered against a party defendant, and he desires to take an appeal, he must be required to succeed in diminishing the judgment appeal, he must be required to succeed in diminishing the judgment \$5 or more, or pay the costs; and vice versa, if the party plaintiff takes an appeal, he must succeed in increasing the judgment \$5 or more, or pay the costs. I think that would prevent unnecessary litigation.

I know that such a provision as that works exceedingly well in my State. We have a provision of that kind, that where a judgment is taken against a party and he fails upon an appeal to reduce it \$5 or more, he must pay the costs in the appellate court.

Mr. HUNTON. It is impossible to adopt a method of procedure in the District of Columbia which shall conform to the proceedings in the different States.

the different States.

Mr. COBB. There is no trouble about it at all.

Mr. HUNTON. This matter has been carefully considered by the Bar Association of this District, and they desire the passage of this

Mr. COBB. I think that a legislator who is a practical lawyer can determine this question as well as the Bar Association here.

Mr. HUNTON. Very probably.

Mr. COBB. Suppose you provide that an appeal on the part of the defendant shall not be taken unless the judgment shall amount to \$20 or more. Would that be right? Of course not. It is well known that in the city of Washington, as elsewhere, there are some very in-

that in the city of Washington, as elsewhere, there are some very incompetent men acting as justices of the peace. Now, if you do not allow a change of venue from one justice of the peace to another, and I should bring suit against you before a justice who might have some little prejudice against you, and get judgment, and you are prevented from taking an appeal, that would be an injustice to you.

Mr. HUNTON. There is no provision denying a change of venue.

Mr. COBB. This bill does not provide for it.

Mr. HUNTON. But the law does.

Mr. COBB. But I instance that as a reason why a party should not be bound by a judgment of a justice of the peace. These justices' courts are courts of very inferior jurisdiction; the justice in many cases is an incompetent man; according to my experience there are in this city, as elsewhere, some good justices of the peace and some very bad ones, and to say that you will compel a man to stand by the judgment rendered against him before a justice of the peace does not seem to me right. These justices very often render judgments in good faith which are wrong in law and in fact.

Now, the great objection to this section is that it requires a man to plead a falsehood in order to get justice. That ought not to be. I know it is an easy matter for an attorney to sit down and put on paper a large sum and demand it as a set-off.

paper a large sum and demand it as a set-off.

Mr. HUNTON. You have done it many a time.

Mr. COBB. I have done it, it is true; but I would not wish to be compelled to do it. Sometimes my conscience might hurt me.

Mr. HUNTON. Do you expect your conscience to be better in the future than it has been in the past?

Mr. COBB. No, sir; I do not think it will be, for it always has

Mr. COBB. No, sir; I do not think it will be, for it always has been very good.

Mr. HUNTON. I do not mean to question that.
Mr. COBB. I do not like the section.

Mr. HUNTON. There is no question before the House.
Mr. COBB. I move to amend by striking out the second section.
Mr. MARTIN, of West Virginia. If I comprehend the matter rightly, it seems to me that when the Committee on the District of Columbia has investigated a matter, has consulted the bar of the city, as well as many of the people, and they have determined that they want a given thing, it is not the question whether we might desire it in our cities or not. If the people here in this city, if those who are interested, if the members of the bar are agreed so far as they have been consulted that this provision of law suits them, I can see no reason why we should not give it to them. I submit, in all fairness, that we ought to do so. If this were a matter affecting my State, there are some propositions in this bill which I might oppose; but certainly I am not disposed to do so as affecting this District, when the bar and the people, so far as heard from, favor these propositions.

Mr. NEAL. Mr. Speaker, I trust that this amendment will not be adopted. If this section should be struck out, then some provision of the kind should be substituted. The object is to prevent appeals where the demand is less than \$20. Now let me give you an illustration. A man who drives a dray hauls a load for some wealthy per-

son, we will say, who is to pay \$1.50. The man who has employed the driver of the dray refuses to pay him. The drayman goes into the court of a justice of the peace without any lawyer; sues the man for whom he has done the hauling, and recovers judgment. Now if you strike out this section, the defendant can appeal his case and compel the plaintiff either to abandon his suit or to employ a lawyer at an expense of \$5,\$10, or \$20 to prosecute it.

This section is in the interest of the poor man. It is to enable him to obtain justice without being compelled to employ an attorney. I trust the House will see it in this light, and will not agree to this amendment unless there be some provision substituted for the section which will effect substantially the same purpose.

Mr. BRIGGS. Suppose that in the case the gentleman supposes judgment is given against the plaintiff.

Mr. NEAL. How can judgment be against the plaintiff, unless on a set-off?

a set-off?

Mr. TALBOTT. There may be a judgment of non-suit, and the

plaintiff may be required to pay the costs.

Mr. OSMER. The gentleman from Ohio interprets the animus of the second section of this bill when he asks in reference to a justice's the second section of this bill when he asks in reference to a justice's court, how can a judgment be against the plaintiff? That is the difficulty with the legal proposition involved in the second section. Ordinarily the men who drive the drays and go to cheap courts without a lawyer have a judgment in their favor. If we are to legislate at all in the administration of justice, let us provide for the District of Columbia a bill which we would sanction in our own States, that both parties should have a day in court.

Mr. Cobb's motion was disagreed to.

The bill was ordered to a third reading; and it was accordingly read the third time.

read the third time.

The SPEAKER pro tempore. The question is on the passage of the

Mr. COBB. I raise the point that there is no quorum voting. The SPEAKER pro tempore. That does not appear until there has

been a division.

Mr. NEAL. I demand the previous question.

The House divided; and there were ayes 39, noes 12.

The House divided; and there were ayes 39, noes 12.

Mr. COBB. No quorum has voted.

The SPEAKER pro tempore. No quorum having voted, the Chair appoints Mr. HUNTON and Mr. COBB as tellers.

The House again divided; and the tellers reported ayes 48, noes 13.

Mr. COBB. There is still no quorum voting.

Mr. HUNTON. If the gentleman from Indiana insists upon his point I hope the House will agree that I may withdraw the bill and proceed with the next on the Calendar.

The SPEAKER pro tempore. There are but two motions in order when a quorum fails to appear—one for a call of the House and the other that the House adjourn.

Mr. HUNTON. I ask merely to withdraw that bill.

other that the House adjourn.

Mr. HUNTON. I ask merely to withdraw that bill.

The SPEAKER pro tempore. The bill has been read a third time. The question upon which the failure of a quorum was developed was the demand of the gentleman from Ohio for the previous question on the passage of the bill. The gentleman from Virginia now asks, by unanimous consent, that the bill be passed over for the present and the House proceed to the next business on the Speaker's table, and to that request the Chair hears no objection.

Mr. BRIGGS. What will be the condition of the bill?

The SPEAKER pro tempore. The bill has been read a third time. The pending question is on its passage. By unanimous consent it is passed over for the present.

passed over for the present.

Mr. WARNER. When will it come up again?

The SPEAKER pro tempore. That will depend upon what action may be taken by the House in reference to this class of business.

Mr. WARNER. Not unnecessarily in the next legislative day?

The SPEAKER pro tempore. Of course not. The bill is passed over for the present. over for the present.

INCREASE OF DISTRICT POLICE FORCE.

The next business on the Speaker's table was a bill (S. No. 1394) to increase the police force of the District of Columbia, and for other purposes; which was read a first and second time.

Mr. HUNTON. I move that bill be referred to the Committee on the District of Columbia and ordered to be printed.

The motion was agreed to.

TELEPHONE.

The next business on the Speaker's table was the bill (S. No. 1618)

to amend section 553 of the Revised Statutes, relating to the District of Columbia; which was read a first and second time.

The bill, which was read, provides that section 553 of the Revised Statutes, relating to the District of Columbia, be amended by inserting the word "telephone" after the word "transportation;" so as to read second as follows:

as 10110Ws:

SEC. 553. Any three or more persons who desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, telephone, or marketing business in the District, or savings-bank therein, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of recorder of deeds, a certificate in writing, in which shall be stated, &c.

Mr. HUNTON. The only amendment provided in that Senate bill is to authorize telephone as well as other companies to go before the courts for incorporation.

courts for incorporation.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was

ssed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

IMPROVEMENT CERTIFICATES.

The next business on the Speaker's table was a bill (S. No. 1681) to provide for funding the 8 per cent. improvement certificates of the District of Columbia; which was read a first and second time.

Mr. HUNTON moved that the bill be referred to the Committee on the District of Columbia, and ordered to be printed.

The motion was agreed to.

BRIDGE ACROSS THE POTOMAC.

The next business on the Speaker's table was the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac at or near Georgetown, in the District of Columbia, and for other purposes, returned from the Senate with the following amendments:

Page 1, line 26, after the word "constructed," to insert "upon, or;" so as to

"And provided also. That a draw of sufficient width to permit the free passage of vessels navigating that part of the Potomac River shall be constructed in said bridge, unless said bridge shall be constructed upon, or by the side of, or up the river from the present aqueduct, and at the same or greater elevation above the

bridge, unless said bridge shall be constructed upon, or by the shall be river from the present aqueduct, and at the same or greater elevation above the water."

Add the following sections to the bill:

Sec. 2. That the Secretary of War may, for the purposes of the preceding section, acquire, under and subject to the provisions of section 355 of the Revised Statutes, the right to perpetually maintain a free bridge across the Potomac River upon the piers of the Alexandria Canal at Georgetown, District of Columbia, and for that purpose to use the present bridge as long as the same can conveniently and safely be done, and afterward to construct and maintain a new and permanent free bridge upon said piers: Provided, That the right to use the present bridge and to maintain a new bridge structure perpetually upon said piers can be purchased for a sum not to exceed \$100,000 of the amount hereinbefore appropriated; and power is hereby conferred on the Secretary of War to establish regulations for the use of said free bridge. But said free bridge shall not interfere with the said Alexandria Canal, and shall be strong enough and be so constructed as to allow the trough or trunk of said canal to rest securely thereon; but the United States shall not be charged with the expense of constructing, maintaining, or keeping the said trough or trunk in repair, and shall have exclusive control of all of said bridge except said trough or trunk; Provided, That no steam-power shall be used upon said bridge or its approaches, or upon said piers, trough, or trunk, for any purposes whatsoever.

Sec. 3. And the Secretary of War is further authorized, in the event of said purchase, to repair the wooden bridge now on said piers, and for that purpose is authorized to expend of the moneys hereinbefore appropriated a sum not exceeding \$10,000.

Mr. ALDRICH, of Rhode Island. I am instructed by the Committee on the District of Columbia to move non-concurrence in those

amendments, and to ask for a committee of conference on the disagreeing votes of the two Houses.

The motion was agreed to.

Mr. ALDRICH, of Rhode Island, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER pro tempore announced the appointment of Mr. Aldrich of Rhode Island, Mr. Hunton, and Mr. Klotz as managers of said conference on the part of the House.

BILLS ON THE PRIVATE CALENDAR.

Mr. HUNTON. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House for the purpose of considering bills upon the Private Calendar.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the Private Calendar, (Mr.

HILL in the chair.)

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills on the Private Calendar. The Clerk

will report the title of the first bill.

Mr. SAMFORD. I ask to have taken up for present consideration the bill of the House No. 5715, to vacate and close an alley in square 504, in the city of Washington, District of Columbia.

The CHAIRMAN. The Chair is informed that the bill to which the gentleman from Alabama refers is on the House Calendar and can only be reached after the committee has risen.

HEIRS OF EDWARD B. CLARK.

Mr. HUNTON. I move that the committee proceed to the consideration of the bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark.

The CHAIRMAN. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be authorized and directed to remit the taxes, assessments, and charges upon the property, with improvements thereon, of the late Edward B. Clark, located in the city of Washington, and known as lot numbered 9, in square numbered 353, which accrued during the time said property was held by the Government under title of confiscation.

The report is as follows:

From record evidence it appears that in the year 1863 Edward B. Clark was the owner of lot No. 9, in square No. 363, in the city of Washington, together with valuable improvements thereon; that in the same year (1863) the Government of the United States libeled and sold said property for the sum of \$1,500 to Martha E. Wheeler; that said Martha E. Wheeler failing to pay the taxes on said property, the same was sold for the taxes due thereon on the 30th day of August, 1865,

to John R. Elvans, and the corporation of Washington executed a deed for the same; that said Elvans held said property from 1865 to 1876, when he sold the same to Henry F. Trenton, and that T. Crittenden owned and enjoyed the rents and profits until the same was reconveyed to the heirs of the said Edward B. Clark.

Your committee further report that during all the time the said property was in the hands of the Government's vendee, the rental value of said property was about six hundred dollars per annum, a much larger sum than would have paid all taxes assessed against said property; and, notwithstanding all this income, the taxes for nearly fifteen years remained unpaid, and are now charged against the said property, over which said heirs had no control; which said claim, if enforced against the property, would be practical confiscation against the heirs of the said E. B. Clark. Your committee do not believe that said taxes should be a lien upon said property or charge upon the same, and therefore beg to report back the bill for the relief of said heirs, with the recommendation that it do pass.

Mr. HUNTON. I move that the hill be laid saids to be reported to

Mr. HUNTON. I move that the bill be laid aside to be reported to

the House with a favorable recommendation.
The motion was agreed to.
The CHAIRMAN. The Clerk will report the The Clerk will report the title of the next bill

on the Private Calendar.

Mr. HUNTON. I believe this is the only bill the committee has at present on the Calendar ready for consideration. I move, therefore, that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN as Speaker pro tempore having taken the chair, Mr. HILL reported that the Committee of the Whole House having had under consideration House bill No. 2098, had instructed him to report the same to the House with the recommendation that it do near

with the recommendation that it do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill reported from the Committee of the

Whole House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

CLOSE OF AN ALLEY.

Mr. SAMFORD. Mr. Speaker, a moment ago in Committee of the Whole I asked to have considered a bill which was on the House Calendar, to vacate and close a certain alley in this city. I now move that the House proceed to the consideration of the bill (H. R. No. 5715) for the purpose which I have indicated.

Mr. HUNTON. That bill has the unanimous approval of the committee, and also the District commissioners and everybody interested. The SPEAKER pro tempore. The bill will be read.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia, in their discretion, are hereby authorized and empowered to vacate and close up the alley running north and south in square 504, between lots 8, 9, and 10, in the city of Washington, District of Columbia.

The report is as follows:

The Committee on the District of Columbia, to whom was referred the petition of Mrs. Margaret L. Paschal, praying the closing of a certain alley in square 504, in Washington, District of Columbia, having had the same under consideration, beg leave to report that there is no objection thereto; and the committee therefore report favorably on said petition, and report an accompanying bill to that effect, and recommend its passage.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and be-

ing engrossed, it was accordingly read the third time, and passed.

Mr. SAMFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

PROPERTY OF UNITED STATES IN DISTRICT OF COLUMBIA.

Mr. NEAL. Mr. Speaker, I move now that the House proceed to the consideration of House bill No. 4590.

The SPEAKER pro tempore. The bill will be read.
The bill was read, as follows:

The bill was read, as follows:

Beit enacted, &c., That the Chief of Engineers, United States Army, in charge of public buildings and grounds in the District of Columbia, be, and is hereby, authorized to sell and convey, by good and sufficient deed, to each of the owners of lot 1, square 184; lot 5, square 185; lots 5, 6, and 7, square 198; lot 12, square 199, in the city of Washington, District of Columbia, such portion of the ground immediately adjoining the front of said lots, or either of them, as will make the angles at the four corners of Sixteenth and K streets, northwest, right angles, upon payment into the Treasury of the United States by said owners, or each of them, of an amount for the number of feet in each lot so to be conveyed at the same rate as the assessment for taxition of the lot or lots mentioned above: Provided, That such owner or owners shall make such payment into the Treasury of the United States within one year from the date of the approval of this act.

Mr. NEAL. The committee recommend that the words-

at the same rate as the assessment for taxation of the lot or lots mentioned above: *Provided*, That such owner or owners shall make such payments into the Treasury of the United States within one year from the date of approval of this act—

be stricken out, and that the following be added to the bill:

At the rate the same may be appraised by three disinterested freeholders resident of the city of Washington, to be selected and sworn to said Chief of Engineers, impartially to appraise said real estate at the true value thereof in money; and upon said sale the owners of said lots respectively shall pay into the Treasury of the United States, for the erection of school buildings in the city of Washington, one-third of said purchase-money, and the remainder thereof with interest in one

year from the date of sale. No conveyance shall be made until all the purchase-money is paid: *Provided*, That said Chief of Engineers shall not sell or convey one portion or any part of said real estate unless all the same is sold and conveyed.

portion or any part of said real estate unless all the same is sold and conveyed.

Mr. DUNNELL. Mr. Speaker, I suggest to the gentleman having this bill in charge that this method of getting at the value of this land is somewhat unusual, so far as property belonging to the United States is concerned. I prefer very much that the proviso should contain the words "sold to the highest bidder, after due notice to be given." That is the usual method pursued in the sale of property belonging to the United States. Certainly the amendment suggested by the committee is a great improvement over the text of the bill; but I cannot see why it may not be sold to the highest bidder after notice in the usual manner. notice in the usual manner.

but I cannot see why it may not be sold to the highest bidder after notice in the usual manner.

Mr. NEAL. Mr. Speaker, in answer to the gentleman from Minnesota, I would state that the property which is proposed to be sold consists of four lots, I,296 square feet, which is in three separate and distinct triangular tracts. It is not valuable to any person except to the owners of the adjacent lots. If it be put up and sold to the highest bidder, nobody will bid excepting the gentlemen owning the adjacent property, and the consequence is that it will be sold for less than its true value. The object of the committee in providing that the sale be made in this manner is to obtain the best price for the land. We provide here that the Chief of Engineers of the Army, in charge of public buildings and grounds in this city, shall have this property appraised by three disinterested freeholders, and that the purchaser shall pay their valuation; in which way, as the committee believes, only is it possible to obtain the true value of this property.

Now, in regard to the property, I will state, in the first place, that these four triangular pieces of property are at the intersection of K and Sixteenth streets. There is not enough of them in connection with the street to make a proper circle for a statue such as the Thomas or the McPherson or other statues now erected in the city. The engineer who has charge of these public grounds, General Casey, whose judgment no one who knows him will object to, and who probably has the interests of this city, its beauty and its embellishment and its future as much at heart as any nublic officer, at the request of

has the interests of this city, its beauty and its embellishment and its future, as much at heart as any public officer, at the request of the District Committee has reported in writing as to this. He says:

the District Committee has reported in writing as to this. He says:

The provisions of this bill seem to guard the interest of the United States, and will effect a desirable modification in the plan of the interesction of K and Sixteenth streets, northwest. The cut-offs at the intersection of these streets enlarge this intersection unnecessarily by some twelve hundred and ninety-six square feet at each corner. The unreserved space thus put into the street is not needed either for purposes of ornamentation or circulation of air. The neighborhood of this intersection has already a number of open spaces and reservations improved and ornamented with statues, &c., and it is not at all likely that the site in question would ever be selected for further ornamental or memorial structures in this part of the city. It is probable that the lots abutting on the cut-offs when squared out will have their value enhanced above the present assessed value; and provision should be made that all of these corners shall be sold, or none, so that the symmetry of the intersection shall not be destroyed by the purchase by some and the neglect to purchase by others of the present owners.

In addition to this, Mr. Speaker, I will state to the House that the

In addition to this, Mr. Speaker, I will state to the House that the commissioners of the District of Columbia, to whom this matter was also referred, recommend that this sale be made. It is already fenced also referred, recommend that this sale be made. It is already fenced in by the property-holders, and they want to own it so that they can build upon it and beautify it by the erection of such residences as will probably go up in that section of the city. It seems to me, therefore, Mr. Speaker, that the House cannot do better than agree to the recommendations made by the officers who have this matter specially in charge and pass the bill.

Mr. BURROWS. I would like to hear the report read.

The Clerk read the report, as follows:

The Committee on the District of Columbia, to whom was referred the bill H. R. No. 4590, have had the same under consideration, and recommend that said bill be amended as proposed by said committee, and that it do pass.

The passage of the act is recommended by the Chief of Engineers, having charge of the public grounds in the District of Columbia, and the committee, after an examination of the grounds proposed to be sold, fully concur in the recommendation of the Chief of Engineers.

The SPEAKER pro tempore. The first question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

BALTIMORE AND OHIO RAILROAD COMPANY TAXES.

Mr. HENKLE. I call up the joint resolution (H. R. No. 266) ratifying settlement of taxes made by the District commissioners with the Baltimore and Ohio Railroad Company. The joint resolution is on the House Calendar.

The joint resolution was read, as follows:

Resolved, &c., That the settlement made by the commissioners of the District of Columbia with the Baltimore and Ohio Railroad Company of the claim of said District upon said company for and on account of taxes due by the said company to said District up to July 1, 1879, be, and the same is hereby, ratified and condirmed, and that the said commissioners be, and they are hereby, authorized to execute any vouchers or papers necessary to the final consummation of said settlement, and as evidence that the same is concluded and closed.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred joint resolu-tion (H. R. No. 266) ratifying settlement of taxes made by the District commis-

sioners with the Baltimore and Ohio Railroad Company, have had the same under consideration, and beg leave to report:

That they believe the settlement made by commissioners of the District with the Baltimore and Ohio Railroad Company is equitable, and ought to be ratified as a final and full settlement.

For the reasons for this conclusion they refer to the report of said commissioners to this committee.

They therefore report back the resolution with a recommendation that it do pass.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. HENKLE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GROUND IN SQUARE 446, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. SAMFORD. I call up a bill favorably reported by the Committee on the District of Columbia and referred to the House Calendar; the bill (H. R. No. 4749) to authorize the commissioners of the District of Columbia to dispose of the ground in square 446, in the city of Washington, belonging to said District, for market and school

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to dispose of the ground in square 446, in the city of Washington, which was purchased from Mr. W. W. Corcoran by said District, in the manner and for the purposes following, to wit:

First. To lease the south half of said ground for the purposes of a market, to be erected thereon by the lessees, for such term of years as they may deem expedient, and at a rent sufficient to pay its proportionnate share of the interest upon the price at which the District purchased the whole of said ground.

Second. To reserve from the north half of said ground a site for a public-school building, if they shall deem it expedient so to do, and sell the residue, after sub-dividing it into suitable and convenient lots, at public auction, after due and public notice, and the proceeds of such sale shall be applied to the erection of a school building on the site reserved therefor; but in case they shall deem it inexpedient to reserve any portion of said ground for a school building, then to sell the whole of said north half, and the proceeds thereof shall be applied to the purchase of a convenient site for a public-school building in that school district, and to the erection of a school building thereon.

Mr. ALDRICH, of Rhode Island. I suggest to the gentleman from Alabama that he had better let that bill be withdrawn. There is

some objection to it.

Mr. BOUCK. If that bill is pressed I will raise the question of a

The SPEAKER pro tempore. What disposition does the gentleman desire to make of this bill †

Mr. SAMFORD. I desire it to be passed.

Mr. BOUCK. If the gentleman urges it I will raise the question

of a quorum.

Mr. SAMFORD. If the bill is understood, I do not think there

Mr. SAMFORD. If the bill is understood, I do not think there would be an objection to it, at least not to the extent of the factious opposition of raising the point of no quorum.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. SAMFORD. I will give an explanation of the bill.

Mr. BOUCK. I object. I will insist on a quorum.

Mr. SAMFORD. After the bill is explained I do not think there will be any objection even from the gentleman from Wisconsin.

Mr. BOUCK. If the present occupant of the chair will examine the bill he will see there are various portions of it that we reported against in the Forty-fifth Congress.

Mr. BURROWS. I would like to have the report read.

Mr. BOUCK. I object to any action unless there is a quorum.

The SPEAKER pro tempore. The gentleman's objection does not prevent the present consideration of the bill. The gentleman, of course, has his right under the rules. The reading of the report is called for by the gentleman from Michigan. It will now be read.

The Clerk read the report of the committee, as follows:

That some years ago the District of Columbia purchased from W. W. Corceran

The Clerk read the report of the committee, as follows:

That some years ago the District of Columbia purchased from W. W. Corcoran the property described in the bill, for the purpose of a market, and paid therefor bonds of the District for \$100,000 with interest at 7 per cent., which Mr. Corcoran donated to the Corcoran Art Gallery.

It seems that the portion of the city where this property is located needs market facilities. After the passage of the bill authorizing the purchase, property appreciated in the locality very largely in anticipation of the market, and has paid taxes since on such appreciation.

The citizens interested are very nearly unanimous, as shown by a large petition of nearly two thousand respectable signers.

There is a necessity for more school-houses in the District, and by the sale provided in the bill that necessity will be partially met.

By the market provision in the bill, a valuable piece of property now lying almost idle will be placed in a taxable condition, and yield a large revenue to the city. Wherefore the committee report back the bill favorably, and recommend its passage.

Mr. SAMFORD. This square was purchased under a law passed by the Legislature of the District of Columbia for the purposes of a mar-It was sold by Mr. Corcoran for market purposes, as the act of

that Legislature shows.

It will be observed that in this bill there is nothing which requires the District commissioners to do anything. It simply authorizes and empowers them to dispose of this ground if it is in their judgment for the best interest of that property. The property cost \$100,000 and is lying there idle, bringing no revenue to the District, and the District pays 7 per cent. on that \$100,000, making \$7,000 annually.

Now, as I said, this property was purchased originally for market purposes, and after it was purchased the erection of a market build-ing was began. The foundations were laid, and those foundations ing was began. The foundations were laid, and those foundations are there at this time. A year or two ago a movement was set on foot to divert this property to the purposes of schools in this District. A compromise was reached between those who desired it for school purposes and those who desired it for market purposes, which compromise is embraced in this bill, by which one-half of the property is given up for school purposes. In accordance with that compromise the commissioners of the District have gone forward, and are now erecting a school building on the north half of that lot. As I am informed, that school building is nearly completed, or at least is in fair progress.

in fair progress.

The first part of the second section of this bill provides that the District commissioners shall be empowered to lease the other half of District commissioners shall be empowered to lease the other half of this property for the purposes of a market, to be erected at the expense of the lessees themselves. The Government of the United States is not to be called upon to spend one single cent; the District of Columbia is not called upon to expend one single cent. On the contrary, the lessees of that half of the property will pay a sum equal to the interest which the District of Columbia now pays upon the bonds given to

which the District of Columbia now pays upon the bonds given to Mr. Corcoran for the property.

What objection there can be to the passage of this bill I cannot possibly see. The objection which has been raised by some, and which has been intimated to me privately, is to what is known as ground rent. We propose to lease this property to these parties for the purpose of building a market at their own expense. That feature of the bill commends itself to me, because if we sell that part of the property outright, the money received for it will most likely not go to the payment of the bonds which have been given for the property.

If we allow the lessees to erect a market building upon this property, and they pay not less than 7 per cent. as the bill prescribes, then all the expense in the payment of interest upon these bonds will be taken from the District of Columbia for all time to come.

As the report of the committee shows, at least two thousand persons who live in that immediate neighborhood have signed a petition in favor of this bill. Those persons, just as soon as this lot of ground

in favor of this bill. Those persons, just as soon as this lot of ground was dedicated to the purposes of a market, moved there in the anticipation of the erection of the market building, and their property has been raised in value for purposes of taxation on account of the facilities which it is expected would be afforded by the erection of a market building there.

Mr. PRESCOTT. What has become of the bonds given by the District of Columbia for this property?

Mr. SAMFORD. The interest upon those bonds is now paid by the District of Columbia to the Corcoran Art Gallery.

Mr. PRESCOTT. When will those bonds mature?

Mr. SAMFORD. In about twelve years, I understand, and the principal of the bonds is to be given also to the Corcoran Art Gallery, I believe. in favor of this bill. Those persons, just as soon as this lot of ground

believe

As Mr. Corcoran himself informed the committee, this property was sold by him, at the request of the citizens living in the neighborhood, to the District of Columbia for market purposes. As I said before, as soon as it became probable that a market building would be erected there many citizens moved into that immediate vicinity. There are street railways on three sides of this lot, thus affording facilities for the inhabitants of a large portion of the city to reach a market there; all that portion of the city which has become densely populated within the last few years.

It seems to me that as one-half of this property has already been dedicated to school purposes, at the request of those who desired it for that purpose, the other half should be devoted to market purposes, especially when the bill provides that the lessees themselves shall erect a market building on this property at their own expense.

Mr. KLOTZ. And they will pay taxes on the building after it is erected.

Mr. SAMFORD. And the building after it is erected will become taxable property. A bill of a character somewhat similar to this has been reported in the Senate, differing from this in one respect. The Senate, impressed with a sense of justice, struck out everything pertaining to school purposes, and provided that the commissioners of the District of Columbia should devote the whole of this lot to market purposes, if they should deem it necessary.

These lessees are to erect this market building at their own expense, agreeing to pay not less than 7 per cent. upon the value of one-half of that lot. And the building after it shall have been erected will, as suggested by my colleague on the committee, the gentleman from Pennsylvania, [Mr. Klotz,] become taxable property. This lot does not belong to the Government of the United States, and never did. It was bought in pursuance of an act of the legislature of the District of Columbia which authorized the then commissioners to purchase this property at Mr. Corcoran's offer of \$100,000 for purposes of a market-house. Since that time, as I have said, a controversy arose between certain parties who desired to use this property for school purposes and other parties who desired to have it recontroversy arose between certain parties who desired to use this property for school purposes and other parties who desired to have it retained for purposes of a market-house. Last spring, when this subject was under consideration before the Committee for the District of Columbia, a compromise was reached satisfying both parties, and that compromise is embraced in this bill.

Since that time the commissioners of the District of Columbia,

without any authority whatever, have authorized the construction of a school-building on one-half of this lot, as provided in this bill. And I understand that the commissioners of the District of Columbia

a school-building on one-half of this lot, as provided in this bill.

And I understand that the commissioners of the District of Columbia are themselves in favor of the passage of this bill.

Now, what objection can there be to it? It gives away no money; it gives away no property. It affords market facilities to the people of a large part of this District who are now without such facilities. Of course the \$50,000 building which these lessees are expected to erect upon this lot will become additional security for the interest which they agree to pay. I must say that I can see no valid objection to the passage of this bill, and I think it ought to be passed as a matter of justice.

Mr. COBB. Since, as a member of the Committee on Appropriations, I have taken charge of the appropriation bills for the District of Columbia, I have given some consideration to matters of this kind. Now, I can say that there is a very serious objection to the passage of this bill. There has been matured a plan—I now have it before me as a part of the appropriation bill, with the consent of every one of the trustees of the public schools, as well as the board of commissioners, and every citizen whom I have talked with—to locate upon these premises (being, as I understand, square 446, which is handsomely located with regard to railroads) a high school building, which is absolutely demanded here. There are now four hundred pupils who have gone through all the different grades of the schools as they now exist, and who are now occupying the upper stories of the Frank-lin building, all but the garret, and also the Seaton building. As I understand, there is a fund which has grown out of an old lottery system, and which is appropriated by law for public school purposes. This fund, amounting now to \$72,000, is susceptible of being devoted to the erection of a high school building.

My friend from Virginia, [Mr. Hunton,] the chairman of the Committee on the District of Columbia, suggested through an amendment to the appropriation bill that that

school-houses. After consulting with the board of trustees and other persons deeply interested in the school system, we have determined that the very best thing that can be done with this money is to erect a high-school building upon this very piece of ground. It is centrally located, and such a building erected there will supply the demands of this city for year transfer.

trally located, and such a building erected there will supply the demands of this city for years to come.

I submit that this bill ought not to pass; that a market-house ought not to be erected upon this square. It is centrally located with regard to the geographical limits of the city; it has, as the gentleman from Alabama has said, the convenience of railroad facilities, and in this way it is well suited to supply the demands of this entire city, if devoted to the erection of a high-school building, which, as I understand from every one with whom I have talked, is earnestly demanded. I have spoken with the leading physicians of this city, who say that there is the greatest necessity for a high-school building. At present young ladies attending the high school are obliged to ascend long and high stairways, which, at their period of life, is dangerous to their health. But at present there is no other place that can be used for high-school purposes than the upper stories of the two buildings I have mentioned. have mentioned

Mr. SAMFORD. Does the gentleman say that the Committee on

Appropriations propose an appropriation for this purpose?

Mr. COBB. We are proposing to appropriate \$72,000.

Mr. SAMFORD. Precisely; you are paying out money; our plan

Mr. COBB. We are proposing to appropriate \$72,000.

Mr. SAMFORD. Precisely; you are paying out money; our plan proposes to save money.

Mr. COBB. No, sir; we are appropriating a fund which belongs to the school system, and which was intended for purposes of this kind. The school trustees have been fostering this fund for years, as they inform me. Now, this lot belongs to the District—

Mr. SAMFORD. I would like to ask the gentleman whether the District commissioners have not themselves reported it is the interest of the District that this ground be used for market purposes?

Mr. COBB. I do not know. They have reported that it would be the interest of the District to occupy it with a high-school building.

Mr. SAMFORD. I have no doubt they would report in favor of anything that was calculated for the benefit of the District. But, as I understand, this lot was sold to the District for market purposes. The Committee on the District of Columbia sent a message to Mr. Corcoran to know whether that was the understanding; and the act of the Legislature shows that it was. Since that time the erection of temporary sheds on this lot for market purposes has been authorized by the District commissioners; and these have been paying five or six thousand dollars annually as revenue to the District, thus showing the necessity for market facilities at that place. Unless such facilities be furnished you drive a large portion of the population, to whom this location would be convenient, down to the Washington market. So far as my experience goes, I have found nobody opposing the disposition of this property for market purposes except those interested in the other market.

Mr. COBB. I want to ask the gentleman whether there is not in the other market.

Mr. COBB. I want to ask the gentleman whether there is not already a market—a very large one—within less than four squares of this piece of ground?

Mr. SAMFORD. There is a market within three or four squares of this place; but it is off of any railroad, and it is scarcely patronized at all; it has gone down as a market simply because the women of this city who have to do their own marketing when they get on a street railroad, our prefer to go to the Weshington Mallet even street-railroad car prefer to go to the Washington Market, even

though it be five, six, seven, or eight blocks farther, rather than go to the market of which I have spoken, which is so inconveniently located. Even persons living within a few blocks of that markethouse prefer, as a matter of convenience, to go to the Washington Market. The other market can now hardly be said to be in opera-

Mr. COBB. I submit that, as a matter of fact, there are two street railroads running parallel, north and south, giving convenient access to the market of which the gentleman speaks.

Mr. SAMFORD. To what market does the gentleman refer?
Mr. COBB. I speak of the K street market. There is one railroad
running east and west, besides a railroad on Ninth street and one on Seventh street.

Mr. SAMFORD. You are speaking of an entirely different market. You are not referring to the market within three or four blocks of

That is my understanding about it.

Mr. COBB. That is my understanding about it.
Mr. SAMFORD. It is not mine.
Mr. ALDRICH, of Rhode Island. Let me make a suggestion. It
must be evident to the gentleman from Alabama this bill cannot pass
to-night, at least not until after a long discussion. There is a large
minority here opposed to the passage of the bill and it will require a
long discussion. It is evident we can reach no vote on it to-night,
and I ask the gentleman, therefore, to withdraw it for the purpose of
allowing some bills to pass to which there is no objection.
Mr. NEAL. Is there any motion before the House?
The SPEAKER pro tempore. Yes; the question is on the engrossment of the bill.

Mr. NEAL. Is a motion to lay upon the table in order? The SPEAKER pro tempore. It is.

The SPEAKER pro tempore. It is.
Mr. NEAL. Then I make that motion.
Mr. THOMPSON, of Kentucky. Pending that motion, I move the
House do now adjourn.
The House divided; and there were—ayes 40, noes 31.

Mr. HATCH demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to; and accordingly (at nine o'clock and seventeen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BREWER: Resolution of the Legislature of Michigan, asking Congress to appropriate lands in aid of the construction of a railway from Saint Mary's Falls to the Marquette and Mackinaw Rairoad—to the Committee on the Public Lands.

By Mr. COVERT: The petition of J. W. Hawkins and 28 others, citizens of Suffolk County, New York, for the improvement of Greenport Harbor, Long Island—to the Committee on Commerce.

By Mr. EDWARD L. MARTIN: The petition of folders of the House of Representatives, for equalization of pay—to the Committee on Accounts.

tee on Accounts.

By Mr. McKINLEY: The petition of John O. McGowan and 25

others, soldiers in the late war, of Youngstown, Ohio, for the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. MORTON: Memorial of C. A. Hand, Stewart L. Woodford, and John J. McCook, a committee of the bar of New York City, ask-

and John J. McCook, a committee of the bar of New York City, asking for increased compensation to judges of the United States, especially in the city of New York—to the Committee on the Judiciary. By Mr. NEW: The petition of citizens of Indiana, for legislation to prevent the adulteration of food—to the Committee on Agriculture. By Mr. NICHOLLS: Memorial of the Cotton Exchange and business men of Savannah, Georgia, asking appropriations to improve the harbor of said city, and to light the Savannah River from its mouth up to said city—to the Committee on Commerce.

By Mr. NORCROSS: The petition of E. Clapon and 22 others, of South Deerfield, Massachusetts, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

By Mr. POEHLER: The petition of F. S. Richards, William B.

to the Committee on Military Affairs.

By Mr. POEHLER: The petition of F. S. Richards, William B. Mohler, and others, of Read's Landing, Minnesota, for an appropriation of \$1,000,000 for the improvement of the Mississippi River above the mouth of the Illinois River—to the Committee on Commerce.

By Mr. RICHMOND: The petition of Joel C. Stover, of Big Lick, Virginia, for pay for property taken by the United States forces during the late war—to the Committee on War Claims.

By Mr. SPARKS: The petition of soldiers of Augusta, Maine, for the passage of a law granting land bounty to soldiers of the late war—to the Committee on Military Affairs.

By Mr. SPRINGER: The petition of J. B. Morgan and 63 others, eitizens of Chandlerville, Illinois, for the passage of an income-tax law—to the Committee on Ways and Means.

law-to the Committee on Ways and Means.

By Mr. TYLER: The petition of P. L. Pierce and others, of Caledonia County, Vermont, for an amendment of the patent laws—to the Committee on Patents.

By Mr. URNER: The petition of the Pipe Creek monthly meeting of the religious Society of Friends, against the passage of the bill to teach boys the art of war—to the Committee on Military Lagins. By Mr. VAN VOORHIS: Four petitions of citizens of Rochester,

New York, engaged in manufacturing and jobbing goods, for the early passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. WILLITS: The petition of J. P. Howell and 84 others, citizens of Hillsdale County, Michigan, for legislation that will protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of J. P. Howell and 84 others, citizens of Hillsdale County, Michigan, for legislation on transportation charges—to the Committee on Commerce.

IN SENATE.

FRIDAY, January 21, 1881.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting certain communications showing the necessity for the construction of permanent brick buildings for quarters for six companies at Fort Leavenworth, Kansas; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a letter of the Secretary of War, transmitting a petition of certain commissioned officers of the Sixth Cavalry remonstrating against the restoration to the Army of Edwin Mauch and others; which was referred to the Committee on Military Affairs

Affairs.

Mr. BAYARD presented the petition of S. M. Felton, John Welsh, and 19 others, citizens of Philadelphia, praying for the passage of a law making provision for retired and retiring Presidents; which was referred to the Committee on the Judiciary.

Mr. BECK presented the memorial of George A. Kensel, captain Fifth Artillery, remonstrating against the passage of the bill (S. No. 1008) for the relief of W. A. Winder, and the bill (S. No. 390) authorizing the President to restore Dunbar R. Ransom to his former rank in the Army; which was referred to the Committee on Military Affairs

rank in the Army; which was referred to the Committee on Military Affairs.

Mr. WINDOM presented the petition of H. P. Krick and a large number of others, citizens and tax-payers residing in States bordering on the Mississippi River, praying for an appropriation of \$1,000,000 to be expended during the fiscal year ending June 30, 1882, for the improvement of the Mississippi River, one-half of the amount to be used from Saint Paul to the Des Moines Rapids, and the remaining half from the Des Moines Rapids to the mouth of the Illinois River; which was referred to the Committee on Commerce.

Mr. CAMERON. of Pennsylvania, presented resolutions of the

Mr. CAMERON, of Pennsylvania, presented resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in favor of the passage of a national bankrupt law; which were referred to the Com-

mittee on the Judiciary.

He also presented the petition of Pierce Hoopes and 74 others, citizens of West Chester, Pennsylvania, praying for such action by Congress as will prevent the encroachment of white settlers upon the Indian Territory and all Indian reservations, and to protect the In-

dians in the enjoyment of all their rights; which was referred to the Committee on Indian Affairs.

He also presented the petition of J. B. Lippincott & Co., James, Santee & Co., and 92 other firms of Philadelphia, and the petition of James L. Jones and 94 others, citizens of Philadelphia, praying that

or James L. Jones and 34 others, citizens or Philadelphia, praying that an increase of pension be granted to soldiers who have lost a limb; which were referred to the Committee on Pensions.

He also presented the petition of D. M. M. Gregg and 17 others, citizens of Reading, Pennsylvania; the petition of George W. Arison and 37 others, citizens of Brownsville, Pennsylvania; and the petition of H. H. Lamb and 25 others, citizens of Mansfield, Pennsylvania, all surviving soldiers of the late war, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims: 496) providing for the examination and adjudication of pension claims; which were ordered lie on the table.
Mr. HARRIS presented the petition of James McKenzie, of the city

Mr. HARRIS presented the petition of James McKenzie, of the city of Washington, praying for the revision and correction of certain assessments upon corner lots in that city; which was referred to the Committee on the District of Columbia.

Mr. SAULSBURY presented the petition of members of the Legislature of the State of Delaware, praying for an appropriation for the improvement of the Jones River, in that State; which was referred to the Committee on Commerce.

Mr. VANCE presented the activities of Mr. Mr. VANCE presented the a

the Committee on Commerce.

Mr. VANCE presented the petition of Mrs. Mary M. Chambers, postmistress at Morgantown, North Carolina, praying to be relieved from
responsibility incurred by reason of the robbery of the post-office at
that place; which was referred to the Committee on Finance.

Mr. DAVIS, of Illinois, presented the petition of C. A. Hand, Stewart
L. Woodford, and J. J. McCook, a committee of the Association of the
Bar of the city of New York, praying that the salaries of the United
States circuit and district judges in the State of New York may be
increased; which was referred to the Committee on the Judiciary.

Mr. EATON. There is a petition on the table, which I presented

at the last session, and it went over. I should like to call up the petition for reference. It is the petition of Davis Hatch, praying that an inquiry be made into the acts of the officers and agents of the Government employed and connected with the attempt to annex the Dominican Republic to the United States in 1869 and 1870.

The VICE-PRESIDENT. The Chair is informed by the Secretary that there is pending an amendment containing instructions, offered by the Senator from New York, [Mr. CONKLING.]

Mr. EATON. I will let it lie until the Senator from New York comes in. I had forgotten that there was an amendment; I recall my motion.

my motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. EATON subsequently said: I repeat my motion to take from the table the petition of Davis Hatch. I have no objection to the amendment offered by the Senator from New York, which is with instructions to the committee thoroughly to investigate the allega-

tions of the petition.

The VICE-PRESIDENT. The petition will be referred to the Committee on Foreign Relations, with instructions.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Pennsylvania. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 129) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, to report it with amendments, and to submit a report in writing.

Mr. COCKRELL. I desire to state that that is not a unanimous report of the committee, and that the minority of the committee will submit a written adverse report in due time.

report of the committee, and that the minority of the committee will submit a written adverse report in due time.

Mr. CAMERON, of Pennsylvania. I did not state at the time that it was a unanimous report; I only said that I was instructed by the committee to report the bill.

Mr. COCKRELL. I understand that.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2548) granting a pension to Martha Neil, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

ordered to be printed.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1843) to authorize the Secretary of War to grant the use of certain land at Fortress Monroe, Virginia, for the

grant the use of certain land at Fortress Monroe, Virginia, for the erection of a hotel, reported it with an amendment.

Mr. KIRKWOOD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3098) granting a pension to Jacob Ginder, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAVIS, of Illinois, from the Committee on Private Land Claims, to whom was referred the bill (S. No. 599) for the judicial investigation and adjustment of private land claims in the States of Louisiana, Arkansas, Missouri, Florida, and the States of Alabama and Mississippi south of the thirty-first degree of north latitude, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. EDMUNDS. I am instructed by the Committee on Private Land Claims, to which was referred the bill (S. No. 311) to confirm certain land claims in the State of Missouri in favor of Jaques Clamorgan and Peter Provenchere, to report that the same names are included in another bill, (S. No. 400,) upon which the committe has already reported. The committee, therefore, instructed me to report that the bill ought not to pass, and recommend that it be indefinitely postponed.

Mr. COCKERLIL, L will state to the Senator reporting the bill postponed.

Mr. COCKRELL. I will state to the Senator reporting the bill that I believe it is the same as the bill formerly reported by the committee and placed on the Calendar.

Mr. EDMUNDS. The same names are in the other bill. This bill,

Mr. EDMUNDS. The same names are in the other bill. This bill, therefore, is useless.

Mr. COCKRELL. Let the bill be placed on the Calendar.

Mr. EDMUNDS. Very well.

The VICE-PRESIDENT. The bill goes on the Calendar with the adverse report of the committee.

Mr. BROWN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 192) granting a pension to Hulda L. Barnard, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1880) granting a pension to Mrs. Ellen M. Boggs, widow of William Brenton Boggs, deceased, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefi-

mitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 1826) granting a pension to Mohammed Kahn, otherwise John Ammahoe, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS. I am instructed by the Committee on Pensions, to whom were referred the bill (H. R. No. 3292) granting a pension to Sally M. Buchanan, widow of General Robert C. Buchanan, United States Army, and the bill (S. No. 7) granting a pension to Sally M. Buchanan, to submit an adverse report thereon. At the request of the Senator from Maryland, [Mr. GROOME,] I ask that the bills be placed on the Calendar.

The VICE-PRESIDENT. The bills will be placed on the Calendar with the adverse report of the committee, which will be printed.

Mr. WITHERS. I am also instructed by the same committee, to whom was referred the bill (S. No. 1916) granting arrears of pension to Elmira E. Pool, to submit an adverse report thereon; and at the request of the Senator from New Jersey [Mr. McPherson] I ask that the bill be placed on the Calendar.

The VICE PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed.

Mr. PLUMB, from the Committee on Military Affairs, to whom was referred the petition of Rev. Theodore Auguste Schnitzler, of De Pere, Wisconsin, praying for compensation for services rendered during the late war, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill

He also, from the same committee, to whom was referred the bill (8. No. 1530) for the relief of the heirs or legal representative of Samuel H. Moer, reported it without amendment.

GENERAL ULYSSES S. GRANT.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1992) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army, to report it back with several little amendments, and I ask for the present consideration of the bill, if there is no objection. It is so amended that I do not think there can be any objection to it by any Senator.

The VICE-PRESIDENT. The Senator from Illinois asks the Senator to consider at this time a bill reported favorably this marning.

ate to consider at this time a bill reported favorably this morning from the Committee on Military Affairs.

Mr. EDMUNDS. In the interest of the Calendar I must object. I do not know what the bill is; it is not because I am objecting to the bill, but here is this great mass of cases reported from that commit-

tee and the other committees—
The VICE-PRESIDENT. Objection is made, and the bill goes on

the Calendar.

Mr. EDMUNDS. If it is the bill the Senator from Illinois states to me it is, and of course it is, it is a bill of such special and peculiar interest that I withdraw the objection with pleasure. I did not hear

him when he made the report.

The VICE-PRESIDENT. The objection of the Senator from Vermont is withdrawn. Is there objection to the consideration of the bill ?

Mr. LOGAN. Let the bill be read. The Chief Clerk read the bill.

The Chief Clerk read the bill.

The VICE-PRESIDENT. The amendments will be reported.

The CHIEF CLERK. In line 4, after the word "Army," it is proposed to strike out the words "and ex-President of the United States;" in line 6, after the word "to," to insert "nominate and, by and with the advice and consent of the Senate;" in line 7, after the words "retired list," to insert "of the Army;" and at the end of the bill to add the words "and in accordance with the date of his commission;" so as to make the bill read:

That in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, the President be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint him to the retired list of the Army with the rank and full pay of General of the Army.

SEC. 2. That at any time when the President shall consider that an emergency has arisen requiring the services of General Ulysses S. Grant on active duty, he is hereby authorized to assign him to any command commensurate with the rank of General, and in accordance with the date of his commission.

Mr. RANDOLPH. What is the motion of the Senator from Illinois? The VICE-PRESIDENT. He asks that the Senate consider the

Mr. RANDOLPH. I should like to have the bill printed and sub mitted to the Senate with the amendments, in its regular order. I will say in behalf of the committee of which I am chairman, that a full committee was not present this morning; that all the members of the committee did not act upon this bill, and therefore this is a majority report of only those members of the committee who were present. I did not know that it was the purpose of the Senator from Illinois to ask for the immediate consideration of the bill. I think

Illinois to ask for the immediate consideration of the bill. I think it very probable that when the bill shall come up in this body, or at the pleasure of the Senate, some remarks will be submitted by myself and others concerning our action in the committee. I should like to have the time which is ordinarily granted for such purposes.

Mr. LOGAN. So far as calling the bill up is concerned, I did not say anything in committee, but I presume the committee understood that I would try to have action upon it as early as possible, for the reason well known to Senators that I have been trying to secure action upon it all the time. It is true there was not a full committee. tion upon it all the time. It is true there was not a full committee this morning, but I never knew that there was necessity for a full committee to report a bill.

mittee to report a bill.

Mr. RANDOLPH. Oh, no.

Mr. LOGAN. I think it is a bill so simple that any Senator can form his opinion in reference to whether he is for or against it, without very much time for consideration. It is a mere question whether it is desirable to reappoint the gentleman named in the bill to the Army on the retired list, and that is all the question there is in it, with a provision that he may be required to do active service, and with an-

other provision which would prevent his interfering with anybody of similar rank in the Army. There can be no objection on that ground. There certainly can be no objection when a man is placed on the retired list, who is able to perform duty, to providing that he shall perform duty if he is drawing pay from the Government. My object in putting in that provision is that he might perform some duty at some time for the money he is to receive from the Government.

There certainly can be no objection to that section; and the only objection there can be is the objection that might be in the mind of any one to putting this distinguished officer back in the Army on the retired list. To that objection I only have to answer that within a very recent period a majority of the Senate did vote to put a man in the Army on the retired list who was not in the Army. Therefore so far as that is concerned there can be no objection on that ground.

Then if there is objection to the bill it is to the person and not to the precedent. So I take it that every Senator is competent and ad-

the precedent. So I take it that every Senator is competent and advised as to how he will vote on this particular question at this time. We have but a short period of the session remaining, and I thought that this bill was entitled to the consideration of the Senate now. For that reason I ask the Senate that they now consider it. Let it be disposed of either one way or the other.

Mr. FERRY. I suggest to the Senator from Illineis that as one objection carries the bill over he avail himself of the first opportunity to call it from the Calendar. I think he will have the support of the Senate in calling up the bill for immediate consideration at any time. Certainly a subject of this importance, and bearing upon so distinguished a citizen of the United States, will commend itself to a majority of the Senate.

Mr. HOAR. I suggest to the Senator that he have unanimous consent to fix a time, say to-morrow morning.

Mr. LOGAN. I shall be glad to do it, for I have never shown any disposition to try to force any measure before the Senate unless it was certainly with the consent of the Senate, and I have sometimes was certainly with the consent of the Senate, and I have sometimes felt as though I was somewhat derelict in my duty for not calling up bills that I have reported. But I will say that if any one wishes to discuss the bill, if it is agreeable to the Senate to fix a time, say Monday morning, when it shall be taken up and acted on, I myself will be willing to agree to that. It certainly will not require a great deal of consideration to decide as to the mere fact whether a person cherild water for or agreeing this bill.

deal of consideration to decide as to the mere fact whether a person should vote for or against this bill,

Mr. KERNAN. What is the question before the Senate?

The VICE-PRESIDENT. The Senator from Illinois asked unanimous consent for the consideration of the bill just reported by him from the Military Committee, to which the Senator from New Jersey

Mr. KERNAN. There are some amendments, and I think the bill had better be printed and go over.

The VICE-PRESIDENT. Objection has been already made. The

bill goes on the Calendar.

bill goes on the Calendar.

Mr. LOGAN. I certainly know that an objection puts the bill over; but I ask if it will not be agreed to take it up on Monday morning by consent of the Senate.

Mr. EATON. The bill is not before the Senate.

Mr. LOGAN. Very well. I give notice, then, that I shall call the bill up at the next meeting of the Senate; at least that I shall atternet to do so.

tempt to do so.

BILLS INTRODUCED.

Mr. McDONALD (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2068) to amend section 610 of the Revised Statutes, organizing the circuit courts of the United States, and the hearing of appeals and writs of error from the decision of the justices of the Supreme Court rendered therein; which was read twice by its title, and referred to the Committee on the

Judiciary.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2069) granting a pension to William W. Ledbetter; which was read twice by its title, and referred to the Com-

mittee on Pensions.

mittee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2070) to provide for the better selection of hospital stewards, United States Army, and fixing their pay and allowances; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WHYTE. The other daythe Senator from Illinois, [Mr. DAVIS,] in behalf of the Committee on the Judiciary, reported adversely the bill (S. No. 1991) for the relief of James Gibbons, of Baltimore, in the State of Maryland. The bill was placed upon the Calendar at my suggestion, but I now desire to dispose of it, and I will ask the Senate that it be indefinitely postponed.

ate that it be indefinitely postponed.

The VICE-PRESIDENT. The Chair hears no objection, and that

order will be entered.

Mr. WHYTE. I now ask leave to introduce a bill for the relief of James Gibbons, and I ask that it be referred to the Committee on the District of Columbia. It has reference to taxes only, and not to

any legal matter.

By unanimous consent, leave was granted to introduce a bill (S. No. 2071) for the relief of James Gibbons; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2072) for the relief of the widow and daughters of the late Connolly F. Trigg; which was read twice by its title, and referred to the Committee on the Judiciary.

and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2073) to amend an act of Congress passed February 15, 1843, chapter 33, authorizing the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee to sell certain lands appropriated for schools; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2074) for the relief of Captain William D. Whiting, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DAVIS, of Illinois, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2075) to amend section 989, Revised Statutes, so as to extend its provision to all officers of the United States in the performance of official acts in which the United States is a party or has an interest; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BRUCE asked and, by unanimous consent, obtained leave to

Mr. BRUCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2076) for the relief of Lewis Collier; which was read twice by its title, and referred to the Committee on Military

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 145) for the relief of William Webster; which was read twice by its title, and referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Theodore F. King, one of its clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the con-

currence of the Senate:
A bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark ;

Clark;
A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;
A bill (H. R. No. 5715) to vacate and close an alley in square 504 in Washington, District of Columbia;
A bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes;
A joint resolution (H. R. No. 266) ratifying settlement of taxes made by the District commissioners with the Baltimore and Ohio Railroad Company; and
A joint resolution (H. R. No. 369) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. N. W. Aldrich of Rhode Island, Mr. EPPA HUNTON of Virginia, and Mr. ROBERT KLOTZ of Pennsylvania, managers of the conference on the part of the House. The message further announced that the House had passed a bill (S. No. 1618) to amend section 553 of the Revised Statutes relating to

(S. No. 1618) to amend section 553 of the Revised Statutes relating to the District of Columbia.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purpose

ELECTION OF SENATORS.

Mr. ROLLINS. I ask the Senate to take up the bill (S. No. 404) to amend section 14, chapter 1 of title 2 of the Revised Statutes, reported from the Committee on Privileges and Elections, which was up yes-

terday morning.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported from the Committee on Privileges and Elec-tions with an amendment, to strike out all after the enacting clause

That it shall and may be lawful for the Legislature of the State of New Hampshire, whose constitutional term commences next preceding the expiration of the term of a Senator in Congress from said State, to choose a Senator to fill the term which will so expire.

The VICE-PRESIDENT. The question is on agreeing to the amend-

The amendment was agreed to.

Mr. WHYTE. I think the Senator from New Hampshire should explain the bill to the Senate, so that it may be understood.

Mr. ROLLINS. I occupied the attention of the Senate yesterday in explaining the necessity which exists for the passage of this bill. If the Senator will take the trouble to look into the Record, which he will find on his deak, he will see my explanation of the necessity for will find on his desk, he will see my explanation of the necessity for the bill.

Mr. WHYTE. I have not had time to examine the RECORD of to-day

as yet.

Mr. EDMUNDS. This bill according to the amendment agreed to simply provides:

That it shall and may be lawful for the Legislature of the State of New Hampshire, whose constitutional term commences next preceding the expiration of the term of a Senator in Congress from said State, to choose a Senator to fill the term which will so expire.

According to my understanding of the Constitution of the United States that is precisely what the law is now. The Constitution declares that each State shall be entitled in the Congress of the United States to two Senators, who shall hold their offices for a term of six years; and the operations of the Government under the Constitution have made those six years begin on the 4th day of March, that being the day on which the Government under the Constitution went into operation.

operation.

I suppose nobody would doubt that the Legislature commencing its session at a time next and last preceding the 4th of March, when a vacancy would occur in the representation of a State, would be the proper Legislature to fill it, and that there could be no power in Congress to provide by any law for such a species of election as should leave the State debarred from electing a Senator by its Legislature lawfully assembled on the last occasion before the vacancy occurred. I should suppose that to be perfectly clear; but the act of Congress of 1866 did provide (evidently not foreseeing a state of things which might exist) that it should be the Legislature last elected preceding the expiration of a term. Therefore, as in the case of New Hampshire, taking that language literally, a Legislature elected in November last to meet under its constitution in June is the only Legislature that is authorized to elect a Senator in Congress, and therefore that the State of New Hampshire has no constitutional or legal right that is authorized to elect a Schator in Congress, and the text that the State of New Hampshire has no constitutional or legal right to have a Schator in Congress by legislative election from the 4th of March until the meeting of the Legislature of New Hampshire in June, because, under the constitution of New Hampshire, which it has a right to make and to have in that way, the constitutional term

has a right to make and to have in that way, the constitutional term of the members of its Legislature runs over until June. Hence if the governor were to convene a called session of the Legislature to perform this duty he would have to convene precisely the Legislature that the act of Congress, reading it literally, says shall not elect.

If the act of 1866 is to be construed that way, then I think it is an invasion of the constitutional right of the State of New Hampshire and any other State that may be so situated to elect a Senator in time to begin to represent his State when the senatorial term begins. But I think in view of the Constitution that the act of 1866 may be fairly I think in view of the Constitution that the act of 1866 may be fairly construed according to its spirit, and not strictly according to its letter. The spirit and purport of the act of 1866, as I understand it, and as I understood it when it was passed, was to withdraw from preceding Legislatures that had sessions two or three years before, and between which and the next vacancy there was to be another Legislature not only elected but sitting, the right to go on and fill vacancies for the next three or four years, which, or something like it, had happened in one or two cases, that produced great difficulty. That the idea

I think, then, that fairly, if we construe the act of 1866 according to its spirit and purpose and apply it to the circumstances, it can be made and construed to be the requirement simply that the last constitutional meeting of the Legislature of a State under its constitution preceding a 4th of March when a vacancy is to be filled has the right to fill it, although the mere letter of the act says "last elected." However that may be, it might be wise, and I think it is, if there is any doubt about it, to change the law so as to make it clear.

It appears to me instead of saying "the State of New Hampshire" we ought to say "any State," so that if there be any other State in the Union so situated in respect of its own constitutional arrangements that under the letter of the act of 1866 construed that way it could not fill a vacancy in its representation in Congress it would be included within this construing or enabling authority and not have it confined specially to this one State.

Therefore I will move, if it is agreeable to the committee that re-

Therefore I will move, if it is agreeable to the committee that reported the bill, to strike out of the amendment the words "the State of New Hampshire" and insert "any State," so as to read:

That it shall and may be lawful for the Legislature of any State, whose constitutional term commences next preceding the expiration of the term of a Senator in Congress from said State, to choose a Senator to fill the term which will so ex-

Mr. SAULSBURY. As far as the committee is concerned that re-Mr. SAULSBURY. As far as the committee is concerned that reported the amendment already adopted, it was especially designed to remove embarrassment in the State of New Hampshire found to exist there. I do not know what the effect of the amendment of the Senator from Vermont would be; I do not know the absolute necessity of it. I do not know that there is any necessity to relieve any other State. We were especially trying to settle a question which has arisen in regard to the State of New Hampshire with reference to the construction of an act of Congress. I do not know that there is any objection to the amendment proposed by the Senator from Vermont and I know of no necessity for such an amendment. If Vermont, and I know of no necessity for such an amendment. If there was a necessity for such an amendment, it would be exceedingly proper that it should be adopted; but I know of no such necessity in any case except in the case of New Hampshire. If the Senator from Vermont has apprehensions that there is any other State

where there is necessity for applying this provision, I have no objec-

Mr. EDMUNDS. I submit to the consideration of my distinguished friend from Delaware, inasmuch as he states that the necessity for this legislation arises out of a doubt about the true construction of the present regulating act of 1866, and is designed to make it as to New Hampshire in conformity with the constitutional rights of the States, that if we make this act general we shall have thus put a proper construction upon the application of the act of 1866 to bring it into conformity to the constitutional rights of all the States, so that if any State, if there be none other now, shall happen to change its constitution in such a way as that the meetings of its Legislature shall not come into harmony with the letter of the act of 1866 as it now stands, there will be this general law to provide for it. I am sure if the provision be made general that it makes the law of 1866 thus construed or changed precisely what the framers and passers of it in 1866 under the Constitution meant to make it, and that is to provide that the last constitutional meeting of a Legislature preceding the occasion when there is necessity for the Legislature to fill a vacancy shall proceed to fill it.

Mr. PENDLETON. It seems to me, Mr. President, if this bill shall this legislation arises out of a doubt about the true construction of

Mr. PENDLETON. It seems to me, Mr. President, if this bill shall pass in the way it is framed, that it will leave the section of the Revised Statutes exactly as it now is, and will provide also what is contained in italics here; that is to say, it will leave the provision of the Revised Statutes standing which it is proposed to amend, and enact also this law which is proposed to amend it.

Mr. EDMUNDS. As far as this is inconsistent.
Mr. PENDLETON. I understand that, but there will be then standing on the statute-book these two provisions, one of them that the Legislature of each State chosen and organized next preceding the expiration of a term shall make the election, and the other that it may be lawful for the Legislature of a State whose constitutional term commences, and so forth, to make the election. It seems to me that it would be better to provide for the repeal of the original section, and then enact the proper form of one, so as to put beyond all question or cavil what the law is. Otherwise we shall have two provisions which are not entirely inconsistent, which the Senator from Vermont says ac-cording to this interpretation will be the same with the amendment standing on the statute-book. Therefore it seems to me the form of the bill might be improved. But there is danger, I think, in case this amendment passes just as it is, that the provision which requires the election to be made at the first regular term next preceding the expiration of the term of a Senator may be affected. It seems to me that that is rather a beneficient provision, and should be retained in the law.

Mr. HOAR. Mr. President, I desire to suggest to the Senator from Vermont whether it is worth while to press the amendment which he has offered. If it be true that there is no other State in the Union which is affected by this question except the State of New Hampshire, it is entirely unimportant to do anything except to pass the bill as applicable to that State. If there be any other State which is to be affected than the State of New Hampshire, then it would seem desirable that the people of that State should have some knowledge of the pending legislation which is likely to affect its interests. And practically it would be very likely to lead to the defeat of the bill, if not here, elsewhere, at this late period in the session, if there is danger that it may make any general or considerable change in the law. The people of New Hampshire have had the fullest knowledge of this difficulty. In point of fact the last Senator who took his seat here, the junior Senator from New Hampshire, [Mr. Blair,] took his seat under an election held by his Legislature after the constitutional term of six years had begun; after his predecessor's term had expired. The people of New Hampshire have had the fullest opportunity to make known their wishes, and, so far as the committee or the Senate are aware, there is no objection from any party in New Hampshire to this aware, there is no objection from any party in New Hampshire to this proposed amendment. That being the case, it seems to me we ought to confine ourselves to this amendment, and let the other House concur with us, if they will, and have the bill go into operation without undertaking to enter upon or even to risk entering upon a change which it will require the most careful examination to see whether it affects a large number of States or not.

It strikes me, considering the way in which legislation must be adopted, for the House of Representatives must concur with legislation originated in the Senate at this time to make it effective, that it will be found practically impossible to obtain a concurrent majority of the Representatives of all the States to a bill which they may fear will be of large and general application, whereas, in regard to the

will be of large and general application, whereas, in regard to the State of New Hampshire, if that body is informed that all parties concur in desiring this particular legislation for that State, it will get

Mr. EDMUNDS. Mr. President, the answer that I have to make to Mr. EDMUNDS. Mr. President, the answer that I have to make to the certainly pertinent suggestions of the Senator from Massachusetts, is first, that if we pass this provision just as it came from the committee, it, to my mind, raises an implication it being made specially to apply to the State of New Hampshire—

Mr. HOAR. The Senate has already amended it so as to apply to the State of New Hampshire.

Mr. EDMUNDS. I say it being applied to the State of New Hampshire to my mind raises a clear implication of a legislative construc-

tion of the act of 1866, section 14 of the Revised Statutes, in favor of the point that without this provision the State of New Hampshire would have no right to elect before there had been a vacancy in its representation. It seems to me to be a legislative declaration that under the law as it stands no such election could lawfully take place, but that we make special exception in favor of the State of New Hampshire. If I am right about my idea of that implication, I

cannot vote for such a proposition.

Mr. SAULSBURY. I should like to ask the Senator from Vermont, whether, if we pass the bill with his amendment, the same implication will not arise that the proper construction of the act as it now stands excludes New Hampshire from the right to elect before the

vacancy occurs?
Mr. EDMUNDS. vacancy occurs?

Mr. EDMUNDS. That is a fair inquiry; it has great force, and I am inclined to think that it is partly true; but the degree of implication is vastly less in the general case than in the other. But I wish to propose, while I am up, in addition to the amendment that I offered, and to meet the views of the Senator from Ohio [Mr. PENDLETON] which were so well expressed, to add after the word "that," in the third line, the words "section 14 of the Revised Statutes of the United States shall be so construed as that;" so that the whole clause will read in this way: read in this way:

That section 14 of the Revised Statutes of the United States be so construed as that it shall and may be lawful for the Legislature of any State whose constitutional term commences next preceding the expiration of the term of a Senator in Congress to fill it.

That is a legislative declaration of the true construction of section 14, the one that it is intended to have whether legally it will bear it now or not, and I think nobody ought to object to that if we really wish to put the state of the law so that hereafter in New Hampshire on the next occasion, or in any other State, where it may arise, there may be no difficulty.

The VICE-PRESIDENT. The amendment proposed by the Sena-

tor from Vermont will be read.

The CHIEF CLERK. After the word "that," in line 3, it is proposed to insert "that section 14 of the Revised Statutes of the United States shall be so construed as that."

Mr. HOAR. It may be well to state in a moment how this question has come up. Congress, within the limits of our constitutional power, provided for the time of the election of Senators by providing that that election should take place on a certain day during the first session of the Legislature chosen last before the expiration of the constitutional term of the Senator whose commission was about to expire. The State of New Hampshire then made that day certain by providing in its constitution that that meeting of its State Legislature should occur a few weeks after the beginning of the constitutional term. That would be a clear constitutional provision by Congress and by the State for a time and manner of electing a Senator, except that the doubt has arisen whether a provision can be lawfully and constitutionally made which leaves the office vacant for a short time after the constitutional term of the predecessor has expired-about three months. If that were an original question, it might raise a doubt and might support the view suggested by the honorable Senator from Vermout; but it is not an original question. It is a question which has been settled, so far as anything can be settled in that way, by a very extensive and uniform practice from the foundation of the Government in regard to the other House, which depends on precisely similar constitutional provisions. The time for electing members of the State Legislature in a large number of the States from the beginning of the Government has been fixed by legislative authority, for the convenience of the people, at a time shortly after the beginning of the constitutional term. When I first came into the other House, in 1869, the members of the other House from this very State of New Hampshire were not elected, I think, until April.

Mr. BLAIR. The second Tuesday in March.
Mr. HOAR. At any rate they were not elected until after the House actually assembled on the 4th of March, the law being then that the regular session of Congress was held on the 4th of March. regular session of Congress was held on the 4th of March. The same thing existed in Connecticut, the people of that State not electing at that time until April. The same thing existed in Mississippi, and gave rise, some forty years ago, to a very celebrated contested election case, in which S. S. Prentiss was one of the parties. The same law existed in California down to within a few years. So it is settled in our legislative precedents that a provision by legislative authority, whether of Congress or the State, or the joint operation of both, as in this case, which for any consideration of popular convenience fixes an election by the people or by the Legislature for a brief period after a constitutional term begins, is not for that reason alone unconstituconstitutional term begins, is not for that reason alone unconstitutional. If that be true, then the construction which the Legislature of New Hampshire and the governor of New Hampshire followed in the appointment of Mr. Bell, and which the Senate adopted by receiving Mr. Bell to his seat, and the legislation adopted in the election of Mr. Bell's successor, is to be considered as established as fairly as anything in a matter of that kind can be established by the precedents of this body and of the other House.

If the people of New Hampshire desire to have this difficulty removed by an express act of Congress, it seems to me we ought to do it. If they do not desire it, they can take any other course they shall see fit. But if they do, it seems to me that it is not worth while at this

time in the session of Congress to accompany that act by entering upon an attempt to change the general operation of law for the election of Senators of the United States.

Mr. EDMUNDS. Mr. President, the instance of the law as to the election of members of the House of Representatives submitted by the Senator from Massachusetts, I think does not fortify his view, and I think it bears no analogy to the provision as to the election of Senators. I do not deny for a single moment that if the act of 1866 had said that the Senators of the United States should be elected on the first Tuesday in November or the first Wednesday in January or on any other day, the Congress of the United States was acting within its authority, for the Constitution says that we may fix the time, and we do fix the time when we make a day as we do as to members of the House of Representatives, and the State can conform to it. The people

House of Representatives, and the State can conform to it. The people are always in session, and all it requires is merely the legislative machinery to get them together. But in acting as to Senators under the same clause of the Constitution, instead of fixing a day we undertake to describe the body of constituents who are to exert the authority, which is quite a different thing I respectfully submit.

Then we come right back to the proposition as to whether it is competent, giving the worst construction to this act of 1866, for Congress by a description of the elective body to so describe that body that under the constitution of its own particular State it has no power to act and no power to be represented until after the occasion for representation has considerably passed. That is the question, and that question, I think, merits pretty serious consideration before you say we have any such right.

The matter of Mr. Bell and the election of my friend who sits at my left [Mr. Blair,] as it appears to me, does not touch the question.

my left [Mr. Blair,] as it appears to me, does not touch the question at all. As to the case of Mr. Blair it is the duty of the Legislature wherever there is a vacancy that they find to fill it up, no matter how it occurred. The Constitution says so. But as to Mr. Bell the question passed upon the right of the governor to make a selection under the Constitution under the circumstances that then

But I do hope that the Senate while it is acting upon this subject will put a construction upon this fourteenth section of the Revised Statutes such as will make it harmonious with the spirit of the Constitution of the United States and with the constitutions of all the

stitution of the United States and with the constitutions of all the States in whatever form they may now be or may hereafter be.

The VICE-PRESIDENT. The first question is upon the first amendment proposed by the Senator from Vermont to the amendment reported by the committee.

Several SENATORS. What is that?

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 3 of the committee's amendment, after the word "of," it is moved to strike out "the State of New Hampshire" and insert "any State."

Mr. INGALLS. Mr. President, the practical difficulty in the case that is now before the Senate I understand to be this: the Legislature, which was elected in November, 1878, assumes that it has the authority to elect the successor of the Senator whose term expires on the 4th of March, 1883, and that there has been a Legislature elected in November, 1880, whose constitutional term will not begin, under the constitution of New Hampshire, until the first Wednesday in June, 1881, which may see fit to exercise the same power, and that unless they should unite in selecting the same person there would be a conflict of the state of the second they should unite in selecting the same person there would be a con-

1881, which may see fit to exercise the same power, and that unless they should unite in selecting the same person there would be a conflict as to which person should receive the certificate and oath of office of admission into this body. It is obvious to me from suggestions that have already been made, notably by the Senator from Ohio, that we ought to pass this bill precisely as it came from the Committee on Privileges and Elections, or else that we ought to amend section 14 of the Revised Statutes, so that the provision that is now proposed to be applied to New Hampshire shall apply to all the States in the Union, else, as has been suggested, we shall have the anomaly of two provisions upon the same subject standing upon the statute-book that are absolutely inconsistent with each other.

I hope the Senate will regard this question of sufficient significance and importance, as it certainly is, to vote understandingly upon the pending amendment, which I regard to be very essential indeed to the proper construction of the section as it now stands, and to a proper interpretation of rights that may arise hereafter upon precisely this same question. I regret exceedingly that the State of New Hampshire when it received notice in the case of the admission of Senator Bell, did not take the necessary steps to conform its constitutional provisions to those of the statute of the United States. I suppose it is now too late for them to do so; but the emergency is before us, and therefore, I repeat again, in my judgment the amendment offered by the Senator from Vermont ought to be rejected, and we should pass this bill as it came from the committee or amend section 14, as has been suggested by the Senator from Ohio.

The VICE-PRESIDENT. The question is on the first amendment.

has been suggested by the Senator from Ohio.

The VICE-PRESIDENT. The question is on the first amendment proposed by the Senator from Vermont.

proposed by the Senator from Vermont.

The amendment was agreed to—ayes 22, noes not counted.

Mr. EDMUNDS. Now I move the other amendment.

The VICE-PRESIDENT. The Senator from Vermont proposes a further amendment, which will be read.

The CHIEF CLERK. In line 1 of the committee's amendment, after the word "that," it is proposed to insert "section 14 of the Revised Statutes of the United States shall be so construed as that."

Mr. WHYTE. Is there a reference to the chapter and title there lso? I only heard a section of the Revised Statutes.

Mr. EDMUNDS. There is no reference to the chapter; but the

sections are continuous through the whole book.

Mr. CONKLING. May I ask what is this amendment now? This is the amendment which states how section 14 shall be construed.

Mr. EDMUNDS. Yes.
The VICE-PRESIDENT. The amendment will be read.
The Chief Clerk again read the amendment of Mr. EDMUNDS.
Mr. CONKLING. May I ask the mover of this amendment whether its effect will be to repeal, to amend or to declare the construction of ection 149

Mr. EDMUNDS. The only answer I can make to that is precisely what the language of the amendment is, to give a legislative construction and definition to the scope and operation of the fourteenth

struction and definition to the scope and operation of the fourteenth section, which is now in doubt and dispute.

Mr. CONKLING. May I ask the honorable Senator whether it will not be better plainly to amend the fourteenth section—it is very brief—to put in its place a section which shall contain the whole law, rather than to leave as it is in the Revised Statutes the fourteenth section and then supplement it with a statute years afterward merely declaring that the section shall be construed so and so?

The Senator form Verney terres years are talled. Leave the way whether

The Senator from Vermont says, not aloud—I do not know whether he wants me to report it—that although he agrees with me it would he wants me to report it—that although he agrees with me it would take a little time to draw such an amendment. I venture to suggest that he take five minutes if that be necessary—I think he Senator from Vermont can do it in that time; I think I could do it myself in twice that time—to propose an amendment which shall take the place of the four or five lines which now constitute section 14. If the Senator from Vermont will prepare such an amendment it will furnish me occasion for occupying a moment of the Senate's time.

Mr. EDMUNDS. It will not take me more than a second to put in the words necessary, and the Clerk can cony the rest from the printed.

the words necessary, and the Clerk can copy the rest from the printed section in the Revised Statutes.

Mr. CONKLING. I will speak for that second. Mr. President, I have had, not always but as often as this case has recurred and that have had, not always but as often as this case has recurred and that has been several times, a judgment that the Legislature of New Hampshire has the right to choose a Senator, or elect a Senator, both words I believe are used in the Constitution. Section 14 of the Revised Statutes provides that a Senator shall be elected by the Legislature chosen next preceding the expiration of the time at which the sitting Senator's term expires. One of the operative words there is "chosen." It has been suggested, however, that "chosen," as there used, requires in all cases not only the choice, but the arrival of the day when the Legislature might meet the organization of the Legislature and Senator's term expires. One of the operative words there is "chosen," at has been suggested, however, that "chosen," as there used, requires in all cases not only the choice, but the arrival of the day when the Legislature might meet, the organization of the Legislature, and behind all the specification in the constitution of the day on which the Legislature should meet. Speaking, as I do, in the hearing of better lawyers, I cannot so understand the section. I think when the statute speaks of the Legislature chosen, it is the chosen Legislature. I remember a quaint friend, who said things very sharply and drily, trying a cause once under a statute which gave a remedy to the "widow and next of kin." A husband brought suit for the killing of his wife. My friend, in arguing the case, said several times, "My point, your honors, is that this man is not the widow, or the next of kin of this woman." And so, with equal simplicity I should say that "the Legislature chosen "is the Legislature chosen, and that the Legislature not chosen last preceding the expiration of the time is not the only Legislature which has been chosen preceding that expiration. In New Hampshire, before a certain day, namely the 4th of March when New Hampshire's Senator ceased to hold his commission, there was a Legislature, and after that the people had chosen another Legislature and the constitution of New Hampshire fixed a day for the organization of that other, which was not as early as would be convenient and seasonable to appoint a Senator. In November, under the constitution of New Hampshire, the people might choose a Legislature. They did in November regularly choose a Legislature in the year in question. That choice was made under a constitution which provides that the Legislature shall not convene until the first Wednesday in June. If I were to observe upon such an arrangement, I should say it might become very inconvenient; I would not dare to say in reference to the Commonwealth of New Hampshire that it is unwise. Be this as it may it tainly not matter for me.

The argument and the fact is that until the Legislature chosen shall convene, the existing current Legislature is the one which would continue to sit if the session continued until surperseded by the organization of its successor. If a call issued for an extra session, no other Legislature could convene. This is the all-important circumstance in the case. But for this, no one would doubt the course to pursue. In June the Legislature organizes, in June every constituent member of it takes an oath to support the Constitution of the United States, one of the provisions of which relates to the choice of Senators. In June the question may arise when that Legislature was chosen. When was it chosen? Was it chosen after November? Certainly not. Was it chosen before November? Certainly not. The only way known among men in which it could be chosen was by the vote of the people of New Hampshire. That vote was cast in November, and at no other

When the Legislature in June comes together, when every man swears to support the Constitution of the United States, and enters upon the duties of his office, there may be a vacant place in the Senate of the United States—a place the expired Legislature has not filled. Does anybody doubt the right of the Legislature in such a case to proceed to elect? Whether it was a Legislature before June or not, whether its constitutional existence began before June or not, certainly it is in June a Legislature; it is the last Legislature chosen, and the only one in existence and if a Senator is then to be elected,

and the only one in existence and if a Senator is then to be elected, I cannot see a doubt of its capacity to elect him.

The opposing view would require this statute to be read as if it declared what might be done by the Legislature chosen and also organized last before the expiration of the time. To so read, is to import into the statute an additional, substantive, and puissant word; and I know not the canon of construction which enjoins not only that meaning shall be given to every word, but that there shall be imported additional, operative, and controlling words, and the section be read accordingly.

I infer that other Senators take a different view, and I speak of course with deference to those who do.

I cannot suppose that if the State of New York in constitutional convention should change the day of the meeting of the Legislature from the first Tuesday in January to the first Tuesday in May, the effect would be to deprive her of the right to choose a Senator before

or after a vacancy occurred.

The Senator from Vermont now hands me this draught of an

amendment:

That section 14 of the Revised Statutes be amended so as to read as follows:

"Sec. 14. The Legislature of each State whose constitutional term begins next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress."

I suggest to the Senator that for abundant caution it might be well I suggest to the Senator that for abundant caution it might be well to amend so as to read "the Legislature of each State chosen and organized" in place of "whose constitutional term begins next preceding the expiration of the time." The only reason for that which occurs to me is this: it is barely possible that in the change of organic law it might occur that a Legislature chosen might be wholly superseded and never organized or effectually existing; and in some such state of facts a misapplication might occur of unguarded language. If the Senator were to say "the Legislature of each State chosen and organized," or if he were to insert with the phraseology he has adopted the words "chosen and" before "whose constitutional term begins," that might be better. that might be better.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The morn-

Mr. HOAR. I should like to make a suggestion to the Senator from Vermont now, before this bill goes over.

The PRESIDING OFFICER. Is unanimous consent granted to the Senator from Massachusetts? The Chair hears no objection.

Mr. HOAR. I want the Senator to consider whether there will be any question of difficulty hereafter raised under the law with the phraseology he suggests in the case of those States who choose part of their Legislature at one time and part at another.

The PRESIDING OFFICER. The morning hour having exical

pired-

The PRESIDING OFFICER. The morning hour having expired—
Mr. EDMUNDS. I ask unanimous consent to reply to the question of my friend from Massachusetts.

The PRESIDING OFFICER. The Chair hears no objection.
Mr. EDMUNDS. I have not undertaken to cover that or to cover anything except to make this legislation general. The phrase "whose constitutional term begins" is the phrase reported by the committee after consideration. I only go upon the assumption that they have thought that was the best phrase. That is the very phrase, the very set of words that the committee have reported as a substitute for the original bill, and I took it upon the assumption that the words of the committee are on the whole the best words. There is great pertinence in the inquiry of the Senator from Massachusetts, but I am not ready to answer it myself. Probably the committee can.

Mr. HOAR. The present proposition which is made here and which has been adopted by the Senate applies to the State of New Hampshire, which elects all its Legislature at one time, and I believe elects them annually. The Senator now makes a general bill of it, using the phraseology which was applicable only to New Hampshire; and my question is—though I do not make an objection to this proposition, I am merely asking its consideration—whether he has provided

tion, I am merely asking its consideration—whether he has provided sufficiently in his general law for those States that do not elect all their Legislature at the same time, but elect part one year and part

another

The PRESIDING OFFICER. Before the Chair lays before the Senate the unfinished business he will present some bills from the House of Representatives for the purpose of reference.

Mr. CONKLING. May I, pending that, send up an amendment to

be printed?

The PRESIDING OFFICER. If there be no objection the amend-

ment will be received.

Mr. CONKLING. It is to the bill which has been under consideration this morning.

The proposed amendment was ordered to be printed.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2098) for the relief of the heirs of Edward B.

A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia; A bill (H. R. No. 5715) to vacate and close an alley in square 504,

in Washington, District of Columbia; and
A joint resolution (H. R. No. 266) ratifying settlement of taxes made
by the District commissioners with the Baltimore and Ohio Railroad Company

Company.

The joint resolution (H. R. No. 369) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, was read twice by its title.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on the District of Columbia.

Mr, DAVIS, of West Virginia. I believe that makes an appropriation.

Mr. DAVIS, of West Virginia. I believe that makes an appropriation.

The PRESIDING OFFICER. It is an appropriation, but it has reference to property in the District of Columbia, and bills of a similar character have been referred to the same committee. If the Senator from West Virginia moves its reference to the Committee on Appropriations, the Chair will put the question.

Mr. DAVIS, of West Virginia. I only wish to say that I believe all direct appropriations go to the Committee on Appropriations. I heard the title of this joint resolution as one making appropriation.

Mr. HARRIS. It is a resolution making an appropriation to fill up the old canal. Bills on the same subject formerly have gone to the Committee on the District of Columbia, but I shall certainly not contest it with my honorable friend from West Virginia. I am willing his committee should take jurisdiction.

Mr. DAVIS, of West Virginia. There is no contest between the Senator and myself. When I heard the title read at first, making an appropriation, I supposed it was one of the regular appropriation bills, and as the title was, "making an appropriation," I thought the proper place for it was the Committee on Appropriations. I have no objection, however, to its going to the committee of the Senator from Tennessee. Tennesse

The PRESIDING OFFICER. Does the Senator from West Virginia make a motion to refer it to the Committee on Appropriations? The Chair thinks the proper direction was given originally.

Mr. DAVIS, of West Virginia. I shall not contest the point with

the Chair

The PRESIDING OFFICER. The joint resolution is referred to the Committee on the District of Columbia.

The bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

BRIDGE ACROSS THE POTOMAC RIVER.

The Senate proceeded to consider the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HARRIS, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the presiding officer.

The PRESIDING OFFICER appointed Mr. WITHERS, Mr. McMillan, and Mr. Rollins as the conferees on the part of the Senate.

AMENDMENT TO A BILL

Mr. KELLOGG submitted an amendment intended to be proposed by him to the bill (H. R. No. 4592) to facilitate the refunding of the national debt; which was referred to the Committee on Finance.

MILEAGE OF WITNESSES.

Mr. PLUMB. I offer a resolution for reference to the Committee on Privileges and Elections:

Resolved. That there be paid to J. V. Admire, L. T. Smith, E. B. Purcell, and George T. Anthony, out of the contingent fund of the United States Senate, the mileage for attending as witnesses from the State of Kansas in the investigation of the election of Hon. J. J. INCALLS, the same as the other witnesses received.

Mr. HOAR. In the absence of the chairman of the Committee on Privileges and Elections, I merely desire to suggest to the Senator

from Kansas whether that had not better go to the Committee on

Contingent Expenses of the Senate.

Mr. PLUMB. I have no objection myself to such a reference, but I rather supposed the subject-matter of it would more properly come

within the jurisdiction of the Committee on Privileges and Elections.

Mr. HOAR. As I understand the question it is this: these witnesses disobeyed a subpœna, or were alleged to have disobeyed a subpœna to appear before a sub-committee in Kansas. Thereupon an order of the Senate was obtained at its next session, ordering these an order of the Senate was obtained at its next session, ordering these gentlemen to be arrested and brought here by the Sergeant-at-Arms. That order being enforced, instead of actually arresting these gentlemen, who were said to be respectable citizens, and concerning whose failure to appear there was some explanation, (I do not remember the general character of it,) they telegraphed that if instead of the Sergeant-at-Arms sending a deputy for their arrest, if they could be permitted to come to Washington themselves they would do so. Thereupon they came; they went before the committee and gave the testimony which had been sought by the sub-committee in Kansas, and were discharged by the Senate on making known that fact. The testimony which had been sought by the sub-committee in Kansas, and were discharged by the Senate on making known that fact. The Sergeant-at-Arms then inquired of the Committee on Privileges and Elections whether he was at liberty to pay these gentlemen their expenses in coming here. Now, I suppose, speaking for one, that the Sergeant-at-Arms, when he is ordered to bring a person here whose fare he would have to pay, may properly, if the person comes voluntarily and pays his own fare, arrange to refund it. He may do that properly without any authority except what already exists. But the Committee on Privileges and Elections felt that they had no authority and no duty to advise the Sergeant-at-Arms as to what he should do. It was a matter solely within his discretion so far as his own act was concerned, and if he had not sufficient authority to make the payment, the application should be made to the Senate.

ment, the application should be made to the Senate.

Under these circumstances the question which I desire to submit to the Senator from Kansas, and I shall be entirely governed in my own vote on what he thinks best, is the mere question whether the reference to the Committee on Contingent Expenses would not result in their authorizing the Sergeant-at-Arms to make the payment of the expense incurred practically by him heretofore which the reso-

lution provides for.

Mr. PLUMB. That is a matter which is entirely immaterial so far as I am concerned, and I am willing to accept that reference. Inasmuch, however, as the Senator from Massachusetts has attempted Inasmuch, however, as the Senator from Massachusetts has attempted to state the facts in the case, I may be permitted to say that he is mistaken in regard to the order in which certain occurrences took place. The witnesses were brought before the Senate, and the Senate, hearing their statement, discharged them. Thereupon they testified. I do not think the order was given to the Sergeant-at-Arms to arrest them, but they understood from public and private sources perhaps that the Senate might make such an order, and said if they had to be called here in pursuance of the undoubted power of the Senate so to do, either under arrest or otherwise, they preferred not to come under arrest, because that assumed what they did not deem themselves guilty of. a disobedience of any lawful subpœna of a com-

to come under arrest, because that assumed what they did not deem themselves guilty of, a disobedience of any lawful subpœna of a committee of this body.

I have no objection to the reference, accepting the suggestion of the Senator from Massachusetts, and permitting the resolution to go to the Committee on Contingent Expenses of the Senate.

The PRESIDING OFFICER. There being no objection, the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

LANDS IN SEVERALTY TO INDIANS.

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 1773) to provide for the allotment of lands in severalty to (S. No. 1773) to provide for the allotment of lands in severally to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes, the pending question being on the amendment of the Senator from Missouri, [Mr. VEST.]

Mr. WALLACE. I move to temporarily lay aside the pending order without prejudice and proceed to consider the Indian appropriation bill

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Pennsylvania ? The Chair hears no objection,

and the motion is adopted.

Mr. COKE. I want it understood by proper action that the bill in relation to Indians is the unfinished business, and is only laid aside informally to be resumed when the Indian appropriation bill is disposed of.

Mr. WALLACE. That was my motion.
The PRESIDING OFFICER. That is the understanding.

DISTRICT MUNICIPAL CODE.

Mr. HARRIS. I desire to say before the Senate proceeds with the consideration of the unfinished business that some few days since I gave notice that I would on to-day ask the Senate to proceed to the gave notice that I would on to-day ask the Senate to proceed to the consideration of the House bill providing a municipal code for the District of Columbia. Inasmuch as the bill in charge of my friend from Texas is now under consideration, of course I shall not seek to interfere with the consideration of that bill; but I desire to give notice that immediately upon the conclusion of the consideration of that bill I shall ask the Senate to proceed to consider the bill that I have indicated have indicated.

INDIAN APPROPRIATION BILL.

The PRESIDING OFFICER. The suggestion made by the Senator from Pennsylvania [Mr. WALLACE] is agreed to by unanimous

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending

contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1832, and for other purposes.

Mr. WALLACE. Mr. President, this bill is what is generally known as the Indian appropriation bill, and as it comes to the Senate contains an appropriation of \$4,526,866.80. The Senate Committee on Appropriations have added to that total \$71,000, so that the bill reported to the Senate contains \$4,526,866.80. The bill is less than the estimates for the year 1882 by \$261,000, and it is less than the appropriations for 1881 by \$70,140.30.

The total items of increase are \$72,000, as follows: For the Arapahoes, Cheyennes, Apaches, &c., \$35,000; for subsistence of Joseph's band of Nez Percés, in the Indian Territory, \$5,000; for the Shostone Indians in Wyoming, \$5,000; for the Indians removed from the Malheur reservation, in Oregon, \$12,000; a new item for rebuilding the Tallahassee mission school building, \$5,000; and the expenses of the Indian commissioners, \$10,000, making the total of \$72,000. We have then reduced the appropriations by taking away the salary of one Indian agent, \$1,000, making the net increase \$71,000.

The increase for the Arapahoes, Cheyennes, Apaches, &c., of \$35,000, is the result of what we deem to be a necessity of the Indian Territory, and are the warlike bands. The total of about ten thousand of them are upon two reservations. There is a deficiency for the past year of about eighty thousand dollars, with the appropriation made for the current year. The amount appropriated by the House is \$315,000; the amount asked for by the Department is \$350,000. Your committee have given the amount of the estimate, believing that it was true economy to support and sustain these Indians, at least in the manner in which the Increase for the increase of appropriation for the support of Joseph's band of Nez Percés. That was estimated for at

them from raids and warlike demonstrations.

The same is the reason for the increase of appropriation for the support of Joseph's band of Nez Percés. That was estimated for at \$20,000; the amount appropriated by the House was \$15,000; and we have given the estimate. The Shoshone Indians in Wyoming are 1,157 in number. The total amount asked for support and civilization for the year is \$20,000. The House gave them but \$15,000, and we have increased the appropriation to \$20,000.

We have also given for the support of Indians removed from the Malheur reservation, in Oregon, \$12,000, which was not in the bill as it came from the House. The amount estimated for the support and civilization of these Indians upon their own reservation was \$15,000. They have removed from their old reservation to the Yakamas reservation in Washington Territory. There are some four hundred and fifty They have removed from their old reservation to the Yakamas reserva-tion in Washington Territory. There are some four hundred and fifty or four hundred and sixty of them, and the necessity for keeping an agency there and for subsisting them separately does not continue to exist. We have therefore taken away the appropriation for an Indian agent there, and have given to them \$12,000 of the \$15,000 that was asked to aid in their support at the Yakamas reservation, to which they have been removed. This leaves there for entry and sale by the Government about a million and a half acres of land in Southern

Oregon.

The new item for rebuilding the Tallahassee mission school building was added after the bill came from the House, the fire which consumed the building having occurred quite recently. It was a large normal or boarding school building, as we understand, in the Indian Territory for the education of teachers there. It cost some ten thousand dollars. They ask for aid in rebuilding it, and the committee have recommended that \$5,000 be given for that purpose.

We have then added to the bill \$10,000 for the expenses of the Indian commissioners. This item was struck out by the House. The committee has restored the appropriation and proposed to continue

committee has restored the appropriation and proposed to continue the efforts and the payment of the expenses of the Indian commis-

These items comprise the whole of the increases in the bill. As we proceed with the consideration of the bill in detail there may be a

necessity for further explanation.

I now send to the desk and ask to have read a communication from the Interior Department on the subject of the necessity for several

of these appropriations.

The PRESIDING OFFICER. The Secretary will read the communication.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, Washington, January 19, 1881.

Sir: I have the honor to scknowledge the receipt of your note of the 17th instant requesting, on behalf of the "sub-committee on Indian appropriations bill," certain information in relation to increased appropriation asked by the Indian Office for Arapaboes, Cheyennes, Apaches, Kiowas, Comanches, and other lives, &c., and in reply respectfully invite your attention to the inclosed letter, dated the 18th instant, from the Office of Indian Affairs, to which the subject was referred, which contains the information requested by you.

I am, sir, very respectfully,

Hon. WILLIAM A. WALLACE,
Of Committee on Appropriations.

C. SCHURZ.

Department of the Interior, Office of Indian Affairs, Washington, January 18, 1881.

Sir: I have the honor to acknowledge the receipt, by your reference of the 17th instant, of a communication from the Senate Committee on Appropriations, in which reasons are asked for an increase of appropriations for Arapahoes, Cheyennes, &c., from \$315,000 to \$350,000, and for Joseph's Band of Nez Percés in Indian Territory, and for Shoshones in Wyoming, from \$15,000 to \$20,000 in each case, as recommended by the Department; also, to be informed of the reason for requiring the Sacs and Foxes of the Mississippi at the Jowa agency to sign a pay-roll, as provided on page 27, lines 642-647, of the Senate print of the bill, when no such requirement is made of other tribes; and further, as to what proportion of the amount appropriated under the head of "general incidental expenses of the Indian service" will be used for traveling expenses of agents and transportation of supplies, and if traveling expenses of agents and transportation of supplies, and if traveling expenses of agents have been paid out of this appropriation as heretofore made.

In reply, I have to state as follows:

appropriated under the head of "general incidental expenses of the Indian service" will be used for traveling expenses of agents and transportation of supplies, and if traveling expenses of agents have been paid out of this appropriation as heretofore made.

In reply, I have to state as follows:

The increase recommended for the support of the Arapahoes, Chevennes, &c., is absolutely necessary. There are 10.022 Indians at the two agencies to be furnished with supplies under this appropriation, namely: Chevenne and Arapahoe 5,899, and Kiowa 4,123. Even with the amount asked for but partial rations can be supplied, as a full ration for each person for the entire year would involve an expenditure of over a half million dollars, estimating the cost of a ration at fifteen cents. The regular appropriation of \$20,000 made for said Indians for the fiscal year 1880 proved to be inadequate, and a deficiency appropriation was made by Congress for that year of the sum of \$20,000, making a total of \$370,000. The appropriation for the current fiscal year is \$305.000, and there will be a deficiency of about fifty thousand dollars, for which an estimate will be submitted to Congress in a few days.

The increase recommended for the Nez Percés of Joseph's band is based upon the fact that the appropriation of \$15.000 for said band for the fiscal year 1880 failed to be sufficient for their support, and Congress appropriated \$19,000 additional to supply them with necessary articles for the remainder of that year. They number three hundred and forty-four souls, and beside subsistence, clothing, implements, &c., have to be furnished them out of the sum appropriated by Congress.

An appropriation of \$15.000 was made for said Indians for the current fiscal year, and Congress will be asked for an additional \$5,000, for the balance of the fiscal year, to meet a deficiency which is inevitable.

The sum of \$20,000, recommended for the Shoshones in Wyoming, is required for the reason that the line in the summed of the summary of the fiscal

E. M. MARBLE, Acting Commissione

Hon. SECRETARY OF THE INTERIOR.

Mr. WALLACE. I also have a communication from the Indian Bureau on the subject of the appropriation for the support of the Nez Percés, which I ask the Secretary to read. The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,

Washington, January 17, 1881.

GENTLEMEN: Referring to the conference which I had the honor to have with your committee on Saturday last, upon the Indian appropriation bill, I desire to state that it is not clear in my mind what conclusion was arrived at in the case of the appropriation for the "support of the Nez Percés, of Joseph's band"—whether or not it was agreed to increase the said item from \$15,000 to \$20,000, as estimated for.

If the question was not definitively settled, I beg to impress upon your committee the importance of placing at the disposal of the Department not less than the sum estimated for, as said Indians will require aid for another year to the extent of at least the amount stated.

Very respectfully,

JOS. T. BENDER,
Acting Chief Clerk.
Hon. Wm. A. Wallace, Hon. Jas. B. Beck, Hon. Wm. Windom,
United States Senate.

The PRESIDING OFFICER. In the absence of objection, the amendments of the Committee on Appropriations will be acted upon as they are reached in order in the reading of the bill.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in line 8, before the word "agents," to strike out "sixty-seven" and insert "sixty-six;" so as to read:

For pay of sixty-six agents of Indian affairs at the following-named agencies, at the rates respectively indicated, &c.

The amendment was agreed to.

The next amendment was to strike out line 21 in the appropriations for Indian agents in the following words:

At the Malheur agency, at \$1,000.

The amendment was agreed to.

The next amendment was, in line 126, to reduce the total amount of

the appropriation for the pay of the agents at the various agencies from \$97,000 to \$96,000.

The amendment was agreed to.

The next amendment was, in line 129, to reduce the number of interpreters for the tribes in Oregon from "seven" to "six;" after "Umatilla," in line 130, to insert "and;" in line 131, after "Warm Springs," to strike out "and Malheur;" and in line 132, after the word "each," to strike out "two thousand one" and insert "one thousand eight;" so as to make the clause read:

Six for the tribes in Oregon, namely, two for the Klamath, and one each for Grand Ronde, Siletz, Umatilla, and Warm Springs agencies, at \$300 per annum each, \$1,800.

The amendment was agreed to.

The next amendment was, in line 134, before the word "for" to strike out "six" and insert "seven;" and in line 136, after the word "each," to strike out "one thousand eight" and insert "two thousand one;" so as to make the clause read:

Seven for the tribes in Washington Territory, to be assigned to such agencies as the Secretary of the Interior may direct, at \$300 per annum each, \$3,100.

The amendment was agreed to.

The next amendment was, after the word "Interior," in line 188, to insert "and for special interpreters when necessary;" so as to make

For additional payment of the said interpreters, to be distributed in the discretion of the Secretary of the Interior, and for special interpreters when necessary, \$4,000; in all, \$26,500.

The amendment was agreed to.

The next amendment was agreed to.

The next amendment was, in line 920 to increase the appropriation "for subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation" from \$315,000 to \$350,000.

The amendment was agreed to.

The next amendment was, in line 1011 to increase the appropriation "for support and civilization of Joseph's band of Nez Percé Indians, in the Indian Territory," from \$15,000 to \$20,000.

The amendment was agreed to.

The next amendment was, in line 1017 to increase the appropriation

"for support and civilization of Shoshone Indians in Wyoming" from \$15,000 to \$20,000.

The amendment was agreed to.
The next amendment was, after the word "Yakamas," in line 1028, to insert "and of Indians removed from Malheur reservation;" and in line 1030, before the word "thousand," to strike out "twenty" and insert "thirty-two;" so as to make the clause read:

For subsistence and civilization of the Yakamas, and of Indians removed from Malheur reservation, including pay of employés, \$32,000.

The amendment was agreed to.

The amendment was agreed to.
Mr. WALLACE. By direction of the Committee on Appropriations,
I move to strike out the words "including traveling expenses of
agents and transportation of supplies" wherever they occur in the
bill, commencing on page 43, line 1035, and occurring on pages 44 and
45. These words are new, and seem to have been incorporated into
the bill because the estimates contained them; but we have from the
Second Auditor of the Treasury, since the bill was reported, a statement calling our attention to the unwisdom of retaining these words,
which I will send to the Secretary to be read.

ment calling our attention to the unwisdom of retaining these words, which I will send to the Secretary to be read.

The PRESIDING OFFICER. The Chair will inquire of the Senator from Pennsylvania where these words first appear—on what page?

Mr. WALLACE. Page 43, line 1035, "including traveling expenses of agents and transportation of supplies."

The PRESIDING OFFICER. The letter sent up by the Senator from Pennsylvania will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, January 19, 1881.

SIR: I have the honor to submit herewith, for the consideration of your committee, copy of a letter from the Second Auditor of the Treasury dated the 15th instant, suggesting certain modifications in the items appropriated for traveling expenses of Indian agents, and transportation of Indian supplies, contained in the act (H. R. No. 6730) making appropriations for the expenses of the Indian Department for the fiscal year ending June 30, 1882.

Very respectfully,

H. F. FRENCH, Acting Secretary.

Hon. H. G. Davis, Chairman of Committee on Appropriations, United States Senate.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE, Washington, D. C., January 15, 1881.

Washington, D. C., January 15, 1851.

SIR: I have the honor to invite your attention to the following items in the act (H. R. No. 6730) making appropriations for the expenses of the Indian Department for the year ending June 30, 1882:

On page 9 an appropriation of \$32,500 is provided for "contingencies of the Indian service, including traveling and incidental expenses of Indian agents." On pages 43, 44, and 45 traveling expenses of Indian agents are also provided for under the head of incidental expenses in Arizona, California, Colorado, Dakota, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

On pages 43, 44, 45, and 46 the same service is provided for inder incidental expenses in the twelve States and Territories hereinbefore named.

At present the traveling expenses of Indian agents are chargeable to "contin-

gencies of the Indian Department," while the cost of transporting Indian supplies can be paid only from the specific appropriation made for that purpose, namely, "transportation of Indian supplies." The two classes of expenditure are thus limited to one appropriation each; but the set proposes to make them payable not only from the appropriations above indicated, but also from twelve appropriations for incidental expenses. In other words, payments on account of traveling expenses of Indian agents and transportation of Indian supplies, instead of being limited, as now, to one appropriation each, will be spread over thirteen appropriations. It is scarcely necessary to remark that this will not tend to simplify the adjustment of Indian accounts. On the contrary, it will introduce another element of complication.

ment of Indian accounts. On the contrary, it will introduce another element of complication.

If the appropriations for "contingencies of the Indian Department" and "transportation of Indian supplies" are insufficient to meet the legal demands upon them, it would be preferable, for many reasons that will at once suggest themselves, to increase those appropriations than to render twelve other appropriations available to an unlimited extent.

I therefore respectfully suggest that the matter be brought to the attention of the proper committees of the Senate and House of Representatives for such action as they may deem wise and expedient.

I would a so suggest the propriety of inserting a proviso after the word "dollars" in line 201, page 9, (H. R. No. 6730,) that the traveling and incidental expenses of Indian agents shall not be paid from any other appropriation than "contingencies of the Indian Department."

Very respectfully,

O. FERRISS, Auditor.

O. FERRISS, Auditor. Hon. SECRETARY OF THE TREASURY.

The PRESIDING OFFICER. The Senator from Pennsylvania, on behalf of the Committee on Appropriations, proposes to amend the bill by striking out the words indicated by him wherever they occur, commencing on page 43. Is there objection? The Chair hears none, and the amendment is agreed to.

The Secretary resumed and continued the reading of the bill. The

ext amendment of the Committee on Appropriations was, after line

1118, to insert:

For this amount, to assist the Creek Nation of Indians in rebuilding the "Talla-assee Mission school building," destroyed by fire December 19, 1880, \$5,000.

Mr. WALLACE. I send to the desk to be read for the information of the Senate a communication on the subject of this amendment.

Department of the Interior,

Washington, January 12, 1881.

Sie: I have the honor to transmit herewith a copy of a letter from the Office of Indian Affairs, dated the 10th instant, with inclosures therein noted, in relation to the loss by fire, on the 19th of December last, of the Tallahassee mission school building, in the Creek Nation, Indian Territory, and recommending, in view of the facts stated, that the sum of \$5,000 be appropriated by Congress to enable the Creeks to rebuild their mission building and resume their educational work.

An estimate of appropriation in the sum of \$5,000 is herewith respectfully presented, and the subject is recommended to Congress for its consideration.

I am, sir, very respectfully,

The PRESIDENT of the Senate.

Estimate of appropriation required to assist the Creek Nation of Indians in rebuilding the Tallahassee mission school building, destroyed by fire December 19, 1880.

This amount, to assist the Creek Nation of Indians in rebuilding the Tallahassee mission school building, destroyed by fire December 19, 1880 ... \$5,000

Department of the Interior, Office of Indian Affairs, Washington, January 10, 1881.

Sir: I have the honor to inclose herewith copies of letters from Samuel Checote, principal chief of the Muskogee Nation, and Pleasant Porter and others, Creek delegates, in reference to the loss by fire, on the 19th of December, 1850, of the Tallahassee mission building, one of the most flourishing schools in the nation, and in which they ask the aid of the Government to enable them to rebuild the

same.

The building above mentioned was constructed some years ago by the nation at a cost of \$10,000, and accommodated about one hundred pupils.

Prior to 1879, under the fifth article of the treaty with the Creeks of February 14, 1832, and fifth article of treaty of Angust 7, 1856, they received from the United States annually the sum of \$1,000 for educational purposes; but Congress in 1879, for the reason that this amount was allowable only during the pleasure of the President, discontinued the appropriation, and they have not since 1878 received from the Government any aid for educational purposes.

In view of the fact that this annual appropriation of \$1,000 has been discontinued, and, further, that the Creek Nation expends annually about two-fifths of its national funds for educational purposes, I respectfully and urgently recommend that Congress be requested to appropriate the sum of \$5,000 to assist the Creek people in rebuilding their mission, and to enable them to resume the education of the one hundred pupils now deprived of school facilities.

Very respectfully,

E. M. MARBLE,

E. M. MARBLE, Acting Commissioner.

Hon. SECRETARY OF THE INTERIOR.

OCKMULGEE, INDIAN TERRITORY, December 22, 1880.

Gentlemen: I write you this time simply to inform you that great loss and destruction has befallen us. On last Sabbath evening, while all were in Sunday-school, some way the top part of Tallahassee mission caught fire and was all in a flame when discovered. The teachers and children all got out and the entire building burned to ashes. It is a great loss to the nation—just as all seemed so deeply interested in the education of the rising generation, to lose the building of one of the most flourishing schools in our midst. This would not seem such a great loss but that our educational fund is very small at present. In accordance with treaty, it used to be that we derived the benefit of a certain amount, by and with the pleasure of the President, but it seems that that officer has seen fit and proper to discontinue his generosity in that direction. It would be well if you could secure a renewal of said amount, which would aid considerably in rebuilding on burned mission. Do all you can to secure or obtain aid from some source to be used in the way of building a new mission. Hoping that success will ever attend you on your mission, I remain, mission, I remain, Very respectfully, your obedient servant,

SAM'L CHECOTE, Principal Chief M. N.

Hon. Pleasant Porter, Hon. Ward Coachman, Hon. D. M. Hodge, Creek Delegates, Washington City, D. C.

Department of the Interior, Office of Indian Affairs, Washington, January 4, 1881.

Six: Inclosed please find letter of Samuel Checote, principal chief Creek Nation. The subject therein called attention to is one of much importance, and has been urged heretofore. The funds alluded to were allowed to the Creek people under the treaties of 1833 and 1836, and were used for school purposes in the main. These funds were suspended in the year 1874, and again allowed in 1875, but have since then been disallowed, not by any act or fault of the Indian Office, but by Congress.

The terms of continuance of these funds were by treaty during the pleasure of the President.

Owing to the fact that these funds were discontinued by a department of the Government not designed by treaty to have any control of the matter, and the present needs of the Creeks, we trust that your office may find it proper to estimate for the allowance to be continued for at least a limited period of time.

We are, very respectfully, your obedient servants,

PLEASANT PORTER, WARD COACHMAN,
D. M. HODGE.

Creek Delegates.

Hon. E. M. Marble, Acting Commissioner of Indian Affairs.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from line 1125 to line 1128, inclusive, as follows:

That all laws or parts of laws creating or authorizing the commission of tem citizens provided for in the act of April 10, 1869, be, and the same are hereby, repealed;

And in lieu thereof to insert:

Expenses of Indian commissioners:
For the expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the fourth section of the act of April 10, 1869, \$10,000.

The amendment was agreed to.

The Secretary concluded the reading of the bill. The last amendment reported by the Committee on Appropriations was to strike out section 6, in the following words:

All advertisements for contracts involving the expenditure of any money herein appropriated shall be made at least sixty days before any such contract shall be awarded.

The amendment was agreed to.
Mr. EDMUNDS. I beg to call the attention of the Senate to page 46 of the bill, and the paragraph in lines 1116, 1117, and 1118 providing "for support of industrial schools and for other educational purposes for the Indian tribes, \$85,000," and I wish to move to this amendment, to add after the word "dollars:"

And out of this sum the Secretary of the Interior may make and pay such allowance, not exceeding the rate of \$1,500 a year, as he shall think just to Captain R. H. Pratt, in charge of the school at Carlisle, Pennsylvania.

Mr. WITHERS. I call the attention of the Senator from Vermont

ance, not exceeding the rate of \$1,500 a year, as he shall think just to Captain R. H. Prati, in charge of the school at Carlisle, Pennsylvania.

Mr. WITHERS. I call the attention of the Senator from Vermont to the fact that there is another school engaged in the education of Indians also, to the head of which the same privilege should be extended if the amendment be adopted, and that is the school at Fortress Monroe under the charge of General Armstrong. Many Indians have been educated there and are being educated there.

Mr. EDMUNDS. That may be; and I have no disposition to make any objection to that. I only speak of this because I happen to know about it. About four years ago I happened to be, for purposes of recovering my health, at the city of Saint Angustine in Florida. I found there in an ancient Spanish fort, now a part of the property of the United States, this gentleman, Captain Pratt of the Army of the United States, in charge of a considerable number, I do not remember how many, but I should say probably eighty or one hundred Indians who had been captured on the plains accused of all the atrocities of which Indians are so often accused, and in many of the instances from my inquiries I have no doubt correctly. The policy of the Government appeared to have been, not to subject those Indians, on account of the particular mode of warfare that they had, to being tried and executed, but to sentence them to what was practically indefinite confinement. They were sent to this military reservation, this old Spanish fort at Saint Augustine, and put in charge of this officer of the Army who was commanded to do that duty, not begging for it as it is said the Army officers do for staff appointments in Washington, but commanded to go and attend to that disagreeable duty of keeping guard over this body of the worst Indians that could be possibly picked up on the plains. He had been there for some time, as I then learned, not from him particularly but more from philanthropic ladies and gentlemen who had endeavored

in their way, on the plains, that they were sent back to their respective tribes that they had left, perhaps six years before, and set at liberty; and whereas when they came away from the great plains of the West they were what we call murderers in the very worst sense of the term with all the atrocities that can make the taking of human of the term with all the atrocities that can make the taking of human life the most disagreeable possible, they went back as missionaries of good order, of respect for the rights of other people, of the value of civilized industry and civilized enterprise. The remnant of these people and some of their children that had come on to them, with others that Congress had provided for to be brought in from the plains to be taught, the children of these wild tribes, were sent to the Carlisle barracks, in Pennsylvania, a famous and historic rendezvous, as we all know, for the recruiting of the armies of the United States. Captain Pratt was ordered—not seeking for it—to go to Carlisle and take charge of this industrial and educational school for the wild young Indians that were sent in to him under some author-

the wild young Indians that were sent in to him under some authority of law, at Carlisle. He went.

He has been only a captain in the Army. His salary, of course, is an extremely moderate one; one sufficient for his comfortable supan extremely moderate one; one sumcent for his comfortable support and that of his wife and his children in doing strictly Army duties at some distant post on the frontier, with his company in the field or wherever. Detailed to this duty under the command of the President of the United States, head of that school which excites, justly, the interest, and I think I may say the admiration of everybody who desires to try experiments in the advancement of the civilization of the Indians, a large incidental expense falls upon his personal pures. Visitors members of Congress Secretaries Indian agents. sonal purse. Visitors, members of Congress, Secretaries, Indian agents, philanthropists coming to that vicinity, and sometimes coming very primantaropists coming to that vicinity, and sometimes coming very great distances, Indians coming or sent to see what has become of their children and how they are getting on—because some Indians are sufficiently civilized to do that—come to the place he has in charge. Of course he feels obliged, as any one of us would feel obliged, to exercise such hospitality as he possibly can, to ask them to dine, and he does all the other things that the ordinary civilities of society require. That as we all know entails expense. So the fact is that require. That, as we all know, entails expense. So the fact is that this poor man has been taxed in order to carry on this philanthropic effort on the part of the Government of the United States, in respect of his private resources

The subject was brought to the attention of the Secretary of the Interior some time ago—I believe I did it myself a year ago or so—and he quite agrees that some provision ought to be made to aid Capand he quite agrees that some provision ought to be made to aid Captain Pratt in bearing the necessary burdens which fall upon him on account of these extraordinary duties. It was suggested that his rank ought to be increased in the Army, and that increase of rank would give him an increased pay. Then the Secretary of War was seen. I will suppose—of course I have no right to talk about interviews with the Executive Departments, of which we are independent—but I will suppose that the Secretary of War was seen. He agreed to it most heartily in principle, but was decidedly opposed to it in practice, because it would be a bad precedent to increase the compensation of any particular Army officer. The consequence has been that between two favorable and sympathetic millstones, the Interior and the War Department, this poor captain has been ground Interior and the War Department, this poor captain has been ground

just about to powder.

Here is a copy of a letter from the Secretary of the Interior, which merely fortifies what I have been saying about the desert of this

Department of the Interior.

My Dear Sir: I have received your letter of the 11th instant, and had at once a conversation with the President about it, who thought that in the way of promotion in the Army the object you had in view, and with which I fully sympathized, could not be accomplished.

And that is for the reason I have said that the stupendous co-ordination of Army glory would be at once disturbed if this gentleman who has probably done more for the country in the last five years than any other Army officer extant—of course I mean below the rank of, say, colonel—cannot go in.

I think it best, therefore, to try to accomplish the end desired by way of legislation. An amendment to the Indian appropriation bill will be prepared and sent to the Committee on Appropriations, to be accompanied by a letter setting forth the circumstances of the case and urgently recommending its adoption. I hope that it will be successful, and that in this way your pay can be raised to a point corresponding with the position you occupy and the services you render. I may assure you that no effort will be wanting on my part.

Very truly, yours,

Captain R. H. PRATT, Carlisle, Pennsylvania.

Captain Pratt writes me, and for the reason that I stated that it happened by accident that he knew I was a living witness to the service which he had performed, and the way in which his small stipend has been drawn out to pay public expenses. This was the excuse for writing to me, and he says that he observes that somehow or other the Indian appropriation bill in the House has not made any reference to this subject, and therefore calls my attention to it.

Therefore, without making any points of order (and I am not certain that they could be made; but I do not put it on that ground; I will assume for the sake of the argument that a point of order could be made) I sak the Senate to adopt the amendment.

Mr. TELLER. I should like to make an inquiry. How are these schools supported? Where is the appropriation for the Carlisle and Hampton schools? Is that in this bill?

Mr. WALLACE. The provision that it is proposed to amend is the provision for their support.

provision for their support.

Mr. TELLER. Is that all there is?
Mr. WALLACE. I think there is no other item.
Mr. President, the committee do not feel like raising a point of order upon the amendment of the Senator from Vermont. It is due to the committee to say that neither here, nor in the House, nor in the Book of Estimates, have we heard of anything in reference to the necessities of Captain Pratt. We are content, on the statement of the Senator from Vermont and in view of all the circumstances surrounding the needs of this school, that the Senate shall do what to them seems proper. We shall not undertake to raise a point of order on the proposition. It is in the right direction. We are desirous of doing anything we can to aid in the education of these unfortunate people.

Mr. PENDLETON. I am very glad the committee has concluded not to raise a point of order upon the amendment of the Senator from Vermont. I happen to have had an opportunity, as that Senator has vermont. Inappen to have had an opportunity, as that senator has had, to see the fidelity, devotion, and intelligence exercised by Captain Pratt in the discharge of the duties to which the Senator from Vermont has alluded in Florida. He has continued since to exercise the same fidelity and intelligence in regard to the Indian children at Carlisle barracks that he exercised there. As I happen to know, the expenses incurred by him and the duties that devolved upon him are such as have been stated by the Senator from Vermont. It has been a very heavy burden upon him, and he has borne that burden uncomplainingly. Now that the Senator from Vermont has the opportunity and has availed himself of it by offering this amendment, I trust it

may pass the Senate unanimously.

Mr. CALL. I also am a witness to the singular merit and great success of Captain Pratt in his treatment of the Indians in Florida, success of Captain Fratt in his treatment of the Indians in Florida, and his efforts on behalf of the education of Indian children. I myself know, as other Senators know, that he devoted all his means and all his time, with a singular and wonderful devotion, to the purpose of bringing these people into harmony with the civilization of our time, by forming industrious habits, and giving them some principles of conduct which would make them useful hereafter. He did succeed. The Indians that he had brought there as wild and bloodthirsty ceed. The Indians that he had brought there as wild and bloodthirsty savages he returned to the West kindly and docile, gentlemanly and honorable in their dealings with each other and with the people around them. These circumstances are well known to me. I am intimately acquainted with them. For a period of several weeks I was with Captain Pratt while he had these Indians in Florida. I concur earnestly in what has been stated by the Senator from Vermont and by the Senator from Ohio, and hope that this appropriation will be made at once.

Mr. PLIJMR. The proposition of the Senator for Western Senator for the Senator

Mr. PLUMB. The proposition of the Senator from Vermont, in my judgment, is objectionable from one stand-point. I admit that other members of the Senate are as well posted as I am, but I say that when an Army officer gets a detail to do something that is not military duty proper, or that is only quasi-military, he, in a large number of cases, esteems himself entitled to much greater compensation than when he does the duty for which he is specially employed and for which he is paid. The pay of the Army is larger than it ever was at any other period of the history of the country. The Army officers are proverbially hospitable. At every frontier post the officers in command and the officers stationed there, whether in command or not, are called upon to exercise hospitality toward traveling persons, members of the Government, and of various commissions sent out, and the tax upon them is large as well as it is upon Captain Pratt. If hospitality is to be rewarded, the persons in command of frontier posts ought to be rewarded as well as the teacher of a lot of Indians. More than that, to my certain knowledge a large number of the Indian agents have onerous burdens of this same kind that they bear uncomplainingly. The Indian, in his more savage state, is a subject Mr. PLUMB. The proposition of the Senator from Vermont, in

uncomplainingly. The Indian, in his more savage state, is a subject of curiosity as well as the Indian at the Carlisle barracks. People go out on the frontier to witness the operations of the Indian policy for various purposes, and they impose themselves, if I may use such a term, on the officers at the various agencies where they happen to be, and this burden is borne by a class of people who get a very unremunerative salary. Fifteen hundred dollars is about the maximum—the average at all events.

In the next place, I think it is vicious, because I do not believe that schools like that at Carlisle barracks are calculated to be, in proportion to their cost, of any permanent value to the Indians, nor of value in the settlement of the Indian problem. The Indians whom Captain Pratt converted at Saint Augustine, could have been converted just as well anywhere else, where there was plenty of flour and beef, under the auspices of any man who had plenty of them and a good spoon to feed them with. These miraculous conversions do not occur with reference to that class of people. Captain Pratt could not have converted that many white men from even the character of barbarism with which they are afflicted; and the conversion which he worked in the Indian was physical and not spiritual.

acter of barbarism with which they are afflicted; and the conversion which he worked in the Indian was physical and not spiritual. The Indian question is not to be settled in any such way. I think the problem is to make these people self-supporting. The effort, such as we witness at Carlisle barracks or Fortress Monroe, or Saint Angustine and other places remote from the point where the Indians roam at will, is to take them from the low plane in which they ordinarily exist, their natural plane, and with a hop, step, and jump, so to speak, to bring them on a plane with the white people; in other words, to do for the Indians in a year or five years what the white

race has been a thousand years in bringing about in the various pro-

cesses of progress and of revolution.

cesses of progress and or revolution.

If the same money and the same efforts were directed to the education of the Indian where he naturally belongs, toward teaching him to do something which he is qualified to do, not to teach school, not to perform in the higher classes of mathematics or of manufactures, but to learn pastoral things and the lower walks of agriculture, those things which tend to qualify him to fill his stomach and to clothe his back by his own labor, the result to the Treasury of the country and even to the humanitarian side of this question would be

far more conspicuous and salutary.

I therefore regard this amendment as in the wrong direction for both the considerations which I have mentioned; first, because Captain Pratt while there under the orders of the Government is no more tain Fratt while there under the orders of the Government is no more entitled to this salary than any other officer engaged in performing quasi-military duty. In the next place, while of course Captain Pratt did not go there at his own request, I have no doubt he could have been relieved at his own request. Under the operation of the ordinary rule of detail in the Army there are what is known as detours of duty. The quartermaster who serves at a remote frontier post where he cannot educate his children and where he may be called

of duty. The quartermaster who serves at a remote frontier post where he cannot educate his children and where he may be called upon to exercise these acts of hospitality which I have mentioned to his financial loss, after the expiration of two or three years is transported, so to speak, is ordered, to another post, a more favorable one. So after Captain Pratt has served for two or three years at the Carlisle barracks, if he desires to avail himself of this privilege which all other officers of the Army have, I have no doubt he can do so and somebody else can go there to take his place. After all, there is still left to these officers the privilege of resigning, a privilege of which few of them I fancy ever avail themselves.

We are establishing here all the while the principle of paying men who enlist ostensibly for military services a great deal more for services that are not military. We are ingrafting upon the Army a civil establishment large and extravagant, which is making the Army today anything else but a military establishment.

Talk about contact with the Indians! The man who serves on the frontier as General Miles and other men of that kind have served and are serving to-day, undergoing the discomforts of that remote service, undergoing the dangers of a service that is truly military, are more entitled to pay, more entitled to consideration, more entitled to promotion and extra allowances that require and exhibit the favor of the Government than a class of men who, whether with or without their own consent, do not render military service—the only service that the Government now has for them to perform. They either seek—or at all events if they do not seek it they have the benefit of a quiet location, of the uninterrupted service, of social surroundings, of educational facilities, and everything which a man situated as Captain Pratt is constantly has, and for the lack of which no money can compensate.

These details and these extra allowances are breaking up the Army,

These details and these extra allowances are breaking up the Army, These details and these extra allowances are breaking up the Army, because the young officers out on the frontier, the officers who have not influence, are constantly chafing at the idea that their more favored fellows in the East, the men who get the details in the East, are not only having the details to enable them to dance attendance upon the social observances and operations of society where they have to be stationed, but they are able to receive besides additional allowances in consequence of it.

If there is to be a teacher of the Indians at the Carliele berreaks

allowances in consequence of it.

If there is to be a teacher of the Indians at the Carlisle barracks there are plenty of men in civil life who would be glad to take it for half the salary that Captain Pratt is getting to-day. He not only is getting the pay of a captain, but that is being added to largely, and in a few years, by reason of what is called the longevity provision in the statutes, it will be about twenty-five hundred or three thousand dallowers. the statutes, it will be about twenty-nve hundred or three thousand dollars a year. There is not a professor of learning in an institution west of the Mississippi River, there is not a professor in the State University in my State to-day, who is getting \$2,500 a year. That is largely more than the average pay for persons who are engaged in teaching white persons; and I am not prepared to say that a man who is engaged in teaching Indians requires a higher order of intelligence wis critical to greater may than man who teach their fallows in the or is entitled to greater pay than men who teach their fellows in the universities and schools of this country.

I therefore hope the amendment will not be adopted.

Mr. COCKRELL. I should like to ask the Senator from Kansas whether Captain Pratt is receiving his regular pay in the Army and

keeping his regular position?
Mr. PLUMB. I so understa

keeping his regular position?

Mr. PLUMB. I so understand that he is receiving his full pay as a captain in the Army, and all the advantages, as commutation of quarters, extra allowances, and whatever is attached to that position.

Mr. COCKRELL. And he is in the line of promotion?

Mr. PLUMB. He is in the line of promotion.

Mr. COCKRELL. I should like to ask another question, and that is whether he asked to be relieved or attempted to escape from this very grave responsibility and take his chances in the active service?

Mr. PLUMB. I cannot answer the question that the Senator from Missouri has propounded.

Missouri has propounded.

Mr. COCKRELL. The question was whether this assignment was of his voluntary choosing, whether there was anything that was forcing him to make these expenditures and to incur this arduous work, or whether it was a matter of his own voluntary choice?

Mr. PLUMB. I want to suggest to the Senator from Vermont that if it is necessary for Captain Pratt to meet these extraordinary expenses, it ought not to be done by adding to his salary. I am quite

happens, no doubt, that a man's service in the Army, as well as here and elsewhere, is more arduous than it is at other times; but an Army officer has substantially a contract with the Government, and he is always prompt to assert it, that he shall be employed so long as he lives. The Government is entitled to the fat along with the lean, and he is entitled to take the lean along with the fat. If he sometimes has hard lines, much the greater portion of his time his lines are cast in pleasant places. He ought not to complain while on a detour of duty, for after three or four years at the furthest he will be relieved. duty, for after three or four years at the furthest he will be relieved. While the hospitality that may be imposed upon him may be a little expensive, he at least is relieved from the danger of military service; he is placed in a position where he can educate his family and be surrounded by all the enjoyments of life, in consideration of the fact that the Government is under contract to take care of him, and does take care of him, and will take care of him as long as life lasts, and has taken care of him, perhaps, for twenty or thirty years preceding.

Mr. WITHERS. When I stated a few minutes ago that I desired to amend the amendment offered by the Sonator from Vernont as it

with the stated a few infinites ago that I desired to amend the amendment offered by the Senator from Vermont, as it was read from the Clerk's table, I did not exactly appreciate its force, but regarded it as a proposition to aid the school at Carlisle to the extent indicated. As it was within my own personal knowledge that a similar educational enterprise is in successful operation at Fortress Monroe, Virginia, I saw no reason why similar aid should not be extended to that school. Upon examination I find that this is a proposition to relieve the individual named by an addition of

is a proposition to relieve the individual named by an addition of \$1,500 to his salary. As I do not know any reason which would require an addition of that kind to the salary of General Armstrong, who is at the head of the Hampton normal school, I decline to offer the amendment I indicated the purpose of offering.

Mr. EDMUNDS. I cannot let what my distinguished friend from Kansas [Mr. Plumb] has said go without a single word. The pay of a captain, not mounted is \$1,800 a year. He is entitled for the first five years of continuous service, on the longevity principle, according to the Army table which I hold in my hand, to \$165 additional; for ten years' service to \$180 additional; for fifteen years' service to \$195 additional; and for twenty years' service to \$2,010 as the pay of a captain.

Mr. Plumb. Let me ask the Senator a question right there in regard to the pay. What is to be added to that for fuel and quarters?

Mr. EDMUNDS. If the Senator would have been kind enough to have listened, as I have no doubt he will be, to what I was just about

have listened, as I have no doubt he will be, to what I was just about

say, he would hear what I have to say on that point.

Whether Carlisle, Pennsylvania, falls within one of those circumlocutory staff appointments and positions that entitle an officer to allowance either in kind or by commutation for quarters, fuel, &c., I do not know. All I do know is that the services that Captain Pratt was commanded to perform began with his being ordered from the plains, where he had aided in the capture of these atrocious savages, carry them under his charge to the ancient fort at Saint Augustine, Florida, in order, instead of subjecting them to the punishment of death, that they might be subjected to the punishment of seclusion indefinitely by the political power of the United States exerted through its military administration. It was not the judgment or sentence of a court; but they were captured; he carried them there, and year after year, with an extraordinary and rare faculty for getting hold of the hearts and sympathies of his fellow-men, if they were savages, he endeavored to bring them into relations, harmonious relations, with such better men as my friend from Kansas and myself, to make them more like us; and everybody will agree that that was a good thing to do. To a large degree he succeeded. Some of the persons who went back backslid, as I believe some of the disciples did on certain went back backsiid, as I believe some of the disciples did on certain occasions; but on the whole the success of the work that he did because he was commanded to do it, first to capture and then to civilize, was extraordinary, because it happened that that particular man had that particular organization of nerve, or sympathy, or whatever you call it, that enabled him to get into relations with the wild natures of these wild men and to bring them, as the electrician does, or the magnetic doctor, or the amazingly strong personal politician, who brings his party to follow him with meekness and submission, sometimes to victory and sometimes to death

brings his party to follow him with meekness and submission, sometimes to victory and sometimes to death.

That was the quality of Captain Pratt, and he devoted it without grumbling, not by self-seeking but by fidelity to this mission, and it bore heavily upon him. Then he was transferred with the remnant of these people, and with the new additions of Indian children coming from the plains, to Carlisle, a mere place of civil administration. It was an ancient barrack and recruiting place, but that has long since gone by. However, that place was taken advantage of, because the Government had its old buildings there, and it would save expense to put them in that place, to say nothing of the moral influences of the Quaker State of Pennsylvania. There he went, and in consequence of being commanded to do this really entirely unmilitary duty, to cultivate the arts of peace instead of the arts of war, he is subjected to the stress of pecuniary expenditures and obligations that he would not be if he were doing his regular duty either in staff or line. That is all there is to it; and I do think it is just to authorize a responsible officer of the Government to make him an allowance

sure that under the great discretion which is vested in the Secretary of the Interior by this bill, and which has always been vested in him by similar bills heretofore passed, he can very easily provide means of some kind by which the visitors to that institution can be suitably boarded, and thus we shall not set the precedent of increasing a man's salary upon an excuse which may fail after awhile.

man's satary upon an excuse which may fail after awhile.

Mr. EDMUNDS. If my friend will pardon me, and allow me to interrupt him; I think if he will read the phraseology of the amendment I have had the honor to offer he will see that it is not an increase of salary, but that it simply authorizes the responsible head of the Indian administration to make such allowance not exceeding a certain rate to the officer in charge of this school as shall appear just.

Mr. PLUMB. The habit of the Executive Departments under an executive of that hind is always to pay received what this law are to the law and the law are the same to the law are the law are to the law are the l

enactment of that kind is always to pay precisely what the law says

may be paid. Mr. EDMUNDS.

Mr. EDMUNDS. Oh, no; but it is too much so.
Mr. PLUMB. I have had occasion to observe that in a number of cases, where the statute was permissive only, the executive officers have said that they would regard it as mandatory, because Congress have said that they would regard it as mandatory, because Congress having seen fit to act upon it, it was better to regard the enactment as conclusive and settle the question than that they should fight with somebody else as to whether they should assume the responsibility or not. It is entirely safe to say that if the amendment is agreed to Captain Pratt will get \$1,500, no more and no less.

When it comes to the question about the regenerating influences which have been thrown around the Indians through the mediation

of this officer, I desire to call attention to another, and I think more notable instance. Some years ago the Gevernment provided by treaty for the removal of the Cheyenne and Arapahoe Indians to the Indian Territory. The Indians after fighting for two years as to whether they should go or not, denying that they ever agreed to go, finally were obliged at the end of a long and costly war to go. The bulk of them did go, or rather they were taken down there. They received, them did go, or rather they were taken down there. They received, as they have received since that time and as they will receive through

the medium of this bill, a large annuity, given to them in the shape of money, of clothing, of food, agricultural implements, &c.

A portion of them, however, could not be found to be taken there, and remained north. They came to General Miles when he was in service upon the Yellowstone, and he employed some of them as scouts. Subsequently the Government created a military reservation at Fort Subsequently the Government created a military reservation at Fort Keogh. A portion of these Indians, being in General Miles's service, camped near there. He finally took the responsibility of putting such as would go upon that reservation to the pursuits of agriculture. They have, from that day to this, supported themselves without one single penny from the Government of the United States. They are doing so to-day, and they are living better, and are a better example as to thrift, than any one or all the Indians who were taken to the Indian Territory and whom it has cost the Government \$2,000,000 to keep there and feed and take care of while they are there. That was done under the operation of the humanity, or judgment, or skill, or sentiment, or whatever else you may call it, of General Miles, and there are plenty of instances of that kind.

Of course I have nothing against Captain Pratt: I do not know him

Of course I have nothing against Captain Pratt; I do not know him at all; no doubt he is a very meritorious officer; but I think before singling him out for a reward of this kind it would be well to inquire singling him out for a reward of this kind it would be well to inquire whether that would not be a little invidious. But my objection goes to the whole system. I have given an example of what can be done without money by simply putting before the Indian the problem which every white man meets, that he has to labor or die. That is one of those things which we need to apply to-day, a great deal mere than we do, and it would do them much more good than giving them an education of the kind that they get at Carlisle barracks or Forters. tress Monroe

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Mr. President, I do not intend to vote for this amendment, and I propose to give my reasons in just a word why I shall not vote for it. If Mr. Pratt is so worthy and deserving an officer that he should be paid an additional sum to the salary which he is now receiving, it should be paid by the Government of the United States, receiving, it should be paid by the Government of the United States, and not by the Indians. The proposition simply is to take a certain amount from the educational fund that the Department and the committee have said is necessary for the Indians and pay it over to Captain Pratt; that is, to take from somebody else this money and give it to Captain Pratt under the plea that we are discharging a debt that we owe to him. I suppose it will be admitted by everybody that if we establish a school at Carlisle and appoint a teacher, it is our business to pay him. We have treaties with a great many tribes of Indians which provide that we shall assist them in educational matters, and here we have the enormous sum of \$85,000 appropriated by the and here we have the enormous sum of \$85,000 appropriated by the Government of the United States for these industrial schools and for all the Indians in the United States that we are in duty bound to assist in procuring an education.

There are in the United States about one hundred thousand civil-

tree are in the United States about one hundred thousand civil-ized Indians in round numbers; there are about one hundred and twenty-five thousand semi-civilized, and about one hundred thousand more who are not civilized, according to my figures, although accord-ing to the general arithmetic as to the numbers it ought to be more

than that. Here is a large number of wild Indians, from seventy-five thousand to one hundred thousand at all events. There are at least one hundred and twenty-five thousand semi-civilized Indians who want and expect and who ought to have some assistance from the Want and expect and who ought to have some assistance from the Government. Out of the mere pittance of \$85,000 we propose to take a portion of it to pay an increase of salary to Captain Pratt. I am entirely willing to be generous to Captain Pratt, but if I take any credit for being generous it must be with my money. If I act as the representative of the Government and the Government is going to be generous, then it will be with the Government's money, and not with the Indians' money. That is all there is of this proposition. It is pro-posed to take that which ought to be devoted to hiring teachers and pay Captain Pratt, in order that he may entertain people who go to Carlisle barracks, led by curiosity in ninety cases in a hundred; and in every case it is a matter of utter inconsequence whether they go or whether they stay away.

I am willing, with these explanations, to put myself on the record as opposed to appropriating any portion of the fand for the purpose

Mr. COCKRELL. I find in section 1765 of the Revised Statutes, which I am very much astonished that the distinguished Senator from Vermont is willing to set aside and trample under foot, these provisions:

No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

There are hundreds and thousands of cases pending and ready to be presented to Congress for additional compensation, (they are before the Committee on Claims; they are before the Committee on Military Affairs, and they are before every committee nearly of the Senate,

Affairs, and they are before every committee committee on Mintary Affairs, and they are before every committee nearly of the Senate,) based upon the ground that the parties have done extra work, that they have performed extra services, that their services have been extra-valuable and have contributed to the advancement of humanity or Christianity or something of that kind. This law was enacted long ago, and it was for the express purpose of letting every officer of this Government know in advance that the salary and the honor and the opportunity for usefulness in every civil position were the full equivalents of all services, labors, sacrifices, &c., that he might make.

Here is an officer of the Army who is assigned to a duty. There are hundreds of other officers in the Army who would willingly seek this place and ask for no extra compensation. It is a pleasant place, remote from the dangers of battle, of Indian wars, diseases, &c. He is getting the same pay precisely that other officers are getting. We say that he has been performing extra-valuable services, that he has performed services that have resulted in great good to the Indians, and we will pay him for them. We are sending a pang, a sting, a feeling of sorrow to every other captain's heart in the Army, that this man is taken out and paid \$1,500 a year for services that they would willingly perform at the regular salary of the office. I think this a discrimination which ought not to be made in favor of any officer of the Army, and I am only astonished that the Appropriations Committee seem not and I am only astonished that the Appropriations Committee seem not disposed to make any opposition to this indirect mode of increasing the salary of this officer.

Mr. EDMUNDS. My friend from Missouri thinks that it is safe to be at Carlisle. If he were to put into the position of being exposed to the hostility of seventy or eighty captured atrocious Indian murderers, with only ten or fifteen men to help him take care of them in an old Spanish fort, a mile away from a small American watering place, I think he might imagine that in some stage of Captain Pratt's career he think he might imagine that in some stage of Captain Pratt's career he had been exposed to as much peril as either he himself or my friend from Illinois, [Mr. Logan,] who, I take as the two highest types, were at any time between the years 1861 and 1865, and a great deal more. A civilized enemy you know where to find; you know how to meet him; you know he respects the laws of war. An Indian enemy is quite a different thing.

If I had time I would like to tell to the Senate some of the experi-

If I had time I would like to tell to the Senate some of the experiences of Captain Pratt, (which he did not volunteer to tell to me,) in year after year attempting to keep these people that he was sent down within that old fort; and the perils that he ran, and "the hair-breadth 'scapes" that he and his little gang of a corporal's guard had from death in their efforts to keep these Indians in their places. That has gone by; and inasmuch as gratitude is an unconstitutional sentiment in the Senate, inasmuch as the discharge of an obligation that is past (unless it be a mail contract or something of that kind) is not one of our constitutional missions of course I must dismiss that: not one of our constitutional missions, of course I must dismiss that;

not one of our constitutional missions, of course I must dismiss that; I must come to the matter as it stands now.

My friend from Missouri says that I wish to trample under foot this statute of the United States. By no means. I did not suppose that when a subsequent Congress chose to make an exception or a modification, or a repeal of a past law, it was guilty of violating the principles of government or the principles of administration or legislation. The rule that my friend has referred to is perfectly correct; but year after year, without serious difference of opinion in a great many cases and with it in others, the Congress of the United States has felt it to be a duty under special circumstances of justice and right, to make a different provision from that general and constant rule. That is what I propose to do now. I am sure I shall satisfy my friend from Missouri, with whom I usually act with great pleas-

ure in matters of this kind, that I have not committed a great offense

nre in matters of this kind, that I have not committed a great offense in proposing the amendment in view even of the statute he has cited. Now we come to the next point. The Senator says that this will carry pain to the hearts of the two hundred, if that be the number, captains in the Army of the United States. What leads him to think so? Are the captains in the Army of the United States so groveling and so base that they would look with envy or malice or hatred upon any better fortune that some of their fellows had, if they did not get it by unfair and unjust means toward their associates? I do not believe that of any captains of the Army of the United States; I believe the reverse. I believe if we had the two or three hundred captains of the Army of the United States here before us now, knowing as all captains do pretty well the general history of their brother captains and what they have done, and if you could march them through tellers in this area of the Senate you would get a unanimous vote in favor of authorizing the payment out of the Treasury of the United States of a just allowance to Captain Pratt, consistent with the circumstances under which he has been placed.

United States or a just allowance to Captain Pratt, consistent with the circumstances under which he has been placed.

It has been suggested to me that \$1,500 means that he must be paid that sum, and that that may be too much. To guard against that possibility, which I did not suppose existed, when we consider the duties of a Secretary of the Interior, I ask leave (because I can only do it with leave) to modify my amendment so as to make it "not exceeding \$1,000."

The PRESIDING OFFICER. Is there objection ? The Chair hears

none, and the amendment is so modified.

none, and the amendment is so modified.

Mr. COCKRELL. Is it in order to amend the amendment now?

The PRESIDING OFFICER. By consent of the Senate it is.

Mr. COCKRELL. I suggest to add at the end the words "from and after this date;" so as not to be retrospective.

Mr. EDMUNDS. I think I shall not assent to that, because I will tell my friend from Missouri that when this matter a year or more ago came to my attention, and first, without any intervention of this gentleman, whom I only saw casually and who is no friend of mine in any other sense than any person in the United States whom I happen to know is, the War Department and the Interior Department stated and reiterated that we were doing injustice under the circumstances to this gentleman in respect of putting unfair burdens upon him, and that some provision ought to be made for him, but there was the technical objection about rank, and no particular appropriation the technical objection about rank, and no particular appropriation in the other case, and all that. So I submit to my friend from Missouri whether we cannot trust, out of the current appropriation for this year, the Secretary of the Interior, if he choose on his responsi-

souri whether we cannot trust, out of the current appropriation for this year, the Secretary of the Interior, if he choose on his responsibility, to look back a little, to make some allowance for what has been lost to Captain Pratt.

Mr. COCKRELL. But would that be right? That would be retrospective, back salary, back compensation. Is that principle right, when here is an express statute saying that officers can get no pay unless an appropriation is first made by Congress? If we confine this to the future, it comes within the spirit and purview of this provision of the statutes by saying "from and after the passage of this act."

Mr. EDMUNDS. But if it happens, as it has happened over and over again, that a great flood comes in the Mississippi River and the poorer people there are swept out of house and home and corn and grain and cattle, the Secretary of War is appealed to issue rations and tents and everything that he can to help them. There is no authority of law to do it. It is a vacation of Congress. He does it. He has made himself liable to impeachment; he has parted with public property without consideration. Now, how should we look when it came around to the session and it was proposed to pass a law that should indemnify him for that and fill up the storehouses again, if we should say, "Why, that is retroactive; that will not do?" No, Mr. President, I think that whatever in justice—and if you do not want to trust the Secretary of the Interior, trust the President of the United States—ought to be done for this gentleman, ought not necessarily to be confined to the future. If anything ought to be add un to

to trust the Secretary of the Interior, trust the President of the United States—ought to be done for this gentleman, ought not necessarily to be confined to the future. If anything ought to be made up to him, a hundred or two hundred or five hundred dollars for what he has already suffered, then I submit to my friend from Missouri that it is not a bad thing to do.

Mr. COCKRELL. Do I understand, then, that the object of this provision is to authorize and permit the Secretary of the Interior to go back and pay for back services when no claim has been made in any way? Do I understand the Senator from Vermont to ask this appropriation in order that the Secretary of the Interior may go and pay for past time, that he may expend the whole thousand dollars in paying for services rendered up to the present time?

Mr. TELLER. What would become of the visitors then?

Mr. EDMUNDS. Sure enough. My friend from Colorado would go away hungry for aught we know, unless Captain Pratt paid for the horse and wagon that brought him up from the depot, and for the pork and beans and milk and water, out of his private pocket. I do not want to haggle about this water. It is perhaps of much less interest to me, who live in a remote State where there have not been any Indians since the war of the Revolution. I do not want to haggle about it. If I can meet the conservative views of my friend haggle about it. If I can meet the conservative views of my friend from Missouri by saying "from and after this date," I am willing to do that, because I know that when I follow in his footsteps I shall go in a straightforward direction, whether it be right or wrong.

Mr. WALLACE. As I understand the bill, it is an appropriation for the fiscal year commencing the 1st of July, 1881. The effect of

the amendment of the Senater from Vermont, it seems to me, would be to commence that now in place of from the 1st of July. Taking be to commence that now in place of from the 1st of July. Taking the bill as it stands, I think the proposition of the Senator from Missouri is better than the proposition of the Senator from Vermont.

The PRESIDING OFFICER. Does the Senator from Missouri pro-

ose an amendment?

Mr. EDMUNDS.

I will accept that suggestion. I do not wish to

Mr. EDMUNDS. I will accept that suggestion. I do not wish to be haggling about it.

Mr. COCKRELL. I think it better. We will know, then, with certainty that it will not go back of the date of this bill; and if those words are not inserted, nobody can tell how far it will go back.

The PRESIDING OFFICER. Is there objection to the amendment to the amendment? The Chair hears no objection, and the amendment is modified. The Secretary will report the amendment as modified, on which the yeas and nays have been ordered.

The Secretary. After the word "dollars," in line 1118 of the bill, it is proposed to add:

it is proposed to add:

And out of this sum the Secretary of the Interior may make and pay such allowance, not exceeding the rate of \$1,000 a year, as he shall think just, to Captain R. H. Pratt, in charge of the school in Carlisle, Pennsylvania, from and after the passage of this act.

The question being taken by yeas and nays, resulted-yeas 27, nays 24; as follows: YEAS-27

Allison, Anthony, Baldwin, Blair, Bruce, Burnside, Butler,	Call, Cameron of Pa., Cameron of Wis., Conkling, Davis of Illinois, Dawes, Edmunds,	Ferry, Hill of Colorado, Johnston, McDonald, McMillan, Pendleton, Platt,	Ransom, Rollins, Saunders, Wallace, Whyte, Windom.
	NA	YS-24.	
Beck, Brown, Cockrell, Coke, Eaton, Farley,	Garland, Groome, Harris, Hereford, Hill of Georgia, Ingalls,	Jonas, Logan, McPherson, Morgan, Plumb, Pugh,	Randelph, Slater, Teller, Vance, Vest, Withers.
	ABS	ENT-25.	
Bailey, Bayard, Blaine, Booth, Carpenter, Davis of W. Va., Grover,	Hamlin, Hampton, Hoar, Jones of Florida, Jones of Nevada, Kellogg, Kernan,	Kirkwood, Lamar, Maxey, Morrill, Paddock, Saulsbury, Sharon,	Thurman, Voorhees, Walker, Williams.

So the amendment was agreed to. Mr. CALL. I have an amendment which I desire to offer. On line 654, page 27, I move to strike out the words "they having joined their brethren west," and in line 657, after the word "dollars," to add:

To be expended under the direction of the Secretary of the Interior for the education and encouragement of agriculture of the Indians now in Florida, and for the payment of the salary of an agent and teachers and agricultural implements and land for said Indians.

The appropriation which I desire to amend now reads as follows: For 5 per cent. interest on \$250,000, to be paid as annuity, (they having joined their brethren west,) per eighth article of treaty of August 7, 1856, \$12,500.

It will be seen by observing the bill that the preceding clause is as follows:

For 5 per cent, interest on \$250,000, to be paid as annuity, per eighth article of treaty of August 7, 1856, \$12,500.

The clause which I desire to amend is for 5 per cent. interest on \$250,000 to pay the annuity, they having joined their brethren west, and so forth, under the eighth article of the treaty of August 7, 1856. I read from that article of the treaty:

Also to invest for them the sum of \$250,000, at 5 per cent. per annum, the interest to be regularly paid over to them per capita as annuity; the further sum of \$250,000 shall be invested in like manner whenever the Seminoles now remaining in Florida shall have emigrated and joined their brethren in the west, whereupon the two sums so invested shall constitute a fund belonging to the united tribe of Seminoles, and the interest on which, at the rate aforesaid, shall be annually paid over to them per capita as an annuity.

It will be seen that that condition was attached to the treaty. There were two sums of \$250,000 provided to be paid. The last sum of \$250,000 referred to in this appropriation was to be paid when those then in Florida migrated to the West and joined their brethren. The clause in the appropriation bill alleges that they have joined their brethren west. The preceding appropriation acts, I understand, contain the same provision. The Indians in Florida have never emigrated from Florida and joined their brethren in the West. They are still there. There are from there to say hundred Indians. never emigrated from Florida and joined their brethren in the West. They are still there. There are from three to six hundred Indians now in Florida who have never emigrated from there. That provision of the treaty has never been complied with, and yet it seems the money has been appropriated by Congress for some years past as if those Indians had fulfilled the condition of the treaty and migrated to the West. They are there unprovided for, unaided by the Government. The stipulations of the treaty of course do not in terms apply to them. Some of them are becoming civilized without land to work upon, without agricultural implements, without assistance from the Government; and they are the remnant of the most bloody, adventurous, and brave tribe of Indians upon this continent.

The money thus provided for their benefit, to be used for them when they might emigrate to the West and join their brethren, is sought to be appropriated by this bill in pursuance, I understand, of

former bills having the same provision, without the condition of the treaty having been complied with, for a purpose not contemplated in it—for the benefit of the Indians now in the West. For that reason I ask that this provision be stricken out. It is not authorized by the treaty, and in fact, if it be in order and if there is no objection to it, I would ask that the money be applied for the benefit, under the direction of the Secretary of the Interior, of the Indians now in Florida.

the direction of the Secretary of the Interior, of the Indians now in Florida.

Mr. WALLACE. It seems that there are about 2,000 Seminoles at the Union Agency in the Indian Territory. We have no account of any other Indians of this tribe. In former statutes the statement is made that the Seminoles joined their brethren in the West in pursuance of treaty, and appropriations were made accordingly. Now, the Senator says that there are numbers of them in Florida. If they be in Florida they are not entitled to this money; they have not joined their brethren in the West; and it inevitably follows that the amendment proposed by him constitutes a new item of appropriation; and on behalf of the committee, therefore, I raise the point of order that it is in violation of the twenty-seventh rule as making a new item of appropriation, not adding additional money, but devoting money to other purposes than those contemplated and provided for in the bill.

Mr. CALL. If the point of order is raised, of course it is well taken;

Mr. CALL. If the point of order is raised, of course it is well taken; and I now move to strike out so much of the clause as appropriates for the benefit of the Indians in Florida.

The PRESIDING OFFICER. Will the Senator from Florida repeat his amendment so that the Clerk can understand it?

Mr. CALL. I move to strike out so much—
The PRESIDING OFFICER. The Senator withdraws the proposition which he made awhile ago, and now proposes a separate amend-

Mr. CALL. I move to strike out in lines 654 and 655 the words "(they having joined their brethren West.)"
Mr. WALLACE. The objection to that is that if they have not joined their brethren as a whole, they are not entitled to any money

Mr. CALL. If the Senator will allow me, I will now propose to strike out the whole of that clause beginning with the words "For 5 per cent. interest," in line 653, down to the word "dollars," at the end of line 657.

The CHIEF CLERK. The proposed amendment is to strike out after line 652 all down to and including the word "dollars," in line 657, as follows:

For 5 per cent. interest on \$250,000, to be paid as annuity, (they having joined their brethren West,) per eighth article of treaty of August 7, 1856, \$12,500.

Mr. WALLACE. The effect of that amendment is to take away

Mr. WALLACE. The effect of that amendment is to take away from these Indians this money if there be a portion of them in the West. There may be, as stated by the Senator from Florida, some of them yet in Florida, but that we should deprive those who are in the West, having joined their brethren, the larger proportion of them, of any of their money, seems to me to be an improper thing.

This bill is drafted in precise accord with the language of the Book of Estimates, and it seems to me that it having come from the House in the precise words of the statute of last year, without further information than we have now we ought not to depart from the language of the bill of last year and that of the Book of Estimates.

Mr. SAUNDERS. I should like to inquire of the Senator from Pennsylvania what is the meaning of these two clauses, each one referring to the same amount? Are we not paying by this a double amount, that is paying twice the \$12,500?

Mr. WALLACE. The treaty explains that. It was read in the hearing of the Senate awhile ago by the Senator from Florida.

Mr. CALL. I will explain to the Senate that the treaty is as follows:

Also to invest for them the sum of \$250,000 at 5 per cent. per annum, the interest to be regularly paid over to them per capita as annuity; the further sum of \$250,000 shall be invested in like manner whenever the Seminoles now remaining in Florida shall have emigrated and joined their brethren in the West.

Since the year 1856, when this treaty was made, a very small portion of the Indians then in Florida have gone to the West.

Mr. SAUNDERS. It seems to me that some part of this ought to

be stricken out.

Mr. CALL. The fact has been the subject of investigation in the Interior Department. They have had an agent in Florida, and I have been informed by an officer of the Department that there is now an officer in Florida looking to the condition and status of the Indians

Mr. WALLACE. Do I understand the Senator from Florida to say that no part of the Indians who were provided for by the second clause of the treaty migrated to the West and joined their brethren? Mr. CALL. No, I do not say that no part, but I say a very small

portion of them did.

portion of them did.

Mr. WALLACE. Can the Senator give the proportion?

Mr. CALL. I do not think there were over seventy-five. I cannot state with entire accuracy, but I can state, as a matter of public history, that the larger portion of the Indians then in Florida did remain and are there now.

Mr. WALLACE. What is about the total?

Mr. CALL. They are variously estimated, without any accurate and certain data on the subject, without any enumeration either by

the State or by any public authority, from three hundred to six hundred Indians

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. SAUNDERS. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment of the Senator from

Florida will be read.

The CHEF CLERK. After the word "dollars," in line 652, it is proposed to strike out all down to and including the word "dollars," in line 657, as follows:

For 5 per cent. interest on \$250,000, to be paid as annuity, (they having joined their brethren West,) per eighth article of treaty of August 7, 1856, \$12,500.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. RANSOM. I move that when the Senate adjourns to-day it be to meet on Monday next.

The question being put, a division was called for, and the ayes were 25.
Mr. JOHNSTON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 27; as follows:

moreta, muce por	P present recommend	John Janes	, , , ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	YE.	AS—29.	
Allison, Anthony, Baldwin, Blaine, Blair, Booth, Bruce, Burnside,	Cameron of Pa., Cameron of Wis., Conkling, Davis of Illinois, Dawes, Eaton, Edmunds, Ferry,	Hill of Colorado, Hoar, Kellogg, Logan, McMillan, Platt, Plumb, Ransom,	Rollins, Saunders, Vance, Whyte, Windom.
	NA	YS-27.	
Beck, Farley, Brown, Garland, Butler, Harris, Call, Hereford, Cockrell, Hill of Georgia, Ingalls, Davis of W. Va Johnston,		Jonas, Lamar, McPherson, Morgan, Pendleton, Pugh, Randolph,	Slater, Teller, Thurman, Vest, Walker, Wallace.
	ABSI	ENT-20.	
Bailey, Bayard, Carpenter, Groome, Grover,	Hamlin, Hampton, Jones of Florida, Jones of Nevada, Kernau,	Kirkwood, McDonald, Maxey, Morrill, Paddock,	Saulsbury, Sharon, Voorhees, Williams. Withers.

So the motion was agreed to.

RICHARD FATHERLY.
The PRESIDING OFFICER. The unfinished business is now in

Mr. HOAR. I desire to enter a motion to reconsider the vote by which the Senate refused to pass the bill (S. No. 2054) to remove the political disabilities of Richard Fatherly, of Arkansas.

The PRESIDING OFFICER. Does the Senator propose to have a

ote on it now

Mr. HOAR. No, sir.
The PRESIDING OFFICER. The motion to reconsider will be entered.

LANDS IN SEVERALTY TO INDIANS. Mr. BECK. I move that the Senate proceed to the consideration

of executive business.

Mr. COKE. Mr. President—
The PRESIDING OFFICER. The Chair lays before the Senate again the unfinished business which was informally laid aside, being the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes. It is now before the Senate.

Mr. COKE. I give way to the Senator from Kentucky.

EXECUTIVE SESSION.

Mr. BECK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session, the doors were reopened and (at five o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 21, 1881.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

APPORTIONMENT

Mr. COX. I ask by unanimous consent, Mr. Speaker, to have printed in the RECORD a continuation of tables A and B, in relation to the apportionment.

Mr. WILSON. They are already included in the pamphlet.

Mr. COX. They are already included in the pamphlet ordered by the House. I wish now to have these tables printed in the RECORD. There was no objection, and it was ordered accordingly. The tables are as follows:

TABLE A.—Continued from page 688.

		7	308	308 309 310 311			312									
		Ra	tio, 1 : 160,25)1.	Ra	tio, 1: 159,7	72.	Ra	țio, 1: 159,25	7.	Ra	tio, 1 : 158,7	45.	Ratio, 1: 158,236.		
States.	Population.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.
United States	49, 369, 595	290	2, 885, 205	308	291	2, 875, 943	309	292	2, 866, 551	310	293	2, 857, 310	311	294	2, 848, 211	312
Alabama Arkansas California Colorado Connecticut Delaware Florida Georgia Illinois Indiana Ilowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Nebraska New Hampshire New Jersey New York North Carolina Oho Oregon Pennsylvania Rhode Island South Carolina Tennessee Texas Vermont Virginia West Virginia Wisconsin	802, 564 864, 686 194, 649 622, 683 146, 654 967, 351 1, 539, 048 3, 078, 769 1, 978, 369 995, 966 1, 624, 630 9940, 103 648, 944 1, 763, 012 1, 636, 331 780, 806 1, 131, 592 2, 168, 804 452, 433 62, 965 346, 984 1, 130, 983 1, 1400, 047 3, 198, 239 174, 767 4, 282, 786 276, 528 995, 622 1, 542, 463 1, 592, 574 332, 286	7 55 13 19 19 12 10 6 10 5 4 4 7 7 13 2 2 7 31 8 19 19 10 10 10 10 10 10 10 10 10 10 10 10 10	140, 757 1, 109 63, 231 34, 358 141, 810 146, 654 107, 060 96, 42, 23 33, 240 54, 870 21, 710 34, 220 45, 798 138, 648 7, 781 139, 642 9, 555 85, 021 131, 851 133, 421 139, 642 9, 555 85, 021 131, 851 17, 710 14, 476 115, 220 116, 237 33, 876 116, 237 33, 876 117, 799, 844 149, 955 117, 701 187 170, 187 137, 570	8 8 5 5 5 5 5 5 5 1 1 4 4 1 1 2 2 100 119 119 119 119 119 119 119 119 119	7 55 5 1 3 2 9 9 19 12 10 6 6 10 5 4 4 7 7 7 11 2 2 7 7 31 8 8 9 9 9 9 1 9 1 1 8 1 8 1 8 1 8 1 8	144, 390 3, 704 65, 826 34, 877 143, 367 146, 654 107, 579 101, 100 43, 101 61, 098 141, 243 9, 857 135, 772 25, 530 38, 611 141, 718 13, 188 191, 768 132, 889 141, 943 19, 857 110, 100 110, 1	8 5 5 5 5 5 1 1 4 4 1 1 2 100 10 6 6 6 10 10 6 6 6 11 1 1 2 7 7 3 2 9 9 1 1 2 7 7 2 2 6 10 10 0 2 2 9 4 4 8	7 55 51 3 19 19 12 10 66 10 55 45 11 11 27 7 31 80 12 12 13 14 15 16 16 16 16 16 16 16 16 16 16 16 16 16	147, 995 6, 279 68, 401 35, 392 144, 912 146, 654 108, 694 105, 735 52, 886 67, 278 32, 050 40, 424 143, 818 11, 917 138, 347 31, 185 43, 761 143, 778 16, 788 163, 265 28, 470 16, 184 146, 843 125, 991 142, 104 117, 971 40, 080 109, 150 142, 104 117, 971 40, 080 109, 150 142, 104 117, 971 140, 080 109, 150 142, 104 117, 971 140, 080 109, 150 141, 080 109, 150 142, 104 117, 971 140, 080 109, 150 141, 971 142, 993 140, 672 141, 424	8 5 5 5 5 5 5 1 1 4 4 1 1 2 10 0 10 0 6 6 10 10 0 10 10 10 10 10 10 10 10 10 10 1	7 55 11 3 19 19 12 10 6 6 10 5 4 4 5 11 11 12 13 2 7 7 32 8 8 9 12 16 16 16 16 16 16 16 16 16 16 16 16 16	151, 579 8, 839 70, 961 35, 904 146, 448 146, 654 140, 848 66, 614 73, 422 37, 170 43, 496 61, 258 146, 378 13, 965 140, 907 36, 817 145, 896 20, 377 105, 171 134, 943 145, 896 20, 377 170, 373 186, 283 187 187 187 187 187 187 187 187 187 187	8	7 55 55 13 3 19 19 120 160 100 54 45 111 110 44 7 7 7 32 80 20 12 12 12 12 13 14 14 15 15 16 16 16 16 16 16 16 16 16 16 16 16 16	155, 142 11, 384 73, 584 73, 586 36, 413 147, 975 146, 654 109, 115 114, 924 72, 285 79, 530 42, 260 46, 550 46, 554 148, 923 16, 001 143, 452 42, 416 53, 971 147, 862 23, 940 111, 736 62, 265 30, 512 23, 331 20, 258 134, 159 16, 531 10, 414 118, 292 46, 206 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 110, 214 118, 339 119, 214 118, 339 119, 214 118, 339 119, 214 118, 339 119, 214 118, 339 119, 314 15, 314 15, 314 15, 315	8
States.	Population.		313			314			315			316			317	
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United States		295	The state of the s	313		and desired to the	314	295	3, 134, 540	315	296	3, 124, 627	316	298	2, 959, 075	317
Alabama Arkansas California Colorado Conceticut Delaware Florida Georgia Illinois Indiana Iowa Kansas Kentucky Louisiana Maine Maryland Massachusetts Michigan Minnesota Misouri Nebraska Nevada New Hampshire New Jersey New Jersey New Jersey New Grese New Hampshire New Jersey New Grese Texas Tennessee Texas Vermont Virginia West Virginia West Virginia West Virginia	802, 564 884, 686 194, 649 622, 683 146, 654 267, 351 1, 539, 048 3, 072, 769 195, 966 1, 648, 708 940, 103 648, 945 234, 632 1, 783, 131 1, 636, 331 760, 806 1, 131, 592 2, 168, 804 452, 433 62, 265 346, 984 1, 130, 983 5, 683, 810 174, 76 4, 282, 786 276, 528 195, 574 332, 286 1, 512, 806 618, 443	8 5 5 1 3 3 1 9 19 12 10 6 6 10 5 4 4 5 5 11 10 0 4 7 7 13 3 2 8 20 1 27 7 1 6 9 9 10 2 9 3 8 8	954 13, 914 76, 036 36, 919 36, 919 149, 493 146, 654 119, 621 119, 478 81, 899 85, 602 47, 320 49, 566 71, 408 151, 453 18, 025 145, 982 47, 982 47, 982 118, 314 136, 973 62, 265 31, 524 26, 873 36, 450 138, 207 43, 639 17, 037 24, 076 18, 798 19, 242 19, 242 19, 242 19, 242 19, 242 19, 243 116, 896 117, 377 118, 798 118, 798 118, 314 118, 314 118, 314 118, 314 118, 314 118, 314 118, 274 118, 798 118, 79	8 5 6 6 1 1 4 1 2 2 100 200 133 130 6 6 4 6 6 111 110 5 5 7 7 4 3 3 2 2 6 6 10 10 2 2 10 4 4 8	8 5 5 5 1 3 3 1 9 1 9 1 1 2 1 1 0 6 1 0 1 0 1 1 1 1 1 1 1 1 1 1 1 1	4, 970 16, 424 78, 546 37, 421 150, 999 146, 654 110, 123 193, 996 91, 437 91, 626 52, 340 52, 598 76, 428 153, 963 20, 033 148, 492 53, 504 64, 051 151, 894 30, 986 124, 840 137, 977 62, 265 32, 528 30, 387 52, 514 142, 223 53, 679 17, 539 37, 630 52, 254 127, 411 20, 294 17, 830 97, 754 146, 759 57, 656	8 5 6 6 1 1 4 1 2 10 20 13 110 6 6 4 4 6 6 11 1 10 5 7 7 14 3 3 2 7 7 2 6 6 10 10 2 10 4 8 8	8 5 5 1 3 1 9 9 1 1 2 1 0 6 10 0 5 4 4 5 11 10 4 7 7 3 2 8 9 1 1 7 1 6 9 9 1 8 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	8, 962 18, 919 81, 041 37, 496 146, 654 146, 654 120, 918 17, 614 57, 330 55, 592 81, 418 156, 458 22, 029 150, 987 58, 933 69, 041 153, 890 34, 489 131, 327 138, 975 62, 265 33, 526 33, 526 33, 526 146, 215 63, 659 146, 215 55, 248 131, 327 138, 975 61, 659 146, 215 63, 659 146, 215 64, 659 146, 215 65, 245 146, 215 146, 215 65, 245 146, 215 146, 215	8 5 6 6 1 1 4 1 1 2 100 200 133 110 6 6 4 4 6 6 6 111 11 5 5 7 7 4 3 3 9 9 200 1 1 27 2 2 6 6 10 0 2 10 4 8	955513 1991206 10644 51104 7732 127169 102938	12, 930 21, 399 83, 521 38, 616 153, 984 146, 654 110, 342 103, 566 62, 290 58, 568 86, 378 2, 705 24, 013 153, 467 74, 001 155, 874 74, 001 155, 874 37, 961 137, 775 34, 518 37, 352 84, 354 64, 495 58, 265 58, 226 58, 588 44, 354 64, 95 58, 265 58, 226 58, 366 68, 378 88, 378 89, 265 88, 378 89, 265 89, 265	8 5 6 6 1 1 4 4 1 1 2 2 100 200 113 110 6 6 4 4 6 6 6 111 11 11 5 5 7 7 1 4 3 3 3 1 1 2 7 7 3 3 3 9 9 20 1 1 2 7 7 1 1 2 7 7 1 1 2 7 7 1 1 2 7 7 1 1 2 7 7 1 1 2 7 7 8 3 8 9 9 1 1 2 7 7 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	8 5 5 5 1 3 2 1 1 2 1 1 6 6 6 4 4 6 6 6 1 1 1 1 1 1 1 2 2 7 7 3 2 8 8 2 0 0 1 2 7 1 1 6 6 9 1 1 0 2 9 3 8 8	16, 874 23, 864 85, 986 38, 909 155, 463 146, 651 111, 137, 388 119, 709 109, 482, 67, 220 61, 526 91, 308 5, 663 25, 985 192 27, 78, 931 144, 194 144, 194 144, 953 62, 265 35, 504 40, 803 35, 144, 803 35, 174 20, 806 61, 182 149, 803 35, 174 20, 806 611, 142 20, 806 61, 182 69, 560	8 5 5 6 7 1 1 4 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

TABLE A-Continued.

			ABLE A	-		NO TOTAL		1			1	E	1000	
	318					319			320		321			
		Ratio, 1: 155, 250.			Ratio, 1: 154, 764.			Ratio, 1: 154,280			Ratio, 1: 153,799			
States.	Population.	No. of Representatives on even division:	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	No. of Representatives on even division.	Fraction resulting.	Final number of Representatives.	
United States	49, 369, 595	300	2, 794, 595	318	301	2, 785, 631	319	302	2, 777, 035	320	306	2, 307, 101	32	
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States.	Population.	70.	322 atio, 1: 153,3	100	Pe	323			324			325	00	
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United States Alabama Arkansas Califernia Colorade Connecticut Delaware Florka Georgia Illinois Indiana Illinois Indiana Idented Courted Cousiana Maryland Massachusetts Michigan Minnesofa Mississippi Missouri Nebraska New Hampshire Now Jersey New York North Carolina Ohio Oregon Pennsylvania Rhode Island South Carolina Tennessee Texas Vergnia West Virginia West Virginia West Virginia West Virginia Westensus	49, 369, 595 1, 262, 794 802, 564 864, 686 194, 649 622, 683 146, 654 267, 351 1, 539, 048 1, 634, 620 1, 634, 620 1, 634, 620 1, 634, 620 1, 634, 620 1, 634, 620 1, 634, 632 1, 763, 612 1, 636, 331 780, 806 1, 131, 592 2, 168, 804 452, 433 62, 265 346, 984 1, 130, 983 174, 767 4, 282, 786 526, 528 995, 622 1, 542, 463 1, 592, 574 332, 286 618, 443 1, 592, 574 332, 286 618, 443 1, 592, 574 332, 286 618, 443 1, 592, 574 332, 286 618, 443 1, 315, 480	8 8 5 5 5 1 1 4 4	2, 453, 063 36, 218 35, 954 98, 076 41, 327 9, 395 146, 654 114, 029 5, 823 138, 498 91, 400 76, 034 115, 483 20, 171 35, 657 14, 700 96, 470 103, 111 14, 196 58, 338 22, 296 145, 789 62, 657 60, 340 57, 729 24, 184 20, 149 131, 799 21, 445 143, 092 123, 206 125, 640 9, 243 50, 354 25, 642 55, 649 57, 690 9, 243 59, 354 25, 642 58, 908	8 5 5 6 1 1 4 4 1 1 1 1 1 1 1 1 1 1 2 1 1 1 1 1	307 8 55 51 4 4 10 20 12 10 6 6 6 6 11 10 5 7 7 11 2 2 7 7 3 3 3 3 9 9 2 1 2 8 8 1 1 6 6 10 2 9 4 8 8	2, 445, 566 40, 018 38, 329 100, 451 11, 295 146, 654 114, 504 10, 578 21, 829 144, 198 96, 150 78, 884 120, 238 23, 021 37, 557 17, 550 101, 695 107, 861 16, 571 61, 663 28, 946 146, 739 62, 265 41, 290 61, 054 41, 299 61, 054 41, 299 61, 054 141, 299 61, 054 141, 299 61, 054 142, 293 62, 265 24, 424 141, 299 61, 054 141, 299 61, 054 141, 290 61, 054 142, 293 64, 104 65, 592, 70, 555 92, 704	88 5 6 6 1 1 4 4 1 1 2 2 10 0 20 20 13 3 11 1 5 7 7 11 4 6 6 12 2 7 7 3 3 9 9 21 1 1 28 8 2 7 7 10 0 10 4 9 9	307 8 5 5 5 1 4 4	2, 590, 470 43, 794 40, 689 102, 811 41, 976 114, 976 114, 976 114, 976 114, 976 114, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 976 117, 977 117 117 117 117 117 117 117 117 117	8 5 6 6 1 1 4 4 1 1 2 10 0 20 13 3 11 1 5 7 7 11 4 5 8 8 2 2 7 7 10 11 1 2 10 14 9 9	309 8 55 1 4 100 200 133 100 6 6 11 105 7 144 2 7 33 9 21 1 29 11 29 11 29 48	2, 430, 641 47, 546 43, 034 105, 156 42, 743 15, 059 146, 654 115, 445 19, 988 40, 649 3, 584 103, 584 103, 584 103, 199 648, 230 129, 648 28, 667 41, 321 23, 196 68, 250 148, 621 62, 265 43, 172 67, 641 70, 912 33, 893 8, 213 8, 213 22, 861 22, 418 24, 186 23, 3, 514 28, 474 28, 477 41, 5652 10, 819 100, 232	322 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	

Table B-Continued from page 689.

States.	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325
Alabama	q	8	8	8	8	8	8	8	8	8	8	8	8	0	8	8	8	
Arkansas	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	0
California	5		5	5	6	8	6	6		6	8	0	0	6	9	6	0	1
Colorado	1	1	1	1	1	1	1	1	1	1	1	0	1	1	0	0	0	
	1	- 4		1	1	1	-	1			- 1	1	- 1	-	- 1	-	1	11-25
Connecticut		2	9	2	3		4		2		3	9	- 3	4	3	- 3	9	1 3
Delaware	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	100
Florida	2	2	2	2	2	- 2	2	2	2	2	2	2	2	2	2	. 2	2	
Georgia	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	1
Illinois	19	19	19	19	19	20	20	20	20	20	20	20	20	20	20	20	20	2
Indiana	12	12	12	13	13	13	13	13	13	13	13	13	13	13	13	13	13	- 1
Iowa	10	10	10	10	10	10	10	10	10	10	10	10	11	11	11	11	11	1
Kansas	6	6	6	6	6	6	6	6	6	6	6	6	6	6	7	7	7	TV-
Kentucky	10	10	10	10	10	10	11	11	11	11	11	11	11	11	11	11	11	1 2
Louisiana	6	6	6	6	6	6	6	6	6	6	6	6	8	6	6	6	6	1 1
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Maine		6		0	6	6	6	- 3		6	2	6	2	- 2	4	4	9	
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Massachusetts	11	11				11	11	11	11	11	11	12	12	12	12	12	12	1
Michigan	10	10	10	10	10	10	10	11	11	11	11	11	11	11	11	11	11	1
Minnesota	5	5	5	- 5	5	5	5	5	5	5	5	5	5	5	5 7	5	5	III S
Mississippi	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	31
Missouri	13	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	1
Nebraska	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1
Nevada	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	- 1	8
New Hampshire	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	- 2	. 3
New Jersey	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	100
New York	32	32	32	39	32	32	32	39	33	33	33	33	33	33	33	33	33	2
North Carolina	9	9	9	32 9	9	9	9	9	33 9	9	9	9	9	9	9	9	9	9
	20	20	20	20	20	20	20	20	20	21	21	21	21	21	21	21	21	2
Ohio	20	20	1	1	1	20	1	1	1	1	1	~1	1	1	1	1		- 4
Oregon	27	27	27	27	27	27	27	27	27	27		28	0.3	28		2	0.2	9
Pennsylvania	27			21	24	21			21	21	28	28	23	28	28	28 2 7	28	2
Rhode Island	2	2	2	2	2	2	2	2	2	2			2	2	2	2	2	1 8
South Carolina	- 6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	7	7	1 1
Tennessee	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	1
Texas	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	11	1
Vermont	2	2	2	2	2	2	2	2	2	2	2	9	2	2	2	2	2	1 13
Virginia	- 9	9	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	1
West Virginia	4	4	4	4	4	4	4	4	- 4	4	4	4	4	4	4	4	4	1
Wisconsin	9		8	0	0	9	9	9	0	0	0	8	9	0	0	o l	0	1

TERRESTRIAL GLOBE FOR COMMITTEE USE.

Mr. WILSON, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved. That the Librarian of Congress be requested to purchase one terrestrial globe and one large map of the world for the use of the House Committee on Foreign Affairs: Provided. The same shall not cost over \$150, to be paid out of the contingent fund of the House.

ORDER OF BUSINESS.

Mr. HENDERSON. I move by unanimous consent to discharge the

Committee of the Whole House—

Mr. BELFORD. I demand the regular order of business.

Mr. HENDERSON. I hope my friend from Colorado will not insist.

Mr. CALKINS. I propose to call up the contested-election case from Massachusetts.

Mr. HENDERSON. I ask, as objection was made to my previous motion, to introduce some resolutions for reference only.

The SPEAKER. The regular order having been demanded, that cuts off all requests for unanimous consent.

Mr. MILLS. What is the regular order?

cuts off all requests for unanimous consent.

Mr. MILLS. What is the regular order?

The SPEAKER. The regular order is the contested-election case of Boynton against Loring, from the sixth district of Massachusetts.

Mr. MILLS. Is it not the regular order, this being Friday, under the special rule, to proceed with the consideration of private bills?

The SPEAKER. The contested-election case is a question of the highest privilege, and takes precedence. But the House has its remedy by raising the question of consideration.

Mr. MILLS. I do raise the question of consideration.

Mr. DICKEY. I move to go into the Committee of the Whole House on the Private Calendar.

The SPEAKER. The contested-election case is a question of the

House on the Private Calendar.

The SPEAKER. The contested-election case is a question of the highest privilege; but the gentleman from Texas raises the question of consideration, and the Chair will put it to the House.

Mr. CALKINS. I suggest before the gentleman can raise the question of consideration we must first dispense with the morning hour.

The SPEAKER. No; the contested election case is a question of the In SPEARER. No; the contested election case is a question of the highest privilege, and interrupts the morning hour as well as all other business. This is the only time when the gentleman from Texas can raise the question of consideration. If the House shall refuse to proceed with the consideration of the election case then the morning hour will be proceeded with.

Mr. CALKINS. I insist, then, on proceeding with the consideration of the contested election case.

Mr. CVIELL. Why will not the contleman permit the House to go

of the contested-election case.

Mr. O'NEILL. Why will not the gentleman permit the House to go to the consideration of private bills, this being Friday, and the day specially set apart for the purpose? Upon the Private Calendar are reports from committees which ought to be acted on. Congress certainly should decide one way or the other, and we ought not to refuse to consider this business on the day specially set apart for that purpose.

Mr. SPRINGER. I desire to state that the gentleman who contests the seat of the sitting member from Massachusetts is not present, and therefore we camput proceed with the consideration of the election.

therefore we cannot proceed with the consideration of the election

The SPEAKER. The gentleman from Iowa who has the floor is

Mr. SPRINGER. But it is intended the contestant shall occupy the hour.

The SPEAKER. The Chair understands by a message from the

gentleman from Iowa that he is ready to go on.

Mr. WEAVER. If this case can be taken up to-morrow I do not object to proceeding to-day with the consideration of the Private

The SPEAKER. The contested-election case is a question of privilege, and the Chair is bound to recognize it at any time.

Mr. SPRINGER. I hope the gentleman will allow us, then, to go on with the Private Calendar.

Mr. WEAVER. I have no personal objection to this going over

until to-morrow.
The SPEAKER. The SPEAKER. The question now is, Will the House proceed with the consideration of the contested election of the sixth district of Massachusetts?

The House divided; and there were—ayes 84, noes 42.

Mr. MILLS. No quorum has voted.

The SPEAKER appointed as tellers Mr. CALKINS and Mr. O'NEILL.
The House again divided; and the tellers reported—ayes 133, noes

So the motion was agreed to.
Mr. WEAVER. I move to reconsider, and I wish to state my reasons for making the motion.
The SPEAKER. Reconsider what?
Mr. WEAVER. The last vote in reference to the election case.
Mr. CAMP. I wish to make the point that the gentleman cannot make the motion to reconsider for the reason that he voted in the neg-

Mr. UPSON. I ask for the yeas and nays on the question.
The SPEAKER. The Chair understood the gentleman from New
York as rising to a point of order.
Mr. CAMP. I stated that the gentleman had no right to make the

motion to reconsider for the reason that he voted in the negative.

The SPEAKER. There is no record of the vote.

Mr. CAMP. I raise the point of order that the gentleman cannot make the motion to reconsider for the reason that he voted in the negative, which was not the prevailing side. That being the case, he has no right to make the motion.

The SPEAKER. There is no remede in this case if the gentleman

The SPEAKER. There is no remedy in this case if the gentieman chooses to move to reconsider, for the reason that there is no record

Mr. CALKINS. I move to lay the motion to reconsider on the table.

Mr. WEAVER. Mr. Speaker, I rise to a point of order. I have made a motion to reconsider, and I will state to the House the reason why I have made that motion.

The SPEAKER. Debate on the priority of business is not in order. The motion that the gentleman has made is not debatable, because the original motion was not debatable. The gentleman from Indiana moves to lay the motion to reconsider on the table.

Mr. UPSON. I have asked for the yeas and nays on the last vote. The SPEAKER. Does the Chair understand the gentleman from

Texas as asking for the yeas and nays on a motion to reconsider?

Mr. UPSON. No, sir; on the question of consideration.

Mr. O'NEILL. I rise to a parliamentary inquiry.

The SPEAKER. Debate is not in order.

Mr. O'NEILL. But I wish to ask for information of the Chair.

The SPEAKER. The Chair has held that this question must be decided without debate.

Mr. O'NEILL. But cannot I ask a variamentary approximation.

Mr. O'NEILL. But cannot I ask a parliamentary question? If

this motion is carried on a vote by yeas and nays—
The SPEAKER. That is in the nature of debate.
Mr. O'NEILL. I am coming to the question. I want to know, after the election case is disposed of, if private business can come up

after the election case is disposed of, it private business can come up nits regular order?

The SPEAKER. It would be in order.

Mr. O'NEILL. That was my parliamentary question. I know when I want to ask a parliamentary question. [Laughter.]

The SPEAKER. On the question of consideration the gentleman from Texas demands the yeas and nays.

The House divided; and there were—ayes 29, noes 133.

Mr. WEAVER. I demand tellers on the yeas and nays.

Tellers were ordered.

Tellers were ordered.

Tellers were ordered.

Mr. Calkins and Mr. Weaver were appointed tellers.

The House again divided; and there were ayes 46, noes not counted.

So the yeas and nays were ordered.

The SPEAKER. The question is, Will the House proceed to the

The SPEAKER. The question is, will the House proceed to the consideration of the contested-election case?

Mr. KEIFER. I understood the yeas and nays to be ordered on the question of laying on the table the motion to reconsider.

The SPEAKER. The gentleman from Texas demanded the yeas and nays on the motion to consider, as the Chair understood. That would take precedence of the motion to reconsider.

Mr. HAYES. Did not the gentleman from Indiana move that the motion to reconsider be laid upon the table?

The SPEAKER. The gentleman from Texas claims that prior to

motion to reconsider be laid upon the table?

The SPEAKER. The gentleman from Texas claims that prior to that he took the floor to demand the yeas and nays on the question of consideration. The House has since then been dividing on the question of taking the vote by yeas and nays on the question of consideration, after which question is decided the other question which is now held in abeyance will come up.

Mr. WEAVER. I wish to make a brief explanation of the reason why I made the motion to reconsider.

The SPEAKER. Debta is not in order.

why I made the motion to reconsider.

The SPEAKER. Debate is not in order.

Mr. WEAVER. I know it is not in order; but I am satisfied when I state to the House that I do not wish to proceed with this case in the absence of Mr. Boynton, who is to follow Dr. Loring—

Mr. ATKINS. I object to debate.

The SPEAKER. The yeas and nays will be called on the question of consideration.

Acklen, Beale, Bland, Bliss, Blount, Bragg, Carlisle,

Clements, Clymer,

of consideration.

The question was taken; and there were—yeas 140, nays 79, not voting 73; as follows:

	YEA	S-140.	
Aiken, Aldrich, N. W. Aldrich, William Atherton, Atkins, Baker, Ballou, Barber, Belford, Beltzhoover, Berry, Bicknell, Bingham, Bouck, Bowman, Boyd, Brewer, Briggs, Brigham, Browne, Buckner, Caldwell, Calkins, Camp, Carpenter, Caswell, Chalmers, Chittenden, Claftin, John B. Colerick, Conger, Converse, Coock, Cowgill,	Cox, Crapo, Cravens, Davis, George R. Davis, Horace Davis, Joseph J. Davis, Lowndes H. Deering, Deuster, Dibrell, Diok, Dunnell, Einstein, Ellis, Errett, Evins, Felton, Ferdon, Ferdon, Field, Frost, Frye, Gillette, Hall, Hammond, N. J. Harmer, Harris, Benj. W. Haskell, Hawley, Hawley, Hayes, Heilman, Henderson, Henry,	Hiscock, Horr, House, Humphrey, Jorgensen, Keifer,	Reed, Rice, Richardson, J. S. Robinson, Ross, Sapp, Sawyer, Sherwin, Simonton, Singleton, J. W. Slemons, Smith, A. Herr Smith, William E. Sparks, Speer, Springer, Starin, Steele, Taylor, Ezra B. Taylor, Robert T. Thompson, W. G. Townsend, Amos Updegraff, J. T. Updegraff, J. T. Updegraff, Thomas Urner, Valentine, Van Aernam, Van Voorhis, Voorhis, Waddill, Wait, Warner, Willits, Wood, Walter A. Young, Casey.
	NAY	S-79.	

Forney, Forsythe, Geddes, Godshalk, Goode, Gunter, Harris, John T. Hatch, Herbert,

Hostetler, Hull, Hunton, Hutchins,

Johnston, Jones, Ladd, Lowe, Manning,

Cobb, Coffroth, Culberson, Daggett, Davidson, De La Matyr, Dickey, Elam.

Flam,

Martin, Benj. F. McLane, McMahon, Mills, Monroe, Murch, Nicholls, O'Connor, O'Neill, O'Reilly, Persons,	Phelps, Phister, Poehler, Richmond, Rothwell, Russell, Daniel L. Ryan, Thomas Ryon, John W. Samford, Shelley, Singleton, O. R.	Stephens, Stevenson, Stone, Talbott, Thompson, P. B. Tillman, Townshend, R. W. Turner, Oscar Turner, Thomas Tyler, Upson,	Ward, Weaver, Wellborn, Wells, Whiteaker, Whitthorne, Williams, Thomas Williams, Wilson, Wilson,
		TING-73.	
4	- 19764 4		

	NOT	VOTING-73.	
Anderson, Armfield, Bachman, Bailey, Barlow, Bayne, Blake, Bright, Burrows, Burterworth, Cabell, Cannon, Clardy, Clark, Alvah A. Covert, Crowley, Dwight, Ewing,	Finley, Fisher, Fort, Gibson, Hazelton, Henkle, Herndon, Hill, Hooker, Houk, Hubbell, Hurd, James, Joyce, Kelley, Killinger, King, Klotz, Knott,	Loring, Marsh, Martin, Edward L. Martin, Joseph J. McCoid, McGowan, McKenzie, Miles, Morrison, Muldrow, Muller, Myers, O'Brien, Orth, Page, Ray, Richardson, D. P. Robertson, Robeson,	Russell, W. A. Scales, Scoville, Shallenberger, Smith, He Skitah B. Thomas, Tucker, Vance, Washburn, White, Wilber, Williams, C. G. Wood, Fernando Wright, Yocum, Thomas L.

So the House resolved to consider the election case of Boynton vs. Loring.
After the second roll-call,

Mr. WAIT said: I wish to announce that Mr. JOYCE, of Vermont,

is detained by illness from the House.

Mr. THOMAS. I listened attentively, but did not hear my name

The SPEAKER pro tempore, (Mr. McMillin.) The vote of the gentleman cannot now be received. His object is accomplished by making that announcement.

Making that announcement.

Mr. BLAND. I voted "no," but change my vote to "ay," as I see the contestant is now here.

Mr. HAWLEY. I voted "no" on account of the absence of the contestant. I change my vote to "ay."

The following pairs were announced:

Mr. SHALLENBERGER with Mr. BACHMAN.

Mr. VOLVE of Terroscopic with Mr. BACHMAN.

Mr. Young, of Tennessee, with Mr. Houk. Mr. Anderson with Mr. Smith of New Jersey. Mr. McKenzie with Mr. Robeson.

Mr. Ray with Mr. Ladd. Mr. Fisher with Mr. Bright.

Mr. Bayne with Mr. Ewing. Mr. Burrows with Mr. Blackburn. Mr. James with Mr. O'Brien.

Mr. CLARDY with Mr. RUSSELL of Massachusetts, for the remainder of this week.

Mr. Cabell with Mr. Blake, until Tuesday next. Mr. Errett with Mr. Scales, for to-day on all political questions.

Mr. CROWLEY with Mr. HERNDON.

Mr. ARMFIELD with Mr. MARTIN of North Carolina, on political questions for to-day and to-morrow.

Mr. Myers with Mr. Orth, until Monday, 24th, on all yea-and-nay

Mr. HILL with Mr. NEAL, on all political questions, until Monday next.

Mr. MULDROW with Mr. MILES.

The result of the vote was then announced as above stated.

The SPEAKER. The House resumes the consideration of the con-

tested-election case from the sixth district of Massachusetts, gentleman from Iowa [Mr. Weaver] is entitled to the floor.

MILITARY ACADEMY AT WEST POINT.

Mr. PHILIPS. I ask the gentleman from Iowa to yield to me that I may present the report of the Visitors to West Point.

Mr. WEAVER. I am willing to yield for that purpose.

Mr. PHILIPS, by unanimous consent, presented the report of the congressional Board of Visitors to the West Point Military Academy for 1880, accompanied by a bill.

The bill (H. R. No. 6972) amending existing laws in relation to the

The bill (H. R. No. 6973) amending existing laws in relation to the Military Academy at West Point was read a first and second time, referred to the Committee on Military Affairs, and, with the accompanying report, ordered to be printed.

INAUGURAL DECORATIONS.

Mr. BUTTERWORTH. I ask unanimous consent to take from the Speaker's table for consideration at this time the joint resolution (S. R. No. 144) authorizing the loan of certain flags and bunting to the committee on inaugural ceremonies.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and the Secretary of the Navy are hereby authorized and empowered to loan to the committee on inaugural ceremonies the flags and bunting in the Government depots for use in decorating the city of Washington on the 4th of March next: Provided, That the said committee shall indemnify the Departments against any loss or damage resulting from the use of said flags and bunting.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

GENERAL EDWARD O. C. ORD.

Mr. JOHNSTON. I am directed by the Committee on Military Affairs to ask that by unanimous consent the bill (S. No. 1922) for the relief of Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army, be taken from the Speaker's table for present consideration.

The bill was read as follows:

The bill was read, as follows:

The bill was read, as follows:

Whereas the President did, by virtue of the discretionary power vested in him by section 1244, Revised Statutes, retire Brigadier-General and Brevet Major-General Edward O. C. Ord, United States Army, from active service, to take effect the 6th day of December, 1880; and
Whereas at the date of his being retired from active service the said Edward O. C. Ord had served his country in the Army honorably, efficiently, and continuously for more than forty years, as shown by his official military record; and
Whereas at the date of his retirement the said Edward O. C. Ord held the brevet rank of major-general in the regular Army, conferred upon him by the President, by and with the advice and consent of the Senate, and was commissioned as such to take effect March 13, 1865, for gallant and meritorious services; and
Whereas at the date of the order retiring said Edward O. C. Ord from active service he was in command of the Military Department of Texas, where his services were of great importance and value, and especially in bringing comparative peace to a disturbed frontier; and which command was greater than a division of the Army: Therefore,

Be it enacted, &c., That the President be, and he is hereby, authorized to place Brigadier-General and Brevet Major-General Edward O. C. Ord on the retired list of major-generals, according to his brevet rank, with the pay and emoluments of a major-general of the United States Army on the retired list.

There being no objection, the bill was taken from the Speaker's

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. JOHNSTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITTHORNE. I ask the gentleman from Iowa [Mr. WEA-VER] to yield to me for a moment that I may ask unanimous consent for the adoption of certain resolutions in relation to the ceremonies attending the unveiling of the statue of Farragut.

Mr. HAYES. I demand the regular order.

ELECTION CONTEST-BOYNTON VS. LORING.

The SPEAKER. The regular order is the report of the Committee on Elections in the contested-election case of Boynton vs. Loring. The gentleman from Iowa [Mr. WEAVER] is entitled to the floor.

Mr. WEAVER. I yield one hour of my time to the contestant in

this case, Mr. Boynton.

The SPEAKER. The Chair understands that is all the time the gentleman has.

Mr. WEAVER. I am entitled to one hour and fifteen minutes.
The SPEAKER. By agreement?
Mr. WEAVER. Yes, sir; and I ask unanimous consent that the contestant may be heard.

The SPEAKER. That is in accordance with the practice. Does

the Chair understand that the gentleman from Iowa claims an hour and a quarter?

Mr. CALKINS. The arrangement was that an hour and a quarter

should be allowed to each side.

Mr. SPRINGER. In this case but one member of the committee signed the minority report; so that there is no other member of the committee than the gentleman from Iowa [Mr. Weaver] to occupy the time allowed to the minority. By agreement, the gentleman is entitled to an hour and a quarter.

Mr. WEAVER. I yield one hour of my time to the contestant, Mr.

Mr. BOYNTON, (the contestant.) Mr. Speaker and gentlemen of the House of Representatives, I was assured by several members of this House that to-day being private-bill day I would not be called upon to speak in this case, and therefore when I came up here I left my notes at my hotel. That is the reason why I was so late in coming this morning.

For two years I and my counsel have been subject to public criticism in Massachusetts and throughout the country for turning State's evidence against the giant wrongs committed on the suffrages of white men in that Commonwealth. During these two years I have never made an argument before the Committee on Elections or published.

lished an article in the public press. My side of the case has been wholly suppressed from public knowledge, except perhaps in the reports of that committee.

I beg the distinguished gentlemen who listen to me to believe that it is no personal contest that I bring before this House. It is no personal desire for office that has led me for two years to employ the ablest and most expensive counsel of our country upon this great

Advised by a former republican opponent, a learned lawyer, that my case was perfect in its legal aspects, I laid it before the illustrious Caleb Cushing, and he also advised this contest. I laid it also

before General Butler, with whom for years I have been laboring to secure the enfranchisement of one-third of the citizens of Massachusetts now disfranchised by the laws of that State. I speak advisedly when I say that one-third of the citizens of Massachusetts are diswhen I say that one-third of the citizens of Massachusetts are disfranchised, taking into consideration the votes in the last election. At that election, in New Hampshire, with as large a proportion of her people laboring in manufacturing towns and cities, such as Nashua and Manchester, adjoining Lowell, Massachusetts, the voters were as 1 in 4.15 of the population, while in Massachusetts they were as 1 in 6.35. In Maine, where many people from Canada now reside, refusing to lay aside their allegiance to the British Queen, the voters are about in the same proportion—4.42—showing that 130,000 citizens of Massachusetts, in the election of 1880, were deprived of the ballot. I trust, therefore, that the members of this House will at least give a patient hearing to the first infraction of the fourteenth amendment to the Constitution of the United States, and the first case that has ever been brought before this House legally and officially. You stand here, gentlemen, at the threshold of the disfranchisement of twenty million people; and this case will go down to history as the first case under the fourteenth amendment of the Constitution of the United States calling for enforcement and vindication of that amendment.

States calling for enforcement and vindication of that amendment.

Now as to the majority report of the Committee on Elections. I assumed that Caleb Cushing knew law, that General Butler knew law. And if you will turn to page 45 of the record you will find that my opponents themselves, according to the affidavits of Gardner P. Ladd and Charles H. Hopkinson of Groveland, admit as follows:

There were cast 138 votes which failed to designate any office

My opponents themselves, being judges, solemnly swore that there was no office designated on those ballots. The law of Massachusetts makes it mandatory that the office shall be clearly written or printed on the ballots. And then to make assurance doubly sure the law positively inhibits the election officers from counting ballots on which the office is not thus clearly designated in writing or printing if placed with other ballots in a common box as those were.

There is not a single respectable lawyer from Massachusetts or elsewhere who, if placed upon the supreme bench in the seat that was offered to the learned Cushing, would read that law and dare under his official oath find any office designated on those ballots by the

words "for representative, sixth district."

words "for representative, sixth district."

There are ten sixth representative districts in the State for the Legislature and one sixth congressional district. Dr. Loring himself resided in the sixth representative district of the State Legislature, and those ballots might with exactly the same propriety have been counted for him for the Legislature. There are three sixth districts in the sixth congressional district. There were three thousand of such defective ballots printed by the republicans for, and presumably circulated in, this congressional district. (See testimony of Ridgeway.) Blame me not, then, for believing it when this able counsel and my opponents themselves, the henchmen of Dr. Loring, thus swear that there was no designation of the congressional office, as required by law. I speak to a hundred lawyers and to men who believe in following the laws of the States and nation. I speak to men who know that there never has been an instance in an election case where the State law has been deliberately overridden by the Committee on Elections before this report of the majority.

Now, as to the evidence that has been submitted in this case. In the first place, I wish it to be distinctly understood that under the

the first place, I wish it to be distinctly understood that under the laws of Massachusetts there has been and there can be no recount of the votes cast in a congressional election in the towns of a district. We are not allowed even to look at the ballots which have been cast, and which are sealed up; and there never has been a recount of the

and which are sealed up; and there never has been a recount of the towns, as asserted by Loring.

To obtain a recount I applied to the Congress of the United States. When it was proposed to come before this House and call for the production of these ballots, then he who had delayed the matter for a year and claimed election by 102 votes offered to admit and put in 138 of said votes without designation of office in a Representative district which is not the sixth district, although there was testimony that throughout the congressional district there had been given thousands of such votes. They offered to admit that so many ballots had been cast, bearing only this designation: "For Representative sixth district, George B. Loring;" which gives me a legal majority of 36. It being so late, General Butler accepted the offer, and the result is the majority override the law and count them for Loring, in spite of the inhibition. There has been no recount in the towns of that district, more than twenty in number; and a recount was the object of application to Congress.

In the sworn testimony of the election officers of Marblehead, will

In the sworn testimony of the election officers of Marblehead, will it be believed, when it was discovered by a man of shorter stature that another was trying to conceal two votes which he was stuffing into the ballot-box, that challenge was being made though attested by note the ballot-box, that challenge was being made though attested by four men, according to the testimony against Coates, (pages 7, 10, 12,) that these two votes so stuffed into the ballot-box, as testimony shows, were counted and allowed? And afterward we find, by the admission of the same polling officer, that he had found other ballots folded together and counted in defiance of the law. Counsel of Loring mingle those and these two separate votes and deduct but one vote.

vote.

The three Hathaways this Loring claims as good voters. Two of

these Hathaways swear as follows, (I refer to page 138 of the rec-

ord:)

Question. Which of the four rooms on Bassett street is your room?

Answer. The upper one in the attic.

Q. Is there a fire-place in it?

A. No, sir.
Q. Store?

A. No, sir.
Q. Do you sleep there of nights?

A. Yes, sir.
Q. Pretty cold?

A. Yes, sir.
Q. Sleep there all the time?

A. No, sir.
Q. When you do not sleep there where do you sleep?

A. At my grandmother's.

It further appears in the testimony that the grandmot!

It further appears in the testimony that the grandmother is long

These men go on and swear to the house, to the other rooms, to the furniture, to their occupancy, to their registry from said residence in Marblehead, when it turns out that they had been residents of Salem for seven years, and that this very house, these very rooms, had all been burned up three years before, and at the time to which their testimony refers had no existence. Do you think Lering believes that such a residence is simply a question of intention and that these men intended to live in a flat house that had been burned up three men intended to live in a fiat house that had been burned up three years before, though these men solemnly swear to its rooms, its furniture, and all that it contained? Do you believe he thinks these are good legal voters, to be counted when ten thousand honest men are disfranchised by the disfranchising laws of Massachusetts? I do not want such votes as those to elect me. Yet the sitting member through his counsel claims for these "poor men" the right to vote and for many like them in that district. Those perjured villains, those deliberate repeaters, those non-residents he has infinite sympathy for, and asks that the privilege be accorded to such men to vote the republican ticket as these men swear they did vote it. On vote the republican ticket as these men swear they did vote it. On examination the presiding officer of that poll admitted that he knew the house had been burned three years, that he knew these men had been residents of Salem for six or seven years. He further admitted that he had counted ballots folded together. He further admitted that he had counted ballots folded together.

that he had counted ballots folded together. He further admitted that he had permitted Woodfin to vote, although Woodfin was not registered in that town. (See Marblehead testimony.)

Next I come to Danvers. And allow me here to say that a change of 100 votes which can never be accounted for satisfactorily was made at midnight. But there were 10 votes that were challenged. The law requires instant notice of any challenge. This was not accorded in the Marblehead case. Here there were 10 challenged votes and the challenges were not made good. I have twice brought before this committee a certificate from the governor and council under the broad seal of Massachusetts saying that those 10 good challenged votes had not been counted; and that certificate was printed in the record. "Boynton 483, and 10 challenged." Suppose they had said 483,000 and 800, would it have meant only 483,000? Who of this intelligent House can say that because the poll officers returned 483 good votes House can say that because the poll officers returned 483 good votes unchallenged, and 10 challenged votes which they returned separately as they were bound to do, (votes which proved to be good,) that this undoes the thirty days' later certificate of the governor and his council, as officially canvassing. It is simply a question of count, and here is the later certificate. The committee admit that those 10 votes belong to me; they could not do otherwise; yet they strangely give Dr. Loring 102 plurality. You will thus cut that down 10; and it gives him 92. Let us cut that down 7 for those votes at Marblehead, and that gives him 85.

him 92. Let us cut that down 7 for those votes at Marbienead, and that gives him 85.

Next I take you to the city of Haverhill, Massachusetts. The telegraphic message recorded in the files of my newspapers here gave Boynton 1,049, but was changed the next day to 999 in the public record of the daily that I take, the Newburyport Herald, and which had copies of the telegraphic reports to Loring at Salem. I caused examination to be made and I found those 50 votes, (as in a city there can be a recount, but not in a town.) Officially the matter was examined, and officially it was found that 8 had imperfect spelling, and also that 42 of those ballots evidently had been pencil-erased, and no name had been written instead. Had any voter desired to defeat me the name of one of my two opponents would have been written in, but that was not done. Mr. Ridgway, running on the democratic and greenback ticket for the Legislature, was one official recounting, and is one of the most experienced polling officers in Massachusetts. Mr. Ridgway, since re-elected in the city by a large majority, solemnly swears, as you will find in the testimony, that he had personal and official knowledge of the distribution of my ballots; that he paid every man who distributed them; that he visited every polling place, and that no such ballots, so far as he could learn, were cast there. place, and that no such ballots, so far as he could learn, were cast there.

place, and that no such ballots, so far as he could learn, were cast there.

Mr. Ridgway's testimony, it seems to me, is conclusive, if the very nature of the transaction is not in itself conclusive. The individual voter would have had time to write in the name of the candidate of his choice; he had both parties to choose from; and there would be no excuse for his not doing so. Certainly there would not have been that wholesale destruction. The other 8 ballots were found to have a defective initial or misspelling. That accounts for the 50 changed. That cuts Dr. Loring down to 35.

Next I come to West Newbury. I live over the line from Newbury-port in that little republican town that usually gives 500 per cent.

republican majority, or did for many years. It availed not that in my chilchood I brought the first republican flag from near Oberlin, Ohio, and raised it on the hill where the first Senator of the Revolution lived. While a hundred of my nearest republican neighbors voted for me, comprising the most liberal and intelligent, yet officelution lived. While a hundred of my nearest republican neighbors voted for me, comprising the most liberal and intelligent, yet office-seekers and some of the later converts, small and bitter politicians, turned fiercely upon me, because they said if I followed my conscience in voting I was assisting to destroy the republican party. Therefore you find that sad, that shameful testimony with regard to Mac-Namara and others of my neighbors disfranchised, and one of them thought himself given the option of a dungeon or a vote for the candidates of my opponents. The first signer of the Declaration of Independence lived in sight of where this deed was done. I should be untrue to his blood that runs in the veins of my children if I failed to denounce it as a wrong to man's liberty. I had rather go to prison, as did Caleb Moody, for denouncing Andros' breach of chartered freedom, than purchase peace by fawning at the feet of a few purse-proud petty tyrants who terrify the poor out of their ballot.

MacNamara had been a leader of the Irish, once a man of culture, a man of ability, who had been their leader in earlier and better days, but like many men who go into politics, when this man had been there for thirty-eight years he finally got to drinking. He lost his cigar factory; he was reduced to poverty. That was the opportunity of the opposition, bitter partisan leaders. Our laws punish a man with imprisonment in solitary confinement for the third conviction of the offense of being drunk. For the third offense of drunkenness the law punishes by six months' imprisonment in solitary confinement in a dungeon. That is the law of Massachusetts.

This man, MacNamara, finding a warrant was issued for him, happened to meet one of the most influential of the former town officers, who asked him whether the Irish were going to vote for Butler and Boynton. He said they were, and he added, "I will vote and use my

pened to meet one of the most influential of the former town officers, who asked him whether the Irish were going to vote for Butler and Boynton. He said they were, and he added, "I will vote and use my influence with my friends to vote your republican ticket, if you will get that warrant quashed." He went off and said he had made the arrangement. MacNamara was in doubt that it was strictly a fact that the warrant had been returned, therefore he went to the selectmen on the morning of the election and asked them not to have him arrested and sent to the dungeon, and to purchase immunity promised to vote their ticket and use his influence with friends. They asked arrested and sent to the dungeon, and to purchase immunity promised to vote their ticket and use his influence with friends. They asked "How many votes can you get?" "I may get more than I expect," said MacNamara. "Come down, and I will speak to the officer not to arrest you," said Bailey. Now, Bailey's ignorance does not clear him. Was not that a bribe of awful magnitude? Mind you, I am speaking of a crime punished by United States laws with five years in the State prison. This offense was committed by the man presiding at the polls, a selectman, the best man of those virtually independent townships of our ancient Commonwealth. "How many votes can you get?" He said he might get more or less. He was to go to the polls and the selectman promised to speak to the officer not to arrest this terrified man. terrified man.

That is the uncontradicted testimony; these men were within five miles of where this testimony was being taken; knew its contents. They had plenty of time to rebut it; but they never have attempted to rebut it. This man held up the ballot in town meeting in the presence of a hundred men and said, "This ballot weighs ten pounds, for I am voting against my conscience." He then walked up, a manacled slave, and voted in order to save himself from the dungeon. His brother-in-law did the same. This is the uncontradicted testimony in this case in West Newbury.

My next neighbor. Ferguson, the proprietor of a large farm, a man

mony in this case in West Newbury.

My next neighbor, Ferguson, the proprietor of a large farm, a man of spotless character, a man who maintained a large family, a man with no legal disqualifications, having averred that although a democrat he was going to vote for Boynton, his name was stricken from the poll-list, although his taxes were paid. When he appeared to exercise a freeman's right; when, with his tax bills, he demanded his same should be put on in accordance with the laws of Massachusetts. name should be put on in accordance with the laws of Massachusetts, he was deprived of a freeman's right to vote and disfranchised. He swears that two others were similarly treated. This is the uncontradicted evidence.

dicted evidence.

West Newbury reduces Dr. Loring down to 30 votes. Then we come to Amesbury, Massachusetts; to Amesbury, where the poet Whittier lives; to Amesbury, where Governor Josiah Bartlett, the first signer of the Declaration of Independence, was born, and there you find are mills, formerly busy with 1,500 operatives, which have been silent for four long years; there men had been driven to such misery they could not pay their taxes. It is in the evidence there were five hundred former employés still remaining; there 55 old voters' taxes were paid in one day, and then disfranchised; there Michael Kennedy, an old voter, more than half a century old, a voter who, I suppose, even under the constitutional amendment of 1857, had a right under the State laws to vote, as had others of these 55 voters. a right under the State laws to vote, as had others of these 55 voters, for you will notice there were many of them over twenty-one years of age when that disfranchising amendment was adopted—Michael Kennedy's was made the test case in reference to all these old voters. So swears the selectman. It is shown by the testimony in the record it was made the test case; the case of Michael Kennedy, a man over half a century old; also Thomas McCue, who had voted twenty-two years; these with 55 voters were disfranchised for illiteracy in defiance of the fourteenth constitutional amendment.

There were young men (see testimony of Michael Lawless; he had

to make his mark to the testimony in this case) who were permitted to vote although but thirty years old. Because he voted the republican ticket they paid his taxes and refused to disfranchise him in accordance with the rule applied to eld voters. These illegal and wholesale frauds ought to throw out the ballot of Amesbury, which elects me by 22 plurality; or, counting the 55 old voters disfranchised, gives 25 plurality. I think the 55 ought to wipe out the 30 remaining votes for Dr. Loring. It does according to the report of General Weaver, of the committee. But you say that the ballots were not absolutely deposited. They were offered; they were presented; the taxes were paid; it was made a test case; they demanded their rights, paid their money, fulfilled the law, and it is not contradicted that these were old voters and had a right, many of them, to vote even under the State law of Massachusetts, that law giving the right to all who were voters at the time of its adoption, 1857. But, gentlemen, if you can say that 138 ballots with no office printed thereon, ballots inhibited by the law of Massachusetts, are still to be counted, then I ask you to give force to the fourteenth amendment of the Constitution of the United States and here re-enfranchise a hundred thousand citizens. Now, gentlemen, although I have been fairly elected, I do not want a technical decision. I personally want nothing at your hands—certainly no partisan decisions. But while I want no office from you, you are here to answer to your conscience, to your country, and to the great Jehovah and to coming history for your action in the case where I appear as the attorney of over one hundred thousand disfranchised freemen, over one hundred thousand citizens of Massachusetts, made such by the Constitution of my country. I had rather be the victim of your disfranchisement than contend for syndicate and corporate powers, and against the people, even if you would give me the seat to which the independent men of all parties in my district

the victim of your distranchisement than contend for syndicate and corporate powers, and against the people, even if you would give me the seat to which the independent men of all parties in my district have elected me. The sixth Massachusetts district gave birth to Garrison, Whittier, and Wendell Phillips, and although it once mildly, serenely obeyed the then English laws and example in punishing witches, Quakers, and Baptists, yet it has done more for liberty than any other, and is yet the fairest and most independent district in America. I will not sell out their trust or bargain away the rights of men for office. I had rather got on we grave in obscurity contends

any other, and is yet the fairest and most independent district in America. I will not sell out their trust or bargain away the rights of men for office. I had rather go to my grave in obscurity, contending for God's poor in compliance with my convictions of truth and duty than secure office by injustice and deceit.

And permit me right here to say that Dr. Loring and his counsel took out a second time more than 80,000 names, such as aliens, paupers, insane, &c., that had already been deducted in General Butler's brief in this case. His brother took them out before the committee, and I called his attention there that night to it, and it was not denied. And again the sitting member comes before this Heuse and makes a claim that 18,000 only are disfranchised. I have shown you by comparison with New Hampshire that over one-third of our voters are disfranchised, and you can easily figure out that there are more than 100,000 citizens of Massachusetts, white men, some of whom have fought for us on sea and land, who were disfranchised at the time of this election in 1878. The following examination of figures in the Massachusetts census and in General Butler's brief demonstrates the falsity of Loring's statement.

By reference to General Butler's brief, page 81, you will find that the number of voters returned by the Massachusetts State census of

the number of voters returned by the Massachusetts State census of 1875 is as follows:

Ratable polls		449, 686 40, 472
Number returned as voters, native. Number returned as foreign, literate. Naturalized, illiterate. Native, illiterate.	281, 842 69, 271 13, 478 3, 153	490, 158
Adding 9 per cent. for growth shown by commissioner of State and United States census	367, 744 33, 096	
United States voters in 1878, not including paupersOf whom only voted	400, 840 256, 332	
Leaving If we allow deductions of 4 per cent. of stay-at-home veters	144, 508 16, 032	
Votes disfranchised and not including paupers	128, 476 95, 529	
Still leaves		394, 629 15, 785
Leaves		378, 844
Leaves as disfranchised by Loring's figures		122, 512
How does Loring attempt to break the force of the difference polls		490, 158 256, 332
Remaining, not voting		233, 826 95, 529
Still disfranchised or at home. Deducting 4 per cent. of his 394,629 voters as neglecting to vote		138, 297 15, 785
Disfranchised by Loring's admissions		122, 512

To destroy this appalling disfranchisement he deducts again 86,258 aliens, a part of and already included in the 95,529 already deducted. He deducts it from the net result as follows: 86,258—122,512—36,254.

Now, his brother's attention was called to this in the committee room, and he simply repeats it with variations. To show the folly of attempting to screen the disfranchisement by making the same deduction twice, let us recall that the Massachusetts census of 1875 gives returns as

Voters, native Foreign voters who can read and write Naturalized voters, illiterate Native voters, illiterate	69, 271 13, 478
Voting in 1878	367, 744 256, 332

Allowing 9 instead of 4 per cent. to stay at home, and then adding ten thousand more leaves over one hundred thousand free white cit-

Allowing all the 9 per cent. census growth to have remained at home is

izens of Massachusetts, made such by the supreme law of the nation in its fourteenth constitutional amendment, disfranchised by Massachusetts in defiance of her obligations.

I ask you to do what your official oaths require you to do, give force to the supreme law of the land, that Massachusetts adopted first, and that Massachusetts as well as the other States is heard to be supremed to the supremediate of the land, that Massachusetts adopted first, and that Massachusetts as well as the other States is been all the supremediates as well as the other States is been all the supremediates. I ask you to do what your official oaths require you to do, give force to the supreme law of the land, that Massachusetts adopted first, and that Massachusetts, as well as the other States, is bound by, and it is but just if you are going to apply the strict State laws to this case, that you apply also the ballot law which disfranchises one hundred and thirty-eight citizens of that State, rather than one hundred times that number of good, honest citizens, many of whom served on sea and land in the service of their country during the war. Which is the worst? Is it worse for you to say that you did not make that law that inhibits that ballot and reject them, or that this House allows ballots that the very men who counted them now swear were illegal, and also that the distinguished counsel in this case say were not legal ballots such as the simplest and the plainest reading of the law requires, or will you disfranchise ten thousand men, according to General Butler's brief, in this district? Say not with regard to the punishment of Massachusetts in this one district, say not when the time comes you will take away three Representatives of Massachusetts after you each get your congressional apportionment. He that is unjust in that which is least is unjust in that which is much. If when the facts are clearly brought before you; if when it is shown to you by incontestable testimony that the Legislature of a State has disfranchised a great army of her people, (one hundred and five thousand in 1878,) in defiance of the supreme law which you and they have sworn to ebey; if you do not act, you say as King Agrippa said to Paul: "Go thy way for this time, and when I have a convenient season I will send for thee." There is no record that the King ever repented; an orthodox minister says he went to hell—a warning to both the old parties combined against the people in this case, who, as the Jews and Romans, were not inclined to do Paul justice or you to do me justice on the merits of this case.

Much as I desire to shield Massa

mans, were not inclined to do Paul justice or you to do me justice on the merits of this case.

Much as I desire to shield Massachusetts I protest against the disfranchisement of an entire nation, being founded upon the example of liberty-loving Massachusetts. I predict that you would fill this Hall with a volume of thunders if the time should come when the Southern States disfranchise, by cruel taxation, as prerequisites and literary qualifications, two-thirds of their citizens, and who ought to be protected by the flag of this country. It would be held to be the mark of a cruel partisanship, that would meet the condemnation and disapproval of the entire country. I predict if South Carolina—that votes 1 voter to 5.38 better than Massachusetts, which is 1 in 6.35—if South Carolina should enact a law which would permit the vote of only 1 in 12 or 15 of the people, there would be such a howl come up, especially from the republican party, it would justly startle and shock the entire country. Is there a man upon this floor who does not assent to this statement? Is there a man here in the republican party that desires to go down to history refusing an act of justice, refusing to vindicate the first infraction of the supreme law of the land, officially and legally brought before Congress, the last and final court of the freemen of the land? If there is, I beg him to beware, for however sweet that music of peace, at any price, him to beware, for however sweet that music of peace, at any price, may be in his ears, it is like that which you and I have heard among the rugged Alps, where it is said that the winding of an Alpine shepherd's horn will sometimes start the avalanche that bears destruction to the valley. It is the inception of the disfranchisement of twenty millions of people of this country, and your example is certain to be serviced. to be copied.

Nay, Mr. Speaker, I may do wrong in saying it is certain to be copied, although it has been in part copied by Virginia, Georgia, and Tennessee. I look around me and behold brave men upon the other side of this Chamber, many of them with whom I have conversed, and I know that these sixty or seventy rebel brigadiers say they are determined some time hereafter to protect enfranchisement for every man in the United States who lives under the flag of the country. These are the men, sir, who say they are new willing that the right of suffrage be extended without proscription or intolerance to every man hereafter. I hope it will prove true. But I protest against the disfranchisement of a nation being thus really accomplished by the example of Massachusetts nullifying the amendment. I am proud of Massachusetts nullifying the amendment. chusetts. I have just cause to be proud of the old State, but I am not proud of this wrong she has done or of the faults of Massachusetts. But I am proud to be of the people fitly represented by Charles Sumner. The people he represented are a two-thirds majority of that State. When they understand it, they will right the wrongs that are being done here in riveting the chains of silence and disfranchisement until like England it may come to pass that three million farm laborers with not one rising in twenty years is the answer to such repression here as there; until tyranny shall plant and gather such harvests as France in 1792.

The people, north and south, stretch out their hands to you to right their wrongs and give them back their liberties and suffrages. For four long years we have plead with our rulers, and thundered at the gates of the State capitol, calling upon them to do what they have promised, by passing the enfranchisement United States constitutional amendments, to do. Enfranchisement is just, for on the contional amendments, to do. Enfranchisement is just, for on the consent of the governed rest our liberties. It promotes manhood to annually select the rulers by a free ballot. It stimulates love of country. It prevents plots and revolutions against the State. It promotes public morals by enlisting all the citizens in the public welfare. It gives security, happiness, and prosperity to all classes by giving equal rights, equal privileges, and equal burdens. You need not fear the influence of the poor and of the ignorant, for even that is divided in support of candiates selected by the cultured, the wealthy, and the influential influential.

Equality had its birth in the soul of man, in the teachings of Christ, in the Declaration of Independence. Manhood suffrage is an American invention, and the first realization of universal freedom. Egypican invention, and the first realization of universal freedom. Egyptian learning, Grecian art, Roman power and organization, are surpassed in the free manhood of America. Its establishment has given to us, alone among the nations of the earth, eighty thousand free pulpits, not one supported by the State. It has given to us, first among the nations, three hundred thousand free schools, all supported by the State. The only titles of nobility issued are a quarter of a million patents to the poor inventors, who so advance our material wealth. To us alone, among the nations of the earth, it has given freedom from the armaments of Europe and the taxation of tyrants. It has taken off the load that crushes out the liberty and happiness of every other nation in Christendom. Here, with labor doubly rewarded in America, (partially on account of our tariff,) it is fast teaching the European peasant the folly of being obliged to carry a soldier on his back.

True, France, learning financial wisdom from the captured treasury books of ancient Venice, despite the changes of empires and republics, has been eighty years without a panic. France may therefore teach the legislators of this land financial self-reliance and the beneficence of full legal-tender paper money. And England, with the sovereignty

the legislators of this land financial self-reliance and the beneficence of full legal-tender paper money. And England, with the sovereignty of the ocean in her grasp and needing no defense except her bulwarks that float upon the stormy sea, may instruct us to protect our commerce by subsidizing peaceful navies to carry our mails and limitless productions. But we can teach them more than France and England are learning of real self-government and the extension of suffrage, for manhood suffrage is the strongest form of government. It is broad-based as the Pyramids and as enduring. It teaches the millennium of peace; it teaches the fraternity of nations. There are but two forms of government on earth—voluntary and involuntary.

millennium of peace; it teaches the fraternity of nations. There are but two forms of government on earth—voluntary and involuntary. Through blood and tears we have settled forever, I trust, the question of our form of government in favor of universal freedom. A million brave and sincere lives and eight billions of treasure have been paid for this amendment to the Constitution of our Republic. Wise or unwise we cannot go back now. The brave men of the South assure me they do not desire to do so. They have sworn to keep the fourteenth amendment. They promise that the seventy rebel brigadiers before me have fought their last battle against enfranchisement, and they are ready to join (after they get their apportionment) in breaking the fetters of more than one hundred thousand disfranchised white citizens of Massachusetts.

Will Massachusetts reward the tens of thousands of her heroes who were compelled, because they could not read and write, to make their

Will Massachusetts reward the tens of thousands of her heroes who were compelled, because they could not read and write, to make their mark on the muster-roll as well as on the battle-field—will she reward them by disfranchisement? I ask the men who represent Massachusetts on this floor, will they disfranchise the men who went out to give their lives for the Union? The bones of many of those men lie bleaching on our battle-fields, but their comrades who have returned—will you disfranchise them because they were compelled to make their mark on their receipt-roll of payment for their blood? You insisted on their enfranchising four million slaves by their valor. Will you disfranchise twenty million white freemen? Will you undo the work of Sumner which you promised to sustain? I ask that of the members from Massachusetts on the floor of this House. I ask them members from Massachusetts on the floor of this House. I ask them to listen to the words of Sumner that preceded the enactment of this constitutional amendment—his words of warning that even in death now come to us from his home above the stars:

In the life of a nation there are special moments when outstanding promises must be performed under peril of ruin or dishonor.

Here is the promise you have sworn to perform in behalf of the uncounted millions that may come after you.

There are sacred promises beginning with our history yet unperformed, and now the hour has sounded when continued failure on our part will open the door to a long train of woes. Our fathers solemnly announced the equal right of all men.

Sumner secured the adoption of the fourteenth amendment, which you would now nullify if you refuse to vindicate its majesty and power in accordance with its sacred provisions

Shall the black slave be made a free man and the white citizen in Massachusetts be made aslave? What would you say if the South were to copy your example? You cannot escape history by defying your official oaths to enforce and defend this sacred provision of the Constitution. It is now for the first time brought to your attention, and the ages will point at you in wonder and witness your untruthfulness if you sanction the cruel enforcing laws of 1874, disfranchising one hundred thousand white citizens of Massachusetts they have sworn to protect by accepting the amendment and the apportionment law

Shall we do this when we are about to celebrate our first century of freedom, which has accomplished more for mankind, more for his moral nature, with three free pulpits to one of any other nation ; more intellectually, with three free schools to any other nation's one; more materially, with three free schools to any other nation's one; more materially, with three inventions to any other nation's one; more for peace, with fifteen school teachers to a soldier; when we have accomplished more for mankind in our first century than has been accom-

complished more for mankind in our first century than has been accomplished by sixty centuries of monarchical and aristocratic government? Apply the laws of Massachusetts, and you disfranchise a majority of the voting population of the South. You destroy all the protection given by the ballot to one-third, ay, to more than one-third of the fifty millions of this nation.

Will you bid men pay taxes on all that they consume and produce and not give them representation? Will you bid them produce billions by their toil and refuse the citizenship guaranteed by the four-teenth amendment? Will you enroll this great heroic army, larger than the army of Xerxes, larger than any other army that was ever gathered in the world—will you enroll this great heroic army of voters in your national militia throughout this broad domain, subject to draft in your defense, and yet give them no vote in disposing of their property and lives?

Because these men have been born out of the reach of the free school,

property and lives?

Because these men have been born out of the reach of the free school, because they have paid duties and taxes on all that they and their children consume, gives you no right to disfranchise them by requiring an additional tax as a payment, and educational qualifications as a prerequisite for suffrage. You may punish their misfortunes with cruel pauper and tramp laws if you will, laws more cruel than any that were ever passed in the reigns of Nero or Caligula; you may put them in dungeons for five long years as criminals in State prison, because of their misfortunes and their poverty; but pray at least give them a vote for the officer that shall pluck the child from the mother's breast or draft their sons to die for your defense in the bot breasth of the or draft their sons to die for your defense in the hot breath of the

cannon.

Maintain, or else will you frankly repeal, the fourteenth amendment of the Constitution of my country that has been bought with a million lives and \$8,000,000,000 treasure. Then the people will understand that the last refuge of self-defense has been taken from the poor and the illiterate. But in so doing, remember that warning of Jehovah: "Rob not the poor because he is poor; neither oppress the afflicted in the gate; for the Lord shall hear their cry and spoil the soul of him that spoileth them."

The best defense of Massachusetts, the best defense of my distinguished counsel from the charge of Loring, that unwarrantable slanders have been made upon Massachusetts, the best defense against assaults in the public press, is the record of heroic men like James

assaults in the public press, is the record of heroic men like James Otis and Charles Sumner that have made Massachusetts illustrious in her defense of liberty.

There was a time when Massachusetts did require defense, and Loring was silent. There was a time when the great rebellion, which my distinguished counsel said he did his utmost to avert, came upon the country. When the thunderbolt of war fell it found General Butler in court with a thousand briefs and retainers on his dockets, and handing his papers to the next lawyer almost with the swiftness of light ing his papers to the next lawyer, almost with the swiftness of lighting his papers to the next lawyer, almost with the swittness of nghining he gathered his regiments together and celebrated the anniversary of Lexington by snatching this Capitol from doom. He declared the black slave a contraband of war. He opened the Mississippi to our fleets. He aided in passing the amendments to the Constitution. Although he was a Jacksonian democrat and tried to avert the war, when the battle came he went to the opposite extreme as much as General Jackson would have done. as General Jackson would have done.

I warn the contestee that the name of General Butler will be remembered in the annals of men, in the memories of fifteen million of the descendants of Massachusetts throughout our broad domain; will be honored in the records of our nation until the stars have faded, until history is no more. He needs no defense at my hands or the hands of any one, for history will be his undying monument.

ment.

The sitting member has referred to the "Essex plan" of Theophilus Parsons, the eminent chief-justice of Massachusetts. I will give what he said in the "Essex result," in rebuttal of the statement which he has made in regard to that illustrious man, of the sixth congressional district of Massachusetts, which is prolific in great names—men like Choate, Rantoul, and Cushing, Butler, Pickering, and Parsons, Winthrop, Vane, and Endicot, and Saltonstall, Moody, Prescott, Phillips, and others, illustrious names that have honored and made glorious our history. The name of Parsons should not be invoked, as Dr. Loring has invoked it, against the rights of free-

men in Massachusetts. In that Essex plan Theophilus Parsons uses

Every freeman who hath sufficient discretion should have a voice in the election of his legislators. All the members of the State are qualified to make the election unless they have not sufficient discretion, or are so situated as not to have wills of their own; persons not twenty-one years old are deemed of the former class from their want of years and experience.

I quote also the words of James Otis:

The very act of taxing, exercised over those not represented, appears to me to be depriving them of one of their most essential rights as freemen, and, if continued, seems to be in effect an entire disfranchisement of every civil right. For what one civil right is worth a rush, after a man's property is subject to be taken from him at pleasure without his consent? If a man is not his own assessor in person or by deputy, his liberty is gone or he is entirely at the mercy of others.—Otis's Rights of the Colonies, page 58.

But Otis was not the only interpreter of this maxim of liberty. The legislature of Massachusetts on repeated occasions made the same claim. On one occasion, in solemn resolutions drawn by Samuel Adams, and adopted unanimously, it spoke as follows:

That by the law of nature no man has a right to impose laws more than to levy tax upon another; that the freeman pays no tax, as the freeman submits to no law, but such as emanates from the body in which he is represented.—John Adams's Works, volume 1, page 78.

I might quote the bill of rights of Virginia, drawn by George Mason and adopted June 12, 1776:

All men having sufficient evidence of permanent, common interest with and attachment to the community have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives so elected, nor bound by any law to which they have not in like manner assented.

Here is a statement found among the papers of Benjamin Franklin, under date of 1769:

under date of 1769:

That every man of the commonalty, except infants, insane persons, and criminals is of common right and by the laws of God a freeman, and entitled to the free enjoyment of liberty. That liberty or freedom consists in having an actual share in the appointment of those who frame the laws, and who are to be the guardians of every man—life, property, and peace; for the all of one man is as dear to him as the all of another, and the poor man has an equal right but more need to have representatives in the legislature than the rich one.

That they who have no voice nor vote in the election of representatives do not enjoy liberty, but are absolutely enslaved to those who have votes and to their representatives; for to be enslaved is to have governors whom other men have set over us, and be subject to laws made by the representatives of others, without having had representatives of our own to give consent in our behalf.

Let the words of him who drew the lightning from the clouds and defied the tyrant on his throne, the illustrious Franklin, defend the men who seek to carry out the words of that immortal native of Massachusetts. Then Alexander Hamilton, whose ideas of government in general I detest—Hamilton the very antipodes of Jefferson the author of the immortal Declaration, whose writings on government and finance I so much admire—even the aristocratic Hamilton who wanted to give us a virtual dictator and king, drafted the following proposition in his plan of a constitution.

Representatives shall be chosen except in the first instance by the free male

Representatives shall be chosen, except in the first instance, by the free male citizens and inhabitants of the several States, comprehended in the Union, all of whom of the age of twenty-one years and upward shall be entitled to an equal vote.

Then Chief-Justice Taney, in the Dred Scott decision, over which my republican friends have so often in years gone by been eloquent,

The words "people of the United States and citizens" are synonymous terms, and mean the same thing. They both describe the political body, who, according to our republican institutions, form the sovereignty and who hold the power and conduct the Government through their representatives. They are what we familiarly call the sovereign people, and every citizen is one of the people and a constituent member of this sovereignty. (19 Howard, 404.)

His language further on is still more precise. He says:

There is not, it is believed, to be found in the theories of writers on government or in any actual experiment heretofore tried an exposition of the term "citizen," which has not been considered as conferring the actual possession and enjoyment, or the perfect right of acquisition of right and enjoyment, of an entire equality of privileges, civil and political.

And Sumner says:

Nor is it decent to call any State republican where any considerable portion of its people constituting an essential part of its "body-politic" is permanently disfranchised. Even if in times past such a State could have been treated as republican, it will not do to treat it so now. It lacks the vital elements of a republican government, and must be treated accordingly. I do not dwell on this point, for it seems absurd to call it in question. Clearly, it is your duty to enforce the guarantee of a republican government.

By the oaths you have taken to support the Constitution, you must take care that in all the States where governments have lapsed this guarantee shall be carried out.

How quickly you would interfere if a Southern State should pass a law disfranchising two-thirds or three-fourths of her people. You intend to interfere in the next Congress, do you? You intend to do it hereafter? I warn you that the hour has struck, the hour is now, when you must do this or leave it forever undone. The case has come lawfully and officially before you.

By an amendment to the constitution of Massachusetts, article 20, (page 38, general statutes,) adopted the 3d day of May, 1857, it is provided as follows:

provided as follows:

No person shall have a right to vote, or be eligible to office, under the constitu-tion of this Commonwealth who shall not be able to read the constitution in the English language, and write his name.

Then follows the provision as to physical disability and age. This article was adopted by the Legislature of 1854-755, and ratified by the people on the 23d day of May, 1857, by a vote of 23,833 in

favor, and 13,746 against, out of some one hundred and fifty thousand, the then voters of Massachusetts.

sand, the then voters or Massachusetts.

Under it, the most learned professors of Europe, coming here and taking upon themselves the duties and privileges of citizens, could not vote unless they were able to read English. It attracted no attention, and has not been enforced by a statute until since 1874, when the dominant party in Massachusetts began to fear for their majority. The principal disqualification in Massachusetts is one imposing an energy soll tay as a prerquisit to exercising the right of our frage.

onerous poll-tax as a prerequisite to exercising the right of suffrage, so that in the town of Fall River, by a sworn affidavit, it was found that a majority of its citizens had neglected to pay tax in 1879, and their disqualifications are largely removed by generous politicians furnishing money to pay their taxes, thus corrupting the very fountain of free government, and in a mild sense bribing the voter, making it impossible for any but rich men to take office. All parties are equally it impossible for any but rich men to take office. All parties are equally guilty participators in this bribing. It is interesting to notice the editorials in the Boston religious newspapers urging their Christian readers to contribute money to aid in carrying elections, knowing that the largest expenditure is for the purpose of removing this disqualification of voters by paying their poll-taxes. As these voters have paid taxes on all that they consume, is it not time for this shameful business to cease if a pure ballot is to be maintained? The literary disqualification would exclude the father of Abraham Lincoln. The tax would exclude the fish of this figure would exclude the fish of the figure would exclude the figure of the disciples while the figure that the figure would exclude the figure of the The tax would exclude Christ and some of His disciples, while the fish with a tax in his mouth would vote. The evil is intensified by the favoritism of selectmen in enforcing the law against opponents while blind to the illiteracy of those who vote with them.

The fourteenth amendment of the Constitution of the United States

made a radical change in many State laws necessary, especially in the Southern States. Senator Cowan, of Pennsylvania, in the de-bate called special attention to the necessity of a repeal of the tax disqualification in Pennsylvania and other States. This fourteenth amendment is as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make OR ENFORCE ANY LAW which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Now, is the right to vote one of the "privileges or immunities" of a citizen of the United States? That is answered by section 2 of the same article, which provides a penalty against the State for depriving a citizen of a right to vote at any election, as follows, (see, also, 23 Pick. R., 308, where it is decided to be a privilege, per Shaw,

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.—Fourteenth amendment, section 2.

Section 6, chapter 11 of the acts of 1872, approved February 2, 1872, 17 Stat., p. 28, under which the apportionment is made, enacts:

That should any State, after the passage of this act, DENY OR ABRIDGE the right of any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, to vote at any election named in the amendments to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned in this act to such State shall be reduced in the proportion which such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

This answers the question, and also whether the phrase in the Constitution, article 14 of the amendments, "No State shall make or enforce any law which shall abridge the privileges of citizens," &c., is aimed against a law depriving them of the right to vote. It also settles the question which is sometimes raised, whether a constitutional provision can execute itself without being "enforced by appropriate legislation."

To enforce this law—and all laws ought to be enforced, especially those that grand the rights of the citizen—will substantially dimin-

those that guard the rights of the citizen—will substantially diminish Massachusetts from eleven to eight Representatives, and from thirteen electoral votes to ten, unless she concludes not to nullify the Constitution of the United States and stands up for the freedom she

Another question may be raised: It will be observed that this section says, "That should any State, after the passage of this act, deny or abridge the rights," &c. It may be objected that the laws under

FALL RIVER, MASSACHUSETTS, March 16, 1880.

I, George Lord, on oath, depose and say that I have been informed by James C. Brady, city treasurer of Fall River, that the following statement of unpaid poll taxes in this city is correct, and I believe it to be true. The number of unpaid poll taxes in 1876 was upward of 4,000: number assessed May 1,1876, was 10,519; number unpaid in 1878 was about 4,000; number unpaid in 1879 was about 7.000.

GEORGE LORD.

BRISTOL, 88:

FALL RIVER, March 17, 1880.

Then personally appeared the above-named George Lord and made oath that the foregoing statement subscribed by him is true to the best of his information and belief.

THOMAS H. NILES.
Justice of the Peace.

which the State elections are held in Massachusetts do not appear to have been made after the passage of this act. But if the committee will turn to the law before cited (General Laws of 1874, page 283, chapter 376) they will find that the law imposing these restrictions was passed June 29 of that year, and was an act of the State, therefore, two years after the apportionment act of Congress. In other words, the State took advantage of the apportionment according to the whole number of people granted by Congress in 1872, in order to get the representation, and then deliberately disfranchised, in the face of that law, quite one-third of her voters, enforcing an obsolute State amendment of 1857, old as the days of slavery.

I appeal to all fair minds to aid me in restoring the promised rights of citizenship. Shall the freedman fleeing from the South lose his vote in Massachusetts?

Charles Sumner speaks for Massachusetts and for man, as follows.

Charles Sumner speaks for Massachusetts and for man, as follows, in the preliminary debate of this question:

DEBATE UPON PROPOSITIONS TO AMEND CONSTITUTION, H. R. NO. 57.

Our fathers solemnly announced the equal rights of all men, and that government had no such foundation except in the consent of the governed; and to the support of the Declaration heralding these self-evident truths pledged their lives, their fortunes, and their sacred honor. ** * Mighty words. Fit utterance for the giant infant then born. Fit device for the great Republic taking its place in the family of kings. * * * Fit lesson for mankind. * * * A failure to perform these promises is moral and political bankruptcy. * * Whoever dissowns any of the promises of the Republic leads the way in repudiation.

But the argument for enfranchisement, which is nothing but the complement of emancipation, is the same. Enfranchisement is not only intrinsically just, but it is necessary to the safety of the Republic. * * * I shall noterr if I say that emancipation itself will fail without enfranchisement. * * As an act of justice enfranchisement has a necessity of its own. No individual and no people can afford to be unjust. Such an offense will carry with it a curse, which sooner or later must drag its perpetrator to the earth. But here the necessity from considerations of justice is completed and intensified by the positive requirements of the national safety, plainly involved in the performance of these promises.—Congressional Globe, February 6, 1866, pages 673 and 674.

Remarking upon the guarantee of a republican form of government

Remarking upon the guarantee of a republican form of government under the Constitution, Mr. Sumner says:

It is expressly declared that "the United States shall guarantee to every State in this Union a republican form of government." These words, when properly understood, leave no alternative. They speak to us with no uncertain voice. The magnitude of the question now before us may be seen in the postulate with which I begin.

stood, leave no alternative. They speak to us with no uncertain voice. The magnitude of the question now before us may be seen in the postulate with which I begin.

Assuming that there has been a lapse of government in any State so as to impose upon the United States the duty of executing this guarantee, then do I insist that it is the bounden duty of the United States to see that such State has a republican form of government, and in the discharge of this bounden duty they must declare that a State, which in the foundation of its government sets aside "the consent of the governed," which imposes taxation without representation, which discards the principle of equal rights, and which lodges power exclusively with an oligarchy, aristocracy, caste, or monopoly, cannot be recognized as a "republican government," according to the requirements of American institutions. Even if it may satisfy some definition handed down from antiquity, or invented in monarchical Europe, it cannot satisfy the solemn injunctions of eur Constitution.

For this question I now ask a hearing, Its correct eletermination will be an epoch for our country and for mankind.

Believe me, sir, this is no question of theory or abstraction. It is a practical question, which you are summoned to decide. Here is the positive text of the Constitution, and you must now affix its meaning. You cannot evade it, you cannot forget it without an abandonment of duty. Others in vision or aspiration have dwelt on the idea of a republic, and they have been lifted in soul.

You must consider it, not merely in vision or aspiration, but practically as legislators, in order to settle its precise definition, to the end that the constitutional guarantee may be performed. Your powers and duties are involved in this definition. The character of the Government founded by our fathers is also involved in it. There is another consideration which must not be forgotten. In affixing the proper meaning to the text, and determining what is a "republican government," you act as a c

Alluding to the source of definition of the term "republican government," Mr. Sumner remarks:

ernment," Mr. Sumner remarks:

In these words of hypothesis I have already foreshadowed the four different heads under which these principles may be seen: First, as asserted by the fathers throughout the long revolutionary controversy, which culminated in war. Secondly, as announced in solemn declarations. Thirdly, as sustained in declared opinions. Fourthly, as embodied in public acts. If Senators ask why our fathers struggled so long in controversy with the mother country and then went forth to battle, they will find that it was to establish the very principles for which I now contend. To secure the natural rights of men, and especially to vindicate the controlling maxim, that there can be no taxation without representation, they fought with argument and then with arms. Had these been conceded at that time there would have been no Lexington or Bunker Hill, and the colonies would have continued yet longer under transatlantic rule. The first object proposed was not independence, but the establishment of these principles, and when at last independence was proposed, it was because it became apparent that these principles could be secured in no other way. Therefore, the triumph of independence was the triumph of those principles, which necessarily entered into and became the animating soul of the Republic, which was then and there born. The evidence is complete, and if I dwell on it with minuteness it is because of its decisive character on the present occasion.

Charles Sumner further says:

By the oaths you have taken to support the Constitution you must take care that in all the States where governments have lapsed this guarantee shall be carried out. In the performance of this duty you may proceed by an enabling act, establishing in advance the conditions on which these States shall be restored to their "practical relations with the Union," or by an act directly annulling all constitutions and laws of any such States inconsistent with a republican government. The power is in Congress. It has been recognized in formal terms by the Supreme Court, and you are the final judge of the means you shall employ.

Under the principles of Charles Sumner you could go directly to Massachusetts with an enabling act and by the broad shield of your sovereign power compel immediate acquiescence. Instead of punishing a single representative, you could overturn the government of Massachusetts if she did not conform her constitution to the requirements of the national Constitution.

I read further the language of Sumner:

To say that you have not the power is to abdicate at a great exigency the very means of salvation. It is to fling away your arms in the very face of the enemy. It is to spike the Constitution at a moment when its full cannonade is needed for the overthrow of wrong. Clearly you have the power, and upon your heads will be the fearful responsibility if you fail to exercise it.

It is to spike the Constitution at a moment when its full cannonade is needed for the overthrow of wrong. Clearly you have the power, and upon your heads will be the fearful responsibility if you fall to exercise it.

Men of Massachusetts, dare you take this responsibility? Loring has quoted young Ohio, the daughter of Massachusetts; Ohio does not do this deed of disfranchising weakness and wickedness. I owa does not perform this infamy. Maine does not disfranchise her people. New Hampshire, adjoining Massachusetts, with a similar people in every respect, does not find it necessary. Shall Massachusetts dim the luster of her heroes, go back upon the teachings of her history, give the lie to her professions? Shall she act the part of those rulers in Judea who when Jesus was crucified would not enter the judgment hall for fear of being defiled, yet when the stern and bloody Roman governor said, "I find no fault in him," cried out "Let him be caucified! Give us Barrabas, the robber!"

Men of Massachusetts, shield not yourselves behind your illustrious names. As well might Loring, petitioning for national appointment, go to the gravestones of our ancient Salem for names to secure it as to seek to answer the points of law and fact in this case by taking refuge behind the history, the fame, and the glory of our ancient Commonwealth. Massachusetts is not that little space between the hills of Berkshire and the sands of Barnstable; she is now fifteen million of descendants, whose warehouses are in every portion of the Republic from Maine to San Francisco; it is the liberty-loving men of America, it is the ideas that come down to us from the scaffold of Sidney, from the words of Locke in his exile, from the pilgrims and Puritans, from John Hancock, Adams, Warren, from James Otis, insisting that taxation without representation is tyranny, speaking for universal manhood suffrage in the old cradle of liberty. I adjure you by all her immortals and by the kindred revolutionary heroes of Virginia, by the Sumters and Marions of

I quote our own immortal poet Whittier, my near neighbor. I want to quote his words, for I know how wise is his head, how tender is his heart. He wrote of this very thing in his poem "The Mantle of Saint John de Matha," a legend of A. D. 1154, "The Red, White, and Blue," which described the saving from re-enslavement of a ship-load of once ransomed European captives; it changes to the vision of freedom and enfranchisement he saw in 1864 in the midst of our horrible sivil exists. horrible civil strife. He says:

With rudder foully broken, And sails by traitors torn, Our country on a midnight sea Is waiting for the morn.

Before her, nameless terror;
Behind, the pirate foe;
The clouds are black above her,
The sea is white below.

The hope of all who suffer,
The dread of all who wrong,
She drifts in darkness and in storm,
How long, O Lord! how long?

But courage, O, my mariners! Ye shall not suffer wreck, While up to God the freedman's prayers Are rising from your deek.

Is not your sail the banner
Which God hath blest anew,
The mantle that De Matha wore,
The red, the white, the blue?

Its hues are all of heaven—
The red of sunset's dye,
The whiteness of the moon-lit cloud,
The blue of morning's sky.

Wait cheerily, then, O mariners, For daylight and for land; The breath of God is in your sail, Your rudder in His hand.

Sail on, sail on, deep-freighted With blessings and with hopes; The saints of old, with shadowy hands, Are pulling at your ropes.

Behind ye holy martyrs
Uplift the palm and crown;
Before ye unborn ages send
Their benedictions down.

Now, after you have put that "freedman's prayer" into the Constitution of my country, do you propose that Massachusetts, of illustrious name and fame, shall be used to wipe out all the war has won? Do you refuse to hear and redress this first breach of the charter? Have the two old parties—republican and democratic—united like Herod and Pilate, like Scribe and Pharisee, to punish those standing up for liberty and justice here in the last court of freedom—here in the Congress of the country? The men who won England's Magna Charta could not read or write. The blood of poor men ransomed and enlarged the charter of American freedom and nationality.

The United States census of 1880 shows that from the same non-

and enlarged the charter of American freedom and nationality.

The United States census of 1880 shows that from the same population three men voted in Maine and New Hampshire, Ohio and Indiana, where only two voted in Massachusetts, in a population of similar intelligence and employment. If Maine, that up to 1820 shared and illustrated the history of Massachusetts, safely gives equality, why cannot the mother State? Does it dim the splendor or retard the success of Ohio because she does not refuse a vote to the poorest freedman in her borders? Have we not in America's three hundred thousand free schools academies and colleges security that intelligence man in her borders? Have we not in America's three hundred thousand free schools, academies, and colleges, security that intelligence shall rule, without making the poor and the unfortunate tremble at the loss of his manhood suffrage? The eloquent words of Senator Hoar, of Massachusetts, in accepting the presidency of the national republican convention at Chicago, June 3, 1880, were fitly cheered by the delegates of every State and Territory, and have before and since been echoed by the President-elect. I quote the Senator:

The key-note of every republican platform, the principle of every republican union, is found in its respect for the individual man. Until that becomes the pervading principle of every part of the Republic, from Canada to the Gulf, from the Atlantic to the Pacific, our mission is not ended.

The Republic lives, the republican party lives, but for this: that every man within our borders may dwell secure in a happy home, may cast and have counted his equal vote. Until these things come to pass the mission of our party is not accomplished, nor its conflict with its ancient enemy ended.

Had the equality proclaimed in our immortal Declaration of Independence been real, a million men would not have died to write freedom in the Constitution. Two hundred thousand black men fought for their liberty. The colored people alone outnumber our nation

pendence been real, a million men would not have died to write freedom in the Constitution. Two hundred thousand black men fought for their liberty. The colored people alone outnumber our nation when it won independence. You legislate for our fifty millions of to-day, for the five hundred millions that will celebrate our next centennial. No power can compel you to do justice and keep your oath at freedom's altar. Will you refuse and dim the splendor of the hero-crimsoned flag that is destined to gather in all the States of the New World—destined to teach law and liberty, peace and fraternity to all mankind. That flag is alike for the lowly and the strong; touching earth, it sweeps the stars.

The uncounted generations that have come and gone, the slow advance of freedom through sixty centuries, the mistakes that have darkened history warn us vigilantly to guard the summit of man's liberty, our Constitution so dearly won. The morning gilds our mountain heights of freedom, when eclipsed by noon it shall only make the men that held their passes immortal.

Mr. WEAVER took the floor.

Mr. SPRINGER. I ask the gentleman from Iowa to yield me five minutes of his time for the purpose of stating the position of the Committee on Elections, as that position has been assailed in this debate.

Mr. WEAVER. I have but a short time allowed me, and I cannot

spare any of it.

Mr. SPRINGER. I ask by unanimous consent, then, that I be allowed five minutes, not to come out of the time on either side.

Mr. WEAVER. The time for debate has been fixed and the other minutes, and a quarter; the contestant has

taken up his hour, leaving only fifteen minutes to me.

Mr. CALKINS. I give notice that when the gentleman from Iowa closes what he has to say, I will then demand the previous question, after which I understand under the rule thirty minutes are allowed

on each side.

Mr. TUCKER. No; only where there has been no debate.

Mr. REAGAN. On the contrary, there was a distinct understanding that this debate on this contested-election case should last only

ing that this debate on this contested-election case should last only two hours and a half.

Mr. CALKINS. The gentleman from Illinois, the chairman of the Committee on Elections, only asks for five minutes to explain the position of the committee. If the House undertakes to cut off debate after the previous question is seconded and the main question ordered, I give notice I shall then ask unanimous consent that the gentleman from Illinois be allowed five minutes to explain his position.

Mr. REAGAN. That cannot be done, for it is contrary to the agreement entered into on the floor of the House.

ment entered into on the floor of the House.

Mr. CALKINS. I will state that nobody else wishes to speak.

Mr. REAGAN. The understanding was that two hours and a half would be given in the discussion of this subject. I hope the Chair in the execution of that agreement will insist on limiting it to that time and not permit it to be extended by unanimous consent to another hope.

The SPEAKER pro tempore. The proceedings will be read from the CONGRESSIONAL RECORD to show what was the agreement as to the

disposition of time. The Clerk read as follows:

Mr. CAIKINS. I now call up the contested election case of Boynton vs. Loring. Mr. REAGAN. Is there an agreement as to the time that shall be occupied by this

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. Calkins] to yield to me

Mr. Calkins. I must decline to yield for the reason that there is barely time to

Mr. CALKINS. I must decline to yield for the reason that there is barely time to liscons this case this evening.

Mr. REAGAN. I ask the gentleman from Indiana [Mr. CALKINS] whether he will not agree that by unanimous consent debate be closed in two hours?

Mr. CALKINS. Under instructions of the Committee on Elections, I will call the previous question in two hours and a half.

Mr. CALKINS. That is what I propose to do, and I shall ask unanimous consent for five minutes for the chairman of the committee.

Mr. WEAVER. If I have a right to object to that, I will do so. The committee used its entire time, and I shall certainly object, if I have the right, to any further time being extended to that side.

Mr. REAGAN. I can only say, Mr. Speaker, that I did not understand it as it has been read, or else I would have made further objections.

stand it as it has been read, or else I would have made further objection. My understanding was the debate should be continued only for two hours and a half, and that there should be no further extension.

The SPEAKER pro tempore. It was the understanding of the Speaker—not the present incumbent of the chair, but the Speaker of the House—that there was remaining one hour after the calling of

the previous question.

Mr. REAGAN. I confess I did not so understand it at the time.

The SPEAKER pro tempore. The Chair knows nothing about it further than what appears in the RECORD.

Mr. WEAVER addressed the House. [See Appendix.]

Mr. MURCH. I ask that the time of the gentleman from Iowa be

extended for five minutes.

Mr. REAGAN. I would suggest that the previous question be ordered, and that the gentleman from Iowa get an extension of time after that.

Mr. CALKINS. I understand that the gentleman from North Carolina [Mr. Russell] desires to offer a substitute for the pending resolution. I yield to him for that purpose, and after that will call the revious question.

Mr. RUSSELL, of North Carolina. I move as a substitute for the pending resolution that which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the papers in this case be recommitted and that the Committee on Elections is hereby instructed to inquire and report whether the State of Massachusetts is entitled under the Constitution of the United States to eleven members of this House, and if not, whether Mr. LORING and the other members of this House from that State are entitled to be members of this House.

Mr. CALKINS. Before I call the previous question, and in order not to be cut off from the right to make a point of order upon the substitute, I now make the point of order that it is not germane to the subject-matter before the House.

Mr. RUSSELL, of North Carolina. It is a motion to recommit, which is always in order; a motion to recommit to the Committee on Elections with instructions to report. I hope the Chair will examine

the matter thoroughly.

Mr. CALKINS. I make the point of order before I call the previ-

ous question

The SPEAKER pro tempore, (Mr. Cox.) The Chair sustains the point

Mr. RUSSELL, of North Carolina. Does the Chair sustain the point of order upon the ground that the substitute applies to mem-bers from the State of Massachusetts other than the contestee in this

The SPEAKER pro tempore. Upon that ground, as well as upon the ground that it is not germane to the subject-matter of this contest.

Mr. RUSSELL, of North Carolina. Then I understand that the Chair would sustain the point of order even if the portion relating to other members from Massachusetts were stricken out.

The SPEAKER pro tempore. The Chair sustains the point of order on the substitute as presented.

Mr. CALKINS. I now call the previous question.

The previous question was seconded and the main question ordered.

Mr. CALKINS. If under the rule I have the right to further debate this matter for thirty minutes—

The SPEAKER pro tempore. The gentleman has one hour.

Mr. CALKINS. Then I desire to yield to the chairman of the Committee on Elections, the gentleman from Illinois, [Mr. Springer.] I

mittee on Elections, the gentleman from Illinois, [Mr. SPRINGER.] I

mittee on Elections, the gentleman from Illinois, [Mr. SPRINGER.] I would inquire of him how much time he wants.

Mr. SPRINGER. I understand the gentleman from Iowa [Mr. Weaver] desires additional time. If the gentleman from Indiana [Mr. Calkins] will yield to him a portion of his time, then I would like to have not more than five or ten minutes.

Mr. Calkins. I will yield to the gentleman from Illinois [Mr. Springer] five minutes.

Mr. SPRINGER. Or if the gentleman from Indiana [Mr. Calkins] yields the floor to me, I will yield five minutes of my time to the gentleman from Iowa.

The SPEAKER mro tempore. The Chair understands the courts.

gentleman from Iowa.

The SPEAKER pro tempore. The Chair understands the gentleman from Indiana [Mr. Calkins] to yield to the gentleman from Illinois [Mr. Springer] only five minutes.

Mr. Calkins. I understood that that was all the gentleman wanted, and upon the suggestion of gentlemen around me who desire to proceed with the public business, I limited the time to him to five minutes, as I understood that was all he desired.

Mr. SPRINGER. That is all that I desire. If the gentleman will yield five minutes to the gentleman from Iowa, [Mr. Weaver,] then I will take five minutes.

Mr. CALKINS. If that is satisfactory, I will yield five minutes to the gentleman from Iowa [Mr. Weaver] and five minutes to the gentleman from Illinois, [Mr. Springer,] and then I will call for a

The SPEAKER pro tempore. The gentleman from Iowa [Mr. WEA-

VER] will proceed.

Mr. WEAVER. I understand that it is disputed by members on this floor that there was any such ticket voted in the city of Boston in the election of 1878 as the one I have exhibited here. Now let me call the attention of the House specifically to the language printed on this ticket.

Copyright, 1878, by Rockwell and Churchhill, 39 Arch street, Boston.
As printed, this ballot bears the names of the regular republican nominees; beare of pasters and erasures.
Certified to by the republican State committee of Boston.

NATHANIEL J. ROSS, President,
HENRY N. SAWYER, Secretary
Republican State Committee.

I am assured by General Butler, and by other gentlemen with whom I have conversed, that thousands of these tickets were voted at that election. Not only that, but they were placed in the hands of employés in large numbers, and those men were taken to the polls in close carriages and were seen to vote the ticket, and were then allowed to return to their places of business. I understand that to be the fact, and I charge it upon the testimony which I have cited.

Now, I wish to make one other comparison, and then I will have done. Take the constitutional provision of Massachusetts, making other qualifications for suffrage than those prescribed by the four-teenth amendment to the Constitution of the United States; then take the constitution of the State of Alabama, and contrast the two. I have before me the constitution of the State of Alabama, and section

38 of the bill of rights reads as follows:

No educational or property qualifications for suffrage or office, nor any restraint upon the same on account of race, color, or previous condition of servitude, shall be made.

Now, there is a great deal of complaint made on the part of Massa-chusetts against Alabama that she does not allow her people the right to vote. But Alabama has gone ahead of any State in this Union, and of any constitutional provision in modern times. She has put into her very bill of rights that no educational or property qualification shall ever be required by the law of that State. And I am happy to state to this House that the honorable member from the eighth congressional district of that State [Mr. Lowe] is the author of that provision in the constitution of Alabama.

But Massachusetts, because of her heraldry, because of her great men, because of her public institutions, because of her previous history in the struggles for liberty, claims the right to trample this Constitution in the dust. What we demand is that Massachusetts shall take her feet off the Constitution of the United States and off the previous of 105,000 disfranchised attrapped that Communically. the necks of 105,000 disfranchised citizens of that Commonwealth.

the necks of 105,000 disfranchised citizens of that Commonwealth.

[Here the hammer fell.]

Mr. GHLLETTE, and Mr. RUSSELL of North Carolina, by unanimous consent, obtained leave to have printed in the RECORD remarks on the pending case. [See Appexdix.]

Mr. SPRINGER. Mr. Speaker, I ask the indulgence of the House for a few minutes in order to explain the position of the committee in reference to two questions involved in this case. It will be seen from the report that all the members of the committee with the expression. in reference to two questions involved in this case. It will be seen from the report that all the members of the committee, with the exception of the gentleman from Iowa, [Mr. Weaver,] have reported in favor of the sitting member. The gentleman from Iowa concludes his report with a resolution that Mr. Boynton is entitled to the seat. Taking the two reports, it thus appears that the committee are unanimous to the effect that the seat should be filled and not declared vacant. The argument that we should disfranchise the State of Massachusetts because she has provided in her constitution and laws that the voter must be able to read and write, is not sustained by any member of the committee. When the apportionment act was passed in 1872 it was provided in section 22 of the Revised Statutes: in 1872, it was provided in section 22 of the Revised Statutes:

Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the number of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

At the time of the passage of that statute the constitution and laws of Massachusetts contained the disqualification which has been referred to; and the committee were of the opinion that the question was then concluded by the action of Congress, (taken in the light of the existing law of that State,) declaring her entitled to eleven Representatives. We held that the number of Representatives to which Massachusetts was entitled having been fixed by a law passed by both Houses of Congress and approved by the President, it was not competent for the Committee on Elections or this House to say that Massachusetts is entitled to only ten Representatives.

sachusetts is entitled to only ten Representatives.

Mr. REAGAN. If the gentleman will allow me, I wish to ask him whether he holds that this House in passing an act apportioning Representatives is bound to take notice of the laws of the different

States !

Mr. SPRINGER. This House in such a case must take cognizance of all existing laws—not only the laws of the United States, but the

laws and constitutions of the several States. Therefore, Congre laws and constitutions of the several States. Therefore, Congress having given Massachusetts eleven Representatives, notwithstanding this disqualification in her laws and constitution, this House ought to assume, and the committee did assume, that the action of Congress had been taken in the face of the laws and constitution of the State.

Mr. REAGAN. I only want to say that while we must take notice of the laws of Congress, it surely cannot be insisted that a provision of the Constitution is to be invalidated because this House in the

passage of a particular act may have failed to examine the statutes or constitution of one of the States.

Mr. SPRINGER. Whether Congress in 1872 failed to examine that question or not is immaterial in this case. The law as it now exists does entitle the State to eleven Representatives. Therefore the committee did not believe the question material; and upon that point the committee is unanimous.

Now, one other question. The contestant has stated that 138 votes in Groveland precinct had no designation of the office upon them; in Groveland precinct had no designation of the office upon them; and he cites the evidence of one of the witnesses to that fact. The witness did testify in an ex parte affidavit that there was no designation of the office upon the 138 ballots; but further evidence discloses that there was a designation of the office. One of the tickets was produced, and it is admitted that the ticket which appears upon page 7 of the printed evidence was the form of ticket voted at that election. This is the designation upon that ticket:

For representative, 6th dist.: Geo. B. Loring, of Salem.

The contestant held that this was not a designation of the office of Representatives in Congress; but the committee, with the exception of one member, were of the opinion that it was a designation within the meaning of the law of Massachusetts. Upon the same ticket the word "representative" occurs in only one other place, and that is in connection with the last name upon the ticket—"For representative to general court 17th Essay dist" resentative to general court, 17th Essex dist."

Under the law of Massachusetts that is the lower house of the

State Legislature. Looking at the face of this ticket, the committee were of the opinion that when the voter had in the one instance designated "for representative to General Court," and in the other had designated "for Representative, sixth district," the intention of had designated "for Representative, sixth district," the intention of the voter should govern; that the voter should be entitled to have his ballot counted for George B. Loring as Representative in Congress, although the words "in Congress" were not upon the ticket.

Mr. PHILIPS. May I ask the gentleman a question?

Mr. SPRINGER. Certainly, if it is not to be taken out of my time. The SPEAKER pro tempore, (Mr. Cox.) The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. CALKINS. I yield to the gentleman from Illinois for one minute worst.

Mr. SPRINGER. If we count these one hundred and thirty-eight tickets which contain as the designation of the office the words "Rep-resentative, sixth district," there is no other dispute in the case except resentative, sixth district," there is no other dispute in the case except as to Haverhill precinct, and in that precinct the contestant contends that he is entitled to 52 votes which were not cast for him at all, upon the evidence of one witness who testifies that there were that many voters in the precinct who would have voted for the contestant, and who were entitled to vote if they had presented themselves at the polls. But there is no evidence in the record that any serves at the poils. But there is no evidence in the record that any one of these persons appeared at the poils and demanded the right to vote. There is simply the statement of this one man, who says that there were that many persons in the precinct who would have voted for the contestant, who were entitled to vote, and who would have presented themselves to vote but for a test case which had been made. So we could not consider those 55 votes. Then giving the contestant all the other votes he claims, the committee decided that

Mr. Loring was elected, and they so reported.

The SPEAKER. The gentleman's time has expired.

Mr. STEVENSON. I should like to have the gentleman from Illinois state whether there is any controversy between the majority and the minority of the committee on the question as to whether these fifty-five voters offered to vote.

Mr. WEAVER. Of course there is. Mr. CALKINS. I do not understand they claimed that these fifty-

five offered to vote.

Mr. WEAVER. Not all of them. Two of them did, and the others were there in line, having paid their taxes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Burch, its Secretary, announced that body insisted on its amendments to the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomae at or near Georgetown, in the District of Columbia, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. WITHERS, Mr. MCMILLAN, and Mr. ROLLINS managers of said conference on its part.

MASSACHUSETTS CONTESTED-ELECTION CASE.

Mr. CALKINS. I now yield for five minutes to the gentleman from Massachusetts, [Mr. Field.]
Mr. FIELD. Mr. Speaker, knowing the time of this House is precious, and believing this debate would close in two hours and a half, I got leave to print what I had to say, and it is to be found in the Record of this morning. If any gentleman has done me the honor of reading it, he will know my views.

I have stated as carefully as I can all the statistics of Massachusetts that enable anybody to determine the number of paupers, the numthat enable anybody to determine the number of paupers, the number of convicts, the number of insane, and the number of male illiterates over twenty-one years of age. The number of persons not included in these classes, being naturalized or native-born males over twenty-one years of age who do not choose to register, or who do not choose to vote, or who have not the requisite residence in the city or district, or who have not paid a tax, now not exceeding one dollar, within two years, it is an utter impossibility to ascertain, and it varies with different elections.

I have only one or two things to say. In the first place, it is not, as has been stated by the gentleman from Iowa, [Mr. Weaver,] the law of Massachusetts that a man who has once been a pauper shall never vote. He must be a pauper at the time of the election. If he be a pauper then he cannot vote, but he may have been a pauper always up to that time, and, if not then a pauper, he is entitled to

We originally had a property qualification in 1780. We changed it in 1821 to the existing law, except in 1857 we added the provision against illiteracy, and since that time we have made no changes affecting this question in the constitution or laws of the Common-wealth. The assertion that Massachusetts has made changes in view of the fourteenth amendment, or in view of the apportionment act of 1872, either by her constitution or her laws, is absolutely without foundation.

In the second place, in regard to the ballot—
Mr. WEAVER. Will the gentleman permit me to interrupt him?
Mr. FIELD. Certainly.
Mr. WEAVER. You do not deny that in 1874 these laws were reenacted by Massachusetts—that was the action of the Legislature after the apportionment in 1872.
Mr. FIELD. I regret my throat is in such a condition I cannot well be heard. I will answer the question of the gentleman from Iowa. These amendments of the constitution would enforce themselves, but they were enforced by statute. In the general statutes of Massachus. they were enforced by statute. In the general statutes of Massachusetts of 1860, section 1, chapter 7, we have a statute exactly re-enacting the words of the constitution. Now, we added the twenty-third amendment to the constitution, which was ratified, I think, in 1859 and annulled in 1863, which related to naturalized voters, and this act of 1860 referred, among other things, to the twenty-third amendment. After that amendment was annulled, that section, being still the law, was re-enacted in its very words, except leaving out the reference to the twenty-third amendment, it having been meanwhile annulled. So there has never been a moment from 1860 up to the present time when statutes in the exact words of the existing con-stitution have not been in force and precisely of the same effect as

stitution have not been in force and precisely of the same effect as they are in force to-day.

One other question. The gentleman has exhibited a ballot. I do not know whether it was a ballot used or not; but ballots like that, of different colors and devices, up to the year 1879, were used by all parties, particularly in the city of Boston. I will call attention in one moment to our provision for secret voting. These ballots were used because it had been the habit of some low persons in both parties to get, if they could, the design of the ballot of the opposite party and copy it, put the names of other persons as candidates on it, and thus deceive the voters; and the habit had been common to all parties to invent, if they could, a design which could not be easily counter-

deceive the voters; and the habit had been common to all parties to invent, if they could, a design which could not be easily counterfeited, and to copyright it if they could, so that counterfeiting it would be subject to a penalty. That it was done for the purpose of watching how voters voted, or was used for any purpose of intimidation, is news to me. I never heard it charged before.

But we have a provision, and have long had in Massachusetts, expressly adopted for the purpose of securing a secret vote. It is by sealed envelopes. The provision of law under which these are provided is that the secretary of State shall have on hand a sufficient number of self-sealing envelopes, which he shall furnish to cities and towns, which, on or before the day of election, shall furnish them to the inspectors of election, who shall furnish them on the day of election to the voter, and the voter may put his ballot in a sealed envelope and present it in that form.

[Here the hammer fell.]

Mr. CALKINS. I now demand a vote upon the question.

Mr. SPRINGER. I ask unanimous indulgence of the House for a moment in order to correct a mistake which I made a few moments ago in my statement.

ago in my statement.

Mr. CALKINS. I will yield simply for the purpose of correcting an

Mr. SPRINGER. I referred to the precinct of Haverhill as the pre-cinct in which it was claimed the contestant was entitled to fifty-odd votes that were disqualified, the voters not being able to read and write. The precinct I intended to refer to was Amesbury, not Haverhill. The Haverhill vote was different. That was the precinct in which, when the count was made, it appeared there were forty-two ballots upon which the name of the contestant was simply erased, and the voters did not vote for any other person. But the committee were of opinion that the evidence did not show that there was any fraud in connection with it, because it failed to show any fact going to establish that anybody connected with the election had caused the alteration to be made.

Mr. WEAVER. I object to any further argument.

The SPEAKER pro tempore. The question is on the substitute submitted by the minority of the committee which the Clerk will report.

Mr. RUSSELL, of North Carolina. Mr. Speaker, I desire to ask the Chair to examine the rule bearing upon the motion which I submitted. I think upon examination the chairman will reconsider his ruling upon that point. I ask, therefore, that Rule XVII, section 1 be

Mr. CALKINS. I desire to be entirely courteous to the gentleman from North Carolina, but I submit that it is now too late to ask that. The SPEAKER pro tempore. It can only be read by unanimous con-

sent and objection is made.

Mr. RUSSELL, of North Carolina. I hope it will be read. I think the Chair ought to desire that it should be read in justice to himself because he has decided in the very teeth of that rule.

The SPEAKER pro tempore. The Chair did not intend to refer the Constitution of the United States or the second section to a committee of this House. The Chair ruled that the motion to commit

with instructions was not in order.

Mr. RUSSELL, of North Carolina. I submit, however, to the Chair that under the language of Rule XVII, to which I have referred, it is

The SPEAKER pro tempore. The gentleman ought to have taken an appeal at the time the decision was made. The Chair thinks it is now too late.

The question is on the proposition of the gentleman from Iowa in the nature of a substitute to the report of the Committee on Elections, which the Clerk will read. The Clerk read as follows:

Resolved, That E. Moody Boynton is entitled to a seat in the Forty-sixth Congress rom the sixth congressional district of Massachusetts, and that George B. Loring a not entitled thereto.

The House divided; and there were ayes 13, noes not counted.

So the substitute was not agreed to.

The SPEAKER pro tempore. The question now recurs upon the adoption of the majority report, which the Clerk will now read.

The Clerk read as follows:

Resolved, That George B. Loring is entitled to retain his seat in the Forty-sixth Congress as a member from the sixth congressional district of the State of Massachusetts, and that E. Moody Boynton is not entitled thereto.

The resolution was agreed to.
Mr. WEAVER. I ask the yeas and nays upon that resolution.
The House divided; and there were—ayes 20, noes 145.
So the yeas and nays were not ordered.

Mr. CALKINS moved to reconsider the vote by which the resolu-tion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION CASE, BISBEE VS. HULL.

Mr. KEIFER. I rise to call up a privileged report in the case of Horatio Bisbee, jr., against Noble A. Hull, of Florida. I may state to the House that I think there will be no debate upon the question. At least I am advised of no gentleman who desires to discuss it. So far as the members of the Committee on Elections who examined the case are concerned, it was a unanimous report.

Mr. DICKEY. I desire, Mr. Speaker, to raise the question of con-

sideration on this case.

Mr. KEIFER. I hope the gentleman will not do that now.
Mr. DICKEY. This is Friday, private-bill day, and I think we should proceed to the consideration of that business.
Mr. KEIFER. It will take longer to decide the question of consideration, in my judgment, than it will to dispose of this election

Mr. DICKEY. I think we should proceed to the consideration of rivate business. Therefore I raise the question of consideration.

Mr. DICKEY. I think we should proceed to the consideration of private business. Therefore I raise the question of consideration.

The SPEAKER pro tempore. The question is, Will the House proceed now to the consideration of the privileged question raised by the gentleman from Ohio, [Mr. KEIFER?]

The House divided; and there were—ayes 131, noes 85.

Mr. PAGE. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. BERRY. I request that the Speaker state the question.

The SPEAKER pro tempore. The gentleman from Ohio presents for consideration a privileged question, the consideration of the election case to which he has referred. Those in favor of taking up and proceeding with the contested-election case will vote in the affirmative.

Mr. DAVIDSON. I move that the House do now adjourn.

The House divided; and there were—ayes 24, noes 157.

So the House refused to adjourn.

So the House refused to adjourn.

Mr. DAVIDSON. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered; only thirty members voting

therefor.

Mr. FINLEY. I demand tellers on the yeas and nays, no quorum having voted on the last vote.

The demand for tellers was refused.

Mr. BLAND. If there was no quorum voting, has not the gentleman a right to have tellers ordered?

The SPEAKER pro tempore. There was a quorum on the last vote.
Mr. FINLEY Mr. Speaker, [cries of "regular order,"] I rise to a

parliamentary inquiry. I desire to ask the Chair what the former vote was? I raised the point of order that there was no quorum, believing that no quorum had voted.

The SPEAKER pro tempore. There were 24 in the affirmative and 157 in the negative, which is more than a quorum.

The question will now be taken on the motion of the gentleman from Ohio, [Mr. Keifer,] that the House proceed with the contested-election case named, on which the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken: and there were—vess 136 page 93 not

The question was taken; and there were—yeas 136, nays 93, not voting 63; as follows:

		40-100	
Aldrich, N. W.	Deuster.	Jorgensen,	Richmond,
Aldrich, William	Dick.	Keifer.	Robinson.
Bailey,	Dunnell,	Ketcham.	Russell, Daniel L.
Baker,	Dwight,	Kimmel,	Ryan, Thomas
Ballou.	Einstein,	Lapham,	Sapp,
Barber,	Errett,	Lindsey,	Sherwin.
Belford.	Felton.	Loring,	Singleton, James W.
Beltzhoover,	Ferdon,	Lowe.	Smith, A. Herr
Berry,	Field,	Marsh,	Sparks,
	Ford.	Mason,	Speer,
Bingham,		McCook,	Starin,
Blount,	Forsythe,		
Bowman,	Fort,	McGowan,	Stevenson,
Boyd,	Frost,	McKinley,	Stone,
Brewer,	Frye,	McMahon,	Taylor, Ezra B.
Briggs,	Gillette,	Miller,	Thomas,
Brigham,	Godshalk,	Mitchell,	Thompson, Wm. G.
Browne,	Hall,	Monroe,	Townsend, Ames
Burrows,	Hammond, John	Morse,	Tucker,
Butterworth,	Harmer,	Murch,	Tyler,
Calkins,	Harris, Benj. W.	New,	Updegraff, J. T.
Camp,	Harris, John T.	Newberry,	Updegraff, Thomas
Cannon,	Haskell,	Norcross,	Urner,
Carpenter,	Hawk.	O'Neill,	Valentine,
Caswell.	Hawley,	Osmer,	Van Aernam,
Chittenden,	Hayes,	Overton.	Van Voorhis,
Clymer,	Hazelton,	Pacheco.	Voorhis,
Conger,	Heilman,	Page,	Wait,
Cowgill,	Henderson,	Pound,	Ward,
Crapo,	Hiscock,	Prescott,	Weaver,
Daggett,	Horr.	Price,	Wilber.
	Humphrey.	Reagan,	Williams, C. G.
Davis, George R.		Reed,	Willits,
Davis, Horace,	Hunton,	Rice.	Wood, Walter A.
De La Matyr,	Hutchins,		
Deering,	Jones,	Richardson, D. P.	Young, Thomas L.

	NAI	0-93.	
Acklen, Aiken, Aiken, Atherton, Atkins, Beale, Bicknell, Blackburn, Bland, Bliss, Bonck, Bockner, Caldwell, Clark, John B. Clements, Cobb, Coffroth, Colerick, Converse, Cook, Covert, Cravens, Culberson, Davidson, Dav		Martin, Edward L. McLane, McMillin, Mills, Money, Morrison, Nicholls, O'Connor, O'Connor, O'Conlor, O'Reilly, Persons, Phelps, Philips, Philips, Philips, Richardson, J. S. Robertson, Ross, Rothwell, Ryon, John W. Samford, Sawyer, Shelley, Simonton, Singleton, O. R. Slemons,	Smith, William E. Springer, Steele, Talbott, Taylor, Robert L. Thompson, P. B. Tillman, Turner, Oscar Upson, Vance, Waddill, Warner, Wellborn, Wells, Whiteaker, Whitthorne, Williams, Thomas Willis, Wilson, Wise, Wright.
		A CONTRACTOR OF THE PARTY OF TH	

NOT VOTING-63.

Ray,
Robeson, Russell, William A. Scales, Scoville, Scoville, Shallenberger, Smith, Hezekiah B. Stephens, Townshend, R. W. Turner, Thomas Washburn, White, Wood, Fernando Yooum, Young, Casey.
J

So the House resolved to consider the contested-election case of Bisbee vs. Hull.

The following additional pair was announced:
Mr. CLAFLIN with Mr. KIMMELL, for the day, on all political ques-

Mr. FINLEY. I move that the House do now adjourn. The question being taken, there were—ayes 38, noes 108. Mr. FINLEY. I call for tellers.

On the question of ordering tellers there were ayes 42; more than

one-fifth of a quorum.

So tellers were ordered, and Mr. Finley and Mr. Keifer were appointed.
The House again divided; and the tellers reported—ayes 50, noes

Mr. DAVIDSON and Mr. FINLEY called for the yeas and nays. On the question of ordering the yeas and nays there were—ayes 46. | change the result.

So (the affirmative being more than one-fifth of the last vote) the

eas and nays were ordered.

The question was taken; and there were—yeas 64, nays 153, not voting 75; as follows: YEAS-64.

Atken, Atherton, Atkins, Bicknell, Bland, Bragg, Buckner,	Davis, Lowndes H. Dibrell, Dickey, Dunn, Evins, Forney, Gunter.	Mills, Morrison, Nicholls, O'Connor, O'Reilly, Persons, Philips,	Sparks, Springer, Steele, Talbott, Taylor, Robert L. Tillman, Townshend, R. W.
Clark, John B. Clements, Cobb, Converse, Cook, Cravens, Culberson, Davidson, Davis, Joseph J.	Hammond, N. J. Hatch, Henkle, Henry, Jones, King, Kitohin, Klotz, McMillin,	Phister, Richardson, J. S. Ross, Samford, Shelley, Simonton, Singleton, O. R. Slemons, Smith, William E.	Turner, Oscar Upson, Vance, Wellborn, Whiteaker, Whitthorne, Williams, Thomas Wilson, Wright.
	NAY	S-153.	
Aldrich, N. W. Aldrich, William Bailey, Baker, Ballou, Barber, Beale, Belford, Beltzhoover	Davis, Horace De La Matyr, Decring, Dick, Dunnell, Dwight, Einstein, Ellis, Errett	Kenna, Knott, Lapham, Le Fevre, Lindsey, Loring, Lowe, Marsh, Martin, Edward L.	Robertson, Robinson, Ryan, Thomas Ryon, John W. Sapp, Sawyer, Sherwin, Smith, A. Herr Sneer

	NA.	YS-153.	
Aldrich, N. W. Aldrich, William	Davis, Horace De La Matyr,	Kenna, Knott,	Robertson, Robinson,
Bailey,	Deering,	Lapham,	Ryan, Thomas
Baker,	Dick,	Le Fevre,	Ryon, John W.
Ballon,	Dunnell,	Lindsey,	Sapp,
Barber,	Dwight,	Loring,	Sawyer,
Beale,	Einstein,	Lowe,	Sherwin,
Belford.	Ellis,	Marsh,	Smith, A. Herr
Beltzhoover,	Errett,	Martin, Edward L.	Speer,
Berry,	Felton,	Mason,	Starin,
Bingham,	Ferdon,	McCook,	Stevenson,
Blackburn,	Field,	McGowan,	Stone,
Blount,	Ford,	McKinley,	Taylor, Ezra B.
Bouck,	Fort,	McLane,	Thomas,
Bowman,	Frost,	McMahon.	Thompson, P. B.
Boyd,	Frye,	Miller,	Thompson, W. G.
Brewer,	Geddes,	Mitchell,	Townsend, Amos
Briggs, -	Gillette,	Money,	Tucker,
Brigham,	Goode,	Monroe,	Tyler,
Browne,	Hall,	Morse.	Updegraff, J. T.
Burrows,	Hammond, John	Morton,	Updegraff, Thomas
Butterworth,	Harmer,	Murch,	Urner,
Caldwell,	Harris, Benj. W.	New.	Valentine.
Calkins,	Harris, John T.	Newberry,	Van Aernam,
Camp,	Haskell,	Norcross,	Van Voorhis,
Cannon.	Hawk,	O'Neill,	Waddill,
Carpenter,	Hawley,	Osmer,	Ward,
Caswell.	Hayes,	Overton,	Warner,
Chittenden,	Hazelton,	Pacheco,	Weaver,
Clardy,	Heilman,	Phelps,	Wells,
Clymer,	Henderson,	Poehler,	Wilber,
Coffroth,	Hiscock,	Pound,	Williams, C. G.
Colerick,	Horr,	Prescott,	Willis,
	Hostetler.	Price,	Willits.
Conger, Covert,	House,		Wood, Walter A.
		Reagan, Reed,	Young, Thomas L.
Cowgill, Cox,	Humphrey, Hutchins,	Rice,	Toung, Indiana L.
Trano	Jorgensen,	Richardson, D. P.	
Crape,	Wolfer	Pichmond	

Davis, George R.	Keifer,	Richmond,	
JUNE ECOLUTE	NOT	VOTING-75.	
Acklen, Anderson, Armfield, Bachman, Barlow, Bayne, Blake, Blake, Bright, Cabell, Carlisle, Chalmers, Claffin, Clark, Alvah A. Crowley, Daggett, Deuster,	Finley, Fisher, Forsythe, Gibson, Godshalk, Herbert, Herndon, Hill, Hocker, Hooker, Hook, Hubbell, Hull, Hunton, Hurd, James, Johnston, Joyce,	Killinger, Kimmel, Ladd, Lounsbery, Manning, Martin, Benj. F. Martin, Joseph J. McCoid, McKenzie, Miles, Muldrow, Muller, Myera, Neal, O'Brien, Orth, Page,	Rothwell, Russell, Daniel L. Russell, W. A. Scales, Scoville, Shallenberger, Singleton, J. W. Smith, Hezekiah B. Stephens, Turner, Thomas Voorhis, Wait, Washburn, White, Wise, Wood, Fernando Yocum.
Elam, Ewing	Kelley, Ketcham	Ray, Robeson	Young, Casey.

So the motion to adjourn was not agreed to.

At the close of the second call of the roll,
Mr. KEIFER asked unanimous consent that the reading of the
names be dispensed with.
Mr. DAVIDSON and others objected.

The Clerk then read the names of those voting.

Mr. DAVIDSON. I want to say to the gentleman from Ohio [Mr. Keifer] that if he will consent that this matter go over until tomorrow I will interpose no further objection to its consideration at

Mr. SAMFORD. I desire to inquire how my name is recorded?

The SPEAKER pro tempore. The Chair is advised that the gentleman is not recorded as voting.

Mr. SAMFORD. I did vote.

The SPEAKER pro tempore. Did the gentleman vote when his name

was called

was called?

Mr. SAMFORD. There was so much confusion in the Hall that I did not hear my name when it was called, and I did not know that it had been called until another name after mine had been called. I thereupon voted "ay."

The SPEAKER pro tempore. Under the circumstances the Chair will rule that the vote of the gentleman be recorded, as it will not sharper the result.

The following additional pairs were announced: Mr. Washburn with Mr. Fernando Wood. Mr. Wait with Mr. Johnston.

Mr. Bliss with Mr. KETCHAM.

Mr. BLISS with Mr. KETCHAM.

The result of the vote was then announced as above stated.

Mr. KEIFER. I do not think it will take very many minutes to dispose of this case. I have not been advised thus far that there is any gentleman who desires to be heard upon it. The report of the Committee on Elections is unanimous, so far as its members were present at the time the report was adopted. The sub-committee, consisting of five members of the Committee on Elections, considered this case at the extra session of this Congress. It was one of the first cases considered by the committee.

Mr. DAVIDSON. Will the gentleman yield for an inquiry?

Mr. KEIFER. Certainly.

Mr. DAVIDSON. Do you propose to argue this case now?

Mr. KEIFER. Yes, so far as I desire to argue it. I shall be through in less than five minutes, I think.

in less than five minutes, I think.

Mr. DAVIDSON. Do you propose to allude to the proposition which

Mr. KEIFER. There was so much confusion I did not understand it.
Mr. DAVIDSON. I said, and I repeat it to the gentleman from
Ohio, that if he, having charge of this case, will agree that it go over
until to-morrow morning, I will interpose no obstacle to its considera-

Mr. KEIFER. Let me say in answer to the gentleman that the proposition seems to be a reasonable one, and I will agree to it provided that there be given unanimous consent that this question shall come up without opposition immediately after the reading of the

Journal to-morrow.

Mr. DAVIDSON. I will interpose no obstacle myself.

Mr. KEIFER. I understand that, but I cannot accept that. I want unanimous consent of the House.

The SPEAKER pro tempore. Is there objection to the proposition of the gentleman from Ohio, [Mr. Keifer,] that this case go over until to-morrow, to be taken up immediately after the reading of the Journal ?

Mr. FINLEY and others objected.

Mr. KEIFER. Then I do not yield the floor.
Mr. DAVIDSON. I move that when the House adjourns to-day it
be to meet on Monday next.

be to meet on Monday next.

Mr. KEIFER. I do not yield the floor for any such purpose. I yielded to the gentleman only that he might submit his proposition.

Mr. DAVIDSON. I do not yield the floor.

Mr. KEIFER. The gentleman does not have the floor.

The SPEAKER protempore. The gentleman from Ohio [Mr. KEIFER] has been recognized by the Chair as entitled to the floor.

Mr. DAVIDSON. Is not a motion to adjourn in order?

Mr. KEIFER. I do not yield the floor for that purpose.

The SPEAKER pro tempore. The motion to adjourn has just been yeted down.

voted down.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLAND. What is before the House at the present time?

The SPEAKER pro tempore. The gentleman from Ohio is before the House, [laughter,] on the contested-election case from Florida. The House has decided to proceed with the consideration of that case, and the gentleman from Ohio, [Mr. KEIFER,] as the organ of the Committee on Elections, is on the floor and will proceed.

Mr. KEIFER. I propose to occupy the time of the House but a very few minutes. I was about saying, when interrupted, that the sub-committee of the Committee on Elections, consisting of five members, heard this case early in the extra session of this Congress. Counsel were heard orally before the committee. Printed briefs were furnished. And I may say that that sub-committee considered this case long and carefully before it was enabled to reach a unanimous conclusion. It then did reach a unanimous conclusion, which mous conclusion. It then did reach a unanimous conclusion, which conclusion was affirmed unanimously by the full Committee on Elections, at least so far as its members were present at the time the case

was considered.

Now, I will say, briefly, that when the State canvassing board of the State of Florida canvassed the votes of the second congressional the State of Florida canvassed the votes of the second congressional district of Florida it rejected the entire vote of one county of that district, Madison County. By the rejection of that vote a result was reached which gave to the sitting member [Mr. HULL] a majority of 12 only. That State canvassing board had before it the returns from Madison County, all regular in form, as shown in the record in this case, and all unassailed then and now. There never has been a word uttered or shown in the record against a single one of the returns from Madison County before that canvassing board. Up to the present time not a word has escaped the lips of the sitting member or his counsel in the form of an objection to any one of those returns that were before the State canvassing board. By canvassing those returns with the other counties canvassed by the State canvassing board, Horatio Bisbee, jr., was found to have received a majority of 201. The Horatio Bisbee, jr., was found to have received a majority of 201. The State canvassing board, it is fair to say, rejected the returned vote of Madison County because the return of one precinct of that county, precinct No. 4, was not there. Somebody had destroyed it or disposed of it, or it had been lost; so that it was not present. The contestant applied to the supreme court of the State of Florida and obtained a

peremptory writ of mandamus directed to the State canvassing board which compelled that board to assemble again and canvass the returned vote of the county of Madison.

When it had been canvassed they found that the contestant, Mr. Bisbee, had a majority of 201. When that majority was ascertained the contestant appealed to the then governor of the State of Florida to issue to him a certificate, the governor having theretofore issued a certificate of election to the sitting member. The governor very politely referred that application of Mr. Bisbee to the attorney-general of the State, a distinguished lawyer and democrat, asking his opinion as to whether he ought to annul his former certificate and issue a certificate to the man who, as shown by the canvass of the canvassing board, had been elected. The attorney-general with commendable promptness returned the application with a lengthy opinion, exhibiting great ability, and saying that it was the imperative duty of the governor to cancel his previous certificate and issue one to Mr. Bisbee. Thereupon the governor declined to do so.

The Committee on Elections, I will say, put no great stress on all this that I have stated about the supreme court, but finding the whole of the returns before the committee, together with the indisputable return from poll No. 4, Madison County, showing the precise vote in that precinct—the committee having all the returns before them said, unanimously, "It is immaterial what the supreme court did or what its powers were; here is the vote of the county all here; it is regular in form; unassailed in every respect." Hence the committee counted it, and by counting that vote the committee found that the majority for Mr. Bisbee, without taking anything else into consider-

what its powers were; here is the vote of the county all here; it is regular in form; unassailed in every respect." Hence the committee counted it, and by counting that vote the committee found that the majority for Mr. Bisbee, without taking anything else into consideration, was 258 instead of 201. We found that at poll No. 4, the poll unreturned to the canvassing board, the majority for Mr. Bisbee, undisputed by the contestee in his brief, was 57. There is no case where, with the vote all before the House and its committee, with the returns all regular, the votes undisputed, the House has ever undertaken to reject a claim to a seat because somebody failed to do his duty.

Now I turn to Marion County, and only to refer to what is very commendable in the sitting member. The contestee himself, after examining the vote in that county, concedes openly and plainly in his brief that there was fraud in the Long Swamp or Whiteville poll of that county—fraud committed by the judges of election, they taking 93 votes from those actually cast for Horatio Bisbee, jr., and transferring them to the vote actually cast for the sitting member, thereby making a change of 186 votes. The vote of that county was canvassed by the State canvassing board, giving to the sitting member in that precinct 134 votes and to the contestant 41, whereas it is admitted on all hands and abundantly proved that it should have been 134 votes for the contestant and 41 for the contestee. We have there a change of 186. there a change of 186.

We find that in one precinct in Alachua County, Cow Creek poll, the vote was not returned, and that poll really gave to the sitting member 24 votes, and to the contestant 2 votes.

member 24 votes, and to the contestant 2 votes.

The county of Brevard I have not spoken of; and that is the only other part of the case to which I mean to refer. In that county the vote was returned in some form or other to the State canvassing board, but the board unanimously rejected the entire vote of that county—did not canvass it—for what particular reason we have been unable to ascertain. We do know from their return that they threw the whole vote aside for some reason which they deemed sufficient. The contestant, Mr. Bisbee, attacks the whole vote of this county. He thinks there were irregularities. It is shown in the case, it is true, that in one precinct, in the absence of a ballot-box such as is prescribed by the statute of the State of Florida, in the absence of a box or anything with which to make one, the vote was taken in a beer-bottle. It is shown that in another case a cigar-box was used, and so on. But we examined all these things carefully; and in view of an agreed statement of fact which we find in the case, we have decided to count the vote of Brevard County, which gives to the contestee 116 votes and to the contestant, Mr. Bisbee, 41 votes.

In view of everything in the case we have concluded that it is our duty to canvass this vote. Canvassing all the votes in the light of

In view of everything in the case we have concluded that it is our duty to canvass this vote. Canvassing all the votes in the light of the returns, in the light of agreements and everything that is before us, we find 350 majority for Horatio Bisbee, jr. This is subject to a very slight deduction. The contestee objects to 18 votes in certain counties—Duval, Putnam, Baker, Columbia, and Suwannee. He claims that those votes were cast by non-residents or non-registered voters. Without stating any reasons, I may say that the committee deduct 11 votes from the majority of 350, and find the majority of the contestant to be 339. Only 18 votes were attacked in that way.

Now, Mr. Speaker, I have occupied much more time than I intended. I demand the previous question on the resolution, and if, after that demand is seconded and the main question ordered, the gentleman desires a portion of the time accorded to me under the rules, I will be willing to yield it to him.

desires a portion of the time accorded to me under the rules, I will be willing to yield it to him.

Mr. MILLS. Under a previous order of the House a session has been arranged for this evening, and if the gentleman from Ohio will yield to me I will move that the House now take a recess.

Mr. KEIFER. Let the previous question be seconded.

Mr. DAVIDSON. I move the House do now adjourn.

Mr. KEIFER. I do not yield the floor except for a question.

The SPEAKER pro tempore. When the gentleman demands the previous question he yields the floor necessarily, and a motion to adjourn is then in order.

Mr. MILLS. Pending the motion to adjourn, I move the House Mr. SPRINGER. Is that in order?

The SPEAKER pro tempore. It is, the motion to adjourn having

ENROLLED BILL.

Mr. WARD, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled an act (H.R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the fol-By unanimous consent, leave of absence was gladed lowing cases:

Mr. Cabell, for two days.

Mr. O'Neill, for the session this evening.

Mr. Hatch, for the remainder of this legislative day.

Mr. Killinger, on account of sickness in his family.

Mr. Kelley, until Wednesday, on account of important business.

Mr. Harris, of Massachusetts, for one week.

LEAVE FOR COMMITTEE TO SIT.

By unanimous consent, leave was granted to Mr. Cox, Mr. Thompson of Kentucky, Mr. Colerick, and Mr. Sherwin, sub-committee of the Committee on the Census, to sit this evening during the session of the House.

INDIAN DEFICIENCY ESTIMATES.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting deficiency estimates for the Indian service for the year 1881, and for prior years; which was referred to the Committee on Appropriations,

and ordered to be printed.

Mr. CAMP. I move the House do now adjourn.

The SPEAKER pro tempore. Does the gentleman insist on his motion to cut off the executive communications now being laid before

Mr. CAMP. No; I do not object to the Speaker laying before the House these several executive communications. I withhold my motion for the present.

HEMPSTEAD HARBOR AND GOWANUS BAY, NEW YORK.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting reports from Colonel John Newton, Corps of Engineers, upon examination and surveys of Hempstead Harbor and Gowanus Bay, New York; which was referred to the Committee on Commerce, and ordered to be printed.

RESTORATION OF CERTAIN OFFICERS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, tramsmitting the petition of officers of the Sixth Cavalry, against the restoration of certain officers; which was referred to the Committee on Military Affairs, and ordered to be printed.

REIMBURSEMENT OF LIEUTENANT GILMORE.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the claim for reimbursement of Lieutenant Gilmore, Eighth Cavalry, for bag-gage lost; which was referred to the Committee on Military Affairs, and ordered to be printed.

WHARF AT SANDY HOOK, NEW JERSEY.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the exten-sion of the United States wharf at Sandy Hook, New Jersey; which was referred to the Committee on Appropriations, and ordered to be printed.

QUARTERS AT FORT LEAVENWORTH.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to the con-struction of a permanent brick building for quarters at Fort Leaven-worth; which was referred to the Committee on Appropriations, and ordered to be printed.

POSTAL CLERKS, ETC.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Acting Postmaster-General, relative to a deficiency in the appropriation for postal clerks and route agents; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE, CAPE HENRY, VIRGINIA.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the Light-House Board, relative to the light-house at Cape Henry, Virginia; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CAMP. I withdraw the motion to adjourn. Mr. SPRINGER. I rise to a parliamentary inquiry.

Mr. KEIFER. I do not yield to anything but the regular order of

business.

The SPEAKER pro tempore. The pending question is on the motion of the gentleman from Texas to take a recess.

Mr. SPRINGER. I should like to have read the order of the House for the session this evening. The Clerk read as follows:

Resolved. That the House will take a recess on Friday at four and a half o'clock p. m. to meet again at eight o'clock for the consideration of Senate bills on the Private Calendar, in their order on the Calendar, and for the transaction of no

Mr. KEIFER. I submit that the motion to take a recess is not now in order pending my demand for the previous question.

The SPEAKER protempore. The Chair overrules the point of order of the gentleman from Ohio.

Mr. KEIFER. A motion to adjourn would undoubtedly be in order, but not a motion to take a recess pending the demand for the previous question.

The SPEAKER pro tempore. The motion for a recess is undoubtedly in order at this time, or at any time before the hour at which the House has heretofore agreed to take a recess.

Mr. FINLEY. I would like to ask what the business set for this

The SPEAKER pro tempore. The previous order of the House fixing an evening session of the House for to-night will be read.

Several members demanded the regular order.

Mr. SPRINGER. I ask unanimous consent to call up for present

consideration joint resolution No. 340.

The SPEAKER pro tempore. The regular order being demanded the Chair cannot recognize the request of the gentleman from Illi-

Mr. SPRINGER. What is the regular order?
The SPEAKER pro tempore. The motion to take a recess.
Mr. SPRINGER. I would like to have that motion stated to the

House.
The SPEAKER pro tempore. The gentleman from Texas moves that the House take a recess until eight o'clock this evening for the purpose of executing the prior order of the House.
Mr. FINLEY. I rise to a parliamentary inquiry.
The SPEAKER pro tempore. The gentleman will state it.
Mr. FINLEY. A gentleman on the other side of the House made a motion to adjourn. I ask whether that does not take precedence of any other motion now before the House?
The SPEAKER pro tempore. That motion was withdrawn.
Mr. FINLEY. Then I renew the motion to adjourn.
Mr. MILLS. The motion for a recess is pending; that has not been withdrawn.

withdrawn.

Mr. VAN VOORHIS. I rise to a point of order. I make the point that the hour of four and a half o'clock has arrived.

The SPEAKER pro tempore. A motion to adjourn has been made, which is in order.

The House divided; and there were—ayes 16, noes 64. So the motion to adjourn was not agreed to. And then, in pursuance of the previous order of the House, (at four o'clock and thirty minutes p. m.,) the House took a recess until eight o'clock p. m.

EVENING SESSION.

At eight o'clock p. m. the House resumed its session, Mr. Carlisle in the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will read the order of the House for the session this evening.

The Clerk read as follows:

Resolved, That the House will take a recess to morrow (Friday) at four and a half o'clock p. m., to meet again at eight o'clock for the consideration of Senate bills on the Private Calendar in their order on the Calendar, and for the transaction of no other business.

The SPEAKER pro tempore. Under that order it will be now in order for the House to resolve itself into Committee of the Whole on the Private Calendar.

Mr. COFFROTH. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. Townshend, of Illinois, in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole on the Private Calendar for the purpose of considering Senate bills

on that Calendar.

The Clerk will report the first bill.

THEOPHILUS P. CHANDLER.

The first business on the Private Calendar was the bill (S. No. 22) for the relief of Theophilus P. Chandler.

The bill was read, as follows:

Be itenacted, &c., That Theophilus P. Chandler, late assistant treasurer of the United States at Boston, is hereby relieved and discharged from all liability for the acts of Julius F. Hartwell, late disbursing clerk and cashier in the office of said assistant treasurer, in loaning or advancing the moneys or funds of the United States to Mellen, Ward & Co., and from all liability to account for any moneys or funds of the United States which were loaned or advanced by said Hartwell to said Mellen, Ward & Co., the same having been without the default or negligence of said Chandler.

The report is as follows:

The report is as follows:

The Committee on Claims, to whom were referred the petition of Theophilus P. Chandler, late assistant treasurer at Boston, Massachusetts, and the bill (S. No. June 18, A. D. 1833, the petitioner was appointed, without his previous application or knowledge, assistant treasurer of the United States at Boston, and continued to hold said office to until the month of June, A. D. 1889, when he resigned, during which time he faithfully performed all the duties of said office to the approbation and entire satisfaction of his superior officers at Washington, and at the close of his service his accounts were all settled and closed.

When the service his accounts were all settled and closed.

The service his accounts were all settled and closed.

When the service his accounts were all settled and closed.

The service his accounts were all settled and closed.

And the service his accounts were all settled and closed.

The service his accounts were larged in the sub-treasury, which were got in by him each month before monthly examination, and were finally got in by him on the last day of February, when he confessed the transactions were largely in gold certificates, authorized by act of March 3, A. D. 1893, section 5, which then created as gold continued by act of March 3, actions and the service of the section of the service of the section of the se

contested on each side by able counsel, and counsel on each side testify that throughout there was no claim, suggestion, nor evidence that Mr. Chandler was in fault.

Hon. Hugh McCulloch, Secretary of the Treasury at the time of these occurrences, writes, under date of November 23, A. D. 1878, to Mr. Chandler, among other things:

"I bear cheerful testimony to the admirable manner in which the business of the office of assistant treasurer at Boston was conducted when you were at the head of it; to your ability, uprightness, and carefulness as an officer. For the defalcation and criminal conduct of Hartwell you were in no wise responsible. It would be cruel injustice to hold you and your sureties legally liable for it. You found Hartwell in office when you were appointed; his ability was manifest, his integrity undoubted. No laches have been attributed to you. On the contrary, the reports of the manner in which your duties were performed and the business of the office was conducted—reports made by the general and by special examiners—were always creditable to you and satisfactory to the Department at Washington. I heartily unite to the petition to Congress that an act be passed for the relief of yourself and sureties."

The result is, first, that there appears to be no question about Mr. Chandler's ability, uprightness, and carefulness; second, that the embezzlement was of funds not in Mr. Chandler's actual personal custody, but necessarily intrusted to the disbursing clerk, who, as we have seen, the Supreme Court has decided was himself "an officer of the Government charged with the keeping of the public moneys."

Mr. Chandler himself is about seventy years of age and possessed for but little property. Two of his sureties, now living, are insolvent, and of those who have died, one, Governor John A. Andrew, left an estate of about thirty-two thousand dollars; and the estate of Mr. Edmunds, another surety, is insolvent, the liabilities being \$733,339, the assets inventorical at \$342,023, a considerable part of wh

p. 532,) and that to relieve Mr. Spinner from losses and embezzlements of about \$60,000, (vol. 17, p. 768.)

The Hillhouse relief act is in Statutes at Large, volume 18, pages 523 and 532, (Forty-third Congress, first session:)

"An act for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City.

"An act for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the proper accounting officers be, and they are hereby, authorized and directed to allow Thomas Hillhouse, assistant treasurer of the United States at New York City, in the settlement of his internal-revenue stamp account, a credit for the sum of \$185,000, being the proceeds of sale of internal-revenue stamps embezzled by James I. Johnson, a clerk in his office, without the default or negligence of said assistant treasurer."

This bill was unanimously reported by the Committee on Ways and Means, embracing many eminent gentlemen.

The facts of the case appear in House of Representatives Executive Document No. 41, third session, Forty-second Congress.

A select committee of the House of Representatives, appointed to investigate this loss, close their report as follows:

"No sane man would be willing to hold a position of so much peril except on the conviction that whatever his responsibilities may be under the law, Congress would judge each case on its merits, and grant relief when it ought to be granted. To refuse it when there has been no official misconduct would turn over the treasure of the Government to mere soldiers of fortune."—House Report No. 70, third session, Forty-second Congress.

This bill for the relief of Mr. Chandler passed the Senate at the last Congress, and was favorably reported by this committee, but was not reached in season for action in the House.

The committee report back the bill with recommendation that it pass in concurrence.

The committee report back the bill with recommendation that it pass in concurrence.

rence.

Deputy collectors are ordinarily required to give bonds; but so far as the committee is advised, bonds have never been required of clerks like Hartwell. The committee submit to the House the question whether a law should not be passed requiring bonds from all persons having access to the public moneys.

Mr. LINDSEY. Mr. Chairman, the report of the committee which has been read embraces all of the facts, I believe, that are important in this case. I desire to call the attention of the committee very briefly to two or three of the prominent facts as they appear in that report, and as they appeared conclusively in evidence before the committee. Mr. Chandler was appointed in 1865 as sub-treasurer in Bosmittee. Mr. Chandler was appointed in 1805 as sub-treasurer in foston. He found this man Hartwell in that office highly recommended. The business of the office was very large and was divided into various departments. Hartwell was the disbursing officer, and had charge of the funds. It was utterly impossible for the sub-treasurer to give personal supervision to all the details of the office, and he was necessarily dependent to a considerable extent upon the subordinates. In 1867 Hartwell formed an alliance with the firm of brokers in Boston known as Mellen, Ward & Co., to whom he loaned several large sums of public money, which had come into his possession in the daily business of the sub-treasury. These sums of money were got in by him each month before the monthly examination. He could easily transfer the gold certificates before examination, and they were always in

This money was largely in gold certificates, and so compact in form that some five or six hundred thousand dollars of them could be carried in his breast pocket. This went on for some three months, at the end of which time Hartwell contrived, with the assistance of the cashier of one of the banks or a paying teller, to have these certificates returned, and then made a confession touching his relations with the bank by which the certificates were all returned to the sub-The accounts were all examined and supposed to be cortreasurer. The accounts were all examined and supposed to be correct. A settlement was made, and in 1868 the sub-treasurer resigned, and his accounts were believed by himself and the Government to be entirely correct. But suit was instituted by one of the national banks to which these certificates were pledged, which was not determined for some ten years afterward, and in 1877 a judgment was obtained against the United States for the amount of certificates pledged. And the object of this bill is to relieve this sub-treasurer who had acted in the most perfect good faith from any effects which may follow that judgment recovered ten years after the transaction.

Any one who has examined this report will see that there could

Any one who has examined this report will see that there could have been no fault on the part of the sub-treasurer. No care or oversight of his could have prevented this defalcation; and in accordance with the numerous precedents which came before the committee

and which have been the practice of Congress we reported this bill for the relief of Mr. Chandler and his sureties.

Mr. Hartwell was indicted and was punished. But I may say the ground on which this action was sustained against the United States as that Mr. Hartwell was himself a Government officer and that his acts bound the United States, he being an appointee of the Treasury Department. That is one of the important facts I desire to

With this statement I propose to leave the matter with the Committee of the Whole.

Mr. BRAGG. Will the gentleman from Maine permit me to ask him, what is the precise amount here involved?

Mr. LINDSEY. Four hundred and eighty thousand dollars.
Mr. BRAGG. I listened to the reading of the report carefully, but did not hear anything as to the amount.
Mr. LINDSEY. It is stated in the report.
Mr. REAGAN. I know nothing of this case except what is developed by the reading of the report, and what appeared before the House when a bill to relieve this same person was formerly before the House. I desire to call the attention of the committee to two or three points in this case. three points in this case.

It may be hard upon the assistant treasurer that, by the infidelity

of his subordinates, he is involved in so large a pecuniary liability. The report sets up the theory that this assistant treasurer ought not to be held responsible for this; first, because the clerk was not appointed by him, and because it is substantially said, though perhaps it is not very clear, that he was appointed by the Treasury Department; and second, because it was impracticable for the sub-treasurer to supervise and look after the safety of the money under his con-

Now, while on these grounds it is insisted that the assistant treasurer should be relieved, it is also said that this man to whom the keeping of the money was actually intrusted was not required to give bonds. I do not mean the assistant treasurer, but the clerk—that the clerk was not required to give bonds. The only thing I desire to do is to call the attention of the House to the fact that if it is impracticable for assistant treasurers to watch over the safety of the money left in their care, and their clerks are not required to give bonds, and that fact becomes known, we can have no security for the public money, no hope of being able to protect the Treasury, except that which may exist in the obtaining of honest officers, and all human experience shows us that occasionally we will find men in these positions not to be trusted.

The assistant treasurer gives bonds for the safe custody of the funds committed to his charge. If it can be said whenever money belonging to the Treasury is lost it is lost by the mistake of some clerk not under bonds and the officer of the Government is not responsible, then the Government might as well repeal its laws for the security of the public moneys and intrust them without bond to such persons as may be selected to undertake their custody.

as may be selected to indertain their custody.

In view of these considerations, while it may be a hardship on the assistant treasurer that he should suffer pecuniarily, that he should be made pecuniarily liable for this large sum of money, certainly the Government cannot consent to the recognition of a principle and rule which takes from it all security for the safe custody of the public

moneys.

Mr. MORSE. The bill under consideration is in the interest of some of my constituents, and I therefore feel it my duty to say a word about it, and explain, as far as I am able, to the House the case under consideration.

It seems that Mr. Chandler was appointed sub-treasurer at Bos-ton. While in possession of that office he had a clerk who was there ton. While in possession of that office he had a clerk who was there before he was appointed, and who stole a large amount of money. When that clerk found that the examining officers of the Government were to come to Boston to examine the accounts, he managed to draw on several banks that had confidence in him. He borrowed from them by drawing on them on his own check the whole amount of money in which he was in default at that time, and restored it to the sub-treasury. The sub-treasurer seized that money and held it, and made his account good with it. But later on, a long time after, those banks which had lost that money sued the United States Government and recovered it; and a default only came into existence after the recovery of that amount by the decision of the Supreme Court of the United States, which recited that this man so employed was not an employé of the treasurer himself, but was an appointee of the Government; and he was so indicted and so convicted by the of the Government; and he was so indicted and so convicted by the United States court, and the United States court so decided.

Therefore, the United States having decided to take the money out

of the Treasury after it was fairly there, and give it back to the banks on the ground this man was an officer of the Government, and not an employe of the sub-treasurer, it seems perfectly clear he must be entitled to the relief he asks for.

Mr. MILLS. This bill has passed the Senate of the United States,

I believe, unanimously.

Mr. MORSE. Twice.
Mr. MILLS. It has twice passed the Senate of the United States, having been reported by the Senator from Wisconsin, [Mr. CAMERON,] who is one of the most careful and cautious members of that body.

who is one of the most careful and cautious members of that body.

Now what is the precise question that we here are called on to determine? A citizen of this country appeals to the highest legislative body of this Government for relief upon the strongest case of merit that can possibly be presented. Mr. Chandler was appointed assistant treasurer at Boston, and upon taking charge of his office he found there a clerk over whom he had no power of removal; a clerk who is appointed by the Secretary of the Treasury over him. That clerk was a disbursing clerk, having charge of the daily receipts and expenditures of millions of money.

Mr. BRAGG. Will the gentleman allow me to ask him a question?

Mr. MILLS. Certainly.

Mr. BRAGG. What authority has the gentleman for saying that this man was appointed against the wish or not upon the recommendation of his chief in the sub-treasury?

Mr. MILLS. Because I am informed he was appointed by the Sec-

mendation of his chief in the sub-treasury?

Mr. MILLS. Because I am informed he was appointed by the Secretary of the Treasury before Mr. Chandler himself was appointed.

Mr. BRAGG. Yes; but if he was appointed by the Secretary of the Treasury when there was a former sub-treasurer, was he not then appointed upon the recommendation of that sub-treasurer?

Mr. MILLS. But not upon the recommendation of Mr. Chandler.

Mr. BRAGG. And when Mr. Chandler took possession of the office, was he not as its chief the person who then recommended anew the appointment of persons to hold places in that sub-treasury or did he

appointment of persons to hold places in that sub-treasury, or did he not by his act indorse the persons already there as proper persons to

be retained? The reason I ask this question is that it has been said that in the case of the United States against the State bank of Boston the Supreme Court decided that this man Hartwell was an appointed of the Secretary of the Treasury. I have that case before me and I find no such allusion in the opinion of the court; but on the contrary the court held—and from that perhaps the inference has been drawn—that Hartwell was an agent of the United States, appointed by them, and therefore when dealing with third parties the third parties had a right to treat him as a representative of the United States, and the United States were bound to respond for any wrong committed by him in the discharge of the duties of the place in which the United States had placed him. That would be the holding of the court if he were an appointee of the sub-treasurer, because he would be an agent of the United States, and that is all the Supreme Court say in 6 Otto, which I have here 6 Otto, which I have here.

Mr. CRAPO. If the gentleman from Texas [Mr. MILLS] will permit me I think I can refer the gentleman from Wisconsin [Mr. Brago] to the decision of the Supreme Court in this case in which it defines the position and appointment of this man Hartwell. In the case of

the United States against Hartwell, in 6 Wallace, the court declares that Hartwell was an officer of the Government—

Mr. BRAGG. Of course he was.

Mr. CRAPO. Charged with keeping the public money. The court says the defendant Hartwell was appointed by the head of a Department, within the meaning of the constitutional provision upon the subject of the appointing power; and the court also says, in 6 Otto, in discussing this case, that Hartwell was the agent of the United States; that he was appointed by them, that is, by the United States,

and acted for them.

Mr. BRAGG. In reply to the gentleman from Massachusetts, 1 would ask if that statement of the law does not apply to every appointee of the United States; and if the United States appoint a man chief of a Department does not every appointee under him become an officer of the United States?

officer of the United States?

Mr. MILLS. I cannot allow all my time to be taken by others. The view I take of this case is beyond all technicalities. I do not propose to inflict a heavy punishment upon an officer of this Government, and support my action alone by a legal technicality. The common honesty of the Representatives of the people is appealed to by a citizen who has been visited with a fearful penalty, a penalty inflicted upon him as a vicarious sufferer, not for his own guilt, for all the evidence shows that Mr. Chandler has been a faithful and efficient officer; that he has been guilty of no laches, none whatever. He is complimented by the Secretary of the Treasury for his integral. He is complimented by the Secretary of the Treasury for his integ-

rity and his efficiency as an officer.

But Mr. Chandler was required by law, strangely enough, to give bonds to answer for moneys which were to pass through the hands of a subordinate—a subordinate appointed by the same authority that

of a subordinate—a subordinate appointed by the same authority that appointed him.

Mr. SPRINGER. Oh, no.
Mr. MILLS. Is not the assistant treasurer appointed by the Secretary of the Treasury †
Mr. SPRINGER. He is appointed by the President.
Mr. MILLS. Ab, well; it is the same thing; he is appointed on the recommendation of the Secretary of the Treasury. The argument is precisely the same if he is appointed by the President of the United States. This disbursing officer was not subject to removal by the assistant treasurer.

The law of the United States requires the assistant treasurer to give bonds for the faithful keeping of moneys that pass through the hands of a disbursing clerk under him. That disbursing clerk equantity dered the money, to put it in the strongest terms and to leave outall equities. I take no notice of the fact that he was dealing with gentlemen and got back the gold certificates that he loaned. He was culpable in the fact that he allowed one dollar of that money to go to

culpable in the fact that he allowed one dollar of that money to go to anybody; he should not have done it.

But is it to be supposed that the head of a Department shall have the eyes of Argus, and know all that is transpiring with those that are under him? Suppose that the Secretary of the Treasury was required to give bond for the faithful keeping of all the money—of the three hundred and fifty millions of dollars brought into your Treasury every year by taxes imposed upon the people. What Secretary of the Treasury would take that position and be responsible for the faithful conduct of the five hundred or the thousand subordinates under him? under him?

Sir, it would be to farm your revenues out to adventurers; for no man who had a private fortune to be held responsible for the culpable conduct for those under him would take any of your offices, I do

not care how high.

Now this officer comes and asks the Government to relieve him from the legal liabilities placed upon him for the willful misconduct of one whose conduct he had no power to control. The case is supported whose conduct he had no power to control. The case is supported by the strongest kind of equity. Will you destroy this man? For the judgment of \$480,000, if the Government insists upon enforcing it, means simply to crush this man into powder. Or will you, in your sound judgment, relieve him from this liability which he did not bring upon himself, but which a subordinate over whom he had no control brought upon him?

Mr. WARNER Limited the control of th

Mr. WARNER. I would like to put a question to the gentleman from Texas. [Cries of "Vote!" "Vote!"] Well, if you undertake to

force a vote, you will get a vote when you have a quorum. Now,

force a vote, you will get a vote when you have a quorum. Now, then, content yourselves.

The CHAIRMAN. The gentleman from Ohio is on the floor and has a right to be heard.

Mr. WARNER. I wish to ask the gentleman from Texas whether the Treasurer of the United States is not required to give bond, and whether he is not responsible for the conduct of clerks under him; responsible for any losses that may occur to the Treasury?

Mr. MILLS. The Treasurer is the very man who ought to give a bond instead of the Secretary of the Treasury.

Mr. WARNER. The Treasurer does give bond.

Mr. MILLS. And the disbursing clerk is the very man who ought to have been required by law to give this bond, instead of the subtreasurer.

Mr. WARNER. I am not questioning the correctness of the gentle-man's reasoning in this case; but it is a fact that the Treasurer does give bond and is responsible for those under him.

give bond and is responsible for those under him.

Mr. SPARKS. Mr. Chairman, the gentleman from Texas [Mr. Mills] seems to misunderstand the position of this officer. This man was not an Assistant Secretary of the Treasury, but an assistant treasurer of the United States. Now the question here is to whom did the people of the United States look for the protection of this money but to this assistant treasurer? Somebody ought to be responsible for the safe-keeping of the funds belonging to the United States. The Treasurer and assistant treasurers of the United States are bound for funds in their hands. Their duty is simply to safely keep funds. They do not perform the thousand functions devolving upon the Secretary or Assistant Secretaries of the Treasury. They are simply the custodians of the money of the United States belonging to the people.

That was the charge devolving upon this man; and he, under the law, was compelled to give bond for the safe-keeping of such funds as came into his hands. Now, the Government of the United States has lost \$480,000. How? Through the laches of a man whom Secretary McCulloch calls a very careful man. Now, let us look at this case. A few million dollars, perhaps, altogether came into this man's hand. His special business was to safely keep it, and he is so faithful in the keeping of it (as it seems) that he allows, as this report shows, a clerk under him, and for whose acts he is responsible, to loan it to this bank and that bank; and so the money is lost to the Government and to the people. Gentlemen come here and ask that this man, because he can get a letter from some sympathetic friend asking it, shall be relieved. It shall not be done, Mr. Speaker, if I can prevent it. I do not know that I can. I believe I never saw a case like this in Congress that did not get through. Let me read a paragraph from this report: That was the charge devolving upon this man; and he, under the from this report:

In December, January, and February, A. D. 1868-'67, Julius F. Hartwell, distributing clerk, secretly loaned Mellen, Ward & Co. several large amounts from the sub-treasury, which were got in by him each month before monthly examination, and were finally got in by him on the last day of February, when he confessed the transaction. The whole matter was immediately reported to the Treasurer at Washington, and Hartwell and other participants criminally punished.

Now, here is a man who has given bond in a large amount charged with the custody of this money, who when he is appointed accepts the office with the understanding that this high duty devolves upon him, yet allows a clerk under him to be loaning the funds out and he never detects it. In my judgment it is criminal negligence on his

Now a point is made that this clerk was not the assistant treasurer's appointee but was the appointee of the Treasury Department. I do not believe a word of it. The court does not say so in the decision quoted in this report. The court says in the report, "Hartwell was appointed by the head of a Department." Now I understand all this. Chandler found Hartwell in the office when he entered it. It was said that he was a man of high character. Well, if he was a man of high character he deceived his principal; and his principal is responsible for his acts. His principal could have turned him out if he desired to do so. Our Sergeant-at-Arms is charged with the keeping of a good deal of money, and yet he and we understand that he must have men under him whom he knows and has confidence in, for he is responsible under bonds. This assistant treasurer had the power to do the same thing. True, the clerk came with recommendations, he had been a clerk or a teller in a bank, or something of that sort, and he did not change him but kept him as his clerk and through his villainy the assistant treasurer lost of the people's money in his hands the sum of \$480,000. Now I insist that there is no good reason why he and his securities should be released and the people lose this money. Now a point is made that this clerk was not the assistant treas-

lose this money.

Mr. MORSE. Mr. Chairman, I am unable to defend this case of the claimant as a lawyer, because I am not one; but one point is perfectly clear to everybody here, and that is that this defalcation took place sixteen years ago. The Government never attempted to collect it and does not now, and does not believe it could even if it desired

You may well say, then, why are you here asking for relief? It is not for the treasurer himself but for the men upon his bond, many of whom have since died leaving their estates involved; and under the law of Massachusetts, and I do not know but it is the law elsewhere, the assignees refuse to pay over to several large estates dividends due to them until this bill which the people feel ought to be passed. It is not for the Treasurer himself, therefore. The Govern-

ment makes no claim. There is no evidence from anybody, and I do not believe any one can furnish any by which the Government claims

not believe any one can furnish any by which the Government claims it can collect this money.

Mr. BRAGG. Mr. Chairman, I desire to put myself right. The proposition I stated seems not to have met the approval of the gentleman from Massachusetts, [Mr. CRAPO,] who cited to me a case in 6 Wallace, United States vs. Hartwell. There I find the law to be stated precisely as I claimed that it was. The court was speaking of Hartwell in answer to the objection that he was not a Government officer, and, therefore, could not be indicted under the penal statute of the United States against its officers for the embezzlement of its funds. The court says he was a public officer. The general approximation of the United States are the way and the officer. funds. The court says he was a public officer. The general appropriation act of July 23, 1866, authorized the assistant treasurer at Boston, with the approbation of the Secretary of the Treasury, to appoint a specific number of clerks who were to receive respectively the salaa specific number of clerks who were to receive respectively the salaries thereby prescribed. The indictment says the appointment of the defendant was in the manner provided by the act. So it seems, Mr. Chairman, by the terms of the act itself, the assistant treasurer at Boston had the control of the appointments in his office subject to the approval of the Secretary of the Treasury. Therefore, when Mr. Chandler became sub-treasurer at Boston he assumed the responsibility for the good conduct of all the appointees then in the office, and, by not recommending others to take their places, as he had the power of making the appointments, he affirmed the fitness and capacity of those who were already there and assumed the responsibility under the law to be liable for all acts of malfeasance of which they might be guilty.

might be guilty.

Mr. MILLS. Will the gentleman yield to me for a question?

Mr. BRAGG. Certainly.

Mr. MILLS. Do I understand you to say the Secretary of the Treasury, because he has the power to appoint and remove all the subordinates under him, is responsible for the defalcations of all officers, collectors of customs, and deputy collectors, and all internal revenue officers !

officers?

Mr. BRAGG. No, sir.

Mr. MILLS. That is your argument.

Mr. BRAGG. No, sir; it is not; and I am astonished that a gentleman with the legal acumen of the gentleman from Texas cannot define a line of demarcation between an officer holding an office like the Secretary of the Treasury, with his liabilities and duties fixed under the law, and a subordinate who has his liabilities fixed under a specified statute, and who is compelled to give a bond for the faithful performance of his duties in conformity with the provisions of the statute which confers the power upon him.

Mr. MILLS. My legal acumen is not sufficient to draw a distinc-

Mr. MILLS. My legal acumen is not sufficient to draw a distinction between tweedledum and tweedledee. The gentleman made an

argument—
Mr. BRAGG. I decline to yield the floor to tweedledum or tweedle-

dee.

Mr. MILLS. Allow me one minute.

Mr. BRAGG. If you have any question to ask I have no objection. I assert it as a legal proposition, this was a clerk of the sub-treasurer. That being so, and he having the right to make the selection, and being bound by law that the party by him selected should faithfully perform his duty, he was under the law responsible for the performance of that duty and for all the liabilities which might attach for the non-performance of it. It was one of the liabilities which he assumed when he entered upon the duties of his office. Therefore, in law there is no question at all as to his liability.

But the gentleman from Massachusetts [Mr. Morse] says the Government for the last sixteen years has never made a claim. What does that prove? Because they never have made a claim shall we

does that prove? Because they never have made a claim. What does that prove? Because they never have made a claim shall we proceed by our legislation to break down the safeguards and protections which are thrown around the public moneys in the several depositaries of the United States?

The report says that no man is obliged to assume this responsibility, but that no man who is a fit and proper person to discharge the duties.

but that no man who is a fit and proper person to discharge the duties of such an office could be induced to enter upon that office by reason of the immense responsibilities attached to him unless there was some relief like this, and that otherwise the result would be the public relief like this, and that otherwise the result would be the public moneys would be deposited in the hands of men who were mere soldiers of fortune to use as their private wishes and interests might dictate, and not to discharge their duties honestly and faithfully under the laws of the United States. Let me ask the gentleman who drew that report if he has such a dread that the public depositaries of money shall fall into the hands of soldiers of fortune, why does he recommend when thieves under the eyes of their chief shall rob the depositaries that in cases where these robberies have occurred the thieves and all their bonds, given for the protection of the public thieves and all their bonds, given for the protection of the public money, shall be discharged. What better invitation do you want to soldiers of fortune to seek

What better invitation do you want to soldiers of fortune to seek to get control of public moneys, than to discharge their principals from all liability on account of any peculation or robbery they may be guilty of while handling the public money? It is a question of public policy whether the laws of the United States shall be relaxed in each individual case of robbery so as to discharge the principal who would otherwise be responsible. As I understand it, there is no law by which chiefs require of their clerks who are to handle public moneys that they shall execute bonds for the proper execution of their duties, and also for the protection of the principal himself.

Neither is there any law that our private or other banking institutions or the officers in control of them shall require the tellers, cashiers, or other disbursing officers who have charge of the moneys of the institution to execute bonds for the faithful discharge of their duties in handling and disbursing their funds. But all wise and prudent bankers, if I am correctly advised, require of each subordinate officer who handles money, that he shall give security for the faithful performance of his duty to protect the bank and the stockholders of the bank from loss. It seems to me that the same sagacity and prudence should be required of an assistant treasurer who is required to give large bonds himself for the safety of the public moneys intrusted to him, and who has power to appoint his confidential clerks, that he should require the same security from his subordinates, in order to protect himself from liability on his own official bond for any shortcomings or malfeasance in office on their part.

Mr. REED. I would like to ask the gentleman a question here.

Mr. REED. I will answer the gentleman certainly.

Mr. REED. I will answer the gentleman certainly.

Mr. REED. I will osk by what right the assistant treasurer could require a bond from an officer appointed by the head of a Department; and if he did require that bond, would it be legal? I am asking him now as a lawyer. or the officers in control of them shall require the tellers, cashiers, or

asking him now as a lawyer.

Mr. BRAGG. I will answer the question by saying, in the first place, you beg the premises, and then you base your question upon

that.

Mr. REED. The Supreme Court has decided my premises. Mr. BRAGG. Ah! I have the Supreme Court decision here myself. They based that decision upon an appropriation act, which authorized the assistant treasurer of Boston to make the appointment, subject to the approbation of the Secretary of the Treasury.

Mr. REED. Then the Supreme Court says that is an appointment

Mr. REED. Then the Supreme Court says that is an appointment by the head of the Department, and being such, what right has the assistant treasurer to require anything of him which the law does

not require?

Mr. BRAGG. The Supreme Court has not considered the law in the light of an appointment by the head of the Department further than as making him an officer of the United States, and as such would subject him to the penalties fixed by the statute against embezzlement by officers of the United States. And that same principle applies whether his appointment is made with the approbation of the Secretary of the Treasury or not.

Mr. REED. I only want to ask the gentleman if the assistant treasurer, in his judgment, has the right to exact a bond of an officer whom the court has declared was appointed by the head of the Department?

Mr. BRAGG. No, sir; but that statement, in the opinion of the Supreme Court, which goes beyond the question presented to them, is a mere dictum, when as in this case it is carried beyond the case then under consideration; and when they cite the act to show that he was appointed by the assistant treasurer, the subsequent statement, which is all a mere dictum, that that constitutes him an officer of the United States have been included to stablish the province to stablish the province. States, has no bearing to establish the premises upon which you base your question and upon which I answer.

Mr. ROBINSON. I would like to ask the gentleman a question here, which is a simple, practical question, and has no special legal

Mr. BRAGG. Certainly, I will answer the gentleman.

Mr. ROBINSON. It appears here by the report that some six million dollars a day passed through the hands of this sub-treasurer in Boston. Six million dollars a day is a very large amount. Now, I suggest to my friend from Wisconsin that it would be extremely difficult to get clerks to qualify themselves to attend to business involving so much money as that if they were obliged to furnish security to the treasurer for that amount. I think the bond fixed in the case of the treasurer in the first instance was only about five hundred. to the treasurer for that amount. I think the bond fixed in the case of the treasurer, in the first instance, was only about five hundred thousand dollars. Now he has \$5,000 a year. His clerks receive \$1,500 or \$2,000 or \$3,000 a year, if you please. I wish to know, then, if the gentleman believes that any young men occupying positions of that kind can furnish enough security or guarantee indemnity to the treasurer against a loss involving this vast amount of money, or even a considerable portion of it?

Mr. TALBOTT. I wish to ask the gentleman a question here, too. Mr. BRAGG. I decline to be interrupted any further.

Mr. WARNER. That was about six times as much as was collected at all the custom-houses in the United States.

Mr. SPARKS. Let us understand this question. Is it true that \$6,000,000 a day passed through his hands?

The CHAIRMAN. The gentleman from Wisconsin has not yielded the floor.

The CHAIRMAN. The gentleman from Wisconsin has not yielded the floor.

Mr. BRAGG. The gentleman from Massachusetts [Mr. Robinson] has misunderstood me and the application of the principle I was illustrating. I do not say that of necessity the treasurer should be obliged to demand this security; but I do say that he takes upon himself the responsibility of determining whether he will or not, when he has the responsibility for his appointments. He may be able to find a young man of sufficient character and integrity, one in whom he is willing to trust the care of that money without asking him a single dollar of bond, because it is not the bond that makes the man honest. It is the bond which should be given for the security of the honest. It is the bond which should be given for the security of the appointing power himself. But that security may be found in the character of the appointee, ay, and from his blood and race, as would

warrant him in trusting him without requiring such a bond. But still he takes the responsibility from that knowledge of the character of the man; he trusts to that and nothing else, and for that he is responsible.

But after all, all this talk about six millions of money passing every day through that sub-treasury as fixing the standard for bonds does not really amount to anything. That is simply done to spread a thin gauze over this question and to make it one that looks so plausible that nobody unless he be a very hard-hearted man can vote

gainst the proposition.

But, after all, I submit to the gentleman from Massachusetts [Mr. ROBINSON] is it not a question of public policy whether we will relax our hold upon the officers of the Government who have charge of the moneys of the Government by relieving them every time some subaltern officer in the Department shall rob the Government of the United States. The gentleman from Massachusetts [Mr. Morse] puts the case that the reason for this is because some of the sureties have died and in the distribution of the sureties. puts the case that the reason for this is because some of the sureties have died, and in the distribution of the estates there are large sums of money to be distributed, and the executors decline to distribute. Why? Because they are afraid of a claim of the Government. Now, if the sureties have money, what earthly reason is there, if the estates are responsible and the administrators or executors hold the funds subject to the settlement of the claim of the United States, that the people's money could not be paid back into the Treasury before heirs or other creditors should be entitled to its distribution?

Mr. MORSE. Because it cannot be collected by law

people's money could not be paid back into the Treasury before heirs or other creditors should be entitled to its distribution?

Mr. MORSE. Because it cannot be collected by law.

Mr. MCMILLIN. Then you need no statute.

Mr. SPRINGER. There is a view of this case which has not been referred to by any gentleman who has spoken heretofore. It is this: This report states that Mr. Chandler is possessed of but little property. It is not stated how much he is worth. But the amount is so small that the committee did not think it worth while to mention it. The bill is nominally for his relief, and he can only pay to the extent of his property. The persons actually to be relieved by this bill are his sureties. Who are those sureties? Some of them are dead and insolvent. One of the deceased sureties was ex-Governor Andrews, whose estate amounts to \$32,000. Another surety who is mentioned as having property is Mr. Edmunds, against whose estate claims to the amount of \$733,000 have been proven. And assets have been inventoried to the amount of \$342,000. His executors have in their hands \$150,000 for distribution. This amount of \$150,000 belonging to the estate of Mr. Edmunds and the \$32,000 belonging to the estate of ex-Governor Andrews, deceased, are all of the estates which can be reached by the failure to pass this bill. They will not amount to \$200,000. Hence, instead of relieving the Government of a right to prosecute and obtain \$480,000, we could not secure by the prosecution of these sureties on their bond to exceed \$200,000.

Now suppose you require the estate of ex-Governor Andrews to pay \$2000 that role his family of everything they have.

Now suppose you require the estate of ex-Governor Andrews to pay \$32,000, that robs his family of everything they have. Suppose you require the estate of Mr. Edmunds to pay, what would be the fate of his creditors? Only \$150,000 are in the hands of his executors to respond to the judgment of the United States. The creditors of Mr. Edmunds will have to pay this judgment, and they are the persons to suffer by a prosecution of a claim by the United States against

these sureties.

It cannot be supposed that the creditors of Mr. Edmunds are responsible for the acts of this defaulting disbursing officer. And whoever may be responsible the heirs of ex-Governor Andrews should not be held responsible to the last dollar of their deceased father's estate.

Mr. SPARKS. Why not?

Mr. SPARKS. Why not?
Mr. SPAINGER. In equity I say they ought not.
Mr. SPARKS. If you go security for a party and that party fails ought you not to pay the amount for which you are surety, or ought not your estate to pay it if you die?
Mr. SPRINGER. I admit the legal liability of those persons to pay.
Mr. SPARKS. Well, moral liability.
Mr. SPRINGER. I deny the moral liability to pay that for which the party was not responsible morally and could not be. In the case

the party was not responsible morally and could not be. In the case of Mr. Spinner, ex-Treasurer of the United States, we relieved him from the payment of \$60,000 which were stolen out of the Treasury Department in this city in broad daylight through the fault of two

of his clerks.

Mr. McMILLIN. We did wrong when we did so.

Mr. SPRINGER. The gentleman from Tennessee says we did wrong when we did so. Perhaps we did; I do not believe it. I think it is amazing that there should have been handled \$300,000,000 a year, received and disbursed, and that we should have had so little of it stolen by dishonest clerks.

I believe in rigorously holding to account the officers of the Government who are required to handle public moneys. And I believe ernment who are required to handle public moneys. And I believe where money is lost, if persons come to Congress and make a good claim for relief, wherever that claim shows the officer himself who gave the bond was in no way responsible for the loss of the fund—I think in such a case it would be exceedingly hard to hold that officer responsible for the payment of that money. The great mass of the people of the United States can better afford to lose what, by unwrightly conjugate and the criminal conduct of others than the avoidable accident and the criminal conduct of others than the bonded officer, may occasionally be lost in a great Government like this, than can a faithful officer and his innocent sureties and their

innocent creditors be held responsible for such misfeasance or malfeasance in office. I would hold public officers to the strictest accountability. But when a public officer, as this public officer has done, shows that he was faithful in all things, I do not believe in mulcting

his sureties who, believing in his honesty, signed his bond.

Mr. McMILLIN. What is the bond for ?

Mr. SPRINGER. To hold the officer responsible; to hold him responsible for any criminal negligence on his part.

Mr. McMILLIN. Why does it not then recite that it is only for his

Mr. McMillin. Why does it not then recite that it is only for his own criminal negligence.

Mr. SPRINGER. I think it should; but I did not make the law.

Mr. CARLISLE. So long as there is no law exempting Congress from the responsibility of adjudicating upon claims against the United States and applications like this, I think we ought to be governed by some fixed rule or principle in our consideration of them. Courts of justice when they have laid down a principle or rule usually adhere to it in all similar cases, unless upon full consideration it is overruled. tion it is overruled.

Without going into a full investigation of the facts in this case as disclosed by the report, it is sufficient for me to say that this officer was not himself personally guilty of any wrong, unless it can be contended or shown that he might by the exercise of an extraordinary degree of diligence have discovered this defalcation as it was being

committed.

He might have discovered it by ordinary diligence. Mr. SPARKS. He might have discovered it by ordinary diligence.
Mr. CARLISLE. The gentleman from Illinois says that he might
have discovered it by ordinary diligence. I submit to the gentleman
whether anything less than the most extraordinary diligence and care
would have enabled this officer to discover the fact, when five or six
millions daily was passing through the office, that some one of his
subordinates was from time to time loaning a part of the money to his friends.

Mr. SPARKS. Is it the fact that some five or six millions of dol-

lars passed through the office daily?

Mr. CARLISLE. It has been so stated.

Mr. SPARKS. There is nothing like that in the report.

Mr. ROBINSON. The mistake probably arose from my use of language. The report says that the daily balance was five or six millguage. The re

Mr. CARLISLE. The only mistake is in using the words "passing through his hands" instead of "on hand every day in the office." One of his subordinates, appointed perhaps as stated by the gentleman from Wisconsin [Mr. Bragg] upon his nomination, but at least receiving his commission really from the hands of the Secretary of the Treasury, falls into the habit of loaning to some of his friends what as compared with the whole amount on hand is a very inconwhat, as compared with the whole amount on hand, is a very inconsiderable portion of this money, and, as I understand from the report, he replaces this money from time to time before the cash in the office is counted, and therefore the transaction is not discovered; and on the final settlement of the account he puts every dollar of the amount

the final settlement of the account he puts every dollar of the amount back into the vaults and it goes into the Treasury of the United States, and all these gentlemen suppose that their accounts are fully and finally settled. Many years afterward the bank from whom this subordinate borrowed this \$550,000 in gold certificates, which were thus returned to the Treasury, brought its action against the Government of the United States and recovered the money.

This House has again and again relieved officers of the Government under precisely similar circumstances, or under circumstances not so favorable to the officer as those disclosed in this case. In the case of Collector Buckner, of the city of Louisville, in the State of Kentucky, an act was passed to relieve him from the consequences of the defalcation of one of his subordinates; and during the last session of Congress this House passed two bills, one to relieve an officer at Philadelphia, whose name I now forget, and another to relieve an officer at the city of New Orleans, by the name of Clinton.

Now, it may have been that the House acted improperly in establishing this rule in the first place; but it has established it nevertheless, and has relieved public officers under it, and unless gentlemen can show that the circumstances disclosed in this case do not bring it within the rule which the House and the Senate have again and again applied, they ought not to contend that a discrimination

bring it within the rule which the House and the Senate have again and again applied, they ought not to contend that a discrimination should be made against this officer.

It is true that he gives a bond, and it is true, likewise, in my judgment, that upon strict principles of law he is liable upon that bond for every defalcation that may be made by a subordinate officer under him, no matter whether he himself be guilty of negligence or not; but surely it is not the intention of this great Government to make its public officers absolute insurers of the public moneys in their hands.

hands.

The whole purpose of the law requiring a bond, as I understand it, is to put the officer under a legal obligation to faithfully and honestly perform the duties of his office so far as he is personally concerned, and so far as he can reasonably exercise power and influence over his subordinates. But it seems to me that every principle of justice and equity demands that when an officer has done that, and especially in a case where the officer made a final statement of his accounts, and rested securely for many years upon the conviction that he was free thereafter from liability, Congress ought to relieve

The passage of this bill will not take any money out of the Treas-

ury of the United States beyond what has already been taken out. The \$580,000 which was lost by the defalcation of this man Hartwell has already been recovered from the United States under a judgment of the courts and has been paid.

The simple effect of this act is to relieve the securities of this man and to relieve the man himself, who have been guilty of no moral wrong, and, as I understand the facts, have been guilty of no official delinquency whatever, from an onerous responsibility which would

In them, and in some cases, as stated by the gentleman from Illinois, [Mr. Springer,] ruin their creditors also.

Now, it seems to me, Mr. Chairman, that we ought either to pass this bill and relieve this man and his securities, or we ought to let it be understood that hereafter we repudiate the principles upon which we have acted heretofore, and that no similar applications ought to come before Congress. One or the other of these two things we certainly applications to the contract of the

tainly ought to do. Mr. McMAHON. Mr. McMAHON. I desire to ask the gentleman from Kentucky [Mr. CARLISLE] whether the facts as found by the committee, and by the United States court that tried the case, did not exclude all idea of any collusion between Mr. Chandler and his deputy?

Mr. CARLISLE. They did, as I understand it. So completely did they exclude any idea of collusion between these parties that the money, as shown by the report, was actually put back in the subtreasury and paid into the Treasury of the United States, and Mr. Chandler, as well as his securities, supposed that his accounts were finally settled. Mr. HAWLEY.

Mr. HAWLEY. And Hartwell was sent to the penitentiary.
Mr. CARLISLE. And Hartwell, as the gentleman from Connecticut suggests, was prosecuted, convicted, and sent to the penitentiary.
Mr. SPARKS. But the Government lost the money.
Mr. CARLISLE. But the Government lost the money as the Government lost the money in all the other cases to which I have referred and many others to which I might refer if it would not consume too much time of the committee.

much time of the committee.

Mr. WARNER. I want to ask one question for my own information. It has been stated that this loss in whole or in part occurred before the appointment of Mr. Chandler as sub-treasurer.

Mr. MORSE. That is not true.

Mr. WARNER. It occurred, then, while he was sub-treasurer. But when did Mr. Chandler find out the facts of the loss?

Mr. MORSE. The day the account was made good by the clerk

Mr. MORSE. The day the account was made good by the clerk.
Mr. WARNER. Not until that time?
Mr. MORSE. No, sir. [Cries of "Vote!" "Vote!"]
Mr. ATHERTON. Before the vote is taken on this question, I
would like some gentleman who knows the facts of this matter to

would like some gentleman who knows the facts of this matter to answer one question. It seems to me a sound principle that a public officer is to be held liable for the acts of his subordinates if he has substantially the power of appointment and removals.

Now, will some gentleman refer to the statute, if need be, so that we may know without any question whether this superior officer had the right to appoint this clerk, and whether he had the right of removal. If not directly, had he indirectly that right, by a recommendation to the proper officer of the Government? If he had the power of appointment, he ought to be liable, because you cannot premendation to the proper officer of the Government? If he had the power of appointment, he ought to be liable, because you cannot preserve the honesty of public officers and prevent collusion between an officer and his subordinate except by holding the superior officer liable for the acts of his subordinate. If, on the other hand, the superior has not the power of appointment and removal, then, as a matter of course, if he has been guilty of no wrong he ought not, in common honesty, to be held responsible for the acts of a subordinate whom he could not control.

Mr. SPARKS. He has the newer of appointment.

Mr. SPARKS. He has the power of appointment. Mr. CRAPO. In answer to the gentleman's question, I will send to

the Clerk's desk to be read—
Mr. SPARKS. I believe the gentleman from Ohio [Mr. ATHERTON]
yielded to me. The sub-treasurer has the power of appointing his subordinates, that appointment to be confirmed by the Secretary of the Treasury. He has the power of appointment. Mr. ATHERTON. Then I say he ought to be held for acts of his

appointees. Mr. REED.

But he has not the power of removal.

Mr. REED. But he has not the power of removal.

Mr. TALBOTT. I insist that the assistant treasurer has only the power of recommendation; that is all. He can recommend, but the Secretary of the Treasury appoints. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported favorably to the House?

The question being taken, there were—ayes 85, noes 15.

Mr. SPARKS. I make the point that no quorum has voted.

The CHAIRMAN. No quorum having voted, the Chair will appoint as tellers the gentleman from Illinois, Mr. SPARKS, and the gentleman from Maine, Mr. LINDSEY.

The committee divided; and the tellers reported—ayes 89, noes 15.

Mr. SPARKS. No quorum!

Mr. SPARKS. No quorum!
Mr. BURROWS. Would not the gentleman from Illinois be content to let the bill pass in Committee of the Whole and then take the yeas and nays in the House?

Mr. SPARKS. There are twenty members besides myself who will

not consent to that. The CHAIRMAN. The CHAIRMAN. No quorum having voted, the Chair, in accordance with the rule, will direct the Clerk to call the roll. Mr. PAGE. Cannot there be some agreement by which this bill can be passed over and the committee can go on with other business upon the Calendar? If not we might as well adjourn, as we cannot

upon the Calendar? If not we might as well adjourn, as we cannot get a quorum, and everybody knows it.

The CHAIRMAN. It has been suggested the pending bill be passed over and other business on the Calendar proceeded with.

Mr. CANNON, of Illinois. Let it be laid aside, to come up in regular order, and let us reach some of these Senate bills for pensions.

Mr. MILLS. I object.

Mr. LINDSEY. It cannot be passed over so as to keep its place.

Mr. PAGE. I move the committee rise.

Mr. CANNON, of Illinois. I desire to make a suggestion.

Mr. MILLS. I withdraw my objection.

The CHAIRMAN. It is suggested that the pending bill be passed over in order that other business upon the Calendar may be reached. Is there objection? Is there objection?

Mr. TALBOTT. What would be its place?

The CHAIRMAN. If that agreement is reached, the bill would retain its present position upon the Calendar.

Mr. MILLS. I suggest that the bill be reported to the House with

the understanding that we shall take a yea-and-nay vote on it in a full House. Now, who will object to that?

Mr. MORSE. Put that motion to the committee.

Mr. MILLS. I make the point that there is no quorum, and I

Mr. HATCH. I demand the regular order.
Mr. CANNON, of Illinois. I ask to make a statement.
The CHAIRMAN. The gentleman from Illinois will take notice

Mr. CANNON, of Illinois. I ask to make a statement.

The CHAIRMAN. The gentleman from Illinois will take notice it is objected to by the demand for the regular order.

Mr. PAGE. I move the committee rise.

Mr. CANNON, of Illinois. I rise to a parliamentary inquiry, and I do not often bother the committee by asking unanimous consent. Is it in order, Mr. Chairman, to ask unanimous consent to make a statement and a proposition that will not consume more than a minute? [Cries of "Go on!"]

Mr. OSCAR TURNER. Is that in order?

The CHAIRMAN. Only by unanimous consent. If there be no objection, the gentleman will proceed. The Chair hears no objection.

Mr. CANNON, of Illinois. It is evident we can have no quorum here to-night, and this bill cannot be disposed of. There are a number of Senate bills for pensions that nobody will have any objection to, and that we might dispose of to-night. I myself have one which has been passed by the Senate. [Laughter.]

Mr. HATCH. Regular order.

Mr. CANNON, of Illinois. No regular order, if you please, until I have made my statement.

The CHAIRMAN. The gentleman is in order, as he has unanimous consent to proceed.

consent to proceed.

Mr. CANNON, of Illinois. The case I have referred to I have no Mr. CANNON, of Illinois. The case I have referred to I have no doubt is not more meritorious than other like pension cases upon the Calendar. The man lives in my district. He has lost his sight in the service on \$13 a month, and now as a reward for his service to his country, unless this House shall relieve him by passing this bill, he will have to go to the poor-house before the winter closes. It does occur to me as we cannot make progress on the pending bill we might as well proceed to dispose of some thirty or forty Senate bills, in the main as meritorious as the one I have referred to, and I say it is our duty to do it. Let this bill be passed over for the present and let it keep its place upon the Calendar; and let us proceed to dispose of these other matters to-night which can be done, I am sure, without objection.

objection.

Mr. MORSE. I should like to reply to that suggestion.

The CHAIRMAN. Is there objection to the proposition?

Mr. LE FEVRE. I demand the regular order.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Illinois?

Mr. MILLS. I object.
Mr. REED. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. REED. It is that when the House in the Committee of the Whole finds itself without a quorum the Chairman must have the roll called.

Mr. LE FEVRE. That is it.

Mr. LE FEVRE. That is it.

Mr. REED. It is the only thing in order.

The CHAIRMAN. The Clerk was directed to call the roll, but the gentleman from California prior to that moved the committee rise, and the Chair was simply putting that motion to the House.

Mr. PAGE. I withdraw it.

Mr. GILLETTE. I renew it.

Mr. HARRIS, of Virginia. I move that the committee rise.

The CHAIRMAN. Nothing is in order except the roll-call.

Mr. HARRIS, of Virginia. The roll-call has not yet been begun.

Mr. OSCAR TURNER. I desire to make a parliamentary inquiry. The CHAIRMAN. The gentleman will state it.

Mr. OSCAR TURNER. I understood the Chair to decide a motion was made that the committee rise.

The CHAIRMAN. But it was withdrawn.

Mr. OSCAR TURNER. I understood the Chair to put the vote and said the yeas had it. [Cries of "Regular order!"] I understood the Chair to decide the yeas had it. [Cries of "Regular order!"]

The CHAIRMAN. The motion of the gentleman from California was put to the House, but before the division was completed it was withdrawn

Mr. GILLETTE. And I renewed it.
The CHAIRMAN. But too late, as the Chair had directed the roll

Mr. HARRIS, of Virginia. But there has been no response. The CHAIRMAN. There is nothing in order but the call of the

The Clerk proceeded to call the roll, before the conclusion of

Mr. KING. I move that there be a call of the House.
Mr. WILSON. I move that the House do now adjourn.
The CHAIRMAN. No motion is in order at this time until the roll-call has been completed and the announcement of the result made. The Clerk will continue the second call of the roll.

The Clerk resumed and completed the roll-call, when it was found

The Clerk resumed and completed the foll-call, when it was found that no quorum was present.

The committee accordingly rose; and Mr. Carlisle, as Speaker pro tempore, having taken the chair, Mr. Townshenn, of Illinois, reported that the Committee of the Whole House having had under consideration the Private Calendar, and particularly the bill (S. No. 22) for the relief of Theophilus P. Chandler, had found itself without a quorum and directed him to cause the roll to be called and report the list of absentees to the House.

the list of absentees to the House.

Mr. WILSON. I move that the House do now adjourn.

The SPEAKER pro tempore. The Clerk will read the list of ab-

sentees.

Mr. HARRIS, of Virginia. I wish to ask a parliamentary question. The gentleman from West Virginia has moved that the House do now adjourn; is not that motion in order?

The SPEAKER pro tempore. The Chair supposes that to be in order at any time, although the rule says that when the committee finds itself without a quorum it shall cause the roll to be called; thereupon the chairman of the committee shall direct the Clerk to report to the House the list of absentees, which list shall be entered upon the Journal. That report is not yet completed. As soon as that report is finished, the Chair will entertain the motion of the gentleman.

Mr. BRÅGG. Is not the motion to adjourn in order at any time?

The SPEAKER pro tempore. The Chair thinks that the motion to adjourn is always in order; but the Chair is now engaged in receiving a report from the chairman of the Committee of the Whole House, which report has not yet been completed. [Cries of "Regular order!"] It is like interrupting the reading of a report, which the Chair thinks is not in order.

is not in order.

The Clerk will report the list of absentees to the House.

The Clerk read the following names of absentees from the roll-call in Committee of the Whole:

Acklen,	De La Matyr,	Kelley,	Ryan, Thomas
Aldrich, N. W.	Deuster,	Ketcham,	Ryon, John W.
Aldrich, William	Dick	Killinger,	Sawyer,
Anderson,	Dunn,	Kimmel,	Scales,
Armfield,	Dwight,	Kitchin,	Scoville,
Atkins,	Elam.	Klotz,	Shallenberger,
Bachman,	Ellis,	Knott,	Singleton, J. W.
Bailey,	Ewing,	Lapham,	Singleton, O. R.
Baker,	Felton,	Lounsbery,	Slemons,
Ballou,	Ferdon,	Lowe,	Smith, A. Herr
Barlow,	Finley,	Manning,	Smith, Hezekiah B.
Bayne,	Fisher.	Marsh,	Smith, William E.
Belford,	Forsythe,	Martin, Joseph J.	Speer.
Beltzhoover.	Frost,	Mason,	Starin,
Bingham,	Gibson,	McCoid,	Stephens,
Bland,	Godshalk,	McKenzie,	Stone,
Bliss,	Gunter,	McLane,	Taylor, Ezra B.
Blount,	Hammond, John	Miles,	Taylor Robert L.
Boyd.	Hammond, N. J.	Mitchell,	Thompson D D
Bright,	Harmer,	Money,	Thompson, P. B. Turner, Thomas
Browne.	Haskell,	Monroe,	Undown & Thomas
Buckner,	Hatch.	Muldrow,	Updegraff, Thomas
Butterworth,	Hawk,	Muller,	Urner,
Cabell,	Hayes,	Murch,	Van Aernam,
Caldwell,	Heilman,	Myers,	Vance,
Calkins,	Henkle.	Neal,	Waddill,
Camp,	Herbert,	New.	Wait, Washburn.
Caswell,	Herndon,	Newberry,	
Chalmers,	Hill,	Nicholls,	Weaver, Wells,
Chittenden,	Hooker,	O'Brien,	White,
Claffin,	Horr,	O'Connor,	Wilber,
Clardy,	Houk,	O'Neill,	Williams C.C.
Clark, Alvah A.	Hubbell,	O'Reilly,	Williams, C. G. Willis,
Clark, John B.	Hull,	Orth,	Wise,
Clymer,	Humphrey,	Osmer,	Wood, Fernando
Cobb,	Hurd,	Overton,	
Converse,	Hutchins,	Persons,	Wood, Walter A. Wright,
Cook,	James,	Phelps,	Yocum,
Cox,	Johnston,	Poehler,	Young, Casey
Crowley,	Jones,	Ray,	Voung Thomas T
Davidson,			Young, Thomas L.
Davis Tosonh T	Jorgensen,	Robertson,	
Davis, Joseph J.	Joyce,	Robeson,	
Davis, Lowndes H	E SANTAGOR	Russell, W. A.	and the second second

The SPEAKER pro tempore. The Committee of the Whole reports one hundred and twenty-three members present—not a quorum.

Mr. KING. I move that there be a call of the House.

Mr. WILSON. I move that the House do now adjourn. It is now ten o'clock.

The motion to adjourn was not agreed to on a division, there being ayes 30, noes 78.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Louisiana that there be a call of the House.

Mr. TALBOTT. I demand the regular order.

The SPEAKER protempore. The regular order is the motion that there be a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Chair will state that gentlemen who are absent by leave of the House or have excuses should be exempted from the necessity of attending. Excuses would now be in

Mr. BLACKBURN. I wish to state, Mr. Speaker, that my colleague from Kentucky, Mr. McKenzie, as is well known to the House, is absent because of sickness. He is not able to be present, and I desire to make the same statement as regards the gentleman from Michigan, Mr. Hubbell. I ask that these two gentlemen shall be excused.

The motion was agreed to.

Mr. WILSON. I move that Mr. STEPHENS, of Georgia, be excused from attendance this evening.

The motion was agreed to.

Mr. SAMFORD. My colleague, Mr. Herndon, is detained from
the House on account of indisposition, and I ask that he be excused.

The motion was agreed to.

Mr. PHILIPS. I wish to state that my colleagues, Mr. Davis and Mr. Sawyer, are detained from the House on account of sickness, and I ask that they be excused.

and I ask that they be excused.

The motion was agreed to.

Mr. STEELE. I beg to state, Mr. Speaker, that my colleagues, Mr. ARMFIELD and Mr. SCALES, are detained from the House by reason of illness, and I hope they will be excused.

The motion was agreed to.

Mr. McMILLIN. My colleague, Mr. ATKINS, is, as the House knows, quite indisposed. I desire to have him excused, if it has not already been done.

been done.

been done.

The motion was agreed to.
Mr. REAGAN. I suggest, Mr. Speaker, that Mr. FERNANDO WOOD
be excused, as the House knows his condition.
The motion was agreed to.
Mr. BRAGG. I move that Mr. James, of New York, be excused.
He has been obliged to go to his home on account of sickness.

The motion was agreed to.

The motion was agreed to.

Mr. AIKEN. My colleague, Mr. O'CONNOR, is absent by reason of sickness. I move that he be excused.

The motion was agreed to.

Mr. REED. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. REED. My point of order is that this list of absentees is a list which was discovered in the Committee of the Whole, and that now the House must proceed to a call of the House, and thereupon the House can order the attendance of its members who are absent from that call and without excuse. My point is that, with regard to the list of absentees as reported from the Committee of the Whole, it is

not in order at this time for the House to proceed to excuse them.

The SPEAKER pro tempore. The Chair will remind the gentleman from Maine the list of absentees has been reported to the House and

read in the House.

read in the House.

Mr. REED. But, if the Chair will permit me, the second division of Rule XXIII, on page 180 of the Manual, provides that the names of the absentees shall be reported to the House, and that is the end of that proceeding. And now, in the House, the gentleman from Louisiana [Mr. KING] has moved for a call of the House.

The SPEAKER pro tempore. And that has been ordered.

Mr. REED. And after there has been a call of the House and a discovery of the absentees the House thereupon orders the attendance of such as are not excused. The Speaker will find that provided for in the second section of the fifteenth rule, on page 175 of the

for in the second section of the fifteenth rule, on page 175 of the Manual.

The SPEAKER pro tempore. The clause of the rule to which the gentleman from Maine refers relates to a call which originates in the

Mr. REED. I am probably not making myself clear to the Chair. On the one hundred and eightieth page is the rule which refers to the action which is taken with regard to absentees in Committee of the Whole. That is the second section of the twenty-third rule. The provision there is:

vision there is:

The chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

The SPEAKER pro tempore. And that has been done.

Mr. REED. And that having been done the gentleman from Louisiana has moved that there be a call of the House, and that has been carried. And the only thing in order now is a call of the House. After a call of the House there will then be an order of the House to summon any absentees; and then there may be a chance for gentlemen to present the excuses which have now been offered, which may reveat the House from sending for such absentees as which have now been there are not present the House from sending for such absentees as which have now been there are not present the House from sending for such absentees as which have now been there are not present the House from sending for such absentees as which have now been discretely he are prevent the House from sending for such absentees as shall be ex-

The SPEAKER pro tempore. It is simply a question as to whether the excuses shall be received before the Sergeant-at-Arms is ordered to bring in the absentees, or after there has been a call of the House.

Mr. REED. There may be a quorum in the House, I submit to

the Chair.

The SPEAKER pro tempore. But the report made by the Committee of the Whole House shows there is no quorum.

Mr. REED. That was in the committee; but a call of the House

may show there is a quorum here.

may show there is a quorum here.

The SPEAKER pro tempore. The gentleman from Maine then desires that the roll be called in the House?

Mr. REED. Precisely; and that may disclose a quorum, in which case there may be no need of going into the question of why members are absent. If the Chair will read the second section of Rule XV he will see after the call of the House has been ordered—

The names of the members should be called by the Clerk and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may by order of a majority of those present be sent for and arrested, &c.

The House has now ordered a call of the House, and that is the

only thing now in order.

Mr. SPRINGER. There is nothing in the rule that defines the time in which excuses may be offered. In fact it is in order at any time when the House is in session for any member to have an application made to excuse him from attendance at the sessions of the House for any reason. It is a question of privilege. It is not necessary that an excuse should not be presented until a call is ordered. It is in order at any time because the rules require any member to be here at any time and any member who is not now in his seat and not excused is absent without leave, and is violating the rules of the House. But a request that an absent member be excused may be made at any moment.

Mr. REED. Does the gentleman say the proceedings of the House can be interrupted by excuses for absence of members, except under the section of the rule I have read, which provides that absent members may be sent for?

Mr. SPRINGER. At any time when the House is in session it is in order for any member to rise and ask that a colleague be excused.

Mr. TOWNSHEND, of Illinois. I move that the Sergeant-at-Arms

Mr. TOWNSHEND, of Illinois. I move that the Sergeant-at-Arms be directed to bring in the absentees.

The SPEAKER pro tempore. A call of the House has been ordered, and before the Sergeant-at-Arms is directed to proceed to bring in absentees gentlemen are making excuses for absent colleagues and asking that certain members be excused from attendance this evening. It seems to the Chair to be as good a time as any to make excuses. After that the Sergeant-at-Arms will be ordered to bring in

absentee Mr. PRICE. There must be a call of the House before that is done.
Mr. VALENTINE. The Sergeant-at-Arms will not be directed to
bring in absentees as reported by the chairman of the Committee of
the Whole House.

The SPEAKER pro tempore. Under the order of the House there will be a call of the roll.

Mr. VALENTINE. That is what we want.

Mr. VALENTINE. That is what we want.

Mr. HUNTON. I beg leave to state that my colleague, General
JOHNSTON, is too unwell to attend the session of the House this evening. I ask that he be excused.

There was no objection.

Mr. VAN VOORHIS. My colleague from New York, Mr. CrowLEY, is confined to his house by illness, and has been for several days.
I ask that he be excused.

There was no objection

There was no objection.

Mr. KING. My colleague, Mr. Gibson, and also my colleague, Mr. Elam, are too unwell to attend night sessions, and I ask that they be excused.

There was no objection.

Mr. HARRIS, of Virginia. I ask that Mr. BUCKNER, of Missouri, be excused. I know he is indisposed, and should not be required to

come out to-night.

There was no objection.

Mr. RICE. I ask that Mr. JOYCE, of Vermont, be excused on account of sickness

There was no objection.

Mr. THOMAS. I ask that my colleague, Major HAWK, who has but one leg and is too unwell to attend night sessions, be excused.

There was no objection.

Mr. CARPENTER. I ask that my colleague from Iowa, Mr. UPDE-GRAFF, be excused. He is absent to-night on account of sickness in his family.

There was no objection.

Mr. BREWER. Mr. Felton, of Georgia, is detained at his room by reason of the illness of his wife. I ask that he be excused.

There was no objection.

Mr. ERRETT. I ask that my colleague, Mr. BAYNE, be excused.
He is absent on account of indisposition.

There was no objection.

Mr. WARD. I ask that my colleague, Mr. Godshalk, be excused on account of sickness.

There was no objection.

Mr. COFFROTH. I ask that my colleague, Mr. Bachman, be excused. He has been called home by reason of sickness in his family.

There was no objection.

Mr. MANNING. I ask that my colleagues, Mr. Money and Mr. Singleton, be excused. Mr. Money is quite unwell, and Mr. Singleton, as all know, is an old man, and they should not be required to be out at night in this inclement weather.

There was no objection.

Mr. ATHERTON. It seems to me that there is an extraordinary Mr. ATHERTON. It seems to me that there is an extraordinary condition of sickness and want of ability on the part of members to attend here. There seems to be some terrible disease in the city. Therefore, as there seems to be an epidemic to such an extent that we cannot get along with the business of the House, I move that all further proceedings under the call be dispensed with.

Mr. VAN VOORHIS. I rise to a point of order upon that motion. Mr. RICE. The call has not yet been had.

The SPEAKER pro tempore. The call has been ordered but not yet had. The gentleman from Ohio [Mr. ATHERTON] moves to dispense with all further proceedings under the call.

The question was taken upon the motion of Mr. ATHERTON, and

The question was taken upon the motion of Mr. ATHERTON, and upon a viva voce vote the Speaker pro tempore announced that the noes

seemed to have it.

Mr. ATHERTON. I call for a division on that question.

Many Members. Oh, no!

Mr. FRYE. If there is to be a call of the House, what is the use of keeping us here all night to get it? Why not keep on and get through with the call by twelve o'clock?

Mr. ATHERTON. I do not want to stay here all night; I am sick.

The motion of Mr. ATHERTON was not agreed to, upon a division-

ayes 18, noes 72.

Mr. TOWNSHEND, of Illinois. I move that the doors be now closed.

The SPEAKER pro tempore. The roll will first be called.
The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Acklen,	Davis, Lowndes H.	Joyce,	Robeson.
Aldrich, N. W.	De La Matyr,	Keifer,	Russell, W. A.
Aldrich, William	Deuster,	Kelley,	Ryan, Thomas
Anderson,	Dick,	Ketcham,	Ryon, John W.
Armfield,	Dunn,	Killinger,	Sawyer,
Atkins,	Dwight,	Kimmel,	Scales.
Bailey,	Elam.	Kitchin,	Scoville,
Baker.	Ellis,	Klotz,	Shallenberger.
Ballou.	Ewing,	Knott,	Singleton, J. W.
Barlow,	Felton,	Lapham,	Singleton, O. R.
Bayne,	Ferdon,	Lounsbery,	Slemons,
Belford.	Finley,	Lowe,	Smith, A. Herr
Beltzhoover,	Fisher,	Marsh,	Smith, Hezekiah B.
Bingham,	Forsythe,	Martin, Joseph J.	Smith, William E.
Blackburn,	Frost,	Mason,	Speer,
Bland,	Gibson,	McCoid,	Starin,
Bliss,	Godshalk,	McKenzie,	Stephens,
	Gunter,	McLane,	Stone,
Blount,	Hammond, John	Miles,	
Boyd,			Taylor, Ezra B.
Brigham,	Hammond, N. J.	Mitchell,	Taylor, Robert L.
Bright,	Harmer,	Money,	Thompson, P. B.
Browne,	Haskell,	Monroe,	Turner, Thomas
Buckner,	Hatch,	Muldrow,	Updegraff, Thomas
Butterworth,	Hawk,	Muller,	Urner,
Cabell,	Hayes,	Murch,	Van Aernam,
Caldwell,	Heilman,	Myers,	Vance,
Calkins,	Henderson,	Neal,	Waddill,
Camp,	Henkle,	New,	Wait,
Caswell,	Herbert,	Newberry,	Warner,
Chalmers,	Herndon,	Nicholls,	Washburn,
Chittenden,	Hill,	O'Brien,	Weaver,
Claffin,	Hooker,	O'Connor,	Wells,
Clardy,	Horr,	O'Neill,	White,
Clark, Alvah A.	Houk,	O'Reilly,	Wilber,
Clark, John B.	Hubbell,	Orth,	Williams, C. G.
Clymer,	Hull,	Osmer,	Willis,
Cobb,	Humphrey,	Overton,	Wise,
Converse,	Hurd,	Persons,	Wood, Fernando
Cook,	Hutchins,	Phelps,	Wood, Walter A.
Cox,	James,	Poehler,	Wright,
Crowley,	Johnston,	Ray.	Yoeum,
Davidson,	Jones,	Richardson, D. P.	Voung Casey
Davis, Joseph J.	Jorgensen,	Robertson,	Young, Casey Young, Thomas L.
and to o o o o o o o	o or Bonnowi	2102040004	Transfer Transfer Tra

The SPEAKER pro tempore. The call of the roll discloses the presence of one hundred and twenty-one members; not a quorum. The doors will now be closed.

Mr. SAPP. I understood the name of my colleague, Mr. Upde-GRAFF, of Iowa, was called. He was excused. The SPEAKER pro tempore. The names of all the members have been called, absentees and others; but only such as are absent with-out an excuse will be sent for should the House order the absentees to be sent for.

Mr. KING. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of this House such of its members as are now absent without its leave.

Mr. PRICE. May I say a word on that? [Cries of "Question!"

"Question!"]
The SPEAKER pro tempore. The resolution is not debatable.
The question being taken on the adoption of the resolution, it was

agreed to; there being—ayes 80, noes 22.

The SPEAKER pro tempore. The Sergeant-at-Arms will arrest and bring in all members absent without leave.

Mr. COFFROTH. I ask that my colleague, Mr. WRIGHT, be excused on account of bad health.

There being no objection, Mr. WRIGHT was excused.
Mr. McKINLEY. I ask that my colleague, Mr. Monros, be excused.
The SPEAKER pro tempore. Is there objection?

Several members objected.

The question being put on excusing Mr. Monroe, it was not agreed to. Mr. HISCOCK. I desire to ask that my colleague, Mr. Mason, be

The question being put on excusing Mr. Monroe, it was not agreed to. Mr. HISCOCK. I desire to ask that my colleague, Mr. Mason, be excused.

Mr. HAZELTON. I object. The last time I saw him he was well. Mr. MANNING. I move that Mr. SMITH, of Georgia, be excused. There being no objection, the motion was agreed to. Mr. COWGILL. I ask that my colleague, Mr. Orth, be excused. He is advanced in age, and I know that he is not in very good health. The SPEAKER pro tempore. Is there objection? Mr. BERRY. I object.

Mr. HAZELTON. He is not sick; and he is a much younger man than this gentleman who makes the motion.

Mr. HAWLEY. I ask that my colleague, Mr. Wait, who ought not to be brought out in this weather, be excused.

Mr. WILSON. I object.

Mr. TOWNSHEND, of Illinois. What is the matter with him? Mr. HAWLEY. I do not know that Mr. Wait is ill at all; but he ought not to be brought out, for I think it might make him ill.

Mr. TALBOTT. He ought to be excused.

The question being taken on excusing Mr. Wait, it was agreed to. Mr. KING. As I have heard some discontent expressed on the part of some gentlemen present, I deem it my duty to state that this determination to have a call of the House and to summon members here is not captious. It is known that heretofore sessions have been held night after night when there was no quorum present; and at those sessions important legislation has been enacted, bills involving very large amounts of money have been passed—

Mr. VAN VOORHIS. I rise to a question of order. I submit that debate is not in order.

The SPEAKER pro tempore. The point of order is well taken. There is no question before the House.

The SPEAKER pro tempore. The point of order is well taken. There is no question before the House.

Mr. KING. I have the floor, I believe. [Laughter, and cries of "Regular order!"] I think it is time this mockery should be put an

The SPEAKER pro tempore. The gentleman from New York makes the point of order that debate is not in order, and the Chair sus-

Mr. KING. That it should be decided—
The SPEAKER pro tempore. The gentleman is not in order. There

is no question before the House.

Mr. KING. I was just making an explanation.

Mr. SAMFORD (at eleven o'clock and five minutes p. m.) moved the House adjourn.

The motion was disagreed to.

The deputy sergeant-at-arms appeared at the bar, having in custody Mr. HAMMOND, of New York, in obedience to the order of the

The SPEAKER pro tempore. Mr. HAMMOND, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. HAMMOND, of New York. I have not really been absent from the Capitol, although not present during the roll-call. Mr. FRYE. I move the gentleman be excused.

The motion was agreed to.

Mr. MARTIN, of West Virginia, (at eleven o'clock and thirty minutes p. m.) moved the House adjourn.

the p. m.) moved the House adjourn.

The House divided; and there were—ayes 25, noes 51.

So the motion was disagreed to.

Mr. SAPP. I move that all further proceedings under the call be dispensed with. [Cries of "Oh, no!"]

Mr. ATHERTON. I demand a division.

The House divided; and there were—ayes 19, noes 59.

So the motion was disagreed to.

Mr. EINSTEIN. Mr. Speaker, I rise to a question of information.

The House seems to have considerable spare time to-night, and I wish to know whether it would be in order, by a vote of the House wish to know whether it would be in order. wish to know whether it would be in order, by a vote of the House, to allow those who could not get an opportunity to debate the funding bill to do so now, until the absentees are brought in: [Cries of "Regular order!"

"Regular order!"]
Mr. TOWNSHEND, of Illinois. I wish to inform the House that
the street cars will cease running in ten minutes, and I think we had
better adjourn. I make that motion.

Mr. MARTIN, of West Virginia. Has there been any intervening

business?

The SPEAKER pro tempore. There has been a motion to dispense with all further proceedings under the call, which was voted down. Does the gentleman insist on his motion to adjourn?

Mr. TOWNSHEND, of Illinois, (at eleven o'clock and fifty minutes many).

p. m.) I do.

The House divided; and there were—ayes 22, noes 52.

So the House refused to adjourn.

Mr. ATHERTON. I move that the gentleman from North Care-

lina [Mr. STEELE] be permitted to address the House for five min-On what subject ?-the Monroe doctrine ?

Mr. STEELE. I do not know anything about the Monroe doctrine.

I leave that to Brother King, of Louisiana.

Mr. ATHERTON. Is consent granted? [Cries of "Regular order!"]

Mr. STEELE. I would like to know as a matter of parliamentary inquiry whether it would be in order for the gentleman from Daven-

port, Iowa, to make a personal explanation now upon the subject of veracity connected with the funding bill? [Laughter.]

The SPEAKER pro tempore. The gentleman from Iowa has not

asked it.

Mr. STEELE. It is a wonder he has not.
Mr. SAPP. He has gone to the restaurant.
Mr. STEELE. He will be so thoroughly inspired when he returns that he will be perfectly scintillatic. [Laughter.] That is a big word for my friend, his colleague.

The deputy sergeant-at-arms appeared at the bar having in custody, in obedience to the order of the House, Mr. Speer and Mr.

The SPEAKER pro tempore. Mr. Speer, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. SPEER. I desire to say, Mr. Speaker, that I should not have been absent from this midnight session had I been aware of the fact there would have been a call of the House. [Laughter.] I had not the slightest anticipation there would be that degree of controversy this evening on matters before the House to necessitate so extraordings.

this evening on matters before the House to necessitate so extraordinary a proceeding. [Laughter.]

Mr. McMAHON. That is where you missed it.

Mr. SPEER. I have to say in excuse for myself, and perhaps because the people at home will not exactly know the character of this arrest and the nature of these proceedings, that I have been at work all day in discharge of my congressional duties since the meeting of the Election Committee this morning, and I regarded that to-night as a matter of course the business of the Private Calendar would be transacted without my important and valuable assistance. [Langhtransacted without my important and valuable assistance. [Laugh-

Mr. McGOWAN. I move the gentleman be excused.

The House divided; and there were—ayes 49, noes 12.

So the motion was agreed to.

The SPEAKER pro tempore. Mr. KITCHIN, you have been absent from the session of the House without its leave. What excuse have you to offer?

Mr. KITCHIN. I have two excuses.
Mr. HAZELTON. One is enough.
Mr. KITCHIN. I do not know either will be satisfactory.
Mr. HAZELTON. One at a time.
Mr. KITCHIN. One is I thought this was a session for the business of the District of Columbia, [laughter,] and as nobody has anything to do in the House but those on the committee, I thought it might be left to them.

Mr. HAZELTON. Too thin.
Mr. KITCHIN. Besides, I have been taught the Lord set apart the night for rest, and I was availing myself of that blessed dispensation. [Laughter.]

Mr. WILSON. I move the gentleman be excused.

The motion was agreed to.

Mr. SPEER. Mr. Speaker, I desire to make a parliamentary inquiry. I wish to ask if the gentleman from Missouri [Mr. Frost] was not on the list of absentees when the roll was called?

Mr. HAZELTON. Yes; certainly.
Mr. SPEER. And I wish to know how that gentleman reached the floor of the House without making the excuse some of us have been compelled to make.

Mr. VAN VOORHIS. He came in through the window. [Laughter.] [Cries of "Bring him before the bar of the House!"]
Mr. STEELE. "Farewell heat and welcome frost." [Great laugh-

The deputy sergeant-at-arms appeared before the bar of the House and announced that he had in custody, by order of the House, Mr.

The SPEAKER pro tempore. Mr. Frost, you have been absent from the House without its leave during its sitting. What excuse have you to offer?

Mr. FROST. Mr. Speaker, I beg pardon, but I think there is some error upon the part of the Sergeant-at-Arms in announcing that I am under arrest here. I am not aware of that, and have not been brought before the bar of the House. If I rise now, it is simply for the purpose of moving to adjourn. [Laughter.]

Mr. McMAHON. The gentleman cannot do that, as he is not here. The SPEAKER pro tempore. The Chair cannot recognize the gentleman to make that motion as long as his name appears upon the list of absentees.

of absentees

Mr. FROST. I move to correct the record, then; because it is cer-

tainly an error in that respect.

The SPEAKER pro tempore. Does the gentleman state that he was within the bar of the House at the time the roll of absentees was

Mr. FROST. Mr. Speaker, at the time the list was called, I presume that I was very soundly asleep. I was awakened by an invitation by some party to me unknown, announcing that there was a roll-call in progress. With that alacrity with which I endeavor to pertion by some party to me unknown, announcing that there was a roll-call in progress. With that alacrity with which I endeavor to perform the duties of a member of this House, I immediately presented myself here. I had not seen the Sergeant-at-Arms until I entered the House and was in my seat.

The SPEAKER pro tempore. The gentleman states that he was absent from the House at the time the roll was called, but that he has

not been arrested. He offers this as an excuse; what will the House do

Mr. HAZELTON. Put him on trial.
Mr. VAN VOORHIS. Put him under arrest.
Mr. FROST. Mr. Speaker, I do not think that the motion just made is in order. If I understand my constitutional rights here, I am privileged from arrest except for felony or breach of the peace, neither of which I have committed. I have not been brought before the bar of the House to answer for anything. I came voluntarily here and

of which I have committed. I have not been brought before the bar of the House to answer for anything. I came voluntarily here and have made my excuse.

Mr. DICKEY. As the gentleman has reported without being arrested, I move that he be excused.

Mr. HAZELTON. I have already made a motion before that he be brought before the bar of the House and give reasons for his arrest. The SPEAKER pro tempore. The gentleman has not been arrested, but has voluntarily appeared before the House, and has given his reasons for his absence, although his name appears upon the list of those who were not present when the roll was called.

Mr. VAN VOORHIS. I understand the gentleman to defy the power of the Speaker and of the House.

The SPEAKER pro tempore. The Chair does not so understand. The Chair understands the gentleman to offer what he considers a sufficient excuse for not being here. He states in effect that he was not arrested, but is now here and offers his excuse.

Mr. WILSON. I move that he be allowed to go his way and sin no more. [Laughter.]

Mr. COVERT. I move that the gentleman be excussed.

The motion was agreed to.

The deputy sergeant-at-arms appeared before the bar of the House having in custody, under the order of the House, Mr. Anderson and Mr. Forsythe.

Mr. FORSYTHE

The SPEAKER pro tempore. Mr. Anderson, you have been absent from the sitting of the House without leave. What excuse have you to offer?

Mr. ANDERSON. The reason is simple. [Cries of "Louder!" "Louder!"

Mr. ANDERSON. How much time have I †
Mr. HAZELTON. Let him have as much time as he wants.
A MEMBER. Give him leave to print.

Mr. ANDERSON. The reason of my absence is because I have been sick and at home all day. Another reason is that it is a physical impossibility for the same man to be in two different places at the same time. I wanted good company, and I found it at home.

possibility for the same man to be in two different places at the same time. I wanted good company, and I found it at home.

Mr. COVERT. I move the gentleman be excused.

The motion was agreed to.

The SPEAKER pro tempore. Mr. FORSYTHE, you have been absent from the House during its sittings without leave. What excuse have you to offer? you to offer?

Mr. FORSYTHE. Mr. Speaker, I have been absent, I will admit. [Cries of "Londer!"] One of the first lessons that I was taught in

[Cries of "Louder!"] One of the first lessons that I was taught in early life—

Mr. UPDEGRAFF, of Ohio. That is going back a long way.

Mr. FORSYTHE. Was that it was not wise to be out late of nights; that people who are accustomed to that sort of thing would probably come to no good. [Laughter.] In pursuance of that—

Mr. VAN VOORHIS. You came here—

Mr. FORSYTHE. I was in my room and had prepared myself—

Mr. VAN VOORHIS. What for?

Mr. FORSYTHE. To retire to my couch and sleep, perhaps to dream, when the sanctity and privacy of my room was invaded by the Sergeant-at-Arms, who informed me that the light of my countenance, together with my counsel and advice, was greatly desired by the Sergeant-at-Arms, who informed me that the light of my counternance, together with my counsel and advice, was greatly desired by this august assembly here to-night. [Laughter.] I immediately invested myself in that of which I had divested myself. [Laughter.]

Mr. VAN VOORHIS. What was that?

Mr. FORSYTHE. And repaired to the House in obedience to the command and flattering invitation of the Sergeant-at-Arms for my presence here. That is the only reason I have in the world for being here at all

Mr. UPDEGRAFF, of Ohio. Now give us your reasons for being

Mr. HAZELTON. That is what I want to know, and that is what

Mr. HAZELTON. That is what I want to know, and that is what you were brought here for.

Mr. FORSYTHE. The reasons for my being absent are so many, so very numerous, that it is absolutely impossible for me to undertake to give them all to you to-night.

Mr. HAZELTON. Give us a few of them.

Mr. FORSYTHE. And this invitation being so sudden, so startling, and so pressing that it would be presuming upon the patience of this august body to attempt to enumerate them.

Mr. MARTIN, of West Virginia. I move that he be admitted to bail.

Mr. UPDEGRAFF, of Ohio. I will agree to that if he does not speak any more

Mr. ATHERTON. I move that he be excused.

The House divided; and there were—ayes 45, noes not counted.
Mr. TALBOTT. I demand tellers.
The SPEAKER pro tempore. There being no further count demanded, the gentleman is excused.
Mr. TALBOTT. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.
Mr. TALBOTT. I would like to ask the Chair how he can excuse
gentlemen while a demand for tellers was pending. A call for tellers
was made to ascertain whether the House desired to excuse the gentleman, and while that was pending the Chair has decided on a rising vote that he was excused.

The SPEAKER pro tempore. The Chair thinks the gentleman having been tried once cannot be put on his trial again.

Mr. MORTON, (at 12.45 a. m., Saturday.) I move that the House

do now adjourn.

do now adjourn.

The question being taken, there were—ayes 36, noes 56.

So the House refused to adjourn.

Mr. SAMFORD. I rise to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SAMFORD. I understand there are as many leaving the Hall as have been brought in. Can we not have another roll-call?

The SPEAKER pro tempore. The Chair, in obedience to the order of the House, directed the doors to be closed, and presumes the order has been complied with. has been complied with.

has been complied with.

A MEMBER. A very violent presumption.

Mr. ATHERTON. A presumption of law, not of fact.

Mr. TOWNSEND, of Ohio. It is rather tedious waiting here. A good many gentlemen want to return to their homes. I move that the House take a recess until eleven o'clock.

The SPEAKER pro tempore. That motion is not in order. The House is without a quorum, and while a call of the House is proceeding it is not competent to take a recess.

Mr. BRAGG. I move that all further proceedings under the call be dispensed with.

Mr. WILSON. I move to amend that motion so as to provide that this session of the House shall not continue longer than seven o'clock.

this session of the House shall not continue longer than seven o'clock

this morning.

The SPEAKER pro tempore. The motion of the gentleman from Wisconsin is not susceptible of amendment.

The question being taken on Mr. Briggs's motion, there were—ayes

22, noes 50.
So the motion was not agreed to.
Mr. STEVENSON. I ask that by unanimous consent we proceed to consider the pension bills on the Calendar to which there is no objection. We might as well consider those bills while we are wait-

ing for a quorum.

The SPEAKER pro tempore. That cannot be done. The pension bills are in Committee of the Whole House, and the House is now in

session and proceeding under a call.

Mr. FROST. I desire to offer a motion, to which I trust there will be no objection. I move that the gentleman from Louisiana [Mr. King] be excused from further attendance.

Mr. MILLS. For what reason?
Mr. EINSTEIN, The gentleman has not asked to be excused.
Mr. FROST. It is out of consideration for the gentleman's modesty that I am induced to move that he be excused.
Mr. VAN VOORHIS. I make the point of order that the time for

excuses has gone by.

The SPEAKER pro tempore. The gentleman from Louisiana does not appear to want to be excused.

Mr. FROST. I desire to make a motion which I am confident will Mr. FRUST. I desire to make a motion which I am confident will meet with success. I move that the gentleman from Georgia [Mr. SPEER] who has displayed such a kindly interest in the proceedings of this House and in my individual welfare, be allowed to address the House upon the Tugaloo and the necessity of improving that stream, which I believe flows through his district. I hope the gentleman will not be limited as to time.

Several MEMBERS. No objection.

After a short interval

After a short interval,

After a short interval,
Mr. SPEER said: I have been reflecting upon the aggressive remarks made before this House a moment ago by the gentleman from Missouri [Mr. FROST] in relation to the Tugaloo River. I think there is a cevert sarcasm in that gentleman's remarks which it is, perhaps, impossible for this House to discover. I have reflected upon what he has said, and I find it is impossible to see the sarcasm myself. But I cannot permit anything that can possibly be construed as a reflection on the Tugaloo River to pass this House unnoticed.

A MEMBER. What river is that?
Mr. SPEER. The Tugaloo River, which is famed not only for the character of the people who inhabit its classic banks, but for its pellucid waters, and for the further fact that it is one of the headwaters of our great Savannah. I desire to say the gentleman from Missouri has no river within the limits of his own State that compares in any sense with the Tugaloo; and if he would devote some of the extreme energy which he has devoted to the development of the muddy streams of his own territory to the development of such a stream as streams of his own territory to the development of such a stream a the Tugaloo and the waters of which it is one of the tributaries, it might perhaps be better for the country.

Mr. TALBOTT. Will the gentleman allow me to ask him one

question ?

question?
Mr. SPEER. Certainly.
Mr. TALBOTT. What is the width of that stream?
Mr. SPEER. That stream is a great deal broader, I believe, than the comprehension of the gentleman from Maryland. [Laughter and applause.] I rather think that my friend from Missouri intends to reflect upon a speech which I made during the last session in which I

incidentally alluded to the Tugaloo. I assure the gentleman that I was quite as sincere in the encomiums which I pronounced on that stream as he was when he delivered several magnificent eulogies here last session in praise of Mr. Parnell, the Irish liberator. It was a long time before I could understand why the gentleman from Missouri was so wonderful an admirer of that great patriot who is now giving so much trouble to the effete monarchy of Britain.

I afterward ascertained that the gentleman had an extraordinarily large Hibernian vote in his own district. This explains his enthusiasm satisfactorily to me, and I have no doubt will explain it satisfactorily to others who may have been meditating upon it. I trust now that I am even with the gentleman for his ironical allusion to the Tugaloo. My love for that beautiful mountain stream is not, I submit, more unnatural than the gentleman's fondness for Green Erin, the "gem of the sea."

Mr. FROST. We appear to be in Committee of the Whole on the

state of the Union.

Mr. EINSTEIN. No, we are out of that.

Mr. EINSTEIN. No, we are out of that.

Mr. FROST. At least any manner of remarks seem to be in order, for the House appears to be willing to listen to almost anything that may be said. We have arrived at a very happy period in our political history, for since the result of our last election I believe the time has come when not only can the lion lie down with the lamb, but republicans and democrats can meet upon this floor and amuse themselves during the late hours of the night.

A MANNER P. Vary early in the mountage.

A MEMBER. Very early in the morning.

Mr. FROST. I stand corrected. I regret very much that the gentleman from Georgia [Mr. Speer] should entertain any disposition to "get even" with me. I had no idea at all of alluding to a speech delivered by the gentleman at the last session. Indeed, I had not the pleasure of hearing him deliver that speech, nor have I read it in the RECORD.

RECORD.

Mr. SPRINGER. Nor in the public press.

Mr. FROST. Nor had I seen any allusion to it in the numerous publications to which the gentleman from Illinois [Mr. Springer] alludes. When I alluded to the Tugaloo it was because it seemed to me that I had a dim recollection of having heard or seen the name of that stream with many other names before unknown to me in that gigantic bill which we will shortly be called upon to pass, known as the river and harbor bill.

My knowledge of geography has been very materially increased by

My knowledge of geography has been very materially increased by a careful scrutiny of that bill. Streams hitherto unknown to me, as I believe they were unknown to many other gentlemen, among them even the "pellucid Tugaloo," were brought to my knowledge, greatly to my advantage, but I think very greatly to the detriment of the Treasury of the United States.

Now, the gentleman from Georgia, I understand, represents an extensive by the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia, I understand, represents an extensive the gentleman from Georgia,

Now, the gentleman from Georgia, I understand, represents an extremely homogeneous constituency, composed largely of Americans, but also to a considerable extent of gentlemen of African descent. I have observed, and it does equal credit to his intelligence and to his heart, that whenever any proposition comes before this House having for its object the welfare of his constituents, whether they be of the proud Anglo-Saxon race or of the recently lowly African, all of his efforts are expended for the welfare of either.

In my humble way I try to represent those who send me here. I have, it is true, as I suppose every other gentleman in this House has, a considerable number of the descendants of the Irish race in my district. I myself have some Irish blood in my veins.

A Member. Let it out. [Laughter.]

Mr. FROST. And if I had no Irish blood in my veins, and if I had not a single Irishman in the constituency I represent, I should still retain toward the Irish people kindly sentiments for what they accomplished during our revolutionary struggle and for that which they have accomplished since then and during the first century of our existence, for it would entitle them not only to my sympathy but I believe to the sympathy of every American in this country.

Mr. ATHERTON. I believe that is not germane to the bill. [Laughter.]

ter.]
Mr. FROST. We have been traveling somewhat aside from the bill.
Mr. EINSTEIN. What is your opinion of the Chinese question?

Mr. FROST. With regard to the Chinese question, I think we had better adopt the platform of the republican party. I believe that platform contains more definite opinions on that point than any I can

Mr. EINSTEIN. One moment, if the gentleman will allow me. While I will not go back on the platform of the republican party, I desire to say that there was a letter said to have been written by a man of the name Morey, which letter came from the democratic party and which was used in their behalf.

Mr. FROST. "Shake not thy gory locks at me; thou canst not say

Mr. EINSTEIN. I never for a moment would believe that a gentleman of the position and standing of the gentleman from Missouri [Mr. Frost] would do anything of the kind. I only say that his party did it.

Many Members. Oh, no!
Mr. EINSTEIN. I am speaking for my State, and of what I know happened there, for it happened that the letter originated in New

Mr. FROST. If that letter ever obtained any credence whatever

McMahon

in this country, it was because that, while it may have been a forgery—and I believe it was a forgery, and never claimed otherwise on the stump or elsewhere—it was because it represented the principles which have been advocated on this floor by the party of the gentleman from New York, and notably by the gentleman to whom the letter was attributed. [Laughter.]

Mr. VAN VOORHIS. I think both gentlemen are mistaken. I believe Beb. Butler wrote that letter. [Renewed laughter.]

Mr. MORTON. I move that all further proceedings under the call of the House he dispensed with

Mr. MORTON. I move that all further proceedings under the call of the House be dispensed with.

The SPEAKER pro tempore. No business has intervened since a similar motion was made and voted down. [Laughter.]

Mr. BRAGG. I move that the House now adjourn.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in pursuance of the order of the House, Mr. HELLMAN, Mr.

NEWBERRY, and Mr. DICK.

The SPEAKER pro tempore. Mr. Hellman, you have been absent from the sittings of the House without its leave. What excuse have

you to offer ?

you to offer?

Mr. HEILMAN. I was not very well to-night—
Mr. HAZELTON. I move that the gentleman be allowed to speak
in his native tongue. [Laughter.]

The SPEAKER pro tempore. The gentleman can take his choice.
Mr. HEILMAN. Mr. Speaker, I believe in doing business in business hours. I do not believe in this nonsense. [Laughter.] It affects
me very materially if I do not have a proper amount of rest, and I
am very sorry that I was called here to-night; I should not have
been; it will hurt my health; I will feel it for a week. [Laughter.]
Mr. PACHECO. I move that the gentleman be excused.

The motion was agreed to; there being ayes 46, noes not counted.
The SPEAKER pro tempore. Mr. Newberry, you have also been
absent from the sittings of the House without its leave. What excuse have you to offer?

absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. NEWBERRY. Mr. Speaker, I appear before the House in a very humble and contrite frame of mind; and when I look upon these distinguished men, some of them unfledged Senators—two or three on their way to promotion—I feel a great deal deeper grief than I ever did before; but it is for them, not for myself. Still I feel very much like apologizing to the House for having given them the trouble of sending for me. If I had known what a jovial assembly was here I should have hastened here hours ago. I would not have been deprived of the pleasure of participating in the proceedings of this assembly for anything. If the Sergeant-at-Arms will give me due credit, he will say that I arose with the greatest alacrity. I am here now to submit to the judgment of the House.

Mr. BREWER. I move that my colleague [Mr. Newberry] be excused.

Mr. TALBOTT. Provided he will promise to stay here.
The motion of Mr. Brewer was agreed to.
The SPEAKER pro tempore. Mr. Dick, you have likewise been absent from the sessions of the House without its leave. What

absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. DICK. I am ready to accept the apology of the House for having woke me up, because I was where I think the balance of this House ought to be—in bed.

Mr. VAN VOORHIS. In order to bring the matter before the House as the gentleman desires, I move that the House apologize to him for hybriding him here.

House as the gentleman desires, I move that the House apologize to him for bringing him here.

Mr. MORTON. I move that the gentleman be excused.

The motion was agreed to.

Mr. WILSON, (at one o'clock and five minutes a.m.) I move that the House now adjourn.

The question being taken, there were—ayes 48, noes 61.

Mr. WILSON. I demand the yeas and nays on this motion. It is now after one o'clock; there is no quorum here, and it is manifest that we cannot do any business to-night.

The yeas and nays were ordered.

The question was taken; and there were—yeas 55, nays 63, not voting 174; as follows:

YEAS—55.

VEAS-55 Deering, Dibrell, Dickey, Dunnell, Evins, Ford, Forney, Fort, Gillette, Aiken, Atherton, Barber, Sparks, Kenna, Kitchin, Speer, Steele, Manning,
Manrin, Edward L.
McMillin,
Morrison,
Morton, Barber, Berry, Bicknell, Bouck, Bragg, Brewer, Clements, Steele,
Stevenson,
Thompson, W. G.
Tillman,
Townshend, R. W.
Turner, Oscar
Updegraff, J. T.
Whiteaker,
Whitthorne. Coffroth, Goode

Cravens, Culberson, Davis, Horace	Henry, Hostetler, Hunton,	Richardson, J. S. Richmond, Russell, Daniel L.	Williams, Thoma
	NA	YS-63.	
Anderson, Blackburn, Bowman, Briggs, Burrows, Cannon, Carlisle, Carpenter, Conger,	Covert. Cowgill, Crapo, Daggett, Davis, George R. Dick, Errett, Field, Forsythe,	Frost, Frye, Geddes, Hall, Hammond, John Harris, Benj. W. Hawley, Hoilman, Hiscock,	House, King, Ladd, Le Fevre, Lindsey, Martin, Benj. F. McCook, McGowan, McKinley
The second	2270		

Michiganon,	round,	Simonion,	o paon,
Miller,	Prescott,	Springer,	Valentine,
Mills,	Reed,	Talbott,	Van Voorhis,
Morse,	Rice,	Thomas,	Voorhis,
Newberry,	Robinson,	Townsend, Amos	Wellborn,
Norcross,	Sapp,	Tucker,	Willits.
Philips,	Shelley,	Tyler,	New York Control of the Control of t
- mopo,			
		TING-174.	
Acklen,	Davis, Lowndes H		Ryon, John W.
Aldrich, N. W.	De La Matyr,	Kimmel,	Samford,
Aldrich, William	Deuster,	Klotz,	Sawyer,
Armfield,	Dunn,	Knott,	Scales,
Atkins,	Dwight,	Lapham,	Scoville,
Bachman,	Einstein,	Lounsbery,	Shallenberger,
Bailey,	Elam,	Lowe,	Sherwin,
Baker,	Ellis,	Marsh,	Singleton, J. W.
Ballou.	Ewing,	Martin, Joseph J.	Singleton, O. R.
	Polton		Slemons,
Barlow,	Felton,	Mason,	Siemons,
Bayne,	Ferdon,	McCoid,	Smith, A. Herr
Beale,	Finley,	McKenzie,	Smith, Hezekiah B.
Belford,	Fisher,	McLane,	Smith, William E.
Beltzhoover,	Gibson, ·	Miles,	Starin,
Bingham,	Godshalk,	Mitchell,	Stephens,
Blake,	Gunter,	Money,	Stone,
Bland,	Hammond, N. J.	Monroe.	Taylor, Ezra B.
Bliss,	Harmer	Muldrow,	Taylor, Robert L.
Blount,	Harmer, Harris, John T.	Muller.	Thompson, P. B.
David,	Haskell,	Murch,	Turner, Thomas
Boyd,	Hatch,	Myers,	Undown & Thomas
Brigham,			Updegraff, Thomas
Bright,	Hawk,	Neal,	Urner,
Browne,	Hayes,	New,	Van Aernam,
Buckner,	Henderson,	Nicholls,	Vance,
Butterworth,	Henkle,	O'Brien,	Waddill,
Cabell,	Herbert,	O'Connor,	Wait,
Caldwell,	Herndon	O'Neill,	Ward,
Calkins,	Hill,	O'Reilly,	Warner,
Camp,	Hooker,	Orth.	Washburn,
Caswell,	Horr,	Osmer,	Weaver,
Chalmers, .	Houk,	Overton,	Wells,
Chittenden,	Hubbell,	Page,	White,
Claffin,	Hull,	Persons,	Wilber,
	Hull,	Phelps,	Williams C. C.
Clardy,	Humphrey,		Williams, C. G. Willis,
Clark, Alvah A.	Hurd,	Phister,	Willis,
Clark, John B.	Hutchins,	Poehler,	Wise,
Clymer,	James,	Ray,	Wood, Fernando
Cobb,	Johnston,	Richardson, D. P.	Wood, Walter A.
Converse,	Jones,	Robertson,	Wright,
Cook,	Jorgensen,	Robeson,	Yocum,
Cox,	Joyce,	Ross,	Young, Casey
Crowley,	Keifer,	Rothwell,	Young, Thomas L.
Davidson,	Kelley,	Russell, William A	
Davis, Joseph J.	Ketcham,	Ryan, Thomas	The state of the s
Davis, sosepho.	-Caral da all'ann	asjudy anomas	

So the House refused to adjourn.

So the House refused to adjourn.

During the roll-call the following proceedings occurred:

Mr. SAMFORD. I am paired with Mr. Aldrich, of Rhode Island,
on all questions, but am privileged to vote to make a quorum.

Mr. KING. Mr. Speaker, I rise to a parliamentary inquiry. A
great many members have come in and gone out since these proceedings began, and I wish to know whether the order made by the House

ings began, and I wish to know whether the order made by the House for a session to-night was a business order and whether it means anything or, on the contrary, that this is a simple travesty.

The SPEAKER pro tempore. The Chair can of course have no knowledge of the fact stated by the gentleman from Louisiana; but if it be stated as a fact that the Sergeant-at-Arms has permitted members to leave the House after the House has ordered the doors to be closed, of course that is a matter to be inquired into. But the fact that a member does not vote on this roll-call cannot be taken by the Chair as evidence of the fact that he is not here because many mem-Chair as evidence of the fact that he is not here, because many mem-

bers who are present are paired and refrain from voting.

Mr. EINSTEIN. I withdraw my vote, as I am paired with Mr.

Mr. EINSTEIN. I withdraw my vote, as I am paired with Mr. HERBERT, of Alabama.

The SPEAKER pro tempore. The House is engaged in taking a vote, and, after the result has been announced, the Chair will hear anything that the gentleman from Louisiana has to say.

Mr. MANNING. The Sergeant-at-Arms is not the one who has charge of the doors. It is his duty to bring absent members in custodly a the hear of the House.

tody to the bar of the House.

The SPEAKER pro tempore. If the Chair used the name of the Sergeant-at-Arms, it was by mistake. But this is not the time to inquire into that matter while the House is engaged in taking a vote.

quire into that matter while the House is engaged in taking a vote.

Mr. BLAKE. I withdraw my vote.

The SPEAKER pro tempore. The Doorkeeper states to the Chair, and he desires to have it stated to the House, that if any members have gone out they have gone after making a pledge they would return. This has been the usual course pursued in such cases.

Mr. FRYE. He is obliged to keep a record of them and he can tell whether they are out or not.

The SPEAKER pro tempore. Of course, and the Chair presumes that he has done so.

that he has done so.

Mr. ATHERTON. If they are out and have not answered at the roll-call and are not paired, we should order a new call of the House

roll-call and are not paired, we should order a new call of the House in order to bring them in.

The SPEAKER pro tempore. The Chair does not know they are out until that fact appears. That they do not vote on this roll-call is no evidence they are not here, because many members the Chair sees before him have not voted on the roll-call because they are paired.

Mr. TOWNSHEND, of Illinois. If the House adjourns now, does that supersede the call of the House?

The SPEAKER pro tempore. Of course it does.

The vote was then announced as above recorded.

Mr. KING. I rise to a question of order.
The SPEAKER pro tempore. The gentleman will state it.
Mr. KING. I wish to know by what process this House can bring the members here and keep them here. [Laughter.]

Mr. EINSTEIN. I for one, sir— Mr. KING. I do not yield the floor. Mr. EINSTEIN. Just one moment.

Mr. KING. I want an answer to that question. [Cries of "Regular

The SPEAKER pro tempore. The Chair is not aware of any process in the control of the House which will compel gentlemen to remain here except to close the doors as provided by the rules. If gentlemen leave the House after that order has been made, of course it is in the power of the House to censure them, or take such steps as to it may seem proper. The Chair has no power merely as the presiding officer, but the whole matter rests with the House.

Mr. VAN VOORHIS. I move the Clerk read the Doorkeeper's list

of those who have gone out and have not come back.

Mr. TALBOTT. I desire to ask a parliamentary question, and it is this: whether it is in order to move there be another call of the

House?
The SPEAKER pro tempore. It is not.
Mr. EINSTEIN. Well, I believe in asserting the dignity of the House, and I am one of those who agreed with gentlemen who desired to remain here until we could get a quorum; yet we have been here two hours and a half, and have not obtained the presence of more than ten or fifteen members, or at the outside twenty.
Mr. PRICE. We have less now than on the first roll-call.
Mr. EINSTEIN. I am not speaking of what we had on the first roll-call or anything of that kind. I hope the House will be able to adjourn within an hour or two and have a quorum for the transaction of whatever business we are about to do. But, sir, it seems very singular after two hours and a half or three hours we only have fifteen members, in a small city like Washington, brought in by the fifteen members, in a small city like Washington, brought in by the Sergeant-at-Arms.

The Sergeant-at-Arms appeared at the bar, having in custody, in pursuance of the order of the House, Mr. Keifer and Mr. Finley.

The SPEAKER pro tempore. Mr. Keifer, you have been absent from the sitting of the House without its leave. What excuse have

you to offer?

Mr. KEIFER. I have been absent attending to the same duties with about one hundred and seventy-five other members. I was not purposely absent in contempt of the House. My impression was there would be enough members interested in the particular business of tonight to be present in order to transact it. I can only say there was no real reason why I should not have come here if I had understood my presence was essential to the transaction of business. I can say,

hy presented was essential to the transaction of stand however, I came very promptly on being summoned. Mr. WILSON. Upon being arrested. Mr. KEIFER. Not arrested, but summoned. Mr. DICK. I move the gentleman be excused.

The motion was agreed to. The SPEAKER pro tempore. Mr. FINLEY, you have been absent from the sitting of the House without its leave. What excuse have

I have no particular excuse, except I did not sup-

Mr. FINLEY. I have no particular excuse, except I did not suppose I was wanted when my colleague was absent.

Mr. UPDEGRAFF, of Ohio. Make an example of him.

Mr. McGOWAN. I move that the gentleman be excused.

Mr. SIMONTON. Mr. Speaker, we have been here attending to the public business, and our business has been interrupted by the absence of gentlemen. I do not think they ought to get away so easily upon these excuses.

Mr. VAN VOORHIS. It is an outrage.
Mr. SIMONTON. We are here now acting upon a bill involving some \$480,000. I move that he be excused upon payment of that sum. [Laughter.]
Mr. McGOWAN. I insist on my motion that he be excused; his

Mr. McGOWAN. I insist on my motion that he be excused; his time expires on the 4th of March anyhow.

The House divided; and there were—ayes 46, noes 46.

The SPEAKER pro tempore. The Chair votes in the affirmative, and the gentleman is excused. [Laughter.]

Mr. BREWER. Mr. Speaker, I rise to a parliamentary inquiry. Would it be in order to read the list of names kept by the Doorkeeper of members who have left the Hall since the call of the House began? If so I desire to have it read.

keeper of members who have left the Hall since the call of the House began? If so, I desire to have it read.

The SPEAKER pro tempore. The Chair is not aware of any rule or law of the House which would make that paper an official one, or give it any official sanction or authority whatever. It is kept by the Doorkeeper simply for his own convenience and information. It would be in the nature of evidence to show that certain gentlemen have retired from the House, but it would not be conclusive, and no gentleman, the Chair thinks, could be proceeded against, as the Chair is now informed, without a direct assertion on the part of some member that this paper contains the names of members who have absented themselves since the roll was called. Moreover, the Chair would state that the proceeding of that sort against members of the House for leaving the House without its consent after a call was ordered and the doors closed, would be a proceeding in the nature of a contempt, and it is hardly within the province of the House, the

Chair thinks, to begin a proceeding of that kind without a quorum present. The Chair simply suggests this for the consideration of gentlemen who feel disposed to take further steps in this matter.

Mr. VAN VOORHIS. For the information of the House I move

that the Doorkeeper's record be read so the House may see what mem-

that the Doorkeeper's record be read so the House may see what members or whether any have gone out and not returned.

Mr. McMILLIN. I will state from my own observation, for I had occasion to go into one of the adjacent rooms after the doors were closed, that the Doorkeeper has kept such a list of gentlemen and I saw my own name placed on it and scratched off on my return. It is the same course that has prevailed always so as to allow members to their house that they would return of their own volls. to go out on their honor that they would return of their own volition

The SPEAKER pro tempore. The Chair supposes that such a list should be kept simply for that purpose; but states again, in his judgment, a member cannot be proceeded against on such evidence without some gentleman making a positive charge to that effect, which would place the matter in a different form. The Chair will take this occasion to say that it is certainly a great inconvenience to the House, at least for members, to remain here and answer to their names and then return after the roll is called, and thus prevent a quorum and

the House from proceeding with its business.

Mr. SPARKS. Would it not meet that difficulty to dispense with all further proceedings under the present call and then make a new

call? [Cries of "Oh, no!"]

The SPEAKER pro tempore. The Chair thinks if any gentleman would make a direct charge that any gentleman had gone out and not returned that the House could entertain it. But still he is of opin-

ion that with less than a quorum it could not properly be entertained.

The Sergeant-at-Arms appeared before the bar of the House, having in custody, according to the order of the House, Mr. TAYLOR, of Tennessee, and Mr. WARNER.

The SPEAKER pro tempore. Mr. TAYLOR, you have been absent from the sitting of the House without its leave. What excuse have

you to offer ?
Mr. TAYLOR. Mr. TAYLOR. The only excuse I have is that I was not well at all last night, and I did not think the night session would continue so long, or I would have been present.

Mr. HAZELTON. I move to excuse him.

The motion was agreed to.

The SPEAKER pro tempore. Mr. WARNER, you have been absent from the sitting of the House without its leave. What excuse have

ou to offer?
Mr. VAN VOORHIS. If the gentleman will not say a word, I move

to excuse him

Mr. WARNER. I cannot accept that. I must insist upon my right to the floor.

Mr. HOUSE. I would like to ask the gentleman from Ohio if he was not here upon the first roll-call, and then went away?

was not here upon the first roll-call, and then went away i Mr. WARNER. I cannot yield the floor for questions. Mr. HOUSE. This is a serious case. [Laughter.] Mr. WARNER. I was not aware, Mr. Speaker, until I came to the bar of the House, that I had missed a roll-call. Some gentleman in the restaurant below told me that I had. I thought I would come the restaurant below told me that I had. I thought I would come and see, and to my surprise I find that I have missed a roll-call.

Mr. PHILIPS. Have not you been out of the Capitol?

Mr. WARNER. Several times.

Mr. PHILIPS. To-night, though.

Mr. WARNER. I have been in the Capitol.

Mr. McGOWAN. I move that he be excused.

Mr. VALENTINE. I move that we fine him an unlimited amount

of silver.

Mr. VAN VOORHIS. I move that his case be reported to the House

when there is a quorum present to look into the question.

Mr. McGOWAN. I insist upon my motion that the gentleman be excused.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan.

gentleman from Michigan.

Mr. FRYE. Mr. Speaker, the Committee on Rules have for a long time seriously considered this question touching calls of the House. Now, I have been here, sir, for a considerable length of time, and have seen during every session calls of the House. It seems to me that there must be some power in the House of Representatives, when it has agreed upon a night session, by which its members may be compelled to be present and attend to the duties of the House. [Applause.]

I have been compelled to come here sick to-night, and I came here at the special order of the House, to attend to the business of the House. There was a vote of 89 for the measure and 16 against it; and then every proposition was made to the sixteen against it by

and then every proposition was made to the sixteen against it by which a vote might be had in the House by yeas and nays; and the gentlemen, who have the right, I admit, exercised that right and demanded that a quorum of this House should be present, and declared that no compromise would be consented to at all. The result was— There could not be but one. This House would sink into contempt if it did not compel a quorum of the House would sink into contempt if it did not compel a quorum of the House to attend; and we have spent four hours in endeavoring to get a quorum in this House, and we have no more now than we had the moment we commenced.

A MEMBER. Not so many. Mr. FRYE. Some gentlemen have left this Hall when they have

been once here and answered to their names. And gentlemen know they have no right to do that. They know it is a contempt of this House, and it is a contempt, too, that ought not to be lightly over-

Now, sir, another word about this. I do not understand why gentlemen cannot be brought here, when the Sergeant-at-Arms is armed with a warrant from this House to go and seek gentlemen and bring them here. I fail to perceive why in four hours' time no more than a dozen gentlemen have been brought here. And when it is the duty of the Doorkeeper to keep the door closed, I fail to see why, with the dozen beautiful them.

with the dozen brought in, there are no more members present now than there were when we commenced this proceeding.

I say the Committee on Rules considered this long and seriously. They knew there must be power in the House to call together the members to perform public business before the House of Representatives. members to perform public business before the House of Represent-atives. A motion was made to do away with a call of the House. Why, sir? Simply because the experience of every man who has been here for years is this, that when gentlemen are arrested and brought here to attend to the duties their constituents sent them to attend to, the whole thing is turned into a farce, a circus, a mere oc-casion of attempts at wit and foolish jokes, and all dignity of pro-ceeding is dropped, and the thing brings itself into the contempt it deserves. The committee knew that and tried their best to devise some method by which this state of things could be changed, and yet deserves. The committee knew that and tried their best to devise some method by which this state of things could be changed, and yet it failed. I say, sir, it depends upon the members of this House them-selves whether or not the dignity of this House shall be preserved, and whether or not the business the people have sent us here to do shall be done. And I call upon the members of the House in the name of the constituents who sent them here to do business, in the name of a country that demands that business shall be done—I call upon gentlemen to treat this matter as it ought to be treated, as a matter of dignity, of

treat this matter as it ought to be treated, as a matter of dignity, of solemnity, of absolute necessity to the performance of the high duties to which we have been called by our constituents. [Applause.] Mr. CULBERSON. I move that the House do now adjourn. Mr. MILLS. I hope the House will not adjourn.

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas [Mr. CULBERSON] that the House was taking a vote on a motion to excuse the gentleman from Ohio, [Mr. WARNER.]

Mr. SPARKS. Then how came we to have this speech reflecting on certain members of this House?

The SPEAKER pro tempore. No one objected.

Mr. SPARKS. I think it due that something be said on the other side.

The SPEAKER pro tempore. No one raised a question as to the right of the gentleman from Maine [Mr. FRYE] to address the Chair. The Chair had put one side of the question on the motion to excuse

The Chair had put one side of the question on the motion to excuse the gentleman from Ohio and had not put the other.

Mr. McGOWAN. I demand the regular order, which is the vote on my motion to excuse the gentleman from Ohio.

The SPEAKER pro tempore. The Chair has recognized the gentleman from Illinois, [Mr. SPARKS.]

Mr. SPARKS. I understood the gentleman from Maine to reflect on some fifteen or twenty members of this House.

Mr. McGOWAN. There is a question pending on which the House was voting, and I call for the regular order.

The SPEAKER pro tempore. The Chair listened to the gentleman from Maine, supposing he rose to say something on the question before the House, which was whether the gentleman from Ohio should or should not be excused; and it seemed to the Chair that his remarks had a bearing on that question.

had a bearing on that question.

Mr. FRYE. I submit that my remarks were directed to the question which was pending.

The SPEAKER pro tempore. The Chair has stated it seemed to the Chair that the remarks of the gentleman from Maine bore on that question, at least as to the terms on which the gentleman should be excused

Mr. WARNER rose.

Mr. WARNER rose.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPARKS] is on the floor.

Mr. SPARKS. I wanted to say simply this for the gentlemen with whom I have acted: a bill was before the Committee of the Whole House, and to which I seriously object. Under the rules I demanded a quorum to vote on that bill. I knew we were in the minority, and I made the point of order that there was no quorum. Some gentlemen then suggested that we could pass over this bill and go to the other business on the Calendar for which this session of the House was held. I accepted that proposition. I wanted that so that we might have an effective meeting to-night. As regards this bill, I felt for myself it was my duty to oppose it by all the parliamentary means known to this House; and I have simply done that. If I had been alone, Mr. Speaker, in this without anybody aiding me, I should not have put myself in conflict with this whole House; of course not. But I was backed up in this by some twenty gentlemen who agreed with me; and we felt it was our duty to do this.

Now, touching the remainder of the speech of the gentleman, I cor-

Now, touching the remainder of the speech of the gentleman, I cor-dially agree with him. This House ought to have the power to bring members here to vote; and we ought not to convert our sessions into what we have converted this session into to-night—a kind of holiday or hurrah. We should have been more serious about this matter, and our officials should have been compelled to bring members here to dis-

charge the duties which their constituents have sent them here to

discharge.

Mr. MILLS. I want to say, in justice to the Doorkeeper of this House

Mr. WILSON. Regular order!
Mr. WILSON. Regular order!
Mr. MILLS. I want to say a word, and I think it due to the officers of this House because of the remarks made by the gentleman on the other side; and those who do not want to hear me can leave.
Mr. HAZELTON. They cannot leave.

Mr. MILLS. I have been a member of this House for eight years. There are gentlemen here who have been members longer than that; others have been members for a shorter time. It has always been the custom of this House, under a call of the House, when members have occasion to go outside of the Hall, that they should go on their pledge occasion to go outside of the Hall, that they should go on their pledge of honor to return. They imperil the officer who stands at that door if they do not return, and he is bound to accept the honor of a gentleman. Whether he speaks it or not, it is implied. An honorable gentleman ought to feel it as strongly as though he had written it down in his own blood. [Applause.] And gentlemen cannot leave the Hall by that door when an officer of this House is commanded by the Speaker to guard it and let no one go out; they cannot pass that door without they do it at the peril of their honor to return, or else subject the officer to punishment. The fault is with the members of this House who will go away from the House when they know, as the gentleman from Maine [Mr. FRYE] has said, that they go in contempt of the authority of the House; and such members ought to be brought back to this House and punished.

Mr. WARNER. I desire to make a further explanation.

Mr. WILSON and others. Regular order!

Mr. WARNER. I desire to make a further explanation.

Mr. WILSON and others. Regular order!

The SPEAKER pro tempore. The gentleman from Ohio [Mr. Warner] says he desires to say something further in excuse for his absence, and the Chair thinks he has the right to do so.

Mr. WILSON. Has the vote been taken upon the motion to ex-

cuse him?

The SPEAKER pro tempore. It has not.

Mr. WARNER. When I left the House the call of the roll in Committee of the Whole was in progress. Believing that the House would soon adjourn, and having some duties which I desired to attend to elsewhere, I started to go to my room. Perceiving that the House was still in session, I returned here and found the doors closed. The doors were not closed when I left, nor had the order been made to close them.

I wish to say further, in reference to the remarks of the gentleman from Maine, [Mr. Frye,] that I can myself see little difference between absence from this Hall under circumstances like these and being present and refusing to vote, as I have seen the gentleman from Maine more that once do, and preventing a quorum from transacting business here. What is the difference? I can see none. I have seen the gentleman from Maine more from Maine lead filling to the properties of the properties. the gentleman from Maine lead filibustering here for the purpose of

defeating legislation.

When I left the Hall I was satisfied that nothing more would be done to-night, and that I might do something elsewhere. This is my

Mr. CULBERSON. I move that the House now adjourn.
Mr. WILSON. Is not the House dividing on the motion to excuse

the gentleman from Ohio?

The SPEAKER pro tempore. The Chair had risen to put the question, and had in fact stated the question to the House. No gentleman had voted, however, when the gentleman from Maine rose and submitted his remarks to the House.

Mr. McGOWAN. Had you not put the question and called for the affirmative vote

The SPEAKER pro tempore. The question had been put, but no affirmative vote had been taken. Mr. WARNER. I desire to say that I feel my responsibility to my

constituents quite as much as does the gentleman from Maine to his.

Mr. McGOWAN. I make the point of order that the motion to adjourn is not now in order.

The SPEAKER pro tempore. The Chair is disposed to entertain the motion to adjourn as one of high privilege. The House can vote it down if it shall see proper.

The question was taken; and upon a division there were—ayes 37,

noes 74.

Before the result of this vote was announced,
Mr. CULBERSON called for the yeas and nays.
The yeas and nays were not ordered; there being upon a division—
ayes 21, noes 86; not one-fifth in the affirmative.
So the motion to adjourn was not agreed to.
The SPEAKER pro tempore. The question now recurs upon the
motion to excuse the gentleman from Ohio, [Mr. WARNER,] who states
that he was not one of those who were present when the doors were
ordered to be closed.

ordered to be closed.

Mr. FRYE. I desire to say simply one word. I had no special reference to the gentleman from Ohio. My remarks were made from the experience of the whole evening, and I did not intend to make any personal attack upon the gentleman from Ohio. I have a high respect for him, and am satisfied that he has given a sufficient excuse for his absence. He states that he left the Hall before the doors were closed. My remarks were intended for gentlemen who are still absent, and who left the Hall after their names were given to the Doorkeeper. L hope the gentleman from Ohio will not for a moment think that I was making any attack upon him. I simply took the advantage of the motion then pending to address any remarks at all to the

Mr. WARNER. I am glad, Mr. Speaker, that I was mistaken. I did not at first suppose the gentleman had reference to me; but before he was through with his remarks, I thought perhaps he did allude to me. I desire to withdraw anything that I may have said by way of retort to the gentleman from Maine, because I agree generally in what he has said.

Mr. STEVENSON. After the remarks that have been made, I think that those of us who have been here during this entire session owe it to ourselves that there should now be a call of the House so that it should appear on record who have left contrary to the rules, and who have remained here to abide the order of the House.

Mr. VALENTINE. The gentleman at the door has a list of those

who have left.

Mr. STEVENSON. I move that the names of those who were pressent when the doors were closed and who are now absent be read.

The SPEAKER pro tempore. There is a motion which must first

be disposed of-the motion to excuse the gentleman from Ohio, [Mr. WARNER.]

WARNER.]
The question being taken, Mr. WARNER was excused.
The SPEAKER pro tempore. The gentleman from Illinois [Mr. STEVENSON] now asks, as the Chair understands, that the list of names of gentlemen who were present when the doors were ordered to be closed may now be read, so that gentlemen present may respond.
Mr. STEVENSON. I think that is a matter of justice to those of us who have remained here during this whole session.
Mr. SIMONTON. I rise to a point of order. I submit that the House being without a quorum, no business is in order except a motion to suspend further proceedings under the call or a motion to adjourn.

Mr. ATHERTON. Let it be done by universal consent.

Mr. SIMONTON. It is a proceeding not proper to be demanded, and I shall interpose objection because gentlemen may have retired temporarily. In the House to-morrow, or at any other time, we can take proceedings against gentlemen who may have absented themselves improperly after the closing of the doors; but we cannot proceed against them to-night.

ceed against them to-night.

The SPEAKER pro tempore. It is certainly a new question, and a somewhat difficult one, as to what this House, sitting here without a quorum, can do with respect to those gentlemen (if there be any such) who have retired from the House after the closing of the doors.

Mr. VALENTINE. Without going into that question, is it not competent for us at this time, in connection with the pending proceedings, to inquire what members have gone away from the House since its order was made that they should stay here?

The SPEAKER pro tempore. That is the very question the Chair has suggested for the consideration of the House.

Mr. VALENTINE. Without determining what should be done after the fact is ascertained, is it not proper for us to ascertain now the fact as to who are absent, and leave it for a quorum to determine what shall be done, if anything, after that fact is ascertained?

Mr. KENNA. If the House really desires to reach those gentlemen who were here when this call was begun, and who have since absented themselves, would not the object be reached if the House should now dispense with further proceedings under the present call, and then order another call? order another call?

The SPEAKER pro tempore. Those members would not appear present at the next call of the House.

Mr. KENNA. That is true; but would they not be included in the order of arrest under the new call; and could not the House, when they present themselves to be excused, inquire as to whether they had

absented themselves during a former call?

Mr. VALENTINE. I think I am right in the position that the House, in connection with the present proceedings, has a right to ascertain who have left the Hall since the order was made closing the

Mr. BURROWS. I do not see how less than a quorum can enter upon that inquiry.

The SPEAKER pro tempore. That is the difficulty which suggests

itself to the Chair.

Mr. BURROWS. There being no quorum present we can do no business; therefore we cannot enter upon that inquiry at all.

Mr. FORT. We have been considering questions of excusing mem-

The SPEAKER pro tempore. Less than a quorum has the right to do that

Mr. FORT. And we have been proposing to fine them.

The SPEAKER pro tempore. That is all incident to a call of the
House—incident to the effort of the House to secure a quorum.

Mr. FORT. Is it not incident to a call of the House to keep members here after we have brought them here?

The SPEAKER pro tempore. The Chair thinks it is; but these gentlemen are not included in the warrant issued by the House. If they were there would be no difficulty as to what the House might do.

Mr. VALENTINE. If it be ascertained that members have left since the door was closed, is it not competent to issue a warrant for their expect?

The SPEAKER pro tempore. That question is not now presented. No gentleman has risen in his place and made any charge or statement that any particular member who was present in the House when the doors were ordered to be closed has since left the Hall. In the indefinite shape in which the matter presents itself now, nothing could be done even by a quorum.

Mr. MILLS. Would it be in order to move that a committee of

Mr. MILLS. Would it be in order to move that a committee of three be appointed to ascertain and report to the House what members have left since the House ordered the doors to be closed?

Mr. STEVENSON. I can name some of them.

Mr. BURROWS. That certainly would not be in order for the same reason; there is no quorum.

Mr. STEVENSON. I rise to a privileged motion. I move that all proceedings under the call be dispensed with; and I do that for the purpose of moving that there be another call of the House.

The SPEAKER pro tempore. The Chair will state to the gentleman from Illinois, the immediate effect of that would be to destroy the force of warrants which are now in the hands of the officers of the House, and new warrants would have to be issued for all the absentees.

Mr. STEVENSON. The suggestion which the Chair made in reply

Mr. STEVENSON. The suggestion which the Chair made in reply to my remark a short time ago seems to me should be complied with by the House.

Mr. MILLS. The object of a call of the House is to secure a quo-

by the House.

Mr. MILLS. The object of a call of the House is to secure a quorum. The Constitution vests the minority of this House, less than a quorum, a small portion of the House, with power to compel the attendance of a sufficient number of members to constitute a quorum. Now, after they have brought members into this Hall and they leave the House, how is it able to obtain the quorum it is intended to secure? If this House has not the power to punish gentlemen who go out after it has ordered them to remain, then it is useless to have a call of the House, for you can never secure a quorum. The House must have the power now to bring these continues have two have must have the power now to bring those gentlemen back who have

must have the power now to bring those gentlemen back who have left the House.

Mr. SAMFORD. It is an incidental power.

Mr. MILLS. An incidental power, certainly.

The SPEAKER pro tempore. The Chair will suggest to the gentleman that the power of the House to compel those present to remain is very clear under the rules because the House orders the doors to be closed immediately and kept closed. That is the means by which the House under the rules can secure the continued attendance of members. Now if a member power that the true order of the House. members. Now, if a member, notwithstanding the order of the House has left the House under such circumstances as has been stated here this evening, it seems to the Chair it constitutes ground for a charge against the member or against the officer of the House who has per-

Mr. McMILLIN. I rise to a point of order. All of this discussion about what can be done with those who have left since the doors were closed and about what ought to be done with them, charging they are absentees from that list, cannot be sustained because there is no

are absentees from that list, cannot be sustained because there is no legal evidence before the House that there is anybody absent. The SPEAKER pro tempore. The Chair has so stated.

Mr. MILLS. Would it not be in order to move the appointment of a committee to ascertain that fact and report to the House?

Mr. VAN VOORHIS. I make the charge that Mr. REAGAN, of Texas, was here when the roll was called, and that he has left the House, and has not returned. I do that in order to present the question.

Mr. MCMILLIN. I make the point that at this stage of the proceedings no such charge can be received.

Mr. VAN VOORHIS. And Mr. GILLETTE, also.

The SPEAKER pro tempore. A mere charge without a motion to proceed against the member amounts to nothing.

Mr. VAN VOORHIS. I move the House proceed against those members.

members.

The SPEAKER pro tempore. If any such charge is made it will be

entertained.

Mr. McCOOK. The object is to reach a knowledge of the members who left after the doors were closed. I understand there is in the possession of an officer of this House a quasi-official paper containing the names of members who left after the doors were closed. taining the names of members who left after the doors were closed. I wish to know whether it is not perfectly competent and proper to have that list read when the question is raised—to have it laid before the House by the Speaker, so the House may be in possession of the information contained in that official document?

The SPEAKER pro tempore. If any gentleman rises in his place he can make the charge and base it on whatever information he has.

Mr. McCOOK. I have no personal knowledge of it.

The SPEAKER pro tempore. Then the House can have none.

Mr. VAN VOORHIS. I make the statement—

Mr. McCOOK. It is an official statement.

Mr. BARBER. Why cannot we have another roll-call to ascertain whether there is a goorum present? The House can call the roll at

whether there is a quorum present? The House can call the roll at

whether there is a quorum present? The House can can take the any time.

Mr. VAN VOORHIS. I make the charge that Mr. Gillette and Mr. Reagan have left the House after having answered to their names and have not returned.

The SPEAKER pro tempore. What motion does the gentleman make?

Mr. VAN VOORHIS. I move that proceedings be taken against them for contempt of the House.

Mr. McMillin. I make the point that the motion of the gentleman from New York cannot be entertained at this stage of the pro-

ceedings because no motion is in order except to dispense with all further proceedings under the call of the House or to adjourn.

Mr. VALENTINE. That is a proceeding in the nature of a call of

Mr. BARBER. I move that the roll of the House be called to as-

certain if a quorum be present.

Mr. TOWNSEND, of Ohio. I rise to a point of order. There is no business before the House, and two gentlemen are present under arrest. The point of order I make is that the first business in order is rest. The point of order I make is that the first business in order is to relieve them from arrest if they can purge themselves of the con-tempt of the House.

tempt of the House.

Mr. HOUSE. Mr. Speaker, it seems to me, if a minority have not the power to punish members for a contempt for leaving the House after the doors are ordered to be closed that that power of the minority to enforce the attendance of a quorum will be entirely nugatory. I think the motion of the gentleman from Illinois, that the roll of the House be called of those who were present at the time the doors were ordered to be closed, is in order. How can we enforce the attendance of a quorum here if members can come in and leave at their own pleasure? We have a right to send for them, and, as incident to the pleasure? We have a right to send for them, and, as incident to the pleasure? We have a right to send for them, and, as incident to the power to enforce a quorum, we have a right to punish them for contempt, although we are a minority, for a minority have the right under the Constitution to enforce the attendance of absent members. I think the roll of those who were present when the doors were ordered to be closed ought now to be called so that we may ascertain who have left the Hall since that time.

The SPEAKER pro tempore. The gentleman from Illinois moves that the roll of members who answered to their names on the call of the Hays he new called again in order to ascertain who were present.

the House be now called again, in order to ascertain who were present

the House be now called again, in order to ascertain who were present on that call and have since left the House.

Mr. BARBER. My motion is to call the roll of all the members. The SPEAKER pro tempore. Another gentleman, from Tennessee, on the right, makes the point of order that this cannot be done by the House as now constituted. It is an entirely new question, and the Chair prefers to submit it to the House as to whether or not it is in order, under the circumstances known to all the members here, to have the roll called for the purpose of placing upon the record of the House the evidence of the fact, if it be a fact, that certain gentlemen have left since the roll was called.

Mr. MILLS. Will the Chair permit me to call the attention of the House to the language of the Constitution upon this point. The latter portion of the first clause of section 5 of article 1 of the Constitution provides, in reference to this question—

But a smaller number may adjourn from day to day, and may be authorized to

But a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

The House has control of the whole subject, and may determine for itself how it will proceed, even a minority of its members, and compel the attendance of absent members.

Mr. FORT. Mr. Speaker, I think it should be placed upon record that there can be no fault attached to the Doorkeeper or the officers of the House for the absence of those gentlemen who have chosen to leave. If they have gone, as alleged or insisted upon here, they have left their parole of honor with the Doorkeeper, and it ought to appear that the officers of the House are not to bear the blame for the absence of members, which has resulted from no fault of theirs.

Mr. SAMFORD. Mr. Speaker, I rise to a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. SAMFORD. I understand that no business can be transacted except when the House has a quorum present. That being the language of the rule, what is to be done in case a member should be brought in by the Sergeant-at-Arms of the House to the bar of the House who proved retractory and refuses to submit to the proceeding of a minority? What remedy would there be in that case? My point is that the House has power to do anything incident to the exceution of the order directing its members to be brought to the exceution of the order directing its members to be brought to the exceution of the House, in other words, has power to enforce everything incident to carrying into execution its orders. Now, in order to produce a quorum, a part of that necessity and power of the House is to send for its absent members. This power to send for absent to produce a quorum, a part of that necessity and power of the House is to send for its absent members. This power to send for absent members is vested in a minority of the House under the Constitution, and certainly if members have failed to answer to a roll-call we have that power and right. To enforce that order which it has attempted to enforce by sending the Sergeant-at-Arms for the refractory members is certainly incident to the execution of the order of the House, and is a power that must exist in it.

and is a power that must exist in it.

I think the practice has grown up in this House—
The SPEAKER pro tempore. The gentleman from Alabama will notice that he does not go to the foundation of the difficulty in this case. It has not been stated, as a fact, up to the time that the statement was made by the gentleman from New York, that any gentleman had left the House after the proceedings had begun. Now it is proposed to proceed against those gentlemen who have left, and to proceed against absent members and in their absence. This applies to members who are not present at all. members who are not present at all.

Mr. SAMFORD. But the point is that members have absented them

selves since they were brought in by the Sergeant-at-Arms. The question is now, has the House power to enforce its own orders? If it has the power to send for members, it certainly should have the power to maintain a quorum after it has succeeded in getting it by

sending its officers to arrest absent members. It seems to me that there must be some parliamentary method by which those members who have left may be brought back.

Mr. HOUSE. The suggestion has been made, Mr. Speaker, that members who were here when the doors were ordered to be closed have absented themselves. Let us ascertain whether that be a fact or not. That can be done by calling the roll, as has been suggested, and then the House can determine that question for itself, and also determine what further course it will take.

Mr. TOWNSEND, of Ohio. I ask the attention of the Chair to the point of order which has already been made, and which presents a question of high privilege. Two gentlemen are here under arrest, and I desire to know what is to be done in their cases. These gentlemen are desirous of explaining to the House why they were absent; and I submit to the House that it is something that ought to be done to relieve them from arrest.

sent; and I submit to the House that it is something that ought to be done to relieve them from arrest.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to the orders of the House, Mr. Taylor, of Ohio, and Mr. Myers.

The SPEAKER pro tempore. Mr. Myers, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

you to offer ?

Mr. MYERS. I am a member of a select committee of this House, Mr. MYERS. I am a member of a select committee of this House, and on Wednesday morning was appointed chairman of a sub-committee of that committee to look after some matters in the Department. I paired with my colleague, Mr. Orth, and was not in attendance at the sessions of this House either yesterday or to-day. When the deputy of the Sergeant-at-Arms came to my house this evening he found me at work. I had not retired. I was not aware the House was in session and was not in contempt of the House.

Mr. COVERT. I move that the gentleman from Indiana be excused.

The motion was agreed to.

The SPEAKER pro tempore. Mr. TAYLOR, you have been absent from the sittings of the House without its leave. What excuse have

on to offer ?

Mr. TAYLOR, of Ohio. I intended to have been here this night, and made my arrangements to that effect, when immediately after dinner, at my room, I was called on by a citizen of my place having important business before the Department to-morrow morning necesimportant business before the Department to-morrow morning necessary to be performed. I looked over his papers and gave a little time to his matter, feeling it necessary for me to be there. When I had finished this it was later than I supposed, and not feeling the necessity of being here myself as strongly as I ought to have done, I stayed in my room and in due time retired. When called for I came cheerfully, and now cheerfully submit myself to the action of the House.

Mr. SPRINGER. As the gentleman is a new member, I think he should be excused. I make that motion.

The metrion was agreed to

The motion was agreed to.

The SPEAKER pro tempore. The Sergeant-at-Arms desires to make report for the information of the House in regard to certain genlemen who are on his list and who have not been brought to the bar.

tlemen who are on his list and who have not been brought to the bar.

The Sergeant-at-Arms made his report, as follows:

Mr. DAVIDSON reports himself sick. Mr. DUNN, Mr. HULL, and Mr.

THOMAS TURNER report themselves sick. Mr. P. B. THOMPSON, jr.,
says he has leave of absence. Mr. Henkle was not found at his
home. Mr. Herbert was not found. Mr. Marsh, Mr. O'Reilly,
Mr. Phelps, Mr. H. B. Smith, Mr. Stone, Mr. Baker, Mr. Beltzhoover,
Mr. Brigham were not found. Mr. Harmer reports himself sick.
Mr. Ferdon reports himself sick. Mr. Chalmers reports himself
sick. Mr. Hayes reports himself sick. Mr. Mason reports himself
sick. Mr. Bliss, Mr. Buckner, and Mr. Scoville could not be found.
Mr. Waddill reports that his wife is sick and he cannot leave her.
Mr. T. L. Young could not be found. Mr. White could not be found.
The SPEAKER pro tempore. Whataction will the House take with
reference to the report of the Sergeant-at-Arms?

Mr. BREWER. I heard the name of Mr. Phelps reported. He
was excused.

The SPEAKER pro tempore. He was excused by order of the House.

The SPEAKER pro tempore. He was excused by order of the House.

Mr. HAWLEY. I think we ought to understand the rightfulness of the motion to call the roll in order to ascertain those who answered on the call of the House and are not now present.

Mr. SPRINGER. I desire to make a motion with reference to the report just submitted by the Sergeant-at-Arms.

Mr. HHLL. I move that the House do now adjourn.

Mr. HAWLEY. I have not yielded the floor for that purpose. I only yield for the purpose indicated by the gentleman from Illinois.

Mr. SPRINGER. I desire to move, with the leave of the gentleman from Connecticut, that those reported sick by the Sergeant-at-Arms be excused.

Mr. FORT. Some of those gentlemen ate a very hearty dinner to-

day.

The SPEAKER pro tempore. The gentleman from Connecticut has the floor.

Mr. SPRINGER. I withdraw my motion if objected to. Mr. HAWLEY. I think it well for the House to settle our right to call the roll of those who answered to their names at the call of the House. Every man will see on a moment's reflection that having found one hundred and twenty-three here on that call and having at the last call of the roll found only one hundred and twenty-one the proceedings to compel the attendance of absentees becomes a perfect farce if we have not the right to call the roll again, to ascertain who have left the Hall. It does not appear to be proposed that any proceedings should be instituted against them for contempt. But we cannot maintain the rights of this House as laid down in the Constitution and in our own rules unless we have a right to call the roll. For that is the whole business under this proceeding, to call rolls and

Mr. CANNON, of Illinois. When this call commenced, as in the case of every other call of the House, the first thing to do was to close the doors. Then I think every member who answered to his name

case of every other call of the House, the first thing to do was to close the doors. Then I think every member who answered to his name and every member who was brought in the moment he was in the Hall was in custody. If not, why close the doors?

I take it the officers of the House have a duty to perform to keep the members in custody. When a member passes out through the door he still remains in the custody of the officer; and it occurs to me the proper thing is not to call the roll but for the officer of the House to be held responsible. And if any gentleman has broken loose from his custody, he has the right to arrest him and bring him back. It is the duty of the officer to know who has left the Hall. If he keeps a list, he can consult that list and find out where the member is, and wherever he may be, whether he has broken loose from the officer who is detailed to go with him when it was necessary for him to retire from the Hall, or whether he has broken his parole, it is for the officer to make the arrest and bring him back to the Hall. If the member has broken from arrest, the officer can report that fact, and then, if necessary, the question can be discussed by the House as to what disposition shall be made of the case.

Mr. HAWLEY. The officer has no right to issue a warrant against that member, if his name is not upon the list of those against whom the warrant is issued. He might be arrested upon a warrant issued under the call of the roll which has been suggested.

Mr. CANNON, of Illinois. He has the same authority to take him as a neare officer has to take a prisoner who has escaped from him.

Mr. CANNON, of Illinois. He has the same authority to take him as a peace officer has to take a prisoner who has escaped from him.

Mr. HAWLEY. I do not consider by any means that we are under

Mr. CANNON, of Illinois. We are in custody.
Mr. HAWLEY. Those who are here are in no respect in the custody of an officer.

Mr. WILSON. I desire to say, and to give my reasons for so saying, that I am opposed to taking any steps here to-night, before the existing order for a call of the House is suspended, against any gentleman who it is said has left the Hall.

The proposition is gravely made here in the American Congress that we should call the roll in order to ascertain a fact to the prejudice of absent members of this House. It has been charged here that after the call of the House was ordered some of these gentlemen passed out of the door of the Hall and have forfeited their honor by failing to remain here. Now it is gravely proposed to ascertain that fact in the absence of those gentlemen. [Great laughter.] To do that is to do something in violation of the very fundamental principles that underlie our Federal Government.

It has been suggested by gentlemen that the list of names which the Doorkeeper has should be read. I beg to remind gentlemen that that is not an official document at all, and cannot be used as evidence against these gentlemen. They have a right to be present and to traverse and deny the charge that they have violated the rules of this Head I reportfully be leave to the very large and the past to the state of the contract of the state of the st this House. I respectfully beg leave to say that you can take no steps against them except to summon them to come here and answer the

charge.

Mr. MILLS. We must make a charge against them. Mr. HARRIS, of Massachusetts. Must we not ascertain if they are absent?

Mr. WILSON. Suppose you call the roll. What does that amount to? The gentlemen may have been here before the call of the House was ordered; for although they may appear on the record, they may have left before the call. I ask gentlemen to go slowly in this matter. We have no authority to assume that these gentlemen have violated the rules of the House.

Mr. HAWLEY. We do not assume anything.
Mr. WILSON. You cannot summon them here. You can take no step except to adjourn or to suspend further proceedings under this

Mr. ROBINSON, of Massachusetts. I desire to make a suggestion. It appears to me that there ought to be in parliamentary law some common sense, and I think there is. This House is here for the purpose of doing business, and under the Constitution and under its rules it has full right to compel the attendance of members and to punish members for a contempt of its rules.

At the present time, and in obedience to a precent of the House.

At the present time, and in obedience to a precept of the House, the Sergeant-at-Arms is attempting to bring in absent members. But in the mean time this House is not shorn of all the rest of its power.

It is clear to me that this House is not shorn of all the rest of its power. It is clear to me that this House may do everything that is incidental to and in harmony with the nature of its proceedings for the purpose of compelling the attendance of absent members.

I say, therefore, that if this House can be informed here and now that members are now absent who have been here and answered to their names, it is certainly in the power of this House to issue a precept for those gentlemen which shall run along with the other precept and have them brought here. [Applause.] Otherwise we remain here powerless. here powerless.

Mr. WILSON. You have no right to issue a warrant to arrest any one unless he is charged with some fault and that charge is sustained

one unless he is charged with some fault and that charge is sustained by affidavit.

Mr. ROBINSON. I submit in reply to the gentleman from West Virginia [Mr. Wilson] that there is no wrong done.

Several Members. Call the roll!

Mr. ROBINSON. It is not a call of the roll that is required, because calling the roll will not disclose the fact we wish to ascertain. I suggest that what is necessary is the call of the list of names of those who answered and were present at the time the order was made for closing the doors, and that will show the fact. When we have ascertained that fact then let us propose the necessary remedy.

Mr. SIMONTON. Is not this the fact, that while the roll was being called, before the doors were ordered to be closed, gentlemen could leave the Hall? The calling of the roll would not disclose the fact whether they left the Hall after the doors were closed or not.

Mr. REED. Under the Constitution we are authorized to provide rules for such an occasion as this. We have provided a rule, and under that rule the doors of this House were ordered to be closed, and we then directed that members who appeared to be absent be

and we then directed that members who appeared to be absent be sent for. That seems to have been all that the rule has provided to be done.

Our rule contemplates that the doors shall be closed in order to prevent the egress of members. The officers of the House, of their own motion, allow members to go out and come in. It seems to me that that is outside of the rules of the House. If any difficulty has arisen, it has arisen on account of the action of the officers of the House, an action, it ought to be said, so that I may not seem to be casting blame upon any officer, which is sanctioned by the long usage of the House. But that custom or usage is not contemplated by the rule. The rules go upon the idea that members are kept in by the closing of the doors. I think that the proposal to call the roll is something that has no precedent whatever. This is simply a case where the rules of the House fail to accomplish the object for which they are intended. I do not see how they can be stretched for a purthey are intended. I do not see how they can be stretched for a pur-

pose of this kind.

Mr. HAWLEY. The gentleman is right; the rule does provide for closing the doors; but does the gentleman mean to say that this House is then utterly without any power to ascertain whether the

rule has been violated or not?

Mr. REED. By no manner of means.

Mr. HAWLEY. The motion proposed here is to call the roll of those who answered on the first roll-call, to see whether the rule in regard to the closing of the doors has been violated. I exclude from consideration all this unofficial proceeding of the Doorkeeper. The sole question is whether, when men who were here to answer to that roll have since absented themselves, we have the right to know it.

Mr. REED. Then the officer in charge of the door can report whether he has performed that duty or not

Mr. REED. Then the olineer in charge of the door can report whether he has performed that duty or not.

Mr. TALBOTT. There is a question as to the time at which the Doorkeeper ought to close the door—whether at the conclusion of the call or at the beginning of the call.

A MEMBER. When the Speaker of the House orders it.

call or at the beginning of the call.

A MEMBER. When the Speaker of the House orders it.

Mr. REED. There is another point. In the case of a call of the House it is not until the call of the roll is finished that the doors are closed. A member, after answering to his name, may leave the Hall, thus breaking the spirit of the rule, possibly, but not breaking its letter, because there is no closing of the doors to prevent his going out. Now, it seems to me that the trouble in which we find ourselves is the result of a defective rule.

Mr. ROBINSON. Let me suggest to the gentleman from Maine

Mr. ROBINSON. Let me suggest to the gentleman from Maine that, as it seems to me, we are in this Hall now not because the doors are locked, (although the rule provides that in certain proceedings we will close the doors,) but because we have other and broader rules which compel the attendance of members at all times. We are all bound to be here, whether the doors are open or not; and if a gentle-man has left, it is not any excuse that he happened to find the door open. I maintain that even if no order were issued to close the doors, members are bound to be here and attending to business when the House is in session.

Mr. REED. Nevertheless the object of the procedure is to keep men here by closing the doors.

Mr. ROBINSON. If a member is brought here for a violation of

the rules in passing out of the House, the fact that the doors were not closed might, perhaps, be presented by way of excuse, whatever it might be worth.

Mr. TAYLOR, of Tennessee. I move that the House adjourn. The question being taken, there were—ayes 26, noes 57. Mr. WILSON. I call for tellers.

Tellers were not ordered.

So the motion was not agreed to.

Mr. CANNON, of Illinois. I desire to offer an amendment to the motion, so as to instruct the Doorkeeper of the House to report to the House the names of members who have left since the doors were

The SPEAKER pro tempore. This is a motion to call the roll.

Mr. CANNON, of Illinois. It is a motion, however, to call the roll so as to ascertain who have left the House. It is the duty of the Doorkeeper to know who have left the House, and the members who are here, in getting a quorum, have the right— Mr. COVERT. I rise to a parliamentary inquiry. Had not the

Speaker determined the pending point by stating that he would sub-

mit it to a vote of the House?

The SPEAKER pro tempore. The Chair had done so, and he was ready to put the question; but gentlemen were continuing to address the Chair. The gentleman from Illinois [Mr. Springer] moved that the roll of members who had answered to their names be now called again in order that it might be ascertained who, if any of them, had left the House since that time. The gentleman from Tennessee made a point of order upon that motion, and the Chair announced that he would submit the question of order to the House, it being an entirely new one. Therefore the question which the Chair proposes to submit is, whether or not it is now in order to call that roll for the purpose of ascertaining what members, if any, have left the House since

Mr. SPRINGER. I desire that the form of the motion be as I have

Mr. SPRINGER. I desire that the form of the motion be as I have reduced it to writing and send it to the desk.

The SPEAKER pro tempore. The Chair is not about to put that motion, but to submit the question of order.

Mr. SPRINGER. The Chair is about to put the question whether my motion shall he entertained; and I desire the motion to be put in the shape I now present it, so that the House may understand what it is before deciding the question of order.

The SPEAKER pro tempore. The Clerk will read the proposition of the gentleman from Illinois [Mr. SPRINGER] in its present form.

The Clerk read as follows:

Resolved. That the names of members who were present when the doors were closed be now called, and that those who do not answer to their names be taken into custody by the Sergeant-at-Arms and brought to the bar of the House.

Mr. McMAHON. That is not a question of order.

The SPEAKER pro tempore. The Chair submits to the House the question whether or not it is in order to entertain that proposition.

Mr. HOUSE. Not that proposition. There are two things in that.

Mr. SPRINGER. My colleague submitted a proposition.

The SPEAKER pro tempore. Is this an amendment to it?

Mr. SPRINGER. This will bring the committee to a direct vote on the question as to what we intend by calling this roll. What is the use of calling it?

use of calling it?

Mr. HAWLEY. Call it first.

The SPEAKER pro tempore. All those who are of opinion it is in order to entertain the motion of the gentleman from Illinois, which would be supported to the content of the second or the second is that the roll of members who answered to their names be called again, will answer "ay." Those of a contrary opinion will say "no." The ayes seem to have it.

Mr. UPDEGRAFF, of Ohio. Division!
The House divided; and there were—ayes 71, noes 13.
Mr. SIMONTON. We want the yeas and nays on that. It is a matter of a good deal of importance, and I should like to be recorded in the negative.

The yeas and nays were not ordered.

Mr. CONGER. I make the point that there is no quorum. [Laugh-

ter.]
The SPEAKER pro tempore. That is the very question which is embarrassing the Chair and induced him to submit it to the House.
Mr. CONGER. Ithink that proposition will settle the right whether fifteen or less than a quorum can do what the rules do not permit. The Constitution says less than a quorum may compel the attendance of members under such rules as each House may prescribe. There is no way to compel the attendance of members but by the rules which this House has prescribed. The House has prescribed fifteen members, with the Speaker, if there be one, may in a particular manner compel the attendence of members, which is by the roll-call. I say there is but one way in which that constitutional provision can

members, with the Speaker, if there be one, may in a particular manner compel the attendence of members, which is by the roll-call. I say there is but one way in which that constitutional provision can be carried out, and that is according to such rules as this House prescribes. This House has prescribed the way and the manner, and that is when fifteen members, with the Speaker, if there be one, propose to compel the attendance of members the roll shall be called, not twenty times, but once, and the absentees may be sent for in the manner prescribed by that rule, and only in that manner.

Mr. VAN VOORHIS. Let me ask the gentleman a question?

Mr. CONGER. I will when I have finished my remarks. [Laughter.] We have followed the constitutional provision and the rule under it. The roll has been called. Those who were present have answered to their names. The absentees found by that roll-call have been sent for. Some of them have been brought here; others remain to be brought here. There is no provision under these rules, except where the doors shall be closed, to deal with those who have answered to their names when called. What other provision is there in these rules? The House—not these fifteen or more men, but less than a quorum—may act on such questions as that. On the two hundred and twenty-first page of the rules it says no motion, except a motion to adjourn or some motion relating to the call, is in order. Now, this new call for no other purpose than to bring those who have put themselves in contempt of the House or to find out who they are has no relation whatever to the call and is not amotion to adjourn and is out of order. This number of fifteen or more, but less than a quorum, cannot make these motions and cannot act as a House in my index these motions and cannot act as a House in my index these motions and cannot act as a House in my index. of order. This number of fifteen or more, but less than a quorum, cannot make these motions, and cannot act as a House, in my judgment. The precedent never has been established. The question has arisen a thousand times and no one ever pretended they could do more than compel the attendance of members. It is for that reason I call the attention of the Chair and the House to this establishment of a

new precedent contrary to the rules and by which less than a quorum will undertake to do what the rules do not permit.

Mr. BARBER. Does not the fact that no quorum is present necessitate the call of the roll?

The SPEAKER pro tempore. Of course. When the motion was made by the gentleman from Illinois to call the roll the Chair was aware of the fact and the House was aware of the fact that there was no quorum present, because that fact constitutes the foundation of the proceedings taken to-night. Therefore the Chair submitted to the House the question whether or not, under that state of facts, it was in order to entertain this motion to call the roll. But the House has voted it is in order, notwithstanding the fact there is no quorum present, and it settles by its vote the question which the gentleman from Michigan makes. It was that very question which was embarrassing the Chair and which he submitted to the House.

rassing the Chair and which he submitted to the House.

Mr. BARBER. A call of the roll may disclose the presence of a quorum. [Cries of "Regular order!"]

Mr. PRICE. Under the rules, Mr. Speaker, providing for a call of the House, as we practice them in this House, it results just exactly as every gentlemen knows here full well, in a perfect farce. I will give the reason in a moment, and you all know it before. We commence the call of the roll, when a call of the House is ordered. A is called and answers to his name and walks out of the House. B is called and answers to his name and walks out of the House. B is called and answers to his name and goes out. C is called and answers to his name and goes out; and so on, all through the alphabet, and when you get through with the roll you are in about the same position you were before, or maybe a little worse, for they have all gone. That is true; it cannot be denied; it has been done to-night. It is not the first time it has been done. Any gentleman who has seen any service here for six, eight, or ten years knows it has been done again and again and again. We are here to-night, and gentlemen of intelligence and experience are the experience and experience and experience and experience are the experience are the experience are the experience are the experience and experience are the experience are the experience are the experience and experience are the experience are the experience are the experience are the experience and experience are the experience a and again and again. We are here to-night, and gentlemen of intelligence and experience and parliamentary knowledge around me say that we are powerless to know even who have gone out of the House after having answered to their names, or after being arrested and brought into the House. A is gone, B is gone, G is gone, F is gone, and we are powerless to know who is gone and who is left. We send out our warrants and officers and arrest members and bring them in, and go through the farce of hearing their excuses, then let them go and go through the larce of hearing their excuses, then let them go again, and we get perfect nonsense out of the whole matter. [Applause.] And we succeed only in punishing ourselves.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois.

Mr. McCOOK. What is the question before the House? The SPEAKER pro tempore. That the roll be called.

The SPEAKER pro tempore. That the roll be called.

Mr. PRESCOTT. We desire to have the question reported.

The SPEAKER pro tempore. The gentleman from Illinois moves that the roll of names of the members who answered upon the former roll-call be again called. [Cries of "Regular order!"]

mer roll-call be again called. [Uries of Regular The motion was agreed to.

The SPEAKER pro tempore. The Clerk will call the roll; that is, the roll of members who answered upon the call of the House.

Mr. OSCAR TURNER. Mr. Speaker, [cries of "Regular order!"] I rise to a parliamentary inquiry. I wish to make an inquiry of the Chair before the roll-call is commenced. I desire to know, Mr. Speaker, whether it is in order to make that roll-call during the time when a call of the House is in progress.

The SPEAKER pro tempore. The House has just decided that the time when the control of the second call of the House is the chair had submitted it to the House.

question affirmatively after the Chair had submitted it to the House.

Mr. OSCAR TURNER. But was that in order? Was not that in Was not that in direct violation of the rules of the House? [Cries of "Regular order!"]
I do not understand that the Speaker has answered my question.

[Loud cries for the regular order.]

The SPEAKER pro tempore. As the gentleman from Kentucky well knows, it has been the constant practice of the presiding officer of the House to submit questions to the House when the Speaker had doubts, and especially during the last session since the adoption of the new rules. The present occupant of the chair simply followed the cus-tom heretofore adopted in that respect, and submitted the question to the House, because the decision of the Chair is always subject to an

to the House, because the decision of the Chair is always subject to an appeal and revision by the House.

Mr. OSCAR TURNER. But no appeal was taken. [Laughter.] I desire to have an answer to the question from the Chair. [Cries of "Regular order!"] I hope gentlemen will preserve order themselves. I understand the rule of this House to provide that nothing shall be in order during a call of the House except a motion to adjourn or a motion to suspend further proceeding under the call of the House. That is a fixed rule adopted by this House. Then I ask how can it be in order to have this roll-call now? I understand the Chair to say the reason of the call is that it has been ordered by the House. But I make the question of order that it is not in order for the House to direct that call to be made under the express language of our to direct that call to be made under the express language of our

The SPEAKER pro tempore. That question of order should have been made at the time and not after the House made the order. [Cries

been made at the time and not after the House made the order. [Cries of "Regular order!"]

Mr. COFFROTH. I desire to say, Mr. Speaker, that Mr. BACHMAN, my colleague, was excused from attendance and is at home sick. He did not answer to the other roll-call.

The SPEAKER pro tempore. The Clerk will call the roll of those members who answered to their names on the first roll-call, and

report to the House the list of those who fail to answer to their names on this call.

The roll was called, and the Clerk reported the following members as having failed to answer to the roll-call: Mr. Beale, Mr. Berry, Mr. Bland, Mr. Gillette, Mr. Harris of Virginia, Mr. Page, Mr. Phister, Mr. Reagan, Mr. Ross, Mr. Rothwell, and Mr. Sherwin. Mr. DAVIS, of Illinois. I wish to state, Mr. Speaker, in reference to Mr. Sherwin, that he is on a committee that has leave to sit during the sessions of the House.

The SPEAKER pro tempore. Although Mr. Sherwin was present and anyward to be progressed to the first of the sessions.

The SPEAKER pro tempore. Although Mr. SHERWIN was present and answered to his name on the first call of the roll, he had leave of

absence from the evening session by order of the House.

Mr. SIMONTON. Can we call the names of gentlemen who were brought into the House by the Sergeant-at-Arms? Some of them

may have gone.

Mr. KING. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The resolution will be read.

The Clerk read as follows:

 $\it Resolved.$ That the Clerk read the names of those who have been brought before the bar of the House.

Mr. KEIFER. I suggest that the resolution be amended by adding to it the words "and excused."

Mr. KING. I accept the amendment.

Mr. PRESCOTT. I move to amend the resolution by substituting the word "call" in place of the word "read."

Mr. KING. I accept the modification of the resolution.

The resolution as modified was then agreed to.

The Clerk proceeded to call the names of those members who had

been brought to the bar of the House by the Sergeant-at-Arms, all of

them answering to their names.

Mr. ROBINSON. I desire to suggest, Mr. Speaker, that in the return made by the Sergeant-at-Arms he gave the name of Mr. Phelps, of Connecticut, as being absent. The Clerk will probably remember that Mr. Phelps got leave some days ago to be absent from all night

The SPEAKER pro tempore. The Chair is informed that that is

Mr. LE FEVRE. I desire to make an inquiry of the Chair, whether we have as many members present now as we had when this proceeding began? Mr. REED.

I should like to know how often we are to take an account of stock

Mr. ATHERTON. I offer the resolution which I send to the desk. The Clerk read as follows:

Resolved, That each of the members, except Mr. Sherwin, who answered to their names on the first roll-call on the call of the House, and not on the second, be forthwith arrested by the Sergeant at-Arms and brought before the bar of this House, and the Speaker issue his precept for that purpose.

Mr. KING. I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Maine [Mr. REED] has been recognized.

Mr. REED. I know it is very difficult to present a question of this importance at ten minutes past three in the morning; but at the same time we shall find ourselves recorded as doing what we do no matter at what time of the day or night it is done. And I hope the attention of the House will be fixed on this subject for a few minutes in order to prevent its doing what it seems to me is not justified by any of our rules or by the Constitution of the United States. I think I can make my position on the subject plain whether I can convince members of the correctness of it or not.

The Constitution of the United States provides that this House shall consist of a quorum of its members. Less than a quorum of its members is not a House but is a number of gentlemen seeking to make a House. And the Constitution declares that—

make a House. And the Constitution declares that

A majority of each (House) shall constitute a quorum to do business; and a smaller number may adjourn from day to day, and may be authorized—

They have no power of themselves, but they may beauthorized to compel the attendance of absent members

How? Not unqualifiedly, but-

in such manner and under such penalties as each House may provide.

That is, the House consisting of a quorum of members has got to prescribe beforehand the way and manner in which the House shall compel the attendance of members. This delegated power it has given to us, and it is a power which is limited by the rules established by the House, which must consist of a quorum. I fancy I have made that matter plain.

Now the question is relative to the constant of
Now the question is, what is the rule which the House has established? And recollect all the time that it has got to be a positive rule, conferring power upon gentlemen who have no inherent power themselves except what the Constitution gives them and what the House gives them under the Constitution. The second section of Rule XV declares what we shall do, and confers upon us all the power themselves except what the Constitution gives them and what the House gives them under the Constitution. The second section of Rule XV declares what we shall do, and confers upon us all the power we have, unless gentlemen can show me some other rule; and I am open to that correction, for I have made the examination only tonight. That rule says:

In the absence of a quorum, fifteen members—

Never less than fifteen; the House might have authorized less, but it authorized only fifteen:

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all

calls of the House the names of the members shall be called by the Cl erk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured, and the House shall determine upon what conditions they shall be discharged.

Now, it seems to me that our power is limited to what the House has conferred upon us; that the theory upon which that rule proceeds is that the members who are here when the call is made shall be kept here by a closure of the doors, and those whose absence is noted shall then be sent for.

Mr. VALENTINE. Will the gentleman permit me to ask him a

question? Mr. REED.

question 7
Mr. REED. Yes, sir.
Mr. VALENTINE. What does the gentleman understand is meant
by the words "and the House shall determine upon what condition
they shall be discharged?" Is that a quorum, or only fifteen members,
if there be only fifteen, who have ordered that the absentees be brought
in? Does it mean the fifteen members or a quorum of the House?

in? Does it mean the fifteen members or a quorum of the House? If it means a quorum, then our proceedings to-night and on all similar occasions since I have been here have been irregular.

Mr. REED. That suggestion has occurred to myself.

Mr. BURROWS. If the gentleman will permit me, I will answer that by referring to a decision. There was a case contested in the Thirty-seventh Congress in which the Speaker held that where less than a quorum can compel the attendance, by parity of reasoning less than a quorum can excuse a member.

Mr. VALENTINE. By the same parity of reasoning cannot the same body of persons under this authority bring in those who absent themselves after the first order is made for the arrest of absences?

Mr. KING. I rise to a parliamentary inquiry. What is the question before the House?

The SPEAKER pro tempore. A resolution has been offered by the

The SPEAKER pro tempore. A resolution has been offered by the gentleman from Ohio [Mr. ATHERTON] that the Sergeant-at-Arms be directed forthwith to arrest and bring before the House the members who answered to their names at the call of the House and not on the second call. That resolution is pending, and gentlemen are discussing whether or not this body has the power to make such an

Mr. McMILLIN. It has been suggested, and very truly, that we are going into an unknown region so far as construction of rules is are going into an unknown region so far as construction of thies is concerned. We are establishing to-night what may hereafter be looked to as a precedent, and cannot be too careful in acting.

The gentleman from Maine has read and commented upon the rule in so clear a manner that I will be freed from the necessity of referring

to it minutely. But I want to state to the House the condition in which I conceive we will find ourselves if we adopt and attempt to carry out the resolution of the gentleman from Ohio, [Mr. ATHER-TON.

It is provided by the rule that when the House finds itself without a quorum "the roll shall be called" and the absentees shall be noted; that the doors shall then be closed, and the absentees may be sent for. We have just now made a record of what has been done under that

roll-call.

order.

roll-call.

If we adopt this resolution and bring in here one of the members who departed since the former roll-call and propose to punish him for so doing, he can claim that there has been no complete roll-call. Now, will not our whole proceedings fall to the ground for want of that foundation without which we are not permitted to move one step if we go on the idea of a second roll-call?

Mr. VALENTINE. The gentleman certainly must admit that the member brought in cannot take advantage of what he now claims, because the name of some other person was not called on the call of

because the name of some other person was not called on the call of

the roll. That would give him no excuse.

Mr. McMILLIN. I think that when there are two ways of doing a thing, one of which is clearly in accordance with the rule, and the other is doubtful, this House ought to take that course which is unquestionably in accordance with the rule.

We have a means of reaching these absentees.

We have a means of reaching these absentees. What is it? Dispense with further proceedings under the original call. Then call the roll anew, and upon that new roll-call those who are absent will be recorded, and we can then proceed properly, as all will admit.

As it is now proposed, will we first start to punish one set of absentees, and then attempt to bring in another set who are not liable under the proceedings of the first call? Under that second call you would have a wheel moving within a wheel in a manner very novel, to say the least of it.

Let us either have a new correlate.

Let us either have a new, complete roll-call, after dispensing with further proceedings under this, or go on the hypothesis that no second roll-call is necessary to enable us to have those arrested who have departed since the first call.

The SPEAKER pro tempore. That is the very question now under

Mr. ATHERTON. I fully agree with what has been urged by some

gentlemen here.
Mr. KITCHIN. I have not had an answer to my parliamentary

inquiry.

The SPEAKER pro tempore. That is not a parliamentary inquiry. That is the question the House is now considering and is about to

decide.

Mr. ATHERTON. I fully agree to the proposition made by gentlemen on the other side of this question, that we are not now here as a quorum of the House, but simply as a number of members who are attempting to compel the attendance of a quorum. And we cannot do anything except what the few members present are authorized to do by our rules. Still, I think the rule clearly authorizes the arrest of these members, as proposed in my resolution.

of these members, as proposed in my resolution.

Let us look at the language of the rule and see if it is what the gentleman from Maine [Mr. Reed] understands it to be, and whether the language of the rule itself is sufficient to enable this House in the absence of a quorum to make these arrests. What is the rule?

In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members.

That is the object to be accomplished by the rule. As an incident to it we ought to be able to do whatever may be reasonably necessary to effect that purpose. We are not confined by that rule to simply one roll-call, as will be observed by reading the very next clause in it. It does not say that there shall be but the one roll-call and no other. The rule says :

And in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted.

It does not provide that we shall have simply one roll-call, and that our power shall be exhausted by that one call. We may make calls of the roll just as often as is necessary to determine who is present, and as often as may be necessary to prepare the proper process for compelling the attendance of those who are absent.

compelling the attendance of those who are absent.

In the first part of the rule is the power of the House to compel the attendance of absent members. In the second part of the rule power is given for us to call the roll as many times as may be necessary to ascertain who is absent.

Then what? The doors shall then be closed. After every roll-call—not after one roll-call simply, but after every roll-call that is made—the doors shall be closed, and the absentees sent for. It is not now a question as to what we shall do when they are brought here; it is not now a question of punishment; it is simply a question of power upon the part of this House, or the members of the House who are present, to compel the attendance of absent members. The language is:

May by order of a majority of those present be sent for and arrested wherever they may be found, by officers to be appointed by the Sergeant-at-Arms.

There is, first, the power of the House to compel the attendance of absentees; then, to have as many roll-calls as may be necessary to ascertain who are absent and who are present; and after each roll-call the House shall be closed and the absentees sent for. Why should not that be so? Why, sir, it is said that at this very meeting to-night a considerable number of those members who answered to their names upon the first roll-call passed out in a secret way—not through that door, but through the window in the barber-shop—and thus escaped from the House. So that the Doorkeeper was not thus escaped from the House. So that the Doorkeeper was not responsible; nobody was responsible but themselves. If members can drop out in this way just as fast as they can be brought in, and there is no power to send for them, the rule is nugatory and the supposed power of less than a quorum to compel the attendance of

supposed power of less than a quorum to compel the attendance of absent members cannot be effectually exercised.

I agree with the gentleman from Maine that if his construction of the rule is correct, the power of the House is exhausted in one roll-call; and then, as a matter of course, the proposition now before the House cannot be accomplished. But if he will look at the rule, I think he will agree with me that the members now present have the power to make one roll-call or as many as may be necessary; and just so soon as they find, either on the first roll-call or any subsequent roll-call, that members have absented themselves without authority.

Just so soon as they and, either on the first roll-call or any subsequent roll-call, that members have absented themselves without authority, the members present may then exercise this power of causing the arrest of members and compelling their attendance.

Hence it seems to me that this resolution should be adopted for the very reason that if this power cannot be exercised, the power of less than a quorum to compel the attendance of absentees would be nugatoric to the compel the attendance of absentees would be nugatoric. tory; we never could get a quorum present if there should be a dis-

tory; we never could get a quorum present it there should be a disposition on the part of members to absent themselves.

Mr. BOWMAN. Mr. Speaker, with all deference to the great parliamentary knowledge of the gentleman from Maine, it seems to me that this question is decided both by our rules and by Cushing's Law and Practice of Legislative Assemblies. It is res adjudicata. Let me read from Cushing:

While the proceedings for a call are going on, the Assembly may pass any orders (as, for example, that absent members shall be brought in to make their excuses on a future day, or that members absenting themselves after the first call shall be sent for) which fairly relate to the subject.

This is from Cushing's large work on parliamentary law, and refers to decisions in the Twenty-fifth Congress.

Now, the only question remaining is this: Do our rules overrule, as they would have the right to do, the ordinary laws of parliamentary practice? Our rules, so far as inconsistent with Cushing's Manual or any other manual of parliamentary law, must govern. The question is, are our rules inconsistent with the doctrine of parliamentary law as laid down by Cushing? What is the only provision of our rule on that subject? It is clear, distinct, and in few words. The whole of it applicable to this discussion is this:

Fifteen members shall be authorized to compel the attendance of absent mem-

That is all there is of it. It is declared by our rule, in accordance with Cushing's Manual, that fifteen members may compel the attendance of absent members. How? It does not say. In any way that fifteen members may devise—by arrest, by bringing the absentees here in any way—by calling their names over. Full and plenary powers, without any restrictions whatever, are given to the fifteen members to compel the attendance of absent members. Every power is given that is necessary to carry out that power of bringing in absent members. I ask the gentleman from Maine whether in our rules there is any limitation or restriction as to the mode of proceeding or otherwise on the power of fifteen members, in the language of the rule, to compel the attendance of absent members?

ompel the attendance of absent members?

Mr. REED. Mr. Speaker, of course I am myself open to the criticism to which I have invited the attention of members of the House as applied to themselves. In attempting to decide a question of this kind at the present time I am compelled to do so with very little opportunity for examination. But I submit, Mr. Speaker, that the gentleman from Massachusetts [Mr. Bowman] has not proved his point quite yet. The very clause to which he refers in Cushing's Manual, section 438, page 179, says:

A second call cannot be moved for when the first is decided in the affirmative.

A second call cannot be moved for when the first is decided in the affirmative, inasmuch as there cannot be two calls at once.

That is precisely the situation in which we now find ourselves—with two calls at once. [Cries of "Oh, no!"] It seems to me that the rule is to be construed as a whole. It declares in all calls of the House certain proceedings shall take place, and only certain proceedings, and that we are limited in our power to those proceedings. Mr. BOWMAN. Mr. Speaker, I was only going to ask the gentleman this: whether it is not true, on his own ground, that there has been but one call to-night? A call commences with A, at the beginning of the alphabet, and ends with Z, and there has been only one call; but, in pursuance of the power to compel the attendance of absent

of the alphabet, and ends with Z, and there has been only one call; but, in pursuance of the power to compel the attendance of absent members, and it being necessary to know who are absent and who had run away, it became necessary to call from a shorter list of names, not in any sense a call of the House, and not so intended.

Mr. HOUSE. That is true.

Mr. BOWMAN. It was merely to find out whom to send the Sergeant-at-Arms for, and nothing else. But the next clause of the rule, Mr. Speaker, says "and in all the calls of the House." The gentleman says, as I understand him, that the rule says there shall be only one call. Where does the rule say so? The rule says, "in the absence of a quorum, fifteen members may compel the attendance," &c., "and in all other calls of the House, the names shall be called by the Clerk and the absentees noted." And as I scan hastily that rule, I do not find any reference to or restriction to one call.

called by the Clerk and the absentees noted." And as I scan hastly that rule, I do not find any reference to or restriction to one call. On the contrary, the term is "all calls."

Mr. REED. I was quoting from Cushing's Manual.

Mr. PRESCOTT. To avoid the criticisms with reference to the resolution presented, I offer an amendment that the words in the middle of it, "and not on the second," be stricken out, and in place of that the words be inserted "and are absent." That will avoid the criticism as to whether there have been two calls.

Mr. ATHERTON. I scent the amendment

as to whether there have been two calls.

Mr. ATHERTON. I accept the amendment.

Mr. PRESCOTT. Beside, Mr. Speaker, it has occurred to me—and it does not seem to have occurred to any one who has spoken so far—that the closing of the doors, occurring as it does after the call is made, is evidence that the closing of the doors is not for the purpose of keeping in those who are in but keeping out those who are found to be absent.

of keeping in those who are in but keeping out those who are found to be absent.

Mr. ATHERTON. I accept the gentleman's amendment.

Mr. WARNER. I rise to a parliamentary inquiry. A number of gentlemen, myself among the rest, were brought into this House by the Sergeant-at-Arms. The question I wish to ask is whether we are still in arrest or whether we have been discharged; and I call attention here to the last clause of Rule XV: "And the House shall determine upon what condition they shall be discharged."

Mr. WILSON. What page?

Mr. WARNER. One hundred and seventy-five. If we have been discharged, then the officers of the House are relieved from all respon-

Mr. WARNER. One hundred and seventy-live. If we have been discharged, then the officers of the House are relieved from all responsibility, and there is no violation of parole.

The SPEAKER pro tempore. Except to keep the doors closed.

Mr. WARNER. Yes, except to keep the doors closed. If a member leaves it may be in contempt of the House, but the officers are discharged. But if we are still under arrest—

Mr. ATHERTON. I rise to a point of order.

Mr. WARNER. I am making my point of order.

Mr. ATHERTON. I do not understand this is any discussion of the resolution at all

resolution at all.

The SPEAKER pro tempore. The gentleman has risen to put a parliamentary inquiry, and is now stating it.

Mr. WARNER. That I am proceeding to do, if my colleague will

only listen to me.

Mr. ATHERTON. I do not want to be unkind, but I do not see

what that has to do with this resolution.

Mr. WARNER. The gentleman will see if he follows it. Now I hold, Mr. Speaker, that "the House," the word "House" as used in this rule, means a majority, a quorum, after they have been brought in here. There is no power in the min ority even to discharge from

Mr. BARBER. Allow me a question.
Mr. WARNER. But after the roll-call has been made, and the arrest of the members has been ordered, they are to be brought here, and then when there is a House, the House may proceed to discharge

Mr. HAWLEY. I think my friend from Ohio is mistaken on that point, for it has always been the custom that this minority trying to get a quorum has the right to excuse or fine, and that it has fined

Mr. WARNER. That is the question involved.
Mr. HAWLEY. That expression "House" does not mean a full
House, otherwise no one could be discharged, no one could be excused, no one could be fined, until you got a quorum. But the custom has been settled from time immemorial, and men have been excused or

fined by this minority.

Now, Mr. Speaker, the question before the House is merely this:
Shall we send warrants for a few absent members, absent without excuse, for whom warrants have not been issued? That is the whole

question.

Mr. WARNER. The gentleman forgets that we are proceeding under new rules, which have been adopted but recently.

The SPEAKER protempore. There are some gentlemen in the custody of the Sergeant-at-Arms, and this question should be disposed of as speedily as practicable, so that they can be relieved from that

The question is on the adoption of the resolution of the gentleman from Ohio, which the Clerk will report.

The resolution was again read.

Mr. WILSON. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. My point of order is that the parties are not named in this resolution.

Mr. ATHERTON. I move a further amendment by striking out

the word "first."

The SPEAKER pro tempore. The Chair will take the liberty of calling the gentleman's attention to the fact that the wording of the resolution as at present framed would direct the Sergeant-at-Arms to arrest all other gentlemen who have not been excused except Mr.

to arrest all other gentlemen who have not been excused except Mr. PHELPS and Mr. Sherwin.

Mr. FRYE. Mr. Speaker, at one time, at nearly three o'clock, I think, when we had trouble very much like this and we had not succeeded in getting a quorum, an order was introduced before the gentlemen assembled, whether it was a House or was not a House, less than a quorum, which order provided that certain gentlemen by name should be arrested by the Sergeant-at-Arms and brought before the bar of the House at twelve o'clock the next day to give answer for their absence.

Mr. HISCOCK. I would suggest that the resolution be amended in this particular, to strike out the word "first."

The SPEAKER pro tempore. The Chair has suggested that if the resolution stands as at present it will direct the Sergeant-at-Arms to arrest every gentleman now absent with the exception of the two gentlemen specially named in this resolution.

Mr. VALENTINE. I move to amend the resolution by inserting

the names af all those who are absent for whom no warrant is issued,

the names at all those who are absent for whom no warrant is issued, except Mr. PHELPS and Mr. SHERWIN.

The SPEAKER pro tempore. It can be done by saying except those who have been excused by the House.

Mr. ATHERTON. Let it be amended in that way.

Mr. WILSON. I wish to make a parliamentary inquiry. I desire to know what change has been made in this resolution.

The SPEAKER pro tempore. The Clerk will read the resolution as it is now proceed.

it is now proposed.

Mr. WARNER. Before the vote is taken upon the question I desire to know if I have a right to vote, being excused by less than a

The SPEAKER pro tempore. The gentleman has been excused and

The SPEAKER pro tempore. The gentleman has been excused and has the right to vote.

Mr. WARNER. Even though excused by less than a quorum. The SPEAKER pro tempore. The Chair so rules.

Mr. KITCHIN. I move that the House do now adjourn.

Mr. TALBOTT. I move to amend the motion of the gentleman from Ohio—[Cries of "Regular order!"]

Mr. KITCHIN. I have made a motion that the House adjourn.

Mr. TALBOTT. And I have made a motion to amend the motion of the gentleman from Ohio so that it will read, "all persons not excused by order of the House."

The SPEAKER pro tempore. That is the resolution which the Clerk will report to the House again.

Mr. ATHERTON. Let the resolution be read as amended.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That Messrs. Beale, Berry, Bland, Gillette, J. T. Harris, Page, Phister, Reagan, Ross, and Rothwell, absent without leave of the House, be forthwith arrested by the Sergeant-at-Arms and brought before this House, and the Speaker issue his precept for that purpose.

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House do now adjourn.

Mr. SAMFORD. Pending that, I move that when the House adjourns it ajourn to meet on Monday.

The SPEAKER pro tempore. The Chair will state to the gentleman from Alabama that his motion is not in order.

Mr. SAMFORD. If the only reason why the motion cannot be made

is because the point of order may be made that no quorum is present, perhaps that question will not be raised. It is necessary that we should adjourn over.

The SPEAKER pro tempore. The Chair thinks that would not be

Mr. ROBINSON. Under the special order fixing the session for this evening, it will not be in order, for that resolution provided that certain business and none other should be transacted.

The SPEAKER pro tempore. The question is on the motion of the gentleman from North Carolina, that the House do now adjourn.

Mr. UPSON. I raise the point of order that there is a resolution

before the House

The SPEAKER pro tempore. There is a resolution to adjourn which

The motion to adjourn was not agreed to.

Mr. ATHERTON. I now demand the previous question upon the

resolution which I have submitted.

Mr. SPEER. I desire to offer an amendment to the resolution, if the gentleman will withdraw the demand for the previous question

for that purpose.

Mr. REED. I hope the gentleman will permit me to have read a decision that bears upon this point.

Mr. ATHERTON. I decline to withdraw the demand for the pre-

vious question.

The SPEAKER pro tempore. The gentleman from Ohio, as the Chair understands, demands the previous question upon his resolu-

Mr. ATHERTON. I will withdraw it for the present.
Mr. SPRINGER. Let the amendment proposed by the gentleman

from Georgia be read.

Mr. REED. Will the gentleman permit me to have read this decision?

Mr. SPRINGER. Let us have the amendment proposed by Mr.

SPEER read first Mr. ATHERTON. I will withdraw the demand for the previous

question for a moment.

The SPEAKER pro tempore. The Clerk will report the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

Strike out the word "forthwith" and insert "at twelve o'clock meridian to-day;" making it read:
""Resolved, That Messrs. Beale, Berry," &c., "absent without leave of the House, be forthwith arrested by the Sergeant-at-Arms and brought before the bar of the House at twelve o'clock meridian to-day," &c.

The SPEAKER pro tempore. The Chair will state to the gentleman from Georgia that twelve o'clock to-day has long since passed. The gentleman from Ohio [Mr. ATHERTON] demands the previous question.

Mr. ATHERTON. I will accept the amendment of the gentleman from Georgia. Mr. KENNA.

The amendment is not in order.

Mr. ATHERTON. Then I will not accept it. I will yield long enough to hear the decision read which has been referred to by the gentleman from Maine.

Mr. REED. I read from the House Journal of the second session of the Twenty-fifth Congress, July 7, 1838:

of the Twenty-fifth Congress, July 7, 1838:

A motion was made by Mr. Wise, that the fifty-fourth rule of the House be enforced as it respects the absent members, and that messengers be dispatched in pursuance thereof; which said fifty-fourth rule is as follows:

"54. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers to be appointed for that purpose."

A motion was made by Mr. Potts, that all further proceedings in the call be dispensed with. This motion was rejected.

Mr. Cushing stated that Mr. Cushman had absented himself from the House after answering to his name on the call; whereupon

The Sergeant-at-Arms was directed to enforce the attendance of Mr. Cushman. Mr. Stanly stated that Mr. McKay had absented himself from the House after answering to his name on the call; whereupon

The Sergeant-at-Arms was directed to enforce the attendance of Mr. McKay.

Of course without careful comparison, we cannot be sure that that

Of course, without careful comparison, we cannot be sure that that covers this proceeding; but it seems to do so.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. ATHERTON] demands the previous question.

Mr. BOUCK. I call for a division.

The House divided; and there were—ayes 76, noes 8.

Mr. SPEER. I make the point that a quorum has not voted.

The SPEAKER pro tempore. It is not necessary to have a quorum in these proceedings under a call of the House.

Mr. SIMONTON. Is it not necessary to have a quorum in order-

ing the previous question?

The SPEAKER pro tempore. It is not; otherwise less than a quorum could not transact the business necessary to secure the presence

or absentees.

Mr. SIMONTON. Is it necessary there should be an ordering of the previous question in such proceedings?

The SPEAKER pro tempore. The previous question has been seconded and the question is on ordering the main question.

The main question was ordered.

The SPEAKER pro tempore. The question is now on agreeing to the resolution offered by the gentleman from Ohio, [Mr. ATHERTON,] which will be read.

The Clerk read as follows:

Resolved, That Messrs. Beale, Berry, Bland, Gillette, John T. Harris, Page, Phister, Reagan, Ross, and Rothwell, absent without leave of the House, be forthwith arrested by the Sergeant-at-Arms and brought before the bar of this House, and the Speaker issue his precept for that purpose.

Mr. CULBERSON. Pending that, I move that the House do now

adjourn.

adjourn.

The SPEAKER pro tempore. Should the House now adjourn this would come up as unfinished business in the morning, immediately after the reading of the Journal, the main question being ordered.

Mr. HAWLEY. I suggest to the Chair that all proceedings under a call are arrested by an adjournment.

The question being taken on the motion to adjourn, there were—

ayes 32, noes 61.

Mr. WILSON. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 15, noes 79.

were—ayes 15, noes 79.

So (the affirmative not being one-fifth of the whole vote) the yeas and nays were not ordered and the House refused to adjourn.

The question recurred on the resolution offered by Mr. ATHERTON; and being taken, there were—ayes 70, noes 24.

Mr. DIBRELL. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 15; not a sufficient number.

So the resolution was adonted.

So the resolution was adopted.

The SPEAKER pro tempore. The Sergeant-at-Arms is ready to make another report.

The Sergeant-at-Arms appeared at the bar of the House and announced that he had in his custody Mr. CAMP, Mr. MULDROW, and Mr. ALDRICH of Rhode Island.

The SPEAKER pro tempore. Mr. CAMP, you have been absent from the sittings of the House without its leave. What excuse have you

Mr. CAMP. Only this, sir: I came to the House at eight o'clock this evening. I remained till half past nine. I listened to some good speeches and some not so good. Believing the House was about to adjourn, and having some friends here from a distance who are going to leave the city to-morrow morning, I went to meet them in pursuance of an engagement previously made. As soon as I learned the House was in session, I think the Sergeant-at-Arms will bear me out in saying, with commendable alacrity I started for the House.

Mr. HUNTON. And got here at four o'clock.

Mr. COVERT. I move that my colleague be excused.

The motion was agreed to. to offer?

The motion was agreed to.

The SPEAKER pro tempore. Mr. MULDROW, you have been absent from the sittings of the House without its leave. What excuse have

Mr. MULDROW. I do not know whether my excuse is a good or a bad one. I think it very doubtful whether I would accept it my-self from anybody else. But I thought that the probabilities were that no business would be taken up this evening upon which the roll would be called. Mr. MANNING.

Mr. MANNING. It is you who have been taken up.
Mr. MULDROW. I supposed the business which would be taken
up was what would go through by common consent, and that nobody would insist upon putting through any business to which there was any objection. Therefore I thought I might safely go home and did so. I went to bed about my usual hour and was rapped up at three o'clock very much to my discomfort and very much to my regret. That is my excuse.

Mr. MANNING. I move that my colleague be excused.

The motion was agreed to.

The SPEAKER pro tempore. Mr. Aldrich you have been absent from the sittings of the House without its leave. What excuse have What excuse have

Mr. ALDRICH, of Rhode Island. The only excuse I have is this: I attended a session of the House on Thursday night on public business. I had an engagement on Friday night, which I kept; but as soon as I was advised of the session of the House, I came here at once.

Mr. RUSSELL, of North Carolina. I move that the gentleman from Rhode Island be excused.

The motion was agreed to.

Mr. STEELE (at four o'clock and five minutes a. m.) moved that the House adjourn.

The motion was not agreed to, upon a division-ayes 41, noes 58.

Mr. TUCKER. I move that the House now take a recess until tomorrow morning at eleven o'clock.

The SPEAKER pro tempore. With less than a quorum it is not competent for the House to take a recess.

Mr. ANDERSON. I would like to inquire, if an order of the House be passed to require that the parties named in the resolution just adopted and the other absentees should be brought to the bar of the

House at twelve o'clock to-morrow, would it continue the order now made, or if the House adjourn will this "forthwith" business cease?

The SPEAKER pro tempore. The Chair supposes that, under decisions which have been read showing the practice of the House heretofore in such cases, an order could be made directing the Sergeant-at-Arms to produce the absentees before the House at its session to-morrow, to be then dealt with by the House.

Mr. MORSE. Would the business of the House this evening con-

The SPEAKER pro tempore. This business of course would cease

upon the adjournment.

Mr. TUCKER. As I understand it this whole proceeding is for the Mr. TUCKER. As I understand it this whole proceeding is for the purpose of compelling the attendance of the members of this House in order to produce a quorum here now. We have no right, as I apprehend, to arrest these absent members and bring them to the bar of the House to-morrow, because we can only go to the point of compelling their attendance to constitute a quorum of the House to-day.

The SPEAKER pro tempore. The decisions have been just the contrary.

Mr. TUCKER. We cannot bring them before the House to-morrow for contempt, because our whole purpose is to compel their attendance in order to constitute a quorum of the House to-day.

Mr. NEWBERRY. If it is in order I move to reconsider the vote by which the resolution just adopted was passed, for the purpose of moving an amendment to bring the parties named in it before the House on Saturday at twelve o'clock.

Mr. WILSON. What for?

Mr. NEWBERRY. To bring them before the House.

Mr. WILSON. For what purpose?

Mr. WILSON. For what purpose ?
Mr. NEWBERRY. For the same purpose that they are to be

Mr. WILSON. They are to be brought here now to vote.

Mr. NEWBERRY. A decision was read that a warrant could issue directing them to be brought before the House at a future time.

Mr. WILSON. I do not understand that the House has any author-

ity to do that now

Mr. NEWBERRY. The House has authority when these members are brought before it to determine what shall be done.

Mr. VALENTINE. I do not think any such decision was read. The gentleman from Maine [Mr. FRYE] stated that in his knowledge there was such a case.

Mr. FRYE. That may be so. But it is utterly impossible to reconsider an order that is already being executed. We cannot reconsider it or amend it in any way.

The SPEAKER pro tempore. It has always been so held in the House.

The warrant has gone into the hands of the officer of the House.

Mr. SPEER. I offer the order which I send to the Clerk's desk.

The Clerk read as follows:

Ordered. That the Sergeant-at-Arms produce before the House, at twelve o'clock Saturday, the members who have absented themselves since the first roll-call and who were not excused by the House.

Mr. TOWNSHEND, of Illinois. Pending that, I move that the

House now adjourn.

House now adjourn.

Mr. FRYE. I make the point of order against that resolution, that it is an order touching the same gentlemen about whom an order has just been made, and which is still pending and being executed. The same reason that would prevent the reconsideration of that resolution would prevent the adoption of the one now offered.

Mr. McGOWAN. And no business has intervened since the last motion to adjourn has been disposed of.

Mr. KENNA. I make the other point of order, that this House cannot now make an order to bring members before the House at a sub-

not now make an order to bring members before the House at a subsequent meeting.

The SPEAKER pro tempore. The motion of the gentleman from Illinois [Mr. TOWNSHEND] is that the House now adjourn. No business has intervened since the last motion to adjourn was disposed of. Mr. TOWNSHEND, of Illinois. A resolution has been introduced

and read. The SPEAKER pro tempore. A point of order is made against it.

Mr. TOWNSHEND, of Illinois. Does not the introduction of a resolution constitute business?

The SPEAKER pro tempore. It has not yet been received.

Mr. WILSON. I desire to ask whether or not, should the House now adjourn, the bill which has been under consideration to-night will go over until Saturday?

will go over until Saturday?

The SPEAKER pro tempore. It would not.
Mr. WILSON. Then the only object of bringing these parties before the House on Saturday would be to punish them for a failure to be present now. I make the point of order against that resolution, that members cannot be brought forward at a future day to be punished for not being here to-night.

The SPEAKER pro tempore. That is not a point of order. It is a question of power for the House to decide.

The Sergeant-at-Arms appeared at the bar of the House having in custody Mr. BUTTERWORTH, of Ohio.

The SPEAKER pro tempore. Mr. BUTTERWORTH, you have been absent from the session of the House without its leave. What excuse

absent from the session of the House without its leave. What excuse have you to offer?

Mr. BUTTERWORTH. I regret exceedingly if my absence has caused any inconvenience or delay. I have no excuse to offer for being absent other than the accumulation of correspondence, which demanded my presence at my room, and I remained there to attend to it. I had such an abiding faith in the wisdom and judgment of my fellow-members here that I had no doubt any business that might be transacted would be wisely and properly transacted. I have no other except to offer.

excuse to offer.

Mr. KITCHIN. I move that the gentleman be excused.

The motion was agreed to, there being ayes 31, noes not counted.

Mr. TOWNSHEND, of Illinois. I move that the House now adjourn.

The question being put, the Speaker pro tempore declared that the noes appeared to prevail.

Mr. TOWNSHEND, of Illinois. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 72, not voting 171; as follows:

YEAS—49.

		2.2.13	
Aiken, Bioknell, Bouck, Bragg, Brewer, Cannon, Clements, Coffroth, Colerick, Cravens, Davis, Horace Deering, Dibrell,	Dickey, Dunnell, Evins, Finley, Foruey, Hall, Henry, Hostetler, Hunton, Kenna, Loring, Manning, Martin, Benj. F.	Martin, Edward L. McMillin, Miller, Morrison, Myers, Richardson, J. S. Richandson, J. S. Richmond, Russell, Daniel L. Simonton, Sparks, Speer, Steele, Stevenson,	Taylor, Ezra B. Taylor, Robert L. Tillman, Townshend, R. W. Turner, Oscar Warner, Whiteaker, Whitthorne, Williams, Thomas Wilson.

	NA	YS-72.	
Aldrich, N. W. Anderson, Atherton, Blackburn, Blackburn, Bowman, Briggs, Burrows, Butterworth, Camp, Carlisle, Carpenter, Coonger, Covert. Cowgill, Crapo, Culberson, Daggett.	Dick, Errett, Field, Ford, Forsythe, Frost, Frye, Geddes, Goode, Hammond, John Harris, Benj. W. Hawley, Hazelton, Heilman, Hiscock, House, Keifer.	Ladd, Le Fevre, Lindsey, McCook, McGowan, McKinley, McMahon, Mills, Morse, Morton, Newberry, Norcross, Pacheco, Philips, Pound, Prescott, Price,	Rice, Robinson, Samford, Sapp, Shelley, Springer, Thomas, Thompson, Wm. G Townsend, Amos Tucker, Tyler, Updegraff, J. T. Upson, Valentine, Van Voorhis, Wellborn.
Davis George P.	King	Reed	Willita

arom aromatan as

	NOT VO	TING-171.	
Acklen, Aldrich, William Armfield, Atkins, Bachman, Bailey, Baker, Ballou,	Davis, Lowndes H. De La Matyr, Deuster, Dunn, Dwight, Einstein, Elam, Ellis.	Ketcham, Killinger, Kimmel, Kitchin, Klotz, Knott, Lapham, Lounsbery,	Rothwell, Russell, Wm. A. Ryan, Thomas Ryon, John W. Sawyer, Scales, Scoville, Shallenberger,
Barber,	Emis, Ewing,	Lowe,	Sherwin,
Barlow,	Felton,	Marsh,	Singleton, J. W.
Bayne,	Ferdon,	Martin, Joseph J.	Singleton, O. R.
Beale,	Fisher,	Mason,	Slemons,
Belford,	Fort,	McCoid,	Smith, A. Herr
Beltzhoover,	Gibson,	McKenzie,	Smith, Hezekiah B
Berry,	Gillette,	McLane.	Smith, William E.
Bingham,	Godshalk,	Miles,	Starin.
Blake,	Gunter,	Mitchell,	Stephens,
Bland,	Hammond, N. J.	Money,	Stone,
Bliss,	Harmer,	Monroe,	Talbott,
Blount,	Harris, John T.	Muldrow,	Thompson, P. B.
Boyd,	Haskell,	Muller,	Turner, Thomas
Brigham,	Hatch,	Murch,	Updegraff, Thomas
Bright,	Hawk,	Neal,	Urner,
Browne,	Hayes,	New,	Van Aernam,
Buckner,	Henderson,	Nicholls,	Vance,
Cabell,	Henkle,	O'Brien,	Waddill,
Caldwell,	Herbert,	O'Connor,	Wait,
Calkins,	Herndon,	O'Neill,	Ward,
Caswell,	Hill,	O'Reilly,	Washburn,
Chalmers,	Hooker,	Orth,	Weaver,
Chittenden,	Horr,	Osmer,	Wells,
Claffin,	Houk,	Overton,	White,
Clardy,	Hubbell,	Page,	Wilber,
Clark, Alvah A.	Hull,	Persons,	Williams, C. G.
Clark, John B.	Humphrey,	Phelps,	Willis,
Clymer,	Hurd,	Phister,	Wise,
Cobb,	Hutchins,	Poehler.	Wood, Fernando
Converse,	James,	Ray,	Wood, Walter A.
Cook,	Johnston,	Reagan,	Wright,
Cox,	Jones,	Richardson, D.P.	Yocum,
Crowley,	Jorgensen,	Robertson,	Young, Casey
Davidson,	Joyce,	Robeson,	Young, Thomas L.
Davis, Joseph J.	Kelley,	Ross,	
0 13 11	4 91	14	

So the motion to adjourn was not agreed to.
The following pairs were announced from the Clerk's desk:
Mr. MULDROW with Mr. MILES.
Mr. WARD with Mr. VANCE.
Mr. WILLIAMS, of Alabama, with Mr. SAPP.

Mr. Washburn with Mr. Fernando Wood. Mr. Wait with Mr. Johnston, for the rest of the day.

Mr. Bliss with Mr. Ketcham, on all questions.
Mr. Heilman with Mr. Caldwell, for this night's session.
Mr. Davis, of North Carolina, with Mr. Urner, for to-night's session.

Mr. HERBERT with Mr. EINSTEIN, for the remainder of the day on all questions.

Mr. Ryan, of Kansas, with Mr. CLYMER. Mr. Lowe with Mr. Haskell.

Mr. CHITTENDEN with Mr. SMITH of Georgia, for this night's ses-

The result of the vote was announced as above stated.

Mr. SPARKS. I move to suspend all further proceedings under the

The motion was not agreed to; there being-ayes 8, noes not

Mr. SAMFORD. I move that the House do now adjourn.

Mr. SAMFORD. I move that the House do now adjourn.
The question being taken, there were—ayes 36, noes 52.
Mr. SAMFORD. I call for the yeas and nays.
The yeas and nays were ordered.
Mr. HAWLEY. I rise to a parliamentary inquiry. Is it allowable that gentlemen who sit here on the floor should not be at liberty to vote on account of pairs? I think we have very nearly a quorum; there were 121 on the last call, and a good many members present were naired.

The SPEAKER pro tempore. That is a question for the House. The SPEAKER pro tempore. That is a question for the House. Regularly, gentlemen who do not desire to vote ought to ask to be excused. If the gentleman from Connecticut makes the point, members declining to vote may be required to give an excuse; but that excuse ought to be given before the roll is called.

Mr. BRAGG. Can this House compel a man to vote?

The SPEAKER pro tempore. That question will arise when the House attempts to do so.

Mr. BRAGG. I make the inquiry for the reason that the Chair said that members declining to vote must give their excuses.

The SPEAKER pro tempore. The Chair said that if gentlemen desired to make excuses they should do so before the call of the roll commences.

commences.

The question was taken; and it was decided in the negative-years 57, nays 66, not voting 169; as follows:

		YEAS-57.	
Aiken, Atherton, Bicknell, Bicknell, Blackburn, Bouck, Bragg, Cannon, Clements, Coffroth, Colerick, Covert, Cravens, Culberson, Davis, Horace	Dickey, Evins, Finley, Forney, Geddes, Goode, Hall, Henry, Hostetler, House, Hunton, Kenna, Kitchiu, Le Feyre,	Martin, Benj. F. Martin, Edward L. McMahon, MoMillin, Morrison, Myers, Philips, Richardson, J. S. Richardson, J. S. Richmond, Russell, Daniel L. Samford, Shelley, Simonton, Sparks,	Steele, Stevenson, Talbott, Taylor, Robert L. Tillman, Townshend, R. W. Turner, Oscar Warner, Wellborn, Whiteaker, Williams, Thomas Wilson.

	NA	YS-66.	
Aldrich, N. W. Anderson, Barber, Bowman, Briggs, Burrows, Butterworth, Camp, Carlisle, Carpenter, Conger, Cowgill, Crapo, Daggett, Days, George R.	Dunnell, Errett, Field, Ford, Forsythe, Fort, Frost, Frye, Hammond, John Harris, Benj. W. Hawley, Hazelton, Hellman, Hiscock, Keifer.	Lindsey, Loring, McCook, McGowan, McKinley, Mills, Morse, Morton, Newberry, Norcross, Pacheco, Pound, Pressott, Price, Reed.	Sapp. Springer. Taylor, Ezra B. Thomas, Thompson, W. G. Townsend, Amos- Tucker, Tyler, Updegraff, J. T. Upson, Valentine, Van Voorhis, Voorhis, Whitthorne, Willits.
Deering.	King,	Rice.	

Davis, George R. Deering,	Keifer, King,	Reed, Rice,	Willits.
Dick,	· Ladd,	Robinson,	
	NOT VO	TING-169.	
Acklen,	Caldwell,	Felton,	Hutchins,
Aldrich, William	Calkins,	Ferdon,	James,
Armfield,	Caswell,	Fisher,	Johnston,
Atkins,	Chalmers,	Gibson,	Jones,
Bachman,	Chittenden,	Gillette,	Jorgensen;
Bailey,	Claffin,	Godshalk,	Joyce,
Baker,	Clardy,	Gunter,	Kelley,
Ballou,	Clark, Alvah A.	Hammond, N. J.	Ketcham,
Barlow,	Clark, John B.	Harmer,	Killinger,
Bayne,	Clymer,	Harris, John T.	Kimmel,
Beale,	Cobb,	Haskell,	Klotz,
Belford,	Converse,	Hatch,	Knott,
Beltzhoover,	Cook,	Hawk,	Lapham,
Berry,	Cox,	Hayes,	Lounsbery,
Bingham,	Crowley,	Henderson,	Lowe,
Blake,	Davidson,	Henkle,	Marsh,
Bland,	Davis, Joseph J.	Herbert,	Martin, Joseph J.
Bliss,	Davis, Lowndes H.	Herndon,	Mason,
Blount,	De La Matyr,	Hill,	McCoid,
Boyd,	Deuster,	Hooker,	McKenzie,
Brewer,	Dunn,	Horr,	McLane,
Brigham,	Dwight,	Houk,	Miles,
Bright,	Einstein,	Hubbell,	Miller,
Browne,	Elam,	Hall,	Mitchell,
Buckner,	Ellis,	Humphrey,	Money,
Cabell,	Ewing,	Hurd,	Monroe,

Muldrow, Muller, Murch, Neal, Neal, New, Nicholls, O'Brien, O'Connor, O'Neill, O'Reilly, Orth, Osmer, Overton. Pago, Persons, Phelps,	Poehler, Ray, Reagan, Richardson, D. P. Robertson, Robesson, Ross, Rothwell, Russell, W. A. Ryan, Thomas Ryon, John W. Sawyer, Scales, Scoville, Shallenberger, Sherwin,	Singleton, O. R. Slemons, Smith, A. Herr Smith, Hezekiah B. Smith, William E. Starin, Stephens, Stone, Thompson, P. B. Turner, Thomas Urner, Van Aernam, Vance, Waddill, Wait,	Washburn, Weaver, Wells, White, Wilter, Williams, C. G. Willis, Wise, Wood, Fernando Wood, Walter A. Wright, Yocum, Young, Casey Young, Thomas L.
Phister,	Singleton, J. W.	Ward,	

So the House refused to adjourn.

Mr. BRAGG. I move to dispense with all further proceedings under the call.

The House divided; and there were—ayes 33, noes 52.

The SPEAKER pro tempore. The motion is disagreed to.

Mr. MANNING, (at five o'clock and five minutes a. m.) I move the

House do now adjourn.

Mr. FRYE. I rise, Mr. Speaker, to demand the yeas and nays on the motion to dispense with all further proceedings under the call.

Mr. KENNA. The gentleman from Maine rose too late to make that demand, as he rose after the announcement of the result of the vote by the Speaker.

The SPEAKER pro tempore. The gentleman from Maine was really on his feet, but the Chair did not know for what purpose he rose.

Mr. TOWNSHEND, of Illinois. A motion to adjourn, pending that motion, is in order. The gentleman from Mississippi moves to adjourn pending the demand for the yeas and nays.

Mr. KENNA. Mr. Speaker, although the gentleman from Maine rose for that purpose, he had to wait until the result was declared. And yet he waited longer than that, and until after the gentleman from Mississippi was recognized to move that the House do now adjourn.

The SPEAKER pro tempore. It would then always be in the power of the Chair to prevent any gentleman calling for the yeas and nays by simply recognizing some other gentleman on the floor. The Chair thinks that would be hardly fair to a gentleman desiring to have a vote taken by yeas and nays as being the most accurate way to take

Mr. MANNING. Is it in order during this vote to move that the

House adjourn?
The SPEAKER pro tempore. The House is in the process of taking the vote. It was first taken by the voice, and then the gentleman from Maine rose and demanded the yeas and nays. A motion to adjourn

is not now in order.

Mr. TOWNSHEND, of Illinois. But this is a demand for the yeas

Aiken, Bicknell,

Bailey,

The SPEAKER pro tempore. The question is on the demand for the

yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Wisconsin, that all further proceedings under the call be dispensed with.

The question was taken; and it was decided in the negative—yeas 52, nays 63, not voting 177; as follows:

Kitchin, Ladd,

YEAS-52. Dickey, Evins,

Blackburn, Bouck, Bragg, Bragg, Brewer, Clements, Colerick, Covert, Cravens, Culberson, Davis, Horace	Finley, Forney, Frost, Geddes, Godde, Hall, Henry, Hostetler, House, Hunton, Kenna,	Le Fevre, Manning, Martin, Benj. F. Martin, Edward L. McMillin, Miller, Morrison, Richmond, Russell, Daniel L. Shelley, Simonton,	Springer, Steele, Taylor, Robert L. Tillman, Townshend, R. W. Turner, Oscar Warner, Wellborn, Whiteaker, Williams, Thomas Wilson.
	NA.	YS-63.	
Aldrich, N. W. Anderson, Atherton, Bowman, Briggs, Burrows, Butterworth, Camp, Carlisle, Carpenter, Conger, Cowgill, Crapo, Daggett, Davis, George R. Deering,	Dick, Dunnell, Errett, Field, Ford, Forsythe, Fort, Frye, Hammond, John Harris, Benj. W. Hawley, Hazelton, Hiscock, Keifer, King, Lindsey,	McCook, McGowan, McKinley, Mills, Morse, Morton, Newberry, Norcross, Pachece, Philips, Pound, Prescott, Price, Reed, Rice, Robinson,	Sapp, Talbott, Taylor, Ezra B. Thomas, Thompson, W. G. Townsend, Amos Tucker, Tyler, Updegraff, J. T. Upson, Valentine, Van Voorhis, Woorhis, Whitthorne, Willits.
	NOT V	OTING-177,	
Acklen, Aldrich, William Armfield, Atkins, Bachman,	Baker, Ballou, Barber, Barlow, Bayle,	Belford, Beltzhoover, Berry, Bingham, Blake,	Bliss, Blount, Boyd, Brigham, Bright,

Buckner,	Harris, John T.	McLane,	Scoville,
Cabell	Haskell,	McMahon.	Shallenberger.
Caldwell.	Hatch,	Miles,	Sherwin,
Calkins,	Hawk,	Mitchell,	Singleton, J. W.
Cannon,	Hayes,	Money,	Singleton, O. R.
Caswell,	Heilman,	Monroe,	Slemons,
Chalmers,	Henderson	Muldrow,	Smith, A. Herr
Chittenden,	Henkle.	Muller,	Smith, Hezekiah B.
Claffin,	Herbert.	Murch.	Smith, William E.
Clardy,	Herndon.	Myers,	Starin.
Clark, Alvah A.	Hill,	Neal,	Stephens,
Clark, John B.	Hooker,	New,	Stevenson,
Clymer,	Horr.	Nicholls.	Stone,
Cobb.	Houk,	O'Brien,	Thompson, P. B.
Coffroth,	Hubbell,	O'Connor,	Turner, Thomas
Converse,	Hull.	O'Neill.	Updograff, Thomas
Cook,	Humphrey,	O'Reilly,	Urner.
Cox,	Hurd.	Orth.	Van Aernam,
Crowley,	Hutchins.	Osmer.	Vance,
Davidson.	James,	Overton.	Waddill.
Davis, Joseph J.	Johnston.	Page,	Wait,
Davis, Lowndes H.	Jones,	Persons,	Ward,
De La Matyr.	Jorgensen,	Phelps,	Washburn.
Deuster.	Joyce,	Phister.	Weaver,
Dunn,	Kelley,	Poehler.	Wells,
Dwight,	Ketcham,	Ray,	White,
Einstein,	Killinger,	Reagan,	Wilber,
Elam,	Kimmel,	Richardson, D. P.	Williams, C. G.
Ellis.	Klotz.	Richardson, J. S.	Willis,
Ewing,	Knott.	Robertson,	Wise,
Felton.	Lapham.	Robeson.	Wood, Fernando
Ferdon.	Loring.	Ross,	Wood, Walter A.
Fisher,	Lounsbery.	Rothwell.	Wright,
Gibson,	Lows.	Russell, W. A.	Yocum,
Gillette.	Marsh,	Ryan, Thomas	Young, Casey
Godshalk,	Martin, Joseph J.	Ryon, John W.	Young, Thomas L.
Gunter.	Mason,	Samford,	roung, rhomas L.
Hammond, N. J.	McCoid,	Sawyer,	
Harmer,	McKenzie,	Scales,	
Harmer,	menenzie,	DUMUS,	

So the House refused to dispense with further proceedings under the call.

Mr. BLACKBURN. I desire, Mr. Speaker, to ask information of the Clerk as to whether my colleague, Mr. CALDWELL, of Kentucky; has been paired for this night's session, and if so, with whom?

The SPEAKER pro tempore. The Chair will state to the gentleman from Kentucky that pairs have already been announced once to-night and will not be announced again. The Chair, however, will cause the fact to be ascertained by the Clerk.

Mr. BLACKBURN. I ask, then, that if there be a pair for my colleague its conditions be read.

league its conditions be read.

The SPEAKER pro tempore. The Clerk will read the pair of the gentleman from Kentucky, [Mr. Caldwell.]

Mr. HEILMAN. Mr. Speaker, I am paired with the gentleman from Kentucky, [Mr. Caldwell.] and if the condition of the pair be that I have no right to vote, except to make a quorum, then of course I shall withdraw my vote.

The SPEAKER pro tempore. The pair between the gentlemen will

be announced.

The Clerk read as follows:

Mr. Heilman and Mr. Caldwell are paired for this night's session, January 21, 1881.

Mr. HEILMAN. Then I withdraw my vote.
The result of the vote was then announced as above recorded.
Mr. KING. I move that the House do now adjourn.

The SPEAKER pro tempore. The Sergeant-at-Arms desires to make

Mr. ROBINSON. I wish to make a single suggestion.
Mr. KENNA. I move that the House do now adjourn.
Mr. HAWLEY. I hope the gentleman will withhold his motion for moment. Let us have the report of the Sergeant-at-Arms.
Mr. KENNA. With the understanding that the House adjourn after

that, I withdraw the motion.

The Sergeant-at-Arms appeared before the bar of the House, having in custody, in obedience to its orders, Mr. McCoid.

The SPEAKER pro tempore. Mr. McCoid, you have been absent from the sitting of the House without its consent. What excuse have you to offer therefor ?

Mr. WARNER. I make the point of order that the power of the majority of those present, under the fifteenth rule, is exhausted when the gentleman is presented to the House, and that it can proceed no further.

The SPEAKER pro tempore. If that be the case the Chair is unable to see how he can recognize the gentleman from Ohio to make the point of order. [Laughter.] The gentleman himself has been brought in under the same rule and has been excused.

Mr. WARNER. I think I am not excused, although the Chair rules that I have been.

The SPEAKER pro tempore. The Chair thinks the gentleman was excused and that he has a right to make the point of order, and the

excused and that he has a right to make the point of order, and the Chair overrules it.

Mr. WARNER. I must appeal from the decision of the Chair, believing this to be a most important question.

The SPEAKER pro tempore. The Chair hopes the gentleman will take an appeal, because this is a question that may arise under the new rules and it ought to be settled clearly.

Mr. WARNER. Having made my point, I will withdraw it for the present, as gentlemen do not seem disposed to discuss or consider

it at this late hour. But I will take the first opportunity to make it

again.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. McCoid] will proceed with his excuse.

Mr. McCoid. I have been quite unwell, and left the House for

Mr. McKINLEY. I move that the gentleman be excused.

The motion was agreed to.

Mr. KING. I now move that the House adjourn. The SPEAKER pro tempore. The Sergeant-at-Arms has a further

report to make.

The Sergeant-At-Arms. I wish to state, Mr. Speaker, that one of the deputies visited Mr. Lowe of Alabama twice, and on the last

visit was informed by Mr. Lowe that he would not attend.

The SPEAKER pro tempore. The Sergeant-at-Arms reports that
Mr. Lowe refuses to attend in obedience to the command of the

Mr. CONGER. Why did not the Sergeant-at-Arms bring him, then the SPEAKER pro tempore. The Sergeant-at-Arms has a further report to make to the House.

The Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms appeared before the bar of the House, have the Sergeant-at-Arms bring him, then the Sergeant-at-Arms has a further report to make to the House. Why did not the Sergeant-at-Arms bring him, then? R pro tempore. The Sergeant-at-Arms has a further

ing in custody Mr. HARRIS, of Virginia, Mr. BLAND, and Mr. ROTH-

WELL.

The SPEAKER pro tempore. Mr. HARRIS from the sitting of the House without leave. Mr. Harris, you have been absent thout leave. What excuse have you to offer?

Mr. HARRIS, of Virginia. Mr. Speaker, I have been here twelve years—will have been on the 4th of March next. In my twelve years' service in this House I have no recollection of ever having been absent from a call of the House. I was here last night, and suffering from a very severe cold and still am, as will be apparent to the members present from my voice. I went home about twelve o'clock, because I was unwell and did not believe there would be a quorum

here to-night, and in that it appears I am right.

Mr. WARNER. I move the gentleman from Virginia be excused.

Mr. WILLITS. I wish to ask if this is one of the gentlemen who

left the House after the roll-call.

The SPEAKER pro tempore. It so appears from the record.

Mr. EINSTEIN. Did he give his parol at the door as we had to do?

The SPEAKER pro tempore. Of course the Chair has no knowledge

Mr. McGOWAN. If in order, Mr. Speaker, I move that the gentleman from Virginia be excused upon the payment of a fine of \$50. Mr. EINSTEIN. I second that motion.

Mr. WARNER. I make the point of order that the majority present have no power to punish. That must be done by the House.

Mr. CAMP. I move to amend the motion. I move the gentleman be expend unordificately.

Mr. CAMT. I move to amend the motion. I move the gentleman be excused unconditionally.

Mr. McMAHON. I doubt, Mr. Speaker, whether the gentlemen who are at the bar now have been made aware of the transactions that have taken place in their absence. They may desire to make some statement. I do not know how that is, but it seems to me that they ought to be informed; that the absentees brought in under this special resolution are those who responded upon the first roll-call and

were not afterward found in the House.

The SPEAKER pro tempore. The Chair, with the permission of the House, will state to the gentleman from Virginia that there was, by order of the House, a second call of the roll, embracing the names of those members who had responded on the first call, and who, therefore, were supposed to be in the House at the time the doors were ordered to be closed. And upon that second call the names of the three gentlemen who have just come in were called, and not responded to, together with some other members; and thereupon the House ordered that process should be issued against those particular members by name who were present when the doors were closed and who did not answer when the roll was called the second time.

Mr. VAN VOORHIS. It has been reported these gentlemen have

wiolated their parol to the Doorkeeper.

Mr. WARNER. I do not understand any parol was given.

The SPEAKER pro tempore. The Chair knows nothing of that.

Mr. MILLS. I think we have accomplished all we can accomplish to-night. Inasmuch as it has been the universal practice of members of Congress to absent themselves from the night sessions of the hers of Congress to absent themselves from the night sessions of the House, and inasmuch as these gentlemen have all the precedents heretofore for years in that regard on their side, and believing we have accomplished all the good we can and will not accomplish any further good by punishing these gentlemen, I move to dispense with all further proceedings under the call.

The SPEAKER pro tempore. There is a question already pending before the House on experience the gentlement from Viscisia [Machine Language of the content of the content of the second of the content of the second of the content of the second of

before the House on excusing the gentleman from Virginia, [Mr.

HARRIS.

to avoid an extra session, particularly the gentleman from Virginia and his friends, and if they are to avoid having an extra session they must give their attendance here.

Mr. HARRIS, of Virginia. I have been here for twelve years and have not before, to my recollection, been absent from any call of the House. The House, I think, will bear witness that I have been a House. The Houpunctual member.

The SPEAKER pro tempore. The question is on the motion to excuse the gentleman from Virginia.

Mr. McGOWAN. My motion was to excuse the gentleman on the

The SPEAKER pro tempore. A motion was made to excuse the gentleman from Virginia, whereupon, if the Chair's recollection be correct, the gentleman from Michigan offered his motion as an amend-

Mr. McGOWAN. I think not.

Mr. CAMP. I moved to excuse the gentleman.
Mr. McGOWAN. That was after my motion.
Mr. WARNER. I made the motion in the first instance to excuse

the gentleman from Virginia.

The SPEAKER pro tempore. The Chair understood the gentleman from Ohio [Mr. Warner] to move that the gentleman from Virginia be excused, and then the gentleman from Michigan [Mr. McGowan] rose and moved that he be excused on the payment of \$50. Then another gentleman, the gentleman from New York, [Mr. Camp.] who had not heard the previous motion, moved that the gentleman be excused absolutely. It was really the gentleman from Ohio [Mr. WARNER] who made the motion to excuse.

Mr. ROBINSON. I quite agree with what the gentleman from Texas [Mr. MILLS] has said. The House has proceeded very irregularly on former occasions of this kind; certainly during all my experience. And while of course we who have been here to-night feel

larly on former occasions of this kind; certainly during all my experience. And while of course we who have been here to-night feel that other gentlemen should have been here, yet we know they have taken license from the practice heretofore of the House. I have been glad to see that we have conducted the latter part of this night's proceedings in better order. I hope with the gentleman from Maine [Mr. Frye] that we will conduct these proceedings correctly hereafter. It may be, as has been suggested, that the Committee on Rules may report some further regulations in regard to the matter. But I hope the imposition of a fine will not be pressed against any gentlemen here at this late hour. I hope it will not be pressed even to the extent of being put to a vote. I think we will all be better satisfied if there is no fine imposed on the gentleman from Virginia.

Mr. McGOWAN. Having made the motion that the gentleman from Virginia be excused on the payment of a fine, I desire to say a word. I did not make the motion with any personal animosity toward the gentleman. I only made it from the fact that there had been discussion with reference to the matter of gentlemen leaving the Hall after they had answered to their names on a call of the House. They knew the doors had been closed, and they left the members here without a quorum to bear the burden of a whole night's members here without a quorum to bear the burden of a whole night's session. If, however, it is thought best by gentlemen present that the motion should not be pressed, I am not disposed to press it. I should certainly like to have an expression from the members present on that kind of conduct. But having said this much, I withdraw the motion.

The SPEAKER pro tempore.

The question is on the motion that

the gentleman from Virginia be excused.

The motion was agreed to. Mr. MILLS. I now move that all further proceedings under the

Call be dispensed with.

A MEMBER. Let the excuses be heard of the other gentlemen who

A MEMBER. But the have been brought in.

Mr. FORT. It is of no use to carry on these proceedings further.

Let us have the regular order and then adjourn. The whole pro-

Mr. WARNER. Pending the motion to dispense with further pro-

ceedings under the call, I move that the House adjourn.

Mr. BURROWS. Does the gentleman from Texas mean to exempt the gentleman from Alabama, [Mr. Lowe,] who has defied the House f Mr. MILLS. What I mean is to cast a veil of oblivion over the

whole thing.

Mr. ROTHWELL. I understand, sir, that intimations have been

Mr. TALBOTT. I move when the House adjourns it be to meet on

Monday.

The SPEAKER pro tempore. That motion is not in order. This House as at present constituted is not competent to make such an order.

Mr. ROTHWELL, (at the bar.) I desire to make an inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROTHWELL. I gather from what was said in reference to the case just passed upon by the House that intimations have been made Mr. HARRIS, of Virginia. So far as I was concerned, I felt unwell, and so announced to a number of gentlemen, and sought a pair before I left. I asked Dr. Lohing, who said the bill came from his section, and he desired to vote on it. I passed out of the door without giving any parole, with the intention of not returning. I did not intend to deceive the Doorkeeper.

Mr. VAN VOORHIS. It would have been easy for the gentleman who are now here at the bar in response to a warrant of the Speaker of this House that their conduct was something different from the conduct of other members who are absent. I ask to know if under these circumstances the House will adjourn before those gentlemen who are here have been heard? I ask if this House is to adjourn with such an intimation on its record against honorable gentlemen, who have come here to-night under these circumstances. stances? I hope the House will not adjourn until at least one of them

has been heard.

Mr. MILLS. I withdraw the motion to dispense with further proceedings under the call.

Mr. WARNER. And I withdraw the motion to adjourn.

Mr. BLACKBURN. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLACKBURN. I do not wish to cut off any gentleman who desires to be heard; but I desire to know whether, unless the point be made that no quorum is present, it is not within the power of the House to fix the day to which it shall adjourn. If the House has power to adjourn, which is a constitutional power, has it not the power to fix the day to which it shall adjourn, unless the point is made that no quorum is present?

The SPEAKER pro tempore. The difficulty is, the Chair will suggest to the gentleman from Kentucky, [Mr. BLACKBURN,] that the Chair is bound to take notice of the fact that no quorum is present pending such proceedings as these which are now going on, because

pending such proceedings as these which are now going on, because they are based on that fact.

Mr. BLACKBURN. If proceedings under the call should be dis-

pensed with-

The SPEAKER pro tempore. That would be a different question.

Mr. BLACKBURN. I want all these gentlemen to be heard who desire to be heard. Then, in view of the hour at which this session will terminate, waiving the point of a quorum, I ask that a motion to adjourn until Monday next be agreed to.

Mr. KEIFER. That is in violation of the order for the session to-

night.
Mr. BLACKBURN. This House is clothed with the power to adjourn.

Mr. KEIFER. That is all.
Mr. BLACKBURN. And if so, can it not fix the hour or the day
to which it shall adjourn?
Mr. KEIFER. It will be in violation of its order.
Mr. BLACKBURN. I grant that if the point be made that no
quorum is present, then less than a quorum cannot adjourn over
notil Monday. until Monday.

mtil Monday.

Mr. KEIFER. That point will be made.

The SPEAKER protempore. Both motions having been withdrawn for the present, the Chair will now proceed. Mr. Bland, you have been absent from the sittings of the House without its leave. Have you any excuse to offer?

Mr. Bland. I have no excuse to offer further than I am not well account to be been and was not well when I went away. I know that

enough to be here, and was not well when I went away. I know that I should have asked leave of the House before going. But there was no quorum at that time, and it appeared to me there was no probability that there would be one to-night, and I did not deem it necessary to ask leave of absence.

I have not been well for several days, and I am not well now. I am very sorry if I have placed myself in contempt of the House in any way. I should not have left had I felt able to remain here to-

any way. I should not have left had I felt able to remain here tonight.

Mr. HAWLEY. I move that the gentleman be excused.

Mr. FRYE. It might as well be said that members of the House
are well aware that for years Mr. Bland's health has not been good.

The motion to excuse Mr. Bland was agreed to.

The SPEAKER pro tempore. Mr. ROTHWELL, you have been absent
from the sittings of the House without its leave. What excuse have
you to offer?

Mr. ROTHWELL, I attack A. M.

Mr. ROTHWELL. I attended the night session of yesterday; the weather was very inclement indeed, but I was here. I was here tonight, and the record will show that I was here until after the first

I do not know what intimations have been made with reference to that matter, but I gathered from what was said in regard to one of the cases just passed upon by the House that some criticism has been made upon my absence under these circumstances. My reason for leaving, which was before the closing of the doors, and when in my judgment no man had the right to exact or expect a parol from

me, was on account of being unwell.

Mr. WILSON. You gave no parol?

Mr. ROTHWELL. I gave no parol and nobody had a right to ask any of me. I went to my room and went to bed. I was unwell then and I am unwell now. I have been under the care of a physician for ten days or more.

ten days or more.

I came up here last night and to-night in order to forward the public business. I came up here at serious detriment of my health. Your record will show that from the time the gavel was raised on the first day of the extra session of this Congress, I have been here at every roll-call, unless I was sick at the time and excused, whether it was night session or day session. I did not come twelve hundred miles from my constituents to idle away my time in the city of Washington, with the many fascinations and pleasures that are found here. This is my defense. Inasmuch as I am recorded as absent from to-night's session, I appeal to the long record of this Congress to show that heretofore I have always been present; and if now, by the sacrifice of my health to-night, I can pass one pension bill for a poor soldier who has suffered and bled for his country, I am willing to do it. [Applause.]

it. [Applause.]
But when last night it was apparent to me that nothing was to be

done, that the bill then pending would involve an all-night session and nothing then be accomplished; that the forty pension bills standing next on the Calendar were to go unheard perhaps for all the rest of this session, in consideration of the record I have made here in this House, and in consideration of the state of my health, I thought I might absent myself without drawing any unfriendly criticism for so doing.

I say, now, that if to-night there has fallen from the lips of any gentleman here—any friend of mine; for I have no foes here—anything that might in the least degree impeach my honor, he should

now withdraw it. I make that request.

Mr. FROST. I move that my colleague, Mr. ROTHWELL, be excused.

Mr. MILLS. I think it perhaps necessary to state that what the gentleman from Missouri has alluded to occurred in the debate about the Doorkeeper permitting parties who were present to leave the Hall. There was a charge made, perhaps by one member of the House, that the Doorkeeper had not done his duty.

A MEMBER. It is all right now.

Mr. MILLS. I was saying that the remarks to which the gentleman may have alluded occurred in that way, and I am perfectly willing that the whole matter, unpleasant as it is, seeming perhaps to reflect on the Doorkeeper or on some of our members, be omitted from the RECORD. I ask that it be done.

The SPEAKER pro tempore. The question is upon the motion to excuse the gentleman from Missouri, [Mr. ROTHWELL.]

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar, having in custody, in obedience to the order of the House, Mr. CLAFLIN.

The SPEAKER pro tempore. Mr. CLAFLIN, you have been absent from the sittings of the House without its leave. What excuse have

you to offer?

Mr. CLAFLIN. I have no special excuse to offer. I attended the session last night according to my ordinary rule, and so far as I am aware I believe I have been in attendance at every night session since I became a member of Congress. I beg pardon of the House, and will only add that I came here upon the first intimation that my attendance was recessive.

ance was necessary.

Mr. SAMFORD. I move that the gentleman be excused.

The motion was agreed to.

Mr. KING. I rise to a question of privilege. This House has received from its Sergeant-at-Arms a report stating that a member has returned answer to the call of the House that he will not come. I refer to the gentleman from Alabama, [Mr. Lowe.] In this reference I make no personal attack upon that gentleman; but I think it is the duty of this House to dispose of that case before we adjourn. [Cries of "Right!"]

The SPEAKER are tensor. Wh.

of "Right!"]

The SPEAKER pro tempore. What motion does the gentleman make?

Mr. KING. I move that Mr. Lowe be called to the bar of the House on Saturday at two o'clock, to make his excuse or apology to the House—to purge himself of the contempt he has committed.

Several MEMBERS. Say Monday.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. KING] moves that the gentleman from Alabama [Mr. Lowe] be ordered to appear at the bar of the House on Saturday at two o'clock.—

Mr. KING. To purge himself of his contempt of the House.

The SPEAKER pro tempore. To give his excuse for not responding to the summons of the House as conveyed to him by the Sergeant-at-

Mr. VALENTINE. As the Chair puts the motion it does not seem to be the proper wording. Mr. Lowe has sent word to this House by the Sergeant-at-Arms or a deputy absolutely refusing to obey the order of the House.

order of the House.

The SPEAKER pro tempore. But this House, the Chair supposes, would not adjudge him to be in contempt before he appears. The Chair assumes that he is first to appear and be heard, and that then the House, if it thinks proper, may adjudge him to be in contempt.

Mr. TOWNSHEND, of Illinois. Any other course would be condemning a man before hearing him.

The SPEAKER pro tempore. That is the very reason the Chair put the motion in the language he did, providing simply that Mr. Lowe appear to give his excuse.

The motion was agreed to.

Mr. MILLS. I move that the House do now adjourn.

The motion was agreed to, there being ayes 84, noes not counted; and accordingly (at six o'clock a. m., Saturday, January 22) the House adjourned.

PETITIONS, ETC.

The following petitions and other peers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BALLOU: The petition of Rufus S. Frost, president of the National Association of Wool Manufacturers, and 20 others, representatives of various industrial interests of the United States, for the passage of the Eaton tariff-commission bill at the present session of Congress—to the Committee on Ways and Means.

By Mr. BENNETT: The petition of A. J. Carrier, late Indian agent for the Ponca Indians, for the amount expended by him for employés

at said agency in excess of the amount prescribed by law-to the

Committee on Indian Affairs.

By Mr. CASWELL: The petition of J. S. Gallagher and 33 others, citizens of Wisconsin, for a law making the Commissioner of Agriculture a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of L. J. Walbridge and 35 others, citizens of Wisconsin, for an income-tax law—to the Committee on Ways and

By Mr. COVERT: The petition of Stephen R. Hicks and 23 others, citizens of Queens County, New York, for the passage of a law granting land titles to Indians in severalty—to the Committee on Indian

By Mr. CRAVENS: The petition of J. C. Parker and others, citizens of Northwestern Arkansas, for the improvement of Arkansas River—to the Committee on Commerce.

By Mr. DEUSTER: The petition of J. A. Bingham, Adolphus Reichel, and others, letter-carriers of Milwaukee, Wisconsin, for increase of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. DIBRELL: The petition of 18 soldiers of Tennessee, for the passage of the Geddes pension-court bill—to the Committee on Inva-

lid Pensions

By Mr. DUNNELL: The petition of Hans E. Nielson and 30 others, citizens of Minnesota, for an income-tax law—to the Committee on Ways and Means.

Also, the petition of Hans E, Nielson and 20 others, citizens of Minnesota, for a law to protect innocent users of patented articles—to the Committee on Patents.

Also, the petition of William Everett, of Waseca, Minnesota, for compensation for damages sustained in fighting Indians—to the Com-

mittee on Indians Affairs.

By Mr. HASKELL: The petition of the Saint Louis Merchants' Exchange, for legislation in aid of a ship railway across the Isthmus of Tehuantepec—to the Committee on Interoceanic Ship Canal.

Also, the petition of ex-soldiers of Kansas, for the amendment of the pension laws—to the Committee on Invalid Pensions.

By Mr. HATCH: The petition of 95 citizens of the twelfth congressional district of Missouri, for such legislation as will secure equality of privileges for all citizens in the matter of transportation and require freight rates to be in proportion to services rendered—
to the Committee on Commerce.

Also, the petition of 89 citizens of Missouri, that the Commissioner
of Agriculture be made a member of the President's Cabinet—to the

Also, resolutions of the Merchants' Exchange of Saint Louis, Missouri, favoring legislation in aid of the ship-railway across the Isthmus of Tehuantepec—to the Committee on Commerce.

By Mr. HAWK: The petition of Cornelius Knapp, Charles Slocum, M. S. Winans, and 43 others, pilots, engineers, river-men, and citizens interested in the improvement of the Mississippi River, for an appropriation of \$1,000,000 for the improvement of that river from Saint Paul to the mouth of the Illinois River, and a further appropriation of \$100,000 for the construction of sheer-booms—to the same committee

By Mr. HUMPHREY: The petition of Joel Foster, Osborn Strahl, D. D. Proctor, S. W. Williams, and others, of Wisconsin, for the passage of an income-tax law—to the Committee on Ways and Means.

Also, the petition of the same parties, for legislation to protect innocent purchasers and users of patented articles—to the Committee on Patents.

Also, the petition of the same parties, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of the same parties, for legislation to regulate

Also, the petition of the same parties, for legislation to regulate interstate commerce—to the Committee on Commerce.

By Mr. EDWARD L. MARTIN: The petition of H. B. Fiddeman, William A. Scribner, and others, citizens of Milford, Delaware, for the survey of the mouth of Mispillion River—to the same committee.

By Mr. NORCROSS: The petition of the Nonotuck Silk Company, of Northampton, Massachusetts, for the passage of a national bankrupt law—to the Committee on the Judiciary.

By Mr. JAMES W. SINGLETON: The petition of citizens of Illinois, for a reduction of the tax on cigars to \$5 per thousand—to the Committee on Ways and Means.

By Mr. THOMAS UPDEGRAFF: The petition of 87 firms and individuals, engaged in business as merchants, traders, manufacturers.

By Mr. THOMAS UPDEGRAFF: The petition of 87 firms and individuals, engaged in business as merchants, traders, manufacturers, and bankers, of Dubuque, Iowa, for the passage of a national bankrupt law at the present session of Congress—to the Committee on the Judiciary.

Also, the petition of W. L. Bass and 110 others, citizens of Clayton County, Iowa, for the appropriation of \$1,100,000 for the improvement of the navigation of the Upper Mississippi—to the Committee on Commerce.

on Commerce

By Mr. WADDILL: The petition of citizens of Southwest Missouri, for the passage of a law to regulate interstate commerce—to the same committee.

Also, the petition of citizens of Missouri, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agricult-

By Mr. WEAVER: The petition of F. R. Tobias and 78 others, of

Plainfield, Illinois, that Congress pay bonds maturing in 1881 with money now in the Treasury and by new issue of legal-tender notes—to the Committee on Ways and Means.

By Mr. WILLITS: The petition of Shemeld & Cook and others, dealers in cigars at Ypsilanti, Michigan, for a reduction of the tax on

cigars-to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 22, 1881.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

W. P. HARRISON, D. D.
Mr. KEIFER. I rise to move a recess.
The SPEAKER. The Chair desires to state that the Journal, by reason of the late hour at which the House was in session, is not yet

Mr. KEIFER. Would it be in order to move that the House take

The SPEAKER. By consent there may be a recess for an hour or half an hour.

half an hour.

Mr. REAGAN. For what purpose?

The SPEAKER. The Journal is not ready.

Mr. SPRINGER. We can dispense with the reading of the Journal.

Mr. KEIFER. If we take a recess for half an hour, in that time the Journal can be written up.

Mr. O'NEILL. And I think it is better the Journal should be ready, and therefore. I move the House take a recess for half an hour.

and therefore I move the House take a recess for half an hour.

The SPEAKER. The Journal will be ready, the Chair is advised,

by that time.

The motion was agreed to; and accordingly the House took a recess

for half an hour. The SPEAKER, (at twelve o'clock and thirty-five minutes p. m.)
The recess having expired, the Journal of yesterday's proceedings will now be read.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. KEIFER. I rise to call up the unfinished business of yesterday, the privileged matter of the Florida contested-election case of Bisbee vs. Hull.

Mr. ACKLEN. Let me introduce a bill for reference. It is an important matter and will only take a moment. [Cries of "Regular

Mr. KEIFER. It will do no good, and I hear gentlemen call for the

regular order.

The SPEAKER. The question is already up, having been recognized in its character of one of the highest privilege. It is now the unfinished business

Mr. KEIFER. I think it will take but a few moments. The SPEAKER. The gentleman had better move to dispense with the morning hour.

Mr. REAGAN. The demand for the previous question was not

seconded.

The SPEAKER. It was demanded, but not seconded.

Mr. SHELLEY. I shall move that the House do now adjourn.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. Burch, its Secretary, notifying the House of the passage of the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, with amendments in which concurrence was requested.

ORDER OF BUSINESS.

Mr. KEIFER. If it be requisite, in order to bring this contested-election question up for consideration, I will move to dispense with the morning hour for reports from committees. I supposed, however,

the morning hour for reports from committees. I supposed, however, it was up already.

The SPEAKER. Its recognition has been already made.

Mr. HARRIS, of Virginia. I rise to a question of privilege.

The SPEAKER. State it.

Mr. HARRIS, of Virginia. I see that Mr. BUCKNER, of Missouri, was reported by the Sergeaut-at-Arms as not found. He was excused by order of the House, and ought not to have been sent for.

The SPEAKER. It is a misprint, the Chair is informed, and has been corrected.

been corrected.

Mr. KEIFER. I desire to move to proceed to the consideration of the Florida contested-election case of Bisbee vs. Hull.

the Florida contested-election case of Bisbee vs. Hull.

Mr. ACKLEN. I move to dispense with the morning hour.

The SPEAKER. Pending which, the gentleman from Alabama
[Mr. SHELLY] moves that the House do now adjourn.

Mr. SHELLEY. That is made with no view of interfering with the business of the House, but quite a number of gentlemen have been up all night and are not in condition to work to-day.

The SPEAKER. Does the gentleman insist on it?

Mr. SHELLEY. I withdraw it for the present.

The SPEAKER. The gentleman from Louisiana [Mr. Acklen] moves to dispense with the morning hour.

Mr. HAYES. Does not the contested-election case come up as the unfinished business?

The SPEAKER. It does after the morning hour.

Mr. Acklen's motion was agreed to, two-thirds having voted in favor thereof.

favor thereof.

Mr. ACKLEN. I ask now the gentleman from Ohio to yield to me to introduce a bill.

Mr. KEIFER. I cannot do so now.

FLORIDA CONTESTED-ELECTION CASE—BISBEE VS. HULL.

Mr. KEIFER. I demand the previous question on the resolutions reported from the Committee on Elections.

The SPEAKER. The resolutions will be reported.

The Clerk read as follows:

1. Resolved, That Noble A. Hull is not entitled to retain his seat as a member of the Forty-sixth Congress of the United States as a Representative of the second congressional district of the State of Florida.

2. Resolved, That Horatio Bisbee, jr., is entitled to a seat as a member of the Forty-sixth Congress as Representative of the second congressional district of the State of Florida.

Mr. KEIFER. I insist on the demand for the previous question.
Mr. SPRINGER. Will the gentleman yield to me for a moment
before he demands the previous question?
Mr. KEIFER. After the demand is seconded I will yield to the
gentleman if he desires to be heard.

The previous question was seconded and the main question ordered.

Mr. KEIFER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I ask the gentleman from Ohio to yield to me now

for a few moments.

Mr. KEIFER. What time does the gentleman from Illinois want?

Mr. SPRINGER. Five minutes, perhaps; certainly not exceeding

Mr. KEIFER. I will yield to the gentleman from Illinois want?
Mr. SPRINGER. Five minutes, perhaps; certainly not exceeding that.

Mr. KEIFER. I will yield to the gentleman that length of time.
Mr. SPRINGER. Mr. Speaker, I desire to state, in explanation of the course pursued by some of the members on this side of the House yesterday, that the gentleman from Florida [Mr. DAVIDSON] desired that his colleague might be permitted to have an opportunity, if he desired, to be present in the House when this case was decided; and at his instance gentlemen on this side of the House resisted the taking up of the case at that time. There were also some members upon this side of the House who thought that the case of Yeates vs. Martin should also be considered at the same time, and in connection with this case. I will state to the House that the case of Yeates vs. Martin is pending in the committee. It will be ready for a report in a few days. It was desired that these two cases should be considered at one and the same time. They were apprehensive, perhaps, without any good ground for it, that gentlemen upon the other side of the House, after this case of Bisbee vs. Hull was disposed of might interpose factious opposition to the decision of the House in this other case of Yeates vs. Martin, which involved the unseating of a republican and the seating of a democrat. But I am assured by the gentleman from Ohio, [Mr. Keiffer,] who has charge of this case, that if this is disposed of without further delay, so far as he is concerned, there will be no such opposition upon that side of the House to the immediate consideration of the case of Yeates vs. Martin when that is reported. With that understanding, and believing the gentleman represents that side of the House upon that side of the Committee on Elections having charge of the case now before the House, and believing also that his arrangement or understanding will be acceded to by his friends on that side of the House, no further opposition so far as I am concerned will be mad

that subject.

Now, Mr. Speaker, unless there are some other gentlemen desirous of being heard on that side, I will ask for a vote upon the

Mr. SPRINGER. I do not understand the gentleman from Ohio to

say that I have misrepresented him.

Mr. KEIFER. No; I have only stated my own understanding as

So far as I know, no person on the committee present or absent has opposed the report of the committee in this case.

Mr. DAVIDSON. I asked the question because I see that the re-

port is not signed.

Mr. KEIFER. Well, it is not usual to sign a report that is unanimous. I was instructed by the committee to make the report to the House unanimously, and it is not essential where the committee makes a unanimous report, and, in fact, it is not the practice to sign it under such circumstances.

Now, Mr. Speaker, unless there is some further question by some gentleman on the other side of this case or some gentleman who desires to be heard upon it, to whom I will yield a limited amount of time, I think that we had better have a vote upon the first resolution. [Cries of "Vote!" "Vote!"]

The SPEAKER. The resolution will again be reported to the

House

The Clerk read as follows:

Resolved, That Noble A. Hull is not entitled to retain his seat as a member of the Forty-sixth Congress of the United States as a Representative of the second congressional district of the State of Florida.

The resolution was agreed to.

Mr. KEIFER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The second resolution will be read.

The Clerk read as follows:

2. Resolved, That Horatio Bisbee, jr., is entitled to a seat as a member of the Forty-sixth Congress as a Representative of the second congressional district of the State of Florida.

The resolution was agreed to.

Mr. KEIFER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. Horatio Bisbee, jr., then appeared at the bar of the House and qualified by taking the oath prescribed by section 1756 of the Revised Statutes.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. SPRINGER. I ask unanimous consent to take from the Speaker's table the joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record, for the purpose of moving concurrence in the Senate amendments. The joint resolution has reference to furnishing the Congressional Record to members of the Supreme Court of the United States. The amendments by the Senate are merely formal.

There was no objection, and the amendments of the Senate were read, as follows:

After the word "the," where it first occurs in line 2, insert the word "associate." At the end of the joint resolution add the following:

"And the Public Printer shall also furnish to the Official Reporter of the Senate five bound copies of the CONGRESSIONAL RECORD for each session."

The amendments of the Senate were concurred in.

Mr. SPRINGER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF UNITED STATES COAST SURVEY.

Mr. SINGLETON, of Mississippi. I rise to make a privileged report from the Committee on Printing. I am directed to report back with a favorable recommendation the concurrent resolution of the Senate which I send to the desk.

The Clerk read as follows:

Resolved by the Senats, (the House of Representatives concurring.) That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880, for distribution by the said superintendent.

The report of the committee was read, as follows:

The committee having considered the accompanying resolution respectfully recommend its passage without amendment. The cost of the publication will be about three thousand dollars.

Mr. DUNNELL. I would like to ask the gentleman from Missis-

Mr. SINGLETON, of Mississippi. The regular number of copies is 1,900. This resolution provides for printing exactly the same number as we print every year.

The resolution was adopted.

REPORT ON FISH AND FISHERIES.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report back without amendment and to recommend the passage of the Senate concurrent resolution which I send

Mr. KEIFER. No; I have only stated my own understanding as to what took place.

Mr. DAVIDSON. I would like to ask the gentleman from Ohio a single question.

Mr. KEIFER. Certainly.

Mr. DAVIDSON. I wish to ask if this is the unanimous report from the Committee on Elections?

Mr. KEIFER. It was a unanimous report as to the sub-committee, indorsed by all the members of the committee who were present at the time the case was considered, and they were all present but three.

Mr. KEIFER. It was a unanimous report as to the sub-committee, indorsed by all the members of the committee who were present at the time the case was considered, and they were all present but three.

sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe, at a price equal to the additional cost of publication and 10 per cent. thereon added.

The resolution was adopted.

REPORT ON COTTON-WORM.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report with amendments the House concurrent resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives of the United States of America, (the Senate concurring,) That there be printed at the Government Printing Office 30,000 copies of the second revised edition, with necessary illustrations, of Bulletin No. 3 of the United States Entomological Commission, being a report on the cotton and boll-worms, with means of counteracting their ravages; 10,000 copies thereof for the use of the Senate, 18,000 for the use of the House, and 2,000 for the Interior Department.

The report of the Committee on Printing was read, as follows:

The committee after considering the accompanying resolution respectfully report it back to the House with the recommendation that the same do pass with the following amendments:

In line 11, after the word "thousand," insert the words "one hundred and eighty."
In line 12 strike out the words "two thousand" and insert in lieu thereof the words "one thousand eight hundred and twenty."

The cost of the publication will be \$3,165.

Mr. SINGLETON, of Mississippi. The amendments simply relate to the distribution.

The amendments recommended by the committee were agreed to,

and the resolution, as amended, was adopted.

HAYDEN'S ATLAS OF COLORADO.

Mr. SINGLETON, of Mississippi. I am also instructed by the Committee on Printing to report back the House concurrent resolution which I send to the desk, with a substitute therefor, and to recommend the passage of the substitute.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F.V. Hayden; 1,000 copies of which shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The substitute recommended by the committee was read, as follows:

The substitute recommended by the committee was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; provided the same can be supplied in sheets in every way equal in style and quality to the edition published by order of the Department of the Interior, for a sum not exceeding \$3.50 per copy; 800 copies of which shall be for the use of the Senate, 1,515 for the use of the House of Representatives, and 685 for the use of the Department of the Interior.

Mr. SIMONTON. I wish to ask the gentleman who makes this report if he can inform the House why it is that reports of the Departments for this year have not yet been printed by the Public Printer? I particularly desired to obtain the report of the Secretary of the Navy in order that I might inform myself in regard to the appropriations for that Department, and I have not been able as yet to find it. There are also other reports not yet furnished, and I would like to ask the gentleman from Mississippi, the chairman of the Committee on Printing, if he can inform us why these things are so; and also if work of the kind now recommended does not tend to delay the printing of those other necessary reports which ought to have been printed heretofore for the information of the House in making approprinted heretofore for the information of the House in making appro-

priations for this year?

Mr. SINGLETON, of Mississippi. I can answer one of the questions of the gentleman from Tennessee; perhaps I cannot answer the

I have not the control of the Printing Office. All that the Committee on Printing has to determine is whether the resolutions referred to them are proper, and whether publication should be made or not. The Printing Office is entirely independent of that committee. I cannot tell why the reports referred to by the gentleman from Tennessee have not been printed and furnished to members. I do know in regard to some of them that the manuscript has not been furnished in time. I do not believe that the office has been in fault in this matter. There has been delay on the part of those who furnished the

in time. I do not believe that the office has been in fault in this matter. There has been delay on the part of those who furnished the manuscript, and as matter of course the type could not be set up or the reports printed till the manuscript was there.

In regard to the second question, whether this would not tend to retard work already on hand, I would say that these sheets are furnished by parties outside who own the stone. Nothing has to be done at the Printing Office but to print the copies. It is a small matter. I move the adoption of the substitute.

The substitute was agreed to, and the resolution, as amended by the adoption of the substitute, was adopted.

ORDER OF BUSINESS.

Mr. REAGAN. I call for the regular order, and call up the unfinished business, being House bill No. 4748, known as the interstate-commerce bill.

Mr. COX. I ask the gentleman from Texas [Mr. Reagan] to yield to me to call up a bill from the Speaker's table.

Mr. REAGAN. I will do so if it leads to no debate.

Mr. COX. I will withdraw it if there is any debate upon it.

Mr. REAGAN. I yield for that purpose.

FOREIGN DECORATIONS, ETC., FOR UNITED STATES OFFICERS. Mr. COX. I ask unanimous consent that Senate bill No. 1396 be

taken from the Speaker's table for consideration at this time. It is a bill authorizing the persons therein named to accept of certain decorations and presents from foreign governments. The Senate has consolidated in that bill several bills already passed by the House. I desire to have it considered and passed at this time.

The bill was read, as follows:

Be itenacted, &c., That Joseph Irish, of the United States Marines, be, and he is hereby, authorized to accept from the Spanish Government the Grand Cross of Naval Merit of the second class, for services rendered the officers and crow of the Spanish Government of the Grand Cross of Naval Merit of the second class, for services rendered the officers and crow of the Spanish Government of the Government of the Cross of the Legion of Honor, in appreciation of services in connection with the exposition of 1878 at Paris;

That General Francis A. Walker, Superintendent of the Crossus, be, and he is hereby, authorized to accept from the President of the French Republic the Cross of the Legion of Honor, in appreciation of services in connection with the exposition of 1878 at Paris;

That General Francis A. Walker, Superintendent of the Census, be, and he is hereby, authorized to accept a decoration of Knight Commander of the Swedish Order of Wasa, tendered him by the Government of Sweden, and also that of Commander of the Spanish Order of Isabella, from the Government of Spain, as a recognition of his services as chief of the bureau of awards at the centennial exhibition at Philadelphia;

That First Lieutenant Heury Metcalfe, of the Ordinance Department of the Sultan of That First Lieutenant Heury Metcalfe, of the Ordinance Department of the Sultan's appreciation of the efforts of the John of
There being no objection, the bill was taken from the Speaker's table and read a first and second time.

Mr. COX. I call the previous question upon ordering the bill to third reading.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was read a third time.

The question was upon the passage of the bill.

Mr. COX. I desire to state that the House has already passed sep-

The question was taken upon the passage of the bill, and upon a division there were—ayes 103, noes 19.

Mr. WRIGHT. I call for the yeas and nays on the passage of this

bill.

Many Members. Oh, no.

Mr. SHELLEY. I move that the House now adjourn.

Mr. LOWE. I rise to a personal explanation.

Mr. COX. I hope my friend from Alabama [Mr. Lowe] will allow this bill to be passed.

The SPEAKER. The pending motion is that of the gentleman from Alabama, [Mr. SHELLEY,] that the House now adjourn.

Mr. SHELLEY. I withdraw that motion for the present.

The SPEAKER. The gentleman from Pennsylvania [Mr. WRIGHT] demands the yeas and nays upon the passage of the bill just taken from the Speaker's table.

The question was taken: and upon a division there were—aves 21

The question was taken; and upon a division there were—ayes 21, noes 126. So (one-fifth not voting in the affirmative) the yeas and nays were

not ordered. The bill was then passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table. The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. LOWE. I see from the RECORD of this morning that the Sergeant-at-Arms last night reported me as refusing to obey an order of this House. In making that statement the Sergeant-at-Arms suppressed the excuse which I gave him at the time. I was sick, had

taken medicine before nine o'clock, and had retired to bed. I had no disposition to treat the order of the House with contempt.

Mr. CARLISLE. As I happened to be in the chair last night when the report of the Sergeant at-Arms was made, perhaps I should say in justification of him that when he made his report to the House he stated distinctly that when the gentleman from Alabama [Mr. Lowe] was called upon the first time by his subordinate the gentleman from Alabama said that he was sick and unable under the circumstances to attend the session of the House but that when he was called upon Alabama said that he was sick and unable under the circumstances to attend the session of the House, but that when he was called upon the second time he refused to come. That is the whole statement made by the Sergeant-at-Arms as I understood it.

Mr. LOWE. That statement is supplemental to the one contained in the RECORD. It does not appear in the RECORD that I made any excuse whatever, but my excuse is suppressed. I stated to the Sergeant-at-Arms that I was sick and would not come.

Mr. STEVENSON. I move that the order of the House taken last pight in regard to the continuous from Alabama [Mr. LOWE] he

night in regard to the gentleman from Alabama [Mr. Lowe] be

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. SHELLEY. I move that the House now adjourn.
Mr. BEALE. I hope the gentleman will withdraw that for a

moment.

Many Members. Regular order!

The SPEAKER. The regular order is the motion of the gentleman from Alabama, [Mr. Shelley,] that the House do now adjourn.

The question was taken; and upon a division there were—ayes 132,

Before the result of this vote was announced, Mr. REAGAN, and Mr. SINGLETON of Illinois, called for the yeas

and nays.

Mr. TOWNSHEND, of Illinois. It is well known that we were up all last night, and I hope there will be no objection to an adjourn-

Mr. DIBRELL. A quorum of the House remained away and slept all night, and they can afford to work to-day.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 34, noes 148; not one-fifth voting in the affirmative

Before the result of the vote was announced, Mr. REAGAN called for tellers on ordering the yeas and nays.

Mr. KEIFER and others. Oh, no.
Mr. REAGAN. There are some gentlemen here who are ready to proceed with the debate upon the interstate-commerce bill.
Many Members. Regular order!
The question was taken upon ordering tellers, and there were 30

in the affirmative.

So (the affirmative being one-fifth of a quorum) tellers were ordered; and Mr. SHELLEY and Mr. REAGAN were appointed.

The House again divided; and the tellers reported that there

were—ayes 32, noes 148.
So (one-fifth not voting in the affirmative) the yeas and nays were not ordered on the motion to adjourn.

PERSONAL EXPLANATION.

Pending the announcement of the result of the vote upon the motion

Pending the announcement of the result of the vote upon the motion to adjourn.

Mr. BEALE said: I rise to a question of privilege. From the proceedings of last night, as reported in the RECORD of this morning, it would appear that I had absented myself from the House after the doors were ordered to be closed, and the inference is that in so absenting myself I violated my parol. I wish to state that not a door had been closed when I left the House, I was here, responded to my name when the roll was called, and afterward, after responding, I left the Hall, not one door being closed at that time. No one stopped me, and no one had the right to stop me.

INDIAN APPROPRIATION BILL.

Mr. WELLS. Iask unanimous consent that the amendments of the Senate to the bill (H. R. No. 6730) making appropriations for the current and contingent expenses of the Indian Department, and for fulfelling treaty stipulations with various Indian tribes, for the year ending June 30, 1882, and for other purposes, be taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. WARD, for one week from Monday next, on account of urgent

business;
To Mr. Walter A. Wood, for next week, on account of important business; he being required to attend the annual meeting of a company of which he is president; and
To Mr. Evans, for ten days from to-day, on account of sickness in

LAND-GRANT RAILROAD IN MICHIGAN.

The SPEAKER, by unanimous consent, laid before the House a resolution of the Legislature of the State of Michigan, asking Congress to appropriate lands in aid of the construction of a railway from Saint

Mary's Falls to the Marquette and Mackinaw Railroad; which was referred to the Committee on Railways and Canals.

The result of the vote was then announced on the motion to ad-

journ; and accordingly (at one o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. BLAND: The petition of citizens of Rolla, Missouri, for a reduction of the tax on cigars—to the Committee on Ways and

Also, two petitions of citizens of the fifth congressional district of Missouri, for the regulation of interstate commerce—to the Com-

By Mr. CAMP: The petition of citizens of Auburn, New York, for the passage of a uniform bankrupt law—to the Committee on the Judiciary.

By Mr. COOK: The petition of citizens of Montgomery County, Georgia, for a post-route from Mount Vernon to Geiger's Mills, Georgia—to the Committee on the Post-Office and Post-Reads.

By Mr. LOWNDES H. DAVIS: The petition of citizens of Missouri, that the Commissioner of Agriculture be made a Cabinet officer—to

that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of Missouri, for the regulation of interstate commerce—to the Committee on Commerce.

By Mr. DEERING: The petition of citizens of Cerro Gordo County, Iowa, for a law to prevent the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. FELTON: The petition of Elizabeth Moail, for a pension—to the Committee on Invalid Pensions.

By Mr. McLANE: The petition of Mrs. Laura Fuller, for a pension—to the same committee.

By Mr. McLANE: The petition of Mrs. Laura Fuller, for a pension—to the same committee.

By Mr. PRICE: The petition of the Board of Trade and citizens of Muscatine, Iowa, for increased appropriations for the improvement of the Mississippi River—to the Committee on Commerce.

By Mr. ROTHWELL: The petition of Thomas Waterfield, M. A. Calley, and 94 others, citizens of Missouri, for legislation on the subject of interstate commerce—to the same committee.

Also, the petition of George Wheeler, J. K. Rutledge, and 95 others, citizens of Missouri, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

By Mr. SAWYER: The petition of David Sharp and 180 others, eitizens of the eighth Missouri congressional district, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of H. B. Willmar and 164 others, citizens of the eighth congressional district of Missouri, for the passage of a judicious interstate-commerce bill—to the Committee on Commerce.

By Mr. A. HERR SMITH: The petition of Rufus S. Frost, president of the National Wool Manufacturers' Association of Boston, Massachusetts, and others, of various cities of the United States, representing some of the most important industries of this country, for the early passage of the Eaton tariff bill—to the Committee on Ways and Means. and Means.

By Mr. WILLIAM G. THOMPSON: The petition of Gavin Long and other citizens, of Long Grove, Iowa, for laws to prevent the spread of pleuro-pneumonia among cattle—to the Committee on Agriculture.

IN SENATE.

MONDAY, January 24, 1881.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D. The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting, in compliance with section 194 of the Revised Statutes, a complete list of the names of the clerks and other persons employed in that Department from December 1, 1879, to November 30, 1880; which was referred to the Committee on Printing. He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the several bureaus of the War Department on behalf of the United States during the year 1880; which was referred to the Committee on Printing. He also laid before the Senate a letter from the Secretary of the Interior, transmitting deficiency estimates for the Indian service for the fiscal year 1881, and prior years, together with an explanatory letter of the Indian Office relating to said estimates; which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Oregon, praying for an appropriation for the completion of the

canal and locks now in course of construction at the Cascade Falls on the Columbia River; which was referred to the Committee on

He also presented a resolution of the Legislature of Oregon, in favor of an appropriation for the purpose of building a breakwater and harbor of refuge at Port Orford, Oregon; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Oregon, in favor of a further appropriation of \$10,000 for the repair of the military wagon-road in Oregon extending from Scottsburgh to Camp Stewart; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Oregon, praying for an appropriation for the improvement of the channel of the Alsea River from the head of navigation of the Alsea Valley to a point one mile below the town of Breakwater, on that river; which

was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Oregon, in favor of the restoration of the Malheur Indian reservation to the public domain for pre-emption and settlement; which was referred to the

Committee on Indian Affairs.

He also laid before the Senate a memorial of the Legislature of Oregon, in favor of an appropriation of \$15,000 for the necessary repair of the military wagon-road between Scottsburgh and Camp Stewart, in that State; which was referred to the Committee on Military

Affairs.

He also laid before the Senate a memorial of the Legislature of Oregon, in favor of an appropriation for the improvement of the harbor of Yaquina Bay, in Benton County, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Oregon, in favor of the extension of the time for the completion of the Oregon and California Railroad; which was referred to the Committee on Rail-

He also presented a memorial of the Legislature of Oregon, in favor of a grant of land to aid in the construction of a wagon-road between Nestucca and Willamette Valleys; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of the State of Oregen, in favor of an appropriation to begin the construction of a permanent improvement of the mouth of the Columbia River; which

permanent improvement of the mouth of the Columbia River; which was referred to the Committee on Commerce.

Mr. THURMAN presented the petition of Willis G. Hickman and others, of Nelsonville, Ohio, praying for the passage of the amendment reported by the Committee on Pensions to the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

Mr. JOHNSTON presented the petition of the Brighthope Railway Company, praying for compensation for injury done to its property by changing the course of the James River; which was referred to the Committee on Commerce.

Mr. VEST presented the resolutions of the Merchants' Exchange

Mr. VEST presented the resolutions of the Merchants' Exchange of Saint Louis, in favor of the construction of the Tehuantepee Inter-oceanic Railway; which were referred to the Committee on Foreign

Mr. McPHERSON presented a petition of C. H. Houghton and 17 others, citizens of Metuchen, New Jersey, surviving soldiers of the war for the Union, praying for the passage of the amendment reported by the Committee on Pensions to the bill (8. No. 496) providing for the examination and adjudication of pension claims; which was or-

dered to lie on the table.

Mr. BUTLER presented the petition of William J. Harth and 35 others, citizens of South Carolina, and the petition of S. P. Wingard and 73 others, citizens of South Carolina, praying for an appropriation for the improvement of the Broad River in that State; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. Isabella S. McRae, of Kershaw County, South Carolina, praying for the restoration of certain silverware taken by Sherman's army during the late war and now in the United States Treasury; which was referred to the Committee

Mr. LOGAN presented the petition of N. K. Fairbank and 12 others, citizens of Chicago, Illinois, praying for the passage of a law making provision for retired and retiring Presidents; which was referred to

the Committee on the Judiciary.

He also presented the memorial of Silas Ferry and 22 others, citizens of Chebanse, Illinois; the memorial of Francis Curtis and 13 others, citizens of Swanton, Ohio; the memorial of Joseph E. King and 11 others, citizens of Watseka, Illinois; and the memorial of J. W. Greening, of Loami, Illinois, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which were referred to the Committee on Pensions.

He also presented resolutions of the Union Soldiers' Association of Auburn, Indiana, in favor of the passage of the bill equalizing the bounties of soldiers; which were referred to the Committee on Military Affairs.

He also presented the petition of G. Moore and others, citizens of Illinois, praying for an increase of pay to jurors in United States courts; which was referred to the Committee on the Judiciary.

He also presented resolutions of the Chicago Union Veteran Club,

in favor of the passage of a bill that will give a pension to Union soldiers who were confined in confederate prisons during the war; which were referred to the Committee on Pensions.

which were referred to the Committee on Pensions.

Mr. WALLACE presented resolutions of the Philadelphia Association of Manufacturers of Textile Fabrics, in favor of the passage of an interstate-commerce law, and favoring the Reagan bill; which were referred to the Committee on Commerce.

He also presented the memorial of George H. Anderson and others, of Williamsport, Pennsylvania, soldiers of the late war, remonstrating against the passage of Senate bill No. 496, and the amendments thereto, providing for the examination and adjudication of pension claims; which was referred to the Committee on Pensions.

Mr. PENDLETON presented a resolution of the Cincinnati Board of Trade and Transportation, in favor of the passage of what is known as the Reagan bill; which was referred to the Committee on Commerce.

merce.

Mr. ALLISON presented the petition of S. & L. Cohn and others, merchants of Muscatine, Iowa; the petition of John T. Hancock & Son and others, of Dubuque, Iowa; and the petition of Robert Krause and others, of Davenport, Iowa, praying for the passage of a national bankrupt law; which were referred to the Committee on the Judiciary.

Mr. KIRKWOOD presented the petition of George B. Young, William F. Coan, A. Lamb, Edward H. Thayer, Charles H. Toll, and several others, citizens of Clinton City, Iowa, praying for an appropriation of \$1,000,000 for the improvement of the Mississippi River during the fiscal year ending June 30, 1882, one-half to be used between Saint Paul and the Des Moines Rapids and the other half between the Des Moines Rapids and the mouth of the Illinois River; which was referred to the Committee on the Improvement of the Mississippi River and its Tributaries. Tributaries.

REPORTS OF COMMITTEES.

Mr. ROLLINS, from the Committee on the District of Columbia, to

Mr. ROLLINS, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. No. 42) to provide for the speedy payment of the workingmen of the District of Columbia, submitted an adverse report thereon; which was ordered to be printed, and the joint resolution was postponed indefinitely.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark, reported it without amendment.

Mr. SAUNDERS, from the Committee on Railroads, to whom was referred the bill (S. No. 1954) in relation to the Utah and Northern Railway Company, reported it with an amendment.

Mr. SAUNDERS. I am instructed by the Committee on Territories, to whom was referred the bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota, to report it without amendment. There is a written report that goes with the bill. I give notice that when the report is printed I shall call it up. It is a matter of importance to the people of Dakota Territory.

The VICE-PRESIDENT. The report will be printed under the rule.

Mr. SAUNDERS, from the Committee on Territories, to whom was referred the bill (S. No. 1526) appropriating money for the erection of a penitentiary in the Territory of Dakota, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4887) granting a pension to Rosalie Louis, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1850) for the relief of Elizabeth Moffitt, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 2049) to amend an act granting a pension to Elizabeth D. Stone, approved May 14, 1878, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1921) to declare the true intent and meaning of the act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia," &c., approved June 16, 1880, reported it with amendments.

Mr. BROWN, from the Committee on Pensions, to whom was referred the bill (S. No. 1956) to increase the pension of John H. Jessup, submitted an adverse report theron; which was ordered to be printed, and the bill was postponed indefinitely.

and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Franklin R. Sherwood, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3487) granting a pension to James Forsyth Harrison, reported it without amendment, and submitted a report thereon; which

ported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WHYTE, from the Committee on the District of Columbia, to whom was referred the joint resolution (H. R. No. 266) ratifying settlement of taxes made by the District commissioners with the Baltimore and Ohio Railroad Company, reported it without amendment.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 799) granting a pension to Richard P. Taylor, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

(S. No. 1885) granting a pension to Thomas H. Canfield, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. GROOMB, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2123) granting a pension to Albert L. Jack, reported it with an amendment to the title, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 624) granting a pension to Robert S. Goodall, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

IMPROVEMENT OF LINE OF OLD CANAL.

Mr. HARRIS. I am directed by the Committee on the District of Columbia, to which was referred the joint resolution (H. R. No. 369) making appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes, to report it favorably and with-

the old canal, and for other purposes, to report it invorably and without amendment. I ask unanimous consent of the Senate to consider the joint resolution at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates \$20,000 for the purpose of continuing the filling up, draining, and placing in good sanitary condition the old canal, the grounds of the United States south of the Capitol, along the line of the canal.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ordered to a third reading, read the third time, and passed.

GENEVA AWARD FUND.

Mr. GARLAND. The Committee on the Judiciary have instructed me to report back adversely the bill (S. No. 1903) for reviving and continuing the court of commissioners of Alabama claims, and aucontinuing the court of commissioners of Alabama claims, and authorizing the adjudication and payment of certain other claims upon the fund created by section 15 of chapter 459 of the laws of the Fortythird Congress, and in lieu of it to report a substitute, the passage of which they recommend. I would call the attention of the Senator from Massachusetts [Mr. Hoar] to this matter.

The bill (S. No. 2091) for reviving and continuing the court of commissioners of Alabama claims, and for the distribution of the unap-

missioners of Alabama chains, and for the distribution of the imappropriated moneys of the Geneva award, was read twice by its title.

Mr. GARLAND. I wish to state to the Senator from Massachusetts who has a resolution before the Senate now standing for some considerable time on the Calendar, instructing the Committee on the Judiciary to report in reference to this subject, that the bill reported by the committee now is substantially the same bill that was reported by them at the last session of Congress. The report is not a unanimous one upon this occasion. Two of the Senators, I am authorized to say, differ in reference to that subject, and favor the bill that was

to say, differ in reference to that subject, and favor the bill that was introduced originally by the Senator from Vermont [Mr. EDMUNDS] in the place of which this is a substitute.

The committee have not changed their opinion in reference to this question, but have authorized me simply to report back in substance the former bill. Although not agreeing with the Senator from Massachusetts upon the subject, I will aid the Senator from Massachusetts in getting it up for the disposition of the Senate.

Mr. HOAR. I should like to ask the Senator from Arkansas if there was presented to the committee a netition signed by a very

Mr. HOAR. I should like to ask the Senator from Arkansas if there was presented to the committee a petition signed by a very large number of the persons who would be benefited by giving this money to the insurers, disclaiming any desire on their part to have the money so disposed of, and expressing their opinion that it ought in justice to go according to the bill of the Senator from Vermont?

Mr. GARLAND. That petition and other petitions and propositions were before the committee, but notwithstanding that disclaimer on the part of the petitioners referred to by the Senator from Massachusetts, the convictions of a majority of the committee were not changed as to the legal status of this question. As I said differing

changed as to the legal status of this question. As I said, differing with the Senator from Massachusetts as also the Senator from Vermont in their views upon this proposition, yet as the majority of the Senate voted us down before, I shall throw no obstacle in the way of

considering the question and arriving at whatever conclusion the Senate may think fit to adopt.

The VICE-PRESIDENT. The bill reported adversely will be postponed indefinitely, if there be no objection, and the bill now reported placed on the Calendar.

BILLS INTRODUCED.

Mr. SLATER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2077) for the relief of Hadley Hobson; which was read twice by its title, and referred to the Com-

Hobson; which was read twice by its title, and referred to the Committee on Claims.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2078) to remit certain taxes, assessments, and penalties upon parsonage property in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2079) to provide for a free bridge across the Potomac River at or near Georgetown, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

of Columbia

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2080) to change the name

of the steamboat Annie; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2081) to change the name of the steamboat Tidal Wave; which was read twice by its title, and referred to the Com-

mittee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2082) to change the name of the steamboat Savannah; which was read twice by its title, and referred to the Committee mittee on Commerce

mittee on Commerce.

Mr. BURNSIDE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2083) amending sections 1418, 1419, and 1420 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BALDWIN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2084) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh; which was read twice by its title, and referred to the Committee on Commerce. on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2085) for the relief of John A. Whitall; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2086) to appropriate money to light the Saint John's River between the mouth of said river and the city of Jacksonville; which was read twice by its title and referred to the Committee of the Com sonville; which was read twice by its title, and referred to the Committee on Commerce.

sonville; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2087) to establish a post-route in the State of Florida; which was read by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2088) to amend section 13 of the act of Congress, approved July 12, 1876, making appropriations for the Post-Office Department; which was read twice by its title, and referred to the Committee on Appropriations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2089) to extend to the ports of El Paso, in the State of Texas; Atchison, Leavenworth, and Topeka, in the State of Kansas; and Kansas City, in the State of Missouri, the privileges of certain sections of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2090) to confirm a certain land claim in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2092) to repeal an act approved March 3, 1873, relating to the entry of coal lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MCDONALD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2093) authorizing the legal representatives to introduce a bill (S. No. 2093) authorizing the legal representatives to introduce a bill (S. No. 2093) authorizing the legal representatives to introduce a bill (S. No. 2093) authorizing the legal representatives

Mr. McDONALD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2093) authorizing the legal representatives of Jonathan L. Jones and W. D. Porter to sue in the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2094) for the relief of George W. Flood; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2095) authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Missouri; which

was read twice by its title, and referred to the Committee on Com-

Mr. CONKLING asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2096) to authorize the construction and maintenance of a railway and bridge across the Niagara River; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO POST-ROUTE BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads.

EXPORTATION OF CATTLE TO CUBA.

Mr. CALL submitted the following resolution:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of modifying the treaty with Spain so that cattle from all parts of the United States may be exported to the island of Cuba on equal and fair rates of duties.

By unanimous consent, the Senate proceeded to consider the resolu-

Mr. CALL. I wish to say a single word in explanation of the obpet of the resolution. I have information from Florida that there is a large cattle trade growing up in that portion of the country with the island of Cuba, but that the rates of duties are unfair in their discrimination against the kind of cattle grown in the State of Florida. I think something like three or four hundred thousand dollars' worth of cattle were exported during the last year to the island of Cuba, but the rates of duty there, owing to the size of the cattle, I understand,

are about twice what would be imposed upon cattle from the South American States and from other portions of our own country.

The object of the resolution is to have an inquiry by the Committee on Foreign Relations to see if some modification may not be made in the present treaty relations with the Government of Spain, so that the cattle of the State of Florida may be exported at a fair and legal rate of duty.

The resolution was agreed to.

ELLEN M. BOGGS.

Mr. BROWN. On Friday last I reported back the bill (S. No. 1880) granting a pension to Mrs. Ellen M. Boggs, widow of William Brenton Boggs, deceased, with a recommendation that it do not pass, and ton Boggs, deceased, with a recommendation that it do not pass, and it was indefinitely postponed. I learn that members of the committee desire that the Senate shall consider the bill. I therefore move to reconsider the vote by which the bill was indefinitely postponed, in order that it may be placed upon the Calendar.

The VICE-PRESIDENT. The vote by which the bill was indefinitely postponed will be reconsidered if there be no objection. It is reconsidered; and the bill will be placed on the Calendar with the adverse report of the committee.

NOTICES OF BUSINESS.

NOTICES OF BUSINESS.

Mr. PENDLETON. I desire to say to the Senate that to-morrow morning, immediately after the conclusion of the morning business, I shall call up the bill (S. No. 2038) making appropriation for completing, compiling, and publishing the returns of the tenth census, and for other purposes. I desire to notify Senators of the fact that there is a printed report accompanying the bill, to which I invite their attention before the bill shall be taken up.

While I am on my feet, I desire to say that day after to-morrow, at the conclusion of the morning business, I shall ask the Senate to take up the bill (S. No. 1441) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, or assigns. I call the attention of Senators to the fact that there is a report both in the House of Representatives and in the Senate on that bill.

DONALD M'NEILL FAIRFAX.

Mr. WHYTE. Through the courtesy of the Senate, on Thursday last, when the Calendar was up, the bill (S. No. 1513) for the relief of Commodere Donald McNeill Fairfax, United States Navy, was passed over on account of my temporary absence from the Senate. The bill will not take a moment for its consideration, I am sure, and I ask unanimous consent that I may call it up and have it disposed of. It is merely changing the number on the register of rear-admirals, with the consent of both of the rear-admirals who are below. It does not affect anybody's right, and it is a mere matter of pride to be restored to the place be had. to the place he had.

The VICE-PRESIDENT. The bill was passed over, the Chair re-

members, without prejudice.

Mr. WHYTE. It is the last one that was reached on the Calendar. By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

Mr. WHYTE. Since the bill was reported Commodore Fairfax has been appointed a rear-admiral and occupies the same position which he did as a commodore. Therefore I am instructed by the Committee on Naval Affairs to propose an amendment as a substitute for the bill.

The amendment of the Committee on Naval Affairs was to strike out all after the enacting clause and to insert:

That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice of the Senate, to appoint Donald McNeill Fairfax to be a rear-admiral on the active list next after Rear-Admiral Thomas H. Stevens, being the original relative position held by him on the Navy Register for thirty years.

The amendment was agreed to, The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had concurred in the amendments of the Senate to the joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record.

The message also announced that the House had passed the follow-

ing bills and joint resolution:

A bill (S. No. 1922) for the relief of Brigadier-General and Brevet
Major-General Edward O. C. Ord, United States Army;

A bill (S. No. 1396) authorizing the persons therein named to accept
of certain decorations and presents from foreign governments, and

of certain decorations and presents from foreign governments, and for other purposes; and
A joint resolution (S. R. No. 144) authorizing the loan of certain flags and bunting to the committee on inaugural ceremonies.

The message further announced that the House had agreed in the following concurrent resolutions of the Senate:
A resolution for the printing of 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey for the year ending June 30, 1880; and
A resolution for the printing of 10,000 extra copies of the report of the Commissioner of Fish and Fisheries for the year 1880.

The message also announced that the House had passed the following concurrent resolutions; in which it asked the concurrence of the Senate:

A resolution for the printing of 30,000 copies of the second revised edition, with necessary illustrations, of Bulletin No. 3 of the United States Entomological Commission, being a report on the cotton and boll worms, with means of counteracting their ravages; and A resolution providing that the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; provided the same can be supplied in sheets in every way equal in style and quality to the edition published by order of the Department of the Interior for a sum not exceeding \$3.50 per copy.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes; and it was thereupon signed by the Vice-Pres-

GENERAL ULYSSES S. GRANT.

Mr. LOGAN. I desire to call up for consideration the bill (S. No. 1992) to place Ulysses S. Grant, late General, and ex-President of the United States, upon the retired list of the Army.

The VICE-PRESIDENT. Is there objection to the consideration of the bill at this time?

of the bill at this time:

Mr. VEST. I object.

The VICE-PRESIDENT. Objection is made.

Mr. LOGAN. I move to take up the bill for present consideration, laying aside all other business.

The VICE-PRESIDENT. The Senator from Illinois moves that the The VICE-PRESIDENT. The Senator from Illinois moves that the pending order, being the consideration of the Calendar of General Orders under the special order of the day, be postponed for the purpose indicated by him. The question is on the motion of the Senator from Illinois. [Putting the question.] The Chair is in doubt.

Mr. INGALLS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

call the roll.

Mr. BAYARD was addressing the Chair while the Secretary called

Mr. BAYARD was addressing the Chair while the Secretary called Mr. ALLISON'S name and he responded.

The VICE-PRESIDENT. The Senator from Delaware.

Mr. BAYARD. I desire to suggest to the Senator from Illinois, who proposes to take up this bill, a special act retiring the ex President of the United States and placing him upon the retired list of the Army, whether it would not be better to allow other measures to be considered in connection which have been presented to the Senate and supported by memorials, one of which I presented myself a few days ago and had sent by inadvertence to the Committee on the Judiciary, proposing in lieu of any special legislation upon this subject affecting only a single individual that there should be a general law supplying a deficiency, as I consider it, in the present legislation of the United States, and give to every individual who has ever occupied or shall hereafter occupy the great office of the Chief Magistracy of this Union a compensation for life in retirement in such proportion as should secure permanently independence against pecuniary want. Such a proposition has been made to the Senate and referred to one of its committees and I submit to the honorable Senator who has this special act in charge whether it would not be well ator who has this special act in charge whether it would not be well to allow a matter of such general interest and importance to come up at the same time and be considered with his own bill which has in view relief for a single individual only—which special case will, I believe, find itself amply provided for by a general law—which will apply to an entire class of cases in which the distinguished citizen referred to will be included.

I have no hesitancy in saying, as it is not a matter of recent thought with me but one of consideration for some time, that there should be in a popular government provision against popular caprice or passing temper for a ruler who independently and conscientiously performs what may be for the time an unpopular duty.

I cannot now propose to enter upon the merits of the respective propositions. I have no right to do so at this stage of the proceedings, but I submit to the honorable Senator and to the Senate is it not better for us to bring this question up broadly for deliberation and consider all these relative propositions all together.

For that reason I shall not vote to postpone the present order and take up this special bill reported by the honorable Senator from Illinois from the Committee on Military Affairs, because I desire that the discussion and the principles that underlie it should be made upon the different propositions at the same time.

the different propositions at the same time.

Mr. LOGAN. I did not intend to detain the Senate a moment; but inasmuch as the remarks of the Senator from Delaware have been to nasmuch as the remarks of the Senator from Delaware have been to a certain extent directed to me, appealing to me to allow this matter to go over on account of some important bill in a similar direction, I shall be excused for saying a word. It is a matter entirely with the Senate to say what disposition it shall make of this bill. I introduced the bill as providing for an exceptional case. I will not discuss the propriety of retiring ex-Presidents of the United States in connection with this bill; but I will merely say that in a great republic like this, where there have been so many bills passed in the Senate for cases of an exceptional character in connection with the military service the opposition to such a bill as this looks to me as being rather service, the opposition to such a bill as this looks to me as being rather of a personal character than on account of the features of the bill.

When this great country was seething and writhing in pain and a man led the victorious armies of this Union to preserve it for the benefit of you on that side of the Chamber as well as of us on this side, shall we be less magnanimous than monarchs have been in past side, shall we be less magnanimous than monarchs have been in past ages? When we read the history of England and see what was done for Wellington, their great general, and for Nelson at the head of the English navy, I ask is it wise for us, when a similar act shall be asked for one of the greatest leaders who ever led the Army for the preservation of the peace and prosperity of this great land, to higgle about the question as to whether a man should be retired as an ex-President

the question as to whether a man should be retired as an ex-President or as an Army officer?

The office of major-general was made in the Senate but one week ago for an officer of the Army, that he might be retired upon that rank, he never having held that position; and that bill passed by unanimous consent, not a vote against it. When a man was placed on the retired list, one of the colonels of the Army, as a brigadier-general, but a little over a year ago, there was no voice raised against it. When a man residing in Oregon, who resigned his colonelcy in the Army at the beginning of the war for reasons that I will not now mention, was made a colonel in the Army by the action of the Senate and the House, and by almost a unanimous vote, that he might go on the retired list, not one objection was made here. I might cite case and the House, and by almost a unanimous vote, that he might go on the retired list, not one objection was made here. I might cite case after case that are precedents in this very line where the Senate has acted by unanimous vote without objection, though in fact no great military service had been rendered in the cause of this great Government, but merely because the persons benefited were favorites with a few, I will not say in this Chamber, but in this country. All this has been done without objection; but when the name of the great captain and leader of all the mighty host of this nation is presented by those who are friendly to him, that he may be placed on the retired list merely with the rank that he held before, (a position which he was much disinclined to part from and give up—I know this of my own knowledge,)—when he through his friends to-day asks that the same thing may be done for him that has been done for others—I will not say some that are unworthy, but for men certainly not

the same thing may be done for him that has been done for others—I will not say some that are unworthy, but for men certainly not deserving as much at the hands of this great Republic of ours as is Ulysses S. Grant—opposition is made to it.

I intend to insist, while this session of Congress exists, that this bill shall be voted on in the Senate. Look at the banner that hangs upon the walls of this house in which we are to-day, typical of the banner upon the walls of this mighty nation; it reminds me that the people of this country owe one debt of gratitude that they never can pay, and that is the debt they owed to the defenders of this mighty Republic. I now desire to know if that has been wiped out from the memories and hearts of the American people.

But recently we were told and asked to believe that the hand that presented a shadow on the wall of this mighty nation of ours, calcu-

presented a shadow on the wall of this mighty nation of ours, calculated at least to arouse fears in the minds of the people as to the future happiness and peace of this great Republic, would soon be withdrawn and the shadow disappear. I hoped that that might be true; but when the name of the man of all others to whom this country is indebted, yea, sir, indebted more than all the millions of gold now within the vaults of the Treasury could pay, is presented to the American Congress, there are substitutes offered; there are various American Congress, there are substitutes offered; there are various and divers ways of maneuvering and dodging around it, that something else may be done which will not make this an exceptional case. To retire this man as an ex-President, along with others, does not make it an exceptional case. I desire that it shall be exceptional, and that it shall be a recognition of Grant, not as President of the United States, but as the great captain of the loyal legions of this mighty Republic. It is for that reason that I desire this bill passed, and for no other reason. and for no other reason.

and for no other reason.

But a few days have gone by since by one united vote and effort on the part of the other side of this Chamber, a person was retired, at least as far as the Senate could do it, with the highest rank he had ever held in the regular Army of the United States. Let me ask Senators why retire that man? For his great services? For his great loyalty to this country? I will not say he was disloyal; but certainly he was condemned by his peers in the Army and dismissed from the service for improper conduct. Day after day Senators on that side of the Chamber stood up and pressed his claim, and against all the protests from this side that bill was passed. Then when there is presented the name of a man, against whom no word can be uttered as to his loyalty, as to his courtesy, as to his great ability as a soldier in the war of this mighty nation for its preservation, objections are made.

Sir, all I have to say is, let the future history of this mighty nation of ours, if it refuses to do this act for this man, stand out so that all the nations of the earth may read it and judge as to the generosity of the United States

I ask, sir, that this bill may be acted on now.

Mr. HILL, of Georgia. Mr. President, this is a subject upon which
every gentleman must speak for himself. It is not a party measure. I do not propose to be influenced in the slightest degree in my action I do not propose to be influenced in the slightest degree in my action upon this bill by anything that may be said on the other side, or on this side. I have given the subject thus far but little consideration, not as much as I desired to give it. I frankly confess the very strong inclination of my mind is to vote for this bill, if I can do so consistently with my sense of duty to the Republic and to the precedents of the past. I will not do so for precisely the same reasons given by the Senator from Illinois, nor for any reasons in that direction.

The bill cannot be supported on the idea of General Grant's loyalty, as it is called, for many others were as loyal as he, and suffered far more than he did, and are more needy than he is. This bill must be supported, if at all, on far higher grounds.

The view I take of the revolution through which we have passed may be a peculiar one, but it is one which has been formed after giving the subject very great consideration, and which, I believe, will be found to be correct in history. There have been three great fundamental epochs in American history. The first epoch is formed by the discovery and settlement of the colonies, embracing several centuries. The second is formed by the achievement of the independence of these colonies, and their formation of a new system of constitutional government, such as the world had never previously known, or seen, or dreamed of. That ended with the formation of the Constitution, 1787. The third great epoch in American history, in my judgment, will be known in history as that of 1861. That was a great revolution, and it accomplished very great results. It was a revolution, because the changes it wrought were wrought by force in a government founded in consent. I am not going to say anything about the motives which prompted the actors in that revolution, nor the agencies by which the results themselves were accomplished. All I shall now say is this, that, in my judgment, very great results were accomplished by the revolution of 1861; results which, in my opinion, are only less than those of the other two epochs to which I have referred. They will be considered very great results for many reasons. I am not going into those reasons now. The view I take of the revolution through which we have passed

epochs to which I have referred. They will be considered very great results for many reasons. I am not going into those reasons now. I regard General Grant as the most remarkable man which the events of this last revolution have developed. Ido not say the greatest man in either an intellectual or moral sense; but in my judgment he is the one man without whom the revolution would not have been a success, and this is not a hasty or ill-considered conclusion. There were many who are more responsible—if the word "responsible" is a proper one in this connection—for the revolution than General Grant. There are men who are certainly much more responsible than he for many great mistakes which, in my judgment, have been committed since the actual war ended; but, I repeat, it is my deliberate opinion that whatever may be the merit or demerit otherwise of General Grant,

the actual war ended; but, I repeat, it is my deliberate opinion that whatever may be the merit or demerit otherwise of General Grant, he will take his place in history as the great representative man of the revolution of 1861, simply because he will be regarded as the one man without whom that revolution would not have been a success.

Now, what these facts may incline me or may incline other Senators who agree or disagree with me on this subject to do in the direction suggested by the Senator from Illinois and by the bill which we are now asked to consider I am not prepared to say. At another and perhaps more appropriate time, when the subject is more fully up, I may or may not give the reasons more fully which have prompted me to say the little I have said this morning. I consider this movement a very important one; I consider it important because of the principles which it involves; I consider it important because of the principles which it involves; I consider it chiefly important because of the great character, the character which will be considered in his tory, the great character of the revolution connected with the movement, and who is proposed to be the immediate beneficiary of it; and I wish it distinctly understood that I do not make these remarks actuated by any disposition to cater to the other side, or to any prurient sentiment of loyalty, or to General Grant, or his adherents; nor do the remarks I make measure in the slightest degree any opinion I may have of General Grant as a statesman, or as a politician, or as a military commander. I simply say, because of the peculiar character of the man, the peculiar elements which formed him, the peculiar circumstances which surrounded him, and the remarkable events in which he was called to act a part, that these personal qualities combined with these events have made General Grant, in my estimation, and, I believe, will make him in the estimation of future generations, the one man without whom that revolution would not have been a success. His qualitie plied the one necessity-of success to his side in the war. How great that will make his name in history, how high the niche that will give him in the temple of fame I do not now propose to say. The truth is no man can yet form a well-considered or certain opinion as to the extent or character of the results of the revolution of 1861. To what extent or character of the results of the revolution of 1861. To what extent they may yet affect the character of this Government and the future history of this country no man can say. The real results of that revolution it will take a century fully to develop. Many of those results, I concede, are already, in my judgment, beneficial in a direction and to an extent that I never deemed possible twenty years ago. Whether they will be finally beneficial to the Government, whether they will be finally and ultimately beneficial to the white race or the black and the second of the control o the black race, men may differ. I confess I am most thoroughly convinced that the results of the revolution of 1861 will be more beneficial to the white race than to the black race, and if wisdom shall obtain in the future, they will be chiefly beneficial to the southern

obtain in the future, they will be chiefly beneficial to the southern portion of this country.

So believing, I am ready to consider the proposition made by the Senator from Illinois, but I am not prepared to vote on it to-day. I confess that the inclination of my mind is to give it as favorable consideration as a sense of duty to the Republic will permit.

Mr. VEST. Mr. President, I have listened with considerable interest to the discussion on this bill. I am opposed to it in principle from beginning to end, and I am opposed to the amendment suggested by the Senator from Delaware, [Mr. BAYARD.] He intimated that a

general provision should be made covering the cases of all ex-Presidents. I am opposed to the entire scheme, whether in the shape of the bill now presented, or of that suggested by the Senator from Delaware. I do not propose to be dragged to-day into any partisan discussion, if I can avoid it, in regard to the late war or the historic personages that were concerned in it. General Grant will pass into history beyond question as the greatest general of that great struggle. For his military skill I express here now publicly what I have always expressed, the very greatest admiration. As for him personally I have not one word to say, and the southern people have evidenced in every way within their power their admiration of Grant as a soldier. For the course pursued by him at the close of the war when, upon the hills of Appomattox, he handed back to that other great soldier, Robert E. Lee, his stainless sword, every southern heart went up in gratitude to him; and when afterward he went as the special agent of the Government to the Southern States, and reported to the Chief Executive the undoubted loyalty and patriotism of the southern people, again every southern heart was prompt to thank him: and when a gracial festion was greated for him the ism of the southern people, again every southern heart was prompt to thank him; and when a special office was created for him, the rank thank him; and when a special office was created for him, the rank of General, no southern man interposed a single objection; and when at Cairo and Bloomington, after visiting during the last winter and spring all the Southern States, General Grant stated that the people of the South were as loyal to the flag and to the Constitution as were the people of the North, the people of the South again evidenced their gratitude. But, sir, when General Grant deliberately left the place provided for him by the representatives of the people, when he entered the arena of partisan politics, when he took the chances of public life, I for one hold that he should stand the hazard of the die. It does not belong to the democratic but it belongs to the republican side of this House to provide for their wounded and for their dead in the late political conflicts, and when his corpse was dragged upon that bloody arena in the city of Chicago the funeral and the obsequies belong not to the democratic side of this Chamber. We have funerals enough of our own, [laughter,] and wounded enough to take care of, and we do not propose to interfere with the funeral arrangements of our political opponents.

care of, and we do not propose to interfere with the funeral arrangements of our political opponents.

I am very well aware that for what I say here to-day I shall be deluged, as on a recent occasion, by the abuse of the partisan press of the country and followed up by the cry of "rebel," and "unreconstructed democratic Bourbon." Be it so. I said some time ago in regard to that distinguished personage, John Brown, that I thought him properly executed at Harper's Ferry, and immediately the partisan press of the country undertook to defend every act of Brown's life, and to stigmatize me as disloyal to this Government because I reand to stigmatize me as disloyal to this Government, because I repeated the declaration of the republican party made in open convention in 1860, when they stigmatized the same man as a criminal against the laws of this country. No such abuse can deter me from

discharging my duty here.

I disclaim all personal hostility to General Grant, but I oppose this bill as a matter of principle. As a representative of the people I cannot consent to provide places for generals no matter how distinguished, who like ourselves have taken the chances of political life and been beaten.

Mr. LOGAN. Just a word, Mr. President. I am very sorry that any Senator should attribute a proposition of this kind to political reasons. I have tried, at least in this bill, to put it on the ground of military renown and success. So far as the killed and wounded are mintary renown and success. So far as the killed and wounded are concerned, I have naught to say, except this: we have always, so far as our part of the people are concerned, tried to do as well as we could by them, which is proper; and I will say to the Senator from Missouri that certainly he must be at times a little thoughtful, from Missouri that certainly he must be at times a little thoughtful, too, for well do I remember a speech of his—and his speech fits the case exactly, and therefore I will ask that he shall apply the language of his speech in the case that I shall mention—in regard to a certain officer at Baltimore who resigned in the early part of the war a colonel's commission. He did what the Senator says, he took his chances and depended upon the cast of the die. He returned into civil life until the war was over. When a majority of his friends entered this Chamber he was put on the retired list with the rank of colonel. That case is one in point. Certainly he was not put on the retired list for any services that he rendered during the war. That was not the reason. What was the reason? He resigned; left the service. You put him back and put him on the retired list, though he had performed no service during the war. I leave for the country to decide what the reason was. what the reason was

what the reason was.

There was another case that I mentioned a while ago from Oregon, where a colonel retired at the opening of the war. You recently put him on the retired list with the highest rank he ever held in the Army, and for what? For services during the war? For services in time of peace? If so, I know not what they were. Why did you do it? You talk about precedents, and you have made the precedents here yourselves. You have retired men with the highest rank they ever held in the Army when they did not draw a blade or fire a musket for the preservation of this Union.

Is it true, sir, that we are so praindiced that if one of our friends.

I am aware has no prejudice, for he says he has none, that the refusal of this in this Chamber will live longer than some acts that people now think more of. Deny this man this privilege that you have given to men who were not as loyal as he was, men who did not perform services as he did, men who have not won the applause of their fellow-citizens in this land as he has, let the country understand that to be your position, and your children and your children's children will read in history of the great achievements of this man, and at the same time of the prejudices of other men. It will be a part of the history of this country that men who differed with this man in politics were so prejudiced that they could not give him the same act of kindness of this country that men who differed with this man in politics were so prejudiced that they could not give him the same act of kindness that they gave to others who were their friends, although he, as the Senator from Georgia has well said, was the one man of all others that this country is indebted to for putting down the late attempted rev-

If that be true, how much more dimly shall his light shine on the future pages of history than did the light of Lord Wellington; how much more dimly shall his light reflect its rays upon the mind of the American people in the future than did the conduct of brave Nelson of the English navy? True, we might repeat a long list of victorious leaders that have been preferred by the legislative department with the power in its hands on account of their meritorious conduct; and the power in its hands on account of their meritorious conduct; and shall the column of this mighty nation's array stand broken in the presence of future generations? Why? Because of party prejudice. Sir, it is not the kind of history for men to make; it is not the kind of magnanimity for men to show. Show me a man, no matter what his politics may be, no matter what his part may have been in political contests, that performed the service to this great country that this man has done, and I for one will never tear a laurel from his brow in this Senate Chamber or elsewhere, in political contests or otherwise. You may read where it has been printed what I have said, and you never a find one word attered in all that I have ever said account.

You may read where it has been printed what I have said, and you never can find one word uttered in all that I have ever said against the man who performed his duty well; not one, sir.

The PRESIDING OFFICER, (Mr. Edmunds in the chair.) The Senator from Illinois will please suspend. The hour of half past one o'clock having arrived, it becomes the duty of the Chair to lay before the Senate its unfinished business, being the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians, &c.

Mr. LOGAN. I wish to give notice that I shall on to-morrow morning and every other morning, if my health allows me to be here, ask that this bill be taken up until it is disposed of by the Senate.

Mr. HILL, of Georgia. Why call it up in the morning hour?

Mr. INGALLS. Take it up now.

Mr. LOGAN. I had forgotten that I had moved to postpone all prior orders of business and take this bill up, and that the roll was being called on that motion when the Senator from Georgia, I think it was he, took the floor. That circumstance being recalled to my recollection, I ask now that the roll-call be completed. The roll was called and there was one response.

called and there was one response.

The PRESIDING OFFICER. The Chair is of the opinion that inasmuch as debate was permitted after the roll-call had commenced, it must be treated now as if the roll-call had not commenced. Therefore

must be treated now as if the roll-call had not commenced. Therefore the Chair cannot, without submitting the question to the Senate formally, as the Chair thinks, proceed with the roll-call.

Mr. LOGAN. Then I move to postpone all prior orders and take up this bill; and I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Illinois moves that the present and all prior orders be postponed in order that he may move to proceed to the consideration of the bill on which debate was taking place at the expiration of the morning hour.

Mr. INGALLS. The yeas and nays were ordered.

Mr. INGALLS. The yeas and nays were asked for.

The yeas and nays were ordered.

Mr. BUTLER. Mr. President, I desire to state that in the vote I am about to give I do not wish it understood that I thereby express an opinion for or against the bill; and I do not think the Senator from Illinois is justified, I do not think there is the slightest justification for the intimation and the charge which he has made, that those of us who do not at once and promptly consent to consider this matter

us who do not at once and promptly consent to consider this matter are influenced by prejudice.

Mr. LOGAN. I made no such charge as the Senator refers to against any one. I made no charge against anybody. I replied to a state-ment of the Senator from Missouri.

ment of the Senator from Missouri.

Mr. BUTLER. I desire to say to the Senator from Illinois, who seems to be very much interested in this bill, that I shall give it my best judgment after mature deliberation; and I desire to say, furthermore, that I do not intend to be dragooned into voting for or against this bill by any insinuation of anybody. I shall vote now against taking the bill up, but as I stated I do not intend to express thereby my opinion for or against it. I think as important as this matter is, and I concede to the Senator from Illinois that it is an important bill, there are some other matters being considered by the Senate of equal importance, and the consideration of which will not prejudice this bill in any way. I merely say that in explanation of my vote against this motion. I have no prejudice whatever against General Grant. There is no Senator upon this floor who would go farther than I would to do him justice if injustice had been or was being done him, but before I can vote for this or any other bill of this character there must be some reason or explanation given to show the necessity for it. I have Is it true, sir, that we are so prejudiced that if one of our friends after performing any service whatever asks our support to put him on the retired list he shall have it, but if one who has performed higher and greater service than any other living man asks the same thing he shall not have it? What is the consistency in that, let me thing he shall not have it? What is the consistency in that, let me ask? And I say to my friend from the grand State of Missouri, who

which might be sufficient or might not, and I shall therefore vote against the motion of the Senator from Illinois.

Mr. LOGAN. I only desire to say, in reply to the Senator from South Carolina, that I am very much surprised that he should use the word "dragooned." Who ever heard of a Senator dragooning the Senator from South Carolina? Who would expect to do such a thing? I should not. The Senator cannot dragoon me, and I would not undertake to dragoon him. All expressions of this character used in the Senate Chamber are mere idle words. I made no such attempt. I have only been earnest in pressing this bill to a vote, and I will only say to the Senator that I shall not be prevented from pressing it "in and out of season."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois, on which the yeas and nays have been ordered.

been ordered.

The Secretary proceeded to call the roll.

Mr. EATON, (when his name was called.) The Senator from New York, [Mr. CONKLING,] when he left the Chamber to go to the Supreme Court, desired me, if anything arose, to take care of his interest in the matter. I am inclined to think that he would vote to postpone all other business and take this bill up, and therefore, as I would vote not to postpone other business and not to take this up, I decline to vote

Mr. GARLAND, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. BLAINE.] If he were here, he would vote "yea" and I should vote "nay."

Mr. TELLER, (when his name was called.) I am paired with the Senator from West Virginia [Mr. HEREFORD] on all political questions, and from the direction which the vote is taking I presume this is a political questions.

this is a political question.

Mr. BURNSIDE. My colleague [Mr. Anthony] left word with me that he was paired with the Senator from West Virginia, [Mr. Here-

FORD.]
Mr. TELLER. Then I will vote. I vote "yea."

The roll-call was concluded.

Mr. FERRY. I desire to state that the Senator from Texas [Mr. MAXEY] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] If the Senator from Texas were here, he would vote "nay"

and the Senator from Texas were here, ne would vote and the Senator from Wisconsin would vote "yea."

Mr. BURNSIDE. I desire to state that my colleague [Mr. Anthony] is paired with the Senator from West Virginia, [Mr. Hereford.] I do not know how the Senator from West Virginia would reconstruct the senator from West Virginia would be senator from West Virginia would reconstruct the senator from West Virginia would reconstruct

vote, but my colleague, if here, would vote "yea."

Mr. WALLACE, (after having voted in the negative.) I notice that my colleague [Mr. CAMERON] is not in his seat. I was paired with him last week. I learn that he is now sick. I therefore with-

draw my vote.

Mr. HARRIS. I desire to say that my colleague [Mr. BAILEY] is paired with the Senator from Nebraska, [Mr. PADDOCK.] I do not know how either of the Senators would vote if they were present.

The result was announced—yeas 25, nays 28; as follows:

	X.E.	AD-20.	
Allison, Baldwin, Blair, Booth, Burnside, Cameron of Wis., Davis of Illinois,	Dawes, Edmunds, Ferry, Hoar, Ingalls, Kellogg, Kirkwood,	Lamar, Logan, McMillan, McPherson, Morrill, Platt, Plumb,	Rollins, Saunders, Teller, Windom.
	NA	YS-28.	
Bayard, Beck, Brown, Butler, Coke, Davis of W. Va., Groome,	Hampton, Harris, Hill of Georgia, Johnston, Jonas, Kernan, McDonald,	Morgan, Pendleton, Pugh, Randolph, Ransom, Slater, Thurman,	Vance, Vest, Voorhees, Walker, Whyte, Williams, Withers.
	ABS	SENT-23.	
Anthony, Bailey, Blaine, Bruce, Call, Cameron of Pa.,	Carpenter, Cockrell, Conkling, Baton, Farley, Garland,	Grover, Hamlin, Hereford, Hill of Colorado, Jones of Florida, Jones of Nevada,	Maxey, Paddock, Saulsbury, Sharon, Wallace.

So the motion was not agreed to.

HAYDEN'S ATLAS OF COLORADO.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That the Public Printer be directed to furnish 3,000 copies of the Atlas of Colorado, by F. V. Hayden; provided the same can be supplied in sheets in every way equal in style and quality to the edition published by order of the Department of the Interior, for a sum not exceeding \$3.50 per copy; 800 copies of which shall be for the use of the Senate, 1,515 for the use of the House of Representatives, and 685 for the use of the Department of the Interior.

REPORT OF COTTON WORM.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives of the United States of America, (the Senate concurring,) That there be printed at the Government Printing Office 30,000 copies of the second revised edition, with necessary illustrations, of Bulletin No. 3

of the United States Entomological Commission, being a report on the cotton and boll-worms, with means of counteracting their ravages; 10,000 copies thereof for the use of the Senate, 18,180 for the use of the House and 1,820 for the Interior Department.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville for hospital and burial purposes; and

A bill (H. R. No. 6942) to fix the times for holding the district and circuit courts of the United States for the western district of Texas.

THE COLLAMER STATUE.

Mr. MORRILL. I rise to give notice that on Monday next, one week from to-day, in the morning hour, I shall offer a resolution for the formal acceptance of the statue of Jacob Collamer in the Statuary Hall. I may add that it will take but a few minutes of time.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville for hospital and burial purposes was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 6942) to fix the times for holding the district and circuit courts of the United States for the western district of

Texas was read twice by its title, and referred to the Committee on

the Judiciary.

LANDS IN SEVERALTY TO INDIANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians,

protection of the laws of the States and Territories over the Indians, and for other purposes, the pending question being on the amendment proposed by Mr. Vest in section 7, line 2, to strike out the words "Indian Territory," and in lieu thereof to insert "reservations of the Cherokees, Creeks, Seminoles, Choctaws, and Chickasaws in the Indian Territory."

Mr. VEST. Mr. President, I do not now recall a single argument in the course of this debate which at all disproves either the justice or policy of the amendment which I have offered. The chairman of the Committee on Indian Affairs has expressed apprehension that the adoption of this amendment will in some way create the impression that the Government proposes to violate the treaties heretofore made with the Indian tribes. I do not agree with him; but in order to obviate any Indian tribes. I do not agree with him; but in order to obviate any criticism, I ask leave to offer the following as a substitute for my

original amendment:

Strike out the words "Indian Territory" in line 2 of section 7, and insert in lieu

Strike out the words "Indian Territory" in line 2 of section 7, and insert in lieu thereof:

"Reservations of the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles in the Indian Territory, it being understood and hereby provided that no rights of any Indian tribe to any of the lands in said Territory are to be affected or impaired by this act."

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Senator from Missouri modifies his amendment.

Mr. VEST. Mr. President, in order that there may be no miscon-

reption as to the purpose of this amendment, I desire to submit a few remarks before the Senate votes upon the question.

The Indian Territory, or Indian country, as it should properly be termed, embraces an area of 41,098,398 acres of land. In 1866 all former treaties between the United States and the Chockaws, Chickagary, Checkagary, Chec asaws, Creeks, Cherokees, and Seminoles, known as the five civilized tribes, having been abrogated by their espousing the cause of the confederacy, new treaties were made between them and the Government, by the terms of which large quantities of land were ceded to the United States by the Indians, as follows:

By the Creeks, 3,250,560 acres, for \$975, 168
By the Seminoles, 2,169,080 acres, for 325, 362
By the Coctaws and Chickasaws, the lands lying west of 96°

west longitude, for (The number of acres is not specified in the treaty, but was about seven million.)

The Cherokees conveyed no lands to the Government by the treaty

of 1866

Of the entire Indian Territory, 25,948,692 acres have been already surveyed by the United States, embracing all the lands ceded by the civilized tribes, as before enumerated, leaving 15,149,706 acres unsurveyed in the Cherokee, Creek, Choctaw, Ottawa, and Seminole reservations.

Article 3 of the Creek treaty of 1866 provides that-

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain.

The Seminole treaty is in the same words. In the treaty of 1866 made with the Choctaws and Chickasaws the cession of lands is

Just here I desire the attention of the Senators present to the issue now made between the Secretary of the Interior and the people who propose to enter the ceded lands in the Indian Territory, which is the cloud of war in that quarter now threatening us, as we are told.

I know that the Secretary of the Interior claims that this treaty between the Choctaws and Chickasaws and the United States is a conditional cession of these lands to the Government. Not wishing in a matter so important to do him the slightest injustice, I desire to read a communication from the Secretary of the Interior to the Secretary of War, containing the full argument upon which the proclamation of the President in reference to invasions of the Indian country has been based, and under which troops have been ordered to the southwestern border.

Says the Secretary of the Interior, after citing different treaties from 1834 to 1866 between the five civilized tribes and the Govern-

By these treaties title was guaranteed to the several tribes, and it was provided that the lands should never be included within the territorial limits or jurisdiction of any State or Territory, but should remain subject to the intercourse laws, which laws have, as before stated, continued in force in all parts of the Territory to the present time.

I admit that proposition to be fully sustained up to the treaties of 1866.

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which was the foundation of the original scheme.

That purpose was the removal of Indian tribes from the limits of the political State and territorial organizations and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects.

That purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon."

The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 22, 1855, leased "to the United States * * * for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein."

The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust. In 1867, the Kiowas, Comanches, and Apaches were settled upon these lands by treaty. In 1869 the Cheyennes and Arapahoes were located by executive order, the Wichitas being already upon a portion of the same prior to the purchase.

It will be seen from this communication that the Secretary of the Interior, who is not a lawyer, asserts the wonderful legal proposition that "the lands ceded by the Choctaws and Chickasaws were, by arthat "the lands ceded by the Choctaws and Chickasaws were, by article 9 of the treaty of June 22, 1855, leased to the United States
* * * for the permanent settlement of the Wichita and such other
tribes or bands of Indians as the Government may desire to locate
therein." "The treaty of 1866 substituted a direct purchase for the
lease, but did not extinguish or alter the trust." In other words, if
Brown leases to Jones a tract of land to be used for agricultural purposes only, and Jones a tract of land to be used for agricultural purposes only, and Jones afterward buys the land absolutely and nothing is said in regard to its use in the deed, no limitation or restriction, the lease, by some mystic operation known only to the Secretary of the Interior, injects itself into the deed and controls its provistary of the Interior, injects itself into the deed and controls its provisions. I have been under the impression, Mr. President, that the deed would be the higher instrument, the larger muniment of title, and would speak for itself; that the lease would be merged, so to speak, in the deed, and would be functus officio. As the bill introduced by my friend from Ohio [Mr. PENDLETON] giving the Cabinet seats upon the floor of the Senate has not yet been enacted, I would be glad if some friend of the Secretary would for him and in his behalf explain this remarkable legal assertion.

That the treaty of 18(6) is absolute in its cession of lands for the

That the treaty of 1866 is absolute in its cession of lands for the sum of \$300,000 and ignores all the limitations or trusts of the treaty of 1855, I quote article 3 entire:

of 1855, I quote article 3 entire:

The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the ninety-eighth degree west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than 5 per cent. in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of \$300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter—less such sum, at the rate of \$100 per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations to be made by the legislatures of the said nations, respectively, within two years from the ratification of this treaty, then the said sum of \$300,000 shall ball the proper—the United States agreeing, within ninety days from the expiration of t

But this is not all. After citing the various treaties which set aside

the Indian country for the home of the Indian in all future time, the Secretary of the Interior makes the following declaration:

The title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement which was the foundation of the original scheme. That purpose was the removal of the Indian tribes from the limits of the political, State, and territorial organizations, and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects.

It will be noticed that the Secretary studiously ignores the fact.

It will be noticed that the Secretary studiously ignores the fact that the treaties made provision not only for Indians but also freed-men to be located on these ceded lands. Nor is it true that the treaties recognized the right of the Government to bring into the Indian country any but civilized Indians. The assertion of the Secretary of the Interior that these ceded lands were under a trust for the location of every class of Indians, and for none but Indians, is not sustained by the language of the treaties. The language of the treaty tained by the language of the treaties. The language of the treaty embraces both Indians and freedmen, and afterward, in article 3, the Indians to be removed into the ceded lands by the United States, are limited to civilized Indians. It follows, therefore, that every wild or blanket Indian forced into that Territory by the Government has been taken there in direct violation of solemn treaty stipulations. There are now twenty-nine tribes or fragments of tribes in the Indian Territory, besides the five civilized tribes in the western reservations; and many of these unfortunate creatures have, under the scheme of the Secretary of the Interior, been correct into removing there under the Secretary of the Interior, been coerced into removing there under such circumstances that it constitutes a blot upon our civilization as a Christian people.

I do not believe it any exaggeration to say that starvation, exposure, and climatic disease have killed more Indians under the scheme

ure, and climatic disease have killed more Indians under the scheme than all the infantry, artillery, and cavalry of the United States Army. It is not to be wondered at, therefore, that Congress has by legislation virtually prohibited the removal of any other Indians to this Territory, and put its stamp of disapproval upon the settled policy and scheme of the Secretary.

In the Indian appropriation bill of 1877 the Government was prohibited from removing the Sioux into the Territory, and in the Indian appropriation bill of 1878 the removal of any Indians from Arizona or New Mexico into the Indian Territory is also forbidden. So that it may now be considered the settled policy of the Government, as indicated by the action of Congress, that no more Indians shall be removed into these ceded lands, whether civilized or uncivilized. In fact, I will venture to say, without undertaking to seize the Administration by the throat, that not one dollar can be obtained by the Department of the Interior for any such purpose. Department of the Interior for any such purpose.

There being no longer any freedmen under the operation of the

fourteenth and fifteenth amendments to the Constitution, and Congress having prohibited the removal of other Indians into the Indian Territory, what does the Government propose to do with the millions of acres of fertile lands, paid for by the money of the people, and now

If Brown purchases from Jones a tract of land upon which Brown desires to locate his son, and this son afterward dies, will any lawyer pretend that the land reverts to Jones? Or that Brown must hold it

pretend that the land reverts to Jones? Or that Brown must hold it forever for no other use? Yet this is the identical case now presented as to the ceded lands in the Indian Territory.

Mr. President, I desire to preserve inviolate every treaty stipulation, and to counsel the strictest observance of law and order, but the man is an idiot who thinks that this vast domain, paid for with the common treasure, can be sealed into dead and stolid barrenness against the degrees of form. The Government has the military present the the decrees of fate. The Government has the military power to remove all persons from these ceded lands who may succeed in entering, and may with its bayonets bar the passage of others, but the courts can never punish a single person arrested, and the end will be, as it has always been, the onward march of civilization and Anglo-Saxon blood. I repeat, that I counsel no infraction of treaties, no lawless opposition to the Government, but whether the Secretary of the Interior be right or myself, in our construction of the treaties, the end will be the same.

Not in vain the distance beacons, Forward, forward let us range; Let the great world spin forever, Down the ringing grooves of change.

The amendment which I propose simply extends the privilege of taking their lands in severalty to the twenty-nine tribes or fragments of tribes now upon the ceded lands. If the principle of the bill be correct, and I so believe, if the home idea is the germ of Christianity and civilization, why should these Indians be refused this

beneficent provision?

The Senator from Colorado [Mr. Teller] caused to be read in the course of this debate a protest from the representatives, as they style themselves, of the leading nations in the Indian Territory, against the passage by Congress of any law giving the Indians upon the ceded lands the right to take their lands in severalty. The extraordinary progress made by these Indians of the civilized tribes in all the methods and practices of civilization is evidenced by the alacrity with which they are now attending to everybody else's business besides their own. The Weas, Miamies, and Peorias have petitioned to have their lands allotted in severalty but these gentlemen know what is best for the petitioners and protest against their request being granted. The document is so unique and refreshing in its coolness that I shall ask to have it read again.

The Chief Clerk read as follows:

PROTEST OF THE REPRESENTATIVES OF THE INDIAN TERRITORY.

To the Congress of the United States:

The Chief Cierk read as follows:

PROTEST OF THE REPRESENTATIVES OF THE INDIAN TERRITORY.

To the Congress of the United States:

As representatives of the leading nations of the Indian Territory we desire to call your attention to several measures pending before you, the purpose of which is to change the condition and compromise the safety of the Indian people. We refer to the bills for sectionizing and allotting in severalty the lands of the Indians. We have understood that such bills were not intended to apply to the Indian Territory, as there is no provision for white settlement in that country, and the treaties define that this allotment in severalty can only be done on the request of the Indian nations.

We therefore appeal to you not to violate your pledges to us in treaties. Doing this for a single tribe in the Indian Territory, as would be the case in passing H. R. No. 6022, for allotting lands of Peorias, Weas, Miamies, Piankesbaws, and Kaskaskias, would lead to local disturbance and produce great mischief.

Our people have not asked for or authorized this, for the reason that they believe it could do no good and would only result in mischief; in their present condition. Our own laws regulate a system of land tenure suited to our condition, and much safer than that which is proposed to be established for it.

Improvements can be and frequently are sold, but the land itself is not a chattel. Its occupancy and possession are indispensable to belding it, and it sabandomment for two years makes it revert to the public domain. In this way every one of our citizens is sure of a home.

The change to individual title would throw the whole of our domain in a few years into the hands of a few persons. In your treaties with us you have agreed that this shall not be done without our consent; we have not asked for it, and we call on you not to violate your pledges with us.

There are other reasons, involving our prosperity and safety, why the limitations of sectionizing should not be thrust over us.

There are oth

D. W. BUSHYHEAD,
Principal Chief.
P. N. BLACKSTONE,
GEORGE SANDERS,
Oherokee Delegation.
PLEASANT PORTER,
WARD COACHMAN,
D. M. HODGE,
Oreek Delegation.
PETER P. PITCHLYNN,
Choctaw Delegate.

Mr. VEST. It is almost incredible that these representatives who argue so strenuously for treaty stipulations and against tenure in severalty are themselves striking down their own treaties and attempting to destroy the system which they deliberately invoked and defended in 1866.

Article 16 of the Cherokee treaty of 1866 reads as follows:

Article 16 of the Cherokee treaty of 1866 reads as follows:

The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled—

In regard to these very lands they provided there for a tenure in severalty and one hundred and sixty acres to each Indian—
the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide.
Said lands thus disposed of to be paid for to the Cherokee Nation, at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

or the President; and it they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Article 11 of the Choctaw and Chickasaw treaty of 1866 has the following:

Whereas the land occupied by the Choctaw and Chickasaw Nations * * * is now held by the members of said nations in common; * * * and whereas it is believed that the holding of said lands in severalty will promote the general civilization of said nations and tend to advance their permanent welfare and the best interests of their individual members, &c.

This was the deliberate opinion of the civilized tribes in 1866, and they advocated the tenure by severalty even in treaty provisions, but, like many of their white brethren, they have changed with the changing seasons, and now, secure in their own country and behind these treaties, they protest against other Indians, entirely separate and distinct from themselves, being granted the privilege of tenure in

severalty upon lands for which the five civilized tribes have been fully paid.

I repeat that no argument has yet been made which successfully assails either the justice or propriety of the amendment, and I hope it will be adopted

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Missouri, [Mr. Vest.]

Mr. COKE. I rise to say that the modification of the amendment as proposed by the Senator from Missouri makes it acceptable to me as one of the Committee on Indian Affairs. I have conversed with one or two of the other members, and it is equally acceptable to them. I therefore have no opposition to make to it. The amendment was agreed to.

Mr. HOAR. I move to amend the bill by inserting after the word "reside," in the sixth line of the sixth section, the following words: And are hereby declared to have become citizens of the United States and entitled as such to the full protection of the Constitution and laws.

And are necessarized to have become cutzens of the United States and entitled as such to the full protection of the Constitution and laws.

I presume this amendment will not be objected to by any Senator. It is certainly a very grave question whether by the operation of the fourteenth amendment all the Indians under the jurisdiction of the United States have not become citizens; but it is claimed, with a good deal of force, that an Indian dwelling with his tribe, dwelling with a tribe which under the Constitution may make treaties with the Government of the United States, dwelling with a tribe which has entire civil and criminal jurisdiction over his person and property, is not within the jurisdiction of the United States within the meaning of the fourteenth amendment. But now it is proposed to place these Indians upon land in severalty, and to remove them entirely from the tribal jurisdiction. They are to be subjected by this section to all the laws, both civil and criminal, of the State or Territory in which they may reside. The limit of inalienability is affixed to their land for the period prescribed in the bill.

Mr. COKE. Will the Senator allow me to ask a question?

Mr. HOAR. Certainly.

Mr. COKE. In section 5 of this bill it is provided:

Mr. COKE. In section 5 of this bill it is provided:

That the lands acquired by any Indian under and by virtue of this act shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance or by the judgment, order or decree of any court, or subject to taxation of any character, but shall be and remain inalienable, and not subject to taxatios, lien, or incumbrance, for the period of twenty-five years from the date of the patent, which said restrictions shall be incorporated in the patents when issued.

If the Senator's amendment prevails, will not that provision be

rendered nugatory?

Mr. HOAR. I do not understand it so. I do not understand that the authority of the United States can impose upon any person who is subject to all the civil and criminal laws of a State the incapacity to alienate his land, and that provision would be nugatory under the Constitution of the United States and under the constitutions of the various States where the Indians are to be located if it were to be various States where the Indians are to be located if it were to be treated as an imposition upon the person of incapacity to make a valid deed. But I suppose this bill goes upon the ground that the United States now having the authority to regulate these land titles may impose upon certain land, whether they authorize its conveyance to Indians or whether they authorize its quasi and qualified subjection to the jurisdiction of the State, the quality of inalienability for twenty-five years. I cannot convey to the Senator from Texas land in fee with a provision that he shall not convey it or that the person who inherits it from him shall not convey it for a term of time, because that is inconsistent with the deed. But the legislative power may at the same time grant land which the United States may now regulate the title of, and declare that the particular land so granted shall be alienated only in a certain way or shall be inalienable for a certain time. So I do not conceive that my proposition affects in the least the legality of the provision of the fifth section. That must be supported or overthrown entirely upon other considerations. My proposition is this: these Indians are to be made, not by their own consent but by the consent of a two-thirds vote of their by their own consent but by the consent of a two-thirds vote of their tribes, dwellers in severalty upon their lands, and subjected, whether with or against their personal and individual will, to all laws, civil and criminal, of the State in which they dwell. I understand that the theory of this bill goes on the ground that it is desirable to put the Indians among the whites, a neighbor among neighbors, to give him the hopes and habits and stimulus that come from the ownership of real estate. Now, I say it is entirely inconsistent with the policy of this Government, it is entirely inconsistent with the theory upon which the Constitution is based, to place any body of men anywhere in such a position, subject to every restraint of citizenship and subject to every obligation of citizenship, and take from them all the privileges which are attendant upon citizenship. My belief is that that would be the operation of this bill and of the fourteenth amendment without such a declaration as I propose to insert, but it seems to me that it is safer and better to declare the law in express terms.

Mr. MORGAN. If it be in order, Mr. President, I will offer a subby their own consent but by the consent of a two-thirds vote of their

Mr. MORGAN. If it be in order, Mr. President, I will offer a substitute for the amendment of the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair thinks it is in order.

Mr. MORGAN. I offer the following as a substitute for the amendment of the Senator from Massachusetts: Strike out section 6 and in lieu thereof insert:

When any Indian has received a patent for land under the provisions of this act, he or she shall become a citizen of the United States, and shall be entitled to all the rights and privileges of such citizenship, and shall be subject to all laws

which affect the citizens of the United States, and shall not thereby forfeit any right in or to any property or annuity to which he or she should be entitled as a member of such tribe, or his or her right to participate with such tribe in the disposal of any land or other property held in common by such tribe.

Mr. HOAR. The amendment of the Senator from Alabama is not in conflict with mine in principle, but accomplishes, if I understand it from the reading, precisely the same result. The only difference is that mine is a perfection of the section as it stands, and his is a substitute for the entire section. If mine be adopted, therefore, it will still be in order to move his as a substitute for the section. I understand that under the parliamentary rule mine is first in order, being an amendment to the text.

The PRESIDING OFFICER. The Chair did not understand the Senator from Alabama as offering his amendment as a substitute for the sixth section of the bill, but as a substitute for the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. If the Chair will look again the Chair will see that the amendment is to strike out the entire sixth section and insert in

The PRESIDING OFFICER. Then the point of order is certainly well taken by the Senator from Massachusetts. It is first in order to perfect the section, and then for the Senator from Alabama to move the strike it out.

Mr. MORGAN. While I am on the floor I will explain briefly the reason I had for offering the amendment. I concur with the Senator from Massachusetts entirely in reference to what will be the effect upon the Indian of accepting a patent from the Government of the United States. He will be thereby entitled, if he is not already entitled under the fourteenth amendment, to all the privileges and advantages of citizenship as well as be subject to the burdens of citizenship. But the sixth section of this bill introduces a feature which, unless it is remedied, I think will cause a very serious conflict between territorial government and the policy the Government of the United States may finally be compelled to adopt in reference to these Indians at the time when they cease to be members of a tribe and become citizens of the United States. I desire the attention of the Senator from Massachusetts to that part of the sixth section of the bill, in lines 4 and 5, which subjects these Indians "to the laws, both civil and criminal, of the State or Territory in which they may reside."

The object of the bill is to make the Indian, after he receives title to his land in severalty from the United States, subject to the laws.

The object of the bill is to make the Indian, after he receives title to his land in severalty from the United States, subject to the laws, civil and criminal, of the State or Territory in which he may reside. My purpose is to make him subject to the laws of the United States, and to leave him under the control of the Government of the United States, as a member of his tribe, although a citizen of the United States, until such time as the Government may see fit to destroy, by act of Congress, the entire tribal relation.

This is a very delicate question indeed, and I suppose that every senator on this floor in common with those who have preceded us

This is a very delicate question indeed, and I suppose that every Senator on this floor, in common with those who have preceded us, in conformity to the established policy of the United States Government, desires to do all he can do for the benefit of the Indian and for the improvement of his condition. It is the most serious problem that we have to deal with in reference to any of our internal affairs to-day, and we surely cannot bestow too much attention upon it, nor can we be possessed of a spirit too frank and too careful in legislating in reference to the disposal that is to be made of these people.

Here is a band of Indians. I said the other day when this subject was up for discussion that we had a hundred and fifty different governments in the United States. I state now upon authority that we have more than five hundred distinct governments in the United States today, each one, as I remarked the other day, having the power to dispose of life, liberty, and property to a very considerable extent. Here is a band of Indians, one of these five hundred governments that we have to deal with in the United States. We propose by a method of segregation to draw these Indians out individually, one after another, to place them in contact with civilization, in possession of the rights of citizenship, and under the obligations of citizenship. That we suppose to be—and I am prepared to concur in that view of it—as good a method as we can adopt for the civilization of the Indians.

In proceeding to do that thing we have this difficulty to encounter, and it is a very serious one, indeed: First of all we must look at the Indian as history shows him to be, as the most clannish of all people in the world. The truth is that all Indian government is a government of clans. The membership in the clan defines the man's citizenship and defines all his rights. The tribal relation is to the Indian the most important relation that he holds in life, the one that he will be the last to give up, because in separating himself from his tribal

In proceeding to do that thing we have this difficulty to encounter, and it is a very serious one, indeed: First of all we must look at the Indian as history shows him to be, as the most clannish of all people in the world. The truth is that all Indian government is a government of clans. The membership in the clan defines the man's citizenship and defines all his rights. The tribal relation is to the Indian the most important relation that be holds in life, the one that he will be the last to give up, because in separating himself from his tribal laws and tribal institutions he commences by cutting the cords that bind him to his family. The relationships of the Indians are all by consanguinity, so much so that where the mother survives the father the relationship is transferred to the tribe from which the mother came. While the father is living the relationship of the Indian is then to the tribe to which the father belongs, and they derive their law and all that controls their domestic affairs through this bond of family relation. Therefore, when we undertake to deal with this business we must remember that if we expect the Indian to fall in with our plan of government we must accommodate ourselves as far as we can possibly to his own peculiar views of the binding efficacy of this family relationship upon bim.

Now, we have got the Indian with a patent in his hands; should we say to him the effect of that patent is to segregate him from his family and to destroy the holiest bond that the Indian can conceive of and the one that has always united him in obedience to the law? That is what we say to him: "You must give up your family relations and," as the bill has it, "you must also give up all your rights in the tribe; your participation in its annuities; you must lose your power to vote in its councils; when you come to sell the lands which have not been allotted, but which are held as communal lands, you are no longer a member of the tribe; you have no power to vote as to their disposition," &c. By this act of accepting a patent from the Government of the United States we say to the Indian, "You separate yourself entirely from the tribe so that hereafter you shall have no affiliation with them whatsoever." I suppose that out of two or three hundred thousand Indians that we have in the United States there is scarcely one who would sit down and contemplate the effects of this statute as contained in the sixth section who would consent to receive a patent upon these terms.

But again, take a tribe of Indians in the State of Nebraska. There are several there. They are located upon reservations parceled out by the law, and it is upon these reservations that these Indians are to receive their allotments of land. You give to an Indian upon one of these reservations a patent for a tract of land, and thereupon according to the sixth section of the bill he becomes immediately subject, not to the laws of the United States and to the power of Congress further to deal with him, but he becomes in all respects liable as a citizen of the State, and becomes liable to its laws, both civil and criminal. You have the same reservation for six hundred Indians of whom there are perhaps twenty, or fifty, or one hundred, or three hundred if you please, who stand upon an entirely different footing with reference to the law from the rest of the tribe. It is true that this bill contains a compulsory provision by which the Indians are compelled to accept the lands within the period of five years, but that provision itself, it seems to me, will defeat this as a practical measure. Nevertheless I am supposing now that all the provisions of this bill will go into full effect. I object that when the Indian has received his patent he shall be made a citizen of the State or Territory in which he may reside. What power has the Government of the United States to create citizenship in a State? Citizenship in the United States has now been clearly defined to consist of two propositions, two distinct classes of citizenship, one of the United States and the other of the State. In the sixth section of this bill we say the Indians "shall be subject to the laws, both civil and criminal, of the State or Territory in which they may reside * * * and no State or Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law."

It is true you do not therein distinctly affirm that by act of Congress you make the Indian a citizen of the State; but what is the effect of it?

It is true you do not therein distinctly affirm that by act of Congress you make the Indian a citizen of the State; but what is the effect of it? What is the legal effect of such a provision as that? You give to the man the benefit of all the rights of citizenship in a State or Territory; you deny to the State or Territory the power to discriminate against him, and you confer upon him all the privileges of citizenship at the same time that you subject him to the laws of the State or Territory. Now I affirm that Congress has no such power. If it is meant by this language in the sixth section of the bill to confer on the Indians the duties, obligations, rights, privileges, and immunities of State citizenship, then the Congress of the United States has no power to confer those upon him; they must be conferred by the laws of the State in which the man is found, and only by those laws. There is no difficulty in getting along with this subject if we strike out this part of the bill, for the reason that, notwithstanding we have given a patent to an Indian and we have thereby made him a citizen of the United States to all intents and purposes, the Government of the United States still has power of control over him through an act of Congress over the tribe to which he belongs; and after this experiment has wrought its way until the Indians of a tribe, or a large majority of them I will say, have received patents under this law, there is then no difficulty in the Congress of the United States, which has reserved to itself full and complete jurisdiction over the subject, going forward and making further provision for the dissolving of the tribal relation and the admission of these people as a body to citizenship of the United States.

I therefore think that the amendment which I propose, and when it shall come in order I shall offer it, is a better amendment than that offered by the Senator from Massachusetts. It strikes out the objectionable feature of the attempt on the part of Congress to create citizenship in favor of an Indian within the body of a State, and it leaves the whole subject sub judice, under the power of Congress hereafter to legislate as they may be advised as to the best manner as to disposing of the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

amendment of the Senator from Massachusetts.

Mr. COKE. Mr. President, I hope the amendment of the Senator from Massachusetts will be voted down. The bill as framed by the committee is in harmony with itself in all its provisions. The amendment of the Senator from Massachusetts, in my judgment, would raise a very serious question with section 5 of the bill, to which I referred the honorable gentleman while he was making his remarks. Section 5 prohibits the alienation of land by the Indians; it exempts the land from taxation, from lien or incumbrance for twenty-five

years. A very serious question would exist, if the Indian were a citizen, as to whether this legislation with reference to a citizen would be constitutional and valid. If the Indian is made a citizen, can we discriminate between him and other citizens? Can we lay burdens upon Indian land not laid upon the land of other citizens when the

Indians are citizens just as other men?

Mr. HOAR. Will the Senator allow me to ask a question?

Mr. COKE. Certainly.

Mr. HOAR. I desire to ask the Senator if he has any doubt of the power of the United States Government to grant to him or to me one of the public squares in the city of Washington with a provision that it shall be inalienable for twenty-five years.

Mr. COKE. Can the Government impose that condition upon a

Mr. HOAR. I asked the Senator if he had any doubt that it was perfectly competent for the Government to grant to him or to me one

Mr. HOAR. I asked the Senator it he had any doubt that it was perfectly competent for the Government to grant to him or to me one of the public squares in the city of Washington with a valid provision in the grant that it should be inalienable for twenty-five years? Mr. COKE. In reply to the question of the honorable Senator from Massachusetts, I do not mean to say that the Government cannot do that. I simply mean to say that to make the Indians citizens and at the same time impose conditions, burdens, or privileges upon grants to that class of citizens not imposed upon others might raise a question that might be determined very much to the disadvantage of the Indians. I do not mean to say how it would be determined.

Mr. HOAR. If the Senator will pardon me, I want to point out to him that the bill takes care of that. The fifth section of the bill, as the Senator has reported it, does not enact that the lands owned by any Indian shall not be alienated at all; it enacts simply that "the lands acquired by any Indian under and by virtue of this act," simply this parceled land, shall not be alienated.

Mr. COKE. I think I understand the amendment of the Senator from Massachusetts, and I object to it, because questions may be raised upon that point and because I think that section 6, as it stands now, covers the ground fully. Section 6 provides—

That upon the completion of said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said allotments and the patenting of the lands to said

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall be subject to the laws, both civil and criminal, of the State or Territory in which they may reside.

This was as far as the committee thought it was necessary or proper to go. The amendment of the Senator from Massachusetts would go further and make Indians citizens as fully as any other person in the United States is now a citizen. We prefer that this should not be done, and would leave the subject there, simply stating the facts in the bill and allowing the courts to determine what would be the legal status of the Indians. We thought that was better because it would leave in the hands of the General Government the power.

MY HOAR Will the Senator from Taysa allow me a word? I do

leave in the hands of the General Government the power.

Mr. HOAR. Will the Senator from Texas allow me a word? I do not know but that I am trespassing too much on his courtesy; but probably putting a question may save the time of the Senate in making a speech in reply. I should like to ask the Senator whether he desires to have the law so left that an Indian shall be planted between two white people, a land owner between two white neighbors, and made subject to the laws, civil and criminal, of the State or Territory where he dwells, so that any man may sue him, so that he may be defended in any suit, civil or criminal, so that he is liable as a defendant to the jurisdiction of the pettiest magistrate, without giving him, in his turn, the right to sue and to protect himself in the same way in which he is attacked? Why should he be defendant and not plaintiff?

Mr. COKE. I will answer the Senator by saying that the exemptions and privileges granted to the Indian in this section, in my judgment, compensate very well for the burdens that the Senator thinks he must lie under. In the first place, his lands are exempt from he must he under. In the first place, his lands are exempt from judgment and from execution, are exempt from taxation, which those of no citizen are. In the next place, he is entitled to the protection of the courts and of the laws; he is entitled to go into court as plaintiff, as I think the Senator will agree when he examines the bill. I desire him left in that condition, and not declared a citizen, in order that the Government of the United States may extend a protecting arm around him and may have jurisdiction left over him for that purpose. Mr. MORGAN. Now, will the honorable Senator allow me to inquire, if that he his purpose, why will he say that the Indian after

Mr. MORGAN. Now, will the honorable Senator allow purpose.

Mr. MORGAN. Now, will the honorable Senator allow me to inquire, if that be his purpose, why will he say that the Indian after getting into that condition "shall be subject to the laws, both civil and criminal, of the State or Territory in which he may reside?" After you put him subject to the laws of the Territory, then what becomes

of the United States jurisdiction?

Mr. COKE. The Government of the United States has this to do with him: under the general laws, under the discretion vested in the Secretary of the Interior, a system of education has been adopted for the Indians which is being superintended by the Interior Department. That system I apprehend he will not be deprived of the benefit of by the passage of this bill. Such was the argument made on the passage of the passage of this bill. Such was the argument made on the passage of the Ute bill, the provisions of which are almost precisely like the provisions of this. In the discussion of that bill it was said by those who advocated it that the United States was retaining enough of jurisdiction over the Indian to enable the National Government to go to his aid with educational support, and, if necessary, with other support. It would necessitate still the keeping of Indian agents for the purpose of looking after the educational interests of the Indians. That was the construction placed upon the Ute bill, and this bill, I think, is exactly like, or very nearly like it, in these provisions. We do not wish to make him a full citizen now by act of Congress. If the courts declare him a citizen on the facts stated in this bill, of course he will have to take his chances as a citizen; but until they shall declare him a citizen we desire some jurisdiction by which the Interior Department, the representative of the National Government, can aid the Indian in his efforts to become civilized. For that reason we stopped where we did in framing the section which is sought to be amended. We discussed in committee such a provision as the amendment of the Senator from Massachusetts, and rejected it—if I may be permitted to state what occurred in committee; that is my recollection of it—and for many reasons, those that I have given among others.

among others.

I hope, Mr. President, that the section as it has been reported in this bill will be retained, and that the amendment of the Senator from Massachusetts will be voted down.

Mr. HOAR. Mr. President, I understand the avowed policy of this bill is to treat these Indians as human beings, and, instead of an army and a massacre and a slaughter, to surround them with the influences under which other reses have emerged from berbariem to fluences under which other races have emerged from barbarism to

army and a massacre and a slanghter, to surround them with the influences under which other races have emerged from barbarism to civilization, to awake the dormant manhood and the gentle and humane qualities which are supposed to dwell in their minds, undeveloped, as in other human beings; and the first great step which is proposed in that policy is to give them the privileges, the opportunities, and the comforts of land owners, separate individual homes in separate individual ownership with separate individual titles.

It has been said that these men, just coming from the state of childhood, may be subject to be plundered by scheming and selfish greedy men; and therefore there is imposed, not upon the owner, but upon the land, the quality of inalienability for the space of twenty-five years, within which it is supposed by the framers of the bill the Indian will have learned enough of the value of land to be able to part with it or keep it, as may be best for his interest. At the same time and in connection with that the bill enacts that these men shall be subject to every obligation and liability of citizenship, and to all the laws of the State, civil and criminal. An Indian may be summoned before a petty magistrate; if he commits an assault he is liable civilly and criminally; but there is no protection held out to him. As White Eagle, the Ponca chief, said, commenting on this very bill, I think, or something like it, "he will be picked like a bird." What, in the case of all other human beings, has the experience of mankind pointed out as the proper method of protecting such rights in their homes as are conferred on the Indians here? It is equality of rights as citizens.

This bill makes the Indian a defendant, but does not entitle him

This bill makes the Indian a defendant, but does not entitle him to be a plaintiff. It makes him subject to be sued without the right to sue. Any neighbor may cite him into court; any neighbor may compel him to give bail; any neighbor may compel him to be imprisoned; anybody may arrest him on mesne process; anybody may attach his goods; and he is to have, according to this, what, as his protection?

Mr. COLE.

Mr. COKE. Will the Senator allow me to interrupt him a moment Mr. HOAR. Allow me to finish my sentence, and then I will yield to the Senator. He is to have what as his protection for every right? The discretion of the Secretary of the Interior! If anybody steals his pony he is to have as a means of locomotion in future the bayonet of the Secretary of the Interior to remove him to some other place where that high official thinks it is expedient that he shall be compelled to go. Now, I yield to the Senator from Texas.

Mr. COKE. I would refer the honorable Senator to the proviso of

the sixth section:

Provided, That their lands shall not be subject to taxation or execution upon the judgment, order, or decree of any court; and no State or Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

Now, I ask the Senator if under this bill the Indian would not have s good a right as any citizen to go into court for the protection of

as good a right as any citizen to go into court for the protection of his person or his property?

Mr. HOAR. That is the very question that the bill leaves doubtful. I mean to make it clear, and I support my amendment by putting back to the honorable Senator from Texas precisely the question he puts to me: Shall the man have the right to go into any court and defend himself there? When I first put the question the honorable Senator answered, "He has the discretion of the Secretary

honorable Senator answered, "He has the discretion of the Secretary of the Interior for his protection."

Mr. COKE. The Senator from Massachusetts entirely misunderstood my remark. I claimed in everything that I said that the Indian under this bill was secured equal protection with any other citizen by the laws of the State or Territory where he was located. In addition to that I stated that there was a certain jurisdiction retained over him by the General Government that would enable the Secretary of the Interior in the exercise of certain discretion vested in him to extend sid to the Indian in him to extend aid to the Indian.

Mr. HOAR. Mr. President, the Senator from Texas now calls attention to the last three lines of section 6:

And no State or Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law.

But unless the amendment which I have proposed is adopted or

unless this is a simple declaration of what is already the sense of the bill, those three lines are mere idle enactment. The Indian is now in the tribal relation, and he has as is generally supposed, though there the tribal relation, and he has as is generally supposed, though there may be some authority to the contrary, no right as an individual to sue or to be sued in the courts of the United States or the courts of any State. The only remedy that he must have is through the tribal authority. That tribal authority is so far taken away from him that he is subjected to all the laws of the State or Territory. He does not get affirmatively the right to protect this little separate allotment of his in court simply by the enactment of the bill saying that no State shall pass a law denying him the equal protection of the laws. He must get it by some affirmative enactment. Now even the laws. He must get it by some affirmative enactment. Now even if it did mean that, the United States cannot by any legislative power confer upon anybody a right to sue in a State court. They may take away from him a shield that prevents his being sued there, may take away from him a sheld that prevents his being such care, the shield of his tribal relation, and that they do; but no other State can enact that A who is not now liable to be sued in the courts of Massachusetts shall hereafter be liable to be sued there. No act of Congress can make a valid enactment prohibiting Massachusetts from Congress can make a valid enactment prohibiting Massachusetts from depriving of the right to sue, a person whom she otherwise would have the right to deprive of the right to sue. That is beyond the constitutional power of Congress; and as far as the bill goes if it intends any such thing as that, it is beyond our capacity to make the enactment. The one thing we can do under our power of naturalization is to enact that these persons shall have the rights of citizens. If the bill does not mean that, it is essential to justice, it is essential to the protection of the rights von confer, it is essential to essential to the protection of the rights you confer, it is essential to any success in the policy which you now seek to inagurate, that the land-owner, the Indian land-owner, among white neighbors shall not depend for the protection of his little homestead, the value of which in the next twenty-five years is for the first time to be taught him, in the next wenty-nee years is for the first time to be taught him, upon anything but an equal right to sue and to be sued, to present himself as plaintiff, as complainant, in the criminal and the civil courts and to have his complaint heard by the honesty and humanity and sense of duty of a jury of the neighborhood. And I do not think we have enough experience of the value of the discretion of the Secretary of the Interior as a protection to the Indians against wrong and barbarism at other hands than their own to desire, if we are going to undertake this policy, to leave the protection of the Indians there and there only.

Mr. COKE. In reply to the remarks of the honorable Senator from Massachusetts, I have to say that this bill leaves the Indians and their allotments of land, after they shall have been consummated, "subject to the laws, both civil and criminal, of the State or Territory in which they may reside." Why are not the Indians and the lands subject now to the jurisdiction of those laws? Simply because the Government of the United States holds a paramount jurisdiction which excludes that of the States and Territories where the Indians and the lands now are. This hill simply proposes to release the irrie. and the lands now are. This bill simply proposes to release the jurisdiction of the United States over these two subjects-matter, the person and the land; and as soon as that release is made the jurisdiction of the State or Territory at that moment attaches. That is all there is about it; and when it does attach, although the Indian is not a citizen, he has the same right to sue in court for a personal injury done him, the same right to sue in court for an injury done his property, that any white citizen has. That this is the legal effect of the bill, I think the Senator from Massachusetts cannot even throw a reason-

Mr. HOAR. Will the Senator allow me to put him one other question? From what source does the Indian, not a citizen, get a right to sue in a State court? Can he get it from an act of Congress? Where in the Constitution of the United States is lodged in Congress. the power to confer upon anybody the right to sue in a State court? He must get it, then, by the State authority. The State authority may give it at pleasure, or it may deny it at pleasure. Does the provision of this bill prohibiting the State from such denial have, in the judgment of the Senator, any validity or effect whatever? In other words, let me sum up the question: Where do you get the constitutional power to confer the right upon a person not a citizen to sue in

the courts of a State?

Mr. COKE. I suppose, in reply to the question of the honorable Senator from Massachusetts, that there is not a State in the Union in which any person, whether a citizen or not a citizen, may not sue for any right that is his or for any damage that is done to his person or any right that is his or for any damage that is done to his person or his property. I suppose there is not a State in the Union that denies to aliens the capacity to sue and be sued. Every adult person, every minor, everybody, so far as I know, who has rights of person or rights of property can find the means and the process in the State courts of any State in this Union to assert them; and I mean to say that this bill removes the only obstacle that now exists or that has ever existed to the States or Territories where the Indians are taking jurisdiction over them. The paramount jurisdiction of the United States being taken out of the way, the jurisdiction of the State attaches under general laws that I think exist in all the States to give a day in court to every person of any age, color, condition, or nationality whose rights ought to be adjudicated in court; and these Indians, under such laws, if this bill shall be passed, would have as many rights in the courts of the States where they are as the Senator from Massachusetts or myself to defend or protect either person or property. chusetts or myself to defend or protect either person or property.

There is an exemption here from taxation. There is a prohibition against alienation. One is a privilege and the other a burden. They are put there for the benefit and protection of the Indian.

are put there for the benefit and protection of the Indian.

Mr. DAWES. Mr. President, I understood the Senator who has reported this bill to say that this section surrendered, on the part of the United States, the Indian to the protection of the State. If, therefore, he ever had any power to enforce any rights in the United States courts, that would be taken away. He can have no right, whatever may be given him by this bill, to institute any process in a United States court; but whatever process by or against him must issue in the State courts. The committee have made it absolutely plain that anybody can pursue him through the State courts to any United States court; but whatever process by or against him must issue in the State courts. The committee have made it absolutely plain that anybody can pursue him through the State courts to any extent they please, harass him in both real claims against him and imaginary claims against him, resort to every process of court imaginable to carry out any design against him. Now, what right has he to enforce his rights? The Senator says it is found in a provision that no State shall pass any law or enforce any law it has already passed to prevent his having the equal protection of the laws. Suppose the State does not pass any law at all; it is not the State against which he wants protection; it is against the individual. The State passes no law to deprive him of equal protection, but the individual commits a trespass against him or his property, and the State has done nothing. Where is his remedy? You cannot arraign the State because the individual has committed a trespass upon his person or his property. You cannot say that the State has violated this injunction? The State has done nothing at all; it is the individual; and yet there is no provision here by which the Indian can enforce his right against the individual in the State who has committed a wrong upon him.

If it be necessary to enact positively on this last provision in the bill that anybody can bring an Indian into court, why is it not just as necessary to enact positively that he can come into court of his own accord and bring any white man into court? What is the occasion of providing in the fore part of this section that he shall be subject to all the laws of the State, and then when he come in and asks that the laws of the State, and then when he coin in and asks that the laws of the State, and then when he coin and asks that the laws of the State, and then when he coin and asks that the laws of the State and the when he coin and asks that

to all the laws of the State, and then when he comes in and asks that the laws of the State shall be enforced on his side you turn around and say that the State has been inhibited from doing anything that shall deprive him of his rights. It is the rights he is entitled to under the laws of the State. The State may enact in so many words that he shall have and of right enjoy every privilege that a white man may enjoy in the State, and yet if she does not also enact that he may have the right to enforce those laws in her courts, it is simply empty words and a mockery, and he has no ability to protect himself in her words and a mockery, and he has no ability to protect himself in her courts. This does not provide that in order to enforce his equal rights in the court he shall have the privilege of summoning any individual in the State into her courts upon a charge that this individual has violated the enactment of the State. The State may content itself with saying, "We have enacted all the laws; take care of yourself under the laws we have enacted." The State may content itself with saying, "If our Indians' rights are invaded by a white man we will enforce in our name his rights and redress in our name his grievances, and he may be therefore turned over to his petition to the authorities of the State to enforce for him a right which every citizen of the State is entitled by the laws of the State to enforce himself in her tribunals." himself in her tribunals."

If I understand this section aright, the Indian is far worse off with than without it. He is stripped of all opportunity to enter the courts of the United States confessedly by those who report this bill. He can appeal to the laws of the United States for redress of grievances in appeal to the laws of the United States for redress of grievances in no other way but by petition here or in the other branch of Congress. He, as White Eagle said, is stripped as well of his rights as he certainly would be of his earthly possessions, and left naked, exposed to every man's aggression who had the disposition to invade his rights, and then is left without remedy except by petition; and that is what is tendered to him to-day as a boon. That is one of the methods of this day for advancing the poor Indian to a level with the white man under this Government. That is what he gets from this bill—stripped of every right he may now enjoy in the courts of the United States, and to use the language of the Senator from Texas, surrendered (a good and to use the language of the Senator from Texas, surrendered (a good word it is) to the State; and it is positively enacted that in the State to which he is surrendered he may be called into her courts at any man's beck, but he must depend upon the disposition of the State as man's beck, but he must depend upon the disposition of the State as a State to redress any grievance that may be inflicted upon him, and cannot even, if I may be allowed, at the suggestion of my colleague, go into the courts of the United States by appeal from a State court, which should say, the State has enacted no law to prevent your enjoyment of your equal rights, nor has it enacted any law that shall give you this method of redressing your grievances.

Mr. BROWN. Mr. President, if I understand the amendment offered by the Senator from Massachusetts, [Mr. Hoar,] it is to confer all the rights of a citizen of the United States upon an Indian who has received.

by the Senator from Massachusetts, [Mr. HOAR,] it is to confer all the rights of a citizen of the United States upon an Indian who has received his land on the reservation of his tribe in severalty under this bill. I incline very strongly to think that the Indian who has settled himself upon a homestead is a citizen already, under the fourteenth conitutional amendment; but if he is not, I am prepared to vote to make him one whenever he takes his land in severalty, and to give him the rights of a citizen if he lacks anything. The history of our dealings with the Indians is a sad history. And I think we owe something to them. When the white people, few in number—

Mr. LOGAN. If the Senator will pardon me for a moment, I should like before he goes on with his remarks to ask permission to offer an

like before he goes on with his remarks to ask permission to offer an

amendment to the bill to come in after the last section, so that the amendment may be printed. I thought perhaps the discussion would not continue so long as it has, but as the bill will probably go over until to-morrow I should like to have the amendment printed. It is in the direction of the Senator's remarks, providing citizenship for the Indians. I ask that the amendment be printed.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) If the probability of the longest content of the last of

is no objection, the amendment will be received and ordered to be

printed.

Mr. BROWN. As I was stating, when interrupted by the honorable Senator from Illinois, when the white men appeared, few in number, upon the eastern shores of this continent the Indians possessed it. They were powerful; they were sovereign; they were the monarchs of this country; and it was by their toleration that we settled in their dominions. There was no dictating to them by the persons who first came here to settle on the eastern shores. The white men asked, may we purchase from you, the owners, a homestead here? The Indians met them with kindness and hospitality. When justice has been done to them I believe they have usually been proverbially kind. Negotiations were opened and certain tracts of land were conveyed, not by us to them, but by them to us.

by us to them, but by them to us.

They had the power then at any time to have exterminated the settlements upon the eastern shores of this continent; and it would settlements upon the eastern shores of this continent; and it would have taken armies to plant colonies here that could have sustained themselves. They did not think proper to do so. By their toleration the white people poured in and increased in numbers until they became most numerous, and then commenced to dictate to the Indians; and the stronger we became and the weaker they became, the more illiberal and unjust was our policy toward them. It reached a point at a certain stage when it was adjudicated, I believe, by our Supreme Court, that we owned the whole territory and they were mere occupants. It is true we then treated them, I believe, as persons, but now the question is gravely considered in the Senate and in the courts whether they are persons under the fourteenth constitutional amendment. The they are persons under the fourteenth constitutional amendment. The whole history of our dealing with them has, I think, been a history of wrong, mostly on our part. A distinguished officer of the United States Army when approached on this subject on one occasion said he never knew the Indians violate a treaty, and he never knew the white men to observe one. This may not be literally true, but there is too much truth in it. I will not go into a discussion of the various outrages that have been perpetrated upon them. As our people have advanced farther west and found territory they desired occupied by the Indians we have soon found occasion to get up disturbances or difficulties with them that led first to war, then to victory on our part, then to negotiations and a cession of the territory on their part.

This has been the sad history of our dealings with them. We have grown stronger and stronger until to day we number more than fifty million persons. They have been reduced all told as the last report shows, excluding Alaska, to 255,938.

At the first settlement of the country we were completely in their

At the first settlement of the country we were completely in their power, and they could dictate any terms they pleased to us. And when justly dealt by, they were kind and indulgent to us. Now they are in our power. We have a right, at least we have the power to dictate any terms we choose. Have we dealt as liberally with them as they did with us? We have driven them back from time to time, from reservation to reservation. We have made treaties with them that they are to hold their reserves "as long as water runs and grass grows," but we always get rid of the treaty when we are dissatisfied with it or when we covet the territory and determine to have it.

The bill now before us, as I understand, proposes to permit them to take in severalty lands in the proportion mentioned in the bill within the reservations assigned to them. I favor that bill. I believe they should have the same right that the white man has to take homestead on their reservation, and we should then give them a fee-simple title to it as we give to the white citizen or settler. What inducement have they now to labor to acquire property, to build houses, to clear

have they now to labor to acquire property, to build houses, to clear lands, and to make homes comfortable for their future dwelling, when they know that they may be driven from it at any time when we choose to say they must leave? But when we have allotted the lands to them and each has his land in severalty, then he is entitled to the protection of the law; he can go forward and improve his homestead. If he knows it is his, he has a stimulant to industry, and there is something to induce him to make a good citizen and to bind him to good early at

good conduct.

The man who is a robber and desires to possess himself of the property of the Indian goes upon the reserve, steals his ponies or his cattle, and brings them away. Is it unnatural that the Indian should pursue? Is it unnatural that he should attempt to protect his rights of property? He would be less than a human being if he did not seek to protect them. The Indian follows the robber, and the result generally is a collision; somebody is killed; and then war. Allot his lands to him in severalty; give him the right to build houses, to clear plantations, to raise stock upon it, with the guarantee of the Government that he shall not be driven from it, and we shall in a very short time see the progress in the far West that we have seen in the Indian Territory.

Indian Territory.

We will soon find the Indians upon their homesteads advancing in civilization; and under the benign influence of the Christian denominations, we shall see Sunday schools and churches planted among them; and instead of roving bands without fixed habitations, goaded

to desperation by injustice and wrong, spreading death and destruction in their pathway, we shall find them in the comfortable homes of civilized man, not only a Christian people but many of them cul-

But the question is, shall the Indian be a citizen? I have said it seems to me he is a citizen already under the fourteenth constitutional amendment as soon as he severs his tribal relation and takes the homestead that the law now allows him to take. amendment is very broad in its provisions. It reads thus:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

its jurisdiction the equal protection of the laws.

Is the Indian a person? He is the original sovereign of this continent, who had the title to it by a possession that may have run back a hundred generations; who met the white man when he came here kindly and fraternally, who during the wars that we have had with him has shown gallantry of the highest order and oftentimes military genius unsurpassed—is he not a person?

Was King Philip, who swayed the scepter over six powerful tribes, and who when he felt that his rights had been outraged, by his great genius and powers of organization and persuasion, formed a league of all the tribes of the Atlantic slope in a cause which they consider

genius and powers of organization and persuasion, formed a league of all the tribes of the Atlantic slope, in a cause which they considered sacred, not a person † Was Logan, the great chief who never turned away from his cabin a white man who asked his protection, and who never took an undue advantage of an enemy, not a person † Was Tecumseh, whose military genius was not surpassed by any American officer he met, and of whom the poet has said,

And long will the Indian warrior sing The deeds of Tecumseh, the royal,

ont a person? Are the educated leaders of the five civilized tribes, some of whom possess intelligence of the highest order, not persons? Was Sequoyah, the author of the Cherokee alphabet and dictionary, who reduced their language to a system as complete as any other written language, not a person? The idea is absurd. If they are not persons what are they? You hold that the meanest and most ignorant negro who comes from the deepest jungle of the darkest part of Africa and plants himself here is a person, and you prescribe naturalization laws by which he has a right to become a citizen.

Every human being-

Said Governor Horatio Seymour-

born upon our continent, or who comes here from any quarter of the world, whether savage or civilized, can go to our courts for protection, except those who belong to the tribes who once owned this country. The cannibal from the islands of the Pacific, the worst criminal from Europe, Asia, or Africa, can appeal to the law and courts for their rights of person and property; all save our native Indians, who, above all, should be protected from wrong.

The Indian on the western plains who shows genius and gallantry and manhood is denied even an existence as a person.

Note the language of the Constitution:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

We claim that the jurisdiction of this country extends to the Pacific Ocean. Was the Indian born within that limit? No one questions it. He does not ask you for naturalization. He cares nothing about the uniform rules you may make on that subject. He claims his right as a birthright. He was born in the United States, and he is a person. But is he subject to the jurisdiction of the United States? The amendment requires that he be born in the United States and subject to its initialization.

to its jurisdiction. That question has been expressly decided by the Supreme Court of the United States in the tobacco case brought up from the Cherokee Nation by Mr. Boudinot. The Cherokees claimed under their tribal relations and under an express section of a treaty between them and the United States that they had a right to sell or dispose of any of their property, as they might think proper, without paying any tax to the Government of the United States; and Mr. Boudinot and his partner established the tobacco factory in the Cherokee Nation. The officers of the United States seized it for non-payment of internal revenue, and the question came before the Supreme Court of the United States for final adjudication whether the Indian Territory was subject to the jurisdiction of the United States, and Territory was subject to the jurisdiction of the United States, and whether it had a right to collect the revenue. The Supreme Court held that the jurisdiction of the United States did extend into the Indian Territory, and that Congress had the power to annul the treaty and collect the revenue. Here, then, is the express decision by the highest judicial tribunal in the Government, that the Indians on their own reservation are subject to the jurisdiction of the United States. They were born in the United States; they are subject to the jurisdiction of the United States, and if they be persons there is no escape from the conclusion that they are citizens of the United States whether the Government may choose for the time to extend its criminal laws over them or their reservations, or not. And being citizens of the United States, they are entitled to the protection of the laws of the United States. United States.

Again:

Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Why is the Indian not a person? Then, if he is a person, you have

no right to deny to him the equal protection of the laws. It is absurd to deny that the Indian is a person. But it may be said that the next, section of the fourteenth constitutional amendment disposes of this Let us see:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Yes, in making up the representative population of the State you exclude the Indians not taxed; but you do more than that by this

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being wenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

If the Indian is not a citizen because we exclude him in the count If the Indian is not a citizen because we exclude him in the count for representation on the ground that he is not taxed, then you must also exclude from the count the white citizens of any State who may be denied the right of voting. To illustrate: suppose the population of a State be 1,000,000, and 100,000 of that number are Indians not taxed. When you go to make up the representative population of that State you would count it 900,000. Why? Because you exclude the Indians not taxed. Then suppose a State excludes from the ballotbox, for any cause, 10,000 of her male citizens over twenty-one, and the whole number of male citizens over twenty-one is 100,000; then you deduct one-tenth, or 100,000 of the whole representative population of that State, because 10,000 of the voters have been excluded. I apprehend that the 100,000 white people are still citizens, although you are not allowed in making up the representative population to count more than 900,000. Why? Because you have distranchised enough of your citizens to exclude 100,000 from the count. So in the other case with the Indians. You exclude 100,000 of the Indian from the rights of citizenship? The Constitution does not exclude the Indian from the representative count, because he is an Indian not taxed. It is argued, I suppose, that because he is excluded while not taxed from the representative count, therefore he is not a citizen. Then the 100,000 white people excluded in the other case are not citizens by the same parity of reasoning. Such reasoning is not sound.

Then I hold that the Indian is a citizen of the United States when born upon the soil of the United States, and especially so when he severs his tribal relation and takes his allotment of land and settles for representation on the ground that he is not taxed, then you must

born upon the soil of the United States, and especially so when he severs his tribal relation and takes his allotment of land and settles severs his tribal relation and takes his allotment of land and settles down under the laws of the United States and pays taxes. It is true you exempt his land from taxes by this bill for a certain length of time. During that period you would have to exclude him from the representative count, but the moment you tax him, then how does it stand? He is a person; he was born in the United States, and is subject to its jurisdiction, and he pays taxes as a citizen. Why is he not a citizen, and why is he not then counted in the representative apportionment? I should like for some Senator to give a reason why. But we cannot truly say that the Indians are not now taxed. We have established trading stations among them, and all Administrations have appointed political favorites to conduct this business. We do not permit any one, under heavy penalties, to go into their territions have appointed political favorites to conduct this business. We do not permit any one, under heavy penalties, to go into their territory and trade with them as the competitor of the political trader appointed by the Government. They are compelled, therefore, to sell their produce to those favorites who are put there by our Government to make money off of them, and they are compelled to buy the goods they use from the same persons. The larger part of the money raised to support this Government is raised by a tariff upon imports. Almost every Indian tribe purchases from these favored traders certain amounts of imported goods, and every time he purchases a vard of most every Indian tribe purchases from these favored traders certain amounts of imported goods, and every time he purchases a yard of cloth manufactured in a foreign country, or pound of sugar or any other article made abroad, he pays a tax to this Government. Then why is he not a citizen, entitled to the protection of the laws made by this Government? Why is not his life sacred, and why should not the assassin who takes it wantonly suffer the extreme penalty? Why is not his property entitled to the protection of the law, and why is not this protection extended to him on his application? And if he is illegally imprisoned why is he not antitled to the herefits of the writ

not this protection extended to him on his application? And if he is illegally imprisoned, why is he not entitled to the benefits of the writ of habeas corpus, which have recently been extended to him by an able Federal judge in one of the Western States?

Let it be borne in mind, furthermore, that this fourteenth amendment declares that they "are citizens of the United States and of the State wherein they reside." I know in some minds there is a difficulty about State rights just here, about Congress declaring anybody a citizen. I think we are simply making a declaration here in a statute of a right that is already secured by the Constitution, that he is a citizen whenever he has complied with these terms.

Under the amendment we may declare him a citizen, but may not be able to count him in the representative population until he begins to pay taxes upon his land. But when he does he is then a person born in the United States, and a tax-payer, and has all the rights of a citizen under the Constitution.

As I do not care to stickle about the shadow of a question of State

As I do not care to stickle about the shadow of a question of State rights here, and as I hold he is a citizen whenever he has adopted the

rules and conformed to the plan laid down in this statute any way, I am willing to say in the statute in express terms that he is a citizen with all the protection and duties of any other citizen. Why give it with all the protection and duties of any other citizen. Why give it to every person of every race and every color on the face of the earth who will come here and comply with our laws and not give it to the original inhabitants of our own country? He is "to the manor born," and you have no right to drive him into the Pacific Ocean or to slaughter him with his women and children because he will not submit to the imperious dictates of any officer of the Government. When you make a treaty with him and assign to him certain limits and say

mit to the imperious dictates of any officer of the Government. When you make a treaty with him and assign to him certain limits and say "this is your land, Mr. Indian," he has a right to stay there and be protected, and when he conforms to the laws conformed to by other citizens and is made a taxpayer he has a right to claim citizenship, in the broadest sense, and you have no right to deny it to him.

Our mode of dealing with the Indian is in very striking contrast with that adopted by the British Government. Why are they not always engaged in war with the Indian in Canada? Why is it that they live in peace and harmony there? It is because the British Government has dealt justly and fairly with the Indians. It has not driven them from nost to nillar, but has assigned them reservations. driven them from post to pillar, but has assigned them reservations, where they have made their homes and built their houses and cleared their fields and raised their stock and erected their school houses and their fields and raised their stock and erected their school houses and churches. They have the rights of British subjects, and those rights are protected. They are treated humanely and kindly, and hence they are peaceable and loyal to that Government. Let it be borne in mind that the British Government has not driven them to her rein mind that the British Government has not driven them to her remotest boundary to be located. They have permitted them to take reservations on the spots where they were born, where they have always lived, and where their fathers are buried. I recollect, a few years ago, on a visit to Quebec, that I admired the valley of the Saint Charles as one of the loveliest I ever saw, and one that the white man might well covet. But in going ten miles from the city, I found in that beautiful valley on the river Lorette, which took its name from the tribe, the remnant of the tribe of the Lorettes living on the territory of their birth, and protected as British subjects, and they were as loyal as any other subjects that the British Government had in Canada. had in Canada.

I visited the residence of the chief in the midst of that magnificent valley, where I was received kindly, and among other curiosities I was shown what were called the "crown jewels," prominent among them a bronze medal presented to the chief by Prince Albert, and a silver medal presented by the Prince of Wales. These were regarded as treasures of the nation and the tribe blessed the names of the doas treasures of the nation and the tribe blessed the names of the donors. Their hearts swell with pride when they say, "I am a British subject." How marked is the contrast between that state of things and what we witness in our own country! There the Indian has been justly and kindly treated and is a willing subject to the government and a warm friend to the white man. Here he has been too often unjustly and harshly treated, and he is the natural enemy of his oppressors. There they are civilized, and in large numbers converted to Christianity.

Here on the plains the wild Indian is often butchered because he has defended his rights against some robber who plandered him of his

has defended his rights against some robber who plundered him of his

It may be said we have the power to carry out this line of policy. That is true. But have we the right to do it? We are strong; we are powerful. But there is a Being stronger and much more powerful than we are. And we should not forget that nations as well as individuals have to answer for wrongs and outrages committed by them. In what way we may be called to answer I do not pretend to say. Whether it will be by pestilence or war, or in what other manner we may be scourged for our cruelty to the aboriginees of this country, I know not. But I believe the crimes committed by us against the Poncas, and in the massacre of the Cheyennes and other like outrages, will meet their reward in national punishment. Our course is condemned by the civilization of the age. It is condemned by human-ity, and it is condemned by Christian men and women everywhere who understand the facts.

who understand the facts.

I do not put the blame at the door of any particular person or official. I do not pretend to say where it rests. I do not call in question the motives of any one, but I do say the acts were criminal; they cannot be justified. What were the facts? The Cheyennes had been carried to the Indian Territory. They could not stand the climate and were dying fast with disease. Some three hundred escaped, and in midwinter, under the most adverse circumstances, made their way back toward their own country, and had gone several hundred miles before the military overtook them. When summoned to surrender, they refused to do so without a guarantee that they should not be sent back to the Indian Territory, saying that they would rather fight till they died than to return. The commanding officer gave them to understand, and they did understand, that they should not them to understand, and they did understand, that they should not be carried back to the Territory if they would surrender. After the surrender they were carried to Fort Robinson, and an order was then sent to carry them to the Indian Territory. They refused to go, and about one hundred and fifty of them, being all that survived, were imprisoned, thinly clad, in midwinter, when the thermometer was below zero, for five days at a time without food or fire, and three days of the time without water, to compel them to consent to return to the Indian Territory, where their ranks had been fast decimated by diseases incident to the climate, and when they preferred death

to a return. If we were determined to carry out our dictatorial polto a return. If we were determined to carry out our dictatorial policy and compel them to return to the reservation, why did we not hold them at the fort and treat them humanely till we had provided the means to transport them, and then send them under military escort?

But I turn from this sickening theme, and will not dwell longer upon it by rehearsing scenes that attended the butchery of men, women, and children who attempted, by violence, to escape from this hearthly imprisonment.

horrible imprisonment.

If we treat the Indians as they do in Canada we may avoid wars. We need not have the Army always chasing them if we will do justice to them and not be always robbing them. In my opinion it is much better to expend a few millions in locating them and giving them agri-cultural implements, and in educating and civilizing them and their children, than it is to expend a hundred millions in pursuing them over

the plains and slaughtering them like wolves.

But it is said by those disposed to give no quarters to the Indians that they are savage and cruel in their mode of warfare, often slaughtering indiscriminately, men, women, and children. This is unfortunately true; but what better could we expect from people who have nately true; but what better could we expect from people who have none of the advantages of the proper training incident to civilization, and who feel that they are greatly oppressed? The point I make, however, is that those wars in which they practice cruelty have usually been provoked by bad white men or by the agents of governments at war with the United States. The Indian is not naturally disposed to go to war with the white man. Our early history shows that very clearly. It was only when their rights had been trampled upon by the white man that they took up arms. The rattlesnake is the most peaceable reptile on the plains. When you come in contact with him, if you will not trample upon him or practice aggression that causes him to believe that you intend to do it, he will crawl away and leave you; but when you place your foot upon him he deslares war, and fights with savage desperation. So with these children of the forest, once so strong and now so weak and so near extinction.

But it may be said that they are savages, and cannot be civilized and made good citizens. Our experience has taught us very differently. On that point I want to call attention to two or three passages taken from the reports of the Indian agents for the civilized tribes. The agent says, speaking of these civilized tribes:

These people have recovered slowly from the effects of the war, but they are

agent says, speaking of these civilized tribes:

These people have recovered slowly from the effects of the war, but they are now in a position, if not disturbed, to become a strong and wealthy people. Their only fear is that the United States will forget her obligations, and in some way deprive them of their lands. They do not seem to carefor the loss in money value so much as they fear the trouble and the utter annihilation of a great portion of their people, if the whites are permitted to homestead in all portions of their country, as is contemplated by so many of the measures before Congress.

Again he says:

Again he says:

Crime is no more frequent than in the adjoining States, and convictions by local authority are about as sure. The band of desperadoes, whites and Indians, who made their headquarters in the western part of this agency, and beyond, and who were the terror of the whole country last year, have all been killed or placed in the penitentiary. The feeling among these nations is stronger than ever for the enforcement of the law.

The Methodist, Presbyterian, and Baptist denominations have missionaries here and are doing good work. Some of the missionaries have been here for many years, and their influence for good is great. Their means for support is small, and they work hard, and only those remain in the field who possess a true missionary spirit. The church buildings are not expensive or ornamental, but are built for use. The Sabbath is well respected and observed. Many of the Indians are ordained ministers. Some of them have been educated in the States, and returned to labor among their own people.

The schools of these nations are conducted upon the school system of the States. The English language is tanght exclusively. Many of the boys and girls are being sent to the States to be educated at the expense of the nation. Many of the wealthy send their children East to be educated at their own expense. The result is a surprise to the stranger who meets so many well-educated people among the nations. There are also private schools with good attendance. I am of the opinion that the solution of the Indian question, if it is ever solved before the last one is driven from the face of the earth, will be in the education of the Indian children.

It appears, therefore, from the reports from the five civilized tribes that they have made great progress in education, and they are probably doing as much or more with the funds at their disposal now for ably doing as much or more with the funds at their disposal now for the education of their children than we are doing. Among them are intelligent divines, intelligent lawyers, intelligent judges; in a word, they are a civilized people, with dwellings and farms and orchards and gardens and stock, and are fast rivaling us in the arts of civilization. Why may not other tribes reach the same elevation with the same advantages? There is no reason why it may not be so. Indeed it is almost a certainty that it will be so.

In the same report of the Commissioner of Indian Affairs I find statements in reference to the wild tribes that have been located

In the same report of the Commissioner of Indian Affairs I find statements in reference to the wild tribes that have been located there. Even the Modocs, who were carried down under circumstances so unfavorable, are making, as the agent states, very decided progress toward becoming civilized. It may be said, then, why not carry out the policy that has been carried out heretofore, of taking them from their homes West, and, after killing off a large proportion, carry the little remnant there, and get them all together. I say it is cruelty; it is outrage. Put them upon reservations upon their native heath, let them take their land in severalty on their reservations, encourage them to go to work, and when they have gone ervations, encourage them to go to work, and when they have gone to work protect them in their labor and in the property they acquire by their labor. In a word, extend the protection of the law over them, and subject them to its penalties when they violate it. Treat them as persons, as human beings, not as wild animals.

Mr. TELLER. The Senator says the Indians should have their

lands in severalty. I should like to inquire of the honorable Senator if the progress in civilization made by the five civilized tribes has not been with land in common?

Mr. BROWN. Yes; I understand they hold the fee-simple in com-

Mr. TELLER. Why not pursue the same course, then, with the

Mr. BROWN. I have no doubt in a very short time they will abandon the practice of holding the fee-simple in common. With their order of intelligence and enlightenment they will soon have the ame idea of individual rights of property and of individual protection that we have. It is true, as I understand our treaties, (and I am for strict good faith in the observance of treaties,) we have no right to compel them to take their lands in severalty; but I have no doubt in a few years they will divide them in severalty among themselves. As we started out wrong, I think in the future in dealing with the different tribes we should start right, and give the land to them in severalty at the commencement. veralty at the commencement.

different tribes we should start right, and give the land to them in severalty at the commencement.

Mr. President, I want this matter put where there can be no doubt about it, so that when the Indians desire to conform to the laws they shall have the right to do it under the protection of the law.

In the treaty made in 1854 with the Omahas there was provision made that their lands might be allotted in severalty whenever the President thinks proper to do so. I understand that they have sent petition after petition to the President to permit the division, and let them have their lands in severalty, but that a deaf car has always been turned to them. The time has not yet come when the President has in his discretion concluded that it was best to permit them to have those treaty regulations carried out. I would make the provision imperative, that when they comply with certain provisions laid down by law they shall have a right to the patent. Take the Omahas, for instance. As they have not any land in severalty, what inducement is there for the industrious, frugal, attentive Indian to labor for his advancement and the advancement of his family? If he undertakes to build a house and clear lands and raise stock he knows not what time he may be driven away from it. He knows not whether under a new apportionment that land will fall to him or to another, or whether it will be taken by the white may. Our own race would neither build houses, clear lands, nor make other improvements under any such uncertainty as to their right to enjoy the fruits of their labor in future.

If the Omaha says. "The treaty provides that I may have my land." labor in future.

If the Omaha says, "The treaty provides that I may have my land in severalty," the reply is, "You have never got the exercise of the discretion of the President to permit you to do it." What encourage-

ment is there then?

I understand there are bad Indians in every tribe and there are good Indians; there are lazy Indians and there are industrious Indians; good Indians; there are lazy Indians and there are industrious Indians; and the way to encourage industry is to let each man who labors with his hands feel that he labors on his own soil and is protected by the laws of the country that are thrown over him, and, like a shield, guarantee him against robbery and wrong. Then you stimulate his industry; he has something to work for; but where he is driven from post to pillar at the will of the Government, or an official of the Government or of the Army, what inducement do you hold out to him to act industriously or to make him a comfortable home or make his family comfortable and happy? None whatever. We hold out the reverse. The ancestors of the present Indians once held the whole continent in fee-simple. We have taken it from them. Is it asking too much of us, when we have a vast unoccupied territory that the white man is not yet able to cultivate, that the descendants of the original proprietors of the whole should have the privilege of locating homesteads on this vast domain where they can labor

tory that the white man is not yet able to cultivate, that the descendants of the original proprietors of the whole should have the privilege of locating homesteads on this vast domain where they can labor for a livelihood and be protected in the fruits of their labor?

I understand it is the wish of the chiefs of many of the tribes to continue the tribal relations. They are like all other human beings, I suppose; they love power, and they want to continue things as they are so that they may have control of their people. Therefore they carry them from point to point, and frequently we see that they come here and sell out; the country is disposed of by four or five men agreeing that they will move off a hundred or a thousand miles from the place of their nativity, and all the tribe must leave their homes because a certain amount of money has been spent on four or five chiefs here. I say to encourage the common Indians to take their homesteads and settle down upon them and go to work and abandon the tribal relations and become peaceable citizens of the United States, is in my judgment the best solution of the Indian question. As long as they roam or are driven from one point to another we cannot expect they will settle down and become good citizens. Whenever you hold out the inducement and say to the Indian, "take your homestead here, build your house, clear your plantation, raise your stock, send your children to school, and he who comes here to steal your pony shall atone for it in the penitentiary; he who takes your life shall go to the gallows, and you, too, shall conform to the laws or suffer the penalties," you will find them or at least a large proportion of them ready to do it. If there be those among them who will not do it, subject them to the laws until the penal statutes properly executed have brought them to subjection. That is a large proportion of them ready to do it. If there be those among them who will not do it, subject them to the laws until the penal statutes properly executed have brought th

I knew a few of them in my own State who staid when the Cherokee tribe left there, mostly half-breeds, some quadroons. They have taken reservations there, and are as good citizens as any we have in the State. They are intelligent, they are law-abiding, they are or derly; part of them are good, Christian men and women, and they are exemplary citizens. Why may it not be so elsewhere if we give them the same opportunities?

I trust, Mr. President, that we shall pass this bill in a shape that will give every Indian a home on his reservation, and guarantee it to him and his children for all time to come, and that the power of alienation will be restricted until he has learned the rights and the duties of an American citizen. After that let him and his posterity take care of it or alienate it as may any one else. Fix a reasonable time; exempt their homesteads from taxation. After that time there is no further exclusion in the fourteenth constitutional amendment in the way of counting them in the representative population of the States where they may reside, and no reason that I can see why they may not be full-fledged citizens and voters.

Mr. INGALLS. I move that the Senate proceed to the considera-

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were re-opened, and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, January 24, 1881.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The Chair, as required by the rules, will now call the States and Territories in alphabetical order for the presentation of bills and joint resolutions for printing and reference. Under this call joint and concurrent resolutions and memorials of State and territorial Legislatures can be presented and appropriately referred; and resolutions of inquiry directed to heads of the Executive Departments are in order for reference to the appropriate committees, which latter resolutions are to be reported to the House within one week.

GEORGE MILSOM.

Mr. CRAVENS introduced a bill (H. R. No. 6974) for the relief of George Milsom, Henry Spendelow, and George V. Watson; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LICENSE OF COASTING VESSELS.

Mr. WAIT introduced a bill (H. R. No. 6975) to regulate the licenses of vessels engaged in the coasting trade and fisheries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REMONETIZATION OF SILVER.

Mr. STEPHENS submitted the following resolution:

Resolved, That the Secretary of State be requested to report to the House, if in his opinion it may be done consistently with the public interest, any information in his possession touching the disposition of foreign governments, or any of them, toward international action for the restoration of silver to full use as money.

The SPEAKER. This resolution will be referred to the Committee on Coinage, Weights, and Measures.

Mr. STEPHENS. I would like to have it acted on now.

The SPEAKER. That cannot be done under this call. The Chair

will recognize the gentleman from Georgia to call up the resolution after the call is concluded.

PLEURO-PNEUMONIA.

Mr. STEVENSON presented a joint resolution of the Legislature of the State of Illinois, in reference to proposed legislation to prevent pleuro-pneumonia among cattle; which was referred to the Committee on Agriculture, and ordered to be printed.

LAND CLAIM IN NEW MEXICO.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 6976) to confirm a certain land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN G. MURRAY.

Mr. NEW (by request) introduced a bill (H. R. No. 6977) granting a pension to John G. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF PHILIP AMANN.

Mr. NEW also introduced a bill (H. R. No. 6978) granting a pension to the widow and minor children of Philip Amann, deceased; which was read a first and second time, referred to the Committee on Inva-lid Pensions, and ordered to be printed.

DAVID TORPY.

Mr. HOSTETLER introduced a bill (H. R. No. 6979) granting a pension to David Torpy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MIAMI INDIANS OF INDIANA.

Mr. COLERICK introduced a bill (H. R. No. 6980) for the relief of the Miami Indians of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WRITS OF MANDAMUS.

Mr. PRICE introduced a bill (H. R. No. 6981) providing for issuance of writs of mandamus; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. DEERING introduced a joint resolution (H. R. No. 370) authorizing the Secretary of War to deliver to the city of Waterloo, Black-hawk County, Iowa, three condemned cannon and four cannon-balls for the decoration of the soldiers' cemetery in that city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INNOCENT PURCHASERS OF PATENTED ARTICLES.

Mr. CARPENTER introduced a bill (H. R. No. 6982) to protect in-nocent purchasers and users of patented articles; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TAX ON WEISS BEER.

Mr. CARLISLE introduced a bill (H. R. No. 6983) to regulate the collection of the tax on weiss beer; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COLONEL THOMAS L. CRITTENDEN.

Mr. BLACKBURN introduced a joint resolution (H. R. No. 371) authorizing the President to place Colonel Thomas L. Crittenden, Seventeenth Regiment United States Infantry, a brevet brigadiergeneral, upon the retired list with the rank and pay of brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLECTION OF DUTIES ON SUGAR.

Mr. ACKLEN introduced a bill (H. R. No. 6984) to regulate the collection of customs duties on sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ENGLISH STEAMSHIP GULNARE.

Mr. HENRY introduced a bill (H. R. No. 6985) authorizing the inspection and issue of an American register to the English steamship Gulnare; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EXTENSION OF TIME FOR FILING CLAIMS.

Mr. URNER introduced a bill (H. R. No. 6986) to extend the time of filing claims before the Court of Claims; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HENRY J. M'NAMEE.

Mr. URNER also introduced a bill (H. R. No. 6987) for the relief of Henry J. McNamee, of Alleghany County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BANKRUPTCY.

Mr. ROBINSON introduced a bill (H. R. No. 6988) to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN CLUFF.

Mr. McGOWAN introduced a bill (H. R. No. 6989) granting a pension to John Cluff, private Twentieth Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. E. KOON.

Mr. STONE introduced a bill (H. R. No. 6990) for the relief of C. E. Koon, postmaster at Lisbon, Ottawa County, Michigan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

STEAM-BARGE TECUMSEH.

Mr. BREWER introduced a bill (H. R. No. 6991) to authorize the Secretary of the Treasury to issue an American register to the steam-barge Tecumseh; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM M'GARRAHAN.

Mr. MANNING introduced a bill (H. R. No. 6992) for the relief of William McGarrahan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUFACTURE OF CHEROOTS, ETC.

Mr. COX introduced a bill (H. R. No. 6993) to amend section 3399 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIZA M. KEITH.

Mr. COX also introduced a bill (H. R. No. 6994) for increase of pension to Eliza M. Keith, widow of Louis G. Keith, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECURITY OF LIFE AT SEA.

Mr. COVERT introduced a bill (H. R. No. 6995) to provide means for the better security of life at sea and upon the inland waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABRAM G. HOYT.

Mr. KETCHAM introduced a bill (H. R. No. 6996) for the relief of Abram G. Hoyt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES G. NAYLOR AND WILLIAM B. MOSES.

Mr. KETCHAM also introduced a bill (H. R. No. 6997) for the relief of James G. Naylor and William B. Moses, of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ROCK STREET, GEORGETOWN.

Mr. KETCHAM also introduced a bill (H. R. No. 6998) to abandon a portion of Rock street, in the city of Georgetown, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EMILY H. DRURY.

Mr. PRESCOTT introduced a bill (H. R. No. 6999) granting a pension to Emily H. Drury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

JOSEPH A. SUTTON.

Mr. LAPHAM introduced a bill (H. R. No. 7000) to remove the charge of desertion from the military record of Joseph A. Sutton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LYDIA A. DRAKE.

Mr. MASON introduced a bill (H. R. No. 7001) to restore to the pension-roll the name of Lydia A. Drake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMERCIAL LAWS OF THE UNITED STATES.

Mr. VANCE presented resolutions of the Joint Assembly of the State of North Carolina, concerning the commercial laws of the United States; which was referred to the Committee on Commerce, and ordered to be printed.

PRIVILEGES OF THE FLOOR-OHIO EDITORIAL ASSOCIATION.

Mr. HILL. Mr. Speaker, I ask at this time to submit a resolution granting the privileges of the floor, this afternoon, to the Ohio Editorial Association, now visiting the national capital.

The SPEAKER. The Chair will state to the gentleman from Ohio that it is not in order in this call to submit such resolution except for reference. Does the gentleman desire its reference to the Committee on Eules? mittee on Rules?

Mr. HILL. I would like to have it acted upon immediately. The SPEAKER. It is not in order under this call. Mr. HILL. Then I withdraw the resolution for the present.

SALE OF SCHOOL LANDS.

Mr. DIBRELL introduced a bill (H. R. No. 7002) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COUNTERPOISE BATTERY.

Mr. DIBRELL also (by request of Mr. WHITHORNE) introduced a bill (H. R. No. 7003) to test a counterpoise battery, &c.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SALE OF CERTAIN PROPERTY FOR DIRECT TAXES.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 7004) for the relief of the owners of property sold for direct taxes in the insurrectionary States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADULTERATION OF FOOD.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 7005) authorizing the President to appoint a commission to examine and report upon the adulteration of food; which was read a first and second time, referred to the Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States, and ordered to be printed. to be printed.

WILLIAM A. SOUTHARD.

Mr. BEALE introduced a bill (H. R. No. 7006) for the relief of William A. Suthard, of Prince William County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT HURD.

Mr. BOUCK introduced a bill (H. R. No. 7007) for the increase of the pension of Albert Hurd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TITLE TO CERTAIN PUBLIC LANDS, MICHIGAN.

Mr. BOUCK also introduced a bill (H. R. No. 7008) to quiet the title to certain lands in the upper peninsula of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADAM POERTNER,

Mr. DEUSTER introduced a bill (H. R. No. 7009) granting a pension to Adam Poertner, of Milwankee, Wisconsin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMBER FROM UNSURVEYED PUBLIC LANDS, IDAHO,

Mr. AINSLIE presented a memorial of the Legislative Assembly of the Territory of Idaho, praying for such legislation as will authorize the people of that Territory to take timber from the unsurveyed pub-lic lands for all purposes except for exportation beyond the Territory; which was referred to the Committee on the Public Lands.

PAY OF VOLUNTEERS, CERTAIN INDIAN WARS

Mr. AINSLIE also presented a memorial of the Legislative Assembly of the Territory of Idaho, asking legislation for the payment of volunteers in the Nez Percé Indian war of 1877, and in the Bannock Indian war of 1878; which was referred to the Committee on Military Affairs.

DUTY ON PLATE-GLASS MACHINERY.

Mr. NEW introduced a bill (H. R. No. 7010) placing on the free list machinery imported for the manufacture of plate-glass; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN W. MILLER.

Mr. COFFROTH introduced a bill (H. R. No. 7011) granting a pension to John W. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

WILLIAM SWIFT.

Mr. COFFROTH also introduced a bill (H. R. No. 7012) granting a pension to William Swift; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE CHORPENNING.

Mr. COFFROTH also introduced a bill (H. R. No. 7013) to remit the claims of George Chorpenning against the United States to the jurisdiction of the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BAGGING FOR BALING COTTON, ETC.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 7014) to admit free of all duties bagging for baling cotton, also jute butts and other materials used in the manufacture of such bagging; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TOBACCO LICENSE.

Mr. SMITH, of Georgia, also introduced a bill (H. R. No. 7015) to enable planters and other employers to furnish their laborers, tenants, and croppers with tobacco without first obtaining a license as retail dealers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DELAY IN PRINTING.

Mr. SIMONTON submitted the following resolution; which was referred to the Committee on Printing:

Resolved. That the Public Printer inform this House of the cause of delay in printing certain reports necessary for the information of Congress; and why the same were not printed and furnished at the commencement of the present session of Congress, namely, report on foreign relations, of Chief Signal Officer, Navy and Interior Departments, Chief of Ordnance, and report on finances.

NICHOLAS W. NEW.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 7016) for the relief of Nicholas W. New; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

EMORY WILLIAMS.

Mr. DUNNELL introduced a bill (H. R. No. 7017) for the relief of Emory Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL N. RUNNELS.

Mr. CONGER presented the petition of Daniel N. Runnels, for the

passage of a law to relieve him from certain injuries arising from a changed ruling of the Treasury Department; which was referred to the Committee on Ways and Means.

HENRY N. GUNN.

Mr. OVERTON introduced a bill (H. R. No. 7018) granting an increase of pension to Henry N. Gunn, late a member of Company B, Seventh Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

RAILWAY FROM NEW YORK TO COUNCIL BLUFFS

Mr. GILLETTE introduced a bill (H. R. No. 7019) to authorize the construction and equipment of a double-track steel railway from the city of New York, in the State of New York, to the city of Council Bluffs, in the State of Iowa; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be

PLEURO-PNEUMONIA.

Mr. FROST presented a memorial of the Legislature of the State of Illinois, praying for congressional legislation to exterminate the disease of pleuro-pneumonia among live stock, and to prevent the exportation of diseased cattle; which was referred to the Committee on Agriculture.

JAMES E. GOTT.

Mr. MURCH introduced a bill (H. R. No. 7020) for the relief of James E. Gott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. A. DURBIN.

Mr. COWGILL introduced a bill (H. R. No. 7021) for the relief of L. A. Durbin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. WEATHERBE.

Mr. BRAGG introduced a bill (H. R. No. 7022) for the relief of Joseph H. Weatherbe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GUINEA GRASS IN ARKANSAS RIVER VALLEY.

Mr. SLEMONS introduced a bill (H. R. No. 7023) making appropriation of money to enable the Commissioner of Agriculture to ascertain the origin and the best method for the extinction of the guinea grass in the valley of the Arkansas River; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with the morning hour for the call of committees.

Will the Chair now entertain the motion I sub-

mitted a while ago for the passage of a resolution of inquiry?

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. BLOUNT] to dispense with the morning hour for the call of committees. This requires a two-thirds vote.

The question being taken, there were—ayes 59, noes 48.

So (two-thirds not voting in favor thereof) the morning hour was not dispensed with

not dispensed with.

Mr. STEPHENS. I ask now for the consideration of my resolution.

Mr. MARTIN, of Delaware. I rise to make a privileged report.

The SPEAKER. The House has decided to have a morning hour.

The Chair will recognize the gentleman later in the day. The call of committees for reports will now proceed.

TAX ON NATIONAL-BANK STOCK.

Mr. LOUNSBERY, from the Committee on Banking and Currency, reported back, with a favorable recommendation, the bill (H. R. No. 6913) to legalize the collection of taxes on account of shares of stock in national banks.
Mr. CONGER. I would like to hear that bill read.

The bill was read.

Mr. REED. Is there a report accompanying the bill? The SPEAKER. There is.
Mr. REED. I would like to hear it read.

The report was read.

The bill was then ordered to be placed on the House Calendar, and the accompanying report ordered to be printed.

UNITED STATES COURTS FOR THE WESTERN DISTRICT OF TEXAS.

Mr. HERBERT, from the Committee on the Judiciary, reported back, with an amendment to the title, the bill (H. R. No. 6942) to fix the time for holding the district and circuit courts for the western district of Texas; which was placed upon the Calendar, and the accompanying report ordered to be printed.

REPORT ON DISEASES OF DOMESTIC ANIMALS.

Mr. COVERT, from the Committee on Agriculture, reported back, with a favorable recommendation, the joint resolution (H. R. No. 362) to authorize the printing of 100,000 copies of the special report of the Commissioner of Agriculture relative to diseases of swine and infectious and contagious diseases incident to other domestic animals; which was referred to the Committee on Printing.

EFFICIENCY OF THE NAVY.

Mr. BRIGGS, from the Committee on Naval Affairs, reported back,

with a favorable recommendation, the bill (H. R. No. 6788) to promote the efficiency of the Navy.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. If there is a report accompanying the bill I would like to hear it read.

The report was read, and then the bill was ordered to be placed upon the House Calendar, and the accompanying report ordered to be

NORMAN WIARD.

Mr. BRIGGS. I am instructed by the Committee on Naval Affairs to report back the petition of Norman Wiard, and to move that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

same be referred to the Committee on Claims.

Mr. REED. Is there a report?

The SPEAKER. The committee makes no report, except to ask that the petition be referred to another committee.

Mr. REED. I would like to hear the petition read.

Mr. BRIGGS. It is very long.

The SPEAKER. The petition is reported back merely for reference to another committee, because the Committee on Naval Affairs, the Chair supposes, deems that it has no jurisdiction of the subject, which is really in the nature of a claim.

Mr. BRIGGS. It has been before Congress several times and has

Mr. BRIGGS. It has been before Congress several times and has always been referred to the Committee on Claims.

The motion of Mr. BRIGGS was then agreed to; and the petition was

accordingly referred to the Committee on Claims.

THOMAS G. CORBIN.

Mr. BRIGGS also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 3532) for the relief of Thomas G. Corbin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

J. J. WILLIAMS AND J. D. THORNTON.

Mr. BREWER, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 5601) for the relief of John J. Williams and J. D. Thornton.

Mr. REED. I ask that the bill be read.

The bill was read.

Mr. REED. Let the accompanying report be read.

The report was read and ordered to be printed, and the bill was referred to the Committee of the Whell was the Brights Calendar.

referred to the Committee of the Whole on the Private Calendar.

GOVERNMENT TELEGRAPH.

Mr. MONEY. The Committee on the Post-Office and Post-Roads, to which was referred a resolution in relation to a Government telegraph, have instructed me to report the same back and ask that it be placed on the House Calendar.

The resolution was read, as follows:

Resolved. That the Committee on the Post-Office and Post-Roads be instructed to inquire into the expediency of establishing by law a telegraphic postal system under the Government of the United States; and also as to the cost of reproducing the facilities for transmitting telegraphic messages equal to those now possessed by existing corporations, and as to the expense of operating the same, with power to send for persons and papers, and to report at any time by bill or otherwise.

Mr. CONGER. Is that a proper subject for a committee to report

Mr. CONGER. Is that a proper subject for a committee to report upon during this call?

The SPEAKER. The committee can select its own time for reporting such a resolution. The resolution having been referred to the committee, under the rule it must be reported upon within one week.

Mr. CONGER. Then I ask for the reading of the report.

The SPEAKER. The Chair is informed there is none.

Mr. CONGER. Then it is in violation of the rule.

The SPEAKER. The Chair thinks that this being in the nature of a resolution of inquiry does not require a report.

of a resolution of inquiry does not require a report.

Mr. CONGER. I think the committee should inform the House of their conclusion upon the resolution.

Mr. MONEY. This resolution simply empowers the Committee on

the Post-Office and Post-Roads to inquire into certain matters. the Post-Omee and Post-Roads to inquire into certain matters. The resolution has not been adopted by the House, and if proper to do so, I will ask consent that it be considered at this time.

The SPEAKER. The Chair thinks that, under the statement of the gentleman from Mississippi, [Mr. MONEY,] a report from the committee is required in order to conform to the rule.

Mr. MONEY. A report upon a resolution of inquiry?

The SPEAKER. The Clerk will read clause 2 of Rule XVIII.

The Clerk read as follows:

No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

The SPEAKER. The Chair thinks that under the terms of the rule a report from the committee is required.

Mr. MONEY. Then I will withdraw the resolution for the present.

RAILROAD ON STATEN ISLAND, NEW YORK.

Mr. KETCHAM, from the Committee on the Public Lands, reported back, with amendments, the bill (H. R. No. 6229) to grant the right of way for railroad purposes through certain lands in Richmond County, New York. Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. Is there a report accompanying the bill? If so, I

ask to have it read.

The Clerk began the reading of the report, but before concluding,
Mr. REAGAN said: Is it in order to read that report during the morning hour for the call of committees, unless action is desired upon

morning hour for the call of committees, unless action is desired upon the report of the committee?

The SPEAKER. The practice has been to allow reports to be read when the reading is called for by any member.

Mr. REAGAN. If the bill was up for consideration at this time the reading of the report would be proper. But I do not understand that it has been the practice to read reports except at such times.

Mr. COVERT. As I understood the request of the gentleman from Michigan, [Mr. Conger,] it was for the reading of the bill and not for the reading of the report.

Mr. CONGER. I called for the reading of the report also.

The SPEAKER. The Clerk will read Rule XXXI.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to ive a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. CONGER. There was no objection to the reading of the report when I called for it.

Mr. REAGAN. I have no objection to the reading of the report if the House is now to act upon the bill; otherwise I do object.

Mr. CARLISLE. The House is not called upon now to give any vote upon the bill, because, under the rule, the bill being reported from a committee at this time must be referred to one of the calen-

from a committee at this time must be referred to one of the calendars. It is therefore out of order for the report to be read now.

The SPEAKER. The Chair has not interrupted the reading of reports during this call, because, until now, no objection has been made to their reading. The Chair thinks that under the rule bills with their accompanying reports when reported under this call go to their respective calendars, and without a vote of the House it is not in order at this time to have the reports read.

Mr. MORRISON. You might just as well call for the reading of the bill

bill.

The SPEAKER. The bill has been read already.

Mr. REED. The bill has been read, and the Clerk has proceeded with the reading of the report. It is now too late to make objection. The SPEAKER. The Chair will cause the report to be read through. The reading was begun and not objected to.

Mr. REAGAN. Does the Chair decide that it is in order to read

The SPEAKER. The reading of the report was asked for, and there was no objection. The reading has already been begun.

Mr. KEIFER. The reading had commenced, and it is too late now

to make objection.

Mr. REAGAN. It is a waste of time, I submit.

The reading of the report was resumed and concluded.

The bill was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

LAND TITLES IN CALIFORNIA.

Mr. BERRY, from the Committee on the Public Lands, reported, as a substitute for House bill No. 6629, a bill (H. R. No. 7024) to quiet land titles in California; which was read a first and second time, the second reading being in full on demand of Mr. CONGER.

The bill was then referred to the Committee of the Whole on the

state of the Union, and, with the accompanying report, ordered to be

printed.

LAND TITLES IN MICHIGAN.

Mr. DUNN, from the Committee on the Public Lands, reported, as a substitute for House bill No. 6525, a bill (H. R. No. 7025) to quiet the title to certain lands in the upper peninsula of Michigan, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

VACATION OF ARIZONA LEGISLATIVE ACT.

Mr. CANNON, of Utah, from the Committee on the Territories, reported back, with a favorable recommendation, the bill (H. R. No. 5501) to vacate, annul, and set aside an act of the Legislative Assembly of the Territory of Arizona.

Mr. CONGER. Let the bill be read.

The Clerk proceeded to read the bill; but before he had con-

Mr. UPSON. I make the point that the morning hour has expired. The SPEAKER. The morning hour has expired, and this bill goes over till the next morning hour for the call of committees.

UNITED STATES COURTS IN TEXAS.

Mr. UPSON. I ask unanimous consent that the bill (H. R. No. 6942) to fix the times for holding the district and circuit courts of the United States for the western district of Texas be taken from the House Cal-

endar and considered now.

Mr. WILSON. It is merely to change the time of holding certain

eourts.

Mr. UPSON. One of the courts will commence in March, and it is absolutely necessary to pass the bill now that it may go to the Sen-

ate. It provides for nothing else than simply changing the time of

holding court.
The bill was read, as follows:

Be it enacted, &c., That the district and circuit courts of the United States within and for the western district of Texa shall be holden at to times bereinafter specified, namely: At Austin, commencing on the first Tuesdays in January and June: at San Antonio, commencing on the fourth Tuesdays in March and October; at Brownsville, commencing on the fourth Tuesdays in April and November. SEC. 2. That all laws in conflict herewith are hereby repealed. SEC. 3. That this act take effect on the 1st day of March, A. D. 1881.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER. The Committee on the Judiciary, to whom the bill was referred, have reported an amendment making a change in the title. The amendment will be read. The Clerk read as follows:

Strike out the word "of" and insert the word "for."

The amendment was agreed to.
Mr. UPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VETERAN UNION ASSOCIATION, LEADVILLE, COLORADO.

Mr. BELFORD. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 6062, and that it be now put on its passage. This is a bill applicable exclusively to my own State, and I hope there will be no objection.

The bill was read, as follows:

The bill was read, as follows:

A bill (H. R. No. 6062) donating certain lands in Lake County, State of Colorado, to the Veteran Union Association of Leadville for hospital and burial purposes.

Be it enacted, &c., That the following-described tract of land, situated in Lake County and State of Colorado, be donated to the Veteran Union Association of Leadville, in said State, for hospital and burial purposes, to wit, the north half of the southwest quarter of section 23, township number 9 south, of range 86 west, excepting, however, from said tract that part included in the United States survey No. 271; and also donating to said association the south half of the northwest quarter in the section, township, and range aforesaid. Said land is bereby donated upon the express condition that it shall be used exclusively for hospital and burial purposes; and should there be a failure to comply with the conditions herein expressed, then said land shall revert to the Government of the United States.

The amendments reported by the Committee on the Public Lands were read, as follows:

In lines 5 and 6, strike out the words "for hospital and burial purposes" and sert "for the use and purpose of locating thereon a hospital and cemetery." After the word "donating," in line 11, insert the words "for the said uses and

purposes."

In line 15, before the word "hospital," insert the word "such."

After the word "expressed," in line 17, insert "for two years from the passage of this act, or should said lands ever cease to be used for said purposes."

There being no objection, the House proceeded to consider the bill. The amendments reported from the Committee on the Public Lands

were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engressed, was accordingly read the third time, and

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR REPORTS.

Mr. AIKEN. I ask by unanimous consent the adoption of the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed and bound in one volume 50,000 copies of the numbers issued by the State Department of reports from the consuls of the United States on the commerce, manufactures, &c., of their consular districts; 35 000 of which shall be for the use of members of the House of Representatives, and 15,000 for the use of the Senate.

The SPEAKER. That will go under the law to the Committee on Printing

Mr. AIKEN. Is it not in order by unanimous consent to put it upon

its passage now?

The SPEAKER. There is a law on the subject requiring that all printing exceeding in amount \$500 shall be referred to the Committee on Printing. Mr. AIKEN.

Mr. AIKEN. It will exceed that amount. The SPEAKER. The law will be read. The Clerk read as follows:

All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.—Revised Statutes, section 3793.

The concurrent resolution was received and referred to the Committee on Printing.

DAM AT LAKE WINNIBIGOSHISH.

Mr. WASHBURN. I move by unanimous consent to take from the Speaker's table and pass a bill (S. No. 2008) amending the act entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved June 14, 1880.

Mr. BOUCK. Let that bill be read.

The Clerk read as follows:

The Clerk read as follows:

Whereas the act of Congress of the United States entitled "An act making appropriations for the construction, completion, and preservation of certain works on rivers and harbors, and for other purposes," approved Jime 14, 1880, contains the following appropriation, that is to say: "For the reservoirs at the headwaters of the Mississippi River, to be used in the construction of a dam at Lake Winnibigoshish, \$75,000: Provided, That all injuries occasioned to individuals by overflow of their lands be ascertained and determined by agreement or in accordance with the laws of Minnesota, and shall not exceed in the aggregate \$5,000;" and Whereas some lands of the United States embraced in an Indian reservation may be affected by the flowage from the construction of said dam: Therefore,

Be it enacted, &x., That the Secretary of the Interior be, and he is hereby, authorized and directed to ascertain what, if any, injury is occasioned to the rights of the Indians occupying said reservation by the construction of said dam or the cutting or removing of trees or other material from said reservation for the construction said dam, and to determine the amount of damages therefor; and the sum of \$5,000 of the sum heretofore appropriated for the construction of said dam is hereby made applicable to the payment of the same when so ascertained and determined; and the appropriation heretofore made for the construction of said dam is hereby made applicable to the payment of the same when so ascertained and determined; and the appropriation heretofore made for the construction of said dam at Lake Winnibigoshish shall be applied to the construction of said dam immediately after the passage of this act.

Mr. SINGLETON, of Illinois, I object.

Mr. SINGLETON, of Illinois. I object.
Mr. WASHBURN. This makes no additional appropriation, but simply allows the Secretary of the Interior to settle with these Indians for damages occasioned by overflow of their lands. It is an appropriation made last Congress, and this simply makes that appropriation and labels. priation available.

Mr. REAGAN. The matter is being investigated, and the informa-tion required to be furnished by the Secretary of the Interior is very

desirable to the House with reference to future action.

Mr. SINGLETON, of Illinois. I withdraw the objection.

The SPEAKER. Does the gentleman from Texas object?

Mr. REAGAN. No; but, on the contrary, I say the bill ought to pass, because it will give us desired information.

Mr. SCALES. I must object.

APPORTIONMENT.

Mr. COX. I am directed by the Committee on the Census to report, as a substitute for House bill No. 6958, a bill (H. R. No. 7026) making an apportionment of Representatives in Congress among the several States under the tenth census.

The bill was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted to the Committee

on the Census.

Mr. COX. The majority fix the number of members under the tenth census at three hundred and eleven, and the minority, in their amend-ment, at three hundred and nineteen. I ask that both propositions be printed in the RECORD.

be printed in the RECORD.

There was no objection, and it was ordered accordingly.

Mr. SHERWIN. I present an amendment, in the nature of a substitute, as the views of the minority.

The SPEAKER. Both propositions are ordered to be printed in the RECORD. Both are recommitted to the Committee on the Census.

Mr. THOMPSON, of Kentucky. I reserve all points of order on that amendment of the minority.

Mr. COX. The bill and the amendment of the minority have been recommitted, and I give notice I shall call the matter up to-morrow. It is a question of the highest privilege under the Constitution.

The SPEAKER. Both propositions have been recommitted to the Committee on the Census, and ordered to be printed in the RECORD.

The bill reported by Mr. Cox from the Committee on the Census is as follows:

as follows:

Be it enacted, &c., That after the 3d of March, 1883, the House of Representatives shall be composed of three hundred and eleven members, to be apportioned among the several States, as follows: Alabama, eight; Arkansas, five; California, five; Colorado, one; Connecticut, four; Delaware, one; Florida, two; Georgia, ten; Illinois, nineteen; Indiana, thirteen; Iowa, ten; Kansas, six; Kentucky, ten; Louisiana, six; Maine, four; Maryland, six; Massachusetts, eleven; Michigan, ten; Minnesota, five; Mississippi, seven; Missouri, fourteen; Nebraska, three; Nevada, one; New Hampshire, two; New Jersey, seven; New York, thirty-two; North Carolina, nine; Ohlo, twenty; Oregon, one; Pennsylvania, twenty-seven; Rhode Island, two; South Carolina, six; Tennessee, ten; Texas, ten; Vermont, two; Virginia, ten; West Virginia, four, and Wisconsin, eight.

The accompanying report is as follows:

The Accompanying report is as follows:

The Committee on the Census, to whom was referred the question of apportionment among the several States under the tenth census, beg leave to report the following bill, which enacts that after the 3d of March, 1883, the House of Representatives shall be composed of three hundred and eleven members. For the distribution of said members in detail, the committee refer to the bill. There were differences of opinion among the members of the committee as to the number, some being for more and some for less than the above number, but to avoid delay and to bring the matter speedily before the House, the majority of the committee have concluded to report the accompanying bill.

The amendment, in the nature of a substitute reported by Mr. Sherwin on behalf of the minority of the committee, is as follows:

SHERWIN on behalf of the minority of the committee, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled. That from and after the 3d day of March, 1883, the
House of Representatives shall be composed of three hundred and nineteen members, to be apportioned among the several States as follows:

To the State of Alabama, eight members; to the State of Arkansas, five members; to the State of California, six members; to the State of Colorado, one member; to the State of Connecticut, four members; to the State of Delaware, one
member; to the State of Florida, two members; to the State of Georgia, ten members; to the State of Illinois, twenty members; to the State of Indiana, thirteen
members; to the State of Mass, eleven members; to the State of Louisiana, six
members; to the State of Maine, four members; to the State of Michigan,
eloven members; to the State of Massachusetta, twelve members; to the State of Michigan,
eloven members; to the State of Minesota, five members; to the State of Mississippi,

seven members; to the State of Missouri, fourteen members; to the State of Nebraska, three members; to the State of Nevada, one member; to the State of New Hampshire, two members; to the State of New Jersey, seven members; to the State of New York, thirty-three members; to the State of North Carolina, nine members; to the State of Ohio, twenty-one members; to the State of Oregon, one member; to the State of Pennsylvania, twenty-eight members; to the State of Rhode Island, two members; to the State of South Carolina, six members; to the State of Tennessee, ten members; to the State of Texas, ten members; to the State of Vermont, two members; to the State of Virginia, four members; to the State of Virginia, four members; to the State of Visconsin, eight members.

SEC. 2. Whenever a new State shall be admitted into the Union, the Representative or Representatives assigned to it shall be additional to the number—three hundred and nineteen—herein provided for.

SEC. 3. In each State entitled under this apportionment, the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

GLOBE AND MAP FOR COMMITTEE ON FOREIGN AFFAIRS.

Mr. MARTIN, of Delaware. Mr. Speaker, I rise to make a privi-leged report from the Committee on Accounts. I am instructed unan-imously by the committee to report back the following resolution. The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Librarian of Congress be requested to purchase one terrestrial globe and one large map of the world for the use of the Committee on Foreign Affairs: Provided, That the same shall not cost more than \$150, to be paid for out of the contingent fund of the House.

The report is as follows:

The Committee on Accounts, to whom was referred the accompanying resolution, reported from the Committee on Foreign Affairs, having for its object the purchase of one terrestrial globe and one large map of the world for the use of said Committee on Foreign Affairs, have had the same under consideration and respectfully report that in view of the various international questions pending before said committee, and the frequent necessity of referring to globes and maps illustrative of the business before the committee, these articles should be purchased. We therefore recommend that the resolution be passed.

Mr. WILSON. This is a unanimous report from both committees.

The resolution was agreed to.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. REBECCA REYNOLDS.

Mr. SMITH, of Pennsylvania. Mr. Speaker, I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill for an increase of pension to Mrs. Rebecca Reynolds, and ask that the same be put upon its pas-

The SPEAKER. The title of the bill will be read, after which the

Chair will ask for objections.

The Clerk read as follows: A bill (H. R. No. 6423) granting an increase of pension to Rebecca Reynolds.

Mr. MORRISON. What is the bill?
The SPEAKER. It is for the increase of the pension of the widow of General Reynolds.

Mr. McMILLIN. Let the bill be read. The bill was read at length.

The SPEAKER. Is there objection to the present consideration of

Mr. SINGLETON, of Illinois. I object.

POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN, from the Committee on Appropriations, reported back the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union.

Whole House on the state of the Union.

Mr. KEIFER. I reserve all points of order on the bill.

Mr. BLACKBURN. I move that the House now resolve itself in Committee of the Whole House on the state of the Union, to proceed with the consideration of the bill (H. R. No. 6972) just reported.

Mr. PRICE. I hope the gentleman will yield to me for a, moment. Mr. BOUCK. I demand the regular order.

The SPEAKER. The regular order being demanded, the question is on the motion of the gentleman from Kentucky, that the House resolve itself in Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the Union for the purpose of proceeding with the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself in Committee of the Whole House on the state of the Union, Mr. CARLISLE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering the Post-Office appropriation bill.

The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 6972) making appropriations for the service of the Post-Office
Department for the fiscal year ending June 30, 1882, and for other purposes.

Mr. BLACKBURN. Mr. Chairman, as this bill of necessity must be considered by clauses, unless there be objection I will ask, in order that time may be economized, to dispense with the first formal reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentle-man from Kentucky?

There was no objection.

Mr. BLACKBURN. Mr. Chairman, illustrating the purpose of the Committee on Appropriations to get to final action on these general appropriation bills with as little delay as possible, it is not the purpose of that committee or any member of it to make any extended remarks upon the bill now before the Committee of the Whole on the remarks upon the bill now before the Committee of the Whole on the state of the Union for its consideration. The Committee on Appropriations believe that they will be sustained by the judgment of this House in their claim of having presented a fair and liberal appropriation for every department of the postal service of this country. It is true that in many particulars the bill does not meet the full measure of estimates submitted by the Department. I will not detain the committee more than to refer them to the calculations and tain the committee more than to refer them to the calculations and tabulated statement of the committee appended to the bill. This bill recommends an appropriation of \$40,760,432. The estimates upon which this bill is predicated, submitted by the Department, aggregated the sum of \$42,475,932. The appropriations for the present fiscal year were \$39,093,420. The estimated postal revenues for the next fiscal year are \$38,845,174. The increase of estimates for 1882 over the appropriations for 1881 was \$3,382,512. The increase of appropriations recommended by this bill over appropriations for the present fiscal year is \$1,667,012. The difference between the appropriations recommended by this bill and the estimates of the Department for the next fiscal year is \$1,715,500.

The failure of the Committee on Appropriations in recommending the full amount of all the estimates made by the Department will

the full amount of all the estimates made by the Department will appear in detail as we proceed to the consideration of the bill; and the committee with perfect confidence undertakes to satisfy the Committee of the Whole on the state of the Union that there has been no reduction made and no failure of appropriation as demanded by estimates that the records of the Department and the present interest of the service will not fully sustain and warrant. It is but just that in starting out upon the consideration of this bill I should say that the country has reason to congratulate itself in having arrived for the first time at a point where the appropriations presessary for the supcountry has reason to congratulate itself in having arrived for the first time at a point where the appropriations necessary for the support of the postal service of the country are within less than two million dollars of the estimated revenues of the Department. There is no measure of commendation to which that Department in any of its branches is fairly entitled that has not been regarded by the committee in examining the estimates and fixing the amount of this bill, and which it is not the desire of the Committee on Appropriations to give it full credit for. That some of the estimates have been excessive in some respects, the committee feel ready to demonstrate.

Now, sir, with this brief summary statement of the purposes of the committee and the scope of the bill, feeling assured that as we reach its several clauses we will in detail discuss them carefully, I ask that the Clerk may be allowed to proceed with the reading of the bill by sections, for its consideration.

sections, for its consideration.

Mr. CONGER. In order that we may understand before we reach the particular sections the difference between the recommendations of the committee and the estimates of the Department, will the gen-

of the committee and the estimates of the Department, will the gentleman from Kentucky indicate in what respect the several appropriations fall short of the estimates?

Mr. BLACKBURN. I will. In the matter of the compensation to postmasters the bill recommends \$50,000 less than is asked for in the estimates; and in passing I may say, speaking for myself alone, that I am not altogether clear in my mind the action of the committee is entirely was republic in that respect

entirely warrantable in that respect.

For payment of letter-carriers the bill recommends an appropriation \$100,000 less than the estimates of the Department. I do feel assured that when we reach that clause of the bill the committee will be able to satisfy the House that that reduction upon the estimates was fully warranted and that the full amount of the estimate is not

Upon the miscellaneous and incidental items the estimates have been reduced in the recommendation of the committee to the extent of \$100,000, and we feel assured the House will sustain the action of the committee in that respect. The largest, by all odds, of the differences between the recommendation of the committee as embodied in ences between the recommendation of the committee as embodied in the bill and the estimate of the Department, is in the item of in-land mail transportation. And I will say in answer to the inquiry of the gentleman from Michigan, that the committee feel assured they will demonstrate to the satisfaction of the House that there is prac-tically and really no reduction upon the estimate there at all, for this reason: we take the report of the Postmaster-General, and we take the estimate of the Department of the Postmaster-General, the estimate of the Department and we practically allow the Departthe estimate of the Department and we practically allow the Department its full estimate, plus \$\$1,000. Under the act of 1879, known as the Thurman bill, which provided for the repayment by the Pacific roads to the Government of the interest paid by the Government under its guarantee on their bonds, we find by the personal examination of the Sixth Anditor who has charge of the accounts of the Post-Office Department, that we are entitled to a credit of \$\$81,000 a year upon that item of inland transportation by railroad. So that, it being perfectly apparent that the Department based its estimate upon its full needs but failed to give credit for the \$\$81,000 which comes back in the shape of a rebate under the provisions of the act of 1879, the committee cut short and reduced the estimates, not to the full difference, but to \$\$00,000 instead of \$\$81,000. Mr. HARRIS, of Virginia. I desire to ask the gentleman whether

the Government can use that money?

Mr. BLACKBURN. I will answer the gentleman that it is just as available—and it was so admitted by the officers of the Department whom the sub-committee had before them—it is just as available as whom the sub-committee had before them—it is just as available as any dollar you are asked to appropriate in the bill now under consideration. It simply came to this: the Department was making the estimates for the expenses of the Post-Office, or rather this item of inland transportation by rail, without giving the Government any credit at all for \$881,000, which, under a fixed law, must come back the next year, as it did come back last year, in the shape of rebate or credit to the Government, from Pacific Railroad Companies.

If, therefore, the committee had taken the estimate of the Post-Office Department, and then taken the statements made to it by the officers of the Department, and granted those estimates to the fullest measure, we would have reduced the estimate just \$881,000. But the recommendation embraced in this bill is a reduction to the extent of \$800.000 on that item.

\$800,000 on that item.

The next difference between the recommendation of the bill and

The next difference between the recommendation of the bill and the estimate of the Department is found in railway post-office car service. There is a reduction there as recommended by the bill of \$34,000 from the estimate submitted by the Department.

For facilities on trunk lines, which the House understands doubtless very well mean what is known as the fast mail service of the country upon trunk lines where special facilities are asked for in order that expedition in the delivery of mails may be secured over these great thoroughfares, the committee recommends a reduction of \$50,000 npon the estimate of the Department in that regard.

Mr. CONGER. If the gentleman from Kentucky will merely give the items of reduction at present, leaving the statement of the reasons until we reach the items in the reading of the bill, my object will be accomplished.

Mr. BLACKBURN. Then I will omit the reasons and merely call attention to the few remaining items on which there is a difference between the recommendation of the committee and the estimate of the Department.

There is in the item of inland transportation by star routes \$100,000 less recommended by this bill than asked for by the Department. For inland transportation by star routes there is \$385,000 less recom-

For inland transportation by star routes there is \$385,000 less recommended by this bill than estimated for by the Department.

Mr. STEVENSON. May I ask the gentleman from Kentucky how the amount for the star service recommended in this bill corresponds with the amount appropriated last session?

Mr. BLACKBURN. I will answer the question by giving him the exact figures. The appropriation in this bill is 12 per cent. more than we appropriated for the year ending June 30, 1881, for this purpose, which was \$7,375,000.

Mr. PAGE. Did that include the amount appropriated at the previous session?

Mr. BLACKBURN. In the patters of a deficiency.

Mr. BLACKBURN. In the nature of a deficiency?

Mr. PAGE. Yes, sir. Mr. BLACKBURN. It did.

Mr. BLACKBURN. It did.
Mr. PAGE. And you appropriate in this bill 12 per cent. more than was appropriated for the current fiscal year?
Mr. BLACKBURN. This is an increase of 12 per cent. over the appropriation for the present year plus the deficiency which was met by the first session of the present Congress.
This, if I mistake not, and I think I am correct, is the largest appropriation which has been made for that service since the war, and it lacks but \$385,000 of being the amount estimated for by the Department. It is more than \$500,000 increase over the amount appropriated for the present fiscal year including the deficiency.
Mr. HASKELL. If the gentleman has concluded his statement concerning the star routes and will allow me, I desire to say that I

Mr. HASKELL. If the gentleman has concluded his statement concerning the star routes and will allow me, I desire to say that I find in the summary of the bill a statement that the appropriation for the fiscal year ending June 30, 1881, is \$39,093,420, and that the amount recommended for the next fiscal year is \$40,760,432. I desire to ask the gentleman from Kentucky [Mr. Blackburn] if the deficiency appropriated last year was added to the amount contained in the original appropriation bill. It would appear by the report that this bill proposes to appropriate for the next fiscal year. I want to ask the gentleman if the deficiency appropriated last year was taken account of, or is that simply the difference between the original appropriation bill of last year and this appropriation bill?

Mr. BLACKBURN. Of course, when I gave the figures covering the appropriations of last year, I intended to include the amount appropriated for deficiencies.

Mr. HASKELL. How much was the deficiency?

Mr. HASKELL. How much was the deficiency?
Mr. BLACKBURN. They came in the shape of different items; I do not have them before me just now. There was a deficiency of a million and over in the star-route service. The deficiency for the star-route service last year was \$1,100,000, and there was \$50,000 in addition to that for new service.

addition to that for new service.

In answer to the question of my friend from Kansas, [Mr. Haskell,]
I state that when we came to prepare the item for an appropriation
for the star service, which I said was 12 per cent, increase, we calculated it fairly, and predicated it not alone upon the original appropriation for the current year, but upon that appropriation plus the
deficiency, because it had been ascertained that the amount repre-

sented by the original appropriation, and by the deficiency which was passed, was necessary for that service. We put those two items together and recommended in this bill an amount equal to those two

items and 12 per cent. in addition.

The next item of difference between the recommendation of this bill and the estimate is in the clause which appropriates for the purchase of mail-locks and keys. The Department asked for \$50,000, and the committee recommend the appropriation of \$15,000, which reduction will be explained when we reach that clause of the bill.

The only remaining difference between the estimates of the Department and the recommendation of the committee is for mail-bags and mail-bag catchers, where a like sum of \$35,000 is taken from the esti-

Mr. CONGER. Is the appropriation for locks and keys \$25,000 less

than the estimates

Mr. BLACKBURN. It is \$35,000 less, the difference between \$15,000, as reported by the committee, and \$50,000 estimated for by the De-

partment.

There is one other item which had escaped my memory, where the estimate of the Department has not been allowed by the committee. That is for the manufacture of adhesive stamps. The Department estimates for \$113,000, and the committee recommends the appropriation of \$105,000; a reduction of the estimate by the amount of

Mr. ROBINSON. Will the gentleman yield a moment?
Mr. BLACKBURN. Certainly.
Mr. ROBINSON. I desire to call the attention of the gentleman to lines \$1 and 82 of the printed bill:

For necessary and special facilities on trunk lines, \$400,000.

I did not get the statement of the gentleman, if he made one, of the difference between this sum and the amount appropriated in the last bill for that purpose.

Mr. BLACKBURN. In the last bill we gave \$350,000 for special facilities on trunk lines. For the next fiscal year the Department asked for \$450,000, and the committee have recommended in this bill

an appropriation of \$400,000.

Mr. ROBINSON. An increase of \$50,000 over the bill of last year.
Mr. BLACKBURN. An increase of \$50,000 over the amount appropriated for the present fiscal year, but \$50,000 less than the amount estimated for. I will refer the gentleman from Massachusetts [Mr. estimated for. I will refer the gentleman from Massachusetts [Mr. Robinson] to the report of the Postmaster-General to warrant the action of the committee. He will find in that report nothing in the shape of an anticipated deficiency, and nothing that in the judgment of the committee warranted an increase of more than \$50,000 over the sum allowed for the present fiscal year.

Mr. ROBINSON. I merely inquired, so that I might understand that there was no reduction.

Mr. BLACKBURN. On the contrary—
Mr. ROBINSON. On the contrary there is an increase; and I am not only satisfied but gratified.

Mr. McMILLIN. I would like to ask the gentleman a question.
Mr. BLACKBURN. Certainly.
Mr. McMILLIN. Section 2 of this bill provides:

That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of \$1,915.258, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1882.

I desire to inquire if that amount is included in the \$40,760,432 given in the note to the bill as the total sum recommended by this bill?

Mr. BLACKBURN. In answer to the gentleman from Tennessee [Mr. McMillin] I will say that the section of the bill to which he refers is the same as has heretofore been borne in every Post-Office appropriation bill passed by Congress. It simply means to give an approximate estimate by Congress as to what will be the deficit or difference between the revenues of the Department and the expenditures

of the Department for the next iscal year.

It is in no wise obligatory; it does not affect the authority of the Department in the matter, or its disbursements; it is simply the expression of an approximate calculation made as to the difference between the revenues and the expenditures of the Department. It has no legal force or effect whatever. If the gentleman will look at the first paragraph of this bill he will find the words inserted "out of any money in the Treasury arising from the revenues of said Department."

Mr. McMILLIN. Then this is the difference between the estimate

of what will accrue from the revenues of the Department and the estimate of what will be necessary to carry on the Department.

Mr. BLACKBURN. That is it exactly. Now, Mr. Chairman, if there are no other questions to be propounded, I ask that we may proceed to consider the bill by sections. All points of order, I under-

stand, have been reserved.

Mr. CLARDY. On page 289 of the report of the Postmaster-General, the general superintendent of railway service recommends a special appropriation of \$75,000, to be available from and after the date at which such service goes into effect, together with a sufficient

the gentleman inform me whether that item is embraced in the bill

memorated by the committee?

Mr. BLACKBURN. In answer to the question propounded by the gentleman from Missouri, I will say that we have before us the report of the Post-Office Department in which the item of inland mail service transportation by railway is very elaborately discussed, at the con-clusion of which an estimate is made; and it is true that in that regu-lar annual report the Postmaster-General does recommend that an

Mr. BLOUNT. That is the Second Assistant Postmaster-General, not the Postmaster-General. The item is not embraced in the Book of Estimates, and is not recommended by the Postmaster-General.

Mr. BLACKBURN. I was comming to that. The Second Assistant Postmaster-General does recommend a special appropriation of \$75,000 for the inland railway route to which the gentleman from Missouri now refers. But there is no communication from the Post-Office Department to the House on this subject; the recommendation is simply a part of the regular report of the Second Assistant Postmaster-General, and is not covered by the Postmaster-General in his estimates to the House

Mr. BLOUNT. If the gentleman will allow me, the very same offi-cial has proposed in many of his reports that we change the mode of compensating railroad companies; and he makes various other sug-

gestions.

Mr. BLACKBURN. I think the question of the gentleman from Missouri would have been in better time had it been reserved till we reached that clause of the bill; but as he has made it, and as I am endeavoring to answer it, I may go one step further and say that in the very same annual report in which this recommendation is made by the Second Assistant Postmaster-General we have estimates for the service for the next fiscal year; and I undertake to say to the House that we have not only failed or refused to reduce these estimates, but upon the figures of the Post-Office officials themselves, upon their own records and books, we have granted to that department of the service every dollar that the estimate calls for, and \$31,000 herides. besides. No special communication relative to that route has been before the committee at all.

The CHAIRMAN. If no other gentleman desires to take part in the general debate upon this bill, the Clerk will now proceed to read

paragraphs.

The Clerk read as follows:

Office of the Postmaster-General:
For mail depredations and post-office inspectors, including amounts necessary for fees to United States marshals and attorneys, \$175,000; and not exceeding \$5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and counsel necessarily employed by post-office inspectors of the Post-Office Department, subject to approval by the Attorney-General, and hereafter the superintendent of railway mail service and the chief of post-office inspectors shall be paid their actual expenses while traveling on the business of the Department.

Mr. YOUNG, of Tennessee. I notice a provision here which strikes me as unnecessary; and for the purpose of obtaining an explanation, I submit the amendment which I send to the desk.

The Clerk read as follows:

In lines 10 and 11 strike out the words "including amounts necessary for fees to United States marshals and attorneys;" and in lines 12 to 17 strike out the following words: "and not exceeding \$5,000 of this amount may be expended for fees to United States attorneys, marshals, clerks of courts, and counsel necessarily employed by post-office inspectors of the Post-Office Department, subject to approval by the Attorney-General."

Mr. YOUNG, of Tennessee. Mr. Chairman, in the absence of the Mr. YOUNG, of Tennessee. Mr. Chairman, in the absence of the statement of any reason which may probably have influenced the committee in incorporating this provision, it seems to me that the appropriation is quite unnecessary. Under existing laws the United States district attorneys, marshals, and clerks of courts already receive compensation for all the service that they may be required to render in prosecutions for any violation of the postal laws. I do not know of any necessity for providing additional fees for any processes which may be issued by the clerk of a United States court or served by a marshal or for any prosecution which may necessarily be conby a marshal, or for any prosecution which may necessarily be conducted by a United States district attorney. If there is any reason why an additional appropriation should be made to pay for such serve

why an additional appropriation should be made to pay for such services, I will, of course, withdraw the amendment.

Mr. BLACKBURN. Mr. Chairman, as I understand, the gentleman from Tennessee wants to reduce the amount appropriated by this bill, but if so, the amendment read by the Clerk does not do it.

Mr. YOUNG, of Tennessee. I propose to strike out so much of this provision as proposes to pay additional fees to United States district attorneys, marshals, and clerks of courts for enforcing any of the laws of the Government or punishing anybody for their infraction. Every process now issued by United States courts, or that may be issued hereafter for the violation of any of the postal laws, is provided for by existing statutes; so that an appropriation to pay additional fees to officers already provided for by law seems to me unnecessary.

Mr. BLACKBURN. It seems to me, Mr. Chairman, that the gentle-man from Tennessee and myself are not fortunate in understanding Mr. CLARDY. On page 289 of the report of the Postmaster-General, the general superintendent of railway service recommends a special appropriation of \$75,000, to be available from and after the date at which such service goes into effect, together with a sufficient amount for clerk hire, to equip a line from the city of Saint Louis to Texarkana, Texas, as a second daily railway mail service. Will \$175,000, not more than \$5,000 of it shall be appropriated for the payment of these expenditures to which he alludes; and the bill further says that this appropriation of \$175,000 shall be all that is made, including these expenses. The gentleman's amendment does not propose to reduce the amount of \$175,000 at all, but he does propose to strike out those two provisions of the bill, one of which says this amount shall include all services of this nature, and the other says that such services shall not amount to more than \$5,000 of this sum.

I will say for the benefit of the gentleman from Tennessee and for I will say for the benefit of the gentleman from Tennessee and for the committee that this, as recommended by the Committee on Appropriations, is exactly a verbatim copy of existing law in the nature of a limitation upon the Department, that they may employ the services of these officers named for the purposes indicated, but that they shall not ask a separate appropriation; that this is an amount to cover all such cases; that out of the amount of \$175,000 not more than \$5,000 of it shall go for this purpose.

And, further, let me call the attention of the gentleman from Tennessee to the fact that this is a verbatim copy of the existing law.

nessee to the fact that this is a verbatim copy of the existing law. It appears as far back in these appropriation bills as 1877. It used to be \$7,500. This bill limits the maximum expenditure for this purpose to \$5,000. And with this statement I am perfectly content to

let the committee pass upon the amendment.

Mr. YOUNG, of Tennessee. I wish to explain my amendment a little. I believe I do understand my amendment myself. If I was not fortunate enough to make the gentleman from Kentucky under-

not fortunate enough to make the gentleman from Kentucky understand it, it is not my fault. In order to meet his technical objection, I propose to reduce that appropriation from \$175,000 to \$170,000. He has given me no reason why this appropriation should be made. The fact that this has been included in former appropriation bills, and is already a law, certainly constitutes no good reason why it should remain a law if originally there was no use for it. As I said before, every officer who serves will be required under this appropriation—

Mr. BLACKBURN. Will the gentleman allow me to say a word?

Mr. YOUNG, of Tennessee. Certainly.

Mr. BLACKBURN. If the gentleman from Tennessee will look a little further than to the officers and employés of the Federal Government who are provided for in this section he will find there is a provision made there for the payment of any fee that may accrue by reason of an inspector of the Post-Office Department having to employ a lawyer or counsel in any part of the country. If you do not provide for the payment of that fee in it, then let me suggest to the gentleman there is no provision made anywhere for the payment of provide for the payment of that fee in it, then let me suggest to the gentleman there is no provision made anywhere for the payment of it. I am unable to see that any gross abuse can possibly arise from the discretion given to the Department by this appropriation, for so far as the postal service of the country goes, from one end of it to the other, the very bill before you provides no more than \$5,000 shall be used from that fund for the payment of all expenses incurred and remuneration to be given to the United States attorneys, marshals, clerks of courts, and individual, private, non-office holding counsel and attorneys whose services may be found necessary by the inspectors of the Department.

ors of the Department.

Mr. DWIGHT. Allow me to ask the gentleman a question.

Mr. BLACKBURN. Certainly.

Mr. DWIGHT. What amount has been usually issued for that

Mr. BLACKBURN. Seventy-five hundred dollars have been hitherto allowed annually. Last year only \$5,000 was allowed. Five thousand dollars it is proposed by this bill to allow now; and it seems

thousand donars it is proposed by this offit to anow now; and it seems to be ample for the use of the Department.

Mr. DWIGHT. Was that amount expended?

Mr. BLACKBURN. I will say to the gentleman the expenditures for that purpose were inside of the amount given last year and the amount recommended this year, which is \$5,000—

Mr. DWIGHT. If it is not expended for this purpose it is left over?

Mr. BLACKBURN. Yes, sir. Now, Mr. Chairman, I will trench no further on the time of the gentleman from Tennessee. Not a dollar is expended unless, under the discretion of the Post-Office Department, there shall be warrant for it, and then the approval of the Attorney-General has also to be secured.

Mr. DWIGHT. No abuse has grown out of the appropriation hith-

Mr. BLACKBURN. None.

Mr. BLACKBURN. None.
Mr. DWIGHT. And would not be likely to now?
Mr. BLACKBURN. No, sir.
Mr. YOUNG, of Tennessee. The gentleman from Kentucky has wholly failed to give me any satisfactory reason for this item of appropriation. If it is to be paid to private lawyers who are retained at the discretion of the postal inspector, then I object to this vicious legislation, and the sooner it is stricken from the statute-book the

This has been an abuse existing for years in this country. Thousands upon thousands of dollars, perhaps hundreds of thousands, have been paid to private attorneys who have performed the duties which the United States district attorney ought to have performed, and who in many cases performed no duty whatever.

Mr. BLACKBURN. The amount here, however, is limited to \$5,000. Mr. YOUNG, of Tennessee. The amount does not matter; it is the principle of the thing. If it is only five cents and wrong it ought to be stricken from the bill. I maintain that there are sufficient United States district attorneys in this country who are capable of discharg-

ing all of these duties without the aid of private attorneys to assist them in the prosecution of any person engaged in the infraction of the postal laws.

Mr. BLOUNT. I would like to ask the gentleman a question.
Mr. YOUNG, of Tennessee. I will teach my friend from Georgia a
lesson in courtesy. I will yield to him with pleasure—something he
never does to anybody else.

Mr. BLOUNT. I am very much obliged to the gentleman. I desire to ask this question: if he cannot conceive of a case where a United States district attorney is engaged at his court, and some persons are arrested in another part of his district, his duty being of such a character at the court as to prevent him from going and attending to these cases which require an investigation to be made at the time? I say, is it impossible for my friend to imagine a case where it would be necessary under such circumstances to employ outside or additional attorneys—nivate attorneys—to perform this

where it would be necessary under such circumstances to employ outside or additional attorneys—private attorneys—to perform this duty and make the investigation?

Mr. YOUNG, of Tennessee. I think I can clearly conceive of no possible case where a district attorney in any part of this country cannot give full consideration and attention to questions involving an infraction of the postal laws in his district. It is hardly likely that the postal service of the country will become so dishonest that there will be more than one or two violations of the law in any one district. Now, nearly every district attorney, perhaps every one in this country, is allowed an assistant at from \$1,500 to \$2,000 a year, and, as the gentleman from Kansas has stated, in some districts there are two or more allowed; and it is hardly likely, or at all events it are two or more allowed; and it is hardly likely, or at all events it is exceedingly improbable, that any case will arise where the district

attorney himself in person or some assistant in his office will not be able to attend to it.

This is a system of legislating that ought to be stopped. It has been an abuse for more than twenty-five years. Whenever a violation of law has occurred the effect of this legislation has been simply to allow a United States district attorney in some part of the country to employ some friend of his to take charge of the case at most extravagant remuneration. There have been instances, Mr. Chairman and the property of the country to employ a property of the case at most extravagant remuneration. extravagant remuneration. There have been instances, Mr. Chairman, under my own observation where men wholly incompetent have been employed to represent the Government who did not earn one dollar by their services, but who demanded and were paid extravagant fees. Let us adopt such legislation as will put competent men in office to discharge the duties, and it will not be necessary to employ incompetent assistants or any assistants at all to aid them in the discharge of their duties at extravagant prices. There is not a competent United States district attorney in all of this country who cannot discharge all the duties that devolve mon him without costa competent United States district attorney in all of this country who cannot discharge all the duties that devolve upon him without costing the Government a single dollar outside of the salary which is now allowed to him by law. I maintain, therefore, that this appropriation is quite unnecessary and ought to be stricken out of the bill. The CHAIRMAN. The Chair will state that debate upon the pending amendment has been exhausted for some time; but as there has been no objection the Chair has allowed the debate to run.

Mr. BLACKBURN. Unless there is objection, in which case I shall move a pro forma amendment, I ask to be heard for a moment in response to the comments made upon this item of the bill.

sponse to the comments made upon this item of the bill.

This is not the first time, Mr. Chairman, that I have vainly endeavored to enlighten the understanding of the gentleman from Tennessee who has just taken his seat, and I have at last despaired of any success by reason of his unwillingness to be convinced. I want to say, that it is hardly consistent for him to conclude that the postal service of this country is not to become corrupt, if he can see a lurking danger in the appropriation of this enormous sum of \$5,000, to be carried in an appropriation bill covering over forty million dollars, not one dollar of which can be disbursed except under the order of the Postmaster General, and subject to the approbation of the Attorney-General. If that provision be dangerous legislation, if it is not a proper guard upon the part of the Treasury, I agree that the gentleman's position is well taken and that his amendment should be sustained. But I do not know what data the gentleman has succeeded in obtaining upon which to found his opinion that it is not probable that more than one or two instances will occur in any district where a violation of the postal laws of the country will require the intervention or employment of counsel. It may be that the gen-tleman takes his own city as the boundary and limit of all crime in his judicial district, for there the United States district attorney and his assistant both live. But we do know, sir, that there is scarcely a day that there is not a demand and need for the employment of counsel and the advice of attorneys in order that inspectors of the Post-Office Department may properly and intelligently discharge their duties.

their duties.

It is not required or expected or claimed that post-office inspectors shall be lawyers; and when the inspector is sent upon his mission to inspect a post-office where any improper conduct is alleged, and he is confronted by a question of law which he cannot solve, is he to return and go no further in the investigation because he is unable to discharge that duty? Is he thereby to allow a greater loss to occur in the shape of mileage that must be paid to the United States attorney to travel to the scene of the alleged impropriety and discharge the duty which the inspector could have discharged if he had been allowed to employ a private attorney at an expense which is limited by the very terms of this bill to instruct him in his rights and duties?

It is a simple question of appropriating \$5,000 for this purpose, to be expended under the direction of the Post-Office Department, and there is a double guard thrown around it of the approval of the Attorney-General of the United States.

Mr. CANNON, of Illinois. I ask the gentleman from Kentucky if it be not true that if this business was done by the United States attorney he would be entitled to a fee payable out of the Treas-

Mr. BLACKBURN. Yes, and his mileage as well.
Mr. CANNON, of Illinois. And therefore if a private attorney should receive this pay whether it will cost the Government any

Mr. BLACKBURN. On the contrary, I believe it is a saving of at least 75 per cent. of what would be the actual cost to the Government if the amendment of the gentleman from Tennessee should prevail.

Mr. BLOUNT. I like to see my friend from Tennessee getting economical. To show how much so the gentleman is I will read a sen-

tence or two from the report of the Postmaster-General. He says:

The number of persons arrested during the year was 577, of whom 497 were prosecuted in United States courts, and 80 in State courts. Of the former, 215 were convicted, 18 acquitted, 1 escaped, 34 proceedings were dismissed, 3 forfeited bail, and 226 await trial.

And notwithstanding the great number of these cases all over the country, it is possible for but \$5,000 to be used throughout the United States for any such purpose. Therefore I do not think my friend need to apprehend any very great drain on the Treasury in this regard. I well remember an instance in my own town, where the United States district attorney was engaged at the Federal court; there had been a robbery of the post-office at Columbus; a party was arrested and brought over there. He was ably defended and it became necessary to employ counsel, which was done under this fund; and it is only in that class of eases this fund is used. It is used from year to only in that class of cases this fund is used. It is used from year to year and the appropriation is repeated in this bill simply because it is apprehended that the language in the annual appropriation bills does not continue it in force from year to year, and out of abundant

caution the clause is inserted.

Mr. YOUNG, of Tennessee. I move to strike out the last word. After the efforts of my friend from Kentucky [Mr. BLACKBURN] to enlighten both me and the House I think I shall be sustained by the universal judgment of its members when I say if my friend has not succeeded

judgment of its members when I say if my friend has not succeeded in enlightening both me and them it is because of no want or persistent effort on his part. In reply to a part of his argument I beg to show the House a fallacy which lurks very near its surface.

The gentleman from Kentucky and the gentleman from Georgia defend this provision in the bill upon the ground that it is a retrenchment of public expenditures, inasmuch as it prevents the payment of large sums of money for mileage and traveling expenses of United States attorneys by the employment of private counsel. These gentlemen are lawyers, and I beg to ask them if they do not know that there is but one place in most of the judicial districts of this country where infractions of law of this kind can be prosecuted. There are but a very few of our judicial districts where there is more than one point of holding court. All these violators of there is more than one point of holding court. All these violators of law, therefore, when arrested, must be brought for indictment and trial in that court at the place where the United States district attorney and his assistants reside; so that there is no necessity for any expenditure of money whatever in payment of traveling expenses of any one of these officers.

My friend from Kentucky thinks I form my judgment from a local standard; that because people are more honest in my district than in his, I think there is therefore no necessity for this appropriation. It is possible it may require more than one United States district attorney and more than one assistant, and an appropriation of more than five thousand dollars to make people honest in the district of the gentleman from Kentucky. But in mine the officers of the Government, with the compensation already allowed them by law, are amply able to vindicate the law and punish every violator of a single one of its provisions.

one of its provisions.

So far from conceding, on account of the argument of the gentleman from Kentucky and the gentleman from Georgia, that this appropriation is proper and necessary, I am the more confirmed in my judgment, after listening to them, that it is not necessary and ought not to be tolerated for a single moment by this House. The gentleman from Georgia read from the report of the Postmaster-General showing that there are two hundred and twenty indictments now pending in different courts for violations of postal laws. I presume there are 2,200, perhaps 22,000, cases pending for violations of other provisions of the statutes; and I have not heard it was thought necessary to make a special appropriation to employ private counsel for the prosecution of these cases. For violation of the internal-revenue law in regard to tobacco and whisky probably there are 20,000 indictments now pending in the United States courts; and I do not know any proposition has been made to pay private counsel by an appropriation proposition has been made to pay private counsel by an appropriation in any general appropriation bill to assist in the prosecution of any

Mr. CANNON, of Illinois. I wish to say just one word. There are thirty-five or forty special agents of the Post-Office Department who travel over the whole length and breadth of the country. It is sometimes necessary they should have legal advice where the United States attorney is not accessible. It was thought then to be wise years ago to

give them the authority to employ counsel where it was necessary, and even that they did at their peril, for this employment of additional counsel must not only be necessary, but it must be afterward approved by the Attorney-General. In my opinion this is a very proper appropriation, and therefore I think it should not be stricken out.

The question was taken upon the amendment of Mr. Young, of Tennessee, and it was not agreed to; upon a division, ayes 22, noes not

The Clerk read the following:

For advertising, \$35,000; and hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

Mr. PAGE. I am compelled to make a point of order on this paragraph. I would like to state my reasons for thinking that it should not be adopted, but I will first submit the point of order. This par-agraph changes section 3941 of the Revised Statutes, which I ask the

The Clerk read as follows:

SEC. 3941. Before making any contract for carrying the mails other than these hereinafter excepted, the Postmaster-General shall give public notice by advertising once a week for six weeks in one or more, not exceeding five, newspapers published in the State or Territory where the service is to be performed, one of which shall be published at the seat of government of such State or Territory; and such notice shall describe the route, the time at which the mail is to be made up, the time at which it is to be delivered, and the frequency of the service; and the Postmaster-General shall direct, by special order in each case, the newspapers in which mail lettings, or other proposals relative to the business of his Department, shall be advertised, and no publisher shall be paid for such advertisement without having been requested by the Postmaster-General to publish the same.

Mr. PAGE: This paragraph changes the section of the Powiced.

having been requested by the Postmaster-General to publish the same.

Mr. PAGE. This paragraph changes the section of the Revised Statutes which has just been read, by providing that all general mail lettings shall be advertised by conspicuously posting up notices in each post-office in the State or Territory embraced in said advertisements for at least sixly days before the time of such general lettings, "and no other advertisements of such lettings shall be required." The statute provides that the advertisements shall be made in five newspapers published in the State or Territory where the service is to be performed. If this paragraph of the bill shall be enacted into law it will limit the advertising to simply posting a notice in each post-office in the State or Territory. I submit now the point of order simply. I would like to show in this connection that the change proposed is not desirable.

Mr. BLOUNT. To what rule does the gentleman refer as sustain-

Mr. BLOUNT. To what rule does the gentleman refer as sustain-

ing his point of order?

Mr. PAGE. I had supposed that the gentleman from Georgia [Mr. BLOUNT] was so familiar with the rules that it was not necessary for me to refer him to Rule XXI, which provides that no provision in an appropriation bill or amendment thereto shall be in order changing existing law, unless it retrenches expenditure.

Mr. BLOUNT. And the gentleman tells this committee that this

will retrench expenditure.

Mr. PAGE. I have made no such statement. Upon the other hand, the estimate for this branch of the service is \$35,000, and the committee propose to appropriate \$35,000, so that it will require no more to carry out the law as it is than to carry out this provision.

Mr. BLACKBURN. Will the gentleman from California [Mr. PAGE] indicate the words he proposes to include in his point of order?

Is it the whole paragraph?

Mr. PAGE. Not at all; only the portion following the amount appropriated, leaving the paragraph, if my point of order shall be sustained, to read:

For advertising, \$35,000.

Mr. BLACKBURN. Let me suggest to the gentleman that the portion of the clause to which he objects is in exact accordance with the

law as it stands to-day.

Mr. PAGE. What does the gentleman say?

Mr. BLACKBURN. All that portion of the paragraph to which the gentleman objects is the law to-day, and has been the law since 1876. We have re-enacted year after year a verbatim copy of this paragraph in the appropriation bill for this year.

Mr. PAGE. I would suggest to the gentleman from Kentucky
[Mr. BLACKBURN] that that is no reason why it should be in this

Mr. BLACKBURN. I will take up no time in discussing the point of order, for I am satisfied that the Chair sees clearly the only point between us. The statute which the gentleman has had read requires advertising in one or more newspapers, not exceeding five in each State or Territory in which these lettings are to be had. The provision of this bill, which was the provision of the Post-Office appropriation bill of last year, and so on since 1876, requires that such advertisement shall be posted conspicuously in every post-office in the State or Territory where the lettings are to be had. Now, it is a very easy matter for each member of this committee to determine for him-

easy matter for each member of this committee to determine for himself which method of advertising is the most efficacious.

I call the attention of the Chair to the fact that since 1876 there has not been an appropriation bill passed by Congress for the service of the Post-Office Department that has not carried in it the identical provision which this bill is carrying, and upon which the gentleman from California [Mr. Page] makes his point of order. Whether this

be the better method of advertising or not I think admits of no doubt. Whether it be amenable or not to the point of order I am perfectly willing to submit to the decision of the Chair, coupling with it the

willing to submit to the decision of the Chair, coupling with it the statement that the Committee on Appropriations are fortified in reproducing in this appropriation bill this clause verbatim from the various Post-Office appropriation bills since 1876.

Mr. BLOUNT. Let me correct the gentleman.

Mr. BLACKBURN. In what?

Mr. BLOUNT. In former appropriation bills the word "provided" was used instead of the word "and" used in this bill.

Mr. BLACKBURN. I am obliged to my colleague on the Committee on Appropriations [Mr. BLOUNT] for the suggestion. The difference between the provision of the Post-Office appropriation bills passed heretofore for this purpose and the one in this bill is, that in former appropriation bills the word "provided" appears, while in this the words "and hereafter" are used. That is the only difference. As it had been re-enacted in every Post-Office appropriation bill since 1876, the object of the committee in submitting it now in this form, striking out the word "provided" and inserting the words "and hereafter," was to make it a permanent law instead of a law from year to year.

Mr. PAGE. I suppose the only question now before the Committee of the Whole is on the point of order. It may be true, as the gentleman from Kentucky suggests, that the last two appropriation

bills.

Mr. PAGE. Those bills may have contained such a provision as this; but because the attention of no member of the Committee of the Whole was called to the matter, and therefore no point of order was made, it does not follow that this provision must be retained in this bill now when a point of order is made against it. If it were proper at this time to discuss the merits of the proposition, I should be pleased to do so. Mr. BLACKBURN.

Will the gentleman allow me a question?

Mr. PAGE. Certainly.

Mr. BLACKBURN. I would be glad to have the gentleman from California state whether he does not himself believe that on the very face of the provision it is not amenable to the point of order, because of necessity it tends to the reduction of expenditures.

of necessity it tends to the reduction of expenditures.

Mr. PAGE. Not at all.

Mr. BLACKBURN. Does the gentleman believe it to be as cheap to advertise all general mail lettings in at least one and possibly as many as five newspapers in every State and Territory in which the contracts are to be let as it is to put up a circular notice in each post-office of the State or Territory interested?

Mr. PAGE. In answer to the question of the gentleman, I say that evidently this committee believe that the manner of advertising provided for in this paragraph is not less expensive than the mode of advertising under the old law, because they have made the amount of the appropriation the full sum asked for in the estimate.

Mr. BLACKBURN. No; I beg the gentleman's pardon. Since 1876 we never appropriated a dollar for this purpose except under this very identical provision.

wery identical provision.

Mr. PAGE. All that is asked by the Department for advertising is \$35,000. I think that is ample; and whether this provision offered by the committee be retained or not, the expense, I presume, would

not be increased or diminished.

But I desire to say that a mere notice posted up in an obscure post-office is not the best method of circulating information as to pro-posals for lettings on important mail routes. People have acquired the habit of looking at newspapers of general circulation for adverthe habit of looking at newspapers of general circulation for advertisements of mail lettings. But this provision is that in an obscure post-office, where perhaps the salary of the postmaster is but \$12 a year, a printed notice shall be posted to inform the people of that locality that proposals for mail lettings are to be submitted at a certain time. Whether advertisement in the newspapers costs three times as much as this plan or not, I claim that it is the interest of the Government, the interest of economy, that advertisements for proposals for these mail lettings should be sent broadcast all over the country, so that those who desire to enter into competition for mail lettings, whether they reside in the Territory of Idaho or in the city of Washington, may have information. But I digress. I am speaking of the merits of the bill, my remarks in that direction having been called out by the question asked me by the gentleman from Kentacky. Clearly upon the point of order there is no question that the chairman of the Committee of the Whole will rule this paragraph amenable to the provisions of the twenty-first rule.

Mr. BLOUNT rose.

The CHAIRMAN. Before the gentleman from Georgia proceeds the Chair would like to inquire whether the authorities at the Post-Office Department have or have not decided that this provision in the appropriation bill supersedes for the time being the section of the Povised Statutes?

the appropriation bill supersedes for the time being the section of the Revised Statutes?

Mr. BLOUNT. They have. In 1876 this provision changing the method of advertisement was placed in the appropriation bill, and the appropriation was then reduced in consequence. From year to year the expenditures for this item appear officially in the report as reduced by reason of this method of advertising.

Mr. PAGE. I would like to put a question to the gentleman from Georgia. He has been a member of the Committee on Appropriations

for some time and is more familiar than I am with what has been

for some time and is more familiar than I am with what has been done heretofore in this regard. I ask him to send up to the Clerk's desk to be read the changes that have been made by appropriation bills in the law on this subject since 1876.

Mr. BLOUNT. I have not the bills at my desk.

Mr. PAGE. I must disagree with the gentleman when he states that there has been such a radical change in the law.

Mr. BLOUNT. As a matter of fact, from year to year the expenditure for this purpose has been kept down by virtue of this provision in the appropriation bills. It has been uniformly held by the Department.

ment—
Mr. CANNON, of Illinois. I will hand to the gentleman the original act passed in 1876.
Mr. KEIFER. Let it be sent to the Clerk to be read.
Mr. BLOUNT. The gentleman from Illinois has kindly handed me the act of 1876, the provision of which is identical in language with the provision in this bill. It has been repeated in every bill of this kind since 1876. I ask the Clerk to read this paragraph from the act

The Clerk read as follows:

For advertising, \$40,000: Provided, That the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

Mr. BLOUNT. It will be seen now, Mr. Chairman, the exact language has been used that has been used in all the bills, and it has uniformly been held by the Department as binding on the Department. And the object the committee had in view in putting in the word "and" was to avoid any possibility of construction that it was not permanent in its character. That is all.

Independent of that, the gentleman's own statement puts it within the rule, admitting it does change existing law. The gentleman says when you insert this you cannot advertise in the newspapers of the country: that you limit it to the circulars of the Post-Office Department.

country; that you limit it to the circulars of the Post-Office Department. These very facts which appear in this bill and the arguments of my friend bring this provision under the protection of the rule, and which the gentleman quotes to prevent its consideration.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOODE having taken the The committee informally rose; and Mr. Goode having taken the chair as Speaker pro tempore, a message was received from the Senate, by Mr. Burch, its Secretary, which announced the passage of joint resolution (H. R. No. 369) making appropriation for filling up, draining, and placing in sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes.

It further announced the passage of a bill (S. No. 1513) for the relief of Commodore Donald McNeill Fairfax, United States Army, in which concurrence was requested.

concurrence was requested.

POST-OFFICE APPROPRIATION BILL.

The committee then resumed its session, Mr. CARLISLE in the chair.

The committee then resumed its session, Mr. Carlisle in the chair. Mr. KEIFER. I desire to say a word on this point of order. We had the same question up—although, I think, not decided—when we were considering the pension appropriation bill. And this is an important question in view of the fact that we have had a great deal of temporary legislation on appropriation bills.

Now, Mr. Chairman, you will note one of two things is true: first, this clause against which the point of order is made is wholly unnecessary in this bill, or the point of order should be sustained. When the question was put by the Chair to the gentleman from Georgia, I believe, asking what had been the construction of the Post-Office Department in relation to these clauses in the several appropriation bills partment in relation to these clauses in the several appropriation bills since 1876, the answer was made truthfully, but calculated to mislead the Chair, I think, that the Department has construed it as changing the general law. I agree that far the statement was true, but it is not that the Department has construed it as affirmatively changing existing law. This Appropriations Committee was not prepared to say there was an existing law fixing and changing section 3041 of the Revised Statutes.

Mr. HISCOCK. Will the gentleman allow me to ask him a question?
Mr. KEIFER. Yes, sir.
Mr. HISCOCK. In your judgment does it not permanently change

Mr. KEIFER. In my judgment it does not; and if you will take the several acts from year to year up to the present time, you will be led to the same conclusion that the Committee on Appropriations was led to, to wit, that in order to make it a permanent law, they

should again re-enact it, and re-enact it in the form in which we now sind it—that that was in order that it should be perpetual.

And, as the distinguished gentleman from Kentucky just stated a little while ago, the Appropriations Committee decided that there was no permanent change of section 3041 of the Revised Statutes, and they would make it once for all, so it would be a permanent change. So, in addition to what appears in former appropriation bills, they have put in the words "and hereafter the Postmaster-General shall cause advertisements of general mail lettings," &c. So the absence of this provision, and as it has been construed, as I undertake to say, by the Post-Office Department, and as it has been construed by the Appropriations Committee every year up to the present time, the

clause applied really to the year for which the appropriation was made. So much in regard to that point.

The gentleman argues, notwithstanding the fact this may be an attempt to change existing law, that it is a retrenchment of expenditure, because they say an advertisement may be made cheaper under this clause, if it should become a law, than under section 3041 of the General Statutes of the United States. The point, then, is that it is a little economy in the matter of publishing, printing, and posting up that they are looking to and no to the general question of advertising done over a State, as it may be done through the public press under section 3041, and thereby getting more competition and letting the contract cheaper. They require, Mr. Chairman, in order to sustain this paragraph of the bill, to find as a matter of fact that cheap advertisement is economy to the Government. To that extent they will go if they provide that the only advertisement for making an important mail contract needed was on the day of the letting that the postmaster should get on a store-box in front of the post-office important mail contract needed was on the day of the letting that the postmaster should get on a store-lox in front of the post-office and make outcry—and that would not cost anything—and cry out then and there there was to be a mail letting. Gentlemen on the committee would say if such a clause as that was in their bill it would be in the interest of economy and retrenchment, although the letting which might occur under such outcry and such advertisement might cost the Government thousands upon thousands of dollars by reason of the fact that there was no competition. Now, it seems to me in the two roints it does not appear affirmatively that seems to me in the two points it does not appear affirmatively that

seems to me in the two points it does not appear affirmatively that this would retrench expenditures.

The CHAIRMAN. Will the gentleman permit the Chair to direct his attention to the real point?

Mr. KEIFER. Certainly.

The CHAIRMAN. The Chair is not embarrassed as to the question whether this retrenches expenditure, as that is a matter of specula-

tion and argument.

Mr. KEIFER. I suppose so.

The CHAIRMAN. The language of the rule is:

Nor shall any provision in such a bill or amendment thereto changing existing law be in order unless it retrench expenditures, &c.

Now, it seems to be admitted that the provision contained in this

Now, it seems to be admitted that the provision contained in this bill is the existing law of the United States.

Mr. KEIFER. Very well.

The CHAIRMAN. But it is contended that it is not a permanent law of the United States. The point the Chair desires to call the gentleman's attention to is, whether, in order to bring an amendment or provision in an appropriation bill within the inhibition of this rule, it must change an existing permanent law.

mr. KEIFER. I am very much obliged to the Chair for calling attention to that matter, which had in some measure escaped me.

Now, I understand that this rule of ours is to be given a reasonable

construction. If the Chair is to hold that in order that this clause may be subject to the point of order made against it by the gentleman from California it must change the law that applies to the appropriathe taw that applies to the appropria-tion made for the fiscal year ending June 30, 1881, and the Chair holds that is necessary before he can rule it out of order, then I agree the point is not well taken. But we must not stop at this point. This question has a wider range. If the change of existing law is applied to the appropriation before us, an appropriation made in this bill, which is for the fiscal year ending June 30, 1882, it does change it, and it seems to be conceded by the Appropriations Committee, or they would not report it. Then it does change existing law.

The CHAIRMAN. In the first appropriation bill, not a permanent

Mr. KEIFER. It changes existing law that would apply to the provisions that would remain in this bill if it should become a law. Then it changes the law that would affect the disbursement of the moneys

revided for in this particular appropriation.

I do not think you are expected to rule that it changes existing law that applies to any other appropriation. But we are to deal with this rule as though it applied to law that would affect the appropriation about to be made in this bill, and that undoubtedly would be ation about to be made in this bill, and that undoubtedly would be existing law. The law is still in force. It still exists. The law that would apply to the business of this class is in force, and is section 3041 of the Revised Statutes. That exists to-day. All you can say, then, is that in so far as it is applicable to the appropriation for the fiscal year ending June 30, 1881, it would suspend that; but it is still existing law, and never has been repealed. It never was repealed; it never was proposed to be repealed either by implication or directly until in this appropriation, when the committee thought it wise to insert the words "and hereafter," preceding this clause. And the law passed last year, Mr. Chairman, as suggested, only exists and applies to that appropriation, and not as to the one we now propose.

Mr. BLACKBURN. Mr. Chairman, perfectly satisfied that the point of order is understood by the Chair, and will be properly ruled upon, however that may be, the committee is content to rest upon

upon, however that may be, the committee is content to rest upon the authority of the Chair in deciding this matter, which I am sure will commend itself to the judgment of the House, to throw around this the guard and protection that the Appropriations Committee have deemed proper to throw around this item of the bill. If it is not in the direction of economy, if it does not reduce expenditures, then the committee has failed in its views and failed in its judgment; that is all. It was not, it could not have been inserted for any other purpose. I, at least, will be content with the disposition of the question

as made by the Chair, no matter what that may be upon this point as made to the Chair, ho matter what that any be upon this points of order. I will give notice, however, without undertaking to forecast the decision of the Chair, that, if in his judgment he shall hold it to be such a provision as comes within the objections raised by the gentleman from Ohio last on the floor, and as coming within the distinction drawn by him between the difference of the provision the distinction drawn by him between the diherence of the provision already established as authority in an appropriation bill and that contained in this, the other carrying the provision for only one year, while this proposes to make it permanent, after such decision I shall ask to be allowed to perfect the text of the bill by striking out the word "hereafter" and inserting the word "provided," and put it back exactly at what it has been ever since 1876.

Mr. CANNON, of Illinois. I only want to say a word. This rule of course should receive a reasonable construction. You can give two constructions to it. Now, what are the facts? In 1876 the method of advertising for mail lettings was changed and that plan continued of advertising for mail lettings was changed and that plan continued for four years up to the present time. Under the existing law there is an advertisement pending this day for services, which I can demonstrate as a much better mode of advertisement than the old method, and has always produced good results. That being the case, why should it be changed? Now, if the point of order raised by the gentleman from California should be good, then we return to the old practice as it used to exist prior to 1876. The rule being susceptible of two constructions, the plainest possible construction should be given to it, and one which will not change a system which has worked well for the last four or five years that it has been in operation.

to it, and one which will not change a system which has worked well for the last four or five years that it has been in operation.

The CHAIRMAN. The Chair, of course, desires to construe the third clause of the twenty-third rule according to its spirit and the manifest object and intent of the House in adopting it. The difficulty in the mind of the Chair arises upon two points, first, whether the provision in the act of 1876, which is substantially the same as the present one, was really a temporary or permanent provision. We all know that a great many provisions incorporated in appropriation bills are permanent. Therefore, if the provision incorporated in the act of 1876 merely provided that no part of the money thereby appropriated merely provided that no part of the money thereby appropriated should be expended in advertising otherwise than by posting up notices in the post-office, it clearly would have been a temporary provision, which would have ceased to be of any force or effect after the expiration of that year. But that was not the language. It pro-

expiration of that year. But that was not the language, It provided, not as to the mere manner of expending the money appropriated by that act, but definitely as to the manner of advertising mail lettings thereafter; so that the Chair has doubt upon that question. And then the Chair has doubt upon the question suggested to the gentleman from Ohio [Mr. Keifer] as to whether, to come within the prohibition of this rule, it must not change existing law, whether the existing law be a permanent one or temporary. Entertaining these views, the Chair thinks he ought not to exclude the amendment, and prevent the committee from voting upon it. Therefore ment, and prevent the committee from voting upon it. Therefore, without absolutely deciding either one of the questions, the Chair prefers to submit the paragraph to the vote of the committee, and

overrules the point of order for that purpose.

Mr. PAGE. Then I move to strike out all after the word "dollars,"

namely, these words:

And hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

I desire to say a few words in reference to this question of advertising the general mail lettings. They are advertised now every four years under existing law. It has been the habit, or the law and the custom, so long as I remember, that the advertisements should be printed in some leading newspapers published in the State or Territory. The people of the western country where these mail lettings occur are in the habit of looking for the advertisements in these papers; the advertisements giving a minute description of every mail-route to be bid for at such a time.

The pending paragraph provides that there shall be no advertise-The pending paragraph provides that there shall be no advertisement except by posting a notice at the post-office. If a person twenty miles from a post-office desires to bid for a mail contract, he is compelled to go to the post-office and to copy the description of the route in all its minutiæ, so that he can insert it in his printed blank and submit his bid to the Department at Washington; whereas, on the other hand, if he could find in a newspaper a minute description of every route to be bid for, he could have it before him and asserts in all the facts in connection with it; whether the service was certain all the facts in connection with it; whether the service was once, twice, or six times a week; whether it required a 5 per cent. deposit under existing law or not, being over \$5,000.

This is a matter of very considerable importance. I admit, if you

want to keep the mail contracts in the hands of the present men, who are supposed to know what is the law and the changes that are

made in it here in Washington and have their attorneys here, this will meet the bill exactly. But if you want to inform the people of the country that at a certain time there are to be submitted certain proposals for carrying the United States mails throughout the western country, it is then important that every person may know that, and that he can have a newspaper before him in which he will find a description of the routes that he desires to bill for so that he may a description of the routes that he desires to bid for, so that he may comply with the law in every respect.

This proposition compels the man to go to the post-office, perhaps.

distant ten or fifteen miles. And when he found the advertisement which somebody had nailed on the door or behind the door, he would be compelled to copy from that the description of the route or routes for which he desired to bid.

Therefore I say whatever view this House may take of this propo-

Therefore I say whatever view this House may take of this proposition it will not, in my judgment, be favorably received by the people of the country. Advertising does not cost a great deal. It may benefit a few newspapers. But at the same time you give information to the people of the country that you cannot give by tacking up behind a door a printed schedule or advertisement for the letting of postroutes or mail contracts; and I hope this House will retain the laws which now exist.

This foolish economy—if it is economy, as I very much doubt—is for the purpose of suppressing that information which ought to be given to the people of the country. Otherwise all you have to do is to post up this information at the Post-Office Department in Washington. Then all the mail contractors can find it out. But if you want to disseminate this information, if you want to have every one bid who is willing and who desires to bid, place the information before every such person in a weekly or daily newspaper, from which he can copy the description into his bid and send it to Washington.

I think you should let the law remain as it is.

Mr. BLACKBURN. Just one word in reply.

I am willing to submit to the judgment of the Committee of the Whole House whether the motion of the gentleman from California [Mr. Page] looks toward the accomplishment of either of the two purposes that this clause of the bill contemplates; whether it looks to a dissemination of information of the mail lettings which it is proposed to advertise, or whether it looks toward even an economical dissemination of that information.

dissemination of that information.

Now, the gentleman from California talks about having these posted notices stuck up behind the door of a post-office. Does the gentleman undertake to conclude in advance that every postmaster in the United States is going to violate the law in every State and Territory of this country? for the law can be made no plainer than it is written if you adopt this bill and refuse to strike out this section. It says in every post-office in every State and every Territory where such lettings are to be made this notice shall be posted up—not behind the door of a post-office but "conspicuously" in such post-office.

The gentleman proposes as a better method to go back to a statute that has had no practical effect, that has not been employed since 1876, which uses newspapers as mediums of advertising instead of these conspicuously posted notices.

these conspicuously posted notices.

The gentleman says that if you will employ the newspapers every-body will have an opportunity to see the advertisement, but that if you hold to the policy that has been followed since 1876, which has been found to work well and against which no word of protest has come from the Post-Office Department, nobody will see it. How are you to get your newspapers unless you go to some post-office? You dare not cross the threshold of a post-office under this bill unless you want your eyes to meet this advertisement of mail lettings conspic-

want your eyes to meet this advertisement of mail lettings conspictionsly posted in that office and staring you in the face.

The Post-Office Department within the last three days has been engaged in opening bids for mail lettings. Sixty thousand bids were pending in that Department to be opened and examined. Will you tell me that the process you have been applying since 1876 has failed to bring in a liberal number of competitive bidders? Will you find a scintilla of protest or objection on the part of the Post-Office Department? Will you find a mail contractor or bidder for a contract, whether he be a lucky or an unlucky one, that complains that he has not had fair notice and ample opportunity to advise himself of every general mail letting? We have applied this plan since 1876. It has met the judgment of all parties concerned. It is now simply a question whether by the adoption of the amendment of the gentleman tion whether by the adoption of the amendment of the gentleman tion whether by the adoption of the amendment of the gentleman from California [Mr. PAGE] this House will go back to the old, effete, useless, and repudiated process of advertising. If you adopt the newspaper system, it is in the discretion of the Post-Office Department to advertize in either one, two, three, four, or five newspapers in the State or Territory where the mail lettings are to be had. He may select one and say that he is contented with that.

Mr. BLOUNT. May I interrupt the gentleman for a moment?

Mr. BLOUNT. I desire to call the attention of the gentleman from

Mr. BLACKBURN. Certainly.

Mr. BLOUNT. I desire to call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to this fact: in the last appropriation bill under the old system of advertising the sum appropriated for advertising was \$50,000; and at that time the expense of the postal system of the country was many millions below the present expendi-

system of the country was many minions below the present expenditure for our mail service.

Mr. BLACKBURN. I thank my colleague on the committee for the interruption. There is the net result of the two practices—\$80,000 for advertising mail lettings under the system to which the gentleman from California [Mr. Page] proposes to go back, when the number of routes and the expenses of the service were incomparably smaller than now; and new \$35,000 is found to be amply sufficient for the advertising under this new system, which resulted in sixty thousand bids in your Post-Office Department last Friday to be opened.

Mr. PAGE. Will the gentleman yield to me for a moment?

Mr. BLACKBURN. I will be through in a moment, or I will yield to the gentleman now if he prefers it.

Mr. PAGE. Very well; go on.

Mr. BLACKBURN. If you adopt the amendment of the gentleman from California and go back to the old practice you will give the Post-Office Department the discretion to advertise these general mail Post-Office Department the discretion to advertise these general mail lettings in but one newspaper in a State or Territory; and in his discretion he may select that newspaper in the remotest portion of the State or Territory, with a circulation which does not amount to one hundred outside of the bailiwick in which it is printed. It is a dangerous thing to do.

Mr. PAGE. Now, if the gentleman from Kentucky will allow me

Mr. BLACKBURN. Certainly.
Mr. PAGE. The gentleman stated a few moments ago that it required \$80,000 to advertise the letting of mail-routes four years ago.

Mr. BLACKBURN. Prior to 1876.

Mr. PAGE. The gentleman from Kentucky knows, I presume, that every four years there occurs the general mail letting for the western country, and that every year there are small lettings for the Southern and Middle and New England States. Now, it is reasonable to suppose that every four years the appropriation for advertising may be larger than at any other time.

I only want to say one word more. I have always believed that by advertising in newspapers of general circulation throughout the country the people were apt to get more information than by posting notices on board fences or on brick walls. But if this Committee of the Whole has come to the conclusion that advertising in the public journals in the country is not the best manner of disseminating that kind of information, and that it is better to post up notices on board fences, or on trees, or in some little post-office kept perhaps in a barroom, then the committee will so decide.

Mr. BLACKBURN. Let me show to the committee exactly how much there is of value in the suggestions made by the gentleman from California, [Mr. PAGE.] He would have us believe, as he doubtless believes himself, that this universal expenditure of \$80,000 for advertising was attributable to the fact that it was for one of those occasions that come around only once in four years, when a general

mail letting was to be had.

Mr. PAGE. I certainly supposed so.

Mr. BLACKBURN. Now let me show the gentleman how much he is mistaken, for I have the figures here before me.

In the year 1875, under the operation of the general statute to which the gentleman wants to remit us, we appropriated \$30,000; and there was an additional appropriation of \$15,000, making \$95,000 in the aggregate. In the very next year, under the operation of the old statute, no four years running round for the recurrence of another general mail letting, the appropriation was \$100,000.

Mr. BLOUNT. I have before me the appropriation for the previous

year, 1874.

Mr. BLACKBURN. So have I.

Mr. BLOUNT. The amount is \$70,000.

Mr. BLACKBURN. I can show the gentleman that instead of recurring every four years, the appropriation reached something like this amount every year. In 1874, as the gentleman from Georgia has just stated, we appropriated \$70,000; in 1875, \$95,000; in 1876, \$100,000. At that time the old method was discontinued and a clause similar to that embraced in this bill was inserted in the annual appropriation bill. From that time the appropriations have been \$40,000 for 1877; \$60,000 for 1878; \$60,000 for 1879; \$60,000 for 1880; \$35,000 for 1881; which is proved by the report of the Postmaster-General to be sufficient; and hence we propose to appropriate \$35,000 for 1882.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from California, which is to strike out the clause that will be read.

The Clerk read as follows:

And hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

The question being taken on the amendment it was not agreed to, there being—ayes 28, noes 79. The Clerk read as follows:

For preparation and publication of post-route maps, including revision of former editions, and maps, diagrams, and other information, \$45,000; and the Postmaster-General may authorize the publication and sale of said maps to individuals at the cost thereof, the proceeds of said sales to be applied as a further appropriation for said purpose.

Mr. DUNNELL. I move to amend the clause just read by striking out "\$45,000" and inserting "\$50,000" in line 13.

Mr. Chairman, I have before me the estimate for this item; but I am aware that the amount appropriated by the last Congress for the present fiscal year was wholly inadequate. Very many of the route agents of the country who are compelled to pass an examination that they may receive their commissions, or that they may be entitled to promotion, are unable to obtain from the Post-Office Department a map of the country through which their route runs. I have within the last month received letters from four route agents employed in part in the congressional district which I represent, saying that they have been running for three or four years and have been unable to obtain a map of the country through which they run. Now, I insist that it is not wise for the Government to refuse a simple postal map

It may be replied by the gentleman having this bill in charge that the amount proposed in this item is equal to the estimate of the Department. If that were true, (and I think it is not true,) this bill Department. If that were true, (and I think it is not true,) this bill seems to give to the Department a permission to sell these maps. But ought it to be expected that these agents shall purchase maps out of their meager salary? If there be in the service of this Government any persons who perform much service for little pay, it is the men who for \$900 a year act as route agents. There are many routes in Minnesota where these men run three hundred and forty miles in twenty-four hours. A route agent is not allowed his commission till he has men it months. I asked one man who failed to receive his commisrun six months. I asked one man who failed to receive his commission at the end of six months whether he had been furnished with any map. He had had no map of the country through which he was compelled to run. Now, I insist that the Government ought to appropriate a sufficient amount of money to furnish a map as often as issued to every route agent in the country. To-day one-half of our route agents are denied a map of the country through which they run.

Mr. BLACKBURN. If the gentleman will allow me, I will remind

him that we have not yet come to the clause affecting the pay of route agents; and I will say further, by way of anticipation, that we have given in this bill every dollar that the Post-Office Department

estimates for these purposes.

Mr. DUNNELL. On page 153 of the estimates I find these words: Preparation and publication of post-route maps, including constant revision of former editions, and furnishing maps, diagrams, and other information, by the topographer and assistants, \$50,000.

This bill appropriates for that purpose \$45,000, while the estimate is \$50,000. My amendment proposes to bring the amount of the appropriation up to the amount of the estimate. I see no reason why \$50,000 should not be appropriated. If there is a single item in this bill upon which we shall be justified in voting the amount of the estimate, it is this precise item. It seems to me a mean thing for a great, mate, it is this precise item. It seems to me a mean thing for a great, rich government to deny a map to a route-agent doing service for \$900 a year and running sometimes three or four hundred miles every twenty-four hours, half of that time in the night. The otherday I took to the office of the topographer four letters, applying for these maps, and he gave me two maps, saying that he was unable to furnish maps for the other two men. There are four or five others who have written to me asking for maps. Now, what good reason is there why we should not appropriate just what the Department asks? What virtue is there in appropriating \$45,000 when the officers of the Government say they want \$50,000? It is not economy; it is not good legislation; it is not statesmanship.

Mr. BLACKBURN. Mr. Chairman, I did not need to be advised by the gentleman from Minnesota [Mr. DUNNELL] that he offered an amendment proposing to increase the item of the bill by adding \$5,000. I knew that, and I knew equally well he had made a speech which did not apply to this amendment at all. He moved to increase the appropriation for the publication of postal maps and made a speech to increase the salary of route agents and mail messengers. It

the appropriation for the publication or postal maps and made a speech to increase the salary of route agents and mail messengers. It is not an effort on the part of this Government to deny to any postal-car clerk or mail messenger or route agent or local agent any post-route map. If they are entitled to receive them and have not got them it is not the fault of Congress nor a deficiency in the appropriation, and is nobody's fault but that of the Post-Office Department.

The Post-Office Department has estimated for \$50,000 for this purpose. Their own report, which I hold in my hand, shows they do not need it. We gave them last year \$42,000. They ask this year for

pose. Their own report, which I hold in my hand, shows they do not need it. We gave them last year \$42,000. They ask this year for \$50,000. This bill offers them \$45,000. The report of the Postmaster-General, which I hold in my hand, shows that for this purpose they have never used nor found necessity to use but \$41,945.87, which is inside the appropriation given them last year and more than \$3,000 inside the appropriation offered them in this bill.

And as to the hard worked and poorly paid class to whom the gentleman from Minnesota refers, railway post-office clerks, route agents, mail messengers, and local agents, five classes, this committee by this hill have recommended the appropriation in each of those items to

bill have recommended the appropriation in each of those items to the last dollar the Post-Office Department has estimated for.

The question recurred on Mr. Dunnell's amendment.

The committee divided; and there were—ayes 50, noes 70.

So the amendment was disagreed to.

Mr. HAWLEY. I move to insert in line 33, after the word "thereof," the words "plus 10 per cent.," in order that this may conform to the

Mr. BLOUNT. I reserve the point of order till after I have heard the gentleman from Connecticut.

Mr. HAWLEY. Mr. Chairman, it is in the direction of economy

Mr. HAWLEY. Mr. Chairman, it is in the direction of economy very clearly, because under the general rule by section 3809 of the Revised Statutes we furnish to anybody who desires it any Government publication, provided he orders it before the printing, at cost plus 10 per cent., for the cost, as ordinarily estimated by Government officers, would not equal the cost any private individual would estimate. The Government hardly takes in the expense of plant, postage, &c. So, then, this does not make it more than cost as estimated by private individuals.

Mr. BLOUNT. I have no doubt it is just to the Government.

Mr. BLOUNT. I have no doubt it is just to the Government. Mr. CANNON, of Illinois. I have no doubt ordinarily as applied

to other publications than this particular one the gentleman's amendment is right and proper; but I do not think it ought to be adopted in connection with these maps. The persons who buy these maps are

oncection with these maps. The persons who buy these maps are postal clerks, route agents—
Mr. HAWLEY. Not at all.
Mr. CANNON, of Illinois. They do not get them, or at least no considerable number, because there is not money enough appropriated to furnish them. I grant there is authority under the law to give them these maps if the Government had them, but we do not appropriate liberally enough to furnish them. Postal clerks in postal care. them these maps if the Government had them, but we do not appropriate liberally enough to furnish them. Postal clerks in postal cars unless they have these maps showing the post-routes frequently fail to perform their duty. It is within my knowledge that many of these clerks, and indeed, so far as I know, most of them, take their own money to buy these maps rather than do without them.

Now, there is no considerable number of people, other than these postal clerks, who do buy these maps. It is not proper that an officer who ought to have these maps should pay 10 per cent. more than their cost for the purpose of propuring them.

cost for the purpose of procuring them.

Mr. HAWLEY. I should much rather have voted for the \$5,000 in addition proposed by the gentleman from Minnesota if I did not suppose all the postal agents and route agents were entitled by their appointment to these maps. It is impossible for them intelligently to discharge their duties and pass the requisite examination without them. I have myself repeatedly, as the gentleman from Minnesota said he has, asked the Department to send these maps, and I have never failed to get them. I did get, on my last application, notice from the topographer that it was with great difficulty he could furnish them, but he managed to get them. He said he was short in his appropriation for these maps

appropriation for these maps.

I take it for granted in making my amendment the Government officers who need these maps in the performance of their duty will get them. I apply this only to the general outside public who buy these maps as they do other publications of the Government.

Mr. CANNON, of Illinois. I hope the gentleman will take his amendment, then, and apply it to that class of people. To my knowledge many route agents and postal clerks have to purchase these maps with their own money. maps with their own money.

Mr. HAWLEY. I will modify the amendment with your permission, Mr. Chairman, so as to apply to individuals not in the service of the Government, that they may get these maps at the cost thereof plus 10 per cent.

Mr. DUNNELL. I should like to hear the amendment once more

Mr. HAWLEY's amendment as modified was read, as follows:

After the word "individuals," in line 33, insert "not in the service of the Government," and after the word "thereof," in the same line, the words "plus 10 per cent.;" so it will read:

"For preparation and publication of post-route maps, including revision of former editions, and maps, diagrams, and other information, \$45,000; and the Postmaster-General may authorize the publication and sale of said maps to individuals not in the service of the Government at the cost thereof, plus 10 per cent., the proceeds of said sales to be applied as a further appropriation for said purpose."

Mr. CANNON, of Illinois. I suggest to the gentleman that he let it read "maps to individuals at 10 per cent. increase, and at the cost thereof to persons in the service of the Government."

Mr. ROBINSON. The difficulty here—

The CHAIRMAN. The Chair would suggest to the gentleman from Connecticut that as the amendment now stands by his modification they could not be sold at all to persons in the service of the Government.

Mr. ROBINSON. That was what I intended to call attention to.

think that amendment fixes a limitation upon the power of the Department to dispose of them except as suggested by the Chair.

Mr. DUNNELL. Mr. Chairman, I regret that the gentleman from Connecticut, as well as the gentleman from Illinois, did not make their remarks prior to the vote upon my amendment. These two gentleman from the connection of the control of the tlemen from the Committee on Appropriations confess that the Government does not appropriate a sufficient sum to give to the officers of the Department, who really need them, these maps. They make that assertion, and they are members of the Committee on Appropri-ations. They ought to have made that confession before the vote was taken upon my amendment, and they ought to have voted for that

Now, in reference to the statement that the Post-Office Department, Now, in reference to the statement that the Post-Office Department, under this appropriation, or the topographer, does not issue maps for sale practically. While he is authorized to do so, he does not issue a sufficient number of maps for the purpose, and it would be impossible for me to go to that office to-day and buy a map, or for a route agent of my district who is not supplied by the Government, if he needs one in his business. This provision is ineffective. There has not been enough money appropriated for the purpose. Of course, if money appropriated, the maps cannot be issued. It is money enough is not appropriated, the maps cannot be issued. It is not always possible for the office to know how many maps will be demanded in making their estimates, and a large sum of money, for instance, may be required to make a new edition. Now, although there was a little of the old appropriation left on hand, there was not enough to justify the office in getting out another edition, with the improvements that should be made.

It is a fact I believe according to the statement have that there

It is a fact, I believe, according to the statement here, that there was a little of the money left over, but that fact is no argument to

prove that enough was appropriated for the purpose. Now, these gentlemen on the Appropriations Committee admit that there was not enough, and therefore, if it be in order to offer an amendment at this point, I move to strike out "\$45,000" and insert "\$48,000."

Mr. BLOUNT. I insist that that is not in order.

Mr. HAWLEY. My amendment, Mr. Chairman, ispending and I desire to modify it so as to meet the suggestions of the Chair. I will make two modifications of it; one by inserting the words "individual in the service of the Government," so that it may read "that any individual in the service of the Government may purchase these maps at the cost price thereof;" and then I propose to offer another amendment or modification in accordance with the existing statute "that to other parties outside they may be sold at the cost, plus 10 per cent.;" desiring of course that all persons in the service needing them shall have them free as at present.

Mr. PRICE. I would ask the gentleman from Connecticut whether by that amendment he would not prevent the employés of the Government getting them at all without paying cost price for them?

Mr. HAWLEY. Not at all; that is not contemplated by the amendment. The very words of the paragraph imply an authority or discretion on the vert of the Poetmester General in that respect

ment. The very words of the paragraph imply an authority or discretion on the part of the Postmaster-General in that respect.

Mr. BLOUNT. Mr. Chairman, I prefer the amendment of the gentleman from Connecticut as it was first offered instead of as at present modified. I do not like the idea to be conveyed that is conveyed in the modification, that the Government proposes to sell the postal map to route agents at any price, whether cost price or otherwise. I think that they ought to be supplied with them without cost.

On the other hand I am not prepared to concede what the gentleman from Minnesota insists is true that a sum of money has not been

provided sufficient to furnish these maps to the employés of the De-

partment.

Mr. DUNNELL. I did not hear the remark of the gentleman from

Mr. BLOUNT. I stated that I was not prepared to concede what was claimed by the gentleman from Minnesota, that a sufficient sum of money had not been appropriated to give these postal maps to the employes engaged in the postal service. The demand for this increase is just like everything else in the Government; it is constantly growing from year to year, and there is no telling where it is to end or what is to be the limit of it. Just a few years ago the sum appropriated for this purpose was a trifle in comparison to what is now asked. The twenty or twenty-five thousand dollars then was considered ample for all purposes. For some years it continued at that rate before it was urged that by the increase in the number of maps and also the increase in the number of routes and route agents demanded that the appropriation should be increased to thirty thousand. This continued growing from year to year until, as I said, last year I believe it was, they undertook to show that \$40,000 would be necessary, while in the Forty-third Congress only \$27,000 was required.

I know, sir, as a matter of fact, that many of these maps have gone

I know, sir, as a matter of fact, that many of these maps have gone to private parties. They have gone to people engaged in the newspaper business, and to parties engaged in selling books all through the country. These maps have not been restricted in their distribution to the employés of the Government. Whenever the gentleman shall undertake to show to this House that the number of maps printed is not large enough to supply the number of employés, and demonstrates that fact to this House, then I shall most readily concur in increasing the appropriation, but at present I see no necessity for this change. I regard the amount as ample if the maps are properly distributed. But when they are sold or distributed to private individuals and private parties throughout the country at the very time that it is alleged the employés of the Government cannot get them, I am entirely unwilling to increase this appropriation a single dollar. I venture to say, Mr. Chairman, that if there was a provision inserted that none of these maps should be given to any one but the postal employés that this appropriation would be found ample for all purposes.

Mr. DUNNELL. The gentleman from Georgia [Mr. BLOUNT] does not seem willing to admit that there has been a deficiency in the supply of maps for the route agents throughout the country. Now, when I asked the topographer of the Post-Office Department for some maps when the route agent wrote me for them, I was told there was no

when the route agent wrote me for them, I was told there was no when the route agent wrote me for them, I was told there was no supply; that I must apply to the superintendent of the Chicago division. I made an application for these maps to the superintendent of the Chicago division, and he wrote me he was unable to obtain from the Post-Office Department a single map; and in his letter he admitted there were very many route agents in his division that could not be supplied by the Post-Office Department or by him, and requested of me personally that I should seek in the appropriation bill of this year an increase in the amount, that this deficiency might be made up.

be made up.

This increase, Mr. Chairman, from \$43,000 to \$45,000 is wholly disproportionate to the increase in the amount of service performed in the country. There has been a very large increase in the service during the past year, and my amendment proposing \$48,000 is not in proportion to the service more than the \$43,000 of last year. There have been appointed many new route agents during the past year, more in proportion than the difference between the sum named in the bill and that which I propose as an amendment.

I think the members of this committee will bear me witness that I

do not offer an amendment to any appropriation bill that I may occupy do not offer an amendment to any appropriation bill that I may occupy the time of the committee a single minute. That is not my manner. I offer this amendment in good faith. The demand is very great in my section of the country that there shall be a larger appropriation for this item; and I say that the Committee on Appropriations give no reason why we should not appropriate the amount called for. There has been no reason given by the gentleman from Georgia why the committee say \$45,000 instead of \$50,000. It is simply a cutting down of the estimates into which this committee has gone, which has become its prevailing style, and by which it has sought to gain for itself somewhat of reputation. Fifty thousand dollars are asked by the Department and called for by the service, and yet the Committee on Appropriations say \$45,000. on Appropriations say \$45,000. Mr. BLOUNT rose.

The CHAIRMAN. The Chair will state to the gentleman from Georgia and the gentleman from Minnesota that there is no amendment now pending before the committee except the one offered by the gentleman from Connecticut, [Mr. HAWLEY.] Mr. BLOUNT. I move to strike out the last word, with the view

of saying to the gentleman from Minnesota, who indulges in the use of loose abuse, very common, especially among gentlemen who have not investigated the matters reported by the Committee on Appropriations, that if he had taken the pains to look over the report of the topographer of the Post-Office Department he would have found that that topographer had misled him, and that his speech was all wrong; so that he ought to apologize to the Committee on Appropriations. I have before me the report of the topographer himself, in which he gives a detailed statement of distribution of post-route in which he gives a detailed statement of distribution of post-route-maps during the year ending September 30, 1880, as follows: To offi-cers and clerks of the Post-Office Department at Washington, 908; to postmasters, 914; to railway mail service, (besides special tracings and diagrams,) 853; to post-office inspectors, 168; to officers of other governmental Departments of the United States, 1,239; to Senators-and members of the House of Representatives, 667; to committees of Congress, 160; to educational and scientific institutions, libraries, and geographical publishers, 281; to miscellaneous, including officers of railroads, telegraph, and express companies, and other individuals, 2624; to State authorities and State libraries, 195; to foreign gove

of railroads, telegraph, and express companies, and other individuals, 2,624; to State authorities and State libraries, 195; to foreign governments, 33; number of sheets sold during year, 873; total, 8,915. Thus the great bulk of them were outside of the mail service. I have read this, showing that according to the report of the topographer more than one-half of this expenditure has been made in publishing maps and issuing them to parties who had nothing to do with the distribution of the mails.

Mr. SIMONTON. The amendment of the gentleman from Connecticut, [Mr. Hawley,] it seems to me, with all due deference to his judgment, has the effect by implication to repeal the law, if there be a law which now allows these maps to be distributed gratuitously to the postal clerks, because it in effect provides for the sale to them at a certain specified price. It appears to me, therefore, that by implication it repeals the law while it effects but a very small saving. I presume these maps do not cost very much, and a commission of 10 presume these maps do not cost very much, and a commission of 10 per cent. would amount to very little. Though I favor the spirit of

the amendment, I must vote against it.

Mr. HAWLEY. I had no idea when I offered my amendment that this attempt to make this paragraph conform to the general statutes, would give rise to this general discussion. I wished, if the postal clerk was to be charged for the map he used to guide himself in his duties, and if there were any others in the service of the Government duties, and if there were any others in the service of the Government outside of the postal clerks who required these maps, the distinction should be made between those and others, to whom the maps should be furnished at cost with 10 per cent. additional. But I do not suppose there would be a thousand dollars saved to the Government by this, and I withdraw the amendment to save the time of the House.

Mr. DUNNELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 31 strike out "\$45,000" and insert in lieu thereof "\$48,000," so that it will read:
"For preparation and publication of post-route maps, including revision of former editions, and maps, diagrams, and other information, \$48,000."

mer editions, and maps, diagrams, and other information, \$48,000."

Mr. BLACKBURN. Before the vote is taken, I desire once more to remind the Committee of the Whole that the sum appropriated or recommended by this bill is more than \$3,000 in excess of the sum expended for this purpose last year as shown by the report of the Postmaster-General now before me. I do not see why we should be called upon to appropriate for these different purposes more than the report of the Department itself shows has been found necessary. If the Committee on Appropriations were recommending a sum less than the Department needed, I would recognize the propriety of the amendment offered by the gentleman from Minnesota, but we recommend more than \$3,000 in excess of the highest amount that has been appropriated under this head. It seems to me to be worse than useless to increase the recommendation of the committee, and I trust the less to increase the recommendation of the committee, and I trust the amendment will be voted down.

Mr. DUNNELL. I desire that the committee shall retain in mind

this distinct fact, when the vote comes to be taken, that the present appropriation is insufficient to furnish the route agents of this country with copies of this map.

Mr. BLACKBURN. And I desire to reply and controvert the state-

ment of the gentleman from Minnesota, [Mr. Dunnell,] and show by the report of the Postmaster-General himself, that he did not last year expend the amount which Congress gave him for this purpose. Yet this year we add \$3,000 to the amount we gave last year. If the route agents did not get these postal route maps last year it was not for want of an appropriation. Here is the report: forty-two thousand dollars was given by Congress, and only forty-one thousand and odd dollars was expended for that purpose. Now the Committee on Appropriations propose to give \$45,000, \$3,000 in excess of the amount appropriated for any year heretofore.

Mr. DUNNELL. And wight have been for \$50,000.

Mr. BLACKBURN. And might have been for \$50,000, if you are not to be guided by the expenditure.

The amendment of Mr. DUNNELL was not agreed to upon a division—ayes 47, noes 74; no further count being called for.

The Clerk read the following:

The Clerk read the following:

Office of the First Assistant Postmaster-General: For compensation to postmasters, \$7,750,000.

Mr. CANNON, of Illinois. I desire to offer an amendment to the paragraph just read. I move to strike out "\$7,750,000" and insert in lieu thereof "\$7,800,000." I desire to call the attention of the gentleman from Kentucky [Mr. Blackburn] to this fact: when this amount was agreed upon both in sub-committee and in the whole comamount was agreed upon both in sub-committee and in the whole committee, before the bill was reported to the House, we had before us the Auditor's statement for the last fiscal year, and from that statement deemed this amount to be sufficient. But the growth of business and the increased compensation have been so great that I appre-

ment deemed this amount to be sufficient. But the growth of ousless and the increased compensation have been so great that I apprehend this amount is not sufficient.

I went to the Sixth Auditor this morning and he informed me that within the last two or three days he had ascertained what had been paid for this purpose for the first quarter of the current fiscal year, and the amount was \$1,966,053.33. Therefore, if the demands for the next fiscal year should be as they are running for this fiscal year, there will be required something like eight millions of dollars instead of \$7,800,000, as estimated for. In any event, whether my amendment be adopted or not, I have no doubt that next year there will be a deficiency of at least \$200,000. I think we had better give the full amount estimated for by the Post-Office Department.

Mr. BLACKBURN. I will ask the Clerk to read the amendment proposed by the gentleman from Illinois.

The Clerk read the amendment.

Mr. BLACKBURN. I do not mean to antagonize this amendment, for in the brief opening statement which I made upon this bill I called attention to the fact that it was possible and even probable that the amount was not entirely sufficient; that although the Committee on Appropriations had followed the best data in its possession at the time this bill was framed, yet since that time information had been received direct from the Sixth Auditor's Office which tended to show that the actual expenditures for this purpose were greater than the committee was induced to helieve from the data in their possession.

received direct from the Sixth Auditor's Office which tended to show that the actual expenditures for this purpose were greater than the committee were induced to believe from the data in their possession. I do not mean to question the propriety of the amendment offered by my colleague on the Committee on Appropriations, and I dare say it is proper. The committee supposed that they had given enough; it may be that they have given more than enough. But the last report from the Sixth Auditor shows that the expenditure in this direction was so close upon the estimate that I simply express my willingness to let the Department have the amount it has estimated for.

The amendment of Mr. Cannon, of Illinois, was agreed to

The amendment of Mr. Cannon, of Illinois, was agreed to. The Clerk read as follows:

Fer compensation to clerks in post-offices, \$3,850,000.

Mr. DUNNELL. I desire to ask the gentleman from Kentucky [Mr. BLACKBURN] in charge of this bill if the amount named in this item is the amount estimated for?

Mr. BLACKBURN. No, it is not.
Mr. CANNON, of Illinois. I would call the attention of the gentleman from Kentucky [Mr. BLACKBURN] to the fact—
Mr. BLACKBURN. Does the gentleman from Minnesota [Mr. Dun-

NELL] refer to the clause making appropriation for compensation to

clerks in post-offices?

Mr. DUNNELL. I do.
Mr. BLACKBURN. The amount named in that clause is exactly the same as the amount estimated for by the Department
The Clerk read the following:

Office of the Second Assistant Postmaster-General: For inland mail transportation, namely: For transportation on railroad routes, \$9,488,282.

Mr. BLACKBURN. I am satisfied that there is going to be a somewhat protracted discussion upon the clause of the bill just reported by the Clerk. As it is now half past four o'clock, although I do not desire to discontinue the consideration of this bill, I am perfectly willing to allow the Committee of the Whole to pass judgment upon willing to allow the Committee of the Whole to pass judgment upon the question whether we shall go on an hear longer or rise now. And, without expressing any preference for such motion myself, in order to test the question, I will move that the committee now rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Carlisle reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 6972) making appropriations for the service of the Post-Office

Department for the fiscal year ending June 30, 1882, and for other purposes, and had come to no conclusion thereon.

UNCLAIMED DIVIDENDS OF NATIONAL BANKS.

Mr. PRICE, by unanimous consent, from the Committee on Banking and Currency, reported back, with a favorable recommendation, the bill (H. R. No. 6847) to provide for the distribution of unclaimed dividends among the creditors of national banks; which was placed on the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. O'NEILL. I move that the Committee of the Whole be discharged from the further consideration of a joint resolution relative to pensions, and that it be taken up now for consideration. It will take but a moment. It is really a private bill.

The SPEAKER. Can the gentleman indicate the number of the

resolution?

Mr. O'NEILL. I cannot at this moment.

The SPEAKER. Then the Chair will recognize the gentleman again for the purpose he has in view.

SECTION 989 OF THE REVISED STATUTES.

Mr. LAPHAM, by unanimous consent, introduced a bill (H. R. No. 7027) to amend section 989 of the Revised Statutes so to extend its provisions to all officers of the United States in the performance of official acts in which the United States is a party or has an interest; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNDARY OF TEXAS.

Mr. WELLBORN, by unanimous consent, introduced a bill (H. R. No. 7028) to define the boundary between the Indian Territory and the State of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EVENING SESSIONS FOR PENSION BILLS.

Mr. COFFROTH. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Ordered, That on Tuesday the 25th, Wednesday the 25th of January, and Tuesday the 1st, and Thursday the 9th of February, 1881, at five o'clock p.m., or at such other hour as the House may indicate on either of the above named days, a recess shall be taken until seven and one-half o'clock for the purpose of considering bills on the Calendar reported from the Committee on Invalid Pensions and from the Committee on Pensions.

Mr. SHELLEY and others objected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Steels for the day, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MARTIN, of West Virginia, obtained leave to withdraw from the files of the Committee on War Claims papers in the matter of the trustees of the Presbyterian church at Beverly, West Virginia, and in the case of the Methodist Episcopal church, at Webster, West Virginia, there having been no action or adverse report in either case.

MRS. EVARISTE BLANC.

The SPEAKER. If there be no objection, the Chair will lay before the House certain executive communications.

There was no objection.

The SPEAKER then laid before the House a letter from the Secretary of the Interior, transmitting papers in the Louisiana private land claim of Mrs. Evariste Blane; which was referred to the Committee on Private Land Claims.

SURVEY OF BROUX RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of Colonel John Newton, Corps of Engineers, upon a survey of Broux River or West Farms Tide; which was referred to the Committee on Commerce, and ordered to be printed.

JOINT MEMORIALS OF OREGON LEGISLATURE.

The SPEAKER also laid before the House a letter from the secretary of State of the State of Oregon, transmitting copies of the joint memorials adopted by the Legislature of that State at its eleventh biennial session; which was laid on the table.

MAIL CONTRACTS.

The SPEAKER also laid before the House a letter from the Post-master-General, transmitting a list of bids offered and contracts made master-General, transmitting a list of bids offered and contracts made for carrying the mails; which was referred to the Committee on the Post-Office and Post-Roads.

Mr. REAGAN. I move that this communication be printed.

Mr. CANNON, of Illinois. Had we not better send it to the committee and let them decide whether it should be printed?

The SPEAKER. This communication is transmitted in pursuance of law, and it has usually been printed.

Mr. CANNON, of Illinois. I have no objection.

The motion of Mr. REAGAN was agreed to, and the communication was ordered to be printed.

TELEGRAPH LINE FROM WINNEMUCCA TO WALLA WALLA

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief Signal Officer recommending an appropriation for the purchase of the telegraph line from Winnemucca, Nevada, to Walla Walla, Washington Territory; which was referred to the Committee on Appropriations.

ARMY CLOTHING.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to a deficiency in Army clothing for the fiscal year 1881; which was referred to the Committee on Appropriations.

HARBOR AT KEWAUNEE, WISCONSIN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from Major H. M. Robert, Corps of Engineers, upon a survey for a harbor at Kewaunee, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF BUFFALO BAYOU.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting a report of the survey of Buffalo Bayou; which was referred to the Committee on Commerce, and ordered to be printed.

ESTIMATES OF ENGINEER DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting special estimates of the Chief of Engineers for certain works for the fiscal year ending June 30, 1882; which was referred to the Committee on Commerce, and ordered to be printed.

ICE-RREAKERS ON OHIO RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the ice-breakers on the Ohio River; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF SHEBOYGAN HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the survey of Sheboygan Harbor; which was referred to the Committee on Commerce, and ordered to be printed.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. KEIFER, by unanimous consent, submitted a resolution relating to the printing, binding, and distribution to State and territorial libraries and depositories of public documents of the Congressional Record; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

Mr. HAWLEY, by unanimous consent, was granted leave of absence for four days

And then, on motion of Mr. COFFROTH, (at four o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows, viz:

By Mr. NELSON W. ALDRICH: The petition of letter-carriers of Providence, Rhode Island, that the salary of second-class carriers be increased to \$900—to the Committee on Appropriations.

By Mr. ATKINS: The petition of R. M. Whitfield and others, for the amendment of the patent laws—to the Committee on Patents.

By Mr. BENNETT: The petition of 55 citizens of Pembina County, Dakota, for the division of that Territory on the forty-sixth degree of north latitude, the organization of the northern part into a Territory to be known as Northern Dakota, and the admission of the southern part as a State—to the Committee on the Territories.

By Mr. BLAND: The petition of citizens of the fifth congressional district of Missouri, for a proper regulation of interstate commerce—to the Committee on Commerce.

to the Committee on Commerce.

Also, the petition of citizens of the fifth congressional district of Missouri, that the Commissioner of Agriculture be made a member of the President's Cabinet—to the Committee on Agriculture.

Also, the petition of citizens of Washington, Missouri, cigar manufacturers, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. BOUCK: The petition of citizens of Ahnapee, Wisconsin, for an increase of appropriations to complete the harbor at that place—to

the Committee on Commerce.

By Mr. BOWMAN: The petition of Oliver L. Wheeler, for a pension—to the Committee on Pensions.

By Mr. BRAGG: The petition of C. W. Brink and others, citizens of Manitowoe County, Wisconsin, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. BROWNE: The petition of citizens of Indiana, for the passage of the Geddes pension bill—to the Committee on Invalid Pen-

By Mr. BURROWS: Resolutions of the Legislature of Michigan, favoring the extension of time for the construction of a railroad from

Ontonagon, Michigan, to the Wisconsin State line—to the Committee on the Public Lands.

Also, the petition of M. M. Paddock and others, citizens of Michigan, for the passage of a bill regulating interstate commerce—to

Committee on Commerce.

Also, the petition of the same parties, for the passage of the bill making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the same parties, for protection against the imposition of vendors of patents and patent rights—to the Committee on Patents.

Also, the petition of the same parties, for the passage of an incometax law—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Resolutions of the Board of Trade of Cincinnati, favoring the passage of the Reagan interstate-commerce bill, with amendments—to the Committee on Commerce.

Also, the petition of R. M. Bishop & Co. and other merchants and manufacturers of Cincinnati, against the unconditional repeal of the clause in the revenue law relating to vinegar factories—to the Committee on Ways and Means. mittee on Ways and Means.

Also, the petition of the Pharmaceutical Society of Ohio, for the repeal of the law imposing a stamp tax on cosmetics, &c.—to the same committee

Also, the petition of Joseph Rawson and 100 others, citizens of Cincinnati, for the repeal of the law which imposes a tax on bank circu-

cinnati, for the repeal of the law which imposes a tax on bank circulation and deposits—to the same committee.

By Mr. CARLISLE: Memorial of the citizens of Louisville, Kentucky, asking for the repeal of the tax on bank capital and deposits and bank checks—to the same committee.

Also, memorial of W. E. Dodge, S. M. Moore, and others, for legislation in behalf of the Indians—to the Committee on Indian Affairs.

Also, memorial of the Wine and Spirit Traders' Society of New York, for an amendment to the revenue laws relating to the duty on spirits—to the Committee on Ways and Means.

By Mr. JOHN B. CLARK: The petition of P. G. Ballou, J. D. Bratton, L. R. Baker, Patrick Henry, and others, citizens of the eleventh congressional district of Missouri, asking that the Commissioner of Agriculture be made by law a member of the Cabinet—to the Committee on Agriculture. mittee on Agriculture.

Agriculture be made by law a member of the Cabinet—to the Committee on Agriculture.

Also, the petition of James J. Carter, George C. Ballou, Thomas Boulds, J. C. Thornton, and others, citizens of Missouri, for such congressional legislation upon the subject of interstate commerce as will secure equality of privileges to all our citizens in the matter of transportation—to the Committee on Commerce.

By Mr. COOK: The petition of citizens of Georgia, for a post-route from Hawkinsville to Redgood, in Dooly County, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. DEERING: The petition of citizens of Cerro Gordo County, Iowa, for the passage of an act to prohibit the spread of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. DEUSTER: The petition of Charles Von Baumbach, Byron Abert, and others, of Milwaukee, Wisconsin, that a pension be granted Adam Poertner—to the Committee on Invalid Pensions.

Also, the petition of G. Heurson, T. G. Butlin, and 61 others, business men of Milwaukee, Wisconsin, for the improvement of the harbor of Ahnapee, Wisconsin—to the Committee on Commerce.

By Mr. DUNNELL: The petition of D. C. Larkens and 10 others, citizens of Minnesota, for an income-tax law—to the Committee on Ways and Means.

Ways and Means.

Also, the petition of the same parties, for legislation to protect in-nocent purchasers and users of patented articles—to the Committee

on Patents.

By Mr. ELLIS: The petition of Mrs. Jane White, for a pension—to the Committee on Pensions.

By Mr. EVINS: The petition of citizens of South Carolina, for the regulation of interstate commerce—to the Committee on Commerce. Also, the petition of citizens of Spartanburgh County, South Carolina, for the passage of the bill to make the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of South Carolina, for protection against the imposition of vendors of patents and patent rights—to the Committee on Patents.

mittee on Patents

Also, the petition of citizens of South Carolina, for the passage of an income-tax law—to the Committee on Ways and Means.

By Mr. FORT: The petition of Joseph G. Van Ornum and others, of Illinois, against the passage of the sixty-surgeon bill—to the Committee on Invalid Pensions.

mittee on Invalid Pensions.

Also, the petition of C. E. Hungerford and others, of Illinois, for a change in the law relating to the tax on tobacco—to the Committee on Ways and Means.

By Mr. HARMER: The petition of citizens representing important national industries of the United States, for the passage of the Eaton tariff bill providing for a commission for the revision of the tariff—to the care committee. to the same committee.

By Mr. HATCH: The petition of 56 citizens of the twelfth congressional district of Missouri, for the passage of a bill regulating interstate commerce—to the Committee on Commerce.

Also, the petition of 64 farmers of the twelfth congressional district of Missouri, for the passage of the bill making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of the manufacturers of cigars of the city of Hannibal, Missouri, that the tax on cigars be reduced to \$5 per 1,000-to

nibal, Missouri, that the tax on cigars be reduced to \$5 per 1,000—to the Committee on Ways and Means.

By Mr. HAWLEY: The petition of the Union Manufacturing Company of North Manchester, Connecticut, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, the petition of E. E. Crofoot and 20 others, dentists of Hartford, Connecticut, against the renewal of the John A. Cummings patent for artificial gums and palates—to the Committee on Patents.

By Mr. HAYES: The petition of A. Hone & Co. and Jacob Miller, of Mendeta Ullipois for a reduction of the tax on cigars—to the Committee of the Commi

By Mr. HAYES: The petition of A. Hone & Co. and Jacob Miller, of Mendota, Illinois, for a reduction of the tax on cigars—to the Committee on Ways and Means.

By Mr. HENDERSON: The petitions of T. J. Robinson and 13 others; of Alexander Steele and 13 others; of W. D. Aster and 15 others; of the Rock Island Manufacturing Company and 74 others; and of Rudolph Hartz and 99 others, citizens of Illinois, for an appropriation of \$1,000,000 for the improvement of the Mississippi River between Saint Paul and the mouth of the Illinois River-to the Committee on Commerce.

By Mr. HENKLE: Memorial of Howard University, of Washington

District of Columbia, asking an appropriation for maintenance and repairs—to the Committee on the District of Columbia.

By Mr. HILL: The petition of soldiers of Fulton County, Ohio, against the passage of the sixty-surgeon pension bill—to the Committee on Invalid Pensions.

By Mr. HUNTON: A bill to provide for the improvement of the harbors of Washington and Georgetown, District of Columbia—to the

Committee on Commerce

By Mr. JOHNSTON: The petition of the Brighthope Railway Company, for relief on account of certain changes made in improving the

navigation of the James River-to the same committee.

By Mr. KEIFER: The petition of John W. Widney and 60 others, citizens of Miami County, Ohio, for the passage of the Reagan interstate-commerce bill to prevent unjust discriminations by common carriers-to the same committee.

By Mr. KETCHAM: Papers relating to the petition of Abram G. Hoyt to be reimbursed the amount stolen from him by a clerk while depositary of the United States at Santa Fé, New Mexico—to the

Committee on Claims.

Also, the petition of James G. Naylor, for compensation for work done for the orphan's court, in the District of Columbia, in furnishing a room and fire-proof vault for the use of the register of wills—to the Committee on the District of Columbia.

By Mr. LAPHAM: The petition of certain parties who held com-

mand as general officers in the regular and volunteer forces of the United States Army at and during the period in which General Fitz-United States Army at and during the period in which General Fitz-John Porter's conduct, motives, and acts were questioned and made the subject of a court-martial, or by knowledge thereof, that in the consideration of the bill for his relief politics may be set aside entirely—to the Committee on Military Affairs.

By Mr. LINDSEY: The petition of William Farmer, late a sailor in the United States Navy, to have the charge of desertion stricken from his record—to the Committee on Naval Affairs.

By Mr. EDWARD L. MARTIN: The petition of Governor John W. Hall and others, citizens of Frederica, Delaware, for the improvement of Murderkill Creek, in Delaware—to the Committee on Commerce.

By Mr. MASON: The petition of Eliphalet M. Gile and 105 others, citizens of Volney, New York, that soldiers discharged for disease receive the same bounty as those discharged on account of wounds—to the Committee on Military Affairs.

to the Committee on Military Affairs.

By Mr. McCOID: The petition of 50 citizens of Washington County,

Iowa, for legislation on the subject of pleuro-pneumonia-

mittee on Agriculture.

By Mr. McMAHON: The petition of Freeman B. Mills, George Bixler, and others, citizens of Ohio, for regulation by Congress of inter-

state commerce—to the Committee on Commerce.

Also, the petition of the same parties, for making a Cabinet position for the Commissioner of Agriculture—to the Committee on Agri-

culture.

Also, the petition of the same parties, for the amendment of the patent laws so as to protect innocent purchasers-to the Committee on Patents.

Also, the petition of the same parties, for an income-tax law-

the Committee on Ways and Means.

By Mr. MITCHELL: The petition of citizen soldiers of Williams port and vicinity, Pennsylvania, against the passage of the sixty-surgeon pension bill and its proposed amendments—to the Committee on Invalid Pensions

on invalid Fensions.

By Mr. MORRISON: Memorial of the Illinois State board of health, asking for legislation to prevent the adulteration of food or drugs—to the Committee on Agriculture.

Also, memorial of the Chicago Veteran Union Club, asking pensions for Union soldiers who were prisoners of war-to the Committee on

Invalid Pensions.

Also, resolutions of the Illinois General Assembly, in relation to the cattle disease, known as pleuro-pneumonia—to the Committee on

Agriculture.

By Mr. MORSE: The petition of the boot and shoe merchants of Boston, Massachusetts, for the early enactment of a national bank-rupt law—to the Committee on the Judiciary.

By Mr. MORTON: Memorial of Deering, Milliken, & Co., Low, Harriman & Co., W. C. Langley & Co., Parker, Wilder & Co., and 36 other New York firms, of similar import—to the same committee.

By Mr. MYERS: The petition of Midshipmen C. C. Marsh, J. H. Filmore, and others, for a law affecting rank of cadets after graduating at Annapolis—to the Committee on Naval Affairs.

By Mr. O'NEILL: Memorial of representatives of the national in-dustries of the United States, asking for the prompt passage by the House of the Eaton tariff-commission bill—to the Committee on Ways and Means.

By Mr. PHILIPS: The petition of citizens of the seventh congres

sional district of Missouri, for the passage of a bill regulating inter-state commerce—to the Committee on Commerce.

Also, two petitions of citizens of the seventh congressional district of Missouri, that the Commissioner of Agriculture be made a Cabinet

of Missouri, that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on Agriculture.

By Mr. PRESCOTT: The petition of 52 soldiers of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. PRICE: The petitions of 33 citizens of Lyons, of 104 citizens of Davenport, and of 23 citizens of Iowa, for increased appropriations for the improvement of the Mississippi River—to the Committee on Commerce

By Mr. JOHN S. RICHARDSON: The petition of citizens of Clarendon County, South Carolina, for the improvement of the Santee River-to the same committee.

Also, the petition of citizens of South Carolina, for the passage of

the interstate-commerce bill—to the same committee.

Also, the petition of citizens of South Carolina, for the passage of a bill making the Commissioner of Agriculture a Cabinet officer—to the Committee on Agriculture.

Also, the petition of citizens of South Carolina, for the passage of a law to protect innocent purchasers against fraudulent venders of patents and patent rights—to the Committee on Patents.

Also, the petition of citizens of South Carolina, for the passage of

Also, the petition of citizens of South Carolina, for the passage of an income tax law—to the Committee on Ways and Means.

By Mr. ROBESON: The petition of citizens of New Jersey, for the improvement of Mantua River—to the Committee on Commerce.

By Mr. ROSS: The petition of citizens of New Jersey, for the passage of Senate bill No. 496 as amended, relating to the settlement of pension claims—to the Committee on Invalid Pensions.

By Mr. SAPP: The petition of citizens of Iowa, that the soldiers discharged on account of disease receive the same bounty as those discharged for wounds—to the Committee on Military Affairs.

By Mr. SIMONTON: The petition of Patience Kittrell, for the muster of her late husband that she may obtain a pension—to the same committee.

same committee

Also, the petition of W. M. Henry, for pay and bounty-to the same

Also, the petition of Elmyra Brogden, for the muster of her late husband to obtain a pension—to the same committee.

By Mr. SPARKS: Resolutions of the Illinois Legislature, favoring an act of Congress to suppress pleuro-pneumonia—to the Committee on Agriculture

By Mr. TALBOTT: The petition of Frank L. Donnelly, for pay as a page in the Forty-fifth Congress—to the Committee on Accounts.

By Mr. P. B. THOMPSON: The petition of W. H. Allen, for appro-

priations to pay revenue storekeepers and gaugers-to the Commit-

tee on Appropriations.

By Mr. THOMAS UPDEGRAFF: The petition of citizens of Iowa, for the passage of a bankrupt law—to the Committee on the Judi-

By Mr. URNER: The petition of E. H. Wardwell, for pay for services rendered as an officer in the United States Army—to the Committee on Military Affairs.

Also, the petition of John B. Thomas and 18 others, citizens of

Also, the petition of John B. Inomas and 18 others, citizens of Frederick County, Maryland, for the passage of a bill regulating interstate commerce—to the Committee on Commerce,
Also, the petition of Samuel Dutrow, A. W. Burkhart, and 13 others, citizens of Frederick County, Maryland, for the passage of a bill making the Commissioner of Agriculture a Cabinet officer—to the Committees of Agriculture. tee on Agriculture.

Also, the petition of George W. Smith and 15 others, citizens of Frederick County, Maryland, for the passage of a bill protecting in-nocent purchasers of patented articles—to the Committee on Patents. By Mr. VALENTINE: The petition of S. B. Harris and others, of

Nebraska, for the speedy passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of P. B. Scruggs and others, for a post-route from Columbus, North Carolina, to Gaffney's, South Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Resolutions of the Tax-payers and Agricultural Association of Concord, Pennsylvania, for legislation to prevent the

spread of disease among cattle—to the Committee on Agriculture.

By Mr. CASEY YOUNG: The petition of James C. Saunders, for salary as clerk to the Committee on the Ventilation of the Hall of the House for the month of July, 1878—to the Committee on Accounts.

By Mr. THOMAS L. YOUNG: Memorial of the Board of Trade and

Transportation of Cincinnati, Ohio, for the passage of the interstatecommerce bill-to the Committee on Commerce.

IN SENATE.

TUESDAY, January 25, 1881.

Prayer by the Chaplain, Rev. J. J. Bullock, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting a communication from the Quarter-master-General stating a deficiency in the appropriation for clothing and camp and garrison equipage for the current fiscal year, and ask-ing for an additional appropriation; which was referred to the Committee on Appropriations

PETITIONS AND MEMORIALS.

Mr. THURMAN presented the memorial of William W. Russel and 47 others, citizens of Lucas, Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was referred to the Committee on

Pensions.

He also presented the memorial of William R. Russell and others, of Ohio, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, and favoring the passage of what is known as the Geddes pension bill; which was referred to the Committee on Pensions.

Mr. KERNAN presented the petition of Everett P. Wheeler and 20 others, citizens of New York City; the petition of J. Knox Taylor and 22 others, citizens of New York City; the petition of R. B. Minturn and 4 others, citizens of New York City; the petition of G. Campbell and 26 others, citizens of New York City; and the petition of Frank H. Scott and 18 others, citizens of New York City; and the petition of Frank H. Scott and 18 others, citizens of New York City, praying for the enactment of a law regulating the appointment of subordinate officers in the civil service of the United States; which were referred to the Select Committee to examine the several branches of the Civil Service.

Mr. SLATER presented the joint resolution of the Legislature of Oregon, in favor of an appropriation of \$500,000 for the survey, commencement, and prosecution of a canal and locks at the Dalles of the Columbia River in that State; which was referred to the Committee on Commerce.

on Commerce.

Mr. LOGAN. I present the memorial of a number of Illinois soldiers, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims, what is known as the sixty-surgeons bill. In other words, it is the bill proposed by the Commissioner of Pensions for the purpose of establishing courts all over the country at the expense of pensioners, which the pensioners dislike and so do I. I move that the memorial be referred to the Committee on Pensions.

The motion was agreed to.

Mr. LOGAN presented resolutions of the Legislature of Illinois in favor of legislation for the prevention of pleuro-pneumonia, and for on Commerce. Mr. LOGAN.

Mr. LOGAN presented resolutions of the Legislature of Illinois in favor of legislation for the prevention of pleuro-pneumonia, and for the establishment of rigid rules for the inspection of cattle for the export trade; which were referred to the Select Committee on the subject of pleuro-pneumonia and other contagious and infectious diseases of cattle and other domestic animals.

Mr. McDONALD presented the memorial of John Y. Smith and 14 others, citizens of Iowa, remonstrating against the passage of the bill (H. R. No. 1067) to quiet titles to the Des Moines River lands in the State of Iowa, and for other nurposes; which was referred to the

State of Iowa, and for other purposes; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LAMAR, from the Committee on Railroads, to whom was referred the bill (S. No. 1553) to incorporate the Cherokee and Arkansas Railroad Company, reported it with an amendment.

He also, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 4050) to divide the State of Louisiana into two judicial districts, reported it with an amendment.

Mr. JOHNSTON, from the Select Committee on the subject of pleuro-

Mr. JOHNSTON, from the Select Committee on the subject of pleuropneumonia and other contagions and infections diseases of cattle and other domestic animals, reported a bill (S. No. 2097) for the establishment of a bureau of animal industry, and for the suppression and prevention of contagious diseases among domestic animals; which was read twice by its title, and, on motion of Mr. JOHNSTON, recommitted to the committee.

Mr. BAYARD, from the Committee on Finance, to whom was referred the petition of Mrs. M. M. Chambers, postmistress at Morganton, North Carolina, praying for relief from liability for moneys stolen from her as postmistress, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Offices and Post-Roads; which was agreed to.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the bill (S. No. 1935) to confirm to the city of Chicago the title to certain public grounds, and have instructed me to report the same back with amendments and recommend its passage. They have also instructed me to submit a report which I desire printed. I give notice that, with the indulgence of the Senate, on Friday next, after the usual routine of morning business is through, I shall ask the Senate to have the bill considered. I have not asked the indulgence of the Senate upon any other matter, and this is a very important measure. If it passes at all it ought to pass this winter, and there will

be but little time for the other House to consider it. I am instructed to say that the Committee on the Judiciary have agreed to this report with the exception of the Senator from Vermont, [Mr. EDMUNDS,] who desires me to say that he dissents, and that he will prepare his dissent in a minority report. I move that the report be printed.

dissent in a minority report. I move that the report be printed.

The motion was agreed to.

Mr. DAVIS, of Illinois. I ask Senators to be kird enough to read
the report when it is printed and laid on their tables to-morrow.

Mr. McDONALD, from the Committee on Public Lands, to whom
was referred the bill (H. R. No. 1067) to quiet title of settlers on the
Des Moines River lands in the State of Iowa, and for other purposes,
asked to be discharged from its further consideration, and that it be
referred to the Committee on the Judiciary; which was agreed to.

Mr. BECK from the Committee on Finance to whom was referred.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. No. 1981) to amend section 2851 of the Revised Statutes of the United States; also to amend section 5 of an act entitled "An of the United States; also to amend section 5 of an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported it with an amendment.

Mr. WALLACE, from the Committee on Finance, to whom was referred the bill (H. R. No. 709) for the relief of William S. Burgess and others, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. No. 4411) to establish an additional land district in the State of Kapsas reported it with amendments.

trict in the State of Kansas, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1851) for the relief of Sarah McDonald, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1430) to enable town sites to be entered on the public lands, reported it with amendments, but with the recommendation only that the amendments be printed and the bill placed on the Calendar.

the amendments be printed and the bill placed on the Calendar.

The amendments were ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 393) granting a pension to John G. Eckles, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1057) granting a pension to John B. Butler, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1891) for the relief of Mrs. Anne Farley, submitted an adverse report; which was ordered to be printed, and the bill was postponed indefinitely.

indefinitely.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 706) for the relief of A. B. Rowden, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 95) providing for the ascertainment and payment of the claim of the legal representative of Walter H. Stevens, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to

which was agreed to.

Mr. WHYTE, from the Committee on Printing, to whom was referred the joint resolution (S. R. No. 87) authorizing the printing of the report of the yellow fever commission, reported adversely thereon,

and the joint resolution was postponed indefinitely.

SETTLEMENTS WITH RAILWAY COMPANIES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, which was instructed by a resolution of the Senate passed on the 27th of January, 1880, to inquire and report whether any discrimination or difference of treatment had been made in settlements with certain southern railway companies under the act of February, 1875, providing for the settlement of matters in dispute with certain railway companies, to report that the committee have heard the executive officers of the Government and counsel for the particular railway company interested in this question, and that we are of opinion that no discrimination or difference of treatment under the law has been made in respect of any of the companies by the executive officers. We therefore ask to be discharged from the further consideration of the resolution.

The report was agreed to.

SMITHSONIAN REPORT FOR 1880.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution for printing extra copies of the Smithsonian report for 1880, to report it with amendments and recommend its passage. I ask for the present consideration of

the resolution.

By unanimous consent, the Senate proceeded to the consideration of the resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That 15,500 copies of the report of the Smithsonian Institution for the year 1880 be printed; 2,500 copies of which shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian In-

The amendments reported from the Committee on Printing were

to strike out, in line 1, "15,500" and insert "15,560," and in line 3, after "6,000," to insert "60;" so as to read:

That 15,560 copies of the report of the Smithsonian Institution for the year 1880 be printed; 2,500 copies of which shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

The amendments were agreed to.
The resolution as amended was agreed to.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. WHYTE. I am also instructed by the Committee on Printing to report, with a favorable recommendation, the concurrent resolution of the House of Representatives to print 2,500 extra copies of the report of the health officer of the District of Columbia, and I ask for its immediate consideration.

The resolution was considered by unanimous consent, and concurred in, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That 2,500 extra copies of the report of the health officer of the District of Columbia be printed; 300 copies thereof for the use of the House of Representatives, 100 copies for the use of the Senate, and 2,100 copies for the use of said health officer.

REPORT ON FISH AND FISHERIES.

Mr. WHYTE. I am also instructed by the Committee on Printing, to whom was referred a concurrent resolution to print extra copies of the first and second volumes of the Reports of the United States Fish Commission, to make an unfavorable report thereon, and ask that the resolution be indefinitely postponed.

The Senate proceeded to consider the resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That 3,000 copies each of the first and second volumes of the Reports of the United States Fish Commission be printed, of which 700 shall be for the use of the Senate, 1,800 for the use of the House, and 500 for the use of the Commission of Fish and Fisheries.

The VICE-PRESIDENT. This resolution is reported with the recommendation that the further consideration of it be indefinitely post-

I should like to have the resolution placed on the

Mr. BECK. I should like to have the resolution placed on the Calendar, if there is no serious objection.

Mr. WHYTE. There can be no objection to that course. I should like to state that it will cost about \$7,500 to print these volumes.

The VICE-PRESIDENT. Does the Senator from Kentucky desire

the resolution to be placed on the Calendar?

Mr. BECK. I should like it to be placed on the Calendar, so that I can see more about it before it is finally disposed of.

The VICE-PRESIDENT. The resolution will be placed on the Calendar with the adverse report of the committee.

INDEX TO CONGRESSIONAL RECORD.

Mr. WHYTE. I am also instructed by the Committee on Printing to report an original joint resolution in regard to the printing of a semi-monthly index to the Congressional Record for the conven-

ience of members of Congress, and I ask for its present consideration.

The joint resolution (S. R. No. 146) to provide for printing and distributing the index of the Congressional Record semi-monthly was read the first time by its title.

The joint resolution was read the second time at length, as follows:

The joint resolution was read the second time at length, as follows:

Be'tt resolved, de., That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for hereafter issuing the index of the CONGRESSIONAL RECORD semi-monthly during the sessions of Congress, beginning with the next ensuing session.

That the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distribute of the daily issue of the RECORD, and to the same persons and in the same manner.

That the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work and direct the form and manner of its publication: Provided, however, That the compensation allowed for preparing said semi-monthly indexes, including their compilation into a session index, shall not exceed the average total amount now allowed by the Joint Committee on Printing for compiling the session index.

By unanimous consent, the Senate, as in Committee of the Whole,

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amend-ment, ordered to be engrossed for a third reading, and read the third

Mr. DAVIS, of West Virginia. I notice a provision at the end of the joint resolution that the expense of this shall not exceed the pres ent expense. Do I understand from that that there will be no additional expense whatever, not even the employment of a person? was struck with the force of it if that is so.

Mr. WHYTE. It is so. We have taken the average of the expense for the last six or eight years, and to do this work will not cost the Government one dollar more than the present session index will cost if it is continued in the same way. The mode of compensation is changed, which will be a great advantage to the Government. Now the index is paid for at so much per thousand ems, and of course it is the interest of the indexer to increase the size of the index. This is to be done upon the same theory and plan as has been adopted in indexing the first ten Journals of the two Houses of Congress by Mr. Ordway. There has been a report made, and the Joint Committee on Printing of the two Houses has taken the subject under consideration, and we have agreed that this will be the wisest and best mode of indexing bereffter and add also the bit most the index.

or a new employé should be added to the roll without expense to the Government, that I could hardly refrain from asking an explanation of the Senator from Maryland. Of course there is a provision for preparing the index, and I take it the Senator knows what he talks about, as he generally does; but it is so far in the right direction that I can hardly help complimenting the Senator and his committee upon doing a new work and adding a new employé without costing the Government anything additional.

Mr. EDMUNDS. May I ask the representative of the committee what is the present state of the law in respect of these indexes and

what is the present state of the law in respect of these indexes and the person employed to make them?

Mr. WHYTE. The law is very loose upon the subject.

Mr. EDMUNDS. So is the index, for that matter.

Mr. WHYTE. I grant it, and we want to improve upon it. It is in the direction of improvement that this resolution has been conceived. I will state to the Senator from Vermont, what of course he called a solution and it only requires a suggestion to revive his recollecknows already and it only requires a suggestion to revive his recollection of it, that a contest ensued here from 1867, I believe, down to 1873 between the old Globe contractors and others and those who pre-Printing Office; and I think in the very last moments of an expiring Congress a law was passed which put the printing of the debates, the preparation of the indexes, and everything connected with the production of the RECORD, in the hands of the Committee on Printing on the part of the Senate. It was, I think, rather an oversight in the haste in which the law was drawn to leave it in the hands of the Senate committee alone, and we have always invited the House committee to take part in our deliberations in regard to all this work. The whole of it is practically under the direction of the Joint Committee on Printing under the act passed in 1873. There are no specific details in any law, and the whole is left in the discretion of the

two committees,

Mr. EDMUNDS. Do I understand, then, that under the existing law the Senate Committee on Printing or the Senate and House Committee on Printing together are the authority who select the person employed to make the CONGRESSIONAL RECORD'S index as it now is?

Mr. WHYTE. If the Senator will allow me to explain, without merely answering him affirmatively—

Mr. EDMUNDS. Certainly.

Mr. WHYTE. They authorize the Public Printer to make a contract with some person. It is done by contract. It changes from

tract with some person. It is done by contract. It changes from time to time, and a new contractor comes in; but it has been done by contract ever since 1873.

Mr. EDMUNDS. Then it seems to come to the point, without meaning any present reflection upon the Committees on Printing, that they are primarily responsible for the selection of the persons who are to make these indexes. If that is so, I do not know that I could wish to sentence the committee to the penitentiary. I am sure I should not, but I should wish to express the hope that in exerting that never heave of teachers will transcribe the committee to the penitentiary. that power hereafter they will try to get somebody who knows enough

that power hereafter they will try to get somebody who knows enough to make an index.

Mr. WHYTE. That is the trouble.

Mr. EDMUNDS. They have got the power it seems now, and whether this is to benefit the exercise of that power is not so clear to my mind. There might be this difficulty possibly in turning it over to a joint committee, because it is said the law now leaves it with the Senate Committee, which is one body, or rather to the two committees. As everything is a matter of great political ambition in the way of the prizes of contracts and appointments. Acc.; if the Honse of Rep. of the prizes of contracts and appointments, &c.; if the House of Representatives should happen unhappily to be republican after the 4th of March, and the Senate should happen still to stick to the rock of political ages, moss-grown and barnacle-eaten as it is, the two committees might fall into a tremendous difficulty as to the selection of the proper person to make the indexes, and if they should, and could not agree, and we should come to a state of absolute despair, (as I am told received in the proper person to make the proper person to the proper person to make the proper person to make the proper person to the person to the proper person to the person to th not agree, and we should come to a state of absolute despair, (as I am told we are in about counting the vote for President just at present,) we should not have any index at all. How much worse that would be than the present indexes that we are having, would be a question to be considered by some standing committee, I suppose.

It seems to me on the whole that the joint resolution had better be printed and go over until to-morrow.

The VICE-PRESIDENT. It is too late to raise an objection to the

onsideration of the joint resolution.

Mr. EDMUNDS. How many times has it been read?

The VICE-PRESIDENT. Three times; and the question now is,

Mr. EDMUNDS. If it has been read three times, an objection is too late.

Mr. WHYTE. I will state to the Senator from Vermont that we have given this subject a great deal of consideration. The Committee on Rules, under the lead of Hon. ALEXANDER H. STEPHENS, if I may use his name in this presence without violating any rule, has examined this subject very thoroughly in addition to our Committee on Printing, and has recommended this method of indexing in the highest terms in a printed report which has been before Congress for a year and a half. We have considered it recently very thoroughly, and we want to get it out of that rut in which we found the indexing when we came in charge at the beginning of the present Conof indexing hereafter, and add also the bi-monthly index.

gress. It has been going on in this way from the Globe days, when Mr. DAVIS, of West Virginia. It is so unusual that a new officer the index was in a very small compass in the front of each volume

of the Globe. It has now grown to be a volume almost as large as

each volume of the RECORD itself.

The object of the joint resolution is to digest the index, to get it The object of the joint resolution is to digest the index, to get it more in a concrete form, more perfect in its cross-indexing, and to comply more with the plan, as I have stated, of the index of the Journals of Congress, which we have upon our tables and have examined with great care. I hope the joint resolution will pass.

Mr. DAVIS, of West Virginia. I wish to ask the Senator having charge of the joint resolution, as it states that this work shall be done at the same cost which is now paid has the Senator the figures of the

at the same cost which is now paid, has the Senator the figures of the cost in his mind?

Mr. WHYTE. Yes, sir. Mr. DAVIS, of West Virginia. Will the Senator be kind enough to tell us the cost ?

Mr. WHYTE. It averages from \$5,000 to \$7,000 a Congress.
Mr. DAVIS, of West Virginia. Then the compensation of this individual is not to exceed from \$5,000 to \$7,000; is that it?
Mr. WHYTE. That is exactly the provision, that the average cost is to be taken, and all the expense is not to exceed that.
The VICE-PRESIDENT. Is the Senate ready for the question, which is, Shall the joint resolution pass?

The joint resolution was passed.

STATEMENTS ON THE FUNDING BILL.

Mr. BAYARD submitted the following order, which was agreed to: Ordered. That the Committee on Finance be authorized to employ a stenographer to report the statements of the Secretary of the Treasury, Comptroller, and other officers made before said committee in relation to the refunding of the national debt, and to print the same for the use of the committee.

CALENDAR OF HOUSE BILLS.

Mr. HARRIS submitted the following resolution; which was read:

Resolved, That at the conclusion of the morning business for each day, unless upon motion the Senate shall otherwise order, the Senate will proceed to the consideration of House bills which have been favorably reported, and continue such consideration until half past one o'clock; bills to be taken up in their order upon the Calendar; and this order shall commence immediately after the call for "concurrent and other resolutions."

Mr. HARRIS. I ask that the resolution be printed and lie on the table, and I give notice that I shall ask the Senate to consider it tomorrow morning.

The resolution was ordered to lie on the table and be printed.

FREE SHIPS.

Mr. BECK submitted the following resolution; which was read:

Resolved. That all provisions of law which prohibit our citizens from purchasing ships to engage in the foreign carrying trade or which prevent the registration of them as American ships when owned, commanded, and officered by citizens of the United States, ought to be repealed, and to that end Senate bill No. 741, or a bill containing the general provisions thereof, ought to pass.

Mr. BECK. I submit the resolution now for the purpose of giving notice that on Thursday morning next, after the close of the morning business, I shall ask the Senate to allow me to offer some remarks in regard to it. A sub-committee of the Committee on Finance have been considering the subject for a long time, and I have their assent to be heard then, if the Senate will hear me upon the question.

The VICE-PRESIDENT. The resolution will be printed and laid the subject to the cell of the Senate will be printed and laid.

on the table, subject to the call of the Senator from Kentucky.

MILITARY ACADEMY.

Mr. GARLAND submitted the following resolution; which was read: Resolved, The Committee on Public Printing be instructed to inquire into the expediency of reprinting for the use of the Senate — copies of the report of the joint commission appointed under the eighth section of the act of Congress of June 21, 1860, to examine into the organization, system of discipline, and course of instruction of the United States Military Academy at West Point, submitted December 13, 1860, and report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the reso-

Mr. GARLAND. I desire to have the attention of the Senator from Maryland, [Mr. Whyte,] who is chairman of the Committee on Printing. The book I hold in my hand is a report of the commission aping. The book I hold in my hand is a report of the commission appointed under the eighth section of the act of Congress of June 21, 1860, to examine into the organization, system of discipline, and course of instruction at the United States Military Academy at West Point. That commission was composed of Jefferson Davis and Sol-Point. That commission was composed of Jefferson Davis and Solomon Foot, on the part of the Senate; Henry Winter Davis and John Cochrane, on the part of the House; Major Robert Anderson and Captain A. A. Humphreys, Army officers. They repaired to West Point, and after holding a long consultation and examination there they made a report to Congress of three hundred and fifty printed pages, which I now have. The copy of the report which I hold is the only one that I can ascertain to be found anywhere. This I managed to get from the Document Room. It contains information that I have not been able to find elsewhere. It is the only connected and thorough examination that I have seen of that institution. All the other papers, or reports, or books in reference to it are merely fragmentary, and not orderly, compact, going into the entire system of the institution. not orderly, compact, going into the entire system of the institution. The Board of Visitors last June have made a report to Congress at the present session in reference to the institution, and much of the information that we have in that report is gathered from the report which I now hold in my hand. I think it important for the public service, and I think it essential to that institution that this book should be reprinted, and I ask the adoption of the resolution.

What is the number of the report? Mr. WHYTE.

Mr. GARLAND. The neous Document No. 3. Thirty-sixth Congress, second session, Miscella-

The resolution was agreed to.

AMENDMENT TO POST-ROUTE BILL.

Mr. WITHERS submitted an amendment intended to be proposed by him to the post-route bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GENERAL ULYSSES S. GRANT

Mr. PLUMB. I desire to state that yesterday I voted for the motion of the Senator from Illinois, [Mr. Logan,] to take up the bill (S. No. 1992) to place Ulysses S. Grant, late General, and ex-President of the United States, upon the retired list of the Army, notwithstanding at that time I was under a pair with the Senator from Delaware, [Mr. Saulsbury,] upon political questions, a fact which I entirely overlooked. If it had occurred to me I should not have voted. I now state this morning for the purpose of setting the matter right, that such is the fact, and the further fact also, that I unter right, that such is the fact, and the further fact also, that I understand if the Senator from Delaware had been here he would have voted against the motion to take up the bill.

Mr. LOGAN. If the morning business is over I move that all prior

Mr. LOGAN. If the morning business is over I move that all prior orders be laid aside temporarily, in order to take up for action the bill (S. No. 1992) to place Ulysses S. Grant, late General, and ex-President of the United States, upon the retired list of the Army. I do not desire to discuss the bill at all. If any gentleman desires to be heard, I do not. I ask for a vote by yeas and nays upon the motion. Mr. LAMAR. Mr. President—

The VICE-PRESIDENT. The Chair will state the question. It is upon the motion of the Senator from Illinois, that the pending order of business which is the consideration of the Calendar of General

of business, which is the consideration of the Calendar of General Orders under the special order of the day, be postponed for the pur-pose indicated by him, upon which he demands the yeas and nays.

pose indicated by him, upon which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. LAMAR. Mr. President, I am in favor of having this bill disposed of; and when it is called up for action I shall vote to place General Grant upon the retired list of the Army.

Had General Grant at any time when he was General desired to be retired from the command of the Army, I presume no one would have objected to the liberal provision proposed in this bill. It is the policy, in my opinion the proper policy, which the Government has adopted for its generals, its admirals, and its judges. It means that such officers shall devote their lives to the discharge of their great duties, and that in return the country shall secure them honorable and adequate independence. So far from objecting to the principle, I am willing to extend it. But the people of the United States did not give General Grant the opportunity of retiring. They summoned him to abandon his place of professional eminence in order to become President. Whatever may be my opinion as to the political admin-

him to abandon his place of professional eminence in order to become President. Whatever may be my opinion as to the political administration of General Grant, I do not think his consent to the expressed wish of his country ought to deprive him of the provision which is secured to those who served in the Army with him and after him.

I would with great pleasure vote for a law by which every President, upon closing his administration, should be placed upon the retired list, with such allowances as are fitting for the rank of Commander-in-Chief of the Army and Navy given him by the Constitution. I think it eminently proper that a President should retire from active politics, and equally proper that he should be able to live in quiet. politics, and equally proper that he should be able to live in quiet independence. The proposition that I see urged in some of the journals and magazines, that an ex-President should be given a seat in the Senate, seems to me anomalous. The Senate is the representative of States. Equality of representation is guaranteed, and a Senator not representing a State would have no life under the Constitution. not representing a State would have no life under the Constitution. But I do not propose to discuss any general plan. If I would have voted to retire General Grant at his own request from active service, if I would have done this after eight years' administration of the Presidency, I do not see why I should not vote for it now. I cannot consider this a question of any political consequence. It involves no breach of the Constitution to pass it; it will be the violation of no constitutional duty to reject it. As it is presented, I am willing to consider it the expression of a popular wish that the general most eminent in a war which a majority of the American people do, as we all know, regard as sacred in its motives and as important in its consequences as the war of the Revolution, should be secured an honorasequences as the war of the Revolution, should be secured an honora-

e competence at the close of long and ardnous service.

Nor do I see any sectional feature in this measure. It threatens danger to no southern interest; it does not impair any southern right; it ought not to be considered as wounding any southern sentiment. I am willing to accept the popular appreciation of General Grant as a great soldier, and acquiesce cheerfully in this method of its expression. But I cannot vote for this bill unless the second section is stricken out. There are many grave and insuperable objections to it which I will not here present. I will state one. It seems to me to be in violation of the principle upon which the retirement of officers rests. It interferes with the actual, proper administration of the active service, and will not by its omission in the slightest degree

diminish the honor or justice of the position assigned.

Without any reference to the principles involved in General Grant's administration of the National Government, without any reference to the merits of the strategy of his military campaign, I am in favor,

as was done with those who had completed their service under the Roman eagles, of writing opposite the name of General Ulysses S. Grant—Emeritus.

The Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] If he were here, I should vote "yea."

Mr. WALLACE, (when his name was called.) I am paired with my colleague, [Mr. CAMERON, of Pennsylvania.] If he were here, I should vote "nay."

The roll-call was concluded.

The roll-call was concluded.

Mr. GARLAND, (after having voted in the negative.) Yesterday I was paired with the Senator from Maine, [Mr. BLAINE,] who I see is not in his seat this morning. I suppose, therefore, the pair still holds good, and I withdraw my vote.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from West Virginia, [Mr. HEREFORD.] If my colleague were here, he would vote "yea."

Mr. FERRY. I desire to state that the Senator from Texas [Mr. Mayer lie neighbor with the Senator from Wisconsin [Mr. CARPENTER.]

MAXEY] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] The Senator from Wisconsin, if present, would vote "yea" and the Senator from Texas would doubtless vote "nay."

The result was announced—yeas 24, nays 28; as follows:

YEAS-24.

Allison,	Cameron of Wis.,	Hoar,	Morrill,
Baldwin,	Davis of Illinois,	Ingalls,	Platt,
Blair,	Dawes,	Kirkwood,	Rollins,
Booth,	Edmunds,	Lamar,	Saunders,
Bruce,	Ferry,	Logan,	Teller,
Burnside,	Hill of Colorado,	McMillan,	Windom.
	NA	YS-28.	
Bayard,	Grover,	McDonald,	Vance,
Beck,	Hampton,	Morgan,	Vest,
Brown,	Harris,	Pendleton,	Voorhees,
Butler,	Hill of Georgia,	Pugh,	Walker,
Coke,	Johnston,	Saulsbury,	Whyte,
Farley,	Jonas,	Slater,	Williams,
Groome,	Kernan,	Thurman,	Withers.
	ABS	ENT-24.	
Anthony,	Cockrell,	Hereford,	Paddock,
Bailey,	Conkling,	Jones of Florida,	Plumb,
Blaine,	Davis of W. Va.,	Jones of Nevada,	Randolph,
Call,	Eaton,	Kellogg,	Ransom,
Cameron of Pa.,	Garland,	McPherson,	Sharon,

Hamlin. So the motion was not agreed to.

MILITARY WARRANT LAND LOCATIONS.

Maxey,

Sharon, Wallace.

Mr. McDONALD. I move to postpone the present and all prior orders for the purpose of taking up the bill (S. No. 19) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes. I wish to have a vote on the motion to reconsider.

The VICE-PRESIDENT. The Senator from Indiana moves to post-pone the pending order for the purpose, if that motion should carry, of moving that the Senate proceed to the consideration of the bill

named by him.

Mr. EDMUNDS. Let that bill be read for information. I should

like to know what it is.

The VICE-PRESIDENT. The bill will be read for information.

Mr. McDONALD. Does the Senator from Vermont desire the entire bill read ?

Mr. EDMUNDS. That is exactly what I desire. I wish to know

what it is the Senate is to take up.

The VICE-PRESIDENT. The bill will be read.

Mr. PENDLETON. I ask the Senator from Indiana, inasmuch as it is evident this measure will take some time, to yield to me that I may ask the unanimous consent of the Senate to take up Senate bill nay ask the unanimous consent of the Senate to take up Senate bill No. 2038, a bill of which I gave notice yesterday, and which provides an appropriation for taking and publishing the results of the census. I think the bill will probably elicit no discussion whatever, and I desire to have it considered and acted on.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) Does the Senator from Indiana yield to the Senator from Ohio?

Mr. McDONALD. As the Senator from Vermont asks to have the online bill read I shall not press; it this morning but give notice that

entire bill read, I shall not press it this morning, but give notice that to morrow morning, at the close of the morning business, I shall ask the Senate to take up the bill I have indicated. The reading of the entire bill at this time would perhaps consume the residue of the morn-

ing hour. I therefore withdraw my motion.

Mr. EDMUNDS. Mr. President, I think it right to say that I hope the Senator from Indiana will not insist on the Senate taking up a

bill until we know what it is.

Mr. McDONALD. If the Senator from Vermont does not know

Mr. McDONALD. If the Senator from Vermont does not know what it is after having fought against it a good part of the last session, I do not know when he will.

Mr. EDMUNDS. Mr. President, I confess that in a good many of the aspects of that bill, I do not know what it is. That was one of the reasons I voted against it, and why I presume a majority of the Senate voted against it; but I certainly hope that it will not be considered as impolite in this body to ask that a measure which it is pro-

posed to take up out of its order for consideration be submitted for the information of the Senate before they are called on to vote. That is all I have asked its reading for.

Mr. McDONALD. I have withdrawn my motion, but I shall renew it to-morrow

The PRESIDING OFFICER. The motion is withdrawn.

THE TENTH CENSUS.

Mr. PENDLETON. I ask unanimous consent of the Senate to take up the bill (S. No. 2038) making appropriation for completing, com-piling, and publishing the returns of the tenth census, and for other

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to take from the Calendar the bill indicated by him. Mr. EDMUNDS. Will the Chair please have it read for informa-

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. PENDLETON. I notice in line 9 of the second section of the mir. PENDLETON. I notice in line 9 of the second section of the bill what is evidently a misprint or a clerical error in drawing the bill. The word "Treasury" is substituted for the word "Interior," making it read that the contract there referred to shall be with the approval of the "Secretary of the Treasury." Obviously it ought to be the "Secretary of the Interior," and therefore I move to amend by striking out the word "Treasury" and inserting the word "Interior." terior.

The amendment was agreed to.
Mr. PENDLETON. Mr. President, this bill is before the Senate and has been now for two weeks. It is accompanied by a printed report, which is extremely full on the points suggested by it. I have no disposition to detain the Senate for a moment unless objection is made, and I think none will be.

The bill was reported to the Senate as amended, and the amend-

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SAULSBURY. I should like the Committee on the Census to explain to the Senate what appropriations have been made for this service, and what is the necessity for this increased appropriation.

Mr. PENDLETON. I hold in my hand a report, which states very fully the reasons for this appropriation. The appropriation which was made for the taking of the census has not yet been exhausted. The Department is fully within the moneys appropriated to it, but the extensive investigations that were made beyond those that were required by the laws of last Congress providing for the taking of the census are of such a character as that their publication will require more money than was appropriated. The reasons, given in detail and more money than was appropriated. The reasons, given in detail and specifically, are stated in the letter of the Superintendent of the Census to the Secretary of the Interior, which the Secretary of the Interior communicated to the Senate, and which was referred by the Senate to the committee. I do not know that I can state more briefly than the Superintendent has done, if I went into the subject so fully as he has, and therefore, if the Senator from Delaware is not satisfied as he has, and therefore, it the Senator from Delaware is not satisfied with the information already given in brief, I shall ask the Secretary to read the letter of the Superintendent of the Census.

Mr. SAULSBURY. I should like to hear it.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE, Washington, D. C., January 5, 1881.

Department of the Interior, Census Office, Washington, D. C., January 5, 1881.

Sie: I have the honor to report that, in my judgment, an additional appropriation of \$500,000 will be needed to secure a full and satisfactory completion of the tenth census, including the compilation and publication of its results.

By the twentieth section of the act of March 3, 1879, the sum of \$3,000,000 was fixed and limited as the maximum cost of the census therein provided for, exclusive of printing and engraving; and this amount and no more has been appropriated for the purposes in contemplation of that act.

By the act of April 20, 1880, certain additional duties were charged upon the census enumerators, and for their services and expenses in connection therewith the additional sum of \$310,000 was appropriated by the act of June 16, 1880. One hundred and twenty-five thousand dollars was also appropriated by the same act for the cost of engraving and printing. The two latter amounts, however, aggregating \$335,000, are properly to be excluded from any consideration of the cost of the census, according to the scheme proposed by the act of March 3, 1879, and from any comparison of the cost of the tenth with that of the ninth census, the additional duties imposed upon the enumerators by the act of April 20, 1850, being entirely new to the law, while the cost of printing and engraving is not included in the accounts relating to the ninth census, sept in the Treasury Department.

The cost of the ninth census, as appears by the last statement furnished this office, was \$3,336,000.

Although the population of the United States has increased 30 per cent. in the decade, the amount appropriated for the tenth census, as previously stated, was but \$3,000,000, which is a million and a third less than would have been the cost of that census if taken on the scale of 1870. Indeed, the amount of \$3,000,000, of the red to the tenth census if taken on the scale of 1870. Indeed, the amount of \$3,000,000, referred to, was actually reduced, inadve

Indian tribes of the United States are also in contemplation of the acts aforesaid, though not made obligatory upon the Census Office if found inconsistent with existing appropriations.

It will be seen that the appropriation for the Tenth Census was painfully small, even on the scale of prices and wages which were prevailing when the act of March 3, 1879, was passed.

The Superintendent, however, loyally undertook to carry through the work upon the provision made. The very rapid rise of prices and wages which took place in the fall of 1879 and during the following winter, amounting in many cases to 30, 40, and 50 per cent., gave the first blow to the plans of the Census Office, necessitating a large increase of expenditure upon the field work.

If the census had been taken in June, 1879, it would have found a very large amount of professional and clerical labor unemployed, and active competition would have existed for positions in connection with the census. In June, 1889, commerce and industry were at the very height of their activity, and it was found difficult in many sections to tempt well-qualified persons to take the position of enumerator, even at the maximum (§4 a day east of the 100th meridian, §5 a day west of that line) which this office was by law authorized to pay.

A second cause which has increased the cost of the census beyond what was anticipated has been the unexpected increase in population during the decade. So rapid has been the unexpected increase in population during the decade. So rapid has been the course of immigration, and so completely have the American people recovered from the effects of war and of commercial and industrial depression, that the census of 1880 discovers a population two millions in excess of the highest estimate of this office. The result is avery gratifying one, but it has added 4 or 5 per cent to all the elements of the cost of the enumeration and compilation. Another cause which has increased the expenditures of the census beyond what was contemplated has been f

deaf and dumb, insane and those, change, the finally, an investigation of very wide scope, now being conducted, with the highest expert knowledge, into the social and industrial condition of the great cities of the country.

Nothing that has been done in any of these directions will, in any event, be lost. Even if the work were now to be stopped, the results would fully justify the expenditure incurred; but, I believe that, if a sufficient provision can be made for continuing these investigations to their full completion, the tenth census of the United States can be made an almost perfect inventory of the industrial, social, and vital condition of our people.

The fourth cause which has increased the expenditure of the census beyond the original scheme has been found in the occasions which have developed in the course of the work of this office for a more rigid revision of the schedules returned by enumerators and special agents; a more various compilation of results, and a wider correlation of facts, than has ever been undertaken.

The schedules of enumeration, whether of inhabitants, of agriculture, of manufactures, or of mortality, form a mine from which the value of the product obtained may be made to increase with every successive application of labor in compilation and tabulation.

The most hasty compilation will obtain results of a certain value; but it is not unlikely that more of the gold will be found in the tailings of the mill than has been made into bullion.

Although the compilations of 1870 were very much more extended than any that had been previously undertaken, I feel that a great deal more matter of much statistical significance might have been obtained from the schedules; and I feel very desirous to be enabled to thoroughly work up the rich mass of material which has been brought into this office by the labors of the 31,000 enumerators, and the hundreds of special agents and experts, who have been employed during the past year.

Should it be the decision of Congress not to increase the appro

Hon. Carl Schurz, Secretary of the Interior.

Mr. WHYTE. I move to strike out the second section of the bill.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The
Senator from Maryland moves to strike out the second section of the bill, which will be read.

The Chief Clerk read as follows:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to obtain the printing, by contract, of such reports of the Superintendent of the Census as he may deem it important to issue at an early date: Provided, however, That no such contract shall be made until after proposals for such printing shall be invited by public advertisement for not less than fifteen days in newspapers of general circulation in such places, and in such manner, as the Secretary of the Treasure may direct ury may direct.

Mr. WHYTE. Mr. President, with our large and amply provided Printing Office there is no necessity for seeking for private contractors to do this work. It can be done in the Government Printing Office

as well as and probably a great deal better than it can be done by

private contract

Mr. PENDLETON. Mr. President, the committee reported this section of the bill to the Senate after very mature deliberation as to the necessity of a speedy publication of the returns of the census and also the embarrassment of the excess of business in the Printing Office. The report made to the committee by the Secretary of the Interior, after cularging upon the necessity of a speedy completion of the publication recessory. lication, goes on to say:

With the enormous pressure upon the Public Printer, where every Government service is clamoring for early action upon its own work, and where requisitions of weeks if not of months' standing must have priority to the census reports, a great saving of time could undoubtedly be effected by the adoption of the foregoing recommendation.

After this bill was reported to the Senate and this report made I had an interview with one of the controlling officers of the printing department, and when I explained to him what was the character of the reports that would probably be printed in this way, he agreed that possibly and probably their issue would be very much advanced by the adoption of this section of the bill.

Mr. WHYTE. When my attention was called to this bill, when it was reported by the Senator from Ohio, and I read the bill, I observed this provision in the second section in regard to the printing.

served this provision in the second section in regard to the printing, served this provision in the second section in regard to the printing, and felt it to be my duty to make some inquiry, representing as I do the Senate in part on the Printing Committee, as to whether there was any reason for the withdrawal of that portion of the public printing from the Government Printing Office. I had a conference with the Public Printer himself. I presume the Senator from Ohio must have conferred with somebody subordinate to the Public Printer, because the information I derived from the Public Printer was the very opposite of that which the Senator from Ohio has tated to have been derived from some other source. I found that the Census Office been derived from some other source. I found that the Census Office had had printed over twenty-one million blanks at the Government Printing Office, and over fifty thousand blank-books, and there had been no delay except that upon one or more occasions the paper could not be obtained from the contractor for paper. This section only provides for a contract for the printing; therefore, the contractor for the printing would be dependent, just as the Government Printing Office is dependent, upon the contractor for the paper, and if the paper was slow in coming, as a matter of course delay in printing must be occasioned. But the work that has been done in the past has been done, a great deal of it, on a peculiar class of paper. That period of time and that necessity have passed. The paper which will be required hereafter for the reports of the Census Office is common book quired hereafter for the reports of the Census Office is common book paper, a form and character which can be readily obtained, having no peculiarities about it. Consequently there can be no delay in the obtention of proper paper for the work to be hereafter required by the Census Department. And then, as to the character of printing, the Senator from Ohio will reflect that nearly all the printing hereafter will be tabulation rather than reports; so it will require the work of rule-and-figure printers, and I undertake to affirm that on account of their long experience, on account of the vast work that they have been called upon to do, no better experts in that class of work can be found in any printing establishment in the United States work can be found in any printing establishment in the United States than we have in our employ. Here we have a great Government Printing Office, doing all the work for the Government, with all the appliances, every arrangement provided at the greatest expense, with every new device for expedition and for neatness of execution of the printing, with the report from the office of the Public Printer that there is no difficulty in the way of doing this work. And in his behalf, and for the purpose of showing that he does not think there is

any necessity of taking this work from his office, I ask that the Secretary may read a communication which I have received from him.

Mr. PENDLETON. If the Senator will excuse me, before the reading of that paper I will say to him that, so far as those members of the committee with whom I have consulted are concerned, it is not the committee with whom I have consulted are concerned, it is not necessary that he should have that paper read. His own statement of the condition of the Printing Office and its facilities, based, as we know it is, on accurate knowledge and careful observation, will be for me entirely satisfactory. Our only object was to expedite the publication of these reports. If, therefore, the Senator having made this statement of his own knowledge, insists upon striking out the second section of the bill, and is not willing to intrust to the Secretary of the Interior an option in that respect, I think he will hardly meet with much opposition.

meet with much opposition.

The PRESIDING OFFICER. Does the Senator from Maryland insist on the reading of the letter?

Mr. WHYTE. I should prefer that the letter of the Public Printer be put in the RECORD at all events, if not read; but I believe the rules of the Senate require us to have papers read before they can go into the RECORD. It will take but a few minutes, and I should rather have it read.

have it read.

Mr. PENDLETON. I do not object to it at all.

The Chief Clerk proceeded to read the letter, but before concluding was interrupted by

The PRESIDING OFFICER. The morning hour having expired

the Chair lays before the Senate the unfinished business.

Mr. PENDLETON. I ask unanimous consent of the Senate to the finishing of the reading of this communication and the further consideration of the bill. It is very apparent from what has been said

that it will take but a few minutes now to complete the bill. ["No

objection."]
The PRESIDING OFFICER. If there be no objection the unfin-

tshed business will be laid aside informally.

The Chief Clerk resumed and concluded the reading of the letter,

as follows:

Office of Public Printer, Washington, January 19, 1881.

Washington, January 19, 1881.

Sir: I have the honer of replying to your verbal inquiry as to the expediency of authorizing the printing, by contract, such reports of the Superintendent of the Census as he may deem it of interest to issue at an early date.

Since the establishment of the Census Office there have been printed for its use 21,211,536 blanks and 51,738 blank books manufactured more expeditiously than it were possible to be done in any other printing and binding establishment in this country. There were, however, several instances of delay occasioned by a failure of contractors to furnish paper in proper time. This same difficulty would be morapt to be experienced by any one having a contract to do the printing.

As the reports now to be printed will be done on book paper, no such cause or delay will exist, as there is no difficulty of keeping a supply of that kind of paper on hand.

These reports will be mainly rule-and-figure work, and it is represented to the contract of the c

These reports will be mainly rule-and-figure work, and it is proper to say that the corps of compositors supployed in this office on that class of work have no equals anywhere, because of their greater experience than is to be found in any other office.

other office.

There is no establishment anywhere so well prepared to execute that kind of work, and no one can be prepared to do it without an expenditure of a large amount of money, which would not be made until a contract should be obtained.

If copy for a report is furnished, and there should be no delay caused by the return of proofs, I guarantee that it shall be printed in less time than proposals can be advertised for and a contract entered into. A return to the contract system would delay the publication of the reports and result in inferior work.

Very respectfully, yours, &c.,

JOHN D. DEFREES

JOHN D. DEFREES, Public Printer.

Hon. W. P. WHYTE, Chairman of the Committee on Printing.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland to strike out the second section of the bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

Mr. PENDLETON. I desire to call the attention of the Chair to the fact that the title should be amended by striking out the words "and for other purposes."

The PRESIDING OFFICER. That amendment will be made if

there be no objection.

Mr. PENDLETON. The amendment of the Senator from Maryland

makes that necessary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. Adams, its Clerk, announced that the House has concurred in the amendment of the Senate to the bill (H. R. No. 6614) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes; and

and for other purposes; and
A bill (H. R. No. 7029) to provide for a deficiency in the appropriation for interest on the 3.65 loan of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 340) in reference to the distribution of the Congressional Record; and it was thereupon signed by the Vice-President.

NAVAL APPROPRIATION BILL.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes, reported it with amendments

PENSION ARREARAGES.

Mr. DAVIS, of West Virginia. I present a letter to the Secretary of the Interior, written by the Commissioner of Pensions, in regard to arrearages of pensions. The Committee on Appropriations now have the pension appropriation bill before them, and I move that this letter be printed, so as to be before them to-morrow.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. GARLAND submitted an amendment intended to be proposed by him to the bill (H. R. No. 6972) making appropriations for the service of the Post-Office Department for the fiscal year ending June

service of the Post-Omce Department for the nscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the bill (S. No. 1979) authorizing the construction of a bridge over the Missouri River at Howell's Ferry, Missouri; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GROOME submitted an amendment intended to be proposed by him to the bill (S. No. 1933) to establish and equalize the grades

and regulate appointments and promotions in the Marine Corps; which was ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. No. 6969) making appropriations for the naval service for the fiscal year ending June 30, 1882, and for other purposes; which was ordered to be printed.

BILLS INTRODUCED.

Mr. DAVIS, of Illinois, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2098) in relation to the resignation of judges of the courts of the United States, who may become permanently disabled to discharge their duties; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2099) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Committee on the District of Columbia

HOUSE BILLS REFERRED.

The bill (H. R. No. 6970) to provide for a deficiency in the appropriation for interest on the 3.65 loan of the District of Columbia for the fiscal year ending June 30, 1881, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations. The bill (H. R. No. 4451) to provide for the erection of a monument at Schuylerville, New York, commemorative of the battle of Saratoga, and for other purposes, was read twice by its title, and referred to the Committee on the Library.

LANDS IN SEVERALTY TO INDIANS.

The PRESIDING OFFICER, (Mr. Whyte in the chair.) The unfinished business is Senate bill No. 1773.

Mr. JOHNSTON. I should like to be allowed to call up a bill which I think will not take five minutes. I do not wish to interfere with the unfinished business.

Mr. COKE. I must insist on the regular order.
Mr. JOHNSTON. Very well.
The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1773) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. Hoar.]

Mr. DAVIS, of West Virginia. Last week I gave notice that to-day I would ask the Senate to consider House joint resolution No. 116, relating to the geological survey, but there is unfinished business before the Senate and, of course, I have no wish to interfere with it; but I desire now to give notice that on the disposal of this bill I shall ask the Senate to take up House joint resolution No. 116.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be reported.

Massachusetts will be reported.

The CHIEF CLERK. In line 6, section 6, after the word "reside," insert "and are hereby declared to have become citizens of the United States and entitled as such to the full protection of the Constitution and laws.

States and entitled as such to the full protection of the Constitution and laws."

Mr. PENDLETON. Mr. President, I trust that none of the amendments which have been offered to this bill declaring the rights of citizenship in the Indians will be passed. The committee sought carefully in the framing of this bill to avoid questions which might give rise to as great a difference of opinion as that subject will. Their purpose was to strip the bill, as far as possible, of all extraneous questions and to direct the attention of Senators solely to the question of the tenure by which the Indians should hold their property. And this was done not because they sought to avoid any responsibility, or because they sought to leave the Indians in any unprotected position, to leave them where their rights could not be asserted in the amplest and fullest form, but because they were extremely anxious that this bill should be stripped of every other question than the single one of the holding in severalty of the lands of the Indians.

I am very much inclined to believe with the Senator from Georgia who spoke yesterday [Mr. Brown] and several Senators who have addressed the Senate, that under the fourteenth amendment propriovigore the Indians are citizens of the United States; but that is a question which would lead to great discussion, to many differences of opinion, and it would involve this simple question, simple as I think it is, in a debate that would only confuse wisdom upon this particular measure. The question of citizenship may involve the right of suffrage, and we know that the question of the extension of suffrage to the Indians are citizens under the fourteenth amendment, then it requires no declaration by the Legislature to invest them with any of the rights belonging to that character. If they are not citizens

If the Indians are citizens under the fourteenth amendment, then it requires no declaration by the Legislature to invest them with any of the rights belonging to that character. If they are not citizens by that amendment, and it requires the passage of a law, then the committee desire that that law should be prepared with care, and brought before the Senate for consideration as a separate bill.

The enjoyment of the rights of citizenship, whether it be in exercising the right of suffrage or in any other respect, is not essential at all to the enjoyment of the rights of property under this bill with which we seek to invest the Indians. They may, without the right of suffrage, without being citizens, be invested with the titles to land

and be protected by the courts of the United States and of the States and be protected by the courts of the United States and of the States in all their rights just as aliens are protected. The Senator from Massachusetts, indeed both the Senators from that State, seemed to be very much concerned lest if we pass this bill without a declaration of citizenship of the Indians, they would be left unprotected. Now, sir, according to section 1977 of the Revised Statutes, these Indians will be protected in all their rights in all the Territories of the United States, at least, because that section provides:

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

whatever question there may be as to the jurisdiction of the United States, as to its power to confer these rights upon citizens or persons within the States, there is no question as to the power of Congress to pass that law as applicable to the Territories of the United States. They are under its jurisdiction, and by the force of that proposition these Indians are protected at least in all the Territories of the United States. Now I should like to know (and I ask for information) whether there is any State in this Union which prevents an Indian from suing in the courts of the State? I know of none. I do not profess to speak after having examined the constitution and laws of each of the States; but this I do know, that if there is any State which has passed a law of that kind the law is in direct conflict with the fourteenth amendment to the Constitution, which provides, as was read so pertinently by the Senator from which provides, as was read so pertinently by the Senator from Georgia, yesterday:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

And this Government has not found it difficult, as experience in the last few years has shown, to devise a means by which to enforce that amendment whenever a State violates it. So I think without any amendment declaring citizenship in these Indians, under the provisions of the Revised Statutes and this bill itself, these Indians will be thoroughly and fully protected in all the rights, in all the enjoyments, and in all the duties which are devolved upon them by the

My friend from Alabama, [Mr. Morgan,] who several days ago dis-cussed this bill, and yesterday indulged in debate upon it, found great fault with the committee that they had made this a general bill applying to all the tribes in the United States, within the discretion of the President and the consent of the tribes themselves; and he said that the committee should have taken up this subject and considered the condition of each tribe, considered the character of its lands, and introduced a special bill for that particular tribe as might be recommended to it by the consideration and examination of might be recommended to it by the consideration and examination of the condition of the tribe and of the land. It is within the recollec-tion of the Senator, and certainly of the committee, that at the last session when the committee reported a special bill applicable to the Ute Indians alone, the chief argument the Senator from Alabama made against it was that it was a special bill, and that the commit-tee should have taken the trouble to formulate and introduce a gen-eral bill on this subject, and if I am not mistaken the Senator led us to home that if we should introduce that bill we should have the to hope that if we should introduce that bill we should have the

to hope that if we should introduce that bill we should have the value of his able support.

That Senator, too, in his criticisms upon this bill found great fault with the committee in that they had allowed two-thirds of the various tribes to decide upon their fate, so far as the allotment is concerned, and he has seemed to think it was a great wrong that two-thirds of the tribe should have the power to nullify a law of the United States. Why, Mr. President, there is nothing in the language of this bill that justifies a criticism of that kind from a gentleman who uses language so accurately and fluently as the elongent Senator from Alanguage. bill that justifies a criticism of that kind from a gentleman who uses language so accurately and fluently as the eloquent Senator from Alabama. This bill provides that its provisions shall be applicable to all the Indians and all the reservations in the United States, with the consent of the President upon the one side and the approval of the Indian tribes upon the other. It provides a general means by which allotments may be made. But inasmuch as each tribe of Indians, by purchase or by treaty or by presidential reservation, has some title to the land, either of ownership or of occupancy, it provides that the consent of the tribe shall be given and that quoad koc two-thirds of the tribe shall constitute the whole. And the remedy that my friend from Alabama provides for this act of the committee in permitting two-thirds of a tribe to nullify, as he calls it, an act of the Congress of the United States is that instead of two-thirds the whole tribe shall be able to do it. be able to do it.

He also has found that it was a great subject of criticism with this bill that two-thirds of the tribe were able to sacrifice the rights in the common property of the remaining one-third. The remedy that he proposes for that is that the Government of the United States shall the common of the land without the sense of any of the tribe. take possession of the land without the consent of any of the tribe, either in its organized or unorganized capacity, and dispose of the land at its option, and move these Indians when and where its pleasure shall decide, doing, as the gentleman so well said, no injury, and remembering that it is the highest attribute of power to exercise that

power justly.

Mr. BUTLER. Will my friend allow me to ask him a question?

Mr. PENDLETON. Certainly.

Mr. BUTLER. Is it the opinion of my friend that the fourteenth Mr. BUTLER. Is it the opinion of my friend that the fourteenth amendment applies to a person occupying membership in a tribe that bears an independent relation to the Federal Government? In other words, does the word "person" contemplated in that amendment refer to people occupying a foreign relation to the United States Government; such as, I hold, every Indian tribe occupies to the Government as long as the Government treats with it as a tribe? Can the word "person" apply to an Indian until he has dissolved his tribal relations are dissolved and we cease to treat them as a foreign power, then perhaps the letter of the fourteenth amendment might apply and they might sue and be plaintiffs and defendants: but how that and they might sue and be plaintiffs and defendants; but how that can be the case as long as they are under the control of a separate and distinct government from the Government of the United States, confess I cannot see.

I submit further to my friend from Ohio that I do not exactly com-

prehend how we can accomplish that, except by some such amendment as is proposed by the Senator from Alabama.

I make the suggestion to the honorable Senator from Ohio as one of the difficulties I have with the bill in the form in which it comes

from the committee.

Mr. PENDLETON. Mr. President, I stated that I inclined to think that under the fourteenth amendment the Indians were citizens of the United States; that is, the class of Indians to whom reference was made; but at present I am disinclined to argue the question further, made; but at present I am disinclined to argue the question further, because I do not think the answer to it in any way involved in the passage of this bill. My opinion is that whether they are citizens or not under the fourteenth amendment, under the provision of the Revised Statutes they are sufficiently protected in the enjoyment of the rights and in the performance of the duties imposed upon them by this act. I therefore decline to argue that constitutional question. I believe that the provisions of the law cover the case of every Indian as well as of every alien. I believe that those provisions are perfect in the Territories of the United States. I have no reason to believe that they are not perfect in all the States of the Union, at all events in all the Western States where these Indians are to be found; and I expressly stated that if it should turn out that the protection of a State was not extended to them and that there was an inhibition upon State was not extended to them and that there was an inhibition upon them to invoke the courts of justice of a State to protect them in their rights, means could be found under the fourteenth amendment to give them that protection. It may be necessary that that shall be done by declaring them citizens of the United States; it may be necessary that other means shall be found to accomplish the same result; but whatever the danger may be, it seems to me too remote to involve with the discussion of this question the consideration of that larger ques-tion in all its consequences and results which will come from an interpretation either way of the fourteenth amendment of the Constitu-

Now, Mr. President, I do not believe, and I say it frankly, that any bill can be framed upon this subject of Indian control which is entirely logical, entirely consistent, and entirely satisfactory; and the reason is a very simple one. There are difficulties surrounding this subject which are inherent and artificial, and in both aspects they are very great. They arise from the fact that our constitutions and our laws were passed for the control and the government of the white citizens of the country and not for these Indian tribes; they arise from the fact that when those constitutions and laws were passed citizens of the country and not for these Indian tribes; they arise from the fact that when those constitutions and laws were passed these Indians were treated as quasi-foreign nations; that treaties were made with them; that a vast territory was set apart for them in which they could indulge in their natural habits, habits entailed upon them by centuries of practice, indulge in the chase, in fishing, and in war among themselves. We had no connection with them except by the passage of the non-intercourse law, to prevent the intrusion of our own citizens among them. As long as they confined themselves to their reservation—I mean that vast expanse of territory which was known under the name of the Indian Territory, or a few years ago as the unorganized territory of the United States—they might pursue the chase, they might pursue fishing, they might make war among themselves, they might commit any barbarities and wrongs among themselves, and we take no notice; and it was only here and there by a sporadic and ineffectual attempt at teaching them the arts of civilized life that we had any connection with them whatever except when they intruded upon our territory and mawhatever except when they intruded upon our territory and ma-rauded upon our citizens.

It was easy enough comparatively to deal with a class of men whom we recognized as nations, with whom we made treaties, whom we segregated from our citizens, and to whom we assigned that vast expanse of western territory. But that condition of things has entirely changed; the times have passed; the conditions of this Government and of those governments (if I may call the Indian tribes such) have entirely changed. Our villages now dot their prairies; our cities are built upon their plains; our miners climb their mountains and seek the recesses of their gulches; our telegraphs and railroads and post-offices penetrate their country in every direction; their forests are cleared and their prairies are plowed and their wildernesses are opened up. The Indians cannot fish and hunt. They must either change their mode of life or they must die. That is the alternative presented. There is none other. We may regret it, we may wish it were otherwise, our sentiments of humanity may be shocked by the alternative, but we cannot shut our eyes to the fact that that is the alternative, and that It was easy enough comparatively to deal with a class of men whom

these Indians must either change their modes of life or they will be these indians must either change their modes of life of thely will be exterminated. I say, Mr. President, in order that they may change their modes of life, we must change our policy; we must encourage them to industry and self-dependence; we must give them, and we must stimulate within them to the very largest degree, the idea of home, of family, and of property. These are the very anchorages of civilization; the commencement of the dawning of these ideas in the mind is the commencement of the civilization of any race, and the mind is the commencement of the civilization of any race, and these Indians are no exception. It must be our part to seek to foster and to encourage within them this trinity upon which all civilization depends—family, and home, and property. These are the institutions that make the barbarian a civilized man, and as these are developed they make the civilized man that which we are told it was said he would be if he are of the tree of knowledge—like unto God, discern-

ing good and evil.

This bill is all in that direction. It means nothing else. It means the allotment of these tribal lands to the individual; it means to encourage the idea of property; it means to encourage the idea of home; it means to encourage the idea of family; it tends to break up the tribe; it tends to build up the home; it tends to anchor the family, and it tends to encourage the love of home and family by the pleasures and advantages and benefactions and beneficences which

pleasures and advantages and benefactions and beneficences which the idea of individual property will give.

I do not know, Mr. President, that I could say more in behalf of this bill than that. To me, that is the very idea upon which it is founded; it contains the argument upon which it is based. If carried out, in my opinion it will be most beneficial; it will encourage these Indians in the arts of civilization; it will take them from the barbarism in which many of them now are, and from the semi-barbarism in which the rest are, and elevate them into a plane which will not only make them fit to be citizens, but fit to rise higher and higher in civilization.

Sir, I know the difficulties that surround this subject.

Sir, I know the difficulties that surround this subject. I know well. I have heard it from members of the committee that the tomahawk and the blazing cabin at midnight, and the family turned out in penury and in suffering, do not encourage that calm deliberation that should pertain to the consideration of all questions of this nature; and I am perfectly aware, also, for we have heard that said, that comand I am perfectly aware, also, for we have heard that said, that comfortable homes and warm firesides and houses grown radiant with gas and comfort, encourage very much that complacency with which we can look upon the terrors, and fears, and sufferings of friends, at a distance, as being imaginary or chimerical. I know very well that the blood of our American people glows and pulses when it hears the words of my eloquent friend from Missouri [Mr. Vest] in which he tells that Anglo-Saxon progress will drive the car of civilization across the prairies that are yet reserved to the Indians. Ay, sir, it will do it, even though the wheels are axle deep in individual suffering and rain: but that is not the spirit in which we must look upon ing and ruin; but that is not the spirit in which we must look upon these measures; that is not the spirit in which this great American people must consider this question which, although it relates to a few Indians upon these far-off plains, yet touches the very heart and core of the integrity of the legislation of this nation, and its desire to do of the integrity of the legislation of this nation, and its desire to do justice in the smallest and the greatest of things. I would rather invoke Senators and their constituents from the East and the West, in view of the condition of the Indians, in view of our prosperity and their humility, in view of our increasing fifty millions and their fading two hundred thousand, to encourage the spirit of that philosophy which laid the foundations of our beneficent and progressive, and exulting civilization in the maxim of a Divine charity, which saith to nations as to individuals, "bear ye one another's burdens."

Mr. President, I rose only to express my opinion as to the necessity of passing any of these amendments in relation to the citizenship of Indians. I wandered off to give my idea of the central point upon which this bill rests, and I repeat, the arguments in favor of the provisions of the bill find their value and their strength in the main central idea that it is intended to encourage within the Indian the love of home and family and fireside, and all made attractive and beneficent by the value of individual property.

Mr. VEST. Mr. President, I understood the Senator from Georgia [Mr. Brown] yesterday to say that there was a denial on the part of many that Indians were "persons" under the law and within the meaning of the Constitution. Now, sir, I have never understood that to be the point made by any one in regard to the position of the Indians in

the point made by any one in regard to the position of the Indians in the United States. The language of the fourteenth amendment is

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.

Nobody has ever contended, as far as I have heard, that Indians were not persons. We punish them; we drag them to Fort Smith week after week and hang them under the laws of the United States, and how could they be hanged if they were not persons? They are tried, sentenced, and hung as individuals and as persons. If they are citizens I should be much obliged to any gentleman who would answer me one thing: are they within the jurisdiction of the United States within the meaning of the fourteenth amendment? That is the question. Are they within the jurisdiction of the United States within the meaning of that amendment? The Constitution recognizes the fact that these Indian tribes are neither States nor foreign nations. The Constitution says that Congress shall have power "to regulate The Constitution says that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and

with the Indian tribes." So they are neither States nor foreign nations. The truth is they are *sui generis*, a peculiar political entity, not foreign nations, but they have been defined over and over again by the Supreme Court of the United States to be Indians in the United States and yet not of it. Years and years ago it was so decided; and it has been affirmed over and over again, the last time decided in the Cherokee tobacco case, where the previous decisions were affirmed. On the basis of these decisions I do not believe that these Indians are citizens of the United States, and I have no doubt that when the Supreme Court comes to decide the question it will hold that they are not citizens. Chief-Justice Marshall in delivering the opinion of the court in an early case said :

Throughout, the Indians, as tribes or nations, have been considered as distinct, independent communities, retaining their original, natural rights as the undisputed possessors of the soil, from time immemorial, subject to the conditions imposed by the discoverers of the continent, which excluded them from intercourse with any other government than that of the first discoverer of the particular section claimed. They could sell to the government of the discoverer, but they could not sell to any other governments or their subjects, as the government of the discoverer acquired by virtue of their discovery the exclusive pre-emption right to purchase, and the right to exclude the subjects of all other governments, and even their own, from acquiring title to the lands.

In other words, England discovery

In other words, England discovered a country peopled by savages; the barbarian could sell to England but could not sell to others without the consent of the discoverer; and to-day the law of the United States provides that if Indians within sight of the United States flag and a United States fort upon an Indian reservation take one of their number out and torture him to death under their law, the United States Government shall not interfere. Within their own autonomy, within their own tribe, the courts have decided that they are competent among themselves to administer their own laws. If an Indian goes out of the reservation and attacks the rights of a white man, then he is subject to the jurisdiction of the United States courts; but as between the white man and the Indian, he is subject to the State and Territorial courts; as between themselves, the Indians are governed exclusively, according to the decision of our Supreme Court, by their own laws and their own customs. The treaties have so pro-vided. The difficulty under the fourteenth amendment is that we have recognized them as a people sui generis, like none other upon this continent. They are, to use Chief-Justice Marshall's expression, domestic dependencies of the Government, and yet independent; and so long as that line of decisions shall obtain, and it is unbroken to this hour, the fourteenth amendment does not and cannot make them citizens of the United States

citizens of the United States.

But all this is outside of the amendment offered by the Senator from Massachusetts, on which I wish to say a few words. I agree with the principle of that amendment, and, if it were necessary, I should vote for it. My only objection to the amendment of the Senator from Massachusetts is that, unless I am utterly at fault and utterly at sea upon the law in regard to this question, there never has been a time since the foundation of this Government that an Indian could not sue in any State or territorial court. If an Indian goes off his reservation and works for a white man in a Territory, and there is a difficulty in regard to the contract, I say that Indian can sue in the territorial

Mr. MORGAN. How is the Indian going to get off his reservation?

Is he not kept there by duress?

Mr. EATON. In regard to an Indian suing in the State courts, let me suggest that I agree with my friend from Missouri that the Indian has the same right as the white man, the same right as the Chinese, who cannot be naturalized under our present laws, as it was held in New York the other day, and yet may maintain an action for an injury

New York the other day, and yet may maintain an action for an injury to person or property.

Mr. VEST. The Indian tribes are not States within the meaning of the judiciary clause of the Constitution, there is no doubt about that. They are neither a foreign nation nor a State. The Supreme Court has so decided; but I say when an Indian comes into the State of Missouri or the State of Connecticut, he is subject to the jurisdiction of the Federal courts there, and can be plaintiff or defendant.

Mr. DAWES. Is it not because an Indian who so does is treated by the courts as having abandoned his tribal relation quoad hoo?

Mr. VEST. That may be, but still he exists as an individual on this continent. I say it is a question of jurisdiction, whether he leaves his tribal organization and becomes subject to the law of the United States or not. If he does, of course there is jurisdiction of the person. As to his suing in the State courts there never has been any doubt about it. My understanding is, in fact I know cases where suits are pending now in the territorial courts where Indians are parties. If I thought there was any doubt about it, I might support this amendment; but I never had an idea that there was a suspicion that Indians were not subject to the State courts. The only question that Indians were not subject to the State courts. The only question now between the civilized tribes and the Committee on Territories of the Senate in the bill which has been reported here for the organiza-tion of a Federal court inside the Indian Territory, is that they object to the civil jurisdiction as in relation to controversies between them-

Mr. HOAR. Will the Senator from Missouri permit me to ask him a question? Suppose an Indian to be in the State of Missouri, and a question arises whether some statute passed by Missouri violates the obligation of a contract, or whether the ruling of the court is in violation of a statute or the Constitution of the United States, in violation of the very statute of the United States under which he is

now to receive these rights, can the Indian carry that question to a Federal court as the white man can? I ask the Senator's judgment.

Mr. VEST. I should think he could.

Mr. HOAR. If the Senator will allow me to trespass a moment further, I supposed that was not questioned by any considerable portion of the profession; but the applicability of it in the case to which that doctrine was applied was very vigorously denied by a large portion of the people. A person not a citizen of a foreign power and not a citizen of any State was affirmed by the judges constituting the majority who decided a certain celebrated case to be without the right of resorting to a Federal tribunal, and it was also held that there was no constitutional power in Congress to give him such right. If that be true, unless you make these Indians citizens they are without that most important right.

most important right.

Mr. VEST. There is an appeal from territorial courts to the Supreme Court of the United States. I say if an Indian goes off his reservation, enters into a contract with a white man, and subjects himself to the jurisdiction of the territorial courts, I see no reach why that case could not be taken by him to the Supreme Court of the United States. One thing follows the other, and I affirm that there has been no question of it; I never heard it denied that whenever an Indian did leave his reservation and subject himself to the jurisdiction of the territorial courts, he had all the rights a white citizen of the United States would have so far as the courts were concerned. I believe, as I said before, that there is no necessity for this amendment. I shall vote against it under the impression that it is based on a mistake, that the Indians now have all the rights the amendment proposes to give them.

Mr. BROWN. My honorable friend from Missouri has referred to

Mr. BROWN. My honorable friend from Missouri has referred to my remarks of last evening on the fourteenth constitutional amend-ment as to whether the Indian is a citizen, and he has alluded to the decision in the Cherokee tobacco case, as I understand him, as adverse to my position. I take a different view of that decision and think it one of the strongest that could be made in favor of the position I have taken on this subject.

The first section of the fourteenth constitutional amendment says:

All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

My honorable friend from Ohio very beautifully alluded a while ago to the fact that under that provision of the fourteenth constitu-tional amendment Indians were entitled to the protection of their rights in courts because the constitutional amendment says no State rights in courts because the constitutional amendment says no State shall deprive any person of the right, &c. Well, if the word "person" in the constitutional amendment in that portion of it embraces the Indian, why does not the same word in the earlier portion of it, when it says "all persons born in the United States," embrace the Indian also? It says that if the Indian is a person and born in the United States, he is a citizen of the United States and of the State in which he resides. The honorable Senator from Ohio says that he has the right to protect his property because it is guaranteed there to every person within the jurisdiction of the United States. The Indian being a person there, according to the argument, so as to give him protection in the courts, must be a person under the previous portion of the same section when it declares that he is a citizen of the United States. But to be a citizen he must be a person subject the United States. But to be a citizen he must be a person subject to the jurisdiction of the United States, and my friend from Missouri says that the treaty-making power and the laws do not make him subject to the jurisdiction of the United States. As I understand him, he says the treaty-making clause gives the right to make treaties with Indians, and that they are not under the jurisdiction of the United States, but under the jurisdiction of their own tribes. That may formerly have been the rule, for the rule always in the case of the stronger party is to make might right, and the practice has been to encroach further and further upon Indian rights at every step in our history. What is one of the last decisions on that subject, however, as to the jurisdiction, the one referred to by my friend from Missouri? the United States. But to be a citizen he must be a person subject Missouri ?

Mr. Boudinot, a Cherokee Indian, claimed that the internal-revenue Mr. Boudinot, a Cherokee Indian, claimed that the internal-revenue laws of the United States did not apply to the Cherokee country, and that there was an express provision in the treaty made by the United States with the Cherokee tribe that they should have a right to sell their property as they might choose and pay no taxes to the Government of the United States, and he put up a tobacco-factory in the Indian Territory, he being one of the Indians. The factory was seized because he did not pay the internal-revenue tax. He denied that he owed any tax, because he was in the Indian Territory, not subject to the jurisdiction of Congress to impose a tax, but more particularly because the treaty stipulation with that tribe of Indians expressly provided that they should not be taxed. What said the Supreme Court? Mr. Justice Swayne, delivering the opinion, quotes in juxtaposition the section of the revenue laws under which the United States authorities were proceeding and the section of the treaty in these words—first revenue law section 107. these words-first, revenue law, section 107:

That the internal revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be construed to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same shall be within a collection district or not.

Article 10 of the treaty with the Cherokee Indians provides:

Every Cherokee Indian and freed person residing in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live-stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory.

Now, the court say-

On behalf of the claimants it is contended that the one hundred and seventh section was not intended to apply, and does not apply, to the country of the Cherokees, and that the immunities secured by the treaty are in full force there. The United States insist that the section applies with the same effect to the Territory in question as to any State or other Territory of the United States, and that to the extent of the provisions of the section the treaty is annulled.

Considering the narrowness of the questions to be decided, a remarkable wealth of learning and ability have been expended in their discussion. The views of counsel in this court have rarely been more elaborately presented. Nevertheless, the case seems to us not difficult to be determined, and to require no very extended line of remarks to vindicate the soundness of the conclusions at which we have arrived.

Then, without reading the rest of the decision, I will simply state that the court went on to hold that the act of Congress annulled that provision of the treaty, and that we had a right to collect revenue from the Indians there. Then it seems to me that it is very clear that from the Indians there. Then it seems to me that it is very clear that the Indians in the Cherokee Nation are under the jurisdiction of the United States Government. If a treaty made with them can be set aside at the will of Congress by a statute and annulled, and revenue collected from them in the teeth of the treaty, they surely are under the jurisdiction of the United States. The language of the Constitution is: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens." I think this decision shows very clearly that the Indians are within the jurisdiction of the United States even in their own reservations. If so, then the constitutional amendment, if it means anything, says the Indian is a citizen provided he is a person. The Senator from Missouri admits that he is a person; the Senator from Ohio admits that he is a person within the provision of the Constitution. If so, and he is under the jurisdiction of the United States, how do you escape the provisthe jurisdiction of the United States, how do you escape the provis-

the jurisdiction of the United States, how do you escape the provision that declares he is a citizen?

Mr. President, there is a law that gives to an Indian under certain circumstances the right to take a homestead, and provides for his protection in the homestead. Suppose he comes outside of his reservation, sets down upon one hundred and sixty acres of land as a homesteader, a head of a family, and the time arrives when he pays tax on that. He is a person, he has been recognized by the United States and been permitted to take a homestead and pays his tax; he was born in the United States. Why is he not a citizen under these provisions? It seems to me there can be no real difficulty on that point. I admit that there is difficulty in dealing with this question so far as the rights of the Indian on his own reservation and in his tribal relations are concerned, as to the commission of crime by one Indian against another, or any violation of the laws of the tribe. The United States have left them to control such matters; but in the very homestead case that I have mentioned it is provided that the Indian by taking the homestead does not sacrifice his rights as a rery homestead case that I have mentioned it is provided that the Indian by taking the homestead does not sacrifice his rights as a member of the nation. For instance, there is a certain amount of interest due tribes on bonds every year from the Government of the United States. To encourage the Indians to abandon the tribal relation we give them homestead and declare that they shall, in addition to the homestead, be entitled to the same tribal rights that they would if they were still with the tribe. So in reference to criminal jurisdiction, the United States may tolerate the Indian authorities punishing for crimes committed against Indian law among its own jurisdiction, the United States may tolerate the Indian authorities punishing for crimes committed against Indian law among its own citizens, and it seems it does; but it has the power under this decision, which says Congress may set aside a treaty when it chooses, to extend its criminal jurisdiction over the reservation when it chooses; in other words, it can take hold of these citizens and govern them and control them; control the rights of property and hold them amenable to the criminal jurisdiction whenever it chooses to do so. The fact that we tolerate the Indian laws and the Indian execution of their laws is no reason why the Government should shandon its of their laws, is no reason why the Government should abandon its

right over its citizens.

Mr. CALL. Mr. President, I feel some solicitude that this bill should pass and pass substantially in the shape in which it is reported from the committee. There are in my State a considerable remnant of one of the most courageous of the tribes that inhabited the American continent. I desire that some system shall be matured which may be applied by some additional legislation, hereafter to be had to the Indians now within my State.

I think the committee deserve the commendation of the country and of the Senate for the consideration which they have given to this subject and for the provisions of the bill which they have matured. In the main, in my judgment, they comply with the substantial requirements of the case and present some well-grounded hope that they may in the future harmonize the interests of civilization and the interests of the Indian tribes. I do not believe that there is any necessity for the amendment of the Senator from Massachusetts. It seems to me that the Senator from Missouri is clearly right in his proposition, and that the whole question may be easily solved by applying this test: in so far as the treaties made with the Indian tribes do not inhibit the United States from making the Indian a citizen of the inhibit the United States from making the Indian a citizen of the United States without his consent, in so far as he has been guaranteed by the faith of the Government of the United States that he

shall not be arbitrarily subjected to the operation of its general laws; in so far as the provisions of our treaty stipulations, made in pursuance of the Constitution, do not exempt him from this control; in so ance of the Constitution, do not exempt him from this control; in so far as there is no violation of the treaty obligation, beyond a doubt he is within the provisions of the fourteenth amendment, and having been born in the United States and subject to its territorial jurisdiction, what is to prevent him from having the benefit of the constitutional provision as to citizenship, except the treaty stipulations which guarantee him this exemption?

Again, personal rights, the rights of property, are not dependent at all upon the political status of the individual. Territorial sovereignty imports absolute legislative sovereignty. All persons upon the soil are subject to the laws and have the right of their protection.

eighty imports absolute legislative sovereighty. All persons upon the soil are subject to the laws and have the right of their protection, and unless there is some law to the contrary, to sue in the courts. Will it be said that there is any provision depriving any resident of the right, because he has not obtained a political status, to sue in the courts of the country? I know of no State in which there is such a provision; I know of no ground upon which it can be denied in the Territories. I do know the fact that in many of our States individual Indians who have left their tribes have always possessed civil rights have become citizens have here allowed to sue have in all rights, have become citizens, have been allowed to sue, have in all cases had the full measure of civil rights which any individual pos-

But this question seems to me to be fully settled by the history of the Indian. He was found here by the European nations and defined in their laws and treaties as an occupant, not the subject of general sovereignty, of legislative and executive power in its ordinary application. In all cases and in every nation that established colonies on this continent the status of the Indian was defined to be that of an occupant, and by our treaties he was so designated. His rights, whatoccupant, and by our treaties he was so designated. His rights, whatever they were, have not been given to him as a person subject to the general legislative and executive power of the country, but as a person whose rights and relations to the Government were prescribed by express treaty stipulations. He resisted the dominion of the civilized governments on this continent; he resisted the dominion of the colonies; he resisted by force, and in all cases his status became the subject of treaty stipulations. This was coeval with the colonial hissubject of treaty stipulations. This was coeval with the colonial instory. This status was followed by the Government in its new condition as the Government of the United States, and to-day the status of the Indian is defined by treaties made in pursuance of an express provision of the Constitution of the United States, and he is guaranteed against the extension of the laws of the United States over him, and against the obligations and the duties and responsibilities of citizenship. But this does not imply that he may not consent to their being extended over him.

These treaties were not intended to forbid him from becoming a These treaties were not intended to foroid him from becoming a citizen or an inhabitant or a resident of any of the States or Territories, but were strictly limited to the territorial limits within which the treaties operate. Manifestly the treaty stipulations in this respect were not intended to exclude the Indian from residence upon or the cultivation and ownership of land, but they were concessions to him of land upon which he might live under his own laws and his own tribal relations.

As has been well observed by the Senator from Missouri, [Mr. VEST,] there can be no question that the status of the Indian under our Constitution and under our treaties is that of a person exempted by the express guarantee of our laws from the obligations of citizenship and from the power of the Federal Government to extend it arbitrarily over him. This solemn pledge of the Government of the United States, made under the authority of an express provision of the Constitution, exempts the Indian from the force and effect of the What, then, is the objection to this bill? It is true that the range

of possible legislation in behalf of the Indian is very narrow and limited. It is unquestionably true that the consequences of that legislation are very great and all-important to him. This range lies between the alternatives of the tribal relation and his subjection to

between the alternatives of the tribal relation and his subjection to the general laws of the country, between the communal principle of tenure of property and the several tenure of property in land, between the full measure of his responsibilities and duties as a citizen and a modified form of guardianship over him.

There is no reason for the opinion that the Indians in any large number either desire or are willing to perform the full duties and obligations of citizenship or to be subject to these responsibilities directly. There is no evidence that he now possesses the ability to protect himself as the owner of property against the wiles and the artifices of the shrewd men of the white race. There is no evidence that he possesses the self-denial to resist the vices of civilization which would enable him to retain possession and ownership of property after would enable him to retain possession and ownership of property after it is conferred upon him. We have quite as much, indeed a great deal more, reason to believe that the minors, the infants of our own race under disability, are capable of becoming the owners of property and protecting and defending their own rights than we have that the great mass of the Indian population possess that capacity. But yet there is no question of the fact that the lands occupied by the Indians are demanded by the necessities of civilization, and that they cannot be permitted to roam over these vast areas of unoccupied land and to prevent their occupation and cultivation. It is neither for their own good nor for that of the white race that it should be so. The great problem is to harmonize the interests of the Indian and the white

man, to develop the habits which will make the Indian self-sustaining and to restrict these vast areas of land which have been heretofore used by them for hunting grounds and bring them to the uses of

fore used by them for hunting grounds and bring them to the uses of civilization and occupancy.

This bill is a step in that direction. I should be glad to see the system of the tribal relation and the communal principle of property preserved among any considerable number of Indians who may desire it. I should be glad to see, together with the conditions of this bill, which requires the consent of two-thirds and the concurrence of the President of the United States in sanctioning the change from the communal to the several tenure, another provision added, that if there is a third or any considerable number of a tribe who desire to continue the obligations of a treaty, that some provision should be continue the obligations of a treaty, that some provision should be made in the bill by which, as to them, the communal principle and the tribal relation should still be preserved, and a suitable portion of their reservation allotted to them for the continuance of their tribal relation and their reservation. bal relation and their common tenure of land.

I do not believe that it is always best to extend what is called the protection of the laws over this people. The laws are oftentimes administered in a spirit of harshness. Under them the poor and the ministered in a spirit of harshness. Under them the poor and the weak are subject to be wronged and overreached as much by the cunning and strong as they are subject in the savage state to violence and wrong. I think that in many cases it is quite probable that the tribal relation is a better security for their protection than a direct amenability to the law and the several tenure of property. The tribal relation has some great advantages for the Indian. It interposes a barrier between him and the strong and artful man. It is an everying of nower which brings to bear upon him, for his protection

poses a barrier between him and the strong and artful man. It is an exercise of power which brings to bear upon him, for his protection or his punishment, the opinion of his tribe assembled in council. It is not inconsistent with his advancement into a higher form of civilization, nor with a love for home and family.

But the bill cautiously and carefully proceeds with a preliminary period, a probationary period of twenty-five years, which shall be a period of preparation for them before their ownership of land shall be complete. In addition to that it provides that this change shall only be made in the beginning with their consent, and it provides that the Secretary of the Interior shall have some kind of guardianship over him, and there shall be a duty resting upon him to see that ship over him, and there shall be a duty resting upon him to see that these people are provided with the best protection that the law affords. I think that, perhaps, is going as far as we can go. The provisions of the bill seem to be tenderly conceived in that respect.

In my own State we have a remnant of a tribe of Indians variously estimated at from three to six hundred. They are a portion of the Seminole tribe that made war with the United States, which was terminated in 1856, after having put the Government to a great expense. In the Seminole war which terminated in 1842 and which was revived twice by this remnant of the tribe, they had defied the power of the United States for a great many years, and now upon this last occasion they entered into a treaty with the Government by which it was agreed that they should remove to the West. The council of the Indians made this treaty. A large portion of the tribe refused to ratify it, and still remain in the State of Florida. They have had no assistance from the Government. They have not been the object of any of its beneficent provisions; they have received no aid in money; they have had no lands; but the example of white civilization has begun to impress itself upon them, and I am glad to say that now, even under these disadvantageous circumstances, there is a village of these people near Fort Meade in Florida who have become partially these people hear Fort Meade in Florida who have become partially civilized, who are industrious, who are sober, who are beginning to frequent the schools. They are docile, although they came from a tribe distinguished for its bravery and its blood-thirstiness; they are beginning to evince the characteristics of our civilization.

I believe that it is practicable to civilize the Indians. We had here a few days ago mention of an officer of the Army of the United States, Cantain Prott who in my own observation has contributed much

Captain Pratt, who, in my own observation, has contributed much in this direction. I have none of that sentiment which looks upon the Indian as being always the wronged victim of our policy. I have in this direction. I have none of that sentiment which looks upon the Indian as being always the wronged victim of our policy. I have lived upon the frontier; I have been almost within hearing of the screams of murdered women and massacred children, and have seen the fire-light of the burning cabin of the frontiersman. I know how bloody and vindictive are those people; but still I say that the instances I have cited here to-day, which occurred within my own State, and which are known to me and to many others, evidence that with proper care and firm application of force when it is demanded, with tenderness and justice, and with a provision by which these people tenderness and justice, and with a provision by which these people shall be enabled to subsist until they become industrious and self-sustaining, that the Indians now remaining may become a civilized people and a useful factor in the future of this great country.

Surely to this end every consideration of justice and every humane

and honorable sentiment demands that our best efforts should be

directed

I hope, sir, that the bill will pass, and that it will pass without the amendment declaring the Indian a citizen. I do not see that there is any necessity for adding this amendment to the bill, and I think it is a very grave question whether we might not so amend the bill as to make Indians citizens before the time when he will be ready to assume the duties and responsibilities of citizenship.

I do not object to some of the amendments of the Senator from Alabama, which look to making the chief provision of the bill more definite.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. MORGAN. I move to amend the amendment by adding the

following proviso:

Provided, That an Indian, when he or she accepts land in severalty, shall not thereby forfeit any right in or to any property or annuity to which he or she would be entitled as a member of the tribe, or his or her right to participate with such tribe in the disposal of any land or other property held in common by such tribe.

I think if the Senator from Massachusetts were in his seat he probably would accept that modification of his proposed amendment. It is very obvious that by taking the Indian out of his tribal relation and making him a citizen, as is proposed to be done by the amendment of the Senator from Massachusetts, we deprive him, unless provision be otherwise made, of his right after that time to his portion of the annuity and to his voice also in the disposal of the communal lands. I therefore think that the amendment that I offer is a necessary part of the proposition advanced by the Senator from Massachusetts. ably would accept that modification of his proposed amendment.

sary part of the proposition advanced by the Senator from Massachusetts.

Mr. COKE. Mr. President, I hope the amendment of the Senator from Alabama will be voted down. It is in my judgment inconsistent with the theory of the bill. The bill does not propose that any Indians belonging to a tribe which accepts its provisions shall forfeit anything. I do not think that any such construction can be placed upon it. I see no necessity for providing against a forfeiture. Forfeitures are never taken by implication. The terms of the amendment may be held to apply to the reservation which the tribe may desire shall be distributed in severalty. The Indians who can be benefited by the bill own no land except that which they hold as reservations which they occupy. They have no common property except what they have in the reservation and on the reservation. Their annuities, the trust funds held for them by the Government, will still belong to them. Other Indians have heretofore received land in severalty and have these trust funds and these annuities, and annually the per capita or the interest is invested or expended for them or distributed, as was done before they received their lands in severalty. I cannot see what the terms of the amendment can apply to when it speaks of lands held in common, because it is the lands held in common that the bill proposes to divide and allot to the Indians in severalty. Can the Senator from Alabama tell me?

Mr. MORGAN. The bill itself provides, as I understand it, that after the Indians have been settled in severalty upon these lands, then the remainder of the lands held in common by the tribe may be sold by the tribe. The bill itself provides for it?

Mr. COKE. Certainly.

by the tribe. The bill itself provides for it?
Mr. COKE. Certainly.

Mr. COKE. Certainly.

Mr. MORGAN. Then I cannot understand the purport of the Senator's question. There is a clear provision in the bill, and he asks me why it is that I offer an amendment to guard that right.

Mr. COKE. Because the amendment seems to anticipate that the

Indians will still own land after they have disposed of their reserva-

Mr. MORGAN. Not at all.

Mr. COKE. Because the bill authorizes and requires the Secretary of the Interior to negotiate for the Government for the remainder

which is not allowed in severalty.

Mr. MORGAN. After an Indian has received his land in severalty I want him to be one of the parties to vote, that he shall not forfeit his right to be a party to the negotiation by the fact of his having received his land in severalty.

Mr. COKE. The amendment brings up the point that was made by the honorable Senator the day that this bill was first taken up.

It brings up the proposition assumed by him, that the Indians who do not consent to the allotment of lands in severalty, although two-thirds of the tribe have consented, still have an interest of which they cannot be lawfully deprived. That, I believe, was the argument of the Senator from Alabama.

of the Senator from Alabama.

Mr. MORGAN. If the Senator will allow me, I will state that that point is not presented in this amendment at all. It is not intended to be presented. The only point presented in the amendment is that an Indian by receiving his lands in severalty shall not forfeit his right as a member of the tribe to vote with the tribe under whatever regulation we may prescribe as to the disposal of the lands held in common, nor shall he forfeit his right to any annuity that may come to him under the laws of the United States in consequence of his having accepted lands in severalty.

lock up vast sections of valuable country from occupancy and from cultivation. That is one of the great objects of the bill. The fact that these reservations do exist, that Indians are protected upon them, and that the whites will intrude upon them, has been the cause of much the greater number of our Indian wars. We desire to get that prolific cause of trouble out of the way. We desire to provide the Indian with all the land he possibly needs, that his stock can graze upon, out of his reservation, and for the rest of it we desire to pay him a fair price and have it belong to the Government. The amendment of the Senator from Alabama proposes to retain still as common property, if the Indian prefers it, the land that is not necessary to make the allotments in severalty.

I object to the amendment because it will enable the Indians still to retain their lands in community when the desire is to give them land in sev-

their lands in community when the desire is to give them land in severalty, and because it may defeat that portion of the bill which provides that they shall keep it in severalty, because the money that the Government will pay them for this excess may be absolutely necessary to enable them to go upon the land which they have accepted in

Mr. MORGAN. The Senator from Texas overestimates the value of his bill if he supposes that he has got it in a shape where it cannot be amended in the Senate of the United States. I will say that I be amended in the Senate of the United States. I will say that I consider this, although it is the labor of a very important and a very excellent committee, not entirely a perfect work. The Senator will find before he gets through with the discussion of this bill, I think, that he has got either himself or the Indians in several very bad positions from which I think the Senate of the United States ought to render its assistance in getting out him or the Indians, one or the other or both.

The Senator seems to think that there is a theory in this bill which The Senator seems to think that there is a theory in this bill which is violated by the amendment that I offer. If there is a theory in the bill that is violated by the amendment, then the bill is wrong, wrong in theory, and it ought to be defeated; but I did not suppose that I was warring upon any theory in the bill when I offered an amendment which protected the Indian in his rights of property as they now exist under the law and under the treaty at the time that he became a citizen of the United States—when I undertook to qualify the act of receiving the land in severalty and citizenship connected therewith by a proviso that his having acceded to this very desirable condition should not work a forfeiture of any right that he now held.

We have a homestead law that authorizes an Indian who does not belong to a tribe to go upon any lands of the United States and take belong to a tribe to go upon any lands of the United States and take his homestead just as it authorizes a black man or a white man to do the same thing; but attached to that law is a qualification that, although thereby he separates himself from his tribe, he does not forfeit his right as an Indian to his annuity or to any other right or privilege that he may hold in the tribe guaranteed to him by the laws of the United States. The amendment that I propose is precisely of that character, and follows almost the very words of a provise which was attached to the homestead law when enacted in behalf of the Indian for the purpose of preventing a forfeiture of his rights. What Indian for the purpose of preventing a forfeiture of his rights. What theory is there in the bill which would compel the Congress of the United States to deny to an Indian the reservation of these rights which are already guaranteed to him under the treaty and under the

Of course, the Senator understands his bill better than I do; he ought to understand it better than I do; but he is mistaken when he supposes that there is any theory in the bill which would compel the Congress of the United States to take from an Indian his right of annuity and his right to vote in reference to the disposal of the communal lands as a condition of his becoming a citizen and receiving lands in expression. lands in severalty.

Mr. COKE. There is nothing in the bill which takes from him this

Mr. COKE. There is nothing in the bill which takes from him this right.

Mr. MORGAN. That may be, but nothing can be wiser, and certainly nothing can be more satisfactory to the Indian when you present the proposition to him, than to have a guarantee in the bill that it should not have that effect. Where can the harm come of putting that guarantee in the body of the bill? What theory of the Senator's bill is disturbed by a guarantee of that kind? I cannot quite understand that, I confess.

The bill of the committee itself provides, first, that the lands shall be surveyed; second, that after they are surveyed agents shall be appointed for the purpose of locating the Indians upon them, first as heads of families and afterward as individual Indians, receiving lands in accordance with their ages. After the Indians are all located upon separate tracts of land, after every Indian of the tribe is prohim under the laws of the United States in consequence of his having accepted lands in severalty.

Mr. COKE. I take it that under the bill the agreement to be submitted to the Indians whenever they manifest a desire to have their lands allotted in severalty is an entirety, and embraces not only the allotment of the lands in severalty among the Indians, but a negotiation for the remainder of the lands in excess of that allotted for the General Government, the bill anticipating that one portion of the agreement would not be entered into without the other. The theory of the bill in the minds of the members of the committee, I am satisfied, is that the money which may be produced by a sale to the Government of the lands not allotted is necessary to aid the Indians in improving their severalty allotments and otherwise supporting them. I object to the amendment because it seems to anticipate that the Indians may take in severalty just what they want, and keep the other locked up as a reservation not sold to the Government, when it is the intention of the bill, when one of the main objects sought to be attained by the bill is to break up these great reservations, which make the contract for the purchase of the remaining lands, the lands held in common by the tribe, after the allotments have all been made. What I propose is, that an Indian who has received his land in severalty shall not thereby be excluded from a voice in the tribe with reference to the disposal of the remainder. What Indians does the honorable Senator think have a right to participate in the execution of this provision of the bill?

And provided further, That it shall be lawful for the Secretary of the Interior, at any time, to negotiate with any Indian tribe for the purchase of such portion of its reservation as shall not be deemed necessary for the allotments of the members of such tribe, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the moneys agreed to be paid shall be appropriated and paid to said tribe, or invested for its benefit, as the case may be.

What Indians have a right to participate in the execution of this provision? The bill is uncertain about that proposition, and I propose to make it certain by adding a proviso that because an Indian has received his lands in severalty, he shall not be excluded from the right to participate in the very negotiation, in the very contract that the bill itself provides for. Is there any war against the theory of the bill in my proviso? Is it not the reverse, a preservation of every right of the Indian to participate, notwithstanding his tribal relations may have been dissolved?

may have been dissolved?

I offer my amendment as an addition to the amendment of the honorable Senator from Massachusetts. He wants to confer upon the Indian citizenship along with his title to his land; he wants to associate the Indian with all the rights and powers and privileges of citizenship when he accepts the duties, responsibilities, and obligations of that high character. In that I am thoroughly in accord with the Senator from Massachusetts, and I say now in my proviso that by accepting the duties of citizenship and accepting his lands in severalty and making this advance movement in the direction of civilization, he shall not thereby forfeit his tribal rights in so far as those rights may bring to him some advantage in the way of annuities or some advantage in the disposal of the lands held in common after the various allotments in severalty have been made.

Mr. COKE. Will the Senator from Alabama put his finger upon any portion of the bill that will produce these results?

Mr. MORGAN. The Senator and myself do not read the text of the bill alike, or we do not interpret it alike. There is a sufficient reason for putting in this explanatory provision, which can do no possible harm and is bound to do good, and without which it seems to me the bill is not entirely perfect.

I do not desire to make any opposition to the bill as far as it is based upon correct principles. I desire to see it amended and perfected, and made a scheme, as it professes to be a scheme, which will control all the Indians in the United States from Alaska clear down to trol all the Indians in the United States from Alaska clear down to the borders of Texas, to make it just in all particulars, wise as we can make it according to our powers to forecast the future to-day, to make it useful and valuable for the great purpose of bringing these Indians within the reach of civilization. That is my purpose, and that is all my purpose. If the honorable Senator supposes that I have any hostility to his bill he is mistaken about that. I am a friend of the measure. It is true I might have preferred a different kind of measure to this, but anything that looks in that direction is something that commends itself both to my head and to my heart.

While I am ny I desire to call the attention of the Senato to the

While I am up I desire to call the attention of the Senate to the ninth section of the bill, "that the provisions of this act shall not extend to any tribe of Indians until the consent of two-thirds of the extend to any tribe of Indians until the consent of two-thirds of the male members twenty-one years of age shall be first had and obtained;" and in connection with that the proviso that I have just read, "that it shall be lawful for the Secretary of the Interior at any time to negotiate with any Indian tribe for the purchase of such portion of its reservation," &c. We have here a measure which, if it is enacted by the Congress of the United States in the form in which it is reserved by the committee will look any some of the west value. enacted by the Congress of the United States in the form in which it is presented by the committee, will lock up some of the most valuable territory of the Union, and an immense amount of it, by the way, beyond the power, as I believe, of the Congress of the United States hereafter ever to undo it. An act of Congress that confers upon an Indian tribe a grant of lands is something much more important, much more significant, and much more definite than anything that the Indian has a right to under the treaties that we have made with the Indians, because, as has been stated upon this floor to-day, the doctrine which pervades the whole of our treaty arrangements with the Indians is that the Indians are the occupants of the soil and have a Indians is that the Indians are the occupants of the soil and have a right of occupancy, a title of occupancy, but that they are not the owners of the fee-simple, and therefore we have a right by repealing owners of the fee-simple, and therefore we have a right by repealing a treaty that we have made with the Indians by an act of Congress to take from them this right of occupancy, and to remove them to any part of the territory of the United States that we see proper to do. I am speaking now of the naked right, not of the moral right, but of the legal and constitutional control that we have over these people and the property that they hold by title of occupancy in the United States under the treaties that we have made with them.

Now, we go further in this bill, and after we have got two-thirds of the male members of each tribe to consent to this enactment of Con-

Now, we go further in this only and after we have got two-units of the male members of each tribe to consent to this enactment of Congress, it becoming a law, we have two features incorporated in a law thus enacted, one of positive legislation making a grant, and the other of contract protected under the Constitution of the United States. I do not understand that after you have made a grant of land, it may be to a Hottentot, to an Indian, to a negro, or to a white man, there-

after you can destroy the rights which have been vested by that grant. I do not understand that it is within the power of Congress to repeal a grant, and especially is it not within the power of Congress to do this when that grant is based upon an actual contract.

Here you have in this legislation the two elements of grant and contract, and after you have done that you have it settled that the Indians who occupy the particular reservations that they are now on, whether they are located there by law or by Executive order, for that is the language of the bill, shall have a title that after that time becomes irrevocable, and indisputable, and inalienable also, unless by a vote of two-thirds of the male members of the tribe.

I think the honorable committee in their zeal to reach conclusions

I think the honorable committee, in their zeal to reach conclusions in reference to the Indian and to solve by an act of legislation that which has defied the wisdom of this country for a century, have committed themselves to a fatal mistake, if the ninth section of the bill shall ever be enacted. My attention was drawn to that subject very closely by a letter which I received from an Indian, and which I will read:

Being a tribal Indian and having lived with my tribe all my life, I am much interested in the "severalty bill." If an Indian desires to settle on a farm and improve it, under the conditions of this bill, he will have to get the consent of two-thirds of the tribe, and wait for the permission of the President, the Secretary of the Interior, and the agents before he can take his homestead.

A very just and a very profound criticism that is upon this bill.

A very just and a very profound criticism that is upon this bill.

This will put the result he is aiming at so far off into the future that he may not be willing to undertake it. The proposition is absurd on the face of it. The surplus land, after each Indian has a homestead, should not be sold without the consent of two-thirds of the tribe. Allow every Indian to take a homestead on his reserve, just as a white man does on the public lands, with no other conditions attached than that of making it inalienable for a certain term of years. The courts of the United States have held that the Indian tribes have only a title of occupancy in their lands, and the fee-simple is in the United States. Congress can eede the fee-simple, subject to the title of use and occupancy, which is held by the tribes at any time, without the violation of any law or treaty. Then let Congress cede to any Indian who shall make a settlement in accordance with the conditions of the homestead laws, the fee-simple to one hundred and sixty acres of land anywhere he may select it on his reserve.

The "Indian question," however, will never be settled until the jurisdiction of law is extended over us, and our property, liberty, and lives protected by it. As "wards," life, liberty, and property are in the hands of the Secretary of the Interior. As "persons," we will be protected by written laws. All history proves that a government of laws is better than the government of one man, who may prove to be a tyrant. As citizens, the whole power of your government would be bound to protect each individual wright, and redress each individual wrong. There will be no more talk of exterminating an Indian when once he becomes a citizen.

It is an Indian girl who wrote the letter. Perhaps Senators may

It is an Indian girl who wrote the letter. Perhaps Senators may doubt about the fact of her ability to do so, but if they will examine her testimony before the Ponca committee they will understand perfectly well how it is that this young Indian woman has been able to comprehend a subject which seems at least to have defied the powers

comprehend a subject which seems at least to have defied the powers of Senators on this floor for some time past.

Mr. HOAR. Will the Senator permit me to interrupt him for a moment by adding to his statement mine?

Mr. MORGAN. Yes, sir.

Mr. HOAR. The young Indian girl of whom he speaks addressed an audience in my city at a meeting at which I was present a few weeks ago, and her address was eloquent, sensible, direct, and one of the most moving that I ever heard from human lips. She is well and thoroughly known to many ladies whom I know well, and she is a person whose accomplishments and character would, in my opinion, do honor to any of her sex whatever their position in life.

Mr. MORGAN. Mr. President, the letter which I have just read is ample proof of the ability, and I think it is a most gratifying evidence of the capacity of the Indians of this country to understand our system, and after awhile become entirely harmonious with us in exercising power, even in the advancement of our present splendid position in civilization. The honorable Senator from Florida [Mr. CALL]

in civilization. The honorable Senator from Florida [Mr. Call] seems to think that the Indian has no capacity for government, that no influence can possibly fit him for capacity to exercise a controlling power in government. I differ with the honorable Senator very widely in respect of that opinion. Why, sir, we have civilized Indians, one of whom sits before me, at this hour in the Indian Territory who have constitutions, regularly ordained governments, statutes enacted and printed in two languages, the Indian language and the English language, and I undertake to say that a more perfect system of govlanguage, and I undertake to say that a more perfect system of government was never devised in reference to any class of people in this country or elsewhere than the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles have devised and put into thorough and complete execution in the Indian Territory. I have examined their statute-books, examined their constitutions; I have looked into the proceedings of their legislatures; I haveread the opinions of their supreme courts; I have conversed with their lawyers; and, sir, it is an honor to that race that these men have been able to accomplish so much and under circumstances not altogether favorable.

This bill is of such importance, there is so much in it, it is so comprehensive, it reaches down into the future so far, it fixes so many rights irrevocably, it deals with so many important and delicate questions, that I confess my mind has been drawn to its investigation

tions, that I confess my mind has been drawn to its investigation with apprehension and awe lest we might make some serious mistake in dealing with this great question. For the purpose of finding out from those men who are better informed than any other set of men in the United States as to the actual condition of the Indians, I addressed a letter to Major Powell of the Geological Survey, who has

had the Indian subject under his study for perhaps thirty years, and for the last ten or fifteen years has devoted almost his exclusive attention to it, and I asked him freely his opinion about the measure that is now before Congress, and inasmuch as the opinions of the Secretary of the Interior and of the Commissioner of Indian Affairs secretary of the interior and of the Commissioner of Indian Affairs have been quoted by the honorable Senator from Texas, and perhaps by others, I ask that the Secretary read the letter of Major Powell in reply to my questions, which I now send to the desk, and I think if the Senate will give attention to it they will gain a great deal of information on this subject which we do not possess now.

The Secretary read as follows:

SMITHSONIAN INSTITUTION, BUREAU OF ETHNOLOGY, Washington, D. C.

SMITHSONIAN INSTITUTION, BUREAU OF ETHNOLOGY, Washington, D. C.

Dear Sir: In reply to your note I beg leave to make the following statement:

The great diversity of tribes and tribal governments within the United States is the principal source of difficulty in the administration of Indian affairs. It is not possible in a brief letter to set forth the magnitude of these difficulties; but the following statement will to a limited extent indicate their nature:

The most fundamental divisions among the North American tribes are those established by diversities of speech. Within the territory of the United States there are sixty-five distinct stocks or families of languages that differ among themselves as radically as they each differ from the English, the Hebrew, or the Chinese. Most of these families or stocks of languages are represented by from two to twenty languages differing from each other as much, for example, as the English, German, French, and Persian of the Aryan stock. In each stock there is a totally distinct set of traditions, customs, laws, and tribal government. Many of the tribes speaking different languages of the same stock differ widely in some respects. Again there are many instances of people speaking the same language with only difference of dialects who, yet have distinct tribal governments. The number of tribal governments within the territory of the United States cannot accurately be stated at present. Investigations carried on by this office are yet incomplete, though during the past two or three years this has been one of the principal subjects of study, and during the past year especially chief attention has been given to the subject; but it is safe to say that there are in the United States more than five hundred totally distinct tribal governments.

The following is an example of the tribal governments of one linguistic family or stock, namely, the Shoshonian. This family is one of the four largest in the United States, these being in order as follows: The Algonkian, the Dakotan, the

Tribe.		
Utes of Southern Colorado. Utes of Northern Colorado. Utes of Uintah Valley, Utah.	13	3 7 7
Pavants of Utah Gosi Utes of Utah and Nevada Pai Utes of Utah and Nevada Pai Utes of Northern Arizona.	*****	
	13	
Shoshones of Idaho Shoshones of Oregon		7
Shoshones of Wyoming	20	1
Pueblo of Shongapavi Pueblo of Wolpi Pueblo of Meshonginivi	111	1
Pueblo of Sichom-a-vi Comanche of Texas and Indian Territory	20	0

people.

Tribal government, therefore, being based upon kinship, has a kinship system
of great complexity, with many curious distinctions, that in civilized life seem
artificial and absurd, but under the conditions of barbaric society are plain and
logical.

artificial and absurd, but under the conditions of the customary laws, traditions, and religion of primitive tribal society.

In Indian tribes individual or personal rights and clan rights are very carefully differentiated. The right to the soil, with many other rights, inheres in the clan. Indian morality consists chiefly in the recognition of clan rights; and crime in Indian society chiefly consists in the violation of these clan rights. In Indian society the greatest crime is the claim of an individual to land, and it is also a heinous sin against religion.

This subject of the tenure of lands is exceedingly complex and cannot be set forth in the limits of a letter like the present.

I send you inclosed herewith a manuscript prepared by myself some months ago on the "government of the Wyandot Indians" which will serve as a fair illustration of the nature of tribal governments.

The foregoing remarks apply to tribal governments in their primitive condition or before they were modified by the influence of civilization. There are now a few tribes that are already prepared to accept the institutions of civilization; and all have to a greater or less extent been modified.

Permit me to make a few remarks relative to Senate bill No. 1773 now pending. To introduce a new family system.

There are three prerequisites to the ultimate civilization of the North American Indians. The first is, they must adopt the civilization of the North American Indians. The first is, they must adopt the civilization. Third, they must abandon the industries of savagery and engage in the industries of civilization. The changes in savage society cannot be abruptly made. Savagery cannot suddenly be transformed by the mague of legal enactments into civilization. The changes in savage mentioned above must be made simultaneously. Civilized family organization, civilized property rights, and civilized industries can only be acquired slowly and contemporaneously.

For accomplishing these purposes the measure embraced in the bill above mentioned in its general scope is eminently wise, but in its present form will to a great extent be practically inoperative. The first step to be taken is a systematic and continuous registration of the members of the several tribes by families, as the family is recognized in civilized society so that legal lines of inheritance may be established.

continuous registration of the members of the several tribes by families, as the family is recognized in civilized society so that legal lines of inheritance may be established.

Second, there should be a system of recording land titles connected with the system of registration. These registrations and records should be carefully supervised by competent men appointed by the Government; the Indians themselves cannot properly perform the task.

Third. Section 9 of the bill is a practical nullification of all that precedes in its application to the greater number of tribes within the United States and with many would defeat its operation for the next century. It would be far better to provide that any Indian could take land in severalty on application to the agent; provision should be made to enable the agent to assist such application to the agent; provision about by the erection of a small house and by supplying him with the necessary agricultural implements. In most cases the present appropriation made to support and civilize the Indians would be sufficient for this purpose.

It is doubtful whether there are a half dozen tribes within the United States where a two-thirds vote could be secured in favor of the civilized land tenure, but it is probable that in every tribe there are individuals who would take advantage of it, and it is probable their example, aided by the Government, would induce others to try the same experiment.

I beg you to indulge me in one more paragraph. Citizenship with all its rights and obligations is incompatible with kinship society. Citizership in civilized society should be granted to the Indian only on the condition of his adopting civilized institutions or in one more paragraph. Citizenship in civilized society participation in civilized government.

The bill itself recognizes this condition by making the land taken in severalty inalienable for a number of years, and it would be wise to require the same term as a period of probation prior to assuming the responsibilities and obtaini

Hon. JOHN T. MORGAN, United States Senate.

Mr. MORGAN. Mr. Powell understands, I suppose, as much of Indian character and of the laws and languages of the Indians and their habits as almost any man living; and the testimony which he brings in that letter seems to me exceedingly valuable as throwing light on this question. It is the result of many years' close, diligent application and study. After he had sent me that letter, having first had a conversation on the subject, he addressed me another letter, which I will read, it is about the subject, he addressed me another letter, which I will read; it is short:

had a conversation on the subject, he addressed me another letter, which I will read; it is short:

SMITHSONIAN INSTITUTION,
BUREAU OF ETHNOLOGY, J. W. POWELL, DIRECTOR,
Washington, D. C., January 24, 1881.

SIR: Since my basty reply to your note on Saturday last. I have had more time in which to carefully consider the provisions of Senate bill No. 1773, and beg permission to make an additional statement. No measure could be devised more efficient for the ultimate civilization of the Indians of this country than one by which they could successfully and rapidly obtain lands in severalty; and the suggestions I make are presented in this spirit.

I should like to emphasize the statement I made in my last letter relative to the effect of the ninth section of the bill. Almost every tribe in the United States is divided into two parties—the conservative, composed of people who desire to remain in their primitive condition, and the progressive, or those who desire to adopt civilization; and it would be especially disastrous if the law should demand that this fundamental step in progress toward civilization could not be taken by any Indian until a two-thirds vote of his tribe should sanction it.

It is probable that in every tribe there are persons who would avail themselves of a privilege of this nature, and their prosperity would eventually induce others to take the same step; and thus, gradually, tribal society would be transformed into civilized society; but, if no step could be taken until a two-thirds vote of the entire tribe should sanction it, the desired end would be postponed indefinitely.

The third provise of the fifth section is as follows:

"And provided further, That it shall be lawful for the Secretary of the Interior, at any time, to negotiate with any Indian tribe for the purchase of such portion of its reservation as shall not be deemed necessary for the allotments of the members of such tribe, on such terms and conditions as shall be considered just and equitable between the United States and said t

mistaken in regard to the effect of the two provisions taken in conjunction, and I simply beg to call your attention to the point.

I am, sir, with great respect, your obedient servant.

J. W. POWELL, Director.

Hon. JOHN T. MORGAN, United States Senate, Washington.

Indians.	No. of Indians on reservation.	
Blackfeet, &c. Crow Fort Berthold Sioux.	16, 024 2, 150 1, 393 16, 677	26, 451, 200 6, 272, 000 8, 320, 000 31, 408, 551
Total	36, 244	72, 451, 751

I beg further to suggest, and as that letter does suggest, taking the ninth section and the proviso in the fifth section, and reading them together, and they must be read in pari materia, the proposition is an absolutely demonstrable one, it seems to me, to the mind of any man that by this bill you make to the Indians a grant of the reservations that they hold now, of these enormous bodies of land that they hold simply by right of occupation. You make a grant consisting in part of law and in part of contract when it is ratified by two-thirds of the male Indians of a particular tribe. Then I should like to see the skill of any Senator put to the test as to the undoing and unraveling and taking away that grant. This bill, while it has received the sanction of a very able committee, and doubtless their most matured labors, is as dangerous a product as was ever laid before this Senate—dangerous in theory, dangerous in its principles, and it does not commend itself to my I beg further to suggest, and as that letter does suggest, taking the dangerous a product as was ever laid before this Senate—dangerous in theory, dangerous in its principles, and it does not commend itself to my mind merely because the honorable Senator who has the bill in charge is able to say that the Secretary of the Interior and the Commissioner of Indian Affairs want the bill passed. That is not reason enough to justify me in putting it in the power of the Indians to hold these reservations, in spite of the people of the United States, in perpetuity until we can get the consent of two-thirds of the male members in each of these tribes to let go. And then the point made by the Indian girl, what do you do by the ninth section? You carry it to a tribe; you summon the men who are twenty-one years of age into a council, and unless two-thirds of them will consent for this law to go into effect, no Indian in any tribe of the United States can take lands under the homestead law or any other, because this law, when enacted, of course, repeals all repugnant laws, repeals everything that stands in its way. You must get the consent of two-thirds of the Indian men in a reservation before any Indian under this bill can have a right to in a reservation before any Indian under this bill can have a right to a homestead, and if two-thirds of them do not vote for it, they can

a homestead, and if two-thirds of them do not vote for it, they can hold the Indians in their tribal organization, and under the law as it is now, in absolute perpetuity. That is the bill we have commended to us by the opinion of the Secretary of the Interior.

Mr. President, I expected, after what was said in debate here the other day, after the remarks made by the honorable Senator from Colorado, [Mr. Teller,] and particularly after so much comment had been made in reference to the Ute bill, which we passed at the last session, that some account of the execution of that bill would have been laid before Congress in time to have had the benefit of the precedent upon the argument of this question; but so far from its being been laid before Congress in time to have had the benefit of the pre-cedent upon the argument of this question; but so far from its being forthcoming, it seems to be voluntarily and willfully withheld. Sir, I have no doubt that the experience of the Government of the United States upon that Ute bill, if it was fairly laid before the Senate, would crush this measure, which is based on the same principle, for there in reference to one tribe of Indians we have undertaken to do that which is undertaken now to be done in reference to all the Indians of the United States, and that has been a signal failure; and we ought to have the benefit of the facts in regard to it before we proceed further in the consideration of this cas

diversity in reference to who are the heads of different families. Sometimes with one of the tribes the mother is the head of the family; and when a must not in charge of the bill, neither am I attempting to defeat any fair measure for the benefit of the Indians, for there is nothing that I have thought of in many years that is to my mind more attractive and more interesting to me than what I might be able to do as a Senator have carpy fashion and form of civilization. I want to see them receive every fashion and form of civilization that they are capable of enjoying; I want to see them incorporated into the citizenship of this country so that they can participate with all the rest of the people in this land in the great work we are carrying on here, and which work is still in the very swaddling-clothes of its infancy. Here we have governments of States, of the District of Columbia, of the Territories, of an Indian Territory, of Indian tribes. We have a long work ahead of us, an important work ahead of us, and, Mr. President, we shall never solve it by one act of Congress, I and, Mr. President, we shall never solve it by one act of Congress, I and farile. The Indian in his condition to-day is the most abject man that lives on the earth. Senators have been discussing the most have laws of the brings forward, it is supposed that the proposition laws of the country. He is called a ward and he is so treated, and

how many guardians has he got? He has the military in the form of

how many guardians has he got? He has the military in the form of the Army and is treated as a prisoner of war on his reservation and he cannot go off the reservation without violating a statute of the United States and subjecting himself to very severe punishment. In one case a man as free as I am, or as any Senator on this floor is, because he went to visit a neighboring tribe in the Indian Territory, when he came back was brutally murdered by a United States soldier. That is only one case. I dare say there are many.

He is kept in the gnardianship of the Army that watches over him on the reservation. He is prevented from trading with any man except a licensed trader; perhaps that is a boon to him; I do not know. He must receive his education or that of his children at the hands of those who are hired to educate him. He must receive his religion at the hands of an appointed minister of the Gospel. He must receive his physic at the hands of a doctor of the United States Government, a man who is employed for that purpose. His blacksmithing must be officially done. He must have an educated farmer for the purpose of instructing him in agriculture. All these different functions are of instructing him in agriculture. All these different functions are performed by different men. He has the general supervision of the laws of the United States. We have five commissioners, I believe, to investigate all contracts for the purchase of supplies for the Indians. We have the Secretary of the Interior to watch over him, the Commissioner of Indian Affairs, and a large number of Indian agents and inspectors and subsectors.

Indians. We have the Secretary of the Interior to watch over him, the Commissioner of Indian Affairs, and a large number of Indian agents and inspectors and sub-agents.

Mr. President, the guardianship which the United States Government exercises over the Indian is not only the most expensive, but it is also the most extensive and the most intricate guardianship that was ever performed toward a ward in the world; and with all this nursing, with all this watching, with all this guarding, with all this nursing, with all this watching, with all this guarding, with all these restrictions for the purpose of protecting his morality, and his person, and his rights as an individual, the man is perishing. He is locked up a prisoner of war on a reservation; there he regards himself as a man who has been severed from his native home by an act of injustice, and his heart sinks in his bosom when he thinks of the calamities through which he has passed and the hopelessness of the future. The man has no incentive to work. There is none of the stimulus urging men in civilized life and of our family to move forward in the acquisition of property. The Indian is a heartless, homeless downcast man; a ward of the nation, and a ward who is nursed not by caresses, but by hands that are hard and severe.

Now, what this bill tries to do—and I am in sympathy with that idea—is to relieve him of this guardianship and to put him upon the foundations that we stand on, as far as possible. As the Indian girl, whose letter has been read, says, let his rights as a person be secured by written laws, and not a wardship under the discretionary powers that may be exercised over the Indians by this multitude, these swarms of agents that we send out to take care of him.

But, Mr. President, the ninth section of the bill will have to go out of it, or else we shall cede to the Indians by an absolute grant terri-

But, Mr. President, the ninth section of the bill will have to go out But, Mr. President, the ninth section of the bill will have to go out of it, or else we shall cede to the Indians by an absolute grant territory more magnificent than that which is to-day embodied in any State, yes, in half a dozen States of this Union. So I hope the Senate will consider this bill. They will find a great deal of it as they go along that is worthy of attention, and they will find when they come to ascertain what is the meaning of the phrase "head of a family," where it speaks of the head of a family being entitled to one hundred and sixty acres of land, one of the most intricate and involved subjects that has ever yet engaged the attention of the Supreme Court and sixty acres of land, one of the most intricate and involved subjects that has ever yet engaged the attention of the Supreme Court of the United States. The "head of a family" is mentioned in the bill. What sort of head of a family? The head of a civilized family or a savage family? Who is the head of an Indian family? The bill does not say. Mr. President, it is a very hard matter to ascertain, and out of the history of four hundred tribal governments in the United States you will find among them a vast contrariety and diversity in reference to who are the heads of different families. Sometimes with one of the tribes the mother is the head of the family: and when a